8   FOREIGN FARMING LANDSCAPES

It is said that the history of peoples who have a history is the history of class struggle. It might be said, with at least as much truthfulness, that the history of peoples without history is the history of their struggle against the State. (Clastres 1989:218)

The background to the further research exploration I shall now undertake is the three different categories of farmstead identified in the previous chapter: the random farmstead, the marked farmstead and the unknown farmstead. These appeared successively, and are not compatible with any real continuity in property rights across the Iron Age. In the present chapter, therefore, I investigate different modes for the organization of land rights. Amongst other things, I shall attach particular importance to understanding how rights to land can be organized without defined territorial property boundaries. Continuity scholarship has drawn inspiration from a historically familiar agrarian society in its attempt to understand prehistory. Geir Grønnesby (2019) has recently shown how fruitful it is to derive models and inspiration from other sources, in order to challenge the existing understanding of the agricultural economy and of the establishment of the historical farmstead. I shall consequently draw analogons and analogies from other quarters than continuity scholarship has habitually considered — from foreign places.

Rights to occupation cannot be approached separate from the society as a whole (Berg 2021). Rights to land, perhaps the most important resource of an agricultural community, must therefore quite naturally be understood in light of the society as a whole (Skre 1998; Grønnesby 2019; Berg 2021). Some members of Iron-age society had greater access to the communal goods than others, and this is often explained through control over land or personal rights either to cultivate it or to take the produce of specific, geographically bounded areas — usually referred to as landed properties or farms. I wish to emphasize, however, that a surplus can also be collected by means of direct control over people and resources other than land. Heritable, territorially based property rights to land that can be exercised by others with the aim of the owner receiving portions of the surplus nevertheless do appear to be a precondition for greater wealth to be accumulated. This in turn increases the opportunity for durable hierarchical structures and appears to be a precondition for state-formation (Earle 1997; 2000). For me, then, it is crucial that the Iron-age society around the Oslofjord was stateless, for much of the Iron Age at least, and that this may have been what the population there wanted. In this chapter I shall examine some general characteristics of stateless societies which I believe may help to explain property relations and the settlement pattern in Østlandet in the Iron Age. In the following chapter I shall link these features up more closely to the archaeological evidence and specific historical aspects of Iron-age society.

That the rights to land were not necessarily based upon defined properties shakes the existing understanding that a modern property structure may be traced far back into prehistory — at least to the Early Iron Age — to the core (Skre 1998; Pilø 2005; Iversen 2008; Ødegaard 2010). By way of introduction, then, I shall briefly present the backdrop to my interpretations of the relationship between people and land in the Iron Age, and show amongst other things that this was not necessarily a matter of people's right to exploit the land (Ch. 8.1). In the conventional interpretation of that relationship, *óðal* is absolutely central. This concept, defined as 'the male right to inherit land', is inconceivable without some form of territorially defined property right. The reigning view is that *óðal* in this sense emerged in the Early Iron Age (Zachrisson 1994; Skre 1997a; 1998). This view is an underlying postulate which, until now, has left it difficult to discuss alternative modes of organizing rights to land. This premiss has not, in my view, been sufficiently tested, and I shall therefore critically assess the emergence and contents of the concept of *óðal* (Ch. 8.2). Following that, I show how rights to land may be rooted socially (Ch. 8.3) and how a stateless society can be maintained without anyone succeeding in laying claim to heritable rights (Ch. 8.4). Finally I shall present a provisional model of a stateless, hierarchical society with socially based rights to land (Ch. 8.5).

PEOPLE AND LAND — A COMPLEX RELATIONSHIP

Land is the most important productive resource of an agricultural society, and an understanding of the

distribution of rights to land is therefore crucial to understanding an agricultural society such as that of the Iron-age population of Østlandet. In modern societies, the rights to land are often regarded as a series of formal or technical structures which govern economic relationships (Brink 2013:36; Souvatzi 2013:23). An example of such a structure is the farmstead in Østlandet of the Modern Period. The land is divided into geographically bounded parcels with one, or in a few cases more than one, owner. These have more or less total right of disposal over the farmstead or the estate, and may run it themselves or let others do so for a payment. The owners can also sell the farm, although laws and regulations limit to whom they can sell it and what price they can get. The farm as known from the Modern era, then, is an example of territorially or geographically rooted rights. Absolute right of ownership of land such as we know it in more recent times can hardly have existed in Østlandet in the Iron Age, though (Dørum 1994; Skre 1998; Iversen 2001). It is assumed rather that individuals had various geographically rooted residences or rights — for instance to farm the land or to receive payment from it (Myrdal 1989:35; Skre 1998:16–18). It is also suggested that the right of ownership in pre-state societies was first and foremost the possibility of excluding others from the exploitation of an area (Pipes 1999:84). The relationship between people and land is, concurrently, a complex combination of relationships that intertwine social, economic and ideological spheres which is strongly determined by historical circumstances (Pottier 2005; Salisbury 2012). Land is therefore more than just a means of production, and rights to land are more than solely an economic function (Zachrisson 1994; Souvatzi 2013:23; Grønnesby 2019). In this study, the term 'territorially embedded' property rights will be used, therefore, to refer to a person's or a group's right to control, at least in part, a specific area of land. This right of control may be limited or voided through agreements and through the rights of others, but, as a basic rule, the right of property gives the holder the right to decide who will make use of the land and on what conditions, and to keep other potential users out.

The relationship between people and their surroundings can be viewed as a complex network involving mutual influences that leads to unique, historically specific landscapes being formed in the interplay between people and their environment (Dincauze 2003:18–19; Salisbury 2012; Barrett 2013). The relationship between people and animals on the one hand and land on the other can also be viewed as a set of interconnected obligations or influences rather than

a set of rights (Nadasdy 2002; Oma 2020). When land is treated solely as a resource for rational agents within an economic system, important facets of society and of the land come to be ignored since just one part of the economy is studied with no grasp of how the economy is anchored in society as a whole. The ability to produce is undoubtedly an important characteristic of land but it need not be the only one. Land can also have magic qualities, be prestigious or be aesthetic (Malinowski 1922:58–9; 1935:12, 56; Bradley 2005:88–9 with refs.). That is how things could have been in Scandinavia too; when Anskar came to Birka in central Sweden in the year 852 he was told that the land belonged to the gods (Robinson 1921:ch. 26). To own land could also be regarded as impossible or even immoral (Nadasdy 2002). Control over land has no economic value in itself but is rather a means of securing for oneself all or some of what is produced from the land, whether one farms it or exploits it in some other way oneself or permits others to do so for a charge. There are, however, other ways of getting hold of a surplus. Profits from raiding or theft, protection money and tolls on other means of production besides land, such as seed corn, breeding stock, draught animals or equipment, are a range of examples that are independent of control over land. The simplest means of all of gaining access to a surplus, however, is direct control over other people (Odner 1973:71–2, 136, 158).

ÓÐAL AND BURIAL MOUNDS: A CRITICAL LOOK AT TERRITORIALLY DEFINED LAND RIGHTS

The term *óðal* has been indissolubly connected with property rights in Norwegian and to some extent throughout Scandinavian Iron Age scholarship (Zachrisson 1994; Skre 1997a; 1998; Iversen 2008). A number of historians have proposed, nevertheless, that the óðal-right emerged as late as in the 12th and 13th century, in order to protect heirs' traditional rights when land began to change ownership via sale or gift (Helle 2001:119–20 with refs.; Norseng 2005:208–10 with refs.). The difference of opinion is partly due to the fact that historians and archaeologists use different source evidence but also to the fact that what the term refers to is difficult to grasp (Zachrisson 1994; 2007). The concept of *óðal* very probably had its origin in the Early Iron Age, but it appears to have shifted, in terms of what it meant, over time. Because *óðal* is central to the understanding of property rights, while concurrently the historical meaning of the term is a matter of contention, I shall now discuss when *óðal* in

the sense of a preferential human right to inheritance and an implicit property right became a fundamental force in the agrarian society. It will also be essential for me to examine and date various meanings of the concept.

Óðal was apparently originally used in the sense of 'the best of something', or 'the best of the field; that which was cultivated,' and only later was the term used in the sense of 'inherited land' (Skeie 1934:1; Gjerdåker 2001:11). In the narrowest sense *óðal* is often used of a family's right to inherit a geographically defined landed property (Robberstad 1981) and is unthinkable, therefore, without some form of territorially defined property right. *Óðal* also, though, has a broader sense. It was closely interwoven with an ancestor cult and linked the living with the dead, while social identity and legal status were formed through the same association (Zachrisson 1994; 2017). In their influential studies, Zachrisson (1994) and Skre (1997a; 1998) have argued that *óðal* and property rights over land became established in the Roman Iron Age or the Migration Period. Both propose that it was primarily men who held the right of inheritance and that the burial mound (barrow) was a physical manifestation of the óðal. In what follows, I shall go critically through their premises and challenge their conclusions concerning the date at which *óðal* developed and the relationship between the burial mound and this concept. I shall then investigate to what extent it is possible to distinguish between *óðal* in its most precise form as the right to inherit land and in a broader sense as something intertwined with an ancestor cult.

Both Zachrisson (1994) and Skre (1997a) take the *óðal* clauses in the Norwegian Provincial Laws as their starting point to argue for the existence of *óðal* from the Roman Iron Age or Migration Period. The Provincial Laws had their origins in the late Viking or early Medieval Period (see below). Zachrisson also refers to Swedish runestones and to burial evidence in central Sweden, and attaches especial significance to the fact that *óðal* as the name of the o-rune appeared in the Roman Iron Age, while Skre argues on the basis of runestones and documentary evidence from Norway and of burial evidence from Romerike in Østlandet. They show that *óðal* is explicitly referred to on Viking-period runestones, probably in the sense of having the right to inherit family land (Zachrisson 1998; Skre 1997a; Sawyer 1999). There are also several runestones which identify named individuals as owners of one or more farms or villages, while in one case it is stated that a farm had been bought (Zachrisson 1994:225). *Óðal* and the right to property

are also clearly present in the Eddic poem *Rígsþula* (Zachrisson 1994:221). This includes the story of the owner of eighteen farms which have '*óðal* fields' and 'ancient settlements' (*óðalvellir, aldnar bygðir: Rígsþula*, after Holm-Olsen's translation, stanzas 36 and 38). This may be a Viking-period poem or at least have a historical core from that period even though some scholars would assign the poem to early in the Medieval Period (Amory 2001, with refs.). Óðal is significant in the earliest Provincial Laws, of the Frostathing and the Gulathing, and it is very clear that óðal was a legal right to buy or take possession of land which had been in the hands of the family (Robberstad 1981; Zachrisson 1994; Skre 1997a; 1998). The textual evidence shows, therefore, that *óðal* was a firmly established concept in the late Viking Period or early in the Medieval Period. Zachrisson and Skre's ideas about *óðal* in the Roman Iron Age and Migration Period consequently are based upon a retrogressive or restrospective analysis (Ch. 3) that is strongly rooted in later sources.

If, however, the emergence of *óðal* is examined alternatively from behind, as it were, moving forwards in time, the outcome rapidly turns into something very different even if textual sources such as Tacitus's *Germania*, Caesar's *Gallic War* and *Beowulf* are accepted as starting points. This led Frands Herschend (1997a:71; 2009:277) to suggest that in the Early Iron Age *óðal* was a human right to establish one's own household, a right which was lost in the Late Iron Age, being superseded by individual control over specific areas of land — a proposition that is shared by other scholars. Gerritsen (1999:146) gives a much earlier dating of the transition to territorially defined rights in the Netherlands while Hansen (2015:145–6) concluded that this transition took place around the year 600 on the island of Fyn and in adjacent areas of Denmark.

Stefan Brink (2008c:94–6) has argued that there was a fundamental change in place-names around the year 600: in the Early Iron Age the place-names refer above all to a hierarchical social scructure in which the identification of people rather than places is at the core. From around AD 600 place-names start to refer to a territory rather than just to points within the topography, and it was thus only from the beginning of the 7th century that delimited territories became important. In the Viking Period or early in the Medieval Period the names show that the territories also have clear boundaries or markers. I regard these circumstances as the motivating factors for a critical assessment of the relevance of the Provincial Laws to the state of affairs further back in the Iron Age.

The origin of the Norwegian Provincial Laws is difficult to date (Brink 2008a). Historians with their background in the Germanist School have pointed out that the extant versions of the Provincial Laws have earlier features, possibly with roots far back in time, while historians of the Romantic School stress newer elements, inspired inter alia by European law-giving; the disagreement between these two positions is now much less polarized than it once was (e.g. Iversen 2005; Tamm 2005). The Gulathing Law is known first and foremost from a manuscript of around AD 1250 but historians generally consider that much of the law code was put together in the 12th century. It may have roots back in the 10th century (Rindal 1994; Brink 2000; Helle 2001:11, 47 with refs., Iversen 2001:83). The Frostathing Law took the form that is now known around 1260 but this too has considerably earlier roots even if it is unclear how far back those run (Frostatingslova 1994; Iversen 2001:83). Several scholars have pointed out that the documentary evidence from the Medieval Period is barely suitable for shedding light on pre-historic burial evidence (Svanberg 2003; Aannestad 2004; Axelsen 2012; Berg 2013; 2015; Moen 2021). I myself, in fact, would draw attention particularly to Bergljot Solberg's (1985) study of the origin of the Laws. She examined the social structure of the Merovingian and Viking Periods making use of the burial evidence, and compared that with the social classes described in the documentary sources — especially the Provincial Laws. Several similarities between social classes as they are represented in the later textual sources and as they may be perceived in the burial evidence emerge. The laws show that an individual's social and legal status was closely linked to the land held by the individual and his or her family. The social and legal status of men is defined in the laws by the weapons they are obliged to have, and several of the weapon-sets in the laws can be paralleled in graves of the Merovingian and Viking Periods. This could be an argument for the Provincial Laws, and possibly *óðal* too, having their roots back in the Merovingian Period. But there are also clear discrepancies between these sources of evidence. In general, the weapon-sets in the laws correspond quite well with burial evidence of the 10th century but markedly less so with such evidence from the 9th and 8th centuries. Conversely, a weapon-set comprising a sword and an axe is not referred to in the Provincial Laws but does occur in the funerary archaeology of the Merovingian Period and the beginning of the Viking Period.

Weapon-sets found in the graves of the Early Merovingian Period appear to a very limited extent in the legal sources (Solberg 1985:74; Ystgaard 2014:264). What the Provincial Laws can tell us about social groups thus decreases rapidly as one goes back in time, and dissolves completely around the year 700. It is not impossible that the changes in the weapon-sets basically reflect changes in the technique of battle, although Ingrid Ystgaard (2014) has shown that the methods of fighting and key facets of the nature of society essentially reflect one another in the period in question. Consequently, Solberg's study can be used to make the case that the Provincial Laws reflect the 10th and 11th centuries rather than the Early Viking and the Merovingian Periods. In her studies from Trøndelag, Ystgaard (2014) finds no sign of free men being obliged to equip themselves with weaponry before AD 900. Ellen Høigård Hofseth (1981), however, argued that the weapon burials in Vestlandet indicate that there was such legislation in the 10th century, although Frans-Arne Stylegar (2005a:33) rejects the proposition of a direct connexion between legally imposed armament and the range of weaponry that was deposited in graves, because weapons were exclusive grave goods, restricted to an elite. He also links the weapon graves to military organization rather than to social status. It is possible that warriors or soldiers in the Viking Period had their weaponry on loan, and returned it when their service was done (Hedenstierna-Jonson 2015:86). Herschend (2001:119) has pointed out that assigning people to moral, economic and politically defined classes is a Latin and Christian way of organizing society. Although there were social differences amongst the free in pre-Christian Scandinavia this group was not sub-divided into classes. Herschend puts it thus (2001:119): "The price we pay for being included in a Christian ideology and belonging to a group is the loss of individuality for members of this group. Membership replaces individuality." In the Gulathing Law, legal rights and social status are conjoined and can be defined in terms of class: e.g. as *hauld* or *bond*e. There is, thus, fundamental Christian influence in the Provincial Laws. Stefan Brink (2003) emphasizes, however, that the unfree could be both highly valued counsellors and administrators as well as being slave workers. This reflects a much more complex relationship between legal and social status than the definition of classes in the Gulathing Law portrays. Altogether, these considerations imply that the Provincial Laws were primarily a product of the late Viking Period or early Medieval Period and cannot just directly be assumed to have some essential ability

to shed light on society early in the Viking Period or further back in time.

There are also features of the archaeological evidence which indicate that *óðal* in the sense of the right to inherit land emerged first in the Late Iron Age. In some parts of Sweden there are several male graves of the Viking Period which overlie graves of the Roman Iron Age and Migration Period. Zachrisson (1994:230) wrote "My interpretation of this is that people during the Viking Age have felt it urgent to place their dead on top of and in direct contact with relations from the Roman Iron Age–Migration Period." She also claims that this means that the Roman Iron Age and Migration Period were key stages in the establishment of genealogies (Zachrisson 1994:232). The question, however, is whether *óðal* was present from the date of inception of the burial grounds in the Roman Iron Age or Migration Period or was introduced only with the overlying burials of the Viking Period (Zachrisson 1994:227; Lund and Arwill-Nordbladh 2016). Zachrisson concluded (1994:235) that *óðal* was present, at least from the Migration Period onwards, but only became visible in the Viking Period because it was then under pressure. I agree that the runic inscriptions demonstrate that *óðal* was an established fact in the Viking Period in her study area but see several circumstances which argue against it having emerged as early as the Early Iron Age. If *óðal* were inherited by one generation of a dynasty from its predecessor through the Migration and Merovingian Periods and on to the Viking Period, the graves of the Viking Period ought also to overlie those of the Merovingian Period. In this way the place of the deceased in a long series of óðal-farmers would have been underscored. But the graves of the Merovingian Period lie rather ignored, and Viking-period burials overlie graves of the Roman Iron Age in some cases, in others graves of the Migration Period. This indicates that new ideas were emerging rather than that old habits of thought and rights were being marked. The nature of the burial grounds can thus be understood as an aspect of wider change. In the Viking Period, a new interest in history and prehistory was born across Scandinavia, the objective of which was to create a genealogy, an origin and a memory rooted in the ancient past, through the use of antiquities and the placement of burial mounds on top of earlier buildings or barrows (Sundqvist 2002; Artelius 204; Hållands 2006; Pedersen 2006; Hållans Stenholm 2012:226; Glørstad and Røstad 2015; Lund and Arwill-Nordbladh 2016). What we see in the cemeteries thus reflects changes in society as a whole: in the Viking Period, legitimacy was derived from an earlier prehistory. The Viking-period custom of placing graves above predecessors of the Early Iron Age rather than of the Merovingian Period can therefore be perceived as an attempt to establish a personal link to a distant and mystical past in preferences to the close and familiar past (Bradley 2003; Lund 2009:237). I propose, as a result, that *óðal* in its narrow sense as a preferential human right to inherit appeared in the Viking Period and was legitimized (or that was attempted) by means of roots in a long-past and mystical prehistory.

What burial mounds are understood to mean can change, and they can be used to create history, as one example is able to show. In England, natural formations and burial mounds that pre-date the Viking Age were given names consisting of Scandinavian personal names plus -*haugr* [barrow] (Fellows-Jensen 1992; Zachrisson 1994:227). In those cases, it is clear that the barrows were not raised for Scandinavians but were nevertheless named by such people. The mounds must therefore have changed name, and been annexed and adopted by Scandinavian colonists. In other words, a tradition was created or devised (Hobsbawm 1992). This shows that pre-existing barrows were actively used in the Viking Period as an instrument for creating a genealogy, and perhaps to legitimize claims. It is reasonable to imagine that similar events took place within Scandinavia. The need to draw a line straight back to the Roman Iron Age rather than to maintain one running from the Merovingian Period can be explained by it being new kin-groups that were burying their dead in the Viking Period. Kinship with those buried in the Merovingian Period was presumably still known, as that period was a relatively recent past. A possibly new dominant kin-group of the Viking Period may thus have had difficulty linking itself to the immediate past: the bluff would be easily unmasked. In contrast it is possible to imagine that kinship with those buried back in the Roman Iron Age was shrouded in mist or lost from collective memory. As a result, a possibly new group could establish itself as the heirs of the dead of that period while those of the Merovingian Period could be sidelined as an 'episode'. Like Scandinavians in England, the new group could thus create its own long history. By making the monuments of others their own, they also erased memories of the recent past from the landscape. Monuments and rituals therefore may not only create memories; they can also change or cancel them (Hobsbawm 1992; Williams 2006:121; Arwill-Nordbladh 2008; Gjerpe 2020).

There are several examples of Viking-period burials being made at cemeteries which had not been used

since the Roman Iron Age (Artelius 2004; Hållans 2006; Pedersen 2006). There are no comprehensive studies of these from Østlandet but the phenomenon has been noted at some sites in Vestfold (Østmo 2005:32–6) and at Bjørnstad in Sarpsborg k., Østfold (Rødsrud 2007). To root, justify and base one's claim in history is a well-known tactic, and the barrows of the Roman Iron Age and Migration Period could have been used in such a manner in the Viking Period. In a society to which genealogy mattered, striving for a genealogy is striving for power. It is possible that divine descent was core to the self-perception of the aristrocracy as early as the 7th century, and a convincing link with a divine origin may have been a requirement for one to claim the right to rule (Andersen 1977:274; Hedeager 1996; 1998; Skre 1998:291; Steinsland 2000:54; Opedal 2005:97). People generally could not be descended from the gods but the perception of the rulers as members of divine kingroups was an integral feature of the Viking-period ideology of lordship. To put it another way, we have to distinguish between real genealogy and ideal genealogy (cf. Pedersen 2009). Myths and legends are important in constituting non-state societies and thus are an important ideological resource (Mann 1986). Hard-set myths or stories about ritual praxis have been handed down in the form of material culture and written sources (Hedeager 2001; 2011). Myths can also be seen as models for belief, morality and social structure (Malinowski, quoted by Steinsland 2005:89). In this way, those in power could shape and use the myths to confirm their own position (Lincoln 1999; Steinsland 2005:93, 393). The Norse myths of lordship that survive to our own time may largely have been formed in the 6th century, in a period when society changed dramatically. It has been argued that the new myths were produced by Scandinavian elites inspired by Christian European lordship (Fabech 1994; Näsman 1994; Hedeager 1996; Herschend 1997a; Hedeager 1998; Fabech 1999; Hedeager 2003; Steinsland 2005; Herschend 2009). Norse sagas and poetry reflect the elite's preferred interpretation of reality and so not, necessarily, an actual, more or less harmonically hierarchical, society. The author of *Konungs skuggsjá* ['The King's Mirror'] did not, for instance, hide the fact that he was writing for the courtly overclass (Orning 2004:15) and the gap between the ideal social order that is described, in the Norse laws for instance and in certain poems such as *Rígspula*, and the reality that was portrayed in sagas or can be described using archaeological evidence is often great (Brink 2012).

The Provincial Laws and the evidence of the runestones indicate that it was primarily men who held the right to inherit and the right to possess land, although women could also inherit (Sawyer 2014). Zachrisson and Skre argue that the burial mounds were raised over the earlier owner's grave by the heirs in connexion with their assumption of the *óðal* (Zachrisson 1994:231; Skre 1997a; 1998:201, 208–9). That means that a high proportion of the dead should have been men. However women's graves dominate the Viking-period material from Romerike, which is central to Skre's study (1998:figs. 4–58). For a long time it was common to suppose that many more men than women were buried in the Viking Period in Norway (e.g. Solberg 1985). It is still the case that many more male graves are known than female ones, but Frans-Arne Stylegar (2007:82; 2010) has shown that this is largely down to source-critical factors and can hardly reflect the relative number of women who were buried in the Viking Period. Extremely few graves in Østlandet have preserved osteological material that can be sexed and it is therefore not biological sex but social sex or gender that is identified. This is done from artefacts or combinations of artefacts interred with the dead as grave goods. The ratio between known male and known female graves thus corresponds with the proportion of men and women who were buried with what are supposed to have been sex-specific artefacts that archaeologists are able to recognize. Amongst professionally excavated graves, 30–50% of the sexed burials of the Viking Period are female graves (Stylegar 2010). Per Holck's osteological studies of cremated bodies of the Iron Age as a whole (1986:tab. 11) emphasize that the ratio between the sexes is more or less balanced. The large preponderance of known male graves of the Viking Period is due to graves that have been discovered in other ways than through systematic excavation: put simply, it is easier to spot a sword that is ploughed up than an oval brooch (cf. Skre 1998:210). Trond Løken (1974:118–20, tabs. 10. 17, 18) explicitly discussed graves marked with barrows in Outer Østfold, Outer Vestfold and Hedrum in Vestfold, and showed that round barrows contained slightly more women's graves than men's in the Early Iron Age but many more men's graves than women's in the Late Iron Age (Løken 1974; Damlien 2002:144). As there are so few burial mounds of the Merovingian Period, making it difficult to process the evidence statistically, Løken (1974:49) took the undivided Late Iron Age as a unit of time. It is therefore difficult to determine precisely when the proportion of men buried in barrows became higher than that of women. It may be

detectable, however, that the proportion of women amongst the known burials — irrespective of the style of burial — was higher in the 9th century than in the 10th. This picture is probably influenced by the fact that oval brooches, one of the most common artefact-types associable with women, passed largely out of use in the 10th century without being replaced by equally conspicuous items. At the same time, we have more properly excavated graves of the 10th century than of the 9th (Stylegar 2007:82; 2010:76). The result is that male graves dominate the recorded Viking-period evidence as a whole, even though the ratio of the sexes in the burial record is indeed numerically more or less equal, at least down to around the year 900. If the barrows were raised in association with the determination of inheritance while it was also most often men who inherited, the great majority of those buried under barrows ought to be male. This was certainly not the case in the Oslofjord area in the Early Iron Age, and as the foregoing discussion shows it was very probably not the case either throughout the Late Iron Age. Round barrows with male graves are not regularly larger than round graves with female graves, and the location of the male graves in the landscape does not appear to have been different than that of the female graves (Løken 1974; Moen 2010). To sum it up, there was little difference in the visible marking of male graves and female graves. If burial mounds marked the right of ownership and óðal, this right must have been equally shared between the sexes, at least until the Late Iron Age and very probably into the Viking Period. The burial mounds in Østlandet therefore cannot be seen as a physical manifestation of the *óðal* right in the sense of the right to inherit land, preferentially by men, as Zachrisson and Skre have supposed.

The documentary sources thus foreground male rights to inheritance and *óðal* while the burial mounds, which may have been interpreted as physical manifestations of the *óðal* right in the Iron Age, were just as frequently raised in memory of women. This discrepancy opens the way for a re-assessment of the development of the concept of *óðal* in the Iron Age. In my view, there is no reason to deny that women had the same rights to land as men did; however, female rights of inheritance undermine the evidential value of the documentary evidence, where that is conspicuous in its absence. The textual sources imply that family relationships in the early Medieval Period and the Viking Period were counted on a bilateral basis: through both the mother's and the father's kin-group (Skre 1998:13–14; Hansen 1999; Opdahl 2004). In the Icelandic *Landnámabók*, which deals with the

Viking Period but was written down in the 13th century, it can be seen that the purpose of genealogy is to be able to count important characters amongst one's ancestors (Jesch 2014). To achieve this, opportunistic shifts of focus between female and male ancestors are employed in order to get back to someone of importance (for an example, see Jesch 2014:281). If the burial mounds were raised over individuals who were important because of their descent, that could explain the more or less equal division between the sexes. I suggest, then, that the burial mounds mark *óðal* in its broader sense: i.e. kinship and genealogy with a focus on an ancestor cult. There is no absolute connexion between how one reckons one's genealogy and how inheritance is passed on. In a bilateral kinship system male heirs might have preference in inheriting, shall we say, land, but need not do so (Hansen 1994; 1999). To regard the burial mounds as markers of bilateral genealogy thus is not incompatible with male heirs having a preferential right to land; nevertheless the interpretation of these barrows as a direct token of *óðal* is weakened.

A consequence of interpreting the burial mounds as markers of óðal-right in the sense of a male right of inheritance in respect of land is that farms with no burial mounds have been interpreted as farms worked by those who did not enjoy óðal. These farms may, then, have been parts of larger composite estates (Skre 1998; Iversen 2008). In Østlandet there are, however, cemeteries in which burials were made much more frequently than one per generation. Mari Østmo (2005) has studied cemeteries in Vestfold and, in addition to their size, attaches significance to the frequency of use and to the fact that several of these were located on communication routes, which she interprets as district burial grounds at which the dead from several farms were interred. Farms without graves may therefore be due to their deceased having been used to embody district communality through burial. To this point, I have not explored the existence of *óðal* and a right to property towards the end of the Viking Period. There are circumstances, however, which indicate that territorially defined rights were by no means the only system in force then, either. Anders Andrén (1987) has noted how terms such as *sýsla*, *sokn* and *herað* changed in sense from socially to territorially defined units during the Middle Ages. The term *sokn*, for instance, comes from 'to seek', and originally meant social attachment through churches' members and the church's patron. The term gradually transformed to denote geographically bounded territories (Andrén 1987:25). *Óðal* and the right of property are formulated in the Provincial Laws, as noted, but it is

possible that they actually reflect the legislators' desire to push through or legitimize new conditions. To incorporate older customary right, such as different social classes' rights and the obligation to have weapons, could have been one strategy for getting newer and more controversial regulations accepted (Fenger 1977:57; Solberg 1985). In the same way, the large number of runestones which refer to *óðal* and property may be regarded as an insistent argument of the case for new and conceivably controversial conditions. It has also been suggested that the runestones are concerned first and foremost with kinship, and to a much lesser degree with property rights (Jesch 2011). It is possible that the named farms and the settlement pattern we know of through the documentary evidence were basically products of the Middle Ages (Brendalsmo and Stylegar 2001:13–14). As noted, a number of historians have argued that the right of *óðal* was first introduced in the 12th century, and very probably later (Helle 2001:219–20 with refs.; Norseng 2010), while influence from Roman Law and the Catholic Church is easy to find in the early medieval laws: it is not certain that the laws have the roots in Iron-age society that are often taken to be fundamental (Fenger 1977:57; Eriksen 2012). The primary settlers did not take the right of *óðal* with them to Iceland, which could suggest that it was not established in Norway at the date of this migration in the late 9th century (Gjerdåker 2001:12). Per Norseng (2005:218–19) emphasizes that *óðal*-right had little significance for the conditions of ownership before the 15th century. That was when óðal-right became important for the farmers, who used it to block the nobility's buying up of land. If óðal-right and the right of an heir to buy land back emerged as early as the Iron Age, it is difficult to explain why the farmers held only about a third of the land around 1300, and why partial ownership was so widespread (Bjørkvik and Holmsen 1972). *Óðal* was also used in another sense besides the right to inherit farmland even in the Middle Ages. In a letter of 1404 the phrase 'inheritance and óðal' [trans.] is used of a bath-house in Bergen: in other words, an urban property which was not subject to *óðal* in the traditional sense (Iversen 2001:92; Norseng 2005:213).

I shall pull the threads together by proposing that *óðal* had three different senses which were introduced at different times and so were used in parallel. To begin with, *óðal* meant the 'the best land' or 'the infield'. This use of the term may be basis of *Rígspula*'s 'ancient *óðal* fields'. In that case, it signifies quite straightforwardly that Rígr possesses an infield of high quality that had been cultivated for

generations. It is difficult to make any suggestions about when this sense developed. Secondly, *óðal* was used in the sense of an ancestor cult, and this appears to have been the most widespread sense (Baudou 1989). It is tempting to suggest — although difficult to prove — that the óðal-rune was first used in this sense of the word. It is also possible to view the burial mounds as a physical manifestation of the ancestor cult; if so, the introduction of this sense can be dated to c. AD 200, the period when barrow burial came to be widespread over much of the area under study here (Solberg 2000:77). Thirdly, *óðal* was used in the sense of a male right to inherit land. This sense appears to have been introduced only in the Late Iron Age, probably towards the end of the Viking Period. It is possible that this sense of the word only became general in the Medieval Period, or that it was only then that the word started to be used for actual rather than aspirational social relations.

An understanding of *óðal* as an ancestor cult thus allows for a new interpretation of the function of the burial mounds. Heiko Steuer (1989:116) has interpreted the large number of rich 'row graves' as an element in the struggle for rights to land precisely because land was not heritable. He emphasizes that when heritable rights to land and positions were fixed by law, burial mounds ceased to be used. The burial mounds were thus deployed in the conflict over rights to landed property that was not heritable. They therefore symbolize the battle for rights to land, or maybe clashing preferences concerning how rights to land were to be organized.

Like Skre and Zachrisson, then, I interpret the burial mounds as betokening óðal, but unlike them I understand *óðal* broadly as a feature of an ancestor cult, for much of the Iron Age at least. The burial mounds may, in my judgment, be regarded as tokens of heritable social status and genealogy but not of the right to inherit land. They are therefore political rather than juridicial instruments. The dead must thus be regarded as active participants in the distribution of goods and duties in the same way as the living were, a state of affairs which can be termed 'necropolitics' (Jopela and Fredriksen 2015; Fredriksen 2016). It is this understanding of burial mounds I treat as a foundation from here on.

SOCIALLY ROOTED RIGHTS TO LAND

If *óðal* in its narrower sense emerged first in the Viking Period, it is possible that rights to land were quite differently organized in prehistory in comparison with the historically attested farming society in

which the owner had full rights of alienation over geographically bounded areas. In this section, I take a closer look at how the right to land may have been socially rooted (Gluckman 1965:78, 104; Sveaas Andersen's comments in Myhre 1990; Pottier 2005). In his Gallic War, VI:22, Gaius Julius Caesar wrote of the *Germani* that:

> They do not pay much attention to agriculture, and a large portion of their food consists in milk, cheese, and flesh; nor has any one a fixed quantity of land or his own individual limits; but the magistrates and the leading men each year apportion to the tribes and families, who have united together, as much land as, and in the place in which, they think proper, and the year after compel them to remove elsewhere.

(trans. McDevitte and Bohn)

Caesar thus denies a right of ownership over land, and indicates that social status was decisive for access to land. The value of Caesar's account as a historic source is disputed. The report can serve, nonetheless, as a model (Ch. 1.4.4) and I shall show that rights to land were socially rooted in many historically recorded societies, and then that there are traces in the historical record which may show that this was also the case in Østlandet.

Starting from a number of ethnographic examples, I shall demonstrate that agricultural societies can function with no territorially grounded rights or delimited properties. In Burkina Faso, individuals have 'traditionally' never had the right to own land but do have the right of usage as long as it is under cultivation. When a period of cultivation is over and the land is left fallow it returns to the *chef de terre*, who has the power to redistribute uncultivated land (Hagberg 1995:66). From Hawai'i we know of a combination of collective property right and private right of usage. There, men were assigned the right of usage over one or more parcels of land in return for work on the chieftain's land. The right of usage could be inherited but could also be either wholly or partially confiscated if the labour service was not carried out (Earle 1997:81–2). On Ponam, an island that is part of Papua New Guinea, the right of ownership and the right of usage are two different, although closely intertwined, entities (Carrier 1998:91–3). The land was owned by men and passed through inheritance from father to son or to other male relatives if there were no sons. Women could not own land. Land could not be sold, although in rare cases it was given away in compensation. However, land could be lent. Such

a loan was not for a specific period of time but continued until the donor resumed the land.

The right of usage over borrowed land was also heritable, and after a certain amount of time it was difficult to demand land on loan back. Lent land could also be lent on to others. The result was that very few men owned all of the land they were cultivating. Some farmed partly their own and partly borrowed land while the majority of households only cultivated land on loan. The repeated processes of lending also meant that the pattern of usage was constantly changing. The right of property thus was, in a formal sense, heritable, and the right of usage was heritable in practice, and yet along two separate lines. The complicated conditions of usage and ownership led to similarly complex social relationships and genealogies. In the 1980s, for instance, only one in three households was led by a man with patrilinear descent — i.e. through the father's line — from the owner three generations earlier. Even though both the original owner and the original recipient had died several generations past, the land was linked to both of those. The present user could only claim the right of usage through his descent from the original recipient of the loan. Both the property conditions and the social context were complicated yet further by the fact that although women could not own land, unmarried women did have the right to cultivate their father's land while married women had the right to cultivate their husband's land. It was furthermore not unusual that women married to men with little land borrowed land from their fathers. This land loan could then be inherited by the woman's children. This meant that one in three households was led by a woman even though formally land-ownership was restricted to men.

The case of Ponam is relevant to the situation around the Oslofjord for three reasons. It shows that exclusive male rights of inheritance and especial emphasis on genealogy do not necessarily lead to stable farm boundaries. It also shows that different kin-groups may be based in the same land. The state of affairs on Ponam shows additionally how great the difference between formal and actual property and inheritance rights can be. While land is formally owned by men and is passed on from father to son, women do in practice have the right to control land.

In *Germania*, 26:2, Tacitus wrote that "Lands in proportion to the number of tillers are occupied one after another by them all together, and then divided among them according to rank" (Rives 1999:87): essentially, much as Caesar wrote more than a century

earlier although Tacitus is clearer that the rights to land were socially rooted. Around AD 97, Tacitus criticised what he saw as decadence amongst the Romans by contrasting them with the non-degenerate natural folk: the *Germani*. In this way *Germania* can be seen as a literary reflection of Roman society and its ethnographic and historical value as a source is low (Fuglevik 2007; Lund 1993:231–2). Others stress that the work does contain valuable information despite this (Hedeager 2011:30). It is also uncertain that Tacitus' descriptions fit with Østlandet even if they were correct for the areas he was writing about. Those were located on the Continent, not as remote as Scandinavia and perhaps especially close to the Roman Empire, and must have been influenced by contacts with the Roman world.

All the same, Tacitus described a society in which temporary individual rights to land were continually redistributed according to rank; not an egalitarian collective with equal rights, nor a society in which kindreds or clans shared out the land amongst themselves (Widgren 1995:11). As Herschend has noted (2009:161–3), what Tacitus wanted to do was to describe a different society: the inverse of the civilized Roman society. As a result, he based his description of Germania on older sources. His information was out-of-date in consequence, and his accounts fit better with Germanic society before it came into contact with the Roman Empire than with the situation of his own time. Herschend's assessment was made from a southern Scandinavian viewpoint but it can appear reasonable to believe that influence from the Empire was considerably less in Østlandet. Geir Grønnesby (2019), meanwhile, has pointed out that Tacitus's and Caesar's descriptions do reflect a reality, and argued that the population of Trøndelag in the Early Iron Age did have a pastoral ideology with a high level of mobility and which attached great (ideological) importance to livestock farming and much less to cereal cultivation and the occupation of land. In the slightly later poem *Beowulf*, individual property rights were clearly an established concept, but new enough in practice that they were not institutionalized (Herschend 1997b:71). In its surviving form, *Beowulf* portrays events in Scandinavia, apparently in the 6th century, and was completed in England in the 8th century and probably committed to writing some time in the period AD 700–1000 (Hedeager 2011:29; Gräslund 2018). This poem was directed at a contemporary public and indicates that the right to property was established in the 8th century even if the epic itself is concerned with events of the 6th. *Germania*, the *Gallic War*, *Beowulf* and Anskar's report

from Birka thus testify in various ways that the right to own land did not exist in the Early Iron Age or early in the Late Iron Age.

There is a range of examples showing that rights can be both collective and individual, even in societies with a well-developed right of private property. Norwegian Common Law, for instance, allows anybody at all to pick berries or fungi in the outland irrespective of who owns the land they are growing on. The owner, conversely, has an exclusive right to exploit most of the other resources, such as pasture, hunting or timber. Collective rights will not necessarily be for all as in the case of the Common Law but may be restricted to some clearly defined group (Widgren 1995; Stenseth 2005; Oosthuizen 2013). From the historical period we know also of other modes of blending collective and individual rights. In 17th-century Västergötland the right to cultivate land was individual but there was a collective right to graze after harvest (Lindgren 1939; Widgren 1995). The so-named *Byggningabalken* [Settlement Code] of 18th-century Swedish law stipulated that the rights to the common possessions of the village had to be distributed according to the needs of each household. As a result, a household with a large family would receive more than a household with few members, while a rich person would get no more than a poor one. Access was therefore not regulated according to how much land the household had (Lönn 2015:362).

In Denmark in the High and Late Middle Ages, the rights within a single forest were shared between farmers and the estate owner (Fritzbøger 2004). The owner had the right to the 'overwood', which in practice meant the large beech and oak trees that could be sold as timber. The farmers had the right to cut wood and fencing material in the underwood. The complex situation in respect of rights is further emphasized by the fact that the farmers had to pay a fee to allow their swine to feed on oak or beech mast if it was lying on the ground and in the underwood. The basis was that the nuts were the fruit of the overwood. An example from Ireland exemplifies a two-part system. In the 9th century, the aristocracy in some cases enjoyed what was practically a personal right of land-ownership, with the opportunity to sell or buy it, while the common people owned land collectively (Gibson 2008). Iron-extraction in the late Viking and early Medieval Periods was one of the most important economic aspects of all, but it was anything but regulated in terms of geographically defined properties (Rundberget 2012:286, 321). Iron production is rather an example of how even crucial economic resources can be organized according to social or other

principles even if the most important goods, bog iron and wood, are in fact geographically located in the first place. Bog iron and wood in that sense are no different from pastures or arable land. Commons as they are known from, inter alia, Norway and Sweden in historical times, are examples of how many people may have had the right to exploit the same resources — such as the pasturage — in a given area (Solem 2003). The area itself is often naturally bounded, and the management of the resource is governed by the rights-holders collectively (Reinton 1981). Grønnesby (2019) has proposed that in the Early Iron Age it was not only pastureland and waste but also the arable land that that was organized according to the same principle as the commons.

Several people may therefore have enjoyed rights to the same limited resource. For a long time it was supposed that common rights to the same resource would lead to over-exploitation — 'the tragedy of the commons' (Hardin 1968; Feeny et al. 1990). In recent years, more and more scholars have, conversely, shown how collective rights can be well maintained by a group, especially in societies with close social ties and strong social control, or where the group has means of sanctioning individuals (Lindholm et al. 2013; Oosthuizen 2013; Stene and Wangen 2017). It is, in other words, more or less the same conditions which prevent someone from appropriating the right to shared land and stop someone taking another person's land.

There are some terms which seem to have changed their sense or meaning so that in the Middle Ages they quite unambiguously refer to territorially based rights although they had originally been defined in social terms. The term *dróttinn* is used in the Provincial Laws in the sense of 'landowner' or 'slave owner' but originally meant 'war-leader' or 'warlord' (Iversen 1997:48). This can be interpreted as indicative of the basis of status, power or income having shifted from an individual's capacities to an individual's rights or property. The term *gård* has also changed in meaning, as I noted in Chapter 1.3.3. Here, I shall summarily recall that Per Sveaas Andersen (referred to by Myhre 1990:136) emphasized the possibility that *bær/býr* was used for the farm (*gård*) in the Viking Period and earlier precisely because the sense of space was social rather than economic, and that the term *gård* gained the sense that it has nowadays only in the Viking Period or early in the Medieval Period as a result of the rigorous territorial divisions that took place only then. The Tune runestone is the earliest written documentation of property and inheritance in Østlandet and is dated to c. AD 400. It refers both

to the raising of a memorial to a deceased person and to a dispute over inheritance. Ottar Grønvik (1998) interpreted the inscription as 'I Wiw after Wodurid, he who guarded the bread, produced runes, presented the stone to Wodurid. Three daughters made the funeral feast splendid, as the most beloved of heirs.' In Terje Spurkland's interpretation (2001:46:53) the text is read as 'I, Vi, in memory of Vodurid, bread-lord, produced runes. I presented the stone to Vodurid. Three daughters prepared the funeral feast, the most beloved/most divine of the heirs.' In both cases the inscription can be read as documenting inheritance, and it also provides evidence that daughters had the right of inheritance at the end of the Early Iron Age. Spurkland presupposes that Vi, who raised the stone, was an heir equally with the daughters. That would mean he must have been the direct male grandson of Vodurid, because in the earliest known Provincial Laws the sons have a preferential right to inherit and Vi would have preceded the daughters had he been the son. Spurkland's interpretation rests on two premises: first, that only heirs would trouble to raise a runestone in memory of someone who had died; secondly, that the inheritance rules of the Provincial Laws can be taken back to the beginning of the Migration Period. If we liberate ourselves from the retrogressive method and its limitations, we can rather discern the outlines of a different system of inheritance in which it is the personal capacities of the heirs that determine who should inherit. The three daughters are indeed emphasized as being the most beloved or most divine of the heirs.

Long before, Tacitus had emphasized that personal capacities could be determinative in the distribution of inheritance (Rives 1999:90). In the Germanic tribe of the Tencteri, the horse goes to the most skilful warrior amongst the sons rather than to the eldest, as 'household property and the rights of succession' do. What that involved is uncertain. Tacitus used the Latin term *familia et penates* of the remainder of the inheritance. The expression refers very probably to the house or the household with its contents and occupants of slaves and family, or to property generally. It cannot be ruled out, however, that it is to be understood in terms of landed property (Rives 1999:255). J. B. Rives (1999:255), however, is sceptical about the historical content of this passage. There is much that suggests that women also had a right to inherit. According to Tacitus's general description of the *Germani*, it was children, and not explicitly those children called sons, who inherited (Rives 1999:85). It might be claimed that Tacitus said 'children' but actually meant sons. Rives (1999:208) suggests, however,

that unmarried daughters were heirs on an equal basis with sons amongst the Romans and that if the situation had been different amongst the *Germani* Tacitus would specifically have commented upon that. The description of the female right to inherit as it appears in the general account is incompatible with male inheritance rights amongst the Tencteri. Rives (1999:255) attaches greater weight to the account of female inheritance rights and takes the view that the possible historical value of the inheritance system amongst the Tencteri lies in the implication of some form of will, or the possibility of diverging from the normal sequence of inheritance. It is therefore far from inconceivable that male priority in the inheritance of land, as is found in the medieval laws, was the product of a general trend in western Europe from as late as the 11th century (Helle 2001:137). The right to inherit can also be viewed in light of the practice described in the saga narratives. The word *arfr* in the sense of 'inheritance' is used in *Ynglinga saga* in more or less the same way as in the Provincial Laws — meaning the transfer of a deceased person's property. It was first and foremost relatives who inherited but there are some exceptions. In one case the phrase 'to inherit' is used as the equivalent of receiving war-booty. "…but if we are victorious, then you shall inherit from those who now are fighting against us, because some of them will fall, and others will flee, and whether they do the one or the other, they have forfeited all their property" (Sturluson 1968:448).

There are thus many examples of how rights could be socially anchored in genealogy or personal qualities. In order to underpin the framework I have presented up to this point, I shall examine whether socially rooted rights are able to explain the organization of Nørre Snede, one of the labile or 'wandering' villages in the centre of Jutland. This site was founded in the Roman Iron Age and moved around within a topographically defined landscape until it reached its current location at the end of the Iron Age or early in the Medieval Period (Holst 2010). The village comprised a varying number of houses, separated by fences. The enclosed areas including buildings are probably the feature that also appears in the later Danish Provincial laws as the 'toft' (Hoff 1997). The word 'toft' refers to a fenced area containing the main buildings of a single farm. Toft could be translated as 'plot' (Norw. *tomt*) but 'farmstead' [Norw. *gårdstun*] may be a term that covers it better, even though the toft also includes areas for gardening or growing crops. The farmsteads and the structure of the settlement appear to have been strictly regulated throughout the life of the village. Holst (2010) suggests that the size of the tofts, or the fenced areas, reflects the rights of the holder. Around half of the farmsteads were at c. 750 or 1,500 sq m, which could represent full or halved rights to land (Holst 2010:fig. 11). Each household thus had the right to cultivate a defined area outside of the settlement, and that is reflected in the size of the toft. Holst has also shown how the movement of the village was not in single, simultaneous shifts but that individual farmsteads or tofts relocated when new households were founded. Transfers through inheritance and the formation of couples led to the splitting of farms and some portions being added to others because new households were created, while if there were no heirs the farm was deserted. This meant that the farms underwent almost continuous change throughout the Iron Age (Holst 2010:171, fig. 10).

On the basis of Holst's exhaustive analyses I shall show how the rights to land at Nørre Snede can be seen as socially rooted. Holst has demonstrated that new buildings — in some cases after a change through inheritance — were raised on unbuilt-on areas. The settlement nevertheless adhered to rigorous norms: it does not appear that anyone used the process of relocation to fence in a large area when they moved. Over the centuries, relocation also appears to follow a single direction, so that the distance from the originally cultivated field area gradually increased. If the right to cultivate a certain amount of land and to build a farmstead of a specific size was based in the status of the household rather than in a concrete, geographically delimited holding, it may explain how many households moved their buildings around. Or, as Caesar wrote: "but the magistrates and the leading men each year apportion to the tribes and families, who have united together, as much land as, and in the place which, they think proper." It was not, therefore, right to land — or ownership — that gave status, but rather status that gave a right to land. Herschend (2009:170) has pointed out that Caesar's report does not imply that all land was redistributed annually but that new claims from new households were received at annual assemblies. Such a perspective upon heritable rights can explain how ten generations of successive inheritance at Nørre Snede did not produce a concentration of property rights with one or a few farms growing much larger than the others (Hansen 2015:116).

HIERARCHICAL SOCIETIES WITHOUT LAND-OWNERSHIP?

I have now demonstrated that rights to land can be socially rooted, and not based solely upon geographically defined landed properties as those of the historically known agrarian society are. Recognition of this is fundamental to this study. Territorially embedded rights have been discussed thoroughly in extant scholarship (Skre 1998; Iversen 2008) but socially rooted rights have been afforded far less attention. Socially rooted rights to land require a different social order than geographically founded ones do. Before I can discuss the trends that I have observed in the archaeological evidence (Chs. 6 and 7) I must therefore lay out an understanding of such societies (Ch. 8.4.1–3) that I regard as 'stateless' rather than 'pre-state'.

Just as Timothy Earle (1997:2) is of the view that the personal advantages of leadership are sufficient for all types of society to have individuals who will seek dominance over others, I believe that the disadvantages of being subject to a leader are so great that in all types of society there will be people who seek to hinder or limit the leader's power. The capacity and will of these two groups to bring force behind their objectives determine what sort of society will be shaped. I am of the opinion, then, that it is crucial to illuminate the relationship between what I shall call the honourable warrior and the powerless chieftain in order to understand why concentrations of power did not lead to state-formation until early in the Medieval Period.

A rooted agricultural economy

Socially rooted rights to land require, as noted, a different social order than geographically founded ones do. My starting point in this section is to seek to understand how and why society may have been organized. The connectedness of settlement, economy and politics, and the specific historical situation, is a fundamental to this study (Ch. 1.4). Settlement must therefore be considered in connexion with agriculture, social organization, and the ideologies of the society. In order to understand settlement, then, it is necessary to provide a sketch of the society that both formed and was formed by it. I attach especial significance to the fact that Iron-age society was hierarchical and stateless, and that the economy was 'embedded', or to put it another way, rooted and constrained by external social institutions (Granovetter 1985; Hodges 1989; Myrdal 1989; Skre 2008). Iron-age society also possessed a substantivist rationality in Weber's sense (Kalberg 1980:1155). A substantivist rationality

evaluates actions on the basis of a collection of values. For either parts or the whole of Iron-age society, the core value was that of honour (Ólason 1989; Meulengracht Sørensen 1995; Hanisch 2002). It is implicit within this approach that the maximization of benefits in a traditional, materialist sense does not come about — it is not the one who dies with the most possessions who is the winner. It is rather the one who dies with the greatest honour or prestige who has won.

A rooted economy can only be understood as an integral part of the society it is constrained by. I shall consequently draw out certain facets of Iron-age society that I believe to be crucial, and show how these can be understood as aspects of the interplay with an agricultural economy with no territorially bounded properties. It will be particularly important to understand how a stateless, hierarchical society with major economic and social differentiation can both emerge and be maintained. The society of the Iron Age was not static: there were major and fundamental changes between the pre-Roman Iron Age and the end of the Viking Period (e.g. Hedeager 2011; Ystgaard 2014; Grønnesby 2019; Berg 2021). The reflexive relationship between the three-aisled building and society means that I am looking especially for social changes which may reflect the changes demonstrable in the settlement evidence. In Chapter 7, it was shown that the settlement pattern underwent changes around AD 200 and at the transition between the Early and Late Iron Ages. The settlement evidence suggests that these changes took place over time, which in turn suggests that they should be regarded as processes rather than responses to sudden events. This does not, though, exclude the possibility that access to Roman prestige goods (Lund Hansen 1987), the massive dust veil of AD 536 (Gräslund 2007; Gräslund and Price 2012), or the silver influx of the Viking Period (Hårdh 1996), did influence social, economic or ideological structures, and the settlement pattern along with that. Iron-age society around the Oslofjord was, as noted, hierarchically structured, with concentrations of wealth that far exceeded what one family could produce. It is overwhelmingly probable that surplus agricultural production provided a key part of the wealth. I shall therefore examine how an agricultural surplus can be collected and gathered without being based upon the ownership of large landed properties that are worked by others. The right to own land is, as noted, not necessary to the creation of social and economic inequalities, not even in an agrarian society. In concord with the view of the economy as

'embedded', I shall present a model of the economy in which personal ties and mentality played key roles.

A fundamental premise for this understanding of the economy is that large resources were mobilized already in the Early Iron Age. Raknehaugen in Romerike, for example, is an impressive monument — one of the largest in northern Europe — which needed a major investment of labour and high level of organization (Skre 1997b). Skre (1997b:27) concludes that 30–60 men worked for four months to fell and transport the timber that was used in the core of the barrow and that 450–600 men worked for half a year to build the barrow itself. Additionally, a large number of people may have been involved in preparing for the works, and I shall proceed on the basis that 600 individuals were working on the construction of the barrow for half a year. It seems likely that practically the entire local population was involved in the task, and Skre (1998:320) suggests that Romerike as a whole was involved in the construction. Starting from Skre's calculations of the amount of work and the manpower involved, I shall take a closer look at how wide the areas from which this workforce came could have been. In my calculations, I shall focus primarily on the costs of having 600 men working for half a year. In doing so, I am not considering the needs of the draught animals for pasture and feed, and the consequences the felling of the timber for the barrow, fuel and building the construction camp must have had on the landscape. The costs otherwise were first and foremost food. It is not easy to reckon how much the workforce may have consumed, but at a conservative estimate they may have consumed 72 tonnes of grain during the period of construction, or a third of the total production of Romerike in 1665. This underlines with absolute clarity the point made by Skre, that the building of Raknehaugen required social organization capable of mobilizing a massive investment, far greater than one could expect from the immediately local population alone. In Skre's model (1998:326), the barrow was raised by a major landed lord who ruled the aristocracy throughout Romerike. I shall show, however, that even societies without territorially embedded rights to land can organize such an effort.

Stateless societies

> […] individuals and groups do not give up autonomy except when compelling power is exerted to make them submit. (Earle 1997:70)

States are characterized by the monopolization of power and a centralized, formally hierarchical structure (Weber et al. 1946:77; Service 1971; 1975). Stateless societies in their purest form are characterized conversely by not having distinct organs of power: in essence, power is not separated from the society as a whole (Clastres 2010:164). It thus appears reasonable to regard the Iron-age society of Østlandet as stateless (Skre 1998). Taken to an extreme, societies with no monopolization in the exercise of power, centralization of power, or formal institutions, can also be called anarchies. Anarchy is a socio-political system with no durable, formal authorities or governing powers where decisions are taken with general acceptance (kok 2020:257). The absence of formal organs of power does not mean that the society lacks authority or authorities. Authority in a stateless society involves an order being observed because both the individual giving it and those who accept it automatically recognize the hierarchy and their places within it (Arendt 1961:92–3). Power, in other words, can be understood as 'embedded', just like the economy. Michael Mann (1986) stressed what is unique about various historical societies but concurrently observed common features of societies that grew into states, and identified four sources of power: economic, ideological, military and political resources. Mann regarded these four sources as an overlapping network which will be tightly integrated in non-state societies. In this section, I shall explore whether the dominant ideologies of the Iron Age may have hindered the formation of permanent hierarchies and states through the exploitation of economic, military and political resources. Politics thus means first and foremost the question of what ideologies were dominant. In this regard, I would maintain that the warrior ideal and the house as the central focus of society were the most important poles opposed to statehood in the Iron Age. I shall also show in this section how the ideologies found expression in interactions, which in turn were manifested in the settlement structure. Continuous interactions centred upon ideologies are definitive of the society of the Iron Age around the Oslofjord in many ways. According to the legend, the background to the migration to Iceland was that a number of men could not tolerate the restriction of their freedom that the kingship of Harald Fairhair brought with it. As a result, they migrated to Iceland, and established there what might be described as their ideal society, a society with no overriding power (Ólason 1989:281). In Iceland, then, a decentralized society with 'democratic' elements was established that blocked the growth of the state and the restriction of the freedom of at

least the leading individuals until far into the 12th century (Borake 2019:71, with refs.). Stateless societies are often represented in archaeological and older anthropological studies as pre-state, a term which more than implies that stateless societies are relatively unsophisticated and form an evolutionary stage on the path towards the state — which consequently is understood both as inevitable and as a higher stage on the evolutionary ladder of types of society (Clastres 1989:189–90). The path from stateless society to state is often illustrated by Scandinavian and Norwegian archaeologists by means of two theoretical models: the chieftainship model, inspired by evolutionary social anthropology, and the comitatus-based state inspired by historical research into Frankish state-formation (for a summary review of the research history, see Ystgaard 2014:43–8). In an extremely simplified form, the chieftainship model is based upon a chieftain garnering resources by demanding tolls, payments or tribute from a geographically defined territory to some central place (Service 1971; Myhre 1978; 1987; Skre 1998; Näsman 2006). This model has been critiqued for being (neo-)evolutionist, and in broad-brush terms it offers a tale of hierarchical chieftainships of the Early Iron Age developing into state societies in the Medieval Period (Grønnesby 2019:53).

In a society with political symmetry, the chieftain or leading man will be accepted as long as he does not attempt to impose power but rather shares out goods such as ale or food or arranges warfare with the opportunity of winning honour (Clastres 1989:27–47; Andersson and Herschend 1997; Halsall 2003:27). The chieftain uses some of the surplus to exchange for prestige goods from other chieftains, and redistributes some parts of the surplus in the form of gifts (Sahlins 1963; Mauss 1995). The redistribution of resources can also be seen as a way of preventing the leader from becoming over-powerful while it also makes it less attractive to be a leader (Borake 2019:64). The chieftain's power therefore is based upon the fact that he has lordship over a territory but not that he is master of certain farms or properties. In the comitatus-based state, the king's power is based upon personal relationships (Steuer 1982; 1987; 1989; 2006). The king binds a warrior band to himself through gift-giving and presenting landholdings. The rights to use or to receive the produce of a landed property were originally personal but gradually developed to become matters of heritable property.

The term 'chieftain' is only one of several that are used of leaders in pre-state societies, and prior to further discussion I shall briefly discuss what term is best suited to a leader within the Iron-age society of Østlandet. The term 'chieftain' [Norw. *høvding*] is widely used, although it is also problematic precisely because it is used with different senses (Svenningsen 2002; Grønnesby 2019:51–2). To begin with, 'chieftain' (or just 'chief' in English) is used as an analytical term in social-anthropological models, and in archaeological literature particularly of the leader in a chieftainship. In the second place, *høvding* is a historical term that appears in Norse sources of the Middle Ages. In the documentary sources this term is used of military, political and religious leaders in many, sometimes quite dissimilar, senses, and of people with markedly different status. In a critical review of the use of the chieftainship model, Grønnesby (2019:40–61) has pointed out that it is in fact the neo-evolutionist interpretative framework itself which has rendered it possible to fuse these two concepts into one in Scandinavian archaeological research. A person was either accepted as a chieftain by the subordinate population or appointed as chieftain by superior powers; the status was personal and dependent upon personal capabilities rather than heritable (Angelbeck and Grier 2012). It was, then, also possible to lose the status of chieftain. In the period 1160–1280 the term shifted from denoting a general leader to apply to the pinnacles of society (Svenningsen 2002). In the Iron Age, religious, political and military leaders at various levels probably had specific titles which varied both from period to period and place to place (Norr 1998; Brink 1999; Sawyer 2000:176–84; Sundqvist 2003; Sonne 2014). It appears as if only some of those have come down to us: there are, for instance, few if any terms for female leaders even though there are more women's graves than men's from some parts of the Iron Age (Løken 1974). If richly furnished graves or monumental funerary monuments reflect the power of the deceased, the women buried at Oseberg in the Viking period or at Ommundrød in the Migration Period must have been very powerful (Shetelig 1917; Dybsand 1956; Pedersen 2008a). The terms for a leader cannot, though, be looked for in the artefactual evidence, while in the textual sources men predominate as leaders. This is probably due to the fact that the latter very largely reflect the Christian society in which they were written down, not the societies they are supposed to be describing. The differences between the sexes were, meanwhile, greater in the Late Iron Age than they had previously been (Wiker 2001). Michael Enright (1996) has noted that leaders during much of Germanic prehistory were not single individuals but rather pairs within which a man and a woman had definite and different,

although equally important, roles. In this study I shall therefore primarily use the general and gender-neutral term 'leader', while the term 'chieftain' refers to the central character of the chieftainship model.

There was barely any sort of state-formation in Norway until late in the Viking Period or early in the Medieval Period (Sawyer and Sawyer 1993:51–8; Sigurðsson 1999:62–77; Bagge 2010), and the strategies to counter state-formation must have succeeded to some extent, although that has had little study in a northern European context. The forerunners of state-formation and the establishment of hierarchies in Iron-age society around the Oslofjord have, however, been well illuminated (e.g. Skre 1998). It has been shown that the lords presented themselves as god-descended in order to legitimize their role, and offered their subordinates protection in return for subject status and labour or military duties.

I would make it clear that for the subordinate, the lord was a cost; he appropriated the surplus of others rather than producing anything himself. The costs of having a lord have received little emphasis in recent research, where the focus falls mostly on the fact that the lord offers protection in return for reciprocal duties. What or whom the lord was offering protection against has not been discussed to any real extent. The subject probably needed protection first and foremost against violence and shortage of food. Ironically, the greatest threat of violence probably came from the lord himself, and the duties to the lord would, strictly considered, increase the likelihood of food shortages whether those duties took the form of labour, the supply of agricultural produce, or some other transfer of goods that could be exchanged for food. The relationship between the lord and the subject thus has more of the character of exploitation than of a voluntary relationship for mutual benefit (Gilman 1995). A relationship of that kind is precisely what a potential subordinate would want to avoid, as a result of which strategies to prevent or to reduce lordship were developed. People around the Oslofjord were in contact with the Roman Empire in the first centuries AD (Shetelig 1925; Lund Hansen 1987; Gustafsson 2016) and should then, at the latest, have gained a knowledge of the state as an idea or a form of government. The state may already have been known in the pre-Roman Iron Age through contacts with the Continent and the Greek states. Later in the Iron Age the state would also have been known through the Frankish realm and the kingdoms within Britain and Ireland (e.g. Slomann 1956; Bakka 1971; Burenhult 1999:162–86). Nevertheless, state-formation reached the areas around the Oslofjord only in

the Viking Period when the Danes claimed overlordship of Vestfold or Viken and the first attempts at unification emerged from local leaders (Rau 1955; Andersen 1977; Sawyer and Sawyer 1993:52–8; Sigurðsson 1999:62–77; Skre 2007b; Bagge 2010; Orning 2011:92–110).

State-formation in Norway is usually conceived of as a long and implicitly evolutionary process that began in the (Early) Iron Age and was completed in the (Early) Medieval Period (Orning 2011:107–10). From here on in this study I shall rather treat states as failed stateless societies, where society's defence against the state has not succeeded, with the result that it was possible to remove power from society and to concentrate it in separate organs of power (Clastres 1989). Ideology that resists the formation of hierarchies and state-formation should, in my view, be taken into account in the discussion of settlement and agriculture around the Oslofjord in the Iron Age.

Chieftains without power, honour-laden warriors and dirty farmworkers

The warrior ideology and the concepts of honour it was linked to may have contributed to sharing out power to various different individuals, and to have hindered the concentration of properties, and so to have obstructed the growth of powerful dynasties and ultimately state-formation (Keesing 1985). The social anthropologist Pierre Clastres (1989) has treated states as failed 'primitive' or stateless societies in which social resistance to the state has not worked. As a result, some have been able to remove power from the society and to concentrate it in separate organs of power. Clastres regards the warrior ideology and opposition to subordination as central components in stateless societies' active resistance to the state. Warmaking itself may be a means of creating similarity and reducing centralization, and so counter the consolidation of the embryonic state (Angelbeck and Grier 2012). Several origin myths record that Germanic tribes were originally led by twins or two brothers (Kristiansen 2004), possibly a ritual leader and a military leader or some other structure that separated the organization of warfare from, for example, the organization of agriculture (Andrén 2014:82). In a pre-state society, two such leaders would provide an effective binary division of power (Andrén 2014:184). Another way of maintaining a balance of power and so obstructing state-formation is the opportunistic changing of sides during conflicts (Skre 1998:290; Barth 2008). These opportunistic changes do not involve, as in more recent times such as in

the Second World War, individuals, groups or states linking themselves to the victors. On the contrary, people withdrew from the victor and turned to the loser precisely in order to counter the accumulation of power and to maintain a stateless society. Clastres (2010:165–6) regards the chieftain as society's external spokesman: he involves himself and re-negotiates alliances with friends and declares war on enemies on society's behalf. In contrast to the leader of a state, the chieftain does not take decisions: he presents them. Within the society it is the role of the chieftain to arbitrate in conflicts rather than to decide them. The chieftain is chieftain because he is in a position to articulate the consensus of the group and in return the chieftain gains prestige. The power of a chieftain can be defined as the power to organize those who voluntarily follow the chieftain but not as control over major organizations or areas, or power to compel people to do anything they oppose (Grier 2006). In a society which opposes subjection, the chieftain or big man, as noted, is accepted as long as he does not attempt to exercise power but rather shares out goods. Because this role comprises elements of leadership, namely the presentation of decisions and leadership in negotiations, but concurrently lacks the power to take decisions on behalf of the community, I classify this figure as a leader without power. Such a social organization is an effective means of preventing the concentration of power and incipient state-formation, or incorporation within existing states (Angelbeck and Grier 2012). An example can be drawn from the colonial period in what is now Myanmar (Scott 2009:212). The British abandoned the attempt to take control of small independent villages because the overlordship recognized in the leader of a wider area was not recognized by the leaders of the individual villages. Each separate village thus had to be 'conquered', and if one occupant did not like what the village leader had decided he would build himself a house somewhere else. In practice, then, every single person had to be 'conquered'. The colonial powers thus attributed the leaders with greater power than they actually had because they did not understand the political system. To put it another way: where they could not identify a chieftain, they created one (Peters 2004:306). Leaders without power or weak leaders were therefore so impractical or incomprehensible in the view of the colonial powers when they set about subordinating new territory that they had to create a chieftain. It is tempting to suggest that powerless or weak leaders in prehistory have equally been incomprehensible or impractical in the view of archaeologists and historians so that they too

have had to create chieftains and chieftainships in attempting to take control of prehistory.

Another route to prestige is to gain honour by risking death through dangerous individual feats in battle and being a specialized warrior (Rygh 2007; Clastres 2010:279–316; Ystgaard 2014). Power in society was thus primarily founded upon personal qualities — the chieftain's wisdom and articulacy and the warrior's spirit and skill in warfare. At the same time, both the chieftain and the warrior depended upon (prominent) persons regarding them as wise and articulate, or bold and skilful. I shall explore the roles of the chieftain and warrior in several further contexts, and examine whether that could contribute to an understanding of Iron-age Østlandet.

The spectrum involving an honourable warrior and the chieftain is well illustrated in the poem *Waltharius*, probably of the 9th or 10th century (Stone 2013). Walter, Hagen and King Gunther are resting after a battle, and in keeping with the Germanic drinking ritual Walter's female partner serves drink. Hildegund first serves *athleta bonus* (the honoured warrior) Hagen, then Walter, and finally King Gunther, who had proved coward in the battle (Enright 1996:13). Hildegund prioritizes the honourable warrior and treats the cowardly king with scorn, and the scene shows how little value formal power had when challenged by honour. In periods of warfare, an honoured warrior amongst the aristrocracy could be 'elected' as war-leader, referred to by Tacitus as *dux* (Hedeager et al. 2001) — in accordance with anarchistic principles of leadership. The powerless condition of leaders in Germanic society is well summarized by Tacitus, c. AD 100: "But the kings do not have unlimited power without restriction…" (Rives 1999:80). How does one describe or imagine a leader without power, a chieftain with no possibility of making decisions over the heads of a society? The story of Arminius, the Germanic war-leader who defeated the Roman army led by Varus in AD 9 and so put an end to the Romans' attempts to conquer more of Germania, illustrates how things can go with a leader whose ambitions are too high. The Germanic Arminius was in many ways a naturalized Roman, but in the end he chose the Germanic side. He had served in the Roman army, and so was very familiar with both Roman military tactics and state-formation. He made use of his knowledge of military strategy to defeat the Roman troops in the Teutoburger Forest but at the same time saw the advantage that a leader had from a Roman state structure and consequently attempted to appropriate such power in the Germanic world. When the *Germani* had no more use for his military

capacities his attempt to accumulate power was no longer tolerated, and he was deposed and killed (Andersson and Herschend 1997:12–13; Hedeager et al. 2001:100). Around the year 650, King Ingjald Ill-counsel of Uppsala likewise sought to undo the old model of leadership, but failed and died in the attempt (Norr 1998:72, 221).

The tales of Arminius and Ingjald Ill-counsel show very clearly how the idea of the state was known, and that the desire for personal power was present, but also how this idea was unacceptable to those who would be made subject. Leaders could also be replaced for other reasons. When the sons of Gunnhildr were in power in the first half of the 10th century, for instance, so much snow fell in the middle of the summer that the animals had to be fed under cover. The sons of Gunnhildr were blamed because they had had the sacrificial sites destroyed (Schreiner 1972:71). The perception of good years as the result of the king's rectitude may, however, reflect a Christian mindset rather than Norse paganism (Schumacher 2005:77), although the story of the sons of Gunnhildr does have parallels to the much older story of Arminius. It shows that leaders are only tolerated, and obeyed, as long as they appear to be good. Moreover the killings in these stories look more like collective, consensus decisions than the actions of a lone assassin. Although the Iron Age can hardly be conceived of as a period of regular democracy, the narratives emphasize that the leaders were acting on behalf of 'others', and that these others could depose the leader if the job were not being done properly.

In materialist terms, war is viewed as a (rational?) way of gaining booty and conquering land (Halsall 2003). The view of the social role of warfare, however, has changed over recent years (Price 2002; Ystgaard 2014). Warfare may be an end in itself, because it provides warriors with the opportunity to carry out bold and perilous individual acts and to challenge death, which then produce honour (Keeley 1996:60–1; Hedenstierna-Jonson 2006; Otto et al. 2006; Sigurðsson 2008:86–7; Clastres 2010:279–316). If there is plunder, it is regarded first and foremost as honour in material form and secondarily as wealth. In those directions, however, there appears to be agreement that men's social status at least in pre-state or non-state societies is often linked to their role as a warrior (Green 1998:67; Hedeager et al. 2001:146; Halsall 2003:1–19; Clastres 2010:237–314; Ystgaard 2014). The state of warfare was probably the normal state of affairs for the folk around the Oslofjord in the Iron Age, not only in the sense that at least a very high proportion of the men and at least some

of the women had weapons, and the will and ability to use them, but also in the sense that violence and armed conflicts were frequent occurrences and in some people's cases how they wanted things to be (Andrén 2014:90–102). This was the state of affairs in at least many other stateless societies of Iron-age Europe and in other comparable societies (Keeley 1996; Price 2002; Halsall 2003; Helbling 2006; Steuer 2006; Clastres 2010). Honour was not exchangeable for material goods or economic advantages but could be transferred into respect and attraction as a sexual partner or spouse. The respect for the warrior was laid down in narratives that live longer than any person can do, and most definitely longer than the warrior himself, who would ideally die in battle before he grew old (Clastres 2010). Honour cannot be won once and for all, but has to be renewed through ever braver, death-defying challenges. To seek honour was therefore to join a one-way motorway leading to death, all of the exits from which lead to dishonour. A warrior thus had only two options: to die an honourable death attempting some impossible feat of courage or to end up without honour.

An honoured warrior is thus in principle a dead warrior. This is reflected in the myth of Valhalla, where only warriors who died in battle came — warriors who remained honoured for ever (Birkeli 1943:120; Ström 1993:218). According to Norse mythology, the battle god Óðinn decided rather haphazardly who was fated to die in battle (Steinsland 2005:179). To be bold therefore is to rely upon Óðinn and to accept one's destiny: if the god has decided that the warrior will live, boldness will not lead to death. The fate of warriors who did not follow the path to its end is well illustrated in the saga of Egill Skalla-Grímsson, the once honoured warrior who is scorned by all because he can no longer follow up his honourable feats (Bagge 2001:266; Lie and Larsen 2003; Sigurðsson 2008:197; Skogstrand 2014:214). How important honour was, not merely for the warrior himself but also for those closest to him, is also evidence in how women egg conflicts on — even into conflicts that the warrior cannot win. Rather a dead son or husband than to be associated with a man without honour (Sigurðsson 2008:84). The courageous feats of the warrior may produce prisoners of war or slaves, cattle, gold or other apparently valuable items. What gives them their value is the way they have been obtained, not their material worth. The war-booty sacrifices can be understood as a fundamental aspect of this tradition, showing how objects only become valuable in correct usage, as through some form of conspicuous consumption (Veblen 1970; Weiner 1992; Hedeager

2011:170). The war-booty sacrifices, in which valuable assemblages in the form of weaponry, military equipment and personal accessories were thrown into water, is an example of how material gain was not the most important motive for war. There are no known war-booty sacrifices from Norway but hoards of gold from the Migration Period and silver from the Viking Period (Hedeager 2011:164–5; Amundsen 2021) may reflect the same mentality: objects do not necessarily have an intrinsic value.

An honourable warrior will not accept orders or subordination while a soldier obeys orders within a hierarchical military structure (Keeley 1996:43). I regard this as a crucial difference, even though Charlotte Hedenstierna-Jonson (2006:11) has noted that the distinction is too sharp in practice. The soldier appears to have become an important feature of society around the Oslofjord no earlier than the Late Iron Age. The notion of the soldier may indeed have been well known, probably as a result of having served as soldiers in the Roman army, and possibly through battles with that army. The weapon sacrifices in Denmark are taken as evidence that there was an army with three hierarchical ranks in Norway (Carnap-Bornheim and Ilkjær 1996; Ilkjær 2000) but it has since been demonstrated that this is constructed upon too ready an acceptance of textual sources and a particularly compliant interpretation of the Norwegian burial evidence (Fuglevik 2007). The egalitarian retinue, the *comitatus*, was gradually superseded on the Continent by hierarchical structures, probably in the time of the Merovingian Period, and something similar may have taken place in the Oslofjord area (Enright 1996:19 with refs.; Skre 1998; Steuer 2006). The early death encountered by an honourable warrior is an effective barrier to his accumulation of valuable material goods. The warrior thus cannot assemble a fortune and use it as the basis of power, and the rationale of warriorhood is thus an effective defence mechanism for a non-state society. In the course of the Late Iron Age, however, this mentality changes (Ystgaard 2014). Better military organization made it harder to undertake individual honourable feats — a warrior did not have to die before he had made some progress upon the path of honour, while concurrently the focus on the material value of booty increased. The warrior consequently largely disappeared, to be superseded by the soldier.

Although Iron-age society was a society at war and a society in which free adult men bore weapons, not all adult men were necessarily warriors fighting to gain honour. Pierre Clastres (2010:312–13) tells the story of a man with scars and long battle experience who would not define himself as a warrior and had consciously avoided being dedicated as a warrior. The man, who apparently was not afraid of battle, thought it was too dangerous to be a warrior. The proportion of the population in stateless agrarian societies who die as a direct consequence of warfare could be extremely high (Keeley 1996:31, 86–97, tabs. 32.32, 32.33 and 36.32; Ilkjær 2000; Holst 2014b). The warrior's one-way route to death would itself mean that not everyone would want to define themselves as warriors. These individuals would do what the warrior scorned, including farmwork. Agricultural products such as meat, hides, wool, milk and grain were necessary both for subsistence and to gain friends and allies. But it still was not honourable to produce them. Farmwork such as animal herding, storage and ditch-digging was normally associated with thralls and with dirt, and the scorn of the warrior and the aristocracy for thralls and their tasks is well documented, for instance in the sagas, the Eddic poems and especially in *Rígsþula* (Holm-Olsen 1985; Iversen 1997:122; Bagge 2001:191, 268). The wealth that was generated by work could be used to gain friends, but because farming was not the source of honour, farmers' power was limited. The warrior mentality thus became a practical means of keeping society stateless. According to Lotte Hedeager (2001:101), the roles of rex and dux fused into one leader role in the earliest centuries AD as a result of long periods of continuous warfare with the Rome. The Roman policy of expansion does not appear to have been equally evident in Østlandet, and cannot have been a determinative factor in such a merger of the roles. In the 4th century, Visigothic groups are reported to have been led by a chieftain and a temporary leader but, as it should have been, the chieftains won the battle for power (Andrén 2014:184). There may also be a case for precisely such a division of power in the archaeological evidence. Ingunn Røstad (2021) has shown how identity was marked locally or regionally through dress-accessories. She has also demonstrated that areas with a common identity do not coincide with politico-economic centres of power: the chieftainships of the Migration Period or the petty kingdoms of the Merovingian Period. In my view this may reflect power being divided between two different although partly overlapping institutions (Norr 1998; Löfving 2001:37; Fuglestad 2006; Herschend 2009:185; Holst 2014a). This society may possibly, therefore, better be understood as a heterarchy or possibly an anarchy than as a hierarchy. Heterarchy does not exclude hierarchy but attaches greater weight to privileges and to the right to take

decisions being shared amongst the members, and the fact that power-relations can be reversed (Crumley 1995). Anarchy, for its part, is based upon a set of dominant principles, emphasizing the automony of both individuals and groups, voluntary associations and organization in networks, and not least maintaining decentralization and active resistance to centralization at its core (Angelbeck and Grier 2012). While hierarchies are traditionally illustrated as pyramids comprising more or less permanent leadership at the apex, a rather more populous middle rank and a large base with the workers at the bottom, anarchic societies can be figured as an 'inverted pear'. An upper, 'respectable' or noble class with history and genealogy and access to education and knowledge constitutes the greater part of the society while 'commoners' and possibly unfree labour form a minor group. People with wealth and appropriate personal accomplishments from the respectable class function in various situations as leaders on a temporary basis (Angelbeck and Grier 2012, referring to Suttle 1987).

A PROVISIONAL MODEL OF A SOCIETY WITH NO PROPERTY BOUNDARIES

To this point, I have shown that rights to land do not have to be rooted in territorially bounded areas, i.e. in properties. The basis for that has been examples taken from social anthropological studies of places outside of Scandinavia, and historical sources either from or about Scandinavia and other Germanic societies. I have proposed that the right to use land or to receive its produce could have been socially rooted and linked to heritable or personal status. I have also argued that the economy was embedded, or rooted, in the wider society. On that basis, I shall now present a provisional and ahistorical model of how an agrarian society with no territorially founded rights can function and be maintained. This model will serve as an alternative to the current model of defined and stable properties. The reservations and refinements that are crucial to an understanding of an Iron-age society will be under-communicated for the present. The model will also serve as a starting point for a more nuanced discussion of the principal question for this monograph, the historical emergence of property boundaries in Østlandet. In Chapter 9 I shall consider this model in light of the three identified types of farmstead and sketch out the historical growth of property rights in Østlandet.

In my model, the land initially belongs to the community, and is not 'owned' in a modern sense. I also suggest that all households or people had a basic right to cultivate land and to establish their own household. A group of leading individuals or representatives of the existing households collectively determined how much and what land a household can or must cultivate while the leader presents the offer. The basis of the decision was first and foremost the status of the household, which could be both heritable and personal, while it is also possible that skilled farmers would receive more or better land than others. Heritable rights could be marked in the form of burial mounds and an ancestor cult, while personal status may be gained through honourable actions in war or the gift of eloquence. Some of the agricultural surplus would have been collected in, and consequently households or individuals could also build up their own status through redistribution or by getting hold of prestige objects. The surplus may have been collected up by a warlord as payment for protection either from the lord himself or from external foes, or by a leader who was to some extent chosen on the basis of his personal capacities and ancestry. The basis of wealth in either case was personal qualities and not inheritance, even though genealogy might be one of the conditions. Personal qualities appear to have been important in any event, especially in the Early Iron Age, while genealogy became especially important in the Viking Period (Sundqvist 2002; Herschend 2009:175). Power in society was thereby shared between the honoured warrior, the powerless leader and perhaps also the productive farmer in a society that is better represented as a heterarchy or anarchy than as a hierarchy (Bratt 2008:166). This informal distribution of power and resistance to subjection ensured that no party could change the rules, seize power, and create a heritable basis of power for itself in the form of property. I would point out that the short-lived buildings with internal roof-bearing posts were well adapted to such a society. The buildings had about the same life-span as people, and each generation was more or less obliged to build a new one. In this way a mode of discontinuity was maintained, even in a society for which continuity and history were significant.

To this point, I have not taken up a position on how extensive the areas comprised in a community were. The investment of labour committed to the construction of Raknehaugen indicates that that area was quite large, that several areas worked cooperatively, or that one individual or household was dominant and was able to call in resources from several areas. In a society with constant armed conflicts it is likely that the land-community also cooperated for defence. The size of the warrior bands may therefore reflect the size

of the area that cooperated over land (cf. Ystgaard 2014). It is clear, if so, that such areas varied throughout the Iron Age. It is possible that the size of the area can be grasped through the imprecise concept of a 'district' [Norw. *bygd*]. A district comprises a number of households in a social and economic community within a specific area, normally topographically bounded (Brink 2008b). How many households or people belong to such a district is dependent both upon economic and social organization, and on the residents' perception of distance (Nyqvist 2001:83). The size of what can be called topographically bounded agricultural areas in Østlandet varies. Raet in Vestfold, for instance, is a largely coherent area with no clear topographical boundaries between it and adjacent areas; certainly not with Stokke to the east or Lågen to the west, 20 km as the crow flies, and arguably not within the whole area between Borre in the east and Mølen in the west, a distance of 50 km (Hougen 1937). This large area with no topographical boundaries must have comprised a number of districts. In such a landscape, areas left fallow, areas rewilded, newly cleared areas and the relocation of farmsteads would have meant that pasturelands and woodland areas that could have served as boundaries would be constantly shifting. As generations passed, new districts could thus have formed. Cooking pits in waste areas may have been meeting and resting places for

herdsmen, and such sites are linked to constant negotiations over the exploitation of the pasture (Petersson 2006; Gjerpe 2008c; Munkenberg 2015). I wish to suggest that negotiations or distributions of arable land may have taken place at specialized cooking-pit sites (Gjerpe 2001). The varying size of specialized cooking-pit sites indicates that the districts consisted of different numbers of households, and households could have shifted affiliation over time. The districts can hardly have wanted to differentiate themselves from their neighbouring districts and so risk isolation, while each individual district would concurrently have needed to construct a community (Nyqvist 2001:84). It is most likely, as a result, that it is through minor details of building or burial practice that the districts can be distinguished. Mari Østmo (2005) has picked out around forty cemeteries in Vestfold which she believes may have functioned as the burial grounds of a district. These cemeteries had different periods of use, and not all were being used at the same time. Many burial monuments in Vestfold have also been lost without record, so the quantity of contemporary district burial grounds may well have been higher than forty. How large a community shared out the land within itself is something that probably varied both spatially and chronologically. In the next chapter, I shall return to the core question.