

# Allodial Land Rights (The Odelsrett) and Early Nineteenth Century Norwegian Nationalism: Propertied Sovereignty as National Sovereignty

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## Abstract

The early nineteenth century was a transitional time in western Europe; from the old feudal and imperial order, modern nation states and capitalism emerged. The Norwegian nation state emerged out of the flames of the Napoleonic Wars in 1814. But changes in landed property structures in the eighteenth century lay the ground for Norwegian nationalism in the early nineteenth century. This article explores early nineteenth century nationalism through a focus on property rights and the positive view on the *odelsrett* – an allodial right to land – arguing that an examination of the positive view on the *odelsrett* can shed new light on Norwegian nationalism in the early nineteenth century. Such an examination suggests that the Norwegian property structure contributed to reinforcing certain property rights element in the Norwegian nationalism where ownership of landed property and national, popular sovereignty were closely interconnected.

## 1 | THE ODELSRETT AND THE EMERGENCE OF NATIONALISM IN NORWAY

This article will argue that the positive position on the Norwegian allodial right to land (the *odelsrett*) held in the late eighteenth and early nineteenth century gives important insights into the nature of Norwegian nationalism at the time. This is because the positive discourse on the *odelsrett* display a connection between the concept of national sovereignty and ownership of landed property, and more generally to the importance of private property.<sup>1</sup> A connection between the *odelsrett*, ownership of landed property, and nationalism brings a new contribution to the theoretical literature on nationalism, where issues of landownership have been almost completely ignored.<sup>2</sup> This furthermore compliments recent research on the *odelsrett* and Norwegian nationalism by adding a more materialist approach to the dominating cultural or elite constructionist approaches. This article suggests that early nineteenth century Norwegian nationalism can, in part, be understood as a property rights ideology that emerged largely due to the coming of more widespread ownership of land in Norway. The case of Norway

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and the *odelsrett*, then, can provide empirical basis for a new understanding of early nineteenth century nationalism. The argument is made through analysis of key historical documents which is seen on the background of the socioeconomic development of Norwegian society. The documents investigated were produced by the Norwegian elite, and the purpose of this article is to present these arguments in a new light. Theoretically, the argument is made through concepts of property and sovereignty, these are then interwoven with theories of nationalism.

## 2 | VARIOUS HISTORIOGRAPHICAL POSITIONS ON THE ODELSRETT AND NORWEGIAN NATIONALISM

The *odelsrett* was a familial right of preemption and redemption in regards to landed property. It kept the landed property in the hands of the family that was farming the property and secured the owner exclusive rights of use.<sup>3</sup> In this latter sense the *odelsrett* was what is called an allodial right to land, which can be contrasted to feudal land where rights of use are not exclusive, where the person using the property pays homage to a landlord and has limited rights in regards to disposition of the property. There have been varying views on the relationship between this institution and early eighteenth century nationalism. Key Norwegian historians in the nineteenth century gave the *odelsrett* a central role in Norwegian nationalism. The writer Henrik Wergeland (1808-1845) and the historian Ernest Sars (1835-1917), for example, both saw the existence of the institution of the *odelsrett* as a decisive factor for the emergence of an independent Norwegian nation-state in 1814. The Norwegians, wrote Wergeland in the first volume of his history of Norway (1841), were a 'people of Odelsmænd,<sup>4</sup> with a simple and patriotic fear and unwillingness against the corrupting forces of the Danish despotic rule.'<sup>5</sup> For such people, the Norwegian national constitution of 1814 – into which the *odelsrett* was incorporated – was in perfect correspondence with their nature, because it represented their ancient propertied freedom. Wergeland wrote: 'The Norwegian people did not see the constitution as something new and strange; but rather as a restoration, as a *restitio in intergum*, of the old internal state, of its ancient freedom.'<sup>6</sup> Sars, a generation after Wergeland, similarly advocated that the Norwegian national movement had been prepared over centuries of inner development owing much to the *odelsrett*. Sars wrote that 'a free constitution ... was created by centuries of internal preparation' and it was 'the ancient personal freedom and property rights' of the Norwegian farmer – the *odelsbonde* – that was the most important precondition and cause for the creation of a nation-state.<sup>7</sup> In the early twentieth century Marxist historian Halvdan Koht, although not focusing specifically on the *odelsrett*, gave the class of Norwegian farmers a central role in the emergence and formation of Norwegian nationalism.<sup>8</sup> After the Second World War, the role of the Norwegian farmer and the *odelsrett* was downplayed for a period, in favor of external factors and geopolitics.<sup>9</sup> These works tended to focus instead on the political game carried out by the great powers and central political actors, such as Prince Christian Fredrik, and his plan to become king of Norway. However, during the past twenty years there have been a renewed focus internal factors and the creation of a Norwegian national identity which have focused on the *odelsrett*. Øystein Sørensen,<sup>10</sup> Rasmus Glenthøj,<sup>11</sup> Odd Arild Storsveen<sup>12</sup> and Olav Christensen<sup>13</sup> for example, have all explored the origins of ideas of the Norwegian nation during the eighteenth and early nineteenth centuries, focusing on forms of civic patriotism and more ethnic and cultural construction and the *odelsrett*. In this perspective, Sørensen, for example, considers the Norwegian farmer and the *odelsrett* as components of what he calls a "Norwegian Sonderweg."<sup>14</sup> Furthermore, Glenthøj makes some reflections that comes close to the argument made in this article: he writes:

*Even though the Norwegian notion of freedom became political after 1814 its origin was the same as before: the odelsbonde and the odelsrett. Thus the bourgeoisie tied their national ideas not only to national identity, continuity and authenticity, but connected them to the demand of popular sovereignty.*<sup>15</sup>

In general, the *odelsrett* is understood in these works as an important identity marker or as a component in a symmetrical construction of Norway. Marthe Hommerstad has argued that the *odelsrett* was central in the way in which

many members of the Eidsvoll constitutional convention of 1814 acted and understood the world. As Hommerstad writes: 'If one concludes that the idea of the allodial farmer was only a cultural construction, one has to bear in mind that even as such it was an important part of the political reality at Eidsvoll'.<sup>16</sup> And as Håkon Evju has recently put it, the debates about the *odelsrett* were fundamentally about 'the moral and economic foundations of the polity within the new, more democratic Norwegian constitutional monarchy'.<sup>17</sup> Marxist historian Kåre Lunden has emphasized the special propertied freedom of the Norwegian *odelsbonde*, drawing on March Bloch's distinction between free and unfree men in European medieval history. In this scheme, a free man was one who held his property exclusively to himself, and having only the king as his master, whereas an unfree man was one who held his land from a local landlord. Applying this definition, Lunden claims that most Norwegian farmers were freer than farmers in most other countries in the early nineteenth century, and that this was important for the formation of a Norwegian national identity in the years before 1814.<sup>18</sup> This article will expand on these views by exploring the interconnectedness of the *odelsrett* and national sovereignty, by focusing on the property rights element. In this way, this article is closest to Lunden's argument, adding a materialist argument to the recent dominating cultural approaches. Hopefully this can contribute some additional useful insights to the recent research on the *odelsrett*. Seen together with the recent research, this article can contribute to a more nuanced understanding of Norwegian nationalism and the *odelsrett* in the early nineteenth century. Before proceeding with this, the argument must be placed in the literature on nationalism, and there must be some elaboration on the conceptual connection between sovereignty and property. I begin with a short discussion on theory of nationalism.

### 3 | NATIONALISM, PROPERTY AND SOVEREIGNTY

#### 3.1 | Debates on nationalism: The *Odelsrett* as exclusive right to land and as Mythomoteur

The dominating debates in the international literature on nationalism stand between the so called ethnosymbolists and the modernists, the key debate being whether nationalism and the nation is modern (inseparable from the modern state, industrialism or capitalism) and constructed,<sup>19</sup> or whether nations and nationalism have more cultural long-term roots.<sup>20</sup> This article advances a modernist understanding of nationalism because it gives the transition to capitalism and the emergence of modern property rights a key role. Nationalism is understood in this article as an ideology seeking to establish popular sovereignty for a historically defined people. This is similar to Ernest Gellner's widely used definition, where nationalism is "primarily a political principle, which holds that the political and the national unit should be congruent".<sup>21</sup> But in its approach my understanding is perhaps more similar to that of Liah Greenfeld, who sees nationalism as a "particular perspective, or style of thought", which "locates the source of individual identity within a "people", which is seen as the bearer of sovereignty".<sup>22</sup> Furthermore, like Gellner, who saw the transition from one kind of society (agrarian) to another (industrial) as central for the emergence of nationalism, this article sees the transition from what we might call feudalism to capitalism as central. The important point for the argument put forth in this article is the emergence of private, capitalist property in land; the transition from feudalism to capitalism is important primarily because of the general change in property regimes from feudal to capitalist property.<sup>23</sup> As part of this transition there emerged new discourses on property of which discussions about the *odelsrett* were part, and which became foundational to early nineteenth century nationalism in Norway. Conceptually this reinforced the idea of private property as an individual exclusive right to land. Jakob Metzger and Stanley Engerman are some of the few scholars who have pointed to such a potential connection between property, sovereignty and nationalism. They write:

*While the ownership of land as prerequisite for enfranchisement has long been abandoned in modern democratic states ... this may reflect some kind of an accommodation between nationalism, whose basic attitude towards land as a place - a homeland belonging to the nationals - made the thinking often blur the distinction between sovereignty and ownership.*<sup>24</sup>

Metzer and Engerman do not explore this conceptual connection in any more detail however. In this article I aim to show that the positive narrative about the *odelsrett* can demonstrate how the connection between national sovereignty and landownership was conceptualized in early nineteenth century Norwegian nationalism. Furthermore: because the *odelsrett* came to represent this connection it became a powerful ideological foundation for Norwegian nationalism in the early nineteenth century, and as such it can best be seen as a *mythomoteur* in Norwegian nationalism at that time. A *mythomoteur* is a term from the ethnosymbolist school of nationalism studies, and it indicates that the nation has a symbolical core constituted by a mythologized narrative about a people past.<sup>25</sup> In Norway, we can say, the mythical element took the form of a narrative of ancient freedoms based on ownership of property through the *odelsrett*. Yet this narrative could only emerge after capitalist transformation of the landed ownership structures: when this happened the *odelsrett* acquired a special role in the understanding of national popular sovereignty. The transition to capitalism was important because it decoupled landed property from so called "extra economic powers",<sup>26</sup> making landed property more of a purely economic right. This also made the property right more individual and exclusive, and gradually led to a wider distribution of land amongst the farmers - land that they controlled themselves. This was important for the idea that the farmers were free, independent individuals, and later this became important for the idea of national sovereignty understood as a collection of propertied men.

### 3.2 | Property as sovereignty

Sovereignty, Giorgio Agamben has argued, is 'the originary structure in which law refers to life and includes it in itself by suspending it.'<sup>27</sup> In other words, sovereignty is the force to impose laws on social life - the ultimate law which in the end decides over life and death. This kind of sovereignty was associated with the ultimate power to make laws within a territory, and thus to exercise a will, to bind the people to it. It is this kind of sovereignty - the ultimate power to make laws in a territory - to which the *odelsrett* became connected in early nineteenth century Norwegian nationalism. This has to do with the nature of the modern property right, which has roots at least back to ancient Rome. Ellen Meiksins Wood writes, and I quote at some length here:

*developments in what would be the Western Europe, with Roots in Greco-Roman antiquity and especially the Western Roman Empire, gave property, as a distinct locus of power, an unusual degree of autonomy from the state ... This powerful, if sometimes uneasy, partnership is expressed in the Roman concepts of imperium and dominium. The roman concept of dominium, when applied to private property, articulates with exceptional clarity, the idea of private, exclusive and individual ownership, with all the powers it entails...*<sup>28</sup>

It is from these origins that the modern capitalist property right has a conceptual similarity to sovereignty. The early twentieth century lawyer Morris Choen wrote about modern property:

*The essence of private property is always the right to exclude others ... if, then, somebody else wants to use the food, the house, the land or the plough that the law calls mine, he has to get my consent. To the extent that these things are necessary to the life of my neighbor, the law thus confers on me power, limited but real, to make him do what I want ... Property law does more. It determines what men shall acquire ... Hence the ownership of land and machinery, with the rights of drawing rent, interest, etc., determines the future distributions of the good that will come into being.*<sup>29</sup>

It is because the right to property confers these kind of powers on individuals over those who do not have it that private property resembles sovereignty. Furthermore, in an agrarian world, a position of self-ownership over landed property meant independence, power and freedom; independence because it provided economic security, power because it gave control over resources, and freedom because there were no-one laying bonds on the individual and his use of the land or the surplus produced from it. There is also another way in which landed property is related

to power, and comes more directly to resemble sovereignty. As hinted at earlier, there is a conceptual similarity between landed property and territorial sovereignty. Andrew Reeve have formulated this thus:

*Land provides the territorial dimension of the political unit. Modern states, at least, are defined in part by legal jurisdiction which they claim over a particular territory ... land mediates, in this sense, between political power and individuals subject to it.*<sup>30</sup>

Furthermore, landed property is concrete, fixed and stable. Because of these reasons the landowner has a particular interest in maintaining the state, as landed property cannot be moved – the wealth in land is tied to a specific place, as opposed to the wealth of a merchant.<sup>31</sup> The fixity of landed wealth and its territorial dimension provides a direct link with political sovereignty in agrarian societies: the way in which most European medieval states grew from the landed property of kings is a case in point.<sup>32</sup> The most important points to be taken from this is that sovereignty, in this article, is understood broadly as the ultimate power to make law, and it is therefore bound to ideas of freedom and independence (to be free from the bonds of illegitimate law, free to make one's own laws). It is this kind of freedom and power that exclusive ownership of property resembles: on one's property one is free to do as one pleases, and one can to a large extent decide how others can act on it. Below I will show how landed property developed in seventeenth and eighteenth century Norway to form the ground for the emergence of a Norwegian nationalism in the nineteenth century where the *odelsrett* became central.

## 4 | THE CENTRALIZATION OF SOVEREIGNTY AND DECENTRALIZATION OF LAND IN NORWAY

### 4.1 | The social structure

Landownership was of great social and economic importance in Norway in 1800; 90% of the population lived in rural areas in 1800, and 80% of the working population were employed in farming, fishing or forestry. Only 6% of the population were engaged in manufacture or industry, whereas 15% of the population were engaged in commerce or transport. Farming and work related to the farm dominated the relations of ownership and appropriation: about 260 000 people were employed in farm related work in 1801. There were 78 000 independent or semi-independent farmers at his time, and out of this, 60 percent were self-owners. The remaining 40 percent were tenants called "leiglendinger". They were given land that they farmed as their own, and had a free status with no obligations. There was also a group of crofters ("husmenn") that can be divided into two main groups: 39000 who had been granted some land of their own on a main farm, and who had labour obligations on the main farm; and some that were landless (about 40 000 people). In addition to these, there was also a large group of household servants which counted more than 100,000 people.<sup>33</sup> What is relevant about these numbers in this context is that although there were large groups of servants and tenants, there was practically no landed/feudal aristocracy in Norway, and a relative high percentage of self ownership. There were almost literally only two units in the whole country that came close to resemble a manor.<sup>34</sup> There had been land sales of aristocratic and church goods in Norway which made property more of an economic right, and which started a process where farm land increasingly became owned by the farmers themselves. This involved the gradual dissolution of a peculiar Norwegian land-owning system (*skyldsystemet*), where the worth of a farm was measured in a certain value of goods.<sup>35</sup> This meant that, similar to a shareholders company,<sup>36</sup> different people could own parts of the value of a farm without actually having the right to the land itself. Thus, it was often the case that the church or the elite had the right to appropriate a certain amount of the value of a farm.

### 4.2 | Land sales

Norway was part of what we can call the Oldenburg Empire (whose main parts were Denmark and Norway) from 1536 till 1814, and the abandoning of the land-owning system (*skyldsystemet*) and the making of landed property

more purely as an economic right were integrated with the coming of absolutist sovereignty in this empire. In the aftermath of this process there were initiated sales of crown and church land. In Norway, in the first instance, the land was bought in large chunks by relatively rich individuals, but later the land was often sold to Norwegian farmers; simultaneously with, and a bit before the land sales, landowners had also started consolidating their ownership to their farms by buying out other 'shareholders' in the farm. These trends had contributed to creating an ownership structure where one third of the farmers owned their own land in 1720. In the north eastern valleys of eastern Norway, the percentage of self-ownership was as high as 60-70-%, while the southwest had a self-owning percentage between 15- and 30%. In the farm areas around Trondheim (Trøndelag) self-ownership varied in areas from 5 to 20 percent. Self-ownership gradually increased during the eighteenth century largely because of further public sales of land to private persons: there was one wave of land sales during the 1720s and one during the 1750. By 1800, the percentage of self-ownership was as high as 80% in some areas in the eastern parts of Norway, while the percentage had risen to about 60% in the southwest, and to 50% in Trøndelag. For the country as a whole, almost 60% of the framers owned their own land in 1801.<sup>37</sup> Two points need to be taken from the above:

1. That landownership had become relatively widespread amongst the farmers
2. That most people who owned land had acquired it primarily as an economic right

It is on the background of this that we must understand discussions of the *odelsrett* and the emergence of early nineteenth century Norwegian nationalism. Below I start by outlining debates on the *odelsrett* in the late eighteenth century, before show how the positive view on this right can demonstrate the central property rights and sovereignty assumptions in early nineteenth century Norwegian nationalism.

## 5 | THE ODELSRETT AND NORWEGIAN NATIONALISM

### 5.1 | Emerging debates on the Oldesrett in the late eighteenth century

It is useful to start looking at discourse about the *odelsrett* and its relation to Norwegian nationalism from the year 1787. During the winter of 1787/1788, the Oldenburg king issued a public hearing on whether the *odelsrett* should be abolished or not. This was due to complaints about the effects of the *odelsrett* penned by the priest Henrik Stoltenberg. The outcome of the hearing was positive towards the *odelsrett*, but several public figures continued to voice critiques of the *odelsrett* during the next decades. The critique was rationalistic and practical in its nature: some said that the *odelsrett* was creating too much legal conflict between the farmers, some said that it did not promote active cultivation of the earth, others saw it as a barbaric right. Another key critique of the *odelsrett* was that it was in fact hampering the full right to private property.<sup>38</sup> Critiques of the *odelsrett* were to a large extent critiquing it because it prevented rational, orderly property relations amongst the citizens. The defenders of the *odelsrett* at this time however, thought otherwise. They emphasized instead the freedom and independence that the *odelsrett* conferred on those who had it. Johan Nordahl Brun provides an early example (1788) of this. Brun compared the *odelsrett* to the rights of the aristocratic freedoms in other countries. The point about the *odelsrett* was that it gave the common farmer of Norway 'the possibility to become a great man.'<sup>39</sup> In Norway, precisely because of the *odelsrett*, there was no landed aristocracy, said Brun, and it was precisely therefore that the bulk of the population could be elevated to the position of aristocracy (i.e. to have material security and freedom – a right to property in land). The *odelsbonde* was thus free and noble: 'Odelsmenn of old! Men of honor, you love freedom, and rights you have!'<sup>40</sup> The writer and philosopher Ludvig Holdberg had made a similar point. He had written that the Norwegian farmer, because of his *odelsrett* was 'a nobleman in miniature.'<sup>41</sup> In this part of the discourse ownership of land increasingly came to be seen as a form of freedom and independence.<sup>42</sup> And the *odelsrett* was seen as a way to insure the existence of freedom and independence because it firmly secured landed property to the farmers. This understanding of property and the

*odelsrett* was not however the only one, and it was continually challenged in the decades leading up to 1814. In 1811 there was issued a royal decree that watered down the *odelsrett*, making it more similar to other forms of property by making it subject to taxation in certain cases. The decree also made changes which could easily cause the amount of property to which the *odelsrett* would apply to significantly decrease.<sup>43</sup> The same year, Chaplain Jens Rynning wrote a huge pamphlet dissecting the *odelsrett*. The text won the price for best contribution in a competition established to discuss the *odelsrett* by *Selskabet for Norges Vel* (a patriotic society established in 1809). Rynnings conclusions about the *odelsrett* were overwhelmingly negative and this reflected the views of many members of the Norwegian elite, as well as of many farmers at the time. Rynnings arguments were rationalistic and economic in nature, and one of his main objections was that the *odelsrett* thwarted economic growth and property transactions.<sup>44</sup> What is important about the debates on the *odelsrett* is that they show the evolvement of, and increasing importance attached to, private property rights. Ideas about the *odelsrett* are particularly relevant in the context of the emerging Norwegian nationalism at the time because it reflects the importance given to landed property, to certain ideas of independence and to historical tradition/myth, as I shall show below.

## 5.2 | The positive discourse on the Oldesrett in the early nineteenth century

At the Norwegian constitutional assembly at Eidsvoll in 1814, the *odelsrett* became written into the constitution and thus secured a central place in the new Norwegian nation. Furthermore, landed property of a certain value was made to be one of three possible ways in which a citizen could vote in parliamentary elections. In practice, this meant that many farmers with *odelsrett* could partake; were part of the national sovereignty as lawmakers. However the *odelsrett* was also contested at Eidsvoll; as the priest and founding father Nicholai Wergeland pointed out in his dairy from Eidsvoll; opinions on the matter were divided,<sup>45</sup> and the actual legal debates about the *odelsrett* were set to be held at a later point.<sup>46</sup> But Wergeland himself was of the opinion that the *odelsrett* was of the utmost importance for the preservation of Norwegian freedom and sovereignty. Wergeland wrote:

*I believe that this right [the odelsrett], when our land was ruled by Danish kings and Danish aristocrats, averted the oppression of our farmers ... and that its preservation must be to us a sacred duty, especially considering that our land might very well soon again come under foreign yoke. We who wanted to secure Norway's freedom, should we destroy the bulwark of this freedom? ... should the righteous part of our nation be bereft of this right which makes the small farmer noble and which is just to all families, only because some unjust corrupted men abuse it?*<sup>47</sup>

There were other voices as well that clearly show that the ideas that the *odelsrett* represented became important in early Norwegian nationalism, and that point towards the connection between widespread ownership of land and national sovereignty. Christian Magnus Falsen (often dubbed the father of the constitution) for example, one year after the Eidsvoll convention, gives a clear position on the *odelsrett* and its connection to national sovereignty similar to Wergeland's. The *odelsrett*, wrote Falsen in a pamphlet from 1815, was to the Norwegian 'the most sacred of rights which have given him his freedom', and it was a 'necessary precondition for its persistence into the future and for future generations'.<sup>48</sup> This was because the *odelsrett* was not simply a right to property, it was 'a right that made him [the farmer] free both from the state and from taxes'.<sup>49</sup> It was not actually the case after 1814 that the farmers with *odelsrett* did not pay taxes, this was an idealized argument that Falsen made from historical sources. The point however, is that Falsen saw the *odelsrett* as a political right that gave individuals freedom and political power. The connection to sovereignty is made through the individual freedom that the *odelsrett* gives. Falsen pointed to the ancient Norwegian kingdom to demonstrate this:

*It was the men of landed property or the Odelsmend that exercised legislative power. The right to represent the nation at the Ting, and to take part in the legislation, was as our history and the old laws demonstrate, not personal; it was attached to the land, and so it had to be, as those that owned land were the only ones*

*that were fit to do military service, and to decide on taxes ... that several small landholdings is a safe way and necessary precondition for the securing of the liberty of the people, and a constitutional monarchy's longevity, is a truth on which the politicians and philosophers of recent times all agree.*<sup>50</sup>

Furthermore, wrote Falsen, the *odelsrett* secured equal distribution of land amongst the farmers, which was crucial if the laws were to be just:

*As long as the farms are small, divided between many, we can see that the customs are being respected, that the laws are being respected, in short, that the states remain, perhaps not powerful, but at least they remain happy.*<sup>51</sup>

Equal distribution of land was crucial if a free sovereign nation were to exist. Military man and proprietor Ole Elias Holck had asked rhetorically at the Eidsvoll assembly, one year before Falsen published his pamphlet:

*what is the reason that, amongst the nations, only the Norwegian farmer owns his land, and thus enjoys that great right, that nature itself defends, that is, that he who with his labour and the sweat of his brows makes the earth yield fruits, has the right to the fruits of this work, and not be in the position of those that are merely servants of others*

Holck proposed an answer himself: 'has not the *odlesrett* always been the guardian angel that have preserved the Norwegian farmer from that evil, that in all other lands – to larger or lesser extent – subdues this honorable class?<sup>52</sup> What was this evil? what made men 'servants of others'? In the past it had been 'hierarchical feudal aristocracy that destroyed all equality between citizens',<sup>53</sup> and Holck stated that the *odelsrett*:

*Stops certain rich citizens from acquiring whole areas of land ... and thus domination, which would turn the mass of the citizens, those that work hard and well, into slaves and weaken the power of the state.*<sup>54</sup>

The *odelsrett* was 'the true pillar of Norway, a bulwark against aristocracy and a security of the wellbeing of the farmer and his noble spirit.' And if this pillar was to be removed, said lawyer Wilhelm Frimann Koren Christie at Eidsvoll, then:

*all the land will be in the hands of a few rich men – and behold! Our now noble farmers will sink into the slavery of Europe's past peoples or to that of the Russian slaves of today and inherit their Slavic spirit – I would then look in tears upon my fatherland!*<sup>55</sup>

The *odelsrett* was a way of insuring sovereignty of the Norwegians preventing them from becoming 'slaves' – this points more generally to the freedom and independence that the *odelsrett* was seen to confer on the farmer. Such ideas about freedom and independence were also crucial to the understanding of who could vote in 1814; freedom and independence were thus important components of national sovereignty.<sup>56</sup> The lawyer Henrik Steenbuch's commentary on the Norwegian constitution of 1814 from 1815, points to this important distinction between freedom or independence on the one side, and dependence on the other. Steenbuch wrote in regards to the voting restrictions in the constitution:

*Only a small part of the inhabitants of our state are sufficiently independent and enlightened so as to be suited for enfranchisement. The wellbeing of the whole demands that the people be divided into enfranchised and disenfranchised.*<sup>57</sup>

Steenbuch continued and explained that, 'Free is he who subsists by himself; independent, he who does not subsist by the will of another.'<sup>58</sup> And as the constitution clearly stated, ownership of land was one of the fundamental preconditions to be sufficiently independent to vote.<sup>59</sup> Steenbuch's commentary reflects the general idea that it was landed property that gave men independence, and therefore could constitute the national sovereignty. It is this same idea that the positive views on the *odelsrett* reflects. Steenbuch in fact, made a remark on the idea of *odelsrett*



that echoes Falsen's statement quoted at the outset of this section: 'Odel, in ancient times, meant property free of any taxes' wrote Steenbuch, and he noted that in his own day, many saw this as a way in which 'the people, by their own right, consented to the taxes they would pay, and thus, by this right, it is almost as if the ancient freedom and *odlesrett* is restored.'<sup>60</sup> This ancient freedom was also what Falsen pointed to. In another passage from his 1815 pamphlet, Falsen praised the unique freedom that the Norwegian farmers with *odelsrett* supposedly had. Falsen wrote:

*While the nations of Europe have carried their chains moaning and groaning, and lost all their national worth being, like an animal, treated as a commodity bound to the property/land which they themselves have fertilized with their sweat, the sons of the North have been practically the only people bestowed with human rights and civic liberties*<sup>61</sup>

The important point here is the freedom and independence that ownership of land is seen to confer on individuals, and the dependence to which those who work for others are conferred. Only independent people can be sovereign, free to make their own laws. Even the industrialist and merchant Jacob Aall (who was actually against the *odelsrett*), in a pamphlet published in 1809, admitted that the *odelsrett*, although it might not have a place in the future, it had nevertheless preserved liberty and sovereignty in old times; it had preserved a nation of farmers 'whose property belonged purely and exclusively to themselves.'<sup>62</sup> The Norwegian farmers were thus 'free from the spell of serfdom ... that has hindered the cultivation of the soil all over Europe'. And indeed, Aall wrote (even though he was in principle against the right) 'if the dissolution of the *odelsrett* were to become the grave of Liberty, then it must be protected like a precious artifact.'<sup>63</sup>

Aall's reference to the history of Norway and the *odelsrett*, he shared, as we have seen, with Falsen, Wergeland and the supporters of the *odlesrett* at Eidsvoll in 1814. This historical/mythical aspect is important: a crucial point about the *odelsrett* and nationalism is that most of its supporters, supported it on historical grounds. The coupling of property rights through the *odelsrett* with a peculiar Norwegian history was what proved the most robust idea when legitimizing and constructing a new state and a new nation. We can say that the *odelsrett* thus became an important mythomoteur of Norwegian nationalism in the early nineteenth century. As stated in the introduction, one can understand nations as having symbolical cores (mythomoteurs), and in Norway the *odlesrett* served as such a core due to its historical embeddedness, while at the same time symbolizing the property rights and sovereignty ideals of early nineteenth century Norwegian nationalism. Falsen expressed how the *odelsrett* came to be this kind of mythomoteur for a new kind of state: the previous writers on the *odelsrett* (during the age of absolutism), wrote Falsen, had defended it in 'a time when one could not speak of the true nature of this right, without attacking the fundamental principles of the state.'<sup>64</sup> However, with the Oldenburg state dissolved, the *odelsrett* could become "the pillar of our constitution". In other words, the *odelsrett* was the mythomoteur that could most potently institutionalize the protection of popular sovereignty and property. The fact that the *odelsrett* became written into the constitution is a testament to this. Critics might point out here that Falsen, for example, makes no or little mention of the *odelsrett* at the Eidsvoll assembly itself. Why defend it so zealously one year after, but make no mention of it in these critical days? But as Evju has suggested with support in Hommerstad's work, Falsen and others:

*might merely have chosen to leave the issue to the legislators. This is probable when it comes to the influential constitutional proposal made by Christian Magnus Falsen and Johan Gunder Adler, given that Falsen ... later displayed such zeal in support of odelsretten*<sup>65</sup>

That Falsen did not discuss the *odelsrett* as such on Eidsvoll does not mean that it was not fundamental to his understanding of Norwegian nationalism.<sup>66</sup> It could be that he did not see it as necessary or timely to provoke a discussion on the matter at Eidsvoll, seeing as opinions differed on the matter, and seeing as the Eidsvoll assembly in any case accentuated the right to property of all citizens, and made landed property a key qualification for voting. The securing of the *odelsrett* itself would be more of a legal matter, to be resolved at a later point, as stated by the Eidsvoll

assembly in the constitution. We could maybe say that Falsen saw the *odelsrett* as a means to protect Norwegian national sovereignty after it had been established; but of course, one could also question the relevance of the *odelsrett* for Norwegian nationalism as it was so contested at Eidsvoll. To this one can say that public discourse will always be diverse and will never be uniform. That the issue provoked so much debate, as Evju has showed,<sup>67</sup> can also be a sign of how important the property rights discourse on land was for nationalism at the time – the positive view on the *odelsrett* display one side of this debate. And it was a side that, at least in the early nineteenth century, became defining of Norwegian nationalism through its enshrinement in the constitution, and through the high esteem it had in the thought of leading members of the national movement at the time, as it was for them a means to uphold national, popular sovereignty.

It must be noted, however, that ownership of landed property was not the only thing that could qualify a person for the vote. The constitution also stated that city dwellers with a property worth at least 300 Riksbanksdaler, and civil servants (serving and retired), could be qualified for the vote. These other groups were thus also considered sufficiently independent to vote, and to be part of the national sovereignty. However the fact that these groups were also granted the right to vote may have had more to do with the practicalities of how to organize the state, than with ideological imperatives, and in the national discourse, rich city dwellers or civil servants did almost not feature at all. It was the independence that landed property conferred on the individual that was held as an ideal.

The possibility of creating a nation of wealthy city dwellers and civil servants was not an ideal, although at the early stages in the constitution making process, various proposals were presented where landed property did not have any special mention. However, in the final constitution, and in the discourse that became dominant, landed property, through the existence of a relatively large group of small holding farmers, became central for the understanding of national sovereignty. The nation was presented as one of free small holders with *odelsrett*.

Of course, property was not just allodial property in land, it was not even just land. Property, then as now, included wealth, real estate, cattle, and many other things that one can own. Indeed, the committee tasked with writing the constitution at Eidsvoll referred to property in general insuring the assembly that, “the committee have, during its work, continuously taken into account civic liberty, the security of property and an equal distribution of all rights.”<sup>68</sup> The national ideology was concerned with property in general, but land acquired special significance in the dominantly agrarian Norwegian society of that time.

The securing of property rights, and the granting of suffrage to a limited portion of the population through ownership of land, real property of a certain value or the holding of public office, was part of a dual citizenship model. Citizenship was seen to consist of two parts: civil rights (such as the right to property) and political rights (such as the right to vote). It has been noted that even though landholding was one precondition for being granted the vote, the early nation state established the rest of the population as potential participants in the democracy by opening up their rights to acquire and hold property and offices.<sup>69</sup> The *odelsrett* was seen by many as a particularly potent way of guaranteeing national sovereignty and citizenship, but it was of course not the only way of doing this, it represented one concrete form of the abstract property rights ideal.

## 6 | THE WIDER CONTEXT

Thus far this article has focused solely the role of the *odelsrett* as a factor in shaping Norwegian nation formation and Norwegian nationalism around 1814. Naturally such a narrow focus ignores many factors that shaped and influenced this process. Norwegian nationalism and the importance of the *odelsrett* did not, of course, develop in a vacuum – it was very much driven by events in Europe. Especially the conservative tradition in Norwegian historiography has tended to emphasize this, and this position can be summed up in J.A Seip's infamous saying that Norwegian nationalism was not the cause of what happened in 1814 but a product of these events.<sup>70</sup> This saying points to the geopolitical situation in Europe in 1814. The Napoleonic wars were ending, and as part of this Norway was seceded from the

Danish crown (to which it had belonged for the past 400 years) to the Swedish king by decision of Great Britain – victor of the Napoleonic wars and the most powerful state in north western Europe. This led the Danish King to send his son, Prince Christian Fredrik to Norway to lead a rebellion against the coming Swedish rule. It was first and foremost this that led to the creation of a Norwegian state, and the construction of a Norwegian nationalism, it has been claimed.<sup>71</sup> One can also interpret some of the rhetoric about the *odelsrett* on the background of a potential Swedish takeover. Many expressed a fear for Swedish subjugation. One can look to the letters declaring loyalty to prince Christian Fredrik upon announcing that a Norwegian constitutional assembly were to be held. “We would never be slaves of the Swedish,”<sup>72</sup> a line from one letter reads. Another letter expressed fear that the Norwegians were “doomed to slavery”<sup>73</sup> under the Swedish. The quotes earlier in this article praising the *odelsrett* as a protector against slavery and subjugation can be seen in the context of this fear against Swedish rule. It can furthermore be argued that the relative wide suffrage, with its landed property qualifications was implemented largely because one needed the farmers to fight in a potential war with Sweden. Enfranchising the farmers would thus give them more reason to fight.<sup>74</sup> These points are clearly relevant, and the creation of a Norwegian state in 1814 would probably not have happened in that year was it not for the political context. Nevertheless, this does not exclude the property rights perspective put forth in this article. The two perspectives can be complimentary. One can see the political events as the immediate triggering factors, while at the same time hold that the property structure was an important material precondition for why the national ideology at the time acquired the specific propertied form it got, with the connection between landed property and popular sovereignty.

Another point that should be discussed is the narrative about property that has been presented in this article. This narrative was of course not invented *ex nihilo*, as it were. Falsen, for instance, was a well read man, and many of the points that he made about landed property was inspired by Danish author Tyge Rotehe, which, in the late eighteenth century had written one of the first historical works in Dano-Norwegian kingdom that emphasized the unique propertied freedom of the Norwegian farmer. Rothe himself was inspired both by Montesquieu and Rousseau.<sup>75</sup> So, in many ways, the thinking found in Norway was part of a common European stream of thought. I do not want to underplay this, but this does not mean that Falsen and the other members of the Norwegian national movement simply sought to realize such ideals out of the blue, so to speak, rather, the conditions under which the members of the national movement in Norway were living were so constituted that these European ideas seemed particularly applicable. The property rights structure in Norway made the ground especially fertile for such ideas, but it also provided a basis for an alteration or a change, which constituted the special amalgamation between landed property, popular sovereignty and a specific country that came to be Norwegian nationalism.

Because the national ideology was also in part international, that is, inspired by the wider European stream of thought at the time, we also see in it, in addition to the peculiar property rights/sovereignty dimension, other standard elements of nationalism. Particularly noticeable is the structure of the historical narrative, which took the form of a cyclical story of greatness lost and found. We have the lost Golden Age in a mythical past<sup>76</sup> (in this case the propertied viking/medieval Norwegian kingdoms), to which the present national revival was seen as a return, a realization. It is clear from the quotes from Falsen, for instance, that he refers to such a past, and sees his present situation as a new opportunity to once again realize that past. Or as another member of the Eidsvoll constitutional convention, the scholar George Sverdrup, put it at the end of the proceedings: “Restored is the ancient throne of Norway.”<sup>77</sup> These are points that resonate well with the ethnosymbolist school in nationalism studies, as well as with the idea of a Norwegian national patriotism. In such approaches, the *odelsrett* has been understood as an important element in the long term symbolical construction of nationhood, and as an example of a constructed Golden Age.<sup>78</sup> Although such a view is different from the materialist argument delivered in this article, I do think that the two views can be seen as two sides of the same coin. As I suggested above, the narrative about the *odelsrett* worked as a mythemoteur in Norwegian nationalism, and this is a view very similar to the ethnosymbolist/national patriotist view. The difference is that this article suggests that it was the actual property structure of Norway and the specific material aspects of the modern property right, that was the foundation for this kind of thinking – and that this made the basis for the connection between landed property and popular sovereignty.

Finally, a point about the nature of the data on which this article have been based. All quotes and primary sources are from elites in the Norwegian society at the time – the article presents a top down approach to Norwegian nationalism in the early nineteenth century. Recent research have shown that a bottom up approach is also possible, such as the works of Marthe Hommerstad,<sup>79</sup> and Morten Nordhagen Ottosen,<sup>80</sup> both of which display the role of the farmers in the process. However, the purpose of this article has been to investigate the dominant and the most prominent national ideologues and players at the time. My project has been to explore the dominating and established political vision of the elites, and to put this in a new light. It is therefore that I have, so to speak, called upon the usual suspects in my investigation. But I believe that I have brought to them something new with the property rights perspective. The top down approach can also be justified by referring to Miroslav Hoch's three stage theory of nation formation. Hoch has demonstrated that, at least in the time period covered in his article, and also for Norway, the national movement starts as an elite movement, and then gradually spreads to wider strata of the population.<sup>81</sup> This is not to say that a bottom up approach is not useful, but this article has chosen an elite approach because the purpose has been to view the established main players in a new light.

The purpose of the discussion above has been to place the argument of this article more thoroughly in the context of the historical reality at the time and in context of other dominating views on the development of Norwegian nationalism in the early nineteenth century. The argument put for in this article is meant to compliment this existing body of literature on the *odelsrett* by focusing on the importance on property rights in themselves, rather than on cultural and elite constructions. I have thus chosen to focus mostly on the *odelsrett* and the connection between landed property and popular sovereignty in order to demonstrate how this connection was important to the formation of early nineteenth century Norwegian nationalism. But this is clearly only one aspect of the story, and its proper place and connection in the grand scheme should be explored thoroughly. That however, will have to be for another occasion.

## NOTES

- <sup>1</sup> Some examples of this position are Steen, Sverre, 1814, J.W Cappelen Forlag AS, Oslo, (1989), and Seip, Jens Arup, *Utsikt over Norges historie*, Gyldendal Norsk forlag AS, Oslo, (1974).
- <sup>2</sup> Two notable exceptions here are Engerman, Stanley & Jakob Metzger (eds) *Land rights, ethno-nationality, and sovereignty in history*, Routledge, London, (2004), and Hont, Istvan 'The permanent crisis of a divided mankind: 'contemporary' crisis of the nation state in historical perspective', *Political studies vol 42*, August, (1994).
- <sup>3</sup> About the *odelsrett* as historical institution see Skeie, John, *Odels og Aasetesretten*, Gyldendal Norsk forlag, Oslo, (1950). For a more recent account, see Gjerdåker, Brynjulv, *Til odel og eie: odels og åsetesretten gjennom eit millenium, med vekt på dei 250 siste åra*, Norsk Institutt for Landbruksforskning, Oslo, (2001).
- <sup>4</sup> Odelsmænd is the term used by Wergeland, it is difficult to translate directly into English, but it indicates a farmer that has *Odelsrett*.
- <sup>5</sup> Wergeland, Henrik, *Norges Constitutions historie, første del*, Kristiania, (1841), p 14.
- <sup>6</sup> Wergeland, 1841: p 9.
- <sup>7</sup> Sars, Ernst, *Historisk indledning til Grundloven*, Folkeskriftsselskabet, Kristiania (1887), p.3.
- <sup>8</sup> Koth, Halvdan, *Norsk bondereising: fyrebuing til bondepolitikken*, H. Aschehoug & CO, Oslo (1926).
- <sup>9</sup> For some more modern representatives of this tradition, see Steen, (1989) and Mykland, Knut, *Kampen om Norge, 1784-1814*, Cappelen, Oslo, (1958). We can also refer to Jens Arup Seips infamous assertion that a national consciousness 1814 was not a precondition for the making of a national constitution and a nation state, but a product of it, Seip, 1974: p. 50-52.
- <sup>10</sup> Sørensen, Øystein, *Kampen om Norges sjel: norsk idehistorie bind II*, Aschehoug, Oslo, (2001a).
- <sup>11</sup> Glenthøj, Rasmus, *Skilsmissen: dansk og norsk identitet før og efter 1814*, Syddansk Universitetsforlag, Odense, (2012).
- <sup>12</sup> Storsveen, Odd Arild, *Norsk patriotisme før 1814*, KULT's skriftserie nr 88, Oslo, (1997).
- <sup>13</sup> Christensen, Olav, 'En nasjonal identitet tar form', in Sørensen, Øystein (ed), *Jakten på det Norske: perspektiver på utviklingen av en Norsk nasjonal identitet på 1800 talet*, Gyldendal Norsk forlag, Oslo, (2001).
- <sup>14</sup> Sørensen, Øystein, *Jakten på det Norske: perspektiver på utviklingen av en Norsk nasjonal identitet på 1800 talet*, Gyldendal Norsk forlag, Oslo, (2001b).

- <sup>15</sup> Glenthøj, 2012: p. 242.
- <sup>16</sup> Hommerstad, Marthe, 'Allodial rights and the Norwegian constitution. Christian Magnus Falsen and the idea of the Norwegian Farmer', in Nordic historical review, no.10 pp.83-94, (2010), p. 93. See also Hommerstads recent biography of Falsen: Hommerstad, Marthe, *Christian Magnus Falsen: Stridsmannen*, Cappelen Damm, Oslo, (2015).
- <sup>17</sup> Evju, Håkon, 'Debating the moral and economic foundations of a democratic polity' in *Scandinavian Journal of History*, vol. 40. No 5, (2015), p. (653-676), p. 669. Evju is nevertheless skeptical as to the usefulness of exploring the *odelsrett* in relation to debates about nationalism and national identity.
- <sup>18</sup> Lunden, Kåre, *Norsk Grålysning: Norsk nasjonalisme, 1770-1814 på allmenn grunn*, Det Norske Samlaget, Gjøvik, (1992).
- <sup>19</sup> The classic account on nationalism and modern society is Gellner, Ernest, *Nations and Nationalism*, Blackwell, Oxford, (2006) [1983]. Some accounts focusing on nationalism and the state are Mann, Michael, *The sources of social power, Vol 2: The rise of classes and nation states 1760-1914*, Cambridge University Press, Cambridge (1993), Marx, Anthony, *Faith in Nation: Exclusionary origins of nationalism*, Oxford University Press, Oxford, (2003), and Breuille, John, *Nationalism and the state*, Manchester University Press, Manchester, (1993). Karl Deutsch has focused on communication, in Deutsch, Karl, *Nationalism and social communication: an inquiry into the foundations of nationality*, New York, (1953). Benedict Anderson is also a modernist and famous for his focus on print capitalism and for understanding the nation as an 'imagined community', Anderson, Benedict, *Imagined communities: Reflections on the origins and spread of nationalism*, Verso, London, (2006)[1983].
- <sup>20</sup> For some such accounts see for example: Armstrong, John, *Nations before Nationalism*, University of North Carolina Press, Chapel Hill, (1982), Grosby, Steven, *Biblical ideas of nationality: ancient and modern*, Eisenbrauns, Winona Lake, (2002). Adrian Hastings has put forth a medieval argument for the origins of nationalism in Hastings, Adrian, *The construction of nationhood: ethnicity, religion and nationhood*, Cambridge University Press, Cambridge, (1997). For an early modernist argument, see, Gorski, Philip S. 'The mosaic moment: an early modernist critique of modernist theories of nationalism', *American Journal of sociology*, (Vol 150, issue 5, March 2000), p. 1459-1460.
- <sup>21</sup> Gellner, 2006: p 1.
- <sup>22</sup> Greenfeld, Liah, *Nationalism: five roads to modernity*, Harvard University Press, Cambridge Massachusetts, (1992), p 3.
- <sup>23</sup> For a good overview of the changes in property regimes see Anderson, Perry, *Passages from antiquity to Feudalism*, New Left Books, London (1974a), p 147-197, Anderson, Perry, *Lineages of the Absolutist State*, Verso, London, (1974b), p 15-42, and Woods, Ellen Meiksins, *Citizens to lords, a social history of the western political thought form antiquity to the late medieval ages*, London, Verso, (2008), p. 164-176. See also Aston, T.H and Philipin C..H.E, *The Brenner debate: agrarian class structure and Economic Development in Pre-industrial Europe*, Cambridge University Press, Cambridge, (1985) for a general debate on propeerty regimes and the transition.
- <sup>24</sup> Engerman and Metzer, 2004: p. 10.
- <sup>25</sup> Anthony Smith is the most prominent figure here. See for example Smith, Anthony, *National Identity*, Penguin, London, (1991). But the term was first popularized by John Armstrong, in Armstrong, 1982.
- <sup>26</sup> Anderson, 1974 p. 147-197.
- <sup>27</sup> Agamben, Giorgio, *Homo Sacer: sovereign power and bare life*, Stanford University Press, Stanford, California, (1995), p. 21.
- <sup>28</sup> Wood, Ellen Meiksins, *Liberty and Property: A social history of western political though from the renaissance to the present*, Verso, London, (2012), p 6-7.
- <sup>29</sup> Cohen, Morris, 'Property and Sovereignty', in Macpherson, C.B, *Property: mainstream and critical positions*, Basil, Blackwell, Oxford, (1978), p. 159-160.
- <sup>30</sup> Reeve, Andrew, *Property*, Macmillan, London, (1986), p 82.
- <sup>31</sup> This is a point made at least as early as Adam Smith, Reeve says, Reeve, 1986: p 82.
- <sup>32</sup> For two good analysis of the development of the modern state, see: Poggi, Gianfranco, *The development of the modern state: a sociological introduction*, Hutchinson, London, (1978), and Rokkan, Stein, *Stat, Nasjon, Klasse: essays I politisk sosiologi*, Universitetsforlaget, Oslo, (1987), p 268-381.
- <sup>33</sup> Pryser, Tore, *Norsk Historie 1814-1860: Frå Standssamfunn mot klassesamfunn*, det Norske samlaget, Oslo, (1999), p. 30-36, 59-74, and 164-168.
- <sup>34</sup> These were the Barony of Rosendal (established 1678) in the south west of Norway, and the County of Jarlsberg (established 1684).
- <sup>35</sup> It was Andreas Holmsen who coined this term and who did many important seminal studies of the issue. See for example Holmsen, Andreas, *Gård og Gods I Noreg I Eldre tid*, Universitetsforlaget, Oslo, (1980).
- <sup>36</sup> I borrow this metaphor from Knut Dørum, in Dørum, Knut, 'Det Norske Skyldssystemet – et særnorsk fenomen?' in *Historisk Tidsskrift*, 101:2, (2001), p. 291.
- <sup>37</sup> This paragraph relies heavily on Moseng, Ole Georg, et al., *Norsk Historie II: 1537-1814*, Universitetsforlaget, Oslo, (2003), p 207-211, 221-222, and 265-270.

- <sup>38</sup> The section above is heavily based on Storsveen, 1997: p 105-107.
- <sup>39</sup> Brun, Johan Nordahl, *Tanker om Norges Odels-ret*, (1788), p. 23.
- <sup>40</sup> Brun, 1788: p. 31.
- <sup>41</sup> Quoted in Hommerstad, 2010: p. 85.
- <sup>42</sup> For more examples of the positive view on the *odelsrett* in this period, see for example Storsveen, 1997: p 107-110.
- <sup>43</sup> Evju, 2015.
- <sup>44</sup> I have relied on Evjys discussion for Rynnings position, Evju, 2015: p. 656-658.
- <sup>45</sup> Wergeland wrote that "there is hardly any matter where opinions are as divided as on the *odelsrett*", Wergeland, Nicolai, *Fortrolige breve til en ven*, Christiania, (1830), p. 107.
- <sup>46</sup> Paragraph 107 of the 1814 constitution stated that 'the speisifics of how it (*the odelsrett*) shall be organized so that it will be of the greatest bennefit both to the state and to the famer, shall be decided in the first or second emediate parlimentary session' The Norwegian constitution by 17 t of May, 1814 § 107.
- <sup>47</sup> Wergeland, 1830: p. 108-108.
- <sup>48</sup> Falsen Christian Magnus, *Norges Odelsret, med hensyn på Rigets constitution*, Bergen, (1815), p. 16.
- <sup>49</sup> Falsen, 1815:p. 23.
- <sup>50</sup> Falsen, 1815:p. 32.
- <sup>51</sup> Falsen, 1815: p. 33.
- <sup>52</sup> O. E. Holck, April 22, 1814 in Olafsen, Arnet, *Riksforsamlingens forhandlinger, 2den del: Adresser og fuldmagter*, Grøndhal og søns Boktrykkeri, Kristiania, (1914b), p. 257.
- <sup>53</sup> Falsen, 1815: p. 40.
- <sup>54</sup> O. E. Holck, April 22, 1814 in Olafsen, 1914 (vol.1): p. 259.
- <sup>55</sup> W. S. Koren Christie, April 15<sup>th</sup>, 1814 in Olafsen, 1914 (vol.1): p. 160.
- <sup>56</sup> These ideas are similar to those of classical republicanism as explicated by for example Quinten Skinner and J.G.A Pocock. See Skinner, Quinten, *Republicanism: a shared European heritage*, Cambridge University Press, Cambridge, (2002) and Pocock, J.G.A., *The Machiavellian moment*, Princeton university Press, Princeton and Oxford, (1975).
- <sup>57</sup> Steenbuch, Fredrik, *Bemærkninger over Norges grundlov af 4die November 1814*, Trondheim, (1815), p 90.
- <sup>58</sup> Steenbuch, 1815: p. 93.
- <sup>59</sup> The second of the preconditions listed was as following: 'to own matriculated land or to have leased it for at least five years' The Norwegian constitution by 17<sup>th</sup> of May 1814, § 50.
- <sup>60</sup> Steenbuch, 1815: p. 89.
- <sup>61</sup> Falsen, 1815: p. 7.
- <sup>62</sup> Aall, Jacob, *Fædrelandske ideer*, Christiania, (1809). p 27
- <sup>63</sup> Aall, 1809: p 29.
- <sup>64</sup> Falsen, 1815: p 10.
- <sup>65</sup> Evju, 2015: p. 658.
- <sup>66</sup> My information about Falsen builds first on foremost on: Østved, Einar, *Christian Magnus Falsen: linjen I hans politikk*, Aschehoug, Oslo, (1945), Hommerstad, 2015 and Mykland, Knut, 'Christian Magnus Falsen' in *Norsk biografisk Leksikon*, (13.02.2009), [http://nbl.snl.no/Christian\\_Magnus\\_Falsen](http://nbl.snl.no/Christian_Magnus_Falsen) Downloaded 21.07.2014. It is clear to this author form these accounts and from reading Falsen that that his view on the *odelsrett* and Norwegian nationalism was deeply imbedded in his world view.
- <sup>67</sup> Evju, 2015
- <sup>68</sup> Falsen et al., May 16th, 1814 in Olafsen, 1914: p. 120 Vol 1.
- <sup>69</sup> Marshall, T.H and Tom Bottomore, *Citizenship and Social Class*, Pluto Press, London, (1992).
- <sup>70</sup> Seip, 1974: p. 50-52.
- <sup>71</sup> Seip, 1974.
- <sup>72</sup> Christopher H Storm, March 18th, 1814, in Olafsen, Arnet, *Riksforsamlingens forhandlinger, 2den del: Adresser og fuldmagter*, Grøndhal og søns Boktrykkeri, Kristiania, (1914b), p.386.
- <sup>73</sup> Jacob Nauman February 25<sup>th</sup>, 1814, in Olafsen, 1914: p. 7. Vol 2.
- <sup>74</sup> See for example Koth on this, Koth, Halvdan, "Trongen til demokrati I 1814", in *Historisk tidsskrift*, no. 38, (1947).

- <sup>75</sup> Østved, (1945), Hommerstad, (2015).
- <sup>76</sup> For one good comment on the notion of time and history in nationalism, see Anderson, 2006. The emphasis on golden ages and history is however most prominent in the ethnosymbolist school, exemplified by, for instance Smith, 1991.
- <sup>77</sup> Georg Sverdrup, May 17<sup>th</sup>, 1814 in Olafsen: 1914: p. 79. Vol 1.
- <sup>78</sup> See the works of Sørensen, 2001, Storsveen, 1997.
- <sup>79</sup> Hommerstad, Marthe, *Politiske Bønder: bøndestrategene og kampen for demokratiet, 1814-1837*, Spartacus Forlag, Oslo, (2014).
- <sup>80</sup> Nordhagen, Morten Ottosen, *Popular Responses to Unpopular Wars: Resistance, Collaboration and Experiences in Norwegian Borderlands, 1807-1814*, Doctoral Thesis., Humanistisk fakultet, University of Oslo, Oslo, (2012).
- <sup>81</sup> Hroch, Miroslav, *Social preconditions of national revival in Europe: a comparative analysis of the social composition of patriotic groups in the smaller European nations*, Cambridge University Press, Cambridge (1985).

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