

JOHN E. VAN DER WESTHUIZEN

SOME CONTRADICTIONS IN THE PRINCIPLES OF ICELANDIC SOCIAL
ORGANISATION

"..... what characterized pagan Iceland and early Christian Iceland above anything else, setting it apart from any other medieval European country, was a dynamic veneration for law and order. The early Icelanders owed no allegiance to king or earl; their allegiance was primarily to the concept of law." (1)

The Family Sagas do not derive meaning and significance from the realm of imagined experiences or from intense personal excitement. This clear-sighted literature has a functional relevance to the culture as a whole. Setting aside considerations of historical, genealogical and chronological accuracy, I am inclined to accept the Family Sagas as authentic expressions of aspects of medieval Icelandic culture. When these authors give accounts of how disputes arose, how they were contained, how exacerbated, how settled and by what machinery, I am prepared to believe that they were basically dealing in facts, not in myth or romanticized wish-fulfilment, even taking into account the nostalgia of the thirteenth century author contemplating events of the tenth century.

The primary purpose of this paper is to take a preliminary look at one area of that culture, namely, the rise and development of conflicts and the adjustive and redressive procedures invoked to cope with them. It is clear that there is here a contradiction between the "dynamic

1) Laxdæla Saga trans. Pálsson and Magnusson, introd. pp 31 - 2

eneration for law and order", the "allegiance ... to the concept of law" and the disposition toward violence, the use of force, legal manipulation and disorder. Other cultural contradictions will be alluded to during this discussion.

It seems that the authors were not aware, in the sense that an anthropologist might be aware, of the contradictions in the principles of their social organisation. Conflicts are considered in moral terms, not in political, sociological or economic terms. Individuals are malicious or envious or hard to deal with or full of injustice or endowed with Machiavellian cunning or over-anxious to exhibit drengskapr. If a settlement is broken and the conflict resumed or if negotiations break down, this is attributed to the motives of individuals (sometimes men of ill-luck) not to the inadequacy of redressive procedures or to the fact that no punitive sanctions lay behind the decisions so laboriously considered and pronounced with due attention to legal minutiae. On the one hand the law processes were rigid and settled, on the other they could be manipulated by powerful men.

The acephalous socio-political structure of Medieval Iceland is an important contributory factor to this contradictory situation. Intolerant of a monarchical system, fiercely independent, well-born families came to Iceland and settled as an intransigent, highly self-conscious group. They drew up a set of laws, and invented legal procedures in the form of a three-stage system of justice to try to make the laws work. By law is meant here procedures which aim at preventing conduct likely to disrupt social cohesion and which try to dispose of trouble as quickly as possible in order to restore harmony. From the Family Sagas it is clear that the deterrent function of law is almost non-existent, while its redressive and punitive aspects are inadequate. The law was of little use in establishing what Richard Allen calls (in a different

context)

"means to contain within certain limits, the vigor, the rashness, the aggressiveness, and the malice which were within them (i.e. Icelanders) ... and which were (malice excepted) qualities expressive of the will and confidence of the Norsemen." (2)

There was no state (by 'state' I mean that association of people which successfully claims the monopoly of legitimate physical force) or centralized authority over and above the chieftains (goðar). It should perhaps be admitted that the chieftains did not possess unlimited power. Professor Sveinsson writes:

"Without his thingmen he is nothing, his pride mere boasting and vainglory. ... The farmer gave a democratic character to what was essentially an aristocratic form of government. ... And although they (the thingmen) adhered to ancient warlike virtues, many things led them to insist on law and justice and co-operation and thus to keep in check the self-will of some of the chieftains." (3)

However, it is truer to say that the political structure was hierarchical rather than democratic.

The absence of a state meant that the law had behind it no punitive sanctions, so that in spite of the seeming democracy the individual's rights were not guaranteed, although they were recognised. Force usually prevailed (and not always on the side of right); negotiations at the Thing often broke down and led to fresh strife. The party who is in the right or in whose favour a case is decided has to carry out the sentence as best he can.

Another possible result of the absence of a strong centralized authority and punitive sanctions is the fact that the individual is invested with an exaggerated sense of self-importance, which often leads to behaviour which shows an aggressively expressive self-awareness.

2) Richard F. Allen, Fire and Iron (Univ. of Pittsburgh, 1971 - p.135)

3) Einar ÓL. Sveinsson, The Age of the Sturlungs (Cornell, 1953 - p.27)

Certain behavioural patterns seem to have an exaggerated "value-emphasis". Manifestations of these are: the over-reaction to fancied insult or petty injury or wounded pride; the compulsive readiness to preserve honour at all costs; and (in a worthy sense) the almost stylised display of heroic indifference at the point of death or in dire straits. Contradictions exist even here. The satisfaction of the demands of honour often lead to dishonourable deeds or has the effect opposite to what is intended. As one example of the latter we may quote Andersson's comment on Gísli's behaviour:

"The result of Gísli's single-minded defense of his own and his family's integrity is, paradoxically, the disintegration of the family. He succeeds ultimately in alienating his brother Porkell, who refuses him whole-hearted support during his outlawry, and his sister Þórdís, who after a long inner struggle surrenders him to his enemies. Gísli's uncompromising adherence to his code of honour thus leads to his own downfall and the breakup of the family." (4)

It is usually stated with pride that there was no king to oppress his subjects, but, paradoxically, because of the system there were powerful men who played the tyrant in their own districts. The Ójafnaðarmaður mostly has his own way (in spite of the supposed 'democratic' restraints) because the social system was so organised to enable him to be ruthless, greedy and unjust. However, the saga writers usually attribute his conduct to the fact that he is personally over-endowed with malice, injustice, greed or envy.

Styrr of Heiðarvíga Saga (5) is an excellent example of the Ójafnaðarmaður. He goes about his injustices and aggression unchecked. He commits a series of five killings, before he is slain by the son of his last victim. Through his anti-social actions others are drawn into

*) T.M. Andersson, "Some Ambiguities in Gísla Saga" BONIS, 1968, pp 41. + 2

5) Íslönsk Fornrit, III (1937), pp 215 - 328

the feud, whose only 'crime' is that they render assistance to other offenders.

Gestr, who has deservedly killed Styrr, is sheltered by Þorsteinn Gíslason. Þorsteinn is later killed by Snorri. The sons of Hárekr, attempting to avenge this killing, try to slay Kolskeggr. Kolskeggr escapes with the help of Hallr, a generous and noble man who has nothing to do with the feud between Snorri and the Borgfirðingar. Hallr is nevertheless killed by the sons of Hárekr. The responsibility for vengeance now falls on Hallr's brother, Barði.

The sons of Hárekr having died in a shipwreck, Barði now turns to the Borgfirðingar for atonement. Three times he tries unsuccessfully, but nevertheless wins public approbation for his mild and tolerant conduct of the case (that justice is not being done does not seem important). Þórarinn, his foster-father and counsellor, now tells Barði, in almost ritualistic fashion, what men to assemble for the attack. This whole section shows the author's delight in the prosecution of the feud per se from the planning to the actual engagement on the heath.

The movement of large groups opposing one another could have led to serious disruptions in the social fabric, but there seems to be no awareness of a larger entity outside and beyond the geographical context in which Þórarinn, Barði and the Borgfirðingar operate. Peace prevails in the end, but the beginning of peace is a legal truce which Þorgísl is tricked into speaking by Snorri. It seems surprising that in a society committed to the 'veneration of law and order' the injustices of one man could lead to a wide-ranging pattern of feuding.

There is one speech in the latter part of the saga that bears citing. Eiðr Skeggjasson delivers a genuine plea for peace and reconciliation in support of Barði's case:

"Kunnu vér mikla óþökk, at menn skattyrðisk hér, hvárt er þat gera várir menn eða aðrir; til einskis kemr þat góðs, en opt gerisk illt af því; skyldi menn þat mæla hér, at til sátta væri; ætlu vér, at eigi muni aðrir meir eiga eptir sínum hlut at sjá eða górum muni stórugi meiri harma leitast en mér; sýnisk oss þó þat ráð at sættask; munu vér því eigi vörkynna górum, þó at hér skattyrðisk; er þat ok vænst til, at illa gefisk sem fyrr at velja mönnum neisulig orð." (p.315)

It is ironical that at the Althing, the focus and symbol of law, order, unity and justice, an old man should appeal to those involved in the lawsuit to speak what may tend to bring about peace.

Eyrbyggja Saga (6)

The author's method of interweaving narrative strands (7) makes it difficult to give a lucid account of the linear development of the story. We shall therefore select a few characters and incidents to illustrate points relevant to our theme. However, a consideration of the saga as a whole will not invalidate the evidence to be drawn from the extracts.

Þóroldfr in his old age becomes very evil, hard to deal with and full of injustice. He and Úlfarr have a meadow in common. One day Þóroldfr gets his men to collect his hay and instructs them to cart off in addition the hay belonging to Úlfarr. Arnkell, son of Þóroldfr, pays compensation to Úlfarr after his father had refused to do so. By way of teaching the old man a lesson, Arnkell kills some of his father's oxen.

Þóroldfr is now determined to take revenge on Úlfarr, who is quite innocent. That winter he eggs on his drunken thralls to burn Úlfarr in his house. Arnkell intervenes and the thralls are hanged. Úlfarr makes his goods over to Arnkell and this in turn annoys the sons of Þorbrandr, who claim a right to the property.

6) ÍSLENSK FORNRIT, IV (1935) pp 3 - 184

7) See Lee M. Hollander, "The Structure of Eyrbyggja Saga" JEGP, 58: pp 222 - 7 (1959)

Meanwhile, Þórolfr out of pure vindictiveness appeals to Snorri to take up the bloodsuit for his thralls against his (Þórolfr's) own son, in return for woodland, which Snorri already covets. Snorri prosecutes and obtains compensation, the value of which annoys Þórolfr a great deal. He now turns his attention back to Úlfarr and uses Spá-Gils as his agent to kill him. He informs the sons of Þorbrandr of Úlfarr's death so that they can lay their hands on his property. Arnkell forestalls this and refuses to give up the property. The sons of Þorbrandr try to enlist Snorri's aid without success. Þórolfr now wishes to reclaim the woodland, but Snorri refuses to give it back. He goes to his son, Arnkell, for assistance, but the latter is disinclined to be set at odds with Snorri, even though he finds the legality of Snorri's ownership of the wood questionable. Þórolfr dies, presumably of a stroke, and, as in life, so in death, he conducts himself maliciously towards his neighbours.

Arnkell now considers Snorri's possession of the woodland an infringement of his rights of inheritance. Enmity develops between them, and finally, egged on by Þorleifr Kimbi, Snorri joins the sons of Þorbrandr and Arnkell is killed. Arnkell is given a laudatory passage out of the saga:

"ok var hann þóllum mönnum harmdauði, því at hann hefir verit allra manna bezt at sér um alla hluti í fœrnum síð ok manna vitrastr, vel skapi farinn, hjartaprúðr ok hverjum manni djarfari, einarðr ok allvel stilltr; hafði hann ok jafnan inn hæra hlut í málaferlum, við hverja sem skipta var; fékk hann af því gífundsamt, sem nú kom fram." (p. 103)

Only women are left to seek redress for the slaying of Arnkell. The only result of the prosecution is the imposition of exile on Þorleifr Kimbi. This pusillanimous conduct of the case resulted in a change in the law:

"En með því at eptirmálit varð eigi svá sœmiligt, sem líkligt þótti um svá mikinn hefðingja, sem Arnkell var, þá fterðu

landsstjórnarmenn lög á því, at aldri síðan skyldi kona vera vígsakaraðili né yngri karlmaðr en sextán vetra, ok hefir þat haldizk jafnan síðan." (p. 103-104)

Arnkell was obviously a great and respected man, yet his death could not adequately be compensated for because the system had no really adequate adjustive and redressive machinery. The change in the law here cited does not guarantee more effective procedures, but simply creates a situation whereby a case should be prosecuted by those who can muster physical support and show force, not by women and youths.

Another important aspect of this episode is that the conflict arises from people's attitude to objects of subsistence: hay, oxen, woodland. There seems to be a discrepancy in Icelandic society between aspirations to an aristocratic style of life and the harsh realities of a subsistence economy. When such a situation exists a man will no doubt covet his neighbours goods, cling tenaciously, even irrationally, to his own, use material possessions to further his ends, and even kill in matters of disputed ownership, be it an inheritance or a whale cast up on the shore.

Egill, a thrall, is employed to kill one of the Breiðavíkingar, but he trips, is discovered and killed. The Breiðavíkingar and the sons of Þórlákr gather to deliver the thrall indemnity as the law required. The party is led by Steinþórr. A fight breaks out after the indemnity had been delivered. Steinþórr and his followers flee. Snorri orders his men not to go in pursuit, but when he learns that his son had been wounded in the skirmish he renews the contest. A temporary truce is made between Snorri and Steinþórr. It appears from the above that rigid adherence to the letter of the law is no guarantee that further conflict will not arise.

Trouble flares up again the next summer and the sons of Þorbrandr are badly wounded. In the spring, as summoning days grow near, men realise the explosive potential of the situation and consider the time to be ripe for peace:

"En um v́arit, er leið at stefnudögum, þótti góðgjörnum mönnum í vant efni komit, at þeir menn skyldu missáttir vera ok deildir við eigask, er þar v́aru gófgastir í sveit; vólðusk þá til inir beztu menn, vinir hvárratveggju, at leita um sættir með þeim, ok var Vermundr inn mjóvi fyrirmaðr at því ok með honum margir góð-gjarnir menn, þeir er v́aru tengðamenn hvárratveggju; en þat varð af um síðir, at grið v́aru sett ok þeir sættusk ..." (p.131)

Peace is made and maintained between Snorri and Steinþórr. It is clear that the attitude, pleading and influence of men of goodwill are far more effective in establishing harmony than elaborate litigation, strict observance of legal niceties and theoretical committal to the 'concept of law.' The law is of no avail when gófgastir are at strife.

As an example of the over-reaction to petty setbacks we may refer to the quarrel between Helgi, a shepherd of Snorri and Björn, a relative of Vigfúss (óðældamaðr mikill). Helgi is struck by Björn, who is in turn wounded by Már. Snorri pays no compensation. Vigfúss hires an assassin to kill Snorri; the plan fails, the assassin is apprehended and tells Snorri the whole story. Snorri and six men set out, surprise Vigfúss and kill him. Arnkell leads the case at the Þórsness Thing. Here Snorri avoids a violent confrontation because all the Kjalleklingar give support to Arnkell. Again men of goodwill have to intervene.

Considerations of space forbid a detailed discussion of the episode involving Þorbjörn digri and his son Gunnlaugr; Geirríðr and her son Þórarinn; Katla and her son Oddr. Their dealings together lead to fights and killings. Yet, what are the causes of the slayings? - "night-riding" (for which the wrong person is suspected in the first place), and suspicion, not proof of theft! Where then is the "veneration for law and order?"

Snorri moves through the saga, the master of the art of self-preservation, manipulation, stratagem, and personal aggrandizement. He believes in both killing and reconciliation; he scores legal triumphs, but also suffers legal defeats; he is aggressive as well as yielding, and comes out of it all with his reputation more or less untarnished.

Like Snorri, so the saga is poised between revenge killings with their ramifications and arbitration. The references to the intervention of men of goodwill are significant in this saga. The law, inflexible and settled, cannot always induce men to make and maintain peace; it prescribes the rules of settlement, but cannot control the actions of men.

Grettis Saga (8)

We may begin our brief consideration of this saga by quoting three remarks on the effectiveness of outlawry as a means of healing breaches and restoring harmonious relations:

"... it is worth noting that law-breakers were sentenced not to death or imprisonment, but to outlawry. To be a member of society was at once a privilege and an obligation, and anyone who violated the law of society forfeited his right to remain within that law, within that society; they were banished from Iceland. That was how Iceland protected itself against disruptive elements." (9)

"Snorri kvað þetta óvitrligt, at bekkjask til at hafa þann mann í sekðum, er svá miklu illu mætti orka, ok kvað þess margan gjalda mundu." (Grettis Saga p. 165)

"Guðmundr mælti: "Vilið þér nokkurar heraðssektir gera eða utanferðir?" "Engar," segir Snorri, "því at þat hefir opt illa efnzk, ok hafa menn fyrir þat drepnir verit ok orðit ósáttir." (10)

(8) ÍSLENZK FORNRIT, VII, (1936)

(9) Laxdæla Saga, (loc. cit.)

(10) Brennu-Njáls Saga, ÍSLENZK FORNRIT, XII (1954) p. 311.

It is not surprising that the well-known and far-sighted political strategist, Snorri, should be the speaker in the quotations from the sagas; pointing out the ineffectiveness of outlawry in ridding society of anti-social disruption of peace and order. Grettis Saga shows unmistakably the discrepancy between what outlawry was intended to do and what in reality the actual consequences were.

We shall look briefly at the events which lead to Grettir's outlawry in Iceland. A horse-fight takes place at which there is some provocation and a little violence. As a result of this Grettir and his party attack the party of Kormakr. Some men are killed in the skirmish, and the parties are separated by Þorbjörn þórnamegin, much to Grettir's disgust.

Later this Þorbjörn holds a great feast, at which is present Þorbjörn ferðalangr, who, referring to the above attack, slanders Grettir. A good deal of ill-will is engendered by this slander. Grettir goes to Norway. Þorbjörn ferðalangr had arranged a passage in the same vessel. On the vessel he brings false news of the death of Grettir's father and in addition slanders the old man. Grettir kills him. Later Grettir accidentally sets fire to a house, in which, among others, the sons of Þórir are burnt to death.

Grettir's father now dies and Atli takes over the property and prospers. Þorbjörn þórnamegin is jealous of Atli's popularity. He incites the sons of Þórir frá Skarði to waylay Atli and kill him. However, the attack results in the death of the sons of Þórir. Þorbjörn has to agree to the terms of the settlement, but he is not at all pleased. Strong-willed men seem little pleased with court decisions against them, no matter how just or "right in law" these may be.

Later, Þorbjörn succeeds in killing Atli, having used the defection of one of his workers to re-open the feud. There is much lamentation,

but no compensation is paid, for the man to exact this is Grettir, who was in Norway.

Meanwhile Þórir, whose sons had perished in the accidental fire, brings a suit against Grettir in his absence. Skapti the Lawman is of the opinion that no judgement can be given before the whole story is known. However:

"Þórir var maðr heraðsríkr ok hofðingi mikill, en vinsæll af mörgu stórmenni; gekk hann at svá fast, at engu kom við um sykn Grettis. Gerði Þórir Gretti þá sekjan um allt landit ok var honum síðan þyngstr allra sinna mótstöðumanna, sem opt bar raun á. Hann lagði þá fé til hofuðs honum sem gðrum skógarmönnum ok reið við þat heim. Margir mæltu, at þetta væri meir gort af kappi en eptir logum, en þó stóð svá búit." (p. 147)

It may well be that the decree was carried more by force than by law, but it is paradoxically a legal and binding decree.

Later that summer Grettir returns to Iceland, learns of his brother's death and his own outlawry, and in retaliation kills Þorbjörn Þxnamegin and his son. The responsibility of avenging Þorbjörn now falls on Þóroddr drápustúfr. At the Althing he brings the case against Grettir, but loses it on a temporal technicality. He gets no compensation because the killing was committed when Grettir was already an outlaw.

Grettir's attempts to find shelter and to ward off his attackers during his period of outlawry are well-known. Suffice it to say that the community suffers through his robbery and violence. Innocent men who suffer loss from his ravages can get no redress. We cite two examples:

"Sat Grettir í Fagraskógafjalli svá einn vetr, at honum váru engar atfarar gorrvar, en þó misstu þá margir síns fyrir honum ok fengu ekki at gort, því at hann hafði gott vígi, en átti jafnan vingott við þá, sem næstir honum váru. (p. 188)

".. helt Björn ok vináttu við hann, en þó fækkuðusk heldr vinir Bjarnar fyrir þetta, er hann lét Gretti þar vera, því at menn unðu illa við at hafa frændr sína botalausa. (pp 198 - 9)

We note from the above summary of certain events in the saga how men over-react to slander, how covetousness and jealousy can lead to

slayings, how an accident, distorted into a deliberate act by men of malice, can lead to outlawry, and how innocent men suffer from the uncontrollable ravages of the outlaw - all this in a society committed to the "veneration of law and order."

Grettir in his outlawry is an individual outside society. There is here no possibility of reconciliation (his supporters twice unsuccessfully tried to have his sentence lifted) because there was no conscious awareness of "citizenship". Because of the 'kinship' structure of society a man's interests were naturally centred on the welfare of his group, which was part of his own identity. This "isolationist" attitude perhaps militated against his acquiring an awareness of "citizenship" in his own country. Grettir is legally hunted down and killed as a public enemy, although he had not committed any crime against the whole society.

Brennu-Njáls Saga (11)

Richard Allen has made some excellent interpretative comments on matters relevant to our theme in his brilliantly perceptive study of Njáls Saga. (12) We therefore confine our attention to selected scenes.

During a feast in Njáll's home Hallgerðr and Bergþóra, wives of Gunnarr and Njáll respectively, quarrel over a matter of precedence in the seating arrangements. This quarrel leads to a series of retaliatory killings by minor men egged on by the two women. Six lives in all are lost. Each time Gunnarr and Njáll, because of their great friendship, agree to a settlement in money. Each time a settlement is made by one

(11) ISLENZK FORNRIT XII (1954) pp. 5 - 480

(12) Fire and Iron, op cit. See especially Chapter V, pp. 158 - 197

husband, the wife of the other breaks it by inciting a retaliatory killing. Of this scene Professor Andersson has written:

"The rivalry between Hallgerðr and Bergþóra has ultimately no function in the plot, but is simply a bit of unattached prefatory matter. The fact that it is so elaborately worked out actually misleads the reader into seeking some function for it which it does not possess." (13)

The scene, however, is of interest in showing how wounded pride results in complete lack of restraint and moderation. These women show little regard for the welfare of the kin-groups into which they are married. Through their wilfulness they act as disruptive elements in their family groups, a fact which contradicts the much vaunted family solidarity. We shall return to this point later.

A conflict arises between Gunnarr on the one hand and Otkell, Skammkell and Mqrðr Valgarðsson, who is envious of Gunnarr, on the other. Gunnarr, helped by his brother, slays Otkell, Skammkell and six companions. This brings Gizurrhvíti and Geir into the alliance against Gunnarr.

Gunnarr goes to Njáll for advice. Njáll tells him not to kill more than once in the same family, and not to break any settlement which good men make between him and others.

A horse match leads to enmity between Gunnarr and another kin-group to which belong Starkarðr, Egill and Flosi. Starkarðr and Egill prepare an ambush, but Gunnarr kills fourteen of his assailants. At the prosecution led by Mqrðr, Njáll has the case mediated to Gunnarr's advantage.

Later, through the machinations of Mqrðr, an encounter results in which Gunnarr kills Þorgeirr Otkelsson, and has now killed twice in the

(13) T.M. Andersson, The Icelandic Family Saga, (Harvard U.P.) 1967, p. 46

same family. Gizurr hvíti prosecutes, calls for full outlawry, but Njáll skillfully steers the case towards arbitration and Gunnarr is banished for three years. Overcome by a sentimental attachment to his homestead, Gunnarr refuses to go into banishment. Gizurr thereupon succeeds in securing a sentence of full outlawry. Gunnarr's enemies, chief of whom are Mqrðr and Gizurr, attack and after a magnificently heroic last stand, Gunnarr is killed.

Mqrðr is an ambivalent character. He belongs to two kin-groups - to Gunnarr's group by birth and to Gizurr hvíti's by marriage. However, he is a member of a minor segment of Gunnarr's ^{kin-group} and his envy of Gunnarr's power and popularity is not inexplicable. Mqrðr, given his evil disposition, is understandably anxious to rid the group of Gunnarr so that he can assume the role of most influence and importance. He therefore involves other kin-groups in the struggle against Gunnarr. His role shows clearly that group or "family" solidarity should not be taken for granted. As the generally accepted view of the power, unity and effectiveness of the kin-group or "family" we may quote Gwyn Jones:

"In Iceland, however, the family retained its entity in a very decided fashion, and during the Saga Age showed not the slightest sign of merging into the clan It was natural for every man to belong to some union of his fellows, to share in its advantages and obligations, and to submerge his individual inclinations in the family will The family organisation supplied the double means of self-preservation and mutual aid at a time when the two ideas were intimately connected. Thus, the family or kin formed a defensive and warlike alliance for the support of its members. It was natural that the body responsible for such safeguards should maintain itself vigorously, and the members to whose advantage it was to share therein should not permit the loosening of its many ties." (14)

The behaviour of Mqrðr, and of Hallgerðr and Bergþóra earlier, contradicts some of these generalized assertions about family solidarity, the contradiction being between individualism and family loyalty.

(14) Gwyn Jones, Four Icelandic Sagas (Princeton, 1935) introd. pp 22-3

However, in the second part of the saga Njáll's household seems to be the epitome of kin solidarity. All Njáll's sons and their wives and his son-in-law Kári live under his roof. Yet it is this very solidarity of Njáll's family, especially the strong bond between father and son, that forces Njáll, the innocent and good man, to die with his sons, even though the sons had brought destruction upon themselves by wilfully disobeying their father and ruining his efforts to establish peace-making machinery above the local level (the Fifth Court). In opposition to this exaggerated stress on the father-son tie, one finds insufficient importance being attached to other affinal ties. Skarpheðinn kills Hǫskuldr, their almost 'perfect' foster-brother, purely because he reacts unreasonably to the slander of Mǫrti (Hǫskuldr reacts reasonably to the slander).

Njáll clearly shows his awareness of the importance of kin solidarity and power either for peace or enmity, and knows how to appease members of kin-groups likely to cause disruption or death.

Skarpheðinn kills Þráinn, whose brother now finds himself in a tricky situation, since he is married to Njáll's daughter. A settlement is made to the satisfaction of all, but there is no guarantee that it will last. Njáll now adopts Hǫskuldr, son of Þráinn, as his foster-son. A very strong bond of affection develops between Njáll and his sons on the one hand and Hǫskuldr on the other.

Njáll, wishing to cement new kinship ties, decides to offer Hǫskuldr in marriage to Hildigunnr, daughter of Starkaðr and niece of the chieftain Flosi. The condition is that Hǫskuldr should first acquire a chieftainship. Njáll now goes in for some deft maneuvering and uses his reputation for legal expertise to create deadlocks. Men, frustrated in their lawsuits, now wish to decide their cases

"með oddi ok eggju" (p.2+2), but Njáll's opinion is that it would be wrong not to have any law in the land. He is then instrumental in bringing about a constitutional change, i.e. the establishment of the Fifth Court, which necessitated the creation of additional chieftainships. One of these is given to Hqskuldr.

Later, Valgarðr returns home to learn that new chieftainships had been established and that thingmen were withdrawing their allegiance from his son Morðr and giving it to Hqskuldr. Unable to accept this dwindling authority (which the "democratic" aspect of the social organisation made legal and possible), Valgarðr says:

"Vil ek nú, at þú launir þeim því, at þeim dragi qllum til bana. En þat er til þess, at þú rögir þá saman ok drepi synir Njál's Hqskuld. En þar eru margir til eptirmáls um hann, ok munu þá Njálssynir af þeim sqkum drepnir verða." (p. 275)

The slander has its desired effect and Skarpheðinn kills Hqskuldr. Njáll is greatly grieved at this, but Skarpheðinn, blind in his individualism, attributes Njáll's grief to the sentimentality of old age.

Flosi, into whose family Njáll had married Hqskuldr, is egged on by Hildigunnr in a mixture of Christian and pagan-heroic terms:

"Skýt ek því til guðs ok góðra manna, at ek sari þik fyrir alla krapta Krists þíns ok fyrir manndóm ok karlmennsku þína, at þú hefnir allra sára þeira, er hann hafði á sér dauðum, eða heit hvers manns níðingr ella." (p. 291)

Flosi accepts the responsibility for exacting compensation. At the Althing a settlement is arranged by arbitrators. Flosi and Skarpheðinn quarrel over the payment and the settlement breaks down. Flosi's kicking of the pile of silver leads directly to the destruction of Njáll and his sons. Flosi assembles his supporters and they begin their attack on Njáll's home. After his party had suffered some reverses Flosi says:

"Eru nú tveir kostir, ok er hvárrgi góðr: sá annarr at hverfa frá, ok er þat várr bani, en hinn annarr at bera at eld ok brenna þá inni, ok er þat þó stór ábyrgð fyrir guði, er vér erum kristnir sjálfir. En þó munu vér þat bragðs taka." (p. 328)

This speech is evidence of another cultural contradiction: Njáll, Flosi and some others are Christian, but the standards of conduct in Njáll's Saga are vindictively pagan.

All the members of Njáll's household with the exception of Kári die in the burning. The closely knit family of Njáll is destroyed because of the very fact that it was so closely knit. There is here again the contradiction between the demands of the paternal bond and family loyalty and Skarphéðinn's truculent individualism.

Njáll had said "með lögum skal land várt byggja, en með ólögum eyða." (p. 172) The contradiction is that the nature of the legal system itself made this destructive lawlessness possible. The lawlessness led to the corruption into oligarchy of Iceland's principle of aristocratic independence from supreme overlordship, to the end of the Commonwealth and the imposition of Norwegian rule.

UNIVERSITY OF CAPE TOWN,
SOUTH AFRICA.