

SOME REMARKS ON THE CHRONOLOGY OF ICELANDIC SOURCES

This paper takes up some of the points made by Kirsten Hastrup in her discussion of the Icelandic constitution in the period 930-1262 (JASO VIII :3). It also attempts to deal with some of the more general problems involved in historical anthropology. In the present case, as in most historical work, the dates and quality of the sources are at least as important as the events which the sources claim to describe. When examining Icelandic material there has been a tendency among anthropologists (see Turner 1971, Rich 1976, and Thompson 1960) and other scholars to draw parallels between what we know of Old Icelandic society and modern circumstances. This tendency may be partly a product of the Nationalist Movement of the nineteenth century (see Babcock 1976:81), which drew heavily on the literary styles and sources of the sagas. Such parallels are dubious since there is no evidence to suggest a similar 'nationalist' attitude in the period from 930 to the accession of the King of Norway in 1262. The very nature of the sources makes it difficult to come to any firm conclusions about the structure of the Old Icelandic constitution. The majority of the histories and family sagas were written in the latter part of the thirteenth century, after Iceland had come under the rule of the Norwegian king. Often they contain criticisms of contemporary affairs, and it is possible that the 'state-like' image which they present for the earlier community is a product of preservation and idealization and that the criticisms they contain evoke a past which never existed.

It is sometimes assumed that the Old Icelandic 'freestate' (that is, whatever Iceland was before it came under the rule of Norway) was 'constituted' by the Althing, or national assembly (see, for example, Hastrup 1977). In fact we must consider whether the term 'freestate', with its nationalistic overtones, is relevant to our interests in the Old Icelandic constitution. The term 'fristatstid' (Danish: the time of the freestate) appears in Danish histories of Iceland and, translated, in some English histories. In modern Icelandic two compounds may be considered equivalent to this term: lidh-veldi, which refers to the modern Icelandic state, and thjodh-veldi.² Neither appears in the Icelandic-English Dictionary compiled by Vigfusson, Cleasby and Craigie (1874), although they may be found in dictionaries of modern Icelandic (see Bodhvarsson 1963).³ The Danish dictionary (Ordbog over det Danske Sprog) puts the time of first usage for 'fristat' at 1800, while the English term came into use in 1664. The term appears to be anachronistic for the period with which we are concerned; and as with the study of witchcraft which Crick discusses,

we have probably been misled here by the availability of a term supplied by our own history which has very probably acted as a general means for the illicit importation of a whole host of cultural terms for the description of another society (1973:19).

The Althing may have constituted a 'freestate', but, in view of the linguistic evidence, it is more likely that the supposed event is in fact part of a later interpretation. The Althing probably grew out of a tradition of local things, or gatherings, for the purpose of arbitration.

My own discussion of the Old Icelandic constitution will be fairly generalized, attempting to 'describe a general quality or tendency pervading the whole mass of laws and customs that rule a State which gives to this mass a charter differing from the constitution of any other state' (Bryce 1901:136).

Probably about twenty thousand people came to Iceland during the settlement period (c.860). They were mostly from Norway but settlers also came from Sweden, Denmark and the British Isles. During this period the Norse language was rather undifferentiated, and we may assume that the

Icelanders retained many of the beliefs and customs found in Scandinavia. For example, the heathen gods were worshipped in Iceland as they had been in Norway, although the evidence of place names and archaeological evidence suggests that Thorrr may have become more important in Iceland. Some of the independent landowners owned temples for worship and instituted things which acted primarily as courts for the settlement of disputes, all based on models taken from Norway.

In the matter of social stratification, however, many differences may be observed: with reference to Norway, the sagas and histories commonly mention such classes of persons as thráll (slave), bóndi (free farmer), jarl (earl) and konuqr (king).

Slaves were treated as chattel and had no legal rights or responsibilities anywhere in Scandinavia; in Iceland, however, the class of free farmer (bóndi) was undifferentiated, in contrast to its sub-division into ranked groups in various provinces of Norway. Nor, in the early period, were there earls or kings in Iceland (Foote and Wilson 1970:84-5). There is no doubt that the Icelanders had a respect for family origins and family estates similar to that of the Norwegians, but the circumstances of the settlement eliminated at the beginning the possibility of inherited land.⁴ Later the majority of Icelandic farmers were in a socially equal position as far as inherited ownership rights went.

There is no mention of earls or an aristocracy in Iceland until the thirteenth century; rather the office of godhi was recognised and was unique to Iceland.⁵ The godhar (plural of godhi) had specific duties but few special rights,⁶ acting in groups of three at the local things, where one of them hallowed the assembly and therefore acted as a 'priest'. All three fulfilled the largely secular function of arbitrator in disputes.

Before the formation of the Althing, Iceland could probably have been accurately described as several communities and it is unlikely that the godhar exercised any general authority:

Although several of these settlers are described in both Landnámabók and the Family Sagas as powerful chieftains, even of royal or noble ancestry, they were probably no more than the heads of their own families and it is unlikely that they would have been able to exercise any general authority over other men than those of their own kin (Einarsson 1974:45).

The circumstances which in 965 brought these independent farmers together to agree to a fixed number of godhordh and to establish the Althing will remain a mystery. Íslendingabók, the history of Ári Thorgilsson, merely states that it was established by the counsel of Ulfljótt. Bjarni Einarsson suggests that part of the explanation is that the office of godhi was not considered a position of authority:

The independent farmers continued to consider themselves free and equal. This is also obvious from the fact that a godhordh originally had no fixed geographical borders and thus did not give leadership over a fixed population. According to the law each free man could choose which godhi he wished to join in a mutually beneficial relationship (Einarsson *ibid*:46).

All free men were to be in a thing relationship with a godhi of their choice and this relationship appears to have been crucial to the constitution.

Originally a free man could choose to become the 'thingman' of any godhi on the island, but with the reforms of 965 choice was limited to the godhar within his geographical quarter. The choice was based on family tradition, both the godhi's and the thingman's, and on the personal popularity of the godhi. Concerning this relationship Einar Ól. Sveinsson notes:

The recognition of the mutual independence of the thingman and the chieftain was bound to affect profoundly the whole life of the people. Their relationship was one of mutual trust and involved far-reaching moral obligations precisely because it was based on free choice (Sveinsson 1953:9).

The mutual independence of the godhi and his thingmen makes it impossible to conceive of an opposition between 'self-help' and the 'law', one of the oppositions by which Hastrup seeks to explain the collapse of the 'freestate'. The godhar functioned more as arbitrators than as judges, negotiating settlements between disputing parties. A free farmer who felt that he had been ill-served by his godhi could always enter into a thing relationship with another godhi who promised to provide a better settlement. Even after the 965 reforms a free farmer could still choose among at least nine godhar to represent him.

Contrary to Hastrup's view it seems that, at this early period, law and self-help were not, in fact, contradictory. The very distinction arises only when the law is coincident with some coercive force that claims the right to execute its judgements, in which case those who act outside the structure of authority can be said to 'help themselves'. In the period of the so-called 'freestate' (930-1262), self-help was all there was; the law specified only what one could rightly help oneself to, as is the case with many legal systems which rest on arbitration rather than judgement.

Even with the rise of the 'great families' in the twelfth century, the character and function of arbitration in the courts remained. Sturlunga saga describes the course of a case which involves members of two of the great families: Jón Loftsson, grandson of Saemundur the Wise and leader of the Oddaverjar family arbitrates a case in which Sturla Thordsson, father of Snorri Sturluson (author of Heimskringla) and member of the Sturlungar family is involved (Jónsson, ed. 1954: I, 74-76). The case serves to illustrate the nature of the law as arbitrary rather than adjudicative. The judge adopts the plaintiff's son as part of his judgement, and the settlement reached is a practical one which satisfies all involved by introducing more personal relationships into the case; the case is not confined to the facts of an inheritance dispute, but rather it aims at a general resolution of the conflict by legal means. Moreover, since the dispute passes from litigation at a local level in Western Iceland to the Althing, to a local meeting in Reykholt in the South, and finally back to the Althing, it is difficult to view the Althing as being at the top of a legal hierarchy. The annual meeting of the Althing seems to have provided an added opportunity to settle disputes, but, in this case at least, it does not appear as a 'higher' court. The idea of a legal hierarchy (Hastrup 1977:129) may, perhaps, be anachronistic, in so far as the structure of power and authority which it conceptualises may not have existed at the period in question. The idea that one court is 'higher' than another needs to be treated warily.

On the whole it appears that the position of the godhi did not involve economic power. Free farmers who had achieved a certain level of wealth were obliged to pay thingfarskaup (assembly travel costs). The Icelandic law books, Grágas, state that every thingheyjandi (thing participant) should receive an amount determined by the distance from the place of assembly or the number of day's journeys each man had to travel. The thingheyjandi

himself was exempt from these taxes (Grágas I-24,46,116; II-159). A godhi had the right to bring one-ninth of his thingmen to the assembly, and we may therefore gather that the tax was a rather equitable system of defraying the costs of representation for the godhordh.⁷

It was only after the introduction of the Law of Tithes in 1096 that the power of the godhar came to be defined economically. Islendingabók states that

by reason of [the] popularity [of Bishop Gízzurr of Skalholt], and because of his and Saemundur's representations, and by the counsel of Markus the lawspeaker it was made law that all men should count and appraise their property, and swear that it was correctly valued . . . , and then give tithes thereof (Hermansson (tr.) 1930:69).⁸

The Law of Tithes was intended to provide regular financial support to diocesan and parochial services. All estates which were donated to the church were exempt from the tax so many landowners with churches made their land over to the church while continuing to administer the land on the patron saint's behalf. The law stated that the tithe should be distributed with a quarter going to the bishop, a quarter to the church, a quarter to the poor and a quarter to the priest. Since the priest was usually a member of the landowner's family, this meant that a half to three-quarters of the tax money went directly to the landowners of these estates. In some cases the landowners received the entire amount. Sveinsson, citing Byskupa sögur, notes that

in payment of a sum of sixty hundreds lent by Saemundur Jonsson to Bishop Pall for a journey abroad, the Oddaverjar received the bishop's share of the tithes paid on certain farms in Rangarthing for about eighty years, although the annual sum realized in this manner amounted to six hundreds And Abbot Arngrimr reports, on the evidence of trustworthy men, that Sighvatr Sturluson received the bishop's share of the tithes in Eyjafjorthur for six years (Sveinsson 1953:53-54).

Saemundur the Wise, the priest of Oddi who helped Bishop Gízzurr bring about the Law of Tithes, was not the least to benefit from this state of affairs. His estate became one of the richest in Iceland and his descendents, the Oddaverjar, one of the leading families.

While some landowners and their descendents benefited from the Law of Tithes, it would appear that the position of many became worse; Bandamanna saga describes eight impoverished godhar in the eleventh century and their attempts to gain wealth from a rich merchant-farmer (Jónsson 1933). Although the saga itself dates from a much later period, it might still lead us to agree with Bjarni Einarsson that

it is reasonable to believe that this accumulation of wealth by a comparatively small number of families became one of the main sources of disruption of the earlier social balance (1974:47).

With the change in the economic balance came other changes; in the relationships between a godhi and his thingmen, and among godhar. Iceland began to resemble the feudal structure of society to be found in medieval Europe and Scandinavia. By the early part of the thirteenth century six families⁹ had extended their authority over most of the country. A family could extend its power over a godhordh by two methods: by owning the godhordh or by receiving the authorization of the actual owners to exercise the power that

went with the godhordh. This in turn affected the field of choice for the free farmers:

As the domains of individual chieftains were thus extended it became more difficult in practice to change godhi without moving to another district. And gradually out of the three godhordh of each thing, originally independent and without fixed geographical limits, there grew a single geographically defined unit: the heradh or district. . . . Here, whenever a new chieftain came into power, we are told that the men of the district held an assembly and accepted him as their leader (Sveinsson 1953:10).

The authorizations given from one godhi to another were, in practice, oaths of allegiance, and we now begin to see hints of a feudal social structure¹⁰ emerging in Iceland.

We find, during this period, that many of the godhar who went abroad served as hirdmenn (king's men) to the king of Norway and some continued to use their titles when they returned to Iceland.

At this point (early in the thirteenth century) there were three directions in which the Icelandic state could go. It could break up into a number of smaller kingdoms headed by members of the great families, become a single kingdom united under an Icelandic king, or receive a foreign king as final authority.

In 1235 these possibilities began to play themselves out with the return of Sturla Sighvatsson from Norway:

He had a definite design: To establish his rule over the whole country; and once this idea had been conceived, the feuds of the chieftains . . . change their character . . . and often their conduct becomes correspondingly violent. From now on there is no certainty that the chieftain will seek power by lawful means (Sveinsson 1953:11).

With these feuds we see the last of the supports taken away from the Althing. Originally the Althing was established to settle disputes arising from local things and derived its legitimacy through the representation of independent godhar and the support of their thingmen, who were also to a great extent independent. But with the consolidation of wealth in a few families and their rise to power, the bases for the Althing had been eliminated. The thingmen were no longer able to choose the chieftain who might best serve their needs but could only accept or reject the rule of a powerful chieftain. The godhar themselves no longer acted independently, but were committed to serve even more powerful godhar through oaths of allegiance. In fact the godhordh, the basic unit of the Icelandic republic and the Althing, had ceased to exist, merged into a new unit, the heradh, with geographical boundaries.

The adoption of the Norwegian king in 1262 was the conclusion of a gradual process and hardly the result of a few 'traitors'¹¹ working for their own shortsighted ends. Ten years before, the king of Norway had obtained the chieftaincies of Haraldr and Filippus of the Oddaverjar, although he had no legal support (Sveinsson 1953:17). In other parts of Iceland his commands were also heeded. In 1256 Thorgils Skarði and Bishop Heinrekr made the farmers of Skagafjörður and Eyjafjörður in the North pay tribute to the king, and by 1261 the whole of the south of Iceland (where the greatest concentration of population was located) was paying tribute to the king of Norway. The final 'traitorous' acts of a few men served mainly to formalize

a submission which had already occurred.

In the course of this discussion I have presented certain events in Icelandic history which can be found in almost any general history of Iceland and in many histories of the 'Viking Age'. Hastrup (1977) has also presented them and there is little disagreement as to what happened. I disagree only with the interpretation which she places on these events. Perhaps a brief discussion of the theoretical apparatus which she employs may help to clarify my position.

Hastrup's argument begins with the suggestion that

from the very settlement of Iceland, at least two sets of contradictions were latent in the social system; but it was only as time passed and certain external and internal pressures increased that these contradictions and their mutual interaction became fatal to the freestate (1977:125).

One of these 'consisted in the opposition between self-help and law' (ibid), while the other was 'related to the distinction between Christianity and Paganism' (ibid). I have dealt only with the first but the same arguments apply to the second. The point is that the 'contradiction' is not a matter of two coexistent and incompatible forms which are worked out with various results. Christianity replaces paganism, as law replaces self-help, so the terms have completely different meanings at the beginning of the process and at the end. It is only in retrospect that we may perceive a contradiction.

The case is complicated where the terms remain throughout even though their meanings change. 'Law' is a very different thing in the early and later periods of Icelandic history and the opposition with self-help (not an Icelandic term) makes sense only in the later period.

In her discussion of the Old Icelandic constitution, Hastrup links 'the law', 'the Althing' and 'the freestate' very closely:

From the moment of the political event that made the Althing emerge, the people of Iceland were no longer just Norwegians once or twice removed, they were Icelanders (ibid:129).

the Althing ... was a dominant symbol . . . and in this sense the national ideology was vested in the Althing (ibid:130).

We are now employing the term ideology as a deep structural fact. It is here conceived as a p-structure for cultural identification, seen as a continuous process of self-definition, expressed in a variety of s-structures. What matters is that Iceland was a self-defining unit, from the very moment of its first constitution, the law of Úlfljótr (ibid).

The thrust of the argument is clear: something (the p-structure) persists once the 'freestate' is founded and generates s-structures which are the more visible aspects of Icelandic self-definition. The p-structure appears to be a descendent of Ardener's earlier formulation of the 'template':

Something is repeated and revived over time through these successive replications. Whatever 'it' is, it is to be considered at a different level of analysis from that used in even the sophisticated analysis of content. I call it the 'template' (Ardener 1970:159 n.15).

I do not suggest that p-structures and templates are necessarily the same thing but Hastrup's use of 'p-structures' conforms to this early formulation. It might seem unfair to approach Hastrup's work through Ardener's papers, but Hastrup herself places great emphasis on them, and to proceed without considering them would be to ignore the many useful points she makes.

Hastrup's formulation of the 'self-defining unit' leads us to Ardener's 'world-structures' with their 'totalitarian' tendency to 'englobe' their environment (Ardener 1975:25). That p-structures are unavoidably part of world-structures is not surprising (Ardener hints at this in his "Events" paper - 1973), but what must not be forgotten is that world-structures are pre-eminently historical. They exist in time and they include their own histories, whether they are 'hot' or 'cold'.¹² It is not simply that something persists through time which is the p-structure, but that the later version 'englobes' or includes the earlier in some more or less orderly 'bricolage'.

Strictly speaking one can say very little about the events of Iceland's history before the twelfth century. There is no documented 'continuous process of self-definition' for the period in question, rather the period itself is a part of later periods' self-definition - periods when Iceland was under the rule of the king of Norway or, later, under the rule of the Danes. The facts which may or may not 'really' have been part of the earlier state are first of all elements within the later structure. Except for the Elder Edda, of dubious origin, and some scaldic poetry, we have no pre-Christian sources. Ari Thorgilsson's Íslendingabók, Grágas, which was the written record of the law, and Landnámabók all date from late in the eleventh and twelfth centuries.¹³ The so-called family sagas such as Njála, Hrafnkatla, and others all date from late in the thirteenth century, after the king of Norway had established his rule over Iceland. These stories are often set in the period of the tenth and eleventh centuries and are of dubious historical value.

It is, of course, far easier to criticise others' accounts of early Iceland than to provide an adequate account oneself, but this could hardly be otherwise with the sources as they are. An analysis of the 'freestate', its means of self-definition, the groups which made it up and the idea of equality under the law cannot fail to be interesting. My point is that the proper object of analysis is 'the idea of early Iceland held c. 1200' and not a real 'early Iceland' which could be seen as preceding 'saga Iceland'. One cannot help suspecting that the 'Icelandic Free State' is a semi-factual notion like Daniel Boone's America or 'Merrie England'.

In the more modern general histories dating from the nineteenth century we may observe the imposition of a continuity between that ideal time in the past before Iceland came under the rule of a foreign power and the ideal time in the future when it should be free of Danish rule. It is no wonder, then, that the recognition of the rule of the king of Norway in 1262 should be called a 'traitorous' act in the general history books.

If we are to base our theories on the 'historical facts' of a certain period we should determine what those 'facts' are and avoid using concepts which may have arisen only in a much later process of self-definition. Where this later process has occurred it offers an object which may be analysed in terms of p-structures, world-structures and all the rest. But a careful consideration of the sources is required to be sure which world-structures we are talking about.

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NOTES

1. The sagas' value as histories is open to question. One major debate has centered around Hrafnkels saga freysgodha: Sigurdhur Nordal (1958) focuses on the inconsistencies which appear within Hrafnkatla, maintaining that it is mostly a work of fiction.
2. Due to the limitations of the typewriter I have substituted the Icelandic letter 'ð' (the 'th' sound as in 'the') with 'dh'. The Icelandic letter 'þ' ('th' as in 'thing') is replaced by 'th' and the letter 'æ' has been separated to 'ae'. All Icelandic words appear in the nominative case in singular or plural form as appropriate.
3. Although Cleasby and Vigfússon do not list the compound thjódh-veldi they do state that 'in quite modern times (the last 30-40 years) a whole crop of compounds with thjódh- has been formed to express the sense of national; . . . but all such phrases sound foreign and are not vernacular' (Cleasby, Vigfússon and Powell 1957:739). The first edition of the dictionary appeared in 1874 so such a usage would date from the early part of the nineteenth century.
4. There is little reason to maintain that 'when settlers first came to Iceland, they were primarily defined by their home of origin' (Hastrup 1977:126). The evidence suggests, rather, that the settlement represented a new starting point from which to reckon status, although family characteristics were probably still considered in the new reckoning.
5. Outside of Iceland the word godhi is only recorded on two occasions, referring to the priestly function of two men living in Denmark in the ninth and tenth centuries. In Iceland the function of godhi appears to have been mainly secular (Foote and Wilson 1970:133).
6. The wergild payable for a godhi was the same as for any freeman; however a godhi could be prosecuted and fined if he neglected his duties.
7. Íslendingabók states that Bishop Gízzurr of Skalholt took a census (about 1100) of all the franklins who paid thingfarakaup and found 4,560 (Ch. X).
8. It is rather interesting that Ári uses the phrase 'aller men' (allir menn= all men) while referring to those who would have to pay under the Law of Tithes but uses the term 'buender' (baendur= free farmers) when he describes the census which Bishop Gízzurr took of those paying the thingfarakaup (Holtmark, ed. 27-28).
9. These families were the Svinfellingar, Oddaverjar, Haukdaelir, Sturlungar, Vatnsfirðingar and Asbirningar (Einarsson 1974:48).
10. Although loyalty was pledged from the beginning of the thirteenth century, a feudal 'court' did not fully emerge until Gízzurr Thorvaldsson, who was made earl by the king of Norway, returned to Iceland and made a number of people his liege vassals (handgegnir menn) (Sveinsson 1953:12).
11. Modern accounts usually refer to Snorri and his son, Urókja, as the 'traitors' of the Icelandic 'freestate'.

12. As Levi-Strauss notes, the criterion of 'historical consciousness' is itself ahistorical. It offers not a concrete image of history but an abstract scheme of men making history of such a kind that it can manifest itself in the trend of their lives as a synchronic totality. Its position in relation to history is therefore the same as that of primitives to the eternal past: . . . history plays exactly the part of a myth (Lévi-Strauss 1966:254).
13. In these sources we find no reference to the 'freestate' and are fairly hard put to find any nationalistic sentiment in the works. Even Islendingabók devotes one of its ten chapters to a description of Greenland and its inhabitants.

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