

## Feuding and Kingship in 13<sup>th</sup>-Century Iceland: A Case of Medieval State Formation\*

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### 1. Introduction

Iceland was an unpopulated island at the beginning of the Middle Ages in Europe. The island was inhabited mainly by Norwegian Vikings in the period between 870 and 930.<sup>1</sup> The settlers developed a society with laws and assemblies, but without any king. For over 300 years Iceland was a “free state” surrounded by monarchies,<sup>2</sup> but in 1262–64 they accepted the rule of the king of Norway and became a part of the Norwegian kingdom (see *Map 1*). Iceland stayed under the king’s rule until it recovered its independence in the 20<sup>th</sup> century.<sup>3</sup>

During the 19<sup>th</sup> century, many studies on medieval Iceland were conducted. Foreign scholars—German in particular—regarded the medieval Icelandic study as an important source through which they could understand ancient Germanic society and culture, because Icelanders produced a significant body of literature including *Edda*<sup>4</sup> and various sagas. Sagas are the prose narratives that vividly illustrate the life of people in medieval Iceland or ancient Northern Europe—though the contents are made up of both facts and fiction.

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\* This paper is a summary of my MA thesis that was submitted to the University of Iceland in 2012: Sayaka Matsumoto, *No Longer a Feuding Society? Legal Practice and Kingship in Late 13th-Century Iceland*. This project is supported by Grant-in-Aid for JSPS Fellows.

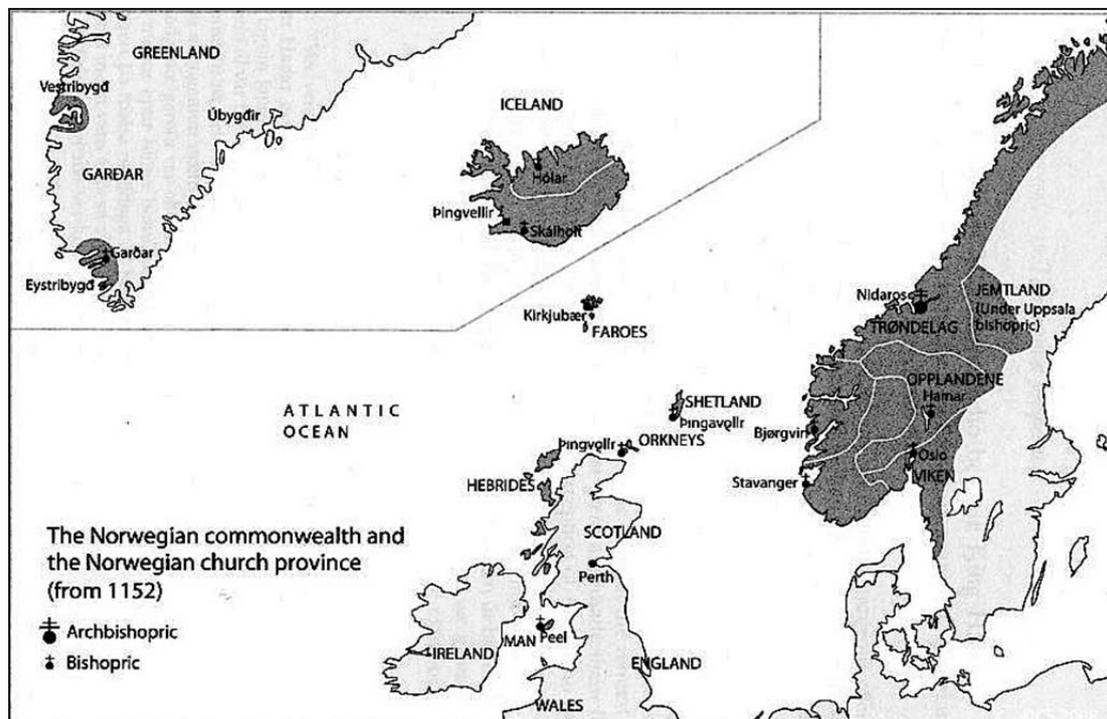
<sup>1</sup> The Norwegian Vikings often brought people from the British islands with them as their family members or slaves; this was especially the case with women.

<sup>2</sup> Sverrir Jakobsson 2009: 151.

<sup>3</sup> Iceland was ruled first by Norwegian kings until 1380, and then by Danish kings due to the personal union of the two monarchies. Iceland gained home rule in 1904 and became a republic in 1944.

<sup>4</sup> *Edda* is the name used for two texts concerning the Norse mythology: the *Poetic Edda* (the compilation of verses) and the *Prose Edda* (the instructive book for poets written by Snorri Sturluson).

*Map 1: The Norwegian kingdom (Norgesveldet) and the Norwegian church province*



(From Orning, Hans J. 2008. *Unpredictability and Presence: Norwegian Kingship in the High Middle Ages*, p. xi)

Earlier studies were based mainly on sagas and laws and often showed the society of medieval Iceland as a “commonwealth” consisting of farmers with relatively equal status; Icelandic scholars tended to see the medieval period as the golden age of Icelandic history, mainly because the Icelandic people were independent at that time. Thus, the society that existed in the period between 930—when its law and assembly systems were thought to have been established—and 1262 is referred to as the “Icelandic Commonwealth” or the “Free State” (*Þjóðveldið* in Icelandic). This nationalistic view was a central part of Icelandic historiography until the middle of the 20<sup>th</sup> century.

From the 1970s, however, this tendency came to change, chiefly because of the influence of anthropology.<sup>5</sup> It was two Americans in particular, Jesse L. Byock<sup>6</sup> and William I. Miller,<sup>7</sup> who examined the role that feuds played in the Free State society

<sup>5</sup> About this trend, see Jón Viðar Sigurðsson 2006.

<sup>6</sup> Byock, Jesse L. 1982; 1988.

<sup>7</sup> Miller, William I. 1990.

and subsequently revealed a social life that was based on feuds. As a result we have plenty of studies on feuds in the Icelandic Free State, but, conversely, less studies of the changes that took place under the king's rule. Most of the past research has generally argued that people stopped feuding under the king's rule because the new laws made by the Norwegian king forbade it.<sup>8</sup>

However, this view of radical change from the Free State to a centralized society under the king is now being updated from two viewpoints: first, the Free State is no longer believed to have been a flat society of free farmers, because it has been revealed that the social strata of the period was much deeper than was formerly assumed.<sup>9</sup> Second, as a result of the decreasing nationalistic view that developed during the late 20<sup>th</sup> century, more and more scholars have come to think of Iceland's shift from Free State to part of the Norwegian kingdom as not so radical or tragic as was thought previously.<sup>10</sup>

Given this historiography, I am attempting in this paper to rethink the social changes that took place in 13<sup>th</sup> century Iceland by focusing on conflict studies. The shift from local autonomy to a more centralized state was universal in medieval history, and this process mostly included the banning of feuds. However, that shift to state formation took a long time and feuds—or the culture based on feuding—were likely persistent throughout. It is thus necessary to look more closely at the process of social changes in Iceland by asking: what happened to feuds in Iceland after the country came under the rule of a king—did people stop feuding? If not, what changed? This paper aims to introduce a new aspect of interaction between the king and his subjects in medieval Iceland.

## **2. Changes in the Law: Banning of Feuds**

### **2.1. Feuds in Iceland**

At the outset, 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 acted out for the purpose of revenge, primarily carried

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<sup>8</sup> For instance, see Sigurður Línðal ed. 1978.

<sup>9</sup> Orri Vésteinsson (2007) most vigorously proposed this argument.

<sup>10</sup> Patricia P. Boulhosa (2005) is a clear example of this tendency.

on outside the boundaries of the judicial system according to certain norms.<sup>11</sup> Iceland in the Free State era was a stateless society, and feuding played a fundamental role in protecting individual rights and property.

*Table 1: Distinctive features of the Icelandic feud*

Feud in the broad sense	Feud in the narrow sense
A feud (a “true feud”) Fehde (German) Feud-like vendetta	A blood-feud Blutrache (German) Blutrache-like vendetta
<ul style="list-style-type: none"> <li>- A <b>hostile state</b> between two individuals or groups.</li> <li>- <b>Honor</b> compels people to react to a wrong.</li> <li>- Happens when <b>violence</b> is used; involves the damaging of property or livestock, but does not necessarily include bloodshed.</li> <li>- There is a rhythm of <b>alternation</b>: provocation-response.</li> <li>- The violence is limited, but <b>escalates</b> gradually.</li> <li>- A mutual concern with honor prevents the adversaries from seeking settlements themselves, and a <b>third party’s intervention</b> is necessary for reconciliation.</li> </ul>	<ul style="list-style-type: none"> <li>- Acts of revenge, which <b>include bloodshed</b>.</li> </ul>

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

The distinctive features of the Icelandic feud are outlined in *Table 1*.<sup>12</sup> According to these definitions, I use the word “feud” in this paper in the broader sense; that is, a way to claim rights and restore honor through violence, while “blood-feud” is used in the narrow sense; that is, a revenge attack with bloodshed. This distinction is significant for two reasons, the first being that it does not confine the term “feud” to include only confrontations such as vengeance killings, but it also incorporates cold-state and hostile relations. Secondly, this distinction aids in understanding the process of minimizing feuds by public authority. From the 11<sup>th</sup> century onwards, the effort to minimize

<sup>11</sup> Helgi Þorláksson 2007: 85–86.

<sup>12</sup> Helgi Þorláksson 2007: 70–74.

violence and killings among Christians became common in Western Europe, alongside the peace movement led by the Church (*Pax Dei* or *Treuga Dei*).<sup>13</sup> The Church, as well as emerging secular monarchs, gradually succeeded in minimizing blood feuds by imposing many restrictions; nevertheless, a traditional idea of feuds—claiming one’s rights through violence—survived for centuries after the peace movement. At that time, the societies that carried out feuding in the broad sense most likely thought it to be necessary, and even the Church tolerated it. This paper will consider whether the same was true in Iceland.

## 2.2. Law under the King: Dealing with Killing and Feuds

This section will address the laws given by the king. In 1262–64, Icelanders swore loyalty to the king of Norway and agreed to pay him tribute. Approximately ten years later, the king introduced a new law into Iceland. The new law, called *Járnsíða*, was first introduced in 1271 and was accepted completely two years later. This was replaced in 1281 when another law code, *Jónsbók*, was accepted.

According to *Jónsbók*, the main changes relating to killing and feuds were threefold: first, royal officials were supposed to supervise lawsuits. Second, the one who killed another should be outlawed and ought to pay the king a fine<sup>14</sup>—apart from the compensation owed to the victim’s relatives—as well as leave Iceland to meet the king of Norway, since it was only the king who had the authority to revoke their outlawry. Third, revenge was only allowed in the cases where the man who had been wronged did not accept compensation, and the sheriff (*sýslumaðr*), a royal official, neglected to remedy the injustice.<sup>15</sup>

These features show that the Norwegian kings in the late 13<sup>th</sup> century generally aimed to ban feuds. This attitude was based on the new ideology of *rex iustus*, which saw the king as absolute judge under God’s authority, and which was

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<sup>13</sup> The Church movement in Iceland advanced in the 13<sup>th</sup> century. Cf. Sverrir Jakobsson 1998.

<sup>14</sup> The fine to be paid to the king was called *þegnildi*, which literally means “wergild for a subject” and costs 13 marks of silver.

<sup>15</sup> *Jónsbók* 2010: 32–35 (IV, 1), 68–71 (IV, 21). Cf. Helgi Þorláksson 1997: 252.

predominant in the king's circle in the middle of the 13<sup>th</sup> century.<sup>16</sup> The imposing of a fine paid to the king meant that killing was no longer just a matter affecting those who were involved, but it was also a public crime against the king.

In summary, the king's law generally aimed to ban feuds and ordered subjects to follow the judgment of the king or his officials first; however, the king partly had to compromise with the local custom, as revenge was allowed as an alternative in the case that royal officials did not work properly. While this is the view as seen from the side of the law, it remains to be asked whether, in practice, people gave up the traditional way of feuding, or retained it.

### 3. Feuds under the King's Rule

The main sources for the period after 1264 are *Árna saga biskups*, *Lárentíus saga* and some annals. From these sources, we know about some cases of feuds or killings, as listed in *Table 2*.

The number of known cases of feuds or killings during this period is very limited: the cases that can be defined as blood feud number only four (Nos.1, 3, 4, 5 in Table 2) or five (No.2 could have been blood-feuds, but this is not detailed in the text). This is probably the result of the sources' nature: the bishop's sagas and annals are generally not concerned with feuding. Thus, the cases listed here are presumably fewer in number than those that actually happened, and it cannot be said with confidence that the number of feuds declined under the king's rule. Rather, it seems that for a long time after the submission to the king people did not stop feuding; that is, claiming their rights by direct violence.

So far, from the limited information that exists about feuding, it is hard to know the connection between the traditional practice and the new judicial system under the king. It would therefore be beneficial to look at the wider context of conflicts.

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<sup>16</sup> Sverre Bagge 2010: 179–227.

**Table 2: The list of feuding cases 1264–1400**

No.	Year	Event	Source
1	1273	In order to avenge his father, Guðlaugr Tannason attacked and severely injured a man called Marteinn. .	Ár. ch.28
2	1296	“There was a killing-summer, and 9 <i>stökkvivið</i> [‘a chain of killings’] occurred in Iceland.”	<i>Annals</i> III, VII, IX
3	1309 –1310	1. Karlamagnús Magnússon from the Oddaverjar family killed Sir ( <i>herra</i> ) Kolbeinn Bjarnarson, because Kolbeinn had uttered a defamatory verse about him, though Kolbeinn denied it and wanted to pledge innocence.  2. Karlamagnús and two others were killed in revenge for Kolbeinn on the initiative of his son, Þórðr Kolbeinsson.	<i>Annals</i> IV, V, VII, VIII, IX; Lá. A: ch.27–8; B: ch.32
4	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 Gunhyltingr.  2. Þorsteinn was killed in revenge for Arnórr.	<i>Annals</i> V, VI, VIII, IX
5	1344	1. Killing of Páll Eyjólfsson.  2. Páll's sons took revenge and killed two men who presumably attended to the killing of Páll.	<i>Annals</i> VIII, IX

(After Helgi Þorláksson, *Konungsvald og hefnd*, 1997, pp.251–2, 254–5. Ár. = *Árna saga biskups* and Lá. = Lárentíus saga in *Biskupa sögur* III; *Annals* = *Íslandske Annaler inntil 1578*. No. is showed in *Table 3*)

**Table 3: The Icelandic annals**

No. and Titles (in <i>Íslandske Annaler inntil 1578</i> )		Manuscripts	Dating of MS
Medieval (extant in 14 <sup>th</sup> 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 <sup>th</sup> –17 <sup>th</sup> 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

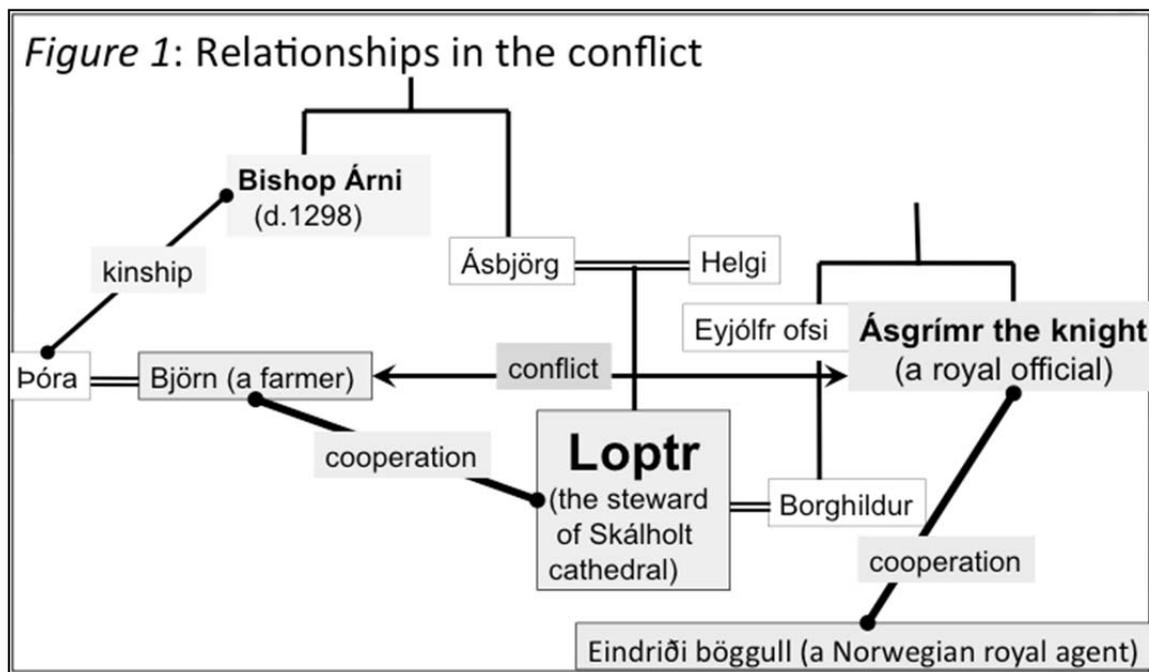
#### 4. Conflict Solution under the King's Rule

This chapter provides a snapshot of how conflicts were resolved in Iceland under the king's rule, by focusing on a conflict that occurred in 1277–78.

The main source for this chapter is *Árna saga biskups* (the Saga of Bishop Árni). This saga tells of the life of Árni Þorláksson (1237–1298), a bishop of Skálholt (one of two bishoprics in Iceland), and was written shortly after the bishop's death. Bishop Árni was a strong protagonist for the Church's rights and had many struggles against lay chieftains in Iceland, so the saga would have reflected the bishop's bias. Yet, it is thought to be a relatively reliable historical source because the time between the occurrence and recording of events was short, and the saga's chronology and citation of information sources was carefully prepared.

The particular conflict that is the focus of this chapter happened while a Norwegian royal agent, Eindriði böggull, was in Iceland in 1277–78. There was a man

called Björn who was a good farmer and the husband of a kinswoman of Bishop Árni. This man fell into disagreement with Ásgrímr, a royal official in Iceland. Björn had his relative Loptr stand by him, but Ásgrímr was offended by this because Loptr was also related to him by marriage. Loptr Helgason was a nephew of Bishop Árni; he was not a cleric, but the steward of Skálholt cathedral (See *Figure 1*).



Then, Ásgrímr tried to bring a lawsuit against both Björn and Loptr. Ásgrímr heard a rumor 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”)<sup>17</sup>. This description is very short, but seems to indicate that the two were suspected of having spoken treacherously about the king.<sup>18</sup> Ásgrímr made use of the rumor and accused them of high treason. Then Bishop Árni informed the royal agent Eindriði of this matter; Eindriði flew into a rage and summoned both Loptr and Björn to the royal court in Norway. Loptr and Björn asked Bishop Árni for help, and the bishop arranged a meeting of those involved (Loptr, Björn, Ásgrímr and Eindriði böggull). After the meeting, Eindriði gave up the summons and they all reached a

<sup>17</sup> Árna saga biskups, in *Biskupa sögur* III (Abbreviated to *Ár.*), ch.60, p.84.

<sup>18</sup> *Ár.*, ch.60, p.85, Footnote 1.

settlement. This is the outline of the conflict and it should be asked what, then, is new in this process?

#### 4.1. The Summons to Norway

To answer this question I would like to focus first on the summons to the Norwegian royal court. The summons of men from Iceland to the Norwegian king was not uncommon before 1262 when submission to the king's rule was imposed, but at that time the summons was limited to the king's own retainers, who were bound by court law (*hirðskrá*). The king at that time could not summon Icelanders who were not his men. Conversely, after 1262 the king had the right to summon every Icelander, regardless of whether he was a king's retainer or not, and a royal agent from Norway actually executed this right in Iceland in the 1270s—a big change following the submission.

#### 4.2. The Oath of Fidelity

I will focus next on the process of settlement. Here are the details of their meeting:

Peir 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.

(They, Loptr and Björn, made an excuse, and in the event it turned out that there was no need to offer the pledge of innocence. Thus, it was agreed that they would swear the oath of fidelity to King Magnús and King Eiríkr and Duke Hákon. To do this, they placed their hands on the book [the Bible] and then called God to witness that they were obliged to him to be faithful and loyal, both secretly and openly, and never to be against a king's agent when he spoke on law and rights)<sup>19</sup>.

The allegation against Loptr and Björn was that of speaking treacherously about the king. According to *Járnsíða*—the Icelandic law of the time about speaking, given by the king—in order to be freed from the allegation, it was necessary for the men to pledge

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<sup>19</sup> Ár., ch.60, p.85.

their innocence under oath before witnesses.<sup>20</sup> However, at the settlement meeting the royal agent Eindriði found their case not as serious as he had originally thought, and he declared that kind of oath was not necessary to take. Nevertheless, the two men were asked to swear “the oath of fidelity” (*trúnaðareidr*), and this begs the question: why was this oath demanded?

In Iceland “the oath of fidelity” was a custom newly introduced around 1230 from Western Europe, via Norway. This oath was used in two ways<sup>21</sup>:

1. as a mark of submission to the crown of Norway (The king could delegate his authority to his agents in order to make the people swear the oath).
2. as a symbol of settlement between two opposing parties that involve the king or some Icelandic overlords.

The oath worked to secure the vertical relationship (rulers – ruled) in both of these ways, but the degree of obedience was probably higher to the former than the latter. The oath of fidelity in 1277–78 was thus not new itself but had two possible meanings: the royal agent most likely demanded this oath of the two Icelanders in order to secure their loyalty to the king—exercising the oath’s use as in type 1—because the two were suspected of being disloyal; while the two Icelanders possibly took the oath simply as a symbol of settlement (as in type 2).

Moreover, prior to the submission in 1262–64 there were no legal grounds for the oath of fidelity in Iceland, but in 1277–78 there was a clear formula of it written in *Járnsíða*. Thus, by 1277 the oath of fidelity had become a legal institution in Iceland through which the king and his agents intended to secure the subjects’ loyalty.

#### 4.3. Delegation of the Royal Power

In the oath, Loptr and Björn also swore “never to be against a king’s agent when he spoke on law and rights”. This wording is not included in the formula in *Járnsíða*, and

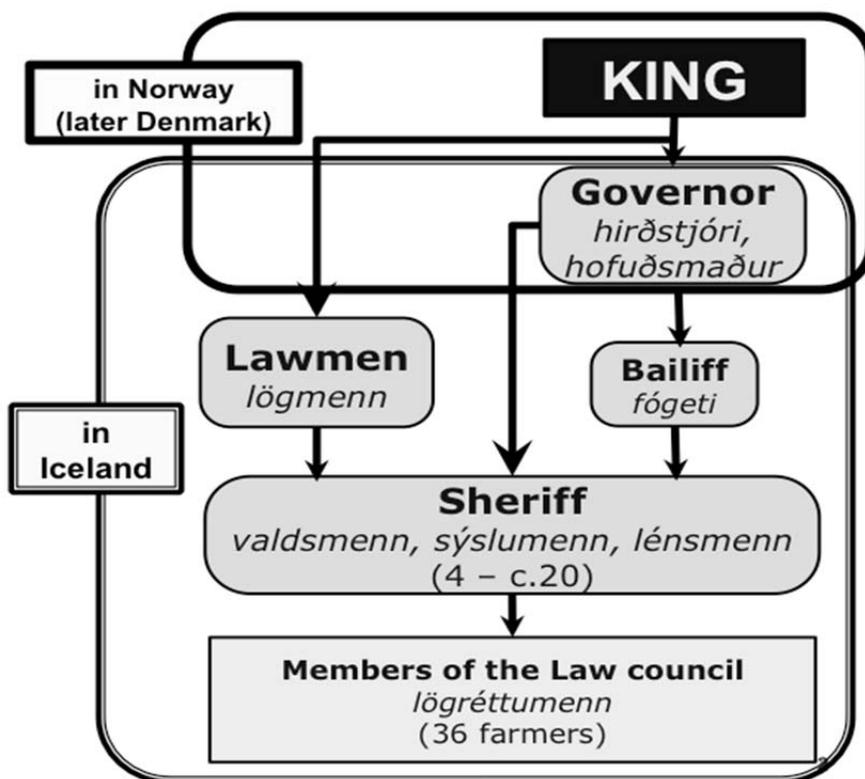
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<sup>20</sup> Stipulation of the treacherous speaking about the king is on *Járnsíða* 2005: 87 (mannhelgi, ch.24). A similar issue appears on *Jónsbók* 2010: 78–79 (IV, 26 *Um skáldskaparmál*—About slander in verse form). There is also a stipulation dealing with insulting words and high treason (*landráð*) on *Jónsbók* 2010: 74–77 (IV, 24).

<sup>21</sup> Cattaneo, Grégory 2010: 21–36.

gives an impression of the powerful authority of the royal agents. Before considering the meaning of this, it is useful to look at the administrative system in Iceland that existed under the king's rule, (see *Figure 2*).

*Figure 2: Royal officials under King's rule*



(After Gunnar Karlsson, *The History of Iceland*, Minneapolis, 2000, p.93.)

The introduction of royal officials into Iceland was a significant change to its legal system, but these officials were usually recruited from the Icelandic inhabitants and the families of local chieftains until the 1290s.<sup>22</sup> Thus, the members of the ruling class in Iceland did not radically change through the submission to the king in 1262–64, but they were more closely connected to the king than before.

On the other hand, Norwegian royal agents who came to Iceland (they do not appear in *Figure 2*) had stronger authority than Icelandic officials, even though they were much fewer in number.<sup>23</sup> Their influence was surely limited by their reach, and

<sup>22</sup> Ásgrímur, who were in friction with Loptr and Björn, was a sheriff; his family were related to *Sturlungar*, the most powerful family in Iceland in the middle of 13<sup>th</sup> century.

<sup>23</sup> For example, *Árna saga*, which covers the period ca1260–90, mentions only three royal agents

we can presume that substantial power was in practice kept by local leaders, among whom royal officials were at the top.

## 5. Conclusion

This paper examined what happened to Icelandic feuds under the king's rule. In summary, we first found in the king's law a clear intention to ban feuding, although the law allowed an exception. Second, the king's agents actually intervened in conflicts in Iceland; when the issue under dispute was concerned with high treason against the king, it was particularly difficult to avoid the king's intervention. The agents from Norway tried to execute the king's policy through new legal institutions such as summons or the oath of fidelity. Their intervention was, however, presumably limited by their reach. Finally, although the information in the contemporary narratives is very limited, it does indicate that some people continued feuding under the king's rule. In conclusion, these findings suggest that Iceland was no longer a stateless society. The process of minimizing feuds by the monarchy progressed in Iceland as it did in other parts of Europe, part of a process that can be called "Europeanization." It should be noted, however, that the king's power did not immediately become dominant in Icelandic society. That society's traditional methods of revenge, mediation, and compromise persisted, and there is a strong possibility that Icelandic subjects showed flexible attitudes to a king who was not physically present on their island. As this paper only showed a snapshot of the interaction between the king and Icelanders, more research on this topic is necessary in the future.

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who came to Iceland: Eindriði böggull (1271–72: ch. 18, 20; 1277–78: ch. 44, 49, 60), Loðinn leppr (1280–81: ch. 57, 61–63, 65), and Óláfr Ragnríðarson (1288: ch. 126–128, 132–136.)

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\* Icelandic authors' names are in the order: first name (middle name) patronymic, because most Icelanders do not have a family name.

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