

## THE SAGAS AND REALIZED ROYAL IDEAS 1280 - 1320

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## SUMMARY

Examples of frank forefathers and concepts of national rights or privileges were a cherished heritage in all northern countries. After the surrender of Iceland in 1262 to the kings of Norway the problems of reconciling kings and their reluctant new subjects may have led them to search for political advice in ancient sworn treaties, in Snorri's Heimskringla and other sagas. The republican spirit of yore was defeated, having been irresolute for centuries, but in 1302 it was not dead altogether, because "scripta manent".

And thereafter they wanted King Hákon V and subsequent kings to be law-abiding, tolerant, resident far away from Iceland, not prohibiting commerce with foreigners, not claiming more revenue than kings had been satisfied with in 1280. Historically seen this attitude stood midway between Snorri and this nation's modern refusal to have kings.

In spite of some regret after the submission of 1262, the Sáttmáli of that year was soon used as the chief warrant of Icelandic "liberty". Iceland contributed nothing to Norwegian military service, and having got the promise to keep its own laws could (in Lögrétta) veto new royal bills if Althingi disliked them. In the years 1300-1305 and 1319 the validity of warrants in the Sáttmáli was endangered, because the king had in 1301 authorized Norwegian lawmen, and they were to judge and lead the procedures of Icelandic courts according to their "foreign law"; people suspected also future repressalies from Government, when a handful of farmers (in addition to the king's men) were now summoned before their king, a summon which would require of them an expensive voyage, lasting one year. In 1302 Althingi defended its rights with due firmness. About 4 years later the quarrel subsided.

At the death of Hákon V in May 1319 forebodings of danger led Althingi to the conclusion that the fate of the child "Junker" Magnús Eiríksson, heir to the Crown, might be unpredictable; it refused (temporarily) doing homage, threatened to suspend, or perhaps to annul the Sáttmáli, if Ríkisins Ráð in Oslo did not fully warrant its fulfilment. Clearly Althingi considered a sealed document from Ríkisins Ráð being more trustworthy than the words of some short-lived king. The documents related to these events have influenced the later history of Iceland, in a similar manner as the Sagas of the Kings have done.

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History, old and new, has always striven to shape examples and concepts which in turn helped to mould the future. Old issues have gained new actuality. During most of the 19th century and probably not less in the 13th century, leading men, historically minded, studied sagas and old documents in their eager search for advice on national politics. Not only the power of more or less undesired rulers, but also certain imported ideals of "just and divine" kingship challenged them. Besides that, the strongest incitements for Norwegians to emigrate to the Atlantic islands probably were a result of Harald the Fair's statebuilding. The Sagas inform us about some sort of traditional opposition to central government and royal control. Icelandic Sagas of the Orkney earls and the Faroese sympathize with those forces in the islands which wanted to defend their independence against the Norwegian king, even if they could not resist. Iceland lay farther away and, disobedient in many respects, it always coveted the friendship of any king who would promote its commerce and contacts with Europe without interfering with things "í lögum várum", i.e. within the domain of Althingi. The Icelanders really did not abandon this position of theirs as long as anything of their medieval spirit remained, and after 1830 that spirit was conjured up. In most Sagas of the Kings no real contradiction exists between sincere loyalty to accepted rulers and more or less sarcastic remarks about them and other anti-royal utterings, fostered in a kingless, and perhaps rather lawless, Iceland during the centuries of the Crusades.

My period begins when Gamli Sáttmáli, accepting kingly rule and promising tribute to the Norwegian Crown, had been established in 1262, and Iceland had since been more firmly tied to that kingdom by Járnsíða (1271-73) and its successor, the legal code Jónsbók (Jb) in 1281. I shall refer to this Sáttmáli ("the old Covenant") under its vernacular name. But its restored and augmented text, confirmed by Althingi in 1302, has, since the Middle Ages, retained the full name Gamli Sáttmáli. In that form it was the chief constitutional link with the Crown until 1814 (notwithstanding royal absolutism since 1662) and also with the Danish Crown to 1918, when it was replaced by Dansk-islandsk Forbundslov, which was valid to 1944 when Iceland was made a republic. During the last 20 years Iceland's participation in Nordiska Rådet is, in the eyes of the generation to which I belong, a sort of continuation, perhaps a substitute, for the cultural ties provided 1918 in the Forbundslov. My purpose in touching on this succession of Iceland's ties with these kingdoms is to hint that it was Althingi, not a king, which in 1302-20 found a helpful quasi-solution, an augmented Sáttmáli, to preserve the ties in spite of all the predictable clashes. If that be the fact, the "solution" seems to have been prepared, in a way, by the "saga-spirit" in the nation.

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The descendants of King Sverrir held, in theory, their kingship "soli Deo gratia" and as such they could respect no other laws than those which they had sworn to keep in their coronation oath, and a princely conscience was also regarded equal to law. They pretended to be free to change it and to disregard treaties of their predecessors. But the difference between the 13th and 17th centuries was great, kingship was still feeble if the subjects did resist, as they in our case had a privilege to do according to the Sáttmáli, which because of that privilege sometimes has been compared to the famous older Magna Carta. In Iceland parliamentary traditions developed somewhat better than in Norway. Iceland's cautious opposition just after the year 1300 shows, however, more the cunning phlegmatism of a rural population not directly wanting to challenge kings, but preferring to live very far away from them, although not isolated from Norway.

How old was this clash of the subjects and medieval royal ideas according to Snorri Sturluson? - As old as King Ólafr Digri, he meant. How far he was right in his conclusion, lies outside my theme. It is enough for us to know that the telling of sagas and their writing had always been politically influenced. In Bersöglisvísur, a poem by the shrewd negotiator Sighvatr the Scald, Snorri found what he needed, an outspoken criticism of kings showing too great magnificence in subduing their subjects. "Ofrausn er þat jöfri," is Sighvatr's judgement of them, in his incisive, lapidary language.

This criticism had been directed against young King Magnús, son of Saint Ólafr, in the next years after 1040. Snorri understood only too well how the son had been resuming the princely methods of his stubborn father, the "Digri" king, d. 1030, and decided to rewrite older Sagas of Saint Ólafr in the light of this fact. So Snorri did after having been knit in 1218-20 to the Norwegian Court, where he came to know fully that King Hákon, as well as Earl Skúli, reckoned Iceland to be, or at any rate to be bound to become, a part of their inheritance from Saint Ólafr. They were waiting for every opportunity to realize their claims. Both king and earl were in 1219 considering a military expedition to Iceland. Snorri dissuaded them, because "ofrausn er þat jöfri" and peaceful methods might do better, in his opinion. Snorri plotted his Saga of King Ólafr Haraldsson differently from all clerical views on this Saint and created one of the most important books we have about the 11th century, even if it had been somewhat coloured by contemporary conditions; he used poems and other vestiges of old with sagacity and a certain scholarly method not totally spoiled by his art.

Praise of magnificent kings gave much pleasure to Icelandic scalds and their listeners, indeed, while they earnestly refused their wishes to rule this remote island. If Snorri in the year 1219 could inform them how expensive it might become to take and keep Iceland by force, the costs of such adventure must by the year 1300 have risen unsparingly. The common man in Iceland (esp. in Lögrétta) knowing this and being tolerably loyal to law and king, was, during the 14th century or longer, just as reluctant to accept intensified royalism as his grandfathers in the Icelandic Commonwealth had been. Most persons in the higher class probably were of the same opinion, even if opportunism mostly ruled their actions. Many of them were officials of the king and his "hird-men", "handgengnir menn".

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## II.

Let us now trace some events and make additional remarks on constitutional matters. According to the Sáttmáli of 1262 this tributary country Iceland was subject to the Norwegian Crown, no king could hand it over to others, nor keep it after having been dethroned. In Icelandic eyes this was a personal union of countries and Iceland always had its separate legal code. In the opinion of Norwegians of later centuries Iceland had from 1262 been integrated in their kingdom, just as the Faroes, Shetland and Finmark. The kings were not interested in bringing this open question to a final conclusion, preferring the easiest ways, if they only received the tribute and other revenue. The famous law-giver King Magnús, who died 1280, had been the exception. Iceland always clung to his wise decisions in their code Jónsbók, read in the light of important concepts in the Sáttmáli.

After his death Althingi did not hesitate doing homage to his successor, his son Eiríkr, reigning 1280-1299. A group of barons ruled Norway while he was young, and in some respects until the close of the century. Then the clash between barons and clergy could not be avoided, but King Magnús always had contrived to ward off the blows which these parties wanted to give each other. The "Staðamál" in Iceland were a counterpart to this strife, and there the leaders of the parties were Hrafn Oddsson and Bishop Árni Þorláksson. In 1298 matters were settled, in the presence of King Eiríkr at Ögvaldsnes in Norway, certainly after some compromise had been reached in Althingi, which was not after the Norwegian pattern. The Saga of Bishop Árni is our best source for political matters 1273-1290. It is written down in the period 1305-1319, when people wanted to bring its facts and results back to the consciousness of the nation. Its views are one-sided, but its objectivity follows the old tradition of sensible saga writers.

Not the collision between these classes, but rather the struggle between the old-fashioned Althingi and Knight Loðinn leppr, who in 1281 turned up there as the king's proxy, is one of the most interesting episodes told to us in the Saga of Bishop Árni.

At this session of Althingi all the king's men had to form a group organized by the proxy and to escort him to Thingvellir. There the new bill Jb was criticized by Bishop Árni, and not less by a frank group of farmers who acted as a third class, whose kernel and medium was the Lögrétta. The experienced nobleman Loðinn choose to react promptly and vigorously, in principle he could not tolerate such interference with the royal privileges; the king should legislate according to his own will. Knight Loðinn demanded the acceptance of the new code, Jónsbók, without conditions. - Not so, the opposition answered, stressing their view that Althingi never would consent to such destruction of Iceland's liberty, including the right of Lögrétta to veto any royal bill it disliked. Loðinn was angry and wondered how such peasants could ask to participate in the law-giving; they should obey; petitions to the king should be allowed after that. - The end of the struggle was that the king's men forced their will through, the Lögrétta accepted this. Only nine of the farmers there protested, referring, as it seems, to the Sáttmáli, which now for the first time became a symbol of liberty.

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If Knight Loðinn had been shrewd enough to ignore the protests, very little would have happened. But he immediately declared these nine farmers guilty of high treason and summoned them to Norway to be judged at the king's court. It also meant that their farms were to be confiscated, unless the king were to show exceptional leniency.

None were more alarmed by this turn of events than Icelandic officials of King Eiríkr, the prime official being Hrafn Oddsson, who from the political point of view was a successor to the Sturlungs, while Þorvarðr Þórarinnsson had a similar position in half the country. By intervening they contrived to buy eight of the accused free, for a small fine, which Bishop Árni paid for them. But the ninth, named Loftr Helgason, a relative of the bishop, had to answer the summon. He was then compelled to stay in Norway 1282-87, as a suspected if not convicted traitor. In Iceland this had probably quite another effect than Loðinn had foreseen. Repeated petitions from there, signed by lay and clerical officials and Althingi, asking the king to let Loftr go back to Iceland, finally moved even Knight Loðinn to join in 1286 those who asked for the king's pardon for this outlaw. Loftr became now one of the "handgengnir menn", i.e. he had to swear the oath of special obedience to his King Eiríkr, an oath which was honourable for both parts. We meet Loftr Helgason 20-30 years later among the chief informants of the author of the Saga of Bishop Árni. And we meet something like his political experience, as it had been handed over to Althingi in the reign of King Hákon V. Loftr died in 1317 as a canon at Viðey. He and/or some of his brothers, who were priests, are the most probable authors of the Saga of Bishop Árni.

One of the hottest points of disagreement between the king and Althingi was his disputable right to summon Icelandic subjects before him in Norway. His "handgengnir menn" or officials were obliged to obey, of course; other farmers refused as a rule, backed by Lögrétta and chieftains like Hrafn Oddsson, who bringing back to memory "utanstefningar" during the period 1236-1263, feared such political weapons. King Magnús Hákonarson had used the method very cautiously, or he rather principally quite renounced it, as far as regarded commoners in Iceland. Not only political factors, but weighty economic ones contributed to the firmness of Althingi against "utanstefningar". Unnecessary voyages, stay all winter long in Norway etc., had evoked strong objections from thrifty farmers. It was natural for the king's men to express the same critical view. And they did not either want the king to spread the privilege of being "handgengnir menn" more than hitherto.

The most basic source of disagreement was how far the king was entitled to use foreign or Norwegian officials in Iceland. And who should appoint the lawmen?

In the eyes of Icelanders a lengthy habitation in their country must be a clear condition for being eligible as lawman, because the laws had to be Icelandic according to the Sáttmáli, not Norwegian. And Althingi should elect them. The barons of King Eiríkr seem to have had no ambition to go further than the Jb of 1281 did in coordinating its law with those of Norway, but King Hákon V probably had, on entering his throne in 1299. He wanted Althingi to accept two Norwegian lawmen, and in 1302 we learn about the result of that attempt.

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It is not necessary for me to go into the details of the controversies between him and Althingi in the years 1300-1306, only matters curtailing national rights need be pointed out. Other difficulties had their part in building up so stern attitudes. The years had been bad because of volcanic eruptions and famine. The agricultural decline, in the cold climate, seems also to have had long approaches. Fishing, instead, was developing during the 14th and 15th centuries, gradually attracting the Hanseatic League and English buyers of Icelandic products, but this happened after the reign of Hákon V.

A third matter of dispute about the year 1300 was that the king wanted, in one way or other, to raise more revenue from the tributary island than King Eiríkr had done and was legal according to the Jb. He had needs, which had been of minor importance before 1280; he wanted to organize his realm into a real state with dependable officials, he had to prepare for war and to secure, as he had no son, a representative heir to his throne. By 1302 he was entering into negotiations, which after his death should, and did, make his heir a king over Sweden and Norway, knit together in a loose personal union. Iceland took no interest in these matters, but did not protest. I shall return to these circumstances (1319); some forebodings must have reached Iceland as soon as 1302-1305.

### III.

A king by the grace of God must feel uneasy if he is compelled to give up to common subjects a share in this grace. As regards the Sáttmáli, King Hákon probably could give no promise, only refer to his coronation oath; he would not violate laws. During the first three years of his reign Althingi had postponed doing homage to him, the lawful heir, on account of a dispute and a quarrel. In 1302 Althingi did homage in the peculiar manner of repeating the Sáttmáli and its oath, which included all conditions for this submission and gave Iceland some rights of resistance if the conditions were not fulfilled. In the opinion of Althingi this Sáttmáli, old and new, was law as soon as it had been sworn. This was supported by precedents from the years 1056, 1083 and 1297, besides 1262. Thus the initiative to reconcile the king had been taken by Althingi.

The document of this resolution and Sáttmáli is preserved. The answer from King Hákon V, as well as from his many successors to whom Althingi later sent such resolutions, is nowhere written down, we assume that they could only be moved to indirect consent, and in the case of Hákon V not before 1306, when the struggle subsided. In the latter half of his reign Hákon V seems to have pursued the same course in Iceland as his prudent father, and won popularity.

Althingi 1302 added to Gamli Sáttmáli, as it has been named since then, two important conditions: A prohibition of summoning commoners before the king in Norway, unless they had been outlawed by Icelandic judges, and, lawmen and sheriffs shall be Icelanders and of good families which formerly had delivered their "goðorð" to the Crown. Icelandic lawmen asserted that the king (Magnús) had accepted these conditions when the tribute was sworn (1263-64), and we assume that they could bring forward reliable witnesses to verify their beliefs.

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The Saga of Bishop Árni does not feel bitter towards the deceased King Eiríkr Hákonarson for his participation in the struggle of the barons against the clergy, or in the Icelandic "Staðamál". This saga takes a friendly view towards kingship, but not a blindly admiring one. The worth of a king must be confirmed by his actions. It gives King Magnús a splendid testimony which we cannot depreciate as "funeral truths" 25-40 years after his death. At the side of King Eiríkr Duke Hákon, his brother, often turns up in the Saga, but only like a shadow. The most harmless explanation of this is that medieval authors avoid praising so illustrious persons before their death. Maybe Hákon, while he was only a duke, used to be very reserved in the presence of his brother, the king. More important than this or the course of events in the Saga of Bishop Árni are the concepts of dubious kingship it applies to this elder son of its beloved King Magnús.

The papal court might have given him the verdict "rex inutilis" or that of a bad failure. Let him be excused by his youth during 1281-86, but about his warfare in Denmark 1289 nothing good can be said. Wanton dreams of a possible victory seem to have misled him. It is also a bad omen, in the Saga, that Bishop Árni looks like torn between his gratitude to the king and his presentiment of the unreliability of this Eiríkr, whose royal letter he had been perusing in eager expectation. What then remains of King Eiríkr? - The informant who rescues him in the Saga as a human and good-natured fellow can hardly be other than his "traitor" Loftr Helgason; to boot, magnanimus (mikilhugaðr) is a noble attribute bestowed on King Eiríkr, in compensation to some utterances that were not favourable to him. But was not this inefficacy a blessed quality of rulers in the eyes of peasants? - Was not the experience since the reign of King Eiríkr urging Althingi about 1300 to take some initiative against his successors?

#### IV.

We proceed to somewhat similar stalemate in 1319. The destiny of the Norwegian throne was to move to Sweden and later in that century to Denmark. The expansionist politics of the Hanseatic League were among the causes, but in general we can say that if royal houses lacked the means to become stronger they had bad luck in the 14th century. And their morals were not better than their luck. Early in the year 1310, only four years after the ebbing out of attempts to use foreign officials in Iceland, King Hákon made a treaty with Duke Eiríkr of Sweden, who was expected to become his son-in-law and possible regent of Norway if Hákon V should die before some son of the wife of Duke Eiríkr came of age. The Norwegian councillors of King Hákon therefore exacted from Duke Eiríkr a promise never to deliver any Norwegian stronghold or high office into the hands of foreigners (Swedes, Danes), but usually this Duke, unlike Hákon V, had no scruples in breaking promises, and in 1318 he lost his life, leaving his infant son Magnús as heir to the Swedish and Norwegian thrones, which became vacant by the death of King Hákon V in May 1319. Before the end of June, Junker Magnús Eiríksson was declared to be king of both realms and the legate Gunnar ráðsveinn, on behalf of Ríkisins Ráð in Oslo, turned up in Althingi in Iceland, presumably the 29th of June, asking it to do homage to King Magnús Eiríksson.

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Althingi refused to do this, temporarily, and wrote a letter of explanation to Ríkisins Ráð, stating rather firmly the rights of Gamli Sáttmáli, and demanding warrants for its fulfilment. This time warrants from the Ráð were, by the Icelanders, preferred to any possible attempts to contact the family of the infant heir, because Althingi was anxious about an expected amalgamation of states, but far from worrying about Junker Magnús as this document names him. Its threats of secession, if answers be insufficient, shall be mentioned as soon as we may consider the limited possibilities.

Poverty is a shield. At this time Iceland was not yet desired as a colony or a market open to any fish-buying nation, and a king with smaller resources was not easily tempted to spend money in subduing the Icelanders. These facts gave Althingi some freedom to manœuvre. About 1306 it began to voice the complaints, destined to open a millenary sequel, that this country is poverty-stricken, the king's revenue cannot increase, least of all against the opposition of high and low, and the king must stop the transfer of farms into the hands of the clergy. Leading farmers in the North of Iceland wrote on the 10th of June 1319 a complaint to King Hákon, whose death they did not know about, and they ask him to free the Northland from a certain "foreign" bishop, and they continue:

"We ask you meekly that you arrange matters in such a way, by God's grace, that an avaricious chief and foolish peasants need not be together for long, because great enormities (mikil óhæfa) often resulted from that. We foresee also that after a few years from now the kingdom shall get nothing here but trouble and expenses, the Church having taken all real property in the country. And therefore we offer us and all our affairs into the power of God and you, asking you to rule over us according to our ancient and new law, the same as here has been accepted by lawful thingtak, and to strengthen us so that we shall preserve our liberty and the farms of our forefathers, - and to arrange for us a safe firmness in order that we without embarrassment may enjoy our rights."

The alleged fear of riots (óhæfa, enormities) in this letter conceals their threat. It looks, partly, to be an allusion to the death of Krók-Álfr, an unpopular royal agent, 13-14 years earlier, and to the strong rumour that peasants' riots against him and his royal claims for money had cost him his life. Many Northerners, primarily much the same men or same families who made this letter of June 10th, had in the years after 1305 to swear an oath to the effect that they had no part in contriving Krók-Álfr's death. Our "good sire Hákon", as they addressed him, their discreet ruler, should meditate on this. We are in the riotous 14th century, and in 1320 Ríkisins Ráð gave a highly favorable answer to this letter, because it knew the same problems in Norway.

Now the male lineage of heirs to the throne was dead, and no Icelander dared to write new Sagas of contemporary kings. We are hardly mistaken when we guess that there was among the Saga nation a feeling that kings never more would be the right sorts of kings. Instead of inborn kinghood came the organized state, with the child-king as a decorative symbol, who in reality awaited to be a "Junker" fostered by a Knut Porse or similar soldiers of fortune. Why not refuse to do homage and let some years go by?

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Why not conjure up the spirit of Bersöglisvísur? Why not take advice from things happening in England? - We may ask, but Icelandic lawmen about 1319 would have dissuaded their friends from writing down such questions, if they knew them, or to answer them.

But the Sáttmáli included the right of retaliating by its temporary or complete invalidation if kings did not fulfil their sworn duties or violated the Sáttmáli. After having declared in many ways its will to remain in the union and cooperate, Althingi suddenly makes a volte-face and sends this ultimatum to Ríkisins Ráð 1319:

"Vitið þat fyrir víst at vér þykkjumst lausir eftir því fornasta bréfi sem vart foreldri sór Hákonni konungi gamla, ef vér fáum eigi að sumri [þat] sem oss er játat af honum ok nú mælum vér til ... Viljum vér þann tíma sverja, en eigi fyrr, sem Ríkisins Ráðs bréf með innsiglum er oss sent ok þar með fram komi góðvili."

This means approximately: "You should know with certainty that we consider us released from the contract, if we do not within a year receive everything which was promised to us in the ancient document sworn by our ancestors to Old King Hákon, - which we now demand ... We shall do homage as soon, not earlier than, as we get your letter of the State Council with its hanging seals, a letter of positive will."

Next year Althingi got the positive answer (that document is lost), and did homage. It need not be said that during the long centuries when Norway as well as Iceland was ruled by a foreign king the Norwegians as a whole sided with the Icelanders in matters of dispute. Maybe the harsh tone in the ultimatum above was only a good precursor of this.

#### Some medieval sources

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