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Issuing the Challenge

Form, Function and End of Medieval Icelandic Dueling.

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Abstract

This paper offers a re-evaluation of the scholarship surrounding the institution of dueling in medieval Iceland. Primarily this analysis uses the descriptions offered by the family sagas. In this analysis we find that primarily the duel is a method of conflict resolution. The form the duel takes limits the amount of violence that can be performed in the actual duel. In comparison to other means of conflict resolution, the duel offers a faster settlement, with a smaller cost of resources. The overt function of the duel is to illustrate the participants' willingness to take part in a life-risking contest, and follows the logic that one can contest the legitimate control of resources and women by sheer might. This is contrasted with the practical social use, which is generally to force third party intervention. At the end of the analysis, this paper posits several possible reasons why dueling was outlawed in Iceland, and places it within larger scholarly discussions of medieval Icelandic society.

Þessi ritgerð kemur fram með annað viðhorf á einvígum í miðaldrar Íslandi. Í henni eru aðalega notaðar lýsingar sem komu fyrir í Íslenskum miðaldrar sögum. Í þessari ritgerð komust við að því að megin ástæða einvíga var upplausn ágreininga. Einvígið er byggt upp þannig að það minnkar þann skaðan sem kemur fyrir í alvöru einvíginu. Þegar einvígi er borið saman við aðrar leiðir til að ganga frá ágreininga milli manna er það bæði ódýrast og fjótasta leiðin. Í einvígi kemur það skýrlega fram að keppendur eru tilbúnir að fóna lífi sínu. Rökin á bakvið það að þeir eru að gera þetta fyrir stjórn yfir auðlindum og kvenmönnum með krafti einum. Það er svo andstætt við það að aðilar nota þetta oft til að blanda þriðja aðila í málið og fá þá til að útkljá vandamálið. Í endanum á ritgerðinni er farið í afhverju einvígi voru svo bönnuð á Íslandi. Síðan er það skoðað samhliða öðrum samræðum um miðaldra Ísland.

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Chapter 1: Introduction

Sixteen sagas from the corpus of *Íslandingasögur* include dueling scenes or scenes where characters issue the challenge to a duel. This number is testament to the saga authors' enjoyment of the dramatic and heroic elements that this institution can lend itself to the saga narratives.¹ It is likely this institution existed, however no written source that is contemporary with dueling in Iceland has survived to the present. Without the sagas, what scholars have available is scant evidence in other forms like the 13th century law fragment *Hednalagen* from Västergötland or the indication that the patron god of dueling is Ullr from Snorri's *Edda*.² In order to understand the role that the institution of dueling played within medieval Icelandic society, scholars are forced to rely on the accounts described in the Icelandic sagas. All scholars of dueling in medieval Iceland rely heavily on the Icelandic saga corpus with varying degrees of criticalness. Generally each scholar individually determines the extent to which the sagas can be relied on as historical sources.³

The main problem with the sources is that dueling in Medieval Iceland is thought to have been outlawed in Iceland around 1006.⁴ The dates of composition of the sagas that contain descriptions of dueling vary greatly, with a range suspected by scholars from the turn of the 13th century to the 15th century. This is at least 200 years after the institution was abolished in Iceland. These are also suspected date ranges of the composition of the sagas, the oldest physical copies of the manuscripts that contain these sagas are even later. These manuscripts also have a broad date range. The oldest manuscript of a saga containing a description of dueling contains *Egils saga*, which is dated to c. 1250, which adds another fifty years of removal from the

¹ The term "author" is used in this work rather than "compiler" though scholarly consensus is that we should rather be thinking of these narratives as a culmination of different compilers. This is mostly for ease of use, but also because at some point, a scribe had to point ink to paper and write these narratives for the first time.

² Peter G Foote, and David M. Wilson. *The Viking Achievement: the society and Culture of Early Medieval Scandinavia*. (London: Sidgwick and Jackson, 1970), 379-380. Snorri Sturluson, *Edda. Prologue and Gylfaginning*, ed. Anthony Faulkes. (University College London: Viking Society for Northern Research, 2005), 26.

³ Jón Viðar Sigurðsson argues for the use of saga sources against more commonly considered reliable sources specifically law texts, in chapter one of, *Chieftains and power in the Icelandic commonwealth*. Here he gives a detailed overview of the prevailing schools of thought on sagas as historical sources as well as his own views and methodology.

⁴ Marlene Ciklamini. "The Old Icelandic Duel," *Scandinavian Studies* 35 (1963): 179.

institution. The oldest manuscript of *Valla-Ljóts saga* is dated as late as 1640.⁵ The dates illustrate how far removed the saga authors were from the time of their subject material. Because of this problem we are limited in what we can discuss with any certainty concerning dueling in medieval Iceland. However, what we have available to us is the views of the 13th and 14th century saga authors. This allows us to analyze their perspective as they look back into the 10th and 11th centuries.

What we find when examining the descriptions and narratives surrounding dueling in the *Íslandingasögur* is that the saga authors had a clear view of what the customs of dueling entailed. This consensus does not mean that there are not variations within the descriptions -there certainly are- but these descriptions are similar enough that it is possible to differentiate between other forms of violence dueling. This separates dueling from other forms of violence, like ambushes or non-ritualized killings. The form the duel described in the sagas is: two or four combatants meeting in front of a crowd, on a demarcated area, then attempting to wound one another in order to win a heroic competition. Though the motivations for challenging an opponent to duel are the same as motivating factors for other forms of violence, dueling does not resemble “legalized feud” as Marlene Ciklamini describes, or any other form of violence.⁶ The saga authors also had a clear view in mind for how this institution fit into the medieval Icelandic society. Though being extra-legal, as Olav Bø points out, it seemed to be an acceptable practice.⁷ Only on one occasion does a saga character have to pay *wergeld* –money owed to the kin of the slain- for a slaying during a duel, and many times the protagonists take part in duels.⁸ The duel fit into medieval Icelandic society as a conflict resolution strategy by the saga characters. Most of the time, once a challenge is issued, the duel does not take place, and even if it does, it does not always end in death. Knowing this, by offering a challenge the characters know that the conflict will likely force settlement outside of the dueling ground, or they will fight in heroic fashion inside the dueling ground.

Despite the prevalence of dueling within the saga corpus, there has been little written about the actual practice of the Old Icelandic duel. The scholarship has been

⁵ Rory McTurk ed., *A companion to Old Norse-Icelandic Literature and Culture* (Oxford: Blackwell Publishing Ltd., 2005), 115.

⁶ Ciklamini. “The Old Icelandic Duel,” 175-6.

⁷ Olav Bø, “‘Hólmanga’ and ‘Einvígi,’” *Medieval Scandinavia* (1969)

⁸ Jónas Kristjánsson, ed., *Valla-Ljóts saga*, in *Eyfirðinga Sögur Íslenzk fornrit IX* (Reykjavík: Hið íslenska fornritafélag, 1956.): 246. In this instance the character had to pay half the wergeld due to the practice of dueling being outlawed shortly beforehand.

limited to a handful of authors, which are often cited by modern scholars frequently as further readings on the topic and the subject is mostly glossed over. Among the works most often cited are Marlene Ciklamini's and Olav Bø's articles. The scholarship is mostly focused on the religious, magic, and ritual elements of the *hólmqongulög*, a discussion which was started by Gwyn Jones's in 1932. Jones's view is echoed throughout the following scholarly works; namely, that because the agency is in the hands of the duelists, this cannot be equated to the continental legal institution of the "ordeal," and the process no longer has religious significance, though many rituals remained. After this conclusion Jones posits the existence of religious significance within the dueling context in earlier practice, but as the practice continued, the religious elements became less important. When these elements were no longer understood, they were immortalized in saga.

Bø's views, like Jones's, have also been widely spread throughout the scholarly community. The terms *einvígi* and *hólmqanga* are the two Old Icelandic terms used for dueling. Bø posits we can discern the differences in dueling practice that these two terms represent and that "*hólmqanga* was a much more ordered affair, and surrounded by a large number of customs and rules that *einvígi* lacked."⁹ He notes later, however that the two terms are used interchangeably in the saga source material; though, *hólmqanga* is more common in family sagas and *einvígi* is more common in the later riddarsögur. Most of his views seem likely. *Einvígi* being the older term is clearly demonstrated by the fact that the term exists in many other Germanic languages, but the term *hólmqanga* only exists in West Norse. Bø continues to posit that *einvígi* is a form with less restrictions, but does not give clear comparisons. In this study it seems that within the family sagas, we cannot tell the difference at all. The term *einvígi* is rarely used: Bersi uses it when he asks what form of combat Kormákr would prefer in their duel, *einvígi* or *hólmqanga*; it is in one of the verses in *Kormáks saga*; in a phrase characterizing Hrafnkel in *Hrafnkels saga Freysgoða*; and is the main term for "duel" in *Þorsteins þáttr stangarhöggs*.¹⁰ There is no description in *Kormáks saga*; Bersi simply states there is not skill involved with *einvígi* and there is with *hólmqanga*.¹¹ The duel between Þorsteinn and Bjarni, *Þorsteins þáttr*

⁹ Bø, "Hólmqanga," 132.

¹⁰ Einar Ól. Sveinsson, ed., *Kormáks saga*, in *Íslensk fornrit VIII*. (Reykjavík: Hið íslenska fornritafélag, 1958), 236. The verse number 28 uses *einvígi*, in *Kormáks saga*. Jón Jóhannesson ed., *Hrafnkels saga Freysgoða* in *Austfirðinga Sögur Íslensk fornrit XI*. (Reykjavík: Hið íslenska fornritafélag, 1950.), 99.

¹¹ Einar Ól. Sveinsson, ed., *Kormáks saga*, 236.

*stangarhogg*s seems to have quite a lot of parallels with other descriptions using the term *hólmganga*. Here the challenge is made in a formulaic way, they move off to another location for the combat, and they take turns striking and destroying each other's shields. In chapter when describing the form of the duel, this is extremely similar to duels where "*hólmganga*" is the term used. The turn-taking of blows is prescribed in *Kormáks saga*'s *hólmgöngulög*. These facts contradict Bø's claims that we can separate the two in any meaningful way, but scholars still maintain that *einvígi* is the less restricted form.

Jones's other popular article provides an overview of dueling in the Old Norse corpus. Here he seeks to show that dueling was legalized feud and that it was a legalized institution, a view shared by Ciklamini. Jones focuses on the saga accounts where the duel is allowed by law and cites the fact that *wergeld* or lawsuit were not allowed after a death on the dueling grounds.¹² He continues to posit that "wager-of-battle," was a form of legal feud, which was compressed into the duel. Ciklamini views the duel as a shortcut in the legal system to bypass all the formal proceedings and that refusal meant acceptance of the challengers' legal claims.¹³ Bø takes an opposing view, he takes the stance that dueling is an extra-legal institution. Bø's critiques of this view are: the duel is never instigated by the court, or under its supervision; the conflict which is decided at first by the challenge of the duel can be brought up again later which points to its lack of legal backing; and the *hólmgöngulög* seems to be more custom than actual binding law.¹⁴ Both points of view are backed by logical saga evidence. Despite the practice having customary backing, it was more of a personal affair which was not supported by legal institutions. However, the institution plays into legal contention as a competing means of conflict resolution. Jones sees this as an expression of heroic ideology and even Bø traces the practice to ancient, heathen days and matters of honor.

Ciklamini has separated the instances of dueling into three motif categories: The berserker who uses magic and his innate powers to steal wealth; the unscrupulous duelist who followed the same pattern of behavior, but had no magical powers; and the moral duelist who fought for safety, honor, or in defense of property. Gerd Sieg

¹²Gwyn Jones, "Some Characteristics of the Icelandic 'Hólmganga,'" *ENG. And Germanic Philology* 32 (1933): 204-5.

¹³Ciklamini, "The Old Icelandic Duel," 177, 181.

¹⁴Bø, "'Hólmganga,'" 136-8.

has separated the narratives of the duels within the family sagas into three groups as well in order to analyze the historicity of the Old Icelandic duel. He removes from his study anything that could be a narrative device. His three groups are similar to Ciklamini's groupings: narratives that contain berserkers or Vikings; duels that happen outside of Iceland; and whatever left, which should be the more historically accurate accounts. He rejects from his study instances including Vikings and berserkers as literary motifs as well as events that happen outside of Iceland as they too often include fantasy elements. In his analysis, he makes an exception for *Þorsteins þáttr Stangarhöggs*, Sieg concludes that this is not an accurate source for medieval Icelandic dueling because he sees influence from chivalric romance. This is explained in that the two combatants treat each other's ability and prowess with exaggerated respect, which causes them to end their duel and come to terms. This is perhaps a fair assessment as respect for martial prowess was a major chivalric theme.¹⁵ He concludes that we cannot describe the historical dueling practices utilizing the sagas because they are literary works and unreliable. However, his time of writing, and Ciklamini's, the book-prose school was a strong force in the scholarly community which relegated all sagas as imaginative works of fiction by 13th century authors. More recently, a school of scholars have argued that sagas can be used as sources for social history such as William Miller. Jón Viðar Sigurðsson has argued that the sagas are possibly a more reliable source in some cases than more traditional historical sources such as law.¹⁶ Despite the seemingly contradictory nature of these studies, an awareness of narrative devices is useful for understanding the views of the 13th century writers on the historical institution of dueling. By identifying intrusive narrative devices that are seen in other saga literature, such as Vikings and berserkers, we can strip those aspects away from our analysis of dueling practices to get to the core views of the institution of dueling represented by each saga.

More recent scholarship has moved away from general discussions and focused more on specific aspects of dueling. R. S. Radford takes the view that *hólmganga* in Iceland was most importantly a "dispute resolving mechanism" and while it competed with other mechanisms of this type, it filled a vital social-political niche. Other forms of dispute resolving mechanisms represented a higher cost to the

¹⁵ For more information on Chivalry see: Richard Kaeuper. *Chivalry and Violence in Medieval Europe*. (Oxford: Oxford University Press, 1999)

¹⁶ Jón Viðar Sigurðsson, *Chieftains and power in the Icelandic commonwealth*, trans. Jean Lundskær-Nielsen (Viborg: Odense University Press, 1999), 18-25.

participants which is why a challenge to *hólmganga* was an attractive alternative. To Radford, the violent aspect of the duel itself is mitigated severely through the custom of *hólmgongulög* which resulted in far fewer deaths than one might expect.¹⁷ Radford's initial assertion of the function of *hólmganga* as a conflict resolution strategy is rather plausible, and is shared by Jones who sees the restrictions on the combat as a means of lowering the costs of the duel and single combat as a valuable means of avoiding legal uncertainties.¹⁸ Jesse Byock's views on medieval Icelandic society also support this trend. He sees many of the social institutions and practices within this society as a means of controlling violence and behavior.¹⁹

Oren Falk's article is the most recent work dealing with medieval Icelandic dueling. He proposes that the audience is the main element in the duel and has a great influence on the behavior of the duelists. He argues convincingly that the audience had a vastly important role to play and they were, "the interpreters, enunciators, and indeed authors of unfolding events."²⁰ However, the methodology employed by Falk is problematic and leads to some questionable secondary conclusions. He uses sources outside of the corpus of *Íslandingasögur*, which is in itself not a problematic methodology while staying within the Old Norse context, but when using early modern sources for comparison one should justify the practice. Because they are separated by hundreds of years and in a vastly different cultural context they are unlikely to be very useful sources of comparison. Another issue in Falk's methodology is the broad definition of duel itself. His view of dueling includes instances of combat where a challenge is not issued, lack a formal setting, the terms *hólmganga* or *einvígi* are not invoked in the source, and the numbers of combatants are more akin to an ambush than a formal duel.

Some problems with methodology are intrinsic to the discussion of medieval Icelandic duels. As we have discussed the two terms, *einvígi* and *hólmganga*, are used interchangeably and we cannot separate their practices. With this in mind, this analysis will use the term *duel* in place of both *einvígi* and *hólmganga* unless the

¹⁷ Radford, R, "Going to the Island- A legal and Economic Analysis of the Medieval Icelandic Duel," *Southern California Law Review* 62 (1989)

¹⁸ Jones, "Some Characteristics," 206-7.

¹⁹ Byock, Jesse, "Feuding in Viking-Age Iceland's Great Village," in *Conflict in medieval Europe: Changing Perspectives on Society and Culture*. Eds., Warren C. Brown and Piotr Górecki. (Hampshire: Ashgate Publishing Limited, 2003), 229.

²⁰ Oren Falk, "Bystanders and Hearsayers First: Reassessing the Role of the Audience in Dueling," in *Great infusion of blood: interpreting medieval violence*, ed., Mark D. Meyerson (London: University of Toronto Press, 2004), 99.

specific term is important, and this will be noted in the discussion. Also, scholars have used different criteria for inclusion of duels in their analysis. As an example, Falk includes *Grettis saga*'s combat taking place between Grettir and Snækolfr. In this instance, Snækolfr is described as a berserker and has issued a challenge to a duel to another person while Grettir is present then asks if Grettir will fight. Grettir simply walks up to Snækolfr and using his shield, strikes him his deathblow. The challenge was not initially issued to Grettir, nor accepted openly, and before Snækolfr left his horse, Grettir kills him. Can this instance of combat be considered a duel, if the challenge is not agreed upon before the combat starts and follows no formalistic proceedings? Specifically, for instances like this, this analysis will only consider examples of dueling where one of the terms *einvígi* or *hólmanga* is used in the text describing the combat. In this way we are assured that the saga authors had intended this combat to be considered a duel. It is also important to note, that this current analysis will be working specifically with the *Íslendingasögur* only because the scope of the present work allows us only to cover a small section of the entire Old Norse corpus. Previous scholars, such as Jones and Falk, have taken a more comprehensive view of the corpus and have arrived at different conclusions. The reasoning behind using specifically the family saga genre is that the events are placed in a historical framework and take place in Iceland, with brief forays into the wider world. As others have pointed out, when events described in the sagas take place outside of Iceland, the setting allows the saga authors to include marvelous or fantastic elements.²¹ As discussed above, in avoiding the fantastic elements we can more easily describe what the saga authors saw as the practice of dueling within Iceland in generations past.

What we find when we observe the instances where *einvígi* and *hólmanga* are invoked by the saga authors is that they had a clear view of what these combats could entail which separates them from other forms of violence, even though previous scholars have equated dueling to feud. Despite having a clear view of the form a duel takes, there are variations and differences between duels that happen outside of Iceland and those which happen inside. The duels that take place on Icelandic soil limit the violence that can take place through the form or method the duels take on, whereas instances of duels that happen outside of Iceland allow a higher level of

²¹ Gerd Sieg, "Die Zweikämpfe der Isländersagas," *Zeitschrift für Deutsches Altertum und Deutsche Literatur* 95 (1966): 6 and Margaret Clunies-Ross, *The Cambridge Introduction to the Old Norse-Icelandic Saga* (New York: Cambridge University Press, 2010), 97.

violence. This can be explained through the narrative being allowed to be more fantastic outside of Iceland. The inclusion of violence in Iceland despite these limiting factors makes this social institution more of a heroic contest rather than “legalized feud.” It is clear from the outcomes of the instances of dueling in Iceland, that this contest fits more into the context of conflict resolution than previous scholars have ascribed it.

Chapter 2: The Saga Source Material

The saga sources show us a variety of dueling practices and discuss the individual cases in differing amounts of detail. *Kormáks saga*, thought to be composed c. 1220, goes into extreme detail; it describes the *hólmǫngulög*, the setting of the battlefield, and goes over several instances of duels. *Gunnlaugs saga*, thought to be composed around 1270, but it could be older, offers us less detail and instances of duels, but echoes many of the practices found in *Kormáks saga*.²² In even less detail, *Hrafnkels saga*, composed around 1300, just characterizes Hrafnkel by stating he “stóð mjök í einvígjum” (he stood often in duels) and offers us no description.²³ Despite the varying details given in each individual saga, we have many dueling narratives within the family saga corpus. Taken together, we can come up with a reasonable description of what the 13th and 14th century saga authors viewed Viking age dueling practices to be. First, we can see from the saga corpus that there was some form of law or at least custom. Next, we will move into a description of the formulaic challenge which always initiated the duel, followed by the descriptions given of the duels themselves. From these descriptions, we can clearly see the differentiation the saga authors had in mind between Icelandic duels and duels outside of Iceland, with an emphasis within Iceland on limiting the violence that takes place within the duel. Finally, the motivations cited by the authors for the duels themselves will be described which include: duels fought as a means of claiming the property of others, duels used in place of legal defense, duels over control of women, and duels as a means of settling honor disputes.

²² Rory McTurk ed., *A Companion to Old Norse-Icelandic Literature*, 115.

²³ Jón Jóhannesson ed., *Hrafnkels saga Freysgoða* in *Austfirðinga Sögur Íslenskr fornrit XI*. (Reykjavík: Hið íslenska fornritafélag, 1950.), 99. Dating from: Rory McTurk ed., *A Companion to Old Norse-Icelandic Literature*, 115.

2.1 Law

The scenes involving a challenge to a duel within the saga corpus being so plentiful gives us a decent amount of material to work with to find commonalities. What we find is there is surely some sort of common practice or expectation throughout the culture of what the duel should entail. There is at least some concept of law dictating the method of the duel. This fact is not surprising given the lofty place the law had in Icelandic culture. The *hólmǫngulög* is mentioned explicitly as “*hólmǫngulög*” in *Kormáks saga* and *Egils saga* both thought to be composed early in the 13th century.²⁴ It is also mentioned in the mid-14th century (or later) sagas *Svarfdæla saga* and in *Gísla saga*.²⁵ *Ljósvetninga saga* also mentions “*forn lög*” [Old Law] when issuing a challenge to *hólmǫngang*, but it is not described and not called specifically “*hólmǫngulög*”.²⁶ Both *Egils saga* and *Kormáks saga* offers the description through the voice of the narrator, offering information that the audience needs to know, whereas it is described by a character in dialogue in *Svarfdæla saga*. The *hólmǫngulög* mentioned in *Egils saga* differs considerably from *Svarfdæla saga*’s and *Kormáks saga*’s, despite both it and *Svarfdæla saga*’s describing law in Norway. In *Kormáks saga*, *hólmǫngulög* is described in detail.

‘Þat vǫru hólmǫngulög, at feldr skal vera fimm alna í skaut ok lykkjur í hornum; skyldi þar setja niðr hæla þá, er höfuð var á öðrum enda; þat hétu tjösnur; sá er um bjó, skyldi ganga at tjösnunum, svá at sæi himin milli fóta sér ok heldi eyrasnepla með þeim formála, sem síðan er eptir hafðr í blóti því, at kallat er tjösnublót. Þrir reitar skulu umhverfis feldinn, fets breiðir; út frá reitum skulu vera strengir fjórir, ok heita þat höslur; þat er völlr haslaðr, er svá er gort. Maðr skal hafa þrjá skjöldu, en er þeir eru farnir, þá skal ganga á feld, þó at áðr hafi af hörfat; þá skal hlífask með vǫpnum þaðan frá. Sá skal höggva, er á er skorat. Ef annarr verðr sárr, svá at blóð komi á feld, er eigi skylt at berjask lengr. Ef maðr stígr öðrum föti út um höslur, ‘ferr hann á hæl,’ en ‘rennr’, ef báðum stígr. Sinn maðr skal halda skildi fyrir hvárum þeim, er bersk. Sá skal gjalda hólmlausn, er meir verðr sárr, þrjár merkr silfrs í hólmlausn.’²⁷

²⁴ Einar Ól. Sveinsson, ed., *Kormáks saga*, 237. Sigurður Nordal, ed., *Egils saga Skalla-Grímssonar*, in *Íslensk fornrit* II. (Reykjavík: Hið íslenska fornritafélag, 1933.), 205.

²⁵ Jónas Kristjánsson, ed., *Svarfdæla saga*, in *Íslensk fornrit* IX. (Reykjavík: Hið íslenska fornritafélag, 1956.), 146. Björn K. Þórolfsson, Guðni Jónsson, eds., *Gísla saga Súrssonar*, in *Vestfirðinga Sögur*, *Íslensk fornrit* VI (Reykjavík: Hið íslenska fornritafélag, 1943.), 10.

²⁶ Björn Sigfússon, ed., *Ljósvetninga saga*, in *Íslensk fornrit* X. (Reykjavík: Hið íslenska fornritafélag, 1940.), 40. Note this is the “C” text version deriving mainly from AM 162 C, fol.

²⁷ Einar Ól. Sveinsson, ed., *Kormáks saga*, 237-8. Translation 1. All English translations under five words will appear beside their passage in parenthesis. For all longer translations, see the corresponding entry in Appendix A “Translations.” All translations are my own.

A number of things about this passage stand out. Firstly, there is some sort of ritual, be it magical or religious, involved. This will be discussed later. Secondly, there are a number of stipulations that make the actual combat difficult: The combatants are in a confined area along with two other people who are there just to bear the shield and protect their sides' combatant. The combatants must take turns striking each other's shields and they are only allowed three shields. After these shields are destroyed they must continue to fight in a more confined space using only their sword to protect them (On the cloak rather than inside the hazel poles.)

There is a disconnect from the prescribed law, and the narrative of the combat that follows. Typically as soon as one combatant is injured the witnesses separate the two. However, the described law says that once blood has been spilled on the cloak, the combatants need not fight further, *not* that the duel is over. The law is also vague on other important aspects. It does not state what happens when a combatant is "retreating" or "running" if they step outside of the prescribed area. Also, the described law does not specify when the combat is over. We are made to assume that if a person steps outside of the prescribed area or if blood touches the cloak the duel is concluded. The last prescription of the law also declares a loser and not a winner, and he must ransom his life to who we must assume is the winner.

Hólmǫngulög is also announced before the duel in *Svarfdæla saga* and has striking parallels with the *hólmǫngulög* found in *Kormáks saga*, though the duel is taking place in Norway:

“kveðst Moldi mundu segja upp hólmǫngulög, -því at ek hefí á þik skorat. Sínum feldi skal hvárr okkar kasta undir fætr sér; skal hvárr standa á sínum feldi ok hopa eigi um þveran fingr, en sá, sem hopar, beri níðings nafn, en sá, sem fram gengr, skal heita vaskr maðr, hvar sem hann ferr. Þrim mörkum silfrs skal sik af hólmi leysa, sá er sárr verðr eðr óvígr.”²⁸

The prescription of confining the fight to cloaks and not allowing them to leave them is similar to that of *Kormáks saga*'s *hólmǫngulög*. The descriptions of the dueling area in both accounts indicates that indeed if one would step off the cloak then they would lose the duel; the description here compares the winner to the *níðingr*, which is

²⁸ Jónas Kristjánsson, ed., *Svarfdæla saga*, 146. Translation 2.

a label earned if one were to leave the cloak.²⁹ The duel ransom of three marks is also echoed in both instances. Due to the relative dating of compositions and the similarities it may be that this is version of *hólmqongulög* could be taken from *Kormáks saga*'s and simply placed in a Norwegian setting without any magical or ritual elements. This would mean that we are actually dealing with two versions of *hólmqongulög* rather than three. Textual borrowing with dueling narratives can also be seen in a dueling narrative found in Sturlubók's version of *Landnámabók*. Chapter 86 of *Landnámabók* describes a duel fought between Úlfar and Þórólfr. Úlfar was old and childless and Þórólfr did not think his family lands were enough, so he challenged and killed Úlfar.³⁰ This same narrative is found in *Eyrbyggja saga* which is thought to be composed around the middle of the 13th century.³¹ Therefore, textual borrowing of these dueling narratives is not without precedence.

In *Egils saga* we must bear in mind that the saga is describing the law in Norway at the time as opposed to *Kormáks saga*, which is describing the laws of Iceland. With *Egils saga*, the description sounds more like a violent game of chance than it does a ceremonial means of conflict resolution.

“Þat váru hólmqongulög í þann tíma, at sá er skorar á mann annan til eins hvers hlutar, ok fengi sá sigr, er á skoraði, þá skyldi sá hafa sigmál þat, er hann hafði til skorat, en ef hann fengi ósigr, þá skyldi hann leysa sik þvilíku fê, sem ákveðit væri.”³²

The law then describes the process of inheritance if one of the participants should be killed and had no heirs in Norway. This description seems to have more in common with games of chance or a form of legalized robbery than the descriptions in *Kormáks saga* and *Svarfdæla saga* because it outlines the practice of challenging someone over the possession of objects. The challenge being that if a person won, they could claim whatever the object of contention was while risking only a set amount of money. This also puts much of the power in the hands of the challenger. He is the one challenging for the possession of the objects, and if he were to lose, then he need only to settle with the prior agreed upon price. The section describing a losing challenger in *Egils saga* seems similar to the ransom of three marks that is prescribed in the law

²⁹ The term *níðingr* will be treated later.

³⁰ Jakob Benediktsson, ed., *Landnámabók in Íslensk fornrit I*. (Reykjavík: Hið íslenska fornritafélag, 1986.), 100.

³¹ Rory McTurk ed., *A Companion to Old Norse-Icelandic Literature*, 115.

³² Sigurður Nordal, ed., *Egils saga Skalla-Grímssonar*, 205. Translation 3.

described in both other sagas. The amount is not specified and implies that the actual ransom needed to be discussed beforehand. There are also, notably, no limiting factors described in *Egils saga's hólmgöngulög*. It also does not mention any sort of shaming or glory with any of the combatants' behavior during the duel, making it concerned only with the contest over the stake.

Apart from the explicit descriptions of the *hólmgöngulög*, we can glean small tidbits from other descriptions in the sagas concerning the rules or laws. In *Gunnlaugs saga*, we find another reference of the law that mirrors what is said in *Egils saga*, “váru þat lög í þann tíma, at bjóða hólmgöngu, sá er vanhluta þóttisk verða fyrir qðrum.”³³ This further reinforces the idea that anyone could offer a challenge, however the statement is specifically about “underhanded treatment,” and does not offer any explanation of what that might entail or other circumstances which could be considered justified. Another example is from *Kormáks saga* where Þórkell, who is dueling Bersi, states, “Þat sverð, er þú hefir, Bersi, er lengra en lög liggja til.”³⁴ This prescription for length is not mentioned in the detailed description of *hólmgöngulög* which preceded it, and the length of the sword is only mentioned by Þórkell after two shields have been destroyed. This means that Þórkell could be looking for an excuse for why he is losing to Bersi, and, in essence, calls him a cheater, even after Bersi has treated him honorably. This explains why Bersi kills him outright, after bidding him to take up his third shield; he is immediately avenging his honor.

In *Gísla saga*, Skeggi is waiting for Kolbjörn to show up to the duel in Norway. It is said that he “segir upp hólmgöngulög ok haslar völl Kolbirmi.”³⁵ From this it is made explicit that the combat will be conducted by a certain set of undescribed rules. The interesting thing that stands out is that Kolbjörn is not there when Skeggi is announcing the rules. Only after Skeggi asks a carpenter who is with his group to start construction of a scorn-pole does an opponent (Gísli) appear. When Skeggi declared the rules only sixteen of his followers were there to witness it, no one from his opposition. From this we can posit that the rules or conduct of the duel need only be announced and witnessed for the duel to be official, it is the duty of the bystanders that are often brought to the duel to ensure fair treatment. This also implies that there was a set of activities that needed to be accomplished in a certain order,

³³ Sigurður Nordal, Guðni Jónsson, eds., *Gunnlaugs saga in Borgfirðinga Sögur, Íslensk fornrit III*. (Reykjavík: Hið íslenska fornritafélag, 1938.), 93. Appendix A translation 4.

³⁴ Einar Ól. Sveinsson, ed., *Kormáks saga*, 255. Translation 5.

³⁵ Björn K. Þórólfsson, Guðni Jónsson, eds., *Gísla saga Súrssonar*, 10. Translation 6.

Skeggi announced the rules to his followers before attempting to declare his absent opponent a *níðingr*.

The explicit mentions of prescriptions or laws only provides a vague picture of the practice of dueling. *Kormáks saga* and *Svarfdæla saga* details the setting of the duel, but *Egils saga* does not, and no source discusses any prescription of rules regarding weaponry as mentioned by Þórkell. The sagas that offer us descriptions of the law are also not very similar. *Gunnlaugs saga*, *Kormáks saga*, and *Egils saga* can all be categorized as skald sagas and all follow a specific character, though *Egils saga* is not characterized by an unrequited love interest.³⁶ *Gísla saga* also follows one character but is seen as an outlaw tale.³⁷ *Svarfdæla saga* follows the events of one specific place. In order to summarize the views of the saga authors of dueling laws, we can combine each prescription of the law together. We can state that the laws, according to the sagas, call for a prescribed method and order of conducting the duel, a duel could be invoked by anyone, is allowed for contests over property, and also matters of honor. We must recognize the possibility of two forms of dueling law; an Icelandic version and Norwegian version. The problem comes from the use of the term *hólmganga* to indicate both forms and *hólmgöngulög* to describe both sets of laws. Further complications are that the *hólmgöngulög* mentioned in *Svarfdæla saga* is more similar to *Kormáks saga*'s than to *Egils saga*'s but takes place in Norway, though all the texts were written in Iceland. We cannot gain an understanding of the regional differences in dueling patterns by laws alone because *Svarfdæla saga*'s and *Kormáks saga*'s *hólmgöngulög* are so similar, and are said to take place both in Norway and Iceland. The laws and prescriptions themselves also often vague on important aspects, allowing us only a very incomplete description. Because we can no longer simply describe dueling practice through explicit descriptions of law we must resolve to understand dueling through the implicit practices described in the sagas.

2.2 The Challenge

Apart from these instances of actual description of the prescribed "law" there are implicit practices of the duel. The duel must start with a challenge. The challenge itself is formulaic; it names the person who is challenged, it sets the stakes for the

³⁶ Sørensen, argues that *Gunnlaugs saga* does not either. See generally: Preben Meulengracht Sørensen, "The Individual and Social Values in Gunnlaugs saga ormsstungu," *Scandinavian Studies* 60 (1988).

³⁷ Örnólfur Thorsson ed., *The sagas of the Icelanders: A selection*. London: Penguin Books, 2000), 496.

duel, the location the duel will be held and how long until the duel will take place, as well as the threat of being labeled a coward if the “challengee” should not show up.³⁸ Egill’s challenge to Berg-Onundr in *Egils saga* is somewhat typical of the form the challenge actually takes: “þá vil ek bjóða þér hólmgöngu ok þat, at vit berimsk hér á þinginu; hafi sá fé þetta, lönd ok lausn aura, er sígr fær, en þú ver hvers manns níðingr, ef þú þorir eigi.”³⁹ All the pieces of a typical challenge are present; everyone knows the combatants will be Egill and Berg-Onundr, they know the combat will take place immediately and at the assembly, they know that this is being fought over the possession of the inheritance previously discussed by them, and if Berg-Onundr refuses, then he will be labeled a *níðingr*.

Another, more typical, example comes from *Vatnsdæla saga*, thought to be composed in the later 13th century, when Finnbogi challenges Þorsteinn to a duel at the assembly.⁴⁰ There had been some contention between two families about a blow that was exchanged and thus dishonored a certain Berg. As a way to show humility Þorsteinn was supposed to walk under some raised turf, but the scene erupts into contention again and Finnbogi issues a challenge: “vil ek skora á þik, Þorsteinn, til hólmgöngu á vikufresti við stakkgarð þann, er stendr í eyjunni fyrir neðan bæ minn at Borg.”⁴¹ The family members of those challenged step in and renegotiate the duel. Jökull takes the place as the combatant for his brother Þorsteinn and agrees to fight both the bothers Finnbogi and Berg. He also adds to the challenge, “en ef nokkurir koma eigi, þá skal þeim reisa níð.”⁴² Again, we see the challenge formula being produced. The initial challenge meets most of the requirements: it names the combatants, when they will meet, and where they will meet. Finnbogi, the challenger, also mentioned that the duel will be fought because they did not come to terms with the initial dishonor, which is what the duel is being fought over. After the renegotiation of the duel, the combatants also make it known that those who do not show up will be the object of shame and ridicule, and a scorn-pole will be raised.

The challenge issued by one of the combatants including when the duel will take place is very important, and it is almost never immediate. The time varies from

³⁸ The term “Challengee” is used by Ciklamini in *The Old Icelandic Duel*, and is a very useful term for our discussion.

³⁹ Sigurður Nordal, ed., *Egils saga Skalla-Grímssonar*, 157-8. Translation 7.

⁴⁰ Rory McTurk ed., *A Companion to Old Norse-Icelandic Literature*, 115.

⁴¹ Einar Ól. Sveinsson, ed., *Vatnsdæla saga*, in *Íslensk fornrit VIII*. (Reykjavík: Hið íslenska fornritafélag, 1958.), 88. Translation 8.

⁴² Ibid., 88. Translation 9.

duel to duel: Gunnlaugr's first duel with Hrafn is to take place in three days, Kormákr's and Bersi's duel is to take place in a fortnight from the challenge, and Gunnlaugr's and Hrafn's second duel is to take place in Norway a year from then. Even when the duel is to take place at the assembly, there seems to be time passing, for instance at least one night passes between Þórvaldr's challenge to Kormákr and the actual duel.⁴³ The shortest amount of time that takes place between the challenge and the combat is in *Þorsteins þáttur Stangarhöggs*. Bjarni intends to fight the duel immediately, but allows a pause for Þorsteinn to see his father first.⁴⁴ In the narratives, this usually gives the combatants time to collect followers for witnessing the combat and to make necessary preparations for the journey to the dueling area. This could also allow for the combatants to change their mind as tempers cool and not actually show up for the duel. Opting to not participate in the duel after it has been agreed upon is little attested in the sagas and the threat of being labeled a "*níðingr*" is a very serious one.

We see from the issuing of the challenge that all the necessary information is included for the sake of the challengee and the audience, which is usually present. After calling for a duel with the challengee, the time, location, and the reason is announced for all to hear. This is followed by a threat of being labeled a *níðingr* if one does not appear. It is clear from the descriptions of the challenges and from Halli demanding to know his crime when Valla-Ljótr challenges him that stating the specific reason was an important part of the challenge. The formulaic nature of the challenge lends credit to the notion that the duel is a formal and ritualized affair. The duel is called for in a customary way and as we have seen in the section above, there were customs or laws conducting major sections of the dueling procedure. The actual method of combat and rules to follow are dictated later at the site of the duel.

2.3 Form of the Duel

The description of the duel itself is the only means we have for trying to understand how the authors thought the combat actually took place, which is referred to here as the "form" of the duel. We receive a very different picture of what happens at the dueling site from what the laws call for. The combatants' weapons, method of combat, the place and setting of the duel, as well as how the duel is concluded are all

⁴³ Einar Ól. Sveinsson, ed., *Kormáks saga*, 282-5.

⁴⁴ Jón Jóhannesson, ed., *Þorsteins þáttur stangarhöggs*, in *Austfirðinga Sögur Íslensk fornrit XI*. (Reykjavík: Hið íslenska fornritafélag, 1950.), 74-5.

more fully described in the instances of actual combat rather than the prescription of the laws. From these descriptions we can paint a picture of what the saga authors actually thought took place. Here we see that, though varied, the saga authors had enough consensus on dueling practices that they could separate dueling from other methods of violence. The form of the duel within Icelandic tends to include more violence limiting measures than instances outside of Iceland.

Despite being prescribed against in *Kormáks saga's hólmgöngulög*, the combatants are sometimes described as freely exchanging blows, they are not limited in any way on when or how often they can strike. This is the case in Egill's duel with Ljótr in Norway. Egill strikes Ljótr's shield again and again while Ljótr tries to steady himself under the flurry of blows. However, the combat in an Icelandic setting takes on a more ritualized manner, similar to what is described in *Kormáks saga's hólmgöngulög*. This means the combatants are intended to take turns delivering blows. This is obviously the case with the duels in *Kormáks saga*, but we see it elsewhere as well. With Gunnlaugr's and Þórðr's duel, there are only two blows stuck, but it seems as if they were taking turns: Þórðr strikes first, and then Gunnlaugr. Later, when Gunnlaugr and Hrafn are dueling, it is stated that Hrafn was to "átta fyrr at höggva" (had first strike) indicating that they intended to take turns.⁴⁵ The prescription of taking turns delivering blows, again, lends credit to this being a ritualistic formal affair.

Often the combatants are alone in the prescribed area of combat, but in some instances the combatants have shield bearers take part. The purpose of the shield bearer is to block the enemy combatants' blows for the combatant he is defending. Most examples of duels employing shield bearers are from *Kormáks saga* following the prescription of their use in the *hólmgöngulög*, but the latter two duels in *Reykðæla saga* also include shield bearers. Radford notes that this practice is mostly followed in duels which take place in Iceland.⁴⁶ However, *Víga-Glúms saga* describes a duel in Norway which an attempt is made to use shield bearers. In the end Eyjólfur states that he does not want the responsibility of protecting another man's life in the dueling ring and refuses a shield bearer himself while fighting the berserker Úlfr.⁴⁷ In *Ljósvetninga saga*, Hrólfr mentions that in his intended duel with Eyjólfur, he does not care whether

⁴⁵ Sigurður Nordal, Guðni Jónsson, eds., *Gunnlaugs saga*, 73, 94.

⁴⁶ Radford, "Going to the Island," 621.

⁴⁷ Jónas Kristjánsson, ed., *Víga-Glúms saga*, in *Eyfirðinga Sögur Íslenskr fornrit IX*. (Reykjavík: Hið íslenska fornritafélag, 1956.), 12.

it is with “við fjórða mann eða vit eigumsk tveir við.”⁴⁸ This leads us to speculate whether he intends to utilize shield bearers. It could be that Hrólfr is thinking that since four people are in conflict, that all four should go to the ring bringing along their shield bearers which is how he would come to having four people to a side. Judging from other descriptions this seems to be what he intends, which would make this duel a unique case in the corpus had the duel actually taken place. The shield bearers actually make the combat more difficult; they occupy space in the dueling ground and are focused only on blocking the opponent’s blows. Because they would position themselves in between the combatants, and swords are typically used when the shield bearer is present, the actual combatants are much further away from each other, and less likely to land a strong blow on their opponent.⁴⁹ What this difficulty amounts to is that the combatants are less likely to seriously wound each other, or at least, land a killing blow.

The most common weapons that are used are swords. Sometimes the case is that the combatants will have more than one, one in their hand and another on their person somewhere. The only mention of there being any prescription concerning the weapons is found in *Kormáks saga* concerning the acceptable length of the sword. Kormákr intended at first to use an axe in his duel against Bersi, but he is talked out of it and axes are not present in any duels within the corpus. Gísli Sursson’s uncle Gísli uses a halberd during his duel, and Egill and his opponent Atli both come equipped with halberds to their duel which they immediately threw at each other’s shields. During the fight between Egill and Atli, Egill notices that his sword is ineffective, he then resorts to biting Atli’s throat open, which seemed to be acceptable because he was awarded the stake of the duel.⁵⁰ The duels that take place using the halberds (or teeth), however take place in Norway, in Iceland the duels are only fought with swords. This could further reflect the differences of dueling practices between Iceland and Norway or could be the difference between the intent to kill the opponent or not. Spears are generally thrown at the opponent when attempting to kill the opponent, and because spears or halberds are used only in Norway, Norwegian dueling practice might be more violent than its Icelandic neighbor. This could also be

⁴⁸ Björn Sigfússon, ed., *Ljósvetninga saga*, 102. Translation 10.

⁴⁹ Note Radford discusses this in theory as well as from personal experience in what we can assume are re-enacted combats.

⁵⁰ Björn K. Þórólfsson, Guðni Jónsson, eds., *Gísla saga Súrssonar*, 11. Sigurður Nordal, ed., *Egils saga Skalla-Grímssonar*, 206.

purely literary convention, being allowed because the setting is outside of Iceland. In Iceland only swords are utilized which, as is mentioned when describing shield bearers, limits the chances of inflicting a serious wound. The ritual and magic elements described in *Kormáks saga*'s *hólmgonulög* have been taken as a means of ridding the dueling area of magic, and providing a fair battlefield.⁵¹ Despite these steps, there does not seem to be any prescription against magic weaponry or items. Bersi uses a healing stone worn around his neck for duels, and many of the swords used were magic and sought out specifically for use in the duel.

The place of the actual duel seems to be very important. The majority of the duels take place on an island: Egill duels with Ljótr on Valdero Island, the duel between Björn the Berserker and Ari Þorkelsson in *Gísla saga* on an island called Stokkahólm, and the duel between Gunnlaugr and Hrafn at Oxararhólm in *Gunnlaugs saga*. This makes sense if we take the actual term used into account; *hólmganga* literally means "island going." The island provided a neutral ground for both parties to meet as well as a set of natural boundaries for the duel to take place in. In some instances, the location need not be an island: Steinar's and Bersi's duel seems to take place at "the dueling-ground"⁵² at the assembly. Kormákr's duel with Þórvarðr also seems to take place at the assembly.⁵³ What these instance have in common about all the locations of the duels is that they take place away from residential areas. By setting the location away from populated areas the procedure limits the amount of spectators to those who have been invited by the combatants. This limits the possibility of further violence. When conducted at the assembly, the duel involves more than just the interested parties, who could also limit further aggression. This also decreases the likelihood that property will inadvertently be damaged from the fight by going to the dueling area. These practices are common within Iceland and outside of it.

Generally, we see that an area is marked off on the dueling ground. This could be as elaborate as the description found in *Kormáks saga* where they set a ring around a cloak which is to be fought upon, or the description could be as sparse as indicating where the combatants are to stand, and a hill will do for Bjarni's and Þorsteinn's duel in *Þorsteins þáttr strangarhoggss*. This defined space is where the

⁵¹ Bø, "Hólmganga," 136.

⁵² Einar Ól. Sveinsson, ed., *Kormáks saga*, 250. Called "hólm" in the text.

⁵³ Ibid, 284.

duel is to take place; the practice seems to be that the combatants are not allowed to leave the prescribed area. Recall *Kormáks saga's hólmgöngulög* stating that if one were to step one foot out of the prescribed area they are “retreating,” and “running” if both feet left.⁵⁴ This is not the case in all of the descriptions. In *Egils saga*, Ljótr the berserker, dueling Egill, steps out of the marked area for the duel, however this does not stop the duel. This prescribed area seems to be fairly small though we do not get very many measurements mentioned. Because we often have descriptions of a defined space for the duel we can assume that this was cause for ceasing the duel. Why would the author mention Ljótr stepped out of the prescribed area if it did not matter, and why would *Kormáks saga's hólmgöngulög* prescribe a movement to a smaller space after the third shield is destroyed? This being a reason to decide a winner of the duel is the only reasonable explanation, which ends the duel without the need of a wound.

Another, more problematic, description of ending the duel is found with Gunnlaugr's duel with Hrafn. Hrafn's sword breaks and the broken piece of the sword wounds Gunnlaugr. After this the spectators run in and separate the combatants. Gunnlaugr submits (*kalla*) that Hrafn is defeated because his is weaponless and Hrafn submits that Gunnlaugr is defeated because he is wounded.⁵⁵ Gunnlaugr's claim is not supported by the description of *hólmgöngulög* found in *Kormáks saga*, and Hrafn's claim is. Despite this, to Kormákr, this is grounds for attempting to award himself victory. Recall that *Kormáks saga's hólmgöngulög* does not prescribe a specific end to the duel, only that the combatants need not fight any longer after blood has fallen on the cloak. It is likely that both combatants are “submitting” to the spectators. After considering this account and because the conclusion of the duel is not specified in any *hólmgöngulög*, we should then interpret the passage about the blood falling on the cloak as a reason for one of the combatants to forfeit; not that this is the technical end to the duel. This indicates that the spectators have the power to end the duel and decide the winner of the duel.

Witnesses or spectators make an appearance in almost every duel; the only time we do not see a collection of witnesses is in *Þorsteins þáttr strangarhöggs*. This fact could illustrate the differences between *einvígi* and *hólmanga*, but there is not

⁵⁴ Ibid., 237-8.

⁵⁵ Sigurður Nordal, Guðni Jónsson, eds., *Gunnlaugs saga*, 95.

sufficient evidence to make a distinction.⁵⁶ The only overt, but quite important, action they take is to break up the duel as soon as there seems to be a clear winner. Also, as mentioned before, it seems to be that they are there in order to witness the duel being conducted. Generally deals and events need to be witnessed in order for them to be legal or if they need to be proved to happen later. This makes the spectators a very necessary part of the duel itself. To Falk, it is because of the audience the combatants are actually willing to make a zealous attempt at wounding their opponent. They can afford to do this because the audience will stop the action before it gets out of hand. He posits that had there been an audience for Þorsteinn's duel with Bjarni, "one of the men would undoubtedly have had to leave the dueling ground feet first." He continues, stating that the onlookers are the actual main role in the duel, they are "the interpreters, enunciators, and indeed authors of unfolding events...We ought to be thinking not of witnesses to a fight, then, but of fighters to a witness."⁵⁷ Falk may place too much emphasis on the importance of the audience; the audience is there in order to observe a duel, and the duel is characterized by a personal conflict. However, his idea is sound, the audience plays an important role, but their participation is limited to ending the combat, not instigating the practice or shaping the events.

Sometimes, saga characters can take the place of another in the duel. This occurs in *Egils saga*, *Gísla saga*, and *Reykðæla saga*. In *Droplaugarsona saga*, the character Finngeir offers money to fight the berserker Gaus for him after Gaus challenges him to a duel, but no one accepts. The only thing these instances have in common is that the challenged party could opt to have another substitute, the challenger never does. In *Egils saga*, *Reykðæla saga* and *Droplaugarsona saga*, the substitution is because the initial challengee is very unlikely to win and is used to illustrate the martial prowess of the main character. *Reykðæla saga* and *Droplaugarsona saga* are the only instances which this happens in Iceland, and follows the berserker suitor narrative formula.⁵⁸ Because asking another to substitute seems to indicate a martial failing on the part of the challengee, it seems unlikely they

⁵⁶ This source is also a later composition, the oldest manuscript containing this *þáttir* is dated between 1420 and 1500. Sieg removes this source from his study of dueling because of its seeming chivalric influences.

⁵⁷ Falk, "Bystanders," 108, 99.

⁵⁸ Björn K. Þórólfsson, Guðni Jónsson, eds., *Gísla saga Súrssonar*, 9-10. Sigurður Nordal, ed., *Egils saga Skalla-Grímssonar*, 201-6. Björn Sigfússon, ed., *Reykðæla saga*, in *Ljósvefninga saga Íslenskr fornrit X*. (Reykjavík: Hið íslenska fornritafélag, 1940.), 211-12. Jón Jóhannesson ed., *Droplaugarsona saga* in *Austfirðinga Sögur Íslenskr fornrit XI*. (Reykjavík: Hið íslenska fornritafélag, 1950), 178.

would elect have a substitute; in one instance, a character would rather die than face the shame of not participating.⁵⁹ For these reasons it seems unlikely that substitution had a large part to play in the minds of the saga authors, other than as a narrative device to have the main character participate in a duel.

From the above discussion, we can see certain practices and customs dictate the execution of the duel separating it from other forms of violence. Firstly, an area set aside from domestic life is chosen for the dueling ground. The site itself need not be marked out extravagantly (or at all). A crowd will form of onlookers who will interpret the outcome of the duel and will eventually decide when an outcome is reached. The combatants could be using varying weaponry and might utilize shield bearers, but certainly will have swords. They will then either take turns striking each other's shields or simply attack their enemy in a flurry of blows until the crowd separates them, or one of the combatants is killed. An important note is that duels that are fought in Iceland are mostly similar. Shield bearers or turn taking is found in: *Reykðæla saga*, *Gunnlaugs saga*, *Kormáks saga*, and *Þorsteins þáttr strangarhöggs*.⁶⁰ From the actual descriptions of the various duels we can conclude that the saga authors had a consensus on how a duel ought to be fought, and being within Iceland provides a more homogeneous group of practices than outside of it including many violence limiting factors.

2.4 Motivations

In the analysis of dueling so far, one cannot conceive the reason why people would elect to participate in this life-risking endeavor. One could more easily perpetrate violence against an adversary through practices like ambush which offered a higher chance of success and less risk. The cited motivations behind each duel fall into a few categories; honor, control over women, and property and civil suits. These motivations are common for conflicts throughout the Old Norse corpus, most of which do not end in a duel. Each of these motivations will be covered but with the exception of the literary trope of the berserker who claims women and land.⁶¹ Being

⁵⁹ Einar Ól. Sveinsson, Matthías Þórðarson eds., *Eyrbyggja saga*, in *Íslensk fornrit* IV. (Reykjavík: Hið íslenska fornritafélag, 1935.), 14.

⁶⁰ Björn Sigfússon, ed., *Reykðæla saga*, 212. Sigurður Nordal, Guðni Jónsson, eds., *Gunnlaugs saga*, 94. Einar Ól. Sveinsson, ed., *Kormáks saga*, 238. Jón Jóhannsson, ed., *Þorsteins þáttr stangarhöggs*, 75-76.

⁶¹ Sieg has taken the opposite approach of the one used in this study. He excludes instances involving berserks or Vikings as literary embellishments. These interactions must be covered, however, because

common sources of conflict demonstrates that these motivations had real socio-political significance in the minds of the saga authors. These duels represent a “might makes right” philosophy and the characters choice of dueling displays their martial quality. Any doubt about a man’s honor could swiftly be put to rest by participating in this heroic contest. Characters contesting the control over women seem to be able to challenge the strength of their male guardians. The idea behind lawsuits and property disputes follow a similar logic; the ability to control these items is contested or defended by the might to keep or take them. These stated motivations reflect the normal causes of strife, but by overtly choosing a duel, the characters illustrate their willingness to participate in a heroic contest, thus proving their might and honor and justify their ability to control resources and women.

Honor is typical motivation for the issue of the challenge to the duel and it represents the community’s view of the quality of a person. An effective means of displaying or retaining honor is through the contest of dueling. As Miller explains, honor plays a significant socio-political role in this culture, and has very tangible impacts. Honor could impact a chieftain’s access to support. It would then be problematic for the community to see any sort of weakness or dishonor in a saga character with any political aspirations, which is why we typically see a lot of violence associated with matters of honor.⁶² This view is illustrated in passages similar to those found in *Þorsteins þáttir strangarhöggs*. Bjarni is speaking to his wife Rannveig when she brings up the killings of Bjarni’s household committed by Þorsteinn; “Þykkir þingmönnum þínum eigi vænt til halds, þar þú ert, ef þessa er óhefnt.” With Bjarni’s political interests at stake, he immediately sets off and challenges Þorsteinn to a duel stating, “nú skal skipta virðingu með okkr Þorsteini í Sunnudal.”⁶³ There is a clear link between honor and political aspiration. Honor is also cited as one of the motivating factors behind Kormákr’s challenge to Bersi in *Kormáks saga*, alongside the importance of the marriage of Steingerðr, Kormákr’s lover, to Bersi. “telr Kormákr Bersa hafa svikit sik í brotttöku Steingerðar; -‘vilju vér

they still illuminate the views of the 13th and 14th century Icelanders concerning dueling. The social context seems just as valid with a duel involving a berserk than a duel with a character with the moniker “dueler” or any other saga character. However, the fact that one of the combatants is a berserk is more of a separate literary embellishment, therefore the aspect of the berserk will not be treated.

⁶² William Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (London: University of Chicago Press, 1990), see generally, chapter one, *Status, Rank, and the Economy of Honor*.

⁶³ Jón Jóhannsson, ed., *Þorsteins Þáttir Stangarhöggs*, 74. Translation 11.

nú konu með oss hafa ok bætr fyrir svívirðing.”⁶⁴ The contesting nature of dueling for honor fits very well in Finnborgi’s challenge to Þorsteinn. The initial conflict derived from a blow that Finnbogi’s brother Berg had given which almost knocked Þorsteinn, Jökull’s brother, into a fire and Þorsteinn had dealt a blow to Berg with his shield boss. As a means of satisfying Berg’s honor, it was decided that Þorsteinn should publicly humiliate himself as compensation, but this act is not completed which prompts Finnbogi’s challenge to Þorsteinn for a duel, because Berg’s humiliation was not compensated.⁶⁵ The public humiliation being forced by Berg and Finnbogi is an attempt to illustrate their relative honor to Þorsteinn and Jökull, when the task is abandoned by those they are attempting to control, they must illustrate their relative honor by another means: the duel.

The biggest threat to one’s honor comes from the threat attached at the end of each challenge; the threat of being labeled a *níðingr*. Most scholars translate *níðingr* as simply “coward,” But this term is not a simple term of abuse: *níðingr* seems to be a more technical term. William Miller describes a “*níðingr*” as “...a status term, very similar to outlaw, but carrying an even greater opprobrium with it...The nothing was the lowest of the low; he was the violator of a trust, a truce-breaker, the betrayer of friend, kin, or guest, the murderer, and more.”⁶⁶ The way this term is used explicitly in the sagas, it is always a threat that the absent combatant will be declared a *níðingr*. This aligns itself with Miller’s view that this is a legal status and he mentions that sometimes the declaration of someone as a *níðingr* was a judicial act.⁶⁷ The explicit threat of declaring someone a *níðingr* is rare. In *Grettis saga*, Grettir challenges a certain Björn to a duel saying that, “legg ek nú bleyðiorð á bak þér, ef þú þorir eigi at berjask.”⁶⁸ In *Vatnsdæla saga* Jökull states that if anyone did not show up then a scorn-pole would be erected bearing the curse: “at hann skal vera hvers manns níðingr ok vera hvergi í samlagi góðra manna, hafa goða gremi ok griðníðings nafn.”⁶⁹ In

⁶⁴ Einar Ól. Sveinsson, ed., *Kormáks saga*, 232. Translation 12.

⁶⁵ Einar Ól. Sveinsson, ed., *Vatnsdæla saga*, 85-9.

⁶⁶ William Ian Miller, “Choosing the Avenger: Some Aspects of the Blood Feud in Medieval Iceland and England,” *Law and History Review* 1 (1983): 186.

⁶⁷ *ibid*

⁶⁸ Guðni Jónsson, ed., *Grettis saga Ásmundarsonar*, 79. Translation 13. Note, this does not meet the criteria of a duel, but Grettir is asking for a fight in a similar style.

⁶⁹ Einar Ól. Sveinsson, ed., *Vatnsdæla saga*, 88-9. Translation 14. The scorn-pole is the material component of labeling an absent combatant as a *níðingr* and is raised to remind the community of someone’s shame and failure. The descriptions are seldom mentioned in the sagas, they are only offered in: *Vatnsdæla saga*, *Gísla saga*, and *Bjarnar saga hítðælakappa*. From these we cannot come

Egill's challenge to Berg-Qnund he states "þú [Berg-Qnund] ver hvers manns níðingr, ef þú þorir eigi."⁷⁰ Again we see the implicit declaration of *níðingr* when the family of Ari Þórkelsson must accept the challenge of a duel from Björn the Berserker. Ari must accept to avoid shaming his wife. Again in *Egils saga*, Ljótr the Berserker must be fought in order to avoid shame that would ensue.⁷¹ The intrinsic threat of being labeled a *níðingr* contrasts against the present combatant, illustrating him then as brave and honorable.

Women are another popular motivation for dueling, and seems to be the most prevalent reason cited. The philosophy behind challenging for control of women is "might makes right." The duel represents a challenge to the ability to defend and control the women that the male characters are responsible for. A trend appears involving berserkers challenging saga characters to a duel for their women and property. This happens enough that the berserker challenging someone for their women or goods becomes an obvious literary device to add conflict and drama to the saga narrative.⁷² A typical example of this is found in *Vatnsdæla saga*, two brothers both named Haukr arrive and were much hated because "þeir buðu monnum nauðung til kvenna eða fjár, ella buðu þeir hólmgöngu."⁷³ In the opening chapter of *Gísla saga*, a certain Björn the Black, another berserker, challenges Ari Þórkelsson to a duel or else "selja honum í hendr konu sína" (hand over his wife).⁷⁴ In Egill's duel with Ljótr, we find another berserker. This duel was instigated when Ljótr had asked for Gyda's daughter in marriage, and had been turned down. It is not clear from the text whether or not Ljótr's challenge was issued to gain the woman in marriage or if it was issued because of some perceived dishonor from the refusal. Comparing this instance with other instances with Berserkers, it seems more likely to be the former rather than the later.⁷⁵

Duels over women without the presence of a berserker are still common throughout the saga corpus. In the second chapter of *Gísla saga*, the character Dueller-Skeggi challenges a rival suitor to a duel, thinking that his marriage offer had been

to any reasonable description of the physical object except to say it is likely there was a pole set near the site of the duel, and a likeness was probably carved on it in order to represent those intended to be mocked by the stave. Usually in an insulting sexual pose.

⁷⁰ Sigurður Nordal, ed., *Egils saga Skalla-Grimssonar*, 157. Translation 15.

⁷¹ Ibid. 202.

⁷² A view shared by both Sieg and Ciklamini.

⁷³ Einar Ól. Sveinsson, ed., *Vatnsdæla saga*, 124. Translation 16.

⁷⁴ Björn K. Þórólfsson, Guðni Jónsson, eds., *Gísla saga Súrssonar*, 4.

⁷⁵ Sigurður Nordal, ed., *Egils saga Skalla-Grimssonar*, 201-2.

turned down because she was being saved for his rival. Also, the issue of who Steingerðr will marry certainly plays a large part of the motivation for Bersi's and Kormákr's duel. Gunnlaugr challenges Hrafn to a duel in *Gunnlaugs saga* because "þú [Hrafn] hefir fengit heitkonu minnar ok dregsk til fjándskapar við mik; nú fyrrir þat vil ek bjóða þér hólmgöngu."⁷⁶ It is certainly true that access to women played heavily into the motivations for duels. On the outside, it would seem that these are romantically influenced literary devices, however marriage contracts played a vital role in kinship creation and networks of support. Dueler-Skeggi proposed a marriage in order to settle a dispute between two kin groups. In the narrative Kormákr is shown to love Steingerðr, but he was also having political trouble with her father, which came to an attempt on his life. Later, the idea of marriage between Kormákr and Steingerðr seemed acceptable to her father after Kormákr had negotiated with him.

Miller agrees with the assessment that marriage was an important socio-political tool; "Among the chieftain and *bóndi* [farmer] classes marriage was, before anything else, a way of adding bodies to one's support group." He goes on by saying that fathers would typically argue for marriages with their son by explaining the "strength that would come from alliance with the prospective wife's kinsmen."⁷⁷ Having an unwed daughter or sister meant that you could use them as bargaining tools for political gains. Thus, it would seem that any claims to them without permission would represent a real risk to one's livelihood and chance at brokering greater kinship and support systems. We see this anxiety over the control of women played out in the sagas with the challenges to duels.

When property or civil suits are cited as the reason the duel is evoked, the lines separating these two motivations becomes blurry. Most of the time, these two issues are intrinsically linked. Typically, two saga characters will claim ownership of some land or a share of inheritance, and this might end in a duel, or more likely just a challenge. What makes these two motivations hard to separate is the fact that where the property is to go is indeed a legal issue. The saga characters always have the option of taking the issue to the assembly and pursuing their case legally, however they choose a different path. The duel in these matters are ideologically related to what is being demonstrated with duels over women and honor. Here one shows that

⁷⁶ Björn K. Pórolfsson, Guðni Jónsson, eds., *Gísla saga Súrssonar*, 9. Sigurður Nordal, Guðni Jónsson, eds., *Gunnlaugs saga*, 92. Translation 17.

⁷⁷ Miller, *Bloodtaking*, 170. Italics are the author's.

the characters are intent on defending their honor rather than letting themselves lose a legal case, and they demonstrate their right through martial prowess to control these resources.

Certainly there are points where these two motivations are not intertwined. For instance, many of the Berserkers' challenges over women also seem to include property, and there is no hint of legal procedure. However, this strange interweaving of property and civil suits is far more common. An example of this is found in Egill's challenge to Berg-Önnund. In this case Egill is seeking claim to an inheritance that he thinks legally belongs to him. The characters meet at an assembly in order to pursue a legal case. However, the legal system fails to resolve the issue, but Egill feels the need to continue the contention with a duel. The stake of the duel being the inheritance. The duel never takes place, but his later duel with Atli is over this same contention and after the duel is awarded the inheritance. After Bersi's and Steingerðr's divorce, Bersi and Þórkell fight a duel over Steingerðr's dowry, which was to be returned to her. However, Bersi claims the ability to keep the dowry and rather than a court case, a duel ensues.⁷⁸ Other instances include Gunnlaugr's challenge to Þórgrmr over the issue of an unpaid debt in *Gunnlaugs saga*, Bersi's and Steinarr's duel over the payment of the three marks owed to Bersi from the previous duel with Kormákr in *Kormáks saga*, and the challenges of dueling surrounding Hrútr's control of Unn's dowry, in *Njáls saga*. These encounters could have been dealt with within the legal system through the courts, however they are dealt with, or at least attempted to be dealt with, outside of the *þing*.

Further complications of the legal aspect behind dueling as illustrated by the above mentioned narratives is that many of these characters use this in lieu of legal defense. In the case of Hrútr's challenge to Mqrðr, Mqrðr is bringing a legal suit against him at the *Alþing* and is characterized as an excellent lawyer. Hrútr, however, decides that a wise strategy for defense is to simply challenge Mqrðr to a duel over the issue, this would also keep the reasons for his divorce from the public. The same strategy is used against him by Gunnarr over the same issue at the *Alþing*. In *Ljósvetninga saga*, Hrólfr intends to challenge Eyjólftr to a duel because he fears that his case at the *Alþing* will be stopped by Eyjólftr's larger group of men.⁷⁹ Clearly to

⁷⁸ Einar Ól. Sveinsson ed., *Brennu-Njáls saga* in *Íslensk fornrit* XII (. Reykjavík: Hið íslenska fornritafélag, 1954.), 27.

⁷⁹ Björn Sigfússon, ed., *Ljósvetninga saga*, 39.

these characters, dueling is a valid legal defense. However, many of these instances contain contention over property as well, thus making it difficult for us to differentiate between legal defense and contention over property.

From the discussion of the different cited motivating factors it seems that these all have very serious implications and the results can be disastrous. A loss of a daughter to an undesired suitor, or the loss of goods like a dowry or inheritance could affect the financial well-being of a household. The honor lost in any legal case or in an un-avenged insult could be equally disastrous, affecting one's social standing and access to support. These are very strong motivating factors that require careful planning and attention to how one chooses to resolve a threat against them, but must be addressed. The reason why these saga characters choose a duel in these instances is to illustrate their strength in the community and their ability to control resources.

2.5 Concluding observations on the Form of Dueling

What we understand from the brief foray into the writings of the saga authors when it comes to dueling is that they indeed had a consensus as to the motivations, customs, and practices surrounding their picture of dueling. The consensus is not specific, but each instance looks similar enough that we can differentiate between a duel and other forms of combat and violence. The saga authors' view was that dueling was rooted in law, and its trappings make the practice a formal affair: the nature of the duel, the formulaic challenge, the setting, and the form all point to this. Despite the formality, there can be differing customs and forms to the duel: it might or might not include shield bearers; it could require taking turns delivering blows or they could be unrestricted; an island could be the setting or a dueling area near the *Alþing* could do. Most often the duel will be prompted by a need for legal defense, honor, or contention over resources, and is culturally sanctioned by a "might makes right" ideology. In other forms of violence, we typically see an unexpected blow or ambush with larger numbers to ensure success. The duel provides neutral ground where each combatant can only rely on their warrior prowess. This fact makes the practice more of a heroic contest than a simple means of violence, the cited motivations like honor or lawsuit, only serve as an excuse to contest an opponents might. When we compare the duels that happen in Iceland to those that happen in Norway, we can see that many of the factors that limit the violence are present in the Icelandic versions.

Chapter 3: Fitting Dueling into Conflict Resolution.

Now that we understand the form the Icelandic duel took in the minds of the saga authors, we can begin to ask larger questions about how this practice fits into medieval Icelandic society. The core of dueling is a conflict and the duel is employed as a means to resolve it. We saw that the specific motivations are most often resources, civil suits, and women, but these are some of the most basic forms of conflict found in the sagas and serve as a reason for the contest. Theodore Andersson notes the similar motivations for conflicts throughout the *Íslandingasögur* and labels them “irritants.” He categorizes these irritants into four sources of conflict: “love, property, honor, and life or limb.”⁸⁰ We see other forms of conflict resolution employed to solve these same conflicts as well as dueling, such as settlement, arbitration, and lawsuit. However, all of these forms of conflict resolution have their intrinsic flaws, including dueling, which means choosing the method of conflict resolution is a critical component of life as a medieval Icelander. Another thing to consider, which probably weighed heavily on the minds of medieval Icelanders, is that most forms of conflict can easily result in feud. Some aspects of the dueling practice make it particularly appealing as a means of conflict resolution when compared against other practices: the threat of the duel could prompt a swift end to the conflict, and the results seem to be respected if the duel does take place. These aspects of conflict resolution are less applicable to the feuding process and other forms of resolution which justify the practice of dueling. Because the saga characters know this, we can contrast the cited motivations for the duel, the contest of might, with the practical aspects, or how this practice fits within the culture.

3.1 Choices of Conflict Resolution Methods

Jón Viðar Sigurðsson defines conflict as: “a dispute about rights and interests between individuals or groups. It arises when the injured party reacts and tries to defend his threatened right.” To him, the conflict is only resolved when a lasting settlement is reached.⁸¹ This serves as an acceptable working definition of conflict

⁸⁰ Theodore Andersson, *The Icelandic Family Saga: an Analytic Reading*. (Cambridge: Harvard University Press, 1967), 12. Andersson, in this work, is explaining the structure of the Family sagas and see the conflicts as parts of the narrative and as narrative devices. He does not intend to explain the actual socio-political actions of historical people. However, since the sagas are the general source for conflict and its resolution mechanics in medieval Iceland, the survey of motivations behind conflict still apply to this study.

⁸¹ Jón Viðar Sigurðsson, *Chieftains and power*, 159.

and resolution for the discussion. Conflict resolution in medieval Icelandic society has been studied by many scholars, especially the feuding process. Byock and Miller both analyze the individual structures as a means of resolving conflict, which, to them, make up the larger conflict of feud.⁸² Jón Viðar criticizes this approach as being too narrow and the entirety of the conflict needs to be analyzed to be understood.⁸³ To Jón Viðar, the high social value of the chieftain (*goði*) plays the most significant role in resolving conflicts. The conflicting theories about conflict resolution, though important to the scholarly community, need not be addressed fully here; only a summary of the methods needs to be illustrated to provide a comparison to dueling as a method of conflict resolution. Conflict resolution mechanisms could take several forms. The existence of detailed laws and a court structure opened up the legal avenue for a resolution to conflict, and third parties also played a valuable role, and seemed to be most often the case for a lasting resolution.

One would think in a culture with detailed laws such as *Grágás*, one would need only to rely on court procedure in order to resolve conflicts between people. Civil suits were a major part of the conflict resolution process in medieval Iceland and the laws are detailed in the law code called *Grágás*. The process of taking someone to court at the *Alþing* or the local *þing* to pursue a legal suit was very complex and required many resources. Because of the detailed nature of the law, and the complex means of prosecuting a case, often people wise in law were recruited for their legal skills. While prosecuting a case, if one were to make a mistake in procedure, the outcome of the case could be placed in jeopardy as well as being liable for a fine from the court of three marks. The process of prosecuting a case could not be done solely by one's self or a lawyer. It required recruitment, not just people wise in law, but also as many people as possible to thwart any attempts to stop the court process by breaking up the court. If an adversary had a larger following at the *þing* while one was prosecuting a strong legal case against him, he could simply charge his followers into the court and stop the proceedings. Thus, it is required that if one would want to pursue a legal case, wide recruitment was needed in order to combat these attempts, and pressure the court in their favor. All of this recruitment required time that was taken away from the required daily farming activities, and often some sort of

⁸² William Miller, "The Social Historical Setting," in *Law and Literature in Medieval Iceland: Ljósvetninga saga and Vall-Ljóts saga* (Stanford: Stanford University press, 1989), 23-32 Jesse. Byock, *Feud in the Icelandic Saga*, (London: University of California Press, 1982)

⁸³ Jón Viðar Sigurðsson, *Chieftains and Power*, 156

compensation, be it monetary or in later support. Despite all the effort that went in to prosecuting a case, Jón Viðar notes that only ten percent of the conflicts in his study were resolved by a court procedure.⁸⁴

Just because a conflict could go to court does not make the process less likely to be violent; violence was a threat constantly looming over medieval Icelandic social interactions. The first step of initiating a legal case against someone was to summon them to the court at the *þing* meeting. This required a person to ride out to their farm and summon them to court in front of witnesses at the local *þing*. This could result in violence: if the opportunity presented itself the summoner might attempt to violently end the conflict there and settle with the dead's kin, while the summoned might also take offence at the summons and be tempted to kill the trespasser. If one survived the initial summoning to the *þing* they had to wait until the spring for the assembly giving the opponent time to consider whether or not to just attack the prosecutor and settle outside of court. Once the legal suit was successful and the court outlaws one's adversary, the involvement of the case did not stop there. Because of the lack of any executive authority people were responsible for carrying out their own justice against their outlaw. This required a court of confiscation to be summoned at the place of the outlaw's residence. This needed, again, to be recruited for and the chances for violent altercation at this interaction were high. Because of this lack of an executive authority that dealt with the enforcement of the law Jón Viðar states that the court system was not suitable for settling disputes, the most effective means of resolution is reached by arbitration.⁸⁵

Despite these drawbacks, most cases of conflict within the sagas eventually found their way, at some point, into the legal arena. If every social interaction was a chance to win honor and standing among their peers, the *Alþing* offered the biggest stage in Iceland. Cases were prosecuted in front of the majority of the population in the open air around the *Logberg*, the Law Rock. Here taking on an adversary or even presenting a strong case could result in a gain of honor. If the case seems to be going well, this could force arbitration from third parties to seek settlement outside of the

⁸⁴ Ibid., 110.

⁸⁵ Jón Viðar Sigurðsson, *Chieftains and Power*, 173-4, 160-1. The settlements out of court in his study come out to: 70% arbitration, 20% negotiations, 10% other. Miller postulates that this is because the legal arena was underrepresented as it did not usually lend itself as material for a good story.

court.⁸⁶ The judgement of outlawry was a steep price to pay for any conflict. An outlaw was banished either from the local district or the entire country depending on to what degree of outlawry one received. The outlaw would also be forced to forfeit all their property. If it seemed likely one would lose a case at the *þing*, it would behoove one to seek settlement rather than let the case proceed. Despite the prestige of receiving an outlawry verdict for one's opponent, it had negative consequences for the community. If the outlaw is a landowner, then their dependents must be relocated and resources in neighboring households must be provided for them. There is always the chance as well that the outlaw will not honor the legal decision and start making trouble in the district by raiding or causing other forms of trouble.⁸⁷ This likelihood of further troubles for one's neighbors is what prompted third party intervention. If the outcome of a case would affect the community at large they have a stake in the outcome, and people often took steps to ensure the ongoing peace of the district.

Third party intervention was one way for the community to be involved with ensuring community cohesion, be it by arbitration or mediation. Miller defines arbitration as "a procedure in which one or more people are selected and empowered by the principals to render a binding decision the principals agree to accept beforehand." He contrasts this process with mediation which is differentiated by the lack of power to impose on the litigants the binding decision, and other forms of resolution.⁸⁸ Jón Viðar seems to see the differentiation the same way, but calls anything outside of arbitration "negotiations." Third party intervention was intrinsically included in Icelandic society with the *goði* and *þingmaðr* relationship. Jesse Byock sees the role of the *goði* in society primarily as an institution to limit violence.⁸⁹ Local farmers were required by law to subscribe to the aid of a *goði*, or district chieftain. The *goði*, in turn, would be obligated to support his *þingmenn* (sing. *þingmaðr*) in disputes. The *goði* did not need to be the closest chieftain to a farmer, but in practicality a *goði* would use the political power they had to bully those nearby who were not his *þingmenn*. This was not the feudal system of lords and vassals existing on the continent, but a social relationship with a politically minded and

⁸⁶ Miller, *Bloodtaking*, 275. Here Miller states that settlement and arbitration was more desirable than legal prosecution due to the strictness of the legal outcomes, which were problematic for the community as a whole.

⁸⁷ Certainly Grettir's actions after he was outlawed illustrate this point.

⁸⁸ Miller, *Bloodtaking*, 261

⁸⁹ Jesse Byock, "Feuding in Viking-age Iceland's Great Valley," and *Viking Age Iceland*.

enterprising individual, who could act to protect a farmer's (the *goði's þingmenn's*) interests. The *goðorð*, the institution of the *goði*, could be transferred to others or shared between individuals and participation as *þingmaðr* could be ended with a simple declaration in front of witnesses. People would want the protection a powerful *goði* offered, they could count on him to protect their rights and take up cases for them. The *goði* benefited by having a supply of support to draw upon for his own political interests. As we have seen before, honor is very much tied to support, so the effectiveness of the *goði* the community perceives is tied up with the loss and gain of honor that can be gained by successfully resolving a conflict in his party's favor.

Third party intervention went beyond the *goði-þingmaðr* relationship with men of good will. The sagas often show us people intervening or at least condemning a conflict in order to maintain peace. Third parties outside of the *goði-þingmaðr* relationship would be summoned to arbitrate and reach a decision that the conflicting parties were expected to follow, under the threat of being called a truce-breaker. Conflicting parties who could not settle, but wanted to settle their dispute would submit their contention to third parties who were supposed to make a fair assessment of the conflict and decide on the outcome. These arbitrating parties had an interest in making the settlement as fair to both sides as possible in order to make a lasting settlement. Sometimes third-parties volunteered to help settle disputes in order to avoid larger social disruption and conflicts. People would often make their disapproval of the conflict known to the conflicting parties and offered to help them reach a settlement or facilitate negotiations. The problem of third party intervention is that the resolution might not keep the peace. In cases where one side thought the resolution unfair, violence would flair up again. In cases where the leaders themselves were satisfied with the settlement reached through arbitration, other members of their kin group might not be, and could take it upon themselves to resolve any matters of honor. To achieve lasting peace this way means then, that all the members of the parties must deem the outcome acceptable, or the leaders of the conflicting groups would have to have enough political control to stop any attempts of further violence.

Conflicting parties need not always go to third parties to reach a non-violent resolution to the conflict, they could settle the conflict between themselves. Primarily this is done through a monetary fine given to the injured party, with a price agreed upon through negotiations. The most interesting, and risky, form of settlement is *sjálfðæmi* (self-judgement.) This is where one of the two conflicting parties is

empowered with the ability to set the cost of the settlement, even though he himself is a party to the conflict. The idea is that the party empowered with *sjálfðæmi* would act simultaneously as both arbitrator and interested party, but maintain fairness. This idea of fairness did not always play out in reality though: some instances show famously overreaching prices of settlement. Giving one's opponent *sjálfðæmi* also indicates that they were in the right or that they had gotten the upper hand. This, once again, could subtract from one's honor. Another problem is, as Andersson notes, that *sjálfðæmi* is never the end to a conflict in the sagas.⁹⁰

A behavior that might puzzle modern readers that is common in the sagas is the ambush or the manslaughter in response to a perceived wrong. Certainly if one is in contention with another or has suffered insult, one could simply commit manslaughter in order to satisfy the contest of honor. However, the effects of manslaughter could be quite expensive and devastating. One means of resolving manslaughter was the monetary payment of the *wergeld*. *Wergeld* was, in essence, blood money paid to the victim's kin and was a form of settlement. The corpse had differing values of *wergeld* based on the social standing of the person as was a direct result of their honor in life. The payment of the *wergeld* was the easiest, and most cost effective, way of dealing with a killing. However, because honor was at stake at every social interaction, one could not be seen as readily taking *wergeld*; no one would want to be seen as "carrying ones kin in their pocket." More drastic than a simply monetary payment, one might be summoned to court and receive a judgement of outlawry. But, as we have seen above, the process is a difficult one, and the chances of further violence are high. The most disruptive, and most likely, outcome of manslaughter or any other conflict is an ongoing feud, which has far reaching impacts on not just the two involved in the conflict, but the community surrounding them as well.

In the sagas, it seems that all roads lead to feud. Feud in itself is not a conflict resolution method despite the very threat of it, as argued by scholars, ensuring continuity and peace among the community.⁹¹ Often we see within the sagas a small form of conflict escalating into larger and larger forms of conflict. These conflicts and their attempts to solve them, or at least, maintain honor within the community, can be characterized as feud. Helgi Þorláksson points out that a corpse does not need to be produced before feud starts. However, after a member of the kin group dies a, then the

⁹⁰ Theodore Andersson, *The Icelandic Family Saga*, 25.

⁹¹ Max Gluckman, "The Peace in Feud," in *Custom and conflict in Africa*. (Oxford: Basil Blackwell, 1955)

feud is characterized as a “blood feud.”⁹² Blood feud is a long process involving the larger perceived kin groups of the people in actual conflict, whereas feud in general could be the continued conflicts between groups. Therefore feud itself is not a conflict resolution method, but a series of conflicts between individuals or groups and their attempts to achieve peace.

Miller points out the key features of feud in medieval Iceland, which are simplified here: the characterization of a hostile relationship between two groups, involves small mobilizations for limited purposes, feud involves collective liability of the kin groups, the retribution takes a turn-taking form, the events and details are kept track of by those involved, the dispute recognizes a limit to available targets and responses, and there are acceptable means of ending the hostility.⁹³ These features play out in the sagas as a long, drawn out process that often ends in the deaths of many more people than the initial parties. Because the “score” of the feud is kept track of from the social perspective of equitable retribution, one must find a valid social target for retribution. The death of a slave would require the death of another slave; the death of a farmer another farmer, and so on. However, because the value of a human life is socially constructed and subjective, often the retribution would be perceived as too much, which prompts escalation.

Feuding itself is expensive, and many forms of conflict resolution are intrinsically intermixed within the feud system. Often the conflict between the two parties in the feud could take the forms of lawsuit, arbitration, or settlement, which could at any point lead to a flare up of violence again unless the peace is actively sought by those who participate. All these forms of conflict resolution require recruitment of allies and kin, which can be fairly expensive and might not achieve the desired results. Being on the offensive side of the blood feud specifically requires some expense as well. A brief mobilization of forces for a foray after an enemy requires active recruitment of allies, and time away from daily activities to provide for the household. The offensive foray will likely have additional costs as well. Participants in the offensive party could die or be injured which could induce fees as well as a less productive farm, and if there is a successful attack, one would likely have to pay a *wergeld* for those killed. The outcome might bring the participants to

⁹² Helgi Þorláksson, “Feud and Feuding in the Early and High Middle Ages: Working Descriptions and Continuity.” *The Scandinavian Journal of History* 35 (2010): 72.

⁹³ Miller, *Bloodtaking*, 180-1

face legal charges at the *Alþing* which has legal expenses, as well as any expenses incurred through settlement if it reaches that point, both of which will be discussed later. After a party has carried out their turn of the feud process they must then expect some sort of retaliation. Being on the defensive side of the conflict actually imparts a considerable expense. One might have to fortify or abandon their homes, relocate their farms, and the attackers could at any point disrupt the daily lives of the defenders.⁹⁴ Considering all this, the monetary ramifications of feud is quite steep.

As we have seen all forms of conflict resolution have their intrinsic risks and flaws. Attempts to resolve conflicts can at any point lead to an ongoing feud as well. Ciklamini equates dueling with “legalized feud,” however these two social institutions are clearly defined and separated in the culture.⁹⁵ Feuding involves many different attempts at conflict resolution as well as many different methods of conflict itself. Each method of resolving the conflict, can be shown to be ineffective, like legal action and *sjálfðæmi*, or risky, like manslaughter. Each individual attempt can fail and start the process of feud. Certainly dueling could play into the larger system of feud, but the duel itself is a self-contained institution of both conflict, and resolution. Because there has to be a conflict in order for a duel to be invoked and the goal of the duel was to resolve said conflict, one could define dueling as a conflict resolution mechanism. But, the resolution itself is a violent contest between two parties, making it also, in a sense, a form of conflict. In this way it is similar to a civil suit, where two parties compete in the legal arena with the intended outcome being some sort of conclusion to the conflict. The duel also involves only two (or four in the cases of shield bearers) active participants to be settled at the dueling site. Feud can be simply defined as a relationship between individuals or parties. This separates dueling from feud, and the specific form of the duel separates it from other forms of conflict resolution. Because it is indeed separate from other forms of conflict and resolutions it was a valued option open to the Icelandic people.

3.2 The Costs and Results of Dueling

⁹⁴ Miller, *Bloodtaking*, 192.

⁹⁵ Ciklaminni, “The Old Icelandic Duel,” 175.

In comparison to the conflict resolution mechanisms already discussed, dueling offers a substantially smaller cost combined with a fast resolution. As we have seen the cost of settling, arbitration, and lawsuits can be quite high. The threat that any of these can be ignored or start an ongoing feud is also a constant presence. An important aspect of how dueling fits into the conflict resolution system of medieval Iceland is what the results show. How violent is the duel itself and, is the issue resolved with the participants accepting the ruling provided by the duel, or is there further conflict and violence? As we have seen, within the feud system, when the feud evolves into blood feud, a killing begets a killing. This will continue until the conflict becomes so problematic that the participants desire peace themselves or the community pressures them enough to cease their conflict. In the cases of dueling we see that the violence was not the intended goal, the form of the duel shows an intent to limit violence. Instead, the threat of the duel was intended to prompt swift action by others or, if the duel takes place, a heroic contest that actually resolves the conflict quickly. The duel's practice follows the same logic as arbitration; the litigants are awarding their rights to the institution of the duel, like the third party in arbitration. Therefore, this follows the same imperative of maintaining the outcome as other forms; characters do not want to be labeled a "truce-breaker."

The challenge to a duel is a serious one and not to be taken lightly: a great amount of honor could be won or lost depending on how one conducted themselves concerning an issued challenge. The sagas show that even settling with a challenger in order to avoid the duel could result in a loss of honor. Ciklamini states the reason for this is the ideal of the warrior being so entrenched in the culture.⁹⁶ Mqrðr, in *Njáls saga*, felt the sting of shame after he refused to duel Hrútr at the *Alþing* and the members of the crowd laughed at Mqrðr's expense; "þá varð óp mikit at lögbergi ok óhljóð, ok hafði Mqrðr af ina mestu svívirðinga."⁹⁷ As well as the loss of honor, the outright refusal of a duel is to accept the settlement purposed in the challenge. Mqrðr had to give up his case to Hrútr, and Hrútr, in turn, had to give up the object of contention to Gunnarr. Finnbogi and Berg in *Vatnsdæla saga* refuse the second duel with Þórsteinn and Jökull, afterwards they are considered outlaws and are forced from their district, which was a part of Þórsteinn's terms.⁹⁸ Refusal of a duel seemed to be

⁹⁶ Ciklamini, "The Old Icelandic duel," 178.

⁹⁷ Einar Ól. Sveinsson, ed., *Brennu-Njáls saga*, 28. Translation 18.

⁹⁸ Einar Ól. Sveinsson, ed., *Vatnsdæla saga*, 93-4.

worse than dying on the dueling ground. Þórólfr Bolverkson challenged Úlfar the champion to a duel contesting Úlfar's ownership of his land. Úlfar, an old man, says he would rather die than lose honor and does so at the dueling ground.⁹⁹ Despite the loss of honor and the serious ramifications of refusing a duel, much of the time the duel, after the challenge is issued, does not happen. After examining the duels that take place within Iceland and excluding berserkers, we see that eight out of eighteen duels never take place.¹⁰⁰ This can be for varying reasons, such as settling to ensure the duel does not take place, and third party intervention, and in one case, even weather.

Knowing that duels are still unlikely to take place after the challenge is issued, it seems that the initial function of the challenge to a duel is to motivate third party intervention or prompt a settlement. In all the cases found in *Njáls saga* the challenge seems to be employed when the impending results of the civil suit do not look favorable. Mqrðr is characterized as a “málafylgjumaðr mikill” and that “at engir þóttu lögligr dómar dæmðir, nema hann væri við.”¹⁰¹ He had prepared his case well against Hrút and the audience is supposed to think Mqrðr is sure to win. This is when Hrút surprisingly challenges him to a duel, in order to settle the lawsuit out of court. The same trick is used by Gunnarr against Hrút, when Gunnar was about to lose the case. The same pattern is followed with Hrólfr's challenge to Eyjólfir in *Ljósvetninga saga*. Hrólfr could not find support for his case against Eyjólfir, and thinking the duel was his only chance, issued the duel and Eyjólfir pays the compensation sought by Hrólfr.¹⁰² The threat of the duel forces people to accept the settlements offered, if they do not think they can win the fight. This seems to be an extension of the so called “victory clause” that if a person wins a duel they would get the object of litigation. We can assume that by refusing the duel outright one then offers the victory to the challenger without having to fight. This is especially clear with the results of Þórir and Guðmundr's contention, when Þórir is forced to accept Guðmundr's terms when the duel is called off.¹⁰³ Usually the sagas inform us of the chances of those who are challenged by having another saga character advise them that they will not win.

⁹⁹ Einar Ól. Sveinsson, Matthías Þórðarson eds., *Eyrbyggja saga*, 14.

¹⁰⁰ See Appendix B: Challenges issued in Iceland.

¹⁰¹ Einar Ól. Sveinsson, ed., *Brennu-Njáls saga*, 5. Translation 19.

¹⁰² Björn Sigfússon, ed., *Ljósvetninga saga*, 101-2. From the AM 561 4to redaction.

¹⁰³ Ibid, 43. From the AM 162 C fol. redaction.

Along the same lines, the challenger could also use the duel to force third party intervention concerning the conflict. The fact that the duel is a violent encounter that has a possibility of death would prompt protective kin to avoid the loss of life. The reason why a challenge was intended for Einarr in *Ljósvetninga saga* is to stop the duel between Guðmundr and Þórir, and to force them to settle. Vigfúss thinks that Þórir would kill Guðmundr in the duel, or at least he will lose. In order for Guðmundr to live and still win the case he supposes that a challenge to Einarr will prompt other chieftains at the assembly to act rather than see both brothers killed. Vigfúss talking to Guðmundr makes the thoughts of the community plain, “høfðingjar munu leita annars ráðs en þit bræðr séð hoggvir hér niðr á þinginu báðir.”¹⁰⁴ Váli’s challenge to duel follows Bersi’s killing of Þórkell. It is not made clear in the saga why Váli held the shield for Þórkell as Bersi was a powerful neighbor of his, or what connection Váli had to Þórkell, but nevertheless, Váli challenged Bersi after Þórkell is killed in the duel. The challenge is met immediately with third party intervention by Bersi’s friend and neighbor Þórðr. A negotiation takes place where Váli is married to Bersi’s sister and Váli gains the Brekka land as a dowry. It seems that the only reasonable explanation for Váli’s actions is that he was using the discord in the surrounding area to gain a higher social position. He knew that there was contention with Steingerðr’s family already and the death of Þórkell might prompt further retaliation. He also knew this threat of further violence would endanger the area around Bersi’s farm and kin. Predicting that a challenge to a duel would be met with a hasty settlement, he issued the challenge. Bersi quickly accepts the settlement suggested by Þórðr which lends evidence to Váli’s intentions.¹⁰⁵ This sort of thinking is not without precedence; as Miller notes, a threat of lawsuit can prompt third party intervention and settlement, it seems forcing someone’s actions was a normal strategy.¹⁰⁶

What we see in the cases where duels are fought rather than feud or any of its component pieces are being employed is that the cost is much smaller than one would expect. In the twenty-one challenges to duels that take place in Iceland described in the sagas, only five end in the death of one of the combatants.¹⁰⁷ This is vastly different than Falk’s conclusions, but he draws from a broader pool of saga genres and includes instances of dueling which involve more than two (or four with shield

¹⁰⁴ Ibid, 41. From the AM 162 C fol. redaction. Translation 20.

¹⁰⁵ Einar Ól. Sveinsson, ed., *Kormáks saga*, 256.

¹⁰⁶ Miller, *Bloodtaking*, 271.

¹⁰⁷ For the instances see Appendix B: Challenges to Duels Issued in Iceland.

bearers.)¹⁰⁸ If we include the numbers of duels in the family sagas that include berserks or take place outside of Iceland, the numbers suddenly rise to fourteen deaths out of thirty challenges. What the sagas seem to indicate, shying away from literary tropes like berserkers, is that the death toll in Iceland was quite low. However, while outside of Iceland the risk of running into a berserker or dying in a duel are much higher. This is to be expected, however because it is well attested that narratives outside of Iceland allow for more marvelous or less likely encounters. We actually see instances within the sagas that the combatants will sometimes make clear their intentions before the duel whether or not they intend to kill the other combatant. In Bersi's duel with Steinarr, Steinarr states that he intends on humbling Bersi, not to kill him. In Egill's duel with Ljótr, Ljótr makes it very clear that he intended on killing Friðgeir and then intends on killing Egill before the duel starts.

This unexpectedly less violent nature of dueling is not as strange as it first may appear. As discussed before, a number of different aspects of the form of the duel limit the actual violence of the duel itself. These aspects include; taking turns delivering blows, the presence of shield bearers, and the active participation of the audience in separating the combatants. One drop of blood was enough to prompt an end to both Kormák's duel and Gunnlaugr's duel. Radford notes that the duel ransom and the provision for ending the duel at first blood were important innovations which, "provided a mechanism for physically resolving disputes without loss of life" and "created incentives for prevailing parties to settle without killing."¹⁰⁹ With this in mind, it seems likely that the purpose of the duel was not to kill one's adversary – one could accomplish this by ambushing them at nearly any point – but to beat them in a heroic contest. Most challenges are issued at large gatherings, and the results are spread rapidly. This implies that an audience had a large part to play on whether or not the challenge is issued. The fact that the goal of the combat was not generally to kill an opponent does not mean that the encounters were not violent. Six of the duels within Iceland ended in death and some of the duels ended in serious injury, but as was pointed out by Steinarr, his intention was not to kill Bersi, but to humble him.¹¹⁰

In order to judge the applicability of dueling as a means of conflict resolution we need to analyze whether or not the violence and conflict stop with the duel or if

¹⁰⁸ Falk, "Bystanders," 109-110.

¹⁰⁹ Radford, "Going to the Island," 619.

¹¹⁰ Einar Ól. Sveinsson, ed., *Kormáks saga*, 249.

they continue. In most instances we see that the conflicts actually do stop very quickly afterwards. Falk takes the stance that the violence does continue past most duels and that duels usually end in a death and Bø does not see dueling as a method of legal resolution.¹¹¹ This continuation of violence appears to be the case within the larger Old Norse corpus, but specifically within the *Íslandingasögur*, the violence is no more present than any other form of conflict resolution. That the contention over Unnr's dowry in *Njáls saga* causes two separate challenges certainly indicates that the duel did not settle matters initially, but after Gunnarr takes the cases, peace between Gunnarr and Hrútr's kin is established again and there was no need for bloodshed.¹¹² Bersi's and Váli's relationship does not last long after their settlement: Bersi later finds a reason to kill Váli, but this could be in reference to why the challenge was issued in the first place. It could have also been the new conflict that Bersi cites in verse in the saga.¹¹³ In other scenes involving Bersi, he is characterized as a fair and honorable character. However, he does have a temper and is quick to answer any insult to his character or unfair treatment. In any case, the initial conflict plays no part in Váli's challenge to Bersi. Following Kormákr's and Bersi's duel, there is another duel substituting Steinar for Kormákr. The lines separating the conflicts of the two duels are blurred. Steinar challenges Bersi over the payment of the three marks owed to him by Kormákr, so in one sense the duel is over a separate debt. In another sense the initial debt is occurred by the first duel.¹¹⁴ There is no clear line of conflict here which makes this specific narrative difficult to assess. Nevertheless, the conflicts between Kormákr's and Bersi's kin comes to an end after two duels.¹¹⁵ The conflict with the kin of Finnbogi and the kin of Þórsteinn in *Vatnsdæla saga* ends after Þórsteinn gives them a choice of fighting the duel or accepting his terms.¹¹⁶ Again, with Eyjólf's and Hrólfr's conflict in *Ljósvetninga saga*, they settle the case without combat and, though relations are strained, nothing further happens between the kin in Iceland.¹¹⁷

¹¹¹ Falk, "Bystanders," 100. Bø, "'Hólmganga,'" 138.

¹¹² Einar Ól. Sveinsson, ed., *Brennu-Njáls saga*, 86.

¹¹³ Einar Ól. Sveinsson, ed., *Kormáks saga*, 261.

¹¹⁴ *Ibid.*, 248.

¹¹⁵ Bersi is no longer mentioned after chapter 16, and his conflicts between his and Steinarr's duel are with another family.

¹¹⁶ Einar Ól. Sveinsson, ed., *Vatnsdæla saga*, 94.

¹¹⁷ After the settlement, both redactions' (Am 561, 4to and AM 162 C, fol.), narratives are set abroad with kings, the events here are likely rhetorical devices to connect families of Icelanders with kings of Norway.

In some cases, when the conflict between the two parties persists, those who continue the conflict are characterized as trouble makers. Certainly Váli was not painted in the best light despite their conflict being a short one. In *Reykðæla saga*, a certain Þórsteinn and Eysteinn come into conflict over a blundered business transaction. Þórsteinn, not wanting to bother his kin over the matter, challenges Eysteinn to a duel to decide the matter. Eysteinn loses and is permanently injured, walking with a limp from then on. In order to take vengeance over the outcome of the duel, he contrives a plan to frame Þórsteinn's kin for stealing sheep. Eventually the plan is found out and Eysteinn is outlawed from the district. Elaborate plans are part of the stock and trade of Old Norse narrative, but Eysteinn is constantly pushing his agenda in secret, which is not a heroic method of behavior. *Valla-Ljóts saga* offers us the most prolonged contention between kin following a duel. A conflict has arisen between Halli and Ljótr about a settlement, and Ljótr sets out to ambush Halli. During the ambush, Ljótr and Halli decide to settle the matter with a duel where Halli is killed. Ljótr is forced to pay a *wergeld* for Halli. The conflict continues when Ljótr's kinsmen Þorvarðr is killed, in retaliation Bǫðvarr is attacked. The conflict continued with two more attacks after the initial settlement for Halli, but all the agitators were again characterized negatively. When Þorvarðr was killed, Guðmundr approaches Ljótr to settle, indicating that he did not want the settlement broken. While Sigmundr and Björn are looking for support to kill another kinsman of Guðmundr's in retaliation, both Björn and Guðmundr indicate that the target is an inappropriate one. Ljótr's brother initially offered hospitality to the target. To most of the characters, it seems that the issue was resolved after the settlement. The lasting settlement comes after Guðmundr and Ljótr settle once more. From this we can see that the continued agitation after the duel is characterized negatively by the saga authors. This indicates that the results of the duel are supposed to be respected by the conflicting groups just as other methods of resolution were to be respected. The constant threat of being labeled a *níðingr* adds weight to this claim. As we have seen the *níðingr* has been equated to a "truce-breaker" in several instances, a label that can result in full outlawry.¹¹⁸ The cultural imperative for respecting the outcome of the duel seems to be, therefore, the same imperative that allows for other systems of conflict resolution to exist: based on the assumption that the participants will respect the resolution.

¹¹⁸ Andrew Dennis, Peter Foote, and Richard Perkins, eds., *Laws of Early Iceland: Grágás I* (Manitoba: University of Manitoba Press, 2000), 211.

3.3 Conclusion of Dueling as a means of conflict resolution.

From the above analysis, we can see that dueling as a means of conflict resolution offers conflicting parties a more cost effective, less risky form of resolution. Most of the time the right of the duel is invoked in order to prompt third party intervention or force an opponent to accept a settlement. The challenge is also employed by those who do not think they will not receive fair treatment during trial. Combining these two ideas creates a strategy for those less powerful, but possibly skilled in combat, to receive justice from opponents who are more powerful than they are. This method of employing the duel is non-violent, in and of itself; it is a threat of violence that prompts either the opponent or third parties to settle the dispute and take it seriously. If the threat does not prompt a settlement from one's opponent, the risk of death is still not as high as one might expect. The mechanisms of the duel itself and the audience are intended to create a martial contest, not an arena where only one man lives. After the duel takes place, rarely do we see any prolonging of the conflict and if it is prolonged past the duel it does not last longer than any other failed mechanism. If we compare these aspects with other forms of conflict resolution we can see that dueling is just as effective at resolving disputes or more so. This discredits Bø's claim that the duel was ineffective, because this would mean that all other mechanisms of resolution were equally ineffective. The duel was special. As Jones points out, "it confined strife to two men only, and curbed the far-reaching slaughter of kinsman which characterized feud proceedings."¹¹⁹ The duel can be forced into the feuding process, but rarely is that the case. Any form of conflict resolution runs the risk of evolving into feud if one party feels they have received unfair treatment. Dueling offers a completely fair ground, where one's martial resolve is put against another's without any other outside influences, which makes it difficult for one party to claim unfair treatment. This fact separates it from other mechanisms, where a settlements can be too high or too low, and third parties can show preferential treatment. These possible unfair qualities of other forms of conflict resolution can lead to dissatisfaction with the attempted resolution, which prompts the feud.

Chapter 4: The End of Dueling.

¹¹⁹ Jones, "Some Characteristics," 205.

If dueling was, as we have seen, a reliable means of conflict resolution why then would it be outlawed around the year 1006?¹²⁰ *Gunnlaugs saga* states that the reason for dueling being outlawed was in order to further limit violence and death.¹²¹ But, this reason seems rather unlikely. Other methods of conflict remained violent, and the Sturlunga age two hundred years later was one of the more violent times in Icelandic history. Certainly the medieval Icelanders still needed conflict resolution methods and central executive power was still lacking into the 13th century. The truth is lost to time, but we have enough evidence to make some reasonable suggestions.

As Gwyn Jones notes, the fact that the date dueling is outlawed is so very close to the adoption of Christianity by the *Alþing* is suspicious. He theorizes “the waning of the old faith might have helped towards its [dueling’s] final disappearance, and the new religion would be antagonistically disposed towards these remnants of paganism, and would seek to suppress them.”¹²² Recall that he stated that there was no longer religious convictions in the institution of dueling as it was practiced in the sagas and it seems there is scholarly consensus over this theory. These convictions were lost as the practice continued. However, many of the rituals and customs remained, and bore a likeness to pagan practices. The sacrifices before and after the duel, as well as the inclusion of the hazel poles and the ritual of setting up the dueling area all have pagan connotations. The setting up of the dueling area in *Kormáks saga* seems to be a magic ritual intended to detect anyone using magic to effect the outcome of the duel, and has no hint of Christian practice. The name of the 13th century fragment containing dueling law from Västergötland called *Hednalagen* or “Pagan Law” certainly draws connections between paganism and dueling.¹²³ These connotations linking dueling with pagan practice remained in the minds of the saga authors. We can see this with Gellir’s statement in *Ljósvetninga saga*; “Illa læt ek yfir því, er hólmgöngur haldask uppi, ok er þat heiðinna manna.”¹²⁴ With the linking of dueling and paganism it is not hard to draw a link with its outlawry and the conversion.

However, dueling fits into Christian social practices in continental Europe contemporary to Iceland’s conversion. Dueling in other contemporary societies took

¹²⁰ Bø, “Hólmganga,” 136.

¹²¹ Sigurður Nordal, Guðni Jónsson, eds., *Gunnlaugs saga*, 95.

¹²² Jones, “Some Characteristics,” 224.

¹²³ Peter G. Foote, and David M. Wilson. “Justice,” 379-380.

¹²⁴ Björn Sigfússon, ed., *Ljósvetninga saga*, 102. Translation 21.

on the form of an ordeal. In these instances, “the common belief was that, in a duel, God contributes to the result by fortifying, if necessary, whatever strength the innocent already has.”¹²⁵ The process of invoking God to show his agents on earth his justice through judicial duels and other forms of ordeal held no stigma to Christians in these places. Because dueling took on the mode of God’s justice elsewhere, why then could it not be the same in medieval Iceland? A likely conclusion to this is that with the conversion came an overreaction to pagan connotations. Other practices like kennings in poetics have pagan connotations as well, and after the conversion, scholars have noted a decline in the production of kennings within the eddic poetry corpus.¹²⁶ Continental contemporaries had been reading and treating the pagan writings from the classical period for a long time, and had figured ways in which they could justify consuming these classical works. If we draw some parallels between poetry and dueling, we can posit that newly converted Iceland had a heightened sensitivity to pagan connotations, and with this sensitivity came a reaction against institutions and practices with a pagan connotation.

Though the religious reasons might be likely as a reason behind outlawing dueling, this is not the only possibility. As we have discussed already, honor and the heroic ideal played a large part in the culture. The social institution of dueling plays into the heroic ideal, in that it is a violent competition between two parties. Here the audience plays a large part in fitting dueling into this criteria, because without the deeds being widely known, the deeds of the combatants on the dueling ground would no longer seem so heroic. As we have noted above, the audience was a large part of dueling in medieval Iceland as they take an active part in the duel themselves. Afterwards they, as Falk demonstrates, decide on how the community should interpret the outcome. The heroic ideal and standard of honor as demonstrated within the family saga corpus has sparked a lot of scholarly debate. Andersson feels that the sagas show a movement towards a more community centered ideal and form of justice and conflict resolution. The characterization of many of the saga characters and their actions favor in many instances the moderate man or the choice of the middle ground. We can see this in the characterization of Njáll in *Njáls saga*. He is constantly shown as promoting peace, and is the eponymous heroes of the saga. Gunnarr on the other

¹²⁵ H. L. Ho, “The Legitimacy of Medieval Proof,” *Journal of Law and Religion* 19 (2003/4): 261.

¹²⁶ Fidjestøl, Bjarne. “Mythological Kennings” in *The Dating of Eddic Poetry: a Historical survey and Methodological investigation*. ed. Odd Einar Haugen. (Copenhagen: Reitzel, 1999) 270-293.

hand, represents the heroic ideal and, though characterized favorably, his actions lead to his downfall. The entire saga seems to take a stance against feud and violence as an acceptable social institution. This fits into Byock's idea that many of the social institutions are present in order to limit violence.¹²⁷

Claiborne Thompson criticizes Andersson's and other scholars' methodology looking at specific instances in each source to justify arguments about moral ideology.¹²⁸ Other scholars, such as Robert Cook, have taken a stance of opposition on the presence of the heroic ideal in the family sagas. Cook states that many of Andersson interpretations of the Sagas are "needlessly extreme" and he has "drawn too sharp distinction" between the social ideology versus the heroic.¹²⁹ Many of the sagas that Andersson and others cite as moving away from the heroic ideal can also be shown to uphold this heroic ideal. Gunnar's marshal prowess is not in question in *Njáls saga*, and, to Cook, "the main thread in Gunnar's life in Iceland is the preservation of his honor against a series of offenses."¹³⁰ Many other saga characters' heroic deaths, like Gísli's, also demonstrate that the heroic ideal is very much alive in the passages of the family sagas. Cook concludes in his analysis of *Njáls saga* that its theme is triumph and that both the warrior ideology and the social ideologies are favored.¹³¹ From these discussions it seems likely that, because we have the presence of both a heroic ideal and the stance against it and that the saga authors, they were working through this balance as well. There does seem to be a cultural push away from these heroic ideals into a more social ideal. The solidification of governmental bodies around Iceland and the slow focusing of power and community living represent this shift in perspective. It could be that the institution of dueling was seen as "too heroic" for the medieval Icelandic people and it fell victim to those who wanted to shift into a more orderly society.

Jón Viðar's in-depth study of chieftains in the commonwealth poses an interesting theory about the ending of dueling. He states that because the difference in power between wealthy farmers and *goðar* (sg. *goði*) in the saga age was so small, that an overbearing chieftain could be held in check by the threat of the duel by the

¹²⁷ Byock, Jesse, "Feuding in Viking-Age Iceland's Great Village," 229.

¹²⁸ Claiborne Thompson, "Moral Values in the Icelandic Sagas: Recent Re-evaluations," In *The Epic in Medieval Society: Aesthetic and Moral Values*, ed. Harald Scholler. (Tübingen: Niemeyer, 1977) This source also offers a good overview of several scholarly perspectives on ideologies.

¹²⁹ Robert Cook, "Heroism and Heroes in *Njáls Saga*," *Greppaminni* (2009): 73.

¹³⁰ Ibid, 75

¹³¹ Ibid, 88

more martial farmers.¹³² His study shows the process of centralization and concentration of power by the *goðar* throughout the commonwealth period. It could be that because of this movement towards concentrated power, and the threat to that power posed by the institution of dueling, that the outlawry of dueling was a part of this centralization of power. If a *goði*'s prestige and life were at risk by this social institution, it would make sense that they would want an end to the institution that threatened their life and power. This could account for some of the religious and ideological considerations above; they could have used the push of a social ideal, or condemn the practice as pagan, in order to facilitate and justify the ban. The religious and ideological evidence could actually be evidence of the language of the polemic the *goðar* used.

Chapter 5: Concluding Observations.

From what we have seen, dueling within the Íslandingasögur is a means of conflict resolution in a heroic style. The form is inherently violent; two (or four) men meet at a prescribed location and time, step into a marked off area and attempt to wound or kill each other according to the rules or customs of the duel. The form we see in the sagas indicates that this is a defined institution by the saga authors and that it is separated from other forms of violence by its formalism. The duel is conducted in front of a large audience, follows a formulaic challenge, and a set of rules stringent enough to be known as *hólmgöngulög*. The issue of contention is competed over with a “might makes right” mentality; the ideological justification of the duel is that the resources, women, or honor, should go to the mightiest. However, we can see that the practical and social use of the challenge was less overt and combative. It was used to prompt settlement or third party intervention. Despite the interaction being inherently violent, the form the conflict takes in Iceland limits the amount of bloodshed that can be easily achieved and illustrates a desire to mitigate violence. The duels that take place outside of Iceland serve as a contrast to the instances that happen within Iceland. Outside of Iceland the institution of dueling is still visible in the text and follows similar descriptions, but the level of violence is much higher. This seems to stem from the setting allowing the saga authors to provide higher stakes, and fantastic characters like berserkers. Within Iceland, the outcome of the challenge was usually without a death, and the descriptions show practices to limit violence are more often

¹³² Jón Viðar Sigurðsson, *Chieftains and Power*, 179.

included. They also show a strong cultural imperative to respect the outcome by equating those who would return to a state of conflict as a “truce-breaker.” Comparing dueling to other forms of conflict resolution, more typically employed by the saga authors, we see that dueling offers its participants faster results with less expense.

The reasons for outlawing dueling are probably lost to the centuries as we have no specific or reliable sources to draw conclusions from. The changing ideologies or religion could have had a large part to play, but this inference has to be drawn out of the sagas. The concentration of power by the *goðar* seems like it had a large role in the demise of dueling, and that the sagas offer us only the justifications the *goðar* used to sway public opinion. However, the above discussions show that the topic of dueling fits into wider scholarly contexts, not just of conflict resolution, but also its place in ideological discussions, religion, and concentration of power. Analyzing the institution of dueling further and placing it in these contexts would allow scholars a fuller picture on their discussions. After further research into the entire Saga corpus, including the *fornaldursögur* and the *riddarsögur*, or archeological evidence, we might be able to come to more conclusions about how this institution exactly fits within Icelandic society. We would also need a more scholarly consensus on how the roles religion and ideology played into this subject in order to come closer to a full perspective.

Appendix A: Translations

1. “That was *hólmqongulog*, that a cloak shall be five ells to the corners and have loops in the corners. Then shall you set down pegs those which a head was on the end; that is called *tjosnu*; having been prepared [they] shall go to the *tjonsur*, so that they see the sky between their legs and hold [their] earlobes with this invocations, as after which was said again in the sacrifice, that is called the *tjosnublót*. Three marked spaces shall surround the cloak a foot’s breadth apart out from the space shall be four strings, and called hazel-poles; that which is a field marked out battle field which thus is made. A man shall have three shields, but when they are finished, then he shall go onto the cloak even though he had withdrawn from [it] before; then he shall protect himself with [his] weapon from then on. He shall strike who had been challenged. If one of the two becomes wounded so that blood falls on the cloak, he needs not fight longer. If a man steps one foot outside of the hazel-poles, he is ‘retreating,’ but both feet he is ‘running.’ His man shall hold the shield for each of those which are fighting. He shall pay duel ransom, who is more wounded, 3 marks of silver in duel ransom. ”

2. “Moldr said he would announce the *hólmqonulog*, -‘because I have challenged you. His cloak shall each of us cast under his feet; shall each of us stand on his cloak and not retreat a fingers breadth, but he, who retreats, bears a *níðings* name, but he, who goes forward, shall be called a valiant man, where ever he goes. Three marks of silver shall release him from the duel, he who is wounded or defeated.”

3. “that was *hólmqongulog* in that time, that he who challenged another man to anything, and having won victory, who had challenged, then should he have that victory prize which he had challenge for, but is he does not get victory, then should he lose such money that had been agreed upon [before].”

4. “that was *hólmqongulog* in that time, that he who challenged another man to anything, and having won victory, who had challenged, then should he have that victory prize which he had challenge for, but is he does not get victory, then should he lose such money that had been agreed upon [before].”

5. “ that sword, which you have Bersi, is longer than the laws allow.”

6. “announced the *hólmgöngulög* and marked out the field for Kolbjörn.”

7. “Then I wish to challenge you [Berg-Önund] to a duel, and that, so we fight each other here at the thing; have that wealth, the land and money, he who victory would take, but you will be every man’s *níðingr* if you do not dare.”

8. “I want to challenge you, Þorsteinn, to a duel at the end of the week at the haystack, which stands on the island below my farm at Borg.”

9. “And if anyone fails to turn up, then a scorn-pole will be raised against him.”

10. “With four men or just the two of us alone.”

11. Above: “Your *þingmenn* do not think [they can] expect your support, as you are, if this is unavenged.” Below “Now shall judge the honor between us, Þorsteinn of Sunnudalur.”

12. “Kormákr states that Bersi had cheated him with the removing Steingerdur [from him. He states:] ‘we wish now to take the woman with us, and compensation for the dishonor.’”

13. “lay I now a charge of cowardice on your back, if you dare not bear yourself [against me].”

14. “the he shall be every mans’ *níðingr* and be never in fellowship of good men, and have the wrath of the gods, and a truce-breaker’s name.”

15. “You [Berg-Önund] will be every mans’ *níðingr* if you do not dare.”

16. “They bid men by compulsion for their women or [their] wealth or else challenged them to a duel.”

17. “you [Hrafn] have married my intended and have drawn yourself into enmity with me; now because of this, I want to challenge you to a duel.”

18. “then there was a great shout at the Law rock and commotion, and had Mörðr the most shame from this.”

19. “A great taker up of lawsuits”... “No one thought the judgements legally judged, [unless] he would have been involved. ”

20. “the chieftains will seek some other counsel [rather] than [have] both you brothers struck down at the thing.”

21. “I dislike [and] disapprove of this, maintaining duels, they are of the heathen men.”

Appendix B: Challenges to Duels issued in Iceland

Saga	Characters Involved (Challenger first)	Outcome
<i>Kormáks saga</i>	Kormákr and Þórvaldr	Þórvald does not show
<i>Kormáks saga</i>	Kormákr and Þórvaldr	Settled in the Court
<i>Kormáks saga</i>	Þórvaldr and Kormákr	Þórvald wounded
<i>Kormáks saga</i>	Þórvaldr and Kormákr	Þórvald wounded
<i>Kormáks saga</i>	Kormakr and Bersi	Kormak wounded
<i>Kormáks saga</i>	Thorkel and Bersi	Thorkel is Killed
<i>Kormáks saga</i>	Steinarr and Bersi	Bersi wounded
<i>Kormáks saga</i>	Váli and Bersi	Issue Arbitrated
<i>Njáls saga</i>	Hrútr and Mörðr	Mörðr settles
<i>Njáls saga</i>	Gunnarr and Hrútr	Hrútr settles
<i>Njáls saga</i>	Gunnarr and Úlfr Uggason	Úlfr settles
<i>Gunnlaugs saga</i>	Gunnlaugr vs Hrafn	Gunnlaugr wounded
* <i>Gunnlaugs saga</i>	Hrafn and Gunnlaugr	Outside of Iceland/No longer a duel.
<i>Vatnsdæla saga</i>	Jökoll and Finnbogi/Berg	Finnbogi/Berg do not show
* <i>Vatnsdæla saga</i>	Þorarin and dueler-Starri	Saga does not state
<i>Vatnsdæla saga</i>	Þorstein and Finnbogi	Finnbogi/Berg accept settlement
<i>Eyrbyggja saga</i>	Þorolfr and Ulfar	Ulfar is killed
<i>Ljósvetninga saga</i>	Guðmundr and Þórir	Þórir settles
<i>Ljósvetninga saga</i>	Hrólftr and Eyjólftr	Hrólftr settles
<i>Reykðæla</i>	Þórstein and Eystein	Eystein wounded
<i>Reykðæla</i>	Þórstein and Hall/Þórkel	Þórstein is killed
<i>Reykðæla</i>	Ofeig and Þórstein	Þórstein is killed
<i>Valla-Ljóts</i>	Ljótr and Halli	Halli is killed
* <i>Grettis saga</i>	Snaekollr and	No longer a duel/ Snaekollr is killed

*These sagas do not contribute to the totals offered in the text because they are either not described, or take on a form other than a duel.

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