



HÁSKÓLI ÍSLANDS

Hugvísindasvið

No Longer a Feuding Society?

Legal Practice and Kingship in Late 13th-Century Iceland

Ritgerð til M.A.-prófs

Sayaka Matsumoto

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Abstract

The Icelandic Free State (c.930-1262) is well known as a model of ‘a feuding society,’ due to its unique social system based on the principle of feuding without any jurisdiction by a king. Iceland came under the rule of a Norwegian king in the early 1260s, and it is generally thought that feuds in Iceland came to an end as a result of the royal legislation introduced from 1271. This paper reconsiders this assumption and aims to reveal the legal practice under kingship in late 13th-century Iceland and its relation to the state formation there. Although the information available to us is limited, it does indicate that people kept on feuding long after submitting to the rule of the king. At the same time, the king’s policy was executed by his representatives through institutions such as the summons to Norway or the oath of fidelity, which were based on the new royal law-code. However, the king did not delegate his power to the Icelandic king’s men as much as he did to Norwegian representatives; the Icelandic king’s men also worked for the king, but they did not become the receiver of the oath of fidelity to the king. There was also discrepancy on the matter of the subjects’ obligation between the king and Icelanders: the king, as *rex iustus*, began to demand absolute obedience from his subjects, but Icelanders were not always aware of it. They maintained their traditional ways of participating in decision making with their ruler, such as feuds or negotiations at assemblies, and the king could not readily prevent them. In the period of the 1270-80s, Iceland was no longer a purely feuding society, and the centralisation of legislative and judicial power in the hands of the king was actually progressed; nevertheless, it should be noted that Icelanders tended to retain their traditional ways, regardless of the demands of the Norwegian king.

Keywords: feuds, conflicts, kingship, law, state formation, Iceland, Norway

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1. Introduction

1.1 General perspective: state formation and conflict resolution

This project aims to shed light on the legal practice under kingship in late 13th-century Iceland, from the perspective of conflict studies. The shift from local autonomy to centralised state was universal in medieval history, and changes in the legal system and practice played a significant role in the process; as a consequence of this state formation, local custom was gradually integrated into the centralised judicial system, and that process mostly included the banning of vengeance killing.

Medieval Iceland, or, more precisely, the Icelandic Free State (c.930-1262), is well known as a model of a feuding society,¹ as revealed by successive legal-anthropological studies that have been produced from the 1970s onwards. It is a model mainly because there was no executive power in Iceland until after the end of the Free State: they had laws and an assembly system, but no king. In such a state-less society, feuding played a fundamental role in keeping honour and controlling violence. However, Icelanders fell under the rule of the Norwegian king in 1262-4, accepting his laws, which led to a significant change in the Icelandic legal system. We have plenty of studies concerning the role that feuding played in the Free State, but, conversely, not many of legal practice under the kingship; like other European states in the High and Late Middle Ages, Icelanders would sometimes have struggled, and sometimes collaborated, with the monarchy in this transitional period of state formation.

In this context, I will explore some interrelated issues: what happened to feuds in Iceland after the country fell under the rule of a king – did Icelanders stop feuding? If not,

¹ I borrowed the term of ‘a feuding society’ from Jacob Black-Michaud, *Feuding Societies*, 1975.

what changed? How did the king work to administer conflict resolution in Iceland? And how was this situation related to the state formation of Iceland?

1.2 Prerequisite: conflict resolution in Iceland

To begin with, let us look at the scholarship of conflict resolution in Iceland,² Iceland was settled mainly by Norwegians during the period c.870-c.930, and they kept Iceland's 'independent' status until 1262-64, at which time Icelanders swore to pay tribute and submit to the king in Norway. The country subsequently was under foreign rule for more than 650 years, until it achieved its independence from Denmark in 1918 (the foundation of a republic was in 1944.) In the 19th and early 20th centuries, influenced by the struggle for independence, the society that had existed in the period c.930-1262 began to be called *Þjóðveldi* in Icelandic historiography. It means 'people's domination,' and is usually translated in English as 'the Commonwealth' or 'the Free State.' The Free State was thought of as a kind of democracy by 19th-century historians, as there was no king and it seemed that the people ruled themselves through a shared system of law and assemblies. Since then, the Free State constitution and the Sagas of Icelanders (Family Sagas), which mainly describe social life in 10th-11th century Iceland, became a symbol of what the free independent Icelandic people had achieved.

The Free State constitution

The Free State constitution mainly consisted of an assembly system and *goði-þingmenn* relationships. *Íslendingabók* (a brief summary of Icelandic history written by Ari fróði Þorgilsson in 1122-32) and *Grágás* (the compilations of laws in the Free State era)

² In order to construct this overview of the scholarship, I particularly consulted the followings: Jón Viðar Sigurðsson, *Allir sem sjá líta þó ekki jafnt á*, 2000; Id., *Tendencies in the Historiography*, 2006.

became main sources for the reconstruction of the constitution. According to *Íslendingabók*, the General Assembly (*Alþing* or *Alþingi*) was established around 930 with the enactment of the first Icelandic law, which was modelled on the 10th-century Norwegian law (*Gulapingslög*).³ If we base our understanding on the law and the *Íslendingabók*, then we learn that the General Assembly was held once a year and operated on the top of the pyramidal assembly system, with 13 local assemblies below it; in the General Assembly they had courts and made laws for the whole country, while local assemblies had local courts. A certain number of ‘chieftains’ (*goðar*; sing. *goði*) presided over the assemblies and took leading parts in the court system; there were probably 36 chieftaincies (*goðorð*) at first, but around 965, when the country was divided into quarters and the quarter courts were introduced, three new chieftaincies were established in the Northern Quarter, which then had twelve chieftaincies, while each of the other quarters continued to have nine (the total number of *goðorð* thus became 39).⁴ Farmers (*bændr*; sing. *bóndi*)⁵ chose one chieftain to follow, and thence were called ‘assembly men’ (*þingmenn*; sing. *þingmaðr*.) Chieftains had a duty to protect and help their *þingmenn* in need, while *þingmenn* supported their chieftains at assemblies or in battles. This reciprocal relationship, forged through the individual agreement between *goði* and *þingmenn*, was thought to have been fundamental for social activities in the Free State society.

Even at the earlier stages of scholarship on Icelandic history, Andreas Heusler, a Swiss medievalist, had already produced a remarkable work on conflict resolution in the Free State; he statistically surveyed conflicts occurring in the Sagas of Icelanders and the

³ Jón Viðar Sigurðsson, *Changing Layers*, 2007, p.174.

⁴ Jón Viðar Sigurðsson, *Chieftains and Power in the Icelandic Commonwealth*, 1999, p.10.

⁵ If a farmer had a certain amount of property, he was regarded as an able householder (*bóndi*) and enjoyed full rights to attend assemblies, which included the right to become judges and jurors at courts. Jesse Byock, ‘*bóndi*,’ *Medieval Scandinavia: An Encyclopedia*, 1993 (abbreviated to *MSE*), p.51.

contemporary sagas, and pointed out that they were more frequently resolved by negotiation and settlements rather than court judgements, regardless of the elaborate rules about lawsuits detailed in *Grágás*.⁶

However, this discrepancy between the extant law and the sagas led to a persistent controversy in the criticism of the sources, as Jón Viðar Sigurðsson explains:

In the 19th century scholars discovered that it was impossible to combine the information in the Icelandic Family Sagas with that in the constitution. The scholars solved this major problem in an elegant way; the laws presented history and the Icelandic Family Sagas literature and fiction, which could therefore not be used to discuss the political development in the Saga Age period (c.930-1030). The Free State's two major symbols were thus divided between historians and legal-historians, who were preoccupied with the laws, and the literary scholars, who studied the sagas.⁷

The 'anthropological turn' in the 1970s

As I have already mentioned, this situation changed dramatically from around 1970, when inspiration from anthropology greatly influenced a number of neighbouring scientific fields: this is now sometimes called the 'anthropological turn.' In medieval research this was more properly a 'legal anthropological turn,'⁸ as a number of studies were done on conflict resolution, mostly by American historians discussing French history during the period c.900-1200, as set out by Frederic Cheyette⁹ and Stephen White.¹⁰ This new perspective in legal history demonstrated that conflicts were resolved

⁶ Andreas Hausler, *Das Strafrecht der Isländersagas*, 1911; Id., *Zum isländischen Fehdewesen in der Sturlungenzeit*, 1912.

⁷ Jón Viðar Sigurðsson, *Tendencies in the Historiography*, 2006, pp.5-6.

⁸ Hans Jacob Orning, *Unpredictability and Presence*, 2008, pp.10-28; Hans Jacob Orning et al. eds. *Gaver, ritualer, konflikter*, 2010, pp.5-38.

⁹ Frederic Cheyette, *Suum cuique tribute*, 1970.

¹⁰ Stephen White, *Pactum...legem vincit er amor iudicium*, 1978.

by settlements rather than court judgements, as Heusler anticipated, and the concept of ‘feud’ was then widely applied to medieval societies. Feud, originally extracted from anthropological observations on modern, state-less societies, is characterised as a phenomenon in societies where a state is weak or nonexistent; this feature attracted many historians of the early medieval period in Europe, in which the state was relatively weaker than in other periods.¹¹

Concerning Icelandic studies, one important aspect of the anthropological turn was a revaluation of the Sagas of Icelanders as historical sources, which came to be interpreted as reflecting the social customs and values of medieval Icelanders – primarily, of the people living in the period when the sagas were written, i.e., in the 12th-13th centuries. Aron Gurevich, a Russian historian, was an important pioneer of this new anthropological perspective, who worked on themes such as the exchange of gifts, and the particular world-view set out in the sagas.¹² A British cultural anthropologist, Victor Turner, also devoted an article to this new approach to the sagas, analysing the so-called ‘*húskarlavíg*’ (‘killings of servants’) in *Njáls saga* utilising a comparative approach.¹³ And the significant contribution to understanding of saga-world made by Steblin-Kamenskij certainly helped to open this new frontier in Icelandic saga studies.¹⁴

Following these trends of the legal anthropological turn and the revaluation of the sagas, the concept of the Icelandic feud was made well known in the 1980s, in particular by two American scholars: Jesse Byock¹⁵ and William Ian Miller.¹⁶ Analysing the

¹¹ However, “the state, at least in earlier stage, need not necessarily be hostile to feud.” William Ian Miller, *Bloodtaking and Peacemaking*, 1990, p.350 (footnote 4.) Feud is not a phenomenon exclusive to Europe; for example, in Japanese history, where state power has always been relatively stronger than in Europe, the rivalry between self-help and the public judicial system was also a significant feature in the medieval period.

¹² Aron Ya. Gurevich, *Wealth and gift-bestowal among the ancient Scandinavians*, 1968; Id. *Categories of Medieval Culture*, 1985.

¹³ Victor Turner, *An anthropological approach to the Icelandic saga*, 1971.

¹⁴ M.I. Steblin-Kamenskij, *The Saga Mind*, 1973 (The Russian original was published in 1971.)

¹⁵ Jesse Byock, *Feud in the Icelandic Saga*, 1982; Id., *Medieval Iceland*, 1988.

conflicts prevailing in the Sagas of Icelanders using the notion of feud, they impressively revealed the mechanism of peacemaking through feuds in the Free State. According to them, feud was obligation to revenge. It is obliged by the culture of honour; the central notion of feud was to regain lost honour and re-establish the status quo, and there was a strong sense of balance and reciprocity, analogous to gift-exchange.¹⁷ Feuds accordingly occurred only among people of relatively equal status and resources: a *goði* competes against a *goði*, a farmer against a farmer. If a farmer were offended by a *goði* he would rely on his own *goði* for help. When quarreling farmers were *þingmenn* of the same *goði*, the *goði* would probably solve the problem before it turned into a feud.¹⁸ Later, taking into account some specific features of medieval Iceland (e.g. bilateral kinship or dispersed settlement patterns), Helgi Þorláksson made a modified version of this understanding of Icelandic feuds,¹⁹ as will be shown in detail below, in section 1.3.

Being obliged by the culture of honour, feud functioned to prevent someone from breaking the peace, and with shared rules it also functioned to restrict violence and make peace after conflicts. It is therefore important to understand that, with the peacemaking system through feuds operated outside the judicial system, feuding societies in the medieval period were not anarchic as had previously been thought before the legal anthropological turn, but functioned quite well in the absence of any central authority.

However, this trend towards legal anthropological history had some weaknesses: the pattern extracted from one society does not necessarily illustrate the norms of another society,²⁰ and using a broad concept to analyse any given society may lead us to

¹⁶ Miller, *Bloodtaking*, 1990.

¹⁷ Ibid., p.182.

¹⁸ Ibid., p.185.

¹⁹ Helgi Þorláksson, *Hvað er blóðhefnd?*, 1994; Id., *Feud and Feuding*, 2007.

²⁰ Helgi Þorláksson, *Að vita sann á sögunum*, p.95.

over-simplification – as is often the case with anthropological concepts.²¹ And so for the ‘feud’ there is indeed a tendency to see a feuding society as too harmonious; the aspects of violence in feuding may be overlooked, if we over-emphasise the capacity of the feud’s function to make peace.

Also, since legal anthropological history itself developed as a method appropriate to understanding decentralised societies, the discussion of conflict studies tends to have difficulty responding to the strengthening of central power that progressed in the 13th century in most parts of Europe: “the danger of subsuming all conflicts under a negotiation idiom is that vertical relations of coercion and authority are easily ignored or underestimated.”²² Feuding societies in the medieval period were never egalitarian, but class-based. The Icelandic Free State was once regarded as an egalitarian society of farmers without any king or aristocracy, but now it is generally thought that social strata in the Free State were much bigger than was formerly assumed.²³ The integration of the social stratification with the growing centralisation of power is not incompatible with conflict studies,²⁴ but it has been paid relatively less attention.

The Sturlung Era and the collapse of the constitution

Byock and Miller convincingly presented a more flexible image of a society based on feuds. And their new anthropological ways of using the sagas triggered the extensive increase and diversification of approaches to the Free State society based on the sagas, beyond the constitutional history based on laws.²⁵

²¹ Santiago Barreiro, *Big Men* During the Icelandic Commonwealth, 2010, p.8.

²² Orning, *Unpredictability*, 2008, p.26.

²³ Orri Vésteinsson, *A divided society*, 2007 is the work with the most explicit intention to convert the egalitarian image of the Free State.

²⁴ Some limited attempts in other areas of Europe, see Orning, *Unpredictability*, 2008, p.24.

²⁵ About the response to the anthropological turn in Iceland in the 1980s, see Helgi Þorláksson, *Að vita sann á sögunum*, 1987; the article mentions not only Turner, Byock and Miller, but other non-Icelandic scholars who led the new direction for studying Icelandic history before 1200,

Jón Viðar Sigurðsson was one of the scholars who were most intentionally aimed at the integration of anthropological studies and legal history. He made particular use of the Sagas of Icelanders and described the process of social stratification in the Free State period: the accumulation of *goðorð* and wealth increased until around 1200, and this led to the decreasing number of powerful families which occupied almost all chieftaincies and established particular domains with clear borders.²⁶ His idea about *goðar*, which he based on the sagas, caused contention with Gunnar Karlsson, whose ideas about the Free State constitution centring on *goðar* are compiled in *Goðamenning* (2004.)²⁷ Their bone of contention is the *goði*-system: Jón Viðar does not believe that the system ever functioned with 39 *goðar*, as was stipulated, but Gunnar Karlsson tends to think that it operated fairly well.

Even if the extant sources do not allow us to reach a conclusion about the practice of the *goði*-system before the 13th century, at least we can see that from around 1220 the chieftains who occupied *goðorð* struggled fiercely with each other, seeking hegemony over wider domains; the period from then to the Icelandic submission to the Norwegian king is called the Sturlung Era (or, The Age of the Sturlungs, *Sturlungaöld*, c.1220-1262). In the struggles of the Sturlung Era, feuds no longer worked as well as they had earlier for peacemaking. In the *Sturlunga saga* – the compilation of contemporary narratives about the Sturlung Era – honour and revenge were still manifested by the protagonists as their motive for taking action, but the idea among them was no longer to regain their own honour, but to destroy their enemies: this was a civil war.

such as Carol Clover, E.P. Durrenberger and Ólafía Einarsdóttir and the Norwegians, Knut Odner and Kåre Lunden.

²⁶ Jón Viðar Sigurðsson, *Góðer og maktforhold på Island i fristattiden*, 1993 (English translation with some revision by the author was published in 1999: *Chieftains and Power in the Icelandic Commonwealth*.)

²⁷ Gunnar Karlsson, *Goðamenning*, 2004.

Alongside the escalation of struggle, the influence of the Norwegian king became stronger; especially from the 1240s, King Hákon Hákonarson (r.1217-63) began to extend his power to the North Atlantic area in earnest, and tied many Icelandic chieftains to him as members of the royal retinue (*hirð*.) The king ordered them to bring Icelanders to submit to him. Ultimately, the king's goal was realised in the early 1260s, when all Icelanders swore allegiance and tribute to the king, with *Gamli sáttmáli* ('the Old Covenant'.)

The growing interest in the late Middle Ages

Recently, as a result of the anthropological turn, the nationalistic idea of the Free State has generally been superseded, and many scholars, both Icelandic and non-Icelandic, have been engaged in medieval Icelandic studies. Scholarship using the Sagas of Icelanders has especially attracted non-Icelandic scholars. The significance of feuds in our understanding of the Free State society is also widely known. However, until the turn of the century, relatively little attention was paid to the period after the years 1262-64. One reason is that since the main interest among non-Icelandic scholars was either on one unique source (i.e., the sagas) or the unique social system of Free State, for them the period under kingship, which not many sagas cover, was less fascinating.

Meanwhile, the Icelandic scholars have tended to write about the collapse of the Free State, or the Sturlung Era, and the research on the society after 1262-64 was more limited and rarely extended beyond general history and summaries of administrative changes; political development under the kingship was discussed – in which the institutional changes, or the acceptance of the new law-codes, were at the core²⁸ – but

²⁸ For example, Jón Jóhannesson, *Íslendinga saga II*, 1958; Björn Þorsteinsson & Sigurður Línal, *Lögfesting konungsvalds*, 1978; Björn Þorsteinsson et al., *Íslandssaga til okkar daga*, 1991, pp.119-130; Axel Kristinsson, *Embættismenn konungs fyrir 1400*, 1998.

how this institutional change affected society was not paid much attention.²⁹ Helgi Þorláksson conversely did extensive research on the economical situation of Iceland in the 13th-14th centuries in his *Vaðmál og verðlag*, based on anthropological theories,³⁰ and, especially concerning to conflict resolution, his paper to the 10th International Saga Conference in 1997 was significant, marking as it did an attempt to trace what happened to feuds under the Norwegian kingship in Iceland.³¹

From the turn of the century, in contrast, the interest in the later period has been growing significantly and diversifying in Icelandic studies. In 2005, a Brazilian scholar, Patricia Boulhosa, published her PhD dissertation at the University of Cambridge; she made extensive investigation of extant sources about the Icelanders' submission to the king, and suggested that *Gamli sáttmáli* may have been produced out of the political interest in the period after 1400, and not made in the period 1262-64 as had traditionally been thought. Although her radical idea – the denial of the existence of *Gamli sáttmáli* in the 13th century – incurred strong refutations, at the very least her intent to see the transition period from the Free State to a society under kingship as a continuous evolution, not a rupture, has been widely accepted in recent scholarship.³²

One trend in the history of the later period is the discussion of Icelandic aristocracy. Jón Viðar Sigurðsson was a pioneer who, in 1995, studied the emergence of Icelandic aristocracy after the submission to the king.³³ In 2006, Randi Bjørshol Wærdahl examined the prosopography of the Icelandic king's men from the perspective of the

²⁹ Jón Viðar Sigurðsson, *Allir sem sjá líta þó ekki jafnt á*, 2000, p.44.

³⁰ Helgi Þorláksson, *Vaðmál og verðlag*, 1991.

³¹ Helgi Þorláksson, *Konungsvald og hefnd*, 1997.

³² About the response to Boulhosa, see a book review by Sverrir Jakobsson: *Saga-book* 30 (2006), pp.116-118; Jón Viðar Sigurðsson, *Tendencies*, 2006, pp.120-121; Helgi Þorláksson, *Er Gamli sáttmáli tómur tilbúningur?* 2007. Also, the Icelandic translation of ch.3: *Gamli sáttmáli: tilurð og tilgangur*, trans. Már Jónsson, 2006. Most recently, Helgi Skúli Kjartansson, *Gamli sáttmáli – hvað næst?* *Saga* XLIX:1 (2011), pp.133-153.

³³ Jón Viðar Sigurðsson, *The Icelandic aristocracy*, 1995. He developed the same idea in his article in 2007: *Changing layers of jurisdiction*.

governance of the Norwegian kingdom.³⁴ Henric Bagerius studied aristocratic identity among the Icelandic elite in the late Middle Ages in terms of sexual norms.³⁵ Most recently, in her PhD dissertation, Sigríður Beck has also focused on the formation of the Icelandic aristocracy in the absence of the king.³⁶

Randi Wærdahl's doctoral project also demonstrates the growing interest in comparative studies. Her project contributes to the research of *Norgesveldet* ('the Norwegian domination.')

The concept of *Norgesveldet*, covering "the Norse world and the Norwegian domination in the Atlantic Ocean,"³⁷ which appeared in the 13th century under the reign of Hákon Hákonarson, places Icelandic history in a wider context.

Another notable development is the increasing amount of researches on law and the Church, such as Lára Magnúsardóttir's PhD dissertation, which offers us a historical examination of the process of excommunication until the Revolution,³⁸ or Agnes S. Arnórsdóttir's extensive *Property and Virginity*, which investigates the law and practice of marriage up to 1600.³⁹ There is also some interest in the position of the Icelandic Church from outside Iceland.⁴⁰

The newly published introductory series of medieval history by Gunnar Karlsson focuses more specifically on the later period after the institution of the Free State,⁴¹ and also indicates that the late Middle Ages grew to have more importance in Icelandic

³⁴ Randi Bjørshol Wærdahl, *Norges konges rike og hans skattland*, 2006 (The English version was published in 2011).

³⁵ Henric Bagerius, *Mandom och mödom*, 2011.

³⁶ Sigríður Beck, *I kungens frånvaro*, 2011.

³⁷ Steinar Imsen ed. *The Norwegian Domination and the Norse World c.1100 -c.1400*, 2010, p.19.

³⁸ Lára Magnúsardóttir, *Bannfæring og kirkjuvald á Íslandi 1275-1550*, 2007.

³⁹ Agnes S. Arnórsdóttir, *Property and Virginity*, 2009.

⁴⁰ Heidi Anett Övergård Beistad's master dissertation (*Kirkens frihet*, 2008) discussed the struggle for the Church's freedom in Iceland led by Bishop Árni Þorláksson; also Narikawa Takahiro's master's thesis at the University of Oslo (*Innovations and conservatism*, 2008) discussed the Icelandic position in the metropolitan authority of Nidaros.

⁴¹ Gunnar Karlsson ed., *Inngangur að miðöldum*, 2007 and *Lífsbjörg Íslendinga*, 2009.

historiography. Not only in history, but also in literature and manuscript culture, interest in the late Middle Ages seems to be growing, like the recent *Studies in Icelandic Fourteenth Century Book Painting*.⁴²

Given this historiography, it is immediately clear that we should pay more attention to the period under the king's rule; the submission to a king did not equate to the end of Icelandic society, and Icelanders continued to negotiate with kings in Norway.⁴³

Although the political position of Iceland from the late 13th century onwards has tended to be seen as a part of the Norwegian kingdom – as is shown in two new inspiring books about Norwegian state formation, by Hans Jacob Orning⁴⁴ and Sverre Bagge⁴⁵ – we may expect there to develop an idiosyncratic story of state formation in Iceland which would integrate the Free State society with the changes under kingship. The notion of 'Icelandic state formation' has recently been presented by Sverrir Jakobsson, but his discussion ends at the time of submission to the king, as he admits: "the Icelandic experiment in establishing a government without a state was terminated."⁴⁶ What I will try to do in this paper is, by analysing the process of feud and conflict resolution under the king's rule, to propose a structure of Icelandic state formation that would have developed from the Free State era. Since feud was fundamental to the social structure and mentality of people in the Free State society, to trace the transformation of feuding culture may well highlight the uniqueness of the state-less society that formerly existed.

⁴² Lena Liepe, *Studies in Icelandic Fourteenth Century Book Painting*, 2009.

⁴³ For instance, when they accepted the rule of new Norwegian kings in 1302 or 1319, Icelanders put some conditions to accept the kings. They seem to have believed the acceptance of kings as a matter of negotiation.

⁴⁴ Hans Jacob Orning, *Unpredictability*, 2008.

⁴⁵ Sverre Bagge, *From Viking Stronghold to Christian Kingdom*, 2010.

⁴⁶ Sverrir Jakobsson, *The process of state-formation in medieval Iceland*, 2009, p.170.

1.3 Working definition of feuds

As the last prerequisite, I would like to make a brief note on the definition of feuds.

Although there is no clear-cut line between general conflicts and feuds, not all conflicts are feuds: feuds are mutual acts of violence for the purpose of revenge, and are mostly practiced outside of the judicial system according to certain norms (i.e., *Spielregel* in Germany.)⁴⁷

Table 1: Distinctive features of Icelandic feud

Feud in the broader sense	Feud in the narrow sense
A feud (a 'true feud') Fehde Feud-like vendetta	A blood-feud Blutrache Blutrache-like vendetta
<ul style="list-style-type: none">- A hostile state between two individuals or groups.- Honour compels people to react to a wrong.- Happens when violence was used, involving the damaging of property or livestock, but not necessarily includes blood-shedding.- There is a rhythm of alternation: provocation-response.- The violence is limited, but escalates gradually.- A mutual concern with honour prevents the adversaries from seeking settlements themselves, and some third party's intervention is necessary for a reconciliation.	<ul style="list-style-type: none">- Acts of revenge, which include blood-shedding.

(After Helgi Þorláksson, *Feud and Feuding*, 2007, p.74 and p.85ff)

The distinctive features of Icelandic feud in *Table 1* are based on Helgi Þorláksson, who amended William Ian Miller's interpretation of Icelandic feud, pointing out that groups are no prerequisite (a feud can occur between individuals), each feud is usually not long-standing (long-standing hostility should be regarded as 'political strife,' which can

⁴⁷ Helgi Þorláksson, *Feud and Feuding*, 2007, pp.85-86.

include several feuds), and a feud commences without blood-shedding.⁴⁸ Following *Table 1*, in this paper the word ‘feud’ means feud in the broader sense, which, roughly speaking, is a way to claim rights and to restore honour through violence, whereas ‘blood-feud’ is used as feud in the narrow sense, i.e., a revenge attack with blood-shedding.

This distinction is significant, firstly, to note that ‘feud’ is not confined to manifest confrontations such as vengeance killings, but also encompasses cold state and hostile relations; secondly, to understand the process of minimising violence or private wars by public authority. From the 11th century onwards, the formalising-process of feud became common in Western Europe alongside the peace movement led by the Church (*Pax Dei* or *Treuga Dei*.) The peace movement aimed to minimise violence and homicides among Christians. The Church, and emerging secular monarchs as well, gradually succeeded in minimising blood-feuds, but nevertheless an old idea of feuds – claiming one’s rights through violence – survived for centuries after the peace movement. Thus, feuding in the broader sense may well have been thought as necessary in those societies in which it was practiced, and even the Church tolerated it, although the Church put many restrictions on feuds and urged its formalisation. One of intentions of this paper is to consider if the same process occurred in Iceland, and if so, how the process went on and was connected to state formation there.

2. Changes in the law

2.1 Codification

Before the analysis of feuds, we should survey the process and results of royal legislation. In the Free State period Icelanders had an elaborate and sophisticated law,

⁴⁸ Helgi Þorláksson, *Feud and Feuding*, 2007, pp.70-74.

collectively called *Grágás*. The law was transmitted orally: one third of the law should be recited by the Law Speaker (*lögsögumaður*) at the General Assembly each year, so that the whole law was covered in three years, until it was finally written down in the winter of 1117-18. Through *Gamli sáttmáli* in 1262-64,⁴⁹ all Icelanders swore allegiance to the king in Norway and agreed to become his subjects (*þegnar*; sing. *þegn*) and to pay tribute. But there were no significant changes in the Icelandic constitution until 1271, when King Magnús lagabætur ('Law-mender,' r.1263-80) sent a new law-code to Iceland. This king's legislation for Iceland was in the context of the codification of regional laws in Norway.

The royal legislation in Norway was set out by King Hákon Hákonarson (r.1217-63), who issued the so-called New Law (*Ný lög*) in 1260. After his death in 1263 his son Magnús took over the legislation. Magnús started to enact new laws for local districts in Norway; in 1267 the Law of *Gulapíng* (one of four assembly regions in Norway) was composed, and the Laws of *Eiðsivapíng* and *Borgarþíng* were presented the following year. These new law-codes included both the Christian and secular law, but only the Christian section is extant in the manuscripts.⁵⁰ In 1269 the Law of *Frostapíng* was agreed in the assembly, but Archbishop Jón rauði of Niðarós refused to accept its Christian section, and composed the Christian law by himself. Next, in 1271,

⁴⁹ Traditionally, the covenant made in 1262 is called *Gizurarsáttmáli* or *Gamli sáttmáli 1262*; the oldest manuscript which includes it is AM 45 8vo (c.1550-1600.) The others are called just *Gamli sáttmáli*, which may have been from the years 1263, 1264 and 1302 – the manuscripts which include its text are from the late 15th-century (Boulhosa, *Icelanders and the Kings of Norway*, 2005, pp.87-88, 106-110.) As Boulhosa points out (ibid., pp.91-106), in the saga narrative and annals the acceptance of king's rule in Iceland was described as a protracted process in 1256-64. I agree with this idea of regarding the submission to the Norwegian king as a gradual process, but in this dissertation I do not go deeply into the discussion on the authenticity of the covenants and simply call the collective of covenants that were supposedly taken in 1262 as *Gamli sáttmáli 1262*, and the one in 1302 as *Gamli sáttmáli 1302*.

⁵⁰ *Járnsíða* 2005, p.13.

King Magnús sent a new law-book called *Járnsíða* to Iceland,⁵¹ a book that was accepted completely two years later, in 1273. In 1274-76 King Magnús had the National Law (*Landslög*) accepted for the whole of Norway in the four local assemblies. King Magnús also enacted the Municipal Law (*bæjarlög*) in 1276. After that, King Magnús set out to revise the law for Iceland and sent another law-book, *Jónsbók*,⁵² in 1280. It was accepted at the General Assembly in 1281 and replaced *Járnsíða*.

Although the details of the response to *Járnsíða* are not recorded in any source, its unpopularity in Iceland is implied by the fact that *Járnsíða* took as long as three years to be fully accepted, and a new law-book (*Jónsbók*) replaced it before long.⁵³ This is plausible because *Járnsíða* was based on the regional laws of *Gulapíng* and *Frostapíng*,⁵⁴ and thereby had a strong influence from the Norwegian legal custom, which was at some remove from the Icelandic *Grágás*.⁵⁵ The sending of *Jónsbók* was, however, not necessarily because *Járnsíða* was unpopular, but rather because the revision of *Járnsíða* was a natural consequence of the fast legislative development in that period; after the National Law was enacted in Norway in 1274-76, Icelandic law needed to be coordinated with it, and the amendment of *Járnsíða* demanded the writing of an entirely new law-book.⁵⁶ Unlike *Járnsíða*, *Jónsbók* made extensive use of *Grágás*,⁵⁷ but

⁵¹ The name of *Járnsíða* ('ironside') is used in the sources from the end of the 13th century; this may have been because a certain copy of it was ironbound. The name *Hákonarbók* to refer to the same law-book appears in the manuscripts from the 17th-18th centuries. *Járnsíða* 2005, p.16.

⁵² *Jónsbók* was named after Jón Einarson, the lawman (*lögmaðr*), who was supposedly one of the main composers of the law and who delivered the law-book to Iceland with Loðinn leppr, a Norwegian emissary.

⁵³ For examples of this opinion, see Björn Þorsteinsson et al., *Íslandssaga til okkar daga*, 1991, p.121, or Gunnar Karlsson, *Iceland's 1100 Years*, p.89.

⁵⁴ Imsen ed. *The Norwegian Domination*, 2010, p.64.

⁵⁵ In the extant 141 chapters in *Járnsíða*, there are only 24 chapters that display direct influence from *Grágás*. Magnús Már Lársson, 'Járnsíða,' *KLNM* 7, 1962, col.567. See also Sigurður Línal, *Lögfesting Jónsbókar* 1281, 1982, p.182.

⁵⁶ Sigurður Línal, *Lögfesting Jónsbókar* 1281, 1982, p.182; *Járnsíða* 2005, pp.18-19.

⁵⁷ Of the 215 chapters in *Jónsbók*, 196 were drawn with little alteration from the National Law and Municipal Law, while over 100 chapters were from *Grágás*, along with some supplementary

nevertheless the acceptance of it followed a serious argument at the General Assembly in 1281, as we will see below, in section 4.2.

The Christian law

The Christian law section accompanied the law-book that was accepted in *Gulaping* in 1267, but in 1269, Archbishop Jón rauði rejected to accept the Christian section in the Law of *Frostaping*, as mentioned above. The archbishop composed a Christian law by himself, and in 1271, when King Magnús prepared the law-book for Iceland, the king omitted the Christian section because of his argument with the archbishop. Later, Bishop Árni Þorláksson, who was consecrated to the Skálaholt⁵⁸ bishopric in Iceland by Archbishop Jón rauði in 1269, composed a new Christian law for Iceland in 1274, taking the archbishop's advice. Árni's Christian law was accepted at the General Assembly of 1275, although it was officially applied only to one bishopric (the Skálaholt bishopric), and not to the other (the Hólar bishopric), until the king's letter in 1354; there are, however, some indications that Árni's law was also applied to the Hólar bishopric, at least partly, soon after 1275.⁵⁹ Árni's Christian law aimed at the establishment of an independent judicial authority in clerical or spiritual matters.

2.2 The theoretical background: *rex iustus* and a new concept of law

As a background to the royal legislation, there was an emergence of a new ideology in the king's circle in Norway. The regional laws before their codification had "no clear criteria for how and by whom the law can be changed."⁶⁰ The *þing* was thus both a

material from *Járnsíða*. Gudmund Sandvik & Jón Viðar Sigurðsson, *Laws*, in Rory McTurk ed. *A Companion*, 2005, p.228.

⁵⁸ I use the old forms for place names: Skálaholt for modern Skálholt and Stafaholt for Stafholt.

⁵⁹ *Járnsíða* 2005, pp.26-32.

⁶⁰ Bagge, *From Viking Stronghold*, 2010, p.184.

judging and a legislative assembly, where new rules could be introduced in the middle of a case.⁶¹ However, the royal legislation from 1260 was based on a different concept of law, which connected to the new ideology of kingship – the Christian *rex iustus* (‘the just king’) ideal. The medieval Church developed a doctrine of king as an office. The king as a person was just an ordinary human being, whereas his office was instituted by God, and he functioned as God’s representative on earth in order to promote justice; in Norway, this doctrine is apparent in the sources from Magnús Erlingsson’s privilege (c.1170) to *The King’s Mirror* (c.1250) and the National Law (1274-76.)⁶²

This idea of the king’s office – the king *dei gratia* (‘by the grace of God’) – forged the way to a new understanding of the legislation. The first example of this appeared in the Church: Archbishop Eysteinn [mod. Norw. Øystein] Erlendsson sent a letter to Icelanders in 1179, in which he pointed out that his commands concerned God’s laws, which should be respected by all Christians, so that it was not up to the Icelanders to accept the commands or not.⁶³ *The King’s Mirror* most explicitly identified the king as the highest judge on earth, who judges people according to God’s own laws. Most of the examples set up for the king were taken from the Old Testament; “although this work contains no explicit reference to the king as a legislator, its doctrine of the king’s duty to do what is just regardless of the existing laws lays the intellectual foundations for royal legislation.”⁶⁴ Thus, in the process of royal legislation, the *rex iustus* ideal became its theoretical ground; the king was only able to change the law on earth.

⁶¹ Ibid., p.186.

⁶² Ibid., p.159. Bagge has much to say about the *rex iustus* ideology in Norway; for example, see *The Political Thought*, 1987 or *From Gang Leader*, 1996. A new concept of law and the idea of the king as a legislator is especially discussed in Bagge, *Law and justice*, 2001 or Bagge, *From Viking Stronghold*, 2010, pp.170-227.

⁶³ Bagge, *From Viking Stronghold*, 2010, p.202.

⁶⁴ Ibid., p.203.

2.3 Dealing with killing and blood-feuds

What, then, happened to feuds in Iceland under the new royal law? One of the most important goals of the *rex iustus* ideal was to put an end to private feuding; in Hákon Hákonarson's New Law of 1260, vengeance was already made into *úbótamál* – an offence that could not be atoned by fines.⁶⁵

Firstly, the Icelandic *goðar* system in the Free State period was totally abolished. The assembly procedure section of *Járnsíða* (accepted in 1271) stipulated that the assembly attendants, who had formerly been chosen from followers of each *goði*, were now chosen by royal officials (*valdsmenn*).⁶⁶ And royal officials (*lögmaðr* and *valdsmenn*) were to appoint men to the Law Council (*lögrétta*), which had formerly consisted of the *goðar* with their advisors, the two bishops and the Law Speaker.⁶⁷ The office of Law Speaker was replaced by a lawman (*lögmaðr*), who presided over the assembly and lawsuits.⁶⁸ Thus, assemblies and law-courts were put in the hands of royal officials, and no longer the *goðar*.

Secondly, we should look at how killers were treated. According to the personal rights (*mannhelgi*) section in *Jónsbók*, the one who kills a man should be outlawed and ought to pay the king 13 marks of *þegngildi* ('wergild for a subject'), apart from the compensation to the victim's relatives; the killers also had to leave Iceland, and it was assumed that the king could give them the right to return and live in Iceland, at the petition of chieftains or other good men. Also, the killer who came to meet the king had a chance to buy peace for himself and to be reconciled with the victim's relatives, and

⁶⁵ Orning, *Unpredictability*, 2008, p.149.

⁶⁶ *Járnsíða* 2005, pp.63-64.

⁶⁷ *Ibid.*, pp.64-65.

⁶⁸ Björn Þorsteinsson & Sigurdur Línal. *Lögfesting konungsvalds*, 1978, pp.62-63. The first lawman was Sturla Þórðarson, who was appointed by King Magnús in 1272.

thereby to be freed from the outlawry.⁶⁹ Notably, the king alone had the right to revoke the outlawry.

However, the law was stricter in the case of *skemmdarvíg* ('a damaging killing') or *níðingsverk* ('villainies') such as high treason, *morð* ('murder'),⁷⁰ mutilation, or killing a man protected by the pledge of peace or in asylum; those who committed such villainies were outlawed and their deed could not be atoned with fines, but still they had chance to go to Norway and ask the king for his mercy.⁷¹

All the killings were supposed to be judged at assemblies by royal officials (*umboðsmenn konungs*), but revenge was allowed in cases where the man who had been wronged did not accept compensation from the perpetrator, and the royal official "neglected to remedy the injustice" ("afþækiz rétt at gera"); in that case, the revenge must be equal to the first act, and if there were any difference, that should be made equal by payment of a fine: half by the avenger and half by the royal official who neglected his duty. If the revenge was equal to the first act, then the avenger was innocent before the king because he had demanded justice but did not get it, and the royal official alone ought to pay the fine.⁷² This detailed stipulation about revenge indicates that the law demanded that people first follow the new judicial system set by the king, but if the system did not work properly, then private revenge was allowed as an alternative. Likewise, it demonstrates the king's effort to confine revenge to one retaliation, namely, one blood-feud but not repeated feuds. This was a common trend in high-medieval

⁶⁹ Helgi Þorláksson, *Konungsvald og hefnd*, 1997, p.252. *Jónsbók* 1904, pp.35-36; *Jónsbók* 2010, pp.32-35 (IV, 1.)

⁷⁰ There was distinction between *víg* ('manslaughter') and *morð* ('murder'). If the killer did not make public admission of the killing, the deed was a *morð*, and the murderer must forfeit his property and be outlawed. *Jónsbók* 1904, pp.46-48; *Jónsbók* 2010, pp.48-53 (IV, 10.)

⁷¹ Helgi Þorláksson, *Konungsvald og hefnd*, 1997, p.252; *Jónsbók* 1904, pp.36-39, 40-42; *Jónsbók* 2010, pp.34-43 (IV, 2 and IV, 4).

⁷² Helgi Þorláksson, *Konungsvald og hefnd*, 1997, p.252; *Jónsbók* 1904, pp.60-61; *Jónsbók* 2010, pp.70-71 (IV, 21)

Europe; the Church and secular authorities tried to eradicate repeated, escalating feuds, but they still had to tolerate a blood-feud.⁷³

Regardless of this concession, the stipulations on killings and violence in *Jónsbók* show that the king in Norway had the right to intervene directly in disturbances in Iceland, mainly through demanding of *þegngildi* and making institutionalised summons to stand before him in person, with a possible pardon following it.⁷⁴ Perpetrators who committed killing or other crimes and were outlawed had a chance to be exonerated if the king showed mercy at their meeting. It was, however, not always the case, and the chance was surely limited to rich people who were able to afford the journey and to pay the fine as well as obtain license for the return voyage to Iceland. If these rules actually worked, killing and feuding must have been more difficult than before.

However, the killers needed to stay in churches until the ship came.⁷⁵ This indicates that otherwise there was possibility for them to suffer vengeance from someone who was related to the victim and did not reconcile with compensation. Thus, it seems that the idea of revenge as an alternative measure outside the judicial system did not entirely disappear.

Summary

Through the codification by King Magnús in the 1270-80s, radical change happened to the Icelandic constitution. The *goðar* system in Iceland was abolished, and the royal officials were supposed to preside over assemblies or lawsuits.

⁷³ Helgi Þorláksson, *Feud and Feuding*, 2007, p.90.

⁷⁴ Apart from the many clauses that mention that those who commit a crime are to go abroad to meet the king, there is a particular clause about such summons: every man who injures someone is to go to Norway, even if some necessity has driven him to do the act. *Jónsbók* 1904, p.57; *Jónsbók* 2010, pp.64-65 (IV, 18.)

⁷⁵ Helgi Þorláksson, *Konungsvald og hefnd*, 1997, p.254.

Under the new ideology of *rex iustus* – the king as absolute judge under God’s authority – the Norwegian kings in the late 13th century generally aimed at eradicating repeated feuds and demanded that people follow the centralised judicial system. In Iceland, *Jónsbók* stipulated that in principle royal officials ought to judge all disturbances; the imposition of *þegnildi* also meant that a killing was no longer a matter affecting only those who were involved, but a public ‘crime’ against the king. This was seemingly a substantial shift from the old-system of self-help to public prosecution.

However, the king had to concede to an old idea of feuds; direct revenge was allowed in cases where the royal officials neglected their duty. Thus, it can be said that the new royal law itself could not completely follow the *rex iustus* ideal.

The next question is: in practice, did people give up the traditional way of feuding or retain it?

3. Feuds after the submission to the king

3.1 Overview

The main narrative sources for the period after 1264 are *Árna saga biskups*, *Lárentíus saga* and some annals. Actually, the last contemporary saga is the *sögubáttr* (‘short story’) of Jón Halldórsson, the Bishop of Skálaholt (1322-39), but unfortunately this brief summary of the bishop’s life is rather like an *exemplum*, or a collection of edifying fables, and does not tell us much about the events in Iceland in his time.

Árna saga biskups tells the life of Árni Þorláksson, the Bishop of Skálaholt (1269-1298). The saga ends in the middle of events in the winter of 1290-91, and does not continue to the bishop’s death in Norway in 1298. *Árna saga* is only preserved complete in 17th-century manuscripts, but there are five fragments from the 14th century. Two of them survived from the same manuscript, called AM 220 VI fol.

(c.1340-1360),⁷⁶ and the other three are included in AM 122 b fol. (*Reykjarfjarðarbók*, c.1375-1400),⁷⁷ in which *Árna saga* follows *Sturlunga saga* and works as its epilogue. All extant copies of *Árna saga* are thought to have followed *Reykjarfjarðarbók*.⁷⁸

Lárentíus saga biskups is a saga about Lárentíus, the Bishop of Hólar (1324-31), and covers the period until 1331 when the bishop lay on his deathbed. *Lárentíus saga* is preserved almost whole in two independent vellum manuscripts: AM 406 a I 4to (A, c.1530) and a shorter version in AM 180 b fol. (B, c.1500.)⁷⁹

Annals also tell us about the events that occurred in the period up until 1430. There are six Icelandic annals extant in 14th-century manuscripts, including the Skálholt fragment, and five in 16th and 17th manuscripts.⁸⁰

Table 2: The Icelandic annals

No. (in <i>Isl. Ann.</i> , 1888)		Manuscripts	Dating of MS
Medieval (extant in 14 th c. manuscripts)			
II	Annales vetustissimi	AM 415 4to	c.1300
IV	Annales regii (Konungsannáll) or Þingeyraannáll	GKS 2087 4to	c.1300–1328
V	Skálholts annáll	AM 420 a 4to	c.1362
VI	The Skálholt fragment (writes about 1328–72)	AM 764 4to	c.1360–1380
VII	Lögmans annáll	AM 420 b 4to	c.1362–1390
IX	Flateyjarbókar annálar	GKS 1005 fol.	c.1387–1395
Later (extant in 16 th –17 th c. manuscripts)			
–	Nýi annáll (writes about 1393–1430)	AM 420 c 4to	c.1575–1600
I	Annales Reseniani	AM 424 4to	c.1700
III	Høyersannáll or Henrik Høyers Annaler	AM 22 fol.	c.1600–1625
VIII	Gottskálks annáll	Holm perg 5 8vo	c.1550–1560
X	Oddverjaannáll	AM 417 4to	c.1540–1591

⁷⁶ Dating followed *ONP: Registre*, p.435.

⁷⁷ *Ibid.*, p.433.

⁷⁸ Formáli in *Biskupa sögur* III, p.V.

⁷⁹ *Ibid.*, p.LVIII.

⁸⁰ This categorisation follows Patricia Boulhosa, *Of fish and ships*, 2010, pp.177–184.

The annals had a central position as sources on the historiography of the political history of the 14th century due to the lack of other sources, and especially of other narratives. Eldbjørg Haug, however, has discussed the source value of the Icelandic annals and maintains that the accounts in the annals are not contemporary narratives, as formerly assumed, but rather secondary sources at the time of writing, and to a certain extent based on rumours of doubtful origin; thus we have to consider the cultural context of the period when they were written in order to interpret the accounts properly.⁸¹ It is true that we should bear in mind that the accounts in the annals are not necessarily contemporary testimonies, but because not all the events were written down in the annals, at least we can see that the events that *were* written down had significance for the writer.

From these sources, we know about some cases of feuds or killings as listed in *Table 3*.

Table 3: The list of feuding cases 1264-1400

No.	Year	Event	Source
1	1273	Guðlaugr Tannason attacked a man called Marteinn to avenge his father and injured him badly.	Ár. ch.28
2	1296	“There was a killing-summer, and 9 <i>stökkvivíg</i> [‘a chain of killings’] ⁸² occurred in Iceland.” – It could have been blood-feuds, but no details.	Annals III, VII, IX
3	1306	Gissur galli (f.1269) killed a man called Höskuldr in 1306, went to Norway in 1308, became a retainer of King Hákon V in 1309, and came back to Iceland in 1312. – It is unknown whether his killing was for revenge.	Annals IX

⁸¹ Eldbjørg Haug, *The Icelandic annals as historical sources*, 1997, p.272.

⁸² Fritzner’s ordbog says *stökkvivíg* is “homicide which is performed individually, one after another with some time span,” while Cleasby-Vigfusson says *stökkvivíg* is an “isolated case of manslaughter.” *Stökkvivíg* is for example used as an alternative for *víg* (‘a killing’) in different manuscripts of *Króka-Refs saga* (*Króka-Refs saga*, ch.1 in *Íslensk fornrit XIV*, footnote 4 on p.120) In any case, I suppose ‘9 *stökkvivíg*’ can mean ‘a chain of killings.’

4	1309 -1310	1. Karlamagnús Magnússon from the Oddaverjar family killed <i>herra</i> ⁸³ Kolbeinn Bjarnarson, because Kolbeinn had uttered a defamatory verse about him, though Kolbeinn denied it and wanted <i>undanfærsla</i> ('to pledge innocence.')	Annals IV, V, VII, IX; Lá. A:chs.27-8, B:ch.32
5	1342 -1343	Conflict over <i>sýsluvöld</i> : Jón Hallsson vs. Arnórr Þórðarson 1. Jón had Arnórr's hands and feet chopped off, on the advice of Þorsteinn Gunhytingr. 2. Þorsteinn was killed in revenge for Arnórr.	Annals V, VI, VIII, IX
6	1344	1. Killing of Páll Eyjólfsson. 2. Páll's sons took revenge and killed two men who presumably attended to the killing of Páll.	Annals VIII, IX
7	1357	A killing with no revenge: Jón murti killed a man but "never went abroad and lived more than 30 years after that and died of illness." – This account indicates that c.1300, every killer who had some power sought to meet the king in Norway.	Annals IX

(After Helgi Þorláksson, *Konungsveldi og hefnd*, 1997, pp.251-2, 254-5.

Ár. = *Árna saga biskups* and Lá. = *Lárentíus saga* in ÍF XVII)

At first glance, it is obvious that there is little mention of feuds in the main sources of the period after 1264. The cases which can be defined as blood-feud count only four (Nos.1, 4, 5, 6) or five (No.2 might be included.) The number of cases is very limited, but that is probably because of the sources' nature: the bishop's sagas and annals are generally not interested in feuding. Thus the cases listed here were presumably fewer than those that actually occurred, and we cannot say with confidence that the number of feuds declined

⁸³ *herra* is an honourable title like 'lord' or 'sir.' According to Cleasby-Vigfusson's dictionary, *herra* was traditionally used to address a king or earl. In 1277 knights (*riddarar*; sing. *riddari*) and barons were created in Norway, to whom the title of *herra* was given. Bishops and abbots were also dubbed *herra*. I would prefer to keep the word, *herra*, untranslated as it stands in the source.

after the submission to the king. Rather, it seems that people continued to take personal revenge long after that.

On the other hand, it can be presumed that until around 1300 to seek an audience with the king in Norway became common, as is indicated by accounts in annals, such as the account of 1357 in the *Flateyjarbókar annálar* (no.7 in *Table 3*).⁸⁴ However, going to Norway and seeking a pardon from the king would have cost so much that it was probably the sole prerogative of high-ranking and rich men. There was a possibility that even poor killers obtained the king's mercy through doing difficult task for the king, and that might have resulted in gaining fame and changing their social status in Iceland, but it is unknown whether it was common; the sources unfortunately tell us little about the relationship between the king and the men who came to meet him for seeking a pardon.⁸⁵ Did the summons to Norway open a way to be upstarts – so-called 'new men,' those who climbed the ladder of success after the end of the Free State through becoming the king's men? We shall return to this issue later in the case study, in section 5.3.

3.2 A close look: a blood-feud between Marteinn and Guðlaugr (1273)

Next, in order to take a close look at feuding under kingship, I pick up the case of revenge in 1273 (No.1 in *Table 3*), because this case is told in *Árna saga biskups* and is relatively more detailed than the other cases.

In the winter of 1273, Guðlaugr Tannason attacked a man called Marteinn to avenge his father, who was killed in 1252 (Ár.28:45-47.)⁸⁶ This attack occurred right in

⁸⁴ *Isl. Ann.* p.406; Helgi Þorláksson, *Konungsvald og hefnd*, 1997, p.254.

⁸⁵ Helgi Þorláksson, *Konungsvald og hefnd*, 1997, pp.254-6: Gissur galli (f.1269) would have been an example for this social promotion through the summons and service to the king, but there are no more examples.

⁸⁶ Ár. = *Árna saga biskups* in *Biskupa sögur III* (Íslenzk fornrit XVII.) The citation follows the pattern: 'chapter:page.' All translations are my own, from consulting the Norwegian translation, *Biskop Arnes saga*, translated by Gunhild & Magnús Stefánsson, 2007.

front of the bishop, when he was riding along with Marteinn,⁸⁷ and the blood spurted all over the bishop's clothes. Marteinn did not die, but was badly injured.

The saga carefully explains the background of this blood-feud. Apparently this was a feud between Marteinn and Guðlaugr, because Marteinn had earlier killed Tanni, father of Guðlaugr, in Dalir (1252.) But Páll, brother of Marteinn, was killed to avenge Tanni soon after that: Marteinn had fled after the killing of Tanni and reached Páll, who helped him by giving him a faster horse than the one he had ridden, and thereby Marteinn succeeded in escaping, but Páll himself did not flee and was killed, probably by the men who were chasing Marteinn. These two killings, of Tanni and Páll, were adjudged to equate to each other. However, since Guðlaugr Tannason was a child at that time and was not asked to join the settlement, he felt that he missed out on compensation for his father's death from Marteinn (Ár.28:46.)

The bishop went into a rage over this matter, the saga says, for these reasons: one was that the bishop himself would have suffered the axe-blow if the axe slipped off Marteinn, because their shoulders lay very close together; the next was that Marteinn was unprepared for the ambush because he was in the presence of the bishop who enjoyed immunity. Apart from these two reasons concerning the bishop's immunity, the bishop declared Marteinn innocent, because his matter of killing had already been judged before, and the truce was granted.

But, the saga continues, Guðlaugr cared little about the bishop's wrath, so that he had to take "great penance for a while and the greater excommunication by Bishop Árni" ("stórar skriptir um stund ok stórmæli Árna biskups") until the time when he had reached

⁸⁷ Marteinn Másson was for long the steward of the monastery at Helgafell under Abbot Óláfr Hjörleifsson. He is named Ívarsson in some manuscripts of *Árna saga*, and the editions of *Sturlunga saga* – *Sts.* 1946, II, p.125 and *Sts.* 1988, II, p.592 and p.788 (*Árna saga biskups*) – call him Marteinn Ívarsson. Guðrún Ása Grímsdóttir, the editor of *Árna saga* in ÍF, presumes that Marteinn was half-brother of Páll Ívarsson from a different father. Footnote 5 on Ár., pp.45-6.

the settlement with the bishop. Guðlaugr was required to reconcile with both on account of the dishonour that the bishop thought had been done to him, and the wound that Marteinn received (Ár.28:46-47.) The end of matter is described as follows:

Vóru mál þeirra dæmd á alþingi, en þó stóð Guðlaugr undir skriptum hörðum um stundar sakir. Hafði hann ok tveim sinnum öðrum leitat mein at gera Marteini. En um síðir líknaði herra byskup Guðlaugi fyrir bæn herra Þórðar Hallssonar á Möðruvöllum ok tók af honum sína óblíðu.

(Their case was judged in the General Assembly, but nevertheless Guðlaugr suffered hard penance for a while. He had also twice before tried to hurt Marteinn. But in the end, the bishop forgave Guðlaugr at the request of *herra* Þórðr Hallsson at Möðruvellir and alleviated his former hostility towards him)

(Ár.28:47)

The traditional logic of feuds: a rightful revenge?

At first sight, the process seems to be in accordance with the traditional way of conflict resolution in Iceland – the case was brought to the General Assembly, and the mediation by a prominent farmer (Þórðr Hallsson á Möðruvöllum, who had become a knight in 1292⁸⁸) led to the final settlement. The remarkable thing is, however, the bishop's determined initiative in punishing Guðlaugr with penance or excommunication. Before

⁸⁸ Later, the bishop married his niece, Guðný, to Þórðr Hallsson (Ár.34:52.) Randi Wærdahl counted him as *sýslumaðr* (1292-1312) and *riddari* ('knight'; Wærdahl, *Norges konges rike*, 2006, p.263), while Sigríður Beck counted him just as *riddari* (Beck, *I kungens frånvaro*, 2011, p.257.) I checked their source material, *Íslenzkar ártiðaskrár eða Obituaría Islandica*, but did not find any mention of his being *sýslumaðr*. At the least he was knighted at the Norwegian court, and definitely became one of the most prominent Icelanders around 1300.

analysing this bishop's initiative, let us look at the other parts of the process more carefully.

The killing of Tanni, Guðlaugr's father, is also mentioned in *Þorgils saga skarða*, but there is not much detail, merely that there were killings in Dalir in the spring of 1252: Marteinn killed Tanni Gunnlaugsson, and Páll Ívarsson, Marteinn's brother, was killed. After St. Martin's day (11 November), Marteinn came from the north to meet Þorgils skarði at Staðarstaðr, who welcomed him following the advice of Priest Páll (Hallsson, the priest at Geirröðareyri.) Afterwards Marteinn joined in Þorgils's followers, after having been placed under penance and *kárína*, i.e., required to fast for 40 days.⁸⁹ This penance was probably imposed by Priest Páll, although the brief note in the saga does not say so definitively. Later, in December 1252, when Hrafn Oddsson attacked Þorgils skarði at Stafaholt, he was eager to find Marteinn Ívarsson, and called him 'fjandinn ('the devil,' or 'the enemy'), although Marteinn was not there.⁹⁰ Marteinn was thus probably present earlier at the meeting at Hella on 25 November 1252, where the negotiations between Þorgils skarði and Hrafn Oddsson with Sturla Þórðarson broke down, and Marteinn then stood against Hrafn Oddsson on behalf of Þorgils.

Árna saga, on the other hand, does not mention Marteinn's penance, but in other points *Árna saga* is much more detailed about the killing of Marteinn than *Þorgils saga skarða*. Why, then, does the saga explain so carefully the background of this blood-feud?

One plausible reason is to justify the bishop's behaviour. In this matter the bishop declared Marteinn innocent and explicitly accused Guðlaugr as the avenger, and so the saga needed to explain clearly why Marteinn was considered to be innocent. Two of the bishop's reasons to blame Guðlaugr concerned religious matters, but the last one – that Marteinn was innocent – "because the matter was already judged before and the truce were

⁸⁹ *Sts.*1946, II, p.125; *Sts.*1988, II, p.592.

⁹⁰ *Sts.*1946, II, p.130; *Sts.*1988, II, p.597.

granted” (“þar sem áður var dæmt málit ok veittar tryggðir”) – was totally secular, and a traditional justification for feuds in Iceland; this blood-feud occurred after the acceptance of *Járnsíða* (accepted completely on 11 November 1273. Ár.26:43), but the process shows no trace of the king’s new ideal to restrict homicide.

On the other hand, Guðlaugr’s logic was as follows: his revenge was rightful because he did not participate in the settlement, nor did he gain the compensation from Marteinn, because of his youth. Bishop Árni did not accept Guðlaugr’s justification at all, but his attitude towards Guðlaugr may well have been shared only by the bishop and clerics, because this story is narrated in the saga which is obviously biased in favour of Bishop Árni; the question is: was Guðlaugr’s act also regarded as unacceptable by secular people?

This is difficult to answer, because the saga does not mention the attitude of any people other than the bishop. However, we can make an educated guess from the situation. Guðlaugr insisted that he was not in the party that reconciled with Marteinn in 1252 because of his youth, and that he missed out on compensation for his father. But presumably, the killings in 1252 were not settled with money, and none of the other relatives of Tanni received monetary compensation from Marteinn. At the settlement in 1252, “the case were put in judgement, and the killings [of Tanni and Páll] were judged to be set off against each other [i.e., one corpse for another.]”⁹¹ This means that the damages on both sides were deemed equal, and so no more money compensation would be needed and no more attacks would be allowed.

Indeed, feuds could be escalated even if the damages on both sides were resolved with money or blood, as long as someone influential in the parties concerned did not agree with the balance of loss and felt his/her honour to be lost, just like *húskarlavíg* in

⁹¹ Ár.28:46: “Málin vóru í dóm lagin ok felluz vígin í faðma.”

Njáls saga.⁹² There is a possibility that Guðlaugr, or someone behind him (possibly his mother), did not agree with the balance of loss in 1252, and considered revenge on Marteinn rightful and necessary as soon as Guðlaugr was of an age to take an action.⁹³ Since the saga remarks that Guðlaugr had twice tried to hurt Marteinn before this attack in 1273, he seems to have strongly believed in the necessity of his act.

Nevertheless, we can presume that Guðlaugr's act was hardly thought to be justified by secular people, as well as the bishop, because his act was judged by the General Assembly and not mediated in advance of the lawsuit. If there had been a shared opinion among (influential) people that the revenge was rightful, some third party would have mediated between the feuding parties and push for a settlement that would leave honour on both sides, and so avoid a lawsuit and judgement that would come down hard on one side or the other. Thus, it is most likely that Guðlaugr could not garner wide sympathy and support for his vengeance, and as a result the matter was judged in a lawsuit. The mediation by Þórðr Hallsson, which took place after Guðlaugr was judged in the assembly, was in this sense not a normal mediation designed to avoid judgement between the feuding parties, Guðlaugr and Marteinn.

About the lawsuit itself, the saga's brief description is as follows: "their case was judged in the General Assembly, but nevertheless Guðlaugr suffered hard penance for a while." It does not tell us how the lawsuit was performed and what kind of judgement was made; since there was no mention of Guðlaugr being outlawed, this matter would have been settled with monetary compensation. But it is unknown if the lawsuit was

⁹² Miller, *Bloodtaking*, 1990, pp.183-4. Furthermore, the value of a corpse was not neutral, but changeable according to the reputation and social status of the dead; the eye of a free scoundrel was not equal to the eye of a free man of good will. Ibid., p.184.

⁹³ Akin to the revenge of Bolli by his sons in *Laxdæla saga*. Guðrún, Bolli's widow, and their sons (one was four years old and the other was unborn at the time of their father's death) did not accept compensation for Bolli, and 12 years later the sons were goaded by Guðrún to take revenge for their father.

presided over by royal officials and judged according to the new law, *Járnsíða*, or if Guðlaugr paid some fine to the king. So far, the justifications proposed by both the bishop and Guðlaugr were in accordance with the traditional logic in feuding cases in Iceland, and there is no clear evidence of the king's new ideal or the judicial system. In contrast, the way the matter was resolved was not totally traditional, due to the bishop's determined intervention.

Penance: the development of ecclesiastical jurisdiction?

The saga says, the settlement was demanded of Guðlaugr “both for the dishonour [ósómi] that the bishop thought to be done to himself and the wound that Marteinn got” (Ár.28:46-47.)⁹⁴; the wound of Marteinn was settled with the judgement in the assembly, while the dishonour to the bishop was not dealt with by a secular court. What, then, was the bishop's dishonour in this case?

From the bishop's viewpoint, Guðlaugr had violated a canonical right by breaking the immunity of clerics. The immunity of clerics was generally accepted in Iceland by 1240,⁹⁵ and was set out in Árni's Church Law (ch.7) as follows: “every man who mistreats a cleric or a monk with a hostile hand, is to be banned by his act itself until he gets redemption according to God's law under observance of the bishop.”⁹⁶ Also, there is a stipulation about *öfundarblóð* (‘the blood shed in enmity’): if blood shed in enmity spoiled a church or a church-yard, then singing a mass may not occur in that church before the bishop had cleansed it with consecrated water and with the songs that are

⁹⁴ “bæði fyrir þann ósóma er biskupi þótti til sín gerr ok þann áverka er Marteinn fekk af honum.”

⁹⁵ Sverrir Jakobsson, *Friðarviðleitni*, 1998, pp.17-24. He cited the letter from the Archbishop of Niðarós in 1173 as the first appearance of the idea of the immunity of clerics in Iceland, though Icelandic clerics did not stop being under arms long after that.

⁹⁶ *Járnsíða* 2005, pp.152-3: “hverr er heiftugri hendi misþyrmir klerk eða klaustramanni, þá er hann í banni af sjálfs síns verki þar til er hann fær lausn eftir guðs lögum með forsjá byskups.”

specially arranged for such occasions, while blood without enmity never spoils a church.⁹⁷ The Church Law promulgated by Bishop Árni, which was accepted at the General Assembly in 1275 to be applied to the Skálaholt bishopric, had not yet been presented by the year 1273, but at least we can see the bishop's idea reflected in the law.

In the case of Guðlaugr, although he did not intend to hurt the bishop himself, there was a real chance that the attack would have accidentally struck the bishop. And actually unclean 'blood shed in enmity' spilt over the bishop. This was an unacceptable insult to the bishop.

This emphasis on the bishop's determined attitude is certainly because of the saga source's nature; *Árna saga* was not so entertaining as sagas of other genres, but rather was a literary work, which probably received less feedback from the audience/readers. That would have made the saga more ideologically biased. Bishop Árni's intent to make a case of his own importance as a bishop seems to have been behind the expression of his wrath against Guðlaugr, who should have considered the bishop's presence and given up the attack, but did not. This situation meant that if the bishop forgave Guðlaugr's offense, this would risk his authority in the society. In this context, we can understand how the mediation by Þórðr Hallsson worked. It was a mediation between the bishop and Guðlaugr: not only Guðlaugr but also the bishop needed mediation; the bishop could not retract his accusation against Guðlaugr by himself, for this could have caused his dishonour. In this sense, the traditional code of honour in feuding was still central to the course of revenge and mediation.⁹⁸

In order to understand the bishop's position in society, let us take a brief look at the Church's effort to establish ecclesiastical jurisdiction independent of secular authority. In

⁹⁷ *Járnsíða* 2005, p.151.

⁹⁸ "A mutual concern with honour prevents the adversaries from seeking settlements themselves and it is necessary for some third party to intervene in order that the opposing parties may be reconciled." Helgi Þorláksson, *Feud and Feuding*, 2007, p.74.

Norway, following the establishment of the archbishop's seat in 1152/53, the Church gradually developed independent judicial authority in clerical matters and over laymen in spiritual matters pertaining to Church Law.⁹⁹ At this time, i.e., in the 1270s, there was a debate between Archbishop Jón rauði (1268-82) and King Magnús lagabætir Hákonarson (1263-80) over legislation and jurisdiction in Norway. Their negotiations resulted in a concordat in Tønsberg in 1277, although after the death of King Magnús a new, severe strife occurred in the 1280s (see below, ch.5.) Bishop Árni, who was consecrated by Jón rauði in 1269 and was strongly influenced by this archbishop, also involved himself in this political strife and persistently tried to establish Church autonomy in Iceland. Bishop Árni's struggle for the Church's freedom is the main theme throughout his saga.¹⁰⁰ Thus, the episode of penance inflicted on Guðlaugr may be seen as an indicator of the development of ecclesiastical jurisdiction in Iceland.

However, it should be noted that this bishop's involvement in conflicts was not necessarily radical in the 1270s. Ecclesiastical punishment was common from the Sturlung Era onwards, as Marteinn himself received penance for his killing in 1252 (see above, footnote 89.) In the severe political struggles of the Sturlung Era, excommunication was effectively used by bishops – most often by Guðmundr Arason and Heinrekr Kársson – as a spiritual weapon to compete with secular chieftains.¹⁰¹ There was also a gradual advance in the peace movement in Iceland from the late 12th century onwards, encouraged by the archbishops in Niðarós,¹⁰² and pilgrimage after killings became popular in the 13th century.¹⁰³ Thus, there was an expectation on the

⁹⁹ MSE, p.91, 'Church organization and function' by Magnús Stefánsson.

¹⁰⁰ Although the main focus of the bishop's struggle concerned control of Church properties, the saga also shows many cases in which Bishop Árni judged on various matters pertaining to Church Law, such as the celibacy of a sub-deacon, see Ár.27:44-45.

¹⁰¹ Sverrir Jakobsson, *Friðarviðleitni kirkjunnar*, 1998, p.35.

¹⁰² Ibid., pp.17ff.

¹⁰³ Ibid., p.22.

Church to promote peace and hinder violence and killings. Although the radical, ‘revolutionary’ aspect of Bishop Árni’s Church movement in Iceland was sometimes emphasised, we should not forget that his disinclination towards Guðlaugr was an extension of practices set in place by preceding bishops.

As a last note: Guðlaugr’s revenge is only recorded in *Árna saga*. Most probably this is because the bishop himself was involved in the affair; otherwise, this event could hardly have been mentioned in the saga.¹⁰⁴ Since feuds were not a matter of interest in the bishop’s sagas and annals – unlike the Sagas of Icelanders or *Sturlunga saga* – we cannot expect as much information about feuds for the period after 1262 as for the preceding period.

Summary

The case of Guðlaugr’s blood-feud occurred in 1273, after the new law, *Járnsíða*, had been accepted, but nevertheless its process showed no trace of the king’s new ideal to ban feuds. There is more emphasis on the traditional way of feuding in Iceland, such as the chain of revenge, a lawsuit in the assembly and a prominent man’s mediation prompting settlement. The bishop’s treatment of Guðlaugr by imposing penance appears to be an indicator of the development of ecclesiastical jurisdiction, but if we take into account the application of ecclesiastical punishment in the Sturlung Era, it does not seem a total novelty, but rather an extension of practices followed by the preceding bishops in Iceland.

But this revenge occurred in 1273, shortly after the acceptance of *Járnsíða*, and the first killing occurred before the submission to the king. It is thus understandable that the influence of the king’s new ideology and judicial system was not shown in the course of

¹⁰⁴ Helgi Þorláksson, *Konungsvald og hefnd*, 1997, p.251.

event. However, the other cases of feuds in the years heading towards the 14th century indicate that people in Iceland still kept on taking revenge long after the submission to the king; at least, they did not stop claiming their rights by direct violence.

On the other hand, the institutionalised summons to the king was presumably working effectively. However, from the limited description we have about feuds, it is hard to know the connection between the traditional practice and the new judicial system under the king's rule. Thus, it would be more promising to look at the wider context of conflicts, and not just to be limited to cases of feuds.

4. Conflict resolution under kingship: the case of Loptr Helgason

In this and next chapter, I focus on one case, involving Loptr Helgason in *Árna saga biskups*, in order to provide a snapshot of how conflicts were resolved by the kingship.

Loptr Helgason [modern spelling is Loftur Helgason] was the eldest son of Ásbjörg, a sister of Bishop Árni Þorláksson and Helgi Loptsson (Ár.1:4.) Loptr was not a cleric, but was the steward (*ræðismaðr*, *ráðmaðr*) of Skálaholt (Ár.59:84) and was obviously close to the bishop. Loptr married Borghildr, a daughter of Eyjólfur ofsi, brother of Ásgrímr Þorsteinsson, with the bishop's help. This marriage caused great amity between Bishop Árni and Ásgrímr. Ásgrímr became a sheriff (*sýslumaðr*), a royal official under Hrafn Oddsson in two administrative districts or *sýslur* (sing. *sýsla*). Ásgrímr was in charge of the *sýsla* of Rangárþing and even all of the east right up to Skeiðarársandur, and also the *sýsla* of Árnesþing, all thanks to the bishop's help (Ár.58:82.)¹⁰⁵ The friendship between Bishop Árni and Ásgrímr was so great "that no one could act against

¹⁰⁵ Also, see footnote 3 on Ár., p.82.

their will, where they stood in one way on matters” (Ár.59:84.)¹⁰⁶ However, discord soon arose among these affines.

4.1 Beginning of the conflict with Ásgrímr sýslumaðr (1277-78)

As set out in ch.60 of *Árna saga*, a conflict took place in 1277-78 while a royal representative, Eindriði böggull, was in Iceland.¹⁰⁷ There was a man called Björn, who was a good farmer (*góðr bóndi*) and was married to a kinswoman of Bishop Árni.¹⁰⁸ This man fell into disagreement with Ásgrímr Þorsteinsson. Björn managed to have his relative Loptr stand by him, but Ásgrímr took it badly that Loptr valued another man as much as him in spite of their close affinities by marriage. Ásgrímr thus tried to bring a lawsuit against both Björn and Loptr. Ásgrímr heard a rumour saying that “they, Björn and Loptr, had spoken in a more disrespectful way about the kingship than was seemly” (“þeir Björn ok Loptr hefði talat ósæmiligar til konungsdómsins en byrjaði” Ár.60:84); he made use of the rumour and accused them of high treason. Then Bishop Árni informed the royal agent, Eindriði, of this matter. Eindriði flew into a rage and immediately summoned both Loptr and Björn to the court in Norway (“stefnir þeim báðum utan þegar í stað” Ár.60:85.) Following the arrival of Loptr and Björn, Bishop Árni arranged a meeting of those involved: Loptr, Björn, Ásgrímr and Eindriði böggull.

¹⁰⁶ “at engir menn gátu nær í aðra skál lagt en þeir vildu þar sem þeir stóðu einn veg at málum.”

¹⁰⁷ Eindriði böggull came to Iceland in the summer of 1277 (Ár.44:64) and stayed until 1278 (Ár.49:71.)

¹⁰⁸ We do not have any other information about this Björn Þorsteinsson beyond what we learn in ch.60 of *Árna saga*, which relates that he lived in Hruni and sometimes in Miðfell (in Hrunamannahreppur) and was *góðr bóndi* and married to Þóra Hjarrandadóttir, a kinswoman of the bishop. *Góðr bóndi* can mean a wealthy and powerful, self-sufficient householder. Also since Hruni was a *staðr* – a self-owning ecclesiastical institution – there may have been certain close relations between Björn and Bishop Árni, who therefore might have been favourable towards Björn and secured the *staðr* Hruni for him. About Hruni, see Helgi Þorláksson, Hruni, 1998 or Helgi Þorláksson ed., *Church Centres*, 2005, pp.46-7.

Þeir Loptr ok Björn afsaka sik ok verðr eigi svá atburðrinn at nauðsyn stæði til undanfærslu. Því varð þat at sætt at þeir sóru trúnaðareiða herra Magnúsi konungi ok Eiríki konungi ok hertoganum Hákon. Þeir lögðu til þess hönd á bók ok því skutu þeir til Guðs at þeir skyldu honum hollir ok trúir leynilega ok opinberliga ok hvergi vera í móti konungs umboðsmanni þar sem hann talaði lög ok réttandi. Eptir þat gaf Eindriði bóndi upp utanstefningar ok sættuz þeir herra Ásgrímr ok Björn. Vóru þeir Loptr mágarnir eptir þat hinir beztu vinir.

(Loptr and Björn made an excuse, and it so happened that there was deemed no need for a pledge of innocence. Thus it was agreed that they would swear the oath of fidelity to *herra Magnúss*, the king, and King Eiríkr and Duke Hákon. For that they placed their hands on the book [i.e., the Bible] and then called God to witness that they were obliged to him [i.e., the king] to be faithful and loyal both secretly and openly, and never to be against a king's representative when he spoke on law and rights. After that Eindriði bóndi withdrew the summons and they, *herra Ásgrímr* and Björn, were reconciled. They, Loptr and his *mágr* [Ásgrímr],¹⁰⁹ became the best of friends after that.)

(Ár. 60:85)

Although we cannot know whether Loptr and Björn actually spoke in a 'disrespectful way' about the kingship, as Ásgrímr asserted, at least Ásgrímr could make use of the rumour to accuse them, and his allegation was serious enough to make the royal representative determined to summon the two at once.

¹⁰⁹ *mágr* (pl. *mágar*) is a male relative by marriage, like a brother-, father-, or son-in-law.

Útanstefning ('Summons')

What, then, was new in this process? First, I would like to focus on *útanstefning*, the summons to the Norwegian court. Summoning of treasonable men was not uncommon among the king's retainers in Iceland before the submission to the king in 1262-64; in the Sturlung Era, King Hákon Hákonarson often summoned his Icelandic retainers to him whenever he found they disobeyed him. That summons, however, was based on court law (*hirðskrá*) and was confined to the king's own men, who were bound by it; the king could not summon Icelanders who were not king's men.¹¹⁰ But in our case, the men who were summoned, Björn and Loptr, were not then king's men. The crucial point here is that by this time, following the submission in 1262-64, all Icelanders became the king's subjects (*þegnar*), and thus the king had the right to summon every Icelander, not just his own vassals.¹¹¹ And a royal agent from Norway actually intended to execute this right in Iceland in the 1270s. Thus, the introduction of the idea of *þegnar* to Iceland seems to have been fundamental to the expansion of the king's influence there.

The summons of treasonable royal retainers in the Sturlung Era was based on *hirðskrá*; then, was there then any legal ground for the summons in the case we are looking at, of 1277-78? Because a new law-code, *Járnsíða*, had already been accepted in Iceland in 1271-73, we should examine it to see if it includes some stipulations concerning this case.

¹¹⁰ For example, when a serious feud occurred between the Norwegian merchants and an Icelandic chieftain-family, Oddaverjar, leading to the killing of a Norwegian in Iceland in 1219, the Norwegian court took it seriously, but young King Hákon Hákonarson could not summon the killers to Norway, and Earl Skúli, the actual co-ruler at that time, instead suggested sending an army to Iceland. *Íslendingasaga*, chs.35, 38 (*Sts.*1946, I, pp.269-70, 277-78.)

¹¹¹ The case of Sturla Þórðarson's journey to Norway in 1263 might be the earliest case of this kind of summons of a *þegn* who did not then directly join the king's court (although Sturla was not actually summoned by the king – it was the pressure of King Hákon's disfavour towards him that impelled him.) *Sturlu þáttir*, chs.1-2 (*Sts.*1946, II, pp.227-235.) In 1264, Þorvarðr Þórarinnsson was summoned to King Magnús, because he had killed a retainer of King Hákon, though he was not a retainer of King Hákon or Magnús at that time. *Magnúss saga lagabætis*, p.362.

Undanfærsla and the oath of fidelity

The details in the saga are brief: “they, Björn and Loptr, had spoken in a more disrespectful way about the kingship than was seemly” (Ár.60:85); Guðrún Ása Grímsdóttir, the editor of the ÍF version of *Árna saga*, suggests that they were suspected of having spoken treacherously about the king.¹¹² In order to be freed from this allegation, *undanfærsla* was necessary, according to *Járnsíða*, allowing them to pledge their innocence under oath before witnesses.¹¹³

On hearing their excuses, however, Eindriði found their case not as serious as he had thought, and it turned out that *undanfærsla* was not necessary. Nevertheless, the two men were asked to swear ‘the oath of fidelity’ (*trúnaðareiður* – an oath which needed no witnesses.) Why was this oath demanded of them?

To answer this, we first need to look into the general usage of ‘the oath of fidelity’ in 13th-century Iceland. This oath was not indigenous to Iceland, although various kinds of oaths were common there. It was first adopted in Norway (institutionalised in the *hirðskrá* of King Magnús in 1270) from Western Europe, where it was already well established in the Merovingian period; the Icelandic version was an adaptation of the Norwegian. According to Grégory Cattaneo’s analysis, we have at least ten occurrences of *trúnaðareiður* in *Sturlunga saga*, and this type of oath seems to have appeared in Iceland after c.1228, when “Iceland passed from a chieftaincy to an organization dependent upon huge domains”,¹¹⁴ this was a time when the Norwegian king had a substantial influence on Icelandic political matters. The oath of fidelity was sworn either by an individual or by a group. We can see two aspects of this oath in Iceland:

¹¹² Footnote 1 on Ár., p.85

¹¹³ NgL I, p.272; *Járnsíða* 2005, p.87 (mannhelgi, ch.24.) A similar issue appears in *Jónsbók* 1904, pp.66-67 (ch.26 *Um skáldskapamál* – concerning slander in verse form); *Jónsbók* 2010, pp.78-79. Also ch.24 in *Jónsbók* 1904, pp.64-65 (*Jónsbók* 2010, pp.74-77) deals with insulting words and *landráð*.

¹¹⁴ Grégory Cattaneo, *The oath of fidelity in Iceland*, 2010, p.9.

1. An agreement and a symbol of peacemaking between two opposing parties which involve the king or some Icelandic overlords.
2. A mark of submission to the crown of Norway (in this case, the king could delegate his authority to his representatives in order to make the people swear the oath.)

Among the examples in *Sturlunga saga*, it is notable that the oath was sometimes used as a procedure for establishing the settlements that followed battles.¹¹⁵ Thus the oath of fidelity in 1277-78 was not new in itself, but clearly had two possible meanings, as outlined above (a symbol of peace-making and/or a mark of submission to the king.) The royal representative probably meant to secure the protagonists' absolute obedience to the king (as in type 2), but there is also the possibility that the Icelanders, Loptr and Björn, took the oath simply as a sign of settlement (as in type 1.)

Before the submission in 1262-64 there were no legal grounds for the oath of fidelity, except in *hirðskrá*, which only bound the king's retainers, but in 1278 a clear formula of the oath was written in *Járnsíða*. The oath sworn by Loptr and Björn possibly took the same form as the 'farmer's oath' (*bóndaeiður*) at *konungstekja* (the approval of a king)¹¹⁶ described in *Járnsíða*.¹¹⁷ That 'farmer's oath' followed the oath made by the king himself and that made by the aristocracy (*lendir menn og hirðstjórar*.) Here is the formula of the oath for 'farmers and the public' (*bændur og alþýða*) in *Járnsíða*:

¹¹⁵ For example, *Pórðar saga kakala* in 1242 (*Sts.*1988, II, p.529; *Sts.*1946, II, p.67), or *Pórðar saga kakala* in 1246 (*Sts.*1988, II, p.543; *Sts.*1946, II, p.84). Cattaneo did not address this matter in his article in 2010, but did in his oral presentation at Hugvísindafing in spring 2011, at the University of Iceland. I was also fortunate to have had the chance to speak with him afterwards.

¹¹⁶ Orning, *Unpredictability*, 2008, p.73: *konungstekja* "normally consisted of the royal candidate asking those assembled at the *þing* to accept him as king. If this was approved, the king was given the name of king and granted land and subjects. He then swore to maintain the national law, whereupon the assembly swore an oath of allegiance to him."

¹¹⁷ Footnote 2, on *Ár.*, p.85.

Nv at bændr oc alþýða vite sek þui skyllidugare til holllostu oc þegnskyllidv oc lyðne við konong þa skulo þær þenna eið sueria kononge sua marger menn af fylke hverio sem honom likar. þess leggiom vær hond a þessa helga doma oc þui skiotum vær til guðs at vær skulom holler oc truir vera varum kononge bæðe opinberlega oc leynilega með ollom varum styrk oc mátt

(Now so that the farmers and the public recognise their obligation to show allegiance and the duties of a subject, and to offer obedience to the king, they should swear this oath to the king, as many men from each district as pleases him: “to this we place our hands on these holy relics and call upon God to witness that we shall be loyal and true to our king, both openly and secretly, with all our strength and might”)

(NgL I, p.264, translation and emphasis mine)¹¹⁸

The wording underlined here is similar to that in *Árna saga*, which reads “Þeir lögðu til þess hönd á bók¹¹⁹ ok því skutu þeir til Guðs at þeir skyldu honum hollir ok trúir leynilega ok opinberliga” (Ár.60:85, cited above.) *Jónsbók* also contains an almost identical formula at *konungstekja*,¹²⁰ and actually a similar formula also appears in *hirðskrá*.¹²¹ Thus, even though the case of 1278 was not *konungstekja*, the formula was probably the same, and a quite common one for an oath of fidelity to the king.¹²² If we can accept this, then it follows that the king’s representative probably demanded absolute

¹¹⁸ Cf. *Járnsíða* 2005, pp.72-73 (Kristinsdómsbálkur, ch.7.)

¹¹⁹ Here ‘á bók’ is not exactly same as ‘a þessa helga doma’ in the text of *Járnsíða*, but since ‘helgar dómar’ means ‘holy relics’ and includes the holy book, it expresses same thing.

¹²⁰ *Jónsbók* 1904, pp.29-30; *Jónsbók* 2010, pp.456-9.

¹²¹ Cattaneo, The oath of fidelity in Iceland, 2010, p.6.

¹²² It is unknown if the saga writer in the early 14th century followed the formula in *Járnsíða* or in *Jónsbók*, or just recorded a common wording for the oath. Probably he did not cite *Járnsíða* because this lawbook was soon superceded by *Jónsbók* in 1281, and the people of the 14th century hardly knew the text of *Járnsíða*, which is extant in only one manuscript: AM 334 fol. or *Staðarhólsbók*, dated to c.1260-1281.

obedience from the swearers, just as with *konungstekja*, but the swearers, Loptr and Björn, might simply have intended to secure the settlement with the king. From the ruler's point of view, the oath of fidelity made in 1277-78 was presumably a legal institution which bound the subjects as a whole, but for his subjects, it was possibly still a means to confirm personal ties in face-to-face relationships, as it had been at an earlier stage of its development.

In their oath, Loptr and Björn also swore “never to be against a king's representative when he spoke on law and rights.” This wording is not included in the formula set out in *Járnsíða* or *Jónsbók*, and it gives us an impression of the authority of the king's representatives. In our case, a Norwegian royal representative actually imposed a summons and demanded that the inhabitants of Iceland make an oath of fidelity to kings, although this power was not common among the Icelandic king's men, at least not in the 1270-80s. We shall return to this point later on, in section 5.3.

The bishop's mediation

Before we move to consider a further episode involving Loptr, we should look at the bishop's role in the matter of Loptr and Björn. Mediation played a fundamental part in feuding. Compared to societies where unilateral kinship is dominant, especially in Iceland, intricate, bilateral kinship and marriage relationships exerted strong pressure on negotiated settlements.¹²³ In such matters, the bishop must have been caught up in a dilemma and felt a strong impulse to arrange a settlement, due to his close relationships with both sides,¹²⁴ but why did he choose to involve the royal agent? There is no mention of the bishop's motive in the saga, but probably he expected the king's man to

¹²³ In unilateral kinship societies, e.g. among North African or Middle East tribes or clans, feuds can be almost infinite. Helgi Þorláksson, *Feud and feuding*, 2007, pp.72-3.

¹²⁴ Loptr was his nephew and Björn's wife was his kinswoman. The great friendship between Ásgrímr and the bishop at that time is emphasised in nearby chapters, although longstanding discord grew between the two from around 1280 onwards, as we have seen. *Ár.*, pp.97ff.

solve the case, because the allegation concerned the crown and was thought to be serious. The bishop's action indicates that he shared the new idea of *þegnaskylda* – the obligation of subjects to the king – and considered Björn and Loptr to be in breach of this obligation, if the allegation were true.

However, the bishop did not entirely transfer the matter to the royal agent's hands and indeed arranged the meeting in order to make settlement. Moreover, if there were no allegation of high treason in this case, the bishop might not have involved Eindriði, but instead tried to solve the matter in his own way, in accordance with the native custom of mediation and compromise, just as in the case of blood-feud raised by Guðlaugr Tannason in 1273 (as we saw in ch.3.) Thus, we can presume that the king's intervention in conflicts in Iceland was confined to those matters pertaining to the kingship; the traditional ways of reaching mediation and compromise were still effective in most matters.

4.2 The allegation of *landráðamaðr* (1281)

In the next chapter of *Árna saga* (ch.61), the story jumps to an event in 1280-81 when another royal representative, Loðinn leppr, stayed in Iceland. He came with the mission to make Icelanders swear oath of fidelity to the new king of Norway, young Eiríkr. He attended assemblies all over Iceland along with Jón lögmaðr ('lawman'), an Icelandic royal official, and made all the participants swear the oath. Bishop Árni behaved amicably towards the royal representative. The saga remarks that Loptr also swore the oath in an assembly with farmers (*bændr*).¹²⁵ This was his second oath of fidelity to King Eiríkr and Duke Hákon, since he had sworn it to them and King Magnús in

¹²⁵ Ár.61:86: "Sór fyrrnefndr Loptr frændi hans [the bishop's] með bændum þenna eið."

1277-78, as we have seen. There is no mention of the formula of the oath here, but it was presumably the same as ‘the farmer’s oath’ cited above.¹²⁶

Loðinn leppr had another mission: to make Icelanders accept a new law-code, *Jónsbók*. In the winter of 1280-81, the populace appraised this new law and found many points unacceptable.¹²⁷ Then, at the General Assembly of 1281, the participants decided not to accept *Jónsbók* as a whole, and each of the three groups – ‘the bishop (Árni), clerics and the bishop’s friends’ (*byskup ok klerkar ok vinir byskups*); ‘king’s men’ (*handgengnir menn*); and ‘farmers’ (*bændr*) – wrote down the points of their disapproval. On hearing their demands read out in the Law Council, Loðinn leppr flew into a rage:

Herra Loðinn varð við þetta mjök heitr at búkarlar gerðu sik svá digra at þeir hugðu at skipa lögum í landi, þeim sem konungr einn saman átti at ráða. Þar næst krafði hann almenning at játa allri bók greinarlaust. Hverir svöruðu fyrir sik at þeir mundu eigi gera at tapa svá frelsi landins. Loðinn svarar at móti at þeir áttu fyrst at já bókinni ok biðja síðan miskunnar um þá hluti sem nauðsyn þætti til standa, konunginn ok hans ráð. Eptir þat lætr hann lesa konungsbréf þat er honum bauð þat at láta lögleiða bókina, ok kvað hann reiði mundu sæta þá sem öðruvís gerðu.

(Herra Loðinn became very angry on account of the peasants behaving arrogantly, believing that they had the right to make laws in the country, which the king alone

¹²⁶ There is also a formula of the oath for the king’s election in *Jónsbók*, with almost same wording as *Járnsíða* (*Jónsbók* 1904, pp.29-30.) But since *Jónsbók* was not accepted at the time of this oath to King Eiríkr, I believe that the formula in *Járnsíða* was more likely to have been used here.

¹²⁷ Ár.62:86: “Á þessu hausti ok um vetrinn höfðu menn séna bók þá er herra Jón með. Fannz menn svá sem margir hlutir væri í henni mjök frekir um óbótamál ok aðra hluti þá sem óhentir vóru landsbúinu. Byskupi þótti ok margir hlutir í henni móti Guðs lögum.” (“In the autumn and winter, people have seen the book that *herra Jón* had come with. People found that many parts in the book were very strict about *óbótamál* [or *úbótamál* – cases which cannot be atoned for with fines] and other parts were unsuitable for the people in the country. The bishop thought that many parts in it were against God’s law.”)

ought to enact [i.e., which was a prerogative of the king]. Then he demanded that the public accept the entire book unconditionally. Everyone answered that they would not surrender the country's freedom [*frelsi* – probably meaning 'rights'] in that way. Loðinn responded that they should first accept the book and later ask the king and his councillors for mercy on the parts that they felt needed some reconsideration. Afterwards he had a king's letter read out, in which he was ordered to have the law book accepted, and he declared that [the king's] wrath would wait for those who behaved otherwise.

(Ár.63:93-94)

Bishop Árni spoke against Loðinn, insisting upon the priority of God's law over the land's law (i.e., secular law.) The bishop's speech concluded as follows:

“Svá viljum vér ok með engu móti þola at heilög kirkja tapi því frelsi, at þar á greinir Guðs lög ok landslög ráði jafnan Guðs lög eptir því sem löngu var lögtekit hér í lögréttu yfir allt vart land með góðu samþykki allra landsmanna.” Ok er hann hafði þat talat rómaði múgrinn stórum vel þat er hann vildi at kirkjan eðr alþýðan týndi eigi sínu frelsi.

(“So we will by no means endure [the possibility] that the holy Church would lose its freedom; indeed God's law shall always have priority wherever God's law and the land's law are in discord, as it has been in accordance with the acceptance long ago by the Law Court to encompass all our land, with the good consent of all the inhabitants.” And when he had spoken this, the crowd praised it greatly and consented to his will in this that the Church or the people would not lose their own freedom.)

(Ár.63:95)

The discussion continued, but Loðinn leppr did not give way at all, saying, “I have never come, neither on land nor on the sea, to anywhere a king’s right was trampled as it is here, and especially by bishops” (Ár.63:96.)¹²⁸

In spite of this great disagreement, the participants in the assembly ultimately accepted the whole of *Jónsbók*, except for the chapters that the king’s retainers wanted to let remain in the hands of the king and the archbishop. Everyone signalled their agreement with a show of hands, “except nine men, who followed the bishop and did not go into [the king’s] hands when the common people [*almúginn*]¹²⁹ gave in to the power of the king’s men” (Ár.63:96-97.) Among these nine laymen was Loptr Helgason. Loðinn called all of them *landráðamenn* (‘traitors’)¹³⁰ and mentioned Loptr as the worst, because he had sworn two false oaths (*tvá eiða ósæra*).¹³¹ His words indicate that Loptr should not have been allowed to do this, and the former allegations in 1277-78 were still taken seriously. Loðinn did not allow Loptr to leave the assembly, but when the bishop knew of this, he asked Loptr to come with him, and he did so.¹³²

After the assembly, the discord between Loðinn and the bishop continued. Loðinn summoned all the nine men who did not agree with *Jónsbók* to Norway, and insisted that

¹²⁸ “hvergi kom ek þar til lands né lagar at svá sé nokkors konungs réttindi undir fótum troðin sem hér, ok þó mest af byskupum.”

¹²⁹ Actually, the participants in the assembly were by no means ‘common people.’ They were select members of the upper class of householders from each district all over Iceland. About the selection of the assembly participants (*nefndarmenn*), see Björn Þorsteinsson & Sigurdur Línal. 1978, pp.60-64; *Járnsiða* stipulates that 140 men were employed for this work, while *Jónsbók* states that 84 men were involved.

¹³⁰ The concept of *landráð* is detailed in Orning, *Unpredictability*, 2008, p.120: “*Landráða* can mean both ‘government of the land’ and ‘high treason.’ The reason for this ambiguity can be found in the verb *ráða*, which in addition to the common meaning ‘to advise, decide, govern’ can mean ‘betray’.” In footnote 26 on the same page he asserts that, “The same ambiguity applies to the term *landráðamaðr*, which can mean both ‘ruler of a land’ and ‘traitor’. The term *landráðasök*, however, has only the latter meaning.”

¹³¹ Footnote 3, on Ár., p.97: *Ósær eiðr* is an oath that shall not be sworn; an oath that would be perjury [false oath] if it were sworn.

¹³² Loptr and Bishop Árni disputed with Ásgrímr sýslumaðr before this assembly, over the Church property at Skálholt (Ár.64:98.) Consequently Ásgrímr was harsh with them in this case.

Loptr in particular should be arrested and put on board a ship. But some Icelandic king's men, led by Hrafn Oddsson and Jón lögmaðr, mediated between both sides, and managed to have Loðinn invite the bishop to a feast to make settlement. The nine summoned men were also called to the feast, and it turned out that only four of them pledged to go abroad; the other five were freed from the summons by swearing "an oath to give the king absolute loyalty thereafter, according to their righteous obligation" ("eiða at veita konunginum fullkomliga hlýðni þaðan frá eptir réttri skyldu" Ár.65:98-99.) Then Loðinn and the bishop again discussed the unacceptable points of *Jónsbók*. In the end, they both reached agreement and parted with a proper gift and apparent kindness ("skilðuz þá líkliga með yfirbragði" Ár.65:100.)

Discrepancy over legislation

Loðinn leppr's furious words made clear what it is that the king did demand from the Icelandic subjects: that they should accept the king's law without any condition. This attitude was based on the *rex iustus* ideology, in which the king is God's representative on earth with the authority to monopolise law and justice, as was seen above in 2.2.

However, the Icelanders answered that they would not lose their freedom (*frelsi landsins*), and that they wanted to consult with the king before accepting the law. *Frelsi landsins* here seems to mean the right to participate in deciding what the law should be. Traditionally, the law in Iceland was based on consensus among the people (or, more precisely, among assembly participants) from the outset. The idea that the king alone should implement the law was totally new in Iceland in 1281. Even nearly twenty years after they came under the rule of a king, Icelanders still believed that they had the right to participate in political decisions alongside the ruler at assemblies, as was shown by the resistance against *Jónsbók* at the General Assembly.

5. Loptr's journey and the strife in Norway

Loptr was one of the four men who pledged to go to Norway after the reconciliation with Loðinn in 1281. He went to Norway in 1283 and had to stay there until 1287. What prolonged his stay for four years? In this chapter, we will first look at the connection between Loptr's journey and the context of the great political strife in Norway at that time, and then turn to what we can see from Loptr's story about the political dynamics in Iceland in this transitional period leading up to the king's rule.

5.1 The strife in Norway (1280-90)

King Magnús lagabætir, a great legislator and a great friend of Bishop Árni, died on 9 May 1280. On 2 July his son and successor Eiríkr ascended the throne at the age of 12, but his mother, Queen Ingibjörg and the barons¹³³ took his regency and were de facto rulers of the kingdom. The regency did not respect King Magnús's concessions to the Church, and this marked the onset of a great strife between the monarchy and the Church in Norway. Soon after the enthronement of Eiríkr, the regency issued a general ordinance (*réttarbót* – an amendment to the National Law), which contained some paragraphs on ecclesiastical matters.¹³⁴ Archbishop Jón rauði responded promptly with a statute threatening all those who infringed upon the privileges of the Church with excommunication. In the summer of 1281, the barons revoked some of the archbishop's privileges (privileges to which King Magnús had initially agreed), and then the archbishop excommunicated some of the barons. The barons responded by outlawing the archbishop and the clerics who supported him. The archbishop and two bishops left the

¹³³ The title of 'baron' was given to former *lendir menn* ('landed men') in 1277 by King Magnús lagabætir; barons were the highest-ranking nobles in the king's retinue and formed the king's council.

¹³⁴ I base my account of the process of the strife on Bagge, *From Viking Stronghold*, 2010, pp.303-304.

country, and Archbishop Jón rauði died in exile in Skara in Sweden on 21 December 1282. After 1283, however, the situation was gradually normalised. The bishops started to return, and a new archbishop, Jörundr, was elected in 1287 (consecrated on 10 October 1288.) Finally, in 1290, King Eiríkr himself issued a proclamation of peace.

5.2 Loptr's journey to Norway and stay there (1283-87)

After the General Assembly of 1281, Loptr delayed his departure to Norway until 1283. In the summer of 1282, two letters came from Norway commanding Loptr to make the journey. Ásgrímr sýslumaðr was particularly eager to execute this order because of his discord with Loptr and the bishop. Ásgrímr summoned an assembly and ordered Loptr to come there, but Loptr still did not go, hiding himself in the church in Skálaholt (Ár.70:104-105.)

That same summer (1282), Hrafn Oddsson went to Norway; Þorvarðr Þórarinnsson, who sailed out in 1281 with Loðinn leppr, was also staying in Norway in the winter of 1282-83. Because of the absence of these two most prominent king's men, Ásgrímr was bound to the king's errand more strongly and gained more power in Iceland (Ár.71:105.)¹³⁵ Ásgrímr accused Loptr of the land selling of Hlíð,¹³⁶ which Loptr sold to Snorri Narfason in the winter of 1281-82 after he had been pronounced guilty by Loðinn (Ár.69:103-104.) Ásgrímr said that what Loptr had sold was in essence the king's property, because all the property of traitors is forfeit to the king (Ár.72:105.)¹³⁷ In the spring of 1283, Ásgrímr again summoned Loptr to the local assembly under his

¹³⁵ Magnús Stefánsson, *Frá goðakirkju til biskupskirkju*, 1978, p.186.

¹³⁶ Hlíð hin meiri, possibly Úthlíð, a farm in Biskupstungur, in Árnessýsla. Ár. Nafnskrá, p.477.

¹³⁷ Footnote 1 on Ár., p.105: according to *Jónsbók*, the property of *óbótamenn*, those who commit a crime which cannot be atoned for with fines, should be divided between his lawful heir and the king, "except the case of high treason" (*utan landráð ok drottinssvik við konung.*)" *Jónsbók* 1904, p.41; *Jónsbók* 2010, pp.40-43. Thus, in the case of a traitor, all of his property should be handed to the king.

control, but Loptr still did not go. Then Ásgrímr attempted to surprise Loptr, who was around a ship at that time, and he spoke to Loptr arrogantly, calling him a *landráðamaðr* and a perjurer. Loptr responded that he had shown his full obligation as a subject to the king, with witnesses from the neighbourhood in support of his case, and insisted that he would transfer all this matter into the king's hands if the king somehow found him guilty. Taking that ship, Loptr finally sailed to Norway and arrived in Bergen that autumn (1283.) But hardships awaited him in Norway. He was not allowed to meet the king and was forced to stay in Norway for four years until 1287, suffering abuse directed at him (Ár.72:107-108.)

According to *Árna saga*, in the summer of 1283 news of the strife between the barons and the Church in Norway was reported in Iceland (Ár.73:109.) This situation in Norway probably caused increasing pressure from the king's side to impel Loptr to go to Norway, and even Bishop Árni could not resist it – partly because his biggest patron, Archbishop Jón, had already died in exile in Sweden. When Loptr arrived in Norway in the autumn of 1283, King Eiríkr was 15 years old, but still did not hold real power. Loptr thus had to reconcile with the barons, who strongly opposed the Church. Loptr's negotiations with the barons were obviously difficult, because Bishop Árni, who was very close to Archbishop Jón, was regarded as an enemy to the kingship, as is shown in a letter written by Loptr to Bishop Árni. In the letter, Loptr informed the bishop of the seriousness of the discord between the barons and the Church in Norway, and of the fact that the barons took it very badly that the bishop had stood against Loðinn at the General Assembly in 1281. Loptr then asked the bishop to be reconciled with the Crown (Ár.73:110-111.) After having read this letter, the bishop acted to save Loptr in Iceland; he discussed the matter with the Icelandic king's men at the General Assembly in 1284, where the issues brought by the letter from King Eiríkr and his mother were also

discussed. Bishop Árni asked Hrafn Oddsson and the other king's men for help to arrange Loptr's pardon and return (Ár.84:126.) They agreed and wrote about it in a letter to the king (Ár.88:130.)

Ch.94 of *Árna saga* narrates Loptr's pains to obtain the king's pardon in Norway. He finally received it in the summer of 1286, in Túnsberg, after the intercession of many of the king's men, both Icelandic and Norwegian, including Loðinn leppr himself.

It is unknown whether Loptr admitted his guilt in Norway, because the saga does not tell us the discussions between Loptr and the king's men. The saga just states that King Eiríkr took Loptr in reconciliation (*í sætt*), at the request of some of the king's men. Loptr spent the winter of 1286 with King Eiríkr, who welcomed him and "made him his *eiðsvari*" (*"gerði konungrinn hann eiðsvara sinn."*) Then the king gave him permission to go to Iceland the following summer (Ár.94:135-136.) Loptr came back to Iceland in the summer of 1287 and was greatly welcomed by the bishop (Ár.122:171.)

The pardoning of Loptr in 1286 was a result of the normalisation of the situation in Norway; in particular, in 1285-90 the barons and the Church headed towards an accord. One factor of in this normalisation was the maturing of King Eiríkr. As Magnús Stefánsson pointed out, the saga writer shows the increasing influence of King Eiríkr himself in the governing of the kingdom; the pardoning of Loptr, after making him his own follower (*eiðsvari*) in 1286, is one demonstration of that he came to power.¹³⁸ King Eiríkr, born in 1268, reached at the age of 18 years old in 1286; this age was enough to start ruling the kingdom himself. Also, in 1287 his mother, Queen Ingibjörg, died, which probably helped King Eiríkr's attain more independence. As a result of this amelioration of the tension from 1285 on, a concordat between the king and the new archbishop, Jörundr, was made in 1290.

¹³⁸ Magnús Stefánsson, *Frá goðakirkju*, 1978, p.212.

5.3 Political dynamics under kingship

Discrepancy over the subject's obligations

From this case of Loptr, then, what kind of changes can we see concerning the kingship?

Firstly, I focus on the issue of *pegnskylda* – the subject's obligations.

As we have seen above, in ch.4, Loptr swore the oath of fidelity to the kings in Norway, first in 1277-78 (ch.60), and again in 1280-81 (ch.61.) Nevertheless, he did not accept the king's new law, and Loðinn leppr regarded that as high treason. This indicates that the king's representatives from Norway took the oath of fidelity seriously, as the confirmation of absolute obedience to the king; in their view, one who swore the oath of fidelity should obey the king on every occasion. Yet Loptr's behaviour was not in accordance with this view; he may have understood his first oath of fidelity in 1277-78 simply as something akin to the sign of peacemaking that had been performed in Iceland since the Sturlung Era.

Here I base my discussion on Hans Jacob Orning about the dichotomy between absolute and contextual loyalty.¹³⁹ Contextual loyalty is situational, “not something that exists as a constant norm, but is a property that must be actively invoked by whoever desires or demands it from another person.”¹⁴⁰ Absolute loyalty is, in contrast, a clearly defined norm which does not vary in different situations: “In its ideal type, loyalty to the ruler will be constant in time and place in that his presence is generalized and internalized to the extent that his physical presence or use of coercion is not necessary for achieving obedience.”¹⁴¹

Orning also points out that writing makes this decontextualisation possible, and absolute loyalty is characteristic of a ‘state’ society, where direct encounters between the

¹³⁹ Orning, *Unpredictability*, 2008, pp.5-10.

¹⁴⁰ Ibid., p.6.

¹⁴¹ Ibid., pp.8-9.

king and his subjects are no longer crucial. If we focus on the case of political communication, the 16 volumes of *Diplomatarium Islandicum*, which include all well-known Icelandic medieval documents, clearly attest to the increase in political writing: documents from the earliest times until 1264 form around 6% of the whole collection, 15% are from the Norwegian Era (1265-1400), 24% from the 15th century and 55% from the 16th century.¹⁴² Since many documents must have been lost, this proportion does not show the actual situation of documentation. There is, however, a good possibility that the increase in political writing, which progressed from the late 13th-century,¹⁴³ would have made the decontextualisation of loyalty also possible in Iceland.

All Icelanders swore their loyalty to the king in Norway in 1262-64, but at that time *trúnaðareid* ('the oath of fidelity') was not fully established as a legal institution, as we have seen in section 4.1; it could mean different acts – the confirmation of personal ties or the collective oath of allegiance to the lord – and the meaning could change according to the context. Thus, presumably most Icelanders did not expect that the oath of fidelity at *konungstekja* confirmed absolute obedience to the king, which would allow the king to decide the law of Iceland for himself; that is why they strongly defied Loðinn leppr's order to accept the king's law without condition in 1281. However, when the five of the nine *landráðamenn* freed themselves from the summons after the assembly of 1281, the saga clearly remarks that they were asked to swear 'absolute loyalty' (*fullkomlig hlýðni*) to the king (Ár.65:98-99.) Thus, Loðinn leppr at least was well aware of the new form of loyalty.

¹⁴² Gunnar Karlsson, *Iceland's 1100 years*, 2007, p.258.

¹⁴³ Björn Þorsteinsson & Sigurður Lindal, *Lögfesting konungsvælds*, 1978, pp.28-33, especially p.29: after *Gamli sáttmáli* in 1262-64, the number of documents relating to Icelandic matters increased.

But, what about Loptr and others? In the first case, of 1277-78, it is unclear why Loptr (and Björn) were accused by the king's representative. All we know is that they were suspected of having spoken disrespectfully about the kingship, a matter which seemed quite serious from the viewpoint of the king's representative. On the other hand, in the second case Loptr's double oaths of fidelity were strongly criticised by Loðinn leppr. Also, just before Loptr's departure to Norway, Ásgrímr sýslumaðr accused him of *landráð* and perjury. Loðinn leppr and Ásgrímr thus had the same idea about the subject's obligation and the breach of this responsibility, but Loptr himself definitely did not think of himself as guilty, as he refuted Ásgrímr's accusation and argued that, "he, according to proper witnesses from the neighbourhood, was fulfilling his obligation to the king" ("hann hefði at allra byggðarmanna vitni alla lýðskyldu konungi goldit ok hvergi óframar" Ár.72:108.) On arriving at the Norwegian court, however, his view was clearly unacceptable to the king and the barons, who simply hurled abuse at him. This episode sheds light on a discrepancy concerning the subject's obligations between the king's circle and the subjects in Iceland.

And there was also a discrepancy displayed in the ideas shared among Icelanders. Obviously, most farmers in Iceland did not have the chance to meet the king directly. Within Iceland, they probably behaved in the same way to the king's representatives as before the submission in 1262-64, as Loptr did. But the Norwegian kings in the mid 13th century were on the path of ideological transformation. They intended to assert themselves as the only divinely chosen rulers over the whole kingdom, rulers who were granted the authority to demand absolute obedience from their subjects and who were no longer dependent on direct negotiation with their followers in the assemblies.

Icelandic king's men and the bishops, who had more chance to travel to Norway and to socialise within the king's circle, were presumably more familiar with the *rex*

iustus ideology and the idea of *þegnskylda* than others in Iceland. For example, in the conflict of 1277-78 (see above, 4.1), Ásgrímr sýslumaðr knew of the notion of *þegnskylda*, and used the breaching of it – in this case, the act of speaking treacherously about the king – to accuse his enemies, Loptr and Björn.

Nevertheless, it seems that even the king's men and the bishops tended to decide their behaviour according to their own interests in Iceland. Ásgrímr always acted in accordance with the Norwegian king's men, but when a severe discord occurred in the General Assembly of 1281 between the bishop and Loðinn leppr, Hrafn Oddsson and Jón lögmaðr Einarson managed to mediate between them. As for Hrafn Oddsson, on one occasion he expressed his agreement to the king's prerogative to reign over the law, as follows: "we know that no one in our land is to reign over the law except the king" ("Svá vitum vér ok at engi á váru landi á lögum at ráða utan konungr," Ár.85:127.) 'At ráða á lögum' can mean 'have the right of legislation,' but the meaning is ambiguous here. However, these words appear in the argument at the General Assembly of 1284 against Bishop Árni's insistence on Church rights. Hrafn tried to refute the bishop, arguing that it was not the bishop, but the king, who was to decide which right should belong to the Church. Furthermore, Hrafn's words are similar to Loðinn leppr's in 1281: "búkarlar gerðu sik svá digra at þeir hugðu at skipa lögum í landi, þeim sem konungr einn saman átti at ráða" (Ár.63:93; see above, 4.2.) At least we can assume that the saga writer here presented Hrafn as the supporter of the king's right. But later, in 1286, when King Eiríkr demanded levies (*leiðangr*)¹⁴⁴ from Iceland for the war against Sweden, the same Hrafn was reluctant to support the king, whereas in contrast Bishop Árni did support the king, mentioning the king's right to rule his subjects (Ár.110:157-8.) Thus, although the

¹⁴⁴ There is the stipulation about *leiðangr* in the Defence Section (*Landvarnarbálkr*) in the National Law in Norway, but in the Icelandic version, *Jónsbók*, the Defence Section was replaced by the section on royal taxation, and there is no stipulation concerning *leiðangr*. Gudmund Sandvik & Jón Viðar Sigurðsson, Laws, in McTurk ed., *A Companion*, 2005, p.228.

Icelandic king's men and bishops shared the new royal ideology, whether they supported it or not depended upon the occasion.

Delegation of the king's power

The attitude of the king's men such as Eindriði böggull, Loðinn leppr or Ásgrímr, shows that they tried to realise the new royal ideology in Iceland, mainly through demanding the oath of fidelity and by imposing summons to the king. But how far was this realisation achieved?

Since the king himself never came to Iceland, it was the king's representatives who executed the king's policy. But the intervention of representatives from Norway was restricted by their reach, and the number of Norwegian royal representatives in Iceland was certainly not large. For example, *Árna saga*, which covers the period ca1260-90, mentions only three Norwegian king's representatives who came to Iceland.¹⁴⁵

And the Icelandic king's men did not work in the same way as their Norwegian counterparts. For instance, none of the Icelandic king's men received the oath of allegiance to kings: when Icelanders accepted *Gamli sáttmáli*, they swore the oath to the Norwegian king's representatives, such as Ívarr Englason in 1256 (*HkS*, ch.283, p.280) and Hallvarðr gullskór (and the bishop Sigvarðr) in 1261-2 (*HkS*, ch.311, pp.322-3.) At the *konungstekja* of King Eiríkr and Duke Hákon in 1280, they submitted to Loðinn leppr (Ár. 61:85-6.) The Icelandic king's men often accompanied the Norwegian representatives at *konungstekja*, but they did not appear as the oath's receiver by themselves. Jón Viðar Sigurðsson,¹⁴⁶ Randi Wærdahl¹⁴⁷ and Sigríður Beck¹⁴⁸ have

¹⁴⁵ Eindriði böggull (1271-72: chs.18, 20; 1277-78: chs.44, 49, 60), Loðinn leppr (1280-81: chs.57, 61-63, 65), and Óláfr Ragnríðarson (1288: chs.126-128, 132-136.)

¹⁴⁶ Jón Viðar Sigurðsson, *The Icelandic aristocracy*, 1995, p.158, footnote 18: from Einar Laxness, *Íslendssaga A-K* (Reykjavík, 1974), p.7.

listed the names of the Icelandic king's men and officials. Among them, Hrafn Oddsson and Þorvarðr Þórarinnsson were appointed by King Magnús in 1273 to collaborate in governing Iceland,¹⁴⁹ and they appeared as the leaders of Icelanders thereafter, but even they did not become receivers of the oath of fidelity at *konungstekja*. This fact indicates that the king did not delegate his authority to the Icelandic king's men as much as he did to the Norwegians.

Social stratification

The scene of the assembly of 1281 was also remarkable by the clear distinction it made between the three social groups in Iceland: the king's men (*handgengnir menn, herrar*), the clergy and the common people (*bændr, almúgi, múgi, alþýða* – actually this group consisted of the élite of farmers.)¹⁵⁰ Throughout the entire *Árna saga* there is an intention to make a explicit distinction between these three groups. However, Loptr's case can be seen as ambiguous, because Loptr, the bishop's man, happened to go to Norway and had a chance to socialise with the king's men; did he achieve social promotion in Iceland, as a result?

¹⁴⁷ Randi Wærdahl, *Norges konges rike*, 2006, pp.261-265: Appendix: Kongens embetsmenn på Island 1273-1397 and footnote 904; she takes the information about officials and officials' periods from *Islandske Annaler indtil 1578, Árna saga biskupa, Lárentíus saga biskups, DI, Íslenzkar ártíðaskrár*.

¹⁴⁸ Sigríður Beck, *I kungens frånvaro*, 2011, pp.255-257: Bilaga: kungens män på island 1271-1387.

¹⁴⁹ “Þá lét Magnús konungr Þorvarð ok Hrafn sverja hvárn öðrum trúnaðareiða ok félagsskap í Björgyn at hjáveranda Jóni erkibiskupi ok mörgum öðrum mætum mönnum; ok fékk þeim allt Ísland til stjórnar undir hans valdi.” (“Then King Magnús made Þorvarðr and Hrafn swear to each other the oath of fidelity and fellowship at Bergen in the presence of Archbishop Jón and many other worthy men; and gave them all Iceland to rule under his authority.”) *Magnúss saga lagabætis*, p.373 (the English translation is mine.) This is an entry from *Gottskálks annáll*, which is extant in the manuscript Holm perg 5 8vo, dated to c.1550-60 (*Isl. Ann.*, pp.331-2), and believed to have been taken from the lost *Magnúss saga lagabætis*. This information about the oath between Hrafn and Þorvarðr is not found in the other annals, but *Árna saga* also says that King Magnús appointed Hrafn to the rule of half of Iceland (Ár.19:28.)

¹⁵⁰ For instance, the division between the three social groups is mentioned in Björn Þorsteinsson & Sigurður Línal, *Lögfesting konungsvalds*, 1978, pp.44-45 and p.76.

Before the journey to Norway, Loptr was counted among the farmers (*baendr*, Ár.61:86), but he was not a poor man. He was the steward of Skálholt, and obviously well supported by Bishop Árni. He could afford his voyage and stay in Norway, and he also spent quite a lot of money to get support for the king's pardon.¹⁵¹

In Norway, Loptr was initially banned from the king's court (*konungsgarðrinn*), and suffered abuse, but at last he was welcomed to the court, and "the king made him his *eiðsvari*" ("gerði konungrinn hann eiðsvara sinn" Ár.94:136.) Although Magnús Stefánsson interpreted this to mean that Loptr became a retainer (*handgenginn maður*) of King Eiríkr,¹⁵² since *eiðsvari* means 'one who is bound by oath,' the sentence can imply that 'the king made him swear the oath of fidelity,' and so it did not necessarily mean that Loptr became a king's retainer. But because the saga repeats the episode again when it mentions his return to Iceland (Ár.122:171), becoming the king's *eiðsvari* was at least thought to be honourable.

Unfortunately, we do not know if Loptr changed his idea about kingship after his four years' stay in Norway, nor if his social status in Iceland changed. *Árna saga* mentions Loptr only once after his return: in 1288, when Bishop Árni went to the General Assembly, Loptr was sent to Austfirðir (Ár.127:178.)¹⁵³ This short comment merely suggests that Loptr was working for Bishop Árni, just as he was before he went to Norway. Thus, most probably, his position in Iceland did not change, although his experience at the Norwegian court would have been thought honourable among the

¹⁵¹ For instance, Loptr paid Hallkell Ögmundarson (a vassal of King Magnús lagabætir) five hundreds of *vaðmál* (homespun wool, the main currency goods exported from Iceland), Ár.94:136.

¹⁵² Magnús Stefánsson, *Frá goðakirkju*, 1978, p.212.

¹⁵³ Guðrún Ása Grímsdóttir considers '*herra Loptr*,' mentioned in the description of 1289, to be Loptr Helgason (Ár.143:201 and the index on p.483), but this Loptr is more likely to be Loptr Hálfðanarson in Oddi as Gunhild & Magnús Stefánsson noted in the Norwegian translation (p.177, footnote 350.) Loptr Hálfðanarson is counted as *riddari* in Beck, *I kungens frånvoro*, 2011, p.256.

bishop's circle. Thus, Loptr's case cannot be counted as a case of the social promotion of a 'new man.'

Another issue is the relationship between the three social groups. Jón Viðar Sigurðsson maintains that the close relationship between farmers and chieftains was cut off after the chieftains became the king's men, mainly because they came to establish their authority from the king, and did not need the farmers' support any longer.¹⁵⁴ It is true that entering the king's service became a new source of authority, and the former chieftains gradually grew in status like the so-called 'service aristocracy,' but on the other hand it appears that the Icelandic king's men and the bishops occupied a similar position between the king in Norway and the farmers in their home country; in Iceland, they mediated between the farmers and the king's representatives from Norway, although each king's man and bishop had quite different interests. The relationship between the farmers and the king's men – i.e., the former chieftains – seems to have not been totally cut off, at least in the period of the 1270-80s.

Furthermore, in the 14th century, when many difficulties confronted the Norwegian kingship, its relationship with Icelanders was forced to change. When King Hákon háleggr died in Tønsberg in 1319, Magnús Eiríksson, the king of Sweden at that time, took over the crown of Norway – that marked the onset of a joint monarchy with Sweden and later with Denmark, which continued on until 1814. This danger to the Norwegian crown would have loosened the control of royal officials in Iceland, which may have allowed the traditional ways of the island to return in force; unfortunately, further investigation of this matter is necessarily beyond the scope of this paper.

¹⁵⁴ Jón Viðar Sigurðsson, *The Icelandic aristocracy*, 1995; Id., *Changing layers*, 2007.

The rhetorical intention

As the final remark, I would like to mention the rhetorical intention of *Árna saga*. The saga is often attributed to Árni Helgason, a nephew of Árni Þorláksson, and his successor to the bishopric of Skálaholt (1304-20), but this is not necessarily true, as Gunhild and Magnús Stefánsson have pointed out in their recent Norwegian translation; even still, they agree that the saga was written in the Skálaholt milieu around 1300, and that there Árni Helgason was a main source of information.¹⁵⁵ Árni Helgason was a brother of Loptr Helgason. If he had a strong influence on the contents of *Árna saga*, why did he include the story of his brother's hardships?

In *Árna saga*, the episode of Loptr's conflict in 1277-78 (ch.60) was inserted between Loðinn leppr's arrival to Iceland in 1280 (ch.57) and the events of the General Assembly in 1281 (ch.61-65.) There was thus a clear rhetorical intention to contextualise Loptr's discord with the king's men; Loptr's oath "never to be against a king's representative when he spoke on law and rights" in 1277-78 (Ár.60:85) obviously anticipated what happened between Loptr and Loðinn leppr later, in 1281.

The episode of Loptr was important for the saga-writers, most notably because it influenced the then bishop's struggle for the freedom of the Church against the secular king's men. Probably Loptr was chosen as a scapegoat by the king's men – specifically by Loðinn leppr – to damage the bishop's reputation (only Loptr was forced to go to Norway of the nine men who were originally called *landráðamenn* at the General Assembly of 1281.) The bishop could not prevent this summons, and after he received the letter from Loptr in Norway, the bishop had to concede to the king's men and so gave up some of what he thought to be the Church' rights in the assembly of 1284 (Ár.84-88:122-131.)

¹⁵⁵ *Biskop Arnes saga*, pp.11-12.

On the other hand the saga never presents Loptr as actually guilty of high treason. The saga instead carefully shows how he performed the oath of fidelity to the king, but nevertheless Loptr had to go to Norway and beg the king's pardon. This suggests that the saga-writers realised that the Icelanders' relationship to the king had changed, and the traditional way to show loyalty to the ruler (as they did to chieftains in the Sturlung Era) was no longer enough; another kind of loyalty – we might call it absolute obedience – was demanded. And thus the saga-writers would have tried to show how Icelanders – especially farmers – should behave as subjects to the king and his representatives.

Summary

From the case of Loptr Helgason we can first conclude that there was a discrepancy over the subject's obligations between the king's circle and the farmers in Iceland. Following the submission in 1262-64, every Icelander became a king's subject and had obligations to the king. The Norwegian king and his representatives came to demand absolute obedience from their Icelandic subjects, but in Iceland, most farmers did not really know how to behave as subjects and persisted in their ways of negotiating with the ruler.

There was also a gap between the farmers and those who were in the court milieu, such as bishops or king's men in Iceland. It was the bishop and the Icelandic king's men who could bridge that gap, and their intercession allowed farmers to deal with the king's demands and participate in political decision-making.

Another point is that in the transition period of the 1270-1280s the system of royal officials was unstable, and the Norwegian royal representatives had substantial influence on the execution of the king's power.¹⁵⁶ The Icelandic king's men also worked for the king, but the king did not delegate the same authority and power to Icelandic retainers as

¹⁵⁶ This supports Sigriður Beck's view that, "The royal emissaries were a part of Icelandic administration at least until 1319" (*I kungens frånvaro*, 2011, p.247 in the English summary.)

to their Norwegian counterparts. And, at least within Iceland, they could act very much in their own interests rather than caring about the king's ideology.

6. Conclusion

In conclusion, we should now be able to find an answer for the first question – was Iceland still a feuding society even after the submission to the king, or did it evolve into a state?

Although the information in the extant contemporary narratives is limited, it does indicate that people kept on feuding long after submitting to the king. At least, people did not stop claiming their rights by direct violence. In most matters Icelanders would have preferred to resolve their problems according to traditional methods: revenge, mediation and compromise.

In contrast, the case of Loptr Helgason's conflict set out in ch.4 and ch.5 shows some aspects of change under the king's rule. The king could have intervened in conflicts in Iceland through his representatives; in particular, when the issue under dispute was concerned with kingship – i.e., high treason – it was difficult to avoid the king's intervention. The institutionalised summons of subjects to the king was active in Iceland, just as it affected Loptr, for example. This situation implies that Iceland was no longer a purely feuding society, in which the peacemaking system through feuds fundamentally functioned to make up the absence of any central authority; the formalisation of feud by the lord progressed in Iceland as it did in other parts of Europe in the 13th century.

It should be noted, however, that the king's power did not readily become central in Icelandic society. The king's representatives executed his policy through the new legal institutions, such as summons to Norway or the oath of fidelity, but the kings in the late

13th century did not delegate their power to the Icelandic retainers as much as to the Norwegian representatives, whose intervention was surely restricted in Iceland.

Also, there was discrepancy between how the subjects *should* behave and how they *did* behave. The king started to demand absolute obedience from his subjects, but Icelanders were not always aware of this requirement: the farmers merely offered the king contextual loyalty, which allowed them to negotiate with the king; the Icelandic king's men and bishops shared the new royal ideology and, as Ásgrímr sýslumaður did to Loptr, often made use of the king's policy. However, whether they supported the king or not depended on the occasion. This difference in the implementation of the subject's obligation shows that Icelanders, who confronted the new ideology and policy of the king in the 1270-80s, tended to keep their way in many matters.

We can therefore conclude that the centralisation of legislative and judicial power to the king – or state formation – on the one hand actually progressed in Iceland during the period of the 1270-80s, but on the other Icelanders could retain their old ways. What, then, was their way – or, the uniqueness of the state-less society? We can at least say that they kept on feuding and continued negotiating with the ruler at assemblies, for long after their submission to the crown, as is for instance shown by *Skálholtssamþykkt* in 1375, through which they demanded their right to participate in the election of lawmen.¹⁵⁷ In fact, feud in some form was also continued in Norway,¹⁵⁸ and it is necessary to explore more deeply into the continuing history of feuds and feuding culture, an investigation that this paper has merely begun.

¹⁵⁷ Beck, *I kungens frånvaro*, 2011, p.69.

¹⁵⁸ Helgi Þorláksson, *Konungsveld og hefnd*, 1997, pp.253-4; Erik Opsahl ed. *Feider og fred i nordisk middelalder*, 2007.

Bibliography

Primary Sources

Ár. = *Árna saga biskups*, in *Biskupa sögur* III (ÍF XVII), 1-212.

Biskop Arnes saga. trans. Gunhild & Magnús Stefánsson. Oslo. 2007.

Biskupa sögur III = *Biskupa sögur* III (Íslenzk fornrit XVII). ed. Guðrún Ása Grímsdóttir. Reykjavík. 1998.

Diplomatarium Islandicum: Íslenzkt fornbréfasafn. 16 vols. Kaupmannahöfn. 1857-1952.

HkS = *Hakonar saga, and a fragment of Magnus saga, with appendices*, ed. Gudbrand Vigfusson, London, 1887 (repr. 1964).

ÍF = Íslenzk fornrit

Isl. Ann. = *Islandske Annaler inntil 1578*, ed. Gustav Storm, Christiania. 1888 (repr. 1977).

Íslenskar ártíðaskrár eða Obituaria Islandica með athugasemdum, XXV ættaskrá og einni rímskrá. ed. Jón Þorkelsson. Kaupmannahöfn. 1893.

Járnsíða 2005 = *Járnsíða og Kristinréttur Árna Þorlákssonar*. eds. Haraldur Bernharðsson, Magnús Lyngdal Magnússon & Már Jónsson. Reykjavík. 2005.

Jónsbók 1904 = *Jónsbók: Kong Magnus Hakonssons lovbog for Island vedtaget paa Altinget 1281, og réttarbætr*. ed. Ólafur Halldórsson. København. 1904.

Jónsbók 2010 = *The Laws of Later Iceland: Jónsbók: The Icelandic Text According to MS AM 351 fol. Skálholtsbók eldri. With an English Translation. Introduction and Notes by Jana K. Schulman*. Saarbrücken. 2010.

Konungs Skuggsjá: Speculum Regale. ed. Magnús Már Lárusson. Reykjavík. 1955.

Króka-Refs saga, in *Íslenzk fornrit* XIV. ed. Jóhannes Halldórsson. Reykjavík. 2007, 117-160.

Lá. = *Lárentíus saga biskups*, in *Biskupa sögur* III (ÍF XVII), 213-441.

Magnúss saga lagabætis, in *Hakonar saga, and a fragment of Magnus saga, with appendices*, ed. Gudbrand Vigfusson. London. 1887 (reprint 1964)

NgL I = *Norges gamle Love indtil 1387 I*, eds. R. Keyser & P.A. Munch. Christiania. 1846.

Sts. 1946 = *Sturlunga saga I-II*, eds. Jón Jóhannesson, Magnús Finnbogason & Kristján Eldjárn. Reykjavík. 1946.

Sts.1988 = *Sturlunga saga; Árna saga biskups; Hrafn's saga Sveinbjarnarsonar hin sérstaka*. 3 vols. eds. Örnólfur Thorsson et al. Reykjavík. 1988 (Paperback from Mál og menning, 2010).

Secondary Sources

Agnes S. Arnórsdóttir. 2010. *Property and Virginity: The Christianization of Marriage in Medieval Iceland 1200-1600*. Aarhus.

Andersen, Per. 2005. Sicily, Denmark and Aragon: Three Kingdoms, Three Laws, One Ideology. In *How Nordic are the Nordic medieval laws?* eds. Ditlev Tamm & Helle Vogt, 116-127. Copenhagen.

Axel Kristinsson. 1998. Embættismenn konungs fyrir 1400. *Saga XXXVI*: 113-152.

Bagerius, Henric. 2011. *Mandom och mödom: Sexualitet, homosocialitet och aristokratisk identitet på det senmedeltida Island*. Doctoral thesis, Göteborgs universitet.

Bagge, Sverre. 1987. *The Political Thought of the King's Mirror*. Odense.

Bagge, Sverre. 1996. *From Gang Leader to the Lord's Anointed: Kingship in Sverris saga and Hakonar saga Hakonarsonar*. Odense.

Bagge, Sverre. 2001. Law and justice in Norway in the Middle Ages: a case study. In *Medieval Spirituality in Scandinavia and Europe: A Collection of Essays in Honour of Tore Nyberg*, eds. Lars Bisgaard et al., 73-85. Odense.

Bagge, Sverre. 2010. *From Viking Stronghold to Christian Kingdom: State Formation in Norway, c. 900-1350*. Copenhagen.

Barreiro, Santiago. 2010. *Big Men During the Icelandic Commonwealth*. MA thesis, Háskóli Íslands.

Beck, Sigríður. 2011. *I kungens fránvaro. Formeringen av en isländsk aristokrati 1271–1387*. Doctoral thesis, Göteborgs universitet. Humanistiska fakulteten.

Beistad, Heidi Anett Øvergård. 2008. *Kirkens frihet: biskop Arne Torlaksson som Islands reformator*. MS thesis, NTNU, Trondheim.

Björn Þorsteinsson & Sigurdur Línal. 1978. Lögfesting konungsvalds. In *Saga Íslands III*. ed. Sigurður Línal, 17-108. Reykjavík.

Björn Þorsteinsson et al. 1991. *Íslandssaga til okkar daga*. Reykjavík.

Black-Michaud, Jacob. 1975. *Feuding societies*. Oxford.

- Boulhosa, Patricia Pires. 2005. *Icelanders and the Kings of Norway: Medieval Sagas and Legal Texts*. Leiden & Boston. (Icelandic translation of ch.3: *Gamli sáttmáli: tilurð og tilgangur*, trans. Már Jónsson, Reykjavík, 2006.)
- Boulhosa, Patricia Pires. 2010. Of fish and ships in medieval Iceland. In Imsen, ed. 2010, 175-197.
- Byock, Jesse L. 1982. *Feud in the Icelandic Saga*. Berkeley & Los Angeles.
- Byock, Jesse L. 1988. *Medieval Iceland: Society, Sagas and Power*. Berkeley.
- Byock, Jesse L. 2003. Feuding in Viking-age Iceland's great village. In *Conflict in Medieval Europe*. eds. W.C. Brown & P. Gorecki. Ashgate.
- Cattaneo, Grégory. 2010. The oath of fidelity in Iceland: a tie of feudal allegiance? *Scandinavian Studies* 82 (1): 21-36.
- Cheyette, Frederic. 1970. Suum cuique tribute. *French Historical Studies* 6: 287-299.
- Cleasby-Vigfusson = *An Icelandic-English Dictionary, initiated by Richard Cleasby, subsequently revised, enlarged and completed by Gudbrand Vigfusson*. 2nd ed. Oxford. 1957.
- Fritzner, J. ed. 1883. *Ordbog over det gamle norske Sprog*. 3 vols. Kristiania.
- Gunnar Karlsson. 2000. *Iceland's 1100 Years: History of a Marginal Society*. London.
- Gunnar Karlsson. 2004. *Goðamenning: staða og áhrif goðorðsmanna í þjóðveldi Íslendinga*. Reykjavík.
- Gunnar Karlsson. 2007. *Inngangur að miðöldum*. Handbók í íslenskri miðaldasögu I. Reykjavík.
- Gunnar Karlsson. 2009. *Lífsbjörg Íslendinga: frá 10. öld til 16. aldar*. Handbók í íslenskri miðaldasögu III. Reykjavík.
- Gurevich, Aron Ya. 1967. Wealth and gift-bestowal among the ancient Scandinavians. *Scandinavica* 7: 126-139.
- Gurevich, Aron Ya. 1985. *Categories of Medieval Culture*. London.
- Haug, Eldbjörg. 1997. The Icelandic annals as historical sources. *Scandinavian Journal of History* 22: 263-274.
- Heusler, Andreas. 1911. *Das Strafrecht der Isländersagas*. Leipzig.
- Heusler, Andreas. 1912. *Zum isländischen Fehdewesen in der Sturlungenzeit*. Berlin.

- Helgi Skúli Kjartansson. 2011. Gamli sáttmáli – hvað næst? *Saga* XLIX:1: 133-153.
- Helgi Þorláksson. 1987. Að vita sann á sögunum. *Ný Saga* 1: 87-96.
- Helgi Þorláksson. 1991. *Vaðmál og verðlag: Vaðmál í utanlandsviðskiptum og búskap Íslendinga á 13. og 14. öld*. Doctorial thesis, Háskoli Íslands.
- Helgi Þorláksson. 1994. Hvað er blóðhefnd? In *Sagnaþing: helgað Jónasi Kristjánssymi sjötugum 10. Apríl 1994*. eds. Gísli Sigrðsson et al., 389-414. Reykjavík.
- Helgi Þorláksson. 1997. Konungsvald og hefnd. In *Sagas and the Norwegian Experience: 10th International Saga Conference: preprints = Sagaene og Noreg: 10. Internasjonale Sagakonferanse: fortrykk: Trondheim, 3. -9. August 1997*, 249-261.
- Helgi Þorláksson. 1998. Hruni. Um mikilvægi staðarins fyrir samgöngur, völd og kirkjulegt starf á þjóðveldisöld. *Árnesingur* V: 9-72.
- Helgi Þorláksson. ed. 2005. *Church Centres: Church Centres in Iceland from the 11th to the 13th Century and their Parallels in other Countries*. Reykholt.
- Helgi Þorláksson. 2007. Feud and feuding in the early and high Middle Ages: Working descriptions and continuity. In *Feud in Medieval and Early Modern Europe*. eds. Jeppe Büchert Netterstrøm & Bjørn Poulsen, 69-94. Aarhus.
- Helgi Þorláksson. 2007. Er Gamli sáttmáli tómur tilbúningur? *Þriðja íslenska söguþingið 18. -21. Maí 2006: ráðstefnurit*, eds. Benedikt Eypórsson & Hrafnkell Lárusson, 392-398. Reykjavík.
- Imsen, Steinar. Ed. 2010. *The Norwegian Domination and the Norse World c.1100 - c.1400*. ROSTRA books 3. Trondheim.
- Jón Jóhannesson. 1958. *Íslendinga saga II: Fyrirlestrar og ritgerðir um tímabilð 1262-1550*. Reykjavík.
- Jón Viðar Sigurðsson. 1999. *Chieftains and Power in the Icelandic Commonwealth*. trans. Jean Lundskær-Nielsen. Odense. (Revised version of *Goder og maktforhold på Island i fristatstiden*. Doctoral thesis, Universitetet i Bergen, 1993).
- Jón Viðar Sigurðsson. 1995. The Icelandic aristocracy after the fall of the Free State. *Scandinavian Journal of History* 20: 153-166.
- Jón Viðar Sigurðsson. 2000. Allir sem sjá líta þó ekki jafnt á: sagnaritun um íslenskar miðaldir fram um 1300. *Saga* 38: 33-57.

- Jón Viðar Sigurðsson. 2006. Tendencies in the historiography on the medieval Nordic states (to 1350). In *Public Power in Europe: Studies in Historical Transformation*, ed. Amelang, James S. & Siegfried Beer, 1-15. Pisa.
- Jón Viðar Sigurðsson. 2007. Changing layers of jurisdiction and the reshaping of Icelandic society c. 1220-1350. In *Communities in European History: Representations, Jurisdictions, Conflicts*. eds. Juan Pan-Montojo and Frederik Pedersen, 173-187. Pisa.
- KLNM = *Kulturhistorisk leksikon for nordisk middelalder fra vikingetid til reformation*. 22 vols. eds. J. Danstrup et al. København: Rosenkilde og Bagger, 1980-1982.
- Lára Magnúsdóttir. 2007. *Bannfæring og kirkjuvald á Íslandi 1275-1550: lög og rannsóknarforsendur*. Reykjavík.
- Liepe, Lena. 2009. *Studies in Icelandic Fourteenth Century Book Painting* (Snorrastofa series on medieval research IV). Reykholt.
- Magnús Stefánsson. 1978. Frá goðakirkju til biskupskirkju. In *Saga Íslands* III. ed. Sigurður Líndal, 109-257. Reykjavík.
- Már Jónsson. 1993. *Blóðskömm á Íslandi 1270-1870*. Reykjavík.
- McTurk, Rory. ed. 2005. *A Companion to Old Norse-Icelandic Literature and Culture*. Oxford.
- MSE = Plusiano, Philip. ed. 1993. *Medieval Scandinavia: An Encyclopedia*. New York & London.
- Narikawa Takahiro. 2008. *Innovations and Conservatism: Foundation of the Metropolitan Authority and the Effective Control within the Church Province of Nidaros in the Thirteenth Century*. M.Phil. thesis, University of Oslo.
- Opsahl, Erik. ed. 2007. *Feider og fred i nordisk middelalder*. Oslo.
- ONP: *Registre = Ordbog over det norrøne prosasprog: Registre*. 1989. København: Arnamagnæanske kommission.
- Orning, Hans Jacob. 2008. *Unpredictability and Presence: Norwegian Kingship in the High Middle Ages*. Leiden & Boston.
- Orning, Hans Jacob. Kim Esmark & Lars Hermansson. eds. 2010. *Gaver, ritualer, konflikter: Et rettsantropologisk perspektiv på nordisk middelalderhistorie*. Oslo.
- Orri Vésteinsson. 2007. A divided society: peasants and the aristocracy in medieval Iceland. *Viking and Medieval Scandinavia* 3: 117-139.
- Sigurður Líndal. 1982. Lögfesting Jónsbókar 1281. *Tímarit lögfræðinga* 32: 183-195.

- Sverrir Jakobsson. 1998. Friðarviðleitni kirkjunnar á 13. öld. *Saga XXXVI*: 7-46.
- Sverrir Jakobsson. 2009. The process of state-formation in medieval Iceland. *Viator* 40 (2): 151-170. doi:10.1484/J.VIATOR.1.100426.
- Steblin-Kamenskij, M.I. 1973. *The Saga Mind*. trans. Kenneth H. Ober. Odense.
- Turner, Victor. 1971. An anthropological approach to the Icelandic saga. In *The Translation of Culture: Essays to E.E.Evans-Pritchard*. ed. Beidelman, T.O., 349-374. London.
- White, Stephen. 1978. *Pactum...legem vincit er amor judidium*: the settlement of disputes by compromise in eleventh-century western France. *American Journal of Legal History* 22: 281-308.
- Wærdahl, Randi Bjørshol. 2006. *Norges konges rike og hans skattland: kongemakt og statsutvikling i den norrøne verden i middelalderen*. Trondheim. (English ver.: *The Incorporation and Integration of the King's Tributary Lands into the Norwegian Realm c. 1195-1397*. Leiden & Boston. 2011)