

LAWMAKING AND CONSOLIDATION OF POWER – CNUT’S LAWS AND THE DEVELOPING NORWEGIAN KINGDOM*

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The administration of Cnut in England (1016-35) saw a pragmatic use of in situ traditions, institutions, personnel and legislation. The ability to adapt to local structures is thought to be the key for his relative stable rule in England. Within these parameters, Cnut further developed authority and law. Though not very communicated in Norwegian historiography, similar procedures might have been tried in Norway after the king’s gain of supremacy there from 1028-35. His son Svein was instated as tributary king from 1030, around the time Olaf Haraldsson was defeated by Cnut’s support. The reign is regarded as highly unsuccessful and unpopular in later Norwegian sources and modern scholarship. This paper will explore some possible effects and influences from this period on law and administration in the developing Norwegian kingdom.

Peter Sawyer sees Cnut’s empire dissolving after the king’s death.¹ Among Norwegian Scholars there is little tradition to discuss any further impact on the continued developments. Instead, sainted Olaf Haraldson's rule is emphasized and considered forming of the Norwegian kingdom, and reign of Cnut and Svein a mere bracket in the state’s history. What I want to shed light on is whether the reign of Svein was as defining for the structure and propagation of kingship in Norway as his predecessor St. Olaf or overthrewer Magnus Olafsson through laws and measures supposedly introduced in his reign.

The English legal influence on Norwegian laws has been studied in several, if not many, works since Absalon Taranger wrote *Den angelsaksiske kirkes indflytelse paa den norske* in 1890. The assumptions have been that of a great English influence on the Norwegian Christian laws, while the secular legislation in Norway are regarded as more domestic. Taranger’s hypothesis has only recently been justly challenged, in Torgeir Landro’s thesis on the Norwegian Christian Laws.² It could therefore be productive to turn towards a discussion on the influence on Norwegian secular

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¹ Sawyer 1999: 22.

² Landro 2010.

law, by looking at the legislation and authority introduced in the period where there actually was an English rule in Norway. Sawyer has pointed to the reign of Svein from 1030-1035 and the possible legislation as the point in which English influences on Norway would be at its “best opportunity”³ What were the nature of these laws? And what effects did the authority of Cnut have in defining royal power in Norway?

The possible laws from Svein and Ælfgifu

The rule of Norway by Cnut the king of England, his son Svein and the son’s English mother Ælfgifu have however often been bypassed among Norwegian scholars. Superficial treatment of their reign is based on bias descriptions in 13th century sources which condemn Svein and Ælfgifu’s rule as unpopular and harsh. The sources, and historiography, are focused on certain detested laws the two should have issued in Norway, and on the later Norwegian king’s repeal of these laws. The main sources to the reign are the two sagas *Ágrip* from late 12th century, and 13th century Snorre’s *Olafs saga Helga*, in *Heimskringla*.⁴ In these accounts, we find their regime described as cruel, and the land hunted by bad times, during which men were reduced to eat the food of their livestock. Especially Ælfgifu is portrayed as mean and much hated among the population.⁵

The legislation identified to be issued under the rule of Svein and Ælfgifu are described by the authors in the same sagas. Next they are reconstructed from the mentioned repeals in the regional laws of Gulathing (G.148) and of Frostathing (F.XVI.1-4), and the repeals are also described in *Ágrip*.⁶ The laws as we find them in *Ágrip* can be summarized in the following⁷ (numbering by me):

1. A prohibition to sail from the country without the king’s approval, with risk of confiscation of property.
2. Confiscation by the king of inheritance due to an outlaw.
3. A heavy tax burden collected in kind at *jól* (Christmas), paid in kind.

³ Sawyer 2006: 225.

⁴ Driscoll 2008: *Ágrip* af Nóregskonungasögum: 28-29, *Olaf saga Helga*: 239-51.

⁵ *Ólav saga Helga*: 239, Driscoll 2008: *Ágrip*: 30, 32.

⁶ Driscoll 2008: *Ágrip*: 47.

⁷ Driscoll 2008: *Ágrip*: 30, 32.

4. A responsibility by free men to erect royal buildings when requested.
5. A responsibility to equip one soldier per seven men.
6. A fee of five fish per fisher per sailing.
- 7 A percentage of the bulk when sailing from the country.
8. A land tax when going ashore in Iceland (including also foreigners – *útlenzkr*).

The regulations are then retrieved from two sets of amendments in the provincial laws that are assumed to abolish these. Magnus son of Olaf (1035-47) succeeded Svein as king of Norway. Under him came the first repeal in the years shortly following Svein's fall from power, with possible re-enactments of the same by the later King Hákon Toresfostre (1093-95).⁸ These are implemented in the law of Gulathing and mentioned in *Ágrip*. Magnus and Hákon abolished the tax at *jól* (3), further allowed free passage out of the land in peacetime (1), allowed the inheritance that came to outlaws be passed on to outlaw's heirs (2), and abolished land tax (8). Almost the same repeals are found in provisions on legal fines by the brother kings Øystein, Sigurd and Olaf from the period 1103-7.⁹ They also allowed heirs of outlaws to take inheritance (2), and added "en eigi konungr" – "and not the king". Further, they allowed free traffic in peace time (1), abolished bulk-fee (7) and land tax (8) for those in the service of *leidang*.¹⁰ The landowners were exempt from erecting buildings at the kings' command (4), which should now be the task of the kings local official, the *ármann*, and the *jól* tax were removed (3). The fish fee was abolished (6) except for fishing in Vågan, which probably was the most resourceful fishing ground in the kingdom.

The descriptions of laws as unpopular and the further treatment of them given in 12th and 13th century sources have been taken at face value by historians.¹¹ The fact that many of the repeals were repeated by subsequent rulers has been explained as legislation not having effect in regions outside of the proclamation.¹² Several kings referring to the assumed legislation of Svein and

⁸ Norges gamle Love (NgL) I: 58-59.

⁹ NgL I: 257-58.

¹⁰ Erslund believe Magnus' provisions address an existing and well established *leidang* institution that was reshaped by Magnus. Erslund 2000: 49-51, as do Helle 2001: 32. Sawyer assumes they first came to Norway with his co-regent and uncle Harald Hardråde in the 1060s, Sawyer 2006: 226, 228.

¹¹ Bagge, Smesdal and Helle 1974: 18, Erslund 2000: 49-50, Helle 2001: 21.

¹² Bolton 2009: 283-84.

Ælfifu have also be seen as a way of cleaning Norwegian laws of their mark step by step, or that the repeals never were set into effect at all. A recent doctoral thesis of English historian Timothy Bolton has however offered a different interpretation on both the nature of the laws and the nature of the repeals, based on traditions among north European rulers in the high Middle Ages. He rather sees what have been viewed as taxes as a one-time pay off, and the multiple later abolitions as part of the initiation process of each new king in Scandinavian traditions.¹³ These arguments will be examined more closely.

The rulers and their plans for Norway

Writing on King Svein one is left with few or no sources. The existing material appears severely hostile and mainly directed towards his mother, which in the Norwegian texts is directly or indirectly smeared. Svein was approximately 15-16 years old when given power over Norway. , In skaldic poems predating the conquest it is evident that Cnut originally planned for the earl of Hlaðir to take this position, but he drowned in 1029. In the sources Svein comes through as a very passive ruler, although the Saga of Magnus the Good has him leading his own forces when contemplating a stand against Magnus and his supporters.¹⁴ Contemporary and modern views on his reign are therefore that of a puppet king. Medieval Norwegian sources name him after his mother Ælfifu instead of his father King Cnut. In both contemporary and modern writings he is referred to as a *frillesønn* – son of a concubine, not a legitimate wife – obviously to reduce his status.¹⁵ This despite that the Norwegian right of succession of kings until the mid 12th century gave all sons of a king equal claims regardless of status or number in line, and even though his successor Magnus Olafsson too is described by Snorre to be son of the queen's maiden.¹⁶ In addition the period has been termed by Norwegian scholars as 'the time of Alfiva', 'the rule of Alfiva' and similar.¹⁷ Ælfifu is described as harsh and uncompromising, and was to Snorre also a fitting representative of the doubters of Olaf's holiness during the discussion of his sanctity.

¹³ Bolton 2009: 281-85, See also Bolton 2007: 264.

¹⁴ Snorre, *Heimskringla*, Sagan af Magnúsi góða 4.

¹⁵ For a discussion of the status of Cnut and Ælfifu's relationship suggesting it was a legitimate union by royal Scandinavian standards, see Bolton 2007: 256-58.

¹⁶ Snorre, *Heimskringla*, Sagan af Magnúsi góða 7.

¹⁷ See for instance Bjørgo 1982: 46.

Cnut might have spent time in Norway in 1031 in the installing of Svein, as he would assume the supremacy over the realm.¹⁸ What then were Cnut's interest in Norway, political aspirations and own identity towards his rule in Norway?

The realm had a powerful and rich elite, but poor surplus and scarce recourses compared to Denmark and England. The exceptions were stockfish and iron, but as Bolton points to, there could not have been enough to amount to cover the expenses.¹⁹ The campaign against Olaf in Norway would have been extremely costly, with expensive diplomacy and warfare, and with little hope of riches. The taxation of fishing is still believed to be a valuable income, and where one of the regulations that the successive kings did not repeal, but instead made more geographically specific.²⁰ Narve Bjørgo has argued that the taxation means the fish resources were of interest to the crown already by the 1030s, and that this interest expanded towards the 12th century and the reign of Øystein, Sigurd and Olaf.²¹

The motifs of Cnut's campaign have been debated, suggesting they were a result of security policy together with re-establishing the claims of his father Svein Forkbeard.²² Bolton on the other hand questions whether the quest for Norway relied on considerations of security for England or Denmark, or whether the increasingly unpopular Olaf posed a threat to Cnut's territories.²³ Instead, he looks at imperial aspirations spurred by Cnut's visit to Rome and attendance in the coronation of Emperor Conrad II alongside the Pope and other royalties of Europe.²⁴ Signs of such turning towards the continent he also finds in the usage of imperial symbols in coinage, poetry and imagery from Cnut's reign postdating the trip to Rome.²⁵ This then would mean that Cnut was driven by political ideas rather than political necessities when taking power in Norway. Roberta Frank has shown how the skaldic poetry that praises Cnut in relation to his thingmen, primarily Danish warriors, consequently refers to him as Dane.²⁶

¹⁸ Bolton 2009: 271.

¹⁹ Bolton 2009: 289.

²⁰ F.IV.2.

²¹ Bjørgo 1982: 46 n.7.

²² Lawson 1993: 99-100, Sawyer 1999: 10, Bolton 2009: 289-90.

²³ Bolton 2009: 289.

²⁴ Bolton 2009: 294.

²⁵ Bolton 2009: 295-303.

²⁶ Frank 1999: 108.

Correspondingly, texts to an English audience tone his Danish ancestry down and put forth his legitimate position as ruler of England. Also in Cnut's letter to the English people from 1019-20 when he went to Denmark, the wording used is between an English king addressing the relationship with his English subjects. In this document, it is worth to note in this connection that Cnut promises the English no further nag from the north.²⁷ This must have been a selling point for the subject on the isle hassled by raids, migration and invading forces from its north-eastern neighbours. Although this was not the case in 1020, Cnut would appear to control the heavily trafficked north sea. His pact with the English was to keep the raids to a minimum. Concerning the later laws of Svein and Ælfifu that forbade offshore sailing for the Norwegians, this must have been a most important concern for Cnut in the immediate aftermath of several events from 1026-28: That of vanquishing Earl Ulf's treason in Denmark, defeating the joint Swedish-Norwegian forces at Helgeå (Holy River), consolidating position in England by political networking in Rome, and finally conquering Norway. Olaf's claim to Norway might not have been a problem to Cnut in terms of territory. It was the continuing threat of warships bugging the English that were cause of concern. By eliminating Olaf, and after the planned establishment of a kingdom of obedient subjects (*lydskyldige*) and a tributary king, Cnut would secure the peace all over. In the letter to the English people of 1027, he is named as king of England, Denmark, Norway and part of the Swedes, but when talking of the needs of his peoples in relation to Rome, he mentions English and Danes.²⁸ Although Danes could be a common term for Scandinavians, it does not give the impression that Sweden and Norway were considered a ground of advanced politics. It could therefore be argued that the threat of disturbance towards his more valuable assets were a big part of his motivation alongside the prestige that came with it. Norwegians constituted a threat that had to be subdued. That would also start to explain the laws introduced by Svein. The prohibition to sail from the country, were rooted in security policy. As Hallvard Håreksblesi's *Knutsdrápa* express: Cnut being king of all the lands to the west (stanza 2), "peace becomes easier" (*hefsk frið at beinni*, stanza 4).²⁹ *Knutsdrápa* was written after Cnut's conquest of Norway (possibly in 1029/30).³⁰ Hallvard's poem played on an earlier poem to Olaf Tryggvason by Hallfreðr that makes the Norwegian king strip the Danes of their armour and

²⁷ English Historical Documents (EHD) 48.

²⁸ EHD 49.6.

²⁹ Frank 1999: 120.

³⁰ Bolton 2009: 264.

«feeds the wolf with Saxons», and now sets Cnut feeding birds of pray with Norwegians.³¹ The image is not made for ingratiating with Norwegians.

The closest we can get to King Svein himself, is maybe in the poem by Icelandic scald Thorarin loftunga, *Glælognskviða*. The poem is extant in Snorre's Saga of St. Olaf, and although it was made as a praise to King Svein, it primarily deal with the miracles seen at Olaf's grave, and urge Svein to pray at the grave of his father's dead enemy. Svein does not even seem to be the main person in his own praising poem. That we only find this in Snorre's account of his bad rule and the elevation of his predecessor to martyrdom and holiness does raise the question of whether the poem was tampered with before included in the Saga. However the poem does not give bad press to Svein, nor could it (if genuine) when made to be proclaimed in court.³² Rather, as Bolton has suggested, it carefully connected Svein with the increasingly powerful saint Olaf, making Svein great by association.³³ By contrast, the association with the earls of Hlaðir, that is a recurring theme in the songs of Cnut, is completely absent. And more important the *Glælognskviða* builds a Cnut-Olaf connection and claim for power in Norway. Bolton points out that if the earl of Hlaðir was Cnut's legitimate foundation to power in Norway, then several of the chieftains participating in the battle against Olaf would also have a claim.³⁴ There being no law of succession, this could be a problem. With Svein ideologically kneeling before Olaf, he would ideally be untouchable. Further, the language depicting Svein in the skaldic verse is that of a peaceful king, not a warrior-king crushing his enemies.³⁵ He is described as generous and virtuous, not a foreigner but a king of the people. Svein emerges in the poem as the keeper of Olaf's kingdom guarding his shrine; Olaf's spirit resides with him. The young king is portrayed as acting as 'sætti varð' – a mediator between the Saint and the world. In this way the scald disarmed all attacks on his rule as on the expense of Olaf's life, but rather set Svein as Olaf's companion in Trondheim. Further, all claims from magnates relating to the earl of Hlaðir were now worthless, and Svein's rule solely connected with the saint they gathered around. In this way it is a masterpiece of propaganda. Cnut's manoeuvres in England to support the cult of Ælfheah and king Edmund show just how politically helpful it was to preserve local structures and not temper

³¹ Frank 1999: 123.

³² See Frank 1999 on the usage of Skaldic poetry as courtly propaganda.

³³ Bolton 2009: 271.

³⁴ Bolton 1999: 269.

³⁵ Bolton 2009: 272.

with popular opinions.³⁶ It is probable that Cnut, through Svein, would apply the same strategy in Norway. Despite this branding, it seems that the selling points did not fit well with the Norwegian magnates. In 1034 Magnus, the son of Olaf himself was pushed forward as a candidate for the throne, and a coup took place. Nevertheless, the connection did not harm Svein's rule. According to Snorre, Grimkjell was sent by Olaf to Oppland before his flee to Russia, and from this region he was called north by Olaf's old friends after his death.³⁷ The fast growing cult of St. Olaf, choreographed by Grimkjell, was probably supported by Svein and Ælfgifu as a political move. Olaf's body was exhumed already in 1031 and he was sainted. If the support among the Norwegian subjects cooled or turned to hatred, that need not be directly connected to the fact that the saint's death had put them in charge.

The laws of Svein, motives and impact

Cnut's legal work in England 1020-23 has caused interest by historians for its strengthening of authority and development of earlier lawmaking. The laws called I&II Cnut are thought to be the work of his archbishop Wulfstan, and mirror the Christian ideals from early 11th century.³⁸ There also exist fragments of a law issued in 1018, shortly after assuming the crown in England.³⁹ The laws from the 1020s differ from earlier English law particularly in the way the legislation was generalized, how it developed and defined authority's power and how Christian ideals became more integrated in law.⁴⁰ Sawyer similarly understands the legislation from Svein and Ælfgifu as a way «to enlarge authority» in Norway⁴¹ but that unpopularity spoilt such plans. Could Cnut have had thoughts of developing a similar organization as he started in England?

The regulations of post-conquered Norway could be seen in the light of Cnut's regulations in England that were installed after some stability were regained.⁴² In 1018 Cnut, according to the Anglo-Saxon Chronicle and Florence of Worcester, paid off his Danish troops with gold raised by additional taxes, especially from London as a punitive action for the city's support of King

³⁶ Lawson 1993: 140, Bolton 2009: MS support by Cnut Rumble 1999: 285.

³⁷ Olaf saga Helga: 243.

³⁸ Reasons for describing it to Wulfstan: Whitelock 1968: 419, and *ibid.* n.1, See further Lawson 1999: 157-58, Wormald 1999: 345-9.

³⁹ EHD 47, I rely on the dating by Dorothy Whitelock in Whitelock 1948.

⁴⁰ Tveit, Miriam 2011: "Law and violence, vengeance as conflict resolution 500-1350", forthcoming article.

⁴¹ Sawyer 2006: 225.

⁴² See Wormald 1999: 444.

Æthelred.⁴³ Bolton suggests that what we see in the laws of Svein as they are portrayed in the sagas and legal material are not annual taxes, but a fixed sum. Any kind of standardization of tax payment would be strange to Norwegians, because the practise had been that the king, chieftain and his men would live off the yields (*veizla*) in land they visited (Norwegian leaders had to be mobile), depending on the hospitality of local population. Cnut could have tried to induce the English system of taxation, by a fixed sum if not annual. It has earlier been suggested that the repeals in Norwegian law bear marks of English laws because of the description of the amounts paid in kind. A pinch of cloth and a bundle of fish are not typical Scandinavian measures. Another clue lies in how the taxable entities were termed in the laws.⁴⁴ In *Ágrip* the taxes should be collected *af arni hverjum* - per hearth of a household. In the introduction to the first laws of Cnut dated to 1018, Cnut adopt earlier English laws to be observed.⁴⁵ Not those of his imminent predecessor, Æthelred, which would have negative political signals, but those of Edgar.⁴⁶ Æthelred's laws were included later on. In King Edgar's laws (II Edgard.4) the Peter's pence is called "hearth-money" and in II Cnut.11.2 we find that taxes should be paid per hearth,. Bolton sees the term in *Ágrip*, in connection with the English laws.⁴⁷ This leads to the suspicion that Cnut tried to impose a mode of taxation working on the European continent and in England onto the Norwegian realm. The unfamiliar way of collecting tributes could be the cause of any indignation among the subjects.

After fighting off Ethelred, his son and their various supporters (among others Olaf Haraldsson) in 1018, Cnut left England and went to Rome. His "Letter to the English" from 1019-20 reveals some of the same features as the laws of Svein and Ælfgifu from Norway, namely those of immediate actions to stabilize his rule. The letter stresses the power of Cnut's trusted earl Torkjell the tall to take hard actions against breaches of the peace.⁴⁸ Anyone that was "to defy God's law and my royal authority or the secular law (...)", Torkjell was to "destroy him in the land or drive him out of the land". All ranks of men were ordered to see to the peace kept in the land.

⁴³ Anglo-Saxon Chronicle, Florence of Worchester, entries 1018.

⁴⁴ NgL I: 257 n4, See Bolton 2009: 276 for a discussion on more unusual terms in F.XVI and *Ágrip*

⁴⁵ EHD 47.

⁴⁶ Wormald 1999: 132-3, with impossibilities of doing so: 131, 482, Wormald also believe the laws of Æthelred was used as model for Cnut's first law: 192.

⁴⁷ See Bolton 2009: 282 for a thorough discussion of this linguistic connection.

⁴⁸ EHD 48.9.

These types of regulations urging all to root out any dangerous elements in society are found in many of the earlier English laws.⁴⁹ Strict regulations were in order in times of unrest, and Cnut was able to enforce such regulations by his ever more consolidated authority. Breach of the peace would lead to confiscation of property and expulsion.⁵⁰ This corresponds with the laws given in Norway on confiscation of property on outlaws, and could also easily be paralleled with any kingly legislation from the 10th and 11th centuries, influenced by the peace movement of the Church and as a part of the *Rex Iustus* ideology. In England Cnut gave strict punishments for outlaws. Such measures were not particular for Norway, earlier Frankish and English law also had a substantial economical fine imposed on the property of anyone who committed a crime leading to outlawry (murder, treason, serious breach of the peace).⁵¹

The regulations that were introduced to Norwegians were similarly motivated as the regulations expressed in England from 1019-20. In the letter to the people of England Cnut emphasised that they had been in danger, and that he had eliminated this danger (from the north) by his actions, and most importantly: by his money.⁵² The same money he extracted from the English in 1018. Cnut were initiating and supporting an uprising against Olaf in Norway and the Christmas tax could have the same purpose as that in England: paying their liberators, and ridding them of Olaf's cloak.

Sawyer points to precisely the laws from Svein's reign and the treatment of these laws by successive kings as a sign of influence from the English regime. He still sticks to the traditional interpretation of the process of abolishing them, as he understands the repeals as meaning that the laws were operative. Therefore Sawyer believes that only the *jól* tax was abolished at first and that successive kings were reluctant to touch the other laws. Bolton has however interpreted the repeals into the legal traditions of Scandinavia (and Europe). He argues that the tax laws as a one time pay off for Cnut's mercenaries after the battle to expel Olaf Haraldsson. That would explain the hard sum and why contemporary sources don't mention the tax. The tradition in the north Sea area was that a new king would demand a sum "paid only once to a ruler at the inception of his

⁴⁹ see Tveit 2011.

⁵⁰ EHD 48.11-12.

⁵¹ See Tveit 2011.

⁵² EHD 48.3-6.

reign”⁵³ After Cnut and his sons with Ælfifu of Northampton had all died and Hartacnut began his rule of England, he too gave as one of his first acts orders of raising tributes to his fleet, which in Florence’s annals are described as “so heavy, indeed, that hardly anyone could pay it”. Something that made him hated among the English subject. We see that to raise a sum to pay the mercenaries was a frequently used measure and probably completely necessary by invading kings, not unlike the Danegeld extracted by Scandinavian Vikings before Svein Forkbeard decided to invade the island. It is also apparent that the population were equally appalled by this each time, even though, or maybe because, they have paid such taxes before. The Norwegian subjects were possibly just as discontented as the English when a heavy burden was put on them, complaining about nothing being left for them to live on, and thereby declare the lordship as a harsh rule. Magnus Olafsson – although son of the saint – soon became unpopular among Norwegian landowners himself, possibly by the same reasons as Svein.⁵⁴ He demanded high taxes from the people, probably with the same objective as Cnut: to have liquidity in the initial reign.

The usage of Svein’s laws by successive Norwegian kings

If, as Sawyer has proposed, Cnut aimed at developing the king’s authority in Norway, then Cnut’s attempts to use law as instrument for his rule failed completely. But were they without impact for the establishment of kingship in Norway? On the contrary, these laws were used as platform for the next three rules, with five kings stating their political program by referring to and rejecting these exact regulations. Having to take a stand against the old regime, Magnus could easily use the legislation introduced by Svein and Ælfifu. Similarly his relative Hákon could play the same card in 1093, being as Bolton points out, an established ruler in living memory of Svein’s reign. For king Hákon this almost led to civil war with his cousin and co-regent Magnus Barefeet, if we are to believe *Ágrip*.⁵⁵ This Magnus felt deprived of important income by Hákon’s many exemptions as gratitude for being acknowledged as king. Certainly the taxes would have been set

⁵³ Bolton 2009: 285.

⁵⁴ Driscoll 2008: *Ágrip* 35, Bagge 1974: 18, Another story from *Sagan af Magnúsi góða*, 14-16, claims it is his persecution of the alliance against Olaf, where Kalv Arneson had to go into exile. This is found in a skaldic verse composed by Sigvat Thorsson (?) supposedly in 1038, when Magnus probably were only 13 years old. And it is therefore strife between his regents that caused these events. Sigvat’s poem urge the young king to halt his exorcism, a clear sting to the tension among his circle of elite advisors. The unrest stopped, but more importantly Magnus announced that he would not extract the jól tax. In this way he turned popular opinion and probably there earned the epithet «the good».

⁵⁵ Driscoll 2008: *Ágrip*: 48.

in effect at the initiation of Magnus Barefeet. Also we see the economical and political importance of this income for the kingship. Cnut's laws had established a precedent that later kings would take advantage of, both in form of reintroducing them and not.

The brother kings would sometime in the period 1103-7 legitimize their own rule by bringing forth and revoking the regulations known from Svein, and also renew the promises that Magnus and Hákon had done before them. Similar to the tradition of raising money in the first years as ruler, in early Scandinavian kingship a king's legislation only had effect during as long as the king was in power and would have to be renewed by the successors.⁵⁶ What the Norwegian kings succeeding Svein did could in this light not have been to actively abolish Cnut's laws, but to promise not to reintroduce them. This could explain why Magnus, then Hákon, and finally Sigurd, Øystein and Olaf in early 12th century outspokenly address these taxes. The laws issued for Norway which have been assumed to be outrageous to the Norwegians were supposed to be banished by five of the following kings. But the repeals could also have been used to by the kings to elevate themselves by contrasting their rule with Svein's. This would mean that Svein's laws were revived and repealed by the succeeding kings after Svein, not that the laws themselves were hard to repress. To Cnut they were a tool in state of emergency as conquering new land would trigger.

In addition to renewing the laws, Sawyer observes that Scandinavian kings also had a tradition of re-minting by each new king, both to re-circulate and making income for the new ruler, and of course also for branding purposes.⁵⁷ The tradition too could parallel the repeated proclamation of none-introduction of the laws of Svein and Ælfifu.

The successive kings after Svein granted that outlaws would keep their property and that their next of kin – their heirs – would receive any inheritance coming to them. In the Law of the realm issued in 1274 King Magnus Hákonsson expands this to restoration of the entire property on return of the exiled.⁵⁸

Further, with the support of Svein (Cnut) of the cult of St. Olaf, the kingship in Norway was for the future secured with divine connotations. This was later repeated in the grant (*privilegiebrev*)

⁵⁶ Bolton 2009: 284.

⁵⁷ Sawyer 2006: 228, self producing coinage was introduced on a larger scale first by Harald Hardråde.

⁵⁸ Magnus Lagabøters Landslov IV.6.2.

of Magnus Erlingsson (1161-84) to the Norwegian church.⁵⁹ In the document king Magnus state the position of the Norwegian king as vicar of St. Olaf, eternal king of Norway, a role established by king Svein in the 1030s. The Norwegian kings take the kingdom vicariously from the Holy Olaf and rule as his tributary king.⁶⁰

Closing remarks

We have here explored some aspects of Cnut's supremacy over the Norwegians, and some features of the reign of King Svein. Their rule which is scarcely treated in Norwegian historiography can provide a deeper understanding of the state formation process in Norway. As we have seen, Cnut could have tried some measures in this realm similar to those already carried out in England. By administration, legislation and taxation he would consolidate the power in the northern kingdom. The instalment of Svein and careful treatment of the delicate political situation after the fall of Olaf suggests a conscious and purposed policy in Norway. Similarly we see that Norway was a less valuable crown in terms of wealth, but still important in terms of security and prestige. Cnut's actual involvement in Norway could be further discussed. Especially the relationship he established with the local elite, or his planned adjustment of local institutions. Several questions remains: Cnut developed a close cooperation with his opponent Æthelred's trusted bishop, Wulfstan. What were the relations, actual or planned, between Cnut, or Svein, and Olaf's trusted bishop Grimkjell? King Olaf and Grimkjell are said to have issued a series of laws on the thing of Moster in the 1020s, although the references to them in the extant sources should be valued as constructed and mythical. The same could be argued against Svein's laws. Therefore, a study of his and Cnut's relations with local forces might expand our understanding of the Norwegian legal development. Could the policy of Cnut in both England and Norway reveal more on the period of legislation in Norway predating the existing written provincial laws?

⁵⁹ Regesta Norvegica, bind 1. 145.

⁶⁰ Figenshow 2005: 81.

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