

## DISPUTE RESOLUTION IN THE SAGAS

THE resolution of dispute in the family and early Sturlunga sagas<sup>1</sup> cannot be categorized without taking into account medieval Iceland's methods of dispute settlement. These methods were central to the operation of Iceland's nonhierarchical society and, as a means of managing violence, contributed to the control of feud from the tenth to the thirteenth century. The sagas, with their many descriptions of resolutions, are literary evidence of a national process of limiting random violence. Generally, the goal of resolution in the sagas was social stability rather than justice for a victim. With no police apparatus to enforce legal decisions, an Icelander who successfully prosecuted a case was required to enforce, on his own, the court verdict. The heavy burden thus placed upon the individual was perhaps one reason for the intense interest displayed by sagamen in detailing resolutions both in and out of court.

In saga literature precedents are called upon; methods of dealing with *ójafnaðarmenn* and other dangerous characters are offered; guidelines for the behavior of successful middlemen abound; means of settlement are outlined; and ways of establishing and maintaining ties of reciprocity are described. Our ability to come to terms with this material is determined to a large measure by our awareness of the operating structures of medieval Iceland and the associations, not of fact but of form, which existed between the sagas and the society that produced them. In this article I first look at aspects of medieval Icelandic society which bear on feud and its resolution and then propose three broad categories of resolution in the family sagas. In the interest of brevity, I have restricted the use of examples to the second section of the article where the cate-

<sup>1</sup> Throughout this article I refer to the standard *Íslensk fornrit* edition of the family sagas (Reykjavík: Hið íslenska fornritafélag, 1933–1968). I abbreviate the edition *ÍF*, giving volume numbers. References to *Sturlunga saga* are taken from the standard edition, *Sturlunga saga*, ed. Jón Jóhannesson, Magnús Finnbogason, and Kristján Eldjárn (Reykjavík: Sturlunguútgáfan, 1946, 2 vols.).

gories fit with our understanding of a society that operated by consensus rather than by decree.

Resolutions, whether temporary or final, may be direct, arbitrated, or rejected. Each type of resolution may occur with or without violence and either in or out of court. As a saga progresses through a number of small disputes, the audience is presented with a series of resolutions, not all of them final. For example, a resolution often failed to satisfy one or more of the disputing parties and led instead to new acts of conflict and further resolutions.

The way in which resolutions set within the Icelandic social milieu could easily be turned into sources of new disputes was a key factor in the sagaman's art of constructing large and complex feuds out of often simple issues. For example, *Vápnfirðinga saga* (ÍF 11) describes an extended feud between two local leaders, Brodd-Helgi Þorgilsson and Geitir Lýtingsson. This feud, the largest of three similar extended feuds between kinsmen in the saga, includes arbitrated settlements, a number of rejected resolutions, and a variety of direct resolutions, including killings. The animosity that arises from each resolution provides both a rationale for the coming action and an escalating tension that helps to bind the tale together.

The importance of resolution, as a necessary step in saga feud, has been apparent to many researchers. Previous attempts to define resolution have concentrated on aspects other than the role it plays in the Icelandic system of limiting violence. For example, Andreas Heusler, in writing extensively about the legal ramifications of feud,<sup>2</sup> directs his analysis of resolution to the ways in which an injured party could achieve satisfaction: "Es gibt für den Verletzten die drei anerkannten Wege zur Genugtuung, Rache, Vergleich und Dingklage, *hefnd*, *sætt*, und *sókn*."<sup>3</sup> There are several problems with Heusler's formulation. One is that the category of "revenge" refers only to the taking of direct

<sup>2</sup> *Das Strafrecht der Isländersagas* (Leipzig: Duncker and Humblot, 1911), esp. pp. 38–40, and *Zum isländischen Fehdewesen in der Sturlungenzeit*, *Abhandlungen der königlich preussischen Akademie der Wissenschaften, Phil.-hist. Klasse*, 1912, no. 4 (Berlin, 1912), esp. pp. 19–20.

<sup>3</sup> *Fehdewesen*, pp. 19–20.

<sup>4</sup> The broader aspects of revenge in both the sagas and *Grágás* are considered by Ólafur Lárusson in "Hefndir", *Lög og saga* (Reykjavík: Hlaðbúð, 1958), pp. 146–178, and Lúðvík Ingvarsson in "Hefnd", *Refsingar á Íslandi á þjóðveldistím- anum* (Reykjavík: Bókautgáfa Menningarsjóðs, 1970), pp. 62–93.

violent action. This designation is too limiting, because the desire for revenge can be the motivation for any form of resolution, whether arrived at through private arbitration or by legal action.<sup>4</sup> Heusler's concentration on the aggrieved party's desire for satisfaction (*Genugtuung*) provides only part, albeit an important part, of the whole picture of resolution. Dispute settlement as it is presented in the sagas is dependent on the operation of preexisting systems of legal and social relationships. Although Heusler considers legal issues, he passes over the fact that community satisfaction rather than justice for an injured party was usually the deciding factor in arranging a settlement.

More recently Theodore Andersson has considered the resolution of dispute through purely literary concepts.<sup>5</sup> He describes three ways in which Icelanders arrived at the settlement of a dispute: (1) self-judgment; (2) agreement by the "antagonists" that a neutral arbitrator make a binding decision; and (3) establishment of an arbitrating commission to which both "litigants" appointed representatives. Because Andersson based his categories on literary modes, he did not consider societal and legal undercurrents. In keeping with this approach, his categories are severely limited because of his need to fit whole sagas into his six-part syntagmatic order. For example, Andersson's first category, *sjálfðæmi* (self-judgment), is only one of many possible types of settlement which could be arrived at directly between individuals.<sup>6</sup> His second and third categories are really two related forms of arbitration: by an individual and by a commission. The number of arbitrators intervening in a dispute depended more on circumstances than on an inherent difference between two forms of arbitration. Andersson's distinction holds up only as a differentiation between subcategories of arbitration; it does not define two separate kinds of resolution. What Andersson seems to be saying by using the terms "antagonists" in the first category of arbitration and "litigants" in the second is that the distinction between the two lies in whether or not a dispute was settled through a court case.<sup>7</sup> If my inter-

<sup>5</sup> *The Icelandic Family Saga: An Analytic Reading* (Cambridge: Harvard University Press, 1967), p. 25.

<sup>6</sup> To confuse matters even further, Andersson states on the same page (*ibid.*, p. 25) that "self-judgment is never used as a final solution in the reconciliation section of a saga"; apparently he has forgotten the moving scene at the end of *Vápnfirðinga saga* (*ÍF* 11, ch. 19). See also *Icelandic Family Saga*, pp. 277-278.

<sup>7</sup> This supposition is reinforced by Andersson's statement made a few pages later when discussing revenge: "In about half of the sagas the termination of con-

pretation is correct, then Andersson's categories, like Heusler's, focus on whether a settlement was made in or out of court. Since many settlements in medieval Iceland, however, had legal implications even if they were not worked out in a court of law, the presence or absence of legal action actually tells us very little and leads to imprecise categorization. For example, a resolution such as *sjálfðæmi* might be associated with a direct settlement, an arbitrated agreement, or a rejected resolution. All these had legal attributes such as contractual agreements, fines, and banishments. The following three examples show how self-judgment may be considered as an illustration of any one of the above categories.

An easily recognizable example of direct resolution is the series of *sjálfðæmi* which Njáll and Gunnarr arrange privately at the Althing as a response to the feud between their wives (*ÍF* 12, chs. 35–45). Gunnarr publicly announces at the Althing the final resolution in this series of small disputes (ch. 45). The Deildartungumál dispute in *Sturlunga saga* (I, *Sturlu saga*, chs. 30–36) offers a reasonably well-documented example of *sjálfðæmi* which comes about as part of an arbitrated settlement. Although legally binding, the *sjálfðæmi* terms that Hvamms-Sturla privately imposes on Páll Sölvason are so harsh that community pressure later causes them to be changed in an open case at the courts. At other times in the sagas an aggressive party refuses to consider the possibility of negotiation. Such conduct forms the basis of rejected resolution, the third large category. An example is Hænsa-Þórir's flat rejection of Blund-Ketill's offer to come to terms (presumably by granting self-judgment) during Þórir's burning of Blund-Ketill's farmhouse (*ÍF* 3, ch. 9).

A more precise categorization of resolution, one that takes into consideration Iceland's system of limiting violence, is based on the distinction between a resolution negotiated directly by the concerned parties and a settlement brought about through the intervention of arbitrators. By showing the roles of individuals acting as advocates to bring about resolution, such a categorization reflects more closely the varied ways of resolving feud in the sagas.

The importance of advocacy to the Icelandic system of government and conflict management lay in the fact that the chieftains, the island's flict is confirmed by an express reconciliation between hostile parties. The reconciliation is either in the form of a personal agreement or of a legal arbitration" (*Icelandic Family Saga*, p. 29; see also p. 23).

only effective governmental officials, did not rule territorial areas within which their thingmen lived. Instead, the *goðar* served as leaders of interest groups and vied for the allegiance of the *bændr* who lived interspersed among them.<sup>8</sup> The resulting patchwork of alliances not only allowed small farmers significant freemen's rights but granted the more influential among them a high degree of political independence. In the sagas influential farmers such as Njáll Þorgeirsson, Helgi Droplaugarson, and Blund-Ketill Geirsson, to name a few, act as the equals of chieftains; even though they have no legal following of thingmen, their movements are treated with the same attention as those of *goðar*. Together, chieftains and important farmers—often called *stórbændr* in later centuries—formed a core group of arbitrators and advocates who were active in the process of resolution. In the family and Sturlunga sagas, compromises and resolutions are often effected in an orderly way through the pivotal intervention of these advocates, whom I call brokers, whether they are *goðar* or *bændr*. The term brokerage is suitable to describe the dominant form of advocacy in the sagas because it reflects the contractual quality of the enterprise by which middlemen repeatedly intervene in the affairs of others to provide a service or to arrange for assistance.

Brokerage is not a very complex procedure.<sup>9</sup> It is the means by which an individual seeks the support of another individual, usually more powerful than himself, and relies on ties of obligation, such as kinship, political agreements, or financial transactions. These ties may already be in existence when an individual and a broker decide on a certain activity, or they may be created in response to a new situation. In most societies brokerage has a well-defined place, though it is often a peripheral and private practice. What is unusual in Iceland is that brokerage was elevated to the status of a central and often public process. The major reason for its significance was the lack of governmental institutions to which an individual in need might turn. In the usual procedure described in the sagas a farmer turned to his *goði*, although often

<sup>8</sup> From here on, the term "farmer" is used interchangeably with the Icelandic term *bóndi* (pl. *bændr*). The terms "chieftain" and *goði* (pl. *goðar*) are also used interchangeably. It follows that the office of the *goði*, the *goðorð*, is comparable to the term "chieftaincy."

<sup>9</sup> See J. L. Byock, *Feud in the Icelandic Saga* (Berkeley, Los Angeles, London: University of California Press, 1982), esp. ch. 5 and App. C.

farmers approached chieftains with whom they were not "in thing" or other farmers with a reputation for being aggressive. A broker often acted as a bridge between a person and the successful resolution of his case; it could be a matter of life or death.

In the sagas brokers such as Snorri goði, Njáll Þorgeirsson, Víga-Glúmr, Flosi Þórðarson, Helgi Droplaugarson, Höskuldr Dala-Kollsson and his son Óláfr pái, Guðmundr inn ríki, Gunnarr Hlífarson, and Mörðr Valgarðsson are marked by their exceptional understanding of how to manipulate the processes of decision making within their society. Before becoming involved in a feud or going to court, such individuals often worked ahead of time to prepare the way for success. For instance, they reestablished obligations and formed new alliances, thus ensuring themselves of the support needed to survive the consequences of their actions. The sagas often contain detailed accounts of the preparations undertaken by successful brokers to bring about favourable settlements. An example is the long description of Flosi Þórðarson's walk through the East Fjords in search of support for the coming court case after the burning of Njáll (chs. 133–134).

Successful brokers were distinguished from other less successful characters such as Gísli Súrsson, Skarpheðinn Njálsson, Gunnarr of Hlíðarendi, Grettir Ásmundarson, and Hallfreðr Óttarsson. Although characters in this group usually acted with courage and honor, they lacked political forethought when becoming involved in feuds. They failed to develop the type of reciprocal political ties that would allow them to survive the consequences of their acts. Instead, almost as the opposite of successful brokers, they tended to act alone, forgetting that the processes of successful decision making in Old Icelandic society were tied to a power network. Such characters were usually unsuccessful in having their violent resolutions legitimated in court. They failed to perceive that no act of violence in Iceland occurred in isolation from political life, however justified or honorable it might be.

Icelandic society maintained its stability by limiting violence to acts that could be resolved through adjustments within the network of obligations which bound Iceland into a social whole. This network, which focused on local brokers, reinforced an extraordinary governmental order, one that operated with only minimal chains of authority. Iceland, with no governmental executive, functioned without the aristocrats or officials who would have formed a hierarchical chain of command suf-

ficient to provide the society with a policing apparatus. As the only centralized decision-making bodies in the society, the *lögrétta* and the *fjórðungsdómar* endorsed the principle that stability was to be maintained through compromise between individuals rather than through governmental fiat. Even when chieftains were involved, the maintenance of order and the enforcement of judicial decrees were seen as mainly private matters.

The open granting of power to private individuals rather than to officials differentiated Iceland from continental governments whose executive components, to the best of their abilities, guarded princely prerogatives and often tried to enlarge the governmental right to command. Thus Icelandic and continental political roles and intentions were sharply divergent. Unlike the underlying philosophy of government which held sway throughout medieval Europe, the Icelandic societal order did not strive to supplant private feud. Instead, Iceland, which until the thirteenth century did not have to contend with continual foreign intervention, organized its judicial apparatus, indeed its entire society, to assist and expedite the resolution of feud. Heusler had good reason to write that in Iceland "der Gerichtsgang ist eine stilisierte Fehde."<sup>10</sup>

The concentration on controlling feud had far-reaching consequences for the development of the insular northern society. Rather than an aberrant and socially destructive force to be controlled by sheriffs, bailiffs, marshals, and royal justiciars, feud in Iceland was, at least for the first few centuries, a socially accepted process. To feud fell the responsibility of regulating wealth, power, and status. The ambitions of individuals and the fate of families hung in the balance.

In the details of its operation the Icelandic process of limiting violence was extremely complex; nevertheless, even into the thirteenth century the society functioned in a systematic way. The overall structure of this societal process is clearly outlined in the sagas. The sagas about feuding Icelanders exhibit a narrative pattern with increasing numbers of characters taking part in disputes that begin as small matters. The inclusion of the community is often presented as necessary in order to reach resolution, whether arrived at privately or publicly. Indeed, the frequently noted realism of the sagas rests on the plausible manner in which new characters, often brokers, are drawn into disputes as a means of helping

<sup>10</sup> *Strafrecht*, p. 103.

others resolve problems. The three types of resolution discussed in this article—direct resolution, arbitration, rejected resolution—serve as simplified categories of resolution found in the sagas.

#### DIRECT RESOLUTION

Direct resolution was usually a face-to-face agreement between the concerned parties. The meeting might take place in or out of court, but a settlement reached privately was often legitimated later at an assembly. The category of direct resolution is divided into the two subcategories of resolution with violence and resolution without violence.

*Direct resolution with violence.*—In an example from *Ljósvetninga saga* (*ÍF* 10, A, ch. 9; C, ch. 19), Guðmundr inn ríki kills Þorkell hákr because of an insult. Here as elsewhere in the sagas, the ramifications of a violent resolution depend upon the importance of the person killed and the responses of powerful figures in the region and elsewhere on the island. In this instance Guðmundr, before acting against Þorkell, has to be prepared to placate those who hold the right to vengeance. Following the advice of his foster brother Einarr Konálsson, he decides to prosecute a series of cases against the thingmen of another enemy, the *goði* Þórir Helgason. By doing so Guðmundr will amass enough wealth to pay for the vengeance he intends to inflict on Þorkell.

In the sagas, the imposition of fines is presented as a practice sharply limiting the amount of violence, insult, and aggression that could be successfully carried out. This literary information is in agreement with the lawbooks; a large part of *Grágás* is devoted to cataloging the fines and punishments to be levied for different forms of aggressive action. Although it is unclear from the sources to what degree the entries in the lawbooks were observed, the family and early Sturlunga sagas consistently imply that an individual could not hope to settle more cases against him than he could pay for.

The sagas detail many other examples of the planning and execution of successful resolutions. *Njáls saga*, with its usual artistic blend of social detail and convincing character delineation, offers an example in which the dictates of honor were weighed against the costs of achieving vengeance. As the result of the burning of Njáll, a direct resolution, the prosecutors of the burners and the burners themselves sought support for the coming court case at the Althing. Ásgrímr Elliða-Grímsson and



Gizurr hvíti, representing the prosecution, approach Snorri goði. Snorri, certainly one of the most astute, unscrupulous, and venerated brokers in the literature, refuses his direct support, but he offers something better, a plan that would make a future resolution possible (*ÍF* 12, ch. 139):

Snorri mælti: “Gera skal ek þér vináttubragð þat, er yður sæmð skal öll við liggja. En ekki mun ek til dóma ganga, en ef þér berizk á þingi, þá ráðið ér því at eins á þá, nema þér séð allir sem øruggstir, því at miklir kappar eru til móts. En ef þér verðið forviða, þá munuð þér láta slásk hingat til móts við oss, því at ek mun hafa fylkt liði mínu hér fyrir ok vera við búinn at veita yðr. En ef hinn veg ferr, at þeir láti fyrir, þá er þat ætlan mín, at þeir muni ætla at renna til vígis í Almannagjá, en ef þeir komask þangat, þá fáid þér þá aldri sótta. Mun ek þat á hendr takask at fylkja þar fyrir liði mínu ok verja þeim vígit, en ekki munu vér eptir ganga, hvárt sem þeir hörfa með ánni norðr eða suðr. Ok þá er þér hafið vegit í lið þeira svá nökkvi mjök, at mér þykki þér mega halda upp fébótum, svá at þér haldið goðorðum yðrum ok heraðsvistum, mun ek þá til hlaupa með menn mína alla ok skilja yðr; skuluð þér þá gera þetta fyrir mín orð, ef ek geri þetta fyrir yðr.” Gizurr þakkaði honum vel ok kvað þetta í allra þeira þörf mælt.

If the sagas tell of many men who succeed in negotiating and paying their way out of the repercussions that follow violent actions, the literature, as cited earlier, also gives numerous examples of individuals who fail. Such failures frequently occur when a character, especially a chieftain, is so ambitious that he refuses to negotiate a settlement. By doing so, he asserts his determination not to abide by the customary negotiation of compromise in matters of dispute. When faced with a person so overbearing and socially destabilizing—often termed *óþafnaðarmaðr*—the society had a way of protecting itself. Powerful individuals, who otherwise might have opposed violent action, condoned it on the part of opponents to such persons. Thus a society that functioned through balancing power among many brokers had available a means of curbing unrestrained ambition when it threatened the status quo. Influential persons, with their networks of obligations, tacitly supported the less aggressive of the rivals by allowing him to break the rules of the game and to kill a fellow leader with few or no legal reprisals. In such instances, the removal of a powerful but uncontrollable man not only

appealed to the self-interest of leaders but served the interest of the society as well.

Violence against an overly aggressive individual was often done by a rival wishing to gain or to recoup influence and honor. For example, in *Vápnfirðinga saga* where a feud between two chieftians has gone on for years, the thingmen of Geitir Lýtingsson present their *goði* with an ultimatum: unless Geitir stands up to the bullying Brodd-Helgi, they will abandon him (*ÍF* 11, ch. 11). Brodd-Helgi has continually humiliated Geitir by rejecting Geitir's appeals for reasonable settlement, barring Geitir from the court, and stealing from or killing Geitir's thingmen. Before taking violent action against Helgi, Geitir prearranges the support of important men from neighboring regions in the event that legal repercussions might be activated by his aggressive conduct (ch. 12). After being assured of the backing of important brokers, Geitir moves against Helgi, ambushing and killing him.

In the Icelandic tales, blood vengeance, another form of direct resolution with violence, was an acceptable way of avenging a family member.<sup>11</sup> Less frequently the sagas speak of dueling, whether the more formal *hólmganga* or the less formal *einvígi*. As a form of resolution, dueling was outlawed at the start of the eleventh century.

*Direct resolution without violence.*—This form of settlement usually occurred when two individuals, relatively evenly matched, showed little desire to clash with each other. Such situations come about in the sagas when people decide not to feud because (1) serious risks were involved, (2) friendship or kinship bonds were in force, or (3) the potential antagonists were already embroiled in other feuds. For instance, in *Laxdæla saga* (*ÍF* 5, ch. 16) a confrontation between two leaders Höskuldr Dala-Kollsson and Þórðr gellir is settled directly and peacefully. Each broker represents an individual in a divorce case that concerns a disputed dowry, and in the resolution each broker profits. Through a *handsal* agreement, Höskuldr gains the property of the husband whom he represents, and Þórðr, recognizing the weakness of the wife's legal case, accepts good gifts from Höskuldr.

As noted earlier, *sjálfðæmi* was still another kind of direct resolution occurring with or without force. *Víga-Glúms saga* (*ÍF* 9, ch. 7) offers an example where force plays an important role. The protagonist's mother

<sup>11</sup> Although the sagas are generally clear about the right of vengeance, the lawbooks are not. See Lárusson, "Hefndir," esp. pp. 157–162.

is intimidated by her aggressive neighbors into granting a *sjálfðæmi* that results in her losing a highly productive field.

#### ARBITRATION

Depending on the details of the feud and the intention of the sagaman, a single individual or a group of individuals might arbitrate. When an arbitrator is introduced in the sagas the focus of the narrative often shifts from the disputants to the arbitrator. Thus it is in *Eyrbyggja saga* (*ÍF* 4, ch. 10) when Þórðr gellir arbitrates between the Þórsnesingar and the Kjalleklingar. In most instances when arbitration had a chance of success, supporters of the feudants united to aid the arbitrator. Usually the farmers and chieftains who backed the arbitrator were concerned primarily with achieving a resolution that adjusted for the new status quo but did not seriously disturb the balance of power.

As an often public form of resolution, arbitration usually depended on negotiation and compromise, with the desired, though not always obtainable, outcome that the honor of all parties would remain unimpaired. At times arbitration was a face-saving device allowing both parties to withdraw from a critically dangerous situation. What has not been fully appreciated in studies of the sagas is that arbitration was both a socially responsible procedure and a highly profitable activity. Powerful men made themselves available as arbitrators—acting as brokers for the society—not only to maintain the status quo but also to reap whatever advantage and remuneration they could from the problems of others. Guðmundr dýri, Guðmundr inn ríki, Þórðr gellir, Jón Loftsson, and Snorri goði are a few of many arbitrators mentioned in the family and Sturlunga sagas who successfully used the practice to increase their power and wealth. When not arbitrating the quarrels of others, these individuals were often engaged in feuds of their own, wherein they had to rely on their peers for arbitration.

Arbitrators are often referred to in the sagas as *góðviljamenn* or *góð-gjarnir menn* (men of goodwill, good faith, or good intention). They usually had kinship or other forms of alliance with one party and often with both parties. In arbitration, the reputation and at times the power of the intervening arbitrator came into question, and his influence would rise or fall in accordance with his success. Descriptions of arbitration are found throughout the family and Sturlunga sagas. *Guðmundar saga*

*dýra* offers a detailed example that shows not only the renown that accrued to a successful arbitrator but also the opportunity arbitration brought him to increase his wealth and power. At the start of the saga, Guðmundr *dýri* intervenes to force a truce between two feuding groups whose quarrel has passed the point where direct resolution is possible. But the feud continues until the growing enmity between the parties threatens to destroy the stability of the whole Eyjafjörðr region. At this point Guðmundr again thrusts himself between the feuding parties, and an arbitrated settlement is finally reached. By the next summer, Guðmundr's reputation has increased so much that men from neighboring regions begin to seek his aid, and he benefits by payment received for his brokerage services.

In *Hallfreðar saga*, in a concise example of how an arbitrator was engaged, a kinsman demands "honorable" recompense before he will intervene in Hallfreðr's feud. Immediately after Hallfreðr is summoned for a killing, he is asked by his brother Galti,

"Hver er tilætlan þín um mál þetta?" Hann (Hallfreðr) svarar: "Ek ætla at sækja traust Þorkels, mágs míns." Þeir riðu sunnan um vátit ok váru saman þrír tigr; þeir gistu at Hofi. Hallfreðr spurði Þorkel, hvert traust hann skyldi þar eiga. Þorkell kvazk mundu veita at málum, ef boðin væri nökkur sœmð. Nú koma menn til þings, ok á þinginu gengu þeir Hallfreðr ok Galti til búðar Þorkels ok fréttu, hvar koma skyldi. Hann segir: "Ek mun bjóðask til gørðar, ef þér vilið þat hvártveggju, ok mun ek þá leita um sættir." (*ÍF* 8, ch. 10)

In the sagas cases were often arbitrated before going to court, the agreements then being presented at the assembly. At other times thorny court cases were assumed by arbitrators who might find a solution acceptable to all sides. A further possibility was that the court, made up of farmers appointed by chieftains, acted as arbitrator by presenting a settlement.

Sometimes one side in a feud, having arrived at a commanding position, was able to manipulate arbitration so aggressively that court verdicts against opponents, either at local assemblies or at the Althing, led to heavy fines or outlawry.<sup>12</sup> In this way a rival could be destroyed or

<sup>12</sup> For a discussion of outlawry see "Fredløshed, Island," *Kulturhistoriskt lexikon för nordisk medeltid IV* (Malmö: Allhems förlag, 1959), 603–608. A concise English summary is found in *Laws of Early Iceland: Grágás I*, trans. Andrew Den-

his power could be severely curtailed by loss of wealth and/or the banishment of valued supporters. Full outlawry and lifetime banishment were the Icelandic equivalents of a death sentence. A person subject to such a verdict usually lost all his property and his social position, the two identifying marks of one's existence. Lesser outlawry, normally banishment for three years, gave the outlaw and members of the community time to cool their tempers and to reevaluate bonds and obligations.

#### REJECTED RESOLUTION

One type of resolution could prompt another, and many of the high points in the sagas are centered on the convoluted, though plausible, means through which feuds are brought to closure. A character's rejection of resolution plays an important narrative role in many small saga feuds. Sometimes parties to a dispute refuse to honor a settlement already arrived at or to negotiate or adjudicate any agreement. I regard rejected resolution as a separate category because it was not simply a failed resolution, for any resolution could eventually end in failure; it was, rather, a specific type of action which affected the progress of feud in a particular way. Structurally, as saga feud proceeds in the face of such a rejection, the narrative slot that would have been filled by an arbitrated or a direct resolution is replaced by an active refusal to settle by at least one of the feudants. A conscious decision to bypass the other categories of resolution has a distinct place in saga narrative, ending the expectation of direct or arbitrated settlement and channeling the action toward violence. In a famous scene from *Njáls saga* (ch. 123), for example, Flosi Þórðarson at first accepts an arbitrated settlement between himself and the sons of Njáll. Later Flosi, detecting an insult, rejects the resolution, and from that point on he refuses to consider any further offer of terms. The feud then follows the only path available, that of violence—the burning of Bergþórshváll, killing most of Njáll's family.

In other instances of rejected resolution one party would go to the extreme of preventing the implementation of a court resolution. One way of achieving that objective was to bar one's opponent in a dispute from entering the court to present his case. In *Vápnfirðinga saga* Brodd-

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nis, Peter Foote, and Richard Perkins (Winnipeg: University of Manitoba Press, 1980), pp. 7–8.

Helgi twice keeps Geitir out of court (ch. 6), and thwarts all further attempts by Geitir to negotiate a settlement. In the end Geitir has no recourse but violence. A highly calculated example of rejected resolution is found in the earlier mentioned feud between Guðmundr inn ríki and Þorkell hákr. Guðmundr, having determined from the start that he will reject any form of settlement, carefully schemes the destruction of his enemy. The tale is both complex and sordid.

Women in medieval Iceland generally had more rights than their counterparts in Europe. Nevertheless, in the literature women play a decidedly backstage role in the political dealings and court cases that normally precede resolutions.<sup>13</sup> The reasoning behind curbing a woman's right to lead a prosecution comes forth in an example from *Eyrbyggja saga* after the death of Arnkell goði (*ÍF* 4, ch. 38):

Eptir víg Arnkels vǫru konur til erfðar ok aðilðar, ok var fyrir því eigi svá mikill reki at görr um vígit, sem vǫn myndi þykkja um svá göfgan mann; en þó var sæzk á vígit á þingi, ok urðu þær einar mannsekðir, at Þorleifr kimbi skyldi vera útan þrjá vetr, því at honum var kennt banasár Arnkels. En með því at eptirmálit varð eigi svá sœmiligt, sem líkligt þótti um svá mikinn höfðingja, sem Arnkell var, þá færðu landsstjórnarmenn lög á því, at aldri síðan skyldi kona vera vígsakaraðili né yngri karlmaðr en sextán vetra, ok hefir þat haldizk jafnan síðan.

This agrees with *Grágás*: "Allz huergi huerfr víg sauk undir kono."<sup>14</sup>

Because women were blocked from leading prosecutions for revenge and material compensation, they often rejected resolutions negotiated by kinsmen and initiated blood vengeance. By inciting, shaming, and goading their kinsmen, women thus set in motion a type of resolution in which they had more power to control the outcome of events. The sagas contain many colorful and dramatic rejected resolutions initiated by women. Such rejections often provide a cohesion to the dramatic activity of the saga, linking earlier actions such as the killing of a character to

<sup>13</sup> For example, consider the troubles that Þorgerðr Þorbeinisdóttir undergoes when seeking her kinsmen's help to prosecute the killers of her husband Vigfúss Bjarnarson (*Eyrbyggja saga*, *ÍF* 4, chs. 26–27).

<sup>14</sup> *Grágás* II, p. 335. *Grágás efter det Arnamagnæanske Haandskrift Nr. 334 fol., Staðarhólsbók*, ed. Vilhjálmur Finsen (Copenhagen: Gyldendalske Boghandel, 1879).

later actions such as the seeking of vengeance. When we look at an elaborate female feud, such as the contest between Hallgerðr and Bergþóra in *Njáls saga*, we see how a sagaman blended different types of resolutions. In a series of repetitive acts, Hallgerðr and Bergþóra first make arrangements to carry out vengeance. After each killing, one of the women sends a message to her husband which sets in motion a second form of direct resolution, *sjálfðæmi*. The result is a sophisticated and complex narrative that builds on small and simple forms of action. The product is a tale whose excitement to a large part is due to the plausibility of the action described.

#### CONCLUSION

Resolutions, either temporary or final, are described frequently in the sagas. The process of observing and categorizing this plausible form of action provides a key to understanding how feud and conflict management not only operated in the literature but were perceived by medieval Icelanders.

The three categories of resolution cited above give us a sense of how saga dispute was brought to a close even if a closure was a temporary stopgap in a longer feud. The functioning of the power network that inhibited random violence plays an important role in the design of resolutions recounted in the sagas. By separating resolution into the above three categories I hope to further the understanding of the systematic means by which saga characters handle violence.

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