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Justice Done: Outlawry Crimes in Medieval Iceland

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JUSTICE DONE:
OUTLAWRY CRIMES IN MEDIEVAL ICELAND

A thesis submitted to
the Graduate College of
Marshall University
In partial fulfillment of
the requirements for the degree of
Master of Arts

in
History

by

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APPROVAL OF THESIS

We, the faculty supervising the work of Sarah Stapleton, affirm that the thesis, *Justice Done: Outlawry Crimes in Medieval Iceland*, meets the high academic standards for original scholarship and creative work established by the Department of History and the College of Liberal Arts. This work also conforms to the editorial standards of our discipline and the Graduate College of Marshall University. With our signatures, we approve the manuscript for publication.

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ABSTRACT

Examining the *Grágás* and sagas of Medieval Iceland demonstrates that the laws which governed Medieval Iceland were both strict and lawbreakers were punished ruthlessly when those laws were broken. Despite this, the laws protected the injured party and the families, dependents, and mortgagees of outlaws. Outlawry crimes were broken into main categories: honor crimes, violent crimes, and crimes of wealth. By examining the *Grágás* and sagas one can see how the laws manifested themselves in Icelandic society.

CHAPTER ONE

CRIMINALS AND OUTLAWS: AN INTRODUCTION TO THE MEDIEVAL

ICELANDIC JUDICIAL SYSTEM

The Viking Age began over 1200 years ago. A small monastery, Lindisfarne, lay on an island in the North Sea. A causeway, only open by low tide, it was the only means of access to the mainland. In 793, on the “sixth day before the ides of January,” it was attacked by heathen men.¹

For Icelanders, their part in the Viking Age did not begin until later. According to the *Landnamabok*, settlement of Iceland began between 870 and 930.² After settlement, the people of Iceland created a commonwealth government and divided the island into four districts to separate the island into judiciary zones. Most disputes were handled within the individual districts at local assemblies, known as *várthings* which were held in spring once a year in June. *Thing*-members gathered together at a national *thing*, known as the Althing, at Thingvöllir in the south-west of the island. There, disputes unsettled by the local *things* were discussed and resolved.³

Historians' understanding of Medieval Icelandic legal procedure comes from the *Grágás*, or “Grey Goose” laws. These laws do not exist in any single law code, but there are two manuscripts containing large amounts of it. These are known as *Konungsbók* and *Staðarhólsbók*. Both manuscripts are held in Copenhagen, the Old Royal Collection and the Arnamagnæan Collection of the University of Copenhagen, respectively. They are believed to be written only

1 Rev. James Ingram, trans., *The Anglo-Saxon Chronicle: Illustrated and Annotated*, ed. Bob Curruthers, (Barnsley: Pen and Sword Military, 2013) 90.

2 Hermann Pálsson, trans., *The Book of Settlements: Landnámabók*, (Winnipeg: University of Manitoba Press, 1972) 1.

3 Jesse Byock, “The Icelandic Althing: Dawn of Parliamentary Democracy,” *Heritage and Identity: Shaping the Nations of the North*, ed. J.M. Fladmark, (Shaftsbury: Donhead, 2002) 6.

twenty years apart; the first was written around 1260, the other around 1280, with around fifteen years leeway each. Historians do not know who the manuscripts were created for but the manuscripts show contemporaries had active interest in Norwegian law revision and “Icelandic awareness of current and coming political and constitutional problems.”⁴

Jesse Byock discusses the proto-democratic nature of their government in “The Icelandic Althing: Dawn of the Parliamentary Democracy.” He also gives a breakdown of the political features of the Althing. The Althing, which was created around 930, gave the new settlers of Iceland a loosely centralized legislative body. It was open to any freeman over twelve with a permanent residence. It was administered by the *allsherjargoði* whose purpose was mostly symbolic, being held by the decedents of Thornstein Ingolfsson who was the first settler of Iceland, and set the boundaries of the rocky, open-air assembly area. Each district was held by chieftains who led interest groups of freemen, rather than being overlords with large land holdings. Granted, many chieftains were influential landholders, but their power did not come from land holding. Power came from having a good reputation, whether it be a reputation of honor, learning, or strength. The chieftains or *goði* of the four districts, approximately thirty-six, served as judges at the legislative council, known as *lögrétta*. This council was held at *lögberg*, or the Law Rock and was only open to the chieftains and law experts who were known as *lögmenn*. A law-speaker, or *lögsögumaðr*, who was elected every three years to recite a third of the laws each of those years, sat as chairman.⁵

Reforms creating law courts for the four districts were instituted at the Althing in the mid-

4 Andrew Dennis, et al., trans., *Laws of Early Iceland: Grágás I, the Codex Regius of Grágás, with Material from Other Manuscripts*, ed. Haraldur Bessason and Robert J. Glendinning, vol. III, (Winnipeg: University of Manitoba Press, 2006), 13-14.

5 Byock, “The Icelandic Althing,” 3-7.

960s. Generally, manslaughter and major crime cases that could lead to outlawry were judged at the assembly closest to where the crime was committed and in the district where the offenders lived. However, if a crime was committed between men of different districts, there was no way to insure an offender's rights would be upheld if the assembly was outside the offender's district. After the mid-960s, these cases could be brought to the Althing to ensure the defendant's rights at the assembly's new quarter courts or *fjórðungsdómar*.⁶

The importance of the *Grágás*, in this case, is that they contain laws pertaining to outlawry which can be applied to the sagas and examined to interpret how Medieval Icelanders dealt with criminals, especially outlaws. This study will follow outlaws from the time the crime was committed to their sentencing, as well as examine the impact on their families and dependents.

There were two types of outlawry. First, there was lesser outlawry; these outlaws were banished for a minimum of three years. In most cases, the outlaw must leave as soon as possible. If he was unable to gain passage immediately after judgment was passed, he was allowed three buildings to dwell in until he was able to board a ship, which must happen within three years. He was given safe passage to and from a harbor, so long as he stayed off the road. If he was found on the road or outside a bow shot of his three dwellings, he was able to be killed by any person without compensation for his death. Leniency beyond his dwellings was nil for the lesser outlaw.⁷

The second type of outlaw was a full outlaw. After judgment was passed, the full outlaw was expected to leave society as soon as possible. They were not to be housed, fed, or helped in

6 Byock, "The Icelandic Althing," 6-7.

7 Dennis, et al., *Grágás I*, 250.

any way, by law.⁸ If someone knowingly helped an outlaw, that person was subject to an outlawry charge himself.⁹ The only exception was if a private settlement granted passage from the island, which allowed the outlaw to board a ship away from Iceland but only if he could gain passage from a ship's captain.¹⁰

Throughout this study, one will see that the laws that governed Icelanders were not only strict but also stipulated ruthless punishments when they were broken. Yet, the laws simultaneously protected the families, dependents, and mortgagees of the lawbreakers. In Medieval Iceland, simple acts of injury or mild dishonor had the potential to spin out of control into feud.¹¹ Potential feuding may be one reason that the punishment for mild crimes was so severe for Medieval Icelanders. The potential for significant loss of life may have led lawmakers to intentionally make the punishments so severe that most were afraid to break them, especially considering Iceland's marginal environment. Only a small portion of Iceland was inhabitable and resources were scarce, meaning some crimes, even minor ones, put people in danger of losing their lives. Taking revenge or recovering lost items was imperative for survival.

Before any discussion of judicial process can begin, however, the reader needs to know that there were four basic categorizations for crimes leading to outlawry. The *Grágás* have more categorizations for crimes than the four I will describe, but I have discovered during my reading that all outlawry crimes can be boiled down to violent crimes, religious crimes, crimes that cause a loss of wealth, and crimes that cause a loss of honor. I will largely omit the religious crimes that led to outlawry on the grounds that it is difficult to place the time when the religious crimes

8 Dennis, et al., *Grágás I*, 246.

9 Dennis, et al., *Grágás I*, 240-41.

10 Dennis, et al., *Grágás I*, 120.

11 Jesse Byock, *Feud in the Icelandic Saga*, (Berkeley, University of California Press, 1982) 10-23.

were added to the *Grágás*. It is understood that the religious laws were based on Christianity, not Norse religion, which became common law in Iceland around 1000 A.D.¹² We also understand that at the time of conversion, many Icelanders formally converted but kept their pagan beliefs.¹³ The pagan religious crimes, if they existed, have either been edited out by the Christians that copied down the laws in the *Grágás*, or were abandoned after Christianity was legally instated in Iceland. Therefore, it will be difficult to gauge the religious crimes' influence in Iceland in the period before they were copied in the surviving thirteenth century texts.¹⁴

Additionally, some basic knowledge of the sagas is required. The sagas are a group of Icelandic texts about prominent people or families during Iceland's early years, generally spanning multiple generations. The time of action for most sagas ranges between c. 830 and 1030, beginning with the family's move from Norway to Iceland and ending with the death of the main character, though it sometimes included the main character's children depending on their movements following his death. The sagas were carried as oral tradition until they were written down between c. 1220 and 1350, making the time between the time of action and the time of writing them down around four hundred years, depending on the saga. The oldest copies still available are preserved in manuscripts dating from the thirteenth and fourteenth centuries, most only containing fragments of the sagas. That is not to say these sagas are in any way small. By combining manuscript fragments, translators are able to make a complete and intricate story line.

That being said, some may argue that neither the *Grágás* nor sagas are reliable ways to

12 Gunnar Karlsson, *The History of Iceland*, (Minneapolis: The University of Minnesota Press, 2000), 33.

13 John Lindow, *Handbook of Norse Mythology*, (Santa Barbara: ABC-CLIO, Inc., 2001) 28.

14 Dennis, et al., *Grágás I*, 10, 14.

look at Medieval Iceland because of their extensive alteration over the centuries.¹⁵ In response, I will give the answer any historian may give in a similar situation: the reliability varies and depends on what exactly one is referring to in the sagas and *Grágás*. The sagas have been modified by Christians over the years. That is accurate. Yet, the sagas had to be believable according to the standards of what the masses knew to be true through oral tradition. The laws in the *Grágás*, which may be the only other source of law Medieval Iceland historians have available, governed Medieval Icelanders on the basis of honor, wealth, and violence, were merely expanded over time, but not extensively altered. The biggest alteration was in religious crimes and this primarily happened after Iceland's mass conversion to Christianity. The saga's crimes and responses to the crimes had to be believable to survive. It is true that historians cannot look at the legendary life of Egil Skalla-Grimsson and expect to find truth in his extraordinary, bordering on heroic, deeds to find historical fact. However, law and legend come together several times in the saga. For example, when Egil killed a boy who taunted him after a ball game, Egil was not taken to the Althing and banished because he was still considered a child. Egil was seven and anyone under twelve was not liable to the laws that dictated the actions of adults.¹⁶ The laws of Medieval Iceland stood against the test of time and Christian redaction because law, which was encouraged by priests and Christian kings, became an element of the new Christian culture.

If one is interested in Christian religious crimes, it may be possible to ferret out a few from the sagas that include Christian elements. The *Orkneying Saga* is one that I will suggest but

15 "The Sagas of the Icelanders as a Historical Source," William R. Short, last modified 2015, http://www.hurstwic.org/library/arms_in_sagas/sagas_as_historical_source.pdf.

16 Bernard Scudder, trans., "Egil's Saga," in *The Sagas of The Icelanders*, ed. Órnólfur Thorsson (New York: Viking, 2000), 62.

will not examine in this study because Orkney was under the rule of the Kings of Norway, therefore the laws of Iceland are inconsequential despite their similarities and applicability. The few chapters glorify Earl Magnus's execution, but largely it considers Christian elements in the texts, which the Icelandic sagas do not.¹⁷ For example, pilgrimage plays a part in the *Orkneying Saga*, as does the act of baptism. These elements have little, if any, bearing on the sagas of the Icelanders.

This study will analyze the categories that led to outlawry both individually and together. I will also attempt to answer several questions that are synonymous with investigating the crimes, lives, and legal settlements of outlaws. This study will determine how people became outlaws in Medieval Iceland and the procedure that followed, how opposing families settled feuds, killings, burnings, and the dishonoring of a family member or group. It will also determine what happened to an outlaws' family, belongings, and dependents.

Chapter Two will discuss the relationship between crimes of honor and violent crimes. In doing so, I will investigate the sagas because they deliver the most inflammatory depictions of these crimes. The laws surrounding feuds and homicide are most heavily probed because of the overlapping relationship between the laws of violent crimes and dishonoring crimes, but one must also consider the violent crimes and dishonoring crimes separately. Therefore, instances in which these crimes do not intermingle are also explored.

Chapter Three will inquire into crimes involving wealth and property. This will include theft of both property and food and property damage. I will also explore the economy of the Icelandic Vikings and the different forms of wealth.

¹⁷ Hermann Pálsson and Paul Edwards, trans., *The Orkneying Saga: The History of the Earls of Orkney*, (New York: Penguin Books, 1978) 120-127.

Chapter Four will discuss the procedures required to make a case of outlawry. Several components are absolutely necessary to the process and if done incorrectly, can result in the case being overturned or in another outlawry case. Among these components are gathering witnesses correctly, correct procedure at the Althing, correct settlement procedure, and a required confiscation court at the outlaw's abode. After examining assembly procedure, the standard of living of an outlaw's families and dependents will be investigated. Chapter four will show how the families and dependents of outlaws were protected despite their association with the law breaker. If strict procedure was followed, families had a form of protection against the confiscation court and feud.

As stated before, this study will show that the laws that governed Icelanders were strict and stipulated equally strict punishments. Simultaneously, however, the laws protected those dependent on the lawbreakers. Finally, this study will shed light on how outlaws and their families lived after an outlawry crime was committed.

CHAPTER TWO

OUT FOR BLOOD: HONOR AND VIOLENCE CRIMES IN THE ICELANDIC SAGA

Homicide, feud, honor, blood, vengeance, outlaws: all these elements and more go hand in hand in the Icelandic sagas. In the laws of Medieval Iceland, there were no accidents, especially when death was involved.¹⁸ Even while playing a game, once a player was injured, the law deemed that it was never a game and the injured party could summon the player who hurt him in an outlawry case.¹⁹ For example, one night at Borg, Skallagrim was playing a game against his son, Egil, and his friend, Thord. While playing the game, Skallagrim became so engulfed in it that he picked Thord up and threw him to the ground so hard he died immediately. Then, he attempted to kill Egil and succeeded in killing Egil's foster-mother, Thorgerd Brak. In Medieval Iceland, both the family of Thord and Thorgerd Brak had the right to summon Skallagrim in an outlawry case but did not. In retaliation, however, Egil killed Skallagrim's favorite worker. The two were peaceable but cold to each other for a long time thereafter.²⁰

Honor was not an issue in this story, as it was for most violent crimes. However, it was a sequence that had the potential to escalate into further violent crimes for the honor of the injured parties' families if no settlement had been made. In Medieval Iceland, simple acts of injury or mild dishonor had the potential to spin out of control into feud, possibly causing harsh punishment for the lawbreaker.²¹ The potential for significant loss of life may have led

18 Andrew Dennis, et al., trans., *Laws of Early Iceland: Grágás I, the Codex Regius of Grágás, with Material from Other Manuscripts*, ed. Haraldur Bessason and Robert J. Glendinning, vol. III, (Winnipeg: University of Manitoba Press, 2006), 155.

19 Dennis, *Laws of Early Iceland: Grágás I*, 156.

20 Bernard Scudder, trans., "Egil's Saga," in *The Sagas of the Icelanders*, ed. Örnólfur Thörnsson (New York: Viking, 2000), 63.

21 Jesse Byock, *Feud in the Icelandic Saga*, (Berkeley, University of California Press, 1982) 10-23.

lawmakers to intentionally make the punishments so severe that most were afraid to break laws associated with them, especially considering Iceland's marginal environment. Only a small portion of Iceland was inhabitable and resources were scarce, meaning some crimes put people in danger of losing their lives outside the constraint of the law. Taking revenge, restoring honor, or recovering lost items was imperative for survival.

Many violent crimes were committed to defend one's honor. In most cases, people settled these types of crimes internally.²² Generally, a member of the criminal's family went to the injured party's home and attempted to settle. It was an informal way of creating peace compared to the acts of summoning required to create a *thing* case. Usually some form of monetary settlement was sufficient to appease an offended family's honor, but occasionally it required the offender to leave the district or island as a form of outlawry, depending on the severity of the crime. I will discuss this in more depth in chapter four.

The law was never intended to prevent violence, unless it was a berserker's fit of rage. In fact, it made allowances for continued violence and revenge. It encouraged a violent society but had strict laws on how that violence was conducted. Violence was necessary to protect a person's honor, though the law attempted to mitigate unnecessary deaths or violence done in secrecy. For example, a death was only considered murder if the death was not published and the body was hidden.²³ As another example, there were time and geographic limits on revenge killings.²⁴

An Introduction to Honor and Violence

Scholars have taken two approaches to viewing feuds in Scandinavian and especially Icelandic society. The first view is to approach the feud as an option to settle conflict. According

²² Dennis, *Grágás I*, 109-110.

²³ Dennis, *Grágás I*, 146.

²⁴ Dennis, *Grágás I*, 141, 208.

to this view, the concept of feuding was entrenched in the minds of the population and considered socially acceptable behavior. Others see the Medieval Icelandic society as mostly harmonious and that the sagas and the feuds in them were a literary device which cannot be taken as any form of truth or accurate representation of the past. From assumptions based on the sagas, Jesse Byock, a proponent of the first approach, suggests that feuding in the sagas was an indirect representation of Icelandic society.²⁵

In his *Feud in the Icelandic Saga*, Byock places feuds, as a social convention, in context through the use of saga literature.²⁶ In turn, he places the sagas themselves in their social context by reconnecting them to the society that created them. As William Ian Miller puts it, “[Byock shows that] the sagas are self-evidently stories about the feud, composed by and for people who feuded. It is from the feuding process, not from continental or early Germanic models, that the saga writer [found his inspirations].”²⁷ Byock has separated three characteristics into a formal modal of feud which permits both flexibility and adequate representation. Byock coined the term *feudeme* in an attempt to categorize the characteristics. The first feudeme is conflict; it was the initial instigating act which started the feud. Next is advocacy, an act of gathering support. Byock claims that “[advocacy] is tied inextricably to the kind of society that produced the sagas, a society that thrived on building and realigning bonds of support to make up for the lack of governmental institutions.”²⁸ The final feudeme was resolution. The resolution may or may not last, thus creating another feud chain and repeating the cycle.²⁹ In most cases, the feud chain

25 Byock, *Feud in the Icelandic Saga*, 24-25.

26 Byock, *Feud in the Icelandic Saga*, 3, 24-25.

27 William Ian Miller, review of *Feud in the Icelandic Saga* by Jesse Byock, *Speculum*, 59 no. 2 (April 1984): 376-379, <http://www.jstor.org/stable/2856402>.

28 Byock, 57.

29 Byock, 57.

began with an assault on a family's honor, either through words or deeds.³⁰ In my opinion, Byock undervalued the importance of these assaults in the creation of the feud chain. The type of assault, whether physical or financial, generally correlated with the length of the feud chain.

Though written around twenty-five years ago, William Ian Miller's *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland*, is still considered a staple in understanding Icelandic culture.³¹ In it, Miller claims that law, vengeance, and peace negotiations unified the feud process. He explains how a feud's balancing act of crimes was a paradoxical process, “requiring equality among the players in the game at the same time that the object of the game was to undo the basis of equality.”³² This battle of equality was required before peace was achieved in the Icelandic Saga, and by association, society. Though difficult to decipher his thesis, Miller asserts in his book that “the relevant written artifacts of medieval Iceland--sagas and laws--are what this book is about: the process of disputes, bloodfeuds, and subtleties of maneuvers in social interactions.”³³

In his “Bloodfeud and Scandinavian Mythology,” John Lindow agrees with Byock and Miller's interpretation that feuding was a widely accepted social convention of the Viking Age.³⁴ According to Lindow, the definition of feuding is what happens when “people take the law into their own hands...but under a highly developed if sometimes unexpressed and always unwritten set of rules.”³⁵ Lindow asserts that feuding is so ingrained in Norse culture that it found its way into its mythology, as seen in Snorri Sturluson's interpretation of the Prose Edda. In his article,

30 Byock, 10-23.

31 William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland*, (Chicago: University of Chicago Press, 1990).

32 Miller, *Bloodtaking and Peacemaking*, 302.

33 Miller, 4.

34 John Lindow, "Bloodfeud and Scandinavian Mythology," *Alvtssmdl* 4 (1995): 51-68.

35 Lindow, 51.

Lindow shows the prevalence of feuding in the mythology by looking at the feud between æsir and the giants, addressing mainly Odin and his family's ongoing battles with giants. Lindow claims, "Feud[ing] requires an absolute if temporary dualism, and if Snorri and the other redactors of eddic poetry lived in a feud society, they would have had every reason to conceive of conflict in this way."³⁶

Following the other view, Hugh Firth argues that feud was not as prominent in Icelandic society as suggested by the sagas. Firth, in response to Miller's comment in *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* that homicide rates are "not recoverable," has asserted that Medieval Iceland was not as violent as one might expect from the readings of the sagas. Thus, feuding may have not been as entrenched in society as was suggested by Miller, Byock, and Lindow. In his article "Coercion, Vengeance, Feud and Accommodation: Homicide in Medieval Iceland," Firth attempts to quantify the amount of deaths in the sagas to represent a homicide rate in Medieval Iceland.³⁷ Attention to the class of homicide victim also contradicted Miller's idea that the *goðar* were simply responding to "insult and injury within a framework of reciprocity." Instead, Firth shows that Ross Sampson and Jón Viðar Sigurðsson were correct in assuming that the *goðar* were actively involved in feuds and even started a few themselves.³⁸ Unfortunately, Firth did not take violent acts against outlaws, which were not punished as homicide or any other crime, into consideration when assessing homicide rates. For example, from "Þorsteins saga Hvíta," Firth included the death of Einarr Þórisson, but Þórisson's acts of

³⁶ Lindow, 57.

³⁷ Hugh Firth, "Coercion, Vengeance, Feud and Accommodation: Homicide in Medieval Iceland," *Early Medieval Europe* 20 (2012): 139-175, accessed May 12, 2014, <http://search.ebscohost.com.proxy.library.ohiou.edu/login.aspx?direct=true&db=a9h&AN=74463758&site=ehost-live&scope=site>.

³⁸ Firth, "Coercion, Vengeance, Feud and Accommodation," 161. Both historians articles follow below.

slander and wife-stealing alone branded him an outlaw. Anyone could have killed him without punishment. The same goes for Björn, who impregnated a married woman without paying compensation.³⁹ Firth's assessment of homicide rates in the sagas were skewed by including deaths that were not technically homicides because they were not punishable by law.

In truth, Miller is probably correct in assuming that homicide rates cannot be properly calculated because the sagas do not contain enough information, not because Firth misrepresented homicidal actions in the sagas. Sagas from any given area containing every person with specific detail of how each died, do not exist. There were no censuses, death records, or any other material that historians, statisticians, or any other branch of study could use to show rates of change over time in Iceland until Icelanders became nationally Christian.

In “Goðar: Democrats or Despots,” Ross Samson investigates the sources of a *goðar*'s wealth, power, and authority and whether or not they succeed in exploiting and leading others.⁴⁰ Samson shows that a *goðar*'s power came from his wealth, reputation, and support. These aspects of power intertwined to increase or decrease the *goðar*'s power. A *goðar*'s socio-economic standings were determined through his personal relationships. He was the most visible institution of authority to society at large. Samson concludes by stating “Without institutional structures to authority, *goðar* were neither democrats nor despots, they were bullies and demagogues, patrons and patriarchs.”⁴¹

In the final chapter of his book *Chieftains and Power in the Icelandic Commonwealth*, Jón Viðar Sigurðsson attempts to see what social power the chieftains held in Medieval Iceland.⁴²

39 Firth, 157.

40 Ross Samson, “Goðar: Democrats or Despots,” in *From Sagas to Society: Comparative Approaches to Early Iceland*, ed. Gísli Pálsson, (London: Hisarlik Press, 1992) 167-188.

41 Samson, “Goðar: Democrats or Despots,” 188.

42 Jón Viðar Sigurðsson, *Chieftains and Power in the Icelandic Commonwealth*, (Odense:

He begins with a discussion of the historiography of chieftain's power in Iceland. Next, he defines what he considers conflict in the context of his book, which differs from those of Miller and Byock, stating that conflict “[is] a dispute about rights and interests between individual groups.”⁴³ Usually chieftains were only involved with the mediation of large conflicts because average conflicts were unlikely to advance a person in their chieftancy.⁴⁴ When a decision over a conflict was given to arbitration or self-judgement, chieftains were most likely to be chosen to give them and it increased his prestige if a chieftain was able to propose terms both parties could agree on without insulting anyone's honor.⁴⁵ Sigurðsson also shows how chieftains used the law to resolve their political power struggles.⁴⁶ Finally, Sigurðsson describes the religious duties and power over settlements that a chieftain controlled. All in all, chieftains were deeply involved with the lives and conflicts of their assembly members, even down to feuding.⁴⁷

This study agrees with the assessments made by Lindow, Miller, and Byock, that feuding was an integral part of Medieval Scandinavian society and justice. It is also clear that the prominent men of the districts were deeply involved with feuds and the blood-taking that followed, agreeing with Firth, Samson, and Sigurðsson. That being stated, this study shows how the laws of Medieval Iceland manifested themselves in the sagas when there were violent crimes, crimes against honor, or feuding. With this study, historians can see how the sagas represented these norms in society, especially in the actions and punishments of outlaws, though it should be known that the amount of socially accepted feuding violence, as a whole, is less consequential to

Odense University Press, 1999), 151-204.

43 Sigurðsson, *Chieftains and Power*, 159.

44 Sigurðsson, *Chieftains and Power*, 163.

45 Sigurðsson, *Chieftains and Power*, 166-169.

46 Sigurðsson, *Chieftains and Power*, 173.

47 Sigurðsson, *Chieftains and Power*, 204.

this study than the individual acts of violence and dishonor. In other words, each individual act of violence examined in this study tells more about the legal foundation of Iceland than knowing the homicide rate. I will extend Miller's discussion of disputes, bloodfeuds, and subtle movements of social interactions.

Below, readers will see that many violent crimes were based on defense of honor. Each example specifically shows how honor and violence go hand in hand. Many of the examples show how defending ones' honor escalated into feud. Each example deals with a specific aspect of honor. Once honor was lost, some saw that it could only be regained through violence.

A Case of Violence Because a Man's Honor was Compromised in “Bolli Bollason's Tale”

An example found in “Bolli Bollason's Tale” shows to what lengths a man will go to regain his honor once it has been compromised. Honor was a fickle thing, easily and often unpredictably injured by one's own actions, as well as the actions of others. In this case Thorolf's honor was diminished by the death of his bull which showed him to be a poor keeper of his livestock.⁴⁸

The violent crime which was also an honor crime appeared early in “Bolli Bollason's Tale,” within the first few paragraphs. A dangerous and unruly bull of Thorolf Stuck-up was killed by Thord of Marbaeli. Thord went to the home of Thorolf to tell him that his bull was dead.⁴⁹ After hearing the news, Thorolf claimed that “this deed does you little honor...and I should like to treat you to something just as unpleasant.”⁵⁰ By claiming that the deed did Thord little honor, Thorolf showed how deeply he felt his honor injured by the bull's killing. In

48 Keneva Kunz, trans., "Bolli Bollason's Tale," in *The Sagas of The Icelanders*, ed. Örnólfur Thörnsson (New York: Viking, 2000), 422-435.

49 Kunz, "Bolli Bollason's Tale," 422-435.

50 Kunz, "Bolli Bollason's Tale," 422-423.

retaliation for the death of his bull and as a blow to Thord's honor equal to his own, Thorolf kills Thord's young son Olaf while he was playing away from home.⁵¹ According to the *Grágás*, Thorolf was an outlaw the moment the spear struck and killed Olaf. It was a crime punishable by full outlawry.⁵² As soon as the crime was published by Bolli Bollason, Thorolf's immunity was forfeit unless he could be proven innocent. The *Grágás* state that "if a man kills someone, the penalty is [full] outlawry" and "a man [who] kills someone...is not to be sustained pending judgment."⁵³ It also appears that Thorolf would have forfeited his immunity and become a full outlaw because he set out to do another person harm and succeeded.⁵⁴ Although the wording of the tale was vague, it is implied that Thorolf set out to injure or kill Thord or a member of his family. The *Grágás* state that "Whenever men set out with intention of inflicting willful injury, the penalty is [full] outlawry if it comes about... [those who set off with that intention and succeed in injuring someone] forfeit their immunity in respect to all injuries [they receive]."⁵⁵

It is for this reason Thorolf went into hiding. Although he was an outlaw, he was able to find shelter with Starri of Guddalir. According to the tale, Starri often harbored outlaws and possibly had outlawry charges on himself.⁵⁶ This shows that in Medieval Iceland, people ignored the law, even with the possibility of outlawry by helping outlaws. In the *Grágás*, helping known outlaws in any way came with the penalty of lesser outlawry.⁵⁷ It seems that if a man could gain advantages from harboring an outlaw, he would. In this case, Starri gained the continued

51 Kunz, "Bolli Bollason's Tale," 423.

52 Dennis, *Grágás I*, 140, 220.

53 Dennis, *Grágás I*, 140.

54 Dennis, *Grágás I*, 140.

55 Dennis, *Grágás I*, 140.

56 Kunz, "Bolli Bollason's Tale," 425.

57 Dennis, *Grágás I*, 209.

friendship and support of Thorvald Hjaltason.⁵⁸

Unfortunately for Thorolf, Bolli Bollason had more powerful allies and more men backing him. Thorolf was made a full outlaw officially at the Hegrans Assembly.⁵⁹ Throughout the gathering of allies, on both sides, men refused Thorolf any assistance in his case because it was perceived as a “base deed” that might adversely affect a man's own honor if Thorolf was given support.⁶⁰ In fact, Arnor of Moklabaer, a man Thorolf attempted to gain as an ally stated, “You'll go looking blindly for that [support] in this case... as I do not value my connections with you more highly than my own honour. No protection can you expect from me.”⁶¹

The entire feud with all its violence was based on honor. It was Thorolf's honor that kept him from taking proper care of his livestock, which in turn, caused Thord to kill his bull. In reprisal for his diminished honor, Thorolf killed Thord's son, Olaf. Few would support Thorolf in his case because he committed a dishonorable deed by killing Olaf. In the end of this feud chain, the dishonorable man was made a full outlaw, to be killed or to live on the outskirts of humanity, never to regain any honor in any place that Scandinavians ventured.

A Case of Female Honor and Violence in *Njal's Saga*

Honor is the reason for violence in *Njal's Saga*, as well. In this case, however, honor directly correlating to a female, Hallgerd, was in question. Hallgerd's main duty as a woman was to manage the home. Home management duties applied to every woman and included the supervision and distribution of supplies, food preparation, child bearing, and cloth production. Because Hallgerd was unable to keep her home supplied with provisions, her husband

58 Kunz, "Bolli Bollason's Tale," 425.

59 Kunz, "Bolli Bollason's Tale," 425.

60 Kunz, "Bolli Bollason's Tale," 425.

61 Kunz, "Bolli Bollason's Tale," 425.

dishonored her with a slap. Her inability to manage her home and her husband's reaction to it challenged her individual honor.⁶²

In this saga, Hoskuld betrothed his daughter, Hallgerd, to Thorvald Osvifsson of Fell.⁶³ Hallgerd was not a happy bride and took advantage of her husband's wealth, claiming belongings that were not hers and wasting valuable provisions. By spring, the household's provisions of flour and dried fish, which normally lasted until summer, were nearly spent.⁶⁴ When Thorvald pointed this out to Hallgerd, she replied harshly, stating “I don't care in the least if you and your father starved yourselves for money.”⁶⁵

Here was where the violence and the feud chain began. Thorvald was livid that Hallgerd insulted his pride in such a way, therefore, Thorvald struck Hallgerd in the face, which caused it to bleed.⁶⁶ Then he left to gather more fish and flour. Hallgerd told her foster-father, Thjostolf, what had happened. For her honor, he immediately jumped in a boat and rowed after Thorvald. When they came together, their interaction began with an insult. Thjostolf said, “You are slow in your work, Thorvald, and clumsy too.”⁶⁷ When Thorvald asked him if he thought he could do his work better, Thjostolf insulted him further by claiming “[In] Anything we do I can do better than you...and the woman who has you for a husband has made a bad marriage.”⁶⁸ In other words, Thjostolf was insulting Thorvald's manhood as a husband and a worker. At that point, both men tried to kill each other. Thorvald sliced at Thjostolf with his short-sword; Thjostolf swung his ax,

62 Magnus Magnusson and Hermann Pálsson, trans., *Njál's Saga*, (London: Penguin Books, 1960), 56-57.

63 Magnusson and Pálsson, *Njál's Saga*, 56-57.

64 Magnusson and Pálsson, 58-59.

65 Magnusson and Pálsson, 59.

66 Magnusson and Pálsson, 59.

67 Magnusson and Pálsson, 59.

68 Magnusson and Pálsson, 59.

breaking Thorvald's arm. Then, Thjostolf delivered the death blow striking Thorvald's head with his heavy ax.⁶⁹

Hallgerd fled to Holskuld and Thjostolf fled to Hallgerd's mystic maternal uncle Svan's farmstead for protection. Thorvald's father, Osvif pursued Thjostolf but was unable to reach Svan's farmstead because of his supernatural powers, namely foresight and control of nature's elements. Therefore, Osvif went to Hoskuld to demand compensation for his son's death. At first Hoskuld refused but was persuaded by his brother Hrut. For the sake of Hallgerd and their own honor, Hrut acted as arbitrator giving Osvif a generous settlement, ending the feud chain.⁷⁰

Although the *Grágás* state that the slap would have been considered assault on Hallgerd, the law does not appear to cover men punishing their wives. It is unclear if women could publish assault cases against their husbands. It did not happen in this saga, nor have I found evidence of it in other sagas. The *Grágás* do not state that women cannot publish against their husbands either, though they state that any widow or woman over twenty has charge over her own assault and minor wound case.⁷¹ If this was the case, Hallgerd could have had her husband made an outlaw, both dishonoring him and possibly causing his death. This could have been a financial blow to Hallgerd, however, which may be why she did not pursue an assault case, though it is not stated in the saga.

Instead, the law applies to Thjostolf, who left Thorvald's farmstead to track him down and kill him.⁷² The same law applies to Thjostolf as applied to Thorolf from “Bolli Bollason's Tale.”⁷³ Thjostolf became an outlaw by leaving Throvald's home, intending to kill him. He could

69 Magnusson and Pálsson, 59.

70 Magnusson and Pálsson, 60-63.

71 Dennis, *Grágás I*, 158.

72 Dennis, *Grágás I*, 140.

73 Kunz, "Bolli Bollason's Tale," 423.

also have been made an outlaw from Thorvald's death. Thjostolf was not formally charged with either of these crimes but his kindred payment, or *weregild*, was paid, presumably to avoid an outlawry charge.⁷⁴ Thorvald's death was most likely published at the next local district assembly; however, a modern reader cannot be sure because of the saga's lack of details.

Again, the entire exchange was based on honor. The feud chain may have been short and settled monetarily in the end, instead of with Thjostolf's outlawry, but every aspect of the violence was caused by someone's lost honor. Thorvald struck Hallgerd because his honor was diminished by her words and extravagance. In turn, Hallgerd's honor was lost by the injury to her face. Thjostolf was honor bound to avenge Thorvald's brutality against his foster-daughter. Osvif was obligated by honor to avenge the killing of his son, and was legally able to avenge his son's death without repercussion.⁷⁵ For the sake of their own honor, Hoskuld and Hrut gave Osvif compensation for Thorvald's death, though they were not legally responsible for it. According to Hrut, Hallgerd caused Thorvald's death and was grounds for Hoskuld to pay Osvif compensation. It would not only increase their honor by paying it, but Hallgerd's, as well, since she caused the problem.⁷⁶

Familial Honor and Violence in the “Saga of the People of Vatnsdal”

In the “Saga of the People of Vatnsdal,” we see a final example of how crimes of honor and violence came together.⁷⁷ In this case, familial honor is called into question when a man attempted to seduce a woman. Where women are involved, the men of the family are an integral part of nearly every interaction, the man being the principal person to deal with in any

74 Magnusson and Pálsson, 63.

75 Dennis, *Grágás I*, 141.

76 Magnusson and Pálsson, 63.

77 Andrew Wawn, trans., "The Saga of the People of Vatnsdal," in *The Sagas of The Icelanders*, ed. Örnólfur Thörnsson (New York: Viking, 2000), 189-269.

publishable case a woman may have. Principal male involvement was especially true of marriage but also included non-sexual heterosexual relationships, like taking on a male servant.⁷⁸

In this saga, an ill-natured Norwegian named Hrolleif and his mother Ljot became dependents of his paternal uncle, Saemund. Hrolleif was a troublesome guest for Saemund and his son, Geirmund. He took advantage of lesser men, but because he was so physically powerful, no one charged him with crimes that could have easily led to outlawry. To be rid of Hrolleif and his equally ill-natured mother, Saemund gave Hrolleif a small farmstead in Hosdastrond and advised him to be courteous with his neighbors. Hrolleif ignored his uncle's advice but still moved to the farmstead.⁷⁹

Within a short time, Hrolleif was hated for his attitude toward the other farmers in the area, threatening them and making menacing remarks among other problems. Among these men was Uni of Unadal who was wealthy with an estate of his own. He had two children, Odd, a boy in his prime, and Hrodny, who was described as “a good-looking and hard-working girl.”⁸⁰ Despite his local reputation, Hrolleif asked Uni for Hrodny in marriage and was refused. As a blow to Uni's honor, Hrolleif resolved to seduce Hrodny, stating “...she will be my mistress, which is plenty good enough for her.”⁸¹

After several visits, Uni and Odd took action to end Hrolleif's seduction of Hrodny, claiming that “this fellow comes on his own to shame us.”⁸² Their first action was to talk to Hrolleif and ask him to stop making as many journeys on the road near Uni's farmstead. Odd

78 Andrew Dennis, et al., trans., *Laws of Early Iceland: Grágás II, the Codex Regius of Grágás, with Material from Other Manuscripts*, ed. Andrew Dennis, Peter Foote, Richard Perkins and Kirsten Wolf, vol. V, (Winnipeg: University of Manitoba Press, 2000), 53-81.

79 Wawn, "The Saga of the People of Vatnsdal," 216-217.

80 Wawn, 217.

81 Wawn, 217.

82 Wawn, 217.

confronted Hrolleif, saying “You are forever using this path, but we feel it would be better for you to make this journey less often.”⁸³ In other words, Odd was insinuating that if Hrolleif continued seeing his sister, he would kill him to protect his family's honor. Hrolleif declined, stating, “Since I was nine years old, I have always organized my own journeys, and will continue to do so. I will pay no heed to your words, and it seems to me that my path is no more difficult with you shadowing my every step.”⁸⁴ In essence, Hrolleif was saying he did what he wished and was not afraid of Odd's threats.⁸⁵ After this confrontation and knowing Uni and Odd's frustration, Hrolleif began taking a slave with him on his trips to Uni's farmstead as extra protection.⁸⁶

Uni and Odd did not want to insult Saemund but desperately wanted to be rid of Hrolleif, so they held a conference with Saemund instead of simply killing Hrolleif.⁸⁷ Throughout this chain of events, it is clear that Uni and Odd did not want to feud with the powerful Saemund. They were almost pushed past human endurance by Hrolleif and his pursuit of Hrodny.

Having experienced them first-hand, Saemund was all too familiar with Hrolleif's antics. In fact, Saemund was not surprised when Uni and Odd came to his home to request help in dealing with Hrolleif and said “it would be no bad thing if such men were eliminated.”⁸⁸ In a place where the idea of honor and family were in esteemed positions, it is obvious that Hrolleif had angered Saemund to the point that his familial ties became less important than Saemund's own honor, and if killed, his death would go unavenged.

Unfortunately, little was resolved at this meeting and Uni and Odd were forced to deal

83 Wawn, 218.

84 Wawn, 218.

85 Wawn, 217-218.

86 Wawn, 217-218.

87 Wawn, 217-218.

88 Wawn, 218.

with Hrolleif on their own. To remedy the situation, Odd and four other men ambushed Hrolleif and his slave on their way to Uni's farm. Odd, one of his men, and Hrolleif's slave were killed in the battle that ensued. When the news of his son came to Uni, he visited Thord of Hofdi to ask him to support Uni in his case against Hrolleif. Thord agreed to support Uni and pointed out that Saemund was ultimately responsible for Odd's death and Hrolleif's actions. Thord journeyed to Saemund's farmstead with Uni and asked him to amend the situation. In response, Saemund summoned Hrolleif and his mother back to his farm until a peace-meeting could be called in the spring. At the peace-meeting, Hrolleif's land was given to Uni as compensation and Hrolleif was outlawed "from all lands whose waters flowed into Skagafjord," which was located in the Norther Quarter.⁸⁹

All the violence in this section of the saga was based on honor. Hrolleif was not an honorable guest, so he was sent away and given his own farmstead. He was not an honorable neighbor, so he was hated and refused when he asked for Hrodny's hand in marriage. Because he felt his honor wounded from the refusal, Hrolleif tried to dishonor Uni by seducing his daughter. He even diminished Hrodny's honor with his biting comment that being his mistress was "good enough for her," as if she could do no better.⁹⁰

Hrolleif's attempt to seduce Hrodny, Uni's dishonor, and Odd's death was the cause of Hrolleif's outlawry. Although there is nothing specifically referring to seduction in the Grágás, their laws on betrothal leave little to doubt that it would be punished if found. If kissing against a woman's wishes was punishable by outlawry, then it would be easy to imagine that seduction and potential intercourse with a woman you refused to marry would lead to equal or greater

⁸⁹ Wawn, 219-220.

⁹⁰ Wawn, 217.

punishment.⁹¹ There is also a law against wrongful intercourse, which states that a male principle in a case may kill another man if “a man arrives to find another man forcing a woman to lie with him there...,” or if “... the man has forced her down and lowered himself down upon her.”⁹² Both of these qualify more as rape than seduction, however, and there was no indication of successful intercourse in the saga, only attempted seduction. Only on the third part of the law does it stipulate anything remotely about seduction. It states that if “[a man is found] in the same bed as a woman, so that they lay side by side, because it was his will to have wrongful intercourse with her...even if intercourse has not taken place,” he is liable to outlawry.⁹³ This may be why Hrolleif was outlawed by settlement rather than by court proceedings.

Crimes of Honor without Violence

There are countless other examples of violence evolving out of crimes against honor in the sagas. They may or may not lead to feud or outlawry. Although they have been studied together up to this point and go hand in hand in many instances, there are also instances in the sagas where one crime does not necessarily require or even involve the other.

One example of an honor crime that did not result in violence occurred in “The Saga of the People of Laxardal.”⁹⁴ In this saga, Osvif, a wise man with a farmstead at Laugar, in Saelingsdal, married Thordis. She was the daughter of Thjodolf the Short. The couple produced six children together, five strong, bold-fighting sons and one daughter. Gudrun, the daughter, was “the most beautiful woman ever to have grown up in Iceland, and no less clever than she was

91 Dennis, *Grágás II*, 69.

92 Dennis, *Grágás I*, 154.

93 Dennis, *Grágás I*, 154.

94 Keneva Kunz, trans., "The Saga of the People of Laxardal," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsson (New York: Viking, 2000), 276-421.

good-looking.”⁹⁵ She was described as “the shrewdest of women, highly articulate, and generous,” also.⁹⁶

One day, Gudrun met with her kinsman, Gest Oddleifsson, at the hot springs of Saelingsdalslaug on his way to the Althing. He was a chieftain and was considered wise because he could foretell the future. After a lengthy discussion, Gudrun invited Gest to stay at her father's farmstead at Laugar, but he declined the offer saying he would continue on his original journey to Hol. Gudrun went on to tell Gest of four dreams she had over the winter. After she finished, Gest replied “I can clearly see what the dreams mean.... You will have four husbands; I expect the first man to whom you are married will not be a match to your liking.”⁹⁷

It is this first marriage that will be further examined. Gunrun's first marriage was to Thorvald, son of Halldor. Halldor was the *Goði* of Garpsdal. Thorvald was considered “a wealthy man but hardly a hero.”⁹⁸ Thorvald was generous with the marriage agreement, allowing Gudrun to manage their combined estate, rights to half the estate in the case of Thorvald's death or divorce, and his obligation to purchase finery for Gudrun so that she would have comparable attire to other women of her station. Regardless, she was unhappy with the arrangement and often demanded new treasures from her husband after the marriage was held.⁹⁹ The author of the saga claims “There were no treasures in all the West Fjords so costly that Gudrun felt she did not deserve them....”¹⁰⁰

After a time, Thord Ingunnarsson befriended the couple, though he appeared to be closer

95 Kunz, "The Saga of the People of Laxardal," 327.

96 Kunz, "The Saga of the People of Laxardal," 327.

97 Kunz, "The Saga of the People of Laxardal," 328-330.

98 Kunz, "The Saga of the People of Laxardal," 332.

99 Kunz, "The Saga of the People of Laxardal," 332.

100 Kunz, "The Saga of the People of Laxardal," 332.

to Gudrun because rumors began to surface of the two having an affair. Because of these rumors, when Gudrun asked for a new treasure, Thorvald slapped her and claimed her demands of finery were limitless. Afterwards, Gudrun told Thord what had happened and he suggested that she make Thorvald a low-cut shirt to make him seem like a cross-dresser, giving her grounds for divorce. After only two years, Gudrun announced she was divorcing Thorvald that spring. She returned to her father's home with half of Thorvald's estate.¹⁰¹

Gudrun's honor had been blemished by Thorvald's slap, so to dishonor him and be rid of him, she made him look like he was a cross-dresser, which was liable to outlawry.¹⁰² It is obvious in the saga that the low-cut shirt was simply a tool to rid herself of her loveless marriage, a ruse to trick others into thinking Thorvald was not honorable. In the end, Gudrun gained her divorce and lands to boot, and Thorvald did nothing to regain his lost honor. The divorce was not followed by a feud or any other act of violence. While this could have been a literary device, I believe Thorvald simply did not have the urge to fight back. As the saga said, "he was hardly a hero."¹⁰³ It is a prime example of an honor crime that did not result in violence, showing that although violence and honor crimes are normal, not all honor crimes resulted in violence.

Violent Crimes without Feud

Much like the example above, not all crimes of violence precipitated more acts of violence. In some instances, a single act of violence was dealt with peacefully through private settlement. In such a violent society, instances of violent crimes without continued violence were rare, but they did happen from time to time. Probably the biggest determining factor was the person's ability to fight back. If a man did not have substantial backing, he could not continue

101 Kunz, "The Saga of the People of Laxardal," 333.

102 Dennis, *Grágás II*, 69.

103 Kunz, "The Saga of the People of Laxardal," 332.

fighting. This, however, was not the situation in the case below. In this unusual event, a violent act yielded a marriage.

In “The Saga of the People of Vatnsdal,”¹⁰⁴ Ketil the Large insulted his son Thorstein because he considered him unmanly since he had never proven himself in battle.¹⁰⁵ Ketil said, “I have won wealth and honor because I dared to face danger and tough single combats. You, Thorstein, have been blessed little in the way of strength or size. It is more than likely that your deeds will follow suit...”¹⁰⁶ He continues to insult him by saying “...your courage and daring will match your size, because you have no desire to emulate the exploits of your ancestors...I believe that the old warriors' ways are unknown to you...You have now reached the age when it would be right for you to put yourself to the test....”¹⁰⁷ To which Thorstein replied, “If ever provocation worked, this would be provocation enough.”¹⁰⁸ In this way, Ketil insulted and pushed his son to prove his manliness through violence.¹⁰⁹

Shortly thereafter, unable to take his father's taunting any longer, Thorstein rode into the forest hoping to find felons he could prove himself against. Some ways into the forest, Thorstein encountered a large house, and went inside to examine it further. Inside he found chests of treasure, sacks of goods and wares of various kinds, a table full of delicacies and fine drink, and an enormous bed. Hoping to see who he would have to fight to gain these riches, Thorstein hid behind a wood pile and some sacks of goods. When the man came home, he noticed something was amiss because the fire had burned down farther than he expected. He was a huge and

104 Wawn, 189-269.

105 Wawn, 189-190.

106 Wawn, 189-190.

107 Wawn, 190.

108 Wawn, 190.

109 Wawn, 190- 191.

handsome man, who Thorstein considered to be well-refined but mountainous. The man searched the house three times hoping to find what was amiss but found nothing.¹¹⁰

Thorstein escaped through the chimney, but stayed outside to watch the man. While watching, Thorstein noticed the man's mighty sword and remembered his father's taunting about his unmanliness. This drove Thorstein to kill the man. After the man was deeply sleeping, Thorstein crept into the hall and stabbed him in the chest with his own sword. Even with such grievous wound, the man yanked Thorstein down to the bed to talk to him. He asked for Thorstein's name, which he gave and said he did not think he deserved this treatment from him but decided to spare Thorstein's life so that he may benefit from Thorstein's success. The man went on to give his name, Jokul, and tell of his deeds and how he won his riches. Then he asked Thorstein to go to his parents, speak with them, (though he was to speak to his mother first) and ask for his sister's hand in marriage. If the couple were blessed with male children, they were not to let Jokul's name die out. With this, Thorstein removed the sword and Jokul died.¹¹¹

In keeping with the bargain, Thorstein followed Jokul's instructions and Jokul's sister was given to him in marriage rather than starting a feud. In this case, it could be a literary device, but it shows that not all acts of violence led to more acts of violence. In fact, it is unlikely that a killing resulting in a marriage happened often. Jokul's father would have rather killed Thorstein, but he was convinced by Jokul's tokens that Jokul asked this man be married to his sister and consented to the marriage. This horrible act of violence ended in a marriage rather than a feud and can be seen as a private settlement between the primary members of each family, which was more likely to happen than an outlawry case.¹¹²

110 Wawn, 190- 191.

111 Wawn, 191-193.

112 Wawn, 193-196.

Conclusion

A few questions remain when looking into violence and honor crimes, but they are for another time and further investigation into the sagas. Are there any discernible patterns to violent crimes involving honor? Do violent crimes increase the honor of the men committing them? Do violent crimes diminish the honor of the victims? Does private settlement or published cases at an assembly bring more honor to the principals of a case? Are women or men usually the catalyst for violent or honor crimes? How accurate are the sagas and *Grágás* in defining how society dealt with crimes of honor and violence?

There are a few clear conclusions which can be drawn from the sagas and *Grágás*. As shown above, many crimes of violence were the direct result of diminished honor. They could be settled privately or taken to an assembly to establish outlawry. Sometimes a crime resulted in continued violence; sometimes it did not. There were also times when violent acts lacked an aspect of honor. The possibility of feud may be why there were severe punishments for both.

CHAPTER THREE

OUTLAWED BY ENVY: WEALTH CRIMES IN THE ICELANDIC SAGAS

In many ways, crimes of wealth follow the same patterns as crimes of violence and honor. They can easily lead to further loss of wealth, feud, and even death. The reasons people committed crimes of wealth were often more premeditated than the reasons for crimes of violence. Like other outlawry crimes, they can be tried at the *things* or settled internally through private settlement.

In this chapter, a crime of wealth is defined as depriving someone of an item of value. I will predominately focus on outlawry crimes, specifically those found in both the sagas and the *Grágás*. As I will demonstrate, crimes of wealth followed certain patterns. The first pattern included any action that caused another person to replace an item of value. By extension, it included any action that led to financial burden by forcing someone to replace something necessary to survival, like food, shelter, or wood. The second caused an item to lose value through damage to it. The final pattern included any action where a man claimed or used something that did not belong to him.

Extensive research exists on outlaws and violent crimes. Studies on outlawry from committing crimes of wealth, on the other hand, are few and are rife with uncertainties. This study is equally filled with uncertainties; however, seeing how crimes of wealth manifest themselves in the sagas may help to explain some of the unanswered questions. This study also contributes to our understanding of Medieval Icelandic law, property rights, and the violent history of these people.

I will use the *Grágás* and sagas to show how misuse of valuable items often led to outlawry. Before discussing crimes of wealth, however, it is important to understand how wealth

was defined in Medieval Iceland and how it was used. This chapter will focus mainly on the cost associated with the loss of an item or damage compensation. Many crimes of wealth in the *Grágás* have a value component which determines the severity of charge against a man who committed a crime. The wealth component usually shows up in three ways, damage worth a certain amount in ounce-units, damage worth a certain amount of *ells*, or damage worth the price of a cow. Though the *Grágás* have other standardized values, such as the value of goats and cauldrons, the three items above show up most commonly.¹¹³

To put these terms in context, one must break them down into their most basic forms. *Ells* were a measurement of homespun cloth. Each *ell* was around the length of someone's arm from wrist to shoulder. Judging by the twenty-*ell* mark on the church at Þingvöllr and the two-*ell* marks on the walls of burial churches, each *ell* was about 49.2 cm or 19 ¾ in. To ensure safety in the case of error, since false measurements were punishable with outlawry in some instances, *thumb-ells*, or a standard *ell* plus the length of a thumb were likely used. A standard *ell* was two *ells* wide.¹¹⁴ Six *ells* in length and two *ells* in width was equivalent to one ounce-unit of silver.¹¹⁵ Bearing that in mind, an ounce-unit was usually equal to what it could buy in legal tender, whether it was homespun or silver acceptable to pay a *weregild*.¹¹⁶ To put these values in perspective, a cow in good condition and good age was valued at two and one-half ounce-units or twenty standard *ells*.¹¹⁷

In the case of damage assessment in ounce-units, the usual amount leading to outlawry

113 Andrew Dennis, et al., trans., *Laws of Early Iceland: Grágás II, the Codex Regius of Grágás, with Material from Other Manuscripts*, ed. Andrew Dennis, Peter Foote, Richard Perkin and Kirsten Wolf, vol. V, (Winnipeg: University of Manitoba Press, 2000), 207-210.

114 Dennis, *Grágás II*, 379.

115 Dennis, *Grágás II*, 376.

116 Dennis, *Grágás II*, 389-390.

117 Dennis, *Grágás II*, 392.

was five ounce-units of damage. For example, “If a man drives his stock or has his stock driven into another man's land with the intention of grazing what belongs to someone else and damage worth five ounce-units or more results, then his penalty is lesser outlawry.”¹¹⁸ If the damage caused was worth less than the five ounce-units, then the perpetrator was subject to a fine and a damage compensation payment, which was determined by summoned neighbors.¹¹⁹

The use of *ells* was another way to calculate the estimation of damage. For example, the *Grágás* state that if a man removes brushwood from another man's land, the man is required to pay a fine of three marks, meaning roughly forty-eight *ells* of standard homespun cloth or eight ounces-units of silver. If the damage caused was worth three *ells* and was used in any way, then the person to whom the brushwood belonged could charge the man who used it with either theft or appropriation, potentially leading to outlawry.¹²⁰

The items above, especially the *ells* of cloth and ounce-units of silver, could have been used to purchase any item, though there was no standardized form of monetization beyond *wereguilds*. Other areas of the medieval world, like eastern and south-eastern England, according to the archeological record, were creating monetized societies, but Iceland did not.¹²¹ Its coins came from other countries. For example, the Icelandic “penny” was a coin worth one sixteenth of an ounce minted under Ólafr the Quiet of Norway for Norwegian use; Icelanders simply assimilated it into their economy.¹²² These coins made their way to Iceland and Scandinavia at

118 Dennis, *Grágás II*, 112.

119 Dennis, *Grágás II*, 112.

120 Dennis, *Grágás II*, 114, 336, 398.

121 D. M. Metcalf, “Regions Around the North Sea With a Monetised Economy in the Pre-Viking and Viking Ages,” in *Silver Economy in the Viking Age*, ed. James Graham-Campbell and Gareth Williams (Walnut Creek: Left Coast Press, 2007), 1.

122 Jón Jóhannesson, *A History of the Old Icelandic Commonwealth: Islendinga Saga*, (Winnipeg: University of Manitoba Press, 2007), 330.

large through commerce, raiding, and relationship bargaining.¹²³ By relationship bargaining, one means creating marriage family ties, appeasement offers, *wereguilds*, inheritances, gifts, and any other means by which wealth is transferred from one person to another in order to maintain or create amicable relationships. Despite debate,¹²⁴ it is clear from archeological evidence that Scandinavia had a vibrant non-monetized silver economy, rather than a subsistence economy.

The main source of information on wealth in the Icelandic sagas came from the upper class and often chieftains of Medieval Iceland. During my research, I have identified four class groups, in ascending order, slaves, bound-men, freemen, and landowners and chieftains. Icelandic society offered flexible class mobility. For example, a freeman who went raiding may return to Iceland to purchase land to become a landholder. A freeman who overextended himself may become a bound-man to repay his debts.¹²⁵ Slaves who served their masters well had the capability of becoming freemen.¹²⁶

References to each class appear in the sagas, but references to the use and acquirement of wealth lays heavily on the side of the landowners and chieftains. For the largest part, landowners and chieftains made their money by gaining and working land and livestock. The indicators of a chieftain's wealth are the size of the chieftain's home, the ownership of livestock, especially cattle, and the production of beer from barley cultivation. These items created a connection that also provided power for the chieftains. Hosting grand feasts using products that indicated the

123 Kenneth W. Harl, *The Vikings: Course Guidebook*, (Chantilly: The Great Courses, 2005), 19-21, 54-58,78.

124 Svein H. Gullbekk, "Monetization in Medieval Scandinavia," *Proceedings of the XIVth International Numismatic Congress, Glasgow 2009*, ed. Nicholas Holmes, vol. II (Glasgow: Spink, 2011), 1458-1463.

125 Dennis, *Grágás II*, 369.

126 Keneva Kunz, trans., "The Saga of the People of Laxardal," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsson (New York: Viking, 2000), 317-318.

chieftains' wealth created a “reciprocal obligation between hosts and guests by the same social principle of reciprocity that governs the flow of gifts from donors to receivers.”¹²⁷ By this, one can reasonably assume that wealth meant political backing.¹²⁸

Ross Samson has also suggested that the wealth of the *goði* came from gaining and working land and animal husbandry. He goes on to say “The key to understanding the nature of the power and wealth of *goðar* is to be found in the ways *goðar* controlled or exploited the wealth generated by others.”¹²⁹ Using Hastrup's ideas that *goðar* dominated their inferiors economically through land ownership, cultivation through the use of slaves and tenets, and politically through office-holding, Samson shows how Iceland shifted its ideological position from an importance in control over people to an importance in land ownership.¹³⁰

The chieftain also received assembly dues from his thingmen. This exchange of wealth bound the chieftains to the men of their districts as much as feasting. There was a kind of mutually beneficial reciprocity in this kind of relationship. The thingmen paid their *goði* a tax to be protected by and represented by their chieftain of choice; if a thingman decided to leave, it was his choice. In return, the thingmen “gave support to their chieftain according to his wishes...”¹³¹

127 Davide Zori, et al., “Feasting in Viking Age Iceland: Sustaining a Chiefly Political Economy in a Marginal Environment,” *Antiquity* 87, no. 335 (March 2013): 150-166, accessed April 28, 2015,

<http://search.ebscohost.com.proxy.library.ohiou.edu/login.aspx?direct=true&db=a9h&AN=85983331&site=ehost-live&scope=site>.

128 Davide Zori, “Feasting in Viking Age Iceland,” 152.

129 Ross Samson, “Goðar: Democrats or Despots,” in *From Sagas to Society: Comparative Approaches to Early Iceland*, ed. Gísli Pálsson, (London: Hisarlik Press, 1992) 172-173.

130 Samson, “Goðar: Democrats or Despots,” 173.

131 Jón Viðar Sigurðsson, “Friendship in the Icelandic Commonwealth” in *From Sagas to Society: Comparative Approaches to Early Iceland*, ed. Gísli Pálsson (London: Hisarlik Press, 1992), 206-207.

Another way men exchanged wealth in Medieval Iceland was through trade. It is clear that men traded in Iceland, but it was viewed as a hostile and condemnable way to deal with ones' peers. Þorláksson pointed out K. Lunden's example of Hœnsa-Þórir, in *Hœnsa-Þóris saga*, Hœnsa-Þórir was a man who traded for profit, moving from low social ranking to high by gaining wealth from his peers, but his trading made him unpopular.¹³² It was acceptable for the lower classes, though it was unclear how low in social rank one had to be for one to gain wealth from his peers respectably, but it was not acceptable for the elite landowners. Landowners' wealth was exchanged more freely to ensure friendship and political backing. Though trading gave upward mobility, it was “socially disruptive” to those who gained their land by other means, such as inheritance or gifting.¹³³ It is unclear, however, if resentful feelings applied to foreign traders in Iceland.¹³⁴

Understanding how wealth was measured, accumulated, and exchanged within Iceland demonstrates why wealth crimes were punished with severity. The law makes provisions for accidents but punishes with outlawry after a certain degree. Wealth was the way status was gained, maintained, and lost. It bound together the people of the districts and the *goðar*. Crimes of wealth could not be taken lightly, if the status quo was to be preserved.

In this chapter I will demonstrate how similar crimes of wealth were to crimes of violence, because they often led to further destruction, whether it be loss of life or property. I will show how the crimes were committed less by impulse than by careful planning, showing the crimes were given forethought before acting upon them. Finally, I will display the means by

132 Helgi Þorláksson, “Social Ideals and the Concept of Profit in Thirteenth-Century Iceland,” in *From Sagas to Society: Comparative Approaches to Early Iceland*, ed. Gísli Pálsson (London: Hisarlik Press, 1992), 232.

133 Þorláksson, “Social Ideals and the Concept of Profit in Thirteenth-Century Iceland,” 232.

134 Þorláksson, 232-234.

which a crime was charged and came to an end, even though it was not always peaceful. I will use three examples from three separate sagas, “Egil's Saga,” “The Saga of the People of Laxardal,” and *Njál's Saga*. They present different outlawry crimes associated with crimes of wealth, including property damage, gaining from another's belongings through appropriation and theft, and food theft.

Property Damage in “Egil's Saga”

One example of a wealth crime that led to an outlawry suit can be found in “Egil's Saga.”¹³⁵ It was resolved both by trial and private settlement. The property, meadow land, was damaged by cattle grazing. The *Grágás* repeat the passage regarding unlawful grazing three times showing the importance of this law. To paraphrase, if a man intentionally drove his cattle onto another man's property to graze, and the animals caused five ounce-units of damage, the penalty was lesser outlawry.¹³⁶ *Staðarhólsbók* goes on to claim that the punishment was full outlawry if the cattle caused damage worth the same amount as a cow.¹³⁷ Mass damage to pastureland put people in danger of starvation. If Thorstien's cattle could not graze because of Steinar's extensive damage to the pastureland, Thorstein's cattle could stop producing milk. The farm would lose its ability to produce cheese, among other staples, and slaughter its livestock to survive the winter.

In this saga, Thornstein, the son of the mighty Viking warrior, Egil, inherited the large farmstead Borg from his retired father. Thornstein's neighbor, Steinar, lived on the farmstead Anabrekka south of a marsh called Stakksmyri. The marsh was fed by Hafslaek Brook, which

135 Bernard Scudder, trans., "Egil's Saga," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsson (New York: Viking, 2000), 8-184.

136 Dennis, *Grágás II*, 112-113, 130.

137 Dennis, *Grágás II*, 130.

marked the boundary line between the two properties. The marsh was considered especially valuable property because of the fertile pasture it produced after the spring thaw. According to the saga, the marsh was “submerged in winter, but in spring when the ice has thawed it is such good pasture for cows that it is considered worth a whole haystack.”¹³⁸

Thornstein and Steinar were not cordial neighbors. Thorstein was a *goði*. Steinar was considered wealthy and strong but also “overbearing ...ruthless ...and very quarrelsome.”¹³⁹ The spring after Steinar inherited Anabrekka from his aging father, he started ignoring the boundary line between the two properties to graze his cattle at Stakksmyri. The first spring Steinar sent his cattle to graze in the marsh, Thornstein's farmhands complained to Steinar, but Steinar ignored the cattle. Thornstein let the matter rest for the remainder of the year.¹⁴⁰

The following spring, Steinar again allowed his cattle to graze at Stakksmyri.¹⁴¹ When Thorstein went to discuss the matter with Steinar, Steinar stated that “cattle would always go wherever they pleased.”¹⁴² After this, Thorstein drove Steinar's cattle back to Steinar's farmstead. In response, Steinar sent his slave, Grani, to make sure the cattle stayed in the pasture at Stakksmyri until it was depleted of grazing material. One day, Thorstein caught Grani grazing Steinar's cattle in the marsh and chased him and the cattle back to Steinar's milking pens, where he killed the slave and covered his body with a wall he pulled down. After the slave's death, Thorstein ignored Steinar's grazing cattle for the remainder of the summer.¹⁴³

This kind of tit-for-tat exchange continued to the next year. Steinar purchased a

138 Scudder, "Egil's Saga," 169.

139 Scudder, 169.

140 Scudder, 169.

141 Scudder, 169.

142 Scudder, 169-170.

143 Scudder, 170.

replacement slave, named Thrand, from another local landowner. Thrand was a large and strong man, a slave worth three times the amount of a normal slave. Steinar gave him the task of keeping the cattle in the pasture of Stakksmyri and killing Thorstein, if necessary, to keep the cattle there. That spring, Thorstein came across the cattle and Thrand while the slave was sleeping. Thorstein attempted to inform Thrand of the boundary line and persuade him to leave, but Thrand preferred to fight to keep the cattle there. Thrand thought he could kill Thorstein with little effort. He said, “I'd guess I have twice your strength, and I don't lack courage either. And I'm better armed than you.”¹⁴⁴ Thorstein killed Thrand while the slave readied himself for battle.¹⁴⁵

Later that evening, Steinar waited for Thrand to return with the cattle. Because the cattle were late, he assumed Thorstein killed Thrand and immediately rode to Borg. When Steinar arrived at Borg, he sent people inside to fetch Thorstein. When Thorstein emerged, Steinar asked him if he killed Thrand, which Thorstein openly admitted. In response, Steinar rode to Stafaholt to gain the support of Einar, another *goði*, in an outlawry case. He agreed to support him if he gained the support of Tunga-Odd, so he rode to Reykjadal, therefore, to gain his support. Steinar promised Odd payment in exchange for his support against Thorstein.¹⁴⁶

The first year after Steinar took control of his father's property, it is clear that Thorstein thought the cattle had strayed onto his property by accident. In this case, there was a fine as punishment for the cattle grazing there. The *Grágás* clearly state, “if animals stray and a man grazes someone else's arable land or meadowland, the penalty for that is a fine for the man who

144 Scudder, 171.

145 Scudder, 170-172.

146 Scudder, 172-173.

grazes in this way and payment of damage compensation.”¹⁴⁷ It is not an outlawry crime if the damage done was less than five ounce-units.¹⁴⁸

On the second year, when Steinar's cattle found their way to the marshy-pasture, there was still no way to punish Steinar beyond a fine for his cattle grazing on Thorstein's property because Steinar claimed the cattle strayed there on their own.¹⁴⁹ Steinar was clever and kept himself out of an outlawry charge by claiming that the cattle went to Thorstein's land because they liked it. As long as Steinar did not intentionally send the cattle to Thorstein's land, and did not allow them to damage the land enough to receive an outlawry charge, he could only be fined.¹⁵⁰ After their altercation, when Thorstein drove the cattle back to Steinar's farmstead, he was within his rights to do so, as long as he did not drive them in a way that they missed milking time.¹⁵¹

It was only when Steinar sent slaves to intentionally drive the cattle onto Thorstein's property and allowed the cattle to graze the pasture-land to stubble that Steinar broke the law.¹⁵² If a man intentionally drove his cattle onto another man's property to graze, and the animals cause five ounce-units of damage, the penalty is lesser outlawry.¹⁵³ With that, Thorstein was within the law when he killed the slaves Grani and Thrand because they lost their immunity by allowing the cattle to cause that much damage.¹⁵⁴

By law, Thorstein was not required to pay compensation and would win the case if he

¹⁴⁷ Dennis, *Grágás II*, 130.

¹⁴⁸ Dennis, *Grágás II*, 130.

¹⁴⁹ Dennis, *Grágás II*, 130.

¹⁵⁰ Dennis, *Grágás II*, 130.

¹⁵¹ Dennis, *Grágás II*, 131.

¹⁵² Dennis, *Grágás II*, 112-113, 130.

¹⁵³ Dennis, *Grágás II*, 112-113, 130.

¹⁵⁴ Scudder, 169-172.

was summoned to the assemblies, which he was. When Steinar summoned Thorstein to the assembly, Steinar had no case but proceeded as if there was an outlawry case against him.¹⁵⁵ He charged Thorstein for the deaths of his slaves, each resulting in lesser outlawry. Two lesser outlawry charges resulted in full outlawry.¹⁵⁶ These charges did not hold because the slaves were thieves and could be killed without immunity. To spare Steinar and his father dishonor, the case was privately settled by Thorstein's father, Egil.

Property Theft and Appropriation in “The Saga of the People of Laxardal”

Another example of a crime of wealth with the possibility of outlawry was found in “The Saga of the People of Laxardal.”¹⁵⁷ The *Grágás* are clear on the use of another man's land. A man was fined three marks if a man worked another man's land, damaged the ground, or mowed without his permission. If the man took anything off the land or used anything gained from the land, the land owner could charge the man with theft or appropriation, depending on the value of the items taken. In the circumstance of Hrolf, though unintentional, he used and took from land belonging to Hoskuld. Assuming the items gained off the land and items used were worth more than half an ounce-unit, Hrolf was a thief and lost his immunity because it made him a full outlaw. Hoskuld and his sons were free to kill him without punishment.¹⁵⁸

In this case, Hoskuld Dala-Kolsson and his sons held a farm at Hoskuldssadir, in north-west Iceland, just inland from Hvammsfjord. His farmstead was bordered in the south by Hrut Herjolfsson at Hrutssadir. Hrut had a slave named Hrolf, who Hrut gave freedom along with a

155 Scudder, 172-173.

156 Andrew Dennis, et al., trans., *Laws of Early Iceland: Grágás I, the Codex Regius of Grágás, with Material from Other Manuscripts*, ed. Haraldur Bessason and Robert J. Glendinning, vol. III, (Winnipeg: University of Manitoba Press, 2006), 93.

157 Keneva Kunz, trans., "The Saga of the People of Laxardal," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsson (New York: Viking, 2000), 276-421.

158 Dennis, *Grágás II*, 113, 177.

home-site and some livestock. Hrut placed the home-site so close to the border between himself and Hoskuld's property that Hrolf was actually placed on Hoskuld's property. Hrolf prospered on his little farmstead. Hoskuld went to Hrolf and demanded payment for the land Hrolf was using. Concerned, Hrolf went to Hrut, who advised him to ignore Hoskuld and his sons and refuse to pay them. Accepting Hrut's advice, Hrolf went back to his farmstead and resumed farming as usual. Shortly thereafter, Thorleik Hoskuldsson and a small band went to Hrolf's farm and killed him, at his father's request, and claimed the wealth for himself and his father.¹⁵⁹

Hrut was angered by his former slave's death but could do nothing to prosecute Hoskuld or his sons because Hrolf was trespassing and using their land. To ensure nothing like that happened again, Thorleik built a farm on the lands bordering his father and Hrut, which he named Kambsnes.¹⁶⁰ As mentioned before, Hrolf was considered a thief for using and gaining from Hoskuld's land, so he could be killed without anyone paying compensation for his death.¹⁶¹

Foodstuff Theft in *Njal's Saga*

The final example of an outlawry crime of wealth was described in *Njal's Saga*.¹⁶² The outlawry crime of wealth was between the families of Gunnar Hamundarson and Otkel Skarfsson of Kirkby.¹⁶³ The action was the beginning of a feud chain, coming shortly after the resolution of a feud involving the murders of household men from both Njal and Gunnar's farmsteads, though the men stayed steadfast friends. Gunnar was directly involved with the wealth crime, but Njal advised and helped him throughout the transaction. In this example, food was stolen, a crime

159 Kunz, "The Saga of the People of Laxardal," 317-318.

160 Kunz, 318.

161 Dennis, *Grágás II*, 113, 177.

162 Magnus Magnusson and Hermann Pálsson, trans., *Njal's Saga*, (London: Penguin Books, 1960).

163 Magnusson and Pálsson, *Njal's Saga*, 120-129.

punishable with full outlawry. The *Grágás* state “It is possible to summon to full outlawry for the theft of food, however much or little the quantity, whenever a man steals anything edible or freshly slaughtered.”¹⁶⁴ This was an extremely harsh way to punish those who would simply steal food rather than working to get it or purchasing it. This was probably because food was hard to come by and expensive. Provisions were expected to last through the winter, and if a man stole another's food, it put that person in danger of starvation. While I cannot give an example of someone starving in the sagas, it is important to remember the sagas were written about the elite and the heroes of Iceland, not the common man.

Otkel Skarfonsson had an Irish slave named Melkolf among his possessions. This slave proved to be increasingly lazy. During a famine in Iceland, Gunnar went to Otkel to purchase food and hay. Even though Otkel had plenty of provisions, he refused to sell Gunnar anything but the slave Melkolf. In the summer of the same year, Gunnar went to the *Althing*, leaving his wife Hallgerd behind to manage his household. During Gunnar's absence, Hallgerd sent Melkolf back to Otkel's farm to steal cheese and butter. After the theft, Melkolf was to burn the storehouse to cover his guilt, which worked until a short time after Otkel returned from the assembly. All assumed the storehouse burned because it was attached to the kitchen.¹⁶⁵

On his way home from the theft and burning, Melkolf's shoe-thong broke, so he removed his belt and knife to repair it. Unfortunately for Melkolf, he forgot the belt and knife when he left. He did not notice the items were missing until he reached Hlidarend, Gunnar's farmstead, but did not go back to retrieve the items for fear of being caught.¹⁶⁶

When the assembly ended and the members returned, a large number came to Hlidarend.

164 Dennis, *Grágás II*, 179.

165 Magnusson and Pálsson, 120-123.

166 Magnusson and Pálsson, 122.

Hallgerd set the table for the men and brought out cheese and butter. Gunnar looked at the fare and realized that his household had not furnished these provisions. Gunnar asked Hallgerd where she had gotten it and she replied, “From a source that should not spoil your appetite...And besides, it's not a man's business to bother about kitchen matters.”¹⁶⁷ Realizing the degree of his wife's crime, he slapped her and said, “It will be an evil day when I become a thief's accomplice.”¹⁶⁸ With that, Gunnar called for meat to be brought out and had the tables cleared of the ill-gotten goods.¹⁶⁹

A short while later, Otkel's friend Skamkel was riding along the Rang River, when he came upon Melkolf's belt and knife. Being close to Otkel's heart, Skamkel recommended that Otkel show the knife and belt to witnesses. Afterward, they asked the opinion of Mord Valgardarsson on how they should proceed and paid him to look into the case. Mord advised Otkel to send local women around the district to sell wares to the local housewives. Mord insisted that “people are inclined to rid themselves first of any stolen goods that may be in their possession...”¹⁷⁰ The women were to report back to Mord after each household they traded with. A fortnight later, the women returned to Mord with cheese they had traded for at Hlidarend. They claimed that Hallgerd was “particularly generous.”¹⁷¹ The cheese had been sliced but when it had been lain together and placed in Otkel's wife's cheese mold, it fit perfectly and made a complete cheese wheel. With this, the men concluded that Hallgerd and Melkolf colluded together to steal the cheese.¹⁷²

167 Magnusson and Pálsson, 123.

168 Magnusson and Pálsson, 123.

169 Magnusson and Pálsson, 123.

170 Magnusson and Pálsson, 124.

171 Magnusson and Pálsson, 124.

172 Magnusson and Pálsson, 124.

The news of the theft spread and quickly came to Gunnar. His brother Kolskegg suggested that Gunnar go to Kirkby and make amends for his wife. Following his brother's advice, Gunnar gathered a group of twelve and rode to Oktel's farmstead. When he arrived he made three offers to settle with Oktel, but Oktel refused all of them adhering to his Skamkel's suggestions rather than his own judgment. He told Gunnar that he was going to defer his decision to Gizur the White and Geir the Priest. With that, Gunnar rode home.¹⁷³

Oktel gathered his belongings to seek the advice of Gizur the White and Geir the Priest promptly, but Skamkel persuaded Oktel to have him go in his stead. Skamkel met Gizur as soon as he arrived at Mosfell and sent for Geir to meet them the next morning. They both agreed that settlement was the best option for Oktel.¹⁷⁴

When Skamkel made it back to Kirkby, he told Oktel that Gizur the White and Geir the Priest counseled Oktel to summon Gunnar for receiving stolen goods and Hallgerd on the theft, rather than settling. Thinking himself wise, Oktel did as he was told by Skamkel and summoned them to the Althing on outlawry charges.¹⁷⁵

Throughout the exchange, Oktel was completely within his rights to charge Hallgerd and Melkolf with outlawry for theft. The *Grágás* state “It is possible to summon to full outlawry for the theft of food, however much or little the quantity, whenever a man steals anything edible or freshly slaughtered.”¹⁷⁶ There is a possibility that Gunnar could have been charged for receiving stolen goods, because the *Grágás* say that any man who buys or receives goods that he knows are stolen is considered an accomplice of the thief and liable to the same verdict as the thief,¹⁷⁷

173 Magnusson and Pálsson, 124-126.

174 Magnusson and Pálsson, 126-127.

175 Magnusson and Pálsson, 127-128.

176 Dennis, *Grágás II*, 179.

177 Dennis, *Grágás II*, 178.

but the charges may have been dropped because of Gunnar's refusal to eat the stolen goods and his harsh words to his wife.¹⁷⁸ In all likelihood, Gunnar was subject to the punishment but attempted to settle privately with Oktel, which would have fixed the problem and created a bond between the two men. Oktel was within his rights to refuse the settlement but his prospects for wealth and honor would have increased if he had accepted Gunnar's terms.

Conclusion

To conclude, crimes of wealth followed many of the same patterns as crimes of violence and honor. They easily led to further loss of wealth, feud, and death. Crimes of wealth were often more premeditated than crimes of violence, whether it be theft, cattle grazing, or profiting from another man's belongings. Like other outlawry crimes, they could be tried at the *things* or settled internally through private settlement.

Now that outlawry punishments stimulating from wealth crimes have been thoroughly investigated, it is important to illuminate some points that are still obscure. Why was there an amount of damage needed for outlawry on some things, like grazing or fire damage, but not foodstuff? Were there as many feuds because of wealth crimes as there were violent ones, or ones involving honor? Was one's honor diminished by someone committing a crime of wealth against them like they were for many violent crimes? Were these crimes more prevalent in the lower classes, and were the cases against them executed in the same way as the sagas? Many of these questions will never be answered, but they are important to ask in furthering consideration of wealth crimes. The next chapter will demonstrate what happened after an outlawry crime was

¹⁷⁸ Many outlawry charges stipulate that a person is not liable if they did not know about the problem. For example, a man is not liable to the penalty of eating forbidden food, cat for example, if he eats it unwittingly in ordinary food. Dennis, *Grágás I*, 49.

committed. Assembly procedure, connections to the criminal, and survival will be examined to show the ruthlessness of Icelandic law.

CHAPTER FOUR

EX POST FACTO: OUTLAWS AND DEPENDENTS

Murder, theft, and seduction, all are crimes of outlawry. Some men lost their immunity immediately; others had to wait until they are sentenced. In any case, the outlaws were considered to be of no higher status than a wild animal and no one could help them without facing outlawry themselves.¹⁷⁹ Naturally, this situation begs a few questions. What happens to men after they committed a crime and are outlawed? What happened to their families? How long could a person survive on the fringes of society?

In this chapter, I will examine what happens after an outlawry crime is committed. I will discuss and describe what happens to groups involved in an outlawry case, from the outlaw himself, to the outlaw's family, to the injured party. I will show how a case was made or settled, presented, and executed. Afterward, the confiscation court and payment of *weregilds* and debts will be considered and discussed. Finally, I will describe what happens to the outlaw himself and his family, including inheritance and dependents. All of the procedures above were strictly regulated to stop unnecessary violence in Iceland. Iceland was a violent society and violence was necessary to keep a man's honor, but the laws protected those who followed the law by strictly punishing the offenders. The protection of the law included the family members of those who broke the law while simultaneously giving justice through revenge killings.

Historical Context

While many articles deal with certain aspects of outlawry, such as violence in the sagas, the isolation of outlaws, or the General Assembly, none deal directly with assembly procedure or

¹⁷⁹ Marion Poilvez, "Access to the Margins: Outlawry and Narrative Spaces in the Medieval Icelandic Outlaw Sagas," *Brathair* 12, no. 1 (2012): 121.

family matters.¹⁸⁰ This chapter will definitively demonstrate the components that were absolutely necessary to the process of an outlawry case which, if done incorrectly, resulted in the case being overturned or in another outlawry case. It will also show how the families and dependents of outlaws were protected against their association with law breakers, saving them from violent ends.

Before examining assembly procedure, the *Thing* system needs discussed. Jesse Byock provides the clearest picture of the legal hierarchy in “The Icelandic Althing: Dawn of the Parliamentary Democracy.”¹⁸¹ In it, Byock defends the nineteenth century idea that Iceland was democratic, after its own fashion, and closely resembled a republic. He claimed that Iceland was “proto-democratic” and had “republican tendencies.”¹⁸² He went on to describe the founding of the *Althing*, the division of Iceland into legal regions, *thing* functions, and the people who ran the legal community. I will elaborate this further by giving examples of cases in different regions and communities.

William Pencak, in *The Conflict of Law and Justice in the Icelandic Sagas*,¹⁸³ argues that *thing* courts were adequate to maintain justice and peace in Iceland until aristocratic factions altered their ability to dispense justice. He attributed this decline to the large number of armed attendants following chiefs. He states “the chiefs turned the courts into battlegrounds as the

180 Eleanor Rosamund Barraclough, “Inside Outlawry in *Grettis saga Ásmubdarsonar* and *Gísla saga Súrssonar*; Landscape in the Outlaw Sagas,” *Scandinavian Studies* 82, no. 4 (2010): 365-388, accessed May 12, 2014, http://www.library.ohiou.edu.proxy.library.ohiou.edu/cgi-bin/redirect_allcampus.pl?http://search.ebscohost.com.proxy.library.ohiou.edu/login.aspx?direct=tru&db=a9h&AN=57270543&site=ehost-live&scope=site.

181 Jesse Byock, “The Icelandic Althing: Dawn of Parliamentary Democracy,” *Heritage and Identity: Shaping the Nations of the North*, ed. J.M. Fladmark, (Shaftsbury: Donhead, 2002) 1-18.

182 Byock, “The Icelandic Althing,” 1.

183 William Pencak, *The Conflict of Law and Justice in the Icelandic Sagas*, (Amsterdam: Rodopi, 1995) 2-3.

republic approached its end.¹⁸⁴ By examining the sagas, Pencak shows how the *thing* system weakened over time. While I agree that, much like the American law courts of today, the Medieval Icelandic courts did not always necessarily dispense justice, I do believe that the courts followed the law and preserved peace while adhering to norms of this violent society.

Njal's Saga and “The Saga of Hrafnkel Frey's Godi” are probably the best sources of assembly procedures. They show the sequence of events, from crime to outlawry, in more detail than most other sagas. They will be the sagas most heavily relied on as sources to supplement the *Grágás* while investigating assembly procedures, settlements, and gathering witnesses. *The Saga of Gisli*, “Eirik the Red's Saga,” “Bolli Bollason's Tale,” and *The Saga of Grettir the Strong* will also be used in this chapter, but I will use them most often while examining the survival of outlaws.

Gathering Witnesses

Immediately after any crime was found, whether it was going to be settled or not, the most crucial step was gathering witnesses. The law was strict on who was to be called as witnesses. In fact, if a case was brought to the General Assembly with the incorrect witnesses, whether in number, family relations, or geographic location, the case could be overturned. The *Grágás* specifically state both who had to be witnesses and punishments if the witnesses did not come to an assembly as prescribed. The first step taken when gathering witnesses was to determine the place of action. The place of action was considered as far as a bow shot, in all directions, from the place where the crime was committed.¹⁸⁵ Once the place of action was

184 Pencak, *The Conflict of Law and Justice*, 2.

185 Andrew Dennis, et al., trans., *Laws of Early Iceland: Grágás I, the Codex Regius of Grágás, with Material from Other Manuscripts*, ed. Haraldur Bessason and Robert J. Glendinning, vol. III, (Winnipeg: University of Manitoba Press, 2006), 141-142.

determined, someone went to the homes of its closest neighbors. Between five and nine neighbors were called, depending on the severity of the charge, to sit on a panel.¹⁸⁶ These neighbors swore oaths as witnesses, went to the place of action, and assessed the amount of damage done to an object, death blows, assaults, or other crimes. They were called to attend the assembly and gave testimony as a formal means of proof. If they did not attend, or at least send the prescribed number of witnesses to testify on their behalf, witnesses could be called to the assembly for lesser outlawry.¹⁸⁷ In the sagas, this part of the assembly procedure was largely overlooked.

Most sagas do not say more than a sentence or two stating that the injured party called neighbors. This was an integral part of the case against a criminal, however. Without the correct number of neighbors, a case could technically be overturned. One instance was mentioned in passing in *Njal's Saga*. It says, "Asgrim Ellida-Grimson was suing...Ulf Uggason at the Althing over an inheritance claim. It so happened that there was a technical flaw in Asgrim's case...he had cited only five neighbors to be his jurymen instead of the stipulated nine. His opponents were using this error to invalidate his case."¹⁸⁸ This demonstrates how a case could be overturned by technicalities.

Settlements

After an outlawry crime had been committed, someone with a connection to the case, usually a family member or friend of the person who committed the crime, went to the home of the injured party and offered to settle the case before or shortly after steps were taken to create a

186 Dennis, et al., *Laws of Early Iceland: Grágás I*, 143.

187 Dennis, *Grágás I*, 66-68.

188 Magnus Magnusson and Hermann Pálsson, trans., *Njal's Saga*, (London: Penguin Books, 1960), 144.

thing case. This was an attempt to keep the peace between families, limit killing, and mitigate punishment. This was especially true of people who had strong ties of kinship or friendship, or if their property's boundaries met. If peace and financial compensation could be gathered, then the relationships could resume as normal, though possibly a bit colder.¹⁸⁹

The only cases that could not be settled privately were cases of killings, major wounds,¹⁹⁰ and incestuous intercourse;¹⁹¹ they could only be settled with leave from the General Assembly.¹⁹² As far as the sagas are able, they show that many people neglected the law of gaining leave from the General Assembly, especially in killing cases and wounds.¹⁹³ Settlements did happen at the General Assembly, but I think that was mostly because it was impartial ground where all members of the parties and their advisers could meet and continue with publishing cases, if need be.¹⁹⁴ The settlement procedure in the sagas could be a literary device, but it makes sense that a person would want to create peace as quickly as possible in order to prevent feuds and revenge killings, so the principal would not have to wait up to a year to ask permission to settle. Curiously, gaining permission to settle was never mentioned in the sagas directly. I believe it could be for one of three reasons. Either the law was newer than the sagas and was not required at the time of the event, the reader understood that it was required and the writer did not put it in, or it was easier to settle informally and stop the killing. I think the third reason to be most likely because it was the fastest way to stop the killings and resume peaceful relations.

189 Magnusson and Pálsson, *Njál's Saga*, 95-118.

190 Dennis, *Grágás I*, 161.

191 Andrew Dennis, et al., trans., *Laws of Early Iceland: Grágás II, the Codex Regius of Grágás, with Material from Other Manuscripts*, ed. Andrew Dennis, Peter Foote, Richard Perkin and Kirsten Wolf, vol. V, (Winnipeg: University of Manitoba Press, 2000), 73.

192 Dennis, *Grágás I*, 161.

193 Magnusson and Pálsson, *Njál's Saga*, 95-118.

194 Magnusson and Pálsson, 128-130.

An example of settlement between neighbors occurs in *Njal's Saga*, as discussed in the previous chapter.¹⁹⁵ In it, Gunnar's wife Hallgerd sent the slave Melkolf to steal food from Otkel Skarfsson's farm at Kirkby, which was only about fifteen miles from Gunnar's farm, Hlidarend. He stole butter and cheese from the farm, killed Otkel's dog, and burned Otkel's storehouse down to cover his deeds. Eventually though, evidence was discovered that pointed to Melkolf burning the storehouse down. Back at Hlidarend, Gunnar discovered that the butter and cheese was stolen by his wife and their slave from Kirkby.¹⁹⁶

Apparently, the husband was obligated to represent his wife if she committed a crime because the saga states, "Kolskegg [Gunnar's brother] said, 'Obviously you are the one who has to make amends for your wife, and I think the best plan is to go and make Otkel a good offer.'"¹⁹⁷ With that, to make restitution for his wife's misdeeds, Gunnar rode to Kirkby to settle with Otkel. Usually a family member or close friend represented the law-breaker anyway, but for women, it was especially true. There is, however, no known law in the *Grágás* that states a woman could not represent herself, though it does stipulate which family members may represent her at specific times. For example, the *Grágás* state that a woman may not publish a case or represent herself in a killing case.¹⁹⁸

In my opinion, the reason people did not attempt to settle crimes themselves was probably in the interest of self-preservation, more than law or social convention. It has never been a good idea to personally try to settle with someone who has a right to kill you. In fact, I can think of only one instance where this happens, in "The Saga of the People of Vatnsdal,"

195 Magnusson and Pálsson, 120-130.

196 Magnusson and Pálsson, 122-123.

197 Magnusson and Pálsson, 125.

198 Dennis, *Grágás I*, 216.

Thorstein Ketilsson settled with the family of a man he killed in order to gain a sword and his father's approval.¹⁹⁹

In Gunnar's case, the settlement was not accepted at this point. Otkel was deeply under the influence of a coniving friend, Skamkel. First, Gunnar offered to allow neighbors to assess the damage to Otkel's property, but Otkel refused stating that Gunnar was too popular among the neighbors to receive a fair assessment, according to Skamkel's advice. Next, Gunnar offered to assess the damage himself and pay double compensation for it, paid at once and in full, and a pledge of friendship. Again Otkel refused, at Skamkel's urging. Skamkel convinced Otkel he had the right to self-judgment, not Gunnar. Then, Gunnar offered to let Otkel assess the damage himself, but with Skamkel's goading, Otkel deferred his decision to Gizur the White and Geir the Priest, two men he thought wise.²⁰⁰

Skamkel went to Gizur and Gier but lied about what they advised, claiming they wanted Otkel to summon Gunnar to the General Assembly. Once at the assembly, Gunnar found Hrut and Hoskuld and asked them for advice, under Njal's recommendation. They suggested that Gunnar and his brother challenge Gizur the White and Geir the Priest to single combat to determine the case. After that, the case was quickly settled, giving Gunnar the honor of self-judgement. To Otkel's displeasure, Gunnar paid him nothing for the storehouse and its contents, saying that Otkel hid the slave Melkolf's faults. He did, however, return the slave Melkolf to Otkel. In addition, Gunnar judged the damage to Otkel's house and its contents from the fire were equal to the dishonor he received from Otkel's summoning. Otkel, Gizur the White, and Geir the Priest agreed with all haste.²⁰¹

199 To read more, see Chapter Two, page 19.

200 Magnusson and Pálsson, 125-126.

201 Magnusson and Pálsson, 127-130.

Later in the saga, the settlement procedure was different, and it followed the laws in the *Grágás* both more and less closely than the previous exchange. Knowing that both the *Grágás* and the sagas were altered between the time of action and the time they were written down, readers are left wondering which follows the laws better. From the time the saga was created, to the time the thirteenth century manuscripts were created, the law or text was likely altered. Sadly, it is unlikely we will ever know which followed the laws better.²⁰²

In this situation, Njal's sons killed their foster-brother, Hoskuld. The killers claimed that any cases against them would be invalidated if they published the killing. This is incorrect. According to the *Grágás*, the only charge that would be invalidated would be a murder charge. A killing was only murder if the body was hidden or the killing unpublished.²⁰³ Hoskuld's family could have published a killing case against them at any time, which they did, along with assault for additional stab wounds.²⁰⁴

Hoskuld's killing case was originally published by his cousin Mord. Flosi assisted in finding support for the case; Mord had gathered the required nine witnesses and notified the district of Hoskuld's death. Though Flosi quickly gathered support for the Althing, so did Njal's children, or the Njalssons.²⁰⁵

At the Althing, Njal pointed out that Mord was part of the group that went to kill Hoskuld; Flosi and the others did not know, which invalidated their case. Njal, being the generous and loving foster-father he was, offered to settle with Hoskuld's family anyway. As

202 Dennis, et al., *Grágás I*, 10, 14.

203 Dennis, *Grágás I*, 146.

204 Magnusson and Pálsson, 232-234.

205 Medieval Icelanders adopted the name or title of a significant parent as a surname. Therefore, *Njalssons* literally means the group was Njal's sons, though it also included Njal's son-in-law and can appear in the singular to refer to an individual son. Magnusson and Pálsson, 137-250.

stipulated by a group of arbitrators, Hoskuld's death was valued at three times the compensation of a normal man, to be paid in full at the Althing. The money was gathered and Flosi agreed on the settlement until one of Njal's sons insulted him, then he refused the money. According to the saga, Skarp-Hedin claimed that Flosi could never have a case against the Njalssons because he had refused to settle after he had agreed to. This is not in the *Grágás*, however. There is no law that states that a case is invalidated if a man does not accept a settlement after the procedure of settlement has been agreed upon. Soon after Flosi refused the treble compensation, he and a group of men burnt Njal and nearly all of his family alive in their home.²⁰⁶

Assembly Procedure

The assembly procedure section of the *Grágás* is the largest section, encompassing everything from setting up booths, to appointing judges, to assembly balking.²⁰⁷ Despite the size of the section, I will attempt to include only the parts pertaining to outlawry cases. This will be difficult considering the draconian nature of the assembly procedure section; nearly every mistake one could make at the Assembly could lead to outlawry charges. I believe there was a great deal of mischief that happened at the General Assemblies to cause such aggressive laws to be created. Assembly balking seems to be the most prevalent charge. Anything that could postpone a case was considered assembly balking; it included everything from sitting in a chieftain's seat to temporary absences from the assembly. Without any policing body to make sure assembly meetings were orderly, it is easy to imagine judges refusing to draw lots to sum up cases so no verdict could be given, especially if the case did not look favorable for someone the judge liked.²⁰⁸ In any case, I will condense this section into a sequence of events leading to a

206 Magnusson and Pálsson, 250-256.

207 Dennis, *Grágás I*, 53-138.

208 Dennis, *Grágás I*, 77.

person's outlawry and supplement it with an example from *Njal's Saga*. Because the example of Hoskuld's killing includes both a detailed account of assembly procedure and settlement, but also had the possibility of outlawry, I will continue it as the example of assembly procedure for an outlawry case.

After witnesses had been gathered, if a settlement had not been reached before the assembly, both the injured party and the offending party gathered support for their case. This did not mean that they gathered evidence, rather, they gathered as many people as possible to watch the case in hopes of outnumbering the other. It is possible that it was an intimidation attempt, but it is difficult to tell. There are no laws in the *Grágás* pertaining to gathering support for a case. It does not appear to be regulated or even necessary, as far as the laws are concerned. The sagas give gathering support great importance, sometimes naming supporters individually.²⁰⁹

There is a detailed account of Skarp-Hedin Njalsson, Asgrim Ellida-Grimsson, and a few others going from booth to booth asking the great chieftains of the time to support their case. I will compress it because they all follow the same format. The group entered a booth, asked the chieftain for support, an answer was given, and they left. Four of the six chieftains they asked refused to support the Njalssons. It did not help that when they asked about Skarp-Hedin, he insulted or taunted all of them. In the end, only two gave their support, one because Asgrim was family, the other because Skarp-Hedin insulted his enemy. With that, the chieftains gathered as many men as they could to assemble in support of the Njalssons.²¹⁰

After support was gathered, the two groups met at the designated *thing* court to defend their cases. The injured group charged the other with a crime and named the desired punishment

209 Magnusson and Pálsson, 242-250

210 Magnusson and Pálsson, 242-250.

and was assigned to a quarter court and date.²¹¹ On the court date, oaths were taken to ensure honest meetings, jurymen and witnesses were called, though they were often the same people, and the injured group would reiterate their charge against the other and the desired punishment. The other group tried to prove its innocence.²¹² Those being charged with an outlawry crime were not allowed to be present at the court hearing.²¹³ Njal's saga followed the letter of the law, as far as assembly procedure goes. After that, it followed it less, as exemplified by Skarp-Hedin's claim that Flosi could never make a case against the Njalssons since they refused the settlement he had already agreed to. In this case, the Sigfussons charged the Njalssons with outlawry because they killed Hoskuld, but the man who had opened the case was part of the group who killed Hoskuld, invalidating the Sigfusson's case.²¹⁴

Once a case had been heard, a judgment was pronounced and published so all present could hear, then action was taken to fulfill the judgment. In most instances it would be the payment of a fine or compensation for damages. A *weregild* was paid for mortal wounds and killings. Other cases, for example, a case where judgment could not be given or false witnesses testified, were sent to the fifth court. The fifth court acted as a supreme court, giving judgment on the most important and most debated cases.²¹⁵

Confiscation Courts

After a man was judged an outlaw, a confiscation court was held to seize the man's wealth

211 Dennis, *Grágás I*, 54.

212 Dennis, *Grágás I*, 59-63.

213 Dennis, *Grágás I*, 166-167.

214 The Sigfussons were the sons of Sigfus and Hoskuld's father and paternal uncles. Hoskuld was taken in as Njal's foster-son to ensure peace between Njal's family and Thrain Sigfusson's family, which had been feuding with each other. Magnusson and Pálsson, 251-253.

215 Dennis, *Grágás I*, 82-88.

and property. A few instances of the confiscation court appear in the sagas, but the confiscation court does not appear in all of the sagas. I believe the confiscation courts were omitted for the same reason that there is no differentiation between lesser and full outlaws in the sagas; the reader or listener was expected to know the difference. In the case of confiscation court, the reader or listener was expected to know what happened because the confiscation court was necessary to make someone an outlaw. Besides, many outlawry cases were settled informally. The sagas described the events leading to the confiscation court and the seizure of the goods which brought honor to the person taking the property or pushed the plot of the feud chain, but the court itself was not given much consideration. A confiscation court appeared in "The Saga of Hrafnkel Frey's Godi."²¹⁶ The saga chronicled the actions taken to the confiscation court while closely following the law. At the end of the seizure, Hrafnkel was only spared death because the principal in the case felt sorry for Hrafnkel's dependents.²¹⁷

The saga reads more like a parable than a saga of the Icelanders. In it, there is a life lesson rather than the impressive exploits of the Vikings, like one might find in "Egil's Saga."²¹⁸ Rather than teaching children not to go off the path or they will get lost and eaten by wolves, this saga seems to teach children mercilessness. It teaches them to kill their enemies or their enemies will come back to kill them, a true and worthy lesson for the young Iclander.²¹⁹

The *Grágás* clearly outline what was required before the confiscation court and the proceedings before Hrafnkel's court followed that outline closely. The *Grágás* state the

216 Terry Gunnell, trans., "The Saga of Hrafnkel Frey's Godi," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsson (New York: Viking, 2000), 436-462.

217 Gunnell, "The Saga of Hrafnkel Frey's Godi," 452-454.

218 Bernard Scudder, trans., "Egil's Saga," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsson (New York: Viking, 2000), 8-184.

219 Gunnell, 436-462.

confiscation court must be held fourteen days after the last day of the assembly where the man was made an outlaw.²²⁰ If a man was made an outlaw by private settlement, the confiscation court was to be called for at the next General Assembly and held thereafter.²²¹ At the court, the winner of the case went no farther than a bow-shot from the home meadow of the outlaw, but not in arable field. It had to be held in the direction of the winner's home. There, the wealth of the outlaw was claimed and divided.²²² The court could be held at the outlaw's home or the home of the chieftain he followed, depending on whether the location of the outlaw's home was known or not. The chieftain nominated the court and allowed the members to retrieve the wealth if he did not go himself.²²³ The wealth confiscated was divided between several groups, the wife or heirs were first, if the amount left once mutual debts were subtracted was not equal to her bride price,²²⁴ and creditors for the outlaw's individual debt, secondly.²²⁵ Finally, what was left was split between the men of the assembly or Quarter, depending if the case was presented at a district *thing* or the General Assembly, and the principal in the case.²²⁶

In “The Saga of Hrafnkel Frey's Godi,” Hrafnkel was outlawed for the death of a farmhand he had hired. The farmhand's family charged Hrafnkel with outlawry with the help of the *goði*, Thorgeir. Because of a problem with Hrafnkel's planning, he did not create a good defense for himself and was made a full outlaw.²²⁷

On the final day of the General Assembly, the farmhand's family, Sam and Thorbjorn,

220 Dennis, *Grágás I*, 88-93.

221 Dennis, *Grágás I*, 88-89.

222 Dennis, *Grágás I*, 89.

223 Dennis, *Grágás I*, 89.

224 Dennis, *Grágás I*, 113-114.

225 Dennis, *Grágás I*, 113-114.

226 Dennis, *Grágás I*, 90-91.

227 Gunnell, 450.

prepared to go home. Thorgeir and his brother, Thorkel, offered to assist them in the confiscation court because they felt duty-bound to help them until the case was fully completed. A case could not be completed until the confiscation court was held. At Adalbol, Hrafinkel's farmstead, fourteen days after the assembly, Sam led a clandestine attack on Hrafinkel, taking him by surprise while he was sleeping. To keep Hrafinkel and his men from interrupting the confiscation court, the members of the court tied their hands behind their backs, sliced holes in their heels, pulled a rope through the holes, and strung them up over a pole.²²⁸

The confiscation court was held a bow-shot south of Hrafinkel's home meadow. It was held there in accordance with the law because that was where Thorbjorn's farmstead was south of Adalbol. They claimed Hrafinkel's wealth and then went back to the farmstead to deal with Hrafinkel himself.²²⁹ That, however, is dealt with in the next section.

Outlaw Survival

After being charged and convicted with an outlawry crime, the outlaw did not have many options for survival. Depending on the severity and specifics of the outlawry case, there was little an outlaw could do to get away from Iceland. It was akin to being left for dead. In fact, an outlaw was reduced to the status of a wild animal and no one was allowed to help him should he be found to need it.²³⁰

During my research I have identified three options for survival as an outlaw. One option for survival was to leave Iceland by boat. Another was to leave the district if the man was only outlawed from the district. The final option was to attempt to stay in Iceland in hiding.

In “Eirik the Red's Saga,” Eirik himself followed the first option which was by far most

228 Gunnell, 451-453.

229 Gunnell, 453.

230 Poilvez, “Access to the Margins,” 121-122.

appealing to outlaws.²³¹ Once outlawed from the Thorsnes Assembly in Iceland for homicide, Eirik readied his ship and sailed westward to find a rumored land that came to be known as Greenland.²³²

It is easy to see the appeal. Rather than being surrounded by enemies at every moment, as an outlaw may be in Iceland, the man could escape into the crowds of another Norse speaking nation, if he were a lesser outlaw.²³³ For Icelanders, once a man was made a full outlaw, he was an outlaw no matter what nation he dwelt in thereafter.²³⁴ Therefore, so long as he avoided other Icelanders, a man could potentially live the rest of his life in relative peace abroad, like Eirik the Red did in Greenland.²³⁵ Legally, this option was only open to lesser outlaws and full outlaws with passage granted by their outlawry settlement. For those who were full outlaws without passage, it was only open to those who could get to a seafaring boat they owned before it was taken by the confiscation court.²³⁶

In “The Saga of Hrafnkel Frey's Godi,” Hrafnkel was given the option to move to another area, rather than being killed in outlawry.²³⁷ Hrafnkel was a *goði* in the Eastern District of Iceland. After killing a man, Hrafnkel was outlawed at the Althing. During the confiscation court the dead man's family gave Hrafnkel the choice to die or move out of the area. It was both a merciful and humiliating act to give this outlaw the option of living.²³⁸

The option of moving away from the area was a rare occurrence because it was dependent

231 Keneva Kunz, trans., "Eirik the Red's Saga," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsson (New York: Viking, 2000), 653-674.

232 Kunz, "Eirik the Red's Saga," 655.

233 Dennis, *Grágás I*, 98.

234 Dennis, *Grágás I*, 98.

235 Kunz, 665.

236 Kunz, 665.

237 Gunnell, 452-454.

238 Gunnell, 453-454.

on the mercy of the injured party. Not many people show mercy to someone who recently killed someone they loved. The only way an outlaw could move away from the district was if the injured party allowed him to leave as part of a settlement. Allowing an outlaw to live was also frowned upon because the outlaw's survival left the injured party open to future retaliation and feud, which happened in this saga. After regaining his strength and wealth, Hrafnkel retook his home, authority, and honor, while simultaneously humiliating the injured party by offering them the same terms he was offered after his confiscation court.²³⁹

The final option for survival was by far the bleakest and probably happened most often, though the time outlaws survived was generally short. The final option was to hide. Two saga characters are particularly famed for their long lives in outlawry, Grettir and Gisli. These men were the exception to life in outlawry, not the rule, known for their long lives as outlaws. Gisli survived thirteen years in outlawry.²⁴⁰ Grettir survived nineteen.²⁴¹ With enemies attempting to kill an outlaw, along with outlaws attempting to kill other outlaws to diminish or even negate their own outlawry, it is easy to see why men did not survive long.²⁴²

Hiding in caves, such as the fortified lava cave, Surtshellir, was one way outlaws avoided their enemies. Caves appear to have been a popular hiding spot, having archeological evidence of being both long and short term refuges, which often held bands of outlaws, as well as individuals. Some even had house-like structures to make the caves more comfortable.²⁴³

239 Gunnell, 460-462.

240 George Johnston, trans., *The Saga of Gisli the Outlaw*, (Toronto: University of Toronto Press, 1984) vii.

241 Bernard Scudder, trans., *The Saga of Grettir the Strong*, (London: Penguin, 2005) 186.

242 Dennis, *Grágás I*, 170.

243 Guðmundur Ólafsson, Kevin P. Smith, and Thomas McGovern, "Surtshellir: A Fortified Outlaw Cave in West Iceland," in *The Viking Age: Ireland and the West (Proceedings of the Fifteenth Viking Congress, Cork, 2005)*, (Dublin: Four Courts Press, 2010) 283-297.

Another way outlaws avoided their enemies was by hiding in the cellars of people brave enough to harbor them. Though it was a crime punishable by outlawry, some people allowed the fugitives to hide under their homes and helped them despite the danger. Historians do not know why these people were willing to risk their own safety to help people on the fringes of society with no means of returning the courtesy. In my opinion, people harbored criminals simply in human interest but there is no evidence to prove that this was the case. In a few cases, the person was related to the outlaw and understandably wanted to help them. The following examples, however, had no discernible relationships to the outlaws.

Starri of Guddalir in “Bolli Bollason's Tale” was one man who harbored criminals.²⁴⁴ It appears that he had some “unsettled” offenses himself but allowed outlaws to stay in his underground shelter regularly.²⁴⁵ Gest Oddleifsson's mother, Thorgerd, was another of these people, in *The Saga of Gisli*.²⁴⁶ She had two entrances to the underground room she used to harbor criminals, one by the river, the other through her kitchen, creating easy access and escape.²⁴⁷ Neither saga mentions the outlaws paying for the services, but later in *The Saga of Gisli*, Gisli repays Ingjald, another man who helped him, by assisting him around the farmstead.²⁴⁸

Family, Dependents, and Protection

In other times and places, like ancient Rome, outlawed or banished men took their loved ones with them to protect them both from starvation and their enemies. This was not the case in

244 Keneva Kunz, trans., "Bolli Bollason's Tale," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsnsson (New York: Viking, 2000), 425.

245 Kunz, "Bolli Bollason's Tale," 425.

246 Johnston, *The Saga of Gisli the Outlaw*, 35.

247 Johnston, 35.

248 Johnston, 38-42.

Medieval Iceland. Dependents of Medieval Icelandic outlaws were protected and had little need to fear retaliation if they followed the law.²⁴⁹

While dependents included a man's immediate family,²⁵⁰ it could also include other people ranging from foster-children, to wards, to servants, the debt-bound, and slaves.

Dependency was assigned or given according to a man's wealth.²⁵¹ While most people were only responsible for their mother, father, and children, a wealthy man often took on more. The more money a man had, the more dependents he could be given. He could mitigate the number of wards he was given guardianship over if he accepted foster-children, which was vastly more desirable since foster-children could be given back to their parents if they did not fit into the household well and their biological parents supported their care while in a foster home.²⁵²

Because these people were of marginal existence in the sagas, it is difficult to find examples of their protection against association with outlaws. The *Grágás*, on the other hand, have multiple laws protecting those dependent on men-made-outlaws. For those who follow the law explicitly, they gained a kind of protection that completely disassociated them from the outlaw. For those who did not, they could be charged with outlawry themselves.²⁵³

One example of a man who followed the law explicitly was in *The Saga of Gisli the Outlaw*. Thorkell negated his affiliation with his outlaw brother, Gisli, and gained the protection associated with it, by closely following the law. Several times, Gisli asked him for assistance, but Thorkell refused him every time, stating “[I will give you] Warning, if men are trying to kill you,

249 Dennis, et al., *Laws of Early Iceland: Grágás II*, 38, 47-52, 185-186.

250 Immediate family meaning father, mother, sister, brother, children and wife.

251 Dennis, *Grágás II*, 47-52.

252 Dennis, *Grágás II*, 46-47.

253 Dennis, *Grágás I*, 120.

but I will not give you protection that may bring a case against me.”²⁵⁴ Any assistance to outlaws led to outlawry for the man who gave it wittingly.²⁵⁵

For many, protection from association with outlaws only went so far. For a man like Ingjald, Gisli's cousin, this protection only lasted until he helped Gisli. Ingjald and his family offered Gisli food and shelter for the winter.²⁵⁶ The *Grágás* state that a man can be charged with lesser outlawry for giving food or shelter to anyone who has killed another person.²⁵⁷ Though the saga does not say whether or not Ingjald was charged with outlawry, I believe he was not because he was the tenant of one of the hunters and therefore not worth the effort of prosecuting, seeing as he had little to confiscate.²⁵⁸

Other protections were given to dependents and those associated with outlaws, though in most cases these do not present themselves in the sagas, only the *Grágás*. For example, if a man was outlawed, and there was nothing left for his wife to inherit after mutual debts were paid, the children and all other dependents of outlaws were to be roaming citizens within the quarter commune.²⁵⁹ The funds taken from the confiscation court were to be used to keep these people from vagrancy.²⁶⁰ The *Grágás* go on to say that these people were to be treated equally with members of the household with whom they are staying, in regards to food and clothing.²⁶¹ Therefore, the dependents of outlaws may be wanderers, but they were boarded, fed, and clothed.

254 Johnston, 28.

255 Dennis, *Grágás I*, 120.

256 Johnston, 38-42.

257 Dennis, *Grágás I*, 218-219.

258 Johnston, 38-42.

259 A roaming citizen was someone who was formally homeless but maintained their rights as a citizen of the commune. This differs from a vagrant because a vagrant had no rights. A commune is defined as an established community of twenty or more people. Dennis, *Grágás II*, 185.

260 Dennis, *Grágás I*, 91.

261 Dennis, *Grágás II*, 186.

They did not need to fear that they would starve or freeze to death because of another's outlawry. These people could have been accepted into a household, as permanent residents and dependents, if the householder agreed. Plus, the *Grágás* kept these people from being shipped out of the country as slaves or put into debt-bondage in order to keep themselves alive.²⁶²

As another example, there were steep consequences if a man did not accept a dependent he was assigned by a court, especially if that person became a vagrant. In the case of an outlaw, if an outlaw's dependents were assigned to a man who did not want them, he still had to take them. The *Grágás* state, “If a man... will [not] take over a dependent adjudged to him, the penalty is lesser outlawry.”²⁶³ The man could be summoned to an assembly as soon as it was found that the dependent was a vagrant.

A final protection for those whose maintenance was dependent on an outlaw was family. As an example, a woman may move back to her father's house, or a brother's, or any other family or foster-family member she may have. As long as that family member had the means to provide for the extra people in his household, the family member could accept as many dependents as he chose. I believe this was what happened most often. It seems just because a person left their childhood home, did not mean they necessarily lost dependence on their family. There are many examples of women moving back with their fathers, which causes me to believe dependency was maintained until it could not be maintained any more.²⁶⁴ It could also be why, for women under certain circumstances, a dowry could be returned to the closest male kinsman if she divorced. In other words, the dowry acted as a means to provide for a daughter's maintenance with her new

262 Dennis, *Grágás II*, 186.

263 Dennis, *Grágás II*, 38.

264 Dennis, *Grágás II*, 29, 30.

husband, much like fostering was with a child who went to a new household.²⁶⁵

An example of a wife leaving her husband's home to return to her father's happens in *Njal's Saga*. Unn, daughter of Mord Fiddle, married Hrut Herjolfsson. They were betrothed for around three years and married around the same. They had been married only a year when Unn went to meet her father at the Althing. At that time, she did not confide her marital problems with him but her father questioned Hrut about her treatment since she was so unhappy. Hrut and his household confirmed that Unn was treated well. Unn's father sent her home with Hrut stating "All the evidence speaks better of your husband than of you."²⁶⁶ The next year, she went to the Althing again. This time she admitted to her father that they had not been able to consummate their marriage despite many attempts and Hrut's proven virility. He told her how to divorce Hrut and planned to do so at the next Althing. Hrut and Unn lived together the rest of that year, seemingly happy, but Unn followed her father's plan of divorce and returned to her father's home as planned.²⁶⁷

The following year, Mord claimed both Unn's dowry and the portion Hrut had given in the marriage settlement, equaling 10,800 total ells of homespun. Of course Hrut did not want to give up the money, so he challenged Mord to single combat, winner taking the sum. Mord had little chance of besting Hrut, so he forfeited the dowry.²⁶⁸

In basic fashion, this followed the same laws applying to fosterage. In fostering, a man gave a child to another to be cared for, with a monetary sum to provide for the child's keep.²⁶⁹

265 Anna Henson, "Fosterage and Dependency in Medieval Iceland and its Significance in *Gísla Saga*," in *Youth and Age in the Medieval North*, ed. Shannon Lewis-Simpson, (Leiden: Brill, 2008) 78-79.

266 Magnusson and Pálsson, 51.

267 Magnusson and Pálsson, 40-42, 48-53.

268 Magnusson and Pálsson, 53-55.

269 Henson, "Fosterage and Dependency," 78.

With marriage, the same thing happened and the monetary sum was essentially a dowry. In fostering, if a party was unhappy with a child or its care, the child could be recalled to the parents' home for rearing.²⁷⁰ In marriage, if a person was dissatisfied, it could be dissolved. The wife would return to the home of her parents and, depending on circumstances, the dowry was returned. In essence, marriage was fostering, except with a grown woman not a child.²⁷¹

Conclusion

While Iceland was a violent society and violence was necessary to keep a man's honor, the laws protected those who followed it and strictly punished those who did not. The protection of the law included the family members of outlaws and gave justice through revenge killings, settlements, and *thing* cases. After a crime was committed, the groups involved in an outlawry case, from the outlaw himself, to the outlaw's family, to the injured party, had to follow strict rules on how to settle or present and execute the case. After the case was executed, the confiscation court, payment of *wereguilds*, and debts protected the parties financially associated with an outlaw. Finally, the outlaw himself found a way to survive or died with no more protection than a wild animal.

I have attempted to make this chapter as complete as possible but it begs more questions than one could answer here. One is left wondering what other ways marriages were like fostering and if dependency to relatives remained after marriage. Also, one must ask what happened to lesser outlaws and how they were treated after their three-year banishment was concluded. By extension, what was life like for outlaws that escaped Iceland? As a final thought, as shown above, settlements were often informal and not legally binding. Did people feel honor bound to

²⁷⁰ Henson, 78.

²⁷¹ Dennis, *Grágás II*, 64-67.

follow the settlement or did those involved break settlement and cause feuding to continue?

CHAPTER FIVE

AFTER OUTLAWS

Almost 950 years after the end of the Viking Age, studies continue to investigate the lives of these violent people. As modern humans, we owe much to Medieval Scandinavians, including the founding of many major cities, a treasure trove of destroyed historical documents that were burned all over Europe, and the re-founding of North America. Not all are good, many are a tragic loss, but to understand these people is to forgive. By understanding that killing priests and burning a monastery was not necessarily an unforgivable sin to eighth century Norsemen, as it may have been to contemporary Christians, and that being valiant in battle led the bravest of the fighters to Valhalla, helps us to forgive some of their faults. It also keeps many Medievalists in a job, interestingly. The gaps in our historical knowledge, because we have fewer written documents, leaves room for more scholarly debate and more creative investigations than modern historical study. For example, no modern day historian would look at archeological evidence to find the basis of a modern nation's economy, they would simply look at paper records. Medievalists are forced to look at every form of data, from archeological evidence, to tapestries, to pottery fragments, to rusted pieces of metal. Written documents are often few and heavily altered.

There are several points that have become clear in studying the Medieval Icelander. First, honor was extremely important and easily lost. Something as simple as poetry was enough to kill for. Familial honor was almost as important as individual honor.

There were two ways to regain honor once it was lost, but both ways were difficult. One way was to return dishonor with violence. The laws that governed the behavior of Medieval Icelanders not only sanctioned but encouraged violence in society. Killing a person who

dishonored a woman through wrongful intercourse, for example, was perfectly within the rights of any man who had right to inherit from her.²⁷²

In many cases, violence increased honor. The exploits of Egil Skallagrimsson, both abroad and domestically, were worthy to stand beside Beowulf and have in several scholarly studies.²⁷³ Though it is clear that many of Egil's adventures cannot be taken literally, they clearly expose how honor and violence were deeply connected. Even the violent lives of outlaws like Grettir were honored with a saga created to commemorate them.²⁷⁴

The second way to regain honor was through a victorious law case or an advantageous settlement. When a case did not have a chance of success, a man was hard pressed to find support for it. Men like Njal were famed in the sagas for their ability to understand law and maneuver within its confines.²⁷⁵

A case could be settled for equal honor, or more honor if it could be settled with an advantage given to the one who won it. For example, a man won honor if he got a settlement out of a man who normally did not settle. Another example would be if a man got a settlement that gave more than what was due.

There were men that lost honor, almost completely, in Medieval Iceland however. Outlaws of this society were the worst of the worst in many ways. Outlaws had the social

272 Andrew Dennis, et al., trans., *Laws of Early Iceland: Grágás I, the Codex Regius of Grágás, with Material from Other Manuscripts*, ed. Haraldur Bessason and Robert J. Glendinning, vol. III, (Winnipeg: University of Manitoba Press, 2006), 154.

273 Maria Domeij Lundborg, "Bound Animal Bodies: Ornamentation and Skaldic Poetry in the Process of Christianization" in *Old Norse Religion in Long-term Perspectives: Origins, Changes, and Interactions*, ed. Anders Andrén, Kristina Jennbert, Catharina Raudvere, (Lund: Nordic Academic Press, 2006), 39-44.

274 Bernard Scudder, trans., *The Saga of Grettir the Strong*, (London: Penguin, 2005).

275 Magnus Magnusson and Hermann Pálsson, trans., *Njal's Saga*, (London: Penguin Books, 1960), 74.

standing of wild animals, full outlaws more so than lesser ones. After three years banishment from Iceland, a lesser outlaw could presumably return and regain his lost honor and property, though it is unclear. Unfortunately, the sagas are often scant in detail. In many cases, a reader can tell that an action in the sagas was an outlawry crime punishable with three years banishment, but the sagas may not say that it was tried or settled, it may just say that the man left for three years having adventures and returned. I fear to include these people as examples, simply because of the vague nature of the sagas. Further investigation is needed to determine if they left by outlawry or simply because they went raiding.

By using the sagas and the *Grágás*, or “grey goose” laws, I have investigated the lives of various outlaws. The laws pertaining to outlawry were applied to the sagas and examined to interpret how Medieval Icelanders dealt with criminals, especially outlaws. I have followed outlaws from the time the crime was committed to their sentencing and on to their families and dependents to show that it was easy to become an outlaw and that the lawbreaker was brutally punished, but their dependents were protected if they disassociated themselves from the outlawed person.

Each chapter discussed different aspects of outlawry, both jointly and separately. The first chapter introduced the Medieval Icelandic law code and judicial system. The manuscripts that contain the law code were influenced by different parties, like the Christian Church, over the years and were not written down until the mid to late thirteenth century. The same can be said for the sagas, as well. This makes both the law code and sagas inherently flawed but when studied together, a clearer picture of Medieval Icelandic life can be gathered. An understanding of the judicial system was imperative to understanding how a court case or settlement was executed. This first chapter also defined outlawry crimes and divided them into four major categories.

The second chapter analyzed honor crimes and violent crimes. These crimes were studied both together and separately. It can be concluded by looking at events in three sagas, “Bolli Bollason's Tale,” *Njal's Saga*, and “The Saga of the People of Vatnsdal,” that violent crimes often had an aspect of honor, and vice versa. This was not always the case, however, as can be seen in “The Saga of the People of Laxardal.” Additionally, one violent act did not necessarily mean there would be more, proven by “The Saga of the People of Vatnsdal.” Each saga showed a different facet of honor, violence, or both. “Bolli Bollason's Tale” dealt with a man whose honor was compromised so much that it led to a feud.²⁷⁶ *Njal's Saga* concerned itself with a woman's honor and the feud that followed a slap from her husband.²⁷⁷ “The Saga of the People of Vatnsdal,” contained two passages pertaining to violence and honor. First, I investigated familial honor by looking at a scene where a man was attempting to seduce a woman and the steps her family took to reduce the threat of dishonor.²⁷⁸ Secondly, I identified a scene of a violent crime, homicide, which did not spiral into feud with more violent acts. In fact, the scene ended in a marriage.²⁷⁹ “The Saga of the People of Laxardal” gave an example of an honor crime that did not lead to violence.²⁸⁰ Each scenario showed that the crimes committed could have been settled privately, taken to a court to be tried, or spiraled into feud. It is conceivable that the possibility of feud and further loss of life may have been why the laws for violent crimes and honor crimes led to outlawry sentences, which were the most severe punishments.

276 Keneva Kunz, trans., “Bolli Bollason's Tale,” in *The Sagas of The Icelanders*, edited by Örnólfur Thörnsson (New York: Viking, 2000), 422-425.

277 Magnusson and Pálsson, *Njal's Saga*, 56-63.

278 Andrew Wawn, trans., “The Saga of the People of Vatnsdal,” in *The Sagas of The Icelanders*, ed. Örnólfur Thörnsson (New York: Viking, 2000), 216-220

279 Wawn, “The Saga of the People of Vatnsdal,” 189-196.

280 Keneva Kunz, trans., “The Saga of the People of Laxardal,” in *The Sagas of The Icelanders*, ed. Örnólfur Thörnsson (New York: Viking, 2000), 327-332.

The third chapter identified and explored crimes of wealth. Crimes of wealth were defined with attention given to the patterns they presented. They generally followed the same pattern as crimes of violence and honor but were often more premeditated. Like other cases, crimes of wealth were both privately settled and tried at *things*. The economy of Medieval Iceland and standards of exchange were examined to give context to the amount lost in a crime of wealth. Three sagas, “Egil's Saga,” “The Saga of the People of Laxardal,” and *Njal's Saga* were used to identify different type of wealth crimes and compared to the *Grágás* to gain insight into the contemporary judicial system. “Egil's Saga” showed property damage and how a case was settled.²⁸¹ “The Saga of the People of Laxardal” divulged an example of land theft and appropriation.²⁸² Finally and most severely, *Njal's Saga* demonstrated a case of food theft and the private settlement that followed.²⁸³

The fourth chapter described what happened after an outlawry crime was committed. Each group involved with an outlawry case was examined. This included the person who committed the crime, the principals in the case, the offender's dependents, and anyone the potential outlaw owned money. This chapter shows that those who broke the law were brutally punished, but those who were dependent on them were protected by the law. The process of forming a case or settling one was investigated, along with the confiscation court, formally making a man an outlaw. Again, both the sagas, mainly *Njal's Saga*,²⁸⁴ and *Grágás* were used to create a clear picture of the event.²⁸⁵ Once the man was outlawed, the man's options for survival

281 Bernard Scudder, trans., "Egil's Saga," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsson (New York: Viking, 2000), 169-173.

282 Kunz, "The Saga of the People of Laxardal," 317-318.

283 Magnusson and Pálsson, 120-128.

284 Magnusson and Pálsson, 95-130, 144, 230-253.

285 Dennis, *Grágás I*, 54, 59-63, 66-68, 82-88, 141-142, 146, 161, 166-167, 216.

were probed to determine his standing in society and the severity of his punishment. This was done by mainly looking at the outlaw sagas,²⁸⁶ “The Saga of Hrafnkel Frey's Godi,”²⁸⁷ “Eirik the Red's Saga,”²⁸⁸ and archeological evidence from lava caves inhabited by outlaws.²⁸⁹ Finally, a kind of protection provided to an outlaw's family and dependents if they disassociated themselves from the outlawed person was found and proven by *The Saga of Gisli the Outlaw*²⁹⁰ and *Grágás*.²⁹¹ In many ways, an outlaw's dependents became the dependents of the community in which they lived. Otherwise, those dependents became the dependents of their pre-marital family.

To conclude, the laws in the *Grágás* pertaining to outlawry were applied to the sagas and examined to interpret how Medieval Icelanders dealt with criminals, especially outlaws. I have shown how easy it was to become an outlaw and that the lawbreaker was brutally punished; simple whims could be the difference between civil citizen and outlaw. Things that many would consider an accident, such as killing a person during a game or a dog biting a man, were severely punished and without remorse. Despite this, an outlaw's dependents were protected if they disassociated themselves from the outlawed person. Crimes of wealth and violence were often tied together, but could happen separately as well. Crimes of wealth followed the same patterns,

286 Scudder, *The Saga of Grettir the Strong*, 186.

287 Terry Gunnell, trans., "The Saga of Hrafnkel Frey's Godi," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsson (New York: Viking, 2000), 450-454.

288 Keneva Kunz, trans., "Eirik the Red's Saga," in *The Sagas of The Icelanders*, ed. Örnólfur Thorsson (New York: Viking, 2000), 653-665.

289 Guðmundur Ólafsson, Kevin P. Smith, and Thomas McGovern, “Surtshellir: A Fortified Outlaw Cave in West Iceland,” in *The Viking Age: Ireland and the West (Proceedings of the Fifteenth Viking Congress, Cork, 2005)*, (Dublin: Four Courts Press, 2010) 283-297.

290 George Johnston, trans., *The Saga of Gisli the Outlaw*, (Toronto: University of Toronto Press, 1984) 28, 38-42.

291 Andrew Dennis, et al., trans., *Laws of Early Iceland: Grágás II, the Codex Regius of Grágás, with Material from Other Manuscripts*, ed. Andrew Dennis, Peter Foote, Richard Perkin and Kirsten Wolf, vol. V, (Winnipeg: University of Manitoba Press, 2000), 38, 47-52, 185-186.

but were less spontaneous. All crimes could be settled privately or tried at a *thing*. By strictly following the law, anyone associated with an outlaw could be protected by distancing oneself from the outlawed person.

There are still questions to consider, pertaining to both outlawry and outside that realm; being limited here by time and topic, I will only name a few. All these questions are important to consider when dealing with Medieval Icelandic literature, law, and women's studies.

For example, in what other ways than those noted above was marriage like fostering? This could be reasonably researched using the same methods and sources I have used here. The sagas and *Grágás* are invaluable sources. By looking at individual cases of fostering, guardianship, and marriage, one should be able to determine if there is a greater link. I would discourage sources outside countries with heavy Scandinavian influence and created after conversion, such as Anglo-Saxon marriages, because marriage laws differ dramatically from Scandinavian ones outside those confines.

I also wonder how lesser outlaws were treated after their three-year banishment. As I mentioned earlier, further investigation of the sagas and *Grágás* is necessary to answer this question. The differentiation of whether a man was outlawed or went abroad for wealth and fame is crucial to establishing an answer. In the same capacity, I think it will also be important to establish how a man lived and his status in other lands if he was fully outlawed or never returned from his outlawry.

As an addition to women's studies it would be interesting to know how often women were the catalyst for violent crimes. Women appear to have an aspect of duality in the sagas, either being wonderfully good or horribly bad. This is most apparent in *The Saga of Gisli the Outlaw* in

the two dream women, one good and one bad.²⁹² A few studies have already been conducted on their duality, P. S. Langeslag's "The Dream Women of *Gísla Saga*," for example.²⁹³ This duality will have to be examined further, especially in considering how women affected the men around them and if women pushed men to commit crimes.

The two following questions are important to consider in studying Medieval Icelandic law because they involve honor and legality together. Do settlements or cases bring more honor to those who are involved in a case; do informal settlements hold the same degree of legality as a formal settlement? Both these questions can again be answered by deeper analysis of the sagas and *Grágás*. A case by case study of formal and informal settlements and *thing* cases, their outcomes, and a discussion of the resulting conflict or lack thereof should be sufficient in determining if settlements or cases bring more honor to those who were involved and if informal settlements hold the same degree of legality as a formal settlement.

292 P.S. Langslag, "The Dream Women of *Gísla Saga*," *Scandinavian Studies* 81, no. 1 (2009): 47-72, accessed May 12, 2014, <http://search.ebscohost.com.proxy.library.ohiou.edu/login.aspx?direct=true&db=a9h&AN=44835127&site=ehost-live&scope=site>.

293 Langslag, "The Dream Women of *Gísla Saga*," 47.

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Appendix: Letter from Institutional Research Board



Office of Research Integrity

January 14, 2016

Sarah Stapleton
54 Township Road 1427 W
South Point, OH 45680

Dear Ms. Stapleton:

This letter is in response to the submitted thesis abstract to examine the *Grágás* and sagas of Medieval Iceland demonstrating that the laws which governed Medieval Iceland were both strict and punished ruthlessly when broken. After assessing the abstract it has been deemed not to be human subject research and therefore exempt from oversight of the Marshall University Institutional Review Board (IRB). The Code of Federal Regulations (45CFR46) has set forth the criteria utilized in making this determination. Since the information in this study does not involve human subjects as defined in the above referenced instruction it is not considered human subject research. If there are any changes to the abstract you provided then you would need to resubmit that information to the Office of Research Integrity for review and a determination.

I appreciate your willingness to submit the abstract for determination. Please feel free to contact the Office of Research Integrity if you have any questions regarding future protocols that may require IRB review.

Sincerely,

A handwritten signature in blue ink that reads 'Bruce F. Day'.

Bruce F. Day, ThD, CHP
Director

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