

How the Sword Speaks: Violence as Dialogue in Early Germanic Literature

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"How the Sword Speaks: Violence as a Dialogue in
Early Germanic Literature"

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It is certified further that neither this thesis nor any part of it has been submitted for any degree or diploma elsewhere.

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Preface

A dialogue is an exchange of meanings between two or more different units. This thesis suggests that violence as a concept and as action can facilitate this exchange of meanings between intangible concepts and tangible entities, especially in the culture/s and the literature of Early Germanic societies. This work aims to examine, through corresponding literature, the credibility of this claim against cultural networks supporting and supported by Early Germanic social consciousness, illustrating how violence may serve as an intermediary between the conceptual and material components of such networks. This dialogue that is initiated, or aided, or carried out by violence between these cultural networks and their conceptual and material components is seldom verbal (although containing that aspect in several cases as we shall see), but always influential in conveying meanings. Moreover, the networks that violence connects as a communicative instrument are also not only influenced by violence, but as the nature of an ‘exchange’ should indicate, they also affect, in return, the perception of violence by people contributing to these cultural networks. What, then, are these networks through which we propose to examine the viability of violence as a language or a conveyer of meanings? For ease of discussion, the thesis divides such networks into three sections.

In the first section of this thesis (comprising chapters 1-3), we look at how the dynamics of power are reliant on the communicative property of violence, by closely examining the correlation between, and inter-dependence of, power structures and their adherents concerning violence. The power structures which will be discussed in the first section are respectively God/s, the Church and Law, allotting one chapter to each. The first chapter, titled “Gods and Monsters”, tries to show how divine authority in both pagan and Christian phases of Germanic cultures is created, sustained and dismissed through motifs of violence found in the interactions or exchanges between the worshipper and the worshipped. The second chapter, “The Church, Conversion and Conflict”, tries to observe how the Church’s role as a representative of the

Christian God and its identity as an institution are combined in an authority that categorically absorbs, modifies and re-appropriates existing Early Germanic cultural nuances about violence in order to preserve and propagate itself. The third chapter, “Law and Order”, in a bid to showcase the communicative properties of violence in a secular authoritative mechanism, chooses laws in Early Germanic societies as its topic on account of their being one of the most common features of state/polity mechanisms in the Early Germanic cultures described herein. This chapter aims to discuss, through the concepts concerning violence in laws of Early Germanic societies, the unique dependence of these laws on social liabilities of several kinds, to the extent of expecting the upholders of the liabilities to settle, pursue or carry out judgements.

In the second section (also consisting of three chapters, that is, chapters 4-6) we shall review the communicative agenda of violence in creating and sustaining roles and responsibilities in social relationships and identities. The social relationships and identities discussed in the second section will concern, in order of the chapters, gender, *comitatus*, and kinship. The fourth chapter, and the first in this section, is titled “Femininities and Masculinities”, and it tries to trace the communicative aspect of violence in defining the notion/s of and interaction/s between genders as they were understood in Early Germanic cultures, by using examples from several Early Germanic literary corpuses. As regarding violence, men are often typified as default performers within the Early Germanic context, this chapter chooses, instead, to comment in a different way on the capacity of violence to carry out gendered dialogues – that is, by discussing it through the norms and limitations of violence performed by and on women, and, moreover, by considering the position of men within the gendered dialogue of violence using the context of woman-oriented norms and limitations. The fifth chapter of this thesis, “*Comitatus*: The Gift-giver and the Retainer”, focusses on the communicative role of violence in defining the relationship between a lord and his follower,

and between the followers themselves, in Early Germanic cultures, via assessing their dynamic in Early Germanic literary depictions of *comitatus*, or leader-centric and oath-bound group/s of warriors. Though this particular meaning of the word may be traced back to Tacitus' *Germania* where he uses the term to define a group of leader-centric and sworn-in Frankish warriors who fought for their and their leader's fame, scholars have used the Tacitan *comitatus* to suggest a social archetype that links diverse Germanic military groups sharing certain defining traits like loyalty to the lord, desire for fame through fighting, and leader-centric companionship.¹ Though the thesis acknowledges that the use of the word *comitatus* for the groups presumably fitting into that archetype is not canonically Early Germanic, this chapter does not seek to dismantle the validity of said archetype, or question its potentially anachronistic set-up, as it requires a more focussed discussion than this thesis can afford at present. Rather, within the scope of the communicative properties of violence, this chapter aims to show that it was not through any unidirectional sense of authority, but, rather, through upholding mutual liabilities, that these groups that seemingly fit the *comitatus* archetype were preserved; the chapter tries to understand and define said liabilities (and the consequences of adhering to or defying them), and connect them to the motifs of *comitatus* described in Tacitus' *Germania*, as it is on these motifs and their interpretations that the broader application of the term *comitatus* stands. The third chapter of the second section of the thesis, and sixth overall, is titled "Kinship and Violence", and, in keeping with the theme of the section, it tries to show some of the ways in which the communicative aspects of violence can be used to sustain or imperil the values of certain social networks, that is, kinship and family. This chapter tries to show through literary descriptions of kinship in various Early Germanic societies that violence

¹ Charles Oman, *A History of the Art of War in the Middle Ages* (1978), Routledge Revivals (Routledge, 2018), EPUB. He uses this term multiple times, to refer to Early Germanic warrior bands, the Frankish King's court retainers, and Teutonic warriors at the Byzantine court.

and its regulation were factors continually defining and being defined by the expectations a kin-group had from an individual (and vice versa).

Lastly, in the third section, comprising two chapters (Chapters 7-8), we will see how violence extends its communicative agenda to material objects and circumstances, whereby these material conveyers of meanings often develop independent (and sometimes conscious) identities that come to define violence in turn. That is, we will observe if they contribute to the conversation in any way that acknowledges their existence as material objects and/or concepts with their own identities and communicative functions. In the first chapter of the section – “Weapons and Their Wielders” – and seventh overall, we see the weapon as an article, so intrinsically connected to violence, discussed with regard to its own communicative aspects with regard to violence, and how these communicative aspects and cultural identities of the weapons informed the definitions of violence in turn. The second and the concluding chapter of the third section, and eighth in this thesis, “Places and Performers”, focusses on violence’s contribution to imparting unique meanings to the spaces where it is allowed/forbidden, showing how the identities of both the place and performer have a symbiotic relationship with violence (or lack of violence) conducted in these spaces.

I acknowledge a bias in choosing the examples for illustrating my arguments, as most of these examples come from the Anglo-Saxon and Scandinavian literary corpuses. This bias may be foregrounded in the fact that there exists a scholarly tradition of studying potentially analogous elements in both of the aforementioned literary corpuses, which may have naturally influenced my preference of research material; as I acknowledge the influence of my academic predecessors in my choice of texts, so do I admit the inherent risk in such academic practices potentially homogenising cultures both spatially and temporally far apart. I have also made the unconventional choice of using Snorpa.is texts wherever I could, to maintain uniformity of sources regarding Old Icelandic and Old Norse texts, though these editions use Modern

Icelandic spelling. The translations that accompany the quotes, unless indicated otherwise, are my translations. I studied Old English throughout my undergraduate and post-graduate years under the tutelage of my supervisor Professor Prodosh Bhattacharya, but the Latin and Old Norse were entirely self-studied after my enrollment into the Ph. D. programme, so the reader is requested to accept advance apologies for any error in translation.

For ease of navigating the text, I am mentioning the citing and formatting conventions followed in the thesis. I have tried to follow as closely as possible the instructions given in the CMS (Chicago Manual of Style) 17th edition, while adapting it to my convenience in cases where I did not find the instructions to be specific enough. Where line numbers of poems were indicated in the originals I consulted, they have been duly cited as ‘ll. X^a-X^b’ as a range, and as ‘l. X^a’ (The half before a caesura being indicated by ‘a’, and after a caesura indicated by ‘b’ in Old English poems) when a single line. Unlike Old English texts’ translations/discussions where I have kept intact the original spellings of proper names, when translating and discussing Old Norse/Icelandic texts I have used Modernised spelling for the same, in keeping with my choice of *snorpa.is* texts. Stanzas taken from Eddic Poetry have been referred to by their stanza numbers, i.e. ‘Ss. X-Y’ when referring to a particular number of stanzas, and ‘S. X’ when referring to one stanza only (X and Y representing the stanza numbers). Quotes and translations have been indicated separately from the main body of text by indentation (0.5 on both sides) and font size (Times New Roman, size 11, 1.5 spacing). Emphasis on a particular word or phrase is indicated by ‘single quotes’. Certain words like *seiðr* and *ofermōd* that do not have precise Modern English equivalents have been kept as they are and italicised.

Acknowledgements

Taking up this topic in a non-European institution had its own challenges, the least of which was to procure required books and articles, especially when the thesis was self-financed. The greatest challenge, however, was to stay motivated, and to narrow down to a few selective and logically inter-connected courses of discussion the innumerable directions in which the thesis could have gone.

The only reason I could persevere and keep writing my thesis was because of the never-ending support and enthusiasm from my Ph. D. guide, Professor Prodosh Bhattacharya, and my mother, Mrs. Krishna Mondal. Arundhati Ray, the librarian of my workplace Jogamaya Devi College, was immensely helpful in suggesting and sourcing relevant articles and theses in the resubmission period of my thesis. I also owe my gratitude to my friend, philosopher and guide (in a non-supervisory sense) Dr. Sudeshna Chaudhuri for keeping me motivated through the long years of research and then revision. I am also indebted to the Department of English at Jadavpur University, not only for making possible my research over a period of seven years, but also for having kept Old English as one of its optional courses even after it was removed as a compulsory course well before I became an undergraduate in this Department. It is entirely to the credit of this course that I became interested in Medieval Studies to the extent of deciding to pursue a Ph.D. in it.

Last, but not the least, is the gratitude I must express for the anonymous reviewers of this thesis who have enriched it with their valuable suggestions.

Section One: Defining Violence: Figures of Authority

Chapter One: Gods and Monsters

Introduction

The first section of this thesis will elaborate on the role certain power structures had in validating violence, and the role violence (or lack of it) had in legitimising these power structures. Opposed to the other power structures to be discussed in this section, namely the Church and the polity, the subject of the first chapter, that is, divine authority, may appear contentious to the modern eye because of the doubt regarding its source, and unnecessary if conflated with the Church or religious institutions. Our argument against this is that the forms in which divine power supposedly manifests itself are often lived realities from a believer's perspective. This is why execution of the latter's beliefs often has very material purposes or consequences. Moreover, though the Church and religious authorities certainly play their part in shaping the common perception of the divine, they do not exist in a vacuum. Therefore, perception of the divine is subject to cultural nuances not entirely controlled by such authorities (the authorities, as we will see in the second chapter of this section, themselves being subject to such nuances), and such nuances will be covered in the present chapter. Even putting the semantics of a divine existence aside, the belief that cultures throughout time have invested in divine authority has been transformative in many ways, and the element of violence has often played the role of a catalyst in such transformations. We wish to assess this connection of the German concept of divinity to violence, as well as the evolution of that connection. Studying it may allow us to understand how violence operates as a communicative tool between the believed and the believer and how it consistently remains a determinant factor in defining what is divine and what is not.

Limitations of the Chapter

Before establishing any connection, however, we must first be honest in acknowledging the shortcomings regarding resources related to this discussion. To capture how Germanic ideas of God or divinity influenced violence is not an easy task, nor do they have a linear and uniform history of development and survival. Firstly, it is challenging to compare myths about the power of pagan gods across the Germanic literary corpus. Being entirely sustained by oral tradition, their survival depended mainly on clerics willing to document them. Hence, aside from a few references found in secular Old English literature or fragments of Old Saxon literature, the Germanic pagan gods and the myths connected to them live on mostly in medieval Scandinavian, or, to be more particular, in Old Icelandic manuscripts. This remarkable survival is perhaps due to the late spread of Christianity, the new religion also facing much resistance. Such factors affected manuscript-keeping; Norse cultural beliefs, including their mythology, were not completely eradicated when Latin literary culture took its roots in Scandinavia, and may have accounted for the more inclusive nature of the Icelandic manuscripts. On the other hand, in early medieval Western Europe, where documentation of literary sources among the Germanic tribes started years after the tribes formed polities in Central and Southern Europe and were Christianised, paganism is often obscured, if not obliterated. Though we find early accounts of Germanic gods in Tacitus' *Germania*, it is clear that he perceives the pagan gods through the lens of Roman prejudice, intent on comparing them with their Roman counterparts.² We cannot call such equivalencies entirely unreasonable since inter-migrations between North-West and South-East parts of Europe happened in at least three significant phases between 4000 B.C.E- 2000 B.C.E, and Herodotus provides an account

²Tacitus, 9, *Germania*, accessed May 20, 2020, Medieval Sourcebook, <https://sourcebooks.fordham.edu/source/tacitus-germ-latin.asp#9>. Tacitus refers to (presumably) Óðinn, Þór and Tiwaz by calling them, respectively, Mercury, Hercules and Mars.

of how two Hyperborean³ maidens came with offerings from their homeland and were accepted at the shrine of Athena, thus suggesting an affinity between Hyperborean and Greco-Roman beliefs.⁴ However, given the difference in origin myths and other non-parallel developments of the divine figures of the Germanic and the Roman pantheons, it is difficult to measure the accuracy of the comparisons made by Tacitus between Roman and Germanic pantheons. This factual unreliability narrows down the usable documentation even more to post-Viking medieval Scandinavia. It should not have been the case, as references mirroring the events in Eddic and Saga literature occur in Old English literature, such as the reference to the necklace *Brisingamen* (Freyja's necklace/torque in Old Norse mythology) in *Beowulf*.⁵ The fact that North Germanic legends, and by extension the narrative of a Geatish (Swedish) hero, of no close connection to the Angles and Saxons who were of mainland Denmark and at odds with Scyldings (Danes), the other major characters of the narrative, persevered well into tenth-century England (as evinced by the dating of the manuscript that includes *Beowulf*'s surviving version), strongly suggests that an exchange of folk-songs and stories thrived between concurrent Old English and other Germanic cultures. This exchange may have reinforced the oral transmission of myths. The Vikings in their raiding phase, ironically, may have been the cause of the destruction of the Old English manuscripts which recorded such mythological narratives, while we may thank their Icelandic successors for what survives.

³ "Hyperborea" is theorised as an ancient Greek concept of a fantastic land in Far Northern Europe, which was relatively unexplored by Greeks. This means that if the "Hyperborean" maidens are not fictional, and if Herodotus did not misquote their origin, these women could have come from Northern Europe, or possibly Scandinavia. For relation of Hyperborea to Scandinavia, please see Elise C. Ótte, *Scandinavian History* (1874, reprint MacMillan, 2014), 1-2.

⁴ Herodotus, *The Persian Wars: Books III-IV*, ed. and trans. A.D. Godley (Loeb Publications, 1928), 233.

⁵ ll. 1195-1199, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>. The necklace offered to Beowulf as a part of his parting gift after defeating Grendel's mother is said to be second only to the *Brosinga men*, or 'torque of the Brosings' (*Brisingamen* in Old Norse).

Secondly, pagan religious practices are even less likely to occur in written records than their gods, as these practices were unlikely to be considered important enough to be preserved on vellum, which was expensive to produce.⁶ Detailed portrayal of such practices, as a result, are largely absent in even the Scandinavian manuscripts, which have offered the most detailed information about gods of the Germanic pantheon. When they occur in Early Germanic texts, any wider context or purpose of the ritual is usually absent, if not vaguely stated, and often followed by disapproval. We draw here from *Beowulf* the following lines which directly address pagan practices:

hwílum hie gehéton æt hærgtrafum⁷
wígweorþunga· wordum baédon
þæt him gástbona géoce gefremede
wið þéodþréaum· swylc wæs þéaw hyra·
haéþenra hyht· helle gemundon
in módsefan· metod hie ne cúþon
daéda démend· ne wiston hie drihten god
né hie húru heofena helm herian ne cúþon
wuldres waldend. Wá bið þaém ðe sceal
þurh slíðne níð sáwle bescúfan
in fýres fæþm, frófre ne wénan,
wihte gewendan· wél bið þaém þe mót
æfter déaðdæge drihten sécean
ond tó fæder fæþmum freoðo wilnian.⁸

(Sometimes they promised at pagan temples idol-worship, [and] with words prayed so that the [evil]spirit-slayer would grant them help against [the] great calamity – such was their custom,

⁶Descriptions that are not about pagan gods, but rather about how they were revered or worshipped.

⁷ This is an emendation. See: Fr. Klaeber ed., *Beowulf and the Fight at Finnsburg*, 3rd ed. (Boston: Heath, 1950), 7. The *Beowulf* MS uses the term *hrærgtrafum*, which is considered a misspelling by a copyist who might not have been familiar with the archaic spelling of the word; by the time of the composition of this manuscript *hærg* would have become *herg* due to a mid-8th century AD vowel shift. See: Leonard Neidorf, *The Transmission of Beowulf: Language, Culture and Scribal Behaviour* (Cornell University Press, 2017), 41.

⁸ ll. 175^a-188^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

[the] hope of heathens. [They] remembered hell in [their] heart; they knew not [the] maker, the judge of deeds, nor were they aware of [the] lord God, nor did they know yet how to honour [the] protector of [the] heavens, [the] wielder of splendour. Woe be to him who must, through terrible evil, push [his] soul into [the] fire's embrace, [he must] not think [of] comfort, [or] to change anything. Well shall [it] be for that [one] who after death-day may seek [the] lord, and desire peace in (lit. 'to') the Father's embrace.)

With reference to the response of the Scyldings to the attacks of Grendel, the *Beowulf*-poet here refers to them offering idol-worship within *hærg*, a cognate (possibly) of *hörg* in Old Norse, a term that describes cult-sites or altars, usually made of stone, dedicated to pagan faith. However, his purpose here is not cultural documentation, but to emphasise how the worship conducted by these heathen souls inevitably dooms them to hell, as they, without knowledge of the Christian God, were not able to seek Him out.

Even so, the most useful texts are diverse fragments like the *Merseburg Charms* or *Bald's Leechbook*, travellers' (non-Germanic) accounts of Germanic cultures throughout the vast stretch of the medieval era, propagandist literature by clerics like Orosius and Adam of Bremen about the necessity of conversion, or, occasionally, the social practices such as sacrifices and the marking of the land mentioned in sundry Icelanders' sagas. None of these sources can be called unbiased portrayals of pagan practices even when they display the most non-critical attitude towards historical sources or are free of interpolation. These sources also tend to contradict each other quite often. Still, they must be consulted since descriptions of religious practices, however distorted, often indicate how belief is manifested and thus may contain a key to the relationship between violence and perception of divine power.

Thirdly, Early Germanic perceptions of Christianity and the Christian God in surviving secular literature is also likely to have been modified by the clerics and may inadvertently represent the Church's perspective. Therefore, non-ecclesiastical descriptions of God without the interference of the Church mandates are difficult, if not impossible, to find. The characters in *Beowulf* are barely pre-Christian, as seen in the poet's condemnation of the pagan worship

indulged in by Hroðgar and his subjects. Nevertheless, Beowulf is said by Hroðgar to have been sent by God to relieve the Danes of the depredations of Grendel. Again, when Beowulf successfully kills Grendel's mother in her lair, obviously a Christian God is seen to be aiding the hero, whether he is or is not a Christian, in his fight against evil. Hence, the secular perspective towards divine authority may be potentially inseparable from the Church's perspective.

Fourthly, this study also makes the disclaimer that its purpose and hypotheses have little to do with the actual existence, or not, of a divine presence, and that it bases its findings on cultural perceptions of the same, or, rather, on the cultural perceptions observed through the probably-biased perspective of the narrator.

Framework of the Chapter

As stated in the introductory paragraph of this chapter, "Gods and Monsters" proposes to examine Germanic societies and their perceptions of the divine, that is, the worshipper and the worshipped, as elements potentially engaged in a conversation guided by violence. The discussion of this conversation will consider depictions of both indirect and direct meaningful exchanges (as dialogue is defined) between the human and the divine, concerning and involving the use of violence as both concept and action. We will base the first section on indirect exchanges or on interactions of human and divine elements where there is no literal meeting, contact, or conversation between the human and the divine. The first half of this section, or Indirect Exchanges(A), will deliberate on how Early Germanic social norms and practices could affect depictions of divinity or divine violence. The second half of the section on indirect exchanges, namely Indirect Exchanges(B), will also focus on how perceptions of divine authority could affect Germanic social norms and practices regarding violence. It will take into account archaeological as well as literary evidence. The next and the last section of this chapter, or the section on direct exchanges, on the other hand, will focus on literary

depictions of the human and the divine where figures of divine authority are seen to be visibly engaging or presumed to be engaging directly with human characters regarding violence. By using these examples, this section will also examine how violence may define the cultural boundaries between humanity and divinity with regard to reciprocity.

Indirect Exchanges(A): The Human Influences the Divine

The first part of the observations about indirect exchanges, that is, the influence of social norms and practices regarding violence on how the divine was perceived, has resources that vary in kind and intention significantly across cultural shifts, most notably the transition from paganism to Christianity. The nature of the manifestations of divine power plays a significant role in this. The Christian God is the unquestionable and paradigmatic character who frowns upon deception, pride, and falsehood. He is also immutable and exists in the state of perfection. The pagan gods of Scandinavian literature routinely adopt underhand means and are not averse to sacrificing their limbs for self-enhancement to the extent of having a visibly-crippled physical form, as in the case of Óðinn, who entrusts his eye to Mimir's keeping to gain more knowledge,⁹ or in Týr's, where he sacrifices his arm to kill Fenrir.¹⁰ To the late medieval consciousness (when the Old Norse sagas were written down) that is more accustomed to a monotheistic and Christian experience, the characterisation of the pagan gods in Icelandic literature would have seemed very human. Despite writing extensively on Old Norse myths, Snorri Sturluson holds that the pagan gods were merely human leaders of a far and forgotten past whose deeds were given divine significance,¹¹ whereas Saxo Grammaticus dismisses them

⁹ "Voluspo", *Poetic Edda: Old Norse- English Diglot*, ed. and trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 26, PDF e-book.

¹⁰ "Lokasenna", *ibid*, 210.

¹¹ Snorri Sturluson, 2 Kaffi, "Ynglinga saga", *Heimskringla*, accessed March 5, 2021, <https://www.snerpa.is/net/snorri/yngl-sag.htm>.

as fraudulent ‘godheads’.^{12 13} Although it is impossible to reach a definite conclusion about the historic nature of the Germanic pantheon by consulting the meagre evidence available to us, events well up to the migration period may have contributed to the shaping of Germanic mythology. Hence, it stands to reason that the social norms influencing and guiding the divine penchant for violence would also have both similar and different connotations in pagan and Christian Germania. For the sake of streamlining our argument, again, we shall observe this influence as per the three kinds of social constructs we discuss in the second part of this thesis, namely, *comitatus*, kinship, and gender. One of the most noteworthy norms of a Germanic warrior's life is considered to be the bond of *comitatus* (in the sense of oath-bound and leader-centric groups of warriors) that guided it, though, as the preface notes, the wide application of the term as such is quite problematic. Several motifs of the warrior's life and appropriate conduct show up in the characterisations of divine figures and actions in the surviving pagan myths and Christian religious texts in Early Germanic manuscripts. Literary depictions of *Comitatus* may have some of the most traceable patterns concerning the influence of Germanic social norms on perceptions of divine violence. They present a very distinct and semi-institutionalised model of heroic violence dependent on several key factors, including the figure of the gift-giver, the bond between fellow-warriors, the loyalty (or lack thereof) between the gift-giver and the retainer, and reward/punishments meted out accordingly. In both the *Prose Edda* and the much older *Poetic Edda*, Óðinn certainly plays the part of the generous gift-giver with the warring dead. In “Hyndlujōð”, a poem in the *Poetic Edda* collection, the goddess

¹² Please note: Saxo in the Latin text is using the term *divinitas* to describe the identity Óðinn tries to claim, which roughly translates to godly and godlike. As Saxo clearly says that the pagan gods are falsely claiming *divinitas* or ‘godhead’, the word *divinitas* here and elsewhere in the text can only be interpreted in a pejorative manner, denoting ‘false god’.

¹³. Saxo Grammaticus, “Book Three”, *Danish History I-IX*, eds. Douglas B. Killing and David Widger, *Project Gutenberg*, accessed July 1, 2021, <https://www.gutenberg.org/files/1150/1150-h/1150-h.htm>. Based on *The Nine Books of the Danish History of Saxo Grammaticus*, trans. Oliver Elton (New York: Norroena Society, 1905).

Freyja emphatically states that Óðinn tends to reward his followers handsomely with gold and treasure, and also marks him out as a considerate gift-giver to practitioners of other skills:

Biþjum Herföþr|
 ī hugum sitja;
 hann geldr ok gefr|
 goll verþungu:
 gaf Hermōþi|
 hjalm ok brynju,
 en Sigmundi|
 sverþ at þiggja.
 Gefr sigr sumum,|
 En sumum aura,
 mælsku mǫrgum|
 ok mannvit firum;
 byri gefr brǫgnum|
 en brag skǫldum,
 gefr mannsemi|
 mǫrgum rekki.¹⁴

(We seek to find the favour of Heerfather [sic¹⁵]; He gladly gives gold to his followers: he gave Hermōþ a helmet and an armour, and Sigmundur a sword as a gift. He gives victory to some, and treasure to others, wisdom and skill of words to many; [he] gives a fair wind to the sailors, and to the skald his craft, [he] gives many men a manly heart.)

Aside from the fact that one of his many names is *Valföður* or “Father of the fallen”, Óðinn also feasts the brave warriors at Valhöll after the *valkyrie* revive them and ply them with mead, and Óðinn then sends the warriors to fight and die the next day. Through this cycle of dying at battle and feasting, Óðinn offers the warriors the two things that earn a lord his loyal followers: renown and reward. Hence, by ensuring they get to enjoy *ad infinitum* what has

¹⁴ S. 3, “Hyndlujoth”, *Poetic Edda: Old Norse- English Diglot*, ed. and trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 300-301, PDF e-book.

¹⁵ Ibid. Our translation follows the diglot’s translation of the word *Herföþr*.

brought them glory in life, Óðinn secures the position of the lord of the warrior souls. In turn, the image of Valhøll also becomes intrinsically connected to the warrior's life on earth, where the lord must always imitate Valhøll in his hospitality.¹⁶ The power that the divine authority wields, then, also stems from the expectations of protection of these normative aspects of a warrior's life, and assurances for their continuation even in the afterlife, and the gift-giver on earth, by mirroring it, sets up a symbiotic pattern of validation that helps divine and human perceptions of the *comitatus* sustain each other. This possibility might also be one of the motives for the creation of the Old Saxon poem *Heliand*, one of the few surviving vernacular texts of that language, where Christ is compared to a lord and the apostles to a lord's [Christ's] devoted warriors.¹⁷ The last supper is presented in the light of a feast given by Christ to his loyal followers and Christ's status as a gift-giver is asserted many times; Matthew, the apostle, is depicted as an *æpeling*'s son who leaves his lord to be recruited into the ranks of the apostles as Christ is a more 'generous gift-giver'.¹⁸ We must remember here that this is a text composed in a Frankish monastic context under the guidance of the Carolingian rulers who seek to assert both administrative and religious control over their previously pagan Saxon subjects, who are the target audience of this book. Hartmann opines that since the newly-converted Saxons may have found it hard to accept the new Carolingian rule and this new religion, this text could have been part of the rulers' design to make Christianity more acceptable to them.¹⁹ The figure of divine authority might be a different one, but the reason behind this agenda is very similar to what leads to the idea of Valhøll being analogous with a Germanic lord's mead-hall. We find

¹⁶ Olof Sundqvist, *An Arena for Higher Powers: Ceremonial Buildings and Religious Strategies for Rulership in Late Iron Age Scandinavia* (Leiden and Boston: Brill, 2016), 533-534, PDF e-book.

¹⁷ 14:1189, *Heliand*, trans. Mariana Scott (1969), accessed May 10, 2021, <http://www.hieronymus.us.com/latinweb/Mediaevum/Heliand.htm#X01>.

¹⁸ 14:1200, *ibid*.

¹⁹ Megan E. Hartmann, *Poetic Style and Innovation in Old English, Old Norse and Old Saxon* (De Gruyter, 2020), 127, PDF e-book.

this conflation of God/Christ with the earthly gift-giver in several of the Old English Christian verses as well. The Christian God and *cristendom* are presented respectively as a lord and his followers in most of the MS Junius 11 poems. In *Genesis A* in particular, God is referred to several times as an *þeoden*,²⁰ a term that refers exclusively to a leader of a people or nation, and which is loosely understood as ‘prince’ or ‘king’, and sometimes as a *weroda drihten*²¹ or ‘lord of hosts (angels)’; the angels, too, in their turn, are categorised as warriors, and the rebelling angels are termed *werlogan*²² or ‘pledge-breakers’ in the sense of having gone back on their agreement to serve God. Similar modifications of the biblical descriptions can be seen, also, in *Exodus*; rather than merely guiding the hapless Jews out of their Egyptian enslavement, Moses is re-cast as the commander of God who is leading his army to victory, presenting their journey as decisively more ambitious.²³ God, likewise, takes on a more active role, enabling their eagerness and guiding Moses’ magic.²⁴ However, the comparison with Óðinn as a gold-giver can only be made complete if we include in this analogy the rewards Jews receive on arriving on the other side of the Red Sea, which are termed *wera wuldorgesteald*²⁵ or ‘glory possessions of men’. Although God is not the direct dispenser of gifts, in this case the ‘glory possessions’ come at the end of the journey facilitated by Him. Besides this, there are several allusions to heaven in *Christ and Satan* that may pertain to the hall-oriented life of Germanic

²⁰l.15^b; 80^a; 92^b; 139^b; *Genesis A*, accessed October 16, 2021, <http://people.ucalgary.ca/~mmcgilli/ASPR/GenABfram.htm>. There are many more instances, only some are referred to in this citation.

²¹ l. 1362^a, *Genesis A*, accessed October 16, 2021, <http://people.ucalgary.ca/~mmcgilli/ASPR/GenABfram.htm>.

²² l. 36^b, *Genesis A*, accessed October 16, 2021, <http://people.ucalgary.ca/~mmcgilli/ASPR/GenABfram.htm>. Note that the term, so far as I could discern, literally translates into ‘man-deceiver’. However, the translations I consulted, including the following, translates it as ‘pledge-breaker’ or other variants. As this may be one of the kennings I may not be aware about, I have gone by the more common translation. See *Genesis A*, trans. Dr. Aron K. Hotstetter, accessed May 15, 2021, <https://oldenglishpoetry.camden.rutgers.edu/genesis-ab/>.

²³ll. 8^a-18^b, *Exodus*, accessed October 12, 2021, <http://people.ucalgary.ca/~mmcgilli/ASPR/Exfram.htm>.

²⁴ ll. 477^a-497^a, *Exodus*, accessed October 12, 2021, <http://people.ucalgary.ca/~mmcgilli/ASPR/Exfram.htm>.

²⁵l. 589^a, *Exodus*, accessed October 12, 2021, <http://people.ucalgary.ca/~mmcgilli/ASPR/Exfram.htm>.

warriors. Heaven is directly referred to as *winsele*²⁶ or ‘joy-hall’ (mead-hall), and it is also alluded to by the term *heahgetimbrad*²⁷ or ‘high/loftily timbered’ earlier in the same poem, calling to mind the image of a mead-hall with high beams. It is not clear whether this is particular to the poet/s of the Junius manuscript as not enough of Old English Christian poetry survives for us to come to any definite conclusion. However, *The Wanderer* and *The Seafarer*, containing the images of hall-bereft warrior at the mercy of God, are recorded in the Exeter Book, a late-tenth/early eleventh century manuscript. For poems of the same theme to be recorded at a time when Christianity in England is well-established suggests that literary analogies that connected the secular lord-follower bond to the deity-worshipper bond also resonated with Christian Anglo-Saxons, as with the other examples. It can be deduced from these facts that the tendency to draw literary analogies between the worshipped as lord and worshippers as followers was not uncommon even in Old English Christian society. Keeping in mind the time-frame of the Old English Christian narratives in which such analogies are more frequent, and the natural precedence of kingship and a more feudal system over community-based *comitatus* in Anglo-Saxon society, this tendency to impose images of the hall-warriors on divine figures and their retinues may indicate drawing from older (and now lost) resources. The Old English *Genesis B*, for example, was found to be based on the Old Saxon *Genesis*. As mentioned previously, the Old Saxon Poem *Heliand* may be one of these models or sources these poems are influenced by. However, as most of the English population was already converted by that time, there may be other reasons. Such nostalgic anachronisms that seek to fit divine actions within the framework of a much older social structure may also represent an urge to reconcile Christian imagery with cultural memories.

²⁶l. 93^a, *Christ and Satan*, accessed May 15, 2021, https://www.sacred-texts.com/neu/ascp/a01_04.htm.

²⁷ l. 29^b, *Christ and Satan*, accessed May 15, 2021 https://www.sacred-texts.com/neu/ascp/a01_04.htm, .

Similar tropes to conform and define the divine authority's propensity towards violence can also be viewed through the lens of contemporary gendered practices in Germanic societies. Similarity between the human prototypes of gender roles and divine reflections of the same is best observed when such boundaries are transgressed. Despite the mention of shield-maidens in Icelandic saga and their popularity in modern media, there are actually very few figures like this in extant records of Germanic mythology. The goddess Freyja was simply entrusted with choosing the slain despite it being believed that she was a war-goddess; unlike Óðinn, Týr and Þór, who are also worshipped as deities of war, she does not take part in hand-to-hand and armed combats. The closest concept to having divine figures who are identified as women but do not follow the normative gender roles assigned to women seem to be the *valkyries*, whose principal task is to choose Óðinn's half of the slain men (the other half going to Freyja), and serving mead to the heroes at Valhøll. Nevertheless, considering them to be non-conforming to gender roles would be problematic, and comparing them to the shield-maidens might also be amiss. Quinn emphasises the role of the *valkyries* as being emblematic, and suggests that their symbolic importance could lie in a promise of erotic satisfaction in the afterlife (propaganda to entice the warrior, so to speak),²⁸ and that this symbolic importance could also pertain to a weapon-clad maiden representing the spirit of battle.²⁹ This is especially underlined by the fact that on the rare occasions when a *valkyrie* retires or willingly disobeys her terms of employment, married life (or romantic entanglement) is usually the reason. The *valkyrie* Sigrún (The reincarnated *valkyrie* Svava who was the beloved of Helgi in a previous life) is willing enough to act independently of Óðinn's wishes to raise the slain in favour of spending time

²⁸ Judy Quinn, "'Hildir Prepares a Bed for Most Helmet-Damagers': Snorri's Treatment of a Traditional Poetic Motif in His *Edda*", in *Reflections on Old Norse Myths*, eds. Pernille Hermann, Jens Peter Schødt and Rasmus Trandum Kristensen (Turnhout Belgium: Brepols Publishers, 2007), 98-101.

²⁹ Ibid, 102.

with her reincarnated lover Helgi,³⁰ as her previous incarnation had shielded Helgi in their past life as well.³¹ Following Quinn's characterisation of *valkyries*, it might be said that the *valkyrie* in these circumstances, by entering the domestic sphere mandated for common women, and, furthermore, by engaging in a definite legally-bound relationship with one man, removes her acceptability and availability as a token of heroic eroticism and valour. Furthermore, the post-marital actions of Sigrún (Svava) distance her from the heroic ideal typically assigned to masculine gender-performativity. Svava's reincarnation Sigrún (also a *valkyrie*), married to Helgi's reincarnation, tries to keep him in his barrow³² although he cautions her to not do so as he now walks and favours the path to Valhøll and the fate of the warring dead.³³ While the male object of Sigrún's affections, that is, Helgi, behaves with regard for his own heroic reputation, the *valkyrie* prioritises her own sentiment. Keeping in mind the *valkyries*' possible role as heroic propaganda, Sigrún's retirement and consequent prioritisation conform to the roles women play within the scheme of violence, thus containing their actions within the prevalent gender construct.

Similar notions may be applied to the women who are blessed by divine authority to undertake seemingly heroic feats in Christian texts. Rarely are they given attributes of physical strength which would give them some degree of agency for it, but in the rare heroic feats they perform their efforts are often credited to divine intervention. As opposed to the Moses of the poem *Exodus* who is an appointed commander with God as his *æþeling*, Judith and her actions in the eponymous poem are merely vessels for the exertion of divine authority (see: Chapter

³⁰S. 21, "Helgakvitha Hundingsbanna II", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 443, PDF e-book.

³¹ "Helgakvitha Hjórvarthssonar", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 382, PDF e-book.

³²S. 46, "Helgakvitha Hundingsbanna II", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 456, PDF e-book.

³³ Ibid 453, 457.

Four, “Femininities and Masculinities”, pp. 147-148), where the heroine, seemingly not in possession of the power to finish off Holofernes, has to invoke the divine help that might be channelled through her.³⁴ These inferences are not surprising when we consider the reluctance in Germanic oral traditions to acknowledge any individual identified as a woman to be an acceptable active agent of violence. The mortal women capable of holding their own in a battle are often noted for their lawless and/or extreme violent actions. Hervör, the shield-maiden in *Hervarar saga ok Heiðreks*, takes up the life of a highwayman,³⁵ and the *Beowulf*-poet also openly disapproves of the pre-marital violent behaviour of Thryth, the wife of Offa, insisting that she should have been better engaged at peace-weaving:

.... ne bið swylc cwénlic þéaw
 idese tó efnanne þéah ðe hío aénlicu sý
 þætte freoðuwebbe féores onsaéce
 æfter ligetorne léofne mannan.³⁶

(It is not a queen-like custom for any woman to perform, though she be unlike any other, that [a] peace-weaver should deprive of life [a] beloved man in consequence of feigned anger.)

Likewise, in extant Germanic mythic traditions, there seems to be little evidence of divine individuals identifying as women having performed violent actions that do not conform to prevalent gender norms. For the better part, like Frigg, Óðinn’s wife, they seem to have played the traditional roles of peace-weavers and goaders assigned to mortal women, and any seeming transgression to the norm, like that of the *valkyries*, was contained within the narrative that validated the male hero, as Quinn points out.³⁷

³⁴ ll. 83-94^a, *Judith*, accessed June 1, 2021, <http://www.oldenglishaerobics.net/judith.php>.

³⁵ 4 Kafli, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

³⁶ ll. 1940^b-1943, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

³⁷ Judy Quinn, “‘Hildr Prepares a Bed for Most Helmet-Damagers’: Snorri’s Treatment of a Traditional Poetic Motif in His Edda”, in *Reflections on Old Norse Myths*, eds. Pernille Hermann, Jens Peter Schødt and Rasmus Trandum Kristensen (Turnhout Belgium: Brepols Publishers, 2007), 98-101.

In comparison, as with human transgressions regarding gender roles, divine authority concerning violence is under greater scrutiny and at greater risk of being undermined in situations where the male-identified divine figure is accused of being feminine or ‘unmanly’. It is because the ‘direct’ agents of violence, as in male-identified individuals, imitating the ‘indirect’ enforcer, or woman-identified individuals (see: Chapter Four, “Femininities and Masculinities”, pp.143-144, for a detailed discussion), were likely to have a more subversive impact on the normative social responsibilities, as opposed to when woman-identified individuals tried to emulate the ‘active’ enforcers, or individuals identifying as men. These transgressions range from an alteration in appearance to actions not suited to ideal standards of gendered performances, and their acceptability is also objective. For example, Þór has to assume the role of Freyja in “Thrymskvitha” to fool the amorous giant Þrym who has stolen Þór’s Hammer, and is intent upon marrying Freyja. Putting on a bride’s dress is seen as inherently shameful for Þór who, as a warrior god, considers crossdressing a major transgression of his appointed role, and he seems very concerned about what impact his actions would have on the image he projects to the other gods:

Mik munn æsir |
 argan³⁸ kalla,
 ef bindask lætk |
 brūþar līni.³⁹

(Other Æsir [gods] call me unmanly if I put on the bridal veil (lit.let the bridal veil bind onto me))

³⁸ Adjective form of the ON term *Ergi*. Its exact application is not known, but it is generally used for transgressive/feminine actions of a man, including crossdressing and actions designated to women (See next section on Loki’s *flyting* of Óðinn in ‘Lokasenna’), and, quite possibly, taking on the passive role in homosexual intercourse [F.N. 49].

³⁹ S. 16, “Thrymskvitha”, *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 245, PDF e-book.

While Loki, as a trickster god who is not at all opposed to transgressive actions when it suits his purpose,⁴⁰ immediately seizes upon the practicality of the plan, and convinces Þór by reminding him that the shame is negligible if he can protect by his actions the environment that enables his heroism, that is, safeguard the abode of gods, which is currently running the risk of attracting the wrath of the amorous giant seeking the hand of Freyja:

Þegi þū, Þórr! |
 þeira orþa:
 þegar munu jǫtnar |
 Āsgarþ bua,
 nema þinn hamar |
 Þer of heimtir.⁴¹

(Be silent, Þór! Enough of that speech, as the giants will dwell in Asgard, if you do not take your hammer, fetching it from them.)

The gods, including Þór, are seldom averse to underhand means, and therefore we may assume that it is less the deceptive nature of the task and more the putting on the dress of a woman that seems transgressive and shameful to Þór, as the latter attacks the more performative aspects of his gender and social role. His re-claiming of the hammer, therefore, and the consequent thrashing of the giants,⁴² can be seen as a way of re-asserting his masculinity not only in the narrative but also to the prospective listener.

Loki is hardly ever in need of or provided with such reclamations even in his most transgressive act/s. This is probably because even within the ambitious and sly attitudes of the Norse gods, Loki belongs to a different category altogether, whose ambition is willing to transcend gendered norms in a transgressive way without [Loki](#) feeling any shame about it. It

⁴⁰ Loki takes the form of a mare and sleeps with the horse Svalthifari, producing Sleipnir, the eight-legged horse of Óðinn. See: S. 42, “Hyndlujoth”, *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 318, PDF e-book.

⁴¹ S. 17, “Thrymskvitha”, *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 245, PDF e-book.

⁴² Ss. 1-32, *Ibid*, 251.

also explains why Loki's trickster nature may prevent him from posing a threat to the collective masculinity of the pantheon, as his anomalistic position precludes him from being counted as a representative of any divine ideal. On the other hand, what could have proven truly subversive is Óðinn's propensity to transgress acceptable masculine behaviour by oath-breaking, wandering and last, but not the least, practising *seiðr* (a form of magic commonly practiced by women), because Óðinn also forms a part of the triquetra (along with Týr and Þór) that governs the active aspects of war. As Óðinn is openly supportive of adopting a shrewd, ambitious and no-holds-barred approach to the attainment of one's goal, it would not have been difficult to take his tacit approval of winning the wars by any means as an excuse to accept the practice of *seiðr* for men where it benefits them, as both war and *seiðr* are endorsed by the same divine authority; the interpretation of divine action as divine validation regarding *seiðr* is dangerous not only because it has the potential to subvert prevalent gender norms, but also because, in return, the association of a subversive act with divine agency also threatens the validity of a divine authority. It is dangerous, furthermore, as one of the tactics in the *Poetic Edda* while in a *flyting* (verbal duel involving personal attacks) with an opponent is to call him a practising *skóðal* 'witch' or a *svēvīs kona* 'woman false' (As Sinfjötli calls Gothmund in a *flyting*⁴³) and thus question the respectability and credibility of the opponent. Therefore, Loki's *flyting* in "Lokasenna" can be seen as a challenge to Óðinn, as he calls Óðinn unmanly for having practised magic like a *völva* (old woman with foresight and knowledge of magical arts), being openly critical of this aspect of his ambitions:

“En þik sīþa |
kvǫðu Sāmseyju ī,
ok drapt ā vētt sem vǫlur:
vitka líki |
förtu verþjǫþ yfir,

⁴³ Ss. 39-40, "Helgakvitha Hundingsbanna", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 417-418, PDF e-book.

ok hugþak þat args apal.”⁴⁴

(“I have heard that in Samsey you practised *seiðr* and draped yourself in the clothing of a *völva*, and in the guise of a witch did you go forth in public, your soul must seem unmanly.”)

Interestingly, it is Loki himself and his anomalies that might have a hand in preventing this subversion from compromising the divine authority of gods and/or validating gender-role transgressions among the worshippers. Firstly, although the critical call-out cited above points at the transgressive actions of Óðinn, the accuser himself is responsible for greater transgressions in the same vein, having performed sexual actions contrary to the masculine ideals (as Óðinn points out right before Loki accuses him of acting like a *völva*⁴⁵). Hence, Loki cannot be considered a credible dispenser of justice in this respect, his own history restricting any possibility of his criticisms being harmful to Óðinn’s divine reputation. Loki’s *flyting*, therefore, is also a convenient way to frame, contain and acknowledge other ‘unmanly’ transgressions by the gods. The call-out being by Loki or the most transgressive deviant ensures this acknowledgement does not question the authority of the gods who are accused by Loki’s *flyting* as having defied the gendered conventions of violence, such as Freyr, who is criticised because Skirnir, the messenger he had sent with his proposal to Gerður, forcefully gained Gerður’s consent to the affair by offering gold even after her initial rejection.⁴⁶ Secondly, this is why Loki’s speech can be conveniently used to ‘frame’ or highlight the deviant actions of gods, to let the listener know that these actions by Óðinn or Skírnir are indeed deviant and not to be emulated or justified under the excuse of following divine examples; as Loki’s deviance does not allow his speech to compromise divine authority, this speech ends up having more

⁴⁴ S. 24, “Lokasenna”, *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 220, PDF e-book.

⁴⁵ S.23, *ibid*, 219.

⁴⁶ S.42, *ibid*, 227.

impact as a repudiation of certain actions than the repudiation of the divine figures themselves. Loki's identity, thus, 'contains' any probable subversion his accusations might have caused. It is natural, then, that Saxo and Snorri both feel at liberty to not use Loki as a buffer and to discuss as narrators Óðinn's proclivities in *Gesta Danorum* and the *Ynglinga saga*, respectively, because they describe Óðinn as a man and not as a god, since as devout Christians they do not feel any obligation to preserve Óðinn's divine integrity. Hence, though Icelandic sagas and the "Völuspá" only vaguely mention *seiðr*'s shamefulness when practised by men, the *Ynglinga saga*, while discussing Óðinn's practice of *seiðr*, thoroughly repudiates it as abominable for men because of the *ergi* or 'great perversion'⁴⁷ that accompanies the act, and, by juxtaposing it with the fact that it is *gyðjunum kennd sú íþrótt* or 'a craft taught to goddesses',⁴⁸ it is determined that the act was shamed because it was unmanly, though we can only guess at the nature of the 'great perversion'.⁴⁹ Saxo, who considers it his holy duty to exterminate pagan belief in Scandinavia, is even more vigorous in his repudiation of Óðinn's transgressions, saying that by his womanly practices Óðinn had brought a foul scandal on not only himself but the entire pantheon.⁵⁰ This deviant tendency of Óðinn to perform offensive and defensive acts of violence using womanly practices may be used to highlight the fact in the later texts that an entity that commits such shameful acts can only pretend at being a god, as the Germanic pagans and their practices are frequently associated with 'unmanliness' in Saxo's

⁴⁷ Snorri Sturluson, 7 Kafi, "Ynglinga saga", *Heimskringla*, accessed March 5, 2021, <https://www.snerpa.is/net/snorri/yngl-sag.htm>

⁴⁸ Ibid.

⁴⁹ In the *Ynglinga saga* Snorri describes the 'great perversion' as *ergi*, similar to how Loki terms it in "Lokasenna", while Buchholz connects it to the passive role in homosexuality in: Peter Buchholz, "Shamanism in Medieval Scandinavian literature", in *Communicating with the Spirits*, Vol.1, eds. Gábor Klaniczay, Éva Pócs, and Eszter Csonka-Takacs (Budapest and New York: Central European University Press, 2005), 241.

⁵⁰ Saxo Grammaticus, "Book Three", *Danish History I-IX*, eds. Douglas B. Killing and David Widger, *Project Gutenberg*, <https://www.gutenberg.org/files/1150/1150-h/1150-h.htm>, accessed July 1, 2021. Based on *The Nine Books of the Danish History of Saxo Grammaticus*, trans. Oliver Elton (Norroena Society, New York, 1905)

text.⁵¹ Therefore, we may surmise that, like narrative strategies can reflect and help to sustain the symbiotic mirroring of divine authority and the *comitatus*, they can also be instrumental in controlling the effect gender non/conformity has on determining whether, and to what extent, an entity could be said to possess divine authority or not.

Not many resources are available on what role social norms of Germanic kinship could have played in determining the importance of kinship in divine violence. As we shall note in the chapter on kinship, there are two broad categories of conflicts between kin-groups that may involve violence. The first category of conflict would be the non-reciprocal kind where the actions are carried out in the interest of the entire group or its focal person in the form of tussle for power or land, with or without any prior action on the opponent group's part to merit this kind of reaction- this may cause violence to be committed and continued for a purpose that does not necessarily involve, or focus on vengeance. The second is a reciprocal conflict, where a chain of actions and reactions is created with vengeance in mind; it compels each kin-group to respond in kind to the previous action by the other, and the cyclical retribution continues until a settlement may be reached. As per the demands of the power that divine figures are supposed to exert, the influence of such conflicts on the perception of divine authority may also be twofold; firstly, these divine entities' kin-group responsibilities when conflict arises within their own ranks or with other kin-groups, or, secondly, these divine figures' response to the kin-group ties where reciprocal action is required. However, the first obstacle we would face in our observations is rooted in the absence of several key details about how the kin-groups are formed. Christianity allows for little speculation as the Christian God is largely without kin, and the Old Norse pantheon as described in the vernacular literature also lacks any kin-group within its ranks that is definable by group-performativity. The closest

⁵¹ Ibid, "Book Five". See where Ingeld's descent into "unmanly wantonness" is suggested as a Germanic (or Teutonic in Saxo's words) vice.

reference to it may be the Æsir-Vanir conflict, which is settled by the inclusion of the Vanir into Old Norse godhood. However, the influence can be more clearly seen where reciprocal violence and transgressions are concerned, as in the case of gender-performativity. The transgressions, especially kin-slaying, can be considered complementary to reciprocal violence as it, by its rarity and severity of consequences, indicates how the function of reciprocal violence can easily be directed at destroying the integrity of the bond of kinship rather than preserving it. The *völva* in “Völuspá”, in her description of Ragnarok, certainly emphasises kin-slaying’s ruinous potential by marking it as a characteristic of the series of events that precede the destruction of the world, thereby emphasising the importance kinship holds in sustaining the current world:

Brøðr munu berjask |
 ok at bǫnum verþask,
 munu systrungar |
 sífjum spilla;⁵²

(Brothers will strike and slay each other at war, sister-sons will violate kinship.)

This is because the avenger for the slain kin may also arise from the kin-group of the slayer, the consequent retaliations and re-retaliations eventually ensuring the elimination of the entire kin-group. An editorial note in the diglot edition of the *Poetic Edda* we are consulting mentions in “Völuspá” that Baldr’s death by a mistletoe-twined arrow shot by his blind brother Höður was the first of the ‘great disasters’⁵³ to have happened to the gods. Hence, in the light of the *völva*’s words, Baldr’s death by his kin’s hand might also be an indicator of the beginning of the end. Baldr and Höður’s reconciliation in the new world,⁵⁴ thus, might be necessary to ensure

⁵²S. 45, “Voluspo”, *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 34, PDF e-book.

⁵³32 note, *ibid*, 28.

⁵⁴S. 62, *ibid*, 42.

that reciprocal violence within the kin-group is not carried over to the new world after Vali, another son of Óðinn, kills Höður to avenge Baldr.⁵⁵ Christianity, which came with its own traditions against kin-slaying, also adds to its repertoire the Germanic conventions about kin-slaying, making it even more abhorrent within its specific cultural boundaries.

On the other hand, reciprocal violence, when free of the shame of kin-slaying, is a powerful tool of the kin-group dynamic. For example, a different narrative of Baldr's death exists in *Gesta Danorum*, where Höður (Hother in *Gesta Danorum*) is not Óðinn's son,⁵⁶ and kills him because of love rivalry.⁵⁷ Here Óðinn's approval of Bous (Vali's counterpart in *Gesta Danorum*, born to Wrinda) is more than tacit in the text; Óðinn not only teaches him that revenge is the right action, but also that it is a righteous opportunity to seek war.⁵⁸ The sentiment behind avenging kin may also have been acceptable to the early Scandinavian Church, as Ámundi (Amund), a blind character in *Brennu-Njals saga*, recovers from his blindness momentarily to avenge his father's death after he prays to God to help him if his demands are justified⁵⁹ (see: Chapter Six, "Kinship and Violence", pp.220-222). As in the case of social norms regarding the *comitatus* and gender, the literary depictions of the influence of kinship ideals on the perception of divine violence are noteworthy for the way they indicate the ever-shifting cultural nuances forming the basis of the human-divine interaction.

⁵⁵ Ss. 33-34, *ibid*, 28-29.

⁵⁶ In keeping with later traditions of Latin chronicles, such as *Chronicles Luthrenses*, which makes Hother the son of a Saxon king, possibly in order to minimise any Scandinavian association with kin-slaying. Saxo Grammaticus, "Book Two", *Danish History I-IX*, eds. Douglas B. Killing and David Widger, *Project Gutenberg*, accessed July 1, 2021, <https://www.gutenberg.org/files/1150/1150-h/1150-h.htm>. Based on *The Nine Books of the Danish History of Saxo Grammaticus*, trans. Oliver Elton (Norroena Society, New York, 1905).

⁵⁷ *Ibid*, "Book Three".

⁵⁸ *Ibid*.

⁵⁹ 106 Kaffli, *Brennu-Njals saga*, accessed May 30, 2021, <https://www.snerpa.is/net/isl/njala.htm>.

Indirect Exchanges(B): The Divine Influences the Human

As perceptions of the divine are often influenced by human norms and social practices where meaningful exchanges between the human and the divine, indirectly involving violence, are concerned, so do these meaningful exchanges often result in the perceptions of the divine influencing social norms and practices. Much of what we have stated for the first point, that is, how social norms may influence through exchanges that indirectly concern violence the interpretations of the latter regarding divine authority, is relevant here as well if we view the relationship between social norms and perception of divine authority as a loop and feedback system. For example, just as we have speculated that Óðinn's pagan divine authority benefits from its conflation with the Germanic concepts of *comitatus*, so might a part of the gold-giver's authority be derived from his capacity to mimic Valhøll. In order to focus on the influence of the perceived divine on the social practices in such exchanges, then, it might be beneficial for us to choose for illustrative purposes the social practices which do not influence or alter by their direct implementation the perceptions of the divine, so as to demarcate the discussion of this section from the previous one where the influence of human social practices and norms on perceptions of the divine was being prioritised. For the sake of better emphasis and clarity, we will also attempt to select as examples social practices where the presence and control of divine authority are understood, but not shown to manifest through divine appearances or miracles. Such visibly preternatural interferences from the divine are more suited to the second part of this chapter, which discusses human-divine interactions that include active participation in violence by both human and the divine. The examples of social practices we have considered for our focal purpose in this section are, therefore, chosen in careful consideration of the concerns mentioned above, and they seek to gauge the impact of the perceived divine on social norms and practices through meaningful exchanges indirectly involving violence. These norms and practices have also been chosen for representational

purposes, as they reflect the varying degrees of perceived participation by the divine in the execution of such performative beliefs. Firstly, we will discuss the influence of a cultural perception of divine authority on secular law, where the presence of divine authority is understood both in the legal process and judgement but never explicitly stated in the law itself. Secondly, we will discuss the impact of the perception of a divine authority on practices regarding warfare, where through social practices of warfare divine help or aid may be sought after, without the expectation of mythical apparitions that facilitate it. In both practices of secular law and warfare, as we can see, perception of divine authority is measured in terms of useful interference. The third ‘normative’ violent social practice through which we propose to examine the perception of divine influence, however, hinges on the validity of divine authority being the purpose of this practice, as it is none other than sacrifice.

Where legal texts of Early Germanic origins are concerned, the influence of divine figures seems to be more implicitly involved in the juridical processes, than actively stated in the legal texts. Colman suggests that both trial by ordeal and trial by combat were ways to leave the judgement to divine forces where the usual means to settle the case could not be applied.⁶⁰ Though an ordeal is usually only undertaken when oath-taking is not considered sufficient for absolving or condemning the suspect, Niles argues that instead of being a replacement of the oath, the ordeal was, in fact, an extension of it, the divine judgement being simply materially manifest in the latter.⁶¹ The physical injury (or lack thereof) one suffers while undergoing the ordeal, or as an effect of it, potentially becomes the physical manifestation of the divine verdict for asserting the guilt or innocence of the party undergoing the ordeal; however, it cannot be categorised as a meaningful exchange that directly involves violence on the worshipped or

⁶⁰ R.V. Colman, “Reason and Unreason in Early Medieval Law”, *The Journal of Interdisciplinary History* 4, no. 4 (The MIT Press, Spring 1974): 582-583, doi:10.2307/202713.

⁶¹ J.D. Niles, “Trial by Ordeal in Anglo-Saxon England: What’s the Problem with Barley?”, *Early Medieval Studies in Memory of Patrick Wormald*, ed. by Stephen Baxter et al (Routledge, 2009), 371.

worshipper's part as, though the divine figure's interference is assumed, it does not actively accelerate, aid or hinder the violence involved in the ordeal as much as it helps to reveal though the outcome what should have already been known. Furthermore, giving more credence to the 'perceived' aspect of the perceived divine's role in these ordeals, Colman argues that the suspect's belief in the perceived divine was probably counted upon to produce a more pronounced physical effect on him if he was guilty (or, if he was innocent, less), the ordeal or its anticipation serving to induce the required psychosomatic effect in the suspect.⁶² The juridical aspect of divine influence is showcased in other kinds of legally mandated violence as well. As the ordeal determines guilt or innocence through outcomes of violent actions, so does the process of *hólmganga*, or the trial by combat. Although it has outlived its legal relevance by the time Scandinavian laws are codified, the Icelanders' sagas, in particular, give evidence of this practice existing in pre-Christian and early Christian Scandinavian societies to settle cases where none of the involved parties is willing to come to a settlement. The judicial role of the divine authority in determining the outcome has been discussed in greater detail in the second chapter of the "Mate-realities" section as this aspect is intrinsically connected to the traits the *hólm*-space/island-arena was invested with; suffice it to say, for now, that the rituals connected to *hólmganga*, including the marking of the field, the first bloodshed through which the guilty party is determined and the sacrifice the victor offers thereafter, may acknowledge in the juridical process a divine justice that exists beyond the capacities of secular law.

Such faith in divine interventions can also be seen in the social practices concerning warfare that anticipate, or, rather, solicit divine interference. However, the mystery that makes up the divine identity of a Germanic pagan god, and separates it from and elevates it above human capacity or judgement as acknowledged in these practices, might be interpreted

⁶² R.V. Colman, "Reason and Unreason in Early Medieval Law", *The Journal of Interdisciplinary History* 4, no. 4 (The MIT Press, Spring 1974): 588, doi:10.2307/202713.

differently from that of the Christian God, while also resembling the latter in some ways. These similarities and contrasts duly affect the purpose and execution of any violent act that acknowledges these divine identities. For example, the Germanic culture's outlook on war in its pre-Christian and early Christian phases might be more focussed on the individual and community than any particular righteous cause. This often mirrors the perspective of the Germanic pantheon as well, as Dennis Green points out, where Óðinn and his fellow gods fight it out among themselves or against others for their interest, without any concern for good and evil.⁶³ The Germanic warrior's preferences, too, usually tend towards earning renown, rather than picking a good or an evil side of the battle. As "Hávamál" dictates, avoiding wars to reach old age is not more commendable than dying while at war.⁶⁴ The way warriors acknowledge their gods before initiating an action pertaining to violence reflects this attitude, as in their actions they wish to embody the message of their gods to men. Hjardar and Vike relate the practice of self-scarification by spears to rid oneself of battle-fear to the symbolic importance of Óðinn's spear, one of Óðinn's many names being "Yggur" or fear.⁶⁵ The literary evidence concerning *Berserkers* of Scandinavia may point at further instances of violence inspired by or acknowledging the divine. In *Ynglinga saga*, *Berserkers* are portrayed as warriors who go into battle-madness as soon as a war starts, a frenzy that spares no one, and as an army that is loyal to the human king Óðinn.⁶⁶ Dale looks into the matter of Óðinn's association with *Berserkers* (*Berserkir* in the thesis) by finding a method to the latter's madness; the shield-biting by the

⁶³ Dennis H. Green, *Language and History in the Early Germanic World* (Cambridge: Cambridge University Press, 1998), 374, PDF e-book (2001).

⁶⁴ "Hovamol", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 51, PDF e-book.

⁶⁵ Kim Hjardar and Vegard Vike, *Vikings at War* (Casemate Publishers, 2016), 40, PDF e-book.

⁶⁶ Snorri Sturluson, 6 Kafi, "Ynglinga saga", *Heimskringla*, accessed March 5, 2021, <https://www.snerpa.is/net/snorri/yngl-sag.htm>.

Berserkers, he argues, could well be a pre-war ritual involving chanting under the shield that draws upon Óðinn's ability to protect men at war by doing the same (i.e. chanting under the shield) as described in *Hövamöl*, presumably as a spell to enhance their courage.⁶⁷

It is apparent, then, that the act of violence itself, and the renown one should get by it, are what mark the acknowledgement of Germanic pagan deities in a particular act, rather than any moral purpose that guides the act of violence. This seems to change significantly in the Christian era, or in the Germanic literature produced under its influence, where righteousness becomes more, or at least as important, as winning a war. Though this did not mean the abandonment of the battlefield, at least two hagiographies point to the fact that 'righteousness' was, indeed, a decisive factor that came to be prioritised, if not by warrior clans, then certainly by the ecclesiastical authority. Hence, the East Anglian kings prove their sainthood by not participating in violence, but by withdrawing from it. King Sigebert of East Anglia, who willingly gives up his throne and gets tonsured, refuses to hold weapons when he is persuaded to go into battle, and thereby proves his willingness to be martyred.⁶⁸ Likewise, King Edmund of East Anglia (or Edmund the Martyr) passes by not putting up any resistance the 'test' that God seemingly sends him. This kind of martyrdom could have been problematic in his case as, unlike Sigebert, he is a ruling king, and as such has a responsibility to protect his domain. This is why Abbo illustrates his sacrifice as having multiple reasons: firstly, Edmund states that he is not willing to live when all of his followers are dead:

"Hoc est -ait- quod desidero, quod omnibus votis antepono, ne supersim meis carissimis fidelibus, quos cum liberis et uxoribus in lecto eorum animas furando perdidit pyrata truculentus."⁶⁹

⁶⁷ Roderick Thomas Duncan Dale, "Berserkir: a re-examination of the phenomenon in literature and life" (PhD diss., University of Nottingham, 2014), 157-159, <https://eprints.nottingham.ac.uk/28819/>.

⁶⁸ Beda Venerabilis, *Bede's Ecclesiastical History of the English People*, eds. Bertram Colgrave and R.A.B. Mynors (Oxford: Oxford University Press, 1969), 268.

⁶⁹ Abbo Floriacensis, *PASSIO SANCTI EDMUNDI REGIS ET MARTYRIS*, accessed June 25, 2020, <http://www.thelatinlibrary.com/abbofloracensis.html>.

(“This is what I desire with all my heart, to not outlive my dearest followers, who with their wives and children had their lives stolen by this fierce pirate while in their beds.”)

Secondly, he makes it clear that by giving up his life he remains loyal to his much superior provider or gift-giver, as the promises made by Hinguar have no merit when compared with what he has from the former:

“Vitam indulget, qua necdum careo; regnum promittit, quod habeo; opes conferre cupit, quibus non egeo. Pro his ergo nunc incipiam servire duobus dominis, qui me sub Christo solo vivere, sub Christo solo regnare, praesentibus palatinis devoverim?”⁷⁰

(He [Hinguar] promises me life, which I do not care for. He promises me a kingdom, which I have. He would give me wealth, which I do not need. For these reasons should I now begin to serve two masters, I who have vowed before those present in my palace to live under only Christ, to rule under only Christ?)

His death on the tree is compared to that of Christ, invoking the image of a loyal retainer following the footsteps of his lord:⁷¹

Talique exitu crucis mortificationem, quam iugiter in suo corpore rex pertulit, Christi Domini sui secutus vestigia, consummavit.⁷²

(By departing from life, the king, following the steps of his lord Christ, consummated His death on the cross, as he had continuously suffered while in the flesh)

We propose, then, that Abbo’s description of Edmund’s final moments do not oppose pre-existing heroic values, but re-appropriates them in the light of a new heroism. The impulse that guides this new heroism and its adherence to divine authority is also a statement on the omnipotence of the Biblical God. War, or violence in general, might be one of the elements that sustains the divine authority of Óðinn who, like any other god of his pantheon, controls

⁷⁰ Abbo Floriacensis, *PASSIO SANCTI EDMUNDI REGIS ET MARTYRIS*, accessed June 25, 2021, <http://www.thelatinlibrary.com/abbofloracensis.html>.

⁷¹ This analogy somewhat mirrors the proposed reasoning behind the Uppsala sacrifices described later on in this chapter (See: p.37).

⁷² Abbo Floriacensis, *PASSIO SANCTI EDMUNDI REGIS ET MARTYRIS*, accessed June 25, 2021, <http://www.thelatinlibrary.com/abbofloracensis.html>.

designated areas of Germanic social life, and warmongering is essential to the retaining of his authority as a war god. The Biblical God on the other hand is the only sovereign of His belief system, and thus does not require validation for any particular facet of His abilities as His authority is not limited by the terms of His identity. This seems to have made a crucial difference in where and how His presence should be acknowledged in social practices concerning violence and war. King Edmund, likewise, can perform in the capacity of a different kind of warrior, one whose battle may win a more lasting renown than physical struggles. Hence the acknowledgement or compliance also, as we can see, differs in quality and quantity based on how essential it is to maintaining a divine-human binary. War, which is a validation of Óðinn as a war god, is essential as an acknowledgement of his power, and it is by emulating his war-like nature that the devotee maintains the human-divine binary, because the very act of offering his action to Óðinn marks him as non-divine/human. For the Christian God, battles need not be waged as the Christian God, being lord of all aspects, does not, firstly, require a human emulation of divine wrath as an offering, and secondly has a precedent of non-war related self-sacrifices as ideal offerings, enabling Edmund to become a hero (in emulation of Christ) even without holding weapons. Hence, here it is the emulation by the devotee that is maintaining the binary, albeit qualitatively differing in method depending on the nature of God.

The urgency of maintaining this binary so that a clearer difference between the divine and the human capacities of violence may be ensured, is reflected in the actions or practices dedicated to divine presences. The most obvious examples would appear to be the Crusades. However, we are excluding them on the ground that the divine authority was not the only power structure for whom it was conducted. Rather, the representatives of the authority, that is the Church, often intervened between the human and the divine, so it cannot be strictly called an exchange between the worshipper and the worshipped. We may also avoid them because examples of Crusades are relatively rare when it comes to war in the Early Germanic

literature we aim to examine in detail, as to our knowledge no pagan religious conflict was conducted on the scale of the Crusades initiated by the papal authority, and nor did the people of England or the Scandinavians join the Crusades until much later (Varangian guards being one of the few exceptions). The closest we come to religious wars are King Ólafur Tryggvason's conversion spree in Scandinavia, and King Alfred's efforts to convert defeated Viking rulers in England. Therefore, it would be incorrect to cite them as normative social practices, as much as any war might be. Hence, keeping in mind the particularity that such actions demand, we will discuss the influence of (the perception of) divine authority on violent social practices in relation to sacrifices which were conducted primarily for the satisfaction of divine figures. The 'human' figures' compliance with or defiance of the methods may better reflect the perception of divine figures than large-scale religious warmongering where dedication and purpose are both suspect.

This thesis is lacking in the sense that it fails to find any evidence supporting a connection between *blóts* or common sacrifices to the divine actions involving violence (such as any animistic belief regarding avoiding disaster by pleasing the gods). Yet, in methods of seasonal sacrifices and other kinds of sacrifices, we often find the probable presence of divine perceptions regarding violence. One example consists of two components, one material and one literary. Firstly, we may take as an example of possible human sacrifice the material evidence of a seal found in Greenland, which shows a man hanging from a tree (as well as a man being sacrificed on an altar) with Óðinn witnessing the scene.⁷³ And, secondly, we may relate this evidence to an account found in the writings of Adam Bremensis that speaks of human sacrifice in this exact manner, that is hanging the person sacrificed from a tree every nine years for a *blót* at the temple in Uppsala, where Óðinn was worshipped as a war god, along

⁷³ Nationalmuseet, "Human sacrifices?", accessed March 2, 2021, <https://en.natmus.dk/historical-knowledge/denmark/prehistoric-period-until-1050-ad/the-viking-age/religion-magic-death-and-rituals/human-sacrifices/>.

with Freyr and Þór.⁷⁴ In these events one may also find a parallel with Óðinn himself, who hung himself from a tree to fulfill his ambition.⁷⁵ Similarly, an emulation of divine actions through sacrifices may also be seen in *Hervarar saga ok Heiðreks*, where we see Gissur, commander of Heiðrek's army, throwing his spear over heads of the enemy soldiers and claiming them as sacrifices for Óðinn⁷⁶ (for further discussion of this episode, see: Chapter Eight, "Places and Performers", pp. 284-285); this calls to mind Óðinn's own action of throwing a spear to start the war against Vanir.⁷⁷

It may be speculated, then, that both methods of sacrifices are trying to mime the actions of the god for whom the sacrifices are made; while sacrificing by hanging may pay homage to Óðinn's quest of knowledge by doing the same, sacrificing one's opponents in war by throwing a spear over the enemies calls to mind Óðinn beginning the war between Æsir and Vanir by the same action; these methods of sacrifice may attempt to emulate two different aspects of Óðinn suited to the respective purposes for which the sacrifices are offered. The *blóts* by hanging are presumably arranged for wish-fulfillment as was the custom for Uppsala, and therefore the sacrifices follow a method whereby Óðinn got his own wish through hanging. The war-like Gissur throws the spear over his enemy's head, possibly emulating Óðinn's first action starting the war between Æsir and Vanir. These probable emulations, by virtue of their similarity with the method and purpose of Óðinn, may emphasise both the identity of the divine

⁷⁴ Adamus Bremensis, *Gesta Hammaburgensis Ecclesiae Pontificum*, IV.27, *intertexts.com*, accessed March 15, 2021, http://www.intratext.com/IXT/LAT0975/_P6T.HTM.

⁷⁵ S. 139, "Hovamol", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 91, PDF e-book. Óðinn hung himself from the World-Tree or Yggdrasil, as a sacrifice to himself,

⁷⁶ Hilda Ellis Davidson, *The Lost Beliefs of Northern Europe* (London and New York: Routledge, 1993), 98, PDF e-book (Taylor and Francis, 2002). Also see: 13 Kaffli, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

⁷⁷ S. 23, "Voluspó", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 23, PDF e-book.

figure ‘to whom’ these offerings are being made, and also state ‘why’ these offerings are being made. These specifications may also confer onto Óðinn the authority for accepting these sacrifices and considering the associated supplications. Such specific, if not potentially imitative, intentions may also be seen in the slaughtering of the pig at festivals of importance to Freyr,⁷⁸ whose prized carrier is a boar. Further, considering the association of divine authority with sacral kingship, such interpretations of offering sacrifices shed new light on the custom of the king eating horsemeat and swearing allegiance to Óðinn, as seen in “Sága Hakónar Goða”:

Sigurður Hlaðajarl var hinn mesti blótmaður og svo var Hákon faðir hans. Hélt Sigurður jarl upp blótveislum öllum af hendi konungs þar í Þrændalögum.

Það var forn siður þá er blót skyldi vera að allir bændur skyldu þar koma sem hof var og flytja þannug föng sín, þau er þeir skyldu hafa meðan veislan stóð. Að veislu þeirri skyldu allir menn öl eiga. Þar var og drepinn alls konar smali og svo hross en blóð það allt er þar kom af, þá var kallað hlaut og hlautbollar það er blóð það stóð í, og hlautteinar, það var svo gert sem stökklar, með því skyldi rjóða stallana öllu saman og svo veggi hofsins utan og innan og svo stökkva á mennina en slátur skyldi sjóða til mannfagnaðar. Eldar skyldu vera á miðju gólfi í hofinu og þar katlar yfir. Skyldi full um eld bera en sá er gerði veisluna og höfðingi var, þá skyldi hann signa fullið og allan blótmatinn. Skyldi fyrst Óðinns full, skyldi það drekka til sigurs og ríkis konungi sínum, en síðan Njarðar full og Freys full til árs og friðar...

Um haustið að vetri var blótveisla á Hlöðum og sótti þar til konungur....

En er hið fyrsta full var skenkt þá mælti Sigurður jarl fyrir og signaði Óðni og drakk af horninu til konungs. Konungur tók við og gerði krossmark yfir.

Þá mælti Kár af Grýtingi: "Hví fer konungurinn nú svo? Vill hann enn eigi blóta?"

Sigurður jarl svarar: "Konungur gerir svo sem þeir allir er trúá á mátt sinn og megin og signa full sitt Þór. Hann gerði hamarsmark yfir áður hann drakk."

Var þá kyrrt um kveldið.

Eftir um daginn er menn gengu til borða þá þustu bændur að konungi, sögðu að hann skyldi eta þá hrossaslátur. Konungur vildi það fyrir engan mun. Þá báðu þeir hann drekka soðið. Hann vildi það eigi. Þá báðu þeir hann eta flotið. Hann vildi það og eigi og var þá við atgöngu.

⁷⁸ Olof Sundqvist, *An Arena for Higher Powers: Ceremonial Buildings and Religious Strategies for Rulership in Late Iron Age Scandinavia* (Leiden and Boston: Brill, 2016), 351, PDF e-book.

Sigurður jarl segir að hann vill sætta þá og bað þá hætta storminum og bað hann konung gína yfir ketilhödduna er soðreykinn hafði lagt upp af hrossaslátrinu og var smjör haddan. Þá gekk konungur til og brá línúk um hödduna og gein yfir og gekk síðan til hásætis og líkaði horigum vel.⁷⁹

(Sigurður, the Jarl of Hlaðir, was one of the greatest sacrificial officiates (lit. “sacrifice-men” or “men for sacrifices”) and so had been Hakon’s father. Jarl Sigurður held sacrificial feasts on behalf of the king in Þrændalögum.

It was an ancient custom that whenever there would be a sacrifice the bondsmen would come to the place where the temple was, and bring with them all that they should require during the [sacrificial] feast. At that feast all men would have ale. All kinds of cattle were slaughtered there, and so were horses, and the blood that came from it [the slaughter] was called *hlaut*, and the bowls that blood was [kept] in were called *hlaut*-bowls, and [called] *hlaut*-staves were that which were made like sprinklers, with which the entire altar and the walls of the temple, both outside and inside, were sprinkled, and so were the men sprinkled over, but the flesh would be boiled for human celebration. The fire was in the middle of the floor of the temple, and there would be a kettle over it. The full goblets would be handed across the fires, and he who was the chief and the feast-giver would bless (lit. sign over) the full goblets and all the sacrificial meat. And first Óðinn’s goblet was drunk to the king’s victory and [continuation of] rule, and then Njarðr’s and Freyja’s goblets were drunk to peace and a good season...

Because of the harvest, towards winter there was a sacrificial feast at Hlaðir, and the king arrived there...

Now when the first goblet was filled, Jarl Sigurður spoke over it, and made the sign of Óðinn, and drank from the horn [the goblet] to the king. The king took it and made the sign of the cross over [the horn/goblet].

Then spoke Kár of Gryting, “What does the king mean by this? Will he not sacrifice?”

Jarl Sigurður answered, “The king is doing what you all do, those who trust in your might and strength. He is making a hammer’s mark⁸⁰ over the drink before drinking.”

Then it was quiet for the evening.

The next day, when the men sat down at the table (lit., ‘went to the board’), the land-owners persisted at the king, saying that he should eat the horse-meat (lit., ‘horse-slaughter’). The king would not do it at all (lit., ‘for no matter’). Then they bade that he should drink the broth. He [the

⁷⁹ Snorri Sturluson, 14 and 17 Kafi, “Hákonar saga Aðalsteinfóstra”, *Heimskringla*, accessed July 20, 2020, <https://www.snerpa.is/net/snorri/hakon-g.htm>.

⁸⁰ Þór’s sigil

king] did not wish to do that as well. Then they bade that he should eat the float[ing substance].⁸¹

He would not do that either, and they were ready to attack him.

Then Jarl Sigurður said that he would reconcile (lit., ‘settle/make a settlement for’) them, and bade them halt [their] fury; and he bade the king to inhale over the kettle’s handle, where the smoke had come up from the horse-meat (lit., ‘horse-slaughter’) and had [gathered] grease. Then the king went thereto and drew a linen-cloth over the handle and gasped over [it,] and afterwards returned to the throne, but neither party was satisfied with this.)

It is to be noted that the first goblet, filled with boiled sacrificial flesh, is said to be associated with or belonging to Óðinn, which is to be drunk to the King’s power and victory, potentially suggesting that the royal power is either preserved or augmented (or both) by Óðinn’s sanction. By receiving the goblet sworn over by the chief in the name of Óðinn, then, the king may be beholden to him for the power and victory he has achieved or will achieve. The newly-converted king, who seeks to continue his kingship with the sanction of the Christian divine authority, risks apostasy by performing a ritualistic acknowledgement of a pre-existing sanction that is in direct violation of one that he currently believes to be the reason behind his appointed kingship and its continuation. This may explain the gesture of the newly-converted King Hákon to draw a cross over the goblet of horse-meat sworn over in Óðinn’s name, so as to purify it, possibly to acknowledge the source from which he presumes to derive his authority to rule, i.e. Christ. The refusal to eat the sacrificial meat, moreover, may bother the subjects because of the king’s representational value at the feast. As Sundqvist points out, the rituals a ruler follows at a sacrificial feast, including sitting at the high-seat and partaking of the meal, try to mimic the activities of gods, thus making him a representative of divine authority.⁸² On the other hand, the feast itself is held by proxy, the chief serving as a host in Hákon’s stead; the animal supply for the sacrifice coming from his subjects, this also makes Hákon the sole

⁸¹ The fat/grease dripping from the meat.

⁸² Olof Sundqvist, *An Arena for Higher Powers: Ceremonial Buildings and Religious Strategies for Rulership in Late Iron Age Scandinavia* (Leiden and Boston: Brill, 2016), 288, PDF e-book.

representative of his subjects in this sacrifice. Hákon, then, becomes a mediator between his subjects and the pagan gods, as well as their representative. He offers the sacrifice on behalf of the subjects, and, based on what Sundqvist suggests about ritualistic mimicry (see: p.41), may also be accepting the sacrifice on behalf of the gods. It is unlikely that Hákon would like to be such a mediator, which is why he may have initially refused to eat the horse-meat on the second day, and the subjects threaten violence as Hákon, instead of mediating as he should, seems to destabilise the mediation by his refusal. This is why, possibly, Hákon, who is forced to compromise about the horse-meat to convince his subjects that he seeks sanction for his perseverance as a king from the divine authority of Óðinn, prefers to inhale over the unsworn kettle as opposed to the 'blessed' meat in the goblet as the latter could have seemed to him a more direct acceptance of a mediator's role; the subjects are unhappy with the outcome of the negotiation as they possibly understand the different significances of both actions, especially when the feast was probably meant to prove Hákon's allegiance to his forefathers' faith, as suggested by his subjects after his proposal for a mass conversion had been summarily rejected at Frostathing.⁸³ These nuances also lend credit to the outlawing of horse-meat consumption as an effective strategy to ensure the advancement of Christianity in Iceland. This is how the proceedings of a particular *þing* are described in *Brennu-Njáls saga*:

"Það er upphaf laga vorra," sagði hann, "að menn skulu allir vera kristnir hér á landi og trúá á einn guð, föður og son og anda helgan, en láta af allri skurðgoðavillu, bera eigi út börn og eta eigi hrossakjöt. Skal fjörbaugssök á vera ef víst verður en ef leynilega er með farið þá skal vera vítislaust."

En þessi heiðni var af tekin öll á fárra vetra fresti að eigi skyldi þetta heldur gera leynilega en opinberlega.⁸⁴

⁸³ Snorri Sturluson, 15 and 16 Kaffli, "Hákonar saga Aðalsteinfóstra", *Heimskringla*, accessed May 21, 2024, <https://www.snerpa.is/net/snorri/hakon-g.htm>.

⁸⁴ 105 Kaffli, *Brennu-Njáls saga*, accessed May 31, 2021, <https://www.snerpa.is/net/isl/njala.htm>.

("This is the beginning of our laws," he said, "that all men in [the] land must become Christians, and believe in one God, [the] Father, [the] Son, and [the] Holy Ghost, [and] let go of all idolatry, not expose children [to die], and not eat horse-meat. There would be a charge of lesser outlawry if such things are proved openly against any man; but if it is done secretly, then it shall be without penalty (lit., 'become penalty-less').")

But all this heathendom was all done away with within a few years (lit. winters), so that those things could not be done either secretly or publicly.)

By gradually coming to outlaw the sacrifices even when they are committed by stealth, Christianity denies the pagan gods the divine authority acknowledged through such symbolic practices. Therefore, these executions, being previously essential to the affirmation of divine authority, also play a significant role in the disintegration and dismissal of this authority when these executions are disrupted or criminalised. The sustenance (or lack thereof) of the social practices regarding violence influenced by the divine, then, is reflective of what is perceived as divine (and what can no longer be).

Direct Exchanges of/Engagement in Violence between the Divine and the Human: Divine Aid, Divine Participation and Divine Resistance/Conflict

Likewise, it is through the culturally-nuanced tropes of direct engagement between human or divine-identified figures that we may understand how violence may be responsible for setting the boundaries between the divine and the human. The interpretation of these tropes often forms the crux of shaping and dispelling the divine mystery with which divine authority is accredited. We can broadly categorise these tropes of direct engagement or exchanges regarding violence into three different types with regard to the reciprocity expected/returned by the human opponents/subjects of divine figures. Firstly, there are the punishments or rewards concerning violence where the human subject has either willingly or unwillingly done something in opposition to or in favour of a figure endowed with divine authority. Hence, the punishment or reward itself is a reciprocal act for wrath or favour incurred. We shall primarily discuss punishments in this clause, as in the previous sections of this chapter we have already

discussed the potential of divine figures as gift-givers. Secondly, the divine figure/ authority may wish to help or hinder someone in an act of committing or facilitating violence. This help or hindrance may either be a punishment or reward, or, may entirely be an unprovoked or unsolicited act, either as a mark of inherent favour/disfavour towards that individual or as something that serves the self-interest of the god/s in question. Here, also, the human individual is not expected to reciprocate this hindrance or help, though it may occur. Thirdly, we have the examples where presumably divine figures engage in combat with a human individual, expecting retaliation. Saxo Grammaticus, however, shows in different parts of his narrative that reciprocity in all cases is possible when Germanic gods are concerned, and uses that to justify his conviction of the Germanic pantheon being godheads pretending at god-hood. We shall see how far his arguments hold up in light of the literary examples we will use to discuss the aforementioned kinds of direct exchanges involving violence between the human individual/s and the divine figure/s.

The punishment often comes as a consequence of going against divine authority and thereby angering God/gods. A remarkable difference may be seen here in the way the Germanic pantheon and the Christian God are seen implementing their wrath, and the reasons for which they implement it. The differences in these factors, in turn, may indicate a change in cultural perception/s of divine authority. Mark S. Smith, when talking about divine wrath in the context of divine anger, describes several models of relationship between the Old Testament God and the Jews that define the reasons for which divine wrath is unleashed in form of divine punishment on the latter; violation of divine authority broadly defines them, but the cause of the wrath could be many, including turning away from divine love, which could also have the consequence of God turning away from His followers.⁸⁵ Given the meteorological nature of

⁸⁵ Mark S. Smith, "Why is God Angry in the Bible?", *How Human is God? : Seven Questions about God and Humanity in the Bible* (Liturgical Press: 2014), 42-54, PDF e-book.

the Christian divine manifestations,⁸⁶ natural calamities are often the chosen method of divine punishment,⁸⁷ though human action, as well as being a cause of His punishment or a manifestation of this wrath, may also play a part in executing this punishment.⁸⁸ For example, *The Wanderer*, as per the meteorological formulae of Biblical punishments, describes an apocalyptic scenario that juxtaposes a physical disintegration of people and places caused by divine authority with the breakdown or disappearance of moral boundaries and heroic values,⁸⁹ which may imply that the disappearance of former moral boundaries may be a result of the collapse of heroic values. God's destructive actions, as mentioned here, may also refer to the general passing of time, but the poem ends on a distinctly apocalyptic note which suggests that they are linked to a greater purpose- "*eal þis eorþan gesteal idel weorþeð!*"⁹⁰ (All [of] the foundation of the earth is (lit., 'becomes') ruined!). The foundation cannot be ruined without God's will, and the possibility of it being a punishment becomes more likely when it is preceded by a widespread collapse of the heroic world. Hence, in comparison with the example of Babylonian captivity as God using human action as punishment, an interesting conjecture may be made about these lines: "*nipeð nihtscua, norþan onsendeð/ hreo hæglfare hælepum on andan*"⁹¹ (Night-shadows darken, from north [one] sends [a] grim hail-storm, malice to

⁸⁶ Exodus 19:16, *Bible*, accessed June 25, 2021, <https://biblehub.com/exodus/19-16.htm>. Also see: Exodus 20:18, *Bible*, accessed June 25, 2021, <https://biblehub.com/exodus/20-18.htm>. In both cases Moses interacts with God whose presence is declared through thunder, lightning and a mountain covered with smoke.

⁸⁷ Genesis 19:24, *Bible*, accessed July 10, 2021, <https://biblehub.com/genesis/19-24.htm>. Also see Genesis 17, *Bible*, accessed July 10, 2021, <https://biblehub.com/genesis/17-17.htm>. The verses refer to fire and brimstone on Sodom and Gomorrah and the Great Flood, respectively.

⁸⁸ Jeremiah 35:17, *Bible*, accessed July 10, 2021, <https://biblehub.com/jeremiah/35-17.htm>. This verse, where God threatens to bring disaster on the Jewish people for not obeying his words, refers to the Babylonian captivity.

⁸⁹ ll. 92^a-110^b, *The Wanderer*, accessed May 10, 2020, <http://www.oldenglishtaerobics.net/wanderer.php>.

⁹⁰ l. 110, *ibid.*

⁹¹ ll. 104^a-105^b, *ibid.*

warriors). That God, among His other apocalyptic actions, may be credited with sending a hail-storm from the north, seems to accord with the idea of natural calamities as punishments, but this hail-storm, besides being a natural calamity, may also refer to the human storm from the north that was raging over England in the 10th Century AD (approximately the time when the only discovered copy of *The Wanderer* was written down⁹²) in the form of Viking attacks. Crediting God's apocalyptic impulse with enabling Viking attacks, or, at least not stopping them because they were deserved, is bolstered by the works of noted Old English writers like Alcuin, Wulfstan and several other clerics (the unknown one/s who wrote the *Blickling Homilies*, for example) who considered the Viking attacks to be divine punishment for the immoral practices of the English, and additionally saw them as a warning sign of the impending apocalypse at the end of the millennium. When placed within the apocalyptic world of *The Wanderer*, the collapse of the heroic ideals, as described in the poem, stands out even more as a symbol of the inexorable progress of the moral corruption that is systematically ruining the heroic world of yore, and thus validates the 'hailstorm from the north' as a just punishment from God. An acknowledgement of collective responsibility is required to accept the apparently-indiscriminate nature of this punishment, since the principal targets of the attacks were the monasteries with unarmed priests and nuns, thereby cancelling any surety a bystander could have had by taking a moral high-ground. Hence, while only a few may be guilty of violating divine authority or divine law, all are to be punished by it, and the sack of the religious institutions, when connected to the apocalyptic explanation of the Viking attacks helps to convince the secular lay populace of the need to accept the collective nature of the punishments. The fact that such institutions were attacked despite being strongholds of Christianity and housing religious and learned people who should have been least guilty of moral corruption does not only emphasise the collective responsibility that Christians must take, but also

⁹² *The Wanderer's* only known copy survives in The Exeter Book, a manuscript ascribed to the late 10th century.

highlights the severity of the punishment and therefore of the need to pacify God using various means. Hence, Alcuin writes to King Ethelred of Northumbria and his chief men about the measures that should be undertaken if they wish to preserve England in such turbulent times, pleading with them to take lessons from the way divine judgement is sparing no one, and to assume collective responsibility for sins committed; Alcuin suggests that the crisis may be averted if, by setting good examples of Christian conduct to their people, Ethelred and his men manage to attract divine mercy:

Behold, judgment has begun, with great terror, at the house of God, in which rest such lights of the whole of Britain. What should be expected for other places, when the divine judgment has not spared this holy place? I do not think this sin is theirs alone who dwell in that place. Would that their correction would be the amendment of others, and that many would fear what a few have suffered, and each say in his heart, groaning and trembling: "If such great men and fathers so holy did not defend their habitation and the place of their repose, who will defend mine?" Defend your country by assiduous prayers to God, by acts of justice and mercy to men.

...Have decent habits, pleasing to God and laudable to men. Be rulers of the people, not robbers; shepherds, not plunderers. You have received honours by God's gift; give heed to the keeping of His commands, that you may have Him as a Preserver whom you had as a Benefactor. Obey the priests of God, for they have an account to make to God, how they admonish you; and you, how you obey them. Let one peace and love be between you; they as interceders for you, you as defenders of them. But, above all, have the love of God in your hearts, and show that love by keeping His commandments. Love Him as a father, that He may defend you as sons. Whether you will or not, you will have Him as a judge. Pay heed to good works, that He may be propitious to you.⁹³

This instruction also accords with what Mark S. Smith says about the relationship between divine anger and divine mercy: as the first may induce acknowledgement of sins in the human, so may the second be induced by the repentant actions by the human,⁹⁴ making it a conversation

⁹³ "Alcuins brev til Æthelred, konge af Northumbria, 793", *Aarhus Universitet*, accessed July 21, 2021, <https://danmarkshistorien.dk/vis/materiale/alcuins-brev-til-aethelred-konge-af-northumbria-793/>. Text is based on: *English historical documents vol. I. c. 500-1042*, ed. Dorothy Whitlock (London, 1968). Original Latin text could not be accessed.

⁹⁴ Mark S. Smith, "Why is God Angry in the Bible?", *How Human is God?: Seven Questions about God and Humanity in the Bible* (Liturgical Press, 2014), 50, PDF e-book.

in the truest sense. King Ethelred is the representative of the secular authority that is sanctioned by God, and it is his fulfillment of the duties assigned to him thereby that can presumably assure God of the English people's acceptance of their collective responsibility, and thus make Him cease inflicting his punishments, showing divine mercy.

Such collective responsibility and communal punishment for actions of others are largely absent from Icelandic narratives regarding pagan cultural practices. Though king Hákon's refusal in "Hákonar saga Aðalsteinfóstra" to eat horse-meat and the panic of the congregation thereafter might seem an exception to this, it is possible that Hákon's subjects are anxious because his refusal carries more chance of offending the gods than that of any of his subjects as he represents the collective (see: pp.41-42). Hence, just as Ethelred's representative actions might bring about the exercise of mercy by the Christian God, Hákon's refusal of Óðinn's grace on his subjects' behalf might invite Óðinn's wrath. For the most part, thus, we see the Germanic god/s punishing the individual or the group responsible for the crime/s they have committed, rather than the entire collective they are a part of. Moreover, there are instances of the god/s as judges collecting evidence before punishing the suspected individuals,⁹⁵ which makes their judicial procedure more human. On the other hand, the Christian God intends only to test by these measures the loyalty and devotion of his followers, whereas a more decisive stance is shown in His dealings with the morally corrupt. While drawing a comparison between how divine authority regarding punishments performs, respectively, in the case of Germanic paganism and Christianity, these differences in determining crimes and implementing punishments may also support Saxo's argument to prove

⁹⁵ See "Grimnismol", where Óðinn's protégé Geirröð is accused of being inhospitable by Freyja. They decide to test the validity of this accusation by sending news to Geirröð that a wizard seeks to harm him. A panicked Geirröð decides to imprison Óðinn when he appears in the guise of an old wizard, forgetting the rules of hospitality. Óðinn endures the torture for days, selects his kind-hearted son as a replacement, and lets Geirröð fall on a sword. "Grimnismol", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 124-127, PDF e-book; S. 54, *ibid*, 150.

the Germanic gods as being false or inferior when compared to the Christian God, since by the limitations of their actions their wrath and its consequences seem to mirror more closely a secular judicial system than an omniscient and omnipotent authority. This is further proven by the fact that god/s can be punished by other gods in Germanic paganism,⁹⁶ a faculty redundant in Christianity; this is so not only because the Christian God is projected an ideal of perfection, but also because the Christian God, being one and only, prevents the crisis of ascendancy or hierarchy of power that may arise from figures of divine authority having the ability to punish each other. It is, perhaps, for this reason that Saxo tries to include a narrative of Óðinn being punished in the *Gesta Danorum*,⁹⁷ as he tries to systematically dismiss any connection between omnipotence and Óðinn as the leader of the godheads.

The agency for both pagan gods and the Christian God, however, differs in various aspects when it comes to the application of divine wrath in the case of helping or hindering people indulging in violence. Though such help and hindrance, as previously noted, can be in the form of punishments and rewards, such help is principally focussed on the action taking place between two individuals or on a battlefield, meaning they usually differ from punishments in the sense that the divine figure/s itself/themselves is/are not delivering the judgement but choosing to be a factor in the deliverance of the judgement by aiding people responsible for executing it. Such aid, depending on the nature of the power the divine agent is endowed with, may have a personal and public divide. Aid lent by the Christian God, as per

⁹⁶ See Loki's punishment, in: S. 50, "Lokasenna", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 230, PDF e-book.

⁹⁷ Óðinn's punishment is for violating Wrinda, with whom he produces Bous. However, it is not clear whether the nonconsensual act itself or the fact that he does so wearing the dress of a *völva* is more abominable to the gods. See this chapter's section on gendered performances or gender roles influencing the same in gods. See: Saxo Grammaticus, "Book Three", *Danish History I-IX*, eds. Douglas B. Killing and David Widger, *Project Gutenberg*, accessed July 1, 2021. <https://www.gutenberg.org/files/1150/1150-h/1150-h.htm>, Based on *The Nine Books of the Danish History of Saxo Grammaticus*, trans. Oliver Elton (New York: Norroena Society, 1905). Latin original could not be accessed.

the models of divine wrath drawn up by Mark S. Smith, can be categorised as a manifestation of favour, or a projection of God's anger on behalf of His beloved tribe/nation, where God works as a warrior on behalf of His people⁹⁸ (like Moses acting as a commander under his *æþeling*, or the Christian God⁹⁹), as opposed to His absolute role/s as the Judge and the Executioner in punishments where He unleashes His wrath. Those who are marked as favoured by God, also, are justified in receiving the aid as a reward for their abiding by God's laws, whereas those who are punished are seen as having acted against God's wishes, and therefore being less or not at all deserving of God's aid or mercy. On the other hand, it is not very easy to determine the causes of help or hindrance where Germanic gods are concerned. This is because there is no substantial standard of acceptable behaviour for us to refer to if we wish to pinpoint the exact kind of abidance or transgression that led the individual/s in concern to be favoured or disfavoured enough to merit, respectively, help and hindrance. What does not help, moreover, is that the gods themselves are often in conflict about what correct behaviour is (like Þór and Óðinn debating whether Þór's slaying of Berserkers' wives was right or not¹⁰⁰), and blur the moral parameters they set for themselves,¹⁰¹ especially in the later accounts by Christian writers (which, as described before, may pertain to the Christian agenda of undermining the pagan Germanic divine authority). Unlike the Christian God, then, they can be hardly called just in their choice of a favoured party in a battle or combat, and more so as their personal ambitions, which, for lack of a better word, are "human-like", are likely to play

⁹⁸ Mark S. Smith, "Why is God Angry in the Bible?", *How Human is God?: Seven Questions about God and Humanity in the Bible* (Liturgical Press, 2014), 42-54, PDF e-book.

⁹⁹ Il. 8-18, *Exodus*, accessed October 12, 2021, <http://people.ucalgary.ca/~mmcilli/ASPR/Exfram.htm>.

¹⁰⁰ Ss.37-39, "Harbathsljoth", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 182-183, PDF e-book.

¹⁰¹ Óðinn thinks it shameful as Berserker's wives are women after all, but Þór disagrees because he considers them "she-wolves" who tried to harm him, and not women in a proper sense.

a role in the choice. Nor is it always clear which impulses they are acting under, and whether they are in full control of that impulse. Therefore, the help itself is not always certain for the favoured party, and, unlike in the case of Jews, this “help” might change direction with no indication whatsoever of any transgression on the part of the previously favoured. Óðinn breaks his descendant Sigmundur’s sword in the middle of a battle, which the narrator points at as the turning point of Sigmundur’s luck, whose sword was originally a reward won from one of Óðinn’s tasks:¹⁰²

Og er orrusta hafði staðið um hríð þá kom maður í bardagann með síðan hatt og heklu blá. Hann hafði eitt auga og geir í hendi. Þessi maður kom á mót Sigmundi konungi og brá upp geirinum fyrir hann og er Sigmundur konungur hjó fast kom sverðið í geirinn og brast í sundur í tvo hluti. Síðan sneri mannfallinu og voru Sigmundi konungi horfin heill og féll mjög liðið fyrir honum.¹⁰³

(And when the battle had been going on for a while, there came a man into the battle with a black hood and black cloak. He had one eye, and a spear in hand. This man confronted King Sigmundur and raised up the spear against him. And when King Sigmundur hit it fast, the sword met the spear and burst asunder into two parts. After this the chance for slaughter changed, and luck came to be lost for King Sigmundur, and many of his folk fell for him.)

From the Christian perspective, then, it would appear that the Germanic god/s are neither morally resolute nor sovereign enough to make an informed choice while helping or hindering someone, nor are they straightforward enough to state their reason. In the 14th century *Bárðar saga Snæfellsáss*, therefore, when the hero Gestur invokes his father Bárður to help him in his fight against the *draugr* Raknar, the pagan Bárður fails, but once Gestur promises to convert to Christianity and calls for King Ólafur, King Ólafur himself appears and enables him to dispose of the *draugr*.¹⁰⁴ However, Bárður does seem to be able to blind his son for abandoning his

¹⁰² 3 Kafli, *Völsunga Saga*, accessed May 10, 2022, <https://www.snerpa.is/net/forn/volsung.htm>. Óðinn sticks his sword in a tree and declares the one able to pull it out will have it as a gift from him, which Sigmundur does.

¹⁰³ 11 Kafli, *ibid*.

¹⁰⁴ 20 Kafli, *Bárðar saga Snæfellsáss*, accessed May 11, 2022, <https://www.snerpa.is/net/isl/b-snae.htm>.

ancestral faith when Gestur, as per his promise, is baptised.¹⁰⁵ If Bárður is an icon of paganism here, then the nature of divine power credited to the Germanic pagan gods appears to be inherently petty, fickle and malicious, as they do not help or are not capable of helping their followers when the time calls for it, yet their followers are powerful enough to ‘avenge’ others’ abandonment of their faith. The uncertain nature of their help, then, when it leads to failure of those they are to aid, also challenges their divine authority, and this effect often translates into a statement of their false godhood and inferiority.

This potential of vulnerability or being defeated, likewise, makes a compelling argument for separating the human from the divine where direct engagements of the human and the divine are concerned. In the case of the Christian God, His omnipotence is an unconditional trait of His existence, and, moreover, He has no definite form, making it impossible for Him to be harmed by human beings. Further, in known records of Christian history God rarely engages with humanity in an act of violence unless it is to punish or to aid/hinder it, none of which involves revealing His presence when and where the act of violence is taking place. As we have established, His omnipotence, and His worshippers’ acknowledgement of it, guarantee that there will be no scope for reciprocity from His human subjects. This expectation of the lack of reciprocity, in turn, invalidates any possibility of His defeat. The extant texts which are closest to the age of conversion yield a similar image of Óðinn and the fellow members of his pantheon. Though they can engage in reciprocal violence with other mythical creatures, rarely do they engage in such acts with human beings, and, when they do, the violence the human beings inflict on the divine figures is rarely tolerated by them unless they so wish, as when in “Grimnismol” Óðinn endures being imprisoned and tortured by Geirröð while waiting for the latter’s eventual demise.¹⁰⁶ Snorri, who elsewhere tries to

¹⁰⁵ 21 Kaffli, *Bárðar saga Snæfellsáss*, accessed May 11, 2022, <https://www.snerpa.is/net/isl/b-snae.htm>.

¹⁰⁶ “Grimnismol”, Poetic Edda: Old Norse- English Diglot, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 124-127, PDF e-book.

resolutely humanise the pagan gods, also portrays Óðinn as invincible, and tacitly justifies the later deification of Óðinn the human by invoking his ability to ‘bless’ the warriors who asked for his help before going to war.¹⁰⁷ It is with no little delight, then, that Saxo pronounces that the godheads, avenging Balder (Baldr) are unable to defeat Hother (again, not even a godhead in *Gesta Danorum*, unlike his Eddic counterpart Höður who is a son of Óðinn in the *Poetic Edda*) because they themselves are human:

However, Thor was swinging his club with marvellous might, and shattered all interposing shields, calling as loudly on his foes to attack him as upon his friends to back him up. No kind of armour withstood his onset, no man could receive his stroke and live. Whatsoever his blow fended off it crushed; neither shield nor helm endured the weight of its dint; no greatness of body or of strength could serve. Thus the victory would have passed to the gods, but that Hother, though his line had already fallen back, darted up, hewed off the club at the haft, and made it useless. And the gods, when they had lost this weapon, fled incontinently. But that antiquity vouches for it, it were quite against common belief to think that men prevailed against gods. (We call them gods in a supposititious rather than in a real sense; for to such we give the title of deity by the custom of nations, not because of their nature.)¹⁰⁸

Here Saxo clearly points out the over-dependence of the pagan gods on external sources of strength like Þór’s club, without which they are rendered helpless. Although such dependence on weapons is suggested in *Thrymskvitha* where Loki convinces Þór that the hammer in the giants’ hands could mean an expulsion, at least, of the pagan gods from Asgard, it never comes to fruition, and the power of the weapon remains the focus rather than a potential defeat of the gods. Saxo may have taken and expanded on the idea that the pagan gods can be defeated in certain circumstances, and manifested this reality in his work. Even if we note the propagandist tone and the deliberate interpolations to further an anti-pagan agenda, we have observed some

¹⁰⁷ Snorri Sturluson, 2 Kaffli, “Yinglinga saga”, *Heimskringla*, accessed September 10, 2021, <https://www.snerpa.is/net/snorri/yngrl-sag.htm>.

¹⁰⁸ Saxo Grammaticus, “Book Three”, *Danish History I-IX*, eds. Douglas B. Killing and David Widger, *Project Gutenberg*, accessed July 1, 2021, <https://www.gutenberg.org/files/1150/1150-h/1150-h.htm>. Based on *The Nine Books of the Danish History of Saxo Grammaticus*, trans. Oliver Elton (Norroena Society, New York, 1905). Latin original could not be accessed.

clear indicators in his denouncement of the pagan gods about what factors could be involved in making or breaking a divine identity. Hence, this trait of vulnerability with respect to an act of violence is also one of the tools Saxo uses to prove that the Germanic pantheon, after all, consists of powerful mortals pretending at being divine. This is explored in greater detail in many of the late fourteenth-century texts like *Bárðar saga Snæfellsáss*, which we have already cited as an example of the uncertain and fallible nature of the pagan gods' help (see: pp.51-52 of this thesis). The saga also features an episode where Óðinn himself appears as a man called Rauðgrani to Gestur on his boat-journey to Raknar's barrow, tries to preach heathenism to his crew, and plunges overboard when Jósteinn, the priest in Gestur's company, places a cross on his head.¹⁰⁹ The nature of this banishment further strips Óðinn of his presumed 'Godhood', and he is reduced to the status of a being which can be exorcised. The comical effect this produces is not unintentional, as encounters with pagan gods are often shown to be productive of humour in fourteenth century literature. A similarly comic event of exorcism may be seen in *Ögmundar þátttr*, where the main character Ögmundur's brother Gunnar challenges Freyr, likened to a demon residing in a wooden idol, and is able to defeat the latter when he resolves to convert to the true faith when he goes back to Iceland (refer to Gestur's fight with Raknar in *Bárðar saga Snæfellsáss*. See: pp.51-52 of this thesis):

Freyr réðst þá úr vagninum og taka þeir fang og verður Gunnar mjög aflvani. Hann sér að eigi mun svo búið duga. Hugsar hann þá fyrir sér ef hann getur yfirkomið þenna fjanda og verði honum auðið að koma aftur til Noregs að hann skal hverfa aftur til rétrar trúar og sættast við Ólaf konung ef hann vill við honum taka. Og þegar eftir þessa hugsan tekur Freyr að hrata fyrir honum og því næst fellur hann. Hleypur þá úr líkneskinu sá fjandi er þar hafði í leynst og var þá tréstockur einn tómur eftir.¹¹⁰

¹⁰⁹ 18 Kafli, *Bárðar saga Snæfellsáss*, accessed May 11, 2022, <https://www.snerpa.is/net/isl/b-snae.htm>.

¹¹⁰ *Ögmundar Þátttr Dytts*, accessed January 10, 2022, <https://www.snerpa.is/net/isl/dytts.htm>.

(Then Freyr rose from the carriage, and they took to wrestling, and Gunnar became greatly weakened. He then saw that the circumstance did not suit him. He then thought to himself, if he could overcome this fiend and return to Norway, he would return to the true faith and reconcile with King Ólafur if he would take Gunnar back, and immediately after that Freyr hurried before him and fell. Then the fiend who had hidden in the idol jumped out of it, and the idol was left empty.¹¹¹)

Both cases highlight that the pagan gods can be defeated by the power invested in Christian authority, and undermine, by giving the event a comical cast, the authority the pagan gods are supposed to be invested with. We would like to recall how one of our primary objectives for this chapter was to find whether violence can be a determinant factor or not in separating the divine from the non-divine (and if yes, then in which ways). We hope that an answer has been provided through the examinations of the literary examples discussed in this section.

Conclusion

Considering our examination of communication between the human and the divine elements in Early Germanic literature in these two capacities, that is indirect and direct exchanges, we have tried to establish in this chapter how violence has the capacity of being both an instrument in that communication, as well as defining the roles of those engaged in those conversations. The potential of violence as a communicative device in the meaningful exchanges between the perceived divine and the human, in the ‘indirect exchanges’ section of this chapter, has been assessed through a brief overview of the human influence on the perceived divine through *comitatus*, gender and kinship, and the influence of the perceived divine on the human through social practices such as juridical punishment, war and sacrifice, so as to showcase the ability of violence to convey meanings even when the participants (that is, the human and the divine) are not both explicitly engaged in it at the same time. Likewise, in the ‘direct exchanges’ section of this chapter, we have discussed how the contemporaneous definitions of human and the perceived divine, as well as the expected dynamic between the

¹¹¹ Freyr/ ‘fiend’ was possessing the idol, and he used its material form to fight with Gunnar.

two, are demonstrated by the meaningful exchanges that occur through their, that is, the human and the perceived divine's, very direct and explicit collaborations and conflicts in violent actions. Keeping our findings in mind, then, we think, it would not be amiss to say that violence is indeed capable of forming and controlling a unique dialogue between figures of divine authority and the humans who perceive them.

Section One: Defining Violence: Figures of Authority

Chapter Two: The Church, Conversion and Conflict

Introduction

It seems rather self-explanatory to have the chapter on the Church (throughout this thesis, the initial letter/C of the word ‘church’ would be made capital when referring to the institution and not a building) titled thus, firstly, because the naming emphasises the kind of authority whose connection with violence we will discuss in this chapter, and, secondly, because it also discloses the strategies of the Church that we shall make use of in this discussion. That is to say, the title hopes to convey that it is primarily through the aspects of conversions of and conflicts with the religious other that we shall assess the potentiality of violence as a tool of communication and control by the Church. These aspects of conversion and conflict are chosen precisely because they aid the Church in establishing control over the religious other it seeks to communicate with, lending themselves well to discussions of Church-legitimised violence as a communicative device that establishes, affirms and consolidates Church’s power. Christianity, the leverage behind the Church, is an evangelical system of faith, which is to say that the method for any further conquest for the Church over those who are not already within its control is also conversion, and, endorsing the narrative of the return of the Prodigal Son as metonymy for the non-practising to return to the fold in a similar manner, can also be seen as conquest by conversion. In this light we can also see conflicts with the religious other, where war or violence wrought in the name of religion aims at subduing the non-believers and dissenters into either obliteration or conversion. If conversion, then, is defined by its function of making people conform to certain ideals, and violent religious conflict by its intent to punish those who do not, the terms ‘conversion’ and ‘conflict’ do well to convey two primary functions of the power-structure that is the Church.

The question, then, might come regarding the relevance of dedicating a chapter to the function of the Church alone in the thesis’ section on figures of authority, especially when the

idea of the Christian God is shown to exert itself through the Church's perception of violence in the first chapter "Gods and Monsters". Our response to such a query is that, though the mechanisms whereby the Christian God and the Church implement their authority might seem similar, the driving impulse, as well as expected result for the two might differ. The Church, in order to exert its influence as the mouthpiece of the Christian authority, had to justify and sustain this right of representation before those it sought to control through its role as said mouthpiece; this is because the parish's conviction of the Church's right to represent the Christian God, and the Church's ability to maintain the parish's conviction in the Christian God's supremacy, were naturally interdependent, especially in the early phase/s of Christianity in these Germanic cultures. Unlike divine figures who cannot openly or discreetly solicit, without inviting scrutiny, the help of other presumably lesser authorities lest their own be questioned, the Church works hand-in-hand with the polity and the Law to secure its position, as do they to ensure theirs. One example of this is given by Yorke regarding the sharing of power between the Bernician rulers and the Deiran clergy in Northumbria, whereby a settlement is reached by the two royal lines that share a bloody history;¹¹² the fact that choosing clergy from Deira is potentially political appeasement of the Deiran faction tells us that the power of the Church in Early Germanic cultures, as opposed to being detached from the polity in all matters except instilling moral values, was seen as complementary to the power held by the polity.

Framework of the Chapter

It stands to reason, then, that we do not evaluate the Church's potential as an authority to exert influence over its subjugates through violence (and, in turn, be influenced by it) only in the capacity of representing the Christian God's word, but, aside from that, also in the

¹¹² Barbara Yorke, *Kings and Kingdoms in Early Anglo-Saxon England* (London and New York: Routledge, 1990), 80.

capacity of an institution with an agenda of its own, to whom this representation, in addition to being a purpose, also becomes an instrument. We duly divide this chapter into two major parts as we do the other two chapters in the section on authorities; the first part will elaborate on the indirect exchanges between the Church and its subjugates concerning violence (where the Church and its authority on the one hand and its subjugates on the other, are not directly participating in violent interactions) within an Early Germanic literary context, and the second part will, likewise, discuss the direct exchanges between the Church/its authority and its subjugates involving violence, where we will observe how violence is used as a communicative tool between the Church and its representatives and those with whom they exchange violent interactions.

Indirect Exchanges(A)- The Secular Influences the Church

The part on indirect exchanges we divide into two further lines of discussion, where the first portion will comment on how secular and social norms and networks might have affected the views of the Church as an institution towards violence, using gender, *comitatus* and kinship as examples, and the second portion will comment on how the perception of the Church as an institution might have affected the secular and social norms and practices regarding violence, using legitimised punitive violence, sacrifice, and warfare as examples.

Regarding gender, the interaction of pre-existing notions and the Christian ideas of women make for a complex reading and representation of women and violence in the Church/Church-influenced narratives. Regarding active roles in violence, women, though never having the same rights of men in any of the Early Germanic societies, were admonished in a similar way in secular law, and, as noted in the first chapter, the act of women taking up weapons was found to be undesirable in both Early Germanic pagan and Christian contexts. However, though opposed to violent acts committed by women when they had other means at their disposal (read: men), and against unprovoked violent acts in general by said women, the Church in early

Germanic societies often seems to make allowance for the prevalent social norms regarding women even when they involved violence. For example, Guðrún, who has driven through her goading many men to their early death, becomes the first nun of Iceland.¹¹³ Likewise, Gregory of Tours, while very vocal on kin-slaying, does not criticise Clotilda's action of sending her sons to kill her cousins so that her father may be avenged.¹¹⁴ It is clear, then, that the norms that did not actively oppose the Church mandates were tolerated. This often led to the Church expressing its own values about gender and violence through motifs common in Early Germanic cultures.

The Church, then, for similar cultural reasons, can be seen taking an integrative view towards the principles of *comitatus* in certain circumstances. As seen in last chapter, not only are the tropes associated with *comitatus* (see: p.3 of the thesis to see the thesis' interpretation/utilisation of this term) often utilised in a figurative manner within the religious literature designed to instruct the newly-converted, so as to ease them into their new faith, but, rather, these parallels may also become a cultural constant, as depicted in motifs of *comitatus* in the dynamic between divine figures and prophets/saints (see: Chapter One, "Gods and Monsters", pp.34-36 and p.17, regarding discussions on *Passio Sancti Eadmundi* and *Genesis*, respectively). The common principles of groups such as the *comitatus*, moreover, do not interfere with, but, rather, enshrine and accommodate the rights of the Church, as a stable social system with mutual liabilities between a lord and his followers, in various kinds of *comitatus*, ensures accountability, thus minimising any damage by secular figures of power as long as the State-mechanisms defer to the power of the Church. It is not without reason, then, that the holy

¹¹³ 78 Kaffli, *Laxdæla saga*, accessed October 10, 2021, <https://www.snerpa.is/net/isl/laxdal.htm>.

¹¹⁴ Gregory of Tours, *History of the Franks: Books I-X*, trans. Ernest Brehaut (1916), ed. Paul Halsall, *Medieval Sourcebook* (Fordham University, 1997), III.18, accessed January 5, 2021, <https://sourcebooks.fordham.edu/basis/gregory-hist.asp#book3>.

bishops who were requested to advise Alfred on the making of his legal codes, ask him to be lenient in all things except one:

...halegra biscepa and eac oðerra geðungenre witenas. hie ða gesetton for ðære mildheortnesse. þe crist lærde æt mæstra hwelcre misdæde. þætte ða weoruldhlafordas moston mid hiora leafan buton synne æt þam forman gylte þære fiohbote onfon. þe hie ða gesettan buton æt hlaforðsearwe hie nane mildheortnesse ne dorston gecweðan. forþam ðe god ælmihtig þam nane ne gedemde þe hine oferhogodon. Ne crist godes sunu þam nane ne gedemde þe hine to deaðe sealde. and he bebed þone hlaforð lufian swa hine.¹¹⁵

(The holy bishops and also the other virtuous counsellors set it thus, from the mild-heartedness which Christ taught, that for the greatest misdeeds the worldly lords might, with their leave, and without sin, accept compensatory money for the first offence. This they decided, except for the cases of betrayals of lords, where they dared not show any mild-heartedness, because the almighty God did not judge those who hated him, nor did Christ judge those who had sent Him to his death, and He bade us to love God as we love Him.)

The fact that the Church authorities, intent upon advising Alfred to mime the mercy shown by Christ, do not find it excusable to betray a lord, indicates that in this case, at least, they consider the merciful actions of Christ not imitable; that is to say, they view the betrayal of Christ in the same way that the Secular would perceive the betrayal of *comitatus*, thus validating this exemption. These attitudes are observed by Haki Antonsson in the trope of the Princely Martyr in the Scandinavian hagiographies, where a Christ-like ruler/lord is often betrayed (and thus inducted into martyrdom) by a Judas-like follower or associate.¹¹⁶

Kinship in Christian early Germanic societies was possibly held in as much regard as it was in pre-Christian Germanic societies, though severity of punishments prescribed to offences involving kin-groups could differ based on the importance kinship liabilities could have in a

¹¹⁵ *Prologue to the Laws of King Alfred: An Edition and Translation for Students*, 49.7, ed. Jay Gates, accessed May 30, 2020, <https://www.heroicage.org/issues/18/gates.php#:~:text=The%20prologue%20to%20Alfred's%20lawcode,Christian%20law%E2%80%94to%20the%20English.>

¹¹⁶ Haki Antonsson, *St. Magnús of Orkney: A Scandinavian Martyr Cult in Context* (Brill, 2007), 23-30, PDF e-book.

society. Anglo-Saxon canon law often mirrors the punishments in secular law for any violence committed for or against the kin-group, although in addition to paying monetary compensation the convict is also required to undergo penance. In the legal context of Church authority, then, penance becomes as much a currency as monetary compensation to suppress feuds: in this, as well as in aspects of gender and *comitatus*, the authority the Church implements in regulating the meaning of kinship with respect to violence does not majorly modify or violate the secular perception of the relationship between kinship and violence, but rather tries to integrate itself with it, or add to its nuances. Further evidence of this may be found in the attempt of the Church to integrate spiritual kinship into the kin-group liabilities, whereby a godparent is responsible for the protection of their god-child; secular law, likewise, honours this addition, and drafts customs for *wergeld* to be paid to such relations according to the prevailing customs. In Ine's laws, the *wergeld* to be paid for a godson or a godfather follows a hierarchy of social status (of the godparent or godchild who is to receive the settlement), as would the same to be paid for a follower to his lord:

6. [Be godfæderes oððe godsunes slæhte.]

Gif hwa oðres godsunu slea oððe his godfseder, sie sio mægbot 7 sio manbot gelic; weaxe sio bot be ðam were, swa ilce swa sio manbot deð ðe ðam hlaforde seal.

(6. [About slaying of godfather or godson])¹¹⁷

If anyone slays another's godson or his godfather, let the compensation [for this] and the man-compensation¹¹⁸ be alike; let the compensation be increased according to the *wergeld*, in the same way that the man-compensation that must [be paid] to the lord does.)

This, then, is the amount to be paid for the legal protection of an individual, wherein the value of the protection, or the value to be paid for the violation of the protection, depends on the status/social value of the protector. Similar integrative measures can be found, also, in the

¹¹⁷ Ine 76, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 60, PDF e-book (2015).

¹¹⁸ Compensation to be paid to a lord for the slaughter of his follower.

matters where violence against kin-group is concerned; Theodore's canons decree that the kin-slayer must give up all his property and travel to Rome,¹¹⁹ which is very similar to what is expected of a person declared to be an outlaw or a fugitive on similar offences, with the added benefit of pilgrimage. Maintaining kinship liabilities, and, further, promoting spiritual kinship is greatly to the benefit of the Church, which depends for its dues on members of its parish, as well as the kinsmen, as the latter may make up for their kin's inability or reluctance to pay the tithe. Furthermore, the aim of existing law to maintain accountability for crimes through kinship (see: Chapter Three, "Law and Order", pp. 93-95) is not averse to the Church's aim of maintaining moral order. It is not without reason, then, that in *Sermo Lupi*, Wulfstan highlights kin-slaying as one of the major consequences of the failure of moral integrity.¹²⁰ The Church in Early Germanic societies, then, is often an equal stakeholder and enforcer with law and society regarding matters of liability and kinship, and more so, where crimes against the same are conducted by the polity-representatives who are otherwise responsible for implementing laws against kin-slaying; the kin-slaying that often goes unpunished in monarchies is the struggle for power within the royal family, and this is regularly admonished in the writings of the clerics (as exemplified by Gregory of Tours's repudiation of the kin-slaying Frankish kings¹²¹) though not often in editions contemporaneous with the rule of the kin-slayers, for understandable reasons.

As we can see, then, the secular and social customs of a particular community/culture influencing the affiliated Church authorities' perspectives towards violence did not always

¹¹⁹ Y44.02.01, *Early Penitentials: The Canons of Theodore*, [archive.org](https://archive.org/stream/EarlyPenitentialsTheCanonsOfTheodore/Early+Penitentials+the+Canons+of+Theodore_djvu.txt), accessed June 11, 2022, https://archive.org/stream/EarlyPenitentialsTheCanonsOfTheodore/Early+Penitentials+the+Canons+of+Theodore_djvu.txt. Latin original could not be accessed.

¹²⁰ Wulfstan, *Sermo Lupi Ad Anglos*, accessed December 15, 2020, <http://www.oereader.ca/Sermofram.html>.

¹²¹ Gregory of Tours, *History of the Franks: Books I-X*, trans. Ernest Brehaut (1916), ed. Paul Halsall for *Medieval Sourcebook* (Fordham University, 1997), III.18, accessed January 5, 2021, <https://sourcebooks.fordham.edu/basis/gregory-hist.asp#book3>.

occur spontaneously, but often with the cognizance of the concerned Church authorities regarding the benefits of a more integrative approach towards implementing religious authority using the existing social networks and liabilities. This intent to accommodate existing communicative aspects of violence regarding social customs is also reflected in the way the Church is seen to influence social practices involving violence.

Indirect Exchanges(B): The Church Influences the Secular

As per the last chapter's schema for observing the perceived divinities' influence on social customs, we will also explore the influence of the Church on socially normative practices of violence through three such normative actions, firstly, implementations of violence through law, secondly, accommodation of, or modification by the Church of pre-existing customs regarding sacrifices, and, thirdly, through an appraisal of the ways in which warfare that is not directed by Church interests is seen to be influenced by Church norms. The third is seen in the way the motivation of exacting revenge is affected by the Church's principle of mercy.

Though the secular law and Church law often looked out for each other's interest, yet the exertion of their legal authorities maintained a clear division. Although secular legal authority could punish violation against the Church and its clergy, it was not within its domain to punish any violation done by the clergy, a step only the offender's clerical superiors could take. Similarly, the Church, although in certain legal codes it maintained man-power (bailiffs or summoners) to bring the offenders to court, did not interfere in secular offences like stealing and trespassing unless it involved Church property. Yet, the Church and its principles seem to have brought into the Early Germanic cultures changes enough so that a youth, when Grettir visits Norway, accuses Christian nations of permitting murderers to get away by trial.¹²² This indicts the same principle of mercy whereby the bishops instructing Alfred in the construction

¹²² 39 Kafi, *Grettis saga*, accessed October 3, 2020, <https://www.snerpa.is/net/isl/grettir.htm>.

of his law-code beg him to be merciful, following the example of Jesus Christ. However, these principles may not have been implemented by the Church in total negation of the pre-existing customs of Early Germanic societies, as evinced by the bishops making an exception for the betrayal of *comitatus* in their instruction to King Alfred. As mentioned earlier in this chapter, the bishops advising King Alfred may approve of punishment regarding *comitatus* using the same logic through which they plead with King Alfred to be merciful; as miming Christ is commendable, those who betrayed their lord like Christ was betrayed by his own follower must be punished to be made an example of. What the bishops do here is that they re-appropriate and validate through Christianity pre-existing punitive faculties of secular law regarding *comitatus* as an addendum to, and not in opposition to, the merciful principles they seek Alfred to consider. Similar re-appropriations and validations can also be seen in the *Gulathing law*. Exposing/abandoning children outdoors was banned in Iceland with the advent of Christianity, as observed in the first chapter (see: Chapter One, “Gods and Monsters”, p. 43). It would be highly unusual, indeed, if it were permitted in Norway, which became Christian much earlier. The Norwegian *Gulathing law*, however, does speak of such a thing; when one with too little means has too many children, the latter are pre-emptively placed in graves dug in churchyards and allowed to perish; only the one who survives the longest is taken out by the Master and given food.¹²³ The space belonging to the Church grants the ritual validity and justification it would need in order to not be penalised; in this, it is much like the *hólmganga* and the ordeals through which divine authority is supposed to show its judgement. Integrating tools of one’s authority with the contemporaneous legal system can also be found in the laws where the churches appear to have more rights than the pagan temples in influencing the violent responses of secular law, even after a judgement has been potentially declared to justify said responses.

¹²³63, “The Merchant Law”, *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 83.

Though causing no harm or violence inside a sacred space is a common motif to be found regarding these temples and churches (see: Chapter Eight, “Places and Performers”, pp.289-290), and so is allowing an outlaw within its confines, the space of the churches is found to be sacrosanct and authoritative in other ways that are, at the very least, undocumented, regarding pagan places of worship. The simple act of reaching a church can, firstly, grant in the Anglo-Saxon *dōms* sanctuary for a definite number of days to the fugitive,¹²⁴ although care is taken to offer no more than that to the one who is sheltered, so as to, possibly, encourage the hungry fugitive to leave or go out of his own accord. Secondly, reaching the church can often commute to non-violent options the possible punishments in Early Germanic secular law, in that the criminal headed for the death-row may escape by paying compensation, and the criminal who could be awarded either capital punishment or outlawry is granted the potentially less violent option between the two.¹²⁵ The reprieve the fugitive receives from violence while inside the church may be in recognition of the Church’s authority over its sacred spaces, much in the same way violence may have been prohibited within the pagan sacred spaces in a similar recognition of the Germanic pagan gods’ authorities over their spaces. However, the commutation of the fugitive’s probable sentence if he reaches the church may be a further development in secular law’s recognition or acknowledgement of the Church’s mercifulness as a principal aspect of its authority.

The practice of sacrifice in Early Germanic cultures and its encounters with the Church authorities, likewise, showcase these integrative principles, but in a different manner. Sacrifices, being pagan rituals, is a potentially destabilising practice for the Church narrative- and this may only be solved by either abolishing the custom of sacrifice outright, or by

¹²⁴ Alfred 5, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 66, PDF e-book (2015).

¹²⁵ Cap.VI. II. 2, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania, 1991), 157.

modifying it. Where it is to be abolished, the power that commands such rituals also needs to be neutralised. As illustrated in the previous chapter (see: Chapter One, “Gods and Monsters”, pp. 13-14), Saxo Grammaticus puts the onus of false pretenses on the pagan pantheon. Further, as seen in *Ögmundar þáttr* (see: Chapter One, “Gods and Monsters”, pp. 54-55), it is clear that patently secular narratives in Christianised Scandinavia often highlighted the deceiving and demonic nature of the old gods. The Church may have re-cast the pagan gods in the moulds of villains familiar within the Christian narrative for the express purpose of retroactively inserting itself into the Early Germanic cultural memory. By demonisation of the elements of the old faith, the Church wishes the Early Germanic population to see itself as having been misled by these elements; this establishes the Church in the role of a hero who, armed with the authority of the Christian God, has come to save them from the delusions created by the pagan gods ‘revealed’ to have been devils. It ensures that the Church, despite its seemingly ‘new’ introduction to the Early Germanic cultures, would be regarded as the original and the ideal religious authority from whom the former pagans had strayed because of ignorance or willfulness. Stopping these sacrifices, in that sense, can be justified as a step towards going back to a state before this ‘lapse’, and therefore a more credible solution. However, sometimes, the Church is well aware that cultural memory cannot be so easily eliminated; hence, rather than outright abolishing the custom, they seek the more integrative approach of assimilating the sacrifices within localised Christian rituals after a thorough Christianisation of their purposes. Pope Gregory seems to have understood this quite well, advising Abbot Melitus to adapt the customs involved in a pagan sacrifice to the Christian narrative of feasting:

“Further, since it has been their custom to slaughter oxen in sacrifice, they should receive some solemnity in exchange. Let them therefore, on the day of the dedication of their Churches, or on the feast of the martyrs whose relics are preserved in them, build themselves huts around their one-time temples and celebrate the occasion with religious feasting. They will sacrifice and eat

the animals not any more as an offering to the devil, but for the glory of God to whom, as the giver of all things, they will give thanks for having been satiated.”¹²⁶

The cultural memory regarding the customs, here, are then given accommodation and duly justified by Christian purposes, limiting conflict between the old and new faiths.

Regarding warfare also, the principle of Christianity, when not engaged or helping in altercations involving in violence, seems to assert its authority in a manner that, rather than outright eliminating the prevalent practices of warfare, modifies or influences them to adapt to a Christian narrative. We have discussed in the first chapter (see: Chapter One, “Gods and Monsters”, pp.34-36) how the lives of the East Anglian royal saints play to the customs prevalent in Early Germanic warfare while preserving a Christian essence, in that their actions of non-resistance and non-violence follow Christ in the same way that a pagan Germanic warrior would follow through acts of inflicting violence the pagan divine figures responsible for warfare. Our main concern, in this section, is secular warfare, as the Church has more of a vested political interest in wars fought for preserving Christianity and the Church as an institution. Therefore, religious wars are better suited to the discussion on direct engagements regarding violence between the Church and its non/adherents. As with the creation of new archetypes of heroism, the Church also claims as its virtue pre-existing heroic principles in secular warfare. Such an example can be seen in Snorri’s *Ólafs saga Helga*, where Ólafur II (also known as Saint Ólafur) is lauded by the bard Sighvatur, especially, as a Christian chief with a preference for Christian followers, and Sighvatur claims for him (Ólafur) the benediction of the Christian God:

Sumir trúðu á guð gumnar.

Grein varð liðs á miðli.

Fólkörustur fylkir

framráðr tjogu háði.

Frægr bað hann á hægri

¹²⁶ Gregory I, *Letter to Abbot Mellitus*, *Epsitola* 76, *PL* 77: 1215-1216, accessed June 12, 2022, <https://sourcebooks.fordham.edu/source/greg1-mellitus.txt>. Latin original could not be found.

hönd kristið lið standa.
 Föðr Magnúss bið eg fagna
 flótt skjörum guð dróttin.¹²⁷

(Some warriors trusted in God. In the same way, some among the followers do not. The ambitious king had twenty pitched battles. The famous one bade [that] he should have Christian followers stand on his right. I pray to the lord God [so that the] father of Magnús, never to turn from a battle, may be in joy.)

Direct Exchanges: The Church Participating in Violence with/against the Secular

Similarly, if we look at the communication aspects of violence in the context of Church mechanism with reference to the interactions with the Secular that directly involve violence, it appears that the Church's responses to and in favour of creating violence are likewise regulated by its efforts to establish a moral ascendancy in which the Church is at the apex; the Church, as in the previous cases, tries to justify or moderate these exchanges of violence within a Christian narrative, in a way that would validate the authority of the Church without its core principles regarding violence (particularly of mercy and of peace) being questioned. As with the direct exchanges involving violence between the divine and the human, such interactions between the Church and the Secular are also to be evaluated in terms of reciprocity. Hence, firstly, we will look at interactions where the Church decrees violence without expecting and entertaining any kind of reciprocity. Secondly, we will observe how the Church helps or hinders actions that require violence. Thirdly, we will look at the Church's response where the violence committed on it or its emissaries go unreciprocated, and how the Church excuses this lack of reciprocity, while maintaining, or even strengthening its right to authority.

The cases where the Church can implement violence without expecting reciprocity are bound to be areas where it holds authority. In such cases, those on whom the Church inflicts this violence are wont to be Christians and living in Christian polities, those who can readily

¹²⁷ 246 Kafi, Ólafs saga Helga, accessed July 20, 2022, <https://www.snerpa.is/net/snorri/ol-helg.htm>.

be brought to justice should they declare mutiny. The punishments implemented by the Church, likewise, are not to be equal to the punishments doled out by God, in that they are institutional responses duly recorded as such, and cannot claim for themselves the divine mystery presumed in divine judgements. Often, they serve as an addendum to secular law rather than anything apart from it; the dues of a church are frequently addressed by secular authority, including burning a church, although payment may be due to clergy. The Church implements or facilitates violence of its own accord only when the core principles and practices that guide and represent its authority are threatened, misused, or violated. A case of this can be seen in *Passio Sancti Eadmundi*, where Bishop Theodred, in-charge of the monastery preserving the royal saint Edmund's body, orders capital punishments for thieves who came in to steal the monastery's goods (and got caught and bound by St. Edmund's ghost) and later repents:

Tandem mane adhuc persistentes fures in cepto opere comprehensi a pluribus traduntur vinculis artioribus, et tandem praedicti sancti episcopi Theodredi iudicio subduntur. Qui impraemeditatus sententiam dedit quam se dedisse postea omni tempore vitae suae penituit. Nam omnes simul iussit affigi patibulis, eo quod ausi fuissent atrium sancti martyris furtive ingredi, non reducens ad memoriam, quod Dominus per prophetam admonet: "Eos qui ducuntur ad mortem eruere ne cesses", factum quoque Helisaei prophetae, qui latrunculos de Samaria pastos pane et aqua remisit ad propria, dicens regi, volenti percutere ilico, quod non eos coepisset in gladio et arcu suo; Apostoli etiam praeceptum quo dicit: "Saecularia negotia si habueritis, contemptibiles qui sunt in ecclesia -id est, viros saeculares- constituite ad iudicandum." Unde canonum auctoritas prohibet ne quis episcopus aut quilibet de clero delatoris fungatur officio, quoniam satis dedecet ministros vitae caelestis assensum praebere in mortem cuiuslibet hominis. Quam ob rem praedictus episcopus in se reversus graviter indoluit, et sibi poenitentiam indicens diutius se in gravibus lamentis dedit.¹²⁸

(In the morning, the thieves persisting after the work, having been seized by many, are handed over in tighter bonds, and are finally subject to the judgment of the aforesaid holy bishop Theodred. He gave a premeditated sentence, which he afterwards repented for all his life. For he ordered them all to be hanged together on the gallows because they had dared to enter the court

¹²⁸ Abbo Floriacensis, *PASSIO SANCTI EDMUNDI REGIS ET MARTYRIS*, accessed June 11, 2022, wikisource.org, https://la.wikisource.org/wiki/Passio_sancti_Edmundi.

of the holy martyr by stealth, not bringing to mind how the Lord issued this admonition through the prophet: "Defer not to rescue those who are led to death"; and also the fact that Prophet Elisha fed the troops from Samaria with bread and water and sent them back to their own homes, saying to the king who was desirous to persecute [them] on the spot, that he had not begun to strike them with his sword and bow; The Apostle's command also says: "If you have secular affairs, appoint those who are in the Church contemptible, that is, secular men, to judge." Hence the authority of the canons forbids any bishop or any of the clergy to exercise the office of informer, since it is unseemly enough for the ministers of heaven to give their assent to the death of any person. Wherefore the aforesaid bishop, reflecting on himself, grievously repented, and, declaring his penance, engaged himself for a long time in grievous lamentations.).

Hence, it can be said that on violent punishments the Church seemed to defer to either the secular law, or the secular men in their employment, so as to follow the example of the principle of mercy. Theodred considers the judgement taken in anger not only to be in contradiction of the principle of Christian mercy, but also against his religious office that requires him to relegate these duties to the Secular (his/Theodred's harsh decision being in violation of the authority which grants him his office), and therefore takes on vows of penance.

However, the Church's bid for peace was only possible within a Christian kingdom with only Christian subjects, where this 'Christian-ness' is determined by the dominant Church narrative. Any violence, reciprocated or unsolicited, could not occur between the Church and Christians, where the Church or its representatives risk injury; rather, by virtue of its representative capacity, the Church would not allow the ones attacking it to be defined as Christians, as it would create a conflict of authority. Augustine of Hippo, in his *De Civitate Dei*, describes this 'us against them' situation through the description of two cities:

Sicut audiuius, ita et uidimus, in ciuitate domini uirtutum, in ciuitate Dei nostri; Deus fundauit eam in aeternum... didicimus esse quandam ciuitatem Dei, cuius ciues esse concupiuius illo amore, quem nobis illius conditor inspirauit. Huic conditori sanctae ciuitatis ciues terrenae ciuitatis deos suos praeferunt ignorantes eum esse Deum deorum, non deorum falsorum, hoc est impiorum et superborum, qui eius incommutabili omnibusque communi luce priuati et ob hoc ad quandam egenam potestatem redacti suas quodam modo priuatas potentias consecantur

honoresque diuinos a deceptis subditis quaerunt; sed deorum piorum atque sanctorum, qui potius se ipsos uni subdere quam multos sibi, potiusque Deum colere quam pro Deo coli delectantur..¹²⁹

(As we have heard, so we have seen in [the] city of [the] Lord of angels (lit., “hosts”), in [the] city of our God; God founded it for (lit., ‘in’) eternity; ... [we] have learned [this] is a city of God, whose citizens have desired that love, which its founder has inspired. [The] citizens of [the] earthly city prefer their [own] gods to this founder of [the] holy city (lit., ‘This founder of holy city, they prefer...’) in ignorance that [he] is the God of [all] gods, not false gods, that is [to say] of the wicked and of the proud [gods] , who are bereft of [His] unchangeable [and] freely spread (lit., ‘communicated’) light, and, for this, reduced to a certain manner (lit., ‘nature’) of lesser power, seek from [the] deceived subjects private power [and] divine honour; but [the city] of the pious, and holy men, who would prefer to (lit., more) subjugate themselves [to] one than [subject] many [to] themselves , and they would [rather] worship God, than delight in being worshipped as (lit., “for”) gods.’).

Going beyond the geographical idea of polities, Augustine of Hippo divides the world on basis of faith, into the city of Christians who follow the ‘true’ God, and the earthly city where the proud ‘false’ gods rule. These narratives, then, do not allow the Church to encourage divisions between Christian powers. Therefore, conceptualising an ‘other’ or a ‘non-Christian’ as an enemy is essential to sustaining a Church narrative of events that describe the remaining kinds of direct exchanges involving the Church and the Secular, that is, firstly, cases where the Church plays the role of an attacker or a helper with or without reciprocity from the secular parties being attacked, and, secondly, where the Church itself is being attacked by the Secular and/or the non-Christian. Haraldur Hreinsson emphasises among them three broad categories: the heretics, the heathens and the Jews.¹³⁰

Each of these ‘enemies’ has a different way of defying the authority of the Church, often inherent in the label that otherises them. The heretic, while still identifying as Christian,

¹²⁹ Augustine of Hippo, *De Civitate Dei Liber XI*, accessed June 12, 2022, <https://www.thelatinlibrary.com/augustine/civ11.shtml>.

¹³⁰ Haraldur Hreinsson, *Force of Words: A Cultural History of Christianity and Politics in Medieval Iceland (11th-13th centuries)* (Leiden and Boston: Brill, 2021), 174, PDF e-book.

willingly disobeys the commands of the dominant strain of Christianity, and may adhere to an unapproved version of the same. The label ‘heathen’, likewise, stands as a threat when representing those who, despite being aware of the Christian existence, will not be converted, and will not let others be converted. The Jew as the polarised other in a Christian polity that accuses them of murdering their prophet is self-explicatory enough, but in Early Germanic communities the Church’s adherence to the principles of *comitatus* regarding depictions of Christ adds nuance to this hatred; the Jews, being ignorant of Christ’s mystery, also commit a great offence by not acknowledging the Lord to whom they should have been beholden. In the presence of the ‘enemies’ or the ‘other’, the Church could not exist in a ‘peaceful’ state, as by their presence alone they were impediments to the propagation of the Christian doctrine. The only ways to eliminate this other was to either convert them so that they became a part of *cristendom*, or to eliminate their existence altogether so that their ‘otherness’ could no longer pose a threat to Christianity; where one could not be done, the other was tried.

Hence, as the ‘other’ was irrefutably the opponent against whom the Church justified its active participation or aid in violence, the strategies of conversions and conflicts also become key to understanding the communicative aspects of the justifications given by the Church. By conflicts, we refer, here, to religious warfare in general, including warfare that, although exclusively not focussing on religious interests, included these interests in their purpose, *modus operandi* and outcome. The practice of conversion, as mentioned before, does not preclude contexts of religious warfare, and warfare is resorted to not only as a back-up plan in case conversion fails, but also, sometimes, because conversion can be a desired outcome of the warfare. The heathens were test-cases for this conversion-cum-conflict plan.

This strategy is noticed quite clearly in the outcome of the treaty of Wedmore, where being converted to Christianity is clearly part of the settlement that Alfred makes with Guthrum,

and not a personal conviction decided upon by the latter; the heathens' welcome into the new faith is duly augmented by the granting of wealth:

ðā sealde se here him foregislās and myccle āpas þæt hie of his cynrice woldon, and him eac geheton þæt heora cyng fulwihte onfon wolde, and hie þæt gelæston. And þæs ymb iii wucan com se cing Guþram þritega sum ðara manna þe on þam here weorþoste wæron æt Alre, þæt ys wip Æpelingaigge, and his [sic] se cing þær onfeng æt fulwihte, and his crismlysing wæs æt Weddmor. He wæs xii niht mid þam cing. He hine myclum his geferan mid feo weorðode.¹³¹

(Then the enemy-army submitted [to] him [as] preliminary hostages, and swore him many oaths that they would [go out] of his kingdom, and [they] also promised him that their king would receive baptism, [and] they acted accordingly. And about three weeks afterwards the king Guþrum, [with] some thirty of the men who were worthiest in the army, arrived at Aller, which (lit., 'that') is near Athelney, and there the king [Alfred] baptised him (lit., 'received at baptism') and his christening was at Wedmore. He was with the king for twelve nights. He [King Alfred] rewarded him [and] many of his companions with money.)

This agreement, one could argue, was possible because the desire among the Vikings for wealth was greater than their attachment to their heathen faith. The Church also, in conversion of the Germanic heathens, seeks to utilise similar strategies as employed in exchanges that do not directly involve violence; quite a few of the violent actions that the Church inflicts on the heathen faith in the process of conversion is also integrative by nature, by wishing to transform the core of the heathen faith into a faith in Christian mores, while incorporating to an extent the cultural norms not in contradiction to the Christian faith, so as to connect their 'new' faith to their cultural memory. We see this in the demolition of the heathen idols that Pope Gregory orders Augustine to do in his letter to Abbot Melitus, where he asks him to preserve the structure of the heathen temples and make churches of them by placing holy relics inside,¹³² and, further, in Boniface's re-construction of a cross from the holy oak he felled to stop the

¹³¹879 A.D., *Anglo-Saxon Chronicle (B)*, accessed June 12, 2022, [https://en.wikisource.org/wiki/Anglo-Saxon_Chronicle_\(B\)](https://en.wikisource.org/wiki/Anglo-Saxon_Chronicle_(B)).

¹³² Gregory I, *Letter to Abbot Mellitus, Epsitola 76, PL 77: 1215-1216*, accessed June 12, 2022, <https://sourcebooks.fordham.edu/source/greg1-mellitus.txt>. Latin original could not be found.

worship of Þór.¹³³ However, the treatment and the manifestation of the heathen-figure as the ‘other’ varied greatly depending on the demands of the situation. As opposed to the violent European heathens who are castigated more because of their attacks on Christian land, or the more sedate ones who are pitied because of their ignorance of the true faith and seen as potential converts, the Muslims who occupy the holy land are projected as a cultural other whose ‘heathen-ness’ is hated not only because of their un-Christian actions, but also because of their perceived alien identity which is considered all the more loathsome because it is mysterious and strange. The figure of the ‘Saracen’ (by which appellation Muslims were known to the European world, though it was a cultural identity affixed to the middle-eastern ethnicities even in the pre-Islamic world) appears to be more alien-like than uncivilised in Bede’s accounts, where the Muslims are described as Ishmaelites (that is, those who think that Ishmael the prophet was the son of Abraham’s legitimate wife Sarah than his slave Hagar as per Canonical narrative) who are power-hungry and occupy for themselves the continent, leaving their rightful place in the desert where the Biblical Ishmaelites were sentenced into exile.¹³⁴ Beckett suggests that Bede’s uneasy attitude regarding the Muslims has a distinct ethno-centric bend, in that he also considers them to be interlopers and usurpers for having conquered the continents over which the educated West should have the greatest right.¹³⁵ The Early Germanic perception of Islamic faith as an inverted image of Christianity, as exemplified by the implied distortion of the canonical Biblical narrative, adds the blame of heresy to heathenness. This

¹³³ Willibald, *The Life of Saint Boniface*, ed. and trans. George W. Robinson (Harvard University Press, 1916), 63-64, [archive.org](https://archive.org/stream/lifeofsaintboni00robiuoft/lifeofsaintboni00robiuoft_djvu.txt), accessed June 12, 2022, https://archive.org/stream/lifeofsaintboni00robiuoft/lifeofsaintboni00robiuoft_djvu.txt. Latin original could not be found.

¹³⁴ Katharine Scarfe Beckett, *Anglo-Saxon Perception of the Islamic World* (Cambridge University Press, 2003), 18, PDF e-book.

¹³⁵ Katharine Scarfe Beckett, *Anglo-Saxon Perception of the Islamic World* (Cambridge University Press, 2003), 20, PDF e-book.

makes them a bigger threat, as does the element of conversion present in both Christianity and Islam; ‘Saracens’ do not only spread their control over what was previously Christian dominions, but also threaten to disrupt the polemic of *civitate dei*, the city of God, and, therefore, of Christians, that cannot be touched by human hands. This early understanding and dread about the heathen character of Saracens is later utilised (though we do not describe them in detail because of their lack of presence in the literature we consult for the thesis) in the canonical crusades, in that the inverted character of the Islamic faith is emphasised in Crusadean narratives¹³⁶ to impress upon the Christian nation/s the importance of winning back, physically, the tangible holy land, so as to preserve the Christian faith, and thereby the intangible *cristendom*. Pope Urban II, in his letter to incite Crusades, uses much the same descriptives as Bede to highlight the ‘otherness’ of the Muslims that occupy the holy land:

“O what a disgrace if such a despised and base race, which worships demons, should conquer a people which has the faith of omnipotent God and is made glorious with the name of Christ! With what reproaches will the Lord overwhelm us if you do not aid those who, with us, profess the Christian religion!”¹³⁷

The heathen ‘other’ that emerges in Early Germanic notion, then, is as much a political ‘other’ and cultural ‘other’ as it is a religious ‘other’, requiring case-specific counter-strategies on the part of the Church that resemble the war-strategies of the secular polity.

As compared with the heathens, the heretics and the Jews were more problematic in the context of preserving Christian authority. Early Germanic literature, having few direct encounters with Jews, does not show much cultural reworking or re-conceptualisation of the ideas about Jews that came to them from Biblical and Roman perspectives, in which they were

¹³⁶ A trinity of deities, of Termagaunt, Apollyon (Abaddon, an angel of destruction) and Muhammad is imagined in Islam in contrast to the Holy Trinity in Christianity. See: S.1, *Le Chanson de Roland*, trans. Léonce Rabillion, ed. Rhonda L. Kelley, 1, PDF, accessed June 12, 2022, <http://faculty.sgc.edu/rkelley/The%20Song%20of%20Roland.pdf>.

¹³⁷ Urban II, *Speech at the Council of Clermont*, ver. Fulcher of Chartres, *Medieval Sourcebook*, accessed June 12, 2022, <https://sourcebooks.fordham.edu/source/urban2-5vers.asp#Fulcher>. From: Bongars, *Gesta Dei per Francos*, 1, pp. 382 f., trans in Oliver J. Thatcher, and Edgar Holmes McNeal, eds., *A Source Book for Medieval History* (New York: Scribners, 1905), 513-17. Latin original not found.

categorically painted as ignorant and harmful for having denied the presence of Christ. The heretic, on the other hand, was a much more problematic figure in the Early Germanic communities in the sense that they posited a real threat to the Christian polity by being visible reminders of the failures of Church strategies, having defected from the true faith either post-conversion or in defiance of one's Christian upbringing. In the Early Germanic context, where the conversions were conducted by clerics invested with the authority of the Roman Church, the heretics were principally the ones who followed alternative versions of Christianity that were not compatible with the vision of the Roman Church. The 'otherisation', in the case of the heretics, is inherent in their decision to defy the dominant principles of the Roman Church, whereby they are marked as an 'other' or an 'enemy', and hence as apt recipients of Church-authorised violence. In this context, we may cite Bede's description of the encounter between St. Augustine and the Irish Clerics, where Augustine's offer to them to modify their religious practices in line with that of the Roman Church, and to instruct alongside the Roman Catholic clerics the English heathens, is summarily refused:

Dicebat autem eis quia 'in multis quidem nostrae consuetudini, immo uniuersalis ecclesiae contraria geritis; et tamen si in tribus his mihi obtemperare uultis, ut pascha suo tempore celebretis, ut ministerium baptizandi quo Deo renascimur iuxta morem sanctae Romanae et apostolicae ecclesiae compleatis, ut genti Anglorum una nobiscum uerbum Domini praedicetis, cetera quae agitis, quamuis moribus nostris contraria, aequanimiter cuncta toluerabimus.' At illi nihil horum se facturos neque illum pro archiepiscopo habituros esse respondebant, conferentes adinuicem quia 'si modo nobis adsurgere noluit, quanto magis, si ei subdi coeperimus, iam nos pro nihilo contemnet.' Quibus uir Domini Augustinus fertur minitans praedixisse quia, si pacem cum fratribus accipere nollent, bellum ab hostibus forent accepturi, et si nationi Anglorum noluissent uiam uitae praedicare, per horum manus ultionem essent mortis passuri. Quod ita per omnia, ut praedixerat, diuino agente iudicio patratum est.¹³⁸

¹³⁸ Beda Venerabilis, *Bede's Ecclesiastical History of the English People*, eds. Bertram Colgrave and R.A.B. Mynors (Oxford: Oxford University Press, 1969), 138, 140.

(He [Augustine] said that “In many things do you contradict our customs, and also of the universal Church; and if you wish to obey me in these three things: that you may celebrate Easter in time; that you may administer baptism, by which we are born again to God, according to the customs of the holy Roman and the Apostolic Church; that you may preach with us one word of the Lord to the nation of the English – the other things you do, although contrary to our morals, we will bear with equanimity.” But they replied that they would do none of these, nor would they accept him as archbishop, conferring among themselves, “If he is not willing to rise up for us now, if we begin to submit to him, how much would he despise us?” To them Saint Augustine, the man of God, is said to have predicted in a threatening manner, that if they were not willing to accept peace from brothers, they must accept war from their enemy, and if they would not preach the way of life to the nation of the English, they would suffer the vengeance of death by their hands. This was accomplished by divine judgment by the agency of God in all things, as he had predicted.)

Bede, here, propagates the Church narrative that facilitates conflicts where conversion is not possible; as the clerics do not accept the integrative measures offered by Augustine, and therefore of the Roman Church, they are marked as unrepentant heretics, and therefore any violent action inflicted upon them is not counted by Bede, or any representative of the Roman Church, as an attack on the faithful, but a deserved attack on those who are blind to God’s mercy. Rather, any such calamity is seen to be vindication for the Irish clerics’ refusal of the faithful. The incident that Bede appends to Augustine’s prediction satisfies this rhetoric in many ways, where King Ethelfrith orders the unarmed monks at prayer to be killed:

Quorum causam aduentus cum intellexisset rex Aedilfrid, ait: ‘Ergo si aduersum nos ad Deum suum clamant, profecto et ipsi, quamuis arma non ferant, contra nos pugnant, qui aduersis nos imprecationibus persequuntur.’ Itaque in hos primum arma uerti iubet, et sic ceteras nefandae militiae copias non sine magno exercitus sui damno deleuit. Extinctos in ea pugna ferunt de his qui ad orandum uenerant uiros circiter mille ducentos, et solum l fuga esse lapsos. Brocmail ad primum hostium aduentum cum suis terga uertens, eos quos defendere debuerat inermes ac nudos ferientibus gladiis reliquit. Sicque completum est presagium sancti pontifices Augustini, quamuis ipso iam multo ante tempore ad caelestia egna sublato, ut etiam temporalis interitus ultione / sentirent perfidi, quod oblata sibi perpetuae salutis consilia spreuerant.¹³⁹

¹³⁹ Beda Venerabilis, *Bede’s Ecclesiastical History of the English People*, eds. Bertram Colgrave and R.A.B. Mynors (Oxford: Oxford University Press, 1969), 140, 142.

(When King Ethelfrith understood the reason for their arrival, he said: "If they call out to their God against us, then, surely they too, though they do not bear arms, fight against us, [and are those] who persecute [us] by their prayers against us." He therefore ordered arms to be turned against them first, and then destroyed the other forces of this heinous army, not without great loss to his own army. They say that about one thousand and two hundred men had been killed, of those who had come to pray, and only fifty had escaped by flight. Brocmail, at the first arrival of the enemy, turned his back with his followers, and left those whom he ought to have defended, unarmed and helpless, before the swords [of the enemy]. Thus the presage of the holy bishop Augustine was fulfilled, though he had been removed to the heavenly kingdom long before, that these heretics would feel temporal destruction, because they had despised the measures of perpetual salvation offered to them.)

Three things are of great import here if we are to consider it as a Church narrative validating violence against heretics. Firstly, the account states that the event takes place long after St. Augustine is gone, preemptively cancelling any allegation of Augustine's earthly influence bringing about this vengeance; this fits it more aptly into the narrative of divine justice against heretics, and, having Augustine being its prophet, reaffirms the position of the Roman Church as the one true mouthpiece of the Christian God. Secondly, it points out the cowardly nature of Brocmail, the leader of the troops who was given the charge of protecting the clerics, therefore suggesting the inferiority in virtue of the Irish faithful, and, therefore, also, the lack, or duplicity, of the authority of the Irish Church. Thirdly, the fact that Ethelfrith, a representative of the same nation that the Irish Clerics refused to teach (and the Roman Church did), would justify, as a secular figure of power, the murder of the Irish clerics on account of them praying to 'their' god, reiterates what Augustine had predicted: that they had strayed from true faith, and therefore, had debarred themselves from any earthly protection, validating the temporal vengeance wreaked upon them by Ethelfrith. The heretic, though not necessarily a cultural 'other', is definitely a political 'other' that is recognised as a threat to the 'true' Christian Church and polity alike in the account mediated by the 'true' faith, (which, in the context of Bede's writings, is the Roman Church), therefore justifying an elimination if they refuse to be integrated into the principal narrative.

However, the process of finding justifications become quite complicated when the Church, and those he calls its emissaries, are at the receiving end of the violence, and, moreover, this violence cannot be, or will not be reciprocated. The threat is similar in nature to the one a divine figure faces with regard to reciprocity, that leaving an act of violence unchallenged will also posit a challenge to the authority of the one attacked; for the Church, the risk is twofold, as, if the violence inflicted on it or its own is not reciprocated, it may lead to suspicion regarding its status as a representative of the Christian God, or, worse, the way it presents the Christian God to the laity. In the first chapter, we have seen such suspicions countered by interpreting these unreciprocated attacks as divine punishment, either received by the punished as an individual or group for having committed a sin himself/herself/ themselves, or, as collective responsibility, wherein for the sin of one or some, all are punished. However, beyond justifying the lack of reciprocity by the logic of divine punishment, the Church also tries to counter such threats to its authority through other strategies that are dependent on its arrangements rather than an enforcement of an already cultivated perception of the divine. We shall discuss one of these strategies, here, as an example of the Church's function as an institution to reappropriate these threats to its authority. Sanctification or benediction by martyrdom, which often includes in its processes an element of *cristomimesis* (miming of Christ by action or demeanour) and miracles, invests the unreciprocated violent action suffered by the Church and its holy emissaries with the potential of creating exempla: by suffering the brutality inflicted upon them, the innocent and holy imitate the death of Christ (*cristomimesis*), and the miracles that follow after their death, like the resurrection of Christ, also mark their martyrdom as God's plan in the same way as Christ's life. The 'other' that inflicts the violence on the martyrs, in this sense, becomes a mere instrument, his agency in the action superseded by the will of God. In fact, often in these transformations details of the martyrdom and the clauses for sanctification thereafter are often exaggerated to highlight the *cristomimetic* and

miraculous characters, respectively. For example, St. Edmund of England, who was also a king of East Anglia, seems to have died a death according to the norm expected for a warrior according to *The Anglo-Saxon Chronicle*:

Her rad se here ofer Myrce on Eastengle 7 þær wintersetl nam æt ðeodforda, 7 þy wintra Eadmund cing him wiþ feaht, 7 þa Deniscan sig e naman 7 þone cing ofslogon 7 þæt land geeodon eall.¹⁴⁰

(In that year (lit. 'here') rode the enemy army over Mercia to East Anglia and settled there for the winter (lit. 'took winter-settlement') at Thetford, and that winter King Edmund fought against them, and the Danish were victorious and slew the king, and overran all that land.)

In comparison to this, as we have noted in the first chapter of the thesis (see: Chapter One, "Gods and Monsters", pp.34-36), in Abbo of Fleury's hagiography of King Edmund his death is brutal and violent, satisfying the one-against-many narrative common in a martyr's death (and thus also imitating Christ); furthermore, it is accompanied by extraordinary miracles connected to the saintly body (the fleshly site of the martyrdom), such as the decapitated head calling out "Hic Hic" ('Here here') to let the search parties know its location,¹⁴¹ or the spirit of St. Edmund binding the robbers who came to loot the monastery's treasures.¹⁴² Essentially, this transforms the pain suffered by the martyrs also into an instrument of power for the Church. The Church, by recording such miracles and establishing the cults for these martyrs, perpetuates the cultural memory of this suffering; hence, though the violence inflicted on the holy and the innocent are not immediately reciprocated in these accounts, through narratives such as of martyrdoms and sanctification the Church may repurpose even the lack of divine/Church-authorised reciprocity to fortify its authority. As noted in the previous chapter, the Church also takes care to create the image of a heroic martyr in the case of St. Edmund, so

¹⁴⁰ 871 A.D., *Anglo-Saxon Chronicle B*, accessed June 11, 2022, [https://en.wikisource.org/wiki/Anglo-Saxon_Chronicle_\(B\)](https://en.wikisource.org/wiki/Anglo-Saxon_Chronicle_(B)).

¹⁴¹ Abbo Floriacensis, *PASSIO SANCTI EDMUNDI REGIS ET MARTYRIS*, accessed June 25, 2020, <http://www.thelatinlibrary.com/abbofloracensis.html>.

¹⁴² Ibid.

that his brave stance against the Danes can be taken as a parallel of a Germanic hero making his last stand at a battle; here, too, as in other circumstances, the Church takes care to integrate within its narrative cultural metaphors so as to bolster its narrative with secular support.

The direct exchanges of violence between the Church and the Secular, then, as with the indirect exchanges, are often reappropriated and absorbed into Church narrative through the motifs which the Church ‘chooses’ to include in it, including the perception of the ‘other’ that is constantly re-worked and mediated to ensure the validity of the Church’s response to violence inflicted for or against Church interests. By utilising the power of textual representation (which none but the Church has in this era), the Church claims for itself the ability to create authorised versions of both the ‘self’ and the ‘other’, thereby keeping in check possible subversions.

Conclusion

What we had set out to prove in the beginning of this chapter is that the Church in Early Germanic cultures emerges, apart from as a religious institution, also as a political institution that, through the communicative aspects of violence, negotiates with the Secular to defend, sustain and propagate its authority. This is discussed at length in this chapter’s “indirect exchanges” section, where both the influence of secular and social norms on the Church’s perspective towards violence (demonstrated through the tropes of gender, *comitatus* and kinship) and the influence of the Church on secular and social norms regarding violence (demonstrated through the tropes of legal punishments, sacrifice and warfare) are shown to be in tacit acknowledgement of the benefits of such an integrative approach, measures towards these integrations often consciously implemented by the Church and the Secular. Likewise, in the section on “direct exchanges”, the Church is shown to employ a rhetoric of otherisation through which the violence it inflicts or condones on the religious other may be justified, much like the secular polity/state’s strategy of justifying its actions on the political other it creates;

the narratives of 'martyrdom', in cases where violence committed on the Church or its emissaries go unreciprocated, also often mirror secular heroism to destabilise counter-narratives of failures which may question the validity of the Church's divine representation.

Section One: Defining Violence: Figures of Authority

Chapter Three: Law and Order

Introduction

In the last two chapters, respectively “Gods and Monsters” and “The Church, Conversion and Conflict”, we have discussed how beliefs of men feed into the power-structures that control them. However, these motifs are, mostly (more so in the case of gods/God than the Church) dependent on the evolution of complex beliefs not often recorded, and their enforcements are also dependent, almost always, on the acquiescence of the bodies/sections they seek to govern. Hence, to see how figures of authority communicate through violence with the ones they seek to regulate, and, moreover, to observe how the power-structures enabling these figures of authority (as well as those regulated by them) are defined by violence, it is essential, also, to look at templates of secular authorities like administration or law, as they employ mechanisms designated specifically for enforcement of their principles/regulations (armies, guards et cetera) and offer more opportunity to compare these mechanisms using written records. In the laws of Edward and Guthrum, a call for secular punishments is justified by the fact that not all abide by Church authority, and therefore, a separation of labour is suggested regarding the polity’s and the Church’s punitive actions:

§ 2. 7 Hig gesetton woruldlice stéora eac, for ðam Þingum Þe hig wistan, Þæt hig elles ne mihton manegum gesteoran, ne fela manna nolde to godcundre bote elles gebugan, swa hy sceolden; 7 Þa woruldbote hig gesetton gemæne Criste 7 cynge, swa hwár swa man nolde godcunde bote gebugan mid rihte to bisceopa dihte.¹⁴³

(§ 2. And they also set secular (lit., ‘worldly’) penalties, because [of] the things which they knew, that they might not otherwise control many [men], nor would many men desire to bow to divine judgement, as they should; and the secular compensation they set in common between Christ and King, wheresoever one did not desire to righteously bow to divine judgement, [according] to [the] sayings of [the] bishops.)

¹⁴³ Edward and Guthrum 2, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 102, PDF e-book (2015).

This emphasises the importance of granting secular authorities the autonomy to employ means of enforcement at their convenience and need, without having to defer to a higher authority (that is, the Church). Secular authority, and those it seeks to govern, may not be expected to have a relationship dynamic that will, with regard to violence, mirror the dynamic between perceived divine/religious authorities (God/gods and the Church, in these case) and those ‘they’ seek to govern. This is because punitive actions taken by secular authorities are more socially challenging than morally challenging, capitalising on public shame/ostracization/loss that does not require any personal conviction of shame. Even so, the word ‘secular’ when associated with laws in Early Germanic societies is to be broadly interpreted, as, despite being separate from canon law regarding the agency it is implemented by, ‘secular’ law was often adopted under the guidance of major Church figures, and often involved the Church and its authority in legal practices even where the interest of the Church was not directly violated. What we shall discuss in this chapter, then, is the ‘secular’ authority of the law, which does not borrow directly from either the power or the force (if any) employed by the Church, and where the judgement in Church-related matters, also, does not come from ecclesiastical authority, but the legal machinery at the disposal of the purveyors of the law.

Limitations of the Chapter

Why are we focussing on secular law out of other secular authorities? We choose it above all because it may be the one constant concept in a non-anarchic civilisation, regardless of the administrative system in place, although its forms and implementations may vary. The vast expanse of time we are working with in this thesis gives us a varied number of governments to work with, and the mechanisms the kings of England and Merovingia employ to enforce the principles of their rule will certainly be different from that of the *þings* or courts in Iceland, where the *goðis* or the chiefs neither had the absolute power nor the agency of an English king, nor the *þingmenn* that of the Salic *rachimburgi* or jury. Different, still, would be

the family-based legal system in Norway that, where the *Gulathing law* and *The Frostathing Law* are concerned, still seems to be adjusting to a monarchic administration. It is quite natural for us to think, then, that the laws of these communities, could not, or should not, greatly resemble each other, separated from each other by centuries and circumstances. We propose our argument based on the logic that these Early Germanic communities, having similar origins, and, therefore, often growing into legal principalities or polities out of similar systems that interact, periodically, with each other,¹⁴⁴ will have in common motifs and principles guiding them. Katherine Fischer Drew, in the introduction to her translation of *Lex Salica*, addresses this exact concern, and proposes several commonalities that exist between these laws in principle and in practice, though the exact wording may differ.¹⁴⁵ Firstly, they are mostly written down in a period when the responsibility for enforcing law was being passed from the hands of families to the control of newly-formed monarchies. Secondly, these laws address offenses as injury done to individuals and family, and mostly rely upon the aid of the families, of both victim and convict, to ensure the implementation of justice, merely providing a court for the proceeding of the case. Though these are broad similarities, this chapter wishes to establish a tenuous link between the laws of Early Germanic societies by pursuing varied aspects of these commonalities.

An apology, also, is in order for the discrepancy of the nature of the sources the texts are cited from. So far, this thesis has tried to keep to originals wherever close references were required. We fear that this was not possible for this chapter, our access being limited to, mostly, translations, except for the very helpful bilingual edition of the Anglo-Saxon legal codes;

¹⁴⁴ The Anglo-Saxon kingdom of Kent in its initial years had a thriving business, as well as political inter-marriages, with the Merovingian Franks. The Franks, likewise, were known to associate with Norwegian contemporaries in the seventh century, which may have influenced the early *þing* laws.

¹⁴⁵ Katherine Fischer Drew, trans., *The Laws of the Salian Franks* (Philadelphia: University of Pennsylvania Press, 1991), 27.

therefore, close references to all legal texts except the Anglo-Saxon dooms are done through paraphrasing, and not quotations of the original with translations by self as was the case earlier. Furthermore, getting translated texts of all major legal texts within the purview of the period/s we wish to study was not always possible, and the writer was not able to consult any of the other Barbarian legal codes such as the *Lex Ripuaria*, *Lex Saxonum* and *Lex Alamannorum*. Hence, this chapter reports most of its findings based on *Lex Salica*, the Anglo-Saxon legal codes, and the Scandinavian legal codes. It is hoped what Fischer Drew holds to be true for *Lex Salica*, that is, it being the most Germanic of all Barbarian laws (except for Anglo-Saxon Law),¹⁴⁶ suffices for the purpose of comparing it with other legal codes of Early Germanic cultures. This chapter is founded on the common legal motifs found in the texts mentioned: the Anglo-Saxon dooms, *Lex Salica*, *Gulathing* and *Frostathing* laws, and the Icelandic *Grágás*. The views we present here are not an absolute and indisputable map of the connections Germanic law has to violence, but common motifs of said connection as perceived in the context of the texts mentioned above.

We have brought up before the problem of bringing together legal codes of different ages and circumstances. Anglo-Saxon dooms cover a period of almost four hundred years, ranging from laws composed by the Kentish kings in the sixth century AD to those of the Wessex kings in the tenth century AD. *Lex Salica*, in addition to the “Pactus Legis Salicae” that is attributed to the founder of the empire, Clovis I, contains several capitularies added by later Merovingian Kings, and the “Lex Salica Karolina” of Carolingian kings that takes its cues from its legal predecessors. The *Gulathing* and *Frostathing* laws contain much older legal principles, although codified in 13th century, and the *Grágás* more so. Then, added to the comparative adaptability of some legal codes over others, is the fact that by the time the oral

¹⁴⁶ “Foreword”, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), viii.

laws start to be recorded, several of the laws have already been outdated and rendered obsolete. Therefore, while reading this chapter, the reader is requested to keep in mind that what follows will consist of findings derived from legal principles that exist on record, rather than representing any actual picture of contemporary law.

Framework of the Chapter

Following the schema of the earlier chapters on figures of authority, we divide for our convenience this chapter, too, into two distinctive but interconnected sections. The first section will discuss the relationship of the authority (law in this chapter) and its adherents as defined by indirect exchanges pertaining to or involving violence. That is to say, the first section of this chapter will showcase how concepts and practices of law and the law's social adherents may mutually influence each other's (that is, the law and its adherent's) understanding of violence in ways that do not directly involve the legal authority inflicting violence on the convict or accused and vice versa. The second section will try to define the same relationship in terms of direct exchanges, that is, through analysing the elements of violence as enforced or facilitated via the strategies through which law manifests itself as a figure of authority, and the degree of reciprocity involved in the response of the punished.

Indirect Exchanges (A): Social Norms Influencing Laws

The first section, or the section on indirect exchanges, has two parts; the first part will discuss the influence of social norms interacting with or affecting contemporary law regarding violent acts or punitive violence, the second part will discuss the contemporary legal principles affecting the social norms and practices regarding violence.

The first part of the first section of this chapter, describes the influence of social norms/relationships on how violence is perceived in connection with the authority in question (that of law, in this instance). It is our aim to show how, based on social norms and needs, law

creates a network of liabilities where violence is concerned (along with other disputes of law which we will not discuss here). The extent to which Early Germanic legal concepts of violence are able to represent this network of liabilities will be discussed through three kinds of social norms/relationships/networks here, which find their place in the second section of this thesis, namely, gender, *comitatus*, and kinship.

In the cases of these three social norms/relationships/networks, as we will see, law in Early Germanic societies often defines or sets liabilities based on the nature and amount of contribution an individual makes to the social dynamic responsible for his/her identity; that is, the degree of service s/he may render to the family, the society and the polity. We will discuss how the terms of service of an individual often set his/her place and value within the law with regard to violence, more so with regard to his/her direct role in violence (either as victim or as perpetrator), but also as beneficiary of or contributor to a suit about violence not conducted by or against said individual.

Women, for example, are rarely mentioned in the legal texts in the context of receiving punishment for violent crimes. However, it is unlikely that they never committed any crime, and this conundrum is solved by the conjecture that they received the same punishments as men. Gradowicz-Pancer suggests that the Salic legal code does not specify punishments for violent 'women' criminals because, relatively free of Christian and Roman influence, it did not distinguish so strictly between female and male spheres of activities, including violence.¹⁴⁷ This conjecture is bolstered by the fact that in one of the rare instances where women are,

¹⁴⁷ Nira Gradowicz-Pancer, "De-gendering female violence: Merovingian female honour as 'an exchange of violence'", *Early Medieval Europe*, 11(2002), 18.

indeed, mentioned separately, they can be seen as getting the same punishment as men.¹⁴⁸¹⁴⁹¹⁵⁰

It stands, then, that a woman or her kin should also receive a degree of compensation for injury done to her person similar to a male of the same status. However, in *Lex Salica*, the *wergeld* for women is only similar to men before¹⁵¹ and after¹⁵² her child-bearing years, her *wergeld* being three times more while she is capable of child-bearing.¹⁵³ This is not to be confused with the slaughter of a pregnant woman, where the *wergeld* of a fetus is included,¹⁵⁴ but where the death of a non-pregnant woman may also fetch the same or similar amount of *wergeld* a pregnant woman's death (sans the value of her fetus) would yield, it signifies that the *wergeld* is tripled not for any inherent vulnerability of the woman injured/dead, but the loss of her service as a child-bearing woman that her death or injury has cost her legal protector/owner/society. The *wergeld*, also, then is presumably paid in the case of a married woman to her husband, as in laws of other Early Germanic societies. In a similar way, we can talk about *mundbyrd*, which is more often spoken of in terms of deliberate violence perpetrated on women rather than on men. The *mund* is the value of legal protection an individual can provide another under his care, and the *mundbyrd* is the compensation to be paid for the

¹⁴⁸ 81, *Laws of Early Iceland: Grágás I*, trans. Andrew Dennis, Peter Foote and Richard Parkins (Winnipeg, Canada: The University of Manitoba Press, 1980), Microsoft Reader e-book (2014).

¹⁴⁹ 159, "The Law of Personal Rights", *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 132.

¹⁵⁰ 33, "The Law of Personal Rights", *Frostathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 271.

¹⁵¹ XLI 15, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 105.

¹⁵² XXIV 9, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 86.

¹⁵³ XXIV 8, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 86.

¹⁵⁴ XXIV 5-6, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania Press, 1991), 86.

violation of this *mund*, or legal protection. The *mundbyrd*, naturally, is paid to the one whose legal protection or care or *mund* was violated, rather than to the person who was harmed while being in his *mund*. For a woman, the *mund* is often the value presented/determined for undertaking her care, akin to the bridal gift a husband pays to the wife's family prior to marrying the woman.¹⁵⁵ Therefore, any violation (presumably of the sexual kind) of a woman does not only deprive the society/family/protector of her service, it also undermines the legal protection, and therefore also the legal right of her lawful guardian; hence, the *mundbyrd* also, here, is likely to be paid to the male guardian instead of directly to the violated woman. We have discussed in detail its importance in the chapter "Femininities and Masculinities" in the second section of this thesis, with special reference to Alfred 11, wherein freewomen belonging to the 'common' class are shown to be paid the compensation for their violation directly in these cases as if they are their own protectors/guardians.¹⁵⁶ Naturally, like *wergeld*, *mundbyrd*, where it represents the value to be paid for the violation of a legal protection a woman has, depends on the value of the *mund* or the legal protection itself, which is rooted in a lot of complex factors including the status of the violated woman and that of her legal protector.

Having established the utilitarian concerns regarding differing treatments (or lack thereof) of women as perpetrators and as victims, and how their legal status determines how, how much, and by whom their suit would be taken up, it, then, befits us to see whether the same may apply to cases where women are cast in the roles of beneficiaries or compensators in the case of a related victim or perpetrator, respectively. Inheritance of a wife from the husband, and her share in the household property can be quite diverse across the Germanic

¹⁵⁵ 75 l. "Notes to the Kentish Laws", *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 178, PDF e-book (2015).

¹⁵⁶ Alfred 11, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 70, PDF e-book (2015). Also see: Chapter Four, "Femininities and Masculinities", pp. 158-159.

cultures we have described here, with the Frankish wife probably only being allotted her bridal gift and the other gifts she receives from her father and her husband,¹⁵⁷ while the Anglo-Saxon¹⁵⁸ woman may have a substantial share. However, one instance where they are very often bypassed/not mentioned is when compensation is paid to, or by, the kin on account of an individual's death by murder, unless she has children. It may well be because these rules of compensation were based on the degree of liability one may have in the ensuing feud. Though in the fourth chapter, titled "Femininities and Masculinities", we will see that a woman's role in avenging her husband was not insignificant, and she could, if she so wished, summon the strength of her own kin and that of the kin of her husband to avenge her husband's death, her role in this matter did not have the same legal implications as the participation of her husband's kin-group. Hence, it also makes sense that the wife would not be asked to pay or receive compensation in case of her husband's untimely death, unless she has children who have the right to take up the suit or settlement. This may be not only because the wife is a woman, as she may be expected to contribute towards the compensation to be paid by her son in *Lex Salica*,¹⁵⁹ and is liable to pay for, or receive, compensation for her father (if she is the only issue, no male heir existing) prior to her marriage as per Icelandic *Grágás*.¹⁶⁰ This was because the liabilities created in the legal relationship of a husband or a wife, arise more out of the dues of legal protection than those created within cognatic (patrilateral and matrilinear) or agnatic (patrilineal) relationships. Although compensation for an unmarried woman is owed to her kin

¹⁵⁷ Katherine Fischer Drew, ed. and trans., *The Laws of the Salian Franks* (Philadelphia: University of Pennsylvania Press, 1991), 43.

¹⁵⁸ Ine 57, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 55, PDF e-book (2015).

¹⁵⁹ LVIII 3, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 121.

¹⁶⁰ K113, *Laws of Early Iceland: Grágás I*, trans. Andrew Dennis, Peter Foote and Richard Parkins (Winnipeg, Canada: The University of Manitoba Press, 1980), Microsoft Reader e-book (2014).

through both kinship-liability and legal protection, and the husband of a married woman gains the right to her atonement on transference of legal protection through marriage, a woman, on account of neither having kinship liability for her husband, nor being responsible for legal protection of her husband, is usually not liable to pay or receive *wergeld* for her husband. However, an absence of legal liabilities regarding *wergeld* does not mean that a woman does not have any role in the suit. In *Gulathing law*, for example, a woman is responsible for sending forth the arrow that carries the accusation for the husband's slaying,¹⁶¹ It is possible then, that rather than an avenger liable to legal responsibilities who participates in the payout for the crime which he pursues for the sake of a settlement, a wife, for her husband, becomes more of a social avenger, who, as in the case of sending forth the arrow, initiates and encourages the suit, though her role is limited in the pursuit or the payment.

Similarly, in the case of the kin, the duty of kin in case of violence committed by or on a member of the kin-group also highlights the mutual dependence, or practical use of a network within a violent society. Hence, in the laws of Early Germanic societies, the kin-group who have the right to compensation are also most often the ones who are called upon to provide compensation, with preferences given to father's side or mother's side as cultural circumstances would allow. The *Gulathing law* involves both cognates and agnates, and kin to the sixth degree of relationship,¹⁶² and the *Grágás* also have a similar elaborate system.¹⁶³ This detailed description of the rights and liabilities of kinship in the *þing* laws as compared to *Lex Salica* and Anglo-Saxon dooms makes sense if we consider the system of compensation to be

¹⁶¹ 151, "The Law of Personal Rights", *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 128.

¹⁶² 235, "The Wergeld System", *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 157.

¹⁶³ K113, *Laws of Early Iceland: Grágás I*, trans. Andrew Dennis, Peter Foote and Richard Parkins (Winnipeg, Canada: The University of Manitoba Press, 1980), Microsoft Reader e-book (2014).

a replacement of the system of feud; in legal systems where the operation of law leans more towards its family-based past than its monarchy/polity-based present and future, ensuring appeasement of the kin-group (as well as the liability of the kin-group) to the highest degree possible is essential to the stability of the settlement. This is quite noticeable in Salic law where, when compensation is not possible or probable for the criminal, he is often handed over to the wronged party (especially in the case of slaves whose masters will not pay for them, or freemen whose family members are not able or willing to pay for them), to “make compensation with his life”,¹⁶⁴ presumably by becoming a slave. A more fatal variant of this, as we will discuss in the eighth chapter “Places and Performers” (see: pp. 298-301) and later on in this chapter as well (see: pp.110-113), is the kind of outlawry where the criminal is placed completely outside legal protection and declared fit to be slain, so as to give the wronged party the liberty to kill the outlaw, excusing them from any legal repercussion. By making it possible to legally slaughter the outlaw and not to incur any dues of *wergeld* therefrom, the law is also essentially revoking its right to interfere, a right which made the replacement of violence by money possible in the first place. Moreover, this direct or indirect handing-over of the convict is also a public statement on the law’s part that the kin of the convict are unwilling, or, in the case of a severe crime where terms of compensation are moot, unable to pursue for counter-revenge the avenger who kills the convict, giving the potential killers of this doomed man a clean chit; these essentially capital sentences ensure that the killers of the outlaw will not suffer any legal repercussions from the law-enforcers or the kin of the killed convict. This is a fair deal, also, for the kin of the convict, who are not forced to pay for a man for whom they are not willing to take any responsibility. Though there are provisions for excusing oneself from kinship duties (and therefore also dues of the kin) in most Germanic laws, *Lex Salica* also includes the formal

¹⁶⁴ LVIII 8, “Pactus Legis Salicae”, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 122.

renouncement of the kin where one unwilling to associate with his kin may remove oneself from this network of liabilities;¹⁶⁵ this ensures, regardless of the blood-kin, a complete severing of the liabilities one shoulders in name of kinship, as well as a forfeiture of the rights, of inheritance and of compensation/*wergeld* one claims or pays through the network of kinship. The interdependence of legal execution and kinship liabilities, then, are further highlighted by the consequences of a willing or forced removal of said liabilities; just as one forfeits the right to earning debt or profit via means of kinship when one disowns one's kin, the figure of the outlaw also forfeits their right to the kinship protection by default when placed outside the law, and, therefore, also outside kin-group-oriented liabilities. This is why kin-slaying is treated as a serious crime across all legal texts of Early Germanic societies, as it disrupts and breaks the chain of liabilities, or, moreover, the family, which, as previously discussed, is one of the principles on which laws of Early Germanic societies commonly depend to carry out their operations. In the *Gulathing law*, kin-slaying is defined as 'a mad man's work', designating it as something that no one in the possession of their sanity would carry out; the punishment, likewise, reflects the severity, stripping the individual who has committed the crime of the right to his inheritance.¹⁶⁶ The *Frostathing law* prescribes stricter punishment, including forfeiture of property and full outlawry.¹⁶⁷

Comitatus, on the other hand, is codified in law in many different ways depending on the setting of the Early Germanic society; the *þing* laws of Norway and the *Grágás* of Iceland, for example, are dependent on a more tribe-based acknowledgement of

¹⁶⁵ LX 1, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania Press, 1991), 123.

¹⁶⁶ 164, "The Law of Personal Rights", *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 134.

¹⁶⁷ 31, "The Law of Personal Rights", *Frostathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 271.

regional chiefs and influential men when pertaining to the basic tenets of *comitatus* as seen in Tacitus (though this thesis uses the term *comitatus* in a broader context; see: p.3). Regarding law also we do not perceive *comitatus* to be strictly a band of followers following their lord, but, rather, as the representative of the ethos that guides it, namely, the wish by a free man to be willingly subjugated to an able lord of his choice, and to serve him for social and material gains. Much like the kinship network, the acts of subjugation and acceptance also create a bond of liabilities, whereby the lord becomes responsible for any action of the follower, including and up to violent actions. The legal provisions undertaken by the lord, in many ways, are like that of a master in possession of a slave, except for the fact that on non-cooperation or non-compliance free men cannot be transferred to the estate of another. In Anglo-Saxon legal codes, in particular, the *comitatus* takes up many roles usually designated to the kin-group in the other Germanic laws, including the lords being guarantors for their servants by oath¹⁶⁸ or contributors towards compensation in the cases of their followers, and, either is legally permitted to defend the other if need be.¹⁶⁹ The legal liability that occurs through this kind of *comitatus* is seen as preferable to legal liability through kin-group in Æthelstan's code, as the kin-group itself is given the task of finding a lord for their kinsman should he become lord-less.¹⁷⁰ As discussed in the chapter on kinship, this emphasis on the liability of the lord superseding the liability of the kin-group may point at two things; firstly, a deep-seated anxiety within the Anglo-Saxon kingdom (in particular of Wessex and during Æthelstan's reign) regarding the formation of powerful kin-groups, and, secondly, an ingrained fear about falling back on old tribe-based

¹⁶⁸ Wihtried 23-24, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 28, PDF e-book (2015).

¹⁶⁹ Alfred 42, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 84, PDF e-book (2015).

¹⁷⁰ III Æthelstan 2, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 128, PDF e-book (2015).

systems which did not acknowledge the sovereign authority of a king. Whatever may be the reason, Anglo-Saxon dooms, in laws by Æthelstan as well as other (in particular Wessex) kings, provide certain safeguards to ensure that the liability of the lord for the actions of the follower is not misused or misappropriated. Of course, there are strict punishments for those who directly seek to harm their lords,¹⁷¹ but these safeguards can manifest as priority given to the duty owed to the lord above one's natural duty and legal right. Laws of Early Germanic societies enshrine the inalienable right of the individual to take revenge for his kin, dependents and himself. This extends, in Alfred's dooms, to the lord and the follower, who may defend each other without being implicated if either is attacked.¹⁷² Moreover, as the liability of a lord to ensure legal status (and legal action) of his followers takes precedence over the liability of the kin-group to maintain the same regarding the kin-members, duty to one's lord also takes precedence over avenging one's kin where the lord has been the one to attack the kin.¹⁷³ Similarly, though in Anglo-Saxon legal codes the sanctity of an oath is paramount, breaking the oath is encouraged when its execution could betray the lord.¹⁷⁴ To ensure fairness to the lords regarding the acceptance of liability for their followers' actions, further measures are provided by certain Anglo-Saxon legal codes regarding the change of service as well. Changing lords is not a difficult matter,¹⁷⁵ and so is not obtaining the lord's consent to it,¹⁷⁶ but both are

¹⁷¹ III Æthelstan 4, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 130, PDF e-book (2015).

¹⁷² Alfred 42, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 84, PDF e-book (2015).

¹⁷³ Alfred 42, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 84, PDF e-book (2015).

¹⁷⁴ Alfred 1, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 62, PDF e-book (2015).

¹⁷⁵ IV Æthelstan 5, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 148, PDF e-book (2015).

¹⁷⁶ III Æthelstan 4, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 144, PDF e-book (2015).

dependent on whether the one who seeks to change lords had any standing complaint against his current lord. The new lord, in turn, is fined if his follower has left his previous service without informing his earlier lord, and he is also liable to pay all dues of his new follower if the latter has unpaid offences at the time of accepting the employment,¹⁷⁷ thus encouraging the lords to maintain a more stable retinue.

Indirect Exchanges (B): Laws Influencing Social Norms

Having expounded on the influence of social norms on the interpretations of violence by law, it is time we turn our attention to the way in which legal principles may interact with and affect social norms and practices regarding violence. In the preceding chapters, we focussed on three main practices of socially approved violence, namely, legal punitive violence or punitive violence enforced and/or justified by law, violence that occurs on a battlefield, and violence that occurs by virtue of offering sacrifices. As it is a chapter on law, discussing its influence on legal punitive violence would be logically impractical, since law has a direct hand in the implementation of said violence. Hence, we will discuss the role of law in this section with regard to its contribution to regulating the other two types of violence.

Laws regarding warfare, for example, are indicative of the status of a community for which the laws are made. Law about conscription, or of special rights of soldiers, for example, comes generally after establishment of a polity under a governing authority, whereby a sense of nationhood, and service to one's nation are encouraged. Naturally, then, the Icelandic *Grágás* speak little about warfare, whereas the Anglo-Saxon dooms decree forfeiture of the domains of noblemen who would refuse conscription, and ask

¹⁷⁷ Alfred 37, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 80, PDF e-book (2015).

for compensation from those who do not hold titled land¹⁷⁸. The *Lex Salica* decrees that the compensation for a murdered man who was in military service will be six hundred solidi¹⁷⁹, which is three times the compensation for an adult common man. However, of all the legal texts described herein, it is, possibly, the *Gulathing law* which gives us a composite image of what war means to be for a burgeoning polity with monarchy at its helm; it makes conscription necessary by both necessitating provision of ammunition and men by those who have the ability, and, as in *Lex Salica*, by increasing the value or *wergeld* of the man who has participated in the war (here, by freeing slaves for having participated in the war, as the *wergeld* of a free man is naturally higher than a slave), and, further, by decreasing the value of the one who has refused to, branding the act of the latter as treason¹⁸⁰. Other laws may also fortify the principles of law, although not referring directly to it. One such law, in *Gulathing law* itself, may be the law of the weapon *þing*, or an assembly cum weapon census called by royal authority, where the presence and serviceable weapons of a man are meticulously counted.¹⁸¹ This may well be to keep track of the weapons a man may provide his king with in times of need, thus making the discovery of treasonous intent much easier. Such elaborate measures to legally bind the citizens to war-time duties, including calling upon unmarried women with means for provision of ships and crew,¹⁸² may suggest an anxiety that is characteristic of an early monarchic system not yet fortified by the divine authority of an established Christian monarchy. Both the

¹⁷⁸ Ine 51, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 52, PDF e-book (2015).

¹⁷⁹ LXIII 1-2, “Pactus Legis Salicae”, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 124.

¹⁸⁰ 312, “The Coast Defense”, *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 197-198.

¹⁸¹ 309, “The Coast Defense”, *Gulathing law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 196.

¹⁸² 312, “The Coast Defense”, *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 197.

punishments and the rewards for those on the call of duty escalate in proportion with the amount of importance placed by the polity, and therefore also the law, on services regarding war, giving us an impression of the nature of the nation or polity in which the law is practised, as well as the extent to which law may exert its authority to preserve this nature.

A similar impression of the nature of a society, particularly with regard to beliefs and religions, is obtained from the law about and against sacrifices, which are quite possibly common across all forms of pagan Germanic cultures, as indicated in the chapter on God/s. William M. Daly points at the possible co-existence of early Christian communities and pagan subjects as the reasons for there being stricter punishments for consecrated boars in the *Lex Salica*,¹⁸³ whereas the *Gulathing law* calls for an immediate exile of those who offer sacrifices to pagan gods.¹⁸⁴ Further, we find laws against consumption of horse-meat in the *Gulathing law*, where consuming it even after a first warning gave one a charge caused one to be accused of lesser outlawry, while consuming it during Lent resulted in full outlawry.¹⁸⁵ Given the greater degree of punishment with regard to Lent, it is not unreasonable to assume that this law, also, is decreed with regard to reducing the pagan influence, as horse was often offered as sacrifice to pagan gods; Larson, too, connects the banning of horse-meat consumption to the practice of it being eaten at pagan sacrifices.¹⁸⁶ The lesser tolerance in the latter, as compared with that in *Lex Salica*, may speak of a greater anxiety, on the part of the Church and the polity intending to subdue dominant pagan practices in a more or less uniform

¹⁸³ William M. Daly, "Clovis: How Barbaric, How Pagan?", *Speculum* Vol. 69 No.3 (Medieval Academy of America, July 1994), 652, *JStor*, <http://www.jstor.org/stable/3040846?origin=JSTOR-pdf>.

¹⁸⁴ 29, "The Church Law", *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 57.

¹⁸⁵ 20, "The Church Law", *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 48.

¹⁸⁶ F.N. 55 (of the cited text), *Ibid*, 48.

culture they seek to convert rapidly. On the other hand, the previously mentioned law/s in *Lex Salica* about the consecrated animals survive well into the Carolingian period,¹⁸⁷ which, besides being symbolic of a more diverse population (as mentioned earlier) can either mean that this diversity has continued well into the Carolingian period, or that the pagan practices, by this time, have become obsolete enough for its striking down to not matter to the Church or the polity. The latter, certainly, may be the case for Anglo-Saxon dooms, where any reference to a pagan religion alone exists in very vague terms, if at all, the only reference to a pagan sacrifice, possibly, being a law that penalises offerings to ‘devils’:

12. Gif ceorl buton wifes wisdomes deoflum gelde, he sie ealra his æhtan scyldig & healsfange. Gif butwu deoflum geldaþ; sion hio healsfange scyldigo & ealra æhtan.¹⁸⁸

(If [a] man makes offering to devils without [his] wife’s knowledge, he shall forfeit all of his goods or [his] *healsfang*.¹⁸⁹ If both make offerings to devils, [both of] them shall forfeit their *healsfang* or all of their goods.)

This law was composed at an early period of Christianity in England, being dated to the Kentish King Wihtred’s rule in seventh century AD, which possibly counts towards the oblique reference to pagan worship, if the law is indicative of it at all. The only manuscript in which the Kentish laws survive, *Textus Roffensis* (H), was written four centuries after Wihtred’s laws were decreed,¹⁹⁰ by which time the majority of England had become Christian, rendering the law nearly obsolete. It can be said, then, that these differing legal attitudes of Early Germanic

¹⁸⁷ LI (II) 14, “Lex Salica Karolina”, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 211.

¹⁸⁸ Wihtred 12, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 26, PDF e-book (2015).

¹⁸⁹ A term occurring in the laws which Thorpe thus defines: ‘The sum every man sentenced to the pillory would have had to pay to save him from that punishment had it been in use.’ Accessed May 21, 2022, <https://bosworthtoller.com/18442>.

¹⁹⁰ “The Kentish Laws”, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 3, PDF e-book (2015).

cultures towards sacrificial violence, as well as violent acts connected to war, indicate how law becomes a testament of changing cultural circumstances by possibly recording, and influencing, social responses regarding acceptable, or previously acceptable, social norms on violence.

Direct Exchanges

Similar deductions are to be made from the final section of this chapter, that is, the section in which the direct participation of law in violent exchanges may be observed. As compared to reciprocity or lack thereof regarding divine violence that set the parameters of divinity, and as compared to the Church where the violent exchanges it aids or encounters are measured, and countered, by setting up a narrative of othering and otherness, the authority of the law extends its reach to incorporate the responses of those who help, hinder and react to its violent measures within the legal body itself, letting us access more easily the operating logic behind the mechanisms on which law relies to implement these measures. We will discuss the direct participation of law in violent exchanges with regard to three concerns: whether violent actions against the law evoke violent responses on the part of law, secondly, whether, and in which ways, law uses violence in its implementations, and, thirdly, how law responds to those who help or assist the convicts against whom law has taken potentially violent measures.

Violent actions that are carried out against the law are often in violation of the rights granted to the individual within the purview of the law, and, therefore, the measures undertaken by the law to address these concerns, like the *mundbyrd*, depend on the value of the rights or protection of individual. This is why, very appropriately, this compensation is termed *wergeld*, or, literally, ‘man-yield’ in Anglo-Saxon dooms, referring to the value a wronged individual may expect to obtain with regard to his or her legal rights, with the nominal *wergeld* often multiplying in value based on the status of the injured/murdered/wronged individual/s,

and the circumstances in which the crime had occurred. Though laws of Early Germanic societies try their best to minimise interactive violence by compensating the family of the injured or dead individual/s, the origin of the compensation is well-revealed in the way the *þings* settle suits at the court when group-violence has occurred. Following these actions, often the *þings* set one slaying or injury against another, asking for compensation for only the cases which could not be tallied with an equivalent death, as in *Eyrbyggja Saga*:

Það er frá sagt sáttargerðinni að mannalátum var saman jafnað og atferðum. Var það jafnt gert sár Þórðar blígs í Álftafirði og sár Þórodds sonar Snorra goða. En sár Más Hallvarðssonar og högg það er Steinþór hjó til Snorra goða, þar komu í móti þriggja manna víg þeirra er féllu í Álftafirði. En þau víg er Styr vó í hvorn flokk voru jöfn látin. En á Vigrafirði var líkt látið víg Bergþórs og sár þriggja Þorbrandssona en víg Freysteins bófa kom á móti þeim manni er áður var ótaldur og látist hafði af Steinþóri í Álftafirði. Þorleifi kimba var bætt fóthöggð. En sá maður er látist hafði af Snorra goða í Álftafirði kom fyrir frumhlaup það að Þorleifur kimbi hafði þar víg vakið. Síðan var saman jafnað annarra manna sárum og bættur skakki sá er á þótti vera og skildust menn sáttir á þinginu og hélst sú sætt vel meðan þeir lifðu báðir, Steinþór og Snorri goði.¹⁹¹

(It is said of the reconciliation that manslaughter was equated. The wounds of Þórður blígur in Álftafjörð were held to be equal to the wounds of Þóroddur, the son of Snorri the Priest. Against Már Hallvarðsson's wound and the blow that Steinþór dealt at Snorri the Priest, were set the slaying of three men who fell in Álftafjörð. But the slayings which Styr caused in (lit. weighed into) each party were equalled. But in Vigrafjörð the slaying of Bergþór and the wounds of Þorbrandur's three sons were set against each other. But the slaying of Freysteinn Bófa was set against the man who had not been counted before and had died [as one] of Steinþór[‘s party] in Álftafjörður. Þorleifur Kimbi received compensation for his loss of foot. But the man who had died out of Snorri the Priest[‘s company] in Álftafjörð was set against the onset for which Þorleifur Kimbi had caused a slaying there. Afterwards the wounds of other men were reconciled, and those that were thought to be left were compensated, and the men parted at the *þing*, and that peace was well maintained while Steinþór and Snorri the Priest both lived.)

¹⁹¹ 46 Kafi, *Eyrbyggja saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

It is clear, then, that law's primary goal was to assist an individual and his kin-group in obtainment of justice for the violence committed against them, as guarantor of their rights; this parallels the liabilities mentioned in this chapter's sub-section of indirect exchanges between law and its beneficiaries concerning violence, where social norms regarding gender, kinship or *comitatus* impact the interpretation of violence by legal authority. Just as the liabilities of kin and *comitatus* are reflected in paying compensation or exacting revenge for violent actions, the law has also the liability to uphold the rights of the individual and the kin-group by whose assistance it is able to exert its authority. Law, therefore, only implements potentially violent measures for violent actions when the latter cannot be matched in cash or kind by the opposing party, as we will see in the upcoming section on violent measures undertaken by the law.

The second clause of the direct exchanges of violence between law and its adherents, that is, the violent measures undertaken or encouraged by the law in its implementations, can also be, functionally, separated into two parts, firstly, the potentially violent processes through which the validity of the crime itself is judged, and, secondly, the measures of violence implemented as punishments for those whose crimes are already proven.

The processes of determining a crime (which involved legally approved violent actions) to be discussed in detail here are the ordeals and *hólmganga*. Ordeals, as mentioned in the first chapter, are, along with the oaths, taken as a manifestation of God's/ gods' judgement that reveals the truth of the case in form of the physical effects of the ordeal on the victim (see: Chapter One, "Gods and Monsters", p.31). The preferred ordeal for each Early Germanic culture may be different, the Salian Franks preferring the hot water ordeal where one had to put one's hand in a cauldron of boiling water and not suffer a dirty burn if one were to prove

one's innocence,¹⁹² while the *Gulathing* seems to prefer the ordeal of hot iron.¹⁹³ The oath and ordeal both occur when the accused refuses to accept the blame, and, therefore, any fine or punishment that accompanies it; the denial of a settlement to the injured party, therefore, necessitates evidence of the accused's crime or innocence. What is interesting to see, however, that as compared to oaths, which may be proven false (further punishments being given to those who swear false oaths¹⁹⁴¹⁹⁵ along with their oath-helpers or guarantors),¹⁹⁶ ordeals are generally taken to be the ultimate evidence of the accused's crime or innocence, the violence undergone by the accused during the ordeal being an instrument of the law to convey the truth.¹⁹⁷ This may be because of the fact that while an oath is usually fortified by human helpers who might, and do, lie, the physical evidence of an ordeal may be read as an omen that cannot be affected by human hands. The absolute nature of the ordeal is highlighted by the fact that it is understood to be a natural progression from oath in case the first does not suffice or falls short, replacing the other when the oath-taking is either evaded or falsely taken,¹⁹⁸ or is not possible at all due to the lack of oath-helpers.¹⁹⁹ Conversely, in cases where ordeal is decreed to be the procedure,

¹⁹² CXXXII, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 156.

¹⁹³ 158, "The Law of Personal Rights", *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 131.

¹⁹⁴ XLVIII 1, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 112.

¹⁹⁵ II Æthelstan 26, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 140, PDF e-book (2015).

¹⁹⁶ XLVIII 2, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 112.

¹⁹⁷ 156, "The Law of Personal Rights", *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 130.

¹⁹⁸ CXXXII, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 156.

¹⁹⁹ XIV 2, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 79. Oath-helpers= Those who vouchsafe by their own oaths that the statement/oath of the oath-takers they 'help' is true.

a man can choose to replace it with oath-taking if he can find enough oath-helpers, albeit by paying a fee.²⁰⁰ The absolute nature of the judgement that is given in an ordeal is suggested in the literary descriptions of *hólmanga* as well. In the sagas *hólmanga* is often portrayed as a socially, and, up to a point, legally acceptable way to settle disputes, the wounded having to withdraw by paying compensation, much in the same way of a loser of a case.²⁰¹ From the description of the process mentioned in *Kormáks saga*, it appears that the first shedding of blood, whether fatal, or not, decides the victor, and the loser has to ‘ransom’ themselves from the *hólm* or the duelling ground with a payment of three marks, in addition to losing the suit:

Ef annar verður sár svo að blóð komi á feld er eigi skylt að berjast lengur....Sá skal gjalda hólmlausn er meir verður sár, þrjár merkur silfurs í hólmlausn.²⁰²

(If a man is wounded that blood falls on [the] field, he should not fight any longer...the one who is injured at [the] *hólm* should ransom himself from [the] *hólm* with three marks.)

Egils saga, further, suggests the prevalence of a law in Norway which ensured that the one who died in a *hólmanga*, more so if he had been the one to challenge, also forfeited his property to the victor along with any chance at receiving *wergeld*:

Það voru hólmgöngulög í þann tíma, að sá, er skorar á mann annan til eins hvers hlutar, og fengi sá sigur, er á skoraði, þá skyldi sá hafa sigurmál það, er hann hafði til skorað, en ef hann fengi ósigur, þá skyldi hann leysa sig þvílíku fé, sem ákveðið væri; en ef hann félli á hólminum, þá hafði hann fyrirvegið allri sinni eigu, og skyldi sá taka arf hans, er hann felldi á hólmi.²⁰³

²⁰⁰ LIII 1, “Pactus Legis Salicae”, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania Press, 1991), 116.

²⁰¹ Victor Kiernan, *The Duel in European History: Honour and the Reign of Aristocracy* (Oxford University Press, 1988), 28-29, PDF E-book (2016).

²⁰² 11 Kafi, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

²⁰³ 65 Kafi, *Egils saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/egils.htm>.

(There was a law of duel at that time, that when a man challenged another on one thing, and the one who had challenged gained victory, then he should have as victory-prize the thing he had challenged [the other] for, but if he got defeated, then he should ransom [himself] with as much money as would be decided; but if he fell on the isle, then he had forfeited all his property, and he who felled him was to take it as his inheritance.)

Vestiges of the *hólmganga* principles may be found in the *Gulathing law* which dismisses any kind of atonement for an injury one suffers from having challenged another on an islet.²⁰⁴ Like ordeal, then, the physical effect of the *hólmganga* on the losing party is taken as a verdict of the ‘case’, the severity of the punishment being in proportion with the severity of the physical effect, which means the physical outcome on the injured/slain’s part comes to represent the degree of offense committed against the law. This is typical of the laws of Early Germanic societies which usually do not have investigative teams at their disposal; these laws often rely on, or permit, definitive judgements provided by socially approved rituals and practices when they may not depend on the assistance of their adherents/citizens, more so when the latter won’t comply with, and/or would abuse, the laws’ attempts at reaching a settlement.

The second part of the violent implementations of law we will discuss concerns the cases where the law sanctions violence in its execution. Generally, legally mandated injury or mutilation that falls short of death is reserved for thralls, whereas death is most often the only violent penalty for free men. However, legal codes in Early Germanic societies generally avoid handing out capital punishments, as long as the crime or the evasion of the case is compensated for by money. The sanction of violence, whether directly or indirectly executed by the mechanisms of law, is generally the result of crimes that cannot be compensated as easily, either due to the nature of the crime, or lack of people willing to pay the compensation or reach a settlement (including the individual who has been accused). These sentences were often given to thieves, rapists, evaders or people who committed multiple counts of the same

²⁰⁴ 216, “The Law of Personal Rights”, *Gulathing law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 149.

crime, or where no one was willing to pay the compensation on behalf of the convict. Reasons for awarding death varies across the texts consulted in this chapter, with theft being an unpardonable offense punishable by death in *Lex Salica* and by (possibly) outlawry in Anglo-Saxon dooms. The measures by which one is put to death is also often vague, whose only references are to be found in connection with other laws, such as the ones in *Lex Salica* where one suffers a penalty for bringing down men from the gallows,²⁰⁵ or a head from a spike.²⁰⁶ Hence, it is easier for us to address these things in relation to outlawry, which is often tantamount to capital punishment.

Outlawry, as described in *Lex Salica*, is not per se a punishment that is executed by the law itself, but a punishment which is made possible by the withdrawal of the law. This sentence places someone outside the king's protection (*extra sermonem suum*²⁰⁷), or the polity's/law's protection in a society where there is no king; this is made possible by removing, for the outlawed individual, the very rights through which the legal protection was ensured in the first place. We have mentioned before that one inalienable right that the legal codes of Early Germanic societies often proposed to enshrine was the right to revenge, and so it is that every life within these legal texts, from the life of a King to that of the lowest born thrall, is valued in varying degrees by the price set for it should any injury or indignity occur to the individual, the highest worth being that person's *wergeld*. For Freeman, this right is, generally, ensured twice: firstly, through the right to one's own property where one ought to be safe from violence, and *Frostathing law*, which is admittedly one of the older ones described in this chapter, hints

²⁰⁵ LXXV 1-2, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania Press, 1991), 135.

²⁰⁶ XLI 11b, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania Press, 1991), 105.

²⁰⁷ LVI 5, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 119.

at a time where even the king could not violate this right without being pursued to death, or becoming an outlaw himself.²⁰⁸ Secondly, the right to *wergeld* is ensured through the kin-group, who may pursue compensation for the wrong done to their kinsman or kinswoman in case the wronged individual is unable to do so. Outlawry of certain kinds enables any freeborn man to inflict capital punishment on an outlawed individual by removing any penalty for the death or injury of the individual sentenced to outlawry; the killer/maimer of the outlaw, in these cases, cannot be pressed for *wergeld* by the kinsman of the outlaw. This removal of penalty is accompanied by the loss or reduction of legal securities previously ensured to the outlawed individual (when he was not yet outlawed) through ownership of property (in that he may not be harmed within his household) or relation to a kin-group (in that his kin may have the right to legally protect, represent or avenge him).

The extent to which these securities are removed usually depends on the kind of outlawry that necessitates such removal. Though the legal text that exclusively differentiates between both kinds of outlawry is the *Grágás*, other laws also describe outlawry in such a manner that makes this distinction between the two kinds of outlawry noticeable. The lesser form of outlawry, or lesser outlawry in Icelandic saga and *Grágás*, amounts to a shorter period of ban and greater immunity (having three homes as refuge²⁰⁹) as long as the convict was trying to get away from the land and not stay on it, and it also ensured passage of the lesser outlaw if the “life-ring” was paid.²¹⁰ Although the lesser outlaw has to spend three years outside the land without access to his property, his kin looks after it, and he receives his property as is after

²⁰⁸ 50, “The Law of Personal Rights”, *Frostathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 278.

²⁰⁹ K 52, *Laws of Early Iceland: Grágás I*, trans. Andrew Dennis, Peter Foote and Richard Parkins (Winnipeg, Canada: The University of Manitoba Press, 1980), Microsoft Reader e-book (2014).

²¹⁰ K 53, *Laws of Early Iceland: Grágás I*, trans. Andrew Dennis, Peter Foote and Richard Parkins (Winnipeg, Canada: The University of Manitoba Press, 1980), Microsoft Reader e-book (2014). A *baug* or ‘ring’ was a term for the Scandinavian equivalent of *wergeld*, usually amounting to three marks in gold.

serving his term outside his homeland.²¹¹ On the other hand, the sentence of full outlawry usually declares a complete forfeiture of the property and reduces the guilty party to the status of a pariah who cannot be legally sheltered by his relatives, though, in the *Grágás*, for some cases of full outlawry three refuges may be allowed,²¹² and the person may be permitted to board a ship to get away from the land from where he was outlawed.²¹³

However, this outlawry, too, may be mitigated if the dues are paid in time,²¹⁴ the one whom the law truly forsakes as an outlaw is the fugitive, or a *flyma* as per Anglo-Saxon law, who has escaped or defied the hand of the law even after being warned. Both *Gulathing law* and *Lex Salica* ensure that any man who does not come to the court/thing and escapes to the forest will be outlawed to the extent of there being no compensation if he is slain.²¹⁵ In Anglo-Saxon dooms, such an individual is called a *flyma* who can be slain on sight. As mentioned in the eighth chapter “Places and Performers” (see: Chapter Eight, “Places and Performers”, pp. 299-300), the realm of the woods plays an important part in outlawry. While *Lex Salica* declares outlawry upon a man’s flight to the woods, *Gulathing* punishes even the one who assists the flight by hindering the pursuit and is killed by the pursuers, by declaring him being slain as an outlaw as well;²¹⁶ the legal significance of a man escaping the court and going into

²¹¹ K 53, *Laws of Early Iceland, Grágás I*, trans. Andrew Dennis, Peter Foote and Richard Parkins (Winnipeg, Canada: The University of Manitoba Press, 1980), 91-92, Microsoft Reader e-book (2014).

²¹² K 53, *Laws of Early Iceland: Grágás I*, trans. Andrew Dennis, Peter Foote and Richard Parkins (Winnipeg, Canada: The University of Manitoba Press, 1980), Microsoft Reader e-book (2014).

²¹³ K 53, *Laws of Early Iceland: Grágás I*, trans. Andrew Dennis, Peter Foote and Richard Parkins (Winnipeg, Canada: The University of Manitoba Press, 1980), Microsoft Reader e-book (2014).

²¹⁴ LV 4, “Pactus Legis Salicae”, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania Press, 1991), 118.

²¹⁵ CXV, “Pactus Legis Salicae”, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 152.

²¹⁶ 189, “The Law of Personal Rights”, *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 141.

the wilderness, or assisting another in the process, without having paid the legal dues, may be taken as self-outlawry. We can similarly view the aspect of space in the sense of one being slain as a suspected thief for not behaving in an appropriate manner in the woods:

20. [Be feorran cumenan men.]

Gif feorcund mon oððe fremde butan wege geond wudu gonge 7 ne hrieme ne horn blawe, for ðeof he bið to Þrofianne, oððe to sleanne oððe to áliesanne.

21. [Be swa ofslagenes mannes were.]

Gif mon ðonne Þæs ófslægenan weres bidde, he mot gecyþan, Þæt he hine for ðeof ofsloge, nalles Þæs ofslegenan gegildan ne his hlaford.²¹⁷

(20. [About men coming from afar]

If a man coming from afar, or a stranger, travels through a wood off the way, and does not shout or blow [the] horn, he shall be taken as a thief, either to be slain or to be ransomed.

21. [About [the] *wergeld* of [a] man slain thusly.]

If then anyone (lit. a man) asks for (lit.of) wergeld of the slain [man], he [who had slain the man] must declare that he had slain him as a thief, [and] pay neither the slain [man]'s associate nor his lord.)

It is clear, then, that a thief who is a fugitive is seen in the same light as a permanent outlaw. The validity of an escaped thief being legally considered a permanent outlaw may be further reflected in Æthelstan's law, where a thief can be legally slain at every phase of his resistance to capture:

20. § 5. Gif he nite, hwa hine aborgie, hæfton hine.

§ 6. Gif he nulle hit geþafian, leton hine licgan, buton he oþwinde.

§ 7. Gif hwa hine wrecan wille oððe [heora ænigne] fælæce, þonne beo he fah wið ðone cyng 7 wið ealle his freond.

§ 8. Gif he ætwinde, 7 hine hwa feormige, sy he his weres scyldig, buton he hine ladian durre be Þæs flyman were, Þæt he hine flyman nyste.²¹⁸

²¹⁷ Ine 20, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 42, PDF e-book (2015).

²¹⁸ II Æthelstan 20, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 138, PDF e-book (2015).

(§ 5. If he does not know [anyone] who will act as his security, [they] will capture him.

§ 6. If he does not consent to it, let them slay him, unless he escapes.

§ 7. And if anyone wishes to avenge him or arranges [a] vendetta against any of them [who slew him], then he is outlawed against the king and against all his friends.

§ 8. If he escapes, and [anyone] should shelter him, [he] shall forfeit his *wergeld* unless he dares to redeem himself by [declaring an oath equal to] the fugitive's *wergeld*, that he did not know he was a fugitive.)

By all accounts then, the *flyma* or the fugitive in the Anglo-Saxon dooms appears to be equivalent to the permanent outlaw who tries to defy law. While in other cases of outlawry, the loss of property and shelter are more emphasised and the potential of slaughter only intimated, in the case of the fugitive any man can be the hand of justice, though preferences are given to the injured (for harming whom the criminal is declared as a fugitive) and/or his kin-group if the case is such that they are entitled to being avenged. Again, in implementation of violence in personal suits, the compliance of the lawful individual and family is demanded for a successful imposition of punishment, in the absence of a strong body of designated enforcers of the law.

If we consider the third clause of the direct exchanges of violence between the law and its adherents, that is, of legal response to those who oppose or hinder the violent implementations of the law, it is, then, no surprise that the individual and the family are held to a greater culpability if they hinder or obstruct justice by trying to stop or hinder the potentially violent measures taken by the law. As we have noted, the laws in *Lex Salica* make an individual pay a fraction of the *wergeld*, not only if he helps a living person off the gallows (for which the fine is admittedly higher), but also if he takes off a dead body from it,²¹⁹ or takes

²¹⁹ LXXV 1-2, "Pactus Legis Salicae", *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991), 135.

off a head from the spike upon which it was put.²²⁰ This is not only because these actions amount to hindering the legal process of the case for which the convict suffers the punishment, but also as the public nature of these executions suggest, interrupt the display of legal consequences that serve as demonstrative warnings to the passers-by. These kinds of interruptions obstruct one of the processes through which legal principles are preserved and continued. This is why in most cases aiding an outlaw fetches a punishment that is similar to the doom awarded to the outlaw, because there, naturally, the aim is to place the outlaw outside all legal protection, including that of his kin. Hence, anyone who houses an outlaw and provides for him receives varying degrees of punishment, being, in some cases, proclaimed an outlaw as well.²²¹ Similarly, as noted in the previous paragraph, those who assist in violent crimes the convicts who are proclaimed permanent outlaws by judgements or the circumstances of their death (like being slain when fleeing from the law), are often doomed to the same end as those they aid. Here, the same expectations of liability associated with social relationships that make case proceedings and implementations possible are behind the equal or almost equal culpability of the partners-in-crime who obstruct legally mandated executions.

Conclusion

In conclusion, then, while determining the common character of Early Germanic secular law in relation to violence, we may note that the exchanges of meanings directly or indirectly involving violence, when taking place between law and those expected to abide by it or yield to it, can characteristically differ from said exchanges of meanings between authority exercised by divine figures and the Church and those who are expected to abide by

²²⁰ XLI 11b, “Pactus Legis Salicae”, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew, (Philadelphia: University of Pennsylvania Press, 1991) 105.

²²¹ 41, “The Law of Personal Rights”, *Frostathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 274.

divine/Church authority. This is to say, the laws in Early Germanic societies, for retaining their authority, openly depend on how much the people in these societies understand and value the ways in which their laws and themselves depend on, and define, each other. As in the case of exchanges of meanings indirectly pertaining to violence society is bound to law, and vice versa (the executive functions of law being dependent on the sustainability of existing social networks), by personal, military and familial liabilities, so does the law, in case of direct involvements of violence in such meaningful exchanges, rely on people's understanding of the same liabilities when it seeks to actively assert or bolster violent actions. Though this is equally true for God/gods/Church in such societies and their adherents, such admissions would be potentially threatening to the authority of God/gods/Church. Hence, the aforementioned direct and indirect exchanges between laws in Early Germanic societies and those who are meant to adhere to them, contribute to the understanding of violence as a dialogue not in terms of how it may or may not contradict legal authority, but, rather, how its compliances with, and opposition to the legal authority impacts the social relations involved in the execution of the violence/violent act.

Section Two: Intangible Bonds: The role of social relationships

Chapter Four: Femininities and Masculinities

Introduction

The voices of authority in the Early Germanic texts, as discussed in the first section of this thesis, seem to have a pluralistic approach towards defining their relationship with violence, taking into consideration the interests of time and society in a way that speaks firmly against treating Early Germanic culture/s as a monolithic establishment. It is evident, then, that the social networks through which we will explore violence's capacity to define (and be defined by) social structures, will also defy monochromatic interpretations. In the first chapter of this section, then, we aim to see, using the context of violence, how gender or gender roles are variables, subject to the needs of Early Germanic societies. Through a thorough discussion of the processes of regulating violence and its gendered performances, we will also see how, if at all, these variables may be united by common motifs. The second chapter of this section seeks to prove the same regarding the roles played by the members of military groups with traits of *comitatus* as understood by this thesis, and the third chapter reiterates this logic in the context of kinship and its relationship with violence in Early Germanic societies.

The principal challenge in our attempt to discuss the complex relationship of gender and violence would be to determine how complex it is. Is it entirely hinged on the performativity of male heroism, with women playing only the role of the 'cold' counsellor? Or is the possibility of shield-maidens indicative of a more fluid gender performativity? The truth, one suspects, lies somewhere in the middle. To understand how violence and gender constructs define each other, then, it is also necessary to comprehend how this mutual process of defining each other takes its cues from how, and to what extent, the prevalent gender norms are adhered to or defied in Early Germanic cultures. Hence, we will measure the relationship of both

femininity and masculinity with violence, in terms of their obeying or defying of the gendered regulations set for each. We will also examine if, at all, violent and violence-related interactions between men and women, through obeisance to or defiance of the standards for such interactions, affirm the relationship between violence and gendered performance.

Framework of the chapter

This chapter, therefore, is going to have three sections. The first two sections of this chapter are going to discuss, respectively, indirect (Peace-weaving, goading) and direct (*seiðr*, combat) participation in violence by women in Early Germanic literature, and examine how adherence to social norms or defiance of them in these participations pertain to ideas of womanhood in Early Germanic cultures. It is to be noted that by ‘indirect’ we do not mean ‘inactive’ or lacking in agency, but refer to women influencing violent actions in which they have not been (nor will be) direct participants or combatants. Simultaneously, we shall discuss how Early Germanic ideas of manhood may also be shaped by the same kinds of participations, depending on how (if at all) men are expected to perform the actions listed above. We will deliberately centre the conversation on women and their roles concerning violence. In a cultural construct where men occupy more visible positions in orchestrating violence, discussing violence and manhood using the context of how violence (or lack thereof) shapes womanhood may help us explore heretofore uncharted aspects of the relationship between gendered social norms and violence. The third, and the final section of this chapter is going to explore how violence done to women is perceived in Early Germanic cultural contexts as opposed to violence committed on men, and how both condoning and condemning of this kind of violence under certain circumstances aspire to uphold the gender binary.

‘Indirect’ Participation, or Peace-making and Goadng

This leads us to the first section of this chapter, where we shall discuss the indirect participation of women through what may be considered to be two of the most commonly seen and socially acceptable roles of women as far as extant literature is concerned – firstly, the role of a peace-weaver, and, secondly, the role of a goader – and see how the participation of men as both objects, and, occasionally, subjects of these actions control and define the limits of manhood. Peace-weaving entails establishing peace in a difficult and violent situation, by marriage and/or by bureaucratic actions, and the latter, that is, goading, is done by persuading (often through insulting words) the male kinsmen to avenge a wrong done to her person or to her kin. Critical fallacies that downplay one role in favour of exaggerating the other often do so under the impression that these roles oppose each other; such fallacies might also stress that casting a woman in the role of a goader providing ‘cold counsel’ is a misogynistic attempt to take away the blame from the male champion whose actions might lead to a feud.²²² In our discussion of these two roles, we would like to show, firstly, that these roles are not oppositional, but complementary. Secondly, we would like to argue that although these tropes are naturally not free of cultural biases of the times these texts record, they are reflective of the very important roles women played, and were expected to play, in defining violence within Early Germanic cultural contexts, and, therefore, dismissing the trope/s as mere devices for stereotyping women is ideologically and culturally myopic.

The interpretation of term ‘peace-weaver’ or *freopuwebbe* has two commonly accepted interpretations. A more specific use of this word may define the women who were given in marriage as a peace-offering to end a feud between two clans; however, Baker insists that this term has never, in fact, been proven to be connected to marriage for the sake of peace-

²²² Jenny Jochens, *Old Norse Images of Women* (University of Pennsylvania Press, 1996): 202-203.

making, and mis-translations and consequent unquestioned cross-referencing contributed to its proliferation as such.²²³ Within the broader cultural context of the Early Germanic societies a more inclusive description of the term is possible, extending, in the context of contribution to violence or to its absence, to women who actively endeavoured to broker peace between their clans or families and others. As Baker protests against imposing a marital definition on *freopuwebbe*, he also suggests that the figure of the peace-weaver, in this broader sense of a woman brokering peace, too, was often romanticised and over-simplified by Victorian and following schools of thought.²²⁴ Even after taking Baker's concerns into consideration, however, we would like to discuss the gendered aspect of 'peace-weaving' in the sense of peace-making, or negotiating with the aim of abating a potentially violent situation- firstly, by observing the peace-making strategies as applied by and through women, and then by investigating if, and how, the 'peace-weaving' done by men differs from the same done by women.

Let us discuss, first, 'peace-weaving' done through marriage, or by 'giving' a woman in marriage. It might seem problematic to consider the first kind of peace-weaving as a gendered performance (other than the fact that the currencies are women) as its establishment requires little visible participation from women; their consent or lack thereof in this matter being seldom represented. The act of marriage itself is conducted, possibly, as a way of limiting the bloodshed on both sides. That is to say, it may be intended as a more lasting solution than *wer-geld* ("man-price" or "man-yield", the value legally set on a man/woman according to his or her social standing, in Anglo-Saxon England), as it unites two previously fighting kin-groups

²²³ Peter S. Baker, *Honour, Exchange and Violence in 'Beowulf'*, Anglo-Saxon Studies, 20 (Cambridge: Brewer, 2013), 110.

²²⁴ Peter S. Baker, *Honour, Exchange and Violence in 'Beowulf'*, Anglo-Saxon Studies, 20 (Cambridge: Brewer, 2013), 119-126.

by making them part of a larger kin-group, thus aligning their liabilities. The case/s in *Beowulf* are possibly examples of the more elaborate and ambitious of such unions,²²⁵ but such solutions are also offered where personal feuds are concerned, notably where the feuds themselves are fought over a woman. In *Kormáks saga*, when Kormákur loses his betrothed to *Hólmganga-Bersi*, Bersi's sister is offered to him in marriage as a compensation:

Bersi mælti: "Engi von er þess að Steingerður fari með yður en systur mína býð eg Kormáki til eiginorðs. Tel eg hann sé þá vel kvæntur ef hann fær Helgu."²²⁶

(Bersi said, "There is no hope that Steingerð will go with you, but I propose pledging my sister to Kormákur. I think he will be well-married if he gets Helga.")

Although Kormákur does not even consider this option, the fact that Bersi, an expert at *hólmganga* suggests it means that this sort of solution was not rare in Icelandic settlements. The same principle is seen in the Kentish laws where anyone who absconds with someone's wife is legally bound to find the wronged man another wife as a way of compensation:

Gif friman wið fries mannes wif geligeþ, his wergelde abicge,
7 oðer wif his agenum scætte begete 7 ðæm oðrum aet ham1
gebrengre.²²⁷

(If [a] freeman lies with the wife of [another] freeman, [he] will pay [the husband] his *wergeld*, or will obtain for [the husband] another wife with his own money (lit. *scætta*) and bring [her] to the other man's home.)

This easy replacement of women in the legal context with little regard to their consent or compatibility can cause the casual observer to regard women's role in these negotiations to be negligible, as women are not considered, in this act of marriage itself, in their capacity as

²²⁵ Il. 2020^a-2029^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

²²⁶ 8 Kaffli, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

²²⁷ Æthelberht 31, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 8, PDF e-book (2015).

individuals, but as means to an end. However, as Kathleen Herbert points out in the case of Æthelflæd, the Lady of Mercia,²²⁸ these peace-weavers, even after marriage, continue to foster goodwill between their birth clans and marriage clans, by vouchsafing interests of both parties. And hence this peace-making by marriage, possibly, lends equally well to the broader definition of the word ‘peace-weaving’.

The broader definition of the word ‘peace-weaving’ in the context of brokering peace in potentially violent circumstances does not limit itself to describing the giving of a woman in marriage to establish a peaceful agreement, but nor does it preclude this. It seeks to encompass the roles of Germanic women to establish peace in a situation which may genuinely hamper the interest of the kin she is affiliated with. This is in direct contrast with the role of the male peace-weaver, who acts in a legal context only after his services are called upon at the *þing*. This peace-weaving may be conducted by words, as Wealhðeo in veiled terms requests Beowulf to not tamper with the inheritance of her sons:

Wealhðeo maþelode, heo fore þaém werede spræc
 'Brúc ðisses béages, Béowulf léofa
 hyse, mid hæle ond þisses hrægles néot
 þéod gestreona ond gepéoh tela·
 cen þec mid cræfte ond þyssum cnyhtum wes
 lára líðe· ic þé þæs léan geman·
 hafast þú geféred þæt ðé feor ond néah
 ealne wídeferhþ weras ehtigað
 efne swá side swá saé bebúgeð,
 windgeard, weallas· wes þenden þú lifige,
 æþeling, éadig· ic þé an tela
 sincgestréona· béo þú suna mínum
 daédum gedéfe, dréamhealdende·
 hér is aéghwylc eorl óþrum getrywe
 módes milde mandrihtne hléo·

²²⁸ Kathleen Herbert, *Peace-Weavers and Shield-Maidens: Women in Early English Society* (Norfolk: Anglo-Saxon Books, 1997), 21.

þegnas syndon geþwaére þéod ealgearo
druncne dryhtguman dóð swá ic bidde.²²⁹

(Wealhðeo spoke before the retinue: “Beloved Beowulf, youth with good fortune, make use of this ring and of this armour, treasures of (a) nation, and prosper well. Prove yourself with skills, and be gentle in teaching to these young men. I shall remember you for this requital. You have brought it about that men far and near should worship you always and forever, even as widely as the sea, the home of winds, surrounds the walls. Prince, be happy while you live, I wish you good (health?) (and) treasure. Be gentle in deeds to my sons, possessing joy; every nobleman here is true to the other, generous in mind, in the protection of their liege-lord. The retainers are united, the people alert, the drunk warrior-band do as I bid.)

Here Wealhðeo sees Beowulf as a potential threat, though not yet an enemy, and persuades Beowulf to be “gentle” to her sons by both reminding him of the treasures that he is receiving at the hall, as well as, possibly, warning him of the retainers ready to protect the lord if he should not follow suit. In other instances, this peace-weaving may happen through actions. In both *Eyrbyggja saga* and *Viga-Glúms saga*, we see women trying to stop the fight. In the first case, Auður, the wife of Þórarinn, instigates throwing clothes on the weapons to stop the fight when the opponent’s magical abilities seem to prolong the fight:

Þórarinn vó húskarl Þorbjarnar en Álfgeir annan. Þar féll og húskarl Þórarins. Ekki festi vopn á Oddi Kötlusyni.

Auður húsfreyja hét á konur að skilja þá og köstuðu þær klæðum á vopn þeirra.²³⁰

(Þórarinn overthrew Þorbjörn’s housecarl and Álfgeir another. There also fell a housecarl of Þórarinn. But no weapon would stick to (lit. fasten upon) Oddur Katlason.

Auður, the mistress of the house, called upon the women to part them and they threw clothes over their (the men’s) weapons.)

²²⁹ ll. 1215^a-1231^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

²³⁰ 18 Kafli, *Eyrbyggja saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

However, in *Viga-Glúms saga* Glúmur's wife Halldóra intervenes and offers to sew up the injured of both parties when odds still seem to be in her husband's favour, courting Glúmur's wrath:

Þess er getið að Halldóra kona Glúms kvaddi konur með sér "og skulum vér binda sár þeirra manna er lífvænir eru úr hvorra liði sem eru."

En er hún kom að þá féll Þórarinn fyrir Mávi og var öxlin höggvin frá svo að lungun féllu út í sárið. En Halldóra batt um sár hans og sat yfir honum til þess er lokið var bardaganum...

En er menn voru heim komnir þá mælti Glúmur við Halldóru: "För vor mundi hafa orðið góð í dag ef þú hefðir heima verið og hefði Þórarinn eigi lífs brott komist."

Hún segir að Þórnari væri lítil von lífs "en þó muntu eiga skamma stund héraðvært þótt hann lifi en ef hann deyr muntu eiga aldrei landvært."²³¹

(It is said that Glúmur's wife Halldóra thus bade the women with her: "And Let us bind the wounds of the men who have hope of life, whichever side they may be from.")

When she came, Þórarinn was fell by Mávir and his shoulder was cut off in such a way that his lungs were exposed by (lit. fell out at) the wound. And Halldóra bandaged his wounds and looked after him (lit. sat over) him until the battle was over.

And when the men had come home, Glúmur said to Halldóra: "Our journey would have been good had you stayed at home, and Þórarinn would not have escaped alive."

Then she said that Þórarinn had little hope of life, "and you might have but little time in the district if he lives, but if he dies then you won't be able to be in this country at all.")

As we will see in the section on goading in this chapter, a woman's intervention in these cases was not always seen as positive in early medieval Scandinavia, and in *Viga-Glúms saga* Glúmur naturally grows angry with his wife Halldóra, especially because he believes he would have managed to kill his rival Þórarinn had his wife not intervened with medical help. However, as his wife clarifies, binding up his enemy actually saves him from further ruination, as he surely would have been sentenced with outlawry had Þórarinn died. Here Halldóra's intervention, though not contributing to the potential success of her husband had the fight continued, is a success nonetheless in preserving the interest and honour of her husband— as, according to her

²³¹ 23 Kafi, *Viga-Glúms saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/vigaglum.htm>.

reasoning, letting Þórarinn live will cause less harm to her husband. Hence, women in the capacity of active peace-weavers did not only think about an immediate cessation of violence, but, rather, how their intervention might help their own and their kin's interest in the long run.

As to what makes a man a suitable peace-maker may or may not differ from the expectation from women in the same role. Women pro-actively participating in peace-weaving are often aligned with the interest of a party involved. The male peace-maker, who has the added burden of carrying out his duty as a kinsman on a battle-field, would have found it more confusing to negotiate in the situations mentioned above. Hence, most mentions of men being peace-makers can be found in formal settings, where friends of either side are called to a *þing* should major disputes arise, so that a negotiation with interests of both parties in mind is possible within a legal and potentially neutral setting. *Eyrbyggja saga* records one such meeting:

En um vorið er leið að stefnudögum þótti góðgjörnum mönnum í vant efni komið að þeir menn skyldu missáttir vera og deildir við eigast er þar voru göfgastir í sveit. Völdust þá til hinir bestu menn, vinir hvorratveggju, að leita um sættir með þeim. Og var Vermundur hinn mjóvi fyrirmaður að því og með honum margir góðgjarnir menn þeir er voru tengdamenn hvorratveggju. En það varð af um síðir að grið voru sett og þeir sættust og er það flestra manna sögn að málin kæmu í dóm Vermundar. En hann lauk gerðum upp á Þórsnessþingi og hafði við hina vitrustu menn er þar voru komnir.²³²

(But as it became Spring, and the days of summons approached, it seemed undesirable (lit. lacking) to the good-willed men that the noblest men in the country should remain dissatisfied and divided. Then the best men were chosen, friends of either side, to seek reconciliation with them. And Vermundur the Slender was the leader in that, and with him many good men who were connected to either side. And it eventually happened that peace was made and they had reconciled, and it is said by most men that these cases were resolved under Vermundur's judgement. But he gave out the judgement (lit. made peace) at the Þórsness *þing*, and had with him the wisest men who had come there.)

²³² 46 Kafli, *Eyrbyggja saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

The legal setting, also, afforded the male peace-weavers a chance to attempt reconciliation without being ridiculed, as too much love for peace, if one were a man, could be cause for name-calling:

Þá bjó í Mávahlíð Geirríður, dóttir Þórólfs bægifótar, og Þórarinn svarti sonur hennar. Hann var mikill maður og sterkur, ljótur og hljóðlyndur, vel stilltur hversdaglega. Hann var kallaður mannasættir. Hann var eigi fémikill og hafði þó bú gagnsamt. Svo var hann maður óhlutdeilinn að óvinir hans mæltu að hann hefði eigi síður kvenna skap en karla.²³³

(In Mávahlíð lived Geirriður, daughter of Þórólfur bægifótur, and her son Þórarinn the swarthy. He was a big man, and strong, ugly and quiet, well-settled in his daily life. He was called a peace-maker. He was not wealthy, but had a gainful estate. He was such an impartial man that his enemies said that he had no less the temperament of a woman than that of a man.)

Hence, it can be said that though peace-weaving to a certain context is conducted by both men and women (as suggested by extant literature), there is a division of labour pertaining to the nature of the situation requiring peace-weaving. While Early Germanic men (especially the Icelanders), naturally, take up the negotiations in a legal setting where women take secondary and more indirect roles, the women interfere in situations where immediate intervention, as seen in Glúmur and Halldóra's case, is necessary, and where men's retreat/attempts to make peace can be seen as potentially shameful and emasculating.

In stark contrast to this, then, stands the other kind of indirect participation of women in violence that we will discuss in this chapter, that is, goading, in that it seems to endanger the kin rather than vouchsafing their interest; reasonably so, as it involves a woman goading a person/persons who have legal liabilities to her to avenge, through violence, a wrong done to her person or kinsmen. Yet, as promised, we hope we will find that the driving forces behind both actions are similar in intent, though yielding different results. Arguments in favour of

²³³ 18 Kafli, *Eyrbyggja saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

describing the role of a goader as typecasting generally includes the incident mentioned in *Brennu-Njáls saga*, where Hildigunnur urges her uncle Flosi, through drastic means, to avenge her husband's death:

Þá kom Hildigunnur í stofuna og gekk fyrir Flosa og greiddi hárið frá augum sér og grét.

Flosi mælti: "Skapþungt er þér nú frændkona er þú grætur en þó er það vel er þú grætur góðan mann."

Hún tók þá til orða: "Hvert eftirmæli skal eg nú af þér hafa eða liðveislu?"

Flosi mælti: "Sækja mun eg mál þitt til fullra laga eða veita til þeirra sætta er góðir menn sjá að vér séum vel sæmdir af í alla staði."

Hún mælti: "Hefna mundi Höskuldur þín ef hann ætti eftir þig að mæla."

Flosi svaraði: "Eigi skortir þig grimmeik og séð er hvað þú vilt."

Hildigunnur mælti: "Minna hafði misgert Arnór Örnólfsson úr Fossárskógum við Þórð Freysgoða föður þinn og vógu bræður þínir hann á Skaftafellspingi, Kolbeinn og Egill."

Hildigunnur gekk þá fram í skálann og lauk upp kistu sína. Tók hún þá upp skikkjuna þá er Flosi hafði gefið Höskuldi. Í þeirri skikkju hafði Höskuldur veginn verið og hafði hún þar varðveitt í blóðið allt. Hún gekk þá innar í stofuna með skikkjuna. Hún gekk þegjandi að Flosa. Þá var Flosi mettur og af borið af borðinu. Hildigunnur lagði yfir Flosa skikkjuna. Dundi þá blóðið um hann allan.

Hún mælti þá: "Þessa skikkju gafst þú, Flosi, Höskuldi og vil eg nú gefa þér aftur. Var hann í þessi veginn. Skýt eg því til guðs og góðra manna að eg særi þig fyrir alla krafta Krists þíns og fyrir manndóm og karlmennsku þína að þú hefnir þeirra allra sára sem Höskuldur hafði á sér dauðum eða heit hvers manns níðingur ella."

Flosi kastaði af sér skikkjunni og rak í fang henni og mælti: "Þú ert hið mesta forað og vildir að vér tækjum það upp er öllum oss gegnir verst og eru köld kvenna ráð."²³⁴

(Then Hildigunnur came into the room, and went before Flosi, and combed her hair from her eyes, and wept.

Flosi said, "Heavy-hearted you are now, kinswoman, that you are crying, but it is well that you are crying for a good man."

She then said, "What recourse or help shall I have from you now?"

Flosi said, "I will pursue your case to the uppermost limit of law, or seek the atonement that good and true men will see as honourable for us."

²³⁴ 116 Kafli, *Brennu-Njáls saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/njala.htm>.

Hildigunnur said: "Höskuldur would have avenged you if he had taken up your suit."

Flosi answered: "You do not lack cruelty and it is clear what you want."

Hildigunnur said: "Arnór Örnólfsson from Fossárskógar had done less to your father Þórður Freysgoði, and your brothers Kolbeinn and Egill had slain him at Skaftafellsþing."

Hildigunnur then went to the hut and opened her chest. She then picked up the cloak that Flosi had given to Höskuldur. Höskuldur had been killed in that cloak, and she had kept all the blood in it. She then went into the living room with the cloak. She walked silently to Flosi. Then Flosi had eaten his fill and the board had been cleared up. Hildigunnur threw the cloak over him. Then the blood flowed all over him.

She then said: "Flosi, you gave this cloak to Höskuldur, and I will now give it back to you. He was slain in it, and I call all good men and God to witness, and I adjure you by all the power of your Christ and your manhood and valour to take vengeance for the wounds he had on his corpse, or be called every man's *níðing*." ²³⁵

Flosi threw off his cloak and threw it into her arms, and said, "You are the most terrifying of all, and you wanted us to take up [the course of action that (lit., 'what') is worst for all of us, and cold are women's advice."

Hildigunnur, here, might appear particularly vicious as she is not content with her uncle's decision to have a legal settlement, which was often agreed to by the aggrieved parties, but insists on a manslaughter for a manslaughter; this is one reason she may be regarded as a literary stereotype. However 'cold' the nature of this counsel is, though, Flosi dares not gainsay her goading, and follows her intent accordingly. The significance of throwing her husband's bloody clothing on Flosi is not lost on the contemporaneous audience; Hildigunnur is being very literal about the blood-debt Flosi now carries as one of her legal guardians, and the way she wants him to repay that debt. Her goading is all the more potent because she knows that her husband would have avenged Flosi if the case were reversed. A similar logic might be found in a goading in *Laxdæla saga*, where the illustrious Þorgerður Egilsdóttir, the wife of Ólafur the Peacock, incites her sons into avenging their dead brother Kjartan:

Þá sneri Þorgerður hestinum upp að bænum og spurði: "Hvað heitir bær sjá?"

Halldór svarar: "Þess spyr þú eigi af því móðir að eigi vitir þú áður. Sjá bær heitir í Tungu."

²³⁵*Níðing* is a broad term, encompassing all kinds of cowardice, passivity (including and upto sexual passivity) and deception perceived to be unbecoming of men.

"Hver býr hér?" segir hún.

Hann svarar: "Veistu það móðir."

Þá sagði Þorgerður og blés við: "Veit eg að vísu," segir hún, "að hér býr Bolli bróðurbani yðvar og furðu ólíkir urðuð þér yðrum frændum göfgum er þér viljið eigi hefna þvílíks bróður sem Kjartan var og eigi mundi svo gera Egill móðurfaðir yðvar og er illt að eiga dáðlausa sonu. Og víst ætla eg yður til þess betur fellda að þér væruð dætur föður yðvars og væruð giftar...Kveð eg þig af því að þessu Halldór," segir hún, "að þú þykist mest fyrir yður bræðrum. Nú munum vér aftur snúa og var þetta erindið mest að minna yður á þetta ef þér mynduð eigi áður."

Þá svarar Halldór: "Ekki munum vér þér það kenna móðir þótt oss líði úr hug þetta."²³⁶

(Then Þorgerður turned the horse up to the farm, and asked, "What is the name of the farm?"

Halldór answered: "You ask that, mother, not because you don't know it. This is a place called Tongue."

"Who lives here?" she said.

He replied, "You know that, mother."

Then Þorgerður said, sighing, "I know," she says, "that here lives Bolli, your brother's slayer, and surprisingly different you have turned out than your noble kinsmen, that you (lit. who) would not avenge such a brother as Kjartan was, and your mother's father Egill would never have behaved thusly. It is evil to have sons without achievements. And surely I think it better for you that you were the daughters of your father and were married..." "I say this to you, Halldór," she says, "because you consider yourself foremost of your brothers. Now we will return, and it was most important to remind you of this, lest it had not come to your mind."

Then Halldór answered: "We will not blame you, mother, even if we forget this.")

In both cases of goading cited above, the women can be seen as reminders of liabilities the proposed avenger has. Firstly, the goaders compare the avengers' inactive nature with the comparative enthusiasm, when alive, of the deceased or the one who is to be avenged, suggesting the exemplary way in which the now deceased would have behaved had the tables been turned, i.e. if he had the responsibility to avenge the current avenger/s. This comparison not only reminds the avenger/s of their duty towards the deceased, but also of the shame that comes with not returning in kind the actions the now deceased would have potentially

²³⁶ 53 Kafi, *Laxdæla saga*, accessed October 10, 2021, <https://www.snerpa.is/net/isl/laxdal.htm>.

undertaken, had the avenger/s been the ones compromised. Secondly, and most importantly for the chapter, the goaders also entwine the avengers' potential courses of actions with their identity as men, laying the onus on them to 'prove' their manhood, Hildigunnur threatening Flosi with the prospect of being called a *níðing* (see: Chapter Four, "Femininities and Masculinities", p.126). Thirdly, and finally, the goaders remind the avengers that the way they can redeem/prove their identity as men in their prime is by performing the duty they have towards the goaders as the legal protectors of the latter, that is, by taking up the goaders' debts and avenging/settling them in a manner the women want but which, as women, they are unable to carry out. All of these arguments try to remind the male challenger of his position as a kinsman, as a man, and as a legally designated protector, driving home the gendered ramifications of the part he has to play through his violent actions, and the honour that is at stake should he choose not to. This, then, is not much different from peace-weaving in purpose, although their effects differ; in both situations, a goader or a peace-weaver, tries to uphold the honour of her kin and herself through stopping or initiating violence in a way that is socially expected from them.

However, there are cases where goading crosses the accepted norms, and therefore the goaders are admonished for being more than 'cold counsel'. This admonition happens whenever there is a lack of either proper intent or decorum in the goading or its outcome, and speaks volumes about the gendered nature of actions involving violence. The disapproval may come from within the narrative in milder cases of this breach of decorum, demonstrated through an example resulting from a natural progress of events; Þuríður in *Heiðarvígga saga*, who gets herself up on a horse to continue her goading well into the battlefield to spur on her sons, is conspired against by her son who arranges for her to trip and fall into a brook:

Nú hrinda þeir fram borðum og öllu því er á var og ganga til hesta sinna og búast hvatlega. Það var drottinsdaginn er fimm vikur voru til vetrar. Nú stíga þeir á bak hestum sínum og ríða á braut úr túni.

Nú sjá þeir það bræður til Þuríðar móður sinnar að hún var komin á bak hesti þeim er þau kölluðu Eykjarð og hún hafði heimt húskarl sinn til föruneytis við sig. Hann er eigi nefndur en svo er sagt að hann mun grunnúðigur vera.

Nú mælti Barði: "Þetta horfir til óefnis er hún er á ferð komin og mættum vér þess vel án vera og verður nú að leita ráðs og léttu á ofanförina hennar."

Hann heimtir til sín þá Ólaf og Dag, heimamenn sína.

"Nú skuluð þið," segir Barði, "ríða á mót henni og mælið við hana sæmilega og fagurt en gerið sem eg býð, segið að það sé vel er hún er komin í för vora. Biðjið hann vel fylgja henni húskarlinn, og styðjið hana á baki og ríðið svo uns þér komið fram að Faxalæk. Hann fellur úr Vesturhópsvatni og ofan í Víðidalsá. Skeiðgata liggur að læknum norðan og svo frá honum. Og þá skuluð þið spretta gjörðunum hennar. Skal Dagur það gera og láta sem hann gyrði hestinn er þér komið að læknum og reiðið hana af baki svo að hún falli í lækinn ofan og svo þau bæði en hafið með ykkur hestinn." ²³⁷

(Then they push away their boards with all that is on them and go to the horses and wait impatiently. That was on Lord's Day (Sunday) when five weeks were left till winter. And now they get up on their horses and ride out of their home-field.

Now these brothers see Þuríður their mother had climbed up on the horse that was named Eykjarð, and she had demanded a house-carl be with her. He is not named, but it is said that he had no bottom of wit.

Now Barði spoke: It turns to mishap that she is on this journey, and it is well that we meet it, and now we must seek advice and let her come off (of) the nag.

He then calls to himself Ólafur and Dagur, his housemen.

"Now you shall," says Barði, "ride against her and speak to her honorably and beautifully, but do as I command, say that it is well that she has come with us. Bid the house-carl to follow her well, and support her on the saddle and ride until you reach Faxalæk. It falls out of Vesturhópsvatn and down into Víðidalsá. A good way to ride on lies to the north of the brook and then (leads away) from it. And then you shall spring her saddle-guards. Dagur shall do it and pretend that he is girding the horse when you come to the brook, and push her from the horse-back so that she falls into the brook, both (she and the saddle), but bring away the horse with you. ")

²³⁷ 22 Kafli, *Heiðarvíga saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/heidarv.htm>.

The abrupt (and possibly intended to be humorous) end to her intended voyage may be used to highlight the ludicrous nature of her initial suggestion. Although goading was, undoubtedly, a common literary trope found in saga literature, as evinced by previous examples, a woman accompanying the men to battlefield to do so, let alone the aging mother of one of the parties, may have seemed unseemly as well as dangerous to her sons, hence leading them to scheme against their mother. This unseemliness may be further emphasised by the possibly slap-stick nature of her sons' plan which is, very likely, designed to match in ludicosity the socially shocking character of Þuríður's suggestion, potentially punishing, humiliating, and making an example out of the overbearing mother (and woman) who dares to go beyond her socially acceptable role. One may compare and contrast this with Tacitus' description in *Germania*, in which women are shown to accompany the warriors on a battle, and goad them from sides so as to remind them of what they stand to lose:

Memoriae proditur quasdam acies inclinatas iam et labantes a feminis restitutas constantia precum et obiectu pectorum et monstrata comminus captivitate, quam longe inpatientius feminarum suarum nomine timent, adeo ut efficacius obligentur animi civitatum, quibus inter obsides puellae quoque nobiles imperantur.²³⁸

(Tradition says that armies already wavering and bowing down had their resolutions restored by women, who with earnest entreaty and beating of their chest, pointed out the horrors of captivity, which they far more fear on the behalf of the women, because the spirit of the state was more effectively obliged by the levying of young noblewomen.)

Spatial, cultural and temporal (the two incidents are more than 700 years apart) differences aside, there are distinct messages these acts of goading may convey regarding the nature of the enemy which justify Barði's actions in stopping his mother, Þuríður, in *Heiðarvígja saga*. In *Germania*, the enemies are likely to be Roman soldiers, a threat to their tribe and livelihood,

²³⁸ Tacitus, 8, *Germania*, accessed May 20, 2020, <https://sourcebooks.fordham.edu/source/tacitus-germ-latin.asp>.

thus encouraging such drastic measures. The women and children, by staying near the scene, remind the Germanic warriors both through their voice and presence what is at stake should they suffer a loss. In *Heiðarvíga saga*, on the other hand, where a personal feud is fought within a Germanic community, the non-fighting family of either party is hardly at immediate peril. Rather, the men are likely to suffer taunts from their social peers on account of bringing their old female relatives to the battlefield. Barði, probably, had in mind the thought that his adversaries would consider him so weak-willed as to require being accompanied by his old mother, Þuríður, as a goader to keep his spirit intact. As it would be equally detrimental to his image if he used force on his mother to keep her confined, it stands to reason that he would resort to devices that show his mother in a ridiculous light. This indirect admonition may be contrasted with Geirríður's welcome presence in her son Þórarinn's avenging party in *Eyrbyggja saga*, as the target Oddur, rather than facing the party head on, is skillfully hidden by the wit and witch-craft of his mother Katla, and would have remained so if the matron in the avenging party, also a practitioner of witch-craft, had not found him out:

Og er þeir koma miðleiðis til Mávahlíðar kom Geirríður í móti þeim og verkamaður hennar með henni og spurði hversu þeim hefði farist. Þórarinn sagði henni.

Hún kvað þá hafa varleitað hans Odds "og vil eg enn að þér hverfið aftur og mun eg fara með yður og mun eigi mega með laufsegli að sigla þar sem Katla er."

Síðan snúa þeir aftur. Geirríður hafði blá skikkju yfir sér. Og er ferð þeirra var sén úr Holti er Kötlu sagt að nú væru fjórtán menn saman og einn í litklæðum.

Þá mælti Katla: "Mun Geirríður trölleið þar komin og mun þá eigi sjónhverfingum einum mega við koma."

Stóð hún þá upp af pallinum og tók hægindin undan sér. Var þar hlemmur undir og holur innan pallurinn. Lét hún Odd þar í koma og bjó um sem áður og settist á ofan og kvað sér vera heldur kynlegt.

En er þeir koma í stofu þá varð eigi að kveðjum með þeim. Geirríður varp af sér skikkjunni og gekk að Kötlu og tók selbelg er hún hafði haft með sér og færði hann á höfuð Kötlu. Síðan bundu

förunautar þeirra að fyrir neðan. Þá bað Geirriður brjóta upp pallinn. Var Oddur þar fundinn og síðan bundinn.²³⁹

(And when they came midway to Mávahlíð, Geirriður came to meet them and her labourer with her and asked how they had fared. Þórarinn told her.

She then said that they had hardly sought for Oddur, "and I still want you to return, and I will go with you, and it will not avail us to sail with leaf-sails where Katla is (involved)."

Then they return. Geirriður wore a blue cloak. And when their journey was seen from Holt, Katla is told that now there were fourteen men together and one in coloured clothes.

Then Katla said, "Geirriður the troll will be coming here, and then the illusions will not come to any use."

She then got up from the platform (on which she was sitting), and moved the seat under her. There was a lid under (the seat), and the platform was hollow inside. She let Oddur go inside that and set it as before, and sat over that, but she said that she felt uncouth.

But when they came into the living room, there was no word said between them. Geirriður threw off her cloak, and went to Katla, and took the seal-skin bag she had brought with her, and put it over Katla's head. Then their companions tied it [the bag] up below. Then Geirriður asked to break up the platform. Oddur was found there and then bound.)

Geirriður's intervention in the avenging of *Eyrbyggja saga* is only made acceptable, and necessary, by the other party's use of a woman's means. Barði's retaliation to his mother in *Heiðarvígá saga*, hence, reminds us that a boundary has been breached (see: pp.129-131); the woman, through the mutual interests she shares with her avenger, should limit herself to encouragement as long as the action remains within the capacities of men. The narrator in *Heiðarvígá saga* does not need to point out the foolishness of Þuríður's behaviour as her sons, the characters most inconvenienced by the inappropriate circumstances of the goading, make their own arrangements to expose the ludicrous nature of their mother's suggestion. These admonitions may be seen as warnings that set the boundaries of goading as an acceptable social tradition, wherein the goaders may not usurp the role of the challengers and vice versa. A passage in *Eyrbyggja saga* after Arnkel's death justifies such boundaries:

²³⁹ 20 Kafi, *Eyrbyggja saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

Eftir víg Arnkels voru konur til erfðar og aðildar og var fyrir því eigi svo mikill reki að ger um vígið sem von mundi þykja um svo göfgan mann. En þó var sæst á vígið á þingi og urðu þær einar mannsektir að Þorleifur kimbi skyldi vera utan þrjá vetur því að honum var kennt banasár Arnkels.

En með því að eftirmálið varð eigi svo sæmilegt sem líklegt þótti um svo mikinn höfðingja sem Arnkell var þá færðu landsstjórnarmenn lög á því að aldrei síðan skyldi kona vera vígsakaraðili né yngri karlmaður en sextán vetra og hefir það haldist jafnan síðan.²⁴⁰

(After Arnkel's slaying, women were the heirs and family-members, and there was not so much settlement for the slaying as there would be hope for such a noble man. But still the slaying was agreed upon at the Thing, and the only guilt addressed was that Þorleifur Kimbi should be an outlaw for three winters, for he was blamed for Arnkel's fatal wound.

But as the aftermath did not turn out to be as honourable as it seemed likely for such a great chief as Arnkel, the governors passed a law that never again should a woman, or a man younger than sixteen years old, inherit a blood-suit and this has always been the case ever since.)

As Arnkel is only succeeded by women, the blood-suit cannot be taken up to the fullest and since an under-paid blood-suit is a loss of honour for someone of his stature, the law itself is changed to make the blood-suit moot in such case. This emphasises the importance of adult men as chief-settlers of blood-debt, and by underlining the legal limitations of women affirms the pursuit of debt-settlements as strictly an act to be followed by men, as opposed to goading.

True to our line of argument, if we wish to see goading as a primarily female action, its limitations forming and being formed by prevalent norms concerning Early Germanic womanhood, we must also speculate how taking part (or lack thereof) in goading was shaped by, or gave shape to masculine identity/ies in Early Germanic societies. Though from the previous paragraph we have an idea about how women as goaders may be restricted from taking part in the execution of violence in any direct capacity, we are yet to discuss, as per our scheme, what, if at all, direct role men played in goading. As we can see from the case of blood-suit in Arnkel's case, men are expected to be the ones who can actively settle these suits, either by

²⁴⁰ 38 Kafi, *Eyrbyggja saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

collecting physical compensation (murder for murder or hand to hand combat) or monetary compensation for their lost kin from the killer or killer's family. Hence, this role ostensibly confers onto men the status of challengers, or the ones to be goaded. In what circumstances, then, should men become goaders, or the ones persuading the 'direct' challengers to ask for physical or monetary settlement? It stands to reason that these should be men who themselves are no longer able to become challengers. Hence, in Icelandic sagas these male goaders often turn out to be men without physical, political or economic prowess, that is, men who are least likely to have things go their way while pursuing a legal suit. In *Hrafnkels saga*, Þorbjörn insults his kin Sámur and bemoans his bad luck in relations when the latter hesitates about pursuing a suit against Hrafnkell, the killer of Þorbjörn's son, because Hrafnkell is a wealthy and powerful man:

Sámur segir: "Þungt get eg að deila kappi við Hrafnkel um málaferli."

Þorbjörn svarar: "Því verður engi uppreist yðar ungra manna, að yður vex allt í augu. Hygg eg, að engi maður muni eiga jafnmikil auvirði að frændum sem eg."²⁴¹

(Sámur says: "I can hardly argue with Hrafnkell about a lawsuit.")

Þorbjörn answered: "Therefore there will be no revolt among you young men, as everything passes in your eyes. I think that no man will have as much disgrace from relatives as I do.")

In *Víglundar saga*, likewise, when the son returns from a game after being purposefully injured by his love-rival without any rebuttal, Víglundur's father subjects him and his brother Trausti to insults:

Þeir bræður fóru heim og er þeir komu í stofu sat Þorgrímur á palli og mælti: "Bæði þið heil systkin."

"Hvorn okkar kvenkennir þú faðir?" segir Trausti.

"Mér þykir," segir Þorgrímur, "sem það muni kona vera sem faldinn hefir."

"Eigi er eg kona," segir Víglundur, "en vera má að skammt sé frá."²⁴²

²⁴¹ 7 Kafi, *Hrafnkels saga Freysgoða*, accessed March 19, 2021, <https://www.snerpa.is/net/isl/hrafn.htm>.

²⁴² 14 Kafi, *Víglundar saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/viglund.htm>.

(The brothers went home, and when they came to the living room, Þorgrimur sat on a platform and said, "Greetings to both my daughter and son."

"Which of us do you call a woman, father?" says Trausti.

"I think," says Þorgrimur, "that who has a coif²⁴³ should be called a woman."

"I am not a woman," says Víglundur, "but I am not far from it.")

The language, here, is to be noted. The doubts cast at the avengers' manhood and valour mirror the insults from the examples of female goaders we have previously cited in this chapter from *Eyrbyggja saga* and *Brennu-Njáls saga*, or the case of Halldór and Þorgerður, and that of Hildigunnur and Flosi, respectively. Although these goading men are excused for insulting their kin's valour without potentially having the same charges directed at them (that is, of not taking action on behalf of their wronged kin and being cowardly and unmanly), it is only possible because the goader himself is aged and/or powerless and therefore unable to settle it himself. This is certainly not seen as more shameful than an old man called Þórarinn in *Þorsteins Þáttur* trying to avenge his son by sneaking up on the proposed murderer Bjarni with a short-knife (and being let go after heavy reproach).²⁴⁴ A parallel might be drawn with Gísli's sister Þórdís in *Eyrbyggja saga* trying to avenge Gísli by using the cover of a table to strike Gísli's murderer, and the defense put up by her son Snorri to dissuade his stepfather from hitting her, saying that she has had enough heart-ache.²⁴⁵ None of these cases can be fitted within either culturally or legally approved norms of vengeance and settlement in Early Germanic societies. Yet, they are excused and no retaliation stems from them as it is understood these were crimes of passion committed by people who have no other recourse: in *Þorsteins Þáttur*, Þórarinn the father whose only immediate kinsman is dead and needs to be avenged, and in *Eyrbyggja saga*, Þórdís the sister whose only remaining avenger, her son Snorri, is likely

²⁴³ Possibly a reference to the rag that Trausti ties around Víglundur's injured forehead to stop the blood.

²⁴⁴ *Þorsteins Þáttur Stangarhöggs*, accessed September 13, 2021, <https://www.snerpa.is/net/isl/stangar.htm>.

²⁴⁵ 13 Kafi, *Eyrbyggja saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

to be reluctant to avenge his maternal uncle, i.e., Gísli, who is also Snorri's father's (and Þórdís' husband's) slayer. Hence, it is only natural, or, rather expected that where such recourses are available, powerless and old men, too, like women, should turn to their avengers and seek for help instead of resorting to deceptive means, and, indeed, goad when no retaliatory action on the avenger's part seems to be forthcoming, without being censured in turn, or without socially compromising their masculine identity.

Again, the goading conducted by the old and/or powerless men is permissible in the Early Germanic culture/s only because of their identity as old/powerless men. That is to say, as their responsibility for directly participating in violent works is curtailed by the cultural acceptance of their limitations, their option of having their debts settled through younger, more powerful and more able-bodied champions is not any more begrudged (and is even encouraged) than a woman's right to appeal to a male challenger. Thus, when men do participate in what are seen, generally, as indirectly contributive roles designated to women regarding violence, they supplement, rather than defy, the established gender roles.

'Direct' Participation, or *Seiðr* and Active Combat

Aside from the capacities in which a woman may play an indirect part in both engendering and ceasing of violence, there are certain actions through which women may directly participate in violent acts, and a discussion centred on these forms the second section of this chapter. The performative aspects of these acts and gendered limitations thereof may contribute to a better understanding of the symbiotic existence of gender and violence in Early Germanic cultures. We shall discuss two in the course of this particular chapter: firstly, a normative way in which women directly participate in violence, that is, through *seiðr*, or the kind/s of magic performed by (mostly) women, and, secondly, a way that is not commonly expected of women, which is direct participation in violence via physical force.

The reason for choosing *seiðr* to illustrate a socially acceptable method through which women may exercise their right to directly participate in violence is, firstly, that it is practised more commonly by women, and, secondly, because it is considered shameful for men to perform it. Therefore, our key to understanding the connotations of *seiðr*'s relationship with gendered nature of violence, can only be found through identifying the elements that create this gender-bias regarding the practice of *seiðr*. In this pursuit, we discuss the sources available to us regarding the nature of *seiðr*. Arguably the broadest description of *seiðr* and its history comes from *Heimskringla*, which describes in a brief manner its *Vanir* origin:

Dóttir Njarðar var Freyja. Hún var blótgyðja. Hún kenndi fyrst með Ásum seið sem Vönum var títt.²⁴⁶

(Njarð's daughter was Freyja. She was the goddess of sacrifices. She first taught the Æsir seiðr, which was common to Vanir.)

and its *modus operandi*:

Óðinn kunni þá íþrótt svo að mestur máttur fylgdi og framdi sjálfur, er seiður heitir, en af því mátti hann vita örlög manna og óorðna hluti, svo og að gera mönnum bana eða óhamingju eða vanheilindi, svo og að taka frá mönnum vit eða afl og gefa öðrum. En þessi fjölkynngi, er framið er, fylgir svo mikil ergi að eigi þótti karlmönnum skammlaust við að fara og var gyðjunum kennd sú íþrótt. Óðinn vissi um allt jarðfé, hvar fólgið var, og hann kunni þau ljóð er upp laukst fyrir honum jörðin og björg og steinar og haugarnir og batt hann með orðum einum þá er fyrir bjuggu og gekk inn og tók þar slíkt er hann vildi.²⁴⁷

(Óðinn knew the art that the greatest power follows, and practised [it] himself, which is called seiðr, and by that power he could know the fate of men and (their) future lot, and also to cause men death or misfortune or ill-health, and take from men (their) wisdom or power and give (it) to others. But this witchcraft, when practised, was followed by such great perversion that it was

²⁴⁶ Snorri Sturluson, 4 Kafli, "Ynglinga saga", *Heimskringla*, accessed March 5, 2021, <https://www.snerpa.is/net/snorri/yngr-sag.htm>.

²⁴⁷ 7 Kafli, Ibid

not considered without shame for men to practise it, and (therefore) the goddesses were taught this craft. Óðinn knew of everything on the land, no matter where it was hidden, and he knew the lore that opened up for him the earth and the rocks and the stones and the mounds, and bound to him with one word those who lived there, and he went in and took such things as he wished.)

Three major conclusions are to be drawn from these descriptions, two of them directly connected to the gendered use of this magic, and the third, if applicable, may contain keys to the very nature of *seiðr* that regulates and approves of this gendered use. Firstly, *seiðr* seems to be a custom meant to pass through the hands of women. *Seiðr*, as per *Ynglinga saga*, comes to the *Æsir* through the hands of a woman, it is taught to women (goddesses) and it is practised by women. The second conclusion draws our attention to a social preference towards it being exclusive to women, as it is said to bring perversion to men, though the perversion is not specified; Óðinn's practice of it as a male persona is cited here as an exception and not a rule. Any explanation of Óðinn's practice being deemed acceptable because of his deity status is questionable, not only because Snorri portrays the gods of yore as powerful *men* reaching divine status through cultural worship, but also because in the *Poetic Edda*, a text drawing upon much earlier sources, Loki openly criticises Óðinn as *argr* for putting on the dress of a *völva* and practising *seiðr*:

“En þik sīþa |
kvǫðu Sāmseyju ī,
ok drapt ā vētt sem vǫlur:
vitka líki |
fǫrtu verþjǫþ yfir,
ok hugþak þat args aþal.”²⁴⁸

(“I have heard that in Sāmsey you practised *seiðr* and draped yourself in the clothing of a *völva*,²⁴⁹ and in the guise of a witch did you go forth in public, your soul must seem unmanly.”)

²⁴⁸ S. 24, “Lokasenna”, *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 220, PDF e-book.

²⁴⁹ *Völva* being a witch with gift of prophecy

How Loki's censure of Óðinn is contained is already discussed in the first chapter of this thesis (see: Chapter One, "Gods and Monsters", p.25), hence we will not elaborate it here. However, it is certain that practising this particular kind of magic, although not limited to women, was more acceptable when practised by women. The third conclusion gives us some idea as to the nature of *seiðr*, but only if we take the lines continuing after Óðinn's description as a practitioner of *seiðr* in *Ynglinga saga* (see the second quotation related to the description of *seiðr*, above) to be a continuation of the description of *seiðr*, and not his other magical abilities, and a close examination of it may tell us why it is more particular to women and shameful for men, and why, therefore, any use of it to inflict or curb violence might have its legitimacy/ validity/ acceptability judged in terms of the practitioner's gender.

Seiðr, as it would appear from the section we have cited in this chapter from *Ynglinga saga* (see: p.137), is concerned with deceptions and secrets. It can find out what is hidden as it can hide what may be found, and it also makes the minds of people deceive themselves. Although not all magical acts committed by women (and there are certainly a few) in the Icelandic sagas may be clearly labelled as *seiðr*, many of them include some degree of deception with the intention to harm/deflect harm. This deception often results from the alteration of an object or a person's natural properties, like blunting the edges of a sword, or making someone immune to the blows, as per *Kormáks saga*:

Maður hét Þórólfur er bjó undir Spákonufelli. Hann átti Þórdísi spákonu sem fyrr var getið. Þau voru þar á leiðinni. Þóttust margir þar traust mikið eiga er hún var. Þorvarður sækir hana að og beiðir hana liðs í móti Kormáki og gaf fé til. Býr Þórdís hann nú til hólms svo sem henni líkar. Kormákur segir móður sinni sína fyrirætlun. Hún spyr hvort hann hyggi gott til.

"Hví skal eigi svo þó?" segir Kormákur.

Dalla mælti: "Þér mun eigi hlýða svo búið þó, því að ófús mun Þorvarður að berjast nema fjölkynngi sé við. Þykir mér hitt ráð að þú hittir Þórdísi spákonu því að við svik mun að berjast."

Kormákur mælti: "Lítið er mér um það."

Þó fór hann og hitti Þórdísi og bað hana liðs.

Hún mælti: "Þú kemur til síð. Nú bíta hann eigi vopn. En vil eg eigi þér varna liðveislu og ver hér í nótt og vitja heilla og mun eg þá fá svo gert að þig bíti og eigi járn."²⁵⁰

(There was a man named Þórólfur, who lived under Spákonufell. He had married Þórdís, a spá-woman previously mentioned. They were there at the Thing. Many men there had put their trust in her. Þorvarður sought her out and asked for her help against Kormákur, and gave her money. Þórdís made him ready for the battle as she liked.

Kormákur told his mother what had come to pass. She asked what good would come of it.

Kormákur asked: "Why should it not be so?"

Dalla said: "You will not listen so well though, for Þorvarður will be reluctant to fight without witchcraft. I think it advisable that you should meet the spá-woman Þórdís, because we must contend with betrayal.

Kormákur said: "Little is this to my liking."

He then went and met Þórdís, and asked for her help.

She said: "You came too late. Now no weapon will bite him. And yet I will not refuse to help you, and bid you to stay here tonight and seek (your) fortune, and I will make it so that no iron will bite you too.")

The *spá*-woman's magic interferes with the fair-fight that a *hólmganga* should be, and by "perverting" the nature of physical objects (such as human ability to get hurt), performs deceptive actions. This association of deception with magic, especially magic practised by women, can often be seen in the ways such arts are treated in saga literature. The peripheral nature of *seiðr* or any woman-practised magic is reflected in the manner the services of these practitioners are sought in sagas of Icelanders. People go to them not openly, but in secrecy, most often to avail of unfair means, adding to the magic's peripherality. These women are also prone to secretly harming men, an instance of which can be found in *Eyrbyggja saga*, where a man falls ill after being "ridden" by a witch.²⁵¹ The reason that women are seen as more fitting candidates for such practices might be the deceptive nature itself of *seiðr*, as women themselves are considered deceptive in Scandinavian lore:

²⁵⁰ 22 kafli, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

²⁵¹ 16 kafli, *Eyrbyggja saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

Meyjar orþum |
 skyli manngi trua,
 nē þvīs kveþr kona;
 þvīt ā hverfanda hvēli |
 vǫru þeim hjǫrtu skǫpuþ
 ok brigh þī brjöst of lagiþ.²⁵²

(Never trust an oath when spoken by a maiden; because women's heart is shaped after a turning wheel, and their breast was formed fickle.)

Hence, if having a deceptive nature is the issue with *seiðr*, then it is all the more understandable that, as opposed to women whom certain cultural biases already deem deceptive, men should all the more be expected to shun *seiðr* and similar deceptive means when trying to directly participate in violence, thereby maintaining the status quo of performative identities.

This qualitatively deceptive aspect of woman's magic, then, may represent or be represented by the unnamed perversion involved in *seiðr*'s *modus operandi*, and thus provide us with reasons why practice of this magic was forbidden to men. The men in Icelanders' sagas do visit *seiðr*-practitioners and women-practitioners of magic in general, asking them for favours such as making them immune or making the enemy's sword dull, but such requests, as previously mentioned, are rarely made public, and are seen as deceptive. Living in what was almost entirely a shame-led culture well into the early years of Christianity, the Early Germanic man in Icelandic sagas, then, is not reluctant to have help of these women, but reluctant to reveal it. Kormákur borrows a sword from Miðfjarðar-Skeggi, but views with suspicion its magical properties:

"Vandhæfi mun þér á þykja meðferðinni," segir Skeggi. "Pungur fylgir og skaltu hann kyrran láta. Eigi skal sól skína á hið efra hjaltið. Eigi skaltu og bera það nema þú búist til vígs. En ef þú

²⁵²S. 84, "Hovamol", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 71, PDF e-book.

kemur á vettfang sit einn saman og bregð þar, rétt fram brandinn og blás á. Þá mun skríða yrmlingur undan hjaltinu. Halla sverðinu og ger honum hægt að skríða undir hjaltið."

Kormákur mælti: "Mart hafið þér við töframennirnir."²⁵³

("Difficult will you find it to wield," said Skeggi. "There is a pouch accompanying it, and you shall let it be. The sun must not shine on the upper hilt. Do not draw it unless you wish to kill. But if you come there, sit by yourself and draw it there, the sword right across from you, and blow on (it). Then a worm shall creep (out) from under the hilt. Tilt the sword and let it crawl (back) under the hilt.")

Kormákur said: You have much to do with magicians.)

Kormákur follows none of these instructions (which later leads to his loss at the *hólmanga*):

Kormákur sest niður og tekur af sér sverðið, hirti eigi þó að sól skini á hjalt honum en hann hafði gyrt sig utan um klæði og vill bregða og fekk eigi fyrr en hann sté á hjaltið og kom yrmlingurinn og var ekki með farið sem skyldi og var brugðið heillinu sverðsins en það gekk grenjanda úr slíðrum.²⁵⁴

(Kormákur sat down and ungirt the sword, although he did not bother whether (the) sun shone on its hilt, but had girt the sword on the outer side of (his) clothes. He wished to draw, and he could not do it until (lit. but/except) he stepped on (the) hilt (of the sword). And the worm came and it did not fare as it should have. The charm of the sword was broken and it came out screaming from the sheath.)

As to why he cannot utilise *Sköfnung* as it is meant even after borrowing it to gain an edge over Bersi, it may well be that he gives up the effort because he cannot perform the ritual properly. However, Kormákur's dislike towards magicians and magic in general, as possibly suggested in his comment to Skeggi after he listens to the method for the ritual, could have also led to Kormákur's reluctance to perform the ritual as it was to be done, since ensuring that no sunlight fell on the hilt was certainly within his means. Kormákur's inability and/or unwillingness to perform the magic correctly might also highlight the natural difference

²⁵³ 9 Kaffi, *Kormáks saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/kormaks.htm>.

²⁵⁴ 9 Kaffi, *Kormáks saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/kormaks.htm>.

between the sword's temperament and his, as Skeggi argues, when he comes to take the sword away, that the sword's slow and idle nature might make it an unsuitable weapon for the incorrigibly hot-headed Kormákur (see: Chapter Seven, "Weapons and Their Wielders", pp. 263-264):

"Sköfnungur er tómlátur en þú ert óðlátur og óðlundaður." ²⁵⁵

(Sköfnung is slow but you are impatient and unruly.)

Such inability to cope with deceptive magic may be seen in other examples of fumbles made by men who are not magic-practitioners by profession, such as the party in *Eyrbyggja saga* that goes in search of Oddur, who is shielded and disguised as several objects by his witch mother Katla. The party fails thrice, eventually having to resort to the wisdom of Geirriður who, probably on account of being a woman herself and a magic-practitioner besides, is able to identify the culprit even underneath his guise.²⁵⁶ The inability of these men to detect and comply with magic that deals with deception and secrecy is not shamed, and it might further reinforce the idea of a deceptive magic like *seiðr* being the domain of practitioners who are assigned the gender that is culturally perceived as being habitually deceptive, i.e., women. This is why men who do practise *seiðr* may be seen all the more with suspicion, their willingness to learn this deceptive magic and, furthermore, their ability to perform it being seen as signs pointing at perversions or flaws in their assigned gender identities. This gives us quite a few different interpretations of the insult Loki aims at Óðinn,²⁵⁷ or the term Snorri associates with

²⁵⁵ 9 Kaffli, *Kormáks saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/kormaks.htm>.

²⁵⁶ 20 Kaffli, *Eyrbyggja Saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

²⁵⁷ S. 24, "Lokasenna", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 220, PDF e-book.

seiðr, that is, *argr* (adjective).²⁵⁸ Beside the translation we have used, i.e., perversion, another translation of this term could be ‘sexually passive male’; from a behavioural perspective this will make sense if we consider the other insult that is aimed at Óðinn, i.e., dressing up as a *völva*, a woman seer, or the fact that during conducting certain rituals the *seiðkona* or witch is possessed by a magical persona, which overpowers the existing entity in the body. However, the preference of Óðinn for deceptive magic over physical force (as in case of Þór) might itself be the cause for which he is considered *argr*. A male practitioner of *seiðr*, then, may be castigated for being an *argr* (deviant, adj.) individual or a man with *ergi* (deviance, n.) for two reasons: firstly, because the method of practising *seiðr* may involve activities that, by appearing more passive, contradict the normative behaviour expected from someone of his gender, especially cross-dressing, being ‘ridden’ or possessed by spirits, and any possible sexual passivity, or being the passive sexual partner. Secondly, the male *seiðr* practitioner may be called *argr* because the nature of *seiðr* itself is deceptive and therefore expected to be more attuned to the nature of women according to the cultural biases indicated before, or because its unphysical nature is not seen as a welcome alternative to physical force when it comes to men.

Hence, any violence committed by men that makes use of *seiðr* will, likewise, be seen as *argr*, or possessing *ergi*. *Ynglinga saga*’s reference to Óðinn’s cult of warriors, or the berserkers, may be suggestive of such pre-existing perceptions. Óðinn’s *ergi* can be seen as being transferred on the Berserkers, who seem to transform into frenzied creatures during battle, along with possessing other illusive/deceptive skills similar to that of Óðinn:

Óðinn kunni svo gera, að í orustu urðu óvinir hans blindir eða daufir eða óttafullir en vopn þeirra bitu eigi heldur en vendir en hans menn fóru brynjulausir og voru galnir sem hundar eða vargar,

²⁵⁸ Snorri Sturluson, 7 Kafli, “Ynglinga saga”, *Heimskringla*, accessed March 5, 2021, <https://www.snerpa.is/net/snorri/yngrl-sag.htm>.

bitu í skjöldu sína, voru sterkir sem birnir eða griðungar. Þeir drápu mannfólkið en hvorki eldur né járn orti á þá. Það er kallaður berserksgangur.²⁵⁹

(Óðinn could make it so that in battle his enemies became blind or dull or fearful, but their weapons did not bite but turn, but his men went forth armour-less and were mad as dogs or wolves, biting their shields, strong as bears or wolves. They killed menfolk, but neither fire nor iron struck them. They were called berserkers.)

Although formidable fighters in their own rights, the berserkers often resort to these magical means whenever possible, as in *Gunnlaugs saga Ormstungu*, where Gunnlaug is challenged by a berserker who uses his magical eyesight to blunt edges of swords:

"Nú vil eg bjóða þér lög," segir Gunnlaugur, "að þú gjalt mér fé mitt eða gakk á hólmi við mig ella á þriggja náttu fresti."

Þá hló víkingurinn og mælti: "Til þess hefir engi orðið fyrri en þú að skora mér á hólmi svo skarðan hlut sem margur hefir fyrir mér borið og em eg þessa albuinn."

Og við það skildu þeir Gunnlaugur að sinni.

Gunnlaugur segir konungi svo búið.

Hann svarar: "Nú er komið í allóvænt efni. Þessi maður deyfir hvert vopn. Nú skaltu mínum ráðum fram fara og er hér sverð er eg vil gefa þér og með þessu skaltu vega en sýn honum annað."

²⁶⁰

("Now I want to offer you a settlement," says Gunnlaug, "that you pay me my money or go on a *holm*²⁶¹ with me three nights hence.")

Then the Viking laughed, and said, "No one before you has challenged me to go on a holm, despite the scars many have received from me, and I am ready for this."

And with that they parted with Gunnlaug for the time being.

Gunnlaug told the king what had passed.

He answered: "Now it has come to an all-too-unexpected point. This man dulls every weapon.

Now you must follow my advice. Here is a sword I want to give you, and with this you must battle; but show him another (sword).")

²⁵⁹ Snorri Sturluson, 6 Kaffi, "Ynglinga saga", *Heimskringla*, accessed March 5, 2021, <https://www.snerpa.is/net/snorri/yngr-sag.htm>.

²⁶⁰ 7 Kaffi, *Gunnlaugs saga Ormstungu*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/gunnl.htm>.

²⁶¹ Lit. "an island", a reference to *Hólmanga*, a highly ritualised duel fought within an enclosed space that has been commented upon in the eighth chapter of this thesis (see: Chapter 8- "Places and Performers", pp. 272-273).

Moreover, if the fit that is induced in them prior to fighting is seen as a process involved in *seiðr*, then, in light of the frenzy being considered as the possession/perversion (*ergi*) involved in its practice, it makes sense why they are routinely cast as the villains of sagas whom the righteous main character defeats.²⁶²²⁶³ These castigations further set up womanhood as the chief condition under which *seiðr* may be practised in a socially acceptable way, and underline the gendered division of violence and its relevance to the nature of *seiðr*.

Nowhere is this division more apparent than in the second category of women's direct participation in violence that we should consider, that is, where a woman participates in a violent act using physical force. Exploring the relationship between gender and violence with the focus on women, again, is deliberate, as physically inflicted violence is seen to be the forte of men. We believe that by not choosing as centre the gender that is considered the default while discussing such cases, we may be able to unearth more nuances regarding the gender-violence connection. We may consider physical violence inflicted by women through two categories: firstly, where a woman commits the violent action as part of a fight in which reciprocity is expected, and, secondly, where the woman is committing the violent action as an act of rage, passion or vindication outside the context of a fight. It is to be noted that literary evidence is not very forthcoming on women who directly take part in violence involving reciprocity, i.e., fights, although some archaeological evidence points that way. In Icelandic literature, specifically, the women who do fight are characterised as women who are trained in the arts, such as *valkyrie* and shield-maidens, and these figures almost exclusively appear in *Fornaldarsögur* or legendary sagas. Our goal, here, is to see how, or if at all, direct participation of women in violence may be seen as an exception to the gendered binary of the male challenger and the female goader. As much has been said on the symbolic significance of the

²⁶² 65 Kaffli, *Egils saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/egils.htm>.

²⁶³ 4 Kaffli, *Viga-Glúms saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/vigaglum.htm>.

valkyrie in the chapter on God/s in this thesis (see: Chapter One, “Gods and Monsters”, p.19) we can hardly count them as women directly partaking in violence as independent agents. As in Sigrdrifa’s (who Henry, Gering and Bellows think to be mistranslation of one of Brynhildur’s titles²⁶⁴) case in “Sigrdrifumol”, any forsaking or ignoring their roles could bring upon them Óðinn’s wrath and punishment, highlighting their capacity as mere employees of Óðinn.²⁶⁵ This dependence on divine providence is mirrored in one of the few surviving instances of a woman with an intent to commit violence in Anglo-Saxon literature, that is, in *Judith*, where the eponymous heroine calls for and receives help from God before she goes on her mission:

Ongan ðā swēgles Weard
 be naman nemnan, Nergend ealra
 woruldbūendra, ond þæt word ācwæð:
 "Ic ðē, frymða God ond frōfre Gæst,
 Bearn Alwaldan, biddan wylle
 85miltse þīnre mē þearfendre,
 Ðrýnesse Ðrym. þearle ys mē nū ðā
 heorte onhæted ond hige geōmor,
 swyðe mid sorgum gedrēfed. Forgif mē, swēgles Ealdor,
 sigor ond sōðne gelēafan, þæt ic mid þys sweorde mōte
 gehēawan þysne morðres bryttan. Ġeunne mē mīnra ġesynta,
 þearlmōd þēoden gumena. Nāhte ic þīnre nāfre
 miltse þon māran þearfe. Ġewrec nū, mihtig Dryhten,
 torhtmōd tīres Brytta, þæt mē ys þus torne on mōde,
 hāte on hreðre mīnum." Hī ðā se hēhsta Dēma
 ædre mid elne onbryrde, swā hē dēð ānra gehwylcne
 hērbūendra þe hyne him tō helpe sēceð
 mid rāde ond mid rihte gelēafan.²⁶⁶

²⁶⁴ “Sigrdrifumol”, *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 529, PDF e-book.

²⁶⁵ 4, “Sigrdrifumol”, *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 533, PDF e-book.

²⁶⁶ ll. 80^b- 97^a, *Judith*, accessed June 1, 2021, <http://www.oldenglisshaerobics.net/judith.php>.

(She then began to call by name the heaven's guardian, saviour of all the world, and said: "O God of creations, Spirit of comfort, Son of All-Wielder, Holy Trinity, I ask for your help (in) my need. Heated is my heart now and mind troubled, greatly draped with sorrow. Commander of heaven, give me victory and true faith, so that I might hew down with this sword this dispenser of murder. Give me my prosperity, stern Lord of men. I have never been in more need of your help. Avenge now, Mighty Lord, Glorious Dispenser of fame, what has me thus tortured in mind, hotly in my heart. Then forthwith the Highest Judge inspired her with courage, as he helps each of those who dwell here, who seeks his help with reason and with good advice.)

Hence, if we are to get a clearer picture of how the acceptance/desirability of violence committed by women as opposed to men is adjudged regarding women participating in reciprocal violence, we need to consult cases where the women do not have an apparent pre-determined purpose or a divine hand guiding their actions. In doing so, we shall first look at the cases where women without a divine purpose, but skilled fighters, engaged in violence during warfare, and, later on, at cases where direct and independent participation in violence occurred on a much smaller scale and by women who were not skilled in battle by any means. The first kind of cases, by its very nature, anticipates reciprocity. One such case is arguably the most discussed shield-maiden²⁶⁷ (and more importantly, not a *valkyrie*) in saga literature, Hervör of *Hervarar saga ok Heiðreks*, who seems to fight on the same conditions as a male warrior, and not as part of any divine retinue or as means to an end.²⁶⁸ It is primarily through an examination of her case, and comparison of her deeds with the normative gender expressions

²⁶⁷ Carol J. Clover, "Maiden Warriors and Other Sons", *Journal of English and Germanic Philology* (1986), 36. Although Hervör, unlike her granddaughter, is not mentioned as a shield-maiden in the text, Clover classifies her as a maiden warrior, which, as per Clover's conclusions, is a subtype of the shield-maiden theme.

²⁶⁸ Clover opines that Hervör, in this case, fills the 'functional role' of a son (1986:39), given that there is no male heir of Ángantyr. See: Carol J. Clover, "Maiden Warriors and Other Sons", *Journal of English and Germanic Philology* (1986), 39. This thesis raises concerns about these assumptions, comparing *Hervarar saga ok Heiðreks* with its derivative "Ormars rímur", the eponymous (and male) protagonist of the latter being presumably modelled after Hervör. See: pp. 151-152 of this thesis.

of her time, that we will consider whether shield-maidens affirm the established gender-roles, or subvert them.

Hervör is observed to be “man-like” from childhood, and is prone to committing violent crimes:

Dóttir Bjarmars var með barni; þat var mærl einkar fögr. Sú var vatni ausin ok nafn gefit ok kölluð Hervör. Hún fæddist upp með jarli ok var sterk sem karlar, ok þegar hún mátti sér nokkut, tamdist hún meir við skot ok skjöld ok sverð en við sauma eða borða. Hún gerði ok optar illt en gott, ok er henni var þat bannat, hljóp hún á skóga ok drap menn til fjár sér. Ok er jarl spyrr til þessa stigamanns, fór hann þangat með liði sínu ok tók Hervöru ok hafði heim með sér, ok dvaldist hún þá heima um stund.²⁶⁹

(Bjarmar's daughter had a child; she was a very beautiful girl. She was sprinkled with water and given a name and called Hervör. She was brought up by an earl and was as strong as men, and when she might do anything, she was more appeased by arrow-shots and shields and swords than by sewing or eating. She also did evil more often than good, and when she was forbidden to do so, she ran into the woods and killed men for her profit. And when the earl inquired of this highwayman, he went there with his army, and took Hervör, and brought her home with him, and she stayed at home for a while.)

This should be seen in the light of what Saxo Grammaticus has to say about the nature of the shield-maidens in *Gesta Danorum*. As Saxo emphatically mentions the shield-maidens as having manly souls,²⁷⁰ it is natural that these women were not seen in the same light as other women, their pre-determined nature, or ‘soul’, identifying their purpose as similar to that of men, and sparing them the gendered constructs that could have caused an identity crisis. Hervör, when she claims her father’s sword, does so on her own right, as a true successor:

"Segir þú eigi satt,
svá láti áss þik

²⁶⁹ 4 Kaffi, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

²⁷⁰ Saxo Grammaticus, “Book Eight”, *Danish History I-IX*, eds. Douglas B. Killing and David Widger, accessed July 1, 2021, *Project Gutenberg*, <https://www.gutenberg.org/files/1150/1150-h/1150-h.htm>. Based on *The Nine Books of the Danish History of Saxo Grammaticus*, trans. Oliver Elton (New York: Norroena Society, 1905).

heilan í haugi sitja,
 sem þú hafir eigi
 Tyrfing með þér;
 trauðr ertu
 arf at veita
 eingabarni"²⁷¹

(You do not say the truth. May the god/s let you rest whole in your howe²⁷² if you do not have Tyrfingr with you; you are reluctant to give your inheritance to your only child.)

Similarly, when she does give up her life as a warrior, she does so whole-heartedly, learning the craft of women, and settling down as a married woman, never to take up the sword again:

Síðan var Hervör langa stund í hernaði ok varð mjök sigrsæl. Ok er henni leiddist þat, fór hún heim til jarls, móðurföður síns; fór hún þá fram sem aðrar meyjar, at vandist við borða ok hannyrðir.

Þetta spyr Höfundr, sonr Guðmundar, ok ferr hann ok biðr Hervarar ok fær ok flytr heim.²⁷³

(Afterwards Hervör was at war for a long time and became greatly victorious. And when she tired of that, she came home to the jarl, her grandfather (lit. mother's father); thence she proceeded (to live) as other maidens, and settled down with needle-work and knitting.

Guðmund's son Höfund heard that, and went there and bade Hervör to come and set up home with him.)

Her life as a warrior that was directed by her 'manly soul', then, appears to be completely separated from her life as a married woman, maintaining the balance of gendered performance of violence, as the *valkyrie* are seen doing after marriage. However, rather than reflecting Hervör's change of mind it may represent what is expected of her after such a transformation. Hervör's new and stringent compliance with gendered norms may also be a cautionary measure to subdue any influence of the dangerous Tyrfingr, whose possession (though not practice) she

²⁷¹ 4 Kaffli, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

²⁷² Burial mound.

²⁷³ 5 Kaffli, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

still retains in her new life. Whatever her (or the author's) intention may be, Hervör, by adapting to her new life, and, later on, by handing the sword to a male heir, may assuage any anxiety that may linger about a potentially disruptive straddling of both masculine and feminine social spheres. To this may be compared Saxo's critique of Lagertha, who is shown as being greedy for coveting her husband's position as opposed to settling for the title of a ruler's wife even after being married.²⁷⁴ Hervör, then, and other maiden-warriors like her, are, possibly, only considered unthreatening to existing social constructs when their 'manly soul's do not cause disruptions by emphasising the duality of their situation.

Such anxieties about Hervör's duality, which may cause and accompany Hervör's transitioning and her literary perception, could be observed through the literary treatment of Hervör's career as a warrior and its difference from that of her fellow saga heroes/ main characters. Hervör's way of starting her career as a warrior is as a highway(wo)man. If she is to be considered the hero of her saga, then, following the pattern of the Icelandic narratives, missing from her life is the one incident that can be seen as a rite of passage into the warrior life; these rites can be seen in Sigurður's case, who, by pulling out a sword embedded in a tree by Óðinn, establishes himself as a potential hero and true successor of Óðinn,²⁷⁵ or in Glúmur's case, who, by standing up to the Berserker bothering his grandfather and his men, is able to convince his grandfather of his relationship with him.²⁷⁶ Although her retrieval of the sword can be seen as the defining quest of her life as a warrior, her career as an active pursuer of violence begins with criminal acts that are more telling of her might than any heroic value. The episode connected to the retrieval of the sword may have been intended to be perceived as

²⁷⁴ Saxo Grammaticus, "Book Three", *Danish History I-IX*, eds. Douglas B. Killing and David Widger, *Project Gutenberg*, accessed July 1, 2021, <https://www.gutenberg.org/files/1150/1150-h/1150-h.htm>. Based on *The Nine Books of the Danish History of Saxo Grammaticus*, trans. Oliver Elton (New York: Norroena Society, 1905).

²⁷⁵ 3 Kaffli, *Völsunga saga*, accessed March 10, 2022, <https://www.snerpa.is/net/forn/volsung.htm>.

²⁷⁶ 6 Kaffli, *Viga-Glúms saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/vigaglum.htm>.

further evidence of her unruliness, rather than a heroic break from her previous life. “Ormars Rímur”, which is considered to have *Hervarar saga* as one of its sources, may be drawn upon in this case. It includes a similar episode where the hero Ormarr, like Hervör, breaks into his father’s burial mound and demands the sword Byrtingr; however, in his case, his father Fraðmarr willingly yields the sword to him after he extracts a promise of his death being avenged.²⁷⁷ Although Hervör makes a similar promise, Angantýr (her father) remains reluctant, and only yields the sword to his daughter to prevent her from entering the fires that ensconce it.²⁷⁸ While a reason for Angantýr’s staunch refusal may be the cursed property of Tyrfingr, which Byrtingr does not seem to have, the reason for his ultimate yielding is markedly different from that of Ormarr’s father Fraðmarr. Fraðmarr designates his son as his avenger in giving him Byrtingr, but Angantýr’s yielding of Tyrfingr to Hervör is a result of his helpless acceptance of his daughter’s hard-headedness. It is possible, then, that Hervör’s taking up of the sword, rather than being a heroic example, is regarded as a troubling deviation by both characters within the text and by the authors and transcribers of the text. On the other hand, her giving up the sword is seen naturally and without censure, as opposed to that of a man of her age and prowess. Hervör’s habitually violent and unethical behaviour makes it difficult for the audience and the narrator alike to judge her by the standards of a saga hero, as do, perhaps, the contemporaneous perceptions about gender, and Hervör’s giving up of the sword might have seemed a fitting resolution to her narrative which troubles such perceptions. Naturally, then, her entrance into wifhood is perceived with ease because she leaves behind any visible identifier (except her sword, which she herself does not use again) that connected her to her ‘manly soul’.

²⁷⁷ 24-35, “Ormars Rímur- önnur ríma”, accessed May 5, 2023, <https://bragi.arnastofnun.is/ljod.php?ID=3860>.

²⁷⁸ 4 Kafli, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

Finally, it is, perhaps, Hervör's giving up of the sword that saves her life, and marks the way in which she is to be considered the exception which proves the rule. Tyrfingr is a sword that carries a curse akin to a feud on account of the dwarves Dvalinn and Durinn being forced to craft it (see: Chapter Seven, "Weapons and Their Wielders", p.266, F.N.474). The legacy of this curse created by the feud regarding Tyrfingr may be continued through both the act of wielding it and the act of passing the sword to a successor, and eventually cause the demise of both the wielder and the heirs s/he chose for the sword. Hervör, therefore, through taking the sword from her father can be seen as taking up this feud, as her father cautions her:

“Segi ek þér, Hervör
hlýð þú til enn
vísa dóttir
þat er verða mun
sjá mun Tyrfingr
ef þú trúa mættir,
æt þinni, mær,
allri spilla”²⁷⁹

(I say this to you, Hervör, – listen till the end, wise daughter – what must come to pass. This Tyrfingr, if you can believe it, will destroy your whole dynasty, maiden.)

It can be reasonably argued, then, that by giving up the sword and thereby her performative manhood, and, moreover, by accepting normative womanhood through changing her lifestyle and marrying, Hervör escapes paying the dues of the feud, and, later, by passing on the sword to her progeny, she also ends up passing on this feud to her succeeding generations. Further nuance is added to this by the case of her granddaughter, also named Hervör, who dies on the battlefield while fighting the Huns.²⁸⁰ Tyrfing's partiality in wreaking

²⁷⁹ 4 Kafi, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

²⁸⁰ 12 Kafi, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

vengeance might suggest that the younger Hervör suffers for the same reason that the older Hervör does not; not yet married and living the life of a warrior, younger Hervör, like her male kin, also bears the burden of the feud-settlement Tyrfingr is out to collect, and dies because she is yet to follow the footsteps of her grandmother, who was spared because of her willing return to a normative gender-role. Coming to our overarching discussion on the performative manhood of shield-maidens, and its differences with what is expected of the male-gendered warriors, this might also be one of the examples: feud for men is not something that can be optionally bypassed by marriage.

Therefore, to see to what extent direct participation in violence defined womanhood through its permissions and limitations, we need to look beyond these specialised dynamics. There are few instances of women becoming directly violent in a situation where reciprocity is an established condition, i.e., in wars, fights and duels, and in those cases, women generally take the place of the men who are expected to represent their interest in the battle (yet cannot or would not),²⁸¹ making these cases exceptional by nature. Hence, we should do better to look at cases where women commit violent acts outside the context of an organised fight/battle to gauge the social binaries regarding women's direct participation in violence. Uncaring of reciprocity, these violent acts are often crimes(?) of passion. Therefore, the critique of them often depends on the reason (if any) for the violent act. Acts of vengeance where no male challenger is available, as in the case of Gísli's sister Þórdís stabbing the leg of her brother's murderer, generally do not receive harsh admonition, as the culprit's own son Snorri intervenes when he sees his step-father Börkur trying to punish his mother:

Þórdís bar innar grautartrygla á borð og hélt með á spónum og er hún setti fyrir Eyjólf þá féll niður spónn fyrir henni. Hún laut niður eftir og tók sverð hans Eyjólfss og brá skjótt og lagði síðan

²⁸¹ Such as Freydis Eiríksdóttir, who, when surrounded by natives on an expedition to Vinland (a part of North America), picks up a sword even in a pregnant state as the men around her are too scared to fight. See: 11 Kaffli, *Eiríks saga Rauða*, accessed June 10, 2022, <https://www.snerpa.is/net/isl/eirik.htm>.

upp undir borðið og kom í lær Eyjólfí en hjaltið nam við borðinu og varð þó sárið mikið. Börkur hratt fram borðinu og sló til Þórdísar. Snorri hratt Berki svo að hann féll við en tók til móður sinnar og setti hana niður hjá sér og kvað ærnar skapraunir hennar þótt hún væri óbarin.²⁸²

(Þórdís carried some porridge on the board and had a spoon with it, and when she put it in front of Eyjólf, the spoon fell down in front of her. She bent down after it and took Eyjólf's sword, and drew it quickly, and then thrust it up under the board, and pierced Eyjólf's thigh; though the hilt had caught against the table, the wound became great. Börkur thrust away the board and hit Þórdís. Snorri thrust Börkur away so that he fell, but took to his mother and set her down by his side and said her heart-burnings were enough even though she were unbeaten.)

In the same vein we can call up an example from *Brennu-Njals saga*, where we see a woman Auður wounding her sleeping ex-husband for divorcing her using the excuse of cross-dressing. She, too, rides away with impunity, no persecution following her after the discovery of her crime, as her ex-husband deems it fair enough that she should take her revenge this way.²⁸³ Given that saga literature rarely records punitive actions taken against women who participate in unjustified violence, extant legal records may give us a better picture of differential treatment of genders when it comes to direct participation in violent acts. In the Anglo-Saxon law-codes, the absence of any punishment meted out towards a female murderer/maimer does not, in fact, mean that there was no example of this kind. This might be because the Old English *man(n)* both for lexical and legal purposes referred to a person regardless of gender, in which case the same punishment a man receives might be given to a woman with the same crime. The earliest comprehensive legal texts of Iceland, *Grágás*, spell this out in a clearer manner: “A woman is under the same penalty if she kills a man or woman or injures them, and so it is prescribed for all departures from the law.”²⁸⁴ However, this might

²⁸² 13 Kafi, *Eyrbyggja saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

²⁸³ 35 Kafi, *Laxdæla saga*, accessed October 10, 2021, <https://www.snerpa.is/net/isl/laxdal.htm>.

²⁸⁴ 81. (St þ 318; II 350; cf. K p. 140), *Laws of Early Iceland: Grágás I*, trans. Andrew Dennis, Peter Foote and Richard Perkins (University of Manitoba Press, 1980), Microsoft Reader e-book (2014). Original texts for the *Grágás* could not be accessed.

in no way mean that the Anglo-Saxon law was equally punitive towards men and women regarding non-violent crimes as well, as we have discussed in the chapter on law. As it stands, then, violent crimes committed by women seem to have the same repercussions in the Germanic laws discussed, revealing a legal parity of the genders where unlawful violence is concerned, hardly criminalising one above the other.

Women as Victims of Violence, as Compared to Men

So far, we have considered, within the cultural context/s of Early Germanic societies, some gendered perspectives of committing certain actions involving or inducing violence, and how these actions, in turn, define and regulate the gender norms regarding violence in the societies within which they take place. Our suppositions, however, would be inadequate if we do not consider, within the same cultural context/s, the gendered ramifications of being the victim, rather than the perpetrator, of violent actions. As far as violent crimes akin to killing and maiming, where effects on men and women are indeed comparable, are concerned, the legal codes do not seem to hold great difference in opinions, *Grágás* prescribing the same punishment for killing or injuring both genders.²⁸⁵ The blood-debt, in case of a woman as well as a man is collected by the kinsman, except in the case of a married woman, as indicated by Auður's husband trying to avenge his wife's severed hand in *Eyrbyggja saga*.²⁸⁶ The husband is considered the closest choice in these matters, as in the husband's case, if his non-affinal kinsmen are hesitating to avenge him, the wife becomes the natural persuader. A more biased perspective can be seen in the case of sexual violence, where a perpetrator-victim binary is more easily established within the Early Germanic context. A man being forced by

²⁸⁵ 81. (St § 318; II 350; cf. K p. 140), *Laws of Early Iceland: Grágás I*, trans. Andrew Dennis, Peter Foote and Richard Perkins (University of Manitoba Press, 1980), Microsoft Reader e-book (2014). Original texts for the *Grágás* could not be accessed.

²⁸⁶ 18 Kafi, *Eyrbyggja saga*, accessed May 10, 2022, <https://www.snerpa.is/net/isl/eyrbygg.htm>.

another into sexual relations, though not non-existent in Early Germanic societies, was not a case widely talked about, perhaps because of the shame the man in the passive role was thought to have incurred. An example of this is seen in *Bjarnar saga Hítðælakappa*, where the eponymous hero purportedly sends to his enemy Þórður a wooden carving of two men having sex with each other, as an insult:

Þess er nú við getið að hlutur sá fannst í hafnarmarki Þórðar er þvígít vinveittlegra þótti. Það voru karlar tveir og hafði annar hött blán á höfði. Þeir stóðu lútir og horfði annar eftir öðrum. Það þótti illur fundur og mæltu menn að hvorskis hlutur væri góður þeirra er þar stóðu og enn verri þess er fyrir stóð.²⁸⁷

(It is now mentioned that an object was found in Þórður's harbour boundary which did not seem friendly. There were two men and one had a blue hat on his head. They stood hunched over, one standing behind the other. It was considered a bad meeting and people said that nothing was good about those who stood there, and but even worse for the one that stood at the front.)

These kinds of carvings seek to publicly shame the receiver by implicating him in an act that is shameful to contemporary societies, especially by suggesting the latter's tendency towards passivity in such relations. There are records, therefore, of legal punishments for calling upon or shaming a man as *níðing* in this way:

And it is shaming slander if a man carves or incises a "wood-shame" directed against him or raises a "shame-pole" against him. He is to prosecute with a panel of twelve.²⁸⁸

However, no such record exists of the perpetrator being punished when sexual intercourses are forced upon men. It is likely that no victim came forward to complain because of the shame associated with being in the passive position in the act, nor do the laws of Early Germanic societies we have consulted elaborate on such crimes beyond the *ergi* of such acts. Hence, no question of taking recourse arises, as the very idea of someone being able to take

²⁸⁷ 17 Kafli, *Bjarnar saga Hítðælakappa*, accessed January 13, 2021, <https://www.snerpa.is/net/isl/bjarnar>.

²⁸⁸ K§237; lb p. 181, *Laws of Early Iceland: Grágás II*, trans. Andrew Dennis, Peter Foote and Richard Perkins (University of Manitoba Press, 2000), 197.

away a man's consent may reflect poorly on the victim within this cultural context, thereby silencing him. Violation of a woman's consent, on the other hand, might have left a bigger trail, but in the extant legal codes of Early Germanic communities there is no parity in how such cases are represented. What remains to be seen is if there is any logical similarity behind the meting out of these punishments, corresponding to an overarching narrative of women's choice and its violation, and how the legal and social aspects of gender identities contribute to it. The Anglo-Saxon legal codes are not very clear on the difference between consensual and non-consensual intercourse with women under legal protection of other men, as any such kind of intercourse is punishable by the payment of a fee to the woman's legal protector, or in the case of a slave/servant, the owner/master.²⁸⁹²⁹⁰ What they focus on is not whether or not the woman's choice was violated, but, rather, on the indisputable fact that a woman 'owned' by another or under the legal protection of a man is being slept with/ had intercourse forced on her, violating the protector's or master's right to regulate the use of her body in these terms. In Alfred's legal code, however, we find free women being entitled to certain compensations regarding this, where the law takes into consideration her consent, and pays the fee to her:

11. Gif mon on cirliscre fæmnan breost gefó, mid V scill. hire gebete.

§ 1. Gif he hie oferweorðe 7 mid ne gehæme, mid x scill. gebete.

§ 2. Gif he mid gehæme, mid LX scill. gebete.

§ 3. Gif oðer mon mid hire læge ær, sie be healfum ðæm ðonne sio bot.

§ 4. Gif hie mon teo, geladiege hie be sixtegum hida, oððe ðolige be healfre þære bote.

§ 5. Gif borenran wifmen ðis gelimpe, weaxe sio bót be ðam were.²⁹¹

(11. If a man grabs by force the breast of a woman belonging to the ceorl [common] class, he will compensate her with five shillings.

²⁸⁹ Æthelberht 10, 14, 16, 31, 85. *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 8-15, PDF e-book (2015).

²⁹⁰ Alfred 10, *ibid*, 71.

²⁹¹ Alfred 11.1-5, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 70, PDF e-book (2015).

1. If he throws her down but does not lie with her, he will compensate (her) with ten shillings.
2. If he lies with her, he will compensate (her) with sixty shillings.
3. If other men had lain with her before, then the compensation will be halved.
4. If she is accused of it, she will clear herself by an oath of sixty hides, or lose half of her compensation.
5. If it happens to women of noble birth, the compensation to be paid will increase accordingly)

Now, Hough compares this law with other instances of compensations for sexual assaults in Anglo-Saxon legal codes, and proposes that in Alfred's time, at least, a 'ceorl' woman could have enjoyed legal autonomy to the extent of being regarded as possessor of her own body, and therefore would be the one to whom any compensation for violation of said body should be paid.²⁹² Accordingly, the payment to be made to her if she is not a virgin is also halved as is the legal guardian's settlement in the case of a woman under his legal protection. To the Anglo-Saxons, then, sexual violence is, probably, also understood in terms of violating legal rights to the woman and her body, and wherein a woman is considered the legal possessor of her own body she is paid for such violations much in the same way as a legal guardian or master would be in cases where a 'owned' female body is violated without the guardian's or master's consent.

This is natural for the legal codes of Early Germanic societies, where a woman's legal existence is inextricably linked with her legal guardian's. However, as mentioned before, the parity varies in degree across legal codes of different Germanic cultures. The *Grágás* do take into consideration the consent of a woman, though they also acknowledge the right of her legal guardians as her legal representatives. In the *Grágás*, or early Icelandic laws, kissing a woman, if not another's wife, could lessen the man's crime from a lesser outlawry to a payment of three marks for her if she consents.²⁹³ Likewise, wrongful intercourse with a woman is given

²⁹² Carole Hough, "Alfred's *Domboc* and the language of rape: A reconsideration of Alfred ch.11", *Medium Aevum* 66, no.1 (1997):5; 20.

²⁹³ K§ 155; Ib p. 47, *Laws of Early Iceland: Grágás II*, trans. Andrew Dennis, Peter Foote and Richard Perkins (University of Manitoba Press, 2000), 69.

the sentence of lesser outlawry, presumably in the cases where the woman is under the protection of her legal male guardians, but doing so forcibly and without her consent results in full outlawry.²⁹⁴ A woman's choice, therefore, makes reasonable difference in how the criminal's punishment is meted out in Icelandic society. The reason for this could be many. We propose the idea of Iceland being yet a new settlement and without elaborate social structures, and therefore allowing a greater participation of women in legal settlements. Clover convincingly argues for this frontier status, as well as female infanticide, being the chief reasons behind a skewed sex ratio which later allowed for the above-mentioned legal participation and relative freedom of choice for women of Iceland.²⁹⁵ The relative lack of social hierarchy also lessens the chance of violating it through actions against legal wards, hence not needing a reinforcement of a guardian's legal rights over his ward through the settlement. Hence, in sexual violence against women, they have a greater chance of being acknowledged as the principal victim, legally, than their English counterparts. The punitive actions mentioned in these respective legal codes also, then, stand as a commentary on how the perceived definition of sexual violence, itself, is rooted in the gender dynamic of a society and its legal manifestations.

Conclusion

We have, therefore, tried to find in this chapter how gender and violence define each other in Early Germanic societies and how this mutual feedback is represented in extant literature; we have attempted this through examining certain common motifs of compliance and defiance in the directly contributive and indirectly contributive roles women take regarding

²⁹⁴ Ibid.

²⁹⁵ Carol J. Clover, "The Politics of Scarcity: Notes on the Sex Ratio in Early Scandinavia", *Scandinavian Studies* 60, no.2 (University of Illinois Press, Society for the Advancement of Scandinavian Study, Spring 1988):182, doi:10.2307/40918942.

violence, and how men are expected to play their part regarding these roles. We also hope to have shown, through discussions of women's direct and indirect participation in violence, that this participation was anything but passive, contrasting the male anxiety about being regarded as passive if they were to indiscriminately act in indirect roles (e.g. non-legal/out-of-court peace-keeping, goading) usually taken up by women. Certain discussions pertinent to this chapter have been elaborated upon in other chapters, especially the chapter on kinship in this section; this has been done to mitigate the problem of repetitions that inevitably arise owing to overlapping of topics. It is to be hoped that this distribution method adds more nuance to the arguments stated in this chapter when the thesis is read as a composite whole.

Section Two: Intangible Bonds: The role of social relationships

Chapter Five: *Comitatus*- The Gift-giver and the Retainer

Introduction

Though the thesis' usage of the term *comitatus* has already been clarified in the preface, and its usage within the scope of this thesis have been commented upon in previous chapters with regard to diverse contexts that fall under the same scope, this chapter's specific focus on the term and its relation to the communicative properties of violence demands a clarification and reiteration of its (that is, the *comitatus* 's) definition and capacity as the thesis understands it. As noted in the preface (see: "Preface", p.3), then, *comitatus* (as understood in this thesis) is a term used by Medievalists to describe a social archetype for oath-bound and leader-centric military fellowships across diverse Germanic cultures, linking said fellowships and these cultures through perceived similarities that are often historically and semantically traced to the *comitatus* described in Tacitus' *Germania*,²⁹⁶ arguably the only primary source using this term to describe such a fellowship. Keeping the scope of this thesis limited at present, we shall not elaborate on how the term came to be used academically as an overarching label for the aforementioned type of fellowship, but examine how communicative properties of violence contribute to the dynamic of the groups that may be included in the broader definition of *comitatus* as a social archetype used in Medieval Studies, and we hope to examine said contribution through a discussion of Early Germanic literary descriptions of such groups. It is to be noted that the third chapter has already attempted to discuss how a dialogue may be formed through law between state-mechanisms and the violent actions they encourage and punish. It is there, also, that the nature of *comitatus*, in the broader sense of being a group of oath-bound warriors/soldiers following a leader and having a mutual trust between them, was

²⁹⁶ John Lindow, *Comitatus, Individual and Honour*, University of California Publications Linguistics 83 (University of California Publications, 1976).

commented upon as a tool of enabling legitimate violence. Allocating this chapter to it, then, raises several questions, the following being one of them: should not this chapter be framed within the section pertaining to figures of authority, as *comitatus* is, on principle, based upon the allegiance of a follower to his lord in a military capacity. In response to such questions, then, we hope to show through this chapter that *comitatus*, regarding the aspects of violence through which it is implemented and defined, is, first and foremost, very much a product born out of a pact of allegiance and mutual respect between the lords and the followers involved in it, as well as between the followers themselves, and, hence, this chapter rightfully earns its place within the section of the thesis dedicated to observing violence as a communicative tool for social networks.

As much of this chapter will be focussed on the nature of the *comitatus* as a collective, it would not be amiss to add here that the concept of *comitatus*, especially as understood in the context of Early Germanic societies, may assert that the communicative aspects the bond between a lord and a retainer evokes and necessitates depend as much on the individual as on the collective. A lord may be a product and an instrument in the network of legal liabilities that *comitatus* upholds, but he, too, is a person. Similarly, a retainer cannot be discounted as a stooge who indiscriminately listens and obeys. Moreover, the relationship between the lord and the retainer in militaristic cultures often acquires dimensions extending beyond the personal contract. This is to be noted in the speaker's voice in *The Wanderer* when he recalls more fortunate times:

Þinceð he on mode þæt he his mondryhten
 clyppe and cysse ond on cneo lecge
 hond and heafod swa he hwilum ær
 in geardagum giefstolas breac²⁹⁷

²⁹⁷ ll. 41^a-44^b, *The Wanderer*, accessed May 10, 2020, <http://www.oldenglishtaerobics.net/wanderer.php>.

(It seems to him (lit. it seems to him in mind) that he embraces and kisses his lord, and lays his hands and head on [his] knee, as he had before, in days of yore, enjoyed [the] gift-throne)

The lord here does not only appear as an employer, but one to whom the servant may go for comfort both material and emotional. This also gives us reason to see the relationship between the lord and the retainer in a context that includes elements more complex than legal liabilities which legitimise violence. Legal liabilities, for example, can be seen, also, in other forms of legitimised violence such as warfare, where state-employed soldiers, conscripted men and mercenaries of diverse creeds and ranks may be bound by the regulations that dictate the legitimacy of their actions on a battlefield, regardless of their personal acquaintance (or lack thereof) with the commander/chief/king who directs their actions. However, this degree of intimacy between the lord and the retainer as indicated above suggests a closer inter-personal relationship involving a more close-knit allegiance with a smaller circle of followers, to whom the lord is not only financially but also emotionally accessible. It follows, then, that the code of conduct regarding violence, both inflicted and incurred, in due course of such relationships, would have nuances beyond expectations of social contracts (such as *comitatus*, *milites* and *wapentake*), whether given a specific title or assumed.

Limitations of the Chapter

Such nuances, however, are unlikely to be recorded in any surviving text of any of the Germanic languages in the concerned period. The reason for this is social as well as functional. We have, by now, mentioned many times the inevitable correlation between the documentation of texts in Early Germanic cultures and their introduction to Christianity, as, barring sporadic runic inscriptions, the literary output of these cultures in pre-Christian times persisted through oral traditions. This meant the survival of a text depended heavily on how important the clerics deemed it. One of the main arguments against calling *Beowulf* a great text is that no equivalent text survives from its own time for comparison. Stanley does initially wonder whether or not

Beowulf was the *Davideis* of Old English literature rather than its *Paradise Lost*.²⁹⁸ This is, of course, taking into account the monastery-fires and the frequent raids, neither having been likely to have distinguished between secular and Christian texts.

The survival, or lack thereof, of secular literature means a dire loss in terms of anthropological perspectives, as the historiographical aim of the clerics was limited to recording the incidents that facilitated a grand narrative suited to the interest of a patron or the Church, rather than the cultural context within which these incidents would have taken place. It was also likely that, being immersed within their culture, the clerics took the cultural nuances of secular traditions to be as natural and mundane as we would consider saying “bless you” to a sneezing person, and would have considered recording them for posterity to be a waste of good vellum and ink.

Foreign texts, especially those composed before or during the time of continental migration, serve as sources of valuable (albeit distorted or biased) information, as they do furnish anthropological information worth noting. For this chapter, in particular, we shall turn to Tacitus’ account of the Germanic tribes, called *Germania*, as it is presumably from this text that modern scholarly use of *comitatus* as a Germanic social archetype derives:

Nihil autem neque publicae neque privatae rei nisi armati agunt. Sed arma sumere non ante cuiquam moris, quam civitas suffecturum probaverit. Tum in ipso concilio vel principum aliquis vel pater vel propinqui scuto frameaque iuvenem ornant: haec apud illos toga, hic primus iuventae honos; ante hoc domus pars videntur, mox rei publicae. Insignis nobilitas aut magna patrum merita principis dignationem etiam adulescentulis adsignant: ceteris robustioribus ac iam pridem probatis adgregantur, nec rubor inter comites adspici. Gradus quin etiam ipse comitatus habet, iudicio eius quem sectantur; magnaue et comitum aemulatio, quibus primus apud principem suum locus, et principum, cui plurimi et acerrimi comites. Haec dignitas, hae vires, magno semper et electorum iuvenum globo circumdari, in pace decus, in bello praesidium. Nec solum in sua gente cuique, sed

²⁹⁸ E. G. Stanley, ‘Beowulf’ in *Continuations and Beginnings: Studies in Old English Literature* (London.1966) rpt. In E. G. Stanley, *A Collection of Papers with Emphasis on Old English Literature* (Canada. Pontifical Institute of Mediaeval Studies. © 1987), 139-69.

apud finitimas quoque civitates id nomen, ea gloria est, si numero ac virtute comitatus emineat; expetuntur enim legationibus et muneribus ornantur et ipsa plerumque fama bella profligant.²⁹⁹

(They conduct no public or private matter without being armed. However, it is not usual for them to wear arms until the state requires it of them. Then, in the presence of the council, the chief, or his father, or kinsman, equips him with a weapon: This, as the toga is with us, is the first honour of the youth; up to this time he is considered the member of a household, and afterwards one of the public. A noble birth or great merit of the father secures for the young men the rank of a captain(?): such youths join the followers of a man of greater strength and long-approved valour; nor do they blush to disclose themselves as companions. There are gradations to this *comitatus* (lit. ‘companionship’), decided by the one whom they follow; there is great rivalry among the followers to see who ranks first with the chief, or among the chiefs, to see who has the greatest number of and the bravest followers. It is an honour, a source of strength, to be always surrounded by such a great number of chosen youths; it is a decoration in peace, and protection in war. And not only in their own nation, but also in the chief’s neighbouring countries, it brings glory to his name if the followers are numerous and brave; for such are courted by the embassies and their reputation is enough to quell any talk of war.)

Admittedly, these views are biased and limited, and unlikely to form an objective portrayal of what Germanic societies were like in Tacitus’ times. To the best of our knowledge, Tacitus never travelled to Germany, so his information is more likely to come from secondary sources. Certainly, it differs from Caesar’s description of the Germanic tribes, in particular the Suevi (albeit for political reasons, that is, to justify the colonisation):

Neque multum frumento, sed maximam partem lacte atque pecore vivunt multum sunt in venationibus; quae res et cibi genere et cotidiana exercitatione et libertate vitae, quod a pueris nullo officio aut disciplina adsuefacti nihil omnino contra voluntatem faciunt, et vires alit et immani corporum magnitudine homines efficit.³⁰⁰

(They do not live much on corn, but for the most part on milk and meat, and are greatly engaged in hunting; which, as well as the kind of food they eat, their daily exercise and their liberty of life (for

²⁹⁹ Tacitus, 13, *Germania*, accessed May 20, 2020, *Medieval Sourcebook*, <https://sourcebooks.fordham.edu/source/tacitus-germ-latin.asp>.

³⁰⁰ Gaius Julius Caesar, *Comentarii de Bello Gallico*, ed. T.Rice Holmes (Oxford: Clarendon Press, 1914), liber IV, accessed May 16, 2020, https://www.forumromanum.org/literature/caesar/gallic_e4.html.

having from boyhood been accustomed to no employment and no discipline, they do nothing at all (that is against their wish) nourishes their strength and makes for the magnitude of their giant bodies)

Unlike Caesar who may seem to consider the Germanic tribes as an uncivilised or primitive bunch, Tacitus' description of the Germanic tribes admittedly seems more positive. This might partly be due to the reason that Caesar's narrative might have been that of an aspiring ruler attempting to reframe his conquest in the context of taming an undisciplined tribe, but Tacitus' account, far from being balanced, might easily have been equally biased, if not more, the primary accusation against him being that he tends to excessively romanticise and idealise the Germanic life because of his disappointment at the deteriorating moral standards in his Roman compatriots.³⁰¹

It is, of course, not advisable to cast in this mould the actual practice of *comitatus* in every Early Germanic society. The reason is not only the biased perspective of the foreigner, but also the complex and differing social developments of the Germanic groups in the early Middle Ages (and, in the case of Icelandic societies, late Middle Ages as well). This is why this chapter asserts, several times, that Tacitus' *comitatus* is used here as a starting point for examining and discussing the similarities that lead to the conceptualisation of *comitatus* as an umbrella term for several Early Germanic military fellowships, and not as a universal model that all such groups must measure up to. The exact model of *comitatus* described in *Germania*, for example, could only survive in a militaristic society that puts more emphasis on procuring resources rather than cultivating them. Yet, naturally, the textual records we do find of *comitatus* from Germanic societies are from those tribes which have already consolidated into polities, such as the Merovingians, the Saxons, the Goths and the Scandinavians. The reason for this, aside from the influence of the Latinate culture, is the leisure available to the clerical

³⁰¹ F.N. 15, M.J. Toswell, "Quid Tacitus...? The *Germania* and the Study of Anglo-Saxon England", *Florilegium* 27 (2010): 34.

class, which would have not been available, nor desirable, in societies where every man of enough age and strength is a warrior, and where becoming a worthwhile citizen of one's own nation requires not only the bearing of weapons, but the frequent use of it. This leisure is the result of a more centralised administration, which, in contrast to the tribal societies, prioritises the hoarding of goods and arable land, and expansion for the sake of lasting wealth or investment rather than renown. Hence the fellowship in these polities too, which were more often than not monarchies, are bound to take different shapes – the concern for the tribe lies with the chief, the concern for the polity lies with the king. The network that is formed between the king and his followers, or the king's followers and their respective followers, is going to differ from the close-knit *comes* that surrounded their lord; as opposed to the chief whose retinue is personal and contributes to his personal fame, the optimum authority in these societies is invested in the king (who himself commands it as a representative of his status, not as an individual), and the renown to the polity. Lindow speaks of how terms like the OE *gedryht* and ON *drótt*, both having the common meaning of bands and followers, could be used in different compounds to suit different contexts, such as the term of *inndrótt* that was introduced to refer to a more domesticated *comitatus* becoming more common in Nordic regions.³⁰² However, these nuances are even more difficult to trace through available narratives, as, for reasons mentioned earlier, the historiographers in such societies rarely take an anthropological approach. Hence, the examples we receive of *comitatus* are mostly from the secular texts. More often than not, these examples are archaic and represent a time at odds with their contemporary society; *Beowulf*, clearly, is set four centuries before the assumed date of its only manuscript, and it is not until 12th century AD that narratives set in the Viking era begin to appear in writing. The problem with looking to these narratives for authenticity is the same we face with early

³⁰² John Lindow, *Comitatus, Individual and Honour: Studies in North Germanic Institutional Vocabulary*, University of California Publications, Linguistics 83, (Berkeley and Los Angeles: University of California Press, 1975), 35-38.

Roman accounts; cultural bias, as well as time, may often be conducive to the re-shaping of the story as the teller deems appropriate. Frank, thus, cautions that *Beowulf* and other heroic verses may be the re-imagining of a Germanic past by the millennial, and Christian, Anglo-Saxon inspired by Skaldic poetry, rather than an accurate representation of the past itself constructed solely from cultural memory.³⁰³

Framework of the Chapter

Despite these pitfalls, in this chapter we would like to argue that enough remains in those cultures, even at the time of recorded texts, to suggest certain principles common to many of the oath-bound and leader-centric military fellowships across Germanic cultures, which may have contributed to the scholarly idea of *comitatus* as a military concept rather than a singular group mentioned in Tacitus' work. These principles, perhaps, are what spur the estranged father and son in *Hildebrandslied* (early 9th century AD text, the story dating back to at least 8th century AD) onto battle for the sake of honour even after the father recognised the son, or for Ælfwine, a young warrior, to convince his veteran fellow retainers to not flee the battlefield in *The Battle of Maldon* (possibly late 10th or early 11th century AD, the battle itself taking place in 991 AD). From this, along with the archaic texts that do somewhat preserve their cultural information, we get, if not a clear picture of these fellowships at any given time, then certain tropes representing them that at least partially reflect the perspective of the *comitatus*. Comparing and contrasting these tropes in these varying forms of *comitatus* will be difficult without referring to a set of common and defining elements. Hence Tacitus' description, though potentially biased, remains a valuable source to begin with, as his description of the principles and ethics governing *comitatus* as a military group remains significant in the shaping of *comitatus* as an overarching concept. As we mention in the preface of the thesis and the

³⁰³ Roberta Frank, "Skaldic Verse and the Date of Beowulf", in *The Dating of Beowulf*, ed. Colin Chase, Toronto Old English Series no.6 (University of Toronto press, 1997), 123 -139.

introduction to this chapter, it is not within the scope of the present study to analyse the creation and sustenance of this concept; rather, we shall now attempt to discuss, in the light of these tropes, the tenuous connection between violence and fellowship. That is to say, we shall use the traits described in Tacitan *comitatus* as a starting point for discussing the mutual liabilities in Early Germanic literary depictions of groups presumably fitting the social archetype that Medievalists draw from (and link with) the Tacitan *comitatus*- with the aim of comprehending how the communicative properties of violence may have contributed to upholding or dismantling these liabilities. Firstly, we will examine and discuss the communicative aspects of violence that support and sustain the *comitatus* systems, and, secondly, we shall attempt a discussion of communicative aspects of violence that defy these systems.

Violence that Supports and Sustains Comitatus

According to Tacitus' account, then, violence, or the possibility of it, features as a defining element in constructing the heroic life. The right to hold a weapon is conferred through a coming-of-age rite,³⁰⁴ whereafter it becomes a constant presence in the civil and military dealings of the Germanic common man. However, following the argument in our introduction, we can see that the legitimisation of violence was not, possibly, the foundation of even the *comitatus* described in *Germania*. Firstly, Tacitus finds it important to state that the youths newly inducted into warrior-hood, even when of a noble birth and/or having a father of great merit, do not feel embarrassment at being included in the ranks of a mightier man's followers (see: this chapter, p.166). This statement, if not merely figurative, seems to anticipate the fact that becoming a follower after coming from such circumstances might seem shameful to the Roman reader who may envision other privileges or opportunities for those born in such fortunate conditions. It is, perhaps, to counteract such prejudices, and, partly, to establish the

³⁰⁴ Tacitus, 13, *Germania*, accessed May 20, 2020, *Medieval Sourcebook*, <https://sourcebooks.fordham.edu/source/tacitus-germ-latin.asp>.

moral superiority of the Germanic youths as compared to those accustomed to a Roman life of indulgence, that Tacitus deliberately emphasises that it is of their own volition, and not out of any necessity, that these youths enter the service of their lord; this emphasis, however intended, champions the value of military service and loyalty. In addition to that, Tacitus states that though in time of war these youths provide much-needed protection, in peace they serve as decorations to their lord. Therefore, though their presence does bring security to the nation, this functionality does not begin and end with war, and the zealous rivalry among the youth (see: this chapter, p.166), when considered in the light of the passionate yearnings of the speaker in *The Wanderer*, may speak of a deeper purpose and/or sentiment than workplace promotion.

Cum ventum in aciem, turpe principi virtute vinci, turpe comitatus virtutem principis non adaequare. Iam vero infame in omnem vitam ac probrosum superstitem principi suo ex acie recessisse. Illum defendere, tueri, sua quoque fortia facta gloriae eius adsignare praecipuum sacramentum est. Principes pro victoria pugnant, comites pro principe. Si civitas, in qua orti sunt, longa pace et otio torpeat, plerique nobilium adolescentium petunt ultro eas nationes, quae tum bellum aliquod gerunt, quia et ingrata genti quies et facilius inter ancipitia clarescunt magnumque comitatum non nisi vi belloque tueare; exigunt enim principis sui liberalitate illum bellatorem equum, illam cruentam victricemque frameam. Nam epulae et quamquam incompti, largi tamen apparatus pro stipendio cedunt. Materia munificentiae per bella et raptus. Nec arare terram aut exspectare annum tam facile persuaseris quam vocare hostem et vulnera mereri. Pigrum quin immo et iners videtur sudore acquirere quod possis sanguine parare.³⁰⁵

(When on battlefield, it is shameful for the chief to be surpassed by his followers in bravery, and it is shameful for the followers to not try to be equals of their chief in bravery. It is an infamy and life-long reproach to have survived the chief and return from the battlefield. To defend him, to protect him, and to assign one's own glory to his renown, is their oath. The chief fights for victory, the followers for the chief. If the nation to which they are native sinks into a period of long peace and slow leisure, many noble youths actually seek those nations where some war is going on, because repose is offensive to their people and it is easier to win renown among hazardous conditions, as so many followers cannot be kept without waging war and violence. They demand of their prince's liberality war-horses and blood-stained victory-lances, because banquets which, though inelegant,

³⁰⁵ Tacitus, 14, *Germania*, accessed May 20, 2020, *Medieval Sourcebook*, <https://sourcebooks.fordham.edu/source/tacitus-germ-latin.asp>.

are large and sumptuous, are the only provisions they receive. This bounty is the munificence of war and rapine. Nor are they as easily persuaded to plough the lands and wait for a year, as they are to challenge an enemy or earn their wounds. They deem it wearisome and lazy to obtain by sweat what they may procure by blood.)

This passage provides us with further insight into the complex relationship of violence and *comitatus*, and argues against the latter being a state-mechanism to enable and regulate the former, if only in the case of *Germania*. Rather, they seem to have a symbiotic relationship; the *comitatus* is created on the merit of violence, and is sustained through violence. The preferred gifts of war-horses and weapons typify the nature of the *comitatus*, existing in contradiction to the later, and more rigidly-structured, feudal systems that used land as capital and payment. If the *comitatus*, however, is to be considered a business, then violence becomes its capital and currency in more than one way. The chief, in order to maintain the power dynamics between him and his followers, must outperform them in the battle-field, holding the control of the capital, or violent acts, firmly in his hands. The followers, in turn, must prove their loyalty through war-time violence. The product to be earned by war, rather than material gain, is renown or fame. Moreover, when the conditions to obtain this renown are absent, they travel to other nations, to engage in violent acts. As the reward of these acts, they receive war-horses and bloody weapons with which they wage war again, and thus the cycle of violence continues, and with it the *comitatus*.

The *comitatus*, then, as understood using the contextual clues in *Germania*, is to be considered a conduit. The lord may not earn his renown without the retinue, and the retinue, as it must “assign” its glory to the lord, is not conducive to the rise of a singular renowned person; it must be known as a collective that bears the lord’s name and therefore his credentials. As violence is the reason and modus operandi of the *comitatus*, so is the lord who channels that purpose; without his direction his followers would have no reason to fight as a retinue, nor would they have any cause to earn renown. This process is not quite the same as legitimisation,

which is about exalting or justifying certain acts and penalising others. Rather, *comitatus* contributes to its symbiotic connection with violence in a different manner; while violence gives the fellowship a purpose, *comitatus*, in turn, defines violence, and shapes it in terms of its output, or renown.

The role of violence in encouraging bonds like *comitatus* to form is evident in Tacitus' account. The Germanic tribes seem prone to warring often, weapons being their tool of trade. The drive to battle, therefore, is easy enough to understand. However, the material goods may be obtained by plunder, and some of these newly inducted followers were influential in their own rights (often ascending to captain-hood, as per Tacitus, due to the nobility or military renown of their fathers, some of which must have been earned during *their* turn as retainers/ see: this chapter, p.166) who are described as having voluntarily joined the retinue. As such, aligning one's services to another must yield other merits or profit to be considered lucrative enough for the system to have encompassed generations. We have counted renown as one of these benefits. The fact that the warrior fights for the lord so that the credit may be attributed to the latter, may seem contradictory to this wish; why would the son of a renowned/noble warrior choose to do this, when he may earn so by his own merit? This is accounted for by the criterion through which the lords are chosen: they have fought longer, and are considered stronger for it. A longer career in war made for more prestige, and it is not difficult to see why youth eager to earn fame quickly should wish to be known as the followers of such men, at least at the beginning of their career. This may also, in part, address Fanning's concern that Beowulf's itinerant career does not adhere to Tacitus' concept of *comitatus*.³⁰⁶ Firstly, Tacitus does assert that in times of peace the Germanic warriors may seek gainful employment elsewhere, at the hall of a lord other than his own. So, Beowulf leaves Hygelac to work for

³⁰⁶ Steven Fanning, "Tacitus, "Beowulf", and the "Comitatus"", *Haskins Society Journal* 9 (2001): 24.

Hroðgar. Hence, we may say that, rather than defying *comitatus*, Beowulf's itinerant career works as an extension of it. Secondly, Beowulf does not only try to assert his identity as a heroic individual, but firmly ties it to his more communal identity of being from Hygelac's clan and fellowship. This is clear in the way Beowulf presents himself to Hroðgar and his men. To Hroðgar, along with a boast of his own heroic actions, he also presents details of his employment.³⁰⁷ However, to Hroðgar's coast-guardian who greets them on their landing, he deems it unnecessary to disclose his name, instead choosing to be known as Hygelac's kinsman and retainer, and the son of his own hoary and wise father (more as the venerable Ecgþeow's son than as Hygelac's retainer, a detail which is mentioned but not elaborated on).

Wé synt gumcynnes géata léode
 Ond higeláces heorðgenéatas
 Wæs min fæder folcum gecýþed
 Æþele ordfruma Ecgþeow hāten
 Gebād wintra worn aēr hé on weg hwurfe
 Gamol of geardum hine gearwe geman
 Witena wélhwylc wide geond georþan³⁰⁸

(We are of [the] race of Geatish people, and Hygelac's hearth-companions. My father, a noble vanguard-chief known to peoples, was called Ecgþeow. He experienced many winters before he passed away (lit. departed on way). Ancient, from our dwellings, he is eagerly remembered by each of the counsellors widely around [the] world.)

This may be interpreted as Beowulf's wish to have the prestige and fame associated with his being Hygelac's man and his own wise father Ecgþeow's son work as a reference-frame, contributing towards the establishment of his credentials, thus earning the coastguard's trust. It is likely that followers without a lord were looked down upon. The positive aspects of

³⁰⁷ ll. 407^a-455^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

³⁰⁸ ll. 260^a- 266^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

Beowulf and his retinue's appearance are held as evidence that they are not exiles. One of Hroðgar's retainers speculates:

Ne seah ic elþéodige
 Þus manige man módiglicran
 Wén ic þæt gé for wlenco nalles for wraécsiðum
 Ac for higeþrymmum hróðgár sóhton.³⁰⁹

(I have never seen so many high-spirited men from [a] foreign land. I reckon that it is from pride, not at all because of exile, but out of great courage that you have sought out Hroðgar.)

Moreover, Beowulf makes provision for both his body, and the wealth earned on this journey, in ways which may be reconciled with the emphasis in *comitatus* on the followers' dedication to fight for the lord. He beseeches Hroðgar to send *beaduscrúda betst*³¹⁰ (the best of battle-shrouds), his mail-shirt, to Hygelac, should Grendel take his life. Before venturing out on the quest for Grendel's mother, he requests the rewards he has earned, the gold, to also be delivered to Hygelac so that the latter may find peace in the fact that, after moving out of Hygelac's realm, Beowulf had encountered such an excellent gift-giver as Hroðgar.³¹¹

Contrary to Fanning's statement then, it seems the *þegn*, even while itinerant, remains within *comitatus*, carrying his lord's name as introduction for himself. These credentials do not only work to enhance one's personal career, but may also, often, ensure security for the coming generations. As Tacitus states, some youths from illustrious backgrounds who join the retinue of a particular lord have their ranks as captains secured by dint of their fathers' military merit, part of it, no doubt, earned from their days as retainers. Thus, this hereditary privilege and the

³⁰⁹ ll. 366^b-369^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

³¹⁰ l. 453^a, *Ibid.*

³¹¹ ll. 1481^b-1487^b, *Ibid.*

comitatus ensure each other's survival. However, this is not the only conditioned mechanism that preserves the continuity of the purpose behind *comitatus*, and its tenability:

Quotiens bella non ineunt, non multum venatibus, plus per otium transigunt, dediti somno ciboque, fortissimus quisque ac bellicosissimus nihil agens, delegata domus et penatium et agrorum cura feminis senibusque et infirmissimo cuique ex familia; ipsi hebent, mira diversitate naturae, cum idem homines sic ament inertiam et oderint quietem.³¹²

(Whenever they are not fighting, they pass much time in hunting, and still more in idleness, dedicating themselves to sleep and food, each bravest and most warlike man doing nothing, and delegating the care of home, the household gods and the farm to the women, the elderly and the most infirm members of the family; they have a strange contrast in their nature, in that the same men are simultaneously so averse to peace and so fond of laziness.)

The passage above serves to remind us that the Germanic tribes had strict labour divisions for the most part, based on gender. In such a society, homosocial bonds would, and did, take precedence over any romantic interest in the opposite gender. The emphasis, here, is on the word 'romantic', which indicates a degree of intimacy. As the social spheres of the genders was a natural effect of the preferred occupation on the Germanic men, an overt attachment to the opposite gender could be seen as a neglect of one's duties. As an example, we may be tempted to use this passage from *Beowulf*, where Hroðgar retires to his bedroom while Beowulf and his companions keep watch for Grendel's arrival:

Ðá him Hróþgár géwát mid his hæleþa gedryht
eodur Scyldinga út of healle
wolde wígruma Wealhþéo sécan
cwén tó gébeddan³¹³

(Then Hroðgar, the Protector of Scyldings, went out of the hall with his band of heroes. The warrior wished to seek Wealhðeo, the queen, as companion in [his] bed)

³¹² Tacitus, 15, *Germania*, accessed May 20, 2020, *Medieval Sourcebook*, <https://sourcebooks.fordham.edu/source/tacitus-germ-latin.asp#15>.

³¹³ ll. 662^a-665^a, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

Clark, however, counters Dockray-Miller's suggestion that Hroðgar's decision to retire to his wife's bed is deliberately contrasted with Beowulf's decision to remain with his followers, whereby Dockray-Miller proposes that Hroðgar's willing removal of himself from the homosocial sphere (and therefore the possibility of violence) and immediately seeking female company afterwards, may be seen as symbolic of effeminacy. Clark's main contention here is that Hroðgar, as a king, is allowed separate sleeping arrangements as a signifier of his aristocratic status.³¹⁴ However, Clark does concede that over-indulgence in the company of women could be seen from a medieval perspective as a mark of effeminacy. In comparison, both living and dying with one's lord are seen as ideal in a heroic life, and a fitting end for a warrior. As Byrhtwold declares in *The Battle of Maldon*:

Ic eom frōd fēores fram ic ne wille
 Ac ic mē be healfe mīnum hlāforde
 Be swā lēofan men licgan þence³¹⁵

(I am old of spirit, I do not desire to [go] from [here]. I am thinking of lying down beside my lord, by [the side of] such beloved men.)

He prefers to "lie" beside the lord and his battle-companions than retreat even if victory may not be obtained. This closeness that is desired even in death need not only be a requirement of the socio-cultural taboo applied to the followers in a *comitatus* about deserting one's lord.

There is no direct evidence that it had any romantic component like the bond of lovers that Plutarch deems to be the driving force in the Sacred Band of Thebes,³¹⁶ but friendship, or loyalty to one's lord, certainly bolstered the strength of *comitatus*. Likewise, seeking the

³¹⁴ David Clark, *Between Medieval Men: Male Friendship and Desire in Early Medieval English Literature* (New York: Oxford University Press, 2009), 136.

³¹⁵ ll. 316^a- 319^b, *The Battle of Maldon*, accessed May 10, 2020, <http://www.oldenglishtaerobics.net/maldon.php>.

³¹⁶ Plutarch, "The Life of Pelopidas", *The Parallel Lives*, Vol. 5 (Loeb Classical Library Edition, 1917), 18, accessed May 19, 2020, http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Plutarch/Lives/Pelopidas*.html.

company of men over women may also strongly root the Germanic warrior in a homosocial world. This world, by providing male companionship and the opportunity to directly participate in violent action, reaffirms its inhabitants' masculine identity. Thus, it may also be seen as one of the ways in which violence and *comitatus* cause and complement each other.

The way the relationship of the *comitatus* with violence is sustained seems to be derived from these factors. The sustenance here works both ways. The retainer renders his service to the lord by committing acts of violence that enrich the lord both materially and in renown, and in exchange the lord rewards him for his service. Since the conditions of loyalty and service are inherent in the *comitatus*, we are more concerned with how the lord is supposed to hold up his side of the contract. In Tacitus we find three distinct rewards the warriors may demand of their lord as part of their contract: weapons, horses and the feast that the lord throws at his own will. The *Wanderer*-poet, also, echoes these expectations when he mourns certain crucial elements missing from his life-

Hwær cwōm mearg? Hwæ cwōm mago? Hwær cwōm mǣppumgyfa?
 Hwær cwōm symbla gesetu? Hwær sindon seledrēamas?
 Ēalā beorht bune! Ēalā byrnwiga!³¹⁷

(Where went the horse? Where the man? Where the treasure-giver? Where went the banquet-seats?
 Where went the joys of the hall? Alas bright cup! Alas armed warrior!)

The horse, the man, and the treasure-giver represent the three most important elements the Anglo-Saxon *comitatus* requires in order to function: the animal on which a warrior may go to battle, the warriors themselves, and a lord who accepts their service and gives them treasures as a token of their brave deeds. The bright cup and the banquet-seats represent the feast-hall, where acknowledgements are made of the men's efforts by their gift-giver. The lord may not survive without a retinue of followers in his employment; a warrior, unless he is of great fame

³¹⁷ ll. 92^a- 94^b, *The Wanderer*, accessed May 10, 2020, <http://www.oldenglishaerobics.net/wanderer.php>.

and unless he possesses many followers himself, may not thrive without a lord to follow. His life will be perceived as that of a wretched exile. Neither lord nor retainer may go into battle without a horse. The epithet *māþpumgyfa*, or treasure-giver, is significant in multiple ways, as it establishes the power-dynamics and decides the direction in which way it may flow. The lord, by giving, automatically puts himself in a position of patronage and affirms his authority. It creates a system that is inherently unequal, with the receiver always being at the giver's debt, and hence, by receiving, the retainer also willingly submits to the authority of the lord. The willingness to accept gifts without reciprocity is an essential tenet of the *comitatus*, as otherwise it could be seen as an attempt on the part of the giver to denigrate the receiver. One acquired a debt along with a gift, and it was expected to be repaid in kind. A gift without any expectation of return would either imply that the giver considers the receiver to be of inferior status, or that he wishes to hold the receiver in his debt. Miller recalls how, in *Egils Saga*, Egill feels insulted when Einarr gives a shield to Egill while the latter is not home, not giving him a chance to immediately deny the presumably unwanted gift.³¹⁸ Egill's anger partly stems from thinking that Einarr's gift was in anticipation of a verse written in the latter's praise, a deal Egill had not consented to in the first place (See: Chapter Seven, "Weapons and Their Wielders", p. 238).

On the other hand, the treasure or the gifts are not only meant to be tokens of wealth, but also betoken the acknowledgement the lord makes of his retainers' or *pegna* deeds. It may bear relation to the condition cited by Tacitus that the credit for a victory should go the lord; the warrior receives praise as a retainer of his lord, and his personal merit is observed and rewarded by the lord himself. Evidence of this may be found in *Egils Saga*. When Egill composes a paean on Arinbjörn, the chief of the Firth-people, he compares the generosity of

³¹⁸ William Ian Miller, *Humiliation: And Other Essays on Honor, Social Discomfort and Violence* (Cornell University, 1993), 15-16. Also see: 81 Kaffli, *Egils saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/egils.htm>.

the chief and his swiftness in dispensing rewards with the swift and merciless slaughter in the battle-field:

Hinn's fégrimmr,
 es í Fjörðum býr,
 sá's of dolgr
 Draupnis niðja,
 en sökunautr
 Sónar hvinna,
 hringum hættir,
 hoddvegandi.

([A] hater of money he is who lives in Fjörð, [a] fiend of Draupnir's offspring³¹⁹, and adversary of the thief of verse-brew³²⁰, dangerous to rings, gold-killer.)³²¹

Lundborg points out that these metaphors which try to equate the golden ornaments to dead bodies through metaphor anticipate the rewards or the gifts to be earned from the battle.³²² The gift-giving then, aside from enforcing the lord-retainer dynamics, also acts as a currency with which to replay or validate certain acts of violence.

Feasting, likewise, is similar, in that it insists on enforcing the lord-retainer binary, providing for the retainer being part of the *comitatus*. Tacitus states that in a Germanic feast

³¹⁹ Draupnir is a mythical ring forged by dwarves, and produces eight rings identical to it and each other every ninth night. *Niðja* or offspring in this context refers, no doubt, to the identical rings produced by Draupnir. See: Snorri Sturluson, 49 Kaffli, *Gylfaginning*, accessed June 8, 2022, <https://www.snerpa.is/net/snorri/gylf.htm>. This phrase *Draupnis niðja* here is a metaphor for any kind of gold, and Arinbjörn's 'enmity' for them, likewise, is a figurative way of saying he has no greed to hoard gold for his own sake, giving all to his fellows and followers.

³²⁰ There is no certain translation of the word "hvinna". The thesis follows in this case the suggestion made by most other translations.

³²¹ 80 Kaffli, *Egils saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/egils.htm>.

³²² Maria Domeij Lundborg, "Bound Animal Bodies: Ornamentation and skaldic poetry in the process of Christianization", *Old Norse religion in long-term perspectives: Origins, changes, and interactions*, eds. Anders Andrén, Kristina Jennbert, and Katharina Raudvere (Nordic Academic Press, 2005), 43.

thrown by the lord to entertain his retainers, the quantity of the meals is always prioritised over variety and decoration. The aim is to display to his followers the plenitude brought by their forays, and to celebrate their success. The gift from the lord is also distributed in the wine-hall, as described in *Juliana*:

Ne þorftan þa þegnas in þam þyrstan ham
 seo geneatscolu in þam neolan scræfe
 to þam frumgare feohgestealde
 witedra wenan, þæt he in winsele
 ofer beorsetle beagas þegon,
 æppelde gold.³²³

(In that dark home, in that deep pit, the retainers, or the band of comrades, had no need to turn to their chieftain for possession of riches, so that they may receive in the wine-hall, over beer-benches, rings or appled gold.)

The communal celebration of success promotes camaraderie among the followers, and their gratitude about the lord acknowledging their efforts ensures their dedication to him. Beowulf, in addition to acknowledging that he is Hygelac's *þegn*, also refers to his lord as a feast-giver.³²⁴ Eriksen points out an additional, and symbolic relevance of the ritual of feasting, concerning the seating arrangement in the hall. The lord on the high seat in a mead-hall seeks to emulate Óðinn in Valhøll, and, by default, wishes to cast his followers in the image of the *einherjingar*, the mythical warriors whose lives are an endless cycle of battle and feasting,³²⁵ wherein they die in battlefield to be resurrected to enjoy the feast at Valhøll, only to march into the battleground the next day, ad infinitum. The myth of the *einherjingar* fits the sentiment behind these arrangements. As the life of these warriors is an infinite repetition of fighting and feasting, the

³²³ ll. 683^a- 688^a, *Juliana*, accessed June 5, 2020, https://archive.org/stream/juliana00juli/juliana00juli_djvu.txt.

³²⁴ ll. 342^b-343^a, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

³²⁵ Marianne Hen Eriksen, *Architecture, Society and Ritual in Viking Age Scandinavia: Doors, Dwellings, and Domestic Space* (Cambridge University Press, 2019), 68.

lord's attempt to emulate Valhøll through his banquets discloses both his ambition (to reach the apex of renown in a way that mirrors heavenly life), and his weakness (his mortality being the main obstacle in his attempt to emulate the heroic cycle of renown, resurrection, and reward). Feasting, thus, does not only represent the renown earned in mortal lives, but also sustains the desire to make this renown transcend mortality through a symbolic enactment of Valhøll.

Violence that Defies Comitatus

Now we come to the second connection between the *comitatus* and violence we shall be discussing in this chapter, that is, how and why some of the communicative aspects of violence regarding *comitatus* are defined by violent acts (or lack thereof) that are in defiance of the *comitatus* bond. Some of these defiant actions are directly against the interests of the fellowship and are thus unforgivable, while some bend the rules to suit their purpose. As loyalty is the inherent tenet of a lord-retainer bonding in Germanic cultures, betrayal of the lord or the fellowship would have certainly been the deal-breaker. These not only have legal consequences, but social consequences as well. Take this incident from *Hervarar Saga ok Heiðreks* as an example:

En er Heiðrekr hefir skamma hríð farit, þá hittir hann menn nokkura ok einn bundinn. Spyrjast þeir tíðenda, ok spyr Heiðrekr, hvat þessi maðr hefði gert, er svá var við búit. Þeir segja, at hann hefir svikit lánardrottin³²⁶ sinn. Heiðrekr spyr, ef þeir vili taka fé fyrir hann, en þeir játa því. Hann fær þeim hálfa mörk gulls, en þeir láta hann lausan.

Sá býðr Heiðreki sína þjónustu, en hann segir: "Hví muntu mér heldr trú, ókunnum manni, en þú sveikt lánardrottin þinn, ok far þú brott frá mér."

Litlu síðar hittir Heiðrekr enn nokkura menn ok einn bundinn. Hann spyr, hvat sá hefir rangt gert. Þeir segja hann hafa myrðan félaga sinn. Hann spyr, ef þeir vildi fé fyrir hann. Þeir játa því. Hann gaf þeim aðra hálfa mörk gulls. Sá býðr Heiðreki sína þjónustu, en hann neitar..³²⁷

³²⁶ A 'liege-lord' who owns large tracts of land, and the criminal is likely to have been his *húskarl*. See John Lindow, *Comitatus, Individual and Honour: Studies in North Germanic Institutional Vocabulary*, University of California Publications, Linguistics 83, (Berkeley and Los Angeles: University of California Press, 1975), 114.

³²⁷ 6 Kaffli, *Hervarar Saga og Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

(Heiðrek had but fared for a short time, when he met some men and one bound [among them]. They asked [for] the tidings, and Heiðrek asked what this man had done, as is the case. They said he had betrayed his liege-lord. Heiðrek asked if they would take money in exchange of (lit. for him), and they granted this. He gave them half a mark of gold, and they released him (lit. let him loose).

He [the freed man] offered Heiðrek his services, but he said: "Why would you rather be true to me, a stranger, when you betrayed your liege-lord? And get away from me."

Shortly afterwards Heiðrek met yet some [other] men and one [of them] bound. He asked what he did wrong. They said he had murdered his fellow. He [Heiðrek] asked if they wanted money in exchange of (lit. for) him. They granted it. He gave them another half mark of gold. He [the freed man] offered Heiðrek his services, but he refused.)

Though Heiðrek, in both cases, pays the compensation to have the criminals released, he refuses their service, considering them dishonourable and untrustworthy. He further humiliates them by paying for them, thus making them incur debt, and then refusing to accept their service; this asserts his position of moral and social superiority to the violators of codes. Their betrayal, then, is not only criminal, but is counted as a mark against their characters during their foreseeable future. The verb used here in both cases is *sveik* or *svikja*, a term synonymous with treason and betrayal. While speaking about a memorial runic inscription where this term is used about the murderer who is allegedly a *félagi* or fellow of the deceased, Jesch indicates its usefulness in conveying the severity of the crime.³²⁸ We also come to know that the option of loyalty does not only extend to the gift-giver, but to other members of one's fellowship as well, as the offer extended by the person who betrays his *félagi* is also summarily rejected by Heiðrek, not only the first one. The betrayal of the lord is projected as more dire; as the inherently unequal dynamics of the *comitatus* implies, the lord is forever the retainer's gift-giver, and the retainer, by willingly taking the gift, happily remains in the lord's debt. The retainer or follower who betrays his lord has not only betrayed his employer, but also has to

³²⁸ Judith Jesch, *Ships and Men in the Late Viking Age: The Vocabulary of Runic Inscriptions and Skaldic Verse* (Woodbridge: The Boydell Press, 2001), 255.

bear the burden of being a debt-breaker. *Comitatus* is hardly indentured servitude, and is entered upon by agreement of both parties; hence, apart from being a social violation it is also a legal violation. In Anglo-Saxon law, and in particular in Æthelstan's law-code, this will also be seen to an extent as a violation of state mechanism or State-authority, as it is through the relationship of a lord and his follower (as well as kin-group liabilities) that the polity holds the individual culpable for his crimes (see: Chapter Three- "Law and Order", pp. 95-96). The degree of punishment varies in accordance with how serious the betrayal is perceived to be, and this seriousness or severity of the crime, in turn, depends on the forms and importance of *comitatus* within a particular society. As mentioned before, betrayal of one's lord could take many forms. For the benefit of our discussion, we shall leave out the ones that did not incite intentional or unintentional violence injurious to the lord and his fellowship.

Betrayals against the lord and the *comitatus* using violence (or absence thereof) in defiance of the principles of the *comitatus*, would be primarily of two kinds, both wilful acts: firstly, deserting the lord and the fellows in the battlefield, and, secondly, causing harm to the lord and any of his retinue. The men Heiðrek saves could be rescued through ransom, a practice that prevailed in both Anglo-Saxon England and medieval Scandinavia unless the treason amounted to an extreme crime like regicide. We are not told what would have happened to them otherwise, but a permanent jail-sentence is not the norm for either of the Early Germanic societies we discuss in this thesis, so the punishments that remain may be of three varieties: monetary compensation, outlawry and capital punishment (mutilation is a punishment that is more often doled out to the slaves). Capital punishment for treason, naturally, is the most severe, and also the rarest, and not commonly awarded for desertion alone. One of the most explicit account of this could be found in the description of the Germanic tribes discussed in Tacitus' *Germania*, as they seem to have made no distinction between punishing desertion and other kinds of treason: "Proditores et transfugas arboribus suspendunt, ignavos et imbelles et

corpore infames³²⁹ caeno ac palude, iniecta insuper crate, mergunt.”³³⁰ (Traitors and deserters are hung from trees, and the coward, the unwarlike, the man stained with infamy, are drowned into the mire of the swamp, a hurdle put over him.)

The description above speaks of three distinct kinds of betrayals to one's liabilities, all of which are probably of the military kind- treachery, or actively going against one's liabilities (of presumably both kinship and fellowship), desertion, or abandonment of the duties required by these commitments, and being coward/unwarlike/ not deciding to fight at all; and in the legal texts we refer to in this thesis generally deal with these three crimes in descending degrees of severity, not all of them calling for capital punishments. Despite what Tacitus says of the Germanic tribes' unwillingness to leave the battlefield in defeat, instances of desertion are quite well-documented in Early Germanic literature (especially in 10th Century AD and post-10th Century AD texts). The sorriest examples of these would be when a lord or his followers would be abandoned by their companions, their corpses left for the enemy to defile. Anglo-Saxon literature provides instances of abandonment on part of both Anglo-Saxons and Vikings in this, the latter in particular, in descriptions of late Viking expeditions. Both sides are known to have left the corpses of their comrades to the mercy of the birds and beasts of battle, which is to be expected when fleeing is the key to survival and living to fight another day. As is written in *The Battle of Brunanburh*:

Letan him behindan hræw bryttian
 saluwigpadan, þone sweartan hræfn,
 hyrnednebban, and þane hasewanpadan,
 earn æftan hwit, æses brucan,

³²⁹ Literal translation, though it may also refer to sodomy. See Ronald M. Glassman, *The Origins of Democracy in Tribes, City-States and Nation-States*, vol. 1 (Springer International Publishing, 2017), 229, PDF e-book.

³³⁰ Tacitus, 12, *Germania*, accessed May 20, 2020, *Medieval Sourcebook*, <https://sourcebooks.fordham.edu/source/tacitus-germ-latin.asp>.

grædigne guðhafoc and þæt græge deor,
wulf on wealde.³³¹

(They left behind them corpses, dividing them, as food to enjoy, among the dark-coated [and] horned-beaked black raven, the dun-coated and white-backed eagle, [the] greedy battle-hawk, and that grey beast, [the] wolf in (lit. on) wild.)

However, deserting itself is treated in a varied manner within the legal texts of the Early Germanic cultures we consult, and capital punishment is almost never offered as a solution. One reason for this may be, of course, that Tacitus might be generalising here, and another might be the fact that the Germanic legal codes began to be written down centuries after Tacitus' account was recorded, thus allowing for a greater leniency to be introduced into the legal codes. As this section notes in the introduction to King Alfred's *Dōmbōc*:

halegra biscepa and eac oðerra geðungenre witenas. hie ða gesetton for ðære mildheortnesse. þe crist lærde æt mæstra hwelcre misdæde. þætte ða weoruldhlafordas moston mid hiora leafan buton synne æt þam forman gylte þære fiohbote onfon. þe hie ða gesettan buton æt hlafordsearwe hie nane mildheortnesse ne dorston gecweðan. forþam ðe god ælmihtig þam nane ne gedemde þe hine oferhogodon. Ne crist godes sunu þam nane ne gedemde þe hine to deaðe sealde. and he bebead þone hlaford lufian swa hine.³³²

(Then the holy bishops and other excellent counsellors, decided, for the mild-heartedness Christ taught, that for the greatest misdeeds secular lords might, with their leave and without sin, accept monetary compensation for first offenses, which they then decreed, except in the case of betrayal of a lord, which they dared not prescribe for any mild-heartedness, because almighty God did not judge any for them who despised Him, nor did Christ, God's son, judge any for Him who condemned Him to death, and He commanded to love the lord as Himself.)

³³¹ ll. 60^a- 65^a, *The Battle of Brunanburh*, accessed July 10, 2020, <http://people.ucalgary.ca/~mmcgrilli/ASPR/a10.1.html>.

³³² *Prologue to the Laws of King Alfred: An Edition and Translation for Students*, 49.7, ed. Jay Gates, accessed May 30, 2020, <https://www.heroicage.org/issues/18/gates.php#:~:text=The%20prologue%20to%20Alfred's%20lawcode,Christian%20law%E2%80%94to%20the%20English>

There is no reason to believe that King Alfred did not abide by the advice of the bishops, and the *Dōmbōc* does include laws regarding military abandonment and non-conscription with punishments being strictly compensatory money or land, suggesting that the king did not see military abandonment/desertion and avoiding conscription as the kind of betrayal that did not justify ‘mild-heartedness’. A practical implementation of this is to be found in a charter of Edward the Elder, where Ealdorman Wulfhere, a deserter, has to forfeit his land to pay for his crime.³³³ The other crime that we mentioned earlier aside from desertion is of non-conscription, which is, likewise, usually punished by forfeiture of property, though not forfeiture of life. This makes sense in retrospect when we consider the fact that the payments they make are often equal to the liabilities they have evaded or have not obeyed. Landed military personnel lose the property they have possibly earned by the dint of their rank or their continued inheritance once earned by similar means, whereas the common man pays for the claim the polity has on his life for granting him citizenship.

Fleeing the scene, then, or refusing to fight, can both be compensated by material means despite being undeniably detrimental to the lord’s and comitatus’ chances of victory and survival. Therefore, as per the prologue to Alfred’s code, betrayal would be the act/s that cannot be compensated thusly. The Wessex laws prescribe forfeiture of life for plotting against the lord when the accusation may not be cleared by oath or the ordeal. However, this, too, is alike the punishments meted out for desertion and non-conscription, for the logic that it, too, pays in kind for the exact violation of its liabilities; the mutual responsibility of the lord and his follower (see: Chapter Three, “Law and Order”, pp. 95-96) is enshrined within the core legal values, in which the follower pays back the lord for his legal protection and liability by protecting his life above all responsibilities, even when it means not exacting payment for his

³³³Richard Abels, *Alfred the Great: War, Culture, and Kingship in Anglo-Saxon England* (Longman, 1998), 152.

kin. Plotting against one's lord/slaying him disrupts this chain of liabilities, thus, as someone who violates the source of his legal protection, the traitor has it taken away altogether.

Joining any other opponent, or harming your companions could be considered treachery. The first seems a very commonly recorded incident in the sagas, with punishments depending on how the luck of the traitor fares after the betrayal, or how the lord individually chooses to deal with it. In *Brennu-Njáls Saga*, when Þráinn illegally harbours and then flees with Hrapp, a habitual oath-breaker, heretic, and murderer who has caused much harm to his (Þráinn's) lord Earl Hákon, Earl Hákon does not pursue him, simply predicting that their ill-advised friendship is going to doom them.³³⁴ *Heimskringla*, however, describes an event barely half a century later than the events of the *Brennu-Njáls Saga*, where King Magnús seems to take a different stance towards Þórir and his rebellion, and hangs him from the gallows³³⁵ (a punishment usually meted out to traitors, as we note in Tacitus' account). The reason here could be that unlike Þráinn, Þórir and his gang of outlaws leave much destruction in their wake, thus making King Magnús choose a harsher punishment to set an example for aspiring outlaws, or that the king considers Þórir a bigger threat than Hákon considers Þráinn. Looking at the gravity of the punishment and that which caused it, the appellation "high", it seems, could be applicable to a treason that was not only detrimental to, and in defiance of, the comitatus, but originated in the intention to usurp or exploit the source of power thereby endangering its foundations.

In the medieval Scandinavian texts, however, we do not get many examples of the highest treason, that is, murders of the jarls and the kings directly by their own retainers, though examples of the latter assisting a coup or conspiracy against their former masters are more

³³⁴ 88 Kafi, *Brennu Njáls saga*, accessed May 19, 2020, <https://www.snerpa.is/net/isl/njala.htm>.

³³⁵ 6 Kafi, "Magnúss saga Berfætts", *Heimskringla*, accessed May 12, 2020, <https://www.snerpa.is/net/snorri/mag-berf.htm>.

common. On the other hand, Magennis speaks quite vociferously on the anxiety of the Anglo-Saxons on the topic. This, as Magennis says, is reflected in the later legal codes, especially in King Ethelred's law, which prescribes capital punishment for both the deserter and the attempted murderer of the king, deeming that both crimes carry similar weight.³³⁶ Social responses, also, vary in this matter as widely as it does on desertion. Magennis finds Bede or *The Anglo-Saxon Chronicles* relatively unbothered about enumerating the ills of treason and desertion, though such incidents are noted where it is felt necessary to record them.³³⁷ Contrary to this, as stated above, this anxiety appears more frequently in later Anglo-Saxon texts; this explains King Ethelred's legal code's tendency to conflate the severity of desertion and regicide (or attempted regicide) as crimes. The millennial Anglo-Saxon texts, in particular, may view such breaches in the warrior bonds to be apocalyptic, while the *Sagas* remain sedate and unconcerned about the apocalyptic connections. *The Wanderer* certainly connects the disappearance of the heroic world with a more physical destruction of the world. Bishop Wulfstan in *Sermo Lupi Ad Anglos* predicts a sad end for Christian ideals in England, bemoaning the all-round moral corruption. Though he frames it within the narrative of cautioning the English against the Vikings, one of his concerns is also the disruption of the natural hierarchy of English society, as evinced by his quoting the death of King Edward as an example:

Fulmicel hlāford swice eac bið on worolde þæt man his hlāford of līfe forræde, oððon of lande lifiende drīfe, and ægþer is geworden on þysan earde; Eadweard man forræde and syððan ācwealde and æfter þām forbærnde;³³⁸

³³⁶ Hugh Magennis, *Images of Community in Old English Poetry*, Cambridge Studies in Anglo-Saxon England 18 (New York: Cambridge University Press, 1996), 28, PDF e-book (2006).

³³⁷ Ibid, 27.

³³⁸ Wulfstan's *Sermo Lupi Ad Anglos*, accessed on June 13, 2020, <http://www.oldenglishaerobics.net/sermo.php>,

[The greatest betrayal to a lord is also when in [this] world one would deprive his lord of life, or drive [him] out of [his] land [while he is still] living; and both have happened in this land; Edward was betrayed, and afterwards killed and after that burnt up].

In this, the Vikings and the Danelaw also play a part. Those servants who cross over to the Danelaw area and gain freedom may escape the charge of killing their erstwhile lords without fear of retribution, while, if the lord kills his former servant, he has to pay the full *wergeld*, as it would be ordained for someone of the victim's status, to the kin of the slain man. Hence, some of this cultural anxiety about moral decay in later Anglo-Saxon society may be a product of the massive socio-political shifts occurring in that period in the English territory which had, till then, been relatively stable. In the *Sagas*, the stoic acknowledgement of treachery as an unwanted but regular anomaly (with respect to the integrity of a society based on the ideal of close-knit fellowships) could be attributed to a quiet resignation of a lived experience in migratory nation/s prone to shifting political and legal boundaries. It is, therefore, difficult to measure treason as a violent crime using a common standard that applies to all recorded Germanic cultures, as there is no such fixed standard in the records.

Consequences of murdering or betraying one's companion or fellow-warrior also depend on similar circumstances. In the runic inscriptions that Jesch discusses as textual records of someone being murdered or betrayed by their companions, Jesch notes an emphasis on condemning the deception of the unsuspecting victim by the murderer and betrayer,³³⁹ which seems a natural response to the expectations placed on such companionships that often involved swearing of oaths.³⁴⁰ The term the memorial inscription U 954 applies to describe the gravity of the offence is *níðingsverk*,³⁴¹ which may be connected to the Old Norse word *níðingr*.

³³⁹ Judith Jesch, *Ships and Men in the Late Viking Age: The Vocabulary of Runic Inscriptions and Skaldic Verse*, (Woodbridge: The Boydell Press, 2001), 257.

³⁴⁰ Ibid, 255-256.

³⁴¹ Ibid, 255.

A possible derivative of this term is to be found in *The Anglo-Saxon Chronicle* as well, where Swain Godwinsson is proclaimed a *niðing* by the king and his army for having murdered his cousin Beorn.³⁴² As a king's proclamation carries legal merit, the term *niðing* in this context may have a use similar to that of its counterpart *níðingr* in *Gulathing law*, where the term is used to describe a criminal party to a variety of offences including treason, and is synonymous with the appellations 'coward' or 'unmanly' (see: Chapter Four, "Femininities and Masculinities", p.126).³⁴³ When the term *níðingr*, therefore, is applied to this specific crime of betraying/deserting one's fellow/companion, the unmanliness would seem to be in violating the bonds of the fellowship, one of the sacrosanct contracts that (as suggested previously, see: pp.177-178) sustains and validates masculine identities in a homosocial society with strict gender roles. Hence, it stands to reason that in the interest of preserving the fellowship the interest of the fellow-warriors would also be protected. However, Anglo-Saxon texts are rarely as forthcoming in describing or condemning the betrayal of one's fellow warriors as they are about the desertion or betrayal of the lord, which may well be a consequence of sworn fellowships or companionships becoming more redundant in the context of the Anglo-Saxon polity/ies. Riisøy, likewise, notes the growth of 11th Century Scandinavian monarchy influencing the shift of the concept of loyalty from more egalitarian fellowships towards a more well-defined and unequal dynamic of the king and his subjects.³⁴⁴

Besides these instances of betrayals and desertions, other forms of violence that may cause breaches in the *comitatus* may be related to defiling the articles that sustain it, such as

³⁴² Judith Jesch, *Ships and Men in the Late Viking Age: The Vocabulary of Runic Inscriptions and Skaldic Verse*, (Woodbridge: The Boydell Press, 2001), 260.

³⁴³ Anne Irene Riisøy, "Deviant Burials: Societal Exclusion of Dead Outlaws in Medieval Norway", in *Cultures of Death and Dying in Medieval and Early Modern Europe*, eds. Mia Korpiola and Anu Lahtinen (Helsinki Collegium for Advanced Studies, 2015), 53-54.

³⁴⁴ Ibid, 54.

the misuse of gifted weapons, or committing violence in a place considered sacred for the interest of the fellowship. King Alfred's laws too, to an extent, reflect these values, as fighting in the king's halls is considered punishable.³⁴⁵ We shall discuss these violations in detail in the "Mate-realities" section, to keep our argument cohesive.

The discussion of violence committed against *comitatus* will remain incomplete if we do not consider the lords too in the aspect of the perpetrator, or the violator. So far, with regard to violation of the bond by the retainer, we have seen the retainer being punished whenever he prioritises his ambitions and choices over the integrity and well-being of the *comitatus*. Though the lords do not often feature as the villains of the bond-breaking, it is because his duty to the retainer is embedded within the very nature of their relationship, and not because they do not face any consequence if they do wrong their retainer. The legal codes of Early Germanic societies, as seen in the chapter on law and earlier in this chapter, bills the lord as one liable and answerable for the crimes of their retainers, just as the retainer is asked to prioritise the lord's interest over his kin. As both protector and beneficiary of his followers' legal identity, the lord would be well-inclined to not damage it without due cause. Hroðgar advises Beowulf to be generous and loyal to his men, citing the example of Heremod as a warning:

... ðú scealt tó frófre weorþan
 eal langtwídig léodum þínum
 hæleðum tó helpe. Ne wearð Heremód swá
 eaforum Ecgwelan Ár-Scyldingum·
 ne gewéox hé him tó willan ac tó wælfelle
 ond tó deaðcwalum Deniga léodum·
 bréat bolgenmód béodgenéatas
 eaxlgesteallan oþ þæt hé ána hwearf
 maére þéoden mondréamum from
 ðeah þe hine mihtig god mægenes Wynnum

³⁴⁵ Alfred 7, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 69, PDF e-book (2015).

eafeþum stépte ofer ealle men
 forð gefremede hwæþere him on ferhþe gréow
 bréosthord blódréow· nallas béagas geaf
 Denum æfter dóme· dréamléas gebád
 þæt hé þæs gewinnes wærc þrowade
 léodbealo longsum. Ðú þé laér be þon
 gumcyste ongit· ic þis gid be þé
 áwræc wintrum fród.³⁴⁶

(You shall become a (lit.to) comfort ever-lasting to your people, a (lit. to) help to heroes. Heremod was not so to Ecgwela's sons, to [the] Ár-Scyldings; he did not grow as (lit. to) a pleasure to them, but as (lit. to) destruction and as (lit. to) slaughter and [a] deadly plague to Danish people. Enraged, [he] hewed down [his] table-mates, [his] shoulder-companions, until the time when (lit. that) [he], [the] famous king, departed alone from [the] cheer [of] mankind, though [the] mighty God powerfully ennobled him over all men with joys of might, further advanced, yet in (lit.on) [his] breast the secrets of his heart grew bloodthirsty. He did not give treasure (lit.rings) to Danes at all for (lit.after) glory. [He] dwelled joylessly, so that he suffered the strife's pain, evil to people [for a] long time. Learn (lit. you learn) by this, understand human excellence. I, old and wise in years (lit. winters), recited this tale for you.)

Of Heremod, we learn earlier that he was banished by the Danes, and, upon joining the Jutes, is betrayed by them.³⁴⁷ Hroðgar's speech explains the reasons for his downfall; not only does he betray his shoulder-comrades, he is also greedy as a chieftain and does not give due rewards to his fellowship. He, of his own volition, depletes the reserve of strength that is supposed to aid him in his troubles, and is naturally paid in kind by being driven away by the Danes, and, later, by the Jutes turning on him, whom he has trusted upon betraying his fellows and subjects. As both chieftain and fellow he betrays the ideals he is supposed to uphold, and is therefore used in Hroðgar's advice to Beowulf as an example not to be followed. Though there is not much extant legal evidence of lords being punished for betraying their followers, Heremod's

³⁴⁶ll. 1707^b-1724^a, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

³⁴⁷ll. 901^a-915^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

example stands as reason enough for common sense prevailing in such cases, making it rarer than the opposite.

In lieu of the respective liabilities, and the consequences for the respective violations thereof, *comitatus*, then, can hardly be called a unidirectional relationship. Rather, in all but rhetorical aspects, the lord seems to serve the followers just as much, and the followers each other, as the follower is wont to serve the lord, and therein lies the justification of us not having included it in the section on authority, but as a social relationship where establishing mutual liabilities is of a more optimal need than sustaining one's authority.

Conclusion

In conclusion, we would like to emphasise, again, that this chapter has not been an attempt to force the nuances of the relationship between violence and the *comitatus* in Germanic cultures into a Tacitan mould, but rather, as a convenient point to begin to understand the concept of *comitatus* and its relation to violence, as it may have contributed to the current conceptualisation of the term itself. Starting with the Tacitan *Comitatus*, we have tried to define the perceived common principles and desires that seemingly unify the groups under the broader concept of *comitatus* as understood in the thesis, and what abidance by and violation of the presumed tenets of *comitatus* groups could mean for communicative aspects of violence in the broader Early Germanic context.

Section Two: Intangible Bonds: The role of social relationships

Chapter Six: Kinship and Violence

Introduction

Þvítt ætt mín
 á enda stendr,
 hreggbarnir
 sem hlynir marka;
 esa karskr maðr,
 sás kqgla berr
 frænda hrørs
 af fletjum niðr.

Þó munk mitt
 ok móður hrør
 fðður fall
 fyrst of telja;
 þat berk út
 ór orðhofi
 mærdar timbr
 máli laufgat.

Grimt vqrum hlið,
 þat's hrqnn of braut
 fðður míns
 á frændgarði;
 veitk ófult
 ok opit standa
 sonar skarð,
 es mér sær of vann.³⁴⁸

³⁴⁸ Egill Skallagrímson, *Sonatorrek*, September 9, 2020, <https://www.lyrtran.com/Sonatorrek-id-787>.

(Now my kin stands at the end, as saplings near the forest's border; sad is the man who bears bones of corpses of kin, out of their death-bed. Yet I shall first tell of my father's fall, and my mother's corpse; let the poem be borne out of the house of timber leafed with speech. Grim was the rift hewn by waves on the wall of my father's kin, and I know my son's breach stands open and empty, which the sea wrought.)

This extract is a part of *Sonatorrek*, the long and extraordinarily well-preserved lament Egill writes about the death of his son Böðvar. However, as well-crafted a lament as it is, and a fitting example of a father's anguish, our present interest in it lies in the terminology used by Egill. For Egill not only bemoans his son's end, but he frequently uses the term *frændi*/“kinsman”, and leaves behind a general commentary on what misfortune awaits a kinless man. Now, *frændi* is a fairly common term used between kinsmen of varying degrees of relationship, and it is certainly not unusual for the father to address the son as such. However, Egill's decision to include in the commentary an epithet on loss of kinsmen in general tells us that Egill was not only mourning the death of his son as a father should, but also as a kinsman who knew all too well the peril of surviving kinless in a violent world. Separated geographically by the North Sea and temporally by (presumably) a few centuries, the poet of *The Seafarer* articulates his thoughts on the subject, mirroring Egill's despondence:

.... þæt se mon ne wat
 þe him on foldan fægrost limpeð,
 hu ic earmcearig iscealdne sæ
 winter wunade wræccan lastum,
 winemægum bidroren,
 bihongen hrimgicelum; hægl scurum fleag.³⁴⁹

³⁴⁹ ll. 12^b-17^b *The Seafarer*, accessed November 2, 2020, <http://www.apocalyptic-theories.com/literature/seafarer/sea1a.htm>.

(One (lit. the man) to whom [only the] fairest [things] happen on earth, does not know how (lit. that how) I, sorrowful, dwelled in winter on [the] ice-cold sea, on the paths of the exile, deprived of beloved kin, hung with rime-frost; hail flew in showers.)

Sonatorrek, in particular, hints at the role of kinship in various Teutonic cultures in creating a dialogue between individuals and varying forms of violence by using the metaphor of a wall that stands broken by a kinsman's death, be it protection from an enemy, avenging the death of a kinsman, or paying compensation money on the part of a kinsman at odds with laws. Our aim in this chapter is to study the symbiotic relationship between kinship and violence, that is, how being part of a kinship requires performative violence or a promise of it, and how both the kinsmen of the perpetrator and the kinsmen of the victim of violence performed, in turn, represent the interests of their kin in the wake of the violent act.

Limitations of the Chapter

The problem in determining common Germanic features for such relationships and relationship interests is, of course, the spatial and cultural distances between the people whose cultures our selection of primary literature is meant to represent. For example, while Iceland held on to large households which held sway even when there was no familial connection between the members, the prevalence of such homestead-based communities is not noted in Anglo-Saxon England. Elsewhere, the lack of sources, as always, present another problem. The secular poetry and prose of Early Germanic literature, barring the Old Norse and Old Icelandic texts, seldom underwent rigorous and continuous preservation, and the majority of surviving texts bearing records of Early Germanic cultures are either translations, histories or religious texts pertaining to lives and miracles of saints. These secular and religious works, furthermore, produce few examples where the common man of the era and his plight may find a place, as the voice and needs of the powerful were given priority (besides, it is unlikely that the contemporary scribes would be keeping anthropological records of what must have appeared

uneventful and mundane to them). This dilemma has been partly addressed in the case of Icelandic literature, where the saga of Icelanders and the Skaldic Sagas, despite being penned in most cases centuries after the events they describe, present to us a picture of the common man in early medieval Iceland. Though treating post-facto fiction as accurate anthropological records has its own perils, seemingly non-fictional records do not warrant accuracy either, as Miller points at the possibility of certain punitive measures being invented and then inserted by later writers in their attempt to recreate an ancient legal code.³⁵⁰ In spite of this, laws or legal records in general will prove invaluable in the study of the dynamics between kinship and violence, the punishments, compensations and absolutions – offering us insight into how certain matters could be mitigated with the help of (and often at the expense of) one's relations, and to what degree the nature of the kinship determined these transactions. Moreover, as legal records survive, to a greater or lesser degree, in the Early Germanic cultures we focus on in our study, it will also give us an opportunity to compare and contrast these transactions, and form an idea as to how the spatio-temporal circumstances have affected their evolution. Last, but not the least, we shall also be relying partly on the histories, as, sparse though they might be in detailing the norms for such transactions, the events themselves may give us an idea of how kinship connected to violence in a particular culture, based on their frequency and acceptance. An example of this would be the seminal contemporary record of Merovingian dynasty, that is *Historia Francorum* by Gregory of Tours, which offers several examples of interconnected blood-feuds and kin-slayings.

In addition to these differences, further complications arise from the corporate functions of kin in a particular act of violence. Even within kinship, there were distinctions between kin who would be obliged to help out in any kin-group-based organised violence, and

³⁵⁰ William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (Chicago and London: University of Chicago Press, 1996), 144.

kin whose willing participation in the activity was dependent on the nature of the violence and the counteractions it might invite. Hence, it is important for us to understand who can be considered kin, and in what circumstances people may be conscripted on the basis of kinship, and how the degree of the kinship affects this conscription. In understanding this, fiction may serve us better than history, and legal records more so than the conduct of royalty, as the latter was likely to regularly bypass kinship norms for the sake of the throne.

Framework of the Chapter

Nevertheless, one must make use of sources available to understand if there is any commonality to be established between how the corporate functions (as Murray calls it³⁵¹) of different Germanic cultures were conducted by selecting the kin-group apropos for the task. These commonalities (and differences) as perceived between these kin-groups are going to be the foundation of our discussion on the communicative aspects of violence with regard to kinship in Early Germanic cultures. However, arranging the discussion in a simply compare-and-contrast format may make the discussion nebulous and more difficult to follow. The areas of interest in our discussion, then, for the ease of navigation and comprehension, will broadly be categorised in these terms: primarily, the role of kinship in offering protection and retribution (revenge/killing/ compensation as per kinship requirements), and, secondarily, albeit briefly so, a very problematic aspect of this relationship, namely violence against kinship. The first section following this one will discuss how kinship liabilities in various kin-groups intersect with and counteract the interests of other such groups when enacting, assisting or compensating (or receiving compensation for) violence, and the section after that will discuss

³⁵¹ Alexander Murray, *Studies in Law and Society in Antiquity and the Early Middle Ages* (Toronto and Ontario: Pontifical Institute of medieval Studies, 1946), 4, reprint. 1983.

the troubling circumstances of kin-groups and kin-members deliberately assisting or enacting violence against the interest of the kin.

Violence that Supports Kinship Obligations

To determine the communicative aspects of violence that supports kinship obligations, we need to figure out what these obligations may be based on the kin-groups that require them. Murray divides the kin-groups into two broad categories- firstly, ego-based groups or kindred, or a network composed usually of bilateral cognatic (that is, including spouses and children of the kin regardless of gender, on both mother's and father's side) relationships of a singular individual, and, secondly, descent groups or clans and lineages, or a network of complex relationships based on a presumed agnatic or sometimes cognatic (matrilateral and/or patrilateral) descent from one or more common ancestors. The kindred groups could be focussed on one primary individual, or several bilateral kindred groups could intersect as such with regard to their common interests.³⁵² As mentioned before, the size and definition of accountable family across the recorded Germanic cultures seem to depend on the purpose of the violence. What makes our task difficult in determining the distinction in corporate functions of such groups, is the disparity of the quantity (and quality) of evidence on them.

For example, the nature of descent groups participating in corporate functions is very sketchily presented in contemporaneous texts. For classical antiquity, of course, we have the texts that we discussed in the last chapter, that is, Caesar's *Bellum Gallicum*, and Tacitus' *Germania*. Although their personal interests and biases tinge the pictures they draw of the Germanic people, on one point they concur – the German tribes' loyalty above all to kinship ties. As Tacitus states in *Germania* – “quodque praecipuum fortitudinis incitamentum est, non

³⁵²Alexander Murray, *Studies in Law and Society in Antiquity and the Early Middle Ages* (Toronto and Ontario: Pontifical Institute of medieval Studies, 1946), 4-5, reprint. 1983.

casus, nec fortuita conglobatio turmam aut cuneum facit, sed familiae et propinquitates”³⁵³

(And what most stimulates their courage is that it is not by chance or lucky gathering their squads and battalions were created, but that they are composed of families and clans instead).

Barlow theorises that despite the active participation of the Germanic tribes in the Roman Empire’s army, and taking on both Roman names and titles, they answered above all to the calls for help if they should come from their clan.³⁵⁴ He also shows the possibility of a palace coup wherein kinship could be called forth to aid, resulting in a bias among the imperial staff against electing a Germanic official.³⁵⁵ Similarly, in 10th century Anglo-Saxon England, Æthelstan also expresses concern about the strength of kin-groups, and the possible threat they may pose to the crown.³⁵⁶ From this, we can assume that regarding corporate powers the responsibility of the clans towards their members could, and did, take precedence over their loyalty to the state mechanisms. However, the nature of such clans is not elaborated. Since the extent of kinship as based on a personal or descent-based focus is not indicated in most of such cases, and the emphasis is given on the presence of a clan, rather than on how it came to be, it is difficult for us to determine the network of kinship loyalties that led the participants to aid their kin in trouble, which is essential for this chapter. It is presumed that clans did have their origin as descent groups, but some of these also might have been intersecting bilateral cognatic alliances. Hence, we are going to focus on the corporate functions of a personal group, and the

³⁵³ Tacitus, 7, *Germania*, accessed May 20, 2020, <https://sourcebooks.fordham.edu/source/tacitus-germ-latin.asp>.

³⁵⁴ Jonathan Barlow, “Kinship, Identity, and Fourth Century Franks”, *Historia: Zeitschrift für Alte Geschichte*, Bd, 45, H.2 (2nd quarter, 1996), 231, JSTOR, accessed November 10, 2020, <https://www.jstor.org/stable/4436420?seq=1>.

³⁵⁵ Ibid, 233.

³⁵⁶ III Æthelstan 6, *The Laws of the Earliest English Kings*, ed. and trans. Frederick Levi Attenborough (Cambridge: Cambridge University Press, 1922), 144, PDF e-book (2015).

corporate functions of descent groups whose *raison d'être* is traceable to the actions or corporate functions of personal groups (blood-feuds, for example).

A personal group is more likely to be involved in actions of individual or close family interests, such as blood-feuds, individual acts of violence, and acts of vengeance, as these actions involved a carefully chosen selection of targets, often inviting retaliations that often went on until the blood-debt was considered paid in full. The Icelanders, in particular, took debts very seriously, as illustrated, through Egill's case, in their notorious reluctance to accept gifts (see: Chapter 7- "Weapons and Wielders", pp. 237-238). As these retaliations could impact the kin of the offender/s, and could be conducted by any number of the injured's kin based on the severity of the preceding action, it was often in the best interest of the initiator to create group liabilities, where the number of individuals responsible for the compensation (both monetary and physical) could match the number of individuals holding the debt. This importance of incurred liabilities is emphasised widely across legal texts of several Germanic cultures at several points of time, though the extent of such legal responsibilities differs regarding the form of compensation and the compensator. For example, though a murder, as well as cases of severe outlawry in the Anglo-Saxon society, is to be compensated by the bilateral (father's side and mother's side) kindred of the convict, it is treated as a more generalised responsibility, leaving open to interpretation the exact nature and number of relatives accountable for the compensation.³⁵⁷ On the other hand, the early Icelandic legal codes specify the compensation as payable to up to the fourth cousin of the offended, and to be paid by as far as the fourth cousin of the offender.³⁵⁸ The comparative vagueness in the first example

³⁵⁷ Alfred 13, p 70; Alfred 30, p 76, *The Laws of the Earliest English Kings*, ed. and trans. Frederick Levi Attenborough (Cambridge: Cambridge University Press, 1922), 144, PDF e-book (2015).

³⁵⁸ William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (Chicago and London: University of Chicago Press, 1996), 145.

could possibly be attributed to a somewhat less structured kinship system in Anglo-Saxon England, where loyalties to the king, as we will see later in this chapter, often interfered with or modified liabilities to one's kin. The monetary compensation or fine paid by the kin for the individual's crime, then, stands for and acquits their share of the liabilities. Even in the absence of functional violence, this method of recompense ensures that the 'gift' of violence is required through more hospitable means. These legalities, through naming the likely bearers of the liabilities of an individual's actions, also, therefore, inadvertently reveal a rough idea of the kin-groupings. Murray argues that the kin-groups responsible for compensation may not represent the vengeance group, as the narratives available present a picture of the vengeance group as smaller and only inclusive of selective kindred.³⁵⁹ However, we would like to argue that envisioning vengeance-groups based on compensation is not entirely without insight, as such legal networks do give us an idea as to the common directive for requesting one's kindred, their acceptance or denial of such requests notwithstanding. Though Miller also argues that involving kin up to the fourth cousin in personal schemes is a rare occurrence in the Icelandic sagas despite there being legal provisions for it, he later acknowledges that requests for assistance could also be made to distant kin as long as the blood connection remains. As example, he cites the case of Þorvarður in *Porgils saga*, who thinks it prudent to seek out Porgils in his expedition as they are second cousins.³⁶⁰ Depending on the situation, then, distant kinship could be called in to diffuse or aid in an impending feud, though there seems to be little evidence in Iceland and England, at least, of recruitment along the descent groups for the sole purpose of revenge. But the most natural avengers, or protectors, would of course be kin of the first degree through marriage or descent, e.g. brothers and sisters, uncles/aunts and

³⁵⁹ Alexander Murray, *Studies in Law and Society in Antiquity and the Early Middle Ages* (Toronto and Ontario: Pontifical Institute of medieval Studies, 1946), reprint. 1983, 136.

³⁶⁰ William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (Chicago and London: University of Chicago Press, 1996), 167.

nieces/nephews, father/mother and son/daughter, and last, but not the least, husband and wife. The liabilities for revenge could also follow a kinship hierarchy along the lines of legal inheritance, as Tacitus may intimate it in Early Germanic tribes:

Heredes tamen successoresque sui cuique liberi, et nullum testamentum. Si liberi non sunt, proximus gradus in possessione fratres, patruī, avunculi. Quanto plus propinquorum, quanto maior adfinium numerus, tanto gratiosior senectus; nec ulla orbitatis pretia.

[21] Suscipere tam inimicitias seu patris seu propinqui quam amicitias necesse est; nec implacabiles durant: luitur enim etiam homicidium certo armentorum ac pecorum numero recipitque satisfactionem universa domus, utiliter in publicum, quia periculosiores sunt inimicitiae iuxta libertatem.³⁶¹

(But a man's own children are his heirs and successors, if there is no will. If there are no children, then the closest in order of inheritance are brothers, then uncles from the father's side, and then from the mother's side. The more relatives and connections he has, the greater his honour in old age; there is no advantage in childlessness.

[21] It is one's duty to accept the feuds and friendships of one's father or a relative; the slights do not last: even homicide is expiated by a certain number of cattle or sheep satisfactory to the entire family, to the advantage of the public, as feuds are dangerous in proportion to a people's freedom.)

As the passage on one's liabilities towards feuds and friendships of the kin immediately follow the importance of having successors, Tacitus here may also be hinting at the 'advantage' a childless person would lack in a society, that is, not having an heir to aid or execute such debts before and more importantly after his death.

We have already meditated upon the clause of cousins and near kin coming up as the kindred liable to face the actions of a vengeance-group, but there was equally the matter of affinal kin. An affinal kin, or kin by marriage, was welcome enough in a kin-group in Early Medieval Iceland, but loyalty towards them and causes thereof were often judged by complex

³⁶¹ Tacitus, 20-21, *Germania*, accessed May 20, 2020, <https://sourcebooks.fordham.edu/source/tacitus-germ-latin.asp>.

standards. For example, Miller insists that despite there being a legal precedence for considering a sister's husband as closer kin than a wife's brother,³⁶² often there were conflicts regarding the preference given to one above the other,³⁶³ and both seem equally welcome to share one's household.³⁶⁴ Moreover, in the case of a vengeance pact where the wife's interest is harmed by other affinal or even nearer kin, it is not unheard of for the husband or her other affinal kin to take the side of the woman, especially where goading is concerned. This is why in the *Völsunga Saga* Brynhildur's bold demand of being avenged is honoured by her husband Gunnar even if it involves arranging the murder of his sister's husband, though he was the one for whom Sigurður had committed the trickery. In this case, at least, the shame of the possibility of his wife leaving him concerns him more than violating his liabilities as an affinal kin to his sister's husband Sigurður,³⁶⁵ so much so that he even bypasses the technicalities of the oath by recruiting his much younger and 'beyond all oaths' ("utan alla eiða") brother Guttorm to kill Sigurður.³⁶⁶ On the other hand, though Icelandic saga often portrayed a man's wife as his chief avenger, Guðrún, the wife of Sigurður and sister of Gunnar, shows remarkable loyalty to parental kin by not trying to avenge her first husband in that particular text, her loyalty remaining consistent to the extent of warning her brothers about the ill omens that alerted her to the schemes of Atli against her kinsmen³⁶⁷ and, later, exacting revenge on her second husband Atli by making him unwittingly cannibalise his sons,³⁶⁸ afterwards killing Atli in his

³⁶² William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (Chicago and London: University of Chicago Press, 1996), 162.

³⁶³ Ibid, 162-163.

³⁶⁴ William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (Chicago and London: University of Chicago Press, 1996), 128.

³⁶⁵ 30 Kafli, *Völsunga saga*, accessed June 19, 2022, <https://www.snerpa.is/net/forn/volsung.htm>.

³⁶⁶ Ibid.

³⁶⁷ Ibid.

³⁶⁸ 38 Kafli, Ibid.

sleep with the help of her other brother Högni's son Niflung.³⁶⁹ However, the *Völsunga Saga*, by virtue of its parallels, also stands testament to the fact that the norms which we have discussed up to now are subject to cultural specifications, as it, despite being a primary source concerning Brynhildur's act of vengeance, does not hold the only version of the aftermath. Sigurður's course of vengeance in the *Völsunga Saga* is similar to the narrative of *Atlakviða*, presumably the earliest record of Guðrún's conflict with Atli, though without any mention of Sigurður. However, in a few parallel and particularly continental late variations of the text, her or her equivalents' efforts at mariticide are either matched or replaced by her schemes for fratricide, often depending on the circumstances of Sigurður's death in the narrative. In *Þiðrekssaga*, for example, it is Guðrún (Grimhild in the text) who 'eggs' on Atli or Attila to be her avenger:

Þá mælti drottning: "Herra, hvern skal hefna minnar svívirðingar, ef þú vill eigi? Nú er mér þat enn inn mesti harmr, hversu myrðr var Sigurðr sveinn. Ger nú svá vel, herra, hefn mín, ok þá máttu fá Niflungaskatt ok allt Niflungaland."

Then spoke the queen, "Sir, who shall avenge my disgrace, if you will not? Even now, it saddens me how the youth Sigurður was murdered. Do so well now, Sir, my revenge, and you may get the treasure and land of Niflungs"³⁷⁰

and after Attila refuses, manipulates their son to belittle her brother Högni so that Högni kills his nephew, prompting Attila to take action:

Ok nú gengr drottning skyndiliga í garðinn, þar er veizlan var, ok sezt í sitt hásæti, ok nú renn til hennar Aldrian, son hennar, ok kyssir hana.

Ok nú mælti drottning: "Minn sæti son, muntu vera líkr þínum frændum, ok hefir þú hng til, þá skaltu ganga til Högna, ok þá er hann lýtr fram yfir borðit ok tekr mat af diskinum, reið upp þinn hnefa ok ljóst á hans kinn sem allra harðast máttu. Þá muntu vera góðr dregnr, ef þetta þorir þú."

³⁶⁹ 38 Kafi, *Völsunga saga*, accessed June 19, 2022, <https://www.snerpa.is/net/forn/volsung.htm>.

³⁷⁰ "Niflung Saga", *Þiðreks saga af Bern*, ed. Guðni Jonsson, 376, accessed December 1, 2020, https://heimskringla.no/wiki/%C3%9Ei%C3%B0reks_saga_af_Bern_-_Niflunga_saga.

Sveinninn rann þegar yfir til Högna, ok þá er Högni lýtr fram yfir borðit, þá lýstr sveinninn sínum hnefa á hans kinn. En þat högg varð meira en vnn væri at af svá ungum manni.

Ok nú sinni vinstri hendi tekr Högni sveinninn með hárinu ok mælti: "Þetta hefir þú eigi gert með þínu ráði ok eigi með ráði Attila konungs, föður þíns, heldur er þetta eggjan þinnar móður, ok þess muntu nú lítt njóta þessu sinni."

Ok sinni hægri hendi tekr Högni um meðalkafla síns sverðs ok dregr ór slíðrum ok höggr af höfuð sveinsins ok kastar höfðinu á brjóst Grímhildi, ok mælti Högni: "Í þessum apaldrsgarði drekkum gott vín, ok þat verðum vér dýrt at kaupa. Ina fyrstu skuld lýk ek með þessu Grímhildi systur."

Ok enn höggr hann yfir höfuð Fólkhers til fóstra sveinsins ok af hans höfuð. "Nú er launat drottningu sem vert er, hversu þú gættir þessa sveins."

Nú hleypr Attila konungur upp ok kallar: "Standi upp Hýnir, allir mínir menn, ok vápnir sik ok drepi Niflunga."³⁷¹

(And now the queen suddenly went into the garden, where the feast was, and sat on her throne, and now Aldrian, her son, ran to her, and kissed her.

And now the queen said: "My dear son, if you want to be like your kinsmen, and if you have the courage to do so, then go to Högni, and when he leans over the table and takes food from the plate, draw your fist and strike him on his cheek as hard as you can. Then you will have done well, if you dare."

Immediately the boy ran over to Högni, and when Högni leaned over the table, the boy punched his cheek. But this blow was more powerful than one would expect from such a young boy.

And now with his left hand Högni took the boy by the hair, and said, "you have not done this by your own counsel, nor with the counsel of your father King Attila, but it is the egging of your mother, and you shall enjoy it little this time."

And with his right hand Högni grabbed the sword by its middle, and pulled it out of its sheath, and struck it on the boy's head, and threw his head on Grimhild's breast, and said, "In this apple-orchard we drank good wine, and we must buy it expensively. I pay my first debt with this, sister Grimhild. "

And again he struck his nephew's head so that it flew over the heads of the folk, and said "Now the queen's reward is worthy, seeing how she set up this lad."

Now King Attila ran up and called, "Stand up Huns, all my men, and arm yourselves and kill the Niflung.")

³⁷¹ "Niflung Saga", *Þiðreks saga af Bern*, ed. Guðni Jonsson, 379, accessed December 1, 2020, https://heimskringla.no/wiki/%C3%9Ei%C3%B0reks_saga_af_Bern_-_Niflunga_saga.

If this is attributed to the later addition of the story of Sigurður (Siegfried or Sigmund in Continental variations) to the original Scandinavian narrative, the discrepancy between Guðrún's actions in the *Volsunga Saga*, a presumably early version of the narrative after the inclusion of the Sigurður segment, and the actions taken by Grimhild in *Piðrekssaga*, a later version of the narrative after this inclusion (and partly inspired by *The Nibelungenlied*), gives us an insight into the conflict of liabilities towards one's affinal and blood kin, and may point at shifting priorities under the influence of contacts between homologous cultures. Atli, the scheming mind behind the older narratives, becomes the benevolent King Attila whose dedication to his oaths made to his affinal kin withstands the pressure from even the woman through whom they are connected, whereas Grimhild is consistently billed as unfaithful by her brothers even before she has her revenge. Besides being a commentary on Atli turning from a ruthless Hun to an oath-abiding Frisian figure, this may also hint at a declining status of women and their kinship liabilities in Scandinavian societies.

Thus, we see that though a male avenger is the most common, women often actively contributed to the avenging schemes either through discrete conspiracies or through their goading skills. As noted above, Germanic women (we are using the common description as the Guðrún figure was present in the surviving literature of numerous Germanic cultures) were quite capable of taking their own revenge, but in case of suitable avengers ready at hand, goading was often chosen as the woman's instrument of vengeance. As discussed in the chapter on gender, (mostly) women's goading was meant to spur the avengers into action by declaring any perceived inaction to be an act of cowardice and unmanliness (see: Chapter Four, "Femininities and Masculinities", pp.127-128), and women could urge any number of their male relatives towards avenging an act at which they took umbrage. In early medieval Iceland, a husband along with his wife also acquired the wife's prior claims to requital, and this is why in *Piðrekssaga* Guðrún's request to her second husband to avenge her first husband's death is

not unusual. Though these acts of goading were honoured for the most part, there were cases where the avengers had their own reason for not submitting to such acts. Hence, women also had to exercise caution in choosing their avengers if they needed to have their vengeance come to fruition. Often it was not wise to choose from among the readily available kin, as the conflicting interests of the goader and the avenger could also translate into conflict between their kinship liabilities; we see this in the way Attila in *Piðrekssaga* prefers to honour his affinal troth to his brothers-in-law over his duty to avenge his wife. We may also choose an example from *Historia Francorum* to illustrate that this concern was not peculiar to only early medieval Scandinavia. The Frankish King Clovis I meets his wife Clotilda after the latter is in dire straits after the murder of her family, but does not slay his uncle-in-law Gundobad, who had killed his wife Clotilda's family prior to their marriage.³⁷² Nor is it clear that Clotilda had goaded Clovis, if at all. Instead, she arranges for her sons to undertake the duty of avenging their grandparents by killing their cousins, that is, Gundobad's sons.³⁷³ This delayed revenge may be a result of Clotilda's assessment of Clovis' political shrewdness; Clotilda is given away by Gundobad (albeit motivated by fear, as Gregory duly notes) when Clovis asks for her hand,³⁷⁴ and therefore Clovis would naturally be less inclined to attack a benefactor and an ally. Clotilda's sons would not have such compulsions. Whatever kinship existed between them and their cousins were hardly to be a deterrent as Clotilda's and Clovis' sons turned even more

³⁷² Gregory of Tours, *History of the Franks: Books I-X*, trans. Ernest Brehaut (1916), ed. Paul Halsall for *Medieval Sourcebook* (Fordham University, 1997), II.28, accessed January 5, 2021, <https://sourcebooks.fordham.edu/basis/gregory-hist.asp#book3>.

³⁷³ Gregory of Tours, *History of the Franks: Books I-X*, trans. Ernest Brehaut (1916), ed. Paul Halsall for *Medieval Sourcebook* (Fordham University, 1997), III.6, accessed January 5, 2021, <https://sourcebooks.fordham.edu/basis/gregory-hist.asp#book3>.

³⁷⁴ Gregory of Tours, *History of the Franks: Books I-X*, trans. Ernest Brehaut (1916), ed. Paul Halsall for *Medieval Sourcebook* (Fordham University, 1997), II.28, accessed January 5, 2021, <https://sourcebooks.fordham.edu/basis/gregory-hist.asp#book3>.

freely against each other and their progeny later on in their life.³⁷⁵ Hence, it is clear that these goadings, or ‘a woman’s cold counsel’, were not products of immediate fury; the subjects, as well as the pattern of goading, were chosen wisely by the goader.

We shall also consider within this personal group the communal homesteads of Iceland and consider it as distinct from the descent groups, since, though many of the inhabitants may claim lineage from a distant ancestor, it involved conscription not along the line of descent, but of a homestead as a singular unit, which could include even the slaves of the homesteads of individuals participating in blood-feuds. This brings us to the matter of elaborating the definition of a blood-feud, which was different in character, but not always in origin, from acts of revenge. A revenge could become a blood-feud if it turned into a generational affair, each party avenging the preceding act *ad infinitum*, or until a settlement was reached. Nothing much distinguishes it from an ordinary act of revenge, except that it generally required an alternating pattern of killing and avenging, with a possibly wider variety of participants. The process of choosing candidates for the feud, as ascertained from *Brennu-Njáls Saga*, could be a communal homestead-based affair rather than a kin-based recruitment. In *Brennu-Njáls Saga*, the feud starts with Njáll’s wife Bergþóra and Gunnar’s wife Hallgerður, both mistresses of their own homesteads, having a tiff and sending their servants to cause trouble in each other’s home,³⁷⁶ and the situation gradually escalates with the alternating actions eliminating increasingly more important members of the household. It is also an example of remarkable agency allowed to women of early Iceland, as this feud is not started by their goading, but their commands to members of the homestead; though both Njáll and

³⁷⁵ Gregory of Tours, *History of the Franks: Books I-X*, trans. Ernest Brehaut (1916), ed. Paul Halsall for *Medieval Sourcebook* (Fordham University, 1997), III.18, accessed January 5, 2021, <https://sourcebooks.fordham.edu/basis/gregory-hist.asp#book3>.

³⁷⁶ 36-39 Kaffli, *Brennu-Njáls saga*, accessed June 12, 2022, <https://www.snerpa.is/net/isl/njala.htm>.

Gunnar are against the feud, their wives manage to get the homestead involved and thereby their husbands as well, leaving the attempt at reconciliation to Njáll and Gunnar. When it comes to Merovingian Franks, our sources for blood-feuds are sadly limited to the details of royal lives as Gregory witnessed it, and hence we are unable to comment on the frequency of blood-feuds occurring among common people (though *Lex Salica* does contain codes that are analogous to familial compensations approved in early medieval Icelandic laws), but there is at least one very well-recorded case in *Historia Francorum* that is deemed a blood-feud, presumably started by two queens, Brunhilda and Fredegunda, married to, respectively, the brothers King Sigibert I of Austrasia and King Chilperic I of Neustria.³⁷⁷ Taylor, however, insists in his thesis that the feud mentioned herein may be a consequence of the Frankish region being divided into separate kingdoms, with the queens being only one of the causes instead of being the sole cause.³⁷⁸ Be that as it may, even if the queens play nominal roles in this case, there is no reason why it should not be treated as both a war and a blood-feud. Given that it spread from personal grudges that mutated into a civil war, moreover, it further fits into the narrative of a blood-feud if we hold the kings and their countries analogous to the principal member of the homestead and the homestead itself. Though in Anglo-Saxon literature blood-feuds find no particular mention, Richard Fletcher takes up the case of a blood-feud recorded in a 12th century Anglo-Norman text called *De Obsessione Dunelmi* which has its origin in Anglo-Saxon/Anglo-Danish Northumbria, when Earl Uhtred is killed by Thurbrand the Hold on his way to meeting King Cnut,³⁷⁹ though it is possible that Uhtred himself had sown the

³⁷⁷ Gregory of Tours, *History of the Franks: Books I-X*, trans. Ernest Brehaut (1916), ed. Paul Halsall for *Medieval Sourcebook* (Fordham University, 1997), IV.28, accessed January 5, 2021, <https://sourcebooks.fordham.edu/basis/gregory-hist.asp#book3>.

³⁷⁸ Brandon Taylor Craft, "Queenship, Intrigue and Blood-Feud: Deciphering the Causes of the Merovingian Civil Wars, 561-613" (master's thesis, Department of History, Louisiana State University, 2013), vi.

³⁷⁹ Richard Fletcher, *Bloodfeud: Murder and Revenge in Anglo-Saxon England* (Oxford: Oxford University Press, 2004), 3-5.

seeds of discord by marrying Styr's daughter Sige on the condition that he would kill his father-in-law's enemy Thurbrand.³⁸⁰ Fletcher goes on to mention its last recorded end, which comes after Uhtred's great grandson Waltheof murders all of Thurbrand's surviving grandsons and great grandsons at a feast.³⁸¹ Here it is to be noted that no attempt at legal settlement is made, hence the debt can only cease to exist when none remains in at least one party to reciprocate the actions of the other. Moreover, whereas in early medieval Iceland and the Merovingian kingdom we see a wider participation in the blood-feuds, the limitation of this Anglo-Saxon/Anglo-Norman blood-feud to direct descendants also point at a variation in liabilities depending on time, legal recourses, and types of communities and state-mechanisms governing them (or lack thereof).

In this light, it would be, again, essential for us to remember that not all Germanic tribes were migrating simultaneously; Franks, Visigoths, and Vandals settled early in the form of unified polities, while Anglo-Saxons did not establish a monarchic pattern in England until early 6th century AD, and Scandinavians did so later still. This difference in administrative systems were bound to affect the 'common' patterns, if at all, of first responders in these cases, as monarchies often brought with them class systems that could, and would, interfere with clan and kindred dynamics by creating a stricter order of preference for recruitment in relation to the governing body, i.e. the king. This is, of course, not to say that such orders of preferences did not exist in pre-monarchic societies, but simply that the formation of a nation may create divided loyalties between one's allegiance to the kin-group and one's allegiance to the sovereign authority or the monarch, and thus necessitate creating a hierarchy of these loyalties.

³⁸⁰ Richard Fletcher, *Bloodfeud: Murder and Revenge in Anglo-Saxon England* (Oxford: Oxford University Press, 2004), 52.

³⁸¹ *Ibid*, 5.

We receive a confirmation of this through the way King Æthelstan legally addresses his concerns about kin-groups that became too powerful:

c7 gif þonne þæt gebyrige, þæt ænig mægð to þan strang sy and to þam mycel, innon landes oððe uton landes, XII hynde oððe twyhynde, þæt us ures rihtes wyrnen 7 þone þeof foren forstande, þæt we rídan be eallum mannum tó mid þam gerefan þe hit on his mónunge sylans.³⁸²

(And if it is brought about that any kin-group becomes too strong and too powerful, whether inside of our land or outside, twelve hands further or two hands, that they deprive us of our right and stand up for a thief, we shall ride out in full force with the reeve in whose district this takes place.)

It is not known to us whether these kin-groups were based on descent groups, or personal groups. Nevertheless, earlier in this chapter (see: p.202) we have referred to Barlow's suggestion that the loyalty of the clan, descent-based or otherwise, often worked against (or was thought to work against, at the very least) the interest of the Roman Empire,³⁸³ and, therefore, a loyalty claimed on these premises may be at odds with the absolute power of generational monarchs. Similarly, the loyalty of the kindred or personal groups, if commanded to prioritise the royal interests, will be at odds with its founding principle if the kindred's and the monarchy's motives do not align. King Æthelstan, as it seems, had a fair share of these problems, and thus he voices his concerns in his decrees about kin-groups who unfairly make use of their strength to protect outlaws or to act out in defiance of royal decrees.³⁸⁴ King Æthelstan's worries seem to be reflected in several other penal codes he presumably introduces

³⁸² VI Æthelstan 8.2, *The Laws of the Earliest English Kings*, trans. and ed. Frederick Levi Attenborough (Cambridge: Cambridge University Press, 1922), 162, PDF e-book (2015).

³⁸³ Jonathan Barlow, "Kinship, Identity, and Fourth Century Franks", *Historia: Zeitschrift für Alte Geschichte*, Bd. 45, H.2 (2nd quarter, 1996), 231, JSTOR, accessed November 2, 2020, <https://www.jstor.org/stable/4436420?seq=1>.

³⁸⁴ IV Æthelstan 3, *The Laws of the Earliest English Kings*, ed. and trans. Frederick Levi Attenborough (Cambridge: Cambridge University Press, 1922), 146, 148, PDF e-book (2015).

into Anglo-Saxon law, where he holds a criminal and his kin accountable in the same degree to the king regarding serious offenses.³⁸⁵ In addition to this, ‘lord-less men’ are branded outlaws if their kinsmen do not take responsibility for their identification, and Æthelstan accords to them the same treatment reserved for thievery:

[Be lafordleasum mannum.]

And we cwædon be þam hlafordleasan mannum, ðe mon nán ryht ætbegytan ne mæg, þæt mon beode ðære mæg, þæt hi hine to folcryhte gehamette 7 him hlaford finden on folcgemote.

§ 1. 7 gif hi hine ðonne begytan nyllen oððe ne mægen to þam andagan, ðonne beo he syþþan flyma, 7 hine lecge for ðeof se þe him tocume.

§ 2. 7 se ðe hine ofer ðæt feormige, forgylde hine be his were oþþe he hine be ðam ladige.³⁸⁶

([About lord-less men.]

And now we say for the lord-less man, from whom one cannot obtain any legal right, one commands their kin that they establish him in a home so that he becomes accountable to the law of the state, and find for him a lord in a public meeting.

§ 1. And if they will not or cannot get him these within the appointed date, from then he shall be an outlaw, and whoever comes across him may take him for a thief.

§ 2. Whoever shelters him after this will pay his *wergeld*, or swear himself to that effect.)

Here it is to be noted that land, as well as a lord is considered essential for legal citizenship in Anglo-Saxon England of Æthelstan’s time, and as the lord-less person’s kin-group is the first and last line of defense between them and outlawry, kin-groups are accorded the same rights and responsibilities when it comes to a landless person:

[Be landleasum mannum.]

³⁸⁵ II Æthelstan 3, *The Laws of the Earliest English Kings*, ed. and trans. Frederick Levi Attenborough (Cambridge: Cambridge University Press, 1922), 128, PDF e-book (2015).

³⁸⁶ II Æthelstan 2, *ibid.*

Onð we cwædon, gif hwylc londleas mon folgode on oþre scire 7 eft his mægas gesece, þæt he hine on þa gerad feormige, ðæt he hine to folcrynhte læde, gif he þær gylt gewyrce, oþþe forebete.³⁸⁷

([About Landless men])

And we said, if any landless man who serves in another shire seeks his kin, that whoever gives him [the landless man] shelter should himself bring him [the landless man] to justice if the latter has committed a crime there, or pay the compensation.)

What King Æthelstan is trying to do here, is clear; he is creating through law the same kind of group liability that is the foundation of an avenging action among a kin-group-based society. As a lord is generally held responsible for the actions of a man under his protection, King Æthelstan makes sure that the only way a lord-less individual's kin-group would be able to protect him from outlawry is by finding him a lord and land, that is, by making him accountable to law; furthermore, he also ensures the kin-member (presumably with a land and lord) harbouring a lord-less and land-less individual is answerable for that individual should he ever commit a crime. This enables the king to establish a network that traces and regulates the actions of all individuals as the lords are answerable to the king and the law for crimes committed by individuals under their protection, and, as all recorded land may be traced to the king's ownership, so are land-owners. By this he can hold the members of kin-groups responsible for their and their kinsmen's crimes, simultaneously creating a structure of hierarchical loyalties for his citizens where their citizenship can be measured by their adherence to the law. The kin-groups, the individuals in them, and their kinship liabilities, also, are then bound by over-arching state-laws, and he makes sure this is known to those who aspire to have greater power using their kinship ties:

Et si quis adeo dives sit vel tantæ cognationis, ut a furto vel defensione latronum vel firmatione revocari non possit, educatur de patria ista cum uxore et pueris et omnibus rebus suis ad earn partem regni huius, quam rex velit, sit quicumque sit, sic comitum, sic villanorum, eo tenore quo

³⁸⁷ II Æthelstan 8, *ibid.*, 132.

numquam in patriam redeat. Et si umquam in patria ista obviet alicui,³⁸⁸ sit tamquam in manus habens fur inventus.

p § 1. Et qui eum firmabit vel suorum aliquem mittet ad eum, pecuniæ suæ reus sit in omnibus quæ habebit.

§ 2. Hoc autem igitur est quia iuramenta et vadia, quæ regi et sapientibus suis data fuerunt, semper infracta sunt et minus observata quam pro Deo et seculo conveniat.³⁸⁹

(And if anyone is so rich or has so powerful a kindred that he may not be restrained from defending criminals and thieves, he shall be expelled from his homeland with his wife, children and all he owns to any other part of the kingdom, wherever the king pleases, whoever he may be, whether a noble or a commoner, on the ground with the condition that he should never return to his homeland. And if anyone encounters him in his homeland,³⁹⁰ he will be treated as a thief caught in with red hands.

p § 1. And he who shelters him and sends him any of his men, will lose whatever the money he has in its entirety because of his crime.

§ 2. This is because the oaths and pledges, which were given to the King and the councillors, are always being violated, or observed less than what befits God and the Secular authority.)

Here we can observe that though the kin-group's duty as representatives is observed and enshrined within Anglo-Saxon codes, its subordination to divine and secular law ensure that such arrangements yield little to no corporate benefit, essentially weakening the more functional purposes of the kin-group while affirming the ones that serve the polity's interest. This attitude of the king and the polity towards kinship and its regulation is reflected in the action of King Clovis I some three centuries before King Æthelstan, in *Historia Francorum*. Clovis I entices with dreams of power a son of a powerful individual, urging him indirectly to kill his father so that he may be rewarded with the father's position. Once the deed is done, he

³⁸⁸ No clear translation in the present context may be obtained from "Et si umquam in patria ista obviet alicui". Here I have followed the in-text translation, as Attenborough mentions that Lieberman holds that the Latin might be a mistranslation of the original Anglo-Saxon code (p. 210).

³⁸⁹ IV Æthelstan 3, *The Laws of the Earliest English Kings*, ed. and trans. Frederick Levi Attenborough (Cambridge: Cambridge University Press, 1922), 146, 148, PDF e-book (2015).

³⁹⁰ See F.N. 388.

arrests the son under the proviso of kin-slaying.³⁹¹ It is clear, then, that Clovis does not see kin-slaying as a ‘sin’ but a crime strictly in legal terms, and, therefore, considers the concerned punitive laws as a way of subverting kinship ties rather than consider them as something enshrining such ties. Clovis’ Machiavellian attitude towards kinship is further revealed when in his last years he puts up a front of regretting killing his kinsmen. It is for the first time that he bemoans the absence of kin, not because he feels bereft, but, as Gregory puts it, he wants to test if somebody would come forward thinking this to be genuine regret, and be killed afterwards as a result.³⁹² Scandinavia, too, records early occurrences of the royalty often clashing with the kin-groups on these accounts, and King Harald Fairhair’s campaign to unite Norway under the banner of a single polity and the subsequent migrations of Norwegian clans and chieftains to Iceland speaks volumes about the uneasy relations between kin-groups and sovereign ruling parties. Ketil, in the *Laxdæla Saga*, perceives King Harald’s enmity towards him and his kin, and sees clearly that they have the options of either fleeing or being killed.³⁹³ It is, then, very possible that the founding of polities with centralised governments and sovereign powers, and the slow decline of allegiances forged along the kinship lines, had more than a passing relation.

The changing structure of the family unit as per the needs of society in a monarchic polity could also affect the family-bound conscription. Critics such as Lorraine Lancaster and H. R. Loyn note the dearth of terms for more distant relatives in Anglo-Saxon society, and that descriptions of any relation beyond a nephew are unusual.³⁹⁴ But as King Æthelstan writes

³⁹¹ Gregory of Tours, *History of the Franks: Books I-X*, trans. Ernest Brehaut (1916), ed. Paul Halsall for *Medieval Sourcebook* (Fordham University, 1997), II.40, accessed January 5, 2021, <https://sourcebooks.fordham.edu/basis/gregory-hist.asp#book3>.

³⁹² Ibid, III.42

³⁹³2 Kafli, *Laxdæla Saga*, accessed October 10, 2021, <https://www.snerpa.is/net/isl/laxdal.htm>.

³⁹⁴ H. R. Loyn, “Kinship in Anglo-Saxon England”, *Anglo-Saxon England* 3 (1974): 198.

extensively of problems arising from larger kin-groups, it is clear that some sort of kin unit remained. It is possible, then, that these households or clans were not aligned along a defined structure. One testament to this possibility might be that Old English literature speaks of few recruitments along the kinship network regarding acts of personal or group revenge (apart from *Beowulf*, which has a kinship structure and concerned liabilities that may not be perfectly aligned with what we may expect of early medieval English societies), and the only indication of such loyalties are through the legal dues mentioned earlier in this chapter, which to some extent mirror the legal provisions of cultures where such conscriptions are well-documented, like the Franks and the Scandinavians. Of course, this does not mean that such circumstances did not come to pass at all, as indicated earlier in Fletcher's theory of blood-feud centred on Earl Uhtred's murder. However, as a further testament to the lack of structured kinship, it is also to be noted that unlike these cultures, Anglo-Saxon law is not specific about the distribution of compensation, content to mention the bilateral sides at most.³⁹⁵ Keeping in mind Murray's theory of personal groups concerning acts of personal revenge, we may presume that such legal generalisations were possible because, unlike early in Icelandic settlements and the Merovingian polities, enshrining elaborate and defined networks of liabilities within the law itself was not necessary. Part of this reason might be, as discussed earlier, existence of a centralised record of such liabilities through lord and land. However, as revenge narratives are relatively rare in Anglo-Saxon England, the redundancy or gradual disappearance of such liabilities could also indicate the absence of a structured group itself that may shoulder them. Therefore, even if we take the kin-group's presence in King Æthelstan's codes into account, it is probable that the strength of a kin-group was derived from the lord's power and their numbers rather than any intrinsic kinship ties, and the interference of divine and secular law in the

³⁹⁵ Alfred 8.3, *The Laws of the Earliest English Kings*, ed. and trans. Frederick Levi Attenborough (Cambridge: Cambridge University Press, 1922), 68, PDF e-book (2015).

corporate functions of the kin-groups may have further contributed to the unravelling of kinship ties. Whatever may be the case, barely a century after Æthelstan voices his concerns about independent actions of kin-groups, Bishop Wulfstan points at the disintegration of kinship values as one of the main transgressions causing the invasion and pillage by Vikings:

Ne bearn nu foroft gesib gesibban þe ma þe fremdan, ne fæder his bearne, ne hwilum bearn his agenum fæder, ne broþor oþrum;³⁹⁶

(Now kin does not very often support kin any more than they would a stranger, nor a father his child, nor a child his own father, nor a brother another.)

As mentioned in the last paragraph, this erosion of kinship allegiances could and did give way to the centralisation of power, and likewise, this absence of a legally liable group could also be compensated by the centralised power taking up some of its responsibilities. The *wergeld* for a slain man, for example, in absence of kin, could be paid partly to the king.³⁹⁷ Hence by such processes of subjugation and replacements politics could and did render kin-group's corporate functions inessential, if not invalid, thereby causing a decline of organised kinship liabilities. Therefore, even if we consider Wulfstan's statements to be slightly hyperbolic, it may be presumed that the kin-groups' ethics were somewhat different in Anglo-Saxon England than in the contemporary Scandinavian societies, which may have led to the lack of similarly structured kin-groups, and the corresponding corporate functions.

Another circumstance that may have also altered the course of organised violence along kinship lines is, of course, Christianity. However, as we have noted in the previous chapters, the circumstances of the introduction and reception of religion could, and did, widely vary from one Germanic culture to another, depending on several factors including, but not

³⁹⁶ Wulfstan, *Sermo Lupi Ad Anglos*, accessed December 15, 2020, <http://www.oereader.ca/Sermofram.html>.

³⁹⁷ Alfred 30, *The Laws of the Earliest English Kings*, ed. and trans. Frederick Levi Attenborough (Cambridge: Cambridge University Press, 1922), 71, PDF e-book (2015).

limited to the contemporaneous structures of the society. It is certain from our earlier perusals of the *Historia Francorum* that kin-slayings, though repudiated by clerics like Gregory, was commonplace for the kings – but is the same to be held true of revenge? In contradiction to the repudiation Gregory articulates towards the kin-slaying kings, and the pitiful scene he depicts of the infants' death at their uncle's hands,³⁹⁸ he makes no mention of Queen Clotilda, who sent her sons to kill her cousins to avenge her father's death. Rather, Clotilda is portrayed as a regal and pious woman even in her death.³⁹⁹ Likewise, Christianity making a case for outlawing revenge does not seem to be supported by either sagas or saga laws. One of the few references we find of Christianity directing the legal settlements towards a more non-violent end is found in *Bjarnar saga Hítðlakappa*, where Þorsteinn, bound to Bjorn in a mutual vengeance contract akin to blood-brotherhood, tries to get out of his obligations by citing their duties to the new faith:

Þorsteinn kvað sér þykja í hvern stað jafnboðið er hann bauð sitt vinfengi "En gerum þar á grein nokkura er þú ræðir um hefndirnar því að nú vita menn gerr en fyrr hvað gera skulu og vil eg það um mæla að hvor okkar taki eindæmi eftir annan eða sektir og fébætur þótt eigi séu manndráp og sómir það betur kristnum mönnum."⁴⁰⁰

(Þorsteinn said that he considered himself equal in every place when he offered his friendship. "But let us make a few remarks when you talk about the revenge, for now men know better than before what to do, and I would like to recommend that each of us take self-judgement or compensation for the other instead of man-slaughter, and it is better for Christians.")

However, there exist enough alternative perspectives that we may not entirely align the new Christian morality with the preference for self-judgement over bloodshed. For example,

³⁹⁸ Gregory of Tours, *History of the Franks: Books I-X*, trans. Ernest Brehaut (1916), ed. by Paul Halsall for *Medieval Sourcebook* (Fordham University, 1997), III.18, accessed January 5, 2021, <https://sourcebooks.fordham.edu/basis/gregory-hist.asp#book3>.

³⁹⁹ Ibid.

⁴⁰⁰ 29 Kafli, *Bjarnar saga Hítðlakappa*, accessed January 13, 2021, <https://www.snerpa.is/net/isl/bjarnar.htm>.

in *Brennu-Njáls Saga* that describes events of roughly the same period, Ámundi, a blind man, is cheated of his compensation after his father's death by Lýting, the killer, who claims to have already paid the money to his father's kin. Ámundi prays to the Just God to have his sight temporarily returned so that he may take revenge if God sees it appropriate, and his wish is granted:

"Eigi skil eg," segir Ámundi, "að það muni rétt fyrir guði svo nær hjarta sem þú hefir mér höggvið. Enda kann eg að segja þér ef eg væri heileygur báðum augum að hafa skyldi eg annaðhvort fyrir föður minn fébætur eða mannhefndir enda skipti guð með okkur."

Eftir það gekk hann út. En er hann kom í búðardyrnar snýst hann innar eftir búðinni. Þá lukust upp augu hans.

Þá mælti hann: "Lofaður sért þú guð, drottinn minn. Sé eg nú hvað þú vilt."

Eftir það hleypur hann innar eftir búðinni þar til er hann kemur fyrir Lýting og höggur með öxi í höfuð honum svo að hún stóð á hamri og kippir að sér öxinni. Lýtingur fellur áfram og var þegar dauður. Ámundi gengur út í búðardyrnar. Og er hann kom í þau hin sömu spor sem augu hans höfðu upp lokist þá lukust nú aftur og var hann alla ævi blindur síðan.⁴⁰¹

("I do not reckon," says Ámundi, "that it will be right before God to cut me so close to heart as you have done. And I can tell you, if I were whole in both eyes, that I would either have compensation for my father or revenge, God be with us. "

After that he went out. But when he came to the booth door, he turned back towards the booth. Then his eyes opened.

Then he said, "Praise be to God, Lord mine. Now I see what you desire."

After that he ran back inside the booth until he came to Lýting, and hit him in the head with an axe so that only the hammer stood out, and pulled the axe out. Lýting was already dead by the time he fell on the ground. Ámundi walked out of the booth door. And when he retraced the same footsteps to the place where his eyes had opened, they now closed again and he was blind all his life ever since.)

⁴⁰¹ 106 Kafli, *Brennu-Njáls saga*, accessed January 25, 2021, <https://www.snerpa.is/net/isl/njala.htm>.

Hence, it is more probable that Christian mercy, just as any other such concept, was considered with an eye to pragmatism when concerning early Icelandic civilisations, a case which may have changed in later years, as Miller suggests through the twelfth-century case of two brothers on the death-row where one brother asks to be executed first lest he be taken by the urge to avenge his brother and be eternally damned as a consequence.⁴⁰² However, as in *Brennu-Njáls Saga*, the justification of revenge in literature representing early settlements of Iceland is rarely overshadowed by any Christian principle of non-violence. Rather, such influences on revenge, when not borne out of pragmatism as in Þorsteinn's case, were liable to be portrayed as impractical.

In Anglo-Saxon England, likewise, such claims would be untenable. The *Beowulf*-poet describes with pride how the hero Beowulf avenges his cousin Hrethric's death:

Sé ðæs léodhryres léan gemunde
 uferan dógrum· Éadgilse wearð
 féasceaftum fréond· folce gestépte
 ofer saé síde sunu Óhteres
 wigum ond waépnun· hé gewræc syððan
 cealdum cearsiðum· cyning ealdre binéat:
 swá hé níða gehwane genesen hæfde
 slíðra geslyhta, sunu Ecgðíowes,
 ellenweorca oð ðone áne dæg
 þé hé wið þám wyrme gewegan sceolde.⁴⁰³

(He [Beowulf] remembered the prince's [Hrethric's] fall. He became a friend of Eadgils in difficult times. He aided over sea the son of Othere, with men, with weapons and warriors. Afterwards he avenged [Hrethric] in cold sorrowful actions, and deprived the king of his life: thus he, the son of Ecgbéow, had countered with deeds of courage each of the adversities and cruel slayings, till that one day when he must grapple with the serpent.)

⁴⁰² William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (Chicago and London: University of Chicago Press, 1996), 191-192.

⁴⁰³ ll. 2391^a-2400^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

It is interesting to note that the *Beowulf*-poet includes the revenge at the beginning of the lines referring generally to his later courageous deeds, and nor does he feel it necessary to censure Beowulf for his violent deeds. Like *Historia Francorum*, then, we also see a condemnation of kin-slaying but not violence in general, or in particular revenge which may even be included in Beowulf's *ellenworc*. Hence, it may be suggested that unlike the brother in the twelfth century saga, neither early Christian Iceland, nor Anglo-Saxon England, nor the Merovingian kingdom had seen violence as a whole as a threat to one's salvation, but rather certain kinds of violence such as kin-slaying – again, not because the actions themselves were violent, but because they went against the functional duties of a social structure. Rather, as in Ámundi and Lýting's case in *Brennu-Njáls Saga*, taking revenge could be seen portrayed as a just action sanctioned by divine authority.

Violence that Defies Kinship Obligations

This is why it complicates matters further when violence is committed within the kinship unit, and why kin-slaying is considered the biggest taboo. It is certain that Christianity condemned kin-slayings, as Gregory asserts in *Historia Francorum*, but in his account itself Christian kings seem as eager as their pagan predecessors to kill their relatives, if not more. Rather, pre-Christian or early Christian societies in Iceland, being more egalitarian in legal practice, judge kin-slaying as a crime for free citizens from all walks of life. The taboo, one may say, rises as much from the way violence is interpreted frequently in terms of debts in Germanic cultures as it does from any ethical apprehension. Harming one's kin is compensated by the convict being harmed, financially (*wergeld*) or physically, by the victim's kin (who may be the kin-slayer's kin as well), and so forth. Such a cycle of violence, when contained within a kin-group, would lead to a serious depletion of resources, leaving the kin-group vulnerable to external interference. This is why it is quite rare to find instances of kin-slaying in sagas, and less so of non-affinal near kin.

When it does occur, however, kin-slaying and its repercussions could also hinge on whom the slayer considered kin. For example, in the *Völsunga Saga*, in order to avenge her father's death, Volsung's daughter does not only sacrifice her sons with Siggeir (her husband and also her father's slayer) to test their mettle as probable avengers, but in order to create a suitable avenger for the Volsungs she lies with her own brother Sigmund, as the progeny born out of their incest is likely to have no divided loyalties. She also has her remaining much younger children killed off to start an agitation between Siggeir, Sigmundur, and Sinfjötli (the son born out of incest), and after Sigmundur sets Siggeir and his men on fire, Signy speaks thus before entering the fire herself:

Hún svarar: "Nú skaltu vita hvort eg hefi munað Siggeiri konungi dráp Völsungs konungs. Eg lét drepa börn okkar er mér þóttu ofsein til föðurhefnda og eg fór í skóg til þín í völvulíki og er Sinfjötli okkar son. Hefir hann af því mikið kapp að hann er bæði sonarson og dótturson Völsungs konungs. Hefi eg þar til unnið alla hluti að Siggeir konungur skyldi bana fá. Hefi eg og svo mikið til unnið að fram kæmist hefndin að mér er með öngum kosti líft. Skal eg nú deyja með Siggeiri konungi lostug, er eg átti hann nauðug." ⁴⁰⁴

("Now shall you tell me, whether I have remembered King Siggeir's slaughter of King Volsung. I had our children killed as I thought them too weak to avenge my father's death, and in the forest I went to you in the likeness of a *völva*, and Sinfjötli is our son. He has therefore [hailed] from a great race, as he is both the daughter's son and son's son of King Volsung. Until now everything I have done was for King Siggeir to be killed. I have also worked so hard to get revenge that I have not much life left. I shall now gladly die with King Siggeir, though he and I were wedded by force.")

Here it is clear that Signy holds no value for attaches no value to the children who are unable to serve her purpose. Sinfjötli is considered worthy of survival because in blood and in mind he is wholly of the Volsungs, as unlike her deceased brothers he does not cry when Signy sews gloves on his hands and flays his skin along with the gloves, and when Signy comments on how it should be enough punishment for him he replies-"Lítið mundi slíkt sárt

⁴⁰⁴ 8 Kafi, *Völsunga Saga*, accessed October 20, 2020, <https://www.snerpa.is/net/forn/volsung.htm>.

þykja Völsungi."⁴⁰⁵ (Little would have such a thing hurt Völsung). As Sinfjötli by both word and deed proves himself to be a Volsung, he is the only son Signy would consider kin. And as Signy's other children prove unfit for the interest of Volsungs, or the kin of Signy, then by this same logic she may not be held guilty of kin-slaying.

Secondly, when such things are portrayed as pre-planned, they occur almost always as a response to previous violent acts. In *Poetic Edda*, Óðinn begets Vali as the prophesised murderer of his other son Höður, who had unknowingly murdered his brother and Óðinn's favoured son Baldr. As foretold by the *Völva*, rather than Óðinn slaying one of his sons for the sake of another, the birth of Vali does not only compensate for Baldr's tragedy, but also for Höður's presence once he is killed; hence the number of skilled members in the kin-group do not deplete.⁴⁰⁶ For this reason, one could compare the lack of kin-slayings in the sagas with the abundance of the same in *Historia Francorum*. As noted before, the advent of monarchies often brought with it a shift in perspective, which might or might not result in a decentering of kinship loyalties. Hence, the sordid kin-slayings of the Merovingian dynasty can be attributed to their steady allegiance to the one thing that takes precedence over their loyalties to each other, that is, the succession to the throne. The succession in a polity where an individual or a group holds sovereignty would certainly be more lucrative than the same in smaller-knit communities where communal interest holds sway over personal interest, and, by commanding hierarchic power through non-kin rights, would also negate the need for creating a structured system of kinship liabilities. It will render any argument against the kin-slaying a mere ethical protest rather than a fundamental violation of social structure as it were in the pre-polity societies. These statements may be supported by the attitude towards kin-slaying shown in the sagas and

⁴⁰⁵ 7 Kaffli, *Völsunga Saga*, accessed October 20, 2020, <https://www.snerpa.is/net/forn/volsung.htm>.

⁴⁰⁶ S. 11, "Baldrs Draumar", *Poetic Edda: Old Norse- English Diglot*, trans. Karl Hildebrand, Hugo Gering and Henry Adams Bellows (Melbourne: 2011), 273, PDF e-book.

the legal codes. The early medieval Icelandic laws are mostly concerned with declaring kin-slayers as outlaws or exiles, rendering them vulnerable by taking away from them the very kinship ties debased by their action, while Anglo-Saxon laws specify no punishment as such for kin-slaying. Thus, what we have averred about other forms of violent actions in favour of kinship ties may also hold true for the violent actions against kinship ties; that the strength of the convictions concerning these concepts are not as based in heroic sentiments as one would like to think, but dependent equally, if not more, on the pragmatic needs of contemporaneous society.

Conclusion

We may conclude this chapter by reiterating the limitations of the presumptions we have made about liabilities of kin-groups described herein, as the contemporary textual samples available are too few in number and too varied in kind, and the oft-conflicting data available from these miscellaneous genres of texts, not to mention the vast and varying cultures we are dealing with using the common identifier ‘Germanic’, often challenge our purpose of finding any similarity. Yet, this chapter has been grounded on the belief that there are certain common conditions that may direct these cultures’ diverse responses to kinship ties, and also regulate their progression or digression upon the introduction of new influences. With this chapter, also, we conclude the section that has attempted to hold a conversation on social dialogues – feudal, gendered, and familial – and their impact on determining the course of violent actions.

Section Three: Mate-realities: Material Realities

Chapter Seven: Weapons and Their Wielders

Introduction

The aim of this thesis, with which the reader may be well acquainted by now, has been to establish violence as an effective mode of communication between certain cultural networks within Early Germanic cultures (as visible in the extant literature produced by these cultures), and to examine the extent to which violence, by this communication, comes to define in unique ways the networks taking part in this conversation. Materials pertaining to or produced by violence have a significant part to play in this dialogue, much like the networks of abstract concepts discussed in the chapters leading to the current one. Previously, these materials had been discussed as aids to the conversation violence carries out between intangible concepts, that is, authorities (first section) and social relationships/obligations (second section) – for example, spears in sacrifices in "Gods and Monsters", or swords as designators of gendered performances in "Femininities and Masculinities". The goal of this particular section, or 'mate-realities' (a contraction of the phrase 'material realities'), is to focus on the active agenda and presence these materials can assert through their own conversations with violence. The material realities "mate-realities" stand for, in this context, represent alternate realities accessible through the contemporaneous concepts of varying degrees of subjecthood and agency found in diverse materials associated with violence. This section wants to show that there are situations where these materials, rather than being mere aids to the dialogue, can be able communicators in their own right. This thesis proposes to divide this section into two chapters concerning two different aspects of materiality usually involved in acts of or related to violence. The first chapter of this section, or the one we are currently discussing, will focus on weapons having socio-cultural identities within the Early Germanic cultures that enable them to affect the interpretation of the acts of or concerning violence they take part in, not only as aid to the wielders but as individually meaningful components, and this chapter will also note how the

socio-cultural identities of these weapons, likewise, are affected by the acts pertaining to violence. The second chapter of this section (eighth in the thesis overall) will focus on the arena or the space within which an act of violence may take place and its relationship with said act, and discuss how the space and its relation to other ‘mate-realities’ convey more than is apparent in the act itself.

A weapon was an integral part of the life of a man brought up in Germanic cultures, often directly or indirectly shaping his identity as a functioning member of his tribe or community. Critics argue for the etymology of the word ‘Saxon’ being derived from the weapon *seax*,⁴⁰⁷⁴⁰⁸ which, if true, may indicate frequent use of that particular weapon in the tribe. Equally significant is the use of ‘spear’ or *gár* in the kenning *gár-Denas* (Spear-Danes) as a synonym for *Scyldingas* in *Beowulf*.⁴⁰⁹ Likewise, warriors of the second Viking Age are distinguished from their Anglo-Saxon and other Germanic counterparts by their proficiency in wielding the Dane-axe, a double-handed axe.⁴¹⁰ These connections, therefore, however tenuous, indicate to what degree the complex traits of Germanic nationhood and the use of weapons as tangible objects were intertwined. Moreover, as we have seen in the chapter concerning *comitatus*, weapons (or gifting of weapons) were used to initiate a warrior to adulthood (See: Chapter Five, “Comitatus- The Gift-Giver and the Retainer”, p.166) and, oftentimes, also to signal an end of it, as noted later in this chapter (See: p.233). From this, we can conclude that these weapons were not only a part of the Germanic man's connection to his community, but also of his personal identity and growth. Therefore, the weapons, particularly

⁴⁰⁷ Joseph de Baye, *The Industrial Arts of the Anglo-Saxons* (London: Swan Sonnenschein & Co.; New York: MacMillan & Co., 1893), Reprint (2008), 27.

⁴⁰⁸ “a short single-edged weapon rather like a Khyber-knife”. Ian Peirce and Ewart Oakeshott, *Swords of the Viking Age* (Great Britain: Boydell Press, 2002), 10.

⁴⁰⁹ 1.1^a; 601^a; 1856^b; 2494^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

⁴¹⁰ Paul Hill, *The Anglo-Saxons at War: 800-1066 AD* (Great Britain: Pen & Sword Military, 2012), 280, PDF e-book.

the sword, can be said to have both tangible and intangible features, which may be bartered to bolster and break human relations and confirm or deny traits associated with their identity. We have noticed this, partly, in the role of weapons in previous chapters such as "Masculinities and Femininities" and "Kinship and Violence", but there the swords are seen as facilitators of such conversations, or defining the relation of violence to concepts such as masculinities, femininities and kinship. We, however, have not yet observed how their own identities and functions as weapons are shaped by concepts of violence.

Framework of the Chapter

Therefore, the chapter on weapons will focus on this heretofore undiscussed area, holding the weapons responsible as active participants in the dialogue that violence makes possible between socio-cultural networks—the conversation partners of the weapons, in this case, being the acts of or related to the violence they participate in. We have selected these conversation partners, that is, weapons and violence, based on the format the thesis has followed so far. We have so far evaluated certain networks using the potentiality of violence as a communicator, and examined how these networks in turn have contributed to shaping the communicative or interpretative role of violence. The need for this framework is self-evident, a communicating device is only made relevant by its users as it cannot use itself. Why, then, should a communicative device (violence) be treated as an active partner in the dialogue? The answer lies in the nature of the subject of this chapter itself. Although weapons are not exclusive of the networks discussed in the last chapters, their relevance in the conversation is most often derived from their apparent role/s as aids to violence itself. Hence, it stands to reason that violence should take up, in this chapter at the very least, the role of an active participant/communicator while retaining its charges as a communicating device. Hence in this chapter, the dynamic between weapons and violence will be the network through which we will continue our discussion on the role of violence as a communicating device within the Early

Germanic cultural context. As violence is made to work as both an active conversation partner and facilitator of said conversation, the weapon will naturally be observed in both of these roles. We will carry out this observation in two interconnected phases. Firstly, we will consider a weapon as a receptive partner or an instrument used in violent/violence-related actions, where meaning is conferred onto the weapon by the nature of the action. Secondly, we will look to weapons as both passive and active contributors of meanings to actions it participates in, that is, cases where a weapon by virtue of possessing a meaningful identity (both individually and as a part of a collective) may define how the natures of such acts, as well as the identity and personality of the wielders, may be interpreted. In the first phase, the action itself is important, the identity of the weapon being secondary to the action. In the second phase, the tangible and intangible aspects of a weapon's identity become the primary concern, as it is evaluated as a contributor of meaning to the action it takes part in. These transactions of meanings are symbiotic by nature. A weapon can use and pass on to its next action a meaning or identifier earned through one of its previous experiences, and sometimes the meanings/identifiers an action can transfer to a weapon are also dependent upon pre-existing identity traits of that particular weapon. We have chosen to demonstrate the symbiotic relationship of violence and weapon within a communicative context, therefore, through selected actions that qualify as exchanges of weapons. Hence the word 'action' and 'exchange' have been used quite interchangeably through the chapter, which should not confuse the readers.

Violence Affecting/Influencing Weapons

Therefore, as we delve into the first of these interconnected phases, which concerns actions of or related to violence affecting the identity of the weapons, it is necessary to establish what sort of actions 'of' or 'related to' violence can be defined as exchanges of weapons. Certain actions 'of' violence, such as personal combats, battles and violence undertaken in feuds are based on the premise of reciprocity, and therefore in these violent actions the use of

weapons can be termed as ‘exchanges’ of weapons, albeit represented by the blows delivered thereby rather than any handing over of the weapons themselves. We will come to this later. It is harder to determine which actions ‘related to’ violence (but not involving prompt violence and/or immediate violent action) can be defined as ‘exchanges’ of weapons, and for this Härke provides a useful blueprint. Heinrich Härke, in “The Circulation of Weapons in Anglo-Saxon Societies”,⁴¹¹ points out four such cases: where the lord gifts the weapon to the retainer (also among friends), where the retainer gifts the lord a weapon, where the weapons are heirlooms, and, last but not the least, the deposition of weapons in graves and lakes. This section of the chapter will first discuss how non-violent exchanges of weapons define their meanings with selective reference to this four-fold model, that is to say, we shall re-arrange the types slightly to club together the gift of weapons from the lord to the retainer and vice versa, considering gifting of weapons to friends and to relatives as the second and the third types of these non-violent exchanges, respectively. We shall keep aside for the time being the examples regarding the deposition of the weapons, as our immediate concern is the non-violent exchange of weapons, and the weapons deposited in places such as graves, when not altered to make them unusable, are often either very old or made for ceremonial use, thus not meant to be inherited or bestowed.⁴¹² However, qualifying the other three cases as exchanges, that is, the gift-giving of the lords and retainers, the weapons as gifts between friends, and the weapon being gifted as an heirloom, may raise some valid questions, including why a gift should be considered part of an exchange. This is because, as Härke points out, such actions are seldom without obligations.⁴¹³ In fact, unanticipated gift-giving in some extreme cases may be perceived by

⁴¹¹ Heinrich Härke, “The Circulation of Weapons in Anglo-Saxon Society”, *Rituals of Power: From Late Antiquity to the Early Middle Ages, Transformation of the Roman World* Vol. 8 (Brill, 2020), 377.

⁴¹² Hilda Ellis Davidson, *The Sword in Anglo-Saxon England* (The Boydell Press, 1962), reprint (1994), 12-13.

⁴¹³ Heinrich Härke, “The Circulation of Weapons in Anglo-Saxon Society”, *Rituals of Power: From Late Antiquity to the Early Middle Ages, Transformation of the Roman World* Vol. 8 (Brill, 2020), 379.

the recipient as the giver trying to force on them a debt or a promise they would rather not incur (See: Chapter Seven, “Weapons and Their Wielders”, p. 237-238). Hence, peaceful acceptance of gifts, even if they are weapons, may only exist where both parties have equal interest in this, or when one party is willing enough to accept the other’s ascendancy over them. In the first example, or in cases of circulation of weapons between parties of equal standing and interest, the ‘gift’ of a weapon is often materially repaid with an item the original recipient considers of similar value. In the second example, or in cases where one party involved in this exchange willingly accepts the authority of another, the acknowledgement of ascendancy and often an ensuing vow of allegiance are the repayments, thus making the ‘gifts’ exchanges without a doubt. In situations where the giving of a weapon signifies ascendancy of the giver over the recipient, the gift of a weapon itself may either be a reason or result of this ascendancy.

Therefore, in the first category of circulation/exchanges cited by Härke (i.e. weapons being gifted to the retainer by the lord), the power-dynamic in a mead-hall is often dependent on the treasures distributed among the followers from the gift-throne, relegating them as receivers to the status of the indebted, and simultaneously establishing the lord as the one to whom this debt is to be paid by services. Accepting rewards for a job well-done, naturally, reinforces this dynamic by making the lord the authority for disbursing the rewards. Hroðgar, therefore, does well to caution Beowulf to safeguard against the tendency that comes with too long a hold on power, making one forget to re-affirm his position through rewards:

þinceð him tó lýtel þæt hé tó lange héold·
 gýtsað gromhýdig· nallas on gylp seleð
 faédde béagas ond hé þá forðgesceaft
 forgyteð ond forgýmeð ...⁴¹⁴

⁴¹⁴ ll. 1748^a-1751^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

(What he has held for so long seems too little to him, [he] hostile-mindedly covets [more], in vainglory he never gives adorned rings and he forgets and neglects the world.) Furthermore, if the follower dies during his service, his primary sword can, upon his death, be returned to the lord, as Hilda Ellis Davidson cites regarding *heriot*.⁴¹⁵ *Heriot* was originally a death-duty paid by the tenant (the follower in this case) to his lord upon the former's death, usually out of borrowed military equipment; here, it may be understood to be borrowed from the lord himself, as weaponry borrowed from others could hardly be paid back as death-duty due to legal repercussions. The role of the weapon, then, is integral to the Germanic warrior's life-cycle; it is a mark of his initiation into a community of warriors, as a reward it is a symbol of his dedication to his lord and also a guarantee of his loyalty, and in death, by being returned to the lord, a mark of the termination of service. This description also aptly answers how this kind of action, that is, gift of a weapon from a lord to his retainer, affects the identity of the weapon. In all stages it confers onto the weapon the role of a witness and symbol of social transformations, marking the transformation of the youth to the member of a warriors' community and a retainer, and of the functioning retainer to one no longer capable of wielding any service to his lord. This symbolically transformative faculty of a weapon immediately gives the lord ascendancy as issuer of this validation or transformation. The question the sentry poses to Beowulf upon his entrance into Hroðgar's lands thus immediately sets him apart – he appears as “*nis þæt seldguma/ waépnum geweorðad*”⁴¹⁶ (This is not a retainer made worthy by weapons). Though Beowulf is loyal to his lord/uncle and an able warrior, he does not ‘require’ the gift of a weapon/weapons to be declared fit for such services, his heroic nature is self-evident. The type of the sword that is chosen for such gifts may also contribute to their dynamic; ring-swords are of particular interest to the discerning retainer as the rings might have been

⁴¹⁵ Hilda Ellis Davidson, *The Sword in Anglo-Saxon England* (The Boydell Press, 1962), reprint (1994), 12.

⁴¹⁶ ll. 249^b-250^a, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

proof of the service done for the lord.⁴¹⁷ They are, moreover, used in Anglo-Saxon texts to often distinguish the figures of importance, both in wielding of them or in distributing them to able retainers. A travelling skald, likewise, could also be rewarded with weapons for any verse he would make in praise of the ruler whose hall/court⁴¹⁸ he is visiting, and often taken into their service. We have to keep in mind that these bards, along with being poets, were warriors in their own right, and their stay at the court included fighting as well as verse-making, hence this acceptance into court/hall was no small matter, and indicative of the ruler's faith in the bard's prowess. The gifting of the weapon from the lord to the retainer, then, may stand for the worth it imparts to the receivers, and for an acknowledgement of the services the receiver has provided to the giver. In both circumstances, the weapon, by being gifted, becomes a reminder of the authority the giver has to decide who is 'worthy' of this gift. It can be said, therefore, that this action of 'gifting' transfers onto the weapon the status of a representative of the authority of the giver.

The latter part of this first kind of exchange that Härke lists is the gift of weapon made to the lord by someone of lesser social and political status. This reversal of roles may seem arbitrary at first glance if, as in the first situation, we see weapons as merely the symbol of the validation of the retainer, or henchman, or the one who renders the service. However, this reversal of tradition may not seem as much of a reversal but rather a reinforcement if we consider this validation a two-way process. It is because this giving of gifts from one of lesser social and political status to his betters occurs most often when proof of subjugation is needed on the part of the former, or when the giver of the weapon wishes to voluntarily acknowledge

⁴¹⁷ Sue Brunning, *The Sword in Early Medieval Northern Europe, Anglo-Saxon Studies* 36 (The Boydell Press, 2019), 11.

⁴¹⁸ The Icelanders' sagas, which record a considerable number of skalds travelling to the dominions of jarls and kings of mainland Scandinavia and the British Isles, speak of court-settings. These events take place in tenth-eleventh century, when a more centralised power is possibly seen as more profitable for the travelling skald. A 'hall' is more applicable to a tribal chief/head of the migration period with a smaller retinue.

the receiver as his superior, often in return for some kind of benevolence from the superior party. Interpreted in this light, the gift of a weapon from a retainer to his lord may seem a practical way to advance or alter the former's career, but it is not only the living retainers who give weapons as gifts to their lords. As opposed to having to arrange for the return of the retainers' weapons to the lord upon their death, Hilda Ellis Davidson cites a case from one of the Anglo-Saxon wills where a retainer willingly bequeaths his lord a sword in his will, the sword being one that he had received from King Edmund, an authority presumably greater than his overlord.⁴¹⁹ However, here too, the gift of a weapon from the retainer to the lord seems to have a purpose that mirrors some aspects of the previous section. The retainer, by giving his lord a sword that comes from an authority that reigns above both of them (and made of richer material besides), may identify the lord as the worthier and the more befitting recipient for such a treasure. Therefore, we may come to the conclusion that gift of a weapon from the lord to the retainer declares the retainer worthy, the weapon being a token of the worth the lord associates with the latter's present/future service; and, similarly, a gift of this type from the retainer to the lord acknowledges the lord's worth, admitting that the lord has been, or is trusted to be someone worthy of being served.

The second kind of gift, circulation or non-violent (or not directly violent) exchange of weapons cited by Härke that will be discussed in this chapter as attributing meanings to the weapons is friends gifting or giving weapons to each other. This, as "Hávamál", the collection of proverbial sayings in *Poetic Edda* dictates, is essential in preserving the bonds of friendship:

Vǫpnum ok vǫþum|
 skulu vinir gleþjask,
 þat's ā sjǫlfum sýnst;
 viðprgefendr|

⁴¹⁹ Hilda Ellis Davidson, *The Sword in Anglo-Saxon England* (The Boydell Press, 1962), reprint (1994), 118.

erusk vinir lengst,
ef þat bīþr at verþa vel.⁴²⁰

(You shall honour your friends with arms and garments, one can see for oneself that if their fates are fair, the friendship of gift-givers last longest.)

However, it is also necessary that these gifts between friends should not create a situation of ascendancy. This is why, the next verse in “Hávamál” itself dictates that this exchange between friends should be equal:

Vin sīnum |
skal maþr vinr vesa
ok gjalda gjǫf viþ gjǫf,⁴²¹

(A man should prove [himself] as a friend to his friends, if he gives gifts in return for gifts...)

This makes the gifting of weapons not only a simple exchange between friends, but also an acknowledgement of mutual debt and duty. This function of weapons as the equivalent of a modern IOU might not be particular to the weapons as articles but to the idea of gifting in general in Early Germanic cultures. It should be noted that in *Gísla saga Súrssonar*, Þorkell, who has found out his wife Asgerða’s secret affection for Vésteinn and is set upon exacting revenge, refuses the gift of Vésteinn so as to not create a conflict of interests by being indebted to the very person he seeks to kill:

Segir Gísli að Vésteinn var þar kominn og hann hefur gefið þeim báðum saman gripina og sýnir honum og biður hann af hafa slíkt er hann vill.

Þorkell svarar: "Þó værir þú maklegur þó að þú eignaðist alla og vil eg eigi þiggja gripina; eigi eru launin sýnni en svo."

Og vill hann víst eigi þiggja. Nú fer Gísli heim og þykir honum um allt einn veg á horfast.⁴²²

⁴²⁰ S. 41, “Hovamol”, *Poetic Edda*, trans. and ed. Henry Adams Bellows, Karl Hildebrand and Hugo Gering (Melbourne: 2011), 58, PDF e-book.

⁴²¹ S. 42, “Hovamol”, *Poetic Edda*, trans. and ed. by Henry Adams Bellows, Karl Hildebrand and Hugo Gering (Melbourne: 2011), 59, PDF e-book.

⁴²² 12 Kafli, *Gísla saga Súrssonar*, accessed October 5, 2020, <https://www.snerpa.is/net/isl/gisl.htm>.

(Gísli said that Vésteinn had come there and he had given the treasures to both of them, and he showed Þorkell the treasures and asked him to have what he desired.

Þorkell answered: “You are fair enough to possess all, and I would not accept any; It is not clear how I shall repay them.”

And he certainly did not wish to accept. Now Gísli went home and thought that things were all going in one way.)

It is clear here that Gísli, Þorkell’s brother and Vésteinn’s brother-in-law (sister’s husband), sees this refusal of gifts as boding ill for the integrity of his personal kin-group, as Þorkell’s unwillingness to take part in a chain of debts would, and eventually does, lead to the collapse and partition of Gísli’s kin-group. Gifting of weapons, thus, is not without the social trappings that come with the acceptance of gifts in general, and could be cause for insult if not agreed upon by prior consent; in *Egils saga*, Egill is particularly enraged when he finds out that Einarr has left behind a shield for him when he was at home:

Síðan reið Einar í brott, en þann sama dag kom Egill heim; en er hann kom inn til rúms síns, þá sá hann skjöldinn og spurði, hver gersemi þá ætti; honum var sagt, að Einar skálaglammm hafði þar komið og hann hafði gefið honum skjöldinn.

Þá mælti Egill: "Gefi hann allra manna armastur! Ætlar hann, að eg skyli þar vaka yfir og yrkja um skjöld hans? Nú takið hest minn. Skal eg ríða eftir honum og drepa hann." ⁴²³

(Then Einarr rode away, but that same day Egill came home. However, when he came to his bed, he saw the shield and asked where the treasure had come from. He was told that Einarr Skálaglammm had come there and he had given him (Egill) the shield.

Then Egill spoke: “Most wretched of all men is he to give [me the shield]! Would he have me (lit., ‘that I should’) stay awake and compose [a verse] about his shield? Now I shall take my horse. I must ride after him and kill him.”)

Here Egill is wroth because he thinks that Einarr has imposed this gift on him to compel him to write a praise in return, probably because not only was the shield expensive enough to make a material exchange difficult, but it was also a gift that Einarr himself had received as a gift for

⁴²³ 81 Kafli, *Egils saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/egils.htm>.

his poetic talent, potentially emphasising (in Egill's eyes, at the very least) its emblematic value and the anticipated return gift, i.e. a verse by Egill, the verse (also, in Egill's eyes) being a challenge aimed at Egill's poetry skills.⁴²⁴ Hence, if we loosely interpret the term "friends" as social equals, gifting of weapons, as well as gifting in general, was a social contract that could be ideally carried out without the outcome displeasing either party only when both parties had consented to the exchange, and had set up terms of agreement regarding return gifts. Therefore, this exchange, too, confers on the weapon the role of a witness, whereby the weapon stands as a material testament to the compliance (or lack thereof, in Egill and Einarr's case) of the parties involved in the exchange.

The third type of non-violent exchange of weapons cited by Härke that is illustrated here as giving meaning to the weapons is the passage of weapons as heirlooms. The more popular battle-gear here is definitely a sword, although records exist of other weapons being part of this passage (see: this chapter's note on *Víga-Glúm's saga*, pp.261-262). When weapons acquire the status of heirlooms, they also carry the burden of the kinship ties through which they pass hands. Within the close-knit network of family, the weapons are categorically made to perform as identifiers and affirmers of the relationships that make their inheritance possible. For example, we may cite the case of Sigurður in *Völsunga saga*, who brings the broken shards of an heirloom sword for the swordsmith Regin to mend when no other sword seems to work for him.⁴²⁵ As the re-forged sword, now named Gram, does suit Sigurður better, its adaptability, in the context of the legendary saga it is taken from, may be seen as a symbolic passage of an heirloom weapon. It appears first as part of a test created by Óðinn to bestow the article on the worthiest. When Óðinn's descendant Sigmundur (and Sigurður's father) is able to pull it out of

⁴²⁴ William Ian Miller, "Requiting the Unwanted Gift", *Humiliation and Other Essays on Honor, Social Discomfort and Violence* (Cornell University Press, 1993), pp 17-18.

⁴²⁵ 15 Kafi, *Völsunga saga*, accessed May 10, 2022, <https://www.snerpa.is/net/forn/volsung.htm>.

the tree wherein Óðinn had embedded it,⁴²⁶ his success, by virtue of his identity, may have also conferred onto the weapon the status of an heirloom. The weapon's status as an heirloom, then, is further reinforced when it starts working again for none other than its original retriever's son, who, like the retriever, is also the original owner's (Óðinn's) descendant. Likewise, Hygelac giving Beowulf the ancestral sword can be seen as a tacit transfer of authority or acknowledgement as heir:

Hét ðá eorla hléo in gefetian,
 heaðoróf cyning, Hréðles láfe
 golde gegyrede· næs mid Géatum ðá
 sincmáðþum sélra on sweordes háð·
 þæt hé on Bíowulfes bearm álegde
 ond him gesealde seofan þúsendo,
 bold ond bregostól. Him wæs bām samod
 on ðám léodscipe lond gecynde
 eard éðelriht, óðrum swíðor
 síde ríce þám ðaér sélra wæs.⁴²⁷

(Then the protector (lit. shelter) of noblemen, [the] battle-famed king, commanded to fetch inside [the] gold-adorned heirloom of Hreðel. Among the Geats there was no better precious-treasure sword-wise. He laid it on Beowulf's lap and sealed him [as a ruler] with seven thousand [hides of land] as residence and throne. In that kingdom, [the] inherited land, [the] earth [by] ancestral right belonged to (lit. was with) both of them, [but] greater [part] of that broad kingdom [was given] to the better among them.)

It is further enforced when Hygelac's wife herself, in an act that is starkly contrasted with Wealhðeo's insecurity about her own children's inheritance, asks Beowulf to take his deceased uncle Hygelac's seat, though she and Hygelac do have surviving male children. This is understandable; Beowulf, in Denmark, is the member of a different tribe, the Geats. Hrothgar's enthusiasm about calling Beowulf his heir legitimately alarms the mother of his children. Hygd

⁴²⁶ 3 Kaffli, *Völsunga saga*, accessed May 10, 2022, <https://www.snerpa.is/net/forn/volsung.htm>.

⁴²⁷ ll. 2190^a-2199^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

entrusts the kingdom to a worthy retainer of her husband because her child is a minor. She asks Beowulf to take over the throne by looking over the claim of her own son:

þaér him Hygd gebéad hord ond ríce
 béagas ond bregostól: bearne ne trúwode
 þæt hé wið ælfylcum épelstólas
 healdan cúðe ðá wæs Hygelác déad.⁴²⁸

(There Hygd bade him [to take] hoard and kingdom, rings and throne; she did not trust [her] child, that he could hold [the] ancestral seats against foreign forces when Hygelac was dead.)
 The role of the weapon as an identifier may have also had some practical value derived from its role as an heirloom. Beowulf, in case he dies in his upcoming battle against Grendel, seeks his Weland-wrought armour to be returned to Hygelac:

Onsend Higeláce gif mec hild nime
 beaduscrúda betst þæt míne bréost wereð,
 hrægla sélest. þæt is Hraédlan láf
 Wélandes geweorc. Gaéð á wyrd swá hío scel⁴²⁹

(If battle takes me, send to Hygelac [the] best of battle-shrouds, most excellent of garments, that is, Hreðel's legacy, Weland's work, that protects my chest. Fate goes as she must.)
 Considering the legendary status of the armour and the fact that it is termed 'Hreðel's legacy', it is obvious that this article is an heirloom. Given the nature of the foe, it is possible that the armour, like Gram in *Völsunga saga*, is also meant to function as an identifier of Beowulf's ancestry, but in a more material and pragmatic aspect: in absence of Beowulf's body, his death may be ascertained by his kinsmen by the armour he wears. This example by all means could have fitted into the narratives (and the second phase of this chapter) where the unique identity of a weapon contributes to the meaning of violence, but weapons and armour are accredited to Weland far too many times for it to have any other unique significance than that it is well-

⁴²⁸ll. 2369^a-2372^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

⁴²⁹ ll. 452^a-455^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

made. It is the consecutive actions of passing of the armour to the kinsman, the ascertaining of the bestower's death thereby, and the kinsman's expected acceptance thereof that acknowledge the armour as being part of the hoard of the Weder-Geats. Beside the descriptor *Hraéðlan láf* ('Hreðel's legacy'), moreover, it is the right of Beowulf to transfer it to Hygelac that makes it stand apart from any other armour made by Weland, marking it as an heirloom. In both cases (in the cases of Gram in *Völsunga saga* and Hreðel's armour in *Beowulf*, that is), therefore, the status of the weapon as an heirloom is derived from the identity of the parties on both sides of the transfer. Therefore, it may be concluded that it is the placement of both parties within the network of a family that, through the passage of Óðinn's sword (which later becomes Gram) and Hreðel's armour as inheritance, reinforces the status of the weapon and armour as heirlooms.

After considering how gifts and exchanges of weapons where violence is not directly involved may meaningfully contribute to the identity of a weapon, we shall attempt to note the circumstances in which meaning can be transferred onto the weapon through direct acts of violence. As weapons and their wielders are indivisible, any action of violence committed by the weapons will influence the identity of the weapons and the wielders alike. We shall consider this transfer of meanings in light of the roles weapons play in such actions. Keeping in mind the fact that this chapter holds weapons as active partners of the conversation, these roles may be threefold: where the weapon is an initiator, where the weapon is an aide/instrument, and where the weapon is the receiver. The meaning the weapon gains as an initiator is part of the loop and feedback process in which it engages with violence as a possessor of a unique identity. Therefore, instead of examining it now, we are assigning the weapons' role as initiators to the second section of the thesis, which discusses individually meaningful weapons' ability to affect meanings of actions of or related to violence. Of the other two roles, the more prominent one would of course be its responsibility as a wielder's aide in violence, where meaning is

transferred onto the weapon through the action it aids, but we will also look at the meaning weapons may gain from being on the receiving end of violence as not only an aide but as a target as well.

In the first case, or when the weapons gain meaning from the active role/s they play on the battlefield as aides of the wielders, their identity may be bolstered by their success or failure, reflected in the kennings that are used for them or the names they are known by. *Beowulf* alone contains several kennings for the weapons used throughout the text, such as *hildeléoman*⁴³⁰ (“battle-light”). The past success of the weapons, likewise, are just as frequently referred to in verses pertaining to battle scenes— their experience in battle earning them reputation just as in the case of the hard-working Germanic warrior, or more precisely because of them. In *Waldere*, for example, Waldere’s companion assures him victory on account of the sword Mimming itself, which has already been used to great effect by many previous wielders:

... hyrde hyne georne:
 'Húru Wélande<s> worc ne geswíceð
 monna áenigum ðára ðe Mimming can
 hear{d}ne gehealdan.⁴³¹

(... She bade him eagerly: “Surely Weland’s work won’t fail any man among those who can hold Mimming, the hard sword.)

As in Mimming’s case the consistent success of the sword marks it as valuable, or a validating testament of its earlier owners’ prowess, and convinces its present and future wielders of its worthiness, it stands to reason, then, that the failure of a weapon may also be treated as a reflection of its wielders and owners, and ward off any potential owner. It is, therefore, not without reason that the *Beowulf* poet needs to defend the honor of weapons in cases where they

⁴³⁰l. 1143^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

⁴³¹ ll. 1^b-4^a, *Waldere*, accessed November 12, 2021, <https://heorot.dk/waldere.html>.

do fail. When Hrunting fails to pierce the hide of Grendel's mother, the *Beowulf*-poet is quick to bring up its past successes:

... ðolode aér fela
 hondgemóta· helm oft gescær
 faéges fyrdhrægl· ðá wæs forma síð
 déorum mádme þæt his dóm álæg.⁴³²

(He [the sword] had previously endured many combats, often broken helms, the war-garments of the doomed; it was the first time for [the] precious treasure that its glory lay low his judgement had failed.)

While the reason for this defence may be to vouchsafe the ability of Beowulf, it is unlikely, as Beowulf has proven his worth earlier in that very narrative. Brunning, however, points out that by virtue of the indivisibility of a weapon and its wielder, the failure of Hrunting may be taken as a result of the untrustworthiness of Unferth, the kin-slayer who gives Beowulf that sword,⁴³³ and therefore the *Beowulf*-poet's defense of the sword may be an attempt to dissociate the sword's failure, and by default its reputation, from the unsavoury past of Unferth. This goes on to say that in all cases where the weapon's ambiguous or independent agency is not apparent, that is, where the weapon is present more in the facility of an aide, its participation and the result thereof is treated in the same light that a human aide's involvement would, that is, the culpability is shared by the weapon and the wielder, and sometimes the weapon and the owner. An example of the latter case may be cited from the Kentish laws of Æthelberht, where the owner of a lent weapon has to pay compensation for criminal activities committed with the weapon.⁴³⁴ It is to note, here, that in the concerned law/s the owner's knowledge or intent

⁴³² ll. 1525^b-1528^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

⁴³³ Sue Brunning, *The Sword in Early Medieval Northern Europe*, Anglo-Saxon Studies 36 (The Boydell Press, 2019), 126.

⁴³⁴ Æthelberht 18-20, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge: Cambridge University Press, 1922), 6, PDF e-book (2015).

regarding the crime is not assessed separately. On the sole basis of the action committed, this law considers the involvement of the weapon representing the involvement of the owner as well, and therefore also his intent.

A similar logic may be applied to cases where a weapon itself becomes the target of violence. The maiming of the weapons may either happen within the battlefield, where the person inflicting the violence may or may not aim intentionally at the weapon, or, on the other hand, weapons may also receive their doom outside the battle-field, where this action is almost always intentional or ritualistic. The reason for the *Beowulf*-poet's apologia for Hrunting (as described in the last paragraph) may match the symbolic significance the breaking of a weapon may have for its wielder irrespective of the intention of the person who breaks it. As we have noted in the last paragraph, one of the reasons for this apologia is that the sword without a pronounced ambiguous/independent agency has an identity mostly indivisible from that of its wielder, and any negative action on the wielder's part may hamper the reputation of the sword itself. Conversely, then, it would also be sensible to suggest that the wielder's identity as a warrior depends on how well the sword performs or is made to perform in the arena. As the failure of Hrunting may carry the danger of it being deemed an inferior weapon by virtue of being associated with the unheroic actions of Unferth, so may the breaking of a sword indicate some failing on the warrior's part. Kormákur in *Kormáks saga*, certainly, sees the breaking of the sword Sköfnung as a sore point in his pride. The breaking of Sköfnung and the wounding of his wrist at the *hólmganga* (trial by combat/duel fought on an island) with Bersi may complement each other in making a lasting mark on Kormákur's self-image, as is evinced by his growing anger to not be able to repair the rift in Sköfnung:

Eftir þetta fer Kormákur heim á Mel og finnur móður sína. Hún græðir hönd hans, verður ljótt og grær um ólíkan. Skarð það er í var Sköfnungi hvöttu þeir. Var það því meira sem það var oftar hvatt.⁴³⁵

(After this, Kormákur goes home and finds his mother. She heals his hand, but it becomes ugly and heals slowly. They try to whittle the rift that was made in Sköfnung. But the more they whittle it the greater [the rift] becomes.)

The growth of the rift in Sköfnung as it is whittled, further, may either symbolise or serve to highlight Kormákur's progressively wounded pride and inferiority complex. It is more so because he knows that, despite his protestations, he cannot deny that Sköfnung is a superior sword, thus leaving only the wielder's incompetence to blame.⁴³⁶ His refusal to accept a healing by his opponent Bersi's sword Whitting (as the life-stone accompanying Whitting was able to heal any wound inflicted by the sword⁴³⁷) would also symbolise his reluctance to acknowledge Bersi's victory, as both Sköfnung's and his wound are caused by Whitting.⁴³⁸ Hence the meaning that is conferred onto the weapon/s by their breaking in the battlefield may say more about the wielder than the wielded. The action performed on the weapon/s thus make messengers out of them, rendering them into visible statements of their wielder's prowess or lack thereof.

This, however, mostly takes into account the significance the weapon may earn from being the intended or unintended casualty of a violent action performed within an arena. Delving further into the topic of weapons as victims of violence, the weapon/s may be found

⁴³⁵ 11 Kafli, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

⁴³⁶ Ibid.

⁴³⁷ Miriam Mayburd, "Objects and Agency in the Medieval North: The Case of Old Norse Magic Swords", *Sredniowiecze polskie i powszechne* 16 (2020): 48-49, accessed October 1, 2024, doi: 10.31261/SPiP.2020.16.03.

⁴³⁸ 11 Kafli, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

to function in a similar role of conveyer when they are altered and/or harmed by actions committed outside the confines of a battle-field. It is for this reason we had isolated the last category of the situational exchanges of weapons that Härke describes, that is, the deposition of weapons in peat-bogs and lakes. Davidson here calls up the reference of Orosius, where the latter describes the Germanic warriors of the Kimbri tribe destroying their wealth after a battle and throwing them into lakes, and Davidson follows it up with several such depositions that occur throughout Scandinavia and Anglo-Saxon England, including one particular at Illerup that is an example of planned deposition of weapons burned at the pyre.⁴³⁹ The juxtaposition of Orosius' account and the examples of similar depositions as mortuary practices in Scandinavia is bound to make us speculate a connection between these post-battle sacrifices and funerary practices. The post-battle sacrifices of weapons often involved the weapons going through processes that would physically alter them to the point of being unusable. Such sacrifices could have relation to pagan practices that even Orosius was not able to decipher and disclose. But when the same practices are interpreted in the light of funerary customs, a weapon thus processed and rendered unusable may have the same connotations that a weapon earns when it becomes part of the grave-bound retinue through such processes. That is to say, such transformative processes, by intended or unintended physical alterations of the weapons that may render them unusable, could also impose upon the weapon meanings that extend beyond their usage in battles in the physical or mortal realm. For example, Squires suggests that cremation or partial cremation of the weapons and other articles could be in order to 'transform' them to be used by the dead's new or after-life form.⁴⁴⁰ In *Ynglinga saga*, also, Snorri describes Óðinn as saying that the wealth an individual may accumulate in life may travel with his spirit

⁴³⁹ Hilda Ellis Davidson, *The Sword in Anglo-Saxon England* (The Boydell Press, 1962), reprint (1994), 6-7.

⁴⁴⁰ Kirsty E. Squires, "Piecing Together Identity: A Social Investigation of Early Anglo-Saxon Cremation Practices", *Archaeology Journal* 170, no.1 (Taylor and Francis, 2012), 196.

to the afterlife if cremated with the body.⁴⁴¹ In this context, although the weapons are rendered unusable by any mortal, it is but a side-effect of the process of making them useful in the next life, conferring onto it the significance of a battle-aide whose functionality extends beyond its purpose in the mortal life. However, such physically altering processes may, also, sometimes be conducted for the express purpose of putting a weapon out of circulation, the alteration acknowledging the weapon's role as a battle-aide but refusing to further it. Welton suggests that a dead man's children may burn his weapons in public to indicate that they wish for peace in their father's active feuds.⁴⁴² Inhumation of weapons with their users, in similar ways, could be more than mnemonic in its purpose. This thesis proposes that inhumation could also confer onto the weapons the role of peace-makers by literally taking them out of sight and circulation, as a buried man's sword to his kinsman is often the waking reminder of his murder, though the weapons in this process are rendered unusable by virtue of their location and natural erosion rather than a violent act inflicted on the weapon. Beowulf is cynical about the peace between Scyldings and Heaðobards established by the marriage of Hroðgar's daughter Freawaru and Froda's son Ingeld, and one of his concerns is the reminder of the feud the Scyldings may carry into the wedding hall along with the treasured heirloom weapons won from Heaðobards:

Mæg þæs þonne ofþyncan ðéoden Heaðo-Beardna
 ond þegna gehwám þára léoda
 þonne hé mid faémnan on flett gaëð:
 dryhtbearn Dena duguða biwenede,
 on him gladiað gomelra láfe
 heard ond hringmaél Heaða-Bearna gestréon
 þenden híc ðám waépnum wealdan móston.

⁴⁴¹ 6 Snorri Sturluson, 8 Kafi, "Ynglinga saga", Heimskringla, accessed March 5, 2021, <https://www.snerpa.is/net/snorri/yngl-sag.htm>.

⁴⁴² Andrew John Welton, "The Spear in Early Anglo-Saxon England: A Social-Technological History" (PhD diss., University of Florida, 2018), 275.

Oð ðæt híc forlaéddan tó ðám lindplegan⁴⁴³
 swaése gesíðas ond hyra sylfra feorh.⁴⁴⁴

(Then, this may displease the lord of Heaðobards and every retainer of that tribe when he [Froda] walks with [the] maid on [the] floor, that the noble children of Danes, [her] army, are entertained, [and that] on them should gleam heirlooms of yore, hard and ring-adorned, the treasures of Heaðo-bards, so long as they are able to wield them, until they led [their] beloved companions and their own lives to disaster in shield-play.)

In the light of these war-begotten swords being brought by the Danes into the merrymaking, Beowulf foresees that there will be some (represented here by the figure of the *eald æscwiga*⁴⁴⁵/ ‘old ash-warrior’) who will see this as reason enough to incite any young champion present there into breaking their peace with the Danes, pleading convincingly enough:

Ponne cwið æt béore sé ðe béahgesyhð
 eald æscwiga sé ðe eall geman
 gárcwealm gumena —him bið grim sefa—
 onginneð géomormód geongum cempan
 þurh hreðra gehygd higes cunnian,
 wígbealu weccan ond þæt word ácwyrð:
 Meaht ðú, mín wine, méce gecnáwan
 þone þín fæder tó gefeohte bær
 under heregríman hindeman síðe,
 dýre íren, þaér hyne Dene slógon·
 wéoldon wælstówe syððan wiðergyld læg
 æfter hæleþa hryre hwate Scyldungas?
 Nú hér þára banena byre náthwylces
 frætwum hrémig on flet gaëð·
 morðres gylpeð ond þone máðþum byreð
 þone þe ðú mid rihte raéðan sceoldest."
 Manað swá ond myndgað maéla gehwylce
 sárum wordum oð ðæt saél cymeð

⁴⁴³ Possibly referring to linden shields.

⁴⁴⁴ ll. 2032^a-2040^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

⁴⁴⁵ ll. 2042^a, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

þæt se faémnan þegn fore fæder daédum
 æfter billes bite blódfág swefeð
 ealdres scyldig· him se óðer þonan
 losað lifigende· con him land geare.
 Þonne bíoð brocene on bá healfe
 áðsweorð eorla· syððan Ingelde
 weallað wælníðas ond him wíflufan
 æfter cearwælmum cólran weorðað.⁴⁴⁶

(Then speaks at [the] beer-[drinking] the old ash-warrior, he who sees the precious object (lit. ring), he who remembers all, [the] spear-slaying of men- bitter is his heart (lit. bitter is heart to him)- [he] sorrowfully begins [to speak] to [a] young champion, to try [his] mind through contemplation of heart [and] awaken war-terror, and says that word: “Might you, my friend, know [that] sword, precious iron, that your father, under [the] battle-helm, bore to [the] fight, [the] last battle, where [the] Danes slew him [and the] Scyldings ruled [the] slaughter-field when (lit. after) the retribution failed after the fall of heroes. Now here the son of one or the other of these (lit. the) slayers, exulting [in] treasures, goes across (lit. on) [the floor], boasts of murder, and bears the treasure which you should possess by (lit. with) right.” Thus [he/ the old warrior] urges and reminds each time (lit. each of the time) [with] sore words until the time comes when the woman’s [Freawaru’s] retainer, for [his] father’s deed, after [the] sword’s bite, sleeps blood-stained, forfeiting (lit. forfeiting of) life. The other [the killer] then escapes alive, [the] land is readily known to him. Then on both sides the oath of noblemen (lit. earls) becomes broken. Then in Ingeld wells up murderous ambition, and [the] love for a woman in (lit. to) him becomes cold after surges of grief.)

The sight of the sword once possessed by the young champion’s family, here, is used by the old warrior as a reminder of not only the strife that has been caused to the young champion’s family, but also, by using the sight of this sword to highlight the unjust possession of the heirloom by the son of one of his father’s potential slayers, the old warrior is able to overthrow any allegiance of the young champion to this truce. Sayer, Sebo and Hughes also claim that reclaiming the sword from one’s ancestor’s grave is representative of one’s right as an heir and

⁴⁴⁶ ll. 2041^a-2066^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

avenger, as Hervör does in *Hervarar saga*.⁴⁴⁷ Conversely, then, the opposite may also be true – that is, a burial of the sword may also represent a burial of the metaphorical hatchet, that is, the burial of the weapons may also absolve the dead’s kin-group of taking up his blood debts. This may explain why Angantýr seems so reluctant to have the sword return to circulation, especially as the sword has brought nothing but misfortune to its previous wielders. Hence, burying the weapons has more than a symbolic value in these cases; by preventing the re-using of these weapons, through concealing and making them subject to natural erosion, this ritual also seeks to suppress the kind of associative memory that makes it difficult for the family of the dead to settle feuds.

However, all these roles may be simplified into one conferred by violent exchanges on the active/unburied weapon as well, that is, the role of a messenger. Though the purposes of the ritualistic maiming may be different, the retiring of the weapon seeks to transform its role in the eye of the beholder. Especially in the case of grave-depositions, this transformation in all of its interpretations acknowledges the weapon’s viability as an extension of the wielder across dimensions ranging from legal to supernatural, i.e. as a messenger carrying the wielder’s purpose and persona.

This concludes the first phase of our chapter, that is, a discussion concerning the ways an action pertaining to violence can redefine the meaning and identity of a weapon. In this discussion, so far, we have centered our analysis on the nature of the meanings certain violent/violence-related actions may impart to weapons, commenting separately on actions that qualify as an exchange but do not directly involve violence (gifting), and actions that are violent exchanges, the weapon itself becoming the recipient of violence in some cases. However, in order to make this chapter fit into the scheme of the thesis, where we try to establish violence

⁴⁴⁷ Duncan Sayer, Erin Sebo and Kyle Hughes, “A Double-Edged Sword: Sword, Bodies, and Personhood in Early Medieval Archaeology and Literature”, *European Journal of Archaeology* 22, no. 4 (2019): 546, accessed February 10, 2021, doi: 10.1017/eea.2019.18

as an element of communication that connects and has a symbiotic relationship with Germanic cultural networks, we need to prove that the weapon, also, is capable of imparting meaning to an act/exchange pertaining to violence. Therefore, in order to complete the figurative picture, the second phase of the chapter focusses on textual depictions of meaning-giving capacities of weapons in Early Germanic societies.

Weapons Affecting/Influencing Violence

The second phase of this chapter seeks to discuss the second major aspect of the relationship between violence and weapons, that is, the role of a weapon as a giver of meaning to an act of violence. Whereas in the last phase the focus was on the actions that made the weapons meaningful, this phase will focus on how the weapons also may have independent meanings beside their functional utility, and be capable of giving meaning to the actions (and the wielders) in turn. Hence, in this phase, the term ‘meaning-giver’ has been liberally used to claim an identity for the weapon, through which it would be able to transfer and control these meanings. The crux of this identity lies in the cultural perception of the tangible/intangible traits and actions of the weapon as an individual object or as a part of a collective. In this chapter, we shall look at two different settings of this identity being utilised to impart meanings to actions: firstly, we may consider the ramifications of the weapon as a passive meaning-giver, that is, when the identity of a weapon is utilised, intentionally, by primarily the wielders/makers who are aware of the contextual importance their weapons may have courtesy of the socio-cultural significance of their tangible/intangible traits. These aspects of the identity that lead to the weapon being used as a passive meaning-giver are often shared by several weapons as a group or collective displaying the same features. Secondly, we may note how some weapons may attain enough subjecthood and agency to become active meaning-givers. That is to say, by virtue of possessing unique tangible traits and intangible features like personal history or supernatural power (or powerful amulets/attachments), some weapons may come to obtain a

degree of subjecthood, or an identity that is capable of imparting wielder-independent meaning to an act of/concerning violence. In certain cases, this subjecthood may extend to a wielder-unmediated agency on the weapons' part.⁴⁴⁸ In the context of the weapon being an active imposer of meaning on acts of/concerning violence, then, the weapon's subjecthood and potentially ambiguous or independent agency enforce the meaning, the wielder assuming the role of a medium who may not even be aware of the meaning the weapon seeks to impose or enforce. These roles of a weapon as a passive meaning-giver and an active meaning-giver are by no means mutually exclusive, and the weapon's identity as a part of a collective may influence its identity as an individual and unique object, or vice versa.

The identity of the weapon as an object that is capable of having and conferring socio-cultural significances, as mentioned, can come from both tangible and intangible traits. The meanings that a weapon can disburse based on its material aspects can come from any of its material traits, such as the metal it is made of, the kind of fitting it has, the smith who has made it, et cetera. Within the scope of the resources consulted, that is, Early Germanic literature, it is easier to comment on the features of the weapons as passive meaning-givers (that is, used as such by their wielders/owners; see: p.251) in non-violent exchanges, or actions where exchanges or circulations of weapons, though related to concepts of violence, occur without any potential bloodshed. These exchanges, primarily bestowals and heirlooms, are often recorded in detail in acknowledgement or praise of the receiving and giving parties, and very often through legal documents, and therefore may contain valuable information about the weapons, including their name, shape, kind and previous possessors. It is more difficult, on the other hand, to catalogue the meanings weapons impart as passive meaning-givers to actions that directly involve violence, principally because the literature that describes such actions is

⁴⁴⁸ Miriam Mayburd, "Objects and Agency in the Medieval North: The Case of Old Norse Magic Swords", *Sredniowiecze polskie i powszechne* 16 (2020): 43, accessed October 1, 2024, doi: 10.31261/SPiP.2020.16.03.

not very forthcoming on the tangible or intangible features of the weapons, often commenting vaguely on the battle-prowess of the weapon, and, by default, on that of the wielder. The evidence that archaeology yields in this case is, beyond what concerns the functionality of the weapons, quite naturally speculative at its best. Even then, the association of certain actions (both of and related to violence) with certain features of the swords in extant literature indicate a set of normative practices, whereby we, also, can make informed guesses about the impact a weapon's identity as a passive meaning-giver could have had on the interpretation of actions it participated in.

In the case of the tangible features of a weapon's identity that facilitated its use as a passive meaning-giver, it is important for us to comprehend and analyze how these tangible features were perceived within an Early Germanic cultural context, so that the impact of these cultural perceptions on concerned actions can be more easily discerned by us. Here, the practical advantage one kind of weapon may have over another on a battlefield is not the only concern, as the weapon's capacity as both a passive and active meaning-giver goes beyond the aspiration of inflicting physical injury and death. Of the tangible features weapons may have in common as part of collectives, and, therefore, also as potentially passive meaning-givers, the category they belong to (that is, whether they are an axe, a sword, or something else altogether) is arguably the most apparent, followed by their individual parts such as material, blade, hilt and attachments or charms. The works consulted and cited in this chapter have already made lengthy observations about the variations found in each of the features mentioned, hence in the attempt to be precise and original we shall not repeat those lists here. A brief discussion, however, is in order to illustrate the varied impacts these varying features could have on the actions they participate in. As for the category of the weapon, the sword is often the most cited weapon in all genres of texts. We have already noted how ring-swords were connected to imparting of worthiness (see: Chapter 7, "Weapons and Their Wielders",

pp.233-234). Sword, in general, seems to be the preferred article for bestowals and inheritance. It is also considered the weapon of choice for conventionally heroic figures in Icelandic sagas. While the other weapons are not entirely ignored in lieu of the sword in such cases, certain types of weapons do seem to be associated with certain kinds of wielders and particular types of actions in extant Early Germanic literature, and particularly Icelandic sagas. The spear, for example, is often the weapon of choice for both a heroic outlaw and the aggrieved parties in Icelandic sagas. Both Grettir and Gísli, outlaws celebrated enough in the Icelandic saga literature to have their own sagas, are marked by their spears, an un-named weapon of that category,⁴⁴⁹ and a spear made out of the cursed sword Grasiða (with which Gísli also slays his brother-in-law, the act that leads to his outlawry⁴⁵⁰) respectively. This might be representative of the hunter-hunted dynamic that is prevalent in outlaw and/or revenge narratives, where the hunted or the criminal, potentially already removed from the protection of the law as an outlaw, and hiding in hard to access terrains, has as much need of a weapon that can hit the target from afar as the hunter or the wronged party's representatives who are 'hunting' for him across these terrains. Hill briefly toys with the idea, furthermore, that the bow and arrow may be considered as the weapon of the outlaw in an Anglo-Saxon context, but dismisses the idea in favour of the substantial literary evidence of the bow and arrow being used by military forces.⁴⁵¹ The materials which the weapons are made of are less frequently discussed. Use of relatively rare or uncommon material in the composition of a sword, however, could be indicative of the impact the wielder has or means to have on the action. Bolli in *Laxdæla saga* returns from his journey to Miklagarð (Constantinople) with the hilt of his old sword plated with gold,⁴⁵² a metal

⁴⁴⁹ 48 Kafi, *Grettis saga*, accessed October 3, 2020, https://sagadb.org/grettis_saga.is.

⁴⁵⁰ 16 Kafi, *Gísla saga Súrssonar*, accessed October 5, 2020, <https://www.snerpa.is/net/isl/gisl.htm>.

⁴⁵¹ Paul Hill, *The Anglo-Saxons at War: 800-1066 AD* (Great Britain: Pen & Sword Military, 2012), 283-284, PDF e-book.

⁴⁵² 77 Kafi, *Laxdæla saga*, accessed October 10, 2021, <https://www.snerpa.is/net/isl/laxdal.htm>.

not commonly used in the hilts of weapons in Iceland at that time. The twining of the newer and precious metal with the older sword, along with standing for a recent acquisition of wealth, may also symbolise the newly earned fame from a faraway land, and duly brandish the wielder's reputation at future conflicts. Hill cites the use of Ash-shaft spear (*æsc*,⁴⁵³ the material, being used as a synonym for the entire weapon) by Byrhtwold in *The Battle of Maldon* as a mark of nobility.⁴⁵⁴

In contrast, the identity of the weapon as an object with socio-cultural value obtained from its intangible features poses a unique problem where transferring meaning to an action as a passive meaning-giver is concerned. As mentioned earlier in this chapter, the relationship between violence-related actions and weapons is very much symbiotic, the action defining the weapon and its corresponding identities as much as the weapon's identity/ies define/s the action. Hence, what we learned of violence or violence-related actions and exchanges affecting the socio-cultural, and, therefore, intangible aspects of a weapon's identity can, in many cases, be cited as examples of the reverse, that is, of a weapon's socio-cultural identity being made to purposefully influence the meaning of those same actions. For example, a weapon may be turned into an heirloom by being passed on to and used by the next generation, but this earned identity of the weapon as an heirloom may define any future hereditary transfer of it as an act of acceptance/validation of the heir/s. Therefore, this reflects our prior concern voiced at the beginning of this chapter, that certain sections of this chapter may overlap due to the loop and feedback nature of the meaningful exchanges between weapons and violence. By default, then,

⁴⁵³ l. 310^b, *The Battle of Maldon*, accessed May 10, 2020, <http://www.oldenglishaerobics.net/maldon.php>. This connection of the material to the wielder's status is more implicitly suggested in the only other reference to this wood in the poem, where Byrhtnōð begins to address his battalion by brandishing his *wand wācne æsc* (43^a), or "tender ash-spear (lit. wand)".

⁴⁵⁴ Paul Hill, *The Anglo-Saxons at War: 800-1066 AD* (Great Britain: Pen & Sword Military, 2012), 259, PDF e-book.

what we said of weapons earning meaning from exchanges between direct/indirect actions of violence and weapons will ring true for the present scenario too, as the weapons will be able to pass on these obtained meanings to any future action/s they participate in. This does not mean, however, that there cannot be cases where the symbolic value the weapon brings to an action by virtue of its intangible features should be more significant than the value the action brings to the weapon. Such cases can be measured by the extent of physical/symbolic transformation the weapon may go through in such an action, and the permanence of the resulting transformation. If the transformation of the weapon is significant, then the action makes the weapon meaningful to no lesser degree than that to which the weapon's identity lends it meaning. In contrast, if the change in the weapon's symbolic value is minimal and/or not permanent, the action is the one benefitting more from the weapon's intangible features. For example, the symbolic value that the weapon gains from its breaking and maiming may be dependent on its identity (burying the weapons to bury grudges would not work unless the weapon belongs to the wronged dead), but the breaking or maiming itself is what materially and symbolically transforms the weapon into a token for settlement, hence it is more aptly cited as an example of violence affecting the meaning of a weapon. Conversely, in *Heiðarvígga saga*, one incident, at least, illustrates a case where the identity of a weapon defines the action more than the reverse. Þórarinn advises his foster-son Barði to use his adversary's father Þorgautur's sword on the enemy, on the principle that it would be humiliating for the owner of a weapon to be wounded/defeated by it:

"en Þorbergur son minn hefir annað vopnið og á það Þorbjörn en Þorgautur á þetta er þú hefir. Það þótti mér maklegast að vopn þeirra lægðu ofmetnað þeirra og dramb..."⁴⁵⁵

⁴⁵⁵23 Kafi, *Heiðarvígga saga*, accessed November 20, 2020, <https://www.snerpa.is/net/isl/heidarv.htm>.

(But Þorbergur my son has the other weapon and Þorbjörn owns that, but Þorgautur owns that [sword] which you have. It seemed to me most appropriate that their weapons should lay low their pride and arrogance.)

Here, the identities of the wielder and the weapon are paramount in changing the meaning of an action while the action causes little to no change in the form and meaning of the weapon. This, then, may be considered as an adequate example of the intangible features of weapon's identity affecting the interpretation of actions it takes part in as a passive meaning-giver, that is, as an object being utilised for the socio-cultural perceptions of its identity traits.

The relationship of the weapons' identities with violence, so far, has been discussed in the context of the wielders and their purposes, to see to what extent the tangible and intangible aspects of weapons' identities may be used by their wielders to convey meaning to actions concerning violence. It also intrigues us to contemplate the opposite, wherein the weapons may present themselves as objects fully capable of being 'active' meaning-givers irrespective of their wielders'/makers'/bestowers' intent and purpose. This thought brings us to the final section of the chapter, which wishes to illustrate the weapons' value as individual objects that can have actively meaning-giving identities (subjecthood) often seeming to possess ambiguous/independent agency, and, through violent and non-violent use, can confer these meanings on the wielders and the acts. The proof in favour of the unique identity of the weapon having an impact on defining the act of violence it participates in is naturally literary. Likewise, the proposed subjecthood and agency of the weapons which discuss the potential of weapons as 'active' identities affecting the interpretation of violence-related acts, have even lesser grounding in archaeology, and principally rely on literary evidence to fortify their claim. There are certain pitfalls of using this method, as the highly ornamental descriptions of weapons Old English and Old Norse literature use, in particular, often speak of them as one would of the warriors who wield the weapons. This makes it difficult to discern which weapons were actually regarded as having subjecthood and agency and which weapons were only described

in the same manner as an individual as a way of speech, or whether, indeed, this way of speech is representative of the Early Germanic concepts of weapons, meaning that all weapons were universally presumed to have a degree of subjecthood and ambiguous/independent agency. Nevertheless, through examining the literary tropes, we may categorise into three sections the kinds of subjecthood or actively meaning-giving identity that a weapon may possess, based on the extent of the 'active' aspect of their meaning-giving capacities; firstly, as a weapon with subjecthood and potential agency independent of the owner's/wielder's knowledge, secondly, as a weapon whose expressions of subjecthood and agency are assisted by the wielder's knowledge of and/or compliance with the weapon's independently meaningful nature, and, thirdly, as a cursed weapon whose subjecthood and agency are influenced and/or determined by a goal-driven purpose (i.e. the curse on the weapon) which may make the weapon actively act against the interests of its possessor/wielder. The first category of subjecthood is where the source of the weapon's meaning-giving capacity is either not known or controlled by the wielder, and yet the weapon's subjecthood may help, and not hinder the wielder. In such cases the independent or 'active' nature of the weapon's meaning-giving identity is most aptly showcased when the wielder is 'chosen' for the weapon, or when the weapon comes to the wielder without any active or conscious intention of its previous wielder. In this, too, the weapon often follows the ways in which indirect actions concerning violence affect the meaning of weapons. If the reader may recall, in the first phase of this chapter we had discussed the contribution of violence-related actions (but not themselves inherently violent) to the shaping of the identity and meaning of the weapons, using the models of bestowal, heirloom, and gifts to friends. The weapon as an active giver of meaning, then, often comes to the wielder as primarily an object of bestowal and as heirloom, since there is no known literary evidence of the weapon 'actively' (without the previous wielder's interference) coming to the next wielder based on his friendship with the weapon's prior owner. As for the function of bestowal,

a weapon may only be considered for its subjecthood and potential agency regarding its choice of a wielder when this choice is not interfered with by a lord gifting the weapon to a follower and vice versa. In “Skirnismol”, for example, though the sword is loaned by the god Freyr to his kinsman, the latter is informed of the automated fighting style of the sword, which is only activated if the wielder is a hero:

“...ok þat sverþ, |
 es sjalft mun vegask,
 ef sǫ’s horskr es hefr.”⁴⁵⁶

(“...and that sword, which will fight by itself if its wielder is [a] hero.”)

Likewise, in the Old English fragment *Waldere*, a figure who is often identified with Waldere’s wife extols the virtue of her (probable) husband through the qualities of the sword, saying that any man who can wield the mythical sword need not think about failure.⁴⁵⁷ Here Waldere’s companion might mean two things: firstly, the Weland-wrought sword itself is so powerful that any man who holds it need not fear, and, secondly, anyone who is capable enough to wield Weland’s sword should be sure of his victory. In the latter case, the ability to benefit from the sword’s powers is connected to the wielder’s own merit, and thus may tacitly point at an element of ‘choice’ on the sword’s part, which may be a result of either an extraordinary feature of the sword as an actively meaning-giving object, or a magical/supernatural potential, or both. In both “Skirnismol” and *Waldere*, the proposed conditions for the swords’ compliance may bring to mind a purpose of the bestowal that we had considered previously in the section of the influence of indirect violent exchanges or actions. It is the function of being made worthy

⁴⁵⁶ S. 9, “Skirnismol”, *Poetic Edda*, trans. and ed. Henry Adams Bellows, Karl Hildebrand and Hugo Gering, (Melbourne: 2011), 155, PDF e-book.

⁴⁵⁷ ll. 1^b-4^a, *Waldere*, accessed November 12, 2021, <https://heorot.dk/waldere.html>.

by the bestowal of weapon, which the sentry at Hroðgar's domain deems unnecessary for Beowulf.⁴⁵⁸ By contrast, in the previous instance of a weapon gaining meaning from the action, the weapon was merely an agent gifted by the lord to impart worth or honour to the follower. In the context of an independently meaningful existence, where its wielder/action is chosen via any of its features or an ambiguous/independent agency, the weapon itself becomes a lord-figure, proving the wielder's worth by the simple act of choice or compliance. Here the sword's identity and potentially ambiguous/independent agency are imperative in showcasing its choice or compliance as a validation of the wielder's worth. It is, perhaps, one of the reasons why being defeated by one's own weapon is described as humiliating in *Heiðarvíga saga*,⁴⁵⁹ as, along with the wielder's inability to raise it, it may also mean that your own weapon, or its unique feature/power, no longer consider/s you worthy of its validation. Secondly, the 'active', and potentially agency-driven weapon may, likewise, also become a marker of inheritance or hereditary loyalty through its choice of wielders, especially when kinship between the people participating in its previous bestowals had marked it out as an heirloom. To note here is the case of Sigmundur's sword Gram, which he can pull out of the trunk probably because he is a descendant of who had stuck it in the trunk. Further, only Óðinn can break the sword, that is, he who had started the line of inheritance for the sword, and, additionally, the sword comes whole again at the hands of Sigmundur's heir.⁴⁶⁰ *Sköfnung* the sword, likewise, has a similar trajectory through the Icelandic saga. Stolen originally from the grave of Hrolf-Kraki,⁴⁶¹ it changes hands a few times, most often along lines of family ties, until it is lost very near the

⁴⁵⁸ll. 249^b-250^a, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

⁴⁵⁹ 23 Kaffli, *Heiðarvíga saga*, accessed November 20, 2020, <https://www.snerpa.is/net/isl/heidarv.htm>.

⁴⁶⁰ 15 Kaffli, *Völsunga saga*, accessed October 3, 2021, <https://www.snerpa.is/net/forn/volsung.htm>.

⁴⁶¹ 55 Kaffli, *Landnámabók* (*Sturlubók*), accessed July 5, 2021, <https://www.snerpa.is/net/snorri/landnama.htm>.

place where its original owner king Hrolf had been laid to rest.⁴⁶² While in both cases the role of the ambiguous/independent agency of these weapons is not overtly stated, both swords have their origins in *fornaldarsögur* or legendary saga where other magical swords like Freyr's gift in "Skirnismol" are found, and in the case of Sköfnung Davidson also points out the coincidence of the sword washing up on a distant shore and then being brought near its former master's grave.⁴⁶³ In both cases any agency connected to the subjecthood of the weapons seems to be working towards maintaining a hereditary line of possession. Hence, as the continuation of its inheritance by kin of previous owners gives a weapon the status of an heirloom, the independently purposeful and potentially conscious weapon's steadfastness in choosing the original owner and his near kin also validates the latter as able heirs. It is of little surprise, then, that in *Víga-Glúms saga*, Glúmur's grandfather Vigfús advises Glúmur to never lose possession of the cloak, the spear and the sword he gave Glúmur lest the latter loses his honour:

"Svo segir mér hugur um að við sjáumst eigi síðan en einkagripil vil eg þér gefa, feld og spjót og sverð er vér höfum mikinn trúnað á haft frændur. Og meðan þú átt gripina vænti eg að þú týnir eigi virðingu en þá em eg hræddur um ef þú lógar þeim."⁴⁶⁴

("So my mind tells me that we will not see each other again, but I want to give you personal treasures, a coat and a spear and a sword, in which we and kinsmen have had great confidence. And while you have the treasures, I expect that you will never lose honour, but then I am afraid in case you lose them.")

Here, though these "treasures" are termed *einkagripil* ("personal treasures"), it is clear from the connection that Vigfús makes between the non-possession of the weapons and the loss of honour that these items he passes on to his grandson have greater significance than personal

⁴⁶² 78 Kaffli, *Laxdæla saga*, accessed October 10, 2021, <https://www.snerpa.is/net/isl/laxdal.htm>. Sköfnung is presumably buried with its last owner Gellir in Hroiskeld/Roskilde (because its journey cannot be traced afterwards), which is a short distance away from Lejre, or the capital of Hrolf where he was presumably buried.

⁴⁶³ Hilda Ellis Davidson, *The Sword in Anglo-Saxon England* (The Boydell Press, 1962), reprint (1994), 174.

⁴⁶⁴ 6 Kaffli, *Víga-Glúms saga*, accessed August 13, 2021, <https://www.snerpa.is/net/isl/vigaglum.htm>.

articles. This significance is highlighted in Glúmur's description of his grandfather's guardian spirit, whom he saw in a telepathic dream at the time of Vigfús' death. Glúmur wonders if this spirit was looking for a place of rest near Glúmur:

“...Og var hann um aðra menn fram um flesta hluti að virðingu og hans hamingja mun leita sér þangað staðfestu sem eg em.”⁴⁶⁵

(“...And he was greater than other men in honour and most other things, and his spirit (lit. ‘his happiness’) must seek [the] steadfastness that I am.”)

In Vigfús' guardian spirit's movement, thus, we find the shadow of the swords Sköfnung and Gram, which have a noted preference for seeking out their original owners and/or their descendants. As weapons are invariably connected to their wielders, the bestowal of the sword and the spear to Glúmur, earlier, can be seen as a precursor to Vigfús' guardian spirit's quest for Glúmur. As the living Vigfús had found in Glúmur a worthy heir for his weapons, upon his death his guardian spirit affirms this choice by seeking out Glúmur's location as a place of rest. However, just as the heirloom swords in the legendary sagas do not tolerate complacency even in the chosen heirs (Sigmundur mentions to his wife after the breaking of the sword that Óðinn no longer approves of him), so do the sword and the spear bestowed on Glúmur not belong to him, as warned by Vigfús at the time of the bestowal. This is why Einarr, one of Glúmur's enemies, takes Glúmur's parting with the last article (the spear) as a green signal to make a move against him:

Einar svarar: "Glúmur hefir nú lógað þeim hlutum, feldi og spjóti, er Vigfús móðurfaðir hans gaf honum og það hann eiga ef hann vildi halda virðingu sinni en kvað þaðan frá þverra mundu. Nú mun eg taka við málinu og fylgja.”⁴⁶⁶

⁴⁶⁵ 9 Kafli, *Víga-Glúms saga*, accessed August 13, 2021, <https://www.snerpa.is/net/isl/vigaglum.htm>.

⁴⁶⁶ 25 Kafli, *Víga-Glúms saga*, accessed August 13, 2021, <https://www.snerpa.is/net/isl/vigaglum.htm>.

(Einarr says: Glúmur has now lost the articles, the cloak and the spear, that his mother's father Vigfús had given him and bade him to keep if he wished to hold his honour, but said [the honour will be gone] from the time they are [lost]. Now I must take up the case and follow through.) Therefore, although it is not clear whether Vigfús' sword and spear were originally heirlooms or not, the patterns of transfer they follow regarding their possession, and the "powers" they have (ensuring the honour of the descendant as long as they remain in his possession) indicate their similarities with the previously discussed heirlooms that have the ability to 'choose' due to their unique features or presumably magical/supernatural potential. However, an unmediated subjecthood, and ambiguous/independent agency of the weapons is nowhere more apparent than in their individual behavioural characteristics and the conflict of said characteristics with that of the wielders, a glimpse of which we get in Miðfjarðar-Skeggi's warning regarding Kormákur's choice of weapons:

"Sköfnungur er tómlátur en þú ert óðlátur og óðlundaður."⁴⁶⁷

(Sköfnung is slow but you are impatient and unruly.)

The translation of 'tómlátur' as Sköfnung's slowness was greatly influenced by *The Viking Age*'s excerpt of the text.⁴⁶⁸ However, the Old Norse dictionary's archive regarding the usage of 'tómlátur' yields at least one more contextually applicable meaning of this word, which is 'idle'.⁴⁶⁹ The latter meaning, being used for human beings in concerned literary examples, may potentially make a better argument for the weapon's subjecthood and its incompatibility with the wielder; Kormákur may have no patience for a 'slow' sword, but an 'idle' sword's unwillingness actively works against Kormákur's impatient nature. Kormákur's

⁴⁶⁷ 9 Kaffli, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

⁴⁶⁸ Paul B. Du Chaillu, *The Viking Age*, vol. 1 (New York: Charles Scribner's Sons, 1889), *Project Gutenberg*, EPUB, accessed September 21, 2024, <https://www.gutenberg.org/cache/epub/56167/pg56167-images.html>.

⁴⁶⁹ "tóm-látr", *ONP: Dictionary of Old Norse Prose*, accessed September 21, 2024, <https://onp.ku.dk/onp/onp.php?o80322>. The texts that offer this interpretation are, *Gísls þátrr Illugasonar*, *Þorsteins saga víkingssonar*, *Vatnsdøla saga*.

incompatibility with the sword is well-proven when in his temper and haste he destroys the effectiveness of the sword, and the sword also proves its contrary nature by refusing to comply with Kormákur's movements:

Kormákur sest niður og tekur af sér sverðið, hirti eigi þó að sól skini á hjalt honum en hann hafði gyrt sig utan um klæði og vill bregða og fekk eigi fyrr en hann sté á hjaltið og kom yrmlingurinn og var ekki með farið sem skyldi og var brugðið heillinu sverðsins en það gekk grenjanda úr slíðrum.⁴⁷⁰

(Kormákur sat down and ungirt the sword, although he did not bother whether [the] sun shone on its hilt, but had girt the sword on the outer side of [his] clothes. He wished to draw, and he could not do it until (lit. but/except) he stepped on [the] hilt [of the sword]. And the worm came and it did not fare as it should have. The charm of the sword was broken and it came out screaming from the sheath.)

The worm mentioned here can be seen as the source of the sword's power, and the detailed instructions given by Skeggi highlight its importance:

"Pungur fylgir og skaltu hann kyrran láta. Eigi skal sól skína á hið efra hjaltið. Eigi skaltu og bera það nema þú búist til vígs. En ef þú kemur á vettfang sit einn saman og bregð þar, rétt fram brandinn og blás á. Þá mun skríða yrmlingur undan hjaltinu. Halla sverðinu og ger honum hægt að skríða undir hjaltið."⁴⁷¹

("There is a pouch accompanying it, and you shall let it be. The sun must not shine on the upper hilt. Do not draw it unless you wish to kill. But if you come there, sit by yourself and draw it there, the sword right across from you, and blow on [it]. Then a worm shall creep [out] from under the hilt. Tilt the sword and let it crawl [back] under the hilt.")

Kormákur does not pay heed to these instructions, and thus the sword also does not work for a wielder who ignores the conditions required for its performance. These examples illustrate that the subjecthood or meaning-giving identity of weapons may exist beyond being a willing tool to the wielders or owners, and come closest to recognising the unique identity of weapons as

⁴⁷⁰ 9 Kafi, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

⁴⁷¹ Ibid.

being essential to shaping the concept of violence and interpersonal relationships in Germanic cultures.

The example of Sköfnung may also be used for the second kind of subjecthood, or actively meaning-giving identity, which is found where the weapon expresses its agency or some independence of its actions through or assisted by the wielder's/possessor's knowledge (possibly material) of the weapon's nature, where the choice of the sword or its willingness to comply partially or completely depends on the manipulation of the source of power by the wielder. Examples are the sword of *Hólmanga-Bersi*, and the sword Sköfnung itself, both of which appear in *Kormáks saga*. Bersi's sword carries a life-stone which holds the power of being able to heal the wounds it has created, while the sword Sköfnung, as Miðfarðar-Skeggi points out to Kormákur, may only give its best when the 'worm' beneath its hilt has crawled the length of the sword.⁴⁷² While Davidson tries to rationalise the latter by citing it as a pattern-welded sword with a snake-shaped pattern,⁴⁷³ from the description [see last section, p.264] it appears as if the narrator regarded it as something alive, with the snake or worm being entirely put off by Kormákur's shenanigans. In both cases, these elements seem to be the source from which the weapons draw their power, and the choice of the weapon to 'serve' its wielder to the greatest extent also depends on the compliance of these materials with their possessors. That is to say, the power added to a sword by certain associated forces and elements depends on the handling and the possession of these elements by the wielder, rather than any innate quality of the wielder prompting the weapon to choose, as in the first case. The life-stone of Bersi's sword, when stolen, renders the sword ordinary, while Sköfnung's power-giving worm, when manhandled by Kormákur, makes itself and its power scarce.

⁴⁷² 9 Kafi, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

⁴⁷³ Hilda Ellis Davidson, *The Sword in Anglo-Saxon England* (The Boydell Press, 1962), reprint (1994), 176-177.

The third kind of subjecthood is that of a weapon with a mission, that is, a weapon which gets its agency from a promise or more commonly a curse placed in it, and the agency of the weapon works towards a fulfillment of this promise or curse. Although arguably the most well-known and academically most discussed of these weapons, Tyrfingr, comes from a legendary saga, the cursed weapon is a staple feature of the Icelanders' saga as well. Thus, it makes sense to say that though the dwarves who presumably placed the curse on Tyrfingr may be well-versed in weapon-crafting,⁴⁷⁴ one hardly needs to be a dwarf weaponsmith to place a curse, as the individuals who place curses on weapons in Icelanders' sagas are mostly those who consider their rightful possession of the weapon usurped by another.⁴⁷⁵ Although the curse most often is tied to a sword, it is only because the conflicts that lead to a curse are centred on a sword, rather than the form or the category of the sword being more suitable as the vessel of the curse. In fact, the form seems unimportant, as the presumably cursed sword (its wielders being prone to misfortune) Grasiða in *Gísli saga* continues its mission even after being turned into a spear.⁴⁷⁶ The motifs of the curse are often either hereditary or action-based; that is, the curse is usually placed on either the relatives and/or descendant/s of the offenders who incur the wrath of the curse, or, less commonly, the curse of the weapon may also be tied to its

⁴⁷⁴ This thesis follows the *snerpa.is* text, which is based on the much earlier R version, which makes mention of, but does not connect, the cursed nature of the sword and its dwarvish making. The story pertaining to dwarves Dvalinn and Durinn cursing the sword to kill on drawing (sometimes even the owner) on account of their unwillingness to craft it occurs in the much later H and U versions, which Christopher Tolkien considers to be a later interpolation (Hence this thesis' use of the term 'presumably'). Christopher Tolkien, trans., *The Saga of King Heidrek the Wise*, eds. Sigurður Nordal and G. Turville-Petre (Thomas Nelson and Sons Ltd., 1960), x.

⁴⁷⁵ 30 Kaffli, *Laxdæla saga*, accessed October 10, 2021, <https://www.snerpa.is/net/isl/laxdal.htm>. Geirmundur lays a curse upon his sword Fótbitur when his wife Úríður steals the sword from him.

⁴⁷⁶ Though the forging of the sword into a spear is mentioned in the text this thesis consults (11 Kaffli, *Gísli saga Súrssonar*, accessed October 5, 2020, <https://www.snerpa.is/net/isl/gisl.htm>), the curse itself is not. The thesis takes its cue for the curse from Dasent's translation of the text, for which he seems to have consulted both the shorter and longer ('Y') versions, the longer and "younger used to supply deficiencies" in the elder version of the text. See: George W. Dasent, trans. (1866), *The Story of Gísli the Outlaw*, Global Gray E-books, PDF E-book (2019), 1. The longer version has the thrall Kolur, or Kolr, curse the sword Grasiða to bring misfortune upon the family of Gísli, uncle of (and homonymous with) the titular character, who refuses to return the sword to Kolur/Kolr after borrowing it. See: George W. Dasent, trans. (1866), *The Story of Gísli the Outlaw*, Global Gray E-books, PDF E-book (2019), 20.

possession, affecting its present wielders regardless of their identity. It should be noted here that even in the case of hereditary curses the execution of the curse may be dependent on the possession of the weapon. This should not surprise us, as most of these curses are results of the weapon's unlawful possession against its wielder's or maker's wish. In Tyrfingr's case, for example, the curse could be at rest when the sword is not placed with the living, or is at the danger of being owned by the living, which would lend credence to Angantýr's advice to his daughter Hervör upon the latter's attempt to retrieve the sword from his grave:

“Segi ek þér, Hervör
hlýð þú til enn
vísa dóttir
þat er verða mun:
Sjá mun Tyrfingr
ef þú trúa mættir,
æt þinni, mær,
allri spilla”⁴⁷⁷

(I say this to you, Hervör, – listen (lit. you listen) till the end, wise daughter – what must come to pass. This Tyrfingr, if you can believe it, will destroy your whole dynasty, maiden.)
As Angantýr cautions Hervör against the malevolent nature of Tyrfingr when she tries to retrieve it, it is possible that its malevolence or any potential curse placed upon it lies dormant while the article itself is interred with the dead. Thus Hervör, who digs up Tyrfingr, brings back the curse into circulation along with the sword, the cursed nature of the sword dependent for its expression on the possession of the sword by the living. Following this, even Sköfnung which was stolen from King Hrolf's barrow, can be said to have a cursed existence though no literary record to that extent is found. Seldom does its possession mean a peaceful ending for the wielder, and Sköfnung's activities seem to cease (as far as textual records go) only when placed near its original owner and its original place of retrieval, as the sword's last traceable

⁴⁷⁷ 4 Kaffli, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

resting place is close to King Hrolf's barrow (see: this chapter, p.261, F.N. 462). Similar things can be said about the sword that Beowulf kills Grendel's mother with. It is said to be *gíganta geweorc*⁴⁷⁸ ('work of giants'), and is not the weapon of choice for the mother monster, who seems to prefer a *seax* instead. The fact that it is not used, or probably unusable, by Grendel's mother, may suggest a curse placed on it, more so when considered in the light of the sword's role in her demise. This suggestion is made stronger by the consequent melting of the sword,⁴⁷⁹ and the suspected unreadability of the hilt.⁴⁸⁰ The functioning part of the weapon thus ceases to exist after the mission is over, and the remaining part makes itself undecipherable, the doors to its secret closed. Hence, the motifs that tie the curse with the weapon may suggest a strong allegiance of the weapon to its wielder or maker, and this facet of a weapon's subjecthood and potential agency, that is, loyalty, may be what inspires an individual to curse a weapon and be sure of its execution.

It is evident, then, that a lot of beliefs associated with a weapon's subjecthood and ambiguous/independent agency are derived from its unique socio-cultural significance within its contemporary context, not precluding, at all, the nuances contributed by the tangible and intangible traits it has as a passive object. Similarly, if we compare the ways in which the identities of the weapons affect the interpretations of the actions they perform, and vice versa, we shall find common patterns that show how the weapon-violence symbiosis is not limited to a tool-trade functional link.

⁴⁷⁸ l. 1562^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

⁴⁷⁹ ll. 1615^b-1616^a, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

⁴⁸⁰ ll. 1687^a-1784^b, *ibid.* It is not clarified in the poem whether Hroðgar can read the inscription at all or not, despite having examined it.

Conclusion

In conclusion, the chapter has tried to bring to the “Mate-realities” section evidence of the unique symbiotic relationship that exists between weapons and violence, and their capacities for giving meaning to each other; it has sought to prove that apart from social networks, violence is also capable of defining, forging a relationship with, and being defined by materials which are essential to its functioning. However, most of all, we hope that the chapter has been successful to convey that rather than a being a linear process, the exchange of meanings between weapons and violence is a loop and feedback system much like a conversation (or a dialogue), where one may be enriched by the other’s feedback to one’s own inputs.

Section Three: Mate-realities: Material Realities

Chapter Eight: Places and Performers

Introduction

As the thesis concerns itself with establishing violence as a viable mode of communication in the context of Early Germanic cultures, with the first two sections discussing said viability with certain social networks being posited as the conversation partners, the quest for such a conversation partner for material pertaining to violence becomes difficult, yet easy. It is difficult, if we think these exchanges to be possible only between concepts/objects holding similar shape or idea, which will lead to a material concerning violence to seek other materials concerning violence as partners to communicate with, with violence as a mode of communication only. However, the quest becomes simple if we think of violence beyond its capacity as a mode of communication only, but also as an able conversation partner with whom the material in concern can make meaningful exchanges, as in the case of swords. It is rightly so, as the materials chosen to highlight the communicative ability of violence will, naturally, be discussed with reference to their relatability to concepts of violence present in Early Germanic literature. In the second and last chapter on the section regarding the communicative connection of violence with the materials concerning it, and the last chapter of this thesis overall, we have chosen to showcase the significance of accommodability, utilisation and debarment of space when it comes to violence/violent acts.

Framework of the Chapter

With swords and other weapons in general, the material/s which we focus on in the first chapter of this section (and seventh in the thesis), this discussion is easier. The connection of swords and other weapons to violence is more easily explored considering their greater tangibility as materials, as this tangibility affords them better documentation both in terms of preserved articles and literary descriptions. Space, while no less tangible in terms of

topographical features, is rarely discussed in connection to violence using its physical or tangible features in the extant literature. References to the importance of space in defining violence and vice versa are often to be drawn from the intangible traits of the space mentioned as well as of the action/s performed within them. Hence, we shall not focus, here, on the physical features of the space (though certain aspects of the same will be referred to when needed), but on its capacity to facilitate and/or regulate violence. That is, we will try to discuss how violence defines space and vice versa, by observing the allowances and limitations of spaces regarding violent acts. The spaces whose allowances and limitations regarding violence will be observed in this chapter are primarily of two kinds—firstly, spaces that are designed for, or meant to accommodate, certain violent acts, and, secondly, spaces that are not generally allocated to acts of violence and may only permit them under certain conditions.

Allowances/Limitations of Violence within Spaces Allocated to Violence

The communicative connection between violence and space might be more easily examined by observing spaces that were specifically curated for the purpose of violent acts occurring within them, or violent acts that were pre-planned to occur within a certain space under certain rules. These spaces could be curated thinking of a person-on-person fighting style, or a group-fight where, in addition to the feuding parties at the center of the conflict, there would be several people with allegiance to either side wont to participate in the action at the same time. The most well-documented Early Germanic case of a designated fighting space for a duel, or a person-on-person combat is, arguably, the practice of *hólmganga*, or a specific kind of trial by combat fought on *hólms* or islands. The details of *hólmganga*, derived as they are from Icelandic sagas written centuries after this custom was outlawed throughout Scandinavia, are very likely to have factual discrepancies and inaccuracies. However, as with other social customs this thesis discusses, we will take into consideration the perspectives the sagas offer us of this practice, as Barraclough, while acknowledging the narratorial impositions

that continue to affect retellings of events and narratives over time, holds that despite their many shortcomings the Icelandic sagas remain our closest possible option to having an account of the Icelandic way of life.⁴⁸¹ *Hólmganga* is sometimes used as an alternative way of settling disputes in Icelanders' sagas when all parties involved in a dispute do not agree on the terms of a settlement.⁴⁸² As such circumstances have a tendency to lead to a blood-feud when unattended, *hólmganga*, Jones suggests, was seen as a way to reduce the bloodshed, as the outcome of the battle, like the killing of an outlaw, incurred no right of *eptirmál* or legal prosecution.⁴⁸³ Such trials by combat were not unknown to the Early Germanic world,⁴⁸⁴ though few literary corpuses record it as well as Icelandic literature. Quite a few of them also involve the elements of space, such as the type of duel described by Saxo Grammaticus in *Gesta Danorum*, where each combatant is allotted one square space of ell.⁴⁸⁵ *Hólmganga*, however, differs from these trials by combat in the extremely specific nuances provided by the space/s it is enacted in. The word *hólm* literally translates to 'island' in Old Norse, and rightly so as this duel was often fought on islands, but functionally it could refer to an enclosed space anywhere. *Kormáks saga* gives one of the most elaborate descriptions of it:

⁴⁸¹ E. R. Barraclough, "Trees, Woodlands and Forests in Old Norse-Icelandic Culture", *The Journal of English and German Philology* 120, no. 3 (2021): 284.

⁴⁸² 8-9 kafli, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>. Bersi, the man who has married Kormákur's beloved Steingerður because of Kormákur's failure to return on time, refuses to return his wife to her lover, offering his sister Helga's hand in marriage to pacify Kormákur. The latter rejects these terms, challenging Bersi to a *hólmgang* instead.

⁴⁸³ Gwyn Jones, "Some Characteristics of the Icelandic 'Hólmganga'", *The Journal of English and German Philology* 32, no.2 (1933): 205.

⁴⁸⁴ Morton W. Bloomfield, "Beowulf, Byrhtnoth and the Judgement of God: Trial by Combat in Anglo-Saxon England", *Speculum* 44, no. 4 (Oct. 1969): 550.

⁴⁸⁵ Saxo Grammaticus, "Book Four", *Danish History I-IX*, eds. Douglas B. Killing and David Widger, accessed July 1, 2021, *Project Gutenberg*, <https://www.gutenberg.org/files/1150/1150-h/1150-h.htm>. Based on *The Nine Books of the Danish History of Saxo Grammaticus*, trans. Oliver Elton (New York: Norroena Society, 1905).

Það voru hólmgöngulög að feldur skal vera fimm alna í skaut og lykkjur í hornum. Skyldi þar setja niður hæla þá er höfuð var á öðrum enda. Það hétu tjösnur. Sá er um bjó skyldi ganga að tjösnunum svo að sæi himin milli fóta sér og héldi í eyrasnepla með þeim formála sem síðan er eftir hafður í blóti því að kallað er tjösnublót. Þrír reitar skulu umhverfis feldinn, fets breiðir. Út frá reitum skulu vera strengir fjórir og heita það höslur. Það er völlum haslaður er svo er gert. Maður skal hafa þrjá skjöldu en er þeir eru farnir þá skal ganga á feld þó að áður hafi af hörfað. Þá skal hlífast með vopnum þaðan frá. Sá skal höggva er á er skorað. Ef annar verður sár svo að blóð komi á feld er eigi skylt að berjast lengur. Ef maður stígur öðrum fæti út um höslur fer hann á hæl en rennur ef báðum stígur. Sinn maður skal halda skildi fyrir hvorum þeim er berst. Sá skal gjalda hólmlausn er meir verður sár, þrjár merkur silfurs í hólmlausn.⁴⁸⁶

[The *hólmganga*-law was that the field should be five ells long with loops at the corners. Certain pins which have heads at the other end should be driven into them. These pins were called *tjösnur*. The one who prepares it should go the *tjösnur* in such a way that he could see the sky from between his legs, and hold on to [his] ear-lobes while (lit., ‘with’) speaking the first lines of the sacrifice which is called the Tjosnur-sacrifice. Three squares should mark the field, [each] of one-foot breadth. At the farthest corners of the squares shall be four poles, and they will be called Hazels. When the field is marked this way it will be called a Hazel-field. Each man shall have three shields, and when they are cut up he must get upon the field if he had moved away from it. Thence he must guard himself with [only] weapons. He who has been challenged must strike first. If a man is wounded so that blood falls on the field, he should not fight any longer. If a man puts one foot outside the hazel-field [it is said] he turned on his heel, but “runaway” if both feet are outside. Each fighter’s (lit., ‘his’) man should hold up the shield before him. The one who is injured at *hólmganga* should ransom himself with three marks.]

As the aftermath of *hólmganga* is as legally binding and accepted as any other sentence, this space often performs the role of a silent judge based on the violence that transpires or not within the given space. The absolute and decisive consequences of a *hólmganga*’s outcome highlights the judicial nature of the *hólm*, whereby the violence committed within it takes place of the judgement meted out at the *þing*/s. This is, firstly, reflected in the dues of a victor. Not only is the victor considered the winner of the dispute, but, moreover, he is not held to account for any kind of injury he causes within the *hólm*, his parrying, and the result thereof, being taken as his

⁴⁸⁶ 11 kafli, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

right to represent his side and the justice thereof. This is certainly not true in all cases of trial by combat, as the winner/victor in *einvígi*/ ‘one-on-one slaying/fight’ should he injure or kill his opponent, is still liable to pay due compensation to his opponent’s kin.⁴⁸⁷ This absolute nature of the judgement delivered via violence committed within the *hólm* is mirrored in the way the loser is also treated. In the case of an injury, he loses his case as he would in a verbal trial and must pay three marks to be ransomed (as observed in the quotation translated above), but in the case of death, not only is there no compensation to be paid for him, but his property may also be confiscated:

Það voru hólmgöngulög í þann tíma, að sá, er skorar á mann annan til eins hvers hlutar, og fengi sá sigur, er á skoraði, þá skyldi sá hafa sigurmál það, er hann hafði til skorað, en ef hann fengi ósigur, þá skyldi hann leysa sig þvílíku fé, sem ákveðið væri; en ef hann félli á hólminum, þá hafði hann fyrirvegið allri sinni eigu, og skyldi sá taka arf hans, er hann felldi á hólmi.⁴⁸⁸

[There was a law of duel at that time, that when a man challenged another on one thing, and the one who had challenged gained victory, then he should have as victory-prize the thing he had challenged [the other] for, but if he got defeated, then he should ransom [himself] with as much money as would be decided; but if he fell on the isle, then he had forfeited all his property, and he who felled him was to take it as his inheritance.]

The contract of *hólmganga*, then, is also like an agreement wherein the *hólm* plays the part of a debt-collector; the greater the degree of the loss, the greater the legal culpability of the loser, hence greater the compensation.

The rules for these duels, furthermore, reflect a parity or fairness that seeks to give both parties an even chance, emphasising the trial part of its nature as a trial by combat. The length of the sword is decided upon, causing Bersi to give up a sword that is deemed too long for a *hólmganga*,⁴⁸⁹ and the three shields each combatant is granted before he must resort to

⁴⁸⁷ Gwyn Jones, “Some Characteristics of the Icelandic “Hólmganga””, *The Journal of English and German Philology* 32, no.2 (1933): 205.

⁴⁸⁸ 65 Kafi, *Egils saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/egils.htm>.

⁴⁸⁹ 14 Kafi, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

his weapons alone,⁴⁹⁰ may correspond to the three chances (as per the *Gulathing* laws⁴⁹¹) a man has of paying his debt before being summoned in front of a *þing* to be potentially declared an outlaw. The *hólmganga*, then, almost completely substitutes the judgement given at a *þing*. The space of *hólmganga*, the *hólm*, that is, is no less than a court, where each side is given a fair chance to represent their case in the hearing, whereas here the representation is done through the violence. It should stand to reason then that those who do not answer to the call of the *hólm* and/or is reluctant to step inside it may be considered guilty as those who do not answer the *þing* summons. Hence, if one steps out of the square, one is considered a runner, and if he does not turn up, he may well be called with impunity a *níðing*⁴⁹² who does not stand up to his words by the person who did turn up, as a testament to the other's cowardice; this impunity, too, is ensured by calling to witness the space of the *hólmganga*, the proof of the truant's fleeing. An example of this can be seen in *Kormáks saga*, where Kormákur, irritated that Þorvarður, the second husband of his beloved, would not turn up for their appointed *hólmganga*, resorts to swearing an oath:

Kormákur mælti: "Nú býð eg Þorvarði af nýju hólmgöngu ef hann telst hugar síns eigandi. Verði hann hvers manns níðingur ef hann kemur eigi."

... Þá búa þeir bræður mál til á hendur Kormáki um níð. Frændur Kormáks halda upp svörum. Hann vill engi boð bjóða láta, kvað þá níðs verða en eigi sóma og kvaðst Kormákur ekki við þeim vanbúinn utan þeir svíki hann. Þorvarður hafði eigi sótt hólmstefnu þá er Kormákur bauð honum. Sagði Kormákur sjálf fellt níð á þá og þeim maklegt að þola slíkt níð.⁴⁹³

⁴⁹⁰ 11 kafli, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

⁴⁹¹ 34, "The Merchant Law", *Gulathing Law, The Earliest Norwegian Laws: Being the Gulathing Law and the Frostathing Law*, trans. Laurence M. Larson (New York: Columbia University Press, 1935), 62.

⁴⁹² Someone less than an 'ideal' man, or a man who is either passive and/or morally degenerate, in some cases the passivity possibly indicating a sexual passivity. Not a slur a man could call another without legal consequences.

⁴⁹³ 21 Kafli, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

(Kormákur said: “Now I invite Þorvarður to a new *hólmanga* if he is considered the owner of his own mind. He will become every man’s *níðing* if he does not come.”

... Then the brothers brought forth a case against Kormákur for libel (lit., *nið*, or for calling Þorvarður a *níðing*). Kormákur’s relatives backed up [his] answer. He [Kormákur] will not let any settlement be made, and said that they should be shamed and not honoured, and Kormákur also said that he was not unprepared to meet them unless they betrayed him.⁴⁹⁴ Þorvarður had not sought the *hólmanga* to which Kormákur had bade him. Kormákur said that therefore the shame of *nið* automatically fell upon him [Þorvarður] and them [his kin] and they must endure the *nið* [the accusation of being called a *níðing*.])

We have seen in the chapter on gender how the accusation of being a *níðing*, or coward/morally degenerate /submissive (possibly sexually to other men), was a potent weapon often used by a goader to persuade her kinsmen into avenging a crime they were slow or reluctant to act against (See: Chapter Four, “Femininities and Masculinities”, p. 125, p.127). It can be seen, then, that by avoiding the judicial space of the *hólmanga* Þorvarður can hardly avoid judgement; just as the inaction or delayed action in case of a feud gives a goader reason to question her kinsmen’s masculinity, being absent from the *hólm* at the time of a pre-appointed *hólmanga* renders Þorvarður vulnerable to justifiable abuses and slights aimed at him by Kormákur, or the other party who did keep to the conditions of the *hólm*.

Apart from being the legal equivalent of a trial at the *þing*, another alternative interpretation of the *hólm* and *hólmanga* might pertain to, respectively, a space meant for a cultic ritual and the ritual itself. They, certainly, match the description cited by Kryda from Szafaranski, which is that a cultic ritual must have a clearly marked out boundary within which that particular ritual should take place.⁴⁹⁵ This, added to the fact of the ritualistic words being uttered in the beginning to the *tjösundur*, or the corner pegs, as described in *Kormáks saga*,⁴⁹⁶

⁴⁹⁴ Tried to attack him in an unfair manner.

⁴⁹⁵ Marek Kryda, “Viking Human Sacrifice in Poland”, accessed April 10, 2022, https://www.academia.edu/35972120/Viking_Human_Sacrifice_in_Poland.

⁴⁹⁶ 11 kafli, *Kormáks saga*, accessed July 5, 2021, <https://www.snerpa.is/net/isl/kormaks.htm>.

may well qualify the space as a ritualistic space. Hence, the difference with *einvgi*⁴⁹⁷ is made all the clearer by the way a *hólmganga* must end – that is, either the dripping of blood on the space (see: p.273) or the death of the opponent, whichever comes first, the bloodshed/death being taken as meeting the terms that the combatants had agreed to by entering the sacred or marked-out space. Moreover, if the bloodshed/death is considered to be an outcome brought about by the dictates of the *tjösnu*r or the divine power represented in them, then this outcome also qualifies as a divine judgement that validates the punishment meted out to the injured/dead. Hence, although the status of trials by combat as ordeals is a matter of much debate,⁴⁹⁸ it can be said in accordance with Bloomfield's assertion that the *hólmganga* may have acknowledged divine influence through some of its practices.⁴⁹⁹ It is quite possible that such presumed divine involvement may have also ensured that the results obtained at the *hólm* would go uncontested, as Brown, when speaking of trials by combat as ordeals, mentions how crucial the status of a combat or battle as *iudicium dei* ('divine judgement') could be to preventing further cycles of violence.⁵⁰⁰

The high stakes involved in the *hólmganga*, moreover, makes it a judgement few should resort to without due cause, contributing to the trope of unreasonable berserkers a penchant for frequently inviting people to *hólmganga* on minor conflicts. As opposed to the practical purpose of *hólmganga* in settling legal cases, often their aim is to put to their benefit the consequences of *hólmganga*, i.e., claim to the defendant's property/charges, which are

⁴⁹⁷ Lit. "one-on-one slaying", another form of duel that is more of a freeform combat, requiring no strict rule of conduct/ending.

⁴⁹⁸ Morton W. Bloomfield, "Beowulf, Byrhtnoth and the Judgement of God: Trial by Combat in Anglo-Saxon England", *Speculum* 44, no. 4 (Oct. 1969): 549.

⁴⁹⁹ Morton W. Bloomfield, "Beowulf, Byrhtnoth and the Judgement of God: Trial by Combat in Anglo-Saxon England", *Speculum* 44, no. 4 (Oct. 1969): 549.

⁵⁰⁰ Peter Brown, "Society and the Supernatural: A Medieval change", *Daedalus* 104, no.2 (Spring 1975): 138.

money and women in most cases. It is for this very reason Earl Eirík thinks to outlaw *hólmganga* in Norway, as per *Grettis Saga*:

Þótti mönnum það mikill ósiður í landinu að úthlaupsmenn eða berserkir skoruðu á hólmi göfgum mönnum til fjár eða kvenna. Skyldu hvorir ógildir falla sem féllu fyrir öðrum. Fengu margir af þessu smán og fjármissu en sumir líftjón með öllu og því tók Eiríkur jarl af allar hólmgöngur í Noregi. Hann gerði og útlaga alla ránsmenn og berserki þá sem með óspektir fóru.⁵⁰¹

(Men thought it to be a great disgrace for the country that outlaws and berserkers should challenge noblemen to *hólmganga* (lit., ‘on a *hólm*’) for land and money. Whoever would fall before the other lay unatoned. Many suffered from this shame and loss of money, but some lost their lives altogether, and thus Earl Eirík banned all *hólmganga*s in Norway. He also executed and outlawed all robbers and berserkers who went unpunished.)

Not interested in keeping to the rules of *hólmganga*, they are also bent upon making the fight as unfair as possible, taking undue advantage of their magical power which enables them to blunt swords and render themselves impenetrable by weapons.⁵⁰² Their treachery, here, may also be seen as a direct violation of the *tjösnu*, who may be seen as representatives of the divine powers/guardians that guard the sanctity of the *hólm* as a court; although the berserkers are powerful, by entering the ritualistic boundaries of a *hólm*, they willingly agree to defer to its rules, and, therefore, their acting to the contrary defies the authority of the space’s guardian, and violates the sacrosanct nature of this space.

An influence of this sacrosanct nature of a space designed for fighting may also be seen in a broader scope in multiple narratives of Early Germanic literature, and the token illustrations of Germanic heroism. The characteristics of *hólmganga* may not appear, for example, outright in the fight between Beowulf and Grendel’s mother, but through certain

⁵⁰¹ 19 Kaffli, *Grettis saga*, accessed October 3, 2020, <https://www.snerpa.is/net/isl/grettir.htm>.

⁵⁰² 7 Kaffli, *Gunnlaugs saga Ormstungu*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/gunnl.htm>. King Æthelred of England warns Gunnlaug about Þórorm, a berserker the latter has challenged to a *Hólmganga*; Æthelred mentions that the berserker can blunt a sword with his stare, and advises Gunnlaug to show the berserker another sword than the one he means to fight with.

motifs are applicable to both. For example, in his fight against Grendel's mother, Beowulf willingly goes alone into the water, whereas in Grendel's case, his retainers had been with him in the arena, i.e., the hall, though they were not ultimately needed. Keeping in mind the judicial nature of the *hólmganga*, the *Beowulf*-poet's method of presenting this duel with Grendel's mother as a secluded incident (as opposed to other duels of Beowulf where other warriors were present and had the capacity to participate) can also be compared with a *hólmganga* being offered in place of a blood-feud that could have continued, had the grieving mother-monster been left to her own devices. Secondly, Grendel's mother, unlike her son, does not only rely on her inhuman might to subdue Beowulf; she is seen using a knife, as Beowulf is using a sword:

ofsæt þá þone selegyst ond hyre seax getéah
brád ond brúnecg· wolde hire bearn wrecan
árgan eaferan·...⁵⁰³

(Then [she] set upon the hall-guest, and drew her knife, broad and bright-edged- [she] wished to avenge her child, [her] only offspring.)

This might be seen as establishing a parity of weapons, as required in such duels (see: p.274). Thirdly, and most importantly, the weapon for finally slaying Grendel's mother is taken from within the space of this duel. In the absence of the *tjösundur*, or any such divine symbol, the fact Beowulf should obtain the instrument of his victory at an enemy's den may indeed speak of divine favour, investing the under-water arena and the violence taking place within it with the ritualistic character found in *hólmgangas*. Further support to this idea might be found in the way Grendel's corpse is beheaded right after Beowulf obtains his victory by killing his mother; when Beowulf strikes and decapitates Grendel, the latter has already succumbed to the injury obtained at his last mission to Heorot:

... hé him þæs léan forgeald

⁵⁰³ ll. 1545^a-1547^a, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

réþe cempa tó ðæs þe hé on ræste geseah
 gúðwérigne Grendel licgan
 aldorléasne swá him aér gescód
 hild æt Heorote --hrá wíde sprong
 syþðan hé æfter déaðe drepe þrówade
 heorosweng heardne-- ond hine þá héafde becearf.⁵⁰⁴

(He, [the] fierce fighter, repaid him [Grendel] the reward, when (lit. to that which) he saw the battle-weary Grendel lying, lifeless, as the battle at Heorot had injured him before- [the] corpse sprung open when he, after death, suffered [the] deathblow, [the] hard sword-stroke- and then [he] cut off his head.)

The striking and beheading of the corpse in the poem, naturally, is presented as the wrath of Beowulf for the lives taken by the living Grendel, rather than any practical purpose it may or may not serve. Damon, in particular, interprets the beheading of Grendel as balancing the beheading of Æschere, an act that is ritualistically important if not functionally necessary, and emphasises how the vision of the head is seen by Hroðgar as granted by God after *ealdgewin* or long conflict.⁵⁰⁵ This might suggest that this ritualistic beheading, also, is approved by God as a symbolic closure to the dispute whose functional closure too, i.e. Grendel's mother's death, is, in Beowulf's words, brought about by divine aid. We seek to compare to this token "slaughtering" of Grendel's corpse the slaughtering a bull after victory at the *hólmanga* :

Þar var leiddur fram graðungur mikill og gamall; var það kallað blótnaut; það skyldi sá höggva,
 er sigur hefði. Var það stundum eitt naut, stundum lét sitt hvor fram leiða, sá er á hólm gekk.⁵⁰⁶
 (A large and mature bull was led there; it was called a sacrificial beast; he who had victory would
 slay it. Sometimes there was only one such bull, sometimes each of those who would fight on the
hólm led forth their own.)

⁵⁰⁴ ll. 1584^b-1591^b, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

⁵⁰⁵ John Edward Damon, "Desecto Capite Perfido: Bodily fragmentation and Reciprocal violence in Anglo-Saxon England", *Exemplaria* 13, no. 2 (2013): 430-431. For references to similar or other interpretations of the beheading, see Joseph St John, "The Meaning Behind Beowulf's Beheading of Grendel's Corpse", *Leeds Medieval Studies* 1 (2021): 49-58.

⁵⁰⁶ 66 Kafli, *Egils saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/egils.htm>.

This kind of sacrifice is called *blótnaut*, which can only be offered by the victor after the *hólmganga* and not before.⁵⁰⁷ The dispute being settled already at the *hólm* by victory of the winner, this sacrifice is a ceremonial closure of the dispute much in the same way that Grendel's beheading had been. The rights being reserved for the victor for the post-facto sacrifice, like-wise, is an acknowledgement of divine favour already rendered, much in the same way the severance and recovery of Grendel's head is seen by Hroðgar as markers of divine providence despite their functional irrelevance to Grendel's mother's death. Bloomfield does mention how Beowulf, in the aftermath of Grendel's escape, is shown to anticipate God's justice;⁵⁰⁸ this, coupled with the fact that in the fight with Grendel he claims that he intends to rely on God's might more than his own strength, may lend further credibility to the beheading being interpreted as similar to a *blótnaut*, gratitude being owed to God for the settlement for a previously unresolved case (Beowulf's fight with Grendel ultimately failing to serve the purpose of a *hólmganga* as Grendel's mother, contrary to what is expected of the loser and their kin after such matches, does claim *eptirmál*). Grendel's beheading with the sword obtained in its own lair may further emphasise and even celebrate this divine hand in *Beowulf* emerging victorious from this '*hólm*', and add further nuance to the beheading's interpretation as a *blót* that acknowledges the *hólm*'s role in the outcome.

Apart from the judicial and ritualistic aspects of Beowulf's fight with Grendel's mother, his eagerness to enter the *hólm*, also, especially when it is on enemy territory, affirms the heroic nature of his action and expresses his righteousness:

Æfter þaém wordum Weder-Géata léod
 efste mid elne· nalas andsware
 bídán wolde· brimwylm onfeng

⁵⁰⁷ Gwyn Jones, "The Religious Elements of the Icelandic "*Hólmganga*"", *The Modern Language Review* 27, no.3 (Jul. 1932): 310.

⁵⁰⁸ Morton W. Bloomfield, "Beowulf, Byrhtnoth and the Judgement of God: Trial by Combat in Anglo-Saxon England", *Speculum* 44, no. 4 (Oct. 1969): 546.

hilderince.⁵⁰⁹

(After these words [the] leader of Weder-Geats hastened with courage- [he] did not wish to wait at all for [an] answer; [the] surging water received [the] battle-warrior.)

This motif of heroically advancing into a duelling space is tacitly observed in the way Waldere's companion, in the eponymous poem, motivates him to go to war:

Nalles ic ðé, wine mín, wordum cíde
 ðý ic ðé gesáwe æt ðám sweord{p}legan
 ðurh edwítscype áeniges monnes
 wíg forbúgan oððe on weal fléon
 líce beorgan ðéah þe láðra fela
 ðínne byrnhomon billum héowun.
 Ac ðú symle furðor feohtan sóhtest
 máel ofer mearce; ðý ic ðé metod ondréd
 þæt ðú tó fyrenlíce feohtan sóhtest
 æt ðám ætstealle, óðres monnes,
 wígráedenne. Weorða ðé selfne
 gódum dáedum ðenden ðín God recce.⁵¹⁰

(My friend, I would not at all chide with words that I saw you, at swordplay, avoid in disgrace any man's attack, or flee to the ramparts (lit. wall) to defend [your] body, though many (lit. many of the) foes hewed [their] swords at your armour. But always you sought to fight further, battle over [the] mark; I feared God for you, that too rashly would you seek to fight at the camp of [the] other man, warfare with another man. Honour yourself with good deeds, as long as God cares for (lit. reaches out to) you.)

The way in which Waldere's companion encourages Waldere is interesting to observe for her rejection of certain strategies. We are made to think of the goader's purpose as Waldere's companion herself implicitly refers to it, saying that she has no reason to chide (or goad) Waldere. This is because a goader usually takes to task her kinsmen for neglecting their feuds or right to just violence; Waldere's companion does not need to goad because he has never

⁵⁰⁹ ll. 1492^a-1495^a, *Beowulf*, accessed May 25, 2021, <https://heorot.dk/beowulf-rede-text.html>.

⁵¹⁰ ll. 12^a-23^b, *Waldere*, accessed November 12, 2021, <https://heorot.dk/waldere.html>.

given her reason to do it, he himself never fleeing the arena, but, rather, too eager to push the limits of the space the term. “[M]áel ofer mearc” has been interpreted by Davidson to be a reference to the kind of duel described in *Gesta Danorum* where a square space is set for each combatant and separated by a line, and Waldere’s crossing of this “line” in a battle-field being a metaphor for his eagerness to risk his life.⁵¹¹ However, Dahm opines that the line refers to one created in a shield-wall combat within a battle-field, this particular type of combat referring to smaller individual and group fights separated by shield-walls within the scope of a larger battle-scene.⁵¹²

Considering *Waldere*’s example, therefore, it is not difficult to say that spaces designed for group-fighting rather than personal duels also had their own norms and standards regarding violence committed within them, which may not be all that different from (and may even be governed by) the principles applicable to the spaces allocated to trial by combat. Firstly, speaking of ritualistic aspects as they appear in a *hólmganga*, similar accoutrements can be seen in *Hervarar saga ok Heiðreks*, where the field upon which king Heiðrek is to meet his half-brother Hlöð and his Hunnish army in battle is marked, presumably, with hazel-poles:

Þat váru lög Heiðreks konungs, ef herr var í landi, en landskonungr haslaði völl ok lagði orrostustað, þá skyldu víkingar ekki herja, áðr orrosta væri reynd.⁵¹³

(These were the laws of King Heiðrek, if there was an enemy-army in the land, but the king of the land had hazelled the field and laid the battlefield, then the raiders should not harry [the land] before the battle was decided.)

⁵¹¹ Hilda Ellis Davidson, *The Sword in Anglo-Saxon England* (The Boydell Press, 1962), Reprint (1998), 200-201.

⁵¹² Murray Dahm, “The Shield-Wall of Waldere: New Evidence for Anglo-Saxon Tactics”, *Medieval Warfare* 5, no.1 (2015): 50-51.

⁵¹³ 13 Kafi, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

This is very similar to the ‘hazelling’ of the *hólm* of *hólmganga*, a ritual that has been discussed already in a previous section of this chapter (see: p. 273). The king, by this ritual, can be said to invest it with the judicial capacity of a *hólm*, that is, a place for judging who might have the victory, making harrying of the raiders seem unjust and unnecessary. Further similarities between this battle and a *hólmganga* regarding ritualistic values (that is, apart from the marking of the battlefield) can be seen in the way Heiðrek’s lieutenant, Gissur, throws a spear over the enemy and claims them as Óðinn’s sacrifice-

Nú reið Gizurr í brott ok þar til, er hann kom í her Húna. Hann reið eigi nær en svá, at hann mátti tala við þá. Þá kallar hann hári röddu ok kvað:

"Felmtr er yðru fylki,
feigr er yðarr vísir,
gnæfar yðr gunnfáni,
gramr er yðr Óðinn."
Ok enn:

"Byð ek yðr at Dylgju
ok á Dúnheiði
orrostu undir
Jassarfjöllum;
hræ sé yðr
at hái hverjum,
ok láti svá Óðinn flein fljúga,
sem ek fyrir mæli."⁵¹⁴

(Now Gissur rode away until he came to the Hunnish army. He rode no closer than he could talk to them. Then he called out in a great voice and said: “Frightened is your battalion, doomed is your leader, banners rise over you, Óðinn is wrathful.” [He] also said: “I bid you to (lit., ‘at’) fight on [the] Dúnheið, under [the] Ash hills; may each of your corpses be at high, and may Óðinn let [the] spear fly, as I recommend it.)

⁵¹⁴ 13 Kafli, *Hervarar saga ok Heiðreks*, accessed June 10, 2020, <https://www.snerpa.is/net/forn/hervar.htm>.

This action on a battle-field, a domain governed by Óðinn himself, and directed by a weapon that is associated with Óðinn, can be seen as a way of courting Óðinn's favour by dedicating to the latter the enemy slain by Gissur's own hand (or spear). Similar literary depictions of spear-throwing in the name of Óðinn are considered by Jones a way of marking out the opponent as an offering to Óðinn; Jones compares the ritualistic aspects of these incidents to the ritual of *tjösnublót* in *hólmganga*, suggesting that *tjösnublót* could be similarly interpreted as a preemptive offering to the gods for victory.⁵¹⁵⁵¹⁶

Apart from ritualistic values, judicial values are also reflected in social mores regarding battle-grounds in Germanic literature. An example of it can be seen in the aforementioned Gotland⁵¹⁷ law of Heiðrek's time (see: p.283) limiting the raiders' actions till the outcome of the battle, whereby the invading army is expected to obey the law of the country they are invading. The battleground, then, and moreover, the action committed within it, become the silent judge to whom one may appeal for the right to raid or rule, just as the party to whom compensation is to be meted out is decided by the *hólmganga*. This judicial quality of a battleground in Germanic imagination, in general, can often be reflected in the easy exchange of battles and trials by combat should the circumstances demand such. In *Hildebrandslied*, the father-son duo Hildebrand and Hadubrand meet on a battlefield as champions of two opposing armies,⁵¹⁸ which could have humanitarian⁵¹⁹ as well as literary

⁵¹⁵ Gwyn Jones, "The Religious Elements of the Icelandic "Hólmganga"", *The Modern Language Review* 27, no.3 (Jul. 1932): 311-12.

⁵¹⁶ However, please note that there is critical contention both about the purpose of *tjösnublót* and about literally interpreting the *blót* in *tjösnublót* as 'sacrifice'. See: Marlene Ciklamini, "The Old Icelandic Duel", *Scandinavian Studies* 35, no.3 (Aug. 1963): 183-185.

⁵¹⁷ The part of Sweden ruled by Heiðrek.

⁵¹⁸ ll. 1-6^b, *Hildebrandslied*, Titus: Minor Old High German Monuments, accessed March 10, 2022, <https://titus.uni-frankfurt.de/texte/etcs/germ/ahd/klahddkm/klahd.htm>.

⁵¹⁹ M. Ashdown, "The Single Combat in Certain Cycles of English and Scandinavian Tradition and Romance", *The Modern Language review* 17, no. 2 (Apr. 1922): 128.

reasons.⁵²⁰ Contrarily, in *Gunnlaugs saga Ormstungu*, when the adversaries Gunnlaug and Hrafn (who keep wanting to go on a *hólmanga* but have ill luck as the *hólmanga* keeps getting banned wherever they go) meet in Norway as kin-groups instead of individuals, they decide to turn it into a group fight:

Og um morguninn í sólarroð þá sáu hvorir aðra. Hrafn var þar kominn sem voru vötn tvö og á meðal vatnanna voru vellir sléttir. Það heita Gleipnisvellir. En fram í vatnið annað gekk nes lítið er heitir Dinganes. Þar námu þeir Hrafn við í nesinu og voru fimm saman. Þeir voru þar með Hrafni frændur hans, Grímur og Ólafur.

Og er þeir mættust þá mælti Gunnlaugur: "Það er nú vel er við höfum fundist."

Hrafn kvaðst það ekki lasta mundu "og er nú kostur hvor er þú vilt," segir Hrafn, "að vér berjumst allir eða við tveir og séu jafnmargir hvorir."

Gunnlaugi kveðst vel líka hvort að heldur er. Þá mæltu þeir frændur Hrafns, Grímur og Ólafur, kváðust eigi vilja standa hjá er þeir berðust. Svo mælti og Þorkell svarti frændi Gunnlaugs.⁵²¹

(And in the morning at sunrise they saw each other. Hrafn had arrived [at a place] where there were two lakes and among the lakes there were plains. They are called Gleipni's plains. But into one lake extended (lit. went) a small ness called Dingness. There on the ness Hrafn and the five of his company took a stance. There were with Hrafn his kinsmen, Grím and Ólafur.

And when they met, Gunnlaug said, "It is well now that we two have found [each other]."

⁵²⁰ Millet asserts that the fight between father and son, or, rather, the conversation where the father recognises the son and the ensuing decision to fight nevertheless, emphasises their political obligations as champions of their respective armies and prioritisation of such obligations over kinship. See: Victor Millet, "Deconstructing the Hero in Early Medieval Heroic Poetry", in *Narration and Hero. Recounting the Deeds of Heroes in Literature and Art of the Early Medieval Period*, Berlin, Boston 2014 (RGA. Ergänzungsbd. 87): 236. Hatto observes how the conversation preceding the duel is integral to illustrating the tragic inevitability of a good father killing a good son; Hadubrand rejects Hildebrand's paternity-identifying token or gift as a Hun offering pillaged goods is more probable to him than the logistical impossibility of his Heroic father fighting on the Huns' side, and follows it up with insults, leaving Hildebrand no choice but to fight. See: A.T. Hatto, "On the Excellence of the 'Hildebrandslied': A comparative Study in Dynamics", *The Modern Language Review* 100 (2005), Supplement: *100 Years of "MLR" General and Comparative Studies* (2005): 34-35. Murdoch comments on how the armies on both sides serve the narratorial purpose of an audience and witness to the duel, ensuring the duelists honour their political obligations. See: Brian Murdoch, *The Germanic Hero: Politics and Pragmatism in Early Medieval Poetry* (The Hambledon Press, 1996), 42.

⁵²¹ 12 Kafli, *Gunnlaugs saga Ormstungu*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/gunnl.htm>.

Hrafn said it would not hurt; and now it's your choice," says Hrafn, "whether we all fight or we two fight on equal terms."

Gunnlaug also said that [he] liked it well either way. Then spoke Hrafn's kinsmen, Grim and Ólafur, [and] said they did not want to stand by while they [Gunnlaug and Hrafn] fought. Thus spoke also Þorkell the Swarthy, Gunnlaug's kinsman.)

Several things might have made these combatants consider a battle in place of what was previously a duel. The number of people involved, of course, is a concern, as those accompanying their kin in the feud did not wish to stand on the sidelines. Another important motif, however, is that the nature of the battle may synchronise with the spaces found, in which case their arrival at Dingness could have also been a pivotal event. The headlands or *nesses*, a common natural feature of Iceland and also Northern Scandinavia in general, are often a permanent feature of the group-fights in Icelanders' sagas, and a comparison of *nesses* as fortifications or *vígi*⁵²² can be seen in *Heiðarvíga saga*, where Þorarrinn chalks out a plan for Barði who wants to go and meet the Gíslungar in a battle.⁵²³ It is likely, then, that finding themselves near the ness, and, moreover, the disagreement of their kin influenced their decision to forego the *hólmganga*, as, after all, the kinsmen have major stakes in the fight, being the ones to pay ransom for the losing party, and the ones to lose the right to compensation should their kin die in the *hólmganga*. The judicial capacity of the space, in this way, is determined not only by the interests of those in the centre of the conflict, but all who hold stakes in the outcome.

⁵²² However, *vígi* has also been translated as 'fighting-stead' by William Morris and Eiríkr Magnússon. See: William Morris and Eiríkr Magnússon trans. (1892), "Chapter 9", *The Saga of the Heath-Slayings*, accessed October 1, 2024, https://sagadb.org/heidarviga_saga.en.

⁵²³ 24 Kafi, *Heiðarvíga saga*, accessed November 20, 2020, <https://www.snerpa.is/net/isl/heidarv.htm>.

Keeping with the sense of battlefield as a space for judgement, a demand for parity is often associated with the warrior's honour. As an example of this we can cite Byrhtnoð's decision to let the Scandinavian army cross the river in *The Battle of Maldon*:

þā hī þæt onġēaton and ġeorne ġesāwon
 þæt hī þær bricgweardas bitere fundon,
 ongunnon lyteġian þā lāðe ġystas:
 bædon þæt hī ūpgang āgan mōston,
 ofer þone ford faran, fēþan lādan.
 Ðā se eorl ongan for his ofer mōde
 ālŷfan landes tō fela lāþere ðēode.
 Ongan ceallian þā ofer cald wæter
 Byrhtelmes bearn (beornas ġehlyston):
 "Nū ēow is ġerŷmed; gāð riċene tō ūs,
 guman tō gūþe. God āna wāt
 hwā þære wælstōwe wealdan mōte."⁵²⁴

(When they perceived this and eagerly observed that they had found bitter bridge-wardens there, [the] (lit. then) loathsome guests began to act cunningly; [they] requested that they be allowed to obtain passage (lit. journey inland from a water-body), faring over the ford, leading [their] foot-soldiers. The nobleman, due to his overweening pride, approached, [and] began to yield too much of ground to [these] loathsome people. Byrthelm's child [Byrhtnoð] then shouted across [the] cold water [warriors listened]: "Now you are accommodated; come quickly to us, [as] men to war. God alone knows who might control the slaughter-field.")

Byrhtnoð's pride as a warrior, here, compels him to think of parity of defence/offence as heroic in battle, a value generally associated with duels. The lines between duel and battles are further blurred by the evocation of God by Byrhtnoð, where the former is called upon to decide who should control the battlefield. Bloomfield, moreover, argues that despite the fight not satisfying all the requirements of a trial by combat, Byrhtnoð at the very least wished it to resemble one in intent, calling upon God's judgement and allowing the enemy to "approach on even

⁵²⁴ ll. 84^a-95^b, *The Battle of Maldon*, accessed May 10, 2020, <http://www.oldenglishtaerobics.net/maldon.php>.

terms”.⁵²⁵ This invests the battlefield with the judicial traits of a *hólm* or a duelling space, whereby god/s are expected to deliver their judgement by assisting the victory of their favoured candidates. These commonalities of spaces designated for personal duels and battles, as well as their exchangeability, then, argue for unique identity/ies of the spaces allocated to violence; their common and exchangeable functions, also, show how the unique identities of these spaces come to define violence committed within it, as well as outside them.

Allowance/Limitation of Violence within Spaces Prohibiting Violence

Having approached the relationship between violence and space through the approbation, regulation and consequences of violence within spaces allocated to, or approved for violence, it is time to look at spaces that prohibit violence or certain kinds of violence. The justification of these prohibitions, or the penalties for breaking them, may inform the Early Germanic communities’ idea of violence, and, in return, the concept/s of violence prevalent in Early Germanic communities may also be instrumental in preserving and perpetuating these prohibitions and penalties. We shall examine the restricted spaces in two ways: firstly, we shall discuss the nature of the restrictions that are imposed on violence in certain spaces, and, thereby, try to understand what prompted and regulated these restrictions. Secondly, we will also observe the case of the outlaw, for whom the space-bound restrictions often do not apply when he is at the receiving end of violence, turning any space into an adversary. Through studying these customs, we will try to understand the mechanisms through which a space applies or withdraws its restrictions, and the consequences these actions have on the relationship between violence and space.

The regulations that prohibit violence within communal spaces or spaces designated as public spaces of authority, often forbid select forms of violence while allowing others. We

⁵²⁵ Morton W. Bloomfield, “Beowulf, Byrhtnoth and the Judgement of God: Trial by Combat in Anglo-Saxon England”, *Speculum* 44, no. 4 (Oct. 1969): 558-559.

shall try to find the reasons behind this selective permissibility. In *Egils saga* Eyvind is outlawed for killing Þorvaldur inside a temple,⁵²⁶ yet the occasion for which both had gathered was a great sacrifice. No violence is to be carried out without penalty at the king's house as per the Anglo-Saxon law,⁵²⁷⁵²⁸ yet there is no law against the king himself ordering such sentences to be carried out within his residence. Likewise, the *þings* strictly forbid violence within its limits, yet, *hólmgangas* are often fought at *þings*. The reader may notice the common link between all of these prohibitions and the exceptions, that is, these exceptions are determined by the identity of the source whence the approvals for violence comes. The sacrifices in these temples affirm the authority of the deity inside, while weapons drawn by others violate it. Similar things can be said about the Churches, where trials by ordeal are held, and *þings*, wherein *hólmgangas* are often held as a valid process of trial. These exceptions' adherence to authority over or ownership of the land is mirrored in the way a common man's right to private property is upheld in the Icelandic sagas. Glúmur, the eponymous character in *Víga-Glúms saga*, kills his widowed sister-in-law's brother Sigmundur in a land dispute (Sigmundur and his father Þorkell, in control of Glúmur's dead brother's property, were trying to illegally encroach upon land inherited by Glúmur and his mother), and hopes to escape punishment for murder by declaring Sigmundur an outlaw for trespassing on his land. Declaring outlawry on Sigmundur for trespassing provides, simultaneously, a just cause for Glúmur to kill him, and immunity to Glúmur for killing an outlaw:

En með áeggjun þá bjó Þórarinn Þórisson mál til alþingis á hendur Glúmi um víg Sigmundar en Glúmur bjó mál til á hendur Þorkatli hinum háva um illmæli við þrælana og annað bjó hann á

⁵²⁶ 49 Kafi, *Egils saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/egils.htm>.

⁵²⁷ Ine 6, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge University press, 1922), 38, PDF e-book (2015).

⁵²⁸ Alfred 7, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge University press, 1922), 68, PDF e-book (2015).

hönd Sigmundi og stefndi honum um stuld og kvaðst hann drepíð hafa á eign sinni og stefnir honum til óhelgi er hann féll á hans eign og gróf Sigmund upp.⁵²⁹

(But with encouragement Þórarinn Þórisson made a case at the Althing against Glúmur about Sigmundur's slaying, but Glúmur made a case against Þorkell the tall about slander against the slaves [of his mother Astrid], and another case he prepared against Sigmundur, and sued him for theft, and said that he had killed him [Sigmundur] while trespassing on his own property, and summoned him [Sigmundur] as Outlaw as he fell dead on his [Glúmur's] property, and dug up Sigmundur.)

Glúmur's case, here, may be made stronger by the material evidence of Sigmundur's trespassing, i.e. his body, being dug up in his land, but the testimonials and support of his kins also adds to his suit. Þorkell does not have a case at all against Glúmur when it is decided that the latter was, indeed, defending his property. The prohibition of certain kinds of violent acts within these spaces, then, comes not from any inherent quality of that space, but defers to the one holding ownership/authorising power for that space.

A number of legal and social practices prevalent within Early Germanic cultures may further affirm that space-bound norms for violence are often controlled by authorities in charge of these spaces. One of these practices is these authorities' ability to legally regulate or respond to violence committed in their spaces, as mentioned above. Other than this, firstly, we may consider the legal practice of extending the taboo on committing violence not only on places where the influence of certain social/religious authorities is paramount, such as their residences/professional quarters, but also, secondly, to places inhabited by their august presence at a given moment. That is to say, these laws enable penalising of violent actions not only in certain sacrosanct spaces such as the king's palace or the Church, but also wherever the king or religious leaders are present at a particular time, albeit a reduced degree of punishment being applicable in the latter cases. Religious places have persisted as the one sacrosanct space wherein violence is barred, across Germanic cultures, as in Ine's *dōm* or law-code:

⁵²⁹ 9 Kafi, *Víga-Glúms saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/vigaglum.htm>.

5. [Be ciricsocnum.]

Gif hwa sie deaðes scyldig 7 he cirican geierne, hæbbe his feorh 7 bete, swa him ryht wisige.

§ 1. Gif hwa his hyde forwyrce 7 cirican geierne, sie him sio swingelle forgifen.⁵³⁰

(5. [About The Church-sanctuary])

If anyone is sentenced to (lit. of) death and he flees to [a] the Church, let his compensation be paid as directed to him by law.

§ 1. If he is liable to have his hide whipped and flees to a Church, let the whipping regarding him be forgiven.)

However, the Wessex law-code/s also fine violence committed in the presence of a bishop, which emphasises that the sacrosanct nature of the Church does not come from any inherent materialistic trait of the space or its construction, but the religious authority invested in it:

15. [Be ðam Þæt man toforan bisceope feohteð.]

Gif mon beforan ærcebiscepe gefeohte oððe wæpne gebregde, mid L scill. 7 hundteontegum gebete; gif beforan oðrum biscepe oððe ealdormen ðis gelimpe, mid hundteontegum scill. gebete.⁵³¹

(15. [About the one who would fight before [the] bishop])

If one (lit. a man) before the archbishop fights or draws weapon, let him compensate with fifty shillings.

And if a man fights or draws weapon before the archbishop, let him pay compensation with hundred and fifty shillings. If it happens before a bishop or a commander, let him pay compensation with hundred shillings.)

The severity of the punishment awarded for the affront changes, as we can see, along with the degree of authority the figure possesses. However, the principal concept to be noted here is the defiance of religious authority not being tied to any particular place pertaining to religious

⁵³⁰ Ine 6, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge University press, 1922), 38, PDF e-book (2015).

⁵³¹ Alfred 15, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge University press, 1922), 72, PDF e-book (2015).

authority, but, rather, to the presence of the figures invested with it. We see this represented in the laws regarding the King's presence in Æthelberht's *dōm*-s:

2. Gif cyning his leode to him gehateþ, 7 heom mon þær yfel gedo, II bóte 7 cyninge L scillinga.
3. Gif cyning æt mannes ham drincæþ, 7 ðær man lyswæs hwæt gedo, twibote gebete.⁵³²

- (2. If [the] king calls his men to him, and anyone (lit. a man) does evil to them, double compensation and fifty shillings to [the] king [will be paid].
3. If [the] king drinks at [a] man's home, and anyone (lit. a man) commits any kind of offence there, double compensation is to be paid.)

These laws mirror in essence the principles of penalisation concerning violence in spaces invested with religious authority. We have seen that barring of violence in a space based on religious principles requires more emphatically the physical presence of the seat/symbol of power, i.e., the Church and the bishop. In the same way, the laws regarding these spaces also, are connected to, theoretically, the physical evidence of the king's power. The higher penalty is to be paid if the king's palace itself witnesses unapproved violence, as this kind of action deliberately undermines the king's authority over his own abode, and thus the fifty shillings paid to the king could be accounted for. However, the compensation to be paid for the harassment/injury of the king's men is also doubled than usual, and this can only be because their being called to the palace also comes with the king's protection, and thus impact of the offence is doubled for violating the king's protection. As with the bishop's authority, the protection a king provides, thus, over his men is not limited to one physical seat of power; therefore, in the second law cited above (Æthelberht 3), the clause of double compensation is repeated, presumably because the king, by residing in the hall where the offence is committed, also has his protection over the host violated. What confirms our hypothesis about the role of

⁵³² Æthelberht 2-3, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge University press, 1922), 5, PDF e-book (2015).

a given authority in regulating the legitimacy of violence within certain spaces, is, however, how compensation for violence within households is ranked according to the status of the household-owner in King Ine's law-code:

[Be gefeohtum.]

Gif hwa gefeohte on cyninges huse, sie he scyldig ealles his ierfes, 7 sie on cyninges dome, hwæðer he lif age
 Ðe nage.

§ 1. Gif hwa on mynster gefeohte, cxx scill. gebete.

§ 2. Gif hwa on ealdormonnes huse gefeohte oððe on oðres geðungenes witan, LX scill. gebete he 7 oþer LX geselle to wite.

§ 3. Gif ðonne on gafolgeldan huse oððe on gebures gefeohte, cxx scill. to wite geselle 7 Ðam gebure VI scill.

§ 4. Ðeah hit sie on middum felda gefohten, cxx scill. to wite sie agifen...⁵³³

(6. [About fights]

If anyone fights in the King's house, then he forfeits all his property, [and] it is up to [the] king's judgement whether he lives or not.

§ 1. If he fights in a monastery, let [him] pay 120 shillings as compensation.

§ 2. If he fights in [the] house of [a] commander, or of any other noted advisor, let [him] pay 60 shillings [to the householder] and 60 shillings as a fine.

§ 3. If he fights in the house of [a] tax-payer or a dweller/husbandman let [him] pay 120 shillings as compensation, and six shillings to the dweller/husbandman.

§ 4. And even if it is fought in the middle of a field, 120 shillings are to be given as fine.)

Following a hierarchy of the authority/ownership defied by the fighting/violence, the compensation to be paid in each case is graded accordingly, the king's dues being at the apex. The role of authority in controlling these space-bound limitations is understood, further, by the way compensation is paid to the polity for violence committed in any space except the Church. The king/polity, there, even by not being present, earns a bigger share of the compensation than

⁵³³ Ine 6, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge University press, 1922), 38, PDF e-book (2015).

the householder does, in the form of the fine to be paid to the court/polity. This can only be because the king, or the power of the polity, is present in a more than physical nature within the individual's house; the right the individual has to private land, in a sovereign monarchy, is derived from the king's/polity's ownership of the region within which the private land falls. Hence the owner's authority and ownership, for whose violation he receives this compensation, is diminutive of the King's/polity's authority and ownership, and therefore, the king's/polity's right to the space, and the violation thereof, is also seen as worthy of a greater compensation. We refer here to Ine 6.4 above, where, in case of the fight occurring on a field (or open space) not inside anyone's private household, the polity may take all. According to the Anglo-Saxon legal codes cited in this section of the chapter, then, the right of private household-owners to the space, and the authority whereby they can condemn any offence/violence committed there by a second party, exist in addition to the right of the polity over the place, and not in its stead.

The examples so far cited in the section, we hope, adequately establish the role of both physical and non-physical presences of authority figures in penalising and/or restricting violence within certain spaces. Moreover, these examples also emphasise a hierarchical structure of actions these authorities must follow when their rights regarding a space intersect, as a private homeowner must cede to the king the greater right to compensation, although the one faced with immediate risk and threat to his authority and life is the homeowner, and not the king himself. This is, then, the second condition whereby we can showcase the connection between the space-bound restrictions and the agency of concerned authoritative figures; in restricting or accepting violence within a certain space, an authoritative figure can be made to cede control to another authoritative figure higher up in the social ladder. This is best understood in terms of hierarchical protection against violence. This protection is provided by certain spaces and their guiding/regulating authorities to people on whose life other authorities have valid claim; this provision comes with an understanding that the figure/s protecting this

person should be of a higher social and cultural status than that of the authority wielded by the original claimants of the ward's life on the level of individual responsibilities. Therefore, even those with a right to justice recognised by the polity may not interfere in spaces that come within the jurisdiction of the Church and arrest a criminal if he should seek, and find, shelter within the spaces governed by the Church. The sacrosanct nature of the Church (the space/building) is naturally preserved in keeping all kinds of violence away from it, making it a place of sanctuary, so that even men being hotly pursued by their adversaries may have a few days of refuge without fearing slaughter. King Alfred allows this for both criminals and people being pursued, albeit the conditions being different:

2. Gif hwa Ðara mynsterhama hwelcne for hwelcere scylde gesece, Ðe cyninges feorm to belimpe, oððe oðerne frione hiered Ðe árwyrdæ sie, age he Ðreora nihta fierst him to gebeorganne, buton he ðingian wille.

§ 1. Gif hine mon on ðam fierste geyflige mid siege oððe mid bende oððe Ðurh wunde, bete Ðara aeghwelc mid ryhte ðeodscipe, ge mid were ge mid wite, 7 Ðam hiwum hundtwelftig scill. ciricfriðes to bote 7 næbbe his agne forfongen.⁵³⁴

...

5. [Be ciricene friðe.]

Eac we settað æghwelcere cirican, ðe biscep gehalgode, ðis frið: gif hie fáhmon geierne oððe geærne, Ðæt hine seofan nihtum nan mon út ne teo. Gif hit Ðonne hwa dó, ðonne sie he scyldig cyninges mundbyrde 7 Ðære cirican friðes mare, gif he ðær mare ófgefo, gif he for hungre libban mæge, buton he self feohte.⁵³⁵

(2. If any man [guilty of] whichever offence happens approaches a monastery to which [the] king's provision is given, or to any other free community which is honoured [in this way], he will have three nights' time to protect himself, except if he desires to settle the case.

§ 1. If during this time any man injures him with a mortal blow, by [putting him] in fetters or by wounding him, he will compensate each of these [offences] with just manner, both with fine and

⁵³⁴ Alfred 2, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge University press, 1922), 64, PDF e-book (2015).

⁵³⁵ Alfred 5, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge University press, 1922), 66, PDF e-book (2015).

with *wergeld*, and with 120 shillings to compensate the Church for [violating] the sanctuary of the Church, and he shall not have his own due [from the settlement made by the fugitive]

...

5. [About Church-Sanctuary.]

Also, we grant to every Church consecrated by [a] bishop this right of sanctuary; if one pursued by foes reaches it by foot or horseback, that no one can drag him out for seven nights [If anyone tries to do this, he will compensate for violating the king's protection, and the Church's protection] if he may endure the hunger, or unless he himself leaves to fight.)

Though the king is "granting" the Church this right of providing sanctuary, it is clear from the first law (Alfred 2) that the source of authority is not the king, and the king is merely sanctioning it; those who have committed offence in the eye of the polity, otherwise, would not have been able to access this sanctuary. Hence the right to sanctuary, in this context, is granted by the authority of the Church, first and foremost. Any violence committed to bringing a criminal outside of the church is also forbidden, emphasising how the sacrosanct nature of the space, by virtue of the authority invested in it, can override or postpone the claim secular law has on the convict for having committed crimes outside the church. The relationship between social hierarchies and authority over violent actions in a certain space is seen, moreover, in the way a criminal's sentence may be commuted or reduced by taking shelter under the King or Church. A convict already on death-row may have his sentence commuted to the payment of *wergeld*⁵³⁶ if they manage to escape to a church (as previously seen), asserting the superiority of the sacrosanct nature of the Church over the punitive authority of secular law.

We have, so far, evaluated spaces that restrict violence in terms of "what" is restricted within them, and why. However, this discussion would be incomplete without "who", as in who, on the premise of having committed certain acts, are precluded from the restrictions these spaces offer. The most extreme representation that arises out of this description is that of an outlaw, although there are several variations of criminals that are considered *persona non*

⁵³⁶ Lit. "man-yeild", or the amount that might be asked as compensation for a dead kinsman.

grata in the legal codes of Early Germanic societies. For these individuals, space itself becomes an enemy, excluding them from any right to seek safety anywhere that arises from being a citizen of the polity. Naturally, the king's and the Church's protection also does not extend the option of commutation (of punishment) or shelter to these legal anathemas, forbidding their entry into the spaces that grant such commutation or shelter under their authority.

The concept of outlawry has legal precedent in almost all Early Germanic law-codes prior to the documentation of Scandinavian law, hence the figure of the outlaw is not unique to Icelandic literature. The word 'outlawry' applies equally to what the outlaw has done, which can be any major defiance of the law (including and up to not answering the summons of the court and/or not showing up on the day of the trial), and what is done to the outlaw, meaning that he/she is placed entirely outside the law and denied any access to legal right/s or recompense. Though the Icelandic *Grágás* have provisions for lesser outlawry whereby the outlaw retains some of his/her rights, these distinctions are not visibly emphasised in other extant Early Germanic legal codes. Hence, when we talk about outlawry in this chapter, we speak, generally, of the common and most extreme form of it, that is, full outlawry. Full outlawry is often a measure for measure, awarded for grievous crimes against the society and/or another person, including, but not limited to, murder, rape, theft or unlawful exhumation – most cases in which, it could be argued, another person's legal rights are either ignored or violated by the convict. We will try to see, through examples taken from both secular and legal literature, how the sentence of outlawry influences and alters space-bound restrictions regarding the sentenced.

What Icelandic literature has in abundance, in contrast with other Early Germanic literature, is plenty of literary examples of the practice of outlawry in its secular literary corpus, to the extent of having three major sagas dedicated to it, namely, *Grettis saga*, *Gísla saga Súrssonar* and *Harðar saga ok Hólmverja*. What binds the experiences of these outlaws

together is the commonality of punishment, which does not differ much across the Early Germanic legal codes. One of the earliest Germanic legal codes, *Lex Salica*, lays down the principles of outlawry in this manner, that an outlaw is to lose all of his/her property, and their kin are to pay fines if they provide him/her with further shelter and food. This punishment is to continue until his or her compensation has been paid in full.⁵³⁷⁵³⁸ Normally, this would have less to do with violence and more to do with forcing the kin to pay up (or risk their kinsmen to die of starvation), but the situation may turn for the worse if the outlawry can't or won't be compensated for. Then the outlaw is placed at the mercy of the common law-abiding man as well as the prosecuting/avenging party, and they hold the key to turning any space uninhabitable for the outlaw. As King Chilperic directs, any man can be the hand of justice and slay with impunity an outlaw who has fled to the forest, the outlawry having been declared after the man the fugitive has injured accuses him before the king.⁵³⁹ The Anglo-Saxon legal codes, also, refer extensively to the figure of a *flyma* or fugitive, and a law in Æthelstan's codes provides us with a better view of what being a *flyma* could entail, which does not seem at all different from the tropes of the outlaw in other Early Germanic legal codes; here is the sentence meted out to one declared *flyma* for theft and disobedience:

20...

§ 4. 7 se ðe be [ðissum] geswican nylle, ðonne ridon ða yldestan men to, ealle ðe to ðære- byrig hyron, 7 nimon eall ðæt he age—7 fô se cyng to healfum, to healfum ða men ðe on ðære rade beon—7 setton hine on borh.

§ 5. Gif he nite, hwa hine aborgie, hæfton hine.

§ 6. Gif he nylle hit geþafian, leton hine licgan, buton he oþwinde.

⁵³⁷ LV 4, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania, 1991), 118.

⁵³⁸ LVI 5-6, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania, 1991), 136.

⁵³⁹ Cap. IV. CXV, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania, 1991), 152.

§ 7. Gif hwa hine wrecan wille oððe [heora ænigne] fælæce, Þonne beo he fah wið ðone cyng 7 wið ealle his freond.

§ 8. Gif he ætwinde, 7 hine hwa feormige, sy he his weres scyldig, buton he hine ladian durre be Þæs flyman were, Þæt he hine flyman nyste.⁵⁴⁰

(20...

§ 4. Again, if there is anyone who does not desist (lit. he who does not wish to desist from this), all the chief men who belong to the borough [of the criminal] will ride thereto, and take all that he owns; and the king shall receive half, and [the other half] the men who rode there; and they shall set [him] under (lit. on) security.

§ 5. And if he knows no one who will vouch for him, [they/the chiefs] will arrest him.

§ 6. And if he does not consent [to] it, [they] will be allowed to slay [him], except [if] he escapes.

§ 7. And if anyone wishes to avenge him or start a feud against any of them [who slew the *flyma*], then he will be at odds with the king and all his friends.

§ 8. If he escapes and anyone harbours him, he [who harbours him] shall forfeit his *wer-[geld]*, unless he swears [an] oath equivalent to that of a *flyma*, that he [the host] did not know he [the guest] was a *flyma*.)

These clauses almost mirror the punishment laid out for an outlaw in *Lex Salica*. The *flyma* forfeits his property, he is ostracised from his kin-group, and his life has no value in the eyes of the law as his kin are legally bound to not seek any kind of compensation either through vengeance or monetary claims. As in the case of the outlaw who flees to the forest in *Lex Salica* (CAP.IV, CXV), moreover, the *flyma*'s enemy is also the common man, who has the right to kill him without consequences, as is seen in another law regarding a *flyma* in Æthelstan's legal code:

2. [Be hlafordleasum mannum.]

Ond we cwædon be Ðam hlafordleasan mannum, ðe mon nán ryht ætbegyran ne mæg, Þæt mon beode ðære mægÐe, ðæt hi hine to folcrynhte gehamette 7 him hlaford finden on folcgemote.

⁵⁴⁰ Æthelstan 20, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge University press, 1922), 137-139, PDF e-book (2015).

§ 1. 7 gif hi hine ðonne begytan nyllen oððe ne mægen to þam andagan, ðonne beo he syððan flyma, 7 hine lecge for ðeof se þe him to cume.⁵⁴¹

(2. [About Lordless men]

And we say about the lordless man from whom one may not obtain any legal satisfaction, that one bid their kin so that they can house him to [make him amenable to] public law, and find him [a] lord in the folk-meeting.

§ 1. And if they [the kin] then would not or may not obtain it on the appointed day, then he is afterwards [known as] [a] *flyma*, and he who encounters him may slay him as a (lit. for) a thief.)

The fact that a *flyma* of a crime other than theft is being compared to a thief regarding his slaying is important, as no compensation may be asked for the slaying of a thief. In addition to Æthelstan 20, where the chiefs who act as law-keepers can kill the *flyma* with impunity, we can see the *flyma* to be legally vulnerable from the perspective of the law-abiding common men as well, who are given license to kill as hands of justice. Hence it is not without reason that the three ‘outlaw’ sagas mentioned earlier are frequently consulted on the topic of the outlaw, although several other Icelanders’ sagas contain outlaw figures; the common motif that is highlighted in these narratives is the astounding amount of time these outlaws are able to survive in these adverse circumstances, despite the avengers being hot on their trail. This is why, perhaps, Gísli’s survival as an outlaw for eighteen years, longest of all those who received this sentence in Iceland, reaches an almost mythical quality in its narration. In what is possibly his eleventh year of outlawry, Gísli receives an ominous dream, having the capacity to dream ‘true’:

“...En það dreymdi mig nú að eg þóttist ganga að húsi einu eða skála og inn þóttist eg ganga í húsið og þar kenndi eg marga inni, frændur mína og vini. Þeir sátu við elda og drukku og voru sjö eldarnir, sumir voru mjög brunnir en sumir sem bjartastir. Þá kom inn draumkona mín hin betri og sagði að það merkti aldur minn hvað eg ætti eftir ólifað og hún réð mér það meðan eg

⁵⁴¹ II Æthelstan 2.1, *The Laws of the Earliest English Kings*, ed. and trans. F.L. Attenborough (Cambridge University press, 1922), 128, PDF e-book (2015).

lifði að láta leiðast fornan sið og nema enga galdra né forneskju og vera vel við daufan og haltan og fátæka og fátæka.”⁵⁴²

(But now I dreamed that I thought I was walking to a house or a hut, and I thought I was walking into the house, and there I saw many people inside, my relatives and friends. They sat by the fire and drank and there were seven fires, some had burnt very low and some as bright as could be. Then my better dream woman came in and said that it marked my age what I should live for, and she advised me while I was alive to let go of ancient customs and to learn no magic or antiquity, and to be good to the deaf and the lame, and to the poor and the weak.)

It should be noted how, in this case, Gísli's ability to survive is being connected to a divine agency and his own moral resolve for doing good deeds. The lack of legal, and practical justification of his survival is compensated with a moral justification of it. Gísli's saving grace is in his situation being portrayed as unfortunate incidents happening to a man who is otherwise morally upright or at least tries to be. A similar trope is seen in *Grettis saga*, where the outlawry is predicted, or, rather, cursed upon him by the ghost Glam:

“... Þú hefir frægur orðið hér til af verkum þínum en héðan af mun falla til þín sektir og vígaferli en flest öll verk þín snúist þér til ógæfu og hamingjuleysis. Þú munt verða útlægur ger og hljóta jafnan úti að búa einn samt.”⁵⁴³

(You have become famous here for your deeds, but from now on outlawry and [charges of] manslaughter must fall on you, and (lit. but) most of all your deeds will turn to misfortune and unhappiness. You will become an outlaw and it will be [your] lot to always duel alone abroad.)

The juxtaposition between Grettir's past deeds and the cursed misfortune to come should be noted. Grettir, too, is presented here as previously unfallen and unstained by dishonour, and the *wyrd* Glam puts on him, thus, is easily seen as undeserved. However, these justifications are not provided for all outlaws, nor are their lives as long as those of the heroic outlaws to warrant this justification, marking their death because of their pariah status a vindication of their unlawful actions.

⁵⁴² 22 Kafi, *Gísli saga Súrssonar*, accessed October 5, 2020, <https://www.snerpa.is/net/isl/gisl.htm>.

⁵⁴³ 35 Kafi, *Grettis saga*, accessed October 3, 2020, <https://www.snerpa.is/net/isl/grettir.htm>.

To sum it up, then, an outlaw faces this uninhabitability, or lack of protection from space-bound restrictions, because of multiple clauses stemming from outlawry. The first clause we may cite here is something that is seen across Germanic legal codes cited in the last paragraph, which is withdrawal of the right to compensation for the outlaw (and in case of his death from the cause of compensation, his kin) if he is injured or dead, or harmed in any way. When a person is placed 'out of law', it is understood that he/she has also lost their right (and his/her kin's right) to be compensated for any wrong done to them, leaving a person who intends to kill him/her free to do so anywhere, with impunity from avenging/paying fines. Another clause of outlawry that results in the loss of space-bound restrictions/protections may be the forfeiture of the outlaw's property and penalisation of all who shelter the outlaw, rendering most spaces unable to accept the outlaw and provide him/her with shelter in a lawful manner. In the previous section which pertained to space-bound restrictions on actions, we have discussed that certain restrictions may be imposed on violent actions if they are to be committed within a space governed by another's authority. The conditions of outlawry deprive an individual of the right to legally seek refuge in a private property, which could have saved their lives in normal circumstances. A person sentenced to outlawry forfeits all that he/she owns, including houses, and with this they lose the foremost legal protection against violence they have regarding space, that is, right to authority and protection within one's privately owned property. Their access to the legal protection provided by a privately owned property is further limited by the fact that along with forfeiting the right to their own property, they also lose their legal right to be hosted safely by anyone, including the kin-group. So far, then, using the context of outlawry, we have seen how certain space-bound restrictions may be lifted or imposed on an individual based on the possibly violent actions committed by the individual, rather than the possibly violent actions that an individual is going to commit (as discussed in the previous section). However, these restrictions may not be able to reveal in depth the

intrinsic way in which the sentence of outlawry changes the identity of the outlawed individual, and therefore his/her relationship with space as mediated by allowance/restriction of violence. The answer may lie in the hierarchy of the authority invested in space, and the protection they may or may not offer in this case. We, here, of course speak of the spaces regulated by the authority that may make special provisions to those condemned by secular law, that is, the Church. While in the *Grágás*, lesser outlawry is awarded to even those who bring for burial the body of an outlaw/person prohibited from entering the Church in his/her lifetime,⁵⁴⁴ *Lex Salica* prohibits certain kinds of criminals from entering any Church/monastery, such as rapists. Interestingly, the rapists in *Lex Salica*, if captured, face death or outlawry anyway, but seeking refuge at the Church immediately brands him an outlaw.⁵⁴⁵ This can be seen in two ways; the criminal passes judgement on himself by his own action, by seeking to reach a sacred space to which he had no right, but, also that the Church, though not letting him enter the premise, grants him a final act of mercy by finalising his sentence and giving him the option to flee albeit in a legally vulnerable state, as the other option that had awaited him at the hands of the law was a death sentence.⁵⁴⁶ The notion of an outlaw being a *persona non grata* within a religious space, or, more importantly, of an individual facing outlawry because of an attempted entrance into a sacred space, may have more to do with the physical presence of the outlaw itself being an aberration, rather than this being a legal aspect of outlawry. Víga-Glúmur's son is cast out from Uppsala because he is thought unfit to live in such a sacred space on account of lesser outlawry, and is fully outlawed when he is found to be hiding there with his father's aid:

⁵⁴⁴ K§267; Ib p. 218, *Laws of Early Iceland: Grágás II*, trans. Andrew Dennis, Peter Foote and Richard Perkins (University of Manitoba Press, 2000), 234.

⁵⁴⁵ Cap.VI. II. 2, *The Laws of the Salian Franks*, ed. and trans. Katherine Fischer Drew (Philadelphia: University of Pennsylvania, 1991), 157.

⁵⁴⁶ Ibid.

En hann mátti eigi heima vera fyrir helgi staðarins og var hann að Uppsölum löngum og ætluðu að hann mundi vera í öðrum fjórðungum landsins og vildi hann eigi utan fara á því méli. Varð hann þá alsekur og hélt Glúmur hann á laun.⁵⁴⁷

(But he was not allowed to be at home for the sanctity of the place, and he was at Uppsala [for a] long time, though it was thought that he would be in other quarters of the country, and he did not want to go abroad within the [fixed] period. He then became completely outlawed and Glúmur kept him a secret.)

This points at a much earlier belief of shame, stigma, and possibly evil being present in the physical embodiment of the outlaw, which makes him/her a natural pariah even beyond the dictates of the law. Adding to the argument in the previous section which presented as defiance/sacrilege any violent action committed within a space without the permission of a relevant authority, the outlaw, and especially the violent outlaw, earns through his or her actions a permanent badge of shame/dishonour for having acted without authority, or without permission of authority. This notion of affecting with one's vice the space one inhabits is logically quite similar to the reason we have discussed for certain violent actions being prohibited in select spaces. Just as the space-bound restrictions placed on certain kinds of violence, then, comment more on the conflict of these violent actions with concerned authority than any inherent sacrosanct nature of the space, the lifting of these restrictions or protections regarding acts of violence, in case of certain kinds of law-breaking individuals, comments on the peripherality of the outlawed individual within the legal, social and cultural context of space and ownership, rather than the space's inherent ability to keep them out.

Conclusion

In conclusion, then, regarding the mutual exchange of meanings between space and violence, we hope to have shown that the allowance and prohibition of violence in space/s are not dependent only on the purpose of the action, but also on the identity of the individual who

⁵⁴⁷ 19 Kafil, *Víga-Glúms saga*, accessed March 10, 2022, <https://www.snerpa.is/net/isl/vigaglum.htm>.

commits it, as well as on the identity of the individual on whom it is committed. This complex process of selection and rejection of certain dynamics of violence in relation to space/s points at a degree of agency in the space/s which mediate/s this; this agency, though not as visibly defined as that of weapons, are bolstered by the authorities or other agencies that take root in or are manifested through it, and therein lies one's key to interpreting the conversation between violence and space; in this, often, violence, or lack thereof, becomes the voice for projecting the character/s of individual spaces, as well as being defined by them.

Conclusion: Findings of the Thesis

Reporting on the findings of each chapter of this thesis, and moreover, tying them together, has to be done in accordance with the original motive of this thesis, which was to establish violence, in intent, concept and action, as a viable method of communication in cultural networks supporting and supported by the elements of social consciousness held in common by Early Germanic communities. As the chapters contributing to this ethos are from sundry areas, the findings to be gathered from each may not present a linear argument, but it is to be hoped that the argument would be cohesive, and the findings representing the patterns of negotiation between violence and the components of these cultural networks will confirm the communicative capacity of violence.

Our findings from the first section of this thesis, Defining Violence: Figures of Authority, that is, the section on the role of violence in becoming a conduit between, and definer of, certain authority figures and their dependents, will, one hopes, foster an understanding of the strategies through which violence regulates the identities/power of these authorities, and enables subjugation and/or defiance by the dependents.

The first chapter in the first section, the chapter on God/gods (titled “Gods and Monsters”) notes that the strength of belief has a symbiotic relationship with the aspects of violence working as communicators between the believed and the believer. In its first line of discussion, that is, of indirect exchanges concerning violence, we note often an invocation of divine figures in the violent practices of society such as ordeal, warfare or sacrifice, which conveys a deferential stance of the believer. On the other hand, in the section on direct exchanges of violence, we see the figures of divine authority being sustainable only so far as unreciprocated punitive violence is concerned; in *Pátttr*s and Christian texts, where the pagan gods become vulnerable to ridicule and scrutiny, their status of divinity is often questioned and negated by the human characters reciprocating in kind to ‘divine’ violence. In the discussions

pertaining to both sections of the chapter, the divine authority of God/s is shown to be dependent on the believer's conceptualisation of the absolute nature of God/s where concepts and practices of violence are concerned; the presumed superiority of divine figures make them influential and invocable, whereas their defeat and vulnerability make them disposable, and not different from, and sometimes lesser than, the 'human' on whose belief their divinity is sustained. Violence, then, as concept and as practice, is often seen as negotiating between, and defining, the divine and the human.

Utilising violence as a tool of negotiation and definition is also something the Church is often seen as performing with regard to its parish, as noted in the second chapter of this section (and of this thesis), "The Church, Conversion, and Conflict". There is in it, certainly, the obvious strategies that the Medieval Church is seen to follow, including enforcing a strong sense of *communitas*, especially regarding conversion of and violent conflicts with the religious other, which focusses on promoting a sense of the self and the other. What is noticeable, however, that even the 'self' sought after by the Church is not something that is entirely enforced through Biblical tropes, but employs in its implementation certain cultural concepts and practices (including those involving violence) that are common to Early Germanic cultures. Here, also, violence, in its many forms of notions and practices, acts as a tool, but in its aspect as associative memory, whereby the Church wittingly or unwittingly tries to integrate into the Early Germanic cultural consciousness Christianity as a continuation, and not deviation, of their pre-existing cultural identities.

As the prior chapters on God/gods and the Church deal with how their connections to violence are reflective of the processes through which their authority is developed and sustained, the third chapter of the first section (and of the thesis overall), "Law and Order", tries to show the same with regard to laws of Early Germanic societies. The sundry texts or codes pertaining to laws of Early Germanic societies, being images of diverse Early Germanic

cultures at various points of the medieval period, have a few points of commonality shared by these cultures, one of which is that most of these laws are written down in transitional periods where, regardless of emerging monarchies, the central role of family or kin-group in authorising, upholding, or executing of the law is still enshrined within the legal functions. Hence, violence becomes a tool for representing the inter-dependence of laws in Early Germanic societies and social liabilities of people living in these societies, through the ways in which law responds to and with violence, including its punitive functions of execution and outlawry. It is, further, seen in the way law addresses violent crimes with potential violence only when suitable compensation is not determined by court-proceedings, with the highest sentence (except for capital punishment) in this case being outlawry, which, by placing the individual entirely outside the protection of the law (and thus unqualified for *wergeld*) and rendering him or her irredeemable via compensation, essentially places the convict at the mercy of the kin-group of the wronged individual, which often effectively becomes the accused's death sentence.

The second section of this thesis, Intangible Bonds: The Roles of Social Relationships, wishes to discuss the defining ways in which components of social networks connect through violence and add nuance to it, and, in turn, are defined by these nuanced notions of violence.

This section, too, consists of three chapters, and the first chapter of the section (fourth overall), "Femininities and Masculinities", focusses on gender, or how Early Germanic notions of manhood and womanhood, and masculine and feminine behaviour, are formed by the ways in which men and women are expected to participate in violence, and vice versa. As opposed to a manhood-centred argument often characterising discussions about Early Germanic concepts of violence, this chapter has tried to showcase the connection between violence and perceptions of gendered behaviour in Early Germanic societies, through discussions on the kind/s of participation in violence socially allowed, expected of, or denied to women, and

through analysing the reasons behind certain forms of ‘female-coded’ participation in violence being criticised in able-bodied men who are expected to adhere to the normative expectations of heroic violence. The fact that violence can be used as a tool to define gender and gendered behaviour in the Early Germanic consciousness can be seen in the way law differentiates between a male and a female victim, as well as a male and a female perpetrator.

Violence, also, becomes a tool of classification and maintenance where *comitatus* is concerned, a term which we have utilised in the second chapter (titled “*Comitatus*: The Gift-giver and the Retainer”) of this section as not only a band of followers, as Tacitus had first stated it to be in *Germania*, but rather an ethos that connects the followers to their lords (and vice versa) as well as connecting the followers to each other (following an archetype established by Medievalists, see p.3 of the thesis). As for *Germania* being criticised as idealistic propaganda, Tacitus’ description, in this chapter, has not been taken as a ‘true’ account of a specific historical group *comitatus*, but rather as an account that contributed to the conceptualisation of the social archetype of ‘*comitatus*’ in Medieval Studies as denoting oath-bound and leader-centric military fellowships. At present, instead of tracing the academic history of *comitatus* becoming an umbrella term for such groups, this thesis limits its scope to examining how communicative properties of violence contribute to the dynamic of the groups that may be included in the broader definition of *comitatus* as a social archetype used in Medieval Studies. To that end, this chapter observes how the dynamic of these groups is stabilised and reinforced through practices of socially legitimized violence, and how, if at all, the premises of *comitatus* are threatened when the elements in the bond act in defiance of these practices. We hope to have shown here how the spirit of community that is fostered among the *comitatus* is actually created and sustained by the willingness of the lord and his followers to keep to their liabilities to each other regarding violence, failing which the rubric of *comitatus* may collapse.

Similarly, the liabilities of kinship also have their own place in upholding the legal statutes and social norms in Early Germanic societies, where means of legal enforcements are limited and depend on the cooperation of the victim's and the perpetrator's families to get the cases settled. This is to say that in cases of retributive justice and warfare, kin-groups ask for, and receive payments (or inflict and endure violence accordingly where no settlement may be reached) in varying degrees for the harm done, depending on both the close nature of the kinship and/or the dues of a particular culture. As in the preceding chapters pertaining to social networks, our goal in this final chapter (titled "Kinship and Violence") of the second section has been to discuss the common motifs, if any, found in the role of violence as an indicator/communicator of kinship liabilities, as well as their inhibitor. Through discussing literary/textual examples of allegiance to the kinship liabilities and defiance thereof concerning violent acts, we hope to have shown here how much, and to what extent the varying degrees and kinds of kinship influence, or are influenced, by these actions of allegiance and defiance, reiterating the second section's emphasis on navigating the role of violent practices in sustaining social liabilities, as well as the importance of social liabilities in preserving and preventing normative violent practices.

The third section takes into account all the concerns of the first two sections, that is, authorities and social relationships, and tries to see how those networks of meaning manifest in the way certain materials interact with violence. The third section, Mate-realities: Material Realities, has attempted its best to observe how the cultural identities of materials, created by their (the materials') usage in violence or violence-related acts, may manifest in realities of their own, where these materials are able to communicate on their own terms with violence, as do their users.

To this end, we have observed how "Weapons and Their Wielders", the first chapter of this section (and seventh overall) suggests a cultural penchant for attributing unique identities

to the weapons, which, in addition to a figurative personification of the weapons, may also be for the assumption that these weapons, by association with their wielders or otherwise, have also come to assume a certain subjecthood and/or agency which may not always align with their current wielders'. Hence, the subjecthood of weapons, as discussed in this chapter, causes us to view the weapon not only an instrument, but also as an associate or aide which is not compelled to align its intent and/or agency with that of all of its wielders, rather, which may problematise, interrupt or re-define the wielder's response to and involving violence.

The second chapter of the third section (and eighth overall), "Places and Performers", focuses on the way both violence and its performers may be defined by the spaces where they are categorically allowed, restricted and forbidden, and how they, in turn, may influence how the allowances, restrictions and prohibitions were connected to the spaces. Out of the discussion on this chapter a clear association between the violence-related allowance/prohibition of these spaces and their authorities is borne out, where both an individual's right to perform violence and his/her right to be protected from violence have to be sanctioned by the authority/ies controlling these spaces. This is why *hólmgang*, conducted in a space where the judicial parameters consider the battle outcome as paramount, cannot hold the victor responsible for compensation under law, or why sacrifice, despite being committed in sacred spaces where violence by the common men is prohibited, is allowed on account of being a mark of power of the authority the divine figure holds. By the same right to authority does the Church allow a fugitive to take shelter, or an individual has legal protection inside his private property even against the king. Conversely, then, it is through losing the status as a legal individual/person that the outlaw loses his right to protection against violence in any space, including his own and his kin's. Through this chapter, then, we experience the role of communicative aspects of violence in shaping the dynamic between places where violence is allowed/restricted/prohibited, and the performers who wish to commit/escape violence within

it; the subjecthood of the spaces in accepting and rejecting these individuals and/or these actions, therefore, is also not as apparent as the weapons, and mediated, instead, through the authority/ies of those who regulate them.

The different findings of these eight chapters, however, had one single purpose, to show that violence can potentially be seen as a codified dialogue, or an ongoing communication connecting perceptions of certain elements (that is to say, authority figures, social networks, and material) pertaining to cultural networks in Early Germanic societies; to this end, only the reader may be able to gauge the success of the argument presented in the thesis.

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