

6466

Einar Pálsson
Reykjavík

1993

Pythagoras and Early Icelandic Law

The ancient Roman writer and stoic Lucius Annaeus Seneca (c. 4 BC - 64 AD) left the world a puzzle to ponder:

The laws of Zaleucus and Charondas are still admired. And it was not in public life or in the chambers of lawyers that these two men learnt the constitutional principles which they were to establish in Sicily (then in its heyday), and throughout the Greek areas of Italy, but in the secret retreat, now hallowed and famous, of Pythagoras. (Seneca, p. 163)

Zaleucus and Charondas were the famous first lawmakers of the Greek colonies in Italy of the 7th and 6th centuries BC. One may surmise that Roman law was largely based on their work. At a conference where hundreds of scholars of law and jurisprudence are assembled there are presumably many who have pondered the words of Seneca and some who know the connection between the Lex Romana and the early lawmakers, Zaleucus and Charondas. I have not had the fortune to meet such scholars; it seems most experts on law have been at a loss to explain Seneca's words. Certain scholars have doubtless shrugged them off as irrelevant. Conversely, the above quotation has become of major importance in the study of the pagan Icelandic constitution of c. 930 AD.

What did Seneca mean? Was he talking of constitutional principles as known to modern scholars, or was he referring to "secret" teachings, "hallowed and famous, of Pythagoras"? If so, what is meant thereby? How could law be based on the sacred lore of Pythagoras? Or what, precisely, do we know about the connection of Pythagorean teaching with law?

The reason why these questions have become so important for "Nordic Perspectives" concerning "Law, Justice and the State" is that to judge by the symbolic language preserved in Icelandic manuscripts from the Middle Ages, ideas usually attributed to Pythagoras were central to the early Icelandic constitution. If correctly deciphered this symbolic language establishes Pythagorean sacred lore as the kernel of "Law, Justice and the State" in medieval pagan Iceland, and, by implication, in Northern Europe.

It should be mentioned here that the numerology and even the basic geometric forms usually attributed to Pythagoras are now considered to be much older than the Greek thinker. Whether Icelanders had their knowledge of "Pythagoras" from classical sources such as Plato's *Timaeus* thus remains to be verified; what seems beyond doubt is that the settlers of Iceland had the same kind of knowledge as the followers of Pythagoras in antiquity. Pythagoras lived in the sixth century BC. If Roman law was based on "Pythagoras", Icelandic constitutional principles said to be derived (with modifications) from *Gulaping* in Norway are close relatives. The hitherto unintelligible problem of just how Roman law was bound up with Pythagoras would then seem to find an explanation in the system of Norse/Celtic settlers of Iceland employing Pythagorean ideas when framing their constitution. Strange as it may sound, medieval Icelandic "justice" may then throw light on ancient Roman concepts of right and wrong.

Pythagorean Ethics

The Pythagorean ethical and political tractates still extant are said to be based on the premise that the universal principles of Harmony, Proportion and Justice govern the physical cosmos. They are thought to indicate that individuals and societies alike attain their peak of excellence when informed by these same principles.

This mode of thinking has been deduced from ancient Icelandic myth and allegory. What follows here is based on studies in symbolism. Most of this material has been explained previously; it is a subjective interpretation of *meaning* in myth and allegory.¹ Every aspect of the material was originally presented as a hypothesis; here it will for convenience be spoken of without a proviso. We are concerned with what must surely be the central issue of any theory: that which explains the greatest number of items under study in the most economical way and at the same time accounts for the subject under consideration is considered valid. "Pythagorean thought" explains the greatest number of phenomena observed in ancient symbolism concerning early Icelandic law and provides a solution where none was seen before. It integrates the heathen constitution of Iceland with the myths, the gods, the world picture, ancient numerology, music and seemingly every other aspect of our pagan spiritual culture. Needless to say we are witnessing a revolution in our attitude towards the origin of Icelandic law: formerly the pagan Icelandic constitution was believed to be different from most, if not all, constitutions in Europe. Further, our pagan religion was thought to have been entirely without coherence and order. The conclusions here arrived at are diametrically opposed to those tenets:

(1) Number and proportion were of overriding concern to Icelanders in forming the constitutional principles of *Alþingi* (the General Assembly) at *Þingvellir*. Harmony was a basic concept; nothing in the physical cosmos was conceived of outside the realm of numerical reason. This, in itself, is not hard to understand; what does come as a surprise is that the principles involved seem to have been employed right from the beginning of the settlement. They were used to determine the peaceful allocation of land from the time of the first settler, Ingólfr Arnarson in c. 870 AD. Major ideas of *Alþingi* are directly connected with the two settlements of Skallagrímr Kveldúlfsson in the west and Ketill hængur in the south. *Þingvellir* as a spiritual centre of law and order was determined by those two settlements and their demarcations.

(2) The Icelandic notions of law were far from being savage, and they certainly do not exemplify what some scholars call pre-logical thinking. They were finely wrought conceptions, closely bound up with the communal life of Icelanders as a group or as a

¹ Pálsson, Einar (1969–1991), *The Roots of Icelandic Culture*, 10 Volumes, Reykjavík. This work was published in the Icelandic language. The books are: *The Background of Njals Saga* 1969; *Religion and the Settlement of Iceland* 1970; *Time and Fire* 1972; *Stone Cross* 1976; *The Ominous Bear* 1978; *The Celtic Heritage* 1981; *The Dome of Heaven* 1985; *The Theme. Paganism and Hrafnkels Saga* 1988; *Egils Saga and the Two Wolves* 1990; *The Ancient Althing at Thingvellir* 1991. Two books in English by the speaker, *The Sacred Triangle of Pagan Iceland and Evil and the Earth*, both deal with Pythagorean concepts and their usage in pagan Iceland. A book that deals with the conversion of Icelanders to Christianity is planned for publication in 1995.

state. At the same time they were religious; *Alþingi* can not be separated from major concepts of mythology. It is a common belief that "Germanic paganism" was non-classical; precious little in my researches suggests the existence of Icelandic mythology as an entity separate from classical European civilization in general. On the contrary: almost every aspect of pagan Icelandic law, its justice, its state and its religion, indicates a close connection with classical concepts.

(3) Like the cultured medieval European, the pagan Icelander of c. 870–930 AD was "an organiser, a codifier, a builder of systems". Like them he wanted "a place for everything and everything in the right place". I am here quoting the English medievalist C. S. Lewis: "Distinction, definition, tabulation were his delight." It seems the pagan settler of Iceland wanted to formalise all aspects of his life (Lewis 1964, p. 10). The system he built, on the other hand, was not new and unlike every other system in Europe as often inferred by Nordic scholars. It was that of ancient sages who knew basic numerology and the laws of proportion. We might say of them what C.S. Lewis says of medieval man in general: in the creation of the early Icelandic state "we see the tranquil, indefatigable, exultant energy of passionately systematic minds bringing huge masses of heterogeneous material into unity" (Ibid).

(4) What to many a modern mind seems pedantic, was evidently "justice" to the framers of the pagan Icelandic constitution. Correct proportion was *ipso facto* correct law – justice. Thus the settlers unified and ordered their whole cosmos in accordance with their newly settled land. They actually measured their land in accordance with the universe. This process does not seem to have been discovered in other countries. Yet, in itself, the idea can hardly have been peculiarly Icelandic; the best judicial minds of Europe organised their "theology, science, and history into a single, complex, harmonious mental Model of the Universe" (Ibid, p. 11). Which is precisely what we see our Icelandic ancestors doing. Like their European counterparts they were intense lovers of system. A well-ordered state was based on system; so was justice. What is different in Iceland is that we can decipher this ancient system through symbolic imagery.

But why such intricate speculations as those of Pythagoras? The settlers' passion for order explains this. Contradictions must be harmonised. They had to build a Model that would get everything in without a clash; no great and finely ordered multiplicity was possible without numbers. And in that field Pythagorean learning reigned supreme. But was this Model pagan? Says C. S. Lewis:

In the last age of antiquity many writers . . . were . . . gathering and harmonising views of very different origin; building a syncretistic Model not only out of Platonic, Aristotelian, and Stoical, but out of Pagan and Christian elements. This Model the Middle Ages adopted and perfected. (Ibid, p. 12)

If C.S. Lewis is right, the Model of early Iceland seems to fit perfectly. Almost every aspect thereof suggests that it was Christian no less than pagan. It was a model on which Christian and pagan settlers evidently agreed.

(5) The framers of the Icelandic constitution were accurate thinkers. Their scientific theories were in a harmonious relationship with their religious beliefs. They never seem to have recognized their Model as provisional; it was the only one they had – the only

one possible as an integrated whole. Their mythology was a part thereof. It specified man's place in the universe — in harmony with the gods and their proportions. There was no conflict between justice and religion and science. All were aspects of the same whole. But one thing seems certain: the knowledge here referred to was the property of a select few. In fact, it seems to have been contained in "secret groves", i.e. in the so-called pagan "mysteries". As in the south we may surmise that it was closely guarded knowledge, known only to initiates. The original 36 priest-chieftains will presumably have been guardians of the system as a whole.

(6) Justice in Iceland seems to have been based on an idea named the Centre. The supreme power of a community was enthroned in a central position, here at *Þingvellir*. It can be seen with fair certainty that Norse models for the Icelandic Centre were *Uppsalar* (Uppsala) in Sweden and *Jalangr* (Jelling) in Denmark. A parallel doubtless existed in Norway; indeed all seats of kings were probably Centres of this kind. If you lean too far on one side you have no justice. It is the central balance that counts.

A Centre called for a circumference; the circumference was a major idea in the settlers' thinking. It signified the idea of a Mother; the Circle became the holy symbol of *Alþingi*. In paganism spatial order was not the opposite of the spiritual; both were sides of the same coin. Even with the formal adoption of Christianity in the year 1000 these two ideas do not seem to have been separated. As Snorri Sturluson tells us in the preface to his Edda (c. 1223), Norse pagans believed everything to be made from some "efni", i.e. matter (what the Greeks called *hyle*). Matter was not inherently evil; it was the potentiality of all particular bodies; it just had to be shaped into some form to become part of an ordered universe. As far as can be seen, unformed matter was thus akin to chaos, which was equated with injustice, while formed matter was part of the ordered universe, and hence a foundation of justice. The concept of the Mother became embodied in the number 4; the classical quaternion of virtues, Prudence, Temperance, Fortitude and Justice, doubtlessly connected therewith. As such, the Mother stood for law and order — fertility and reproduction, creation, formed matter. Two other numbers were basic, 3 and 5. The number 3 stood for the "Father" and 5 stood for the "Son". Mythically these were denoted by the god *Njörðr* ("Father"), *Freyja* ("Mother", incidentally also a "Daughter" as in fertility cults of the Middle East) and *Freyr* ("Son"). With the advent of Christianity these three seem to have been changed into 3 God the Father, 4 Mary the Mother and 5 Christ the Son. These deities were connected with the famous Pythagorean triangle 3:4:5. Justice was correct creation, correct measure.

(7) Fortune and her Wheel were a central concept to early Icelandic justice. Fatalism was a part of that concept. The Wheel, however, was not an abstract idea; it was marked in the landscape. The Model of the cosmos was conceived of as a sphere around the central position of the law assembly at *Þingvellir* (and, by implication, at *Uppsalar* and *Jalangr*). This sphere was precisely measured: it was 432,000 feet in diameter (Roman feet of 29.60 cm). A basic (non-physical) Wheel had previously been fastened to the settlement of Ketill hængur in the so-called *Rangárhverfi*. It was a replica of the scientific world picture of the age, which was thought to be 216 diameters of the sun across (see for example Martin / Nilsson 1934, p. 19). The sacred circle of *Alþingi*, in

other words, was the horizon itself, divided into the twelve houses of the Zodiac. Each of the 36 priest-chieftains had a place on the sacred Wheel; each representing a decan of the circle ($10 \times 36 = 360$). Thus there were three *goðar* to each "house" of the Zodiac. This was reflected in the constitution: there were nine *goðorð* (priest-chieftainships) to each quarter of the land. When the 36 *goðar* assembled at *Alþingi*, each had two *umráðamenn*, or advisers. The number of the ruling body during sessions was thus 108, a major idea in Pythagorean thought.

(8) As far as can be determined, there were originally 12 minor or local law-assemblies in the land (*þing*); 3 *goðar* to each and 36 *dómendur*, judges or jurors, to each of the 12 *þing*, or 432 all told. This tallied with the greater circle of *Alþingi*, which was based on a line 432,000 feet in length. The Indo-European world age in which we live (preserved in early Hindu records), was 432,000 years in duration. This world age seems to lie at the back of the best known mythical poem of the Edda, *Völuspá*. This poem deals with the creation and the destruction of the world — and is hence inextricably bound up with the concept of justice. Creation of the world was likened to the creation of man and his society. Creation meant the order of the cosmos; each created thing had a specific form. Correct creation was thus inherently moral, a basis for justice. Evil, crime and irrational behaviour were immoral, they represented chaos in society. A moral man was one who obeyed the laws of society which, in turn, were based on the order of the cosmos. The correctly measured line between the two settlements of Skallagrímr and Ketill hængur was thus more than measure; it marked justice as a correct proportion. *Alþingi* was the Centre of that line. By cosmic standards *Alþingi* was thus a mathematical point; by moral standards it was the place *par excellence* of justice.

(9) Matter is not the universe itself. It is its raw material. To medieval man Matter was composed of four Elements: Earth, Water, Air and Fire. These four combined to make the different forms. The Fifth Element was the Quintessence, the aether. In Iceland the Fifth Element stood for Time and Space in combination. Iceland was early divided into four *ffjórðungar* ("quarters"), the highest juridical authority being named *fimmtardómr* (or Fifth Assembly) when established at *Alþingi* in c. 1004-20. There is every indication that justice was thus bound up with the basic Elements (and the 4 Cardinal Points plus the Centre) of the world.

According to the Book of Icelanders (c. 1119-33), Icelandic law was based on Norwegian law, in particular that of *Gulaping*. It was added to, some of it omitted, changed and modified in order to serve the Icelandic constitution as decided upon by the settlers of Iceland. As the Norwegian hierarchy of *höldr - hersir - jarl - konungr* (approximately: Yeoman-Chieftain-Earl-King) has not been discovered in Iceland, the belief has been widespread that a connection could hardly be found between the two kinds of constitution, the Icelandic *goðaveldi* of 36 priest-chieftains, and Norse kingship. This has seemed a curious puzzle to scholars. Pythagorean thought can resolve this issue.

(10) The law of *Gulaping* in Norway was noted for a numerical method known as "halving" and "doubling". This usage of number is evident in the marking of our sacred sites of *Þingvellir* in Iceland, as we shall see below. Another method, in particular

connected with the Norwegian *Frostaping*, was that of a numerical sequence based on an increase by a third part, i.e. fines, remuneration etc. increased by a third part ($\frac{2}{3} + \frac{1}{3}$) according to the recipient's class or status in the community (see for instance Brun 1962, p. 18). The halving and the doubling of *Gulaping* is called the Egyptian method of calculation; the increase by a third part is evidently based on ancient methods best known from the *Timaeus* of Plato, but thought to be derived from Pythagoras.

These two methods seem to have been known and used simultaneously by the settlers of Iceland.

The best known hierarchy of SW-Norway at the time of the settlement of Iceland was based on four rungs of the ladder of state. First came the powerful farmer, the *höldr*, then the *hersir*, the ruler of a wide area, then the *jarl*, the earl, and to finish with the king himself, the *konungr*.

The lawman Haukr Erlendsson left us a singularly important manuscript named *Hauksbók*, written in c. 1306-08. Haukr was lawman at *Alþingi* and later on at *Gulaping*. Haukr included diverse things in his manuscript, among them the Eddic *Völuspá*, the poem dealing with the creation and the destruction of the world. Another section of that manuscript is a translation of a book by Alexander de Villa Dei (d. 1240), *Carmen de Algorismo*, on the famous Arabic Algorismus with its Arabic numerals. At the end of Algorismus there is a chapter called Article 17, which has not been found in a European original and seems to be directly traceable to the *Timaeus* of Plato. At the same time, the material contained in Article 17 corresponds closely to what I have elicited from mythical symbolism in Iceland. In Article 17 Haukr states that the progression of the numbers 8-12-18-27 means Earth-Water-Air-Fire. This corresponds well to my own hypothesis concerning justice in Norway during the 9th century. According to this hypothesis the groundwork of a Norwegian "small kingdom" was directly based on the Four Elements as follows: the privileges and the duties of each man of power had its origin in the number 8, the *höldr*, who was thus based on the Element EARTH, 12, the *hersir*, who was thus based on the Element WATER, 18, the *jarl*, who was thus based on the Element AIR, and 27, the *konungr*, who was thus based on the Element FIRE. This progression, or perhaps better, regression by a third part (it seems to have been calculated "backwards", i.e. 27-18-12-8, each number being $\frac{2}{3}$ of the preceding one) is to be found in the Pythagorean theories of the *Timaeus* by Plato (Plato ch. 22-31).

Why, then, was the above hierarchy not adopted by Icelanders?

It was not necessary. The Icelandic commonwealth of c. 930 AD starts with the King himself, the Element FIRE and its number, 27. In a sparsely populated new country where equality was striven for, the *höldr*, *hersir*, *jarl* hierarchy was irrelevant. The ideas behind their social status were incorporated into the power-structure of the priest-chieftains named *goðar*; each of the 36 priest-chieftains embodying the idea of the Four Elements, each holding $\frac{1}{36}$ th of the sacred circle – the crown – of state.

(11) The basic symbol of creation in Iceland was the same as that of ancient Egypt – the so-called Primeval Hill, considered to be the origin of all things in rituals of fertility. This hill, named *Bergþórshvöll* in Iceland was for obvious reasons connected with the material of the created world, the Elements EARTH-WATER-AIR-FIRE. The earth was created through Fire, man was created through Fire (becoming warm at birth and losing his heat at death); society was also created through Fire – the symbol of kingship.

Among other things this explains why the pagan poem *Völuspá* dealing with the creation and the destruction of the world, is to be found in a manuscript with the Book of Settlements – and ancient Pythagorean numerology – in *Hauksbók* by a Christian lawman. It also explains the relationship between the idea of justice in Norway and Iceland. And it connects the strands of an otherwise unintelligible puzzle.

If, in other words, justice was based on the Elements, which were formed to make a world in accordance with Pythagorean numerology, we can understand the mythical framework of the pagan Norse/Icelandic state of the 8th and 9th centuries.

(12) Most, if not all, major ideas connected with the name of Pythagoras have been discovered in the Icelandic material here referred to. We see the Lambda-formula that divided the world into odd numbers and even numbers according to male and female principles (the classic two "arms" of 1-3-9-27 and 1-2-4-8), we see the first ten numbers used much as explained by Iamblichus (d. c. 333 AD) in his *Theology of Arithmetic*, we see the Five Regular Solids as described by Plato in his *Timaeus* (Plato op.cit. ch. 22), we see the Perfect Cube (the $6 \times 6 \times 6 = 216$) as a foundation that can not be rocked, we see the World Tree as a perfectly measured cosmos (*mjötúðr* or *mjörviðr* in the poem *Völuspá*, "measuring rod") and we see the famous triangle 3:4:5 used in the most intricate ways as a yardstick of right and wrong. Further, we see the doubling of "Egyptian" arithmetic in the usage of the numerical sequence 27-54-108-216-432-864-1728, which was of great importance to the Pythagoreans. This method of using numbers is indeed seen as being "Egyptian" in Iceland, as the gods named Freyr and Freyja corresponded directly to Osiris and Isis in the ancient world.

Perhaps most startling of all is to see the triangle 3:4:5 used as a symbol of justice. But this corresponds to the usage of Pythagoras as reported by Iamblichus (Iamblichus op.cit., p. 101). In short: the words of Seneca on Pythagoras as the source of Roman law become intelligible in the light of the early Icelandic constitution. This would seem to call for a reevaluation of the basis of European law in general.

To summarize: Justice in the pagan Icelandic *goðaveldi* of c. 930 AD was based on "Pythagorean" concepts. The justice of man had to comply with the justice of the gods. Justice was seen in the workings of the universe, in specific numbers and in correct proportions employed by the deities to fashion the world. The justice of man was hallowed by the justice of the gods. This was mirrored in the usage of the perfect creation number 6:

6 was the number of Man as Microcosmos (the "line")
 6×6 (36) was the number of the state as Mesocosmos
 (the *goðorð*) (the "square")
 $6 \times 6 \times 6$ (216) was the number of the universe as Macrocosmos (the "cube")

Justice was thus based on numerical order in the world. Numbers were precise in myths and allegories; that is why we can use such material as a source for explaining ancient statehood and law.

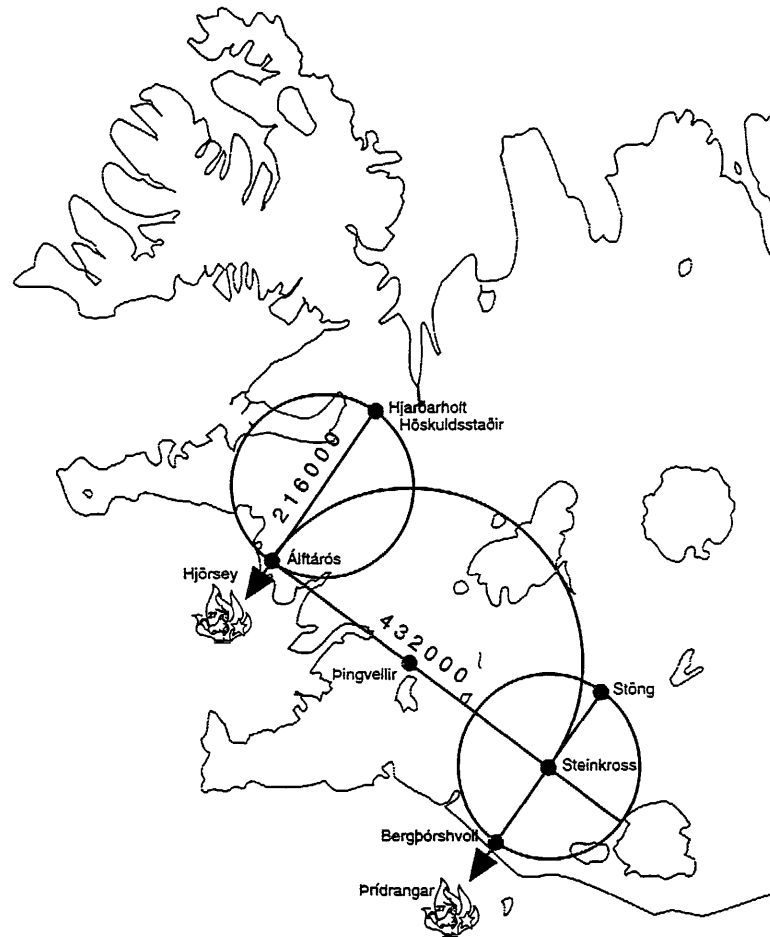


Fig. 2: The marking of the Althing and Thingvellir. There were two basic numbers, 216,000 and 432,000. Time was equated with distance.

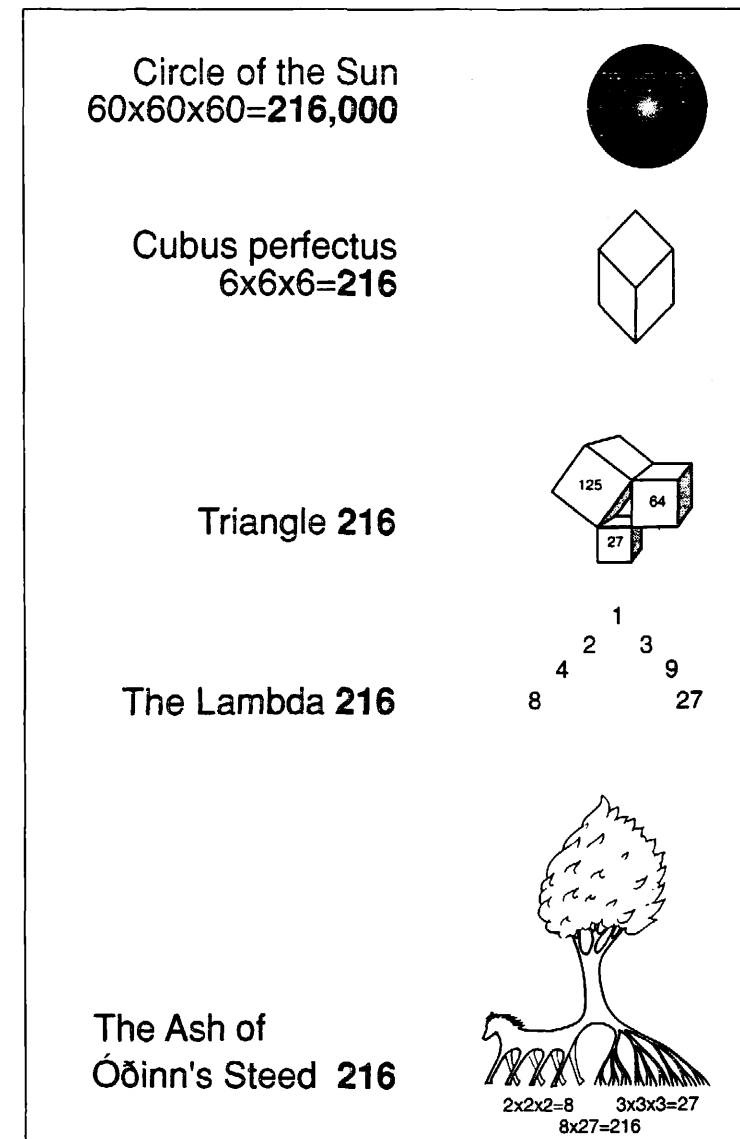


Fig. 3: Major ideas behind the Althing at Thingvellir and the Icelandic Constitution in A.D. 930 as indicated by ancient symbolism.