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BLOODTAKING AND PEACEMAKING: FEUD, LAW, AND SOCIETY IN SAGA ICELAND

William Ian Miller

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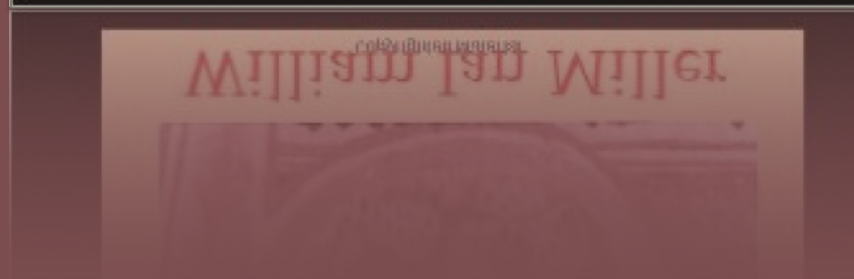
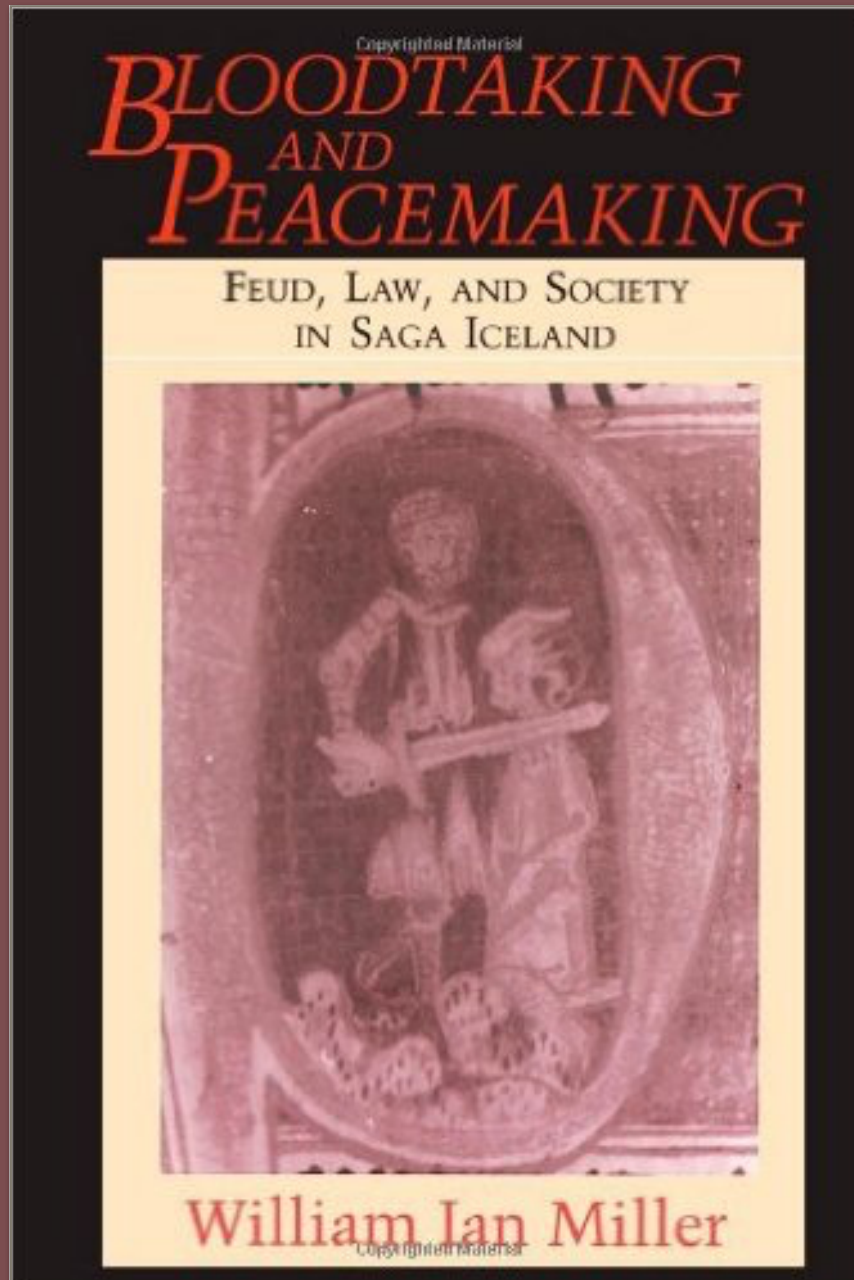


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Overall Summary:

Prologue:

This book aims to investigate the nature of society and law in medieval Iceland. Miller uses these sagas in order to show how social patterns and structures formed and allowed the nature of the Icelandic feud to exist. In other words, this book will seek to understand the social implication behind the notorious bloodfeud. Obligation, claims, and the handling of such claims are key ways in which Miller approaches the ways in which social interaction guided the process of feud.

Chapter 1:

Introduction:

The Institutional Setting and the Ranks of Persons

- Ari Thorgilsson, first historian for Iceland (ca. 12th C.). Iceland settled between 870 and 930 by Norwegians. Their alleged flight from Harald Fine-hair (*Laxdæla saga* excerpt). Mixed with Celtic people on their way (wives, slaves, etc). Ari states that by 930 Iceland was fully settled (*allbyggt*), though immigration is mentioned to continue.

Chief developmental milestones:

1. The establishment of the Thing
 2. The Althing (annually for two weeks at midsummer at Thingvellr in the southwest, ca. 930)
 3. The Division of Iceland into quarters (ca. 962)
 4. Conversion to Christianity (ca. 1000)
 5. Tithe law (ca. 1097)
 6. The demise of the Commonwealth (1262-64)
- Formal governance by a system of annual meetings of free men, Things, exercised by authority of chieftains (*goði*, pl. *goðar*). Each householder (*bóndi*, pl. *bændr*) had to become a thingmen with a chieftain. The household would be represented by the head of the household.
 - Two classes of *bóndi*: those of sufficient property to pay an assessment called the *þingfararkaup* or Thing attendance payment and those of insufficient means.
 - Each quarter ideally had three local or district Things (the North had four). These local Things (*várþing* - Spring Thing) met every spring. Each was presided over by three chieftains. Other meetings were called *leið*, pl. *leiðar*, or *haustþing* (fall Things), which were held locally. Used for announcing matters concluded at the Althing and for reciting the calendar of the coming year.
 - The *hreppr* was independent of the Things. It was a local unit and maintain the poor without kin or household networks. They collected and distributed tithes. The poor assigned homes in rotation. Managed insurance policy. Fire insurance, animal insurance. No one was allowed to draw on this fund more than three times.

- A court for each quarter would meet at the Althing. If the case was not resolved locally, the Quarter court would hear the case. Each Quarter court had a panel of thirty-six judges (each of the three chieftains appointed twelve).
- The Fifth Court was meant to resolve cases left divided in the Quarter courts. Quarter courts required the concurrence of thirty-one judges to make a decision, but the Fifth Court could be based on majority alone. The Fifth Court has forty-eight judges (one chosen by each chieftain).
- The forty-eight chieftains sat as the *Lögretta* (court of legislation). The *Lögretta* decided what the law was in the case of disagreement, granted exemptions (marriage laws), and appointed the *Lögsogumaðr*.
- The lawspeaker (*Logsoğumaðr*) was elected for a three-year term and he must tell anyone who asked what the law was (memorization and oral presentation). The only paid officeholder.
- Class was fluid, could change often, depending on fortune. Either slave or free.
- Women not allowed to attend Things, even if the head of their household. Legal matters surrounding a woman would be done via her legal guardian (*lográðandi*). Managed households in husband's absence. Managed indoor activities always. Could hire and fire servants. Unofficial feud power.
- The ability to profit from tithes became a major determiner of economic position in the course of the twelfth century. Tithes in four parts: for the poor, for the bishop, and the last two parts for the church's and priest's wages respectively.
- Rank not only determined by ancestry and wealth, but also by their worthiness. Honor was the measure of worthiness and was always at stake. Social status was inherently insecure.
- The Icelandic church was intertwined with secular affairs. Churches and church properties were inherited within the family lines of those who established them. Violations of ecclesiastical prohibitions were dealt with in the Things. The Icelandic clergy of all ranks behaved as laymen in matters of sex and marriage.

Chapter 2: Making Sense of the Sources

In this chapter, Miller discusses the differences between the *Grágás* and the sagas, law and practice. He investigates the complications in using the sagas as sources, but also takes care to point out their benefits. Two main categories for this book's concerns: *Íslendingasögur* (family sagas) and *Samtíðarsögur* (contemporary sagas — secular sagas and bishop's sagas). Some are written hundreds of years after the events it presents. The family sagas present special problems not seen in the contemporary sagas — idealization. It is also most likely that even the family sagas reflect the contemporary time far more than the Saga Age. Despite a general resistance to avoid works

like these, there is much benefit to be had from studying them. They contain many practical elements of society and their respective view on their own past and culture. There was no reason for these authors to invent the social and cultural settings in which the characters moved about.

The example of *Þorsteins Þátr stangarhogs* is used to show the many ways that social and cultural information can be pulled out of these sagas. Based on the behavior of characters and conditions that affect their judgement and actions, social and cultural norms, practices, and patterns can be subtly revealed. It also demonstrates the household unit as it functions within the feud process. For example, Bjarni is mainly motivated due to pressures he faces from within his own household. Although he is the “head”, there are more figures at play who have a voice in what happens. Also, Bjarni absorbs Thorstein’s home, showing the tendency for “big” to take over the “small”. It also provides pieces of the role of honor in the actions of characters, as well as the behavior of certain characters based on honor-gap (differences in wealth and prestige). These bits of information can provide a good amount of information regarding to social and cultural forces that guided behavior, but generally more so for the time the saga was written.

Chapter 3:
Some Aspects of the Economy:
The Problem of Negotiating and Classifying Exchanges

- Mode of exchange between equals: gift, payment (compensation), or purchase. *Rán* (theft) was very unsociable and looked down upon (especially in secrecy). The household was the basic economic unit and were generally self-sustained. Loans for livestock and other farm-related aspects were common sources for conflict. Even support for conflict and feud was often purchased (especially with rings).
- Defining the type of exchange to be made was very significant, for each had different connotations. The exchange mode of gift giving was significant and often carried a great deal of social implications along with it. The exchange of gifts meant an exchange of obligations. For example, the gift exchange of land was different from an exchange of goods. Land exchange was seen as a long-term sense of subordination of the receiver to the granter.
- Goods were always associated with the “original” owner, and so they hold their own “identification” even after a transfer. For example, Thorleik’s horses were not seen as his, but those given to him by another person. This is significant because the transfer never goes away. The process of transfer is more personal and social than a simply exchange of goods.
- *Fala* (to ask to buy, to seek to purchase) versus *kaup* (a bargain or purchase) — action versus completion of action. Of most cases seen in saga evidence, exchange rarely becomes a matter of sale or purchase (in the direct and impersonal sense). Price was dropped from the matter and social concerns filled the transaction. These cases suggest that buying and selling was hostile and should be done in distance (abroad).
- Due to the social force that enveloped these modes of exchange, transfers became battlegrounds for contested honor and prestige. This is why even food during a time of shortage can even turn into a contest of social superiority when Gunnar seeks Otkel for

assistance. Otkel, being advised by troublesome kin, uses this as an opportunity to attempt to shame Gunnar and take some honor from him. Money was not the issue, honor was.

- As for *rán*, this was often a challenge when all other modes are denied. The holder of goods is using this as a “try and take it” moment. There were different reasons that *rán* may become the answer to a desired transfer: due to a terrible deed, due to necessity, or due to vengeance (being offended by the attempt of shaming).
- Exchange was not a closed-off realm between two individuals; it was a matter of the community. The community passed moral and social judgement on a transfer (honor and prestige being allocated by them). Honorable people exchanged via feud or feast.

Chapter 4: Householding Patterns

- Differences between the legal tradition and information found in the sagas. Legal desired more households run by a single individual, while the reality was likely that they were joint-headed (husband, wife, sons, brothers, etc.). The sagas focus mostly on wealthier households, so less is known about smaller ones. These wealthy households could have anywhere between 30 and 100 people according to the sagas. Nonetheless, the household was bound and dependent to the culture it was a part of, making it difficult to simplify and regulate.
- Everyone had to be attached to a household, either arranged in childhood or independently formed in adulthood. These attachments generally show up in the form of servants who helped maintain and work the farms of their respective household. This also meant that people moved around often and that they may have a kin attachment, but also a separate household attachment. It was also the poor who moved around more.
- Fostering was another way that households drew connections between one another. Three types of fosterage: wealthier family to a poorer family, of equal status, and forced by law. This is another reason for greater movement and multiple allegiances. In this way, inter- versus intra-household politics can be seen already. Many people had ties inside their respective household, but also some outside.
- In marriage, the couple had two options: stay with a parent household or create their own independent household. The latter was the ideal that everyone likely wished to achieve, but not so easily done. Establishing new households meant needing available land, which was not always readily there. It is more typical to have married couples staying on existing households, moving them more towards complexity. Kin tended to stay close together as well.
- Complex households were households that were joint-run by many different affines or kin. For example, after a father's death, the sons, rather than dividing up the land, run the household together. Of course, this came with problems (siblings agreeing being rare at times). Even if a household was “divided”, it was more in the sense of divided responsibilities than divided properties.

*Chapter 5:
The Bonds of Kinship*

Kin was the force that directed movement between households. It created and imposed various obligations. Even between kin, something was at stake (resulting in kin-strife). Kin was the force of connection between various people, whether by blood or by marriage. Differences between theoretical kinship (law, organization, etc.) and practical kinship (favours, loans, support, etc.). Both theoretical and practical affect one another in some way, and so neither is solely 'correct'. Each world was not closed off from one another.

Theoretical Kinship:

- Determined by both male and female genealogical links, of which there was no shame in female links or even illegitimate links. The goal was to find the existence of a link, regardless of how or through whom it was drawn. Daughters were capable of obtaining inheritance via dowry, even in divorce this could be maintained since they were still connected to their previous kin-group.
- Limits in kinship were drawn up by law to the degree of fourth-cousin (though, ecclesiastical marriage limits followed the church doctrine of seventh). Yet, it was more common for the line to be drawn at second-cousin. It was suggested that "keeping track" ceased at that point rather than fourth.
- With kinship came legal obligations of dependancies and relief for poor kin. A married couple would often find themselves more directed to aiding kin outside of their direct household group in some cases. The parents relied on their children, and the children relied on their local kin.
- Law provided the structure of transfer, legal rights, and obligations. It did not create these ties, but it organized them into a structural system influenced greatly by the cultural patterns already present. It also provided the major basis for group recruitment for support in matters of feud and dispute.

Practical Kinship:

- Kinship was bilateral. In other words, not all kin within someone's kin group were related to one another. Someone who is your kin may not be kin with someone else within your personal kin group.
- People had to actively maintain kinship, typically through gifts, support, and counsel. Even close kin may be "less" kin to more distant kin who are more actively playing such a role. Good kinship meant being there and supporting kin, not doing so (kin-strife) created tensions and social anxieties since it was looked down upon to be failing at good kinship norms.
- *Mágr* (affines, kin via marriage) and *Frændi* (kin via blood). Other understood ways to develop kin-like connections were via fosterage (peace insurance) and ritual (baptism).

- Unruly kin were seen as acting “un-kin” with respect to their kin-group. In other words, they were not behaving like proper kin and would often be dealt with (exile and killing) without any negative community response.

***Chapter 6:
Feud, Vengeance, and the Disputing Process***

Characteristics of the feud process:

1. Feud is a hostile relationship between two groups
 2. Involved groups that can recruit in various ways (household, clientage, etc.)
 3. Violence is controlled and scaled
 4. Collective liability
 5. A notion of exchange (my-turn/your-turn)
 6. Score is kept
 7. Honor as prime motivator
 8. Governed by norms
 9. Culturally acceptable means of settlements and hostility
- Feuds were sometimes moral, often juridical, and always political. Moral when norms were violated, judicial when legal action was involved, and political in the matter of gaining something from feud. This last aspect is the reason behind choosing certain targets and timing of killing. Although risky, almost always used for some advantage.
 - Feud was a process, not an institution. There was no model for a “proper” feud, although the laws attempted to regulate the process, though generally failing to do so in practice.
 - Feud took place between people of equal status and resources. The poor could not afford to feud let alone go up against someone who could. Though, this does not imply that grounds were always even. In fact, grounds were often not even, but this provided opportunities in gaining even more honor from winning in the feud in such a situation.
 - Feud centered around balance. One death had to be answered by another death or equal or greater value, and if greater the response was then equal or greater as well. This led to escalation of feud as it grew into a larger conflict.
 - Although law attempted to regulate the target and time of killing, this was generally a factor determined by the player in the feud. The target did not have to be the offender, but simply associated in some way to that person. Taking too long to seek vengeance and take a target was risking honor. Picking a target was based on three major factors: honor, balance, strategy. Based on target and time, one could maximize gains from the feud process.
 - There were some aspects controlled by law that were generally held, but likely due to culturally accepted terms that had fueled the legal text. Church grounds were off-limits and could be used to protect livestock from raids. Unsuitable targets included women, children, and the elderly. Though, the elderly present an interesting situation; they are not meant to be mocked,

but often are mocked. Also, the popularity of a given person could play a role in choosing a target. A popular target may bring disapproval from the community, which would not help a cause.

- Counsel was a major role in the feud process. Not seeking out advice from kin was seen as disrespectful and something that would lead to disaster. After all, kin were effected by feud as much as the complainant himself.
- Goading was not necessarily a negative factor that led men to act violently. It was a way for the “unofficial” voices to participate in a process that did in fact affect them as well. Also, not only women goaded. In a way, persuading advice somewhat plays the same role in certain cases. Many servants even aid in the goading. and, there are plenty of times where listening to goading, and following through, actually brings benefit.
- Legitimacy was obtained independently and was not provided by any legal context. The funding parties had to obtain legitimacy to their actions by finding grounds to justify themselves and also to gain community approval for certain violent actions.

Chapter 7: Law and Legal Process

- Law was tangled with the social norms and practices it aimed to regulate; it was not something distinct or separate, but rather mixed within. Even ecclesiastical concerns were handled in a secular nature. The laws seem to validate the actions of the culture, providing a means of justification beyond these norms.
- There seemed to have been a legal obsession during this time, a cultural disposition for legal development and writing. It was the symbol of their independence and way of life, especially remembering that, with no central force, Iceland was an odd place in an era of kings. The Law Rock and Lawspeaker were symbols to represent their sense of order and accomplishments. Chieftains were expected to be skilled in law.
- In some ways, the presence of legal regulation and process created opportunities for strife and tension. In creating a way for people to make claims against each other and public pursue them, it gave opportunities to publicly put someone on the spot or attempt to make a claim against someone.
- The law was not rigid, but rather amendable and flexible. Legal procedure is discussed in great detail and often a reason to invalidate cases on the basis of failing to follow them. Yet there was no final word on law other than the varied manuscripts (which were also amendable) and the word of the chieftains themselves that presided over cases. There were many ways to be competent in law, with no one way being completely correct.
- Outlawry was the major punishment that the law dealt against people. It was far less risky to have someone outlawed than to seek blood vengeance, which granted no legal support. On the contrary, the law encouraged the killing of outlaws once sentenced. This was primarily meant

to be done by the one who directed the legal action, but even other outlaws were convinced to kill one another (kill three go free).

- There was also a financial advantage when prosecuting via the law. During the outlawry process, the property of the outlaw is confiscated (after setting the wife's portion aside). Half goes to the man who had them outlawed while the other half goes to the community.
- Cases could be transferred to other people who had more influence and resources. Chieftains could profit from obtaining cases from their thingmen. People also kept count of a chieftain's victories in legal situations, displaying the prestige gained or loss of honor that could be a result of participating in cases.
- The legal system had a relationship with the feud, but was not a part of feud itself. Many feuds do not resolve themselves via law, though many have phases within the legal realm.

Chapter 8: Peacemaking and Arbitration

- There was more peace than violence and longer times of quietness than there were of upheaval. Though, peace was something that had to be earned and bargained for. People were obligated to intervene when violence began to break out. They also were affected by violence in their community. Peace was not something learned from Christianity, though it provided a class dedicated to obtaining peace, new methods, and also new rhetoric for urging peace.
- Settlement was inseparable from arbitration. It was not a formal legal procedure and was actually among the most common ways to end a dispute. Most information regarding arbitration comes from the saga tradition. Most arbitrators are caught in between the two feuding parties or are less attached to the cause of a certain side and urge settlement. Arbitration was a less severe process than both law and vengeance.
- The significance of self-judgement depended on context and the state of relations between disputants. Self-judgement had two factors: granting of power and determination of award. Negotiations did not solely resolve disputes and were meant to lead to some sort of award.
- Peace was hardly a permanent thing. Settlements bought time in feuds that were constantly expanding and escalating. Nearly every settlement disregards the real reason behind the dispute and instead focuses on one particular concern or detail. Due to having such a narrow concern, the true reasons for feud are left unresolved, leaving parties to find more wrongs with one another as time goes on, leading to further feud. Underlying hostilities almost always remained. Due to being a part of feud, arbitrated settlements bought time, not permanent peace. Any realistic hope for peace required concessions from both sides. The ideologies of peace and vengeance were frequently at odds. Peacemaking was reactive while vengeance was always in the air.
- Breaches in settlement was a serious matter. *Griðníðingr* (betrayal of truce), of the lowest of the low. At times, the breaking of a settlement sanctioned killing.

- The ideals of peace were assisted by the grim alternatives. Legal procedure was risky and with many obstacles. For serious cases, it only knew of one punishment: outlawry. To avoid this, parties were forced to arbitrate.
- The therapeutic nature of settlement gave something to everyone: the wrongdoer his life, the complainant something to show for his losses, and the community got peace and order.

Several factors led to arbitration:

1. The presence and strength of third-parties urging settlement
2. The difficulty of achieving resolutions through legal judgement or vengeance
3. Relative strength of the parties involved
4. A party's ability to engage in a feud
5. The substance of the claims being processed
6. The choices and goals of the disputants and their supporters

Conclusion:

A short follow-up of much of the material discussed throughout the book. A few of the subjects he discusses are: honor, violence, women, society, law, and style. The purpose for including this conclusion is to clarify any of the aspects that may have seemed too ideal or unexplained, and to also show the realities behind certain aspects. See the chapter summary for more details due to it already being condensed.

Chapter Summaries:

Prologue

The Saga of Skæring Hroaldsson (Part I)

Part one is his story is found in Guðmundar saga dýra (The Saga of Gudmund the Worthy), which recounts the local disputes in the Eyjafjord district during the last decade of the twelfth century. Skæring appears in the last chapter, a consecrated deacon and kinsmen of Gudmund. (Scene from that saga included — Skæring’s hand incident). The purpose behind this scene is less in how the claim came to be, but rather the fact that there is a claim to resolve. See quotes 1 and 2. This case is also not exactly normal, since it involved Norwegian merchants. The case had to be resolved quicker because they would not be staying in Iceland. Also, differences in law procedures (such as for importance of oaths). It also raises other questions about how typical cases functioned (Why must Gudmund aid? kinship? What is self-judgement? Always hand for hand? Who is obligated? Does it matter who pays? etc.).

A focus of the social implications behind feud: Obligation, claims, and the handling of such claims. The “micropolitics of social interaction” (4). Unique situation of Iceland (isolation and government). No enforcement of the law; it was up to the aggrieved party to seek justice. Iceland was local and familiar, not faced with the external threats of other societies. No native population needed subjugation. Uncomplicated by kings, counts and monks. A sedentary animal husbandry society operating in a relative vacuum. Aim to search for social structures and processes, yet to be aware of the fluidity of society at the same time.

Chapter by chapter breakdown (independent essays, but all relating into a larger picture):

- Chapter 2 will introduce the sources. A way to discuss the sources (sagas and law) as well as justify the use of them in his purpose.
- Chapter 3 explores the world of violence and peace. The values of exchange (gifts, sales, raids, etc.). Paying and paying back, giving and taking, owing and owning. “an epitome of the book” (7).
- Chapters 4 & 5 will discuss household organization and kinship (group formation). The household as the basic unit of production. The movement of people between households (economic reasons). Kinships as about rights and duties (claims and obligations). Kinship as a key element of group activity (vengeance).
- Chapters 6, 7, & 8 are about feud and the disputing process. Each will investigate a different aspect of the Icelandic feud: vengeance, law, and peacemaking (6, 7, 8, respectfully). How culture allowed these to exist. Symbolic role of law (uniqueness and political unity). The urge to violence.

This book is not about the sagas themselves, but rather about the society that produced them (primarily in the social historical approach). It is meant to appeal to a large audience. Sometimes formatted as case studies, meant to give the audience a feel for certain arguments being made. A desire to reach beyond the specialized realm of Old Norse studies. His focus was primarily in Anglo-Saxon and medieval England, eventually turning to the sagas after law school.

The Saga of Skæring Hroaldsson (Part II)

Returning to Skæring after the hand incident. Kolbein versus Gudmund over another dispute over the outlawry of Skæring. (Skæring pleased himself with the wrong woman and sparked a feud between 'larger' people). Matters escalated to a pitched battle between the two. the case of the heroic Svein in contrast with the clumsy Skæring. Even what may seem random and pointless does in fact have a reason, even if to just contrast with another point being made.

1

Introduction:

The Institutional Setting and the Ranks of Persons

This chapter will discuss the background of early Iceland's history, including the system of governance, the ecclesiastical estate, the rankings of men and women, and the politics of honor. Ari Thorgilsson, first historian for Iceland (ca. 12th C.). Iceland settled between 870 and 930 by Norwegians. Their alleged flight from Harald Fine-hair (*Laxdæla saga* excerpt). Mixed with Celtic people on their way (wives, slaves, etc). Irish anchorites (white martyrdom), which according to Arni left once the Norse came. Ari states that by 930 Iceland was fully settled (*allbyggt*), though immigration is mentioned to continue.

The farmstead was the basic unit. No villages or towns until the end of the eighteenth century. Turf as main building material. Wood was quickly depleted (dwarf birch and ash). Main crop was grass to feed livestock (sheep, cattle, horses). Sheep pastured in the summer. Cereals, mainly barely, was grown in the south and west, but eventually this is abandoned due to minimum growth time available. Sheep main source for calories. Despite ocean resources, economy mostly centered around animal husbandry. difficult to estimate population, but likely between 20,000 and 70,000 in 930. By end of the twelfth century, it is likely it was nearing its capacity. Often near famine.

Courts, Jurisdiction, and the Hreppr

The form of their new colony mostly taken over from Norway. Also reason to believe (or a strong desire to believe) that Iceland preserved much of ancient Scandinavian practice. Formal governance by a system of annual meetings of free men, Things, exercised by authority of chieftains (*goðr*, pl. *goðar*).

Chief developmental milestones:

1. The establishment of the Thing
2. The Althing (annually for two weeks at midsummer at Thingvellr in the southwest, ca. 930)
3. The Division of Iceland into quarters (ca. 962)
4. Conversion to Christianity (ca. 1000)
5. Tithe law (ca. 1097)

6. The demise of the Commonwealth (1262-64)

Each quarter ideally had three local or district Things (the North had four). These local Things (*várþing* - Spring Thing) met every spring. Each was presided over by three chieftains. Each householder (*bóndi*, pl. *bændr*) had to become a thingmen with a chieftain. The household would be represented by the head of the household. A court for each quarter would meet at the Althing. If the case was not resolved locally, the Quarter court would hear the case.

Each Quarter court had a panel of thirty-six judges (each of the three chieftains appointed twelve). The Fifth Court was meant to resolve cases left divided in the Quarter courts. Quarter courts required the concurrence of thirty-one judges to make a decision, but the Fifth Court could be based on majority alone. The Fifth Court has forty-eight judges (one chosen by each chieftain). New chieftaincies created to equalize with the North Quarter. Judgement was still given to thirty-six judges, and so the litigants were to dismiss twelve (six each - like in Njal's saga). The Fifth Court also deal with the harboring of outlaws, runaway slaves and churchpreists, as well as perjury and bribes that occurred at the Althing.

The forty-eight chieftains sat as the *Logrétta* (court of legislation). The lawspeaker (*Logsoğumaðr*) and eventually two bishops, also had a seat. Each member, except those three, appointed two thingmen as advisers. The *Logrétta* decided what the law was in the case of disagreement, granted exemptions (marriage laws), and appointed the *Logsoğumaðr*. He was elected for a three-year term and he must tell anyone who asked what the law was (memorization and oral presentation). The only paid officeholder (240 ells of *vaðmál* (coarse woolen cloth) annually — financed payments).

Other meetings were called *leið*, pl. *leiðar*, or *haustþing* (fall Things), which were held locally. Used for announcing matters concluded at the Althing and for reciting the calendar of the coming year. Ad hoc courts also formed. *Hreppadómar*, courts called an arrow-shot from the home of a defendant who had shirked his responsibilities for supporting dependent kin or the district poor. *Féránsdómur*, a court held to confiscate and settle and outlaw's estate.

The *hreppur* was independent of the Things. It was a local unit and maintain the poor without kin or household networks. Each unit had at least twenty households, though smaller could be made if given permission by the *Logrétta*. They collected and distributed tithes. The poor assigned homes in rotation. Managed insurance policy. Fire insurance, animal insurance. No one was allowed to draw on this fund more than three times.

No executive power. Litigants were responsible for seeing justice and law were enforced. A self-help system (bloodfeud). No bureaucracy. Nothing beyond the Things themselves. Icelandic courts met outside on rocks in a circle formation, drawn from the farmers in attendance. Local things applied the law of the Althing. Desire for one law and one religion (unity). The three weeks of the year that these took place were significant times for many things (marriage contracts, feasts, etc). Places for competition.

The sagas suggest this system to be an idealization, not exactly a reality. Power struggles and political realities prevented a 'perfect' system. Near the end of the Commonwealth, there was only a dozen chieftains. Still, a wide distribution of power.

Chieftains and Thingmen

All *Bændr* were required by law to attach themselves to a chieftain for Thing attendance. Client/patron system. A thingmen had no sacred obligation to avenge a chieftain. Usually legal

aid, not feud aid. Each side could terminate and change their bonds. Some powerful *goðar* would ‘bully’ certain *bændr* to be in allegiance to them.

A *goði* possessed a *goðorð* (chieftaincy). A power, not a property (*Grágás*). Treated as property, but exempt from tithes. Could be shared and divided. When split, duties still lie in the hand of one man, not all who share it (change over and take turns). Could be inherited by a woman (by purchase or marriage, to the woman via inheritance), a man would have to fulfill the duties, however.

The duties of a chieftain were relatively few. Convene Things, hollow grounds, appoint judges, sit in the *Logrétta*, holding courts of confiscation, appoint and participate in a panel of twelve (theft, sorcery, and other matters). Maintaining order fell onto the chieftains. Near the end of the Commonwealth, big farmers (*stórbændr*) had this role, having more local authority. Chieftains who did not maintain such order lost thingmen and esteem. They also helped in times of shortage by sharing their stocks or surcharging Norwegian seamen forced to winter in Iceland. Skilled in law, meant to help their client’s legal claims. Also likely held sacrifices and sacrificial sites, though, in the sagas, they are mostly secular and focused on law.

Two classes of *bondi*: those of sufficient property to pay an assessment called the *þingfararkaup* or Thing attendance payment and those of insufficient means. Those who could go were based on having a debt-free cow or a net or a boat. the payment was negotiated between *bondi* and *goði*. Those who could not attend had to help finance those who could. The *goði* was a conduit in these transactions and did not gain profit from these. A householder was also obligated to lodge travelers under certain conditions. Also, they had to make contributions of the food saved from fasting to the *hreppr* and those who could not attend the Thing. They were eligible to serve on a panel of neighbors. Althing attendance not required, but a *goði* could ask. Drew lots for attendance, one in nine went. Bring cloth for the turf booths.

Chieftains were not adequately paid for their labors, some made a sheep tax to help pay for such things. Not so much legal, but as brute power. A thingmen could resist these taxes though. Some chieftains may have forced hospitality to compensate (kind of rude). Later in the commonwealth, some chieftains raided.

Status, Rank, and the Economy of Honor

Class was fluid, could change often, depending on fortune. Either slave or free. Slavery was not popular in Iceland and died out in middle of the thirteenth century. Debt-slavery seems to be most common. Still a legal possibility. A freedman’s property would go to his heirs, who would then be fully free. If no children, previous owners could take his property, yet they were also liable to support the freedman in times of trouble. *Hrísungr* (free man, slave woman freed while pregnant), *hornungr* (freedman and free woman who are married), *bæsingr* (outlaw’s wife, even if impregnated before his outlawry)— all situations where the child cannot inherit.

The law regarding women — Matters of inheritance postponed to males in the same degree of kinship from the decedent. Women were not eligible to attend Things (in the case of a woman heading a household, which was not unusual, five men could represent the household on a panel of neighbors: her husband, son, stepson, her daughter’s husband, and her foster-son). Legal matters surrounding a woman would be done via her legal guardian (*lográðandi*). If she was widowed or unmarried, the legal guardian was also her *fastnandi*, the person empowered to give her in marriage and whose agreement was necessary for a valid marriage. Still, women in Iceland held more rights than in any other Scandinavian or continental codes. Managed households in

husband's absence. Managed indoor activities always. Could hire and fire servants. Unofficial feud power.

Icelandic law made no distinction in wergeld values among free men or women, unlike earlier Anglo-Saxon laws. The corpse of a chieftain and a servant, male or female, had the same price (in theory, not in practice). Compensation amount linked to social standing, popularity, and their kin's wealth and power.

The ability to profit from tithes became a major determiner of economic position in the course of the twelfth century. Tithes in four parts: for the poor, for the bishop, and the last two parts for the church's and priest's wages respectively. The later half went into the hands of chieftains and bondi who owned those churches. The support of a church-priest was in the hands of the church-holder (a ghost of slavery almost).

Rank not only determined by ancestry and wealth, but also by their worthiness. Honor was the measure of worthiness and was always at stake. Social status was inherently insecure. Offended sensibilities over seating arrangements that then lead to conflict are often seen in the sagas. Politeness was important, and so the head of the household was responsible for inviting others to his household and accept food and lodging. The complicated balance and 'game' of honor. The actions of non-players could bring honor to the players, if used in their favor (a chieftain being beat up by a servant). Sometimes men of rank will aim to de-personalize matters to avoid jeopardizing their honor. Still, honor could be lost even if not actually engaged in competition with one party. Eventually the field of honor had grown smaller with players too powerful.

The Native Church

Iceland's conversion a common scene or aspect of much literature. Also, a number of the original settlers were already Christian from the beginning (contacts in British Isles). Though, mass majority of settlers were still pagan. Was not until the end of the tenth century that Christianity significantly advanced. Olaf Tryggvason was a key figure in this process. Made into law in the year 1000 by Thorgeir the lawspeaker, himself a heathen.

No native clergy at time of initial conversion, so the new faith was left with little institutional support. Isleif Gizurarson was the first bishop of Iceland, consecrated in 1056. As things got better established, the leading families supplied the leading churchmen. "Those who fought were those who prayed" (35). Before tithe, the church was funded privately. Farmers and chieftains built their own churches and financed priests. Icelandic tithe was a property tax of one percent of a man's worth. Men and women over sixteen had to declare their wealth under oath. Chieftains were not tithable, nor property donated to the church, even if owned by the person making the contribution. This could be used to evade taxes.

There was a shortage of priests though. There was a class of priest known as *þingaprestir* (district priest). He had the right to sell services, but this was limited to twelve marks per annum unless otherwise noted. Household attachment was to a church-owning farmer, contracted on an annual basis. Clerical education in Iceland varied greatly. Cathedral school at Hólar, established in 1106-7 by Bishop Jon (district priests could learn here).

The Icelandic church was intertwined with secular affairs. Churches and church properties were inherited within the family lines of those who established them. Violations of ecclesiastical prohibitions were dealt with in the Things. The Icelandic clergy of all ranks behaved as laymen in matters of sex and marriage. Not allowed to marry a woman whose

children he had baptized before. Thorlak Thorhallsson pushed to regulate this behavior, but did not tackle celibacy. He also aimed to get the church to become autonomous and no longer held privately. Yet, he was stopped by Jon Loftsson again. It was not until Norway took control over Iceland that things changed for the church (late thirteenth). The clergy was disassociated with the upper class by increments. Gudmund Arason pushed again for church autonomy in the early thirteenth century. Bishops were chosen from consensus at the Althing.

Some blamed Thorlak and Gudmund for the end of the Commonwealth. another reason lies in the consolidation of power into fewer and fewer hands (five to six families owning all the *goðorð*, depriving *bændr* their legal right to choose their Thing attachment) and is somewhat due to the consolidation of wealth in the elite from tithes. Feud between big families took on the characteristics of war, paid mostly by the people of the territories fought in/over. Violence took place on a larger scale. A king's promise for peace sounded better than the promises of big men in Iceland to guarantee no peace at all. The north and northwest was the most troubled, though the east of Iceland was relatively free of strife.

The church sought to gain from Norwegian control over Iceland. The archbishop of Norway, who aided Thorlak and Gudmund, had his own motives for the crown. Submission of grievances to the Norwegian king. Iceland had also become more dependent on Norway for things such as timber and flour. Control over long-distance trade eventually was solely in the hands of Norwegian merchants. Iceland's uniqueness of being kingless in a world of kings also played a role in this shift ('unnatural' and 'insecure'). Big powers likely looked up to the example of kinglike power as a goal to be achieved. The fall of the commonwealth is marked by the agreement to pay tax to the Norwegian king. The saga tradition fades a bit along with this shift. Little impact on day-to-day life, but a major impact on the native conceptual universe.

2

Making Sense of the Sources

Laws and Sagas: Some Problems of Fiction as History

Only sources from the twelfth century onward (native in the thirteenth). Each source, sagas and law, have their downsides. The laws are known as the *Grágás* (two manuscripts: *Konungsbók* (1260) and *Staðarhólsbók* (1280)). Their reason for production perhaps related to that of the sagas. They amount to roughly seven hundred densely filled pages of law. Extensive detail of laws versus actual practice. For the purposes of this book, there are two primary categories of sagas to be concerned with: *Íslendingasögur* (family sagas) and *Samtíðarsögur* (contemporary sagas — secular sagas and bishop's sagas). The distinction between these is not formal, nor based on style, but rather based on function. The family sagas focus on the events of the Saga Age (930–1030) while the contemporary sagas focus on later events in the twelfth and thirteenth centuries. The contemporary secular sagas are collected in a single compilation known as *Sturlunga saga* (ca. 1300, although composed at various times within the century). Some contemporary sagas not written during the events told of in the sagas, some could be up to a hundred years after. Due to the complex nature of the sagas as credible sources, little significance has been placed on early Iceland since the first decades of this century (twentieth).

There is generally a resistance among social historians in using literary sources. The idea that literature is for pleasure, not for study, or ‘too good to be true’. For Iceland, this cannot be avoided; literature must be used. The sagas are familiar and consciously realistic. There was no reason for these authors to invent the social and cultural settings in which the characters moved about. The world that the author lived in provided these things for him. The fictionalizing of characters and speech need not be of any issue for a social or cultural historian. One struggle with the sagas as a source is discerning literature convention. Art and life were not separate in early Iceland. Not all stylization indicates literary invention (like dreams tend to), some are forms of protocol. It is difficult to determine what is literary and what is practice.

The family sagas present special problems not seen in the contemporary sagas — idealization. Yet, they still reflect their contemporary time, although attempting to take place in a past time (it is like historical movies today, which tell us more about ourselves than the period presented). The differences between them is what presents the most trouble, for the family sagas present a non-Christian time so naturally and with a lack condemnation. This is either from oral tradition or the imagination and pride they had in their past, both not good assumptions to be made. There are also the differences in the distribution of wealth to consider. Also the feud process in each category and how it differs from each other.

Understanding the sagas in a chronological sense is very difficult. Many sagas are undated and the authors archaized their material at times. It is a challenge to separate reflections of and statements of the past. In this sense, the contemporary sagas are kinder in that they were written more closely in time to their setting. Yet, for Iceland, change over time in a technological sense was not so dramatic; people farmed and herded as they always had. It took time for Christianity to alter things. Still, it is most likely that even the family sagas reflect the contemporary time far more than the Saga Age.

***A Case Study of the Sagas as Sources:
Þorsteins Þáttr stangarhoggs and the Politics of Accident***

The Story of Thorstein the Staff-struck in its entirety (a firsthand example of these sources). Social and legal protocols surrounding unintentional harm. Intra- and inter-household politics in the disputing process. Likely reflects the thirteenth century, not 990 as it presents.

~ *Þorsteins Þáttr stangarhoggs* ~

Saga Summary

Thorarin, lived at Sunnudale. He was old and with failing sight. A fierce viking in his youth, but now not easy to deal with. His son was Thorstein who worked hard on the farm. Thorarin had good weapons. Their wealth mainly from breeding stud-horses. Thord, a servant of Bjarni of Hof, was in charge of Bjarni’s riding horses. Thord bragged a lot. Thorhall and Thorvald also were servants and told of everything they heard.

Thorstein and Thord agreed to have a horse fight. Thord, losing, struck Thorstein’s horse. Thorstein strikes Thord’s horse. Thord injures Thorstein, but he wishes to cover it up and hide it from his father. Thorvald and Thorhall use this to make fun of Thorstein, calling him staff-struck. Thorarin catches on that something is bothering Thorstein. His father indicates he was a sissy, but Thorstein thinks it was an accident. Thorstein goes to Thord to confront him.

Thorstein kills Thord. Thorstein tells a woman to tell Bjarni a bull gorged Thord. Bjarni finds out and has Thorstein outlawed, but he stayed at Sunnudale and Bjarni let things be. Thorhall and Thorvald talk about Bjarni's lack of effort regarding Thorstein, but Bjarni was listening in. The next morning, Bjarni orders them to bring him Thorstein's head. They tried to attack Thorstein, but they both failed and were slain.

Bjarni's wife Rannveig talks to him about how he is handling things. Bjarni mentions that Thorstein does not kill without a reason. Bjarni decides to settle this with Thorstein himself now. Bjarni challenged Thorstein to a duel. Thorstein asks to meet with his father first. His father tells him to fight. They fight and it goes...oddly. Bjarni keeps finding excuses to take breaks in battle. Thorstein's stamina is impressive. This fight seems very symbolic. Bjarni is impressed by Thorstein's respectful behavior. They stop fighting and Bjarni goes to talk with Thorarin. Bjarni lies to his father and says the Thorstein was slain. He then asks Thorarin to come with him to Hof, but he was not open to this. Thorarin tricks Bjarni to come closer and tries to attack him, but Bjarni dodges this. Bjarni reveals that his son is alive.

Thorstein goes with Bjarni to serve him and remains there till his final days. Both him and Bjarni gained much respect in life. Bjarni's body allegedly rests in a town near Rome called Vateri. A list of Bjarni's descendants, some Sturlusons from Bjarni's mother's side.

Miller's Commentary

Thorstein's peacefulness, Thorarin's obstreperousness, and Bjarni in the middle. Thorstein becomes literally worth three men, not simply a metaphor. This satisfies the need for balance in the dispute. The annoying nature of Bjarni's servants. No remorse for Thorvald and Thorhall. The women who Thorstein told Thord was gouged by a bull taking advantage of her social standing to make a statement about Thord.

Thor being in names as common. Nicknames main method of distinction, or patronymically given a name (sometimes matronymically). Names often repeated across generation since often named after some close dead relative. Sometimes fixation to places helped to distinguish people, though required some sense of permanence in their geographical placement. Nicknames were the main way to distinguish people. Often a form of insult as well. In this way, shameful events stick to a person.

The Politics of Accident

The tension between Thorarin and Thorstein when his father approaches him about his wound. Thorarin uses the word *ragr* to refer to his son, translated as 'sissy' by Miller. This is one of the three words that privileged their target to kill the insulter (so a big deal). The law declares that there shall be no such thing as accidents. Risk for injuries in games and wrestling was assumed by people. No outlawry though for such cases. Some exceptions for livestock, if compensation paid in two weeks. Both denial and affirmation of the concept of unintentional harm.

During the horse-fight, Thorstein is perfectly fine assuming his injury was an accident along with most bystanders. However, Thorvald and Thorhall turned this into an insult of degradation against Thorstein. Shame was attached to this moment. Thord's refusal to compensate Thorstein illustrates the little respect for Thorstein that Thord had. Even if deemed accidental, it still required compensation. Sometimes compensation would be offered to show that a wound was not intentional. The issue of accident could only be raised by the wrongdoer.

Determination of intent may include a consideration of a person's popularity and their history. It was Thord's responsibility to raise the question as a defense if prosecuted. Thorstein went to Thord with the intent to kill him, since he had not offered such compensation in defense of his actions beforehand. Sexual insult of Thorstein likening himself to the bull.

An instance of laws confirming a fairly widespread social norm. The proper procedure was for the wrongdoer to come forward and offer amends. However, if the wrongdoer did not come forward there were two ways to respond: suit (law) or blood (sagas). This sagas shows that the situation of accident was a misfortune and a dishonorable one. It did Thorstein little good overall. The people involved cast it off as accident, but those around them pushed for it to be intentionally instead. Not an affair to be resolved by two people. As long as the burden was on the wrongdoer, there was no case of accident possible. Thord's character tells a lot about this. He was a bad and lazy sort. It also reveals how servants were responsible for their own actions. Bjarni would not necessarily wish to become involved.

The Progress of the Dispute

Servant of a powerful household versus the head of an impoverished household. If Thord had offended a person part of an equal or higher standing household, he would have acted differently. Bjarni would not have left things to Thord. No third party involvement (advice). Nothing merited this at the event and they did not have the means to gain attention. Bjarni was capable of handling the matter without other assistance.

Inter-household politics. Bjarni is able to outlaw Thorstein fairly easily. Bjarni's past does work against him, and this is how his servants egg him on to doing something about Thorstein. Those under him have decent reason to suspect he does not uphold bonds very well (kin killer). Many doubt him when he does nothing for his fallen servants, which is bad for a chieftain. He sends them to go get Thorstein's head, but this is somewhat a death sentence and he knows it (avenge their tale-bearing). Those of his household are well aware of his past, gossip travels quickest through the servants.

Bjarni understood the moral reasonings behind Thorstein's actions, but he seems pushed by his household and thingmen to act in order to preserve his social standing. Thorstein is aware of their differences in status and what would result if he defeated Bjarni. The fact that they fight one-on-one is interesting as well, since outlawry often present an opportunity to take advantage of numbers. They have a complicated settlement dance with one another in order to make peace.

Although the matter seems to end peacefully, there is a dark side: Thorstein's household loses its independence to Bjarni. Though, paying compensation could have bankrupted the farm entirely, and so it is somewhat a case of debt-slavery to server Bjarni instead. Thorarin's words reflect the anxieties of power going into fewer hands now that there is one less independent farm. Also, questions rise about the fact that the exchange of honor sums out to be more than zero. Overall, this example aimed to provide a picture of how sagas can be helpful for learning about social process in medieval Iceland.

3

Some Aspects of the Economy: The Problem of Negotiating and Classifying Exchanges

The modes of exchange in Iceland.

Between two people of equal standing:

1. Gift
2. Payment (compensation)
3. Purchase

Also *rán*, the unsociable act of theft. Long-distance trade more often explored while internal trade is poorly documented, unless we look at things differently by using the sagas.

Household farm was the basic unit. Larger farms mostly self-sufficient, except at times for feasting and hospitality reasons. Smaller farms rented land and engaged in loans. Loans regarding livestock a common cause for conflict. Many cases of individuals selling goods in various sagas (see page 79). Exchange of fish for farm produce must have been fairly common between fishing stations and inland farmers, though indirectly stated in the sources. No official marketplace, often at Things, festivals, or wherever a ship landed.

Gift giving at feast was an important method of exchange with social implications. Defining exchanges was an important process. Uncertainty in exchange often would burden the two parties and could lead to misunderstanding and conflict. Defining exchange was an important task.

Fala (to ask to buy, to seek to purchase) versus *kaup* (a bargain or purchase) — action versus completion of action. The seller was the one will to part with his good first while buyers take them and arrange for future payment.

Gift giving gave rise to social relations, unlike the exchange mentioned just before. Forced offerings was also a thing (giving certain portions to the poor). The definition of a gift exchange can vary and is often not so straightforward. In the case of theft, it was up to the prior possessor to respond and it was the raider who achieved social dominance.

Case I: Food and Feud

The Case of Gunnar, Otkel, and Hallgerd's theft (*Brennu-Njáls saga*).

The parties raise three different ways of transferring food and fodder: (1)

1. Sale for a price
2. Gift with prospect of return
3. *Rán* with an immediate return dictated by the taker.

All three are rejected. Skammkel doubts Gunnar's ability to raid and is challenging them to do so. The reason for rejection is complicated. No discussion of price, proper greeting, not seeking hospitality, haste (social distance), etc. Each party seems to have misread the other's intentions; the question is not in the price, but in the quality of relations between the parties.

This was a case of establishing relations that were not present beforehand. Once Gunnar initiates these dealings, Otkel could not refuse without dealing insult. Gunnar was conscious of the sensitivity of his arrival though, bringing less people with him than normal.

The transaction regarding the slave is interesting as well. Hallbjorn gives him to Otkel as a gift, but in this case it is as a measure of the worthlessness of the object transferred and to avoid liability in a sense. Irony in the slave being the method of transfer for stealing the food. Theft on a close level with murder. The later dispute between Gunnar and Otkel after the theft hints more reason behind the denial of transfer: “The issue is not money, but prestige and honor” (90). Skammkel uses Otkel’s lineage (grandfather Hallkel), against him. Aim to best Gunnar and redeem his lineage and reputation. The theft as perfect opportunity to humiliate Gunnar.

Gunnar likely went to Otkel due to the feuding between their wives. Njal and Bergthora, afterwards, invoke the norms of proper behavior. Njal or selling and Bergthora of giving. The sociable thing to do during famine for a friend in need, if able, was to give and to honor requests to purchase.

Case II: The Politics of rán

This case from *Hansa-Póris saga* (chp. 5). Tenants needing hay during winter. Ask Blund-Ketil, but they are referred to Hen-Thorir, not popular (wealth by selling in one district what he bought in another). He asks to buy hay from Hen-Thorir for his tenants. He does not want to sell though. They just take the hay.

This is a black and white scenario and we are not meant to have sympathy for Thorir. Ketil’s patience an indicator of his good intension against a reluctant seller portrayed as a “petty devil”. Thorir is not concerned with money in this case. (Chieftains had right to set prices on imports). From trade to bargain to courts and feud. Thorir’s objections show how difficult it could be to negotiate a sale. The author attributes Thorir’s refusal to sell to his character flaws. Motive or simply pure evilness? Motive might have been something regarding his relations to Blund-Ketil. He felt he could benefit from shaming him with this denial of trade (which apparently is true in the end). Thorir ends up having to purchase his support (due to his bad character and poor moral standing in this situation).

Jónsbók (Norwegian law) replaces the Icelandic law of owner’s rights regarding control over property like hay and punished refusal of trade. There was hostility to this because people (the bishops and *bændr*) wished to maintain control over whom they dealt with and on what terms they did so.

Blund-Ketil also had a friend nearby who could have helped, but no indication of tensions like with Njal. Possibly due to the request of the tenants and not wishing to impose this on friends. Yet, dealing with friends sometimes meant dealing with prior obligations, which could be equally troublesome. Interesting case in *Heið*. 32:311. Cases of *rán* between families and within marriages (dowries and such).

The complication of *rán* often comes from the opposing positions of takers and possessors. It arose in different settings for difference reasons:

1. Sometimes a terrible deed,
2. Sometimes ‘necessary’
3. Sometimes a means of vengeance.

Third parties would urge peace and compensation, favoring whomever seemed most justified.

Case III: The Movement of People against Goods

This case is from *Laxdæla saga* (chp. 37). Nothing to do with famine like the previous two. The issue is in four fine horses. Once again, a willing buyer approaches an unwilling seller. The result is an offer (challenge) of raid, and they even agree on the terms of the raid (when and how). The author notes that their behavior was not the social norm. Thorleik's uncle Hrut makes Eldgrim to seem more of a thief than a raider. Many things make him suspicious as a thief in his undertaking. Hrut attempts to quell the situation with a gift exchange to settle matters (while Eldgrim is about to raid), but this fails.

Thorleik got these horses from a previous transfer. Also from a recent arrival from the Hebrides, Kotkel. He was not familiar with the social implications and it meant less to him (sort of), plus he came to Thorleik (seller to buyer, not buyer to seller). Concerned with the creation of bonds and dependence and patronage, not so much price. Thorleik tried to maintain this transfer as mercantile, though the aspect of patronage kept this from being so.

Conclusion

All of these cases show no offer to lead to a transfer by means of sale. Price was dropped from the matter and social concerns filled the transaction. These cases suggest that buying and selling was hostile and should be done in distance (abroad). Of course, the buying and selling between *bóndi* were not always like this. It sometimes depended on what was being traded that led to the course of events. What was being sought after would define the level of tension. Requests for good as less familiar and regular.

The regular and familiar mode of transfer was in human and social ties. Hay and food for friendship (Njal). The purchase of support was a common practice it seems (rings). Exchanges could never be impersonal between *bændr*, for they often already knew about one another.

Gifts of land were different from gifts of other goods. Implied a sense of long-term subordination to the giver. Making land a purchase avoided this. Sometimes people dueled for land.

No exchange was just a two-part affair. The community passed moral and social judgement on a transfer (honor and prestige being allocated by them). Honorable people exchanged via feud or feast.

4

Householding Patterns

Debates and Definitions

Simple household (nuclear family) and extended household (kin group). Question of why this structure took so long to replace (rise of middle/working class). Differences between law and saga descriptions and evidence regarding households. In sagas, plot may interfere with some pictures of household patterns. Descriptions in sagas tend to focus on the wealthier households. Poor farmers are unfortunately glazed over almost entirely. Possibility of multiple household-ship. Simple households become complex when adding in relatives beyond a nuclear family. They can become joint or multiple when adding in other related, married couples.

Household terminology:

1. A farm and its buildings were called *bær*.
2. The farm buildings also called *hús*, though could be rooms of the farmhouse.
3. The household was called the *bú*.
4. The complex of buildings and judicial unit was *híbýli*.
5. The entire household membership was known as *hjú* and *hjún*.
6. The workers of a farmstead were called *skuldahjún*.
7. The *tvíbýli* is viewed as a complex household.

The nature of a household is bound and dependent to the culture.

***The Household in the Laws:
The Problem of the Judicial Household***

Legal process places much significance on households and affiliations. Much dealing with the summoning procedure, calling neighbors to panels, and Thing-attendance. Property-based definition of household. Can lead to multiple “judicial households” if multiple members claim ownership of a few cows (theoretically speaking). The Sagas suggest otherwise. Little detail regarding the day-to-day management of farms. Probably a unified process, not an individual process. Group names often come from farm names and kinship ties. (The case of the farm *Veisa*, pg. 119). Shared headship was not uncommon. Usually father to son, sometimes sharing. Women could also be heads of the household. Sometimes they too shared headship. A household then generally had at least one householder, but could have more.

Servants

Everyone had to be attached to a household. Men over sixteen and single women over twenty were able to choose themselves. Done so via contract. Many households had servants. Servants could be married with children on the same farm or another. Laws indicate they were often split up. Life-cycle servants, worked at another household until they were to take over their own. Good deal of independence.

The Fostering of Children

Apparently a very frequent practice. Many types of fostering. One type was that the foster-parents were of a lower status than the child-givers. Another was of equal status (between kin). Both of these types were voluntarily. The third type was forced upon the fosterer by the law. Poor classes moved around more than the well-established classes. A form of creating ties and bonds between families. Many other reasons as well (pg. 124). Foster-parents within a household, such as servants being foster-parents (women as wet nurses and men as bodyguard or instructors).

Household Size

Well-off households had a substantial amount of people (30-100 as suggested by the sagas). Njal’s is a good example. Less is to be said about smaller households. One conclusion that can be drawn is that household size directly related to wealth.

Residence at Marriage

Either set up a new household, continue in one of the parental households, or establish joint house-holding in another pre-existing household. The first is mostly with wealthier families. Would depend on population and marriage age. Also depends on land market, which, as discussed before, transferring would be with risk of dispute. Productive land was limited and shrinking. Desired their own households, but difficult to achieve. Absorption of simple households by big farmers and chieftains. Many possibilities (Bottom pg. 127).

The Prevalence of Complex Households

Several factors promoted complex households. At parent's death, sons would joint run households rather than dividing it up (brothers too). Among wealthier families, the division among brothers would help keep things together. Often people stayed close to their kin. Feud demands would keep households connected for support and defense. Though, this was often not equal. People often purchased protection and enter service of another household. Families split up if household could not sustain them. Complex households were much more common than simple ones. Yet, the laws mostly go against complex households and favor individual ownership.

The sagas focus mostly on feud (inter-household disputes). Internal household politics are then more difficult to gather insight for. Differences in honor may have cause friction between joint heads. Problems would also be known prior to the parent's death. They would resolve issues not with violence, but with avoidance (so-and-so went abroad). Differences in interests. Household politics complicated by individual relations and by outside factors as well.

Thicker Descriptions and Summation

Formation (*Ljósvetninga saga*) and dissolution (*Gíslí*).

First case: two brothers, one (Eyjolf) does not want to share. The other (Kodran) does not wish to sue his brother over this. He makes a house and in doing so requests joint headship of property, yet control over personal property to the individuals. Eyjolf seen as not being a good kinsmen. Both not of age at parent's death, perhaps reason for tension.

The second case: two brothers divide property, one land and the other movable. Each has an intra-household connection to one that the other is hostile to. Preference to share with someone else rather than his brother. People often relocated due to food, discord, marriage, etc. Life-cycle meant a lot of moving and a lot of reasons and ways in which that moving could occur (pg. 136).

5

The Bonds of Kinship

The presence of kin in a given household is the primary director of movement of people between households. This chapter will discuss the obligations created and imposed by kinship ties and co-residence as well as the burdens and benefits of such. Argument that kindred structures could not have been maintained when migrating to Iceland. Miller argues this is incorrect and

assumes that the evidence of kin-strife suggests that. Phillpots argued that kin must act together always, and that this was not the case in Iceland at the time. Miller counters this with the fact that, even among kin, there was always something at stake. Understanding the differences between theoretical kinship (law, organization, etc.) and practical kinship (favours, loans, support, etc.). Both theoretical and practical affect one another in some way, and so neither is solely 'correct'. Each world was not closed off from one another.

***Theoretical Kinship:
The Formal Structures of Genealogy and Law***

The Evidence for Cognation

Kinship traced through both male and female lines. Certain objects might not pass linearly, such as a sword a son and jewelry to a daughter. Evidence of cognation (female links) in *Landnámabók*. Numbers suggest a preference for the male lines if there was one to be had. Sex was not the important matter, though, it was the existence of a link of any kind. No shame in female links or illegitimate children. Though, laws show a bias for male links. A preference for male links within the first-cousin level. Daughters still retain right to parental properties in inheritance and dowry. Wergeld law (*Baugatal*), older law than most, a complex scheme of blood compensations from the fourth-cousin onward (pg. 144). Many argue that it was unlikely to be actual practice. Though, it's inclusion suggests it was conceivable.

The Limits of Kinship

The law states that the limit of kinship was set at the four-cousin. Another distinction mark is made at the second-cousin level, whom could not preside on a panel for a kinsmen. Practically speaking, the limits fell between second and third-cousins. Later ecclesiastical marriage laws (to the sixth-cousin level). Those laws suggest people stopped "keeping track" after the second-cousin. These were likely not well enforced and some evidence shows it was ignored. The case of Thorfinn and Ingibjorg (pg. 147).

The Structures of Kinship and the Burden of Poor Relief

Laws imposed the maintenance of the poor on their kin. Lack of means did not excuse a person from maintaining his father and mother. If not, debt-slavery was the answer to sustain them. Debt-slavery was legitimated by law, even after full out slavery had died out. This creates a series of dependencies: parents on children and then children on nearest kin. A father could be a debt-slave himself or have his children become debt-slaves. Children divided between each side: two-thirds to the father or father's side and one-third to the mother or mother's side. The law justifies this split by the deeming of a father's side to be "favored" in inheritance. Spouses owned less support to each other than they did to their parents or children. In other words, men and women were more obligated to tend to those outside of their direct kin grouping established by marriage. A person was obliged to care for an impoverished kin only if with sufficient means (four half-years).

Some people forcibly resist the arrival of the dependent, or that dependents might be forcibly imposed on those not properly obligated. The sagas can provide some confirmation. Not

all poor relief was based on kinship alone. Maintaining an outlaw's dependents fell onto the local Thing or the Quarter of the defendant (recall Bjarni, who was trying to avoid this). If no kin were available, it fell to the *hreppr*. Kin often shirked at these obligations as well. The law was aware of this as well. Voyages abroad meant finding ample sustenance for kin while one was gone. Slavery of kin as means of recuperation? Kin as burden? Complicated morals behind kinship and kin-slavery. Rich kin help poor kin and poor kin return the favor however possible.

Formal kinship as key in determining distribution of legal rights and obligations. It provided structure for transfer, care of dependents, guardianship of property, and determined burdens in cases of suit. Genealogies used to forge these connections. All what was previously mentioned were the obligations made by law.

Practical Kinship

Bilateralism of kinship (not all of your kin are related to one another themselves). Possible divide in loyalties. It was not a closed determination regarding membership. Someone always had to 'recruit' their kin. Any kin group with a chieftain would usually be defined by that chieftain (or heads of substantial farms).

frændi = kinsmen

höfðingi = head of kin group

ætt = kin group

Up to the people involved to maintain connections (gifts, support, and favors). Even a first cousin less involved may not be regarded as 'true' kin. Many factors to take into account (pg. 156-7).

The Idioms and Norms of Kinship

Brothers, fathers, and sons address each other as *frændi* (and other distant relatives). Appositive used of *mágr* and *frændi*. Practical moral discourse (stand by kin no matter what). Ironic usage of kinship (faking it), used to take advantage of situations. Desire to keep up with kinship and kin-strife seen very negatively. Violations of good kinship made for insult and mockery. The norms did not completely prevent kin-strife, but it gave rise to regret and anxiety from it. Kin-strife was simply unavoidable due to competing claims. Stresses of the father-son bond. Weakening of kin ties in the thirteenth century.

Assembling the Kin

Counsel between kins was one of the chief activities that took place between one another. They could be targeted for their kin's actions (a motivation to give them good advice). It was perceived of as a duty. Kin involved in marriage proposals and negotiations. Marriages without counsel often lead to bad things (Unn and Gunnar with Hallgerd). Kin living in other households had to be sought out and convinced to join in with causes. Refusal to aid did not always result in loss of honor or relations (pg. 166). Blood connection alone was means to approach a person for aid.

Affinity

Relatives by marriage. Bonds via marriage equally important as the bonds of blood. Could be claimed to the second cousin level with the kin of one's spouse or the spouses of one's kin. (Kari and Ketil of Mork). Actual relations versus juridicial relations. Women married or remarried still remained part of the former kin group. Connection made with a sister's husband, not the sister. Under same obligations as blood kin in cases of aid and vengeance. Marriage extended social networks.

Fictive Kinship

Fosterage, blood brotherhood, and sponsorial relations. Foster-relations as very powerful (enact vengeance and bonds). Fostering involved a status difference (the foster of the lesser). Or an act of humiliation or deference (Njal). Offer an act of kindness, yet also a 'hostage' to secure peace. Foster-children not treated differently. This bond only linked the child them self, not a web of connections like with marriage. Created conflicts of loyalty with them though. Blood brotherhood was the vowing of men together to avenge the death of the other. Ritual involved. Linked to pagan practice, perhaps (though, not really, it was a social thing, just adjusted itself for the new faith). Sponsorial relations (such as baptism) also prevented people from serving a panel for someone. Little interests in the sagas for this type, but still had an effect.

Repudiation

Dealing with casual sexual relations and possible offspring and their respective kin groups. Dealing with unruly kinsmen (often send them abroad). Thjostolf in Njal, contracting the right to kill him. Kin unaggressive about taking action over troublesome kin. Unruly kin literally 'unlike' their kin group. Outlawry of one's own kin over disgracing the kin group.

Conclusion

Practical kinship as main way for group recruitment in saga Iceland, looking for aid in law and life. Kin terminology carried weight (obligation). Yet, this also made for competition. Kin groups tended to center around the leading men. In theory to the fourth, in practice less distant. Kinship tied within everything.

6

Feud, Vengeance, and the Disputing Process

Definitions and Models

Information in sagas about households and kinship is indirect. As for feud and dispute, the sagas are all about them. Difficult to define bloodfeud (varies for other cultures).

Characteristics of the feud process:

1. Feud is a hostile relationship between two groups
2. Involved groups that can recruit in various ways (household, clientage, etc.)

3. Violence is controlled and scaled
4. Collective liability
5. A notion of exchange (my-turn/your-turn)
6. Score is kept
7. Honor as prime motivator
8. Governed by norms
9. Culturally acceptable means of settlements and hostility

Frequently moral, often judicial, and always political. Moral when social norms are violated. Judicial when involving settlement and legal action. Political because it is the primary exchange of power and influence. Feud as far more than vengeance-killing alone. No term for feud; it was a process not an institution.

The Icelanders did have a model for feud though, and it takes the vocabulary of gift giving and inverts it. It also involved careful scorekeeping. (The case of Bergthora and Hallgerd in Njal's saga). Meant to establish an ideal type of feud. All of its elements are intentional. Recognition of differences between free and not free during feuds (free valued higher). Yet, escalation becomes a possibility with this model. Victims of increasing status. Also suggests compensation does not always bring an end to the feud process.

Balance-exchange model. Two things the model could not account for: the identity of the vengeance target and the timing of the return blow. Feud takes place between people of relatively equal status and resources. It generally did not cross social strata. Such conflict would be perceived differently. Those below the middling farmer could not afford to feud. Supporters who died in feud did not spark feuds themselves, they were a part of the feud between the big men. Feud was not always the first course of action. If terms were good, matters settled quickly. Yet even settlement was not automatic. Feud was never too far away.

Much of the work behind the feud was actually in gaining support or preventing the other from gaining support themselves. From killings to legal action, support was needed. The uninjured were crucial, they were the audience and the judges. Obligation within social networks. Legitimizing one's cause, popularizing it for support.

Vengeance: Norms and Expiators

Norms varied in strength, generality, and applicability. Contempt for one too eager for vengeance but also the man too eager for settlement. Depended on the case. Still, not always easy to determine. Vengeance not always killing, sometimes in winning an outlawry judgement. People recruited would prefer peaceful settlement. Yet, when blood was desired, compensation would never do. Even with Christianity, the desire for blood was not completely substituted (Amundi in Njal). (Case of Snorri and Thorstein as well).

The laws intervened and attempted to regulate feud. (Legal specifics on page 192-3). Despite laws, the timing of vengeance killing was in the control of those who had to take it. Drawing out the process seems preferred. A risk in delay. Loss of honor for lack of action. Careful balance. As for location, church grounds were off limits. Place to take animals to prevent raiding. Church peace, Thing peace, and holiday peace. Unfair odds was not a major issue, in fact, more honor could be obtained. Yet still, the rates of uneven grounds were also subject to their limits, though quite generous. Treachery and trickery not uncommon. Mutilation as means of humiliation.

The law attempted to dictate who could be targeted, but the sagas suggest that the target did not have to be the wrongdoer, but simply associated with them in some way. Victims as distant as first cousins. This came with various consequences (see page 198). Reasons for killing certain targets: honor, balanced requital, and strategy. Political ambitions and motives behind targets (removing competitors). Moral and legal ambiguities. Big man more difficult to get at. The more popular the target, the more aggressive the response. Excess killing as poor in public eye. Difficult to gain support if target was popular. Convenience also a measure for selection. *Laxdæla* expert on selecting a target (chp. 59). Guilt and shame in killing a popular figure who was not a chief focus of hostility. Unsuitable targets also included women, children, and old men. Age of twelve for boys was the point that this blurred. Though, being unsuitable targets did not protect them from ‘indirect’ harm. Rape not so common in the sagas, but does not mean it was not an issue. In regards to old men, these standards are more vague. Should not mock, yet often mocked. (Njal versus Egil). Old age as a claim of status, not a specific age.

Vengeance: Process, Ritual, and Legitimation

Local conflicts: support from household and among close kin. More complicated for across districts. Vengeance-groups more narrowly recruited than legal-groups. An active process. Lack of counsel with kin is bad, no counsel is worse (may prevent any legal action of behalf). People not eager to be avengers.

Goading was a way in which the ‘unofficial’ players could become active in the dispute. Violence was not pushed for unless it was arguably reasonable. Men often gained from this as well, benefitting from the counsel of women and servants at times. Goading for more than private hearing. Purposely public.

Some search for reasons to kill a person, at least to find better grounds. Inventing grounds for compensational killing was not unheard of (provoking insults). Difficult to place a vengeance killing on a single wrong done. To be legitimate, the killing had to integrate into the system of balance-exchange. Avenge one’s own humiliation. Interpretation and sharing of a dreams as an indirect method for testing the waters. Some directed feuds to other people under the preferred but less approachable target. The past a a pool for reasons to initiate feud (reinterpreted and reevaluated).

Style of feuds changed in the last years of the commonwealth. Larger forces mustered (small wars rather than feuds). My-turn/your-turn abandoned. Real losers were the small people. Still, the understanding of this is relatable to the feud process.

Legitimacy was not established by law or state, but rather something someone had to obtain themselves. The adept player legitimized his aggression.

7

Law and Legal Process

The Legal Culture

Law as a part of life, tangled within social norms. In Iceland, ecclesiastical matters were handled as secular matters. The laws seem to over-sanction society, aiming to regulate every facet of life. A cultural predisposition for law and lawmaking. Some law seemingly for law's sake alone. Impressive development for a place without state institutions. Never an official manuscript. Laws were amendable. Writing helped encourage this process, but it was not the main reason behind lawmaking itself, this is lost in tenth-century obscurity. Legal experts came from Norway during settlement (Ulfjot's law, Gulathing, etc.). In saga Iceland, many men were described as being skilled in law. Chieftains expected to be skilled in law, and if not they were trained. A reputation in law was one that induced respect. A cultural obsession with law (see examples on page 227). Law Rock as symbol of centrality and durability of law. The Lawspeaker as well, a symbol of continuity with the past, a living embodiment of the tradition.

No central force in making laws or enforcing laws. Many laws not intended to be absolute, though not all were optional. The will to settle as a strong force. Some laws made solely for practice or theoretical concerns. Law as promoting order. Regulating behaviors (to an extent), to validate their actions. The sagas typically show behavior violating legal action. Yet, even so, law still mattered and all feuds eventually end up at the Thing.

Certain laws might actually have encouraged strife. This was done by focusing the hostility and by drawing distinctions. Formal summons against people sparked tension. Violence at the Thing was rare, but not unheard of.

On punishment for serious cases: full outlawry (*skóggangr*). A strong social pressure for the judgement holder to kill his outlaw. Moral paradoxes at times (with new Christian ethnics). Two weeks after judgement, outlaw's property was confiscated by a court (*fjárnsdómr*) — wife's property is set aside. Half went to the man who outlawed the person. The other half to the men of the Quarter or district. This was another opportunity for tension. Killing an outlaw was not always an easy task.

Relationship between law and the feud process, but not part of the feud itself. The sagas show preference to blood vengeance than lawsuits. Even those did not all end by a juridical decision. Cases generally were not definite and changed as they progressed. Yet, all of these refer to feuds and of the upper strata. Many of the smaller bits of law and dispute did not reach the sagas. Indirect evidence is all there is. Legal justification behind bloodfeud. Legal phases within feuds.

Outlawry as less risky than blood vengeance. Could not find support if outlawed; support and aid itself was prohibited by law. A sensible way to seek revenge. Outlaws encouraged to kill each other (kill three go free). Financial advantage in legal pursuit versus blood vengeance.

Transfer process. The person who the case belonged to: *aðili*. The transfer ritual: *handsal* (?). Relationship between them, basically. Lower class to upper class. Chieftains would be reluctant, though gained from taking cases (asserting their influence). Thingmen-chieftain relationship. Chieftains could actually gain profit from these cases. Chieftain typically in charge of cases at local Things.

Support-mustering process as an ever expounding spiral: nearest kin, more remote kin, neighbors and locals, chieftains from other districts. Depended on the case type. Power measured by one's ability to muster support and win a lawsuit. Inter-chieftain rivalry could not be avoided with them frequently opposing one another in these lawsuits. People kept count of a chieftain's victories in these.

Some Aspects of Legal Procedure and Legal Argument

More than a hundred pages in the *Grágás* dedicated to procedure. Extraordinary complexity and formalism. Minor errors were not a major issue. Misspeaking was handled fairly informally. Lack of intent or lack of knowledge as valid defense. Wrongs were to be made public — not announcing a killing would lead to an assumption of murder (worse, not right to raise a defense). Theft was the lowest (again, secrecy). Proof and fact was a matter of knowledge and witness. Judges decided on cases based on the proofs presented. Again, no legal class. Community views from: panel of judges, panel of neighbors, and the audience. Most sagas (with the exception being *Njal*) do not provide detailed procedure. Ignoring procedural flaw for substantive justice. The law was arguable and amendable to rational discourse and sophisticated manipulation. More than one road to legal competence. Procedure affected by the relative power of the parties. Icelandic law was not embedded in kinship and marriage; it stood on its own. Law belonged to all free men. Legal proceedings, like horse-fights, were spectator sports.

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8

Peacemaking and Arbitration

Breaking Up Fights

Peace was the norm, and sessions of peace lasted longer than sessions of vengeance and legal action. Peace had to be earned and bargained for. The sagas reveal a sense that people not part of the feud were obligated to stop fighting that took place. A method of peacemaking. Required strength and courage. It was no game intervening in these outbreaks of violence.

The Arbitral Process: The first Stages and Third-Party Intervention

Settlement inseparable from the arbitration process. Information of this process almost entirely from the sagas. Cases submitted for arbitration as specific claims. Compensation achieved through arbitration. Settlement was often sought by the person who was wronged (typically weak wronged by powerful, though not always). Sometimes peace was offered for community support, even if likely to be rejected. Feud typically finds itself at arbitration at some point. The arbitrators defined settlements. *Góðgjarnir menn* (men of good will). Intervenors had their own goals and reasons for getting involved sometimes, but not always. Intervention more likely if dispute took place at a Thing. Intervenors were typically caught between both sides, bound to each. The less attached to a cause the less committed. (*Njal* was an example of a mediator type role). Honor typically held peace and settlement from being an easy process. Third-parties did not simply observe, they put their lives on the line as well.

The Role of the Clergy and the Effect of Christianity

Peacemaking not something learned from Christianity. Yet, it did create a class of people who were dedicated to peacemaking — the first step to institutionalizing the cause. At first,

though, this was not so easily the case with clergy members being a part of disputes themselves. It gave a new stock of rhetorical devices. The real aim was to find a means that resulted in the least amount of lost honor. Not the universal principle to settle peacefully, but sometimes it was what was practical. Still, the presence of Christianity provided new methods that could not be easily separated afterwards but also that these situations were not completely reliant on the presence.

***Achieving Settlements:
Form, Content, and the Sanctions Behind Them***

Many parties content with settlement, but honor often demanded they not be too eager. Aim to make compensation look like a gift indirectly given to the opponent via third parties (intervenor and community). Stakes were always high and peacemaking could fail. Sometimes each side could outlaw each other. Sentences could also be revoked. Arbitrated settlements were the expected outcome of property divisions following divorce and disputed mercantile claims. Refusing settlement when it was expected was a negative action (even by honor standards) — *ójafnaðarmaðr* (uneven man). Cases of collecting funds for later acts that would result in compensation needing to be paid. Even withholding cases for later use.

Arbitration was less severe than law and blood. It was also suitable for joining multiple claims into a single settlement. Failed settlements via arbitration could result in hostility towards the peacemakers themselves. Of course, this method has its problems as well (pgs. 276-77). Typical balance of corpse-to-corpse and insult-to-insult. *Mannjafnaðr* (the balancing of men). Balance was key in peacemaking. Though, balance was not always a possibility. Use of friends and kin to help pay large funds. Norms did guide the arbitrators in their monetary and exile judgements, but so did personal interests.

Breaches in settlements were not taken lightly. Breaking the firmly established norms behind settlement was a significant action. *Griðníðingr* (betrayer of truce), of the lowest of the low. At times, the breaking of a settlement sanctioned killing. Settlements did not always prevent violence. Parties could find new claims to spark hostility once more. Due to being a part of feud, arbitrated settlements bought time, not permanent peace. Any realistic hope for peace required concessions from both sides. The ideologies of peace and vengeance were frequently at odds. Peacemaking was reactive while vengeance was always in the air. Peace favored when one's own honor was not an issue, so most people favored peace.

Term recap:

1. *ójafnaðarmaðr* (uneven man) — refusal of expected settlement
2. *Mannjafnaðr* (the balancing of men) — balancing settlement
3. *Griðníðingr* (betrayer of truce) — breaking settlement

*Case I:
The Meanings of Self-Judgement (Njála, 38)*

Sjálfðæmi (self-judgement). For this case, the offer is specifically to assess a general monetary award. Njal seems to break the norms (based on the reaction of bystanders and Gunnar), but Gunnar complies immediately. Atli valued as a free man. The community was not aware of his status, which is why they were disapproving at first.

The significance of self-judgement depended on context and the state of relations between disputants. Njal and Gunnar were friends, self-judgement displaying their mutual trust.

Self-judgement has two factors: granting of power and determination of award. (Thorgils and Sturla, pg. 287). Not always eager to accept self-judgement. Negotiations did not solely resolve disputes and were meant to lead to some sort of award. Self-judgement was a form of arbitrated settlement, which is preferred to legal judgement or blood.

Case II:

The Interplay of Self-Help, Law, and Peacemaking (Eyrbyggja, 30-33)

Case where negotiations fail and the dispute then goes to law but with an outcome of an arbitrated settlement. Reveals the escalation and expansion of disputes (support-gathering process). This case did not encourage intervenors early on, being father and son with little kin and in close proximity of one another (also looked to be more in competition than as kins). Going public was the way to gain support. It goes to law because the three main actors want it or do not mind that it does so. Yet, the outcome was not as was intended; it was outlawry instead of compensation that occurs. The community had no desire for this to happen, resulting in peacemaker intervention. Breach of norms of good kinship between father and son. Vermund and Styr arbitrated the slave payment (pg. 293). Also, note the narrow scope of the dispute being centered around slaves and not the real issue that sparked this. The parties' hostility continued on after this settlement.

Case III:

Closure (Guðmundar saga dýra, 6)

The dispute was settled before it could expand any further. Gudmund avoided the situation from being used by other chieftains for political gains. Yet, this case reveals that settlements could only be permanently settled if they do not stray into larger disputing strategies.

Conclusion

Two cases show continuing hostile relations while one displays closure. Smaller feuds could see fairly enduring arbitration, but only because bigger parties did not become involved and use it as a vehicle for their own feuds. Overall, underlying hostility was rarely resolved. Though, arbitration postponed some of the annoying responsibilities and dangers of dispute. Case I affirmed friendship, Case II affirmed the values of peace and good kinship, and Case III satisfied social and psychic dislocation. The therapeutic nature of settlement gave something to everyone: the wrongdoer his life, the complainant something to show for his losses, and the community got peace and order.

Several factors led to arbitration:

1. The presence and strength of third-parties urging settlement
2. The difficulty of achieving resolutions through legal judgement or vengeance
3. Relative strength of the parties involved
4. A party's ability to engage in a feud
5. The substance of the claims being processed
6. The choices and goals of the disputants and their supporters

The ideals of peace were assisted by the grim alternatives. Legal procedure was risky and with many obstacles. For serious cases, it only knew of one punishment: outlawry. To avoid this,

parties were forced to arbitrate. Cultural norms governed these actions and organized the process in a way. It recognized that vengeance was suitable in some cases, but not all. Peacemaking was inevitably a part of the structure of vengeance and hostile legal action. Settlement hovered on the edge of bloodshed.

Miller's Concluding Observations

- (Honor) The balancing of men need not always be even. There is also a paradox in this balance process when one places their value and honor above another's. Honor was largely congruent with man-evening and the comparing of men. Honor as the possible fuel for feud. Demand yet deny balance. Honor more than just heroic, it was a practical advantage.

With honor came:

1. Good marriages for oneself and kin
2. Active involvement in exchange cycles
3. Relations with other honorable people

- (Violence) (Discussion of violence and the historical view of violence within other cultures and times, pgs. 303-4). Feud violence was not an everyday occurrence. Nothing shows that people lived in constant fear, and even times of "nothing happened" are noted in sagas.

- (Women) The Saga world was one of men, but women played a larger role in it than most other societies. The sagas did not like weak women just like they did not like weak men. Gender-neutral attributes. Virginity was a nonissue. Women were not put on pedestals, rather women put men on them and goaded them to stay there. Still, Iceland was a very male-driven society and it would be misleading to say otherwise.

- (Society) No "private" enforcement of rights, instead simply enforcement by people seeking aid. Possibly no state because there was not enough wealth to support it. Churchmen made the first steps to state formation in Iceland. Early formation and redistribution likely poor to rich, not rich to poor.

Appealing aspects for people of communitarian tendencies:

1. Limited role of lordship.
2. Large numbers of free people participating in decision making.
3. Little market role. Social relations before economic relations.
4. Kin over cash.

On the other side of things:

1. Not equal access to resources
2. Men benefited from women's productive and reproductive capabilities
3. Debt-slavery/degree of misery

- (Law) Interesting as a case for law in general as one that stands without a state. It was full of limits though. A legitimating entity where legitimacy was not fixed or assumed.

- (Style) Difficult to ignore the romantic charm of the saga style, but good to remember that dulness is suppressed and excess is meditated by the skills of the author.

Quotes:

1. “The account has something of the style of an exemplum and what is important is the existence of a claim to resolve, not how that claim came into being. By the time the saga writer focuses attention on this incident it is not the hand that is the subject of the dispute but the legitimacy and justice of Gudmund’s judgement.” (2)
 - a) Interesting point, since Skæring could have been trying to steal from the Norwegian’s ship, yet things still seem to side in Skæring’s favor when this scene plays out. I can see how that scene was more concerned with making sure the Norwegians carried out their side of the agreement, despite whatever caused this situation to arise, than the crime itself. I especially like the notion of the author’s own focus as one who is reflecting back on such an event with a different intention.

2. “By introducing the prospect of one of their hands to balance against Skæring’s, he is able to remind the Norwegians that the thirty hundreds they must pay purchases more than Skæring’s hand; it also buys off vengeance in kind.” (2)
 - a) Paying compensation for a crime becomes more than merely someone else’s hardship as a result. It becomes a personal matter, since compensation can be protection against harm being redirected back again.

3. “A significant portion of this book is about the disputing process in medieval Iceland, about how contention was mediated in society, and about how that process impinged on the social solidarities of households, kin, and Thing attachment.” (4)

4. (*Heroism*) “Skæring is a reminder that the heroism of people like Svein Jonsson depended for its effect not only on the fact that it imitated a model of heroic action from the past, but that it was distinguished in the present from the behavior of people like skæring, neither cowards nor heroes. Without Skæring, the actions of Svein are deprived of their special meaning.” (12)
 - a) This reminds me of how Bjorn contrasted with Kari near the end of Njal’s saga. Bjorn was both with courage and cowardliness when he was with Kari, although this may have also been for humor. It is still interesting though, to see heroism being held in high regards in some ways. Yet, still these heroes fall eventually, leaving their efforts wasted, though alive in memory.
 - b) Are these kinds of characters heroic because their stories have captured the imaginations of those who came after them? Perhaps the reason these saga authors seem to criticize (indirectly) the point of heroism (at least that of the old heroism) is because no hero can live (physically) forever. From their perspective, does it not seem as though their actions led them to their deaths? Still, it seems that that final moment (such as Gunnar’s last stand and Njal’s burning) is the only reason they are heroic to begin with. In a way, they are held so highly by these authors because they stood up for something (or at least the stories about those events grew into something of that nature). It seems that heroism is something that is imposed onto certain historical (maybe) figures, perhaps due to the memory and significance that surrounded their lives and actions.

5. *Ari attributed to Thorgeir the Lawspeaker upon the decision to proclaim Christianity into law.* “I think advisable that...we all have one law and one religion. For it is true that if we sunder the law, we will also sunder peace.” (21)
 - a) This sounds familiar to the “with law we rise, with lawlessness we shall perish” quote from Njal’s saga. It definitely seemed important for everyone to work together in agreement, or else the system would not work as it should.
6. (*Honor*) “Things were the arenas for intensive legal action; they were the locations where successes and failures were unambiguously on display, where prestige and honor was competed for, and won and lost. Reputations, if not exactly made there, were on display there.” (21)
7. “The partibility of chieftaincies also meant that membership in the chieftain ranks was open to men of ambition and mean who could usually obtain, by purchase or propitious marriage, at least a share of a *godorð*. (24)
8. (*Women*) “...a chieftaincy could pass to a woman via inheritance; she was, however, disabled from discharging its duties. Should a chieftaincy fall to a woman, she was to transfer it to a male who was a member of that local Thing who was then to fulfill the duties associated with the position.” (24)
9. (*Honor*) “People fell into and out of [social classifications] depending on the vagaries of fortune. In theory, the laws recognized only two broad juridical classes of people: slave and free.” (26)
10. (*Women*) “In spite of these rather serious disablements, the Icelandic laws accorded women, both single and married, substantially more rights in property than other Scandinavian or continental codes.” (27)
11. (*Women*) “...women were more than mere title holders with managerial powers lodged solely with men; women of the *bondi* class managed farms in their husbands’ absence and managed the indoor activities when they were present. Sagas show married women with the power to hire and fire servants. And the significant unofficial power exercised by women in the feud and the disputing process is a frequent saga theme...” (27)
12. (*Honor*) “Status had to be carefully maintained or aggressively acquired: one’s status depended on the conditions of one’s honor, for it was in the game of honor that rank and reputation was attained and retained. Honor was at stake in virtually every social interaction.” (29)
13. (*Honor*) “seating arrangements provided one of the few occasions in the culture where relative ranking was clearly visible.” (30)
 - a) A role of irony in such scenes? Yet only possible to have irony due to the scene being so significant to begin with.

14. (*Honor*) “Honor was thus, as a matter of social mathematics, acquired at someone else’s expense. When yours went up, someone else’s went down.” (30)
 - a) Perhaps this is why there is so often challenges to duels, at least in Njal’s saga. Duels, as Miller states right after this quote, were direct exchanges of honor.
15. (*Honor*) “...people in an honor-driven society tend to act as if honor was a scarce commodity, the supply of which was either constant or diminishing...” (31)
16. (*Honor*) “An old man could not relax, nor even the corpse that had suffered violent death, for the final assessment of the victim’s honor depended on how much compensation or how great a vengeance his kin could exact on his behalf.” (31)
17. (*Honor*) “The state of one’s honor was socially determined....[it] was not just up to the individual.” (31)
18. (*Honor & Irony*) “Honor and reputation were in the eye of the beholder and most beholders’ eyes were jealous because they too were competing for the same limited supply.” (31)
 - a) “One irony of honor was that it was accorded as much by an enemy as by a friend.” (31)
 - b) “..another irony demanded that [honor] be accorded by people whom one admitted as equals. The ‘game’ required a competitive field populated by players everyone admitted as worthy of being in the game, ...yet the goal was to surpass the others and create differentiation.” (31-2)
 - i) It is interesting to see this contradiction. Iceland had developed such a legal system that strived to find equality and balance, yet was constantly undermined by this ‘tradition’ of sorts behind honor. I would assume that the saga authors were aware of this and perhaps, at least in Njal’s saga, criticizing this process. Was honor worth all of the killing and efforts? I feel that the author did not think it was.
19. (*Honor*) “The possession of honor attracted challenges, because that was where honor was to be had. (33)
20. (*Honor*) “...the mentality of hierarchy never fully extricated itself from the egalitarian ethos of a frontier society created and recreated by juridically equal farmers. (33)
21. “...it might be that the uniqueness of the native literature owes somethings to the fusion of letters and axes.” (36)
22. (*Honor & Gender*) “Sexuality and marriage were a part of the world of manly honor...” (37)
23. “The history of the Icelandic church and the story of the fall of the commonwealth are undoubtedly connected but in no certain way.” (39)
24. “By the early fourteenth century the creativity, the synergistic coupling of the heroic and pragmatic, that produced the sagas was gone.” (41)

25. “The Icelanders, it seems, were anxious to record and preserve monuments of their experience as Icelanders at the very time that the social arrangements enabling that experience were being destroyed or had already been superseded.” (43)
26. (*Sources*) “...the saga sources are admirably suited to certain social and legal historical inquiries concerning the time in which they were written.” (45)
27. (*Sources*) “If early Icelandic social and cultural history is to be written, literary sources will have to be used. This is hardly a revolutionary claim outside saga studies, as the examples of biblical history, Frankish history, or the history of Homeric Greece amply illustrate.” (45)
28. (*Sources*) “The sagas, unlike romance and even most heroic fare, are consciously realistic. Their plots, except for occasional trips to the continent, are set in familiar countryside, in familiar interiors, among familiar faces.” (46)
29. (*Sources*) “...in Iceland the number of surviving written artifacts is too scarce to allow the categorical rejection of a significant portion of them because they do not accord with conventional notions of what a historical source should be.” (47)
- a) I really like this statement. To just think of using the *Grágás* as a base for early Iceland’s social history would be too ideal and too unlikely. It is interesting how, though seen as unreliable, the sagas seem to demonstrate more reality than the law codes ever could. Many would regard law codes as more ‘true’ than a work of literature, but they are almost equally misleading by presenting an ideal rather than actual practice. All sources are used today in a way that they were never truly intended for. Every type of source is exploited in its own way, to make it work for our cause of reconstructing the past. Each source had a slightly different story to tell and none can simply be ruled out. They exist for a reason and, whether it is liked or not, they are a part of that time.
30. (*Sources*) “The family saga world is thus not merely the world of the author’s time; it is an amalgam representing the effects of temporal compression that included whatever the culture knew or wished to believe about its own past.” (50)
31. (*Honor, Þorsteins Þáttur stangarhoggs*) “Thorarin said, ‘I would not have suspected that I have a sissy for a son.’” (53)
- a) Honor trumps once more and conflict is egged onward.
32. (*Women, Þorsteins Þáttur stangarhoggs*) “Then the woman who Thorstein had run into spoke up, ‘What’s often said about us women is true indeed, that where we women are concerned there’s not much intelligence. Thorstein staff-struck came here this morning and said that a bull had gored Thord so that he had been quite disabled, but I was not willing to wake you then and after that it simply escaped my mind.’” (54)
- a) Wow...*that* was not subtle whatsoever. The author *really* wanted that to be clear.
- b) Miller made some interesting insights regarding this character. He suggests that she was aware of her situation and played off of it in order to assess her thoughts about

Thord. I can see how, if seen literally, she played the situation to avoid responsibility and make sure no vengeance would be taken for Thord. I can also see this view as plausible, although I read it as the author voicing his own opinions through her character. I am also sure that it is difficult to say which is truly the case. I suppose it could be said that the author was indirectly referring to this awareness, though I doubt that the character herself was meant to suggest that based on how the author made it seem. To me, his tone was rather negative about her character. Though, again, I can see that his anxieties may rest upon the reality behind such household politics, if one were to dig deeper into why the author portrayed her in such a way.

33. (*Honor, Þorsteins Þáttr stangarhogs*) “‘All courage drains at the first scratch’; we don’t know when he’ll manage to erase this mark on his honor.” (54)
34. (*Humor, Þorsteins Þáttr stangarhogs*) “He asked them what they were up to and they said they were looking for horses. Thorstein said they didn’t have to look too hard; ‘they are right next to the fence.’” (55)
35. (*Honor & Women, Þorsteins Þáttr stangarhogs*) “Are you going to be like the usual women who bewail one minute what they were inciting a little while before? I am not going to put up with the goading of you and those others any longer.” (55-6)
36. (*Honor, Þorsteins Þáttr stangarhogs*) “Now take your weapons and defend yourself as bravely as you can; when I was young I would never grovel before someone like Bjarni, even though he is the best of fighters. I’d prefer to lose you rather than have a sissy for a son.” (56)
- a) Those are strong words. I wonder if this contrast between father and son is like the contrast of old and new ways of behavior. His father is more worried about his son’s honor than Thorstein himself.
37. (*Criticism, Þorsteins Þáttr stangarhogs*) “Only the fool is satisfied with promises. And the promises of you chieftains when you wish to comfort someone in a situation like this are usually good for about a month. Then we are honored like other paupers and that makes our grief lessen slowly indeed. But the man who takes a guarantee from a man like you might still be content with his lot whatever the usual example may be.” (58)
- a) I can see in this statement the heavy sense of contemporary issues leaking into a historical tale. The old Thorarin seems to symbolize the anxieties of those falling out of favor, whereas Bjarni symbolizes those rising in power. That is a bit of an understatement and oversimplification, but it seems that a lot of this saga is about more than simply telling a story. There are heavy notions placed behind this that the author wished to convey. First off, wouldn’t the author be of the chieftain class? Or at least well connected with it? It would make sense, seeing as how the chieftain side wins out and is greatly praised. They are definitely the good guys in this saga. Thorarin is used to contrast the new, rising elite. He is depicted as old and vile, although his past is not something to laugh at. However, his past is no longer seen as it once was. The contemporary audience lives in a different world, the world of Bjarni.

38. (*Honor & Gender, Þorsteins Þáttr stangarhogs*) “To be *ragr* was to be effeminate, it was to be a man who was sodomized by other men. In its sexual association, it is of a piece with Thorarin’s opening line of dialogue suggesting his son was doing woman’s work when the man’s work of taking vengeance still needed doing.” (61)
- a) It is amazing how one word can hold so much power. I let this one slide past me when understanding this scene, though now, after reading back, I can feel the heavy tension behind this encounter even more.
39. (*Accident*) “Close friends and kin have accidents, enemies do not; a hostile intent will be supplied. Children, women, old people have accidents, men of majority do not; a hostile intent will be supplied.” (67)
- a) This makes a lot of things make so much more sense. How Njal and Gunnar tiptoed around their dispute (or rather that of their wives’) and how minor things from other people turned into big problems, like how Miller mentions the scene of Otkel’s horse and Gunnar.
40. “Bjarni, of course, could not very well kill his own household members even if they had insulted him. But that does not mean he is unwilling to have Thorstein do the job for him. Bjarni stands to gain by either possible outcome. He either avenges himself on his outlaw or avenges himself on his tale-bearing servants.” (70)
- a) Such a subtle thing, but it makes sense. It seems that every action has a social motivation behind it, perhaps.
41. “It falls to Rannveig, Bjarni’s wife, to give expression to the concerns of Bjarni’s thingmen. Although Bjarni treats her as if her counsel was nothing more than typical saga fare from a vengeance-minded woman, his actions betray his acknowledgement of the seriousness of the position she represents.” (71)
- a) The differences in understanding between what is said and how it is then acted upon are important to consider. It may be made to seem that a woman’s words are poor counsel, but the fact that the men *act* upon their counsel shows more depth than simply a woman who wants violence. Sometimes authors input their own thoughts into the speech of other characters, but it is in the action of characters that behavior can be seen that may not have been invented solely by the author. Habit kicks in through action. It is like a formula for a society. Something said leads to something done.
42. “Deference was only true if there were some signs of spirit and toughness in the person offering it. The trick was to not let the other know that you knew you were lower without acting as if you were. If deference was too exaggerated...the excessiveness of display might...either insult or disgust the other.” (72)
43. “Thorstein knows what the consequences of killing someone of Bjarni’s stature would be.” (73)
- a) A good thing to keep in mind is that feuds were not a matter of the individuals, but also very heavily about the respective households. If Bjarni were killed, Thorstein’s household would not stand a chance against the wrath of Bjarni’s.

44. “Given the relative power of the disputants, the realities of the disputing process pretty much preconditioned the outcome: one less independent farm.” (75)
45. “Good art in the saga mode is not the art of inventiveness, it is the art of incisive description, which, with sure and brief brushstrokes, gives so much context and standard by which to reveal the social significance to the activity being described.” (76)
46. (*Economics*) “Goods in fact circulated, property changed hands by feast and raid.” (78)
47. (*Economics*) “...the structures of dominance in Iceland were constructed as if fish did not exist. The society...was organized around animal husbandry. The marks of status were land and livestock, not fish and fishing boats.” (79-80)
- a) This is surprising at first, since Iceland is an island society. Yet, once it is recalled that the settlers of Iceland came over from a non-island culture, brining over their livestock and lifestyle, it is not surprising at all.
48. (*Economics*) “When transfers of good not already regularized by well-defined norms or habit were sought, and especially when they were not initiated by the present possessor, tensions and uncertainties surfaced. This did not mean there would be no transfer, but it put the parties to the burden of defining the transaction.” (80)
49. (*Economics*) “The words of the parties, checked for irony and misrepresentation by reference to their deeds and to the narrator’s commentary, are our best evidence as to the mode in which the transfer took place.” (81)
50. (*Economics*) “Social relations, the definition, and the determination of status were much of what motivated gift-exchange.” (82)
51. (*Economics*) “...it was up to the parties to define the nature of their transaction.” (83-4)
52. (*Economics*) “What appear to us as simple exchanges, as for instance a purchase of hay, were hard to keep simple. The concern with adjustments of relative social ranking, with prestige and honor, kept intruding.” (84)
53. “By refusing to transfer food, Otkel chooses to transfer insult instead.” (87)
- a) It is no wonder that Hallgerd acted to harshly after this took place. To her, Gunnar was insulted, and the fact that he did nothing implied a sort of degradation to his honor and that of his household then as well. It is incredible how a definition of a transaction is so key in the direction of events.
54. (*Hænsa-Þóris saga*) “But I know that there is such a difference of power between us that you will take the hay from me if you want.” (94)

55. "...though it might have been reprehensible to refuse to sell to such men as Gunnar and Blund-Ketil, men like them were aware that forceful taking was not any more sociable; they were reluctant raiders if they raided at all." (98)
56. "Blund-Ketil and Gunnar thought there was less to be lost by making an enemy of someone who had not previously been a friend than to risk destroying a friendship." (101)
- a) Every initiation of transfer came with a risk and social tension. As it was noted before, being requested to partake in a transfer meant that denial of such could result in insult. Even though they both had friend's willing to help, they did not want to risk initiating a transfer. I could only imagine how Hallgerd and Bergthora might have reacted if Gunnar had gone to Njal first. It is true that Bergthora seemed fine about it after Gunnar's hardship, but had it been the initial approach, she may have opposed it due to Hallgerd. It seems that every transfer comes with tension and an anxiety of insult. Honor and reputation was at stake in every action.
57. (*Honor & Gender*) "...an offer to be raided is a challenge to his manhood that would be dishonorable to refuse." (102)
58. "Solitariness was the state to which the outlaw, as well as the kinless and impoverished, was condemned. Only in the rarest of circumstances in the sagas does a man of good character and intention go somewhere alone." (103)
59. (*Economics*) "The economic aspect of the transaction is subordinate to the social one." (104)
- a) Two people come together and stay together. The action is a transfer of social connections as much as it is of economic transfer.
60. (*Economics*) "But seals, like fish, raised different issues than hay. Hay was something all were supposed, at least theoretically, to be able to provide themselves." (105)
61. "The sources are more likely to record sales that proved to be sources of conflict; yet this should not be pushed too far since frictionless transfers by gift are regularly mentioned, whereas frictionless sales of hay, food, or prestige items between *bændr* are only rarely noted." (105)
62. (*Economics*) "The comfort of the familiar was obtained when goods moved as an incident to the establishment and maintenance of social relations." (106)
63. (*Economics & Honor*) "...no exchange was just a two-party affair. The community passed moral and social judgement on a transaction, allocating in the process honor and prestige between the parties." (108)
64. (*Economics & Honor*) "...the honorable men and women, were those who knew whether and when to pay and the pay back, to give and to receive, or to take and leave behind what they thought it was worth." (109)

65. "...nothing is to be gained by rejecting native categories in favor of imposing categories generated from other types of sources in other historical settings." (116)
66. "The nuclear family, it seems, was a luxury of those who could afford it, but it was precisely those who could afford it who were obliged to take in the poorer kin, thereby moving their households toward complexity: wealth and the complexity of household type also varied directly." (129)
67. "The legal deck was stacked in favor of individual ownership." (130)
- a) This is not too surprising since it would be much easier for regulation if a household had one person heading it. It seems to be a case of the ideal versus the reality, where the law would be simpler if one person was in charge, yet the actual practice of such was less so. It seems that the house-holding pattern in this period was very fluid, and, to be honest, fluidity in such a thing may have just been easier to deal with than disputes over single ownership. If these households get so complex with the numerous kin flowing into some of them, it would be difficult and time consuming to manage every aspect alone. The law may have seen it simpler, but it would not have been for the people actually running and living in such a household.
68. "Only people who do not deal with each other do not fight." (140)
69. "Asking favors and granting favors on the ground of kinship and affinity was not small change; it was what made the Icelandic social world go round." (141)
70. "The fact that kinship terms could provide the proper linguistic setting for making moral claims also suggests that the same terms could be used ironically or deviously." (158)
71. "The words *frændi* and *mágr* were moral concepts and were perceived as such." (159)
72. "When kin, affines, or friends did oppose each other, their connection would be a significant factor in determining the level of hostility and the suitability of tactics, even if at times the expectation might be disappointed." (164)
- a) Perhaps this is exactly why the compensation between Njal and Gunnar is manipulated in the way that it was. Due to their friendship and connections, they played off compensation to attempt to ease the tensions of their dispute. Yet, this still does not answer the concerns that author had with the law and proper legal process being ignored. It is possible that the author was torn between the practical and theoretical processes of law. Yet, it seemed to me that the theoretical was being undermined by the growing instability of the practical.
73. "The cultural fact that others assumed a person was acting as part of group meant that there were strong inducements for those who were linked to him by others to take an active interest in his affairs." (164)

74. "...compensation can be seen as actually facilitating the breach of the settlement it was meant to conclude, for the compensation received is available to finance the return blow." (184)
75. "The failure of Gunnar's and Njal's settlements to conclude the strife between their household memberships had less to do with structural contradictions in the model than the simple fact that they didn't bother to control their household members or involve the real parties of interest in the settlement process: the women." (184)
- a) Again, I can see the conflict between the ideal process and the realities of the process. Even though Miller uses this feud as an ideal depiction, it is also undermining that depiction at the very same time. (Perhaps revisit this point).
76. "The continuance of good relations was assisted greatly by the fear of feud." (187)
77. "The laws purported to introduce real rule into matters of vengeance, They conferred a right to kill (*vigt*) and then limited the right with restrictions on time, place, and person." (192)
78. (*Hafl.* 16) "However, if it weren't for that, I could have cared less whether you killed him either in violation of the peace of the church or the peace of the Thing." (195)
- a) Regarding previous aspects of this quote, belief was not automatic, at least in Iceland, according to Miller and the evidence of this saga. Also, pondering the same question noted in the margin, how seriously was this taken? Some maintain it while other do not. Was it due to what society had now established as "proper", such as in a new social habit? Or was it actually a matter of religious respect?
79. "Group liability, it could be argued, thus rendered the feud or fear of feud much more effective as an instrument of social control than it would otherwise have been if only the actual wrongdoer suffered the consequences of his actions." (198)
80. "The power to chose a victim, and the power to determine when to make him one, could get the avenger much more than retributive justice when he finally made his move." (198)
- a) Increases of honor and power
81. "Practical knowledge in the feud meant recognizing and choosing the best moves from the range of all the possible moves countenanced by the model." (202)
82. "The norms governing appropriateness of vengeance target were frequently articulated in terms of male honor. The underlying idea was that people not socially privileged to bear arms were excluded from having arms brought to bear on them." (207)
83. "...it was the men, not the women, who were meant to die on raids..." (208)
84. "...arguments from silence are fraught with danger." (209)

85. “The conventional women of the sagas is strong-willed and uncompromising. She is the self-appointed guardian of the honor of her men and as such she generally sees honor as unnuanced heroism.” (212)
- a) I am glad to see that the following commentary is of how much sense this role makes in social terms. It seems as though the ‘goading’ role was not entirely a negative one, but rather the opposite in certain ways. Women’s honor relied on their household and their kin, especially on the men. It is in her best interest to protect a man’s honor and help advise them to maintain it. She had to act through them in order to see things worked out well. Honestly, they had the best of intension in mind, usually. Also, many people goaded, not just women.
86. “All political action, the quest for power and dominance, was cased in the idiom of honor and the avenging of perceived wrongs.” (219)
87. “...the law has the look of having been abstracted from specific cases rather than deduced from disembodied principle.” (223)
88. “Out of some 520 cases in the family sagas counted by Heusler (1911, 40-41), 297 led to blood vengeance, 104 to arbitration without prior recourse to law, and 119 to lawsuits.” (236)
89. “The mere fact that the legal alternative existed meant that it influenced choices and decisions regarding the other chief modes of dispute resolution.” (238)
90. “For segments of society disabled from feud by poverty, peace was like good weather: mysteriously present or absent, but beyond one’s control.” (259)
- a) I find this humorous to think about, especially with the continuing statements that follow this quote. “...amused by the heroic posturing of his betters.”
91. “...vengeance was a duty that had its time and place.” (269)
92. “...when it rained in Iceland there could be drops of blood mixed in.” (296)
93. “Culture wide, the ideals of peace invoked to get parties to accept arbitrated settlements were in constant competition with the ideals of revenge.” (298)

Other Commentary

(While reading page 49)

Perhaps the process of idealization has to do with a point being made. I could see a purpose in making the Saga Age seem more distributed in wealth as a criticism on behalf of the author of the lack of distribution in his own time. There are always anxieties about one's own time, and often enough history is used to contrast the present. I suppose this leads into the point of the sagas not being very helpful in analyzing the Saga Age itself, but rather the issues present in the twelfth and thirteenth centuries. Though, the people of that time were much closer to the Saga Age than we are, so their word, regardless of their priorities, weighs more than our own.

Another point in that, in order to even attempt a criticism of the present with historical events, one has to have knowledge of those times. In fact, one could not say 'things used to be better' to an audience that did not understand that themselves, or else the point would have no footing in their minds. The presence of idealization may, in some way, give credit to certain aspects of a period. Maybe the Saga Age *did* have more distributed wealth, but perhaps not *that* distributed. There is a reason behind everything. If something seems to be idealized, perhaps the first action should be to wonder why it would be so and to what advantage? What message does this idealization make and how does it reflect upon the contemporary society, if at all? It seems that when it comes to these sagas, nothing can be left unquestioned, though everything seems to have some kind of meaning or purpose behind it.

When it comes to the concern of feud process between the Saga Age and contemporary sagas, it is definitely possible that this is a social practice that carried over even after conversion. Though, this is a risky assumption since these sources were written later. Still, it seems that there is a struggle within these sagas to accept new ways and yet to understand the old ways that are now tied up within them. Iceland's church was fairly unique and I would venture to say it adopted as many of the native traditions even as it present new ones. It seems too complicated a picture to have only sprouted in the twelfth and thirteenth centuries alone. It especially feels as though the feud grew to be more problematic as these new aspects of life were introduced, or at least as time wore ever onward.

(After reading page 120)

I find it quite amazing that the subtle notions of a single seen could imply so much. The scene Miller mentions from Njal's saga (When Bergthora hires Atli, chp. 36) is what made this stand out to me. When I read this scene, I did note the fact that a woman had household 'powers', however, I had not realized the structures behind Atli asking for *both* Njal and his son, Skarphedin. It is interesting to keep in mind that a single seen can contain many undertones. A question to ask myself in further readings may be to wonder what lies behind every action and reaction. I am impressed that the Icelandic household was so fluid and managed so jointly.

(While reading page 182)

Thinking of feud as an inverted gift exchange process makes the endless give-and-take action make sense. This explains the sense of unending satisfaction in feud, since each party is constantly becoming "indebted" to the other, yet that being in blood not goods.

(While reading pages 183 & 184)

I can see how the feud between Bergthora and Hallgerd presents an ideal feud, but mostly in the sense of it being so contained. I agree that the author could have intentionally 'created' this example of feud to make a statement, though I feel it goes beyond simply presenting the ideal process. Perhaps to build upon this further, I would venture to say that the author presents the ideal feud in order to hint at its weaknesses. The exchanges of compensation between Njal and Gunnar still cancel each other out, and as a result nothing is gained from the exchange. In the end, the slaying is actually paid for in blood, but theoretically paid for in compensation. In reality, compensation did not pay for the killing, blood did. To say this was the case of all feud would be incorrect, but providing a hint into the anxieties regarding feud towards the end of the commonwealth might be reasonable.

I do not see as much motivation behind the author presenting an 'ideal' feud to the audience that should have been familiar with it already. It is helpful to us now, in order to understand feud, but the question should also be to wonder why this ideal is presented. Is it presented to contrast the practical versus the theoretical? Was it meant to criticize the elements of the process being manipulated? Or was it a sneer at women being a part of the process when they were not meant to be? Still, I find the most important question to be within the reasons of feud to be written about. I assume the audience was well aware of such events and did not need it to be explained to them. Due to that, is there not a purpose or motive behind the telling of certain feuds? Not all feuds were saga worthy, so what made this feud stand out and what does the author then wish to point out about it? I suppose I should take more time in the future to consider these questions, since it is definitely no easy situation to understand.

(Closing Commentary)

This book has provided me a tremendous amount of insight into the social and cultural forces behind the process of feud and dispute. Miller has done very well at presenting the many intricacies of Icelandic society as it is presented in both a legal context and the saga context. I especially enjoyed his contrasting of the theoretical with the practical, which I find to be a very important aspect to touch on. I have learned much about the forces that determine the course of feud and the structures that supported it as well. It is rather difficult to sum up such a book in a concise manner, let alone the amount of material and its complexity. I believe that I will understand these concepts more as I delve deeper into the primary sources, but I definitely feel more confident in doing so moving forward.