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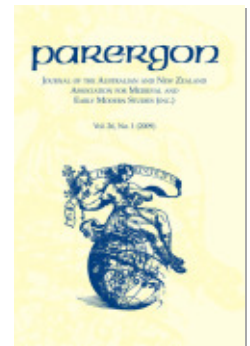
Cold Cases: Law and Legal Detail in the *Íslendingasögur*

Hannah Burrows

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Cold Cases: Law and Legal Detail in the *Íslendingasögur*

Hannah Burrows

The *Íslendingasögur* [Sagas of Icelanders] are often said to be obsessed with law. But while the importance of legal themes to saga narrative cannot be doubted, the extent to which the sagas cite technical details of law and legal process varies greatly across the corpus. The use of law in this manner has various literary and stylistic effects which should be viewed as integral to the narrative design, and explored as such within individual sagas.

Theodore M. Andersson states: ‘Legal density is characteristic of the sagas about early Icelanders’.¹ Indeed, it is a commonplace in discussions of the *Íslendingasögur* to make an observation along the lines that ‘a saga without lawsuits, law making, execution of sentences, [or] transmission of oral law-lore is simply unthinkable’.² Such generalizations, however, obscure the literary effects of the use of law in individual sagas, and in this essay I will offer a fuller and more nuanced reading of the function of law in the *Íslendingasögur*. While I would not deny the importance of legal themes to saga narrative – for example, legal disputes, lawyer characters, and the Alþing [General Assembly] – I will demonstrate that individual sagas in fact vary greatly with respect to the extent to which they can be said to be ‘legally dense’: that is, containing what I will label here as ‘legalities’. I use this term to refer to the quotation of specific articles of law and technical details of legal process, akin to William Ian Miller’s definition of ‘law’ as ‘the formal legal process

- 1 *The Growth of the Medieval Icelandic Sagas (1180–1280)* (Ithaca: Cornell University Press, 2006), p. 121.
- 2 Martina Stein-Wilckshuis, ‘Laws in Medieval Iceland’, *Journal of Medieval History*, 12.1 (1986), 37–53 (p. 40). See also, for example, Jesse Byock, ‘Inheritance and Ambition in *Eyrbyggja saga*’, in *Sagas of the Icelanders: A Book of Essays*, ed. John Tucker (New York: Garland, 1989), pp. 185–205 (p. 190); Henry Ordower, ‘Exploring the Literary Function of Law and Litigation in *Njal’s Saga*’, *Cardozo Studies in Law and Literature*, 3 (1991), 41–61 (pp. 41, 42); and Vésteinn Ólason, *Dialogues with the Viking Age: Narration and Representation in the Sagas of the Icelanders*, trans. Andrew Wawn (Reykjavik: Heimskringla, 1998), p. 65.

and the rules applied and enforced in the courts'.³ I will present here three case studies of sagas with differing incidences of legalities, and explore their differing effects on each narrative.

Much scholarly time and attention, particularly in the late nineteenth and early twentieth centuries, was devoted to scrutinizing the legalities in the *Íslendingasögur* and comparing them to articles in the law code *Grágás* [*lit.* 'Grey Goose'], either in the attempt to work out what actually was law during the Commonwealth period, or to attack the historicity of the sagas or laws, if discrepancies could be identified.⁴ However, these attempts have shown that such issues are often impossible to resolve; moreover, actual reality – by which I mean the (often irrecoverable) law as it was practised – does not necessarily equate to the problematic 'Grágás reality' – that which the extant law texts profess was practised. Further investigation of such issues is not the aim of the present essay. Rather, I will focus on the way legalities function as part of the framework of saga narratives, and on the literary and stylistic uses to which they are put by saga authors. In this context, I would suggest that the veracity of a particular detail is not of primary concern, as long as it works within the world of the saga, and it will be part of my task to demonstrate how various saga narrators establish their own 'saga law', so that the actual legal competence of the audience (or indeed, author) is not especially an issue.

I. Law and Skaldic Verse

It is a curiosity of *Laxdæla saga* ['The Saga of the People of Laxárdalur'] that the narrator habitually refers to poems from the skaldic canon, but

3 *Bloodtaking and Peacemaking: Feud, Law and Society in Medieval Iceland* (Chicago and London: University of Chicago Press, 1990), p. 221.

4 E.g. Andreas Heusler, *Das Strafrecht der Isländersagas* (Leipzig: Duncker & Humblot, 1911); *Zum isländischen Fehdewesen in der Sturlungazeit* (Berlin: Königliche Akademie der Wissenschaften, 1912); Karl Lehmann and Hans Schnorr von Carolsfeld, *Die Njálssaga insbesondere in ihren juristischen Bestandtheilen* (Berlin: Praeger, 1883); Konrad Maurer, *Vorlesungen über altnordische Rechtsgeschichte*, 5 vols (Leipzig: Deichert, 1907–38); 'Zwei Rechtsfälle in der Eígla', *Sitzungsberichte der philosophisch-philologischen und historischen Classe der k. b. Akademie der Wissenschaften zu München 1895* (1896), 65–124; and 'Zwei Rechtsfälle aus der Eyrbyggja', *Sitzungsberichte der philosophisch-philologischen und historischen Classe der k. b. Akademie der Wissenschaften zu München 1896*, (1897), 3–48.

stops short of actually quoting from them.⁵ The author thus seems to know (or know of) the poetry, but chooses not to integrate it into his narrative, perhaps – as suggested by Guðrún Nordal – on account of the tastes of his intended audience.⁶ Poetry, therefore, is not an obligatory component of *Íslendingasögur* narrative, but may be employed as a ‘conscious semantic and narratological tool’.⁷ It seems to me that the inclusion, or not, of legalities, can be productively considered in a similar way. Legal disputes, or the abstract concept of law, cannot very well be (and indeed are not) excluded from the *Íslendingasögur* altogether: they form the ‘stuff’ of the stories. But the use of legalities – namely specific and detailed quotation of articles of law or legal procedures – is variable. Legalities are not compulsory in the construction of *Íslendingasögur* narratives, but they may be drawn upon for a variety of purposes, as will be demonstrated in the case studies offered below.

II. *Njáls saga* [‘The Saga of Njáll’]

It is generally acknowledged that *Njáls saga*’s employment of legal technicalities and quotation of ‘law’, whether valid or otherwise, exceeds that of any other saga. Probably written 1275–85, just after the ending of the Commonwealth and the replacement of *Grágás*, *Njála*’s penchant for legal history (albeit subject to authorial license in the details), its fondness for complicated legal procedures, its lengthy quotations of passages from the law texts, and its lawyer heroes (and villains) all contribute to its author’s exploration of the Commonwealth-period legal system and its downfall. This is a received and well-documented view and does not need to be rehearsed here.⁸

5 Guðrún Nordal, *Tools of Literacy: The Role of Skaldic Verse in Icelandic Textual Culture of the Twelfth and Thirteenth Centuries* (Toronto: University of Toronto Press, 2001), p. 135.

6 ‘Why Skaldic Verse? Fashion and Cultural Politics in Thirteenth-Century Iceland’, in *Sagas and Societies: International Conference at Borgarnes, Iceland, 5–9 September 2002*, eds Tönno Jonuks, Axel Kristinsson, and Stefanie Würth, pp. 1–10, http://w210.ub.uni-tuebingen.de/dbt/volltexte/2004/1069/pdf/15_gud-1.pdf.

7 ‘Why Skaldic Verse?’, p. 8.

8 E.g. Alan J. Berger, ‘Law in *Njáls saga*’, in *Samtíðarsögur: The Contemporary Sagas: Preprints of the Ninth International Saga Conference, Akureyri 31.7 – 6.8 1994*, [anon. eds.] (Reykjavík: Oddi, 1994), pp. 82–95; Frederik J. Heinemann, ‘A Reader’s View of Law in *Njáls Saga*’, *Papers of the Fourth International Saga Conference, München, July 30th – August 4th 1979* (Munich: Institut für nordische Philologie der Universität München, 1979), pp. 1–20; Ordower, ‘Exploring the Literary Function’, *passim*; Theodore Ziolkowski,

However, *Njála*'s use of legalities, in particular the inclusion of legal formulae in the court scene at the Alþing following the Burning of Njáll, has proved problematic to scholars. Debate has raged as to whether the author merely copied passages from legal manuscripts without much thought;⁹ whether he knew legal technicalities by heart and 'decided to give his audience a very thorough lesson in legal procedure, partly at the expense of narrative structure';¹⁰ whether the legalities take on an 'incantatory effect ... used almost as magic in an attempt to ward off the inevitable conflict';¹¹ whether they have the literary functions of parading the skill of the lawyers or creating dramatic tension;¹² whether the audience 'delighted in the full panoply of technicalities';¹³ or various other permutations of the above. I would argue that the legalities in the court scene, far from coming 'at the expense of narrative structure', are a key part of the scene, and of the saga.

While *Njáls saga* may be unusual in the prominence it gives to legalities, the sagas suggest that court cases were crowd-pulling spectacles.¹⁴ *Njála* itself states that, for the Alþing at which the Burning case was to be heard, 'váru komnir hofðingjar ór öllum fjórðungum á landinu, ok hafði aldri þing verit jafnfjölmennt áðr, svá at menn myndi' [chieftains had come from all quarters of the land, and the þing [assembly] had never before been so crowded, as far as men could remember];¹⁵ several other *Íslendingasögur* attest the same phenomenon.¹⁶ Although the crowded Alþing is a literary topos, it is

The Mirror of Justice: Literary Reflections of Legal Crises (Princeton: Princeton University Press, 2003), pp. 42–62.

9 E.g. Sigurður Nordal, 'The Historical Element in the Icelandic Family Sagas', *Scripta Islandica*, 10 (1959), 9–24 (pp. 19–20).

10 Lars Lönnroth, *Njáls saga: A Critical Introduction* (Berkeley: University of California Press, 1976), p. 248.

11 Richard F. Allen, *Fire and Iron: Critical Approaches to Njáls saga* (Pittsburgh: University of Pittsburgh Press, 1971), pp. 172–73.

12 Ziolkowski, *The Mirror of Justice*, p. 55.

13 Ziolkowski, *The Mirror of Justice*, p. 173.

14 See also Heinemann, 'A Reader's View', p. 12; Miller, *Bloodtaking and Peacemaking*, p. 257.

15 *Brennu-Njáls saga*, ed. Einar Ól. Sveinsson. Íslenzk fornrit 12 (Reykjavík: Hið íslenzka fornritafélagu, 1954), p. 363. Translations throughout are my own.

16 E.g. *Egils saga*, Chs 16–17; *Finnboga saga*, Chs 30, 32–33; *Grettis saga*, Chs 51, 72, 84; *Gunnlaugs saga*, Ch. 11; *Hávarðar saga*, Ch. 22; *Hrafnkels saga*, Chs 7–12; *Laxdæla saga*, Chs 22–23, 61; *Ljósvetninga saga*, Chs 16–17, 25–27; *Valla-Ljóts saga*, Chs 8–9.

likely that that the tension and drama of real-life lawsuits also appealed to thirteenth-century Alþing-goers.¹⁷ And while few *Íslendingasögur* suggest a taste for fictionalized courtroom drama,¹⁸ it was perhaps not unreasonable of the author of *Njáls saga* to believe that if audiences were entertained by real-life court cases, a dramatized version could also be compelling and diverting; and I shall explore some of the ways in which legalities are used to make it so here.

The stakes are set before the case begins; the court scene is introduced thus:

Er nú kyrrt þar til, er dómur skulu út fara. Bjoggu þeir þá sik til hvárrirtveggju ok vápnuðusk; þeir hófðu þá ok hvárrirtveggju gort herkulm á hjálmum sínum.

[It is now quiet, until the courts were to go out. Each side then made ready and armed themselves; each side had also then made battle-markings on their helmets.] (p. 378)

The threat of a battle so large and bloody that each side will have to identify themselves by the markings on their helmets thus hangs over the entire case. Indeed, it is more than a threat, it is an inevitability: in the previous chapter, Snorri *goði* [chieftain] predicts that the case will end in violence, and by all conventions of saga narrative the prophecy will be fulfilled.¹⁹ The intricacy of the legalities, though, and the number of twists that take place during the proceedings, draw the audience in, creating the hope that convention may be broken and that one of the arguments will prove so dazzling and conclusive that Snorri will be proved wrong: a legal solution will be found. And it is not only the battle that is anticipated by the audience, in which case the intervening legalities could theoretically be anything to retard the outcome; rather, the narrator also relates Flosi's secret transferral of his *goðorð* [chieftaincy] to his brother and his new allegiance to the Northern Quarter

17 Hannah Burrows, 'Literary–Legal Relations in Commonwealth-Period Iceland' (unpublished doctoral thesis, University of York, 2007), p. 189; Miller, *Bloodtaking and Peacemaking*, p. 21. The fact that a talent for public speaking is a praiseworthy attribute for *goðar* [chieftains] or lawyers in the sagas reinforces this supposition; see, for example, *Hrafnkels saga*, Ch. 4, *Sturlu saga*, Ch. 6; and Burrows, p. 172).

18 Scenes detailing the presentation of the facts or arguments of legal cases in court are rare in the *Íslendingasögur*; see Burrows, 'Literary–Legal Relations', pp. 187–203, for details and discussion.

19 E.g. Vésteinn Ólason, *Dialogues*, p. 98.

goði Áskell Þorketilsson with the intention that the prosecution brings the suit to the wrong Quarter Court. The audience thereby becomes alert to the details, waiting to see if the prosecution's lawyer, Mǫrðr Valgarðsson, falls into the trap.

In the court scene, technicalities are not randomly cited or gratuitously repeated. In the example below, two of the prosecution's witnesses have been dismissed by Eyjólfir on grounds of their relationship to Mǫrðr. Although 'mælti ǥll alþýða ok kváðu ónýtt málit fyrir Merði; urðu þá allir á þat sáttir, at vǫrn væri framar en sókn' [the whole crowd spoke and declared Mǫrðr's case invalid; they all came to the agreement that the defence was stronger than the prosecution], the prosecution sends a message to Þórhallr for advice on how to proceed:

Þórhallr mælti: '... vitringinum Eyjólfir hefir nú yfir sézk. Skaltu nú ganga til þeira sem hvatligast ok seg, at Mǫrðr Valgarðsson gangi at dómi ok nefni sér vátta, at ónýtt er lǫgruðning þeira', — ok sagði hann þá fyrir greiniliga allt, hversu þeir skyldu með fara. Sendimaðr fór ok sagði þeim tillǫgur Þórhalls.

[Þórhallr said: '... the wise man Eyjólfir has overlooked something. Go to them now as fast as you can and say that Mǫrðr Valgarðsson should go to court and name witnesses for himself that their challenge is invalid', and he then told him precisely how they should proceed. The messenger returned and told them Þórhallr's advice.] (p. 385)

Here, unlike in the court scene overall, there is no dramatic irony – the solution is not revealed at the first opportunity, but kept back by the narrator so that it can actually be presented in the court. The audience of the saga is kept waiting, just as are the audience and participants of the case, knowing that information is being related by Þórhallr to the messenger, and by the messenger to the prosecution; all discover it at the same time, when it is dramatically announced by Mǫrðr. The process is repeated, the reasons for the dismissal becoming more technical, so that when once again Mǫrðr declaims his counteraction, it is unsurprising that 'þá var óp mikit ok kall, ok mæltu þá allir, at mjök væri hrakit málit fyrir þeim Flosa, ok urðu nú á þat sáttir, at sókn væri framar en vǫrn' [then there was a great outcry and catcalling, and all said that the case on Flosi's side was greatly damaged, and they all now came to the agreement that the prosecution was stronger than the defence] (p. 387).

There is something amusing in the fickleness of the absorbed onlookers, carried away by the drama of whoever has spoken last, and where everyone is an expert after the event; but doubtless this also reflects the reaction of the original audience, and the modern reader too. This is an excellent example of how ‘saga reality’ is established, and why it might need to be: if the legal experts in court do not have all the answers, why should the audience? Since only those established as absolute legal authorities are able to provide procedural advice, the audience’s ignorance is excused, perhaps even demanded. They are not supposed to follow every detail of what is going on, but, like the other characters, can accept the word of the experts, especially when the experts on both sides grudgingly have to admit each time that the other is correct. In Commonwealth-period Iceland there was doubtless a lot of confusion as to what exactly was and was not law – the need for the lawspeaker and, later, *Grágás*’ clause establishing a hierarchy of authority for written texts of the law²⁰ are witness enough of this, but there is also plenty of saga evidence. For example, earlier in *Njáls saga* Njáll gives Gunnarr some unusual legal advice, of which it is said: ‘þetta þótti mönnum undarligir málalíðnaðir’ [this seemed to people an extraordinary preparation for a case] (p. 163). ‘Undarligir’, but not incorrect. People may question it, but no-one challenges it; it was probably very difficult to be confident enough to challenge an unusual procedure,²¹ especially one espoused by an acknowledged expert. The length and complexity of the passages quoted in the court scene add to the air of confusion: the jargon gives the scene authenticity, and the audience can be content to let the experts unravel the intricacies and reveal their significance.

The legalities in the court scene, then, achieve a variety of literary effects: adding realism to the narrative presentation of the case, retarding the action, and creating suspense and dramatic tension. Further, the fact that much of the detail may have been lost on the saga audience – and, significantly, is presented as being effectively lost on the crowd of onlookers within the saga – comments, perhaps satirically, on the state of the law. The principles that the law was built upon, articulated earlier in *Njáls saga* – at one point by Njáll himself, “með lögum skal land vart byggja, en með ólögum eyða” [‘with law shall our land be built up, but with lawlessness laid waste’] (p.

20 *Grágás: Íslændernes Lovbog i Fristatens Tid, udgivet efter det Kongelige Bibliotheks Haandskrift*, ed. Vilhjálmur Finsen, 2 parts (Copenhagen: Berlings Bogtrykkeri, 1852), Ia, p. 213.

21 Cf. *Víga-Glúms saga*, Ch. 25.

172), and at another by Þorgeirr the lawspeaker in the Conversion episode, “‘ef sundr skipt er lögnum, þá mun ok sundr skipt friðinum” [‘if the law is split asunder, then the peace will also be split asunder’] (p. 271) – have become obliterated by the labyrinth of procedures that now must be navigated before any progress can be contemplated. Consider, for example, Mǫrðr’s tally of the procedures he has correctly performed:

Enn nefndi [Mǫrðr] sér vátta, — ‘í þat vætti’, sagði hann, ‘at nú eru frumgögn öll fram komin, þau er sökinni eigu at fylgja: boðit til eiðspjalls, unninn eiðr, sögð fram sök, borit lýsingarvætti, borit akartökuvætti, boðit búum í setu, boðit til ruðningar um kvið. Nefni ek mér þessa vátta at gögnum þeim, er nú eru fram komin, ok svá at því, at ek vil eigi vera sókn horfinn, þótt ek ganga frá dómi gagna at leita eða annarra ørenda.’

[Again Mǫrðr named himself witnesses, ‘to witness’, he said, ‘that now all the preliminaries are complete, those which have to be followed in a lawsuit: requesting the performing of the oaths, performing the oaths, declaring the suit, requesting witness of the publication, requesting witness of the taking on of the prosecution, requesting neighbours to be seated, requesting that the jury-panel be challenged. I name witnesses as evidence of these things which have now taken place, and also of this, that I will not forsake the suit if I go from the court to seek evidence or for other business.’]

(p. 384)

This comes after the narrator has already presented Mǫrðr actually carrying out all these procedures, with witnesses to each stage, and the witnesses presenting their testimony that they *have* witnessed each stage – at this point he is naming witnesses to the witnessing! The earlier Conversion episode has been described as a ‘genuine digression’ in the narrative,²² but Þorgeirr’s famous declaration is absolutely fundamental to the heart of the saga, and it is crucial that it should be stated within it. Mǫrðr’s catalogue demonstrates that the law has indeed been *sundr skipt* [split asunder], split into a myriad of technicalities whose purpose has nothing to do with keeping the peace or ensuring justice, but which have no other function than the potential to catch out an opponent and invalidate his case. The whole legal system has become untenable. The ensuing battle is inevitable not because Snorri *goði*

22 Carol J. Clover, ‘Open Composition: The Atlantic Interlude in *Njáls saga*’, in *Sagas of the Icelanders*, ed. Tucker, pp. 280–91 (p. 282).

was right when he predicted it, based on his knowledge of the natures of Ásgrímr Elliða-Grímsson and the rest of the prosecuting party, but because Þorgeirr the lawspeaker was right when he foresaw that a breakdown in law would lead to a breakdown in peace, based on his knowledge of the nature of Icelandic society itself.

III. *Eyrbyggja saga* ['The Saga of the Inhabitants of Eyrr']

Although no saga draws on legalities to the same extent as *Njáls saga*, *Eyrbyggja saga* also contains a high incidence of legal detail. Here, the law is inextricably interwoven through the narrative and plot. For example, in one episode Þórólfr gets his slaves drunk and sends them to burn Úlfarr inside his house. Arnkell spots them carrying out the plan, puts out the fire, and captures the slaves. The narrative then states, seemingly routinely, 'Um morguninn eftir lét Arnkell flytja þrælana inn í Vaðilshöfða, ok váru þeir þar hengðir allir' [During the next morning Arnkell had the slaves taken out to Vaðilshöfði, and they were all hanged there].²³ Arnkell refuses to pay compensation for the slaves, and Þórólfr bribes Snorri *goði* with the offer of some woodland to take the case to court for him:

Ok er mál koma í dóm, kvaddi Arnkell sér bjargkviðar ok færði þat til varna, at þrælarnir váru teknir með kveykðum eldi til bæjarbrenna. Þá færði Snorri þat fram, at þrælarnir váru óhelgir á þeim vættvangi, — 'en þat, at þér færðuð þá inn í Vaðilshöfða ok drápuð þá þar, þat hygg ek, at þeir væri þar eigi óhelgir.' Helt þá Snorri fram málinu ok eyddi bjargkviðinum Arnkels.

[And when the case came to court, Arnkell declared he should be acquitted, and brought it as his defence that the slaves had been captured in possession of kindling to burn the farm. Then Snorri put it forward that the slaves would have had forfeit immunity at the scene of the crime, — 'but because you brought them to Vaðilshöfði and killed them there, I believe that they were not outside the protection of the law there.' Snorri then held his point and voided Arnkell's defence.]

(p. 86)

Arnkell's legal mistake is not signposted as such at the point in the narrative at which he makes it, but would observant (and legally knowledgeable) members of the audience have picked up on it as soon as he took the slaves

23 *Eyrbyggja saga*, eds Einar Ól. Sveinsson and Matthías Þórðarson, Íslensk fornrit 4 (Reykjavík: Hið íslenska fornritafélag, 1935), p. 84.

away from the scene of the crime? Either way, because we have seen his actions, Snorri's announcement of the error in court is a satisfying revelation. This incident adds to the narrative in several ways: building the character portrayal of Snorri *goði* as a clever lawyer; developing the conflicts between Þórólfr and his son Arnkell, and between Arnkell and Snorri; and, as none of the protagonists are happy with the outcome of the case, foreboding more trouble to come. A legal technicality provides the focus for at least two scenes – Arnkell's actions and the subsequent court case – as well as, indirectly, the others that develop from this plot twist. *Eyrbyggja* thus uses legalities in this way as fundamental building blocks for the whole narrative, and they are represented as being as vital to the structure of the society the saga portrays as they are to the structure of the saga itself.

There is a completeness about the episode just discussed that makes a convincing 'saga law'. The coherent description of the court case allows the surmise that, in the reality of *Eyrbyggja saga* at least: a) there is a law against the killing of slaves, for which one can therefore be prosecuted; b) there is a law against arson, the committing of which forfeits one's protection by law; but c) this protection is only forfeit at the scene of the crime. No external knowledge of the law is necessary to make these inferences and understand the episode, which is self-contained within the narrative.

However, elsewhere in *Eyrbyggja* the construction of coherent 'saga law' is more explicit. The narrative at times becomes pedagogic, stating professed legal 'facts' in an authoritative, well-informed, and didactic tone. So, after the Breiðarvíkingar have killed the hapless assassin Egill, a slave of the Þorbrandssons, we are told:

Þat váru lög í þann tíma, ef maðr drap þræl fyrir manni, at sá maðr skyldi færa heim þrælgjöld ok hefja ferð sína fyrir ína þriðju sól eptir víg þrælsins; þat skyldu vera tólf aurar silfrs. Ok er þrælgjöld váru at lögum færð, þá var eigi sókn til um víg þrælsins.

[It was the law at that time, if a man killed another man's slave, that that [first] man should bring slave-payment to the home [of the second], and start his journey within three days of the killing; that should be twelve ounces of silver. And if the slave-payment was made lawfully, there was no case to answer about the death of the slave.]

(p. 118)

Steinþórr's journey to make the slave-payment both allows the narrator the opportunity for further legal commentary, and, despite Steinþórr's determined adherence to the law, precipitates the battle of Álptafjörðr. In this instance, then, the explanation is crucial in facilitating understanding of the plot. Elsewhere in the saga, however, the narrator's interest in the past and in legal history occasions a level of detail seemingly beyond the demands of the storyline:

Þat váru þá lög, at stefna heiman vígsök svá at vegendr heyrða eða at heimili þeira ok kveðja eigi búa til fyrr en á þingi.

[It was then the law that the summons should be made away from home in a manslaughter suit, so that the killers heard it, or [it should be made] at their home, but the neighbours were not called before the *þingi*.]

(p. 56)

It might seem that this is an example of 'saga law' being explicitly established in order to develop a twist of the plot: perhaps the summons is going to be incorrectly made, or the case challenged in court over a procedural detail, and the author wants to be sure that his audience understand the implications. However, the case proceeds straightforwardly and is summed up only in a brief narratorial description, without complication. *Eyrbyggja's* antiquarian interests are well known (though equally notoriously sometimes appear to be as imaginative as strictly factual),²⁴ and law is not the only aspect of society the narrator treats in this way: 'Í þann tíma váru útikamrar á bæjum' [At that time farms had outside privies] (p. 66), 'Egill hafði skúfaða skópvengi, sem þá var siðr til' [Egill had tasselled shoelaces, as was the custom then] (p. 117), 'þá hófðu menn þat fyrir satt ...' [then people had that belief ...] (p. 148). These 'pedagogic' references emphasize the 'pastness' of the past, which in *Eyrbyggja saga* seems to amount, simultaneously, to both a distancing and a desiring. Attention is drawn to the distinctions between the past society that is the setting for the saga, and the contemporary society of the narrator (and by extension his original audience), while at the same time an effort is made to evoke that past world and to connect with it: 'innar af hofinu var hús í þá líking, sem nú er sönghús' [inside the temple was a stall, like the way the choir stall is now] (p. 8), 'til hofsins skyldu allir menn tolla gjalda ok vera

24 E.g. Bernadine McCreesh, 'Eyrbyggja Saga', in *Medieval Scandinavia: An Encyclopedia*, ed. Philip Pulsiano and others (New York and London: Garland, 1993), p. 174.

skyldir hofgoðanum til allra ferða, sem nú eru þingmenn hofðingjum' [all men had to pay a fee towards the temple and to go with the temple-priest on all journeys, as now *þing*-men are to do for their *hofðingi*] (p. 9), 'sér enn blóðslitinn á steininum' [bloodstains can still be seen on the stone] (p. 18). These references clearly evoke the saga's world and construct a self-contained reality. At the same time, they lend a reassuring tone of authority and authenticity; the narrator establishes himself as convincing and trustworthy, no matter what the level of veracity in his historical insights.

A famous scene towards the end of *Eyrbyggja* proceeds as follows:

Eptir þat stefndi Kjartan Þóri viðlegg, en Þórðr kausi Þóroddi bónda, um þat, at þeir gengi þar um hýbýli ólofat ok firrði menn bæði lífi ok heilsu; ǵllum var þeim stefnt, er við eldinn sátu. Síðan var nefndr duradómr ok sagðar fram sakar ok farit at ǵllum málum sem á þingadómun; váru þar kviðir bornir, reifð mál ok dæmð.

After that Kjartan summoned Þórir viðlegg, and Þórðr kausi [summoned] Þóroddr the farmer, for going through the homestead without permission and depriving people of both life and health; all of them were summoned, who sat by the fire. Then a door-court was called and the charges recited, and it proceeded in all ways as at the courts at the *þing*: the cases were summed up and judged and the verdicts carried out.

(p. 151)

So far, so standard, especially for a saga interested in legalities like *Eyrbyggja* is. The unusual thing here is that the defendants are not living; they are a group of *draugar* [corporeal ghosts of the deceased], eventually got rid of by a combination of legal action and Christian exorcism. The synergy here between old and new, secular and religious, in striving for social order and control has been explored before.²⁵ Interesting here is that *Eyrbyggja* uses legalities in exactly the same way as it does for ordinary cases: specific charges are laid and technical terms for the procedures given, while the same techniques used to establish 'saga law' thus far in the saga carry the plot along as if there is nothing strange about there being formal summonses to be made against *draugar* or formal procedures to be undertaken in carrying them out

25 E.g. Torfi H. Tulinius, 'Hlutverk goðorðsmannsins: *Eyrbyggja* saga sem hugarsmið frá 13. öld', *Ritið: Tímarit Hugvísindastofnunar Háskóla Íslands*, 2005.3, 39–55; John D. Martin, 'Law and the (Un)dead: Medieval Models for Understanding the Hauntings in *Eyrbyggja* saga', *Saga-Book of the Viking Society*, 29 (2005), 67–82.

(it is notable too that, apart from another instance elsewhere in *Eyrbyggja* (Ch. 18), door-courts are nowhere else mentioned and there is no evidence for their historicity,²⁶ but what they may be is perfectly clear in the saga). The detailing of the legalities has a ritual effect (equivalent to the Christian rites carried out by the priest) that the ghosts cannot help but be affected by.²⁷

As in *Njála*, the use of legalities in *Eyrbyggja saga* adds to the legally steeped tone of the saga overall, making more vivid the atmosphere of the dramatized world – a world in which the law pervades every action, even to the extent that it seems natural that ghosts should be dealt with in a similar way to living offenders, or that they too should acknowledge when they have gone beyond the borders of the legal and should recognize and respect the law.

IV. *Laxdæla saga* [‘The Saga of the People of Laxárdalur’]

In contrast to the sagas discussed so far, in *Laxdæla saga* a conscious choice seems to have been made to exclude detailed legal reference – as is the case with its reference to but non-citation of skaldic verse.²⁸ In fact, as I will show, although legal themes run through the saga, its apparent aversion to legalities is striking.

In general *Laxdæla* cuts straight to the kernel of legal matters. Rather than elaborating the details of a land dispute, for example, only the basics are stated:

Hrútr leitaði laga um mál þetta, hversu fara ætti; ok er þetta mál var rannsakat af lögmannnum, þá gekk þeim Hrúti lítt í hag, ok mátu menn þat mikils, er Hrútr hafði sett lausingjann niðr á óleyfðri jörðu Høskulds, ok hafði hann grætt þar fê; hafði Þorleikr drepit hann á eignum þeira feðga.

[Hrútr consulted the law about this case, how it might go; but when the matter was investigated by legal experts, they found little in Hrútr’s favour, and men made much of it that Hrútr had established the freedman on Høskuldr’s land without permission, and he had increased his wealth there; Þorleikr [Høskuldsson] had killed him on property belonging to the father and son].²⁹

Here, a sufficient ‘saga law’ is established for the plot to move on (namely, that the freedman had benefited from Høskuldr’s land, and moreover was

26 See, for example, *Eyrbyggja saga*, p. 35, n. 7.

27 Cf. Allen’s thoughts on the role of legalities in *Njála*, cited in n. 11, above.

28 See Section I, above.

29 *Laxdæla saga*, ed. Einar Ól. Sveinsson, Íslensk fornrit 5 (Reykjavík: Hið íslenska fornritafélag, 1934), p. 71.

on it at the time he was killed; therefore Þorleikr was within his rights to kill him and Hrútr has no case for manslaughter). However, we are given only the very basics; the legalities are not explicated and the incident is not developed into a legal scene. This is the second time Hrútr is somewhat short-changed by the law over land; earlier, we are told that ‘Hǫskuldr tók fé allt, en Hrútr, bróðir hans, átti hálf’ [Hǫskuldr took all the property, though Hrútr, his brother, [rightly] owned half] (p. 16). Hrútr then spends three years pursuing the case, and ‘kølluðu þat flestir, at Hrútr hefði rétt at mæla’ [most people said that Hrútr had the right in the case] (p. 45), but Hǫskuldr argues that their mother married Hrútr’s father without his (Hǫskuldr’s) consent, as her legal guardian. Eventually the brothers iron out their differences between themselves, without the aid of the law.

Many of the legal issues in *Laxdæla* are, as in the examples given, concerned with inheritance and property rights, important themes in the saga. As such, law underlies the narrative and the plotline, such as when Þorsteinn and his household are drowned, and the exact order of the deaths is stated because this affects to whom the inheritance falls (Ch. 18). A dispute arises when the sole survivor, Guðmundr, puts about two different versions, and the legal implications are unravelled and clearly explained in the narrative. (Rather ironically, however, the dispute is eventually resolved by a corrupt and somewhat farcical ordeal, rather than by a court case.) In all of these examples, as in *Eyrbyggja*, an awareness of at least the basics of the relevant laws is implicit. The audience is alerted to the facts; it is apparent that problems will arise, and why. *Laxdæla*’s use of the law in this manner differs from that of *Eyrbyggja* in at least two major ways, however. First, the underlying issues concern basic rights that happen to be protected by law, rather than legal technicalities themselves. To clarify, we may assume that Hǫskuldr would be upset about Hrútr settling the freedman on his land whether or not there was a law against it, and Hrútr would be upset that Hǫskuldr had taken their mother’s entire inheritance no matter what the legal position was, while Snorri *goði* is really only able to protest against Arnkell’s killing of the slaves because of a technicality of the law. Second, *Laxdæla* does not develop legalities into episodes involving legal wrangles, court scenes, or crafty lawyers.

I suggested earlier in this essay that legalities and skaldic verse can be productively compared, and Guðrún Nordal’s observations on the role of verse in *Laxdæla* are interesting here. She offers two explanations for its lack:

Skaldic verse in *Laxdæla saga* — or the absence of skaldic verse — shows that the author is not looking for cultural associations in the world of Icelandic indigenous traditions, but instead he is looking to the conventions of courtly romance ... All the verse is simple in style, which suggests an audience not trained in skaldic verse-making.³⁰

The law is, of course, another ‘Icelandic indigenous tradition’, and it may be that, inhabiting the same sphere of cultural meaning, it, too, was disregarded for this reason. It is true too that, without complex legalities, *Laxdæla*’s use of the law also seems to be ‘simple’, perhaps (although not necessarily) suggesting an audience – or indeed author – not trained in the law, either: the narrator explains the minimum legal detail necessary to the plot, and otherwise does not draw upon legalities. It is notable that the main areas of law the saga is concerned with relate to ‘family law’, mainly inheritance or marriage and divorce laws; it has been suggested that *Laxdæla* was originally composed with a largely female audience in mind,³¹ and these are areas which women may be expected to have an interest in and familiarity with.

However, I do not think these reasons sufficient in themselves to account for *Laxdæla*’s treatment of legalities. Its rejection of legalities amounts to more than a decision not to utilize them, or to utilize them minimally.³² As I will demonstrate below, the author repeatedly draws attention to the fact that he is doing so, and this is remarkably consistent across a range of legal elements.

I have argued elsewhere that the term *lögmaðr* [lawyer, *lit.* ‘lawman’] (or the semantically equivalent *lagamaðr*³³) has, in *Íslendingasögur* usage,

30 ‘The Art of Poetry and the Sagas of Icelanders’, in *Learning and Understanding in the Old Norse World: Essays in Honour of Margaret Clunies Ross*, eds Judy Quinn, Kate Heslop, and Tarrin Wills (Turnhout: Brepols, 2007), pp. 219–37 (p. 228).

31 E.g. Judith Jesch, *Women in the Viking Age* (Woodbridge: Boydell, 1991), pp. 199–200.

32 There are a number of other sagas which make very little use of legalities, but which do not highlight the fact. Notable are: perhaps surprisingly, the outlaw saga *Gísla saga* [‘The Saga of Gísli’]; and three poets sagas, *Gunnlaugs saga ormstungu* [‘The Saga of Gunnlaugr Serpent-Tongue’], *Hallfreðar saga* [‘The Saga of Hallfreðr’], and *Kormaks saga* [‘The Saga of Kormakr’]. This may be because the predilection of the audiences of these latter sagas was for skaldic verse, not for legalities; and/or that the thematic focus of these sagas, as skald biographies, gives less prominence to legal subject matter.

33 *Lagamaðr* was used by some scribes to avoid confusion after the office of *Logmaðr* replaced the Commonwealth-period *Lögsögumaðr*. See Brennu-Njáls saga, p. 5, n. 3.

a precise, specialized sense denoting especial knowledge of the law coupled with implied wisdom and sagacity, a definition which seems to be backed up by *Grágás*.³⁴ Outside *Njáls saga*, which has seven *løgmennt*, only five characters are so dubbed elsewhere in the *Íslendingsögur* corpus.³⁵ *Laxdæla*'s Þórðr Ingunnarson is one of them, but he is the only one whose legal ability has no bearing on the plot of the saga in which he features; neither is he ever seen performing any legal action (Guðrún includes his skill as one of his high points in her enigmatic response to the question which of her husbands she loved the most, however). In addition, *Laxdæla* has this to say about the chieftain Þorkell Eyjólfsson:

Þorkell Eyjólfsson gerðisk hofðingi mikill; helt hann sér mjök til vinsælda ok virðingar. Hann var maðr heraðríkr ok málamaðr mikill; þingdeilda hans er hér þó ekki getit.

[Þorkell Eyjólfsson became a great *hofðingi*; he gained for himself much popularity and esteem. He was very influential in the district and a great participator in lawsuits; his dealings at the *þing* are not, however, mentioned here.]
(p. 204)

In these examples, it seems it is important to mention the legal expertise of prominent figures, but not in order to introduce any legal action into the saga. It could be that this was a formulaic attribute, adding to the portrayal of a well-rounded chieftain (it could also be, of course, that legal expertise was something remembered about such figures, and the author is dutifully recording traditions which have come down to him). However, as I have suggested, when we look at other legal aspects in *Laxdæla*, there seems to be something more going on than the mechanical deployment of formulaic elements. This is hinted at when the narrative draws attention to the fact that it is not about to mention Þorkell's dealings at the *þing*.

In fact, hardly anyone's legal dealings at the *þing* are mentioned in *Laxdæla*. *Þing*-meetings are actually fairly prominent in the saga, as vibrant and lively settings for 'positive social interaction'.³⁶ However, of the eight scenes in the

34 Burrows, 'Literary–Legal Relations', pp. 163–73.

35 Burrows, 'Literary–Legal Relations', pp. 165–66; *contra* Miller, *Bloodtaking and Peacemaking*, pp. 226–27.

36 Vésteinn Ólason, 'Topography and World View in *Njáls saga*, with Special Reference to the Function of the Thing', in *Guder på Jorden: Festskrift till Lars Lönnroth*, eds Stina

saga set at the Alþing or a local *þing*, seven of them make no reference at all to court cases.³⁷ Instead, Óláfr and Þorgerðr get betrothed there (Ch. 23), business is transacted there (Ch. 37), and while Óláfr does make a grand and eloquent speech at *Lögberg* [the Law Rock], it is in order to invite people to a feast at his home, rather than to expound some new article of law or constitution (Ch. 27). In one *Alþing* scene, an account of a portentous talking (in fact skaldic-versifying) cloak is described in detail, but when the incident it forebodes is carried out, and Þorgils decapitates Auðgísl, the author refers the audience who might wish to know the details of the subsequent legal proceedings to another source: ‘Sæzk var á víg þessi, sem í sögu Þorgils Hóllusonar segir’ [A settlement was made regarding this killing, as it says in the saga of Þorgils Hólluson] (p. 199). Only the aftermath of the killing of Kjartan, namely the outlawings of the Ósvífssons, merits legal action set at a *þing* – but even this is a brief descriptive scene, with no dramatic elaboration of the proceedings (Ch. 51).

Þing-meetings are shown in *Laxdæla* to be important parts of medieval Icelandic life, but their original and primary function, as legal meetings, seems to be trivialized by the saga’s descriptions of them. For example, we are told of a meeting held between Scandinavian rulers as a forum for important matters which kings may wish to discuss: ‘Þat þótti skemmtanarþór at sækja þann fund ... Þangat var ok kaupstefnu at sækja’ [It was thought an entertaining expedition to attend ... It was also a good market to attend] (p. 22). Of the activities which went on there: ‘Fundr þessi var allfjölmennr; þar var skemmtan mikil, drykkjur ok leikar ok alls kyns gleði; ekki varð þar til stórtíðenda’ [This meeting was very full of people; there was great entertainment, drinking and games and all kinds of amusements; nothing happened there that was of any great note] (p. 22). Here, as with Þorkell Ingunnarson’s legal dealings, or the killing of Þorgils Hólluson, the saga seems to go out of its way to avoid legalities, and in fact highlights all the other activities, the festivities, which were taking place – anything but the legal. Although this scene is set outside Iceland, native *þing* are treated the same way: ‘er kyrrt þingit’ [the *þing* is quiet] (p. 92); ‘Þa er [Óláfr Hóskuldsson] var tólf vetra gamall, reið hann til þings, ok þótti monnum þat mikit ørendi ór þóðrum sveitum, at undrask, hversu hann var ágætliga

Hansson and Mats Malm (Stockholm: Brutus Östlings Bokförlag Symposion, 2000), pp. 131–41 (p. 131).

37 See further Burrows, ‘Literary–Legal Relations’, pp. 192–93.

skapaðr' [When Óláfr Høskuldsson was twelve years old, he rode to the *þing*, and it seemed to men from other districts a worthwhile purpose to come and see how excellently built he was] (p. 38). In this latter example, the implication is that travelling to the *þing* to marvel at Óláfr is a worthwhile purpose, whereas attending for its own sake would not be.

Had the author wished to avoid legalities either because he was looking to foreign models, which did not contain complex legalities, or because his audience was unacquainted with the details of the law, he could have done so merely by omitting them, rather than drawing such pointed attention to the fact. Although I would not go so far as to claim that the narrator is parodying the saga narrative device of citing legalities (it is earlier than, for example, *Njála* or, probably, *Eyrbyggja*),³⁸ I do think that he subverts expectations of this traditional motif – partly with humorous effect – to force us to look more closely at his technique and the issues he thereby opens up.

It seems unlikely that this rejection of legalities is either an outright rejection of native cultural traditions, or a criticism of Icelandic law in the way that *Njála* so clearly is. Although the saga is famously open to foreign influences, Norwegian in particular, it is also a celebration of things Icelandic.³⁹ Moreover, the law in *Laxdæla* is not shown to fail, at least on any grand scale; nor is it, in itself, a cause for further conflicts. At worst it is largely irrelevant, with *þing* more important for their social than legal opportunities, and most disputes resolved through extra-legal means. This concentrates attention on the social themes that *Laxdæla* explores, on the perennial saga problems of vengeance and the passing of the old heroic code,⁴⁰ and on kinship ties and the resolution of disputes within them.

As Andersson implies, *Laxdæla* poses more questions than it proposes answers to,⁴¹ and a simple explanation for its treatment of legalities is difficult to find. On one level, it is a saga which has little interest in legalities, finding them largely unnecessary in the unfolding of its narrative – but one which uses them sparingly but subtly when it needs to, their overall absence highlighting the significance of their occasional presence. On another it is one which draws

38 Although we cannot know for sure in what form it was then extant, a reference to *Laxdæla saga* in *Eyrbyggja* suggests the former is the older. See also Guðrún Nordal, 'The Art of Poetry', p. 227.

39 Andersson, *The Growth*, p. 148.

40 E.g. Vésteinn Ólason, *Dialogues*, pp. 173–79, 198–205.

41 Andersson, *The Growth*, p. 140.

attention to its own unique treatment of law, challenging both the way we view legalities as a saga motif and their role within Icelandic society itself.

V. Conclusions

In this essay, I have begun, through the use of case studies, the larger task of demonstrating that the *Íslendingasögur* should not be treated as a homogeneous group in their citation of legalities, and that a full appreciation of the techniques, effects, and purposes to which they are put in individual sagas should be examined on a case-by-case basis. The three case studies show clearly that legalities are used to differing extents within different sagas, and I have demonstrated some of their literary effects. In *Njála*, for example, we saw legalities used to create a courtroom atmosphere, while their sheer excessiveness and complexity represented the obstruction of true justice by legal technicalities. In *Eyrbyggja*, the explication of legalities allowed for an authoritative narrative tone, and they were used as building blocks with which the plot was constructed and supported – perhaps a reflection of the role of the law in society, in the author’s eyes at least. Finally, in *Laxdæla* we saw an author with a different narrative strategy, in which legalities were not prominent, or seen as necessary to the plot or structure, but where their very absence gave cause for reflection on their role in saga and society.

Elsewhere, in a preliminary survey, I have found that date or place of composition does not appear to be a significant factor affecting the use of legalities across the *Íslendingasögur*: it is not the case, for example, that sagas composed at around the time the new law codes were being introduced take a sudden interest in quoting Commonwealth-period, or in fact new, articles of law.⁴² We might expect to find a strong interest in the law in sagas associated with the Sturlung circle, given the legal connections of this family, but *Laxdæla saga* proves that this is not necessarily the case – parallel to Guðrún Nordal’s observation that the same saga seems to have found an audience untrained in skaldic verse, even within the skaldic milieu of the Sturlungs.⁴³

Legal matter did, of course, exist in oral tradition; stories about conflicts, and about cases, were remembered, and were associated with particular figures or groups of people. Doubtless, on some occasions, quite specific details were preserved – if the case was a particularly unusual one, for instance, or the legal arguments employed were particularly clever. Perhaps some episodes

42 Burrows, ‘Literary–Legal Relations’, pp. 203–29.

43 ‘Why Skaldic Verse?’, *passim*.

were even preserved because legal experts remembered them as precedents. During the period between the *söguöld* [Saga Age] and the *ritöld* [Age of Writing], some story-tellers, perhaps those with legal experience, remembered legal details more accurately, while those with less expertise confused them or considered them unimportant, allowing them to be forgotten. Meanwhile, still others, with a greater interest in the legal, elaborated upon the traditions; being aware, perhaps, of the existence of a dispute, and applying their own knowledge and experience to build up the details and create a sustained narrative about a legal event.⁴⁴ The individual *Íslendingasögur* in the form in which we have them reflect these different processes of remembering, telling, and retelling. A *Njáls saga*, for example, which did not go into such legal complexity as the version we have, which perhaps described the fact that its characters contended against one another, that court cases were held, but without the intricacies of how and why, could have been written. Perhaps it would be shorter; perhaps its focus would be elsewhere. The fact is, this is not the version that was crafted into a saga, committed to vellum, and preserved.

In arguing that a saga author could choose whether or not to include legalities, however, I do not mean to suggest that they are easily dispensable, that passages of legal detail could be included or left out with no significant effect on the overall narrative beyond a legal flavour or intellectual puzzle to satisfy the quirks of a lawyerly audience or author. The effects of legalities are much subtler than this. A parallel can be drawn, once again, with skaldic verse. Although the inclusion of skaldic verse in *Íslendingasögur* narrative, has, like legalities, not always been to the tastes of modern audiences, few today would claim that it adds nothing to the text and could therefore just as well be removed.⁴⁵ The manuscript tradition of *Njáls saga* provides a thought-provoking case. The Möðruvallabók redaction, the one chosen by its *Íslensk fornrit* editors as the base text and consequently the one most familiar today, contains little skaldic verse in the first part of the saga. As Guðrún Nordal has recently shown, however, other manuscript redactions have different

44 Compare the invention or re-attribution of skaldic verse to characters in the *Íslendingasögur* as part of the narrative strategy (see further, for example, Preben Meulengracht Sørensen, 'The Prosimetrum Form 1: Verses as the Voice of the Past', in *Skaldsagas: Text, Vocation and Desire in the Icelandic Sagas of Poets*, ed. Russell Poole (Berlin: Walter de Gruyter, 2001), pp. 172–90).

45 For a recent study of the effects of skaldic verse in saga narrative, see Heather O'Donoghue, *Skaldic Verse and the Poetics of Saga Narrative* (Oxford: Oxford University Press, 2005).

proportions of skaldic verse; several, in particular, attribute verses to Gunnarr and to Skarphéðinn.⁴⁶ This alters, among other things, our perception of the characters, the balance of the narrative, the significance given to different events, and the effect of other verses in the saga. This is not to say that the Möðruvallabók redaction is weaker than the other manuscript versions of *Njáls saga* because it contains less poetry; nor, for example, is *Laxdæla saga* weaker than *Njáls saga* for the same reason.⁴⁷ In the same vein, I do not suggest that sagas making little use of legalities are somehow weaker than those with higher proportions because they do not expand on technical legal detail. They are simply different, with different effects, focuses, and emphases.

It may be ‘a very nearly universal rule ... that a saga is built around a conflict’,⁴⁸ and medieval Icelandic conflicts almost inevitably involved legal process somewhere down the line. However, I have demonstrated that the *Íslendingasögur* are both careful and idiosyncratic in their treatment of the law. *Laxdæla saga*, for example, shows clearly that legal conflicts could be interesting and saga-worthy subject matter without a complex exposition of legalities. It should no longer be acceptable to state merely that the sagas are obsessed with law; rather, the way in which legalities are used as part of the narrative strategy of individual sagas richly rewards a closer consideration.

Department of English
University of Sydney

46 ‘Attraction of Opposites: Skaldic Verse in *Njáls saga*’, in *Literacy in Medieval and Early Modern Scandinavian Culture*, ed. Pernille Hermann, The Viking Collection, 16 (Odense: University Press of Southern Denmark, 2005), pp. 211–13.

47 Cf. e.g. O’Donoghue, who considers the narrative strategy of the verse-less *Hrafnkels saga* as an epilogue to her study of the effects of skaldic verse. O’Donoghue explicitly states, however, that she is not ‘making any claim that the absence of verses ... is necessarily the result of an exercise of literary choice on the part of the saga author’ (p. 229). I am more inclined, however, to ‘venture ... into the swamps of intentionality’ (p. 229), and my own argument is based on precisely such a claim.

48 Theodore M. Andersson, *The Icelandic Family Saga: An Analytic Reading* (Cambridge, MA: Harvard University Press, 1967), p. 11.

