

The Stateless Society of Saga-Age Iceland

Violence in *Hrafnkels Saga Freysgoða*

Bachelor Thesis

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Abstract

The 2011 publication *The Better Angels of Our Nature*, by Steven Pinker warrants a re-examination of the Hobbesian principle of the Leviathan. This thesis examines the supposed violent nature of stateless societies by way of a case-study, 13th century Iceland. It combines existing research with an in-depth analysis of *Hrafnkels Saga Freysgoða*. The analysis demonstrates that descriptions of violence were common, but violence was always limited by social hierarchy, laws, and conventions. The honor-driven, feuding society of medieval Iceland was highly complex and violent resolutions were often a possibility, but rarely the only viable way forward. The characterization of non-state societies as inherently violent is therefore problematic.

Table of Contents

Introduction	3
Chapter One: Introduction of the Source Material	7
Dating <i>Hrafnkels Saga</i>	8
Modes of Transmission	9
Historical Accuracy and Value	10
Chapter Two: The Story of <i>Hrafnkels Saga Freysgoði</i>	12
Chapter Three: Analysis of the Source Material	15
Conclusion	19
Bibliography	20

Introduction

This year it is exactly three quarters of a century since the deadliest conflict the world has ever seen ended. Western Europe, historically an arena for intense violent conflict, has since the end of the second World War remained relatively peaceful. Historians and other academics have been trying to explain this period of persistent peace. It is important to note that violence has not entirely disappeared from the world, nor even from Europe for that matter. Although the Cold War did not lead to an apocalyptic ‘war to end all wars’, it was not without armed conflict. Ask someone of Bosnian descent and they will most likely disagree on the peaceful nature of post-war Europe, and the United States have recently withdrawn their military presence from Syria, risking a re-escalation of tensions in the Middle-East. Nevertheless, some scholars are ardent in their belief that the world has become a less violent place in recent decades.

One of the latest publications of this school is *The Better Angels of our Nature* by cognitive psychologist and all-round intellectual Steven Pinker.¹ It is a monumental work, not limited in space or time, encompassing everything from prehistoric societies to the present, discussing events from all around the globe. It is a quite a lengthy work, but it manages to keep the reader’s attention throughout. Pinker’s arguments are well-developed and his use of language is engaging and stimulating. The main argument is that since the end of the Middle Ages, violence has been on a steady decline. Pinker’s definition of violence is somewhat narrow, as his main focus lies with forms of physical violence, primarily on murders. This choice of a rather limited definition is understandable, for although violence encompasses more than just this limited definition, the scope of the book is already massive and including other forms of violence certainly would not help making the study more concise. It also allows Pinker to venture into the realm of comparative statistics. Throughout the entire book Pinker bases a lot of his arguments around comparing the amount of violent deaths per 100,000. Consequently, *The Better Angels* has a high density of graphs and charts.

In a way, *The Better Angels* is a continuation and re-evaluation of Elias’ *The Civilising Process*. Attributing the perceived decline in violence to various processes linked to the enlightenment, one of the overarching themes in the book is how human psychology changed and developed in the context of the enlightenment. Pinker presumed his statement, that violence has seen a steady decline, to invite scepticism and this presumption proved to be accurate. It is evident that Pinker is not a historian by training, and throughout his work his background in psychology can be felt. Some historians have analysed the accuracy of *The Better Angels* when viewed from a historian’s perspective, most notably Ashwin de Wolff’s 2012 publication.² In 2013 the journal *Sociology* published a compilation of reviews on *The Better Angels*, all of which provide a good illustration of the criticism on the work and to which Pinker has published a reaction.³ It is clear that Pinker’s work has not gone unnoticed in the academic community.

¹ S. Pinker, *The Better Angels of our Nature* (New York: Viking Books, 2011).

² A. de Wolff, ‘Make Money, Not War Steven Pinker’s *The Better Angels of Our Nature*: Why Violence Has Declined’, *Independent Review* (2012) 127-149.

³ L. Ray, J. Lea, H. Rose and C. Bhatt, ‘The Better Angels of Our Nature: A History of Violence and Humanity by Steven Pinker’, *Sociology*, 47 (2013) 1224-1232.

I will try to give a short outline of Pinker's methodology and arguments. Pinker starts by trying to convince the reader that the decline in violence is real and true, then he endeavours to find the causes for this decline. In looking for causes, Pinker specifically focuses on exogenous triggers, as he finds those to be the best at explaining historical change.⁴ Pinker structures his argument in six 'trends' he perceives, some inner demons and angels, and five historical forces. The 'trends' he calls the pacification process, the civilising process, the humanitarian revolution, the long peace, the new peace and the Rights Revolutions. Even by simply reading these chapter-headings, one gets a general idea of where he is going with his argument. Pinker is a staunch defender of the values of liberal modernity. Especially interesting is Pinker's adoption of the Hobbesian idea of the Leviathan. Although he distances himself somewhat from Hobbes, the influence of his work can be felt quite clearly. Pinker agrees with Hobbes that the emergence of the autocratic state led to a decline in violence, he calls it one of the 'exogenous forces' that changed the society in the late Middle Ages.⁵ Subsequently, the opposite is also true in Pinker's eyes. Pre-state or non-state societies are often particularly bloody and violent. Without a strong state to impose sanctions on violent criminals, people often choose to play their own judge, jury and executioner when solving disputes.

This last point is not only true in the 'foreign country' that is the distant past, but Pinker pulls this theory firmly into recent history. He compares crime statistics of the 20th century between European countries, most notably the UK, and the US. He also analyses the differences in violence crimes between people of colour and whites. The numbers Pinker produces show a clear disparity, violent crime being much more prevalent in the US than most European countries.⁶ While trying to explain this difference, Pinker mentions two noteworthy contrasts. Firstly, that the numbers for violent crime are by far the highest in the southern states, in the north the numbers are generally closer to countries like the UK and the Netherlands, and secondly, that violent crime is considerably more prevalent among African American communities.⁷ On possible explanations for the racial disparity Pinker states the following: 'A probe into the causes, including economic and residential segregation, could fill another book. But one of them, as we have seen, is that communities of lower-income African Americans were effectively stateless, relying on a culture of honor (sometimes called "the code of the streets") to defend their interests rather [than] calling in the law'.⁸ Here Pinker clearly references the absence of a Hobbesian leviathan, or lack of public confidence in the existing power-structures, as one of the main causes of the relatively excessive levels of violent crime in these communities.

This renewed attention for Hobbesian theory, invites another critical examination of the concept. In order to evaluate the validity of the hypothesis, finding a society which could service as a 'control group', would perhaps allow for new insights. By analysing the methods of conflict resolution in a stateless society, conclusions could be drawn about the effects of the leviathan on

S. Pinker, 'Response to the Book Review Symposium: Steven Pinker, *The Better Angels of Our Nature*', *Sociology*, 49 (2015) NP3-NP8.

⁴ S. Pinker, *The Better Angels* (New York: Viking Books, 2011) xxii.

⁵ *Ibidem*, 67-70, 88-90

⁶ *Ibidem*, 109-110.

⁷ *Ibidem*, 111-112.

⁸ *Ibidem*, 116.

the different ways disputes are settled. The aim of this paper is to do just that. I have elected medieval Iceland as a control group. As remarked upon by Miller:

‘It is as if the universe designed an experiment to test the theories of Hobbes and Rousseau and was kind enough to provide for the presence of intelligent and sophisticated observers, the saga writers, to record the results.’⁹

W.I. Miller is one of the most prolific authors on medieval Icelandic society. In *Bloodtaking and Peacemaking*, Miller endeavours to write a social history of saga-age Iceland.¹⁰ It draws heavily on the sagas as source material, as well as contemporary legislative documents. Miller describes in detail how the Icelanders settled and solved disputes, which is simultaneously a steppingstone for outlining the inner workings of medieval Icelandic society, as well as the overarching theme of the book. Iceland in the Middle Ages had a rich legislative tradition, but it lacked an executive power. There were no kings and there was no centralised authority. Remembering, reciting, and creating laws fell to the lawspeaker, Iceland’s only bureaucrat.¹¹ Making sure punishments were executed, fell largely to the victims/claimants themselves, something which Miller characterizes as self-help.¹² Although oftentimes settlements included financial compensation, the primary currency in the Icelandic system was honor.¹³ How a player in the public arena gained or lost it, depended on an incredibly complicated system of social values and interactions, on which I will elaborate further down. This Icelandic system was not entirely unique. Also on the European mainland, political conflict often revolved around honor.¹⁴

The coupling of subjects laid out above, is certainly not of my own invention. It stands to reason that a stateless society could function as sort of a ‘control group’ when studying the influence of a Hobbesian leviathan on its population. Also the characterization of medieval Iceland as a stateless society is not exactly revolutionary. However, with the renewed interest for Hobbesian theory brought about by *The Better Angels*, and the related discussion on human nature, the field could benefit from a re-examination of the source material. How did players in the political arena of medieval Iceland handle conflict, and how essential were violent solutions? In order to better answer this question this paper will focus on one saga in particular, *Hrafnkels Saga*

⁹ W. I. Miller, *Bloodtaking and Peacemaking, Feud, Law, and Society in Saga Iceland* (Chicago and London: The University of Chicago Press, 1990) 5-6.

¹⁰ W. I. Miller, *Bloodtaking and Peacemaking*.

¹¹ *Ibidem*, 18-19.

¹² *Ibidem*, 20.

¹³ *Ibidem*, 28-34.

¹⁴ See for example: G. Althoff, *Die Macht der Rituale : Symbolik und Herrschaft im Mittelalter* (Darmstadt: Primus-Verlag, 2003).

P. J. Geary, *Writing History: Identity, Conflict, and Memory in the Middle Ages*, F. Curta and C. Spinei (eds) (București-Brăila: Editura Academiei Romane, 2012).

Freygoði, which features a variety of conflict-resolutions, some violent, some more peaceful in nature. By analysing these instances, I hope to reflect on violence within stateless societies.

Chapter One: Introduction of the Source Material

The majority of sources on medieval Iceland and the best-known ones are to be found within the extraordinary corpus of saga-literature. Almost all written down in the twelfth and thirteenth century, they describe the power politics and processes of conflict-resolution in Iceland from the time of the first Viking settlers to that of the contemporaries of the writers. What makes the sagas somewhat problematic as primary sources, is the fact that oftentimes there is a considerable temporal gap between the described events and their documentation. This introduces some serious complications for the historian attempting to reconstruct a history from these sources. Can the sources even shed a light on the period described in them, or are they merely capable of providing a window into the historical context of the author? Maybe even that is too lenient a stance. Maybe the sagas do not allow for any historical study at all. Maybe scholarly efforts regarding the sagas should instead limit itself to their merits as literary, not historical works. Every scholar using saga's as historical sources, should necessarily reflect on the issues raised above. For this paper I have selected a specific saga, *Hrafnkels Saga*. I have opted for this specific saga because the story contains multiple examples of conflict-resolution, some violent, some less so, while being concise enough to allow for a complete analysis within this thesis. Before discussing its contents, I shall first reflect on its provenance and historicity.

Provenance of *Hrafnkels Saga*

Regarding its provenance, a complete overview of the surviving copies of the saga can be found online, thanks to the combined efforts of several Scandinavian institutes.¹⁵ Apart from one page on vellum (AM 162 I fol, Arní Magnússon Institute, Reykjavik) from a fifteenth century copy, *Hrafnkels Saga* only exists in paper manuscripts, the oldest having all been dated to the beginning of the seventeenth century (AM 551c 4to, AM 443 4to, AM 551 d alfa 4to, all at the Arní Magnússon Institute, Reykjavik).¹⁶ As far as I am aware, no exhaustive study on all existing occurrences of *Hrafnkels Saga* exists, the upcoming scholarly edition of Peter Springborg of the Armagnæan institute might perhaps be able provide a more insight into the exact provenance of the saga. Jón Helgason has argued in his 1950 edition of the saga, that all paper manuscripts are descendent from the 15th century vellum, which in its turn is based on a thirteenth century original.¹⁷ To my knowledge this view has since never been disputed. In 1971 Hermann Pálsson published an English translation which uses AM 551c 4to as a base, filling in the gaps with a different paper manuscript from the eighteenth century (AM 451 4to), and doubtful readings changed out for passages from other seventeenth century paper manuscripts (AM 156 fol., AM

¹⁵ Around the turn of the Millennium, the Arnarnagæan Institute (Copenhagen), the Arní Magnússon Institute (Reykjavik), and the National Icelandic Library (Reykjavik) collaborated to create the website www.handrit.is. The website provides a complete indexation of all manuscripts in all collections, complete with the necessary accompanying information, as well as many photocopies and facsimiles. A full inventory of manuscripts containing *Hrafnkels Saga* can be found on:

<https://handrit.is/en/manuscript/list/uniform?v=Hrafnkels+saga+Freysgo%C3%B0a> (4th of March, 2020).

¹⁶ H. Pálsson (ed and trans.), *Hrafnkels Saga and other Icelandic Stories* (Bungay: The Chaucer Press, 1971) 32.

¹⁷ J. Helgason (ed.), *Hrafnkels Saga Freysgoða*, (Reykjavik: Munksgaard, 1950) vi-vii.

158 fol. and AM 433 4to).¹⁸ AM 551c 4to is most frequently used to reconstruct *Hrafnkels Saga*. Using *Hrafnkels Saga* as a historical source is emblematically problematic, but to dismiss it out of hand because of its problems would be incorrect. *Hrafnkels Saga* suffers from the same issue as almost all other family sagas, this being that it does not deal with contemporary issues, but instead describes events from a couple centuries prior. In this case the saga was most probably first written down in the thirteenth century, and deals with events from the tenth.¹⁹ Add to this the fact that no 13th century vellum copy has survived, and it becomes increasingly difficult to argue for the usefulness of *Hrafnkels Saga* as a window into tenth century Iceland. Pálsson's version also includes an extensive introduction to the story. Pálsson regards the saga as pure literary fiction, a story only slightly inspired by an (oral) tradition, but for the most part an invention by a thirteenth century author using literary devices familiar to an audience of contemporaries.²⁰ This position was first taken by E.V. Gordon and S. Nordal in the first half of the twentieth century.²¹ I shall now address the issues mentioned above separately, and in doing so argue how and why *Hrafnkels Saga* can be a valuable source on medieval Icelandic society.

Dating *Hrafnkels Saga*

Although precisely dating the family sagas remains problematic, the thirteenth century origin of most family sagas is relatively undisputed amongst historians. Some of the family sagas can conclusively be dated in the thirteenth century, like *Egil's Saga*, *Laxdæla Saga* and *Njál's Saga*.²² Furthermore it is very important to note that the 13th century marked the beginning of a period of radical changes in Iceland. During this period the Norwegian Kings implemented an expansionist policy, which made use of the Icelandic political instability to establish a foothold there.²³ This would eventually culminate in the 'Old Covenant' of 1262/4, when Iceland became part of the Norwegian kingdom.²⁴ Because of this, the Icelandic law codes changed drastically, as they were now adapted to better comply with Norwegian judicial tradition.²⁵ Gradually Iceland came under more direct control of the Norwegian crown which meant the end of the Icelandic commonwealth and its unique political landscape. Most family sagas, including *Hrafnkels Saga*, lack any reference to these societal changes. Although this alone is insufficient to conclude that their origin must have been prior to Iceland's inclusion under the Norwegian crown, the subsequent changing of the literary landscape might be more conclusive, as S.G. Magnússon states:

¹⁸ H. Pálsson (ed and trans.), *Hrafnkels Saga* (The Chaucer Press: Bungay, 1971) 32.

¹⁹ *Ibidem*, 7.

²⁰ *Ibidem*, 7-8.

²¹ E. V. Gordon, 'On Hrafnkels Saga Freysgoða', *Medium/Evum* 8 (1939) 1- 32.

S. Nordal, *Hrafnkatla*, *Studia Islandica* (Íslenzk fræði), 7 (Reykjavík, 1940).

²² E. O. Sveinsson, *Dating the Icelandic Sagas, an Essay in Method* (Bristol: Western Printing Services Ltd, 1958) 11-12, 48-49, 64.

²³ D. Brégaint, 'Conquering Minds: Konungs skuggsiá and the Annexation of Iceland in the Thirteenth Century', *Scandinavian Studies*, 84 (2012) 439-466.

²⁴ D. Brégaint, 'Conquering Minds', 460.

²⁵ E. O. Sveinsson, *Dating the Icelandic Sagas*, 68-69.

“The subsequent period, from the fifteenth century up to the end of the eighteenth, has been called “the Dark Age” of Iceland. This darkness covers both the state of the country under foreign rule and the literature, which is sparser and generally considered inferior in value and quality to that of the earlier age, lacking any of its fire and originality. Much is of a fairly conventional religious nature. In the earlier period we have the impression of a literature created by or for chieftains; now the interests and attitudes seem to come more from the ordinary peasantry.”²⁶

There is thus a clear divide discernible in the literary works published before and after Iceland became an integral part of Norway. *Hrafnkels Saga* is very similar in style to the sagas generally assigned to the thirteenth century. Its primary focus is on the political conflicts between the chieftaincy (or *goðorð*) and its subjects. Although Pálsson perceived certain biblical parallels in *Hrafnkels Saga*, it cannot be classified amongst the continental religious genres of the time.²⁷ The description of the proceedings at the Althing and the judgement decided upon there, also hints that *Hrafnkels Saga* was put to paper in the thirteenth century.²⁸ Throughout the entire account of the Althing, not a single explanatory note is to be found. The whole proceeding is described in a way that seems to assume the reader to be familiar with the processes of the Althing. Furthermore, it has been argued that the family sagas were more than descriptions of the power structures of days gone by, as they played an active role in the political disputes at the time of writing.²⁹ Killings and injustices of the past could provide a legitimation for political action, and the sagas probably also functioned as a public record of property and social relations. After Iceland had become an integral part of Norway, under the judicial authority of the Norwegian Crown, the value of this public record would certainly have been far less. All of these issues make it highly likely that *Hrafnkels Saga* does in fact originate from the thirteenth century.

Modes of Transmission

Regarding the origins and transmission of the sagas, scholars can be generally divided into two camps, the so-called ‘bookprosists’ and the ‘freeprosists’. The first subscribe to the view that although the sagas might include some true historical events, they should predominantly be viewed as literary fiction, meaning they place the saga origins primarily within the context of the time of their creation.³⁰ The second argue for an oral transmission of the sagas, therefore pleading for their historical accuracy.³¹ This issue is still hotly debated today and some historians even decided to only mention it in passing, while themselves refraining from any judgment on the matter.³² This

²⁶ S. G. Magnússon. *Wasteland with Words: A Social History of Iceland* (London: Reaktion Books Limited, 2010) 149.

²⁷ H. Pálsson (ed and trans.), *Hrafnkels Saga*, 18-24.

²⁸ *Ibidem*, 49-59.

²⁹ For example: S. G. Magnússon. *Wasteland with Words*, 156.

³⁰ J. L. Byock, ‘Saga Form, Oral Prehistory, and the Icelandic Social Context’, *New Literary History*, 16 (1984) 153.

³¹ For a detailed look into the debate between freeprosists and bookprosists see: T.M. Andersson, *The Problem of Icelandic Saga Origins: A Historical Survey* (New Haven: Yale University Press, 1964).

³² For example: R. D. Fulk, ‘The Moral System of Hrafnkel’s Saga Freysgoða’, *Saga-Book of the Viking Society*, XII (1986) 1-32.

paper however, cannot be afforded that luxury. Establishing the origins of *Hrafnkels Saga* is imperative in order to determine the context in which it is to be placed. The most striking problem with the ‘freeprosisit’ position lies in the literary character of the family sagas. Unlike Eddic and skaldic poetry, which contain ‘kennings’, and follow strict meters and alliteration patterns, the family sagas are all prose stories. They do not offer the reader any tools for easy remembrance. The idea that these stories were flawlessly transmitted by consistent re-telling is therefore highly unlikely. To state that the family sagas were entirely fictional however, is also taking it a little too far. For this, the family sagas are too heavily founded in reality. The stories told in the family sagas are entirely different from the mythical tales of the Edda. The events of the family sagas rarely venture into the fantastical or impossible. Without exception, they read like credible historical accounts. Most characters described within them are particularly lifelike and realistic, imbued with both positive and negative traits. In all likelihood the origins of the family sagas lie somewhere in between the extremes of the ‘bookprosisit’ and ‘freeprosisit’ interpretations, some parts and passages taken from actual historical events, some being additions by a thirteenth century author.

Aside from the debate on the manner of their transmission, there is also discussion on the geographical origins of the genre of family sagas. Many authors, almost all bookprosisits, have attempted to place the family sagas within a continental literary tradition.³³ In 1984 J.L. Byock argued most convincingly for an endemic provenance of the Icelandic literary genre, instead of a foreign one.³⁴ According to Byock, the sagas reflect the societal structures in place in medieval Iceland, a complex system of interdependencies, social relations and family ties. Byock sees the sagas as a reflection of this intricate network of social interactions.³⁵ Although it seems entirely feasible that the sagas were influenced by foreign sources, they are sufficiently distinct to assume that for the biggest part, the saga genre had its origin in Iceland.

Historical Accuracy and Value

This leaves the issue of their historical accuracy. An Icelandic origination means that the sagas might reflect the society of which their authors were a part, written in congruence with customs and using a societal framework that was both understandable and familiar to a contemporary audience. However, their veracity as historical accounts is not yet established. By all accounts it goes too far to regard the sagas as dependable histories. Without contemporary sources to corroborate or contradict the written accounts from centuries later, claims about Icelandic society in the tenth century can only ever be conjecture. Although it is likely that *Hrafnkels Saga* was not entirely invented by their authors and probably had a firm basis in reality, presumably it is a better reflection of the thirteenth than the tenth century. Furthermore, even if the stories in the sagas are

³³ Most notably:

B. M. Olsen, ‘Um islendingasögur’, *Safn til Sögu Islands*, 6 (Reykjavik, 1937) 336-348.

H. Pálsson, ‘Saga Literature’, *Encyclopaedia Britannica* (version: September 10th, 2019) <https://www.britannica.com/art/saga> (January 25th, 2020).

P. V. Rubow, ‘Den islandske familieroman’, *Tilskueren*, 45 (1928) 347-357.

³⁴ J. L. Byock, ‘Saga Form’ (1984) 153-173.

³⁵ *Ibidem*, 172-173.

completely true, it is unlikely that Icelandic society changed substantially enough in the following centuries, for the stories to become completely unrecognizable for a thirteenth century audience. The *samtíðarsögur*, or contemporary sagas, are also similar enough in structure and content to the family sagas, to substantiate such a claim. Therefore, I have elected to limit the conclusions in this paper to Icelandic society of the thirteenth century.

It may thus be clear that despite its problematic nature, *Hrafnkels Saga* may yet provide a window into medieval Iceland. None of the ‘problems’ are insurmountable. According to Miller, using literature as a source for social historical research is necessary and valid when it comes to the history of Iceland. Necessary because there are no other sources (such as government records) and valid because literature is used as a socio-historical source in other fields: biblical history and Frankish history to name a few.³⁶ More specifically, the Icelandic sagas present narratives centred around conflict. Miller argues it would be strange that the authors invented an entirely new social context to place these narratives in. He describes the sagas as ‘consciously realistic’.³⁷ The disputes and conflicts in saga literature do not seem to exceed the parameters of plausibility.³⁸ Even if certain passages, events or people would turn out to be fictional inventions, this need not necessarily be cause for concern. As Miller has pointed out: ‘Fictionalizing dialogue, fictionalizing events, inventing characters and their psychologies might unnerve the political historian, but they need not upset the social historian at all.’³⁹ Furthermore, Miller argues that the extraordinary literary quality of the sagas should not be used to argue against their historicity.⁴⁰

³⁶ W. I. Miller, *Bloodtaking and Peacemaking*, 45.

³⁷ *Ibidem*, 46.

³⁸ *Ibidem*.

³⁹ *Ibidem*.

⁴⁰ *Ibidem*, 45 and 60.

Chapter 2: The Story of *Hrafnkels Saga Freysgoði*

Because *Hrafnkels Saga* reads like a coherent story and most of the events and conflicts described need to be viewed in relation to previous incidents, it makes the most sense to discuss the saga chronologically. This way it will remain clear what the relation is between the described events and how the feud between the protagonists developed over the course of the saga. Although *Hrafnkels Saga* could be, and sometimes is, divided into three parts, an analysis of the complexities of its conflicts must consider the saga in its entirety. Therefore, I have elected to work through *Hrafnkels Saga* beginning to end, paying special attention to the way conflicts between the protagonists arise, what reaction these conflicts evoke in the people involved, and if and how they are eventually resolved. It could be stated that *Hrafnkels Saga* does not consist of multiple disputes, but instead gives a description of a single feud spanning several years, with multiple facets involving various families and social relations. Unless otherwise indicated, for my analysis of the contents of *Hrafnkels Saga* I have used the most recent translation by Terry Gunnell, first published in the *The Complete Sagas of the Icelanders*, IV (1997) and later re-published as part of the more concise penguin selection (2000).⁴¹ The page numbers in the footnotes refer to this re-publication.

The story of *Hrafnkels Saga* starts by giving a description of the man to which the saga owes its name. We learn that Hrafnkel had a relatively humble beginning as a farmer but worked his way up to become chieftain of his area.⁴² We also learn that Hrafnkel had a great affection for the god Frey, which earned him the title of ‘freysgoði’, or Frey’s priest-chieftain.⁴³ Hrafnkel is described as an unlikeable character and unfair in his dealings with others, forcing the people of the neighboring Jokulsdal to be his thingmen, and refusing to pay reparation after single combat. ‘No one received any compensation from him, whatever he did’.⁴⁴ Hrafnkel owned a great amount of animals, but none he liked more than a stallion, which he called Freyfaxi, in dedication to Frey. In a clearly foreshadowing passage, Hrafnkel vows to kill anyone who rides this horse without his permission.⁴⁵ It would be Einar, son of a local farmer, who would eventually befall this terrible fate. Einar was taken into Hrafnkel’s household as a shepherd. His father was poor and sent Einar away because he could not provide for him.⁴⁶ Hrafnkel told Einar about Freyfaxi and about the vow he had made, nevertheless Einar ends up riding the horse and Hrafnkel kills him for it. When Einar’s father Thorbjorn confronts Hrafnkel about the killing, the latter takes an apologetic stance.⁴⁷ He makes a generous compensation offer to Thorbjorn, which as we have been told, is very unlike him.

After refusing the offer, Thorbjorn visits his brother Bjarni, and asks him for support in taking up the cause. Bjarni refuses him, saying he believes Thorbjorn should have accepted the

⁴¹ T. Gunnell (trans.), ‘The Saga of Hrafnkel Frey’s Godi’, (1997) re-published in: *The Sagas of Icelanders, a Selection*, O. Thorsson, B. Scudder (eds), (2000 Penguin books edition, original copyright: Reykjavik: Leifur Eiriksson Publishing Ltd, 1997) 436-462. I have also included the chapter headings of this edition in [] brackets.

⁴² T. Gunnell (trans.), ‘The Saga of Hrafnkel Frey’s Godi’, 438-439 [2].

⁴³ Ibidem, 439 [2].

⁴⁴ Ibidem.

⁴⁵ Ibidem, 439 [3].

⁴⁶ Ibidem, 440 [4].

⁴⁷ Ibidem, 443 [6].

offer. After this, Thorbjorn visits his nephew Sam, Bjarni's son, and pleads to him to take up the matter. At first, he reacts in a manner not unlike his father, suggesting they go back together to Hrafnkel and see if he is still willing to follow up on his initial offer.⁴⁸ When Thorbjorn declines, Sam reluctantly agrees to take on the case. What follows next are their preparations for the of the Althing, which entailed them trying to gather a band of supporters. The Althing was the main judicial authority on the island. It was a yearly gathering of chieftains and their thingmen, where legal disputes of the previous year were settled.⁴⁹ It was however very different from the courtrooms of today. As mentioned previously, the lawspeaker was the only legal official in saga Iceland, but his primary function was to remember and recite the laws. He played no part in their interpretation, that honor fell to an appointed panel of people of influence. The cost of losing a legal battle at the Althing was high. The losing party could be sanctioned with full outlawry, which practically condemned them to death.⁵⁰ Carrying out the verdict fell solely to the prosecutor, who, in the event of full outlawry had an obligation to kill the convicted. Although the legal process might at first glance appear relatively fair, the proceedings at the Althing were hugely influenced by social relations and power politics. This follows from the importance of finding a decent number of supporters for Thorbjorn and Sam.⁵¹ Without those supporters, it seemed unfeasible for them to win the case against Hrafnkel, who reportedly took seventy men to the Althing.⁵² Initially finding a group of people able to stand up to Hrafnkel seemed impossible, but through a seemingly random encounter with a man called Thorkel, they found what they were looking for. He proclaims that his brother is a chieftain and would perhaps be willing to support them.⁵³ Thorkel states that his brother, Thordis, also brought a following consisting of seventy men, the same number as Hrafnkel. It was with the support of another chieftain and his following that Thorbjorn and Sam managed to beat Hrafnkel, as he was sentenced to full outlawry

After the Althing was dissolved, Sam and the brothers rode to aðalbol, Hrafnkel's farm.⁵⁴ What follows is without doubt the most gruesome event *Hrafnkels Saga*. With sixty men they ambush Hrafnkel and his household while they are sleeping.⁵⁵ They take the men to a storehouse, pierce their heels with a knife, pull a rope through the holes and suspend them in the air by their ankles.⁵⁶ This passage is particularly gruesome and violent. After attending to the confiscation court, Sam and the brothers take Hrafnkel and his men down. Sam offers Hrafnkel two options, either to be killed, or to leave aðalbol and hand over his position and possessions to Sam. Hrafnkel chooses the latter, and grants Sam self judgement. Sam pays no heed to Hrafnkel's pleas, and instead of killing him outright, which is what the Althing's verdict would demand, Hrafnkel is

⁴⁸ Ibidem, 444 [6]

⁴⁹ To give a detailed account of the process at the Althing would be beyond the scope of this paper, a decent introduction can be found in: W.I. Miller, 'Avoiding Legal Judgment: The Submission of Disputes to Arbitration in Medieval Iceland', *The American Journal of Legal History*, 28 (1984) 95-134.

⁵⁰ W. I. Miller, *Bloodtaking and Peacemaking*, 234. A description on the different levels of outlawry is also provided here.

⁵¹ T. Gunnell (trans.), 'The Saga of Hrafnkel Frey's Godi', 445 [7]

⁵² Ibidem.

⁵³ Ibidem, 446-447 [8].

⁵⁴ Ibidem, 451 [10].

⁵⁵ Ibidem, 452 [10-11].

⁵⁶ Ibidem, 452-453 [11].

humiliated further by being allowed to live in shame, losing his property and position of influence. Although the method of torture described above is extremely cruel and violent, nobody ends up being killed. Humiliation, not violent retribution, appears to be Sam's primary goal.

After Hrafnkel leaves aðalbol, he buys a farm on credit, and in a few years manages to become a chieftain again.⁵⁷ Thorkel warns Sam that leaving Hrafnkel alive will come back to haunt him, and that he should have killed him. Thorkel and Thorgeir set out to find Freyfaxi. They state how the horse has been the cause of too much trouble, and they kill it by pushing it off a cliff.⁵⁸ They subsequently burn down a temple build by Hrafnkel and also dedicated to Frey. Hrafnkel hears of this, but decides not to seek immediate retaliation, he does however, become an atheist, saying it is "vanity to believe in gods".⁵⁹ Both Sam and Hrafnkel spend the following years strengthening their positions and base of support. They meet each other at public gatherings, but never discuss the dealings between them.⁶⁰ It appears as if Hrafnkel has given up on revenge. With his renewed status as a chieftain and large following, Hrafnkel could have opted to confront Sam, either by attacking him directly, or by mounting a legal offensive. After all, Sam did not kill him as the law prescribed

This would all change after the return of Eyvind, Sam's brother, to Iceland. Eyvind had been away travelling for six years, thereby earning great renown for himself. On the way to aðalbol, Eyvind passes by Hrafnkel's farm.⁶¹ One of Hrafnkel's servant women spots the returning traveler and convinces Hrafnkel to murder him. After a riveting chase-scene, not unfitting a Scorsese movie, Hrafnkel catches up with Eyvind. Eyvind had sent his servant boy ahead to aðalbol to warn Sam, but he arrives too late. He finds his brother and his companions dead on the heath.⁶² Sam pursues Hrafnkel but does not manage to catch him in time and turns back home. The next day Hrafnkel arrives at aðalbol with a party of seventy men. With a cruel sense of irony, Hrafnkel puts the same choice before Sam as he had been offered. Sam also makes the same decision, to leave aðalbol with his life intact, but to suffer humiliation as a consequence.⁶³ Sam is virtually back to where he started at the beginning of the saga, a simple farmer with little influence. He travels to Thorgeir and Thorkel to once again ask for their aid, but this time they deny him, saying they warned him not to leave Hrafnkel alive. Hrafnkel dies of an illness, and Sam never again becomes a man of importance, thus ends *Hrafnkels Saga*.⁶⁴

⁵⁷ Ibidem, 454-456 [12-13].

⁵⁸ Ibidem, 455 [12].

⁵⁹ Ibidem, 455 [13].

⁶⁰ Ibidem, 456 [13].

⁶¹ Ibidem, 456-457 [14].

⁶² Ibidem, 459 [14].

⁶³ Ibidem, 460-461 [15].

⁶⁴ Ibidem, 462 [16].

Chapter 3: Analysis of the Source Material

Several historians have attempted to find the moral of *Hrafnkels Saga*.⁶⁵ Pálsson recognized a christian morality throughout the saga, noting the similarities between the apple in the garden of Eden, and Freyfaxi.⁶⁶ He also argues the overarching moral themes carry a clear indication of Christian ethics.⁶⁷ Christian morality however, is not as easily distilled from the saga as Pálsson makes it seem. There are no morally ‘right’ characters in *Hrafnkels Saga*, at least not if right is taken within a Christian context. Fulk takes an altogether different approach, he views *Hrafnkels Saga* as a comedy, in which the different characters either have ‘idealist’ or ‘pragmatist’ personalities.⁶⁸ Although Fulk’s introduction of this new paradigm is interesting and has its merits, his interpretation only works when *Hrafnkels Saga* is viewed as a purely fictional writing. Andersson’s 1988 publication might be more revealing. Regarding the ethical framework of *Hrafnkels Saga*, he mentions connections to the biblical story of Nebuchadnezzar and the fictional tale of Emperor Jovinianus.⁶⁹ Andersson states that pride might be Hrafnkel’s primary fault, but the saga is not a purely moralistic work.⁷⁰ There are complex politics at work, Andersson perceives a focus on the exploration of the themes surrounding absolute rule: ‘While condemning pride, the author of the saga also forcefully supports legitimacy. The difference is no less significant than the general similarity and suggests that the saga author shared Pope Gregory’s wary formulation on pride and authority cited in the first epigraph. Pride was, to be sure, a moral flaw, but in the long run it could not justify the deposing of a king or even a chieftain’.⁷¹ However, Hrafnkel did not come from a long line of chieftains. Two times, he worked his way up to that position from being a simple farmer. He was in no way destined to rule, at least not by birthright. The primary difference between Hrafnkel and Sam lies in their political aptitude and shrewdness. Both Sam and Hrafnkel are proud and keen on progressing their social status, but in doing so Hrafnkel better follows the unwritten rules of their society.

Miller has provided a short analysis of *Hrafnkels Saga*.⁷² He focuses primarily on the motivations behind the actions of the pivotal characters. He describes how the feuding parties operated in a complex framework of strategy and honor. Miller characterizes Hrafnkel as a particularly shrewd strategist.⁷³ Regarding Hrafnkel’s choice of Eyvind as the expiator, Miller supplies us with three explanations for Hrafnkel’s reasoning: honor, balanced requital, and strategy.⁷⁴ Hrafnkel views Sam as beneath him, and thus an unworthy target for a revenge killing.

⁶⁵ For example: H. Kratz, ‘Hrafnkels Saga: Thirteenth Century Fiction?’, *Scandinavian Studies*, 53 (1981) 426-427. H. Pálsson (ed and trans.), *Hrafnkels Saga*, introduction.

T. M. Andersson, ‘Ethics and Politics in Hrafnkels Saga’, *Scandinavian Studies*, 60 (1988) 293-309.

⁶⁶ H. Pálsson (ed and trans.), *Hrafnkels Saga*, introduction.

⁶⁷ *Ibidem*, 16.

⁶⁸ R. D. Fulk, ‘The Moral System of Hrafnkel’s Saga Freysgoða’, *Saga-Book of the Viking Society*, XII (1986) 1-32.

⁶⁹ T. M. Andersson, ‘Ethics and Politics’, 298-300.

⁷⁰ *Ibidem*, 301.

⁷¹ *Ibidem*, 306. The formulation Andersson mentions is taken from: Gregorius Magnus, *Moralia in Iob*, 26, 26.

‘Tumoris namque elatio, non ordo potestatis in crimine est. Potentiam Deus tribuit, elationem vero potentiae alitia nostrae mentis invenit’.

⁷² W. I. Miller, *Bloodtaking and Peacemaking*, 198-202.

⁷³ *Ibidem*, 201.

⁷⁴ *Ibidem*, 200.

Eyvind however, is a man of great renown and his death would balance out the injustices done to Hrafinkel. This is simultaneously a way to posthumously honor Eyvind, as well as maintaining his own honor.⁷⁵ The final explanation is supplied by Thorkel and Thorgeir, who tell Sam he should have known better than to let Hrafinkel live after humiliating him.⁷⁶ Miller argues that these three explanations do not necessarily have to exclude each other, instead combining into a complicated system that influenced the decision making process of the saga characters.⁷⁷ Miller manages to capture the complex workings of the feuding system. The analysis below will be a continuation of the work done by Miller, further analyzing the story and its complexities.

The first part of the story is revealing in multiple ways. First of all it establishes there was a system in place to compensate Icelanders for killed kinsmen. By paying blood money, conflicts could be prevented from escalating into further violence. Icelandic society expected political actors to respect the principle of compensation: Thorbjorn's brother Bjarni berates him for not taking Hrafinkel's settlement offer stating that "it's a wise man who knows himself",⁷⁸ and Hrafinkel is considered "unfair" and "stiff and stubborn" for refusing others reparation payments in previous instances.⁷⁹ As Miller pointed out however, reality was a bit more complicated and it was not at all a given that the settlement process was followed by all parties, as oftentimes the claimant would not be too eager to settle, to not make it seem as if the prospect of financial gain was the reason for his actions, instead of obtaining justice.⁸⁰ The peaceful route was by far the more complicated one. Even when a peaceful resolution appeared close, it remained precarious and violent re-escalation was always a possibility.⁸¹ This in turn lead to an attitude of wariness towards the effectiveness of pursuing peaceful resolutions, where sometimes the perpetrators opted for additional violence, to pre-empt retaliation by the victim's relatives.⁸²

The second noteworthy element of the proceedings between Hrafinkel and Thorbjorn is the difference in social standing and how it affects the possibilities of reconciliation. Hrafinkel, as a chieftain, belongs to a higher class than Thorbjorn who is just a small farmer of little means. Hrafinkel is prepared to make Thorbjorn a generous offer, but the one thing he is unwilling to do is recognize the farmer as an equal, yet that is precisely what Thorbjorn requests of him. Although today we rarely think about it, deciding who would have the right to determine judgement was a crucial element of the honor-driven feuding disputes. The claimant could be awarded self-judgment, where he could decide on what compensation would be best fitted. This could be used to confirm the friendly relationship between the parties, or to establish ties of dependency.⁸³ Hrankel casually offers Thorbjorn self-judgement when he asks him: "What do you want then?".⁸⁴ This is an acceptable solution for the chieftain as it reinforces the power relation between the two

⁷⁵ Ibidem.

⁷⁶ Ibidem, 201.

⁷⁷ Ibidem, 202.

⁷⁸ T. Gunnell (trans.), 'The Saga of Hrafinkel Frey's Godi', 443 [6].

⁷⁹ Ibidem, 439 [2].

⁸⁰ W. I. Miller, *Bloodtaking and Peacemaking*, 271.

⁸¹ Ibidem, 184.

⁸² Ibidem, 190.

⁸³ Ibidem, 286.

⁸⁴ T. Gunnell (trans.), 'The Saga of Hrafinkel Frey's Godi', 443 [6].

parties. In other cases, one or more independent arbitrators could be appointed, which is what Thorbjorn demands. Finally, the case could be subjected to judgement at the Althing, which is what happens eventually and on which I will elaborate further down. Deciding on the way a just settlement would be reached had everything to do with the social status of the feuding parties. Thorbjorn appears to be punching above his weight when he tries to equate himself to a chieftain, his brother certainly seems to think so. Although early medieval Iceland lacked any strong central authority, and social mobility was possible to a degree, it was by no means an egalitarian society.

Then there is also the fact that Thordis and Thorkel had exactly the same amount of followers as Hrafnkel. It seems highly likely that this is more than a simple coincidence. While first it seemed impossible for Thorbjorn to attain victory due to his low status, after gaining Thordis' support the legal battle became a fight between equals. Thorbjorn needed the help of a chieftain to effectively prosecute a chieftain. The subsequent proceedings at the Althing do however not appear to have been a fair fight. Sam started presenting his case before Hrafnkel was present, who therefore was too late to react and turn the odds back into his favor. This likely went against actual Althing proceedings, which has been taken by O. Opet and later H. Kratz to argue against the saga's historical accuracy.⁸⁵ As established earlier in this paper, this needs not necessarily be cause for concern. More important are the implications it has the characterization of the legal process. In the end it was not solely Sam's convincing speech that turned out to be the pivotal event, but also the amount of supporters the brothers brought to the trial as Hrafnkel "was forced back by the sheer weight of numbers so he did not manage to hear the case of those who were prosecuting him. It was therefore difficult for him to present any legal defence for himself."⁸⁶

After the raid on aðalbol, Sam is granted self judgement by Hrafnkel. This might seem similar to the beginning of the saga, when Thorbjorn is offered self judgement, but the circumstances are very different. Where earlier Hrafnkel offers self judgement from a position of power, and him doing so confirms the status-difference between the two, here Hrafnkel is more or less forced to grant Sam self judgement, if he wishes to keep his life. This means the balance of power is reversed. Throughout this passage, humiliation plays a key role. After being ambushed, Hrafnkel pleads for his life and those of his men. When he notices this has no effect, he beseeches Sam to at least spare them the humiliation as there would be little honor to gain in their abasement.⁸⁷ Sam's cruelty would eventually become his downfall. The raid on aðalbol is the most violent description in the saga, not only because of the high amount of people involved, but also because it seems unnecessary. Sam and his men certainly did not have to string up Hrafnkel's men by holes in their ankles in order to carry out the confiscation court. Although it may seem strange when viewed from a modern moral stance, killing Hrafnkel and his men outright would have been the more honorable path. By choosing to humiliate his rival, Sam consciously leaves this path. Thorkel, Thordis and even Hrafnkel himself, would have preferred a straight killing. This means that Icelandic society, sometimes the more violent option (killing your adversaries) was preferable.

⁸⁵ O. Opet, 'Die Zuverlässigkeit der rechtsgeschichtlichen Angaben der Hrafnkels saga', *Mitteilungen des Instituts für österreichische Geschichtsforschung*, 3 (1890-94) 609.

H. Kratz, 'Hrafnkels Saga: Thirteenth Century Fiction?', *Scandinavian Studies*, 53 (1981) 426-427.

⁸⁶ T. Gunnell (trans.), 'The Saga of Hrafnkel Frey's Godi', 450 [10].

⁸⁷ T. Gunnell (trans.), 'The Saga of Hrafnkel Frey's Godi', 452-453 [11].

This assessment only holds, however, when viewed from the moral assumption that a human life is the most valuable asset. In the honor-driven society of medieval Iceland, this was clearly not the case. An honorable death was preferable over living a life devoid of honor. When the historian adopts that moral framework, he might argue that leaving Hrafinkel alive and humiliating him, was in fact the more violent option.

All in all there is no clear-cut answer to the question whether medieval Iceland was a society driven by violence. The sagas are littered with descriptions of violence, but violent outbursts were limited by social hierarchy, laws, and conventions. Violence did not rule medieval Iceland, but it was an integral part of the way its society functioned. Knowing when to resort to violence, and when to avoid it, required great strategical insight. The feuding process acted as both an inhibitor and a perpetuator of violence. Nevertheless, the feuding parties rarely operate outside the framework dictated by this process. If they did, like Sam does at aðalbol, they risked to lose the honor they had fought so hard to gain.

Conclusion

Hrafnkels Saga features various descriptions of violence. The feud arises after the killing of Einar, Sam brutally tortures Hrafnkel and his men, and Eyvind, a seemingly innocent bystander is killed because of his brother's actions. Nevertheless, the actions of the saga's protagonists rarely seem overly rash or motivated by pure bloodlust. Violence never appears to have been a goal in itself throughout *Hrafnkels Saga*, but a means to obtain various ends. Neither Sam nor Hrafnkel ends up being killed and the saga describes a long interlude without any confrontation. Yet the society illustrated in *Hrafnkels Saga* seems quite accustomed to violence. Full outlawry gave the prosecutor not only permission, but the obligation to kill the convicted. Sam's not so generous offer of mercy eventually turned out to be his downfall, something the brothers had foreseen. An image arises of a society which did not frown upon violent solutions but rather sometimes expected them or considered them necessary. Nevertheless, the reader never gets the sense that this was a community governed by anarchy. Certainly, it was a society that frowned upon right murder. Iceland had an extensive legislative tradition and the Althing was arguably the most important social event of the year. Overall, the society portrayed in *Hrafnkels Saga* is highly complex. It certainly was not without violence, but it also was not without social structures to mitigate that violence. In his concluding remarks, Miller also reflected on the nature of Icelandic society as distillable from the sagas.⁸⁸ He states that violence in medieval Iceland was rarely systemic, stating how: 'The sagas do not show people *continually* living with the anticipation of violence, rape, or expropriation that many American urban dwellers must live with daily'.⁸⁹

Therefore, *Hrafnkels Saga* does not warrant a return to Hobbesian theory. Although the system of chieftain-rule in medieval Iceland was not without violence, it was not ruled by it either. Whether there would be violence if Iceland had a more centralized system of governance, is impossible to determine based on these sources, it also was never the aim of this paper. Further studies into this subject might for example compare the Icelandic situation before and after the inclusion under the Norwegian Crown. Because it attempts to cover the entirety of human history on a global scale, *The Better Angels of our Nature* does not manage to capture the intricacies of non-state societies. Medieval Iceland under chieftain-rule was incredibly complex, Pinker does not seem to appreciate this complexity. In my opinion, Miller's approach is the right way forward. The sagas have long been disregarded as valuable historical source material. It is not wise however, to overlook their usefulness in reconstructing the intricacies of Icelandic society in the Middle Ages.

⁸⁸ W. I. Miller, *Bloodtaking and Peacemaking*, 301-308.

⁸⁹ *Ibidem*, 304.

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