



Governing Urban Space through Sound

Aural and Audible Procedures in Norwegian Town Laws

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This article investigates the role of sound within the textual and legal contexts of town regulations in medieval Norway. Specifically, it examines how town governance in medieval Norway necessitated the incorporation of sound in the described processes of written law. It explores the extent to which medieval legal records described sound within the law text and examines its functional and symbolic purposes. By contextualizing urban legal uses of sound against rural district law and laws pertaining to specific societal groups, the study contributes to our understanding of sensory dimensions in legal symbolism, complementing existing research on visual and material symbols. The article highlights the significance of aural and audible manifestations in urban spaces and their broader legal implications.

Introduction

The role of sound in medieval urban governance is an overlooked but significant aspect of legal administration, particularly in how it was expressed and codified within law texts. In medieval Norway, sound not only served as a functional tool, but also carried symbolic weight in town regulations and governance. This article investigates how various sounds, such as voices, bell ringing and horn signals, were explicitly incorporated into written law, shaping collective responsibilities and legally binding actions. By examining the expression of sound in legal texts and comparing its use in urban and rural settings, the study reveals the wider social and legal implications of auditory practices in medieval Norwegian towns.

In the field of medieval law, symbolic aspects have been studied at length (ex. Cohen 1989: 74–84; Cohen 1993; Riisøy 2021; Neu 2023). Others have looked at rituals in legalistic forms (ex. Gustavsson 2013; Nordby 2018: 153–157; Hayaert 2021: 58–61; Frankot 2020). The descriptions of legal procedures could be immersed in symbols and rituals, or with visual presentations of law, such as a law book or a juror, or tactile demonstrations of the acts, for instance a handshake or a contract. Never-

theless, these integrated representations of law that the law texts convey are now understood as functional practices. Within such a framework, sound could also be analysed, to understand how and why sound was part of the legal procedure and why sound was mentioned explicitly in the text itself, and whether this represented the (royal) authorities or mere practical solutions. To carry out this analysis, it is necessary to map the contexts in which sound appeared in the laws, and analyse how sound or sound-producing mediums were presented and described in law texts concerning urban regulations. A number of studies have been conducted on the topic of church bells in the middle ages.¹ Recent years have seen increasing scholarly interest in the sensory world of the medieval person, which encompasses hearing, soundscapes and the functional, as well as aesthetical, role of music.² Ongoing projects investigate the impact of sounds in situations of crisis, such as the battleground.³ However, little research has been conducted on the topic of how and why sound is legislated, the broader significance of sound in an urban setting, and the relationship between sound and textual laws.

This investigation focuses on instances where the significance lies not in spoken words, such as witness statements, oath-giving, accusations, and similar actions, but in the auditive element. While such verbal communication undoubtedly falls under the category of sound-producing actions, procedures requiring spoken words are excluded from this study except in the instances where the ability or quality of producing vocal sound was crucial. Consequently, instances such as those mentioned above although reliant on vocal sound, are omitted except where the sound-making takes priority over the words spoken and has legal significance in itself.⁴

The following examination of sound as a tool of governance in the Norwegian town laws is structured according to the classification of sound-producing medium, to better understand what were the legal implications of the different sounds as they were conveyed in the law text. After an initial presentation of written law in medieval Norway, the legal implications of sounds produced by the human voice are discussed, first the use of voice itself, and thereafter in connection with the concept of noise-making. Thereafter, two sections each consider how instrumental sound was woven into the written town regulations, by first discussing bells as sacral sound in secular

¹ A key work of identifying, although not analysing, legal bell ringing being Lippert 1939.

² See, for instance, Constable 2010; Dillon 2012; Tirosch 2021; Baker 2021.

³ For instance the project *Der laute Krieg und die Laute des Krieges. Belliphonie im Mittelalter*, Deutsche Forschungsgemeinschaft (DFG).

⁴ For a study of the oath system in medieval Norway, see Nordbye 2018. Little is known as to whether oaths could be given without speech, for instance in sign language.

urban law, and then the horn as a signal of urban government and an urban identity marker.

Sounds in Town and Text

The earliest Nordic medieval laws were recorded in the eleventh–twelfth centuries, in a period of transition from oral to textual legal binding. The recording of the law is not itself an indication of this transition, but the law text contains formula that express power of written law at the emphasis of the legal authority. This is particularly true for the legal reform from the mid-thirteenth century, as pointed out by Gudmund Sandvik (1986: 567–568; cf. Melve 2023). The National Law in 1274 and the Town Law in 1276 contain several examples of how authority was transferred from the spoken to the written word.⁵

The extent to which early law functioned as a form of documentation of oral traditions or a codified system establishing authority by claiming roots in 'the good old law' has been the subject of a long historical debate.⁶ In any case, the early legal texts reveal a legal culture in which oral, aural, and visual practices conveyed authority, with limited references to a reliance on written proof or documentation of a contract. This non-textual legal culture also prevailed in the oldest extant written urban regulations a fragmented collection of regulations for the town of Nidaros dated to the late twelfth century, known as *Bjarkeyarréttr*.⁷ As the principles of law transitioned towards a more text-based approach with the reformed laws of the 1270s, it becomes intriguing to comprehend how non-textual legal elements, such as sound, find expression in written form. In this context, it is necessary to examine how sound was assigned functions in the legal landscape and articulated in text. Consequently, a more in-depth analysis is warranted to understand the role of aural and auditory procedures in written law.

The *Bjarkeyarréttr* of Nidaros is the sole surviving urban regulation from before the late thirteenth century, but there are indications that other towns with royal seats, such as Tunsberg, Oslo, and Bergen, also had their own *bjarkeyarréttr* (see Tveit 2023b: 158). The existence of written law in these royal residence towns adds weight to the argument that Norwegian towns and their associated laws were predominantly

⁵ See references below.

⁶ A rebuttal of the legal theory that Norwegian law was moulded on an idea of 'das gute alte Recht' was recently published by Njåstad, Opsahl & Sunde 2023.

⁷ Printed in NgL I, p. 303-36, Meissner p. 310-457 and Hagland and Sandnes 1997. See discussion on dating in Hagland and Sandnes 1997: IX-XVI. The name, although debated, is thought to derive from the old term for a place of trade, *birka*. See Wessén 1956, col. 657-58.

governed by royal authority rather than independent town lords.⁸ In the 1270s, the Norwegian kingdom witnessed the promulgation of three new laws as part of an ongoing legal reform initiated by King Hákon Hákonarsson (r. 1217–1263) and continued by his son King Magnús (r. 1263–1280). These new laws comprised, firstly, one for the royal guard (*hirð*), dated approximately to 1273–1277 (Imsen 2000: 24). The second law, enacted in 1274, was a comprehensive law of the land that replaced the provincial laws and marked the first legal code to cover the entire kingdom; it is referred to here as the *National Law*.⁹ Subsequently, in 1276, a third law was promulgated specifically for urban areas.¹⁰ Initially issued for the town of Bergen, which was one of the largest towns in Scandinavia at the time (Helle 2006: 110), this Town Law of 1276 was subsequently adapted for the three other royal residence towns of Tunsberg, Oslo, and Nidaros, and later became generally valid.¹¹ The Town Law follows the same structure and content as the National Law but is tailored for urban conditions. It includes separate sections regulating urban security, urban life, and urban contract law, in addition to a maritime law written for seafarers.

The Norwegian kingdom, as well as the Norwegian realm, was very little urbanised, with an estimated five percent of its population living in the 13, mostly small, towns around 1300 (Helle 2006: 61–62, 117–118). Furthermore, the Norwegian Town Law of 1276 emerged within a context where written law had long taken precedence over oral traditions. However, the legal culture represented by the law was rooted in a reality where communication primarily relied on oral means. Consequently, it also relied on auditive means and the aural reception of the law. The laws outlined procedures where the spoken word predominated over written proof, even as the significance of written evidence was concurrently increasing. The emphasis with the reformed law on text over talk might have been a deliberate strategy on the part of the lawmaking authorities, as a recent study conducted by historian Leidulf Melve has suggested (Melve 2023). His research sheds light on how the Norwegian royal administration sought to establish the supremacy of written legislation within what he identifies as the predominantly oral and auditory legal culture of Norway.

⁸ The exceptions are Hamar and Stavanger, which were episcopal seats and seem to have been governed by the bishop who resided there.

⁹ *National Law* 2018; also found in NgL II, pp. 7–178. There is no agreement among scholars on what the best English term for the law termed *Landsloven* in Norwegian is. There are several names in use, such as “National Law”, “Code of the Realm” or *Landsløg*, all of which have issues related to its meaning.

¹⁰ *Bylov* 2023; also found in NgL II, pp. 185–290.

¹¹ For this process, see discussion in Tveit 2023b: 160.

The development is parallel to what Matthew Clanchy has observed in Europe, albeit occurring somewhat later (Clanchy 1993).

Medieval urban government could rely on the premise that the urban space is more densely built-up, and concentrated, compared to its rural surroundings. Within the urban space, certain modes of communication could be utilised in ways that are not feasible over large rural expanses, particularly in regions of medieval Europe such as Norway, where topography and geography ensured vast depopulated areas. These could be sound and visual symbols of power.

The density of the urban area would make sound more prominent in town laws than district law. It is possible to differentiate in the Norwegian medieval legal corpus in terms of what types of symbolism formed part of written law, and probably legal practice. The rural law was communicated with visual and tactile objects. An example is the case of when an ad hoc assembly had to be summoned: It was to be done by a horn sound in the towns, but with 'the cutting of messages' or *arrows*, a physical object passed between the farmsteads in an intricate web of communications throughout the relevant law district.¹² Sound was not completely absent from rural law. For instance, in the extant version of the provincial Law of Gulathing from the mid-thirteenth century, ineligible nominations for a jury should keep out of hearing distance from the jury, while a petition for divorce would have to be made clearly enough for both parties to have heard it.¹³ In the National Law of 1274, an animal pit was to be dug at such a distance from a farmstead so that sounds from it did not reach the closest animal compound (MLL VIII-63). However, sound had no function in the rural law, apart from the fact that procedures relied on oral and aural abilities, where the law would be spoken and heard by the participants.

Crier, shouting and the human voice

A town crier would be a familiar figure fusing sound and law in representations of the medieval European town, as a medium of conveying information among the urban population, and between authorities and the population. However, there are no sources attesting to the existence of a town crier in medieval urban Norway. Shouting information was, however, part of the nightwatch's duties, according to the Town Law of 1276. The law included minute descriptions of the route, which was

¹² MLL III-12, 14-16; VII-23, 46, 54 and 56. The highly sophisticated system of distribution is described in MLL VII-54, with emphasis on the visualisation and speed of the message.

¹³ The Law of Gulathing, ch. 37, NgL I, p. 23 *en eigi skolo þeir svo nér dome koma at mál þeirra mege heyra*. On divorce: ch. 54, NgL I, pp. *svá skilit segia at hvartveggia þeirra mege heyra mál annars*.

adapted to the town in question.¹⁴ The guards were to patrol streets and harbour, and the outskirts of the town as well as the town itself. When patrolling ‘they shall shout at every allmenning that runs through our town’ (*þþa skulu þeir uid huern almenning er liggv vm þuæran þþ varn*) (MLB VI-3; *Bylov*, pp. 186–187). The *almenning* was the streets crossing the main streets (*strete*) that ran lengthwise through the towns. It is not stated what they were expected to shout out, although some version of the cliché ‘all is well’ is a probable guess. In this, the watchmen were expected to make known to the dwellers that the town was safe, using of their voice for people to hear. Town criers in late medieval Florence were instructed to cry their message at specific vital points in the city and for a total of at least 40 times for each proclamation, which also had to be carried out on horseback (Milner 2013: 112). Disregarding the scale and compulsory riding – there is no indication of officials using horses in Norwegian towns – the specifications of the nightwatch were similar to these, and duty-bound the watchmen to strategic spaces.

Besides shouting at intervals, the patrolling watchmen were to raise the alarm by auditive means in case of emergencies. However, they did not possess the instruments of alarm themselves, church bells and horn, but were to rush to the appointed tower guard to sound the bells, and in case of attacks also to the town servant for him ‘to have the horn sounded’ (*Bylov*, p. 188). The town law allocated considerable attention to safeguarding the town, delineating provisions for the night watch who patrolled the streets and maintained a specific post in a church tower, as well as lookout posts during periods of unrest. The emphasis on town surveillance was predominantly visual, yet the role of sound and auditory perception was also stressed, as can be seen by how individuals chosen for beacon watch duties during tumultuous periods were required to possess ‘good eyes and ears, and with good legs’ (*augna hæilir ero ok þyrna. oc fot hæilir*, MLB III-4). Their ability to see and walk was crucial, but aural abilities were equally important.

The law text relied on the human voice for a town’s security measures, but the human voice also figured in procedural descriptions of correct conduct between citizens. Shouting was inserted as a correct mode of dealing with unwilling persons, when taking surety or collecting debts from debtors. If a debtor tried to run away, on foot, boat or horse, the creditor were to ‘call so loudly that witnesses could testify that the other party would have heard if they wanted to’ (*kalla a hann sva hatt at vattar hans megi bera þat vitni. at hann matte hþyra ef hann uildi*, MLB III-25). A relevant situation was presented in the short story *Gísls þátrr Illugasonar* about his visit to the

¹⁴ MLB VI-3. For the town specific variants, see *Bylov*, p. 186. The route of the nightwatch is one of the main features of distinction between the town specific variants of the law text.

town of Nidaros: after attacking one of the king's men, Gísl forced a visiting boat owner to row him mid-river, and from there he, in a shout, declared his responsibility for the deed to the pursuers who had amassed on the river bank (*Gísls þáttr Illugasonar*, ch. 2).

Returning to the law text, a debtor was then compelled to provide surety, a token of intent to pay the debt, under the threat of a fine, with the caveat that the creditor needed to be audible enough to be heard from a distance. This placed some responsibility for audibility on the claimant. Additionally, if the debtor sought refuge in a third party's residence, the creditor would once again be required to shout loudly enough to be heard through gates or walls and over court yards, rather than forcibly entering the property:

If someone runs into another man's townhouse or house and closes the gate or door, then one shall call for them and demand that they open. And if they do not want to, then [the creditor] shall demand surety from [the debtor] on the spot and speak so loudly that they may hear it if they choose to.

En ef maðr løypr igarð manz eða i hus. ok lætr aftr garðz lið eða dyr. þa scal han kalla oc biðia up lata. en ef menn uilia eigi. þa scal han æsta han taks þar þegar oc mæla sva hatt at hann ma hýra ef hann uil. (*Bylov*, p. 286)

Trespassing into another's home was a serious offence according to the Norwegian legal tradition, as in most medieval law, and it seems this extended to those in pursuit of a debtor, forcing them to resort to auditive action.¹⁵

The duty to call for attention before taking action was also introduced into the maritime law, regulating conditions and conduct during voyages at sea. Before taking off from strange coasts, the crew was mandated to call for any members of their crew still ashore. A meticulously defined procedure was to be adhered to, wherein the shipmates positioned themselves at specified intervals from each other and vocally summoned their companion:

¹⁵ As attested by several chapters in the town law of the severity of *heimsókn*, to break into someone's home. It was one of the reasons for giving witnesses prolonged time: MLB IV-12. A home was one of the sacred spaces (grid), together with the church and the assembly: IV-19. It was not acceptable to trespass in a home to collect debt or make confiscations: MLB VII-2. The latter chapter was titled with *heimsókn* in several MSS, *Bylov*, pp. 234–235, n. 2 and n. 36.

Now a shipmate leaves the ship, and fair winds come. Then three people shall debark, and one shall stand at the end of the landing, and the second and third above him, so that they can hear each other's calls. And they shall call three times, and then board the ship. And if he does not come then, they can leave without penalty, if he is in a Christian land.

Nu gengar maðr fra skípi oc kómar byr a. þa skulu .ííí. men. ganga a land upp. oc standa ein uid bryggíu spord. en annar up i fra honom. oc hín þridi þar nest. oc øpa sua hatt þrem sínnum. at huar mege hýyra annars raust. oc gange sidan til skips. En ef han kómar þa eigi. þa mego þeir fara at useckiú ef hann er a kristnu lande stadar. (MLB, Farmannslog, ch. 7; *Bylov*, pp. 334–336)

After calling for the missing crew member three times, the crew could abandon him without culpability, although other considerations, such as whether they left him in Christian or heathen lands, were also factored in. However, a key aspect in fulfilling their duty was to shout loudly enough for their calls to reach each other within a specified distance, ensuring that the absent crew member had an opportunity to hear the calls. The law not only mandated a sonic procedure but also stipulated that it should be audible in the particular context of being on a voyage. Furthermore, the rule indirectly restricted each crew member to keep within hearing range of the ship.

The foundation of the law in orally given oaths and witness statements underscores the crucial importance of the ability to speak and communicate effectively. The laws explicitly address the identification of the correct perpetrator, emphasizing that if an individual is so severely injured that they are unable to speak and disclose the identity of their assailant, the case is held in abeyance until the injured party regains the ability to communicate (MLB IV-13/MLL IV-12). Only then, the town bailiff was instructed to sound the horn for an ad hoc assembly to initiate the investigation according to the Town Law. In cases where the temporary state of speechlessness extended beyond three nights, the town bailiff was directed to sound the horn regardless, commencing the investigation. The National law, in contrast, prescribes the carving of arrows (*örvarskurðr*) to be sent out instead of sounding a horn, illustrating again the integral role of sound in the Town Law.¹⁶ The earliest town reg-

¹⁶ Ex. 'Then the heir will have arrows carved and to summon the assembly' (*þa late erfingi orfar upp skera ok late þing stafna*), MLL IV-12; MHLL, p. 350. Most MSS of the National law omits any time prescription, but states that arrows should be sent when the wounded speaks, and the following assembly will be 'as if it was the same day as the incident' (*iamfullt sem samdægres vare orfar upp skornar*), alluding to the time prescriptions in the Norwegian laws that

ulation, *bjarkeyarrétr*, straightforwardly specifies that if an injured person is able to speak, those who find them and hear them name their assailant would serve as witnesses in the case (Bj. ch. 27; NgL I, p. 309).

Consequently, it is not surprising that the reformed laws of the 1270s retained from the earlier provincial laws the prohibition against cutting out or damaging someone's tongue, along with mutilations of hands, feet, and eyes.¹⁷ While the surviving version of the provincial law of Gulathing extensively details harm to various body parts, ranging from the little finger to the rectum, the National Law and the Town Law introduced more general formulations regulating mutilation and violence (The Law of Gulathing ch. 180 and 242). In the reformed laws, cutting out the tongue, hand, foot, or eye of an individual was deemed a heinous crime, typically warranting the punishment of outlawry (*i vapna skiptum*, *Bylov*, p. 119). If mutilated during 'combat with arms', it prompted the assessment of the king, indicating a more militarised context, possibly in times when the *leidang* was called out. It is likely not coincidental that these specific body parts are the same as those that the watchmen were required to possess, and the emphasis on their significance suggests a heightened focus on agility and sensory abilities within the Town Law. It is noteworthy that the older town regulation of Nidaros specifically mentioned mutilations to the eyes, hands, and feet, excluding the tongue from the enumerated offences (Bj. ch. 17 and 76–77; NgL I, pp. 306–307 and 318–319). However, the examples from the reformed laws emphasise the understanding that the ability to speak was a crucial element in the execution of the law within the Norwegian legal culture.

Noisemaking

Although the Town Law of 1276 does much in terms of describing peace keeping within the urban perimeters, actual noise as auditive disturbances is not a big topic in the law text. Certain regulations can, however, be read in a framework of 'noise'. It is important here to clarify how in our modern understanding we understand the concept of 'noise'. In their introduction to the special issue of *Speculum*, *Sound Matters*, the authors describe as noise when medieval writers wanted to describe human voices as distorted, and when voice was equalled with animal sounds and sounds from the natural world (Boynton et al. 2016: 1000–1020). In this way noise is understood as the cognition of sound occurring extended, through objects, people or tools outside

demanded immediate action in case of theft, damage and violence. See MLB IV-3, 7, 11-12, and IX-16.

¹⁷ MLB IV-3 and repeated in the amendments; MLL IV-3, and repeated in the amendments. In 10 surviving MS of the National law, castration was also added to the list.

oneself.¹⁸ Lane Baker has also noted an increasing focus among European Church parishioners on the concept of noise in the thirteenth century, accompanied by simultaneous but uncoordinated efforts to regulate noise within a framework of ‘sin’ (Baker 2021). We meet noise in this sense of auditive disturbances in both the National Law and the Town Law, and then the context of correct behaviour at the assembly. When the court was in session within its sacred, gated enclosure, commotion or shouting outside was unacceptable:

But if those outside the sacred enclosure makes noise and loud talk, so that the jurymen are not able to gather themselves in peace about their sentence, or those who have the licence from the law man and the jurymen, and [those outside] complain about their cases, they shall pay a fine of 1 aura silver if they are found guilty in this, if they have been told off earlier.

en ef þeir menn gera hark eða harðysti sem ero fyrir uttan vebond sva at logrettu menn mego æigi naðolega gøyma doma sínna eða þeir kiæra mal sín er logmannzok loghrettu manna lof hafa til. sækr huær øyri .Silfrs. er at þui verdr kunnr ok sannr ok er honum sagt til aðr. (MLB I-3, *Bylov*, p. 64)

As such, noise was established as a threat to the rule of law. By extension, we can also infer that the feature of silence was established as a sound that was crucial for *fiat justitia*, and to ensure fair judicial decision-making.¹⁹ The laws of the Danish town of Ribe from 1269 also penalise people who shout at the assembly, or who try to get their case heard without preapproval from the authorities (The Law of Ribe, ch. 33; DD no. 145, p. 123). In a case from the Gulathing province, the bystanders influenced the hearings by loudly expressing disagreement with one of the parties by ‘shouting and crowding’ (*saker ops ok fylgðar margra manna*) so that the court was forced to forward the case to the king, after which the crowd ‘shouted and applauded’ (*æpto ok kloppaðo*).²⁰ Noisemaking at the þing also figures as a motif in the literary corpus. For instance, in the *Njáls saga* during the hearing at the assembly after the burning of Njál and his family, a dispute over who was entitled to sit on the jury resulted in

¹⁸ See the Introduction article of this special issue.

¹⁹ For a further discussion on the sound of silence, see Stefka Eriksen’s article in this special issue.

²⁰ DN I, no 168. Magne Njåstad discussed this case and the possibilities for the local community to interfere with the execution of law, or indeed hinder it from taking place, Njåstad 2023: 193.

‘much shout and cry’ (*óþ mikit ok kall.*) from the outraged bystanders (*Njáls saga*, ch. 142, p. 366).

While noisemaking was prohibited in the respect of the legal work in progress, noise as loud sounds simultaneously featured as part of the agreements reached at the assembly, at least in the time before the 1270s when the Town Law was promulgated. The solution reached by the men within the fence would find resonance with those onlookers immediately outside the fence in the form of noisemaking. The performance was called *vápnatak*, literally ‘taking of weapons’. According to Ebbe Hertzberg, the term originally meant that the bystanders would show their acknowledgement by banging their sword on shield or in some other way smashing the weapons together to produce sound from them (Hertzberg 1874: 148–150). Thus, *vápnatak* in general refers to clamour of weapons in acclamation, although it could also refer to a display of weapons by raising them in the air and thus display the accord visually (Robberstad 1969: 384). Expressing support in this way was a known feature throughout northern Europe where meetings between (armed) men would come to agreement (Hertzberg 1874: 148–150). From the earlier Norwegian provincial laws, various types of agreements at a *þing* (assembly) were to be sealed with the ‘taking of weapons’.²¹ Weapons were generally abolished from the assembly with the Town Law of 1276 as it had been in the National Law of 1274, as bringing weapons was in opposition to the ideal of peace keeping associated with the *þing* and it was probably also a security measurement (MLB I-4, MLL I-5). However, the *vápnatak* remained as a term in the law and probably as a ritualistic act and it seems that the term served as a substitute for other forms of showing approval, such as making sound or raising a hand (see Riisøy 2021: 281). As Knut Helle has pointed out, court records attest to the fact that bashing weapons had been replaced with acclamation and shouting, as signs of approval from the bystanders (Helle 2021 [2001]: 75). It was also a part of the urban regulations, as seen in the decree given in Bergen in 1316 on the rights to buy goods from foreign merchants in the town, which was finalised with cheers from the congregation (NgL III, no. 49a, pp. 121–124, at 124). The similar decree given to the towns of Tønsberg and Oslo was also issued in Bergen, and as such there was no acclamation from representatives mentioned (NgL III, no. 49b., p. 124–128). By condemning noise during the decision-making process, and allowing it as support when the decision had been made, we see that human-made sounds were a fundamental part of the legal order as it was represented in written norms and executed in practice.

²¹ The Law of Gulapung, ch. 267 and 279. The Law of Frostathing 5-46, 12-2 and 4, 14-4

Bells

It is plausible that the tolling of church bells was the ‘loudest regular sound’ in medieval towns, as David Garrioch argues was the case in early modern towns (Garrioch 2003: 9). Iris Shagrir has pointed out how they put an element of *magnificence*, in the meaning of grandiosity, to the soundscape of a town.²² Norwegian urban churches may have had smaller bells in the Middle Ages than in later periods, but they would nevertheless have dominated the urban soundscape (Kirkeklokke 2018: 18–19). Unlike early modern towns, which had cannons and proto-industrial activities, there were fewer competing sounds of this decibel level.

The sound of bells in the urban landscape has been studied by various scholars, both in terms of the sonic effects and the symbolism of the sound, as well as the way it regulated the public sphere and people’s lives.²³ Church bells are first and foremost sacral, and in the Middle Ages the sound they produced was considered to be redeeming (Arnold & Goodson 2012: 124–130). In addition to their liturgical use, church bells rang in the morning, at noon and in the evening, and as such became the sonic symbol of the daily social structure for those who heard them (Ditchburn 2020: 229).

Bells also held legal significance. By the mid-thirteenth century churches, were canonically obliged to have bells (Arnold & Goodson 2012: 99). Furthermore, the sound of bells structured the secular sphere. In this regard, it is interesting to examine how secular authority incorporated the sound of bells into the law text itself. The connection between urban law and its bell, or rather by urban power and public sounds is pointed out by Shagrir in inferring that ‘sound in its capacity to articulate and demarcate social space, is also related to power and control – bells and their towers are instruments of publicity, and publicity means power – as is clearly shown in the careful regulation of the possession and employment of bells in medieval towns.’ (Shagrir 2018: 104)

In most medieval European towns church bells were also the warning system in case of fire. Even if the bells were within the canonical jurisdiction, their role as a warning system was a secular, or rather public, matter. In the secular Town Law of 1276, the sound of ringing church bells figure within all these contexts, regulating time, religious liturgy and as fire alarm, as will be shown in the following.

For the watchmen that were to call out on every main crossroad during their nightly route, their shift ended when the bells rang in ‘the small churches’ (MLB VI-3). This was also when the day began for other town dwellers. The same bells rang out at night to announce that the day ended and night began. The divide between

²² Shagrir 2018: 103, with further reference to Dillon 2012: 56.

²³ See, for instance Lippert 1939; Le Goff 1980; Arnold and Goodson 2012.

night and day had legal implications beyond a day starting. Certain activities were only deemed acceptable during daylight hours. Sureties were expected to be settled 'before the bell rang for mass in the main church', presumably the following day (MLB VII-12, *Bylov*, p. 256). Also, it was not acceptable to demand surety after the bells rang for evensong, which indicates that there was a particular interval that the guarantor needed to assent to.²⁴ Breaking the law during the night constituted an aggravating factor, presumably resulting in increased penalties. The night also imposed a curfew on town dwellers, and the ringing in of the night served as an auditory signal for settling in, or else arousing suspicion (MLB VI-2).

For the sake of comparison, it is worth looking at the laws of the similar legal cultures of neighbouring Scandinavian kingdoms of Sweden and Denmark. However, the contemporary town laws from these areas hardly include sound as a factor at all. The glimpses we do get nevertheless indicate that sounds held similar roles that had legal implications, although it was not recorded in the law texts. In the two single instances in the thirteenth-century Swedish town law, Bjarköarrätten, where sound is a factor in the last part of the law text, it is about deeds done before or after the bells had rung to signal night and day. The first instance considers theft within town perimeters committed 'after it has been rung for signal' (*siþan i varþ er ringkt*), interpreted by Åke Holmäck and Elias Wessén as the night signal.²⁵ The last chapter concerns fire, and the penalty for those lighting a fire 'before it has been rung for signal' (*fyr en or warþi er rinkt*) in the morning.²⁶ This was continued in the later Swedish Town Law of king Magnus Eriksson (r. Sweden 1319–1364), from c. 1350, where we learn indirectly that bell ringing formed part of the fire measures and again as a terminus after which the town population was supposed to watch their behaviour with fire.²⁷ The terminus also marks the aggravating factor of deeds done during the night time, i.e. after bells had rung for night and before they had rung for the morning of a new day (Holmbäck & Wessén 1966: 109, n. 127).

Norwegian town laws are rich on general regulations concerning fire, both preventative measures and procedures in case of emergency. Houses in towns being predominantly made up of wood, this is very understandable and the many town fires

²⁴ VII-16: One should not demand surety from anyone after it has rung for evensong (*eigi skal taksetia siðan er rinkt er til aftans*).

²⁵ Bjarköarrätt, ch. 39. Holmbäck & Wessén 1946 : 493, ch. 39, n. 2.

²⁶ Bjarköarrätt, ch. 41. Holmbäck & Wessén 1946: 493, ch. 41, n. 4.

²⁷ MEST, Byggningsbalken, ch. 22. From 1319, Magnus Eriksson was king of both Sweden (r. 1319-64) and Norway (r. 1319-74) in what constituted a personal union between the kingdoms. King Magnus issued a National Law and a Town Law in Sweden around 1350, possibly after the Norwegian example from the late 13th century.

during the Middle Ages speaks to its relevance. That might also be the reason why the bell ringing per se, and the inhabitants' reactions to them are minutely regulated in the law text. There is mentioned a special custom of ringing for the general putting out of all lighted flames, presumably of lights and hearths, and that the flames had to be put out when the ringing ended.²⁸

In an urban context, there would be a designated church and its bell that had the role of fire alarm. So also in the Norwegian towns that held more than one church, a knowledge we have due to the Town Law itself (MLB VI-3). In Bergen, with its around 30 churches, the centrally positioned St Nicolas church held this responsibility, calling the bell itself 'Fire extinguisher-bell' (*elldzleckingarklocko*) (MLB I-3). In the Nidaros version of the Town Law, only extant in two sixteenth-century manuscripts, it was St. Margaret's church, and the bell was named 'The town's salvation' (*byiar bot*) (*Bylov*, 63, n. 166). Its tower was to be guarded, and the nightwatchmen were to alert this guard to ring the bell in case of fire (MLB VI-3, *Bylov*, p. 190).

The town's main assembly, the *logþingi*, held in January, would resound with the tolling of the same church bell as the one signalling a fire, thus unequivocally joining the ecclesiastical and secular sphere by integrating the church bell into the secular administration of the town (MLB I-3).

The assumption was evidently that the sounds produced by the various bells were recognizable and familiar to the population, as the community was obligated to respond promptly and assist in firefighting efforts upon hearing the ringing of the fire bell (MLB VI-12, p. 214 and VII-16). While certain Norwegian churches acquired bells as early as the eleventh century, the construction of secular bell towers, or campaniles, within Norwegian towns did not occur until the early modern period. As David Ditchburn has highlighted, bells identified as 'secular' and associated with the town rather than its churches could be significant for shaping the town's 'communal identity' or collective identity (Ditchburn 2020: 227, 239). It would be fair to assume that the bells of the medieval Norwegian towns had the same effect of creating an urban identity between the inhabitants of a town, and that the law writers presumed this effect when writing ringing into the text of the law.

In addition to the Swedish Town Law's reference to lighting a fire before morning had been sounded, the laws of the Danish town of Åbenrå from 1335 briefly mention fire bells when enumerating the fines to be paid to the bailiff (*vogt*) and the councilmen in the event of an outbreak of fire, specifically when 'the storm bells ring and peoples' shouts are heard' (Law of Åbenrå (1335), ch. 36; DD no. 215, p. 185). While these ex-

²⁸ MLB VI-10, *Bylov*, p. 210. 'Fires shall be extinguished when it rings for putting out the fire, and by the time the ringing has ended' (*elldr scal slekter vera siðan ringir ellz slökking oc til þes er rínt er iúir*).

amples clearly show that bells were also intended to signal fires in other Scandinavian towns, the specific procedures for alerting and ringing were only implied in urban law texts, in contrast to Norwegian town laws which provided explicit instructions in this regard.

Horn

Horn blowing stands out as a prominent sonic procedural element in the Town Law of 1276, and it had also been implied to be central in the twelfth-century town regulations of Nidaros. A recent examination of the legal implications of the horn sound has brought to light its multifaceted role (Tveit 2023a). The investigation revealed that, according to the law, the horn was not merely a tool for summoning attention; rather, the sound itself held legal significance, compelling town dwellers who heard it to act accordingly or face liability. This discussion aims to explore in greater depth the integral role of the horn sound in the Town Law, highlighting it as a distinctive trait that distinguishes it from rural law.

A well-known medium in medieval culture, horn blowing is often amplified through contemporary pop-cultural representations of horn blowing on the battlefields and town walls of the Middle Ages. Norse literature, particularly the king's sagas from the thirteenth century, predominantly features horn blowing in the context of war and rural settings.²⁹ However, the more protagonist-oriented *Íslendingasögur*, written in the thirteenth and fourteenth centuries, include several references to horn blowing in an urban context and within the legal settings described by town laws.³⁰ Thus, these literary texts further suggest that the features of horn blowing found in town laws reflect actual governance customs through sound in Norwegian towns.

In terms of textual expressions of sound in written town regulations, horn blowing is the single most referenced sound in the town laws. The sound of the horn furthermore highlights the differences between rural and urban laws. The two laws diverge in the medium of summoning ad hoc assemblies; the rural laws included a message or a tactile object of summoning, while the town laws referred to horn blowing (MLB VI-5 and 17 and VII-13, 15–16). However, the urban trait of the horn sound becomes even more evident from those parts of the Town Law of 1276 that were otherwise similar to the contemporary National Law. Particularly in the part of the legislation that can be termed criminal law, or regulations on breaches of the peace we

²⁹ *Heimskringla, Óláfs saga Tryggvasonar*, ch. 80 and ch. 91; *Haraldz saga harðráða*, ch.10; *Saga Magnús blinda ok Haralds gilla*, ch. 16.

³⁰ *Harðar saga ok Hólmverja*, ch.13; *Króka-Refs saga*, ch. 19–20 and 22; *Gísls þáttur Illugasonar*, ch. 2 and 4. The horn signal as plot device in these sagas has been discussed by Tveit 2023a: 252–253.

find that the town laws consistently insert the sound of the horn as the mode of alerting the assembly, while rural law would express the summoning with the before-mentioned carved arrows.³¹

The old town regulations, *biarkeyiarréttir*, contain multiple references to horn blowing, firmly establishing it as a sonic signal with legal implications for the urban population.³² The horn is intricately linked with the need to summon and warn the town public. Summoning occurs during ad hoc meetings, such as when a homicide has taken place within the town boundaries, or when collective duties are to be executed, with the law text specifically mentioning ship-pulling into the harbour (MLB VI-17 and Epilog). As a warning system, the law text incorporates the horn signal in the event of attacks on the town, closely associated with the nightwatch in the *Bøarskipings ballkr*, the 'Town regulations section', and connected to the beacon watch in the 'Land defence section' (MLB VI-3 and MLB III-4). In addition to the bells, the Town Law also demanded that the horn should be sounded when a fire was detected. Even so, as a warning system it is possible to differentiate between the significance of the two sonic signals in the law text: Bells signified disaster while horn signified danger. If the symbolism is to be analysed further, the bells, representing church authority symbolised salvation, while the horn represented secular authority and symbolised duty.

The two law texts imply the horn sound in three different ways. First as an auditive signal, where the sound signified a message that the town dwellers would readily know the meaning of and would react. Textually this could be expressed as 'when someone hears the horn' (*ef hann hýrir horn*), and 'when horn sounds' (*þegar horn kveðr*, MLB VI-12, MLB VI-17, VII-16). Secondly, in the verb 'to blow', *blása*, where only certain conditions could justify the act of blowing the horn and producing the sound signal (MLB IV-12, 25, V-17, VI-3, VII-13, 15). Finally, the subject horn alone signified in the text the sound signal. This could be expressed as 'to demand horn' (*kræfa horns*, MLB VII-13, 15).

Summoning the town court, known as a *mót*, has parallels in European traditions. English moot horns were similarly integral to the legal functions of English towns, with several examples surviving to the present day (Crummy, Cherry & Northover 2008: 223–227). There are also echoes in surviving legal texts. For instance, the English town of Romney (1352) used a horn to initiate court proceedings, and in Sand-

³¹ See above n. xx.

³² References of horn blowing in case of pulling ships: NgL I, Bj 134; Summoning for ad hoc assembly in case of homicide in the town: Bj 25, Bj 27, Bj 29, Bj 36. Hagland & Sandnes 1997: Bj 31, in NgL IV: 71.

wich (fifteenth century), a town-employed servant would sound the horn at specific locations, akin to the role of a town crier in Florence (Bateson 1906: 41). Although horn blowing does not appear in other European urban laws, there are indications that the horn was a medium for summoning or drawing attention. The late medieval registrars from the Dutch town of Kampen have several entries reflecting the hiring or payment of a horn blower for the town (Frankot 2022: 16). Edda Frankot proposes that one of the responsibilities of the horn blower was to use signals to announce banishments and runaways, sounding the horn ‘on all street corners when ordered to do so and when people were taken into custody’.³³ Danish town laws are silent about the mode of summoning, although the law text itself also assumes separate assemblies in case of disturbances or collective effort in case of fire (Law of Flensborg ch. 61–64). The emphasis on the sound and the instrument are therefore exceptional for the Norwegian town laws. The reason for this probably lies in the tradition in the written laws of expressing the method of summoning, rather than the fact that sound was crucial in the towns. However, when describing the right method of signalling for the subjects, the sound stands out as the crucial factor that defines the legality of the procedures; to be heard and to hear.

Little is known about the actual horn, its typology and sound. In Norwegian tradition, horns usually refer to buck horns, normally a curved instrument made out of a ram’s horn. While the town law consequently refers to *horn*, the few case law surviving mentions *luðr*, a straight wooden lure covered in birchbark. The anonymous author of the 16th-century Hamar Chronicle, while reflecting on the town’s past urban glory, mentions three town servants, each with a copper horn (*Hamarkrøniken*, p. 58). Although the author is often considered to be idealizing the town’s medieval past, the specific reference to copper horns may be based on historical knowledge, as the region was known for producing copper items (Sæther 2015: 190–191). Brass instruments were not common in Norway at this point, although Hans Christian Broholm noted in 1965 that a Norwegian bronze age lure had been recast into a town horn (Broholm 1965: 38). The quality of the sound of buck horns are soft and strong, and have a long range, as do the *luðr*. It is probable that the sound of these wind instruments would carry within the limited extent of the urban area of Norwegian towns, although that highly depends on such factors as the individual instrument and weather conditions. The law text is silent on how the instrument was to be sounded, where and by whom. Therefore, we do not know whether there was any significance given to the sound played in terms of number and length of the blast or melodic in-

³³ Frankot 2022: 84, with reference to Liber Diversorum C (1399–1553), f. 195v, Stadsarchief Kampen, Oud Archief no. 11.

tonations, and the message it conveyed: danger, collective duties, or ad hoc assemblies. The inviolability of the urban night is further reflected in the Town Laws restrictions on the horn signal, explicitly stating that the horn signal was off-limits at night, except in emergencies (MLB VII-16). This suggests that the horn signal was accessible for use by both inhabitants and visitors, forming part of a collective communication system.

While the instances where sound emerges as a pivotal factor do not constitute a substantial portion of the entirety of the Town Law of 1276 those instances where it is relevant, sound becomes integral to legitimate actions in a situation and subsequent proceedings. Consequently, it is worthwhile to consider how the absence of auditory perception might influence a person's legal rights. Examining Old Norse literary culture, Yoav Tirosh finds that deaf individuals faced social exclusion in Norse society, leading to a 'loss of agency' (see also Tirosh 2021: 323–325, quote from p. 335). Despite legal protections for the deaf and mute in Icelandic law, Tirosh argues that social degradation persisted, surpassing the effects of Norwegian dominion in the late Middle Ages (Tirosh 2021: 320–321).

Tirosh and Matthew Clanchy highlight the broader European legacy, tracing hearing and speaking disabilities to Roman law's association with slavery and intellectual disability (Tirosh 2021: 321). The Town Law doesn't explicitly address sight or hearing impairments affecting inheritance or legal rights. All subjects are held to the same responsibility, except for the insane, whose heirs or guardians assume accountability for their actions (MLB IV-9, MLL IV-10). While not hearing poses an obstacle in situations integral to legal procedures, the Town Law only mentions it in the context of horn blowing during ship-pulling. Neglecting to attend when sonically summoned incurred a fine, but the law allowed individuals who claimed they did not hear the horn to exonerate themselves through an oath to the bailiff 'if someone does not hear the horn' (*ef maðr hýrir eigi horn*, MLB VI-17, see above). This rule included various valid excuses for not contributing to the collective task, such as caring for sick family members or serving on a jury, all collectively termed under *naudsyn*, necessity—a principle permeating the legal ideologies of reformed laws and European learned law.³⁴ Although the text rarely explains accepted *naudsyn*, being hurt or ill was listed as a valid reason for not settling a fine or debt on time (MLB I-6). Indicatively, the care for disabilities in the execution of the law suggests that not hearing or being hearing impaired similarly granted impunity from the obligations outlined in the town laws' sonic procedures.

³⁴ Korpiola & Sunde 2024. In the Town Law of 1276, the principle of *naudsyn* is otherwise present in MLB I-2, 6, III-1, 3, 9, 12, 16. IV-15, 16, 17, 18; V-18, *Farmanna logh*, ch. 2, 18, 19, 21.

Concluding remarks

The town laws of Norway are not explicitly governed by auditory elements. Nevertheless, sonic elements, when present in the law text, bear legal implications that are integral to how the law text articulates urban governance. Instances where sounds, sound-producing activities, and instruments appear in the text carry legal significance. The signals function to alert the population in cases of both danger and general duties; more significantly, the sound marks the initiation of procedures that legally bind the audience. The Norwegian town laws stand out for incorporating sound directly into the text, rather than omitting the town's sound systems from the text or rendering them implicit. Those responsible for composing the law text likely anticipated that various meanings of sonic signals, such as horn signals and bell ringing, were known to the subjects. However, even if these meanings were considered to be common knowledge, it was deemed necessary to formulate the distinct obligations associated with each sound. The law text not only describes how to participate in a collective effort in the event of a fire but also explicitly outlines how the sound obligates those who heard it to respond. Similarly, rules regarding voices underscore that the volume of a voiced demand must be sufficiently loud to be considered a valid claim. In this way, the written laws simultaneously instruct on the legal significances of the sound while assuming that the symbolic meanings of the sounds are known to the subjects.

There was a difference between writing about sound as a mode of communication of law to the population at large, and inserting sound as part of the procedure at the assembly. In the Norwegian town laws, we find sound in both of these functions. The examination has revealed that sound played a significant role in town laws compared to rural laws, which is a rational way of executing governance in dense areas where sound could be heard by most people. While the legal culture evolved from oral to written authority, sound itself continued as a key element of urban regulations. Sound most frequently appears in laws in the form of signals of different kinds; horns and bells were integral to the proper conduct of daily business within the town. In contrast to other Scandinavian town laws, these signals' legal implications also found their way into the textual recording of the law. The human voice, in addition, was a legal tool in the form of its volume, both in resolving disagreements between individuals and in expressing opinions at the assembly.

Nevertheless, it is the sensory pragmatism of sound's purposes that is emphasised in the law texts: it was intended to be heard as auditive messages, marking sound as an integral part of the written legal procedures rather than as expressions of a *vox regis*. Auditory measures were practical tools of governance in built-up areas, in Nor-

wegian towns as well as elsewhere in medieval Europe, where rich soundscapes were present but penetrable.

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