

**E**lse Ebel. *Der Konkubinat nach altwestnordischen Quellen: Philologische Studien zur sogenannten "Friedelehe."* Ergänzungsbände zum Reallexikon der germanischen Altertumskunde 8. Berlin: Walter de Gruyter, 1993. 195 pages.

To accommodate the needs of heterosexual men, many cultures have developed a dual system of marriage. Arranged between two families, on the one hand, a formal and long-lasting union was intended primarily for the procreation of children and the passing of property to the next generation. On the other, a man might engage in less formal relationships either before marriage or after his wife's death, or even during their life together. These arrangements were often of considerable duration, but they were aimed more at pleasure than procreation, were easy to dissolve, and without financial obligations. Well-established in the Roman world in the distinction between marriage and concubinage, this dual system may have also existed among the pagan Germanic peoples from the beginning, although in the early medieval period they often merged marriage and concubinage into polygamy.

In German scholarship the problem of indigenous concubinage was obfuscated when it was identified by the term *Friedelehe*. Based on Old Norse *friðill* (masc.) and *friðla* or *frilla* (fem.) 'beloved', this term was given currency by the legal historian Herbert Meyer. For two generations now it has become a red herring among scholars working on pre-Christian marriage among the Germanic-Nordic peoples during ancient and medieval times. Inspired by Johann Jakob Bachofen's theory of *Mutterrecht*, Meyer argued for a dual system within Germanic marriage. The pervasive contractual marriage (*Muntehe*) was allegedly preceded by and coexisted with the Germanic *Friedelehe*. In the former, which emerged from pagan patriarchal society and was reinforced by Christianity, a father handed over his daughter to a suitor in exchange for agreed-upon payments. In the latter, which reflected a society dominated

by Bachofen's *Mutterrecht*, a man and a woman, both free, joined together of their own volition and without the exchange of property and the formality of ceremonies. In a comprehensive article published in 1927 Meyer provided evidence — mainly from Continental sources — of ancient and medieval *Friedelehe* ("Friedelehe und Mutterrecht," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 47 [1927]: 198–286). A shorter study from 1940 added Norse material from the sagas of Icelanders and the kings' sagas ("Ehe und Eheauffassung der Germanen," in *Festschrift Ernst Heymann* [Weimar: Hermann Böhlaus Nachfolger, 1940], 1–51).

As envisioned by Meyer, "maternal law" guaranteed complete equality for both the woman and the man in the *Friedelehe*. The hypothesis of the independent Germanic woman who freely made her own marital choice was attractive to German legal historians during the twenties, thirties, and forties. Although the theory is still widely endorsed, beginning in 1946 other Continental and American scholars, including Noel Senn, Simon Kalifa, and Suzanne Fonay Wemple (all ignored by Ebel), started to question the existence of the *Friedelehe* among the early Germanic tribes. As Bachofen's ideas have lost favor today, particularly among feminists (see, for example, Stella Georgoudi, "Creating a Myth of Matriarchy," in *A History of Women*, vol. 1, *From Ancient Goddesses to Christian Saints*, ed. Pauline Schmitt Pantel [Cambridge: Harvard Univ. Press, Belknap Press, 1992], 449–63), it is fitting that a new monograph by a German woman should call into question the currency of *Friedelehe* among the Nordic peoples. It is also obvious, of course, that the pagan context of the North — more clearly illuminated in Norse sources than elsewhere — would be well suited to demonstrate the possible existence of *Friedelehe*. (The Anglo-Saxon evidence has been examined by Margaret Clunies Ross, "Concubinage in Anglo-Saxon England," *Past and Present* 108 [1985]: 3–39.) Ebel opens with a review of previous scholarship on the subject and an outline of her thesis in an introductory chapter ("Einleitung," 5–15). From a philological and

literary analysis of Norse sources which refer to couples who lived together without having acknowledged the normal marital rules established by pagan or Christian society, she seeks to test Meyer's hypothesis of an older and — especially for the woman — freer type of marriage. She also hopes to provide a broader social-anthropological context for the Norse narratives than usually supplied by philological and literary scholars.

Despite her title, she eschews the term "concubinage" throughout the book. She understands it to include all sexual relations outside Christian marriage, thereby rendering it inadequate as an alternative to the ecclesiastical regime (12). Ebel is wrong in assuming that the ecclesiastical definition of concubinage conflated all extramarital activities, but, nonetheless, she prefers instead the term *Frillen*-relationships, coined from Old Norse *frilla* (pl. *frillur*) 'mistress'.

The chief textual evidence for a possible Nordic Friedelehe is found in the traditional genres of the sagas of Icelanders, the kings' sagas, and the contemporary sagas. The Icelandic clergy, whose resistance to celibacy was notorious, presents a special case; their sexual relationships can be examined from the episcopal sagas. Wherever appropriate, Ebel introduces legal texts to illuminate the examples drawn from the narratives. Benefiting from her previous work on long-distance trade between the North and Europe, the author further adds to the traditional Norse sources Latin and German wills from merchants originating in Lübeck, who frequently provided for their illegitimate children engendered on Norwegian women in Bergen.

Ebel distributes her material among eleven chapters ranging from four to thirty-two pages. This format raises questions about the intended audience and the structure of her study. As to the former, the work's title and its publication in the prestigious *Ergänzungsbände* would suggest a specialized audience of Nordicists and Germanicists, although all Norse citations are translated. If this were the intent, however, it is difficult to see the purpose of the chapter on sources, which is overly simplified (chap. 1, "Die Quellen," 19–29). As to the

latter question of organization, rather than creating three brief chapters on abduction (chap. 4), polygamy (chap. 5), and the comparison of mistresses from the sagas of Icelanders with those of the Sturlung age (chap. 7), the material might have been more profitably integrated into the chapters treating the genres of the sagas of Icelanders (chap. 2), the kings' sagas (chap. 3), and the contemporary sagas (chap. 6).

It is appropriate that the longest and most interesting chapter treats the sagas of Icelanders, those narratives set in pagan times and therefore most likely to support Meyer's thesis of an ancient and free Germanic marriage (chap. 2, "Die Darstellung des Frillenwesens in den Íslendinga sögur," 30–62). Ebel identifies nine narratives in which a female sexual companion is indicated directly by terms such as *frilla*, *friðla*, *ambátt* 'slave', or *hertekin* 'prisoner of war', or a relationship is suggested indirectly by such terms (about the women) as *frillutaki* 'taken as a *frilla*', *fífla* 'seduce', or (about the children) by *laungetinn* 'conceived secretly', *þýborinn* 'born by a slave', or *frillusonr* 'son of a *frilla*'. Listing these narratives chronologically (following Kurt Schier, *Sagaliteratur* [Stuttgart: Metzler, 1970], 50–59), Ebel devotes most of her attention to two cases from *Egils saga* (Hildiríðr and Þóra) and one from *Laxdæla saga* (Melkorka). The relationships of these women with men, although long-lasting, do not support that aspect of Meyer's thesis which argues for free choice for women. Furthermore, Ebel's discussion of the manuscript variants *lausungar*- and *skyndibrullaup* for the *lausabrullaup* [informal → loose → hasty marriage] between Hildiríðr and the old Björgólfr illustrates the growing disapproval of informal cohabitation (33–34). The women in the other narratives fare no better (Hróðný and Nereiðr in *Vatnsdæla saga*, Hróðný in *Njáls saga*, Yngvildr in *Svarfdæla saga*, Þóra in *Finnboga saga*, Ketilríðr in *Víglundar saga*, Sigríðr in *Þórðar saga hreðu*, and, perhaps, Þorgerðr in *Vápnfirðinga saga*, where, however, none of the incriminating words occurs).

Ebel's list is not complete. *Drop-laugarsona saga* (chap. 15), *Bárðar saga* (chap. 15), *Flóamanna saga* (chap. 15), and

*Þorskfirðinga saga* (chap. 1) also contain references to mistresses, and these cases as well fail to support Meyer's thesis. A comprehensive and systematic search for illegitimate children, however, would not only satisfy completeness, but would also uncover sexual relationships of interest to Ebel's project. In this group certain cases even suggest female initiative, as, for example, in *Eyrbyggja saga* and *Bjarnar saga Hítðælakappa*, where Þóra, Þuríðr, and Oddný as widows or wives produced illegitimate children in long-lasting relationships with lovers for whom they cared.

Since from a philological and narratological perspective Meyer's thesis is not substantiated by texts set in the pagan period, Ebel proceeds to the larger social issue of male sexual behavior. For this purpose she examines the theme of abduction of women, either in war (as *Raub*) or in the settled Icelandic or Norwegian society (as *Entführung*). She includes not only successful abductions but also mere attempts, and thereby enters the subject of "the illicit love visit." As I have shown ("The Illicit Love Visit: An Archaeology of Old Norse Sexuality," *Journal of the History of Sexuality* 1 [1991]: 357–92), this topos is far more frequent than Ebel reports (it occurs more than twenty times in the sagas of Icelanders), and it reveals an undercurrent of male sexual violence against women that led to completed sexual relationships — and thus *Frillen-Verhältnisse* — before most of the suitors were killed.

Within the corpus of the sagas of Icelanders Ebel sees a progression from the older to the more recent narratives. In the former, represented by *Egils saga* (before 1230 or 1240) and *Laxdæla saga* (before 1280), the *frillur* were prisoners of war and thus unfree, whereas the women in the latter were local women, free, but from a lower social class than their lovers. This may be a plausible assumption, but her theory that the difference can be accounted for by examining the time of writing of the two groups is difficult to prove because of the paucity of her evidence. Frequently separated by scarcely a generation, the authors of the "older" sagas were no more likely to retain memories about ancient times than

their not-much-later colleagues; both groups undoubtedly constructed images of the past according to perceptions difficult to retrieve. In fact, authors of older and newer narratives alike envisioned forefathers who had abducted women for sexual purposes both within Iceland and abroad (see, for example, the descriptions of Þorbjörn Þjóðreksson [*Hávarðar saga Ísfirðings* chap. 1] and Sutr járnhauss [*Flóamanna saga* chap. 15] in two sagas from around 1300 [cf. Schier 56–57]).

In a short chapter on royal mistresses Ebel applies her developmental theory to the genre of the kings' sagas as well (chap. 3, "Die Frillen der Norwegerkönige," 63–71). Concentrating on the tenth and eleventh centuries, she has not, however, fully exploited the material. Since Norwegian kings continued their wars of conquest in the West until the mid-thirteenth century, they also had ample opportunity to seize women, at least until the churchmen's marital program of monogamy and primogeniture became accepted, as I have sought to show elsewhere ("The Politics of Reproduction: Medieval Norwegian Kingship," *American Historical Review* 92 [1987]: 327–49).

As has been widely known, the richest evidence for extra- and nonmarital relationships is supplied by the contemporary sagas. Concentrating on *Sturlunga saga*, which narrates Icelandic politics from 1117 to 1255, Ebel enumerates the wives and mistresses of leading men. In the latter group she adduces nearly fifty named women linked to about half the number of men (105–7). Consultation of official documents would have added to this list. A letter from Archbishop Eysteinn in Niðaróss to five named Icelandic chieftains, for example, reveals that Snorri Sturluson's maternal grandfather, Þóðvarr Þórðarson, also indulged himself in this way (*Diplomatarium Islandicum, Íslenzkt fornbræfasafn*, vol. 1, ed. Jón Sigurðsson [København: Hið íslenzka bókmentafélag, 1857–76], 260–64).

Again, some of Ebel's conclusions must be queried. Despite an alternative proposal from Stefán Karlsson (which she acknowledges on page 86), she accepts with hesitation Rolf Heller's suggestion from 1966 that

Þórðr Sturluson's mistress Þóra might be the daughter of Bishop Páll Jónsson, but she fails to take note of Hróðný, the same Þórðr's mistress in the 1190s, from whose legacy he was able to secure a portion forty years later for Jón Sturluson, Hróðný's grandson and his own nephew.

Like most scholars, Ebel accepts the statement made in the *Ættartölur* section (chap. 2) of the Sturlung narrative, that Snorri "married" Hallveig Ormsdóttir. (See, for example, Björn Þorsteinsson and Bergsteinn Jónsson, *Íslands saga til okkar daga* [Reykjavík: Sögufélag, 1991], 103). According to another passage (*Íslendinga saga* chap. 52), however, Hallveig merely agreed to "share her property" [gera félag] and move in [fara til bú] with Snorri in 1224. As stated in *Grágás* (*Grágás: Lagsafn íslenska þjóðveldisins*, ed. Gunnar Karlsson, Kristján Sveinsson, and Möður Árnason [Reykjavík: Mál og menning, 1992], 40, 123), a husband and wife normally shared their property although they did not have to, but an unmarried couple could also *gera félag* (as could two men). Despite Ebel's claim to the contrary (99), there is no evidence that Snorri had divorced his wife Herdís, although he had left their domicile in 1206. In fact, the inclusion of Herdís's death in 1233 in the *Annales regii* would suggest that, as Snorri's wife, she was still considered an important person (*Íslandske annaler indtil 1578*, ed. Gustav Storm [Christiania: Det norske historiske kildeskriftfond, 1888], 129). In other words, it seems that Hallveig was not Snorri's second wife but should be added to the list of his mistresses. After all, she was well acquainted with this model, because her own mother Þóra had been her father Ormr Jónsson's mistress, whom he had never bothered to marry despite her wealth.

Fully persuaded by the Icelandic proverb which serves as the epigraph of her work: "Rather a good man's mistress than poorly married," Ebel looks for evidence that a lower-class woman might benefit from being the mistress of a powerful chieftain even for a limited time. Marrying a less wealthy man later, she might have secured from her lover the dowry her father had not

been able to provide. Although an attractive thesis, it is difficult to substantiate. Among her several cases, Ebel thus assumes that when Sturla Sighvatsson's mother sent his mistress Vigdís home after his marriage in 1223, the young woman was provided a dowry. It is true that thirty years later she was reported to be married, but this is not sufficient evidence of a dowry. She had no children in this union, and rather than benefiting from her husband's connections, she — like royal mistresses in Norway — exploited her previous reproductive success by associating with her and Sturla's daughter and husband.

Neither money nor prestige, furthermore, kept women from becoming mistresses. Many rich women — married or single — accepted the position of *frilla*. Snorri's illegitimate daughter Þórdís may have been the least prestigious of his five children, but her father arranged her marriage to an important older chieftain. Why did she then, as a young widow, permit herself to become impregnated by two different men? Clearly, social distinctions are not sufficient to explain these relationships; personal chemistry and/or power and violence, difficult to detect in the sources, may have played important roles.

In this period, some of the long-standing relationships between a man and one or several women which did not respect the rules of the Church may well have been alternate forms of marriage, although they do not fit the chronological model envisioned by Meyer. A new term, *fylgja at lagi* ("to live together by mutual agreement") appears frequently in the contemporary sagas, particularly with reference to the clergy and the lower classes who may not have met the property requirements necessary for marriage. Meyer construed these relationships not as concubinage but as marriage, a view which Ebel dismisses as "nicht textgemäß" (101). Injunctions against clerical marriages often refer to "the old law of the land," as opposed to "the popes' law" (cited by Ebel 130–31). The former may have no more legal content than the English expression "common-law marriage," but the scope of her project obliges Ebel to subject cases such as these to closer scrutiny.

Chapter eight explores ecclesiastical legislation against concubinage (“Die Kirche und das weltliche Frillenwesen,” 109–19). Since treatment is lacking in Icelandic law, Ebel sees common-law marriages — resulting from *Ersitzung* and identified and defined in Norwegian and Danish law — as influenced by canon and/or Roman law. The informality of concubinage and its original lack of financial responsibility for resulting children, would, of course, mitigate against legislation defining concubinage. Churchmen assumed the double duty of inculcating monogamy on lay people and accepting celibacy for themselves. No longer able to marry, their constant inability to refrain from adding service in bed to their housekeepers’ duties undoubtedly justifies Ebel’s assumption that churchmen were responsible for a decline in the prestige of the *frilla*. Having first faced concubinage in the Roman world and having elevated the abolition of multiple sexual partners to a high priority in the Germanic world, ecclesiastics were slow to eradicate concubinage. As late as the thirteenth century canon lawyers acknowledged concubinage by identifying it with long-standing cohabitation without the intent to marry, whereas Roman lawyers saw it as a quasi-marriage whose children should be considered legitimate. Not until the Fifth Lateran Council (1514) was concubinage formally forbidden to the laity (James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* [Chicago: Univ. of Chicago Press, 1987], 606n4).

Chapter nine details churchmen’s own failure to accept celibacy (“Die Geistlichen und ihre Frauen,” 120–32). As in the chapter dealing with the lay chieftains, Ebel draws up lists of wives and/or mistresses of bishops and important priests. Again, she does not fully exploit the material, but in addition to underreporting cases, she also attributes a mistress and a daughter to Bishop Guðmundr Arason, one of the few churchmen known and admired for his *hreinfli* (chastity). Both women, however, belong to his contemporary namesake, Guðmundr Þorvaldsson dýri.

The tenth chapter treats concubinage during the fourteenth century (“Das Frillenwesen im 14. Jahrhundert,” 133–46).

Observing the decline of *frillur* in both numbers and prestige as churchmen pressured unmarried couples to contract marriage according to the rules or separate, Ebel speculates that some concubines who were dismissed may have sought their livelihood in port cities, among them Bergen. Although their origin cannot be established, some women in this city did develop sexual relations with visiting merchants from Lübeck, who remembered them and their children in their wills. To further illustrate this problem — tangential to her subject — Ebel investigates references to prostitution in late medieval Norwegian legislation, and finally proposes that the recently discovered runic inscriptions in Bergen (not yet fully published but often with scurrilous content) might further illuminate this milieu.

Although it is virtually impossible to detect female opinions in these informal relations, Else Ebel has nonetheless succeeded in removing the feature of a woman’s free choice from the concept of Friedelehe. Nor do the few nonmarital relations recorded from the pagan context of the sagas of Icelanders fit Meyer’s model. Given the opaqueness of the sources, it is impossible to determine, however, whether the long-standing but informal relationships in thirteenth- and fourteenth-century Iceland — ubiquitous among all social classes — had ancient roots, or were merely the result of specific resistance to the ecclesiastical marital program. Contemporaries — and in the case of Snorri and Hallveig even the author of this study — nonetheless seem to have considered these unions as marriages.

Although Ebel notices the striking difference between the paucity of mistresses in the sagas of Icelanders and their frequency in the contemporary texts, she offers no explanation. A plausible alternative might suggest that extramarital relationships were as numerous in the pagan period as in the Sturlung age, but because of the low status of these women — prisoners of war, slaves, and servants — they did not merit notice in the narratives. Recruited from the Western islands and brought to Iceland in greater numbers than to Norway, Celtic slaves may have been so numerous that concubinage

was not needed as an alternative to formal marriage. Maybe for that reason Icelandic lawmakers found it unnecessary to include in *Grágás* the paragraph about common-law marriage (*Ersitzung*) which they undoubtedly knew from the Norwegian *Gulaping* law. The global ubiquity of concubinage would suggest that the phenomenon of multiple sexual partners was not unknown in the North, although in ancient times it was not in the form of Friedelehe. Without specifying female choice, the expression *fylgja at lagi* nevertheless suggests a traditional aspect of cohabitation, perhaps a lingering remnant of the concept.

Seeking to illuminate the problem of mistresses from a *philologisch-literaturgeschichtlichen* standpoint in the present volume, Ebel postpones a *literaturwissenschaftliche* analysis to a later work (13). If she had included literary criticism of the texts in the present work and had made the thorough search for evidence that her subject demands, she could have justified the format of a book. Otherwise, it would appear that an article would have sufficed to refute Herbert Meyer.

Ebel ends her study with a detailed and well-annotated glossary (chap. 11, "Der awn. Wortschatz im Bereich der nicht-legalisierten Verbindungen," 147–71). She equips her work with a summary, bibliography, and serviceable indices of sources and place-names. An index of persons might have been helpful, and greater precision in the source references would have been welcomed by those who intend to pinpoint the evidence.

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Gísli Pálsson, editor. *From Sagas to Society: Comparative Approaches to Early Iceland*. Enfield Lock, Middlesex: Hisarlik Press, 1992. 352 pages.

In June 1991 Gísli Pálsson, who is Professor of Anthropology at the University of Iceland, hosted a conference in Reykjavík "to explore how the sagas can be used as informative sources for medieval culture and society" (ix). (I should like to repeat here my thanks for his allowing me to attend as a guest and to receive copies of the preconference drafts.) The book under review seems to be intended less as a neutral record of the proceedings than as an independent collection of essays with a guiding editorial conception: "This book as a whole reflects this emerging 'field' of scholarship and the radical turn in saga studies which it represents" (1). For unspecified reasons several of the original Reykjavík presentations were omitted and two others replaced by their authors (Byock and Miller) with essays on different subjects. In his extensive introduction Gísli Pálsson is at pains to place all the contributions, diverse as they are, in the context of an "alternative," "social and comparative approach" to the sagas. In his editorial capacity he has also sprinkled the essays themselves liberally with parenthetical cross-references of the type "cf. ———, this volume." According to the preface, the copyediting was performed by publisher Jeffrey Mazo, who, together with the editor, deserves praise for the professional appearance of the book; typographical, grammatical, and stylistic errors are relatively few, though a number of each can still be found. All the texts are in English; credit is given to translators for two of them. (The native speakers were occasionally less careful than the non-natives: "conducive for..." [113], "to defame another was to threaten their honor" [184], etc.) Special commendation should go to Helgi Þorláksson and his translator Bernard Scudder for clear, elegant prose.

After the editor's "Introduction: Text, Life, and Saga" (1–25), the volume is