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ENGH 305

24 November 2024

Rules of Law

The law is very important to societies, as it creates a foundation for how to live within them. The importance of laws to societies is something that is even seen in the societies of Medieval Iceland. This is seen through the various sagas produced in Iceland, for the characters that break the law are often outcasted from society by being outlawed. In these sagas, however, the law is not always just, but those heroes that are against the law are not always moral beacons. Whether it is by those of social importance, or a man seeking revenge, if the law is not used within the proper framework, it will be used unjustly. That is the conclusion drawn when comparing *The Saga of the Confederates* and *Gisli Surrson's Saga*. Odd, from *The Saga of the Confederates* being placed against a law that is unjustly used for the gain of those who run it reveals how the law that Gisli, from *Gisli Surrson's Saga*, is placed against is just because he took the law into his own hands instead of working within the legal system, showing that the law is strict and needs to be properly followed.

In *The Saga of the Confederates* the protagonist, Odd, is placed against the legal system because it is unjustly being used for the personal gain of those who run it, the Confederates. The way in which the Confederates uphold the law is called into question when Odd brings his case against Ospak in front of them. During this time two of the Confederates, Styrmir and Thorarin, are discussing the case and Styrmir asks Thorarin if he will defend Ospak. Thorarin answers,

“...Odd seems to me more than justified in bringing a suit following the killing of such a man as Vali, and I regard the accused as a thoroughly bad lot,” (473). In this line Thorarin says the phrase “more than justified,” which signals that this cases plaintiff, Odd, has supplied enough evidence to condemn Ospak beyond any doubt. In Thorarin’s description of Ospak in this line he uses the term “thoroughly bad lot,” which implies that Ospak is completely bad. With these two parts of Thorarin’s answer in mind, it seems as though the law is on the side of Odd. Afterall, enough evidence has been brought to charge a man that is considered completely bad. However, Styrmir pressures Thorarin into defending Ospak, saying, “...the fellow is certainly bad, but you have some duty towards him,” (473). In using the word “certainly” before the word “bad” he is agreeing without argument that Ospak is a bad man. Styrmir’s intentions become unjust in this because of the last words in it. When Thorarin’s duty towards Ospak is mentioned, Styrmir is referring to the fact that Ospak married one of Thorarin’s kin, Svala. The mention of this “duty” points out Thorarin’s obligation to help Ospak, taking the proceedings of this case away from balanced justice and towards personal interest. Thorarin does agree to defend Ospak when Styrmir says, “...he is going to be your problem, and will be a worse and more complicated one if outlawed,” (473). The use of the term “more complicated,” following the word “worse” implies that if Ospak is outlawed, not only will he be a bad problem to have but dealing with him will be tricky. With those two lines, Styrmir has turned Ospak into a personal annoyance for Thorarin that should be handled sooner rather than later. When Thorarin does agree to defend Ospak, it is not to uphold justice, rather it is for Thorarin’s own personal benefit. Since Thorarin is part of the group that upholds the law, in upholding it in this way he makes the law unjust and places Odd, who is seeking justice, against it. This is different than the reason Gisli is placed against the law in his own saga.

In *Gisli Surrson's Saga* Gisli, unlike Odd in *Confederates*, is placed against a just law because he tried to take it into his own hands instead of going through the legal system. In this saga Gisli is outlawed for the murder of his brother-in-law, Thorgrim. However, the motivation of the action is not what is deemed wrong, rather the action itself. Gisli killed Thorgrim out of vengeance for Vestein. Gisli had a moral duty to enact this vengeance because he was the one to draw the weapon from Vestein's death wound, and according to the text, "at that time, whoever drew a weapon from a death wound was obliged to take revenge..." (515). In using the word "obliged" the text is saying that Gisli now has the responsibility of taking revenge because he removed the weapon from the wound. In beginning the line with "at that time," it is implied that this was a widely accepted thing in the society Gisli lived in, but he is still outlawed for killing Thorgrim. Where Odd's legal troubles came from the personal interests of those who ran the law, Gisli's came from not following the proper procedures. The only evidence he had that Thorgrim killed Vestein was a verse he spoke describing Vestein's death. By not making a case out of it and jumping straight to killing Thorgrim, Gisli condemns himself to outlawry. However, if he prepared a case things may have been different as the evidence that outlawed him was a verse his sister, Thordis, heard him speak. When she brought this to her husband, Bork, he said, "I want to turn back now and kill Gisli. On the other hand, I can't be sure..." (526). When Bork says he "can't be sure" he is referring to the evidence that Thordis brought him. This signals that despite wanting to kill Gisli, Bork did not jump to conclusions. The text shows Bork following the proper procedures when "he prepared a case against Gisli for the slaying of Thorgrim to be presented at the Thorsnes Assembly," (527). The Thorsnes Assembly is a land holder meeting where legal proceedings sometimes take place. In bring a case against Gisli to this assembly, Bork was able to gather evidence and determine whether Gisli killed Thorgrim. Gisli is found

guilty at the assembly and outlawed. *Gisli's Saga*, shows the law being properly used to uphold justice, as Gisli condemned a man without proving beyond doubt Thorgrim killed Vestein. Placing Gisli against the law for a legitimate reason, unlike Odd in *Confederates* who is against the law because it is unjust. Odd's case failing provides more insight into why Gisli should have followed the legal procedures.

Gisli and *The Confederates* show that society and justice can only be upheld if the law is followed properly through showing Odd's case failing. In *The Confederates* the law is shown as strict through Odd losing his case. Odd does not lose because Ospak is innocent, he loses because of an oversight. When the case is brought before the confederates Styrmir dismisses it by saying, "you have prepared the case incorrectly, in summoning a tenth panel member at home. That is a legal error: you should have done that at the Althing and not your home district," (474). The use of the term "legal error" says that Odd did not do anything illegal in preparing his case, but instead did not follow the proper procedure making the case invalid. This shows the laws of the Iceland in the sagas as being strict giving further insight as to why Gisli should have made a case against Thorgrim. As mentioned earlier, Odd had enough evidence to condemn Ospak to Outlawry, but because Thorarin and Styrmir had personal reasons to go against odd they point out his legal error and destroy his case. Despite the strictness of the law being used against Odd for the personal interests of others, the way it is shown in *Confederates* makes Gisli being outlawed understandable. If all it takes to dismantle Odd's case is him making a simple mistake, then Gisli not taking his case to an assembly in the first place is an egregious error. In not doing so, Bork is able to make a case against Gisli and have him outlawed. Since Gisli was outlawed the laws of society are not able to protect him, as seen in chapter 22 Bork hires Eyjolf to kill Gisli. The events in the text Eyjolf is able to use any means without getting into legal trouble

because Gisli was outlawed, such as killing the wrong man, (531-541). If Gisli and Odd are from the same Iceland, Gisli's actions were foolish as jumping to conclusions under a strict law got him outlawed and hunted. The fact Gisli was hunted shows the law is similarly strict in his saga as it is in *The Confederates*.

Odd being unjustly placed against the law in his saga shows how Gisli being placed against the law in his saga is just and brings about the wrath of a strict law. Odd's brief oversight leading to his case being tossed shows how Gisli's jump to vengeance was foolish. The strictness of *The Confederates* law shows the same for *Gisli* signifying that the law of Medieval Iceland may have been as strict.

Word Count:1529

