From Runic Stone to Charter
Transformation of property confirmation in 11th and 12th century Denmark

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It has been long thought that one hundred years from the middle of the 11th century when Cnut’s empire collapsed to the year 1157 when Valdemar the Great became Danish king was a transitory age in Danish history. Some historians considered these years as an age of shift from the pagan Viking Age to the Christian Middle Ages. However we have to pay more attention to the century to deeply understand that various innovative shifts were progressing politically, economically, socially and culturally.

My paper aims to make clear one aspect of these shifts, that is the background of the transformation of property confirmation in Denmark at the gate of the early Middle Ages. The central concern exists in how and why Denmark, non-successor state of the Roman empire, adopted the way of property confirmation through written documents into its own system of land management.

1. Runic Stone as Testimony of Property Inheritance

Around 1000, building movement of impressive monuments was marking Scandinavian landscape: runic stones. A runic stone is a kind of memorial stone which the living built in memory of the deceased, with carved runes on its surface, sometimes drawn with beautiful decorative animal pictures. The earlier date of runic stones like Björketorp stone in Blekinge in present Sweden goes back to pre-Viking Age, but almost all of them were concentrated on the year 1000, the era that Scandinavian medievalists call the late Viking Age. According to a recent catalogue, approximately 2500 stones in all have been discovered in Denmark, Norway and Sweden until the present times.

Recently Birgit Sawyer, editor of the catalogue, presented an interesting hypothesis on the movement. Her interest did not exist so much in the text of inscription on the surface of runic stones but in the context of the text. Using a sample of 19 runic stones in Denmark, Norway and Sweden, she concluded that the majority of the 10th century runic stones in Denmark were the property of the king and his relatives, while the 11th century runic stones were the property of individuals and their kinship. This evidence suggests that the 11th century runic stones were the property of the king and his relatives, while the 11th century runic stones were the property of individuals and their kinship. This evidence suggests that the change in property ownership during the 11th century reflects the change in the political and social structure of Denmark.

stone, as in the context, in other words, in the reason why such building movement of runic stones flourished here and there in Scandinavia at the very time around 1000. It is normally thought that a function of runic stones is to commemorate the deceased whose name was inscribed on them, but, according to her interpretation, these stones had another important function: that of making the relationship between the living and the deceased commemorate in the community they belonged to. Then, why did Scandinavian elites in the late Viking Age make such a relationship commemorate in their community? That is a problem of inheritance of the land and property. We should not forget that there is a possibility that, if the memory of the relationship was lost, they would lose their own land and property as a result of some grave social fluctuations. Consequently she implies that runic stone was a manifestation of inheritance and property.

It is natural that her implication does not mean that a manifestation of runic stone was the only way of property confirmation in the late Viking Age. Such a way of manifestation was not remarkable before the building movement of the stone around 1000 flourished resulting from a “crisis symptom”. Non-written legal customs and boundary stones possibly existed as standard ways of property confirmation in Scandinavia, although the paucity of written sources makes much more difficult the reconstruction of the matter.

If Sawyer’s hypothesis is accepted—if the number of property confirmation through runic stone was increasing in Scandinavia around 1000—, two interesting arguments are presented in comparison with other European countries. The one is that these stones, not charters, confirmed the rights of one’s property. Here we have to remember that Scandinavia, non-successor of the Western Roman empire, had never known a Roman way of property confirmation through written documents given by the higher authorities. The other is that a social fluctuation was happening over Scandinavia against the background of building movement of runic stones around 1000. As the latter argument is concerned, it should be noticed that the year 1000 was the very time three Scandinavian kingdoms, namely Denmark, Norway and Sweden were in the making, when the second wave of Scandinavian invasions into Western Europe began.

In this paper, we shall restrict our boundary of discussions to a Danish context. Differing from that of the present day, Denmark from the late Viking Age to 1658 had a larger territory consisting of three parts, namely the Jutland peninsula with Schleswig-Holstein (now part of Germany), the archipelago including two big islands Funen and Zealand, and Scania which belongs to Sweden now. This country was not united by one king until the first half of the 10th century, at last when a king named Gorm, whose birthplace was unknown to us, established a new dynasty at Jelling in the central site of Jutland. No other Danish kings had experienced more political and social change and disorder than the Jelling kings from the first half of the 10th century to 1042:6 according to the text of the Jelling famous runic stone, Gorm’s son Harald Bluetooth “united Denmark, reigned over Norway, and introduced a new religion Christianity into Denmark” in the midst of the 10th century;7 At the gate of the 11th century, his son Swein Forkbeard invaded and subjugated England in 1013; In 1017, his son Cnut took the crown of England in his hand and later reigned over Denmark and Norway; From 1042 to 47, the Norwegian king Magnus the Good became Danish king temporarily. Such a short-time changing political situation with not a few times of battles probably caused loss of much number of local

7 Danemark Runicindskrifter No. 41–42, col. 65–81.

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elites. Needles to say, they were landholders in most cases. Consequently, as B. Sawyer stated, a social fluctuation—to speak more concretely, inheritance and property disputes—could be raised all around Denmark.

According to the catalogue prepared by B. Sawyer, the number of runic stones in the Viking Age is 168 in all Denmark except the island of Bornholm. Interestingly distribution of the stones concentrated on North Jutland and Scania. Although the reason of such deviation of the distribution has not been discussed until now, I shall point out here that these two spaces of denser distribution of stones were away from power centres of the Jelling dynasty in the late Viking Age, which will imply that there were some relationships between building movement of stones and the kingship.

2. Arrival of Royal Charters in Denmark

Next, we shall turn to another problem of the first royal charters. As was already said, Scandinavia had not produced any written documents until the end of the 11th century. Cnut the Great, certainly, produced not a few royal charters in his own name, but only in England, not in Denmark. Therefore we cannot consider Denmark until the 11th century to be such a highly documented state as found in the British Isles and the Continent at the same time.

The earliest existent royal charter in Denmark (in Scandinavia) goes back to the date 21 May 1085. This charter produced by Canute IV (reign 1080–86) confirmed the Laurentius church in Lund in its possession of the land and property. However, the original was already lost, and the copy is preserved in the *Necrologium Lundense* of the 12th century. The charter tells us how widely the land and property scattered around eastern Denmark from Scania to Zeeland (52 mansi in all). If the copy is authentic, it proves that St Laurentius in Lund possessed much amount of the land and property at the stage of the later part of the 11th century.

As can be understood in the Table 1, only 15 Danish royal charters were preserved from the earliest times until 1157, the year Valdemar 1 the Great succeeded the Danish crown. The originals of them are only 2: the one is the property confirmation of the same St Laurentius in Lund dated 6 January 1135 by Erik Emne (reign 1134–37), the other privileges confirmation of Næstved monastery dated 21 March 1140 by Erik Lam (reign 1137–46). According to Lauritz Weibull, editor of *Diplomatarium Danicum*, the formula of these two royal charters was strongly influenced, on the one hand, through the German chancery and, on the other hand, through the Pontifical chancery. Although, because of the paucity of written sources, it is difficult to determine the exact place of central Danish chancery in the 11th and the early 12th century, the candidates were two important Danish bishoprics, Roskilde in Zeeland and Lund in Scania, the

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9 The edition of this charter can be found in: Lauritz Weibull (udg.), *Diplomatarium Danicum (DD)*, I–: 1053–1169. København 1963, n. 21, s. 43–52.

10 Concerning the content of the necrologium, Lauritz Weibull (utg.), *Necrologium Lundense. Lunds domkyrkas nekrologium*. Lund 1923.


12 *DD I–*, n. 63, s. 119–24.

13 *DD I–*, n. 78, s. 150–53.

Table 1

<table>
<thead>
<tr>
<th>date</th>
<th>place</th>
<th>Who to whom</th>
<th>what</th>
<th>o/c.</th>
<th>DD num</th>
</tr>
</thead>
<tbody>
<tr>
<td>1085.5.21</td>
<td>Lund</td>
<td>Knud 4. St. Laurentius church in Lund</td>
<td>property</td>
<td>c.</td>
<td>1.2.21</td>
</tr>
<tr>
<td>1104–1117</td>
<td>mm</td>
<td>Niels St. Knud church in Odense and the brothers</td>
<td>property</td>
<td>c.</td>
<td>1.2.32</td>
</tr>
<tr>
<td>1104–1117</td>
<td>mm</td>
<td>Niels St. Maria, St. Albanus, St. Knud churches in Odense</td>
<td>priviledge of fish</td>
<td>c.</td>
<td>1.2.34</td>
</tr>
<tr>
<td>1135.1.6</td>
<td>St. Laurentius church in Lund</td>
<td>Erik Emune God and the churches in Lund</td>
<td>property</td>
<td>o.</td>
<td>1.2.63</td>
</tr>
<tr>
<td>1135</td>
<td>St. Maria church in Ringsted</td>
<td>Erik Emune the brothers belonging to the church</td>
<td>property</td>
<td>c.</td>
<td>1.2.65</td>
</tr>
<tr>
<td>1137–1146</td>
<td>mm</td>
<td>Erik Lamm Livo, praepositus in St. Albanus church et alii</td>
<td>priviledge</td>
<td>c.</td>
<td>1.2.71</td>
</tr>
<tr>
<td>1140.3.21</td>
<td>Eggeslev</td>
<td>Erik Lamm Næstved monastery</td>
<td>priviledge</td>
<td>o.</td>
<td>1.2.78</td>
</tr>
<tr>
<td>1140.4.7 or later</td>
<td>mm</td>
<td>Erik Lamm Tybjerg herred</td>
<td>priviledge</td>
<td>c.</td>
<td>1.2.79</td>
</tr>
<tr>
<td>1141.12.7</td>
<td>St Knud church in Odense</td>
<td>Erik Lamm the brothers in Odense</td>
<td>priviledge</td>
<td>c.</td>
<td>1.2.81</td>
</tr>
<tr>
<td>1142.4.26 or later</td>
<td>mm</td>
<td>Erik Lamm the churches in Odense</td>
<td>confirmation</td>
<td>c.</td>
<td>1.2.84</td>
</tr>
<tr>
<td>1142–1146</td>
<td>mm</td>
<td>Erik Lamm</td>
<td>confirmation</td>
<td>c.</td>
<td>1.2.84</td>
</tr>
<tr>
<td>1145.9.1</td>
<td>Lund</td>
<td>Erik Lamm Herman, bishop of Slesvig</td>
<td>priviledge</td>
<td>c.</td>
<td>1.2.91</td>
</tr>
<tr>
<td>1146–1157</td>
<td>mm</td>
<td>Svend Grethe the city of Slesvig</td>
<td>priviledge</td>
<td>c.</td>
<td>1.2.97</td>
</tr>
<tr>
<td>1146–1157</td>
<td>mm</td>
<td>Svend Grethe the citizen of Ribe</td>
<td>priviledge</td>
<td>c.</td>
<td>1.2.98</td>
</tr>
<tr>
<td>1148</td>
<td>Haraldsted</td>
<td>Svend Grethe the people of Sjælland</td>
<td>priviledge</td>
<td>c.</td>
<td>1.2.101</td>
</tr>
</tbody>
</table>

This Table is made after DD I–2.

latter of which would become the archbishopric in Scandinavia in 1104.15 The former charter of 1135 was produced in Lund.16

Compared to other contemporary European countries, the production of 15 charters in 70 years seems to be poorly smaller in its number. Certainly, depending on an English case, Michael Clanchy demonstrated the number of the existent documents was much smaller than that of the documents actually produced at the past times.17 Nevertheless Danish historical contexts offer us enough conditions to make sure that the number of Danish documents was small in estimation. The first reason is that civil wars between pretenders of the Danish crown were repeatedly waged from the death of Swein II Estrithsen in 1074 to the enthronement of Valdemar I the Great in 1157 because of lack of the principle of inheritance by the eldest son. Swein II had many of his children, the five of whom became Danish kings in succession; Harald Hen (reign 1074–80); Canute the Holy (1080–86); Oluf Hunger (1086–95); Erik Ejegod (1095–1103); and Niels (1104–34). After the death of Niels, descendants of Erik Ejegod succeeded the crown of Denmark and Valdemar I the Great became king in 1157. In the meanwhile, pretenders to the crown were opposed to each other and organised their own party with local elites, in the result that some pretenders, for example Canute IV the Holy, Erik Emne and Canute Lavard, were assassinated by their rival party.18 The second reason, in close connection with the first one, is that a royal act of

15 Because of limited sources, very few studies were dedicated to the earliest history of the Danish royal chancery. According to Thomas Riis, Kanzler can be found in Denmark in 1158; Thomas Riis, Kanzler, Kanzler VII: Skandinavien, Lexikon des Mittelalters V, col. 918–19. Concerning the earliest history of the (arch) bishopric of Lund, Lauritz Weibull, Den skånska kyrkans äldsta historia, Nordisk historia, s. 1–130 (orig. 1914–15).
16 On the other hand, the latter in 1140 was produced in Eggeslev (Magle).
18 Concerning political process, Ole Fenger, Kirker rejses alle vegne (Gyldendal og Politikens Danmarkshistorie 4). København 1989, s. 59–76. Some of assassinated pretenders of the crown were often venerated as royal saint. Existence of the saints contributed to the formation of Danish medieval political culture. Cf. Tore Nyberg, Autour de la sacralité royale en Scandinavie, Annuarium historiae conciliorum 27/28 (1997), p. 177–92.
confirmation of privileges and property may not have less importance in the 11th and 12th century Denmark than expected in other European countries. The reason exists in that, because of constant civil war, the political position of a king, who must be the source of power in the confirmation through his royal charter, was fragile. We have to remember that, if a pretender of the rival party becomes king, confirmation of the land and property by previous kings may be annihilated.

3. Process of the Transition from Runic Stone to Charter

We have dared to contrast the confirmation of property through royal charters in the 11th and 12th century with that of runic stones around 1000. Many problems remain to be discussed in this point, but we shall restrict our concern to the problem of when the transition from the latter way of confirmation to the former happened.

As we have to declare at first, there is no distinguished demarcation between the disappearance of the runic alphabet (fuþark) and the emergence of the Latin alphabet in Denmark. As was already said, some runic stones were built even in the 12th century and some sacred items in churches and monasteries were inscribed in runes in the high Middle Ages long after the production of the first recognizable royal charter of 1085. Consequently, Denmark in the 11th and early 12th century was “double scripts society”, even though the country did not have as rich medieval runic materials as discovered in a Hanseatic city Bergen in Norway. However, with time passing, it is true that the social strata where Latin was used were restricted to narrower ones, but, in public sphere like religious and administrative situations, runes were gradually replaced by the Latin alphabet, and Denmark was also changing into Western European system of documentation in Latin.

Denmark, I dare to say, was already deeply involved in the complicated network of written documents before 1085. The process can be divided into four steps. At the first step the Danes, after the 9th century, spread widely to Western Europe, especially in the North-East in England and in the North-West in France, where they settled themselves and formed their new community. Needles to say, these two regions—the former under the sway of the English kingdom and the latter of the Frankish kingdom—were already established as highly-documentated society. As Lucien Musset and David Bates demonstrated as regards Normandy case and Frank Stenton and Dawn Hadley as regards the Danelaw case, the Danes who settled there were enforced to be incorporated in a Western European system of land management and settlement of disputes through written documents. Here we have to remember a frequent contact between Denmark and many of Danish communities in these two regions in different ways and to different social levels. Couldn’t some of the Danes who experienced such an “exotic” legal culture come back to their homeland and let the native Danes know the know-how of land management in a Western European style?

The second step was the creation of new bishoprics in Denmark. The royal charter by Otto I

in 965 testified three bishoprics Schleswig, Ribe, and Aarhus, and the one by Otto III in 988 added a new bishopric Odense in Funen to the aforesaid three ones. Here it is noted that German emperors confirmed the property and privileges belonging to the bishoprics. Truly, it remains to be solved to what extent the imperial protection found in two charters was practically effective in Danish territory, but, we can observe that they, even though limited to the land of bishoprics, were bringing into an emerging Denmark a legal practice of confirmation through royal charters in a Western European way. In the very course of time around 1000, not a few Germans and Englishmen were dispatched from Hamburg and, probably Canterbury, and some of them at last became Danish bishops. Why didn’t these foreign bishops inform the Danes of Western European legal practices through written documents as well as theological and moral arguments?

Next we shall fly to the third step of the reign of England by Cnut the Great. After his father Swein Forkbeard died in 1013, Cnut, who became king of England in 1017, began to reign over England by taking over the Anglo-Saxon administration system established by his Wessex predecessors. One of the most impressive features of the late Anglo-Saxon state was highly-arranged administration through systematic bureaucracy and written documents. We can find various types of written legal documents during the reign of Cnut from 1018 to 1035: Over 30 royal charters in the name of Cnut; law codes consisting of two parts, which were drafted by the archbishop Wulfstan of York and promulgated in 1018 in Winchester; simplified command letters called writs, which were increased at Cnut’s times. According to Anglo-Saxon Chronicles and subscriptions of Cnut’s charters, there were a lot of Scandinavian landholders like Thorkel and Ulf in such legal transactions on the spot. Many of them who were surely local elites in Denmark returned to their homeland at the first stage of Cnut’s reign—we cannot know the reason. Were they interested in effective Anglo-Saxon legal practices they experienced as landholders in England?

At the last stage of introduction of written documents into Denmark, we have to pay attention to the relationship between the papal Curia and Danish kings following Swein Estrithsen (1047–1074), son-in-law of Cnut. Against the background of the Investiture Controversy between popes and German emperors, the Curia sent some letters to the Danish kings. In addition, Swein was


24 Th. Sickel (hrsg.), Die Urkunden Otto des III. (MGH Diplomata). Hannover 1893, No. 41, S. 430–41; Omnium fidelium nostrorum, tam presentium, quam futurum piae devotioni patet, quod mo no nos ob petitionem et interventum diletchi nostri Adaldagi, Bremensis ecclesiae videlicet venerabilis archiepiscopi, ac pro statu et incolumitate regni nostri, quicquid proprietatis in regno Danorum ad ecclesi as in honorem Dei constructas, videlicet Sliesuigensem, Ripensem, Arusensem, Othenesuigensem uel ad hie pertinere videtur, uel in futurum adquiratur, ab omni censu uel servitio nostri iuris absoluimus.


29 A Catalogue of Anglo-Saxon charters can be found in the web called “Electronic Sawyer” (http://www.trin.cam.ac.uk/chartwww/eSawyer/99/eSawyer2.html).


an informant to a canon Adam of Bremen who wrote *the Deeds of the Archbishops of Hamburg* around 1070. These facts concerning Swein and his successors mean that, although it was unknown to us whether the Danish kings could understand Latin by themselves, at least the royal court in later 11th century already prepared the staff to deal with written documents in Latin. Prosopographical data tell us that, some of the earliest Danish bishops, as was already said, were dispatched from England and Germany, but the number of native Danish clerics was gradually increasing. That taken into consideration, wouldn’t we conclude that in the later half of the 11th century Denmark already prepared the system enough to produce the royal charters imitated to Western Europe?

The first existent charter in 1085 is coming soon.

4. From Runic Stone to Charter: Why the transition from runic stone to royal charter?

Then, we supposed these four steps of transmitting a legal practice of confirmation through written documents into Denmark. Of course, we have to admit that there were not a few accidental problems in the process. However, here I dare to present the reason why Denmark adopted a European way of property confirmation. In the first place, Danish kings, fragile in the 11th century, planed to extend their actual power and authority by producing royal charters concerning the property of lay and holy elites under the name of the kings themselves. In the late Viking Age, the Jelling kings in Denmark did not have the concentrated power against local elites and, on the contrary, these elites settled themselves all over Denmark, emulated the kings as if they were a local tiny king, and, in some cases, made the kings be enforced to change their political decisions. Their sources of power did not exist so much in their physical forces as in their large property which enabled them to evoke their generosity indispensable to local control. Act of the building of runic stone, which were clearly recognizable form a distance, I suppose, would be a symbolised manifestation of the power, authority, and resources of the builders as well as that of land possession as B. Sawyer demonstrated. However, when the production of charters was administered by the royal court in comparison to the building of runic stones by the local elites themselves, we can conclude that the Danish kingship positively desired the transition. In addition, from a more general viewpoint, can we think that Denmark, a peripheral emerging state, was incorporated in a European common system—Christianitas—by accepting both the transition from the use of local runes to that of international Latin and legal practices through written documents in a Western European way?
