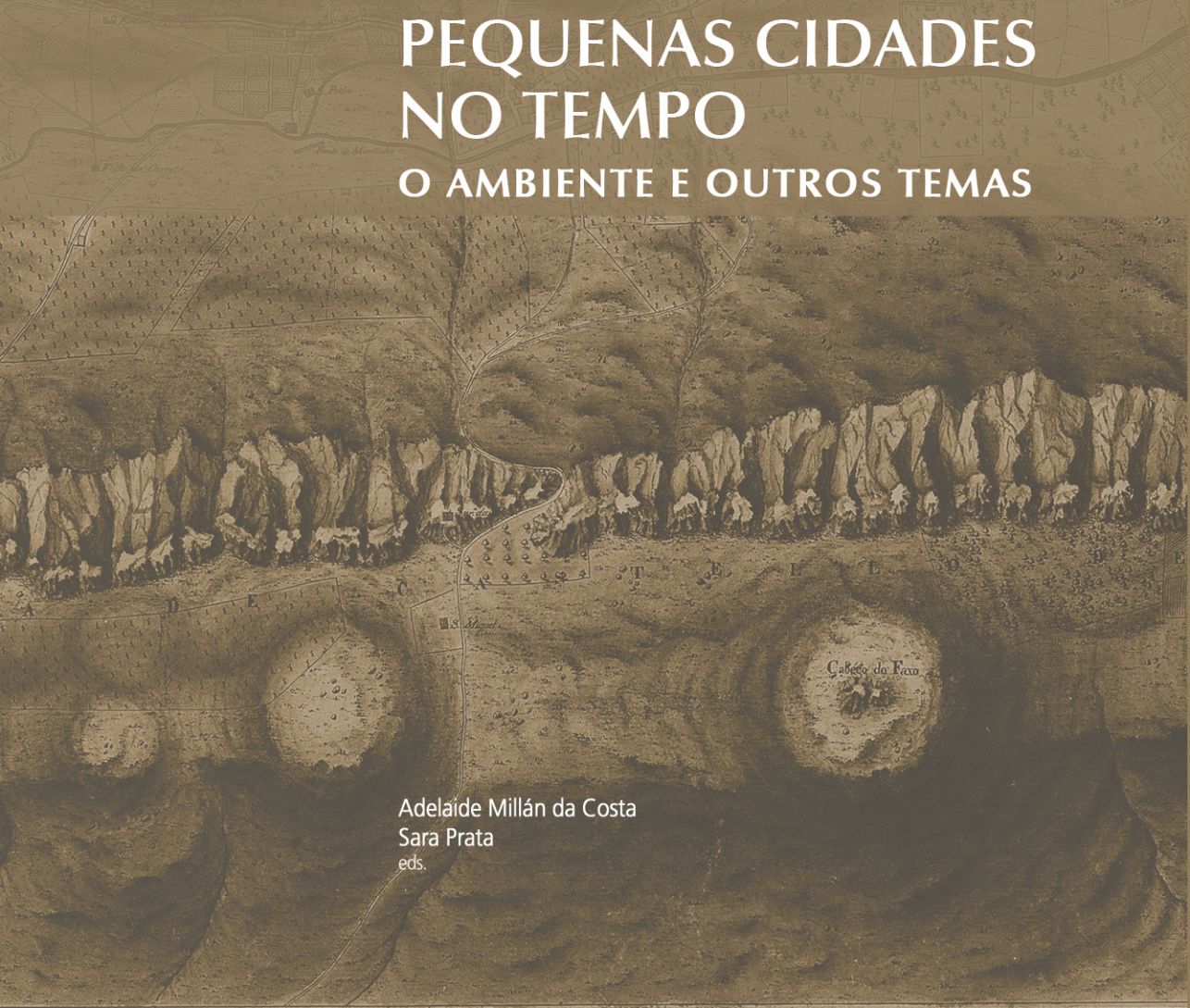


PEQUENAS CIDADES NO TEMPO

O AMBIENTE E OUTROS TEMAS



Adelaide Millán da Costa
Sara Prata
eds.

PEQUENAS CIDADES NO TEMPO.
O AMBIENTE E OUTROS TEMAS

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ADELAIDE MILÁN DA COSTA
SARA PRATA
editores

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Adelaide Millán da Costa

Resource Regulations and the Failure of the Northern Market Towns in 14th Century Norway

*Miriam Tveit*¹

Abstract

This article discusses the regulation of small towns and their resources in a less urbanised society. Late Medieval Northern Scandinavia was characterised by a lack of the type of urbanisation that was experienced in the rest of Northern Europe. Norway developed few towns and even fewer of any prominent size. Three small, coastal towns based their existence on their services to the surrounding regions, both as centres for royal administrative functions and as transfer points for regionally produced goods. They nevertheless ceased to exist as urban centres in the Late Middle Ages. During a process of legal revival starting in the mid-13th century, Norway produced a Code of the Towns. These three small towns, however, appear to have been directly regulated by royal decrees. This article explores how local and state authorities dealt with resources around these market towns and discusses to what extent royal and local attitudes towards resource management impacted their decline.

Keywords

Norway. Resource regulation. Urban law. Urban decline. Urban boundaries.

¹ Nord University.

Regulamentações de recursos e o fracasso das cidades mercantis do norte da Noruega, no século XIV

Este artigo discute a regulamentação das pequenas cidades e dos seus recursos numa sociedade pouco urbanizada. O final da Idade Média na Escandinávia do Norte era caracterizado pela ausência do tipo de urbanização que era experimentado no resto do Norte da Europa. A Noruega desenvolveu poucas cidades e ainda menos cidades de tamanho considerável. Três pequenas cidades costeiras baseavam a sua existência em serviços prestados às regiões circunvizinhas, tanto como centros de funções administrativas reais quanto como pontos de transferência de bens produzidos regionalmente. No entanto, elas deixaram de existir como centros urbanos no final da Idade Média. Durante um processo de revitalização legal que começou em meados do século XIII, a Noruega produziu um Código das Cidades. Essas três pequenas cidades, no entanto, parecem ter sido reguladas diretamente por decretos reais. Este artigo explora como as autoridades locais e régias lidaram com os recursos em torno dessas cidades-mercado e discute até que ponto as atitudes régias e locais em relação à gestão de recursos impactaram no seu declínio.

Palavras-chave

Noruega. Regulação de recursos. Direito urbano. Declínio urbano. Limites urbanos.

Introduction

A town's impact is often measured by its growth, survival, and the extent of its influence. Europe saw several towns disappear in the Late Middle Ages². The aim of this article is to illuminate some of the failures of medieval urban Norway. The three

² Clark, Peter - *European Cities and Towns, 400-2000*. Oxford: Oxford University Press, 2009, pp. 36-38.

northernmost market towns on the Norwegian coast, Vágar³, Veøy⁴, and Borgund⁵ first prospered and then declined in the 14th century during the union between first Sweden and Norway and then Denmark and Norway⁶. The following approach sees the three towns during these years in the context of royal and local resource management. By examining first the royal regulations of the production and export of resources in these three northern towns and then by examining perceptions of the legal boundaries and regulations of resources, the article discusses to what extent central and local attitudes to resource management impacted the decline of these towns.

In the Middle Ages, northern Scandinavia was a backwater region in terms of urbanisation. In comparison with many parts of Europe, the Norwegian towns were few and small, both in population, size and economy. Of the Scandinavian realms, Denmark had similar urban growth as the Continent did, while the Swedish realm was comprised of a little over forty towns in the High Middle Ages, including Viborg in modern Russia and a number of towns in modern Finland⁷. In 1300, the Norwegian towns of any size were Niðaros (Trondheim), Bergen, Stavanger, Tunsberg, Oslo and Hamar. There were also nine documented smaller towns that existed in the 14th century, three of which are now part of modern-day Sweden⁸.

Regardless of the lack of urban traditions, the Norwegian royal administration issued an urban law code in 1276. Scandinavia saw a legal revival in the 13th century, resulting in the promulgation of a Code of the Realm in Norway in 1274 and one in Sweden in the 1340s that replaced provincial laws. The Norwegian

³ LIND, Keth - "Arkeologisk innsikt i Vågans rolle fra høymiddelalder til seinmiddelalder". *Gunneria* 64 (1991), pp.135-45; BERTELSEN, Reidar - "Vágar, en kortlevd by eller et urbant fiskevær?". in BRENDALSMO, Jan; ELIASSEN, Finn-Einar; GANSUM, Terje (eds.) - *Den Urbane underskog*. Oslo: Novus Forlag, 2009, pp. 199-211.

⁴ SOLLI, Brit - "Kjøpstedet på Veøya i Romsdal". in ANDERSSON, Hans; HANSEN, Gitte; ØYE, Ingvild (eds.) - *De første 200 årene-nytt blick på 27 skandinaviske middelalderbyer*. UBAS Nordisk 5, Bergen: Universitetet i Bergen, 2005, pp. 109-124.

⁵ LARSEN, Arne. J. - "Borgund på Sunnmøre, de eldste konstruksjonene". in ANDERSSON, Hans; HANSEN, Gitte; ØYE, Ingvild (eds.) - *De første 200 årene-nytt blick på 27 skandinaviske middelalderbyer...*, pp. 41-56.

⁶ SOLLI, Britt - "Veøyas arkeologi". in *Veøyboka*. Molde: Romsdalsmuseet, 1999, pp. 8-100, (pp. 98-99); FALKANGER Aage Thor - *Lagmann og Lagting i Hålogaland gjennom 1000 år*. Oslo: Universitetsforlaget, 2007, p. 64.

⁷ ANDRÈN, Anders - *Den urbana scenen: städer och samhälle i det medeltida Danmark*. Acta archaeologica Lundensia. Vol. XIII. Malmö: Liber Forlag, 1985. ANDERSSON, Hans - "Sverige. En forskningsöversikt". in ANDERSSON, Hans; HANSEN, Gitte; ØYE, Ingvild (eds.), *De første 200 årene-nytt blick på 27 skandinaviske middelalderbyer...*, pp. 91-146.

⁸ The smaller towns are (from north to south, and west to east) Vágar, Veøy, Borgund, Kaupanger, Skien, Sarpsborg, Oddevold, Konghelle, and Marstrand. Steinkjer is usually listed among towns from the High Middle Ages. Kaupanger is another one of the market towns north of Bergen that disappeared in this period, see ØYE, Ingvild - "Kaupangen i Sogn i komparativ belysning". *Viking* (1989), pp. 144-165.

Code of the Realm was to be valid nationwide⁹. It stayed valid for 300 years during political unions with Sweden and Denmark. In the legislative process, the two kingdoms also developed codes for their towns, in Norway in 1276 and in Sweden in the 1350s¹⁰. The Norwegian Code of the Towns was originally issued for Bergen, but would soon be in force in other towns of some prominence, such as Niðaros, Tunsberg and Oslo. In the course of the 14th century, the code appears also to have been valid for towns in general¹¹. The endeavour of creating an urban code while also being the most backwards region in terms of urbanisation indicates that the royal administration recognised the importance of towns as tools of governing, as well as the possibilities towns gave for centralising administration, taxation and the law and for regulating trade.

1. Vágar, Veøy and Borgund: Glimpses of Urbanity in the 14th century

The three northernmost market towns, Vágar, Veøy and Borgund, diminished in the early 15th century as they ceased to exist as regional centres with administrative, legal and economic functions¹². They continued as places of dense population throughout the 15th century, but eventually were abandoned¹³. The sites do not reveal today that there were urban structures there. All three market towns have since completely disappeared, and their physical remains are discovered due to archaeology¹⁴. For this reason, these towns have been overlooked as research objects for the study of Scandinavian urban history.

Because of the few and small urban dwellings in medieval Scandinavia, scholarly debates in Scandinavian urban history have circled around the definition

⁹ Magnús lagabætir's Code of the Realm, found in *Norges gamle Love indtil 1387*. Vol. II. Ed. Rudolf Keyser *et alii.*, Kristiania: Grøndahl, 1848, pp. 2–178, and TARANGER, Absalon - *Magnus Lagabøters Landslov*, Oslo: Universitetsforlaget, 1979 [1915]. Hereafter NgL II.

¹⁰ Magnús lagabætir's Town Law, found in NgL II, pp. 181–290.

¹¹ BLOM, Grethe Authén - "Magnus Lagabøters bylov og Trondheim, med en innledning om Bergen bylovs overføring til rikets øvrige kjøpsteder". in *Trondhjemske samlinger*. Vol. IX. no. 2. Trondhjem historiske forening, 1974, pp. 99–145 (pp. 104–106); HELLE, Knut; NEDKVITNE, Arnved - "Norge ..., p. 264. See the versions for unspecified towns in NgL II, pp. 182–83. Little is known about how this process developed, how fast the Town Law was diffused, or to what degree the small towns made use of it. Magnús lagabætir's Town Law IX.19.3, NgL II, p. 284.

¹² LARSEN, Arne - "Borgund på Sunnmøre ..., p. 42; NIELSSEN, Alf Ragnar - "Markedsretting og nasjonal betydning av fiskeriene 1000-1350". in KOLLE, Nils *et alii* - *Norges fiskeri- og kysthistorie. Bind I: Fangstmenn, fiskerbønder og værfolk. Fram til 1720*. Bergen: Fagbokforlaget, 2014, pp. 187-299; RØSKAFT, Merete - "Hålogriket blir en landsdel". in HOLBERG, Eirin; RØSKAFT, Merete - *Hålogriket, Nordlands historie 1, Før 1600*. Bergen: Fagbokforlaget, 2015, pp. 219-436: (pp. 368-73).

¹³ BERTELSEN, Reidar - "Vágar, en kortlevd by eller et urbant fiskevær? ..., pp. 199–211.

¹⁴ HERTEIG, Arne - *Borgundkaupangen på Sunnmøre*. Ålesund: Borgundkaupangens venner, 1974, p. 3; SØRHEIM, Helge - "Borgund- en gammel kaupang, et nytt museum". *Viking* 53 (1990), pp. 117–140 (pp. 118–119). SOLLI, Brit - "Veoyas arkeologi

of what constitutes a town and which urban centres in the Middle Ages could justly be termed 'towns'. Compared with European urban development, Scandinavian medieval towns had a different experience. Reasons for weak urbanisation in Norway have earlier been attributed to the difficult geography, but this explanation has been rejected in recent years. The traditional definition of the Scandinavian medieval town is a densely populated centre of a large area that had specialised functions for its surroundings and a continuous existence¹⁵. Urban historian Knut Helle has made status distinctions between those agglomerated places that deserve the status of 'town' and those found to be too small and short lived, like the three coastal towns¹⁶. Pointing to the functions of Vággar, the northernmost urban centre along the coast, archaeologist Reidar Bertelsen has rejected such a notion¹⁷. The termination of a town's existence at a later point in history should not rule it out of a discussion of urbanisation. The town held functions as an urban centre during its lifespan, even if it later died. Others, such as Richard Holt, have instead called attention to the impossibility of all-embracing parameters for defining a European medieval town¹⁸. Holt sees the Scandinavian urban scene as individualistic expressions of urban life. It lacked the hierarchical networks and diversification in trade or production that were characteristic of the urban landscape in, for instance, England, and it also lacked a heterogeneously specialised urban population¹⁹. In the small towns of Norway, inhabitants appear to have been versatile and self-sufficient. Findings about Vággar does, however, prove that there was a production of shoes on a scale that suggests a market for trade within the hinterland²⁰.

A sensible approach when studying Norwegian towns is to follow the medieval notion of what was considered urban²¹. In this context, Vággar, Veøy, and Borgund should be discussed in terms of market towns. Although these short-lived urban centres do not fit the criteria of size and boundaries, they meet the definition of a town in terms of their urban, central functions.

¹⁵ HELLE, Knut; NEDKVITNE, Arnved - "Norge. Sentrumsdannelse og byutvikling i norsk middelalder". in BLOM, Grethe Authen (ed.) - *Urbaniseringsprosessen i Norden 1*, Oslo: Universitetsforlaget, 1977, pp 189-278 (pp. 190-92); HELLE, Knut - "Fra opphavet til omkring 1500". in HELLE, Knut et alii (eds.) - *Norsk byhistorie: urbanisering gjennom 1300 år*, Oslo: Pax, 2006, pp. 23-142.

¹⁶ HELLE, Knut - "Fra opphavet til omkring 1500 ...", p. 68.

¹⁷ BERTELSEN, Reidar - "Vággar, en kortleved by eller et urbant fiskevær?...", pp. 201-209.

¹⁸ HOLT, Richard - "Medieval Norway's urbanization in a European perspective". in BRENDALSMO, Jan; ELIASSEN, Finn-Einar; GANSUM, Terje (eds.) - *Den Urbane underskog*. Oslo: Novus Forlag, 2009, p. 231-246 (pp. 231-32). See also ABRAMS, Phillip - "Towns and Economic Growth: Some Theories and Problems". in ABRAMS, Phillip; Wrigley, E.A., *Towns in Societies*. Cambridge. 1978, pp. 9-33, on generalizing about what is a town.

¹⁹ HOLT, Richard - "What if the Sea were Different? Urbanization in Medieval Norway". *Past & Present* 195, Issue suppl_2 (2007), pp. 132-147.

²⁰ LIND, Keth - "Arkeologisk innsikt i Vågans rolle ...", pp. 140-142; BERTELSEN, Reidar - "Vággar, en kortleved by eller et urbant fiskevær?", p. 204.

²¹ HELLE, Knut; NEDKVITNE, Arnved - "Norge ...", p. 192.

The material that has shed light on royal and local resource management for the three towns is not systematic, but there exists a number of royal amendments from the successive decades after the promulgation of the Code of the Towns. Laws with amendments and variations have been edited in the corpus *Norges gamle Love*²². Likewise, there are no town records from these or other Norwegian towns. Many of the known written letters, decrees and charters relating to Norway in the Middle Ages have been transcribed and published in the continuing collection *Diplomatarium Norvegicum*²³. Although substantially more extant documents date from 1300 onwards, there is still a scarcity of written sources on Norwegian urban life in general, and only a handful of letters survive from Vågar, Veøy and Borgund.

The Scandinavian small towns based their existence on their services to the surrounding regions, both as centres for royal administrative functions and as transfer points for regionally produced goods. For Vågar, Veøy and Borgund, a main point is that all three imported most of their consumer products from abroad via the large trading town of Bergen. They all had small-scale pastoral farming within and near the town, but imported grain, cloth and household wares from England, the Rhine area and the Baltic regions. The currency with which they exchanged these products for was fish products, in the form of stockfish, liver oil and herring²⁴. Fish products were the Norwegian realm's main export product traded from Bergen, and the northern coastal regions were the main sources of these products. An important aspect of the life of these three towns was therefore where they were situated in the environment. All three were positioned safely within a fjord, with easy access to resources and rich fishing grounds, and they were also easily accessed from the shipping lanes along the coast and the overland trade routes inland²⁵. Even so, trade in itself need not have been the reason for their existence. Brit Solli argues that while Vågar seems to have become deeply integrated in an international trade network, in the cases of Veøy and Borgund, strategic and administrative matters counted more than being ports of trade²⁶. All three were also administrative centres for their

²² Hereafter NgL. *Norges gamle Love indtil 1387*. Ed. Rudolf Keyser *et alii*. Vol. I–III. Cristiania: Grøndahl, 1846–49; *Norges gamle Love indtil 1387*. Ed. Gustav Storm. Vol. IV. Cristiania: Grøndahl, 1885; *Norges gamle Love indtil 1387*, Ed. Gustav Storm; Ebbe Hertzberg. Vol. V. Cristiania: Grøndahl, 1895; *Norges gamle love, anden række 1388–1604*. Ed. Absalon Taranger *et alii*. Vol. I–II. Christiania/Oslo: Grøndahl, 1912–1976.

²³ Hereafter DN. The first volume, which was printed in 1847 and now counts 23 volumes: *Diplomatarium Norvegicum, Oldbreve til Kundskab om Norges indre og ydre Forhold, Sprog, Slægter, Sæder, Lovgivning og Rettergang i Middelalderen*, (1847–2011). Vol 1–23, 1847–2011. Christiania/Oslo: varia.

²⁴ NIELSSEN, Alf Ragnar - "Markedsretting og nasjonal betydning av fiskeriene 1000-1350 ...", pp. 187-299. SØRHEIM, Helge - "Borgund ...", pp. 121-123.

²⁵ SOLLI, Brit - "Veøya ...", pp. 82-83, 93-94.

²⁶ SOLLI, Brit - *Narratives of Veøy: an investigation into the poetics and scientifics of archaeology*. Oslo: Universitetet i Oslo, 1996, pp. 206, 214-217.

regions, albeit not necessarily exclusively so, and for legal activities and collecting taxes and rent.

Situated between these three market towns was the major town of Niðaros, seat of the Archbishopric, for which they also would have served as centres for collecting tithe and for church meetings²⁷. The northern provinces comprised the economic foundation of the Archbishop of Niðaros. In Vágur, the church held regular meetings, and the archbishop visited on occasion²⁸.

The market town of Veøy had reduced the scale of agrarian production to make possible the growth of an urban centre starting the 12th century. Cultivating the nearby land was still a part of the town's reason for being and vice versa. The agriculture disappeared together with the town in the late 14th century, along with its urban functions²⁹. Veøy established itself as a centre of coal production and as an emporium of the local herring fisheries. The town had two churches in the early 14th century, and it appears to have been dependent on aristocratic funding and benefits³⁰. Charters written for the richest family of the northern Norwegian magnates, also part of the royal administration, reveal that this family willed large sums to the town churches in Veøy as in Borgund, but they also collected their revenue from this centre and kept several properties there³¹. Their involvement suggests that they also would have had interests in any development and resource management activity in Veøy. However, a lack of written sources deprives one of the possibility to assess whether the urban population or the magnates would run the town. The site at Borgund, where extensive excavations started in the 1950s, includes evidence of town infrastructure, such as drainage, waste deposits and water supplies³². Vágur was, according to tradition, established as a fishing station by King Eystein (1103–1123) in the early 12th century, and it became the market for redistributing stockfish bound for Bergen. Every June, a market was set up for this purpose. During the 13th century, it functioned as one of the provincial assemblies coinciding with the time of the market, and from the end of the century, there are records of regular clergy synods and of visits of the archbishop taking place there³³.

²⁷ SOLLI, Brit - *Narratives ...*, p. 208; BJØRGO, Narve - "Vågastemna i mellomalderen". in IMSEN, Steinar; SANDVIK, Gudmund (ed.) - *Hamarspor-Eit festskrift til Lars Hamre 1912–1982*, Oslo: Universitetsforlaget, 1982, pp. 45–60 (p. 49); DN III no. 30 (1291 about 1282)

²⁸ NgL *anden række* I, p. 472 (1321); DN IV no. 357 (1352).

²⁹ SOLLI, Brit - "Veøya ...", pp. 28–29.

³⁰ DN XV no.1, 1308x1309 Biarne Erlingsson's testament; DN I no. 285,

³¹ DN XV no.1, p. 1–5 (1308/09?), DN II nos 279–80 (1347).

³² HERTEIG, Asbjørn E. - *Kaupangen på Borgund*. Ålesund: Borgundkaupangens venner 1973 [1957], p. 5.

³³ DN III no. 30 (1291, mention a meeting in 1281); DN III: 36 (1295); DN IV no. 357 (1352); NgL 2r, no. 255, p. 472 (1430, cite a 1321, and 1430).

In the early 15th century, the legal assembly was moved from Vágur to the rural estate of Engeley across the fjord and was permanently located there.

2. Royal Regulation of the Northern Market Towns

The promulgation of the new Norwegian Code of the Towns in 1276 marked a conscious policy towards the towns. The extant material from the Norwegian small towns suggests, however that it was the Code of the Realm, and not the Code of the Towns, that was consulted at urban assemblies of the small towns³⁴. Much of the contents of the Code of the Towns nevertheless closely followed the Code of the Realm. A few sections were copied from older town laws, but many were taken from the contemporary national code³⁵. Nevertheless, little of the content of the new urban code concerned town planning, access to resources or exploitation of environmental resources. In the decades following the promulgation of the new codes in Norway, the Crown still saw the need to better control the resources coming into and out of the kingdom, and it appears that the towns presented the obvious tool by which to assert such control. For this reason, a line of amendments to the law and royal decrees were added to the urban regulations throughout the 14th century. The amendments also were comprised of measures to secure revenues from the coastal centres specifically.

First and most importantly, the state made sure to close off access to the north and its resources to foreign interests. The fisheries on the northern coastline had become increasingly lucrative in the 13th century. Royal administrators tried to channel all exports through Bergen, and from 1294 forbade foreign merchants from travelling *ultra Bergas uersus partes boreales* (“beyond Bergen to the northern parts”)³⁶. These regulations may have been attempts to control Norwegian exports, which German merchants increasingly dominated³⁷. The prohibition would also affect trade from the archepiscopal Niðaros, but it had permanent consequences for the shipping along the coast. Bergen merchants were now the only ones allowed to travel from the south-west to the north to bring barter goods from the European markets and to collect the fish and other products from these three towns. The

³⁴ TVEIT, Miriam - “Urban Law in Norwegian Market Towns. Legal Culture in a Long Fourteenth Century”. in ARMSTRONG, Jackson; FRANKOT, Edda (ed.) - *Cultures of Law in Urban Northern Europe: Scotland and its Neighbours c.1350-c.1700*, New York: Routledge, 2021, pp. 105–122.

³⁵ The old town laws were called *Bjarkeyarréttir*. Found in *NgL I*, pp. 303-336.

³⁶ DN V, no. 23. HELLE Knut - “Fra opphavet til omkring 1500 ...”, pp. 80-82.

³⁷ HELLE Knut - “Fra opphavet til omkring 1500...”, pp. 80-86; NIELSSEN, Alf Ragnar - “Markedsretting og nasjonal betyding av fiskeriene 1000-1350 ...”, pp. 294-295.

prohibition was reiterated on several occasions through the first half of 14th century³⁸. This could be a sign of continued foreign interest in accessing northern resources but also of the significance of regulating domestic production.

Furthermore, measures were taken to protect the cod fisheries from disturbances during the season, which lasted from approximately February to April depending on the influx. In 1313, King Hákon V (1284–1319) proclaimed that all legal suits in Hálogaland, the region in which Vágur was the only urban centre and also the location of the legal assembly, had to be postponed until after the season, disclosing the interest of the Crown in securing the stockfish industry³⁹.

The late 14th century saw more changes to the distribution networks of the fish trade. In a decree from 1384, the royal administration of King Olaf (1376/80–1387), in the then Danish-Norwegian union, stated that the kingdom's towns and the "small towns" (*smaar kaupstader*), particularly mentioning Vágur, were "damaged and deserted because merchants no longer came with their goods to the traditional markets"⁴⁰. The royal administration had seen the decline that archaeological work has confirmed regarding the northern market towns; apparently, the producers and traders did not find it worth the effort to use the regional towns for their business. The decree was addressed to all men north of Stadt, a peninsula which then as now constituted a dividing point between the North Sea and the Norwegian Sea and an obstacle to round when sailing along the Norwegian coast. The remedy prescribed by the royal administration so that "our towns rather should flourish" was to order the local traders in the north to take their products to the town in their respective region, Vágur (*Vaaga*), Veøy (*Vidøye*) or Borgund (*Borgundar*). With the Crown acknowledging how these three towns failed to keep up their functions as trade centres, it is of interest to ask when this process had caught awareness from the state. Already, in 1299, King Hákon V demanded that traders carry out their business in towns and designated markets⁴¹. There was another royal decree regarding this in 1364 and again in 1372. The former decree mainly restrained young men of limited means from abandoning farmsteads in favour of trade⁴². The need to take these measures speaks of the effects from the plagues then emerging, during which the number of abandoned farms increased. However, the need to secure revenues through the towns was still pressing, and King Hákon Magnusson of Norway (1355–1380) and Sweden (1362–1364) repeated the prohibition of buying and selling

³⁸ In 1302?: Ngl III, no. 15. In 1306: Ngl IV, p. 360; In 1348: Ngl III, no. 83.

³⁹ Ngl III, no. 38. The letter is preserved in the *Archiv der Hansestadt Lübeck*, Urkundenb I. 561–63, *Norvagia* 022, 022a bis 022c, 07.1–3/21 - Norwegen (Norvagia); Kontor zu Bergen, 07.1–3 Auswärtige Beziehungen (Externa).

⁴⁰ Ngl III, no. 104, p.222: King Olaf's amendment on trade in northern Norway from 1384.

⁴¹ Ngl III, no. 12

⁴² Ngl III, no. 95.

to take place outside locations that “from old” had markets and *takmark*, the Old Norse word for a town’s boundaries⁴³. In the decree from 1372, King Hákon targeted traders within the region surrounding Trondheim (Niðaros), who were to only trade in the towns “from old”, not in the countryside, in fjords or at fishing stations, under the threat of the highest fine under the law if they ignored the order⁴⁴. The decree of 1384 also targeted *fiorda koup* and *verija koup*, transactions taking place in the fjords and at the fishing stations, as illegal⁴⁵. This means that transactions were taking place directly between some traders and producers, both of whom were ignoring taxes. From these repeated efforts to contain trade within these towns, it would appear that the centralisation of resource distribution was more in the interest of the Crown than of the local inhabitants involved in both the production and shipping of the products.

3. Urban Legal Boundaries and Local Perceptions of the Law

If one now turns to the topic of demarcating urban space in the rural landscape, there are two aspects that call for attention: First, there are the boundaries, abstract or physical, that separated town from hinterland. Second, there is the legal identity of the population within the town and within the town’s adhering region.

First concerning the boundaries, there are the regulated boundaries to consider as well as the perceived boundaries between town and countryside. The Town Law of 1276 included a demarcation (the *takmark*) of the town’s area of control, which comprised the town structures plus accompanying land, and there probably was an understanding of these lines among the population⁴⁶. However, the late medieval Norwegian town was not clearly demarcated physically from its surroundings. There were no city walls or moats marking the fiscal or legal boundaries between the town and the countryside, although there may have been other visible markers that are now lost. Likewise, it is too simple to think that the applicability of the Town Law clearly distinguished a town from the countryside⁴⁷. Legal scholars have long been aware that a plurality of legal systems can exist together in a society,

⁴³ BLOM, Grethe Authén - “Takmark”. in *Kulturhistorisk Leksikon for Nordisk Middelalder*. Vol. 18. Rosenkilde og Bagger, 1982, pp. 80-82.

⁴⁴ NgL III, no. 101.

⁴⁵ NgL III, no. 104.

⁴⁶ Magnús lagabætir’s Town Law, bær skipings balkr, NgL II, pp. 240-252.

⁴⁷ HAGLAND, Jan R. - “Town Law versus County Law: On the Kristindómsbálkr (Church Law) of Niðaróss Bjarkeyjarréttir and Frostuþingslög”. in S. BRINK and L. COLLINSON (eds.) - *New Approaches to Early Law in Scandinavia*. *Acta Scandinavica* 3, Turnhout: Brepols, 2014, pp. 57-66.

today and in pre-modern times⁴⁸. Similarly, the boundaries of medieval law are now understood as overlapping and fluid rather than as clear-cut jurisdictions (as a law itself might propose to be)⁴⁹. Legal boundaries within and around Scandinavian towns must likewise be viewed in these terms. As I have discussed elsewhere, the legal practice in Norwegian market towns adapted to the new law codes from the 1270s, but they appear to have relied on the Code of the Realm even if a separate Town Law existed⁵⁰. However, since case law hardly ever cited any law, and because the Code of the Towns comprised much of the contents of the Code of the Realm, it is in most cases not possible to distinguish between the two.

As there are no remaining physical boundaries demarcating the market towns of Vágar, Veøy and Borgund from their hinterland, it is not possible to tell where the towns ended and the surroundings started or vice versa. Archaeology has more readily been able to examine this from the cultural layers. However, what archaeology shows is the same ambiguity: There is an urban space and a non-urban space or indeed rural space, but the transition between these spaces are indistinct. In fact, the overall picture is rather that the boundaries were indistinct and were supposed to be. In other European regions, it can be seen that medieval towns and the countryside functioned in a symbiosis. Rural activity was conducted within the urban space. It is therefore necessary to deconstruct the notion of a clear separation between town and hinterland. Terje Gansum has discussed the small pre-modern towns of Norway as “Rural structures with urban functions”, that is, tax, trade and law⁵¹. This description fits Scandinavian market towns, physically being little more than a “congested countryside”⁵², but fulfilling urban functions for the state within their respective region. Oppositely, the Norwegian towns could just as well be defined as urban structures with rural functions if they served the countryside around them as central junctions beyond royal interests.

The letters stemming from the populations of small towns rarely offer insights into urban people’s lives and deeds. Some, however, provide a glimpse. One rare instance is a letter from 1400 when one Magnus in Borgund wrote to

⁴⁸ MERRY, Sally Engle - “Legal Pluralism”. *Law & Society Review* 22 (1988), pp. 869-896.

⁴⁹ See, for instance, MUSSON, Anthony - “Introduction”. in MUSSON, Anthony (ed.) - *Boundaries of the Law: Geography Gender and Jurisdiction in Medieval and Early Modern Europe*. Aldershot: Ashgate, 2005, pp. 1-6.

⁵⁰ TVEIT, Miriam - “Urban Law in Norwegian Market Towns ...”, pp. 115-117.

⁵¹ GANSUM, Terje - “Rurale strukturer, urbane funksjoner og definisjonsdiskurser”. in BRENDALSMO, Jan; ELIASSEN, Finn-Einar; GANSUM, Terje (eds.) - *Den Urbane underskog*. Oslo: Novus Forlag, 2009, pp.19-40; BRENDALSMO, Jan - “I gråsonen mellom gården og byen. Et kildeproblem eller et definisjonsspørsmål”. in BRENDALSMO, Jan; ELIASSEN, Finn-Einar; GANSUM, Terje (eds.) - *Den Urbane underskog*. Oslo: Novus Forlag, 2009, pp. 147-84. OLOFSSON, Sven - ” Stadsbygge i bondeland - ett forskningsfält med teoretiska och metodiska implikationer”. in BRENDALSMO, Jan; ELIASSEN, Finn-Einar; GANSUM, Terje (eds.) - *Den Urbane underskog*. Oslo: Novus Forlag, 2009, pp. 185-97 (p. 185).

⁵² Clark, Peter - *European Cities and Towns ...*, p. 28.

his companion Jusse living further south to collect some rent and debt for him⁵³. Magnus added in the letter, “and I am asking you to send me some beans and peas for seed”⁵⁴. It is not said if Magnus lived in Borgund or just had his letter written there. If he was a town dweller, he would probably own agricultural land as many Scandinavian townspeople did. Whether the seeds were meant for his urban garden or rural estate is not revealed, but the rare personal addition to the text illustrates the close relationship between the rural and urban sphere.

Turning to the second aspect of boundaries, the legal identity of the inhabitants of the market towns and the hinterlands, there is little to go on. There exist no letters offering any insight into how the urban and rural population understood their own status within the urban landscape and its proximity. There are few extant sources that illuminate what was the legal response of the population in and around the towns to resource management practices or to urban dwellers’ ideas of urban legal boundaries. What can be deduced from the few charters of the market towns is, nevertheless, that the distinction between town and countryside was blurred. The town life that emerges from the sources did not concern collective or individual interests in resource management or reactions to central regulation. Most of the diplomas from Scandinavian towns regard property transactions of some sort, and so also for these three towns. Furthermore, most of the property transactions regarded rural properties far from a town itself, often with rural owners also. Richard Holt has suggested that weak urbanisation in Norway could have been a result of a marginal aristocracy combined with “a relatively strong peasant class” that retarded the development of specialised industries in the towns⁵⁵.

However, boundaries not only pertain to limitations, but also the extent of the circumference in which the town exerted influence. When the Crown demanded that regional producers of goods sailed to one of the three market towns in the abovementioned 1384 decree, it simultaneously clearly defined their circumference in the region⁵⁶. The need to stress this matter to all men in the north suggests that the local inhabitants perceived the towns’ influence as weaker than the state wished for. One could assume that the market towns of the north held little magnetic attraction for trade or resource distribution.

Moreover, the witnesses and validators appearing in the charters of the Norwegian towns, large and small, usually belonged to the landowning elite. A charter from 1321 concerning land rent from the town of Vágur was witnessed by the

⁵³ DN III no. 552, pp. 405-406.

⁵⁴ DN III no. 552, p. 406: *ok bidhr jægh þigh ath þv skipa migh nokorar boner ok erthr til sadhs.*

⁵⁵ HOLT, Richard - “Medieval Norway’s urbanization in a European perspective ...”, p. 245.

⁵⁶ BAGGE, Sverre; SMEDSDAL, Synnøve Holstad; HELLE, Knut (ed.) - *Norske middelalderdokumenter*. Bergen: Universitetsforlaget, 1973, pp. 218 and 364.

high judge of the province together with the priest of the powerful regional church⁵⁷. The property in question was owned by the equally prominent Erling Viðkunsson, a regionally based estate holder who two years later was appointed the high steward of Norway⁵⁸. This charter of land rent written in Vágar thus implicated three of the highest-ranking men in the region. In these cases, the town served as the location where prominent officials did their business, more because of its centrality than its status as a defined sphere of jurisdiction.

The circumference of the parish that the town churches held may also have been important when forming the identity of the inhabitants who identified with the town. The Church of St. Peter in Borgund was the point of reference when the same Erling decades later, in 1344, got hold of a rural property from one Ogmundur⁵⁹ and again, in 1351, when he obtained another rural property from one Kolbein Þoresson.

Erling Viðkunsson acted as a district governor in a case from Veøy⁶⁰. That particular case dealt with illegal possession of property and tax evasion. It touched upon many chapters of the Code of the Towns and the Code of the Realm, and it could as such serve as an example of how the law was implemented into the assemblies of the small towns. The case can further illustrate how the surroundings of market towns gravitated towards urban space in legal matters. In March 1347, at a rural assembly in Giske outside Veøy, one Sigurd Fyrd was charged with having evaded levy tax for two years and with occupying two estates rightfully belonging to a woman named Ragna⁶¹. Sigurd was absent, but he was summoned to appear before a judge in the town of Veøy to answer the accusations. Though the transfer of the case to the region's only urban centre is of interest when studying urban legal responses, it cannot necessarily be argued that it was the urban traits of Veøy that made the district governor forward the case here. Erling was not district governor of the county surrounding Veøy, Romsdal, but rather of the neighbouring county, Sunnmøre, with the market town of Borgund. Of the two estates in question, however, one was in Romsdal and one was in Sunnmøre. The estates were again provincial rather than urban houses. According to the Code of the Realm, witnesses for the inheritance should be sought in the county of the property⁶². The procedure was that one should summon the possessor to the assembly and make sure he had been read the summoning. It also fell under the law's sections on levy taxes and the

⁵⁷ DN I no. 163, p. 142.

⁵⁸ HELLE, Knut - "Erling Vidkunsson". in *Norsk biografisk leksikon*, nbl.sn.no/Erling_vidkunsson (accessed 15 September 2019).

⁵⁹ DN V no. 171, pp. 132-133.

⁶⁰ DN II no. 279, p. 232, and DN II no. 280, pp. 232-233.

⁶¹ DN II no. 279, p. 232.

⁶² Magnús lagabætur's Code of the Realm 5.16

issue of people not paying them⁶³. However, one also sees here the dealings of the top elite. Erling Viðkunsson acted as the district governor in the case, but on closer inspection he was personally involved. When the parties met in Veøy, they did so in the townhouse called *Biarna garde*, probably named after Erling's deceased uncle, the baron Bjarne Erlingsson, who had controlled large estates in the region and in his testament had donated gifts to churches in Veøy⁶⁴. If so, the venue was the house of a baron, now utilised by his heir Erling. Further, the woman Ragna was Erling's kinswoman. Sigurd himself was also high ranking, and he might have been the same Sigurd Fyrd who was threatened with charges of treason by King Magnus Eiriksson of Norway (1319 – 1355/74) and Sweden (1319–1364) two years earlier in 1345⁶⁵. The overall picture is that this was a clash of titans in the market town of Veøy. As such, one can imagine that no ordinary procedures would have applied. Sigurd nevertheless failed to appear in Veøy, as he was apparently not interested in facing up to the accusations⁶⁶. There in the town, within a townhouse, four men witnessed that the magnate Erling Viðkunsson put forward evidence that lost Sigurd the two estates.

The regional resources naturally served as a foundation for the wealth and power of the local elite. A dowry list from a wedding in Vágur in 1335 provides an example of the private wealth based on both regional riches and imported luxury⁶⁷. The bride, Ingebjørg, was the daughter of the high judge of the province, and the groom, Þorlæifr, was the son of an estate holder. The dowry consisted of large quantities of fish products in addition to property, plus household items worth 10 marks in gold, including German and English products. The expensive dowry was recorded in the regional town. Although the small towns could be peripheral in a Norwegian or European sense, the wealth of the political and economic elite that lived in market the towns could be significant.

Private legal transactions without prominent figures on the witness list can also be found. One example is a letter from Borgund dated 1338 proving a sale from a woman named Gyrid to a man named Simun of a property with the value of “two months’ rent in kind” (*tu[æ]ggia manaða mata læigu*), making it a very modest property⁶⁸. There are also similar examples of legal transactions taking place outside the few urban settlements. In a case like this the market town had a central function as the site of the transaction; this was where the legal officials held office. the sale

⁶³ Magnús lagabætir's Code of the Realm 5.17.

⁶⁴ Bjarne Erlingsson's testament is transcribed in DN XV no.1, p. 2.

⁶⁵ DN V no. 175.

⁶⁶ DN II no. 280, p. 232-33.

⁶⁷ DN IV no. 217, pp. 190–91.

⁶⁸ DN I no. 250, p. 200. On the classification of estates, see BRØGGER Anton Wilhelm; STEINNES, Asgaut - *Gammel mål og vekt i Norge*. Oslo: Kildeforlaget, 1982, pp. 75–76.

was recorded within the market town of Borgund in the townhouse called *Marteins garðe*. Gyrid was present at the transaction with her grandmother's husband acting as legal guardian. Simun paid in weight units of malt and flour, ale and 12 "ells of Ghentish cloth", a mix of domestic and foreign consumer goods that were probably sought after.

The Bergen merchants held strong trade privileges in the Norwegian realm, but regulations suggest that, during the 14th century, they were not always eager or welcome to execute these privileges. A decree from King Hákon Magnusson dating 1361 told that "some of our ombudsmen obstructed them in their commercial travels", and the king reminded the ombudsmen that Bergen merchants could freely trade in the south and north of the realm and in the dominions overseas⁶⁹. King Olaf further demanded in the abovementioned decree in 1384 that merchants from Bergen actually did sail north to the market in Vágar, suggesting they at some point had stopped coming. This is commonly explained by the impact of the plague, an explanation that has been downplayed in recent years. Nevertheless, instead of the Bergen merchants sailing north, a new structure developed in which the northerners transported products to Bergen themselves⁷⁰. At some point in the 15th century, a system formed that was based in the rural community, for which transport was organised around a cargo vessel, the *Jekt*, owned by a local magnate which was equipped by the villagers and which sailed south with a local crew. This system may have developed in the final stages of the life of the market towns, and it was probably an effect of their death, if not the cause. However, in the 14th century, the Crown still retained its interest in confining trade to the places where it could obtain revenue, and collective repackaging and redistribution in the market towns was due before departure to Bergen.

Apparently, local producers saw the benefit of locally organising their transport, simultaneously undermining the towns. The attempts to control trade in the 14th century only demonstrates that those exploiting the resources did not need the urban centres. As such, it is sensible to discuss the relationship between the state and region as counterproductive and the attitudes towards urban presence in terms of state voraciousness and local obstruction.⁷¹ Either way, the towns showed little resilience in the process, and while trade flourished and consolidated within European networks, the northern market towns lost their functions.

⁶⁹ NgL III, no. 93, p. 181. «imisir varer vmbodz men hafua hindrat þæim j kaupferdumþæira».

⁷⁰ KIIL, Alf - *Da bøndene seilte: bygdefarsbrukets historie i Nordlandene*. Oslo: Messel, 1993, pp. 18-29; NEDKVITNE, Arnved - *Utenrikshandelen fra det vestafjelske Norge 1100-1600*. Bergen: Universitetet i Bergen, 1983, pp. 292-293.

⁷¹ BLOCKMANS, Wim - "Voracious States and Obstructing Cities: An Aspect of State Formation in Preindustrial Europe". *Theory and Society* 18. Spec. Iss. *Cities and States in Europe, 1000-1800* (1989), pp. 733-755.

Conclusion

In total, the market towns of Vágur, Veøy and Borgund served functions in the realm as judicial and administrative centres for the regional and urban population, but their role as redistributive centres for regional resources appears to have been slipping from royal control. The royal administration of changing political constellations appears to have been eager to maintain the small northern towns through legal regulations of their function as centres of collecting resources from their respective regions. The urban population within these towns are rarely visible in extant documents, but the rural population similarly does not appear to have taken an interest in maintaining the towns. The image drawn from the market towns of the Norwegian coast is based on fragmented material. Although conclusions should not be drawn *e silentio*, the lack of letters from the small towns contribute to the picture of their decreasing significance. The fact that legal letters were at all issued in these towns indicates that the central legal and commercial functions the market towns had were maintained during this process of disintegration. The sparse evidence nevertheless suggests that urban and rural populations in the northern coastal towns did not take measures to keep their regional urban centres as vital hubs for the management of the resources which supported the livelihoods of the coastal population. The poor culture of urbanity in Norway possibly intensified this de-urbanisation process in the provinces. However, the voraciousness of the state in extracting their revenues through urban centres did not manage to save the market towns from failing in their urban function. The Norwegian small towns of Vágur, Veøy and Borgund diminished in prominence during the 15th century, a process that had already started in the previous century, which was a development counter to the royal initiatives that demanded that trade be conducted in these market towns.

