

Saga facts

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My paper uses the Icelandic sagas to challenge the claim of legal historians that primitive law is mere formalist process, unable to find fact much less distinguish law from it. I argue that the sagas are intensely interested in legal fact, and that their facticity is at the heart of the famed “objectivity” or “externality” of saga style. This paper relates to a book I’m writing on “legal entertainment” in those societies (like the early Icelandic and the later Anglo-American ones) that have an adversarial style.