Counsel in Action in *Hrafnkels saga*

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A great deal of criticism and commentary has been written on *Hrafnkels saga Freysgoða*, as you scarcely need reminding. It’s not my intention here to review the scholarly and critical legacy but rather to focus on a representation of what I call ‘counsel in action’ in the saga. We hear much about rað, crudely translatable as ‘counsel’, or ‘advice’, in our medieval texts, coupled with praise for those who are capable of supplying salutary rað and making it stick. Less often, however, do we see the transactions and processes within which the rað is supplied. *Hrafnkels saga* may afford us that rare glimpse. To say this is not of course to buy into a position concerning the factuality or fictionality of the saga, a very long-running wrangle indeed, but merely to posit that its representation of rað in action had some correspondence to social praxis.

The episode within the saga that I have in mind centres upon Þorgeirr’s sore foot. First let us review it, mostly availing ourselves of Terry Gunnell’s translation (2000, 447-49), but inserting the Icelandic text and a literal English translation at a few critical points (Jón Jóhannesson, 1950, 112-15):

**Thorkel said,** ‘I promise to stand with you rather than against you (at vera heldr med yrkkr en moti) because I think it’s necessary to bring a suit after the slaying of a close relative. Now you go off to the booth, and walk inside (gangið inn í búðina). Everybody will be asleep. You will see two leather sleeping sacks placed across the floor at the far end of the booth. I just got out of one of them, but my brother Thorgeir is sleeping in the other. He has had an enormous boil on his foot (kveisu mikla í fætinum) ever since he came to the Thing, and so he hasn’t slept much at night. But the boil burst early this morning, and the core of the boil came out. He has been sleeping ever since, and has got his foot stretched out from under the sack on to the foot-board at the end of the bed because of the inflammation in his foot (sakir ofrhita, er á er fætinum). Have the old man lead you as you go into the booth (Gangi sá hinn gamli maðr fyrir ok svá innar eptir búðinni). He looks rather decrepit to me, both in terms of sight and age. And then, man,’ said Thorkel, ‘when you reach the sleeping sack, you should stumble badly, fall on to the foot-board, grab the toe that is bandaged, jerk it towards you and see how he reacts (skaltu rasa mjök ok falla á fötafjóðina ok tak í tana þá, er um er bundið, ok hnykk at þér ok vit, hvessu hann verðr við).’

**Sam said,** ‘You may be giving us good advice, but this does not feel like the advisable thing to do.’ (Heilráðr muntu okkr vera, en eigi sýnisk mér þetta ráðligt.)

**Thorkel responded,** ‘You are going to have to do one thing or the other: either you accept what I propose, or you don’t come to me for advice (eda leita ekki ráða til mín).’
[Sam spoke and said, 'It must be done as he advises' (sem hann gefr ráð til). Thorkell said he would come along later, 'because I'm waiting for my men.] Sam and Thorbjorn set off, and came into the booth. Everyone in there was sleeping. They saw immediately where Thorgeir was lying. Old Thorbjorn went first, stumbling badly. When he came towards the leather sleeping sack, he fell on to the foot-board, grabbed at the sick toe and jerked it towards himself (brifr í tána, þá er vannmáttar var, ok hnykkir at sér). This woke Thorgeir. He sprang up in the sack and demanded to know who was going around so clumsily that they trampled on the feet of people [that had previously been afflicted] (hlypi á fætr mognum, er dór váru vannmáttu). Sam and Thorbjorn were speechless, but then Thorkel rushed into the booth and said to Thorgeir, his brother, 'Don't be so fast and furious about this, kinsman. It won't do you any harm (hvi at þik mun ekki saka). For many people, things go worse than they intend, and many, when they have a lot on their minds, just don't manage to be careful enough. Your excuse, kinsman, is that your foot is sore and has been very painful. You're the one who has felt it most (Muntu þess mest á þér kenna). Now it may well be that [to the old man the death of his son is no less painful] (gómum mann sé eigi ósárari sonardaudí sinn), but he can't get any compensation, and lacks the wherewithal himself. He'll be the one who feels it most (Mun hann þess gorst kenna á sér), and it can be expected that a man who has a lot on his mind will not always be careful enough.'

Thorgeir answered, 'I don't see how he can blame me for that. I didn't kill his son, so he shouldn't be taking it out on me.'

'He didn't mean to take it out on you,' said Thorkel. 'He came towards you harder than he intended, and has paid the price for his weak-sightedness, just when he was hoping for a little support from you (vænti sér af þér nokkur turfus). It is noble to extend generosity to an old man in need. For him it is not greed, but necessity that makes him bring a suit for the killing of his son. All the other chieftains are refusing to give their support, which shows just how ignoble they are.'

Thorgeir said, 'Whom are these men accusing?'

Thorkel answered, 'Hrafnkel the Godi killed Thorbjorn's son without cause. He commits one evil deed after another, but refuses to give any man just recompense.'

Thorgeir responded, 'I will act just like the others, because I know there isn't a thing that I owe these men to make me wish to enter into a dispute with Hrafnkel. It seems to me that every summer he treats those who have cases against him in the same way. Most of those people gain little honour, if any, by the time things have been concluded. It goes the same way for everyone. I expect that's why most people act unwilling towards somebody whom they are not drawn to through any necessity (Get ek af því flesta menn ófusa til, þá sem engi nauðsyn dregr til).'

Thorkel responded, 'It may be that I'd act in the same way if I were a chieftain, and that I wouldn't like the idea of entering a dispute with
Hrafnkel. But I don't think so, because I prefer competing with someone who has routed everyone else. And, to my mind, my honour, like that of any chieftain who can get the better of Hrafnkel in any way, will grow rather than diminish, even if things go the same way for me as they have for others, because I can take what has happened to many before me. Who dares wins.'

'I see how you are inclined,' said Thorgeir, 'and that you want to help these men. I will now pass over to you our godord and our position of authority. You will have it as long as I have now had it, and after that we will both share it equally between us, so you can help those that you wish.'

'It strikes me,' said Thorkel, 'that the longer our godord is in your hands, the better. There is nobody I'd care to have it more than you, because in many ways you're the most accomplished of us brothers, while at this time I am undecided about what I want to do with myself: You know, kinsman, that I haven't really taken part in anything since I came back to Iceland. I can now see how much my advice is worth (Má ek nú sjá, hvat min ráð eru). I have now spoken all the words I mean to utter for the time being. It may be that Thorkel Streak will find a place where his words are more appreciated.' Thorgeir responded, 'I see where things are heading, kinsman. You are displeased, and I can't stand knowing that. We'll assist these men whatever comes of it, if that's what you want.'

Thorkel said, 'I only ask for what seems to me were best granted.'

As we see, the scene contains a complex dialogue exchange in which Þorkell offers advice first to Sámr and Þorbjorn and then to his brother Þorgeir. That this advice can be termed ráð is clear from recurrent use of that word in the passage. I want to tackle several aspects of it: 1) Þorkell's authority to undertake and carry it through; 2) its logical and physical basis; 3) its analogues; 4) its membership in a category of what I call 'variable ritual'.

The full transaction, with its twofold input of ráð, rests upon several performative utterances from Þorkell — bidding, proposing, requesting — and thus qualifies as a perlocutionary act, in the sense, defined by J.L. Austin (1962, 119; cf. Crystal 1985, 225), that the speaker means to produce an effect on his listener and indeed the desired effect occurs, thanks to complementary participation from the addressees. Now a perlocutionary act depends, in Austin’s analysis, on certain 'felicity' conditions, one of which is often that the issuer of the performative should hold a position of authority of some kind. That appears to pertain in the present case, since, as Grimstad and Bonner note (2003, 15), Sámr's questions to Þorkell elicit that the latter has 'suitable credentials' as someone to consult and receive support from.

But what is the nature of Þorkell's authority? Some scholars would radically disparage him. Take the following (Johansen, 1995, 19): 'The lawsuit against Hrafnkel only succeeds because Sámr is able to make a desperate and totally unforeseeable alliance with an irresponsible and ambitious man like Þorkell.' But let us look at the dialogue between Sámr and Þorkell in more detail (Hrafnkels saga, 1950, 111). As translated by Hermann Pálsson (1971, 49), the exchange goes as follows:
‘Are you a chieftain (godorðsmatr)?’ He said far from it. ‘Are you a farmer (bóndi) then?’ said Sam. He said he was not. ‘What kind of man are you then?’ said Sam. ‘I’m a wanderer (einhleypingr),’ he replied. ‘I returned from abroad the year before last, after I’d been away from Iceland for six years and travelled south to Constantinople where I was in service with the Emperor of Byzantium. But now I’m staying with my brother Thorgeir.’

The term einhleypingr, along with the ensuing description of Þorkell’s livelihood, is crucial here. When we look at the translations — Hermann’s ‘I’m a wanderer,’ Gunnell’s ‘I’m unattached’ (2001, 447), and Gwyn Jones’s ‘I am a footloose sort of man’ (1980, 102) — we note that all these renderings lack the idea of a livelihood that we find specified in A Dictionary of Old Norse Prose, ‘unmarried person without own household, jobbing worker’. We should not relegate einhleypingar to a lower social class, extrapolating from there to inferences concerning the political tendency of the saga, because after all such itinerant skalds as Kormákr and Hálfreðr, with special access to royal contacts, belong in much the same occupational group as Þorkell. As an einhleypingr, Þorkell is free of responsibilities and reluctant to assume the godorð, yet he is also a man of substance, in virtue of his contacts with power and wealth, which lends weight to the words in which he impresses on his brother where the family responsibilities lie. Curiously, Sámr’s brother Eyvindr is also a kind of einhleypingr, though never so designated in the saga text and perhaps a tacit comparison is at work in the saga. Þorkell is clearly the more effective of the two men.

Given this social position, then, does he bring any other special qualities to the giving of advice? I would submit that he possesses special qualities of insight and empathy. The ráð to Sámr and Þorbjörn contains an element of foresight, or at the very least what seems to be inspired forward planning. Þorkell’s donnée in dispensing his ráð rests upon a calculation of the relative amounts of pain caused by a sore foot and the loss of a family member. In his stage-management he may be trying to exaggerate old Þorbjörn’s pathetic state, so as to enlist Þorgeirr’s compassion and involvement in the bereft father’s cause. Grimstad and Bonner go so far as to claim that Þorkell’s ‘real agenda is to point out that Þorgeirr’s performance at the Althing is just as flawed as the old man’s entrance into the [booth]’ (2003, 25). Whatever degree of subtlety we put on the comparison, Þorgeirr appears to be unable to grasp it, protesting, ‘I didn’t kill his son, so he shouldn’t be taking it out on me’. In this way he acts as a foil to Þorkell, who emerges as an agent gifted with special insight.

At this point, let us return to Austin, who, in theorising on the perlocutionary act, privileged social conventions that partake of ritual, such as marriages, launching of ships, and beheadings, whereas P.F. Strawson (1964) preferred to put the emphasis not upon conformity to convention but upon recognition of intention. The act of ráð seems to me to belong somewhere between these extremes: along with ordinary recognition of intention went some element of ritual and ceremony. We might expect as much from eddaic poetry, where attestations of the word so often belong in reiterated, formulaic statements, such as Ráðumk þér, Loddfáfnir, en þú ráð nemir in Hávamál, Ræð ek þér nú, Sigurðr, en þú ráð nemir combined with Ráð er þér ráðit, en ek ríða mun in Fáfnismál, and the series Pat rað ek þér it fyrsta, etc., in Sigrdrífumál.
If these statements already have a quality of verbal ritual, we can add the embodied and enacted ritual enigmatically described in Hávamál.

The ráð in Hrafnkels saga, and in particular Þorkell’s speech to Þorgeirr, has its element of ritual too, I think, and it depends upon physical action as well as spoken words. Grimstad and Bonner are perhaps pointing in this direction when they refer to Þorkell’s plan for old Þorbjorn’s encounter with Þorgeirr as a ‘drama’, based on a ‘script’ where the old man is ‘cast’ in a particular role as a ‘stumbling old man’ (2003, 17) – though we could note that the old man is not cast too much against type. They also observe that the ‘script’ does not extend beyond the pulling of the toe, leaving old Þorbjorn to improvise the rest, in an early example of theatre-sports, but that Þorkell is meanwhile ‘waiting in the wings’, ready to make ‘his grand entrance onto the scene’ (2003, 17).

Recent scholarly discussions of ritual have evolved a concept of ‘body knowledge’, where the body goes through a ritual (say, a religious observance) on its own terms and without the conscious necessarily being involved (Shillling, 2003; Turner, 1996). That is not quite the case in our saga episode, where instead we see a mixture of unreflective and reflective impulses. Yet at the same time we can profit from the notion of ‘body knowledge’ so as to understand Þorkell’s ráð as triggering ‘thinking through action’ - through the body rather than just through the head, to put it crudely. The old man’s stumbling leads to Þorgeirr’s involuntary awakening and prompts him into a shifted mode of thought, where his self-awareness is placed alongside awareness of Þorbjorn, within a new mental and physical framework. This instantiation of ráð consists in part of action, complementarily with discourse.

As such, it can, I think, usefully be compared to the well-known interaction in Guðrúnarkviða en fyrsta where Guðrún’s ‘comadres’ try to bring her to acknowledge her plight by telling her about their own tribulations. At the start of the narration, as sketched out in the transitional prose in the Poetic Edda (Neckel-Kuhn, 1962, 201), ‘Guðrún...did not weep like other women, but she was ready to burst with grief (springa af harmi). Both men and women came to her to console (hugga) her, but that was not easy.’ We see immediately that the men-folk have nothing to offer in this predicament (v. 2). So instead the women try, and their strategy is to rehearse the tales of their own suffering. Each of them speaks of ‘her torment, the bitterest she had ever endured’ (sinn ofrega, / hann er bitrastan / of beðit hafði). The first (v. 4) is Gjaflaug, sister of Gjúki, with a long catalogue of bereavements - five husbands, eight brothers, three sisters, two daughters. She claims that she is the most lacking in joy of anyone on earth yet she lives on alone (mik veit ek á moldu / munar lausasta / ... þó ek ein lifi). Herborg chimes in next, however, with even greater sorrow to report (Hefi ek harðara / harm at segja). Neither counsellor succeeds in this therapeutic tactic, as we see from the refrain-like stanza (vv. 5 and 10): ‘And yet Guðrún could not weep; she was so resolute at the death of her husband and hard-minded by the corpse of the king.’ Clearly a radically different tactic is called for, and the one proposed by Gullrond, Gjúki’s daughter, has a physical rather than a simply ratiocinative component (vv. 11-15):

‘Foster-mother, though you are old and wise (fróð) you have little skill in bringing the young wife a response.’ She warned (varadi) them off veiling the king’s corpse. She whipped away (svipti) the shroud from
Sigurðr and tossed (vatt) the pillow on to the woman’s lap: ‘Look at your beloved and set your mouth on his moustache, as if you were greeting the king in his full health.’ Guðrún looked at him a single time, she saw the king’s hair running with blood, the prince’s piercing eyes extinguished, the warrior’s breast cut through by the sword. Then Guðrún bent over, prostrate on the bolster, her hair loosened itself, her cheek went red, and raindrops ran down on to her lap.

The strong presence of a bodily component in this transaction needs no commentary. Certain words in the text are normally toned down in translation but if we read literally we will sense the dramatic qualities of this ráð: Gullrønd ‘warns’ (not merely ‘advises against’), ‘whips off’ (not merely ‘moves’), and ‘tosses’ (not merely ‘arranges’). Condemning Gullrønd’s performance, Brynhildr invokes supernatural beings and runes, the latter a natural and alliterating correlative of ráð (v. 22): ‘May the creature/sprite (sú véttr) now lack for a husband and children who prompted your tears, Guðrún, and gave you speech-runes (málrúnar gaf) in the morning.’ The function of the transaction is to galvanise the sufferer into an acknowledgement of the presence and potential meanings of her pain, through bodily contacts and gestures (cf. Brison, 1999), and thus forwards from frozen self-absorption into socialised grieving.

I suggest that exchanges where different people’s sufferings and pains were compared might have formed part of a customary approach to persuasion and motivation – even to therapy – under the rubric of ráð. In Hrafnkels saga and Guðrúnarkviða in fyrsta the ultimate outcomes are similar, namely retribution – in the former a deliberately calculated outcome, in the latter a disastrous escalation of what seems intended purely as consolation (as stated in the transitional prose). This incalculability of outcome is part of the concept of variability that I shall return to presently.

More distantly, the Old English poem Deor is a monologue where the speaker rehearses the well-known troubles of other people in order to reconcile himself to a distressing situation. Here the logic of the comparison is that all the sufferings mentioned in the poem, including, he hopes, his own, are on the one hand real and intense yet also transient. To take an example (vv. 21-27):

“We learnt of Eormanric’s wolfish intentions; he possessed the people (or army?) of the Gothic kingdom far and wide. That was a cruel king. Many a man sat bound up with sorrows (Sæt secg monig sorgum gebunden), misery in his expectations, wished over and over again that an end would come for this kingdom. An end did come for that, may it likewise do so for this!’ (Pas ofereode, þisses swa meag!)

It has been suggested by Joseph Harris (1987) that the poem embodies a consolation and has a function broadly analogous to that of a charm or incantation. Putting that in my terms, I would say the recitation acts as a kind of self-generated and administered ráð, as is typical of such so-called elegies in Old English as The Wanderer and The Sea-farer.

Another partial analogue is the eddaic Oddrúnarkviða, where Borgný, the daughter of king Heiðrekr, is in labour pains but unable to give birth. Oddrún, sister of Atli and former partner of Gunnarr Gjúkason, comes to help her. After Oddrún’s incantation of bitra galdra (v. 7) Borgný gives birth to twins. Then, rejecting Borgný’s
gratitude, Oddrúnairs her own grievances and sorrows, ending with the following stanza (v. 34): ‘You sat and listened while I told you many bad things about my destiny and theirs;...now the lament of Oddrún is finished.’ The structure here is looser than in my previous analogues, since Oddrún’s declaration of her sorrow is not integral to the salving of Borgny’s sorrow but arises almost in chagrin that Borgny’s woes are now at an end. Nevertheless, we could speculate that poems of a broadly similar sort, with a comparison, explicit or tacit, of trials and tribulations, accompanied the final stages of pregnancy and were declaimed by the ‘comadres’. To that extent, the two sorts of enacted and interactive ráð we have been looking at in the poetry, the one to release or ‘deliver’ socialised grief at death and the other to release or deliver at birth, have a striking symmetry of form and function.

The examples cited so far encourage us to think of the advice and counsel enacted in Hrafnkels saga as a particular instantiation of a variable ritual. As an additional example, we can consider the Egils saga account of the composition of Sonatorrek, where Egill is struck into inertness by his son’s death, shutting himself up in a bed-closet (lokrekkja) and refusing food and drink. Eventually his daughter Þorgeirr gets herself admitted by pretending that she wishes to die with him but, once inside, induces him to take food and drink by an interestingly transparent kind of ruse. Their death-pact won’t work out now, she points out. ‘What expedient shall we adopt now?’ (Hvat skulu vat nú til ráðs taka?), she says (Bjarni Einarsson, 2003, 146). Her ráð is that Egill should stay alive until he has fulfilled his duty of commemorating his dead son in an erfikvæði. By this tactic, with its bodily effect, the resourceful woman has devised a form of salvific ráð, in the sense of both ‘counsel’ and ‘strategy’. She looses Egill’s grief and directs it into a socialised mode of expression.

A classic example of ráð bordering upon incitation (deggjun, hvof) is that employed on Hávarðr by his wife Bjargey in Hávarðar saga Ísfirðings (1943, 308). When they hear of the death of Óláfr, their son, Hávarðr goes to his bed, where he stays for the entire next twelve months. No legal case (eftirmál) is set in train for Óláfr and it does not seem that Hávarðr is at all capable (færr) of the task. But one fine morning Bjargey goes to Hávarðr and asks if he is awake. When he asks what she wants, she bids him get up and seek recompense. He replies, ‘I don’t foresee any benefit from this and all the same you shall decide’ (Eigi hygg ek gott til þess ok þó skaltu ráða).

A commonality in these cases is that the sufferer is ‘bound up with sorrows’—incapable of physical movement or mental initiative. The being ‘bound up’ takes a literally supine form. Clearly it is a bodily element in a ritualised behaviour. Both Egill and Þorgeirr in Hrafnkels saga could be accused of adopting the supine position in a self-indulgent way, which would tie in with Grimstad and Bonner’s analysis, but because we are dealing with a variable ritual no unitary meaning should be imposed upon the behaviour.

Another type of ‘variable ritual’ is that thoroughly analysed by Jón Hnefill Aðalsteinsson (1999). At a time of debate as to whether Iceland should opt for the ancestral religion or Christianity, the lawspeaker Þorgeirr Ljósvetningagoði Tjörnason (or Björkelsson) is induced to declare the two different law-codes, heathen and Christian, and as a preparation for this ‘he lay down and spread a cloak over his head (breiddi feld á hofud sér) and lay the whole day and through the night and then the
second day for the same length of time'. He is asked to do so, it seems, not simply as a legal expert — he had held the position of law-speaker since 985 (Andersson and Miller, 1989, 7) — but also as a purveyor of ráð. He cites older ráð that resolved a similarly contentious stand-off between the kings of Norway and Denmark before declaring his own ráð, which is that each faction should be accommodated to some degree — thus the version in Kristni saga (2003, 34). The version in Kristnitakan further motivates this argument (2003, 170):

‘Now,’ Borgeirr says, ‘although our leaders are not as powerful as kings in other lands and we are less wise than their counsellors (ráðgjafar), yet it well behooves us to take exemplars from their wise councils’ (ráðum)...Therefore this is the beginning and conclusion of my counsels (ráða) and exhortation (deggjanar).’

A related ritual of ráð occurs in other sources. In Þorsteins þáttr uxafóts, an old man called Geitir þulði, ‘recited ritually’, into his cloak and was thus enabled to advise about the presence of a fylgja (1991, 350). In Geirmundar þáttr héljarskinns the poet Bragi þulði into his cloak (í feld sinn) and speaks a verse giving advice on which offspring to trust (1954, 2-3). When such speakers make utterances or hide themselves in their cloaks, garments made either partly or wholly of fur (Elsa E. Gudjónsson 1956-78, 515), we might infer a custom of seeking occult knowledge while wrapped in the hide of a animal with supernatural aura (Jón Hnefill Aðalsteinnsson, 1999).

But because the ritual is variable, we do not necessarily have it specified that the agent ‘goes under the cloak’. It may be enough to use the verb þylja. In Hrófís saga Gaurekssonar Þórir jámskjoldr þulði into his palms (í gaupnir) when his advice about a battle was recklessly ignored (1959, 123). Njáls saga tells how Njáll ‘often moved away on his own from other men and þulði” (1954, 255), an activity that leads him to espouse Christianity. Njáll is needless to say a by-word for the excellence of his foresight and counsel (ráð). We learn (1954, 57) that he was so great a lawman (lögmaðr) that nobody was his equal, wise and foresighted (forspár), advising for the best (heilráðr) and eager for good, and everything turned out according to the advice (varð alli at ráði) that he advised (réð) people, even-tempered and noble-minded, long of sight (langsynn) and long of memory (langminnigr). He solved the difficulties of all who came to meet him.’

To sum up, I am positing a type of enacted ritual where there is no strictly repeated or reiterated or ‘template’ behaviour but rather a constant process of reproduction with variation — variation of intention, behaviour, and uptake — as envisaged in current scholarship on performativity (cf. Esterhammer, 2000; Slinn, 2003). We might suspect that the episode in Hrafnkels saga is somehow parodic of or parasitic upon one or other of these analogues that I have reviewed, insofar as the business of the toe looks distinctly like comic business, or burlesque (cf. Heinemann 1975). We can validate these perfectly reasonable modern perceptions of the humour of the scene while not losing sight of its ritual character if we bear in mind a key notion articulated by Jacques Derrida (1982, 324). Whereas Austin’s speech-act theory had required exclusion of non-serious performatives (as for instance burlesque marriage vows or conferrals of honours), describing them pejoratively as ‘abnormal’ and ‘parasitic’ (Austin, 1962, 21-22), Derrida took the view that such performatives were integral to the total tradition of performatives. In his analysis, we cannot
privilege the serious over the comic, the parodic over the authentic — these are false dichotomies. It follows, if this is right, that what I have described as the ritual of rød at the heart of Hrafnkali is in no way inferior to or less significant than apparently more ‘serious’ events of rød, such as Þorgeirr góði’s going under the cloak: each reiteration in its own fashion continues, renews, and varies the institutionality of the act and its function in social praxis.

Bibliography


