

Killing to Qualify:

The Underprivileged Assassins of *Eyrbyggja saga*^{*}

by Michael Irlenbusch-Reynard

“Allmikill harmr er þat, ok svá mun þér þykkja, Svartr, er þú skalt vera ánauðigr maðr, svá sem þú ert sterkr ok drengiligr at sjá.” “Víst þykki mér mikit mein at því,” segir hann, “en eigi er mér þat sjálfrátt.” (Eyrb. ch. 26)

1 Introduction

Rivalry, conflicts and feud between families and individuals are by far not the only, but doubtless among the most frequent *τόποι* in the *Íslendingasögur*. Men would hurt or even kill each other in spontaneous rage, in well-planned assassination, in vengeance and on Viking raids. Disregarding the situations mentioned first and last, extinguishing an opponent did not necessarily require involving oneself physically – one could also send a *flugumaðr* to conduct the actual murder “without great opprobrium” (Miller 1990: 196). In the run of *Eyrbyggja saga* we encounter five events of hired attacking in order to kill; some openly initiated, as the saga tells us, some in which rumour had Snorri goði pulling the strings. Yet the ways of making one’s strategic and political draws, which are an outstanding and widely discussed feature of *Eyrbyggja saga*, are not the issue here:

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It is striking that nearly all of the commissioned raids are carried out by underprivileged members of the society, namely slaves and a poor man in need, not ordinary free men. In one single case though, the hit comes through an *útlagi*, an outlawed criminal having been a free man once. Being a social and juridical matter for itself, even though having to struggle for sustenance, that particular type shall not be treated in detail in this examination.

There are, of course, several instances of other men than the directly concerned ones taking up a task on call, but there free men are involved who are standing by an ally in feud or are following a call or obligation to revenge which is not going to be dealt with here either.

Beginning with sketching the scenes, an analysis shall be pursued towards a personification of the mere stereotypes as which *þrælar* and poor people are usually presented in their function as literary devices.¹ The aim shall be to define them under literary, legal and social aspects which combined result in an additional layer of relevance, detached from the dominating heroic business in the sagas, that should not be underestimated.

2 In short: The plots, their conduct and their consequences

Let us now consider the hired assassinations in *Eyrbyggja saga* of which one is a hit on Snorri goði (ch. 26), two are attributed to Snorri as wirepuller (ch. 36 and 43), and another two are initiated by Þórólfr bægifótr to satisfy his greed (ch. 31 and 32):

Ch. 26: Having not succeeded in a law case against Snorri, Vigfúss (í Drápuhlíð) Bjarnarson sends his *þræll* Svartr inn sterki to

¹ Translators of saga texts (especially in German) often have been fairly creative in finding replacements or synonyms particularly for *þræll* which actually means “slave” (cf. Wilde-Stockmeyer 1978: 9f. and Karraas 1988: 1f.). “Thrall”/“Serf”/“Leibeigener”/“Höriger” do not apply here as these are phenomena of a feudal system. Icelandic *þrælar* often appear like “items” and “merchandise” in a classic-antique manner. – On Icelandic place names connected with *þrælar* and poor people cf. Svavar Sigmundsson (1976: 50–53).

kill Snorri for which he holds out a prospect of freedom and some wealth. Svartr then hides above the toilet room at Snorri's farm and tries to stab Snorri with a spear, but he fails. Trying to flee, he slips on the ground, gets taken and confesses. The saga does not tell about the further fate of Svartr, who most probably gets executed on the spot, but Snorri and his men go and kill Vigfúss immediately, leaving his farm workers unharmed. On the Þórsnessþing, all except Snorri get fined while Már Hallvarðsson, his *foðurbróðir*, gets exiled for three years (ch. 27).

- Ch. 31: After quarrelling on hay with the freedman Úlfarr, to whom he once had sold the site of Úlfarsfell in Álptafjörðr, and being irate over his son Arnkell goði Þórólfsson's negotiating in that matter, Þórólfr bægifótr Bjarnarson uses the opportunity of a *jóladrykkja* first to make his *þrælar* drunk and then to have them burn Úlfarr in his house. The price: their freedom. But the fire is discovered by Arnkell and his men; they extinguish it, capture the arsonists, and the following morning they take them to Arnkell's place and hang them there. Then Úlfarr puts himself under Arnkell's protection who gets fined for the killing of the slaves on the next *várþing*.
- Ch. 32: When his brother Ørlygr, a *leysingi* like himself, has died, Úlfarr together with Arnkell occupies Ørlygsstaðir which causes trouble over heritage claims. This time, Þórólfr bægifótr uses Spá-Gils, a poor man, promising to pay the fine for the slaying, to reward him with some extra money and the valuables Úlfarr is carrying with himself and to grant him his personal protection. Gils fulfils his task, but gets pursued by Arnkell's men and finally killed, after he has confessed and actually confirmed Arnkell's suspicion against his own father. Soon after, Þórólfr bægifótr dies without ever being charged for his deeds, though he later becomes an *aptrgöngumaðr*.
- Ch. 36: A man called Þorleifr who had been outlawed for adultery shows up at Arnkell's place after having been at Snorri's

house first. Þorleifr asks to be taken up, mentioning frankly that Snorri had refused him. As Arnkell keeps denying *viðtaka*, Þorleifr suddenly grabs a hatchet and attacks him in which he fails and gets killed himself. Rumour has it then that this was a plot of Snorri who, in his turn, consistently ignores all talking until it fades away.

Ch. 43: Egill sterki, a *þræll* of Þorbrandr Þorfinnsson's, longs for his freedom and repeatedly asks for it, offering to do anything to obtain it. Þorbrandr's sons agree to that, provided he slays one of the Breiðvíkingar, namely Björn Breiðvíkingarkappi Ásbrandsson, Þórðr blígr Þorláksson or Arnbjörn inn sterki Ásbrandsson – again, this plan may have been conceived by Snorri goði. Although Egill acts suspiciously when lurking, he does not get raided; he gets caught, however, when sneaking into the Breiðvíkingar's hut and stumbling over his loose shoelace. They question him and kill him the following morning. Obeying the law, compensation shall be paid, but the handover is ending with bloodshed (ch. 44).

3 From nowhere into oblivion: Slaves as transient literary devices

Leaving aside the actual socio-historical background, slaves and unfree persons usually appear in the sagas only to fulfil a role of conveying an impact – the transmission of a message when sent as an envoy, the sudden change of constellations when gossiping or the (attempted or successful) extinction of a major character in the story. Their normal life and work is hardly reflected and gets mentioned only – if at all – in connection with their new task; a feature they have in common with the ordinary farm hands, the *húskarlar* (cf. Wilde-Stockmeyer 1978: 60).

A *þræll* gets at best introduced into the saga briefly with his name and his owner, e. g. “Þorbrandr bóndi í Álptafirði átti þræl þann, er Egill sterki hét” (*Eyrb.* ch. 43), he obeys his master's instructions (in which he promotes a spin to the story) and vanishes – usually catalytically untouched, often perishing, occasionally awarded.

The origin or descent of a *þræll* seems of no great interest for the saga composer, apart from ethnic hints which also may serve for characterisation purposes. In general, no information is given on how and when a particular slave became a such, whether he was bought once or born unfree; some are mentioned to have been prisoners before. If a purchase, especially from a slave dealer, is described in detail, it is certain that the item sold is either not destined to be a slave or is going to play a prominent role in the saga, both of which apply to Melkorka in *Laxdæla saga*.

Some slaves make a move from unfree to free, from *þræll* to *leysingi/frelsingi* or – in a literary sense – from non-person to person, from object to subject. Set free by their owner, they are often reported as settling down on a piece of land which came along with their *frelsi*. To possess the status of a freedman, however, entailed an obligation to the manumitter so that this was far from real emancipation. Furthermore, *þrælar* are inherently associated with another attribute, namely clumsiness, if not dumbness. The literary function of this stereotype has been an item for a discussion which occasionally resembles a basic questioning of the meaning of saga literature:

Referring to the panicking and the forgetful *þræll* in the episode telling the slaying of Arnkell goði (*Eyrb.* ch. 15), Hugo Gering shows a harsh understanding of the saga world's evaluation of a *þræll*: “[...] als dumm und vergesslich werden die sklaven, die man überhaupt als eine körperlich und geistig tiefer stehende menschenklasse ansah, öfter geschildert [...]” (*Eyrb. ASB*: 137, rem. 5.) Setting up a parallel with a similar situation in *Hænsa-Þóris saga* (*Hþs.* ch. 13), Gering seems to conclude that any appearance of *þrælar* in a saga is also containing a good deal of arrogance and mockery above the necessary, thus a polemic against disdained inferiors. This interpretation has been supported in recent times (cf. Bjarni Einarsson 1974: 47f., Karras 1988: 63): A rough era – that is, contemporary to the saga composer – reflected itself in a rough attitude towards inferiors and in the description of reckless struggling.

Lie (1937: 178) tries to defend both the saga composer and the forgetful *þræll* of *Eyrbyggja saga* against Gering's “feilaktige slutninger:” Instead of “en slitt litterær skabelon, som i sagaene f. eks.

den at trelleene nødvendigvis skal være dumme og redde" (1937: 179), Lie apprehends a psychosis which was triggered by sheer fright and extreme stress – resulting in the displacement activity (*"Übersprung-handlung"*) of returning to work as usual. Yet beyond the perception of deeply psychological explanations and sophisticated stylistics from the composer of *Eyrbyggja saga*, Lie (1937: 182f.) admits one very realistic motivation to have influenced the *þræll's* reaction, consciously or unconsciously: the hard life under Arnkell's rule and the opportunity to get rid of him.

Regarding this manner of discussion, it seems opportune here to consider the aspect of historicity; and beyond that, not only to question whether the sagas contain the values of the period depicted or of the period they were written down in, but also in how far the abolishment of slavery in Iceland is reflected in the saga's attitude, as Wilde-Stock-meyer rightly points out (1978: 39).

In social terms, one person's failure, preferably a person's whose rank is low, enhances another person. Arnkell in *Eyrbyggja saga* is willing to withstand his attackers while his *þrælar* are sent off to fetch help.² Þórðr gellir's yelling (*nomen est omen*) powerful voice is what the *þrælar* are most impressed with in the *Hænsa-Þóris saga* episode. And Gísli Súrsson manages to escape through taking advantage of his stupid *þræll* Þórðr inn huglausi (*Gísli* ch. 20).

In addition, a quite simple feature comes into play: humour. Being a common style pattern of the sagas, it contains all possible aspects of comical situations, ridiculous behaviour, word wit, exaggeration – and funny or silly persons. Admittedly, this is of course again alluding to the stereotype of the dull slave. But while Steblin-Kamenskij believes that all these elements "were no doubt meant to provoke mirth, but they clearly were not meant to ridicule anyone or anybody [...]" (1978–79: 160), I suggest the contrary, especially in the context treated here. More appropriate is Heusler's statement (1969: 353f.):

² Wilde-Stockmeyer's conclusion "Die spannungsreiche Ausschmückung gestaltete somit der Verfasser" (1978: 100), only because the slaves are not mentioned in *Landnámabók* (*Lnb.* S 86/H 74), is surely an oversimplification. Any further details of the slaying are also lacking – it just lies in the nature of *Landnámabók* to shorten things.

Eine Gestalt ist komisch gezeichnet. Charakterkomik. Nie sind es Hauptpersonen der Geschichte. Solche können witzig sein, wie Grettir, Skarphedin, der Gode Snorri; aber unfreiwillig lächerlich machen sich nur Nebengestalten – und zwar nur solche, die aus der Reihe der tapfern [sic!] Krieger herausfallen: sei es durch Ärmlichkeit, Niedrigkeit; sei es durch Prahlerei, der die Taten fehlen, sei es durch verschämte Feigheit; sei es durch Knauserie und sonstige „Lítilmenzka“. Die Quelle der Heiterkeit ist wohl durchweg das Überlegenheitsgefühl des selbstsicheren Freien, das angesichts dieser Gegenbeispiele wach wird.

When Egill sterki happily sets out to earn his freedom, this is narrated with some sarcasm (“ok ætlaði Egill nú á lítilli stundu at vinna sér til ævinligrs frelsis” [Eyrb. ch. 43]); when he stumbles and falls down before he can complete his task, his clumsiness is pictured in a biting metaphor (“ok fell hann innar á gólfit; varð þat svá mikill dynkr, sem nautsbúk flegnum væri kastat niðr á gólfit” [Eyrb. ch. 43]).

Yet, belonging to an inferior social class cannot be the point in making jokes about slaves: Attributed clumsiness as depicted seems to be the very amusement factor that also fits the *berserkr/víkingr* as a nuisance and threat to public order. To overcome such a villain requires some wits and tricks which often enough (still not always) set the uncouth bully into a comical light (cf. Grimstad 1972: 249).

4 “*Vinna sér til ævinligrs frelsis á lítilli stundu:*” The underlying motivation

In three of the five cases of contract killing described in *Eyrbyggja saga* – assuming that Þorleifr the outlaw was actually hired by Snorri goði – *þrælar* are involved who expect to be released by their owners in return for their special service: Svartr inn sterki (ch. 26 – sent by Vigfúss vs. Snorri goði), an anonymous group of six *þrælar* (ch. 32 – Þórólfr bægifótr vs. Úlfarr) and Egill sterki; (ch. 43 – Þorbrandssynir vs. Breiðvíkingar).³

³ As for the *brenna* attack “[Þórólfr hafði] drykkju mikla ok veitti kappsamliga þrælum sínum; en er þeir váru drukknir [...] fóru þeir sex saman inn til Úlfarsfells [...]” (Eyrb. ch. 31) and get executed for that by Arnkell. But when Þórólfr meets with Spá-Gils, the saga says: “Þræll Þórólfs fór með honum” (Eyrb. ch. 32). This means that either not all of the *þrælar* went on that raid or Þórólfr has got himself some new ones. Perhaps a negligible detail – or a detail

In the terms discussed previously, all these *þrælar* become victims of their own clumsiness and stupidity. But if we leave aside the stereotyped role they obviously are assigned, they rather appear as being mainly struck by bad luck: At least Svartr inn sterki and Egill sterki are indeed individuals capable of expressing their consciousness-raising. Their failure cannot be blamed entirely on them, as Svartr has been provided with a cunning plan by Vigfúss that he is executing at his best, and Egill is acting no more carelessly than the Breiðvíkingar who neglect checking out Þórðr blígr's suspicion of being watched. Even Þórólfr bægifótr's drunk nameless *þrælar* only get caught by sheer coincidence because Arnkell and his men discover the fire right in time.

Thus the will of these *þrælar* is there, obvious or latent, to obtain freedom at any price – to be paid by others, even by fellow *þrælar* (cf. the case of Hreiðarr in *Lnb.* S 75/H 63) or someone who has reached precisely what they long for, like the *leysingi* Úlfarr. While being strong and *drengiligr* almost inevitably leads to the wish of emancipation, the more ordinary *þrælar* may need some encouragement. Alcohol has always been considered a reliable means of getting oneself or others in a dangerously daring mood which also Þórólfr bægifótr is aware of.⁴

Two options existed to get promoted from *þræll* to *leysingi*:⁵

1. Through redemption to be paid by the *þræll* himself or a third person
2. By manumission at the owner's discretion

implying the stereotyped cowardice a detail of *þrælar* who do not even try a bit to be freed. The nickname (*inn*) *sterki* of both Svartr and Egill cannot be regarded here as an ironic attribute to losers: Arnbjörn inn sterki Ásbrandsson has nothing ridiculous about himself.

⁴ The most outstanding example in saga literature is probably the doom of the Jómsvíkingar after the feast at King Sveinn tjúguskegg's and their keen oaths which they regret soon after (cf. *ÓsT.* ch. 35).

⁵ In addition, the Norwegian *Gulapingslög* tell of the annual *frelsi* of one man at the opportunity of the assembly as introduced by Óláfr inn helgi and abolished by Magnús Erlingsson (*Gul.* 4–5).

Svartr's reply to Vigfúss' comment on his unsatisfactory status refers to both options: "Allmikill harmr er þat, ok svá mun þér þykkja, Svartr, er þú skalt vera ánauðigr maðr, svá sem þú ert sterkr ok drengiligr at sjá." [...] "Eigi má ek þat með fé kaupa, því at ek á ekki, en þá hluti, er ek má, mun ek enga til spara." (*Eyrb.* ch. 26.) Buying oneself out required a kind of wages paid by the *þræll*'s owner; certainly not for regular duty, but possibly for some "private business" from which the *þræll* could accumulate some savings for that purpose (cf. *Kgsb.* I, 112/*Stað.* 161; *Frost.* IV, 55 [53]).⁶ To qualify for manumission by doing a great favour to one's owner seemed easier for those who desired it in spite of their lack of *fé*. And those making that offer (cf. also Jón Hnefill Aðalsteinsson 1986: 46) were highly conscious of its tempting attraction. In other words: Turning one's *þræll* into a murderer was a mere question of right payment.

The payment asked or offered is usually the same: *Frelsi*, no less, no more – hence no material preparation for the future after manumission. Only in the recruiting of Svartr is any further reward mentioned. All other aspirants are either not thinking one step ahead or taking too much for granted – the laws at least give no evidence for a particular gift for a released *þræll* which leaves entirely open whether he is going to be an employed farm hand or a land owner.⁷ After all, a final responsibility still remained with the manumitter who was not supposed to send a *leysingi* straight into poverty: "SiN leysing scal huerr maðr fram föra [...]" (*Kgsb.* II, 134/*Stað.* 93; cf. also *Kgsb.* II, 128/*Stað.* 81).

⁶ A Norwegian example is given in *Óláfs saga ins helga* (*Ósh.* ch. 23, cf. Wilde-Stockmeyer 1978: 152). These *þrælar* appear again in the beginning of the Ásbjörn selsbani Sigurðarson episode as the only available vendors of grain: "Þeir eru ekki í lögum eða landsrétt með ǫðrum mǫnnum" (*Ósh.* ch. 117). Even though the laws do not support that (cf. *Ósh.* ch. 117, p. 197, rem. 1), it may illustrate Icelandic traditions as well.

⁷ The only *þræll* who, even without asking for it, gets what the others desired is Kolbákr in *Fóstbræðra saga*. The description of his appearance, however, distinguishes him far apart from the dull and boorish regular stereotype, cf. *FbS.* ch. 9.

In many cases, a newly baked freedman would be granted some land and a bit of *fé* for a start.⁸ In *Eyrbyggja saga* no such form of self-establishment is reported; even Þorbrandr Þorfinnsson's *leysingjar* Úlfarr and Ørlygr have to buy themselves some land. The attitude that Þórólfr bægifótr – being a classical example of an *ójafnaðarmaðr* – is showing towards Úlfarr in particular, however, makes clear that the improvement in terms of social status was less than the leap into freedom might imply: “[...] Þórólfr kvað þræl þann helzti auðgan.” (*Eyrb.* ch. 30).

The laws name the manumitter as the full or partial heir to his freedman (*Kgsb.* I, 119/*Stað.* 60). Should he be betrayed for his share (*arvskot*, *arvsvik*), he has reserved the right to withdraw manumission (*Kgsb.* I, 127/*Stað.* 66). Here lies the cause for the conflict with Arnkell over Ørlygsstaðir (*Eyrb.* ch. 32).

5 Poor – but free

Being a freeborn man did not in and of itself prevent one from being underprivileged. Not everyone could be a rich and wealthy *bóndi*: The first settlers had not exactly been smallholders, but continued the tradition of farm owner and farm workers: the former having to provide enough resources to settle down, the latter being free and unfree. Taking into account that usable farmland is restricted on Iceland and could not be divided or shared endlessly and that coping with misfortunes was not always successful, it seems inevitable that sooner or later some farmers found themselves in economic need (cf. Gerhold 2002: 46ff. and Guðrún Sveinbjarnardóttir 1992: 9–12).

Húskarlar should not be counted among the poor as they were “employed” and had their livelihood in their *bóndi*'s household which in a way applies to the *þrælar* as well.

Yet a free man could temporarily turn into a kind of unfree in becoming a *skuldarmaðr*. The *Ómagabálkr* of *Grágás* begins with a detailed description of the obligation of debt bondage if someone is incapable to support for his dependents, i.e. first his mother, then his

⁸ After *Lnb.* S 75/H 63, the *þræll* Hreiðarr is released and rewarded with some land for the slaying of two fugitive *þrælar* which may shed some light on a possible competition among *þrælar* for their owner's benevolence.

father, his children etc. down to his *leysingjar* by the penalty of outlawry (*Kgsb.* II, 128/*Stað.* 81). The status of a *skuldarmaðr* obviously involved the loss of all personal rights and would degrade its bearer practically to a *þræll*. In *Brennu-Njáls saga*, Njáll equals them in his proposition to introduce *fimtardómr* (“innihafnir þræla eða skuldarmanna” [*Njála* ch. 97]) where cases of taking up runaways should be treated, almost an exact quotation of *Grágás* (“vm iNi hafnir sculdarmanna oc vm þræla þeirra er til sculdfestis er sagt her a alþingi” [*Kgsb.* I, 44]); the arbitrary order of *skuldarmenn* and *þrælar* illustrates their equally low value. As another example, Þorsteinn *skuldarmaðr* in *Ljósvetninga saga* is first introduced as a *þræll* (cf. *Ljósv.* ch. 14, p. 77, rem. 3).

The poor man in *Eyrbyggja saga*, Spá-Gils of Spá-Gilsstaðir in Þór-sárdalur, is no doubt a free man – the saga even calls him a friend of Þórólfr bægifótr’s who is a notorious scorner of *leysingjar* or lesser people. Spá-Gils’ situation must have been extraordinarily miserable as clearly indicated in the saga which almost sounds like an excuse for him to accept becoming a murderer: “En með því at Spá-Gils var ómegðarmaðr og mjök fépurfi, þá tók hann við flugu þessi [...]” (*Eyrb.* ch. 32). It is also clear that he, in spite of his need and poverty, does not have any obligations to Þórólfr, neither in financial nor moral debts. On the contrary – Þórólfr’s offer is precisely steering Spá-Gils towards exactly that as he promises to pay the compensation for the slaying of Úlfarr and to give him shelter. Provided that he is up to keep his word: Þórólfr may be considered wicked enough to leave Spá-Gils in the lurch at court or even to speculate on him being killed.

The encounter between Spá-Gils and Úlfarr is again pulling out the stereotype of the slow *þræll* whose wits do not even grow when he is presented with freedom: Most unsuspecting, Úlfarr lets himself talk into handing over his weapons, glad and proud until he gets stabbed with his own sword.

6 *Send in the clowns!* – The legal aspects

From today’s point of view, one might feel like turning the tables and arguing that sending someone else, and particularly an inferior, is no lesser cowardly than the *þrælar* are stereotyped. Yet any attempt to

approach medieval literature with values not contemporary with its content or – which is highly relevant for the sagas – with its writing that disregards this fact, cannot but go astray.

Pencak (1995: 116) falls for that in his modern humanistic attitude towards chapter 28 of *Eyrbyggja saga* when he bewails “the unfortunate berserks, who only want the same status and love as other people”. This ignores completely their social meaning as a nuisance and a threat as well as their role and the victory over them in medieval literature (cf. above).

Likewise wrong go certain Germanising exegetics which conclude “vom Isländer auf den heidnischen Germanen überhaupt” (Heusler 1911: 236). Having been popular in the 18th and early 20th century, they romanticize and mythologize an idealized pre-civilisation pseudo Germanism extracted from the sagas (cf. Zernack 1994: 2).

But how to understand and explain what happens in *Eyrbyggja saga*? Ignoring the process of Christianisation and assuming pure paganism goes much too far and constitutes what Hermann Pálsson calls one of the “fundamental fallacies in nativistic saga criticism” (1974: 64); what we see here is the mere pragmatism of a slaveholding society.

In terms of their morality, both Vigfúss and Þórólfr bægifótr have no reason to fear reproach for having sent their *þrælar* to commit murder, nor does Snorri goði for presumably advising so at another opportunity. If I have considered Þórólfr “wicked” before, this has to be seen in the context of involving the free man Spá-Gils. The use or “misuse” of *þrælar* was like that of tools and was exclusively decided upon by their owner (cf. *Kgsb.* I, 111/*Stað.* 379).⁹

In *Grágás*, the law itself is primarily concerned with the deed, thus with the murder, and only secondarily with the commission and the perpetrator. This means that a) the *þræll* actually carrying out the attacks is guilty in the first place, while b) the owner – who might have conceived the plot – is not immediately liable for the crime as long as there is no evidence brought up against him.

⁹ Sending someone on a mission, on which he is not unlikely to perish, seems not very different from slaying him directly. I consider that a fact beyond moral evaluation.

Here, Icelandic law has developed differently from Norwegian where the owner has a responsibility for his *þræll* in the first place, but still has the option of detaching himself or having the *þræll* being punished (cf. *Frost.* X 40 [38], *Gul.* 99 and *Gul.* 163). This may even lead to a trap situation where the *þræll* becomes a scape-goat:

Dat heiter floccr er .v. menn ero saman at fæsta koste. Nu ganga menn fíorer at gotu saman. oc verðr þar einn mannbane. oc vígr at œðrom sinum fœrunaut. þa er sa mannbane er einn er a finu male. ef þræll er i for með þeim. þa er hann mannbane ef þeir vilia hanom kenna. (*Gul.* 154)

The *Víglóði* section of *Grágás* states clearly, regardless of a man's status, that already the intention to kill can be subject to *óhelgi* and is punished with *skóggangr* if it succeeds (cf. *Kgsb.* I, 86). The formulation of *Staðarhólsbók* pinpoints even more precisely the actual planning, thus not necessarily only setting out on a raid (cf. *Stað.* 345). But all punishment and sentences mentioned in *Víglóði* are to be understood as the highest possible legal threat to the wrongdoer. Both *fjorbaugsgarðr* and *skóggangr* could be converted into compensation fines if the plaintiff agreed upon or arbitration was successful, but the relevance of *Baugatal* has occasionally been doubted (cf. Miller 1990: 144f.), at least for the sagas:

The entire corpus of saga literature shows more than one hundred examples of compensation payment for killings, but no examples of *Baugatal* determining the form and manner of payment. (Miller 1990: 144)

For Svartr it is highly obvious, for Egill and the anonymous *þrælar* it is inherent that they are not going to commit manslaughter, but murder as they are intending to get away without *lýsing* (cf. *Kgsb.* I, 88/*Stað.* 315). Planning or partaking in a *brenna* means *fjorbaugsgarðr* or *skóggangr* for harming or killing someone in it (*Kgsb.* I, 109/*Stað.* 356). Only Spá-Gils, being a free man, will get off scot-free as Þórólfr bægifótr assures him.

But things go wrong as it can be. Leaving aside Þorleifr, whose case will be treated separately, we see all *flugumenn* except Spá-Gils fail: They all get captured and they all “name their masters as the

brains behind the plot.”¹⁰ Had they kept silent, the *þrælar* had fulfilled their role as useful but unlucky idiots whose slaying had even brought compensation payment to their respective owners.¹¹ According to the law (cf. *Kgsb.* I, 108 and *Stað.* 355), now the senders must fear getting directly involved which actually was what they were eager to avoid.

As for Vigfúss, Snorri takes immediate revenge upon him – sparing the *húskarlar*, probably due to lacking resistance.¹² Þórólfr bægifótr, however, is neither prosecuted for the attempted *brenna* nor for hiring Spá-Gils to kill Úlfarr, and the Þorbrandssynir’s sending of the *þræll* Egill is just another violent episode in a bloody feud. Interestingly, the legal means are never used, obviously by purpose. All the assassins caught get killed after confessing – the waste of useful witnesses or getting rid of some irksome captives?

“Even though *fjorráð* was by law a crime, it could be difficult to prove legally” (Guðrún Nordal 1998: 190; cf. also 188). Thus killing the *þrælar* anyway was not an issue: *Eyrbyggja saga* tells that *þræladráp* “in these days” could be settled with paying *þrælsgjöld* to the owner; otherwise the penalty was *fjorbaugsgarðr* (*Eyrb.* ch. 43, cf. also *Egla* ch. 81) which is the only consequence according to *Grágas* (*Kgsb.* I, 111/*Stað.* 379) where that option does not exist. The slaying of Vigfúss rendered that question unnecessary in his case, and the

¹⁰ Presumably the *þrælar* in the *brenna* attack talk likewise, especially since they are kept alive until the following morning. But if so, this indeed raises the question why Þórólfr bægifótr is not accused for sending them according to *Grágas* (*Stað.* 345). Snorri goði is doing precisely that as crossaction when his men are accused for slaying Vigfúss (cf. *Eyrb.* ch. 27.) The exemption of Snorri goði from prosecution is purely tactical in regard of his stronger position.

¹¹ Things *can* go wrong and still not, as shown in *FbS.* ch. 9–10: Here, the *þræll* Kolbakk is sent by his owner Gríma against Þormóðr Bersason (the future Kolbrúnarskáld), but he only hurts him. The attack is blamed entirely on Kolbakk, but Gríma is grateful as she releases Kolbakk and buys him a safe passage to Norway where he later has a career. – Kolbakk is actually the only *þræll* in the *Íslendingasögur* who survives a mission as an assassin, but he is also the only one who becomes *sekr skógarmaðr*.

¹² *Húskarlar*, being free men, are *not* stereotyped as cowards like *þrælar*. It is noteworthy that these here were mentioned as *þrælar* earlier (cf. *Eyrb.* ch. 26.) Besides, this “generosity” raises Snorri above Vigfúss’ malice.

þrælar of Þórólfr bægifótr are claimed *óhelgir* by Arnkell, resulting in compensation payment. However, the acting of the Breiðvíkingar after killing the *þræll* Egill seems nonillogical at a first glance, considering the law in *Grágás* (*Kgsb.* I, 86/*Stað.* 270): Caught *in flagranti*, Egill would have fallen *óhelgr*. We are left with the lapidary statement “þat váru lög i þann tíma” (*Eyrb.* ch. 43) as the sole explanation, thus before *Grágás*. Commonly agreed, *Konungsbók* dates around 1260, *Staðarhólsbók* around 1280 and *Eyrbyggja saga* around 1240–1250 (with a recent tendency towards 1270–1280); the current event takes place around the year 997 (*Eyrb.*: xxxiv).

This suggests that *Grágás* is a limited source of reference for the *Íslendingasögur*. It also highlights the difficulties in evaluating their historical appropriateness. In fact, the *Íslendingasögur* often reflect another jurisdiction than in the law texts preserved, at least another practical handling: “Fewer than 10% of conflicts in the Commonwealth period were dealt with by courts” (Jón Viðar Sigurðsson 1999: 183). Instead “[most] of the conflicts were probably settled outside the courts via arbitration and negotiations, and according to the sagas this system never functioned as described in *Grágás*” (Jón Viðar Sigurðsson 1999: 206).

To assume that the sagas conserve the culture of the past and thus a jurisdiction no longer retraceable (cf. Heusler 1911: 9, 15) is leading back into the bookprose/freeprose discourse, brought up by Heusler who came up with the latter theory, which is not relevant in this analysis.

The laws do not recognize manslaughter as a capital crime in a modern sense that was to be prosecuted under all circumstances: It always required somebody to bring an action, as listed in *Vígslóði* (*Kgsb.* I, 86–112/*Stað.* 263–388) – if the slayer was not accused, there was no punishment. Thus the killing of Spá-Gils has no consequences exactly as the murder of Úlfarr, for Arnkell detaches himself from the event in order to avoid indicting his father, and nobody cares of Spá-Gils.

Eventually the case of Arnkell and Þorleifr: Being outlawed for adultery (cf. *Kgsb.* II, 155/*Stað.* 144), Þorleifr is dubious company indeed, not quite at all to the liking of Arnkell who is suspicious and

very reluctant to take up a stranger who could easily be a *flugumaðr* in disguise (cf. Miller 1990: 352 [rem. 20]). Killing an aggressor in self-defence was a justified act (cf. *Kgsb.* I, 86/*Stað.* 267) – killing a *skógarmaðr* could even bring profit (cf. *Kgsb.* I, 109a–110/*Stað.* 380, 382) depending on the crime committed (cf. *Kgsb.* I, 102/*Stað.* 313). There was no obligation, though, to eliminate a *skógarmaðr* as soon as one encountered him (cf. *Kgsb.* I, 110/*Stað.* 382), but taking him up – as Þorleifr actually had requested – could incriminate the harbourer himself. This depended on several factors in connection with the infliction of the punishment (cf. *Kgsb.* I, 55, 73/*Stað.* 303–304) and could lead to a sentence of *fjörbaugsgarðr* or *skóggangr*. Even Snorri goði was aware of this issue’s delicacy: “Ek gerumk nú gamall maðr, ok nenni ek nú ekki at halda sekja menn, ef mik rekr engi nauðsyn til [...]” (*Grettla* ch. 49). Yet again, Þorleifr’s sender (most presumably Snorri goði) did not risk very much.

7 Conclusions

Summing up, conclusions can be drawn under three different aspects which sometimes may prove difficult to treat separately:

1. Socially and legally – the assassin’s role and his status in society
2. Psychologically – does the assassin have a face?
3. Literally – what does the assassin before his background mean to the saga?

Miller (1990: 352 [rem. 20]) reduces the assassins of the sagas down to a handy term: “Disreputable men” who can be strangers or come from the underprivileged part of the society. Even though Miller’s scenario fits best Arnkell’s encounter with the outlaw Þorleifr, it includes all other characters discussed in terms of their social ranking. Spá-Gils makes a potential *flugumaðr* because of his poverty, and the *þrælar* are trying to escape their slavery.

Occasionally assassins may occur as a threat, classically when the mischievous stranger pulls out his dagger – but in each and every case they are tools used to serve the interests and intrigues of their more or less powerful masters. Especially the *þrælar* who appear again

and again in that tool role, hoping to get rewarded by *frelsi*, are nothing but pawns easily sacrificed by a non-caring slaveholder society.

The saga's profit from particularly the *þrælar* is that of a figure both stereotyped and versatile: They perform as clowns, clumsily and stupidly, adding some humour to the serious business of the heroes featured; they bring the story forward and are quickly disposed of; they behave cowardly and in that enhance their brave masters; they perish, and for that it is ignored, this even adds to a leader's glory.

To pick up the perhaps somewhat rhetoric question raised earlier: the waste of useful witnesses or getting rid of some irksome captives? Following *Grágás*, all witnesses in legal cases were bound to be *þegnar* or *bændr* (cf. *Kgsb.* I, 20), at least *gríðmenn* (cf. *Kgsb.* II, 251), hence free men; *þrælar* are never mentioned in this context (cf. Wilde-Stockmeyer 1978: 77). Therefore their only practical use once caught was that of (dead) bodies of evidence for a legal case. Hermann Pálsson's striking categorisation of *berserkir* and *víkingar* as "stock characters" (1974: 66) in literature goes also for *þrælar*, *skógarmenn* and poor people. In other words: they figure as mere devices which remain anonymous or are structured as sketchy personalities.

Given this, it seems difficult to embody the "underprivileged assassins" of *Eyrbyggja saga*, yet it might be worth a try. First of all, they are not bad to the bone. They have their reasons, not necessarily moral, but economical or social, be it for poverty or to earn manumission. And as pointed out before, their clumsiness is not significantly worse than that of their targets. Both Svartr inn sterki and Egill sterki are described as strong, manly and tall, and in no way are they attributed a thrallish ugliness. They are well aware of their unsatisfactory being which obviously is humiliating enough to become a murderer.

Nothing can be said about Þórólfr bægifótr's *þrælar* except that they obviously loved to booze and that their desire to take some risks to win freedom needed a sip of encouragement. Indeed these characters are marginal figures whose individuality is neither shaped nor required for conveying the big story told.

Spá-Gils is miserable in every aspect. His “friendship” with Þórólfr bægifótr is no real gift, his farm is running badly, and in the end, he gets killed by Arnkell’s men; even the sole *flugumaðr* who has accomplished his mission is not allowed to enjoy his success. While all the others, driven by the wish of improving their social position in which they actually had their livelihood provided by their owner, set out to kill without further reasoning, the saga shows a certain understanding of this poor man who fears for his sheer subsistence and yet might have been slightly reluctant to do what he is asked for.

Þorleifr, finally, is *a priori* a dubious person, which is what the saga predetermines to him as *sekr skógarmaðr*. But what has been his crime to suffer that punishment? Þorleifr has committed *konumál* – morally reprehensible, the more in a society that highly valued honour, but worlds apart from an act of violence. To carry out an assault so foolishly and misprepared as he does, shows him rather as a pitiable petty larcener than a vicious outlaw.

To clarify once more, I do not intend to apply modern values to the style and content of the sagas. Spartacus never reached Þingvellir, and the contemporary medieval recipient would not see the point. Even a Christian society does not *per se* exclude a cast hierarchy, as feudalism and serfdom in European history show, because it can be interpreted as God-given.

The occurrence of assassination is no unexpected phenomenon in the struggle for power among ambitious rival families from the time of settlement to the *Sturlungaöld*. Making use of a *flugumaðr* would not degrade a man while, of course, personal physical engagement could bring honour – regardless the legal aspects. In so far neither Vigfúss Bjarnarson nor Þórólfr bægifótr or the Þorbrandssynir are more “evil” than Snorri goði who is only more cautious in involving himself openly.

If one is willing to understand the sagas – beyond the bookprose/freeprose discussion – as a dramatic, or “totemic” as Durrenberger (1991: 16ff.) formulates it anthropologically, support for claiming a place in history, facing the changes of the 13th century at the end of the Icelandic commonwealth, the performance is depending on compares, in plenty and cheap.

All these compares perish, inevitably. Their function is not to show that crime does not pay, but to serve as easy tools in life and handy devices in literature. They run into destruction with their eyes open, although they could have known better. Or, to put it with the appropriate cynicism: They should have read the sagas.

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Corrigenda to

Michael Irlenbusch-Reynard

Killing to qualify: The underprivileged assassins of *Eyrbyggja saga*.

Nordica Bergensia 33 (2005), p. 75–95

Page 91, line 17:

Quotation error: Instead of “*stock characters*” read “*acceptable victims*”.

Complete corrected sentence:

Hermann Pálsson’s striking categorisation of *berserkir* and *víkingar* as “acceptable victims” (1974: 66) goes also for *þrælar*, *skógarmenn* and poor people.

Page 87, line 35 to page 88, line 1:

“*name their masters as the brains behind the plot*”

Publisher’s error: This has of course to stand without quotation marks.

Page 89, line 3:

Publisher’s error: Instead of *nonillogical* read *illogical*.