

CONCUBINAGE AND SLAVERY IN THE VIKING AGE

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MODERN NOTIONS of what constitutes valid marriage have been shaped by the teaching of the medieval Church. Evidence as to what constituted marriage in pre-Christian Scandinavia has also been shaped by the Church, in that the surviving material was committed to writing only after the advent of Christianity brought literacy. Nevertheless it is possible to step aside from the modern definitions of marriage and legitimacy and to look behind the documentary remnants of pagan times as recorded by Christians, in order to examine the variations in the legal and social status of women involved in different sorts of conjugal or sexual relationships during the Viking Age and in the status of their children.¹ The status of the concubine has been much debated and equated with that of the wife. While many Germanic peoples, including Scandinavians in the Viking Age and before,² did practice plural marriage at least among royalty, that does not mean that all women in plural relationships were plural wives. This article proposes that in the Viking Age concubinage and slavery were intimately and intricately connected.

Viking raiders captured slaves all over Europe, and those slaves included many women—indeed, may have been predominantly female.³ As in all slaveholding societies male slaveholders had sexual access to their slaves, and they often purchased women for that purpose alone. Slaves who became concubines clearly were not counted as plural wives. But all evidence points to a lack of distinction between slave and free concubines. The position within a couple of a free woman who had not gone through marriage rituals was no better than that of a slave. Concubinage as known in Viking Age Scandinavia had at least its conceptual roots, if not its historical origins, in slavery.

The status of women who were not official wives must be clearly distinguished from the separate issue of the status of their children. The question of whether children not born in lawful wedlock—those who came to be labeled as “illegitimate”—could inherit their fathers’ lands and titles was a subject of some dispute throughout western Christendom as the Roman church attempted to impose its model of monogamous,

indissoluble relationships on secular magnates with different goals.⁴ The Church, whether out of a desire to follow the teachings of St. Paul or out of a wish to promote bequests to ecclesiastical institutions by discouraging a proliferation of heirs, attempted to prevent inheritance by what it considered bastards.

It was evidently in a man's interest to be able to declare any child of his an heir, but not to be obliged to do so. Fathers might want all their children to be able to inherit, in order to minimize the chance that the inheritance would leave the direct line, but they might also have an interest in limiting the number of their children eligible to inherit.⁵ If a man had enough heirs born of formally married wives to ensure the continuity of his line, he might prefer to avoid the competition that would come from placing all his children on an equal footing in inheritance rights. If all children were capable of inheriting, but only on their father's decision, the man retained maximum flexibility. Then, when a man's only son was born of a concubine—as with St. Óláfr's son Magnús—he could declare him his heir, or when a son was particularly capable and worthy or beloved by his father—as with Óláfr *pái* and Hǫskuldr in *Laxdæla saga*—he could grant him a share in the inheritance. This is the position taken in many of the Scandinavian law codes.

If any child could inherit as long as the father acknowledged paternity, one cannot take the inheritance rights of a woman's children as evidence of her status. Succession by out-of-wedlock heirs continued longer in Scandinavia than it did elsewhere in Europe, but that did not mean that the mother's status as concubine conferred succession rights. The children of a casual liaison had the same rights as the children of a concubine. The distinction between the inheritance rights of a child and the status of its mother must be kept in mind in considering the nature of concubinage in Viking Age Scandinavia.⁶

The term “concubinage” has many meanings and is often used to refer to quasi marriage in various legal traditions. But definitions from other legal traditions do not necessarily apply to Scandinavia just because we use the same term. The *friðla* of Scandinavian law cannot automatically be assumed to have the legal position of “concubine” as the canonists or Roman jurists would view it, nor can she automatically be assumed to conform to the definitions used by anthropologists just because the term is usually translated as “concubine.”

The Church defined concubinage as a monogamous and quasi-marital relationship in which a couple live together and often are faithful to each other. It “is relatively stable and often is sexually exclusive.”⁷ Churchmen could use the term in both a looser sense (to refer to nonmarital sex in general) and a stricter one, referring to a permanent and monogamous

relationship, which was the understanding of the concept in Roman law.⁸ From a very early period the Church treated the concubine, *sensu strictu*, as a wife without benefit of legal marriage. That understanding of course excluded concubinage as a form of plural marriage: such a relationship could exist only where there was a possibility of Christian marriage.⁹

Margaret Clunies Ross has defined concubinage as "a type of polygyny available to certain groups of men within a community that overall practises monogamy." This definition is appropriate enough as long as one recognizes that not all polygyny is plural marriage—that is, a formal relationship is not always involved—and that one must not prejudge the issue by equating the concubine with a wife until the evidence warrants it. Clunies Ross suggests that for Anglo-Saxon England, concubinage "was characterized by continuity and public or semi-public recognition but not by a formal betrothal and the exchange of gifts between the contracting parties."¹⁰ The Scandinavian material implies recognition in the sense that the language had terms for concubines and acknowledged that the women were in a particular relationship with the men, but this gave them no formal status or rights in the relationship.¹¹ "Polycoity" is a better term for what was going on in Scandinavia than "polygyny."¹²

Classical ethnographers writing about early Germanic tribes referred to plural marriage, but in none did concubinage appear as a common custom. Tacitus wrote that the Germans were "content with a wife apiece: the very few exceptions have nothing to do with passion, but consist of those with whom polygamous marriage is eagerly sought for the sake of high birth."¹³ If Tacitus' report is accurate, cases of polygyny would seem to be official marriage relationships entered into for the sake of dynastic alliances. Jordanes mentions plural marriage among the Huns, but not among the Goths.¹⁴ These authors may not have been in a position to distinguish clearly between plural marriage and concubinage. The distinction, once again, is in the legal formality of the relationship. Among the Franks, the situation described by Gregory of Tours appears to be one of polygyny among the earlier Merovingian kings. It did not mean that free concubines were customarily accorded the status of quasiwives, but that the kings had more than one legal wife at a time.¹⁵ In any case, it is not safe to assume that social relations developed in the same way among all Germanic peoples or to take Tacitus or Gregory of Tours as evidence for Viking Age Scandinavia.

Nor does the existence of *more danico* marriage among the Normans in Normandy and Danes in England indicate that there were free concubines whose honorable status was guaranteed by custom. It was not uncommon for a magnate to marry a woman *more danico* and then to feel free to marry another according to the rites of the Church. Chroniclers

tend to equate the woman married *more danico* with a concubine.¹⁶ But she is not a concubine in the same sense as a *friðla*, only in the sense that the Church labeled as a concubine any woman in a permanent relationship that was not a Christian marriage. Marriage *more danico* was in the eyes of the Danes or Normans an official, legal marriage; the role Ælfgifu played as regent for Cnut is an indication of its authority.¹⁷ The fact that men so married felt themselves free to marry again *Christiano more* may indicate that they recognized the possibility of polygamy, of more than one valid marriage, but not that they commonly had concubines who were subordinate in position to a legal wife. A woman married *more danico* was a concubine only in the eyes of the Church.

The social position of the concubine in the surviving Scandinavian law codes, which date from the High Middle Ages, is distinctly subordinate to that of a legal wife and is clearly not honorable. Some scholars have inferred that the situation depicted in the law codes reflects a change from the Viking Age. Elizabeth Eames states that the Vikings recognized three types of carnal relationships: legal marriage, in which a *mundr* ("payment") was made; an open liaison with a free woman, involving a formal accord of some sort; and servile concubinage.¹⁸ This is the view most scholars have adopted,¹⁹ but it ignores the fact that many illegitimate children, although acknowledged by their fathers, were conceived in casual liaisons rather than in ongoing relationships involving formal accords. It also ignores the fact that there is no evidence for a distinction between a free and a slave concubine other than the fact of freedom or slavery: the status of the children was the same (in both cases it depended upon their fathers' decision to acknowledge them), and there is no indication that free concubinage was a formally recognized or honorable status.

It is true that the extant law codes and sagas were all written at a period much later than the Viking Age, under a good deal of influence from the Church. But the form in which they survive (at least in the case of sagas and the Norwegian and Icelandic laws) does not favor the Church's position on marriage and inheritance, so the Church's influence may not have been as profound at the time the laws were written as it later became.²⁰

The Norwegian law drafted under church influence, which prohibits plural marriage, did not mean concubinage, but rather a situation in which a man went through marriage rituals with more than one woman. The law of the Gulaping, in a section attributed to the twelfth century, states that each man may have only one wife; if a man married more than one woman formally (with the *mundr*), he had to repudiate the second. The law may have been an attempt to prohibit serial, rather than simultaneous,

polygamy. The Church might have considered such a second wife a concubine, but if she were married with the *mundr*, she would have been intended by the man as a legal wife. The law goes on to discuss concubinage as a separate issue from polygamy. It implies that a concubine can be expected to be a slave, though the possibility of other women in that role is considered since, by then, slavery was coming to an end:

En ef maðr hever ambótt sina við sina kono. oc hever inni areneliu. æða hveria sem hann hever at meinkono við sina kono. verðr hann at því kunnr ok sannr. þa scal hann boeta firir þat aurum .xii. biscope . . .²¹

(If a man keeps a slave woman by his hearth besides his wife, and it becomes known and proved of him, he shall pay a fine of twelve *aurar* to the bishop . . .)

It is the bishop who collects the penalty, so the provision is clearly motivated by Christian concerns. The fine for having a slave or other concubine was only half that for having more than one wife. The Church, then, did distinguish between polygamy and concubinage, though it prohibited both. The institution of plural marriage that the law prohibited was distinct from that of concubinage, which it connected with slavery.

The laws have little to say directly about the status of the concubine. One can approach the question indirectly by looking at how the law treats children by different women in terms of inheritance. As discussed above, the fact that children could inherit does not necessarily mean their mother's status was legally recognized, but if there had been a distinction between slave concubines and free concubines who were quasi wives, as Eames and Clunies Ross have suggested, one would expect to find a difference in the treatment of their children.

In Norwegian law, children born out of wedlock to a free woman were considered under a different rubric than children of a slave woman. This difference in categorizing has misled scholars into claiming that the free concubine was in a special position. In fact the categories amount to labels only; the actual provisions regarding the children of slaves and of free concubines in the *Gulaping* and *Frostaping* law are exactly the same.

The *Gulaping* law provided elaborate mechanisms for admitting any son into the kindred so that he could inherit, though a slave-born son must have been freed before the age of fifteen. The consent of the legal heirs of the father was required. Sons who were not admitted into the kindred could also inherit a lesser amount from their father:

Sv er hin siaunda er tæc hornongr oc risungr oc synr þy borenn uleiddr i ætt efter faður sin. bæpe aura oc oðol. Sa heiter hornongr er frialsar kono sunr er. oc eigi golldenn mundr við. oc genget i liose i hvilu hennar. En sa heitir risungr er frialsar kono sunr er oc getenn a laun. En þyborenn sunr er ambattar sunr. sa er frælse er gefet. fyrr en hann have .iiij. netr hinar helgu. þeir koma til allz rettar.²²

(That is the seventh inheritance, which a corner child [*hornongr*] or a bush child [*risungr*] or a slave-born son, who has not been led into the kindred, takes after his father: both money and *oðal* ["allodial"] land. He is called a corner child who is the son of a free woman for whom a bride-payment has not been given and to whose bed the father went openly. And one is called a bush child who is the son of a free woman and begotten secretly. A slave-born son is the son of a slave woman to whom freedom is given before three Holy Nights have passed. These [sons] come into all rights.)

It is true that the son of a slave woman only receives the rights due him through his father if the father has acknowledged and freed him, but it is probably also true that the other two categories of children born out of wedlock, *hornungr* and *hrísungr*, similarly receive their rights only if acknowledged by their father.²³ In each instance in which they are mentioned, in the Frostaping as well as the Gulaping law, these two categories of sons fall under provisions exactly the same as those applying to an acknowledged slave-born son in the same situation.²⁴ The distinction between the sons, then, does not imply a sharp distinction between a slave concubine and a free woman who bears a child out of wedlock.

One passage in the Gulaping law, acknowledging the existence of free concubinage as the canonists interpreted it, as a quasi-marital relationship, announces that the relationship should be treated as marriage if it has been going on for twenty years:

Ef maðr byr við friðlu sinni .xx. vetr æða .xx. vetrum lengr. gengr i liose i hvilu hennar. verðr engi skilnaðr þeirra a því mele. oc koma þar engar lysingar a. aðrar a þeim. xx. vetrum. hinum fystum. þa ero born þeirra arfgeng. oc leggja log felag þeirra.²⁵

(If a man lives with his concubine for twenty winters or longer than twenty and sleeps with her without concealment, and they have not separated during that time, and there has been no

announcement otherwise for twenty winters, their children are able to inherit, and the law recognizes their community of property.)

Treating a long-standing relationship as marriage was in line with the ideas of the canonists, who wanted to legitimize relationships whenever possible.²⁶ But the quasi-marital relationship implied here was not plural. The situation of a couple living together without a legal marriage is different from the situation of a man who keeps a concubine in addition to a legal wife, and this law does not prove anything as to what the status or respectability of a free concubine in the latter case might be, or as to whether she would be seen as distinct from a slave concubine.

In a passage on *sac aukar* ("atonement extras"), Icelandic law equates the children of a slave and those of a free woman when they are born out of wedlock: the first person listed is "sonr þý borin eða laungetin" ("a son born of a slave woman or begotten outside of marriage").²⁷ In *Grágás* a child conceived outside of marriage (*laungetin*) may inherit if the decedent has left no heirs born in wedlock. It is not clear whether children born of a free man and a slave woman and acknowledged by him would be included in the category of *laungetin*.²⁸ The law does state that a child born of a slave man and a free woman, and a child born after his slave mother was freed but who had quickened before she was freed were both free but could not inherit. If a woman freed her male slave so that she could marry him, their children could not inherit. According to the Icelandic law, the terms *hrísungr* and *hornungr* refer to the latter two cases.²⁹ The term used of slave-born children, *eigi arfgengr* ("incapable of inheriting"), is also used of free children born out of wedlock:

Eigi ero allir menn arfgengir þott frials bornir se. Sa maðr er eigi arfgengr er moðir hans er eigi munde keypt morc eða meira fe eða eigi brullavp til gert eða eigi fostnoð.³⁰

(All men are not capable of inheriting although they are free. That man is not capable of inheriting whose mother was not bought with a *mundr* of a mark or more of property or a wedding held or a betrothal.)

Eigi arfgengr meant that they did not stand in the normal line of inheritance, and this was just as true in Norway and Iceland of the children of free as of slave concubines, although free children born out of wedlock could inherit if there were no other near heirs. This may also have been true of slave-born children acknowledged by their fathers. The fact that their mother was free did not automatically privilege the children of a

concubine, and her children had no special status that would lead us to classify her as a plural wife.

If the law as extant does not reflect Viking Age practice because of Christian influence, one must ask what purpose the Christian influence had. The Church might well have wished to move the children of a free concubine into the position of the children of a slave in order to discourage concubinage, but it would not have wished to make it the father's option to bring either one into the inheritance. Nor, especially if the Church wanted to minimize the number of available heirs as Goody posits, would the Church wish to allow either to inherit in the absence of legitimate siblings. Free concubines of high customary status were not reduced via Christian influence to the status of slaves. Rather, high status accorded to children born out of wedlock was probably always at the choice of their father, regardless of the slave or free status of the mother.

The provincial law codes from Sweden and Denmark also generally equate the free concubine with the slave by treating them in the same way. There, however, the Church's influence seems to have been stronger, for the children of the two groups are both excluded from inheritance. The Swedish law codes of Östergötland and Västergötland provided for a man to acknowledge and free his slave children, but, unlike the Norwegian laws, the Swedish codes did not allow them to inherit.³¹ The law of Östergötland states that the child of a slave woman may not inherit:

Nu huskunu barn ok horkunu barn ælla huru þæt ær til kumit
þæt takær egh arf utan apalkunu barn.³²

(The child of a slave woman or a loose woman or however else it has been begotten may not inherit, but only the child of a legally married wife.)

Yet the law of Östergötland also provides that while the child of a concubine (*frilla*) cannot inherit like a legally begotten child, it may be given some property with the agreement of the legal heirs.³³ It may be that this could apply to the child of a slave woman, if acknowledged by the father. This law code does make a distinction between a loose woman and a concubine or *frilla*, presumably living in a regular relationship with the man; the law of Västergötland implies that the word *frillubarn* applies to illegitimate children in general, not just those of kept women. If a married couple are separated because of the discovery of an impediment to their marriage, and the man later visits the woman secretly and she conceives his child, the child is a *frillubarn*.³⁴

The laws of Svealand provide for some inheritance by children born out of wedlock but do not indicate whether the provision includes the

children of a slave woman. If paternity of an illegitimate child is proven, the child receives a fixed amount as inheritance, plus the fine for the parents' fornication, but it does not inherit any more. According to the Uppland law, which shows much Christian influence, if the child is born of adultery (*hordom*), which means that one party is married to someone else, or of incest, it inherits nothing.³⁵ This law follows the canon law doctrine of concubinage as a quasi-marital relationship, which the Church tried to turn into a marriage; a child was legitimated by the subsequent marriage of its parents, if the man married a woman "þa han hawær fyrr till frillu hafft" ("whom he has previously had as *frilla*").³⁶

The earliest Danish law code, the law of Skåne, distinguishes between a slave and a free concubine but accords equal status to their children if acknowledged by the father. The child of a concubine (*sløkfrith*) may not inherit from its father unless the father specifically acknowledges it at the assembly and makes a grant to it. Slave-born children are neither explicitly excluded nor included, but another chapter discusses their status if not acknowledged at the assembly, implying that their situation if acknowledged had already been treated along with the status of the children of a concubine.³⁷

Andreas Suneson, in his early thirteenth-century Latin paraphrase of the laws of Skåne, noted that the current law allowed a father to acknowledge his illegitimate children if he so chose, whereas an earlier law had allowed the illegitimate son to name his father and had required the father, if he denied paternity, to disprove it by ordeal.³⁸ The later law could be seen as an erosion of the position of the concubine and her children at the instigation of the Church: rather than automatic legitimation and inheritance, it was now left to the father's wishes.³⁹ It is difficult to see, however, why the Church would have a stronger interest than the secular lawmakers in promoting a man's sole right to decide whether or not to acknowledge paternity. Obviously the man had an interest in being able to make the choice himself. The only difference between the two laws would come in a situation in which he did not want to claim the child as his heir, and that situation would hardly correspond to free concubinage as a recognized status equivalent to plural marriage.

Other Danish law codes do distinguish between the rights of slaves and those of illegitimate children but leave open the possibility that children of slave concubines, once acknowledged and free, would be treated the same as the acknowledged children of a free concubine. The laws of Sjælland provide that the child of a concubine (*sløkfrith*) could inherit if the father so decided. As to a man's child by a slave woman, one compilation of the law refers to a case in which someone is "swa af annøgh folk cummin at han matae ey arf takæ" ("descended from

slaves, so that he may not inherit”), without saying specifically what type of descent would make this the case. Another compilation provides that “slave children may not inherit” but does not say anything about freed children.⁴⁰ In the law of Jutland canon law influence is clear: a slave could not inherit (again, no word about a free child of a slave), and the children of a concubine could not inherit unless the father later married her. There, as in canon law and the law of the Gulaping, if a man lived with a concubine openly for a period of time (in this case three years) and they treated each other as husband and wife, they became such.⁴¹ Once again, the type of concubinage envisioned as quasi-marital is a monogamous relationship, not a sort of plural marriage; it reveals nothing about the status of free as opposed to slave concubines when they were in addition to, not instead of, a legal wife.

It may be that in Danish and Swedish law, in the pre-Christian form now lost to us, there was once a distinction between freeborn and slave-born children and that it was the Church that degraded freeborn out-of-wedlock children to the status of slave children and thus degraded the status of the free concubine. There is, however, no textual support in the laws for this view. Certainly the law equates the status of the two groups, but there is no indication that this equation is new: what seems new is the exclusion of the children of both from inheritance. That the later law recognized free concubinage as quasi marriage means little more than the fact that it termed non-Christian marriages concubinage; it does not mean that in the Viking Age a free concubine alongside a legal wife was a quasi wife, whereas a slave concubine was not.

One of the Swedish law codes hints that all concubinage had its origin in slavery. In the law of Gotland one can see a semantic shift taking place. The word for “son of a slave woman” has taken on the meaning of “son born out of wedlock”:

Engin þysun far sic gyt til luta. vtan þi at ains et hann hafi apal gutnjst. beþi faður oc móður. oc vitni þegar miþ scri .j. etar manna scra þar til et þriar iru eptir sic allar gutniscar. þa liautr sun þairi þriggiu lutu með njþium.⁴²

(No *þysun* may prove a right to inheritance except if he has both a Gotlandic father and a Gotlandic mother, and he can confirm it with writing in a family tree, that both sides were Gotlandic for three generations. Then let that son take a third of the inheritance with the relatives.)

This use of the word *þysun* for any illegitimate son would seem to indicate that originally anyone born out of wedlock would be expected

to be the child of a slave woman. It is an indication that slave concubinage was so significant as to give its name to all concubinage. The law code of Gotland was quite late;⁴³ the provision was probably not an anachronism surviving from a day when slavery was significant, but rather evidence that the term *pysun* had taken on the more general meaning of "bastard." It may have lost its original meaning by the time of its codification but still points to an earlier connection between concubinage and slavery. Similarly *ambáttarson* in West Norse may have come later to mean simply "bastard," but the fact that a word for slave became the word for concubine indicates the same connection.

There is no evidence, either direct or by analogy with other Germanic societies, that in Viking Age Scandinavia a married man's free concubine was in a better position than a slave concubine, except perhaps in the freedom to leave the man. In cases in which the man was not legally married—when we are not talking about concubinage as a form of plural quasi marriage, but as an unofficial relationship between two people who would be capable of contracting an official one—the concubine could be treated as a wife. This provision in Scandinavian law may well have been influenced by the canon law, which was concerned with regularizing unions as much as possible and turning extramarital into marital sexuality.

Jack Goody (for Western Europe in general) and Margaret Clunies Ross (for Anglo-Saxon England in particular) suggest that it was the Church that downgraded the status of the free concubine and her children, in order to decrease the number of available heirs and increase bequests of property to ecclesiastical institutions.⁴⁴ Yet even Christian-influenced law in Scandinavia does not seem to have served the interests of the Church in inheriting property, as Goody and Clunies Ross suggest, since it still allowed the father to bring those children into the inheritance. The equating of the children of free concubines with the slave-born was probably not an ecclesiastical innovation but, as the use of language suggests, goes back to a time when concubinage was a degraded or dishonorable status.

For further information on the relationship of slavery to concubinage in the Viking Age, before the redaction of the surviving law codes, one must turn to literary sources. Once again, the family sagas and kings' sagas (and Saxo Grammaticus) are not contemporary accounts and may not be accurate in depicting social relations of several centuries before. The reader must keep in mind the intrusion of norms or concerns of the authors' time, as well as the literary purpose, on the social setting of narratives. One may not assume that the situations presented in the sagas had survived unchanged in the oral tradition since the time they were

supposed to have taken place, but neither may one assume that Christians distorted the situations unless they had a reason to do so.

The Icelandic family sagas hardly indicate the existence of free concubinage at all, certainly not in the sense of polygyny. There are references to sexual liaisons and extramarital pregnancy, which may be open or acknowledged, but the bearing of a man's child does not necessarily make a woman part of his household or confer upon her any customary role or special status, and even such references to free women bearing children out of wedlock are rare. One example of a free woman who has a child out of wedlock is Hróðný, mother of the *laungetinn* ("illegitimate") Hǫskuldr Njálsson. The scene after Hǫskuldr's death makes it clear that Hróðný is not residing in Njáll's household, and there is no indication that she ever has done so; she is not a secondary wife. She urges Skarp-Heðinn to avenge her son because he is his brother, but it is her son's relation to Njáll and his family, not hers, that she stresses. She persuades her own brother not to take part in action planned against Njáll, not on the grounds of any particular relationship she herself has with Njáll, but on the grounds of services Njáll has done in the past for the brother himself.⁴⁵ There is no reason why a Christian society should wish to depict Hróðný as less of a concubine than she actually was or why it should censor examples of free concubinage while retaining stories of other liaisons, for it condemned sex out of wedlock in all circumstances. Even if the sagas are not positive evidence for the nonexistence of polygamy with free concubines as quasi wives, at least one can say that they fail to provide evidence of the existence of such polygamy.

By far, most of the children born out of wedlock in the sagas are the children of slave women. The sagas bear out the picture given in the laws, that it was up to the father which of his children he would acknowledge and give property, and the children of slave concubines were included. The case of Hǫskuldr and his son Óláfr *pái* in *Laxdæla saga* is the best-known example.⁴⁶ It is true that the father there is not permitted to give a slave-born son more than a certain amount, but there is nothing to indicate that he would be allowed to give more to a free son born out of wedlock.

The absence of the concubine as a quasi wife in the Icelandic family sagas could conceivably reflect, not the absence of such relationships in the Viking Age, but rather the way people chose to depict their ancestors; as Jenny Jochens points out, thirteenth-century sources that describe contemporary events do contain examples of unmarried men and women living together and having children out of wedlock.⁴⁷ It is not clear just why the authors of the family sagas would have wished to present a picture of the Viking Age as lacking such relationships. They may have

wished to whitewash their ancestors' sexual mores, but they are not hesitant in describing extramarital sexual relationships that involve either slaves or women who are not members of the household. If the purpose was to teach a moral lesson, they could have done so by showing that even the pagans who did not know true Christian marriage lived in monogamous relationships, but instead they show that married men slept with their slaves. The high degree of marital fidelity that appears in the family sagas, the absence of people living together without formal marriage, we may attribute to the desire to adhere to the norms the Church was promoting. But the fact that those sexual liaisons that do appear in the family sagas involve slaves (or women who are equated with slaves by the language used) probably does represent what the authors thought really went on.

The semantic confusion between children born out of wedlock in general and children born to slave women appears clearly in chapter fifty-six of *Egils saga Skallagrímssonar*. Egill enters into a lawsuit on behalf of his wife, Ásgerðr: Berg-Qnundr, the husband of her half-sister, Gunnhildr, has taken control of the property of their father, Björn Brynjólfsson; and Egill wants his share. Berg-Qnundr asserts control on the basis of his wife being the rightful heiress, since only she was born of Álof, "þeirar konu, er Björn hafði lögfengit" ("that woman whom Björn had legally married"). Ásgerðr's mother, Þóra *hlaðhǫnd* ("lace-cuff"), was "hernumin, en síðan tekin frillutaki, ok ekki at frændaráði" ("abducted, and taken as a concubine, and not with the consent of her kin"). Because of this concubinage, says Berg-Qnundr, Ásgerðr not only cannot inherit but is not even freeborn. He attacks Egill's presumption, "þótt þú hafir fengit ambáttar, at kalla hana arfgengja" ("when you have married a slave woman, to call her capable of inheritance"). In a verse composed on the spot, Egill paraphrases this accusation, saying that Berg-Qnundr has called Ásgerðr "þýborna," literally, "born of a slave woman."⁴⁸

The equation of abduction with slavery is not unique nor is it surprising. Captivity implied slavishness.⁴⁹ Þóra *hlaðhǫnd*, however, was not captured as a slave; she had run off with Björn of her own accord. It was only an abduction in the sense that her brother did not give his permission. Either this absence of permission or the lack of formal ceremonies and payments may have prevented the relationship from being a valid marriage but did not make her a slave. Berg-Qnundr's insinuation that it did hints at a fundamental connection between concubinage and slavery, an implication that a concubine of any sort was in some way equivalent to a slave, even if she were in reality native and freeborn.

Another example from *Egils saga* also indicates that any son born out of wedlock tends to be addressed or described in terms that refer specifically to the sons of slave women: Hárekr and Hrærekr, sons of Björgólfr by his second marriage (called a *lausabrullaup*),⁵⁰ are denied their inheritance, not only on the grounds that they are bastards (*fril-lusonar*), but also on the grounds that their mother had been forcibly abducted.⁵¹ To deny that she was a legal wife impugns her very status as free. The equation of concubinage and slavery appears elsewhere as well. In *Landnámabók*, Earl Rögnvaldr of Møre taunts his son Einarr for being slave-born: “lítils er mér ván at þér, því at móðurætt þín er öll þrælborin” (“I don’t expect much from you, because your maternal kin are all slave-born”). Yet the text refers to Einarr as *friðluson* (“son of a concubine or *friðla*”) rather than *ambáttarson* (the usual term for “son of a slave woman”).⁵²

The kings’ sagas in Snorri Sturluson’s *Heimskringla* often use terms that connect concubines and slavery. According to the sagas, the kings in pre-Christian times had children by a variety of women; all were acknowledged and could inherit. The early kings may in fact have been polygamous, but not all those who bore their children were wives or even concubines.⁵³ When the sagas refer to more than one *kona* (as with Haraldr *hárfagr*, who “léti þá af níu konum sínum” (“let nine of his women [wives] go”) when he married (*fekk*) Ragnhildr, it is not clear whether or not all the women involved were formally married wives (for whom a *mundr* was paid).⁵⁴ At least one of the women who bore Haraldr a son—Þóra Morstrǫng, mother of Hákon the Good—was called an *ambátt*, “slave woman,” although she was in fact a freeborn native woman of a leading family, not a captive.⁵⁵ Óláfr of Sweden had a *friðla* who was the daughter of the earl of Wendland; “[h]on hafði fyrir þat verit hertekin ok kǫlluð konungs ambótt” (“she had previously been captured and called the king’s slave woman”); and later, when discussing the marriage of St. Óláfr to the woman’s daughter, Arnviðr *blindi* refers to the mother as an *ambótt* rather than a *friðla*.⁵⁶ Perhaps this woman really was captured as a slave and not just abducted with her consent as in the example from *Egils saga*; in that case it is noteworthy that she is termed a *friðla*, an indication that that term was not reserved for free women. If she was actually considered a slave, it did not affect her daughter’s status.

The term *ambótt* could also be used of a woman who was explicitly stated to be of good birth: “Álfhildr hét kona, er kǫlluð var konungs ambótt. Hon var þó af góðum ættum komin” (“A woman named Álfhildr was called the king’s slave woman, although she was of good family”).⁵⁷

This Álfhildr bore St. Óláfr's son, Magnús, and during the latter's reign got into a squabble over precedence with Óláfr's legal wife, Ástríðr:

En Álfhildr varð sem mörgum kann verða, þeim er fá ríkdóminn, at henni aflaðisk eigi seinna metnaðrinn, svá at henni líkaði illa þat, er Ástríðr dróttning var nokkuru meira metin en hon í sessi eða annarri þjónostu. Vildi Álfhildr sitja nærr konungi, en Ástríðr kallaði hana ambátt sína, svá sem fyrr hafði verit, þá er Ástríðr var dróttning yfir Nóregi, þá er Óláfr konungr réð landi. Vildi Ástríðr fyrir engan mun eiga sess við Álfhildi. Máttu þær ekki í einu herbergi vera.⁵⁸

(It happened to Álfhildr, as it often does to those who become powerful, that she was not slow to become puffed up, and she took it ill that Queen Ástríðr was valued somewhat more than she in seating or other services. Álfhildr wanted to sit near to the king, but Ástríðr called her her slave woman, as had been the case before, when Ástríðr was queen over Norway, when King Óláfr ruled the land. Ástríðr did not want under any condition to sit with Álfhildr. They could not stay in the same lodging.)

Álfhildr may indeed once have been Ástríðr's slave. The *Legendary Saga of St. Óláfr* says that she was a washerwoman of Ástríðr's who had had good luck, presumably in catching the king's eye.⁵⁹ The twelfth-century English writer William of Malmesbury makes her an English-woman of good family, the captive of a Norwegian, raped both by her captor and by Óláfr when she rejected his advances after her captor's death. Certainly enslavement as a concubine may have amounted to rape in the woman's eyes. William's report that she returned to England after Óláfr's death conflicts with Scandinavian sources describing her activities during Magnús's reign and after his death.⁶⁰ What is significant, though, is Snorri's treatment: by saying of her background only that she was of good family, he implies that *ambátt* could be used of any concubine. Since Snorri wrote hundreds of years after the events he described, it is impossible to know to what extent he adopted the terminology of his sources, written or oral, and to what extent he used that of his time. He does not apply the term *ambátt* to any concubine in an attempt to lower the status attributed to a woman whose position the Church would have frowned on: he does not use opprobrious terms for a second wife married with the *mundr* without repudiation of the first, and does not feel the need to label as illegitimate sons born out of wedlock who inherit from their fathers. In the case of Álfhildr—by dropping the detail of her status

as slave, captive, or servant, yet still using the term *ambátt* for her as well as for Þóra Morstrǫng—he does connect slavery with concubinage. The connection can probably be attributed to the fact that the slave concubine was a common image in the stories he heard and retold.

To supplement the later laws and sagas there is hardly any contemporary evidence from the Viking Age to indicate whether concubinage was connected with slavery.⁶¹ Adam of Bremen, describing eleventh-century Sweden, wrote that the men had several women each and all their sons were considered legitimate.⁶² Adam's statement bears on the status of children born out of wedlock and not on that of their mothers. The fact that a child had inheritance rights did not have to mean that the mother was free, of good family, or of honorable position. Adam's knowledge of Swedish practice was probably not detailed enough to distinguish between a situation in which any children at all were automatically considered legitimate heirs and a situation in which a father could declare his children capable of inheriting if he so desired. Or he could be referring to official, formal plural marriage rather than concubinage.

Some scholars have suggested that free concubinage was actually a type of primitive Germanic marriage, which they term *Friedelehe*, as opposed to *Kaufehe* or *Muntehe*, the legitimate marriage with bride-payment, and *Raubehe*, marriage by capture.⁶³ The idea that *Friedelehe* was a common Germanic custom was based largely on Scandinavian evidence. As demonstrated above, a close reading of this evidence provides no reason to classify concubinage as a type of marriage before the influence of the canon law. Indeed, it was probably the fact that it was not a marriage that made the concubinage relationship appealing, at least to the man: if a marriage prospect came along, he did not have to go through a divorce and property settlement with his concubine, and he did not have to leave his property to her children if he did not want to. It is true that both partners in the concubinage relationship made the choice to enter into it (that is, if the woman was free), whereas in marriage the woman's consent may not have been necessary before Christian times.⁶⁴ But the woman's choices were probably often limited by circumstances, and even if she did freely choose to become a man's concubine, she had no legal protection.

Marriage in the Viking Age, as in the later Middle Ages, was a property relationship. A wife was "bought with the *mundr*," and marriages were often contracted on the basis of land. It may seem ironic that terms relating to slavery are applied to precisely those women who were not purchased with a bride-price,⁶⁵ but the exchange of property as part of the wedding contract did not mean that the woman changed hands like

a piece of property. In fact it was that very transfer of wealth (by custom two-way, although the payment of the dowry by the woman's family was not necessary to make the marriage valid) that signified that she was a partner in the marriage and not the property of the man. That transfer made the marriage official, and therefore guaranteed her rights within it.⁶⁶

For the *friðla* or concubine, the relationship was not an official one. There was no exchange of property. She had no formal rights in the relationship; her children might have them only if the father acknowledged them. Where there was no property that required a legal agreement, there was no need for a formal marriage; that may be a reason why the sagas and the laws from Iceland and Norway are nearly silent on the subject of marriage between slaves.⁶⁷ Even if the concubine was free, there was no property involved, and her rights were not protected. The woman bought with the *mundr* was an important pawn in her family's policies; the *friðla* had no status because she was not involved in property transactions and could achieve status only through bearing a son. She might as well have been a slave for all the importance accorded to her.

Whether or not the Vikings ever had plural marriage is not the point here; there is evidence that early kings did, and others may have, too. A second wife taken with the *mundr*, but without divorcing the first, might be labeled a concubine by the Church, but her status under pre-Christian Scandinavian law would probably have been protected. Free concubines who attached themselves to men without payment of the *mundr*, however, cannot be called plural wives or even quasi wives, unless slave concubines fall into this category, too.

By no means were all women in relationships without formal marriage slaves, but because so many were, the status of concubinage was intimately connected with slavery. Egill Skallagrímsson's mother-in-law, Þóra *hlaðhönd*, clearly did not become legally a slave because she was abducted; the abduction was, after all, with her consent, though not with that of her family. Berg-Onundr's language, however, makes the point that to go with a man without becoming his legal wife, without the appropriate property relations, was slavish and degraded her status, if not legally, then in terms of how society viewed her. The actual experience of any concubine depended on her lover, but if he did not respect her and her children and treat her well, whether slave or free, she had no legal rights or formal status entitling her to redress, and a free concubine's place in society was thus more like that of a slave than that of a wife.

¹ A version of this paper was presented before the Haskins Society for Anglo-Saxon, Viking, Anglo-Norman and Angevin History in November 1987. I thank the audience there, especially Bernard Bachrach and Birgit Sawyer, as well as the referees for *Scandinavian Studies*, for their comments.

² Jenny M. Jochens, "The Politics of Reproduction: Medieval Norwegian Kingship," *American Historical Review*, 92 (1987), 329-32.

³ On the sale of women slaves by Rus' traders, see Ruth Mazo Karras, *Slavery and Society in Medieval Scandinavia* (New Haven: Yale University Press, 1988), pp. 46, 98; on terms for female slaves that may indicate that mainly women were enslaved, see *ibid.*, 43. Raids made specifically for the purpose of capturing slaves would concentrate on the age and sex the raiders expected to bring the highest price, not necessarily on women; enslavement after battle tended to victimize women and children predominantly, since many men would already have been killed.

⁴ Jack Goody, *The Development of the Family and Marriage in Europe* (Cambridge: Cambridge University Press, 1983), esp. ch. 6, discusses this process, though I shall take issue below with some of his arguments. See also Georges Duby, *The Knight, the Lady and the Priest*, trans. Barbara Bray (New York: Pantheon, 1983), on the two models of marriage in northern France in the twelfth century.

⁵ It is possible that they might want to deny inheritance to their children in favor of their sisters' children (as a guarantee of genetic relationship), as occurs in many societies worldwide. There is evidence of a "mother's brother complex" in many regards in medieval Scandinavia, but there is nothing that points to men favoring their nephews over their own children in inheritance.

⁶ Jochens, "The Politics of Reproduction," focuses on the women who bore children to Norway's kings but recognizes a wide range of statuses for them (p. 333) and does not suggest any formal role for the concubine. She follows African anthropologist Lucy Mair in defining marriage as a union conferring inheritance rights on children (p. 329); although this is a useful way of defining cross-culturally an institution that is very different in Europe and in Africa, it is certainly not how medieval Scandinavians understood marriage nor how modern historians understand medieval marriage.

⁷ James Brundage, "Concubinage and Marriage in Medieval Canon Law," in *Sexual Practices and the Medieval Church*, ed. Vern Bullough and James Brundage (Buffalo: Prometheus Books, 1982), p. 119.

⁸ J. M. Buckley, "Concubinage," *New Catholic Encyclopedia* (1967); E. Jombert, "Concubinat," *Dictionnaire de droit canonique* (1942); Paul Meyer, *Der römische Konkubinat* (Leipzig: B. G. Teubner, 1895), pp. 161-68.

⁹ Jombert, "Concubinat"; Willibald Plöchl, *Das Eherecht des Magisters Gratianus* (Leipzig: F. Deuticke, 1935), pp. 49-50.

¹⁰ Margaret Clunies Ross, "Concubinage in Anglo-Saxon England," *Past & Present*, No. 108 (1985), pp. 6 and 14.

¹¹ Similarly one might argue that the term "girlfriend" today is a "recognized status," but it means very different things to different people or in different circumstances and rarely conveys any formal rights.

¹² Jochens, "The Politics of Reproduction," p. 329.

¹³ Tacitus, *Germania*, ed. and trans. M. Hutton, rev. R. M. Ogilvie, Loeb Classical Library (Cambridge, Mass.: Harvard University Press, 1970), ch. 18, pp. 156-57.

¹⁴ Jordanes, *Getica*, ed. Theodor Mommsen, in vol. V, part 1 of *Monumenta Germaniae Historica Auctorum Antiquissimorum* (Berlin: Weidmann, 1882), ch. 49, p. 123.

¹⁵ Suzanne Fonay Wemple, *Women in Frankish Society* (Philadelphia: University of Pennsylvania Press, 1981), pp. 39-40; Jo-Ann McNamara and Suzanne F. Wemple, "Mar-

riage and Divorce in the Frankish Kingdom," in *Women in Medieval Society*, ed. Susan Mosher Stuard (Philadelphia: University of Pennsylvania Press, 1976), p. 99.

¹⁶ E.g., the wife *more danico* of William I of Normandy (William of Jumièges, *Gesta Normannorum Ducum*, ed. Jean Marx [Rouen: Lestringant, 1914], bk. III, ch. 2, p. 33), whom Flodoard of Rheims (*Annales*, in vol. V of *Monumenta Germaniae Historica Scriptores*, ed. Georg Heinrich Pertz [Hannover: Hahn, 1839], s.a. 943, p. 389) and Richer (*Historiarum Libri III*, in vol. V of *Monumenta Germaniae Historica Scriptores*, ed. Georg Heinrich Pertz [Hannover: Hahn, 1839], bk. 2, ch. 34, p. 595) call a *concubina*. William had a legal wife, too, but probably from his point of view both were valid marriages. See also Dudo of St. Quentin, *De Moribus et Actis Primorum Normanniae Ducum*, ed. Jules Lair (Paris: Maissonneuve et Cie., 1865), bk. III, ch. 42, pp. 185–86.

¹⁷ See Eleanor Searle, "Women and the Legitimization of Succession at the Norman Conquest," in *Proceedings of the Battle Conference on Anglo-Norman Studies III (1980)*, ed. R. Allen Brown (Woodbridge, Suffolk: Boydell Press, 1981), pp. 161–62 and n. 8.

¹⁸ Elizabeth Eames, "Mariage et concubinage légal en Norvège à l'époque des Vikings," *Annales de Normandie*, 2 (1952), 207.

¹⁹ See, e.g., Clunies Ross, "Concubinage," pp. 15–16, in which Scandinavia is used as a model to help explain the situation in Anglo-Saxon England.

²⁰ Jochens, "Consent in Marriage: Old Norse Law, Life and Literature," *Scandinavian Studies*, 58 (1986), 143–45, discusses the relation of Church doctrine to Norwegian and Icelandic law in another area of marriage legislation.

²¹ Gulatingslov (hereafter GuL), ch. 25, in *Norges gamle love indtil 1387* (hereafter *NGL*), ed. R. Keyser and P. A. Munch, 5 vols. (Christiania: Grøndahl, 1846–95), 1:16. The following editions of laws will also be abbreviated: *Grágás, Islændernes lovbog i fristatens tid, udgivet efter det Kongelige Bibliotheks Haandskrift*, ed. Vilhjálmur Finsen, 2 vols. in 1 (1852, rpt. Odense: Odense University Press, 1974), as *Grágás Ia* and *Grágás Ib*; *Corpus Iuris Sueo-Gotorum Antiqui. Samling af Sveriges gamla lagar*, ed. H. S. Collin and C. J. Schlyter, 13 vols. (Stockholm: Haeggström, 1827–77), as *SGL*; *Danmarks gamle landskabslove*, ed. Johannes Brøndum-Nielsen, 8 vols. (Copenhagen: Gyldendal, 1945–48), as *DGL*. The following individual law codes are also abbreviated: *Frostatingslov* (in *NGL*, vol. I), *FrL*; *Östgötalagen* (in *SGL*, vol. II), *ÖgL*; *Äldre Västgötalagen* (in *SGL*, vol. I), *ÄVgL*; *Upplandslagen* (in *SGL*, vol. III), *UL*; *Eriks Sjællandske Lov* (in *DGL*, vol. V), *ESL*; "Arfþær balkær" (or variations) as section heading in the Swedish laws, "AB."

²² GuL, ch. 104, p. 48. Clunies Ross, "Concubinage," p. 16, in using Norway as a model for her explanation of concubinage in England, cites this very passage but says that the *hornung* and *hrfsung* were "set against the . . . children born to a slave woman." They were set against them in the sense that they were considered a distinct category, but they were treated identically. For adoption into the kindred, see GuL, ch. 58, p. 31; for the procedure for acknowledgment of a slave-born child before the age of three, see GuL, ch. 57, p. 31.

²³ Clunies Ross, "Concubinage," p. 16, interprets "begotten in secret" to mean that the bush child was not acknowledged by his father. This interpretation, however, is called into question by a passage in the *FrL*, ch. 10:47, p. 228, which defines the bush child as one conceived in the woods and a corner lad as one conceived in a farmhouse. Richard Cleasby, Gudbrand Vigfusson and William A. Craigie, *An Icelandic-English Dictionary*, 2nd ed. (Oxford: Clarendon Press, 1957), s.v. "hrfsungr," give only the GuL, *FrL* and *Grágás* citations and translate "a kind of bastard, one begotten in the woods but of a free mother." Eames, "Mariage et concubinage," p. 199, claims that the children of a *fríðla* were *hornung* and *horna* and those of an occasional mistress were *risung* and *risa*, a claim that seems to be the result of a rather large conjectural leap. The mother of the *hornungr*,

a woman with whom the father has consorted "openly," may well have been in a long-standing and customarily recognized relationship with him, but it is possible that a liaison could be both temporary and unconcealed.

²⁴ In addition to the passages cited above, FrL, ch. 8:8, p. 200, provides that slave-born, bush, or corner daughters could inherit if there were no sons.

²⁵ GuL, ch. 125, p. 54. Cf. Borgarþingslov, ch. 2:10, *NGL*, I, 356. FrL, ch. 3:11, p. 151, does not contain this provision but adopts the canon law principle that subsequent marriage legitimates illegitimate children; the national law code of the thirteenth century followed that principle. Laurence M. Larson, *The Earliest Norwegian Laws* (New York: Columbia University Press, 1935), p. 117, leaps to a conclusion when he translates *friðla* in the GuL passage as "freeborn concubine."

²⁶ See Brundage, "Concubinage and Marriage," pp. 121–22.

²⁷ *Grágás Ia*, ch. 113, p. 201.

²⁸ *Grágás Ia*, ch. 118, pp. 281–20.

²⁹ *Grágás Ia*, ch. 118, p. 224.

³⁰ *Grágás Ia*, ch. 118, p. 222.

³¹ ÖgL, "AB," ch. 14, p. 125; ÄVgL, "AB," ch. 22, p. 31.

³² ÖgL, "AB," ch. 13, p. 125. See also ÄVgL, "AB," ch. 8, pp. 26–27, similarly stipulating that a child other than of a legal wife would not inherit.

³³ Ögl, "AB," ch. 4, p. 117.

³⁴ ÄVgL, "AB," ch. 8:3, p. 27. Schlyter's glossary, *SGL*, I, 398, defines *frillubarn* as "filius v. fi ia naturalis, concubina natus natave."

³⁵ UL, "AB," ch. 23–24, pp. 125–27; Dalalagen, "Gipta balkær," ch. 9, *SGL*, V, 49–50; Västmannalagen, "AB," ch. 18–19, *SGL*, V, 134–36; Södermannalagen, "AB," ch. 3, *SGL*, IV, 63–64; Hälsingelagen, "AB," ch. 14, *SGL*, VI, 37–38.

³⁶ UL, "AB," ch. 18, p. 122.

³⁷ Skånske Lov, ch. 60–64, *DGL*, I, 38–40.

³⁸ Anders Sunesøns Parafrase, ch. 24, *DGL*, I, 494–96.

³⁹ See Grethe Jacobsen, "Sexual Irregularities in Medieval Scandinavia," in Bullough and Brundage, *Sexual Practices*, pp. 80–81.

⁴⁰ ESL, ch. 1:18–19 and ch. 3:29, pp. 23–25 and 294; Valdemars Sjællandske lov, Ældre Redaktion, "Trælleretten," ch. 14, *DGL*, VIII, 228.

⁴¹ Jyske lov, ch. 1:25 and 1:27, *DGL*, II, 65–66 and 68–69.

⁴² Gutalagen, ch. 20:14, *SGL*, VII, 50–51. Schlyter in his glossary, *SGL*, VII, 313, defines *pysun* as *filius naturalis*.

⁴³ Elsa Sjöholm, *Gesetze als Quellen mittelalterliche Geschichte des Nordens*, Stockholm Studies in History, 21 (Stockholm: Almqvist and Wiksell, 1977), pp. 108–10, has shown that it is probably from the mid-fourteenth century, although earlier scholars had considered it one of the earliest Swedish law codes, from around 1220.

⁴⁴ Goody, *The Development of Family*, pp. 76–77; Clunies Ross, "Concubinage," pp. 3–34.

⁴⁵ *Brennu-Njáls saga*, ed. Einar Ólafur Sveinsson, Í slenzk Fornrítt, 12 (Reykjavik: Hið islenszka fornritafélag, 1954), chs. 25, 98, and 124, pp. 71, 250–52, 318–20. (Íslenzk Fornrítt volumes are hereafter cited as ÍF.) Hróðný at one point (ch. 98, p. 251) refers to Njáll's wife, Bergþóra, as an *elja* ("concubine"). This word is not found elsewhere in Icelandic family sagas, although it appears in Icelandic translations of the Bible. Cleasby-Vigfusson, s.v. "elja"; Roberta Frank, "Marriage in Twelfth- and Thirteenth-Century Iceland," *Viator*, 4 (1973), 479, n. 28. In mythology it seems to have meant either "concubine" or "co-wife": "Þær konvr heita elivr er ein man eigv" ("Those women are called

eljur who have one man [husband]"); see Snorri Sturluson, "Skáldskaparmál" 86, *Edda*, ed. Finnur Jónsson (Copenhagen: Gyldendalske Boghandel, 1931), p. 190.

⁴⁶ *Laxdæla saga*, ed. Einar Ólafur Sveinsson, ÍF, 5 (Reykjavik: Hið islenzka fornritafélag, 1934), ch. 26, pp. 71–73. Hǫskuldr wants to give Óláfr, son of a slave woman, a share in the inheritance. According to the saga, although this is not mentioned in *Grágás*, a father was allowed to give his slave-born son a gift in the amount of twelve *aurar* if the legitimate sons agreed. Hǫskuldr asks his sons for their agreement, then, playing on the fact that an *eyrir* is a measure of weight as well as of value, gives Óláfr twelve *aurar* of gold rather than silver, eight times the value intended in the law.

⁴⁷ Jochens, "The Church and Sexuality in Medieval Iceland," *Journal of Medieval History*, 6 (1980), 384–85; Jochens, "En Islande médiévale: À la recherche de la famille nucléaire," *Annales E. S. C.*, 40 (1985), 99–103. Not all the women she mentions seem to have been in permanent or ongoing relationships with the men by whom they bore children, but some seem to have been.

⁴⁸ All quotations in the paragraph are from *Egils saga Skallagrímssonar*, ed. Sigurður Nordal, ÍF, 2 (Reykjavik: Hið islenzka fornritafélag, 1933), ch. 56, pp. 155–56.

⁴⁹ Saxo Grammaticus even attributes slavish behavioral characteristics to the daughter of a woman who, though of high birth, had at one time been taken prisoner and reduced to slavery, as though captivity tainted the genes and allowed slavishness to be passed on to offspring conceived and raised as free. Saxo Grammaticus, *Gesta Danorum*, ed. J. Olrik and H. Ræder (Copenhagen: Levin and Munksgaard, 1931), bk. III, ch. 6:20, p. 83.

⁵⁰ *Egils saga Skallagrímssonar*, ch. 7, p. 17. This meant that less than a full *mundr* was paid for her.

⁵¹ *Egils saga Skallagrímssonar*, ch. 9, pp. 26–27.

⁵² *Landnámabók*, ed. Jakob Benediktsson, ÍF, 1 (Reykjavik: Hið islenzka fornritafélag, 1968), ch. 309, p. 316.

⁵³ The same is true, according to Saxo (*Gesta Danorum*, bk. XI, ch. 7:1, p. 309), of the eleventh-century Danish king Svein Estríðsson, who had children by a number of *pellices* who do not seem to have been in a permanent relationship to him.

⁵⁴ *Haralds saga ins hárfagra*, ed. Bjarni Aðalbjarnarson, ÍF, 26 (Reykjavik: Hið islenzka fornritafélag, 1941), ch. 21, p. 119.

⁵⁵ *Haralds saga ins hárfagra*, ch. 37, p. 143.

⁵⁶ *Óláfs saga helga*, ed. Bjarni Aðalbjarnarson, ÍF, 27 (Reykjavik: Hið islenzka fornritafélag, 1945), chs. 88 and 94, pp. 130, 152.

⁵⁷ *Óláfs saga helga*, ch. 122, p. 209.

⁵⁸ *Magnúss saga ins góða*, ed. Bjarni Aðalbjarnarson, ÍF, 28 (Reykjavik: Hið islenzka fornritafélag, 1951), ch. 7, p. 14.

⁵⁹ *Olafs saga hins helga*, ed. Anne Heinrichs, Doris Janshen, Elke Radicke, and Hartmut Rohn (Heidelberg: Carl Winter Universitätsverlag, 1982), ch. 44, p. 104.

⁶⁰ William of Malmesbury, *De gestis pontificum anglorum libri quinque*, trans. N. E. S. A. Hamilton, Rolls Series 90 (London: HMSO, 1870), bk. 5, ch. 259, pp. 412–13; see ÍF 28, p. 108, n. 1. I am grateful to Jenny Jochens for this reference.

⁶¹ There are several cases in which runestones possibly indicate concubinage, f. ex., when a woman raised a stone in memory of a man named, not as her husband, but as father of another man, possibly their son. Birgit Sawyer, "Vad säger runinskrifterna om arv och ägande," paper presented to Femte Tvärfaglige Vikingsymposium, Århus, 1986. But even if such stones were raised by concubines, they do not indicate or disprove a connection with slavery.

⁶² Adam of Bremen, *Gesta Hammaburgensis Ecclesiae Pontificum*, ed. Bernhard Schmiedler, *Monumenta Germanica Historiae, Scriptores Rerum Germanicarum* 3rd ed. (Hannover: Hahn, 1917), bk. IV, ch. 21, p. 251.

⁶³ Herbert Meyer, "Friedelehe und Mutterrecht," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanische Abteilung* (ZSSRG), 47 (1927), 224. See also Rudolf Köstler, "Raub-, Kauf- und Friedelehe bei den Germanen," ZSSRG, 63 (1943), 92–136; Simon Kalifa, "Singularités matrimoniales chez les anciens germains: Le rapt et le droit de la femme à disposer d'elle-même," *Revue historique de droit français et étranger* 48 (1970), 199–225. The existence of Friedelehe has been questioned (see Martha Howell, "A Documented Presence: Women in Germanic Historiography," in *Women in Medieval History and Historiography*, ed. Susan Mosher Stuard [Philadelphia: University of Pennsylvania Press, 1987], pp. 111–13) but is still accepted by eminent scholars, e.g., Duby, *The Knight, the Lady and the Priest*, pp. 41–42.

⁶⁴ See Jochens, "Consent in Marriage."

⁶⁵ It is true that the *mundr* in a legal marriage was not the only necessity; the woman's family also provided a dowry. But, as Icelandic law held (*Grágás* Ia, ch. 118, p. 222), "Sa maðr er eigi arfgengr er móðir hans er eigi munde keypt" ("that man is not capable of inheriting whose mother was not bought with a *mundr*"). It is the *mundr* that makes the marriage legal. See also Jens Ulf Jørgensen, Gunnel Hedberg, Gudmund Sandvik, and Sigurður Líndal, "Ægteskab," *Kulturhistorisk leksikon for nordisk middelalder* (Copenhagen: Rosenkilde og Bagger, 1976), 20:481–501, on the payment of *mundr* and other payments in marriage in the various Scandinavian countries.

⁶⁶ See Sjöholm, *Gesetze als Quellen mittelalterliche Geschichte*, pp. 70–72. Jochens, "Consent in Marriage," p. 158 and n. 63, cites examples of kings' daughters or sisters called concubines because they were married without the permission of their male guardians—again, without dynastic or property relations.

⁶⁷ The Swedish and Danish laws, under Church influence, consider it more fully. See the discussion in Karras, *Slavery and Society*, 115–17.