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Review of Njáls saga: Rechtsproblematik im Dienste soziokultureller Deutung

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Carola L. Gottzmann. *Njáls saga: Rechtsproblematik im Dienste soziokultureller Deutung*. Peter Lang, Frankfurt am Main, 1982. Pp. 371.

There is little to recommend this book. It is ill-conceived and poorly executed. The author's thesis is that the saga-writer intentionally distorted and varied his presentation of the law of the lawbooks in order to show a society being destroyed by uncontrolled egoism, pride, and envy, a society characterized by willful arbitrariness, disorder, and disarray, with few rules to respect and little respect for the few rules that there were (see e.g., pp. 91, 122, 128–30, 246, 267, 282–85). The validity of the thesis is never really tested because the law which the saga-writer distorts is not even minimally established, nor for that matter is the law the saga-writer does portray considered with sufficient care. The book opens with an uneventful treatment of plot structure, and successive chapters variously treat the Thing, outlawry, *hólmgang*, vengeance, arbitration, marriage, and the family. The discussions are accomplished without recourse to other sagas, only two of which (*Laxdæla* and *Eigla*) are mentioned even in passing, and virtually without reference to *Grágás*, which is cited but three times (pp. 116, 246, 263). The reconstruction of the Icelandic law and society is derived wholly from German Rechtsschule secondary works, most of which focus on pan-Germanic matters only remotely relevant to the author's topic. Although Maurer is frequently cited, Heusler is given short shrift, an omission all the more mystifying in light of the good sense he makes of law and disputing in the sagas. But Gottzmann willfully refuses to see sense in the disputing process of *Njála*, perhaps because it interferes with her own ideological prescription for how an orderly society should be constituted: i.e., it should have a centralized state authority which can enforce adherence to its rules and it should be Christian (p. 338).

In the last thirty years anthropological studies have had much to tell us about conflict resolution in stateless societies. Gottzmann does not appear to be familiar with any of this work. And thus it appears that much of the arbitrariness and disorder the author finds in the law-ways of *Njáls saga* unfortunately seems to owe more to her inability to understand the processes of dispute resolution in stateless societies than to any objective presence of these features in the saga or in the Icelandic Commonwealth. I do not mean to deny that the Icelandic disputing process is criticized by the author of *Njála*, but that critique is far more subtle and well-informed than the superficial criticisms generated by the familiar moralism of the Christianizing academic critic. The saga-writer presents a complex social reality in which people maneuver with intelligence and skill. Gottzmann reduces this to a matter of simple binary opposition: "übersteigerte Individualismus v. christliches Sozialverständnis." Complex personalities are reduced to character traits which in turn are Latinized and thus allegorized and made to substitute for explication. Hallgerðr is *superbia*, *arrogantia*, *ambitio*; Mörðr is *invidia* and so on.

Nor does the book offer insight to the literary scholar. Interpretations of individual scenes show that there is indeed such a thing as error in the humanities. Take for example the explanation of why Njáll lays his cloak on the pile of silver that is about to be delivered to Flosi (*Njáls saga*, ch. 123): “Njal hat das Seidengewand wohl auf die Bußgeldsumme gelegt, um zu verdeutlichen, daß ein Vergleich durch Geldzahlung auch dem körperlich unterlegenen Menschen die Chance gibt, zur Rechtswiederherstellung beizutragen.... Das weibische Seidengewand demonstriert demnach wohl, daß Njal, der die ganze Saga hindurch als unfähig bezeichnet wird, Recht mit der Waffe durchzusetzen, es bewirkt hat, das Recht auf friedlichem Wege - trotz des schweren Delikts - durchzusetzen. Das Seidengewand erweist sich also als Konkretisierung der Schmähung ‘Alter ohne Bart’” (p. 64).

With this gift, we are to believe incredibly, Njáll wishes to announce to the assembled multitudes that he is “rassragr.” The cloak is never simply a gift; there is no discussion of the norms of gift exchange, that cloaks might often well figure as gifts at the conclusion of arbitrated settlements (see, e.g., *Njáls saga*, ch. 12), nor even a mention of what the sight of a cloak might mean to Flosi after he had just dealt with his niece a few days before. This is not an isolated failure. There are many others and in conclusion I offer one more.

According to Gottzmann there is a Christian exemplum in Skarpheðinn’s death: “Gott läßt sich an Skarphedins Leiche verschiedenartige Willensbekundungen deutlich werden. An Skarphedins Füßen macht er sichtbar, daß er ihn partiell bestraft. Füße, die nach mittelalterlicher Auffassung die göttliche Machtoffenbarung symbolisieren, verdeutlichen in diesem Kontext, daß Skarphedin Gottes Macht nicht anerkannte, sondern... stets auf seine eigene Kraft vertraute. Zum Zeichen für die gottferne Einstellung Skarphedins hat Gott seine Füße verbrennen lassen. Die Vergeltung ist somit zwar von Menschenhand initiiert (die Mordbrenner), aber letztlich von Gott vorgenommen worden” (pp. 309, 320). There is in fact an exemplum in Skarpheðinn’s death, but it is not God’s doing as Gottzmann would have it. It is the creation of Skarpheðinn’s own unfathomable will, a will that manages to keep him standing in the face of his enemies, even when dead, even without feet. Now that’s a miracle and manmade too, and a greater one than the moralists find in the radiance of Njáll’s corpse, unremarkably preserved by the skin of an ox as much as by the hand of the Lord.

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