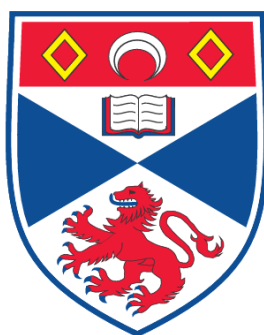


**EARL RÖGNVALDR KALI : CRISIS AND DEVELOPMENT IN
TWELFTH CENTURY ORKNEY**

Joshua Prescott

**A Thesis Submitted for the Degree of MPhil
at the
University of St. Andrews**



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**Earl Rögnvaldr Kali:
Crisis and Development in Twelfth Century Orkney**

Joshua Prescott
M Phil Thesis
October 2008

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ABSTRACT

*Earl Rögnvaldr Kali:
Crisis and development in the Twelfth Century*

In this thesis I argue that Earl Rögnvaldr Kali, lacking a patrilineal claim to the earldom of Orkney, used the cult of St Magnús, his maternal uncle, to create a new religiously based legitimacy for himself. Furthermore, I argue that the process of propagating this new ideology led to a strengthening of both the Orcadian Church and the earl. In constructing this thesis I utilize both narrative sources, especially the *Orkneyinga saga*, and non-written sources, i.e. archaeological and place name studies. I have also used such documentary evidence as exists for twelfth-century Orkney, though this is fairly scant. I also relate the changes in ecclesiastical and political organization and administration to pan-European reforms of twelfth century to illustrate Orkney's movement from a chieftaincy to a high mediaeval 'state'.

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Introduction

In 1124 David I ascended to the Scottish throne. He was Malcolm mac Duncan's fourth and last son to be King of Scotland. However, far from being remembered as a terminus in Scottish history he has widely been regarded as having inaugurated the beginning of a new era in the development of the state and nation of Scotland. G.W.S. Barrow characterized this new era as 'feudal Scotland', with thanes and *brithem* (or *judices*) replaced by justicars, baillies, vassals and personal jurisdiction.¹ Most especially David's reign has been associated, and probably justly, with the reform of the Church including both the establishment of dioceses and the founding of reformed monastic houses, as well as increased grants to at least one existing royal foundation.²

David I was not alone in these reforms: similar changes were happening in the same period all over Europe. In Norway the Bishop of Niðaross was raised to the archiepiscopacy in c. 1152, and in the same period the *leiðangr* system and the office of *sýslumaðr* were being created and expanded in that country.³ To the south England was undergoing almost continual development in 'feudal' law and state bureaucratisation in the late eleventh century and throughout the twelfth century and beyond.

Today calling this process feudalisation causes difficulties for two reasons. First, the nature of feudalism itself has been heavily questioned;⁴ secondly, and perhaps more

¹ G.W.S. Barrow, *The Kingdom of the Scots; Government, Church and Society from the eleventh to fourteenth century*, (Edward Arnold: London, 1973), pp. 7-90.

² Magnús Magnússon, *Scotland: the Story of a Nation*, (Grove Press: New York, 2000), pp. 71-72.

³ Knut Helle, "The Norwegian Kingdom: succession, disputes and consolidation," in Knut Helle ed., *The Cambridge History of Scandinavia, vol. I Prehistory to 1520*, (Cambridge University Press, 2003), pp. 74-75, 79-81.

⁴ Susan Reynolds, *Fifes and Vassals; the Medieval Evidence Reinterpreted*, (Clarendon Press: Oxford, 1994).

importantly, the changes then underway through out Europe were larger than the system of land-holding alone.⁵ At the same time as the granting of lands for military service, often former church lands, was under way, kings were also busy supporting the reforming orders that had grown out of the Benedictine tradition, backing church reforms (such as the celibacy of the secular clergy), organising dioceses, and founding towns. These changes were aided by new instruments of government, such as charters and mints, and were being carried out by more complex royal households moving in the direction of bureaucracy. At the same time the French language and court culture were being disseminated throughout western Europe and even into eastern Europe and the Levant, both by the actual movement of French-speaking noblemen and by emulation by native elites. Robert Bartlett has seen in this process the creation of a pan-European culture and has labeled it 'the europeanization of Europe'.⁶

Furthermore, this process was not only underway in polities that we would still recognise today, but also in smaller polities that we would not. One of these, situated on David's northern border, was the Earldom of Orkney. There had been earls of Orkney since at least the early eleventh century when Earl Sigurðr Hlöðvisson is first mentioned by the Irish Annals in relation to the Battle of Clontarf, where he was slain.⁷ This earldom included not only the Orkney Islands, but also Shetland and Caithness, including at that time at least the eastern part of Sutherland as well. In the time of David I the

⁵ Robert Bartlett, *The Making of Europe; Conquest, Colonization, and Cultural Change, 950-1350*, (London: Penguin Books, 1993).

⁶ Robert Bartlett, *The Making of Europe; Conquest, Colonization, and Cultural Change, 950-1350*, (London: Penguin Books, 1993). 269-270.

⁷ *Annals of Ulster*. Compiled by Padraig Bambury & Stephen Beechinor, (Cork: University College Cork, 2000, Book on line) Available from CELT: *Corpus of Electronic Texts: A project of University College Cork*, <http://www.ucc.ie/celt/published/T100001A/text673.html>. Accessed 16 October 2006. UA 1014, cork university web site.

earldom began to undergo reforms of its own, especially in the area of the Church. There is reason to believe that these developments in Orkney began mainly after c. 1137, so that their inception began with the reign of Earl Rögnvaldr Kali Kolrsson. Rögnvaldr Kali⁸ succeeded Páll Hákonarson in approximately that year, after Pál's mysterious end.⁹

Though it is not often commented on, Rögnvaldr Kali also shared another trait with many of his contemporaries in the long twelfth century; his claim to the succession was unusual and probably tenuous. Rögnvaldr Kali's claim to the earldom was that his maternal uncle St Magnús Erlendsson had been earl about twenty years before: the trouble with this claim was the female line did not usually transmit claims of succession to offices such as earl or king. Additionally, he had to rely, at least initially, on foreign supporters for his main force.

Like David, Rögnvaldr had the problem of having been educated in a foreign land, though this was worse for Rögnvaldr in that he had never before been to Orkney on the one hand and easier on the other as Norse was spoken in both countries. Unlike David, Rögnvaldr Kali also had real legitimacy problems. From Sigurð's son Þorfinnr to Páll Hákonarson it is as certain as can be from Norse genealogical sources that every earl was the son of a previous earl.¹⁰ Not only were they all in the direct paternal line, but all were the sons of earls. Rögnvald's maternal grandfather Erlendr Þorfinnsson was the nearest earl to him. Haraldr, Rögnvaldr Kali's much younger co-earl, would share this problem as his maternal grandfather Hákon son of Páll son of Þorfinnr was the nearest

⁸ Rögnvaldr Kali Kolrsson took the name of Rögnvaldr after he was given the title of earl by the King of Norway, thus adopting a name from the earlier Orcadian dynasty; to emphasis the dynastic change occurring with his ascension I have called him Rögnvaldr Kali throughout this thesis.

⁹ Alexander Burt Taylor, translator, *The Orkneyinga Saga*, (Edinburgh: Oliver and Boyd, 1938), ch LXXIV. (Abbreviated OS here after)

¹⁰ Alason Finlay, trans., *Fagrskinna: A Catalogue of the Kings of Norway; A Translation with Introduction and Notes*, (Brill, 2004), Appendix II: Genealogies Interpolated in the B-text of *Fagrskinna*.

earl to him. While it could be pointed out that David's grandfather Duncan had been in the same boat, it would be hard to believe this reflected on David, whose two brothers, one half brother, father, grandfather, and great-great-grandfather had all been King of Scotland before him, a convincingly well-established dynasty on the whole going back a century before his accession. This is not to say he was without rivals but before the full acceptance of primogeniture, very few kings had no rivals.

Rögnvaldr Kali then had a set of problems, including both having been aided to the earlship by foreign support and having a tenuous claim to the succession to begin with. His solution to these problems and the further development of these solutions under his co-ruler and successor Haraldr would reshape the Orcadian polity. In the process of legitimising his rule and strengthening his position he would bring Orkney into the wider European cultural and political revolution then underway. This would include both the church and the fiscal system of the state. This process would not take place in a sterile environment cut off from either Orkney's past or the events of Rögnvaldr Kali's present. To illustrate this, these things will be dealt with first before the process of church and 'state' development is examined in the final chapters.

Rögnvaldr Kali's solution to this problem of lack of support and legitimacy was revolutionary for Orkney, but not without precedent elsewhere. He recast the earlship in a religious light. He based his claim firmly on his relationship to and the favour of St Magnús. This led to his restructuring of the earlship and the relationship between earl and Church. The new allies and authority he gathered to the earlship in this way also allowed him to build new fiscal supports for the Orcadian state. The central institution that underpinned this new relationship was St Magnús Cathedral, begun under Rögnvaldr

Kali. This impressive structure still stands in Kirkwall today, a monument to Rögnvaldr Kali and to the power of his new religiously based ideology of legitimacy.

Not only did this new ideology secure Rögnvaldr Kali the earldom, but it also increased the royal characteristics of the earlship. This will be discussed in detail in chapter three, but essentially by adding this religious element to the earlship Rögnvaldr Kali made it more like a kingship, especially the kingship of Norway in this period. The Norwegian kingship had itself been re-founded along Christian religious lines in the previous century by Haraldr harðráði, who had had a virtually identical claim to the crown as Rögnvaldr Kali later had to the Earldom of Orkney. This parallel could hardly have escaped the notice of contemporaries, and it may very likely have been intentional on Rögnvaldr Kali's part, at least in so far as the use of religion to make up for a lack of a good traditional blood claim. It is less clear if he meant to push the parallel as far as laying claim to a kingship in Orkney and Orcadian independence *de jure* as well as the common *de facto* independence which the earls often enjoyed. It was, nevertheless, a step closer to kingship ideologically as will be later discussed.

Orkneyinga Saga forms the main primary source for the majority of the events in Orkney in the eleventh and twelfth centuries. From time to time it may be looked at in relation to either the Irish annals or a chronicle such as that of Melrose, but this is uncommon for the early twelfth century. It intersects in its subject matter most with other sagas, particularly the *Konungasögur* (Kings' sagas), a genre of sagas to which it is closely related. Even this is relatively rare, however, for the period being looked at most closely in this thesis, the second quarter of the twelfth century. Therefore, it is important to take some space here to briefly discuss this source.

Many questions arise in the use of sagas for historical scholarship and it is important to address some of these briefly. There has been, and continues to be, a debate over whether the sagas may be considered appropriate historical sources. The two sides of this debate are perhaps typified by the now largely extinct debate between the so called Free-Prose and Book-Prose schools. The first was the older school, roughly late 19th century in origin, and saw the sagas as oral traditions transmitted and later transposed verbatim and hence they are essentially true contemporary history. The Book-Prose school reacted against this view and held that the sagas are literary works produced by authors (in the modern sense) in the late twelfth through fourteenth centuries and hence are essentially fiction written much later than the purported events.¹¹ Paul Bibire critiques both of these schools by examining our modern conceptions of history, literature and fiction: and contrasting these with the world-view of the period under discussion.¹² To state his arguments with extreme brevity he demonstrates that our modern framework is not appropriate to the period of saga writing and that for the saga audiences and writers these works must have been essentially true regardless of modern distinctions of genera, but that it does not therefore follow that they are at all times true in our modern conception of objective historical truth, e.g. they may contain things which audiences felt ‘must’ or ought to have been true.¹³ This means that the sagas are not fiction or allegory: audiences expected that they were true. However, their definition of truth was likely larger than our own, both in that certain things which we would now dismiss as fantastic

¹¹ Theodore Andersson, *The Problem of Icelandic Saga Origins*, (New Haven, Yale University Press, 1964), pp. 65-81.

¹² Paul Bibire, “On Reading the Icelandic Sagas: Approaches to Old Icelandic Texts,” in *West over Sea; Studies in Scandinavian Sea-Borne Expansion and Settlement Before 1300*, ed. Beverley Ballin Smith, Simon Taylor & Gareth Williams, (Leiden, Brill, 2007), pp. 9-14.

¹³ *Ibid.*

out of hand (e.g. dragons) they would find at least potentially credible and more importantly as they had no conception of fiction, in the sense of something which may not be true in its specifics but is not intended to deceive, the sagas could still potentially be true to them while containing what are to us un-truths of this sort.

One method of taking this ambiguity into account while still using the sagas in the study of history is that taken by Jesse Byock. He uses the sagas as sources for social history and anthropology, thus avoiding the problems of using them for their narrative of events and focusing on the social patterns and beliefs that they illuminate.¹⁴ In his own work he follows this method of finding patterns and creates some very convincing social history. Furthermore, he is not alone in the use of such a technique; other American historians of Iceland are also known for this method of social history research, such as William Miller.¹⁵

. In many ways this approach is simply a modern rendering of the Book-Prose school however, in which the sagas are essentially literary productions that contain enough genuine tradition to be used to study social history in a way that later fiction is sometimes used in social history. Perhaps for the early eleventh century period this approach is all that can be used, the amount of time between events and the writing of the sagas often being hundreds of years, however it can be argued that for later periods this approach is unnecessarily limiting. It seems counterintuitive to dismiss a near contemporary source, which deals with major events and would have been seen at the time as true, as useless for the study of the narrative political history of that time.

¹⁴ Jesse Byock, *Viking Age Iceland*, (New York, Penguin Books, 2001), pp.3-4.

¹⁵ Bloodtaking and peacemaking: feud, law, and society in Saga Iceland, (Chicago: University of Chicago Press, 1990).

Orkneyinga Saga is very likely a near contemporary source for events of the twelfth century. Taylor in his introduction to his translation of the saga dates the earliest compilation from 1210 to 1220 believing that Haraldr's death in 1206 was not mentioned in the first version because the compiler was working from an oral saga of Rögnvaldr Kali.¹⁶ Others have preferred to push the writing of the first version back before the addition of chapters 109-112. This could place the saga's compilation as far back as the 1180's or 70's even. This appears to be exactly what Finnbogi Guðmundsson has done by attributing the saga to Ingimundr Þorgeirsson the priest, possibly beginning as early as 1165 and finishing in 1189.¹⁷ The period under major consideration in this thesis is the twelfth century, and more specifically especially the events of the 1130s. Therefore while the sagas account is not contemporary it is near enough that it is arguably well within living memory. So that for it to be accepted as true the account would have had to be creditable to a contemporary audience.

This of course does not mean that the saga is a perfect record of events. As with all sources the saga needs to be interpreted. Usually a source is evaluated foremost by an appraisal of authorial intent. This proves difficult in saga scholarship, however, as authors are rarely known and *Orkneyinga Saga* is no exception. It can be argued that the saga was written by an Orcadian, probably one who lived in northern Caithness do to local knowledge of terrain and a predisposition to recount events which happened there (e.g. the details of local geography in ch.ciii). One might also argue that there is little indication that the writer is inclined to show an Icelandic bias. However it can also be

¹⁶ Alexander Burt Taylor, *The Orkneyinga Saga; A New Translation with introduction and notes*, (Edinburgh: Oliver and Boyd, 1938), pp. 24-25.

¹⁷ Theodore M Andersson, "Kings' Sagas (*Konungasögur*)," in *Old-Norse-Icelandic Literature; a Critical Guide*, ed. Carol J Clover & John Lindow, (Cornell University Press, 1985), p. 214.

argued that an Iclander writing the saga had an Orcadian informant from Caithness. One must also consider the possibilities of earlier hagiographical works focused on Magnús or Rögnvaldr, for which scholars have argued. Overall there is no consensus on exact authorship so that it is necessary to take into account various possible biases at time.

There are also parts of the saga which seem less reliable. For the twelfth century the main part is the pilgrimage of Rögnvaldr Kali, which appears to be trying very hard to portray a pilgrimage as a crusade and has an unusually large amount of poetry and anecdotes which are not part of the central narrative in what is otherwise a rather tightly structured saga. I am not arguing that the poetry is not genuine or that the basic events of the journey are fabrication, only that there is a particularly strong panegyric tendency in this section which at least colors these events in an especially pronounced way. Fortunately, it is of more importance for the political history of Orkney that Rögnvaldr Kali was away than what he did while he was away; and I do not really deal with this section in relation to the events of the journey. The other more problematic section is in dealing with St Magnús, those chapters which deal with him being more hagiographical in style.¹⁸ Finally, it should be noted that I do not entirely dispense with Byock's method of using patterns to learn about social norms. Rather I am more concerned with political and institutional norms. I make some use of this interpretation of the saga as well.

¹⁸ Haki Antonsson, "Two Twelfth-Century Martyrs: St Thomas of Canterbury and St Magnús of Orkney," in *Sagas, Saints and Settlements*, eds Gareth Williams & Paul Bibire, (Leiden, Brill, 2004), pp. 48-50.

Chapter 1: **Orkney before 1134**

Porfinnr inn riki

In the eleventh century the relations between Scotland and Orkney can be reconstructed only vaguely and so there is much difference of opinion as to their nature and extent. In the early part of the century, Orkney was ruled by Porfinnr the son of Sigurðr Hlöðvisson after the latter's death at Clontarf in 1014. He was not sole ruler of the Earldom, however, but ruled jointly with his three half-brothers as the saga portrays them. According to *Orkneyinga saga* he was five when he succeeded his father. On the face of it this seems unlikely in accordance with inheritance practices of the time, which allowed for the succession brother, uncles, nephews and even cousins related by the male line to a past king and that favoured adults. It is just possible to see the power of Porfinnr's maternal grandfather at work in granting him Caithness and supporting him against his half brothers. According to the saga Porfinnr's mother was the daughter of a king Malcolm of Scots, whom Sigurðr had married between his 'baptism' at the hands of Óláfr son of Tryggvi in c. 1000 and his own death in 1014.¹⁹ This Malcolm may have been either Malcolm son of Cinaed or his northern rival Malcolm son of Maelbrigte, or indeed may simply be a stereotypical name for a Scottish king used by the saga compiler.²⁰ If one accepts the identity of Porfinnr's mother as set out by the saga at all then Porfinnr would have been a child upon the death of his father as it is unlikely in either case that Sigurðr was married to the daughter of either of these men before 1005 assuming they were kings already at the time, which Malcolm son of Maelbrigte could

¹⁹ OS ch XII

²⁰ Alex Woolf, *From Pictland to Alba 789-1070*, (Edinburgh, 2007), p. 309.

not have been as is uncle was not slain until 1020.²¹ In fact if Þorfinn's birth is set near to this date than the lowest number of years recorded in a manuscript for his death, i.e. sixty years, could just have been his age as he died in 1065 at the latest, that is the year before King Harald's invasion of England in 1066 accompanied by Þorfinnr's sons Páll and Erlendr as earls of Orkney.²²

However, it is important to note that Haraldr Maddaðarson is also claimed by the saga to have been five when he first became earl, and he was earl from 1138/9 until his death in 1206, a period of about 68 years.²³ Þorfinnr is also said to have ruled 70 years in some manuscripts and to have been five when he first became earl, even though at most he was earl from 1014 to 1065, i.e. 41 years. Additionally his active career seems to have been over in 1047/48 after the death of Magnús the Good when Þorfinnr went on pilgrimage.²⁴ If he had been born in only 1009 this would make him only 39 or 40. While this is not impossible, and while it still makes it possible that he was dead by 1058 around which time or shortly after it is believed Ingibjörg, his wife, married Malcolm III, it is also possible that he was older than this and the details about his age and reign length are simply modelled on the twelfth century Earl Haraldr. It is even possible that the Scottish connection is also modelled on Harald's own connection to Scotland through his father the Earl of Atholl. It should also be noted that they were both said to have been made earl of Caithness when they were five years old. However, this does seem slightly more of a stretch as the link is entirely different, his mother instead of his father, and the king instead of an earl; though the first could be explained by the fact that Þorfinnr's

²¹ Ibid.

²² OS ch XXXIV

²³ OS ch CXII

²⁴ OS ch XXXI

father's name would have, most likely, been one of the more well known facts about him because of the importance placed on genealogies by the Norse. It would seem upon the whole, however, that it is more likely than not that Þorfinnr's mother actually was Scottish, and that this is at least a genuine tradition in the saga, though it is far from certain.

Crawford, for one, seems to take for granted that Þorfinnr's maternal grandfather was Malcolm mac Cinaed.²⁵ This is supported by her argument that the Karl Hundason, with whom Þorfinnr fought for control of northern Scotland, was Macbeth son of Findlaech. This is based partly on the identification of the Earl Hundi, against whom Sigurðr is recorded as having fought for Duncansby in *Njáls saga*, with Findlaech.²⁶ This allows her to put together a narrative in which both Sigurðr and his son Þorfinnr are allied with the King of Scotland against the rulers of Moray, until the house of Moray itself ascends the throne of Scotland and its attentions are shifted to the south, leaving the Earldom of Orkney at peace in the North. This theme of conflict primarily between the Earls of Orkney and the rulers of Moray is further developed by Crawford elsewhere, where she argues that it is based most firmly on the competition for Easter Ross and its timber resources.²⁷

²⁵ Barbara Crawford, *Scandinavian Scotland*, (Leicester University Press, 1987), pp 71-72.

²⁶ Barbara Crawford, *Scandinavian Scotland*, (Leicester University Press, 1987), pp. 65-66.

²⁷ Barbara Crawford, *Earl & Mormaer; Norse-Pictish relationships in Northern Scotland*, (A4 Print for Groam House Museum: Inverness, 1995), pp. 19-21.

Páll and Erlendr

It is possible that this alliance between the opponents of the Moray family in Scotland and the Earls of Orkney did not end with Þorfinnr. Within Scottish history it has become fairly well accepted over the years that the Earldom of Orkney was aligned with Malcolm mac Duncan in his war against Macbeth and his Moray successor Lulach, though that is not to say that the historicity of the alliance is certain, only that the theory is generally considered credible, not proved.²⁸ Oddly this does not seem to have affected the traditional death date of Þorfinnr in much of the Orkney-centred literature, which still seems to prefer the date 1065, even though it would seem sensible to entertain the possibility that Þorfinnr was already dead at this point and Ingibjörg was therefore free to marry Malcolm. In fact these early years of the reign of Páll and Erlendr, the sons of Þorfinnr, are of pivotal importance in understanding Orcadian history for some time to come. There are four important points concerning the early part of their reign before they accompanied Haraldr on his invasion of England in 1066. The first is that they are the only joint earls recorded from Sigurð's time on that do not appear to have been rivals, except for Rögnvaldr and Haraldr in the mid-twelfth century, though this later pair were not entirely free of conflict, as will be seen. Secondly, they are the founders of the two lines of earls that will rule Orkney for a century and a half to come. Third, they may have been closely involved in supporting Malcolm's rise to power, illustrating that the relations between the dynasties of Rögnvaldr and David had been cordial in David's grandfather's time. Fourth, it may have been only in this period that Norway gained sovereignty or at least suzerainty over Orkney.

²⁸ Geoffret Steuart Barrow, "Macbeth and other Mormaers of Moray," in *The Hub of the Highlands; The Book of Inverness and District*, (The Albyn Press: Edinburgh, 1975), pp. 115-116; Alex Woolf, *From Pictland to Alba, 789-1070*, (Edinburgh University Press, 2007), pp. 265-270.

To look at the third point first it should be remembered that both Duncan mac Crinan and Porfinnr Sigurðarson were maternal grandsons of Malcolm II, Duncan definitely,²⁹ Porfinnr plausibly.³⁰ This means Malcolm III and the Earls Páll and Erlendr may have been second cousins; additionally Malcolm may have married their mother Ingibjörg, making him their stepfather as well.³¹ This close relationship may have been further re-enforced by Malcolm spending his exile, or part of it, in Orkney.³² The fruits of this relationship can be seen in two ways, first the possible military aid from Orkney to Malcolm during his taking of the kingdom,³³ and later in a presumably peaceful border, of which there is at least no great evidence to the contrary. However, this narrative is highly speculative, the first point because the aid from Orkney to Malcolm is itself only speculative;³⁴ and the second point because it is an argument from silence based on sources whose main interest were not in the north or on the lack of evidence for hostility in *Orkneyinga saga*, which covers this period only lightly.

As to the fourth point this relates to the claim in Adam of Bremen's History, a near contemporary source of the 1070s, that Haraldr harðraði conquered Orkney.³⁵ There is support for this in chronicle sources, including the *Annals of Tigernach*, the *Anglo-Saxon Chronicle* and others, in the form of a Norwegian expedition of 1058 that seems to have first gone to Orkney; an expedition not mentioned by the Icelandic sources.³⁶ Recently Alex Woolf has proposed that it is only at that point that Orkney came under the

²⁹ Alex Woolf, *From Pictland to Alba* p. 252.

³⁰ OS ch XII; Taylor, notes p. 357.

³¹ OS ch XXXIII.

³² Richard Oram, *David I; The King Who Made Scotland*, (Brimscombe Port, Glos: Tempus Publishing Limited, 2004), pp. 21-23.

³³ Ibid.

³⁴ For a full discussion of this theory see Oram, *David I*, pp. 21-23.

³⁵ Adam of Bremen 128.

³⁶ Woolf, *From Pictland to Alba* p.266.

Norwegian crown. Briefly, his argument is that Sigurðr, the first earl attested by other sources besides *Orkneyinga saga*, or in fact the first earl recorded by contemporaries, was indeed the first earl; his earldom having been established not by the Norwegian King Haraldr fine-hair, but by the Danish King Haraldr blue-tooth. This argument is based on the importance of the Danish empire at this time and the complete lack of reference to it by *Orkneyinga saga*, as well as some additional arguments. This is not the place to go into this theory in full, however. What is important is that if this were the case it is likely that Orkney came under Norwegian authority with Magnús Haraldsson's expedition of 1058. This process may have been aided by two factors; the death of Þorfinnr inn ríki, and the kinship between Magnús and the new earls Páll and Erlendr. Ingibjörg and Magnús' mother, Þóra, were first cousins.³⁷

With both of these points in mind we can see that 1058 may have been a pivotal year in the history of Orkney with implications for its relations with both Scotland and Scandinavia. The position of Earls Páll and Erlendr can be assumed to have been strong from this time until at least Stamford Bridge. Their Scandinavian relations having been re-established after a period of likely disconnection from the mainland after Knút's death by the recognition of Norwegian suzerainty, where they were connected by kinship to the son of the king, the earls could now look forward to presumably friendly relations with Norway. This can be seen both in their joint expedition with Magnús to the west coast of Britain and in their later participation in Harald's invasion of England. At the same time they were well connected with the king of Scotland and had perhaps helped to establish him.

³⁷ Wolf, *From Pictland to Alba* p. 268.

This state of affairs quite possibly continued during the civil wars and invasions of England later in the century. Páll and Erlendr themselves fought on behalf of Haraldr of Norway, an invasion which ended in disaster for the Norwegians at Stamford Bridge. Among Harald's other allies was Earl Tostig, whom Malcolm had harboured as recently as 1065.³⁸ However, Malcolm himself took no part in the campaign of Stamford Bridge. Likewise he seems to have used the invasion in the south by William the Bastard merely as an opportunity to raid the north of England.³⁹ It seems therefore that the earls and Malcolm were not on different sides of the English wars, both were against Harald of England and ambivalent it seems to William, Malcolm marrying St Margaret who, though of English royal blood, was not of the houses of either Harald or William did not alter this alignment.

In the 1090s Páll and Erlend's luck ran out. These years saw the death of Malcolm III and the beginning of a probably somewhat unstable period in Scotland, and more importantly for them the conquest of their earldom by Magnús barefoot and eventually their own deaths while captive in Norway.

Magnús succeeded his father Óláfr Haraldsson in c. 1093, based on the information provided in *Fagrskinna* (a thirteenth century Norwegian kings' saga) that he set out on his last expedition to Ireland in the ninth year of his reign and the Irish annals which place his coming to Ireland in 1102.⁴⁰ This was his second expedition west to the British Isles according to the sagas; though the earlier expedition is not much attested by

³⁸ Woolf, *From Pictland to Alba*, p. 270.

³⁹ Ibid.

⁴⁰ FS ch 84 *The Annals of Tigernach* (AT) ed. Whitley Stokes, (Felinfach: reprinted from *Revue Celtique*, 1896 by Llanerch Publishers, 1993), vol. 2, p. 23-24. *The Annals of Ulster* (AU) [Book on line], compiled by Pádraig Bambury & Stephen Beechinor (Cork: University College Cork, 2000, accessed 16/10/06); available from CELT: *Corpus of Electronic Texts: A project of University College Cork*, <http://www.ucc.ie/celt/published/T100001A/text673.html>. *The Annals of the Kingdom of Ireland by the Four Masters* (AFM), ed. and trans. John O'Donovan, (Dublin: Hodges and Smith, 1851), pp. 973-977.

annals, there is possible evidence for it in the *Vita Griffini Filii Conani*.⁴¹ His earlier voyage seems to have missed Ireland, however, concentrating on Orkney, the Hebrides, the Isle of Man and Wales. It is not precisely dated, but given that it is usually thought to coincide with the death of Hugh of Shropshire it is usually dated to 1098.⁴² It was this first expedition that would prove disastrous for the brothers Páll and Erlendr.⁴³ The earls were seized by the king and sent to Norway. Magnús then consolidated the Hebrides and Orkney under his son Sigurðr and named him king. He then brought the sons of the earls, Hákon, Magnús and Erlingr, with him on his journey south. This is the version found in *Orkneyinga saga* anyway. Both *Fagrskinna* and *Morkinskinna* have slightly different version of events in which Magnús simply took the sons of Earl Erlendr and then moved on.⁴⁴ There is some evidence, based on place names, which supports a period of direct Norwegian rule in Orkney around this time and so it would seem that the suppression of the earls is likely.⁴⁵ This is based on several instances of the place-name *huseby* in Orkney, derived from Old Norse *húsabær*.⁴⁶ This term appears in use in Scandinavia for early centres of royal power associated with the unification of the three kingdoms during the eleventh century.⁴⁷ Because these are strongly associated with the expansion of royal power in Scandinavia during the eleventh century Crawford concludes the *huseby* names in Orkney should also be seen as part of this trend. The best possibility for when these

⁴¹ VGFC ch 27 28.

⁴² Dorothy Whitelock, trans., ed., *The Anglo-Saxon Chronicle*, (London: Eyre and Spottiswoode,), U 1098.

⁴³ Os ch. XXXIX, FS

⁴⁴ FS ch 81 MS ch 57.

⁴⁵ Crawford, Barbara. "Huseby, Harray, and Knarston in the West Mainland of Orkney. Toponymic indicators of administrative authority?" *Names Through the Looking Glass; Festschrift in Honour of Gillian Fellows-Jensen*. Eds. Peder Gammeltoft & Bent Jørgensen. (Copenhagen: C.A. Reitzels Forlag A/S, 2006).

⁴⁶ Ibid, pp. 26-27.

⁴⁷ Ibid, pp. 21-22.

could have been introduced by the king of Norway given in the saga is during the rule of Sigurðr in the islands. This brought in a period of roughly five years or so in which the line of Sigurðr Hlöðvisson did not rule Orkney, c. 1098-1103. This was a turning point in Orkney affairs. Whereas any switch to a Norwegian allegiance in the middle of the century might have brought in a period of amicable Norse-Orcadian relation, this take over must have ended it.

Additionally it was at this time that the treaty which set out the boundary between Norway and Scotland was made, if indeed it existed. Though this treaty is often referred to by historians as well established no copy of it or reference to it in Scottish sources survives. What is really being referred to is chapter XLI of *Orkneyinga saga*. In that chapter the saga-writer says that a Malcolm, king of Scotland, and Magnús agree that any island to the west of Scotland ‘between which and the mainland a ship might sail with rudder set,’ would belong to Norway.⁴⁸ This then allows for Magnús to show his cunning by having his ship dragged over the Isthmus of Kintyre, thus claiming it for himself. The trickery motif in the story almost in itself makes the story unbelievable, but to that may be added the fact that Malcolm had been dead for some time before Magnús’ first expedition. This does not prove that this agreement did not happen, but the evidence is certainly not fully convincing.

Scotland in the 1090s had had its own problems. Malcolm’s preoccupation with raids into English Northumbria in the later part of his reign lead ultimately to his own death in 1093, along with his eldest son by St Margaret, the heir designate, Edward.⁴⁹ This lead to at least four years of instability as Malcolm’s brother Domnall Bán and

⁴⁸ OS CH XLI

⁴⁹ Richard Oram, *David I; the king who made Scotland*, p. 38.

Malcolm's sons vied for the kingship. This culminated in the invasion of Scotland by an Anglo-Norman army, provided by William Rufus; led by Edgar Atheling, the brother of St Margaret, to secure the kingship for Edgar, St Margaret's fourth son, in 1097.⁵⁰ This campaign brought about the final defeat and death of Domnall Bán; Edgar Atheling then withdrew with the English army.⁵¹ How long it took Edgar of Scotland to consolidate his position after this invasion is difficult to gauge, but given the degree to which sentiment north of the Forth in the Gaelic heartland of the kingdom of Scotia seems to have been roused against the foreign influence at work in Malcolm's court and by extension against his sons with their foreign support it would not appear unreasonable to think that Edgar's ten year reign may have been less than secure, especially early on.⁵² This may possibly explain the apparent ease with which he allowed the Islands to pass out of his even nominal control in the following year, if indeed the 'treaty' discussed above did take place during Magnús' first expedition at which time Edgar would have been king.

It seems likely in this period, the very late eleventh century and the early twelfth, that Orkney became much more remote from the king of Scotland politically. Whereas in the previous generation of Malcolm and the brothers Páll and Erlendr there is some evidence for rather close and amicable relations, by this time the focus of the Canmore dynasty had almost certainly shifted south. To an extent this is a process reaching back into the tenth century with the beginning of Scottish expansion to the south and the conquest of Edinburgh. However, in the late eleventh century the attentions of the King of Scots had become more focused in the south of their Kingdom. This was especially true of the sons of Malcolm and St Margaret who had deep cultural and

⁵⁰ Oram, 47-48.

⁵¹ Ibid.

⁵² Ibid.

kinship ties with England to the south and to Anglo-Norman supporters, who seem to have mainly been settled in the English-speaking region of Lothian. It should be remembered, however, that the sources in this period are themselves shifting south, so that the shift in the attention of the ruling house may be more apparent than real.

To what extent the predecessors of David I were concerned with the more northerly parts of their kingdom is difficult to tell, but it is likely that while they did a better job than David in his early days of exercising authority over the area North of the Forth. They ruled north of the Mounth only as over-kings of the *rí* of Moray. This arrangement seems to have gone back to at least c. 1078, and the house of Lulach, beginning with his son Máel Snechta, ruled Moray until the 1130s. It is possible, however, that Alexander I had done a particularly good job of establishing support for himself in the southern Scotian heartland and therefore may have exerted greater authority to the north than others in this period, as his son Malcolm mac Alexander seems to have enjoyed such support in this region.

Though David's brothers seem to have been firmly based in the area between the Forth and Mounth, it is not clear that their authority went much further north, possibly because of the existence of a dynasty descended from Lulach in Moray. David himself would be even more firmly entrenched in the south in the early part of his reign. In fact, Oram argues, that David's power would have reached little further than Scone for the first ten years of his reign, 1124-1134, with Malcolm mac Alexander holding most support north of that, though Oram's view is an extreme one.⁵³ Whatever the exact details of the rule of Edgar, Alexander, and David before 1134 in Moray and the north, they do not seem to have had any hand in affairs north of Moray at this time, thus

⁵³ Oram, pp. 21-30.

creating what may be seen as a kind of break in Orcadian-Scottish relations after Malcolm's death, if not in fact earlier.

This brings us back to the first and second points about the reign of Páll and Erlendr. According to *Orkneyinga saga*, the two ruled jointly from the death of Porfinnr until their own deaths in Norway. For some reason *Morkinskinna* and *Fagrskinna* mention only Earl Erlendr and his sons at the time of Magnús barefoot's expeditions to the west.⁵⁴ This is a confusing difference as it is from Páll that Haraldr Maddaðarson was descended and so also his son Jon who was earl in to the 1220s. This would make it seem unlikely that Páll would simply have been left out by the saga-compilers, and in fact he was the only earl mentioned as accompanying King Haraldr of Norway to England in 1066 by *Fagrskinna*.⁵⁵ If it had not been for the survival of Páll's line down to the time of the saga-writers one would be tempted to see his omission as caused by a bias for St Magnús and his descendent St Rögnvaldr, who had closer connections to the Northern world generally than Haraldr, but it is Páll's line that ruled Orkney in the days of the saga-writers. Another explanation may be that Páll had actually predeceased his brother, and the OS/*Heimskringla* sources did not take this into account. This may be an alternative explanation for Hákon Pállssons apparent exile at the time of the invasion in opposition to OS's explanation that this exile was self-imposed to ease tensions between his father's and uncle's supporters. Finally, it is possible that for the narrative of King Magnús' expeditions *Morkinskinna* and *Fagrskinna* were working from a source, possibly a life of St Magnús, written during the earliest part of

⁵⁴ *Fagrskinna*. trans. Alison Finlay, (Leiden: Boston: Brill, 2004), ch. LXXXI.; *Morkinskinna*. trans. Theodore M Anderson & Kari Ellen Gade, (Ithica, NY: Cornell University Press, 2000), ch. LVII.

⁵⁵ *Fagrskinna*. trans. Alison Finlay, (Leiden: Boston: Brill, 2004), ch. LXIII.

Rögnvaldr Kali's reign when Páll's line could be discounted. There is, however, no compelling reason to prefer one saga account over the other.

Luckily, this is not important as both tell us that the two lines by the 1190's were beginning to show signs of no longer being able to rule jointly under amicable conditions. Rivalry between these lines had commenced. What is interesting in *Orkneyinga saga*'s account is that this rivalry is portrayed as having more to do with each of the earls' supporters than with the earls themselves. This is an important theme which we will return to later when evaluating Rögnvald's invasion in 1137.

St Magnús, Hákon and the Hákonarsons

Exactly how the expedition of 1098 fits into this rivalry is difficult to say. Whether in accordance with *Orkneyinga saga* Hákon Pállsson, while away from Orkney, instigated Magnús' desire to go to the West or whether he was uninvolved as his omission from *Fagrskinna* and *Morkinskinna* implies. Either way the expedition had the effect of creating a hiatus in the rule of Orkney by the *Þorfinnsætt* (ON term meaning the descendants of Þorfinnr). During this period of five to seven years Orkney was ruled, along with the Hebrides, by Sigurðr Magnússon as king. This arrangement came to an end after 1103. With Magnús' death in 1103 Sigurðr returned to Norway to secure his share in the Kingdom of Norway with his brothers, Óláfr and Eysteinn. Oddly, the saga records that it was a year or two later that Páll received the title *jarl* from the king, though it says that he came over from the West to do so, which may imply he had actually

already been ruling Orkney since Sigurðr's departure.⁵⁶ Magnús Erlendsson was to return to Orkney an unspecified period of time later, which is simply referred to as 'a short time' by *Orkneyinga saga*, after his cousin had begun to rule in the earldom.

The saga, unfortunately, is quite hagiographical when dealing with Magnús Erlendsson. For this reason, it is difficult to see where specifically Magnús' support within Orkney came from, because it is generally asserted that all of the *bændr* (ON farmers) in Orkney liked him. However, it is probable that Magnús did have a specific support base on Orkney and he would have needed one. Hákon Pállsson had many sisters, whose marriages would have given him a large network of supporters. Unfortunately, the saga-writer was more interested in their children than their husbands, which means that while we have a certain knowledge of who some of Hákon's son Páll's supporters probably were, we can only guess that their fathers played a similar role for Hákon. At the same time Hákon may have already taken Helga Moddan's daughter as his consort/mistress, giving him a large network of supporters in Caithness, especially in the more distant southern part, as well.

Magnús, on the other hand, had fewer options for supports from what can be seen in the saga. His brother Erling seems to have died without issue, or at least his offspring do not appear in the saga. His sister Gunnhildr had moved to Norway with her husband Kolr. Magnús did have one sister, Cecilia, who seems to have been married to a man in Orkney named Isaac. More importantly, however, Magnús' mother Þóra had re-married to a man named Sigurðr. Both Sigurðr and later his son were *gæðingar* (ON, used in Orkney for chieftains). It is likely that Magnús found his main support here, at least initially, and the saga seems to indicate this by mentioning his mother's re-marriage not

⁵⁶ OS ch XLIII

in a genealogical section but in the section that records Magnús' return to the earldom and Earl Hákon's reluctance to divide Orkney.⁵⁷

Magnús, however, still had to go to Norway to receive the title *jarl* from the king. Perhaps Hákon expected the king to refuse to give Magnús the title. There are two possible reasons for this expectation. First, according to a number of sagas Magnús had deserted Magnús barefoot's expedition in Wales, thus earning the enmity of King Magnús, the father of the current kings. It is possible Hákon hoped that this enmity would be familial. Secondly, it is possible that Hákon had actually known Sigurðr personally; they had perhaps spent time in the Orkney's and Hebrides together during King Magnús' expeditions. If Hákon had counted on such a personal connection he was thwarted by Sigurðr having then been on crusade, though it must also be remembered that Sigurðr was a boy during his time in Orkney so it is questionable whether Hákon could have befriended him at that time. In his place Magnús Erlendsson found King Eysteinn. Eysteinn may have given Magnús the title earl precisely because Sigurðr had a personal link with Hákon, i.e. Hákon may have been a supporter of Sigurðr and it was therefore in Eysteinn's interest to have a man of his own in Orkney. It is also possible that it was simply in the interests of the Norwegian crown to have two earls rather than one. Finally, Magnús may not have been without friends in the Norwegian court. His sister Gunnhildr was, as mentioned earlier, married to Kolr Kalason, a *lendirmann* in Norway, i.e. a type of chieftain or liege man of the King.⁵⁸ This is not to say that Hákon did not also have kin in Norway, including both a sister of his own named Þora and his mother's family

⁵⁷ OS ch XLIV

⁵⁸ OS ch XLII

descended from Earl Hákon Ivarsson.⁵⁹ Whatever the exact reasons for Eysteinn giving Magnús the title *jarl*, he did so and Magnús returned to Orkney and divided it with his cousin Hákon.

The earls seem to have ruled together for a while without incident, but this came to an end in 1117, the probable date of the death of St Magnús. This date is arrived at because the saga records Magnús death on Monday April 16th, and this date and day only works for 1106 or 1117 or much later again.⁶⁰ In this year Earl Hákon Pállsson had Earl Magnús Erlendsson killed on the island of Egilsay. The saga, predictably, is pretty vague as to why. The trouble between the earls is blamed on malicious go-betweens stirring up bad feeling between the earls. Two in particular are named but neither appears connected to the earls by kinship. It is likely that what this phrasing hides, or alludes to, is that there was pressure on resources in the earldom because of the needs of two courts and two sets of supporters. If Hákon and his following really did take the lead in the trouble this is likely because he had the larger following due to his more extensive kinship network both in Orkney and in Caithness. If this is the case it is also unsurprising that it is St Magnús who loses the struggle, because he may well have had fewer personal supporters, regardless of whether most of the *bændr* liked him or not.

Whatever the reason for St Magnús' death the outcome is the same, Hákon became sole ruler of Orkney and Erlend's line had been virtually eliminated as Magnús himself had no offspring. Hákon did not completely alienate the few *Erlendsætt* supporters that were left, however. His son Páll was fostered by Þorkell Sumarliði's son

⁵⁹ Os ch XXXIII

⁶⁰ Taylor notes p. 377.

the brother of Þóra, Earl Magnús' mother.⁶¹ Hákon the Elder, a half brother of St Magnús by his mother, was also a *goeðingr* under Páll, at least, if not under his father Hákon, and Sigurðr the husband of Þóra was also a *gæðingr*. Hákon then seemed to be at least somewhat reconciled with his rival's kin. This may have been aided by the absence of a clear *Erlendsætt*⁶² heir to the earldom.

Even the temporary elimination of one line was not enough to end all rivalry in the earldom of Orkney. Hákon died in c. 1123 according to Taylor's calculation of the chronology.⁶³ Hákon was succeeded by his two sons Páll and Haraldr smooth-tongue. The two were only half-brothers, the saga explicitly making this point.⁶⁴ Harald's mother is described as Hákon's *frilla*, that is mistress or concubine, not his canonical wife.⁶⁵ Páll's mother is not named in the saga, nor is she given an specific relationship to Hákon Páll's father. It is possible that this was Hákon's canonical wife and Páll his own legitimate son, but this is not stated. One could argue that Páll's legitimacy versus Harald's illegitimacy is not stressed because this would also stress the illegitimacy of Haraldr Maddaðarson's mother Margaret, a sister of Haraldr smooth-tongue. However, why specifically record Helga as Hákon's mistress in that case? Overall it is likely that Páll was Hákon's "legitimate" son, but his mother's kin do not seem to have been relevant to the compiler, either because Hákon had married abroad (i.e. in Norway while in Magnús bare-foot's retinue for instance) and her family played no part in Orkney, or simply because neither Páll nor his maternal kin had any offspring and therefore were no

⁶¹ OS ch LIV

⁶² ON term for 'the descendents of Erlendr'

⁶³ Taylor, p. 214.

⁶⁴ OS ch LIII

⁶⁵ Ibid.

contemporary person's ancestors so that their genealogy is of less interest to the audience of the saga-writer's own day.

Either way, it seems that another pair of rival kindreds had been set up with Hákon's death, with Moddan of Dale's family, Harald's full sisters and maternal kin, arrayed against Páll. Somehow, in a confused incident supposedly involving a poisoned shirt, Páll is able to evade assassination and his rival Haraldr dies instead.⁶⁶ Even though we are left in some doubt whether Páll has any maternal kin to call on in his rivalry with Haraldr it is clear that he has the support in Orkney to exile Harald's kin, the ones that are not also his, south to Caithness. This would seem to imply that his father's old kin network, built around Hákon's many sisters, was in support of Páll and not Haraldr; perhaps because they felt threatened by Harald's many kin from the south and even his possible connection with the King of Scotland from whom the saga says Haraldr Hákonarson received the title Earl of Caithness.⁶⁷ Taylor suggests that this king was David I,⁶⁸ but given that, as Oram points out, it is far from clear that David controlled even southern Scotia in the 1120's it is possible that this refers either to the *ri* of Moray of the Clann Lulaig, or David's rival king in Scotia, Malcolm mac Alexander.

In any event Páll seems to have been able to use his connections through his aunts, and also quite likely through his foster-father Þorkell to remove the rival kinship group of Moddan of Dale from Orkney. His connection to members of the *Erlendsætt* was likely of great importance in his ability to carry this out and to rule effectively. For the moment at least, they were united in the aftermath of Harald's earlier killing of Þorkell, fosterer of Páll and brother of Magnús Erlendsson's mother Þóra. For the

⁶⁶ OS, ch LV.

⁶⁷ OS, ch LIV.

⁶⁸ Taylor, p. 378.

moment then Páll was secure in his earldom. His only rival in the patriline of Þorfinnr inn ríki was the son of Haraldr Smooth-tongue, Erlendr, still a child and in exile in modern Sutherland. He had united, it seemed, the remainder of the *Erlendsætt* with his own supporters by ties of fosterage and gœðingrship. In any event, the *Erlendsætt* line was dead patrilineally and even the rival *Pállsætt* heir, Erlendr, was linked to Hákon Pállsson only through a non-canonical marriage. Though this was unlikely to be seen as much of a problem in Orkney at that time, it could still be used as an excuse in rejecting his claims.⁶⁹ His minority was a more practical limitation on his ability to lead any real opposition against Páll.

As Páll would find out, however, the rivalry for the earldom would only increase in the coming decade and he would be beset by enemies from all sides. Claims would be made in many quarters and in the end his network of support would not hold against his rivals.

⁶⁹ Jenny M Jochens, "The Politics of Reproduction: Medieval Norwegian Kingship," *American Historical Review* vol. 92 (1987), pp. 327-347.

Chapter 2: **The Early Twelfth Century Outside Orkney**

Scotland

Scotland in the early twelfth century was well on its way to integrating with the wider European culture on the one hand, but on the other was still only just beginning to take the form we would recognize geographically (see figure 3 appendix C for Map). While Alexander I (1107-1124) was king, some elements of the broader European cultural revolution were definitely in place. Most particularly his reign is associated with an interest in the reformation of religious and ecclesiastical life. This was especially true in his introduction of the Augustinian order to Scotland with his establishment of such a community at Scone.⁷⁰ Alexander was also involved in the reform of the diocese of St Andrews during his reign.⁷¹ On the other hand, it would not be until David's reign that parish organisation and the re-forming of Scotland's other dioceses would really begin.

As to the extent of Alexander's authority, a number of questions can be raised. He was certainly not in control of the islands either to the west or the north, all of which may have been conceded in name to the King of Norway by his predecessor Edgar, and which had probably never been in the actual power of the King of Scotland regardless of whether or not any treaty like the one discussed above ever existed. Caithness would also certainly have lain outwith the Kingdom in all but perhaps the most nominal sense, and it is possible that it was only in the reign of David I that this province came to be claimed as part of the kingdom at all. These however were not all of the areas still outside

⁷⁰ Kenneth Veitch, "'Replanting Paradise': Alexander I and the reform of religious life in Scotland," *Innes Review*, Vol. 52, no. 2 (Autumn 2001), pp. 137-140.

⁷¹ Ibid.

Alexander's control. Leaving aside the lands of his brother in the south, question marks may still be placed against Argyll and Moray. Galloway, on the other hand, was certainly still independent at this time.

Also at this time, Galloway was almost certainly completely independent of Scotland: even if the kings of Galloway had been under the suzerainty of Malcolm III, it appears that this arraignment did not survive his death in 1093 and the subsequent uncertainties and civil war in Scotland.⁷² Finally, in the north, the region of Moray was at that time ruled by its own king, descended probably by a matrilineal link from Lulach, who had been king of Scotland in 1058.⁷³

When David I acceded in 1124, he already held Cumbria and parts of southern Lothian. He also held the lucrative English earldom of Huntingdon. While the people of these southern lands seem to have been supporters of his rule, he still had to contend with numerous rivals in various parts of the kingdom. These included not only those that had rivalled his brother, but also Malcolm mac Alexander, the natural son of Alexander I, who, according to Oram, may have held sway north of Scone, east of Argyll (where he also enjoyed support) and south of Moray, until as late as 1134, though most Scottish historians would describe Malcolm mac Alexander as having been a far less successful rival. At the same time, David still had to contend with Fergus *rí* of Galloway. David also may have inherited a kingdom with only two fully formed dioceses; Glasgow and St Andrews, which are the only dioceses for which we have evidence of organisation at this time though there may have been others.⁷⁴

⁷² Oram, pp. 112-113.

⁷³ Alex Woolf, "The 'Moray Question' and the Kingship of Alba," *The Scottish Historical Review*, Vol. 79, 2:No 208: October 2000, pp. 146, 163.

⁷⁴ Oram, pp. 112-114.

David would destroy the independent power in Moray in 1130-1134, with the defeat and death of Oengus *rí* of Moray in 1130.⁷⁵ During the next four years, fighting in the north continued, against both mac Alexander and the remnants of the Moray dynasty, ending in 1134 with mac Alexander's capture and, in Oram's interpretation, the extermination of the Moray dynasty.⁷⁶ After this date David installed William fitz Duncan, a half-nephew of David's, as ruler of Moray until as late as 1147, after which time he took it into his own hands upon William's death.⁷⁷ During David's lifetime, this policy seems to have kept Moray and the north quiet and relatively stable.

Unfortunately for David's grandson William, this would not remain the case during the later twelfth century and the early thirteenth, when William fitz Duncan's descendents, the Mac Williams, would stage several invasions/risings in the north. The Mac Williams would stage four attempts to take the kingship from 1179 to 1212.⁷⁸ The first and third of these, in 1179 and 1186 respectively, advanced first into Ross; indicating an invasion from the north or east of there. The second in 1181 seems to have been launched from the sea into an unspecific part of Scotland. Again in 1211/12 Ross was invaded, this time explicitly from Ireland, probably somewhere in Ulster. In each case Ross seems to have been the first target and the place where internal support could be gathered. In two instances, the second and fourth, the invasion then moved on to Moray. Alasdair Ross argues from this evidence that the Mac Williams lacked a strong base of support in Moray, but may have had one in Ross.⁷⁹ What this illustrates is that

⁷⁵ Alex Woolf, 'Moray Question' p. 150.

⁷⁶ Oram, p. 91.

⁷⁷ Oram, p. 96.

⁷⁸ Alasdair Ross, "Moray, Ulster, and the MacWilliams," *The World of the Galloglass; kings, warlords and warriors in Ireland and Scotland 1200-1600*, ed. Seán Duffy (Dublin: Four Courts Press, 2007), pp. 29-39.

⁷⁹ *Ibid*, pp.35-37.

Moray was not a province on the edge of revolting itself, but rather the most northerly province likely to be loyal to the Davidian dynasty in times of revolt in or invasion from farther north, and hence the major target of not only Mac William invasions, but also of two invasions by Earl Haraldr Maddaðarson late in the twelfth century.

In the south as well David was increasing his authority over the *rí* of Galloway. As early as 1120, David as Prince of Cumbria was investigating the claims of the Diocese of Glasgow in the region, probably in order to increase his own authority by partnership with that bishopric, especially in the granting of church lands to his own retainers, although these lands were peripheral to the kingdom of Galloway. Later, during the early conflict of his reign, his armies would hold much of the northern extension of Galloway. Finally, later in his reign through policies of land grants and his overall increased power in Scotland, he would bring Galloway firmly within his own orbit (perhaps the most important grants were those to Hugh de Morville and Walter fitz Alan), though it was not fully integrated into the Kingdom of Scotland.⁸⁰ A similar policy of alliance, church endowment and greater force would keep Argyll in check within David's reign, as Sumarliði expanded into the Islands instead of further into David's territory, and it would not be in David's lifetime that Sumarliði launched his greatest campaigns against both Scotland and Man culminating in his own death in 1164 while invading Scotland during the reign of David's grandson Malcolm IV.⁸¹

David's success was not only in holding territory however, although his accomplishments in this area are notable including not only the above mentioned modern Scottish territories but also English Cumberland and Northumbria north of York by the

⁸⁰ Oram, pp. 113-118.

⁸¹ McDonald, *Manx Kingship in the Irish Sea setting 1187-1229; King Rögnvaldr and the Crovan Dynasty*, Dublin 2007, p. 65.

later years of his reign. He was also able to establish a number of towns with grants and privileges during his reign. These ranged from Roxburgh and Berwick both granted charters while he was still prince of Cumbria, to later town including at least: Edinburgh, Lanark, Stirling, Dunfermline, Perth and Aberdeen.⁸² In addition David also understood the importance of coinage; this was reflected both in his concern for the silver mining region around Carlisle and his castle there, and in his mints located as far north as Perth and Aberdeen.⁸³ David did have resources beyond that of previous Scottish kings as he held not only the Kingdom of Scotland but also the Earldom of Huntingdon and the extensive northern English lands of Cumberland and northern Northumbria. David used this wealth not only to build castles and pay for armies, but also to establish dioceses as far north as Caithness and to found and re-found reformed monastic houses. It was also during this period that Scotland began to really adopt the parish system on a wide scale.

Overall, then it can be seen that Scotland was a dynamic kingdom on the rise in the twelfth century, even if the kings still had numerous rivals. It would take time for the most northerly of these reforms to take hold, but as Moray became more developed and the bishopric of Caithness increased in power and Scottishness the manoeuvring room enjoyed by the Earls of Orkney on their southern border would get narrower and narrower.

⁸² Oram, p. 194.

⁸³ Oram, pp. 193-195.

The Kingdom of Man and the Isles

Like Orkney, the Kingdom of Man was a Scandinavian colony (i.e. had been settled from Scandinavia) which had its own ruling dynasty (see figure 4 appendix C for map). Also as in Orkney in the early twelfth century the local dynasty had just been restored after a hiatus. In Orkney this period of hiatus had been relatively short, five to ten years at the most, in the Hebrides and Man this period had been about fifteen years and the events during this time are much more varied and much more disputed. In c. 1113, however, Óláfr Guðrøð's son took control of the Kingdom that had been his father's before 1095.⁸⁴ Óláfr would be the last King of the Isles to actually rule all of the Hebrides. After his death, in the same year as David's, (1153) Sumarliði would extend his own power into the Isles from his base in Argyll. This was facilitated by the fact that Óláfr's death had not been as peaceful as David's; rather he had been killed by his nephews who then split the kingdom amongst themselves. The fighting had not ended there, however, as Óláfr's son Guðrøðr took back the kingdom with Norwegian aid. From 1156 to 1164 the tide was definitely against Guðrøðr, as he was forced first to divide the Hebrides with Sumarliði and then, in 1158, he lost Man to the lord of Argyll as well.⁸⁵

It would not be until Sumarliði's own death in 1164 that Guðrøðr would be able to return to his kingdom and take back the majority of it.⁸⁶ However, he would not be able to hold all of the Hebrides again, and for the rest of the Kingdom of Man's existence the Hebrides would be split between itself and the dynasty of Sumarliði. The Skye and

⁸⁴ McDonald, *Manx Kingship in the Irish Sea setting 1187-1229; King Rögnvaldr and the Crovan Dynasty*, Dublin 2007.

⁸⁵ Ibid.

⁸⁶ Ibid.

Lewis groups would remain in the Kingdom of the Isles, but the Islay and Mull groups would be linked with Argyll and ruled by Sumarliði's descendants.

Guðrøðr's mother was Ingibjorg the daughter of Earl Hákon Pálsson and Helga Moddan's daughter, according to OS.⁸⁷ This means that he was first cousin to both Earl Haraldr Maddaðarson and Earl Erlendr Haraldsson. By the time Guðrøðr came to power in Man in 1164 Earl Haraldr had been sole earl in Orkney since Rögnvaldr's death in 1158, so it is possible that the two Island rulers enjoyed some level of amicable relations. This is re-enforced by the evidence that Manx and Orcadian forces co-operated in the blockading of Dublin, recently taken by the English.⁸⁸ On the other hand *Orkneyinga saga* portrays the Hebrides as the target of Sveinn Ásleifarson's raids. Sveinn was a *gæðingr* of importance under Haraldr.⁸⁹ However, Guðrøðr did not hold all of the Hebrides and it could have been in the lands of the sons of Sumarliði that Sveinn was raiding. Although in one raiding trip Sveinn does go to the Isle of Man, it is not clear whether he was actually raiding there. This does not mean that it is impossible that Sveinn was raiding Guðrøðr's land, either on his own initiative, ignoring the earl, or with the earl's support.

Guðrøðr did not take back Man without a fight. Even though Sumarliði's sons Dugal, Ranald and Angus appear to have been busy fighting each other,⁹⁰ which allowed Guðrøðr to return relatively easily; he still had to defeat and mutilate his half-brother Rögnvaldr to secure the kingship.⁹¹ Interestingly this is also the name of one of Guðrøðr's

⁸⁷ OS ch LIII

⁸⁸ McDonald, *Manx Kinship*, p. 68.

⁸⁹ OS chs CV-CVII.

⁹⁰ McDonald, *Kingdom of the Isles; Scotland's Western Seaboard, c.1100-1336*, (East Linton, Scotland: Tuckwell Press, 1997), p. 70.

⁹¹ *Cronica Regum Mannie & Insularum*, ff. 39r, 39v.

sons. This is because relatively few names of the Manx and Orcadian rulers overlap, it is possible that the use of the name Rögnvaldr demonstrates the dynastic link between the two houses; however this is also questionable because the first Manx Rögnvaldr was not the son of Ingibjörg and the twelfth century Rögnvaldr in Orkney was a member of the *Erlendsætt*, not the Helga branch of the *Pálsætt* like Ingibjörg, and the twelfth century Rögnvaldr Kali was probably dead before Rögnvaldr of Man was born. In addition, it is possible that in both cases the name refers to the legendary ancestor of both dynasties Rögnvaldr of Møre.

In any case, this later Rögnvaldr Guðrøðsson of Man became King of the Isles in 1188.⁹² He was not without a rival of his own, his brother (or probably half-brother),⁹³ Óláfr. From 1188-1207 Óláfr seems to have been set up on the Island of Lewis, after which he was imprisoned in Scotland until the death of William the Lion in 1214.⁹⁴ In 1223 the Kingdom would be partitioned with Óláfr gaining Man, and in 1226 Rögnvaldr would be forced into exile. In 1229 Rögnvaldr would be killed leaving his brother Óláfr in sole possession of the kingdom, a situation which would still be the case in 1231 with death of Haraldr Maddaðarson's son Earl Jón of Orkney.

⁹² CRMI, ff. 40r,40v.

⁹³ McDonald, *Manx Kingship*, pp. 70-73.

⁹⁴ Ibid, pp. 77-78.

Norway

By the reign of Magnús barefoot the Kingdom of Norway was much the shape it is today with the Vestland, Víken, Tronderlag and Oppland all part of the kingdom as well as the less well defined areas of Halogaland and Finnmark. Of these the first three were the most important areas with the centre of royal power probably in the western fjords of the Vestland and the most important assembly, the *Eyraping*,⁹⁵ in Trondheim. At the same time Viken was still hotly disputed territory with the Danish kings claiming lordship over it. The kingship had most likely formed in the south-western part of modern Norway in the late ninth and early tenth century, according to Krag.⁹⁶ This was followed by a long period of Danish rule, expansion on several fronts, two periods of independence under the two Óláfrs, and finally the founding of the medieval dynasty and kingdom by Haraldr harðráði Sigurðsson. Haraldr based his claim on being St Ólaf's uterine half-brother.⁹⁷ Magnús barefoot was Harald's grandson.

Magnús' death in Ireland in 1103 did not cause any major difficulties in Norway, instead his three illegitimate sons, Sigurðr, Eysteinn and Óláfr, jointly ruled Norway. Of these Sigurðr, known as jórsalafari for his 1108-1109 pilgrimage to Jerusalem, lived the longest, ruling alone from 1123-1130.⁹⁸ After his death he was succeeded both by his son Magnús Sigurðsson and his supposed half-brother Haraldr gilli, although the saga writers do not seem to have believed this claim outright. In 1134-6, a brief period of civil war would ensue in which Haraldr was first driven into exile, and then returned to oust and mutilate Magnús, only to be killed himself the next year by Sigurðr, his own half-

⁹⁵ Knut Helle, "The Norwegian Kingdom," p. 370.

⁹⁶ Claus Krag, "The early unification of Norway," pp. 186-7.

⁹⁷ Ibid.

⁹⁸ Brigit Sawyer, "The 'Civil Wars' revisited," pp.48-49.

brother.⁹⁹ This led to the succession of Harald's sons, between whom real fighting would break out in the mid 1150s around the same time as the civil war in Orkney and the wars following Óláf's death in the Isles. By 1161, the strongest faction (ON *flokkr*) was supporting Magnús Erlingsson the grandson of Sigurðr jórsalafari through his mother Kristín. Magnús was an infant at the time so that this faction, which had previously supported King Ingi, was led by his father Erlingr skakki. Various 'flocks' (i.e. *flokkar*) were formed against the king from districts that had not supported Ingi, but most of these were put down successfully by Earl Erlingr until 1177 when one group, known as the *Birkibeinar* 'birchlegs' took Sverrir as their leader after their previous claimant died. Sverrir claimed to be the son of King Sigurðr Haraldsson, the brother of King Ingi. Whatever his origin, he was able to fight a successful campaign against Magnús Erlingsson's forces, escalating the civil wars and killing Magnús in 1184, after which he continued to fight various factions with their own pretenders, as well as most significantly the crosiermen who had the support of the Norwegian archbishop. This later group was particularly active from 1196 until 1202, the year of Sverrir's death. After his death, conflict between the Crosiermen and Birchlegs would continue, each with their own king and territory, until 1217 early in the reign of Hákon Hákonarson, the grandson of Sverrir, though some other factions continued to fight on for about a decade.¹⁰⁰

During this period of civil war the Norwegian Kingdom did not remain static in its institutions, nor did it atrophy and its institutions simply disappear. Rather it was during this period that the kingdom took on the shape it would have until the Kalmar Union, and in many ways even later.

⁹⁹ Ibid.

¹⁰⁰ Helle, 'The Norwegian Kingdom,' pp. 374-76.

In the days of Magnús barefoot's sons there were three dioceses in Norway connected with the law provinces; these were Bergen serving the Gulapíng law-province, Niðaróss (Trondheim) serving the Frostapíng law-province, and Oslo serving both the Borgarþíng and Eiðsivapíng law-provinces.¹⁰¹ In the eleventh century the bishops had not had a specific seat, but had moved between a number of residential churches within one, or two, law provinces. It was under Óláfr Kyrri that the first permanent seat had been established in Trondheim (Niðaróss), and the others had followed by the turn of the century.¹⁰² Sigurðr jórsalafari would expand the number of dioceses in c. 1125 with the Diocese of Stavanger, separating the far south of the Gulapíngs law-province from the see of Bergen. In 1152-53, Cardinal Nicholas Brekespear (the future Pope Hadrian IV), as papal legate, created the archiepiscopal see of Niðaróss with no less than eleven bishoprics, five in Norway including the above four and the newly established Diocese of Hamar for the Eiðsivapíng law-province, and six overseas including; Greenland, Orkney-Shetland, the Faroes, Sodor and Man, and the Icelandic dioceses of Skálholt and Hólar.¹⁰³ Despite this, in the early twelfth century, the Church was still heavily dependent on the monarchy, with election of bishops largely in the king's hands and the cathedrals often physically attached to the king's residences. Even the ecclesiastical law, such as it was, was upheld by the courts of the law-provinces.¹⁰⁴

If the dioceses of Norway were well established by the 1150s it is less clear that what we would call parochial organisation was equally well established. Instead in the

¹⁰¹ Knut Helle, "The Organisation of the Twelfth century Norwegian Church," in Barbara Crawford (ed). *St Magnús Cathedra and Orkney's Twelfth Century Renaissance*, (Aberdeen University Press, 1988), pp. 48-49.; Peter Sawyer, "Dioceses and parishes in twelfth century Scandinavia," in Barbara Crawford (ed). *St Magnús Cathedra and Orkney's Twelfth Century Renaissance*, (Aberdeen University Press, 1988), p. 37.

¹⁰² Ibid.

¹⁰³ Knut Helle, "The Norwegian Kingdom," pp. 376-77; Knut Helle, "Twelfth century church in Norway," p. 49.

¹⁰⁴ Knut Helle, "Twelfth century Church in Norway," pp. 49-50.

early twelfth century there was a collection of various types of churches supported in various ways in a tiered and overlapping system. This seems to have created a tripartite hierarchy of churches; i.e. head or county churches (*höfuðkirkjur*, *fylkiskirkjur*), lesser unit churches (*héraðskirkjur*, *fjórðungskirkjur*, *áttungskirkjur*), and privately owned churches/chapels (*hægendiskirkjur*).¹⁰⁵ In fact it is likely that this represents two simultaneous trends, the one a spontaneous building of churches by both individuals of means and peasant communities on the one hand, and a systematic attempt to establish churches for each area from above on the other; these two trends coinciding into this system.¹⁰⁶ Not all intermediate levels existed in all provinces and the system for supporting the churches varied as well. The more standard parish would develop as the century wore on, mostly because of the introduction of tithes. These were first established in Trondheim under Sigurðr jórsalafari, but would be enacted throughout Norway under Magnús Erlingsson.¹⁰⁷

The church also became involved with the accession of the new king in this period. In 1163 or 1164 Magnús Erlingsson became the first Norwegian King to have a coronation.¹⁰⁸ This Christian rite of kingship did not replace the earlier procedure of acclamation by the assemblies, but it did become an important component, albeit slowly. Hákon Hákonarson did not have a coronation until 1247 for instance because of his illegitimate birth and his opposition to some of the Church's privileges.¹⁰⁹

At the same time, important developments were happening in the secular management of the kingdom. Among these was the development of the *leiðangr* system.

¹⁰⁵ Ibid, pp. 50-51.

¹⁰⁶ Ibid, p. 51.

¹⁰⁷ Ibid, p. 53.

¹⁰⁸ Knut Helle, "The Norwegian Kingdom," p. 377.

¹⁰⁹ Ibid, pp. 379-380.

Some scholars, especially Neils Lund, would place the introduction of this system of naval levy entirely in the twelfth century, as it is only in this century from which law codes such as *Gulapingslög* and *Frostapingslög* survive detailing the system. However, this does not necessarily mean that no such system of naval levy existed, and some system was almost certainly called *leiðangr* before the twelfth century due to its linguistic development.¹¹⁰ Saga evidence attributes the foundation of the system to Hákon the Good in the mid tenth century. In the details the systems described by these early thirteenth century works seem to simply be describing the *leiðangr* system of their own day, which had by then developed almost primarily into a system of taxation.¹¹¹ Leaving aside the details, however, it is not improbable that some form of naval levy was instituted in the western part of Norway, the area in which Hákon would actually have held power given the current consensus about the formation of Norway as described above. This is supported by the evidence that Hákon really did spend time in England in his youth, where such a system existed at that time, and by the fact that the oldest surviving reference to the system is in *Gulapingslög*, i.e. western Norway.¹¹² This does not mean that the full system of *skipreiður* (ship-districts) existed in the tenth century, in fact the division of the whole country into these units may not have occurred until the thirteenth century, but that a system of naval levy of some kind called *leiðangr* may have operated throughout the eleventh and twelfth centuries in some parts of the kingdom, the exact nature and extent of which is, and will most probably remain, unknown

¹¹⁰ Gareth Williams, "Ship-levies in the Viking Age- The methodology of studying military institutions in a semi-historical society," in *Maritime Warfare in Northern Europe; Technology, Organisation, Logistics and Administration, 500BC-1500AD*, Anne Nørgård Jørgensen, John Pind, Lars Jørgensen & Birthe Clausen (eds.), (Publications from the National Museet, Copenhagen, 2002), p. 298.

¹¹¹ Ibid.

¹¹² Ibid, pp. 299-300, 305-306.

By the time of the extant law codes of the late twelfth century, however, it was fairly well developed for raising naval forces and would be used by both sides in the civil war.¹¹³ The *leiðangr* had become even more important by the end of the civil war period as a regular national tax.¹¹⁴ This indeed could account for why it was only at this period that it extended over all of Norway, inland districts could hardly have been well suited to provide actual ships, but could easily provide a larger tax base. In fact by this time individual *skipreiður* could be granted out to people as a form of income.¹¹⁵

There were also changes in the systems of law and administration as well as taxation in this period. The law provinces with their *pings* were well established by the beginning of the twelfth century, but this system would become less local, or provincial, and more national in character in the later twelfth century and in the thirteenth century. The most prominent of these were the *Riksmøter* or national assemblies. The first of these was held in 1152-53, another of great importance was held in 1163-64, the first was connected to the ecclesiastical settlement concerning Hamar and the archiepiscopal status of Niðaróss and the second for the coronation of Magnús Erlingsson.¹¹⁶ These gatherings became most common under Hákon Hákonarson and Magnús Law-mender in the thirteenth century.¹¹⁷ These meetings were attended by the *lendirmenn* (men who held land and authority from the king) and *hirðmenn* (the king's military household), the bishops and other prelates, and sometimes representatives from the peasantry of each law-province as well. In the mid twelfth century these seem to have been intended to replace the law-province *pings* as the main legislative body, although this never really

¹¹³ Ibid.

¹¹⁴ Knut Helle, "The Norwegian Kingdom," p. 384.

¹¹⁵ Gareth Williams, 'Ship-levies,' p. 299.

¹¹⁶ Knut Helle, "The Norwegian Kingdom," pp. 377, 382-83.

¹¹⁷ Ibid.

happened and the *lögþings* continued to approve the laws. In other respects the national assemblies lost their functions to local church synods on the one hand and to the ‘council of the realm’ on the other by the early fourteenth-century, so that the national assembly itself never became really institutionalised. However, Hákon and Magnús would nonetheless be able to take on the role of legislature, culminating in Magnús’ Land law of 1274 that established a national law code, supplemented in 1276 by the Town law.¹¹⁸

Such reshaping of law was possible because of the changes implemented within the law-provinces in the late twelfth century. This included the *sýslumenn* who acted in their own districts (or *sýslur*) much like English sheriffs with local military, judicial and fiscal administrative authority. Above these were lawmen appointed by the king to act as judges in ten districts, plus one each for Bergen and Niðaróss, in addition there were four regional treasurers on fortified estates in Bergen, Niðaróss, Oslo and Túnberg.¹¹⁹ In addition to these was the system of *lendirmenn* already in place from earlier. All of these officers were probably *hirðmenn* of the king as well. This system could be expanded overseas as it was in Iceland in the late thirteenth century with one *sýslumaðr* in each quarter and the elected lawspeaker replaced by the appointed lawman and the *alþingi* being reformed as a Norwegian style court of law with 36 *lögréttumenn* and the whole island under two royal commissioners known as *hirðstjórar*, after a short period with an earl.¹²⁰ At the same time many of the leading men whose families had once been chieftains had become *hirðmenn* of the king.

Towns also became more important in the twelfth century. Bergen in particular became a frequent royal residence and place for national assemblies as well as very near

¹¹⁸ Ibid, p. 381.

¹¹⁹ Ibid.

¹²⁰ Knut Helle, “The Norwegian Kingdom,” pp. 388-389.

the meeting place of Gulaping. In the thirteenth century, it was very nearly the permanent capital of Norway, until the reign of Hákon V when Oslo became a centre of equal importance. Other towns grew in importance as well as they became more permanent centres of royal and ecclesiastical administration.

England

Henry I had looked set to pass on his kingdom to his son William in an uncontested succession from 1103 until 1120. In that year, the fortunes of Henry's family took a turn for the worse and his son William died in the infamous *White Ship* disaster, in which the prince and many young nobles were drowned at sea when their ship sank.¹²¹ Suddenly the Norman dynasty had a new problem; rather than having too many adult male claimants in the patriline, they had none. Initially Henry attempted to solve this dilemma by producing another son and heir, but this did not happen and by 1125 he was pursuing other options with the recall of his daughter Mathilda from Germany where she had been recently widowed by the death of Emperor Henry V.¹²² This was a daring move, attempting to have his daughter succeed him on the throne, unprecedented in the British Isles at least. It is difficult to see why Henry thought this was the best solution, unless he hoped to live long enough to pass the kingdom on to a grandson, though a minority would also have been an innovation in England at the time.

In the event, when Henry died in 1135 things did not turn out as he had planned. Although he had secured oaths in 1127 from a large number of secular and spiritual lords

¹²¹ Edmund King, *The Anarchy of King Stephen's Reign*, (Oxford: Clarendon Press, 1994), pp. 6-7.

¹²² Ibid.

to support his daughter as lawful successor, she did not succeed.¹²³ First among the oath takers on the occasion had been David, King of Scotland. This, however, did not stop him from invading England almost immediately, instead it gave him a way to legitimise his invasion; his troops had already crossed the border well before the end of the month.¹²⁴ Stephen had only been crowned on the 22nd; it is possible David gave the order to invade England before he even knew Stephen had claimed the throne let alone been crowned, which means he may have been planning to invade England on the death of Henry I regardless of what happened with the succession.¹²⁵

Stephen was not himself an obvious successor. His claim to William the Conqueror's throne depended on his mother Adela, William's last surviving child. In some ways, the best claim was possessed by Robert, earl of Gloucester, the late king's illegitimate son, but his son nonetheless and a grown man with military experience and popularity. Undoubtedly, he would have succeeded had this been Norway in the early twelfth century rather than England, where illegitimacy was no bar to inheritance and succession, or indeed England not so long ago in the eleventh century, or again in Normandy in the eleventh century, as the succession of William the Bastard attests. Obviously, times had changed rapidly in Anglo-Norman England and no party seems to have ever formed around the succession of Robert.

This left the choices of succession by a woman or through a woman. Neither was likely to be seen as ideal, but with illegitimacy now a real bar those were the options. Based on the coronation of Stephen it is tempting to say that succession through a woman was preferable to succession by a woman, but there are of course many complicating

¹²³ Ibid, pp. 7-8.

¹²⁴ Oram, p. 122.

¹²⁵ Ibid.

factors of a more practical nature that decided where various persons of importance sat on this issue.

What is important to note is that David would be heavily occupied by the developments in England for the rest of his reign. His first invasion accomplished relatively little though he certainly didn't lose ground in the north-east and gained Carlisle at the expense of Newcastle.¹²⁶ He would invade England again in 1137, while Stephen was fighting in Normandy.¹²⁷ In the summer of 1138, David was able to bring his army as far south as Yorkshire, where he fought the Battle of the Standard against pro-Stephen forces under Archbishop Thurstan of York, and was defeated.¹²⁸ In 1139, however, David was able to negotiate a treaty with Stephen in which he and his son Henry between them received Northumberland, Cumberland, Carlisle, the lands of St Cuthbert and two English earldoms (Huntingdon and Doncaster).¹²⁹

Real civil war would ignite in England soon after because of Matilda's landing however, and the early 1140s would see more warfare both in the south and north of England. During this time William fitz Duncan would also gain lands in Yorkshire, giving the Scots a yet more southerly foothold. All of this would allow David to rule a Scoto-Northumbrian realm reaching as far south as Skipton in the west and Newcastle in the east. This Scots empire would not last, however, and the territory would be reclaimed by England in the 1150s under Henry II. It was Henry II whose succession would end the Anarchy, as this period of civil, private, and international warfare in England is often termed by historians; he too had a claim through a woman, like Stephen, but with the

¹²⁶ Oram, p. 123.

¹²⁷ Oram, p. 127; King, pp. 12-13.

¹²⁸ Oram, pp. 138-139.

¹²⁹ Oram, p. 143.

death of Stephen's son Eustace, and the generous provision of lands for Stephen's younger son William in the Charter of Westminster, had no real rival.¹³⁰ Though this is a simplification, these points about the patterns of succession are what is important in relation to Orkney.

¹³⁰ Christopher Daniell, *From Norman Conquest to Magna Carta; England 1066-1215*, (Routledge: London, 2003), pp. 40-41.

Chapter 3:

The Reigns of Rögnvaldr Kali Kolrsson and Haraldr Maddaðarson

Rögnvaldr Kali was the son of Kolr Kalason and Gunnhildr the daughter of Erlendr Þorfinnsson. His father and mother were settled in Norway at the time of his birth; King Sigurðr seems to have brought Kolr back to Norway with him from the West after the death of his father Magnús in Ireland and made him a *lendirmaðr*.¹³¹ Kali was probably born soon after Sigurðr's accession in 1103. In the last year of his reign Sigurðr jórsalafari gave Kali the title of earl over one half of Orkney.¹³² It is not entirely clear why Sigurðr might have done this. The saga connects it to the king's settlement of a feud between Kolr's family and Jón Pétursson, so it is possible that the king saw the grant in Orkney as a way of both removing Kali from Norway and giving the fighting men of both factions something else to do. At the same time this was probably not too long after the death of Earl Haraldr Hákonarson, so it is also possible that the king saw this as an opportunity to divide the earldom again to prevent one earl from becoming too powerful. It is also possible that the king saw this as an opportunity to reassert his authority over the earldom, as Páll had almost certainly not received the title earl from Sigurðr as his father Hákon had done. It is also possible that all three of these possible reasons were in the king's mind when he made the grant.

Whatever Sigurðr's intention, however, his death soon after greatly delayed any action being taken in the matter by Kali, who had now styled himself Rögnvaldr after the eleventh-century earl Rögnvaldr Brúsason.¹³³ With Sigurðr's death his son Magnús was

¹³¹ OS ch XLII

¹³² OS ch LXI

¹³³ OS ch LXI.

acclaimed king, so, however, was his supposed half-brother Haraldr gillikrist by another þing. According to *Orkneyinga saga*, Kolr and Earl Rögnvaldr were among Haraldr gilli's allies, both in the first instance of his acclamation and later at the battle of Ferlöv, where Haraldr gilli lost the kingdom, and again when Harald-Gilli returned and defeated Magnús. It was only once Haraldr was sole King of Norway that he renewed the grant of his brother Sigurðr jorsalafari to Kali in the spring of 1134.¹³⁴

It is probable that during this delay people in all three parts of the Earldom of Orkney heard about Sigurð's grant to Kali Kolrsson. It is likely that it was during this period of time (between Sigurð's original grant in c. 1129 and Rögnvaldr Kali's first invasion of Shetland in 1134, during which time there were probably rumours of an *Erlendsætt* heir in Norway who had received the title of earl from the Norwegian king) that much of the miracle narrative concerning Earl Magnús took place. This is because the saga chapter dealing with his miracles only mentions Earl Páll, not Earl Haraldr or their father Earl Hákon except in ways that imply he was already dead, this is also true of the *Life of St Magnús*. The important points from this section of the saga are the acceptance of Magnús' sainthood by the bishop, William the Old, and the translation of Magnús' relics from Krist's Kirk Birsay to Kirkwall, most likely to St Ólaf's church. The large number of Shetlanders among the followers of St Magnús may also be of significance.

All three of these things could point to the activities of an *Erlendsætt* party in Orkney during these years. Both the support of the Shetlanders and Bishop William would later prove to be of importance to Rögnvaldr Kali when he invaded Orkney. The support which the Shetlanders showed for him in both his landings is of interest when

¹³⁴ OS ch LXII

taken together with the large number of Shetlanders mentioned in association with St Magnús' miracles. What makes these instances of Shetland being mentioned in *Orkneyinga saga* so notable is that these are very nearly the only mentions of Shetland, besides the occasional statement that the earls held Shetland. This lack of interest in Shetland may simply reflect the nature of the information available to the saga-writer, or it may reflect an actual lack of interest in Shetland by the earls overall, or a reflection of the fact that they had been detached from the earldom by the time the saga was written. In any event it appears only here that Shetland serves as the base of support for any earl.

It would be interesting to know how it came about that Rögnvaldr Kali was able to get such support from the Shetlanders that Earl Páll would not fight a land battle against him there because Earl Páll did not trust the Shetlanders.¹³⁵ There would seem to be two possibilities. First that the *Erlendsætt* had always enjoyed support in Shetland, through marriage or clientage of some kind, which was not recorded in the saga and it was this traditional support for his line that Kali could count on in Shetland. The other possibility is that support for Rögnvaldr Kali and the *Erlendsætt* in Shetland was new. This second interpretation may be explained by two things. First that Shetland was an outlying province of the Orkney earldom, it may in this way have occupied a position like the eastern regions of Norway in the civil wars of the twelfth century, a generally discontented region in which nearly any rival claimant could find support. Secondly, we can see the rise of the cult of St Magnús in Shetland as the beginning of a growing support base for the *Erlendsætt* cause. This did not need to happen all at once, the Shetlanders may at first have simply seen St Magnús as a symbol of resistance against Earl Páll's regime, or more generally against the basically absentee lordship of the earls.

¹³⁵ OS ch LXV

Only later with the arrival of the saint's nephew did this turn into an open political support for a rival earl.

In fact, veneration of St Magnús was likely to have been the only way anyone at the time could have expressed any opposition to the earl at all. The *Erlendsætt* had been all but destroyed, certainly no paternal male descendent of Erlendr remained, and with Harald's death there was only one *Pálsætt* earl as well. There was, therefore, no acceptable method of opposition; if we were to see rival earls as a form of two-party system it would be as if that system had collapsed into a one-party system. It was obviously not to the liking of Páll that Magnús, his father's rival, was revered as a saint, yet he seems to have been unable to stop people from doing it, especially in Shetland. In a way St Magnús had become a rival earl, even though he was dead, a place-filler when it seemed there were no more actual living members of his line to claim the earldom. While at the same time he was much more than any living rival earl could be, because he was a saint and in the pattern of St Óláfr of Norway could be cast as the perpetual ruler of Orkney. This was a rival that Páll could not banish as he had his nephew Erlendr Haraldsson.

Yet, if supporters of the *Erlendsætt* had been promoting the cult of St Magnús as an almost symbolic opposition, they also had more concrete reasons for doing so after 1129. Now the descendents of Erlendr had a new claimant in the person of Magnús' nephew, the son of his sister Gunnhildr, Kali Kolrsson. Ordinarily, a sister's son, or a daughter's son for that matter, would probably not have been considered much of an heir. While the law code for Orkney in the twelfth century does not survive we do have early law codes from both Iceland and Norway (including *Frostþingslög* and *Gulapingslög*)

these codes are not identical to each other, but by looking at both *Gulapingslög* and *Grágás* (the Icelandic law code) we can get some idea of what the law of Orkney was probably like.

At the death of Earl Magnús Erlendson we know that he had no son, the first to inherit in both laws.¹³⁶ In the *Gulapingslög* a living father stands in the same class, but Erlendr was, of course, already dead. Both laws then move on to legitimate daughters, and *Gulapingslög* adds sons' sons and the paternal grandfather: again Magnús had none of these living.¹³⁷ At this point *Grágás* now places the father, but *Gulapingslög* had already covered him and we have established he was dead. Both then specify a legitimate brother of the same father, but Magnús' brother Erlingr was also dead.¹³⁸ Here in both laws we come to the mother, however even though Magnús' mother Þóra was alive it does not seem to have been possible for women to inherit an earldom according to any narrative source we have, so we can safely skip her. Here the two laws show more differences, *Gulapingslög* going on an extensive search through paternal kin. Starting with the father's brother and the brother's son,¹³⁹ in Magnús' case the first was dead and the second does not seem to have existed as no children are recorded for Erlingr. *Gulapingslög* then specifies sons of brothers, to receive *óðal* and uterine brothers to receive a share of money.¹⁴⁰ Magnús had both of these; a uterine brother from Þóra's second marriage to Sigurðr called Hákon, and of course the son of his father's brother

¹³⁶ Dennis, Andrew, Peter Foote, Richard Perkins, translators. *Laws of Early Iceland, Grágás; the Codex Regius of Grágás with material from other Manuscripts* (vol. 2), (Winnipeg, Canada: University of Manitoba Press, 2001), (vol. 2), pp. 3-5.; Larson, Laurence M, translator. *The Earliest Norwegian Laws; Being the Gulathing Law and the Frostathing Law*, (New York: Columbia University Press, 1935), pp. 108-109.

¹³⁷ Larson, Laurence M, translator. *The Earliest Norwegian Laws; Being the Gulathing Law and the Frostathing Law*, (New York: Columbia University Press, 1935), pp. 108-109.

¹³⁸ OS ch XLII

¹³⁹ Larson, pp. 108-109.

¹⁴⁰ Ibid.

was Hákon Pálsson. Given the bar on *óðal* and the preference in the succession of kings for sons and grandsons of kings it is unlikely, Hákon was considered a good candidate for earl by *Gulapingslög*. This would have left Hákon inheriting, as he did, ending the *Erlendsætt* claim to the earldom.

Grágás on the other hand places uterine brothers far above parallel cousins,¹⁴¹ this is perhaps one indication that *Gulapingslög* is closer to Orcadian practice as Hákon does not seem to have ever been considered even a possible claimant to the earldom, or perhaps simply an indication of the emphasis placed on male descent particularly in cases of regal or quasi-regal offices. What is interesting is that in either case Hákon seems to have actually been a closer heir than Rögnvaldr Kali, except that he was not actually descended from an earl. In any case, the sister's son comes in the tenth class of *Gulapingslög* and in the seventeenth class of *Grágás*, well after illegitimate sons in both cases. If you add to this the likelihood that direct paternal descent was probably of even greater significance in the inheritance of 'offices' like chieftain, earl, or king, we can see that Kali Kolsson almost certainly had a very weak claim. To the weakness of his claim can be added that he was born in Norway and had not been brought up in Orkney, he was thus, essentially, a foreigner.

He was, however, also apparently the best *Erlendsætt* claimant around. It is probably true that neither Kali Gunnhildr's son nor Hákon Þora's son were technically legitimate claimants of the earldom against Páll Hákonarson, the son of an earl. As a paternal line, the *Erlendsætt* were actually dead. This, however, does not mean that there

¹⁴¹ Andrew Dennis, Peter Foote, Richard Perkins, translators. *Laws of Early Iceland, Grágás; the Codex Regius of Grágás with material from other Manuscripts* (vol. 2), (Winnipeg, Canada: University of Manitoba Press, 2001), (vol. 2), pp. 3-5.

was no need for an *Erlendsætt* claimant. A classic example of a manufactured claimant is almost certainly Sverrir, who claimed to be the illegitimate son of Sigurðr the son of Haraldr gilli when the *Birkibeinar* had lost their leader, a son of Eysteinn son of Haraldr gilli, thus keeping the Haraldr gilli line alive to lead the *Birkibeinar*.¹⁴² Sverri's adversary was in much the same boat, however, a daughter's son of Sigurðr jorsalafari, Magnús Erlingsson was their claimant.¹⁴³ It could be said that these examples, which are not exhaustive, illustrate the ability of factions to create claimants practically out of thin air so as not to leave themselves without a leader.

So the *Erlendsætt* supporters may have had both a symbolic leader and figure of opposition that could not be removed from the islands, i.e. St Magnús, and a living claimant over the sea whose coming could be planned for, as well as a growing amount of popular support for their cause through St Magnús especially in Shetland. What else they seem to have gained in this period of the Norwegian civil war of the 1130s was the support of Bishop William and a movement of Magnús' relics to Kirkwall. Bishop William the Old would have been the most important single individual in Orkney besides the earl at the time. As Andersen points out in his article on the Orcadian church, it is likely that the episcopate in Orkney had reached a stage of development at which he had some independence from the earl, having become semi-peripatetic and moving between a few seats not with the earl but separately among his own estates.¹⁴⁴ This separation from the earl allowed the bishop to take a more active part in political affairs, as William would during Rögnvaldr's invasion. At first, however, his support seems to have been

¹⁴² Bridget Sawyer, pp. 45-50. *The Saga of King Sverri of Norway*, J Sephon, chs. 4-9.

¹⁴³ B Sawyer, pp. 49-50.

¹⁴⁴ Per Sveaas Andersen, "The Orkney Church in the Twelfth and Thirteenth Centuries- a stepdaughter of the Norwegian Church?" *St Magnús Cathedral and Orkney's Twelfth century Renaissance*, ed. b Crawford (Aberdeen University Press, 1988), p. 60.

limited to support for the cult of St Magnús. While this could be seen as apolitical activity within his religious remit, it is unlikely to have been so simple. After all, St Magnús was the last earl of the rival line and the attitude of the Shetlanders to Páll later on illustrates how this affected the cult. In Bishop William's change of heart about Magnús' sainthood we can almost certainly also read a change in his political leanings.

Interestingly many of the early diplomatic references to Orkney mention bishop William indirectly. In fact, documents 6-10 in the *Diplomatarium Orcadense et Hiattlandense* (or Orkney and Shetland Records) either explicitly instruct someone, either the earl or the king of Norway, to recognize one Radulf as the bishop of Orkney in place of another who had intruded, or simply are addressed to Radulf as if he were actually in place in Orkney.¹⁴⁵ William had probably become bishop in the same year that Radulf had been elected in York, i.e. 1112.¹⁴⁶ It is also possible that he had become bishop in 1102 and the length of his episcopate given in *Orkneyinga saga* was correct, meaning he had possibly been put in place by King Magnús barefoot or the men he had placed in charge of Orkney, Watt considers this the less likely possibility however.¹⁴⁷ Instead he sees William's election in 1112 after Sigurðr jorsalafari had come back from crusade as a clear rejection of the metropolitan authority of York, perhaps in favour of Lund (made an archiepiscopal see in 1103 for Scandinavia). William himself was probably from Melrose.¹⁴⁸ Alfred Johnston sees William as having been supported by Hákon Pálsson and Radulf as having been supported by Magnús Erlendson.¹⁴⁹ The reason for this

¹⁴⁵ Alfred W Johnston and Amy Johnston, *Diplomatarium Orcadense et Hiattlandense*, (University of London: King's College, 1907-1913), pp. 10-17.

¹⁴⁶ D E R Watt, *Fasti Ecclesiae Scoticanæ Medii Aevi; ad annum 1638*, (Fasti Committee Department of Mediaeval History St Salvator's College, St Andrews, 1969), p. 249.

¹⁴⁷ Ibid.

¹⁴⁸ DOH, p. 12.

¹⁴⁹ Ibid.

appears to be the letter of Anselm, Archbishop of Canterbury, to Earl Hákon urging him and only him to recognize the bishop he has been sent.¹⁵⁰ However, the letter in question is dated either 1103 or 1108-9, so that it is quite possibly before either William or Radulf became bishop, and possibly even before Magnús became earl. Watt refers to this letter in connection to Bishop Roger, a predecessor of both who may have become bishop in 1100 x 1108, this agrees better with the dating and I am inclined to believe Watt.¹⁵¹ This means that we are not left with any evidence that Magnús and Hákon supported separate bishops, as the later letters certainly referring to the William/Radulf conflict are not addressed to any earl, but to the king of Norway.¹⁵² So while it is not impossible that Magnús supported Radulf, no evidence of this really seems to exist.

This makes William's change of side easier to explain. Rather than having been a *Pálsætt* adherent and episcopal candidate who later turned to support an *Erlendsætt* claimant and to canonise a man who had actually opposed his episcopate, he may simply have been essentially neutral earlier in his career. His opposition to Magnús' canonisation initially could simply have been expedient as the earl opposed it, or his resistance could have been false or simply added later to the story because it allowed more miracles of Magnús to be included in his Life. For whatever reason William did support the cult of St Magnús (at least to the extent of recognising his sainthood and translating his relics to Kirkwall), and especially it seems during the years between Rögnvaldr Kali receiving the title from Sigurðr until his invasion. In part this may have been a way to create more space between the earl and the church, not to fully separate the two, but to give the bishop more leverage in the relationship. With a new ecclesiastical

¹⁵⁰ DOH, pp. 10-11.

¹⁵¹ Watt, p. 248.

¹⁵² DOH, pp. 14-17.

centre in Kirkwall, the bishop could have had a symbolic and at times actual existence away from the earl and his centres in places like Orphir and Birsay, that were not remote like the new church on Egilsay.

What more Bishop William may have hoped to gain is difficult to say. It is possible he was actively planning for regime change. After all, he created a new centre of Orcadian life in Kirkwall, or at least gave the Church's support to a centre that may already have been forming, upheld a cult that increased the support of a rival claimant, and finally helped to hide a dangerous enemy of the earl in 1135/36. After Sveinn Ásleifarson killed Sveinn breast-rope he was aided in his escape by Bishop William.¹⁵³ It is possible that the bishop's motives were simply to allow Sveinn to seek reconciliation later, but as he sent him so far away, to the Hebrides, this seems unlikely. Indeed it seems that the bishop saw Sveinn as a useful ally in Caithness for Páll's opponents. Now Páll already had plenty of opponents in Caithness, because of his half-brother's kin (the family of Moddan of Dale), but this incident helped to bring Svein's kindred in Caithness over to Rögnvaldr Kali's side later on, once Rögnvaldr Kali held a part of Orkney. Whether or not William saw this possibility would be difficult to say. However, it is clear he was not acting in support of Earl Páll when he helped Sveinn escape.

What is perhaps most difficult to see from the saga is who the core supporters of the *Erlendsætt* were in Orkney at that time between 1129 and 1134/36. Svein's kin would become supporters of Rögnvaldr only after his first invasion had failed and the *Moddansætt* faction had killed his father among others in a raid and Sveinn's land had been confiscated by Earl Páll after the killing. The Shetlanders' support seems to have been more like popular sympathy with the family of St Magnús, an outer part of the

¹⁵³ OS ch LXVI

faction rather than its core as there is no evidence the *Erlendsætt* had previously enjoyed great support in Shetland. The obvious organised opposition to Páll actually came from other parts of the *Pálsætt* rather than the *Erlendsætt*, i.e. Frakökk and her kin in support of Erlendr Haraldsson. And whatever general sympathy for the *Erlendsætt* claimant, based around the thinly veiled support of the church and the cult of St Magnús, may have existed in the general population this does not seem to have really undermined Pál's position when it came to mustering forces in 1134 against the double invasion of that year.

One immediately wants to look to known members of the *Erlendsætt* alive and in Orkney at that time. This approach has disappointing results however. For one thing the *Erlendsætt* was not nearly as large as the *Pálsætt*. The paternal lines through Magnús and his brother Erlingr, as stated before, simply didn't exist. As to the lines of Gunnhildr and Cecilia the first has already been discussed and was in Norway. The sons of Cecilia and her husband Isaac were Eindriði and Kolr, unfortunately these do not reappear in the saga, so it is difficult to know what if any influence they may have had.¹⁵⁴ Erlendr also had a grandson, Borgarr, through a thrall-born daughter, but he also seems to be marginalised by the saga and does not seem to have had influence in Orkney.¹⁵⁵ The most promising line is that of Þóra's second marriage, here we see that Þóra's brother fostered Earl Páll and that her second husband Sigurðr and their son Hákon were *gæðingar* of Earl Páll. None of these people were blood relations of Erlendr, but they were part of the wider kin and seem to have retained real influence in Orkney. On the other hand they seem to have been very well reconciled to Páll, Þorkell, Þóra's brother,

¹⁵⁴ OS ch XXXIII

¹⁵⁵ OS ch XXXIII

had fostered him for instance. Also Þorkell was dead by this time, killed by Haraldr Hákonarson, which in some ways united the family of Þóra with Páll against the family of Moddan of Dale. Neither Sigurðr nor Hákon appear acting in favour of Rögnvaldr during this time, but this is perhaps precisely because they are too obviously connected with the *Erlendsætt* to take any risks. It is even possible they really did not support Rögnvaldr Kali's claim, either because they had become comfortable with Earl Páll, or because they saw Kali Kolrsson's claim as no better than Hákon Sigurðarson's claim.

Rögnvaldr Kali himself does not seem to have looked for support in Orkney either. Instead his plan consisted of bringing supporters from Norway and of allying himself with the Caithness faction around Erlendr Haraldsson led by his great aunt Frakökk. The plan was for the two groups to join up in Orkney around midsummer's day in the following summer, which was 1135.¹⁵⁶ Rögnvaldr Kali was not counting on support from Orkney or Shetland, he brought with him a force of five or six ships drawn from Kali's support among his kinsmen through his father, Kolr, his father's ally Sölmundr and his brother-in-law Jón, both from Norway. The plan did not go as hoped. Instead Earl Páll was able to defend his territory as described in chapter LXV of *Orkneyinga saga*. Rögnvaldr Kali's force from Norway made it no farther than Shetland, while they were there Earl Páll defeated the forces of Ölvir, Frakökk's brother, at the battle of Tankerness. After this Páll sailed to Shetland with his captured ships as well as his own and took Rögnvaldr Kali's ships while the invader's men were ashore. However, he did not attack Rögnvaldr Kali on land because, as has already been stated, he did not trust the Shetlanders. At the end of the campaign season of 1135 Earl Páll was still firmly in control of Orkney and had defeated both of his main rivals. It should be said,

¹⁵⁶ OS ch LXIII

though, that he was clearly not in full control of Shetland, Rögnvaldr Kali obviously enjoyed more support there than Earl Páll did. He also did not control the south of Caithness (probably modern Sutherland), where Moddan of Dale's family was so strong.

During the following winter he would begin to lose the north of Caithness as well. Páll's man in Caithness seems to have been Óláfr Hrólfs son, who had also fought in the battle of Tankerness for the Earl. He was killed the winter after the battle when his house was burned by Olvir the unruly, a son of Frakökk.¹⁵⁷ Óláfr's son Valbjófr had died at the same time in an accident at sea.¹⁵⁸ This left Óláfr's other son Sveinn, usually called Ásleifarson, who would soon find himself outlawed by the earl and his property in Caithness confiscated following his killing of Sveinn Breast-rope and his evasion of the earl afterwards aided by Bishop William. This greatly damaged Páll in Caithness as well, turning another kin group there, this time Svein's, against him. The area of Pál's real authority seems to have been shrinking, even as he seemed to still defeat all of his enemies.

The saga shows Kolr understood this when he told his son that his first attempt was not a complete loss, he had won over the Shetlanders even if he had lost his ships. In the next invasion they tried to capitalise on the popularity of St Magnús by promising to build him a stone church in Kirkwall if Rögnvaldr Kali became earl.¹⁵⁹ Once again Kali set out with all Norwegian forces, this time including forces from King Haraldr gilli of Norway.¹⁶⁰ He would be more successful in his second attempt. Shetland was again easily taken; Páll seems to have been unable to really contest it. This second time

¹⁵⁷ OS ch LXVI

¹⁵⁸ Ibid.

¹⁵⁹ OS ch LXVIII

¹⁶⁰ OS ch LXVII

Rögnvaldr Kali was able to invade Orkney itself, descending on Westray. The saga presents this as possible because the beacon on Fair Isle had been sabotaged by one Uni and the system brought into question by a ruse earlier conducted by Kolr that resulted in a false alarm.¹⁶¹ When Rögnvaldr's forces landed on Westray that island alone could not resist them and Rögnvaldr occupied the island, thwarting at least one attempt to overthrow him. In the end Rögnvaldr's occupation of Westray led to arbitration by the bishop. The bishop divided the Orkneys for the time being and set up a truce. While that truce was still going on Svein's kinsmen killed Þorkell Flayer, who had received the lands confiscated from Sveinn, and then pledged their support to Rögnvaldr Kali. This support seems to have convinced Rögnvaldr that he no longer needed his Norwegian allies and they went back to Norway.

This truce may have developed into a period of divided rule in Orkney, if it had not been for the subsequent actions of Sveinn Asleifarson. Already Rögnvaldr Kali had taken part of Orkney at least temporarily, and Shetland, Páll was also without much support in Caithness with two powerful kin groups there against him. However, support for Rögnvaldr Kali was not necessarily very great within Orkney. When Rögnvaldr Kali had held only one island, Westray, Páll had held a *þing*. At this *þing* only a few wished Páll to divide the Orkneys with Rögnvaldr, most wanted to pay him off.¹⁶² This makes it clear that they really saw him mostly as a foreign invader who could be paid to go away, little better than a viking. It would seem that the cult of St Magnús had not convinced the majority on Orkney that Kali Kolrsson was an appropriate earl.

¹⁶¹ OS chs LXIX, LXXI

¹⁶² OS ch LXXIII

However, the number of choices open to the Orcadians would soon be reduced. Sveinn, making peace with both *Moddansætt* factions, at least for a time, came back to Orkney clandestinely and kidnapped the earl. The saga-writer seems unsure what then happened to the earl other than that Sveinn brought him to Margaret (the sister of Haraldr Hákonarson) and Earl Maddad (her husband), after which he was never seen again.¹⁶³ After that Rögnvaldr Kali was able to get himself recognized as sole earl at a *þing* in Kirkwall, and by leading men such as Sigurðr of Westness, a member of the *Pálsætt* by marriage and a close supporter of Earl Páll. He was also reconciled to Sveinn. All of this was orchestrated by Bishop William.¹⁶⁴

This settlement of 1136 did not tie up all of the loose ends from the previous conflict. Two rival earls were left in Caithness and Scotland, Erlendr Haraldsson and Haraldr Maddaðarson. In 1138/39 the latter, though still a young child, would become co-earl of Orkney with Rögnvaldr. Certainly, of the two, Harald's was the weaker claim, but his father was the Earl of Atholl. The saga claims his father was also a nephew of Malcolm III, but the chronology simply does not seem to work. Regardless of his familial connection to David I, he was certainly an important member of the Scottish nobility, and the child would have strong ties to Scotland. It was undoubtedly David's support in 1139 that secured Haraldr the co-earlship.¹⁶⁵ If Páll had enjoyed David's support, the timing of Rögnvaldr Kali's invasion may be important, if he had invaded earlier, the English succession crisis would not yet have occurred and David's resources would not have been tied up in the south. It is then possible that David may have directly intervened on Pál's behalf, although the ties that David gained through Maddad and his

¹⁶³ OS ch LXXV

¹⁶⁴ OS ch LXXVI

¹⁶⁵ Oram, p. 99.

son Haraldr were undoubtedly stronger than those he had enjoyed with Páll, and it is possible that the marriage of Margaret Harald's daughter to Maddad Earl of Atholl c. 1134 was planned at least in part by David with the hope of strengthening his hand in Orkney, either through Margaret's nephew Erlendr Haraldsson or through the possible offspring of the marriage. In the end David went with support for Haraldr Maddaðarson. Why this was not done until c. 1139 is probably because of the events in England around 1135, which presumably took up all of David's attention.¹⁶⁶ He was likely still engaged with these up to 1139 until the second treaty of Durham, but a respite in 1137 may have been the point at which he had the time to approve or set in motion the plans for Maddað's son Haraldr.¹⁶⁷ Whatever the exact chronology David had firmly established a connection between the Earldom of Orkney and himself.

The events of the middle part of the decade may have influenced the choice to support Haraldr in another way as well. Before 1135 the precedent of a daughter's son succeeding to kingship, or lesser offices like it, were almost non-existent. The biggest exception to this was perhaps the ascension of Donnchad son of Crínán to the Scottish throne in 1034.¹⁶⁸ Even in that case he had succeeded his grandfather directly, there was no intervening king and his succession was successfully contested by Macbeth.¹⁶⁹ In 1135 Stephen succeeded his maternal uncle Henry, who had succeeded his brother William, who had succeeded their father William the Conqueror. It was through his mother, a daughter of William the Conqueror, that Stephen claimed a right to succeed. What was important was that Stephen's claim was not taken lightly; his accession was

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Woolf, *Pictland to Alba*, p.252.

¹⁶⁹ Ibid.

fairly popular in England, more so it seems than the possible accession of either Robert, Henry's natural son, or Matilda, Henry's daughter and designated successor. This may have influenced David's conception of the politically possible, or the thinking of his magnate Maddað. It may have now appeared more likely that a sister's son would be accepted. Indeed events in Orkney themselves had made this clear when the *þing* in Kirkwall accepted Rögnvaldr Kali as sole Earl of Orkney. While these events gave precedent to Haraldr's title, however, the accession of Stephen in England and the invasion of Orkney by Rögnvaldr Kali were so closely contemporaneous that Stephen's case probably could not have influenced Rögnvaldr's.

Also in that year, or there about, Sveinn Ásleifarson seems to have taken care of another loose end. According to the saga they burned Frakökk's house and killed many of her kin and followers, as well as Frakökk herself.¹⁷⁰ They did not kill Erlendr Haraldsson, however, and he would return to claim the earldom in the civil war of the 1150s. Before that Rögnvaldr would be free to rule the earldom in relative security, having united with one rival, killed another, and taken away the third's forces. He would also enjoy good relations with Scotland, and, for a little while, Norway.

What may have troubled him however, were two things. First his rise to the earlship had been clever, but not really based on a huge amount of support in Orkney where he may have been seen as both a foreigner and something of an usurper. The second point, connected to the first, was his relatively weak claim to the earlship. What he needed then was a way both to shore-up his power and to proclaim his legitimacy. His best ally in both of these things may have been Bishop William. The details of the changes that may have occurred at this point will be explored in chapters four and five,

¹⁷⁰ OS ch LXXVIII

but the reason for these changes, for Rögnvaldr Kali, was the need for legitimacy and support for his regime.

For a time, he seems to have ruled without opposition. This is not really surprising as Sveinn had dealt a serious blow to the last remaining opposition faction, which had lost two important war leaders, Earl Ölvir Moddan's son and Ölvir the unruly, Frakökk's son, as well as Frakökk, while their claimant Erlendr was still a young child. Scotland was both friendly, due to the co-earlship of Haraldr Maddaðarson, and preoccupied in the south with the English Anarchy and the building of the 'Scoto-Northumbrian' realm. Norway was ruled by the sons of Haraldr gilli, who had their own concerns in the form of each other once they had come of age, and whose father Rögnvaldr Kali and his kin had been supporters of. Even the Isles were relatively quiet at this time, in the later days of King Oláfr Guðrøðarson, who was married to Ingibjörg, the daughter of Hákon Pálsson and Helga Moddan's daughter. While this may have made him hostile to Páll, it made him equally closely connected to Haraldr and Erlendr; this may have worked out as little more than distant neutrality to Rögnvaldr Kali's earlship, but this was enough to keep Rögnvaldr secure from invasion. This peace with his neighbours let Rögnvaldr Kali get on with pursuits like the building of St Magnús Cathedral, one of the few non-violent or genealogical events *Orkneyinga saga* takes the time to mention.

According to the saga, in 1148, both earls visited King Ingi, then in the ascendancy, where Rögnvaldr Kali seems to have taken the time to re-establish links both with the crown, in the person of his late patron's son, and with his own network of kin.¹⁷¹ While there during Yule in that year, it was decided that Rögnvaldr Kali would lead a

¹⁷¹ OS ch LXXXV

crusade to the Holy Land. This expedition was to consist mostly of Norwegians, but some Orkneymen of note also accompanied the earl. Foremost among these was Bishop William, who was thought to be a useful translator because he had studied in Paris. In passing, this may give away the game the saga-writer seems to be playing to portray as a crusade what was actually more of a pilgrimage, or at least add crusade elements to the pilgrimage. The main holy sites at this time were already in Christian hands in the crusader states, where French was a very likely language to be spoken. Also accompanying the earl were Magnús the son of Hávarðr Gunnason (a great-grandson through his mother of Páll Þorfinsson) and Sveinn Hróaldsson, the earl's cup-bearer.¹⁷² The expedition finally set out in 1151 and the earl would be gone for about two years, returning in 1153. While he was gone Earl Haraldr had rule of the entire earldom personally, by the saga's account of his age he would have been about seventeen at the time. The expedition itself was of no great importance to the political history of Orkney itself, however, what was important was what occurred in Orkney while Rögnvaldr Kali was away..

Events in Orkney seem to have moved quickly once Rögnvaldr Kali was gone. The first event of importance was the expedition to Orkney by King Eysteinn, which appears to have occurred weeks after Rögnvaldr Kali's departure. King Eysteinn captured Haraldr Maddaðarson and forced him both to pay a ransom and to become his man.¹⁷³ Oram presents this as the moment David's policy in the Orkney's fell apart, because Haraldr only now swore allegiance to a Norwegian king.¹⁷⁴ This is probably an overstatement of the situation. Haraldr had accompanied Rögnvaldr Kali to Norway in

¹⁷² Ibid.

¹⁷³ OS ch XCI

¹⁷⁴ Oram, pp. 100-101.

1148 where they had spent Yule with King Ingi. It seems unlikely that no formal submission or oath taking on Harald's part had occurred, even though the saga does not explicitly mention it. The saga does make it clear that the trip was meant for the king and Rögnvaldr Kali to re-affirm the relationship that Rögnvaldr had had with King Haraldr gilli, Ingi's father. It seems unlikely that this would not include some kind of oaths, and it seems equally unlikely that Haraldr would not also have participated in these since he was there as well. What made the submission to Eysteinn significant was that Eysteinn was no inexperienced youth in Norway, he was an active king campaigning in Scottish waters at the time. He proved a more tangible threat. So, certainly, Haraldr's submission was not what David wanted to see, but it also was not necessarily of policy-changing moment, as Haraldr had probably already submitted to a Norwegian king.

Nonetheless in the same year David was to grant the Earldom of Caithness to Erlendr Haraldsson. The *Orkneying saga* says that Malcolm did this, but as Taylor points out the saga-compiler seems to have placed David's death two years too early.¹⁷⁵ Oram sees this as David's attempt to regain influence in Orkney that he feared he had lost by Harald's submission. It is not clear if this was entirely David's intention, remembering that Harald's submission to a Norwegian king was probably nothing new. It is also possible that David was trying to sure up his position in Orkney by replacing not Haraldr but Rögnvaldr, who was already conveniently far away. It must have been clear to David that it was Rögnvaldr Kali that kept Orkney's close relationship to Norway fresh by his kinship ties and that it was he who had first brought Haraldr into the Norwegian orbit by bringing him to Norway. Separating Haraldr from Rögnvaldr may have been David's intention. Erlendr and Haraldr were both from the Moddan sub-line of the *Pálsætt* after

¹⁷⁵ Taylor notes, p. 296-7.

all, there was no reason, on the face of it, that Haraldr should not have accepted his cousin, and on Erlendr's side most of the damage to his faction had been caused by the kin of Sveinn, not Haraldr. However, Erlendr did not seem interested in trying to reach a settlement at first but rather simply invaded Orkney with supporters from Caithness.¹⁷⁶ He and Haraldr came to a truce however, and it was decided that Erlendr would go to Norway to seek King Eystein's grant of Rögnvald's lands.

It is not clear what Haraldr hoped to achieve with this. Perhaps he thought Erlendr would get nothing from Eysteinn, or that while Erlendr was gone, he could gather enough force to defeat Erlendr when he returned. Either way, what he probably did not count on was what happened. Erlendr would return with Eystein's grant of Harald's share of the earldom and would be able to rely on Sveinn and his followers for support.¹⁷⁷ Why Eysteinn did this is uncertain, perhaps he was not comfortable with Haraldr in Orkney because he had likely sworn support to King Ingi before he had sworn to himself; whatever the reason he provided Erlendr with letters giving him Haraldr's share of the earldom.

While Erlendr had been gone, he had received a windfall in the form of Sveinn Ásleifarson. Svein's brother Gunni had apparently been sleeping with Margaret, Earl Harald's mother, by then a widow. The earl had not been pleased and outlawed Gunni, which created a feud between the earl and Sveinn. Sveinn would waste little time capturing a ship carrying the Shetland taxes before Erlendr returned, and once he returned allying himself with Erlendr. This had the benefit of making his rebellion against the earl legitimate.

¹⁷⁶ OS ch XCII

¹⁷⁷ Ibid.

With Svein's aid, Erlendr did quite well in the following conflict. Haraldr was turned out of Orkney and Erlend's claim was recognized at a *þing*, though the farmers insisted that Earl Rögnvaldr regain his half when he returned. Haraldr was able to make some attacks but had little success in regaining his earldom. Later, Rögnvaldr Kali, when he returned, at first made peace with Erlendr, accepting the settlement of the *þing*. However, not long after when Rögnvaldr Kali and Haraldr met face to face, things changed. By the end of the meeting, the two had decided to attack Earl Erlendr, Rögnvaldr having effectively switched sides.¹⁷⁸ Why Rögnvaldr Kali decided to do this can only really be explained by the personal relationship between the two men. Rögnvaldr Kali had lost nothing by changing Erlendr for Haraldr, and Sveinn, probably the most important single man who was not an earl in Orkney, was on Erlend's side. Sveinn had been a useful ally to Rögnvaldr Kali in the past. However, Rögnvaldr Kali simply does not seem to have wanted to fight Haraldr, preferring to fight with him against Erlendr and Sveinn. The most probable explanation is that Rögnvaldr Kali was Haraldr Maddaðarson's foster-father.¹⁷⁹ It is tempting to see a more ideological reason here, since both Haraldr and Rögnvaldr had weaker claims than Erlendr the son of Haraldr Hákonarson; but as tempting as it is to see Rögnvaldr Kali believing Erlendr the greater threat for that reason, it is the simpler explanation that is the more likely here.

In the saga, a rather long account of the civil war continues, but it does not illustrate anything new, nor are the individual events particularly important in themselves. The culmination of the war was in the winter of 1154/55 when an attack by

¹⁷⁸ OS ch XCIV

¹⁷⁹ Os ch LXXVII

Rögnvaldr Kali and Haraldr ended in the death of Earl Erlendr.¹⁸⁰ After this Erlend's men sought sanctuary in St Magnús Cathedral until they were reconciled with the earls.¹⁸¹ The fighting would continue until the spring of 1155 when Haraldr and Sveinn were finally reconciled.¹⁸² Rögnvaldr had made peace with Sveinn earlier, but Haraldr had borne him more of a grudge. In the end Sveinn relinquished basically everything he had to Haraldr, who then, after a short pause, gave most of it back. This was more submission than any other man had ever received from Sveinn. It is tempting to see in this the saga-writer illustrating the authority which Haraldr would soon wield as sole earl, an authority that seems to have been greater than Rögnvaldr Kali's had been when situations such as these are compared. Haraldr seems to usually be able to take a harder line and compromise less. This could be a form of panegyric for an earl who was probably still alive when the first form of the saga was compiled, but that means that the agreements were still clearly within living memory.

Earl Haraldr Maddaðarson would become sole earl with Rögnvaldr Kali's death in 1158. His death is an interesting episode in its own right. What is interesting is the light it throws on the relationship between Rögnvaldr Kali and Haraldr, or rather the doubt it casts on the idea that their relationship was without rivalry, notwithstanding the earlier episode in which Rögnvaldr changed sides to fight with Haraldr instead of against him. Some time before Earl Rögnvaldr Kali's death there had been an incident in Kirkwall involving one of Rögnvaldr's men and one of the followers of Þorbjörn Clerk. The Earl's man, called Þórarinn, was wounded by Þorbjörn's, called Þorkell while they were drinking. Þorbjörn put off a settlement because he did not want Rögnvaldr to be the

¹⁸⁰ OS ch XCIV.

¹⁸¹ Ibid.

¹⁸² OS ch XCIX

one to give it. In the mean time Þórarinn recovered and killed Þorkell, and was later killed by Þorbjörn Clerk. It was because of this last action that Þorbjörn was outlawed by Rögnvaldr Kali.¹⁸³

What makes this situation interesting is that Þorbjörn was a kinsman of Earl Haraldr. In fact he was Harald's second cousin, because Margaret, Harald's mother, was first cousin to Guðrún, Þorbjörn's mother. For comparison Haraldr was Rögnvaldr Kali's second cousin twice removed, their first common ancestor being Þorfinnr Sigurðarson. Just to make it clear Þorbjörn and Rögnvaldr Kali were not related, Haraldr and Þorbjörn's common ancestor is Moddan of Dale. Haraldr, therefore was put in a difficult position, he shared kinship with both men. In many situations this would make him a natural mediator, especially as he also was Rögnvaldr's equal in status, they were both earls, whereas Þorbjörn was not. However, Haraldr seems to basically have stayed out of the feud as much as possible, and Þorbjörn did not seek out his assistance.

This could mean that Haraldr was as much on Rögnvaldr's side as he decently could be while related to Þorbjörn Clerk. It could also mean that he had simply not had a chance to help Þorbjörn. However, I think that he was assisting Þorbjörn at least early in the feud. Rögnvaldr Kai did not take any action in relation to the wounding of Þórarinn over such a long period that Þórarinn recovered. The question is what stayed his hand so long? It could be that he was simply showing restraint, as he had in an earlier feud with Sveinn, but I think it more likely that it was Harald's influence that kept him from acting. As long as there was a possibility of Haraldr taking the other side it was not worth the risk to take any action against Þorkell or Þorbjörn. Þorbjörn's later escape may also demonstrate the influence, or even aid, of Haraldr.

¹⁸³ OS ch. C.

Haraldr did not seem willing to actually take up Þorbjörn's side, however, and Rögnvaldr Kali did have him outlawed. Later, Haraldr also accompanied Rögnvaldr Kali to hunt for Þorbjörn in Caithness, though they were already together in Caithness with their men to hunt deer so that it may simply have been difficult to get out of joining the manhunt for an outlaw. Haraldr did seem to hold his men back, taking up the rear of the party. So far his actions could simply be motivated by a desire not to be involved in the death of his kinsman, however this becomes more questionable as events unfold.

After the killing of Rögnvaldr Kali by Þorbjörn, Haraldr hesitated for some time about even pursuing Þorbjörn. By the time all three parties were aware of what had happened Þorbjörn and his men had taken up a position beyond a morass.¹⁸⁴ There Þorbjörn gave a speech in which he insinuated that he had killed Rögnvaldr to help out Haraldr. Haraldr seemed to still be willing to let Þorbjörn escape after this, until a *gæðingr* and member of the *Pálsætt* line, though without a connection to Moddan of Dale, named Magnús the son of Hávarðr Gunni's son, continued the attack on Þorbjörn looking for a way to cross. He also reportedly said that men would believe that Þorbjörn killed Rögnvaldr Kali at Harald's behest if Haraldr did not pursue Þorbjörn. After that, Haraldr leapt over the morass and nearly captured Þorbjörn, though letting him escape in the end. However by that time Magnús and his men had crossed and were able to catch and kill Þorbjörn.

The question is whether the hesitation of Haraldr to pursue and kill Þorbjörn was really because of their kinship as the saga states, or because he really had somehow been complicit in Rögnvaldr Kali's death. The later is certainly not impossible, after all he did not seem necessarily opposed to splitting the earldom with Erlendr instead of

¹⁸⁴ Os ch CIII

Rögnvaldr Kali when he later had been on his expedition and Erlendr and he had come to an agreement that Erlendr would ask the King of Norway for Rögnvaldr's share. In the end Erlendr chose to fight Haraldr, not the other way around. True Rögnvaldr Kali had come to similar terms with Erlendr against Haraldr and had later changed his mind and fought with Haraldr against Erlendr instead, so it is possible a similar outcome would have happened had their roles been reversed. On the other hand, Haraldr unquestionably gained by Rögnvaldr Kali's death, as it left him sole earl. It seems likely that Haraldr acted as he did out of a mixture of feelings of loyalty to his kinsman Þorbjörn and out of a desire to be sole earl; whether his loyalty to Rögnvaldr Kali kept him from actively aiding or encouraging Þorbjörn simply can't be known.

Whatever the level of his involvement or his motivations Earl Haraldr had become the sole Earl of Orkney, and would continue to hold power until his death in 1206.¹⁸⁵ It is not clear what Haraldr's relations with his neighbours were like for much of his reign. The Kingdom of the Isles was heavily divided against itself at this time with the sons of Sumarliði fighting each other and with conflict between Rögnvaldr Guðrøðarson and his brother Óláfr from 1187; though during Harald's time Rögnvaldr was definitely in the ascendancy. Much of this period was full of civil war in Norway, as well, between Magnús Erlingsson and various groups, culminating in the struggle between him and Sverrir. Additionally, much of the Scottish king's attention in the period was still focused on the south. However, there were events happening in the north of Scotland that the king of Scotland could not afford to ignore either.

It is the extent to which Haraldr Maddaðarson was involved in these events that is difficult to determine. In 1179, 1181 and again in 1189 Domhnall Bán mac William

¹⁸⁵ Thomson, *History of Orkney*, (Edinburgh, 1987), p. 68.

would invade Scotland to claim the throne.¹⁸⁶ From Alasdair Ross's study it becomes evident that Moray is a target rather than a launching pad for these invasions, support being first gathered in Ross. In addition, Alasdair Ross argues that the Mac Williams were operating from Orkney, or perhaps actually Caithness.¹⁸⁷ This would mean that Haraldr Maddaðarson was consistently pursuing a policy opposed to the King of Scotland from before 1179. Given the *Orkneyinga saga*'s silence for this period and the lack of other sources directly about Orkney at this time this is certainly possible. Certainly David's support for Erlendr in 1151 did not give Haraldr any particular reason to trust the kings to his south. With Moray becoming a stronghold of Scottish royal power in the North Haraldr had every reason to keep the northern part of the Scottish kingdom as chaotic as possible. Even if he did not believe that Domnhal Bán had any chance of actually succeeding in his ambitions, the invasions of Ross and Moray and the instability that caused in that region were in Harald's interests anyway. With those places unsecured the king could not really threaten him further north. There is also some support for this when in 1196 Haraldr himself, or his son, followed a similar route, invading Moray themselves. Additionally, Haraldr was married into the Mac Heth family,¹⁸⁸ some have believed that this meant his son may himself have had a claim in this way to the Scottish throne.¹⁸⁹ However, in light of the recent research by Alasdair Ross it appears fairly clear that this is not the case and that Malcolm Mac Heth and Malcolm the 'Prisoner of Roxburgh' (who was probably the an illegitimate son of

¹⁸⁶ Alasdair Ross, "Moray, Ulster, and the Mac William," pp. 29-30.

¹⁸⁷ Ibid. p. 38.

¹⁸⁸ OS ch CIX.

¹⁸⁹ B. Crawford, "Earldom of Caithness and Kingdom of Scotland 1150-1266," in *Essays on the Nobility of Medieval Scotland*, ed. J. K. Stringer, (Edinburgh, John Donald, 1985), pp. 30-31.

Alexander I) were not the same person and Þorfinnr Haraldsson's mother being a daughter of Malcolm Mac Heth would not have given him a claim to the kingship.¹⁹⁰

In the 1190s events begin to be recorded again for Haraldr Maddaðarson's reign. The dating of these is not certain, but in general they may be put in the order that follows. In 1193-94 Harald's son in law Óláfr gathered men in Orkney for an expedition to Norway.¹⁹¹ In Norway they formed a faction opposed to Sverrir with Sigurðr son of King Magnús Erlingsson as their claimant, they were known as the *Eyskeggjar* (Isle-beardies) in Norway. They fared no better against Sverrir and his Birch-legs than most other factions, however, and were defeated by 1195.¹⁹² In that year Earl Haraldr and Bishop Bjarni, the successor to William II, who had succeeded William the Old, travelled to Norway because they heard that Sverrir was planning an invasion of Orkney in retaliation for the *Eyskeggjar* rebellion in Norway.¹⁹³

There the earl attempted to excuse himself of liability for the actions of the *Eyskeggjar*, whom he claimed to have had nothing to do with, and asked to be reconciled with the king. Sverrir granted him reconciliation, though not on very favourable terms that he dictated, and had the settlement written down.¹⁹⁴ This reconciliation would serve as the bases of the relationship between Norway and Orkney for some time to come, being mentioned as the basis for this relationship in the *Hirðskrá* of Magnús Lawmender.¹⁹⁵ This conciliation would be renewed in 1210 and 1267 as well.¹⁹⁶ No copy of

¹⁹⁰ Alasdair Ross, "The Identity of the 'Prisoner of Roxburgh': Malcolm son of Alexander or Malcolm Mac Heth?" in Sharon Arbuthnot & Kaarina Hollo, eds, *A Grey Eye Looks Back; a Festschrift in honour of Colm Ó Baoill*, (Clann Tuirc, 2007), pp. 275-277, 281-282.

¹⁹¹ OS ch CXII.

¹⁹² G.M. Guthorne-Hardy, *A Royal Impostor; King Sverre of Norway*, (London, 1956), pp.220-22.

¹⁹³ Sverre's Saga, ch 124.

¹⁹⁴ Sverre's saga, ch 125.

¹⁹⁵ Steinar Imsen, "Earldom and Kingdom; Orkney in the Realm of Norway 1195-1379," *Historisk Tidsskrift*, vol. 79 No. 2 (2000), p. 165.

this reconciliation survives, but *Sverrirs saga* gives three general points; Shetland was handed over to the King, half of the fines from Orkney would go to the king, and the king would appoint bailiffs there (presumably to collect the fines).¹⁹⁷ Interestingly this does not necessarily include tax. However, some time after 1202 and before his death in 1206 Haraldr appears to have killed the royal *sýslumaðr* Arne Lorja,¹⁹⁸ perhaps attempting to reassert his independence after the death of Sverrir and the succession of his son Hákon.¹⁹⁹ This does not seem to have really altered arrangements though.

Having lost Shetland to the King of Norway, Haraldr invaded Moray in 1196, which Roger of Howden says he occupied.²⁰⁰ In 1197, William the Lion retaliated by first driving Haraldr from Moray and then invading Caithness and destroying a castle in Thurso.²⁰¹ This was followed by the naming of Haraldr the Younger, who was the son of Rögnvaldr Kali's daughter,²⁰² earl by the King of Scots, and according to *Orkneyinga saga* also by Sverrir of Norway.²⁰³ He was defeated by Haraldr Maddaðarson and killed in 1198. After this, Caithness was captured by Rögnvaldr Guðrøðarson, King of Man, in alliance with the King of Scotland.²⁰⁴ It is not clear who approached whom in this agreement; the saga has King William send a message to Rögnvaldr of Man, while Howden has Rögnvaldr suggest it to the King.²⁰⁵ If the latter is correct than Rögnvaldr may have been counting on his own claim to the earldom to help his case, his grandmother was Ingibjörg daughter of Hákon Pálsson. It is also suggested by

¹⁹⁶ Ibid.

¹⁹⁷ *Sverres Saga*, ch. 125.

¹⁹⁸ Imsen, p. 169.

¹⁹⁹ Helle, *The Norwegian Kingdom*, p. 375.

²⁰⁰ B Crawford, "Earldom and Kingdom," p. 31.

²⁰¹ Ibid.

²⁰² OS ch CIX: Hákon's Saga Hákonarson ch 169.

²⁰³ OS ch CIX.

²⁰⁴ McDonald, *Manx Kingship*, pp. 110-111.

²⁰⁵ Ibid, pp. 107-116.

McDonald that Rögnvaldr of Man and William may have been working together against their common enemy the sons of Sumarliði, to whom Haraldr may have been related by his Mac Heth marriage connection.²⁰⁶ It was also probably at this time that Haraldr's son Þorfinnr was blinded, having been taken hostage in 1197 after William's first invasion,²⁰⁷ this too may have been related to the Mac Heth connection as Þorfinnr may have been Mac Heth's daughter's son. These theories concerning the importance of the Mac Heth connections however, rely on the identification of Malcolm Mac Heth as the Prisoner of Roxburgh, which for reasons just explained above is not likely.

Whatever the familial situation Rögnvaldr Kali had left Caithness in the charge of stewards not long after his invasion. At that time Haraldr retook Caithness, and in the process tortured the bishop of Caithness, Jón.²⁰⁸ It is not really clear from the saga why he did this, but it have been the culmination of a long struggle Haraldr had had with the bishop over other matters, such as the payment of Peter's Pence²⁰⁹ mentioned in the letter of pope Innocent III,²¹⁰ relating to the church in Caithness being an extension of the Orcadian and hence Norse Church in the earl's eyes and of the Scottish in the bishop's.²¹¹ This controversy had centred mostly on the fact that the Scottish Church did not pay Peter's Pence and the Scandinavian Church did; the bishop, therefore, refused to pay it. When this had been the issue in 1198 the Pope had come down on the earl's side and

²⁰⁶ Ibid.

²⁰⁷ OS ch CXII; Taylor notes, p. 410.

²⁰⁸ OS ch CXI.

²⁰⁹ Peter's Pence was the tax of one penny per 'houshold' per annum which was sent to the papacy. Crawford, "Norse Earls and Scottish Bishops in Caithness," In *The Viking Age in Caithness, Orkney, and the North Atlantic; select papers from the eleventh Viking congress Thurso and Kirkwall, 22 August- 1 September 1989*, Colleen E. Batey, Judith Jesch, & Christopher D. Morris (eds), (Edinburgh University Press: Edinburgh, 1993), p. 139.

²¹⁰ DOH, #15.

²¹¹ Crawford, "Earl and Kingdom," pp. 26-30.

ordered the bishop to pay. He was not as understanding in his 1202 letter concerning the bishop's mutilation.

Neither was the king understanding about Harald's retaking of Caithness. In 1202 William the Lion launched another, smaller, invasion of Caithness. After that Haraldr came to the King in Perth and paid him £2,000 worth of silver and was fully restored as sole earl, apparently in both Orkney and Caithness.²¹² This seems to have settled the conflict between the two men.

Haraldr was succeeded by his sons Jón and David, who renewed the reconciliation of their father with the king of Norway in 1210, as mentioned above. In 1214 David died, and Jón was left as sole earl. He seems to have had a similar relationship with the bishop of Caithness as that which his father had had. In 1222 he led the killing of Bishop Adam. He also would lose ground to the King of Scotland. By about the 1230s William de Moravia would be made Earl of Sutherland, detaching the area from Caithness and lessening the earl's authority in northern Scotland.²¹³ The real victory over the independent earls would be secured by Scotland in 1230 with the death of Earl Jón followed by many of his kin.²¹⁴

²¹² Crawford, "Earl and Kingdom," p. 32.

²¹³ Crawford, "The Earldom of Caithness and the Kingdom of Scotland, 1150-1266," pp. 33-34.

²¹⁴ *Hákon Saga Hákonarson*, item 88.

Chapter 4:
Ideological and Practical Developments of
the State in Orkney

The developments in the Orcadian ‘state’ in the twelfth century are important, though unfortunately less obvious than those in the Church. By ‘state’ is meant those systems of administration, tribute, and ideology that belong to Orcadian life as a political community that are not connected specifically to the Church, for which I have chosen to use the word state for lack of a better one. There are two components of this development, the first ideological and the second practical; or one could say one concerning the ideology of the earl’s legitimacy, and by extension the state’s, and the second concerning the state’s, but again especially the earl’s, power.

The ideological shift of this period is twofold. First the nature of legitimacy was changed by Rögnvaldr Kali because his claim to the earlship was based on his connection with St Magnús, as both his relative (though a maternal one) and his devotee, rather than on his paternal claim to inheritance as seems to have been the tradition before this. How this worked in practice has already been discussed in the previous chapter but here it will be discussed in the more ideological context of earlship and kingship. Secondly the earlship in Orkney was also undergoing a longer term transformation into something more akin to kingship. To discuss these points it is necessary first to examine the nature of earlship in the twelfth century in Britain and Scandinavia more broadly first.

After dealing with this ideological question of earlship in its own right this chapter will move on to see how other possible developments at this time in Orkney either supported this ideological shift or simply strengthened the power of the earl. I

have also taken some space in this chapter to discuss briefly the extent to which Rögnvaldr Kali's coming to power may be related to the developments bringing Orkney into the nascent pan-western-European culture and statecraft.

To begin with the ideological question: what was the nature of earlship in Orkney and how, if at all, was it changing in the twelfth century? Before dealing with Orkney in the twelfth century however, it is necessary to look more generally at the place of the earl in the social orders of north western Europe. The institution many people are most familiar with is probably that of the earl in post-conquest England. This institution, however, was the successor of two earlier institutions, that of the *eorl* of Late Anglo-Saxon England and that of the counts in Normandy.²¹⁵ The English title of *eorl* was the successor title to that of ealdorman which had existed since the seventh century in Wessex.²¹⁶ The term *ealdorman* was replaced by *eorl* during the reign of Cnut in England.²¹⁷ *Eorl* had appeared earlier either in the *Anglo-Saxon Chronicle* a few times, in reference to leaders of Scandinavian origin, or used poetically with the meaning of nobleman or hero.²¹⁸ Under the Scandinavian influence of Cnut's court *eorl*, cognate with Old Norse *jarl*, replaced *ealdorman*; although there is evidence that this change may have started earlier.

The *eorlas* held large earldoms, or commands, including several shires often largely identifiable as earlier Anglo-Saxon kingdoms in the late Anglo-Saxon period. Examples of these include the west midlands (roughly old Mercia), East Anglia,

²¹⁵ CP Lewis, "The Earls of Norman England," in Marjorie Chibnall, ed., *Anglo-Norman Studies XIII; Proceedings of the Battle Conference*, (The Boydell Press, 1990), p. 208.

²¹⁶ Ibid, p. 210.

²¹⁷ H. Munro Chadwick, *Studies on Anglo-Saxon Institutions*, (Cambridge; University Press, 1905), p. 11.

²¹⁸ Ibid.

Northumbria and Wessex itself.²¹⁹ However it must be pointed out that these were not earldoms with permanent officially defined territories. Rather the title of *eorl* was personal and each *eorl* was given a command of several shires, usually contiguous, but the specific shires in a command changed with some frequency.²²⁰ There was no Earl of Mercia according to official records or contemporary styling. In addition the office of earl was not hereditary and the choice of earls and the composition of their commands was at the pleasure of the king, at least in theory.²²¹ In practice, by the reign of Edward the Confessor (1042-1066), the earls came from a small number of families and this number was dwindling. Nonetheless the king did continue to change the composition of the earls' commands often, even if changing earls had become problematic in practice.²²²

In Normandy, counts had been an innovation of the early eleventh century. They differed in a number of ways from English earls. On the one hand their position was technically more secure and permanent as the title was fully heritable and there were clearly defined territories associated with each count and, especially, a castle, from which they normally took their title.²²³ Also unlike earls they were all blood relations of the Duke of Normandy. However, they were also in many ways far less important officers. Their territories were much smaller, and counts' lands did not cover the whole duchy as English earldoms did the whole kingdom.²²⁴ They also had less importance militarily as their duties were not distinct from other non-comital aristocrats. In addition the Duke

²¹⁹ Stephen Baxter, *The Earls of Mercia; Lordship and power in Late Anglo-Saxon England*, (Oxford: University Press, 2007), pp, 62-71.

²²⁰ Ibid.

²²¹ CP Lewis, "The Earls of Norman England," p. 208.

²²² Ibid.

²²³ CP Lewis, "The Earls of Norman England," p.210.

²²⁴ Ibid.

relied on viscounts for all of his political and administrative needs in the localities.²²⁵

After the conquest the English earldoms also became smaller and more defined territorially, while at the same time becoming more hereditary.²²⁶

In Latin the word *comes* was used for both an English earl and a Norman count in post-conquest England by at least as early as 1070.²²⁷ At the same time *eorl* was used for both offices in English.²²⁸ The important change to note here is that the Latin *dux* had been used previously to translate earl into Latin in England.²²⁹

In Scotland, this same tendency to use the term *comes* to refer to an office holder directly below the king is present as well in the twelfth century, even though the native word was probably *mormaer*. This tendency included the Earls of Orkney as evidenced by the letter of David I to Earl Rögnvaldr about the monks living in Dornoch.²³⁰ This should not necessarily be taken to mean the Earl of Orkney ruled in the manner of any of these other officers, be they earls, counts or mormaers.

Jarlar in Scandinavia seem to have been more important and high-status individuals than this seeming comparison with Norman counts would suggest. Relatively few earls seem to have existed in Norway for example. The best known was the *Hlaðarjarl* (often called Earl of Lade in English) who seems to have ruled the whole of Trondelag. Even more significantly the Earls of Lade who are best known to us, like Hákon and his son Eiríkr, ruled all of Norway; in fact it is possible that this is the real origin of the title and family. In both cases they are said to have ruled the Kingdom of

²²⁵ Ibid.

²²⁶ Ibid. p. 221.

²²⁷ CP Lewis, "The Earls of Norman England," p. 211.

²²⁸ Ibid.

²²⁹ H. Munro Chadwick, *Studies on Anglo-Saxon Institutions*, pp. 163-164.

²³⁰ DOH, # 11.

Norway on behalf of the Danish king. Earl Eiríkr, in fact, would be transferred, as it were, from Norway to Northumbria by Cnut the Great in 1016.²³¹ So we see that the earl was not merely a provincial leader, but a ruler in place of the king of a kingdom when the king himself ruled more than one. It must be remembered that Northumbria was still essentially its own kingdom in the early eleventh century and it was probably something of a promotion for Eiríkr to be moved to this prosperous and more urbanised region from Norway.

The other way we see *jarl* used in Norway is in the twelfth century as the title of the king's deputy and army commander, sometimes the real ruler of the kingdom during a minority, the best example being Earl Erlingr the father of King Magnús. That this meaning of the word was not entirely new can be seen in the history of the word as borrowed into Old Irish. Here the word is used for Scandinavians between the rank of royalty and the nobility or chieftains in its early usage in the tenth century.²³² In these sources it is used as an equivalent for Latin *dux* or Irish *tánaiste* (translated as deputy). It is the word *tánaiste* which the writer of the Ulster Annals uses to explain *jarl* to his audience in the first mention of the word in an Irish, or indeed any, text.²³³ Again the basic meaning of *dux* as a leader, most particularly of an army, is also instructive. Here we can see the basic meaning of *jarl* as being something like one who acts in place of the king for an entire kingdom, or ruling another kingdom for him (if the king has more than one), ruling in his place like a regent, and leading the army of the kingdom for him.

²³¹ PG Foote & DM Wilson *The Viking Achievement*, (London, 1973), p. 44.

²³² Donchadh O Corrain, "The Semantic development of Old Norse Jarl in Old and Middle Irish," *Proceedings of the Tenth Viking Congress Larvik, Norway 1985*, (Oslo, 1987), p. 288.

²³³ Annals of Ulster sa 848.

By analogy this makes Orkney a sort of kingdom, but one in which it is *de jure* always the case that the king is the same as the king of Norway, or perhaps originally Denmark.²³⁴ The latter is particularly appealing as the origin for the Orcadian earl as the Danish monarchy in the early eleventh century used a large number of earls and is conspicuous by its absence in the *Orkneyinga Saga*.

At the same time an earl is definitely not a king; indeed he is not royalty at all. This point is convincingly made by Jón Viðar Sigurðsson in his article, “The Appearance and Personal Abilities of *Gofðar*, *Jarlar*, and *Konungar*: Iceland, Orkney, and Norway.”²³⁵ Most particularly kings are set apart by their sacerdotal nature. Jón Viðar finds this most clearly expressed in the saga-writers’ use of the term ‘luck’ (*gæfa*, *hamingja*, *gipta*) as applied to kings, which is very rarely applied to earls, in particular in the religious connotations of these words.²³⁶ He further sees this religious function in the summing up of the reigns in *Heimskringla*, such that kings brought peace and good harvests because their reigns were blessed.²³⁷ Earls on the other hand, are more noteworthy for the particular emphases placed on their martial characteristics.²³⁸ This fits well with the impression of the earl as being perhaps most especially a substitute war-leader.

This leaves the Earl of Orkney as more than a count or local chief, but less than a king, in fact as the deputy to a king. However, in the twelfth century the earls seem to have had a rather weak connection to their titular princíPáll the King of Norway, often

²³⁴ See chapter one for brief discussion; cf. Woolf *From Pictland to Alba* p.266.

²³⁵ Jón Viðar Sigurðsson, “The Appearance and Personal Abilities of *Gofðar*, *Jarlar*, and *Konungar*: Iceland, Orkney, and Norway,” In *West Over Sea; Studies in Scandinavian Sea-Bourne Expansion and Settlement Before 1300, A Festschrift in Honour of Dr Barbara E. Crawford*. Eds. Beverley Ballin Smith, Simon Taylor, Gareth Williams, (Leiden: Brill, 2007), pp. 95-110.

²³⁶ *Ibid*, pp. 101-102.

²³⁷ *Ibid*, p. 103.

²³⁸ *Ibid*, p. 98.

acting independently as sovereign or at least semi-sovereign princes. Occasionally it seems to have been necessary for the king to remind the earl whose deputy he supposedly was. At the same time the earlship had certainly become hereditary as discussed in chapter three. In practice then the earl of Orkney seems to have been veering more towards an actual sub-king than an appointed deputy, a *regulus* rather than a *vicarius*.

One way in which we see this happening ideologically as well as practically is in the cult of St Magnús. The sacerdotal²³⁹ nature of kingship had been Christianized in Norway by the cult of St Óláfr and his transformation into the *rex perpetuus Norvegiae*, a new Christian sacred ‘ancestral father’ of the Norwegian kings.²⁴⁰ This legitimized the kingship of such men as Haraldr harðráði, whose paternal claim was weak, but whose maternal claim contained this new Christian sacerdotal figure; so that in his acclamation can be seen a divine selection. So that we can see Rögnvaldr Kali in Orkney in the twelfth century imitating, likely intentionally, what Haraldr harðráði had done in Norway in the eleventh century.

This ideological schema could be useful to Rögnvaldr Kali. It gave him a religious claim to the earldom, when his patrilineal claim, and therefore the right to inherit in normal situations, was weak. Although ironically it also highlighted the weakness of his claim, as it is fairly clear that in normal circumstances maternal connections were less useful in claiming inheritance in to regal office. An example of how important the agnatic link may have been in the nature of kingship is discussed by Alex Woolf by arguing that it may have been precisely because of the lack of agnates that

²³⁹ It should be noted that by sacred is not meant that kings were believed to be divine or semi-divine in pagan times, but that their lineage was often claimed to include gods and that the king had by his nature as being a king a special relationship with the gods, for further discussion see P G Foote and D M Wilson *The Viking Achievement* (London; Sidgwick & Jackson, 1970), pp.136-144.

²⁴⁰ Jón Viðar, p. 103.

the descendants of Óláfr feilan could not claim kingship in Iceland, even though he was the son and grandson of kings.²⁴¹ Nonetheless Rögnvaldr Kali was not only able to use his uncle as a claim for legitimacy, but was even later sainted himself as an example of Christian rulership.

Just the fact that Orkney had these saint-rulers means that they were in some ways fairly advanced down the ideological path of seeing their earls as a kind of kings. By extension this implied that Orkney itself was not merely a sort a subordinate *regnum* of the king of Norway, but an independent realm. This ideological step does not seem to have been taken, but this is likely because of the expansion of the area over which both the kings of Scotland and Norway could exercise more direct authority before the ideology of an independent Orcadian kingdom could fully take shape.

It now seems reasonable to state that the nature of earlship was undergoing a change during the twelfth century as it came more and more to resemble kingship, even though it did not quite achieve this; and that Rögnvaldr Kali brought another change to the earlship in how he legitimated himself, which accelerated the process of transforming the Earl of Orkney into a sovereign in his own right ideologically. It is now desirable to see what practical changes occurred at this time that either supported this new ideology or simply increased the earls' power and resources.

One institution which seems to have possibly gone through changes in this period is the *þing*. This change of all those which possibly took place in this period is the most directly related to the new ideology of legitimacy. It is not obvious from the *Orkneyinga saga* where the *þing* met in the eleventh and early twelfth centuries. In the one reference

²⁴¹ Alex Woolf, "Kingship and kinship in early Iceland and elsewhere: some reflections on Laxdæla saga," unpublished paper.

to the place where the *þing* met at that time the saga is very ambiguous. The *þing* was not even actually in progress, it is simply stated that two parties of men met “where the place of the thing in Orkney was.”²⁴² This incident takes place on Mainland during the final year of St. Magnús’ life (c. 1117). All this establishes is that a formal place for the meeting of the *þing* existed on Orkney in the early twelfth century, something which one might have simply assumed anyway as this was common Scandinavian practice.

There are, however, two pieces of linguistic evidence that point to two possible *þing* meeting places. The first of these is Tingwall in Rendel parish, probably derived from Old Norse *þing-völlr* meaning ‘assembly field’.²⁴³ The second instance comes from Deerness: a place called Dingishowe, the first part again deriving from Old Norse *þing*.²⁴⁴ It could be that the place where the *þing* was held, referred to in the chapter xlvii of the saga, was Tingwall, Old Norse *þingvöllr*, giving it the same name as the *Alþingi* site in Iceland (i.e. *þingvöllr*). On the other hand the word *þingstöð*²⁴⁵ from the saga could be an actual place name, which has not survived. It could also be another name for *þingvöllr* that has not survived as the second element ‘*stöð*’ is associated with harbours and Tingwall is even today a small harbour,²⁴⁶ which would have made it a good meeting site from the northern islands at least. This would make it reasonable for one to conclude that Tingwall is the most likely site for the early twelfth century *þing* in Orkney, rather than Dingishowe. Though that latter was quite possibly the site of a local *þing* of some kind.

²⁴² OS ch XLVII. Gudmunsson, p. 105 “þá sem þingstöð þeira var Orkneyinga.”

²⁴³ Hugh Marwick, *Orkney*, (London: Robert Hale Limited, 1951. p. 79.

²⁴⁴ Ibid.

²⁴⁵ OS ch XLVII.

²⁴⁶ Richard Cleasby & Gubrand Vigfusson, *An Icelandic-English Dictionary*, (Oxford: Clarendon Press, 1874, 1969). P. 738.

On the other hand, it is known from the saga that *þings* were held in Kirkwall during the twelfth century on at least two occasions.²⁴⁷ Additionally, Kirkwall was the primary site of the law court in the later Middle Ages.²⁴⁸ That Rögnvaldr Kali would summon a *þing* at Kirkwall is not unexpected: he was at the time building a cathedral in the town dedicated to his uncle St Magnús and is mentioned in the saga as being there quite often, and this move would also Christianise the *þing* site. Little mention is made of Kirkwall in the saga before Rögnvaldr Kali's reign and it is in this century that Kirkwall began to become an urban centre and long range trade may have begun to be important for Orkney.²⁴⁹ All of this would tend toward establishing Kirkwall as the *þing* site from the reign of Earl Rögnvaldr Kali on. Because the saga's earlier reference to the *þing*-place does not specify Kirkwall, as these later cases do, it seems quite possible that the *þing* place was moved there at that time as St Magnús' relics had been.

The movement of a *þing* was not a minor change. The *þing* sites does not seem to have generally changed, and many, such as those of the Icelandic *alþingi* and the Norwegian *Frostaping*, do not appear to have ever been moved. This change would have been an obvious and monumental reform of Orcadian traditions. Such a move would have required a considerable authority to justify it. St Magnús could have provided such an authority. St Magnús also provides an explanation as to why Rögnvaldr Kali would want to move the *þing* site. It must always be remembered that Rögnvaldr Kali was the founder of a new dynasty, though the writer of the saga does not emphasise or even make this point, and his legitimacy was founded not so much on tradition as on religion. It was

²⁴⁷ Gudmunsson, p. 172, 174. Taylor, p. 259-261.

²⁴⁸ Clouston, Introduction to *Records of the Earldom of Orkney*.

²⁴⁹ James Barrett et al., "What was the Viking Age and When did it Happen? A View from Orkney," in *Norwegian Archaeological Review*. (Vol. 33, No. 1, 2000). p. 24.

not his father and his father's father having association with previous assemblies that gave him his claim to pre-eminence in the *þing*, because they had not been there, but his close association with St Magnús. This form of legitimacy was better emphasized at the site of the saint's relics. Additionally, the practical consideration of building St Magnús Cathedral could have given Rögnvaldr an excuse for holding assemblies there.

Chief among the developments to the practical administration of the state in twelfth century Orkney are the ouncelands and pennylands. These were the main units of land assessment used in the rentals surviving from 1492 and 1500 and derived from an earlier tax system for which there is evidence from about the middle of the thirteenth century, beginning with reference to ouncelands in Hákon's saga.²⁵⁰ From the rentals it is apparent that by the ounceland was a geographically definable unit that normally included multiple townships, often as many as three to six, though some included only one very large township.²⁵¹ The ounceland was then divided into eighteen pennylands, which roughly equalled a smallholding though they were not in fact normally geographically definable.²⁵² When prior to c. 1250 this system developed and how are questions that need to be addressed to investigate the political development of Orkney in the twelfth century.

Until the 1980s it was generally assumed that the ounceland/pennyland system greatly predated the twelfth century. Until then the two theories about these units centred either on an introduction by Haraldr Fine-hair and a close connection to the introduction of the *leiðangr* system in tenth century Norway (proposed by FWL Thomson

²⁵⁰ William P.L. Thomson, *History of Orkney*, (Edinburgh: Mercat Press, 1987), pp. 116-117. ; *Hakonar Saga*, ch. 326.

²⁵¹ William P.L. Thomson, *History of Orkney*, (Edinburgh: Mercat Press, 1987), pp. 116-117.

²⁵² Ibid.

and Hugh Marwick), or the even earlier institution of the system by the kingdom of Dál Riata (proposed by J. Bannerman et al).²⁵³

This leaves us with the current theories about the ounceland/pennyland system. These place the introduction of these units in the eleventh century at the earliest. It is commonly agreed between Williams, Thomson and Crawford that the ounceland was instituted in the early part of the eleventh century at a time when it is claimed by the sagas that the earls of Orkney held much of the Western Isles as well as the Northern Isles and Caithness, the system being a form of tribute based on the bullion economy of the day. In the next phase of Williams' model Þorfinnr created the pennyland division after his pilgrimage to Rome and the consecration of a bishop for Orkney.²⁵⁴ This system was based on the use of the Cologne penny, 18 of which equaled the weight of a Norse ounce.²⁵⁵ Part of Williams' support for this argument is that the distribution of evidence for ounculands corresponds to territories attributed to Sigurð's rule in saga sources; while the distribution of pennylands corresponds with areas said to be under his son Þorfinnr.²⁵⁶

Crawford, whose theories Williams agreed with in so far as the eleventh century origin of ounculands introduced by either Sigurðr or Þorfinnr,²⁵⁷ attributes the pennylands to a later period. Accepting that the reference to a unit called a *plógsland* in *Orkneyinga saga* represents a real unit used in the 1140s she concludes that the pennyland was

²⁵³ F. W. L. Thomas, "What is a Pennyland? Or Ancient Valuation of Land in the Scottish Isles," *Proceedings of the Society of Antiquaries of Scotland*, vol. 18 (1884). & F. W. L. Thomas, "Ancient Valuation of Land in the West of Scotland: Continuation of 'What is a Pennyland?'" *Proceedings of the Society of Antiquaries of Scotland*, vol. 20 (1886).; H. Marwick, "Naval Defence in Norse Scotland," *Scottish Historical Review*, vol. 28 (1949).; John Bannerman, *Studies in the History of Dalriada* (Scottish Academic Press; Edinburgh and London, 1974).; Alexis R Easson, "Ounculands and Pennylands in the West Highlands and Islands of Scotland," L.J. Macgregor & B. Crawford ed., *Ounculands and Pennylands* (St. John's House; University of St Andrews, 1987).

²⁵⁴ Williams, *Land Assessment* (Thesis), p. 273-275.

²⁵⁵ Gareth Williams, "Land Assessment and the Silver Economy of Norse Scotland," Gareth Williams & Paul Bibire ed., *Sagas, Saints and Settlements* (Koninklijke Brill NV; Leiden, the Netherlands, 2004), p. 99.

²⁵⁶ Williams, *Land Assessment*, p. 153.

²⁵⁷ Crawford, *Scan. Scot.* p. 88-91.

introduced later.²⁵⁸ Crawford argues that the pennyland was introduced in 1153 in response to the imposition of Peter's Pence on the West Norse world by the Archdiocese of Trondheim.²⁵⁹ She goes on to demonstrate that this works not only for the Orcadian Earldom, but also for those lands in the west of Scotland that have pennylands. This is because these other lands were in the diocese of Sodor, which was also under the Norwegian metropolitan.²⁶⁰ There is also some evidence for payment of the due on the Isle of Man, also in the diocese of Sodor, but it did not seem to develop system of lasting assessment units as in other insular areas of the Trondheim archiepiscopate.²⁶¹ As this tax was not paid in Scotland, only those lands which fell within the metropolitan province of Niðaros at Trondheim, such as those listed above, would be affected by the imposition, which explains the absence of pennylands in some parts of the west.²⁶²

Andersen suggests a twelfth century inception for not only the pennyland but the entire uncenceland and pennyland system.²⁶³ This he bases largely on a general theory of taxation. In this theory, which Andersen supports by examples from other northwestern European countries, taxation went through three stages; first, the tax on individuals or groups of individuals, second the land unit associated with this group, and finally the **valued** land unit.²⁶⁴ Andersen uses episodes, or as he calls them 'flashes', from the *Orkneyinga saga* to establish these stages. In all instances before c. 1140 he interprets

²⁵⁸ Barbara E. Crawford, "Norse Earls and Scottish Bishops in Caithness," Colleen E. Batey, Judith Jesch, & Christopher D. Morris ed., *The Viking Age in Caithness, Orkney, and the North Atlantic; select papers from the Proceedings of the eleventh Viking congress Thurso and Kirkwall, 22 August- 1 September 1989*. (Edinburgh University Press; Edinburgh, 1993), p. 139.

²⁵⁹ Crawford, "Norse Earls and Scottish Bishops in Caithness," p. 139.

²⁶⁰ Crawford, "Norse Earls and Scottish Bishops in Caithness," p. 42-43.

²⁶¹ Crawford, "Norse Earls and Scottish Bishops in Caithness," p. 42-43.

²⁶² Ibid.

²⁶³ Per Sveaas Andersen, "When was Taxation Introduced in the Norse Islands? A Comparative Study of Assessment Systems in North-Western Europe," *Scandinavian Journal of History*, vol. 16 (1991). It should be noted that Thomson's latest theories also support this chronology but for different reasons discussed below.

²⁶⁴ Andersen, "When was Taxation Introduced in the Norse Islands?" p. 78.

this evidence to indicate taxation as irregular and in the first stage.²⁶⁵ Then in the reference to *plógsland*²⁶⁶ in c. 1140 he detects a shift to irregular taxation in the second phase.²⁶⁷ This still leaves the system needing to have valuation added and become regular. Because the *eyrisland* (ON for ounceland) must have existed before 1263, from evidence in the saga of Hákon Hákonarson, and assuming that the 18 penny division of the Norse ounce using the English penny would have been in use in Norway some time before 1300, Andersen surmises a late-twelfth- or early-thirteenth-century origin.²⁶⁸ He also states that if the Orkney *skattr* (another unit in Orkney of disputed importance) really was an adaptation of the *leiðangr* renders, then organised taxation would have been introduced in the Earldom of Orkney and the Kingdom of Norway at about the same time, i.e. the end of the twelfth century.²⁶⁹ Finally, Andersen attributes *treens*, *tirunga*, and Hebridean pennylands to an independent introduction also in the late twelfth century by the King of Man influenced by his feudal relationship with the English Crown and the English coin reform in 1180, thereby proposing an independent introduction of these units rather than seeing all of these similar units used in the Scandinavian-settled areas of Scotland as necessarily introduced by one ruler as a single system.²⁷⁰

Andersen's theory seems to have two problems however. First, the connecting of the system to the *leiðang* and *skattr* ignores the fact that *skatland* do not seem to fit into the ounceland/pennyland system very well in later Orkney records, where it hardly seems

²⁶⁵ Andersen, "When was Taxation Introduced in the Norse Islands?" p. 80.

²⁶⁶ This term appears in *Orkneyinga Saga* ch. lxxvi and is not used elsewhere in reference to Orkney, or anywhere else to my knowledge.

²⁶⁷ Ibid.

²⁶⁸ Andersen, "When was Taxation Introduced in the Norse Islands?" p. 81.

²⁶⁹ Ibid.

²⁷⁰ Andersen, "When was Taxation Introduced in the Norse Islands?" p. 79.

to exist and appears not to have been part of the original valuation.²⁷¹ The second point is that the *skattland* becomes much more important in Shetland than ouncelands or pennylands.²⁷² These two points would lead me to conclude that the *skattland* is not the original basic unit of the whole system, as would seem probable if we accept the introduction time and motive that Andersen suggests.²⁷³ Additionally, the fact that the ouncelands and pennylands fall out of importance in the area under direct royal control would suggest that they do not represent a royally imposed system. I would therefore continue to look for a native introduction of what is in any case a peculiar local system.

However, though I may have reservations about the system having been introduced by the King of Norway or in relation to a naval levy, I still find Andersen's dating to be compelling. One thing in his favour is that we are now dealing with a system that escapes the records for only about a century if that, rather than two or more.

A second point is that it simplifies the theory about parishes. The fact that ouncelands fit into parishes rather than cross their borders has often been seen as evidence that some pre-parish district with the same territory existed.²⁷⁴ Obviously this assumes the ounceland predates organised Christianity. There is, however, no record of this. It would then seem more logical to postulate that if it appears the parishes were used as the first step in assigning ouncelands, or at least the step prior to establishing the actual territory of ouncelands, it follows that the parishes therefore predate the ounce lands, or the two systems were at least instituted contemporaneously. This last possibility being the most probable as both deal with a form of organisation for taxation.

²⁷¹ Thomson, *History of Orkney*, p. 119.

²⁷² W. Thomson, "Ouncelands and Pennylands In Orkney and Shetland," In *Ouncelands and Pennylands*, L.J. Macgregor & B.E. Crawford (eds), (St John's House: University of St. Andrews, 1987), p. 26.

²⁷³ Cf. Thomson, pp. 214-219.

²⁷⁴ Thomson, "Ouncelands and Pennylands In Orkney and Shetland," p. 25

In his recent study of the Western Isles and Highlands Thomson takes the same ‘on the ground’ approach that he has taken in the past surveying Orcadian ouncelands and pennylands, i.e. he uses multiple case studies of small areas (usually parishes) and examines how the system was actually used and how it interacted with the actual landscape. Combining this with broader surveys he has not only come up with an excellent map showing the various methods of land assessment in Northern and Western Scotland but has recast the discussion about these units itself.

One important shift in his conclusions is that he now attributes the ounceland and pennyland to no earlier than the twelfth century because of the use of terms of weight and money,²⁷⁵ this is the case at least for his investigation of western Scotland.²⁷⁶ This is only one point, but the real purpose of the article is to illustrate that the system is actually a response to the realities of settlement, variable land use, and real land values.²⁷⁷ In his-own words it was “a conceptual grid that could be imposed on real landscape in order to standardize townships, multi-tenanted houses and isolated farms with a view of imposing regularity on the infinitely variable patterns of settlement.”²⁷⁸ As such this basic pattern with its variations and related systems met the needs of tribute-raising lords and chieftains with relatively little administration, as each level only had to concern itself with assigning levels of render or tax to the units directly below it.

²⁷⁵ Thomson, “Ouncelands and Pennylands in the West Highlands and Islands.” In *Northern Scotland*, vol 22, (2002). p. 39. This has already been mentioned above in relation to the introduction of pennylands and the search for the penny involved (see page 10).

²⁷⁶ He does not mention specifically whether he has discarded his earlier theory specifically for Orkney of late tenth early eleventh century development linked especially with Earl Sigurðr (Thomson, “Ouncelands and Pennylands,” p. 34.), however, do to the fact that he does not seem to consider the creation of this system over all areas by a single originator plausible it is doubtful that he still believes any specific earl to have been the originator, at least outside his-own northern region.

²⁷⁷ Thomson, “West Highlands and Islands,” p. 41

²⁷⁸ Ibid.

Combined with the very general use of pennies and ounces such terminology (Thomson says terminology might be a better way to describe ouncelands and pennylands than ‘system’²⁷⁹) might easily be used by many groups beginning in about the twelfth century. The fact that the units referred to by these terms may correspond to earlier settlement units and terms is probably more of an indicator of the survival of cross-cultural land-use patterns, rather than the survival of political or fiscal systems.

If we then look to form a workable model for the possible introduction of ouncelands and pennylands specifically in the Earldom of Orkney it is reasonable to date their introduction to the mid to late twelfth century. It seems reasonable that the system of ouncelands and pennylands was introduced after the parishes, which means after the firm foundation of the Orcadian bishopric around 1140.²⁸⁰ The system was also probably in place before Shetland was seized from the Earldom in 1194; this would explain how a system that seems to have been of little importance and not related to any system in the rest of the Kingdom came to leave vestiges of itself in Shetland.

If we assume that Caithness received a Scottish Bishop c. 1150 we are left with even less time for the system to have been introduced²⁸¹. This is because, if the Orcadian church instituted the system it must have done so in all three parts of the earldom after it was itself fully established and before Shetland was politically severed or Caithness ecclesiastically severed. It is not necessarily true that the system had to be entirely in place in 1150, after all Peter’s Pence may have been introduced after the arrival of a Scottish Bishop. It may have been a little more difficult though, as the earl’s relation

²⁷⁹ Thomson, “West Highlands and Islands,” p. 39.

²⁸⁰ Per Sveaas Andersen, “The Orkney Church of the Twelfth and Thirteenth Centuries- a Stepdaughter of the Norwegian Church?” Barbara E. Crawford ed., *St Magnús Cathedral and the Twelfth Century Renaissance* (Aberdeen University Press; Aberdeen, 1988), p. 60.

²⁸¹ Crawford, “Norse Earls and Scottish Bishops in Caithness,” p. 132.

with these bishops was often strained.²⁸² On the other hand, it is possible that Andrew never occupied his see. In this case there may have been no Scottish bishop actually in Caithness until 1189x1199 when John, who is mentioned in *Orkneyinga saga* and paPáll letters as actually being in his see, became bishop.²⁸³ This would again give us until as late as 1199 perhaps for the system to have been established in Caithness.

It would seem reasonable therefore to place the institution of the system in the mid to late twelfth century after the establishment of parishes, but before Shetland was separated in 1194. It is possible that this was an initiative of the church perhaps even tied in with Peter's Pence that was then adopted into the administration of the Earldom in fiscal matters, possibly because the earls assumed the responsibility for collecting the tax on behalf of the Church. It is also possible that the system started life as both a fiscal and ecclesiastical valuation simultaneously relying on the close cooperation between the Earl and bishop at this time to supply the needed clerks and organisation. This dual interest would also help explain how a system introduced so late would survive conflict with the Scottish bishop. Either way this formalisation of taxation would seem to have most likely both increased the resources of the earl and served to reinforce his position in Orkney as independent ruler. The potentially close connection to the Church also again highlighted the especially religious character of the new ideology of earlship.

The development of Kirkwall itself in the eleventh and twelfth centuries is another important aspect of the changes in Orkney at this time. Kirkwall appears in the literary record for the first time in c. 1046; Rögnvaldr Brúsason was recorded as living

²⁸² Ibid.

²⁸³ D.E.R. Watt, p. 58.

there at that time in *Orkneyinga saga*.²⁸⁴ It is possible that St Ólaf's kirk was founded by Rögnvaldr Brúsason at that time, as he was St Olaf's foster-son.²⁸⁵ However, as only a repositioned Romanesque door remains of the church it is difficult to say much about it with any certainty.²⁸⁶ Whether St Olaf's had been there or not in Rögnvaldr Brúsason's time the town, if it were a town at that time, falls out of the saga narrative after his death until the translation of the relics of St Magnús. It is possible that this is because the placement of Rögnvaldr Brúsason there is retrospective, caused by his association with Rögnvaldr Kali.

Kirkwall reappears in the saga in chapter LVII, the chapter which recounts the miracles of St Magnús after his death, when the relics of St Magnús were translated to Kirkwall by Bishop William the Old sometime during Páll's reign and speculatively most likely during the period 1129-1134. At that time, Kirkwall consisted of a few houses according to the saga.²⁸⁷ Those few houses were situated between what is today Bridge Street and Kirkwall Bay.²⁸⁸ To the west and south of the houses was the Oyce, now called the Peerie Sea, a shallow water basin formed by the Aire (a sand bank open at one end). In the twelfth century the eastern bank of the Oyce was within seven meters of the Albert Street.²⁸⁹ In fact, the modern line of Albert, Broad, and Victoria Streets marks the line of boulder clay that forms the final boundary of the Oyce, to its west is low lying ground now reclaimed.²⁹⁰ Within this oldest section of Kirkwall (*Orkneyinga saga's*

²⁸⁴ Taylor, OS, p. 183.

²⁸⁵ William Thomson, *History of Orkney*, p. 63.

²⁸⁶ James Graham-Campbell & Colleen Batey, *Vikings in Scotland*, p. 261.

²⁸⁷ OS ch LVII.

²⁸⁸ N A McGavin, *inter alia*, "Excavation of Kirkwall, 1978," in *Proceedings of the Society of Antiquaries Scotland*, Vol. 112, (1982), p. 392-393.

²⁸⁹ McGavin, p. 739

²⁹⁰ McGavin, p. 393.

kaupstaðrinn (ON ‘the market place’) and the burgh of later records) was St Olaf’s church to which the relics of St Magnús were almost certainly translated.

That Kirkwall at that time was described by the saga-writer as *kaupstaðrinn* is of interest. Presumably those few houses belonged to men engaged in some sort of trade. The available evidence suggests that this was the fish trade. Although written records for an Orcadian fish trade in the twelfth century are non-existent, there is evidence that one had begun by the twelfth century. Among the evidence is the number of pottery shards of foreign origin found in Orkney as compared to Iceland where, on the basis of documentary sources, a fish trade is known to have been conducted; the comparison is 50 foreign pottery shards from Iceland, as against 482 from Orkney.²⁹¹ While this is not direct evidence for fish trade it is compelling evidence for a rather large amount of foreign trade in some commodity. When combined with the study of thirteenth and fourteenth century middens the probability is that at least a large part of this trade was in fish. Some coastal middens such as Haven exhibit a ratio of 71% cod-family fish with heads and tails being the most common parts, indicating the possibility of processing for export.²⁹² Additionally, middens exhibit moderately rapid growth over a period of time, another indicator of export.²⁹³ This provides fairly good evidence for export, however some inland sites indicate that fish processed on the shore may have been for a local market. This does not mean that all fish were locally marketed; a number could still have ended up in European markets, and the large amount of foreign pottery shards makes this likely. Finally, while the best evidence of processing for export is thirteenth century or

²⁹¹ James Barret, “Fish Trade in Norse Orkney and Caithness: a zooarchaeological approach,” in *Antiquity* vol 71, no. 273 (Sept 1007), p. 616.

²⁹² Barret, “Fish Trade,” p. 621.

²⁹³ Barret, “Fish Trade,” p. 633.

later, at least one midden was begun in the eleventh century, so earlier exportation is a possibility.

Overall, the evidence for a long distance fish trade is not overwhelming by any means; however it is the best possibility for what kind of trade the market town of Kirkwall was engaging in. It is also possible that a lot of the trade in Kirkwall at the time was more local and that it also provided a place for the exchange of goods within Orkney. Either way, both the town and the possible fish trade seem to have been in their infancy in the early twelfth century. Nonetheless Kirkwall was still the most urbanized centre in Orkney at the time.

Kirkwall's only possible rival as an urban centre in the twelfth century would have been Birsay. According to the *Orkneyinga Saga* Birsay was the first seat of the Bishop of Orkney in the mid eleventh century.²⁹⁴ In addition, Birsay would seem to have been the seat of Earl Þorfinnr during his reign.²⁹⁵ Later, Birsay would serve as the seat of William the Old, whom *Orkneyinga saga* calls Orkney's first Bishop.²⁹⁶ Birsay then continued as an earls' residence under later earls such as Páll and even Rögnvaldr Kali Kolrsson in 1155.²⁹⁷ Most importantly perhaps Birsay was the first resting place of St Magnús.²⁹⁸ For all that no really significant signs of urbanisation have been found there and there is still uncertainty about whether the main site was on the island or the shore. No *pings* ever seem to have been held there either.

So in the early twelfth century the situation seems to have been that the earl's main residence and the principle church of the bishop were in Birsay, either the brough or

²⁹⁴ Alexander Burt Taylor, *Orkneyinga Saga*, p. 189.

²⁹⁵ Taylor, OS, p. 189.

²⁹⁶ Taylor, OS, p. 213.

²⁹⁷ Taylor, OS, pp. 221, 328.

²⁹⁸ Taylor, OS, p. 220.

the mainland site, while the main *þing* site was probably in Tingwall, and the earl had another important residence on Mainland at Ophir. Finally, the nascent commercial centre of Orkney was Kirkwall, probably named in reference to St Olaf's church there. By the period of Páll's reign, Christchurch Birsay would also have the relics of St Magnús. Orkney could be said to have lacked a central place, by no means an unusual situation in early medieval polities.

In the period 1129-1137 this would change. At some point in the earlier part of that period, before 1134, the relics of St Magnús were translated from Birsay to Kirkwall by Bishop William. At the same time William seems to have been distancing himself from the churches connected to earl's residences, as discussed in chapter four. After Rögnvaldr Kali took control of Orkney he began to build St Magnús Cathedral in Kirkwall and to hold *þings* there. It seems likely, therefore, that by the end of his reign Kirkwall had become the centre of Orkney politically, ecclesiastically and commercially. Here again we see Rögnvaldr Kali associating himself and his main centre of government in Orkney not with traditional Birsay but with the new commercial and St Magnús cult centre of Kirkwall. This illustrates both his desire to promote his religiously based legitimacy and his awareness of the growing importance of trade and towns.

Having discussed towns, it would be useful to take the time here to look at possible developments in Orkney regarding other pan-European developments in the twelfth century, specifically charters and castles. Four castles have been archaeologically attested in Orkney. Of these the most well known is probably the so-called 'Cubbie Roo's Castle'. This mid-twelfth century work, or rather its remains, stand on the isle of

Wyre and once consisted of a stone tower and possibly a ditch.²⁹⁹ This tower was not a large work, in fact only a little less than nine square meters. It is associated with the Bu of Wyre. In Orkney the place name element Bu (from ON býr/bær) is generally used to designate a large single farm settlement, often with some associated smaller farm settlements around it, that appear to have been owned by leading men in the islands including the Earl and the *gæðingar*. This Bu was probably the property of Kolrbeinn hrúga (i.e. Cubbie Roo), and it was he that built the tower.³⁰⁰

The remains of castle Kjarrekstaðir have also been potentially identified in Stromness parish, from the saga account of Earl Haraldr having fled to it in 1152.³⁰¹ Castles were also likely to have been sited in Dasay, where the saga mentions one in 1135, and Holm where the saga places one in about the same period and where late Norse period remains of a stone tower have been found.³⁰² A castle in Thurso is also attested by some sources and it was this castle that was destroyed by William the Lion in 1192. This evidence demonstrates that castles in the form of the stone tower were known and constructed in Orkney and Caithness in the twelfth century. These towers were not large castles, but they seem to have served their defensive purpose from time to time according to the saga.

The evidence for dating being very vague for these castles it is difficult to say whether any connection really exists between the other changes taking place in the reign of Rögnvaldr Kali and the building of these castles. The first two castles mentioned seem to have been built after the second invasion by Rögnvaldr Kali in 1136, however at least

²⁹⁹ James Graham-Campbell and Colleen E Batey, *Vikings in Scotland*, p. 258.

³⁰⁰ Graham-Campbell & Batey, 259.

³⁰¹ Ibid.

³⁰² Ibid

one, and probably both, of the second two were built before Rögnvaldr Kali's two invasions. Unfortunately, there is really no evidence to ascribe the building of the first castles in Orkney in the twelfth century to a connection with Rögnvaldr Kali. However, what can be said is that these two developments coincided.

Finally, the issue of charters is quite important when discussing pan-European developments in the twelfth century. In this area Orkney presents a distinct lack of evidence. In fact only one charter issued by an Earl of Orkney survives from twelfth century. This is a charter dated c. 1190, with no place of issue, of earl Haraldr Maddaðarson to the canons of St Michael's granting them one mark of silver per annum for the souls of himself, his wife and his ancestors.³⁰³ The church in question was in Scone, and the charter is preserved in the older Cartulary of Scone.³⁰⁴ This leaves some question as to whether any actual charter was issued by the donor or whether the canons simply chose to record his grant in this form. Also this does not show evidence of the use of charters in the Earldom of Orkney, as this charter was granted to a church in Scotland. However, it does show the likelihood that Earl Haraldr was familiar with the use of diplomatic instruments and he may therefore have used them within his earldom, although none have survived. As none of the records from the monasteries discussed below in chapter five survive it is unlikely that charters issued in Orkney to these institutions would survive either. However, it would be strange if these new houses did not want charters in the twelfth century and it is very likely that the earl had issued charters to them.

³⁰³ DOH, # 13.

³⁰⁴ Ibid.

Here we can see the changes brought by Rögnvaldr Kali in two ways. First in the shift from a state ideology of legitimacy based on tradition and patrilineal claim alone to one based mostly on divine sanction anchored to the figure of St Magnús. This is most clearly demonstrated by the movement of the *þing* together with the general association of the earl and state with Kirkwall. This is also the change to state institutions of this time most clearly attributable to Rögnvaldr Kali. Second there is the probable institution of the ounceland and pennyland system to support the power (i.e. the fiscal power) of the earl, an asset both in retaining his position and in strengthening it both internally and externally. Though it should be mentioned that while this system is probably mid to late twelfth century and with some connection to the church, it is not certain who the prime mover in this development may have been and it could have been Haraldr or even one of the Bishop William the old, or his successor William. Nonetheless, it can still be seen as a result, if an indirect one, of Rögnvald's coming to power if for no other reason than his support for the church discussed in the next chapter. Finally, there is some evidence that Rögnvaldr Kali's reign at least saw the spread to Orkney of certain pan-European trends, like castles and possibly charters, even if he had no direct influence on this spread.

Chapter 5:

The Church in Rögnvaldr Kali's Orkney

If St Magnús' Cathedral was a lynch-pin in the political ideological and administrative developments in the wake of Rögnvaldr Kali's ascension it was unsurprisingly also of central importance in the development of the Orcadian Church. This chapter will focus on these developments, with little evidence on the ideological changes of these years because while the church certainly played a part in the ideological developments in Orkney at this time it did not itself undergo internal ideological changes that are visible from the sources available, though such changes are likely given the twelfth century reforms of the Church as a whole. Instead the changes in the Church could be called a maturing of the Church as an institution, a maturation that took place along the lines of making the Church more like the Church in more central European countries. This could be characterised as an ideological shift in the political sphere from dependence on the temporal power to alliance with that power, a power that has now more thoroughly Christianised itself. This is certainly true, but for the Orcadian state the importance of this changing ideologically was the support that could be gained from religion (the more theoretical part) and the church administration (the more practical part). As the importance of religion has already been discussed in the previous chapter this chapter will deal mainly with the Church's organisational development.

To understand these developments the history of the Church before Rögnvaldr Kali's invasion will be looked at first. Then the development of the Church's administration in Orkney after the invasions will be examined in three areas: the founding of parishes, the imposition of Peter's Pence and the state of the Church in

Caithness. The first of these is especially linked with Rögnvaldr Kali and his building of St Magnús' Cathedral, while both parish-formation and Peter's Pence may be heavily connected to the development of the ouncelands and pennylands in this period. Additionally, this chapter will also look at ways that Orkney participated in such international developments and institutions as monasticism and the aforementioned Peter's Pence.

The process of diocesan organisation began when Þorfinnr Sigurðarson went on pilgrimage to Rome and brought back a bishop, building a church upon his return. For this there are two sources. The first is *Orkneyinga saga*, which says that Þorfinnr took his pilgrimage to Rome and when he returned built Christ's Kirk in Birsay and established the bishop's seat there.³⁰⁵ This is confirmed to some extent by the eleventh century *History of the Archbishops of Hamburg-Bremen* in which Adam of Bremen recounts that the Metropolitan consecrated one Turolf as bishop in Orkney by order of the Pope, though confusingly a John who had been consecrated in Scotland is also sent there.³⁰⁶ It is also as the twelfth century approaches that good evidence of chapels begins to appear,³⁰⁷ the precursors it seems to parochial organisation in Orkney.

There has not really been consensus on the distribution and use of these chapels, but these questions are important for later parochial developments. One theory that has proved both pervasive and difficult to trace the origin of is the urisland chapel. In this theory there is seen to have been a general policy on Orkney of building one chapel in each urisland (or ounceland). This theory is based on the observation that the division of

³⁰⁵ OS ch XXXI.

³⁰⁶ Adam of Bremen, *The History of the Archbishops of Hamburg-Bremen*, (New York: Columbia University Press, 1959), pp. 183-185, 216.

³⁰⁷ Sarah J Gibbon, *The Origins and Development of the Parochial System in the Orkney Earldom*, Submitted to Open University, 2006. (Unpublished PhD Thesis), p. 99-101.

the islands into urislands and the existence of chapel sites, or rumoured or supposed sites, seems to point to a correlation.³⁰⁸ Besides the apparent geographical correlation Marwick provides some additional evidence. This evidence is; first, the remarks of the Rev. George Low from the Statistical Survey of 1790 that every *erysland* (which is the Norn for ounceland) had a chapel for matins and vespers, and second the report of an unspecified local man to Marwick that men attended the funerals of other men of the urisland and each urisland had its own section in the church yard.³⁰⁹

However, this theory associating urislands and chapels rests on the assumption that the fiscal system is older than the eleventh and early twelfth century chapels. This assumption was easy enough for Marwick who, like his predecessors Clouston and Thomas, attributed the urisland to Haraldr Fine-hair's expedition in c. 900.³¹⁰ This is no longer a generally accepted position; the ounceland and pennyland are now believed to have been introduced no earlier than the mid-eleventh century.³¹¹ Even this is considered too early by many, with more historians now arguing for a date in the twelfth century (as discussed in the previous chapter), probably simultaneously with or post-dating the parishes.³¹² If one accepts this newer trend pushing the introduction of the fiscal system

³⁰⁸ Barabara Crawford, *Scandinavian Scotland*, pp. 180-181.; Hugh Marwick, *Orkney*, (London: Robert Hale Limited, 1951), pp. 113-114. *inter alia*

³⁰⁹ Marwick, *Orkney*, p. 113.

³¹⁰ Marwick, *Orkney*. F W L Thomas, "What is a pennyland? Or Ancient Valuation of Land in the Scottish Isles," in *Proceedings of the Society of Antiquaries of Scotland*, vol. XVIII (1884).

³¹¹ William Garreth, *Land Assessment and Military Organisation in the Norse Settlements in Scotland C. 900-1266*. Submitted to St Andrews, 1996, (Unpublished PhD. Thesis).

³¹² Sarah J Gibbon, p. 117 relying partially on W. Thomson's position in his 2001 book, Barabara Crawford, "The Earldom of Caithness and the Kingdom of Scotland, 1150-1266," in *Essays on the Nobility of Medieval Scotland*, arguing for the late introduction of the pennyland; Per Sveaas Andersen, "When was Taxation Introduced in the Norse Islands? A Comparative Study of Assessment in North-Western Europe." in *Scandinavian Journal of History*, vol. 16, no. (1991).

to around the same time as the parish, then the pre-parish chapels must not have been distributed according to urislands.

This is not as major a shift in theory as it may at first appear for two reasons. The first is that it has always been recognised that whatever the relationship to an urisland chapel scheme the early Orcadian chapels were nonetheless largely built and owned by individuals of high status. This is acknowledged by Marwick and had earlier been demonstrated by Clouston.³¹³ While exploring the concept of the *bú* as a large high status farm site Clouston also demonstrates the connection between these high status sites and the presence of chapels.³¹⁴ Moreover these sites are also identified by Clouston with the *gæðingar*.

Gibbon, in her much more exhaustive study, develops this relationship indicated by Clouston's few examples even further. She states that in almost every instance where a *gæðingr's* residence can be identified it includes a church or chapel site.³¹⁵ She establishes three basic elements for high-status sites on Orkney; a residence, a farm, and a church.³¹⁶ This would certainly not make Orkney unusual; Iceland had a similar pattern of chieftains building and maintaining churches on their land.³¹⁷ She explains their apparently even distribution among urislands and the fact that many seem to be on or near older Pictish church sites by the settlement pattern on Orkney. This has led her to a number of observations and conclusions that are important to understanding their placement.

³¹³ Marwick, p. 114. J S Clouston, "The Orkney 'Bus'," in *Proceedings of the Orkney Antiquarian Society*, vol. vi (1927-1928).

³¹⁴ Clouston, "The Orkney 'Bus'"

³¹⁵ S J Gibbon, p. 110.

³¹⁶ S J Gibbon, p. 111.

³¹⁷ Jesse Byock, *Viking Age Iceland*, (New York: Penguin Books, 2001), pp. 292-307, 324-338. S J Gibbon, p. 53.

The most important piece of this theory is that settlements are the basis of organisation in Orkney, and that the basic form of settlement is the township. The essential nature of townships is based on the fact that they are topographically defined within the Orcadian landscape.³¹⁸ The fact that they were used as organizing principles in the economy can be shown by their use as units in the later rentals, the way they are grouped into the later urislands, the longevity of their use as agricultural organizing units into the nineteenth century and the fact that the townships can still be seen where agricultural improvements have not wiped them out.³¹⁹ Additionally, the pattern of farm names indicates the centrality of the township as these names relate to phases of development and types of farms within the township community.³²⁰ Finally, when parishes are plotted along with townships they can be seen to have divided only two townships in the entire island group.³²¹

The chapels are normally found within townships that can be demonstrated to have existed in the Middle Ages.³²² Through a close examination of the south islands, for instance, chapels nearly always are in settlements providing them with burial grounds and also associated with high-status sites, three of which are *bús*, leaving only one outlier.³²³ Along with the rest of her data these points have led Gibbon to the conclusion that chapels are largely associated with settlements and high status sites simultaneously, and if not they tend to be near water and/or very centrally located.³²⁴

³¹⁸ S J Gibbon, p. 199.

³¹⁹ S J Gibbon, p.202.

³²⁰ Ibid.

³²¹ Ibid.

³²² S J Gibbon, p. 204.

³²³ S J Gibbon, p. 208.

³²⁴ S J Gibbon, p. 234.

All of this leads to a general conclusion that these widely scattered early chapels were a pre-parish phase of Christian organisation built by chieftains and other leading Orcadians beginning in the later half of the eleventh century in or near settlements for the purpose of local burial and presumably private devotion. These chapels were still quite small, but did provide a place for the sacraments when a priest was available. It is unlikely that when tithes were largely unknown in Scandinavia churches would have been built in any way other than by private persons.³²⁵ This state of affairs is commented on by Adam of Bremen while he also mentions the high prices paid to the clergy for various sacraments due to the lack of a tithe.³²⁶ It can be assumed then that clergy were probably not numerous, but a few could be found either attached to chapels of wealthy individuals or in their retinues, especially the earl's retinue.

In addition to priests one might also have found a bishop in the earl's *hirð* in the eleventh and early twelfth centuries. This leads into the second area under discussion, the development of a diocese and parishes. The earliest bishops in Orkney, such as the aforementioned Turolf and possibly John, if he were ever actually in the islands, would not have had their own church or support. This is not surprising as it has already been established there was no tithe in Scandinavia in the eleventh century by Adam of Bremen. Added to this is the fact that the saga tends to mention the bishop with the earl and in such places as Birsay and Orphir, both earls' residences.³²⁷ This stage of

³²⁵ Peter Sawyer, "Dioceses and Parishes in Scandinavia," in *St Magnús Cathedral and Orkney's Twelfth Century Renaissance*, ed. Barbra Crawford, (Aberdeen University Press, 1988), p. 40.

³²⁶ Ibid.

³²⁷ Per Sveaas Andersen, "The Orkney Church in the Twelfth and Thirteenth Centuries- a Stepdaughter of the Norwegian Church?" in *St Magnús Cathedral and Orkney's Twelfth Century Renaissance*, ed. Barbara Crawford, (Aberdeen University Press, 1988), p. 60.

development for the diocesan and parochial structure in Orkney has been associated with a similar stage in Norway in which the bishops are often referred to as *hirð*-bishops.³²⁸

The *hirð*-bishop stage in Norway was followed by one in which bishops took charge of specific regions and moved around within them from seat to seat.³²⁹ In Orkney this second stage may have begun in the period just prior to Rögnvaldr Kali's invasion. Bishop William the Old is depicted before the invasion often away from the earl at such places as Egilsay, St Ólaf's church in the nascent town of Kirkwall, and occasionally a couple of churches still associated with the earls, such as at Orphir.³³⁰ This is an interesting development. As has been discussed previously there is evidence that Bishop William was purposefully distancing himself from Earl Páll in the period between 1129 and Rögnvaldr Kali's second invasion. This could be a purely political move, having chosen for unknown reasons to support the *Erlendsætt* in the obviously approaching civil war. It is also possible that this was coincidental timing: he simply represented a shift to this later stage of diocesan development, which Orkney simply reached around this time. I think that a third option is most likely. For the bishop to live away from the earl does indicate that the church in Orkney had reached a stage of development at which it had the ability to support him doing so at least some of the time, however, it seems that William was also creating the opportunity. The new residences away from the earl's seats of Birsay and Orphir are intimately connected to the cult of St Magnús, being Egilsay and Kirkwall. The first was the site of Magnús' martyrdom, the latter the place to which Magnús' relics had been transferred by the bishop in this period. The cult of St Magnús both gave the bishop an excuse to be away from the *hirð*, and quite possibly the means as

³²⁸ Per Sveaas Andersen, "The Orkney Church," p. 59-60.

³²⁹ Ibid.

³³⁰ Ibid.

people made donations to these churches because of St Magnús. At the same time the bishop's support, i.e. his presence in these places, both encouraged Magnús' cult and allowed the bishop to set himself in a form of mildly open opposition to the earl. All of this demonstrates William's desire to find a more independent place for the church in Orkney, and presumably his predilection to ally with those who might help him do so.

Of particular importance for the development of an independent church fully organised along continental models was the establishment of parishes. The building of parish churches, or rebuilding of chapels into parish churches, is a phenomenon of the mid-twelfth century, coinciding with the building of St Magnús' Cathedral (begun in 1137).³³¹ This leads one to the theory that the building of the cathedral and the establishment of parishes were probably linked developments. This is not surprising. To support the new expenses of an established diocesan hierarchy and cathedral the church would have been in need of local organisation to provide the tithe along with the land grants made to the bishop for his maintenance by the earl that seem to have been made at this time.

The development of the parishes also illustrates the importance of the earl in the establishment of the Orcadian church along continental lines. Gibbon has remarked that parish churches originated as chapels.³³² These chapels seem to have been chosen mostly because they were high status places associated with the earl or an important *gæðingr*, and were chosen for their central location only occasionally.³³³ The links between parish churches and the earl, bishop, and *gæðingar* were quite strong, out of 27 known residences of this class of Orkneyman 12 are associated with a parish church out of 35

³³¹ S J Gibbon, p. 242.

³³² S J Gibbon, p. 236-237.

³³³ Ibid.

parishes, about one third.³³⁴ What this seems to indicate is the encouragement of the earl for the founding of parishes and parish church, quite possibly founding several himself and encouraging his *gæðingar* to do so as well.

In addition to the foundation of a proper cathedral and the organisation of parishes it was also quite possibly during Rögnvaldr Kali's reign that the pennyland, the smaller of the two basic tax divisions on Orkney, was instituted. Crawford speculates that the pennyland was introduced in 1153 in response to the imposition of Peter's Pence (that is the tax of one penny per 'houshold' per annum which was sent to the papacy) on the West Norse world by the Archdiocese of Trondheim at the behest of Cardinal Nicholas Brekespere.³³⁵ She goes on to demonstrate that this works not only for the Orcadian Earldom, but also for those lands in the west of Scotland that have pennylands. This is because these other lands were either under the house of Sumarliði, which also had ties with the Norwegian Metropolitan.³³⁶ There is also some evidence for payment of the due in the Kingdom of Man and the Isles, also under the Archbishop, but it did not seem to develop a system of lasting assessment units as in other British areas of the Trondheim Archiepiscopal See, or the system simply did not survive long enough to be recorded.³³⁷ As this tax was not paid in Scotland only those lands under Norse lords with some connection to Trondheim, such as those listed above, would be affected by the imposition, which explains the absence of pennylands in some parts of the West.³³⁸

³³⁴ S J Gibbon, p. 246.

³³⁵ Crawford, "Norse Earls and Scottish Bishops in Caithness," In *The Viking Age in Caithness, Orkney, and the North Atlantic; select papers from the eleventh Viking congress Thurso and Kirkwall, 22 August- 1 September 1989*, Colleen E. Batey, Judith Jesch, & Christopher D. Morris (eds), (Edinburgh University Press: Edinburgh, 1993), p. 139.

³³⁶ Crawford, "Norse Earls and Scottish Bishops in Caithness," p. 42-43.

³³⁷ Crawford, "Norse Earls and Scottish Bishops in Caithness," p. 42-43.

³³⁸ Ibid.

There are other theories concerning the adoption of the pennyland unit, again more fully discussed in the last chapter on the state, but regardless of whether Peter's Pence was the basis for the development of the pennyland or not it still represents an important tie with the broader church. That Orkney paid this due helped to connect it more fully with other parts of the Church, which also paid it; while at the same time providing a contrast to the Church in Scotland, which did not pay it. That Peter's Pence was paid in Orkney in the twelfth century can be inferred from the letter of Innocent III to the Bishop of Caithness in 1198.³³⁹ This same letter also attributes the establishment of Peter's Pence in the diocese of Caithness in the time of Pope Alexander III (1159-81), though this does not mean that it had not existed earlier in Orkney itself, only that it was at that time that Haraldr extended the due to Caithness, actually outside of the metropolitan authority of Niðaróss. It is also possible that the payment of Peter's Pence was initiated at the same time in Orkney and Caithness as it was said to have been instituted under Bishop Andrew, who became bishop between 1147 and 1151.³⁴⁰

All of the above developments would lead me to suggest that not only the founding of St Magnús' Cathedral, but also the beginning of parish formation, can be attributed to Earl Rögnvaldr Kali. Nonetheless, it must be remembered that even with the establishment of a metropolitan see in Niðaróss in 1153 the parish system in Norway was not fully complete until the end of the century.³⁴¹ With this in mind the twelfth century should be seen as a transitional period in which the diocese was put on a firm footing comparable to the ecclesiastical system in more long established Christian countries and the process of parish-formation occurred.

³³⁹ DOH, # 15.

³⁴⁰ D.E.R. Watt, p. 58.

³⁴¹ Per Sveaas Andersen, "The Orkney Church," p. 66.

By the thirteenth century it seems certain that the development of the Church in Orkney had obtained a high level of organisation with a cathedral chapter first mentioned in 1247 , and the archdeaconry of Shetland established by 1215.³⁴² For the twelfth century it would be safest to see parishes as forming under the direction of the now well established Bishop after 1137 and probably finishing this process by about 1200 if not slightly earlier. This is not to say that more complex diocesan developments were not also taking place. Ronald Cant would place the establishment of secular canons at St Magnús' Cathedral as far back as the episcopate of Bishop Bjarni (1188x1192-1223)³⁴³ to bring the diocese into conformity with the plan set down by Cardinal Nicholas upon the founding of the Archiepiscopal see in Niðaróss, which could place the establishment in the late twelfth century.³⁴⁴ Because of this it is important to see the work not only of Rögnvaldr Kali in the establishment of the Orcadian church but also Haraldr Maddaðarson, who must have continued and likely completed Rögnvaldr's work.

This is an opportune moment to look at the earldom of Caithness specifically. While it is clear that Shetland was always a part of the Orcadian diocese, both before and after the reign of Rögnvaldr Kali, eventually becoming an archdeaconry within the see in the thirteenth century, the position in Caithness is more complex. The first bishop that it seems certain held this see was Andrew, a monk from Dumfermline, bishop at least as early as 1147 x 1151.³⁴⁵ These dates make it fairly clear that the establishment of the Caithness bishop was an act of David I. It is unfortunate a more exact date is not known

³⁴² D.E.R. Watt, pp. 254-261

³⁴³ D.E.R. Watt, p. 250.

³⁴⁴ Ronald Cant, "Norwegian Influences in the design of the Transitional and Gothic Cathedral," in B Crawford, ed. *St Magnús Cathedral and Orkney's Twelfth Century Renaissance*, (Aberdeen University Press, 1988), p. 129.

³⁴⁵ D.E.R. Watt, pp. 254-61.

so that it could be seen whether this was in reaction to Harald's oath taking to Eysteinn. I do not think this is the case, however. As I have said previously it is unlikely that Haraldr had remained uncommitted to King Ingi while he had stayed in his court back in 1148/9. Additionally, it would not have been necessary for Haraldr to have done anything wrong for the establishment of a Scottish diocese in Caithness to have been in David's interests: having his own bishop in Caithness would help to bring this province into his orbit more securely than good relations with Haraldr could by themselves, and it is quite possible that he was appointed by David long before the late 1140's. On the other hand, Andrew is known from royal charters and not *Orkneyinga saga* or another source recording what he did in Caithness, it is quite possible that he never actually went to Caithness but stayed at or near the Scottish court. This would make him of limited importance in the actual development of the Church in Caithness at that time.

Previous to the episcopate of Andrew, Caithness had fairly certainly been an appendage of the Diocese of Orkney. Crawford adds support to this supposition using the evidence for the Bishop of Orkney having been well endowed with lands in Caithness, especially Reay, Halkirk and Bower.³⁴⁶ Crawford argues that these endowments would have preceded the establishment of a separate diocese in Caithness. While I am not as convinced that these endowments had to have originally been within the see of the bishop, as bishops elsewhere did have lands outside of their diocese, I do think it is a definite possibility. This is because of the particular places these endowments were, especially Halkirk. As demonstrated by Crawford, Halkirk was pretty certainly the original principle seat of the bishop in Caithness. This is because it stands

³⁴⁶ Crawford, "Norse Earls and Scottish bishops in Caithness," p. 131.

very near another parish church, Skinnet only a mile and a half away.³⁴⁷ In addition, Skinnet was recorded as a parish and Halkirk was not as of Bishop Gilbert's time (1222/3-1245³⁴⁸).³⁴⁹ Also the name Halkirk derives from the Old Norse *há-kirkja* meaning high church. This suggests that the endowments around Halkirk in particular do point to the Bishop of Orkney having had authority over Caithness. It is therefore likely that prior to the existence of a separate diocese for Caithness Halkirk served as a principle residence of the Bishop of Orkney.

It is difficult to estimate how old this system might have been. Given that Halkirk as a seat for the Bishop of Orkney is not mentioned in the *Orkneyinga saga* one is tempted to suggest that it may not have been in their hands very long, remembering with caution that it is only in the episcopate of William the Old that we have evidence for the movements of the bishop so that it is possible that the bishop had a residence in Halkirk earlier. I would still suggest though, however tentatively, that the establishment of Halkirk as a principle residence for the bishop in Caithness was quite recent, established by William the Old and Rögnvaldr Kali as part of their organisation of the Church. This would also have served to tie Caithness closer to Orkney and the diocese thereof, at a time when Rögnvaldr Kali was likely short on links with Caithness himself. It then follows that the establishment of the Bishop of Caithness would be perhaps at the end of the possible dates of 1147 to 1151, so that the bishop was installed while Rögnvaldr Kali was away on crusade. Thus we see the Earl of Orkney attempting to assert Orcadian links in Caithness, against both Scottish and local interests with which he personally had few ties, and the King of Scotland perhaps taking advantage of his absence to bring

³⁴⁷ Ibid, p. 133.

³⁴⁸ DER Watt, p. 58.

³⁴⁹ Crawford, "Norse Earls and Scottish Bishops in Caithness," p.133.

Caithness closer to Scotland. This kind of tension would continue, as can be seen by the controversy over Peter's pence, mentioned above. Eventually more violent conflict would follow with earls maiming and killing bishops in the thirteenth century, after which Bishop Gilbert moved his cathedra closer to the rest of Scotland, i.e. south to the border with Ross. Nonetheless both Rögnvaldr Kali and Haraldr tried to keep Caithness within the ecclesiastical sphere of Orkney.

Another important aspect of the medieval church throughout Christendom was religious, i.e. monastic, life. It is of interest that there is some evidence of religious life in the earldom of Orkney in the twelfth century. At this time only a few monastic orders existed, though their numbers had been multiplying since the eleventh century inception of the reformed orders, such as the Cistercians. There were also canons at that time, but the only canons for which there is evidence in Orkney are the secular canons of St Magnús' Cathedral discussed above. This leaves perhaps four to seven possible monastic houses in the whole of the earldom.

Of these the most generally accepted monasteries are Eynhallow and Dornoch. Dornoch has the distinction of being mentioned in a letter of David I to Earl Rögnvaldr Kali, the dating of which is uncertain except that it was before David's death in 1153 and after Rögnvaldr Kali's accession in 1136/7.³⁵⁰ Dornoch is located in the very southern part of present day Sutherland on the north bank of Dornoch Firth. In the twelfth century this would probably have been considered part of Caithness, though it may also have been considered part of Ross. This ambiguity about whether it was really in Rögnvaldr Kali's territory at all is heightened by the wording of the letter which bids Rögnvaldr to extend the monks protection 'when they come among you' (*ubicunque inter vos*

³⁵⁰ DOH, # 11.

venerint), which may imply that while Dornoch is explicitly said to be in Caithness in the letter it is also not within Rögnvaldr Kali's territory.³⁵¹ This could also mean simply to extend them protection when they leave the confines of their monastery, or it could recognise that the far southern area of the earldom of Caithness, while technically held by Rögnvaldr Kali, was actually out side his control. Furthermore, there is some contention whether the site actually contained a monastery or simply a cell dependent perhaps on Dumfermline here established in the second quarter of the twelfth century, or an older independent monastic house of some kind.³⁵² It is therefore unclear what, if any, relationship this site had to the earls of Orkney, though it is fairly certain it was not a close one.

A more certain site in some ways is Eynhallow in Orkney proper. This is a monastery sited on a small island between Mainland and Rousay. This site has been dated from c. 1100 to before 1175.³⁵³ It has been more specifically dated by the Royal Commission for Ancient and Historic Monuments Scotland, and more specifically by Lamb who carried out the survey, to the second quarter of the twelfth century.³⁵⁴ The site is generally believed, though not for any clear reason, to be Benedictine.³⁵⁵ If one takes Lamb's date, then we have what is likely a foundation of Earl Rögnvaldr Kali, or Bishop William, though it is also possible that we see here the Scottish influence of Haraldr's father Maddad, or even King David himself. The reason that Scottish influence seems likely is that the newly elected abbot of Melrose in 1175 was said to have previously been

³⁵¹ Ibid.

³⁵² Ian Cowan & David Knowles, *Medieval Religious Houses, Scotland second edition*, (London, 1976), p. 61.

³⁵³ Cowan, pp. 61-62.

³⁵⁴ The Archeological Sites and Monuments of Rousay, Egilsay and Wyre (with adjacent small islands) Orkney Islands Area 16, (Edinburgh: RCAHMS, 1982), p. 30.

³⁵⁵ Cowan, p. 62.; ASMS, p. 30.

an abbot in Orkney.³⁵⁶ This is a fairly tenuous link, but nonetheless suggests connections with the churches in Britain rather than Norway for the monastery in Orkney. Whichever of these men may have founded the monastery it still demonstrates one more way in which Orkney was coming to participate in the institutions of wider Christendom. Oddly the fact that Melrose was Cistercian has not affected the tendency to assume that Eynhallow was Benedictine, however, given the evidence of this one member of the house and the general fact that Eynhallow was a new foundation in the twelfth century, a time in which the reformed orders such as the Cistercians were growing rapidly, it seems likely that it was a Cistercian house.

Lamb, in particular, has suggested a further five possible monastic sites. One is the Brough of Birsay church sometimes identified with the Christchurch of Þorfinnr inn ríki. This identification is less accepted today as a twelfth century date is now preferred for the remains, while it is speculated that the original Christchurch remains lay beneath the later parish church in the Mainland village of Birsay dedicated to St Magnús.³⁵⁷ It has been proposed that the twelfth century buildings on the Brough are monastic.

Lamb has made similar arguments for clustered remains around churches in other places. These include the Brough of Deerness, Standibrough in Shetland, Birrier in West Sandwich and Kame in Isbister.³⁵⁸ Of these only the Brough of Deerness has been excavated and Christopher Morris, who led this excavation, prefers to interpret the site as a settlement around a private chapel, as he does with the Brough of Birsay.³⁵⁹ Using Lamb's interpretation as many as five possibly twelfth century monasteries may be

³⁵⁶ Cowan, p. 61.

³⁵⁷ James Graham-Campbell and Colleen E Batey, *Vikings in Scotland, an Archeological survey*, (Edinburgh, 1998), p. 253.

³⁵⁸ Graham-Campbell, pp. 252-253.

³⁵⁹ Ibid.

known for Orkney, however given Gibbon's findings about the normal distribution of settlements and private chapels, I would be inclined to agree with Morris on at least the majority of cases. This still leaves the fairly definite twelfth-century monastery of Eynhallow, however.

Overall, it can be seen that the second quarter of the twelfth century was an important one for the development of the church on Orkney. It included not only the establishment of a national saint and the building of a cathedral, but also the beginning of parish organisation, the introduction of Peter's Pence, the founding of at least one monastery (and probably Orkney's first since the end of the Pictish period) and possibly the establishment of a head church in Caithness at Halkirk. Conversely in Caithness this period saw the installation of a separate Scottish bishop for Caithness, a source of conflict later in the century and in the early thirteenth century.

These developments are not merely of interest for the ecclesiastical history of Orkney, however. The change in dynasty and Rögnvaldr Kali's conscious attempt to legitimise his reign via religion and especially his uncle St Magnús was the reason that St Magnús Cathedral was built. It has also been demonstrated that there is evidence that the conversion of chapels into parish churches at this time was a development which the earl participated in and seems to have encouraged. Beyond the links between the founding of a cathedral and the forming of parishes there was also the adoption of Peter's Pence at this time. It has also been shown to be not unreasonable to postulate that the foundation of the parishes, the forming of ouncelands (at least in their late medieval form), the forming of pennylands and the imposition of Peter's Pence were all interrelated with the state and Church acting as partners in their founding and administration. This

arraignment would have strengthened both institutions fiscally and fit well with the new religious ideology of the sate. Hence, Rögnvaldr Kali could reasonably be seen as the prime mover in the diocesan developments of his time.

Conclusion:

The Orcadian Revolution

That the twelfth century was an important period in the development of a number of institutions on Orkney has been a growing consensus for some time now. It is also not a new insight that the events of the later twelfth century led to the end of Orkney as at least a semi-independent polity. Neither of these things are the main argument of this thesis. Rather what I have tried to argue is that the events of the second quarter of the twelfth century were instrumental in bringing about these twelfth century developments and that Rögnvaldr Kali was the central actor in these innovations.

It has been shown that Orkney developed in the twelfth century a number of administrative systems, both ecclesiastical and secular. Of these the best evidence for a twelfth century development starting after the coming to power of Earl Rögnvaldr Kali is the formation of parishes, as Gibbon has demonstrated in her archaeological study of chapels in Orkney. This development was heavily linked with the further development of the diocese in Orkney at that time in the form of a permanent cathedral for the bishop in Kirkwall, and also quite possibly the foundation of other seats for the bishop not on earldom estates, such as the church on Egilsay and the one in Halkirk, Caithness. The most tangible relic of this development is St Magnús Cathedral in Kirkwall.

Also related to the establishment of the parochial system at this time was the introduction of the pennyland, whose introduction was possibly related to the collection of Peter's Pence. This unit probably was introduced at the same time as the unceland, the distribution of which leads to the conclusion that they are simultaneous with or post-date the formation of the parishes. It is possible that a form of unceland existed

previously to the second quarter of the twelfth century, but it is likely only at this time when the parishes and pennylands were added to the system that they took on their formal administrative form, and it may only have been at this time that they began to function as units of regular taxation.

All of the above developments were therefore highly interrelated. At the same time, they were related to an ideological development, the rise of the cult of St Magnús. This cult was of prime importance in the establishment of the Cathedral and in the establishment of churches and estates used as residences of the bishop that were independent of the earl. This strengthening of the bishop's position allowed the church to develop its diocesan and parochial organisation to come into greater conformity with the church universal. The building of St Magnús Cathedral also created a pressing need for better church organisation on Orkney to bring together the resources to maintain both it and its establishment of clerics, especially its chapter of canons which may have been in place by the last quarter of the twelfth century. At the same time the organisation of parishes and collection of Peter's Pence, which had been most likely instituted after the elevation of Niðaróss to archiepiscopal status, helped to create the secular fiscal system as noted above.

In addition to these very interrelated developments there were also other new institutions in Orkney at this time that are worthy of note. These include the development of Kirkwall itself as an urban centre, which is also again related to the building of St Magnús Cathedral, but is also connected to the developing trade in the twelfth century and the movement of the *þing* to Kirkwall. Another was the foundation of the monastery

on Eynhallow, for which there is strong evidence of foundation in the second quarter of the twelfth century, as well as other possible monasteries.

Many of these developments were paralleled elsewhere in Europe at this time. The *leiðangr* system was developing into a method of regular taxation in Norway in the twelfth century for instances, and towns were being founded in kingdoms across Northern Europe, including in Scotland in this twenty-five year period. Perhaps developments in the ecclesiastical sphere had the most obviously international character. David I in Scotland at this time was increasing the number of dioceses in his kingdom, as was Sigurðr jorsalafari in Norway, where in 1152 or 53 the papal legate, Cardinal Nicholas Brekespere, the future Pope Hadrian IV, would also increase the number of dioceses and create a metropolitan see. It was also in this period that the organisation of parishes was beginning in both Scotland and Norway as well. In this way these ecclesiastical changes especially can be seen as a general trend in the region as a whole that the Earldom of Orkney participated in, as it also did in urbanisation and the formalisation of fiscal systems.

This does not mean that these developments can be divorced from actual political events. Just because there was a trend for these things to be taking place does not mean that they would invariably do so in Orkney without the agency of any particular person, or group of persons. Orkney was a small polity and it is possible that the more personal and informal method of ruling it may have continued for some time. It is also noteworthy that Orkney was not simply dragged along in these developments. There is reason to believe that the formalisation of a regular tax system was underway in Orkney before Norway, for instance. At the same time it does not appear that Orkney ever really

developed a formal system of defence or the raising of levies as Norway had, as demonstrated by the arguments of Williams and Thomson. So the question is: why were those systems that were implemented, implemented at all and why were they implemented at this time?

It is my contention that the answer to these questions can be found in the figure of Rögnvaldr Kali, and his successor Haraldr Maddaðarson. As discussed in chapter three Rögnvaldr Kali found himself in a difficult position in his attempt to legitimise his claim to Orkney. He had the designation of the king, but the Orcadians seem to have seen themselves as independent enough that this designation was not sufficient. What he did not have was a solid claim to the Orkneys by inheritance law in relation to other claimants like Erlendr Haraldsson and most notably the sitting earl Páll Hákonarson. His own claim was through his mother, a weak claim even for normal land inheritance, but as the *jarlsætt* had by this time many of the qualities of a royal dynasty, in that it seems to be only they (i.e. the members of the *jarlsætt*) who could be earl, this claim was even weaker given the strong tendency toward agnatic relationships in matters of royal inheritance. So that even though the ruler of Orkney was not a king, the office had taken on some of those characteristics it seems. Rögnvaldr's solution, however, can be seen as having pushed these king-like qualities of the office even further. Like Haraldr harðraði in the eleventh century he used the cult of a maternal relative to legitimise his otherwise shaky claim and in doing so revolutionised the Orcadian state and its ideological underpinnings.

This use of his uncle Magnús' cult also gave him a ready-made following among the average farmers in Shetland, and acts to align him with the interests of the church as

he promises to build St Magnús a new minster in Kirkwall, furthering the development of the dioceses. This support is important because Rögnvaldr Kali seems to have been lacking obvious support otherwise. He had little kin in the earldom compared with any of his *Pálsætt* rivals, although the number of claimants from that line was helpful to him. In fact there is little sign of any support for him among the leading men in Orkney during either of his invasions, until the kin of Sveinn join him after they have become the enemies of both the Frakökk faction and Pál's. This meant that Rögnvaldr Kali had to rely on the aid of Norwegians in his invasions, a strategy that it seems would have got him nowhere without the support from Shetland and the bishop.

In this way Rögnvaldr Kali brought with him an ideological revolution. St Magnús went from being an officially barely tolerated saint to being the patron saint of the earldom almost overnight. Not only this, but also the idea of him as a perpetual earl in Orkney, just as St Oalf was perpetual king in Norway, not only helped to legitimise his nephew Rögnvaldr Kali, but moved the earldom closer ideologically to being a kind of kingship as the earls now seemed to rule by a kind of divine favour blurring the sacerdotal line between kingship and earlship.

It was this need to legitimise his rule and gain support that seems to have lead to the building of the Cathedral of St Magnús, in many ways the lynch pin of the twelfth century developments in the earldom. Closely connected to the building of St Magnús Cathedral were both the new structuring of the diocese, including the creation of diocesan offices and parishes, and the movement of the þing to Kirkwall, as well as a further stimulus to the urban development of Kirkwall itself. This alliance with the church seems to have also born fruit for Rögnvaldr Kali in the organisation of the earldom foe

taxation in the creation or at least formalising of ouncelands and the probable creation of pennylands in relation to the Church's parishes and the collection of Peter's Pence. At the same time the Church benefited from this arraignment both by the building of the cathedral and likely the earl's support for the organisation of parishes, as well as such possible additional benefits as land grants in Caithness and the founding of Eynhallow. At the same time each institution (i.e. the Church and the State or Earlship) gained in prestige by their new settlement, the earl gaining a religious prestige and the Church new secular status.

This is not to say these things followed automatically from the building of St Magnús. The continued efforts and cooperation of both Rögnvaldr Kali and Bishop William the Old were undoubtedly important here. It was they who actually guided each of these developments, quite likely in imitation of other polities and dioceses in places such as Scotland and more generally in the even more 'Europeanised' kingdoms further away.

These developments would not all reach fruition in the reign of either Rögnvaldr Kali or William the Old. Instead their work would be continued by their successors. Haraldr Maddaðarson was likely earl when many of these institutions reached their final form and they benefited him as much as Rögnvaldr. Unlike Rögnvaldr Kali, Haraldr Maddaðarson had a much larger network of kin in the earldom. However, like Rögnvaldr Kali he was the son of a daughter of a previous earl and therefore had the same problem of succession. This problem was for him largely solved by the killing of Erlendr Haraldsson during the civil war of the 1150s which left him the only obvious claimant, as he was already earl. His initial installation as earl had been facilitated by the support for

his claim from David I. After the death of Erlendr there were no more men with paternal links to Þorfinnr inn ríki, so the problem of rival claimants with technically better claims came to an end. Nonetheless the importance of St Magnús and the old *Þorfinnsætt* seems to have been of such importance ideologically that the earls continued to represent themselves as members of the same dynasty.

Haraldr would not be alone in continuing these developments. William the Old was succeeded by another William and then Bjarni, who as we have seen probably completed the placing of the diocese into full conformity with the wider church and Cardinal Nicholas' charter for the archbishopric of Niðaráss. These men continued the work of Bishop William and Earl Rögnvaldr. However, because of similar developments in the kingdoms of Norway and Scotland by the end of the twelfth century, the *de facto* independence of Orkney began to crumble and the ideological development of Orkney into a fully independent principality never quite came to fruition. Harald's heir Jón still enjoyed many of the benefits of the new systems, but was unable to claim autonomy as easily as his predecessors and with his death in 1230 the power of the Earls of Orkney as semi-independent princes was almost entirely broken.

Orkney in this way exemplifies the 'Europeanisation' of one of Europe's smaller polities, and one that was not in the end able to establish itself as an independent principality. This case demonstrates the importance of political events and personalities in the shaping of these larger trends and their application in any specific instance, as well as the interplay of ideological and practical development. Perhaps most interestingly in demonstrates the dynamic innovations that the re-founding of the Earldom on religious ideological grounds enabled Rögnvaldr Kali and his co-earl and successors to create.





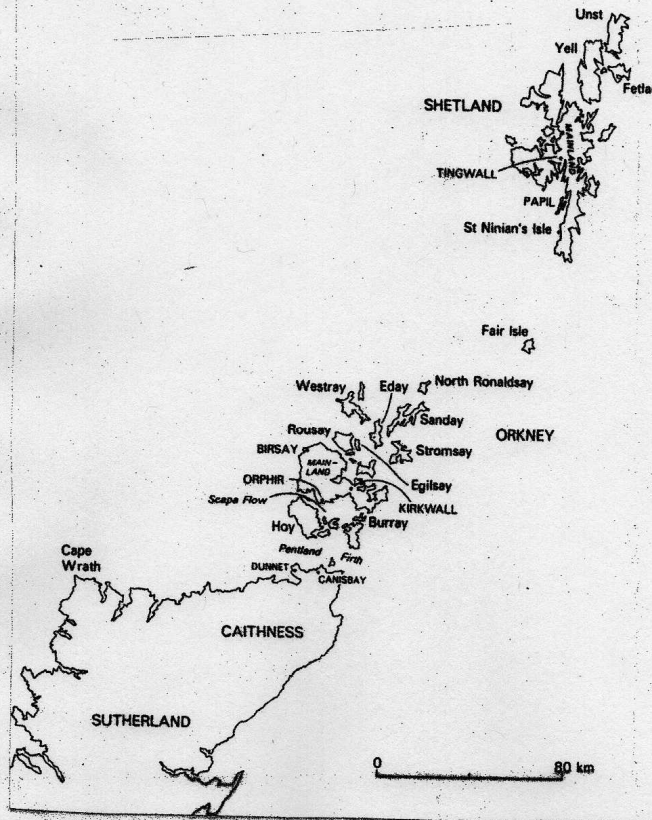






Appendix C; Maps

Fig 1. The Earldom of Orkney



From; B Crawford, ed. *St Magnus Cathedral and Orkney's Twelfth Century Renaissance*. Aberdeen University Press, 1988

Fig 2. The Tankerness Campaign

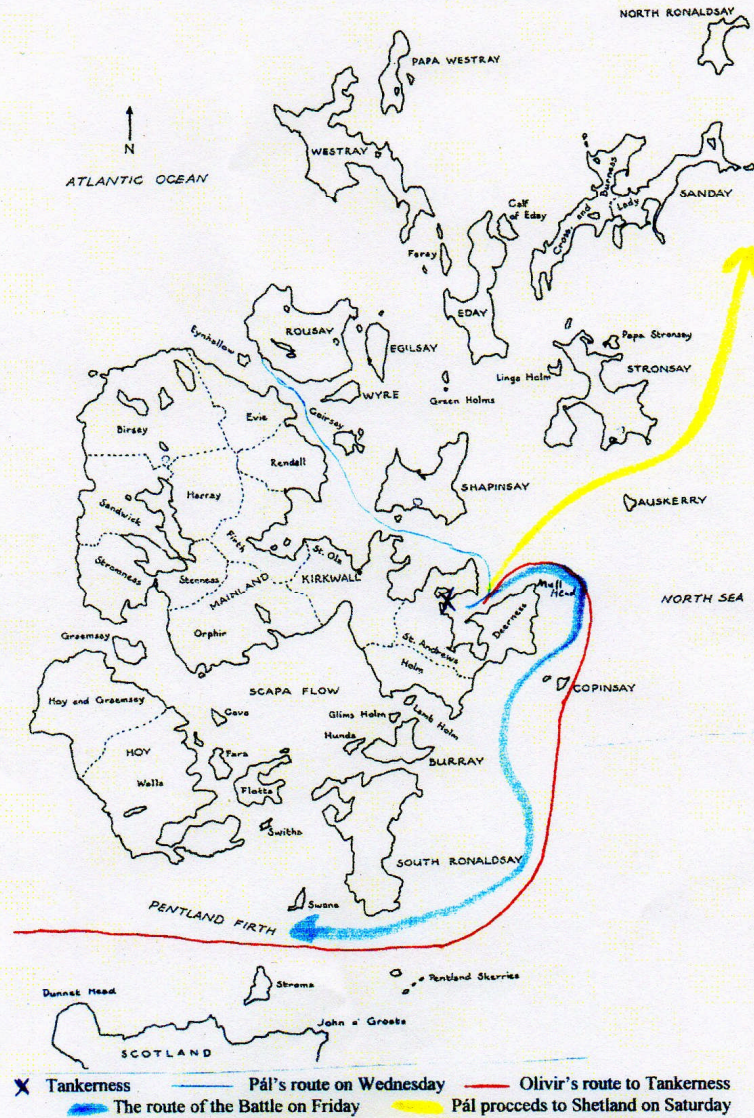
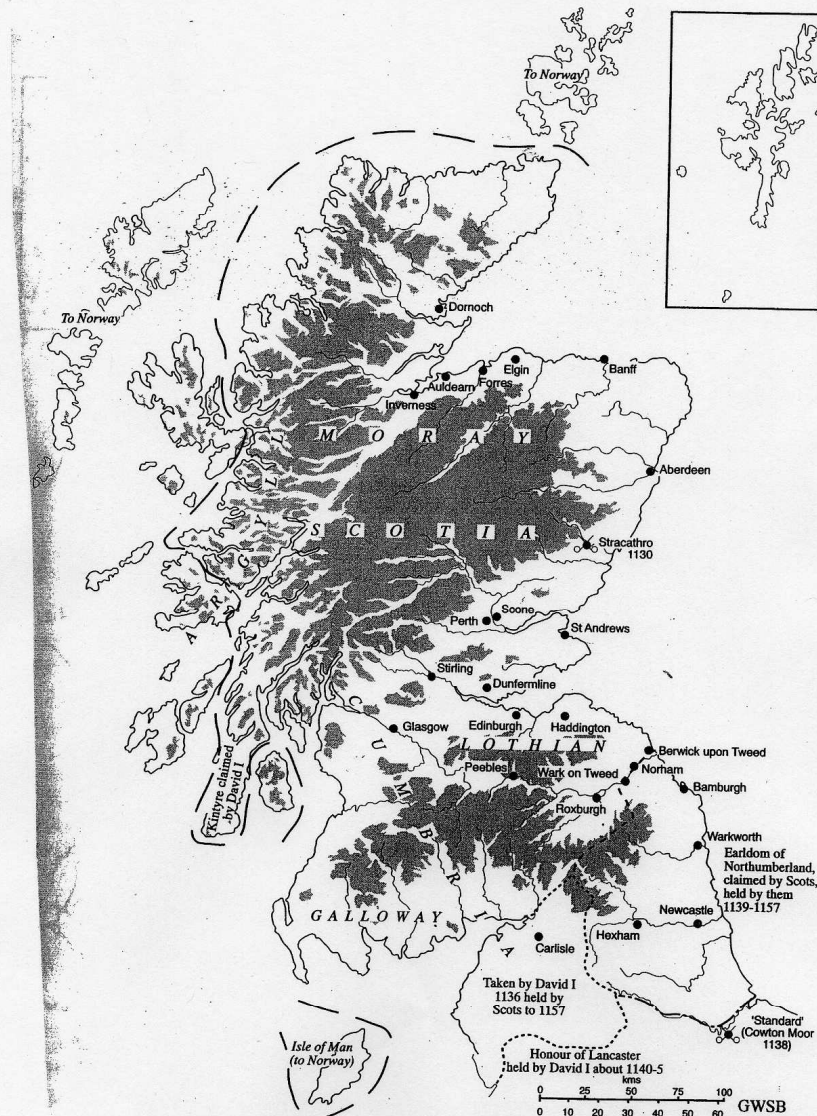
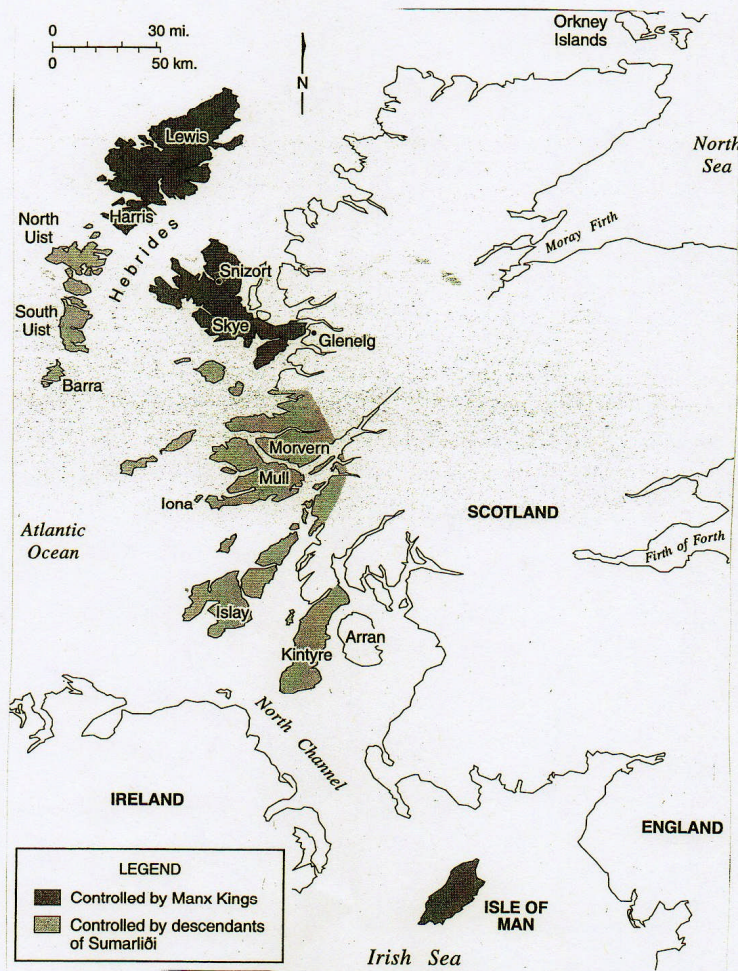


Fig 3. Scotland in the reign of David I (1124-53)



From Peter McNeill & Hector McQueen *Atlas of Scottish History to 1707* p. 77.

Fig 4 The Kingdom of Man and the Isles



From A McDonald *Manx Kingship in its Irish Sea Setting, 1187-1229: King Rögnvaldr and the Crovan dynasty*, p. 25.

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