

The farm buildings on basic of the Northwest-European lawbooks – ca. 900-1200

Bauernhäuser auf der Grundlage von nordwesteuropäischen Gesetzesbüchern – ca. 900 -1200

Construction des fermes sur la base des codes de loi d'Europe du N-O – ca. 900 -1200

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The principle objective of my research project 'Law and Landscape' has been to use the agricultural information in the medieval Danish provincial laws to produce an overall view of the organization and conditions of agriculture in the late Viking Period and early medieval times.

The four Danish provincial laws were written down by clerics in the period from 1150 to 1250. Detailed analysis of them, however, shows that they contain strata of earlier, orally transmitted legal material from the late Viking Period of around the year 1000. The law codes regulate many of the practical affairs of the agricultural communities, and consequently are able to provide extensive insights into the actual reality that lay behind their creation. By analysing the procedures in the Danish law codes it has proved possible to distinguish between earlier and later layers in the legal texts. The earliest procedure was based upon customary right, meaning that what had always been done was the law. This procedure meant in practice that, in the event of a crime, with sworn oaths of denial from three, six or twelve men, one could deny responsibility for a misdeed committed; the ordeal was used as evidence of one's innocence; and collective family responsibility lived on in the system of feud, by which everybody in a family was responsible for avenging the killing of a family member.

The introduction of Christianity into Denmark was accompanied by a quite different, well-developed legal system, that was based upon equity, personal responsibility, and the use of direct evidence. Canon Law was much superior to the local Danish customary law in its structure, and the clerics, who took the trouble to have the old customary law written down for the first time in the form of the provincial laws, contributed to the insinuation of the principles of Canon Law into the solution of many of the secular cases in the provincial laws. By separating the earlier customary law's procedures from those of the newly introduced Canon Law, it is possible to identify the earlier strata in the legal code. Since both earlier and later layers can also be found in the regulation of agricultural matters such as fencing, the maintenance of roadways, the use of forests and grazing areas, etc., it is possible to trace a chronological development in the organization of agricultural practices.

Within the research project *Law and Landscape*, it has thus been possible to compare the earlier and later layers of agrarian law with the evidence of archaeology and agricultural history from the period 900-1200 with

the aim of producing a comprehensive understanding of the agrarian provisions of the provincial laws. This can contribute, in turn, to a fuller view of the development of agriculture and the landscape in the late Viking Period and early medieval times in Denmark. Comparative legislation from Sweden, England, Ireland and the early Frankish law codes has also been consulted. It has proved possible to demonstrate a close relationship between the Danish and Swedish sources, while it has not been possible to show any such relationship in the remainder of northern Europe.

Altogether, then, the objective has been to reveal the actual reality that lay behind the production of the various laws, and subsequently to find out how agricultural conditions developed during this period. I have analysed all of the sections of the law that regulate the various elements of the culturally controlled landscape of the time: the village with its farms, the cultivated land with its fields and meadows, and the uncultivated land with its pastures, forests and tracks. In connexion with the analysis of the clauses on farm buildings, it has been possible, for instance, to demonstrate an agreement between the description of dwelling houses in the law codes and the houses known from archaeological excavations. I have, however, also been able to provide new explanations of certain key archaeological building features - the so-called *lægårde* (sheltered enclosures) and *fægårde* (paddocks). It has also been possible to achieve a new perception of the use of the farm toft - the area within which the farm buildings were enclosed - as analyses of the legal provisions concerning the toft were able to show that in the Viking Period the toft was so large that it functioned as a home field for the farm. This is not a revelation for English specialists, as it has long been known that the large tofts in the Danelaw area were used as home fields. This paper will pay a special attention to the description of the farm buildings in the Northwestern law books.

Farm buildings are known quite well from archaeological excavations of villages, though it sometimes is difficult to interpret the various structures. In several ways here, the evidence of the law books concerning farm buildings can provide some insight into the

organization and practical function of these buildings. The farm buildings are in the Danish law books described as being situated inside the farmyard fence, behind which the family of the farm was ensured its own juridical freedom. These farmyard fences are well known from archaeological excavations and should be interpreted as a juridical boundary as well as having a practical function as barriers.

The large dwelling house of the farmyard, the hall or hearth-house as the legal manuscripts designate it, is described in the Danish provincial laws as being provided with separate, lockable rooms, chests and boxes, with a hearth or a hearthstone, and with doors and door posts. The term *Hall (salhus)* probably has its roots in the Trelleborg-type building of the Viking Age, with its large central room or hall. The earlier Frankish and Frisian codes speak of separate, locked and detached dwelling houses with earthen floors, and possibly timber framing. Here, too, door posts and internal rooms are referred to; we find the same in the English and Irish sources as well, where locked pantries, chests and boxes are in keeping of the housewife, but it is remarkable, that in the Irish law books of the seventh century the dwelling houses are described as circular. The Danish law books tell us, that a sick housewife was she, who could not hold the keys of the house. Some of the dwelling houses in the Frankish area could possibly be without earth fast posts, but posts on padstones, because the law codes describe how men should be punished, if they draw the building away.

Of other dwelling houses, the Danish provincial laws mention the booth and the *kotzæet*, which housed the poor families and the slaves. According to the law books, these small buildings were situated inside the farmyard fence and could be dug into the earth as walled sunken huts. The Frankish law codes of the 6th century speak of locked or unlocked sunken weaving sheds, where the woman worked. The weaving sheds clearly correspond to the archaeologically familiar *Grubenhäuser*, but it is a matter of conjecture whether the dwelling of the slave and the small tenant was also a sunken hut. The lack of hearths in most of the Danish excavated sunken huts poses difficulties, however, for this view.

The stalls and the barns of the farmyard are also mentioned in the law books, but in the Danish provincial laws it is only very tiny information we get. The Swedish law books, however, have very good descriptions of the barn buildings, where we can see a difference between the hay-barns, the corn-barns and the straw-barns. The hay-barn was mentioned to be placed in the meadows, whereas the corn- and straw-barns were placed in the farmyard together with the other farm buildings. In the Danish law book *Jyske Lov* we meet the word *Hialmgarth* in the descriptions of what was placed in the farmyard, possibly a fenced area with some sorts of roofed haystack or stack barns as we know from the archaeological excavations. The earlier Frankish law codes also mention some more fragile barns in Latin called *moffulum* or *machalum*. Here we also meet the word *cellario*, which must relate

to some sort of cellar-storeroom, also known from some excavations.

The stalls are mentioned in the law books, when someone tried to steal the horses or cattle, and these buildings are mostly described as placed inside the farmyard fence. But the pig-sties are in the Danish law books described as placed outside the farmyard, for example in the fields and the old Frankish law code *Lex Salica* mentions, that the pig-sty could be locked.

The term *fægarth* in the Danish law books, which is not recorded in sources later than in the provincial laws, may be interpreted as an enclosed area within the farmyard connected to the stalls. This sort of fenced-off area beside the stalls is known from an Iron-age farm at Hvinningdal and from a Viking-age farmstead at Vorbasse. It may have been in use when you should handle the cattle, but could ensure, that they did not disturb the crops in the home field at the toft.

The interpretation of the word *lægarth* of the Danish law books is as a fenced-off area connected to the farmhouse, and this too can be seen beside the large dwelling house of one of the farms at Vorbasse from the late Viking period. The word *lægarth* disappears from the Danish language in the early medieval period. But the law books mention this area as a part of the farm, because the farm buildings at that time still not was constructed as built together wings, as we know from later period farms in Denmark, and you therefore had the need of some sort of shelter against the wind in connexion with the dwelling house.

The water mill as a part of the farm is already referred to in the Frankish law codes from the sixth century, and in the Alamannic and in the Irish laws from the seventh and eighth century. The Irish law books pay great attention to the water mills, and you even get a detailed insight in the constructions of the mill and the maintenance as well. Here corn-drying ovens are always mentioned in connection with the Irish water mills.

The provisions concerning mills in the Danish law books contain fairly thorough information about the mill as a normal part of the farm with its dams and millponds, sluice gates and millraces, and a distinction is also drawn between the use of summer and winter mills. The Danish law books provide evidence that mills were used before 1100, while the earliest complete and securely dated horizontal mill complex in Denmark is from 1120. On the strength of the early foreign law codes' references to mills, the introduction of mill technology to Denmark is thought to have taken place before the medieval period, probably in the middle of the Viking period, as some few uncertainly dated Viking Age water mill excavations already has shown.

As shown here, the law books have a great indirect evidence on the farm buildings and the development of agriculture and the cultural landscape from the Viking period into the Middle Ages, and for the archaeologists, this can be useful in the interpretation of the excavations of villages with different types of farm buildings.

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