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AN EMINENT legal historian once noted that the fundamental problem of law enforcement in primitive societies is that of the secret offender.[1] The Icelandic legal and dispute processing systems depended on a wrongdoer publishing his deed, or at least committing it in an open and notorious manner. No state agencies existed to investigate and discover the non-publishing wrongdoer. But there were strong normative inducements to wrong openly; one's name was at stake.[2] There was absolutely no honor in thievery, only the darkest shame; the *ránsmaðr*, on the other hand, suffered no shame for his successful raids, even if he did not always achieve honor in the process.[3] The law, too, tried to supplement that sentiment with sanction. Thus an unpublished killing became a murder *(morð)* if the killer did not admit his deed and publish it properly. The consequence of the reclassification was an important one: the wrongdoer was thereby deprived of any affirmative defenses he might have had in justifying his action as a privileged reaction to wrongs the victim had visited upon him.[4] The readjustments in prestige and status that attended the exchange of killings in the blood feud also provided a powerful incentive to publish deeds that wronged an enemy. After all, how was the community to know a person had avenged the smears on his name unless he let others know he had done so?[5]

In the context of the feud, and especially in the typical legal action, the process of blaming was fairly direct. Little, if any, investigation was required, and the identity of a possible class of expiators in a vengeance attack or of defendants in a legal action was pretty much a foregone conclusion, dictated both by knowledge of the facts and by the structure of relations between the contending groups. Facts were seldom in dispute. And even when precise knowledge about who had delivered a lethal wound was in doubt, the laws allowed the plaintiff in the killing case to name anyone who had been present, living or dead, as the actual slayer.[6] Knowledge all that precise was not needed in non-legal phases of the feud, as, for instance, in vengeance killing or cattle raiding. It was sufficient to know that one of *them* did it. Generous rules concerning vicarious and group liability allowed for a fairly wide range of eligible

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expiators from the opposing group.[7] More precise knowledge was needed only for certain jurisdictional requirements in a lawsuit.[8]

But the identity of the person to be blamed was not a foregone conclusion when no one was willing to publish himself as the wrongdoer—that is, when the definition of a particular misfortune was left to the person who was the victim of it. Some sheep are missing. Did they stray or were they stolen? A storehouse was burned. Was it arson or an accident? A son or husband died in a shipwreck or a landslide. Was this the randomness of the heavens, or was it the consequence of sorcery? A blow directed at a horse missed its mark and struck a man. Was it intentional or *váðaverk*, an accident? There was room for manipulating the significance of any misfortune. It could be made into something or shrugged off, depending on the circumstances. Once the misfortune was perceived as a wrong, however, responsibility for it needed to be assessed, a wrongdoer had to be found and blamed. There was no problem of identification in the case of an accident. Þorsteinn knew Þórðr struck him at the horse fight; Gunnarr knew Otkell spurred him.[9] What was interesting about accidents was not who got blamed, but why intention was so often imputed to the incident—that is, why so few were willing to avail themselves of the possibility of classifying the event as unintentional. But I leave a full discussion of accident for another time.[10] I wish instead to direct attention to some of the means by which a wrongdoer was "discovered" for those wrongs which are deemed secret. The wrongs were the usual crimes of darkness and secrecy: theft, murder, sorcery, and fornication. The means of discovery that this article will focus on, and they were by no means exclusive, are the various so-called irrational techniques of attributing responsibility: prophecy, dreams, divination, and sorcery accusation.[11] The last of these, in addition to being a means of blaming sorcerers, was also a way of blaming for theft or murder and of attributing human causation to events, like sickness and foul weather, that might be called the secretive wrongs of God and nature.[12]

Prior to an examination of specific cases in the sources I will clarify some matters of definition implicitly presented above. Before blaming can take place, a wrong must be perceived; or, if someone wishes to blame without cause, in order, say, to provide a basis for future trouble, in other words, to pick a fight, he will still need to convince others that a wrong occurred, even though the wrong may be purely imagined or contrived.[13] Blaming is the process by which a wronged person or group attributes responsibility for a perceived injury to another individual or

group.[14] Both of these processes—that is, the perception of wrongs and the attribution of responsibility for them—are subject to considerable crosscultural variation. In general, the ancient Icelanders were much more likely to perceive wrongs and then, having once perceived them, less likely to blame themselves for those wrongs than people are today. As sociological studies have shown,[15] we are likely to blame the victim, or, if we ourselves are the victims, to internalize the wrong and blame ourselves; this is so in spite of our reputation for litigiousness. Consider, for instance, how seldom we see expressions of self-reproach in the sagas. There is little more than an occasional "that's what I get for not having my shield with me," but it is said with cool detachment rather than self-doubt or remorse.[16]

Once the grievant had fixed responsibility for the wrong, he was then put to taking action to redress the wrong. Readers of the sagas are familiar with the range of options available to the wronged party. He could sue, take blood revenge, or endure the ignominy of doing nothing either for lack of support or failure of nerve. A considerable amount of time might pass between the blaming and the carrying out of redressive action. Support needed to be mustered for lawsuits and vengeance, and revenge might be postponed more than a decade before an energetic avenger and a propitious moment presented themselves. On the other hand, remedial action could coincide, or nearly so, with the blaming. This was by definition what self-defense was all about. This paper deals with the remedial phases of disputing only when, as in sorcery cases, the sagas depict redress as following immediately upon the blame. By focusing on "irrational" means of affixing fault, I do not mean to deny the existence and importance of rational investigative techniques. The laws offered detailed procedures for carrying out a *rannsak*, and the sagas are filled with examples of the process and the troubles it could lead to.[17] And the sagas show as well that, in thoroughly modern fashion, evidence could be bought and sold and testimony manufactured and paid for.[18]

DREAMS AND PROPHECY

We begin with perhaps the best known concealed wrong in the sagas.[19] Vésteinn has been killed secretly, not quite a murder says the saga, but a *launvíg*, a concealed killing. After Vésteinn's funeral people sit down near his burial mound and discuss how unlikely it is that the identity of the murderer will ever be known. Þorkell asks his brother

Gísli how Auðr, Gísli's wife and Vésteinn's sister, is taking her brother's death. Gísli answers with some show of irritation and then begins to tell Þorkell about some dreams he has had on the previous nights:

> "Draum dreymði mik," segir Gísli, "í fyrri nótt ok svá í nótt, en þó vil ek eigi á kveða, hverr vígit hefir unnit, en á hitt horfir um draumana" [ch. 14].
>
> ("I had a dream the night before last and last night too, but nevertheless I will not name who did the killing, although the dreams point to that.")

He then tells Þorkell the contents of the dreams: in one a serpent and in the other a wolf has emerged from a certain farmhouse and killed Vésteinn. Gísli continues thus,

> "Ok sagða ek því hvárngan drauminn fyrr en nú, at ek vilda, at hvárrgi réðisk."
>
> ("I have told neither dream before now because I wanted neither of them to be interpreted" [or, just as likely, "because I did not want either of them to come true"].)[20]

Dire dreams are frequent fare in the sagas. They forebode and foretell. But Gísli does not disclose the content of his dreams until the event they divined has already occurred. He is not prophesying, not predicting. By delaying the disclosure of his dreams' contents until after the events he says they have foretold, he is using his dreams to indicate that he has suspicions now, suspicions, moreover, which are cast in the socially acceptable and conventional form of a prophetic dream, not suspicions simply hatched from a waking hunch or whim. The dreams are sufficiently ambiguous to hint, not to accuse. They are in effect threats to accuse. And a threat is exactly what Gísli intends: "I will not name who did the killing, although the dreams point to it." The dreams are not yet offered up for interpretation; they are not made public; Gísli tells only Þorkell and Þorkell gets the message. Later, after the brothers have gone home together, Þorkell makes an offer:

> "Vilda ek, at þú létir þér eigi þetta svá mikils fá, at menn renni þar af því grunum í; vilda ek, at vér tœkim upp leika...." [ch. 14].
>
> ("I'd like you not to take this in such a way that people start to get suspicious about it. I would like us to resume games....")

Mutual games will provide the veneer of normal relations between the households. Implicit in Þorkell's offer to allay suspicion is that Gísli will refrain from delphic utterances as to who killed Vésteinn and from subtly directing people's suspicions toward the Sæból household. Þorkell is sufficiently anxious to get Gísli to agree that he accepts Gísli's proviso obliging Þorkell to accept the same terms himself at a later date if their positions should be reversed.

There has been a fair amount of work done on dreams in the sagas. These studies, when not treating dreams as matters of literary convention, have tended to deal almost exclusively with their content; we consequently know a fair amount about the sources and analogues of dream symbols, i.e., whether they were derived from pagan or Christian sources and how they compare with folklore motifs, how dreams make use of word play and what possible connections they might have with Old Norse views of fate.[21] But I would like to suggest also an important social, quasi-legal function for dreams, or more accurately, not for dreams as such, but for the announcing of them for public consumption.

Telling a dream is not a neutral act, especially in the world of the sagas. Dreams often held a key to the future, or at least many people felt they did. The belief in the predictive power of dreams is a social fact that can be manipulated by social beings.[22] The teller of a dream knows the range of believable types of dreams in his culture (we might call it, in analogy to linguistics, a competence in dreaming); he knows the likely range of meanings that will be attached to them. He also knows that his decision to tell one dream of the many he has had is, in itself, significant. It might mean, among other things, that the speaker wished to add a sense of authority to his usual discourse but temper it with a highly stylized sense of indirection. This sense of authority derives both from the belief in the predictive power of dreams and from the significance attached to the decision that the dream was worth telling in the first place. The kind of authority that would come from a dream might also be more unnerving to a listener than more conventional claims to authority for one's discourse. The sense of indirection comes from the fact that what he tells is, after all, just a dream, and dreams can often be false and misleading.[23]

The timing of Gísli's disclosure of the substance of his dreams and the manner in which he relates them to his brother do not leave much doubt as to what he thinks. The significance of the dreams is ambiguous with regard to only one element—the identity of the wolf or serpent.

And nearly all the ambiguity on that account is immediately resolved because Gísli does not have his wolf and serpent come out of lairs and caves, but "af einum bœ," that is, "from a certain farmhouse" (ch. 14, p. 46). He has thereby indicated that his suspicions are not directed at the guests who stayed at his farm the night of the murder: they would not have had to leave a farmhouse to kill Vésteinn, who was lodged and killed inside at Gísli's. Þorkell cannot fail to perceive his meaning. Gísli suspects the Sæból household.[24]

Gísli told his dream only to his brother. Elsewhere in the sagas dreams are told to a group of people and told more than once if the dreamer has not received the interpretation he is looking for.[25] Dreamers could test the water with their dreams.[26] Accusations of secret wrongdoing were not to be lightly made in early Iceland. Theft accusations or the request to conduct a *rannsak* frequently had dire consequences for the accuser.[27] The laws also recognized that a false accusation of theft could lead to a countersuit for slander.[28] Given the riskiness of any accusation, it is not hard to see the role dreams might play in focusing suspicions without anyone's formally making an accusation. Dreams could thus be made up, or certainly doctored up, in order to elicit responses from the various audiences to which they were presented.[29] The acts of listening to, and making interpretations of, dreams not only served to focus the listeners' suspicions, but also to give them an interest in any actions that might follow as a consequence of their interpretations. The would-be blamer who wished to minimize the risks of blaming falsely could thus enlist others to blame with him merely by asking them to listen to and interpret the dreams that he presented to them, dreams whose content and manner of presentation he alone controlled and that he presented to an audience he had selected. What we are talking about here is the control and manipulation of the channels of public opinion, a key element of social control and the constitution of power in Iceland.

The sagas also indicate how prophecies, like dreams, might be used to attribute responsibility, or, indeed, to avoid it altogether. Consider, for instance, the following case. During Removal Days Njáll advises Atli, who had been hired the year before, to move back east, lest Hallgerðr have him killed. Atli asks instead to be taken into Njáll's household, requesting further that Njáll not accept a slave's compensation for him should he be killed. Njáll says he will be priced at a freeman's rate and adds that "Bergþóra mun þér því heita, sem hon mun efna, at fyrir þik munu koma mannhefndir" ("Bergþóra will promise, as well as provide, that blood vengeance will be taken for you").[30]

Njáll's remarks about Bergþóra's future actions are a fairly inobtrusive manifestation of his being *forspár*, of his having second sight. The large number of saga characters who share this ability suggests that prophecy-making might be no more than the stuff of literary convention. But there are smatterings of evidence in the sources that indicate there might be something more going on. Many prophecies are little more than astute predictions; most of Njáll's manifestations of second sight are as adequately explained by his intelligence, his unsurpassed knowledge of his own culture's dispute-processing mechanisms as by any supernatural gifts. But my purpose here is not to debunk second sight; it is rather to ask, given the fact of prophecy-making, and it apparently was a fact, what use people made of it. Observe Bergþóra's reaction after Atli has been killed. At the Althing Njáll adjudged and received one hundred ounces for him, a freeman's price; Njáll then returned home.

> Bergþóra rœddi við Njál, er hon sá féit: "Efnt þykkisk þú hafa heitin þín, er nú eru eptir mín heit." "Eigi er nauðsyn á, at þú efnir þau," segir Njáll. "Hins hefir þú til getit," sagði hon, "ok skal svá vera" [ch. 38].
>
> (Bergþóra spoke with Njáll when she saw the money: "You think you have fulfilled your promise but my promise still needs fulfilling." "There is no need for you to keep it," said Njáll. "You have guessed otherwise," she said, "and that is how it will be.")

Bergþóra is here taking great advantage of Njáll's having made a prediction.[31] Because he has prophesied she purports to be bound to fulfill his prediction as well as her own promise. That is, she (Boethius be damned) wittily denies her free will and with it her accountability for the action she is about to take. She is shifting the responsibility to Njáll. But if Bergþóra could play tricks on the prophesier with his own prophecies, might it not be that the prophesier himself was aware of the effects his prophecies could have? When Njáll predicted that Bergþóra would promise blood and take it too, was this not his way of telling her indirectly that she had his consent for such action? At the very least he was telling her that, in spite of what he might say later, he would not prevent her from avenging Atli.

One gets the impression from the sagas that a lot of people enjoyed speaking ominously, delphically, and prophetically. And one can equally find evidence that speaking in this way annoyed people, not so much because the future was foreseen, but because the prophesier was often

registering present disapproval of a course of action and indeed hinting that blame for its consequences should be imputed to the person prophesied about.[32] I am making general assertions, subject to much exception and situational variation. But still we find evidence that on one occasion a sensitive saga character made sure to define his intimation of trouble as just that, an intimation, and not a prophecy; thus, Óláfr pái to his son Kjartan at the start of his meeting with Guðrún: "Nú er þat hugboð mitt, en eigi vil ek þess spá, at vér frændr ok Laugamenn berim eigi allsendis gæfu til um vár skipti" ("It is my feeling, but I do not want to prophesy about this, that we kinsmen and the men of Laugar may not have much good luck in our dealing with one another").[33] Óláfr is careful, I think, not to prophesy for two reasons: because of a fear that if the utterance were to be classified as a prophecy then it might be more likely to come true, and because to mark formally one's words as prophetic invited a certain type of response that one might not want to elicit—namely, contrary action to show lack of fear in the face of an unpropitious prophecy. Kinsmen had the duty to take counsel with one another, and Óláfr wanted to make sure his remarks were perceived as counsel and not as prophecy.

From *Eyrbyggja saga* we learn of the existence of local diviners, prophets of a sort, with special skills in ferreting out thieves. Consider this case: Þorbjǫrn digri had some studhorses which he grazed up on high pasture. One autumn his horses could not be found in spite of an extensive search. Þorbjǫrn sent a certain Oddr to a man named Spá-Gils, who was skilled at making investigations by divination concerning theft:

> Oddr spyrr, hvárt hrossum Þorbjarnar hǫfðu stolit útlendir menn eða útanheraðsmenn eða nábúar hans.[34]
>
> (Oddr asked [Spá-Gils] whether Þorbjǫrn's horses had been stolen by foreigners or by people from outside the district or by his neighbors.)

The form of the question is instructive; Oddr does not ask an open-ended "What happened to Þorbjǫrn's horses?" His question assumes a theft and directs Spá-Gils to name certain classes of possible offenders. We also know that Oddr's question casts suspicion on Þórarinn svarti, who is Þorbjǫrn digri's neighbor and who is hosting foreigners, some Hebridean merchants. We can see that the questioner had an enormous amount of control over the content of the diviner's response. The diviner, no doubt, was as skilled at discerning whom his questioner wanted blamed as he was at discovering thieves.

Spá-Gils responded as follows:

> "Segðu svá Þorbirni, sem ek mæli, at ek hygg, at hross hans muni eigi langt gengin ór hǫgum þeira, en vant er á menn at kveða, ok er betra at missa síns en stór vandræði hljótisk af" [ch. 18].
>
> ("Go tell Þorbjǫrn what I'm about to say: I think that his horses will not have gone far from their pasture, but it's hard to pinpoint the people; it's better to take the loss than to take on nothing but a lot of trouble.")

Now this is ambiguous enough, nor does it seem, once allowances are made for the author's decision to pass along some of Spá-Gils's advice via indirect discourse, that we can accuse Oddr of overt misrepresentation when he returns to Þorbjǫrn and tells him that, to some extent, Spá-Gils had indicated the people of Þórarinn's household at Mávahlíð:

> Sagði Oddr ok, at hann hafði svá mælt, at þeir væri líkastir til hrossatǫku, er sjálfir váru févana ok hǫfðu þó aukit hjónum or því, sem vanði var til; í þessum orðum þótti Þorbirni kveðit á Máhlíðinga [ch. 18].
>
> (Oddr said also that [Spá-Gils] had said that they were most likely to have stolen the horses who were short on stock themselves, those who had increased the size of their households beyond the usual. Þorbjǫrn thought that these words pointed to the people of Mávahlíð.)

Oddr was not the only one who directed the divination toward Mávahlíð. Þorbjǫrn must have suspected the people there too; this was probably why he chose to send Oddr to Spá-Gils in the first place. Oddr and his mother, Katla, had earlier been instrumental in directing a sorcery accusation against Þórarinn's mother, for having caused some inexplicable injuries sustained one night by Þorbjǫrn's son. In short, there were already well-established hostilities between Þorbjǫrn and his clients and the Mávahlíð people. The Mávahlíð people were also convenient targets for reasons of district politics. Þorbjǫrn was Snorri goði's sister's husband, and Þórarinn was Arnkell goði's sister's son. Arnkell and Snorri were at that time competing for preeminence in the district. The blamers apparently knew whom they wanted to implicate and acted accordingly. But then why did they need to seek out Spá-Gils?

Consulting diviners, like telling one's dreams, was a way of testing the waters. The visit to Spá-Gils was not conducted secretly. The act of

consulting a seer was charged with significance. It indicated that Þorbjǫrn had not yet decided whether to classify his unfortunate loss of horses as a wrong; it showed deliberation, not wild suspicion and even wilder accusation. Consulting Spá-Gils was also a way, as I supposed with dreams, of threatening to accuse before actually making an accusation. It was one of the many available techniques for cultivating third-party opinion and eliciting, with circumspection, third-party involvement in one's cause. As we discuss below in the context of magic ceremonies, such a visit may also have had unnerving effects on the silent wrongdoer, causing him to tip his hand in certain ways. And there is this to consider, too. It was a way of initiating and provoking gossip and to some extent of dictating its content. Gossip was the chief means of affixing blame for a secret offense. Control of the gossip channels was absolutely crucial to the success of accusations brought against secret offenders.[35]

I note one well-known case that couples what we would consider rational investigative techniques with the manipulation of community opinion through gossip.[36] The burning of Otkell's storehouse and the loss of food contained there were not thought to be wrongs until Skammkell found the slave Melkólfr's knife and belt. Otkell and Skammkell then seek out Mǫrðr Valgarðsson for advice, and, for a price, he discovers the stolen goods and proves their provenance by matching the cheeses to Otkell's cheese molds. The next thing we know is that Kolskeggr is telling his brother Gunnarr that the fact that Hallgerðr had stolen Otkell's food and fired his storehouse is general knowledge and is being discussed all over. It is not until the theft is common knowledge that Gunnarr acts, although he knew earlier, when he slapped Hallgerðr, that she had had the food stolen. Here, it is gossip that forces Gunnarr to admit liability, a self-accusation. Had Otkell been less desirous of confrontation with Gunnarr, things could not have gone better. Rather than having to risk making a theft accusation, Otkell could have accepted Gunnarr's admission and offers of compensation and put an end to the matter. But Otkell was not so inclined.[37]

ACCUSATIONS OF SORCERY

Sorcery accusations in the sagas frequently appear as reactions to untimely death or illness.[38] In *Laxdœla saga,* the drowning of Þórðr Ingunnarson, Guðrún's second husband, is attributed to the sorcery of some magic-making Hebrideans, as is the sudden death of Hrútr's twelve-year-old son, Kári, later in the same saga.[39] In *Gísla saga,* a

landslide that kills twelve men is blamed on the meteorological connections of an old widow.[40] Accusations are made in response to unsolved thefts, as, for example, those that lead to the killing of the poor, strange catman, Þórólfr sleggja.[41] Accusations also follow upon "unnatural" outcomes in combat, when slaves and men of low repute are able to defend themselves well in combat against their social superiors. So it is that the dullness of the hero's sword and the defensive skills of a slave in *Fóstbrœðra saga* are not chalked up to either the negligence of the hero or the abilities of the slave, but to his mistress's sorcery.[42] These accusations are all meant to make sense of randomness, untimeliness, mischance, and social unnaturalness.

Consider more closely, for example, the case of Þórðr Ingunnarson. His mother, Ingunn, found living in Skálmarnes unpleasant because of the stealing and sorcery of Kotkell and his family. So she complained to Þórðr, who set out to relocate his mother and summon the Kotkell gang for sorcery and theft; he did so and was drowned in a tempest on the way home. The saga says that Kotkell and his sons had built a scaffold and chanted incantations. The incantations apparently were unwitnessed, but the community believed, nevertheless, that the storm that capsized Þórðr's boat was invoked by sorcery, and the saga writer agrees.

This case and others show that sorcery accusations in the sagas often had their basis in some real causal link between some non-magical act of the sorcerer and the misfortune he or she was alleged to have caused. Kotkell's general actions were indeed seen to bear a causal connection to Þórðr's death. If Kotkell had not emigrated and if he had not annoyed Ingunn, she would not have complained to Þórðr, and Þórðr would not have summoned Kotkell's family or have needed to sail over to collect his mother's possessions in order to resettle her; and if he had not had to do that, he would not have been caught in a storm and drowned. But this causal chain is long, and it also suggests some embarrassing alternative bearers of fault, like Ingunn (why had she moved from Króksfjǫrðr west to Skálmarnes?) or Þórðr (why was he so aggressive, so eager to summon Kotkell, and why did he not go by land since Ingunn's sheep had to be driven around by land anyway?). The neat thing about the sorcery accusation was that it foreshortened the causal chain that led to the misfortune.[43] The accusation substituted an explanation of direct human causation for an attenuated chain, which was too indirect to justify blaming anyone for the misfortune at its end. The accusation laid the whole mess at Kotkell's door and it was no wonder why. For one thing, nobody liked the Kotkell bunch. For another, people felt aggrieved by

the untimely death of a well-liked man, and they wanted to act, to take vengeance. They could not kill the sea—even Egill Skallagrímsson recognized that—nor did they wish to blame the victims, Þórðr and his mother.[44] It was much more satisfying to blame someone upon whom they could avenge themselves than to internalize their rage. So they blame the foreigners with the strange names.[45] It should be noted, however, that not all natural misfortunes need raise the specter of black magic; they could be blamed on others without attendant mystification. The chain of events that created liability in the sagas had many more links than the unimaginatively short ones our notions of judicial relevance allow for. Thus, when Pál Sæmundarson left Bergen, because the Bergenites made fun of his pretentious bearing, and was shipwrecked and drowned on his way to Trondheim, Sæmundr, his father, blamed the men of Bergen with consequences that are well known.[46]

Sorcery accusations also tended to be made against people who were in various ways associated, often by means of some sort of clientage, with a group against whom the accusers were already arrayed. Such is the case of Þorgrímr nef in *Gísla saga*.[47] He provided the Sæból household with the necessary blacksmithing skills to recast the fragments of an earlier version of Grásíða into the spear that would kill Vésteinn and others (ch. 11). He also appeared armed and ready to lend martial support to Þorgrímr goði and Þorkell the day after the murder (ch. 13), and he is later engaged by Þorgrímr goði's brother Bǫrkr to work a spell to prevent any assistance to Þorgrímr goði's unknown murderer (ch. 18). Þorgrímr nef's attachment to the Sæból household appears to be the most obvious reason for Gísli to kill him (ch. 19). Bǫrkr had just killed Þorgrímr nef's sister Auðbjǫrg, who was held to account for a landslide, mentioned earlier, that obliterated the household of someone partial to Bǫrkr. But Auðbjǫrg's son was partial to Gísli, and in keeping with that saga's obsession with balance, a sorcerer was killed on each side.[48] There is here an indication that to kill a sorcerer was a discreet way of pursuing hostility against a group when, for various reasons, open, direct, and unambivalent attack would not have been wise or justifiable to broad segments of the community. Þorgrímr nef was sufficiently independent of the Sæból household for his death not to provoke its members to vengeful reaction. Indeed, we find that "it was quiet now" (ch. 19) after the dispatch of the sorcerers. Yet Þorgrímr nef was associated with the Sæból people closely enough that killing him might annoy them but still avoid an act of direct confrontation with them. This kind of indirection was the only acceptable way for the sides to act out their

mutual antipathy, since, as far as "official" knowledge went, the murderers had not been identified, and so there could as yet be no basis for full-fledged blood feud between the households. In other words, hostilities are deflected onto third parties who are arguably associated with the principal contending sides and whose deaths must be provided a justifying rationale: this was one role of a sorcery accusation.[49] When Gísli killed Þorgrímr as a sorcerer, by placing a bag over his head and then stoning him, and buried him as a sorcerer in no-man's-land on a divide, Gísli was making a public accusation and declaration of Þorgrímr's wrong. The manner of execution was itself the summons and the articulation of the witch-hunter's view of the matter. Executing a person as a sorcerer was a way of manipulating community reaction to the killing, and if the community was manipulated successfully, Bǫrkr would be hard put to take remedial action.

There are still other elements of Þorgrímr nef's death to consider. As in the case of blaming Kotkell for the drowning of Þórðr Ingunnarson, there was a causal connection between Þorgrímr's actions and Vésteinn's death. Þorgrímr, after all, had made the weapon. Was the armsmaker liable for the use his handiwork was put to? *Grágás*, as far as I know, does not speak directly to the issue. Þorgrímr's actions are perilously close to engendering true accomplice liability. But a society that valued combat and feud as much as the Icelanders' could hardly wish, as a general principle, to hold smiths accountable for the killings committed with the weapons they made.[50] Perhaps it was easier to succeed in prosecuting a blacksmith as a sorcerer (the identification of the roles was an occupational hazard of blacksmithing) than as a blacksmith.

Gísli's killing of Þorgrímr nef suggests also that the public performance of magical rites designed to deal with secret wrongs might work some subtle effects on the psyche of the silent and unidentified wrongdoer. Presumably the magic-making and its content was not concealed. The rather engaged tone of the author's description indicates as much:

> Nú flytr Þorgrímr fram seiðinn ok veitir sér umbúð eptir venju sinni ok gerir sér hjall, ok fremr hann þetta fjǫlkynngiliga með allri ergi ok skelmiskap [ch. 18].
>
> (Þorgrímr performs the spell, doing so according to his custom. He builds a scaffold and performs this sorcery with total perversion and evil.)

It would appear that the rite was intended to put the public on notice about aiding the murderer and to provide those people sought out by the

murderer for help with an excuse for turning him away and informing on him. One could turn down the murderer's requests by blaming the force of the spell, rather than one's own unwillingness to provide aid. And also, the rite may have had the effect of eliciting some revelatory action from the wrongdoer. This point depends upon a generalized belief in the efficacy of magic and sorcery. The fact that people might manipulate dreams, prophecies, and divinations to their own ends does not mean that they did not believe in their force. It may well be that the most skillful manipulators were not the pure cynics, but the practical and intelligent believers. The unbelieving cynic would have insufficient sympathy and experience with the processes to manipulate them as skillfully as the cagey believer. All this is to suggest that Gísli may have killed Þorgrímr nef because he worked the spell of which Gísli was the unnamed object and Gísli wanted to avenge it. Did Gísli's killing and burying Þorgrímr nef as a sorcerer rather than as a "normal" victim indicate that Gísli was avenging the spell more than he was avenging Vésteinn or old Auðbjǫrg? Is it not significant that, within a few sentences after Gísli had killed his sorcerer, Þordís decided to make public her interpretation of the verse Gísli had uttered when facing Þorgrímr goði's gravemound several months before? Did Gísli's attack on Þorgrímr nef reveal more than he intended? If so, Bǫrkr was well repaid for his ox.

Both men and women were killed as sorcerers. Yet it is worth noting that men were blamed, summoned, outlawed, and killed for a multitude of different offenses. Although *Grágás* provided that women were liable for wrongs in the same way men were, the sagas show very few prosecutions of women for any offenses except sorcery.[51] Hallgerðr was a notable exception, but the case against her went nowhere.[52] The evidence needs to be collected and sifted more fully than is appropriate for the theme of this article, yet it is worth suggesting that sorcery accusations might be a way for men to blame and then kill women without loss of reputation. There were powerful norms that purported to exclude women from the class of possible expiators in the feud, and it seems that women may also have been excused much of the vexation of being defendants in lawsuits.[53] I have suggested elsewhere that a women's complicity in an actionable offense was a matter to be treated with delicacy and circumspection.[54] These norms were nicely reinforced by the usual feud situations, in which household and kin-based groups fought over property, power, and prestige, all of which were at least nominally controlled by men.[55] There was no need to go after women (except as marriage partners) when it was the men who had what was wanted. But shift the nominal

and real control over property and household power to a woman—that is, make a woman, usually a widow, the head of her own household—and it was then the woman who had to bear the burden of protecting her household from the depredations of her neighbors. She could be preyed upon by suitors; by neighbors who falsely accused her slaves of theft; or by neighbors who accused, summoned, or killed her for sorcery.[56] The many foster mothers in the sagas who were adept at magic and lore seldom suffered sorcery accusations. They apparently were well protected in the *bóndi's* household and of little interest to those competing with that household.[57] The women who were formally accused and even killed as witches tended to be widows independently established on their own farms.[58] It is also noteworthy that the sorcery of these widowed householders often consisted of no more than making their sons or slaves weapon proof.[59] Did such accusations reflect a horror of households that were well protected by males, but directed by women? If so, then how do we explain the lack of sorcery accusation against those wives who administered farms in their husbands' absences abroad? These are matters better left to fuller treatment elsewhere.

To conclude I will summarize briefly some of the points of my argument. Accusations, the fixing of blame for secret wrongs, required a careful cultivation of community opinion. Community support was necessary for success in virtually all Icelandic claims, especially in cases of secret offenses, because to summon for them was to insult; these claims were dangerous in the extreme. To gain public support, people made use of certain divinational techniques to suggest the directions of their suspicions before they blamed: dreams, prophecies, or consultations with known wise men or local diviners.[60] All these divinational modes were ways of directing the flow of community discourse—that is, they were ways of manipulating gossip. They were also ways of manipulating the wrongdoer. Divinations and magic were carried out publicly with an eye as much to unnerving the wrongdoer into revealing himself as to providing magically a revelation of his identity. I suggested that Þorgrímr nef's magic-making might have made Gísli upset enough to kill him—that is, to act like the person against whom Þorgrímr's spell was directed.

I also tried to demonstrate some of the functions of sorcery accusations. They could be used to explain misfortunes by attributing them to specific human agents. Frequently the accused was involved in some fashion in the chain of events that led to the misfortune, but too remotely to engender legal liability, unless an accusation of magic-making could be made to stick. No killing case lay against either Kotkell or

Þorgrímr nef. If they were to be killed with justification, a different category of liability-creating conduct was needed. This was provided by sorcery accusation. The fairly common coupling of sorcery accusations with grumblings about thievery shows that the misfortune attributed to the sorcerer need not necessarily be some act of God or a natural disaster.[61] Killing someone as a sorcerer was also a way of killing someone as an unproven thief. It was a way of prosecuting someone for ill-fame or for having provoked suspicion when precise grounds or the evidence to prove them were unavailable. Not unpredictably, such accusations, in Iceland as elsewhere in Europe, tended to light on the strange, like the catman Þórólfr sleggja, or strangers, like Kotkell and his kin, and on widows who were heads of households.

Finally, implied in this article is the assumption that all saga matter is possibly valuable raw material for social and legal historical inquiry. I admit evaluating the material is at times a tricky task making for an annoying and excessive use of conditionals and subjunctives. I hope, nevertheless, to have suggested that some of the most self-evident literary conventions—dreams and prophecies—may have had a social function, as well as a literary one, at least within the society of the sagas.

I would like to thank Kathleen Koehler for reading and commenting on the various drafts of this paper. An earlier version was read in the Old Norse Law section at the annual meeting of the Society for the Advancement of Scandinavian Study in Champaign-Urbana, May, 1985.

[1] See Julius Goebel, Jr., *Felony and Misdemeanor: A Study in the History of Criminal Law* (1937; rpt. Philadelphia: Univ. of Pennsylvania Press, 1976), p. 64.

[2] See, generally, Theodore M. Andersson, "The Thief in *Beowulf*," *Speculum*, 59 (1984), 493–508.

[3] Andersson, "The Thief in *Beowulf*," pp. 497–98; and see, generally, my "Gift, Sale, Payment, Raid: Case Studies in the Negotiation and Classification of Exchange in Medieval Iceland," *Speculum*, 61 (1986), 18–50.

[4] *Grágás. Islændernes lovbog i fristatens tid, udgivet efter det kongelige biblioteks haandskrift*, ed. Vilhjálmur Finsen (1852; rpt. Odense: Odense Univ. Press, 1974), Sects. 87–88, p. 154 (hereafter cited as *Grágás Ia* and *Grágás Ib*):

> Þat er mælt ef hann lysir annan veg en nv er talt oc metz þa sem morð. at þvi at hin fellr þa eigi oheilagr hvatki er hann hefir aðr til saca gørt enda eigo eigi varnir at metaz.
>
> Þat er mælt. ef maðr myrþir man oc varðar þat scog gang. en þa er morð ef maðr leynir eða hylr hræ eða gengr eigi i gegn."

(It is prescribed that if he publishes [the killing] in some other way than now told, then it is deemed murder, with the result that it cannot be claimed that the other man, no matter what offense he may have given, died with forfeit immunity, and no grounds of defense are to be accepted.

It is prescribed that if a man murders a man, the penalty is outlawry. And it is murder if a man hides it or conceals the corpse or does not admit it.)

The translation is from Andrew Dennis, Peter Foote, and Richard Perkins, *Laws of Early Iceland: Grágás* (Winnipeg: Univ. of Manitoba Press, 1980), p. 146, which contains Sects. 1–117 of *Grágás Ia.* (All other translations from *Grágás* and the sagas are my own.) See also *Grágás efter det Arnamagnæanske haandskrift nr. 334 fol., Staðarhólsbók* (1879; rpt. Odense: Odense Univ. Press, 1974), Sect. 315, p. 348, which adds that it is murder "ef maðr leynir meira lut manna iæpp" ("if a man conceals it from the majority of the *hreppr*"); hereafter cited as *Grágás II.* It should be observed that the penalty for conviction of either an open killing or a murder was full outlawry. The Icelandic law did not make many distinctions in grades of punishment, but it was capable of considerable procedural refinement, which could at times make up for the paucity of types of punishment. The procedural disablement of denying the murderer the right to bring affirmative defenses might be sanction enough to ensure proper publication of his deed. One need only consider how important raising the issue of *dhelgi,* "forfeit immunity," was to the numerous saga persons who killed their attackers in self-defense. [The sagas cited below and all subsequent references to the family sagas and *þættir* are to the editions in *Íslenzk fornrit (ÍF)* (Reykjavik: Hið íslenzka fornritafélag, 1933–); the first citation of a volume will give the volume number, editors, and date in *ÍF.* The *ÍF* volume number will be supplied for sagas and þættir appearing for the first time whose titles are not also the title of a volume]. See, e.g., *Eyrbyggja saga, ÍF,* Vol. IV, Einar Ól. Sveinsson and Matthías Þórðarson, eds. (1935), chs. 23, 35; *Bjarnar saga Hítdœlakappa* in *Borgfirðinga sǫgur, ÍF,* Vol. III, Sigurður Nordal and Guðni Jónsson, eds. (1938), ch. 19; *Brennu-Njáls saga, ÍF,* Vol. XII, Einar Ól. Sveinsson, ed. (1954), chs. 56, 66, 74 (hereafter *Njáls saga*). To be noted also is that the price on the head of a man outlawed for murder was three marks or three times the usual sum of eight ounces for other cases; *Grágás Ia,* Sect. 102, p. 178; *Grágás II,* Sect. 313, p. 348.

[5] Compare the description of the Montenegrin feud in Christopher Boehm, *Blood Revenge* (Lawrence: Univ. of Kansas Press, 1984): "Scorekeeping was taken so seriously that should there be doubt as to who had killed a blood-feud victim, the killer would announce it from a distant hillside to the victim's clan" (p. 110).

In the Icelandic feud, secrecy and trickery were often used as tactics to get at an enemy. But if the plot was either uncovered or successful, responsibility for the deed was generally not concealed, or, in any event, its authors were readily identifiable; for some examples of the hiring of *flugumenn* (assassins), see *Ljósvetninga saga, ÍF,* Vol. X, Björn Sigfússon, ed. (1940), chs. 8–10(A); *Reykdœla saga, ÍF,* Vol. X, chs. 21–22, 27, but cf. ch. 28 and *Íslendinga saga,* ch. 43 (St.); sagas in the Sturlunga compilation cite chapters in Jón Jóhannesson, Magnús Finnbogason, and Kristján Eldjárn, eds., *Sturlunga saga* (Reykjavik: Sturlunguútgáfan, 1946). Sagas in this collection will be signalled by (St.) after the chapter citation.

[6] *Grágás Ia,* Sects. 87, 102, 107, pp. 152, 178, 181–83; *Grágás II,* Sects. 280, 314, 335, pp. 310, 348, 362–64.

[7] For a fuller discussion of group and vicarious liability and of some factors governing the choice of expiator, see my "Justifying Skarpheðinn: Of Pretext and Politics in the Icelandic Bloodfeud," *Scandinavian Studies*, 55 (1983), 316–44, esp. 328–33.

[8] E.g., it was important to know the legal residence of the defendant in order to know where the action could be pleaded. See, e.g., *Vǫðu-Brands þáttr*, *ÍF*, Vol. X, chs. 3–4; and *Grágás Ia*, Sect. 59, p. 106. The avenging side might want to have more precise information as to the identity of the killer for the purpose of focusing its vengeance, or it might be very much in the interests of some individuals on the other side to want the avengers to have more precise information, so as to lessen the chances of their being selected as vengeance targets. See *Íslendinga saga*, ch. 24 (St.), where four men, two of them priests, all members of Bishop Guðmundr's party, are put to the hot iron to prove they did not throw the rock that killed Kolbeinn Tumason.

[9] *Þorsteins þáttr stangarhǫggs* in *Austfirðinga sǫgur*, *ÍF*, Vol XI, Jón Jóhannesson, ed. (1950), p. 70; *Njáls saga*, ch. 53.

[10] See, however, the brief discussion in my "Avoiding Legal Judgment: The Submission of Disputes to Arbitration in Medieval Iceland," *The American Journal of Legal History*, 28 (1984), 95–134, esp. 100–101, n. 18.

[11] For a discussion of the notions of rationality and irrationality, see Rebecca V. Colman, "Reason and Unreason in Early Medieval Law," *Journal of Interdisciplinary History*, 4 (1974), 571–91. I do not treat ordeals and oath swearing in this article. I have excluded them in the interests of space and also because they tend to come into play only after the attribution of blame. They are, in the sagas, more properly modes of proof of issues of fact and a means of determining guilt or innocence subsequent to the act of blaming. Oaths and ordeals are part of the world of formal legal procedure; this article focuses instead on some informal and social means of attributing responsibility for wrongs. Blame precedes oath and ordeal.

[12] There is an extensive anthropological and historical literature on witchcraft and sorcery. See, generally, E. E. Evans-Pritchard, *Witchcraft, Oracles and Magic Among the Azande* (Oxford: Clarendon Press, 1937); and the collection of essays in Max Gluckman, ed., *The Allocation of Responsibility* (Manchester: Manchester Univ. Press, 1972), especially the contributions of Gluckman, "Moral Crises: Magical and Secular Solutions," pp. 1–50, and E. Lloyd Peters, "Aspects of the Control of Moral Ambiguities," pp. 109–62.

[13] See, e.g., *Reykdœla saga*, chs. 3, 18, in which false accusations of theft are preceded by surreptitiously placing the accuser's animals in the possession of the person to be summoned.

[14] I borrow this formulation from William L. F. Felstiner, Richard L. Abel, and Austin Sarat, "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming...," *Law and Society Review*, 15 (1980–81), 631–54, esp. 635.

[15] Ibid., pp. 651–54; also see Dan Coates and Steven Penrod, "Social Psychology and the Emergence of Disputes," ibid., pp. 654–80, esp. 665, 671.

[16] The statement to which this footnote is appended is perhaps something of an overstatement. Hrafnkell expresses regret at having killed Einarr (*Hrafnkels saga*, *ÍF*, Vol. XI, ch. 3), but it is remarkable that, in the most deeply-felt remorse, the body must act out unconsciously what the tongue cannot express: thus the powerful pietà-like scenes of Bolli holding the dying Kjartan (*Laxdœla saga*, *ÍF*, Vol. V, Einar Ól. Sveinsson, ed. [1934], ch. 49), and Bjarni, the dying Geitir (*Vápnfirðinga saga*, *ÍF*, Vol. XI, ch. 14). My point, I think, survives.

[17] *Grágás Ib*, Sect. 230, pp. 166–68; *Eyrbyggja saga*, ch. 18; *Fóstbrœðra saga* in *Vestfirðinga sogur*, *ÍF*, Vol. VI, Björn K. Þórólfsson and Guðni Jónsson, eds. (1943), ch. 13.

[18] E.g., *Laxdœla saga*, ch. 18; *Njáls saga*, ch. 49; *Reykdœla saga*, ch. 4; see also the cases cited in n. 13 above.

[19] *Gísla saga*, *ÍF*, Vol. VI, chs. 13–14. Citations of quotations from this saga are provided parenthetically in the main text.

[20] The first reading is adopted by George Johnston, *The Saga of Gisli* (Toronto: Univ. of Toronto Press, 1963), p. 14; the second by Hermann Pálsson, "Death in Autumn" in *Bibliography of Old Norse-Icelandic Studies 1973*, Hans Bekker-Nielsen, ed. (Copenhagen: The Royal Library, 1974), pp. 7–39, esp. 15. Both are defensible, and my argument is not affected by either alternative.

[21] Wilhelm Henzen, *Uber die Träume in der altnordischen Sagalitteratur* (Leipzig: G. Fock, 1890); Georgia D. Kelchner, *Dreams in Old Norse Literature and Their Affinities in Folklore* (Cambridge: Cambridge Univ. Press, 1935); Paul Schach, "Symbolic Dreams of Future Renown in Old Icelandic Literature," *Mosaic*, 4, No. 4 (1971), 51–73; and Richard Perkins, "The Dreams of *Flóamanna Saga*," *Saga-Book of the Viking Society*, 19 (1975–76), 191–238. See also Peter Hallberg, *The Icelandic Saga*, trans. P. Schach (Lincoln: Univ. of Nebraska Press, 1962), pp. 81–96, and G. Turville-Petre, "Dreams in Icelandic Tradition," *Folklore*, 69 (1958), 93–111.

[22] See, e.g., Evans-Pritchard, *Witchcraft, Oracles and Magic Among the Azande*, pp. 134–47.

[23] In our culture, since we invariably attach sexual meanings to dreams, the decision to tell another that he or she appeared in a dream of ours is to court, to seduce with indirection, and not so much indirection at that—as the Wyf of Bathe well knew many years ago; see *The Canterbury Tales* III: 577–84 in *The Works of Geoffrey Chaucer*, ed. F. N. Robinson (Boston: Houghton Mifflin, 1957).

[24] Claiborne W. Thompson in "*Gísla saga:* The Identity of Vésteinn's Slayer," *Arkiv för nordisk filologi*, 88 (1973), 85–95, argues that Gísli's dreams are riddles that have specific associations with each element of Þorgrímr's name. The wolf evokes Þórr and the serpent, Óðinn (Grímr is one of Óðinn's names); the pairs were matched as adversaries at Ragnarǫk. Thompson believes that "the author... has concealed the name of the murderer in a verbal game of mythological allusions and has made it clear that the reader is not only invited to play this subtle game of identity but is also entitled to an answer to his puzzlement" (p. 90). I find it a difficulty with Thompson's argument that it must assume Gísli knows who killed Vésteinn and yet fails to account for how he acquired the information. Gísli's knowledge is no better, and perhaps even worse, than the reader's. Grásíða bears no marks of its origin and Gísli was out in the storm when the killing took place (ch. 13). By the time Gísli tells Þorkell his dreams the next day he only has the information his foster daughter, Guðríðr, gave him—namely, that Þorkell, Þorgrímr, and Þorgrímr nef were up and armed. Gísli's dreams are meant to be clear enough to indicate the place from which he suspects the killer came. The dreams are sufficiently obscure to make publicizing them a fearful threat to any possible suspect, including Þorkell. And by the standards of Icelandic theories of liability, any male member of the Sæból household, even perhaps people visiting there, was a possible expiator for Vésteinn's death. Þorkell was a full member of that household, and he had every reason to want Gísli to keep his dreams to himself.

[25] See, e.g., *Laxdœla saga,* ch. 31.

[26] Dreams could also be invoked to save face and back down gracefully. When Sturla Sighvatsson, for example, called the Dalesmen together to suggest they attack Snorri Sturluson, the men registered strong disapproval and refused to undertake the expedition. Nonplussed, Sturla acted as if his proposal did not matter anyway, for, as he said,

> [H]ann hefði dreymt um nóttina, áðr fundrinn var, at maðr kæmi at honum ok mælti: "Vittu, at Snorri skal fyrr í kistuna en þú." Ok réð hann þat svá, at Snorri myndi fyrr undir lok líða en hann, ok því vildi hann eigi fara [*Íslendinga saga,* ch. 74) (St.)].
>
> ([H]e had dreamed the night before the meeting that a man came to him and said "You know Snorri will be in his coffin before you are." He interpreted it to mean that Snorri would die before him, and because of this he chose not to attack.)

Sturla's temporizing, however, is brought out clearly in the next sentence: "En ekki lézt hann eiga mundu undir Dalamǫnnum ǫll ráð sín [ibid.]" ("But he said he would not subordinate all his plans to the Dalesmen"). For the use Ingimundr makes of the predictions of a Lapp prophetess to secure Haraldr hárfagri's permission to leave Norway in good favor at a time when emigration typed one as Haraldr's enemy, see *Vatnsdœla saga, ÍF,* Vol. VIII, Einar Ól. Sveinsson, ed. (1939), ch. 12.

[27] See Andersson, "The Thief in *Beowulf,*" pp. 497–501.

[28] *Grágás Ib,* Sect. 227:

> Ef maðr stefnir manne ifa lavst vm þat at hann hafe þvi stolet ef quiðr beR hann osaNan at. oc er þa sócn til illmælisens [pp. 162–63].
>
> If someone summons a man unconditionally for having stolen a certain thing—and if a panel finds him innocent of the charge—there is then a cause of action for slander.

[29] G. Turville-Petre, "Dreams in Icelandic Tradition," p. 99, observes, regarding King Sverrir, that "he was well capable of inventing dreams to further his own ambitions."

[30] *Njáls saga,* ch. 38. Chapter references for quotations from the saga are supplied in the text.

[31] The saga does not tell how Bergþóra learned of Njáll's statements to Atli. Apparently she either acquired her knowledge by virtue of what Maynard Mack has called "umbrella speeches," or, at some time off the record of the text, was told by Atli or Njáll what Njáll had predicted. See Maynard Mack, "The Jacobean Shakespeare: Some Observations on the Construction of the Tragedies," in Vol. I of *Stratford-Upon-Avon Studies: Jacobean Theatre,* John Russell Brown and Bernard Harris, eds. (London: Edward Arnold, 1960), p. 26.

[32] See, e.g., *Egils saga, ÍF,* Vol. II, Sigurður Nordal, ed. (1933), ch. 6 (Þórólfr); *Grettis saga, ÍF,* Vol. VII, Guðni Jónsson, ed. (1936), chs. 31 (Grettir), 34 (Grettir, Jǫkull); *Ljósvetninga saga,* ch. 8(A) (Rindill); *Vatnsdœla saga,* ch. 10 (Ingimundr); *Víga-Glúms saga* in *Eyfirðinga sǫgur, ÍF,* Vol. IX, Jónas Krisjánsson, ed. (1956), ch. 12 (Saldís).

[33] *Laxdœla saga,* ch. 39.

[34] *Eyrbyggja saga,* ch. 18. Subsequent chapter references appear in the text.

[35] Gossip played a key role in the attribution of responsibility and the mobilization of public opinion in fornication and paternity actions; see *Sturlu saga,* ch. 9 (St.). See also the case described in *Droplaugarsona saga, ÍF,* Vol. XI, ch. 6, which is only prosecuted once

the illicit pregnancy is *heraðfleygt*, "known throughout the district." This term appears to indicate a somewhat formalized state of notoriety; see, e.g., *Grágás II*, Sect. 333, p. 360. The importance of gossip in paternity matters is begrudgingly acknowledged in *Grágás II*, Sect. 163:

> At þeim lut nockorom scal maðr i átt vera at lögom várom sem nu er talit. enn engum avðrom [the four permissible ways had just been named]. Eigi scal heimis quið aban at henda eða illtyngðir [p. 192].
>
> (A man shall be assigned to a kingroup in our laws by the specific means just enumerated and by no other means. Neither a home verdict, i.e., the gossip of the neighborhood, nor evil tongues shall make the filiation.)

[36] *Njals saga*, ch. 49.

[37] I discuss this case in detail in a different context in "Gift, Sale, Payment, Raid," *Speculum*, 61 (1986), 25–35.

[38] I am not interested here in witchcraft beliefs or in sorcery practices, but only in the function of sorcery accusations. The saga materials do not, to my knowledge, show many examples of witchcraft as classically defined: that is, as an innate quality that works unbeknownst to its possessor and without any rite necessary to activate it. On the other hand, the sagas are full of descriptions of evil magic evoked by spells, incantations, and magical rites. See E. E. Evans-Pritchard, *Witchcraft, Oracles and Magic Among the Azande*, pp. 21–26; cf. Keith Thomas, *Religion and the Decline of Magic* (New York: Charles Scribner's, 1971), pp. 463–65. The saga characters and their authors apparently felt that, at the very least, they had to allege that the person whom they accused of causing landslides or some other such disaster had gone withershins around the house or been engaged in some other sort of black magic. The allegation was necessitated, it seems, by the lack of a theory of an unconsciously-working witchcraft substance. See also *Grágás Ia*, Sect. 7, pp. 22–23, which contemplates some kind of rite or activity.

[39] *Laxdœla saga*, chs. 35, 37.

[40] *Gísla saga*, ch. 18; see also *Vatnsdœla saga*, ch. 41.

[41] Ibid., ch. 28.

[42] *Fóstbrœðra saga*, ch. 9; see also *Eyrbyggja saga*, ch. 18. In *Vatnsdœla saga*, ch. 44, Guðmundr inn ríki's mispleading of a lawsuit was considered sufficiently unusual to require the invocation of sorcery to explain it.

[43] See the discussion on causation in E. E. Evans-Pritchard, *Witchcraft, Oracles and Magic Among the Azande*, pp. 63–83.

[44] "Sonatorrek," *Egils saga*, ch. 78, stanza 9.

[45] In *Sturlu saga*, ch. 4 (St.), a theft accusation is made against a foreigner, the strangeness of whose name is specifically commented on in ch. 5:

> Sturla frétti, hvert nafn hans væri. Gestrinn kvað hann undarliga heita ok svá fǫður hans. Þá nefndi Sturla Aðalrik Gunnfarðsson.
>
> (Sturla asked what his name was. The visitor said that he and his father had weird names. Sturla immediately named Aðalrik Gunnfarðsson.)

[46] *Íslendinga saga*, ch. 35 (St.).

[47] See also *Laxdœla saga*, ch. 37 (Kotkell and Þorleikr); *Njáls saga*, ch. 102 (Galdra-Heðinn and the pagan faction); *Vatnsdœla saga*, ch. 29 (Þorgrímr skinnhúfa and Már Jǫrundarson). Subsequent references to *Gísla saga* will be made parenthetically in the text.

[48] The saga makes Þorgrímr nef and Auðbjǫrg brother and sister. I do not think that their kinship should necessarily be seen as evidence of a belief in hereditable witchcraft substance; see above n. 38. The lore of magical rites was probably kept in the family and taught to its members, not inherited. The division in the allegiances of this brother and sister pair, living in independent households, is in keeping with one of the fundamental themes of *Gísla saga*.

[49] A similar deflection occurs when feud would be intolerable, if not impermissible, because the opposing parties are too closely related. So it is that Óláfr pái directs the selection of a vengeance target to expiate the untimely death of the twelve-year-old Kári Hrútsson to the Kotkell crew and away from Þorleikr. Þorleikr was Hrútr's nephew and Óláfr's brother, but he was also the person responsible for the troubles, and it was he who engaged the sorcerers.

[50] I should probably be more cautious about attributing what, in our view, are pragmatic and efficiency motivations to the rule-making of other cultures. A society that valued feud and combat might just as easily hold the smith liable for the use to which his weapons were put and then invite him to protect himself against his accusers. Notions of liability as expansive as that can be found in the highlands of New Guinea. See, e.g., Klaus-Friedrich Koch, *War and Peace in Jalémó* (Cambridge, Mass: Harvard Univ. Press, 1974), pp. 86–90; Daryl Keith Feil, "From Negotiability to Responsibility: A Change in Tombema-Enga Homicide Compensation," *Human Organization*, 38 (1979), 356–65.

[51] *Grágás II*, Sect. 318, p. 370 (*re:* killing cases); and cf. *Ia*, Sect. 95, pp. 170–71 (*re:* prohibiting the killing of pregnant women outlaws).

[52] *Njáls saga*, chs. 50–51; see also the trumped-up case against Ástríðr's slaves in *Víga-Glúms saga*, ch. 7.

[53] For examples of the invocations of these norms and the consequences of their breach, see *Gísla saga*, ch. 32; *Hávarðar saga Ísfirðings*, *ÍF*, Vol. VI, ch. 8; and *Íslendinga saga*, ch. 73 (St.). See also the discussion in Preben Meulengracht Sørensen, *The Unmanly Man: Concepts of Sexual Defamation in Early Northern Society*, trans. Joan Turville-Petre (Odense: Odense Univ. Press, 1983), pp. 76–77.

[54] Miller, "Avoiding Legal Judgment: The Submission of Disputes to Arbitration in Medieval Iceland," *The American Journal of Legal History*, 28 (1984), p. 123, n. 111.

[55] I am presently ignoring the very real private power exercised by women in the day-to-day management of the household. My concern here is with the centers of "official" power in the feud, power exercised by men.

[56] For an example of suitors, see the arrangement of Snorri Sturluson and Hallveig Ormsdóttir, *Íslendinga saga*, ch. 53 (St.); for an accusation of theft, see *Víga-Glúms saga*, ch. 7; and for sorcery accusations, see *Eyrbyggja saga*, chs. 16, 20; *Vatnsdœla saga*, ch. 26; also *Fóstbrœðra saga*, chs. 9–10.

[57] Þorgerðr brák is killed by the head of household, but not for sorcery (*Egils saga*, ch. 40). An exception may be found in *Grettis saga*, ch. 78, but the inappropriateness of Grettir's attack on Þorbjǫrn ǫngull's foster mother is suggested by his lack of success in killing her, Illugi's remark to him after the attack, and her ultimate success.

[58] Barði Guðmundsson, in another context, also notes the high correlation between women who lived on farms bearing their names and those who had reputations for skill in sorcery and magic; see his *The Origin of the Icelanders*, trans. Lee M. Hollander (Lincoln: Univ. of Nebraska Press, 1967), pp. 31–35. I take a less sanguine view than he does as to the significance of the correlation.

[59] See, e.g., the sorcery cases cited above in n. 56.

[60] See also *Ljósvetninga saga*, ch. 18(A) in which a murder is discovered by the drawing of lots.

[61] See Andersson, "The Thief in *Beowulf*," pp. 499–502. In discussing the Kotkell episode in *Laxdœla saga*, Andersson suggests that the "charge of sorcery looks as though it is an outgrowth of the [Kotkell family's] status as outsiders, and the charge of theft is no more than a pendant to the suspicion of sorcery" (p. 500). My own hunch is that the charge of sorcery is more likely to be a pendant to a suspicion of theft. But this may be a matter with no clear resolution. In either case, the charges of theft and sorcery were certainly related to the suspect's being foreign. Andersson notes that sorcery, theft, and perversion were part of a cluster of unsavory associations. To mention one implicitly invoked the others.