

# They Think It's All *óðal*!: Understanding Land Inheritance for Rulers and Their Subjects in *Orkneyinga Saga*<sup>1</sup>

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FOR PEOPLE in medieval societies, land inheritance was a vital concern for survival and success. Those who owned land, controlled food production and profited the most from agriculture. In Scandinavia, land-owning families could contribute to local decision-making and gain access to the monarch at assemblies called *þings*. Thus, in Scandinavian societies, inheritance laws determined who held power and established landowners had an interest in restricting access to that power. The Old Norse term *óðal* (plural *óðul*) refers to a form of inheritance that ensured that land remained in a family, as opposed to other forms of inheritance which permitted land to be transferred through marriages and sales. The *Gulapíng* and *Frostapíng Laws*, from western and central Norway respectively, detail the inheritance and redemption of *óðal* land and the rights associated with it.<sup>2</sup> Crucially, land was only considered *óðal* after it had been in a family for a number of generations. This prevented new landholders from rising to *óðal* status, entrenching the privileges of established families. While these Norwegian laws show how the *óðal* system worked in theory, other sources must be consulted to understand how it worked in practice.

The early thirteenth century *Orkneyinga saga*, which details the careers of the jarls of Orkney from ca.900 to 1214, uses the term *óðal* several times, making it a potentially useful source for understanding this inheritance

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2 The *Gulapíng* and *Frostapíng Laws* have been translated into English by Laurence Larson (1935). See 35-210 for the *Gulapíng Law* and 213-405 for the *Frostapíng Law*.

system.<sup>3</sup> However, the use of *óðal* in *Orkneyinga saga* is complicated by two factors. Firstly, the saga is reliant on oral tradition in recounting events that happened centuries earlier, making it of doubtful veracity in some cases. Secondly, Icelandic laws did not feature *óðal* rights, so Icelandic saga compilers were only familiar with *óðal* in a Norwegian context, not as a local legal concept.<sup>4</sup> This means that Icelanders may not have had a complete understanding of the term *óðal*. Iceland's status as a settler society may explain the absence of *óðal* from Icelandic laws. In Viking Age Iceland, there were no local extended families, meaning more men died without male-line heirs compared with mainland Scandinavia.<sup>5</sup> This broke continuity with Scandinavian practices surrounding ancestral properties. Despite these challenges, *Orkneyinga saga* provides valuable material which can be compared with the law codes for several reasons. The manuscript for the *Gulapíng Law* dates to the first half of the thirteenth century, though it has been argued that it dates to the mid-twelfth century, making it contemporary with some of the events described in *Orkneyinga saga*.<sup>6</sup> The main version of the *Frostapíng Law* dates to ca.1260, though some sources are older than this, and both law codes feature elements of previous laws.<sup>7</sup> This paper will examine the differences between *óðal* in *Orkneyinga saga* and the law codes, suggesting how the *óðal* system worked in Orkney and Scandinavia more broadly.

### *Óðal* in the Law Codes

For land to become *óðal*, a family must have held it for a designated number of generations. In the *Gulapíng Law* this was five generations, with land becoming *óðal* in the sixth.<sup>8</sup> Land became *óðal* in the fourth generation according to the *Frostapíng Law*.<sup>9</sup> When an owner of *óðal* land died, it was

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3 The date for much of this text is generally accepted as c.1200, though arguments can be made for a date as late as c.1240. The Old Norse term *jarl* refers to a powerful chieftain. In the sagas, *jarls* are often viewed as subordinates of kings, but the term may have been used to describe independent power holders as well.

4 For discussion about the author of *Orkneyinga saga*, see Chesnutt 1993. For the lack of *óðal* laws in Iceland, see Byock 2001, 270-271.

5 Thanks to Alex Woolf for this suggestion.

6 Sandvik and Jón Viðar Sigurðsson 2005, 231; Larson 1935, 26.

7 Sandvik and Jón Viðar Sigurðsson 2005, 231-2; Larson 1935, 26-27.

8 *Gulapíng Law*, ch. 266 (trans. and ed. Larson, 171). See also Larson 1935, 26.

9 *Frostapíng Law*, XII, ch. 4 (trans. and ed. Larson, 374). See also Larson 1935, 27.

divided between several heirs, with men given priority over women.<sup>10</sup> When someone made a claim to óðal land belonging to someone else, their claim had to be supported by witnesses who possessed óðal themselves.<sup>11</sup> Importantly, potential heirs to óðal land had rights to its ownership. If someone wanted to sell their óðal land, they were legally bound to offer others with óðal rights to that land the opportunity to purchase it first.<sup>12</sup>

Historians and archaeologists have debated the age of óðal as a concept. Michael Gelting questioned the traditional view that óðal laws were ancient in origin, arguing that they were influenced by church laws dating to the twelfth and early-thirteenth centuries.<sup>13</sup> In particular, he traced the change in the number of generations required for land to become óðal between the *Guláping* and *Frostáping* laws to discussions from the Fourth Lateran Council of 1215.<sup>14</sup> Gelting also argued that óðal laws were influenced by European developments, demonstrating that *retrait lignager*, a concept which developed in France ca.1200, was similar to óðal rights in that it allowed potential heirs to redeem family land which had been sold by its current owner.<sup>15</sup> More recently, Torun Zachrisson has argued using runological evidence that aspects of óðal laws developed during the Viking Age.<sup>16</sup> Zachrisson's views are supported by equivalent concepts in several Germanic languages.<sup>17</sup> These similar terms, such as Old English *ēðel* and Old High German *uodal*, all relate to ancestral homelands and nobility.<sup>18</sup> Although Gelting is probably correct in thinking that óðal was influenced by later developments, evidence suggests that it dates back to the Viking Age as a concept. It appears some aspects of the system, such as the concept of family-inherited land, its division between heirs, and its link to nobility, were established in pre-Christian Scandinavia. However, the rights attached to the inheritance of óðal land probably appeared in the twelfth century. It seems that óðal was an abstract term in the earlier period, but twelfth-century laws gave it a specific legal meaning.

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10 *Guláping Law*, ch. 103 (trans. and ed. Larson, 108). Male heirs ensured that óðal remained in the family and was not transferred to another family through marriage. Despite this, the law codes have provisions for occasions when women did inherit óðal, see *Guláping Law*, chs. 274 (trans. and ed. Larson, 179-180); 275 (trans. and ed. Larson, 180); 285 (trans. and ed. Larson, 184); and *Frostáping Law*, IX, ch. 4 (trans. and ed. Larson, 331); XII, 5 (trans. and ed. Larson, 374).

11 See *Guláping Law*, chs. 265-274 (trans. and ed. Larson, 170-180) and *Frostáping Law*, XII, ch. 1 (trans. and ed. Larson, 371).

12 *Guláping Law*, ch. 276 (trans. and ed. Larson, 180-181) and *Frostáping Law*, XII, ch. 4 (trans. and ed. Larson, 373-374).

13 Gelting 2000, 134-135.

14 Ibid, 134-135.

15 Gelting 2000, 144.

16 Zachrisson 2017.

17 Bjorvand and Lindeman 2007, 824.

18 Gurevich 1993, 372.

## Óðal in Orkneyinga saga

Óðal is first mentioned in *Orkneyinga saga* when King Haraldr inn hárfagri of Norway fines, or taxes, the Orkney earldom.<sup>19</sup> Jarl Torf-Einarr of Orkney arranges with the Orcadian *bændr* (farmers) that he will pay the fine, providing that he receives their *óðul*.<sup>20</sup> This situation changes when Jarl Sigurðr Hloðvisson (d. 1014) gives the *óðul* to the people of Orkney, in exchange for war-service in a battle at *Skiðamýrr* (now the Moss of Killimster) in ca.995.<sup>21</sup> Later, Jarl Brúsi, Sigurðr's son, visits King Óláfr of Norway (1015-1028) to settle the ownership of the earldom between himself and his half-brother, Jarl Þorfinnr.<sup>22</sup> When Brúsi asks Óláfr for help, Óláfr claims Haraldr inn hárfagri had taken the earldom's *óðul*, and that the jarls had never owned the land themselves but held it on behalf of the Norwegian kings. Óláfr threatens to take back the *óðul* but, as Brúsi and Þorfinnr agree to his terms, Óláfr does not press his claim.<sup>23</sup> Brúsi's son, Rognvaldr, remains in Norway as part of this deal, but announces in the 1030s that he will travel to Orkney to reclaim his *óðul* from his uncle, Jarl Þorfinnr.<sup>24</sup> The term is last used when Jarl Rognvaldr Kolsson tries to secure funds for the construction of St. Magnus Cathedral shortly after 1137.<sup>25</sup> Kolr, Rognvaldr's father, suggests the jarl could make a law claiming the jarls had inherited all of Orkney's *óðul*, so the lands' heirs must pay to redeem those lands. The narrator comments that Kolr's plan was thought too harsh. Consequently, Rognvaldr calls a *þing* and allows the *bændr* to buy their *óðal* lands outright, thereby avoiding redemption. The *bændr* agree to this, providing enough money for the cathedral's construction.

The uses of *óðal* in *Orkneyinga saga* can be separated into two categories. The first can be called 'ruler-*óðal*', as it applies to the inheritance of kingdoms and earldoms. The second can be labelled 'farmer-*óðal*', because it relates to the inheritance of the *bændr* or the people of Orkney. This article will show that 'ruler-*óðal*' should be understood as a rhetorical device used in sagas to explain later claims to land. Conversely, it will be argued that 'farmer-*óðal*' in *Orkneyinga saga* relates to a real issue: the construction of Kirkwall Cathedral.

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19 *Orkneyinga saga*, ch. 8 claims Torf-Einarr murdered Haraldr's son to avenge the death of Torf-Einarr's father, Rognvaldr of More.

20 *Orkneyinga saga*, ch. 8 (ed. Guðmundsson, 16). Old Norse *bændr* means 'farmers' or 'landholders' but does not refer to tenant farmers. For further discussion, see Crawford 1987, 198-199.

21 *Orkneyinga saga*, ch. 11 (ed. Guðmundsson, 25). For estimate of the date of the battle, see Taylor 1938, 148. For the battle's location, see Taylor 1938, 356.

22 *Orkneyinga saga*, ch. 17.

23 Ibid, chs. 17-19.

24 *Orkneyinga saga*, ch. 21.

25 Ibid., ch. 76. Rognvaldr seized the earldom in 1137 and the saga claims that construction began on the Cathedral not long after.

## 'Ruler-*óðal*'

The inheritance of kingdoms and earldoms corresponds to one aspect of the *óðal* system: the division of land between heirs. Joint kingship was not unusual in medieval Norway, with the kingdom often split between brothers. Similarly, the Orkney earldom was frequently divided between several jarls, reflecting the inheritance system for *óðal* land found in Norwegian law codes.<sup>26</sup> However, this related more to the power and compatibility of rival claimants than it did to inheritance laws. Settlements were not always reached, resulting in conflict, as demonstrated by Røgnvaldr Brúsason's pledge to reclaim his *óðul* from Þorfinnr in *Orkneyinga saga*. Though Røgnvaldr and Þorfinnr initially shared the earldom, relations broke down and Røgnvaldr was killed in the ensuing conflict.<sup>27</sup> The *Gulaping Law* recognised that inheritance disputes could turn violent – a legitimate defence of one's *óðal* was to say, 'you will never get this land 'til you wrest it from a dead man'.<sup>28</sup> Nevertheless, this law urged a claimant to respond via legal means at a *þing*.<sup>29</sup> Røgnvaldr's death, and conflicts between rival claimants throughout *Orkneyinga saga*, show 'ruler-*óðal*' disputes were not always settled peacefully or lawfully.

Although aspects of *óðal* laws applied to rulers, the first mention of *óðal* in *Orkneyinga saga* does not resemble the law codes. Torf-Einarr's claiming of Orcadian *óðal* was probably fabricated by one of the sources used by the saga's compiler. King Haraldr's voyage to the Orkneys has no corroboration in English or Irish sources, so could have been a later invention.<sup>30</sup> Barbara Crawford has further questioned the accuracy of this tale, highlighting that the legal theory it features regarding land was not this fully developed in Scandinavia by the early tenth century.<sup>31</sup> Additionally, the account is suspicious because it mirrors a tradition about Haraldr *inn hárfagri*, who, according to Icelandic sagas, confiscated all Norwegian *óðul* to unite the kingdom.<sup>32</sup> This narrative was probably created by later Norwegian kings to make their kingdom appear to be family inheritance. This justification was built on a tenuous foundation – the later kings were probably not related to

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26 Woolf 2007, 306.

27 *Orkneyinga saga*, chs. 22-29.

28 *Gulaping Law*, ch. 265 (trans. and ed. Larson, 170).

29 *Ibid.*, ch. 268 (trans. and ed. Larson, 175-176).

30 See discussions in Thomson 2005, 3; Bagge 2010, 85; and Sawyer 1994, 13.

31 Crawford 2013, 107.

32 This process is detailed in *Haralds saga ins hárfagra*, ch. 6 (see *Heimskringla*, vol. I, trans. Finlay and Faulkes, 56). For further discussions of Haraldr's confiscation of Norwegian *óðal*, see Krag 2008, 188; Gurevich, 1993, 372; Crawford 1987, 199.

Haraldr at all.<sup>33</sup> Despite this, the Norwegian rationalisation was successful enough that the creator of Torf-Einarr's story appears to have copied it for the jarls, with Torf-Einarr taking Haraldr's position.<sup>34</sup>

The sagas show that later Norwegian kings used the concept of *óðal* to claim possession of the Orkney earldom. In *Orkneyinga saga* and *Heimskringla*, King Óláfr Haraldsson claims Haraldr took the Orkney farmers' *óðul*.<sup>35</sup> This claim appears malicious as earlier in that text we have been informed that Torf-Einarr, not Haraldr, claimed the *óðul*.<sup>36</sup> It is plausible that this mirrors a later anxiety about Norwegian control of the Northern Isles. However, the details of the settlement made by Óláfr suggests he did not actually have control over Orkney. Prior to Óláfr's intervention, Brúsi controlled two-thirds of the isles, and Þorfinnr one-third – a situation Þorfinnr wanted to change.<sup>37</sup> In fear of attack, Brúsi appealed to Óláfr who apparently granted, in fief, one-third of the land to Þorfinnr, one-third to Brúsi and took a third for himself.<sup>38</sup> However, upon Þorfinnr's departure, Óláfr tells Brúsi to rule over the king's third, barely changing the situation that existed before Óláfr's intervention.<sup>39</sup> Moreover, the narrator notes that, over time, Þorfinnr dominated two-thirds of the earldom after Óláfr's exile.<sup>40</sup> Thus, Norwegian kings had little control over Orkney at that time. Perhaps this part of the text was created to explain why the Northern Isles were more strongly controlled by Norway in the later period.<sup>41</sup> This again indicates that rulers used the concept of *óðal* to project later claims to territory onto the past. Ultimately, despite some similarities to the Norwegian law codes, most cases of 'ruler-*óðal*' are a rhetorical device used by saga authors to explain contemporary rulers' claims to lands.

### 'Farmer-*óðal*'

Three of the uses of the word '*óðal*' in *Orkneyinga saga* relate to ordinary landholders: Torf-Einarr's claim of the farmers' *óðul*, Sigurðr's gift of the *óðul* to the people of Orkney, and Rognvaldr's deliberations over the cathedral. After Torf-Einarr's negotiations with Haraldr, the saga's narrator stipulates

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33 Krag 2008, 185.

34 Thomson 2019, 34-35.

35 *Orkneyinga saga*, ch. 17; *Óláfs saga ins helga*, chs. 100-102 (*Heimskringla*, vol. II, trans. Finlay and Faulkes, 108-113).

36 *Ibid.*, ch. 8.

37 *Ibid.*, ch. 17; *Óláfs saga ins helga*, ch. 103 (*Heimskringla*, vol. II, trans. Finlay and Faulkes, 113-114).

38 *Ibid.*, ch. 19.

39 *Ibid.*

40 *Ibid.*

41 Crawford 1987, 200.

that the jarls held the farmers' *óðal* rights 'until Sigurðr gave them to the people of Orkney'.<sup>42</sup> This is a rare reference to something that has not yet occurred in the saga's narrative, which indicates the events are connected. To understand this connection, the final use of *óðal* must be put into context.

The cathedral's construction holds the key to understanding the concept of *óðal* in *Orkneyinga saga*. If Rognvaldr enacted his father's suggestion, stating the jarls had inherited the farmers' *óðal*, he could claim to own the farmers' land and charge them redemption fees. This proposed system resembles the *Guláping Law* which required the payment of redemption fees to the crown when *óðal* land came into the king's control.<sup>43</sup> In parallel with developments in Europe, Norwegian kings possibly argued that all land was held from the crown, probably using the tale of Haraldr *inn hárfagri*. This means that, by the twelfth century, *óðal* rights probably emanated from them, indicated by the king's ability to award *óðal* in the *Guláping Law*.<sup>44</sup> Both Kolr and Rognvaldr were Norwegian, so were undoubtedly familiar with this system.<sup>45</sup> Therefore, it seems Rognvaldr was trying to introduce a Norwegian-style framework to Orkney.

This suggests that the Northern Isles and Caithness were not fully aware of Norwegian *óðal* law. This can be attributed to two factors. Firstly, violent politics in the jarls' family meant that many potential male heirs were killed. This is evidenced by an increasing number of female-line claimants to the earldom by the twelfth century. For example, Rognvaldr Kolsson was the son of a daughter of a jarl killed by his own cousin. Rognvaldr's co-jarl by ca. 1139, Haraldr Maddaðarson, had two uncles and a cousin killed in conflicts. It is possible that strict inheritance laws could not develop in a society where so many male heirs were killed. This did not just affect the jarls' family, but the families of all their followers, probably including many of the *bændr* of Caithness and the Northern Isles. This prevented *óðal* laws from developing prior to Rognvaldr Kolsson's arrival. Secondly, Jarl Páll, Rognvaldr's rival and predecessor, appears to have had no contact with Norway, which had collapsed into a civil war in the early 1130s.<sup>46</sup> This means that while *óðal* would have had connotations of family inheritance, the later legal innovations were not present. Therefore, the meaning of *óðal* in the earldom prior to Rognvaldr's intervention was probably similar to that found in Viking Age Scandinavia.

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42 *Orkneyinga saga*, ch. 8.

43 *Guláping Law*, ch. 271 (trans. and ed. Larson, 178).

44 *Ibid*, ch. 270 (trans. and ed. Larson, 178).

45 See *Orkneyinga saga*, ch. 57 for Kolr and Rognvaldr's Norwegian origins.

46 In *Orkneyinga saga*, ch. 63, Páll displays an active dislike for the Norwegian kings. For an account of the Norwegian conflict which began in the early 1130s, see Bagge 2010, 42-43.

This explains why the *bændr* resisted Kolr's plan at the *þing* and the Norwegian system was not enacted, a fact alluded to by the narrator's comment that Kolr's plan was 'thought rather hard'.<sup>47</sup> This indicates the Orcadian *bændr* were more powerful than their counterparts in Norway.<sup>48</sup> This situation raises two questions: How was Rognvaldr able to suggest the jarls held Orkney's *óðal*, and – how were the *bændr* able to resist this proposition?

Kolr's suggestion required a genealogical link to the land, akin to that of Haraldr *inn hárfagri*'s claiming of Norwegian *óðal*. The story of Torf-Einarr provides this, and evidence suggests it was created or edited for this purpose.<sup>49</sup> Torf-Einarr's tale was based on poetry and it is known Rognvaldr surrounded himself with poets, giving his court the means to create the account and make it suit Rognvaldr's interests.<sup>50</sup> Furthermore, the text's unusually graphic details resemble a twelfth-century imagining of an overly-brutal pagan past. While Rognvaldr and his court were Christians, their poetry displays familiarity with pagan motifs which could have inspired Torf-Einarr's Óðinn-like appearance.<sup>51</sup> Overall, Torf-Einarr's supposed claiming of Orcadian *óðal* was probably manipulated by Rognvaldr to provide justification for his attempted introduction of a Norwegian-style *óðal* system.

The *bændr*, however, had a rebuttal to the claim that the jarls possessed their *óðal* land. At the *þing* meeting, the farmers may have relied on the story about Sigurðr at *Skiðamýrr* to demonstrate their rightful claim. *Orkneyinga saga* claims Sigurðr awarded *óðal* rights to his followers, but this seems unlikely. While the *Gulaping Law* allows the king to award *óðal*, this seems to have been a later innovation.<sup>52</sup> The idea that Sigurðr, in the tenth century, could instantly award these rights should be viewed as a misinterpretation by the text's author. The likelier situation is that, instead of *óðal* rights, Sigurðr's followers were granted land in exchange for military service.

The details of the Norwegian law codes indicate how the author became confused. By ca.1137, Norwegians understood *óðal* as land which had belonged to a family for at least six or four generations according to the *Gulaping* and *Frostaping Laws* respectively. Accepting that each generation lasted roughly thirty years, and that the battle at *Skiðamýrr* took place ca.995,

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47 *Orkneyinga saga*, ch. 76 (trans. and ed. Taylor, 261).

48 Crawford 1987, 201-202.

49 This was first suggested by W P L Thomson. See: Thomson 2019, 35.

50 Rognvaldr was also a poet himself. For more information on Rognvaldr's court and poetry, see Bibire 1988.

51 *Orkneyinga saga*, ch. 7 describes Torf-Einarr as tall and ugly, as well as only having one eye. For a discussion of the similarities between Torf-Einarr and Óðinn, see Thomson 2019, 35-36. See Bibire 1988 for Rognvaldr's use of Óðinn in poetry.

52 *Gulaping Law*, ch. 270 (trans. and ed. Larson, 178).



land awarded by Sigurðr would be in the fifth generation at the time of the cathedral's construction:

$$995 + (30 \times 5) + 1145^{53}$$

The fifth generation dies ca.1145, so land is in the fifth generation (ca.1115-1145) in the few years following 1137 – satisfying the *Frostaping Law*. However, the first generation probably held the land for less time, due to the advanced age of Sigurðr's followers when the land was awarded, or the death of many at the Battle of Clontarf in 1014.<sup>54</sup> This means the land was in its sixth generation at the time the cathedral was built, satisfying the *Gulaping Law*:

$$1014 + (30 \times 5) + 1164$$

Assuming the first generation dies ca.1014, the sixth generation dies in ca.1164. Thus, land is in the sixth generation (ca.1134-1164) in the few years after 1137. Therefore, land held by the followers' descendants would have recently become *óðal* by 1137, or was just becoming *óðal* in that generation. This meant Rognvaldr could not claim the land as his own.

Difficulties surrounding oral tradition can explain the author's confusion of events. The author could have been provided with a general statement such as: 'because of Sigurðr's actions after the battle of *Skiðamýrr*, the *bændr* have their *óðal* rights'. This statement would have been true during the cathedral's construction, or at the time that the saga was written, as Sigurðr's provision of land had given the twelfth-century *bændr* their *óðal* rights. The author subsequently misinterprets this to mean that Sigurðr gave out *óðal* rights instead of land that became *óðul* for later generations. As a result, the account in the saga does not reflect the historical reality about *óðal* in Orkney. In fact, the Battle of *Skiðamýrr* could be understood as the Orcadians' 'Norman Conquest' because it was an event from which descendants of those involved would derive their rights to land. Indeed, Alex Woolf has argued Sigurðr was actually the first jarl of Orkney.<sup>55</sup> If correct, this means Sigurðr took control of lands in the Northern Isles when he arrived, which explains why the *bændr* traced their land-ownership back to him. Alternatively, Sigurðr is credited by

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53 See Woolf 2007, 280 for averages of Viking Age generation length for kings. Dates for events based on Taylor 1938, 148, 260.

54 Jarl Sigurðr (and many of his followers) died fighting for King Sigtryggr *silkeiskegg* (silky-beard) of Dublin against High King Brian Bóruma of Ireland at Clontarf in 1014. See *AU* 1014.2.

55 Woolf 2007, 307-308.

*Orkneyinga saga* to have been the first jarl to be able to defend Caithness.<sup>56</sup> Perhaps the saga's account is from Caithness-based landowners' perspective, who could trace their families' ownership of land to Sigurðr's conquest of that area. In either case, when Rognvaldr pressed his claim to the *óðul* of Orkney, the *bændr* could prove that their families held land long enough for it to classify as *óðal* according to Norwegian customs. This meant Rognvaldr was forced to fund the cathedral through a one-off tax, rather than regular redemption fees.

## Conclusion

Overall, despite the Icelandic author's confusion and unfamiliarity with the concept, the way *óðal* is used in the text of *Orkneyinga saga* demonstrates its importance. 'Ruler-*óðal*' was an established device for explaining why Norwegian kings held certain territories. *Orkneyinga saga*'s author seems to have mirrored this usage of *óðal* for the jarls. 'Farmer-*óðal*' reflects a real situation which can be traced to *Orkneyinga saga*'s later sources. Judith Jesch has suggested that the saga's main sources for its later part are a 'Sveinian strand', comprised of oral tradition from Sveinn Ásleifarson's family, and a 'Rognvaldian Strand', based on Jarl Rognvaldr's poetry.<sup>57</sup> Although Sveinn Ásleifarson was not a jarl, his actions make up a considerable part of *Orkneyinga saga*, which suggests one of his descendants contributed oral accounts to the saga author's narrative. Sveinn Ásleifarson's descendants owned land in Gairsay in Orkney and had authority in Duncansby in Caithness, so issues surrounding *óðal* would have been important to them.<sup>58</sup> Therefore, Rognvaldr's attempt to claim their land and the *þing* meeting can be attributed to the 'Sveinian strand', especially as material about Sveinn appears earlier in the same chapter.<sup>59</sup> The emphasis on *óðal* at the end of the Sigurðr episode seems to have arisen from land-holders' concerns, so this should also be attributed to the 'Sveinian strand'. However, the story about Torf-Einarr was inherited from another source, seemingly influenced by Rognvaldr, so could be understood as part of the 'Rognvaldian strand'. The author, with an imperfect understanding of *óðal*, formed an incorrect, yet coherent, narrative between the instances of 'farmer-*óðal*' which included both the jarls' and the farmers' contradicting narratives. The author had Torf-

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56 In *Orkneyinga saga* (ch. 11) Sigurðr is the earliest jarl to be described as holding Caithness. See Crawford 2013, 116-117 for further discussion.

57 Jesch 1996, 83.

58 See *Orkneyinga saga*, chs 56, 78, 105 for Sveinn Ásleifarson's property.

59 *Orkneyinga saga*, ch. 76.

Einarr take the rights, for them to be given back by Sigurðr before the issue was settled in Røgnvaldr's meeting with the *bændr*. The reality, however, was that Røgnvaldr used the tale of Torf-Einarr to claim Orkney's *óðal*, but local farmers demonstrated that their ownership satisfied the requirements of Norwegian laws using Sigurðr's battle. Forced to back down, Røgnvaldr issued a new one-off tax to fund the cathedral.

Ultimately, *Orkneyinga saga* shows how land-holders used the *óðal* system to defend their rights, not just against fellow farmers (as the law codes indicate) but against rulers. It also demonstrates that rulers and saga authors used the term '*óðal*' to explain claims to territory, which is not discussed in the *Gulaping* and *Frostaping Laws*. Overall, *Orkneyinga saga* reveals areas of tension between rulers and their subjects which are absent from the law codes. Crucially, the saga shows differences between '*ruler-óðal*' and '*farmer-óðal*', which have significant implications for further studies about medieval Scandinavian societies.

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