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If She Says Yes or Is Silent: A New Interpretation of Female Marital Consent in the Settlement Period in Iceland as Revealed Through the Family Sagas

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An abstract of

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Abstract

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By Jill M. Fortney

This thesis seeks to explain how female marital consent functioned in Saga-Age (870 – 1050) Iceland by examining the Family Sagas and the Law Code. It is in part a response to the work of another scholar, Jenny Jochens and her book Women in Old Norse Society. Jochens believes that female marital consent did not exist in Iceland during the Saga Age and that any mention of it in the Sagas is a Christian interpolation and does not represent historical fact. This thesis seeks to counter that argument by arguing that the authors of the Sagas, while Christian, did not have a writing program that included inserting female marital consent when there was none before.

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Introduction

Icelandic Sagas have captivated the minds of casual readers and historians alike due to their complex depiction of character and deeply resonant storylines. All of the characters are highly nuanced and developed, but many times it is the female characters that catch a reader's attention because of their exceptional level of activity and variety. These women are clever, talented and "manly-souled[1]," and at first they may seem to be anomalies, especially when compared to other continental characters. Closer study suggests, however, that in many respects these women are behaving in ways that are typical of Icelandic women. It is not the women who are extraordinary, necessarily, but the time, place, and culture that created them.

Despite the Sagas' reliance on individual action and valor, Icelandic society during the Saga Age was one based on community and consensus. The Saga Age, which encompasses the Settlement Period (870 – 930) and the Commonwealth Period before the beginning of Iceland's vassalage to Norway (930 – 1050), was unique in Europe both politically and socially. The settlers of Iceland imagined a new form of government, the Allthing, and in so doing the settlers created a society radically different from contemporaneous European societies, which were organized hierarchically under the rule of kings and princes. The Allthing was a large legislative meeting at which elite men and

[1] *The Saga of the Ere-Dwellers*. trans. William Morris and Erikur Magnusson. 1892. Icelandic Saga Database, http://www.sagadb.org/eyrbyggja_saga.en (accessed April 6, 2009).

their retainers met to gain support, resolve disputes and argue the law. Success in a legal case entailed not only the support of the laws but also a strong following of armed men. The contrast in Icelandic society between authority derived from personal charisma and kin obligations and the power of the laws is one of the most important questions in the study of the social history of Iceland.

One of the best ways of addressing this question is to focus on a critical issue for women in medieval societies and societies in general – marriage. Marriage in early Iceland is an important topic, as a marriage and the subsequent expansion of her kin group was the main way a woman could begin to act fully in Icelandic society. She could manage her household, control her property, and seek revenge for her kin in ways an unmarried girl could not. How women achieved this state is highly revealing of the state itself and an incredible example of the intersection of law, custom, and personal politics in Settlement Iceland.

There has been only a single substantive study to date on marriage patterns in the Settlement Period, which states that female marital consent was purely a product of the Christian Age, inserted in the Sagas by authors who wished their pagan ancestors to behave in approved Christian ways. This argument, while interesting, is based on certain assumptions about Iceland in both the Settlement and Commonwealth periods that are incorrect. Careful analysis of the many of the same Sagas used in that study reveals that, while not mandated by law, it was a custom to ask a woman for her opinion on or consent for a match, and this point of customary law is congruent with other practices that show the independence of women in the Saga Age.

The *Islendingasogur* (Sagas of the Icelanders) are useful for the study of women's lives in the Settlement Period, as they are the only source that describes, in some detail, the lives of women. The Laws, though highly detailed in certain areas, are conspicuously lacking in exactly how marriages came about in early Iceland, and make only one mention of female consent. Thus, the Sagas are the best, if problematic, source for understanding the realities of women's lives in the Settlement period. The Sagas used in this study come from a large number of so-called Family Sagas, from the romantic and self-serving to some of the most important pieces of medieval vernacular literature of the 13th century. Each Saga is different and each requires an understanding not only of Sagas, but of the author's individual goal in authoring the Saga. All Sagas have a preoccupation with communicating right action to their readers, but each Saga communicates that right action in a distinctive way, and each Saga must be treated as somewhat unique. Correct analysis reveals, however, that each Saga contains meaningful information about the past that, when combined, forms a plausible picture of marriage in the Settlement period that includes female consent.

Sagas as Sources for Social History

Lack of "historical" evidence is the most pervasive problem in studying medieval Icelandic history. The *Gragas* (Law Codes) and the Sagas are the only real records of the early period of Icelandic history, and both of these sources were recorded hundreds of years after the fact. The law codes are problematic primarily due to Christian interpolations and likely deletions[2]. Many scholars are loathe to use the Sagas as sources

[2] Miller, William Ian. *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland.* Chicago: University of Chicago Press, 1990. 43 - 44.

for historical facts as they are works of literature, but, given the paucity of sources, historians have little choice but to use the Sagas and the *Gragas* as secondary sources for early Iceland, especially for social history.

Until the late-19th century, Sagas were thought to be almost entirely historical and reliable, but a careful analysis of individual Sagas, beginning with *Egil's Saga*, revealed anachronisms and inconsistencies that caused most scholars to cease treating Sagas as historically useful[3]. While few (if any) scholars still treat Sagas as historically useful chronicles on par with the Anglo-Saxon chronicle or other recordings, the majority of scholars of Icelandic history do use them as wells of social information.

While Sagas cannot be used to state positively whether or not, for example, Olaf Peacock was really the son of a displaced Irish princess[4], they are what might be called quasi-historical narratives. The precise events in any give Saga cannot be, with very few exceptions, thought of as perfectly historical, but they can be considered "realistic[5]." The social world described in the Sagas is possible as determined by sociological and

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[3] Andersson, Theodore M. *The Problem of Icelandic Saga Origins*. London: Yale University Press, 1964. 42

[4] "The Saga of the People of Laxardal". trans. Keneva Kunz. In *The Sagas of the Icelanders*. ed. Ornolfur Thorsson et. al. trans. Katrina C. Attwood et. al. New York: Penguin Books, 2001. Given the interconnectedness of Ireland and Iceland at the time, it is not difficult to imagine an Irish woman of rank being captured in a raid and brought to Iceland as a slave/concubine. The treatment of Melkorka as a character is actually an excellent test case with which to parse out probable fact from embellishment. It is highly likely that Hoskuld would have bought a woman for sexual pleasure while he was away from home. It is also likely that this woman would have been of Celtic stock, as the majority of Icelandic slaves during the Settlement Period were of Celtic origin. It is also probable that this woman could have been of high rank from her own society, and that this bearing would have been apparent to persons of similar rank. It is also possible, however, that Melkorka invented her history to give her son status beyond the bastard son of a high-ranking homesteader. Being the grandson of a King clearly impacts Olaf's marriage prospects, and it is likely that Melkorka would have realized what an advantage she could grant her son. It is also possible that the Saga author created this history out of whole cloth to give the line of Olaf Peacock more nobility given the important of his descendents in later times. Thus, while there are several possibilities relating to Melkorka's status, at the very least it can be said with reasonable authority that she was a concubine of Celtic stock. While this information may seem slight on the surface, the fact that she was most assuredly a woman bought for sexual pleasure is important and will be discussed later in detail.

[5] Miller, *Bloodtaking*, 46.

anthropological research of societies at similar levels of development. Due to the relatively slow technological change in Iceland over the centuries in question, it is also likely that there was not significant social change, despite the introduction of Christianity[6].

Additionally, Sagas have a foundation in oral tradition that gives them legitimacy as well, especially given the relatively few links in the chain of oral knowledge. Nearly all scholars agree that the Sagas are based on an oral tradition, and there is strong evidence for Sagas having been passed down and recited in a similar manner to the Laws of Iceland[7]. In one of the independent tales, a character is asked by the Norwegian king how he knew the stories he had been telling for months at the court. The Icelander replied that every summer he would go back to Iceland and learn a bit of a story from a certain other Icelander who was actively involved in the tale in question. Much has been made of this evidence, and rightly so, as it is a plausible scenario borne out by Icelanders' proven ability and motivation to memorize vast amounts of information, as in the case of the Lawspeaker. The Icelandic legal system was based on a system of larger and small meetings (Things) at which courts were held to arbitrate legal cases[8]. At these courts, a Lawspeaker would be appointed. This person was charged with reciting all of the laws of Iceland, an oral code that was not committed to writing until the 12th century. This code is substantial, detailed, and took three Things to recite fully. Clearly, the memorization of the law codes was a mammoth undertaking expected of certain people in Icelandic

[6] Miller, *Bloodtaking*, 50-51.
[7] Andersson, *Problem of Icelandic Saga Origins*, 7.

society, and it is likely that the transmission of Sagas and other tales was no different, albeit less official.

An examination of another work of Icelandic history, the *Islendigabook* by Ari Thorgilsson, reveals in detail how factual accounts of the Settlement Period were constructed. According to Ari, his information comes from "Teitr, my foster- father, the person whom I consider wisest, son of Bishop Ísleifr; and of Thorkell, my uncle, son of Gellir, who remembered far back; and Thurídr daughter of Snorri the Chieftain, who was both very wise and not unreliable[9]." Each of these people was within a generational link of important personages in the Settlement Period, especially Thuridr, who was the daughter of one of the "preeminent chieftains" of the Saga Age[10]," Snorri the Chieftain. Snorri figures prominently in many Sagas, such as Laxdaela, Egil's, and Ere-Dwellers, as well as other, smaller Sagas. Additionally, Thuridr was also the daughter-in-law of Bolli Bollason, another vital character in *Laxdaela Saga*. Clearly, this woman would have had ample opportunity to learn about her family's famous history, and is an invaluable source for the early history of Iceland. Saga authors' too used those with knowledge of the events in question to form their tales. In one of the earliest Sagas, the *Saga of Olaf Tryggvason,* the author mentions that he was instructed in the telling of the Saga by six people. Clearly, Saga authors are using real people as sources for their accounts and do not simply make them up out of whole cloth, as some scholars formerly maintained[11].

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[9] Thorgilsson, Ari. The Book of the Icelanders (*Islendigabok*. e d. and trans. by Halldor Hermannsson. Ithaca: Cornell University Press, 1930.
[10] Andersson, Theodore M. *The Growth of the Medieval Icelandic Sagas (1180 – 1280).* London: Cornell University Press, 2006. 23
[11] Miller, *Bloodtaking,* 45.

Saga authors were determined, in most cases, to be as historically accurate as possible, since they truly believed they were telling the stories of their illustrious forbearers[12].

The sources named by Ari Thorgilsson and the author of the *Saga of Olaf Tryggvason* are also especially useful in gauging the validity of Sagas for use in women's history. Ari mentions Thuridr Snorrisdottir as a major source for his work, calling her wise and "not unreliable" in a classic Icelandic understatement. Among the sources of the *Saga of Olaf Tryggvason*, three out of the six are women. While little is known about two of the women, one Ingunn Arnorsdottir, is attested as one of the disciples of Bishop Jon, who was:

> No less accomplished in the aforementioned book skills than the others. She taught many people grammar and instructed anyone who wished to learn. Thus many became well educated under her guidance. She was much given to correcting Latin books by having them read to her while she did needlework or embroidered or [performed?] other manual tasks with saints; lives [copied? illuminated?], thus making people acquainted with God's glory not only by oral instruction but also with the work of her hands[13].

Clearly, Ingunn is a respected member of the Icelandic book-culture of the late 11th and early 12th century. She not only listens to and reports stories, but also makes changes and has an active role in the transmission process of Latin saints' lives and other Christian tales, and it is likely that she fulfilled the same role in the transmission of uniquely Icelandic tales. Women were instrumental in preserving and transmitting oral history in Iceland, and thus tales with a background in oral tradition are especially useful for women's history. These sources provide a unique window into the ideas of Icelandic women, rather than simply descriptions of women by men. The use of Thuridr as a source of Icelandic history is even more important for the study marriage and divorce in

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[12] Andersson, *Growth*, 7.
[13] *Ibid*, 26.

Iceland in particular, as, in *Laxdaela Saga*, her sister is married to Bolli Bollason, and these marriage negotiations are described in detail. Naturally, it cannot be said that Thuridr is the definitive source for *Laxdaela Saga*, given that she existed 100 years prior to it being committed to parchment, but it is highly likely that her retellings had an effect on how the tale was later related. Thuridr and other female sources for Sagas would have included details that were important to them as women, and a woman's marriage was one of the defining events of her life.

There is also some textual evidence that *Laxdaela Saga* was written by a woman[14]. The main character in the Saga is a woman, Gudrun Osvifsdottir, and the main action of the Saga revolves around her vengeance and romantic entanglements. The Saga emphasizes its female characters from beginning to end and also gives a voice to non-elite women as well. While other Sagas do show female characters as fully-fleshed out human beings, they do not go as far into their psychology as *Laxdaela Saga*. Given women's aforementioned participation in the literate book-culture of Iceland, it is at the very least likely that the author of *Laxdaela Saga* had a close female companion or source who added her insights to the manuscript. It is also likely, though unprovable, that Thuridr or other women in her family played a key role in the transmission of this Saga. Sagas are invaluable sources of Icelandic women's history for this reason, as they are creations not only of one author, but of many authors and experiences, many of these experiences from the female perspective.

Any serious or responsible examination of Icelandic Sagas, however, must also take into account their function as literary objects. These Sagas do operate within a set of

[14] *Sagas of the Icelanders*. 274 – 275.

certain tropes and literary conceits, and it is difficult to identify historical events from literary tropes. Careful analysis, however, reveals some subtle differences between tropes and historical holdovers. Additionally, some literary tropes can be useful in that they indicate a certain feeling that shows some historical significance. An excellent example is the phrase indicating to a person to "do as you wish" with regard to a given situation. This phrase is ubiquitous throughout the Sagas, coming from the mouths of important landowners and brides. This phrase is common in Sagas and similar to the understated styles of most Saga authors and is also used in a literary fashion for dramatic effect. Characters speak this phrase with little attention paid to whether or not they are a character who would be prone to understatement and it is, like nearly all dialogue, purely an invention of the author. It is highly unlikely that this phrase was used so ubiquitously in the Settlement Period as it is in the Sagas, but what it indicates is useful for historical analysis.

This phrase is typically used to indicate a negative or neutral non-answer, as opposed to the positive non-answer[15]. This negativity can range from ambivalence to resignation, and it is occasionally difficult to understand which emotion is expressed in a given situation. Despite its function as a literary trope, "do as you wish" is highly revealing of a character's true feelings on a given subject and is therefore useful for social historical analysis. An excellent example would be Thorkell's use of the phrase in *Gisli's Saga*[16]. In this instance, Thorkell threatens never to sleep with his wife again, but she responds by threatening and the reclaiming her dowry. Thorkell is silent for a

[15] The positive non-answer is typically indicated by a character stating that he or she "would not be opposed" to a given outcome.
[16] *The Saga of Gisli*. trans. George Johnston. Toronto: University of Toronto Press, 1963. 12.

moment, and then says, "I advise you to do whichever you like; but I will not keep you out of bed all night." Despite the fact that Thorkell speaks in an inauthentic voice, his feelings on the matter are still abundantly clear and helpful for historical analysis. Thorkell clearly feels trapped by his wife's threats, indicating that women, given their power to divorce, exercised a great deal of power and agency within the family.

Thus, while Sagas are a problematic source for women's history, they can be useful, provided that adequate care is taken in their use and analysis. They cannot be used to discuss specific historical events, but they are an invaluable resource for social history and contain important evidence for the lives of women in the Saga Age.

Current Scholarship and Its Flaws

Relative to other areas of Europe, there has been little scholarship on the women of Iceland. Existing scholarship overwhelmingly focuses on issues of gender conceptions and female power. This bias is likely due to the literary nature of the sources, as mentioned above, since gender ideas and power dynamics are readily apparent in the Sagas. The majority of scholars who publish works specifically devoted to women in Iceland do so as a side project rather than a full career focus. Carol J. Clover has written extensively on women in the Nordic countries and focuses more on gender roles than on the reality of women's day to day life[17]. Though she mostly studies Norway, Zoe Borovsky has written a number of truly excellent articles on women and performance and

[17] Clover, Carol J. "Regardless of Sex: Men, Women, and Power in Early Northern Europe." *Speculum* 68 no. 2 (1993): 363 – 387..

believes that pagan women possessed more agency than their Christian counterparts, at least in the performative sphere[18].

Additionally, scholars of disputes and feuding in Iceland usually devote some aspect of their work to women as goading figures. William Ian Miller examines women in the context of blood-feuds and explains how their role as goaders of men makes psychological and social "sense[19]." In conjunction with Theodore M. Andersson, Miller provides a section on women's roles in Iceland that does not examine power dynamics or gender roles, though it is unfortunately very brief[20]. They devote only one paragraph to marriage negotiations, though they do definitively mention the custom of gaining a woman's consent to a marriage and that it was "prudent to do so." Andersson, in his own *The Growth of Medieval Icelandic Sagas (1180 – 1280)* peppers his text with mentions of women, highlighting their role as sources of oral tradition and their actions in Sagas as it pertains to his own research[21]. This integration of women with the rest of his work is an effective and welcome change to the typical relegation of women and women's lives to a single section as in many historical treatments.

The only scholar who has published any extensive work on the lives of women in Medieval Iceland is Jenny Jochens, formerly of Towson University, but her masterwork on the subject, *Women in Old Norse Society*[22], though well researched, is fraught with

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[18] Borovsky, Eve. "Never in Public: Women and Performance in Old Norse Literature." *The Journal of American Folklore* 122 no. 443 (1999): 6 – 39.
[19] Miller, *Bloodtaking*, 46.
[20] Andersson, Theodore M. and William Ian Miller. *Law and Literature in Medieval Iceland: Ljosvetninga Saga and Valla-Ljots Saga.* Stanford: Stanford University Press, 1989. 18-21.
[21] Andersson, *Growth*.
[22] Jochens, Jenny. *Women in Old Norse Society*. London: Cornell University Press, 1995. Jochens has also published a work of similar gravity, *Old Norse Images of Women*, that acts as a continuation of her

problems of interpretation and assumption. While there are many issues with this text, the most egregious problem is her conclusions about female marital consent. Briefly, Jochens postulates that elite Icelandic women were powerless, passive, and non-consenting in their marriage arrangements and that the examples in Sagas of women consenting to their own marriages were inserted by clerical authors wishing to make the Saga Age more acceptable to Christian audiences[23]. According to Jochens, female consent was entirely unknown in pagan Iceland. In a Saga-like understatement, Jochens herself admits that her approach to Sagas will "create organizational problems and anomalies of interpretation[24]." It is difficult to imagine how Jochens reached some of her conclusions, given the convoluted analysis in her section on marriage, as she is an intelligent and well-read scholar of medieval Iceland. Her section on marriage as a property arrangement is well thought out, and the detailed chapter on the economics of homespun and its importance to the Icelandic economy is brilliant and the first of its kind.

What explanation then could account for the logical fallacies and prejudice apparent in her section on marriage[25]? Given her obvious intelligence and quality of research, the only reason must be one of bias. Jochens appears to be biased on two major fronts. First, she advocates a kind of Nordic-Germanic continuity from prehistory into the Commonwealth Period, especially in her later work *Old Norse Images of Women*. Second, she has a thinly-veiled agenda advocating that Christian Iceland was qualitatively better for women than Pagan Iceland. Both of these assumptions are highly problematic and seriously affect her conclusions.

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previous book. This text focuses almost exclusively on her theory of the Nordic-Germanic continuum, and so is not relevant to this study.

[23] Jochens, *Women in Old Norse Society*, 48.

[24] Jochens, *Women in Old Norse Society*, 19.

[25] These problems are not as apparent in her section on sexuality, surprisingly.

The first major problem with Jochens' analysis is that she assumes that there are distinctly "Norse" attitudes towards women and marriage that hold true throughout Scandinavia and parts of northern Europe. This assumption is based on the idea that there was a single unified "Norse" culture. It is important for Jochens to prove that there was this continuity, as her later book is based entirely on this premise. While it is true that the culture of Iceland had more in common with that of Norway than that of Spain, there are certain important differences in Icelandic Society that make a conflation of the two into a single culture rather problematic. To be sure, they both drank out of a common cultural well of stories and ideas, but it cannot be said that the existence of one law in Norway meant the same was true in Iceland, or vice versa. The economic and political conditions in Iceland comingled to create a culture that was consciously distinct from that of Norway.

Economically, especially during the Saga-Age, Iceland was vastly different from Norway, due to the newness of settlement on the island as well as environmental conditions. The first settlers arrived in Iceland around 870 from Norway[26], and most of the elites spoken of in the Sagas were of Norwegian descent. According to some sources, there was a colony of Irish monks on the island at the time of this settlement, though this colony seems to have disappeared soon after the settlement. Upon arriving, the settlers would have discovered a barren, though beautiful, country woefully deficient in lumber and arable land. In Norway, the settlers had built large long-houses out of the huge timbers easily available in the region, and the early Icelanders continued this building style, much like Cape Cod transplants living in Florida.

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[26] Thorgilsson, Ari, *Islendigabook,* 1.

Unfortunately, since Iceland has few forests, the settlers quickly began to dispute over forestry rights, as in *Njal's Saga*[27]. Problems obtaining shelter meant that people were more likely to live in fewer homes in closer proximity, and inheritance of these structures was highly contested and regulated. Crops, even barley, were very difficult to grow on the island, and winters, as in Norway, were long and harsh. Additionally, private property such as looms, cows, and even eating utensils was scarce for most of the Settlement Period, and the inheritance of this property was of paramount importance to each and every Icelander. The *Gragas* reflects this emphasis on communicating private property through established lines, and almost all pre-Christian laws involve some sort of property dynamic. Early Icelanders lived in a subsistence economy, a fact born out in many of the Sagas. In contrast, in Norway, timber was relatively plentiful and the population density had settled into a comfortable level for the peninsula.

The major difference between Iceland and Norway, however, was political. At the same time that Iceland was creating its "democratic" system of government with no single figurehead, Norway was coalescing into a powerful monarchy. The settlers of Iceland made a conscious decision not to have a monarch, and many of them actually fled Norway to escape the increasing power of the King. These people held different values than those who chose to stay in Norway, and it cannot be said that the social and cultural differences of Norway and Iceland are indistinct. The Icelanders proved their cultural distinctiveness by the very act of writing the Sagas. There was little precedent for the abrupt flowering of vernacular literary histories that occurred in Iceland, and even the

[27] *Njal's Saga*, 58.

histories of Norwegian kings were written by Icelanders. This literary tradition is not simply a difference in culture but an *active* difference in culture.

Icelanders sought to separate themselves from Norway (and other foreigners) in law as well. The *Gragas* are replete with laws that separate Icelander from foreigner and, more importantly, Icelandic property from foreigners. The section "On Killing of Foreigners" is mainly focused on protecting the rights of Icelanders who might be charged in the case, and no interest is to be paid on the compensation for the death of a foreigner, even if his/her kin come to Iceland to demand payment[28]. Additionally, the Sagas were written at a time when reaction against Norwegian hegemony was at its height. Certainly, this reaction had been building for some time, and it is likely that the Icelanders began consciously to differentiate themselves from Norwegians very early on. This differentiation probably extended to social behavior as well, especially given that Icelanders certainly reacted against the king-as-absolute-lord model of government. It is also highly likely that Iceland did not completely mirror Norway in marriage customs either. Iceland and Norway shared the common Scandanavian/Germanic model of a two part engagement and marriage, but that is all that can be said definitively of their similarities. Jochens uses Icelandic and Norwegian evidence interchangeably, despite the societies' idealistic and economic differences. What worked for marriages in Norway may not have functioned well in Iceland, and it is likely that the Icelanders would have altered their behaviors accordingly.

[28] *Laws of Early Iceland: Gragas, The Codex Regius of Gragas with Material from Other Manuscripts*. 160-161.

Additionally and more problematically, Jochens uses evidence of Christian policies in Iceland and Norway in the same interchangeable way, since in her view, they both fall under the "Norse" social order. The Christian cultures of Iceland and Norway are fundamentally different owing to the ways in which they were converted as well as geographic concerns, and the program of the clergy in both countries was radically different. What was important to one cannot be said to apply unilaterally to another and vice versa, especially considering social programs.

The Christian conversion of Iceland is, in fact, a misnomer for the events it purports to describe. Instead of a conversion by force or royal decree, Iceland was "converted" by a decision of the Allthing in the year 999[29]. This agreement, which was added to the law code, specified that all people in Iceland were to be baptized Christian. In return, however, the Christians compromised with the Icelanders that they would be allowed to sacrifice to their old gods in secret as well as continuing to practicing infanticide and eat horse meat[30]. Clearly, the Icelanders at the Allthing were not converted by a glorious understanding of Christianity and its global mission of salvation. The Icelanders saw conversion to Christianity as a necessary step if they were to remain relevant on the world stage. A typical Icelandic attitude towards Christianity was that of Helgi the Lean in *Svarfdale Saga*: "He believed in Christ and named his farm after him, but in matters of the utmost weight he called on Thor[31]." It was only after hundreds of years of slow progress that Christianity began to gain acceptance among the general population. In fact, especially in the first two hundred years of Christianization, many

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[29] *Gragas*, 2.
[30] Miller, William Ian. "Of Outlaws, Christians, Horsemeat, and Writing: Uniform Laws and Saga Iceland." Michigan Law Review. Vol. 89, No. 8 (Aug., 1991), pp. 2081-2095. 2085-2086
[31] *Svarfdale Saga and Other Tales*. ed. and trans. W. Bryant Bachman Jr. and Gudmundur Erlingsson. Lanham: University Press of America, 1994. 22.

Icelanders were outwardly antagonistic toward the Church as an institution, as its tithes and building demands placed further stress on the fragile economy. Additionally, many *Godi* felt their power being stripped by high-ranking churchmen, especially those who told them how to behave. At the same time, the Church's power was certainly limited in Iceland, as the Allthing authorized itself to bestow sainthood on a person without the approval of the Vatican. The Icelandic Church was unusually independent of and different from those on the continent and throughout Scandinavia.

The Norwegian conversion experience was distinctly different from that of Iceland. The first truly Christian king, Olaf Tryggvason, converted Norway and the surrounding area, using deadly force when necessary[32]. It is likely that Norway would not have been converted as quickly had he not used forced conversion, and this conversion likely had a polarizing effect, at least for a time, on those in favor of Christianity and those against. This division meant that some Christians in Norway became especially devout and most certainly would have had an effect on Church administration on the peninsula, creating a distinctive kind of national Church. It is not surprising that the Church in Norway survived underground for hundreds of years after the forced adoption of Lutheranism imposed by the Danish crown. The Norwegian bishops were certainly more connected to the Holy See than those in Iceland, as Jochen's own research demonstrates. In her section on Christian laws on marriage, out of the 21 concrete textual examples she uses to show Christian attempts at marital legislation, 13

[32] Almedingen, Edith M. "The Catholic Church in the Early North." *The Catholic Historical Review*, Vol. 13, No. 3 (Oct., 1927), pp. 383-393. 385.

are from Norway[33]. Of the eight examples from Iceland, only two are concrete examples of Bishop or churchmen attempting to force Christian morality onto the Icelanders. A further analysis of the two instances shows that, in the first, the Bishop and the chieftain are locked in a familiar power struggle in which marital fidelity is the cover. In the other, Jochens alludes to "brief" references to female marital consent in a description of new Church ceremonies. In contrast, the Norwegian laws and letters that Jochens describes are full of non-veiled references to the importance of female consent, marital fidelity, and other Church issues surrounding marriage. There are even letters from Norwegian Bishops chastising their Icelandic counterparts for not living the sexually monogamous Christian life.

Clearly, the two Churches are definitively distinct from each other. The Norwegian Church, with the backing of a strong monarch, was free to enact all manner of laws governing social behavior to make its institution more in line with that of the rest of Europe. The Icelandic clergy, especially during the early years, was focused on a continual power struggle with an ever-changing cast of chieftains and other powerful figures. Unlike their Norwegian counterparts, they could not simply convert the king and move on to the project of actually being Roman Christians. Icelandic clergymen faced a constant battle with the secular authority for dominance over the lives of the people, and at times no doubt found themselves as a tossed about between rival Chieftains. It is highly doubtful that the Icelandic clergy had a great social program centered on marriage during the Writing Age.

An Alternate View

[33] Jochens. *Women in Old Norse Society*. 36-47.

Female marital consent in Icelandic Sagas is not a Christian incorporation, but how did it operate in Settlement Iceland, and how did marriage negotiations operate in general? The Sagas, naturally, are a font of information on the topic, provided that certain filters are used. Descriptions of marriages in Sagas serve a similar purpose as other events in the narratives. The Sagas act as a blueprint for right action[34], and descriptions of positive marriages in the Sagas can be read to show not only customs in place but also the correct way to go about a marriage according to these customs. With careful reading, Sagas present a complex and realistic image of marriage priorities and negotiations.

By far the most important factor for how a marriage negotiation would transpire was whether or not it was the bride's first marriage. Until marriage, the vast majority of women lived under the care of their natal families, though not necessarily in the same abode. These young women were, legally, under the protection and jurisdiction of their fathers, thought to what extent fathers carried this right is difficult to ascertain[35]. A woman who had reached the age of 20 was technically allowed to act as her own legal entity in certain cases, but it does not appear common for a woman to set up shop completely on her own at this age[36]. A woman might, however, go and live in the home of some non-nuclear family as a foster-daughter or be sent off at a later age to help with

[34] Foote, Peter. "An Essay on the Saga of Gisli." In *The Saga of Gisli*. trans. George Johnston. Toronto: University of Toronto Press, 1963.
[35] *Gragas*, 29.
[36] *Gragas*, 158.

another's household, especially if there was dishonor resulting from masculine attention at her former home, as in the case of Fridgerd in *Ljosvetninga Saga*[37].

There does not appear to have been too much of a stigma against women who were sexually active before marriage, though it was a detriment to their marriage prospects. The character of Aud in *Gisli's Saga* suffers no repercussions for her affair with Thorkell before her marriage to Gisli, even after confessing it to her husband[38]. In contrast, her sister-in-law Asgerd has a continuing affair with Aud's brother Vestein, and her husband is upset not because Asgerd was sexually active prior to their marriage, but because it still continued afterwards. Neither her husband nor Aud make mention of sexual activity before marriage as something that was to be necessarily condemned, and the only remarkable fact about Asgerd's affair is its later adulterous nature. Additionally, pre-marital sexual activity is the source of an amusing interlude in *Sworn Brother's Saga* and is free of moral condemnation. Thormond, a character with great verse talents and popularity with women, seduces first Thordis, then Thorbjorg, then Thordis again with his word-play and complimentary verses, changing the names and identifying details in the same poem to fit both women. In this story, it is Thormond who gets his comeuppance for being false in love, but there is absolutely no trace of moral condemnation for his affairs or the women involved.

Pre-marital affairs are not approved of in Icelandic Sagas or Law, but not because they break a moral code. Rather, sexual activity before marriage was an affront to the woman's family's honor and could result in illegitimate children, which complicated

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[37] Andersson, Theodore M. and William Ian Miller. *Law and Literature in Medieval Iceland: Ljosvetninga Saga and Valla-Ljots Saga.* Stanford: Stanford University Press, 1989. 204

[38] *Gisli's Saga,* 11 -12.

inheritance and property arrangements. A man who visited a woman in her home with sexual intent was considered to be violating the honor of the family, since he did believe their daughter's hand worth offering for, but still wished to enjoy her favors. Additionally, the children resulting from these unions complicated issues of inheritance and also created another mouth to feed in an already tight economy. A woman's legal guardian was permitted to kill a man he caught *in flagrante delicto* with the woman for precisely these reasons; however, there is some doubt as to how often this event occurred[39]. Given the prevalence of pre-marital intercourse in Sagas, there would likely be far more deaths than actually occur if this rule was followed strictly. There is also the question of exactly what the "wrongful intercourse" mentioned in the statue entails, since it is mentioned immediately after the right of a man to kill someone who forces his ward into lying with him.

Regadless of these prohibitions, women who engaged in pre-marital relations do marry in Sagas, and a sexual past does not seem to have been an impediment to a marriage whatsoever. Yngvild Fair-Cheeks in *Svarfdale Saga* is the public mistress of a man named Ljot, and her family is considered to have benefited greatly by this arrangement[40]. Despite this flagrant pre-marital sexuality, Yngvild marries near the end of the Saga and is still considered highly desirable by her spouse, despite her past history. Additionally, in *Kormak's Saga*, it is clear that Kormak and Steingerd have been engaging in a pre-marital sexual relationship, judging by the disapproval of her family

[39] *Gragas*, 154.
[40] *Svarfdale Saga*, 34.

before he officially proposes marriage[41]. When that marriage falls through, Steingerd is wedded to Bersi, a rather powerful man in the district with a reputation for being good in a fight. Clearly, despite her earlier indiscretions, Steingerd is still a viable marriage partner.

Despite Saga evidence of both men and women initiating sexual relationships, Jochens believes that each and every one of these visits was an example of "male sexual aggression[42]. To say that every love visit was unwelcome and a threat is to imply that women had no sexual desires of their own and that each and every man who went on one of these visits committed a form of sexual assault. Jochens discusses female sexual initiative in detail in her chapter on sexuality, and it is difficult to reconcile the sexually aggressive women of her later section with those in that on marriage. Many times, the women involved in these illicit love visits protect their lovers from their families' wrath, showing that they were fully complicit and consenting in the relationship. These love visits are the perfect opportunity for a Saga author to explore issues of family versus sexual loyalties, a favorite topic of Saga authors when discussing women. The decision to support the natal or marital family was likely a question faced by every woman in early Iceland, especially when disputes involved members of each family on different sides. Jochen's attitude towards pagan sexuality in her chapter on marriage is problematic in that it assumes one single experience for every early Icelandic woman. It is an interesting irony that Jochens, who deplores the supposed oppression and disenfranchisement of

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[41] *The Sagas of Kormak and The Sworn Brothers*. trans. Lee M. Hollander. Princeton: Princeton University Press, 1949. 24 – 26.
[42] Jochens, *Women in Old Norse Society*, 33

pagan Icelandic women, actually contributes to this same denial of rights and individuality in her conception of their sexuality.

The prevalence of pre-marital sex in Iceland meant that the bride and groom were often known to each other well before the wedding. Given the nature of Icelandic society, with its feasting and perambulations, it would have been almost impossible for a woman to not to have at least seen her spouse before the betrothal. A simple examination of the Sagas shows that women were certainly aware of their potential marriage partners, had met them previously, and had similar priorities as their fathers in marriage negotiations. Prior to many marriage negotiations, the bride and groom lived in close proximity to each other, or even in the same household. In the *Saga of the Ere-Dwellers*, a man named Snorli goes to live with Gudmund, who has a daughter Thordis living with him as well[43]. Snorli and Thordis "converse frequently" and Snorli later asks her father for her hand. It is doubtful that Snorli and Thordis would not have discussed marriage at all during their frequent conversations, and it is even more unlikely that Thordis was completely blindsided by her marriage negotiations. In *Egil's Saga*, a man named Geir spends the winter with Skallagrim, Egil's father, prior to asking for his future wife's hand in marriage[44]. In the same Saga, Thorolf spends an entire sea voyage with Asgerd, Egil's daughter, before asking for her[45]. It is highly unlikely that Thorolf would have remained unknown to Asgerd on a long voyage on a relatively small boat with cramped quarters. Asgerd and Thorolf would have had ample time to find out whether or not they would be compatible as marriage partners. Finally, the unfortunate Skidi and Yngvild live together

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[43] *Saga of the Ere-Dwellers*.
[44] *Egil's Saga*. trans. Hermann Palsson and Paul Edwards. Harmondsworth: Penguin Books, 1976. 92
[45] *Ibid*, 98

prior to their marriage, and Yngvild and her father are not at all surprised when Skidi asks for Yngvild's hand in return for his loyalty[46].

Even if the bride and groom did not live near each other, the Sagas are replete with examples of men and women talking and flirting before any marriage negotiations take place. Many times, these meetings ended with the prospective bride and groom discussing marriage and whether he will ask her father for her hand. These small windows into the private lives of Icelanders are willfully ignored by Jochens in her chapter on marriage. In *Laxdaela Saga*, Kjartan and Hrefna talk together and flirt many months before they actually wed[47]. The same Kjartan and the Saga's main character, Gudrun, meet by a spring many times to sit and talk. It is abundantly clear in the Saga that both sets of young people enjoy each others' company and seek it out prior to marriage. In *Gull-Thordis' Saga*, Thorir spies Ingibjorg, the daughter of the house, and finds "much to admire about her during that time[48]," and the couple later weds. It is unlikely that Ingibjorg would not have noticed Thorir's eyes on her during the visit. In *Egil's Saga*, Bjorgolf and Hildirid sit and talk together, and "they have plenty to talk about[49]." This sitting and talking together seems to be the most typical way of flirting for early Icelanders, along with playing a game of chess. It is highly unlikely that during these conversations, marriage was not discussed. It would behoove a man to ask his potential bride her feelings on the match beforehand, as it would help guarantee a

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[46] *Svarfdale Saga*, 48.
[47] "The Saga of the People of Laxardal". trans. Keneva Kunz. In *The Sagas of the Icelanders*. ed. Ornolfur Thorsson et. al. trans. Katrina C. Attwood et. al. New York: Penguin Books, 2001. 358.
[48] *A Translation of Thorskifirdinga (Gull-Thordis) Saga*. trans. Philip Westbury Cardew. Lewiston: The Edwin Mellen Press, 2000, 142.
[49] *Egil's Saga*, 30.

pleasant marriage. While it would be possible for a man to marry a woman entirely against her will, it would not be an enjoyable union for the individual or his or her kin.

Luckily, there are several cases in which these informal negotiations prior to the actual "wooing" are spelled out in detail. In *Hen-Thorir's Saga*, Thorod and Jofrid negotiate their own marriage despite kin objections to the match[50]. Thorod comes upon Jofrid one day while she goes about her work, and they talk for some time. He helps her with her chores and bravely stays when her father arrives. Thorod offers for Jofrid in her presence, so it is likely that they had discussed this idea previously and she had no objections. Another example is the negotiation of Steingerd and Kormak in *Kormak's Saga*[51]. Prior to even these personal negotiations between two people, Steingerd and Kormak had played chess together and talked. Kormak goes back to visit her on numerous occasions, and even asks his mother to make him nicer clothes so that he might better appeal to Steingerd. Kormak continues his visits to a shameful extent, leading her kin to try to kill him at one point, but after this brush with death, he realizes that he would like to marry Steingerd. He asks for her hand in verse and she replies in kind. It must be noted that this exchange, with its romantic declarations of love, is likely influenced by some continental romances, as Kormak's Saga was written down in the mid 14th century[52]. What follows the verses, however, is Steingerd's instruction to Kormak to "make friends with her father and get her in marriage.[53]" This injunction, as opposed to the verses, has a distinctly Icelandic feel and likely represents how women in the Saga Age would have told their suitors to ask for them. A final example of prior marriage

[50] *The Story of Hen-Thorrir*. trans. William Morris and Erikur Magnusson. 1891. Icelandic Saga Databse, http://www.sagadb.org/haensna-thoris_saga.en (accessed April 6, 2009)
[51] *Kormak's Saga*, 24
[52] *Ibid*, 13.
[53] *Ibid*, 24

negotiation between couples is found in *Njal's Saga*. Hallgerdr and Gunnar meet on the road and flirt back and forth for a time. Gunnar then asks whether or not she would be interested in marriage, and Hallgerdr coyly tells him to go and ask her father, giving him an implicit yes. Clearly, these women were not passive bystanders in their engagements, but actively sought out suitable partners and negotiated informal arrangements. Some marriages were based on a common respect and affection that developed over time. It is likely that these types of relationships were the preferred precursor to a marriage, as it allowed the bride and groom ample time to see if they would suit. A well suited couple has a much lower likelihood of divorce, and therefore the property arrangements decided during the marriage negotiations were more likely to stay intact.

Yet, even if a man and woman had not spoken to each other extensively, as in the case with marriages made more formally in the home or at the Thing, it is highly unlikely that women were blindsided by an offer of marriage. Women were aware, as well as men, of who comes into the house, what rumors were floating around the district, and were also acutely aware of their own eligibility. A girl approaching marriageable age no doubt looked closely at every man who came into her house as a possible partner, as her entire future hung in the balance. There are many examples in Sagas of situations where the girl would surely have been aware that her marriage was being discussed and could even have had time to tell her father of her wishes beforehand. In *Laxdaela Saga*, Bolli Bollasson decides to offer for Thordis, the daughter of Snorri the Chieftain[54]. Bolli and his step-father and sponsor Thorkell stay at Snorri's for a few days before the negotiation. Both Bolli and Snorri would have had time to talk to Thordis and gauge her willingness

[54] *Laxdaela Saga*, 402- 403.

towards the match. Additionally, Snorri and the Bollisons have had ample dealings in the past, and the entire family must surely have met previously. This possibility is given credence by the fact that Gudrun, Bolli's mother, is mentioned as having been very fond of Thordis. It is likely that this fondness developed over time and was reciprocated, given that Thordis helps to take care of Gudrun in her old age.

There are also smaller, less obvious indicators that a woman would have known what was up before she was announced as betrothed. In *Njal's Saga*, Hrut makes it clear that he knows the reason behind Glum and Thorarin's visit to Hoskuld[55]. It stands to reason that if Hrut was aware of the nature of the visit, the entire household, including Hallgerdr, would have known as well. Additionally, *Njal's Saga* also provides evidence that women were aware of marriages contracted at the Allthing. When Hoskuld decides that Hrut should woo a wife at the Allthing, he mentions that not only is the father of the proposed woman there at the assembly, but Unn is as well[56]. Unn would likely have seen these men go into her father's booth and could even have been there as well during the negotiations. These negotiations do seem to have happened at the end of the day, when a woman would likely have retired back to her booth for the night. A similar instance is the aforementioned marriage of Thorgerd Egilsdottir to Olaf Peacock in *Laxdaela Saga*[57]. Thorgerd is described as sitting in her father's booth at the Thing and is consulted on the matter. It would make sense for an eligible girl to go to the Allthing with her father and it likely happened with great frequency. She could show herself off to potential suitors and also make her wishes known to her father.

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[55] *Njal's Saga*, 27.
[56] *Njal's Saga*, 4 – 5.
[57] *Laxdaela Saga*, 313 – 315.

Thus, despite a paucity of clear and distinct mentions of women participating in their own marriage negotiations, it is apparent through careful analysis that women were certainly aware of marriage plans made by their suitor and family. This fact undercuts Jochen's idea of poor oppressed women who float through their lives and replaces it with a realistic depiction of female life in Iceland. Naturally, there were certainly some women in the whole of Icelandic history who were completely unaware of their marriages until they had already been decided, but these cases are likely few and far between and many could likely be attributed to willful denial of the facts at hand.

Despite all of these examples of flirtation on the part of a woman, the onus was entirely on the groom, or his representatives, to initiate the marriage negotiations. Typically, the groom would consult with his mother, father, or other kin before going out to woo a wife to gain their support. At times, the young man would ask his older kin to do the asking in his stead, to insure that it would be agreed to by the bride's father. An excellent example would be Bolli's request of his step-father Thorkel to ask Snorri the Chieftain for his daughter's hand in marriage[58]. Gudrun, his mother, communicates to her husband that she wishes Thorkel to give his support to Bolli. Clearly, the support of an older and more established man was important in a successful negotiation. Additionally, this request shows a certain respect for elders and kin that is key to the moral code of the Sagas.

Some parents would bring up the subject of wooing to their sons, perhaps because some sons did not wish to settle down as soon as their parents might prefer. In true Saga form, all of the young men in question agree to their kin's suggestion that they take a

[58] *Laxdaela Saga*, 402 – 403.

wife. Both mothers and fathers do the suggesting in these cases and both parents opinions' are equally respected. In *Laxdaela Saga,* Unn the Deep-Minded suggests to her grandson Olaf that he should settle down and get married[59]. Olaf agrees readily out of respect for his grandmother, and she begins to plan the wedding feast. In the same Saga, Hoskuld, an incredibly powerful man in the district, suggests to his son, another Olaf, that he should find a wife, and even suggests the woman[60]. Olaf is resistant at first, since he does not want to be shamed by the woman's refusal, but the two eventually wed after a long conversation.

It is also likely, though there is no textual evidence, that a woman's family also discussed her marriage prospects in a similar manner. A woman needed to marry to move on to the next stage of her life, and no doubt the family wished to secure its property transmission as soon as possible. These discussions would have given the daughter ample time to make her wishes about marriage known to her family before formal negotiations. In cases where an informal pact was made between a bride and groom, the bride may also have warned her father that the young man would come to ask for her so that he could arrange the best possible property distribution and dowry for her marriage.

Despite these instances of marriages arising from affection, the primary marital concern for an Icelandic woman was her partner's perceived status. It was vital to have a partner who not had not only wealth and could support a household but also one who

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[59] *Laxdaela Saga*, 281. This section actually provides some interesting textual evidence for the Saga's female authorship. Olaf's answer to Unn's proposal is that he would take a wife who will "…rob you of neither your property nor your authority." This statement clearly reveals a female concern over the marriage of sons and grandsons that is not articulated in other Sagas.

[60] *Laxdaela Saga,* 312 – 313.

would be useful to the bride and her kin in disputes. When this condition is not met, women voice their disapproval actively, and it is a common theme in Sagas that marriages made merely for wealth or because a father was flattered do not last. An excellent example is that of Gudrun and Thorvald in *Laxdaela Saga*. Thorvald, described as a wealthy man "but not much of a hero," sets out to woo Gudrun[61]. Osvif, Gudrun's father, expresses reservations about the match but is convinced by Thorvald's fine words to give away his daughter, though they are not an equal match. Gudrun is displeased because she is not asked the match, showing that not securing consent beforehand was considered unusual, but also because Thorvald is clearly of lower status than she. Gudrun eventually divorces herself from Thorvald, as he is unable to keep her in the manner to which she is accustomed, as a man of true status would have been able to do. Also implied in the Saga is also that Gudrun would not have made so many demands of a man of like status, since she would not have felt the need to overcompensate for a merely wealthy man.

In a similar predicament is Hallgerdr, one of the main female characters in *Njal's Saga*. Another woman who was surprised not to have been asked about her marriage, Hallgerdr is upset about the quality of the match her father has arranged:

> Now that has been put to the proof which I have all along been afraid of, that thou lovest me not so much as thou art always saying, when thou hast not thought it worth while to tell me a word of all this matter. Besides, I do not think the match as good a one as thou hast always promised me[62]

[61] *Laxdaela Saga,* 332.
[62] *Njal's Saga,* 19.

Clearly, a measure of a father's love for his daughter is the making of a good marriage as defined by the marriage partner's high social status. This marriage also ends poorly for the couple, as Hallgerdr has her unstable foster-father kill her husband after he mistreats her, thus ridding herself of an inappropriate partner. Later, when Hallgerdr is wedded to a person she perceives as of high status, she expressly forbids her foster-father from killing him after he mistreats her in the same way. Clearly, these women have a strong desire for socially important marriage partners.

This priority also emerges when women are informed about their marriages prior to the deal being struck. At this point, many women negotiate a better marriage for themselves and others flat out refuse the match based on status criteria, showing what priorities an Icelandic woman had for her married future. Another woman in *Njal's Saga*, Hildigunn, refuses to wed Hoskuld Njalsson, a bastard, unless a *godi*-ship, or chieftaincy, can be found for him[63]. This office is found for Hoskuld through somewhat duplicitous means, and Hildigunn is happy to go through with the marriage, sure of her husband's status. This marriage functions quite well until Hoskuld's untimely death at the hands of the Njalssons. In *Svarfdale Saga*, Yngvild, a very status conscious former mistress, consents to marry a former slave but only if certain conditions are met regarding his status[64]. This marriage goes well until a member of a rival family comes to take revenge on Yngvild for influencing her husband not to settle a dispute. In one of the most disturbing events in any of the Sagas, Yngvild's children are killed one by one in front of her and she herself is sold into sexual slavery. While these marriages go well between

[63] *Njal's Saga*, 164.
[64] *Svarfdale Saga*, 48.

the couples, there does seem to be a problem with marriages built upon artificial status, implying that one cannot escape one's birth.

Another woman, Thorgerd, flatly refuses to marry Olaf Peacock, one of the most important men of his generation and the grandson of an Irish king, because his mother was a slave[65]. She is only convinced by having a drawn-out talk with the groom himself, after which Thorgerd agrees to the match. Sufficient affection, it seems, can make up for perceived differences in status, though it is never enough to make up for a genuine lack thereof. In no Saga does a woman object to her marriage because she does not love the groom or even on the basis of his nasty personality.

It could be supposed that evidence of women embracing marriages based on status is simply an invention of Saga authors do justify a cruel practice, but to suppose so is also to imply that women were unable to understand economic and social considerations for their own matches. It is probable that some women resisted marriages based on status, but it is doubtful that they were unwilling because they did not love their partner. Marriage based entirely on romantic love is a modern western idea that did not operate in early Iceland. Any woman who wished to see her kin successful and her own children inherit significant status and property would have understood that marriages to high status males insured both of these outcomes. Both men and women were concerned with the fortunes of their kin.

In her study, Jochens assumes that women were unhappy with marriages based on status,[66] despite evidence to the contrary, and this assumption shows her need to show

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[65] *Laxdaela Saga,* 313.
[66] Jochens, *Women in Old Norse Society,* 28.

pagan women as fundamentally at a disadvantage when compare to their Christian counterparts. She believes that Christian clergymen advocated female consent in the Sagas because of the Christian idea of the "equality of the sexes[67]." Strangely, however, Jochens contradicts this statement in this same marriage section. She provides many examples of the "misogyny[68]" of the Icelandic Church, such as their differing punishments for men and women engaged in concubinage. Men censured for having a concubine were banned from taking the Eucharist until they repented, whereas women were denied last rights, a far more serious sentence for those concerned for their salvation. Despite this and other inequalities, Jochens still maintains that Churchmen sought to "curtail male control[69] and exemplify some theoretical idea that the sexes were equal in the eyes of the Lord. As stated previously, however, the Icelandic clergy was far more focused on enhancing its power relative to the secular authority than enacting Christian marriage policies.

Once an appropriate marriage partner was determined and discussed with the young man and woman's kin, the young man and his retinue went to the house or booth of the young woman's kin to negotiate the marriage. This visit typically lasted several days, with the marriage negotiations only occurring on the last day or so. While the purpose of the visit was obvious to both parties, it seems to be considered polite to mention the wooing only in passing, almost as if it was an afterthought. This tactic seems to be a way for the wooing party to maintain honor and not appear to be at a disadvantage in the negotiations. The bride's family was *always* the passive party, and gained honor

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[67] *Ibid*, 44
[68] *Ibid*, 41
[69] *Ibid*, 48.

by being approached. It seems to have been considered dishonorable, or a bad position to be in, to be the wooer, as evinced by many comments by men that they do not wish to be wooing for long. Assuming the match was acceptable to the bride's legal guardian, the men would discuss the bride-price and dowry, as well as the woman's rights to property and good treatment during the marriage. An excellent example of one of these negotiations would be the wooing of Hallgerdr by Glum in *Njal's Saga*[70]. Glum and his retinue go to Hallgerdr's father's home and stay there overnight, with no mention of the wooing until the next day. Hoskuld and his half-brother Hrut are both aware of the nature of the visit before the formal proposal is made, and discuss it amongst themselves before the negotiations. This marriage negotiation is slightly exceptional in that Hallgerdr is asked for her consent during the negotiations, as opposed to before or after, but this is likely due to Hallgerdr having had her first husband killed. After her consent is obtained, the men tabulate the value of Hallgerdr's property, and Glum is to add the same amount to form their combined household. Both bride and groom will have an equal share of the property. This same pattern of paternal passivity, the coyness of the groom's party, and eventual honorable negotiations reoccurs throughout nearly every Saga in which two people wed and is only absent in rare occasions in which the negotiations are not described at all. Owing to this consistency, it is highly likely that this wooing method was the norm in Iceland during the Settlement Period.

Judging by Saga evidence, it was the custom in Iceland for a father or other legal guardian to ask a woman's consent for her marriage for reasons of affection and property concerns. This inquiry usually occurred before the commencement of negotiations or

[70] *Njal's Saga*, 26 – 29.

after their completion. There are many examples in the Sagas of fathers pausing to consider the wishes of their daughters for affectionate reasons. The aforementioned first marriage of Hallgerd in *Njal's Saga* is one such example[71]. Her father's failure to ask for her consent is "proof" to her that he does not love her. In *Svarfdale Saga*, Yngvild's father states that before negotiations can begin, "Let's go talk to her. I'll not do this against her will[72]." Even the infamous Egil of *Egil's Saga*, who once vomited all over his host, makes sure to ask his daughter's consent in her marriage to Olaf Peacock[73]. She at first refuses and Egil relays the news back to Hoskuld. Hoskuld agrees with Egil that he is "doing the right thing" by abiding by his daughter's wishes.

According to Hoskuld, Egil was certainly doing the right thing by acceding to his daughter's wishes, but he likely said this just as much for practical concerns as in a spirit of fatherly affection. With the ease of divorce in Iceland by either party in the marriage, a woman could very quickly rid herself of a husband she was unhappy with. The Sagas are full of women divorcing their husbands near instantaneously for a myriad of reasons, and divorce, especially if the woman was able to provide just cause for the separation, was a powerful weapon for the Icelandic woman. In *Laxdaela Saga*, for example, Gudrun was not consulted by her father before her marriage to a man named Thorvald, a man who was wealthy but had little social status[74]. She is dissatisfied with the marriage, despite the fact that Thorvald tries to buy her affection with jewels, but when he slaps her face, she decides to end the relationship. Gudrun, on the advice of her friend and

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[71] *Njal's Saga*, 19
[72] *Svarfdale Saga*, 48.
[73] *Laxdaela Saga*, 312, *Egil's Saga*, 202.
[74] *Laxdaela Saga*, 332. Women are often shown lamenting the fact that they were married for money, and it seems that social status counted for more than wealth in Icelandic society. Likely, women desired husbands who could act powerfully in the district and amass many supporters, especially during feuds.

potential lover, Thord, makes Thorvald a shirt with a low neck "like a woman," to give herself an excuse to divorce him. After the divorce, she takes half of their property as a couple and ends up richer than when she went into the marriage. Gudrun is consulted about her next marriage, as evinced by the statement, "Osvif and Gudrun said nothing against it," pertaining to the negotiations. Clearly, Osvif, her father, realized it would be in his best interests to take into account the wishes of his daughter concerning her marriages. It is likely that a divorce would not actually occur merely because a man wore a low-cut shirt, but a woman like Gudrun could very easily begin to spread rumors about her husband's femininity, perhaps about him taking the passive role in sexual intercourse, which would be cause for divorce.

Divorce was also possible if a husband refused to support his wife's kin, as in another example from *Laxdaela Saga*. Vigdis is furious at her husband's betrayal of her kinsman, and she divorces him after this slight[75]. Vigdis is unable to get her property back from her ex-husband because he has the support of one of the most powerful men in the district, despite the fact that she is in the right. According to the Laws, a man or woman could also divorce if their spouse refused to share their bed for three years, or if a serious wound was inflicted on one by the other[76]. According to the Christian version of the Laws, the Bishop had the right to arbitrate whether or not the woman got her property back. To judge by the Sagas, this right was usurped from the Allthing, at which a woman's kin would go to help her gain back the property owed, as evinced in *Njal's Saga* when Mord goes to the Allthing to try and get his daughter's property back from

[75] *Laxdaela Saga*, 296.
[76] *Gragas*, 395.

Hrut[77]. While the inability of a woman to press her property case at the Allthing might seem to prevent her from divorcing if her family did not support her, other, further removed kin could also support her at the Allthing. When Mord fails to gain his daughter's property back, she appeals to Gunnar, a more distant relative, and he is successful. It is likely that a woman would have been able to find some male kin to support her in her bid, though how successful it might be could vary.

This practical consideration is the primary reason that female marital consent cannot be only a Christian idea, as Jochens asserts. While there were certainly no laws requiring women to consent to their own marriages, the absence of evidence for this practice is not evidence of its absence. Undoubtedly, these were women who were forced into marriages they did not wish to enter into, but it is just as likely that there were fathers who made sure to gain their daughter's consent before giving permission to wed. It is interesting to note, however, that no woman in the Sagas refuses a viable marriage partner. Additionally, many times women do not express a real opinion on the match, but merely go along with their father's wishes. While it is likely that some Icelandic women did respect their father's wishes in their marriages, the sheer volume of women who defer stretches the imagination. These instances are likely the product of Saga authors wishing to show the correct deference to kin that should be shown by an Icelandic daughter, just as Icelandic sons are shown deferring to their mothers and fathers. It is significant to note, however, that no woman in the Sagas is presented with an inappropriate match that it would be correct for her to refuse, for example, if her father had married her to a berserker.

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[77] *Njal's Saga,* 17 – 18.

Even if, however, there were no plausible or practical reasons for female consent in pagan Iceland, Jochens' theory of consent scenes retroactively added by Saga authors to put the pagan past in line with Christian tradition would still be incorrect. For one, the Sagas are assuredly not thematically Christian. Icelandic Sagas were written to express a distinctly Icelandic culture and set of values separate from that of the island's new religion. They were moral tales that illustrated the ideal of *drengskapr*, or manly virtue, as the best way to live[78]. Both men and women can aspire to a great amount of *drengskapr*, though men start with a credit and women with a debt. Additionally, Sagas were also written to preserve the illustrious histories of important Icelandic families whose power was threatened by newly emergent groups and the hegemony of the Norwegian monarchy. Additionally, Jochen's assumption of a whitewashing of pagan times by the Saga authors is dependent on all Saga authors being of the same mind. Each author has a distinct voice and opinion on a variety of matters, from the value of blood-feuds to the Norwegian monarchy.

The final nail in the coffin of retroactively added consent, however, is what was left in the Sagas by their authors, rather than what was added. Had there been an effort to whitewash the pagan past to fit with Christian morals, there were far more pressing issues to the Church that would have been expunged or added to the Sagas. Incest, pagan practice, and divorce are each deeply ingrained in the Sagas, and yet each issue was more of a concern to the Church than female consent.

Preventing incest was of paramount importance to the medieval Church, and it is highly likely that Iceland would not have been an exception. According to canon law,

[78] Foote, "Essay," 104.

incest is defined as a marriage made between two people who are within seven degrees of blood or affinal kinship. Within Iceland, it was acceptable to marry outside of the fifth generation with Church approval[79], but it was still frowned upon. The Sagas, however, contain many examples of incest, especially with remarriages by a widow to her husband's relatives. For example, in *Gisli's Saga*, Ingjbjorg marries first Ari then, when he falls to a berserker, weds his brother Gisli[80]. Such a relationship was forbidden by the Church but it remains in the Saga. It would have been possible for *Gisli's Saga* to function as a complete narrative without this incident, and so it stands to reason that if the author was crusading for Christian morals, he/she would have removed it.

Pagan practice and sorcery was another important issue for the early Church, as they rightly realized that if pagan beliefs were allowed to survive, Christianity would have no chance to expand. In the Sagas, however, while there is a certain discomfort and occasional censure of magical practices, neither sorcery nor the pagan religion is stamped out or vilified in the Sagas. Especially concerning the early settlers, it was perfectly acceptable and understandable to be pagan. Men and women who were avowed pagans were described just as were Christian individuals. For example, in *Hen-Thorir's Saga*, "Blundketil was the wealthiest of all men, and the best conditioned of all men of the ancient faith; thirty tenants he had, and was the best-beloved man of the countryside[81]." Bundketil is a positive character in *Hen-Thorir's Saga*, despite his overtly pagan faith. It would have been simple to not mention Blundketil's faith, but it seems that honoring the old gods well was something to be proud of, rather than condemned. Aggressively pagan

[79] *Gragas*, 38
[80] *Gisli's Saga*, 2.
[81] *The Story of Hen-Thorir*.

characters are also seen as positive even after Christianity came to the continent. In *Njal's Saga*, a Christian missionary and a pagan woman get into a verse argument over whose god is better. The pagan woman wins out, and the missionary walks away in shame. The preservation of this event is startling and does not fit with a theory of Saga authors as fanatically Christian. This incident shows the importance and vitality of Iceland, as represented by the woman, and its old traditions. Clearly, representing Iceland as proud and full of *drengskapr* was more important than representing Christianity in the same light.

Finally, the ubiquity of divorce in the Sagas shows that there was most definitely not a Christian whitewashing of the pagan past. Divorce as was major social issue for the Christian Church, and if it had been pushing an agenda of female consent, there would also have been a similar program against divorce. Unfortunately for Jochens' argument, divorce appears frequently in the Sagas and is often presented as the correct action in a given situation with no moralizing on the part of the author. Thordis's divorce of Bjork, for example, at the end of *Gisli's Saga* is characteristic of divorces in Sagas[82]. After Thordis stabs her brother's killer, who her husband hired, she divorces that same husband after he condemns her for the stabbing and pays compensation to the injured man. Throughout the story, Thordis has been torn between her dead husband, Thorkell, and her brother Gisli. For the majority of the Saga, Thordis supports her dead husband against her brother, since she believes her loyalty to Thorkell should outway that to Gisli. Once Gisli is dead, however, and vengeance obtained, she can go back to being loyal to her

[82] *Gisli's Saga,* 59.

natal family. Thus, Thordis's decision to divorce her husband is the correct decision, despite its violating of cannon law.

Other divorces are completely ancillary to the plot but are described anyway. In *Laxdaela Saga*, Vigdis divorces her husband Thord since he failed to support her and her kin, and sets about trying to get her property from him[83]. She is thwarted by his relationship with the powerful Hoskuld, and it is likely she would have gotten back her property had he not made such a strong, if shady, alliance. This divorce, however, has no relation to the main plotline of Kjartan and Gudrun, and could have easily been left out had the author wished to show his pagan characters acting in a Christian way.

Additionally, if there had been a program among Icelandic Christians to "curtail male control" and express Christian ideas of gender equality, this effort would have found its way into the laws, as did Christian ideas about incest and divorce. In the *Gragas*, there are laws that prohibit the worship of "heathen beings," despite the island's initial compromise with the Christians that they would be able to worship the old gods in secret[84]. Clearly, the Church was able to make some headway in the area of continued pagan practice. Incest regulations were also expanded to include a sentence of lesser outlawry for marriages knowingly contracted within the fifth degree[85]. Evidently, the Church was capable of exerting its will on marital matters, but there is no mention of a female consent requirement in the *Gragas*, except in the case of widows, a law that predates the conversion. Consent, therefore, cannot have been a high priority in Iceland. The only concrete mention of consent regulations in the Icelandic Church mandated that

[83] *Laxdaela Saga*, 296.
[84] *Gragas*, 268.
[85] *Gragas*, 38.

a woman betroth herself with her own "yes word" inside the Church[86]. This rule's emphasis is not on the woman's consent but that the negotiations take place within a Church. It appears that the Church was concerned with consent in so far as it allowed it to stand in a position of power in Iceland.

Since consent was a custom, not a law, there are instances in which it was not obtained or the marriage was forced, as previously mentioned. In the Sagas, these marriages are never happy and those who force a woman to marry are considered to be odious characters. The Saga authors wish to show that going forth with a marriage against a woman's direct wishes is not a right action. Typically, the characters who force a woman into marriage are considered at best imprudent and at worst genuinely evil. Forcing a woman into marriage is used, for example, to help characterize the evil king of Norway in *Egil's Saga*, who forces Sigrid, an Icelander, to be Eyvind's wife after her husband is killed[87]. Sigrid goes along with the match but feels she has "no choice" in the matter. The Norwegian King and his kin are not positive figures in the Saga, as Egil's family has a long and turbulent history with the monarchs of Norway, and they are meant to be a foil against which right action can be shown. In *Kormak's Saga*, Steingerd's family and the kin of her husband, Bersi, are described as "villains" because they organized Steingerd's marriage without her consent[88]. Bersi becomes Kormak's first great opponent in the Saga, and thus he cannot be characterized in a positive light, though he does demand respect as a fighter. Clearly, many Saga authors use consent as a signal for good and bad characters and actions. This agenda, however, is *not* Christian in origin

[86] Andersson, *Problem of Icelandic Saga Origins*, 140
[87] *Egil's Saga*, 61
[88] *Kormak's Saga*, 31

but shows a prudent respect for a woman's feelings on a match based on affection and practical matters that operated in pagan times. Settlement Iceland could not have functioned without the idea and practice of female consent.

While a woman's first marriage was primarily controlled by her father, her ensuing marriages were much more likely to be of her own choosing, rather than simply her own consent. There was a high likelihood that an Icelandic person, man or woman, would be married multiple times over his/her lifetime, owing to death from feuds and childbirth, as well as the ease of divorce. A woman who became single after her husband's death was in a strong position to negotiate her own marriage, as the Laws and Sagas demonstrate.

Legally divorced women are shown in the Sagas contracting their own marriages quite frequently, and occasionally when their fathers are still alive. In *Njal's Saga*, Unn contracts her own marriage with Valgard the Grey, a man who her kin do not approve of[89]. This marriage and its resulting offspring later have major negative repercussions for the Saga characters, but the negative spin on this marriage is related to the fact that Unn made the marriage without the advice of her kinsmen, rather than the fact that she contracted it of her own accord. According to the laws, her kin are able to prevent the marriage or invalidate it once it has occurred[90], yet they do not, an interesting choice that suggests the laws were not always necessarily followed. It is absolutely vital to note that the Laws of Iceland only operated when a person brought a case to the Thing. There were no policemen or district attorneys to bring charges. Thus, if the kin group decided it

[89] *Njal's Saga*, 43
[90] *Gragas*, 53

was in the group's best interest to let the issue go, it could be abandoned easily. Even cases that result in full outlawry, such as mortal wounding, are sometimes left unprosecuted in the Sagas or resolved by extralegal means.

According to the *Gragas*, a widow was the only woman whose consent must legally be obtained prior to her betrothal, except in situations where her father still acted as her intermediary in the process[91]. The consent of the woman's kin was also legally required, and especially that of any of her sons from her first marriage. This consent was necessary to prevent property disputes that might arise between multiple sets of children who each would have equal claim to the mother's property. The best example of the problems that can result from these arrangements is the feud between Hrut and Hoskuld over Hrut's portion of his mother's property in *Njal's Saga*[92]. After the death of Hoskuld's father, his mother, Thorgerd, decided to leave Iceland. She went back to Norway and married a man named Herjolf, because "under such circumstances, Thorgerd was free to decide for herself, and on the advice of her kinsmen she decided not to refuse his offer[93]." Thorgerd later gives birth to Hrut, but after her second husband's death, decides to go back to Iceland to live out her days with her firstborn son. Hrut stays behind as his fortune is in Norway. After Thorgerd's death and Hrut's adventures abroad, he decides to go back to Iceland to claim his portion of his mother's property, which was substantial. Hoskuld, however, refuses to pay Hrut, arguing that their mother had not obtained his consent before remarrying. Their feud goes on for months, and while Hoskuld has the legal edge, most of the community sides with Hrut. Eventually, on

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[91] *Gragas*,
[92] *Laxdaela Saga*, 300 – 303.
[93] *Laxdaela Saga*, 283.

the advice of his wife, Jorunn, Hoskuld does "right" by his brother and gives him a settlement. Hoskuld capitulates not because of a legal reason, (clearly, his mother was required by law to gain his consent prior to the marriage) but due to social pressures. He knows that, due to certain past actions, his not assured of support in the district should the feud escalate further, and so he must acknowledge his brother's claim. Additionally, settling with Hrut is portrayed as the right action, despite the fact that it is not necessary in a legal sense. Clearly, the Saga authors had a sense of right and wrong that went beyond the laws, and this attitude extended to female marital consent.

Conclusions

The dual operation of law and custom is vital for understanding marital consent during the Settlement Period. Female marital consent, while not enshrined in law, was certainly an important custom in early Iceland, for practical and familial reasons. Instances of female marital consent in Icelandic Sagas are not Christian interpolations but accurate representations of how marriages were contracted in the Saga Age. Women in the Saga Age were asked to consent to their own marriages and were hardly the passive parties of previous scholarship.

A woman's consent to her marriage and her hand in its arrangement is one of the many ways an Icelandic woman was able to impose her wishes and priorities on the group consensus. The case of women and consent in Iceland speaks to a broader issue in the scholarship of medieval Iceland. While there are definite patterns of marriage negotiations, this study reveals the variability of the lives of women in the Saga Age. Women were fully engaged in almost every aspect of Icelandic society. Too often the

history of women in Iceland is reduced to a chapter in works on disputes, property rights, or economics. In reality, the women's lives should be integrated into these works, since the relegation of women to a single treatment creates a false impression of a sexual divide that did not exist in Saga Age Iceland. Naturally, men and women were not considered "equal" and performed different tasks, but both genders contributed to the continued existence of the family on a precarious island in a difficult time.

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