

## **Of Grey Geese and Burning Lawyers: The Structures of the Feud System in Viking Age Iceland**

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*Abstract: The Icelandic sagas portray the world of the Viking Age as one of violence and death. In particular, the existence of the bloodfeud is often depicted. However, these depictions are without much examination as to how it functioned, let alone how it came into being and was mitigated. Moreover, there is little discussion in the sagas about where the feud stood within the legal structure of the period. What was the purpose of the feud in saga-age Norse society? What legal or social structures does it preserve or protect? The idea that the bloodfeud was an integral aspect of Icelandic (and, potentially by extension, Norse) legal culture is an idea that I will develop through an examination of a number of the sagas themselves and the ways other historians have interpreted them. Beyond the legal system itself, the feud features itself as a justification for various aggressive actions in the sagas, such as warring with neighbouring kingdoms or tribes, and the forswearing of oaths and breaking of alliances. The conceptualization of the feud in Norse society, therefore, must have been linked to other ideas of masculinity, strength, and honour. How is this portrayed within the sagas, and what potential abuses could this have led to, are other questions I explore. The significance of the feud, and the meaning ascribed to it, will be examined against its socio-legal status—if any—in an effort to determine how prevalent (or even useful) the feud was in medieval Icelandic society. By this I problematize the actual use of legal codes and attempt to situate them against the reality of communal acceptance and societal norms. To better examine this, I analyse whether the sagas were used to bolster a centralizing legal system, or a reflection of social convention at the time.*

Vengeance was an aspect of Viking Age Iceland and the feud was its manifestation. Wrongs were committed, slights perceived, and each demanded vengeance to mitigate the dishonour. At times, the

feud extended from the physical to the legal, transcending corporeal reciprocity and taking the form of law suits. To carry out a feud, and to avenge a dishonour, was an important aspect of early medieval Icelandic society. At least as far as the sagas describe it, the feud was an object of admiration, drama, and politics that a good, honourable Icelander participated in whole heartedly. *The Story of Burnt Njal* (referred to throughout as *Njal's Saga*) contains perhaps one of the best examples of the feud. Within the saga's narrative, the feud serves as a device pushing the plot forward: from the killing of kinsmen to the paying of wergild and suits before the Althing.<sup>1</sup> The implementation of the law appears as an extension of the feud, as does the physical violence that continues after a suit. This interaction between law and society is central to our understanding of the feud's position as mechanism within the socio-legal apparatus of Viking Age Iceland

How far the feud was able to function outside of legal rhetoric becomes difficult to measure as Icelandic law existed without a centralized state such as a hereditary monarchy. Near the end of the Viking Age, laws were written down in the form of the *Grágás* (or *Grey Goose Laws*, the written collection of Icelandic law), codifying the existence of the feud (among other things) and legitimizing its portrayal in the sagas as central to group dynamics and family-based interaction.<sup>2</sup> This, however, is problematic. The Saga Age (930-1030 CE, the period in which the events of the

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<sup>1</sup> The Althing was an assembly of goðar (landed freemen) and their thingmen (those men who came to the Thing with the goðar) held in the last two weeks of June. It was a festival of sorts, and many people travelled to the Thing Plain in south-western Iceland to sell, buy, drink, and find husbands for their daughters. It was the main form of government in Commonwealth Iceland. See: Jesse L. Byock, *Medieval Iceland: Society, Sagas, and Power* (Berkeley: University of California Press, 1988), 61. A note on spelling: I have chosen a more Anglo-Saxon form for the spelling of 'Wergild' simply to create some consistency within this article. I have decided to use Jesse Byock's spelling of Althing over that of William Miller as well, mostly to accommodate my word processor.

<sup>2</sup> The *Grey Goose Laws*, or *Grágás*, were transcribed from various oral traditions in the twelfth century. William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (Chicago: University of Chicago Press, 1990), 226.

sagas are reputed to have taken place) preceded the writing of the *Grágás* by at least eighty-seven years, and laws were generally maintained through the oral tradition of lawspeakers up until this time.<sup>3</sup> Moreover, the sagas themselves were written well past the Saga Age, many in the thirteenth century. To analyze the use of the feud within *Njal's Saga* would therefore be fraught with too many incompatible issues of perspective, false historicization, and subjectivity. By repositioning the Saga as a textual representation of how post-Saga Age authors imagined the feud allows for a deeper understanding of how the literature, and the feud itself, stood in relation to one another. Furthermore, this repositioning allows for *Njal's Saga*, and the *Gágás* as well, to be seen as a mechanism within the greater feud structure of post-Saga Age Iceland. When evaluated in this way, promoted as a long-standing aspect of society, the feud transcends the legal framework of the time and becomes representative of a legally, and textually legitimized cultural norm with the Sagas acting as mytho-historical representations of the feud, and as contemporary (and therefore Christianized) moral tales that help limit it. The feud served as a safety-valve that helped order and maintain social interaction and politics. In detailing the way reciprocal violence was to be carried out (legally and physically) the feud limited the need for mass violence and large scale inter-clan warfare, maintaining the peace of the commonwealth, while the Saga's represented the new, Christian interpretation of the feud within Icelandic legal framework.

### **A Long Line of My Kin...**

Analyzing the sagas and other written sources for the Viking Age on a textual level, while not new, has not fully been explored. As such, while not suggesting wholly new methodologies or perspectives, this paper reflects a re-evaluation of sources through a contemporary, post-modernist lens. By proposing that the sagas be examined as *aspects* of a changing socio-cultural system (an Icelandic culture in the process of Christianizing) rather than

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<sup>3</sup> Miller, *Bloodtaking*, 44; Andrew Dennis, et al., trans., *Laws of Early Iceland: Grágás I* (Winnipeg : University of Manitoba Press, 1980), 15.

*records of* a socio-cultural system (say, in the form of a pre-Christian history written by pre-Christian authors about their own culture), the sagas and other written evidence for the Viking Age can be seen within a slightly different context. Here this paper continues in the intellectual foot-steps of Margaret Clunies Ross, who has turned to a more Saidian interpretation of saga sources.<sup>4</sup> Additionally, while much of the historiography regarding the feud in Viking Age Iceland tends to focus on what the sagas infer as evidence for the feud (from a variety of different paradigmatic angles), my intent is to evaluate both the sagas and the feud as aspects of living, malleable, and dynamic cultures, where the sagas represent the textual attempts of one of these cultures to understand and deal with the importance of the feud *in* their culture. Borrowing methodology from anthropology, ethnohistory, and colonial studies, this relativistic perspective allows for the evidence of the sagas to be seen more as how a culture in transition perceived and mythologized its own past.

### **Structure and the Feud**

The feud included a number of facets not limited to physical violence, including suits, breaches of contracts, and failed alliances. The feud was a social mechanism that allowed for the creation of alliances and the division of others. Yet the feud is itself a highly nuanced concept that involved more than just physical reactions. As we will see, the legal system existed to accommodate feud in particular ways. That the feud was included in law codes, helped in the formation of regional judicial mechanisms (Quarters and local Things), and fed into a greater legal system (the Althing), indicates that it was an important aspect of Icelandic legal society. The structures that the feud was connected to, and the differences between social and legal aspects of the feud add a perspective that helps clarify the representation of the feud in the saga literature. To better understand why the feud

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<sup>4</sup> See, for example, Margaret Clunies Ross, 'Land-Taking and Text-Making in Medieval Iceland,' in *Text and Territory: Geographical Imagination in the European Middle Ages*, Sylvia Tomasch and Sealy Gilles, eds. (Philadelphia: University of Pennsylvania Press, 1998), 174.

depicted in *Njal's Saga* seems to indicate the failure of the legal system, it will help to take a look at how the feud and other systems interacted.

An important difference here must be highlighted here between the feud and the blood feud. Jesse L Byock draws a distinction between the two by highlighting that a blood feud can be a result, or aspect of, a feud.<sup>5</sup> By expanding on this notion the nuances of the feud as a concept can be better examined. As discussed in the following section, the feud can have both legal and physical consequences. The *Grágás* stipulates a wronged party had until the next Althing to physically avenge a wrong.<sup>6</sup> This is the 'blood' aspect of the feud. By extension, the legal action that can be employed by a member of the wronged party at the Althing is an aspect of the feud-as-a-whole. Blood feud is therefore an integral (if not expected and permissible) aspect of the feud, which also includes legal recourse and payment of wergild. To better highlight the layout of the feud, see the below

### The Feud

<b>Physical Recourse</b>	<b>Non-Physical Recourse</b>
Blood Feud	Wergild Suit

table.

*Table 1: Physical and Non-Physical Aspects of the Feud*

The blood feud is the most fundamental node within the overall structure of the feud. The method of suit is stipulated in the *Grágás*, as is the mode, payment, worth, and use of the wergild.<sup>7</sup> The blood feud, therefore, stands in contrast to the non-physical aspects of the feud and, when the *Grágás* mention the blood feud (they do not use the term specifically), they do so in a highly

<sup>5</sup> Byock, *Medieval Iceland*, 69.

<sup>6</sup> Dennis, 161.

<sup>7</sup> Dennis, 175-86.

methodological way, detailing the lengths one might go to before reciprocity becomes butchery.<sup>8</sup> Moreover, the injuries detailed are listed not so much as being the ways in which one might exact vengeance, rather they are the forms of reciprocity the type of injury will require (allowable by law). Here, we start to see the circularity of the feud system. Each action opened different avenues of redress that the offended/injured party might take. Depending on the type of redress, and the levels to which the offended party went, then the initial perpetrator/offender may—should the payment not be perceived as equal—address this new perceived injury. This system of redress and counter-redress is, by its nature, a little confusing. Table 2 (see Appendix) presents a visual representation of the system. The table shows the perpetuation of the system and how injury can lead to either conclusion or further injury. This is an important aspect of social control and stability in Medieval Iceland, despite the potential for perpetual injury. The feud must be seen, then, as a structured, self-perpetuating system that is internal to itself, regardless of legalities. Indeed, there are legal aspects that propel and regulate the feud, each referable to another aspect of the system, allowing response in kind for perceived transgressions. Understanding the feud as including the blood feud, as well as the wergild and the suit, is integral to understanding how the feud is perceived within saga literature and the Icelandic legal system.

Perpetual injury was vital to the social and political consistency of Medieval Iceland, particularly in relation to bilateral kinship. Bilateral kinship, unlike patrilineal or matrilineal, uses both parents as the means of kin-based alliance formation in that neither the father's nor the mother's side were given prominence over the other.<sup>9</sup> Participation in the feud was thus opened to a great number of people, with blood ties being

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<sup>8</sup> *Ibid.*, 140, 142.

<sup>9</sup> Miller, *Bloodtaking*, 178, and Elizabeth Vestergaard, 'Kinship and Marriage: The Family, Its Relationships and Renewal,' in *The Scandinavians: From the Vendel Period to the Tenth Century*, Judith Jesch, ed (Woodbridge: The Boydell Press, 2002), 84.

optional or not specifically needed.<sup>10</sup> This insinuates a broader alliance-based context, at the centre of which stood the feud. As a part of an honour-based society,<sup>11</sup> medieval Icelanders were able to use the feud as a form of social currency, to create and maintain (or break) alliances that were fundamentally informed by kinship.<sup>12</sup> Because kinship was somewhat amorphous, there was room for the ideas of kin to be modified, and once marriage bonds were formed, be they matrilineal or patrilineal, the extension of the kin group became so broad that it created the conditions for overlap and individual agency with regard to alliance making.<sup>13</sup> If, as Stephen B. Barlau states, this kinship structure was “deeply embedded in the sociocultural fabric of Old Iceland,” then feud can be seen as enforcing social norms.<sup>14</sup> Perpetual injury is the outcome of this enforcement: Perpetual injury allowed groups to validate or depart from alliances that might even be based nominally on kinship (again, because kinship is so broadly defined, there will be times when one aspect of an individual’s kin group will be at odds with another). The feud, therefore, acted as an important galvanizing (or not) aspect of society.

The interrelation within and between kin groups needed the feud as it allowed for change within what could be a static organization. Kin, as a concept, perpetuates the notion of alliance through descent and allows for the maintenance of social order.<sup>15</sup> It provided (and in many places still provides today) a basic organizational structure that can accommodate other systems of social moderation and organization. Marriage, as an aspect of kinship, brings one group closer to another and, depending on concepts of heredity, is an important aspect of social

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<sup>10</sup> Stephen B. Barlau, ‘Old Icelandic Kinship Terminology: An Anomaly,’ *Ethnology* 20, no. 3 (July 1981), 192.

<sup>11</sup> Miller, *Bloodtaking*, 181.

<sup>12</sup> *Ibid.*, 217.

<sup>13</sup> Barlau, 191, 192.

<sup>14</sup> *Ibid.*, 192. For the notion of upholding social norms, see Miller, *Bloodtaking*, 181.

<sup>15</sup> Barbara Miller, et al. *Cultural Anthropology* 4th ed. (Toronto: Pearson Canada, 2010), 202.

organization.<sup>16</sup> As we have seen, bilateral kinship implies a great deal of possible kinship-space to navigate when looking at organization. If Icelanders were related to everyone they generally dealt with (Icelandic kinship extended to the fifth-degree), and kinship made up an important aspect of social order, a fluid system for the modifying of alliances needed to exist.<sup>17</sup> This fluidity, was provided through the nebulous social construct known as honour. Honour was that amorphous notion that allowed for the re-ordering of alliance, despite descent. Through the offence to one's honour—each transgression demanding restitution—splits within kin groups could be navigated. Allowing myself some room for conjecture, one might suggest that the Icelandic context necessitated this. The population of Viking Age Iceland was not that high (estimates place Iceland's population between 45,000 and 90,000 in the early twelfth century), and if kinship extended to the fifth degree, then there would be a great deal of overlap.<sup>18</sup> Honour created the context for division and malleable alliances that kinship alone might have made too permanent—even to the point where slights might be saved and left unrevenged for a time when they were needed.<sup>19</sup> Within this complex system, honour was the means to division and cohesion. Assisting a member of the kin group in a feud reasserted the alliance between those parties.<sup>20</sup> Alliances helped to solidify relationships within kin groups, and feuds helped to maintain social order.

The feud, seen in the example below (the Gellir/Oddr Feud), escalates within a certain framework and does not—normally—affect the whole of society. As such, there was no need for a centralized state apparatus (through a hereditary monarchy)

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<sup>16</sup> *Ibid.*

<sup>17</sup> Barlau, 192.

<sup>18</sup> Byock, *Viking Age Iceland* (London: Penguin, 2001), 55. Due to this overlap of kinship, there is the suggestion that alliances held more social currency than actual sanguine ties (the section below on Kinship will elaborate on this).

<sup>19</sup> Miller, *Bloodtaking*, 217.

<sup>20</sup> *Ibid.*, 124.



in the context of maintaining order.<sup>21</sup> Vengeance within the feud structure, according to the *Grágás*, is a very personal action. Indeed, groups of alliance may be brought into it; nevertheless, the stipulations within the Icelandic legal structure imply that vengeance was a personal issue.<sup>22</sup> Interestingly, according to William Ian Miller, the Viking Age legal system codified social norms through examples, not through the abstract principle of laws that make up the concepts of legal/illegal in more centralized social organizations.<sup>23</sup> Once the feud is examined through such a lens, then the concept of escalation can be localized. For example, if someone included themselves within a feud who had nothing to do with the reciprocal exchange (perceived wrong and reaction), they would be violating social convention. They would, in a sense, place themselves at the mercy of both feuding parties.<sup>24</sup> Defying socio-legal convention as such would allow for the full weight of society's judgment to be placed on that interloper and they would suffer without creating a feud situation.<sup>25</sup> In a social structure that did not include a central authority, it was this adherence to social norms as ascribed in a loose legal system that allowed for the maintenance of order within society.<sup>26</sup>

### Legal Aspects of the Feud

*'It is prescribed that the man on whom injury is inflicted has the right to avenge himself if he wants to up to the time of the General Assembly at*

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<sup>21</sup> By order here I must point out that I only mean in relation to large-scale violence and do not wish to extend the principle to any other areas of governmental or social, organizations or divisions.

<sup>22</sup> Dennis, 141-2, 172, 221.

<sup>23</sup> Miller, *Bloodtaking*, 223, 229-30.

<sup>24</sup> Jesse L. Byock, *Feud in the Icelandic Saga* (Berkeley: University of California Press, 1982), 112-3.

<sup>25</sup> *Ibid.*, 113. In *Njal's Saga* the death of one of the principle characters indicates the manner in which feud ties into social convention. Upon the slaying of Gunnar, the children of Njal ask their father if they might make a suit against the killers. Due to Gunnar having been outlawed, however, Njal tells them that no vengeance can be taken. Social position also affected the legality of the feud, limiting its employment. *The Story of Burnt Njal*, chapter 77.

<sup>26</sup> Miller, *Bloodtaking*, 217.

*which he is required to bring a case for the injuries.*<sup>27</sup>

The *Grágás* codify the idea of vengeance within Icelandic society and, as such, officiate the notion of reciprocity among parties wronged in an assault. According to the *Grágás* a person may take revenge on another within a given time-frame and face no legal consequences.<sup>28</sup> From the moment of the offence to the next Althing (the assembly of *goðar*/land owners that took place once a year in the last two weeks of June),<sup>29</sup> the family of the wronged—or the wronged themselves—could take physical vengeance on the offending party.<sup>30</sup> Beyond that point, the wronged had at their disposal legal recourse at the Althing. Essentially, the purpose of these laws was to mitigate the level of vengeance acts taken by wronged parties. This is similar to the Germanic laws of Wergild (the worth of a person payable by the killer to the family of the slain), codified as early as the sixth century in the Salic Law of the Franks.<sup>31</sup> Within the Icelandic system, however, the implication of a legal suit after a given time period extended the idea of vengeance away from personal injury and personal response and placed it within the notion of the community. Here is where Icelandic socio-legal custom differs from other contemporary examples: Viking Age Iceland had no centralized monarchy and therefore no mechanisms of a centralizing state authority. Other than the Althing, no central government existed to oversee the application of the law. There were no sheriffs or legal representatives of a monarch's court in the countryside, overseeing the implementation of royal law upon the population. The implication is interesting, particularly in

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<sup>27</sup> Dennis, 141.

<sup>28</sup> *Ibid.*

<sup>29</sup> Byock, *Medieval Iceland*, 61, 114. Byock describes the *goðar* as successful farmers who had some access to power due to their prosperity and the size of their lands.

<sup>30</sup> Miller, *Bloodtaking*, 192.

<sup>31</sup> Thomas Smith, *Arminius: A History of the German People and of their Legal and Constitutional Customs, from the Days of Julius Caesar to the time of Charlemagne* (London: James Blackwood, 1861), 397.

regard to laws that mitigate vengeance. Without a central authority, it was the task of the community to self-regulate, and self-enforce. To that end, the concept of the feud can be understood as a force of cohesion rather than division. The terms of the feud and the codification of it into law then provide the socio-legal framework that legitimized the communal regulation of society.

The regulation of laws was not ad hoc and the Icelandic legal system did have some level of oversight. At the yearly Althing, there was a council that sat specifically to oversee and discuss laws and the legal system. The purpose of this council (known as the *lögrétta*, or ‘law council’) was to focus specifically on the legal code, including discussions on old laws and inclusions of new ones.<sup>32</sup> This council—like all aspects of the Althing—was held in public and opened to any visitors who might wish to watch. This made the entire legal system accessible to the freedmen of Iceland. Although these freedmen did not hold a vote on the *lögrétta*, they could at least witness its discussions and decisions. This implies that the laws were reflective of society, at least to a certain extent. Being accountable to members of the community, the Althing’s *lögrétta* served as an expression of the socio-legal mentalities of the community it was intended to regulate. Jesse L. Byock explains how the *lögrétta* was comprised of Iceland’s Chieftains, each of whom had the right to vote. The Chieftains were accompanied by two councillors who helped them to decide matters as they applied their vote, making the process conciliatory.<sup>33</sup> This is not to suggest that Medieval Iceland was what we might term ‘a progressive democracy.’ Nor was it a system that represented the desires and opinions of every inhabitant of the island. This structure simply implies that there was a conciliatory decision making process that influenced the legal system of the island. There is the impression then that the legal system was a reflection of cultural or societal ideas. The ways in which the feud operated within this legal framework

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<sup>32</sup> Byock, *Medieval Iceland*, 61.

<sup>33</sup> *Ibid.*

indicates that the feud was important in the maintenance of peace throughout Iceland.

In the middle of the tenth century, for example, a feud erupted between two Chieftains, Thóðr gellir and Tengu-Oddr, which became a concern for all of Iceland.<sup>34</sup> According to the *Íslendingabók* (a history of early Iceland written by Ari Þorgilsson in the early twelfth century), the feud began over the burning of a man (Þorkell Blund-Ketilsson) by Tengu-Oddr's son. Although there was a suit, the two parties came to blows at the local Thing (a smaller, regional version of the Althing that served a similar purpose on a local level), making it impossible to carry out any legal action.<sup>35</sup> Many of the problems of this feud stem from what Thóðr described as an issue of regional enforcement. Travelling to an 'unfamiliar Thing,' he allegedly said, did not benefit either party.<sup>36</sup> According to Byock (and confirmed in *Íslendingabók*), the structure of the Things were modified by this specific feud.<sup>37</sup> Interestingly, although there are the same problems with sources here that are always encountered when working on Medieval Iceland, there is some causality that comes into play. Iceland, according to the 'Assembly Procedures' listed in the *Grágás*, was indeed divided into the legal Quarters described in the *Íslendingabók*.<sup>38</sup> The *Íslendingabók*—like many of the sagas—was written in the twelfth century, long after the Gellir/Oddr Feud, and can be problematic in its depictions of events. The stipulation for Quarters in the *Grágás*, however, pre-dates the writing of the saga and corroborates the idea that feud, specifically, led to the modification of the legal system. Is it possible to suggest that Iceland was Quartered because of a feud, or because of a story concerning a feud? That is a question that will be addressed in the following sections. In the meantime, it is important to note that Iceland *was* Quartered into judicial regions on the basis of managing feud. The feud, therefore, was responsible for not only

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<sup>34</sup> *Ibid.*, 65.

<sup>35</sup> *Íslendingabók*, chapter 5.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*; Byock, *Medieval Iceland*, 65.

<sup>38</sup> Dennis, 103.

physical redress for offenses and insults of honour, but for the managing/reordering of the legal system.

### **Lingering Questions of Kinship and Alliance**

In order to contextualize the events within *Njal's Saga*, some lingering issues that relate to alliance and kinship must be dealt with. Kinship, as stated above, tended to include a great number of people. Given the size of Iceland's population, and the potential overlap of consanguine kin-ties, it is highly expectable that a family (which counted fifth-degrees of separation on both mother's and father's side) would fight internally. The family structure would be so large that, in essence, a feud that was to take place between families would be either very large or very small. Essentially, the entire idea of kinship must be re-examined in order to determine how, or why, feuds could exist without implicating a large component of society within them. In an effort to evaluate the feud within the Icelandic kinship structure, many academics who focus on Viking Age Iceland have found that fictive kinship served to create bonds of alliance that superseded those based solely on blood.

Fictive kinship is the creation of bonds of kin between people based on non-sanguine ideas. According to Miller, "kinship also provided the ideology and metaphor for fictive kinship bonds based on fosterage, blood brotherhood, and sponsorial [sic] relations."<sup>39</sup> Following this configuration, the notion of kin is extended to include those raised in a household under fosterage and who have sworn fealty to each other. Although this definition serves the subject matter well, Parkes' definition for '*adoptive kinship*' is equally salient [emphasis his]: "a construction of kinship by means of delegated parenthood."<sup>40</sup> Within the Icelandic system of fosterage and alliance, the bonds of kinship were extended and modified, including groups while

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<sup>39</sup> Miller, *Bloodtaking*, 171.

<sup>40</sup> Peter Parkes, 'Fostering Fealty: A Comparative Analysis of Tributary Alliances of Adoptive Kinship,' *Comparative Studies in Society and History* 45, no. 4 (Oct., 2003), 744.

excluding others, even within the same consanguine family.<sup>41</sup> This idea further complicated Icelandic social structures in that it adds another facet to the already confused notion of alliance.

In Iceland, “families never developed into territorially defined large clans as they did in Ireland,” limiting the scope of potential influence the consanguine will have on territorial matters.<sup>42</sup> What developed instead were the interconnections of adoptive kinship in which groups *within* the overall kinship structure were linked or detached. Seeing as the adoptive structure was chosen and based on loyalty rather than biology, one could argue that these fictive bonds were stronger.<sup>43</sup> The Icelandic feud structure was one of allegiance and loyalty. Adoptive kinship and the feud thus operated in relation to each other, and not in opposition. Rather, adoptive kinship was ideally suited to the feud system in ways that consanguine kinship was not. Byock explains how the consanguine kin structure “complimented political ties” except in the feud.<sup>44</sup> This can be related to the above discussion on population and bilateral kinship. Blood-ties gave people the option to enter a feud, should it suit their political needs.<sup>45</sup> From that point onward, the implication of allegiances would be politically motivated and tied to the idea of forming alliances through adoptive kinship. The laws, as well as *Njal’s Saga*, agree with this interpretation, placing the bond of adoptive kinship above that of consanguine kinship.<sup>46</sup>

The interrelation of kinship and the feud allowed for and facilitated adoptive kinship. As we have seen, kinship was not a desirable basis for reciprocity in the context of the Icelandic feud. Kingroups were too large to accommodate the feud as a structure and remain regulatory. The addition of adoptive kinship (as a sub-structure), then, allows the idea of kin to remain focal to the feud

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<sup>41</sup> From this point on I will use ‘kinship’ and ‘kingroup’ to represent the consanguine and ‘adoptive kinship/group’ or ‘fictive kinship/group’ for what they are.

<sup>42</sup> Byock, *Feud*, 90.

<sup>43</sup> Parkes, 742.

<sup>44</sup> Byock, *Feud*, 87.

<sup>45</sup> *Ibid.*

<sup>46</sup> Miller, *Bloodtaking*, 171. *The Story of Burnt Njal*, chapter 92.

structure, while at the same time limiting the extent to which a feud might develop. All forms of self-regulation would have broken down had kin been the sole interaction of the feud based on the size of the population, and the use of bilateral lineage.

### Feud in Literature

*'That is no breach of settlement,' says Njal, 'that any man should take the law against another; for with law shall our land be built up and settled, and with lawlessness wasted and spoiled.'*<sup>47</sup>

*The Story of Burnt Njal* depicts a feud in its entirety. Within the narrative the forming and breaking of alliances, the role of honour, how kinship and adoptive kinship relate to the undertaking of a feud, and how the feud can be divisive to society as a whole can be seen. Slight after slight, the feud in *Njal's Saga* continues unabated for fifty years, highlighting the reciprocal aspects of the feud and the inability for the legal system to assuage its escalation. Already, this seems to contradict much of what this paper has argued concerning the feud structure as an aspect of social regulation. Indeed, the way in which the feud unfolds in *Njal's Saga* cuts against much of the thesis. However, when examined not as a detailed account of a feud but as a representation, a more nuanced perspective emerges. The feud was able to mitigate the escalation of violence in Viking Age Iceland, and *Njal's Saga* served as a cautionary tale that reinforced the laws and societal norms existing at the time. A caveat must be included here: This paper will not be conducting a literary analysis of the saga, nor will it quote or analyzing specific fragments of the text. The object is to place *Njal's Saga* within the greater structures of the feud, considering it as a textual form of social regulation.

Problematizing the sagas as sources is not a new trick in Viking Age scholarship, and any discussion concerning a saga (or sagas in general) must acknowledge this. Since they were written long after the periods they discuss, it is difficult to accept the stories depicted in the sagas as unproblematic history.

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<sup>47</sup> *Njal*, Chapter 69.

Nevertheless, the difficulty is not placing them within an inquiry; it is the method of analyzing them. That the feud existed in Iceland in the Viking Age is not, at this point, a focus of debate. That contributed to social regulation is perhaps more open to question. Following similar methodology as above, I will attempt to situate aspects of *Njal's Saga* into discussions of the law, and social structures, indicating in what ways the story is representative of socio-legal norms and a Christian cautionary tale concerning the practice of the feud as a whole.

The law stipulated the applicable recourse one might take to a perceived or a real slight to honour, and this is no different in *Njal's Saga*. Principle characters are lawyers or lawspeakers (such as Mord and Njal) and a great deal of the interactions between feuding parties rest on the application of law.<sup>48</sup> As with the *Grágás*, *Njal's Saga* depicts Iceland as having been divided into Quarters, each with a Thing that oversaw local legal matters such as suits.<sup>49</sup> It is to these Things and Quarter Courts where such issues are disputed and settled, and who are portrayed throughout the saga as having an influence over the feud. In each occasion, the settlement provided by the Quarter Thing is described as being fair and just and, for a time, halts the feud.<sup>50</sup>

The wergild, another important aspect of the Grey Goose Laws, is also featured throughout *Njal's Saga*. Similarly to the position of the suit and the Thing, the wergild acts as a deterrent in the continuation of the feud.<sup>51</sup> The anonymous author, it might be said, was trying to indicate that the suit and the wergild were noble exits to a potential feud. This stands to reason in several ways, particularly as one wergild episode begins and concludes early on in the saga and stands as something of a foil to the remainder of the work. Written roughly around 1280, *Njal's Saga* stands removed from the events it portrays and, as such, is a

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<sup>48</sup> *Njal*, chapters 1, 2, 7, 8, 20, 24, 27, 56, 108, 134, etc.

<sup>49</sup> *Ibid.*, chapters 8, 56.

<sup>50</sup> *Ibid.*, chapters 8, 24, 50 (in this example a suit is suggested as a 'friendly way' of ending a dispute).

<sup>51</sup> *Ibid.*, chapters 11, 12.



product more of its own time than the time it depicts.<sup>52</sup> Moreover, the morality of the period in which *Njal's Saga* was written differed from that of the period it describes. During the years that separate the Saga Age and the end of the Viking Age, Christianity was introduced to Iceland and subsequently adopted (officially) at the Althing.<sup>53</sup> Christianity and Christian morality are hard to remove from the perspectives of late-Viking Age authors and must be taken into account when analyzing their texts.<sup>54</sup> As Miller argues, writing was one of the most important things that Christianity brought to Iceland and, as such, written sources should be evaluated with this in mind.<sup>55</sup> Even though authorship of *Njal's Saga* is anonymous, the period in which it was written allows it to be seen as a product of the changing socio-religious landscape, and therefore it must be regarded as more than simply a text with a bias.

Potential for escalation still existed within the context of successful suits and wergild paid in full, though the voice of the saga depicts these as being aberrant to Icelandic norms. Honour, here, becomes anathema to the functioning of society and is depicted as being *the* derisive aspect of the feud.<sup>56</sup> The introduction of Christian morality played an important role in the writing of the sagas, influencing the desired representation of ethics and decency.<sup>57</sup> In relation to the potential success of the suit at halting a feud the reliance on honour, and the perception of

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<sup>52</sup> R.I.M. Dunbar, et al. 'Conflict and Cooperation Among the Vikings: Contingent Behavioural Decisions,' *Ethology and Sociobiology* 16, issue 3 (May, 1995), 235.

<sup>53</sup> William Ian Miller, 'Of Outlaws, Christians, Horsemeat, and Writing: Uniform Laws and Saga Iceland,' *Michigan Law Review* 89, no. 8 (Aug., 1991), 2084-5.

<sup>54</sup> Miller, *Bloodtaking*, 270.

<sup>55</sup> Miller, 'Outlaws,' 2083.

<sup>56</sup> *Njal*, chapters 24, 44, 49.

<sup>57</sup> Miller, *Bloodtaking*, 254. Also: Byock, *Feud*, 9. Here I do not mean to suggest that there was some nefarious propaganda machine that the Christians brought to Iceland. I do mean that Christianity imported with it writing (though the difference here is subjective). Those documents/sagas authored were thus influenced by Christianity, which is detectable and navigable and must be taken into account.

slight, corrupts the peace crafted by the legal methods. Moreover, honour is used as a form of currency when suits are not taken up immediately, or when old suits are resurrected in a delayed desire to repay a slight.<sup>58</sup> It can be inferred then that honour, while binding in many stable ways, can serve (at least insofar as *Njal's Saga* is concerned) as an aspect not indicative of social stability (though it remains one of the main commodities within a system of social currency). When contrasted against the adherence to laws, honour creates room for deviance and can turn the functional legal structure into a tool of vengeance and perpetual violence.

One of the most explicit episodes specifically involves the coopting of the law by Gunnar (one of the main participants in the feud) to re-awaken an old suit that had previously been settled (against the other main participant, Hrut).<sup>59</sup> In this example, the law is used as a means to right a perceived dishonour and, as such, propels the feud outside of normal social limits. Nevertheless, the escalation of the Hrut/Gunnar feud (the feud depicted throughout *Njal's Saga* revolves around the persons of Hrut and Gunnar yet grows to include a great network of individuals and alliances) does not occur wholly on the basis of legal failure in the face of honour (or honour failing the legal framework). Social norms are also breached, fuelling further aggression and violent recourse (meted out in the form of suits as well as through physical violence).

Societal norms, similar to Icelandic law, drew out expected and specific reactions from feuding parties. For example, a breach of the feud structure by an individual not directly involved in the feud deviated from social (and legal) norms, permitting for reaction from the broader community. The interference of another into a feud within *Njal's Saga*, for example, is dealt with legally.<sup>60</sup> Once again, honour becomes the peg to which the author attaches so much worth, portraying much of the feud's drastic intensification as a result. In the episode mentioned in the previous paragraph, Gunnar takes advice from Njal and re-starts a suit against Hrut. This is rather normal within the legal structure of the

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<sup>58</sup> *Njal*, chapters 24, 66.

<sup>59</sup> *Ibid.*, chapters 22, 23.

<sup>60</sup> *Ibid.*, chapter 56.

feud. However, what differs is the way it is undertaken. Njal instructs Gunnar (one of the greatest warriors in all of Iceland)<sup>61</sup> to change his appearance and bate Hrut into calling for the suit.<sup>62</sup> Placing the impetus for the feud as a whole within this action is rather important to the implied morality of the saga. Being an honour-based society,<sup>63</sup> subterfuge and deception were not highly regarded. Although deception being equated with a dishonourable act is not easily found in the scholarship, it is possible to infer this by the long explanation of how Icelandic warriors were expected to act in battle. Gaining honour was a primary focus of freedmen as it gave them social currency, notoriety, and fame, and (in addition to wealth won on raids) honour was one of the prime motivations for the actions of Icelandic warriors.<sup>64</sup> The violation is, again, not wholly stated in *Njal's Saga*, though Gunnar's death comes through the 'betrayal' of Hallgerda, again for a small, perceived slight (Hallgerda was Hrut's niece).<sup>65</sup> In this the mighty warrior, who no man could slay, found his end, punishment for the slight against Hrut.

The morality is murky, yet still discernible. Gunnar initiated a suit on the basis of legal advice (normative) through dishonourable means (not normative). Having broken with the social convention attached to honourable warriors, Gunnar found his end. There is one reason to attach this notion of morality here: Gunnar's involvement in the suit comes at the behest of Unna, Hrut's ex-wife. In this the activation of an alliance allows a new participant to enter the feud. A question that arises in this example is Gunnar's reliance on the employment of trickery to rekindle the suit when, as Unna's decision shows, there was possibly another, alliance-based way to involve himself. With what follows in the story of the saga, the author has no reason to avoid the further involvement of alliances as Unna, in exercising her honour-bound

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<sup>61</sup> *Ibid.*, chapter 19.

<sup>62</sup> *Ibid.*, chapters 22, 23.

<sup>63</sup> Miller, *Bloodtaking*, 219. Miller attributes all aspects of social and political life to 'the idiom of honour and the avenging of perceived wrongs.'

<sup>64</sup> William R. Short, *Icelanders in the Viking Age: The People of the Sagas* (Jefferson, NC: McFarland & Company, Inc., 2010) 51-3, 54-5.

<sup>65</sup> *Njal*, chapter 76.

right, brings an alliance network into the feud (Gunnar, who then turns to Njal, implicating both of their kin groups) that had previously not been involved.

The morality of the text is therefore discernible, and the bias of the author is apparent within the greater context of the feud. *The Story of Burnt Njal* highlights a great many aspects of the feud, showing how it can defy social convention and escalate, despite a series of laws designed to mitigate such an occurrence. The careful reader will notice that an analysis of kinship does not come into the argument, despite it being one of the structures discussed above. It has been omitted for fear of leading the reader astray. The kinship structure within *Njal's Saga* is representative of adoptive kinship, and does highlight the ways that adoptive kinship can supersede consanguine kinship in times of feud.<sup>66</sup> However, to attempt a clear interpretation of the kin-based alliance system that comes into play throughout the saga would be thoroughly confusing and a work not suited to the bounds of this paper.<sup>67</sup> Nevertheless, the notion that adoptive kinship serves as a form of alliance making is actually rather clear in the saga. It propels the Hrut/Gunnar feud well beyond the point of necessity (growing to include various families that were not initially implicated).<sup>68</sup> By extension, the moral commentary of the author is somewhat lacking here. This is likely due to the continued practice of adoptive kinship in Christian Iceland.<sup>69</sup> Or, conversely, the greater commentary is tied up in discussions of honour, and how alliances based on the *idea* of kinship can (and in this case does) lead to the slight being avenged by people who were never slighted. Contextualizing the saga and the author in this way is

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<sup>66</sup> *Njal*, chapters 9, 10, 11, 12, 15, 16, 17, 40, 42, 43, 92, 93, among others.

<sup>67</sup> I briefly attempted to find (and then produce) a flow chart that highlighted the interactions of alliances within *Njal's Saga* including consanguine and adoptive kinship. Not only would it not have fit into the special limitations of this paper, the effort was abortive.

<sup>68</sup> *Njal*, chapters 42, 43.

<sup>69</sup> Margaret Clunies Ross, 'Land-Taking and Text-Making in Medieval Iceland,' in *Text and Territory: Geographical Imagination in the European Middle Ages*, Sylvia Tomasch and Sealy Gilles, eds. (Philadelphia: University of Pennsylvania Press, 1998), 174.

replete with difficulties and, obviously, I am limited in my problematization of them due to *my* perspective, and the realities of extant sources. Additionally, this section has yet covered how the feud was regulatory in any way, and has, as a point, illustrated how the feud was not regulatory. To read *Njal's Saga* as a story representing the events of a feud that had taken place in the past, then this is understandable, as *Njal's Saga* does not depict a particularly regulatory socio-cultural custom—quite the opposite. If, however, *Njal's Saga* is re-evaluated not as a *history* of a feud but as a *textualization* of how the author and his/her culture hoped to explain the feud, then the expected, regulatory results that the saga—in its depiction of the feud—can be seen as having been successful.

### Njal's Saga as Textual Structure

It has been the purpose of this paper to examine and explain the various structures at work within the overall operation of the feud-as-social-regulator. The feud itself is a system, within which social norms, laws, and kinship all exist. Linking these structures together, effectively, and rather than simply elaborating on a connection between *Njal's Saga* and the structures represented within, the saga itself is implicated as a final aspect of the framework that moderated the regulatory aspects of the feud. Texts are not created free of context. They are written within a given timeframe, and tend to reflect aspects of the social, cultural, and religious perspectives of the author. *Njal's Saga* is such a work (as are all of the sagas) in that it “can be seen to form schemas that are mythic . . . in the sense of constructing stable cognitive models for making sense of human experience.”<sup>70</sup> With this in mind, the authoring of a saga specifically elaborating on the derisive features of the feud while glorifying (or not) aspects of honour and legal adherence must be seen as a reflection of this construction (in regards to ‘cognitive models’). Particularly important is when this particular saga was written, for it reflects the development of a Christian morality in the Icelandic context.

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<sup>70</sup> Ross, 159.

Written in approximately 1280, *The Story of Burnt Njal* reflects the socio-legal aspects of the feud. It does not do this so much in direct examples of how regulatory the feud was, but as a tale of warning. The feud was responsible for the Quartering of Iceland and the implementation of regional legal structures.<sup>71</sup> Similar to the feud depicted in *Íslendingabók*, the Hrut/Gunnar Feud eventually sees a complete breach of social norms with fighting in the Althing, as well as the constant disregard for the legal regulation of reciprocal vengeance.<sup>72</sup> The tales are similar to the point that they represent a trope within Icelandic literature, one that stresses the importance of halting a feud before it gets out of hand. When a feud is conducted on understandable levels, with proper respect given to social and legal norms, the feud is manageable and can come to a reasonable conclusion.<sup>73</sup> This reinforces the existence of the wergild and the Althing. Both are aspects within the feud that, short of causing more bloodshed, permit honourable and manageable exits from the perpetuity of exchange. Although subtle, the implication throughout *Njal's Saga* is that these options are often the most successful, cause little or no slight to honour, and are designed to mitigate violence, producing a textual basis for adherence.<sup>74</sup>

Textuality is important in the creation of 'cognitive models' and can serve as an anchor for future social development. Similar to discussions of objectivity in history and the construction of a narrative, the basing of events/stories/concepts into textual form gives them a certain practical authority over the perceptions of a social group.<sup>75</sup> This perception is not limited to the external,

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<sup>71</sup> *Íslendingabók*, chapter 5.

<sup>72</sup> *Njal*, chapter 144.

<sup>73</sup> *Ibid.*, chapter 12.

<sup>74</sup> Ross, 159.

<sup>75</sup> Peter Burke, 'Performing History: The Importance of Occasions,' *Rethinking History* 9, no. 1 (March 2005), 39. This is most clearly defined in Said's theories. The applicability of orientalism in this case is next to zero (provided we entirely disregard Christianity as a colonial force), though Said's perception of constructions based on text are here very useful, particularly as we move to situate the textual representation of the Feud (in this case, *Njal's Saga*) into the

and the construction of a transferable notion relating to any subject provides a unifying basis for (in this case) social morality and acceptability. Therefore, to argue that *Njal's Saga* (let alone all sagas) helps to define a physically transferable representation of an idea is navigable. To extend this creation of the textual to a tradition that was previously oral can give the text that much more authority, particularly when tied to the arrival of a new world-view (in this case Christianity).<sup>76</sup> Very much like the writing of the *Grágás* in the twelfth century, giving physical form to stories made them specific and uniform for those who employed them.

By implying, arguing, and detailing certain themes throughout the saga, the author reinforces the structures that were desirable within the feud, based on the author's perspective. Wergild and a reliance on the Thing are given a morality while honour and slights imply deviance. This is quite evident in the manner of constant escalation experienced in the Hrut/Gunnar feud. Reflecting the perpetual aspects of the feud structure, the use of honour as an excuse created the context for the feud to test the norms of Icelandic society. Honour, therefore, is not necessarily an evil that must be excised, it is something that must be utilized within relation to society. The individual, *The Story of Burnt Njal* implies, should hold the betterment of the community before the settlement of a slight on personal honour.

In many instances, *Njal's Saga* implies that some form of conclusion in the feud could have been reached.<sup>77</sup> If we refer back to table 2 (see the Appendix), for each node that allows for perpetuation there is an equal opportunity for conclusion. When Gunnar and Njal choose to reignite the legal dispute over Mord's goods, they are selecting a possible alternative to conclusion.<sup>78</sup>

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actual mechanisms of the feud itself. Edward Said, *Orientalism* (New York: Vintage Books, 1994 [1979]), 20, 83.

<sup>76</sup> Dennis, 15.

<sup>77</sup> *Njal*, chapters 7, 8.

<sup>78</sup> *Ibid.*, chapter 21, 22. The role and importance of women have, unfortunately, been wholly excluded from my examination. This is not an oversight, and was consciously done to focus entirely on the structures and system of the feud as a whole. More research should be done that includes women as an aspect of the system, for there is much to indicate that the gender divide allowed for

Based on Unna's honour, an alliance is created that precipitates the events that follow. Here the troubles of kinship are touched upon, and elaborated throughout. As adoptive kinship ties became the cause for the involvement of a great many people in the feud, this desire to seek a conclusion is lessened and, based on honour, new participants create a complicated situation. Referring again to the importance of the whole over that of the singular, it is the agency given to the individual (here Unna) that is disruptive and not the feud-system in its entirety. By providing Gunnar with an excuse, Unna activates an alliance (Unna and Gunnar, who are kin) based on the breaking of another alliance (Unna and Hrut).<sup>79</sup>

Through this example it is possible to tie together several of the themes the author was (willingly or not) creating a textual base for: Community over the individual and law over bloodshed. The examination of the sagas as a textual basis for "constructing stable cognitive models for making sense of human experience" is noteworthy and relatively untouched in saga scholarship, with Margaret Clunies Ross being one of the only authors currently employing this analysis.<sup>80</sup> The majority of authors who have taken an interest in written sources that depict the Viking Age, outside of philology, are limited to literary examinations and the substantiation of validity. By focusing on this substantiation, the Sagas have mostly been employed as evidence *for* the Viking Age rather than evidence for how the twelfth and thirteenth century authors mythologized their own history and infused it with a more contemporary moral perspective. This perspective, unfortunately,

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additional honour-based excuses within *Njal's Saga* (in that a woman is therein portrayed as the gate-keeper of violence). That being said, with the recent reevaluation of the role women played in Norse society based on mitochondrial DNA and pelvic measurements of skeletons found in warrior graves in Norse burials in England, the entire concept of the feminine/masculine delineation among Viking Age Norse might itself be a misrepresentation based on the textualization of certain colonial ideas from the 12<sup>th</sup> and 13<sup>th</sup> centuries. See: Shane McLeod, "Warriors and Women: The Sex Ratio of Norse Migrants to Eastern England up to 900AD," *Early Medieval Europe* 19, no. 3 (August 2011), 332-53.

<sup>79</sup> *Njal*, chapter 21. It is not defined in what way they are related.

<sup>80</sup> Ross, 159.



fails to problematize the sagas adequately, and tends towards a false historicization of both the written sources and any realities that might have been experienced during the Viking Age itself.<sup>81</sup>

More research in this direction would not only be interesting, it has the potential to be employed in the context of other cultures who have experienced a shift (often through colonization or enculturation) away from oral traditions and into the more Occidental model that favors written histories. In a Saidian fashion, while to ask in what way the text supports or reinforces pre-existing structures is – at least in my mind – highly interesting and rather exciting. An example of this type of analysis comes from William Ian Miller. In his discussion, Miller explains how Christianity did not necessitate the Christianization of Icelandic law, “only the creation of new laws formally instituting the new faith.”<sup>82</sup>

Following this line of thought, one can argue that *Njal's Saga* was not attempting to Christianize the feud; rather it was the creation of a new moral perception that formalized the feud system and, in this case, can be seen as an aspect of acculturation. In the case of *Njal's Saga*, the various structures of the feud are recreated within the text, given life and morality, and placed within a cultural format that mirrored older traditions and tales while ‘instituting’ new ethics.



The feud was an elaborate system of interlaced structures. It was self-regulating, self-normalizing, and self-containing and served to moderate and govern the interactions of groups within

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<sup>81</sup> Joseph Harris, ‘Performance, textualization, and textuality of “elegy” in Old Norse,’ in *Trends in Linguistics: Textualization of Oral Epics*, (Berlin: Walter de Gruyter GmbH, 2000): 89-99. This is basically the only example that did not have Margaret Clunies Ross as editor, contributor, or author in relation to the textuality of Norse Sagas. See: Margaret Clunies Ross, ‘The Development of Old Norse Textual Worlds: Genealogical Structure as a Principle of Literary Organization in Early Iceland,’ *The Journal of English and Germanic Philology* 92, no. 3 (Jul., 1993): 372-85. Also: Margaret Clunies Ross, ed., *Old Icelandic Literature and Society* (Cambridge, Cambridge University Press, 2000).

<sup>82</sup> Miller, ‘Of Outlaws,’ 2088.

society. Like the feud itself, these structures existed free of specific oversight and control and adapted themselves within the overall framework of the feud. Society was composed of a community which in turn was comprised of various consanguine and adoptive kin groups. Alliances were maintained and destroyed depending upon honour and interaction, all of which helped to organize and oversee the people within the community. In addition, the social and legal norms of the community were enforced through the oversight of the community, and the laws governing reciprocal violence.

However, as the *Grágás* codified and legitimized the feud, the sagas served as the textual cultural basis for their management outside of the legal structure. An extension of the social and communal, stories such as *The Story of Burnt Njal* entrenched the feud within a tradition of shifting morality and altering world-view specific to the Icelandic context. In analyzing *Njal's Saga* in this way, lingering issues of perspective, false historicization, and subjectivity can no longer be seen problematically. Rather, with this in mind, the construction of morality, through the interpretation of the saga, allows for (even needs) these issues that, under other circumstances, might challenge the use of a saga as a source. This has the benefit of placing the source within the structures of the feud system, allowing it to be situated genealogically in relation to the feud, the development of laws, and the events it claims to portray.

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## Appendix – Table 2: Feud as Self-Replicating (Fractal) Structure

