

English and Norwegian Military Legislation  
in the 13th century

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The Assize of Arms and Norwegian Military Law

by

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English and Norwegian Military Legislation in the 13th century - The Assize of Arms  
and Norwegian Military Law.

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# Preface

Ever since I was old enough to pick up a stick in the woods of my hometown, and pretend it was a sword, I have dreamed of either becoming a professional soldier, or to work with history. Unfortunately my military career ended sooner than anticipated, and so here I am, completing my masters dissertation, with the future goal of becoming a professor of Medieval history.

I would like to give special thanks to my supervisor, Professor Geir Atle Ersland, for invaluable counsel and superb supervision over the course of my master's degree. Due to his vast experience, I have gained more experience than I otherwise would have.

Special gratitude as well to Dr. Marigold Norbye of the UCL, for helping me last minute with my translation of the Assize of Arms of 1242 from Latin. All the while she was quite busy herself.

Gratitude goes out to my parents, whose support has always been unwavering no matter what pursuit I have sought to endeavour towards. My father in particular, who has always corrected the grammar of my previous papers.

Lastly, I must thank my significant other, whose emotional support has been indispensable, especially throughout the toughest times while writing this dissertation.

I would still like to think that I am working on the warrior part.

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<b>Preface</b>	<b>2</b>
<b>List of Tables</b>	<b>5</b>
Table 1.	5
Table 2.	5
Table 3.1	5
Table 3.2	5
<b>1.0 Introduction</b>	<b>6</b>
1.1 Delimitations	8
1.2 Issue	8
1.3 The Assize of 1242 or 1252?	8
1.4 Presentation of the Sources	10
The Assizes of Arms	10
The Assize of Arms 1181	11
The Writ for Enforcing Watch and Ward and the Assize of Arms - 1242	12
Norwegian sources	13
Landsloven 1274 and Byloven 1276 - The Rural law, and the Town Law	14
Hirdskråa 1273-1277 - Code of the Hird, the royal retinue	15
Hærreformen - The military reform of 1273	17
1.5 Historiography	17
Norwegian literature	20
<b>2.0 The Assize of Arms of 1242 - Introduction of the text</b>	<b>21</b>
2.1 The Watch-and-Ward system	23
2.2 Assize of Arms of 1242	25
2.3 Equipment based on wealth, and thereby social status.	26
2.4 Dividation of wealth by movable wealth and land-based wealth	28
2.5 Dividation of wealth within Norwegian legislation	31
<b>3.0 Categorization of wealth</b>	<b>32</b>
The lower categories	33
The upper categories	34
3.1 The new military class in Norway, the Military Reform of 1273	35
<b>4.0 Jurati ad arma - Swearing to Arms and weapons inspection</b>	<b>39</b>
4.1 Origins of the Jurati ad arma and the Assizes of Arms	39
4.2 The process of Jurati ad Arma	40
4.3 Jurati ad Arma - Assize of 1181	40
4.4 Jurati ad arma - Assize of 1242	42
4.5 Weapons Assembly - Jurati ad Arma and Våpenting	43
4.6 Inspection at the assemblies - Officials, and Officers	45
4.7 The process of inspection	45
4.8 Inspection in the Assize of Arms of 1181	47

4.9 The Oath itself	49
<b>5.0 Equipment - Arms and Armour</b>	<b>52</b>
5.1 Equipment in the assizes of arms	53
5.2 Equipment in the Assize of Arms of 1181	54
5.3 Equipment in the Norwegian laws	55
5.4 Rural-law & town-law	55
5.5 Equipment - Hirdskråa - The Book of the Hird	58
5.6 Hærreformen av 1273 - The military reform of 1273	60
6.0 The time lap between the Assize of Arms of 1181 and 1242 and the swearing process.	61
<b>7.0 Comparative examination between the laws - the equipment, their nature, and possible intentions of the monarchs.</b>	<b>65</b>
7.1 Comparison of equipment - Purpose and intent of the laws - Was the Assize of Arms of 1242 a reduction in military potency?	67 67
7.2 The difference in weaponry - Were the English attempting to create a specialised military?	74
7.3 Expeditio - Invasion	78
7.4 The specialisation present in the assize of 1242 - Military Operative functions	80
<b>8.0 Conclusions</b>	<b>85</b>
8.1 Conclusions on the assizes of arms	86
8.2 Was Norwegian military legislation inspired by English?	88
<b>Abstract</b>	<b>89</b>
<b>The Assize of Arms of 1242 - Full text translated</b>	<b>90</b>
<b>Bibliography</b>	<b>94</b>
Sources	94
Literature	95

# List of Tables

Table 1.

“Wealth categories of the Assizes of Arms” p. 32

Table 2.

“Wealth categories of Norwegian legislations, Assize of Arms of 1242, and 1181.” p. 36

Table 3.1

“Categories of equipment in Norwegian legislation, and the Assize of Arms of 1242, and 1181.” p. 66

Table 3.2

“Categories of equipment in Norwegian legislation, and the Assize of Arms of 1242, and 1181.” p. 79

# 1.0 Introduction

In Europe the 13th century was a time for the consolidation of kingdoms. A period sometimes said to have given birth to the first 'national monarchies,'<sup>1</sup> such as Norman England, Norway, Castille and France. Kingdoms such as these displayed at this time trends of state building, legislation and foreign diplomacy. And a rather important aspect of consolidation of power, is the improvement of national security and military capability.

During my previous research papers I examined the historiography of the evolution and developments of Medieval European warfare, how this topic has been portrayed and what aspects have been examined the most. As well as select source material regarding the same subject, portrayed in 13th century Norwegian legislation.

The Norwegian legislations in question were the famed lawtexts created and instituted by the Norwegian monarch Magnus VI 'Lagabøte' Håkonsson.<sup>2</sup> From a military perspective, these laws reformed certain elements upon which the contemporary Norwegian military institution was formed. Instituting a system where men would arm themselves according to their wealth and income, and social status.

While examining these military legislations I discovered a series of contemporary English ordinances that were incredibly synonymous in their mandates and effects, but of whom I had never heard of nor could find much literature that had examined thoroughly. Initially I theorised whether or not the military mandates of the Norwegian king had been directly or indirectly influenced by these English laws.

These English ordinances were the 'Assizes of Arms', the original from 1181 and its successor of 1242. Whose implementation instituted several elements that essentially reformed English feudal society in several aspects. Such as reviving general military

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<sup>1</sup> Bentley 1997 p. 109

<sup>2</sup> Lagabøte = Lawmender or Lawmaker

duty, introducing a new way of calculating wealth, the categorisation of wealth and equipment, as well as creating a process of oathswearing and assembly.

While the Assize of Arms of 1181 has received some attention, its successor of 1242 seems to have received little to almost no historical examination. No translations from Latin of this text appear extant, while the elder assize and a later similar law included in the Statute of Winchester of 1282 has a few translations.

As the Assize from 1242 seemingly has no translations, this dissertation includes an original translation of the ordinance, translated from William Stubbs' collection of English constitutional sources.<sup>3</sup> This translation is present in its entirety at the bottom of this dissertation, and was possible with the help of dr. Marigold Norbye of the University College of London.

I would have liked to translate and examine more English laws that may relate to the aspects we find in the assize of arms of 1242. Documents that we may find in, e.g., Stubbs' source compilation. However, the assize of 1242 will assume priority due to my limited experience with translation of Latin texts, as well as to not overextend our objective of examining and presenting the details of the assize of arms from 1242.

Thus, this thesis will be an analysis of the Assize of Arms of 1242, and comparative examination of said ordinance with its predecessor from 1181, and the corpus of Magnus Lagabøte's military legislations.

## 1.1 Delimitations

This dissertation will concern itself with military legislation in the kingdoms of England and Norway between the original Assize of Arms from 1181, to the death of Norwegian

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<sup>3</sup> "Select charters and other illustrations of English constitutional history from the earliest times to the reign of Edward the First" Stubbs, William. 1890

King Magnus Lagabøte in 1277. As Magnus Lagabøte created the Norwegian laws in question, and his death marks the latest date some of his laws can be attributed to.

Geographically it will be restricted to the kingdoms of England, and Norway, and not their subsidiary territories like the French territories or Iceland, The Orkneys et cetera.

## 1.2 Issue

The issue at hand is to engage in a systematic examination of a Medieval legislation that appears to have received little thorough attention in modern historiography, and to compare it with its contemporary counterparts. This is in order to create a better understanding of the military developments that took place at the time. How these laws may have come to be, their causes and their effects both on society and the following history, and how they may be synonymous and possibly be related to one another.

Thus, we will examine the Assize of Arms of 1242, and compare synonymities with its predecessor and the whole body of Norwegian of military legislations instituted in the 1270's.

## 1.3 The Assize of 1242 or 1252?

The main text we will be working with in this paper is the "Assize of Arms" of the mid-13th century. The transcript of this law which I have examined and translated is the iteration present in Stubbs' source compilation '*Select Chartres*', titled with the full name

*“Writ for Enforcing Watch and Ward and the Assize of Arms.”* Where it is dated to the year 1252.<sup>4</sup>

However, historian Frederick Powicke challenged that the ordinance is from 1252, as it was present on a ‘Close Roll’<sup>5</sup> of Henry III’s which is dated to the 20th of May 1242, and not 20th May 1252.<sup>6</sup> He argues that it must be a scribal error sometime prior to 1640. The text with the error was present in the text “Liber Additamentorum”, which was printed in 1640. The ordinance was then copied by another, before being copied as was by Stubbs in the 19th century into his famed source compilation.<sup>7</sup>

Therefore we will refer to it as being from 1242. The error of ‘1252’ still persists to this day in modern literature, if we reference literature that does this we will be writing it as being of the year 1242 in this paper.

As Powicke wrote in 1942:

*“So as far as I am aware , nobody has challenged the date, 1252, which must have fixed itself in the brains of one generation of teachers after another if not of numerous undergraduates.”*<sup>8</sup>

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<sup>4</sup> Stubbs 1890 p. 370

<sup>5</sup> A form of administrative record used in Medieval England to preserve a collection of sealed letters.

<sup>6</sup> Powicke 1942 p. 469

<sup>7</sup> Powicke 1942 p. 469

<sup>8</sup> Ibid.

## 1.4 Presentation of the Sources

### The Assizes of Arms

Our primary source will then be this ordinance of 1242. We will examine it from a military perspective, meaning the emphasis will be on the aspects of the “Assize of Arms.” This writ seeks to re-categorise wealth classes instituted by its predecessor the Assize of Arms of 1181, as well as improving and expanding upon different aspects of this originator. For this reason we will refer to these assizes ‘of arms’ throughout this thesis most often as ‘the assize’ and ‘assize of 1242,’ etc., as we are focusing on the military aspects of the ordinance and not the watch-and-ward system.

We must also keep in mind that there is a plethora of ‘assizes’ from the High Middle Ages in England. An ‘Assize’ may refer to two different legal actions or terms.

1. The first being a court of law organised by the ‘itinerant justices’, i.e. travelling judges. Who travelled to an area where there was a dispute and began an examination of the legal case. In these courts of law there would be a jury present, composed of local or regional representatives. And the leading justices were to create a group of 12 investigators called *recognitors*, who were selected by knights, who had been summoned by the sheriff. There were also ‘Grand Assizes’, which were assize assemblies that brought matters from the feudal court throughout the land, to the royal court, under the king.<sup>9</sup>

2. The second meaning of assize is what we will be working with, which is quite simply a legal writ or authoritative ordinance. Ordinances that were often instituted following an assize assembly.<sup>10</sup>

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<sup>9</sup> Stubbs 1890: 24-25

<sup>10</sup> Stubbs 1890: 24-25

The 'Writ for Enforcing Watch and Ward and the Assize of Arms' is an ordinance that was instituted in 1242 by the Normanno-English monarch King Henry III. It tied together two different systems of ensuring security in the English kingdom, the watch system and the assize of arms. As well as building and expanding upon the original Assize of Arms instituted by his grandfather Henry II in 1181.

## The Assize of Arms 1181

The original Assize of Arms was enacted in 1181 by Henry II of England, it is a source that has been referenced repeatedly as a part of examinations of arms and armour of the period. The most widespread version of this writ is the text present in the aforementioned 'Select Chartres' of William Stubbs from the late 19th century.

Stubbs himself presents this ordinance as the revival of the general military duty of all free men in England. In other words it seeks, according to Stubbs, to revive the 'fyrd'. Prior to the Norman conquest of England in 1066, the Anglo-Saxons obliged all freemen to serve in this military institution in defense of their land. It is often credited that it was created in order to defend against incursions from invading Danes and Norsemen. It is quite likely that the fyrd was the inspiration for the Norwegian leidang as well.<sup>11</sup>

The Normans prior to this assize were reliant on feudal vassals, the military obligations of barons and knights below the king, to bring men-at-arms should their overlord wish so. However the barons of Norman-England proved to be extremely tumultuous, their unruliness escalated to a baronial revolt between 1135 and 1153, resulting from a succession crisis. A period which has since been referred to as "The Anarchy", in which a great number of atrocities were committed in England by various barons, who pillaged and extorted neighbouring villages and the countryside. As well as building

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<sup>11</sup> Ersland 2000 p. 46-49

unsanctioned castles with their dishonest gains, in order to defend themselves from reprisal.<sup>12</sup>

This is an event Henry II was a personal witness to, and Stubbs argues that this was the primary motivation for enacting the Assize of Arms of 1181, which armed the English populace, and made them swear fealty and military service to the king.<sup>13</sup>

While Charles W. Hollister introduces the assize of 1181 primarily as the first edition of a series of attempts to reorganise military obligation in England on the basis of wealth.<sup>14</sup> Which was followed up by the assize of arms of 1242. [He places the emphasis on the economic aspect of these assizes. Put in historiography part.](#)

The translation from Latin we will be using is based on Stubbs' transcript, and is in another source compilation written by George B. Adams and Henry M. Stephens, 1901.

## The Writ for Enforcing Watch and Ward and the Assize of Arms - 1242

While the Assize of 1181 presents four categories of wealth and corresponding equipment men shall keep and swear on, its successor expands upon this from four categories to six. As well as including the non-free peasantry, i.e. serfs, under the law of the assize to bear arms in service of the king.<sup>15</sup> Compared to the elder assize, the younger presents more information regarding wealth in the English society. The category for knightly wealth was in 1181 referred to quite simply as "*a knight's fee*", while in 1242 this category of wealth was specified more clearly. As it was now equated to wealth worth 60 marks or more.<sup>16</sup>

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<sup>12</sup> Stubbs 1890 p. 20-23 | Hollister 1996 p. 144-146

<sup>13</sup> Stubbs 1890 p. 153-154

<sup>14</sup> Hollister 1996 p. 152-153

<sup>15</sup> Hollister 1996 p. 153

<sup>16</sup> Hollister 1996 p. 153 | Stubbs 1890 p. 371-372

In regards to the text itself there is not much else that has been written on the causes of or the effects of this assize from 1242. As mentioned there appear to be no translations readily available, and this assize is referenced in literature substantially less than its originator, which we will comment on in the subsequent section on historiography below. While its specifics regarding arms and armour has been cited numerous times in specific studies of weaponry, the history surrounding the assize of arms itself has yet to be explored in detail. Which is why a study exploring this should appear prudent.

## Norwegian sources

The Norwegian military legislations we will be writing about is the whole body of King Magnus Lagabøte's legislations from the 1270's. His military legislations are divided throughout three separate law texts, which are:

1. "*Landsloven*" and "*Byloven*," translated as "The Rural Law" and "The City Law", respectively. This is the common law of the entire kingdom, with certain key differences where the rural and urban became disparate.
2. *Hirdskråa* - The Code of the Hird.<sup>17</sup> This was the codex of rules and law the aristocracy and all servants of the king had to obey.
3. The military reform of 1273. An ordinance which followed an assembly of the king's top officials in 1273, its mechanics utilised aspects of the two previous laws.

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<sup>17</sup> Hird, Norwegian and Norse for royal retinue. Meaning all servants of the king, i.e. the aristocracy. KLNLM vol. 6 *Hird*: p. 568-577

## Landsloven 1274 and Byloven 1276 - The Rural law, and the Town Law

Previously Norway's laws had been divided into four regional legal districts, such as e.g. "Gulathing", which would roughly correspond to western and southern modern Norway. Landsloven was an effort to create a collective body of laws that would apply to the entirety of the Kingdom of Norway. Instead of the partitioned regional laws that existed prior to 1274, of which each region possessed their own military structures.<sup>18</sup> The City- and Rural-laws both mirror each other, only becoming disparate where there are differences between rural- and city-life.

The rural law was instituted by Magnus Lagabøte in 1274 after being in the works for several years, due to the scope of the work, it was likely already ongoing during the reign of his father Håkon IV Håkonsson, who died in 1263.

It is here that the section concerning the Medieval Norwegian military institution is located, the institution being the '*Leidang*'. An easy but wrong translation to English would be 'the levy' or 'ship-levy'. While its members were comprised of freemen (farmers) who were obliged to provide military service in accordance to the law, using the term levy would be a gross oversimplification of the quite intricate machinations intrinsic to the institution.

A more suitable summary, would be a military organisation which obliged subjects of the king to help build and maintain ships meant for military naval transport and warfare, as well as obliging eligible men to serve as (warriors) troops in said navy. Though there are many more aspects to it, such as e.g. sentry and beacon duty.

The section regarding the leidang within the rural and city laws is section III "Landevernsbolken" - regarding defense of the land.<sup>19</sup> This document was at the time an expansion of the pre-existing military institution Leidangen, which had been present in

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<sup>18</sup> Ersland 2000 p. 80-82

<sup>19</sup> Taranger 1915 p. 28-42

corresponding chapters in the older regional laws. It also provided a common law regarding the institution for the entire realm.<sup>20</sup> It is here that we find the most synonymities with the English assize, such as the categorisation of wealth and equipment which will be the primary subject of examination in this thesis.

In both renditions of the common law this section is identical, with differences only in terminology. For example, weapon-assemblies in the countryside will be supervised by the sheriff,<sup>21</sup> while assemblies towns shall be overseen by the ‘*Gjaldkar*’, or king's taxman.<sup>22</sup> This is simply due to the fact that the top administrative official in a town as opposed to the county is different.

## Hirdskråa 1273-1277 - Code of the Hird, the royal retinue

This codex entails special laws and rules that men in direct service of the king must obey, such as how and when they shall appear before the king in certain assemblies, how armed escort shall be performed, how a man shall be knighted, et cetera. It also contains laws regarding duties of administration of the land of the crown by those who may have been granted *beneficium*, i.e. granted land or property.

It was first instituted sometime between 1273 and 1277, we do not know the specific date for this text as it lacks details of any royal mandates, as well as details regarding its specific year of official institution. It does not possess a proper close, which is usually where the date and other specifics are written. We also lack any royal mandates relevant to the text, which may have contained specifics on the process of legislation of the respective text.<sup>23</sup>

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<sup>20</sup> Ersland 2000 p. 77, 80-82

<sup>21</sup> = Sysselmann | KLNLM vol. 17 p. 651-658

<sup>22</sup> Taranger 1915 p. 38 | Robberstad 1923 p. 16

“*Gjaldkar*” = taxman. Title of the highest office in towns during the 13th century. | KLNLM vol. 5 p. 675-678

<sup>23</sup> Imsen 2000 p. 24

However the latest date has been established as 1277, which is the year when “*lendmenn*” and “*skutilsveiner*”<sup>24</sup> were given permission to call themselves barons, and knights, respectively. The church and servants of the king were also granted freedom from taxation this year. As none of this is mentioned in the Hirdskrå, historians have concluded that it was introduced no later than 1277.<sup>25</sup>

Its earliest year has been established as 1273, because during this year there were military-administrative meetings in the town of Tønsberg, where reforms in military management were introduced.<sup>26</sup> Specifically, that which we have already referred to as the ‘military reform of 1273’.

It is in the code of the hird that we find the laws that apply for the upper echelon of Norwegian society, as opposed to the more common law of Landsloven and Byloven. As it is a part of the systematic reformation of the military organisation in Norway in the 1270’s, both for freemen and aristocracy, it is an integral part in order to better comprehend the broader perspective of the subject we are about to examine.

## Hærreformen - The military reform of 1273

The military reform of 1273 is a bylaw that joins together aspects from the two aforementioned law texts, in an effort to create a new military group, or even institution. It utilises aspects from both the common and aristocratic laws, as we shall examine further.

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<sup>24</sup> These men were members of the royal retinue and aristocracy, the hird. Lendmenn meaning literally “Landed menn”, synonymous with the English baron, as evidenced by their new title. While “Skutilsvein” was the rank below these barons, corresponding to “knight”, as written in the text here.

Imsen 2000 p. 24

<sup>25</sup> Imsen 2000 p. 24

<sup>26</sup> Ibid.

Previously there had been two distinct military apparatuses at the disposal of the Norwegian monarchs. The first was the military obligation of the eligible of the general population of the kingdom to serve active duty in the *leidang*, whose institution's laws were in *Landsloven* and *Byloven*. The second was the military obligations of the men of the *hird*, barons who had the right to keep men-at-arms for his own personal service, but also at the disposal of the crown, i.e. a feudal vassal.<sup>27</sup>

This is the final component of the Norwegian military legislations with which we must orient ourselves and employ in comparison with the *assizes*. As it is this text that performs a similar expansion of duties and wealth/equipment categories as the *assize of arms of 1242*.

## 1.5 Historiography

In historical literature the 13th century *Assize of Arms* has most often been referred to only as “The Writ for Enforcing Watch and Ward”, leaving the ‘*Assize of Arms*’ title off. This appears to be so because historians have most often been mostly interested in the *Watch-and-Ward* system that it implements, and not the *assize of arms*. Favouring it as a source on the formation of an early form of police, as opposed to an insight into military legislation regarding the citizens’ duty to serve militarily.

It's correlation with the *watch-and-ward* may be part of the reason that it has been somewhat overlooked. For historical literature with an emphasis on warfare often mentions the *assize of 1181*, and rarely *1242*, but the *writ for watch-and-ward* is referenced more often. Even Powicke, when correcting the historical dating of the document merely calls it “*The writ for Enforcing Watch and Ward, 1242*”,<sup>28</sup> all the while

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<sup>27</sup> Ersland 2000 p. 80

<sup>28</sup> Powicke 1942 p. 469

he is directly referencing Stubbs' '*Select Chartres*' where its name is joined with '*and the Assize of Arms*'.<sup>29</sup>

In historiography concerning Medieval warfare, whenever the assizes of arms are referenced it is almost always to pick apart at a specific detail of it.

For example, the assize of 1242 is only mentioned when writing about the bow as a weapon, whether it be by 19th or 20th century historians. For example, in two different books, both with titles including the words "The Art of Warfare in the Middle Ages", the younger assize is referenced only in regards to the bow.

Charles Oman in his '*A history of the art of war, ...*' from 1898 references the assize of 1242 two times, both in explicit regard to the bow. While he mentions the assize of 1181 either in regards to the laws lacking mention of the bow, or in regards to the armour of the knightly class.<sup>30</sup>

While the 1977 edition of Jan Verbruggen's '*The Art of Warfare in Western Europe...*' mirrors the old work of Oman. He references the assize of 1181 when examining the wealth and equipment of knights, and both assizes in a chapter on foot soldiers, but even here it is only in regards to the bow.<sup>31</sup>

This is a trend I have observed in the various literature on Medieval warfare that has been available to me, and a part of the reason why I believe the assizes have been understudied, especially the later.

Usually in literature, the assize of arms, whether it be the elder or younger, is briefly explained as 'categorising wealth and equipment according to wealth', before then citing the source in relation to the topic at hand. Whether that topic be heavy armour or bows, as seem to be the two most popular.

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<sup>29</sup> Powicke 1942 p. 469 | Stubbs 1890 p. 370

<sup>30</sup> Oman 1898 p. 425, 511, 558, 560

<sup>31</sup> Verbruggen 1977 p. 25, 107

The greatest in-depth examination I have discovered on the assizes of arms is in Charles Hollister's work "*The Making of England...*", in which he reviews the administrative, legal, and military reforms enacted under the reign of Henry II. As well as referencing them several times in regards to ordinances enacted by his successors, Henry III and Edward I.<sup>32</sup> Here Hollister presents the functions and some of the effects both the assize of 1181 and 1242 might have had.

On the assizes of arms, Hollister places his emphasis on the economical and administrative aspects of these ordinances. Of course he presents the military aspects of the correct arms and armour men shall possess, but nothing else in regards to the military-operative functions of the writs. His focus is on the creation of a new method of calculating wealth, from the old Anglo-Saxon hide system, to the annual revenue of persons. As the assize of 1181 creates a new military hierarchy based on certain levels of wealth, and its successor of 1242 expands the privileges of both freemen and the non-free peasantry.<sup>33</sup>

Powicked does not spend much time on the assize of 1242, as mentioned he only refers to it as the writ for watch-and-ward. His only words on this ordinance is that it was instituted in order to ensure order and security in England while the king was absent from the kingdom.<sup>34</sup>

While Stubbs' work is the primary work this dissertation is focusing on, it is not a work of historical examination or analysis, but rather a compilation of Medieval sources. As Stubbs himself describes his work:

*"This book is intended to be primarily a treasury of reference ; an easily handled repertory of the Origines of English constitutional History ; (...)"*<sup>35</sup>

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<sup>32</sup> Hollister 1996 p. 152-153, 164, 256.

<sup>33</sup> Hollister 1996 p. 152-153, 232-233

<sup>34</sup> Powicke 1942 p. 469

<sup>35</sup> Stubbs 1890 Preface

Though Stubbs provides, at the head of all the documents he presents in this book, invaluable historical context and background, as well as in the introduction.

## Norwegian literature

The primary literature we will be using in regards to the Norwegian legislations and military history is volume 1 of “*Norsk Forsvarshistorie*”. This is a book created to present the history and development of the Norwegian military from the earliest possible time, around 900, to the Swedish-Norwegian union in 1814. It is divided into two parts, of which the first half is the one we will be concerned with.

This half is authored by Norwegian historian Geir Atle Ermland, and covers the Medieval Period in Norway. From the formation of the earliest iteration of a Norwegian military in the 10th century, to the beginning of the Renaissance around 1600.

In particular there is a specific section here that spurred my interest in writing a comparative examination of the English assizes and the Norwegian military legislations. Ermland presents here the ordinance from 1273 which he refers to as the ‘Army reformation of 1273.’<sup>36</sup> This ordinance acts both as a military reform, and creates a new special force in the Norwegian military.<sup>37</sup>

We will supplement our Norwegian literature with Edvard Bull’s ‘*Leding*’, a work from 1920 that examines the Norwegian military institution the *leidang*. His perspective of the *leidang* possesses parallels with the views Hollister has on the assizes. Bull’s emphasis in this book is on the use of the *leidang* as an institution that was used in order to develop a firmer, stable system of taxation in Norway.<sup>38</sup>

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<sup>36</sup> Ermland 2000 p. 76-80

<sup>37</sup> Ermland 2000 p. 80

<sup>38</sup> Bull 1920 p. 9

## 2.0 The Assize of Arms of 1242 - Introduction of the text

As mentioned, the Assize of Arms of 1242 has almost never been examined thoroughly by historians. Whenever it has been touched upon in historiography, it has been to pick select parts and passages that were relevant to the subject the historians were presenting in their works. As a historical document it appears severely understudied, especially in the form of comparative analysis. It seems to yet be examined in detail and has not even been translated in its entirety.

We will present this assize of 1242 and compare its topics and items with its predecessor, as well as the whole body of Magnus Lagabøte's military legislations and reforms. We shall analyse parallels and compare synonymities, as well as review what might be lacking between these law texts.

The Assize of 1242 may be divided into three different sections.

1. Where the first concerns the watch-and-ward and details the number of men to be instituted as armed watchmen in a city or village, with regards to the size of the community and its population, and how they shall keep watch throughout the night and arrest those who come in the night. Those that do not allow themselves to be arrested shall be pursued until caught and brought to the sheriff. Those who fail to call the 'hue and cry', i.e., issue pursuit of the criminal, shall be punished.<sup>39</sup>

2. Section two is the Assize of Arms and concerns the duty to *bear arms*. It states how men shall own certain arms and armour *according to the level of their wealth*. This is the

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<sup>39</sup> Stubbs 1890 p. 370-373

body and soul of the ordinance, of which the other aspects have been constructed to support and conform.<sup>40</sup>

3. While the third and last section of the document concerns the appointment of constables, who work for said sheriff. What time of year new officers shall be sworn in, and that they are the supervisors of the *jurati ad arma*. A form of assembly where officials supervise citizens *swear to arms* in the name of the king. The swearing to arms has strong similarities with the Norwegian system of the Leidang which we will return to later.<sup>41</sup>

The rest of section 3 entails how the constables and bailiffs are responsible to arrest criminals and ne'er-do-wells, as well as those who attempt to avoid or desert the swearing to arms in the name of the king. The constables, who are anointed in accordance with this ordinance, are obliged to arrest and deliver them to the custody of the sheriff.<sup>42</sup>

## 2.1 The Watch-and-Ward system

While we will be placing the emphasis on the assize of arms and its military aspects, we ought to present what our primary source has to say regarding the system of the Watch-and-Ward, before we begin the examination of the assize of arms itself. After all, it is a part of our primary source, presented together with the assize of arms. It might be better to study and compare the Watch-and-Ward with the Norwegian town-law as its own subject, as it does not have any synonymy with the military aspects in either the town- or rural-law. For the Watch-and-Ward has no correlation with the elder assize of 1181, nor the Norwegian rural-law. However, it does with the town-law of Magnus Lagabøte.

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

The most similar laws found in the rural-law are the ones that impose sentry and beacon duty, however, this duty is quite different. Here there are appointed men that are eligible for military service, who shall act as sentry-watchers in strategic positions throughout the country. These were usually high altitude vantage points where there are beacons that these men shall light in the event of them spotting enemy ships or armies approaching Norway.<sup>43</sup> This sentry duty is also found in the town-law, but there is no similar action present in the watch-and-ward system.

While the watch-and-ward can essentially be summarised as guard duty in populated areas, more specifically: cities, towns,<sup>44</sup> and villages. It displays some parallels with section VI. in Magnus Lagabøtes town-law, as this is the only place in the Norwegian legal corpus where we may find similar laws regarding activities of policing.

The writ for the watch imposes guard duty in all cities, towns, and villages, in the period of May-September. Specifically, between the Day of Ascension, and the feast of St. Michael.

It delegates to the sheriff the duty to assign, or at least delegate the duty to assign, a certain number of guards that shall keep watch from the setting of the sun until the rising of the sun. For cities, each gate shall have six men equipped with arms, each borough shall have twelve men, and in every leet, that is, small township or village, there shall be six men or at least four.

These guards are obliged during their watch to arrest any stranger that may pass by them, and hold him in custody until morning. If the stranger is found trustworthy he shall be released, if not he shall be delivered to the sheriff.<sup>45</sup>

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<sup>43</sup> Ersland 2000 p. 55-60

<sup>44</sup> In a Medieval setting, a 'city' refers to a city with a cathedral, or a bishops-seat. While 'town' is a more general term for urban areas, most often it is used in regards to 'boroughs', i.e., towns that are fortified in some manner. Latham 1965 p. 59-60, 298

<sup>45</sup> Stubbs 1890 p. 370-373

Further along it obliges the assigned guards to '*let hue and cry*' upon anyone who resists arrest. Hue and cry implies an action that obliges not only the guards to pursue and arrest the suspect at any cost, but also by everyone in the entire town and neighbouring areas. From town to town, and village to village, until he is caught. Then he ought to be kept in custody until he can be delivered to the sheriff.<sup>46</sup>

This 'hue and cry' may imply a responsibility upon the citizenry to commit to and perform the arrest of possible suspects, as failure to raise the hue and cry could result in 'grave punishment' according to this law. It implies a sort of shift of responsibility, that the crown or upper administrators such as barons and sheriffs should not have to deal with the arrest of these suspects. As implied by the threat of punishment should the guards not raise the hue and cry, which is the only parallel aspect of this duty found in Norwegian. That is, the punishment for failing to light the Norwegian beacons in the event of hostile ships approaching would be quite severe. Then again, the sentries would also be punished in the event of lighting the beacons wrongfully.<sup>47</sup>

This is essentially the entire essence of the watch-and-ward system of this writ. There are other aspects we will mention later, that are part of the assize of arms, but are also possible due to this watch system. Which is the fact that men who are found to be carrying arms they are not supposed to, in conflict with the assize of arms, they shall be let hue and cry upon and arrested.

While in the Norwegian town-law there are a few similarities to this vigil. Such as the laws that imply curfew in the chapter "*That people shall be inside during the night*". None shall be walking around the streets or imminent vicinity of the town during the night. If they do they shall be apprehended and kept in custody until the matter is judged or cleared.<sup>48</sup>

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<sup>46</sup> Ibid.

<sup>47</sup> Taranger 1915 p. 31-32 | Robberstad 1923 p. 11-12

<sup>48</sup> Robberstad 1923 p. 22

Additionally, during Christmastimes there shall be selected six good men by the town taxman,<sup>49</sup> through consultation with local advice. Furthermore there are described punishments of the guards should they neglect their duties and responsibilities as men of vigil. But there appears to be no description of action similar to the 'hue and cry' as described in the English writ of 1242.

## 2.2 Assize of Arms of 1242

Following the institution of the Watch-and-Ward system, the Assize of Arms of 1242 opens thusly:

*"It is also provided that each of the sheriffs along with two knights specially assigned for this purpose, should go from hundred to hundred in the counties which they are responsible and into cities and boroughs, and summon before them [=in their presence] in every hundred, city and borough the citizens, burghers, freeholders, villeins and others of 15 to 60 years of age, and make them all swear to take up arms, according to the amount of land and chattels they hold, namely."<sup>50</sup>*

This introduction presents the whole nature of the Assizes of Arms, and may be summarised into three discernible elements. These are:

1. The [re-]organisation of English military based on wealth.
2. The inspection of the sheriff and his subsidiaries at assemblies, with the purpose of inspecting equipment and the wealth of citizens. As well as

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<sup>49</sup> 'Gjaldker' : Translates literally as tax-man. This is the office responsible for a town or city, just as a sysselmann (sheriff) is responsible for a county. | KLNLM vol. 5 p. 675-578

<sup>50</sup> Stubbs 1890 p. 371

supervising the *'Jurati ad arma'* - The swearing to arms, a process where eligible men swear an oath of service to keep and bear arms in the name of the king.

3. And lastly, the equipment that citizens shall keep in accordance with their wealth, and swear on.

We will examine these in chronological order as presented above.

## 2.3 Equipment based on wealth, and thereby social status.

As stated in the introduction on the Assize from 1181, its purpose was to recreate the fyrd and to reorganise the military obligations of English subjects based on wealth. By way of this reorganisation it also created a new system for measuring the wealth of the English subjects, from the old hides to total wealth and annual income.<sup>51</sup>

We may observe this simply by presenting its text dictating what armament shall be kept, and by whom. As continued from where the introduction of the Assize of Arms of 1242 left off:

*"(...) namely:*

*[Those that hold] 15 pounds worth of land; a hauberk<sup>52</sup>, hat of iron, sword, dagger and horse.*

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<sup>51</sup> Stubbs 1890 p. 24-25, 153-154 | Hollister 1996 p. 152-153

<sup>52</sup> Long chainmail armour, covering the whole arms, as well as the thighs. During the 13th century often included chainmail chausses protecting the legs as well as padded mittens covered with mail, for hand protection. Contamine 1984 p. 69 | Verbruggen 1977 p. 26 | Oman 1898 p. 126-128

*[Those that hold] from 10 pounds worth of land a habergeon,<sup>53</sup> hat of iron, sword and dagger.*

*[Those that hold] 100 shillings worth of land a quilted jacket<sup>54</sup> [gambeson], hat of iron, sword, spear and dagger.*

*[Those that hold] 40 shillings worth of land, or more unto 100 shillings worth, a sword, a bow, arrows, and a knife.*

*[Those that hold] less than 40 shillings worth of land, shall swear to provide sickles, gisarmes, knives, and other lesser arms.*

*[And those that hold] 60 marks worth of chattels, a hauberk, hat of iron, sword, knife, and horse.*

*[Those that hold] 40 marks worth, a habergeon, hat of iron, sword, and knife,*

*[Those that hold] 20 marks worth, a quilted jacket, hat of iron, sword and knife.*

*[Those that hold] 9 marks worth of chattels, sword, knife, bow and arrows.*

*[Those that hold] chattels worth 40 shillings and up to 10 marks, sickles, gisarmes and other lesser arms.*

*[Lastly] Everyone able, shall keep bow and arrows outside the forests, however those who live in [or near] forests, shall keep [both] bow and javelins.”<sup>55</sup>*

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<sup>53</sup> “Little shirt”. Chainmail shirt, shorter than its counterpart the Hauberk. Habergeon often covers the arms and legs only partly. | Contamine 1984 p. 69, 186 | Oman 1898 p. 126-128

<sup>54</sup> Original text writes “*purpunctum*” most likely the latin translation for the French *pourpoint*, quilted jacket or gambeson.

<sup>55</sup> Stubbs 1890 p. 370-373

## 2.4 Dividation of wealth by movable wealth and land-based wealth

What is the most striking, or obvious, element here is the separation of those that possess wealth through ownership of land, and those who hold wealth by chattels. In the middle of the text above, we may observe that the text repeats itself. Firstly, it states what equipment shall be kept in terms of wealth based on ownership of land, then again the same armament. However, the latter half describes equipment based on wealth according to *chattels*, that is *movable, tangible goods*. As opposed to land-based which would mean revenue from renting the land, or by farming crops or by animal husbandry.

The first line of the two different sections describes the same amount of equipment, but the dividation of wealth is marked by a discernable differentiation in the nature of said wealth.

“(…) *quindecim libratas terrae*,”<sup>56</sup>

“(…) fifteen pounds of land,”

As opposed to...

“(…) *catalla sexaginta marcarum*,”<sup>57</sup>

“(…) chattels [worth] 60 marks,”

While *libratas terrae* translates as wealth based on ownership of land, like a fief, farm, or any similar landholding. *Catalla* in Medieval English law was used to refer to movable, tangible goods. Primarily it referred to cattle, mainly cows, but at the time could also refer to other animals of husbandry, as it was a common term of currency.

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<sup>56</sup> Stubbs 1890 p. 371

<sup>57</sup> Stubbs 1890 p. 372

However, Normans used the term also to refer to all movable goods or wealth, not strictly as “cattle.” Hence *chattels*.<sup>58</sup> This can also be observed in Norwegian law, where the title of the head treasurer in Norse was “*Fehirde*”, translating literally as “Cattle-herder” or “Cattle-guardian.” The highest financial-administrative office in Medieval Norway.<sup>59</sup>

Attention is then drawn to what Contamine comments on in regard to a French miniature “Assize of Arms” instituted by Henry II just days before the English one in 1181. Where Contamine stated that the emphasis on movable goods, *catallo*, might suggest that Henry II was primarily attempting to arm the inhabitants of towns.<sup>60</sup> As opposed to arming the populace of the countryside, the landowners, and tenants. However, it is very brief, only describing three quite simple categories of wealth. Which is all there is within said writ regarding arms. However, we will focus on the English kingdom and not the whole of the Angevin Realm, the French version seems to be an afterthought by Henry II.

We may also observe this divination of wealth in the predecessor and originator of the latter assize. The Assize of Arms of 1181. These categories for wealth and arms read as follows:

1. *“Whoever holds a knight’s fee (...)”*
2. *“Whichever free layman that possesses 16 marks worth in chattels or revenue (...)”*
3. *“Whichever free layman that possesses 10 marks worth in chattels or revenue (...)”*

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<sup>58</sup> Latham 1965 p. 75

<sup>59</sup> KLNLM vol. 4 p. 210-212

<sup>60</sup> Contamine 1984 p. 88

4. “All burghers and the entire community of freemen shall keep a gambeson, a hat of iron, and lance.”<sup>61</sup>

Here the fourth and last category simply states that the rest of the populace shall keep said respective equipment. Implying anyone who has less than 10 marks worth of goods or revenue.

Item number one, a knight's fee, is a measurement of land required to provide subsistence for the needs of one knight. Which is not limited to enough horses, and the appropriate arms and armour. But also, what is needed for food for the knight's family, servants and tenants, food for livestock et cetera.

It does also state that whoever holds *more* than *one* knight's fee, shall keep as much equipment [and men bearing said equipment] fit for a knight as he holds knight's fees. Meaning he is required by law to *keep men-at-arms* with the same equipment as that of knights.<sup>62</sup>

This is an element of special interest for us, which we will later return to compare. As the Norwegian military reform of 1273 has a strikingly similar item, requiring barons to keep men with specialized arms and armour.<sup>63</sup>

It is these very passages that lead me to question to what degree the Norwegian military legislations may have been related to, or inspired by the English assizes.

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<sup>61</sup> Adams & Stephens 1901 p. 23  
Stubbs 1890 p. 154

<sup>62</sup> Adams & Stephens 1901 p. 23

<sup>63</sup> NMD no. 27 p. 124-131 | Imsen 2000 p. 133-141

## 2.5 Dividation of wealth within Norwegian legislation

This dividation of wealth, these categories or wealth classes, are not found in just a single ordinance or page from Magnus Lagabøte's law. They are scattered throughout his aforementioned lawcodes. For the ordinary citizen however, his primary legislation is divided into two separate works. We have the book of Norway's rural-law,<sup>64</sup> and the book of town law. Law.<sup>65</sup> As described in the introduction they essentially mirror each other, only becoming disparate where there are differences between towns and rural areas.

However, on the matter of this dividation of wealth, there is no differentiation. In section 3, "national defence", the chapters detailing this in the rural- and city-law are, respectively: "On weapons-duty" and "What weapons each shall own".<sup>66</sup> These chapters are identical and state the same regarding wealth.

The categories for wealth displayed here are 18 *weighed* marks, followed by 12, then 6 weighed marks, and lastly by those owning property worth less than 6 weighed marks.<sup>67</sup> There is no separation or difference between the manner of wealth. The law phrases it in this way:

*"The man who possesses 6 weighed marks besides his clothes (...)"<sup>68</sup>*

Implying that the wealth is calculated on his combined wealth, whether that be movable goods, rents, coins, or cattle etc.

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<sup>64</sup> Norwegian: Landsloven

<sup>65</sup> Norwegian: Byloven

<sup>66</sup> Taranger 1915 p. 35-37 | Robberstad 1923 p. 15-16

<sup>67</sup> Taranger 1915 p. 36 | Robberstad 1923 p. 15

<sup>68</sup> Taranger 1915 p. 36

### 3.0 Categorization of wealth

Another element we should orient ourselves with is the categorization of wealth, and equipment.

The original assize of 1181 contains four categories of wealth: From a knight’s fee to 16 marks, to 10 marks, and less than 10 marks worth of property or revenue. While its successor has been expanded to six. We will present this in a table for ease of reference, and comparison.<sup>69</sup>

Table 1. Wealth categories of the Assizes of Arms.

Wealth categories	Assize of Arms 1181	Assizes of Arms 1242 (Chattels)	Assize of Arms 1242 (Land)
Category 1	Knight’s fee	60m.	15£
Category 2	-----	40m.	10£
Category 3	20m.	20m.	100sh.
Category 4	9m.	9m.	40sh. to 100sh.
Category 5	<10m. (The rest)	40sh. to 10m.	<40sh.
Category 6	-----	The rest	The rest

m. = Marks.

Sh. = Shillings.

We may observe here that the later assize has expanded the categories by including two new elements. The assize of 1181 has four categories, of which the topmost level regards those possessing a knight’s fee. One knight’s fee is later in the assize of 1242 equated to chattels worth 60 marks, or property and revenue from ownership of land worth 15 pounds.

<sup>69</sup> Stubbs 1890 p. 154-156, 371-373 | Stephens & Adams 1901 p. 23-25

When referencing the values found in the assize of arms of 1242, we will be referencing the values described in the ‘*Chattels*’ section, i.e., marks. This is in order to avoid confusion when comparing with the elder assize of 1181, and the Norwegian military legislations, as all of these measure the value in marks as well.

As previously mentioned, this re-categorization of wealth and military obligation in the assizes of arms have been argued to be part of a development aimed at restructuring the calculation of wealth based on feudal tenures<sup>70</sup> with, as Charles Hollister puts it: “A *standardized national system of military assessment*.”<sup>71</sup>

## The lower categories

While the topmost class in 1181 concerns knights, both nobles and gentry, the three lower classes concern the non-knightly freemen of England.

Among these lowermost classes of 1181, the last category encompassed all who owned less than 10 marks. In 1242 this section was expanded to those owning between 40 shilling and 10 marks, and those owning less than 40 shilling.

In 1181 ‘the rest’ of the citizens, those possessing less than 10 marks worth, were to keep lesser armour. In 1242 this was expanded to only miscellaneous lesser arms<sup>72</sup> in category 5, and only projectile weaponry in category 6.

Though the arms and armour themselves, that were assigned to these categories of wealth, we shall examine in greater detail later on in a dedicated section below.

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<sup>70</sup> Such as: A hide, five-hide, or the knight’s fee present in the assize from 1181 etc.

<sup>71</sup> Hollister 1996 p. 153

<sup>72</sup> Lesser arms being such as: Sickles, gisarmes, knives etc. Tools not necessarily made explicitly for the purpose of warfare, such as swords and spears are.

## The upper categories

Where among the upper wealth classes in our table above, we see an expansion just below what makes up the wealth level of knights. In the original assize this is merely summarised as those possessing one or more knight's fees, though equated in the later assize, as mentioned, to 60 marks worth.

Additionally, Hollister writes that from the 13th century onwards the English monarchy required every man whose estates had a yearly revenue of around 20 pounds to become knights.<sup>73</sup> Providing an insight into how the English monarchy wished to bring wealthy freemen closer to the influence of the crown, supplementing their own repertoire of warriors.

This process would have lessened the military potency of the crown's feudal vassals, as the crown would essentially then possess a system of recruitment for knights through the means of the assize of arms as well as this knighting of wealthy gentry.

This expansion in the upper wealth classes is fascinating for several reasons. One of the first thoughts of any historian might be how it reflects the growth of the freemen and burgher<sup>74</sup> populations in Europe throughout the 13th century.<sup>75</sup> Something evidenced simply by the fact that Magnus Lagabøte saw it necessary to create separate law-codes for towns and the countryside.

More interesting for us, with regards to military legislation, is that this upper expansion displays parallels with the military legislations of Magnus Lagabøte. More specifically, he created a new class, or wealth category, of troops which he obliged members of the Hird to subsidise.

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<sup>73</sup> Hollister 1996 p. 153

He is most likely referencing a writ from 1278 called "Writ for Distraint of Knighthood" which can be found in Stubbs 1890 p. 456-457

<sup>74</sup> Burghers is the Medieval term for those who live / dwell in urban towns, as opposed to villages and in the countryside.

<sup>75</sup> Hollister 1996 p. 187-189, 191-195

### 3.1 The new military class in Norway, the Military Reform of 1273

In 1273 King Magnus Lagabøte of Norway summoned all administrators and officials of Eastern Norway for an assembly, where he and his officials produced what Norwegian historian G.A. Erslund calls “The Army Reform of 1273.”<sup>76</sup> Which was made for the purpose of creating a new unit of warriors under direct command of the king.<sup>77</sup> A group above the more commonly equipped men of the Leidang, but below the level of the aristocracy. The men that were to serve as part of this new unit would be recruited from the wealthiest class of farmers, and they would be subsidised by members of the king's hird.<sup>78</sup>

It is from the winter of 1273 which immediately preceded the institution of Landsloven in 1274. Meaning it was clearly developed alongside the rest of Magnus Lagabøte’s law texts. Though his corpus of legislations appear separate, they are all coordinated and supplement each other.

This reform created an additional military wealth category, which had not been present within the military structure of Norway before. Showing fair synonymy with the developments of the Assize of Arms between 1181 and 1242.

Here is a table which presents the wealth categories present throughout the legislation of Magnus Lagabøte. Including, as described in the introduction, Landsloven (1274), the military reform (1273) and Hirdskråa (1273-7), compared with the Assizes.

Table 2. Wealth categories of Norwegian legislations, Assize of Arms of 1242, and 1181.

Category levels	Magnus Lagabøtes Corpus	AoA 1252 (Chattels)	AoA 1181
Category 1	<b>Hirdskråa</b>	60m.	A knight’s fee

<sup>76</sup> Erslund 2000 p. 76-80

<sup>77</sup> Erslund 2000 p. 76-77

<sup>78</sup> Erslund 2000 p. 76-80

	Members of the hird, knights, barons, sheriffs, etc. Their wealth would be synonymous to a "knight's fee", or more, depending on the man.		
Category 2	<b>Army reform 1273</b> Subsidies from barons and similar officials, based on the amount of granted land they hold. Minimum value of land: 15m.	40m.	-----
Category 3	<b>Landsloven + Byloven</b> 18 m.	20m.	20m.
Category 4	12m.	9m.	9m.
Category 5	6 m.	40 sh - 10m	<10 (The rest)
Category 6	<6 m. (The rest)	<40sh. (The rest)	-----

Clearly category 2 might be misleading, as the minimum value of barons as stated here is 15 marks. Which is lower than that of category 3, which is freemen possessing a wealth of 18 marks.

This is because the army reform of 1273 states that barons and other servants of the king were to keep 5 men armed with elite military equipment, for every field they possess worth 15 marks in yearly revenue.<sup>79</sup>

They were also to keep the men "at arms" with rations for 3 months. This was a reactive measure, meaning the subsidisers were not supposed to keep these men as a standing force permanently. But rather to call them into action as an elite unit at the king's command,<sup>80</sup> something we will examine in greater detail when we begin our comparative examinations.

<sup>79</sup> NMD no. 27 p. 124 | Imsen 2000 p. 133  
P. 77 Ersland (2000)

<sup>80</sup> Ersland 2000 p. 76-79

However, this land worth 15 marks does *not* translate in the same manner to the rest of the categories in the Assizes of arms or those in Landsloven. These laws describe the total wealth of a person's property and revenue. If you are a burgher this would represent the summarised value of your trade goods, furniture, currency, and even the value of your house or property. For farmers and other rural dwellers it would be similar, but also the *yearly revenue* yielded either by renting said land, or by crops or animal husbandry, et cetera.

In Landsloven this is portrayed through the text:

*“Den som mand som eier 6 veiede mark foruten sine klær, (...)”*<sup>81</sup>

“The man who owns 6 weighted marks [worth] *besides* his clothes, (...)”

Whereas the Norwegian category 2, from the army reform, does not reflect the entire wealth of the subsidiser, but the amount of granted land, *beneficium*, that he holds for the crown.<sup>82</sup> The men that received this beneficium were *landed men*, in other words, barons, as they were allowed to refer to themselves as around this time.<sup>83</sup>

These barons were granted beneficium for the purpose of providing military service and counsel to the king.<sup>84</sup> The lands that were granted were property of the crown, and as long as these landed men provided the requested service to the king they would essentially reap all revenue from said property.<sup>85</sup>

Men who were granted this would almost always already be rather wealthy men, skilled administrators or warriors offering fealty and service to the king. Thereby writing “Land worth 15 marks” does not reflect the whole networth of a man who is to keep certain

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<sup>81</sup> Taranger 1915 p. 36

<sup>82</sup> Imsen 2000 p. 35-37

<sup>83</sup> Imsen 2000 p. 12, 24

<sup>84</sup> Imsen 2000 p. 36 | KLNLM vol. 19 p. 632-634 “*Veitsle*”

<sup>85</sup> P. 78 Erslund (2000)

equipment, but rather beneficium worth 15 marks is to be spent to keep 5 men armed with elite arms and armour.<sup>86</sup>

This means that this military reform was a reduction in the 'personal' revenues these barons held, though the revenue in question was technically reaped from land of the crown. Sheriffs too were to keep men in accordance with this ordinance, however, for the sheriffs, this seems to have been simply another administrative expense in their respective region.<sup>87</sup>

Therefore, in the Norwegian category 2 we will write "Subsidies from officials". While category 1 we will equate to "A knight's fee", as that would be the approximate wealth of these high ranking officials.

We will write "a knight's fee" instead of replacing it with a set worth such as 60 marks which is in the assize of 1242, as we cannot be too sure what wealth the Norwegians at the time would equate one knight's fee too, without an in-depth examination on the topic by itself.

Though when viewing the rest of the wealth classes present in both Norwegian and English legislation, especially the last four categories, the intervals are incredibly close and seem consistent. Which could give us cause to assume that the English equation of one knight's fee being 60 marks worth, could also be true in Norway as well.

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<sup>86</sup> NMD no. 27 p. 124-131 | Imsen 2000 p. 133-141

<sup>87</sup> P. 78 Ersland (2000). Though there appears to be some debate whether or not the sheriff's (syssele menn) personal income suffered as that of the barons. Ersland is of the conviction that the sheriff's were not required to suffer personal expense in the same manner, but rather be an extra administrative expense in their assigned county.

## 4.0 Jurati ad arma - Swearing to Arms and weapons inspection

Alongside the mandate for all citizens to bear arms, comes the obligation for all citizens of England to swear to arms in the name of the lord king. This was essentially the sinew of the ordinance which brought the whole thing together. For the citizens were not to bear arms *only* for their own protection, but it was to be in service to the king. Should he wish to call upon the military service of his subjects.

### 4.1 Origins of the Jurati ad arma and the Assizes of Arms

This system was of course originally implemented in the first assize as well. Hailing from the time of the reign of Henry II (r. 1154-1189), who had grown up during an incredibly violent period referred to as 'The Anarchy'. A bloody civil war which took place in England and Normandy between 1135-1153. It was created by a succession crisis following the death of the son of Henry I.<sup>88</sup>

What followed was a breakdown of law and order, where barons and their men-at-arms sought to pillage their neighbours and do whatever necessary to make themselves richer. The period has often been referred to by historians as the consequences of feudal society when the central government of the monarchy collapses.<sup>89</sup> Contemporary descriptions of the sufferings of England at this time exist in the *Anglo-Saxon Chronicle*, though surely somewhat exaggerated, paints a vivid illustration of the situation and the plights of the people at the time.<sup>90</sup>

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<sup>88</sup> Hollister 1996 p. 144-150 | Oman 1895 p. 95

<sup>89</sup> Hollister 1996 p. 145 | Oman 1895 p. 95 | Stubbs 1890 p. 20-21

<sup>90</sup> Hollister 1996 p. 145

This bit of backstory is necessary to understand the original purpose of the implementation of the Assize of Arms. Stubbs, one of the first to examine these assizes, writes that the intent was to revive the military obligation of the people, and to strengthen the power of the monarchy while weakening the barony.<sup>91</sup> We will examine the possible intents of the ordinances later after having presented the key parallels with our selected source material.

## 4.2 The process of Jurati ad Arma

Both the assize of 1242 and 1181 describes this process of oathmaking, though both texts are somewhat lacking in descriptive content. They merely portray the bare minimum of information, and *how* the process itself was carried out seems to be somewhat difficult to discern.

## 4.3 Jurati ad Arma - Assize of 1181

However, we will now present the contents of this swearing to arms, first what the original of 1181 says, then compare with its successor from 1242.

*“4. Moreover, let each one of them swear that before the feast of Saint Hilary he will have these arms and that he will bear faith to the lord king Henry, namely the son of the empress Matilda, and that he will bear these arms in his service according to his order and for the protection of the lord king and of his realm. And let no one who has these arms sell them or pledge them or give them away, or in any other manner alienate them, nor let a lord in any manner take them away*

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<sup>91</sup> Stubbs 1890 p. 22, 153-154

*from his man, either by forfeiture, or by gift or as a pledge, or in any other manner.*<sup>92</sup>

As we can observe the text is not exactly overflowing with information on the process itself of swearing loyalty. It only describes the intent of the oath, which is to swear allegiance to the king directly. As in a direct bond between ruler and subject, circumventing the normal feudal allegiances to a landowner.

Though how this process shall be carried out is continued under item 9 in the same assize, which is also the biggest section by far.

Item 9 states that sheriffs, knights, or other 'noble' freemen who are sworn to this duty [of performing inspection], shall carry out inspections throughout their respective area. Whether that be a hundred, a village or a city. And create a list of the inhabitants and document their level of wealth, and thusly what arms they shall keep in service of the king. This report shall be presented by this inspection to the justices, i.e., travelling lawmen of Norman England.<sup>93</sup>

#### 4.4 Jurati ad arma - Assize of 1242

We may observe a clear continuation of the practice in the assize of 1242. The introduction of the Assize of Arms as quoted above states:

*"It is also provided that each of the sheriffs along with two knights specially assigned for this purpose, should go from hundred to hundred in the counties which they are responsible and into cities and boroughs, and summon before them [=in their presence] in every hundred, city and borough the citizens,*

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<sup>92</sup> Adams & Stephens 1901 p. 23

<sup>93</sup> Adams & Stephens 1901 p. 24

*burghers, freeholders, villeins and others of 15 to 60 years of age, and make them all swear to take up arms, according to the amount of land and chattels they hold, namely.”<sup>94</sup>*

What we thus are able to discern is that there was a group of inspectors consisting of a few designated officials. In the assize of 1242, it states that the sheriff shall lead a few knights throughout their respective administrative area. Though a date is not set like it was in the original assize, “*Before the feast of Saint Hilary*”, January 14th.

The third and last section of text in our ordinance from 1242 contains information regarding both the assize of arms and the keeping of arms, and the system of Watch-and-Ward, where a few citizens are chosen to keep night's watch as well as keep order during the days. Sentences in the text are somewhat intermingled and they run criss-cross between policing and the bearing of arms. This is most likely the result of the evolution and change in the purpose and intent of the assize between 1181 and 1242, which we will explore in greater detail further on.

However, we will here continue to present what the assize has to say on the swearing of arms and this inspection which officials bore the duty of.

*“In each city and borough they shall be sworn to arms<sup>95</sup> in the presence of the mayors of the city , and in the presence of the reeves and of the bailiffs of those boroughs were there are not mayors <sup>96</sup> ; in each town there shall be instituted a constable or two, according to the number of inhabitants and the supply of the aforesaid men ; in every hundred there shall be instituted a head-constable, at his command those who are sworn to arms from the hundreds shall convene, and submitting to him in order to do those things necessary for the conservation of our peace.”<sup>97</sup>*

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<sup>94</sup> Stubbs 1890 p. 370-373 [Latin]

<sup>95</sup> Or it could be: “those sworn to arms, i.e. the local militia, fyrd, jurati ad arma, should be/act”

<sup>96</sup> = boroughs which do not have a mayor

<sup>97</sup> Stubbs 1890 p. 370-373 [Latin]

## 4.5 Weapons Assembly - Jurati ad Arma and Våpenting

Clearly there is a continuation between the original assize and its successor of 1242. It is apparent that the primary organ here is the duty placed on inspection by the officials of the districts. The fact that the sheriffs themselves, *vicecomites*, are specifically tasked with the duty certainly implies it was a task of significance and import.

Parallels can without doubt be observed when comparing with the processes written in the Norwegian codexes. The farmers or townspeople were to keep arms and armour, and consequently they were to assemble for inspections at weapons-assemblies.<sup>98</sup>

In Landsloven it is written that this assembly shall take part in each '*skipreide*' and shall be kept throughout all Norway. Skipreide is a term for a district where peasants were to provide a ship for service in the Leidang. Medieval Norway was essentially divided into these ship-districts, one of the elder regional laws state that there were 290 skipreider, while the testament of Magnus Lagabøte tells us that there were 289 districts in 1277.<sup>99</sup>

Weapons assembly shall take place during candlemas, the 2nd of February.<sup>100</sup> The assize of 1181 states their jurati ad arma shall take place before the feast of St. Hilary, the 14th of January. While the assize of 1242 fails to mention a specific date, which may imply that it was up to the discretion of the Sheriff or other delegated officials.

The fact that it is to take place during the earliest part of the year, during winter, in the original assize and in the Norwegian laws, would make sense as men would then be ready for action during the summer. Which would be when warfare could be waged with the most prudence. Especially in Norway's case, as waging war during the Northern European winters would certainly not be wise logistically. Or wise from any perspective. Farmers, who would after all comprise the majority of both England's and Norway's

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<sup>98</sup> = "*Våpenting*"

<sup>99</sup> Ermland 2000: 82-85 | KLNLM vol. 15 p. 546-551

<sup>100</sup> Landsloven 1915: 37

forces,<sup>101</sup> were needed at home during spring and fall. During spring to plant crops, but especially during autumn to harvest them.

Though from a Norwegian perspective, it would almost be necessary to have men be ready for military service as early in the year as possible. As Norway was at the time a thalassocratic power, whose military ability, as well as economical ability etc., were intrinsically tied to the sea. The *leidang* was an institution which, after all, had the purpose of obliging men throughout the entire land to keep ships ready for action, and to keep the eligible men themselves ready for military service on board said ships.<sup>102</sup> Norway was a kingdom that relied on naval supremacy, and they did it well.

But the navy could only operate most efficiently during spring and summer. As autumn carried ocean storms coming in from the Atlantic, while in the winter, rations and supplies would be near impossible to secure, as foraging for an entire navy would be increasingly difficult by the day.

## 4.6 Inspection at the assemblies - Officials, and Officers

Just as the assize states the sheriff of the county shall supervise the process of the *jurati ad arma*, so too does the Norwegian laws state exactly likewise. That sheriffs shall preside over the weapons-assembly, and he shall proclaim to the people how they shall act during this assembly,<sup>103</sup> though this is in the rural Norwegian law. In the Norwegian city-law the sheriff is here replaced with the '*Gjaldker*', which may be translated quite literally as tax-man. This was the highest office in the older regional laws, until the creation of offices such as sheriffs and barons in the 13th century.<sup>104</sup>

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<sup>101</sup> At least from our perspective in this paper. Of course monarchs could substitute with mercenaries or vassals.

<sup>102</sup> Ersland 2000 p. 47-52, 82-86

<sup>103</sup> Taranger 1915 p. 38

<sup>104</sup> KLNLM vol. 5 p. 675-678 "*Gældker*"

The Norwegian taxman's equivalent would be the mayor, who is referred to in the assize of arms of 1242. It was in the presence of the mayor, or in the event that the town did not possess a mayor, before the bailiff, that the eligible men should convene and swear to arms. The mayor, or bailiff, would be assisted by the appointed head-constable and his subsidiary constables, to perform the assembly.

In the Assize from 1181 it is not sheriffs who are explicitly mentioned to be responsible for the swearing to arms, nor bailiff, nor head-constable. It was the 'itinerant justices', travelling judges, who were responsible.<sup>105</sup> They were invested with the power to create a unit which would perform inspections that were to be carried out as we will examine promptly below.

## 4.7 The process of inspection

What happened at these assemblies though? Both in England and Norway. This is what we have available from the Norwegian lawcode. This is information the sheriff or taxman were obliged to inform the people attending the weapons-assembly.

*"It has been acted according to the law, when three men walk together, and not more than three, and that they walk slowly, so the sheriff may clearly view their weapons.*

*Men of the hird are obliged to join the sheriff in the inspection of these weapons.*

*But if they march in too close a formation and that the sheriff for that reason is not able to properly view the people's weapons, then they [the people] shall be fined for each who is guilty, 1 mark silver to the king.*

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<sup>105</sup> See chapter 1.4 above

*If anyone borrows weapons for the weapons-assembly and it is proved by witness, then those weapons are from then on the king's property, and the borrower shall pay weapons-fine as previously mentioned.*<sup>106</sup>

While the assize of 1242 does not present a similar duty of presentation for the officials as the Norwegian one above, the elder assize states that the traveling justices shall:

*"(...) in the hearing of all those persons, let them cause that this assize concerning the having of arms be read and that they swear that they will have these arms according to the aforesaid values (...)"*<sup>107</sup>

In the second sentence of the Norwegian extract above we see that other officials that may be present shall take part in the inspection. Though the text does not necessarily describe whether this is something that is required or not. It seems more as an addendum of obligation should other officials be present at the time, to aid the sheriff in his duty at the assembly.

While the assize of 1242 does not state such explicit details of what shall be done at the assembly, we could possibly extrapolate that this 'group' of officials in the Norwegian law-code may correspond with the roughly equivalent officials in the assize. As previously quoted, the jurati ad arma shall occur in the presence of the mayors, bailiffs, and their head-constables.<sup>108</sup>

This is quite similar to the men of the hird aiding the sheriff in his duties at the assembly, as written above. However, it is unclear whether the English sheriff himself is obliged to be present, or if he may leave it to the mayor, bailiff or simply just the head constable. While the Norwegian text dictates that the sheriff shall be present, the assize merely

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<sup>106</sup> Taranger 1915:p. 38

<sup>107</sup> Adams & Stephens 1901 p. 24

<sup>108</sup> Stubbs 1890 p. 370-373 [Latin]

states that it is the direct responsibility of the sheriff to ensure the mandates of this law are heeded.

Though for all we know the sheriff would be free to delegate this duty to the mayor, bailiff, or simply the head-constable of the town in question. After all, the initial part of this section states that it is to the head-constable in each hundred the people shall convene, and before him they shall kneel to observe the conservation of our peace.<sup>109</sup> That is, the peace in accordance with the commands of this assize.

## 4.8 Inspection in the Assize of Arms of 1181

It seems that the form of the inspection has changed between the assizes from 1181 to 1242. In the latter as we have now examined, the sheriff and his subsidiary officials were responsible for organising an assembly for inspection and *jurati ad arma*. Which was rather synonymous with the Norwegian weapons assemblies. But in 1181 under item 9, there is written a much more cumbersome duty which the English officials are to perform.

As presented under chapter 4.6, the old assize describes how the travelling justices shall organize knights and other free and lawful men to perform an inspection throughout:

*“(...) their hundreds and neighbourhoods and boroughs.”*<sup>110</sup>

When the justices are present in the county, borough or city, etc., their assigned inspectors are required to make lists of the wealth and revenue of each citizen in the area, and thusly what arms they shall keep in accordance with the assize of arms. By

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<sup>109</sup> Ibid.

<sup>110</sup> Adams & Stephens 1901 p. 24

way of this inspection they shall present their report to the justices, who shall then reside over the assembly in the district they will be travelling to. And it is before these justices, in this assembly, that the citizens shall convene and swear to arms.<sup>111</sup>

But in 1242 as we have observed, the citizens are required to gather before the officials of their borough, hundred, etc., where the head-constable or his superiors are to supervise and instruct them to the details of the assize. Though the ordinance of 1242 does not say, it would seem illogical that they do not read to the people the contents of the assize in the same fashion as that of the elder. Though perhaps it would already be well enough known during this time, and not worth noting down in 1242. Something the people were already familiar with? A topic we will examine further later.

However, what we may discern is that the assize of 1242 has adopted a more efficient way of carrying out the assembly. Though the assize of 1181 does not specifically state where the assembly of the justices shall take place, it was most likely in the most populated area of the respective district. Whether that be a borough, or a city, or other. But the elder assize has the traveling officials hold weapons inspections followed by assemblies of jurati ad arma, while the newer assize summons the people before the administrators of their respective area.

Clearly displaying an improvement in the administration and infrastructure of the English kingdom between the two assizes.

Furthermore, in regards to the travelling officials of the elder assize, it states that those who fail to show up to swear oath when the justices are in their district, shall meet in another, if he fails to meet there as well he shall meet at Westminster at a set time. If he fails to meet at Westminster as well he shall be punished severely, essentially being treated as a deserter.<sup>112</sup>

While the 12th c. assize relied on these travelling officials, the latter ordinance is evidence of a country with a more developed administrative infrastructure. It displays

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<sup>111</sup> Adams & Stephens 1901 p. 23-24

<sup>112</sup> Adams & Stephens 1901 p. 24

the chain of command through the offices described within the text, from the lesser constables of small towns or villages up to the sheriff, the administrator of the county. The '*Writ for Enforcing Watch and Ward and the Assize of Arms*' itself is a testament to the continuing development of legal infrastructure in England during the 13th century.

But here there is a clear synonymy with Norway, as in Norway these weapons assemblies were in the 13th century a regular and old routine. That the English went from a travelling inspection in the 12th century, to annual weapons assemblies in the 13th century could indicate inspiration from Norway's weapons-assemblies of the *leidang*.

## 4.9 The Oath itself

Unfortunately, we do not know what the oath of the Assize of Arms of 1242 was supposed to say. What we do know is what the elder assize says.

Within Item 4:

*“Moreover, let each one of them swear that before the feast of Saint Hilary he will have these arms and that he will bear faith to the lord king Henry, namely the son of the empress Matilda, and that he will bear these arms in his service according to his order and for the protection of the lord king and of his realm.”*<sup>113</sup>

Within Item 9:

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<sup>113</sup> Adams & Stephens 1901 p. 23

“(…) and that they will hold them at the service of the lord king according to this said assize at the command and for the protection of the lord king Henry and of his realm.”<sup>114</sup>

There is no reason to believe that the intent of the oath changed between the assizes. While the later assize of arms refrains from speaking on the oath itself, only speaking of the inspection at these weapon assemblies, we may find a fair parallel in the Norwegian laws.

In the chapter *immediately* preceding the beginning of the section on military service, Magnus Lagabøte’s rural- and town- laws write about the various oaths that citizens shall take. This is contained within *Kristendomsbolken* - the ‘Christianity-section.’ It contains five different oaths for different ranks of citizens. From the farmer’s oath to lawmen, barons, dukes and earls, and topped by the ‘King’s promise.’<sup>115</sup>

Essentially all the oaths say that the oathmaker, whether that be a peasant or an aristocrat, shall pledge fealty to the king of Norway and to adhere to the laws of the kingdom. Including the king’s promise, which obliges the king to adhere to the ‘christian laws’ of the kingdom first instituted by St. Olav.

While the peasant and lawman’s oaths focus solely on adhering to the laws of the kingdom and fealty to the king, the oaths of the barons, knights, jarls, etc. do the same, but they specify that they shall aid the king with both counsel and *strength*. Strength here, meaning military service or support.<sup>116</sup>

However, there is no evidence that these oaths are intrinsically tied to military service, but to exclude it would be illogical. As the contents do stress the adherence to the law, of which military service is a part.

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<sup>114</sup> Adams & Stephens 1901 p. 24-25

<sup>115</sup> Taranger 1915 p. 24-27 | Robberstad 1923 p. 9

<sup>116</sup> Taranger 1915 p. 25-27

During the High Medieval Period England had not yet created a common law for the whole of the kingdom, in the same way Magnus Lagabøte's laws were. Both prior to and after the Norman conquest of England in 1066 the laws were compilatory in nature, collections of laws and ordinances promulgated by the monarchs throughout the years. Just as had been the case elsewhere in North-western Europe.

If we keep this in mind it would be tough to dismiss the synonymous nature between these oaths. Of course, the Norwegian oaths are not tied intrinsically to the act of swearing *on* and *to* arms, but the content of the Norwegian oaths and what the elder assize of arms tells us is incredibly close. The English oath can be quoted as is above:

*"(...) and that he will bear these arms in his service according to his order and for the protection of the lord king and of his realm."*<sup>117</sup>

While the Norwegian peasant's oath is written thusly:

*"(...) I shall be faithful and loyal to my lord, the King of Norway, both in private and in public with all of my might and ability, as good as a subject shall be towards his king. For him I shall perform all subservience that is legal and justified in accordance with the law, (...)"*<sup>118</sup>

As the Englishman swears to enter the service of the king according to the king's order, the Norwegian swears to serve the king, as long as the monarch acts in accordance with the law, of which military duty is a part.

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<sup>117</sup> Adams & Stephens 1901 p. 23

<sup>118</sup> Taranger 1915 p. 26

## 5.0 Equipment - Arms and Armour

We will now present the last element, which is the primary function of nearly every law in question. Which are the arms and armour the populace shall keep for military service.

Following the introduction which commands all citizens of England between 15 and 60 years of age to swear to arms, in accordance with the amount of land and chattels that they hold. *All* citizens indeed, for in the original assize ownership of weapons and the *jurati ad arma* was restricted to freemen only. While the introduction of the younger assize says:

*“(...) the citizens, burghers, freeholders, villeins and others of 15 to 60 years of age, and make them all swear to take up arms, (...)”*<sup>119</sup>

That villeins, non-free peasants, could now bear arms is a peculiar aspect in the assize, as societies in Europe at this time were based on aristocratic-military traditions, where military service and prestige were the primary factors behind a man's status.<sup>120</sup> Indeed almost all offices of administration and jurisdiction etc., in service to the monarchy were military posts in nature.

Another aspect we may observe through this very Assize of Arms. The Sheriffs, bailiffs, and constables, all intrinsically tied to military administration and infrastructure as described in these texts. This means that the indentured farmers were now granted a fairly important right and privilege.

That the assize ties the officials in question to the systems it implements, as well as requiring serfs to keep arms, are more facets of this assize that would have done well to have been examined in greater detail by historians. As opposed to only picking whichever sentences were useful for a specific topic. It would do well to research for

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<sup>119</sup> Stubbs 1890 p. 371

<sup>120</sup> Ermland 2000 p. 45-48, 80, 88

example more on the military duties of the non-free in Medieval Europe, and the lesser men, as opposed to only the knights and mercenaries clad in fine armour.

## 5.1 Equipment in the assizes of arms

The arms and armour that shall be kept in the younger assize of arms has already been presented, though that was for the purpose of examining the wealth categories that are present throughout our corpus of sources. As we have laid forth these categories and the meaning behind them it should give us an easier time in examining the corresponding arms and armour.

Of course, the elder assize is synonymous with the younger in this regard. We did previously mention that the wealth categories of the assize of 1242 were expanded from four to six. Consequently, this naturally expands the variety of equipment listed in the ordinance correspondingly.

As we have already presented the equipment of the assize of 1242 in section 2.3, we will present the equipment of the assize of 1181 here. Before then introducing the equipment of the Norwegian military legislations, after which, we will compile them in a table for ease of reference.

## 5.2 Equipment in the Assize of Arms of 1181

The arms and armour found within the elder assize of arms is quite uniform, which stands in contrast to its successor of 1242. The categories read as follows:

*“1. Let whoever holds a knight’s fee have a coat of mail and a helmet, a shield and a lance ; and let every knight have as many coats of mail, and helmets, and shields, and lances as he has knight’s fees in his demesne.*

*2. Also, let every free layman who is worth sixteen marks in chattels or in revenue have a coat of mail and a helmet and a shield and a lance ; also, let every free layman who is worth ten marks in chattels or revenue have a hauberk and a head-piece of iron and a lance.*

*3. Item let all burghers and the whole body of freemen have a doublet of mail<sup>121</sup> and a head-piece of iron and a lance.”<sup>122</sup>*

One of the more interesting aspects here is the duty of those who possess *more* than one knight’s fee, to keep as much equipment fit for a knight as he has knight’s fees in his domain. Unfortunately there is no more mention of this within the ordinance. It does not specifically say whether or not they shall keep men with knight’s equipment, who shall swear fealty to the king in accordance with this assize of arms. Or if they were merely to keep extra knight’s equipment for some other purpose. Though it would appear rather odd, if they were to keep suits of arms and armour, as well as horses, merely lying around collecting dust.

It sounds extraordinarily similar to the Norwegian military reform of 1273, where duty is placed on the king’s top administrators to keep men ready to be summoned for military duty, should the king require it. The men were to be kept with equipment similar to that of the hird, which we will present promptly below.

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<sup>121</sup> Adams and Stephens translate ‘*wambais*’, from Stubbs 1890 p. 154, as a doublet of mail. However, this is outdated terminology often used in historiography of the 19th and early 20th century. Wambais would be a padded, or quilted coat. The modern umbrella term for such garments is ‘*Gambeson*’.

Oman 1898 p. 511-512 | Meyrick 1824 p. 24 | France 2006 p. 63-66 | Contamine 1984 p. 88

<sup>122</sup> Adams & Stephens 1901 p. 23

## 5.3 Equipment in the Norwegian laws

As written in the introduction, the corresponding equipment that men shall keep in the Norwegian law codes are distributed throughout three separate texts. Which we shall present here.

## 5.4 Rural-law & town-law

We have the near identical law texts Landsloven and Byloven, that are the general laws of the kingdom, and therefore contain the military sections regarding the farmers and townspeople of the kingdom. The military laws are as mentioned within the third section, “Landeverbsbolken”, the ‘section on defence of the land’. Here we find chapters such as the weapons assemblies we have previously presented, and the building of ships, and sentry-duty et cetera.

Here it is chapter 10 and 11, both titled ‘weapons-duty’, that contain the laws regarding what equipment men shall keep in accordance with their wealth.<sup>123</sup>

Chapter 10 describes the duty of the crew on all ships to provide bows and arrows. At every thwart there shall be a bow with string and two dozen arrows. It is the duty of the men sitting at their respective thwart to provide this, failure will be punished with a fine.<sup>124</sup>

While the keeping of a bow is synonymous with the assize of 1242, not much else is here. As this is a part of the duty to serve on the ships in the leidang. In the assize of 1181, there is no mention of bow at all, while in the younger one it is deemed the poor

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<sup>123</sup> Taranger 1915 p. 35-37

<sup>124</sup> Taranger 1915 p. 35-36

man's weapon, as everyone who cannot afford anything else shall keep bow and arrows.

From the perspective of the Norwegian navy, it would be a tactical choice, as being on a ship with no way to return arrow-fire would certainly be a lacklustre situation. But it is not a personal duty in the same ways as the shields and spears, but a shared responsibility when partaking in the fleet of the *leidang*.

Chapter 11 however contains the laws on personal arms and armour, divided into the categories of wealth.

*“1. The man who possesses 6 weighed marks besides his clothes, he shall own a red shield with iron bands on both sides and spear and sword or thinned axe. But the man who possesses 12 weighed marks besides his clothes, he shall own shield and iron cap and the aforementioned weapons.”<sup>125</sup>*

Item 2 states that every shieldmaker shall mark the shields he makes with his brand, so that it is recognizable, and can then be identified if the construction is poor.<sup>126</sup>

It continues:

*“3. But the man who possesses 18 weighed marks besides his clothes, he shall own shield and iron cap and panzer or hauberk<sup>127</sup> and all folk-weapons.<sup>128</sup> But if any lack these weapons, then he shall pay [a fine] of 1/8 mark silver<sup>129</sup> of silver for each that is missing.*

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<sup>125</sup> Taranger 1915 P. 36

<sup>126</sup> Taranger 1915 p. 36

<sup>127</sup> 'Brynje': KLNLM vol. 6 p. 236

<sup>128</sup> Term used to indicate these weapons: spear, sword, axe.

<sup>129</sup> 'Øre': Nordic weight- and currency unit which equaled one-eighth of one mark silver. Silver value fluctuated somewhat over the years, but in the 13th century this is approximately correct. | KLNLM vol. 20 p. 716-724

*4. But each bachelor and those men who possess less goods [wealth] than has been stated until now, each of these shall own shield and spear and sword or axe. (...)*<sup>130</sup>

It is these paragraphs that reflect the categorisation of wealth we have viewed in the assizes of arms. It contains what we have identified as the four lowest wealth classes, category three through six. In descending order from 18-12-6 marks, followed by all that possess wealth worth less than 6 marks. These are virtually identical with the intervals in the assize of 1242, here in chattels descending as: 20-9- and 3-10 marks, followed by less than 40 shilling.

The rest of item 4 describes how these arms shall be constructed in order to be appropriate and ready for service. That the axes and spears shall be well-shafted, and the spearheads shall be secured sufficiently with two spear-nails or an iron rod. As well as the proper construction of shields. [Wooden] Shields are appropriate when there are three iron-bands running across it and three handles are on the inner side, who are securely fastened.<sup>131</sup>

Item 5, the last one in this chapter, describes that a tradesman who begins working for a proper salary shall purchase an axe, then a shield, then a spear, in that order every summer after he begins his work.<sup>132</sup>

Neither of the assizes write in similar fashion how the arms and armour shall be constructed or kept, only that they shall bring these arms to the assembly where they swear on their arms. It may be that this was left up to the discretion of the inspecting officials at the English weapons assemblies.

What is most striking in the Norwegian items above is the military rigidity and emphasis on correct procedure. Which is not all that surprising, as it is a part of a much grander

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<sup>130</sup> Taranger 1915 p. 36-37

<sup>131</sup> Taranger 1915 p. 36-37

<sup>132</sup> Taranger 1915 p. 37

military institution, and its construction was expanded in 1274 after centuries of leidang-tradition. As well as being a part of a thorough and more complete work of legislation, compared to the scattered English ordinances that supplement each other.

## 5.5 Equipment - Hirdskråa - The Book of the Hird

At the highest echelon of Medieval society we have the aristocrats, gentry, barons et cetera. It is these persons who comprise the top category which we have found in the assizes of arms. In the Norwegian law-texts the corresponding laws and rules regarding these people are then contained in the book of the hird.

This codex is not simply a lawbook in the same manner as landsloven or similar, but it was a ratification of the warrior aristocracy.<sup>133</sup> Granting them honours and supplementing their legal foundations so to speak. Ersland writes that this book was important to set up boundaries between the military duties which befell the farmers and townspeople, and the aristocracy.<sup>134</sup>

With these aspects in mind the purpose of this codex is not solely to be a part of a military reformation or upgrade. But the corresponding equipment for wealth category 1, is found within these pages. As the arms and armour that men in service of the king shall possess and carry are present.

In fact, its introduction addresses the laws on military armament present in the other texts and goes on to create a clear boundary between the laws in question.

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<sup>133</sup> Ersland 2000: 86

<sup>134</sup> Ibid.

*“It is known to all men that in the elder law-texts there are legal requirements on weapons the peasants shall possess, the great-peasant in accordance with his position, and the lesser peasant according to his,*

*(...)*

*But because the king and the king’s servants are above the general populace in dignity and rank, then it befits us, both in accordance with this and other details, to not present ourselves in worse fashion than others.”<sup>135</sup>*

It then goes on to present the weapons aristocrats of various ranks are to keep. At the top we have sheriffs and barons, who are to keep more and finer arms than the rest as they stand above the others. They are followed by knights and then guests.<sup>136</sup>

The weapons members of the hird are to keep is partly dependent on the rank of the individual. Barons shall for example keep more, and finer, arms than knights or guests.<sup>137</sup>

The code of the hird goes on to present the equipment they shall keep thusly. Which is a full chainmail suit, including padded undergarments, coif, chausses, and gloves, a helmet or steel hat, sword and spear, and a ‘powerful shield’. It also recommends keeping a bow or a crossbow.<sup>138</sup> To put it mildly, the members of the hird were to keep an impressive amount of equipment with them in service of the king.

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<sup>135</sup> Imsen 2000 p. 129-131

<sup>136</sup> “*Gjester*” - Guests : These men were not permanent members of the hird in the same way barons and knights were, as they were not landed men who were granted positions of administration or similar. The guests were usually of lower social rank than the Hirdmenn, who were normally of noble birth. They received half of the salary full hird-members did, and they worked as agents or “secret police” identifying enemies of the king throughout the land. KLNLM vol. 5 p. 336-338

<sup>137</sup> Imsen 2000 p. 131

<sup>138</sup> Ibid.

## 5.6 Hærreformen av 1273 - The military reform of 1273

While the final synonymous aspect we find in a document from 1273, which Ersland dubbed the “Army reform of 1273”.<sup>139</sup> It is also included within the book of the hird, following the chapters on armed retinue.<sup>140</sup> Here we can observe an expansion of the previously mentioned categories of wealth and equipment, corresponding to what we have named category 2.

What this ordinance essentially did was create a qualitatively new type of soldiers, who would be at the disposal of the king. Whether that be in defense or offense in the interest of the country.<sup>141</sup>

How this worked was to be that if the monarch summoned these forces for whatever reason, then the sheriffs and barons were to pay the cost for these men for a period of three months. The greater the amount of land a baron possessed the greater the amount of men. The minimum was that there should be kept five men with the appropriate equipment, with rations for three months, off of land worth 15 marks. And that these men were *to be equipped with equipment similar to members of the hird*.<sup>142</sup>

We have now presented the Assize of Arms of 1242 and examined its synonymities with the military legislations of Magnus Lagabøte. Below we will begin to present theories and historical examination regarding the circumstances surrounding these legislations, in an attempt to discern the intent of the legislations, as well as the effects they may have had.

However, before we begin theorising there is one aspect which should be explored. Which is whether or not the assize of arms was ever used? Was it an effective

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<sup>139</sup> Ersland 2000 p. 76-80

<sup>140</sup> Imsen 2000 p. 133-141

<sup>141</sup> Ersland 2000 p. 76-80

<sup>142</sup> Imsen 2000 p. 133-135 | Ersland 2000 p. 76-78

institution, and resurrection of the English fyrd, or was this ordinance merely ink on parchment?

## 6.0 The time lap between the Assize of Arms of 1181 and 1242 and the swearing process.

One of the most interesting aspects of the assizes is this swearing to arms in the name of the king. Which is the primary function of the law alongside the equipment they shall swear on.

The Assize of 1242 possesses more detailed descriptions of wealth, but does not contain the same amount of information on how arms shall be kept properly in service of the king. This leads to the question of what the state of the older assize was at the time just before the younger was instituted. As over 60 years had passed since the original writ was ordained, time may have rusted its functions in England.

Was it still practiced regularly? Was it a normal procedure, or had it been forgotten or neglected? Was it still being enforced in good order? After all, the assize of arms of 1242 only introduces a new categorization for arms according to wealth, and not much else regarding the oathswearing.

Was the assize of 1242 a resurrection of a dead system? Or a continuation and modernisation?

Our easiest method of analysing this would be to examine legislations passed during the years between 1181 and 1242. To have a look at and compare the various English source compilations. The next step up would be to search for letters of summons and

similar items relating to the duties of sheriffs and bailiffs, to research how, or at least when these weapon assemblies may have been carried out.

Regardless, while there were not many legislations or great councils under the king during the absent reign of Richard the Lionheart, there was at least political activity during John Lackland's uneasy rule (r. 1199-1216).<sup>143</sup>

In Stubbs' collection of documents, from 1205 there is a "*Writ for the levying of a force for the defence of the kingdom*".<sup>144</sup> This ordinance allots to knights and barons that they shall raise new knights who shall be prepared with horse and arms to defend the kingdom. As well as that the whole population shall be ready to raise arms in defence of the realm, just as the elder Assize of Arms.<sup>145</sup>

Stubbs himself writes:

*"In its material aspect it is an advance on the Assize of Arms, which had directed the arming of the whole population according to a fixed scale, for the same purpose."*<sup>146</sup>

Contamine draws attention to a general mobilization carried out by John Lackland, the same year as said writ, 1205.<sup>147</sup> There is an entry from 1212 as well, where the sheriffs were ordered to call a general summons, including both the gentry and freemen, who were:

*"(...) capable of bearing arms and who had performed homage or sworn allegiance to the king, (...)"*<sup>148</sup>

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<sup>143</sup> Oman 1895 p. 122-133

<sup>144</sup> Stubbs 1890 p. 281-282

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> Contamine 1984 p. 89

<sup>148</sup> Ibid.

Extrapolating from the past tense used, “*had performed...*”, it would be logical to assume that the jurati ad arma was still being carried out in the hundreds and boroughs throughout the land. And that here it served as the foundation upon which this general summons was called.

There are others as well, such as the “*Ordinance for the defence of London*,”<sup>149</sup>. It is a writ from a few years before the summons, circa 1199. It describes that wardmotes, or ward-moots, shall be held by each city wards’ alderman. It has a few passages of good interest for us:

*“(...) for all his men who are aged fifteen years and more. And when they have assembled, they shall each swear that, for every pound in movable property and in debts that he estimates [owed to him].”*<sup>150</sup>

*“Item, each alderman shall inspect the arms of all persons in his ward, so that they will have those [arms] ready for the defence of their bodies and their chattels and their city.”*<sup>151</sup>

It is clear from these documents in the interim between the two Assizes of Arms, that the jurati ad arma filled an effective purpose and that it was still being enforced. The reign of Henry III (r. 1216-1272), who instituted the Assize of 1242, was a long one of legislation and statecraft. In which rule there are several writs and ordinances that precede his Assize of Arms. Such as the “*Summons of the Sheriff to bring the County in Arms*” from 1217,<sup>152</sup> or the “*Writ for assembling the jurati ad arma*”<sup>153</sup> of 1231.

In his brief exposition on the Assize of 1242 Stubbs writes:

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<sup>149</sup> Stephenson & Marcham 1932 p. 103

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Stubbs 1890 p. 343

<sup>153</sup> Ibid. p. 359

*“In this document the king brings together the two very ancient methods of ensuring peace and defence,<sup>154</sup> of which several illustrations have been given already. Their connexion with constitutional history is now becoming less close, but it is important to observe the permanence of their character, and the antiquity as well as the elasticity of the machinery by which they are worked. Although not an essential part of the Constitution, they are ancient buttresses of the fabric, and their very permanence attests as well as sustains the corporate identity of the English nationality, which feudalism has disguised but has not been able to mutilate.”<sup>155</sup>*

Whenever writing exposition on the Assizes, or the other writs of armed summons, Stubbs stresses that the Assize of Arms revived the English fyrd system. As the Normans upon conquering England, did not possess such a system of a general mobilization of the freemen. Their rulers had relied upon the feudal mechanic of vassalage until Henry II's work in 1181. Contamine also states that *“feudo-vasallic”* institutions in the 13th century continued to wither away, replacing military service from barons to king with monetary payment. Such as *scutage*, where knights buy out their military obligation instead of serving.<sup>156</sup>

That the system of levying feudal vassals had dissipated for some time in England creates interesting notions. The fyrd is observed as a reaction to the raids and invasions of the Norsemen in the Early Medieval Period, and the Norwegian 'leidang' is in recent research perceived as inspired as being created after coming into contact with England and the fyrd, contrary to older views which saw the leidang as much older, and having been disseminated from eastern parts of Norway.<sup>157</sup> As lessons learned, drawn from experience.

For as we will observe later when comparing the aspects of the assizes, with the Norwegian military ordinance of 1273 directly, its functions were to be based on the

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<sup>154</sup> Arming of the people through the Assize of Arms, and the Watch-and-Ward system.

<sup>155</sup> Stubbs 1890 p. 370-371

<sup>156</sup> Contamine 1984 p. 89

<sup>157</sup> Ersland 2000 p. 47-48

pre-existing manpower offered by the *leidang* and its respective functions, such as the military obligations of peasants, or weapons-assemblies.<sup>158</sup> From what we have just observed regarding these organs in the English military, we can draw clear parallels between the military organization of both nations at hand. Fueling the fire for questions such as to what degree were they influenced by each other?

## 7.0 Comparative examination between the laws - the equipment, their nature, and possible intentions of the monarchs.

So far we have presented key parallels and differences between the assize of arms of 1242, the assize of arms of 1181, and the military corpus of law of Magnus Lagabøte. We will from here attempt to compare and analyse key elements which we have presented until this point. With the goal of hopefully creating a better framework for understanding the causes and effects of these legislations, and possibly their correlation with each other.

For ease of reference, we will again present our table displaying the equipment written of our source material, which we have presented.

Table 3.1 Categories of equipment in Norwegian legislation, and the Assize of Arms of 1242, and 1181.

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<sup>158</sup> Ersland 2000 p. 79

Categories	AoA 1181	AoA 1242	Norwegian legal corpus
Category 1	Hauberk Helmet Shield Spear All of this repeated by amount of knight's fees	Hauberk Helmet Sword Dagger Horse	<b>Hirdskråa</b> Full helmet Full chainmail suit Full padded suit Spear Sword Reinforced shield Bow or Crossbow is recommended
Category 2	-----	Habergeon Helmet Sword Dagger	<b>Hærreformen</b> Equivalent or near-equivalent to the equipment of Hirdmenn, in the category above, depending on the wealth of the subsidiser.
Category 3	Hauberk Helmet Shield Spear	Gambeson Helmet Sword Spear Dagger	<b>Landsloven + Byloven</b> Hauberk or Gambeson Shield Helmet Shield Spear Sword Axe
Category 4	Habergeon Helmet Spear	Sword Bow & Arrows Knife	Helmet Shield Spear Sword Axe
Category 5	Gambeson Helmet Spear	Arma minuta - Minor/Lesser arms Guisarmes, Knives, darts, etc.	Shield Spear Sword <b>or</b> Axe
Category 6	-----	Bow, Arrows and Javelins	Shield Spear Sword <b>or</b> Axe
			All men are required to make sure there is 1 bow and 24 arrows at their assigned seat in the longship.

## 7.1 Comparison of equipment - Purpose and intent of the laws -

### Was the Assize of Arms of 1242 a reduction in military potency?

The most striking observation we may make from our weapons-table is the difference in protection between the assize of 1242 and the others. Here those of category 3 are no longer required to wear chainmail armour. Which might be the most surprising and fascinating element in this table. While the corresponding wealth classes of both the older English assize and the Norwegian law states that these wealthy farmers and burghers shall own mail armour, as well as a shield.

This armour were shirts consisting of interlinked groups of rings, where one ring was riveted together with 4 solid neighbours attached to it.<sup>159</sup> It could be made longer, covering more of the arms or thighs, or shorter, being essentially a vest or a shirt. It is unknown when this procedure grouping the rings 5 at a time became common practice, but it was most likely done because it was the most efficient way for armour-makers to produce and then connect these pieces together. This was the dominating armour in Europe for nearly a millennium, from around the fall of the Western Roman Empire to the gradual introduction of plate armour in the 14th century.<sup>160</sup>

Due to its tedious, time consuming manner of construction, where a few rings were interlinked and riveted at a time, caused it to be incredibly expensive early on when armour makers who knew the craft were few and far between. Though as time went on it must have become cheaper and more available, as the total amount of them increased as they were continuously being produced. No doubt producing them would have become more efficient as time went on, especially if the demand for armour had increased, causing more to assume the trade of blacksmith or amour-maker.

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<sup>159</sup> France 2006 p. 63  
Meyrick 1824 p. 118-119

<sup>160</sup> France 2006 p. 63-66

The fact that the Assize of Arms of 1181 states that not only shall those possessing 20 marks keep a hauberk, but also those of 10 marks shall keep a habergeon, is clearly indicative that this armour was quite widely available at the time. As it is obviously no longer something restricted to knights or professional warriors, evidenced by the assize itself.

Another piece of evidence is from the year of Henry III's coronation, 1216, when England was in the middle of a civil war between loyalists to the royal Norman family and baronial rebels led by Louis, the Prince of France. During this conflict in 1216, the city of London sent Louis 60,000 coats of mail as assistance in the war effort.<sup>161</sup> The original number here was probably inflated, which is highly likely seeing as the population of London towards the end of the 12th century was around 35,000 people.<sup>162</sup>

However, still, we may provide this number with a generous margin of error, and assume it was something more like 6000. Which seems more circumstantially correct. This would still quite visibly display the apparent abundance and availability of the armour at the time.

Furthermore, there is no reason to believe the amount would diminish in the next decades. At the least no major ordinance or writ from the period speaks on the matter. Then it is quite puzzling for what reason the two categories between the assizes are so disparate in their contents of armour.

One possible explanation is that at the time of the assize of 1242 the nature of its intent had changed from its originator from 1181. As previously examined, the *jurati ad arma* had clearly been a practice, or institution even, that had been regularly maintained and enforced throughout the years between the two assizes. Meaning that the assize of 1242 was an update, or re-write, and not a revival of an old forgotten law.

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<sup>161</sup> Meyrick 1824 p. 118

<sup>162</sup> Hollister 1996 p. 195

From this, one can hypothesize that the intent of Henry III differed from that of his grandfather, Henry II. Evidently it seems that it was no longer as important to the monarch to have their citizens being as heavily armoured. The assize of 1242 is after all instituted alongside the Watch-and-Ward system, effectively creating an early form of police. But why were these constables or guards, who would be chosen to watch over the towns and villages, not required to wear heavy armour?

Through a greater perspective, taking into consideration the contemporary events in Europe, this does not make sense from the perspective of military- and technological development. As this was a period where metal armour was becoming more and more abundant and quite commonplace throughout the continent. An observation we may spot in the very source material we are working with here.

During this time with the ever increasing trade, and growth of the 13th century,<sup>163</sup> chainmail armour was first becoming more available in Norway to non-professional warriors. Something to keep in mind, as the older Norwegian regional laws make no mention of any defensive equipment at all, with the exception of shields. Not even helmets nor iron caps.<sup>164</sup>

So, at nearly the same time as the assize of 1242, the Norwegians are wishing to increase the armour of their men who have a duty to perform service in the leidang. Whilst the English are apparently downgrading the defensive equipment of their citizens who swear to arms for fyrd-duty, or jurati ad arma, to a minimum.

Most likely the purpose of the new English fyrd differs from that of the Norwegian leidang. The fyrd within England seems to be of a more defensive nature than its Norwegian counterpart.

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<sup>163</sup> Hollister 1996 p. 187-198

<sup>164</sup> Bull 1920 p. 20, 29

A question that may arise then is what we may derive from the contents of the oaths themselves? We have previously presented oaths present in the English and Norwegian laws, but is there anything we might discern from what we have available to us?

Here from the Assize of Arms of 1181, describing what shall be sworn:

Within Item 4:

*“Moreover, let each one of them swear that before the feast of Saint Hilary he will have these arms and that he will bear faith to the lord king Henry, namely the son of the empress Matilda, and that he will bear these arms in his service according to his order and for the protection of the lord king and of his realm.”*<sup>165</sup>

Within Item 9:

*“(…) and that they will hold them at the service of the lord king according to this said assize at the command and for the protection of the lord king Henry and of his realm.”*<sup>166</sup>

This ‘oath’ the English shall swear could be seen as ambiguous. It does not seem to explicitly state whether they swear to follow the monarch outside the borders of the English realm or not.

While swearing to ‘protect the lord king and his realm’ could appear to indicate a defensive nature, it most definitely does not need to be so. As protecting the [interests of the] king or the realm, have always been extremely common phrases used when declaring war on a neighbour followed by invasion.

A known example of this manner of justifying war, is from one of the descendants of Henry II. His descendant Henry V who, in 1415 famously invaded France with the intent of restoring the entirety of the lost Angevin provinces. Provinces that had belonged to his ancestor more than 200 years prior. The justification for war was quite simple,

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<sup>165</sup> Adams & Stephens 1901 p. 23-24

<sup>166</sup> Ibid.

according to ancient law they were his. So, the English went to war to France over a very ancient, once-held right, and the Englishmen that made up the brunt of his army were peasants obliged to perform military duty for the protection of king and realm.<sup>167</sup>

Something such as this could very well easily be within the framework of such an oath as 'protecting the lord king and the realm'. Especially as any king could, with enough creativity, claim that a piece of neighbouring territory was supposed to be within said realm.

While the oath the Norwegians are to take for their king, is based on the contents of the law. As they are not allowed to decline service to the monarch, as long as he acts in accordance with the laws of the kingdom. The Norwegian laws gives full right to the king to muster the entirety of the militarily eligible population if necessary, in the event of hostile transgressions on the realm. 'Realm' used here as opposed to kingdom, for the laws were expanded in 1274 to specifically include defence of the Norwegian taxlands<sup>168</sup> overseas.<sup>169</sup> No doubt experience from the previously failed campaign in Scotland in 1263.<sup>170</sup>

During the Scottish campaign of the Norwegians in 1263 the older regional laws on military service had been transgressed by the king, both in terms of allotted time and distance away from the kingdom.<sup>171</sup> The monarch was seemingly allowed certain expansions of the law, as long as he 'counseled and was agreed with by wise and respected noble men'.<sup>172</sup>

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<sup>167</sup> Oman 1895 p. 222-223

<sup>168</sup> The 'Norwegian Realm' during the middle 13th century encompassed a plethora of islands in the Atlantic ocean. Such as Iceland, Isle of Man, The Hebridean and Orkney Islands, settled parts of Greenland, etc. These were 'taxlands' paying tribute to the monarch of the Norwegian kingdom, and were under his protection.

Ersland 2000 p. 66

<sup>169</sup> Taranger 1915 p. 28-31

<sup>170</sup> Ersland 2000 p. 82

<sup>171</sup> Ersland 2000 p. 80-82

<sup>172</sup> This is something often written throughout the various chapters in the Norwegian laws such as Landsloven. As long as the top officials and administrators of the kingdom agreed to a notion, the king could be within his rights to overstep the bounds of the law.

Even assuming that this new iteration of the English fyrd could only be used for defensive measures within English soil, i.e., the island, and not be used for *expeditio*, foreign invasion, under-arming the populace in this manner makes little logical sense. One may postulate that Henry III did not want to have his populace being used against him, and therefore chose to disarm them somewhat. But keeping the measure alive for both his and the people's benefit.

However, the original assize of arms was created to diminish the power of the barons and increase the military potential of the monarch. A point that both the assizes of arms explicitly state, as well as other documents on the swearing of arms as previously mentioned, is that the men shall swear their oath *directly* to the king. Which essentially means that the 'pyramid of feudalism' is circumvented through this oath. The military duty these citizens have is tied directly to the king, and is not for the barony to control.

This direct oath also implies that the weapons are to be held *in trust* from the king, that the weapons themselves were property of the English monarch, and his subjects were merely to keep them as the king saw fit. This is further supported by the last items of the assize of 1181, stating that causing these arms to be exported from England shall be met with severe punishment.<sup>173</sup>

Stubbs is one of the first historians who claims that the armament of the people was a direct reaction to the aggressive English barons of the 12th century.<sup>174</sup> And, its efficacy was observed clearly when John I 'Lackland' issued the general mobilization in 1212.

During this conflict John faced baronial opposition and possibly a full-scale civil war. So, he issued a general mobilization that was accompanied by a threat. Any man who would default in his duty to serve according to his oath to the king, would be demoted to the status of a villain, i.e., a serf.<sup>175</sup> Contamine writes that so many men appeared that, for want of supplies, the least well-armed men were dismissed.<sup>176</sup> Meaning what was left

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<sup>173</sup> Adams & Stephens 1901 p. 23-25

<sup>174</sup> Stubbs 1890 p. 22, 154

<sup>175</sup> Contamine 1984 p. 89

<sup>176</sup> Ibid.

were highly equipped men-at-arms, knights, and freemen. One could say John had his pick of the litter.

If this is the military potency an English monarch could expect to have available for him, it is confusing why Henry III would diminish the protective equipment of his subjects. For he would surely have had use of it, as he faced a second baron's revolt a decade after he instituted the Assize of Arms of 1242, between 1264-1267. Though he was victorious in said war, thanks to an army of considerable size and the efficient strategies of his son, Prince Edward.<sup>177</sup> Which again, could possibly be owed to the citizenry owing fealty to the king.

Perhaps Henry III remembered how the city of London sent Prince Louis those '60,000' coats of mail in 1216. It may have been through this theory, the over-abundance of heavy armour, which may end up in the wrong hands, that spurred him to the downgrade in 1242. Wrong hands of course meaning, enemies of the monarch. For it does indeed seem that the *primary* purpose of the new English fyrd, the people who swore to the king, was to be used by said monarch in the event of civil war. At least based on how it was used since the inception of the assizes.

Though of course, having a populace with equipment roughly of the same caliber as your own knights would pose a huge risk in the event of rebellion, revolution, civil strife et cetera. Which clearly the baronial lands of the English were very prone to, as we have observed.

In conclusion on this 'downgrade', it is not known exactly why Henry III chose this in 1242. A specified study on the matter may be prudent, to discern the benefits and detriments to the monarch for having his populace keep the best arms and armour possible during this period. We will examine this change in equipment thoroughly in the chapters below.

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<sup>177</sup> Oman 1895 p. 145-147

## 7.2 The difference in weaponry - Were the English attempting to create a specialised military?

On the matter of arms as opposed to armour the disparity between the Norwegian and English laws are very vivid. At the time of the assize of 1181 there is at least clear uniformity in arms, as well as armour, opposed to its successor of 1242. Uniformity is apparent also in the Norwegian leidang-law from 1274, where every single man shall have a spear and a sidearm. The men of lower income may choose whether to bring an axe or a sword or not, while the freemen of greater wealth are required to bring both sidearms.<sup>178</sup>

On the assize of 1181, military historian Charles Oman argued that Henry II was attempting to arm his subjects in the same fashion as his favourite mercenaries, the Brabançon pikemen.<sup>179</sup> These were Flemish mercenaries who sold their services to whoever could pay, they were heavily armoured and specialized in the use of pikes, very long spears. Which would be devastating to enemy cavalry, if used in a disciplined fashion.

The Brabançon were extensively used in both the 12th and early 13th centuries. By English monarchs such as Stephen I, Henry II, and Richard the Lionheart.<sup>180</sup> Henry II used them to great effect in defending his continental possessions.

Oman's theory here raises a valid question which we should ask ourselves to better compare these laws. What was the intent of the specific armament the laws describe? Certainly, the rulers responsible for these laws had specific intentions, or wishes, they sought to fulfil when instituting such laws. There must be some discernible strategy, or at least tactics they had in mind for their forces. What purpose would their respective armaments serve?

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<sup>178</sup> Taranger 1915 p. 36-37

<sup>179</sup> Oman 1898 p. 358

<sup>180</sup> Verbruggen 1977 p. 117-119

Through these questions we may observe more vivid differences between the two assizes, as well as the intent of the Norwegians.

The theory Oman proposes seems to have merit, not only from examining the armament of the assize from 1181 by itself, but due to several circumstances at the time. We have previously presented a bit of the situation during the reign of Henry II (r. 1154-1189). He himself controlled not only England itself, but vast territory in modern day France, as part of the Angevin Empire. These continental possessions were under constant threat from both his own vassals, as well as the king of France, and his respective vassals.

Henry II had also grown up during the aforementioned baronial anarchy between 1135 and 1153. The experiences from the Anarchy, Henry II's distrust of the barons, most certainly gave ample reason for arming the English populace through the assize of arms.

Entertaining the thought that Henry II was intending to somewhat copy his mercenary pikemen he had employed so much overseas, is at least somewhat supported by the equipment of the assize itself. The only weapon that is mandated to have is a spear.<sup>181</sup>

Coincidentally, the most efficient weapon for dealing with mounted knights were spears and pikes, most definitely when used in a disciplined manner by densely packed, and heavily armoured infantry. Which would then present a dense forest of spear-tips no horse-rider could hope to challenge.

More modern historians as well have pointed out how Henry II relied heavily on his mercenary pikemen, favouring them over his vassals. Indeed, relying on them so much as to replace the military service required by his vassals with *scutage*. Where knights

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<sup>181</sup> Adams & Stephens 1901 p. 23 | Stubbs 1890 p. 154

and barons and other vassals of the monarch may pay a fee instead of providing the military service owed to their feudal lord the king.<sup>182</sup>

With these new funds Henry II became able to offer a steady salary to his mercenaries, paying a penny a day to each soldier.<sup>183</sup> These *willing* soldiers then fast became the core of Henry II's army.

Assuming this was the intent of the specific armament required in the assize of 1181, it surely makes sense. After all, Stubbs argued that the primary reason for the arming of this populace was to create a military force, in direct command of the king, with the purpose of countering the barons and their vassals.<sup>184</sup> Arming them in this fashion would most certainly make sense if this was the intent.

These aspects brings us towards the Norwegian army reform of 1273, which shares a plethora of these points of interest. Henry II can be argued to have been attempting to create a military force that would readily be available to him, under his direct command. Or at least, a military force of substantial quality and size, evidenced by John I's summons of 1212, that the English crown could muster to arms at their command. This can certainly be argued to be identical with the military ordinances and legislations of Magnus Lagabøte in the 1270's, which were drawing from the military experiences Norway had during the reign of his father, Håkon IV Håkonsson.

In 1263 Håkon IV summoned a huge fleet of the *leidang* to defend his subordinated islands on the Hebridean on the western coast of Scotland, which were being harassed and pillaged by the Scottish king Alexander III. This campaign resulted in a tactical withdrawal of the Norwegian fleet. Though the Norwegian navy was far superior in numbers, they were unable to match the heavy cavalry contingents deployed by the Scots. The Scottish king also delayed any contact with the Norwegians for as long as

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<sup>182</sup> Verbruggen 1977 p. 118-119

<sup>183</sup> Verbruggen 1977 p. 119

<sup>184</sup> Stubbs 1890 p. 22, 154

possible, forcing them to retreat for want of supplies, and the impending storms of the autumn ocean.<sup>185</sup>

During a brief battle in this campaign, The Battle of Largs, the Norwegians suffered a tactical defeat. Here, a group of Norwegians stranded on the beach were being harassed by the Scottish force, who sported up to circa 500 knights. While the Norwegians, naturally, as they were a part of a navy, did not have any cavalry of their own. The harassment of Scottish archers and the heavily armoured Scottish knights must have left an impression on the officers and officials present in the Norwegian navy.<sup>186</sup>

This event is one of the experiences the Norwegians must have drawn, from when they sought to increase their military capabilities with the military legislations we have presented.

### 7.3 *Expeditio* - Invasion

There is also the theory that Henry II possibly had the intention of creating a qualitatively new force, which he could use for foreign invasion. Not merely on the British Isles, Scotland and Ireland, but also for defending and expanding his continental possessions across the channel in French lands. This is something we have touched upon previously, when discussing the intent of the oath the freemen were to swear to the king.<sup>187</sup>

While the source material on the oath itself is somewhat lacking, drawing from our earlier examinations there is no apparent reason to exclude the possibility that this force was created with the intent of *expeditio*. That is, using the force for an invasion or military activity outside of the borders of its native realm. Though, it appears to not have

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<sup>185</sup> Erslund 2000 p. 71-76

<sup>186</sup> Erslund 2000 p. 75

<sup>187</sup> See section 7.1

been used outside of the British Isles, it would thusly be wrong to state that it was created with an aggressive intention, but we cannot totally disregard it.

However, it seems that the intent of the assizes changed over time from Henry II to his grandson Henry III (r. 1216-1272). Clearly evidenced by the disparity in equipment between the two.

Henry III had also experienced civil strife in England, though he was a minor at the time. While he did endeavour to restore some of the Angevin Empire his predecessor John I had lost, he did not take active part in campaigning to the extent of his grandfather Henry II. The only military campaign he embarked on was an invasion of France in 1230, which lasted only the summer of that year, and resulted in a costly English withdrawal.<sup>188</sup>

So, most of his reign was relatively peaceful within England, until baronial discontent grew to such an extent it culminated with the second baron's war in 1264. While he did win this war against the rebels, it was mostly thanks due to the quick strategic thinking of his son Prince Edward, as well as having a much larger force available to him. Which was quite possibly owed to the oath of the assize, as it had been with John I in 1212.<sup>189</sup>

However we may be able to discern the intent of Henry III, as well as Magnus Lagabøte, by thoroughly examining the equipment present in their respective legislations.

Below we will present the same chart on arms as armour as presented previously, for ease of reference in the following section.

Table 3.2 Categories of equipment in Norwegian legislation, and the Assize of Arms of 1242, and 1181:

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<sup>188</sup> Oman 1895 p. 137-138

<sup>189</sup> See section 7.1

Categories	AoA 1181	AoA 1242	Norwegian legal corpus
Category 1	Hauberk Helmet Shield Spear All of this repeated by amount of knight's fees	Hauberk Helmet Sword Dagger Horse	<b>Hirdskråa</b> Full helmet Full chainmail suit Full padded suit Spear Sword Reinforced shield Bow or Crossbow is recommended
Category 2	-----	Habergeon Helmet Sword Dagger	<b>Hærreformen</b> Equivalent or near-equivalent to the equipment of Hirdmenn, in the category above, depending on the wealth of the subsidiser.
Category 3	Hauberk Helmet Shield Spear	Gambeson Helmet Sword Spear Dagger	<b>Landsloven + Byloven</b> Hauberk or Gambeson Shield Helmet Shield Spear Sword Axe
Category 4	Habergeon Helmet Spear	Sword Bow & Arrows Knife	Helmet Shield Spear Sword Axe
Category 5	Gambeson Helmet Spear	Arma minuta - Minor/Lesser arms Guisarmes, Knives, darts, etc.	Shield Spear Sword <b>or</b> Axe
Category 6	-----	Bow, Arrows and Javelins	Shield Spear Sword <b>or</b> Axe
			All men are required to make sure there is 1 bow and 24 arrows at their assigned seat in the longship.

## 7.4 The specialisation present in the assize of 1242 - Military Operative functions

Most of the historians we have referenced tend to agree that the assize of 1181 was primarily intended to revive the English fyrd, and create a military force the crown could use in the event of a civil war. While this must certainly have been an essential element I feel as if it cannot be the whole summary. I believe that Henry II was in 1181 placing the foundation for a military force he could have available to employ abroad, in foreign wars of expansion, or at least in France. Which may have been implied by Oman in 1898 when he mentioned how the armament in the elder assize mirrored that of the Brabançon pikemen, Henry II's favourite mercenaries.

However, it does not seem that this force was ever used abroad, or that it was even possible at that point in time. Seeing as the military obligations of the people of England were not well-developed. But the assize of 1242 could be another step in the development of such a force. While I agree with Powicke that the younger assize was created to better ensure national security,<sup>190</sup> its expansion in categories of equipment creates several distinct *specialised* groups of warriors, quite similar to the expansion that took place in Norwegian military legislation.

The Norwegian expansion present in the Army reform from 1273 creates a unit that shall be equipped with the same armament as members of the hird, whether that be as much equipment as the knight's, guests, or barons themselves. Mostly it appears that it is the quality of the equipment that is different between higher and lower ranking members of the hird.

1. Then, if we compare the top two categories between the Assize of 1242 and the Norwegian legislations. The top category is that of the knightly class, and may be referred to as heavily armoured mounted warriors. Most definitely in the assize, as it is

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<sup>190</sup> Powicke 1942 p. 469

mandated to provide a horse for yourself, and extrapolating from the intent of the assize we may assume that it is intended to be a warhorse, as it is counted as part of the armament. While the Norwegians do not mandate a horse as part of their equipment, we cannot assume that these men did not bring horses regardless. Seeing as they are members of the king's retinue, it would almost go without question that they should be trained in the knightly art of mounted combat during this time period.

2. The second category responds to heavily armoured infantry. In the Norwegian case it may be extremely heavily armed and armoured, while the English does not decree that the armament here shall be as good as that of the knightly category above. The English category two presents a force that would surely be a formidable opponent for infantry equipped with less protection. But the second Norwegian category appears to be an extremely adaptable unit, as they would be equipped with a wide variety of weapons, possibly including bows. The English here were only required to bring a sword as their primary weapon, which may seem fairly odd as spears were still the most widely used weapon of the time. However, this adds to the specialised nature of the assize of 1242.

3. Category three is the one that is the most synonymous across all the different laws we have present here, though the Norwegians, as always in these legislations, place the emphasis on providing a variety of weaponry. This is most likely a reflection of the Norwegian tradition of the navy and naval combat, though in the event of a land based battle the men would be able to switch between forming as a spearwall, or e.g. an attacking wedge-formation with swords and axes.

This equipment class in the younger assize matches its predecessor as the 'unit of pikes' as Oman theorised, and in 1242 this is the only category in which the spear, lanceam, is still mandated. So far the top three categories of the English assize have been equipped with arms and armour that definitely implies specialised purposes.

4. & 6. Both of these categories require the appropriate citizens to bring bow, and arrows. The poorest of men only have to provide bows, while the ones who have a few

marks to their name in category four shall bring sword, and knife as well. These two classes combined would naturally compose a substantial force of bowmen, and ranged skirmishers. The appearance of the bow in this assize is also what has been referenced the most by historians interested in weaponry and military history.

5. While the final specialised component for the English is here the mass of lightly armed infantry with lesser arms such as gisarmes, or other similar polearm variants.

While the last three classes of Norwegian armament, category 4, 5, and 6, display the same variety as category 3. However, they are less protected, and the last two classes are not required to bring both sidearms.

Through what we have examined in these six categories it appears as if the English monarch in 1242 were seeking to specialise the military force they had available. While the reduction in armour may appear detrimental, it does not necessarily need to be so due to this specialisation.

These six categories in the assize of 1242 present essentially the whole body of military units that were employed in western Medieval Europe. 1. Heavy cavalry, 2. heavy assault infantry, 3. Pikemen or spearmen, 4. & 6. archers and skirmishers, 5. Large units of less well-equipped infantry. The only specialised unit of this time period that is missing is the horse-archer, though that was a tactic not commonly used in western Europe during the 13th century.

While the English were apparently forming a pool of specialised units they could draw from, the Norwegians seem to have focused on employing heavily armoured units with a varied armament. With the variety in arms this would mean that these Norwegian troops could be highly adaptable to different tactical situations. Especially the newly formed unit of the army reform of 1273, present in category two.

As Ersland writes, this was most likely a reactive measure in response to the lacking military capabilities of the traditional leidang.<sup>191</sup>

Another aspect is the defeat during the battle of Largs in Scotland, 1263. As mentioned, this battle displayed to the Norwegians that they lacked heavily armoured units, capable of dealing with the heavy cavalry employed by the Scots during this battle, and campaign. The formation of a qualitatively new type of soldier, subsidised by men of the hird, and recruited from the upper tier of farmers with military duty in the leidang, was then made to be an adaptable and well armed response unit to deal with challenges the Norwegians had been unsuccessful with in the past.

Category two together with the third would definitely provide an increased challenge for the heavy cavalry that was commonly being used throughout Europe during the 13th century.

The changes and expansions in the assize of 1242 as well display a clear will to reorganise and specialise the military obligations of English citizens.

In regards to the specialisation of military units in the assize of 1242. The general mobilisation in 1212 by John Lackland provides proof that the king had the option to pick and choose the best equipped men.<sup>192</sup> The specialisation we have identified in the categories of the assize of 1242 utilises this fact well.

If we replicate this situation, that Henry III issues a general mobilisation identical to the one called by his predecessor. Henry III would then be presented with a force of substantial size, and a force that would be composed of several tiers of citizens who carried highly specialised armaments. Henry III would then have been able to pick and construct an army comprised of whichever tactical, or strategical, elements he desired.

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<sup>191</sup> Ersland 2000 p. 76-80

<sup>192</sup> Contamine 1984 p. 89

If he was going to enter Welsh land, whose terrain was mountainous and unforgiving, he could then form a force centered around light infantry, with plenty of skirmishers, supported by a heavy infantry corps. Categories 3, 4 and 6, followed by 2, respectively.

Or if he were to defend England's more northern plains from a Scottish invasion, he could present a heavily armoured infantry line, flanked with heavy cavalry, supported by whatever he would deem necessary.

Whatever his wish, the specialisation present in the assize of arms of 1242 was surely no coincidence.

## 8.0 Conclusions

We have now presented all elements of the Assize of Arms of 1242, as well as the Writ for Enforcing Watch and Ward, and compared with a plethora of synonymities we have been able to find in the corpus of Magnus Lagabøte's military legislations. Here we will summarise and discuss the elements we have examined, and the theories we have explored.

All of the historians that we have referenced so far have presented different ideas regarding the assize of arms of 1242. While none have performed an examination of our ordinance by itself, we can compile a few different perspectives these historians have presented on the assize. Let us put together their perspectives along with what we have examined in this paper...

### 8.1 Conclusions on the assizes of arms

The reign of Henry III was one of lawmaking and improvement of the administration of the kingdom. The affluence of the major lords and barons decreased throughout the 13th century, like how Contamine describes, with the gradual degradation of the feudo-vassalic institutions.<sup>193</sup> It was this reduction of the power of the feudal barony over English citizens, which Stubbs postulated was the primary intent of Henry II.<sup>194</sup>

Further on, during the reign of Henry III, the affluence of the knightly gentry, and burgher populations began to increase as they were increasingly tied into local administration. Hollister writes that the gentry began to staff the courts of the shire, the burghers began

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<sup>193</sup> Contamine 1984 p. 89

<sup>194</sup> Stubbs 1890 p. 22, 154

increasingly to control the administration and courts of their own towns, and even serfs became more involved in the affairs of the kingdom.<sup>195</sup>

I believe that this was due in no small part to the assize of arms of 1242, arming the citizens with weapons with which they could defend themselves from possible danger and harassment.

As well as coordinating the assize of arms with the writ of the watch-and-ward, producing the shift of responsibility on police-duty from the crown to the citizenry. Henry III through these means clearly increased the autonomy of his subjects. All the while creating a pool of fyrd-men, jurati ad arma, with highly specialised equipment which he could utilise in the event of attacks on the kingdom.

Hollister placed the emphasis on two discernible effects of the development of the assize of arms from 1181 to 1242.

The first is the expansion of privileges and autonomy of the general citizenry of the realm, i.e., the non feudal vassals of the king. All the way from the upper gentry, down to the villeins, the serfs.

The second is the economic-administrative functions of both the elder and younger assize. The older assize created a new method of calculating wealth and tax throughout the kingdom, shifting from the Anglo-Saxon system of hides to net worth and annual income.<sup>196</sup>

Hollister is consistent with Stubbs' words from a century prior, who, in his short introduction of the assize of arms of 1181, points out the growing tendency of connecting local and central administration. Which is already present in the elder assize.<sup>197</sup>

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<sup>195</sup> Hollister 1996 p. 232

<sup>196</sup> Hollister 1996 p. 152-153

<sup>197</sup> Stubbs 1890 p. 154

We have discovered that the jurati ad arma was an institution that was well established and employed between 1181, and 1242. That it was, in fact, employed and maintained. As previously quoted, Stubbs wrote on the machinations of the assizes of arms and the jurati ad arma:

*“(...) it is important to observe the permanence of their character, and the antiquity as well as the elasticity of the machinery by which they are worked. Although not an essential part of the Constitution, they are ancient buttresses of the fabric, and their very permanence attests as well as sustains the corporate identity of the English nationality, (...)”<sup>198</sup>*

Clearly the purpose of the elder assize, what Henry II had intended, had been fulfilled. And its efficacy was enjoyed by both monarch and subject, as its successor was an additional step in the same direction. The crown’s increasing power and military capacity, the degradation of baronial influence, all the while the more common citizenry enjoyed increasing privileges, and greater order and security.

## 8.2 Was Norwegian military legislation inspired by English?

As described, the reign of Henry III was marked by improvement of administration and in legislation. He had an incredibly long reign of 56 years, r. 1216-1172, ruling in parallel with Magnus Lagabøte’s father, Håkon IV, r. 1217-1263.

During this time England and Norway were close allies, with much trade, diplomatic activity, and correspondence. For example, Norwegian trade ships were allowed trade while others were arrested,<sup>199</sup> Norwegian ships carrying knights or other soldiers were granted free harbour in 1229,<sup>200</sup> and diplomatic exchange in general was prevalent.

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<sup>198</sup> Stubbs 1890 p. 371

<sup>199</sup> Regesta Norvegica vol.1. Nr. 491-494, 523

<sup>200</sup> Regesta Norvegica vol. 1. Nr. 591 | Ermland 2000 p. 91

It is very likely that Magnus Lagabøte was inspired by the reign of Henry III which was filled with progress in legislation and administrative development. Along with the period of consolidation in Norway under Magnus' father Håkon IV, as well as the military experiences. The incredibly synonymous nature we have identified between the assize of arms from 1242 and Magnus Lagabøte's military legislations, the specific expansions of military categories and duties, leads me to believe that the military legislations of Magnus Lagabøte must have been, at least partly, inspired from the assize of arms.

While we have not been able to identify any direct, tangible evidence that Norwegian legislation was directly inspired by the English assizes, the close alliance and interaction between the two kingdoms, coupled with the parallel military developments executed by Magnus Lagabøte supports the theory of English inspiration for the Norwegian king. Making it impossible to dismiss the correlation.

# Abstract

Jeg har i denne oppgaven oversatt og gjennomført en analyse av 'assize of arms' fra 1242, og ført en komparativ undersøkelse med dens forgjenger fra 1181, og Norsk militærlovgivning på 1270-tallet under kong Magnus Lagabøte. Jeg har identifisert sterke paralleller mellom den militære lovgivningen i England på 11- og 1200- tallet med Magnus Lagabøtes lovgivning på 1270-tallet.

Ut i fra historiografisk litteratur om militærhistorie som jeg har gjennomgått, kan man observere at 'assize of arms' fra 1242 har fått lite oppmerksomhet, og fremstår som understudert.

I 1181 la Henry II av England frem loven 'Assize of Arms', en lov som gjennomførte en systematisk omorganisering av militærplikt for Engelske innbyggere, og omstrukturerte økonomisk-administrative elementer i Englands kongedømme.

Frie menn ble pålagt plikt til å eie våpen og rustning med henhold til en ny inndeling av formuesklasser. Militærplikt ble i gjennom denne loven omorganisert på grunnlaget av personers formue. På disse våpnene skulle de gjennomføre en edsavleggelse til kongen av England, om å sverge til bruk av våpnene i kongens navn, til hans- og kongedømmets beskyttelse.

Denne loven, dens formues- og våpenklasser, ble i 1242 utvidet i flere retninger. Den oppdaterte formuesklassene, og utvidet privilegiet å bære våpen fra kun frie menn til å inkludere livegne bønder, og forbedret sikkerheten i kongeriket med sammensmeltingen av assizen med politi-systemet 'Watch-and-Ward'. I denne avhandlingen har jeg oppdaget en voldsom spesialisering av våpen-klassene som assizen fra 1242 utvidet. Disse utvidelsene har vist paralleller til militære plikter Magnus Lagabøte påla hirdmedlemmer mellom 1273 og 1277.

# The Assize of Arms of 1242 - Full text translated

Translation of the text “Writ for Enforcing Watch and Ward and the Assize of Arms of 1252”, from *“Select charters and other illustrations of English constitutional history from the earliest times to the reign of Edward the First”*, by William Stubbs, 1890.

**Translation by Victor Hegg, edited by Dr. Marigold Norbye.**

## **“The Writ for Enforcing Watch and Ward and the Assize of Arms of 1252”**

King Henry by the grace of God etc. ... to the sheriff, greetings. Know that, to firmly safeguard our peace, it is provided by our council that there should be a watch/vigil in every city, town [borough], and all the other towns of your county, from the day of the feast of the ascension of our Lord [Ascension Day, Thursday 40 days after Easter] until the feast of St. Michael [29 September], in each of the cities each gate shall have six men [equipped with arms], and in each borough there shall be twelve men; and in every leet there shall be six men or at least four similarly armed men in accordance with the number of inhabitants :

And the watch shall continue through the entire night from the setting of the sun until the rise, so that, if a stranger passes by them, they should arrest [him] until morning; and then, if he is [found] trustworthy, let him be released, if he is untrustworthy, he should be delivered to the sheriff, who without difficulty or delay should receive him [the suspect] and keep him safe [i.e. safely guarded] ; if however the strangers, whilst passing through, resist arrest, then the aforementioned vigil may raise a hue against them from all sides and he [or: they] shall be pursued by the entire town and neighbouring towns, with hue and cry from town to town until he is [strictly: they are] arrested; and then he [they] shall be delivered to the sheriff as described, so that no-one should be prosecuted, in this way on account of the arrest or capture of foreigners by the sheriff or by his bailiffs,

and each and every city, borough and town should be forewarned to thus diligently carry out each of the aforesaid watches and pursuits [of hue and cry], lest we have to punish severely their non-compliance.

It is also provided that each of the sheriffs along with two knights specially assigned for this purpose, should go from hundred to hundred in the counties which they are responsible and into cities and boroughs, and summon before them [=in their presence] in every hundred, city and borough the citizens, burghers, freeholders, villeins and others of 15 to 60 years of age, and make them all swear to take up arms, according to the amount of land and chattels they hold, namely:

[those that hold] 15 pounds worth of land; a hauberk, hat of iron, sword, dagger and horse;

[those that hold] from 10 pounds worth of land a habergeon, hat of iron, sword and dagger;

[those that hold] 100 shillings worth of land a quilted jacket, hat of iron, sword, spear and dagger;

[those that hold] 40 shillings worth of land, or more up to 100 shillings worth, a sword, a bow, arrows and a knife.

[those that hold] less than 40 shillings worth of land, shall swear to provide sickles, guisarmes, knives and other lesser arms.

[And those that hold] 60 marks worth of chattels, a hauberk, hat of iron, sword, knife and horse.

[those that hold] 40 marks worth, a habergeon, hat of iron, sword and knife,

[those that hold] 20 marks worth, a quilted jacket, hat of iron, sword and knife

[those that hold] 9 marks worth of chattels, sword, knife, bow and arrows;

[those that hold] chattels worth 40 shillings and up to 10 marks, sickles, guisarmes and other lesser arms.

Everyone that is able shall keep bow and arrows outside the forest, however those who live in [or near] forests, shall keep [both] bow and javelins.

In each city and borough they shall be sworn to arms [or it could be: “those sworn to arms, i.e. the local militia, should be/act”] in the presence of the mayors of the city , and in the presence of the reeves and of the bailiffs of those boroughs were there are not mayors [= boroughs which do not have a mayor]; in each town there shall be instituted a constable or two, according to the number of inhabitants and the supply of the aforesaid men [If there are enough suitable men to become constable, and/or in proportion to the population]; in every hundred there shall be instituted a head-constable, at his command those who are sworn to arms from the hundreds shall convene, and submitting to him in order to do those things necessary for the conservation of our peace.

All the sheriffs shall have it announced throughout all cities and boroughs and all marketplaces of his bailiffs that none shall convene and take part in tournaments or behours, nor in any other kind of jousting, neither shall anyone bear arms [in public] except those specially assigned so to uphold our peace ;

if they are found carrying arms contrary to the statements of this provision, they shall be arrested and delivered to the sheriff: and if they will not permit themselves to be

arrested, then constables of every hundred and town, and others whoever they happen to be, shall raise cry and hue [pursuit] upon them from all sides, and with the neighbouring towns pursue them from town to town without cease until they are seized and delivered to the sheriff, as previously stated; each time it will be necessary to raise hue and cry against any disruptors of peace, robbers and criminals in parks and fields, there shall immediately be a hue against them [i.e. they must be pursued], and they will be pursued until they are captured [=the pursuit shall not cease until capture] and delivered to the sheriff, as already mentioned about the others. And all sheriffs, [all] their bailiffs, constables, local militia [=those sworn to arms], burghers, freemen of villages [=free tenants] and villeins, [all these people listed] should carry out such a pursuit against the aforesaid criminals, to avoid that these criminals escape, and to avoid that – if the criminals do escape through their fault [i.e., due to the negligence of the pursuers] – those [pursuers] in which fault/negligence is found have to be severely punished; and thus they will be punished, on our orders, so that the punishment of these instills terror in the rest, to remove any reason to err in their duties. The sheriffs shall without delay or difficulty guard safely the suspects from the day in which they receive the arrested persons, whatever the type of arrest, until they are delivered according to the law of the land [secular law].

And so I order you, just as you love your body and all your possessions, together with my beloved and faithful Henry son of Bernard, and Peter de Goldintuna , whom we have assigned to you for this purpose, to carry out all of the aforementioned text under the prescribed form with the utmost diligence, lest from lack of action on your part and on the part of the aforesaid H and P we must proceed against you and them severely.

Witnessed by the archbishop of York at Westminster on the 20th day of May in the 36th year of the reign (of Henry III.)

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