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Changing Layers of Jurisdiction and the Reshaping of Icelandic Society c. 1220-1350

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ABSTRACT

The great breach with the Free State period (c. 930-1262/64) came with the law-books *Járnsíða* in 1271, bishop Árni's Christian Law in 1275, and the *Jónsbók* of 1281. The section on the assembly in both the secular law-codes formally abrogated the constitution of the Free State. The *Alþingi* thereby became a law-court. Instead of being an independent legislative and judicial institution it became the highest authority of the delegated government in Iceland. In this process the old kin-based aristocracy was transformed into a service aristocracy which received its power not from the householders but from the king, who in turn had received his from God. The strong vertical and mutual ties of friendship between chieftains and householders disappeared. While the chieftains had previously been obliged to help their friends, now as the king's servants they had to prosecute and punish those who had formerly been their supporters. To compensate for these changes the only option open to householders was to strengthen the ties among themselves in their communes, which thus became the foremost social institution in the country. In the age of the Free State, the chieftains' gifts and feasts had resulted in economic levelling, particularly since the chieftains partly subsidized their householders' farms. In a series of letters to the king from c. 1300 the householders complained about the country's poverty. This should, however, not be seen merely as a tactical manoeuvre on their part. It also testifies to worsening conditions resulting from the termination of the gift-exchange economy. These shifts steered society as a whole toward a market economy. The aristocracy began to invest its wealth, and purchased farms from its earlier friends and followers. One result was an increase in the number of tenants.

Bruddet med fristatstiden (ca. 930-1262/64) kom med lovbøkene Járnsíða i 1271, Árnis kristenrett i 1275 og Jónsbók i 1281. Tingfarebálkene i de to verdslige lovbøkene innførte en ny forfatning. Alltinget ble dermed et lagting. I stedet for å være en selvstendig lovgivende og dømmende institusjon ble det den høyeste instans for ombudsstyringen på Island. De gamle høvdingfamiliene ble i denne prosessen omdannet til et tjenestearistokrati. De sterke gjensidige vennskapsbåndene som før knyttet aristokratiet og bøndene forsvant, de

var ikke lenger viktige for aristokratiets maktposisjon. Makten kom ovenfra, fra kongene, som på sin side fikk den fra Gud, men ikke fra bondesamfunnet som før. Avstanden mellom bønder og høvdingar vokste. Det skjedde en overgang fra vertikale til horisontale bånd. Etter at disse endringene hadde inntruffet måtte bondene i større grad enn før samarbeide, da fikk reppen den funksjon den hadde resten av middelalderen. Denne overgangen ses bl.a. av at repps-institusjonen omtales i første rekke i kilder fra perioden etter fristatens fall. Samfunnet hadde fått en klarere horisontal inndeling.

Det at gaveutvekslingen stoppet opp hadde på sikt konsekvenser for bøndernes økonomi. I fristattiden hadde høvdingenes gaver og gjestebud ført til en økonomisk utjevning. Godene subsidierte delvis bøndernes drift. I en rekke brev til kongen fra omkring 1300 klager bondene stadig over landets fattigdom. Dette bør ikke bare oppfattes som et taktisk spill fra deres side, men også som et uttrykk for endringer i deres kår, etter at gaveutvekslingen mellom dem og høvdingene stoppet, og at en del oppgaver som godene før hadde tatt hånd om måtte bondene nå ta seg av, f.eks. fattigforsørgelsen. Disse endringene førte til at samfunnsøkonomien fikk et klarere markedspreg. Aristokratiet begynte nå å akkumulere rikdom.

According to *Íslendingabók* [the Book of Icelanders] written by the priest and the chieftain Ari fróði [the wise] c. 1125, the first law of Iceland was brought to the country by a Norwegian, Úlfljótr, c. 930, and was modelled on the tenth-century Norwegian *Gulapingslög*¹. In the years 1262, 1263 and 1264 Iceland became a part of the Norwegian kingdom, and seven years later the country received a new law-book, *Járnsíða*, which replaced the old laws collected in *Grágás*. *Járnsíða* was so unpopular that another law-book, *Jónsbók*, was introduced in 1281. The structure of *Jónsbók* was based on the Norwegian National Law, though with two large deviations: a section on royal taxation replaced the latter's section on defence, and the *Farmannalög* was derived from the Municipal Law². With these two law codes the Norwegian administrative and legal system was implemented in Iceland. However, the Church also played a significant role in the development of Icelandic legislation. The Icelandic church acquired its first Christian Law (*kristinnréttur*) between 1122 and 1133, and then in 1275 a new Christian Law were passed at Alþingi, which adopted most of the major demands of the Church reform movement³.

In his book *State and Society in Medieval Europe* James Given claims that “[i]f we are interested in examining the dialectical relationship between state and society, in discovering the ways in which political and social structures shaped one another, we can find few other occasions where the issues are posed as clearly and as dramatically as when one previously independent region was brought under the control of an outside political organization”⁴. This is clearly the case with Iceland. In the period 1271-1281, the ‘old’ national layers of jurisdiction were replaced with new ones, the Norwegian and the Church. The new layers of jurisdiction brought about major changes in Icelandic society, and most of the common features of the Free State society (c. 930-1262/64) disappeared overnight, so to speak. In the following pages we will undertake three tasks: discuss a few of these changes, starting with the transformation of the aristoc-

racy; examine the reaction of the *bændr* [householders]; and, finally, discuss the conflict between the local magnates and the bishops over Church property. The specific focus for this discussion is the period from c. 1220 with the Norwegian king's first interventions in Icelandic politics until c. 1350 when the Black Death arrived in Norway and as a consequence contact between the two countries was severely reduced.

THE REMAKING OF THE ICELANDIC ARISTOCRACY

Around 1220 Iceland was divided into 6-7 *riki* [domains] with relatively clear boundaries, each controlled by a *goði* [chieftain]. These chieftains had significant power over their domains including: management of the local assemblies, settlement of conflicts, authorisation for residence in their domains, and the organisation of trade. The power of the chieftains and their importance is clearly signalled by the fact that they were obliged to protect the area they controlled. In addition to this it was their responsibility to secure a surrogate representative to protect the region when they had to travel beyond their territories. Furthermore, if the chieftains did not personally attend the General Assembly at Þingvellir, they were required to send representatives to carry out their duties there⁵. As a result of their authority chieftains, except for a few cases, were leaders of miniature states⁶.

One of the chieftains' most important tasks in the Free State period was to uphold the peace in the regions they controlled, to settle conflicts between their friends [*vinir*] and to support them in disputes with friends of other chieftains⁷. In conflicts between his own friends, the chieftain had to find a solution both parties could accept. If he managed to establish orderly conditions, more farmers were willing to support him. If he failed, however, he was in danger of losing honour and friends, who would then look for support from another chieftain⁸.

In a typical conflict the farmer went to his chieftain for help. The chieftain took over the case, and in order to put pressure on the opponent, usually another chieftain, he prepared it to be dealt with by a court; it was therefore important for chieftains to have a good knowledge of the law⁹. During this initial stage, mediation was usually undertaken with farmers acting as representatives. The aim of this mediation process was to persuade the chieftains to let the case go to arbitration, or to hold a meeting of reconciliation wherein they themselves could settle the conflict. In an effort to preserve the peace until the meeting or the declaration of an arbitration decision, the parties agreed to a truce. The arbitrators, who were usually chieftains, represented their respective party and received the parties' handshake confirming that they would accept their decision. After the decision, the parties swore an oath of assurance that the case was now at an end.

The advantage of this system was that the ruling aimed at satisfying both parties. The Free State society had no central authority that could carry out judgements. Therefore, arbitration and negotiations between the parties were the most effective means of finding a solution and keeping the peace in society. The chieftains aspired to increase their honour. It was the arbitrators' task to find a solution that would satisfy the par-

ties involved so that they could withdraw from the conflict with their dignity intact. There was an implicit pressure on the chieftains to accept the arbitration decisions. Not accepting a judgment was offensive to the arbitrators and the chieftains could not automatically count on their support in other cases¹⁰.

It was partly the chieftains' control over the dispute settlement process that gave them power and authority over the farmers. Farmers who felt that their rights had been infringed had to seek support from their chieftain. Chieftains, however, could abuse their position and often used conflicts to show their power over weaker chieftains and their friends. Their power base was weakened if the chieftains were unable to defend their friends who, after all, could conclude that there was little advantage in supporting a weak chieftain. Thus it was imperative for survival that the chieftains preserve their honour after conflicts, and the institution of arbitration facilitated this enterprise. The disputes in Iceland, as in other societies with weak or no central power, were a process that promoted social stability because conflicts of loyalty gave "each individual an interest in the maintenance of social cohesion"¹¹.

The chieftains also used gifts and feasts to establish or renew ties of friendship. If the recipient could not afford to give another gift in return, he was obliged to pay for it in kind by rendering services. This service ensured the right to own or dispose of the gift. Because of the strong obligation to reciprocate, gifts were a useful instrument with which chieftains could bind their supporters' loyalty. Friendship bonds were the most important element in the chieftains' power base during the Free State period. Personal connections were a fundamental factor underlying chieftains' command and authority. Strong mutual links existed between the chieftain and his companions, which shaped an expectation that a chieftain's protection, help and gifts would be repaid by acting as advisers, negotiating and mediating with other chieftains and, finally, by providing information regarding the movements and plans of the chieftain's opponents. Loyalty was an important aspect of the reciprocal ties between the chieftains and their supporters, and it may be claimed that it was the foundation of such relationships¹².

The individual households were under the protection of the householder, the so-called *grið*. The term *grið* indicates that the non-family members of a household were subordinated to the householders, who should protect and defend them as if they were members of their own families. Usually the householders were not able to protect their own household and had to rely on their chieftain's assistance. As a result the protection of households depended on the friendship ties between the householder and the chieftain.

The demise of the Free State period was marked by the introduction of the law-books *Járnsíða* in 1271 and *Jónsbók* in 1281, which removed the *godði*-institution and introduced the Norwegian administrative and legal system. The General Assembly, which had until then functioned as an independent legislative and judicial institution, now became a law-court and the highest authority for the delegated government of Iceland¹³.

After the changes in 1271 and 1281, the Norwegian king's official administration in Iceland consisted of one *hirðstjóri* or *höfuðsmaðr* [superior commissioner]. The *hirðstjóri* was the leader of the king's retinue in Iceland and consequently the most powerful man in the country. The *lögmenn* [law-men] were two in number after 1277; their work concerned judicial matters at the General Assembly. They led the work of the court and chaired the *Lögrétta* [Law Council], which had become a court instead of a legislative body; legislative power now being in the hands of the king. The country was divided into 12 *sýslur* [sheriff's districts], with the *sýslumenn* [sheriffs] vested with the right of public prosecution and executive authority. The 1281 *Jónsbók* allowed for the possibility that one sheriff could govern a whole quarter of Iceland¹⁴; in this case he was to have his representatives stationed around the quarter. The sheriffs received their offices directly from the Norwegian king, and in the case of his absence were chosen by a superior commissioner¹⁵.

To fill these positions, the Norwegian crown had to expand the Icelandic aristocracy and bring new men into the retinue [*hirð*]. It appears that the first appointees were initially selected from among the men and the sons of the men who first swore allegiance to the king and promised on behalf of the Icelanders to pay him restitution in 1262/64. Almost all of these men were descended from chieftains, and many had also owned chieftaincies [*goðorð*]¹⁶.

The king demanded not just that his representatives should be from distinguished families but also that they should have a sound economy. Hákon Magnússon V's decree of 17 June 1308 required those who entered his service to have with them a declaration from the sheriff concerning their economic status and their behaviour toward the common people¹⁷. These two conditions meant in practice that access to the king's service, with the advantages this brought in the days of Hákon V, was to a large extent socially hereditary. There was nevertheless a certain chance for new men with acceptable economic and social backgrounds to become members of the household retinue.

Solidarity among the Icelandic retainers gradually increased both because of pressure from the crown and because of a common struggle against the Church in the controversy over control of the local ecclesiastical institutions. In this conflict, which we will discuss later, the Icelandic aristocracy fought united, meaning that old rivalries were mostly set aside¹⁸.

In the decades after the fall of the Free State, the Icelandic kin-based aristocracy was transformed into a service aristocracy which received its power from the king, who in turn had received his from God. This meant that as the support of the householders was no longer essential for their power positions in society, the aristocracy did not need to build up its power through its ability to protect the householders. In addition the feasting and the extensive exchange of gifts between chieftains and householders gradually declined. As a result, the strong vertical and mutual ties of friendship between chieftains and householders disappeared. While the chieftains had earlier been obliged to defend and assist their supporters, now as the king's servants they had to prosecute and punish those who had

formerly been their friends. With their power now coming from above, not below, the duty of the service aristocracy was to govern rather than to lead¹⁹.

The ideological foundation for these changes was the *rex iustus*-ideology, introduced in Norway in the second half of the 12th century. This claimed the divine right of kings, and held that members of the society owed as much loyalty to the king as to God²⁰. The introduction of this ideology can be seen in part as an attempt by the King and the Church to launch a new model of loyalty that could compensate for the lost friendships in Norway between the king and the householders. While in 1274 a new national law code introduced in Norway increased the power of the king, it should be noted that this was based on the assumed loyalty of the king's subjects.

THE HOUSEHOLDERS AND THE HREPPR

A notable consequence of the implementation of the Norwegian system was the significant change in the role householders played in Icelandic politics. Conflicts among the chieftains dominated the political scene before *c.* 1260, and in these the chieftains necessarily relied upon the support of the householders – so much so, in fact, that without their aid the chieftains were powerless. When the new legal system was introduced and chieftains incorporated into the Norwegian administration the bloody infighting ceased and with it the need for householder support. Evidence for this can be found in the waning of the concubine-system, in which chieftains had kept numerous concubines out of recognition of the need to make alliances with important and wealthy local householders²¹.

In reality this shift meant a loss in political status for the householders. When the new system severed the vertical ties between them and the chieftains, the householders then became open to exploitation in the same way as peasants in Europe. To compensate for these changes the only option open to householders was to strengthen the ties among themselves in their *hreppr* [communes], which thus became the foremost social institution in the country²².

Little is known about the origin of the communes. Some scholars argue that they originated around 950, while others claim that they came into being *c.* 1000. There is some evidence to suggest that the communes have a long history, and may even date to the so-called Settlement Period (*c.* 870-950)²³. The communes moreover strongly resemble European guilds, the main difference being that the communes were never religious communities like the guilds²⁴. All scholars agree, however, that the communes had reached an advanced stage of development by around 1096. Not long afterward the tithes system was introduced in Iceland, and unlike other European countries where the Church distributed the revenue intended for the poor, in Iceland the communes performed that task.

According to *Grágás*, every commune (*löghreppr*) ought to have at least 20 farmers who paid assembly attendance dues. The communes were independent, geographically-de-

financed units led by five leaders each of whom was elected annually. The communes were self-governing for a number of internal matters and quite independent of the chieftains. Three regular meetings had to be held each year and additional meetings were also convened if necessary. The number of communes in the Free State is not known, but by 1700 there were c. 163, a number that apparently had remained constant since the High Middle Ages²⁵.

The communes had two main tasks. The first was to arrange mutual insurance among the farmers. Each would jointly pay half the compensation needed for two types of loss: if a farmer lost more than a quarter of his cattle and horses; or if parts of his farm, dwelling, outhouse for washing and baking, or food store were to burn down. This compensation was not to be paid out more than three times to the same farmer and should never constitute more than 1% of the wealth of each compensating farmer, even if it did not cover half the damage. If the commune farmers wished to give more, it would be on a voluntary basis.

According to the first paragraph in the Dependents section of *Grágás*, every *maðr* [man] had to “maintain his own dependents. A man must first maintain his mother. And if he can manage more, then he is to maintain his father. If he can do better, then he is to maintain his children. If he can do better, then he is to maintain his brothers and sisters. If he can do better, then he is to maintain those people from whom he has the right to inherit and those he has taken on by inheritance-trade”²⁶. This paragraph stresses the fact that each family had the responsibility for looking after its own members. However, the Icelandic kinship system was bilateral, with only siblings of the same parents serving as members of the same group. These groups overlapped with each other and formed a cohesive network of kinship groups. While in bilateral societies, unlike unilateral ones, kinship ties are weak, it nevertheless is likely that it was the households and the communes who ended up taking care of the poor. The leaders of the communes had to distribute the tithes and food to the poor, and organise their movements within the commune. Every farmer paying assembly attendance dues had to provide hospitality for the poor for a certain period of time, the duration of which was related to his wealth. The communes probably also saw to the rounding up of sheep in the autumn and the construction of roads and bridges.

Neither the introduction of *Járnsíða* nor the *Jónsbók* altered the position of the communes to any great extent. Thus there were still to be five commune leaders. However, the limitation of this post to a one-year term of office in the *Grágás* was abolished, which meant that there was now no limit to the length of a leader’s office.

Both Martina Stein-Wilckshuis and William I. Miller have argued that the communes were independent of the chieftains in the Free State Period²⁷. This is unlikely. The farmers were subordinate to the chieftains, and it is highly improbable that they controlled a local institution without the chieftains being involved. According to *Grágás*, it was the leaders of the communes who gave permission for a new farmer to live in the communes. This was probably true of peripheral parts of the country, but not in the central

areas. Out of self-preservation the chieftains could not allow friends of rival chieftains to be residents in neighbouring farms. It was imperative that the chieftains control the heartlands and make sure that they were populated with loyal supporters whom the chieftains could muster at short notice in times of crisis. However, the communes did become independent and managed their own affairs after the introduction of the Norwegian legal system.

The sources describing the period before *c.* 1270 provide evidence for an apparent shift in the role of communes after this date. While the majority of the sources for the period from around 930 to 1270 hardly mention communes, they are mentioned frequently in the post-1270 documents. The most plausible cause of these changes, despite the difficulty of finding specific references to support this view, is that the elimination of the vertical ties between the chieftains and the householders strengthened the horizontal ties between householders. It is therefore likely that the five commune leaders started immediately to play a major role in the communes, and that the commune quickly took on the function it retained for the rest of the Middle Ages.

As mentioned above, arbitration was the channel through which most disputes were settled in the Free State period. After Iceland was subordinated to the Norwegian king, a new system was implemented which meant that most cases should be heard in court. Because of the lack of sources, we know all too little about how this procedure evolved, but it is likely that it followed the Norwegian pattern, and that the communes played the same role as guilds in Norway, settling most of the disputes between their own members, with the full approval of the central government²⁸. There was, however, one significant difference between the guilds in Norway and the communes in Iceland: the former had their own individual law codes, whereas the rules for the latter were included in the law-codes for the entire country. The medieval Norwegian state was, like most other states in Europe, a rather fragile construction. It was therefore prudent to let the local communities deal with most of their own affairs since they knew best how to keep the local peace.

CHURCH LEGISLATION AND CONTROL OVER CHURCH PROPERTY

The Icelandic Church was considered a bastard in the organisation of the universal Church in the 11th, 12th and 13th centuries. It was only thanks to a series of conflicts between the archbishops in Niðaróss [today's Trondheim] and the bishops in Iceland, on the one hand, and the chieftains and the later service aristocracy on the other, that the Church of Iceland became a natural part of the universal Church in the second half of the 13th century. The most important of these disputes was the battle over the new Church laws.

Shortly after the introduction of Christianity in the year 999/1000, many chieftains and wealthy farmers built churches on their farms. After the installation of the tithe in 1096/7, many church builders and owners began to donate either a part or the entirety of their farms to the local church at the farm. This was on condition that they and their heirs should continue to manage the gift. If the Church owned all the surrounding land,

the local ecclesiastical institution was called a *staðr*, while churches with less property were designated as farmers-churches or *bændakirkja*. As such, the *staðir* were usually wealthier than the latter²⁹.

Those who governed the churches, both chieftains and farmers, had a great deal of freedom in the control of their fortunes and incomes. They received about half the tithes, the share belonging to the churches and the priests, in addition to controlling the churchyard and funeral fees. The administrators of the churches themselves kept the profits they made from their management, in addition to receiving land taxes from farms owned by the churches and any rents these generated. At the end of the 12th and during the first half of 13th century it became common practice for the chieftains to receive proof of authority over the *staðir*. Not all the *staðir* were equally important or wealthy, however. It was primarily the wealthiest ones which attracted the chieftains, who gradually took over most of these and transformed them into an integral element of their finances. The chieftains' strong hand in Church affairs can also be seen in their control over the dioceses; thus, until 1237, four chieftain families decided who became bishops of Skálholt and of Hólar.

Until 1104, Iceland and the rest of Scandinavia belonged to the archdiocese of Hamburg-Bremen, and from 1104 to 1152/53 that of Lund. A leading cause of the foundation of the archbishopric in Niðaróss was the Church reform movement and its aim to free the Church from secular influence and place it under the leadership of the pope. The kings of Norway in 1152/53 and later Magnús Erlingsson (1163-1184) made concessions in four decisive areas: first, he recognized the complete authority of the Church over its clergy, including the election of bishops and the appointment of priests; members of the clergy were to be regarded as separate and distinct from other classes; the Church should control its own property and finances; finally, the Church should have jurisdiction over its own affairs and personnel³⁰.

The archbishop in Niðaróss very quickly tried to introduce these demands in Iceland, but without success. Guðmundr Arason became bishop of Hólar in 1201 and a champion of the Church reform program. One aspect of the disputes and battles between him and the chieftains was the uncertain judicial status of the clergymen: should they obey canon law or the law of the country? The conflict went on for decades, but the outcome of this dispute was a kind of status quo in which the Church gained little apart from underscoring that this was a serious demand well worth pursuing.

As it were, both bishops in Iceland, Guðmundr Arason and Magnús Gizurarson, died in 1237. Following protocol, the chieftains in Iceland elected candidates and sent them to Niðaróss. But this time the archbishop rejected the Icelandic candidates, and he and the Niðaróss chapter instead chose two Norwegians as bishops for Iceland. This action was a part of the effort by the archbishop and the Niðaróss chapter to ensure their right to fill episcopal seats in the Norse islands.

The Lateran Council of 1215 reaffirmed the election of bishops by archbishops and chapters, not kings nor magnates. Since Guðmundr Arason became bishop in 1203

and Magnús Gizurarson the bishop of Skálholt in 1216, 1237 represented the first opportunity for the archbishop and the chapters to implement this rule. Furthermore, the Icelandic candidates of 1237 were illegal according to canon law, for one was of illegitimate birth and the other was a chieftain.

The Norwegian bishops arrived in Iceland in 1239, a date that is repeatedly highlighted in Icelandic historiography. According to Icelandic historians the foreign bishops tried to institute the laws of the Universal Church by, as Jón Jóhannesson claimed, “virtually ignoring the law of the land and the time-honoured customs of its people. The bishops brought with them other foreigners, both laymen and clerics, who subsequently promoted foreign influence in the country”³¹. Naturally, Jón Jóhannesson argued from a nationalistic perspective, but it cannot be denied that he was right about one point. The Norwegian bishops and the Icelandic bishops elected after 1238 fought for the Universal Church, as was made clear in 1253 when the two Norwegian bishops in Iceland managed to get the Court of Legislation to accept that “in areas of disagreement canon law should supersede that of the land”³². Even though this resolution was never implemented, it proved an important step toward introducing the new Christian Laws, which were passed at Alþingi in 1275, and which promoted most of the major issues that were considered essential to the liberty of the Church.

After the archbishop gained control over elections of bishops in Iceland and the new Christian Law was enacted, the path was clear for him to influence ecclesiastical and political developments in Iceland. As a result, during the next fifty years he managed to transform the Icelandic Church into a bishop’s church closer to the sort of ecclesiastical structure established in Europe in the period from the 11th to the 13th century.

The biggest blow for the chieftains came in the battle for control over the *staðir*. On behalf of the Norwegian archbishop, Jón Rauði, bishop Árni Þorláksson in 1269 aggressively reintroduced the demands of his predecessor, Þorlák Þórhallsson (1178-1193) regarding Church control over the *staðir*. After a lengthy controversy, in 1297 the Church and the aristocracy came to a compromise in the concordat of Ögvaldsnes, which stated that *staðir* were to be subjected to the bishop’s authority. They then became beneficial churches, administrated by the bishop and assigned to priests. Churches on farms, *bændakirkjur*, were to remain in the hands of the laymen, provided they abided by the qualifications laid down by donors. In such cases the bishop relinquished all further claims.

An important factor in the post-1269 developments was that the Icelandic aristocracy’s new alignment with the Norwegian *hirð* meant they were under compulsory obligation to the king. The king was reluctant to give them full support in the disputes with the local Church since this conflict had been fought in Norway in the 12th century with a total loss for the local magnates. Without the king’s support there was little the Icelandic aristocracy could do to prevent the Church from winning its demands.

Taken together, the introduction of a new administrative system, the loss of the *staðir* to the Church, and the introduction of a ‘new’ church system, had significant conse-

quences for the Icelandic economy. Most so-called primitive societies have economies that mix reciprocity, redistribution, and markets. Market economy means primarily the purchase and sale of goods without any kind of personal relationship arising among the parties involved. Reciprocity and redistribution on the other hand, are based precisely on such personal relationships. Reciprocity reveals itself in the movement of economic resources in the form of gifts, while redistribution involves the channelling of resources in the form of taxes or dues to a political, social and economic centre which reapportions them. In other words, redistribution requires a central authority for further dissemination. Control of this process provides the basis for a central position of power³³.

During Iceland's Free State period earning money was permissible, but accumulating it was considered unacceptable. It was possible to acquire wealth through activities in the market economy, but on the condition that its primary usage was within a redistributive system. Wealth was to be redistributed in the form of gifts and feasts for friends – there was no honour attached to being wealthy and miserly. By and large, the economic system of Iceland could be characterised as a mixture of market, reciprocal and redistributive economies, with the latter two elements featuring most prominently in the sources.

The changes that took place in Iceland after the fall of the Free State resulted in the domination of the market economy within the economic system. This is evident in many ways, such as in the growing wealth of the aristocracy. It may be suggested that Iceland's richest 12th-century chieftains controlled property worth about 300 hundred, when the price of a cow was a hundred and the average farm in Iceland was valued at 20 hundreds. In the 13th century, the wealthiest of chieftains managed property worth about 2,600 hundred, equivalent to the price of about 130 average farms. It should also be emphasized that the chieftains did not own this property, but used their power and authority to get permission to run these farms from the rightful owners. The first assessable collection of landed property after the fall of the Free State belonged to Loftr Gutormsson. In 1430 he drew up a charter giving each of his three illegitimate sons 360 hundred, for a total of 1080 hundred. Loftr capitalized on a law that allowed a man to give his illegitimate children a quarter of the fortune which he had acquired himself. In light of this provision, his total property amounted to at least 4,300 hundred, the price of about 215 average farms³⁴.

Perhaps the best explanation for the increasing prosperity of the Icelandic aristocracy after the fall of the Free State was that the new social structure and relationships meant that they no longer needed a large part of their surplus with which to give gifts or organise feasts for friends. The 'nascent' aristocracy had a surfeit of wealth to invest, and began purchasing farms from its earlier friends and followers. Consequently, the number of tenants increased.

After the compromise of 1297, the Church of Iceland gained control over the greatest part of its property and income, and followed the example of the aristocracy in acquiring real estate. The disappearance of the reciprocal system meant a *de facto* replacement

of the ‘old’ economic system with a new one which focused more on ‘investment’. The dissolution of the gift exchange economy had long-term consequences for the finances of the householders. In the age of the Free State, the chieftains’ gifts and feasts resulted in economic levelling, particularly since the chieftains partly subsidized their householders’ farms. A series of letters to the king from around 1300 showcase the householders’ constant complaints about the poverty of their country. This should not be seen as just a tactical manoeuvre on their part. It also testifies to worsening conditions resulting from the cessation of the chieftain-householder gift-exchange economy, on top of the responsibilities and tasks formerly belonging to the chieftains which now devolved to the householders. These shifts steered society as a whole toward a market economy³⁵.

Grágás does not contain any clear rules about inheritance rights for chieftaincies. Primogeniture and legitimacy only occasionally make an appearance in the Free State period, when in fact younger – and often illegitimate – sons were often chosen before older and legitimate ones. With the strong influence of Christian Law, the introduction of *Járnsíða* and *Jónsbók* saw primogeniture become the rule. This bespoke a new definition of aristocracy, one which allowed inheritance not only property but also of titles, and which therefore reduced the number of potential heirs.

The period 1271-1281 witnessed the Norwegian laws and the Church supplanting the ‘old’ layers of jurisdiction. These new layers provoked major changes and upset the existing infrastructure of Icelandic society, causing most of the common features of the Free State society (c. 930-1262/64) to disappear. As a consequence of these transformations, a new type of a society emerged between the second half of the 13th century and the first half of the 14th century.

NOTES

- ¹ J. Benediktsson (ed.), *Íslendingabók, Landnámabók*, Reykjavík 1968, p. 7.
- ² Ó. Lárusson, *Grágás og lögbækurnar*, Fylgirit 1922; Ó. Lárusson, *Lög og saga*, Reykjavík 1958; P. Sigurðsson, *Jónsbók. The Icelandic Law Code of 1281*, in A. Romano (ed.), “*Colendo iustitiam et iura condendo*”. *Federico II Legislatore del Regno di Sicilia nell’Europa del Duecento. Per una storia comparata delle codificazioni europee*, Rome 1997, pp. 455-470.
- ³ For an overview of discussion of this period see, for example: J. Jóhannesson, *Íslendinga saga I*, Reykjavík 1956; J. Jóhannesson, *Íslendinga saga II. Fyrirlestrar og ritgerðir um tímabilið 1262-1550*, Reykjavík 1958; B. Þorsteinsson, S. Líndal, *Lögfesting konungvalds*, in S. Líndal (ed.) *Saga Íslands III*, Reykjavík 1978, pp. 19-108; G. Sandvik, J. V. Sigurðsson, *Laws*, in R. McTurk (ed.) *A Companion to Old Norse-Icelandic Literature and Culture*, Oxford 2005, pp. 223-244.
- ⁴ J. Given, *State and society in medieval Europe. Gwynedd and Languedoc under outside rule*, Ithaca 1990, p. 10.
- ⁵ V. Finsen (ed.), *Grágás. Islændernes Lovbog i Fristatens Tid*, Copenhagen 1852, Ia, 141; G. Jónsson (ed.), *Grettis saga Asmundarsonar. Bandamanna saga. Odds þattr Ófeigssonar*, Reykjavík 1936, 169, 303; B. Sigfússon (ed.), *Ljósvetninga saga með þáttum. Reykdæla saga ok Víga-Skútu. Hreiðars þátr*, Reykjavík 1940, 101, 299; E. Ó. Sveinsson (ed.), *Brennu-Njáls saga*, Reykjavík 1954, 277; J. Jóhannesson et al. (eds.), *Sturlunga saga I-II*, Reykjavík 1946, I: pp. 164, 231, 386, II: pp. 149, 195, 288-289.
- ⁶ For an overview of political developments in the period c. 1220-1262/64 see for example: Jóhannes-

- son, *Íslendinga saga I* cit; H. Þorláksson 1989, *Gamlar götur og goðavald. Um fornar leiðir og völd Oddaverja í Rangárþingi*, Ritsafn Sagnfræðistofnunar, Reykjavík 1989; J. V. Sigurðsson, *Frá goðorðum til ríkja. Þróun goðavalds á 12. og 13. öld*, Sagnfræðirannsóknir B. 10, Reykjavík 1989; J. V. Sigurðsson, *Chieftains and Power in the Icelandic Commonwealth*, trans. Jean Lundskær-Nielsen, Odense, 1999; G. Karlsson, *Goðamening. Staða og áhrif goðorðsmanna í þjóðveldi Íslendinga*, Reykjavík 2004. The following discussion is based on Sigurðsson *Chieftains and Power in the Icelandic Commonwealth* cit.
- ⁷ For discussion of the importance of the friendship-ties see Sigurðsson *Chieftains and Power in the Icelandic Commonwealth* cit.
- ⁸ R. Bauman, *Performance and Honor in 13th-Century Iceland*, in “Journal of American Folklore”, 1986, 99, pp. 131-151; W. I. Miller, *The Central Feud in Njáls saga*, in J. Tucker (ed.), *Sagas of the Icelanders. A Book of Essays*, New York 1989, pp. 292-322; W. I. Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland*, Chicago 1990; P. Meulengracht Sørensen, *Fortelling og ære. Studier i islendingesagaerne*, Aarhus 1993; Sigurðsson *Chieftains and Power in the Icelandic Commonwealth* cit.
- ⁹ On dispute settlement in Iceland see: A. Heusler, *Das Strafrecht der Isländersagas*, Leipzig 1911; A. Heusler, *Zum isländischen Fehdewesen in der Sturlungenzeit*, Berlin 1912; L. Ingvarsson, *Refsingar á Íslandi á þjóðveldistímanum*, Reykjavík 1970; J. L. Byock, *Feud in the Icelandic Saga*, Berkeley 1982; Byock 1982; Miller, *Bloodtaking and Peacemaking. Feud, Law, and Society in Saga Iceland* cit; Sigurðsson *Chieftains and Power in the Icelandic Commonwealth* cit.
- ¹⁰ Sigurðsson *Chieftains and Power in the Icelandic Commonwealth* cit.
- ¹¹ P. Burke, *Sociology and History*, London 1981, p. 43.
- ¹² J. V. Sigurðsson, *Forholdet mellom frender, hushold og venner på Island i fristatstiden*, in “Historisk tidsskrift”, 1995, 74, pp. 311-330; Sigurðsson, *Chieftains and Power in the Icelandic Commonwealth* cit.
- ¹³ Id., *The Icelandic Aristocracy after the fall of the Free State*, in “Scandinavian Journal of History”, 1995, 20, pp. 153-166; Sandvik & Sigurðsson, *Laws* cit.
- ¹⁴ Iceland was c. 965 divided into four quarters of almost equal size and population.
- ¹⁵ Þorsteinsson, Líndal, *Lögfesting konungsvalds* cit.
- ¹⁶ Sigurðsson, *The Icelandic Aristocracy after the fall of the Free State* cit.
- ¹⁷ *Norges gamle Love I-V*, R. Keyser et al. (eds.), Christiania 1846-1895, III, n. 25.
- ¹⁸ Sigurðsson, *The Icelandic Aristocracy after the fall of the Free State* cit.
- ¹⁹ Þorsteinsson, Líndal, *Lögfesting konungsvalds* cit; Sigurðsson, *The Icelandic Aristocracy after the fall of the Free State* cit.
- ²⁰ S. Bagge, *The Political Thought of The King's Mirror*, Odense 1987; Id., *From gang leader to the lord's anointed. Kingship in Sverris saga and Hákonar saga Hákonarsonar*, Odense 1996; H. J. Orning, *Uforutsigbarhet og nærvær. En analyse av norske kongers maktutøvelse i høymiddelalderen*, Oslo 2004; A. Holtsmark (ed.), *En tale mot biskopene. En sproglig-historisk undersøkelse*, Oslo 1931; *Konungs skuggsiá*, L. Holm-Olsen (ed.), Oslo 1983.
- ²¹ A. Magnúsdóttir, *Frillor och fruar. Politik och samlevnad på Island 1120-1400*, Göteborg 2001.
- ²² Jóhannesson, *Íslendinga saga I* cit; L. Björnsson, *Saga sveitarstjórnar á Íslandi I*, Reykjavík 1972; G. F. Guðmundsson, *Eignarhald á afréttum og almenningum. Sögulegt yfirlit*, Reykjavík 1981.
- ²³ J. V. Sigurðsson et al., *Ingólfr. Norsk-islandsk hopehav 870-1536*, Førde 2005.
- ²⁴ For the guilds in Norway see: K. Ellefsrud, *Gilder og konfliktløsning i norsk høymiddelalder*, MA-thesis, University of Oslo, Oslo 1996; J. V. Sigurðsson, *Norsk historie 800-1300. Frå høvdingmakt til konge- og kyrkjemakt*, Oslo 1999; C. Anz, *Gilden im mittelalterlichen Skandinavien*, Göttingen 1998; C. Anz, *Gildernes form og funksjon i middelalderens Skandnavia*, in L. Bisgaard et al. (eds.) *Gilder, lav og broderskaber i middelalderens Danmark*, Odense 2002, pp. 21-40; G. O. Oexle, *Conjuratio und Gilde im*

frühen Mittelalter. Ein Beitrag zum Problem der sozialgeschichtlichen Kontinuität zwischen Antike und Mittelalter in B. Schweineköper (ed.), *Gilden und Zünfte. Kaufmänn und gewerbliche Genossenschaften im frühen und hohen Mittelalter*, Sigmaringen 1985, pp. 151-214; S. Reynolds, *Kingdoms and Communities in Western Europe 900-1300*, Oxford 1986.

- ²⁵ L. Björnsson, *Saga sveitarstjórnar á Íslandi I* cit.
- ²⁶ A.W Dennis et al. (eds.), *Laws of early Iceland. Grágás II*. University of Manitoba, Winnipeg 2000, p. 29, “sin omaga fram at föra a landi her. Moðr sina a maðr fyrst fram at föra. En ef hann orkar betr þa scal han föra fram föðr sin. Nu ma hann betr. Þa scal han born sin. Nu ma hann betr þa scal hann systkin fram föra. Nv ma hann betr þa scal hann systkin sin fram at föra. Nu ma hann betr þa scal hann föra fram þa menn er hann a arf eptir at taka. Oc þa men er hann hefir arf taki tekna.” *Grágás. Islændernes Lovbog i Fristatens Tid Ia*, 103.
- ²⁷ M.W. Stein-Wilckeshuis, *Common Land Tenure in Medieval Iceland*, in “Recueils de la société Jean Bodin”, 1987, 44, 1987, pp. 575-585; Miller, *Bloodtaking and Peacemaking. Feud, Law, and Society in Saga Iceland* cit.
- ²⁸ Ellefsrud, *Gilder og konfliktløsning i norsk høymiddelalder* cit..
- ²⁹ M. Stefánsson, *Staðir og staðamál*, Bergen 2000.
- ³⁰ R. Danielsen et al., *Norway. A history from the Vikings to our own times*, Oslo 1995.
- ³¹ Jóhannesson, *Íslendinga saga I* cit, p. 255.
- ³² *Diplomatarium Islandicum. Íslenzkt fornbréfasafn I-XVI*, J. Sigurðsson et al. (eds.), Copenhagen-Reykjavik, 1857-1972, II, nr. 1 [1253].
- ³³ K. Lunden, *Økonomi og samfunn*, Oslo 1972; H. Þorláksson, *Vaðmál og verðlag. Vaðmál i utanlandsviðskiptum og búskap Íslendinga á 13. og 14. öld*. Ph.D. thesis, Háskóli Íslands, Reykjavik 1991; Þorláksson *Gamlar götur og goðavald. Um fornar leiðir og völd Oddaverja í Rangárþingi* cit; Sigurðsson *Frá goðorðum til ríkja. Þróun goðavalds á 12. og 13. öld* cit.
- ³⁴ A. Kristinsson, *Goðavald og ríkisvald*. MA-thesis, Háskóli Íslands, Reykjavik 1991; Sigurðsson *The Icelandic Aristocracy after the fall of the Free State* cit.
- ³⁵ Sigurðsson, *The Icelandic Aristocracy after the fall of the Free State* cit.

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