DIFFERENT STROKES: JUDICIAL VIOLENCE IN VIKING-AGE ENGLAND AND SCANDINAVIA

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*Introduction*

Crime and deviance stand as very real challenges in all societies, and examining the ways in which cultures accommodate, rehabilitate, and react against non-normative individuals can prove instructive (Hall 2012; Baier 2013). As Alison Klevnäs has recently emphasized (2016a, 54), the study of deviance, violence, politics, and power is, and always has been, tightly entwined with death, and this world of ‘necropolitics’ has the potential to catalyse scholarly debate. These considerations find special currency in the Viking Age, given its characteristic increase in cultural contact and interaction, changing religious contexts, and developments in law and governance. In this paper, by applying a novel interdisciplinary and comparative approach to evidence, both textual and archaeological, for judicially-prescribed violence in the Viking Age, we are able to highlight new macroscopic details of the English and Scandinavian systems of punishment and some of the ideas permeating them.[[2]](#footnote-3) Using this approach, we argue that key distinctions are visible between the English and Scandinavian punishment systems. The paper concludes with a case study of attitudes to judicial punishment prevailing during Knútr the Great’s English reign.

*Concepts and Methodologies*

For the purposes of this article, the term ‘judicial violence’ can be understood as judicially-prescribed force to be enacted on an offender as legal punishment in cases of criminal deviance. Extant sources suggest that at this time in both Scandinavia and England there existed a hierarchy of judicial violence, moving from marking, branding, or maiming in the case of somewhat lesser crimes to blinding, many varieties of amputation, and execution in more serious cases.[[3]](#footnote-4) This type of violence should be understood as a legal punishment in its own right, ordered by an official, legally-empowered body and carried out by judicial imperative. In this way, it differs from trial by ordeal in that it seeks to punish the guilty, not ascertain guilt; from murder in its operation within a legal framework; from human sacrifice in its legal, rather than ritual, concerns; and from death and injury in battle in its attempted impartiality (Reynolds 2009, 1-33).

Related is the legal practice of outlawry, since here the threat of judicial violence remains hanging over the convict as motivation to remain abroad (Larson 1935, 17). This is notably different from other forms of exile – which can be illegally-, informally-, or self-imposed – and in certain cases the guilty party could repurchase their peace and freedom from the legal authorities (Larson 1935, 17). This payment was commonly known as *skógarkaup* in Scandinavia.[[4]](#footnote-5) Thus, legal outlawry can be understood as a passively judicially-violent punishment.

Both Viking-Age England and Scandinavia make excellent areas of investigation for scholars interested in social and criminal deviants, in that both cultures appear to have disposed of at least a proportion of their ‘deviant’ dead in archaeologically visible ways.[[5]](#footnote-6) Recent archaeological study of these ‘deviant burials’[[6]](#footnote-7) has proven remarkably productive, with scholars including Andrew Reynolds (2009), Jo Buckberry (2010), Dawn Hadley (Buckberry and Hadley 2007), Eva Thäte (2007), and Leszek Gardeła (2013a; 2013b) providing new insights into how social and legal outsiders were treated peri- and post-mortem, as well as the pathology of judicial violence. But despite this explosion in the study of deviant burials and ongoing work with the legal texts of both cultures, little work has been done to consider other textual sources – which are often interested in non-normative individuals of various sorts – in connection with punitive actions and attitudes.

*Judicial Violence in Law*

Among vernacular sources, legal texts stand as the most natural point of entry into the topic. Given the confines of this paper, we have opted to focus on *Guta lag*, *Gulathings lov*, and *Frostathings lov* on the Scandinavian side and on a small selection of Anglo-Saxon legal texts that date to the period in question and have been highlighted by Reynolds as referring to judicial violence and, potentially, deviant burial (2009, 251-61). *Guta lag* in particularhas been the subject of very recent and thorough scholarly attention and provides a unique window into Scandinavian legislation, somewhat distinct from the other provincial laws (Peel 2015). The *Gulathings lov* and *Frostathings lov* are the earliest of the Norwegian laws and thus, like the Anglo-Saxon material, they have been selected as most closely matching the chronology under examination.

While it is true that very few of the legal provisions discussed below survive in a written form dating to the period in question, strong internal evidence suggests that sections of these laws date to the Viking period and in some cases even earlier.[[7]](#footnote-8) Indeed, Folke Ström argued that the legal provisions dealing with capital punishment in Germanic societies are some of the most legally conservative in the corpus (Ström 1942, 11-13). These provisions were not of course fixed immutable points of law, but our hope is to demonstrate that the deeply transgressive nature of certain crimes would elicit judicial violence of one sort or another. In this way, we are less concerned with issues of continuity and preservation and rather focused on societal and legal norms and needs in a time of flux.

A rudimentary way in which we can use these provisions is to yield a list of crimes held most heinous by the lawmakers of the society, shedding light on the needs and values of the population.[[8]](#footnote-9) For example, in *Guta lag* direct judicial violence was prescribed for only a select few crimes.[[9]](#footnote-10) In the cases of adultery, rape, and theft, each of these crimes was to be assessed for severity and the appropriate amount of judicial force was to be prescribed (Peel 2015, 209-25). Misappropriation of land worth three marks carried a single punishment of death, written literally as the convict’s *hals* (neck), with the convict’s wife losing her pew in church – no doubt a later provision (Peel 2015, 209-10). Slaves convicted of fighting freemen were also subject to a single punishment: two blows were to be delivered to the slave for every one he landed on the freeman (Peel 2015, 209-10). Refusal to compensate a killing in a timely fashion could result in outlawry (Peel 2015, 209-10). Theft was assessed by the value of goods stolen and recidivism (Peel 2015, 209-25). For example, stealing more than two *öre*,up to a mark of silver, was punished by branding before the assembly and a wergild payment (Peel 2015, 209-10). If the same thief were to commit even the slightest theft again, he was to be hanged; as was a thief who stole more than a mark of silver, even if it was only the first offence (Peel 2015, 209-10). By contrast, adultery was assessed by considering the types of people committing the crime. Any man committing adultery with an illegitimate daughter of a Gotlandic man or a non-Gotlandic woman, when caught in the act, was to be punished with the loss of a hand or a foot (Peel 2015, 209-10). If, however, the crime involved an unmarried Gotlandic woman he was to be placed in the stocks for three nights before losing his hand or foot (Peel 2015, 209-10). If the woman was married he was to pay with his life (Peel 2015, 209-10). Similarly, the rape of a married woman or a slave’s rape of a Gotlandic woman were both punishable by death, though monetary settlements were allowed if the wronged party preferred (Peel 2015, 209-10).

Secretive crimes that shirked personal responsibility were uniformly detested across Scandinavia.[[10]](#footnote-11) *Gulathings lov* and *Frostathings lov* show how they were punished. Capital punishment is prescribed for murder, as opposed to manslaughter (Larson 1935, 17-18, 129, 216, 257-62), and for theft (ibid, 165, 220-21). Beyond these, corporal punishment is prescribed for bestiality (Larson 1935, 57, 217) and the desertion of an alien thrall in the *Frostathings lov* (ibid. 358), though flogging is the usual punishment for thralls (Larson 1935, 17, 24, 45, 48, 50, 167, 226, 237, 358, 359). There are also a great many crimes for which these Norwegian laws prescribe outlawry, suggesting that breakers of the peace were unwanted in west Scandinavian society and had forfeited their own right to freedom and peace (Larson 1935, 15-18). For example, if a man charged with the gravest slander, *níð*,[[11]](#footnote-12) failed a six-fold oath, under the *Gulathings lov* he was to become an outlaw (Larson 1935, 122). This would then allow the wronged party, if they wished, to kill the outlaw with impunity to redeem their own honour (Larson 195, 14-15). Lesser sentences were often agreed upon, however (Larson 1935, 17): outlawry may have sufficed even in serious cases.

By discouraging theft, adultery, and rape in the strongest terms – that is, by prescribing capital punishment – it is clear that these judicial bodies, and many others across Scandinavia, were interested in discouraging a specific type of behaviour: deviance which undermined local peace (Peel 2015, 17-19). Theft, rape, and adultery are felt most profoundly at the local and familial level, suggesting that the kin-group and collective social stability were the most inviolable institutions to Scandinavians at this time.[[12]](#footnote-13)

The diverse canon of English legal texts prescribing judicial violence can be turned to the same purposes, reading them for hints as to the values and institutions most protected by legal action (cf. Moreland 2003, 26-27). Clear patterns and similarities emerge. For example, theft, rape, assisting thieves or outlaws, fighting in the king’s presence or breaking the king’s peace, illegal minting activity, sorcery or wizardry, prostitution, plotting against the life of the king, and desertion could all carry violent punishments under various kings in the Anglo-Saxon period (Reynolds 2009, 251-61). Given the immensity of the English legal corpus, compared to the Scandinavian one, it is not surprising that at various times, under different rulers, and in different kingdoms many of these crimes warranted fines instead of or alongside a violent punishment – often to be determined based on the severity of the crime as assessed by the judicial body in each case.[[13]](#footnote-14) Victoria Thompson points out that only from the reign of Athelstan (924-39 CE) onward is execution listed as an automatic punishment for a crime, and even then only for a select few cases (2004, 181). This should be viewed as a slight shift in legal perspective. Before Athelstan’s time judicially-prescribed execution was certainly practised but first recourse was to non-lethal settlements (Thompson 2004, 181). While theft and rape were considered capital offences, adultery, in contrast with Gotland, carried a lesser penalty (Reynolds 2009, 170, 251-61; Peel 2015, 209-10).

The catalogue of crimes warranting capital punishment in England extends beyond these morally taboo offences. Also included were acts that undermined the king’s power and the realm’s peace. Actions such as fighting in the presence of the king or plotting against him directly put the safety of the ruler in jeopardy and also threatened the stability of the realm (Reynolds 2009, 23-29). Illegal minting, assisting thieves and outlaws, breaking the king’s peace, and desertion are telling inclusions (Reynolds 2009, 23-29) in that they do not threaten the safety of the king but rather undermine his authority in the realm. Thus the main body of crimes warranting the most extreme punishments are those that transgress against the king and the kingdom. This evidence suggests that it was the king and his force in the realm that were of highest import to the empowered population in England at this time.

A number of crimes against the institution of the church in England were added to the list of those that warranted judicial violence, particularly in the late tenth and early eleventh centuries. Wizardry, sorcery, and prostitution, all denounced vehemently by the church at the time, are interesting instances (Reynolds 2009, 23-29; Thompson 2004, 180-84). These provisions are significant in several ways. First, they helped to protect the status of the church as an institution. Second, the king, by marking these as capital offences, bolstered his own position vis-à-vis the church by declaring himself as the champion of its agenda. Those who acted in opposition to it now directly acted against the king. Given that these particular laws come from the codes attributed to Wulfstan II, who apparently sought leniency in sentencing and particularly an avoidance of capital punishment,[[14]](#footnote-15) the inclusion of these crimes among the catalogue of capital offences speaks to the church’s view on their severity.

These texts also shed some light on how judicial violence was administered. The laws of both Gotland and England point to the practice of branding and marking but do not specify how these punishments were carried out (Peel 2015, 74, 200-01; Reynolds 2009, 251-61). The Norwegian laws tell us that floggings were administered but once again provide little further detail (Larson 1935, 45, 48, 50, 167, 226, 237, 358, 359). The laws that prescribe maiming often stipulate that the convicted party should pay with the loss of a hand or a foot, although eyes, ears, noses, and other body parts, including genitalia, are also mentioned at various times (Reynolds 2009, 23, 251-61; Larson 1935, 57, 217, 358; Peel 2015, 209-10). It is often presumed that they were struck off with a sword or an axe, but the nature of the instrument is not specified.

Where execution is prescribed in the laws we can learn a little more. For example, *Guta lag*’s references to execution are usually couched in terms of one paying with their ‘life’ or their ‘neck’ (Peel 2015, 209-10). Despite this, in the case of committing a second theft or stealing more than a mark of silver, the law specifies that the convicted party is to be hanged (Peel 2015, 209-10). This is the only place in the *Guta lag* that a form of execution is overtly stipulated (Peel 2015, 174). While the convicted party is still to be killed by judicial decree, hanging in the opinion of Christine Peel was considered a particularly ‘shameful’ form of execution (Peel 2015, 173-74, 209-10). Peel does not state why this would be the case but uses examples from contemporary Swedish provincial laws to show that female thieves were spared this embarrassment, instead being put to death in other ways (2015, 174; Ekholst 2014, 68-75). Reynolds argues that, from a Christian perspective, a hanging corpse is caught somewhere between heaven and earth and yet part of neither, suspended in this state of otherness for all to see and mark his shame (2009, 248-49).

Perhaps this suspension between heaven and earth was ideologically significant to English Christians, but it is doubtful that it held the same significance to pre-Christian or even Christianizing Gotlanders.[[15]](#footnote-16) It is possible that the stipulation of hanging is a later addition to the law, but Peel’s note, that *Guta lag* is the only provincial law in Sweden to specify hanging for recidivist theft despite an earlier Germanic framework for it, suggests that something else may be operating here (2015, 174; Ström 1942, 115-61). Ström convincingly shows that a very strong pre-Christian shame element exists in the practice of hanging (1942, 161; Dutton 2016, 137-50), which may be the reason that Swedish lawmakers were reluctant to expressly prescribe hanging, making this Gotlandic provision one of the few extant exceptions.[[16]](#footnote-17) Hanging is not overtly prescribed at all in the Norwegian laws examined here, with both the *Gulathings lov* and *Frostathings lov* opting instead for the use of a headsman where any execution method is stipulated (Larson 1935, 129, 165, 262-63, 398).[[17]](#footnote-18)

While the English laws are curiously silent about the practice of hanging (Reynolds 2009, 251-61), they are in other respects more descriptive than their Scandinavian counterparts. For example, it is noted that thieves that were free women were to be thrown from a cliff or drowned (Reynolds 2009, 253); those that were male slaves were to be stoned by twenty-six slaves (2009, 253); and those that were female slaves were to be burned by twenty-six female slaves bringing three logs apiece (2009, 254). The laws of Edgar say that a man whose statement was proved false by witnesses would forfeit his head, suggesting decapitation (2009, 257), and Æðelræd also called for a head in payment for recidivism (2009, 257). Beyond this, though, the laws say merely that the offenders would forfeit their lives or were to be slain (Reynolds 2009, 251-61). This is problematic, possibly suggesting a different ideology toward hanging in England than we would expect from Reynolds’s statement above. Such ambiguous wording may have been used intentionally to respect local traditions and desires as to how to deal with criminal deviants (Thompson 2004, 182). It is also possible that hanging was so ubiquitous that it did not require direct stipulation (Whitelock 1952, 44). We cannot explore these possibilities further by consulting the legal texts in isolation.

*Historical Comparisons*

A point of comparison is provided by the *Anglo-Saxon Chronicle* (hereafter *ASC*), which although written from an English perspective (Jorgensen 2010, 1-4) seems to contain contemporary descriptions of both English and Scandinavian judicial violence. These descriptions would have to have been presented in an accurate or, at the very least, plausible context in order for them to ring true with contemporary legally- and politically-active readers.[[18]](#footnote-19) The matter-of-fact phrasing and lack of contextualizing detail in many entries makes it difficult to differentiate between killing and judicially-sanctioned execution, as well as between self- or illegally-imposed exile and outlawry.[[19]](#footnote-20) For example, as observed by Elizabeth van Houts (2010, 13-17), the differences between Old English exile terms, such as *adrifan*, *fordrifan*, *afleman*, and *utian*,[[20]](#footnote-21) as well as the ultimately Old Norse derived *utlagian*,[[21]](#footnote-22) can pose serious problems. Even more difficult are the many cases for which we are simply told that a person was slain. Where this occurs in association with other seemingly legal happenings, it is tempting, with appropriate caveats, to infer judicial motivations.

A few entries stand out as candidates for testimony to judicial violence. The entry for 897, for example, describes Danish raiders who are captured, taken to Winchester, and hanged by order of the king (Swanton 1996, 89-90). This passage is remarkable for several reasons. First, it describes hanging, which is a surprising rarity in the *ASC*. Second, instead of expected combat outcomes, like a parley, routing, or killing on the spot, these raiders are brought before the king at a significant power-seat, suggesting an attempted judicial solution. Third, Alfred’s laws, which include lethal provisions for theft and breaching the king’s peace, state that in grievous cases the guilty party should be brought before the king to decide if their lives were forfeit (Reynolds 2009, 251-52). Probably this was the protocol followed here.

It is not until 993 that we again see evidence for judicial violence at the king’s behest, with the bare comment ‘*het se cyng ablendan Ælfgar*’.[[22]](#footnote-23) The entry for 1002 contains two possible instances. The first is the banishment of ealdorman Leofsige for his apparently unlawful slaying of Ælfic, the king’s high-reeve (Swanton 1996, 133-34). Wormald shows that a precedent existed for the judicial outlawing of high-ranking individuals during Æðelræd’s reign (1999, 320-45), which suggests that this episode describes judicially-prescribed exile rather than another type. The second instance falls at the end of the entry, describing what has come to be known as the St Brice’s Day Massacre (Swanton 1996, 134-35). Æðelræd orders the killing of all Danes in England ‘because it was made known to the king that they wanted to ensnare his life – and afterwards all his councillors – and have his kingdom afterwards’ (Swanton 1996, 135). The historical details of this event are elusive but an interpretation to the effect that the king responded with judicial violence is supported by contemporary laws which punish plots against the king with forfeiture of life (Reynolds 2009, 259).

In the 1006 entry (Swanton 1996, 136) we are told that Wulfgeat was deprived of all his property, Wulfheah and Ufegeat were blinded, and ealdorman Ælfelm was slain. These events are relayed in uninterrupted succession. The first is highly suggestive of legal activity,[[23]](#footnote-24) as many of Æðelræd’s laws prescribe the confiscation of a convicted party’s properties and possessions (Reynolds 2009, 257-59). Although the blinding and slaying are, as noted above, less suggestive in the absence of contextualizing detail, the juxtaposition with the repossession provides a possible context, keeping in mind that Æðelræd’s laws provided for both mutilation and execution (Reynolds 2009, 257-59). Furthermore, the three events exhibit a clear logical progression through increasingly violent punishments and toward a more complete removal of the convicted individual from power-structures.

The 1014 entry (Swanton 1996, 144-45; Earl and Plummer 1965, 145) specifically uses the term *utlagian* to describe the banishment of Danish kings from England (van Houts 2010, 13-17). It also describes how one of these new outlaws, Knútr, after his father’s death took the hostages his army had received to secure Sveinn’s reign, landed them at Sandwich, and cut off their hands and noses.[[24]](#footnote-25) While initially this might not seem like judicial violence, Knútr’s restraint in keeping the hostages alive, as well as his landing them at the legally and politically important site of Sandwich, implies a complexity to these actions not overtly stated in the entry. It could be suggested that this was an attempted international legal solution to the national oath-breaking of the English clergy and laity who accepted and then rejected Knútr’s bid for the throne. His choice to remove very visible appendages would have left a powerful reminder to the English population that oath-breaking, a serious crime in both legal spheres, was not tolerated by him. This reading is made more pertinent when we consider that these hostages were likely men of influence in English society.

In the 1015 entry we are informed that ealdorman Eadric slew Siferth and Morcar (Earl and Plummer 1965, 145-46; Swanton 1996, 145-46). Despite this act, which the annalist clearly feels was unjust, we are told that King Æðelræd seizes the possessions of Siferth and Morcar, including Siferth’s wife. In contrast, Eadric is apparently not punished at all. Possibly Eadric was acting on Æðelræd’s orders, yet these slayings seem to be different from judicial violence since although the occasion was the assembly at Oxford the annalist seems keen to point out that the actual slayings occurred in Eadric’s chambers: hardly an official setting.[[25]](#footnote-26) This apparently extra-judicial royal violence takes on new meaning when considered alongside the 1014 entry. Here, recounting the events that led up to Æðelræd’s return to England, the annalist notes that the clergy and laity of England wished him to return but only if he governed more justly than he did before.[[26]](#footnote-27) This statement suggests that Æðelræd may have occasionally circumvented his own laws in the past and moreover, given that these slayings occurred the very next year, may not have been holding up his end of the bargain, resorting to non-judicial violence to maintain and enforce his position.

Despite the lack of contextualizing details in some of the *ASC* entries, they point to judicially-prescribed outlawing, maiming, and execution. Considering these entries in the context provided by the legal texts allows us to glimpse some elements of the historical legal systems in action (897): in some legal cases not one but many parties were punished using judicial violence (897 and 1002); also, royally- and judicially-prescribed violence are not synonymous (1015).

*Literary Comparisons*

Contemporary poetry contains further clues as to how judicial violence functioned. In exploring the peculiarities of the execution described in the Old English poem *Juliana*,[[27]](#footnote-28) Dorothy Whitelock (1952, 144) made effectively the first, and one of the only, attempts to plumb a piece of Viking-Age literature for information on judicial violence (Reynolds 2009, 26). She notes that executions were expected to be conducted in liminal spaces and that swords could be used (1952, 140-45). Thompson observes that a variety of methods were likely used, depending on local traditions (2004, 182). Much like *Juliana*, *Judith*[[28]](#footnote-29) contains a decapitation in punishment for wrongs and misdeeds committed, though admittedly the law being enforced is hardly an earthly one and neither is the judge. There nonetheless seems to be a semi-judicial dooming of the accused and even an invocation in the name of divine law, as if to make the condemnation more official (Bradley 1995, 498). Furthermore, the head of the accused is taken and displayed to the people as proof of the deed and as a final shame to the condemned, which lines up very well with the elements of display noted above (Bradley 1995, 500). While both of these texts rely heavily on Latin sources, a relationship that cannot be explored here, they provide interesting perspectives on judicial processes in an English context.

Beyond decapitations, some English literary texts exhibit a keen interest in hanged men, as can be seen in a passage of *Beowulf* where some of the prisoners of the Swedish-Geatish war were put to death by the sword – whether in a battle or judicial context remains unclear – and others on the gallows. The latter are left for the carrion beasts (Bradley 1995, 488), in a prolonged display similar to those considered above. *Maxims II*[[29]](#footnote-30)tells us that a ‘criminal must hang and fairly pay the recompense because he previously committed a crime against mankind’ (Bradley 1995, 514). Even more noteworthy is the vivid image portrayed by *The Fortunes of Men*[[30]](#footnote-31) when it describes the corpse of a hanging criminal:

*Sum sceal on geapum galgan ridan,*

*seomian æt swylte, oþþæt sawlhord,*

*bancofa clodig, abrocen weorþeð.*

*Þær him hrefn nimeþ heafodsyne,*

*sliteð salwigpad sawelleasne;*

*noþer he þy facne mæg folmum biwergan,*

*laþum lyftsceaþan, feores orwena,*

*blac on beame bideð wyrde,*

*bewegen wælmiste. Bið him werig noma!* (Krapp and Dobbie 1936, 154-55)

One shall ride the high gallows and upon his death hang until his soul’s treasury, his bloody bone-framed body, disintegrates. There the raven black of plumage will pluck out the sight from his head and shred the soulless corpse – and he cannot fend off with his hands the loathsome bird of prey from its evil intent. His life is fled and, deprived of his senses, beyond hope of survival, he suffers his lot, pallid upon the beam, enveloped in the mist of death. His name is damned. (Bradley 1995, 342)

While deliberately graphic, even horrific, this excerpt reveals an important detail. Though the English may have utilized trees for some hangings (Ström 1942, 115-61), this poem distinctly mentions a built *gealga*, or gallows, complete with a *beam*, in this case most likely a wooden beam (Bradley 1995, 342; Clark Hall 2007, 34).

As observed by Reynolds, Ström, and Peel above, these extracts all describe victims of hanging being left on the gallows after they died (Reynolds 2009, 23-27; Ström 1942, 115-61; Peel 2015, 174). *The Fortunes of Men* particularly suggests that the convicted would have hung for some time, making a shocking spectacle indeed (Bradley 1995, 342). Comparable is another excerpt from *Beowulf.*

*Swā bið ġeōmorlīċ gomelum ċeorle*

*tō ġebīdanne, þæt his byre rīde*

*ġiong on galgan. Þonne hē ġyd wrece,*

*sāriġne sang, þonne his sunu hangað*

*hrefne tō hrōðre, ond hē him helpe ne mæġ*

*eald ond infrōd ǣniġe ġefremman,*

*symble bið ġemyndgad morna ġehwylċe*

*eaforan ellorsīð; ōðres ne ġȳmeð*

*tō ġebīdanne burgum in innan*

*yrfeweardas, þonne se ān hafað*

*þurh dēaðes nȳd dǣda ġefondad.* (Fulk and others 2008, 84)

So too it is a melancholy thing for an old man to experience, that his young child should swing upon the gallows. Then he will give vent to lamentation and agonized plaint, when his son is hanging at the raven’s pleasure and he, aged and senile, cannot afford him any help. Always each morning his son’s departure to another place is remembered afresh; he does not care to wait for another heir within his dwellings now that this one has experienced the full consequence of his actions through pain of death. (Bradley 1995, 475-76)

Alhough the Scandinavian literary texts focus more on outlawry than execution, as we might expect from the laws outlined above, they too hint at a practice of execution in some cases. Some of the depictions seem to be entirely for literary effect, such as most of those in the cycle of the Volsung poems in the *Poetic Edda* (Dronke 1969; Larrington 1996). Ranging from the infamous ‘blood eagle’ (Larrington 1996, 283), to being cast into a pit of serpents, to trampling by horses, to having a beating heart cut out, many of the executions depicted are shocking, evocative, and ultimately historically unlikely – even unfounded (Dronke 1969, 7, 9, 88-89, 146, 161, 164; Larrington 1996, 156), as we would expect of largely mythological narratives (cf. Clark 2012, 18-20; Niles 2007, 63; Lindow, 2002, 40-44). That said, even these extreme depictions may still provide valuable insights.

Particularly in the Volsung poems, in each case the executions fall into a semi-judicial setting, with the punishments following a misdeed against a powerful noble. The slayer of Sigmundr has the blood eagle carved on his back (Larrington 1996, 156); Gunnarr is cast into a pit of serpents (Dronke 1969, 9) and Högni has his heart cut out for refusing to serve Atli’s purposes (Dronke 1969, 8, 89); and Svanhildr is trampled by horses following an accusation of adultery (Dronke 1969, 146, 161). Each execution, however fantastical, represents a judicial principle of cause and effect, punishment that fits the ‘crime’, as least as perceived by the individual passing the judgement and carrying out the sentence. The same can be said of the overtly mythological exchange between Týr and Fenrir where Týr puts his hand up as collateral in their deal and subsequently loses it (Larrington 1996, 90). Despite his oath being false, a crime we are warned about elsewhere in the *Poetic Edda* (Larrington 1996, 170), his ready payment seems to be considered fair (Larrington 1996, 91). The one dissenter is Loki in *Lokasenna*, but his claim that Týr deals falsely comes directly before his admission that he has never paid Týr just compensation for sleeping with his wife (Larrington 1996, 91). Even this exchange suggests a semi-legal environment for these extraordinary punishments.

On the whole, these outliers excepted, the literary evidence for Scandinavian judicial violence is comparatively matter-of-fact. A number of hangings are detailed in the skaldic poetry preserved in *Ynglinga saga*, which presents them as a semi-judicially-prescribed, or at least judicially-acceptable, way of seeking compensation for wrongs in the distant past (Finlay and Faulkes 2011, 6-47). For example, in chapter 19 we learn that Skjálf hangs King Agni to avenge her father’s death (Finlay and Faulkes 2011, 22) and in chapter 24 Jörundr, Yngvi’s son, is hanged to avenge his killing of Gýlaugr’s father Guðlaugr (Finlay and Faulkes 2011, 26). On the other hand, the initial killing of Guðlaugr is troubling, for Yngvi’s sons hang him without any compensatory motive (Finlay and Faulkes 2011, 25). One could speculate that hanging, as depicted here, operates merely as a way to put enemies to death after battle. Considering, however, that the motif of hanging is not preserved in any poetry from the rest of the early sagas of *Heimskringla* until *Óláfs saga Tryggvasonar*,[[31]](#footnote-32) these descriptions may be vestiges of a semi-historical semi-legendary past in which vengeance and forceful expansion were commonplace as Scandinavia went through the throes of primordial state-building. This makes the use of hanging in these contexts functionally similar to the execution methods in the mythology. This consideration, paired with the shame-element inherent in hanging, makes the act of the sons of Yngvi less problematic and all the more worthy of vengeance in the subsequent chapter (Finlay and Faulkes 2011, 25-26).

Beyond this possibility, the verses depicting hanging in *Ynglinga saga* are actually rather unhelpful, relaying little more than that someone was hanged. The concept of gallows, where mentioned, is conveyed through kennings, typically involving horse or tree elements (Finlay and Faulkes 2011, 6-47), which precludes identifying any features of these gallows. By contrast, the verses contained in *Hemskringla* increasingly refer to outlawry (Finlay and Faulkes 2011, 72, 77), probably a more historically-supported practice. They can be examined from a number of perspectives. For example, the poem preserved in chapter 24 of *Haralds saga ins hárfagra* is a cautionary comment that although outlawry effectively removes a criminal from the normative society’s daily operation it can actually empower the criminal in some cases to act out against that same society (Finlay and Faulkes 2011, 72).

The poem in chapter thirty-one of the *Haralds saga ins hárfagra* is even more helpful, conveying as it does the relationship between a crime, a punishment, a geographic location, and a ruler (Finlay and Faulkes 2011, 77). We learn that during Haraldr’s reign men faced outlawry for the unlawful killing of cattle. A section of *Frostathings lov* mirrors this, stipulating that unlawfully damaging cattle could result in outlawry (Larson 1935, 273). Given that cattle were a standard unit of value (Larson 1935, 151, 237, 322), the number of cattle lost could be used as a direct assessment of the severity of a theft. In this case it seems that stealing cattle could result not merely in outlawry but in execution (Larson 1935, 287-88).

*Synthesizing the Textual Evidence*

Taken together, this evidence demonstrates two distinct punitive systems, tailored in their own spheres to suit the specific socio-legal needs and norms of their respective societies.[[32]](#footnote-33) The analysis above suggests that the English system of judicial violence assessed crimes for severity through royal involvement or representation, had a complex and varied hierarchy of judicially violent punishments, and often used elements of display in those punishments. By comparison the Scandinavian evidence points to an equally sophisticated system in its legal thoroughness, favouring outlawry over execution, though both were evidently utilized.

Though the legal and historical evidence is often vague on the methods of execution, there is ample evidence in the Scandinavian and English textual traditions to point to decapitation and hanging being used in both regions. Ström confirms this, saying that both cultures had an ancient framework for both practices (Ström 1942, 115-61, 162-71). Both regions, however, also demonstrate a deliberate vagueness in their laws describing judicially-violent punishments.[[33]](#footnote-34) This could be an intentional effort to respect local traditions of execution potentially more diverse than simply decapitation and hanging (Ström 1942, 115-61, 162-71; Thompson 2004, 182).

*Archaeological Sources*

While these depictions of judicial violence are informative in their own right, a richer reading is possible when the textual sources are augmented with archaeological evidence (see Moreland 2003, 26-27). In the following, literary and archaeological evidence are considered in tandem, in order to synthesize an English context for judicial violence. The same methodology will then be applied to the available Scandinavian evidence, before we compare these contexts to reflect more holistically on how judicial violence operated in these early medieval northern European societies.

The archaeology of non-normative mortuary rites and judicial violence in Anglo-Saxon England has seen extensive study in recent years (e.g. Reynolds 2009; Buckberry and Hadley 2007; Buckberry 2008; Semple 1998; Klevnäs 2016a, 2016b; Aspöck 2011, 2015). Given the limits of archaeological evidence, this work is concerned mostly with executions and associated mortuary practices, less with maiming.[[34]](#footnote-35) Outlawry, of course, is archaeologically invisible and is thus largely absent from this scholarship.

Mortuary evidence serves to demonstrate the level to which such violence was integrated into English society. Reynolds in particular notes a spatial othering in the distribution of graves that exhibit signs of deviant burial (Reynolds 2009, 56-60). Hadley provides some examples of distinct graves that, when found within ‘normative’ cemeteries, are located in peripheral contexts (Hadley 2010, 102-06). The larger pattern suggests that, especially in the Viking Age, social others, particularly the victims of judicial violence, in England would often be interred in cemeteries unto themselves. These tend to coincide with boundaries and other liminal spaces (Reynolds 2009, 56-60, 155-57). Examples highlighted by Reynolds include Sutton Hoo (Suffolk), Gally Hills (Surrey), and Walkington Wold (East Yorkshire), all of which are situated on or in immediate relation to hundred boundaries (Reynolds 2009, 155-56).[[35]](#footnote-36) Reynolds suggests that in many cases these graves were likely marked in some way, given the remarkable absence of evidence for grave disturbance (Reynolds 2009, 188-90). The inclusion of charcoal in a selection of graves at Guildown (Surrey) may have served as just such a marker, warning potential gravediggers of the burials beneath (Reynolds 2009, 140-41).[[36]](#footnote-37)

Beyond the association with boundaries and liminal spaces, there is a high correlation between these cemeteries and major routes over land and water (Reynolds 2009, 155). There is also a notable relationship between execution cemeteries and earthworks of various types. Most of these are pre-existing, such as at Meon Hill (Hampshire), Staines (Middlesex), and Dunstable (Bedfordshire), though some seem to have been purpose-built, as at Chesterton Lane (Cambridgeshire), Sutton Hoo (Suffolk), and possibly Crosshill (Nottinghamshire). These efforts suggest that, despite their liminal nature, these sites were intended to be visible (Reynolds 2009, 156-57).

Using a combination of archaeological, literary, and toponymic evidence, Sarah Semple has convincingly argued for the association of supernatural beliefs with ancient earthworks (1998, 111-13). Such traditions make them particularly appropriate contexts for the burial of the deviant dead (Semple 1998, 111-14). Regardless of whether these places were viewed as ideologically and spiritually removed from the land of the living (Reynolds 2009, 250), as supernaturally empowered to torment the souls of the interred, or as facilitating the apotropaic disposal and even trapping of the powerful dead, Semple and Reynolds persuasively argue that any such beliefs would make ancient earthworks a natural choice for disposing of deviants (Semple 1998, 111-13, Reynolds 2009, 247-50).

Execution cemeteries often correspond with a number of relevant toponyms, such as Galley Hill (Beds) and Gally Hills (Surrey), both relating to Old English *gealga*, ‘gallows’, as well as a number of ‘thief’ toponyms, coming from Old English *þeof*, such as those near Crosshill (Notts) (Reynolds 2009, 101-03, 128-30, 137-38, 222-27). These toponyms suggest that some of the cemeteries associated with these earthworks may have been sites not only for the disposal of the deviant dead but also for the actual dispatching of living criminal deviants (Reynolds 2009, 247-50). The existence of these associations, together with the probable construction and reappropriation of earthworks, is indicative of a dynamic, highly sophisticated judicial landscape, in which judicial violence played a key part (Reynolds 2009, 247-50).

Beyond their place in the wider landscape, excavations of these execution cemeteries frequently reveal graves that are remarkable in terms of internal arrangement, body position, and evidence for post- or perimortem practices (Reynolds 2009, 152-79). For example, the graves in these English execution cemeteries tend to be arrayed in accordance with local topography, rather than following the governing principles common to normative cemeteries (Reynolds 2009, 157-59), though Klevnäs and Aspöck have both problematized some of the previous discussion of normative principles in English mortuary practices (Klevnäs 2016b; Aspöck 2011, 2015). Nonetheless, while most execution burials are shallow and rudimentary, a number do show evidence of stoning, weighting, trussing, or binding of corpses (Reynolds 2009, 157-79). In fact, despite criminal deviants being relegated to the lowest levels of society, in some cases their disposal would probably take more work and time than that of a normative individual (Reynolds 2009, 159). Examples include anomalously deep graves at Guildown (Surrey) (Reynolds 2009, 140-41) and burials at Roche Court Down (Wiltshire) that were sealed with a layer of heavy flints (Reynolds 2009, 148-49).[[37]](#footnote-38)

In the later Viking Age, prone burial in England may be used to distinguish the deviant dead in a negative way (Reynolds 2009, 160-61). Reynolds cites fifty-one occurrences from seventeen sites, noting particular examples that were distinguished with other signs of deviant burial (including binding, weighting, trussing, mutilation, and decapitation, as well as anomalously deep graves) (Reynolds 2009, 160-61). Such burials – like graves 34 and 39 from Stockbridge Down (Hampshire) (Reynolds 2009, 161) – may hint at a pre-Christian practice of taking precautions against the ‘powerful’ dead in line with the ideas put forward by Semple (Semple 1998, 111-14).

A number of graves bear signs that individuals, or at least parts of them, were displayed, some for prolonged periods (Reynolds 2009, 159-65). Beyond noting the likelihood that several individuals appear to have been trussed up for significant periods, Reynolds notes the evidence at a number of sites for the use of *heafod stoccan* or ‘head stakes’ (Reynolds 2009, 169). Walkington Wold (E Yorks) is a particularly good example of a site that seems to have commonly displayed decapitated heads, with ten of twelve individuals having been buried without their heads (Reynolds 2009, 169). Eleven skulls were found buried at the centre of the mound, four with mandibles, and seven without (Reynolds 2009, 169). Of course, not all proposed examples of deviant burial and display are as remarkable as Walkington Wold. Reynolds’s inclusion of Burial 47 from Bran Ditch (Cambs) and Burial 5 from Roche Court Down (Wilts), both of which appear to have had their heads buried without the mandibles attached, are less convincing without detailed taphonomic analysis. Nonetheless, Reynolds’s archaeological evidence for the display of heads in England at this time is convincing, and in the case of Old Dairy Cottage (Hampshire) is corroborated by independent documentary evidence in the form of a contemporary charter (Reynolds 2009, 169).

Thus we return to the issues of visibility and display highlighted in our investigation of the textual sources. While the threat of execution and judicial violence may have been enough to keep most in line, keeping the execution sites visible to the public and openly displaying the executed could only strengthen the sentiment.

In returning to consider the textual evidence next to Reynolds’s archaeological work, the sophistication of the English system of judicial violence becomes clear. The two sets of evidence independently illustrate the liminal nature of execution sites (Whitelock 1954, 144; Reynolds 2009, 15-16) and show that both hanging and decapitation were likely practised (Reynolds 2009, 160-79; Thompson 2004, 180-95). Archaeological evidence and topography suggest that execution sites and cemeteries made up an important part of the physical and judicial landscape, while the literary, legal, and historical texts show that judicial violence had also permeated deep into the cultural landscape (Reynolds 2009, 160-79; Thompson 2004, 180-95). Even Reynolds’s suggestion that visibility was an important component of the function of execution sites is mirrored in the textual accounts and helps to inform our readings of some of the laws (Reynolds 2009, 157). For example, a law that is continually recycled between rulers during the period in question relates to moneyers who mint false or base currency; offenders were to have a hand cut off and fastened to the mint. The sentiment here is clearly in keeping with the display of decapitated heads or an executed body: to make a visible example of the wrongdoer.

More recently, the discovery of around fifty bodies in a pit at Ridgeway Hill in Dorset provides an example of another treatment of visibility and forcibly removed body parts (Chenery et al. 2014, 43-44). Seemingly the result of a single execution, all the bodies in the pit had been decapitated and the heads, including mandibles, were piled on the southern edge of the pit (Chenery et al. 2014, 43-44). The bodies of the victims were seemingly shown less attention and were deposited with no apparent organized effort around the pit, often overlapping (Chenery et al. 2014, 43-44). The intentional piling of the decapitated heads seems to echo the elements of display that have been discussed above and the positioning of the site in the surrounding landscape certainly fits the pattern described by Reynolds for identifying execution sites. The current interpretation of the site is that it holds the executed remains of a crew of failed raiders of mixed backgrounds who met their end on an ill-fated sortie in English territory between the late tenth and early eleventh centuries (Chenery and others 2014, 50-51). Though markedly different from the display component of a site like Walkington Wold, the treatment of the postmortem remains at Ridgeway hill helps to reemphasize the flexibility of the English system of judicial violence when it came to mechanisms of execution and deposition of the dead and stress the importance of site and visibility in these proceedings.

Taken together, this evidence suggests the punitive system of Viking-Age England was remarkably integrated into the lived landscape. Laws dictated by the king outlined appropriate behaviour, officials oversaw the administration of justice in cases of deviance, punishment was delivered at specific, even purpose-built, sites, and the convicted were punished and publicly displayed, discouraging future infractions. This final step actually created a feedback loop, suggesting an effort by contemporary lawmakers to condition out undesirable behaviour in the population. Analysed in this way, both textual and archaeological evidence point to a highly regimented, top-down framework for judicial violence in Viking-Age England.

Leszek Gardeła and others have conducted similar investigations in Scandinavia[[38]](#footnote-39) but the picture is more tentative.[[39]](#footnote-40) In particular, the considerable variety of normative mortuary rites makes the graves of social and criminal deviants exceedingly difficult to identify with certitude (Gardeła 2013a, 99). Nonetheless, Gardeła has identified several burials that, even against the broad spectrum of Viking-Age Scandinavian mortuary practice, stand out (Gardeła 2013a, 99; Gardeła 2013b, 106-44). Though Gardeła (citing Thäte 2007, 266) urges us to remember that no single explanation can be ascribed to all burials showing signs of deviation from the norm, it is a productive exercise to keep execution and maiming in mind while considering a selection of the evidence presented by him (Gardeła 2013a, 109). In contextualizing his work, Gardeła draws extensively from Thäte, noting that, unlike in the English evidence considered by Reynolds above, there are no exclusively deviant cemeteries (Gardeła 2013a, 109-10; Thäte 2007; 267-72). This leads both Thäte and Gardeła to consider that deviant individuals need not have been viewed as complete outcasts and were allowed burial within communal cemeteries (Gardeła 2013a, 110; Thäte 2007, 272). Gardeła suggests that many of the deviations in Scandinavian mortuary practice at this time may have multiple meanings, some of them related to ritual or religion (Gardeła 2013a, 109-22; Gardeła 2013b, 108-44), which of course is likely the case. However, herein we consider this evidence in the framework of judicial violence.

As might be expected from our analysis of the written evidence, direct evidence for criminal deviance is comparatively rare in Scandinavian archaeology. Gardeła highlights Grave F from Kumle Høje in Denmark, which contains the remains of two decapitated individuals, from whom only one skull has been found (Gardeła 2013a, 112; Gardeła 2013b, 113). The bodies were buried one atop the other, separated by a layer of soil (Gardeła 2013a, 112; Gardeła 2013b, 113). The lower individual was interred supine, the upper prone (Gardeła 2013a, 112; Gardeła 2013b, 113). Both had their feet bound, while one had a missing arm (Gardeła 2013a, 112; Gardeła 2013b, 113). It seems plausible, with Gardeła and Thäte, to call this the grave of two convicts.

A grave from Kalmargården (Denmark) may also contain the remains of at least one executed individual. Two mature decapitated males lie buried in a ditch (Gardeła 2013b, 114). Carbon 14 analysis could be interpreted as indicating that the two men were buried roughly twenty-five years apart, dated to 1015 and 1040 respectively, which others have suggested indicates that the first burial was likely marked (Gardeła 2013b, 114). However, given the range of considerations that always applies to Carbon 14 dating, it is difficult to be certain that these were not contemporaneous burials. The man apparently buried first, the skeleton to the west, was laid in a supine position with his decapitated head placed between his legs (Gardeła 2013b, 114). The eastern skeleton was laid partially on one side, exhibiting slight flexion in the legs, arms crossed at the chest, and his decapitated skull placed between his legs (Gardeła 2013b, 114). While the western skeleton was oriented with the upper body to the north and the eastern skeleton to the northeast, this orientation is not necessarily significant, given the great variation of grave orientation in southeast Scandinavia at this time (Svanberg 2003, 25-130). What is significant is the pathology of the eastern skeleton. Gardeła remarks that the cut from the decapitation actually goes through the cranial base and the face (Gardeła 2013b, 114). We suggest that the man may have been kneeling with his chin to his chest at the time of decapitation, which points to execution, whether judicial or otherwise. This possibility is strengthened by his apparently careless deposition in a ditch. Of course, the western individual may also have been executed, even though he appears to have been laid out more carefully.

While these two graves are probably the best candidates for executed individuals, a number of further graves are suggestive of execution and demonstrative of mutilation. Grave 3 from Fjälkinge (Sweden) is a double grave, containing two superimposed individuals (Gardeła 2013b, 115). Not only is the upper skeleton decapitated but it also seems that the ‘lower bones and feet [were] cut off’ (Gardeła 2013b, 115). Their loss cannot be attributed to taphonomic disturbances (Svanberg 2003, 301). A burial from Gerdrup (Denmark) has been interpreted by David Wilson and others as possibly the grave of a convicted murderer – whose twisted cervical vertebrae suggest he died by hanging – and his victim (Wilson 2008, 34; Dutton 2016, 200-01); though Gardeła sees it as more likely to be the grave of a woman associated with magic and her slave (Gardeła 2013a, 117-18). Furthermore, Gardeła notes a number of graves that demonstrate a Scandinavian tradition of weighting or stoning bodies; differentiating one from the other is difficult (Gardeła 2013a, 117-20).

How do Gardeła’s inferences sit with the textual sources explored above? The first observation that comes from the Scandinavian archaeology is that execution and judicial violence were not nearly as visible nor as widespread as they were in England at the same time. This holds up very well with what we can synthesize from the textual sources. Given that many of the texts suggest that outlawry was a more common punishment than maiming or execution (Larson 1935, 17), we would not expect to find many individuals exhibiting signs of judicial violence in the archaeology. Furthermore, what archaeological evidence we have for judicial violence in Scandinavia fails to support the idea that the incredible executions depicted in the mythical literary texts had any known ‘real world’ counterparts (Larrington 1996, Dronke 1969). The two forms of execution that do show up in the archaeology are precisely those the textual evidence would lead us to expect: decapitations, with a few possible hangings (Gardeła 2013a, Gardeła 2013b, Peel 2015, Larson 1935). It is also worth noting that we have evidence for the removal of both feet and arms, the two most common mutilations mentioned in the legal texts (Gardeła 2013a, Gardeła 2013b, Peel 2015, Larson 1935). Intriguingly, there is little evidence in the Scandinavian deviant burial corpus for the display of executed bodies at this time. This is particularly noteworthy given the provision in the *Gulathing* law to the effect that leaving a body unburied is highly dishonourable (Larson 1935, 160).[[40]](#footnote-41)

A second observation can be made by noting that the graves that do contain evidence of execution and maiming are often found in normative cemeteries among normative burials, even in the graveyards of important centres and proto-towns like Hedeby and Birka (Gardeła 2013a 109-10).[[41]](#footnote-42) Criminal deviants may not have been so ostracized by society that their remains warranted a separate place of disposal, as seems to have been the case in England (Gardeła 2013a, 109-10). Unfortunately, the texts are silent in this regard, but comment can still be made. While an outlaw lives entirely beyond the fringes of a normative society, making them unlikely additions to communal cemeteries, what of executed criminals? Bearing in mind cemeteries like those at Hedeby (Eisenschmidt 2011) and Birka (Gräslund 1980), or even smaller ones like at Fjälkinge (Gardeła 2013b, 115; Svanberg 2003, 301), there appears to be a strong tradition in Viking-Age Scandinavia of using cemeteries for remarkably long periods of time. These cemeteries exhibit immense variation across their constituents, displaying everything from apotropaic practices, through pre-Christian ritual activity, cremation, and Christian burial, to several possible examples of judicially-executed or maimed individuals (Gardeła 2013a, Gardeła 2013b, Svanberg 2003, 17-149). It may be most productive to consider these sorts of cemeteries simply as specific places to dispose of the dead, regardless of creed or deed – complex places that could accommodate Christian and pre-Christian, law-abiding and criminal deviant alike. This interpretation seems to be corroborated by the evidence that Svanberg presents (Svanberg 2003, 17-149), and, given the ad hoc basis on which judicial violence seems to have been conducted by Viking-Age Scandinavians (Larson 1935, 129, 165, 263, 398), it would make sense to simply dispose of the body wherever would be most convenient – in this case, likely the local cemetery.

In comparing the English and Scandinavian contexts for judicial violence, it is clear that we are dealing with two very distinct frameworks with their own features and punitive attitudes.[[42]](#footnote-43) As demonstrated, the top-down English system of judicial violence is remarkably regimented, making its Scandinavian counterpart seem loosely defined by comparison. On the other hand, loose definition does not preclude sophistication. The Scandinavian system, with its concern for local social stability, suggests a more bottom-up approach. For example, if laws are enforced on a local level by semi-official members of the community (Larson 1935), the prevalence of outlawry as a punishment for criminal deviance is quite logical. It is more efficient to rule that a criminal is no longer a free member of society than to set in train the multiple legal steps toward a formal execution, such as those noted in the *Gulathing law* (Larson 1935, 129). Though structurally distinct from the English system, the Scandinavian approach too creates a feedback loop in its bottom-up framework, keeping the population in order. With the freemen of the region meeting to decide the fate of the indicted individual, even if they did not actively participate in carrying out the sentence, the reality of the execution, maiming, or outlawing would be inescapable for them, and they would naturally carry news of it back to whichever corner of the district they came from. Thus, these two systems, though different in scope and scale, accomplish similar goals and reinforce specific legal norms in their respective societies.

*The Reign of Knútr*

Knútr the Great’s English reign stands as a unique period in which to explore the potential for these two systems to interact in a set geopolitical space. As a successful monarch in both Denmark and England, Knútr would have been familiar with both systems described above.

In considering the laws and punishments decreed by Knútr, we see provision made for the prosecution of a diverse range of crimes perceived as serious: violating the king’s or the church’s protection; thievery; treason against one’s lord; repeat offences by slaves; failing to make a wergild payment; fighting in the king’s court; breaching the peace; harbouring outlaws or the excommunicated; and desertion. All potentially carried capital punishments (Reynolds 2009, 259-61).[[43]](#footnote-44) The provisions for maiming were also revised under Knútr. Minters of false money, reeves who granted permission to do so, swearers of false oaths, and those who unlawfully wounded another all stood to lose a hand (or both in some cases). False accusers were to lose their tongues; slaves found guilty for a first offence were to be branded; and, in an innovation, a an adulteress was to have her ears and nose removed (Reynolds 2009, 259-61). Outlawry was still prescribed for wizards, sorcerers, and prostitutes. Given an early provision that reeves should pronounce just sentences in keeping with the wishes of the local bishop and ‘inflict such mitigated penalties as the bishop may approve and the man himself may be able to bear’, it is likely that outlawry may also have been prescribed in other cases (see Reynolds 2009, 259-61).

Many of these provisions perpetuated the English tradition of legally protecting the power-structures of king, church, and state. In fact, Thompson notes an increased concern in the protective and redemptive qualities of the church in Knútr’s laws (Thompson 2004, 183-84). They also exhibit a conscious harkening back to the legal ‘golden age’ of Edgar and an attempt to affirm the legal interests of the English kings since Alfred (Wormald 1999, 131-33, 355), whether Knútr’s own idea, or a result of the influence of Archbishop Wulfstan II.

While Knútr’s laws are undeniably compiled in a strategic bid to establish him as patron and guardian of an English legal legacy (Wormald 1999, 349-52), there are hints of Knútr’s native Scandinavian legal attitudes operating alongside his inherited English ones. Wormald points out that the laws of Edgar, the very laws apparently most inspirational to Knútr’s own, were already setting a legal precedent for Anglo-Scandinavian accommodation in England (1999, 349-52). Knútr’s laws seem, however, to push this accommodation one step further – even toward a sort of hybridization of systems.

At the same time, a notable disparity exists between the character and extent of judicial violence prescribed in the Scandinavian provisions and that seen in Knútr’s English laws. Being Norwegian and Swedish in origin, the Scandinavian laws examined above cannot be expected to adhere perfectly to every aspect of contemporary law that might relate to Knútr’s reign. Transmitting the spirit of these laws from a Scandinavian cultural setting to Knútr’s English sphere of influence may have resulted in a change in the letter of those laws. Even though their punitive attitudes were likely similar, their legal needs may well have been distinct. Furthermore, there are several aspects to Knútr’s provisions that suggest an interest in a more bottom-up approach to the administration of justice and dispensation of judicial violence. This is not as overt as it is in the Scandinavian laws but compared to the highly top-down legislation of Æðelræd the differences are clear. Not only is Knútr quick to ensure, in his very first proclamation, that justice should be dispensed fairly by his reeves, he also disseminates judicial power back to the bishops (Reynolds 2009, 259). The church was also given the ability to grant legal protection to those who would seek it, a power shared only with Knútr himself. There is even room for local discretion in his legal provisions regarding the extent and character of judicial violence to be prescribed, as we learn that in certain cases ‘he [the convicted] shall have his eyes put out and his nose and his ears and upper lip cut off or his scalp removed, whichever of these penalties is desired or determined upon by those with whom rests the decision of the case’ (Reynolds 2009, 260).

On the other hand, some of his provisions exhibit a more Scandinavian flavour, showing a keen interest in peace and stability on a local level. For example, the sudden increased concern with false oaths, adultery, and false accusations leading to injuries of honour and reputation all has parallels in the Scandinavian laws examined above (Larson 1935, 56, 59, 122-23, 132, 216-17, 244, 247-48, 251, 272, 366-67; Peel 2015, 209-10). The use of judicial violence in each of these provisions, both in the Scandinavian laws explored above and in Knútr’s English implementations is notable. Significantly, these very provisions in Knútr’s laws eluded Patrick Wormald in his effort to trace precedents in pre-existing insular or continental legislation (1999, 356-60) and it seems likely that Knútr brought them with him over the North Sea.

Admittedly, Danish laws from this period have been only sparsely preserved (Thurston 2001, 89-90). The better preserved Norwegian and Swedish analogues can, however, give us an idea of what the culturally-similar contemporary Danish society may have valued and sought to legally protect. Given the lack of traceable parallels in insular and continental sources and the intriguing similarities in the Swedish and Norwegian analogues, these provisions may indeed be linked.

With that in mind, let us move to consider the *ASC* entry for 1016, which gives a vignette of Uhtred’s submission to Knútr. This entry seems strange because, even though Uhtred submits and gives hostages, he is slain at the advice of Knútr’s followers (Swanton 1996, 146-53). Perhaps Uhtred’s submission was ‘out of necessity’,[[44]](#footnote-45) as Bolton suggests (2009, 118), and he was slain because he was seen as untrustworthy. Whatever the case, Knútr had not yet established his judicial authority in England by 1016 (Reynolds 2009, 259), meaning that Uhtred was probably not a judicial casualty but an unfortunate prisoner-of-war.

The story is altogether different in 1017, when the Chronicle records Knútr’s attempt to politically clean-house in his court. The annalist records the slaying of his former allies, Ealdorman Eadric, Norðman, Æðelword, and Brihtric, as well as the banishment and subsequent execution of Ædwig and Eadwig, ‘the ceorls’ king’ (Swanton 1996, 154-55; Earl and Plummer 1965, 155). These events, unlike the slaying of Uhtred, seem to have judicial aspects to them. Not only are Eadric, Norðman, Æðelword, and Brihtric conducted to London for their slayings but also their juxtaposition in the text is worth noting. Bolton highlights the *ASC*’s tendency to paint Eadric as treacherous and suggests, extrapolating from the *ASC* testimony, that those listed alongside him had joined Eadric in orchestrating a failed treason (Bolton 2009, 37; 44-5; 69). Knútr’s apparent role in the exile of Ædwig and Eadwig and his subsequent order that they be slain is, if we take up Bolton’s suggestion, Knútr’s solution to an attempted coup (Bolton 2009, 46)*.* Although, according to the *ASC* (Wormald 1999, 346), Knútr did not proclaim legal authority in England until 1018, we argue tentatively that the episode is best considered as an expression of judicial violence, due to its concern with political and legal details.

After the 1018 legal proclamation, the *ASC* is almost silent on Knútr’s use of judicial violence. In 1021 we learn that he personally outlawed Þorkell and in 1022 that abbot Leofwine was ‘unjustly’ exiled (Swanton 1996, 154-57). Yet the *ASC* goes on to note that Leofwine was cleared the very same year he was banished and Knútr and Þorkell reconciled only a year afterward (Swanton 1996, 154-57). The use of *utlagian* in Þorkell’s case is suggestive of judicial practice, as is the concern with justice in Leofwine’s case. Furthermore, that both men were cleared of their charges and allowed to return brings to mind provisions for lesser outlawry, like those in the early Norwegian laws discussed above (Larson 1935, 17).

These examples give us a striking insight into Knútr’s use of judicial violence in his reign. Most significantly, in contrast to his apparently liberal use of military violence Knútr’s use of judicial violence is quite restricted. After his 1018 proclamation, the only signs of judicial violence in *ASC* are the three possible cases of judicial outlawry. In fact, even before the proclamation, Knútr’s possible uses of judicial violence seem to have been reserved for cases of political treachery (Bolton 2009, 37; 44-46; 69). This picture aligns with the conciliatory nature of his laws, outlined above, and resonates particularly well with many of the provisions in the Norwegian laws.

Literary sources from Knútr’s reign provide further detail. The poems of Sigvatr Þórðarson are most relevant to our current discussion (Whitelock 1955, 311),[[45]](#footnote-46) exhibiting the same conciliatory spirit that we have already noted. For example, Sigvatr in one of his occasional verses states that instead of seeking retaliation Knútr received Scottish nobles from Fife and reconciled with them, allowing them to purchase peace in exchange for their lives (Whitelock 1955, 311). Much like the reconciliations between Knútr and the outlawed Leofwine and Þorkell*,* thesettlement recounted by Sigvatr has the familiar ring of the *skógarkaup* provisions discussed above (Larson 1935, 17). Even more interesting are Sigvatr’s *Vestrfararvísur*, which gives an intriguing depiction of Knútr’s court. We learn that Sigvatr came to Knútr’s court with a suit filed against him (Whitelock 1955, 311-12). Not only does Knútr apparently drop the lawsuit, he brings Sigvatr into his following and bestows gifts on him (Whitelock 1955, 311-12).

Of course, Knútr’s conciliatory nature cannot be ascribed to a more Scandinavian or English judicial temperament, nor can the purchasing of peace. While his interest in seeking settlements could be borne out of his native bottom-up punitive system, it is equally possible that it arose from his involvement with Archbishop Wulfstan II.[[46]](#footnote-47) In reality, it was most likely due to a combination of these factors. As noted above, Wormald points out that the laws of Edgar were already setting legal precedent for Anglo-Scandinavian accommodation in England (Wormald 1999, 352-55), but given the evidence consulted here Knútr’s laws seem to encourage a hybridization of systems.

Recent archaeological studies also point to a culture of Anglo-Scandinavian accommodation and hybridization around this time. Methodological care must be exercised, however, since archaeology is macroscopic in its focus and frequently lacks the resolution to centre on particular historical figures (Bolton 2009, 2-3). The deviant burial evidence explored above is too chronologically broad to be applied to a precise political and historical case study. Even very highly-resolved burial evidence, like that of Grave 9 at Walkington Wold in East Yorkshire – which has been C14 dated and shows significant overlap with Knútr’s reign – is rather unhelpful when we consider that the grave could date anywhere between 900 - 1040 CE (Reynolds 2009, 150-51). With Knútr’s laws providing for more local discretion in matters of law and punishment, evidence or reason to tie this individual burial to Knútr’s own attitudes is lacking.

Given these problems surrounding burial evidence we will slightly alter our methods, turning to focus on cultural interaction and idea-transfer. This approach allows us to consider Knútr as an agent of important social and legal changes in his day. He was quite possibly instrumental in the exchange and hybridization of ideas between Scandinavia and England during his reign. As such, he could well have been blending the Scandinavian and English frameworks for judicial violence.

Archaeological evidence for cultural interaction and idea-transfer during this period to collaborate this hypothesis abounds. Analysis of material culture from across the contemporaneous Anglo-Scandinavian world repeatedly indicates that artistic, technological, and cultural hybridity were characteristics of this period (Ashby 2011, 313-6; Kershaw 2009, Kershaw 2013, Stocker 2000; Thomas 2000, 239-52). Olwyn Owen and Stephen Driscoll (2011, 341-43), examining stone sculptures in Scotland on the Firth of Clyde, highlight a number of hogback carvings associated with members of a Norse elite in the tenth and eleventh centuries, alongside evidence for what appears to be a high-status *thing*-site. This hints at the possibility of political and, given the possible *thing*-site, even legal integration (Owen and Driscoll 2011, 343). The chronological span of this evidence overlaps Knútr’s reign and potentially significant is Sigvatr Þórðarson’s verse on Knútr’s interaction with Scottish nobles cited above.

Some of the evidence explored above certainly predates Knútr’s reign and points to an earlier framework for Anglo-Scandinavian accommodation. Not only is it apparent that artistic and stylistic ideas were exchanged but also many points of evidence suggest an exchange and integration of social, judicial, and even theological ideologies (Thomas 2000, Kershaw 2010, Stocker 2000, Owen and Driscoll 2011). Richards’s overview demonstrates just how widespread these changes were in Anglo-Scandinavian England (Richards 2010, 226-27). Else Roesdahl illustrates that these exchanges were happening not only in the British Isles but also further afield as the North Sea became a cultural melting pot of sorts in the tenth and eleventh centuries (Roesdahl 2011, 368-69). Knútr’s own remarkable mobility during his reign was also no doubt responsible for a certain degree of ideological blending and accommodation (Bolton 2005). Bolton raises evidence to suggest that Knútr was successful in installing new Scandinavian royal offices into the existing machinery of English governance (Bolton 2009, 63). Although the possibility remains that elements of Knútr’s legal attitude should be traced to other sources, the implementation of new judicially violent punishments, yet untraceable to previous English legislation and with strong Scandinavian parallels, is certainly suggestive of a degree of legal accommodation occurring with Knútr at the helm.

*Conclusions*

In investigating the systems and structures of judicial violence and punishment above, several key findings come to the fore. First, we have demonstrated distinctive Anglo-Saxon and Scandinavian approaches to the use and conceptualization of judicial violence in their respective spheres. This has been made visible through the integration of diverse sources and evidence sets. The prevailing picture revealed by this analysis points to a top-down approach in England, while the Scandinavian evidence suggests a more bottom-up, systemic approach. Second, we have been able to point to evidence of these systems interacting and perhaps hybridizing, both in textual sources and in archaeological evidence, during Knútr the Great’s English reign. The politically-motivated acculturation of these systemic approaches to punishment yields some insight into the context of contemporaneous law-making and revision. Legal and punitive systems are a complex tapestry of conservatism and innovation, local tradition, and foreign import, and have to be read within this context. Third, our investigation has highlighted the tricky interlocution of violent punishment, political motivation, and the maintenance or protection of social norms, as well as suggesting some ways of engaging with this unwieldy cluster of concepts.

Returning to Alison Klevnäs’s recent comments on institutionalized violence and necropolitics, as all societies face challenges to social equilibrium – be it normative, legal, political, or otherwise – the responses to those threats can be particularly telling. The observations in this paper have pointed to a characteristic pragmatism in the ways in which punitive systems and judicial violence were manipulated and revised in the Viking Age. This pragmatism demonstrates an interest in legal flexibility in order to respond to the increased diversity, cultural contact, changing religious contexts, and developments in governance that stand out as key elements of the Viking Age.

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   **Abstract:** This paper takes a fresh look at the use of judicial violence in the societies of Viking-Age England and Scandinavia. Using interdisciplinary methodologies, it considers legal, historical, literary, and archaeological evidence for judicially-prescribed maiming and execution. Using this evidence, it describes the English and Scandinavian systems of judicial violence in new detail, reflecting on important aspects of each in turn before turning to a more comparative approach to redirect debate and focus future work.

   **Keywords:** Violence, medieval law, punishment, landscape, Canute the Great. [↑](#footnote-ref-2)
2. For our purposes here, ‘English’ refers to the early-medieval population of the island of Britain who were linguistically and culturally Germanic and distinct of the native British population. ‘England,’ therefore, is used only to refer to the geographic location of this population. The term ‘Anglo-Saxon’ is only used occasionally in relation to other scholars’ works to refer to the broad period of time c. 450-1066 CE. For more information on the period and the population of Britain at this time, see Reynolds (1999, 23; 13-35). Likewise, ‘Scandinavian’ here refers broadly to the culturally and linguistically Germanic early-medieval population of the Scandinavian peninsula, Jutland, and the numerous islands that make up modern Denmark, as well as their diaspora (Richards 2005, 8-18). These terms have been chosen in an attempt to move away from issues of ethnicity in these considerations, preferring instead to look at the legal and physical needs in the related cultural groups encompassed by these terms. Both of these terms have an element of variability to them that must be acknowledged, as these were not entirely monolithic, homogenous groups in terms of culture or language. Therefore, due to the emphasis on vernacular written texts in this paper, these definitions were settled on to broadly encompass the populations of Old English and Old Norse speakers. It is for this reason that evidence relating to the Scandinavian diaspora is also considered. Notably, evidence directly reflecting on the contemporary situation in Iceland has been excluded here, as, without executive power, judicial violence operated in a rather different fashion (Hastrup 1985, particularly chapters 4 and 8). [↑](#footnote-ref-3)
3. See Reynolds (2009, 23-9) and Peel (2015, 209-10) for some examples of these judicially violent punishments in context. [↑](#footnote-ref-4)
4. Literally meaning ‘forest payment,’ this was the price that one paid to return to normative society. It corresponded to one of the Old Norse terms for outlawry, *skóggangar*, or ‘forest-going.’ For more on the manifold terms across Scandinavia for outlawry, see Riisøy (2014). [↑](#footnote-ref-5)
5. See Reynolds (2009, 23-33) for a discussion relating to England and Gardeła (2013a 99-100; Gardeła 2013b, 88-9) and Thäte (2007, 266-73) for the same in Scandinavia. [↑](#footnote-ref-6)
6. Examination of ‘deviant’ burials is central to our considerations here, but this term requires care in its usage. It should be noted in no uncertain terms that a grave exhibiting non-normative features does not immediately imply the presence of a social or criminal deviant (Gardeła 2013a;108-10; Thäte 2007, 266-67; Cherryson 2010, 126-27). Furthermore, as Edeltraud Aspöck has suggested, the very term ‘deviant burial’ can be applied to the normative use of non-normative mortuary practices to deal with certain individuals, making the term less productive than it could be (2010, 29). Yet, for want of a better term, our discussion here will make use of the term ‘deviant burial’ to refer to non-normative funerary rites, keeping in mind the concerns raised by Aspöck. Such non-normative features can include, but are not limited to, spatial otherness, a notably different mortuary rite or practice, or a remarkable positioning of the body (Gardeła 2013a 108-10; Thäte 2007, 266-67). The importance of this distinction lies in the reservation of judgement and bias that would exclude individual expression in mortuary practice from our considerations. Indeed, this does make identifying the remains of social and criminal deviants more difficult, but this approach yields stronger results when positively identified. [↑](#footnote-ref-7)
7. See Peel (2015, 19-25) for discussion of this in *Guta lag*; Reynolds (2009, 23-29) for the Anglo-Saxon laws; Larson (1935, 7) for *Gulathings lov* and *Frostathings lov*; and Ström (1942, 8-13) for a more general discussion of these issues. Due to space restrictions, a deeper discussion of dating cannot be undertaken here. [↑](#footnote-ref-8)
8. Those unfamiliar with the legal environments of Viking-Age Scandinavia and England should consult Brink 2007 and Wormald 1999 respectively. For further reading on the gendered nature of law and punishment in medieval Scandinavia, see Ekholst (2014, 1-33). [↑](#footnote-ref-9)
9. See Peel (2015, 209-10) for a detailed table of crimes and punishments from Guta lag. [↑](#footnote-ref-10)
10. For discussion, see Peel (2009, xxxi); Larson (1935, 17-18); and Ström (1942, 261). For background on how these crimes fit into Viking-Age ethical contexts, see Bagge (2008, 10-11). [↑](#footnote-ref-11)
11. For a fuller discussion of *níð*, see Ström (1974). [↑](#footnote-ref-12)
12. For a very recent discussion of these social structures and how they worked in Viking-Age societies, see Jón Viðar Sigurðsson (2017) [↑](#footnote-ref-13)
13. For the varying degrees of severity in these crimes see the hand-list in Reynolds (2009); also Wormald (1999). [↑](#footnote-ref-14)
14. For a closer discussion of Wulfstan’s role in and views on lawmaking see Thompson (2004, 180-95) and Wormald (1999, 352-5). [↑](#footnote-ref-15)
15. For a fuller discussion on conversion and Christianization, see Abrams 2000. [↑](#footnote-ref-16)
16. Peel notes that Gotland consistently demonstrates a willful attempt at distinguishing itself from the rest of Sweden at this time. For further detail see Peel (2015, xii-3). For more examples of overt stipulations for judicial hanging and their contexts, see Dutton (2016, 137-50). [↑](#footnote-ref-17)
17. For a thorough detailed discussion of hanging in a Scandinavian pre-Christian context, see Dutton (2016). [↑](#footnote-ref-18)
18. Though attention has been paid to the various manuscripts of the *ASC*, our primary focus has been on the texts of MS D and E for their northern and Scandinavian interests in the hope of finding as much information about Scandinavian activity as possible. [↑](#footnote-ref-19)
19. Of course, this is not the extent of the lexical and phraseological complications that arise from the *ASC*, for a further consideration of the linguistic properties of the chronicle, see Pons-Sanz (2010). [↑](#footnote-ref-20)
20. All of these occupy the semantic fields of both judicial and extra-judicial forms of exile. [↑](#footnote-ref-21)
21. Which, although a later term, seems to possess a specifically legal semantic field. [↑](#footnote-ref-22)
22. Earl and Plummer 1965, 127, ‘the king ordered Ælfgar to be blinded,’ our translation. [↑](#footnote-ref-23)
23. Though Swanton raises the point that the killing of Ælfelm may not have taken place in a clear legal setting, other historians have come to the conclusion that these events do relate to political maneuvering and take place in a punitive context (Swanton 1996, 136). [↑](#footnote-ref-24)
24. Though MS C and D note that their ears were also cut off (Swanton 1996, 145). [↑](#footnote-ref-25)
25. For a fuller discussion of official and private spaces in early-medieval England see Walker (2011, 221-235). [↑](#footnote-ref-26)
26. See Earl and Plummer (1965, 145): ‘*gif he hi rihtlicor healdan wolde þonne he ær dyde.*’ [↑](#footnote-ref-27)
27. *Juliana* is contained in the Exeter Book (fol. 65b-76a) which is dated to the latter half of the tenth century (Bradley 1995, 199). [↑](#footnote-ref-28)
28. Contained in Cotton Vitellius A xv, the same manuscript as *Beowulf*, the pertinent sections of which are dated to the latter tenth or earlier eleventh centuries (Bradley 1995, 405; http://www.bl.uk/manuscripts/FullDisplay.aspx?ref=cotton\_ms\_vitellius\_a\_xv). [↑](#footnote-ref-29)
29. Preserved in Cotton Tiberius B i (fol. 115a-115b), which dates between the eleventh and twelfth centuries (Bradley 1995, 512). http://www.bl.uk/manuscripts/FullDisplay.aspx?ref=Cotton\_MS\_Tiberius\_B\_I). [↑](#footnote-ref-30)
30. Also preserved in the Exeter book (fol. 87a-88b) (Bradley 1995, 341). [↑](#footnote-ref-31)
31. Of course, hanging is mentioned in the prose of a number of the sagas in *Heimskringla*, but our discussion here, being focused on contemporary and near-contemporary texts, will only focus on the more securely dateable poetic evidence. For a further discussion of state-sanctioned judicial execution and its place in *Heimskringla,* see Ruiter (2014). [↑](#footnote-ref-32)
32. These socio-legal needs and norms, of course, being predominantly controlled and reinforced by the empowered members of the society. For a broader perspective on the socio-legal structure of early Scandinavia, as well as a short overview of research on the legal aspects of this topic, see Brink (2015 & 2014). On the Anglo-Saxon side, Lambert (2017) provides an excellent and up to date examination of kingship, control, and legal development, see especially chapter 9 for an overview (Lambert 2017, 349-364). [↑](#footnote-ref-33)
33. For example, consider the paradigmatic use of ‘neck’ and ‘head’ as compensatory payments. [↑](#footnote-ref-34)
34. Reynolds considers the various aspects of English deviant burial, ranging from body positioning, to grave alignment, to physical trauma, to geographical distributions of various rites, to manifold effect. He also considers each of these in relation to the Christianization process (Reynolds 2009, 34-60). Aspects of Reynolds’s findings have been problematized recently (Lambert 2012, for example) and nuanced further (Klevnäs 2016a, 2016b and Aspöck 2011, 2015, for example), however, much of his study remains very convincing, particularly when it comes to individual graves and well-documented ‘execution cemeteries’. It is on these findings that we shall focus our attention. [↑](#footnote-ref-35)
35. For further detail on the particulars of Walkington Wold, see Buckberry and Hadley (2007). [↑](#footnote-ref-36)
36. For a helpful overview of some examples of contemporary grave marking in various contexts, see Sayer (2013, 139). [↑](#footnote-ref-37)
37. For a comparative example of flint deposits in graves, see the discussion around Winnall II in Klevnäs (2016a, 188), and especially Aspöck (2011; 2015). [↑](#footnote-ref-38)
38. For an introduction to deviant burial in Scandinavia, see Gardeła (2013a; 2013b), Price (2007), Riisøy (2015), and Thäte (2007). [↑](#footnote-ref-39)
39. Price (2007) and Svanberg (2003) have both commented extensively on this issue of funerary diversity in Scandinavia. [↑](#footnote-ref-40)
40. However, consider the points raised by Dutton (2016, 133, 135, 142) regarding the display elements in ritual hanging and in one case of penal hanging described in *Östgötalagen* stipulating the prolonged display of hanged slaves who had killed freemen. Despite these intriguing points, evidence of weathering and display in the Scandinavian burial corpus is slim indeed. For a longer discussion of especially western Norwegian deviant burials, see Riisøy (2015). [↑](#footnote-ref-41)
41. For an intriguing discussion of archaeological evidence for criminal activity in these proto-towns, see Kalmring (2010). [↑](#footnote-ref-42)
42. Some caveats need to be acknowledged at this juncture. The fragmentary and taphonomically sensitive nature of our archaeological evidence is a significant confound, while many forms of trauma, particularly flesh-wounds, are impossible to identify, and taphonomic processes make even amputations difficult to confidently assess (Reynolds 2009, 96-151). Moreover, hangings are notoriously difficult to identify via current osteological methods and it is possible that this subset of judicially-executed individuals remains to be discovered (Reynolds 2009, 39). [↑](#footnote-ref-43)
43. Of course, Knútr did not promulgate all his laws at once; rather, the progression of his legal promulgations is historically significant and no doubt was instrumental to his success despite being an incoming foreign monarch. For a full discussion of this progression and its importance see Wormald (1999, 346-66). [↑](#footnote-ref-44)
44. Earl and Plummer 1965, 149, ‘*7 beah ða for nyde.’* [↑](#footnote-ref-45)
45. See Townend 2001 and Jesch 2000 for discussions of other Knútr poems. [↑](#footnote-ref-46)
46. For discussions of this relationship, see Thompson (2004, 183-4) and Wormald (1999, 352-5). [↑](#footnote-ref-47)