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# 4.

## *Women at the Thing*

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Alexandra Sanmark

This chapter explores the role of women in the assembly (*þing* ‘thing’) meetings in the Viking and early medieval period in Norway and Iceland, and examines how the regulations surrounding this changed over time. A general trend among scholars has been, and still is, to describe the assembly as an exclusively male arena. *Thing* participants are most commonly described using variations of ‘chieftains’, ‘all men’, ‘the freemen’ or ‘the thingmen’ (Hall 2007, 152; Byock 2001, 170, 174; Roesdahl 1998, 268; Zachrisson 2013, 171–172; Owen 2012a, 118–119; Jónsson 2012, 43; Misje 2012, 31; Owen 2012b, 9; Smith 2012, 69; Gibbon 2012, 82; Foote and Wilson 1980, 47; Gunnar Karlsson 2000, 20). Examination of the primary sources, however, makes it clear that such statements are too simplistic and one-dimensional, as at least some women had full access to the assembly meetings, and many others may have participated on the margins. The issue of female assembly attendance has been touched upon, most notably by Else Mundal (Mundal 1994, 2001), Kjell Venås (1989) and Anne Irene Riisøy (Riisøy, forthcoming), but this study constitutes the first overarching study of the role of women at the *thing*. Three phases of assembly participation will be addressed: 1) the situation as set out in the earliest extant laws, 2) the situation as set out in the next phase of Norse law, and 3) a brief examination of the situation in the Viking Age.

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Figure 1 «The Icelandic Thing», painted by William Gershom Collingwood (1854–1932), British author, artist and antiquarian. The painting depicts the Althing in Iceland, and is one of a series produced by the artist during his visit to Iceland in 1897. Photo © Trustees of the British Museum.

## Written Sources regarding the *Thing* Organisation

The most important primary sources for this study are the regulations surrounding assembly participation in the earliest laws from Norway and Iceland. These different sets of laws have been selected as they represent two separate phases of legislation. Despite the proximity in dates between extant manuscripts of these different collections, it is possible to establish a rough 'stratigraphy', as some laws, on the whole, contain older regulations than others.<sup>1</sup> The Law of the Gulathing, followed by the Law of the Frostathing, both from Norway, represents the oldest phase. The date of origin of these laws is not known, as the earliest manuscripts date from the 12th and 13th centuries (Helle 2001, 11–13; Hagland and Sandnes 1994, ix–xi, xxxiii–xlii). Yet these laws undoubtedly contain regulations that are older than the surviving manuscripts. In the Law of the Gulathing it is claimed that some regulations were created in the 11th century by one of the kings named Olav and King Magnus Erlendsson. Although it cannot be verified which Olav the law refers to, most scholars agree that it is King Olav Haraldsson (Olav the Holy, 1016–30) (Helle 2001, 17–20). What is clear, however, is that laws must have been in place in 11th-century Scandinavia, as laws and a *thing* organisation were already in existence during the Viking Age. Traces of Viking Age law can be traced in extant medieval laws (Riisøy 2003, 168; Brink 2002, 99; Brink 2003, 76; Stein-Wilkeshuis 1998). The next phase of legal development is represented by the Icelandic law *Grágás* (Mundal 2001), of which the earliest surviving manuscripts date from the 1260s or 1280s (Dennis, Foote, and Perkins (eds.) 1980, 13–16). This law too clearly contains regulations that are older than extant manuscripts (Foote 1987).

In order to scrutinize the earliest regulations regarding the role of women at the assembly, the laws of the Gulathing and the Frostathing will be examined in detail. This approach is crucial as *Grágás* is more clearly inspired by Christian values and norms (Mundal 2001; Riisøy, forthcoming; Sanmark 2006). According to Jesse Byock, the Church in Iceland was given 'the final say in most legal matters involving women', particularly after the 11th century (Byock 2001, 319). Among the observable changes are stricter regulations on women's position in public life, including assembly

attendance. This is important to point out, as most previous discussions of women at the assembly have focused on the Icelandic laws and have therefore provided a rather skewed image of the situation in earlier laws (Clover 1993; Bagerius 2009; Mundal 2001; Byock 2001, 316–317).

### General Assembly Regulations

According to the laws of the Gulathing and the Frostathing, it was the thingmen (sing. *þingmaðr*, pl. *þingmenn*) who were required (or encouraged, depending on the type of meeting) to attend local and regional assemblies. A thingman was defined as a landowning freeman (*bóndi*) over the age of fifteen with at least one person working for him (G 131; Helle 2001, 68). The lawthings at the top of the Norwegian assembly hierarchy were representative assemblies, which a selection of the thingmen from the respective law province should attend (G 131; Helle 2001, 66–68; Hagland and Sandnes 1994, xv; Bøe 1965, 178).<sup>2</sup> At the lawthing, it was the representatives (sing. *lögrettumaðr*) who had the right to vote on the issues brought to the meeting, while at the local and regional meetings verdicts were settled by the thingmen from the respective districts (Sanmark 2006; Helle 2001, 72).

Similar regulations applied in Iceland, where the thingmen should be freemen, older than twelve years, with a settled home (Dennis, Foote, and Perkins 1980, 53, ch. 20; Finsen 1852). In addition *Grágás* specified that only farmers with sufficient possessions to put them in the category of those liable to pay *thing* dues, *þingfararkaup*, could become thingmen. There was also a language requirement, as ‘foreigners’ must have been resident in Iceland for at least three years or be able to speak the Norse language (Dennis, Foote, and Perkins (eds.) 1980, 53, 58, ch. 20, 23; Jóhannesson 1974, 67; Byock 2001, 182; Foote and Wilson 1980, 86). At local level, the spring assemblies (sing. *várþing*) should be attended by the local chieftains (*goðar*) and eligible farmers. The local administrative districts were called *breppr* and consisted of at least twenty farmers with ‘*þingfararkaup* status’ (Foote and Wilson 1980, 59). For the next level, the quarter assembly (*fiórðungsþing*, which seems to have been little used), the regional chieftains should name a representative, chosen among the wealthy farmers. The top-level assembly, the Althing (*Alþingi*), should be



Figure 2 Poster depicting a *thing* meeting in progress at Gamla Uppsala, painted by Olle Hjortzberg and printed in 1932 for use in Swedish schools.

attended by the chieftains from across Iceland, together with all the farmers who had paid the *thing* dues (Foote and Wilson 1980, 57–58, 86; Dennis, Foote, and Perkins (eds.) 1980, 53, 58, ch. 20, 23). At the spring assemblies the chieftains nominated judges to hear the cases (Foote and Wilson 1980, 57). At the Althing there was a legislative court (*logrétta*) that dealt with law alterations and public matters, and a judicial court (*dómr*) that considered cases brought by individuals. In the legislative court, the chieftains had the right to vote, but could take two advisers with them, while the judicial court consisted of 39 judges, nominated by the chieftains. Originally, the number was 36, but around the year 965, it was increased to 39. After 965, four judicial courts were in place, reflecting the division of the country into quarters, and in c.1005 the so-called Fifth court was added, forming the highest instance in the assembly organisation (Foote and Wilson 1980, 57–58).

With this overview as a backdrop, the key issue under investigation in this chapter is *active participation* in the *thing* meetings, which is defined as voting, reaching verdicts, making claims, or being a witness. These activities were not exclusive to representatives and thingmen, as other people who represented themselves or who were witnesses would have been present at the actual *thing* as well. Another important point to make is that all members of society, the free and the unfree, women and men, were allowed to attend the different assembly meetings, but their role was limited to watching

the proceedings. In Iceland, this applied also to those who did not pay *thing* dues (Foote and Wilson 1980, 86). These other activities have been defined as *assembly attendance*.

### The Role of Men at the *Thing* in the Laws of Norway and Iceland

Before examining the role of women in the *thing* meetings, the regulations for male assembly participation must be briefly investigated. As demonstrated above, the Norwegian and Icelandic regulations are very similar, suggesting, perhaps unsurprisingly, that this part of the assembly regulations was more or less unaffected by Christianity. The most important point is, however, that not all men qualified for assembly participation (cf. Clover 1993). Both the Norwegian and the Icelandic laws stipulated that there were three groups of men who were *not entitled* to participate in the *thing* meetings. These were ‘lone workers’ (people with no one working for them), ‘slaves’, and the ‘dishonoured’ (such as outlaws) (G 131, F I). According to the Gulathing law, lone-workers were required to attend the king’s *things*, muster *things* and *things* that dealt with murders (G 131), while in Iceland this group of people could take part on the sole condition that they paid the *thing* dues (Foote and Wilson 1980, 86). A fourth and a fifth group existed in Iceland, where ‘foreigners’ who had been in the country less than three years and those who had not paid the *thing* dues were also excluded from active participation in the *thing* (Dennis, Foote, and Perkins (eds.) 1980, 53, ch. 20). A sixth group of Icelandic and Norwegian men who were *not required* to attend were those ‘not able bodied’ – i.e. the old, sick, and disabled (G 131; Dennis, Foote, and Perkins (eds.) 1980, 151, ch. 89).

There were freemen in all these groups, apart from among the slaves. The proportion of the population that these men constituted is not known, but it does mean that generalised declarations that the assemblies were meetings for ‘the men’ are even less representative of the situation, at least as described in the laws. The impact of societal status is a significant aspect of assembly access that needs to be given further consideration, moving us away from the simplistic male-female polarisation (cf. Clover 1993; Bagerius 2009, 52–55; Foote and Wilson 1980, 86). Using evidence in the Icelandic sagas, Sverre Bagge has shown that status played a very important

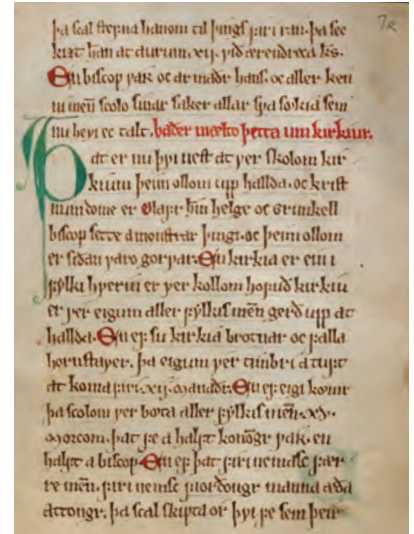


Figure 3 Page from the Older Law of the Gulathing, *Codex Rantzovianus* (E Don Var 137 4to, bl. 7r) from around 1250. (Haugen 2013, 223).



Figure 4 Cases at the Althing in Iceland could end in violent conflict. Illustration of the battle that ensued following the sentencing in connection with the burning of Njål and Bergthora in *Njáls saga*, by Andreas Bloch in: Nordahl Rolfsen (ed.) 1898. *Vore Fædres Liv*. Oslo: J.M. Stenersen, 371.

role at the *thing*, since people of high status often got preferential treatment (Bagge 2001). Indeed, the Icelandic concept of *thing* dues most likely meant that there must have been constant fluctuations in terms of who qualified for full rights at the *thing* (Foote and Wilson 1980, 87).

### The Role of Women at the *Thing* According to the Earliest Norwegian Laws

The discussion will now turn to the regulations regarding female *thing* participation. In the earliest phase, there seem to have been five groups of women who were allowed to participate actively in the *thing* meetings. The first group is widows, whose assembly rights were linked to their status as landowners. In most cases, widows were not, however, required to attend/participate in the *thing* meetings, but could choose to be represented by a male relation (G 131; F VII:8, Mundal 2001, 242). In cases of murdered husbands, however, the law clearly spelt out the duty of widows:

The wife [of the slain man] shall send forth the arrows (i.e. call the *thing* meeting), or, if there is no wife, his heir shall send them forth in the presence of witnesses on the same day that the man was slain. And [the wife] may summon the thing to the place where the slaying was committed, if she [so] desires (G 151, Larson 1935).

As Else Mundal has pointed out, this regulation stressed that the woman was the person with the ‘second highest rank in the family’, also in public life (Mundal 2001, 243). Some widows ended up with substantial landholdings, and could thus achieve very powerful positions indeed (Sawyer 2000, 58; Sigurðsson 1999, 121). The Norse inheritance rules are not altogether clear, but there were at least some cases when women were entitled to inheritance. One such scenario was the ‘reverse inheritance’, when the woman’s husband and children all died before her, as is seen e.g. on the Hillersjö runestone (U 29; cf. Sawyer’s article in this publication; Sawyer 2000, 47–59 and 71–77).

The second group of women with assembly rights are the so-called ‘ring women’ (sing. *baugrýgr*), i.e. unmarried women without



close male relatives, who could therefore inherit ‘both odal (land holdings) and movables (goods)’ (G 275; Larson 1935, my insertions; Mundal 2001, 249–250). Some of the ring women, i.e. ‘daughters and sisters’, had more rights. They could, according to the laws, act ‘just like men’ and could inherit property, and also receive fines on behalf of murdered relatives (G 275, F VI:4, Larson 1935; Mundal 2001, 249–250; Clover 1993, 369–370). Land transferal and the receiving and payment of fines involved assembly participation, and it is also possible that in their position as landowners, the ring women may have been able to participate in assemblies in more general terms.

The third group were women who were in disputes with other women. In these cases, only the women themselves could claim the compensation (G 190; Helle 2001, 144). The fourth group can be defined as ‘women who maintain a household’. The Law of the Frostathing stressed that at the *things* where the muster roll was prepared, this group of women had the same duty as men to attend and had to provide ‘good excuses’ for sending a man in their place (Mundal 2001, 242; Larson 1935; F VII 8). This classification may have included not only widows, but also women whose husbands were unwell or away from home. Regulations to this effect appear in *Grágás*, stating that married women could participate in *thing* proceedings when their husbands were unable to go to the assembly for reasons of illness or absence from the area. On these occasions, women were allowed to take their husband’s place at the assembly to carry out business deals and arrange a daughter’s engagement (Bagerius 2009, 54; Jochens 1995, 113; Meulengracht Sørensen 1993, 232). In view of the regulation discussed above, it can be postulated that laws to this effect were in place in Norway too.

The fifth group concerns female witnesses at the *thing*. It is commonly held that women were only allowed to act as witnesses in very special circumstances, e.g. in cases of the murder of a close relative, for example their husband, brother, son, or father (Helle 2001, 145; Clover 1993, 367). Contrary to this, through detailed study of Norwegian and Icelandic law, Else Mundal has argued that both free men and free women were allowed to act as witnesses (Mundal 1994). The basis for Mundal’s assertion is found in the regulation regarding witnesses in murder cases in the Law of the Frostathing. This chapter specified that male and female slaves as well as children as young as eight were allowed to be witnesses (Mundal 1994, 595;

Figure 5 The «Thing mound» (*Tinghaugen*) at the suggested site of the Frostathing in Nord-Trøndelag, Norway. Photo: Stig Morten Skjæran, Creative Commons.



F IV:5). Mundal concluded that since the law clearly spelt out that these groups of people could be witnesses even in such important cases as murder, it is evident that free women could be witnesses on most, if not all, occasions. A principle that seems to have lasted throughout the Middle Ages in Norway was that women should act as witnesses for women, and men for men, although at least in some cases, it seems that men could represent female witnesses at the *thing*. The overall conclusion is that, in principle, there seems to have been equality between free women and free men, but in practice it is most likely that more men acted as witnesses than women (Mundal 1994; 2001, 242).

### The Role of Women at the *Thing* According to *Grágás*

Women in Iceland had fewer opportunities to participate in the assembly than their Norwegian counterparts. Here widows were not allowed to act as principles in murder cases (Dennis, Foote, and Perkins (eds.) 1980, 156, 158, ch. 94; Riisøy, forthcoming), formulated in *Grágás* as ‘in no circumstance does a killing case fall to a woman’ (Jochens 1993, 48). Not even female chieftains seem to have been allowed to participate in the *thing*. A woman older than sixteen years could be a chieftain (*goði*), which in theory should give her full assembly rights, but the law implies that these women had a legal guardian. The same restriction seems to have been in place for divorced women (Dennis, Foote, and Perkins (eds.) 1980, 135, ch.

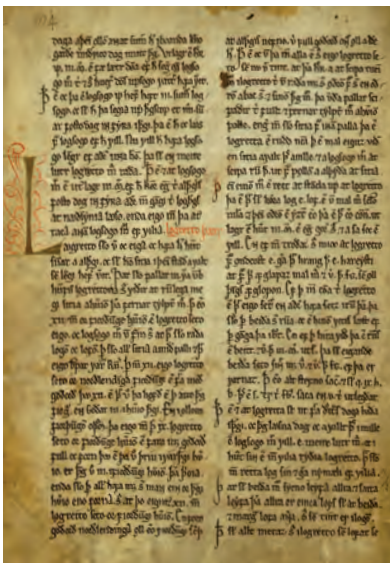


Figure 6 Page from *Grágás* (GKS 1157 fol, s. 84, sp. B), from ca. 1250. (Haugen 2013, 224).

81; Jóhannesson 1974, 59, 62; Gunnar Karlsson 2000, 26–27; Miller 1990, 27–28). Women in Iceland may not have been allowed to be witnesses at the *thing*, but this could be purely due to the phrasing of the laws (Mundal 1994, 600–601; Clover 1993, 367).

As shown above, there were indeed some instances where Icelandic women were allowed to take part in assemblies. The first group, which included women whose husbands were away, has already been discussed (Meulengracht Sørensen 1993, 232; Bagerius 2009, 54). The second, most well-known group consisted of the ring women, who had the same rights as in Norway (Dennis, Foote, and Perkins (eds.) 1980, 181, ch. 113; Clover 1993, 369–370). The third group comprised widows or unmarried girls older than twenty years who were ‘to have charge’ of their own lawsuits in cases of assault or minor wounds (Dennis, Foote, and Perkins (eds.) 1980, 158, ch. 94).

In summary, it is clear that in the laws of both Norway and Iceland, women had legal rights to participate in the assemblies, though in varying degrees (Mundal 1994, 2001; Riisøy, forthcoming). For women, access to the assembly was to a great extent dependent on marital status and their access was therefore likely to change during their lifetime (although this would have been the case for some men too). However, since the laws did allow for women to participate in *thing* meetings at all levels, where they must have been able to vote along with the eligible men, terms such as ‘thingman’ and ‘representative’ could in practice refer to women as well as men. This interpretation is fully in line with earlier research demonstrating that terms such as *maðr* and *friáls maðr* were used in laws in the sense of ‘human’, rather than ‘(free) man’, and also in keeping with Old Norse dictionaries where the first meaning of *maðr* is ‘human being’ (Ekholst 2009, 54–58; Helle 2001, 145; Jochens 1993, 49; Jochens 1995, 113–114; Mundal 1994, 600–601; Heggstad, Hødnebo, and Simensen (eds.) 1975, 283; Zoëga 1910, 284). Indeed, it has been argued that the terms *karlmaðr* and *kona* or *kvennmaðr* were used when there was a need for the laws to be gender specific (Venås 1989).

The question is what proportion of women had the legal right to participate actively in the assemblies? Since this seems to have been tied to landownership, estimates of the relative ratios of male and female landowners can at least provide some indication. One

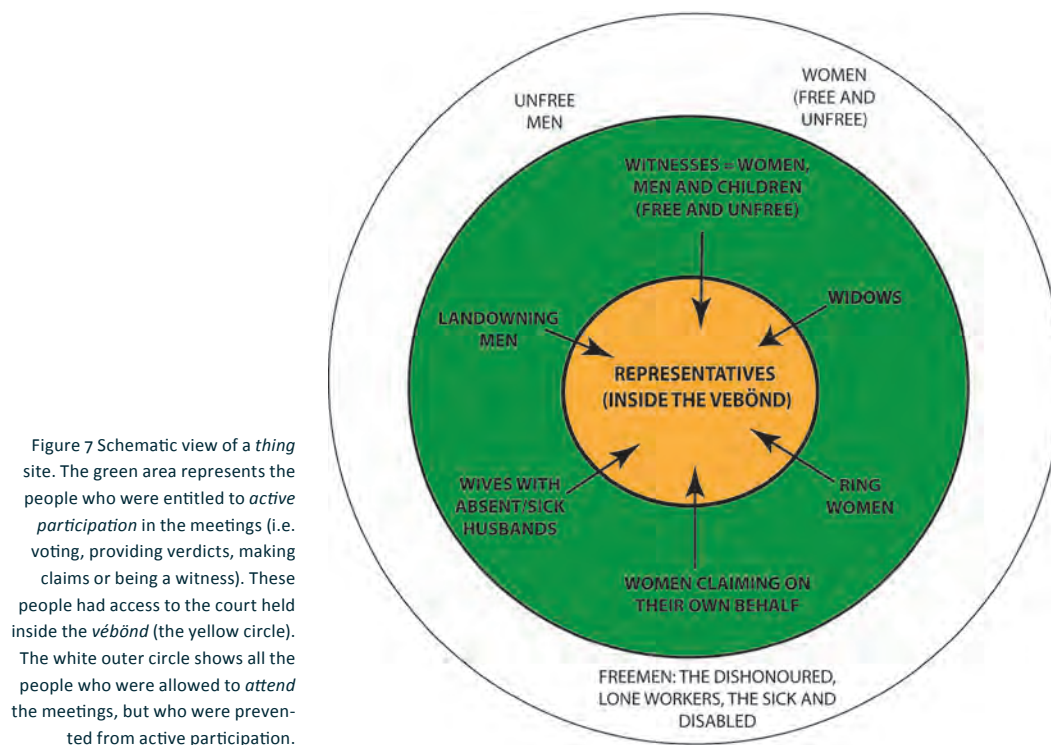


Figure 7 Schematic view of a *thing* site. The green area represents the people who were entitled to *active participation* in the meetings (i.e. voting, providing verdicts, making claims or being a witness). These people had access to the court held inside the *vebönd* (the yellow circle). The white outer circle shows all the people who were allowed to *attend* the meetings, but who were prevented from active participation.

potential source is the Scandinavian runestones, since it is assumed that landowners sponsored these. Results vary greatly between regions, but the average seems to be that 7% of runestones were sponsored by women, which gives us an estimate of 7% female landholders (Sawyer 2002). It could thus be suggested that perhaps up to 10% of the people who could legally participate in the assemblies were women, in all the various capacities discussed above. Whether they did, is another matter, as on many occasions women could choose to be represented by men. Personality, age and experience must have been important factors regarding the extent of female participation at the assembly (Clover 1993, 369–370; Bagerius 2009, 53–54), and not all women who were entitled to speak at the assembly meetings may have done so. Figure 7 envisages assembly participation and attendance based on the earliest Norwegian laws. This visualisation is quite different from the picture that is normally presented.

## The Role of Women at the *Thing* in the Viking Age

The final issue to be addressed is assembly participation in the Viking Age. There is no reason to think that women at this time would have had fewer assembly rights than women in the early Middle Ages. Just as in the Middle Ages, land ownership was most likely the determining factor for assembly participation. Through her detailed analysis of Eddic poetry, Anne Irene Riisøy has demonstrated that women were ‘custodians of legal knowledge’ and also argued that women actively took part in assembly proceedings. Female deities and spiritual beings, such as the Norns and the *disir*, seem to have played vital parts in the mythical origins of law and assembly (Riisøy, forthcoming). Other scholars have shown that women were important in cult practices, e.g. as cult leaders (Sundqvist 2007; Mundal 2001, 243–244). Considering the strong link between cult and assembly practices (Brink 2004), this supports the view that women took part in assemblies and assembly rituals during the Viking Age.

Further evidence that women in the Viking Age, perhaps above all widows, could prosecute their own claims at the assembly is found in *Eyrbyggja Saga*. An episode in this saga tells us that when the chieftain Arnkel was killed, his female heirs prosecuted the case at the *thing*. The saga explicitly states that because the prosecutors were female ‘the prosecution for his killing was not taken up with as much energy as might have been expected for such a great man’. As a result, a law was passed stipulating that a woman or a young man under the age of sixteen could never prosecute a manslaughter case – and this ‘has been the law ever since’ (Hreinsson and Cook (eds.) 1997, V: 179, ch. 38; Riisøy, forthcoming). This saga episode suggests that before c.1000, Icelandic women did have assembly rights. Female landowners could presumably take part in negotiations at the *thing* to some degree, e.g. the ring women. This concept must have existed in the Viking Age, as it can be traced in some of the oldest Eddic poetry (Klos 2007).

Following Christianisation, the Christian idea of marriage was probably the most important factor in restricting female assembly participation (Mundal 2001, 245–246). Some form(s) of regulated partnership in marriages most likely existed in the Viking Age, but no details are known as to how this may have affected

landownership, and by extension, the right to participate in the assembly. The regulations surrounding ring women may provide a possible example of how Christian marriage affected women's access to and participation in the assembly. Both the Law of the Frostathing and *Grágás* clearly stated that the rights of these women only applied until the day they got married (Clover 1993, 369–370, F VI:4; (Dennis, Foote, and Perkins (eds.) 1980, 181, ch. 113). In the Law of the Gulathing, marriage is not mentioned in connection to the ring women, and instead it was stressed that 'no man can deprive her [of land] by redemption' (G 275).

## Conclusion

This chapter has demonstrated that active assembly participation was open to certain groups in society, all of which potentially contained both men and women. The review of the stipulations in Norwegian and Icelandic laws presented here thus opens the possibility for female assembly participation. It was shown above that *maðr* was the preferred term among lawmakers and that the definition and usage of this word clearly included both men and women. It is therefore interesting to note that other types of written sources tend to refer to 'people' (Old Norse *þjóð* f.) when describing assembly attendance. Examples are found in sagas, e.g. 'the assembly site of the Faroese people' (Rafn 1832; Powell York 1896) and 'the assembly site of the people of Orkney' (Guðmundsson 1965; Pálsson and Edwards 1978). The same trend is found in Latin sources, where Tynwald on the Isle of Man was described in 1237 as 'an assembly of all the Manx people at Tynwald' (*congregatio totius Mannensis populi apud tingualla*) and in the *Life of Ansgar* (chapter 19), the assembly at Birka is described as 'an assembly of people' (Wilson 2008, 122–123). These expressions may be more accurate reflections of the perceived view, as well as the actual nature, of the *thing* meetings. In any case, there is no reason to assume that women were excluded from the setting of the *thing*. We must not forget that a *thing* meeting was an opportunity for people to meet and socialize. Many people who had no, or only a very small, role to play in the actual meetings may have travelled to the *thing* sites for the other activities that seem to have taken place there, such as, games, horseracing, storytelling, and in some cases, trade (Iversen, Mehler, Semple, and

Sanmark, forthcoming; Semple and Sanmark 2013, 525). Indeed the informal encounters at the *thing* may also have provided many an opportunity for women to voice their opinions and influence the actual *thing* proceedings.

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*Notes*

- 1 For a summary of the debate regarding the dating of the Norse laws, see Sanmark 2004, 133–45; Sanmark 2006, 32–34.
- 2 The regulations for who could become a representative at the lawthing seem to have been the same as for the thingmen (Sanmark 2006, 47).

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