

Before 'The European Miracles'
Four Essays on Swedish Preconditions
for Conquest, Growth and Voice

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for Conquest, Growth and Voice

Erik Örjan Emilsson

MEDDELANDEN FRÅN EKONOMISK-HISTORISKA INSTITUTIONEN
HANDELSHÖGSKOLAN VID GÖTEBORGS UNIVERSITET

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Abstract

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This thesis consists of four studies that further develop the perspectives introduced in the author's licentiate dissertation, *Sweden and the European Miracles: Conquest, Growth and Voice* (1996). The dynamic properties of the European system of independent but interacting societies are traced back to the institutional polystruc-turality of European feudalism and the peculiarities of Sweden's historical experience are asserted to be part of this intersocietal heritage. Sweden's contributions to the developments resulting in (World) Conquest, (sustained economic) Growth and (extensive political) Voice are discussed, and the Medieval roots of the social configurations that make possible military expansionism, growing peasant affluence, and institutionalized political negotiations are explored.

The almost permanent power struggles between oligarchic and monarchic regimes that characterize medieval Sweden are viewed as a crucial factor behind the survival of communal self-rule and the resultant compromise is interpreted as a form of parallel, competitive state-building, predicated upon the institutional separation of the land and the peasantry into two 'separate economic bases': a public and a private (noble) sector. The so called Engelbrekt rebellion is seen as a crucial watershed in these developments, and the role of the regional judges – the lawspeakers (*lagmän*) are emphasized.

In the second study, the Swedish peasantry is discussed: its subdivision according to nature of land tenure and manner of political representation, and its economic stratification; also trends in peasant wealth and in the degree of inequality. Evidence from property taxations is used in order to resolve these questions for sample parishes and the results of earlier research are scrutinized and criticized. Different kinds of economic dynamics are discussed and a change from 'feudal' to modern economic dynamics is inferred. The 'shortcut' explanation where the free Swedish peasantry is interpreted as a survival from the Viking Age is also rejected. Peasant self-representation and affluence were in the main independent of tenure, and the strong position of peasant proprietors in 19th century Sweden is a late development connected to the rise of market production and to the extraneous interest in freehold property rights, leading tax peasants to political standpoints and alliances that eventually would fracture the peasantry.

The role of *lagmän* ('lawspeakers') in medieval Swedish society is explored in the final chapter, arguing their central role in state-building and in the formation of oligarchic factions opposing absolutist tendencies. The 'lawspeaker myth' of independent regional spokesmen risen from the local peasantries is shown to have no foundation in known facts – on the contrary all of the early lawspeaker whose families we know anything about were closely related to the royal and ducal dynasties.

KEYWORDS: aristocracy, agrarian history, comparative history, Early Modern Sweden, economic dynamics, evolutionary social science theories, institutional theories, jurisdictional system, lawspeakers (*lagmän*), Medieval Sweden, parliamentary politics, peasant categories, peasant rebellions, political contestation, political representation, property taxations, Sweden's Great Power Age, theories of feudalism, transition to capitalism

Preface

To indulge in such an egocentric and time-consuming activity as an academic dissertation is, unfortunately, almost impossible without inflicting damage on the people that surround you, and on your relationship to them. The conventional form for writing this kind of preface is to thank everyone that has helped you along the way, and then at the very end declare your gratitude for the unswerving loyalty and patience of your partner. That would, in my case, feel both hypocritical and ungrateful. My wife Anna Wide has shown much more loyalty to me as a person than to the abstruse project that has consumed too much of the time to our disposal, and the strongest impetus behind the final appearance of this book is her determination to put limits to her patience with this neverending story. These are the things I really want to thank her for.

During the long and winding journey of this dissertation project, many people have helped me by showing interest in the problems I have been addressing. From the beginning Lars Herlitz, my first advisor, encouraged me to believe in the relevance of the questions I have been asking, and many of my friends and colleagues at the Department of Economic History have been willing to discuss the most far-fetched subjects. From early on Kent Olsson, Martti Rantanen, Staffan Granér, and Jan Jörnmark have been frequent discussion partners; later also Ann Ighe, and Per Hallén. Christina Dalhede has made important comments on the early modern period. My treatment of numerical evidence has benefited from the sharp eyes of Jan Bohlin, Linda Lane and Svante Larsson. Linda is also a very congenial roommate, and has a keen ear for when my English gets carried away.

When Lars Herlitz retired, our new professor Ulf Olsson at first seemed rather wary of my pretensions, but his later support feels even more encouraging because of this. Carl-Johan Gadd bravely accepted to take over responsibility for my dissertation project, and has provided constant support as well as resistance when that has been necessary.

Back in the early 80's Christer Winberg examined a very early paper where some of these questions were first raised, and Urban Herlitz later supervised my major thesis in Economic History. The discussions during a theory course jointly lead by Urban and Luis Bertola provided the intellectual climate that inspired me to write a more broadly based paper which finally grew into a licential dissertation.

Discussions with Jan Hultin, Johan Fornäs, Anders Frenander and many others were also important in the early stages. My old friend Sten Dahlstedt introduced me into the modern debate on nationalism. Ola Fransson, Jan-Olof Jörnryd and Margareta Widmark have followed and discussed the different stages of my formulations all the way.

Encouraging comments from people outside the spheres of department colleagues and friends have been very important: Mats Andrén's and Martin Peterson's discussion of my licentiate dissertation during a seminar at the European studies program, Charles Tilly's few but appreciative remarks about my book, Lars G Sandberg's positive review in *JechH*, a reference in a book by Jan Glete and interested comments by John Ward. Janken Myrdal, Johan Söderberg and Thomas Lindkvist have all shown an encouraging interest in earlier papers that have entered into this remix.

My three children Måns, Ylva and Elsa are important reasons for the drawn-out character of this project – an earlier publication date would have been bought at too high a price. It is a privilege to be involved with their lives, and I hope that if they do not read this book, it will be because of their high standards of exciting literature rather than from feelings of resentment against the work that has occupied me so often.

My parents Eric Bertil and Majvor have also been kept waiting for a long time. Their support has been invaluable, and without it the strain on the rest of my family would have been impossible to bear.

The material necessity of labouring for my sustenance has been another delaying factor. The Swedish Post Office, Mark's Gymnasieskola, and the History Course within the Teacher's Training Programme at Göteborg University have provided this after I had used up my four years as a doctoral student, but I have also enjoyed the support of a grant from the Gustavus Adolphus Academy and the Per Nyström award for 'younger historical researchers with the courage to walk their own paths'. This award was very encouraging – especially being called a 'younger historian' at the mature age of 49. I hope this means that the better part of my life still lies before me!

As I am writing these words I realize that I should also express my thanks to my old friend Siri Reuterstrand, who is busy doing pre-press treatment of the rest of the script. Let us hope that we will make the deadline.

Erik Örjan Emilsson

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INTRODUCTION

The four essays that comprise this book are a continuation of the project I began with my licentiate dissertation, *Sweden and the European Miracles: Conquest, Growth and Voice* – to situate the historical development of Sweden within the debates concerning the transition to modern society. From one aspect the purpose is to test European explanations and theoretical models on the Swedish development. From another it is an attempt to bring the Swedish experience into the general debate on European development and thus to provide material for a broader-based analysis of Europe.

The only real point of consensus I have found in the debate concerning the ‘European advantage’ – to just choose the least provocative label – is the crucial role given to the simultaneous independence and interdependence of the constituent sub-societies, providing institutional variety, multiple ‘testing’ of development paths, and imitation of successful practices. This means that the contributions of all the countries participating in this interaction need to be brought into the picture¹. I have already made this argument in *Sweden and the European Miracles*, but here I endeavour to make further substantiations of the claim, and to specify the Swedish historical experience in closer detail.

The first essay, *Feudal Dynamics and the Roots of Early-Modern Swedish Society* was written quite a long time after chapters two and three, and when the research for chapter four was nearly completed. The original intention was to sum up the argumentation and to point out the implications contained in the other articles, but it soon became necessary to also incorporate previews of ongoing research and modifications of earlier positions in the light of current debates and new publications. My interpretation of feudalism, in particular, had to be more clearly specified, its role in the evolutionary perspective underlined, and my objections to the widespread view of Sweden’s non-feudal past had to be more forcefully argued. These are the subjects of the first section of chapter one, which proceeds to

¹ In the Swedish case at least including an efficient administrative organization, military innovations, an exceptionally broad basis of popular representation and the earliest experiments with parliamentary rule.

discuss evolutionary theories within social science, and the Swedish version of what I have called the European 'Triple Miracle': (World) Conquest, (sustained) Growth, and (extended political) Voice (Emilsson 1996).

The following articles are printed in the order in which they were written, and therefore to some extent mirror a gradual modification of positions.

The second study, *Social Structure in Imperial Sweden – the Peasantry*, discusses the Swedish peasantry, its subdivision according to nature of land tenure and manner of political representation, and its economic stratification; also trends in peasant wealth and in the degree of inequality. Evidence from property taxations is used in order to resolve these questions for sample parishes and the results of earlier research are scrutinized and criticized. Different kinds of economic dynamics are discussed and a change from 'feudal' to modern economic dynamics is inferred. The consequences for the traditional conception of the Swedish peasantry are spelled out: The strong position of peasant proprietors in 19th century Sweden is a late development connected to the rise of market production and in no way represents a survival of pre-feudal peasant ownership rooted in Viking Age communities of free and equal peasants. The long and strong tradition of peasant freedom in Sweden is in the main independent of the nature of land tenure; freeholders and tenants on noble or ecclesiastical land as well as on Crown domain, had equal community rights including jury service and eventually, representation in the Diet. The particular economic strength of peasant property, and the political importance of the Swedish peasantry are therefore two phenomena that have to be investigated separately, and neither can be reduced to a symptom of the other; the interrelations are more complex and involve the fracturing and political redefinition of the peasantry.

The third article is called *Swedish State-building as a Process of Parallel Centralization. The Medieval Background*. The first part of it advances the dynamic view of feudalism which has now been further developed in essay number one, and discusses the peculiarities of Swedish state-building. The most important aspect, in my opinion, is that state formation was strengthened, not weakened, by the 'pendulum swings' between monarchic self-assertion and aristocratic dominance emphasized by Michael Roberts and Perry Anderson. Furthermore, this 'double' or competitive version of state-building was predicated upon the institutional separation of the land and the

peasantry into two 'separate economic bases', which is seen as an important factor behind the survival of a large sector of freeholders. The second part of the article consists of a reconsideration of the revolution against Eric of Pomerania (1434-1441) and of the first and formative phase of the revolution: the Engelbrekt rebellion (1434-36), together with analyses of earlier aristocratic network building which provide part of the background. Despite the difference between the two sections of the essay, it has proved difficult to separate them: the general discussion in part one is needed for the analysis in part two, but also builds on the evidence presented in that section.

My general argument is that the particular Swedish road to a broadly inclusive political representation is contingent on the trajectory of the state-building process whose distinctive traits I formulate here, and that this ties into the arguments I have been making in the second essay.

The final study, *Lawspeakers and Aristocracy in Medieval Sweden*, is an inquiry into the role of lawspeakers in the medieval Swedish state-building process. The analyses in the third essay required further underpinning as well as a reconsideration of the earlier periods of recurrent power struggles, rebellions, and civil wars. The analysis of the Swedish version of feudalism required a further specification of the disjunction between judiciary and military-administrative power. The reconsideration of Swedish 'peasant freedom' required a deconstruction of the myth of local community 'peasant chieftains' as the basis of the lawspeaker institution. This article is thus a 'prehistory of the prehistory' of the miracles, but is also an important part of my project to undermine the 'shortcut' explanation of Swedish peasant property – as a survival from the Viking Age, whether this period is interpreted as a communitarian Garden of Eden or as an age of unrestrained entrepreneurs.

Together, the four essays make a case for the civic independence of Swedish peasants (an important factor in the development of political Voice in Sweden) as completely separate from the widespread property rights (an important factor in early economic Growth). None of these two factors can be reduced to the other, although their interconnection is obvious.

It would be premature to offer an answer as to the complex interconnection with the Miracle of Conquest, but the constant negotiation for men and means was obviously important for peasant representation in the Diet. Furthermore: if my suggestion of a shift

from Hiltonian to Herlitzian dynamics is not entirely off the mark, both the war burden and the release from it stimulated growth, albeit in very different ways.

All in all, my argument is that reductionism is wrong, that interrelations are complex, and that their very complexity constitute diversity – which is dynamic, in social as well as in natural evolution. The European case for pluralism will be strengthened, not weakened, if we include the Swedish experience in the debate on the European Miracles. These miracles: world Conquest, sustained economic Growth, and political Voice, may be ever so densely interconnected, but as the example of Sweden indicates, the second and third were in no way hampered by the ultimate failure of the first.

CHAPTER I

FEUDAL DYNAMICS AND THE ROOTS OF EARLY-MODERN SWEDISH SOCIETY

This essay, summarizing and synthesizing findings from the three other chapters and from further research in progress, is divided into three parts:

Part one discusses the ambiguous concepts of feudalism and the notion that the history of Sweden falls outside the domain of feudal societies. My conclusion is that a polystructural concept of feudalism inspired by Perry Anderson and Aaron Gurevich is central to the explanation of inter-European dynamics, and fully compatible with the Swedish historical experience.

Part two relates this discussion to evolutionary approaches in social science and the problem of selection in institutional evolution.

Part three discusses

- 1. Swedish expansionism during the Imperial Age (Sweden's involvement in the dynamics leading to the Miracle of Conquest) and its preconditions in the competitive state-building processes of the late Middle Ages.*
- 2. Indications of a shift from 'feudal' to modern economic dynamics in Swedish agriculture around this period (a Swedish version of the Miracle of Growth), and a reconfiguration of the social structure of the peasantry.*
- 3. The social realignments behind the first emergence of a broadly based anti-aristocratic political program in 1650 as a background for the rise of parliamentary party politics and inter-Estate negotiation during the Age of Liberty (the premature breakthrough for the Miracle of Voice in 18th-century Sweden).*

Mechanisms pertaining to all of the three aspects of the 'European Miracle' are thus in effect during the 108 years between Sweden's intervention into the Thirty-year War, and the first example of a shift of power based on party majority in a parliamentary assembly.

Don't hide from hindsight – feudalism read backwards

The more evidence that has been assembled indicating that the terms feudal, feudalism and feudal society are in essence post-medieval: products of hindsight and of attempts to explain the type of society that European modernity emerged from and superseded, the more reasonable it seems to me to accept that these terms are overtly teleological. There is a trade-off between (1) the gains in our historical understanding to be made through respecting the specificity of a historical period, and (2) the explanatory gains to be made through searching for the sources of modern phenomena. Most of the criticism against the word 'feudalism' has been formulated from standpoint (1), which appears to restrict its usefulness to the domain of (2).

Ellen Meiksins Wood (1999) has suggested a broad reinterpretation of the nowadays largely discredited² notion of 'bourgeois revolution' along the lines of Marx' comment on the French revolution: that it cleared away the 'medieval rubbish' still obstructing the emergence of modern society. It is to this context³, I will argue, that the concept of Feudal society is still relevant and, in fact, indispensable⁴ - as a designation for those aspects of the medieval legacy constraining the full emergence of modern society, while at the same time constituting the foundation for this development.

² Primarily, the concept of a 'rising bourgeoisie' overthrowing an obsolescent social order has been undermined by the less than heroic record of identifiably bourgeois groups in the concrete historical analysis of revolutions (Cobban 1962, Skocpol 1979, Comninel 1987)

³ Not only to the neo-Marxist context of Wood and her discussion partners, but as much to the neo-institutionalist context of Douglass North and his followers, where *the removal of constraints* is a central explanatory category.

⁴ 'Ancien Régime', 'Alteuropa' (Brunner), or 'old order' (Blum), have been employed as alternative labels, but the advantage with 'feudal society' is that the usage of the word in this sense is familiar and well-established, however irritating it may be for those who prefer unambiguous terms. What we need here, though, is a term for an inescapably ambiguous concept, and to create a new, and more 'precise' term, would be to pretend to an accuracy we have not yet achieved, or, worse, a conformity which never existed. As a heuristic concept, we are quite simply stuck with 'feudalism' until we have found a better explanation of what it really was that happened to exactly what kind of group of European societies sharing which characteristics at exactly which points of the whole process.

As the modern usage of the terms ultimately derives from

- descriptions of obsolescent customs⁵,
- the defense and systematic exploitation of such customs⁶

and

- struggle against and declarations of the abolishment of such customs⁷,

I see no reason to abandon the term in these specific contexts – that would only force us to coin a new unsatisfactorily ambiguous term with the added disadvantage of being unfamiliar and unlikely to be accepted by anyone proposing a different analysis of the basic nature of pre-modern⁸ European society. When we discuss feudal society we at least have compatible views as to what we are disagreeing about. That the term is contested and ambiguous seems to me a good reason to stick to it - as a heuristic label and as a shorthand for a specific but very wide area of historical debate.

Swedish ‘feudalism’ and the full scope of definitional debate: Ward’s ten foci of feudal definitions reappraised

There have been many attempts to survey and classify the competing usages of the f-words but John O. Ward’s 1985 article⁹ stands out for two important reasons. He classifies a number of different standpoints

⁵ One of Reynolds’ central arguments is that the notion of a specific, consistent feudal law is derived from a body of learned 12th century comments on an ordinance issued by Conrad II in order to settle a conflict between the archbishop of Milan and knightly tenants of the Church (Reynolds 1994:199-207, 215-230). These tracts, labeled the *Libri Feudorum*, were often attached to the books of Roman Law studied by university-trained lawyers, and became – Reynolds argues – the foundation for the conception of feudalism as a coherent system, formulated at a time when early modern lawyers and historians tried to make sense of the many obsolescent customs they encountered.

⁶ Cf the specialist corps of French attorneys dedicated to the exploitation of such customs, generally referred to as ‘feudists’.

⁷ The abolishment of ‘feudal tenure’ during the English revolution and the declaration of the abolishment of all *droits féodaux* in France 1789 (cf Markoff 1996) NB: also the abolition of ‘feudal tenure’ in England (Halsbury’s Laws of England).

⁸ Read pre-statist, pre-rationalistic, pre-capitalist or whatever, as these discussions intersect and are almost impossible to keep separate.

⁹ The anthology in which it appears (Leach-Mukherjee-Ward 1985) proved to be inaccessible in Sweden, why I am greatly indebted to Dr Ward for kindly sending me a copy.

- according to their *focus* rather than on formal definitions or theoretical underpinning, and thereby
- succeeds to convey *both* the fluidity and overlapping usage of the terms¹⁰ *and* the wide scope of definitions.

I will take his analysis as my point of departure, and add a few examples and suggestions of my own. Then I will discuss some of the most frequent objections to describing medieval Sweden as feudal, and also briefly discuss the remaining foci, to see what light they might throw on the issue, before I return to the question of feudalism in general, and why I still consider it a useful term.

In the table below I try to present Ward's categories in as compact a form as possible. My own additions and modifications are put within square brackets and preceded by an asterisk. *E g*: Focus VI [b], where the subcategory is discerned by Ward, but lacks a specific designation, in contrast to the two foci Va and Vb. The references are heavily and quite arbitrarily edited. To give a fair presentation of each focus, I would have to reproduce the full exemplifications and qualifications of Ward's article. As my purpose here is only to use it as a check-list for alternative usages which the Swedish debate can be measured against, and I do not want to pilfer Ward's overview of the general debate, I settle for a rudimentary list.

¹⁰ As the focus can shift within a single author's oeuvre, or even within a single study.

Table 1. *Feudalism: ten foci* (Ward 1985. Edited by present author.)

- designation** focused characteristic
- *references to authors*
- focus I** vassalage (ties of personal dependence)
- *Dopsch, Bloch, Le Goff*
- focus II** the conditionality of fief-holding
- *Stenton, Strayer 1956 ('feudalism stage 2')*
- focus III** union between benefice and vassalage
- *Ganshof, H Brunner, White*
- focus IV** military service in exchange for land
- *H A Cronne, H Brunner, White*
- focus V a** parcellation of authority
- *Dopsch, Mitteis, Boutruche, Anderson, Bisson, Elias*
- focus V b** obligations as tools for centralization
- *Barraclough, Strayer 1966, Bisson*
- focus VI [a]** combination of vassalage, fief and rights of justice
- *Hoyt, Boutruche*¹¹
- focus VI [b]** *ditto* + the castle as a site for this combination
- *J Evans, Bisson*
- focus VII** dominance of the knightly class
- *Duby 1973*
- focus VIII** an entire society or type of civilization
- *Bloch, R A Evans*
- focus IX [a]** manorialism (seigneurial property)
- *Weber, Duby 1978 [D North]*
- focus IX [b]** bonded dependence of peasant class
- *Marx, Anderson, Dobb, Kula*
- focus X** a "compromise with anarchy"
- *Erickson, Ward*

¹¹ Reynolds 1994:2,n5: 'Many recent formulations correspond more or less with J O Ward's 'focus VI', though some slide into other foci.'

Swedish feudalism – for and against

My purpose with this discussion is to show that according to most of the different formulations of what is taken to be crucial criteria of feudalism, Sweden *would* qualify and thus has a share in the European polystructurality which, I will argue, is the foundation of European dynamics. This particular view of feudalism I present as an eleventh focus, although it might also be seen as a more positive reinterpretation of **focus X**. The most holistic focus, **number VIII**, will of course also be compatible, but in a way *all* of the foci can be seen as aspects of polystructurality. If it is the coexistence of different institutional patterns that contains the potential for development, then the differently focused definitions is a symptom of the diversity characteristic of feudal society.

I discuss the foci in a somewhat erratic order, as I want to analyze the debate on feudalism in Sweden with the help of Ward's categories; not to use the Swedish examples to illustrate his list.

'Absence of regional separatism' – a narrow version of focus Va

If we look at the discussions of whether something that might be called feudalism has ever existed in Sweden through the various lenses provided by Ward's typology, we might start with Heckscher's classic denial (1952:36f), based on the fact that some of the richest Swedish landowners of the Middle Ages did not strive to make their estates autonomous. This objection would reasonably fall into the domain of **focus V a** (parcellation of authority), but is in fact even more narrow, as it is based on the *absence of regional separatism*. His example is Bo Jonsson (Grip), *officialis generalis* and High Steward (*drots*) during Albrecht of Mecklenburg's Swedish reign (1365-88)¹² and the collector of the vastest domain ever controlled by a private Swedish citizen. That Bo Jonsson did not attempt to concentrate his holdings in order to set himself up as a semi-independent regional overlord, but instead seems to have maximized their dispersion across the country, and that similar strategies were followed (Abraham Brodersen, Arvid Trolle) or anticipated (Nils Turesson) by many of the Swedish magnates, was to Heckscher an obvious symptom of non-feudal conditions.

¹² In 1365, Bo Jonsson and other exiled Swedish magnates returned together with the Mecklenburger invasion forces to depose King Magnus Eriksson. Bo became Albrecht's 'general official' in 1369 and High Steward in 1371.

However, enfeoffment could certainly fragment authority also in Sweden, and I would suggest that it was the very parcellation of authority under the Mecklenburg regime¹³ that made feasible Bo Jonsson's struggle for a goal much more ambitious than feudal separatism: to wrest not just a region, but the entire country from the grasp of the King, and to put it under the collective control of a narrow oligarchic magnate faction led by himself.

My argument is that the oligarchic strategy coming into the open *at least*¹⁴ by the time of the compromise settlement after the 1371 rising, has led to a particular Swedish version of state-building conflicts: *not* the familiar feudal/absolutist struggle between a centralizing monarch and de-centralizing aristocrats with local power bases, but a struggle over the control of a power centre constructed and coveted by monarchic pretenders and oligarchic conspiracies alike¹⁵.

Ties that bind – focus Vb

What, then, about the opposite perspective of **focus Vb**, where the web of feudal obligations is instead viewed as a mechanism for creating a centripetal state? My discussion above would obviously fall under this heading, but so would also the mainstream picture of the Realm of Sweden as originating in a loose federation of *landskap* – regional communities with separate law codes – centralized into a single state by royal power in close cooperation with the church, employing oaths of allegiance, castle fiefs and the enforcement of sworn Peace laws. This picture, however, usually focuses on the non- or pre-feudal regional variation, rather than on the feudal aspects of the centralization. As the imported institutions of ecclesiastical organization, royal power, and written laws, are the means by which

¹³ Both a result of the financial distress caused by 'feudal' conquest and of the conflict-ridden collusion with the magnate faction which had deliberately fragmented Magnus Eriksson's attempt to reconstruct royal control after a period (1304-18) of something which can only be called classic feudal disintegration: civil war, division of the realm into first two, then three principalities, finally culminating in fratricide, royal exile, and the election of a three-year-old king. (See Chapter 4 for fuller analyses)

¹⁴ Its foundation, though, was laid already in 1319, when the council constituted itself as a ruling body during Magnus Eriksson's minority (Beckman 1953), redefining itself as a Council of the Realm and delimiting royal power through a 'letter of freedom' specifying the conditions for elective monarchy.

¹⁵ This, I also argue, is the foundation for the 'oscillation' between royal authority and collective aristocratic power described by Roberts and Anderson, which in my opinion is an important part of the explanation of the strength of the Swedish state: it was, so to speak, 'built from two directions'. See page 56, 139.

the various regions in this new state are being integrated, I insist on the *feudal* character of this integration.

Non-inheritable fiefs – an ‘anti-focus’

Another common argument against ‘Swedish feudalism’ is to point out that Swedish fiefs *did not become inheritable*, in contrast to what is taken to be the typical feudal pattern. The focus on *fief-holding*, however, **number II**, only emphasizes its *conditionality* – *inheritability* is not put into focus by *any* of the variants charted by Ward. The point of reference for the inheritance argument seems to be the traditional explanation of how inheritable fiefs are supposed to have originated from land granted by early medieval war-leaders to their followers. Reynolds describes this as a ‘myth of origin’ (1994:229) based upon a ‘small piece of conjectural history put forward in the early twelfth century by one of the Lombard lawyers whose little treatises were soon after combined into the *Libri Feudorum*’ (1994:475). Reynolds’ denunciation of the historical relevance of this story is unequivocal.

This is not to deny that the inheritability of fiefs seems to have been widespread in medieval Europe, as it is even within Reynolds’ survey; just that it does not appear to have been made a central defining characteristic by scholars participating in the international feudalism debates, and that the extent to which inheritable noble property really *had* originated in royal grants may have been grossly exaggerated¹⁶.

The sources do not suggest that nobles and free men thought of their property as having originated in a grant from a king or other lord, except, of course, when one of them had just received a grant of land in addition to what he had inherited from his ancestors
(Reynolds1994:61)

According to the discussion in Rosén 1949:75-9 it seems that Earl Birger in mid-13th century had donated parts of the inalienable Royal domain (*Uppsala öd*) to his younger sons, which they – especially the Duke-Bishop Bengt – later appear to have sold or donated. This suggests a certain confusion between enfeoffment and allodial donation, or more probably: an absence of the kind of precise distinctions that terms like these presuppose. Reasonably, this is more

¹⁶ Also cf Bloch’s quote about *fiefs de reprise* below, page 237 – in cases where the land ‘granted’ by the Lord was originally the fiefholders’ own land which had put under the Lord’s protection, inheritability was a self-evident condition of the arrangement.

or less the same kind of process that takes place in the ‘feudal corelands’: royal land slipping from conditional tenure into private property through the very *lack* of unambiguous terms and rules¹⁷. Examples of grants given with inheritable rights to *famuli* and *fideles* can be found among the abalienations listed by Rosén¹⁸.

There is of course no reason to postulate that Ward’s list is exhaustive – I will suggest other possible additions later – but the quite frequent Swedish equation of feudalism with inheritable fiefs does not seem to be derived from analyses of feudal societies. Instead it gives the impression of an ‘anti-focus’ designed to prove the ‘otherness’ or non-feudal character of Sweden. I can see no really useful purpose of such a definition.

Conditionality – focus II – and subinfeudation

How about the real **focus II**, then? Within this focus the impermanence and *conditionality* of Swedish castellanies would no longer constitute an argument against feudal relations; on the contrary – that would be what made them feudal!

Another common argument for incomplete feudalization in Sweden, is a supposed relative lack of *subinfeudation*. I have found only one example in Rosén 1949¹⁹, but that is certainly because what he is listing is abalienations of Crown land, and this example of an abalienation passed on as a sub-fief just happened to be obvious enough to remark on. However, I have also found it almost impossible to hunt down any likely references when searching for the words *förläna*, *förläning* (grant or enfeoff; grant, fief or enfeoffment) in the electronic register of Swedish medieval charters (SMB).

Apart from grants made by the King, by a regent or by groups of councillors seemingly acting as collective regents, almost all of the entries refer to the relations between bishops and lower clergy, and appear to concern the control of churches rather than land. This is hardly subinfeudation in the usual sense of the word. Some entries seem to use the words more figuratively, and some concern the

¹⁷ Cf Reynolds 1994:82 about the ‘kind of slow embezzlement’ that transformed royal land ‘attached to offices’ and then ‘ending up as ... hereditary property’ ; also pp12-14, 119-23 on the ambiguity of ‘feudal’ terms.

¹⁸ 1949:131-174. Eg #32: Karl Elofsson, who immediately proceeded to donate is as *morgongåva* to his wife (DS 588); #59: Werner Brunkow (DS687); #80 archdean Andreas Andrae, and his brother, the lawspeaker Israel Andersson (DS 914).

¹⁹ *op cit* p148, #60 Bengt Magnusson, grandnephew of Earl Birger, grandson of Bishop Bengt Magnusson, lawspeaker of Östergötland and probable castellan of Kalmar, *enfeoffed* a ‘preidium’ Rinshult in Småland to Nils Sigridsson, later lawspeaker of Tiohärad. (DS 700).

granting of single homesteads to people who would might at best have been fairly humble reeves if not ordinary peasant tenants. Remains a handful of examples all of which might just as well have been benefices granted to clients out of private (allodial) land.

This seems to confirm the low degree of subinfeudation – but only as long as we do not consider *pantlän* (mortgage fiefs) to be ‘real’ fiefs²⁰. See the discussion below.

Then of course there is the question of how ubiquitous and essential to feudal societies the practice of subinfeudation really was. A sceptic viewpoint is encouraged by Reynolds 1994:100 and 222. A focus on subinfeudation might be something of an ‘anti-focus’, like the emphasis on inheritability. It is, however, closely related to Anderson’s concept of ‘scalar property’ or Bloch’s ‘hierarchical complex of bonds between the man and the soil’ (Bloch 1965:116), both of which have been seriously forwarded as constitutive traits of feudal society. Bloch’s notion has been developed for the Swedish case by Winberg 1985²¹, although he tends to use the word ‘feudal’ to characterize a certain ideological program during the property rights struggles of the 17th and 18th century, when the very concept of ownership was being redefined (1985:80f: the ‘feudal doctrine’). In my focus, the earlier ‘hierarchical complex’ would be more feudal.

Serfdom and manors – focus IX

The *lack of serfdom* is another standard reason for designating Sweden a non-feudal society, but among the Marxist definitions predominating within **focus IX [b]** there are several formulations quite compatible with the Swedish case. If we follow Rodney Hilton, the facts that Swedish peasants disposed over their means of production, but were deprived of their surplus product through extra-economic coercion would put *skattebönder* (freeholders on taxable land) as well as *frälsebönder* (tenants on tax-exempt, noble-owned land) firmly within the continuum of different shades of peasant dependence varying in its degree of oppressiveness²².

²⁰ Fritz 1972:121 gives examples of secondary mortgage enfeoffment, 122: concerning the source material: ‘to a quite large extent second- and third-hand impignation’. 1973:93 describes the subimpignation of Kalmar, which Vicke von Vitzen evidently came to hold as a sub-fief under several successive fiefholders, who ‘all in turn became indebted to him’, so that Kalmar became his own collateral. (My translations.)

²¹ The quote from Bloch on page one even supplies the name for the book (‘ramifications’).

²² As has generally been argued by Swedish historians with a Marxist inclination.

The subcategory which I refer to as **IX [a]**, where the *manor is in focus* rather than the serf, corresponds to a long-ranging Swedish debate, partly intersecting with the regional separatism issue. The later policy of ‘scattered estates’ may have been preceded by a period of consolidated manors as suggested by Andrae 1960. Recent attempts at estate reconstitution (Rahmqvist 1996, Berg 2003) suggest a pattern of early landowning supporting his interpretation, and if the proposed change in aristocratic landownership strategies occurs at some point further into the 14th century, it should fit nicely into my oligarchic centralism hypothesis²³.

However, also manors of a more dispersed character could be functional economic enterprises, where the landlord often strived to utilize his access to different regional specializations (Munktel 1982, Ferm 1990), and a quite serious case might even be made for the later institution of *bruk* (the standard format of ironworks, sawmills *etc* far into the 19th century – at least) as a kind of quasi-industrialized semi-feudal manor, partly dependent on labour dues and/or wages in kind, and held under the command of an entrepreneur carrying the blatantly feudal title of *patron*.

The Marxist analysis is, however, not exhausted by identifying the form of surplus exaction. At least in Hilton’s version the struggle for rent becomes the dynamic element of the feudal mode of production. The fact that peasants are not separated from the means of production (land, animals and tools) is what requires ‘extra-economic coercion’ in order to extract the surplus from the peasant into whose hands it is collected. Thus the ‘tug-of-war’ over the agrarian surplus becomes the internal dynamic of feudalism²⁴.

Fighting for land – focus IV

Focus IV (*military service* in exchange for land) may also seem questionable from the Swedish standpoint, as horseman’s service was in general rewarded not by land, but by tax exemption for land already possessed, according to King Magnus Barnlock’s statute of 1280 (known as *Alsnö stadga* from the place of issue). However,

²³ See chapter 3. In that case it would be efforts towards collective control over the nascent state that made aristocrats scatter their holdings. This must have led to greater collective control as well as to a higher degree of interdependence – a ‘cartelization’ of seigneurial resources in order to maximize their collective stake in central power, instead of a cut-throat competition for the most attractive regions.

²⁴ Hilton offers this conclusion – based on his own research but also on DUBY’s – within the context of the Dobb-Sweezy debate (Hilton(ed) 1978). Anderson has further developed this analysis, to which I also subscribe (see below).

military service as a precondition of noble privilege might seem like a fairly equivalent basis. Cf Birgitta Fritz' discussion of a unique example of a letter of fidelity from the early 14th century:

It is, however, hard to determine to what extent the military service is connected to the enfeoffment itself, as a fiefholder owed his lord the king armed service in general. He owed it for the tax exemption he probably enjoyed and for the homage relationship [mansförhållande], which was the basis of the very enfeoffment. (1972:105. My translation)

Also, when horseman service for noble property became quantified towards the end of the Middle Ages the quota seem to have been applied to enfeoffed land (*län*) as well as to allodial noble land (Nilsson 1947:18-21). However, as Reynolds concludes that

Outside England the obligation to military service, so often seen as a key feature of 'feudal tenure', was generally nominal. (1994:69),

we might not have to worry too much about the military aspect of feudalism being underplayed in the Swedish case, where loss of noble privilege due to neglected horseman service was enforced throughout the 16th century (Forssell 1869-75, Jägerskiöld 1945, Nilsson 1947, Samuelsson 1993)²⁵.

Remaining foci – I: ties of personal dependence

The remaining foci have seldom entered the Swedish delimitational debate, and may be dealt with in a more cursory way. To the extent that they seem compatible with the Swedish evidence, this can however be said to support a more encompassing definition of Sweden as a feudal society.

As to **number I**, the word 'vassal' has seldom been used in Sweden, except in connection with enfeoffment to (or by) non-Scandinavians, but ties of *personal dependence* have certainly been salient, and other terms with a 'feudal' flavour have been in much more frequent use, like '*fidelis*' or 'man' in the sense connected to the relationship of homage. I do *not* claim that these words 'mean' vassal in any supposedly strict sense, *pace* Reynolds 1994:X, where she points out occasions where editors have supplanted the 'technical terms' of feudalism for presumed synonyms found in the original

²⁵ Also cf Reynolds' comment on '[r]estraint in making demands on the powerful' as applying to military service (referring to France in the period 900-1100): 'there is no evidence that French nobles in general held their lands on the formal conditions that they should serve in their lords' armies, let alone that they should provide any specified amount of service' (Reynolds 1994:131).

texts, and thus created the illusion of a ubiquitous and consistent nomenclature.

I only point out that they are signs of the importance of personal dependence relations.

'Fully developed feudalism' – focus III

The so-called '*union between benefice and vassalage*'²⁶ (**focus III**) often taken to mark the full development of feudal relations, was discussed by Löfqvist in his pathbreaking study of Swedish knighthood. He pointed out some evidence for the early 14th century (1935:85ff) but concluded that it seemed to 'belong to the characteristics of the Nordic *länsväsende*, that these components never became fully locked or chained to each other'²⁷. He did not, however, suggest that this made the knights and esquires of medieval Sweden non-feudal.

It is a feudal terminology that rules, and usual feudal habits and notions, that determine the bond between king and man, that finds expression in letters of fidelity and revocation, and that dictate the men's demands on their lord. (*loc cit*; my translation)

Still he saw the feudal influence as limited: 'It determined form more than content', but this was primarily due to the 'watered down' version of homage. Towards the end of the Middle Ages to be someone's 'man' was becoming more or less indistinguishable from other kinds of service. Löfqvist's reservations about Swedish (Nordic) feudalism thus relate to the late-medieval period, and are based on the attenuation of focus I (vassalage)²⁸

To Reynolds this criterion is one of the most serious sources of confusion within the feudalism discourse:

where the concept of vassalage has been particularly misleading has been in the suggestion that there was a period – whenever historians put it for their respective areas – at which the 'union of fief and

²⁶ Reynolds 1994:33: 'at best little more than a neat but meaningless phrase'.

²⁷ 1935:215 (my translation; 'fully locked' stands for *fastlåst*. *Länsväsende* is, like the German *Lehnswesen*, from which it is borrowed, *both* a more general term than 'feudalism' or *féodalité*, more abstractly descriptive than theoretical, *and* more restrictive, *pace* Reynolds 1994 who only notes the second distinction: 'that is, feudalism in its supposedly more precise sense'(396) or 'feudo-vassalic relations'(473).

²⁸ NB in a *very* restrictive interpretation: when other kinds of personal dependence converge with *stricte sensu* vassalage, the feudal character of society dissolves, in his view.

vassalage' altered the general pattern of relations so that 'personal' relations were 'territorialized'. (1994:46)

'Three dimensions of seigneurial power – focus III

If the combination of *vassalage* and *fief* is dubious enough, the further addition of *justice rights* to form **focus VI [a]** would seem to be even more unlikely, but in a triple focus it is reduced to one single side of the triangle, and will therefore carry much less weight²⁹. The three-dimensional *seigneurie* emphasized by Duby (in *The Three Orders*) may be seen as another way of formulating the same phenomenon: *seigneurie banale* becomes the final complement to domestic lordship and landlordship. However, the Swedish judiciary system was based upon *ting*, local moots (usually hundred moots – *bäradsting* – or regional moots – *landsting*), presided over by magnate or gentry judges, but also involving a jury, which at least at the hundred level consisted of peasants. The question at issue here, though, would be: who is the judge, and what other authority might he possess (see below)?

Castles and feuds – focus VIb

The Castle as an integrating factor for the three-dimensional lordship – **VI [b]** – may appear relevant in the few cases where castle fief, allodial estates and judicial office coincide³⁰, but in general the top-down structure of castle fiefs did not coincide with the bottom-up³¹ structure of hundred moots and lawspeakings. During the rebellion (1434-1440) against Eric of Pomerania³² we can see how potentially explosive this tension is. The gentleman miner and peasant-levy commander Engelbrekt Engelbrektsson successfully

²⁹ *I*e the most important aspect is no longer the *specific form* of the personal dependence and the land grant, but their *combination* with localized and personalized justice rights.

³⁰ Among the regional subcaptains of the rebellion appointed by the revolutionary council of 1435, Knut Jonsson (Tre Rosor), was also the lawspeaker of the same region, which might appear as a step towards an integrated lordship. Further examples in Chapter 4.

³¹ I will argue that the top level – the lawspeakers – were, at least in the beginning, aristocratic magnates closely related to the Crown. See chapter 4. Still, the judicial structure of villages, parishes, hundreds and provinces (lawspeakings) is built on conflict-resolution in communities solved on the appropriate level and moved upwards only when unresolved. In contrast to this, castle fiefs and bailiwicks were structures for economic exaction and the physical (when necessary) enforcement of central state or local power requirements.

³² See below, Chapter 3.

negotiates the surrender of a large number of castles, including the castle of Örebro, which he ransoms with his own money and take over. Then he is murdered by the son of Bengt Stensson (Natt och Dag), the regional lawspeaker, in what is usually (but with surprisingly vague specification) described as a 'private feud'.

Immediately afterwards the murderer, Magnus Bengtsson, tries to capture the castle and thus to merge both of these dimensions of regional feudal power within his father's 'constituency'. He fails, however, and the next time we hear about the castle (about one year later) Engelbrekt's brother-in-arms Erik Puke has also failed to capture it; this time from a deputy of the Marshal Karl Knutsson (Bonde), Engelbrekt's rival for the captaincy of the rebellion³³. The lawspeakership appears to remain with Bengt Stensson, though, perhaps even during the period when the Stensson brothers³⁴ appear as leaders of a royalist counterrevolution, and while most of the other lawspeakers still seem to be preserving a united front against *both* of the contenders for the Crown³⁵.

The case of mortgage fiefs

As Birgitta Fritz has argued (1972:121), the Mecklenburg period (1365-89) witnessed a transformation in the function of mortgage fiefs. They were no longer just a financial emergency measure, but had become a standard method of compensation for assistance in the conquest and occupation of Sweden. The financial investment at first appearing in the guise of a loan made against the security of a fief, would in such a case silently have been transformed into a kind of retroactive purchase sum for a share in the venture, endowing the fiefholder with a stake in the juridico-political-fiscal power of the state. To me this appears simply as just another variant of 'feudal disintegration'. Idiosyncratic – yes, aberrant – maybe, but if we do not even describe such a blatant conflation of economic, political and judicial authority as feudal, the term would be of very limited use indeed.

The further complications resulting from Bo Jonsson's strategy, where such fiefs are bought up with money largely borrowed from

³³ How this actually occurred has not been commented upon by any of the historians I have read, not even those discussing Karl Knutsson's possible complicity to the murder.

³⁴ Nils Stensson (Natt och Dag), a former co-commander of Engelbrekt's, becomes King Eric's Marshal in 1439 backed by his brothers Bengt and Bo.

³⁵ Eric of Pomerania and Karl Knutsson (Bonde) – provided that the latter has already set his mind on the Crown by this time, which seems likely.

the church are impossible to analyze until we have an up-to-date analysis of the period. As the rationale for such purchases seems to be largely political, a device to put land outside the reach of the monarch, this may compound the analytical difficulties beyond possible disentanglement. Such actions became possible through the 'feudal' lack of a clear separation between economic and political control, which might, however, deserve a focus of its own³⁶.

The world of the knights – focus VII and VIII

Focus VII – *dominance of the knightly class*, appears to be quite incontrovertible, notwithstanding the importance and high degree of independence of the freeholding peasantry. As far as I can recall, no modern Swedish historian has claimed otherwise³⁷, though some of the National Romanticist historians tended to interpret the members of the aristocratic ruling class as something more resembling prominent spokesmen for the yeomanry (*bondebövdingar* – 'peasant chieftains').

What about **VIII** – *'feudal society'* as an entire *civilization* as it was envisioned by Bloch³⁸? That is probably what most of the Swedish historians finding the term useful have in mind, but of course a lot depends on how widely the concept is interpreted, and as I will argue for a very broad version, it may at this point be sufficient to notice that although Thomas Lindkvist and Dick Harrison – the

³⁶ Aaron Gurevich (1970; Gurevitj 1979) and Ellen Meiksins Wood (1981) have stressed this aspect most emphatically.

³⁷ There is a wide spectrum of variety, though, as to the degree of chivalric dominance vis-à-vis the counterbalance of independent freeholders. Reinholdsson 1997 and Småberg 2004 tend toward the emphasis of knightly dominance, while Myrdal (1995, 1999) underlines the independent activities of the peasants.

³⁸ Which, I take it, does not necessary mean that Bloch's definition has to be followed – later research has added new aspects, nuances, and emphases. E A Brown's list of factors in medieval society that should be studied to achieve a broader understanding may very well be read as a checklist for attemptr to improve on Bloch's picture.

authors of the two current textbooks of medieval Swedish history³⁹ – take opposite viewpoints as to the relevance of the feudal label: their descriptions of Swedish medieval society are quite similar. Myrdal, in his agrarian history of the period, formulates a very broad version which I will have reason to return to.

*Compromising with Chaos – contestability and ambiguity.
Ward's focus X and my focus XI*

At the end of Ward's list is the alternative which he himself tends to advocate – '*a compromise with chaos*' (**focus X**). I would prefer to interpret this as: 'a compromise between order and chaos', a sort of makeshift attempt to structure a world in flux – or perhaps many overlapping attempts to create different kinds of order? And, in that case, isn't chaos just the other attempts seen from outside? I think that there might be other foci worth considering besides those highlighted by Ward⁴⁰, but here I will limit myself to the focus which I find most fruitful, and which is arguably just a more positive angle on focus X.

Perry Anderson and Aaron Gurevich have both in their quite different ways ended up emphasizing the *polystructurality* of feudal society, and, as I will argue, the dynamic potential of the times and regions where the description 'feudal' seems most appropriate, is best captured by focusing on this aspect. However, another aspect closely related to this trait, is the ensuing *ambiguity* of just about any aspect of society. The ownership of land is a classic point of contention not only in the *ex post* historical analysis of feudal societies, but *within* the ongoing development of these societies in their own time as well, and this has the further consequence of a general *contestability*, not only of landownership, but of several – maybe even all – institutions of these societies. My own [**focus XI**] (or should it be **X[b]**?) I therefore formulate as: "*ambiguous and contestable polystructurality*".

³⁹ Lindkvist describes Sweden as 'feudal' in the broad sense, while Harrison discards the term. Harrison 2002c, Lindkvist-Sjöberg 2003. Lindkvist's co-author Maria Sjöberg covers the early modern period, and might therefore be thought to fall outside the comparison. This is not quite adequate, as analyses of Swedish feudalism often stretch into the 17th or even 18th century. The third volume of the five-part Swedish agrarian history (*Det svenska jordbrukets historia*), written by Janken Myrdal, is subtitled 'Agriculture under feudalism 1000-1700'. However, Sjöberg's analysis has a detachedly impartial attitude to the different and conflicting theories she accounts for, and therefore tends to fall outside in another way.

⁴⁰ For instance, 'scalar property' (Anderson) or 'lack of separation between economy and politics' (Wood), or why not the original meaning of the concept, which still seems to be the one closest to the intuitive use of the term: 'obsolete privileges for landowners'?

The tug-of-war over the agricultural surplus product, which Hilton and Anderson put at the centre of the economic dynamic of Medieval Europe of course fits into this focus – it is formulated in order to accommodate such dynamics *and* to emphasize their context. The tension between the different elements uneasily ‘compromised’ together in the feudal synthesis⁴¹ allow peasants to consider their rights to the fruits of intensified labour self-evident, while at the same time their landlords are equally confident about *their* property rights in any surplus yielded (*cf* Herlitz 1974 ch. IV). Thus it is the very ambiguities of feudal society that make property rights so contestable, and make possible a dynamic struggle over the control and expansion of the agricultural surplus.

The ‘emulation effects’ possible when many different systems coexist, overlap and compete, make a similar type of evolutionary dynamics possible within a (moderate level of) ‘feudal chaos’ as has been argued for the European state-system⁴²; attempts to increase power over others lead to the attempts to create higher degrees of self-determination, and the tug-of-war between local communities and central states may lead in the long run to higher levels of *collective power* (the communities’ degree of control over external conditions) locally *and* centrally, as a resultant of the struggle for *distributive power* (power over others within the community).⁴³

A ‘family-type’ definition

‘Feudalism’ in this sense becomes a comprehensive ‘family-type’ term (Wittgenstein), defined through the similarities that can be found between any two of the societies included, even if the same characteristics will not be evident in every comparison. Against this, it can be argued that only strict definitions can be made operational and thus truly scientific. This depends on how you use your theory. If deductive models that allow the formulation of unambiguous predictions which can be conclusively tested against objectively

⁴¹ Or, if we reserve the term synthesis for a true fusion of separate elements into a new entity, the competitive eclecticism which feudal societies tended to comprise.

⁴² By Anderson and Jones, as well as Tilly, Mann and others.

⁴³ *Cf* Mann 1993; the terms are borrowed from Talcott Parsons. Bendix 1978:12 discusses the ‘demonstration effect’ from an example by Pirenne: ‘The merchant and craft guilds of a few cities used force (in the eleventh century) to win recognition of their independent jurisdiction from feudal overlords. A good many rulers took the hint and negotiated a settlement with their own towns before armed conflict occurred’.

measured data, are your only criterion for scientific method, then anything less than that can only aspire to narrative description. However, inductive thought is also an important and indispensable component of scientific reasoning⁴⁴, and in the social sciences, purely deductive reasoning is rarely applicable, certainly not in cross-cultural comparisons over time and space, where any model tends to turn into a caricature of limited applicability.

⁴⁴ From where would concepts derive without induction? For an interesting discussion of comparative social thought, and the role of 'analytic induction' in the social sciences, see Skocpol-Somers 1980.

Marc Bloch's classic definition⁴⁵ has been criticized as 'over-comprehensive' – for containing far too many factors⁴⁶ – which is why I think it can still be useful, although it would really need further amplification rather than reduction. E A Brown's (1974:1087) wide check-list of what medieval historians should focus on instead of on the barren question of 'feudal institutions' can actually be taken as a blue-print for a maximum-norm definition of feudal society in the wide sense. The same thought seems to have occurred to Ward, who observes that she would fit nicely into focus VIII (feudalism as an entire society or type of civilization).

Of course, it may be said that my discussion, and those whose arguments I am building on, are reductionist in an inverted sense: that the European diversity arguments are culturally solipsistic, and require as a backdrop a caricature of 'non-European stagnation' as simple-minded as a generalized Wittfogel thesis. If diversity is the key, Europe may offer too limited a range, it could be argued. Perhaps, but we still need to explain why Europe in some vital respects – including sustained economic growth, viability under military competition, and the hard-won privilege of holding our rulers accountable⁴⁷ – *did*, for a period, become dynamic enough to 'transform the world into its likeness' (Hobsbawm in Hilton(ed)1978). This is still an important question, and although I would expect that similar dynamics appear in many places and times, we need a lot more knowledge and a lot more comparison⁴⁸ before we can even begin to formulate a theory that applies to the whole of human history. Yet we already have to deal with the question: how can we preserve enough diversity in a world under strong homogenizing pressure?

⁴⁵ And as his definition I would consider not only the almost universally quoted six semi-coloned clauses enumerated on page 1961:446, but at least the whole section 443-447, if not the whole of *Feudal Society*.

⁴⁶ Too many, that is, to function as a strict delimitational model according to the deductive-theory ideal.

⁴⁷ *I*e the 'Triple Miracle' I discuss in Emilsson 1996.

⁴⁸ Minimally, we should be able to discuss the differences between development in the Yangtze Delta and Greater Yunnan in as much detail as we do with England and France. (as Brad DeLong's commented on what will be needed to stay in the business of teaching economic history for more than five years, made after hearing a lecture by Kenneth Pomeranz. Three of those years have already passed)

‘Swedish feudalism’ – why does it matter?

The reason I have kept insisting that almost all of the ingredients of the feudal mix have been present also in Sweden, is that I consider the feudal polystructurality to be the precondition and point of departure for the institutional evolution leading up to the ‘Triple Miracle’, and the constant ambiguity of ownership and authority to be the basis of the recurring contestation of relationships of power and subjugation. This is why feudal societies have a dynamic potential, I will argue, following Hilton and Anderson, and the relevance of the Swedish example to this discussion requires a definition wide enough to include the Swedish experience.

I will therefore go on to the discussion of these more general ‘feudal’ dynamics, and return to the question of Sweden further on.

Perry Anderson: Feudalism as dynamic polystructurality

Anderson’s elastic definitions of feudalism are alternately generous and restrictive, culturally specific or universal, dogmatic⁴⁹ or innovative. However, as I point out in Emilsson 1996:72, his central argument about the European advantage is constructed around a consistently dynamic conception of feudalism connecting the Hiltonian theorem of rent-struggle as the prime mover of feudalism to his own explanation of the dynamic advantage of European state system. The feudal synthesis is envisioned as a fusion of the complex institutional heritage of the ancient world (transmitted in different variants by the cities, the Church and the Empire), with the forms of community and collective jurisdiction of Germanic tribal society, thereby creating a ‘polystructural’ society endowing Europe with a uniquely wide repertory of alternative organizational models, making institutional innovation possible in several different ways.

Eric Jones’ (1981) description of the European states system as

‘a portfolio of competing and colluding polities whose spirit of competition was adapted to diffusing best practices’ (115)

⁴⁹ At one point he argues as if a close enough reading of Marx’ polemical writings could carry evidential significance for a stricter definition of feudalism, though he at other places emphasizes the deficiencies in the historiography available to Marx. (Emilsson 1996:XX)

is quite compatible with Anderson's and his persuasive exposition of these dynamics in chapter 6 of *The European Miracle* can be used to reinforce Anderson's argument.

The problematic concept of 'fusion'

One of the weaker aspects of Anderson's feudalism is the traditional conception of feudalism as a 'fusion' between Germanic and Ancient society. Bloch emphasized (1961:443) that the crucial aspect was the 'forcibl[e] uniting [of] two societies originally at very different stages of development' rather than the specific components of the two cultures, and Gurevich, who also emphasizes polystructure as a distinctive characteristic of feudal society, adding an important stress on the interaction between horizontal and vertical organization, usually speaks of 'barbarian society' as the non-Roman component, including Slavic and Celtic peoples as well as Germanic, and – in general – resisting the temptation to generalize it into a model.

The term 'Germanic' is infelicitous because of its connotations in the directions of ethnicity, linguistic cohesion, forestland freedom, and mobile warbands. In Sweden, it is almost impossible to use, as we still have to struggle with the heritage of generations of historians making liberal use of Tacitus to supplement the meagre historic source material.

In *The European Miracle* Eric Jones discusses the combination of what he describes as discussion of the 'two strands' of European heritage: The city life that developed around the Aegean, and the iron-age agricultural society 'which found the rule of Rome a passing intrusion' (1981:12f). This distinction might serve the same basic function as the Roman/Germanic dichotomy: to provide a starting-point for the history of polystructurality.

Chris Wickham: 'peasant-based society' and the role of 'Big men'

A somewhat more sophisticated alternative along similar lines is Wickham's tentative category 'peasant-based society', which is interpreted through social-anthropological categories⁵⁰, but is envisioned as an important element of hybrid medieval societies in general, interacting with elements of an aristocratic society ("which I am still content to call by the much-abused word 'feudal'" /217/) and a system based on state tax-raising. In the contrasting examples

⁵⁰ Wickham 1994:220, with reference to *Stone Age Economics* (London 1964) and other work by Marshall Sahlins.

provided, ninth-century Brittany is described as a case of the first two systems coexisting on more or less separate levels, while Iceland is used to illustrate a ‘purer’ form of ‘peasant-based society’. Such societies are not envisioned as egalitarian but the only way for the dominant members of the society to get their poorer neighbours to do as they said, would be to negotiate with them, like the *goðar* of Iceland, the *machtierns* of Brittany or the ‘big men’ of New Guinea:

leaders who must personally construct their power over others, and whose ability to accumulate wealth is constrained by the necessity to provide what their followers expect from them, to prevent them from transferring their allegiance to someone else. (Wickham 1994:220)

This discussion is obviously relevant to the history of Sweden, especially if we are careful not to fall into the trap of identifying Swedish peasant society with that of Iceland, a tradition as deeply rooted and as deformative as the Germanic one. Brittany might be a more adequate point of reference, as Sweden was also a ‘mixed case’ – that is: polystructural. Within the judicial system we can discern components of:

1. ‘feudal’ dominance in the aristocratic sense,
2. of ‘a system based on state tax-raising’,

as well as

3. ‘peasant-based’ institutions and the need to ‘personally construct power’.

The Swedish hundred court was staffed by a jury of twelve peasants and led by a *bäradshövding* (‘hundred sheriff’⁵¹), who in general belonged to the local gentry or semi-gentry rather than the real aristocracy – perhaps more so during the earliest period – but whose office seems to have been slowly subsumed into the general aristocratic patronage networks, until it turned into something more and more resembling a benefice. This process may well have some resemblance to Wickham’s examples from Brittany⁵², but from my perspective, the most important aspect would be the ‘polystructural’ survival of the hundred jury⁵³, and thus of regular and habitual

⁵¹ Roberts translates *bäradshövding* as ‘sheriff’, but as the area under their responsibility was a hundred instead of a shire, I add this as a qualification: ‘hundred sheriff’. On *bäradshövdingar*, cf Almqvist 1954 (LDS), Claesson 1987, and Småberg 2004.

⁵² Wickham 1994: 220-1, with references to Wendy Davies: *Small Worlds*, (London, 1987) and JHM Smith: *Province and Empire* (Cambridge, 1992).

⁵³ And, as a precondition for this, lower instances of self-regulation and conflict resolution such as the village moot (*bystämman*), the vestry or parish jury (*sockennämnd*), and – occasionally – thriving or farthing moots.

negotiation between noblemen and peasant representatives. Within this particular mixture even the aristocrats might have to construct his power personally.

Balanced synthesis or scope of variation?

Also, Anderson's use of expressions like a 'classical feudalism' embodying a 'balanced synthesis', are leftovers from traditional conceptions of feudal society (*cf* Wickham 1994), while he should – to be true to the logic of his exposition – rather have emphasized the importance of the *scope of variation* between different institutional mixes.

As I have argued earlier (Emilsson 1996:71), Anderson's denotation of 'feudalism' is less to be understood as a set of societal structures than as a set of development paths, 'trajectories', tying the feudal dynamic to the further development of state-system interaction through his conception of a 'displacement' of feudal power (and thereby also feudal competition) towards 'the top of the pyramid', as a result of struggles ultimately founded on the tug-of-war over the agricultural surplus. Thus the early medieval coercive competition between rival knights and warlords moves step by step up to the level of full-scale war between states, tied into the dynamic interdependence of the wider European system like the knights were tied into the elastic inter-dependencies of feudal society.

Dynamic possibilities of feudal society interpreted in this way:

Where different institutional structures could co-exist within the same political unit, further societal development could follow different possible tracks: royal or imperial proto-state structures could compete with 'feudal' chains of devolved authority, royal and/or seigniorial retinues, guilds and leagues of different kinds, lordships based on 'allodial' possessions, manorial systems (whether of the *Gutswirtschaft* or *Grundherrschaft* variety), village communities, city networks, monastic or knightly orders, bishoprics, parishes⁵⁴ and other ecclesiastical institutions *etc.* Which institutions that would win out and shape the further development of state and civil society, depended on local conditions as well as on Europe-wide tendencies and interactions. However, the differential outcomes ensured an even wider polystructural gamut.

⁵⁴ In Sweden, the community of the parish was often more important than that of the village.

A political unit with a more efficient institutional structure could conquer others, and thus spread or be imitated by them⁵⁵, or attract mobile elements such as merchants and money-changers, errant knights or mercenaries, clerics or other intellectuals, as well as groups of non-conforming refugees like Spanish Jews and French huguenots, adding further variety of experience and ideas to their new societal contexts⁵⁶.

If necessary, new institutional arrangements could also be created through analogy as when secular institutions have been modelled on ecclesiastical ones, or through the 'resurrection' of defunct models (In general: the Renaissance! More precisely: sophisticated institutional achievements such as ancient military-strategic theory or the property rights formulations within Roman jurisprudence.)

The engine fuelling these developments is the struggle for the agricultural surplus between lords and peasants. A rising rent pressure forces the peasants to intensify agriculture, develop or adopt productivity-raising practices and to raise the output, in order to maintain their standard of life, while the demands of the seigneurial class, and, increasingly, also the state, are rising in order to finance the growing complexity of early-modern society⁵⁷.

Such a reinterpretation of feudal society would not really be vulnerable to Susan Reynolds' criticism, but might rather be strengthened by it: if feudalism 'in the strict sense' is a mirage created by the efforts of late medieval professional lawyers to make sense of earlier customs, and to turn them into a coherent system compatible with the institutional structure of their own time, then a relevant analysis of the dynamics of the 'actually existing' medieval society, would have to make itself completely independent of all 'feudist' traditions.

If we view the state-system dynamic as an extension or later phase of Anderson's 'feudal dynamic'⁵⁸ the whole medieval-to-modern period might be fitted into a loose evolutionary framework with a

⁵⁵ As Sweden's organizational innovations in efficient fiscal and military statebuilding was emulated by Brandenburg/Prussia and Russia (Anderson 1974b, Attman, Kan).

⁵⁶ In this manner Sweden also attracted an influx of tradesmen, military specialists *etc*, which were often "nationalized" through ennoblement (Nilsson 1990 , Roberts 1967).

⁵⁷ In Sweden the "see-saw" of parallel rises in rents and taxes adds further components to this mechanism.

⁵⁸ Explicitly argued by Brenner 1987 under the somewhat infelicitous label of 'political accumulation'.

strong affinity to Nelson-Winter's theory of evolutionary economics (as developed for modern economics).

EVOLUTIONARY APPROACHES IN SOCIAL SCIENCE

Nelson-Winter's evolutionary economics

Nelson and Winter (1982) succeeded to transfer the logic of neo-Darwinian evolutionary theory into the study of human society bypassing the pitfalls of simplistic sociobiology through a very important reformulation: instead of using individuals⁵⁹ as the units of competition analysis, they focus on behaviour, on competing *practices*. The mode of transmission is thus entirely different from that in biological evolution, where the unit of analysis – the gene – is transmitted through biological reproduction, and is selected or deselected through *survival* (and mating success). In the Nelson-Winter model the practices of firms are transmitted through *imitation*, and selected or deselected within the *decision process* on the basis of *success or failure*. The relevance of this model to the kind of dynamics argued here for feudal society and for the European states-system should be obvious.

The problem of selection

However, there is a crucial difference between the contexts of Nelson-Winter and of Anderson or Jones. Within modern economics, best practices are selected by capitalist functionaries whose common and consistent measure of success is profitability, and who can only survive as professional decision-makers if their performance in selecting is satisfactory at least in the medium run. When it comes to the development of entire societies, the questions of which kinds of practices are selected, and where and how this is done, are much more complex and inconsistent

⁵⁹ Or firms, as in other attempts.

'Selection in two dimensions'

We might envision feudal Europe as organized through overlapping and partly competing institutional arrangements – ‘under construction’, as it were – subject to ‘survival of the fittest’-type selection in (at least) two simultaneous dimensions: economic efficiency and viability under military competition. A case could be made also for the selection of institutions along the dimension of persuasive power; a diversity of competing political institutions is of course an almost trivial component in the historical development of democracy⁶⁰, but a similar case has also been argued for juridical institutions⁶¹:

On the other hand, there was an instrument which we might call ‘institutional competition’. The authority of princes and kings did not deny either the existence or the legitimacy of pre-existing or in any case non-state statutes, customs, and jurisdictions, but placed its own laws, officials, and jurisdiction alongside them in an attempt to gain ground at their expense. (Padoa-Schioppa 1997:357)

Military selection

Within the military dimension, the selection process appears quite straightforward⁶²:

After all, military competition was the profession and ideology of the knightly class (*cf* Duby 1985), and the ‘displacement’ of coercive power and inter-feudal rivalry ‘towards the top of the feudal pyramid’ which Anderson describes, is a process where states and rulers will have an ever stronger incentive to intervene into the procedure of selection.

⁶⁰ The attempt to reconstitute the Third Estate as a General Assembly during the French revolution would hardly have succeeded if the invitation to members from the other Estates had been flatly refused. Reform Bills and other competing proposals for the extension of franchise are even more obvious examples.

⁶¹ With explicit reference to the Swedish coexistence of provincial codes and Land Law (Lindkvist 1997:215), as well as to the competition between royal and seigneurial or manorial justice in France and England.

⁶² This dimension is stressed by Brenner: “The feudal state can itself be seen to have evolved over time through a ‘field of natural selection’ constituted by intralordly, politico-military competition and by lord-peasant struggle, with a long-run tendency, within the European feudal economy as a whole, for ever larger, more complex, and more coercively effective states to win out, or be selected” (Brenner 1996:249). He seems to discern no *economic* dimension of selection, though.

Economic selection

The economic dimension is more difficult to overview. To a certain extent, the need to accumulate means of coercion will have as a corollary the necessity of accumulating the financial resources⁶³ required to achieve this. However, political measures to increase military capacity (alliances, the exchange of privileges for obligations, subinfeudation, conscription, press gangs, piracy, encouraging technical innovations etc) could hardly be brought into purely economic calculations at a time when stable and continuous markets hardly existed except in the most basic necessities (grain, salt etc), when the art of efficient accounting was something of a well-kept trade secret, state budgets were rudimentary, and the concept of alternative costs unimaginable⁶⁴. Furthermore, the yardstick for success in this respect – military efficiency – was not convertible into monetary units anyway (except for free-wheeling military entrepreneurs).

Indirect pressures for efficiency

Still, alternative ways of financing the same measure could be weighed against each other, and the increasingly frequent use of credit entailed an economic pressure as an *ex post* incentive for cost-cutting and rationalization. In these ways, an *indirect pressure* to select economically efficient routines would appear as a by-product.

Of course there also existed a purely economic interest in obtaining the means to finance a state at all, and with state expenditures rising in step with increasing ambitions, including but not limited to strictly military goals, there was soon a constant pressure for more money. The demonstration effect of how increasing trade could make a country rich and powerful, made the Netherlands, and later England, into ‘reference societies’ (Bendix 1978:292) which other countries strove to emulate, and though the colonial booty of Spain may have lured some rival states into wasting resources on unsuccessful

⁶³ I avoid the term ‘capital accumulation’ in this context, as it would blur the distinction between: indirect consequences of extra-economic pressure (which is what is argued here) and the purely economic incentives and compulsions resulting from capitalist market competition (as in the Marxist analysis of fully developed capitalist dynamics).

⁶⁴ *NB*: As I argue the salience of the feudal dynamic quite far into the modern era I have to add that these strictures refer to the earlier stages of the process. As they cease to apply, military competition ties more and more self-evidently into the logic of economic competition, and the two selection processes tend to merge.

colonizing ventures, the emulation effect still served to turn the focus of attention onto profit. Even if states appear as selectors in this argumentation, the units of evolution are – as in Nelson-Winter's theory – behavioural routines and not organizations: the *economic policies* of the competing states.

States have traditionally been the subjects in evolutionary theories, which makes for uncomfortable circularities in the argumentation: the states appear to select themselves. Even in many of the more sophisticated variants – as for instance, within the analysis of Hendrik Spruyt – this circularity tends to remain.

Evolutionary political science: Hendrik Spruyt

Hendrik Spruyt's evolutionary conception of institutional change (1994), addresses the question of how 'the (sovereign) state' won over its 'competitors': other types of political organizations. He does not consider other forms of political organizations to qualify as states, *neither* the original competing 'institutional orders' of empire, church and feudal lordships, out of which the competing forms of sovereign monarchy, city-state and city league grew; *nor* the city-states and city-leagues within the posited second phase of insitutional competition which is his real field of inquiry. Although he acknowledges in footnotes that the word 'state' could be given a wider denotation, he chooses not to do so, but reserves the term for the type of state which emerged out of the sovereign monarchy.

As far as I can understand, this is because his focus is set on states as the fundamental units of the state-system. This, however, embeds the term in a teleology quite analogous to that resulting from taking nation-states as units of analysis⁶⁵.

Spruyt makes the important point that the types of units change over time: the state (in his sense) did not exist in the early Middle Ages, and may be on he way out in the future. His analysis is an interesting attempt to evade unilinearity (*cf* 1994:20), but in order to render his inquiry easier to grasp, he postulates a two-stage model of institutional competition which imposes its own logic on the analysis. Surely empires, churches and 'feudal' forms of lordship were still taking part in the same 'organizational competition' as were sovereign states, city-states and city-leagues during his 'second stage' (*cf* Tilly 1990)? The two-phase model thus eliminates a series of possible comparisons from the discussion, as well as the important aspect of

⁶⁵ And also to the teleological aspects he criticizes in Wallerstein and Anderson (Spruyt 1994:19).

interaction between more primitive and further developed institutions, which Bloch considered to be the fundamental aspect of feudalism (Bloch 1961:443).

When he criticizes the general discussion on war as a selection mechanism, he makes things too easy for himself by attacking a straw-man hypothesis:

The prevalent view that war is the all-decisive selective mechanism needs to be amended. Warfare did not obliterate the alternatives to the state. There were no decisive battles to end the Hanse league or the Italian city-states. (Spruyt 1994:178)

Well, did there have to be? To drop out of the military competition when you realize that no longer have the edge in naval warfare is a way of accepting defeat that would not require losing one decisive battle but certainly at least a few small ones⁶⁶.

Basically, this is what Spruyt himself admits:

War did not work as an evolutionary process that selected among types of units, but it did indicate to political elites and social groups which type of organization was the more efficient, and they subsequently adopted the most competitive institutional form.

That is: the consciousness of the necessity of having to be able to survive warfare acted as a competitive pressure. This, I take it, is what most people who discuss this mechanism really mean. I doubt that anyone has seriously forwarded so simplistic an idea of military competition, as that which Spruyt objects to. But even in Spruyt's formulation, war is the selection mechanism. The selection, though, is – as Spruyt points out – made by people inside the state, not by the state itself as a collective actor.

Furthermore: in an evolutionary perspective, I think it is more fruitful to say that they selected routines – in this case *policies* – than that they selected institutions. Only when routines become repeatedly and habitually selected do they deserve to be called institutions (see the argument below).

Individual and collective selection

If we return to Nelson-Winter's focus it should be clear that states were by no means the only actors who could select efficient routines

⁶⁶ Napoleon certainly lost through one big final battle, but how typical was Waterloo? We can in retrospect see that Poltava marked the death-knell of the Swedish imperial state, but it certainly was not sufficient to make Charles XII pack up and start tending his garden.

for imitation⁶⁷. Although merchants typically preferred to pursue privileges rather than engage in competition, this left space for new categories emerging ‘within the cracks of the system’.

Merchants disfavoured by the privilege-granting regimes, tried to find ways to circumvent the regulation, for instance through approaching the rulers of other polities⁶⁸. ‘Interlopers’⁶⁹ were attracted to potentially lucrative markets, thus eroding monopolies, sharpening competition, and creating a pressure for price convergence⁷⁰. Although money-lenders found many ways to by-pass the interest ban, the difficulty of charging enough to offset the risk, would have tended to make them more risk-averse. While this can hardly have promoted the emergence of capitalism, it could have served as a purge of the most inefficient enterprises, and thus as a factor deselecting uneconomic routines.

Imitation of best practices

Imitation of best practices should, on the whole, have been a self-reinforcing tendency, as princes, warriors, merchants, artisans and cultivators who took this into account should have had a higher survival rate than those who didn’t bother or understand.

I do not mean to say that capitalism emerged naturally from efforts to do a good job; just that growth, and to some extent economic rationality, are possible also in a pre-capitalist context⁷¹. This cannot explain the transition to capitalism, but in the process some of the preconditions will have been produced⁷².

Collective selection of informal institutions

Another approach to the problem of selecting the most viable *institutions* – which is really what is at stake here – we can find via

⁶⁷ It is only fair to mention that Spruyt also puts great emphasis on imitation (‘mimicry’).

⁶⁸ Thus competitors of the VOC chartered their East India Companies in Denmark or Sweden.

⁶⁹ The important role of interlopers is emphasized both within Ekelund-Tollison 1981, and Brenner 1993, notwithstanding the contrasting political biases of their respective analyses.

⁷⁰ Which took a long time to emerge to a measurable extent. O’Rourke-Williamson find only slight evidence for price convergence before the 1820’s.

⁷¹ Cf Persson 1988 for a general discussion of this problematic.

⁷² Also cf Jones 1988, where he argues that extensive growth is a wide-spread historical phenomenon, and a precondition for *intensive growth*, i e increasing productivity.

North's discussion of 'informal institutions', which are really patterns of behaviour, habitual actions, or 'unwritten rules' (the fullest discussion can be found in North 1990, *passim*). When a pattern of behaviour tends to be repeated in a predictable way, it has become "institutionalized", has developed into an institution, and *in this manner institutions can be collectively selected*. If peasants in precarious situations tend to turn to a strong local nobleman for support, strengthening vertical networks, or if they tend to turn to their peers within the village, parish or hundred, strengthening horizontal networks, different patterns emerge and are institutionalized through what is in effect a collective selection process⁷³.

The 'feudal' polystructurality, however, comprised much more than just a shifting balance between the principles of allegiance and peer support. It contained a whole gamut of different, competing and/or complementary networks, basing themselves on protection and/or plunder, on cooperation or competition in the fields of production or consumption, on mutual defense or social exclusion, on religion and/or warfare, on legitimacy or on naked power⁷⁴.

The 'feudal realization problem'

Surplus realization under capitalism and feudalism

Under capitalism, 'realization' means converting commodities into money, so that the surplus value or profit⁷⁵ – the difference between value invested and value produced – can be *realized*, made real (in contrast to the merely potential profit attained when the commodities have been produced, but not yet sold). Under feudalism⁷⁶, a somewhat analogous realization problem exists: the lord can extract

⁷³ The contrast between the resultant class conditions is Brenner's fundamental argument for the different dynamics in Western and Eastern Europe. The contrast between Northern and Southern Italy is in Putnam 1993 ascribed to factors which are also related to the difference between vertical and horizontal networks.

⁷⁴ Cf Bisson's discussion of *violentia* in the 'feudal revolution' debate.

⁷⁵ To make the contrast between capitalist and pre-capitalist conditions more easily visible, I deliberately conflate terms pertaining to different levels of abstraction in the analysis of capitalism. I will also try not to indulge in too much Marxese, as I believe that these questions should be important to discuss, whatever evaluation (and interpretation) of Marxian theory one happens to hold.

⁷⁶ I purposely avoid discussing how general this problem is. Obviously, analogous problematics have existed within a wide variety of societies, but my present discussion is limited to the feudal version.

the surplus product from his tenants, but unless he can convert it into the necessities of life *on the lordly level*, he cannot reproduce himself as a lord. Without this conversion he would be able to eat and live like a very wealthy peasant, but he cannot live like a lord⁷⁷. Meat, wine, expensive spices, fine garments, well-bred horses, skilfully crafted weapons and armour have to be procured by means of the grain, butter, wool, salted pork, dried fish or whatever goods are produced by his peasants.

This is what I call the *feudal realization problem*⁷⁸. There are several ways of dealing with it. Basically, the lord can take it upon himself to solve it, and accept the ensuing transaction costs; he can shift the burden onto his peasants, or he can use a middleman. Each of these routes will lead to a marketplace, close by or at a distance, and thus the very exaction of feudal rent *requires* trade, even long-distance trade, thereby promoting the growth of cities as a requirement of the feudal reproduction cycle (Hibbert 1978, Hilton 1978, Merrington 1978).

The coexistence of different ways of solving this problem adds to the flexibility and polystructurality of feudal society. Commutation of produce or labour rent into money rent means shifting the problem onto the tenants, and thus promoting the growth of peasant markets, but commutation was often reversible: lords who retained the possibility to revert could insulate themselves against the corrosive effects of inflation⁷⁹. The various systems of realization interact with the form of rent and the organization of the manor, and the vices or virtues of each such combination for the parties involved, will result in a conflict or compromise whose outcome amounts to a 'natural' selection of the fittest alternative, given the balance of class forces⁸⁰.

Swedish expansionism as path dependence

A seldom acknowledged motive for Swedish expansionism and for the 'historical compromise' (Englund) between crown and nobility which was formed around the expansionist policy, is the fiscal opportunity for expansive militarism presented by the medieval Land

⁷⁷ 'Minimally, his castle had to be a center of lavish display' (Brenner 1987).

⁷⁸ Note that in the feudal case it is the *use value* of the surplus that has to be transformed. Under capitalism it is an increase in *exchange value* that has to materialize.

⁷⁹ Hilton 1978, Aston-Philpin 1985. Dørving 1951 and Herlitz 1974 for the Swedish case.

⁸⁰ Cf the variety of examples brought up in the Brenner debate (Aston-Philpin 1985, *passim*).

Law. The only open discussion I have found, is, of course, by Lindegren⁸¹, who has – since at least 1980 – constantly argued the externalization of class struggle as the fundamental impetus behind Swedish expansionism. He considers it to be no more than a local Swedish version of a general feudal development, and argues that it is part of the mechanism driving the military competition between early modern states. In his analysis it becomes an important link between feudal competition and the military state formation. Here I will not discuss how general such dynamics are – Lindegren makes an interesting case for France, but what about Spain and Holland?⁸² – but will explore Swedish expansionism as a possible case of path dependence, which of course implies that other paths should have been viable alternatives.

I do not think that Eric XIV (1560-8) was *forced* to venture into protection-selling in the Baltic area (*cf* Glete 2002:185), but there were certainly also later junctures at which a return to non-expansionist strategies would have been feasible. The very last phase of the Thirty-years War – the struggle for economic ‘satisfaction’ – was, as Sven A Nilsson has shown (1971, 1990), a clear case of economic lock-in, where projected gains already consumed in advance had to be cashed in before peace could be affordable. Somewhere in between these dates the point of no return must have been passed.

Let’s return to the Land Law: according to this law – and, as I will argue, the breadth of the alliance against Eric of Pomerania⁸³, and the principal lawspeakers’ support for the insurgent peasants, had already tied the aristocratic leadership to the principle of taxation by consent – extraordinary taxes were only permissible in a few carefully specified cases: coronations, royal marriages, defensive warfare and castle-building. Thus the ‘extra surplus’ possible to exact during wars was *not transferable to other state expenses*, unless Sweden entered

⁸¹ Most consistently in Lindegren 2000. His argument is interesting and important, but the article is marred by an unclear exposition of war loss calculations, resulting in a heavily exaggerated percentage of Swedish war losses during the Imperial Age.

⁸² *Cf* Glete 2002, Ch.3 (Spain) and Ch. 4 (the Netherlands). The experiences of France during the Hundred Years’ War, referred to in Lindegren p 174 have certain obvious similarities to those of Sweden during the more than 160 years of intermittent warfare starting with Valdemar Atterdag’s recapture of Scania in 1360. To generalize from two similar cases may lead to results of limited applicability.

⁸³ Especially during the part of the rising dominated by Engelbrekt 1434-35 (see chapter 3).

into a permanent state of war, which would also permit the exaction of peasant conscripts⁸⁴, who might in this context be viewed as a very specialized form of labour rent or *corvée*. These additional fiscal resources would not have been available to the state in peacetime, and must thus – after the possibility of exploiting them had become habitual – have formed a strong incitement for continuing warfare⁸⁵. The constant negotiation of war resources slowly became institutionalized, especially after the summoning of hundred representatives for such purposes had become routine during the Civil War, and when the Diet was finally regulated into its definitive four-Estate pattern, the Peasant Estate had become a permanent component of the political representation.

This is a classically pure example of path dependence logic: *even if increasing returns from continued warfare dried up, decreasing returns from reverting to an economy of peace combined with prohibitive readjustment costs locked Sweden into perpetual militarism* – at least until the Great Reduction transformed the whole institutional structure⁸⁶.

⁸⁴ The use of peasant conscripts is also a Swedish peculiarity closely tied to its late medieval history (see below). *Cf* Lindegren 1980 and later. Lindegren has repeatedly emphasized that taxation and conscription were different but parallel and partly substitutable ways of exacting resources from local society.

⁸⁵ *Cf* Roberts' remark on Sweden as a permanent war economy. In Lindegren's analysis, the opportunity of raising taxes even appears to cause the wars: 'War was a vehicle by which the state could introduce new kinds of taxes.' (2000:176)

⁸⁶ If the reduction really did succeed in breaking up the lock-in, the later, Caroline phase of Swedish militarism becomes facultative: a personal whim (one of those inevitable by-products of absolutism, like Louis XIV's vanity or Ivan the terrible's paranoia) or maybe rather a reactive phase, a backlash caused by indirect consequences of earlier actions: the very success in war against neighbours meant that many prospective enemies were waiting for a chance to retribute.

A comparison with traditional explanations

What about the traditional⁸⁷ explanations?

1. Defense of the protestant religion⁸⁸.
2. Geopolitical defense.
3. Control over baltic trade.
4. Defense of dynastic legitimacy⁸⁹.
5. Externalization of class struggle.

Are any of those compatible with a path dependence interpretation?

None of them is totally incompatible, as the 'lock-in' mechanism could take effect irrespective of what had sparked off the state of war. However, the third argument could easily be combined with it in a mutually reinforcing way, and that would be even more so in case number five – as in the analysis of Lindegren which we have already discussed.

If the state had become dependent upon the war taxation, also in the respect that it thus financed a growing state apparatus and the new social strata whose growth was intimately connected to its increasing volume and requirements, then a war 'feeding itself' as contemporaneous strategy prescribed, would release the war-tax resources for general state-building purposes. This, however, would make peace an even less viable option – unless defeat did force it upon the state.

⁸⁷ The 'new school' (explanation #3) referred to in Michael Roberts' discussions has been mainstream orthodoxy for generations, and the 5th argument at least dates back to Axel Strindberg (a nephew of August Strindberg, whose historical plays seem to hint at similar explanations). Thus I count all of these arguments as pertaining to well-established traditions.

⁸⁸ Emphatically *not* defense of religious freedom, even though it might appear so on German soil, where eradicating Catholicism would have been an unrealistic objective. Within Sweden, though, propagating religious freedom would remain a seditious crime until the latter half of the nineteenth century, and complete religious freedom was actually the last of the civil liberties to be fully attained in Sweden, only in 1951(!) according to the Swedish National Encyclopedia (NE).

⁸⁹ An old argument updated by Ringmar 1996 into a version of 'identity formation', but also – in a more substantial way – considered as an important side aspect by Glete.

The internal basis of expansionist success

In Jan Glete's discussion of Swedish expansionism – in his comparative study of fiscal-military statebuilding (2002) – he turns the attention to a different question:

It is striking that the explanations of Sweden's expansionist policy focus on *driving forces*, not on the *causes of success*. (2002:176)

If we formulate the fiscal opportunity argument as a general mechanism – which Lindegren does – it becomes difficult to explain success, but if we see it as a case of path-dependence we may argue that it was the success that created the opportunity. So, what was the reason for success?

Glete's list runs like this (2002:210):

1. *resource mobilization* [efficient administration]
2. *political interest aggregation* [participation legitimizes burdens]
3. *army units with long-term coherence*
4. *professional and bureaucratic skills*
5. *officers and civilian bureaucrats loyal to the state* [career opportunities]
6. *an aristocratic elite that identified its interests with those of the state*

Many of these factors are connected to or compatible with the arguments I am making about late medieval Swedish state-building. Point 6 is a consequence of what I call *parallel centralization*⁹⁰ – the aristocracy had a strong interest in an efficient state and were periodically responsible for running it; they wanted to control it, not to weaken it. This I view as a legacy of the late medieval tug-of-war over state control – the shifting success of oligarchic aristocratic juntas and individual pretenders led to state-building 'from two directions' and thus to a stronger and more efficient state, which also strengthened at least points 1 and 4.

The King as a military entrepreneur – a medieval background

The other – individual – side of the power struggle was also special, in that there were contenders on (at least) two levels of geographic aggregation: not only patrimonial princes but also

⁹⁰ Cf chapter 3.

entrepreneurs constructing their personal political power in innovative ways. Glete considers the Vasa kings to have been their own military entrepreneurs, (Glete 2000:329, also *cf* 2002:177. 187, 208) and I would connect this to the innovation represented by the popular agitators Engelbrekt, Erik Puke and Peder Ulfsson during the revolution against Eric of Pomerania. They showed – most convincingly in Engelbrekt’s case, as he was the one who made the most spectacular career – that it was possible to construct a personal political power through the levying of peasant militias. He was murdered – and so was Puke and evidently also Peder Ulfsson⁹¹ – but a whole generation of Swedish power-players had watched and learned. Karl Knutsson may have played as important a part in this learning process as he showed the limitations of a too old-fashioned aristocratic political style (Kumlien 1933:95f, Harrison 2002b:102ff)

Nils Sture and Sten Sture learned from the examples of Engelbrekt, Erik Puke and Peder Ulfsson, and from the mistakes of Karl Knutsson⁹², and developed a Swedish version of plebeian⁹³ *condottiere* power in a close mutual race, and in constant competition with other state-building strategies:

⁹¹ As Karl Knutsson had to raise a 12-man jury of oath-helpers to defend himself against an accusation of complicity in Peder’s death (Kumlien 1937:196f). Peder was an aristocrat of even more exalted descent than Erik Puke. He belonged to a baronial sideline (illegitimate) of the old Norwegian dynasty, and was a brother-in-law of the hated bailiff Jens Eriksen, the initial target of the Dalecarlian peasant rising sparking off the general rebellion against king Eric in 1434.

⁹² Neither should we underestimate the lessons to be learned from the ruthless type of castellans favoured by Queen Margaret – among them Nils Jonsson Svarte Skåning, Abraham Brodersen, and Nils Sture’s maternal grandfather Sven Sture – who were often trained in the hard school of piracy (*cf* Linton 1971).

⁹³ This refers to the expansivity of their recruitment tactics, and is not intended as a slur on the impeccable aristocratic pedigrees of these gentlemen. In contrast to Engelbrekt they all started from the basis of an independent aristocratic retinue, but their competitive advantage in the Swedish race for individual power rested with their ability to “play the peasant card”. The exact nature of Engelbrekt’s original power base is unknown to us, but the strong collective economic interests of the mining-law districts must have had their own organizational structure, and at the very moment Engelbrekt first appears in the sources from the rebellion he is already well established as the spokesman of the local community in a long-running dispute with the regional representative of the King. His mixed miner-gentry-burgher family background must have given him a wide and variegated social network.

- princely proto-absolutism (Eric of Pomerania),
- theocratic conciliarism (Johannes Benedicti),
- aristocratic oligarchy (Bo Jonsson's testamentarians, and a series of juntas developing out of or emulating them) and
- the city-league organizational form represented by the diplomacy of compromise, and deeply entangled in the Swedish cities (the Hanse⁹⁴, Hans Kröpelin).
- the inter-Scandinavian landlord-trader interests represented most obviously by the Axelsson brothers (Lönnroth 1934, 1959; Enemark 2001), had the severe limitation of being a collective strategy dependent on a geographic integration on a level which could only be united through individual power – thus they were dependent upon finding an alliance partner strong enough to unite the whole of Scandinavia, and therefore they never succeeded to become an independent alternative.

When Gustavus Vasa, as the last and most successful of these peasant-levy commanders wins power over the Swedish-Finnish part of the contested area, he goes on to eliminate all the competing state-building projects one by one⁹⁵ through crushing the independence of their power centres:

- local aristocratic power (the rebellion of the *västgötaberrar*, ('Lords of Västergötland') led by Ture Jönsson, the last of the independent lawspeakers)⁹⁶;
- the bishops (through reformation and confiscation of all landed Church property);
- the regional communities of the peasant levies (the peasant rebellions in Dalecarlia, which had backed his rise to power, were stamped out with exemplary brutality; the initially much more successful Dacke rebellion in the southern border province of Småland led to an important military innovation: as the rebellion proved – once again – that under suitable circumstances Swedish peasants were able to fight almost as efficiently as expensive foreign mercenaries, Gustavus negotiated a conscription deal with the province of Dalecarlia (Larsson 1967 and later);

⁹⁴ To which Stockholm, Visby, and maybe Kalmar had been affiliated.

⁹⁵ In this respect, the strategy of Karl Knutsson was certainly a useful precedent.

⁹⁶ Central-level aristocratic power had not yet recovered from the massacre of its leadership in the 'Bloodbath of Stockholm', and it was never given the chance to do so during Gustavus' reign.

- the semi-independent status of Stockholm was also curbed when Gustavus' had become strong enough to attack the dominance of his earlier backers from Lübeck.

Still – his rise to power had been based on forging an alliance combining allies from all of these projects⁹⁷, but as they together had eliminated the absolutist threat on the Union level, the road was now open for him to construct a local Swedish absolute state.

Individualized incentives

Dynamics under pressure

The state economic interest in maximizing taxable output tended to create – as a sort of mirror-image – incentives for economic maximization on part of the tax-peasants (*skattebönder*). Gustavus Vasa separated the individual economies of households earlier taxed as a collective unit, in order to bring the extra surplus of more well-to-do peasants within the Crown's reach, and to create a pressure to improve or perish onto the less successful peasants, who under the new individualized cadastral tax assessments were deprived of the protective buffer provided by their wealthier neighbours. Originally, the *gårder* (units for collective tax-paying) had been put together from equal numbers of richer and poorer peasants in order to ensure stability, but now maximization of each individual tax became a more important objective (Dovring 1951).

In response to this, the poorer peasants reasonably had no choice but to increase labour input wherever possible. The more well-to-do husbandmen would at first have experienced a relief. Not having to compensate for their insolvent neighbours, they would have been able to retain part of their surplus, while the hardening climate of state surplus exaction should have given them an incentive to reinvest this in order keep a safer margin in case of crop failure.

Three years of unpaid taxes led to *skattevrak* ('tax eviction'), *i e* permanent loss of freehold status, according to the more severe practice that was now introduced. Many peasants were later prepared to buy freehold rights at rather high prices during the periods when

⁹⁷ Archbishop Gustav Trolle's feud with Sten Sture the younger made him support the absolutist ambitions of Christian II. As this alliance became responsible for the Bloodbath (we do not have to concern ourselves here with the delicate question of where to pin the ultimate blame) including the murder of two bishops, the remaining bishops led by Hans Brask became an important part of the revolutionary alliance (Larsson provides the most up to date account).

this became possible, although the level of tax exaction on the purchased freehold was no lower than the rents they had already been paying. This shows that freehold *per se* must have been so attractive that there would also have been an incentive for spending effort on prevention of its loss.

According to the logic of the Hilton-Anderson dynamic, increasing rent pressure would tend to stimulate productivity as long as a peasant can rationally expect to retain secure tenure and to escape confiscatory⁹⁸ exactions. For peasants hovering on the brink of subsistence failure, mere self-preservation would seem to ensure maximum input, at least in the absence of viable alternative maintenance, but for more substantial husbandmen too severe exactions might yield a counterproductive effect, and lead to “surplus evasion”⁹⁹; to ‘eat better and work less’ (Wickham 1994) might under such circumstances be an attractive alternative to maximizing output. If *any* increase in surplus production would lead to raised exactions, this would be a disincentive for productive investment in agriculture. However, all incentives are by definition subjective, and if rising taxes are *perceived* to be independent of rising production (*e g* motivated by war or other external factors), their productivity-raising potential should remain intact.

These were the dynamics relevant to the *frälsebönder*, the exempt tenants of the Nobility? This questions brings us into the discussion of taxes *versus* rents.

Tax and rent as categories

There has been a long and intricate Marxist discussion (see for instance Hindess-Hirst 1975:193-200, 223-59) concerning the categories of tax and rent: are they ‘modally’ different – *i e* capable of defining different modes of production, or are they just variants on the same theme: exploitation through ‘extra-economic coercion’? Chris Wickham, who tried to make a case for a modal difference in ‘The Uniqueness of the East’ (1985), backs off in a postscript to his reprint of the article (Wickham 1994). While still considering the contrast between tax-based and rent-based societies to be salient, his studies of early medieval peasantry has made him more aware of the fluid and ambiguous demarcation between rent and tax. From the viewpoint of studying early-modern Swedish peasant categories, I can

⁹⁸ *I e* additional rent or tax exactions eliminating the fruits of productivity gains, and thus nullifying the incentive for improvement.

⁹⁹ *Cf* Chayanov, Brenner, Fridén.

only concur: the very words may be quite interchangeable at times¹⁰⁰. Still: the difference between rent as an *individually*, and tax as a *collectively extracted surplus*¹⁰¹, carried formative significance within the Swedish class/estate configuration.

The 'two-sector' model whereby peasants *either* paid tax¹⁰² to a state dominated by the aristocracy, *or* rent to the individual noblemen, ensured a balance between the individual reproduction of the separate aristocratic families, and the collective reproduction of the state that guaranteed their noble status and supplied them with office and salary. I will argue that this particular institutional solution is the result of and precondition for the 'pendulum swing' or 'oscillation' between absolutism and oligarchy emphasized by Roberts and Anderson, and that the roots of what Englund has termed a 'historic compromise' between royal power and aristocracy are to be found in the path of 'parallel centralization' whereby alternating monarchic *and* aristocratic regimes built a strong state structure 'from two directions'. As I will argue, in Sweden the power struggle between aristocracy and the 'new monarchy' (late medieval proto-absolutism) did not take the form of a struggle between royal centralization and aristocratic decentralization. *Both sides helped to build a strong centralized state, and their struggle concerned: on whose terms was the strong state to be built?*

The two-sector model required a balance between the sectors, and therefore also a rough balance between the demands made on different peasants. As there was no restriction on mobility between tenures, burdens had to be calibrated to avoid a labour shortage in either sector, and thus the conditions of the *frälsebönder* had to – roughly – mirror those in the state sector¹⁰³.

Modern economic or feudal dynamics?

What we might call the Herlitz-Gadd-Winberg model¹⁰⁴ of the transformation of Swedish peasants into proprietors is ultimately based upon Herlitz' (1974) discovery of rising prices on tax-land

¹⁰⁰ As in the formulation that 'a peasant may not tax a peasant' in the prohibition of subtenancy. Furthermore, in the cadastral land registers the heading 'annual rent' includes freeholders' tax as well as the rents accruing to the Crown.

¹⁰¹ The contrast between tax and rent is discussed in these terms in Brenner 1986.

¹⁰² Or, on Crown domain, rent.

¹⁰³ For instance, Revera 1984 considers the stabilization of tax and Crown rent pressure around 1650 to have been paralleled within the exempt sector.

¹⁰⁴ As Winberg 1990 is the most explicit statement of the 'peasants into proprietors' thesis, synthesizing the findings described below, I put his name last.

relative to noble land during the Age of Liberty¹⁰⁵. In his analysis, a stagnating nominal rent, inflation, and the institutional safeguarding of property rights, combined to create incentives for productive investment. That the tax-land peasants had acted on these incentives was indicated by the rising land prices, by rising production (Gadd 1983), and by the growing inequality between tax-land and exempt land tenants (Winberg 1975), ultimately leading to the disintegration of the peasantry, who were polarized¹⁰⁶ into a class of proprietors (*hemmansägare* – ‘homestead owners’) and a growing landless proletariat.

To evaluate this development, and compare it to other dynamic transformations in Europe (and elsewhere), obviously requires a focus on class (differential access to productive factors) as well as on Estate (differential institutional constraints), on property relations as well as on property rights.

If Hilton and Anderson are right about feudal dynamics, a rising rent pressure will tend to stimulate productivity as long as it is not destructively high, while North (postulating universal economic dynamics rather than system-specific) would expect a rising productivity to be the more or less automatic consequence of secure property rights. As a *slackening* tax/rent pressure is an important component of the Herlitz dynamic, *it conforms to North’s model rather than to Hilton’s*. This is *either* an argument for universal-ist or liberal or formalist viewpoints as against particularist or Marxist or substantivist ones, *or* a symptom that modern dynamics were already in effect within the economic life of 18th century Sweden. As I will argue in the next section, there is evidence for both of these kinds of dynamics within the economy of 16th-17th century Sweden.

A shift of dynamics

In Myrdal/Söderberg’s study of Swedish agrarian development during the ‘long 16th century’, they paint a picture of rising peasant living standards at least before Swedish entry into the thirty-years war, but contradictory tendencies with respect to peasant inequality. As this takes place during a period of growing state demands, it would seem to indicate ‘feudal’ dynamics. My own investigation of this period corroborates the rise in living standards but suggests a more

¹⁰⁵ During forty years of inflation, tax-land prices in the investigated area rose more than twice as fast as those on exempt land.

¹⁰⁶ Polarized in the aspect of property rights, but therefore not necessarily in the aspect of wealth. The survival of small-scale ownership remained an important feature of Sweden’s social configuration.

general tendency towards homogenization among the peasantry¹⁰⁷ (though varying in strength).

For the subsequent period, I found indications that another rise must have occurred somewhere between the eve of the permanent war period and its final years. Maybe most surprisingly, it shows that the category of peasants who could best reap the benefits of this growth varied between different parts of Sweden. In one of my cases, freeholding tax peasants, in another tenants on Crown land, and in the third: tenants on tax-exempt (noble-owned) land. Thus we may suspect that the feudal dynamics effect may have been more or less independent of the *nature* of tenure (although it presupposed a reasonable *security* of tenure).

It was not yet the case that tax peasants had an advantage in achieving economic growth, and neither – despite a widespread opinion among historians, based on deficient calculations (see chapter 2) – had they yet become a wealthier stratum of the peasantry.

Somewhere along the road from the second growth period, (which occurred somewhere between 1640 and 1713), and the rise of freehold value 1730-1770, conditions have changed, and another kind of dynamic takes over. If this is a correct interpretation of the data, the earlier discussion of Herlitz can already be reformulated. It is no longer a question of choosing between Hilton's dynamics and North's.

The new question must be: *when and how do the dynamics of modern economic growth replace the feudal dynamics of rent-struggle?*

With respect to the later disintegration of the peasantry, I would connect this change to the recomposition of the Peasant Estate. Originally, also the tenants on tax-exempt (noble-owned) land had been represented in the Diet's Peasant Estate (see below, page 79ff) – despite the persistent dissemination of the misconception that the Estate only represented the tax and Crown peasants – but their number seems to have been decreasing over time, and in the earliest Statutes of the Peasant Estate (1723), the constituency was delimited to tax and Crown peasants. The Nobility's long campaign for the right to represent 'their own peasants' had finally won out.

Given the lack of internal documents from the earlier period, it is probably impossible to find conclusive evidence, but there had been an increasing degree of cooperation between the non-noble Estates,

¹⁰⁷ Thus conforming to Isacson's analysis rather than Österberg's (see chapter 2).

at least since the ‘strife of the Estates’ in 1650, where the Clergy, the Burghers and the Peasantry united around a formal programme emphasizing equal career opportunities and peasant property rights, opposing the alienation of Crown and tax land, and the formal closure of the Noble Estate. To me, this suggests an alliance between external political interest and the separate group interests of the tax peasants (or some of them).

‘Careerists’ and the front of Commoners

North and his different co-writers postulate the existence of individuals free to act on the ‘improved’ incentives of better specified property rights *etc.* To do this – in the English case, at least – is to presuppose a somewhat undifferentiated middle class as the norm. The necessary foundation for even being able to envision such a category in an early-modern European society, is the existence of a broad common ground of commercial involvement, uniting burghers, improving landowners as well as absentee rentier ones, substantial husbandmen, commercial farmers and emerging middle classes in a shared appreciation of gainful pursuits. This specific feature of the English situation: that something resembling a capitalist mentality can be found among at least a fraction of every social stratum but the lowest, seems to make the utility-maximizing *homo oeconomicus* an admissible and not too unrealistic a postulate. Persons not acting in the presupposed manner can then be explained away as conservative, narrow-minded or duped. A non-simplistic analysis, however, must take conflicting rationalities into account. Ekelund-Tollison’s *Mercantilism as a Rent-seeking Society*, offers a more complex picture, where it should be possible to also integrate the factors emphasized by Robert Brenner.¹⁰⁸

In early-modern Sweden, the fast growth of the state apparatus, the military personnel, and the new diplomatic and commercial entanglements appearing along the road to great power status is constantly producing mobile strata of persons of changing or uncertain Estate. A growing residual of this category is to find no place in the Estate system, and will later be subsumed under the awkward heading ‘non-noble persons of standing’. From early on, however, ‘careerists’, people seeking to better, retain or regain their

¹⁰⁸ Property rights as property relations, the constant reproduction and resilience of the feudal social system. Differential strength of conflicting class interests and their collective expressions *etc.* That North despite his routine adherence to methodic individualism sometimes falls back on class explanations I have shown in 1996:107.

native station in life, are in evidence. Not only when they succeed¹⁰⁹: attain a learned degree, enter a profession, receive employment in the service of the state or of a private magnate, move up through the ranks of a growing military hierarchy in constant need of replacements *etc.* However, the actions of careerists *before* they succeeded, or even: whether they ever succeeded or not, is a hidden and therefore neglected aspect of the social forces in play during this period.

Common causes – careerists and their allies

In the Swedish case, I think that the really important aspect is that large parts of the various careerist strata had important points of common interest with groups represented within the Estate system, which allowed members of these strata to form a pressure group for such interests, pushing for reforms in the fields of secure property rights and equal opportunity. Possible alliance partners could be found in each of the Estates:

- the *clergy* were in their ordinary lines of duty largely a part of the state machinery, registering the population, taking a prominent part in the processes of tax assessment¹¹⁰ as well as conscription, disseminating state propaganda as a regular item in church services *etc.* In their capacity as farmers of the vicarage, the parsons usually ranked among the very richest husbandmen of the parish. As they usually had very large families, and – on an average – at the most¹¹¹ one of the sons could be expected to find employment as a parish priest, they would have a strong and obvious interest both in open career possibilities within the state apparatus, and in unrestricted possibilities of land acquisition. Thus, almost

¹⁰⁹ Such permanent changes of status have been charted by the pioneering studies of Sten Carlsson (1962) and Tom Söderberg, followed by an impressive number of recent monographs on different new categories: *krigsbefäl* – non-noble officers (Artéus 1986 and Nilsson 1989), secretaries (Svalenius), law students (Gaunt 1975), administrators (Norrhem 1994), and bailiffs (Hallenberg 2001). The category of courtiers (Persson 1999) may appear to fall outside this picture, but it certainly belongs to the context of status change.

¹¹⁰ The unrivalled insight into actual property conditions which they acquired in the process of exacting the tithe (2/3 of which went directly into state revenue) made them invaluable to the state especially in the assessments for property taxes (see chapter 2).

¹¹¹ The constant inflow of new entrants from a burgher or peasant background meant a steadily hardening competition.

every clergyman would have to be something of a hidden 'careerist on behalf of his children', whether or not he may have nursed any career ambitions for his own sake;

- the *burghers*, besides having an obvious interest in secure property rights, and in the possibility of land investment, also contained a small but influential faction of 'city bureaucracies' – the nearest equivalent within the Estate system of the careerist stratum, possibly excepting...
- *arrivist noblemen*, who might hold on to their former values and solidarities in the face of exclusionary policies and open disdain from the established aristocracy (*Cf* Lövgren 1915:72f);
- among the *peasantry*, the property rights interest of tax-peasants would be one of the few obviously legitimate group interests possible to express within the Estates structure.

Therefore an alliance based upon the defence of tax-land property rights became the natural foundation of a sort of 'Commoner Front', defining noble privilege as their target, and using the controversy over enfeoffed rents and taxes to merge the issues.

The present consensus on the *skattefrälse* issue – the question of to what extent the grants of royal tax incomes from specified homesteads to noblemen that the Crown wanted to reward did constitute a threat to peasant freedom, as argued by an earlier generation of historians – appears to be that the institutions of the Swedish judicial system seems to have been able and willing to protect peasant property rights¹¹². That this protection *only extended to tax peasants*¹¹³, must surely be one of the most important factors behind the eventual disintegration of the peasantry as a cohesive class, but the influence of allies with a strong interest in the possibility of investing in tax land property would have worked in the same direction. The obvious place to begin an analysis of converging and conflicting Estate interests should be the hitherto almost

¹¹² Ernby 1975, Revera 1984, and, making some reservations, Winberg 1990.

¹¹³ Also to Crown peasants in so far as they had functions in the maintenance system for military resources (the so-called '*tidiga indelningsverket*'). *Kronobönder* whose land was donated or sold to noblemen became ordinary *frälsebönder* with no special privileges, though. After the Great Reduction (see Ågren 1973) most of the Crown peasants became involved with the Allotment system (*indelningsverket* in the strict sense) guaranteeing the upkeep of officers, officials, and soldiers.

neglected document uniting the three Commoner Estates around a series of specific demands.

The programme of the Commoners

This 'protestation', as it came to be known, is actually the first attempt by the parliamentary representatives to take the political initiative. Roberts considers it a 'flash in the pan', a 'missed opportunity' (Roberts 1962), but he saw it too much in the light of British constitutional history, where the aristocracy should have been the heroes. That aristocratic constitutionalism was the dynamic force in the development of political representation was an axiom also to Fredrik Lagerroth and Erik Lönnroth, and the counterpoint to their influential perspective was always the traditional Dalin-Geijer notion of an alliance between King and Commonalty (*cf* Hessler 1943). My alternative is to emphasize the 'pendulum swings' and the two-sided development of Swedish political 'Voice':

A. The singular *breadth of representation* in Sweden owes much to the royal need for counterweights to the aristocratic opposition,

but this aspect was balanced, with sufficient frequency, by

B. constitutional checks against royal autocracy, explicitly including the very early formation of a state apparatus approximating a bureaucracy in the Weberian sense (Therborn 1989, Nilsson 1990).

This specific combination of contrasting developments is in my view the explanation for the peculiarities of the Swedish road to political representation: neither an autocratic populism nor an oligarchic constitutionalism but an uneven combination with dynamic possibilities for the future. To what extent these possibilities were realized, and how much that today remains of the imprints left by this particular trajectory, are questions that should be raised in another context.

However, in the case of 1650 constitutional arguments came from unexpected directions, and the support the Commoner Estates believed that the Queen was prepared to give them, encouraged an unprecedented attack on the very society of privileges.

Parliamentary models – Sweden and England compared

If we compare the English Parliament and the Swedish Diet, the House of Commons corresponds to the Estates of Burghers and Peasants. Like the English lower chamber they derived out of communal representation. The *House of Comunes* (Roskell 1992) originally signified an assembly of *communities*, not of ‘common’ people: the counties elected their ‘Knights of the Shire’, while the boroughs elected representatives through a wide spectrum of local constitutions, varying from patriarchal designation to relatively broad franchises. In a similar way summonses for representatives from the towns and the hundreds eventually led to institutionalized chambers for burghers and peasants in Sweden¹¹⁴.

The Nobility in the House of Knights (*Riddarhuset*) were no elected representatives, though. The head of every noble family was expected to attend, and in this way it of course corresponds to the House of Lords, or the old assemblies of ‘Men of the Realm’ (*herredagar* or ‘Meetings of the Lords’); they were the persons who had an individual voice in the realm, who were not expected to speak for others.

The Swedish Estate of the Clergy was a strangely mixed case, with two contrasting factions: the Bishops were of course comparable to the Lords spiritual in the English upper chamber, even if they had lost much of their medieval status; still they had individual membership as a matter of course and may be taken to represent their office rather than any ‘constituency’. The parochial clergymen, though, were elected by parsons and vicars, and were at least partly a sort of community representatives. When the discussions leading up to the formulation of the protestation first got under way, the parish clergy had kept the bishops outside, and convened secretly with the burgher and peasant representatives (Lövgren 1915), but by the time it had come to formal negotiations, many of the bishops were active and prominent spokesmen for the common cause.

¹¹⁴ The Swedish peasants however, elected representatives among themselves, and – in the beginning! - had no franchise delimitation that we know of apart from being landholding heads of households, while the English peasant had to be a freeholder, and to have land yielding at least 40 shillings per year, in order to take part in the election of a *Knight*, supposed to represent the whole county. This would seem to be a contrast sharp enough to invalidate the similarities, except in the aspect where we contrast the representatives of communities to the magnates representing only themselves.

The Protestation of the Commoner Estates – content and preliminary analysis

Surprisingly, the only printed version of this document can be found in a rare 17th century collection of sources relevant to the political discussion of the time (Loenbom). In England, a text of such crucial importance in the development of political contestation would have elicited a long series of comments and analyses through the ages, but in Sweden only a few historians (Lövgren 1915, Wittrock 1953, Englund 1993)¹¹⁵ have discussed it at all – apart from the demand for a reduction of Crown estate – and no one in detail. Originally I had planned to reprint the protestation as a supplement with an English translation, but I have decided to postpone that project in order to make a careful enough translation with a sufficiently detailed commentary.

For the moment, I will only list my interpretations of the twelve demands.

Demands in the protestation: interpretation and discussion

1. Only revocable grants should be made, and allotted to the maintenance of specified offices, (like in the future *Indelningsverk* of Charles XI.).
2. Royal inquiry courts should be held regularly, to ensure constant supervision of the administration, and the permanent possibility to appeal from lower courts.
3. The closure of the Noble Estate is opposed through the demand for a return to the early medieval system of tying tax exemption directly to horseman service, and for a resuscitation of the Land Law's principle of open access to this privilege.
4. The state should mortgage its land to raise money, not sell or donate it, and on tax land the peasant shall have priority to do so.
5. The principle of office and promotion by merit, not by privilege of birth, is clearly stated.
6. Tax-land property rights, including pre-emptive rights for relatives, are to be upheld.
7. Restoration of the public function and local connection of the offices of hundred sheriff (*häradshövding*) and lawspeaker.

¹¹⁵ Internationally, we would have to add Roberts 1962.

8. Demand for equality before the law and against noblemen protecting their servants.
9. Abolition of private courts and punishments.
10. Resumption of Crown property.
11. Protection against encroachments on the property rights of absent owners and under-age heirs.
12. (a) That the cost of peasant representation should be shared by the *frälsebönder*.
(b) Rights of free speech in the Diet without threats or intimidation.

In the discussions of this protestation, the only points generally emphasized have been those demanding a reduction: **1** and **10**. These are general demands for solving the fiscal crisis at the expense of the higher nobility, and reflect the interests of a vast majority of the population, as can be seen when it is actually carried through 30 years later¹¹⁶.

Point **4** is a proposal for an economic alternative to the dead end of selling and donating Crown land and taxation rights. I will discuss the implications of it, and possible underlying interests below.

Better protection of property rights is demanded under points **6** and **11**.

The restoration of law and order *and*, more radically, equal rights before the law are emphasized in points **2**, **7**, **8**. Point **9** may be said to fall into the same category, but it goes a step further in that it attacks a prerogative of the very highest aristocracy, and is formulated as a direct accusation (torture is explicitly mentioned).

Point **3** is maybe the most unexpected one, but it has received hardly any attention at all. Though it may sound totally anachronistic, the Land Law's provision was still formally valid, and half a century earlier, Charles IX had been contemplating a formal renewal of it¹¹⁷.

In the clause about tax land purchase, nr **6**, the rights of the tax-peasants are *not* emphasized, as in nr **4**, but instead equal

¹¹⁶ A beginning was made under Charles X Gustavus, only five years after this Diet. Christina's skilful manipulation of the Diet, where she appeared to actively encourage the Commoner's protests, was designed to enforce the acceptance of her cousin Charles as heir to the throne. This does not have to be interpreted as hypocrisy, though, as she could hardly take back the extensive donations which she herself had had to make in order to solve the costs of war and of demobilization after the Westphalian peace. (S A Nilsson 1990:286ff). A new King would have the right to resume earlier donations, though, which should have been an important factor behind her abdication (*cf* Munthe 1971 and Nyström 1994 about the economic motives for abdication).

¹¹⁷ HSH 2:1. *Lagförslag i kung Carl den niondes tid*.

opportunity to buy tax land, only preserving the priority of close-of-kin purchase. This defense of tax-land property rights is not only in the interest of tax-peasants, but also very much of the coalition partners in the Burgher and Clergy Estates. Is it a step towards the marginalization of the *frälsebönder*? Not yet, I think, as the opportunity to acquire tax land should be very important to them as well.

According to Lövgren (1915:146) number **12(a)** was the only demand that was met by the Queen, and the only positive results for the commoners apart from this, were

- I. that the speaker in the Hose of Knights had to sign a formal obligation on the behalf of his Estate, not to mistreat the peasants,
- II. a declaration was given concerning the word *vanbördig* (baseborn), which had been interpreted as showing contempt for commoners.
- III. improved privileges for the clergy were granted.

Nr **4** can be interpreted as protection against the encroachment on tax-land property rights, but despite the formulation giving the tax-peasant priority in raising mortgage money on his land, other interests are certainly involved. First, we must define what this kind of mortgage would entail, and what 'lien' (*panträtt* – explicitly mentioned in the demand) the mortgagee would enjoy after advancing money to the Crown on his own farm. We *could* interpret this as just a sign that tax-peasants would be prepared to 'lend' money to the state to 'insure' their land against the risk of falling under farmed-out taxation rights. In that case, the 'lien' becomes no more than a guarantee against further encroachment, which *might* be attractive enough under the conditions at the moment. However, another explanation seems much more likely if the word 'lien' (*panträtt*) is to carry any material sense, capable of attracting other presumptive moneylenders. If we interpret the clause within the doctrine of two-level ownership which is already implicit in the institute of *skattevrak*¹¹⁸, and forms the basis for the entire *skattefrälse* construction, it would be *the right to tax the peasant* which the Crown could mortgage, instead of donating it to noblemen. The doctrine in question had in general been opposed by the peasantry and the intellectual defenders of their property rights (*cf* Ehrensteen), but it makes the suggestion in clause **4** perfectly logical: if the tax-peasant

¹¹⁸ That a *skattebonde* defaulting on his taxes for three years lost his freehold, and instead became a tenant of the Crown (Dovring 1951).

advances money against the Crown's right of taxation, this would give him tax exemption until the mortgage is redeemed and he is paid back, and he could thus enjoy the equivalent of noble tax-exemption through a purely financial investment.

Would this proposal really be in the interest of the tax-peasant?

Firstly, it would be to give up the traditional peasant position on property rights as indivisible and tied to public rights and duties, while the projected gains from this exemption would probably be totally illusory. The next time the Crown needed money, what would prevent it from simply inventing new forms of taxation?

Secondly, we do not know how many peasants that would be able to afford this investment, and who might be willing to spend their money on such an immaterial right¹¹⁹.

Thirdly, what would happen to someone who did not advance the required money himself? In that case someone else might be prepared to do it, on the speculation that he might default on the taxes and become *skattevrak*. A nobleman, just as in the *skattefrälse* case, or a burgher, or a clergyman. Or a 'commoner of standing' (*ofrälse ståndsperson*), one of the members of the nebulous new middle strata finding no place in the Estate system.

If these investors did not speculate in his possible loss of property rights, they would have made some other rational calculus and found a way to make it pay. Either way, the peasant would have to pay his tax to someone who had a very strong motivation for showing no leniency, while he would have lost the comfort and security of belonging to a community of tax-payers.

The concerns of *frälsebönder* are not in obvious evidence here. The chance of acquiring *skatte* land is, as I pointed out above, in their interest, but a situation where more people, possessing more ready money, would be competing for the few available homesteads, would certainly not be in *their* interest.

¹¹⁹ That many Crown peasants did invest in birth rights and tax rights, may be an argument for the opposite contention, but in those cases it was the very concrete lack of safe possession which motivated the buyers.

The importance of external interest

All in all, I consider this list to show a strong external interest in tax-right conditions, partly under the guise of protecting the tax-peasant. Clause 3 does not sound like a peasant interest, but a peasant horseman getting a partial reduction of tax on his homestead for his cavalry service, might well balk at the injustice of a neighbouring nobleman enjoying an inheritable privilege of tax-exemption on all of his land in return for a similar service. This might reflect a common concern of *ryttarbönder* and careerists, but the attack on the closure of the noble Estate perhaps carried a more symbolic significance as well. It was *a protest against the Estate system as such*: only the Nobility stood to gain when walls were built on top of the social demarcations and were made ever more difficult to climb over.

The peasant Estate as an ally – but of whom?

Johan Holm's two articles (so far; Holm 2002, 2003) about the early history of the Peasant Estate mark an important advance on earlier research in this field. Not only does he analyze the options open to the peasant representatives but he consistently treats them as active subjects. This is very important, and while I will argue that interaction with the other commoner Estates has to be brought back into the discussion, I in no way wish to return to the tradition of writing about the peasants as puppets manipulated by other interests.

Holm does not address the question of the *frälsebönder* (tenants on exempt land) as he is not aware of their presence in the Estate¹²⁰, and as his discussion of possible alliances in the Diet only considers three actors: the King, the Nobility, and the Peasantry, his otherwise sharp and detailed discussion remains blinkered to a large part of the political landscape. An imagined alliance with the Nobility against the burden of state taxation is discussed by Holm as the possible alternative to the 'alliance' with the Crown depicted in his article. However, the realism of such an imagined alliance is highly doubtful, especially if we consider the fact that the peasant representatives at

¹²⁰ Even more disconcerting is his oblivion to their existence at all. Even if the *frälsebönder* had not been represented, the relation between them and their neighbours and partners in local self-administration should have been as important to discuss.

this time still included *frälsebönder*. The ‘hard supplication’¹²¹ in the name of the Commonalty, which was found outside the Chamber of the Treasury, as mentioned in the article (p 44), did not only contain a demand for resumption of Crown and Tax land (a *reduktion*), but a whole series of demands partly foreshadowing those formulated by the three Commoner Estates at the Diet of 1650 – the year of the famous ‘Strife of the Estates’.

In contrast to the protestation, the ‘hard supplication’ does not contain any demands that are not directly related to the peasants’ situation, but several of these primarily economic demands are explicitly mentioned as being in the common interest of peasants and burghers:

- tax farmers ‘ruin all of the commonalty and the cities of the Realm’ (item 1)
- city tolls are unbearable (*odrägeligh*) to the ‘cities, burghers and peasants’ and dangerous (*wådeligit*) to the country (item 5)
- item 11 does not list any specific grievance, but is an open attack on the Nobility, which ‘seeks to make the peasant into a servile (*liffegen*) thrall ... and the burghers into peasants’.

Through refusing to consider other possible partners Holm neglects the prehistory of the only indubitable *alliance* entered into before the Age of Liberty. However, his description of the active role taken by the peasant representatives in discussions and negotiations is an important step forward compared to the traditional depiction of the Peasant Estate as constantly manipulated by other interests¹²².

Even if ‘alliance’ may be too strong a word for the relation between the King and the peasantry¹²³, Holm has made it even more clear that it was not just a case of passive submission to an idealized father-figure *à la* ‘the good Czar’; *the bargaining process was for real*, but so was also the bargaining process taking place between the Commoner Estates. The pattern of political negotiation had become a general

¹²¹ This is the description under which it is registered in the *Riksdagsacta* series at *Riksarkivet*.

¹²² In this respect Bäck’s (###) study of peasant politics during the Age of Freedom is the most important precedent.

¹²³ Protection-selling seems to me as a better description of the relationship between king and peasants (*cf* Glete 2002). The ‘Commoner Front’, on the other hand, was indubitably a case of *alliance* in the true sense of the word. The Clergy and the Burghers were neither offering nor seeking protection; they wanted support for mutual causes, and were prepared to bargain about the separate ones.

phenomenon, and would hereafter be an inescapable aspect of every regime but one: that of Charles XII.

King Charles, however, through suppressing *all* of the Estates, created a sort of balance between the up to that point very unequal Houses in the Diet (Karlsson 1994), and when the pendulum swung again, aristocratic leadership was no longer automatically accepted. The Age of Freedom is therefore not a simple antithesis of the absolutist phase, like in the earlier swings, but a true synthesis: *an age of negotiation*.

On the threshold of the Triple Miracle

By the end of the Imperial Age, Sweden is on the verge of establishing political voice for a large part of its population, despite having “sacrificed” the representation of tenants on noble-owned land.

Economic growth enforced by a rising rent- and tax-pressure (‘feudal dynamics’) is about to be replaced by growth based on market incentives and secure property rights (‘modern economic growth’ in Kuznets’ sense, *i e* capitalist dynamics).

The period of Conquest had reached its first peak seventy years earlier at the Westphalian peace conference, where Sweden, France, and the Netherlands emerge as the victorious regimes at the final settlement of 1648. Only two years after this the Strife of the Estates takes place, and noble privilege is challenged by a broad coalition of clergymen, burghers, and peasants. Though almost nothing seemed to have been achieved by all this turbulence (Roberts 1962), political debate had been established as an acknowledged fact of life, and the tax/rent pressure was prudently stabilized. In 1655 a first attempt at a reduction – albeit limited – was made, and three years later the final climax of the Swedish conquest was attained, when the Empire reached its widest extent.

The stagnating rent level does not in itself lead to capitalist growth, but it would seem to be a precondition at least for the establishment of “Herlitzian” growth¹²⁴. Another precondition is secure property rights, which are demanded by the protestation in 1650 and – in the main – *de facto* recognized by courts in the following period. This is a mutual interest of tax peasants, other peasants saving up to buy tax land, and the ‘external interest’ of burghers, clergymen and *ofrälse ståndspersoner* (‘Commoner gentlemen’ outside the Estate system), seeking an outlet for capital investment in land. Another crucial threshold is crossed during the ‘contributions’ of 1713-16, when the tax-assessment commissions reduced tax-land and exempt-land ownership to a common denominator through assessing them in monetary evaluations possible to add up and subdivide as a lump sum according to the contribution quotient¹²⁵.

If we evaluate this as possible evidence for the relationship between the three ‘European Miracles’ of Conquest, Growth and Voice (Emilsson 1996), it would seem that the mechanisms of Conquest predated the processes of Voice and Growth which appear more or less simultaneously. However, the interaction is entwined in a tighter way all along: constant negotiations with the peasantry for the means of warfare (men and money) is a precondition for Swedish Conquest and leads to parliamentary representation and a complementary ‘horizontal’ negotiation with the other Commoner Estates. The ‘historic compromise’ (Englund) between Crown and Nobility – another precondition for military expansionism – leads to a sharpening conflict between the Estates over the unfair distribution of the costs and benefits of Great Power politics, and together all these developments coalesce into the Strife of the Estates. At the same time the hardening tax pressure – resulting from the warfare – may have stimulated productivity (according to the Hilton model) which could then be transformed into a higher production when the tax burden lightened, and when peace and social strife put an end to rising surplus exaction, an economic growth very difficult to analyze seems to have begun.

¹²⁴ In my interpretation: growth made possible through an inflationary redistribution to the advantage of the tax-peasants, and the institutional safeguarding of their property rights, combining to make a higher rate of agricultural reinvestment possible, profitable, and reasonably safe (Herlitz 1976, see page 56 ff).

¹²⁵ In the cases of individuals owning both kinds of land, as the foundry owner, the Mayor and the Captain in the assessment of Gladhammar 1714 (see below, page 112).

- It could have been a delayed effect of Hiltonian dynamics, as I suggest above¹²⁶.
- It might, on the other hand, have marked the beginning of the “Herlitzian” phase, as stagnating tax/rent and better *de facto* protection of property rights were already at hand.
- As the period of recurrent warfare was in no way exhausted, a new Hiltonian phase might have occurred at some point before 1713.

The wide margins of 1640 and 1713 make it very difficult to pinpoint the growth period¹²⁷, so we are stuck with a transitional period running from 1640 to 1730. During this period the transformative effect of Conquest is played out, and the social reconfigurations making the tax peasant a political ally of burghers and clergymen, and his land a secure object for profitable investment (for himself or for commercial investors) have in the main been completed.

¹²⁶ Nilsson’s argument on the gains from peace could be interpreted in this way.

¹²⁷ No property taxes are exacted between these dates, and – at the moment – I can think of no other obvious indicators available.

CHAPTER II

SOCIAL STRUCTURE IN IMPERIAL SWEDEN – THE PEASANTRY

Some of the findings in this article were presented to the Gustavus Adolphus Academy in 1999, and an earlier version of the full article was presented to the Swedish Economic History Meeting in Gothenburg, 19-21 October 2001¹²⁸.

The questions addressed in this paper are:

- *The economic and political factors subdividing the Swedish peasantry during the Imperial Age*
- *If the contrasts between rich and poor peasants increased or decreased.*
- *How important the differences between peasants holding land of diverse nature were in these aspects, and in what ways they differed.*
- *Trends of general growth or decline as reflected in peasant wealth.*
- *How these trends might diverge according to region and land nature.*

These problematics are explored through the reconsideration of earlier research and through a more differentiated analysis of the fiscal source material. An attempt is also made to connect analyses of the early Imperial Age to the late Caroline period through linking different kinds of property taxations.

PEASANTS AND PROGRESS SWEDISH AND EUROPEAN MIRACLES

As I have argued elsewhere (Emilsson 1996) the historical phenomenon referred to as ‘the Rise of the West’ or ‘the European Miracle’ – a central historical inquiry described as an ‘old question’ already by Weber – should be decomposed into three separate but

¹²⁸ That is the version cited in Söderberg-Myrdal 2002. I am obliged to Johan Söderberg for giving me access to his excerpts for the parishes of Danmark and Gladhammar, giving me the opportunity to search for the causes of certain discrepancies in our respective results.

interconnected problematics: world conquest, economic growth, and a widening public participation in the political system ('voice'). The vigorous reopening of the 'European advantage' debate from the early seventies onward has reached a partial consensus on one single point: the importance of the internal dynamics of the European states system.

Sweden's role as a founding member in the formalization of this system, and in bringing about that 'failure of Empire' which made the unique European combination of interdependence and autonomy possible, would qualify her for treatment in state-centered studies giving priority to the Miracle of Conquest¹²⁹, but a key role could be argued for the other two as well. Democracy is usually attributed either to the tortuously slow extension of the constituency underlying the Anglo-Saxon development of rule by law, or to a French-style revolution of the excluded. Starting out with a constitutionalism almost as ancient as and arguably broader based than the British¹³⁰, and having carried out the earliest experiments with parliamentary party politics, Sweden should be indispensable to any comparative discussion of the Miracle of Voice. If the earlier picture of Sweden's late but phenomenally fast transition to modern economic growth is due for revision, as it would appear (Schön 1982 and later), the effect will be to push the starting point backwards in time, thus emphasizing internal causes more than external and the parallelity to the English development more than the contrast. In either case Sweden remains a crucial example within the Miracle of Growth¹³¹.

What has all this got to do with peasants? That is just the question – a central role for a country with such weak cities, and so narrow an aristocracy, will force us to reconsider the role of peasants. The traditional depiction of peasantries as inert 'grey masses' should – hopefully – have gone out of fashion in every respectable context (*cf* Jonsson *et al*), but just to acknowledge agency from the same grey

¹²⁹ Ironically, this important role in developing the military superiority required to subjugate those parts of the world which did not lack horses, wheels and firearms (Roberts 1955, Parker 1988, Glete 2002), hardly lead to any active participation in this subjugation. On the contrary, Sweden, which appeared to have been one of the most thoroughly militarized early-modern states, reorganized the maintenance of its army in such a fashion that peace would ultimately become a more profitable option even for officers (Artéus 1982).

¹³⁰ Certainly with a much wider constituency before the 19th century parliamentary reforms. Implicit notions of constitutional principles might also be inferred from standard expressions used in *allmogens besvär* ('Grievances of the Commonalty'), 'We ask to remain by the Land Law and the Cadaster' *etc.*

¹³¹ The details of all these arguments are set forth in Emilsson 1996, *passim*, including full references.

mass will not get us very far. We have to learn to distinguish many different shades of grey, or rather, to discern different colours even outside the spotlight illuminating the activities of privileged minorities. The peasantry appears differently subdivided in the light of each of the key processes connecting them to the Swedish submiracles:

1. The central role played by Swedish peasants in providing soldiers for the 'military revolution' of Gustavus Adolphus undermined the chivalric definition of nobility¹³² and opened career paths - quite narrow, for sure, but factual nonetheless - that prevented the still barely delimited Estate order from fully congealing into something approaching a caste system.
2. The political emancipation of the peasantry is closely connected to their role in the institutionalized bargaining processes for men and money, in which the Crown had to continuously engage¹³³.
3. The development of peasant property rights, which would eventually turn the nature of *skatterätt* ('tax land right') into the standard format of land owning in Sweden¹³⁴, paved the way for the fast growth of population and agricultural production beginning (at least) from the middle 18th century (Winberg 1990 and the studies cited there).

Long before the Great Reduction and the Allotment system (*indelningsverket*) reorganized the maintenance of the military and administrative systems, various forms of tax reduction for military service had been experimented with, thus creating new forms of

¹³² The memory of the original *raison d'être* of the nobility – the obligation to provide armed horsemen instead of paying taxes – was kept alive by its inclusion in the Land Law formally valid until 1734 and by the periodical mustering of noble-led troupes, where a demonstrated inability to produce the required number of horsemen and equipment could lead to loss of noble status (Forssell 1869-75, Jägersköld 1945, Nilsson 1947, Samuelson 1993).

¹³³ Cf North's argument, making the survival of late medieval political bargaining the crucial precondition for an institutional development favourable for the emergence of modern economic growth (see references in Emilsson 1996:45ff). In Sweden two parallel bargaining processes were more or less continuously being carried out with the nobility on the one hand, and the peasantry on the other.

¹³⁴ In much the same way as the nature of free and common socage in fee simple has become the only form of land ownership according to English law (Cf Campbell 1960: 112). Grand serjeanty, which is the only other form of tenure beside leasehold which has not been abolished, can hardly be considered as *ownership*.

division among the peasantry¹³⁵ at the same time as the lower levels of the old gentry – based on tax exemption for cavalry service – were excluded during the constitution of the Nobility as a closed corporation. These divisions were independent from – or rather intersecting with – the divisions classifying peasants according to the nature of their tenures: whether they held in freehold, on Crown land, on noble land, or in any of the various ecclesiastical tenures. After the reformation the latter were gradually assimilated into *krono* – Crown tenure – together with other special categories, and eventually a three-tenure system emerged: *skattebönder*, *kronobönder* and *frälsebönder*; on freehold, Crown and exempt (noble) land respectively. The seductive simplicity of this tripartite system is quite misleading for the 16th and 17th centuries, when there was still a wide range of local variety – especially concerning forms of customary tenure. Neither does the difference in social and economic dynamics between land owing rent to institutions (universities, hospitals or monasteries), to private persons, or to individuals as office-holders (prebendal tenures, early forms of allotments or assignments *etc*), coincide with the categories of the cameral three-title system.

The different varieties of customary tenants were in some cases denoted by the manner of fixing their dues: *sämjebönder* ('agreement peasants') or *stadgebönder* ('statute peasants'), and in others by the type of colonization: *stubbebönder* ('stub peasants'), *röjselbönder* ('clearance peasants'), or *skäriebönder* ('skerry peasants') on islets. The categories of *torp* ('croft') and *nybygge* (settlement) slide into each other and were not always held separate, although crofts in principle were founded on land 'belonging' to someone, while settlements were founded on new clearances. The *allmänningssbonde* (Bergfalk 1832, Bjarne Larsson 1994) of the Land Law, living on the village or hundred common and paying his rent to the community, is presumably the predecessor of the different customary tenants. Most of these categories seem to have been more or less automatically absorbed under the title of *krono* when the tenure system was standardized around the turn of the 18th century, with the partial exception of the *sämjebönder*¹³⁶.

¹³⁵ A system of tax deduction for peasants providing cavalry service evolved during the early modern period (also for musketeers and boatswains) and was later formalized on a wider scale within the *indelningsverk* ('allotment system') where an elite of wealthy peasants – *rustbållare*, who might also belong to other estates – were given the option of investing in tax exemption through the equipment and maintenance of horsemen. (Ågren 1989, Backlund 1993).

¹³⁶ And, as I have found during my revision of the Gladhammar rolls, the *skäriebönder*.

These were a contested category, sometimes counted as *skatte*, and at other times as *krono*. Hafström (1970:118) believes that they originate in settlements on the commons, while Almquist (1964:207) considers them to be *skatte* homesteads that through special agreements were to pay fixed monetary taxes, and believes that the similarity to the taxes paid by settlements led to a conflation between the categories, and thereby eventually into assimilation with *krono*. More than a century earlier, Bergfalk (1832:17-20) had claimed that they were a separate type of tax land, and cited examples of peasants transferred from *sämja* to *skatte* when the first title disappeared. This appears to confirm their customary character, as their destiny seems to have varied according to local custom.

The wide spectrum of ecclesiastical tenures also included local varieties, like the quite important category of *St Eriks bönder* (Dahlbäck 1977, DMS) within the arch-diocese, paying their rent to the *fabrica* of the cathedral of Uppsala. To replace the tripartite system with four titles, treating all ecclesiastical holdings under the same heading – *kyrko* – may be unavoidable for statistical purposes (Forssell 1872-83, Larsson 1985), but is in some ways even more misleading and anachronistic than the three-title one¹³⁷, as the church was not an independent and collective recipient of surplus¹³⁸.

The title of *kyrko* should more correctly be reserved for tenures on parochial church land, owing rent to the parsonage. Other ecclesiastical land titles included different prebendal tenures, paying their dues to the holder of a prebend or an office (*prebendebönder*, *biskopsbönder*, *kanikbönder*, *dekanatsbönder*), tenures under monasteries (*klosterbönder*), and tenure under hospitals and other charitable institutions (*spetalsbönder*). The *akademibönder* of Uppsala University might appear to be a similar phenomenon, but their tenure originated from a 17th century grant made out of the King's patrimonial domain (*arv och eget*), which paralleled the grants of crown land to noblemen, and was therefore originally considered a form of *frälse* tenure. As the title of *arv och eget* was subsumed under *krono* tenure during the reign of Gustavus Adolphus (*cf* the account

¹³⁷ Even before standardization, the tripartite division at least corresponds to a rough classification according to the title and destination of peasant dues: tax or rent to the crown or to noble landlords.

¹³⁸ The same thing goes for the *frälse*-owning gentry/nobility of course, but they at least formed a homologous category of individual recipients, while ecclesiastical rents accrued to office-holders, institutions, and even – in mixed cases – in part to aristocratic families (see below).

given by J A Almquist in CLS), the title became disputed and was eventually redefined into *krono* (cf Gadd 2004).

The *lagmansbönder* ('lawspeaker's peasants') in the province of Närke and in parts of Östergötland, appear to have been a sort of a secular parallel to prebendal peasants, alternatively they might have developed out of a more centralized level version of the common-peasant, paying their rent to the judiciary of the province.

Another complex in-between category was – before Reformation – tenure under altar foundations found primarily at cathedrals or monastery churches. These were prebendal tenures originating from private donations, and the terms under which they were run allowed land to be donated with partial property rights. The donor family could reserve some of the dues, *e g* fines and hospitality obligations, and only allot the regular rent to the holder of the prebend, who was usually designated by the donors. In this way noble families could put some of their land outside the reach of Kings and creditors, while still retaining it as a part of their power base. Are these prebends to be classified as church tenures, or as a form of noble tenure? Norborg (1958:99-108) concludes that they 'were treated as private property; they could be given away, inherited, and enfeoffed' (p100; my translation).

The boundaries separating landed peasants from the landless rural population are of vital importance from both an economic and a political point of view. However, there are also boundaries subdividing the *bönder* – landed peasant heads of households¹³⁹ – according to both of these perspectives.

Economically the line of division will eventually come to run between the tax-paying freeholders, on the one hand, who are considered owners of their land, and the rent-paying tenants on the other, whether they are holding Crown or noble land.

Politically, the boundaries are differently drawn: tax and Crown peasants are eventually represented in the Honourable Estate of Peasants, while peasants on noble land are supposedly represented by their landlords in the House of Knights. From the dawn of the Age of Liberty until the demise of the Four-Estate Diet (*ca* 1720-1865), these interrelations can be captured by the following table.

¹³⁹ 'Husbandmen' would be the closest translation - also etymologically (a *busbonde* is the master of a household) - if we bear in mind that the Swedish term is wider and also includes peasants who would have been considered yeomen in England.

Table 2: subdivision of Swedish peasantry ca 1720-1865

self-representation through the Estate of Peasants		patriarchal representation by landlord
skattebönder	kronobönder	frälsebönder
landowning freeholders	rentpaying tenants	

As if this was not complex enough, we should also observe that these boundaries do not appear as given at the starting point, but are drawn as the outcome of political struggles during the early modern period. The question whether *skatterätt* ('tax-land right') is to be considered a form of ownership, or just a form of hereditary Crown tenure, is hotly debated, especially around the mid-17th century, and the issue is not definitely closed until 1789 (Almqvist 1929, Bäärnhielm 1970). The electorate for peasant representation had not been formally delimited before the Diet Ordinance of 1723, when tenants on noble land were explicitly excluded, but the presence of *frälsebönder* among the deputies to the Estate all through the Imperial age, and the intermittent success for the perennial peasant demand for deputy subsidies from exempt land tenants as well as from other peasants, show this to be a recent development. Ågren (1964:8f) identified two tenants on tax-exempt (noble) land among the deputies of Uppland in the Diet of 1652. Ahnlund had already in 1933 suspected that *frälsebönder* might at times have been returned as deputies, although that would in his opinion have been 'contrary to the spirit of Estate'.

When I started out trying to identify the peasants who had signed the Diet's decision to collect an extraordinary property tax for the first Ransom of Älvsborg in 1571, I had originally expected to find an elite of substantial peasants – perhaps corresponding to those former gentrymen who had lost their tax-exempt status during the process of Estate formation. The results were surprising: not only were many of those deputies I managed to identify less affluent than the average peasant (40% in 1571) but there was also a modest but incontrovertible presence of *frälsebönder* among the deputies¹⁴⁰.

¹⁴⁰ Among the peasant deputies I have identified so far, the percentage of tenants on exempt land seems to have varied around 10-25%. (see table 3 below), dropping to 5% during the last period before exclusion.

Table 3: Deputies of the peasant Estate identified in taxation rolls. Assessed wealth (movable property only) measured by partly linkable indexes¹⁴¹ and tenure

	1571	1624	1640	1713
	number of deputies identified in taxation rolls			
	68	64	107	42
	Index (ÄL1571)			Index(JHM1713)
Average	151,8	206,7	147,2	403,4
Median	124,4	189,5	132,6	274,8
Coefficient of variation	67,9	48,0	47,3	114,5
averages for different tenures (number of cases in parenthesis)				
<i>skatte</i>	177,8 (18)	211,8 (42)	149,6 (80)	477,5 (29)
<i>krono</i>	116,3 (7)			203,3 (10)
<i>frälse</i>	131,0 (6)	180,6 (14)	163,9 (9)	329,7 (2)
percentage of <i>frälsebönder</i> (tenants of the nobility or exempt-land tenants) among those whose tenure has been identified				
	9,8%	24,6%	10,1%	4,9%
percentage of peasants below index 100:				
	40,9%	9,4%	23,4%	9,8%

Sources: FBL for the names of the representatives; tax assessments and land nature taken or inferred from ÄL1571, BL 1623, 1624, 1639, 1640 Ksl 1713, 1714 (for some of the representatives, their tax assessments for earlier or subsequent years are cited, when the rolls for the year of the respective Diet have not been preserved for their parishes). In 1713-14 all of the three sectors are easily distinguishable in the rolls, as *skatte* and *frälse* were taxed as real estate, but assessed in different ways. In 1624 and 1640, *frälse* farms can often be identified through the lower tax rate. In 1624 only 7 out of the 14 counted in the *frälse* column have been identified as *frälse* peasants by other means than the tax rate.

The peasant representatives in the early Riksdag were thus hardly an economic elite, which has often been assumed. In the later 18th century there were certain peasant representatives who built a large personal fortune, including the well-known Speakers of the Estate, Joseph Hansson and Anders Håkansson, and these examples have affected the received image of the Peasant Estate in general. Alexandersson also concludes from his detailed survey of the Peasant Estate 1760-1772, that the ‘representatives in the Diet rose above their voters in the economic aspect’ (Alexandersson 1975:40; my translation). Linde (2000), however, notes that in the beginning of the

¹⁴¹ Index(ÄL1571) refers to an average livestock assessment from the property taxation of 1571, while Index(JHM1713) refers to the full property assessment of the 1713 property taxation for an average farm in three parishes whose average livestock is equivalent to Index(ÄL1571). See Appendix for details and discussion.

same century, the Diet representatives from his area of investigation were of less than average wealth, although he makes reservations about the small number of instances.

Peasants in the social structure of Imperial Sweden

How are we to evaluate the coherence as well as the divisions within this vast majority¹⁴² of the population? In order to have any chance of understanding the dynamics of the criss-crossing lines of division separating landed from landless, proprietors from tenants, politically enfranchised from disenfranchised, we have to make ourselves a picture of the internal social and economic composition of the peasant population, and of how this structure developed over time. In the Swedish archives, we are fortunate enough to possess a huge collection of fiscal source material, and the records of property taxes spanning almost the entire Imperial Age should afford us an excellent point of departure.

The earliest large-scale registration of peasant property in Sweden can be found in the assessment rolls for the (first) Ransom for Älvsborg (*Älvsborgs lösen*) from 1571 (henceforth *ÄL*). A thorough statistical treatment of the entire material – more than 50 000 households registered within Sweden proper¹⁴³ – was published in 1872 and 1883 by the Swedish historian Hans Forssell, including detailed summations for each parish of all kinds of property listed – money, metals and livestock. Later studies have usually taken Forssell's summaries as their point of departure, apart from a number of local studies publishing more detailed figures for single provinces, hundreds or parishes.

The most ambitious present-day attempt to use the original source material in a general Swedish context is Myrdal-Söderberg's *Kontinuitetens dynamik*, where the general overview of regional variation is based on Forssell's summaries, but is also complemented by a detailed comparison between ÄL and a similar property taxation from 1599/1600 for a sample of Mid-Swedish parishes. Material from these *hjälpkattelängder* (aids rolls, here abbreviated Hsl) has also been used in Eva Österberg's study of peasant differentiation (see below) and by Söderberg in 1987.

¹⁴² 95%, according to a wide-spread estimate (Carlsson).

¹⁴³ *I e* excluding Finland, which was at the time an integral part of the kingdom of Sweden. Also excluded are, of course, those present-day provinces which at that time belonged to Denmark or Norway. *I e*: Scania, Blekinge, Halland, Bohuslän, Jämtland and Härjedalen.

The next general property taxation does not appear until 1713-1715 when Charles XII exacted a 'contribution' involving self-assessment of the tax base by each parish *in pleno* as the first step, before determining the tax rate. In this way the parishioners would have an incentive not to tolerate tax-dodging from their neighbours, as that would increase the relative burden on themselves (Herlitz 1976, Åsa Karlsson 1994, Linde 2000). The most comprehensive treatment of data from these contributions has been made by Gunnar Olander, who used the rolls for the province of Skaraborg, which appear to be more or less complete. In his study of economic conditions in Sweden during the reign of Charles XII (Olander 1946), he examines the economic subdivision of the peasantry using the wealth assessment classes devised for this taxation. Unfortunately, his focus on the lower end of the spectrum makes his aggregated figures useless for discerning wealthier peasants. Among the rolls for different parishes in the huge Skaraborg volume there are specified inventories for movable property from only three parishes (and parts of a fourth one)¹⁴⁴. In all the other cases the rolls just report the assessed value. The parishes of Jäla, Hånger and Mårby, will be used here to correlate the ÄL and Ksl (*kontributionsskattelängd*) assessments (see Appendix).

For comparisons regarding relative affluence, the ÄL and Hsl figures and the contribution assessments should be compatible enough: focusing on the *distribution* of wealth reduces the impact of differences in tax-rates and assessment criteria. We can compare the degree of inequality, or trends of differentiation or homogenization, without having to worry too much about compatibility, but if we want to measure trends of general growth or decline the question becomes more complex.

¹⁴⁴ In no other volumes among those I have consulted are there comparable lists.

The problem of measurement

To compare the nominal monetary values of different property taxations would require a reliable price index, something notoriously difficult to achieve for earlier periods of history. However, the tax assessments contain within themselves a considerable real-value component, which should be possible to use as a foundation for diachronic comparison: livestock. If we use the livestock part of the taxes to correlate assessment values, the 'livestock and seed grain rolls' (*boskaps- och utsädeslängder*, hereafter BL) of 1620-40 can be used to fill out the first half of the long time gap between 1571 and 1713.

How shall we make these figures commensurable? Transformation into 'cattle equivalents' (*nötkreatursenheter*, Ne) in conformity with the conventional usage among Swedish cultural geographers¹⁴⁵, is the most common solution, but whether conversion coefficients based on relative evaluations from the 19th century are relevant for the period 1571-1715 seems highly questionable. An alternative scale based on 17th century tax assessment rates was suggested by Hannerberg (1948; cf Lindegren 1980, Larsson 1983). However, the relative assessments for various animals are by no means consistent over the period under consideration¹⁴⁶ and we may reasonably assume that the tax assessment committees¹⁴⁷ were influenced by the relative tax rates when recording the animals under different headings.

Elementary principles of fairness should ensure that a higher difference between the rates for, say, bulls and steers, would result in more restrictive criteria for when a steer is considered a bull. A high rate for heifers while calves were exempt, would also be reasonable

¹⁴⁵ A large number of the local historical studies of Swedish agriculture have been carried out by cultural geographers, and the prevalence of the Ne scale has led even authors sceptical of its analytical value, to employ it in order to facilitate comparisons. *E.g.* Hannerberg 1948 who argued that a 19th century scale would hardly be relevant for relative prices of the 17th century. His suggestion of an alternative unit based on the relative evaluation implicit in 17th century livestock tax assessments, has been taken up by Lindegren 1980 and Larsson 1983:30n5, and is usually designated Ke (*kreatursenheter* or 'livestock units').

¹⁴⁶ 1599 the rate between goats and bulls is 1:2 in 1620 it is 3:16, in 1624 1:4, in 1627 3:37 and in 1634 it is 1:6 (which was probably the rate also in 1571, if bulls were taxed as 4-year steers, as Forssell surmises (1872:35). Hannerberg based the proposed Ke units on the 1624 rates.

¹⁴⁷ Usually consisting of the parson and the six-man parish vestry, at times augmented by local representatives of the Crown (bailiffs, constables, scribes) or of the military (Forssell 1872:7).

entail a more benevolent registration practice for miserable heifers, and so on. The complex treatment of horses in ÄL 1571 – to be assessed ‘at their value’ according to the instruction – shows that many taxation committees were prepared to go into detailed consideration of differential value. Accepting the relative evaluations inherent in these rolls would reasonably tell us more about actual differences of wealth, than if we try to ‘correct’ relative values by superimposing a standard tied to another situation and another time.

Therefore I prefer to use the original assessment sums for synchronic comparisons. In all the instances where it is possible, I have checked the sums exacted against the items in the assessment inventories. The figures are usually surprisingly accurate¹⁴⁸, but where they diverge, I have had to choose the alternative that seems most plausible – *i e* to make assumptions that downplays contrasts rather than exaggerating them. Whether I use the full property tax assessment or just the livestock component will depend on the circumstances.

The diachronic development I try to gauge through an index relating all of the taxations before 1713 to a ‘reference farm’ derived from the national average in 1571. To relate this index to the value sums in Ksl 1713, I make a comparison between the ‘reference farm’ of 1571, and an average farm in the only three parishes where livestock was separately specified in 1713. These are used for constructing another index, relating the assessed wealth of different homesteads to the wealth of the 1713 reference farm. Through linking the indexes I can make comparisons between 1571-1640 and 1713/1714 (see Appendix for details).

WEALTH AND POVERTY AMONG THE PEASANTS

Did the taxation system breed inequality?

Eva Österberg (1977) examined the distribution of wealth among peasants around 1600 in a study of expansion and regression in the province of Värmland. She noticed surprisingly large contrasts between the peasant households, and put forward the hypothesis that peasant inequality was at least in part an effect of the rigid system of taxation, where registered farms were classified into ‘whole’ or ‘half’

¹⁴⁸ Considering the absence of a numerical basis common to currency and to weight or area measures.

homesteads (*bemman*) – paying full tax or a reduced amount¹⁴⁹ – with the eventual addition of even smaller units corresponding to a quarter of a homestead (*torp*) or even an eighth (*halvt torp*). This system was of course designed to equalize the tax burden, but the difficulty of keeping this rough evaluation up to date would leave many households overburdened and others under-taxed – it is quite easy to find half- or quarter-homesteads larger than many fiscally fully burdened farms¹⁵⁰.

The problem of overtaxation was usually mitigated through temporary tax-reductions and remissions, but the under-taxed farms must have been left with relatively higher reserves of untapped surplus and thus a potential for trade and investment. In this way, the households favoured by the cadastral assessments would find themselves in a position to increase their relative advantage, and inequality among peasants will tend to increase over time as an effect of the taxation system. This is the logic of Österberg's argument, as I read it (Österberg 1977:227ff, 252f, 259f, 266f, English summary:282) where the lack of fit between the actual disparity of resources and the state's inadequate attempt to catch this disparity in a rigid matrix of binary tax rates, becomes an independent dynamic factor interacting with the more commonly discussed demographic and property rights-related tendencies¹⁵¹. For the 18th and 19th centuries, and in particular for the period of fast demographic growth around 1750-1850, an increasing inequality among the peasantry has been demonstrated in a number of local studies (*cf* the compilation in Söderberg 1987).

¹⁴⁹ The distinction between 'whole-' and 'half-peasants' appears already in the Land Law, but as a consequence of Gustav Vasa's tax reforms, it was universally applied to the registered holdings (Dovring 1951).

¹⁵⁰ Even more glaring examples can be found, *eg* the *torp* (quarter-homestead) Botorp in Grava was in 1600 assessed for a harvest twice the size of (Norra) Hershög, which was a 'full farm' in the fiscal sense, but kept less than a quarter (21%) of the livestock found on the 'quarter-farm' Botorp. (*cf* the property taxation in VrmH 1600:10:3 fol 68-77 and the cadaster in VrmH 1601:10:3 fol 25v-29). Accordingly, this 'croft' (under ecclesiastical tenure) not only paid a rent lower than the tax levied on Hershög, but was also more lightly burdened by extraordinary taxations - except property taxes.

¹⁵¹ A discussion of tax-related dynamics in terms of Schumpeter's *Crisis of the Tax-state*, was initiated by Birgitta Odén (1967), who also argued that rising taxes should lead to a sharper social differentiation - without, however, specifying the mechanisms through which this effect would have been produced. Folke Dovring's earlier analysis of Gustav Vasa's tax reforms (*cf* the English summary in Dovring 1951:422-6), emphasized the individualization of taxes, which is an indispensable precondition for the different dynamics discussed by Odén, Österberg and Herlitz (below).

The most influential of these studies are Herlitz 1974 and Winberg 1975¹⁵², both of which demonstrate developments widening the gap between freeholders and tenants on exempt land, in addition to the long-term trend transforming the peasantry into ‘a class of farmer proprietors (*hemmansägare*)’ on the one hand, and a landless proletariat on the other. In Herlitz’ study rising tax-land value was interpreted as reflecting improvements made possible by a stagnating tax burden allowing the retention and reinvestment of an agricultural surplus, and the improving quality of peasant property rights making this a rational option¹⁵³. In Winberg’s case a more restrictive birth rate among freeholders ensured that the growing agrarian proletariat was primarily recruited from the tenantry on noble land. This tendency was reinforced by the reorganization of manorial agriculture towards consolidated farms employing wage workers, usually¹⁵⁴ in the form of a semi-dependent truck-system wage-labour force (*statare*). Winberg 1990 provides the best concise synthesis of these findings, also incorporating corroborative evidence from Gadd 1983 (peasant productivity) and Bäck 1984 (peasant demands for enclosure).

A weak point in this ‘peasants into proprietors’ theory is its heavy reliance on evidence from one single province – that of Skaraborg¹⁵⁵. Endeavouring to summarize a number of different local studies, Söderberg 1987 discerns two periods: 1720-1800, and 1810-1850. Excepting a study of development in Stockholm – reasonably subject to different dynamics than the countryside – all of them indicate an increasing divergence for the latter period. For the earlier one, the evidence is contradictory: Herlitz’ increasing inequality in Skaraborg links up to Winberg’s and Martinius’ findings for phase 2, while Isacson 1979¹⁵⁶ suggests contrasting tendencies for the two periods,

¹⁵² Here cited from the 1977 edition..

¹⁵³ To the extent that Revera 1984 is right in suspecting a parallel stagnation of noble rent pressure – very difficult to square with her own description of growing status expenses – this would shift the explanatory burden more heavily onto the institutional component in Herlitz’ model.

¹⁵⁴ Particularly in Eastern and Southern Sweden. The relative importance of the ‘peasant road’ and the commercial manor system within the development of modern Sweden is still awaiting a full assessment.

¹⁵⁵ The standard evidence on early peasant inequality, on the other hand, relies heavily on Värmland (Österberg 1977) while that on farm sizes is primarily based on data pertaining to Uppland (Ågren 1964, Dahlbäck 1977), and the effects of conscription on sources from Västerbotten (Lindegren 1980).

¹⁵⁶ Martinius 1977 also studied an area in Skaraborg. Isacson discusses the development in By parish in Bergslagen (the ‘mining law’ region in central Sweden).

proposing an introductory phase of homogenization, followed by a reversal in phase 2.

Homogenization or polarization?

In order to test Odén's and Österberg's hypothesis, Janken Myrdal and Johan Söderberg compared the property taxations of 1571 and 1599 for a sample of twelve parishes in the provinces of Uppland, Sörmland, Östergötland and Småland (1991:175-202). The results were interpreted as showing no marked tendency in either direction. In most of the parishes (7 or 8) the keeping of livestock expanded, but this was compatible with growing inequality (3 parishes) as well as with diminishing (2).

As I felt dissatisfied with a conclusion neglecting to discriminate between landowning freeholders and tenants, I decided to select two of their contrasting examples for closer scrutiny. As I also wanted to be able to carry the comparison further up to 1713-5, the best choices appeared to be the Upland parish of Danmark, and the Småland parish of Gladhammar¹⁵⁷. In order to make a more differentiated study of the contrasting development, I had to begin with a reconstruction of the original comparison. Myrdal/Söderberg (henceforth M/S) measured the amount of livestock kept by each *nominatus* by converting the various animals into 'cattle equivalents' (*nötkreatursenbeter*, Ne) in conformity with the conventional usage among Swedish cultural geographers¹⁵⁸, but as the accounting for young cattle appeared to be insufficiently uniform in their sources, they decided to discount heifers, steers and calves, as well as those animals which did not figure in both of the taxations - young pigs, lambs and kids¹⁵⁹ (1991:176). They also attempted to limit the investigation to the agricultural population *strictu sensu*, by excluding *nominati* who possessed no draught animals.

¹⁵⁷ Danmark is one of the wealthiest parishes in the central parts of Uppland (Myrdal-Söderberg 1991:182-4), a part of Sweden which has been seen as the heartland of peasant-magnate opposition to royal centralization during the middle ages (Lönroth 1959), and whose peasantry later customarily played a leading role in the Peasant Estate (Olsson 1926). Gladhammar was the home parish of Per Olsson, a renowned Speaker of the Peasant Estate during the Caroline period. Accordingly, these two parishes should also be important from the viewpoint of peasant political representation, another aspect I am studying.

¹⁵⁸ Cf note 148 above.

¹⁵⁹ Who were not included in 1571.

Some standardized procedure for delimiting the investigated group does appear necessary, though¹⁶⁰, but for my own investigation I prefer to use Lars-Olof Larsson's criterion (Larsson1983:44): a *nominatus* assessed as holding any amount of seed grain and/or livestock corresponding to 3 Ke¹⁶¹ or more, is presumed to be an at least *de facto* landed peasant.

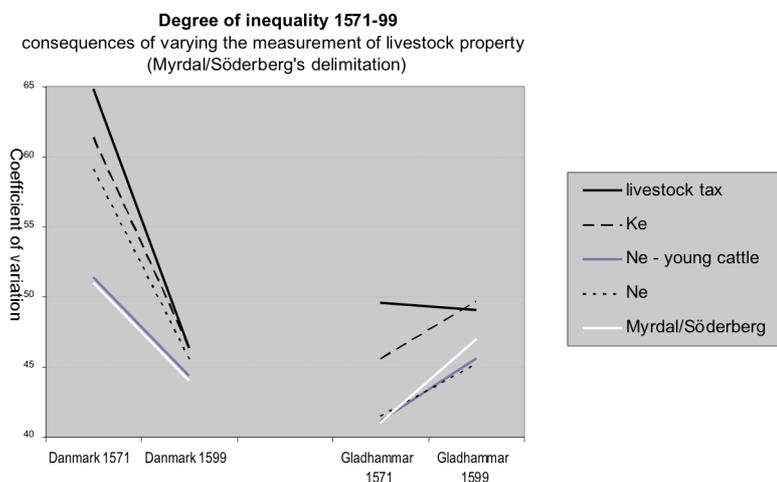
When reconstructing the original comparison, I discovered that a considerable number of stock-owning *nominati* which I could not identify as non-peasants¹⁶² would be excluded from the list by the draught-animal criterion. At the same time, cavalrymen assessed for no other property than their horse would have to be included, as a horse was by definition considered a draught animal and thus an indicator of husbandry. When I revised the figures including all of the *nominati*, or just those possessing stock corresponding to at least 3 Ke, the contrasting development disappeared altogether. I also examined the consequences of varying the unit of measurement:

¹⁶⁰ Different tax rolls specify the landless parishioners to a widely varying extent. Accordingly this source material cannot tell us much concerning the rural proletariat.

¹⁶¹ Lennart Andersson Palm 1993 reports this criterion to be effective for eliminating landless *nominati*. (Although he cites the limit as 3 *Ne* units, which is a somewhat more restrictive norm)

¹⁶² On some of the homesteads not a single draught-animal possessor was registered, although the assessment of cattle and seed grain makes it clear that the farm was engaged in agricultural activity. The M/S criterion thus excludes not only a person owning five cows but no other animals, like Matz Ionß i Lundha (Danmark 1571), but also someone like Peter i Hendelöp (Gladhammar 1571), richer than five sixths of the peasants in that parish.

Charts 1-4. The parishes of Danmark and Gladhammar 1571-1599.



Sources: ÄL 1571, UpH 1599:9K, SmH 1599:12.

I have not succeeded to completely duplicate Myrdal-Söderberg's results¹⁶³ – represented by the white reference line in the chart – but at least my version (grey line) shows the same tendencies, and the same contrast, although in a slightly weaker form. Including young cattle (deducted by M/S as the delimitation criteria of the two taxations did not seem to have been consistent¹⁶⁴) does not affect these tendencies much, except that the homogenization in Danmark becomes more pronounced.

Substituting the 17th century Ke scale gives a similar and even stronger effect, but if we instead measure variation in the livestock tax enacted at each occasion, also the figures from Gladhammar show a certain (but weaker) homogenization, even when we employ

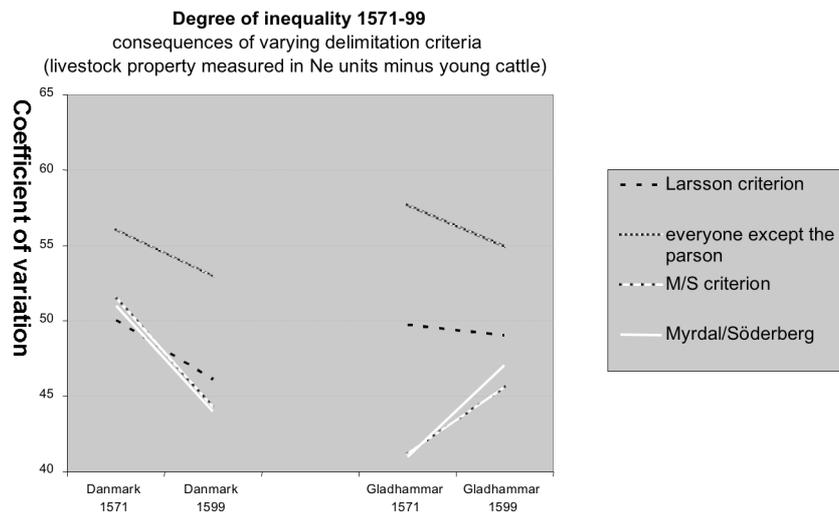
¹⁶³ Johan Söderberg has kindly provided me with a copy of his excerpts, and it seems as though the major sources of the deviation are differing interpretations of indistinct figures and of the vaguely specified attributions of children's property in the rolls. In either case, the influence on the final figures is limited and only really discernible for Gladhammar 1599.

¹⁶⁴ Excluding young cattle solves this problem only if the inconsistency is due to a different demarcation between young cattle (taxed) and calves (tax-free). If it is due to a different demarcation between heifers and cows, and/or steers and bulls/oxen, all of which were taxed, although at different rates, the proposed solution might even aggravate the inconsistency instead of dissolving it. (If cattle counted as cows within one of the taxations would be counted as heifers in another, and therefore be undervalued, then removing heifers from the comparison would increase the discrepancy.)

Myrdal-Söderberg's draught-animal delimitation. That is to say: there is no increasing inequality discernible between the two dates according to the tax assessment for livestock property in Gladhammar. On the contrary, inequality subsides, though not to nearly the same extent as in the parish of Danmark.

Indications of a *sharpening* inequality thus only appear after reinterpreting the figures through weighting systems designed to make these taxation figures more compatible. This indicates that the source of the apparent contrast may lie in the manipulation of the tax assessment figures as well as in the delimitational criteria discussed earlier.

When we vary the delimitation of the investigated population, but stick to Myrdal-Söderberg's measurement unit (Ne excluding young cattle), we find that increasing inequality *only* appears under the M/S criterion of draught-animal ownership.



And, finally: if we use the entire population (excepting the parson, who is obviously irrelevant to the study of peasant stratification) no choice of unit can prevent the conclusion that both of the parishes experience a homogenization – not a polarization. It thus appears likely that the contrasting developments observed by Myrdal-Söderberg are a statistical illusion.



If we use the entire livestock assessment as our unit of measurement no delimitation would produce the contrast observed by M/S. If we apply this to a population delimited through Larsson's 3 Ke criterion we find that the contrast between shrinking and growing differences of wealth will be replaced by a difference in degree: between a stronger and a weaker homogenizing tendency. This method of comparison is the one I advocate, and in the rest of this section I will extend it to 1640¹⁶⁵, and, through correlating indices based on cattleholding in 1571 and 1713 (*cf* Appendix), almost to the close of the Swedish Imperial Age.

How should we interpret these results? My original intention was to examine Myrdal-Söderberg's contrasting developments searching for clues as to the causes of divergence – whether it was due to a contrast between:

1. changes within the entire groups,
2. changes within a certain segment (the richest, the poorest, or among the middle peasantry¹⁶⁶), or to
3. contrasting developments on land of different nature,

and then to follow up these clues in the further development up to 1624, 1640 and 1714. The extension of the investigated period will still be a worthwhile project, but to decompose an illusory effect is

¹⁶⁵ The last year for which full livestock taxation lists exist.

¹⁶⁶ The rise and subsequent decline of the middle peasantry is an important theme in European early modern history (Le Roy Ladurie, Robisheaux 1994, 1998).

not. As the supposedly lower degree of inequality for Gladhammar in 1571 was measured over a much more narrow selection of the assessed households than in 1599¹⁶⁷, the apparent rise in the coefficient of variation would seem to indicate changes in the pattern of horse- and ox-keeping¹⁶⁸, but not in any way a rising inequality - rather the opposite, although the tendency is much weaker than for the parish of Danmark.

If the homogenizing tendency is the general pattern, Österberg's argument appears even more decisively refuted – for *this* period, that is¹⁶⁹. This is probably because my period of investigation is so late that the figures already reflect the success of counteracting policies invented to secure the tax base. These are exemplified within Österberg's description of how the state attempts to capture the hidden surplus through property taxes, poll taxes *etc* around the turn of the 17th century¹⁷⁰. Her extensive lists of extraordinary taxes exacted during the last four decades of the 16th century (Österberg 1977:237-247) reflect the earlier stages of a long struggle to mitigate the counterproductive effect of the rigid land tax system: *too little tax from those who were able to afford it, and too much trouble and expenses wasted on attempting to collect it from those who were not* (266n7)

In this respect the contrast between Danmark and Gladhammar is hardly crucial enough to focus my investigation on. To find out how general the homogenizing tendency is, further examples have to be brought into the picture. Also: if Österberg's hypothesis is no longer central to the argument, other aspects of stratification - than its compression or amplification - deserve equal attention. A good place to start an investigation of the stratification *per se*, should be where it first caught attention – let us have a look at the taxation cited in Österberg's study.

¹⁶⁷ 64% as against 89% for the later year.

¹⁶⁸ The average number of horses and fully grown oxen per *nominatus* are almost constant between the two assessments (2,1-2,4 and 1,5-1,6) while the average household in 1599 in addition possesses 2 young oxen and 1 bull, which are totally absent in 1571. This suggests a higher involvement with ox-trade, in 1599, while farmers in 1571 must have borrowed or rented draught animals – or had entered into companionship with draught animal owners (as *bolagsmän*).

¹⁶⁹ Further below I will show indications that it does apply to the period without property taxes between 1641 and 1713.

¹⁷⁰ See Österberg 1977:266n7, where she also cites Larsson 1972 to the same effect.

Rich and poor peasants

Among the five parishes examined by Österberg, Grava presented the most extreme case of inequality, and will therefore be selected for closer scrutiny:

Table 4. Property tax of 1599: dispersion of assessed property in 5 Värmland parishes (Österberg 1977).

	Segerstad	Grums	Grava	Tingvalla	Hammarö	SUM
<i>penningar</i> (pennies)	number of households					
1-200	5	10	5	7	1	28
201-400	6	19	19	11	8	63
401-600	5	14	10	3	10	42
601-800	3	8	8	1	4	24
801-1000	3	10	8	1	2	24
1001-1200		3	4	1	1	9
1201-1400		4	6	1		11
1401-1600	1		1		1	3
1601-1800			2	2		4
1801-2000		1	1			2
2001-			2			2

Source: Österberg 1977:table 66.

Österberg also compared different categories of peasants:

Grouping the material according to land nature distinguishing tax and crown land from exempt land (*krono* homesteads are too few to constitute a separate category except in Hammarö, where on the other hand there is no *skatte*) yields certain interesting results. The average is in every parish higher for the *skatte* and *krono* units, than for the *frälse* households, and the difference is in many cases considerable. In addition, the dispersion among the values is often greater within the *skatte* group. What can be said, in particular for a couple of these parishes, is that the *frälse* units have clustered more closely around a lower accounted wealth than other units. (Österberg1977:256; my translation)

Alongside Kurt Ågren's demonstration that *hemman* (cadastral homesteads) on tax land were on an average larger than those on

land of different natures (1964:49,53f)¹⁷¹, Österberg's results have helped to confirm the picture of tax peasants as an upper stratum of the peasantry, not only during the late 18th and 19th centuries, but from the very beginning of the modern era¹⁷². However, this viewpoint rests on questionable foundations. Ågren's calculations compare only the formal cadastral units of different nature, while the relevant unit of comparison should be the peasant household. Many *bemman* units comprised more than one household, and the homonymity between *bemman* in the literal sense of an actual homestead, and in the sense of a cadastral unit of account is one of the perennial sources of confusion within Swedish agrarian history (cf Herlitz 1974 ch.V, Larsson 1983:14ff, Gadd *forthcoming*).

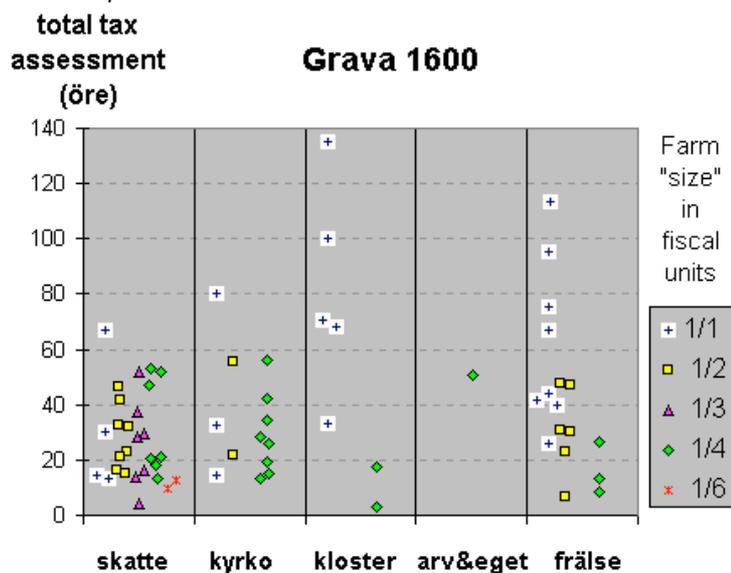
As tax land was in freehold and thus inheritable, it seems quite likely that a higher rate of subdivision could offset or more than offset the difference in cadastral unit size. Myrdal (1987:83-89, 93) discusses the extent of hidden subdivision indicated by the property taxations, and calculates an average rate of subdivision of 19% in 1571 and 32% in 1599/1601. Regrettably he does not discuss differences between land of different nature. Larsson 1983:50f demonstrates that in 1627 the subdivision was much more frequent among the freeholders of Kinnevald hundred, than among the tenants. Herlitz 1974:190f shows that the average rate of subdivision was, in the early 18th century, slightly higher on tax and crown land than on *frälsebonde* holdings, and that this divergence increased. On the other hand, he also demonstrates (220ff) that during the period 1750-1769, the actual units of cultivation were larger on tax-*cum*-crown land than on exempt land holdings. This might be said to strengthen Ågren's case, but as a stronger position of tax peasants would be the *effect* of the dynamics analyzed by Herlitz it is in no way certain that it is also a starting point. The convergence of tax and crown peasants is likewise *a product of the development rather than a precondition*.

¹⁷¹ Ågren's results, referring to parts of mid-17th century Uppland, have been confirmed for the 16th by Dahlbäck 1977:268f, using similar methods and covering roughly the same region. Ferm 1987:210f extends the comparison to other parts of central Sweden finding divergences on the same scale or even larger.

¹⁷² Behre *et al* 1985:126ff, Larsson 1985:70. NB that Larsson's own survey, which he cites in addition to Österberg's, does *not* support her conclusion.[1983:82]. Yet he claims that tax peasants usually were more well off than other peasants. Samuelsson 1993:177. Also cf Dahlgren in Roberts (ed)1973:106 and Nilsson 1990:23f, 50f

The property tax rolls allow us the best approximation to independent households available¹⁷³, and thus a comparison between the assessed households should afford us a more reliable measure of relative affluence. This is what Österberg endeavoured to do, but unfortunately she neglected to make corrections for the lower tax rate on *frälse* land. This means that the wealth of *frälse* households has been underestimated by 50 percent, and likewise the span of variation. In order to get a more adequate picture of the distribution of wealth I have made charts dividing the *nominati* into five categories: *skatte*, *kyrko* (tenants of the parish church), *kloster* (tenants on former monastic land), *arv och eget*¹⁷⁴, and *frälse*. I also discriminate between households of different cadastral magnitude: 'full' or 'half' homesteads, and crofts or settlements assessed as 1/3 or 1/4 *hemman* (fiscal homestead units). Farms accommodating more than one household I have subdivided into fractions of the cadastral assessment for the entire farm¹⁷⁵.

Chart 5: The parish of Grava in 1600: total tax



Sources: Compiled from VrmH 1600:10:3 fol 68-77 and 1601:10:3 fol 25v-29.

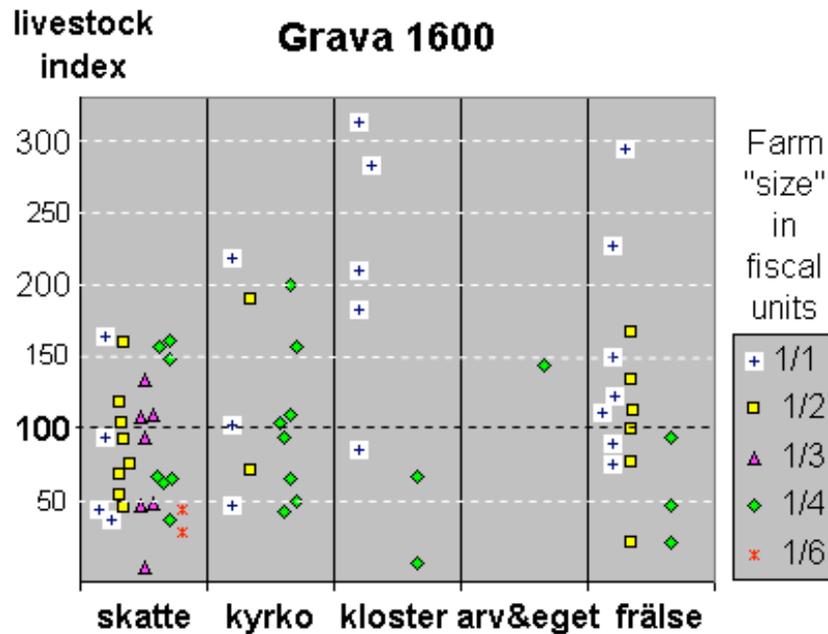
¹⁷³ Cf the discussion in Larsson 1972.

¹⁷⁴ Royal – or, as in this case, ducal – patrimonial domain land. In Grava only one single homestead belonged to this category (eventually to be subsumed under the title of *krono*).

¹⁷⁵ Two households sharing a farm assessed as a 'half-size' homestead are thus treated as two quarter-size homesteads *etc.*

Chart 6 shows the distribution of wealth by standardized tax assessment in penningar; i.e. corrected for the frälse reduction, so that the figures become compatible for comparisons of wealth – in contrast to Österberg's table 66 (reprinted as table 3 above)¹⁷⁶.

Chart 6: The parish of Grava in 1600: livestock index



Sources: Compiled from VrmH 1600:10:3 fol 68-77 and 1601:10:3 fol 25v-29.

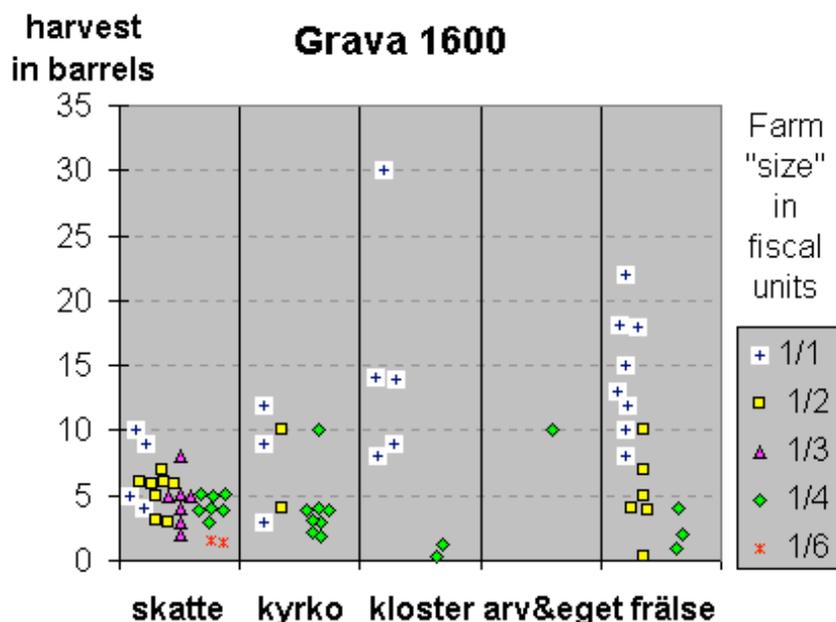
Chart 4 shows the value of livestock only, measured by comparison with the national average from 1571¹⁷⁷. These are the kinds of figures I will use in interregional comparisons and over time. Chart 5 shows the assessed harvest in barrels of grain, reasonably giving a better estimate of farm size, than the conventionalized 'mark-land' value assessment categories employed in Ågren's comparison¹⁷⁸.

¹⁷⁶ I have checked the assessed wealth against the tax rates and property rolls to make sure that the tax reduction really did correspond to a twice as high ratio between tax and property for the tenants on exempt land in this parish.

¹⁷⁷ Index(ÅL1571)= 100 (see Appendix, page 121ff).

¹⁷⁸ *Markland* was a conventionalized land assessment measure of uncertain origin, presumably signifying a quantity of land yielding a rent of 1 mark. As land was not regularly reevaluated these measures can be used for comparisons only with serious reservations (Dovring 1947).

Chart 7: Grava 1600: harvest size.



Sources: Compiled from VrmH 1600:10:3 fol 68-77 and 1601:10:3 fol 25v-29.

In this parish, at least, tax peasants by no means held larger farms than tenants: their harvests average 5,2 barrels over a range from 3 to 10, while tenants of the parish church average 5,6 barrels, those on noble land 9,6 and monastic tenants 15¹⁷⁹! Is the divergence from Ågren's results just due to the different method of calculation, or does it also reflect a difference between regional patterns of landholding¹⁸⁰? It cannot be entirely due to a higher degree of subdivision, for if we merge all the tax land households of Grava into full cadastral homestead units (*bela hemman*), their composite harvests would still not exceed 8,5 on an average. We will have to return to that question.

¹⁷⁹ Crofts and settlements are excluded.

¹⁸⁰ In Denmark 1640 tax land holdings on an average appear to be larger than all other categories except those under 'academy tenure' (paying rent to the university). If we look at the 10 largest farms instead, 3 are *skatte* (2 of those *skattefrälse*, including the second largest farm, while the third one is held on tax-free conditions by the constable), 5 are *frälse*, and the remaining 2, including the largest one, are on academy land. It is thus not evident, that the higher average size necessarily meant that tax peasants dominated the large-farmer stratum.

Who were the rich peasants – a second look

These charts present a picture quite different from Österberg's¹⁸¹. Not only do the *frälsebönder* (peasants on tax-exempt or 'noble' land) appear to be as rich or richer than the *skattebönder* (freeholders on tax land) but the disaggregation of the combined *skatte* and *krono* category also reveals a hidden elite - the tenants on former monastic land¹⁸². If this pattern is not altogether exceptional¹⁸³, it suggests that the history of peasant stratification in Sweden may be more discontinuous than we have thought, featuring different and maybe competing elites. The rich tenants on monastic and noble land may have been post-medieval residues, some kind of reeves or sub-vassals, perhaps stemming from lapsed gentry¹⁸⁴ a service category, while the richer among the *skattebönder* might already have been those most successful at navigating the perennial tidal movements of *morcellement* and *reassemblement* – a category based on inheritance

¹⁸¹ These findings I first presented at a conference at the Gustavus Adolphus Academy in Stockholm 1999. Only considerably later did it come to my attention that Klingnéus 1997 already had pointed out Österberg's tax rate mistake. He did not, however, observe the other misleading factor in her wealth analysis: that also the Crown peasants whose property assessments she merges with that of the tax peasants, are more wealthy than the freeholding *skattebönder*. The peasant category which she declares to be the richest on the strength of her survey is thus – at least within the wealthiest and most unequal of her sample parishes – the poorest!

¹⁸² The standardization of the different ecclesiastical, royal and regnal categories under the amalgamated title of *krono*, proceeded at a very slow pace, and the distinction between prebendal, parochial and monastic tenants was upheld in land registers for a long time.

¹⁸³ In the ÄL1571 roll for Norra Lundby in the province of Skaraborg, 11 out of the 33 *nominati* were tenants of the local monastery. As some of the poorest peasants also belonged to this group, their average property was quite modest, but among the five wealthiest households in the parish, four held on cloister land. Number one was a *frälsebonde*, but if we count only livestock, two monastic tenants top the list. In the jointly assessed parishes of Hånger and Mårby in the same province, there was only a single monastic tenant, but he was the wealthiest one.

¹⁸⁴ Cf Dahlerup's (1969) discussion of the Danish case in terms of a 'fall of the gentry'. Samuelsson 1993:193f recounts an example of decline from gentleman to *frälsebonde* – presumably as a tenant of relatives rich enough to uphold privileged status. Also cf Almquist (SoH 1967:182) and Munktel 1982:72,129.

and thus a form of ownership whatever the juridical definitions attached¹⁸⁵.

As the prebendary tenures were secularized into a wage system for purposes of state, other holdings converging under the title of *krono* tended to go the same way, partly as an alternative¹⁸⁶ to service tenures, partly as a parallel. Forssell 1869:174ff recounts the beginning of this process, where earlier canonical prebends are assigned for scribes, bailiffs etc. In an appendix (*op cit*, app 3:VI) he has registered all the prebends he could identify, their number of tenants and the rents due as well as their destinies after the reformation: confiscation, revocation to the family of the original donor, or being granted in fee (Tables J.I-J.7). The last-mentioned cases were apparently of the same wage-assignment character as mentioned above, as the grantees do not seem to be aristocratic feudatories, but rather administrators, tradesmen, specialized craftsmen (a pearlstitcher, a bookbinder), and school-masters.

Did the privileged position of the former monastic tenants survive in some way, or were they submerged into the lower peasantry, as other categories rose? The varying fortunes of individuals and families would be difficult to trace, at least before the 18th century, but comparing the development for identified homesteads between the different taxations may be a feasible alternative which should yield some clues as to the relative fortunes of the different categories.

The special position occupied by monastic tenants in Grava may be a local peculiarity, but the important point is that it goes totally against the traditional presuppositions. Crown peasants – among whom monastic tenants were eventually to be included – are

¹⁸⁵ The system of subdivision and reconstruction of homesteads from generation to generation studied in Dalecarlian villages by Sporrang and Wennersten (1995) has certain features which would appear to be peculiar to this region. *Mutatis mutandis* it should be possible to identify other local patterns of strategic planning necessary to maintain peasant property over generations. Winberg 1977:53 pointed out that different customs of inheritance were still practically unknown, and excepting Dalecarlia, this observation would still appear valid.

¹⁸⁶ Cf Odén 1955 on *förläning*, *beställning*, and *anvisning*. The development of a specific Swedish system of assigning revenues from individual homesteads as wages is stressed by Nilsson 1989:147ff. The post-reduction *indelningsverk* or 'allotment system' was the final outcome, eventually affecting the majority of *krono* tenures.

generally treated as an adjunct to the freeholding tax peasants¹⁸⁷, but this example seems to point in the opposite direction: instead of enjoying the benefit of Crown protection to a similar but lower extent than the *skattebönder*, these peasants might rather be enjoying the benefits of stewardship to a similar but higher extent than the *frälsebönder* – or might have been in a better position to combine different kinds of advantages. The existence of wealthy peasants also among the *frälsebönder* has occasionally been noted¹⁸⁸, but has hardly led to any debate. Lindkvist's discussion (1979) of inequality among tenants of the nobility during the 14th century advances the hypothesis that the difference between rich and poor tenants may be a remnant of an earlier manorial organization, where certain more substantial holdings were occupied by a *bryte* or *villicus*¹⁸⁹ (steward).

It is also conceivable that the monastic tenants were the heirs of peasants who during the Middle Ages had sold or donated their own land to religious institutions in order to protect themselves, in which case favourable tenure conditions might have been part of the bargain. If the *klosterbönder* of Grava came from such a background, their personal wealth would testify to the efficiency of the strategy. However, as Rosén points out (1950) Queen Margaret's inquiry or *räfst* was much more interested in retrieving land given to parish churches, usually by peasants, than in the donations to monasteries, where the donors were primarily gentry and aristocracy, whose land was already 'lost to the crown' anyway.

So maybe the wealthy monastic peasants came from a gentry background, and had sought protection both for the land they lived from and from the wars they did not want to fight any longer (or could not afford to take part in)? Examples of Dahlerup's 'fall of the gentry', perhaps – his study in the hardening conditions for lower gentry at the end of the Middle Ages pointed out that many impoverished gentrymen had found a living as reeves for churches or

¹⁸⁷ Especially for later periods; cf Herlitz' (1974) and Winberg's (1977:42,158) assumptions that their results for tax peasants also apply, albeit in a weaker form, for Crown peasants. Winberg's argument explicitly refers to the near universality of freehold purchase during his period (and in his area of investigation). In Herlitz' case his property rights-based argument is tentatively extended to crown peasants enjoying *stadgad åborätt* (hereditary tenure); neither of these arguments would apply during the Imperial age, though.

¹⁸⁸ Forssell 1872-83. Larsson 1983:82 reports that in 1627, the majority of the very wealthy (≥ 21 Ke) peasants in the hundred of Kinnevald (Småland) were tenants, and that the richest by far (52 Ke), was a *frälsebonde*.

¹⁸⁹ Also cf the example discussed in Dovring 1951:398f. The discussion of *bosgårdar* in Helmfriid 1962 gives further references.

monasteries, but that the opportunities for this type of employment were becoming scarce (Dahlerup 1969). For a gentryman who had some land to donate, however, the conversion to farming under church protection might have been rather advantageous after all.

DEVELOPMENT OF PEASANT WEALTH OVER TIME

What happened to the rich peasants of Grava?

If we compare the wealthiest households from 1600 with those in 1622 and later, we may get some clues as to how permanent the stratification was. Moving on from the property taxation of 1600 to the livestock tax rolls for 1622, we find that out of the seven richest households from the earlier occasion (the top decile - none of them on tax land), most of them had split into two or more¹⁹⁰. Out of the resulting 10 households only one still belonged to the top decile in 1622¹⁹¹ two homesteads out of 94 shared position nr 9, one or two in 1640.

Among the 17 households within the top decile of the peasant¹⁹² households of 1714, only two derived from the original seven. If we trace the origin of the other 15 in the top decile, we find that the richest farm derived from a parochial homestead – (Western) Tolerud - which had split into three already by 1600. The other two sub-homesteads also appeared in the top decile of 1714 (rank 5-16), while they in 1600 had occupied the places of 27, 33 and 48. If we look at chart 9, we can see that the original top layer of wealthy households, mainly composed of ‘full’ cadastral homesteads, has been fragmented by 1622 and 1640.

In this parish, at least, that homeostatic self-adjustment seems to have been in effect, whereby more economically successful farms tend to accommodate a larger number of people and eventually split

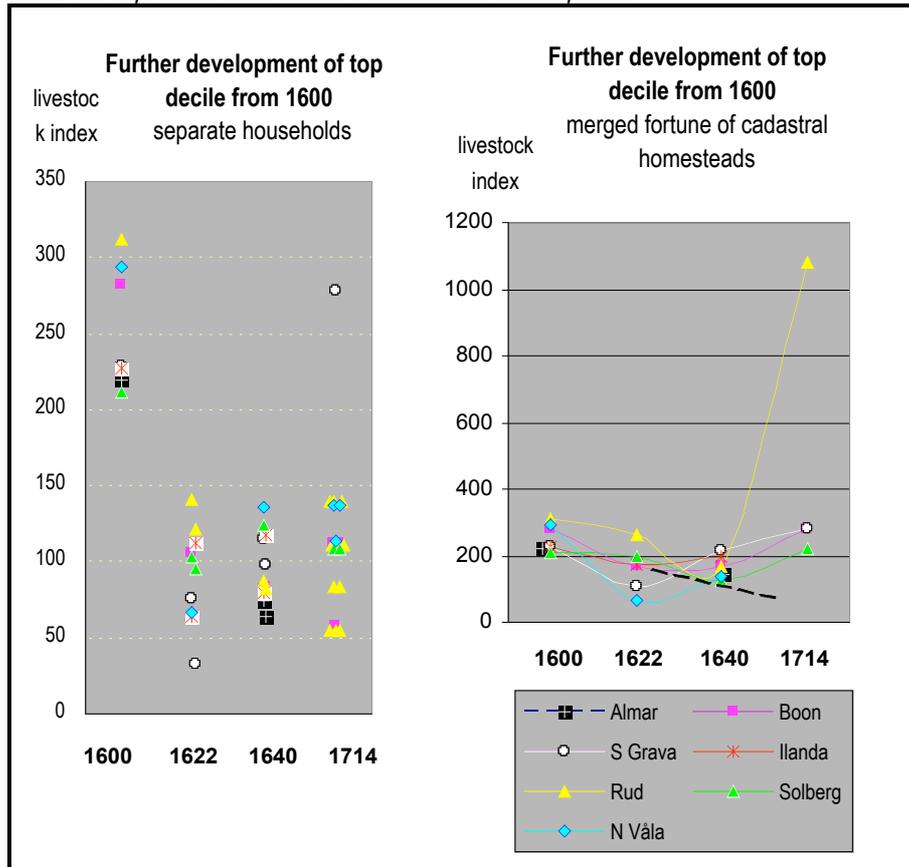
¹⁹⁰ Nr 6 Almar had been turned into a vicarage.

¹⁹¹ Just barely, as two homesteads shared position nr 9 out of 94. One of these was derived from the homestead of Rud, divided between two homesteads. In 1600, the undivided farm had been by far the richest one in the parish, but in 1640 the two resulting farms - which had by then been bought into freehold by the tenants from 1622 - were down to the 3rd and 4th deciles. In 1714 the original homestead accommodated 11 households, among which the 3 wealthiest belonged to the third decile or the bottom layer of the second one.

¹⁹² Nr 5 (according to livestock tax) from 1600 had by then been turned into a manor, and nr 6 had - as mentioned above - become a vicarage.

up into smaller – and relatively poorer – units¹⁹³. The new stratum of rich peasants in 1714 consisted primarily of tax peasants, 13 of them compared to the 3 crown peasant households comprising W. Tolerud and the single exempt farm: S. Grava, which was the only ‘full’ homestead among the top decile.

Chart 8: Top decile from Grava 1600: further development



Sources: VrmH 1600:10:3 fol 68-77 and 1601:10:3 fol 25v-29. BL 1622, 1640. Ksl 1714. Households identified with the help of OVL, Rosenberg and cadasters for relevant years.

What about Österberg’s hypothesis that ‘underassessed’ homesteads might have been able to retain a larger portion of its agricultural surplus and would thus have been better equipped to invest and improve? If we measure wealth relative to the cadastral homestead

¹⁹³ Winberg 1975 and Martinius 1977 argue the relevance of these mechanisms in the Swedish context. They are a commonplace in discussions of the French peasantry (many examples in Aston-Philpin 1985).

size, *hemmanstal*, or as it is later designated, *mantal*, we find that two 'quarter-size' homesteads or *torp*¹⁹⁴ (crofts) stand out as proportionally much more affluent than the number 1¹⁹⁵ homestead of Rudh: Botorp (on cloister land) and Klingerud (on ducal domain land). Botorp is assessed for a harvest which only the wealthier half of the 'full farms' can surpass, and its livestock is worth 43% more than the median full farm. Klingerud's harvest is equal to Botorp's and its livestock value is 6% above the median full farm. Both of these farms are thus obvious cases of 'underassessment'. Still, in a period of more or less constant property taxes - designed to tap that real-value surplus whose existence the crude system of cadastral assessment couldn't capture – we might suspect that Österberg's dynamics could have lost their effect¹⁹⁶.

If we also include apparently subdivided homesteads¹⁹⁷ in the comparison, three out of four households on the tax-land homestead of (Southern) Skived, two out of four on the parochial farm of (Western) Tolerud, and one out of the three on Kätterud (*skatte*), also surpass the top decile in wealth per cadastral unit.

The further development of these farms (see Chart 9) is not easy to pinpoint, as it is not quite evident which one of the subfarms correspond to which at each later date, but the five households at or below index 100 should be disregarded, as they do not appear to be under-assessed. They probably appear also in the following taxations, though, and are therefore included for the sake of consistency. The chart suggests a general downward trend during the years of annual livestock taxations, while the period 1640-1714 has witnessed a considerable expansion for several of these¹⁹⁸, most remarkably for the only remaining¹⁹⁹ crown homestead (originally parochial), W.

¹⁹⁴ A term usually translated 'croft', but in early cadasters a common label for any farm 'smaller' (in economic substance) than the 'whole' or 'half' homesteads of peasants counted as full members of the community.

¹⁹⁵ Ranked according to wealth.

¹⁹⁶ The very fact of such disproportionate wealth having been accumulated in 'small' homesteads seems to indicate that they *had* been in effect during the 16th century, when most taxes were exacted in proportion to cadastral size.

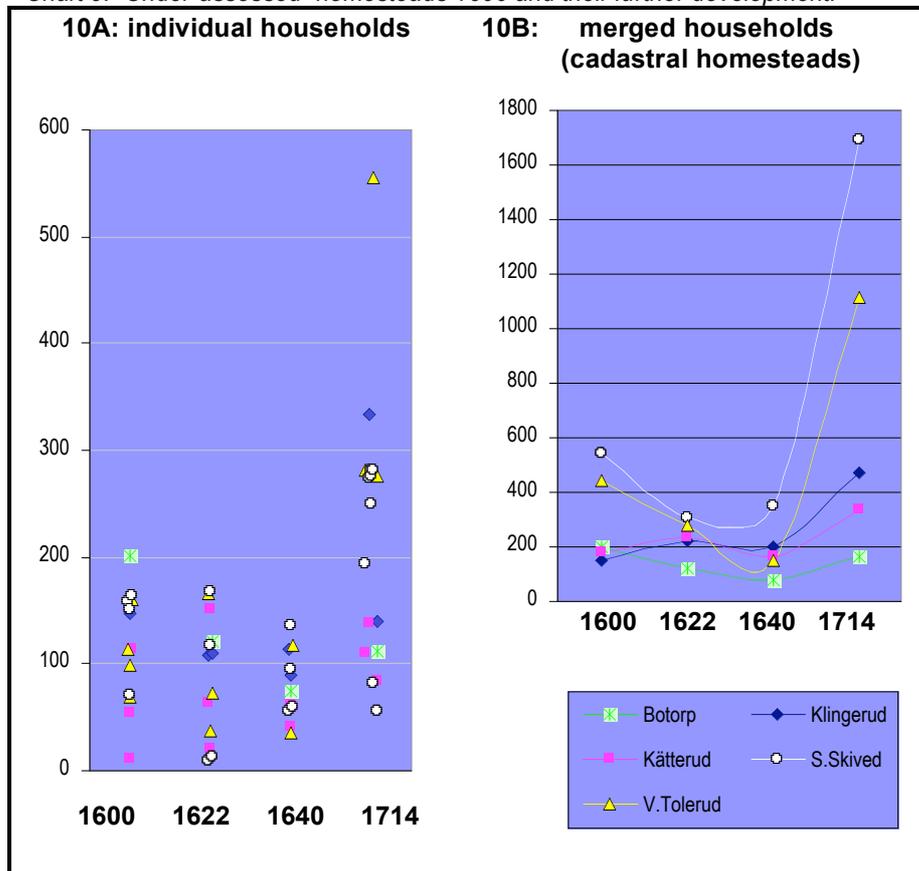
¹⁹⁷ *De facto* separate farms which are not listed as independent homesteads in the cadastral registers. The same mechanisms should apply to these, as they reasonably must have divided the tax burden between themselves, and thus might be 'under-assessed' in exactly the same way as independent cadastral units.

¹⁹⁸ The argument that the downturn could be due to decreasing efficiency in the registration of livestock is discussed in the Appendix.

¹⁹⁹ Kätterud and S. Skived were originally tax land homesteads, while Botorp and Klingerud were bought into freehold between 1622 and 1640 (OVL).

Tolerud. If we merge property figures for each homestead, however, the development of S. Skived becomes even more spectacular.

Chart 9. "Under-assessed" homesteads 1600 and their further development.

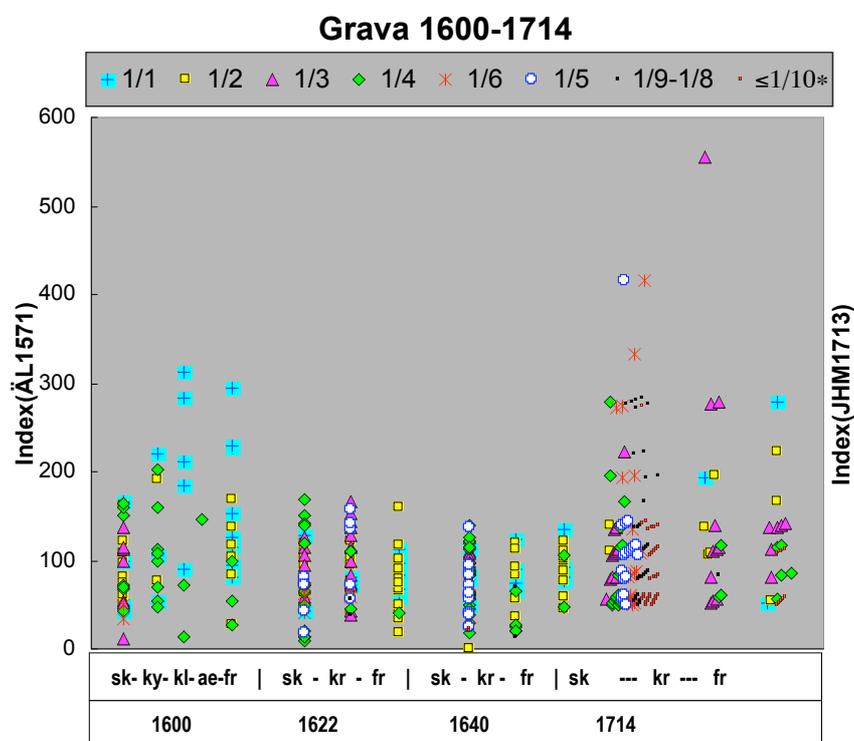


Sources: VrmH 1600:10:3 fol 68-77 and 1601:10:3 fol 25v-29. BL 1622, 1640. Ksl 1714. Households identified with the help of OVL, Rosenberg and cadasters for relevant years.

Thus it seems as though the period *without* property taxation, 1641-1713, might give some support to the Österberg hypothesis. The expansive effect, though, seems to have propelled the tax land homesteads into that dominant position which her survey had assumed to be the point of departure. It is quite possible that the political struggle for secure property rights around the mid-17th century in alliance with burghers and clergy marked the beginning of the rise of the market-oriented tax land peasant²⁰⁰, and that an important step in this direction was the abolition of the unpopular livestock tax.

Chart 10: Homesteads in Grava 1600-1714. Taxed property

(linked livestock-based indexes, see Appendix)



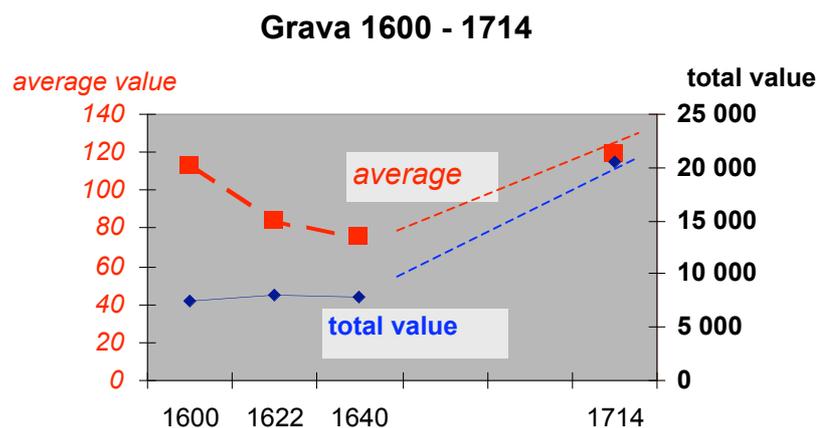
Sources: VrmH 1600:10:3 fol 68-77 and 1601:10:3 fol 25v-29. BL 1622, 1640. Ksl 1714. Households identified with the help of OVL, Rosenberg and cadasters for relevant years.

²⁰⁰ As studied by Herlitz (1974), Gadd (1983) and Winberg (1975, 1990) during the 18th-19th century.

If we look at the whole series of 1600-1622-1640-1714 for Grava, (above, chart 11) we can see that despite an increasing rate of subdivision, ‘small’ farms become surprisingly prosperous towards the end of the period, especially the homesteads on tax land. This kind of property structure may have offered especially favourable conditions for an early example of the ‘rise of the freeholder’.

If we look at the development over time of aggregate and individual (average) property in livestock in Grava, (below, chart 12) we can see that the total value is almost constant for the first forty years, while the average declines. *I e*, during this first period the number of households declines, while total wealth appears to be more or less constant. During the second period, the aggregate wealth of the parish more than doubles, although average wealth rises to a level equal to or even higher than in 1600.

Chart 11: Property in Grava: aggregate and average value 1600-1714 (linked livestock-based indexes, see Appendix)

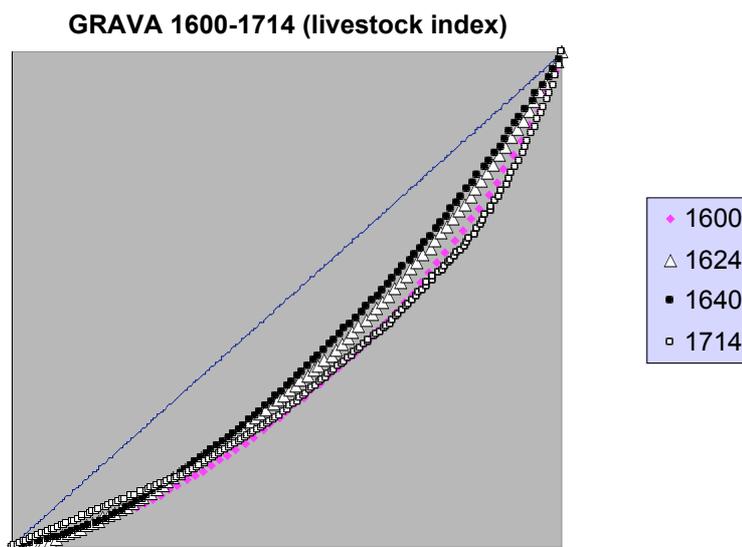


Sources: VrmH 1600:10:3 fol 68-77 and 1601:10:3 fol 25v-29. BL 1622, 1640. Ksl 1714. Households identified with the help of OVL, Rosenberg and cadasters for relevant years.

As to the question of ‘homogenization or differentiation’, chart 12 above suggests a decreasing economic inequality during the first period, (1600-1640) mainly due to the fragmentation of larger farms, followed by a widening gap between rich and poor peasants during the period of economic expansion, where, as we have already noted, tax land households have been the most dynamic (apart from the Crown farms at W. Tolerud). A Lorenz curve chart confirms this impression, also suggesting a return to the level of inequality prevalent in 1600. However, as these diagrams are constructed from

livestock tax figures, except for the 1714 taxation, which measures total wealth related to livestock through an index, the relevance of which may be questionable outside the region on which it is based, I also construct a second Lorenz curve, comparing the total tax values of 1600 and 1714²⁰¹.

Chart 12-13: Lorenz curves Grava 1600-1714 (livestock index)



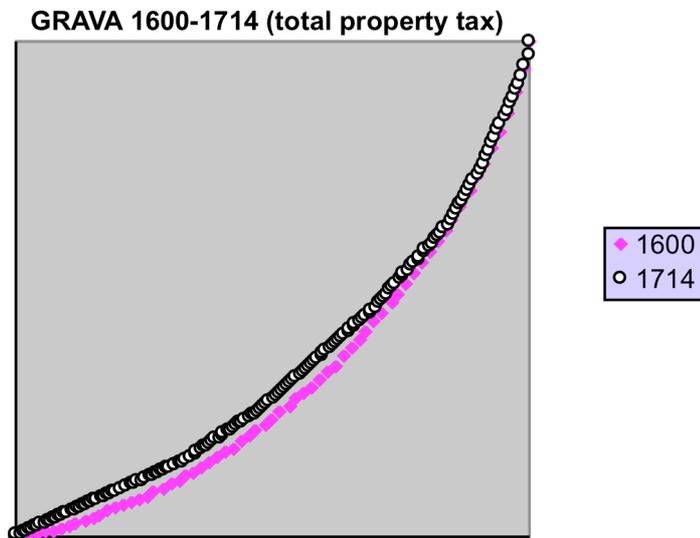
The second curve chart (#13, below) shows that the total-wealth inequality of 1600 had been even greater than the livestock-value inequality and than the total-wealth inequality of 1714. However, measured by the property share of the top two deciles, inequality of total wealth was almost identical at these two occasions.

The difference lies in the lower part of the curve, where the taxpayers of 1714 appear to possess a greater portion of the parish's aggregate wealth than at 1600 (a similar effect is even more noticeable in the first curve chart, where the bottom decile of 1714 seems to be the most affluent among the four cases, while the top 50% have the proportionally lowest share).

This is certainly due to the more restrictive delimitation I have had to employ for the contribution figures: anyone assessed at only 1 *kast* (=owning property not worth more than 10 dsm) has to be excluded as a suspected *obesutten* (landless), as this figure is the conventional

²⁰¹ In both of these cases the ambition was to tax total wealth, even if the methods differed, but the degree and profile of the dispersion of wealth should be comparable.

minimum level for everyone that isn't explicitly defined as destitute. Hired hands and maids are thus routinely assessed at 1 *kast*, which makes it impossible to discriminate between landless lodgers and *de facto* peasants farming a parcel of the cadastral homestead.



The further development in Gladhammar

The tenures in Gladhammar exhibit a bewildering multiplicity. Apart from the usual tenures of *skatte*, *frälse* and *krono*, there are customary relicts and in-between categories. *Skäriebönder* on islets are a parallel to other customary tenures in forest-land areas which usually have had favourable conditions to encourage settlement. Like other customary tenures they have been subsumed under *krono*. *Sämjebönder* is a contested category which sometimes has been counted as *skatte*, and at other times *krono*. (see above page 76).

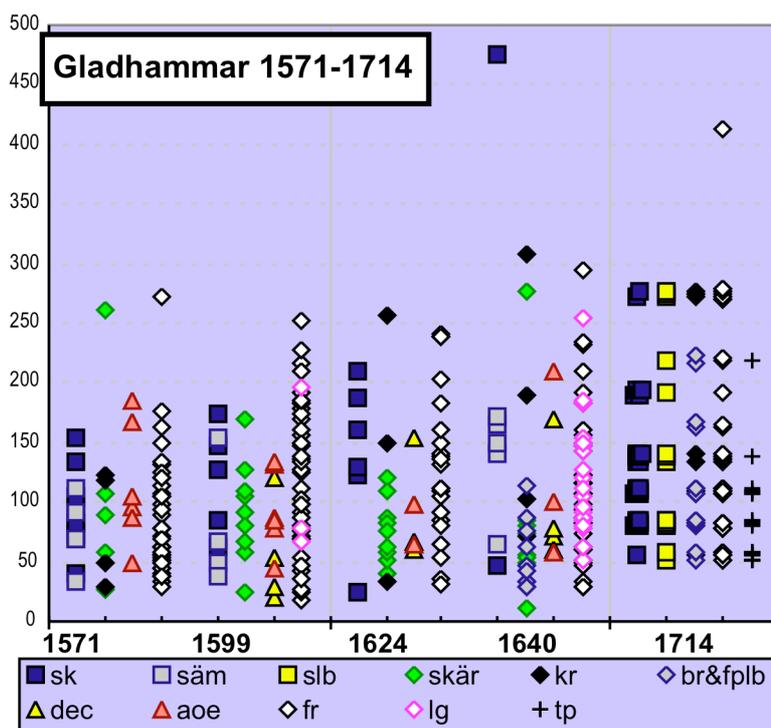
Out of the 57 *frälse* units in 1571 only one has changed its nature in its entirety²⁰²: Åldersbäck, which had been the homestead of Nils i Allersback, the 3rd richest *frälsebonde*²⁰³ has become a subdivided *krono* homestead together comprising 3/4 *mantal*. None of the two tenants are assessed for much property (30 and 40 dsm), but one of them is assigned (presumably as a salary) to Mayor Hans de Rees, the

²⁰² Disregarding those where a part of the homestead has been detached and turned into *krono*.

²⁰³ The 6th richest peasant in the whole parish – the richest tax peasant was number 7.

second richest landowner in the parish (see below, table 4) which suggests that the economic potential of the homestead may have been appropriated by the allotment holder (*indelningshavare*).

Chart 14: Property of households in Gladhammar 1571-1714 (linked livestock-based indexes – see Appendix)



sk= *skattebönder* (freeholders on tax land)
slb= *skatteländbor* (tenants on tax land)
säm= *sämjebönder* ('agreement tenants')
skär= *skäriebönder* ('skerry peasants')
br&fplb= *brukslandbor & förpantningslandbor* foundry tenants and tenants on land held as collateral.
dec= *dekanatsbönder* (deanery peasants)
aoe= *arv och eget* (royal or ducal domain)
lg= *ladugårdsbönder* (demesne tenants)
tp= *torp* (crofts)

Sources: ÄL 1571, SmH 1599:12, BL Småland 16:1 (1624), BL Kalmar län 1640, Ksl Kalmar län 1714:36. Land nature identified from headings, comments and tax-rates in the rolls and from cadasters for relevant years.

The six *arv och eget* homesteads (or ‘His Royal Majesty’s peasants’, as they are called in this roll) have dispersed into different natures. Gellerzkulla, which had been the 3rd richest farm in the parish in 1571, is now a *krono* homestead housing an Alderman, who may be living there himself²⁰⁴, while Långauik, number 5, and Yxnauik appear to have become the two most substantial *frälse* homesteads, as the tenants on each farm have a combined assessed property worth 140 dsm, though they also manage to pay a high rent: 30 dsm. On another *frälse* homestead, Giärdzöö, the only tenant is worth 150 dsm by himself, but he only has to pay a rent of 15 dsm²⁰⁵. In the earliest property taxation 143 years earlier, Laße in Jersiöö (also a *frälsebonde*) had at an index of 25 been one of the poorest peasants in the parish: one cow and two young cattle only two years of age²⁰⁶, four sheep and copperware with a total weight of two pounds. This excludes him from being counted among the landed peasantry according to both of the rival delimitation criteria discussed earlier.

Among the customary tenants of 1640, the 5 *sämjebönder* had earlier been counted as *skatte*, except Johan i Torsfall (1599), who was *krono*. One of the others, Pär i Wigelsbo, had lost his tax right by 1624, presumably due to unpaid taxes. These two are still in the Crown sector by 1714, while the other three are *skatte*. Obviously *sämjebönder* were considered a form of *skatte* in Gladhammar during this period.

The *skäriebönder*, on the other hand, are all counted as *skatte* in 1714, but as *krono* in 1571-1624, except the homestead of Horn, which is *frälse* for some time from 1599²⁰⁷. In this case the nature of

²⁰⁴ No tenant is listed, just a farm-hand and a maid. The alderman is assessed at 70 dsm, which seems rather modest, especially as it might include 20 for the servants. Probably he has property in the town as well.

²⁰⁵ The only higher amount of rent specified in the roll, is paid by the *oskattlagda torpare* (crofters who have not been assessed as taxable – for regular taxes, that is – in the cadaster) under the manor belonging to Captain Benjamin Magnus Cronobourg (see below). They are estimated to yield a rent of 60 dsm together. As they are not specified, we do not know how many of them there are. There are 34 crofters in the roll discounting horsemen, craftsmen, parish ringer and destitute, but many of these would belong to other manors.

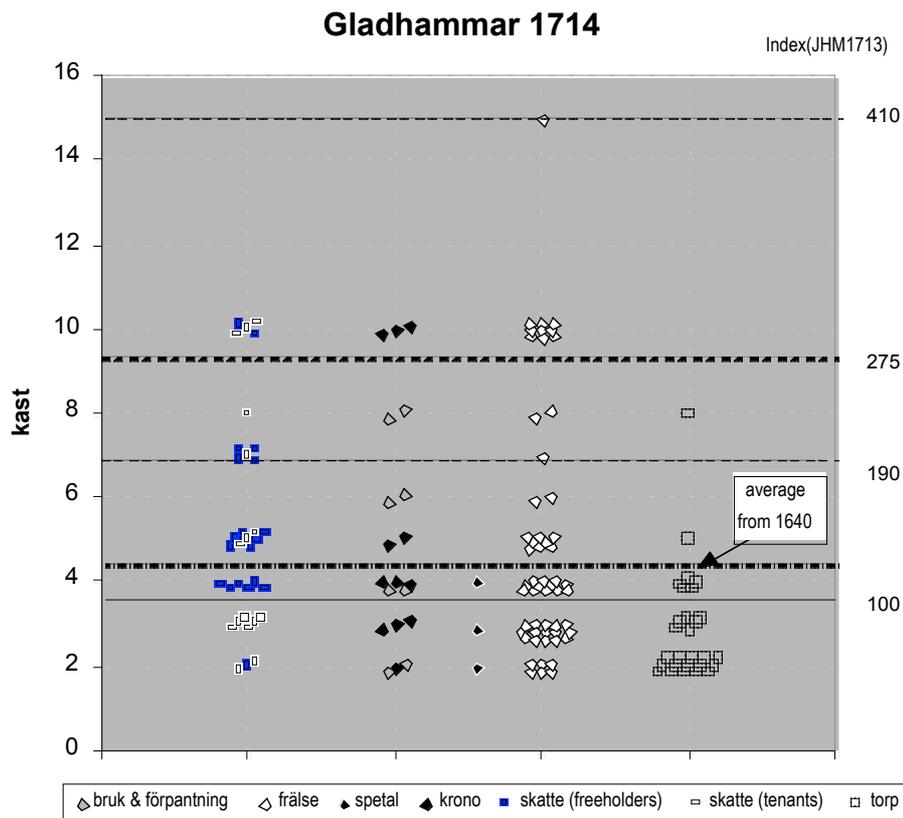
²⁰⁶ The 1571 taxation rolls specify young cattle from one to four years of age at different assessment rates; only at five are they counted as cows or oxen.

²⁰⁷ Probably in 1624 where noble domain estate is usually excepted. Perhaps also in 1640 where it is listed as noble domain estate, although it pays full tax rates like *skatte* or *krono*.

their tenure has been reinterpreted in a way favourable to the tenants, which appears to be quite unusual²⁰⁸.

The four homesteads under the deanery (*dekanatsbönder*) in 1599 and 1640, are counted as *frälse* in 1571, but as *krono* in 1624. In 1714 three of these have become *skatte* and one *frälse*²⁰⁹.

Chart 19: Peasant households in Gladhammar 1714. Assessed property.



Source: *Ksl Kalmar län 1714:36*.

In Gladhammar by 1714, an upper echelon of peasants assessed for a personal property worth at least 100 dsm (roughly corresponding to an index of 275) have clearly detached themselves from the majority clustering around an average of Index(JHM1713)=100 closely

²⁰⁸ Cf the discussions of customary tenures in Almquist 1964 and Hafström 1970. The *sämjebönder* example lends support to the analysis of Bergfalk 1832:17-20 as against those of Almquist and Hafström.

²⁰⁹ This is probably just a delayed effect of the church reduction, where the occasional preservation of a prebendal-style tenure has made the land expendable for state purposes and thus possible to sell.

corresponding to that of 1571²¹⁰. Within the area 100 ± 45 (or 20-50 dsm), more than 80% of the farms can be found. There is also a more thinly scattered intermediate group in the area 60-80, loosely grouped around Index(JHM1713)=190. In this parish, the wealthiest peasant stratum is clearly dominated by peasants on exempt land, 9 out of 16, including the richest one. Three are crown peasants, and among the five on tax land, at least three are tenants and not freeholders/owners. In general, the concentration of ownership in Gladhammar has become very pronounced by 1714.

Table 5: Persons of standing owning land in Gladhammar 1714

Persons of standing owning land in Gladhammar 1714	homesteads		value		
	<i>frälse</i>	<i>skatte</i>	capitalized rent	assess ment	sum
Bruukz Patron Hans Andersson	18	8	629	86	715
Borgmäster Hr Hans De Rees	10	2	432	100	532
Wälb: H: Capitain B Ma Cronobourg	6	1	311	6	317
Öfw högw Hr grefwe C J Lewenhaupt	1		56		56
Baron och Landzhöfd: H: Claes Bonde	1		56		56
Häradzhöfdingen H: Abraham Bauman		1		30	30
Brp Christopher Bauman	1		25		25
Leutnanten Hr Herman De Rees		1		20	20
Häradzhöfdingen Jonas Lindbohm		1		20	20

Source: Ksl Kalmar län 1714:36.

Out of the 86 cadastral homesteads (not counting the crofts) the three largest landowners – a foundry owner, a mayor and an army captain – together control at least 40. Out of the 37 tax homesteads they own 11, or 46% of the assessed values of tax rights, and out of the 39 exempt homesteads, they own 34, or 86% of the capitalized rent value. In fact, only three other owners of noble land appear in the rolls – another foundry owner, the provincial governor and a colonel.

The latter two – a baron and a count belonging to ancient lineages – would have been the only legitimate owners of exempt land in the parish (with the possible exception of the captain). Among the tax homesteads, three more were owned by titled gentlemen: a lieutenant and two hundred-court judges, leaving the 24 remaining tax peasants

²¹⁰ Index (ÄL1571)=100; the livestock held by the two reference-farm averages are almost equivalent if we assess them according to the BL 1640 tax rates. (See Appendix).

in possession of 37% of the freehold value. One consequence of this, is that out of the more than 40 peasants on *skatte* land, around 40% were subtenants, not freeholders.

This shows that already at this date *frälse* land – just like *skatte* – has become a commodity which is bought and sold on the market, and that the ‘Estate’ definition is becoming more and more meaningless; you can’t tell from the nature of the land who the owner or the occupier is, and not from the owner what kind of land he would possess. The only remaining constraint from the Estate order, is the prohibition against peasants buying *frälse* land. Yet even peasants begin to acquire exempt land during the later part of this century, even if they have to do it by proxy or acquire it as collateral (Carlsson), and in the very appropriate year of 1789 the last restrictions fall²¹¹.

Another interesting aspect of the assessment – or rather of this *contribution* in general – is the way the future development is anticipated in the property sum: the two totally different kinds of landowning (*cf* Herlitz 1974, chapter IV) generate very different kinds of revenue, which are reduced to a common denominator and summed up in a monetary evaluation abstracting from all class and Estate aspects²¹². The market is becoming the implicit point of reference for price-setting even for absolutist taxation commissions.

Measuring the development of peasant wealth over time in Gladhammar is made difficult by the many homesteads unaccounted for in some of the taxations – especially in 1624. Therefore I have complemented the curves showing all the farms with three different samples designed to be more internally consistent:

- A. homesteads included all of the years
- B. homesteads included each year except in 1624
- C. those included at least in 1599, 1640 and 1714

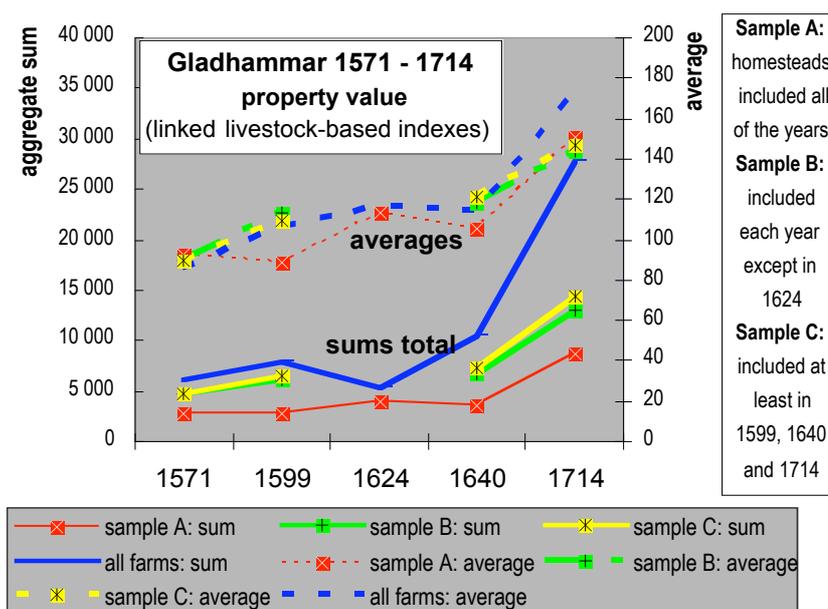
The figures for sample A indicate that the dip in aggregate wealth in 1624 is due to the large number of farms which are not listed for this year. These are in the main demesne farms on noble land

²¹¹ To be more precise: almost the last; *ypperligt frälse* – manor demesne – which is completely tax-exempt, will remain out of bounds for another 20 years..

²¹² An even more explicit example is Madame Christina Springers(?) at Näntuna in the parish of Danmark, who is assessed at 37 dsm for real estate: 17 for the tax-land right (*skatterätten*) and 20 for the exempt-land rent (*frälseräntan*). Ksl 1713: Danmark. This homestead was 5/8 *skatte* and 3/8 *frälse*, and in this case exempt-land share was thus assessed at almost the double the value of the tax-land portion.

(*ladugårdsgods*). As a consequence they are also excluded from sample A, which accounts for the contrasting behaviour of the average (sample A) curve in 1599; the farms on fully privileged noble land account for the bulk of the rise in 1599 (the sample A aggregate is also practically constant from 1571 to 1599).

Chart 15: *Livestock in Gladhammar: aggregate and average value 1571-1714* (both measured by linked livestock-based indexes, see Appendix)

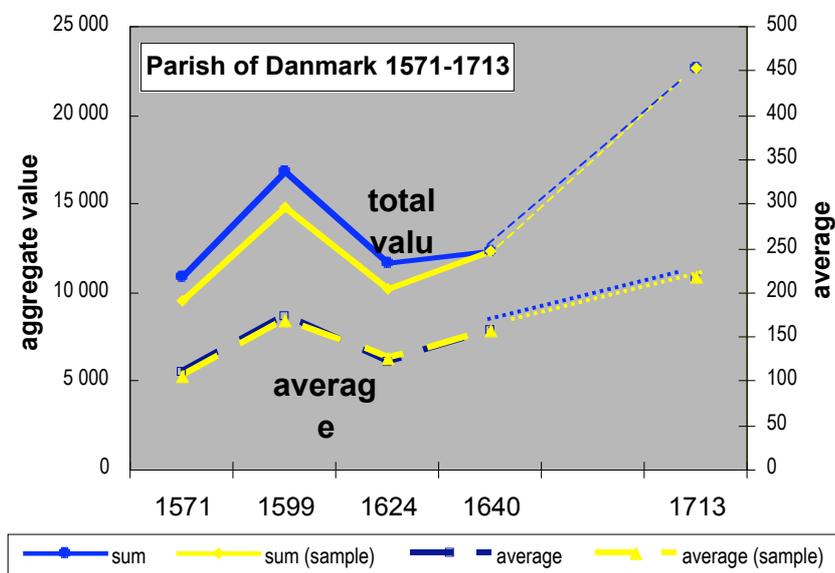


Sources: ÅL 1571, SmH 1599:12, BL Småland 16:1 (1624), BL Kalmar län 1640, Ksl Kalmar län 1714:36. Farms identified from entries in the rolls and in cadasters for relevant years.

As can be seen from chart 15, there was on the whole probably a fairly steady increase in average as well as aggregate wealth even if the growth during 1599-1640 may have been very modest²¹³. In the parish of Danmark, on the other hand, (below, chart 16) there was a sharp rise from 1571 to 1599, and an equally sharp decline between 1599 and 1624. The last period witnesses an obvious growth in both of the parishes, as was also the case in Grava.

²¹³ A rise up to 1624 and a decline from 1624 to 1640 is also quite possible, but the apparent decline of sample A in 1624 is contradicted by the evidence from samples B and C.

Chart 16: Livestock and wealth in Danmark: aggregate and average value 1600-1714 Both measured by linked livestock-based indexes (Appendix)

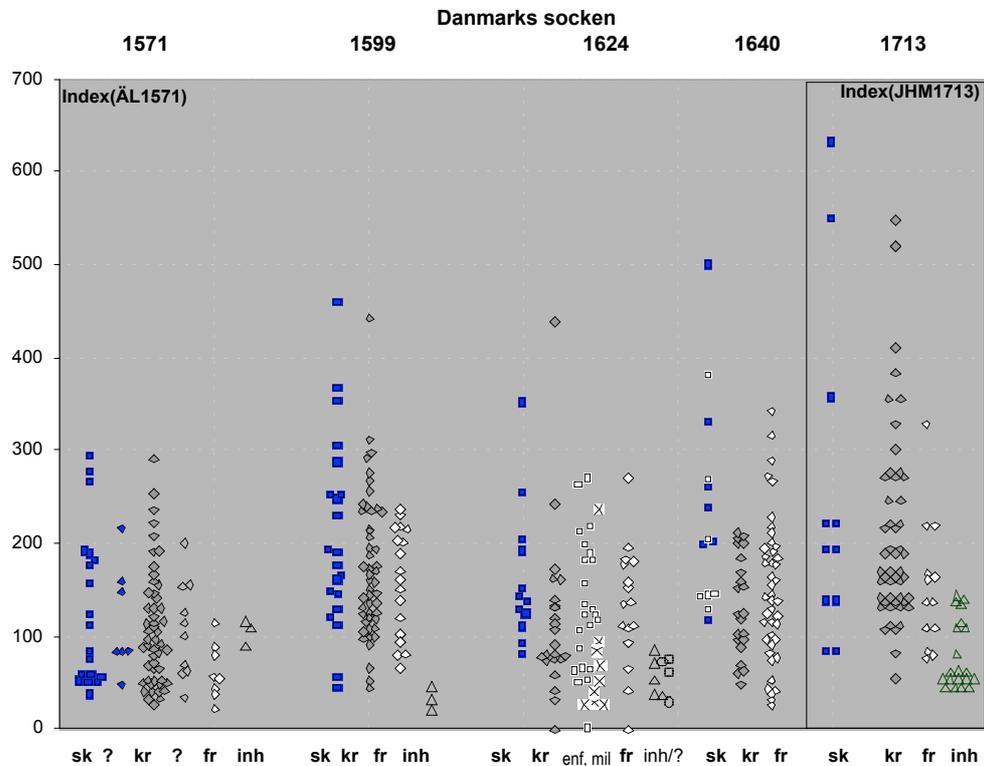


Sources: ÅL 1571, UpH 1599:9K, BL Uppland 3:10 (1624), BL Uppsala län 1640, Ksl Uppland 1713. Land nature identified from headings, comments and tax-rates in the rolls and from cadasters for relevant years.

The further development in Danmark

The general rise, decline and rise pattern is clearly visible also in the chart of assessed households in the parish of Danmark over the whole period (chart 18, below). An interesting aspect here is that the strong growth during the final period, 1640-1713, is *not* primarily due to the tax land peasants, but to the remarkable recovery among the crown sector – originally largely cathedral tenants, who had been heavily depressed during the period 1599-1624-1640.

Chart 17: Households in Danmark 1571-1714. Assessed property. Measured by linked livestock-based indexes (see Appendix)

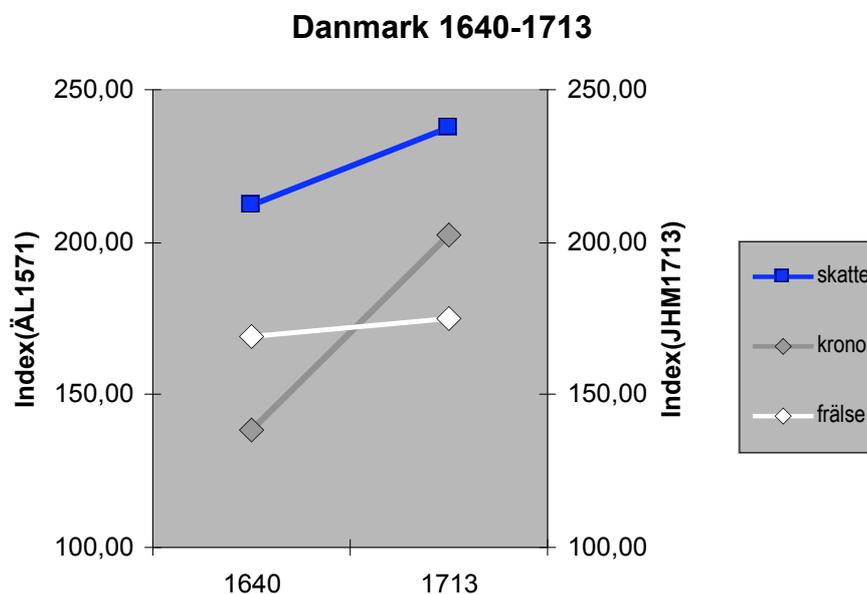


Sources: ÄL 1571, UpH 1599:9K, BL Uppland 3:10 (1624), BL Uppsala län 1640, Ksl Uppland 1713. Farms and nature identified from DMS, from headings, comments and tax-rates in the rolls and from cadasters for relevant years.

The category 'enf' in the chart for 1624 signifies enfeoffed homesteads – in general from ecclesiastical tenures, but also four or five examples of *skattefrälse*. To this category I have also added 'military homesteads' ('mil'), nominati identified as soldiers, horsemen or officers. These are examples of the 'earlier allotment system' (*det tidigare indelningsverket*) where homesteads were given or allotted

to²¹⁴ military personnel as a system of remuneration. The important role for crown sector peasants in the military system is probably the main reason behind their depression during the war period, but also behind their preservation as viable peasant homesteads. Their recovery after the Westphalian peace may be a sign that the tax and rent pressure had forced them to improve their husbandry which would have led to a fast growth as soon as the constant tapping of their surplus abated.

Chart 18: Average property for different tenures. Danmark 1640-1713. linked livestock-based indexes (see Appendix)



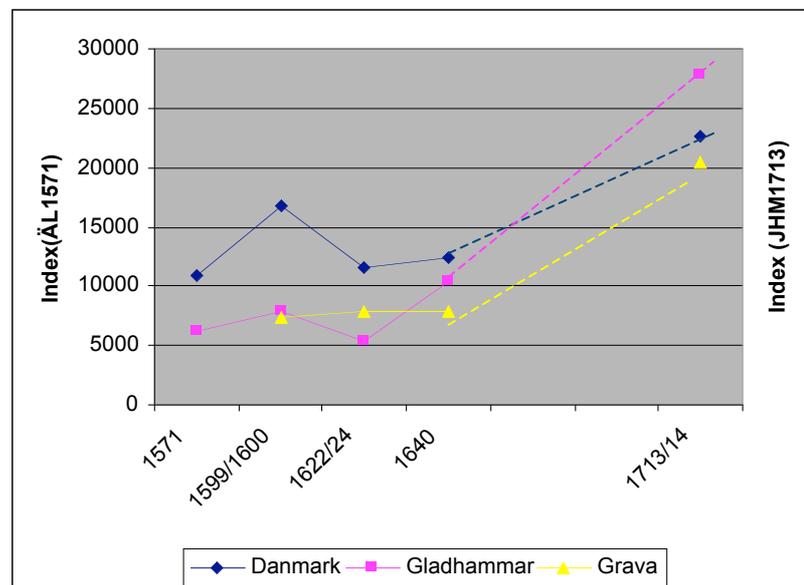
Sources: BL Uppsala län 1640, Ksl Uppland 1713. Land nature identified from headings, comments and tax-rates in the rolls and from cadasters for relevant years.

²¹⁴ Meaning that their tax or rent was reserved for the upkeep of the soldier *etc.* As the military *nominati* are in many cases themselves registered as occupants, these seem to have been given the homesteads in custody or as donations. In other cases, occupants have been given reduced dues in exchange for military service, but in this particular roll, all the military *nominati* pay the full tax. There are also some who are registered on homesteads which already appear to be fully occupied by farmers. In such cases they are probably paid by receiving rent from the occupants, as in the allotment system proper introduced by Charles XI from 1682 onwards (*cf* Ågren 1973, 1989).

Comparison and conclusions

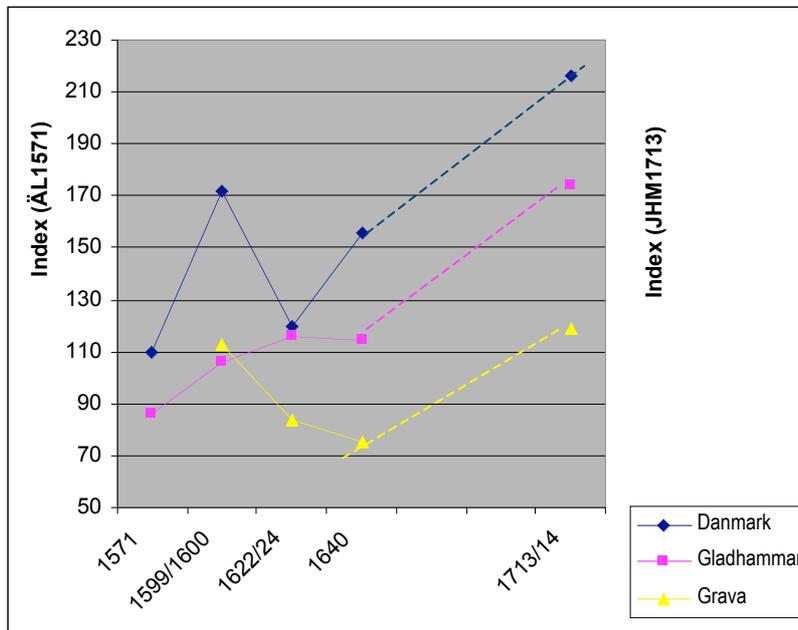
Thus there is *no general pattern* among the three parishes studied here, *except* for the *rising aggregate wealth as well as average wealth during the period 1640-1714*²¹⁵. That the patterns of differential development for the various tenures diverge even during this rise, suggests that this was a period of *general economic growth*, the fruits of which could be plucked by different groups depending on the property rights structure of the area: freeholding tax peasants as in Grava, crown peasants as in Danmark or *frälsebönder* as in Gladhammar.

Chart 19: Aggregate wealth in the parishes of Danmark, Gladhammar, and Grava 1571-1713/4 (linked livestock-based indexes,(Appendix)



²¹⁵ The rise between 1571 and 1599/1600 observed in both Danmark and Grava may very possibly have had a parallel also in Grava, but unfortunately no records from the Ransom for Älvsborg (1571) are extant for this part of the country.

Chart 20: Average wealth in Danmark, Gladhammar, and Grava 1571-1713/4 (linked livestock-based indexes, see Appendix)



Neither of these cases gives any support for the conventional notion that the later economic and political dominance of *skattebönder* within the Swedish peasantry is a direct and unbroken heritage from the Middle Ages, let alone from the Viking Age, as a nationalist myth would have it. *The myth of the freeholding **odalbonde** with an unbroken tradition of citizenship based on private ownership of land has to be revised so that we can reassert the historical role of Sweden's peasantry without romanticizing ownership.*

The medieval and early modern Swedish peasant was a full member of the community whether he owned his plot or held it from a Lord, the church or the Crown. If he held enough land he enjoyed full juridical capability including the right of attendance at the hundred moot and the possibility of serving as a juryman, whatever the nature of the land he held (Claesson 1987, Bjarne Larsson 1994).

The peasantry did not become an Estate²¹⁶ until the representation of the cities and the hundreds at 16th century Diets became reinterpreted as a representation of two social categories that were eventually formalized into corporate bodies (Estates): burghers and peasants. During the 17th century, the Nobility argued that they represented their own tenants, who should therefore not be included in the Estate of peasants, but not until in 1720 was this viewpoint shared by the spokesmen for the Peasant Estate. *By this time a new kind of **skattebonde** had emerged, whose views of property had been shaped by the struggle for tax-land property rights in alliance with Burghers and Clergy, and who was well disposed to take advantage of the economic opportunities that arose when the burden of constant warfare was lifted through the fall of the Swedish Empire.*

²¹⁶ Unless you insist that the Estate concept is a natural classification that can be applied – like class analysis – whether people define themselves in these terms or not. I wouldn't agree; as Tom Söderberg put it: 'Classes are based on observation of reality. Estates are institutions.'

APPENDIX:

Livestock-based indices

In order to gauge the diachronic development reflected in the various property tax assessment I have constructed two indices:

I: Index(ÄL1571)

The first index relates all of the taxations to a 'reference farm' derived from the national average in 1571. Hans Forssell's statistical summary of this taxation (1872 and 1883) remains the only nationwide treatment of Swedish Imperial Age data, and after some vacillation I have decided that the lack of precision imposed by his condensation of the categories is a smaller problem than the regional bias inevitably inherent in any other available solution. I have therefore based my index on the average amount of livestock owned by the 53 342 households for which the rolls are preserved (I have taken the figures from Myrdal-Söderberg 1991:80 as they have complemented Forssell's figures with a number of parish rolls rediscovered after his survey).

oxen		cows		young cattle				goats	sheep	swine	horses	
fully grown	young	4years	3years	2years	1year					stallions	mares	
0,4	0,4	3,9	0,5	0,5	0,9	0,9	1,4	5,1	2,5	0,8	0,8	

The assessed value for this livestock – 80,37 marks – I equate to Index(ÄL1571)=100. To relate this index to the taxations of 1599/1600, 1622/24 and 1640, I calculate the taxation value of the same amount of livestock according to the tax-rates of these respective years, and put each of these evaluations equal to 100.

II: Index(JHM1713)

To relate this index to the value sums in Ksl 1713/1714 is more complicated, as it is in general not possible to separate the value of the livestock from the rest of the taxable property assessed. As I have only found three parishes with separately recorded livestock within the Ksl rolls, I use the inventories from these 106 assessed households as the basis for a second reference index. As the closest

earlier year, 1640, should be the most important date of comparison for the Ksl figures, I will use the tax rates of that year to correlate the indices.

	horses			oxen	cows	young cattle		goats		sheep		swine		TAX öre
	stall.	mares	foals			steers	heif.	old	young	old	young	old	young	
1713	0,5	1,2	0,3	0,8	3,8	0,5	3,3	0,8	0,54	3,5	1,8	1	1	46,29
1571	0,8	0,8		0,4	3,9	1,4	1,4	1,4		5,1		2,5		46,27

As can be seen in this table, the two reference stocks are virtually equivalent according to the rates of the roughly midway taxation year of 1640. I therefore link the two indexes, which yields a conversion factor of Index 27,46 per assessment unit (*'kast'*, corresponding to 10 dsm²¹⁷) within the contribution of 1713. Of course constructing an index from such a narrow base entails a high degree of uncertainty, but as the reference parishes are relatively poor and exhibit no sign of growth compared to 1571, the compound index relating the two almost equivalent reference farms of 1571 and 1713 will hardly inflate the 1713/14 figures.

It is, however, important to remember that the linking of the indices represents a two-step comparison. In chart 17 the average Danmark farm of 1713 is rated 217, while the average for 1640 only reached 156. This would mean a 39% increase in taxable wealth if the figures had been fully commensurable; in this case, however, they represent the facts that

1. the 1640 average farm in Danmark owns livestock worth 156% of the *livestock* of the 1713 reference farm in Jäla-Hånger-Mårby (or of the national-average farm of 1571),
and
2. that the average 1713 Danmark farm owns taxable movable property worth 217% of the same reference farm's *total taxable property*.

Although this is not equivalent to a 39% increase in wealth, comparing the figures will still reasonably tell us a lot about relative wealth. As to the question of total property, it is quite unlikely that the relatively poorer average farm of 1640 would have possessed a

²¹⁷ dsm= *daler silvermynt*, the contemporaneous Swedish monetary unit; the possible complications arising from the mutable relation between this silver-standard currency – which was at this point primarily a unit of account – and the everyday copper-standard currency of *daler kopparmynt*, should not affect the present calculations as all taxable property was assessed in dsm.

higher proportion of non-livestock property than the relatively richer average farm of 1713. The 20 years of continuous property taxation should also reasonably have tended to deplete monetary reserves and thus to increase the relative weight of the livestock component. The 39% should on these accounts be taken to be a minimum figure.

How about the objection that the collective inquisitive assessment method of 1713 might account for the higher taxation results? Should the BL figures be suspected of heavily underrating the movable property? The participation of the parish priest, has usually been considered a reasonable safeguard against under-taxation, even the more so since the six-man parish jury or vestry (*sexmän*) also had to assist, and put their identification marks (*bomärken*) on the rolls as a guarantee (Larsson1972).

To interpret the generally decreasing livestock assessments of 1620-1640 as primarily due to a learning process, whereby methods of tax evasion were refined from year to year, would be to underestimate the degree of local supervision possible in the Swedish early-modern society. The parson and the vestrymen were also capable of learning, and other rational explanations for decreasing returns have to be taken into account. An important reason for introducing property taxes was to capture the hidden surplus of under-assessed farms. As my investigation of Österberg's rising inequality hypothesis (see the discussion after chart 10 above) suggests that her proposed mechanism *did* have effect during periods without property taxes, the combined effects of continuous warfare and of an equalizing tax system should provide sufficient explanation for the decreasing returns. Of course this downturn may have been aggravated by refined tax evasion, but as the 1713 figures are also quite higher than those from 1624, the subsequent upswing could hardly be illusory.

CHAPTER III

SWEDISH STATE-BUILDING AS A PROCESS OF PARALLELL CENTRALIZATION. THE MEDIEVAL BACKGROUND

POINTS OF DEPARTURE

A question of terminology

How shall we describe the kind of society that was transformed by the modernization process, whether incremental or revolutionary? 'Feudalism' was one of the first labels to be affixed to the 'system' of pre-revolutionary Europe, and in the Marxist tradition codified as 'historical materialism', the 'Feudal Mode of Production'(FMP) is understood to be the stage preceding capitalism²¹⁸. Many historians are opposed to the use of 'feudalism' to describe a whole family of societies, and argue that either (1) it should be confined to certain European societies during a certain period, (2) that it should only be used to describe certain social relationships, characterized by fief and vassalage, or even (3) that it has created so much confusion that we are better off without it. E A R Brown's argument for the third alternative has received formidable backing from Susan Reynolds' *Fiefs and Vassals* (1994), which, however, concentrates its deconstructive fire on 'feudalism' in the sense of alternative 2 (scorching some of the arguments for alternative 1 in the process).

Reynolds is careful, though, to make reservations for 'feudalism in its Marxist sense, which involves not only relations between nobles

²¹⁸ The details of how this is supposed to have occurred - and to what extent the actual development has conformed to the axiomatic model of societal development sketched in the famous introduction to '*A Contribution to the Critique of Political Economy*' - have kept generations of Marxist, anti-Marxist, neo-Marxist, and post-Marxist historians busy over the years. I will try to avoid this kind of debate as far as possible as I do not think that the analysis of capitalism should serve as a model for how to analyze earlier forms of society - the danger of teleological bias when discussing the emergence of the modern world is great enough as it is.

and peasants but consideration of the whole economic structure of society', a 'broader subject' which she seems to consider more important, although 'impeded by its inheritance from the narrower one of the idea that fiefs and vassalage were central and defining institutions of medieval European society.' (p 3, also *cf* 15). Marc Bloch's concept of 'feudal society' was also broader and more synthetic than that of the legal-historic formalism Reynolds sets out to dismantle, and although his ideas are criticized in a few places it would seem that his holistic anthropological approach - and by extension that of Georges Duby, who also appears to escape really fatal injuries - should deserve a more respectful treatment. Bloch's wider concept of *liens de dependence* would even seem to gain the more in value as a characterizing feature the more we devalue the importance of 'vassalage' and 'fiefs' in the supposedly 'strict sense' - an especially important aspect in the analysis of 'atypical' cases like Sweden²¹⁹.

An ambiguous term for an ambiguous concept

There is still a need for a general term encompassing the types of societies that dominated Europe before the transformations of modernity, the type of societies the miracles 'happened to'. '*Ancien Régime*', '*Alteuropa*' (Brunner), or 'old order' (Blum), have been employed as alternative labels, but the advantage with 'feudal society' is that the usage of the word in this sense is familiar and well-established, however irritating it may be for those who prefer unambiguous terms.

What we need here, though, is a term for an inescapably *ambiguous* concept, and to create a new, and more 'precise' term, would be to pretend to an accuracy we have not yet achieved, or, worse, a conformity which never existed. As a *heuristic* concept, we are quite simply stuck with 'feudalism' until we have found a better explanation of what it really was that happened to exactly what kind of group of European societies at exactly which points of the whole process. There is a practical need of some kind of generalizing label

²¹⁹ Aaron Gurevich has carried the anthropological aspect of Bloch's work further, and incorporated it into his very original reconceptualization of 'feudalism in the Marxist sense', which is not mentioned anywhere by Reynolds. This is probably because his fundamental 1970 work on the origin of European feudalism has not been translated into any major Western European language except the Italian (Gurevich: *Le origini del feudalesimo*. Bari 1983. A Swedish translation was published in 1979.) Gurevich has paid special attention to the Scandinavian countries, especially Norway and Iceland (Gurevich ###).

broad and flexible enough. 'Feudalism' in the *widest* usage of the term would be even far too broad, though, as when it is used in the vague general sense of landlordism and oppression of peasants.

The European state-system

As my present purpose is to formulate a general framework for the discussion of the Triple Miracle, and of Sweden's role within it, loose enough to accommodate all the different perspectives I discerned in *Sweden and the European Miracles*, I will start out from the only point of virtual consensus in the entire debate:

Europe never consolidated into an empire, but developed into a system of interacting but independent and competing societies, which accounts for the higher dynamic potential, compared to other regions.

This argument, which can be traced to Otto Hintze, is envisioned as a fundamental European advantage not only by Anderson (1974), Wallerstein (1974) and Tilly (1975) - as Skocpol observed in 1977 - but has received an even heavier emphasis in Jones 1981, Holton 1985, Hall 1985, Mann 1986, and Tilly 1991.

State-system dynamics: different approaches

The state-system argument has been advanced from quite different directions of approach, each version carrying its own implications and anchored in different analytical perspectives

Immanuel Wallerstein's (1974) emphasis on the 'Failure of Empire', and on the dynamic consequences ensuing when the scale of economic reproduction moved up to a level beyond the spatial grasp of political power.

Perry Anderson's descriptive²²⁰ (1974) definition of European feudalism, stressing its composite, polystructural, and variable character, and rooting its dynamics not only in the struggle over the

²²⁰ He also offers an interpretation of Marx' own implicit definition of feudalism, distilled from comparative discussions of Russia in Marx' correspondence. I find this part of Anderson's analysis very much beside the point - why assume that Marx possessed a valid implicit definition, when the current state of research could not have furnished him with an adequate empirical basis for it? - and probably only designed to disconcert dogmatic Marxists.

agricultural surplus²²¹, but also in the struggles for control over land and people, between lords and between countries. His emphasis on the build-up of coercive power as a double imperative: to extract economic surplus from the peasantry and to defend the lord's position against other lords, gives his model an internal cohesion despite the diversity and grounds the state-system dynamics in 'feudal' microfoundations (the nexus between surplus exaction and military duties).

The argument of **Charles Tilly** and his associates (1975) that the 'formation process' of modern European states was driven by the growing demand of fiscal and administrative power in order to survive the state of endemic competitive warfare in early modern Europe

Reinhard Bendix' (1978) concept of 'reference societies' (12f, 292) expressing the concern of state elites observing the superior performance of a rival state and seeking ways to emulate the factors perceived to have caused this superiority, provides a more generalized parallel to Gerschenkron's concept of the (economic) dynamics of 'catching up'.

Eric Jones' (1981) description of the European states system as 'a portfolio of competing and colluding polities whose spirit of competition was adapted to diffusing best practices' (115) and his claim that although 'the self-propulsion of market forces explains much', the rise of the nation-state was required to establish 'stable conditions' for the diffusion of progress²²²(149), provides a capsule synthesis of much of the earlier state-system debate.

John Hall's (1985) notion that the common ideological system of christianity provided the crucial link holding the state-system together is hardly novel, but his consistent formulaton of that argument offers a perspective for integrating ideology and identity formation into

²²¹ As argued by the British Marxist historians (from Dobb to Hilton) against the exogenous viewpoints of Pirenne and Sweezy (Hilton(ed)###, Kaye###). One of Wallerstein's points of departure is his attempt to endogenize the role of long-distance commerce through moving up to a wider object of analysis: the entire system instead of a single polity. In this way he can argue a 'purely economic' dynamic without having to recourse to exogenous explanations. Anderson instead endeavours to endogenize political struggles and institutions into the economy through arguing that 'extra-economic coercion' was the most essential means of economic competition in pre-capitalist societies.

²²² Although he formulates it within a context emphasizing another argument: favourable natural conditions, crucially including a wide span of ecological variation over an area compact and traversable enough to permit constant interaction.

general social development without overrating the power of mind over matter ('organizational materialism').

Michael Mann's (1986) generalization of the state-system explanation into a model of 'multi-power actor civilizations', arguing an analogous dynamic for the Sumerian and Hellenic city-state systems, develops the concept into a general principle for historical dynamics. He uses a neo-Weberian model of four separate 'sources of social power' for the important purpose of minimizing reductionist explanations, but when he postulates from the beginning that the 'four sources' are independently constructed, but interact 'promiscuously', he is left without tools to analyze the 'separation of the economic from the political' (*Cf* Wood) characteristic of modern society.

Charles Tilly's revised theory (1991) focusing on the interaction between 'accumulation of coercion' driving the process of state-building, and 'accumulation of capital' resulting in the growth of cities and city networks. The crucial dynamic element in his revised theory is the growth of the 'nation-state', or, as he now prefers to call it: the 'consolidated state', combining the military advantage of the first process with the economic advantage of the second, thus following a trajectory of 'capitalized coercion'.

Feudalism as dynamic polystructurality

As I have argued earlier (Emilsson 1996), Anderson's denotation of 'feudalism' is less to be understood as a set of societal structures than as a set of development paths, 'trajectories'.

As Anderson's explanation of European uniqueness is:

1. closely tied to his analysis of feudalism and its dynamics,
2. wide enough to accommodate all of my three miracles,
3. congruent with the neo-Hintzean argument about the European advantage which appears to be the only point of near consensus in the entire debate²²³,
4. possible to rephrase in broadly institutional terms,
5. broad enough to accommodate insights from most of the other approaches listed,

I will take it as my point of departure. As implied by point 4, I will adopt an un-dogmatic institutionalist viewpoint, somewhere in the border country between the old and new institutionalisms, availing myself of Douglass North's concepts while trying to stay clear of his anachronistic neo-classicism.

²²³ As Skocpol noted in (1977).

Anderson's explanation of the dynamic advantage of European feudalism may be loosely interpreted thus: The feudal synthesis is envisioned as a fusion of the complex institutional heritage of the ancient world, transmitted in different variants by the cities, the Church and the Empire, with the forms of community and collective jurisdiction of Teutonic tribal society, thereby creating a 'polystructural' society endowing Europe with a uniquely wide repertory of alternative institutional models (*Cf* the quote from Jones above). This made institutional innovation possible in several ways:

- Where different institutional structures were able to co-exist within the same political unit, further societal development could follow different possible tracks: royal or imperial proto-state, 'feudal' chains of devolved authority, the manorial system, village communities, city networks, monastic orders, parishes²²⁴ and other ecclesiastical institutions *etc.*
- A political unit with a more adequate institutional structure could conquer others, or be imitated by them, or attract mobile elements such as merchants and money-changers, knights or mercenaries, clerics or other intellectuals.
- If necessary, new institutional arrangements could also be created through analogy²²⁵, or through 'resurrection' of defunct models (the Renaissance!)

SWEDISH REVOLUTIONS?

The 'Engelbrekt rebellion'

Trying to fit the discussion of revolutionary or incremental change into the context of European transformation as described above²²⁶, I was led to search for revolutionary situations in Sweden. In such a discussion, we can hardly avoid going all the way back to the Engelbrekt rebellion in the 1430s, as this has been variously interpreted as a national revolution, as a struggle giving birth to Sweden's parliamentary institutions (*cf* the quingentenary celebration

²²⁴ In Sweden, the community of the parish was often more important than that of the village.

²²⁵ As when secular institutions may have been modelled on ecclesiastical ones. Marongiu (1968) makes this point about curias, and Lindkvist (1997:228) and Padoa-Schioppa 1997:359 about juridical institutions.

²²⁶ An aspect of the 'European miracles' on which I am not yet prepared to offer a general analysis. The discussion in my paper on 'institutional revolutions' contains a preliminary survey of the discourse.

in 1935, manifested through an eighteen-volume history of the Swedish *Riksdag*) or as an ‘early-bourgeois revolution’ along the lines of Engels’ view of the German Peasant War (Nyström). None of these analyses finds much support today, though, as the still dominant paradigm in Swedish historiography was founded on a severe deconstruction of national mythology, a spectre which later importers of alternative paradigms have been understandably reluctant to revive.

I will argue that this rebellion is only the first phase of a longer and more complex revolution, ending with the final deposition of king Eric of Pomerania. If we evaluate this revolution and its effects without revolutionist or nationalist preconceptions, it appears to have effected an important reduction of taxes²²⁷, and although it did not repeal the Union of Kalmar, its immediate result was to put sovereignty in the hand of the magnate council for several years, during which time these aristocrats had to assume responsibility for state finances²²⁸.

Two separate economic bases

I suggest that we should interpret this as a ‘formative moment’²²⁹ constraining future development through the particular institutional solution chosen: in effect *a double economic base* separating the tax base of the ‘crown’ (proto-state) from the economic base of the ‘ruling class’ – *i e* that social and economic class from which the dominant political leadership drew its support and membership. This institutional transformation – a ‘revolution from above’ insofar as it was imposed by the ruling Council, but dependent upon bottom-up support to the extent that legitimacy for the taxation system was

²²⁷ The heaviest tax was, eventually, reduced by a third (Dovring 1951:147-8, Schück 1987b).

²²⁸ Gabriella Bjarne Larsson 1994. Also *cf* Lönnroth 1940:191 about the ‘double interests’ of fiefholders during the period of ‘council rule’: As landowners, it must have been in their interest to limit the demands on the peasantry; as tax-collectors, to support these demands. He does not draw any conclusions about the consequences for their politics, but the compromise between class interest and reason of state typical of the later Swedish nobility (Englund speaks about a ‘historic compromise’ between Crown and nobility) has a solid material foundation in this dilemma.

²²⁹ *cf* Rothstein###; the ‘tracklaying moments’ discussed by Mann are another way to express basically the same idea. I prefer Rothstein’s less heavy-handed expression, and interpret it in terms of path dependence: when a choice between possible alternatives in retrospect proves to have constrained the options available further on, this is a case of path dependence, and the initial choice is revealed to have been a formative moment.

based upon wartime requirements – establishes the conditions for the specific Swedish version of social division among the peasantry, and thus carries far-reaching sociostructural implications as well, affecting the peculiar set of class-specific property rights as well as the conditions of political representation, including, specifically, the choice-set of political alliances.

The ‘freezing’ of the land nature distribution is not a consequence of the rebellion as such; it had been achieved already through the *räfst* (inquiry into alienated Crown estates) of Queen Margaret (*Cf* Rosén 1950), the result of a com-promise between the Queen and the group of magnates who had offered her the Crown. Through accepting her authority to resume Crown goods they got the chance to influence the realization and conditions of this *reduction*²³⁰ in their capacity of experienced judges²³¹.

The *formative* moment I discern in the aftermath of the rebellion, is thus *not the first emergence* of this ‘frozen distribution’ – it is that the aristocracy controlling the state at this moment *accepted* the two-sector model *and took measures to preserve* the balance. This compromise between short-term individual and long-term collective interests provided the foundation for the kind of ‘collective kingship’ exercised by oligarchic assemblies at recurring moments in the further development.

From this point onwards, the roughly fixed-proportion division between:

- a ‘public sector’ providing the material basis for the proto-state through fixed land taxes and
- a ‘private’ seignorial sector providing the material basis for the ruling class through more or less contractual rents²³²,

seems to have led to something like a ‘two-sided *Bauernschutz* policy’ or a ‘competition in protection’. Instead of engaging in a

²³⁰ As such resumptions are called in Sweden. This was neither the first – King Magnus Eriksson had also attempted to do something similar (Ranehök 1975:127) – nor the most extensive, as Gustavus Vasa’s reduction of Church lands and Charles XI’s ‘Great Reduction’ of the 1680’s both transformed the entire society on a scale thitherto unheard of; still, it was thorough, uncompromising and efficient., and it permanently changed the prospective conditions under which land was held. It was formative.

²³¹ And evidently they were able to influence it much less than what they had expected, having to pass judgment on each others’ shady land purchases together with gentry co-judges and bishops, with the Queen present to back up her henchmen at strategic moments (Rosén 1950:211f, 242-6).

²³² The importance of this ‘freezing of the distribution of rights over land and peasants between the Crown, the Church, and the nobility’ is pointed out in Herlitz: 1982:265f.

destructive struggle between rent and tax²³³, the Crown and the lords had to protect the respective advantages of 'their own' peasants, as the two sectors were in open or latent competition for cultivators. If the land/labour-ratio would have fallen low enough, the situation should have changed, but the limits of potentially arable land seem never to have been reached during the periods I discuss.

This factor of course must have strengthened the peasants' position, as the opposite landowner strategy: to unite in order to squeeze the peasants harder (the so-called Eastern model) would require unanimity not only within the aristocracy (and the Church!) but also between the King and the landed nobility. As the rest of the Swedish Middle Ages was to be spent in an even more polycentric struggle for state power, it would prove very difficult to achieve such unity. Still, it did materialize, eventually, but in new and unforeseen ways, and by then the imprint of the two-sector model was no longer possible to erase.

²³³ As has generally been taken to be a factor inhibiting agricultural development in France (Brenner debate, many entries; *cf* Aston-Philpin 1985).

No homogeneity

The situation was further complicated by the heterogeneity of both sectors. At this point the 'sectors' are even hard to discern, but the *consequences* of the aristocratic strategy: to assume responsibility for long-term state-building instead of just using the king-less situation as an opportunity for quick profits, had already laid the foundation of this 'double base'.

This may seem like a very idealized picture, but we must not forget that the aristocracy were under severe pressure both from above and below. The upheavals of the past three or four years were tremendous. First they had lost the prospect of castle-fiefs to foreign vassals and upstarts; then their remaining foothold in the juridical system was challenged through the King's refutation of their authority *and* through the actions of peasants and miners seeking redress on their own. In order to maintain a privileged position ideologically justified by their supposed role as protectors of the commonalty, they had to enter into active competition on the 'protection market'.

The 'state sector' comprised freeholders on their own²³⁴ land but also tenants on the royal domain (*Uppsala öd*), which originally consisted of a network of royal manors (*husabyar*) designed to support the itinerant king during his circuit of the courts and moots. Another category, which grew in step with land reclamation, was the customary peasants, whose status seems to have varied a lot. In the tax-exempt sector we find not only the tenants of the lords, but also a diffuse semi-gentry of personally exempt horsemen below the rank of properly armigerous gentlemen²³⁵, and a bewildering multiplicity of ecclesiastical holdings. The competition for cultivators was not restricted to tenants, as many peasants farmed mixed holdings – combining freeholds with crown or exempt land - and subtenancy seems to have been widespread.²³⁶

²³⁴ To what extent we can talk of individual ownership, and to what the land should rather be seen as accruing to the family (or even, in some respects, to the community), is unclear, and may be impossible to determine. An earlier general belief in a 'lineage society' (*ättesambälle*) as the point of origin, has been strongly attacked, and went out of fashion (Winberg, Gaunt, Sjöholm).

²³⁵ Some of them put a simple identification sign, a *bomärke*, resembling a merchant-mark, such as those used by peasants to sign themselves, on their escutcheon, like Herman Berman, an army officer of obviously German extraction who served as one of the sub-commanders in Engelbrekt's army (SBL).

²³⁶ Dovring 1951:393-4, Bjarne Larsson 1994:134-138, 154-55, 186.

As in other countries, the legislative system was struggling to clarify and simplify this mess, but the particular balance of forces in Sweden led towards a clarification and solidification of this two-sector model. That is: a division according to *surplus exactor*, rather than a homogenization or a division along other fault lines, such as freeholders *vs* tenants or customary *vs* contractual. This meant that those two dimensions *remained unresolved*, while the division between land owing rent (or tax) to the Crown, and that owing rent to a landlord (noble, spiritual, or institutional), and between the cultivators of each sector, was sharply regulated, and their distribution fixed.

The internal proportion between secular and spiritual *frälsejord*²³⁷ was also at issue in the regulations and re-regulations of land distribution, and the clashes between different interests were obviously more complex here than in other areas of conflict resolution. Though a general Land Law and a general Town Law became the enduring legacies of the period under Magnus Eriksson where the balance of power²³⁸ between the King and the college of lawspeakers still hadn't shattered, a compromise between the regional Church laws proved impossible to achieve.

Conditions for pious donations were at times contested, but I consider it misleading to view this as a struggle between parties on the one hand 'friendly' towards the Church and positive to free testamentary rights, and on the other hand 'hostile' to the Church and vindicating the birthright of relatives²³⁹. As access to Church resources from different family networks competing for offices and benefices would vary over time, so, it seems, could their attitudes and solidarities, and their tendency to condone or to contest.

It is deeply unsatisfactory to have to accept the oversimplification of treating all *frälse* land as one single category, as in the two-sector

²³⁷ *I e* land tax-exempt through 'noble' privilege (horseman's service) or through ecclesiastical privilege.

²³⁸ A balance between – on the one hand – his ambition to reform and strengthen royal power and – on the other – the entrenched positions of the magnate collective from his regency, who had seemingly overcome the internal divisions from the civil war. The balance was to topple in a few years' time, when a new civil war broke out in 1356.

²³⁹ Rosén considers this an important line of division, and counts not only the Marshal Tyrgils Knutsson, but also St Bridget's father, the lawspeaker Birger Petersson, among those 'hostile' to the Church. As he was the nephew of an archbishop and a cousin of an influential archdean, with whom he collaborated in his legislative work, I suspect that the label is misleading, and that he was merely opposing the rival aristocratic faction at that time controlling important economic resources in the name of the Uppsala chapter.

argument – the variation and complexity of ecclesiastical tenures makes it a gross enough simplification to lump them together into the composite title of *krono*, let alone to conflate them with noble-owned land. Still, a sort of convergence did result from the increasing importance of the fiscal sector: during Queen Margaret's *räfst* (see page 131 and note 230) the transition of tax-land into parish church land was sought out and reverted to a much higher extent than were monastic and cathedral holdings (Rosén 1950:195) – those were generally noble donations and presented no material incentives to the state as they would have remained tax-free in either case. From the state's point of view the sector division *was* crucial.

Swedish state formation: a two-sided centralization

The origin of this dual structure can thus be found in the *balance of forces* between crown/proto-state and aristocracy, and in the specific trajectory of *double or parallel centralization* characteristic of the Swedish state-formation process. The tug-of-war between two competing versions of political centralization: one monarchic²⁴⁰, proto-absolutist, and one oligarchic, aristocratic, have shaped the Swedish state in a quite different mould than would have the allegedly more 'typical' conflicts between absolutist centralization and 'feudal' decentralization²⁴¹.

In modern Swedish historiography, a constant *tension between absolutism and constitutionalism* has for a long time been viewed as the underlying formative long-term conflict running through almost the entire history of Sweden. This interpretation has replaced an earlier conception of a formative conflict between:

(1) a nationalism based upon an alliance between king and people, and

(2) a self-serving, always potentially traitorous aristocracy (especially during the Scandinavian Union).

In my view, the 'modern' interpretation is just as fundamentally idealist in its conception, as was the older tradition. Political principle may appear to be a more 'realistic' factor than nationalist sentiment,

²⁴⁰ At times there was even a tripartite struggle between *two* monarchic alternatives and one oligarchic, as in the struggles between Karl Knutsson, Christian I and the council faction led by archbishop Johannes Benedicti, allying themselves to one or the other of the royal pretenders, or attempting to stand on their own under Johannes' regency.

²⁴¹ In this respect, compare Anderson's concept of parallel centralization (England as compared to standard pattern of Western European absolutism), but also Bendix' comparison between English and Japanese state formation (see below page 140).

but although a 'constitutional state' would be the best long-term safeguard for aristocratic privilege and political impact there is no reason to postulate that *political ideology* must have been the motive force. There were always at least potentially three contending political positions within the Swedish power struggles during the Age of Union:

1. An oligarchic magnate faction arguing their case along the lines of *regimen politicum*²⁴², *whether* they take this stand from an ideological conviction or out of pure self-interest. Such a coalition might be expected to prove unstable, because of constant inter-magnate rivalry and fluctuating personal alliances. Yet it would hardly lead to subdivision, as the conflict with the other two configurations would leave no room for overt infighting. Oppositional groups within this faction would therefore have to enter into tactical alliances with one of the other categories.
2. Personal adherents of the Union monarch. There is no need to presuppose that such a standpoint had to be based upon a principled advocacy of the Union as such, but to the extent that it was, we may have to subdivide this faction. What would hold this group together was reasonably the 'feudal' bonds tying their careers to the suzerain. Open conflict within the group is therefore unlikely, as dissidents would move into one of the other positions.
3. Contenders for a local Swedish principate, and their followers. There might be more than one at a time, although in that case tactical alliances would tend to blur the picture, *whether* the desired objective was some kind of absolutism, something more resembling a military dictatorship, or maybe a theocracy.

A *material* interest in a stable union was represented by aristocratic families owning land in more than one country. The Axelsson brothers (Thott) are the classic example, which also shows the difficulties involved in sticking to long-term interests – in their actual politics they had to enter into various shorter-term alliances which in the long run hardly furthered the security of their scattered estates. Whatever the material or principled foundations of pro-union sentiments, it was only through bonds of allegiance that it could hold together, and only a monarch capable of inspiring loyalty *and* of constructing stabilizing institutions on the union level, would have stood a chance to succeed. As we can see from the marriage

²⁴² Medieval constitutional theories such as those emphasized in Lönnroth 1934, also *cf* references to analogous discourses in Runeby 1964 and Koenigsberger 1974.

networks charted by Enemark (2001) – Krummedige, Gyllenstierne and others – Scandinavian intermarriage in the long run proved more disruptive²⁴³ than integrative. An aristocratic union with a purely nominal royal apex might have worked, but as the Swedish case shows, there was usually enmity enough even in the King's absence. Position 1 was in reality only held together by the threats from the outside, and once the threat from below had started to interact with position 3, the personal bonds of feudal loyalty proved too weak and interchangeable, and the class solidarity of position 1 too easily shattered by the individual career prospects offered by the other two.

The forces of cohesion and disintegration within the narrow magnate stratum did not operate in a vacuum. The economic forces of Baltic trade intersected with the internal aristocratic power competition in ways we can only glimpse, while the advantage of number within military competition was being re-invented. The future would belong to those who could take advantage of these developments.

Remaining ambiguities

The solidification of the 'two-sector model' left some important definitional questions unresolved. Where non-congruent dichotomies intersected, ambiguous areas were left open for contestation:

1. The difference between tax and rent within the state sector became conceptually blurred. If tax was a civic duty, the status of the tenantry on noble land became highly uncertain. If it was a burden on the land, then freehold could only be interpreted as an inheritable tenure²⁴⁴.
2. The difference between customary and contractual holdings never became a crucial aspect of land tenure in the (contractual) exempt sector, but within the state sector this was an important issue, though subordinate to the distinction between tax and crown land.

Not until another balance of class forces emerges in the mid-17th century does this line of division become dominant, and the Estate of Peasants begins to become transformed into an instrument for the defence of private property (through the alliance with burghers and clergy). Charles XI, through reorganizing the state by structurally tying

²⁴³ Alliances with families in other countries repeatedly lead to divided interests alienating different branches of these noble families from each other.

²⁴⁴ Which was also claimed by some aristocratic jurists of the 17th-18th centuries (*cf* Almqvist 1929, Wirsell 1968).

up state sector land to state office, saves the crown peasants from virtual extinction, but as their role in the system becomes all but indistinguishable from that of the freeholders, these categories tend to be assimilated to each other.

Whether this will ultimately mean that freehold will become no more than a form of hereditary possession, or that both types of land will become commodified – and that thus the customary crown land will eventually be sold away – is not finally resolved until in the late 18th century (in 1789, as a matter of fact). As I will argue in closer detail elsewhere, the preserved political representation of crown tenants together with extraneous²⁴⁵ interest in freehold property rights led to the latter solution.

The question of Royal ownership

One of the possible solutions to the ambiguities concerning freeholds, would have been a full adoption of the feudal ideology of *nulle terre sans seigneur*, defining tax land as held from the king. No king before Gustavus Vasa had achieved a position strong enough to carry through such a proposal. However, not even Gustavus dared to make a full-scale attack on peasant property rights. The institution of *skattevrak* ('tax eviction'), whereby three years of default on taxes led to loss of freehold through conversion to crown tenure, and the principle that withholding taxes due was defined as larceny from the crown, served to undermine the allodial status of tax land, though. At least three possible reasons that this process was not carried further during Gustavus' reign may be discerned:

1. Wariness of peasant rebellions. Several risings, citing taxes, bad coinage and confiscation of church property among their grievances, occurred during Gustavus' reign, and especially after the dangerous Dacke rebellion, breaking out a couple of years after the devaluation of tax land property rights, the King seems to have become more cautious.
2. The *ambiguities* arising from the presence of *several types of royal domain*. In addition to the traditional regnal domain of *Uppsala öd*, Gustavus had collected a huge 'patrimonial domain' as his private property (*arv och eget*). As land belonging to the church became 'nationalized', the bulk of it was kept apart as land available for purposes of state, without (yet) being

²⁴⁵ Burghers, clergymen, and *ofrälse ståndspersoner* ('non-noble persons of standing' or 'Commoner gentlemen').

integrated with the old crown domain²⁴⁶. If the tax land sector had been fully converted into yet another variant of state domain, freehold pretensions might have spilled over into other tenures as well. It may also be, that the safeguarding of his *personal* domain became a more important concern – he may not have felt fully secure about retaining the crown for his dynasty.

3. The individualization of taxes and the piecemeal revision of tax titles – resurrecting any forgotten dues, always taking the highest levels as a model – was carried out under the legalistic guise of a *restoration* of the Crowns rightful property (Dovring 1951:175-187).

The Land Law's prohibition against diminishing the property of the crown was interpreted as an irremissable responsibility to exact all established duties and impositions in full measure. This was also interpreted as a necessary act of justice: any claims which had fallen into desuetude left an unfair burden on those subject to demands still in effect. This exploitation of the possibilities of legal formalism in the name of immemorial custom was quite successful and might have been undermined if a foreign novelty such as the concept of higher-level state ownership had been pressed harder.

Oligarchic centralism

Perry Anderson has described Sweden as an 'underdetermined' absolutism, where the absolute state was 'facultative' for the nobility, which could 'convert backwards and forwards to it without undue emotion or discomfort'. This interpretation of the 'pendulum swing'²⁴⁷ between absolutism and oligarchy misses a most crucial point: That this 'oscillation' in no way signifies a swing between centralization and decentralization, but on the contrary constitutes a parallel to what Anderson describes as a fundamental trait in the *English* development: a 'concurrent centralization of royal power and aristocratic representation' (Anderson 1974b:114). The fact that in Sweden aristocratic regencies repeatedly have had to shoulder responsibility for state survival, has forced them to 'rise above' their

²⁴⁶ Cf Forssell 1869-75, Dovring 1951 and Larsson 1985. The integration of church holdings into crown land seems to have proceeded gradually; not until the turn of the 18th century do the cadasters cease to distinguish between ecclesiastical tenures and crown tenure.

²⁴⁷ The notion is borrowed from Roberts, who is Anderson's principal source for Swedish history (with Claude Nordmann and Eli F. Heckscher).

immediate class interests²⁴⁸ and search for workable compromises between short term self-interest and long term viability²⁴⁹.

Reinhard Bendix' description of English development is in many ways similar, and also offers parallels to the Swedish case.

The period from Magna Carta (1215) to the end of the fifteenth century may be described as an uneven seesaw between baronial interests as represented in parliament and the authority and power of the English kings. This "balanced" development in England contrasts with the repeated rise of local authority in Japan and its lasting suppression in Russia.

His further discussion of the contrasts between English and Japanese development emphasizes two aspects. One is

an early appearance of a quasi-parliamentary institution, a collective forum in which notables of the realm assembled to counsel the king and eventually to oppose him. [which] provided the English aristocracy with a national forum

and the other results from the dynastic and feudal entanglements with the French monarchy, creating

political ties with the Continent [that] *involved the whole country* in the national defense, especially since France made periodic attempts to get a foothold in Scotland. (Bendix 1978:195)

These arguments strengthen the parallel with Sweden, where (I) corresponds to the role of the Council, and later of the whole gamut of proto-parliamentary meetings described in Schück 1987a, finally resulting in the four-Estate *Riksdag*, and (II) to an even broader alliance of aristocracy *and commonalty* creating a foundation for Swedish nation-building through their joint opposition to the German princes wearing the Danish crown²⁵⁰.

Heckscher's opinion that Sweden had never been feudal (1952:36f) was based on the apparent absence of regional aristocratic

²⁴⁸ Against this, it might be argued that incomes from state office form as immediate an interest. However, the nobility *as a class* is defined by the common privilege of tax exempt landholding, while office incomes are contingent and define an economic interest common to *those* nobles *and* commoners who are holding remunerated offices.

²⁴⁹ The absolutist coups in 1680 (Charles XI) and 1772/1789 (Gustavus III) were the results - direct or indirect - of aristocratic *failure* to work out tenable compromises.

²⁵⁰ A parallel might even be drawn between the in-between positions of the marginal neighbours Scotland and Norway.

separatism, on the fact that leading Swedish magnates from at least the time of Bo Jonsson (Grip) strove for dominance on the national level rather than for regional supremacy. This may be an exaggeration – we have far too sparse evidence to evaluate the ambitions of medieval lords in general, but although it seems fairly obvious that a ‘feudalized’ regional power should have been the most realistic goal for *some* of the magnates, the really important thing is that a large enough fraction of them converged on striving for oligarchic power on a sub-monarchic regional level - the level of Sweden – and that in centralizing power onto this level in order to resist Mecklenburger, Pomeranian and Oldenburger proto-absolutism, they paved the way for a local Swedish absolutism. Although some of the magnate families survived into the modern era and continued to hold a dominant position in the council, the Vasa dynasty²⁵¹ restructured the elements of Swedish society into a modern monarchy ‘feudalizing’ the knights and squires of an old-fashioned tax-exempt warrior class into better conformity with the pattern of other European aristocracies. To a certain extent we might call this a delayed ‘feudalization’, but it is important to realize that it did not signify an anachronous introduction of a hitherto unknown system. Western European feudal society had served as a model for institutional arrangements and social ambitions all through the Swedish Middle Ages, in particular imported *via* the Catholic church.

An integrative feudalism

A very important genetic contrast between the Swedish version of feudalism and the ‘classic’ Western European one, is that while the original post-Carolingian *société féodale* developed out of the *disintegration* of a dissolving monarchic state power, in Sweden the import of feudal customs and relationships served as a tool for *integration*, for *constructing* a royal power centre in a country where regional autonomy had been the original point of departure for the state-building project, not the result of an early state’s failure and

²⁵¹ Itself emerging from among these magnate families, counting a High Steward of the Realm and, somewhat later, a Regent bishop, among their ancestry.

disintegration²⁵². Thus the 16th century ‘feudalization’ of Swedish society (Nilsson 1947, 1990) might be viewed as a ‘final touch’ or complementation of feudal society, filling out lacunae in that ‘polystructural’ repertoire of institutional variety which is the essential characteristic of feudal society in Perry Anderson’s sense: that particular dynamic form of society constituting the ‘European Advantage’.

In what way might these borrowings be said to represent a dynamic element? The delayed introduction of inheritable fiefs – the duchies (re)introduced by Gustavus Vasa, counties by Eric XIV, and baronies by John III – may have helped to reorient Swedish noblemen from the short-term exploitation of temporary office (service fiefs) to more long-range concerns with utilization of private property rights; a central economic argument of Axel Oxenstierna’s was that land under private (read noble) ownership would be taken better care of. In general the formation of a European-style nobility also served to introduce a competitive element: an embarrassed consciousness of cultural and economic backwardness which spurred the aristocracy as well as the Crown into efforts to ‘catch up’ (Revera 1988). The closure of the nobility (which was always more of a threat than a fact – except at the very moment of its reconstitution as a noble Estate) also sharpened the consciousness of conflicting interests among the non-noble Estates.

THE SWEDISH TRAJECTORY: WHERE TO BEGIN?

Nations before nationalism?

My discussion of Swedish history has so far taken its object of analysis for granted, but at what point in history does the specific state-building trajectory I try to analyze begin? When does Sweden become Sweden? Most of the lively present-day discussion of nations and nationalism is concerned with the constructed character of ‘modern’ (post-Enlightenment) nationalism. Almost all of the current definitions and generalizations concerning these concepts are

²⁵² England before the Norman conquest may have been a parallel case. Anderson 1974a:164 discusses the ‘delayed’ German feudalism which was ‘constructed *against* monarchical integration of the country, by contrast with England where the feudal social hierarchy was itself installed by the Norman monarchy, or France, where it preceded the emergence of the monarchy and was thereafter slowly reoriented round it in the process of concentric centralization.’ In such a comparative context, Sweden would appear most strongly contrasted to Germany, its closest source of import for feudal customs.

concerned with nationalism in the 19th century sense²⁵³. The *early* modern or even late medieval ‘nations before nationalism’ have received much less theoretical attention. One of the few students of nationalism, who have attempted to account for this phenomenon, is Anthony D Smith. He defines two main routes along which nations ‘are created’²⁵⁴:

- the ‘lateral route’ in which an ‘aristocratic *ethnie*’ forms the ‘dominant ethnic core’ around which ‘these states were built up’ - England, France and Spain are the classic cases and ‘inevitably became models of the nation, the apparently successful format of population unit, for everyone else.’. Only a ‘relatively homogenous ethnic core’ possessing a ‘*sense* of ancestry and identity’ can expand this feeling of community through ‘bureaucratic incorporation’ of the subjects.
- the route taken by ‘vertical’ or ‘demotic *ethnies*’ is ‘only indirectly affected by the state and its administration’. These communities are united through a common religious organization, which in many respects could be considered a nation:

Arabs and Jews, for example, had common names, myths of descent, memories and religious cultures, as well as attachments to an original homeland, and a persisting, if subdivided, sense of ethnic solidarity. Did not this suffice for nationhood? All that seemed to be necessary was to attain independence and a state for the community.

In other cases the

attempts by older political formations to take over some of the features of the Western “rational state” ... upset the old accommodations of these empires to their constituent *ethnies*’

These definitions try to reconcile uncomfortably contradictory arguments. Although Smith recognizes the constructed character of English, French, and Spanish nationalities, and their role as ‘model nations’, sparking off even more obvious constructions within rival political units, he persists in *postulating* a nationalist identity – if only for the ‘core’ elite – as a precondition for the pioneering modern states and not as an instrument or a consequence of the state-building process.

²⁵³ Benedict Anderson 1983, Hobsbawm ##, Gellner##.

²⁵⁴ Anthony D. Smith: ‘The Origins of Nations’, *Ethnic and Racial Studies*, 12/3(1989), 349-56. Extract 22 (p147-154) in Hutchinson-Smith (eds): *Nationalism*. (Oxford:OUP) 1994

The concept of *ethnie* allows him to camouflage this essentialist proposition through phrasing it in more relative terms, but it is a concept which does not in any way resolve the fundamental ambiguity of the word 'nation'. *Ethnie* as well as 'nation' is *an allegedly objective term covering a subjective notion*.

We are not here talking about actual descent, much less about 'race', but about the *sense* of ancestry and identity that people possess.

It *might* be useful for making a clearer distinction between the subjective identification span established by the modern model state, and the identification span of the collective actors establishing these states – but only if this presumed collective actor corresponds to an objective reality. If the formation of a state-building elite is prior to the development of a subjective group identity involving the notion of common descent, then Smith's concept only serves to muddle the case, and to bestow an aura of authenticity upon politically constituted descent myths.

Even in a case where the common myth of descent has been formulated before the state-building elite had emerged, the important question is whether the shared identity *constituted* the group which then went on to build a modern state, or if an elite constituted by state-building activities *assumed* a ready-made identity only when they felt the need for it. Myths of descent may be formulated for other purposes than political group formation, *e g* for literary purposes (Geoffrey of Monmouth?) or as an exercise in learned pedantry, or it might originally have served the more limited purpose of establishing an exalted extraction for a private individual or a dynasty.

The arguments concerning the second route intensify the density of contradictions: Although the 'demotic *ethnie*' is more similar to the modern notion of a nation than is the 'lateral *ethnie*', in that it already possesses that sense of community which has to be artificially extended to state-level in the latter case, it can only become a nation through imitating the type of state created by the lateral *ethnies*. A nation-state teleology is thus implicit in the entire model.

National fetishism and the role of chance in history

To escape circular argumentation, we have to go back to the time *before* the triumph of the nation-state format, and look at other aspects of state-building than 'national identity'. After all, the construction of national identities has been the primary object of historical scholarship until quite recently²⁵⁵, and thus the underlying assumptions of nationalism appear in every conceivable context. From the perspective of medieval history, Susan Reynolds cautions us against nation-centered teleology:

'A more fundamental distortion arises from the fact that belief in the objective reality of nations inevitably draws attention from itself: since the nation exists, belief in it is seen not as a political theory but as a mere recognition of fact. The history of nationalism becomes less a part of the history of political thought than of historical geography, while the starting-point of political development becomes the nation, with its national character or national characteristics. This pre-existing nation is then seen as moving through the attainment of 'national consciousness' to find its own rightful boundaries in the nation-state. Perhaps, however, it might be easier to assess the values and solidarities of the past if we considered whether the process may not sometimes have worked the other way round, with units which are perceived as nations as the products of history rather than its primary building-blocks'

(Susan Reynolds: *Kingdoms and Communities*, 1984 :.253)

²⁵⁵ And to a large extent reassessments of earlier nationalist historiography may be seen as part of a de-nationalization of political discourse. The nation-state paradigm is obviously impracticable as a model for world politics, and thus the formation of international scientific discourses of global history has required a considerable deconstruction of natiocentric concepts.

This kind of ‘national fetishism’²⁵⁶ can only be evaded through an acceptance of historical accident, which goes against the grain of our scientific ambitions. Even if we realize that other historical outcomes must have been possible, we almost instinctively try to explain why those things that really happened actually had to happen. The more successful we are – and hindsight always makes explanatory success an attainable goal – the more inexorably pre-destined the past appears. The outcomes of wars can always be made to seem consequent, but, given the important role of sovereigns in history, dynastic accident (see below) remains an irreducible element of pure chance, ensuring that perfect teleologies in history have to be spurious, however logically consistent they are made to appear. More generally, the combination of different populations with different natural resources also remains an example of original hazard, weighting the possible futures of a region in respects where it would be ridiculous to attempt logical explanations²⁵⁷. Still, only by attempting explanation can we try to gauge the extent of historical cause-and-effect.

Informal constraints and the multi-generational build-up of royal power

In addition to formal rules, “informal constraints” are also considered to be institutions by North and other institutionalists. In the widest sense, any human habitual behaviour can be considered an institution. This is a clearly unsatisfactory practice, making way for *ad-hocery* and slippery definitions. A reasonable demarcation would be to require that a behavioural pattern should be common and ingrained enough to enter into rational calculations of whatever responses will be provoked by different lines of action, before we count it as an institution. Such a usage would conform to the general notion of what an “institutionalized” behaviour pattern signifies, or of what we mean when we talk about “unwritten rules”.

The informal aspects of a system of political rule will therefore include those patterns of political decisions and actions requiring political power, that a rational subject²⁵⁸ will take into consideration in

²⁵⁶ By analogy with Marx’ concept of ‘commodity fetishism’, I use the word ‘fetishism’ to describe the human tendency to endow a man-made concept - in this case the nation - with a ‘supernatural’ reality, reasoning as if it were capable of independent action.

²⁵⁷ For instance, the frequent coincidence of petrol and Islam.

²⁵⁸ In both of the relevant senses.

calculating the impact of alternative courses of action. For instance, if both the acting subject and the role-models in the preceding generation, whose experience have been transmitted to him/her, have had to reckon with a strong, virtually unrestrained royal executive power as a fact of life necessary to take into account as a perennial constant of insecurity, then the effectual power of the sovereign will be much closer to the asymptote of full royal absolutism, than if such power has been claimed hesitatingly, intermittently and with varying success.

This means that a multi-generational continuous build-up of royal power will create a much stronger *de facto* power, than what may be inferred from formal institutional rules, which might or might not be taken at face value by the parties involved. Of course this argument should be almost embarrassingly self-evident, but formulating it in the terms of institutionalized predictability of behaviour might make it easier to avoid losing sight of the obvious while discussing systems of political rule within an institutional framework.

This is corroborated by Koenigsberger's observation that the chances of an adult, male, undisputed succession was always less than 50% within Europe during the early modern period, and that the suite of four successive generations of rulers being able to carry on a continuous policy of central-power building in Brandenburg-Prussia goes a long way towards explaining the competitive advantage in the forging and wielding of state power that the Hohenzollern rulers enjoyed over rival German princes.

The Swedish case: contestation as the norm

After the period of rival dynasties before Earl Birger's regentship (1250-66), and before the stabilisation of modern constitutional monarchy during Oscar I (1844-59) only a handful of Swedish kings have completed their reigns without experiencing serious contestation.

I discount the transitional reigns of

1. Ulrika Eleonora (1719-20), who accepted a massive devaluation of royal power in order to access the throne in competition with her elder sister, and who one year later accepted even more severe limitations in order to transfer the crown to her husband Frederick of Hesse (1720-51)

and

2. Charles XIII (1809-18), who succeeded his deposed nephew Gustavus IV Adolphus, thereby accepting the legitimacy of a constitutionalist coup, and, eventually, also accepting the

choice of a French revolutionary general²⁵⁹ for his own successor, and confirming it through adopting him.

The relevant (uncontested) cases will then be:

- Margaret (1389-1412); once she had accessed the throne through vanquishing Albrecht of Mecklenburg.
- Christopher of Bavaria (1441-1448); once he had accessed the throne as a replacement for his deposed uncle Eric of Pomerania.
- John III (1568-92); once he had accessed through deposing his brother Eric XIV.

and possibly also the three Caroline kings of the Palatine dynasty:

- Charles X Gustavus (1654-60); who, however, accessed the throne only through Queen Christina's skilful manipulation of the opposition, and whose testamentary dispositions were immediately contested and changed after his death. (Wittrock 1908).
- Charles XI (1660-97); although he had to restore strong monarchic rule after the oligarchic reaction that had taken place during his regency, and complete this change of regime through an absolutist coup.
- Charles XII (1697-1718); unless his apparent death in battle was actually regicide by the opposition, as has often been suspected.

The only examples – still within the same period – of a sovereign being able to leave the throne to an undisputed, adult, male heir, were:

- Margaret (to Eric of Pomerania in 1412)²⁶⁰
- Gustavus Vasa (to Eric XIV in 1560)
- Charles XI (to Charles XII in 1697)
- Adolphus Frederick (to Gustavus III in 1771)
- Gustavus III (to Gustavus IV Adolphus in 1792)

Four among these rulers died in full command of their powers, thus leaving a foundation of accumulated royal power for the new King to keep building on. The exception is Adolphus Frederick, who had no

²⁵⁹ Jean Baptiste Bernadotte, later king under the name Charles XIV John.

²⁶⁰ I include Eric, despite some hesitation, as he was elected and crowned already during Margaret's reign. However, it would seem surprising if no objections had been voiced before his election. According to one interpretation of the complex problem of reconciling two contradictory documents from the Union negotiations in 1388, the inadequate number of seals on one of the documents is a sign that these negotiations were never fully concluded due to inability to reach an agreement. At least the *conditions* of his succession thus seem to have been disputed, and even if we count him among the undisputed accessions, his reign was finally contested and overthrown by an extremely wide coalition of disenchanted subjects (*cf* the entire second part of this chapter).

power to bestow. After an aborted royalist coup he lost what vestiges of royal power he had ever possessed, and was replaced – by a name stamp – even in his sole remaining function as a signature writer on governmental decrees. Eric of Pomerania, Eric XIV and Gustavus IV Adolphus all failed to hold on to their heritage, maybe partly through exhibiting a hubris unpalatable to Swedish political culture. This leaves the succession from Charles XI to Charles XII in 1697 as the only Swedish parallel to the four-generation accumulation of princely power which Koenigsberger cites as a crucial factor in the comparative success of Hohenzollern statebuilding.

Of course, Charles XII's death in battle cut short his possibility of fulfilling his singularly autocratic reorganization, 'flattening' the inequality span of Swedish society through the subjection of even the highest social strata to the will of the sovereign (Karlsson 1994, Lindegren 1992), and instead the 'pendulum swung back' to the aristocratic side of the parallel state-building process. The Caroline strangulation of the aristocratic council had removed the self-evident collective oligarchic leadership that had been ready to take over in each of the earlier swings:

- Bo Jonsson's junta of castle-fief speculators and monastery investors during the 1370's and 80's
- the four-regent college of Christopher's reign (1441-48)
- the 'Aristocratic Republic' (Schück 1984) of the later 15th century,
- the neo-constitutionalist council of Sparre and Bielke²⁶¹
- Axel Oxenstierna's reorganized Central Committee of the new Europeanized nobility (making a critically weaker second appearance during Charles XI's minority, bereft of its leader)

In the absence of a clear focus of pre-defined power, and in a situation where the balance between the nobility's interests as landholders (*seigneurie foncière*) and as holders of delegated public

²⁶¹ The least successful example, as they were out-manipulated by Duke Charles, the later Charles IX.

authority (what corresponded to the medieval *seigneurie banale*²⁶²) had to be drawn up anew²⁶³, the Diet could become the arena for a new form of power struggle, centering on persuasion and negotiation. The first experiments with parliamentary rule were ready to begin.

The nation-state as a problem - Tilly's model

The self-evidentness of the 'triumph of the nation-state format' alluded to above, has been most thoroughly called in question by Charles Tilly:

Empires, city-states, federations of cities, networks of landlords, churches, religious orders, leagues of pirates, warrior bands, and many other forms of governance prevailed in some parts of Europe at various times over the last thousand years. Most of them qualified as states of one kind or another: they were organizations that controlled the principal concentrated means of coercion within delimited territories, and exercised priority in some respects over all other organizations acting within the territories. But only late and slowly did the national state become the predominant form. Hence the critical double question: *What accounts for the great variation over time and space in the kinds of states that have prevailed in Europe since AD 990, and why did European states eventually converge on different variants of the national state?* Why were the directions of change so similar and the paths so different?
(Tilly 1992:5)

²⁶² Which, I will argue, was in Sweden split into two further dimensions: the fiscal-military and the adjudicatory. The third dimension of feudal power, *seigneurie domestique*, or patriarchal power, had in Sweden also become subdivided, but in a very different manner. Not into separate vertical power chains, but into separate horizontal levels: on the one hand centralized into the hand of the King as the super-patriarch, the Master of the national household, and on the other hand devoluted down into the individual household cells of the system, where the *busbonde*, the master of the family household, wielded a patriarchal authority over his wife, children and domestic servants. Through this stake in patriarchal power, the four-chamber Diet could integrate the peasantry into the political system. The position of peasants of noble-owned land remained contested, though, and not until the Estate got the prospect of a share in national power before their eyes in the early stages of the Age of Freedom did its leadership, by now clearly dominated by tax-peasants, drop the ambition to represent also the *frälsebönder* and leave them to be 'represented by their masters' (which the Nobility had claimed to do all along, endorsed by generations of historians).

²⁶³ It was, as I have argued, the aristocratic failure in balancing these interests, and thus to solve the contradiction between their short-term individual and long-term collective interests, that left them powerless to solve the fiscal crisis of the state, and which made a return to absolutism – and this time in a sense more absolute than ever – inevitable.

Tilly's answer is based on grouping statebuilding trajectories into three categories:

1. The '*capital-intensive*' road requires a certain concentration on towns, trade and mobile wealth. 'Cheap, slim states' that tap the flows of monetary transaction to buy coercive and administrative competence when needed, are typical of this variant (Venice and the United Provinces are the favoured examples).
2. '*Coercion-intensive*' states have to squeeze the statebuilding resources from the reluctant population (basically their peasantry), and therefore need a stronger permanent coercive apparatus.
3. The states in the category of '*capitalized coercion*', treading an unspecified middle way, develop the format of the 'nation-state' (or '*consolidated state*' as Tilly now prefers to call it) and set the standard for military efficiency which other states have to measure up against, thereby making other states – insofar as they survive the competition – converge with this path. England, France and Spain are the original examples²⁶⁴, exactly as in A D Smith's typology of nation-building. Tilly's perspective is quite different, though, as he seems to view nation-building as a secondary feature. As Sweden would also fit the bill both as a nation-state pioneer and as one of the innovators of military organization, a closer look at the emergence of a Swedish state should help to clarify Tilly's central category, as well as Smith's early-nation pattern.

²⁶⁴ Together with Brandenburg-Prussia after the incorporation of the Rhineland. This, however, occurs a bit too late to motivate a place among the pioneers.

Another model grouping together the same examples can be found in Perry Anderson's taxonomy of European absolutist trajectories, within which England, France and Spain appear as the prime instances of the Western European version, where city growth and peasant liberation necessitate a centralization of lordly power up to state level. Here Sweden is put into an intermediate position, as the weakness of the cities conforms better to the Eastern pattern, where stagnating cities and subject peasantries provide no internal compulsion for a stronger centralism, but where the level of international military competition eventually forces the states to centralize or perish (Poland!). Sweden is given the key role of transmitting the 'Western' military pressure onto the Eastern states.

Nations and languages as historical constructs

There is no way back from the realization that nationalities are historically constructed (as argued in different ways by Hobsbawm, Benedict Anderson, Gellner, Reynolds and many others), although it is very difficult to draw the full implications of this. Once constructed, through a slow piecemeal process, nationalities are no longer optional, and reconstructing them in different shapes has proved to be no less complex a process (*cf* Eastern Europe after 1918 and 1989!).

Even if a common 'ethnic identity' cannot be fashioned out of *any* material – mutually unintelligible idioms and/or sharply contrasting physiognomical traits (complexion, hair, eyes, tallness) may at least act as brakes to the development of a mythical consanguinity²⁶⁵ – nationalities are constructed to fit politically constituted communities, not (primordially) the other way around. It was the political ambitions toward a united German nation (of course inspired by historical precedents as well as by the desire to emulate successful geopolitical adversaries) that made the German language a criterion for the desirable scale of political delimitation, not the co-linguality *per se* that created a national bond inevitably leading to such political ambitions – why, otherwise, was this nationalism not in stronger evidence earlier? Even the pioneering English nation-state was originally constructed through exogenous military conquest, and the creation of a *common language* through the fusion of Anglo-Saxon and Norman French idioms was obviously the *product* rather than a

²⁶⁵ Still the power of self-delusion in questions of 'racial' similarity should not be underestimated. *Cf* the famous cartoon describing the Nazi racial ideal: 'An Aryan is tall [illustrated with Goebbels], slim [Goering], and blond [Hitler].'

premiss of political unity. The later denotation span expansion into *British* nationhood required yet a further level of ‘suspension of disbelief’ in order to be envisioned as a primordial fact.

Scandinavian evidence: redefinable dialects

In few other cases the political construction of linguistic identity is as obvious as in Scandinavia. A continuum of closely related dialects²⁶⁶ came to be disjoined according to political boundaries and the dialects were eventually reconceptualized as vulgar versions of the three separate languages of different political administrations²⁶⁷, even the more so after the codification of written vernaculars. The most conclusive example within this development is the reaffiliation of the dialects spoken in those provinces conquered by Sweden in 1658-60. The originally Danish dialects now known as *skånska*, *halländska*, and *blekingska* became reoriented towards the Swedish written language, and eventually turned into Swedish dialects, as did the Norwegian dialects *jämtska* and *bobuslänska*. I certainly would not claim that these examples prove that linguistic identification always follows national affiliation, but they should serve as sufficient *counterproof* to any naïve assertion that the reverse can be taken for granted: that ‘linguistic identity’ leads to the formation of nationalist sentiment.

Another argument against the primacy of linguistic identification is, that within Finland, which was just one of several provinces making up the larger political unit of Sweden, Finnish-speaking peasants seem not to have been considered less Swedish than others. When, in the sovereign *Riksdag* of the 18th century Age of Liberty, the Finnish peasant deputies demanded an interpreter, this motion was turned down by the thrifty Peasant Estate, which argued that their bi-lingual colleagues could serve as interpreters. This was mainly²⁶⁸ discussed as a purely economic question, though, and there seems to have been

²⁶⁶ The Scandinavian dialects of the Viking period are usually treated as a single language, *fornnordiska* (‘Old Norse’), and the present-day tongues are still so mutually intelligible that comparative linguists sometimes refuse to recognize them as separate languages.

²⁶⁷ This is a very schematic simplification ignoring the further complications eventually leading to the formation of two competing Norwegian languages. The formation and shifting delimitation of the Swedish language is complex enough to carry my point.

²⁶⁸ The question of security was also important – an outsider brought in as an interpreter might jeopardize the confidential atmosphere of open internal discussion.

no hint that a member of the Swedish Diet ought to have been able to speak Swedish²⁶⁹.

Against this background I also insist that the particular case of Swedish history has to be reconceptualized from a fully constructivist standpoint: 'Sweden' should not be reified into an actor in northern European medieval history, but neither should it be conceived to be a *given* arena. It is rather the product of a number of subplots converging on the same part of the stage, thereby constituting it as a separate scene for a separate play.

Sweden: the prehistory of modern statebuilding

I do not mean to deny the obvious fact that the words *Sverige* (Sweden) and *svensk/a/* (Swede, Swedish) had existed long before the dissociation of Sweden from the Scandinavian Union of Kalmar - my argument is that they did not acquire the connotation of a special bond overriding other loyalties until quite late in the course of that process. The loose federation of largely autonomous provinces with separate law codes, held together by an electoral monarchy which seems to have alternated between the dominant magnate families from the leading provinces, began to be more firmly united under a dynasty combining the semi-hereditary claims of two earlier royal families. The kings of the Bjälbo dynasty (1250-1363/80)²⁷⁰ attempted to pre-empt the still electoral monarchy through devices such as homage of designated heirs, or several instances of fealty required in charters for castle fiefs. Under king Magnus Eriksson the provincial law codes were replaced by a 'Land Law' valid for the entire kingdom. Obviously consolidation of a territorial state was already in process by this time, although it's by no means evident that the scale of aggregation had reached its limits.

Magnus Eriksson also inherited the Norwegian crown, and acquired the province of Scania from Denmark, which might eventually have led to integration on a still wider territorial scale. However, a phase of

²⁶⁹ In the other end of the social spectrum we can find, within the House of Knights, noblemen with a poor knowledge of Swedish addressing the chamber in German or French.

²⁷⁰ Often called the *Folkung* dynasty through an early historiographical misunderstanding. As the true Folkungs were a party opposed and vanquished by this dynasty (*cf* Lönnroth 1949), the name is now seldom in use except in popular accounts, and - for reasons of easier reference - within the genealogical literature. The matter is further complicated by evidence that the leaders of the 'true Folkungs' belonged to a wider 'clan' of related families, which also included the Bjälbo dynasty (Carlsson 1953).

dynastic fragmentation and infighting returned²⁷¹, when Norway was assigned to his younger son, Håkan, while the elder, Eric, was to inherit Sweden. This left space for partisan politics among an aristocracy divided between oligarchic ambitions and support for monarchic centralization. Not content to wait, Eric rebelled against his father, backed by one of the magnate factions, and a protracted struggle ensued, where after Eric's death, his brother Håkan for a while took over the role as alternative pretender, until an invasion from Mecklenburg under his brother-in-law Albrecht reunited him with his father. Elements from the magnate faction supporting Albrecht eventually, after his victory, started to co-operate with some of their former opponents in a scheme of regnal reconstruction.

The Mecklenburger invasion had led to an even greater financial disaster than king Magnus' regime, and large parts of the realm were now held as securities by the creditors of the crown – most of them German noblemen²⁷². Bo Jonsson's extraordinary accumulation of reclaimed mortgage fiefs (*pantlän*) was largely financed through raising new loans from ecclesiastical institutions using the already reclaimed fiefs as securities (Engström 1935, Sällström 1951, Fritz 1972, 1973). I will return to the question of this fund of land and castles, and to the trust created by Bo Jonsson's testamentarial dispositions in order to administrate it.

THE REBELLION AGAINST KING ERIC 1434-1440 AND THE DELIMITATION OF SWEDEN

The geographical convergence of power struggles

Without advocating a return to hero-worship and chauvinist romanticism²⁷³ I will argue that the nation-building significance given to the so-called Engelbrekt rebellion (1434-35) in older Swedish historiography has to be taken more seriously – though rather in the sense of geographical delimitation and innovative *construction* of

²⁷¹ As it had during each of the two preceding generations of this dynasty.

²⁷² The most extensive mortgage fiefs were held by king Albrecht's father, duke Albrecht of Mecklenburg.

²⁷³ The most important difference between my perspective and that of traditional Swedish historiography, is the diametrical opposition between our causalities: where Geijer and his followers believed that the common national identity brought the different classes together in creating a common state, I see the 'common national identity' and its geographic delimitation as the *resultant* of converging struggles.

nationality, than in the traditional Romanticist concept of an 'awakening of a national spirit' that is supposed to have laid dormant within some Platonic World of Ideas.

Popular resistance in the Swedish part of the Union monarchy had tended to be regional²⁷⁴. Magnate power struggle, on the contrary, seems to have wavered between a panscandinavian²⁷⁵ and an all-Sweden scale, but during the multiple rebellion against king Eric, popular insurgency and magnate resistance converged onto that level of geographic aggregation which would from now on become a potential nation-building project, where the possibility of popular mobilization had become of central importance for the strategies of every contestant for power. Already during the Bjälbo dynasty (see above, page 154 and note 270) a proto-national consolidation appearing to be the first phase of this project had taken place. We should, however, be wary of too easily identifying the collection of a patrimonial power base with a national project just because the one sometimes developed into the other (*cf* Reynolds 1984:253). Capetian power accumulation was hardly predestined to crystallize into a French nation, and if Håkon Magnusson of Norway had lived long enough, the union between his own Norwegian kingdom, his father's Swedish kingdom, and the Danish kingdom of his father-in-law might have occurred under his own kingship and eventually consolidated into a distinctly Nordic variety of a patrimonial union, instead of a sub-imperial Germanizing federation. If his son Olof had survived, a similar scenario may have been possible, although his mother's regency would have stamped it with a stronger Danish emphasis - as happened in the actual case. Although this inevitably implies continental entanglements, a surviving Scandinavian dynasty *might* have handled communal self-administration less ineptly than the succession of Imperial vassals following the rule of Queen Margaret.

This assertion should *not* be taken to imply that this rebellion determined the final outcome of the contest between different competing state-building projects. It only means that the practical *conditions* for pursuing the kind of strategy which would eventually

²⁷⁴ As – after the Swedish secession from the Union – peasant rebellions would continue to be, up until the last disturbances of the early 19th century.

²⁷⁵ Also including those cross-boundary regional interests emphasized by Lönnroth (1934, 1940, 1959). It is furthermore quite possible that some of the Swedish magnates at times may have had ambitions on a wider Baltic scale, and that the intermarriage between certain Swedish and German aristocratic families may have reflected such ambitions.

prove victorious in the 16th century, were constructed during the revolution against King Eric²⁷⁶.

Peasant rebellions, private warfare or class alliances?

The two most recent studies of Swedish ‘peasant rebellions’ (Harrison 1997, Reinholdsson 1998) make sharply contrasting interpretations of these events. Both of them point out that in general, these uprisings also included other social groups than peasants, and that they were usually led by *frälsemän* (gentry), in many cases even by aristocratic magnates. Reinholdsson therefore considers them to be feuds, rather than rebellions, *i e* examples of ‘private warfare’ or formal revocations of political allegiance, where the peasants took part as followers in keeping with their reciprocal relationship with their immediate overlords²⁷⁷. Harrison, on the other hand, sees them as in some cases genuine peasant rebellions and in others as class alliances²⁷⁸ (primarily the later rebellions).

In the second half of the 15th century, the peasant following of Johannes Benedicti, the archbishop and leader of the party striving for oligarchic rule in Sweden under a nominal and suitably distant union monarch, might have been largely composed of peasants on ecclesiastical holdings – the *fabrica* of the cathedral of Uppsala was one of the most important landowners in the province of Uppland²⁷⁹ – as well as peasants on the manors belonging to his family (Oxenstierna). It is quite possible that these categories in some way

²⁷⁶ I will try to avoid the standard expression *Engelbrektsupproret* (the Engelbrekt rebellion) as I understand this to be no more than a component (albeit a key one) of a longer revolution.

²⁷⁷ This would entail a view of Swedish peasants as subject to *seigneurie banale*, as he appears to consider tax-peasants as owing fealty to their *bäradshövding* (‘hundred sheriff’) or to other holders of office-fiefs. In any case he makes no distinction between tenants and freeholders, and seems to consider them all to owe some sort of allegiance to a lord. His only argument for this appears to be a conviction that general European patterns must have prevailed also in Sweden.

²⁷⁸ ‘Class alliances’ also imply a totally different view of lord/peasant cooperation. Where Reinholdsson considers a peasant to have interests normally congruent with those of his lord, Harrison’s view is that common interest is the exception and must be due to external factors.

²⁷⁹ Cf DMS, Dahlbäck 1977; its tenants were known as ‘S:t Erik’s peasants’ after the Swedish saint-king, whose short reign in the 12th century had acquired the legendary status of a Golden Age without taxes and oppression, and whose cult had been encouraged by St Bridget and by Swedish insurgents during the Union struggles (cf Engelbrekt’s letter to bishop Thomas in HSH VIII:3, where he invoked ‘the help of God and Saint Erik’).

'owed allegiance' to Johannes, and were thus committed to support him in a feud, *if* that is how this struggle should be interpreted. In the uprising of 1463, when a peasant army was massacred when trying to liberate him from prison, the peasants might just as well have wanted to support him, because he had waived a contested tax while acting as king Christiern's sub-commander in 1457 (the reason for his imprisonment). It is also quite likely that protest against the tax was their primary objective also in 1463.

The leaders of this rising are said to have been peasants, and the most prominent one, Johan Lindorm, came from Västergötland, which appears to speak against the 'feudal' interpretation. His name does not sound like a peasant's name, though, and Lönnroth identifies him with a merchant who appears as a purchaser of rent butter in the vicinity of present-day Gothenburg (1959:212n63)²⁸⁰.

In the case of an aristocrat seeking individual supremacy, like Sten Sture (the older), it would *prima facie* appear even more likely that his peasant armies could have been personally committed to himself or to his confederates, and no doubt several examples of such followers should be possible to identify. The chief objection to such an interpretation is that it would make his distinctive style of propaganda seem totally misdirected. If the peasants just followed their 'overlords', then his populist agitation on marketplaces (Staf 1935, Lönnroth 1959, Schück 1987a) all over the country would have been a wasted effort and a quite unnecessary innovation.

The Engelbrekt debates

The most decisive argument against Reinholdsson's thesis, is that he completely fails to account for the greatest and most widely disputed of these rebellions: the 'Engelbrekt rebellion' of 1432-36. The immediate object of the original risings in 1432-33 was to get rid of a particularly detested bailiff - Jens (Jösse) Eriksen in Västerås - but from 1434²⁸¹ onwards it escalated into a full-scale rebellion involving all social classes. Disentangling all the overlapping grievances and struggles, the competing leaderships and shifting alliances of this rebellion is so difficult and rests upon so fragile sources, that it has remained one of the classic perennial points of contention within

²⁸⁰ His activities as a merchant and the system of regular contacts between bailiffs and merchants necessary to convert taxes in kind into liquid assets are described in *ib* 1940:229.

²⁸¹ *Cf* Carlsson 1932 for the initial phase.

Swedish historiography. It fairly obvious, though, that Reinholdsson's feud model solves none of the problems of this rising.

The crucial question of the earlier debate was, in Jerker Rosén's concise summary:

'if it was Engelbrekt who determined the development in Sweden during the years 1434-36 and, supported by the peasants, united the nation for his own purposes, or if it was the Council aristocracy who used the peasant rebellion to put an end to the absolutist tendencies of Eric of Pomerania.' (Rosén 1966:88; my translation)

In the renewed discussion arising since the 550th anniversary of the rebellion – this would at least include Larsson 1984ab, 1997, Schück 1985, 1987b, 1994, Bøgh 1985, Myrdal 1995, Harrison 1997 and Reinholdsson 1998 – yet another aspect has become even more central: to what extent did the peasants fight for their own interests, and to what extent were they just mobilized to fight for those of their lords? This is a question of wider and more general significance as the entire late medieval to early modern period of continuous power struggle leading up to the construction of a separate Swedish 'nation-state', was permeated with peasant unrest, and of course the whole question of peasant participation in the political system of early modern Sweden hinges on how peasant struggle is interpreted. To Reinholdsson, the later formation of a peasant Estate in the Swedish Diet is an effect of the *decline* of reciprocal relations between peasants and lords: When the state was no longer organized through chains of patriarchal protection, it had to find another model for integrating the peasantry. *Thus his salutary wariness of romanticizing peasant rebellions makes him slide perilously close to a romantic view of feudal paternalism.*

In his surprisingly scant references to what must surely be the touchstone of his interpretation, Reinholdsson simply states that although it has always been known that Engelbrekt belonged to the gentry, and that the leaders of rebellions very seldom have been peasants, the full consequences of this have not been drawn: to see these events as involving different classes. Then he goes on to investigate the forms, ethics, metaphoric language and practice of feuds and other conflicts involving individuals from different classes. Large parts of his arguments seem reasonable, although at times a bit trite, and he identifies mechanisms and conventions which certainly must have played important parts in the late medieval power

struggles²⁸², *but no analysis is offered for the peasant rebellion which seems to have triggered the whole process.* However illuminating his discussion of feuds may be, its inadequacy is revealed as soon as its applied to Engelbrekt's followers. Does Reinholdsson think that just because Engelbrekt bore a coat of arms and owed horseman's service²⁸³ in return for the privilege of tax-exemption, his relation to his followers must have been that of a lord demanding fealty from his vassals, and not that of an elected spokesman or campaign leader?

Although several other factors have been brought into the discussion, we have no information contradicting the unanimous assertion made by all narrative sources that the rebellion *started* with peasant complaints against an unusually oppressive bailiff²⁸⁴. In this particular part of Sweden, almost all peasants were freeholders, and many of them were miners as well. Reinholdsson (1998:198-208) may very possibly be right about nobleman/tenant relations involving something resembling vassalage, but if there has existed some kind of rudimentary Swedish *seigneurie banale* – which has so far evaded discovery – binding also freeholders in fealty to the *bäradshövding* ('hundred sheriff')²⁸⁵ or to the holder of an office-fief, then Dalecarlia – together with Norrland – must have been the least likely place to find it.

²⁸² The really illuminating part of his study is the analysis of how a change of allegiance under compulsion would be viewed as legitimate (not dishonourable).

²⁸³ 'Knight's service' would be a misleading term in the Swedish context, as *riddare* (knight) remained a title of high distinction as no higher noble titles were introduced before Erik XIV. The ancient Nordic title of *Jarl* (Earl) was used as denoting an Office of the Realm rather than a noble rank, and the only example of a *hertig* (Duke) outside the royal family - Bengt Algotsson - was either an the sole example abortive attempt to introduce higher feudal ranks, or just simply a German translation of the office of Earl (in latin almost always rendered as *Dux*). The only other medieval examples of higher noble titles in Sweden were of foreign origin: Greve (Count) Hans von Eberstein and Jarl Erengrise Sunesson, who, though himself a Swede, inherited his title from his Norwegian father-in-law, the Earl of Orkney.

²⁸⁴ As I will argue, what triggered the conflict was probably rather the combination of a more than average oppressive bailiff with a local population singularly unaccustomed to endure oppression.

²⁸⁵ This seems highly unlikely, as the hundred would in most cases contain several forms of tenure, and thus tenants on noble land - being also eligible to the hundred court jury - would be subject to divided loyalties. Such conflicts of interest should have left some kind of traces, at the very least. That a *bäradshövding* might use his personal prestige and connections to canvass support for his side is self-evident.

The lack of manors in these regions would have made the emergence of a paternal seigneurial protection highly unlikely. In addition, the system of regular hundred moots chaired by the *bäradshövding* assisted by a twelve-man jury did not apply to these provinces. In Dalecarlia, which was defined as a single hundred, the basic unit of jurisdiction (and self-administration) was the parish, and the hundred sheriff²⁸⁶ held itinerant courts. In the provinces of Norrland, the situation was similar, with several *underlagmän* holding itinerant courts on behalf of the *lagman* of Uppland (Almquist 1954:12f,160f).

That the author of the *Engelbrektskrönika* hardly mentions the Dalecarlians after the original attack on the castle of Borganäs²⁸⁷ is no proof that the whole rebellion was just a concern for the nobility from then onwards. In that case a leader of such a (relatively) humble origin as Engelbrekt could not have become a successful rival of the highest aristocracy. *Only* if he really was a successful commander of peasant levies strong enough to match royal armies is his career at all conceivable: going directly from the role of spokesman for local grievances to the post of Captain of the Realm (*riksbövitsman*)²⁸⁸.

This conclusion is confirmed if we move on to the next large conflict: the Puke feud, which can also throw doubt on the conclusion Reinholdsson makes from military tactics. The military argument that highly mobile campaigns must have relied on horsemen and thus on gentry, rather than on peasant foot-soldiers, certainly deserves careful consideration. However, the obvious advantage of superior mobility which allowed Karl Knutsson to rapidly quench Puke's support in those central Swedish provinces where he could have counted on 'feudal' support – *i e*, in just those areas where the estates of Erik Puke's family were concentrated – shows that the rebel armies must have been decidedly less mobile

²⁸⁶ Or, normally, his deputy, as the sheriffalty of Dalecarlia was customarily a honorary benefice bestowed on non-resident magnates. (LOS)

²⁸⁷ 1998:84s. That Reinholdsson – quoting Herman Schück – considers the author to be 'a mouthpiece for those among the *frälse* who had made the rising against king Eric their business' (*loc cit*; cf Schück 1994:55; my translation), should of course disqualify this chronicle as a source for assessing the peasants' contribution to the struggle.

²⁸⁸ A title for which there seems to have been no precedent since Mathias Kettilmundsson in 1319 (Gillingstam in SBL 25:246). Mathias, however, was a prominent aristocrat, as were all the known holders of the more standardized High Offices of the Realm. (*Eg* the office of High Steward, to which Mathias was shortly promoted. Although Bjarne Beckman's 1953 study at times tends to depict him as an almost rustic upstart, his mother's family is at the same time identified as an illegitimate sideline of the royal dynasty(7-10)).

and thus based on a peasant foot to a greater extent than on mounted troops. That Puke's Dalecarlian and Norrlander supporters, when they finally arrived, seem to have overturned the threatening defeat, shows that even large armies could move over considerable distances when necessary. In the cases of Dalecarlia and Norrland (and parts of Uppland) many of the peasants may also have been mounted, as the horse supplants the ox as a draught animal in these provinces (Myrdal-Söderberg 1991).

The evidence from the Puke feud

Although this conflict started out as a formal feud between two (or three²⁸⁹) leading aristocrats, Puke's eventual success (until he was killed, reputedly through breach of safe-conduct) was above all due to the support of the non-feudal provinces of Dalecarlia and Norrland, which is a strong counterargument against Reinholdsson's thesis – in fact I would argue that this support shows that the 'Puke feud' in actual fact was just a second phase of the general rebellion (see below).

Harrison 1997:53 claims that 'a majority of the tax-peasants in Rekarne, Närke and Västmanland' immediately joined up with Puke, but does not identify a separate source for this statement²⁹⁰. Probably it is based on Larsson 1984:222, claiming that the majority of the peasants in Rekarne, Närke, Västmanland, Dalecarlia, Southern Norrland, and many parts of Uppland, 'without much doubt' joined up with him.

These areas Larsson identifies as dominated by 'free-holding, tax-paying peasants'. In four of these provinces, however – all except Dalecarlia and Norrland – there was also a considerable element of exempt land, owned by gentry, magnates and religious institutions. In those areas the estates of Erik Puke's family were mainly situated²⁹¹, and to the extent that his support was built on seigneurial authority,

²⁸⁹ Judging from Puke's letter as quoted by Karl Knutsson and Christiern Nilsson (Vasa), he simultaneously broke an agreement with Bengt Stensson (Natt och Dag). Whether the agreement he revoked was a settlement of their earlier feud, during which Puke had burnt (but apparently not destroyed) a castle belonging to Bengt Stensson, or a settlement of the murder case, is impossible to conclude.

²⁹⁰ As he only supplies an exhaustive consolidated bibliography of sources and literature for each rebellion, it is difficult to trace the origin of separate statements.

²⁹¹ Particularly in Rekarne, where the percentage of tax-peasants in 1560 - the earliest year from which we have any figures - was less than 30% according to Forssell 1869:26f

we should expect to find his following there. However, Karl Knutsson's rapid campaign through this region succeeded to stamp out rebellion efficiently, burning peasant leaders at the stake to strike terror into their comrades. The non-feudal provinces of Dalecarlia and Norrland seem to have provided a following capable of successfully resisting the Marshal's troops, though²⁹².

The peasants from these areas can hardly have supported him out of a sense of obligation, unless it was the moral obligation to support a leader who had supported *their* demands. Although the feud was probably motivated by Erik Puke's personal ambitions²⁹³ and thus reasonably a calculated wager on his popularity as Engelbrekt's brother-in-arms, the very fact that a leading nobleman got his decisive support from provinces where he held no land, makes a simpler explanation seem more likely: That the settlement putting an end to the first rebellion in 1436 (after Engelbrekt had been murdered) satisfied the aristocratic opposition²⁹⁴, and (for the moment) the personal ambitions of Karl Knutsson, but neither the peasant opposition, nor the personal ambitions of Erik Puke. Such convergences will from this point onwards become commonplace in the history of medieval Sweden.

The problem with foreign bailiffs, which was a grievance common to the magnates and the peasantry, appears to have been solved, but the other principal demand of the peasants: abolishment of extraordinary taxes, had not been met. It is also quite evident that a satisfactory solution of the first problem *for the peasants* must have meant something more than just paying the same taxes to a Swedish bailiff. Xenophobia would rather have been the *result* of the negative experience of foreign bailiffs than a cause of the resentment they roused. It has often been assumed that these bailiffs would have brought with them another political culture including a harsher and more contemptuous treatment of peasants as a matter of course, but the very *lack* of a *shared political culture* may have been enough.

The traditional political culture of negotiated rule mediated through regional assemblies and hundred moots, must have been impossible

²⁹² Cf Harrison's comparative analysis of the contrasting accounts in Ericus Olai and the *Karlskrönika*. (Harrison, 1997:31-40, 52-55, 98), concluding that Puke's army was never really vanquished by Karl Knutsson

²⁹³ Dissatisfaction with his share of the spoils in terms of fiefs and castles is cited as his primary motivation in the *Karlskrönika*.

²⁹⁴ Likewise the clerical opposition and probably also the burghers, as the treaty had been closed with the cooperation of Hanseatic diplomats, and thus should be able to guarantee the return of peaceful conditions for trade.

to handle or even understand, for castellans and bailiffs who knew nothing of local custom, and sometimes not even the language! (As in the case of Giovanni Franco, a Venetian²⁹⁵ mercenary driven out of the Castle of Borganäs by the first Dalecarlian levy). If Swedish bailiffs took over the castles and collected the (reduced) taxes, this might have been seen as legitimate, *as long as* the aids tax was necessary *for the defence against king Eric*, but when, after the peace treaty, these bailiffs started to collect the full aids tax for king Eric, whose Baltic warfare was decidedly unpopular (especially with the miners, it has been argued), then the gains from the rebellion must have seemed to evaporate.

That Puke in this situation, with thwarted ambitions, isolated among his equals and reasonably in grave danger himself after the murder of Engelbrekt and the execution of Broder Svensson²⁹⁶ decided to raise the peasantry against the council, is hardly surprising, but, as Larsson observes, this gave the new rising a more threatening social profile: *Peasants against lords*, not a broad class coalition against the oppressive rule of strangers and the danger of royal autocracy (Larsson 1997:235. *Cf* Harrison 1997:53). That Puke was not defeated in combat but through deceit (breach of safe-conduct) shows that his support was far wider than what could in any way be explained through some kind of 'fealty' from his subordinates – in that case the rest of the Council should have been

²⁹⁵ Or rather Croatian, according to a recent article by Ibler and Fritz (2004). These interesting new findings in no way detracts from his usefulness as an extreme example, rather the opposite.

²⁹⁶ Broder Svensson (bull's head), a former privateer and a subcommander of Engelbrekt's during the campaign in Halland, had – like Erik Puke – become dissatisfied with the distribution of castle-fiefs and raged against Karl Knutsson, making violent accusations. He was immediately beheaded. The chronicle reports that Puke barely escaped his fate. KK, Kumlien 1933:81; Larsson 1984b argues that there are no grounds for interpreting Broder's execution as a purge of Engelbrekt's associates. However, it fits quite neatly into Karl Knutsson's strategy of eliminating rivals one by one and even if Broder Svensson may have been more of a soldier of fortune than a champion of the people, he was one of the new councillors who had come to the fore through the rebellion. As no-one else among the newer councillors had been knighted, he may have been considered a particularly dangerous rival whether or not he enjoyed any popular support. Another possible rival whose death Karl Knutsson was accused of having caused (Kumlien 1937:196f with n32) was Peder Ulfsson (Roos), the rebel leader in Värmland, who, like Puke, seems to have been an independent levy-raiser and rebel army commander. He belonged to an illegitimate sideline of the old royal Norwegian dynasty, and was the father-in-law of Amund Sigurdsson Bolt, the aristocratic leader of a Norwegian peasant rising in 1436 (Kumlien 1937:93 n92).

able to raise a devastatingly superior force by the same means, and thus the 'feud' aspect of this rising cannot explain its military success.

Although we do not know the reasons for the peasants' support²⁹⁷, the very fact that peasant unrest and local risings continued, should be proof enough that they had reasons of their own to rebel, and that these had not disappeared. The peasants who dragged Jens Eriksen out of his sanctuary in the Abbey of Vadstena²⁹⁸, formally sentenced him to death, and executed him, could not have had personal grievances to avenge, as Jens had been a bailiff in Jämtland and in Västmanland-Dalecarlia, not in Östergötland. They must have seized upon him as a representative or symbol of what they had been fighting against, which also indicates that they did not feel vindicated or bound by the treaty. For the peasantry it was not enough to have the strangers replaced by Swedish bailiffs, as is clearly demonstrated by the risings in Dalecarlia and Värmland in 1437, where in both cases a new, Swedish, vice-bailiff holding the castle on Karl Knutsson's behalf, was killed by the peasants.

The example of the Puke feud makes it all but impossible to maintain that the peasants only lent a transient support to the noble opposition against king Eric, but played no active part of their own. From the point of view of the peasantry, the entire rebellion must have been one more or less continuous struggle. In fact, it is difficult to see any reason whatsoever for treating the 'Puke feud' as a new and separate conflict. As the truces and treaties between king Eric and the different councils or makeshift alliances negotiating in the name of his Swedish subjects never had much permanence, I prefer to view it as 'one' revolution, in the same way as we speak of 'the

²⁹⁷ The extremely partial *Karlskrönika* claims that Erik Puke had frightened them with tales of Karl Knutsson's terrifying treatment of peasants who dare to make complaints: He 'lets their mouths to the ears cut up' and finally 'break them on wheels, and burn and hang' or 'scourge them and tie them without a cause, and let them freeze to death' (my translation).

²⁹⁸ The account in the diary of Vadstena Abbey, confirms the depiction of this event in King Karl's chronicle. That no *bäradshövding* is reported to have taken part in the trial, hardly justifies Reinholdsson's interpretation of this act as only an 'imitation' of the forms of legal procedure. A hundred jury was capable of making judgment under the direction of a sheriff's substitute, and the tradition of awarding the senior member of the jury the title of 'hundred judge' may very well have a medieval origin. In the only monography on medieval hundred courts Claesson (1987:116) does not consider this incident to have been a legally correct verdict, but perhaps a sort of 'court-martial'. His argument does not even discuss the absence of a *bäradshövding*, though, and is based upon the provision that crimes should be prosecuted in the hundred where they have been committed, and upon the probable absence of witnesses.

French revolution' in one term, although it contained widely varying phases.

The murder of Engelbrekt

Underlying all this turmoil is reasonably also the murder of Engelbrekt. Some historians tell us sternly, that Ericus Olai's assertion that Karl Knutsson had protected the murderer is of too late a date to deserve any credence, and that it probably is a misunderstanding because the murder was a purely private affair²⁹⁹. According to established source-critical practice, one single (independent) source is not enough to establish a historical fact, and in this case the three decades elapsed between the deed and the allegation must surely further weaken the argument for complicity. Still, I have only seen conjectures offered as proof of the conventional assertion, and as these conjectures are made by historians who are more than ten times further removed from the occasion, compared to Ericus Olai, I am not quite certain why they feel entitled to make such strong assertions. I cannot see how the weakness of a source can prove the truth of the opposite viewpoint, and there are also other indications that people at the time might have suspected Karl Knutsson's guilt, certainly even more so after the deceitful capture and execution of Erik Puke³⁰⁰.

The 'private conflict' interpretation seems to be derived from *Karlskrönikan*, where a stereotype fable of the 'faithless servant' mould is recounted, depicting the murderer as a former retainer of Engelbrekt's. Magnus Bengtsson, however, belonged to the very highest aristocracy. His father, one or two of his uncles, and his granduncle sat in the council - which he also entered himself during the rebellion - and his grandfather Sten Bosson (Natt och Dag) had not only been a member of the ten-man board of executors of the will of Bo Jonsson (Grip), the High Steward of Sweden and the lord

²⁹⁹ Larsson 1984:203, 211 and more explicitly in 1997:230ff. Christensen 1980:232, Harrison 1997:52. Rosén 1966a (*Engelbrekt och unionen* DSH 3:83) considers the murder to be 'the final act of a lengthy personal quarrel ... No political motives can be traced.'(my translation). He cites Karl Knutsson's protection of the murderer as a fact, though, which also Lönnroth does (1934:130), although the latter considers the 'political difference' between Karl Knutsson and Engelbrekt to be grounded in 'pure competition for power'.

³⁰⁰ The survival - albeit in a garbled Danish version - of a political ballad recounting a fairy tale-like story of treachery and murder, where the villain is called Karl Knutsson, and his victim Erik Stygeson or Pukeson who 'listens to the peasants' complaints', and 'will against the power fight', suggests that a suspicious attitude against Karl Knutsson was not limited to clerics like Ericus Olai (Grundtvig, Hildeman).

of the most extensive estate ever controlled by a Swede beneath the throne (Schück 1976:199ff; the testament is printed in Rosman 1923:356ff.), but after the dissolution of the group he became the sole executor of the estate (SRP2483,2583. Cf Schück 1976:195,210). That the young aristocrat Magnus would have entered into the service of a humble esquire such as Engelbrekt – and had done so in the very beginning of the rebellion, *before* Engelbrekt had attained the position of Captain of the Realm, or even member of the Council – would have been very remarkable. Whether we accept the reconstruction of a separate *Engelbrektskrönika* as a precursor and/or starting-point for the *Karlskrönika* (Schück 1994 is the latest and most elaborate version of this interpretation), or consider the portion of the *Karlskrönika* dealing with Engelbrekt to be an integral part of Karl Knutsson's propagandist chronicle³⁰¹, it is clear that even if Karl Knutsson had had a reason to protect the murderer, this motive would have disappeared long before the chronicle came into circulation, as Magnus Bengtsson's uncle Nils Stensson was appointed Marshal of the Realm by king Eric in 1439, replacing the deposed Karl Knutsson (SSFS 13:2 s205f). After this date the family of Natt och Dag were – for a period – leaders of the royal counter-revolution, and thus the murder could be turned into a propagandist asset instead of a liability. The chronicle now depicted Karl Knutsson as the successor of Engelbrekt and its savage denigration of Erik Puke served to bury the memory of another political configuration of which we know nothing except that it served Karl Knutsson's interests to depict it as grossly demagogical, with an ingratiating attitude towards the peasantry.

Of course Erik Puke must have been a most formidable rival as he was not only

- (1) Engelbrekt's brother in arms (cf Reinholdsson's evidence for a formally declared brotherhood-in-arms between Erik and Engelbrekt) and
- (2) the successful commander of a separate rebel army (in contrast to Karl Knutsson, who had only played a minor role in the least successful subdivision of Engelbrekt's army) but also
- (3) the son of Nils Gustavsson (Rossvik), the foremost lawspeaker and thus the highest-ranking secular official of

³⁰¹ Lönnroth 1934; reformulated in response to Schück in Lönnroth 1996, making some concessions as to the political role of Engelbrekt, but using Schück's own evidence to restate the conviction that Karl Knutsson's propaganda is the context within which the entire *Engelbrektskrönika* has to be understood.

- Sweden, who had played a key role in the insurrection (see below), and
- (4) the son-in-law of Nils Erengisleson (Hammersta), whom I consider to be the central personality within what may have remained of Bo Jonsson's followers among the old Swedish aristocracy (see below).

In any case the murder, given the circumstances, could in no way be described as a private affair. Under a state of civil war with constantly shifting alliances, a member of one of the leading power groups cannot kill the leader of another constellation out of purely personal reasons - all personal relations between people in that kind of a position *are* political, as the forming and breaking of alliances *constitute* politics in an age of politics based on personal ties. Of course it is also quite possible that Karl Knutsson at that moment would have preferred a living Engelbrekt - there is no need to see the powerful clan of Natt och Dag as puppets for anyone else³⁰².

The most common explanation for the quarrel between Engelbrekt and Bengt Stensson (Natt och Dag), refers to Erik Puke's attack on and capture of the castle of Täljehus (at that moment held by Bengt's wife), reputedly in response to Bengt Stensson's plundering of a Lübeck ship, thus violating the promise of free and unimpeded trade for Hanseatic vessels issued by the rebel council. If this really is the source also of *Engelbrekt's* conflict with Bengt Stensson³⁰³, seems doubtful - the chronicle mentions the conflict before describing the piracy issue. A conflict concerning authority over the province of Närke would seem rather more likely - Herr Bengt had for a quarter of a century been its lawspeaker, when Engelbrekt took over the coterminous (Fritz 1973:40) castellany of Örebro through buying off King Eric's bailiff.

Though Bengt Stensson had been prominently, if ambiguously, involved with the magnate opposition from the very beginning, he had neither been entrusted with a castellany, as were his two colleagues Nils Gustavsson (Rossvik), Nils Erengisleson (Hammersta), and his own uncle bishop Knut; nor with a regional captaincy, as were Nils Erengisleson and another lawspeaker, Knut Jonsson (Tre Rosor)³⁰⁴. At the same time, fiscal and military authority in his home

³⁰² *If* they were, King Eric might be a more likely suspect, as subsequent events would indicate.

³⁰³ If Puke's attack had been the cause of the conflict, it seems very strange that it is always explicitly mentioned as a conflict between Bengt Stensson (with his son) and *Engelbrekt*.

³⁰⁴ Bengt Stensson's own younger brother Nils became captain of Småland, though..

province was assumed by the upstart Engelbrekt Engelbrektsson, or by his less distinguished deputy and brother, Nils Engelbrektsson. This must have appeared as a mortal insult to Sir Bengt, and according to the chronicle, Magnus Bengtsson attempted to seize the castle of Örebro after the murder, but failed, provoking in response a spontaneous peasant attack on his father's castle, Göksholm, which, however, also failed.

During the rebellion, the council was expanded into 36 members³⁰⁵, including the rebel leaders Engelbrekt and Erik Puke. Only five magnate families were represented by more than one member. The later so dominant family of Oxenstierna was represented by two brothers: Bengt and Nils Jönsson, future regents and leaders-to-be of the 'constitutionalist' faction. In three cases an already well-established senior councillor had been joined by his son: Erik Puke had joined his father Nils Gustavsson (Rossvik) - *lagman* ('lawspeaker') of Uppland, which made him the judicial head of the most prestigious province, and, in a situation where the offices of High Steward and Marshal of the Realm were left vacant, the foremost secular member of the Council; Nils Erengisleson (Hammersta), lawspeaker of Södermanland and Engelbrekt's subcommander for the neighbouring province of Östergötland, had been joined by his son Erengisle Nilsson, and Gottskalk Bengtsson - of an ancient and prestigious sideline of the family whose senior branch had become the recently defunct royal dynasty - by his son Bengt Gottskalksson.

The fifth family counted no less than five members: 'the oldest noble family of purely Swedish origin' (SBL), which much later came to be known as Natt och Dag ('Night and Day'). It included the venerable bishop Knut of Linköping, three of his nephews: Bengt, Bo and Nils Stensson, and Bengt's young son Magnus. This numeral preponderance has, as far as I have been able to ascertain, never been given any attention, perhaps because the bias of the narrative sources is weighted towards two rival protagonists: *Engelbrekt*, the gentleman miner who appears as a leader from the very beginning of the rebellion, and who is transmuted into a sanctified nation-hero a few years after his death; *Karl Knutsson*, the ruthlessly ambitious marshal, who brings the struggle against king Eric to an end, crushing peasant rebellions and killing his rivals on the way, but still fails to secure the crown and loses out to Christopher of Bavaria, only to return as a king several years later, losing and regaining the crown twice more.

³⁰⁵ Carlsson 1936.

Against both of them, the arch-antagonist *Eric of Pomerania*, a *rex iniustus* of the clearest water. This triple focus has turned all other actors into *a priori* minor characters whose actions are determined by the triangular power constellation, and above all: it threatens to turn a story of large-scale collective resistance into a chamber play about clashing personalities³⁰⁶. Other actors and configurations must have been of comparable importance without getting as much attention from the chroniclers, as is borne out by the simple fact that none of these three or four (counting Erik Puke) protagonists emerged victorious from the struggle.

The revolution against King Eric as a composite conflict

The struggle between king Eric and his Swedish subjects consisted of three or four interlocking conflicts:

- (1) encouraged by their involvement with the conciliar movement, the Swedish church demanded the freedom to appoint their own leaders³⁰⁷, and got into a head-on clash with Eric's conviction that appointing bishops - and particularly archbishops - should be a royal prerogative.
- (2) The peasants were reacting against the heavy extraordinary taxation, and against those mostly foreign bailiffs and castellans, through whom Eric imposed those taxes.
- (3) The magnates also turned against his system of rule, as Eric's enfeoffment policy had deprived them of important sources of income and influence.
- (4) It is also possible that Eric's war against Lübeck and the resulting blockades and privateering made the mercantile classes - Stockholm burghers, Dalecarlian mineowners and possibly also borderland producers of surplus food - turn

³⁰⁶ This tendency is only reinforced if we complement the mini-cast through adducing the tempestuous temper of Erik Puke, the Hotspur of Swedish medieval history. The resemblance to a Shakespearean chronicle-play is of course already present in the rhymed chronicle of King Karl, which remains our only source for large parts of the story.

³⁰⁷ Control over the enfeoffment of church land also became an important issue, no doubt strongly intertwined with the interests of the nobility, as Bo Jonsson's strategy had been to pawn land to ecclesiastical institutions, not only in order to raise money for further land purchases, but also to put the land out of royal grasp (Sällström). It is noteworthy that two bishops were included in the ten-man 'aristocratic *junta*' appointed trustees of his estate. Maybe more remarkably, they lacked the aristocratic background and large private estates common among Swedish medieval bishops, but were - by Swedish standards - exceptionally highly educated and versed in jurisprudence.

against him. This argument, first broached by Henrik Schück, was given a decisive role in the analyses of Lönnroth³⁰⁸, and received an even heavier emphasis by Nyström, while Larsson argues that the truce of 1432 between king Eric and the Hanse, should have removed this factor. Boëthius states in his study of the copper mining district, that he can find no clear evidence of crisis in the mining districts, but he still concludes that disturbances to the trade must have been serious enough to contribute to the general discontent.

Stockholm and the Hanse system

Stockholm should not only be identified as a part of Sweden. At the same time it was, as a city, involved in the city alliance system of interlocking networks, whereof what we usually refer to as the Hanse³⁰⁹ is only the most visible subsystem. Although not explicitly affiliated to any of the Hanses, Stockholm had a kind of partial exterritoriality for its German citizens, who had a separate mayor and were entitled to nominate half of the town council (Ahnlund 1929). In Swedish history, 'the Hanse' is usually talked about as if it was a state, thus conflating the city of Lübeck as a political power with the much more wide-ranging but also more diffuse economic power of the Wendish Hanse as such, or even of the Hanse system as a whole. In this way the struggle between Scandinavian sovereigns (whether Union monarchs or 'national') and 'the Hanse' is viewed as a struggle of power in a political sense, and thus a kind of 'national' struggle.

However, it is more to the point to view it as a question of rival forms of state-building. To the extent that their struggle represents a

³⁰⁸ In Carlsson 1941 the importance of the endangered trade argument is also strongly argued - he puts a heavy emphasis on Engelbrekt's entrepreneurial '*vitae genus*' - but the overall context of his interpretation is still determined by the 'nationalist' motive. The strong reaction against Lönnroth's 'materialist' explanation seems a bit surprising, as the trade argument was in no way novel. Evidently the complete absence of nationalist sentiment and hero-worship made the commonplace pocketbook argument appear so stark as to give an impression of sacrilege.

³⁰⁹ The Hanses started out as enclaves of German merchants in cities like Bruges and London, but developed into a form of guild-like alliance between largely independent cities, who were granted their liberties as privileges from a princely power in the vicinity; the most well-known example is the Wendish Hanse dominated by Lübeck, although there was also for instance a Prussian Hanse centering on Danzig. Visby and Bergen were Hanse cities although they also were considered parts of the countries in which they were situated. A larger pan-Hanseatic confederation was formed in Cologne, and Hanse Diets were occasionally attended even by such cities as Stockholm.

territorial ‘nation-state’ model trying to assert itself against the ‘guild-like’, federative, city league model (which is capable of coexistence with other, looser, state forms, such as empires or polystructural ‘composite states’), it is in some sense really a national struggle, but not in the sense of ‘national defense’ so much as of a nation being constructed through the exclusion of elements defined as ‘foreign’ – not a struggle between nations, but a struggle between nation-state building projects and other forms of political aggregation.

We might consider the entire Scandinavian Union project – or at least Eric’s version of it – as an attempt to build a consolidated state through the path of ‘capitalized coercion’ in Tilly’s sense:

a combination of

- *coercive tax-raising*: the imposition of new extraordinary taxes through a system of castellans and bailiffs separated from an aristocracy which had combined landowning power over multilocal conglomerate estates with administrative and judicial power as regional magistrates on the hundred or province levels³¹⁰.

and

- *capital accumulation* through intercepting the monetary flows of trade networks. The Sound tolls – which were in fact introduced by Eric of Pomerania – are of course the most important source of such revenue.

ARISTOCRATIC DISCONTENT. A BACKGROUND

Who were ‘the Council’?

It is important not to overestimate Karl Knutsson’s role in the rebellion, especially not in the initial stages. Even apart from the bias of the principal narrative source, written in order to glorify his career, there is the teleological danger of bias from hindsight: both of these biases serve to identify him as the leader of the aristocracy. Yet we know that he did not belong to the original rebels and did not play an important role until the *King* appointed him Marshal of the Realm, obviously counting on receiving his support in exchange. Even at the end of the rebellion, when his authority should have been at its peak after having ensured the military victory and eliminated all his serious rivals, the Council avoided accepting him as king, turning instead to Christopher of Bavaria. If the Council took control over the

³¹⁰ Though, as I show in Chapter 4, their different forms of power were normally not exercised over the same territories.

insurrection from 1435, from 1434 or (surreptitiously) from an even earlier date, they acted as a 'confederation' (Lagerroth, Lönnroth) to further their own collective interests, not on behalf of a rival pretender. But: *who* were these councillors - what factions and coalitions can be discerned?

It is by no means certain that we can count on the existence of a permanent Council during the reigns of Margaret and Eric (Christensen 1980, Schück 1985), and if the Councils convoked by these rulers when they were needed for one purpose or another did not have any independent existence – or even any consistent membership – *between* these occasions, then the very act of assembling as a Council without a royal summons was seditious. The famous letter of revocation from a meeting in Vadstena 1434 - where the signatories withdrew their obedience from king Eric specifying the complaints which should justify such a step, while at the same time pleading that they were acting under duress³¹¹ – has been rejected as a Council meeting by Lars Olof Larsson, who considers it to be a 'meeting for those provinces that still were left untouched by the rebellion' (1984; 1997:194ff).

Schück 1985 argued, against this interpretation, that Council meetings usually did not muster all regular members, and that they were frequently expanded through the presence of additional 'Men of the Realm', outside the ranks of councillors proper. His own admonition against the belief in permanent Councils weakens the contrast between the two positions, though. If the revocation was issued by a makeshift council, then the really important question is if the signatories constituted some kind of leadership of the rising, or if they just were late-comers hastening to jump onto a rebellion already in full swing. In *neither* case they would have constituted a Council legitimate in the eyes of the King – at most a self-proclaimed Council like the one convened in Arboga in January 1435, although the

³¹¹ The signatories explicitly state that they revoke their obedience because they have been forced to do so by Engelbrekt. On the other hand they *at the same time* assert that the king's behaviour justifies the rebellion. Most historians consider this no more than a device to protect their own backs (*e.g.* Larsson 1997:196). Reinholdsson's discussion of how a change of sides due to coercion was considered legitimate (1998::247-53), seems to make this episode less confusing. Whether we believe that they were actually physically intimidated (as Schück and Reinholdsson do) or that the threat was a fictional pretext (Lönnroth and many historians after him), the argument will become much simpler, if we do not have to explain how the conversion could outlast the threat. If a forced conversion is not dishonourable, then the most honourable way to go on is to stick to the new loyalties; if a fictional threat is used as a pretext, on the other hand, then to remain converted won't give the game away.

signatories of the meeting in Vadstena 1434 did not style themselves a Council.

In both versions, this becomes a partly planned, partly improvised meeting with councillors and other 'men of the realm'; to that extent representative, yet with no formal authority; taking sides in the conflict with the king and listing grievances against him, but still shrinking from taking full responsibility for their stand. On the whole this sounds like a tentative attempt to find a way to make a formal withdrawal without having any evident pattern to follow, and thus as a step in the ongoing construction of formal politics.

To identify the exponents of the many different sub-struggles involved in the rebellion against king Eric is hardly possible, given the nature of our sources. Still, it should be possible to advance some tentative assumptions through observing which names that appear in which contexts, and through relating these to earlier and later events. If the political standpoints of the rebellious council were 'the same constitutional program' that was overrun by Queen Margaret in 1397 (as claimed by Lönnroth 1934:103) we could begin by looking for points of continuity with the constitutionalist lobby of the Union negotiation.

Constitutionalists or oligarchs? The *testamentarii* of Bo Jonsson (Grip)

Lönnroth finds such a continuity in the political ideology formulated within the ecclesiastical opposition against Eric, containing more and more explicit invocations of elective kingship and rule according to the Land Law³¹². This struggle for *libertas ecclesiae* owed a lot ideologically to the conciliar movement in which some of the protagonists had been deeply involved, and there is no doubt that this ideological example helped to reinforce the constitutionalist position within secular politics as well. Still we should be wary of identifying every anti-absolutist stance as a symptom of constitutional ideology – a self-serving preference for oligarchic rule *without* any strong ideological conviction would hardly be possible to distinguish from a principled stand.

The specific constitutional program formulated in the 'unification document' of Kalmar 1397 – now by most historians considered a

³¹² 'The heirs of the 14th century constitutionalists took the lead in the rebellion'(1934:111)

defeated proposal which was overrun by Queen Margaret³¹³ – may have been forgotten on the Swedish side, as argued by Christensen, but the politics of oligarchic opposition to a centralizing monarchy cannot have been. The narrow group of signatories was basically a residual of the 10- or 18 (Counting also the deputy members.) - member 'aristocratic *junta*' formed in order to administrate the estate of Bo Jonsson (Grip), which had made the Union possible through offering the crown to Queen Margaret in 1388³¹⁴. This group was formed around a tightly knit nucleus of intermarrying aristocrats³¹⁵, buying, selling, exchanging, donating and enfeoffing land among themselves, to ecclesiastical institutions (prebends, monasteries *etc* - especially at Vadstena Abbey), or to their clients. In addition to the eight (regular) secular members, who counted three sometime Marshals of the Realm, and six lawspeakers (though not more than four holding office at the same time time), two bishops were included: Nicolaus Hermanni of Linköping and Tord Gunnari of Strängnäs. In addition to their impeccable spiritual credentials – Nicolaus was well on his way to become a saint, and Tord Gunnari

³¹³ The complex debate concerning the validity and apparent incompatibility of the two documents dating from the Kalmar meeting: the 'document of unification' and 'letter of coronation', has been running since Paludan-Müller critical analysis of the source material in 1840. Christensen provides a lucid overview of the debate (1980:131-171) and settles for a reasonable compromise: the unification document was saved by Queen Margaret as a document of how far the magnates were prepared to go in the direction of a permanent union, and on what conditions. As she was not prepared to accept these, she postponed the long-term negotiations, and was for the moment satisfied with having gotten king Eric acknowledged with much wider powers granted for the duration of his reign. (Although she formally surrendered the throne to him at his coronation she appears to have remained in full *de facto* control for the rest of her life.)

³¹⁴ Most of the Swedish castles were held as securities by Bo Jonsson's estate, and by pledging to hold them to Margaret, the college of executors could endow her with the formal suzerainty over most of the country. If she – and her new adherents – had not been able to muster the requisite military power to make good her claims, this formal manoeuvre would have been of no avail, of course.

³¹⁵ They may have been motivated by an ideology formulated by St Bridget – a 'Birgittine party' according to Engstöm's expression, though for my purposes it's enough to describe them as an oligarchic faction, with or without a theory to justify their position. The saint's family and estates were deeply implicated, though, as her son, her brother's son-in-law and three grandnephews were members of the board, as were two of her most faithful clerical supporters.

has been described as ‘no doubt the most erudite Swede of his time’ – they were also experts in canon law³¹⁶.

This board of executors was formally dissolved in 1390, when one among them, Sten Bosson (Natt och Dag), took over the responsibility for the residual estate, although Rosman considers the former members of the college to have been regarded as a ‘higher instance’ in doubtful cases (1923:292). That the group still held together as at least an informal lobby is shown by the fact that all of the seven Swedish signatories to the ‘unification letter’, except the archbishop Henricus Caroli³¹⁷ were regular or deputy members of the original college.

Already in the letter of allegiance to Queen Margaret from 1388, two new substitutes had been included in the group explicitly defining themselves as Bo Jonsson’s *testamentarii*. This shows clearly that the instructions in the will had been followed, stipulating that members who ‘decease, go abroad on pilgrimage or in other business, or become enemies of the realm, or do not want to take on this commission fully and faithfully’ (Rosman 1923:358, my translation) were to be replaced through choosing worthy substitutes ‘among native men’. At that point the group was still an officially functioning body, though. The liquidation of the trust when Sten Bosson (Natt och Dag) took over full responsibility for the remainder of the estate³¹⁸ in 1390, may have reflected a breach in the group, as argued by Sällström 1951:60.³¹⁹

³¹⁶ Nicolaus had studied at the University of Paris, where Karl Ulfsson, one of the leading secular executors, had also spent some years. Tord Gunnari had studied canon law for five years at the University of Prague, where he had also taught for four years, and become a canon at the All Saints’ Chapel at the Castle of Prague (Collmar 1977:51-8).

³¹⁷ He might, however, be considered as a reasonable substitute for the two original bishops. He was also deeply involved in the further landholding machinations of the executors as a purchaser of *pantlän* (mortgage fiefs) and a major beneficiary of land donations, paralleling the earlier roles of Nicolaus Hermanni and Tord Gunnari in helping to put land outside the reach of royal resumption.

³¹⁸ Most of the *pantlän*, which constituted the most important part of the estate, had by then already been returned to the crown. Carlsson 1941:40f considers that the Queen accomplished the liquidation of the trust taking care not to alienate the individual executors.

³¹⁹ He considered Sten Bosson and Ulf Jonsson to have become the ‘henchmen’ of Queen Margaret.

Table 6: The executorial college created by Bo Jonsson's testament.

	name	dead	family	office	relation to St Bridget	BJG	signatory of alleg letter	unif. letter
1	Nicolaus Hermann	1391		bishop of Linkpg fr 1375	children's teacher			(†)
2	Thordo Gunnari	1401		bishop of Strgns fr 1378				
3	Karl Ulvs- son of Tofta	1407	Tofta	cas Sth 1364, Isp Upl 1359-07 Msl 1364-71	nephew- in-law			X
3b dep	his son Knut Karlsson	1389	Tofta	Isp Sdm 1380-6(9?)	grand- nephew			(†)
4	Birger Ulvsson	1391	Ulvåsa	Isp Thd 1381-2, Nrk 82-4	son		1	(†)
4b dep	Algot Magnusson	1426	Sture (II)	cas in Vgl 1388, Norrl 1405-26			(sep)	X
5	Erik Kettils- son Puke	1396	Puke	Msl , cas in Värml 1363-96			(sep)	(†)
5b dep	his nep. Kettil Jonsson	last m 1386	Malsta	hh1380-5		md 2 nd cousin		(† ?)
6	Sten Bengtsson	1408	Bielke	Msl 1376 Q's Cpt 1390 Isp ÖI 1406-8	grand- nephew		2	X
6b dep	his brother Ture Bengtsson	1414	Bielke	v Isp 1378 Vsm , cas in Nrl 1406-14, Isp Upl 1409-14	grand- nephew		7	X
7	Erengisle Nilsson	1406	Ham- mersta	cas in Finl 1380-1402 Isp Sdm 1390-1406			3	X
7b dep	his br-in-law Tord Bonde	1417	Bonde	cas in Finl 1378-1417 Isp Vsm 1394-1417			11	
8	Ulv Jonsson	last m 1393	Aspe- näs	cas in Dal 1370-78, Isp Ögl 1389-91	cousin's son	mother's cousin son of cousin	4	(† ?)
8b dep	Magnus Kase	1407	Kase	cas in Finl. 1385-90				
9	Sten Bosson	1410 /11	Natt & Dag	cas in Finl 1368-9, in Srm 1388-93, Cpt Nrl 1395, Kdh1385-1409	cousin's grandson	cousin	6	
9b dep	his brother Knut Bosson	1436	Natt & Dag	precentor at Lkpg, bishop fr1391	cousin's grandson	cousin	9	X
10	Karl Magnusson	1421	Örmfot			2 nd cousin	10	
10b dep	his br-in-law Arvid Bengtss	1401 /02	Oxen- stierna	hh 1390-1401Tjurbo			8	
(11) co	Sten Stensson	1431	Bielke	Isp Vsm 1374-86	grandson -in-law		5	
(12) co	Gregers Bengtsson		Aspe- näs			2 nd cousin	12	
(13) co?	Henricus Caroli (?)			archbishop of Uppsala				X

cas= castellan, co= co-opted member, cpt= captain, dep= deputy member, hh= *härads-hövding* (hundred sheriff), kdh= *konungsdombavande* (judge on behalf of the King), lsp= lawspeaker, msl= marshal, Q's cpt= Queen's captain, sep= separate letter

On the other hand the entire college had cooperated to put her on the throne, as many of them had once helped to put Albrecht there before her³²⁰, and several of them had accepted responsible posts in the service of either monarch. Loyalty to one master or another was not the most typical trait of these people³²¹, rather an ability to use their allegiance as a negotiable asset, and what united them was not any of the specific adherences they had entered into, but the common effort to safeguard their space for political manoeuvre. This may of course be regarded as a struggle for freedom, but in such a context liberty itself is a very exclusive privilege. Thus I have to insist that 'oligarchic' is a less misleading label than 'constitutionalist'.

The 'unification letter lobby'

Although the material foundation for the college had disappeared, the members had after all been united by the common task of using its resources to serve a political goal. As a lobby or party, they – or a faction of them – would continue, openly or clandestinely. When the 'unification letter' was brought into the negotiations with King Eric in Kalmar 1436, and the Swedish delegation argued:

'Item have our forefathers and parents in the three realms bound themselves together thus – and we in the same way – that each shall help the others to enjoy law and justice and in no way to diminish or violate them',³²²

then the reference to 'forefathers and parents' was not just a figure of speech. Only one of the Swedish delegates – Nils Erengisleson (Hammersta) – was literally the son of a signatory to the unification letter, but then only one more son of a signatory of *that* letter was

³²⁰ Or, earlier, conspired to pitch Erik Magnusson against his father Magnus and brother Håkan, and then Håkan against Magnus (Engström, Sällström, Andersson).

³²¹ With the possible exception of Erik Kettilsson Puke. His loyalty to the old dynasty may of course have had something to do with his seemingly semi-independent stewardship over Värmland, and with his probable marital connection to the royal house (see Chapter 4).

³²² ST 75, p167. My translation.

alive at that point³²³. Nils Jönsson was not a descendant of Karl Ulfsson, only his cousin's son, but when his father died, Karl Ulfsson had been appointed his guardian, and two of his uncles had signed the original declaration of allegiance to Queen Margaret, together with the husbands of his two aunts. Knut Karlsson's father had also signed the letter of allegiance and belonged to the executorial college, as had the father of one of the witnesses, Karl Bonde³²⁴. The High Steward Christiern Nilsson (Vasa) was a grandnephew of Erik Kettilsson Puke, which leaves Magnus Gren as the only delegate without closer family ties to the *testamentarii*³²⁵. The last survivor of the executorial college and the unification letter lobby, Bishop Knut of Linköping, had died just a few months before these negotiations, but up to that point he had been an important participant during the entire course of the Swedish insurrection³²⁶. A closer examination of the continuity between Bo Jonsson's trust and the magnate element in the revolt against king Eric seems to be called for.

³²³ He was Gustav Algotsson (Sture), who took part in the midsummer council in Stockholm, which Kumlien 1933:73 presumes to be convened in order to appoint delegates for the Kalmar negotiations. That he was not among those appointed may have to do with the fact that Karl Knutsson, who also took part in this meeting, wasn't either - Gustav was the marshal's brother-in-law. Kumlien's claim that this meeting was dominated by the 'union-friendly elements' seems weakly underpinned. Nils Gustavsson and Erik Puke took part, in addition to Karl, Gustav, and archbishop Olaus – certainly no friend of king Eric's. Christiern Nilsson (Vasa) and bishop Magnus of Åbo were the only other representatives mentioned (73n23; cf BSH 2:110), and even if Hans Kröpelin and the Mayor of Wismar (one of the mediators in the conflict) had accompanied them to Stockholm, as Kumlien suggests, the notion that the last-mentioned four, together with 'other Finnish lords', had succeeded to 'momentarily put Karl Knutsson's party out of play' seems contrived. The tension between Erik Puke and Karl Knutsson, however, may have weakened the insurgent side.

³²⁴ Among the other witnesses, one was the son-in-law of the executor Magnus Kase (and the nephew-in-law of another), another one was next-of-kind to Kase (apart from his daughters) and belonged to the legatees of Bo Jonsson's will, and yet another one was a nephew-in-law of Gregers Bengtsson who had signed the letter of allegiance as a co-opted member of the *testamentarii*.

³²⁵ His uncle Ivar Nilsson (by saltire) was one of the 21 noblemen endorsing Birger Ulfsson's and Sten Bengtsson's agreement with Margareta in May 1388 (6 of them belonged to the executorial college. Ivar's close connection to the *testamentarii* is evidenced by his appearance as an executor in the testament of Karl Ulfsson together with three other members of the college; it is quite possible that he may have been a co-opted member of the board. His father was a cousin of Karl Ulfsson, and his wife a daughter of Tord Bonde. He also became Ulf Jonsson's successor as the lawspeaker of Östergötland.

³²⁶ Christensen's attempt to make him into a co-leader – with Engelbrekt – of a supposed hard-liner faction among the insurgents, is unconvincing, though. As Schück points out in his review (1982), documentary evidence for depicting him as 'the implacable leader of the prelates' simply does not exist.

Trust or council?

Although the crucial role of the *testamentarii* has been generally acknowledged, Swedish historians have tended to subsume this body under the Council³²⁷, and treat its operations as actions by the Council as such, or by a ‘party’ (‘constitutional’, ‘Birgittine’, ‘national’ or whatever) within the Council. However, a Council as a permanent corporation with an existence independent of the King calling his advisors, is by this period probably just a teleological mirage. In 1435 a large group dominated by councillors and their relatives constitute themselves as a council. This is a revolutionary act: another form of politics.

Bo Jonsson through his land transactions and his testament had created a totally different kind of an institution: a privatization of political power through setting up a ‘trust’ controlling a large portion of what should have been ‘the state’. This was only an ephemeral phenomenon, a transient tool for political change and not an alternative form of state-building. (Would it even be possible to envision a private state?) The estate trust was created in order to enforce a political solution, but it was not in its power to dictate its content. Law and order had to be re-established, but for all their juridical competence, the college could not do it on their own. The ‘pyramid-shape’ of a hierarchical society demanded an apex tying everything together (*cf* Anderson 1974a), and what the trust could achieve was to bargain for the best conditions attainable. *It is probably at this point that the path of ‘parallel centralization’ begins. The aristocratic-oligarchic-constitutionalist faction has centralized power privately and offers it back to the state in return for a guaranteed participation*³²⁸.

³²⁷ A ‘Council committee’ according to Schück 1976:200n13. On p 212 he states (in my translation): ‘The executorial college had formed an inner circle of the Council, and had probably continued to act as such since their commission had been concluded.’ *NB* that there is nothing ‘constitutional’ about the way this committee had originated!

³²⁸ [*Later comment*: Today I am inclined to trace its pedigree further back in time, reasonably to the council during King Magnus Eriksson’s minority – a compromise between the rival sets of councillors from the preceding Civil War.]

Magnate politics

Within the group of actors usually lumped together as ‘the Council’, we may search for political factions:

- A ‘Birgittine party’ is Engström’s label for the nucleus of the oligarchic party setting up Håkan Magnusson against his father, banished after the reconciliation of the monarchs, and after this involved in the Mecklenburger invasion. His analysis is quite strained, though, arguing that the defence of the integrity of the realm (that is: the retention of Scania) had become the defining characteristic of Birgittine politics.
- Patrons of the Vadstena Abbey would reasonably be susceptible to Birgittine-style denunciations of tyrants, and the overlap with Engström’s ‘party’ is considerable. Some of the magnates investing in prebendary stalls in the Abbey church might have had a purely business or patronly³²⁹ interest in the foundation, though. This type of self-interest would reasonably tend to converge with the Abbey’s, in any case. Many of the leading figures from the insurrection had close connections to the Abbey, but it might be rash to conclude that it was a centre of resistance: after all, Jens Eriksen was also a patron and obtained sanctuary there during the rebellion, even if his protection ultimately proved insufficient.
- Defenders of *libertas ecclesiae* we would in principle be more likely to find within the cathedral chapters than among the bishops, most of whom owed their sees to royal patronage. Archbishop Olaus Laurentii, however, had a strong personal interest in this aspect, and his successor Nicolaus Ragvaldi, although originally considered King Eric’s man, seems to have adopted the conciliar viewpoint during his extended embassy to the Church Council of Basle. Some of the magnates within the archdiocese had sided openly with the chapter through testifying to the traditional freedom of archiepiscopal elections (Lönnroth 1934).
- The internecine struggles between different pretenders of the Bjälbo dynasty had each time subdivided the oligarchic elite in somewhat different ways, partly – but not

³²⁹ As the founder family usually reserved patronage rights for themselves, land donated to a prebendary foundation could be put under ecclesiastical protection while still remaining an asset in building feudal authority. Certain economic revenues and services, *e.g.* fines or (hospitality) could also be reserved by the founder, leaving only the customary rent to the beneficiary (Norborg 1958:97ff).

exclusively – because new men coming to the fore as royal aides tended to be assimilated into the higher aristocracy. Still, there was a continuous tradition of opposition dating back to the *Folkung* risings of the 13th Century, but as the opposition to Royal power started to take the form of collective *oligarchic* state-building, this tradition becomes redefined in contrasting ways³³⁰.

The several occasions on which different magnates found themselves on opposite sides may have caused a lasting resentment or suspiciousness in some of them, but to describe them in terms of earlier partisanship is questionable, although loyalties forged during one period of strife might well survive longer among partisans on a more humble level³³¹, where it might not be necessary to take a personal stand in each spectacular changes of alignment.

The final coalition dedicated to limit Albrecht's power crystallized into the college of *testamentarii* comprising leading members from both sides of the earlier struggles³³². What they had in common was above all the necessity to safeguard a scope for independent politics on a magnate level. To this extent they can be viewed as exponents of a *regimen politicum*, although we might conceive of two or three potential variants of magnate opposition, depending on where the focus of oppositional power was located:

- A more highly centralized version based on the functional subdivision of executive power through the High Offices of

³³⁰ Knut Jonsson, the son of the executed *Folkung* rebel leader Johan Filipsson, first sides with King Birger against his brothers the Dukes: Erik and Valdemar, but later joins the former Dukes' men in forging a new aristocratic state power during Magnus Eriksson's minority, and becomes (as High Steward) the leader of this configuration. The name *folkungar* has later been mistakenly applied to that royal dynasty which the true *Folkungs* opposed (see next note and Lönnroth 1959).

³³¹ The designation *folkungapartiet*, is often used to cover adherents of the misnamed "*Folkung*" (Bjälbo) dynasty *versus* Albrecht of Mecklenburg, but as the period of civil warfare had commenced with an interdynastic strife compounded with anti-absolutist insurrection we should be wary of using a term that imply adherence to the disrupted dynasty as such. There may be some substance in Bengt Hildebrand's discernment of a pro-"*Folkung*" tradition among the gentry network in the hundred of Rekarne, which he identified in his study of a medieval inheritance process and its consequences (1934), but in that case we would need some indications as to what political standpoints the term should cover. Maybe a wider-based gentry oligarchism with a stronger sympathy for an executive royal power to balance the aristocracy, but as fully committed to legalism as the aristocrats?

³³² *Eg* did the group include the highest military commander from each side, king Albrecht's marshal as well as king Magnus'.

the Realm³³³. Through the occasional office of Regent(s) it may shade imperceptibly over into a dictatorship and a more or less open rivalry for the Crown.

- An only slightly wider but more federal, legalistic version based on the office of *lagman* ('Lawspeaker'³³⁴). In effect, this office was usually more or less hereditary, or alternating between a few magnate families³³⁵. Although the Land Law only stipulated that the Lawspeaker had to be the son of a *bonde* (peasant), the word here appears to be used in the original sense of 'resident' or 'settled', reasonably signifying that he had to be a native of the province³³⁶ and domiciled there. If this is the right interpretation of the provision, it was quickly attenuated though. In no way, however, should we imagine that it signifies a representation of the underprivileged: the early lawspeakers constituted the very cream of the old magnate stratum, frequently related to or intermarrying with the royal or ducal houses of Scandinavia. The *lagmän* were of equal rank although Uppland was the most prestigious *lagsaga*³³⁷, and its lawspeaker was *primus inter pares*.
- We might also consider the possibility of a third version, based on the castles and the territories, *län* ('fiefs'), subordinate to them. The *län* system is usually considered to have been non-feudal, as they were generally not inheritable, but *tjänstelän* – 'service-fiefs' – where the castellans (*slottsherrar*) or bailiffs (*fogdar*) held the castles at

³³³ Primarily the High Steward (*drots*) and the Marshal (*marsk*). Other titles appear more occasionally, like Chancellor, *Major Domus*, Treasurer or *Camerarius*, *Justitiarius* and Captain of the Realm (*rikshövitsman*).

³³⁴ Literally 'law-man', but in Latin rendered as *legifer* – 'law-bearer'. From the beginning each of the nine *lagmän* more or less embodied the law of his jurisdictional district, *lagsaga*, which up to 1350-1389 each had its own respective law code. The word *lagsaga* indicated the territory within which 'law was spoken' by the *lagman*; *i e* his office was to know and pronounce the meaning of the law within his province.

³³⁵ Engström 1935:109. See chapter 4 for a more nuanced assessment of hereditary lawspeakingships.

³³⁶ The *lagsagor* more or less corresponded with the old *landskap* (provinces). Almquist (1954:8f) assumes that *bonde* in this case signified that the lawspeaker could not be a *lösker karl* (vagrant) or the son of a thrall or a freedman. A safeguard against such occurrences would seem a bit unwarranted, though.

³³⁷ Not only were the archiepiscopal see of Uppsala and the (reputedly) traditional scene for the election of and homage to the King of Sweden - the meadow of Mora - located in Uppland; it was also an amalgamation of three earlier *lagsagor*: Tiundaland, Attundaland, and Fjädrundaland, and became even further expanded when the four northernmost provinces were subsumed under Uppland (Almquist 1954:12f).

the will of the king or regent(s). As the *län* besides being instruments of administration, of tax-collection and of military control, were also used as a wage-system, yet another variant soon arose: *pantlän* (mortgage fiefs), which were entrusted to creditors as securities for the money owed. These were inheritable, in contrast to other 'fiefs', and thus constituted a form of privatized political power. Bo Jonsson's accumulation of land largely consisted of *pantlän*.

Queen Margaret and king Eric used the castellanies as service-fiefs, attempting to channel the administration of the entire Union into a single hierarchical system. While Queen Margaret appears to have preferred to move the fief-holders around, Erik appointed long-term castellans, and seems to have appointed bailiffs without local ties as an alternative safeguard against 'feudal fragmentation'. The whole point of either system was to prevent feudal fragmentation *and* the formation of a sense of collective power, a possible opposition taking shape among the highest level of the top-down military administration.

Thus the councillors – all of them private landowners and providers of armed contingents – were given no real role in the administration, no share in the *resources* of the Crown, and were thus relegated to the role of supplying counsel and consent only – 'yes-men' to turn King Eric's phrase the opposite way³³⁸. If their demand to be enfeoffed with castellanies had been met, a still broader, decentralized but strictly hierarchical top-down version of an oligarchy may have developed yet another variant of constitutional opposition, which would have led to something much more alike what we usually think of as feudal conflicts.

Without a basis in the top-down local administration hierarchy, and without the material foundation of 'privatized state power' which the former testamentarian trust had to give up to Queen Margaret in order to get rid of the Mecklenburgers; without any share in the centralized executive power, only two sources of political power and possible collective opposition remained: the jurisdictional system and the church. The jurisdictional system was constructed bottom-up, in contrast to the fiscal-military administration. Below the level of the nine lawspeakers there were more than 120 *häradshövdingar* ('hundred sheriffs') of gentry or magnate extraction, each supported by the twelve-man permanent jury of the hundred, staffed by peasant

³³⁸ According to the *Karlskrönika* he declared that he refused to be made the 'yes-lord' of the Council.

notables. An opposition basing itself upon the jurisdictional administration would be collegial and capable of mustering broadly based popular support – just like the ecclesiastic organization. In both cases, designation by royal favour might lead to divided loyalties. However, one of Erik's chief weaknesses appears to have been an inadequate ability to inspire and retain loyalty among his followers.

The bishops, writing to the council in Basle, referred to the Council as '*electores et proceres...*,' evidently referring to the lawspeakers' role as an electoral college, like the electors of the Empire or the cardinals. Sällström 1951:18 argues that the *testamentarii* in their capacity as lawspeakers possessed a legitimate authority to depose and replace a King breaking his oath, according to the *kungabalk* (King's Code) in the Land Law³³⁹. However, although most of the members of the executorial college were lawspeakers or other high judges, only three or four were actually lawspeakers at the moment they pledged their allegiance to Queen Margaret³⁴⁰.

Nils Gustavsson (Rossvik) – an upstart magnate

How come Nils Gustavsson supported the rebellion? Although he was the lawspeaker of Uppland, and thus formally the highest secular member of the Council, his family by no means appears to have belonged to the higher echelons of the magnate class. All of the earlier lawspeakers of Uppland had come from highly aristocratic families. Nils Gustavsson's closest connection to the higher aristocracy was through his maternal grandmother, through whom he was a cousin of Erik Kettilsson Puke – the Marshal of king Magnus, his son Håkan and then of Queen Margaret – who was also a member of the *testamentarii*. It is quite possible that this rather tenuous connection had provided enough backing; that his son Erik Puke, who was to win fame as Engelbrekt's brother-at-arms, was named in honor of his

³³⁹ Cf Engström 1935:82.

³⁴⁰ At most five, if we count Sten Stensson (Bielke) as a co-opted member, which would have given them a narrow majority. Of course this would not make the change of allegiance 'constitutional' – a formally legitimate election would have required a congregation of delegates from *all* of the nine *lagsagor*, each delegation headed by a lawspeaker. Actually only seven of them commanded an independent vote, as Öland and Värmland were on such occasions included in the delegations of their mother *lagsagor*; only those coterminous with dioceses possessed the authority of kingmaking.

illustrious relative may suggest a closer personal relationship³⁴¹ (maybe as a godfather?), but it may just as well reflect the eagerness to overstate claims to distinction typical of a *parvenu*.

The Statute of Alsnö had created a new gentry class which must have been far wider than the old magnate stratum, and many 'new men' seem to have been given a chance for advancement during the civil wars of the preceding period. Nils Gustavsson appears as a knight already in 1400, several years before his first known judiciary assignment. Therefore it seems likely that he first rose to prominence through military achievements, although he primarily seems to have been an administrator – he was one of the very few native Swedes endowed with fiefs by king Eric, including most of Northern Sweden, while his duties at assizes were often performed by deputy judges. Even if the older Erik Puke may have acted as a sponsor for his cousin, Nils' career took off a bit too late – Erik Kettilsson died in 1396 – to have been due to nepotism alone.

Nils' two closest predecessors as lawspeakers of Uppland had both been members of the college of executors of Bo Jonsson's estate: Karl Ulfsson av Tofta – considered to have been the most illustrious representative of the Swedish aristocracy during the 14th century – and Ture Bengtsson (Bielke), who at his death in 1414 had been described as the foremost member of the Council in the obituary note recorded in the Diary of Vadstena Abbey. The three known lawspeakers before these had been closely related to the ancient

³⁴¹ This kind of 'double namesakeship' where a young man is named after a prominent relative - usually, though, a maternal grandfather - and given both his first name and his surname, would certainly have occurred even more often if surnames had been in general use. As it is we can still point to the cases of Bo Djure, Hans Kröpelin, Fjellar Pik, Sven Sture, Ragvald Puke and Nils Guse. (Nils [Nilsson] Guse, the younger, is better known under the alternative designation of Guse Nilsson). Sten Sture the younger might be seen as a somewhat parallel case although he – like Erik Puke! - was not closely related to the older regent of the same name, and besides he already had a claim to the same surname through his grandfather. The political motivation for the namesakeship is obvious in his case, though.

lineage of the Earls of Sweden³⁴² traditionally but erroneously designated the *Folkung* dynasty. St Bridget's father Birger, whose wife belonged to the 'lawspeaker branch' of this dynasty, Bridget's brother Israel and Magnus Gregersson, illegitimate great great grandson of Earl Birger, the founder of the royal branch. Karl Ulfsson was also descended from a sideline of the Folkungs through his grandmother, and his marriage to a daughter of Israel Birgersson tied him even closer into the highest aristocracy. Ture Bengtsson's maternal grandmother was St Bridget's sister, and thus all of the earlier lawspeakers were in some way related to the first lawspeaker of Uppland, as well as to the Earls and the Kings.

In this company Nils Gustavsson's ancestry seems decidedly minor league, and with the following lawspeakers we return to the highest aristocracy: Ture Stensson (Bielke) who is the grandson of Karl Ulfsson as well as of Ture Bengtsson; then Bengt Jönsson (Oxenstierna) whose family is just rising to real prominence³⁴³, but whose grandmothers were both daughters of lawspeakers belonging to the ancient lineages (Aspenäs and Sparre av Tofta; the latter – Karl

³⁴² Earl or *Jarl* was in early Medieval Sweden an Office of the Realm rather than a noble rank. Though not directly inheritable it seems to have been in practice confined to one single family or clan, intermarrying with the two alternating Swedish royal houses as well as with Danish and Norwegian royalty. The Earls tended to take over *de facto* rule, much like the holders of the office of *major domus* in the Frankish realm, and, like these, they eventually assumed royal title for their dynasty. The last of the Earls of Sweden (the only later *Jarl* known in Sweden, Erengisle Suneson, got his title through marrying the daughter of the last Norwegian Earl of Orkney), Birger Jarl, ruled Sweden as a regent for his under-age son, king Valdemar. The non-royal sidelines of the Bjälbo dynasty (traditionally called the *Folkung* dynasty, although this seems to have been a party name used by the opposition against royal centralization Cf Lönnroth 1959) came to form some of the most prestigious early aristocratic lineages of Sweden. One branch descended from Earl Birger's elder brother Bengt, bishop Bengt of Linköping, became lawspeakers of Östergötland, and another from his illegitimate son Gregers Birgersson. Other branches descend from Earl Knut's daughter Cecilia (the so-called Aspenäs lineage), from Earl Karl the Deaf's grandson Ulf (the family known as 'Ulv' – "Wolf – from their coat of arms, showing a wolf regardant), or his granddaughter Ingeborg (ancestress of the family Sparre av Tofta).

³⁴³ The emphasis Hans Gillingstam puts on Bengt's title of *Upplandslagman* as marking a new level of prominence for his family, puts Nils Gustafsson's career into its proper perspective. Bengt Jönsson's father, uncle and paternal grandfather had been knights, his uncle, uncle-in-law and both of his grandfathers councillors. His uncle had been a member of Bo Jonsson's *testamentarii*, together with his two uncle-in-laws, his half-uncle had been co-opted into the trust and taken part in their offering the Swedish crown to Margareta, and the most illustrious member of that circle – Karl Ulfsson of Tofta – had become the guardian of Bengt and his brother Nils when their father died. Even from such a position the lawspeakership marked a very significant advance.

Ulfsson's uncle – was a High Steward as well). If we instead compare Nils Gustavsson to his contemporaneous colleagues from the other *lagsagor*, we find that Nils Eregisleon (Hammersta) of Södermanland and Karl (Tordsson) Bonde of Västmanland are both second generation³⁴⁴ lawspeakers with illustrious pedigrees; on a similar level we find Bengt Stensson (Natt och Dag) of Närke, whose great grandfather was a second generation lawspeaker, and who belonged to a most exalted lineage. All of these three were also sons of Bo Jonsson's *testamentarii*.

Arvid Svan of Tiohärad, Björn Nilsson (Vinge) of Värmland, Olof Ragvaldsson (Lindö lineage) of Östergötland, and possibly also Knut Jonsson (Tre Rosor) of Västergötland, may at a first glance seem more comparable to Nils Gustavsson - relatively 'new' men rising from local gentry families to magnate status³⁴⁵. Although Arvid Svan's career may have started more or less from scratch, that of Nils Gustafsson must be reckoned yet more spectacular: it endowed him with the highest secular rank available at a time when the High Offices of the Realm had fallen into desuetude. During the conflict over the

³⁴⁴ Linton's contention that Nils' father Eregisle Nilsson was a third generation lawspeaker, is erroneous (his grandson, Eregisle Nilsson the younger, was). He also misrepresents Eregisle's family as belonging to the house of 'Natt och Dag' (Cf n345 below) instead of 'Hammersta lineage', which is the correct modern usage. This confusion is probably due to the clumsy expression 'Natt och Dag på längden' ('Night and Day by pale') used by early-modern genealogists to describe their blazon, resembling a vertical transposition of that of Natt och Dag, but of different tints.

³⁴⁵ Maybe this reflects an attempt by King Eric to undermine the positions of the traditional aristocracy, or maybe it's just a sign of increasing social mobility. Knut Jonsson's background is probably underrated here. According to the old and often unreliable rolls of lawspeakers in Stiernman (SGH), his grandfather had also been a lawspeaker of Västergötland, but in the modern standard handbooks, Almquist1954 and 1955, the older Knut Jonsson is not mentioned. Almquist, however, does not list any other lawspeaker for the years reported by Stiernman, and as Knut Jonsson the older had married the daughter of an earlier *lagman* (SK 103f) – a common background for new entrants – Stiernman might have been right after all. Even if he wasn't, the younger Knut Jonsson's third generation descent from the distinguished aristocrat Bengt Hafridsson puts his social background on a distinctly higher level than Nils Gustafsson's. Arvid Svan appears to have been of a much more humble origin. From the entry in SK 298 it does not even appear obvious that his father had been a gentleman; in Härenstam 1946:316 his father-in-law is identified as a local gentryman appearing as a co-judge with lawspeaker and bishop in a Royal inquiry court /*räfsteting*/ in 1414). Olof Ragvaldsson had succeeded his father Ragvald Filipsson as *bäradshövding* in Siende before he became *lagman* in Östergötland, and his grandfather had been a knight (ÄSF64). Through his mother he was related to the aristocratic lineage of Aspenäs, which would put him on the same level as Knut Jonsson.

archiepiscopate of Uppsala, it is doubtful whether any Swede can be said to have outranked him, although all bishops were routinely listed first in Council documents. In the absence of a functioning archbishop, his only serious rival would have been Bishop Knut Bosson of Linköping, whose seniority, aristocratic birth³⁴⁶ and position as visitor of Vadstena Abbey augmented the traditional distinction of his see.

That Engelbrekt so soon obtained the support of Nils Gustavsson and his son Erik Puke has been interpreted as a sign that he from the beginning must have had contacts ‘among the highest aristocracy’ (EL in Sc1995; *cf* BH 1935, GC in SBL). In the light of the comparison above, we may view such assertions from a different angle: Engelbrekt’s spectacular career from a mixed miner-burgher-gentryman background to the Captaincy of the Realm, is rivalled and foreshadowed by that of Nils Gustavsson.

Felicitous marital connections may have helped him on his way, but may also be symptoms of his rise rather than causes. His first marriage³⁴⁷ had strengthened his connections with the testamentary league through marrying a niece of its least distinguished member (Magnus Kase). His sister’s marriage, which may have occurred earlier, provided him with a link to the lawspeaker dynasties: She married a cousin of Magnus Gregersson, belonging to the same (illegitimate) sideline of the royal house (ÄSF45).

Nils’ son Erik Puke³⁴⁸, ambitiously christened after the Marshal of King Magnus, King Håkan and Queen Margaret, took a further step into the inner circles of aristocratic power through marrying the

³⁴⁶ Brilioth 1925:193 observes that his admission fee to the University of Prague equalled that of a Count of Mansfeld registered the same year. His family, later known as Natt och Dag (‘Night and Day’ – from their blazon: per fess or and azure), is considered ‘the oldest noble house of purely Swedish extraction’ (SBL).

³⁴⁷ His second, (Gillingstam 1952:64f, n349) or maybe third (Hildebrand 1935:76) marriage was to a niece of the lawspeaker Bengt Stensson (Natt och Dag) from Närke. She was thus a cousin of Engelbrekt’s murderer-to-be Magnus Bengtsson.

³⁴⁸ The protracted controversy regarding Erik Puke’s identity – whether the rebel leader was really Nils Gustafsson’s son, or identical with another aristocrat, Erik Pedersson Puke – seems to have been closed by the thorough investigation in Hildebrand 1934:53-9 (but *cf* Olofsson 1962 who appears unconvinced).

daughter of Nils Erengisleson (Hammersta), lawspeaker of Södermanland – the home province of Nils Gustavsson³⁴⁹.

Nils Erengisleson (Hammersta) – a link to the past

Nils Erengisleson of Hammersta was one of the central members of the council and the son of Herr Erengisle Nilsson the older, who had been a member of Bo Jonsson's *testamentarii*, one of the magnates who pledged the Swedish crown to Queen Margaret in 1388, and one of the signatories of the unification letter at Kalmar in 1397. Nils had himself attended the Union negotiations, and when his father died in 1406, Nils soon succeeded him as lawspeaker of Södermanland and as a judge in the Royal Inquiry Court for the same province, passing verdicts on 'illegal' enfeoffments and donations from king Albrecht's reign, together with his uncle Sten Bengtsson (also a member of the executorial college and a signatory of the unification letter). Through his mother Margareta Bengtsdotter – a sister of two of the signatories – he was also related to St Bridget, who was her grandaunt, and after the death of his first wife³⁵⁰ he married the granddaughter of Bo Jonsson.

As I have mentioned above, the Swedish delegates to the negotiations with king Eric had appealed to the contents of the unification letter, and among those who could rightly refer to this as the work of their 'forefathers and parents', Nils Erengisleson was the foremost. His father and his two uncles had all signed the letter³⁵¹.

Despite this massive aristocratic background, Nils Erengisleson seemed to have belonged (Fritz 1973:56f) – with Algot Magnusson

³⁴⁹ That he became lawspeaker in Uppland while his manor was located in Södermanland reinforces the impression that he was put there for administrative purposes, perhaps primarily because the whole of Norrland (the northern parts of Sweden) sorted under the *lagsaga* of Uppland. This appointment would thus have been an early example of the late medieval appointment of out-of-province magnates as lawspeakers, described in LDS p9 as a practice through which the Crown attempted to circumvent the local nomination procedure. Maybe king Eric's behaviour at the appointment of High Steward and Marshal according to the *Karlskrönika* gives us a clue to how this was achieved. When the Council presented three nominees to the Stewardship, he rejected the candidates and in his turn presented three nominees of more mature age for the council to choose among. Using similar turntable tactics against the lawspeaker nomination boards may have yielded the desired effect.

³⁵⁰ The mother of Erik Puke's wife Birgitta. Her descent was equally distinguished: she was a sixth generation descendant of Earl Birger.

³⁵¹ His first father-in-law Magnus Håkansson was one of the 21 signatories to the letter endorsing the offer of the Crown to Margareta, sealing the document as number four, in advance of four of the executors.

(Sture II³⁵² – water lily leaves), Nils Gustavsson (Rossvik) and Bengt Stensson (Natt och Dag) – to the group of trade-oriented administrators essential to Erik's economic and administrative policy (Lönnroth 1934, 1940; Fritz 1972, 1973). According to recent findings cited by Rahmquist (1996), he may have been the first man to exploit the later so famous mining district around Dannemora (the original source of 'Oreground iron'). This of course strengthens the economic interpretation of the 'Engelbrekt rebellion', as one of the key aristocratic allies of the rebel leader may have shared his trading interests. On the other hand the economic motive might no longer depend upon widespread trade disturbances in the Dalecarlian mining districts; it could have been a private, factional motive uniting the rebel leaders rather than a general motive underlying the popular insurrection³⁵³.

Another councillor who seems to have been closely connected to Nils Erenghisleson's circle, was Gotskalk Bengtsson, belonging to an ancient sideline of the Earls of Sweden, known from their blazon as Ulv or 'tillbakaseende ulv' (wolf regardant). His father Bengt Filipsson had died in 1383 (LHS), and had therefore not been involved in the testamentary dispositions of Bo Jonsson, although he seems to have been one of the High Steward's closest associates; according to Engström, 'one of the most decided and influential spokesmen of the Birgittine party ... appearing time and again in close co-operation with Bo Jonsson'³⁵⁴. His third wife was Cecilia Ulfsson, a daughter of St Bridget, and although Gotskalk had been born in the second marriage, he must have become fatherless so early as to have been brought up by his step-mother, and thus also as a nephew of Birger Ulfsson, one of the leaders of Bo Jonsson's *testamentarii*³⁵⁵. Gotskalk appears together with Nils Erenghisleson as a signatory of the coronation letter in 1397, and as one of the witnesses testifying to the traditional freedom of archiepiscopal elections in 1432. He also signs

³⁵² SMV 451 – carrying three water-lily leaves in their escutcheon, in contrast to the lineage Sture I (SMV 340 - a ram's head).

³⁵³ In this case, it might weaken Larsson's argument (1984:131f and later) against the trade-motive interpretation, as private interests could have been threatened by Eric's trade policies even in the absence of a general slump.

³⁵⁴ Engström 1935:60 (my translation). Cf also 1935:32, 52-55, 60, 63f, 117, and 219.

³⁵⁵ Gotskalk's mother-in-law Katarina Glynsingsdotter was the sister of Birger's wife and also the widow of his brother Karl Ulfsson av Ulvåsa. Another connection between the families went through Gotskalk's grandmother Gödelin von Kyren, whose cousin had married St Bridget's daughter Katarina, who was also considered a saint.

the second withdrawal of allegiance letter from Arboga jan 11, 1436³⁵⁶, and appears in the 'Engelbrekt Chronicle' as one of the negotiators with the castellan of Stockholm.

THE COURSE OF THE REVOLUTION

The outbreak of the rebellion

How are we to interpret the origin of the rebellion? Even if there are signs that Engelbrekt at least would have been acquainted³⁵⁷ with Nils Gustavsson's family through his own (or his brother's) landholding in the hundred of Västerrekarne, it is by no means necessary to assume a premeditated insurrection plan to explain the course of events. That Engelbrekt acted as spokesman for the Dalecarlians in their complaints against Jens Eriksen; that the lack of redress made the plaintiffs march on the castle; that the King referred the matter to the Council; that they judged in favour of the litigants and replaced Jens Eriksen with Count Hans von Eberstein³⁵⁸; that the King refused to countenance the shift of castellans, and that this rekindled the rebellion, is by no means such an implausible chain of events that we have to introduce supplementary hypotheses. The chronicle refers to a rumour that king Eric planned to send them an even worse bailiff in place of Jens Eriksen, as sparking off the second rising.

This certainly sounds contrived, but we do not have to speculate as to what kinds of rumours might have been circulating, and why - the king's refusal to accept the verdict would appear to be a good enough motive to resume the struggle, and also as so humiliating a treatment of his Councillors, especially the lawspeakers, that their support of the rising seems quite consistent. That Melchior Görtz surrenders the castellany and that Nils Gustavsson (Rossvik) takes

³⁵⁶ Carlsson 1934:22; also *cf* Kumlien 1933:51, although the list of names there is incomplete; moreover he assumes without motivation that 'maybe also Engelbrekt and Erik Puke' took part.

³⁵⁷ Sealing the same documents of land transactions, however, only confirms a business connection which may be completely ephemeral. That Engelbrekt's seal appears on the same document as Erik Puke's brother's is no evidence that their brotherhood-in-arms antedated the insurrection - Engelbrekt had once sealed a document together with Jens Eriksen as well.

³⁵⁸ Who appointed Melchior Görtz to hold the castle as his subcaptain. That the Council chose a non-Swedish, loyal follower of King Eric as Jens Eriksen's replacement, shows that they took pains to evade any impression of oppositional behaviour, and tried to minimize the political implications of the verdict.

over seems perfectly logical. Görtz commands the castle only on behalf of Count Hans, who has been appointed through a verdict by a court led by the foremost lawspeaker, Nils Gustavsson. According to the chronicle, Görtz makes no resistance, but defers his surrender until the evening, when Nils Gustavsson and other 'good men' appear, rallied there by Engelbrekt. Engelbrekt's leading role in the seizure of the castle thus seems a bit undermotivated. Maybe he personally forced the course of events, as the chronicle depicts the situation, or maybe the offended judge just chose to uphold his own verdict, thus legitimizing the insurrectious levy by his appearance.

That Nils took over outside the bounds of his own *lagsaga*, rather than the regional lawspeaker, Karl (Tordsson) Bonde, may be an argument in favour of Engelbrekt's leading role at this moment. Conversely, it might indicate that the authoritative leadership rested with Sir Nils. Other alternatives are that Karl Bonde did not want or dare to take this stand in defiance of the King, or that he was absent.

Karl appears as captain of Raseborg in Finland on at least one occasion in 1412 (SD 1567; *cf* Fritz 1973:139f), a post which he seems to have inherited from his father Tord Bonde, as well as his lawspeakership, and which he later resumed if he had not upheld it all along (FMU 336 for 1439; Gillingstam 1952:221). It is thus possible that he had had further undertakings colliding with his post as *lagman* in Västmanland and Dalecarlia. His relation to the King may also have been better than that of most of the councillors. In this aspect he would have resembled his uncle Christiern Nilsson (Vasa), to whom he was closely allied. Both of them were also sons-in-law of powerful Danish councillors. An indication that king Eric counted him as a loyal follower, is that the King in 1435 send him to Kastelholm to replace Erik Puke, who refused to accept his dismissal and threw Bonde in the tower (Gillingstam 1952:212; FMU 2180).

It is of course impossible to guess, whether Karl Bonde was bypassed as castellan of Västerås because he was considered untrustworthy, or if he sided with the King because he felt offended. Yet another possible interpretation is that the case may have been conceived to lie under the collective jurisdiction of the lawspeakers and/or the councillors, as *konungsdombavande* (judging on behalf of the King), and that upholding the verdict thus became a matter for the 'national' (regnal) level rather than the regional. It is also possible that all of these explanations apply, or some of them.

Most important, however, must be the convergence of interests between Engelbrekt and Nils at this point of the rebellion; we should

That an attack burning down a castle deserted by its commander should be described as mortally dangerous seems exaggerated. A more reasonable interpretation of this phrase, is that through taking command of the attack, Engelbrekt stakes his life on the success of the rebellion. This is the point of no return, and that it is done for the sake of 'the realm' implies a wider perspective than just demanding redress of the original grievances³⁵⁹. Through extending the attack to other castellans, the peasants had defied royal authority altogether. Did they enter upon this attack spontaneously, or was Engelbrekt (with or without predeterminate backing) the driving force in the extension, as historians have habitually assumed (Carlsson 1941:259f.)?

The first burned castle

Nothing in the chronicle intimates that Engelbrekt took part in the burning of the first castle, Borganäs. The Venetian commander Giovanni Franco's retreat to his main stronghold of Stegeborg is explicitly credited to the peasants' marching into Västmanland, threatening his fortress at Köping. Engelbrekt is *after this* mentioned as a *potential* threat:

'he [Franco] meant to build [fortify] it [Stegeborg] so that, Engelbrekt would it never get'.

This may be formulated in hindsight, or it may indicate that Engelbrekt's involvement followed immediately upon the arrival of the peasants. A third alternative is that Engelbrekt's participation was implied by mentioning the peasants, as they had chosen him to be their captain during the earlier march to Västerås. It is of course possible to assume this, but throughout the remainder of the chronicle, Engelbrekt is mentioned as the acting subject whenever he is present. As the norm seems to be to imply the peasants when mentioning their leader, and as the peasants are mentioned so rarely that this appears to be confined to cases when they are acting without an 'official' leader, I can only conclude that Engelbrekt did not take part in the burning of Borganäs, and joined up with the peasants at the siege of Köping or probably on the road there – his presumed domicile in Engelsberg (Larsson 1984:122) lay more than halfway on the road towards Köping. There is no reason to assume

³⁵⁹ If this is Engelbrekt's original perspective, or if it is ascribed to him in retrospect by the chronicle, is one of the insoluble controversies surrounding the rebellion.

that the chronicle understates Engelbrekt's role, at least not until Karl Knutsson starts to appear as his rival.

When Nils Gustavsson (Rossvik) takes charge of the castle of Västerås in the subsequent episode this appears as an effort to restore legitimate authority, and Engelbrekt's taking command of the levy as an effort to provide a spontaneous rising with leadership and direction. Both of these men had high ambitions, and Nils' son Erik Puke maybe even higher³⁶⁰. The next section of the chronicle shows him organizing risings in Norrland and Finland, according to the text following a summons from Engelbrekt, who offered him the command over all of Norrland. However, as acting castellan of Korsholm (on his father's behalf) he already commanded the northernmost parts of Norrland. His subordinate role in relation to Engelbrekt has no real foundation outside the chronicle, and as he is to become Karl Knutsson's most dangerous rival after Engelbrekt's death, his independent position as a rebel leader *beside* Engelbrekt³⁶¹ is consistently underplayed in the text.

The bishops

The conflict over the archbishopric of Uppsala had left the Swedish bishops humiliated whether or not they sympathized with Olaus Laurentii's hard line in the struggle for canonical election rights. A few aristocratic sympathizers had openly supported the chapter, but though the King's autocratic handling of the matter had caused resentment, open challenge had been silenced. The case against Jens Eriksen, though, had escalated into a full-scale denunciation of the Swedish jurisdictional system from the king. Already deprived of a share in executive power through the vacancy of the High Offices of the Realm, and largely disconnected from the fiscal/military administration, the Swedish council aristocracy were faced with the threat of being pushed back to merely local or regional prominence – a sort of 'feudal fragmentation' not of royal power, but of the collective oligarchic power accumulated by the Swedish aristocracy during more than a century of struggles between rival contenders for

³⁶⁰ The later section of *Karlskrönikan* usually referred to as the 'marshal chronicle' (*Marskrönikan*) accuses him of royal ambitions. As the main objective of that section is to justify Karl Knutsson's gradual elimination of his rivals it is of course not to be trusted; that Puke had no intention to stand back to Karl Knutsson seems obvious though.

³⁶¹ Eric of Pomerania tends to single them out and lump them together as 'Engelbrekt and Erik Puke' which shows that Engelbrekt is the most important enemy, but also that Puke is an enemy on a comparable level.

the crown. The only higher-level positions of public power still under magnate control were the lawspeakerships, in general only possessing a regional authority, but collectively upholding the important function of electing the King.

Eric's arguments in the archiepiscopal struggle showed that he considered himself to be hereditary king of Sweden, and his appointment policy for castellans/bailiffs showed that he was determined to circumvent electoral procedure through binding the castellans in fealty to himself *and* to his designated successor. As long as this 'overlord in expectancy' was the apparently quite popular queen Philippa³⁶², this may not have seemed too dangerous, but already long before her death in 1430 Eric started to insert his cousin Duke Bogislaus of Pomerania, who had no Scandinavian ancestry whatsoever, into this oath of 'second or third instance fealty' (*cf* Christensen 1980:181-7). As control over the castle-fiefs had been the device through which Bo Jonsson and his *testamentarii* undercut the sovereignty of king Albrekt and transferred it to Queen Margaret, the danger must have been quite apparent at least to men like bishop Knut, the only surviving member of the *testamentarii*, and Nils Erensgisleson (Hammersta), Bengt Stensson (Natt och Dag), Laurens Ulvson (Aspenäs), Sture Algotsson (Sture II)³⁶³, Karl (Tordsson) Bonde, and Knut Karlsson (Örnfot), the oldest and most high-ranking among the sons of the others. Of course this group cannot be expected to have inherited their fathers' alliance, as its material foundation - the collection of castle securities - had disappeared. It's quite reasonable to expect, though, that something of the traditions and experience of strategic political manoeuvring and of the tactical methods developed through a century of political strife had been transmitted to this generation.

³⁶² The sister of King Henry V of England, Philippa's extensive dower was located entirely in Sweden, which brought her into closer contact with the Swedish council, especially on the numerous occasions when she acted as Regent in the absence of her husband. Her chancellor was the future bishop Thomas of Strängnäs (Schück in RBR).

³⁶³ Also known as Anund Sture. He died before the rising, but his brother Gustav Algotsson took part in the revolutionary council of 1435, and played a more prominent role in the following conflicts. Gustav's son Sten Sture (the older) eventually became a regent, ruling Sweden for the unprecedented duration of 27 consecutive years. (Magnus Eriksson's reign of over 40 years appears to be much longer, but the time from his majority to his son's first rebellion is at most 25 years).

The role of the Lawspeakers

When the councillors, and the most prominent lawspeakers among them, found themselves in the position of a court of appeal when the King referred the case of Jens Eriksen to them, they acted with great circumspection; still the King refused to sanction their verdict. To accept this affront would have been to yield from the only positions of independent power remaining to them – as interpreters of the Swedish Land Law, which was binding also to the King. If we believe their own statement in the negotiations with king Eric in Kalmar 1436, they had done their utmost to make him resume the responsibility and judge the case himself³⁶⁴. The only alternative left open to them, short of rebellion, would have been to revoke their own verdict and abandon any pretense to mediate between the king and his oppositional subjects. During this crisis of authority, the peasants burn down the castle of Borganäs.

Did the councillors opt for rebellion already at this point, only after Engelbrekt had assumed leadership of a full-scale rebellion against the foreign bailiffs, or only after Nils Gustavsson (Rossvik) had made his choice between his two incompatible roles: as the most high-ranking among king Eric's Swedish fiefholders, and as the foremost representative of the Swedish jurisdictional system? In any case Nils Gustavsson's open defiance of his liege lord marked a decisive step in the rising, as it provided the rebellion with legitimacy. Were the other lawspeakers behind him in taking this step, or did they only join later? At least one lawspeaker can with high probability be assumed to have taken part in this decision.

Nils Erengisleson's role

He was Nils Erengisleson (Hammersta), the lawspeaker of Södermanland, where the peasants from Rekarne had already attacked Gripsholm (which was burned down by its fleeing captain), and who was entrusted the captaincy of the first castle surrendered to Engelbrekt after Västerås³⁶⁵. Nils Erengisleson was, as I have argued, together with bishop Knut Bosson (Natt och Dag) the most important link to the group of magnates who had offered the throne to Queen Margaret, and who had attempted, without (full) success to wrest binding declarations from her concerning the union. He was also

³⁶⁴ See the quote below, page 201.

³⁶⁵ Which, as I argue, would have been surrendered to Nils Gustavsson rather than to Engelbrekt.

connected to Nils Gustavsson (Rossvik) through the marriage of his daughter Birgitta to Erik Puke, and through their common residence in the province of Södermanland.

He was also one of the guests at Nils Gustavsson's third(?) wedding³⁶⁶. Herman Schüch (1994) has argued that the conspicuous attention paid to Nils Gustavsson, Erik Puke and Nils Erengisleson in the Engelbrekt Chronicle, and also to the Stockholm castellan Hans Kröpelin, is due to the fact that the presumed author, the Council's scrivener Johan Fredebern, owned an estate in Södermanland as well as a house in Stockholm, where he and Hans Kröpelin were both members of the Guild of Saint Gertrude. A simpler explanation might be that the three Södermanland residents really did play such important roles in the rebellion, that the attention is justified.

Erik Puke's prominence in the rising is unquestionable, and so is Nils Gustavsson's – at least as the first magnate to openly side with the rebels. If my interpretation of the surrender of Västerås Castle is correct, he should have deserved even more attention, and the same thing goes for Nils Erengisleson (Hammersta), who has put his seal under a greater number of important documents from this insurrection, than has any other participant, except perhaps bishop Thomas. That Kröpelin, although an adversary, is treated with such an evident sympathy may owe more to Fredebern's personal contacts. Kröpelin's *importance*, as a constant mediator in the conflict, is borne out by the documents as well.

I would find it harder to motivate why the unsuccessful attempt to storm the castle of Stegeborg is described in such detail, paying meticulous attention to every gentleman involved in the attempt. Here the 'public relations' aspect of the chronicle seems much more in evidence – everyone is entitled to his own fifteen minutes of fame. Alternatively, Karl Knutsson (Bonde) – who appears for the first time in this episode – played such a modest role in the attack, that everyone who was higher in command had to be fitted in as well.

The second Darlecarlian rising

The cause of the rekindled rebellion remains obscure. Jens (Jösse) Eriksen had already been replaced by Count Hans von Eberstein – or rather by the Count's vice-bailiff Melchior Görtz – although a referral from Hanseatic witnesses present at the treaty of Kalmar in 1436 quotes the Swedish councillors as reminding king Eric of his refusal

³⁶⁶ Hildebrand 1935:76; according to Gillingstam 1952:64f, n349 it was probably his second wedding.

to heed their plea to come to Sweden and judge between Jens Eriksen and the Dalecarlians³⁶⁷. It appears as though King Eric had refused to confirm the replacement. The Engelbrekt Chronicle reports that the peasants had been prepared to burn down the castle in 1433(?) and that only when *the Council* had removed Jens were they appeased. (EK 54)

A possible interpretation: According to the chronicle, the peasants' complaints to the King were left unheeded (EK 49 claims that Eric just sent the letters of grievances to the bailiffs, and that they responded by punishing the peasants for their complaints), and when they chose Engelbrekt as their spokesman and sent him to complain in person to the King, the case was referred to the Council (50-2). Their verdict went against Jens Eriksen, but the king refused to confirm it (52-3), and then the peasants rose. In the Hanseatic referral the councillors said that they had written to the King and implored him to remove Jens 'lest that things would come to worse', which the King had refused, and 'when the commonalty and Engelbrekt', who had won the suit, concluded that justice could not take its course because of the King's veto, they stormed and won the castle of Borganäs and went on towards Västerås.

Then councillors of Sweden came to Copenhagen where also Jens Eriksen was present, and they fell down on their knees and asked the King, that he for the sake of the death, that God has suffered, should come into the country and hear, who was to blame, and avert the ruin of the realm and himself; what he said to that, he should himself remember.³⁶⁸

Unfortunately, we never get to hear the King's answer, but it must have been negative. In general, only the Danish historians seem have devoted any serious attention to this problem. Erslev draws the fairly obvious conclusion that the Council must have replaced Jens Eriksen before seeking authorization by the King³⁶⁹. If that is so, the King must certainly have been offended by this slight to his authority, and would have connected it with the clerical refusal to accept his right to

³⁶⁷ HR I 606 §5 (in Low German); the passage in question is translated into Danish in Erslev 477fn6, and into Swedish by Carlsson 1932:245.

³⁶⁸ *Loc cit*; my translation, based on the three versions cited above.

³⁶⁹ Erslev 1901:478 n6; that Christensen 1980:206f does not take this into account, leaves his hypothesis open to the criticism posed by Bøgh 1985:137 n15. Neither Carlsson, Kumlien, or Lönnroth seems to have bothered about clarifying this point (*cf.* however, Wichman 1937 and Gillingstam 1952. Larsson 1984:129ff deeper into the problem, but slides over into a general discussion of underlying causes without focusing the conflict of authority).

appoint bishops. In the latter case he did not hesitate to force his way, and it is hardly likely that he would have been more tolerant about giving way to peasant rebels. Thus the rapid endorsement of Engelbrekt's rebellion from leading councillors seems to have been prepared by the King's refusal to let them handle matters he himself had referred to them in the way they themselves found best, and the renewed rising supposedly caused by a rumour that Eric meant to send the Dalecarlians an even worse bailiff sounds less contrived. According to the chronicle, the peasants expected Jens Eriksen to be punished, and when this did not happen, a rumour that Eric was going to send them an even worse bailiff made the peasants rise anew³⁷⁰. (EK p54)

As Lars-Olof Larsson points out (1984:131), this does not have the ring of a convincing explanation, unless the rumour had been planted by determined propagandists. However, it was clear that the first rising had been made ineffectual, if the King did not sanction the removal of Jens Eriksen. From the King's point of view, he would have to make a new replacement; Count Hans was a fellow Pomeranian, and probably as loyal³⁷¹ a representative as he could wish for, but to let him remain in command would be to accept the verdict of the council, which he apparently had denounced. Reinstating Jens Eriksen would have been the obvious way to rebuff a council which to him must have appeared as too spineless when facing open sedition.

However, Jens had evidently not been successful enough in keeping control over this unruly region. If king Eric planned to appoint a new bailiff he would have to find someone *capable* of putting an end to insurrections and resuming effective collection of taxes. From the peasant point of view, such a bailiff would indeed be even worse than Jens Eriksen. If the peasants had been informed of

³⁷⁰ Roughly translated (I have tried to retain as much as possible of the wording and the simplicity of the rhyme):

The peasants in Dala waited tidings to know
that justice would over Juss Eriksson go
When they did learn for true
that the King this did not do
they feared, as was them said
that the king in his full mind had
them a worse bailiff to get
thus they would again out set

³⁷¹ Efficiency may be another matter: the second march on Västerås was caused by Jens Eriksen's renewed attempts to collect the tax. That the same reason is not cited for the third rising, shows that Hans - or his subcaptain Melchior Görtz, who, through his Swedish mother, may have had relatives among the rebels (*Cf* Hildebrand in SBL) - had avoided confrontation on this point.

the King's reaction to the Council's verdict, it should have been clear to them that the rising had failed, and that the King was prepared to enforce his will. If they were not prepared to recant and acquiesce, the normal fate of rebellious medieval peasants would probably be theirs, and rumours of king Eric's massacre of the inhabitants of the Holsatian island of Femern had certainly reached them³⁷². Engelbrekt, who had identified himself with their cause, would also have had reasons to worry, and the lawspeakers would lose authority in the eyes of their communities as well as in the King's. In this case it might be more prudent to attack than to await, as the apparently effortless capture of Västerås Castle confirms.

As to the atrocities attributed to Jens Eriksen, they are usually taken to be conventional stereotypes – smoking peasants in chimneys, harnessing pregnant women before haycarts – and a general opinion is that he was probably no worse (or not much worse) than most other bailiffs (Lönnroth 1934:83, Rosén 1964:285, Larsson 1984:116f). Judging from the more general grievances of the rebels as well as from the chronicle's depiction of early stages of the rebellion, the collection of taxes was the most sensitive point. As that was a primary function of the bailiffs, this is hardly surprising.

The difference between tolerable, bad, and atrocious bailiffs in this respect can hardly be due to the level of taxation – new and heavy duties necessitated by Eric's war efforts were imposed everywhere – but rather to the methods of exaction, in particular the handling of arrears, distraint practices, and the treatment of defaulters. If resistance to the new impositions was stronger in Dalecarlia, which would seem quite likely³⁷³, the methods used to quench resistance might also be harsher. Neither should we imagine that reported atrocities always have to be rhetorical exaggerations. As later sections of the *Karlskrönika* make clear, even its glorified protagonist Karl Knutsson had no qualms about burning rebellious peasants at the stake when they were no longer fighting on the same side.

³⁷² The Diary of Vadstena Abbey reports that he had killed 'all males, around 6000, but abducted the women and children'. The *Engelbrektskrönika* (Jansson (ed) 1994:34f) also paints a vivid portrait of the atrocities committed in Femern as a preliminary to the mounting tension between Erik and his Swedish subjects. As the Femern attack seems to have been provoked by insolence against the King (Erslev 1901:57ff), the Swedes should have had good reasons to worry.

³⁷³ Given (1) the higher degree of social homogeneity among the peasantry, (2) the fact that the local elite, the mining works owners, were – in contrast to the gentry – not insulated against the effects of taxation, and (3) a jurisdictional structure based on the primary community of the parish, instead of on the secondary hundred level, as in the central and southern regions.

The widespread support for the rebellion implies a more general dissatisfaction than can be explained by the actions of an oppressive bailiff; obviously the new taxes were taken to be oppressive *per se*. The King's freedom to tax was strictly circumscribed by the Land Law, and when popular rebellion against the taxes was endorsed by councillors, lawspeakers, clerics and hundred sheriffs through identifying all their grievances as having the same cause: the King's refusal to rule by the law, then the principle of taxation by consent was *de facto* recognized also by the aristocratic leadership. When the settlement with King Eric was concluded in 1436, and new, Swedish bailiffs resumed full collection of the unpopular taxes, bailiffs and other officials were killed by the peasants in Dalecarlia, Värmland and other places. Whatever connection these events had with the Puke feud, the upshot was that after crushing peasant resistance, the statute of 1437 issued by the Council had to confirm the 33% tax reduction made by Engelbrekt³⁷⁴. The multiplicity of political factions, and the shifting alliances and ruptures during the following period, ensured that at most times, someone would find a reason to play the 'peasant card', thus keeping the memory of tax rebellion and the notion of a sharp distinction between justified and unjust taxes alive³⁷⁵.

The 'Revolutionary Council'

The 'Revolutionary Council' of 1435 was convened at the end of the first revolutionary campaign, and comprised 33 secular members – almost three times the number specified in the Land Law – in addition to the three insurgent bishops. Although it appears as though there had been a certain influx of gentrymen of more modest extraction, who presumably had qualified themselves through taking part in the rising³⁷⁶ – besides Engelbrekt himself Johan Karlsson (Färla), Bengt Uddsson (Vinstorpa) and perhaps Birger Trolle – most

³⁷⁴ We do not know, whether Engelbrekt's reduction had been universally applied, or indeed how extensively *any* tax collection had been in operation during the rebellion. That the greater part of the new tax seems to have been accepted (at least in Uppland, from where we have the information about the reduction), is certainly because it was used to finance the rebellion.

³⁷⁵ The Land Law made a difference between *laga skatt* (literally: 'lawful tax') which was customary and immutable, and extraordinary taxation, which was only permitted at carefully specified occasions: war, coronations, royal marriages *etc.*

³⁷⁶ Otte Ulfsson and Arvid Svan were also of quite modest extraction, but had been made councillors by king Eric, presumably as part of a strategy to devalue the aristocratic status of the council. Broder Svensson and Gustav Laurensen, two relatives of Queen Margaret's favourite Abraham Brodersen – executed by king Eric for rape during a military campaign – might count as in-between cases.

of the new members belonged to the established conciliar aristocracy. In addition to electing Engelbrekt Captain of the Realm, six regional captains were appointed³⁷⁷. Among these captains, only one – Knut Jonsson (Tre Rosor) - seems to have lacked any apparent relation to the legacy of Bo Jonsson.

Nils Erengisleson (Hammersta) was made captain of Östergötland – where he already held the surrendered castle of Ringstadaholm. Bishop Sigge Uddsson of Skara shared the responsibility for Västergötland – belonging to his own diocese – with Knut Jonsson, the lawspeaker of the same province. Nils Stensson (Natt och Dag) was to take care of Småland, excepting the sub-province Tjust which was entrusted to Bo Knutsson (Grip), and Knut Karlsson (Örnfot) became captain of Södermanland, which was Nils Erengisleson's lawspeakership. Three of these men were sons of Bo Jonsson Grip's executors, one was his grandson³⁷⁸, and bishop Sigge was a legatee of the testament, a cousin of one of the executors, and the grandson of Bo Jonsson's cousin. He had also been active in the efforts to get bishop Nicolaus Hermanni – the predecessor of bishop Knut Bosson (Natt och Dag), and one of the leaders of the *testamentarii* – canonized.

This council has earlier been celebrated as the first Swedish *Riksdag*, and considerable ingenuity has been spent on attempts to salvage this reputation, but at the time of the quingentenary celebration in 1935, marked by a monumental history of the Swedish Diet³⁷⁹, this notion was refuted not only by Erik Lönnroth, one of the leading exponents of the Weibull school, noted for their severely source-critical deconstructions of patriotic mythology, but also by

³⁷⁷ Apparently by the Council – into which Engelbrekt had now been admitted – and not by Engelbrekt alone, as is often taken for granted. (Kumlien 1933:32f says only that they 'were chosen', without trying to specify how. A few sentences later, however, he embarks on a discussion why *Engelbrekt* had passed over Karl Knutsson, and speculates over whether this might imply political differences of opinion already at this point.) The chronicle explicitly says that 'in each shire they a captain make' (EK 85), right after the passage where 'they' have chosen Engelbrekt because he 'was manly and wise' (my translations).

³⁷⁸ The earlier tension between the executors and Bo Jonsson's descendants seems to have abated by this time; Bo Jonsson's widow Margareta Dume had married Bengt Niclisson (lion's face), whose heir Guse Nilsson was supported by several descendants of the executors - as well as by Bo Knutsson - in his efforts to regain the castle of Stäkeholm, of which he had been deprived by King Eric.

³⁷⁹ The eighteen volumes written by prominent historians were published in 1931-1938 under the editorship of Nils Edén, history professor and former prime minister.

Gottfrid Carlsson, the most meticulous representative of nationalist historiography.

Though no one today would stick to the proto-Diet interpretation, the 36-member council is a very interesting convocation in its own right – a redefinition of political representation in sharp contradiction to *regimen regale*, and a manifestation of a quite broad alliance. It should be worthwhile taking a closer look at its membership.

Table 9: *The revolutionary council of 1435.*

councillors/ new councillors	lineage	official titles	I ^N	I ^O	Revoluti- onary titles	relations to executors* and to Bo Jonsson
1 Bp Knut Bosson	Natt & Dag	bishop Linkpg	103	34	cast (Stege- borg)	executor (9b) , brother 9, cousin
2 Bp Sigge Uddsson	Vinstorpa	bishop Skara	3	0	co-subcpt (Vgl)	csn's grson, legatee
3 Bp Tomas Simonsson		bish. Strg	0	0		
4 H Nils Gustavsson	Rossvik	knight, lsp(Upl)	9	0	cast (Västerås)	csn-son 5, nep-inl 8b
5 H Gottskalk Bengtsson	wolf regdt	knight	159	31		step-nep 4
6 H Nils Erengisleson	Hammersta	knight, lsp(Sd)	138	43	cast (Rsth), subcpt(Ögl)	son 7, grson-in-law
7 H Bengt Stensson	Natt & Dag	knight, lsp(Nrk)	100	16		son 9, cousin's son
8 H Bo Stensson	Natt & Dag	knight	100	16		son 9, cousin's son
9 H Laurens Ulvson	Aspenäs	knight	156	50		son 8, son-inl 6, 2nd csn
10 H Gustav Algotsson	Sture II	knight	128	16		son 4b, son-inl 10b
11 H Broder Svensson	bull's head	knight	0	0		
12 Nils Jönsson	Oxenstierna		108	40		ward 3, nep 10b, 11, nep- inl 8b, 10, son of 2nd csn son-inl 12, grnep-inl 8, grson-inl 7
13 Karl Ormsson	ram's head		38	3		
14 Knut Jonsson	Tre Rosor	lsp(Vgl)	50	22	co-subcpt (Vgl)	
15 Bengt Uddson	Vinstorpa		3	0		csn's grson, legatee
16 Henrik Snakenborg	Snakenborg		63	19		csn-son 4
17 Karl Knutsson	Bonde		119	34		grson 3, 7b stepgrson 6b
18 Bo Knutsson	Grip		34	28	subc (Tjust)	grson-inl 12, grson
19 Magnus Gren	Gren		44	13		
20 Nils Stensson	Natt & Dag		100	16	subcpt (Smål*)	son 9, csn's son
21 Arvid Svan	Svan	lsp(Thd)	0	0		
22 Gregers Magnusson	Eka		66	22		son-inl 8b, nep-inl 10b son-inl 12, grnep-inl 8, grson-inl 7
23 Matts Ödgisleson	fleur-de-lys		38	18		
24 Bengt Gottskalksson	wolf regdt		138	13		

25	Bengt Jönsson	Oxenstierna	108	40	ward 3,nep 10b,11,nep-inl 8b,10, son of 2 nd csn
26	Knut Karlsson	eagle's foot	63	13	subcpt (Sd) son 10
27	Engelbrekt Engelbrektsson		0	0	cpt of the realm
28	Erik Puke	Rossvik	53	25	cpt (Norrl), cast (Korsh) grnep 8b, grson-inl 7
29	Johan Karlsson	Färla	0	0	
30	Måns Bengtsson	Natt & Dag	141	28	grson 9, csn's grson
31	Erengisle Nilsson	Hammersta	138	56	grson 7
32	Karl Gädda	Gädda	38	0	cson 7
33	Birger Trolle d y!*	Trolle	13	0	
34	Olof Ragvaldsson	Lindö	56	9	nep 12
35	Otte Ulvsson	bear paws	0	0	grson-inl 7
36	Gustav Laurensen	Änga	25	0	
AVERAGE:			57	16	* excepting * executors numbered Tjust according to table 6

As can be seen from the list, the majority of this council belonged to well-established aristocratic families. Index IN is an attempt to quantify 'noble rank', so that someone whose (male) ancestor for the preceding four generations have been knights or councillors will get an index of 100. As many of them may have been both, these can compensate for untitled ancestors, and it is also possible to reach an index of more than 100. If this is to be interpreted as 'nobility' in the full sense 39 % of the revolutionary councillors qualified, though I am fairly certain this is too restrictive, and by no means the only relevant criterion. Index IO is far more exclusive. For symmetry, it is constructed in the same way, although no one could be expected to have ancestors all holding offices of lawspeakers or higher (High Steward, Marshal, camerarius, bishop)

Engelbrekt's followers – peasants or gentry?

Schück 1994:101f claims that the peasants only play an important role in the Dalecarlian section, and that in the later levies, those summoned by Engelbrekt are primarily the gentry:

But these warlike Dalecarlian peasants appear to have done their part when Borganäs has been burned, and Köping taken ... In their place 'Westmen all' step in. But here it's in the first place a matter for 'freeborn men', *i e* gentrymen headed by Sir Nils Gustavsson from Rekarne. When they in Västerås answer Engelbrekt's appeal to rally to the service of the realm, they talk about themselves as 'we', [but] about the 'peasants' in the third person: they know how these have been mistreated. (*my translation*)

However, the Västerås episode clearly outlines *two* consecutive summons. First (p55) Engelbrekt summons 'Westmen all', asks if they want to help to drive out the 'unmild foreign bailiffs', and *promises to help to rid them of their suffering* (thus he cannot be addressing just

the gentry); after this ‘all of them’ joined up with him. *Then* he sends letters to ‘freeborn’ men, presenting an ultimatum threatening the ‘life and estates’ of whomever that would not meet up at Västerås. It’s thus quite obvious that raising the peasantry was still a primary concern. That the peasants are not further emphasized in this passage is self-evident: they were not needed (except maybe as a background threat) in the taking of *this* castle, as the bailiff turned it over voluntarily to Nils Gustavsson (Rossvik) by whose authority he had held it! As the peasants must have been needed for something, it is reasonable to presume that the levy followed Engelbrekt to Uppsala, where – as Schück himself has to concede – the ‘concerns of the tax-peasants’ are emphasized.

When Schück goes on to argue that ‘This pattern can be followed throughout the chronicle’, he cannot yet be said to have established any pattern at all. Even if we disregard the first, peasant levy at Västerås, his own account has presented three levies: The ‘poor peasants [who] in Dalecarlia live’, ‘freeborn men’ at Västerås, and ‘all Uplanders’, who ‘are given a more popular image’. Only the second case conforms – and this only partly, as we have seen – to his ‘pattern’. Is it instead confirmed by his further account?

‘Eastgothians all’ are called to Söderköping, but the three ‘*skaror*’ (‘bands’) who set out from there appear to be gentry retinues. ‘All Westgothians’ summoned to Axvall, turn up ‘with armour and strong weapons’, thus not the ‘folk-weapons’ of the law.

Among the three subdivisions of the army raised at Söderköping, the first one was obviously dominated by higher gentry. The leader, Guse Nilsson, was the heir of Bengt Niclisson (lion’s face), who had married Bo Jonsson’s widow, and who had held the castle of Stegeholm as a *pantlän*. King Eric had removed him from the castle and given him the town of Söderköping as compensation, but both Bengt and Guse had been in constant conflict with king Eric’s castellan, trying to retrieve the castle (Fritz1973:99, SBL). The completely unsuccessful attack on Stegeholm is one of the most detailed passages in the chronicle, probably in order to fit in the names of the five³⁸⁰ prominent young noblemen subcommanding the enterprise. Obviously this was the right place to be for career-minded

³⁸⁰ Six subcommanders are mentioned, but one of them - (Claus) Gramsow - is otherwise more or less unknown (but *cf* Gillingstam 1949:23). He was to take the Western bridge, while Guse took the Eastern and the young noblemen stumbled over each other to attack by floats from the other directions. Karl Knutsson is mentioned in the second place among these.

gentlemen, as four of them entered the council after the campaign³⁸¹, two became regional captains and the other two (eventually) regents³⁸².

There is no reason to assume that Herman Berman, a lower-gentry³⁸³ officer commanding the second army, attracted such an illustrious following for his efficient campaign burning down three castles in a row; only peasants are mentioned here, and in two of the cases they set fire to the castle while its captain is still negotiating. Why Schück takes for granted that Berman's troop would look like Guse's I cannot make out – obviously the objectives of these two subcampaigns were quite different and involved divergent military methods.

The third 'band', led by Engelbrekt himself, was only used to provide a backing in his negotiations with the captain of Örebro castle – who gave it up for a ransom of 1000 marks – before it was reinforced by the levy at Axvall. The 'armour and strong weapons' of that levy is no evidence against peasant participation. The statute of Strängnäs a couple of years later expressly forbids peasants to bring crossbows, armour or swords to moots, boroughs or feasts (Bjarne Larsson 1994). Obviously peasants had not always been content with sticking to the 'folk-weapons' Schück refers to.

The original 'band' following Engelbrekt from Söderköping to Örebro might have been a reinforced version of his personal entourage; a 'gentry retinue' (*frälsefölje*) would still hardly appear to be a proper designation for it, unless we accept Reinholdsson's postulate that as Engelbrekt was a gentryman, his followers must have been those who owed him fealty.

Schück's observation that the account of the second campaign leaves no place³⁸⁴ at all for peasants seems more to the point, though,

³⁸¹ Bo Stensson, the oldest among them, and already knighted, had been a councillor for four years.

³⁸² One of the two regents even became a king (Karl Knutsson); Magnus Gren became one of the four regents who were to rule Sweden while king Christopher of Bavaria was abroad.

³⁸³ His escutcheon carried a *bomärke* - a simple symbol resembling a merchant's mark, used by peasants to sign themselves where a nobleman would use a signet. The compromise version of a seal bearing a *bomärke* is typical of the very lowest gentry, according to Löfquist 1935 (SBL: *Berman*, KLMN: *Bomärke*).

³⁸⁴ Yet it appears to me that some factual difference must be intended when the chronicle describes a summons of 'all Southmen' to Nyköping, but one of 'knights, squires and burghers' to Söderköping (116, 118); *pace* Schück 1994:102, the second case is *not* also described as a summons of 'Eastgothians all' - this phrase he must have transferred from the summons in the *first* campaign (p68), right before the partition of the army.

except that the contrast becomes even stronger when we have to revise his picture of the first campaign. When Engelbrekt's followers at Ronneby are called *hovmän*, however, this word is hardly used in its present-day sense of 'courtiers', but rather in the same sense as during the 16th century: 'horsemen', who at least at that time could be peasants as well as gentlemen³⁸⁵. Obviously his followers in this passage is a quite small, mounted group probably dominated by gentrymen and their retainers, as almost all of those who are mentioned seem to belong to these categories. However, Engelbrekt would reasonably also have had a personal entourage at least matching those of his subcommanders.

We have no way of telling whether this was composed of mining district associates (*Cf* S J Boethius 1916, B Boethius 1965, Lönnroth 1934), burgher troops, his relatives among the gentry or semi-gentry of Västmanland, Rekarne and Uppland, or peasant soldiers risen in his service (*cf* the patents of gentility issued by a group of councillors including Engelbrekt in SMR 278-282). Johan Andersson and Kädel are mentioned as Engelbrekt's retainers in EK 130, but we know nothing about them, except that bishop Thomas complains about a confiscation of pork made by the former on Engelbrekt's behalf. That Kädel is mentioned without a patronymic suggests that he was not a gentleman. (The use of patronymics did not become common among the peasantry until later.)

Engelbrekt's earlier levies during this campaign have been left to hold the sieges, and the attempt to raise the burghers of Kalmar had failed (EK 118f). When he summons a new levy of Westgothians and Smålanders to fight against the Scanians, though, I see no reason to presuppose that peasants were not intended to take part. Raising peasants was obviously one of Engelbrekt's key advantages (besides his efficiency as a negotiator), and the unusually long notice for this levy³⁸⁶ suggests that he wanted to allow time for bringing a foot down to the border.

The Revolution against king Eric: causes and effects

My interpretation of the revolution against king Eric offers a simple solution to the linking of peasant protest and magnate opposition. We do not have to ask ourselves whether it was the leader of the

³⁸⁵ *Hovman* may be interpreted as 'court-man', but also as 'hoof-man'.

³⁸⁶ He had sent messages already from Söderköping, according to EK 123. As this is in sharp contrast to the otherwise hectic tempo of the second campaign, it should carry some kind of significance.

peasants – Engelbrekt – who forced the aristocracy to support the rebellion, or whether it was the dissatisfied councillors who took advantage of the opportunity offered by the peasant rising (or who provoked it themselves). If a heavy and legally objectionable taxation was the principal underlying grievance, it is no wonder that the strongest opposition arose just at the place where the contrast between a bailiff determined to apply whatever amount of pressure required to extract the taxes, and a peasantry unaccustomed to endure oppression, was at its sharpest. When the lawspeakers did their duty and resolved that conflict, they were rebuffed by the king. At this point both peasants and lawspeakers had closely connected reasons to protest, and as soon as the peasants arose, the spokesmen for each group took fast and concerted action.

The alliance between Engelbrekt, Nils Gustavsson (Rossvik), and Nils Erenghieson (Hammersta) also represents a convergence of trade interests quite compatible with Lönnroth's analysis even if disturbances to the trade may be unlikely to have *triggered* the outbreak of rebellion. The outbreak should have come earlier in that case as Larsson argues from the timing of the rising in a way that mirrors Lönnroth's own dismissal of the *taxation* as the ignition spark (Larsson 1984:131f).

What is the legacy of the revolution?

- The alliance between the Dalecarlian peasants, led by Engelbrekt, and the Swedish judiciary leadership, led by Nils Gustavsson (Rossvik), served to *legitimize the insurrection*, and as a consequence:
- the aristocratic leadership had to recognize – at least implicitly – that the *principle of taxation by consent* also applied to the peasantry, which left them no alternative to a policy of negotiated rule.
- The 'two-sector model' where tax land and rent land have *separate and complementary functions*, became institutionalized as a compromise between the conflicting self-interests of the fief-holding aristocrats (ensuring collective reproduction through exaction of taxes as well as individual reproduction through exaction of rents).
- To stabilize this solution the '*frozen proportion*' between tax land and rent land (Herlitz 1982) resulting from Queen Margaret's inquiry, is accepted as a permanent condition and coordinated with the corresponding division of the peasantry into two separate sectors (Bjarne Larsson 1994:141-7, 153-5), resulting from an earlier compromise between Queen and council.

- A revised regulation of land sales and taxation serves to fulfil this separation, eliminate mixed categories and limit social mobility, in order to *preserve the tax base as well as the rent base*.
- The construction and consolidation of a state apparatus on the level of Sweden (rather than on the level of the Union) becomes a *mutual concern* of oligarchic factions *and* contenders for a local Swedish principate. This is a continuation of the process of '*parallel centralization*', which from the one side strives to construct a strong state as a bulwark against royal arbitrariness, while from another side a stronger state is required as a foundation of power for a new monarchy capable of keeping the nobility under control.
- The legalistic foundation of the compromise uniting the coalition of insurgents makes a *geographical delimitation* corresponding to the Land Law of 1347-52 the most feasible political project. A new edition of the Land Law is produced in order to consolidate this, as a condition for Christopher's accession, and to update the compromise between Crown and aristocracy³⁸⁷.
- A *proto-nationalist propaganda* formalizing and legitimizing this delimitation through constructing a notion of 'Swedishness' (rather than regional or Scandinavian identities) develops (bishop Thomas, Nicolaus Ragvaldi, the Chronicle of Karl Knutsson).

There is no reason to take for granted that all this predetermined the victory of the future Swedish 'nation-state' which under Gustav Vasa's reign successfully defeats other state-building formats (the 'sub-Empire' model of the Kalmar Union, the regionalism of the old *landskap* communities, the city-league model which at least Stockholm and Visby had been affiliated to, the parallel ecumenical community of Catholic Christendom³⁸⁸ *etc.*)

This would be a return to the teleological fallacy of essentialist nationalism. However, the factors that were to make this particular project a viable contender in the struggle between different state-building strategies have their point of origin in this revolution, and to this limited but very important extent, it was a crucial step in the

³⁸⁷ '[T]he changes might be interpreted as favouring the aristocracy' (Lindkvist 1997:214f).

³⁸⁸ 'For European states the Church was not only an institutional model which lent itself to imitation, but also a formidable rival power with which to reckon in the long journey towards sovereignty over territory, supremacy over subjects, and control of the law.' (Padoa-Schioppa 1997:361) Even if a church-state has not been an obvious political alternative in Sweden, independent Bishoprics similar to Mainz or Salzburg would not have been unthinkable, and Archbishops like Johannes Benedicti and Gustav Trolle were obvious contenders for ultimate temporal authority as well.

development of Sweden as a separate state with certain idiosyncratic features:

- an institutional balance of power between King and aristocracy,
- which balance depended on and was reproduced by an institutional division of agricultural surplus, of the land that yielded it, and of the peasants that tilled this land.
- a constitutional heritage that was not – *pace* Lagerroth, Lönnroth, and Roberts – a purely aristocratic affair: regents, aristocrats, clerics and peasants all held strong views on such matters.
- Closely tied to this is a strong tradition of *negotiated rule*, which, during the Imperial Age, is institutionalized into the four-Estate Diet, where a more or less permanent negotiation for the means of warfare (men and money) takes place in two directions: between the Crown and the Nobility and – which is the real innovation – between the Crown and the Peasantry.
- Also: a monarchy with a strong heritage of popular agitation, militia-levying and sale of protection (*cf* Glete 2002), which may have been the precondition for the former point³⁸⁹.

³⁸⁹ This is the intuitive first instance explanation, although negotiation with the peasantry may have been even more necessary for a collective oligarchic leadership lacking the charisma of royal authority. Even if that was the case, the alternatives would converge, as members of the oligarchy with the requisite persuasive abilities would get the upper hand in the competition for regentship – most visibly in the case of Sten Sture the younger.

CHAPTER IV

LAWSPEAKERS AND ARISTOCRACY IN MEDIEVAL SWEDEN

The purpose of this text is mainly to provide a firmer background for the discussions in the other essays through analyzing the background and social position of the medieval lawspeakers, and their role in the state-building process. In order to do this, the vaguely defined medieval aristocracy also has to be investigated³⁹⁰.

The essay also contains further discussion of theoretical concepts and attempts to situate a couple of contributions from classic Swedish historiography into contemporary European discussions. Lönnroth's analysis of Swedish power struggles is reconceptualized into a distinction which I use to differentiate my version of Mann's typology of social power and to modify Tilly's distinction between contrasting state-building trajectories.

The analysis of Swedish feudalism is also carried further through putting Lagerroth's discussion of the separate-ness of judiciary authority into the context of Duby's subdivision of seigneurial power.

The bulk of the text, however, is concerned with an investigation of the known medieval lawspeakers from the early examples in the 13th century through four contrasting periods of state formation up to the Engelbrekt rebellion discussed in Chapter 3.

³⁹⁰ Genealogical information is always in the first place taken from ÄSF, the most reliable and detailed compilation of the medieval evidence; where necessary, it has been supplemented by SBL and SMV. Other sources or conflicting interpretations are cited in the text.

The formation of a nobility

In Swedish *frälsa* means to ‘save’, ‘liberate’ or ‘deliver’. Old Swedish *frälse* signified ‘liberation’, exemption from taxation, and was used in two senses:

- the *privilege* of tax-exemption, which appertained to the land (at least in the later Middle Ages) as well as to the holder and
- those *groups* or *classes* enjoying this privilege.

During the Middle Ages, there were two kinds of *frälse* (in both senses):

- *andligt frälse* – ‘spiritual tax exemption’, also signifying the clergy enjoying it
- *världsligt frälse* – ‘temporal tax exemption’ in exchange for horseman’s service. Also signifying the totality of the social groups enjoying it.

As the spiritual *frälse* was abolished during the reformation, *frälse* land (land under tax-exempt tenure) came to signify ‘noble’ land, and we therefore usually reserve the term *frälse* for the secular category, even when we speak about medieval conditions. This is also because we have no other term covering the entire medieval gentry-cum-aristocracy. The word *adel*, nobility, is a German loan-word entering the Swedish language in the 16th century, and it did not acquire a precise definition until the Swedish nobility was constituted as a closed corporation – an Estate (*stånd*) – through the formation of *Riddarhuset* (the ‘House of Knights’ - also one of the chambers of the Swedish Diet) in 1626.

The tax-exemption privilege is usually believed to have been introduced through the Statute of Alsnö, enacted by King Magnus Barnlock around 1280, but there may already have existed some kind of a consuetudinal tax exemption, in which case the statute just served to regulate this privilege and to establish the Crown’s prerogative to rule on such issues. The purpose may have been to extend it to the new mounted warrior caste, but quite as possibly to restrict and control a privilege which had earlier been self-assumed. There has been an extensive discussion of this statute (*cf* Bjurling 1952, Andrae 1960, Sjöholm 1988, Bjarne Larsson 1994, Lindkvist-Sjöberg 2003:47f) but whichever interpretation we choose to believe, a broad *frälse* category appears to have been firmly established well before the Land Law of 1350-52.

To speak about the medieval (temporal) *frälse* as an Estate³⁹¹ is misleading. A focus on their common privilege of tax-exemption obscures the wide contrasts within this group, ranging from magnates on a level competing with royalty, to well-off peasants acquiring exemption from taxes through putting up a horseman. Neither is there any form of collective representation which might have ensured cohesion between the different levels:

- The *riksråd* (council of the realm) develops from a royal entourage into a quasi-governmental body representing the realm *vis-à-vis* the King, but not the social category of *frälsemän* as such³⁹².
- During *hovdag* and other occasions when the council is expanded with additional members of *kungens män*, or *rikets män* (“the King’s men³⁹³”, or “men of the realm”) they assemble as *vassals*, not as gentrymen/aristocrats; *i e* in virtue of their personal bonds to the King, and not on strength of the privilege they have in common.
- When the nobility in the strict sense (the *adel*) was formally constituted as an Estate of the Realm in the earlier part of the 17th century, up to 2/3 of the families belonging to the medieval *frälse* may have lost their privileged status³⁹⁴. 15-16th century proto-parliamentary gatherings appear to have been transitional *ad hoc* assemblies, but under Gustavus Vasa a noble representation functionally separated from the Council was taking shape. Until this process had developed far enough, cohesion among the entire *frälse* category would have been more vertical than horizontal – the upward-looking loyalty of *liens de dependence* rather than the solidarity of acknowledged common interests – except at the very highest level: the narrow elite that sometimes defined themselves as Men of the Realm rather than of the King.

³⁹¹ Usually, it is taken for granted that the *frälse* privilege automatically constituted an Estate.

³⁹² In practice they of course normally acted in the interest of their own social group – *i e* the aristocratic magnate stratum, rather than the broad gentry.

³⁹³ “Men” in this context is a technical term, as in *hommage* or *Mannschaft* (cf Löfquist 1935, 1936, Jägerstad 1948, Schück 1985).

³⁹⁴ As Roberts estimates (1958:57), but this is a compromise between quite divergent sources. Samuelson 1993 evades the issue of quantifying the cut, as his study breaks off in 1600.

The role of the lawspeakers

The conventional view was for a long time that before the import of centralized kingship in the general European sense, a sort of peasant republic akin to the romantic image of Teutonic *Urgemeinschaft* had held sway in the *länder* ('lands' or 'shires'; usually translated 'provinces') that were to be united into Sweden.

The interpretation of the role of the *lawspeakers*³⁹⁵ has been central to the development of such viewpoints. In the Land Law of ca 1350, they on the one hand appear as electors (*cf* Sällström 1951, Losman 1970) of the King, and as representatives and spokesmen of their Provinces, but on the other hand it is prescribed that the Lawspeaker be the son of a *bonde* – to us a word signifying “peasant”³⁹⁶. Thus, this provision has helped to shape the conception of early Swedish society as a sort of primitive tribal democracy³⁹⁷, where the peasants elected spokesmen among themselves, who interpreted the law of the region and in turn elected the king. However, what we know about the lawspeaker institution before the Land Law is limited to quasi-mythical accounts found in Snorri Sturluson’s *Heimskringla*, and in one or two of the provincial lawcodes – prehistories tracing the institution back to heathen times.

If we discount all legendary evidence and stick to the strictly contemporaneous documentary evidence³⁹⁸, then Eskil of Västergötland is – apart from the completely unknown lawspeaker

³⁹⁵ In Swedish *lagman*, literally: lawman, and in latin *legifer*, ‘law-carrier’. The district of a *lagman* was designated *lagsaga*, the area where he fulfilled his office of ‘speaking the law’. In Icelandic or Old Norse the corresponding title was *logsagumann* ‘the man who speaks the law’. I prefer the translation *lawspeaker*, following Schück’s usage in the English version of the official history of the Swedish Parliament: *The Swedish Riksdag* (Schück 1984a).

³⁹⁶ This provision is already present within the oldest regional lawcode, *Västgötalagen*, (VGL) where it appears only one paragraph below a similar provision concerning the election of bishops.

³⁹⁷ During the Swedish ‘Age of Freedom’ in the 18th century, the foundations of noble privilege were questioned by ‘enlightened’ commoners, and the idea that noble and tax-peasant landownership had a common source in the *odal* – envisioned as the peasant-citizens inalienable right to the land of one’s forefathers – was promulgated by historians and by political ideologists (Nordencrantz, Keplerus) who argued that the nobility had unjustifiably divorced themselves from the commonalty (Hallberg 2003:191-198).

³⁹⁸ As Almquist also does in his standard treatise on the judicial subdivision of Sweden (LDS).

Nicolaus – the first person explicitly mentioned as a lawspeaker³⁹⁹. He is usually identified as the probable author of *Västgötalagen*, the oldest one among the provincial law codes, and because of his acquaintance with Snorri Sturluson he has been cited as the possible source for the account in *Heimskringla* (Lönnroth 1959). Eskil has often been made out to typify the traditional picture of the lawspeaker as a powerful spokesman for the regional community, like Snorri's apocryphal Torgny, who allegedly dared to threaten the King with summary execution if he went to war against the people's will.

Eskil, however, was a person very far from the kind of regional peasant magnate that would have been required in order to confirm the traditional lawspeaker image. He was not even a native of the region whose law he was said to have formulated but of the rival province of Östergötland. Far from being 'the son of a peasant', he was the nephew of Earl Birger Brosa, a grandson-in-law of the saint-king Eric, the stepfather of a pretender to the Norwegian throne and an elder brother of two bishops⁴⁰⁰ as well as of Earl Birger Magnusson, the chief architect of the unified Swedish monarchy and the founder of its royal dynasty. If we would want to formulate an alternative picture of the lawspeakers as agents of monarchic state-building and centralization in close cooperation with the church, we could have found no more ideal a candidate⁴⁰¹.

So, where can we find better evidence for the traditional view? From where does it originate? Two of the lawcodes claim to be based on traditions dating back to a lawspeaker from heathen times: *Västgötalagen*, the reputed work of Eskil, and *Upplandslagen*, written

³⁹⁹ In Söderwall's dictionary of Medieval Swedish (OSM), the word *Lagbman* is not cited from any text written before 1285 (VGL), although the compound word *Lagmanskyld* is found in a Latin text from 1270.

⁴⁰⁰ It has also been suggested (Gallén) that his unknown mother (he seems to have been too old to have been a full brother of Earl Birger) may have been a granddaughter of the famous archbishop Eskil of Lund – the *primas* of the whole Scandinavian church province, and one of the main combatants during the period when archbishops were the kings' rivals for the ultimate power (Skyum-Nielsen). This obviously refers to a time before the enforcement of clerical celibacy; he was also the father-in-law of two powerful Danish *Jarlar*, one of whom may have been the grandfather of Eskil *lagman*.

⁴⁰¹ Of course his distinguished background has often been pointed out, but in general it is cited as an *exception* to what is presumed to be the normal pattern. My argument is that the 'normal pattern' did not exist, as far as we know. Not many of the later lawspeakers can match the precedent of Eskil, but the most outstanding aristocratic magnates of their times tended to be lawspeakers: Birger Petersson (Finsta), Svantepolk Knutsson, Ulf Abjörnsson (Tofta), Knut Jonsson (Aspenäs), Nils Turesson (Bielke), Bo Jonsson (Grip), Karl Ulfsson (Tofta) *etc.*

for the newly amalgamated province of Uppland by a commission under the leadership of Birger Petersson, the lawspeaker of the most prestigious among the three earlier provinces (Tiundaland) and one of the richest landowners in Sweden, belonging to a family intimately connected to the archiepiscopal see of Uppsala⁴⁰² and married to a great granddaughter of bishop Bengt of Linköping, who was a brother of Eskil *lagman* and Earl Birger. (Birger Petersson was also the father of the future Saint Bridget.)

Two lists of lawspeakers are extant, connecting the heathen lawspeakers Lumber (Västergötland) and Wiger Spá (Uppland) to the time they laws were actually written, but what is pure myth and what might be history? The list from Uppland is of very obscure provenance, and incorporates Torgny and his descendants. It might very well be based on an extended version of Snorri's account, modelled to match the earlier Västergötland list, and to give the politically ambitious new central province a glorious enough background. It is thus quite possible that Eskil could have been the ultimate inspiration for all information about the earlier role of lawspeakers, which in any case seems to belong to the category of normative fable rather than that of factual history. The exalted role attributed to Swedish lawspeakers may also have been a projection from Snorri's own experience as a lawspeaker of Iceland, in which case the creation and promulgation of the lawspeaker myth might have been a joint venture in aristocratic political propaganda. That Eskil had a keen sense of the value of myths is evidenced by his title in a charter from 1224: *legifer visigothorum* – explicitly identifying his own constituency (the *västgötar*) with the illustrious Visigoths, the conquerors of Rome. As far as I can ascertain, he is the first Swede⁴⁰³ known to have consciously exploited this mythical identification – more than two centuries before Nicolaus Ragvaldi's famous speech in

⁴⁰² He was a nephew of the archbishop, and the cousin of the archdean, who also took part in the lawcode commission. His first wife had been the daughter of a crusading knight (member of the Teutonic knights) and the niece of a nunnery founder of saintly reputation, St Ingrid of Skänninge, whose career Birger's daughter was to repeat and eclipse - she eventually became famous as St Bridget. Not only was she the daughter of one lawspeaker and the wife of another, as is usually pointed out. She was also the mother of two lawspeakers and the grandmother of one, the sister of another, the daughter-in-law of yet another, and granddaughter (daughter's daughter), niece, aunt-in-law or grandmother-in-law to four more, and a grandaunt of at least three.

⁴⁰³ That the identification of Sweden as the home of the Visigoths occurs much earlier in a papal letter was pointed out to me by Thomas Lindkvist. That no one seems to have exploited this notion for his own aggrandizement before Eskil still suggests an unusual talent for propaganda.

Basel, and three centuries before Johannes Magnus' Swedish history, whose list of apocryphal early Gothic kings has furnished Swedish Kings from Eric XIV onwards with absurdly high ordinal numbers.

Of course there is no reason to take for granted that Eskil invented what I will call the 'lawspeaker myth'. The Torgny *logmaðr* story is a moral fable which Snorri uses for his own purposes and which he may have invented himself or borrowed from somewhere else. To the extent that Eskil may have supplied him with background information, there is no reason to suppose anything but propaganda, though, and the traditional lawspeaker image *is* a myth, as I will show below. First, however, we have to consider the only putative evidence for a lawspeaker before Eskil – the elusive Nicolaus.

Nicolaus legifer of Finnethia, Werādia and Niwdhwngia

Nicolaus received a royal letter (SD I:71) protecting the fishing privilege of the monastery of Nydala against encroachments⁴⁰⁴. Nicolaus was addressed together with “all the inhabitants of Finnveden, Varend and Njudung”, and should therefore have been the lawspeaker of an area exactly corresponding to the later province of Tiohärad, although this amalgamated region is not in evidence until some 70 years later (Larsson 1964:22). That the first known example of a lawspeaker should belong to one of the most marginal provinces instead of one of the politically dominant regions appears a bit surprising, especially as there is no evidence that magnates from this area have taken part in realm-level politics before 1280 (Larsson 1964:26). There seems to have been no doubts voiced about the authenticity of this particular charter, though, even if the monks of Nydala have been suspected of forging other documents⁴⁰⁵. In the comments to his edition of the Nydala charters, Gejrot attempts to play down the forgery allegations, but in so doing he also demonstrates the wide range of both suspicious scholars and questioned documents.

⁴⁰⁴ Fishing rights seem to have been very important in early medieval Sweden – at least a sizeable proportion of the earliest diplomas concern conflicts over fisheries – valuable real estate that was often bequeathed, enfeoffed, or sold. The explanation is certainly that the monasteries had great need of fish for their fasting periods (including every Friday), and that when they were donated fishing rights this tended to collide with established custom in the neighbourhood.

⁴⁰⁵ A royal letter concerning barley dues purported to derive from 1248 is generally acknowledged to be a forgery (DS 364), *cf* Härenstam 1946:246ff. Likewise DS 389 (*ibid*:234).

It has often been maintained that many of the Nydala documents are to be regarded as whole or partial forgeries. As a general rule, it is important to remember that the medieval views on the authenticity of documents were probably not as strict as our modern demands; for instance, the facts that parts of a document can be 'forged' or taken from another act does not necessarily prove that the contents of the charter should be rejected. (Gejrot 1994:37)

As Nyd. 2 (the letter to Nicolaus) only survives in the form of an entry in the monastery's copybook⁴⁰⁶, it seems fair to suspect that the intitulation is the part of the document which has the weakest documentary relevance, and that both the 'correct' specification of the province and the formal addressing of a lawspeaker might have been modelled upon later charters.

Of course it is in no way inconceivable that the early lawspeakers might have been spokesmen for local communities⁴⁰⁷ rather than representatives of regnal centralization, and that the 'later' lawspeakers described below belong to a phase of royal reconfiguration of the lawspeaker institution. My point is that the documentary evidence gives us no reason to make this kind of assumptions. We have no reason to believe that there existed any lawspeaker of an 'earlier' type. If Nicolaus existed, the king obviously expected him to back up the King's own judgment on the fishery conflict, so, even if we accepted the intitulation as a faithful copy of a genuine 12th century document, that would not oblige us to believe the traditional lawspeaker image.

Onwards to the *documented* cases of early lawspeakers.

The first known lawspeakers

If we consider the list of documented lawspeakers from Eskil to Birger Petersson, almost all of those whose ancestry or family-in-law we know anything about (some 20-21 out of 26) are in some way related to the royal and ducal dynasties. Twelve to fourteen are related to Earl Birger himself: one brother, one grandson, one nephew and three grandnephews, three or four nephews-in-law, one or two grandnephews-in-law and two great grandnephews-in-law. Five more bear similar relationships to earlier Earls, and one may have been the natural son of a Norwegian Earl. Among the remaining

⁴⁰⁶ Written between 1506 and 1508 according to Gejrot.

⁴⁰⁷ Though, as Lindkvist points out (1997), the size of their districts were a bit too large to be conceived as functional communities.

six, one (Folke of Västergötland), carries a lion in his coat of arms, suggesting a close relationship to the royal house⁴⁰⁸.

Table 10: The 26 first lawspeakers

	Name	Blazon	Province	Relations to royal dynasty etc
1	1217-1227 Eskil Magnusson	lion	Västergötland	Elder brother of Earl Birger, married to Kristina Nilsson, granddaughter of King St. Eric of Sweden and widow of Hákon Galen, Earl of Norway
2	1224 Näskonung	?	(unknown)	unknown. ⁴⁰⁹
3	1230 Gustaf	man with sword and cloak ⁴¹⁰	Västergötland	married to Hafrid Sigtryggsdotter Boberg, niece of Earl Birger and of 1
4	1231 Germund	?	Attundaland*	family unknown
5	1231 Laurents	?	Tiundaland*	Married to a daughter of Earl Philip of Norway, who was a son of the Swedish Earl Birger Brosa.
6	1240 Folke	lion and fleur-de-lys	Västergötland	Family unknown. The lion suggests a close relationship to the royal dynasty.
7	1244 Laurents Petersson	bend and greek cross	Östergötland	Son of Katarina Eriksdotter, the daughter of king Erik Eriksson, the last king of St. Erik's lineage. ⁴¹¹
8	1247-63 Magnus Bengtsson	lion	Östergötland	Son of Earl Birger's brother Bengt, Bishop of Linköping.
9	1251-53 Peter Näf	lion	Västergötland	May have been married to the widow of his predecessor 3. The lion in his blazon suggests a close relationship to royal dyn.
10	1266-8 Karl Ingeborgason	per pale, lion and bendy	Värend	Married to Ulfhild Sigtryggsdotter Boberg, niece of Earl Birger. Metronymic suggests relationship with a more illustrious family.

⁴⁰⁸ Cf Liljeholm. By the same token, Peter Näf and through him his son-in-law Algot Brynolfsson have been presumed to be related to the royal dynasty, even if Peter's marriage to Earl Birger's niece would turn out to be a false conjecture, as Gillingstam suspects (ÄSF). The fleur-de-lys, also featured in Folke's blazon, was the emblem of Earl Birger Brosa, whose son Earl Folke was the eponymous leader of the aristocratic *folkung* party.

⁴⁰⁹ A possible connection with the family of **21** is suggested by the exceedingly rare name.

⁴¹⁰ Almqvist only describes the damaged seal as 'man with cloak', but I think the drawing in SSM clearly shows the point of a sword resting vertically against the ground before the cloaked man. It does not resemble a heraldic blazon, but might perhaps be interpreted as a kind of 'office seal', analogous to the bishop's and dean's seals found in SSM series 2. These picture saints, angels, or men in sacred attire. In a similar vein Gustaf's seal might be intended to represent a judge wielding the 'sword of justice'.

⁴¹¹ Laurents Petersson abducted and married Benedicta, the daughter of Sune Folkeson (son of Earl Folke) and Helena Sverkersdotter, last surviving member of King Sverker's lineage. This meant that he – like Earl Birger – combined hereditary connections to both of the royal dynasties and the ducal dynasty. His exile in Norway indicates that he failed to make good his potential claim to the throne.

11	1268 Höldo	winged pheon	Värmland	Possibly an illegitimate son of the Norwegian Earl Hákon Folkvidsson ⁴¹² .
12	1269-94 Bengt Magnusson	lion	Östergötland	Son of 8 and a grand-nephew of Earl Birger.
13	1270-88 Algot Brynolfsson	griffin's head	Västergötland	Son-in-law of 9 . Possibly a descendant of the pre-1217 lawspeaker dynasty in Vgl, unless they are purely mythical ⁴¹³ .
14	1272-79 Filip Törnesson	antlers	Närke	Possibly the son of an earlier lawspeaker of uncertain proven-ance (Thyrner). Married to a granddaughter of Earl Folke.
15	1273-85 Folke Karlsson	per pale, lion and bendy	Värend	Son of 10 . Grandnephew of Earl Birger.
16	1279-88 Knut Matsson	lion and fess	Närke	Son-in-law of Ulf Karlsson (wolf regardant), who was a prominent councillor and a grandson of Earl Charles the Deaf.
17	1285 Israel Andersson	duck	Tiundaland*	Son-in-law of 3 .
18	1285 Karl Haraldsson	?	Värmland	Married to a granddaughter of Earl Folke.
19	1285-6 Björn Näf	ferules	Södermanland	Son-in-law of 3 's daughter, who was also Earl Birger's grandniece and a step-daughter of 17 .
20	1286-96 Hákan	?	Attundaland*	<i>Family unknown.</i>
21	1286-99 Nils Sigridsson	per pale azure and or ("Night and Day")	Värend	<i>Parents and wife unknown, but metronymic suggests relationship with a more illustrious family. Unspecified relative ("cognatus") of 15.</i>
22	(1288)-91 Anund Haraldsson	winged fleur-de-lys	Södermanland	Son-in-law of Elof: a brother of 1 , and a half-brother of Earl Birger.
23	(1288)-1305 Magnus Gregersson	bendy	Västmanland	Grandson (illegitimate) of Earl Birger.

⁴¹² In that case a half-brother of the Norwegian pretender Knut Kristineson, a stepson of **1**. Höldo's blazon, on the other hand, is identical with that of Earl Charles the Deaf.

⁴¹³ They are also said to be related to the royal dynasty – see below.

24	(1288?) 1294-1305 Bengt Hafridsson	lion	Väster- götland	Son of 3 or (less likely) 9 . Grandnephew of Earl Birger.
25	1291-5 Tyrner Jonsson	cock's foot?	Värmland	<i>Family unknown</i> ⁴¹⁴ .
26	1293-1316, 1319-27 Birger Petersson	two wings	Tiunda- land*, Uppland	Son-in-law of 12 , cousin of 17 .

* Attundaland and Tiundaland – together with Fjärdhundraland – were in 1296 amalgamated into a composite province: Uppland, which, as the seat of the archsee as well as of the capital, was obviously intended to become the leading province.

The frequent examples of lawspeakers marrying into the ducal/royal dynasties (more than half the cases) suggest a method of tying up local notables. A few cases (2-21, 14-25, 13) hint – inconclusively – at the possible existence of local continuity independent of the central power. Some may be a sort of emissaries from the royal house (1, 8, 12, 23 and maybe some of the in-laws), unless their lawspeakerships are rather to be viewed as some kind of fiefs for junior branches. Those who are tied to the non-royal branches of the old ducal dynasty⁴¹⁵ (7, 14, 16, 18) may also be interpreted as holding power bases alternative to the central state, but it might just as well reflect attempts to give them a share in the central power. The presence of several members from these families within the earliest royal councils – sometimes before they appear as lawspeakers (18, 21, 22) – gives a distinct impression of successful integration.

Upstarts and Uradel

Hans Gillingstam has argued (1952:23,52, ÄSF 2:51) that indigenous names like Abjörn and Sighsten are evidence of a lower social background, as the aristocracy had quickly adopted names of foreign provenance. Beckman 1953:346 objected that accepting this criterion would lead to an unreasonably large number of upstarts in the early 14th century. Gillingstam retorted that this is exactly what we should expect, following the establishment of tax-exemption for horseman's service around 1280. This is no doubt on the mark, but Beckman's

second objection might be worthy of more serious consideration, notwithstanding:

He argued that an old and distinguished family might stick to a more archaic name pattern without letting themselves be affected by recent fashions. Even if almost all of Beckman's counterexamples are from families who are *not* in evidence before 1280⁴¹⁶, we only have to consider the names prevalent within the few really aristocratic families we know from the earlier period – those who freely intermarried with royal and ducal families – to realize that he has a point. Ancient Nordic names like Finvid, Sigtrygg and Holmger not only appear among the witnesses in the first few royal charters, but also recur within the very highest aristocracy, such as the families of Ama and Boberg and the lineages named after the manors of Aspenäs and Rumby.

Sigurd Rahmqvist has made the observation that the arms of the earliest aristocracy carry fanciful arrangements with fabled beasts, angels and flowers, while the upstarts carry simple shields with cardinal charges⁴¹⁷. This makes sense, if it represents an influx of mounted warriors, to whom the necessity of being able to distinguish blazons in the battlefield would be a stark reality: shields divided into contrasting tints like Natt och Dag (per pale) or Hammersta (per fess) as well as those carrying a chevron (Sparre), fess (Bielke) or bend make sense within this context. If Rahmqvist is right, all of Beckman's *examples* would be off the mark. Better support for Beckman's argument can be found in this list, containing examples of ancient Scandinavian names within a number of the most exalted among the early armigerous lineages:

⁴¹⁴ Raneke suggests (SMV362u) that his seal may have been misinterpreted, and that he carries antlers like **14**. His unusual name supports this notion.

⁴¹⁵ 'Folkungar' has become the conventional designation of the royal dynasty, although the name originally signified groups *opposing* the new royal dynasty. To make matters even more complicated, most of the leaders of this opposition belonged to other branches of the same house or clan, which appeared to have more or less monopolized the office of *Jarl* ('Earl', but rendered in latin as *dux*. I use the Anglo-Saxon equivalent as a translation, but write 'ducal' when I need a corresponding adjective. This does sound contradictory, but any alternative I can think of would be even more misleading.

⁴¹⁶ Sparre av Tofta (the names mentioned above), Arvid Gustavsson (Sparre av Vik) and Ture Kättilsson (Bielke) and Rörik Birgersson: the exception; a grandson of Earl Folke (ÄSF 185).

⁴¹⁷ This analysis, presented in a public lecture, has not yet been published, but is cited by Dick Harrison 2002a. (Personal communication from Rahmqvist)

	Lineage	blazon	first appearance	Nordic names percentage, first 6 armigerous generations(<1381)	Relation to ducal / royal dynasty	offices & titles	Marital relations (and sons of female members)
1	Algotsson lineage ÄSF 1ff SMV407	griffin's head	1260	Algot, Bryniolf, Karl, Folke, Rörik 50% (male 64%)	consanguinity (unspecified)	2lawsp bishop (saint), 3canons chancellor	lawsp, 2lawsp-drs marshal's dr, Earl Folke's granddr
2	Ama ÄSF107ff SMV157	per bend embattled grady	1248	Folke, Ulf, Holmger, 55% (male 86%)	sideline of elder ducal branch	lawsp, camerarius, 2 canons	E. Birger's granddr, lawsp-sister, 3lawsp-sons
3	Aspenäs ÄSF 8ff SMV414	lion-eagle	1272	Birger, Knut, Ulf, Ingegärd 52%	female sideline of elder ducal branch	H Steward 3lawsp, 2leaders of aristocratic rebellion	3 lawsp & an ex-prince
4	Bengt Hafridson lineage ÄSF115ff SMV283	lion	1286 (1230 ?)	Algot, Bryniolf, Knut, Ramfrid, Folke 63%	through #5	lawsp, duke, marshal, abbes	2 lawsp:s 2H Stewards /one Norw/ , St Bridget's daughter
5	Boberg ÄSF 22-5 SMV650	fleur-de-lys betw. antlers	1219	Sigtrygg, Hafrid, Ulfhild 55%	female sideline of royal branch	bishop	4 lawsp
6	Fånö ÄSF50ff SMV416	lion-eagle	1274	Tjelve, Karl, Folke, Torsten 63%	through #3	canon, leader of aristocratic rebellion	Earl Knut's granddr, Earl Folke's granddr, Teutonic Knight
7	Vingad lilja SMV670	winged fleur-de-lys	1240	Anund, Harald, Helga 78%	through #14	lawsp	Earl Birger's niece, lawsp, High Steward
8	Lejonbalk ÄSF163ff SMV855	per pale, lion and bendy	1263	Karl, Ingeborg, Folke, Holmger, Ulf, Ragvald 69%	through #5	2 lawsp, canon	Earl Birger's niece, Marshal's grandr, Norv. baron's dr
9	Stallare ÄSF2:78ff (SMV759)	7-point mullet per bend	1274	Ragne, Anund, Finvid, Näskonung 85%		Stabularius, marshal, dep.lawsp	

10	Rumby ÄSF183ff SMV231	bend checky	1276	Finvid, Jedvard, Ingegärd 50%	Possible relation to older royal dyn (Eric)	archbp, canon, member of law comm. rebel leader	2 lawsp, 2 lawsp- children
11	Rörik Birgersson lineage ÄSF185ff SMV46	bend	1250	Rörik, Birger, Holmger, Anund 74%	female sideline of elder ducal branch	canon	Earl's dr, Ex-King's grdson, 2lawsp-drs
12	Ulv ÄSF296ff SMV329	wolf regar- dant	1252	Ulf, Holmger 40% German/Baltic: 15%	sideline of younger ducal branch	lawsp, steward, justiciar	3 lawsp, marshal, St. Bridget's daughter
13	Tyrgils Knutsson lineage ÄSF88ff SMV746	lion	1283	Tyrgils, Knut, Gustav, Ragvald 60%	through #5	marshal, lawsp	Sw. princess (?), Germ.count's daughter, Sw. duke, Norv . baron
14	Vingad pil SMV696	winged arrow	1253	Elof, Sigmund, Sune, Helga 39%	sideline of royal branch		5 lawsp, High Steward
15	Örnsparre ÄSF2 SMV859	per pale half-eagle & chevronny	1269	Ingevald, Thorsten, Guttorm, Olof, (Sune) 50%		2 lawsp, Sthlm castellan(?)	Earl Birger's illeg.grand-dr, archbp's sister <i>dean- chancellor</i>

To look at the other side: which families would appear *not* to have been upstarts according to Gillingstam's criterion? The examples he would probably have had in mind, are the magnate families most intimately connected to the archsee: And, Ängel and the Finsta lineage, where general Christian European names such as Andreas, Petrus, Bengt (Benedictus), Magnus, Johan, Jakob and Israel are prevalent⁴¹⁸. However, even among their family members we find

⁴¹⁸ Finsta 65% general Christian names. Laurents Petersson's family 88%.

ancient Scandinavian names like Birger⁴¹⁹ and Erland. Another very early aristocratic family that would fit Gillingstam's pattern is the family of the lawspeaker Laurents Petersson, grandson of king Erik Eriksson and abductor and first husband of Benedicta Sunesdotter, granddaughter of King Sverker and Earl Folke. Laurents' father and great grandfather were both named Petrus/Peter, and his grandfather Laurents. Still, these examples are by no means more frequent or more exalted⁴²⁰ than those of the earlier list, and the shift in namestyle is more obviously explained by the heavy ecclesiastical influence, which would favour saintly names⁴²¹.

A lawspeaker dynasty? – the Algotssöner in Västergötland

The only example that might give some credence to the traditional image of regional lawspeaker dynasties⁴²² is the *Algotssöner* dynasty in Västergötland. Although we have no contemporary documents verifying the existence of the alleged early lawspeakers of this lineage, the story acquires some credibility from the fact that two historical lawspeakers appear to belong to their family. The legend recounts four successive generations of lawspeakers belonging to this dynasty, as predecessors of Eskil *lagman*. If this is true, Eskil (who, along with the *Algotssöner's* reputed ancestor Karle of Edzvära, is the hero of the legend) becomes an interpolated exception before the descendants of these presumed peasant leaders resume power. However, there are at least 53 years of such interruptions, and when Algot Bryniolfsson attains the lawspeakership around 1270, he probably does so by virtue of being the son-in-law of his closest

⁴¹⁹ Birger Petersson, the lawspeaker, was named after (and also adopted the blazon of) his maternal grandfather Birger Skänkare, (SBL: Birger Petersson) who according to his sobriquet would have been holding one of the highest offices within the *bird* or royal entourage (corresponding to the office of butler in the royal English household), and would in his turn presumably have been named after Earl Birger (or his uncle Earl Birger Brosa) – maybe as a godson, if not through kinship (among the early examples of the name in the archives, all but one are closely related to the ducal/royal dynasty. (SMP: 'Birger'). Also cf Conradi Matsson 1998:109f.

⁴²⁰ With the possible exception of Laurents Petersson.

⁴²¹ The royal branches of the dynasty continued to favour the prestigious ducal name of Birger together with the ancient Swedish royal name Erik and the Danish and Norwegian royal names of Valdemar and Håkan. The quasi-Christian name of Magnus is derived from *Carolus Magnus* (Charlemagne).

⁴²² Other examples of quasi-inheritable lawspeakerhood are either compatible with the royal centralization thesis (the 'lawspeaker branch' of the royal dynasty and their later in-laws in Östergötland) or late-medieval developments (the Vinge dynasty in Värmland).

known predecessor, Peter Näf, rather than as a scion of an ancient dynasty. He is succeeded by Peter's possible son or stepson Bengt Hafridsson, a grandnephew of Earl Birger's, and when Algot's grandson 56 years later becomes a lawspeaker, after three or four additional relatives of the royal house, he surely owes this position to his relation to Bengt, Peter and – through Bengt's mother Hafrid⁴²³ – to Earl Birger, rather than to his alleged descent from a legendary line of proto-lawspeakers⁴²⁴. Of course such a pedigree might have been an advantage in gaining entrance into the higher aristocracy, and acquiring the possibility of forming such advantageous liaisons, but is this an argument for believing the story or for suspecting one of the *Algotssöner* of having fabricated it? Documents from the canonization process for Brynolf Algotsson contain allusions to his noble descent and relation to the royal house⁴²⁵, but do not confirm any particulars of the lawspeaker legend.

The lawspeaker – native son or royal servant?

My survey has confirmed that those early lawspeakers which are known to us were descended from the very highest aristocracy. How are we then to interpret the provision '*bondes son*', occurring not only in the mid-14th century Land Law, but already in the oldest preserved provincial code, that of Västergötland⁴²⁶? Almquist presumes that as the word *bonde* originally signifies 'settled' or maybe 'landed', the paragraph only means that the lawspeaker may not be the son of a '*lösker karl*' (vagrant), and he suggests that servants of the king might also have been excluded.

I find it hard to understand how the later conjecture might be deduced from the wording of the passage, and anyway my survey points into quite the opposite direction. The necessity of ruling against vagrants occupying the highest office of the Shire seems a bit unwarranted – especially in the light of what we now know about the

⁴²³ Metronymics generally signify that the mother's descent is more illustrious than the father's.

⁴²⁴ Of central importance is also his own marriage to a granddaughter of Svantepolk Knutsson, signalling the end of a feud starting with his uncle's abduction of Svantepolk's daughter, which plunged the whole family into disgrace, and cost Algot his office.

⁴²⁵ We do not know in what way, but if it is true, the *Algotssöner* would become an even less convincing counter-argument against a top-down interpretation of lawspeakerhood.

⁴²⁶ In the Västergötland code, the paragraph on lawspeakers is preceded by a section about the election of bishop. Also the bishop is supposed to be '*bondes son*'.

early lawspeakers' normal social background – so we have to take a closer look at the very word *bonde*. As the Västergötland law code is the earliest text in medieval Swedish which we possess, we are forced into etymological conjecture.

Literally, *bonde* is the present participle of *bo* – ‘to live’ in the localized sense, as in ‘living in Västergötland’. A possible interpretation might then be ‘inhabitant’ or ‘native’, which would make sense as a provision, although it had been broken already through the example of Eskil, and would therefore reasonably have been introduced later on. It would also conform to the pattern of provisions for the subordinate office of *häradshövding* (‘hundred sheriff’). *Häradshövdingar* were required to be domiciled within the hundred⁴²⁷, while lawspeakers may even have had to be born within their constituencies, if my interpretation is correct. We might also consider the possibility that the word *bonde* originally may have had higher social connotations than within later Swedish usage. Sawyer and Sawyer (1993) point out the fact that one of the oldest Swedish noble families is called Bonde, which at least would appear to show that the word should not have had any demeaning connotations⁴²⁸. If the traditional picture of a more or less egalitarian society of freeman farmer-citizens could be shown to hold water, there would of course be nothing to explain, but there are too many reasons to doubt it (*cf* Dovring 1953, Sjöholm 1988, Rahmqvist 1996, Berg 2003).

Let us move forward in time! The first few subsequent lawspeakers in each province seem to conform pretty well to the pattern observed above, and as long as their pedigrees are in general insufficiently known, it is not possible to move on to a more detailed analysis of their social background and to scrutinize their ancestors with respect to different status markers. First, however, a theoretical context.

⁴²⁷ A provision which seems to have been broken with increasing frequency towards the end of the Middle Ages (Almquist in LDS).

⁴²⁸ On the other hand, there are several examples of not very flattering nick-names transformed into family names, like *Krumme* (crooked), *Galen* (mad), *Krognos* (hook-nose), *Gylta* (sow), and *Puke* (goblin).

STATEBUILDING PROCESSES AND SOURCES OF SOCIAL POWER

The context within which the lawspeaker institution develops⁴²⁹, is a state-building process, driven by an emergent royal power in close cooperation with the church.

I will discuss this process utilizing Michael Mann's concept of political power as constructed from three different sources of power, which he, modifying Weber, identifies as economic, military⁴³⁰, and ideological power. The notion of 'ideological power' seems to me far too diffuse, and, indeed *ideological* in itself, why I choose to substitute the concept of 'normative power'⁴³¹. In order to centralize (political) power, the king needs to achieve control over physical force and find ways to mobilize economic resources. Both of these objectives require a normative underpinning – partly provided by the church – but there is also an independent necessity for norm-building in order to form societal units. Normative power generally has to fall back on sanctions – economic (fines) or physical (violence) – but the strongest sanction during this time was *social exclusion*: to outlaw the offender. *Adjudication*, the process of solving internal conflicts, is one of the most fundamental building techniques used in constructing human societies, and here there is space for a purely normative

⁴²⁹ I refrain from speculation as to what extent it might be built upon a previously existing regional power structure, based on a spokesman function and/or lineage status. There is no reason to postulate that political power must have been constructed on a uniform pattern covering all the different regions.

⁴³⁰ The standard Weberian trichotomy is economy, politics and ideology, but as Weber interpreted political power as ultimately based on military resources, Mann argues that political power is not one of the fundamental sources, but a composite form of power constructed from all of the three basic ones (Mann 1986, 1988).

⁴³¹ Borrowed from a differently modified version of neo-Weberian sociology – Poggi 1978.

technique: *persuasion*⁴³². There is a case to be made for persuasive power as one of the fundamental sources, but for the moment I will only use it as a subdivision or subspect of normative power.

The role of the lawspeakers within the statebuilding project must have been to tie the processes of adjudication into the state structure, as a source of *state* power which will make normation possible on the realm-level. A very important step here is the creation of a widened form of social exclusion, *biltoghet*, which outlawed the offender not only within his home region, but over the whole realm. The provincial law codes known to us are all part of this process, as Nystrom 1974b and Sjöholm 1988 have argued in different ways, but also reflect the underlying power struggles at stake in the social compromises involved in constructing the state. Violent revolts and intermittent civil war were characteristic of this period, and indeed of most parts of the medieval history of Sweden, but it is not easy to define the 'parties' involved. The *Folkung* risings during the state-formation period have been interpreted as a magnate reaction against centralization of power, possibly in alliance with independent peasants reacting against the introduction of taxation (Lönnroth 1959). Some of the leaders of these rebellions belonged to families later providing lawspeakers to the Swedish state. Is this a symptom of resistance to centralization or a sign that the Crown eventually succeeded to integrate its opponents?

Even after Earl Birger's dynasty had succeeded to unite the claims of the earlier competing dynasties and to vanquish the successive rebellions, power struggles between different royal pretenders –

⁴³² Basically, this is the ability to convince. It is based on the communicative ability of humans. A chief or 'big man' (Sahlins) may reach dominance through an ability to persuade including elements of the other power sources (his inexpressibility as a generous provider of goods and/or his ability to physically intimidate). The Swedish rebel leader Engelbrekt, whom I have discussed above (Chapter 3), obviously was a very efficient persuader: not only was he good at mobilizing peasant levies – most of his successful captures of royal castles during the rebellion were the results of negotiations with the commanders. He successfully negotiated 6-9 surrenders, using a skilful combination of threats and offers (including, in two cases, large amounts of cash), while there is only one case of taking a castle by attack and one burnt-down among the castles attacked under his own command. Where he didn't succeed, he negotiated truces (8 cases – none of the other commanders did) or organised sieges, which he left for subcommanders to maintain (7 cases). His original function as a spokesman for the disgruntled commonalty within the fief of Västerås, also shows that he was a man of words to at least as high an extent as a man of action. Evidently he combined both of these characteristics efficiently, and the element of physical persuasion attributed to him at the so-called council meeting at Arboga 1434 (see Chapter 3) may thus be more than a pretext.

brothers against brothers, sons against fathers, cousins against cousins, became the new mode of internal strife. Can we always find a rationale for the different standpoints in these struggles? For or against a strong state, for or against a strong church, for an alliance with Norway or one with Denmark, for union or nation, for royal authority or constitutional principle?

Or is power struggle just endemic in a redistributive society based on the extraction of peasant surplus by a class of professional warriors? And ideological motivation just a part of the propaganda legitimizing the breaks of oaths and truces⁴³³?

There are obviously a lot of underlying conflicts of interest during these stormy centuries, and as long as we remember that they are largely filtered through the taking of sides in acute conflicts by professional powerstrugglers who may find it in their interest to change sides at any moment, I still think that it is possible to find rational explanations for these conflicts.

Erik Lönnroth – between idealism and materialism

Erik Lönnroth has put forward two widely divergent perspectives on the lines of division during the medieval Swedish power struggles. One is fundamentally idealist: the conflict between royal proto-absolutism (*regimen regale*) and constitutionalism (*regimen politicum*). The other one is thoroughly materialist⁴³⁴: the tension between economic power based on the exploitation of peasant production and economic power based on participation in the circulation process.

I consider both of these lines of division very important (and their intersections!), but I disagree with the idealist interpretation of the first one. As I have argued elsewhere, I consider it a specific Swedish (and to some extent probably also an English⁴³⁵) trait, that the alternatives in the power struggle between monarch and nobility were not royal centralization versus noble ('feudal') decentralization, but monarchic *or* oligarchic control over a power centre, a *state*, which both sides helped to construct and which neither was prepared to dismantle.

⁴³³ A rain-coat to put on when you need it, as the young Queen Christina said about religion in a discussion with the Marshal Jakob de la Gardie.

⁴³⁴ And, maybe for that very reason, not as explicitly articulated. The clearest formulation can be found in Lönnroth 1940, in the chapter about the Sture administration.

⁴³⁵ The analyses in Anderson 1974b and Bendix 1978, suggest this. See page 139.

Lönnroth's second line of division I would connect to Tilly's discussion of coercion-intensive and capital-intensive state-building. His argument is that where there are sufficient monetary flows possible to tap, a 'cheap, slim state' can be constructed, without the need of a too oppressive state apparatus, but where this option is not at hand, the only alternative is to squeeze the necessary resources out of the peasant masses. Then oppression will be the fundamental characteristic of the resulting state. The twin processes of *military competition*, necessitating an 'accumulation of means of coercion', and of *economic competition* driving the accumulation of capital, make the successful states converge on a mixed strategy (where it is feasible) setting the standard for successful state-building and the requirements for state survival. Thus the '*consolidated state*'⁴³⁶ is born and the wide spectrum of state-forms found in late medieval Europe is reduced to variations on the same theme.

Tilly considers early modern Sweden to be an example of coercion-intensive statebuilding, although its role in the development of interstate rivalry would fit better along with the mixed-strategy pioneers (England, France and Spain). The lack of expansive cities is the main stumbling-stone, but if we consider Lönnroth's scheme, it might be possible to make a broader definition. The socio-political alliance behind the 'Sture faction' dominating Sweden's medieval power struggles after 1471 was, according to Lönnroth, based on the mutual trade-centered interests of city burghers, mining peasants (and mining gentry), and cattle-trade oriented landowners in the border regions, while their adversaries' alliance was based on the common interests of grain-producing peasants and landlords in the central Swedish provinces. Lönnroth's categoric interpretations of the medieval power struggles has been largely abandoned, but if we see his purpose as making analytical distinctions, and constructing ideal-type models rather than as reconstructing the implicit political programmes for defined and cohesive interest groups⁴³⁷, I think that they still merit serious consideration. His analysis of the economic failure of the Mecklenburger invasion argues that the undeveloped Swedish economy simply was not productive enough to support a continental-style knightly army, and that the solution of the Sture administration⁴³⁸ was to compensate for the low level of economic exchange through a

⁴³⁶ Earlier he talked of nation-states, but he now considers that term to create more confusion than it solves.

⁴³⁷ Which is a view implicit in much of the criticism, but even if Lönnroth's elegant rhetoric sometimes gives such an impression, his analysis is far from simplistic.

⁴³⁸ Later to be further developed by Gustavus Vasa.

version of 'administrated trade', where local specialization was encouraged through complementary forms of in-kind tax exaction, and where the surplus product was realized through carrying the different goods to locations where they were in higher demand. In this way the level of division of labour and specialized production was boosted through the regime's intervention, and, reasonably, this should have raised productivity according to normal Smithian expectations.

In my modified Weber-Poggi-Mann model, power based upon control over economic resources may in this way be subdivided into control over production and control over circulation⁴³⁹. That might serve as a common foundation for Lönnroth's and Tilly's distinctions, which could both exemplify the possible *scope* of material interests, and the possibility of alliances – however fleeting and transitory the *allegiance* of different actors to such potential convergences of interests.

The peculiarities of Swedish feudalism – Lagerroth's view

Lagerroth 1947:150-3 discusses Swedish *länsväsende* in relation to European feudalism (explicitly referring to Bloch). Lagerroth points out, that the Swedish *mansförhållande* as reflected in *e g* the Statute of Alsnö, corresponds to the general European vassalage, but that the expression 'Men of the Realm' which with increasing frequency replaces 'the King's Men', leads to a change of emphasis: the notion of serving the country becomes more important than the personal service relation to the King. Neither does the union between benefice and vassalage apply to Sweden, Lagerroth argues, and besides, the Swedish benefices, like the Norwegian, are just to be seen as grants of incomes, not of offices, as the Swedish fiefholder exercised his authority in the King's name, and the immediate relationship between King and subject did not disappear. Moreover, one public function, judgement, was always reserved from the fiefholder.

Another 'exceptional' characteristic, he argues, is the absence of a peculiar feudal institution:

It should hardly be necessary to mention, that it would never have occurred to anyone, that the Swedish medieval nobility should give up

⁴³⁹ Circulation here encompasses the whole phenomenon of 'feudal realization' as well as precocious versions of capitalist realization.

their allodial land to receive it back as fiefs from the King. (Lagerroth 1947:152; my translation)

Here we can stop to ask: how often did this 'occur' to anyone, anywhere? Reynolds (1994) points out that the English don't even have a word for this phenomenon – the *fief de reprise* (393) – and the only example she cites in the part about England in *Fiefs and Vassals* concerns King John's surrender of his kingdom to Pope Innocent III.

This suggests that Innocent may have thought of England as what Italian historians call a *feudo oblato* ... In the letter in which he condemned Magna Charta the pope said that the king had received England and Ireland back in feudum and referred to the rebels as vassali conspiring against their lord and milites conspiring against their king. (Reynolds 1994a:390)

An almost identical idea had entered the mind of at least one Swedish king some 60 years later:

At the end of the same year Valdemar has invoked protection from the Holy See against insurgents and pretenders. This appears from the Pope's order of January 9th, 1275, to the Archbishop and the Bishop of Linköping to give the King the requested protection. Valdemar had even gone so far as to formally acknowledge the Pope as his liege lord. (Yrwing 1952:32; my translation)

Analogous strategies also seem to have been invented by Swedish peasants in the mid-14th century, or at least by the King and his men, to whom it 'occurred' that peasants might commend their allodial land to aristocrats through feigned land sales, and thus evade taxation. Swedish historians usually interpret this as a simple tax-dodge collusion, and seem to expect that peasants and gentlemen divided the profit more or less equally. This betrays a certain blindness to the realities of uneven power – to put oneself under someone else's protection is to put oneself at the mercy of the protector, even if the danger one seeks protection against is something as commonplace as high taxes; at that time, however, there were also other and maybe even more threatening dangers than taxes, despite the impending onset of agrarian crisis – the only peaceful period in medieval Sweden exceeding 20 years was also drawing to an end, and the recurrent civil wars were soon to return for the best part of the remaining century. In such a situation, protection by the Church might seem less dangerous than by the competing lords – no wonder that Queen Margaret's inquiry into alienated tax-land struck much harder against the parish churches than against cathedrals and monasteries (Rosén 1950).

The figure of thought behind the *fief de reprise* was not so abstruse as it came to seem when it was inferred in hindsight by historians – or sought after in vain as an indicator of ‘true’ feudal development:

It would be a misconception to suppose that all fiefs were in fact created by a grant made by a lord to the vassal. Paradoxical as it may seem, many actually originated in a gift by the vassal to the lord; for the man who sought protection had frequently to pay for the privilege. The powerful individual who forced his weaker neighbour to submit to him was apt to require the surrender of his property as well as his person. (Bloch 1961:171)

That it seldom occurred to Swedish aristocrats⁴⁴⁰ to give away their own land to receive it back, might have been because they usually had other options. We do not know, however, whether the ‘men’ serving under the King’s men, who became exempt from taxes through the Statute of Alsnö⁴⁴¹ had to commend their land (if they had any) to their lords. The advantage to the lord of putting this on paper would have been questionable.

The executors of Bo Jonsson's will gave away the castle-fiefs they were holding to Queen Margaret, and received them back as fiefs held from her, and even if these castles and territories were not their allodial property⁴⁴², the mortgage fief system had by then evolved into a device for investment and speculation in property⁴⁴³ where *allodium* was not necessarily the most advantageous title to property in every case.

So: most of the institutional alternatives of the feudal mix were available at least in 13th century Sweden, and the choices between them depended on the conjunctures in the feudal power game – like everywhere else in medieval Europe – and led to a different social/political/economic/institutional settlement than the norm, which is also true of every situation except the one that you have defined as the norm.

⁴⁴⁰ The conventional interpretation of the Statute is questioned by Bjurling 1952, Sjöholm 1988, and Bjarne Larsson 1994; in any case, the similar arrangement found in the Land Law of ca 1350 (MELL) is not presented as entirely novel, and should at least have been introduced at some point between 1280 and 1350.

⁴⁴¹ Or at some other date – the question of how to interpret this statute *per se* is not necessary for the argument.

⁴⁴² Some of the castles and fiefs in the testament may have been, but as Queen Margaret’s subsequent inquiry redefined the terms of landholding retroactively, it hardly mattered.

⁴⁴³ And at the same time in political control – the objectives of fortune-hunting and political ambition were *fused* in this process in a way that would be very difficult to convey, were we to deprive ourselves of the term *feudal*. (Cf Gurevich)

Three-dimensional seigneurialism

Duby (1980) describes a seigneur's power as deriving from three sources:

1. *seigneurie foncière* is based on his ownership of land. This aspect of lordly power could be termed the *proprietary dimension*.
2. *seigneurie domestique* is the power that derives from his household. He is the master of everyone working for him, including, very importantly, those armed retainers without whom his power might prove impossible to maintain. This I consider to be the *patriarchal dimension* of lordly power.
3. *seigneurie banale*, finally, is the power derived from his *public* functions, as an administrator, judge or upholder of public monopolies (mills and other *banalités*).

When a seigneur combines in his own person the triple force of these different forms of lordship, his authority would seem positively overwhelming. We should by no means imagine, though, that the three dimensions were always combined. An important aspect of Swedish feudalism is the *subdivision of the public dimension* into two complementary and competing aspects:

- 3a. the *castellan* (*slotsherre*), *captain* (*hövitsman*), or *bailiff* (*fogde*)⁴⁴⁴ was responsible for the economic and military aspects of state power – levying taxes, fines, and other dues, protecting the region both against external attack and internal rebellion, organizing the material support of the castle, which included the stocking of necessary provisions and the conversion of the different articles of taxes in kind into those necessary for maintenance and military capability⁴⁴⁵.
- 3b. the *lawspeakers* and *hundred sheriffs* were responsible for holding public courts of different instance

This is what Lagerroth emphasizes in his comparison between Swedish fief system and general European feudalism:

⁴⁴⁴ The categories slide into each other, but appear to denote somewhat different delegations of authority (Fritz 1972:156ff).

⁴⁴⁵ *I e.* solving what I term the 'feudal realization problem', in the final instance usually effected through trade (passive or active). *Cf* page 46.

The Swedish fiefholder exercised his authority in the King's name, and the immediate relationship between the King and his other subjects did not cease. One public function, the judiciary, was always excepted in Sweden (1947:151f; my translation)

That may be true, but only to the extent that the King's authority was also effectively exercised⁴⁴⁶; however, conditions of power were for a very large part of Swedish medieval history contested and therefore we may question the relevance of such statements: the 'immediate relationship to the king' is not a constant given but something contestable. If it tends to disappear⁴⁴⁷, though, this can *also* be contested. This is why I argue that ambiguity, leading to contestation, is a dynamic element.

Castellans and lawspeakers – any overlaps?

In general, though, the top-down system of castle fiefs was held separate from the bottom-up system of villages, parishes, hundreds and provinces. When a lawspeaker also functioned as a castellan, which was not uncommon, he normally did so in another province. There are quite a few exceptions, though, primarily in marginal provinces:

- in *Finland* first Nils Turesson (Bielke) and then Bo Jonsson (Grip) combined the functions of lawspeaker and castellan. In general, Finland often seems to have functioned as a province on conditions separate from the rest of Sweden, and became the closest Swedish equivalent of 'feudal separatism' at several points in its history.
- *Norrland*, the vast Northern part of Sweden, belonged to the lawspeakership of Uppland, and at least the two lawspeakers Ture Bengtsson (Bielke) and Nils Gustavsson (Rossvik)⁴⁴⁸ were also castellans in Norrland (Faxeholm, in Ture's case; Korsholm, in Nils'). In the core-land of the lawspeakership, the only example seems to be Karl Ulfsson of Tofta doubling as a castellan of Stockholm in 1364-65. This happens at the very moment when King Magnus is deposed by Albrecht of Mecklenburg, though, and when the exiled Karl Ulfsson is

⁴⁴⁶ Cf Reynolds 1984 (*passim*) for examples of public authority persisting throughout the Middle Ages.

⁴⁴⁷ As when the king refuses to listen to peasant grievances, like Eric of Pomerania in 1432-34.

⁴⁴⁸ Lawspeakers in 1407/09-1417 and 1417/21-32/37, respectively.

returning as a military leader of the invasion army. It is also a quite transitory arrangement. A more ambiguous case is Birger Petersson's role as a tax-collector in Uppland under the Dukes' regime (Rosén 1939)⁴⁴⁹.

- in *Värmland*, Erik Kettilsson Puke and Agmund Hatt seem to have combined the two functions – explicitly in Agmund's case, as he was officially both castellan and lawspeaker, and at least *de facto* in Erik's (Nilsson 1997:55f, 70f).
- in *Småland*, divided between the lawspeakerships of Tiohärad⁴⁵⁰ and Östergötland, (which still controlled the hundreds adjoining it to the south, as well as the coastal region) the important city of Kalmar grew up around a stronghold whose first known castellan is Magnus Bengtsson, lawspeaker of Östergötland and a nephew of Earl Birger. In a letter quoted by Yrwing (1952:69) he refers to himself as '*legifer Osgotorum, prefectusque Kalmarniensis*'⁴⁵¹, so at least on the margins of his lawspeakership, he combined the functions.

Larsson 1964:110f points out that during the middle 1330's, parts of Varend⁴⁵² belong to the mortgage fief of Kalmar, where Ulf Abjörnsson – son-in-law of the earlier castellan and present lawspeaker of Tiohärad, Sune Jonsson – is the castellan while the administration and taxation of Varend is 'entrusted to their mutual relative Nils Dannes⁴⁵³', whose cousin Gustav Nilsson at the same time has the castellany of Varberg, comprising northern Halland and Finnveden⁴⁵⁴. To Larsson's picture can be added:

1. While Sune Jonsson (Båt) was castellan of Kalmar, Erik Turesson (Bielke) – the elder brother of Nils Dannes – had been the lawspeaker of Tiohärad

⁴⁴⁹ Knut Jonsson of Östergötland also 'seems to have had administrative tasks in the province in excess of those motivated by his position as lawspeaker, High Steward and councillor.' (Fritz1973:83; my translation)

⁴⁵⁰ The old mini-provinces of Varend, Finnveden and Njudung in the central parts, bordering on Danish provinces to the south and southwest, and on Västergötland to the north and north-west.

⁴⁵¹ He may have been trying to emulate his eldest uncle, Eskil *lagman*, who labeled himself *legifer visigotorum* in 1219. See page 219.

⁴⁵² The dominant part of Tiohärad.

⁴⁵³ Belonging to the Bielke family and married to Sune's niece. The word "mutual" seems a bit exaggerated: Ulf's and Nils' wives were cousins – I cannot find any independent connection between them.

⁴⁵⁴ Another part of Tiohärad.

2. When Ulf Abjörnsson (Tofta) appears in Kalmar his brother Nils has just become *drots* (High Steward), giving him ‘full authority over the castles, crown incomes and justice’ (*op cit*). If this group did function as a cohesive power group at the time – which is not at all certain as many of them had connections to other networks that might override their loyalties to this particular configuration – they would have controlled a belt reaching across the whole of Sweden and (potentially) cutting off the recently acquired province of Scania from the rest of Sweden.
3. At least by 1339, Sune’s other son-in-law, Nils Turesson, (Bielke)⁴⁵⁵ becomes lawspeaker of the island of Öland (west of Kalmar), which might complete the imagined cut-off. The only lawspeaker that we know of there before him, is Sune Jonsson around 1319-22, so if someone else has held the office in between, it would very probably have been someone related to them.
4. Gustav Nilsson and Ulf Abjörnsson would each in turn succeed Sune Jonsson as lawspeakers of Tiohärad, followed by Nils Turesson (who was also Gustav’s cousin)
5. As Kalmar was a mortgage fief for some time after 1332 a lot of money must have been needed to acquire it. The family of Henrik Glysing, who had acted as the ‘banker’ of Magnus Ladulås (Gillingstam in ÄSF53f), had close connections with many in this network. One of his daughters married Sune Jonsson and the other Gustav Nilsson. His son married Erik Turesson’s daughter⁴⁵⁶.

This example shows that the separation between the powers of military force and rent exaction on the one hand, and of regional justice on the other, might be combined in clandestine ways difficult for us to discern. Still, the kind of ‘collective banal lordship’ that might be constructed with such methods would be contingent and lacking institutional stability – it would hardly be more stable than other fleeting alliances pooling different kinds of power.

Still, the particular network described here was so densely interconnected, and possessed such a strategic geographic position within the ‘crisis of the Swedish-Scanian commonwealth’ described by Sjöstedt 1954, that we might suspect them of having played a more

⁴⁵⁵ The brother of Erik Turesson and Nils Dannes.

⁴⁵⁶ Also, Erik’s wife and Sune’s second wife were sisters.

central role than they do in his account. Within the group of magnates inciting prince Eric to his rebellion, Nils Turesson (Bielke) was one of the obvious leaders, together with Karl Ulfsson of Tofta, the son of Ulf Abjörnsson, and Earl Erenigisle Suneson, the son of Sune Jonsson. These three⁴⁵⁷ were tied together through the intermarriages and interlocking interests in the key geographic area, and the three interconnected families they represented can together with in-laws account for six or seven out of the fifteen known rebels (cf Sjöstedt 1954:171-177.). Sjöstedt argues that the diocese of Linköping was the ‘cradle of the rising’, (211) but a stronger case might be made for Småland.

Divided lordships – freer peasants

A divided lordship will of course leave more space for peasant freedom and communal self-regulation. A lord who has to rely on only one source of lordly power must with necessity have less coercive capacity than Duby’s triple seigneur, but there is also another aspect: if other lords with other pretensions to authority exercise their power in the vicinity, this may lead to competition between the lords: actively, if they try to encroach on each other’s power bases, or passively, in that peasants can try to balance one authority against another.

As Robisheaux describes the conditions of lordship⁴⁵⁸ in Western Germany:

Peasants might have one lord with rights over the land and its resources, another for personal bondage (serfdom), and a third for justice. Lordship could be exercised not only by the nobility, but also by princes, ecclesiastical institutions, towns and other corporations. (Robisheaux 1998:133)

Where the roles of castellan and lawspeaker were held apart, which was usually the case, Swedish peasants should have had access to forms of legal protest already before the revolution against king Eric; in any case the outcome of this revolution confirmed the existence of such rights (see chapter 3).

⁴⁵⁷ Together with Bishop Nils Markusson of Linköping, they were the foremost members of the rebel party according to Sjöstedt 1954:212.

⁴⁵⁸ Where he also discusses the reciprocal aspects of the right to protection and the peasants’ share in ‘the formal and informal processes of domination’. Here I am only discussing the aspect of multiple lordship.

THE CHANGING ROLES OF THE LAWSPEAKERS – PERIOD BY PERIOD

In order to analyze the recruitment and distribution of lawspeakers, we should subdivide the survey according to the general conditions of the statebuilding process. The following periods may be discerned:

1. A formative period when a state apparatus capable of functioning also in the absence of a king (or a king-substitute) is slowly constructed (1219-1319).
2. A period of state consolidation under competitive tension but also cooperation between monarchy and oligarchy (1319-1356).
3. A conflict-ridden period where oligarchic oppositions repeatedly contest royal power leading to more or less constant civil war (1356-1389).
4. A period of conscious attempts to remold the state into a royal instrument (1389-1434).
5. A tumultuous period of revolution and ensuing power struggle where competing alternatives coalesce into a compromise between oligarchy and monarchy (1434-48).
6. A new period of recurrent civil war where at least three⁴⁵⁹ state-building alternatives compete for power on different geographic aggregation levels (1448-1521).

Here I will only discuss the first four periods, as a closer analysis of the two last periods would have to consider the question of who did appoint each lawspeaker, and to situate them into the contexts of the mutable factions connected to the different state-building alternatives. I am not yet prepared to offer a detailed survey of those periods.

I. Formation and formalization (1219-1319)

The first period is characterized by the slow construction of a state apparatus based on castellanies, interrupted by a series of aristocratic rebellions, one of which ousts King Valdemar in favour of his brother, Duke Magnus. Also by the extension of the lawspeaker office to all

⁴⁵⁹ One oligarchic and two monarchic alternatives: the Union monarchy and a local Swedish principate.

the regions⁴⁶⁰, the diffusion of provincial law-codes⁴⁶¹ and by the gradual integration of lawspeakers into the King's Council⁴⁶². Before any of these processes is completed, the nascent state apparatus starts to subdivide, being sundered by the conflict between King Birger and his brothers, the Dukes Erik and Valdemar. During this, the lawspeaker office is politicized, and different demarcations between areas under the control of each side lead to changes of lawspeakers (Rosén 1939:239f, 262f, 307f). Jägerstad argues against Rosén that the council aristocracy largely tries to avoid choosing sides, as they prefer a splintered royal power to a strong and united one. Finally, the conflict culminates with the imprisonment and murder of the Dukes, and a general rebellion exiles the King.

The provincial law-codes might be seen as a form of aristocratic counter-consolidation on the regional level, as Elsa Sjöholm has argued (1988). At least it makes sense to view the Uppland law code in this perspective. The consolidation of three earlier mini-regions into one, coterminous with the archsee and in some way co-ordinated with it, as the inclusion of the archdean Andreas And in the law commission seems to suggest, and strong enough to function as a balancing secular power centre upheld by the lawspeaker – as Birger Petersson's position in the struggle over tithes shows (Rosén 1939). The question of whether the lawspeaker institution originated in attempts at royal centralization or in aristocratic attempts to balance the centralization might not be possible to resolve, but at least at this point⁴⁶³ he would be capable of fulfilling either function – or both.

⁴⁶⁰ This process is not fully completed until later – incontrovertible evidence for Öland does not appear before 1339, although there is a good case to be made for 1319. Lawspeakers or deputy lawspeakers for Finland or part of Finland appear from 1324 onwards (Anthoni 1970), but not until 1362 does it become a fully independent lawspeakership, with a separate vote in the royal election ceremony (which Öland never attains during the Middle Ages, and neither, it would seem, Värmland). Even discounting these two provinces, it is not until 1305 that we can identify the lawspeakers for each of these seven provinces at the same time.

⁴⁶¹ Neither is this process completed during the period – indeed it never happens, as the Land Law is introduced before every province has acquired its own law code.

⁴⁶² This does not mean that all of the lawspeakers become regular council-members (as Birgitta Fritz points out), but that they are *available* for council duty, and may be called upon to augment it when necessary.

⁴⁶³ But this might have been true already of Eskil. That I consider Sjöholm's analysis believable in this aspect does not mean that I subscribe to her absurd dictum of two mutually exclusive theories: an 'oral tradition' theory and a 'reception theory' either one of which you have to embrace fully or not at all (Sjöholm 1988).

Lawspeakers during the first period:

A. 1219-1296 and B. 1296-1305:

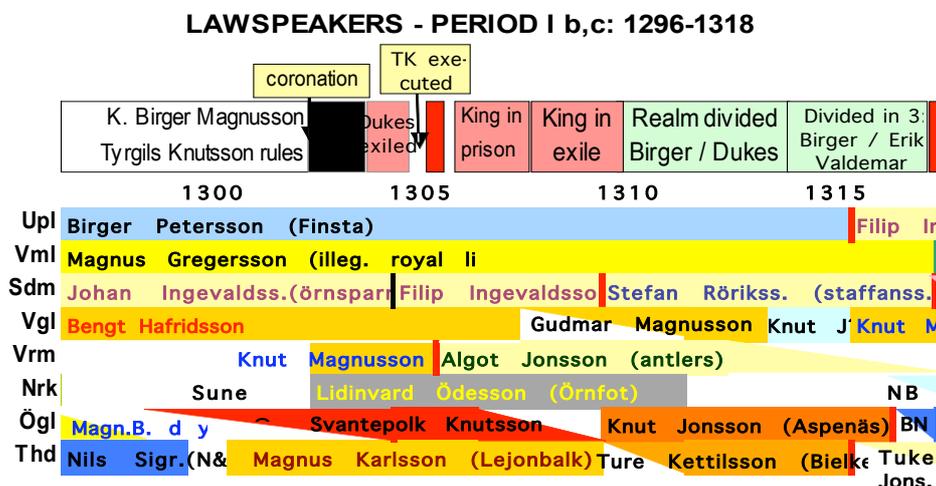
My analysis of the first 26 lawspeakers goes up to 1296, and the five⁴⁶⁴ later entrants conform to the earlier pattern of relation to the royal family, except *Svantepolk Knutsson* who is related to Danish kings and an earlier Earl, and – through his wife – to an older Swedish royal house⁴⁶⁵. Two of the newcomers are related to predecessors. One, *Knut Magnusson* (lion), is the nephew of the Marshal Tyrgils Knutsson, the strong man of Birger Magnusson's regency, who is executed in 1305. Knut becomes the first (or maybe the second⁴⁶⁶) case of a politically dismissed lawspeaker, but makes a return later, in another province.

⁴⁶⁴ I omit the totally unknown Sune in Närke 1301, who is the last case of this kind. His only other appearance in preserved medieval documents suggests that he may be related to lawspeakers descended from Earl Birger's brother Elof.

⁴⁶⁵ Also, through his mother, from the Dukes of Pommerellen, from where his unusual name derives.

⁴⁶⁶ On the replacement of Knut Magnusson, cf Rosén 1939:108. The dismissal of Algot Brynolfsson in 1288, after his son abducted one of Svantepolk Knutsson's daughters and fled to Norway, is probably also, as Rosén argues (1939:17f), to be interpreted as the outcome of a political and diplomatic crisis rather than as a simple criminal case.

Chart 21: Lawspeakers 1296-1318



As I've mentioned above, 1305 is also the first year for which we can identify lawspeakers in all of the provinces⁴⁶⁷ at the same time. Among these eight men, *Magnus Gregersson* is a grandson of Earl Birger, *Bengt Hafridsson* (lion) and *Magnus Karlsson* (Lejonbalk) of his sister, and *Knut Magnusson* (lion) of his niece. *Lidinvarð Ödesson* (Örnfot) and *Filip Ingevaldsson* (Örnsparre) are married to his granddaughters, and *Birger Petersson* (Finsta) to a great granddaughter of his elder brother, Bishop Bengt. Furthermore, Magnus Karlsson is married to the daughter of another brother, Elof. *Svantepolk Knutsson* is a grandson of a Danish King and of an Earl of Östergötland. All of the other lawspeakers either carried a royal lion in their blazons, or were married (Birger, Lidinvarð and Filip) to wives that did⁴⁶⁸.

C. 1306-19: King Birger and the Dukes

Two new entrants – *Algot Jonsson* (antlers) and *Gudmar Magnusson* (Ulvåsa) – have married into a sideline of the dynasty, while *Knut Jonsson* (Aspenäs), the son of an executed *Folkung*-rising leader, inherits the office of his father-in-law and of his maternal grandfather (Svantepolk). Politically motivated shifts (Rosén 1939:109) occur in six or seven cases (at least – there are gaps in the sources). Their replacements conform to the general pattern: Filip

⁴⁶⁷ Except Öland and Finland, which are added later.

⁴⁶⁸ Svantepolk carried a royal *Danish* lion (leopard) on his shield.

Ingevaldsson, who remained on the side of the Dukes, was at the settlement of 1310 replaced by *Stefan Röriksson* (Staffanssönerna) married to Magnus Gregersson's niece; *Ture Kettilsson* (Bielke), who replaced Magnus Karlsson for the same reason, was the son-in-law of an earlier Tiohärad lawspeaker (*op cit* 240). Ture was also the King's treasurer. When he is later removed from this office, he is also replaced as a lawspeaker, by *Tuke Jonsson* (Läma)⁴⁶⁹. Knut Jonsson is also dismissed from the office of High Steward, but remains a lawspeaker until the opposition takes over. Then he is (temporarily) replaced by his son-in-law, *Bo Nilsson* (Natt och Dag) who had belonged to the Dukes' men all along.

It is possible that Bengt Hafriðsson's son-in-law Knut ?Jonsson⁴⁷⁰ (Tre Rosor) also functions as a lawspeaker during the gap between Gudmar Magnusson's death and Knut Magnusson's. He appears in Stiernman's list (SGH), but this claim does not seem to be backed by any supporting evidence. As his son-in-law Magnus Håkansson, who does not have any other obvious connection to lawspeaker families, later holds the office in Södermanland, and his grandson Knut Jonsson (see page 271) also becomes a Västergötland lawspeaker, it is by no means self-evident that he belongs to Stiernman's mistakes.

II. Consolidation and tension (1319-1356)

The second period starts with the election of the three-year old Magnus Eriksson as a King in accordance with a ceremony probably never used before⁴⁷¹, and at the same time the assembly proclaims what has been called the Swedish 'Charter of Liberty', a conjuration where the magnates promise to preserve all the 'rights, freedoms, privileges, and ancient customs' that duly belong to the Men and Churches of the Realm of Sweden, and declare that no new taxes may be collected in the future without first being announced and put forward to 'all of us'. Then this is to be announced ('by us') to the community in the different parts of the realm, and only after a 'careful deliberation and examination' may new taxes be collected.

Jägerstad 1948:250 points out that

- the tumultuous period 1306-19 has brought the Church and the aristocracy together in that the earlier struggle between the privileged classes has been replaced by a common interest in

⁴⁶⁹ The brother of a Marshal and possibly a great grandson(sds) of Earl Birger.

⁴⁷⁰ His patronymic is uncertain (ÄSF2), but if we believe Stiernman, it should be Jonsson.

⁴⁷¹ Cf Sjöholm 1988.

resisting the royal power concentration and the rising taxation pressure.

- the twentyfive signatories do not style themselves a council – despite the general tendency of historians to describe them thus; neither do those who have been councillors use the title in the document, although they do so in other letters from the same time.
- They do not in any way describe themselves as a regency, in which case they would reasonably be the ones responsible for announcing the need of new taxes. The signatories on the contrary expect to become the objects of future taxation demands.

He therefore concludes that the promise to aid and advice the High Steward Mats Kettilmundsson and his successors show the purpose of the letter: the signatories formulate their *conditions* for supporting the regency

His argument is quite convincing, but one thing he does not discuss is the role of the lawspeakers, who *do* use their titles in the list of signatories, in contrast to the councillors. Obviously they consider the subject of justifiable taxation to fall under their sphere of competence⁴⁷². Also the general purpose of the assembly, to elect a king, had recently been declared to be the responsibility of the lawspeakers, which must have augmented the distinction of the office, and served to bind them together as a collective. As Jägerstad argues, there wouldn't really have existed any council at the time, since the council is chosen by the king, and royal authority had been fragmented for more than a decade. However, the lawspeakers, together with the bishops, provided continuity, and the two groups together ensure the cohesion and regional balance of a country that is still far from integrated; maybe the lawspeakers can even be said to develop into some sort of quasi-representation⁴⁷³ by this time.

The two decades of the regency⁴⁷⁴ are usually seen as a period of more or less collective rule, and of consolidation for the council. Jägerstad, on the other hand, considers the High Steward Knut Jonsson to have ruled the country in person, as the sole regent, while

⁴⁷² Which may give a clue to their role in the rebellion against Eric of Pomerania.

⁴⁷³ Cf the councils and meetings of lords listed in Beckman subdivided according to provincial affiliation, (Beckman 1954:542-547) and the example of an earlier lawspeaker filling in for his absent successor in a case put before the council (270).

⁴⁷⁴ Leaving the first year under Mats Kettilmundsson's aegis aside, as also the two years when the Duchess Ingeborg took command of the regency.

the council had little share in the business of government. Still he describes the evolution of the council into an

ever more independent institution with a manifest character of estate representation and with fixed demands for influence on the governing of the country. The Swedish Realm during this time gives the impression of an aristocratic republic with the High Steward Knut Jonsson as its leader and the council as its senate(295; my translation),

so the contrasting viewpoint seems to be no more than a change of emphasis.

As four to six replacements are made before Magnus' majority, the council must have become self-perpetuating through co-optation, as can be seen within the lawspeaker college, where there are two tendencies:

1. more or less hereditary offices, but also
2. a tendency that lawspeakers can move between provinces.

These two tendencies almost seem like polar opposites, but both of them serve to integrate the group, and a combined form also appears: a lawspeaker's son is appointed to office, but in another province (Ulf Gudmarsson).

During this period, the new chivalric class defined by the statute of Alsnö⁴⁷⁵ is amalgamated with the old magnate stratum, and hierarchic relations introduced on the model of Central European feudalism serve to integrate the *frälse* category. Of course this process has started already in the preceding period, and the promulgation of chivalric ideology through the *Erikskrönika*, written early in this period, marks the maturation of chivalry as an integrative aristocratic ideology for the *frälse* class. The promulgation of the Lawspeaker myth in law-codes and supplements, and the fabrication of the royal election legend, which elevates the lawspeakers into a position of electors, may be seen as a competing ideological context, stressing tradition (since heathen times!), wisdom, and responsibility. St Bridget provides yet another mode of discourse, with the added advantage of combining religious and secular propaganda, which is closely connected to dominant lawspeaker families, and to the rebellious factions⁴⁷⁶ of period III.

⁴⁷⁵ Or – if the objections to the traditional interpretation of the Alsnö meeting should be heeded – defined by the practice of tax-exemption which is soon to be codified in the Land Law.

⁴⁷⁶ Engström's 'Birgittine party' (1935).

Further law-codes are prepared and promulgated and on Magnus' majority; there exists a rudimentary state which is no longer only a function of the King's ability to rule⁴⁷⁷. During the rest of this period the tension between personal royal rule and institutionalized state power with a collective component does not preclude the further development of normative power and state machinery⁴⁷⁸, culminating in the proclamation of the unitary⁴⁷⁹ Land Law (MELL) around 1350. The financial crisis caused by the purchase of Scania and the ensuing warfare, and the King's more and more desperate attempts to achieve greater freedom of action through replacements and reorganizations of the High Offices of the Realm, finally lead up to Bengt Algotsson's rise to power through the new office of Duke, sparking a rebellion fronted by Magnus' son Eric (Sjöstedt 1954, *passim*).

Lawspeakers during the second period:

A. 1319-1338: The 'Charter of Liberty' oligarchy

The lawspeakers that solemnly elect the three-year old Magnus are basically the victorious faction from the Civil War: the Dukes' Men, and although there has been a reconciliation between the two sides after the murder of the Dukes – for instance, also three of the lawspeakers who have now been replaced did sign the 'Charter' – the lawspeakers of 1319 all belong to the victorious side (Rosén 1939:299ff, 307f). The tension between the two sides seems to have abated, though, and two of the 'royal' lawspeakers return. One of these, **Knut Jonsson** (Aspenäs) becomes a High Steward (*drots*) and the leader of the regency, after an initial period dominated by the military leader of the rebellion, Mats Kettilmundsson, and the King's mother, the Norwegian princess Ingeborg (Beckman 1954). During the Regency, the Council has become a self-perpetuating group, styling themselves 'Council of the Realm', and co-opting new lawspeakers, usually among their own

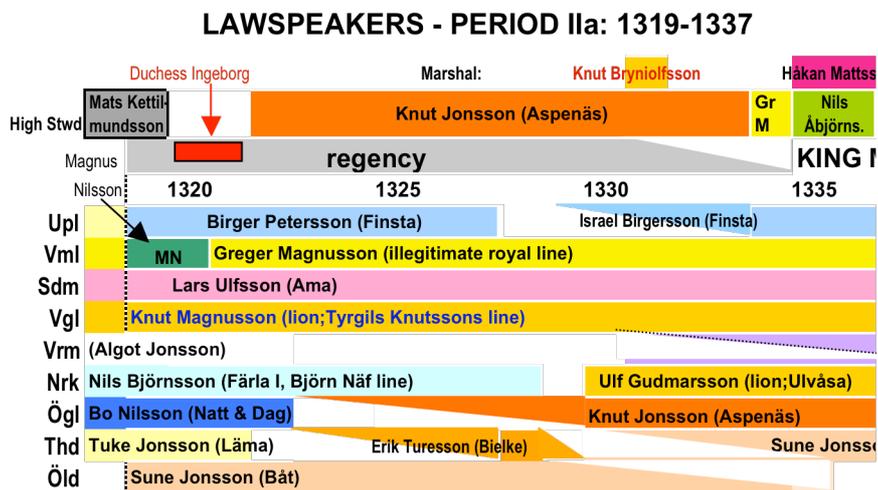
⁴⁷⁷ Earl Birger and Tyrgils Knutsson in their respective regencies both seem to have acted more like kings themselves, and despite Jägerstad's arguments against a collective regency, he is in effect saying something very similar.

⁴⁷⁸ The council opposition against royal taxation in the 1340's leads to a compromise regulating the conditions for taxation in the Land Law *etc*

⁴⁷⁹ Not quite – towns were regulated according to the new Town Law, and the provincial law codes continued to be employed for quite a long time. Also canon law held its ground, and the ambition to include a church section in the land law seems to have failed.

circle. In this period, a new phenomenon is the mobility between regions.

Chart 22: Lawspeakers 1319-1337



Knut Magnusson, the executed Marshal's nephew, has returned, this time as lawspeaker of Västergötland, **Nils Björnsson** (Färla I) in Närke is a son of the early Södermanland lawspeaker Björn Näf. These two, together with the slightly earlier (1315) reappearance of the replaced Filip Ingevaldsson från Södermanland as a (temporary) replacement for Birger Petersson in Uppland⁴⁸⁰, at first sight appear to represent an entirely new phenomenon. Suddenly the office itself seems to be a more important qualification than the represented province. This would seem to be confirmed by the cases of **Sune Jonsson** (Båt), moving from Öland in 1319 to Tiohärads in 1337, and **Ulf Gudmarsson** (lion;Ulvåsa), son of a lawspeaker from Västergötland, who succeeds Nils Björnsson in Närke, founding a lawspeaker dynasty that will hold the office for over 50 years. However, it is (not yet, anyway) certain that it is the very lawspeakership, that qualifies for office in other provinces as well. All of the cases mentioned here still conform to the pattern of royal-dynasty connection, and if that is the crucial point, local background

⁴⁸⁰ Rosén (1939:308) explains this as the consequence of a conflict with the archbishop. Filip was also one of the Duke's men.

might have been secondary all along.⁴⁸¹ As the Council is now self-perpetuating, royal blood may be just an indicator of highly aristocratic descent. In either case, the picture of lawspeakers as local-community powerholders is weakened.

The final reconciliation with the Birger's former men is marked by the return to office of **Knut Jonsson** (Aspenäs), who is reinstated as High Steward by 1322, and probably returns to his lawspeakership soon after (or at least by 1330). **Greger Magnusson** (illegitimate royal sideline) has already succeeded his father in Västmanland, after only a short interlude⁴⁸², and while Ture Kettilsson does not return to office, his son **Erik Turesson** (Bielke) appears as the lawspeaker of his father's old province, Tiohärad. Erik, however, belonged to the Dukes' men, like **Gustav Tunesson** (Ving), who becomes lawspeaker of Värmland, though he appears to be based in Västergötland⁴⁸³, and the two sons of the Dukes' High Steward, **Ulf** and **Nils Abjörnsson** (Tofta), who eventually become lawspeakers in Tiohärad and Västmanland. **Algot Bengtsson** (Algotssönerna) is the first new lawspeaker who does not seem to have taken part in the earlier struggles.

During the regency this group is remarkably tight and homogenous, dominated by the two veteran lawspeakers **Knut Jonsson** (Aspenäs) and **Birger Petersson** (Finsta), who are both married to daughters of Bengt Magnusson, son and successor of Earl

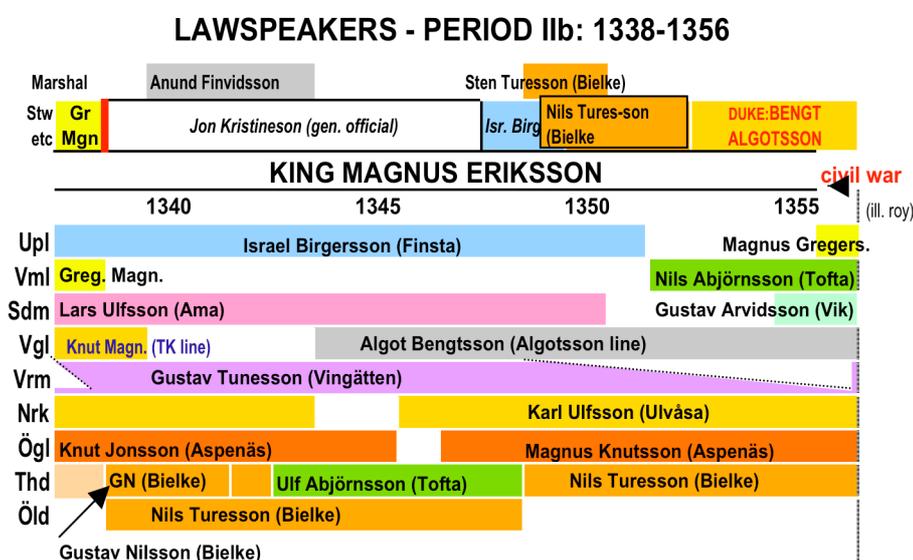
⁴⁸¹ Knut Magnusson and Ulf Gudmarsson both belong to families allowed to carry a royal lion in their blazon because of female-line descent from the dynasty. Filip Ingevaldsson is a grandson-in-law of Earl Birger, Nils Björnsson a great great grandnephew of Earl Birger and Sune Jonsson's first wife was a 5th generation descendant of Earl Birger's sister (and the second wife a 4th gen. descendant of his brother). Reasonably, at some point the connecting thread will wear too thin, but the very generous extent of incest bans at the time shows that we must not underrate the respect for also very distant kinship.

⁴⁸² At the beginning of the new regime Magnus Nilsson appears as a lawspeaker. I follow Beckman II:452f and Holmbäck-Wessén in Sdml p10n16 in accepting his title according to the Charter, *pace* Rosén 1939:302n12. Even if his lawspeakership in the 'Charter of Freedom', very possibly was a 'temporary function', I see no reason to impose standards for the title stricter than actual usage. As a member of the law commission for Södermanland he was obviously qualified enough to fill in as a temporary lawspeaker, whether he held any land in that province or not.

⁴⁸³ His manor complex there may have been fortified (Lovén 1996:293ff), which is rare for the time and seems to suggest more permanent residence. He is listed under Västergötland in the Charter of Freedom, and according to Ranehök 1975:105 he belonged to a small group of special judges commissioned by the King, which might indicate competence or confidence as a qualification, rather than localization.

Birger's nephew Magnus Bengtsson. **Lars Ulfsson** (Ama), like Knut Jonsson belongs to one of the older branches of the Ducal dynasty; both are descended from executed Folkung rising leaders. **Gustav Tuneson** (Ving) is the grandson of a Folkung leader as well (*Cf* Yrwing1952:51) and a half-brother of Knut Jonsson's. **Greger Magnusson** is the son of an earlier lawspeaker who was an illegitimate grandson of Earl Birger's. **Ulf Gudmarsson** (Ulvåsa) is the son-in-law of Birger Petersson, married to his daughter, the future St Bridget.

Chart 23: Lawspeakers 1338-56



King Magnus probably attains majority at the age of fifteen around 1331, but not until his coronation at 1335 does he seem to start ruling by himself. 1338 he dismisses the High Steward Gregers Magnusson, and replaces his office, the most prestigious of the High Offices of the Realm, with a new, more proscribed functionary, the General Official. Jon Kristineson, who is the first holder of this title, is not a member of the council and not closely related to the old magnate families. The constant tension between King and magnates seems to abate around 1350 when **Israel Birgersson** (Finsta) becomes General Official, and soon after the title of High Steward (*drots*) is restored to **Nils Turesson** (Bielke); both of them are lawspeakers (Sjöstedt1954:232ff). Around this time the Land Law is completed, and

the Statute of 1352 seems to show mutual willingness to compromise during hard times (Bjarne Larsson 1994) – the Black Death has just struck. However, when Bengt Algotsson is made a Duke, the council seems to be defunct and prince Eric fronts a rebellion against his father (Sjöstedt 1954). The lawspeaker group is remarkably stable also over this subperiod. Father-to-son shifts occur in Uppland, Närke and Östergötland, while **Lars Ulfsson** (Ama) spans almost the entire period, until succeeded by **Gustav Arvidsson** (Vik), married to Knut Jonsson's niece, and himself the grandson of Birger Petersson's predecessor. **Algot Bengtsson** (Algotssönerna) is the grandson of an earlier Västergötland lawspeaker.

III. Oligarchic contestation (1356-1397)

The third period is one of open or latent civil war and external interventions, with shifting conflicts and alliances, and an increasing emphasis on localized power enacted through the castellans, who control the nexus of physical and economic power within the range of action of their castle. The general economic crisis is compounded by plague, warfare, plunder and vain attempts to make the investment in conquest pay off. The competing factions of the Swedish aristocracy compromise in order to neutralize the professional occupation forces, and Bo Jonsson (Grip) embarks on a project of redeeming mortgaged fiefs with the help of heavy loans from church funds. This culminates when the extraordinary private trust constituted by his testament offers the Crown to Queen Margaret and confers sovereignty upon her through transferring the allegiance of all the castles controlled by the trust onto her. It ends with the failure of the trustee 'party' to bind Queen Margaret to their oligarchic/constitutional programme through the 'Unification letter' of Kalmar. (Engström1935, Sällström1951, Sjöstedt 1954, Linton1971)

Lawspeakers during the third period

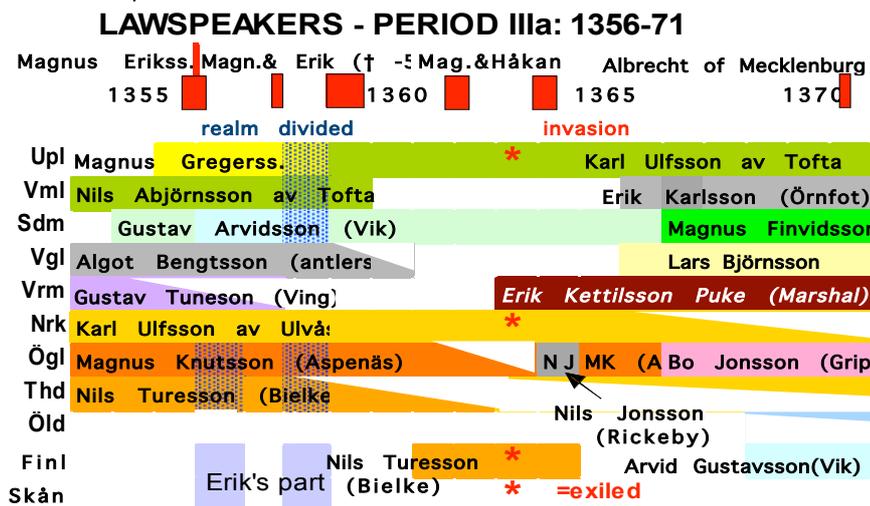
A. Rebellions against Magnus Eriksson (1356-71)

Sjöstedt, who has analyzed the conflict between Magnus and prince Eric, gives the picture of a conciliar aristocracy massively siding with the rebellion⁴⁸⁴, while the king's quasi-absolutist party is dominated by upstarts. If we just look at the lawspeakers, however, who should

⁴⁸⁴ Even more strongly put in Engström1935:19. Sjöstedt1954:177-89 contains his social background analysis.

reasonably have been at the focus of any constitutionalist opinion, not more than two join the first rebellion – *Nils Turesson* (Bielke) and *Gustav Arvidsson* (Vik) – while *Nils Abjörnsson* (Tofta) supports King Magnus.

Chart 24: Lawspeakers 1356-71



In the second rebellion, only⁴⁸⁵ Nils Turesson remains with Eric, while *Magnus Gregersson* (illegitimate royal sideline) enters on Magnus' side⁴⁸⁶. What about the others? Gustav Tuneson is still alive according to evidence presented in Sjöstedt 1954:21, but may have been too old to take active part in the struggle. There is no reason to expect him to have supported Eric, though (*cf* 1954:213). Algot Bengtsson (Västergötland) and Magnus Knutsson of Aspenäs (Östergötland) are not mentioned anywhere in connection with the civil war, although Sjöstedt's geographical analysis of the parties leads him to conclude that the province of Östergötland, or rather the somewhat more extensive diocese of Linköping, can be viewed as the

⁴⁸⁵ Sjöstedt1954:61f points out that evidence for allegiances during the second civil war is more incomplete, so we shouldn't make too much out of Gustav Arvidsson's absence from list 2.

⁴⁸⁶ Despite (or because of?) his lawspeakership having been transferred to Eric's part after the first rebellion.

‘cradle of the rising’⁴⁸⁷. Neither does Karl Ulfsson of Ulvåsa – St Bridget’s eldest son – appear to have taken part in the conflict⁴⁸⁸. When king Eric suddenly dies, the rebel side holds together awaiting the birth of his posthumous child⁴⁸⁹

During the next outbreak Håkan – Magnus’ second son and king of Norway – becomes the rallying point for a new⁴⁹⁰ configuration of magnate rebels. Although Magnus is imprisoned by the rebels allied to Håkan, the two kings are soon reconciled, and the magnates who are blamed for the *lése-majestaité* are exiled.

The exiled lawspeakers Karl Ulfsson of Tofta, Karl Ulfsson of Ulvåsa, and Nils Turesson (Bielke) return together with Albrecht’s troops to conquer Sweden, and the following seven years witness a recurrent civil war interrupted by truces (Engström1935:78ff), where most of Western Sweden – Värmland, Dalsland, and the largest part of Västergötland – is held by castellans faithful to Magnus and Håkan. Magnus’ marshal, **Erik Kettilsson** (Puke) holds Värmland as a castellan but also, it seems, in his capacity of marshal with some kind of overlordship comprising the entire unconquered Western Swedish area. No Värmland lawspeaker is in evidence during the three decades that Erik is in power – maybe he incorporated that function as well (see page 262).

King Magnus is captured at an early stage (1365), and the civil war is compounded by a Danish invasion in 1366; two years later the Danes were driven back, and Scania briefly reconquered in alliance with the Wendish Hanse cities (Engström 1935:110ff;120ff). The period ends with a combination of something that may have been a general rising, and an armed attack on Stockholm by Håkan in order to set his father free (Engström 1935:158-180; the interpretation of Andersson 1929 is criticized on p79)

⁴⁸⁷ Sjöstedt 1954:211. The leading role he attributes to bishop Nils of Linköping seems to be his strongest argument for this, but the table of geographic affiliations on p202 is hardly conclusive. The lawspeaker Magnus Knutsson might reasonably have taken the same position as his grandnephew and eventual successor Bo Jonsson (Grip), King Magnus’ marshal during the second rebellion(Engström 1935:28).

⁴⁸⁸ Engström1935:26 with n86, points out that the register of ST II is mistaken in identifying him as a signatory on one of Erik’s letters of enfeoffment (Karl Ulfsson of Tofta must have been the signatory in question).

⁴⁸⁹ Karl Ulfsson of Tofta is reported to have functioned as the regent of Erik’s party during this period (Engström 1935:27).

⁴⁹⁰ Karl Ulfsson of Ulvåsa and king Magnus’ former Marshal Bo Jonsson (Grip) have now joined Nils Turesson (Bielke) and Karl Ulfsson of Tofta in the third rebellion against Magnus.

The new lawspeakers during the early Mecklenburg period are **Nils Jonsson** (Rickeby), a brother-in-law of Karl Ulfsson of Tofta who replaces Magnus Karlsson (Aspenäs) in Östergötland during the change of regime. Magnus – who probably had been opposed to the invasion – returns to office shortly afterwards, but on his death in 1367, he is succeeded by his grandnephew **Bo Jonsson** (Grip). Nils Turesson's nephew **Erik Karlsson** (Örnfot) becomes lawspeaker of Västmanland. These three appointments are clearly tied to the dominant magnate faction, while **Magnus Finvidsson** (Magnus Marinason's lineage) in Södermanland and **Lars Björnsson** (fess) in Västergötland lack obvious connections to this group⁴⁹¹. On the contrary, Lars' father-in-law was king Magnus' justiciar and a prominent member of his faction in the earlier rebellions. Both Lars Björnsson and Magnus Finvidsson had some connection to earlier lawspeakers, though. Lars' granduncle-in-law was the lawspeaker and High Steward Greger Magnusson. Magnus Finvidsson's grandfather-in-law⁴⁹² was the Västergötland lawspeaker Bengt Hafriðsson.

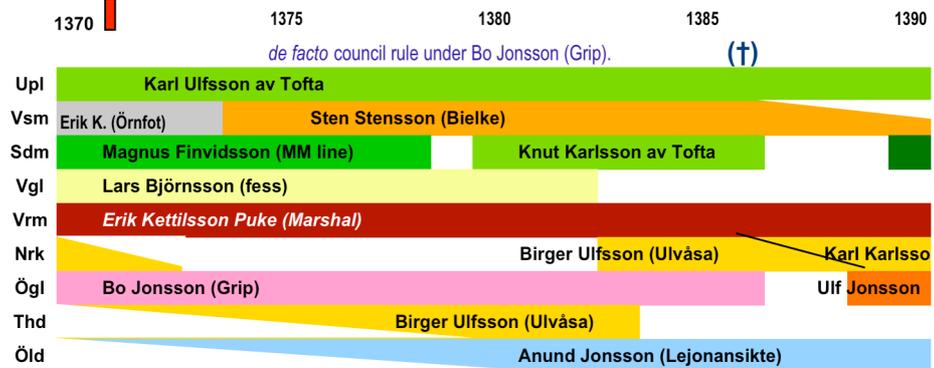
B. The disentanglement from Mecklenburg (1371-89)

The settlements in 1371-2 lead to a formal reunification of the country under Albrecht, and to a reconciliation between the inimical council factions who also forced Albrecht to accept conditions vesting *de facto* royal power in the council (Engström1935:172-80,295ff), but in effect, the separation as well as the struggle of power between king and council were soon resumed.

⁴⁹¹ Unless Magnus' marriage to the widow of Halsen Petersson, who had belonged to king Eric's faction (Sjöstedt 1954:184, ÅSF 173) is an indication of his allegiance.

⁴⁹² His father-in-law may also have been a lawspeaker (see above: Knut Jonsson in chart 21 and the comment in section 1C)

Chart 25: Lawspeakers 1371-89.



In 1375 Bo Jonsson – now a High Steward (*drots*) – takes over Albrecht's father's mortgage fiefs, which marks a new stage in the power struggle. The testamentary trust which Bo Jonsson forms in order to fulfil his reunification project contains magnates from both of the camps of the civil war, and is in this way a continuation of the short-lived compromise council from 1371. The relations between this trust and the lawspeaker college is of crucial importance for the further development, and most of the lawspeakers during this period are discussed within that context below. In the beginning of this period **Erik Karlsson** (Örnfot) still appears to be lawspeaker (formally) of Västmanland, but like Bo Jonsson he generally leaves the business of holding moots and courts to his deputy, while attending to his duties as a captain of Stockholm, Öland and finally Östergötland (Engström 1935).

Excursus: Lawspeakers and the testamentary trust:

Sällström (1951:18) has argued that the executors constituted a majority of the lawspeakers at the time, and therefore were in custody of the constitutional right of royal election, which the *kungabalk* of the Land Law empowered them to use against a king who had broken his oath. The lawspeakership situation at that moment is far from clear, however. Karl Ulfsson of Tofta (Uppland), Anund Jonsson (Öland) and Jakob Djäkn (Finland), are the only ones of whom we know for certain that they were acting lawspeakers both before and after the culminating war years of 1388-9.

Karl Ulfsson av Tofta was one of the leading *testamentarii* and had been a prominent member of the aristocratic party from the very beginning of the civil war period 1356-65. As this was not his first

venture into king-making, he was certainly well aware of the possibilities theoretically open for lawspeakers to exploit the electoral role first formulated – as far as we know! – in the Law Code of Uppland 1296, and first applied in the election of the three-year-old Magnus Eriksson in 1319. Both his father and his uncle had been lawspeakers and members of the commission that formulated the Law Code of Södermanland in 1327. His uncle had also been a *drots* ('High Steward' – an office holding the highest responsibility for justice in medieval and early-modern Sweden), as his grandfather had also been. In addition he was married to Helena Israelsdotter, a niece of Saint Bridget and a granddaughter of the lawspeaker Birger Petersson, who had been the leader of the commission formulating the Uppland Law Code.

As if this was not enough, he was also one of the very few medieval lawspeakers who had received formal academic training⁴⁹³. He had spent some years at the University of Paris together with Nicolaus Hermanni, who was now the Bishop of Linköping and evidently some kind of chairman for the *testamentary* (of some of the testimonials in his canonization process, PCNL) Neither of these did sign the letter of allegiance, though, and as also the other spiritual member, Tord Gunnari – who had taught canon law at the University of Prague, and has been described as 'probably the most erudite Swede of his day' (Collmar 1977) – is missing, this might have some significance.

Did the juridical specialists have any objections to the letter? Or was their absence a calculated move to retain freedom of action for a while longer? The bishops had been deeply involved in the financial machinations of Bo Jonsson, lending him money to redeem mortgage fiefs against security in these (or other) fiefs, and two months after Bo's death, the executors had mortgaged parts of his estate to Bishop Tord, in order to put them under ecclesiastical protection. Less than five months after the letter of allegiance Karl Ulfsson sells estate at a value of 1000 marks to Henricus Caroli, the archbishop of Sweden, and during the period up to the recess of Nyköping 1396⁴⁹⁴ and the

⁴⁹³ This makes him the probably most well-educated medieval lawspeaker, except for his brother-in-law, magister Nils Jonsson.

⁴⁹⁴ Where a decision was taken to reclaim all Crown property that had been alienated since the conflict between King Magnus Eriksson and the aristocracy broke out around 1356.

Kalmar negotiations in 1397 he sells, mortgages or donates *all* of his landed property to churches, monasteries and co-executors⁴⁹⁵.

These manoeuvres may have been the reason that he postponed his formal allegiance to the new monarch, but there might have been a simpler reason. As he was staying in Finland, holding its principal castle of Viborg, he might have been unable to communicate with the others – after all large parts of Finland were still in Albrecht's hand, and Karl's military obligations might have got in the way. On the other hand, he *did* manage to communicate with the archbishop, and find time to look after his personal fortune. Another possibility is that he was still negotiating with Albrecht's side. After all, he had himself been instrumental in putting Albrecht on the throne, and might have had business to conclude before openly emerging on Queen Margaret's side, or before deciding whether that was what he should do.⁴⁹⁶

Anund Jonsson (Lejonansikte), had through his marriage to Ramborg Israelsdotter, Saint Bridget's niece, gained entrance to Bo Jonsson's circle and had become a councillor by 1369, when he takes part in the issuing of a charter authorizing Bo Jonsson to be the King's *officialis generalis*, in principle empowered with full fiscal and administrative control over the country.⁴⁹⁷ Reasonably he would be prepared to support the trust (he also made large donations to Vadstena).

Jakob Djäkn's case was a very different matter. Although he had originally been a subcastellan of Bo Jonsson's, he had changed sides quickly after his master's death, kept the command of the castle (Åbo) and succeeded to make Albrecht appoint him not only a

⁴⁹⁵ Sällström 1951:13, 27-30. Sällström notes that seven years after the final mortgage, he is still able to make two substantial land donations to the Cathedral of Uppsala.

⁴⁹⁶ He might have had misgivings about joining her side, as he had once been exiled by her late husband Håkan. After prince Eric's rebellion and subsequent death, the magnates who had pitched him against his father king Magnus, instead managed to incite his younger brother, Håkan, king of Norway, to arrest and depose his father. After the reconciliation between the two kings, the magnates accused of having caused the conflict were exiled by Håkan: Karl Ulfsson was by the time we are discussing the only survivor of this group, which had also included Bo Jonsson (cf Engström 1929). Margareta's *räfst*, a general inquiry on all tax-exempt land designed to revoke all 'unauthorized' tax exemptions and patents of gentility, and to resume alienated Crown land, was instructed to revoke any benefits granted after the rupture between king Magnus and the magnates (Rosén 1950). As Karl Ulfsson had been one of the chief instigators also of every subsequent magnate coup, he *should* have had misgivings.

⁴⁹⁷ Engström 1935:126f. Engström presumes that Anund replaced Karl Ulfsson of Ulvåsa, Saint Bridget's eldest son, who was travelling to his mother in Italy.

castellan in his own right, but also the lawspeaker of Finland. (Sällström 1951:14, Anthoni 1970:137)

What about the other lawspeakers? It seems quite reasonable that the drying up of evidence for courts of justice at this moment is due to the outbreak of open civil war, but that leaves us with no indication of when replacements were made. Among the other lawspeakers who had been in office at that point were two members of the executorial college: Karl Ulfsson's son Knut Karlsson (Södermanland) and Birger Ulfsson (Närke). **Knut Karlsson** (Tofta) died during the war, in 1389. He never signed the letter of allegiance, but then again he was only a deputy member for his father, who had not signed either. However, Knut may already have been replaced as a lawspeaker, by **Erengisle Nilsson** (Hammersta), whose first documented appearance in that capacity comes from 1390. Erengisle was also a member (regular) of the trust and did sign the letter, but it remains to be explained why Knut should have resigned or been replaced.

Birger Ulfsson (Ulvåsa), another leading executor, the younger son of St Bridget, and the spokesman for the trust in the negotiation with Queen Margaret, presents yet another kind of problem. He had recently transferred himself from the province of Tiohärad (Småland) to that of Närke, where his father and his elder brother had preceded him. There are no charters extant to prove that he acted as lawspeaker after 1384, though. His nephew, **Karl Karlsson**, had succeeded him in Närke at least by 1390, but we don't know if that might have happened earlier. There is no reason to assume that Birger had retired, though. He was still an active member of the trust, and his collaborators still refer to his opinion on the matter under consideration two years after his death in 1391, which occurred only seven months after he had judged his last case as *konungsdombavande* ('judge on behalf of the King'). He must certainly be counted among the lawspeakers still in 1388, but there is a possibility that his appearance in Närke was just a short-term fill-in between the death of his brother and the accession of his young nephew⁴⁹⁸. In that case he himself might still be representing

⁴⁹⁸ Despite his youth, Karl Karlsson had made his first appearance as a hundred sheriff, leading a court on the level beneath the lawspeakership, already in 1383. He may still have lacked the full authority necessary for a lawspeakership, though.

Tiohärad⁴⁹⁹ – or: could he be representing both provinces at the same time?

The only known instance of double lawspeakership is Bo Jonsson's, when he took over the office in Finland on the death of Arvid Gustavsson, while still nominally retaining the position as lawspeaker of Östergötland. Of course, Finland was a special case, and so was Bo Jonsson. In Östergötland his office had usually been upheld by his deputy Peter Djäkn, who continued to serve in that capacity after Bo Jonsson's death in 1386. He does not seem to have been promoted into a lawspeaker in his own right, as he later continues to serve under **Ulf Jonsson** (Aspenäs), who is mentioned as lawspeaker from 1389. Ulf, who was Bo Jonsson's mother's cousin and a major legatee of the testament, also signed the letter of allegiance.

Without doubt **Sten Stensson** (Bielke) – a cousin of the brothers Sten and Ture Bengtsson (Bielke) and married to St Bridget's granddaughter – was also an executor. He signs the letter of allegiance as number 5, in advance of two of the regular members, and must have joined the trust as a co-opted member.⁵⁰⁰ Sten Stensson was the lawspeaker of Västmanland, but his last recorded judgment is in 1386, and the next lawspeaker is not in evidence until 1394⁵⁰¹. He is **Tord** (Röríksson) **Bonde**, who is Eregisle Nilsson's deputy in the trust, so in all probability either of these two is acting lawspeaker in 1388. As both of them signed the letter, the lawspeakership of Västmanland should present no problem. The remaining two provinces, Värmland and Västergötland, may have lacked functioning lawspeakers at the time. Värmland seems to have lacked a lawspeaker at least since 1357, if not 1349. However, the next incumbent, Agmund (or Anund) Hatt, (the younger) also replaced **Erik Kettilsson Puke** as a castellan over basically the same

⁴⁹⁹ Where we don't find any sign of a new lawspeaker before the seemingly undistinguished and anonymous Karl Magnusson in 1400; he is not to be confused with his namesake of the Örnfot lineage, who belonged to the executorial trust.

⁵⁰⁰ The detailed instruction in the testament (printed in Rosman 1923) prescribes co-optation, under carefully specified conditions, as when an executor 'dies, goes abroad, becomes an enemy of the realm, or do not want to fully take on the responsibility' *etc.* Sten may have replaced Erik Kettilsson's deputy and nephew Kettil Jonsson, who had not been mentioned as alive since 1386. There were two co-opted signatories, though, as Gregers Bengtsson also signed the letter. Either of them must therefore have replaced Knut Karlsson, although he was still alive.

⁵⁰¹ In 1395 Sten Stensson enters the Monastery in Vadstena after his entire family has died in the plague.

area (Fritz 1973:76), so it might be possible that also Erik had been both castellan and lawspeaker. In that case it may have been his title of Marshal, that somehow ‘crowded out’ a potential lawspeaker title which we, however, have no evidence for. Another possible explanation is that he partly fulfilled the same function⁵⁰², and thus precluded the need for a lawspeaker in Värmland at that time, even if he did not hold the same office. Värmland was under allegiance to King Håkan of Norway, and therefore, together with Dalsland and most of Västergötland separated from the rest of Sweden, which may account for the irregular administration.

Does this explain also the lack of a lawspeaker for Västergötland? Maybe, but here there had been a lawspeaker – Lars Björnsson – in office at least until 1382. He is not mentioned in any sources after 1383, though (ÄSF 210). The next lawspeaker, Erik Erlandsson, appears to have come to the fore through the inquiry courts during Queen Margaret’s reduction, and is not mentioned before this. It is possible that **Algot Magnusson**, another deputy executor, who signed a separate letter of allegiance, like Erik Kettilsson, ‘replaced’ the lawspeaker as a castellan of Axvall⁵⁰³. Possibly the war situation postponed the replacement of lawspeakers. It is also conceivable that these provinces were under some kind of martial law at the time, and that the office therefore was suspended.

Out of the ten lawspeakers, only one, **Jakob Djäkn** in Finland, was on Albrecht’s side. If all of the successions taking place over the war years had been effected without complications, five lawspeakers belonging to the trust *could* have formed a narrow majority for Margaret. Six, if we make the assumption that Erik Kettilsson was a *de jure* lawspeaker. The vacancy in Västergötland seems impossible to solve, but if Birger Ulfsson had returned to Tiohärad, Karl Karlsson could be expected to vote with his uncle, and if Anund Jonsson also agreed, a theoretical basis of eight votes out of nine possible at least gives the appearance of optimal compliance with constitutional rules. Of course there had been no formal convocation of delegations for each lawspeakership, taking part in the decisions, but in a civil war situation, that would not have been very realistic anyway.

However, if the intention had been to make a constitutional designation, why didn’t Karl Karlsson and Anund Jonsson sign the

⁵⁰² At least he appears to have had also judicial functions during his long tenure.

⁵⁰³ The credentials of his subcommanders signing at the same time do not inspire confidence in a legalistic interpretation of the Crown offer. Jacob Mus, Nils Svarteskåning, Abraham Brodersen and Sven Sture all belonged to the category treading the thin line between professional warfare and brigandage (ST II:41 1a).

letter? Why didn't the foremost lawspeaker, Karl Ulfsson, who, according to the law, was required to lead the whole election ceremony, sign the document, and, finally, why didn't they identify themselves as lawspeakers in the document?

In this letter of allegiance, they explicitly identify themselves as Bo Jonsson's *testamentarii*, being responsible for the castles and fiefs held by Bo Jonsson, and bequeathed by him to a foundation for which they are the formally appointed board of direction, and in this capacity they transfer their formal allegiance and fealty from Albrecht onto Margaret. This is a complex combination of private and public institutions, making deliberate use of the ambiguities inherent in the co-existence of feudal customary law, private property law and canon law.

That Karl Ulfsson was withholding his signature (he did not sign the letter of ratification in May 20th either) may have been pure tactics – probably the trust did not want to give Queen Margaret the constitutional legitimacy which they would no doubt have been capable of conferring upon her⁵⁰⁴, before she had given any constitutional guarantees. Such guarantees are demanded in a letter to her from 1389, where Karl Ulfsson *does* sign, together with ten other executors and as one of six or seven (counting Puke) lawspeakers (Linton 1971:173) The contested Unification letter from Kalmar 1397 – the last attempt to bind her to formalities – carries his seal as the first secular signatory.

C. 1388-1396: Queen Margaret's rise to power

As discussed above, three to five executors are lawspeakers at Queen Margaret's accession, and Erik Kettilsson (Värmland) may at least have had parallel functions. Anund Dansson (Öland) is an established councillor belonging to the same circles as the executors. Jakob Djäkn (Finland) remains in office until Finland is brought under control. Some replacements have been made either by Queen Margaret or by the trust before they call her in. All of these are executors except **Karl Karlsson** (Närke) who is the nephew of an executor, and the son of one of the leading magnates of period III. **Ivar Nilsson** (Östergötland) is the only replacement that must have been made *after* her accession, and he is quite possibly a co-opted

⁵⁰⁴ Jakob Djäkn's title could of course have been disputed, and Algot Magnusson might have been a reasonable candidate for Västergötland. In addition to commanding two of the local castles, he owned estate in several hundreds there and his maternal grandfather and double namesake had belonged to an old lawspeaker family in that province (ÄSF 3, 203).

member of the trust (he appears together with trust members as an executor of Karl Ulfsson, and seems to take an active part in his machinations)

IV. Royal recentralization (1396-1434)

The fourth period starts with Queen Margaret's new strategy: to rule through personal ties of dependence, and to move around castellans frequently. She lets the offices of the realm fall into desuetude and largely replaces the bottom-up moot (*ting*) system of adjudication with *ad hoc* royal inquiry commissions. Financial restoration proceeds through resumption of 'illegal' fiefs, revoking all grants and tax exemptions made during the third period, and stability is achieved through 'freezing' the proportions between the state sector and the private sector of tax-exempt noble land. The mortgage fief principle, which removed large parts of the economic base from the state, while also leaving the enfeoffed areas open to destructive short-term exploitation, was discreetly reformed. As the lack of liquid assets was still an urgent problem, Queen Margaret started to employ church institutions to solve her realization problem (Linton 1971). She made them advance ready money, and in return allotted them temporary fiefs whose rents were discounted against the loan until it was fully repayed and the fief returned. Linton argues that this gave her three advantages:

- (1) fast access to cash when necessary
- (2) interest-free loans
- (3) the problem of exacting the rents was passed on to the creditor

I would add (4) that the fundamental problem of realization was also transferred to the personnel of the church, and (5) that the risk of counterproductive over-exploitation was minimized, as the church had an interest in long-term viability at least equal to the Crown's. Also, (6) legitimacy problems were reduced, and chances were that ecclesiastical exactors would tend to use their powers of persuasion to a higher extent, and tone down the physical intimidation aspect. The 'feudal realization'⁵⁰⁵ of point 4, however, not only solves a problem for the Crown, but also opens the possibility for administrators specializing in making this conversion profitable⁵⁰⁶

Still, continuing warfare necessitated even larger amounts of cash, and the new and harsher level of taxation led to popular turmoil. A

⁵⁰⁵ See p 46.

⁵⁰⁶ Lönnroth's examples include Hans Kröpelin, Christiern Nilsson (Vasa), Nils Gustavsson (Rossvik) and Bengt Stensson (Natt och Dag).

small group of three councillors (all of them members of the testamentarian trust) devised a tax reform attempting to protect gentry tenants but also to reduce opposition through minimizing peasant transaction costs, putting together groups of four peasants, who were to pay the largest part of the tax in kind (Dovring 1951). The taxes remained at more or less the same level – for tax and crown peasants – but arguably the new exaction method may have made it *appear* less oppressive – at least to begin with. The transaction costs were largely removed from the tax-payers' concerns⁵⁰⁷, and the system of *gårder*, collective tax-paying units, exploited the principle of solidarity through mixing wealthy and impoverished peasants in equal proportions, giving them the collective responsibility for raising the full amount. This may have been a dangerous route, though, as it might tend to strengthen the peasants' collective responsibilities and thus also their capacity for collective resistance. At the same time the full tax exemption of the *frälsebönder* had been restored, as they remained outside the *gård* system, and this might have served to alleviate the labour shortage for the gentry.

Lawspeakers during the fourth period:

A. 1396-1412: Queen Margaret's reign after the Kalmar negotiations

Some of the new lawspeakers conform to the earlier pattern, like the two executors **Ture Bengtsson** (Uppland) and **Sten Bengtsson** (Öland), two brothers belonging to the family of Bielke. Sten is later followed by his son **Ture Stensson** as **Nils Erengisleson** (Hammersta) succeeds *his* father in Södermanland. **Agmund Hatt** (Värmland) replaces Erik Kettilsson as a castellan, but is at the same time appointed a lawspeaker⁵⁰⁸. Others are '*new men*' with an only

⁵⁰⁷ That might have been an advantage also for the Crown, which became insulated against inflation, provided that the 'realization problem' was solved (see p 139).

⁵⁰⁸ He also resembles Erik in that he appears to have a closer personal allegiance to the royal family. King Håkan calls him '*vår mågh och tjänare*' in a letter from 1371 (Engström 1935:177n265), which shows that he not only had entered the King's service, but also had married into the royal family. Actually, his wife was a granddaughter of Magnus Birgersson, the son of king Birger. Magnus was executed after the murder of the Dukes and Birger's escape abroad. Still King Håkan, the grandson of one of the murdered Dukes, uses the word '*måg*' which to us means 'son-in-law' to describe *his second cousin's* son-in-law. This may serve as a warning not to underestimate the possible importance of distant kinship.

marginally gentile background, risen in her service as *royal inquiry judges*: Both **Erik Erlandsson** and his successor **Gustav Magnusson**⁵⁰⁹ (Västergötland), maybe also **Karl Magnusson** (Tiohäräd), whose first recorded appearances are in inquiry courts, but who from the beginning is defined as judging on behalf of the lawspeaker, together with other judges acting as *konungsdombavande* (judging on behalf of the King – or in this case the Queen)⁵¹⁰.

Bengt Stensson (Natt och Dag) in Närke might appear to fit into the first pattern, as he is the son of an executor, Sten Bosson. If Sällström (1951:61) is right, however, the fact that Sten Bosson takes over the sole responsibility for the remainder of Bo Jonsson's estate in 1390, means that he has entered her service and become estranged from the group – something further confirmed, Sällström argues, by his absence from the list of signatories in the Unification letter. If this is correct, Bengt may be more comparable to the second group, or maybe rather to Agmund Hatt, as he is one of the few Swedes who are also entrusted with a castle-fief (not within his own lawspeakership, though).

Eric of Pomerania during his first twenty years of rule seems to have tried to achieve better relations with the Swedish aristocracy, especially through authorizing more permanent and independent inquiry courts, and delegating to these the treatment of complaints and revisions of earlier verdicts. them a chance to revise earlier (Bjarne Larsson 1994, chapter 4). Probably the relative lack of serious conflicts before 1430 was largely due to the role of the Queen, Philippa (a sister of Henry V of England) whose extensive dower was located in Sweden, and whose chancellor, bishop Thomas (*cf* Schück1976), was an efficient and diplomatic administrator. After her death, however, Eric proceeds to alienate an exceedingly wide spectrum of social groups in Sweden through his further development of Margaret's mode of rule.

Many of her castellans had certainly been tough and unpopular, but her constant supervision and relocations must have held their self-indulgence under tighter control than would have been possible under Eric's policy of long mandates and independence from local power networks. Although he had made important concessions in the adjudicatory dimension, the fiscal-military administration of castle fiefs was held strictly separate, as during the preceding period. This

⁵⁰⁹ Gustav Magnusson is a partial exception or compromise, as his mother-in-law is the daughter of an earlier lawspeaker (ÅSF 3)

⁵¹⁰ In any case, his social background is similar to the others.

certainly opened for conflicts of competence, and in the general rebellion from 1434, I consider the role of the lawspeakers to be crucial. The rebellion I have analysed in a separate article⁵¹¹, and here I will only discuss the individual lawspeakers.

C. 1412-1434: Eric of Pomerania before the rebellion

In the beginning of his reign, Eric starts out with a mixed lot of lawspeakers inherited from Margaret: two executors, one possible co-opted executor, three sons of executors (one of whom *may* have been estranged from the group⁵¹²) and two or three 'new men'. The eight to eleven lawspeakers⁵¹³ appointed before the rebellion breaks out in 1434, I will discuss one by one, as one of the complaints against Eric is that he has forced unworthy lawspeakers and hundred sheriffs onto the communities⁵¹⁴. Number 1 may have been appointed by Margaret and number 11 by the insurgent council.

1. Värmland 1406/13 Olof Björnsson (Sparre i Västergötland)

Seems to have had connections with the family of his predecessor Agmund Hatt from at least 1389. Appears as a witness in his family transactions, but does not seem to have had any important connections otherwise. Lower or middle gentry background. The family attribution above is taken from table 124 in SMV where Raneke combines several 'persons mainly domiciled in Västergötland, but whose genealogical connections are unclear' all carrying a chevron⁵¹⁵ in their blazons. Apart from Olof, six of these were hundred sheriffs,

⁵¹¹ Chapter 3 above.

⁵¹² However, many of the old executors continued to serve under Margaret without any open dissent, and appear to have accepted their defeat and devalued their ambitions – at least outwardly. There seems to be no other indication of the presumed 'break' in the group, than Sällström's own interpretation of the way the testament question was settled.

⁵¹³ I leave the Finnish lawspeakers out of the picture as I haven't found any authoritative list. The discussion in Anthoni 1970 suggests that they would in general have conformed to Margaret's 'new men' pattern.

⁵¹⁴ Huitfeldt

⁵¹⁵ My translation. As the chevron is a common charge (22 tables in SMV), and the tinctures are unknown, their relationship is quite uncertain. However, there are several aristocratic families with uncertain interrelations carrying a chevron, and as many of these have been lawspeakers (four members of the Tofta lineage, Gustav Arvidsson and his son Arvid), they may have had clients among their hundred sheriffs adopting similar arms (this argument may also be applicable to Erik Erlandsson, see above).

which might reflect a strong background in the local judiciary level (however, not more than one of these predated Olof; on the other hand office-holders in the preceding period are only partly known).

2. *Uppland* 1415/21 *Nils Gustavsson (Rossvik)*

One of the more spectacular careers of the period – from an insignificant country gentry background he reached a position otherwise only open to the most splendid among the magnates (see page 185ff). One of the crucial actors in the events leading up to the general revolution against Eric of Pomerania. See below.

3. *Västmanland* 1417/22 *Karl Tordsson (Bonde)*.

The son of one of the executors, who had also been one of Margaret's most trusted castellans in Finland. Karl Tordsson's role in the rebellion is unclear – he might have stayed loyal to Eric or tried to keep away from the conflict – he should reasonably have been the first instance responsible for solving the Jens Erikssen problem, as Västerås belonged to his lawspeakership, but it is also possible that he was holding a castle in Finland at that time (see page 193 above).

4. *Östergötland* 1418/20 *Magnus Eriksson (Örnfot)*

An aristocrat with close ties to the testamentary trust. His father, Erik Karlsson, had been a prominent member of the council during Albrecht's reign. Linton considers him to have been a *camerarius* or treasurer, although he is not mentioned with that title in any official document. He had been a lawspeaker, a captain of Öland and then of Östergötland. Magnus' cousin had been a member of the trust, and he married the daughter of another member: Sten Bosson (Natt och Dag). Magnus became castellan of Ringstaholm in 1419, and thus appears to have combined castellany and lawspeakership.

5. *Öland* 1424 *Bengt Dansson (Båt/Sune Jonsson's line)*

Belonged to a well-established aristocratic family with important trade contacts having played a central role in the border area for a long time (see above, page 240). His mother-in-law was the daughter and granddaughter of lawspeakers from Östergötland, and a niece of Sune Jonsson (ÄSF 13). According to Raneke (SMV 560) Bengt should have been a nephew of Sune – the first known lawspeaker of Öland (in 1319) – and thus also a cousin of Earl Erenigisle Suneson of Orkney. Chronologically, this sounds a bit unlikely, but if his

presumed father Dan Jonsson was born at the time of *his* father's death, and was 55 when Bengt was born, the latter would have become a lawspeaker at 55. Neither of these assumptions is unrealistic, and a little leeway on either of them is quite imaginable.

6. *Värmland* 1424 *Nils Tykesson (Välinge)*

Brother-in-law of his predecessor Olof Björnsson (above, nr 1). Not much is known about him, typically lower-gentry background. Possibly also a castellan (H. Nilsson 1997:96)

7. *Östergötland* 1426 *Gert Jonsson (Vinäs)*

Son of a hundred sheriff of gentry background. His mother belonged to a noble German immigrant family (Moltke) with important aristocratic connections, and he married into the Sture family. No connections to earlier lawspeakers though. Possibly also a castellan⁵¹⁶.

8. *Östergötland* 1426/28 *Olof Ragvaldsson (Lindö)*

An unclear case. A castellan of the same name is chased out when the castle of Piksborg is burned during the rebellion, but on the other hand Olof, the lawspeaker, takes part in the revolutionary council meeting of 1435. Through his mother he was related to several earlier lawspeakers, including his granduncle Ulf Jonsson (one of the *testamentarii*).

⁵¹⁶ According to an 'undocumented reference' by Styffe (Fritz 1973:89n4).

9. *Tiohäräd* 1427 *Arvid Swan*

Had been in the service of Ture Stensson (Bielke), the earlier lawspeaker of Öland. Strictly lower-gentry, possibly German, background. Takes part in the rebellion. Army commander with a ruthlessness matching Karl Knutsson's (Kumlien 1933:107), and already at an early stage allied to him. Later executed for treason.

10. *Västergötland* 1434 *Knut Jönsson (Tre rosor av Mörby)*

A very disconcerting case: a great grandson of the prominent aristocrat Bengt Hafriðsson, of semi-royal descent, but after that his family seems to have been undistinguished for a couple of generations. Knut's grandfather, Bengt's son-in-law, *may* have been a lawspeaker for one or two years during the civil war (according to Stiernman's notoriously unreliable list in SGH). Knut paid penance for killing the earlier Västergötland lawspeaker Erik Erlandsson – one of Queen Margaret's favourite inquiry judges and therefore probably a zealous and ruthless prosecutor – at some time between 1403 and 1421.

Knut succeeded Gustav Magnusson, who had been working in close cooperation with the slain lawspeaker, and who carried the same blazon as Knut, although the probable relation between their families is undocumented. He seems to have joined the rebellion from the very beginning, and was appointed one of Engelbrekt's subcommanders, sharing the captaincy for Västergötland⁵¹⁷ with the local bishop, Sigge of Skara.

11. *Värmland* 1428/35 *Björn Nilsson (Vinge)*

According to letters printed in Nilsson 1997 (1391 28/7, 1397 12/3) his father Nissa Björnsson had been an alderman (*rådman*) in Oslo, with important trading and landholding interests in Värmland. Maybe an example of the 'feudal realization'-type administrator, although he is not mentioned as a castellan. Although his title is not in evidence before 1435, he is probably also appointed by King Eric. If he had been appointed by the revolutionary council, he should reasonably

⁵¹⁷ He was the only one among the subcaptains without any identifiable relation to the estate of Bo Jonsson. Bishop Sigge was a relative of Bo Jonsson and a legatee of his will.

have taken part in the rebellion, but he does not appear in any of the documents from the rebel side.

The rebels' protest against the appointment of 'unworthy' lawspeakers seems a bit puzzling, as the most likely suspects, the lower-gentry roughneck commander Arvid Svan, and the possible murderer Knut Jonsson (Tre Rosor) belonged to the early insurgents. From a really aristocratic standpoint, Nils Gustavsson's appointment might have been the most objectionable one.

Or was the protest actually directed against an earlier generation appointed by Margaret – Erik Erlandsson, for instance – although the blame was pinned on Eric? Most probably, the discontent was directed primarily at the lowering of the social status level of the lawspeakers, and that had started already under Margaret, though it was of course rhetorically more effective to accuse the king whose authority was being contested.

Nils Gustavsson's dilemma – the double role of the upstart

Nils Gustavsson (Rossvik) was, together with Bengt Stensson (Natt och Dag) in Närke and the future High Steward Christiern Nilsson (Vasa) one of the very few Swedes entrusted with a castle-fief by Eric (large parts of Norrland; *cf* Fritz 1972, 1973 for particulars of castellanies). These three seem to have had important functions in Eric's mode of resolving 'feudal realization', converting the in-kind taxes into hard cash through extensive trading. The commutation of taxes specified in kind into monetary taxes converted at inflationary rates is cited as one of the major causes of general protest in documents from the rising as well as in the 'Engelbrekt Chronicle', but there may be reasons to suspect a discontent also among those administrators who must have seen their pivotal and profitable trader function deteriorate.

Christiern Nilsson (Vasa) and Bengt Stensson (Natt och Dag) with their extensive family networks played more cautious roles in the rebellion, but Nils Gustavsson was a *homo novus*, who must have been lifted into his double role as the highest judiciary in Sweden (in the absence of a High Steward) and as the government official most well-positioned to profit by the important Norrland fur trade (Olofsson 1962, Fritz 1973), solely by the favour of Eric⁵¹⁸. When Eric relegated to the Swedish judicial system the solution of the grievances

⁵¹⁸ Or possibly Margaret, depending on how and when his career took off.

against the Västerås castellan Jens Erikssen, whose role in the iron trade⁵¹⁹ must have paralleled Nils Gustavsson's in the Norrland fur trade, he had surely not intended that the leeway given Swedish judges to revise too unpopular verdicts against fiefholders and churches, would be extended to discontented miners and peasants. Nils Gustavsson was forced to choose between his two incompatible roles, and preferred insurgency to giving up his hard-won authority and central position in the Swedish elite, as the successor of men like Birger Petersson and Karl Ulfsson, beside Bo Jonsson (Grip) the most formidable Swedish magnate of the later 14th century.

The recruitment of lawspeakers, period I-V

Using indexes for social background, we can get an overview of the changing recruitment during these period. My 'Nobility index' is based upon the standard delimitation of Swedish medieval aristocratic status (*bögrälse*) where the titles of *riddare* (knight) or *riksråd* (councillor) are taken to signify noble rank⁵²⁰, and upon the common notion of four generations of noble ancestors as a requirement for full noble status (*Cf* SMV). As female noble status is difficult to verify consistently enough, my operational definition of 'full nobility' (Index=100) requires that every male in the four preceding generation is either a knight or a councillor (as I also assume that one ancestor with both titles can compensate for one without either, provided that they belong to the same generation, it becomes possibly to rate more than 100).

The index is therefore constructed like this: If k_n = the number of knights in the n^{th} generation of ancestors, and c_n = the number of councillors in the same generation, than the nobility index is defined by: $\text{Index}^N = 25 * \sum (k_n + c_n)$ when n goes from 1 to 4.⁵²¹

⁵¹⁹ As his extensive activities as a buyer of land indicate, he must have had an important role in converting tax objects into cash (cf the discussion of the 'feudal realization problem' on page 46).

⁵²⁰ When the Swedish nobility is constituted as a corporate body in the 'House of Knights' (*Riddarhuset*) in 1626, the second or knightly class was defined as comprising those descendants of councillors who had not been elevated into comital or baronial rank by the reforms of Eric XIV and John III.

⁵²¹ The multiplicator 25 is required to bring 'full nobility' up to the level of $\text{Index}^N = 100$.

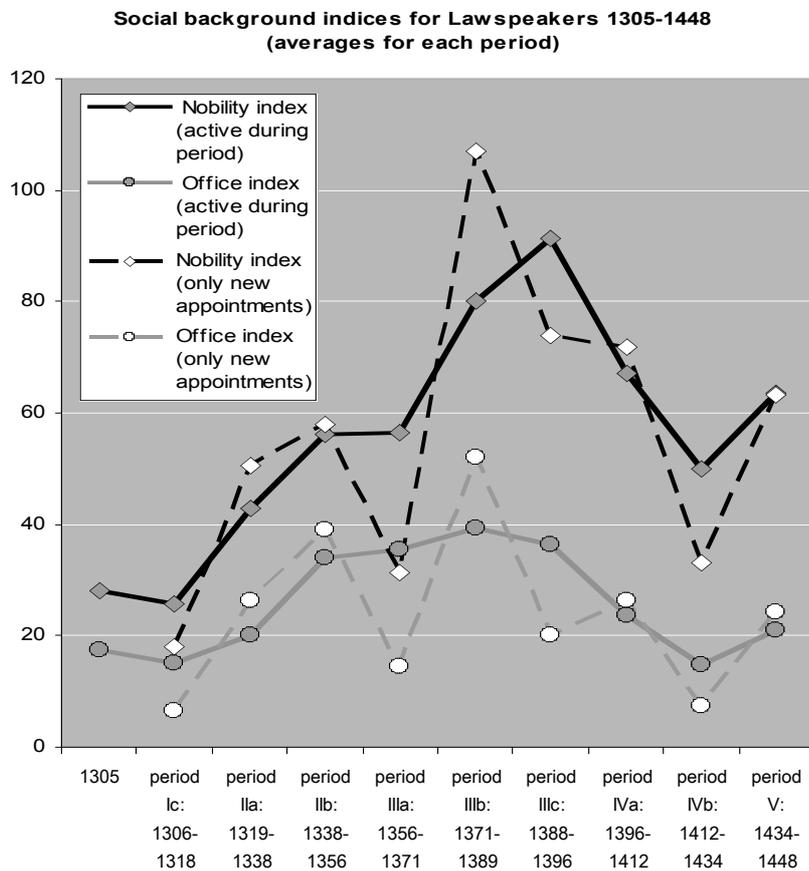
The office index counts lawspeaker titles, but also higher titles ('the High Offices of the realm': *marsk*, *drots*, *camerarius*⁵²² but also *Jarl* and bishop)⁵²³.

As the practices of dubbing knights (Löfqvist 1935) and appointing councils (Jägerstad 1948) both are institutions even younger than the lawspeakership, the indices are hardly applicable before 1305, the earliest year for which we can identify a complete list of lawspeakers. The low scores for the first periods also reflect the recent introduction of aristocratic titles, and thus the steady rise from 1305 up to the later Mecklenburg period of 1371-89 is in part just a measure of the speed with which these titles proliferate. All this, however, just makes the sharp contrasting break after Margaret's accession appear even more drastic, and the first 22 years of Eric's reign push down the index rating even lower. If we look at the ratings for new appointments the contrasts are intensified, and the period of *de facto* council rule 1371-88 becomes the only period where 'full nobility' is the general rule.

⁵²² A person who becomes a lawspeaker and a Marshal, for instance, is counted twice, but I count only one of the High Offices per person, in the same way as I do not count more than one lawspeakership for one individual.

⁵²³ The office index becomes considerably more exclusive. The highest recorded office index is 88: Magnus Knutsson (Aspenäs) of Östergötland, while the highest nobility index for a medieval lawspeaker is 141. This is scored by Magnus Bengtsson (Natt och Dag) of Närke, Engelbrekt's murderer and later for 18 years the highest guardian of justice in the province where the murder was committed.

Chart 26: lawspeakers: levels of aristocratic background



Despite a certain influx of lower gentry in the revolutionary coalitions of the 1430's⁵²⁴, the aristocratic component is visibly strengthened during the period of struggle against King Eric, and during the reign of King Christopher of Bavaria, when local power was wielded by a college of four regents who had all played important roles in the rebellion.

As far as I can see from my preliminary results for the remainder of the Middle Ages, the further increase of lawspeakers with an aristocratic background during the next period – dominated by tripartite power struggles between Karl Knutsson, Christian of

⁵²⁴ See my analysis of the 'revolutionary council' of 1435 in Chapter III.

Oldenburg, and the Swedish episcopate – is a short-lived⁵²⁵ exception. The aristocratic background of the lawspeakers would never more⁵²⁶ reach the level held by the time of King Eric's accession in 1412, let alone the apex from the era of Karl Ulfsson of Tofta and Bo Jonsson (Grip).

The survey in this essay has demonstrated that the traditional notion of lawspeakers as representatives of a strong regional power rooted in peasant communities finds no support in the social backgrounds of the early lawspeakers. On the contrary, the typical early lawspeaker had close family ties to the royal dynasty⁵²⁷. The lawspeaker group also shows a high degree of coherence and continuity over time, and appears to have been one of the most stable institutions in the medieval state.

The disjunction between the authorities of lawspeaker and castellan⁵²⁸ is another important finding, as is the decline of the lawspeaker's aristocratic status from Queen Margaret onwards.

⁵²⁵ The effect is due to appointments made in 1450-52, including Engelbrekt's murderer Magnus Bengtsson (Natt och Dag) and Karl Knutsson's halfbrother and halfbrother-in-law.

⁵²⁶ Never during the Middle Ages, that is. When the lawspeaker institution is redefined as a component of the new administrative apparatus of early-modern Sweden, the title will, once more, become attractive also to the very highest aristocracy.

⁵²⁷ This appears to decline over time – probably reflecting a growing social distance between royalty and aristocracy.

⁵²⁸ At least up to the Engelbrekt rebellion, with a few exceptions noted above, page 239f. The investigation of the later part of the middle ages is not yet concluded.

Appendix on genealogical argumentation

In a relatively large part of the genealogical material, there are conflicting views as to the proper interpretation of relations between lawspeaker families. As I have had to enter a field of argumentation which is quite new to me, and which seems fairly dangerous for unarmed trespassers, I think that it might be necessary to make a few comments. In a few cases I have accepted – albeit with reservations – identifications from older literature although they have been disputed by modern expertise.

As I do not want to appear neglectful, I find it prudent to account for my decisions.

Case 1: The identity of Bero, lawspeaker of Södermanland.

Gillingstam (ÄSF 139) has rejected the customary identification of Björn Näf and the '*Bero legifer sudermanniae*' appearing in SD 811 and DS 913, claiming that BN was a knight already when he first appears in 1276 (DS 618), while his lawspeaker namesake was not. However, if we presuppose that appearance in a list of signatories preceded by the intitulation '*domini*' is a secure indication of knighthood even at this early date, then Bero legifer could on the same grounds be presumed to have been a knight. However, when Löfqvist makes an admonition against this type of presumption, he refers to DS 1, p512 (Löfqvist 1935:77, n36), which is the only charter listed in K H Karlsson's register where Björn Näf is identified as a knight! That he also explicitly rejects the list in this charter for the specific case of Björn Näf's chivalric status is evident from p85 where he states that BN was not a knight even by 1285-86. This is the very list cited by Gillingstam (618 is the charter number, while Löfqvist refers to the page number, 512).

Case 2: Could Bengt Hafridsson, lawspeaker of Västergötland, have been a son of the earlier lawspeaker Gustav?

Gillingstam in ÄSF116 considers the use of metronymic and patronymic, respectively, as an indication that BH and his known sister Ramfrid Gustavsdotter would most likely have been half-siblings, in which case Bengt could not have been the son of the earlier Västergötland lawspeaker Gustav. The silent assumption behind that conclusion must be that the motivation for choosing a metronymic could not be gender specific. The surnames of men like

Bengt Hafridsson, Karl Ingeborgason, Karl Estridsson and Nils Sigridsson are generally assumed to have constituted claims on a share in the higher status of their maternal kin in preference to their less distinguished paternal affiliation, and even if Bengt's father would have been one of the earlier Westgothian lawspeakers - as has been widely assumed in the genealogical literature - a relationship with the ducal/royal family would have been more important to signal (as the lion in his blazon is also supposed to have done). In his sister's case, however, we have no reason to assume that she had any choice. The role of women as pawns in the matrimonial dowry market seems to have left no space for individual aspiration markers like high-status metronymics. If it had, why don't we have a single clear-cut example⁵²⁹?

In the index of Raneke's medieval Swedish armoury (SMV), I have only found one possible case of a female metronymic. It is difficult to compare with the number of female patronymics, as I suppose that they in a considerable number of cases will have been supplied (for easier identification) by the author. Still, at least 2,040 cases are listed against the single possible exception: Cecilia Helgadotter, whose name might be interpreted as either a patronymic formed from the male name Helge (possessive form Helga- or Helges-) or as a metronymic from the corresponding female name Helga. It is interpreted as a metronymic on page 799-800 (her mother's name is there assumed to have been Helga). On page 804 an alternative filiation where the name is attributed to her possible father Helge or Hägge is offered. The only documentary reference supplied is to SD 1015, which the editors of SMB have reprinted for the electronic register, normalizing her surname as 'Helgesdotter' (SMB 1711), thus interpreting the name as a patronymic.

Thus I can see no reason to *assume* that Bengt Hafridsson's father was not Gustav lagman, which seems to make sense in view of the high frequency of inheritability – at least 42%, even if we subtract Bengt Hafridsson's case.

⁵²⁹ I have consulted Dr Audur Magnúsdóttir on this matter, as she is an expert in gender history as well as in medieval history, and – being an Icelander – carrying a patronymic in accordance with the still unbroken medieval custom. She could not recall having heard of a single case of a medieval woman carrying a metronymic.

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- VgL I Ed. Holmbäck-Wessén: *Äldre Västgötalagen.* in SLL V.
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