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PART I. INTRODUCTION

This thesis will examine marriage in the sagas of chivalry, in order to characterise the sagas’ example for Hákon Hákonarson’s court as “civilising” or “un-civilising”. My definition of “civilised” will be determined by three main theoretical perspectives, namely Elias’ theory on the civilisation process, gender theory and theory concerning the Christian influence on the civilisation process. The main approach in the thesis will be comparison between the 13th century Norwegian context and the context created by four sagas of chivalries. The introductions of all four chosen chivalric sagas mention that king Hákon commissioned their translation. The comparative analysis will focus on four aspects of marriage, namely the arrangement of marriage, the legitimacy of offspring, adultery and divorce.

In the following, the historical and thematic context of the thesis will be presented, in order to clarify why I consider the chosen problemstilling worthy an academic study. This broad historical context will lead up to a more detailed description and discussion of the thesis’ main aim, theory, method and choice of sources.

CHAPTER 1. HISTORICAL AND THEMATIC CONTEXT OF THE THESIS

In 1217, Hákon Hákonarson (1203-63) was elected king of Norway. His biography was written two years after the king’s death, ca. 1265, by Sturla Þórðarson. The saga about the king is considered one of the best sources on Norwegian medieval history (Helle 1962:7; Schach 1993:260), and it brings the political and cultural history of Norway very close to the modern historian. The text focuses mostly on the kingship of Hákon Hákonarson, and is therefore a prime source on the historical development of Norway during the 13th century.

This thesis will deal mainly with the cultural aspect of king Hákon’s kingship, and here is a short introduction to this particular aspect. Hákon Hákonarson was a pupil of the school of Nidaros, and a great lover of learning and literature. He was described as bene literatus by Matthew Paris, a monk from the English monastery St. Albans, who visited the Norwegian court in 1248. The king was read Latin and Old Norse texts on his dead-bed, thus feeding his intellectual and cultural hunger until the very end (Jónas Kristjánsson 1997:314).

One of king Hákon’s most prominent contributions to Norwegian culture was the introduction of the sagas of chivalry, by commissioning their translation, most probably from
French speaking England (Fidjestøl 1997:353). Exactly how many sagas were translated under the commission of Hákon Hákonarson is not known, but the introductions of five texts make it explicitly clear that they were translated under royal commission.

Reasons for translations

An interesting and key-question in the context of this thesis is the possible reasons for the introduction of the romantic sagas. What can have led the king to arrange for the import of this European literature? A number of different scholars have discussed this issue.

In his article “Translations at the Castilian and Norwegian courts in the thirteenth century: parallels and patterns” (1988), the historian Vincent Almazan compares literary translations done by king Hákon of Norway and king Alfonso of Spain, in order to better understand the history of translations. Almazan (1988:216) points out that the choice of translated works can not be informative to the reasons for translation in general, as the choice of translated sagas was more random, rather than deliberate. It is the similarities between the historical contexts of translations in the two courts that may elucidate the motives for translations. Almazan is of the opinion that “both kings had the aim to create a rich literary prose in each of their national languages”. Thus, by translating foreign literature, “strong impulses to literary creation were given” (Almazan 1988:217). First, the translated texts themselves constituted a new type of literature in the local language, and secondly, the translations inspired for further composition in the new genre, in the local language.

The historian Bjarne Fidjestøl is another scholar who has suggested several reasons for the translations of the chivalric sagas. Hákon Hákonarson may have commissioned the translations out of pure fascination (Fidjestøl 1997:359). Another possible explanation for the king’s enterprise may have been to give his queen Margrét Skúladóttir proper intellectual satisfaction. The romantic sagas are claimed to have appealed especially to the highborn ladies, who were the most significant group at the court who needed courtly reading. The translation of the sagas may also be seen against the background of literary sociology, and more specifically, the appearance of a reading public in Norway (Fidjestøl 1997:360). Fidjestøl’s last explanation, which seems to be pre-eminent, interprets the translation of the European literature as a part of a cultural and educational programme of king Hákon. This programme comprised of both architectural and literary undertakings, like for example the building of Hákon’s hall in Bergen, and the composition of The King’s Mirror (Fidjestøl 1997:362). Further, the European literature represented a feudal society with the king’s court
on top of the social pyramid. Thus, king Hákon may have used the sagas of chivalry as a tool to legitimise the top social position of his own court. The translated stories were also possibly meant as a “mirror to be held against the nobility, presenting them with an ideal” (Fidjestøl 1997:364-365).

The moral aspect of king Hákon’s cultural innovations has been pointed out by others as well. The chivalric sagas were meant, “to instruct the nobility in the more practical ideals and duties of chivalry by means of example in a palatable literary form” (Barnes 1975:153). It has even been suggested that the chivalric sagas are “textbooks of chivalric conduct and of Christian morality…and may be considered as the secular counterpart of heilagra manna sögur” (Barnes 1975:157).

The range of presented explanations for the introduction of the chivalric sagas by Hákon Hákonarson stretches from pointing out their political and legitimating function for the state, to their moral and ideal influence for the individual court members. Those explanations seem to agree on the positivity of the sagas’ influence, and their bettering potential for the Norwegian court members. Put in another way, Hákon Hákonarson may have wished to introduce a civilising model of behaviour to his court. The term “civilising” will be discussed theoretically below. Whether the term has only positive connotations will be discussed in the final part of the thesis.

CHAPTER 2. AIM OF THE THESIS

Above, it was shown that Hákon Hákonarson might have commissioned the translations of the sagas of chivalry in order to “civilise” his court. In my opinion, there is one essential problem with that suggestion, and it lies in the thematic content of the sagas. The romantic sagas deal with various themes, like for example the conflict between chivalric honour and marriage, and the relationship between the king and his knights. One of the most dominant themes, however, is the love relationship between a knight and a lady. The following excerpt illustrates the importance of such a relationship for the chivalric ideal, in general: “…All the young men and the newly dubbed knights armed themselves and raced their horses at full speed in fierce jousts to earn the affection of so many maidens…”¹ (Tristrams saga ok Isöndar: ch.4). Tournaments were a typical context for the first encounter between a man and a woman. Their meeting will sometimes lead to a marriage, and other

¹ “…Vápnaz nú nýgervu riddarar ok allir ungir menn ok hleypa hestum sínum fullum rásum ok hörðum atreiðum til ástarpokka við svá margar meyjar…” (Tristrams saga ok Isöndar: ch.4)
times threaten a marriage. The number of examples for such relationship is enormous; the variety of the type of relationship is large as well. Even though some of the stories are simply about legal marriages and prudent behaviour, the level of intrigues and adultery in the relationships in the sagas is so high that it prevails one’s first impression from the sagas of chivalry. Love, as an emotion, is presented as a strong empowering factor, which makes people trespass boundaries set by both social and Christian laws.

Given the impression that the sagas of chivalry promote illegal love and promiscuousness as a main principle of behaviour, it is problematic for me to see the sagas of chivalry as a possible civilising model for the Norwegian court, as suggested above. How could Hákon Hákonarson use the sagas as a “mirror to be hold against the nobility, presenting them with an ideal” (Fidjestøl 1997:365), when the sagas represent a rather unchristian and immoral pattern of behaviour, when love relationships are described?

It has to be mentioned that a number of aspects of the chivalric sagas may be characterised as rather christian, as pointed out by many. The historian Bjørn Bandlien (2001:176), for example, argues that the Norwegian clergy might have been interested in the translation of the sagas of chivalry for several reasons. The “courtly style” of the translations, reminding the learned, scholastic style, several Latinisms in the translation of Strengleikar, and the moral discussions on love relationships, added by the Norwegian translator, may be interpreted to suggest that the translator was a clergymen (Bandlien 2001:176). According to Bandlien (2001:176), the clergy might have been interested in the translation of the sagas, because those stories from the past might have served as moral models of chivalric behaviour, as expressed in the Prologue of Strengleikar. This interpretation of the prologue has, however, been argued against by various scholars (see Spitzer 1943 and Donovan 1961). Further, Bandlien (2001:181) claims that the Norwegian translators tried to minimise the conflict between courtly love and sinful sexuality, and to promote Christian ideal qualities, like loyalty and personal consent in love relationships (Bandlien 2001:178-183).

It is in this context of tension between the asserted moral and Christian qualities of the chivalric sagas, and my first impression of the texts, as promoting promiscuousness and infidelity, that the main question of my thesis outlines itself. The main aim of the thesis is to examine whether the sagas of chivalry may be characterised as a “civilising” model for the Norwegian court society under Hákon Hákonarson’s reign.
CHAPTER 3. THEORY

In order to be able to characterise the sagas of chivalry as “civilising” or “uncivilising”, the term “civilising” or “civilised” needs to be defined. There are many different ways to define the term, but I have chosen to use three different perspectives of looking at the civilising process. The three theoretical perspectives will be used equivalently and evenly in the analysis.

Norbert Elias’ Theory on the Civilising Process

The first theoretical viewpoint that I adopt is Elias’ perspective on the civilising process. In his book “The Civilising Process”, Elias studies modes of behaviour considered typical of Western civilised man, and clarifies certain typical feature of the civilising process. He claims that people in the medieval-feudal period may be estimated to be much more “uncivilised”, than the present-day Western civilised society (Elias 1994:xi).

The concept of “civilisation” may refer to many aspects of the society and the individuals: the level of technology, the type of manners, the development of scientific knowledge, religious ideas and customs, modes of eating, patterns of relationship between the genders, etc. (Elias 1994:3). Almost any aspect of life may be characterised as “civilised” or “uncivilised”. Elias comes up with numerous examples illustrating uncivilised behaviour in various situations – on the table, when the natural functions are concerned, in the bedroom, and when it comes to aggressiveness. For instance, it is uncivilised to be the first to take from a dish when it is brought in, or to dip ones fingers in the broth, or poke around in the dish, or to eat and drink without stopping, because of inability to control oneself (Elias 1994:45-46). It is also “uncivilised” to discuss or mention one’s bodily functions openly, or to be unrestrained in behaviour and emotions (Elias 1994:47).

Further, Elias sets the question: “How and why Western society actually moved from one standard to the other, how did it get ‘civilised’?” He points out that “uncivilised” and “civilised” are not each others’ antithesis, but rather represent stages in the development (Elias 1994:47). In order to answer the set question, Elias compares medieval manners to modern Western manners. He points out that he is not characterising the Middle Ages as the “beginning” of the civilising process, but rather as a starting point for the discussion (Elias 1994:50).
When studying behaviour in the Middle Ages, Elias points out that socially acceptable behaviour appeared in French language, designated by the word *courtoisie*, or in English “courtesy”. This term was only relevant for people in court societies, and designated a special code of behaviour (Elias 1994:50). People in those circles were supposed not to express their emotions violently or directly, and to follow special rules of conduct when eating, wiping their nose, scratching, washing, etc. (Elias 1994:51-52). Besides, Elias claims that the standard eating technique during the Middle Ages corresponds to a particular standard of human relationships and structure of feelings (Elias 1994:54). Put in another way, the behaviour and “lack of civilisation” of medieval people were bound to their total way of life (Elias 1994:55).

During the Renaissance and towards modern times, the society was “in transition”, and so were manners. People saw things with more differentiation, i.e. with a stronger restraint from their emotions (Elias 1994:57). For example, human sexual relations changed considerably in the process of civilisation (Elias 1994:138). One aspect of sexuality is talking about it, and with time the theme changed from being acceptable, to being rather delicate and difficult to talk about, especially with children. Sexuality itself was also increasingly removed from the scenes of social life to the nuclear family (Elias 1994:148). The sexual drive was subjected to ever-stricter control and transformation, and emotions and feelings had to be privatised (Elias 1994:149). Therefore, it may be said that one of the greatest transformation demanded by a “civilised” society was the control, restraint and concealment of drives and impulses.

From the above, I withdraw the first characteristic of “civilised” that will be used throughout the thesis, namely, the control of emotions and impulses. As mentioned, the sagas of chivalry abound in love relationships, and therefore love will be the main emotion I will focus on. Do the sagas of chivalry present a model of behaviour that reveals control of impulsive behaviour and concealment of love?

*Structuralist Gender Theory*

The second point of view on the civilising process that will be used in this thesis is that of Structuralist gender theory. I chose to use a second theoretical approach because Elias’ theory has been criticised of lacking a gender perspective (Førland 1997:14). Therefore, my usage of gender theory aims to supplement the theoretical perspective represented above.
I will start the presentation of gender theory by referring to the philologist’s Ferdinand de Saussure’s semiotics theory of signs. Saussure viewed language as a system of signs, each of which was made up of a “signifier”, “signified” and “referent”. The relation between a “signifier” and a “signified” is an arbitrary one, and so is the relationship between the sign and its “referent”. The most important aspect of a signifier is not its referent, i.e. meaning, but its difference from other signifiers (Eagleton 1983:96-97).

The focus on the difference, or the opposition, between signs became the essence of Structuralism. Structuralism applies the described linguistic theory to all objects and activities. Therefore, Structuralist thinking about women may be characterised as seeing female as the binary opposites of male. Further, not only are the genders seen as opposite, but also, the male is seen as dominating the female. In a male-dominated society, the male is the foundation, and the female is the “other”, i.e. everything excluded from the male (Eagleton 1983:132).

It is within this context of opposition and female-oppression that I wish to introduce one key statement; “The position of women is often considered as a test by which the civilisation of a country or age may be judged” (Power 1975:9). Evaluating women’s position may be a complex process, because of the difficulty to determine what in any age constitutes the position of women. The latter may be defined differently politically, judicially, or socially. Further, there is a certain danger of searching for modern ideals of equality between the genders in a medieval context.

Despite the pointed out difficulties, I will use women’s position as a function of “civilised” in the thesis. I will look for equality, or lack of equality, in treatment of the two genders, which will be considered as a second characteristic of “civilised”, or respectively “uncivilised”, after control of emotions.

*Christianity as a Civilising Factor*

The third and last perspective of looking at the civilising process in this thesis will be determined by Christian norms and ideals. C. Stephen Jaeger, among others, is of the opinion that Christianity played an important role in the civilising process. In his book “The Origins of Courtliness” (1985) he studies the civilising process prior to the flowering of courtly literature. I include this theoretical perspective in addition to the two previous ones because Jaeger comments on Elias’ theory, and disagrees with his notions on the originating forces behind the civilising process. While Elias considers the structure of the court society itself as
the starting point of the process, Jaeger (1985:6) perceives great men and ideas as the main inspirational force of the civilising process. This discrepancy corresponds to the main difference between Marx’s “collectivistic” and Weber’s “individualistic” perception of the early state (Vitkin 1981:450). While Marx’s “collectivistic” concept is adopted by Elias, Jaeger adopts Weber’s individualistic conception of the state.

The temporal boundaries of Jaeger’s study are from year 939 to 1210, even though he points out that the subject flows past those boundaries in both ends (1985:4). In 939 the German emperor Otto the Great called his brother Brun to the court. The latter was raised to archbishop of Cologne, and under his influence “the court was transformed into a kind of school of philosophy and the liberal arts” (Jaeger 1985:4). During this time, a blossoming of cathedral schools is noticeable. Those were institutions aiming to educate and prepare young men for loyal service to the kingdom. The educational goal of the cathedral school was the training of noblemen close to the king in state administration (Jaeger 1985:5).

Therefore, the system of education, founded by the exceptional personality of Brun of Cologne, may be seen as the most important element in the process of civilising (Jaeger 1985:8). This process aimed at educating the individual groups of society in law and civility (Jaeger 1985:11). And in order for the civilised society to maintain its legal and moral order, culture had to willingly serve society (Jaeger 1985:12).

Therefore, it may be said that the most important factor for the civilisation process was the emergence of the class of educator/statesman, also signified as a “courtiers” by Jaeger (1985:12). Their role was to generate an ethic and a set of civic virtues. The values and ideals of the class of statesmen would later spread to the warrior class, and thus, contribute to the civilisation of the whole society. But what do the ideals of the educator/statesman comprise of? For a civilised man, it was important to structure one’s conduct, to cultivate and tailor one’s manners, and to guide one’s actions, similarly to what Elias claimed (Jaeger 1985:13). Further, as most educated members of the court were clerks educated in the Church, it might be said that the Christian ideal played an important role in “forming a medieval ethic of state service” (Jaeger 1985:16).

It is from this line of thought that it may be concluded that the Church and Christian values are an important factor for the civilisation process. At the beginning of the civilisation process stands a ruler, “genial and especially clever individual” (Jaeger 1985:258). It is his decision to impose a court conduct through a programme of education that triggered the civilisation process. The education was based on courtier bishops and cathedral schools as transmitters. Therefore, Christianity seems to play a central role for this model of spread of
courtesy and civilisation, even though the conservative clergy may often have objected to courtliness (Jaeger 1985:262).

Following the argumentation above, I have used “concern with Christian norms” as a feature of the civilising process. The use of Christianity as a civilising factor may be supported by other scholars and disciplines also. The same evolutionary argument is independently built up by both social anthropologists studying the process of religious conversion, and historians of religion. For example, the social anthropologist Robert W. Hefner (1993:3) perceives “conversion of non-state peoples to socially expansive and doctrinally formalized religions, like Christianity” as one of the signs of emergence of civilisation, together with rise of the state and government bureaucracy, writing and division of labour. Hefner (1993:21) also shows that conversion to a world religion like Christianity (vs. traditional religions) may be defined as cultural rationalization, as those religions have strong preoccupation with standardizing religious ideas and actions.

The sociologist of religion Peter Berger is another scholar who touches upon these issues. Generally, Berger (1990:ch.2) defines religion as one of the most widespread and effective instrument of legitimation, and therefore, world-maintenance. Further, with conversion to Catholic Christianity a new cosmic order was established, which provided a new secure universe for its “inhabitants”. Besides, Berger (1990:ch.5) claims that Catholicism was a transmitter and promoter of the process of ethical rationalization. As we saw above, the rationalization process may be seen as a sign of the emergence of civilisation, at least according to Hefner. Thus, the usage of Christianity as a civilising factor is once again pointed out.

In short, the three characteristics of “civilised” in the thesis will be “control of love and emotions”, “equality in gender treatment” and “the degree of adoption of Christian ideals”. Those three characteristics will determine whether the chivalric sagas may be considered as “civilising” model for the Norwegian court under Hákon Hákonarson.

CHAPTER 4. METHOD

In the above, the main aim of the thesis was stated: may the sagas of chivalry be characterised as a “civilising” model for the Norwegian court society under Hákon Hákonarson’s reign? Thereafter, three characteristics of “civilised” were defined: “control of love and emotions”, “equality in gender treatment” and “attitude towards Christian norms and ideals”. In the following, I will describe “how” the set question will be solved.
In order to be able to designate the sagas of chivalry as “civilising” or “uncivilising” for the court of Hákon Hákonarson, a comparative analysis will be built up between the context of the romantic sagas, and the context of the Norwegian court. The topics for comparison could be the three features of “civilised”, accounted for above. Such a comparison may be made on theoretical level, following the line of thought of the theories presented above. I wish, however, to carry on the comparison on a humane and individual level. Therefore, I choose to unite the three characteristics of “civilised” in one coherent and humane topic, namely marriage. Marriage in medieval Norway is a theme, which allows for discussion on emotions and control of emotions, on equality or lack of equality between the genders, and on concern with Christian norms and ideals. Thus, the main question of this thesis may be re-formulated to examine marriage in the sagas of chivalry, in order to classify the romantic literature as “civilising” or “uncivilising” for the Norwegian court under Hákon Hákonarson. In the Analysis, I will compare various aspects of marriage as conveyed by sources describing the court of 13th century Norway, contra the sagas of chivalry.

I would like to emphasize that when examining the character of the model of the sagas of chivalry for the Norwegian court society, I will only be discussing the potential relationship between the two contexts. The reason for this approach is that we know so little about the actual spreading and popularity of the sagas of chivalry in Norway.

When comparing the sagas of chivalry and the sources revealing the context of marriage in 13th century Norway, I will look at both source-groups as remnants of mentality and spiritual life of people. Marriage is a theme that reveals a socio-psychological angle of history and is suitable for a mentality study. The approach is designated as historical-anthropological approach, shown to be of great importance for history, because it opens for new perspectives of looking at the past (Gurevich 1992). The approach focuses on the subjective and psychological side of the historical process, for example manner of thinking and feeling, and transforms this subjective side of history to the objective process of history (Gurevitch 1992:3-4). A historical source, is thus, considered as a creation and a remnant of human mentality.

A problem with the historical-anthropological approach of studying history is that the scholar is detached from the time and the culture he/she is studying. This detachment might lead to the scholars’ subconscious use of their modern references, when discussing past cultures. Questions, relevant only for modern context, may be applied to past times, and respectively, questions, not relevant for the modern context, may remain omitted and
unconsidered for the past context. The historian Aron Gurevitch (1992:6), however, is of the opinion that:

> a pre-condition to understanding is that the scholar should be detached and recognize that he belongs to a different time and culture than the people and works he seeks to understand…Cultures are only revealed fully and in depth when viewed from outside.

He adds, though, that the historian must always be guided by the idea of “otherness” of what he/she is studying (Gurevitch 1992:7).

In addition to the comparative and the historical-anthropological approach, I will also make use of qualitative method in my analysis. I will sometimes consider the number of times a certain phenomenon happens, for example divorce, in order to be able to give a statement on the usualness of this phenomenon in the context of the sagas of chivalry.

**Historiography**

The romantic sagas have been thoroughly analysed, structurally and linguistically, as a genre of Norwegian literature. Further, the chivalric sagas’ influence on saga writing in Norway has been pointed out by many (Tveitne 1969, Jónas Kristjánsson 1973, 1997). The historiography of this type of studies is, however, only peripheral to the context of my thesis. The sagas of chivalry have, however, been studied in the historical context of the development of the Norwegian state, and the kingship of Hákon Hákonarson. The historiography of such studies is more relevant and interesting for the thesis. The historian Hans E. Kinck (1922:41), for example, belonged to a school of thought that characterised the chivalric sagas as “debased pastiche” of Scandinavian literature. He comments on king Hákon’s weakness for “titles, processions, splendour and magnificence, and self-centeredness”, also characterises the chivalric sagas as “melodramatic” and “frivolous”, describing the “cowardly foreign knight” (Kinck 1922:168,38). On the other hand, as mentioned, Fidjestøl, Almazan and Barnes have analysed the chivalric sagas as a “positive” model for the members and cultural life of the court of Hákon Hákonarson. This thesis’ main distinction from, and contribution to such previous historical studies lies in the narrower and sharper focus. This is the first time that the role of the chivalric sagas for the civilisation process of the Norwegian state, is academically examined. I plan to conduct this research by analysing various aspects of marriage, with a degree of particularity and depth, which can also be considered as innovative.
CHAPTER 5. SOURCES

Now that the main aim and method of examination have been accounted for, the sources, elucidating the themes of the research, will be presented. First, I will introduce the sources relevant for the Norwegian context of marriage during the 13th century, and thereafter the exact sagas of chivalry that will be analysed.

5.1. Sources relevant for 13th century Norway

When presenting and discussing the context of marriage in 13th century Norway, I will use both normative/ ideological and descriptive sources. By normative sources I mean those sources, which account for how people should behave. The Norwegian laws are one such group of sources. Furthermore, I will be using religious literature, for example Gammelnorsk Homilebok, Visions and pictorial sources, in order to present the Christian norms and ideals of how people should behave. Last but not least, contemporary sagas will be used as descriptive sources, indicating the actual mode of behaviour, when it comes to various aspects of marriage. The juxtaposition and tension of the normative contra the descriptive sources will be of great interest when discussing the Norwegian context. In the following, the various sources will be shortly presented, in order to clarify problems of dating, interpretation and relevance.

5.1.1. Norwegian laws

The first law relevant for the time-period under examination is the Gulathing law. It was one of the four provincial laws, and was applied in the southwestern part of Norway. Snorri dated the law to the kingship of Hákon the Good, i.e. 935-61, but there is evidence that the law’s origin is of an earlier date (Larson 1935:7). The law is said to be revised by St. Óláfr (1015-1028), and written down by king Magnús Erlingsson in 1164. In the preserved Gulathing Law, scholars distinguish between “Óláfr-text” and “Magnús-text” (Rindal 1993:385).

The Gulathing law exists in five manuscripts, four of which give only fragments of the text. The fifth one is almost complete, with only three pages missing, and dates back to the second half of the 13th century. In 1846, the Gulathing Law, together with the Frostathing law, was published by the historians Rudolf Keyser and Peter Andreas Munch. The English
The Frostathing law province was established in 950 and covered Trøndelag. The known version of the Frostathing law today dates back to Hákon Hákonarson’s reign. It was king Hákon who started the revision of an older version of the law in 1240’s, possibly as a step towards a unified law for the whole of Norway. His law-revision project was completed by his son Magnús. The older version is called “Grágás”, and chapter 117 of Sverris saga points out that Magnús Óláfsson wrote it down (Hagland & Sandnes 1994:ix-x). This older version of the Frostathing law is suggested to date back to year 1100. As mentioned above the Frostathing law was published by Keyser and Munch in 1846.

What follows chronologically, is the development of legislation on a national scale. King Magnús revised the secular parts of all provincial laws and created a new national law, which was adopted in the whole country by 1276. The earliest preserved version of the national law is from end of the 13th century. The ecclesiastical sections of the provincial laws were revised by archbishop Jón in 1273 (Rindal 1993:386).

5.1.2. Religious Literature

“Religious sources” is my collective designation of sources conveying the Christian norms and ideals of behaviour. The latter may be conveyed by the Christian sections of the secular laws described above. As one of the main concerns in the thesis, will be to examine how Christian the chivalric sagas’ message was, I choose to look at some other sources too, in order to better reconstruct the Christian context in 13th century Norway. For a more detailed information on the Christian norms I will turn to Gammelnorsk Homilebok, which is a collection of Old Norse sermons from the 12th century. The collection exists in one manuscript, which is dated to year 1200, or latest year 1220, even though the language in some of the sermons indicates that they originated from the first half of 12th century (Gunnes 1971:9). The sermons in Gammelnorsk Homilebok may be divided in two, according to their content – educative sermons, and the so-called sermo necessaria, both of which may be traced back to various European sources (Gunnes 1971:11-12). The strong European influence is, however, personalised by great freedom of rhetoric of the Norwegian compilator / translator (Gunnes 1971:14-15). The text is suggested to have originated partly in northwest, and partly in southwest Norway. I consider GNH as a relevant source for this thesis because the sermons are considered to have been used to a great extent in reality. They were probably meant to be
read at liturgical services (Gunnes 1971:16-17). Therefore, GNH may indicate to the Christian norms that have been preached to people in the 13th century.

Another group of sources that may convey the Christian norms of behaviour is Visions. Such texts may show what behaviour was condemned by Christianity, and how serious various sins were considered. The Visions I will refer to are *Visio Pauli, Duggals Leiðsla* and *Draumkvædet*. The medieval version of *Visio Pauli* is of interest in this context. It tells the story of apostle Paul wandering through Hell, while conversing with archangel Michael on various sins and their punishment in Hell. The Old Norse translation is suggested to date back to the 12th century, even though the best-preserved manuscript is from the end of the 15th century (Svennebye 1999:12-13; Tveitane 1965:6). *Duggals Leiðsla* is the story of the out-of-body experience of a rich Irish aristocrat, which transforms him from being egoistic and materialistic, to being pious and deeply Christian. During this experience, his soul was taken to the otherworld, where he could see what awaits him after his death. The Old Norse translation of *Duggals Leiðsla* has been dated back to mid 13th century, and connected to king Hákon Hákonarson (Wolf 1993:706). *Draumkvædet* is another description of an ecstatic otherworld journey, which exists in numerous versions. Even though the text’s origin is debatable, it has been approximated to ca. year 1300, based on comparison with motifs and structure of other medieval visionary literature (Svennebye 1999:16). The chronological development of the visionary literature, as a whole, may also be considered as indicating changes in the Christian norms and ideals.

Art-historical sources from church contexts may also be interpreted to communicate the Christian norms and ideals of behaviour. The art-historical motifs I use are some of the most common, for example, the Virgin Mary with her child Jesus. Because of their significance and spread throughout the Christian world, I allow myself to refer to the motifs in general, without pointing out to a specific example from 13th Norway. Such motifs would have been known by all people who attended service, and therefore, I consider them as relevant normative/ideological sources. Further, I will sometimes use depictions of personifications of vices and virtues, illustrating what was condemned and approved of by the Church.

### 5.1.3. Contemporary Sagas

As juxtaposition to the normative and ideological sources described above, I will also make use of descriptive sources relevant for 13th century Norway. The main group of these
are the so-called Contemporary Sources, portraying Christian society in Norway and Iceland during the 12\textsuperscript{th} and 13\textsuperscript{th} century. These sagas are called contemporary, as they were written down simultaneously or only a short time after the events they describe, and may therefore be considered as relatively precise historical sources. Thematically, the contemporary sagas may be divided into two groups: those that concentrate on the history of bishops and conflicts between Icelandic chieftains, and those describing the kingships of Norwegian kings (Jónas Kristjánsson 1997:179-180). Even though the thematically “Icelandic” sagas may be interpreted as sources of Norwegian mentality as well, they will not be the main sources. If using them, I will mainly count on research done on the whole body of sagas by other scholars, for example Jenny Jochens, and not on my own analysis of individual sagas. The three main sagas of Norwegian kings, which will be of interest in this thesis, are \textit{Sverris Saga}, \textit{Böglunga sögur}, and the above-mentioned \textit{Hákonar saga Hákonarsonar}. \textit{Sverris saga} describes the kingship of king Sverri Sigurðarson (1177-1202). The text survives from four manuscripts, the best preserved of which is from around 1300. The saga is believed to have been completed before 1210, and it has been suggested, and discussed, that the Icelandic abbot Karl Jónsson is the author of the whole text (Holm-Olsen 1993:628). I consider the saga a relevant source, as it describes events prior to the 13\textsuperscript{th} century, and thus, makes a diachronic examination possible. \textit{Böglunga sögur} is the most important source of Norwegian history 1202-1217. The original and complete form of the saga is extant, but it exists in two main redactions. The text is believed to have been written in stages, in the period from 1210 to 1217 (Magerøy 1993:61). \textit{Hákonar saga Hákonarsonar} has been introduced above.

5.2. Sagas of Chivalry

The sources described above are to create a historical context of marriage in 13\textsuperscript{th} century Norway. It is to this “reconstructed” Norwegian context that I plan to compare the picture conveyed by the sagas of chivalry. I do not wish to present or use the whole body of chivalric sagas in my thesis, but choose to focus only on some of them. As mentioned above, it was during Hákon Hákonarson’s reign that the romantic sagas were initially introduced to the Norwegian court. Scholars believe that king Hákon personally commissioned the translations of many sagas of chivalry, but only five of those make it explicitly clear to have been translated under the suggested circumstances. Those five sagas are \textit{Tristrams saga ok Isöndar}, \textit{Möttuls saga}, \textit{Ívens saga}, \textit{Strengleikar} and \textit{Elis saga og Rosamunda}. These form a group, which I could focus my attention on. I choose, however, to disregard \textit{Elis saga og
Rosamunda because of the unavailability of a modern language translation of the saga. Thus, the other four sagas of chivalry will be analysed, and compared to the Norwegian context of marriage. In the following, a short description of the four sagas will be given. No specific chronology is followed, as chronology of the chivalric saga is a rather complicated theme. There are three different possible lines to trace – the origin of the French originals, the time of the translations into Old Norse, and the dating of the preserved manuscripts.

**Tristrams saga ok Isöndar**

The story about Tristan and Isond is probably one of the most famous medieval love stories. The original text was a French verse from around 1160-1170, written by a certain Thomas, who worked at the court of Henry II of England. The saga was translated into Old Norse in 1226, under the commission of the, then, twenty-two year old king Hákon. The introduction of the translation also mentions that it was Brother Robert who performed the translation. The story of Tristan is Celtic in origin. The style of the translation is worth paying some attention to. Even though the French original was in verse, Brother Robert chose to transfer the story into prose. The style of this prose text, the so-called courtly style, is characteristic of other sagas of chivalry as well. The language is rather ornate and blossoming, with numerous alliterations, rhyme and lyrical qualities. I do not wish to go into a detailed description of the content of the saga now, but it has to be mentioned that Brother Robert made slight changes to the content when translating the French poem. He translated some French words and terms into their Norwegianised equivalents, in order to make it easier for the reader to comprehend the story. Further, psychological descriptions of character, which are so characteristic of the chivalric sagas, are sometimes disregarded in the Old Norse version, thus taking that version closer the local tradition of saga-writing. Such adaptations are typical of most of the Old Norse translations of sagas of chivalry. The extent of changes made, however, varies from one translation to another. It may be said that the Old Norse version of the *Tristrams saga ok Isöndar* is not one of the translations, closest to its French original. While the French original of the saga is lost, the Old Norse translation is preserved in its entirety in a single Icelandic manuscript from the 17th century, AM 543 4°, which is now at the Arnamagnæanske Institute at Copenhagen. There are several other partly preserved editions also, which build upon 543. The Norwegian translation I will use is done by Magnus Rindal and is based mostly upon 543, in combination with other manuscripts, which seem to be sometimes closer to the original (Jónas Kritjánsson 1997:319-323; Rindal 2003:7-41).
Ívens saga

Another popular subject in the sagas of chivalry is king Arthur and his knights of the round table. The greatest poet of the Arthurian stories was Chrétien de Troyes, who was a contemporary of Thomas. Ívens saga, or the saga about the knight of the Lion, is one of Chrétien’s best-known romances, and was translated into a number of languages, including Old Norse. The Old Norse version states that it was king Hákon the Old who had it translated from French. Even though no exact date is given of the translation, the designation “the Old” may indicate a date earlier than 1257, when Hákon “the Young” died at the age of 25. As Tristrams saga ok Isöndar, the translation of Ívens saga was done in prose and in the courtly style. There are three main manuscripts of the saga. The English translation I will use, done by Marianne E. Kalinke, is based on a critical edition of Ívens saga by Foster W. Blaisdell (Kalinke 1999:35-36).

Möttuls saga

Möttuls saga is another story about the court of king Arthur. Thematically, however, it stands on its own, as it does not deal with the king or any of his knights, but instead focuses on a magical chastity-revealing cloak. The French original Le Lai du cort mantel dates back to late 12th or early 13th century, and the Old Norse version, commissioned by king Hákon, is suggested to be from the second quarter of the 13th century. The story of the mantle was a popular narrative, and beside the Old Norse translation, it was also celebrated in French, German, English and Icelandic literature. The style of the translation is once again the courtly style. The basis of the translation I will use is a 17th century transcript of a 14th century manuscript. The latter is now almost entirely lost (Kalinke 1987:xv-xxxiii).

Strengleikar

The last saga of chivalry that I will use is Strengleikar. This is a collection of tales, called lais, written by the female poet Marie de France. The French originals are suggested to date back to 1250, or a little later, i.e. the time of Henry II of England. The lais were translated into Old Norse under king Hákon’s commission. The manuscript in which the text is preserved is codex De la Gardie 4-7, which is the oldest manuscript of courtly literature in Old Norse, dates back to around 1270. The codex includes three more texts: Pamphilis, Elis saga and a few lines of a dialogue between courage and fear from Heilagra manna sögur.
What is interesting is that a certain abbot Robert is the translator of *Elis saga*, and may be the same Robert, who translated *Tristrams saga ok Isöndar*. Further, it has been suggested that because of similarities in style and language between *Elis saga* and *Strengleikar*, the two works might have been translated by the same person (Cook 1979:xxiii). This hypothesis, however, remains debatable (Tveitane 1972:32). When it comes to the precision of the translation, the first half of the preserved text appears to be rather close to the original, while some parts of the last *lais* are extensively omitted. The style of the translation is once again the courtly style. The English translation I will use is based on Keyser and Unger’s Old Norse edition of 1850 (Cook 1979:i-xxxiii).

To recapitulate, the aim of this thesis is to examine marriage in the context of 13th century Norwegian court society contra the sagas of chivalry, and to discuss the potentially “civilising” character of the sagas for the Norwegian court. I chose to divide the analysis of marriage thematically, according to four different aspects of marriage. Chapter 1 will deal with the arrangement of the union, and with the various hurdles for concluding a marriage. Chapter 2 will discuss pre-marital sexual relationships and the legitimacy of offspring. Chapter 3 will focus on the phenomenon of adultery, and more precisely on reasons for committing adultery, usualness, on the gender responsibility, on confession and punishment, and on honour and adultery. Chapter 4 will deal with divorce: reasons for separation, usualness, and gender of initiator. I have focused on exactly those aspects of marriage, and the respective under-themes, because of their extensive occurrence in the analysed texts. Besides, they all elucidate some, or all, of the three characteristics of “civilised”, namely “control of emotions”, “gender equality” and “concern with Christian norms”.

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PART II. ANALYSIS

CHAPTER 1: ARRANGEMENT OF MARRIAGE

The first chapter of the analysis will focus on the arrangement of marriage. First of all, the definition of marriage will be discussed - was marriage an arranged agreement between two families, made of political and economic reasons, or was it a sacrament, a Christian blessing to two persons, consented to take each other? Or was it both? Secondly, various prerequisites and hurdles for marriage will be debated. These would naturally depend on the definition of a marriage. The prerequisites and hurdles that I will consider in the discussion are the economic duties around marriage and the idea of jafhræði, the age of marriage, and incest.

1.1. Definition of marriage

The main topic of this section is the definition of marriage. What is a marriage? Who could have the responsibility to arrange such a union? What were the economic duties of the two parts? Were those economic duties equal for both parts? How much did it cost to get married?

Marriage on a meta-level

Before discussing the essence of marriage in Norway, I wish to discuss marriage on a “meta-level” in the 13th century. Was marriage a preferable way of living, rather than being single, or just living together?

The best way of living was to withdraw from the physical and materialistic world, according to the Church fathers (Power 1975:16). Such isolation would imply celibacy. However, such an ideal was hard to achieve not only for the laity, but also for the clergy. Therefore, the Church law preached that, for the sake of making sexuality acceptable, marriage is the best type of partnership. Apostle Paul said:

Let each man have his own wife, on account of fornication...It is better to marry than to burn...But although it frees carnal intercourse from sin, let marriage be celebrated for the purpose for begetting children, not for the pleasure of the flesh...Let a man maintain spiritual marriage between flesh and spirit, so that the flesh, like a woman, obeys the spirit, and the spirit, like a husband, rules the flesh as its wife (d’Avray & Tausche 1981:79).
This citation above is both anti-marriage and anti-feminist; marriage is a necessary evil, which may give some pay-off in the afterlife. Another positive consequence of it according to St. Jerome, was that it served to provide the world with virgins, who were a materialisation of the celibate ideal.

As created in a Christian context, art historical sources would present the same negative attitude towards women. Representations of the Virgin Mary, the mother of Christ, convey an idea of how the Church’s idealised women. Mary is often represented in relation to her child Jesus, and her husband Joseph. On one of the popular motifs, Joseph is represented as an active husband, who helps with the preparation of the meals, while Mary is lying in her bath, after giving birth to Jesus. This image may aim to communicate that marriage was the only legal form for partnership, and that children were supposed to be born only within its borders (Kempff 1992:54).

Women’s social position may be commented on, based on the pictorial motif described above. One possible interpretation is that the Church propagated for equality of status between men and women – Joseph is working, while Mary is relaxing (Kempff 1992:55). But was the Church’s norm on women really so ‘positive’? First of all, seeing the ideal of equal status between the genders in the described motif is probably inspired by a modern ideal of such equality. What medieval audience extracted from it might have been rather different. Art-historian Margareta Kempff (1992:55) is of the opinion that it is more probable that the image reflects the Church’s perception that after giving birth, women were considered unclean and were not allowed to prepare meals. Many of the Church fathers have made explicit their ‘negative’ attitude towards women. The apostle Paul, for example, preached that the man is the woman’s head (caput), and that women were made for men (Holtan 1996:64). Women are also considered to be the cause of all evil, as temptresses and seductresses; they are to be subjected to and fear their husbands (D’Avray and Tausche 1981:105). Many similar examples may be given, and their message is clear. However, it has to be noted that the Church also had arguments for the opposite. One example is, that God chose a woman, for his mother, and not a man for his father. Besides, Jacobus de Vitriaco and Guibertus de Tornaco, both writers of medieval marriage sermons, preach that the wife is her husband’s partner, not his servant, and they strongly condemn harsh treatment of wives by husbands. The husband is to love his wife as himself, as they are one and the same flesh (D’Avray and Tausche 1981: 106-108).
The negative attitude towards marriage and women existed both in the Christian orthodoxy, as well as in the vernacular culture of the Middle Ages. Marriage may be represented as a source of endless arguments and quarrels in European secular literature; wives as contentious, prideful, demanding, complaining, and foolish, uncontrollable, unstable, and insatiable (Block 1991:14). Once again, marriage is presented as acceptable, only because it is the less of two evils.

Definitions of marriage

Having the above in mind, let us now turn to the essence of medieval marriage, in general. There are two main answers to the question “What makes a union a marriage?” Those have been given by various scholars, but have been wrapped in different nominations. In her article An act or a process? Competing views on Marriage Formation and Legitimacy in Medieval Europe, Mia Korpiola (2000) presents two theories on marriage, in the context of medieval matrimonial law. On the one hand, there is the ascending, or popular conception of the making of marriage. Marriage was seen as a process with progression through various stages, like for example, betrothal ceremony, wedding ceremony, exchange of property and gifts between the kin groups, the bride’s transfer to her husband’s home, the bedding of the bridal couple, and the consummation of the marriage. Therefore, the status of the spouses changed only gradually (Korpiola 2000:32). This type of marriage was most often arranged by the kinsmen of the future spouses, and the reasons for it were most often economic or political. Anthropological theory also suggests that the exchange of property gave the kin an interest in maintaining the union, and made marriage rather stable (Thomas 1963:15). From a feminist perspective, such arranged marriages are an exchange of women between men, in order to strengthen the bonds between the men; besides, romantic love does not have any significance.

On the other hand, there is the descending, or theocratic conception of marriage formation. Theologians were the first to isolate a single moment as validating for a marriage, namely, the mutual consent of the parties to be exchanged (Korpiola 2000:31-32). Even though this marriage may give better rights to women when choosing a future spouse, it may still be interesting to examine the ties the marriage might create between the men. It has to be mentioned that consensus facit matrimonium, or ‘consent makes the marriage’ was not a totally new idea in the 12th century. The terminology existed already in Roman law, but referred rather to the consent of the patriapotestas of the bride and the groom. Consent alone
did not make marriage; it had to be supported by betrothal, dowry arrangements and wedding feasts. Besides, the father’s right to veto might have helped families to avoid unwanted love relationships to become marriages. Further on, affectio maritalis and honor matrimonii, which respectively refer to the bond between husband and wife, and the visible mutual dignity man and woman gave to each other, were necessary so that a union should be considered as marriage (Bandlien 2000:56). Thus, the roman idea of consent in intention was somewhat different from the medieval idea of consent.

Korpiola (2000:34) shows that a combination of the two main types of marriages was also possible, and rather usual in the Middle Ages.

1.1.1. Norway – norm and practice

What do the 13th century Norwegian sources suggest about the arrangement of marriage? With Christianity, and especially form 12th century on, the position of women changed and they could not be forced to marry a man they did not want. In connection with the establishment of the archbishopric in Nidaros in 1152, parts of the European marital legislation were introduced to Norway. The full doctrine of female consent was known in Norway and Iceland by the 1180’s (Jochens 1986:143). A marriage would be invalid, according to the Church, if the woman’s consent was missing. In a letter from 1189, written by Archbishop Eiríkr of Nidaros to the two Icelandic bishops, it is stated that a full matrimony was achieved as soon as a man betrothed a woman “med jaquede hennar sjalfar” (with her own approval) (Jochens 1986:143). In Norway, the consent and the consummation of the marriage were the most important criteria for the Church (Holtan 1996:25).

How was this new Christian doctrine adopted by the secular legislation?

The standard procedure in the Christian-Law sections of Norwegian laws was as follows. The man was to go directly to the woman he wanted to marry. If there were no religious hurdles, he was to take her hand in the presence of witnesses, mention her name, and declare that he betrothed her in accordance with the law of God. The witnesses were to hear her say an audible yes (Jochens 1986:144). The part, where the bride and groom are to take each other hands is also conveyed by an illumination in the “law code of Magnús the Lawmender”. Thus, women seemed to be given greater extent of freedom when choosing a future spouse, compared to pre-Christian time. However, not all clauses in the laws had the same idea of how marriage is to be arranged.
Chapter 51 in the *Gulathing Law* states that a maiden has by no means the right to decide whom she is to marry – this is her father’s, or her kinsmen’s responsibility. Widows have somewhat more independent positions, as they have the chance to betroth themselves, but only with the advice of the kinsmen. If a widow has listened to the advice, she has the right to break the betrothal; if she has not, she does not have that right. Chapter 54 states that a husband’s gift is to be of the same value as a bride’s dowry, and this is to be at least 12 ører, or 5.5 cows, or 29 sheep. If a man is to marry a widow, his morning gift is to be only half the size of her dowry. Widows, however, may often be wealthier than a maiden, as a widow would have inherited both the mund and the dowry from her first marriage. Therefore, marrying a widow might have been more expensive than marrying a maiden. The described clauses deprive women of their right to express opinion, and thus, put them in a male homosocial triangle, between the father/kin and the future groom.

The *Frostathing Law* (ca 1250) reads that it is the parents of a woman who are to choose the future husband of their daughter (XI2). If she agrees, or keeps silent, she is to be married to the chosen one. She also has the right not to agree, but she needs witnesses so that it has any power (III22). Can men choose themselves who they want to marry? Holtan (1996:11) claims that men can decide themselves who they want to marry, but it is unwise not to listen to the family’s advice. From a comparison of the *Gulathing* and the *Frostathing Law* it seems that the young people’s right to express opinion, even though given some more attention with introduction of Christianity, was still comparatively and equally low for both genders.

The *Landslov* (1274) also states that the parents should choose the future husband of their daughter. If she does not want to marry him, she is to loose her inheritance. This might mean that she would loose her dowry, and would thus be less attractive for a marriage. The bride’s dowry is to be of the same value as the husband’s gift. Archbishop Jón’s law (1280) also claims that the woman’s male relatives must accept the marriage, so that the latter is to be valid (Holtan 1996:21).

Ideologically, the Christian doctrine of consent has also been interpreted to be reflected in the Icelandic sagas, as those texts convey a message pro female consent and monogamy, which was not characteristic of the heathen society, that the sagas supposedly describe (Jacobsen 1983:28).

In short, even though the laws have incorporate the official view of the Church when it comes to the arrangement of marriage, they still put a great emphasis on the union as a political or economic arrangement, besides being a mutual consent between two people. The
laws included the consensus theory in the clauses on marriage, but compensated for this by creating other ways of regulating women right to express opinion. One interesting question to discuss is why did the secular legislation restrict the new consent theory in such a way. It is claimed that the consent theory might have threatened the control parents had on marriage, and that women never gained influence on their marriages in the middle ages. As it was men who made the laws, and it was them who were the property administrators, they wanted to prevent women from having too much freedom on important issues like the choice of a future husband (Holtan 1996:21). Bjørn Bandlien (2000:55-56), however, points out that the new Christian theory could not have been so innovative to women’s social situation, as women had opportunities to express their opinion, and influence their kinsmen when choosing a future husband, even before the 12th century. He also suggests that clerics in Norway and Iceland might not have promoted the new consensus theory much more beyond including it in the laws, and that aristocracy might have had some interest in accepting the doctrine, even though with some modifications. Bandlien’s conclusion is that in the 12th century there was a shift from the Roman model of consent, emphasizing the continuous recognition of one’s husband’s deeds, towards the Christian model. According to the latter model, women’s consent was a necessary act for marriage, but their later attitude towards their spouses did not matter. This change might be further explained by changes in Old Norse society and culture (Bandlien 2000:74). Now, the Norwegian “reality” of marriage-arrangement matters will be examined and discussed.

In the academic discussion on marriage, it has been argued that the Church’s teaching on consent were never really accepted in Scandinavia in the Middle Ages, for example by Roberta Frank (1973:473). This would imply that the consent of the woman was not required, that marriage remained an economic alliance, and that remarriage was possible. The reason for this was claimed to be the remoteness of Scandinavia from the church’s centre and the world of classical letters (Agnes S. Arnórsdóttir 1999:80). However, by analysing the Icelandic sagas and the Grágás, Agnes S. Arnórsdóttir has shown that the canon law did make impact on Icelanders’ perception of marriage, in such a way that traditional and Christian models existed side by side. Gradually, and by the time of the Reformation, the rules of monogamy, consent and indissolubility may have gained general acceptance (Jochens 1993:409). What was the situation in Norway? Was there any difference in the way the different social classes accepted the consent theory?

Some letters support the suggestion that the Christian demands for female consent were not always considered when arranging a marriage. An Icelandic diploma from 1189
reads that Archbishop Eiríkr forbade a woman to choose a partner herself. His argument, for having her male relatives make the decision, was that they knew better what was best for her (Holtan 1996:21). Such conditions might have persisted until the 15th century. For example, in 1429, a woman admitted that she has agreed to marry her husband only because of her fear for her father (Jockens 1986:144; Diplomatarium Islandicum, IV (1897):394). Even though those letters are Icelandic, I consider them indicative to Norwegian mentality as well.

Other diplomas, however, may be interpreted to convey the opposite message. In 1309, there was a case between Steinvor and Erik from Hardanger. Bishop Arne decided that the man Erik is to take Steinvor as a lawfully wedded wife. The diploma does not include details about the opposing opinions. It might be thought that the two had been betrothed, and that later, Erik had tried to break the engagement. If he were accused of breaking the engagement, he would have received the same punishment as for illegal divorce, and would have been outlawed. That is why it was important for him to show that the engagement was not valid. Steinvor was clearly the one who wanted to get married, so she wanted to prove that the engagement was valid. A broken deal would have given her bad reputation and diminished her chances for a later marriage (Holtan 1996:25-26). In another marriage case from 1330’s, bishop Audfinn from Bergen decided that the engagement between Magnhild and Ivar Solveson was valid because of consent and consummation. Even though, Ivar wanted to get out of the arrangement, stating that they only had a sexual encounter, witnesses confirmed Magnhild’s version, that they had first agreed to take each other in marriage, and then had sex. This made a divorce problematic. Otherwise, they would have just had to pay fines for adultery (Holtan 1996:27).

Contemporary sagas might be informative on the circumstances around marriage of the Norwegian aristocrats and kings. Sverris Saga, Böglunga söga, and Håkonar saga Hákonarsonar, are, however, mainly preoccupied with political issues, and may be said to have little particular interest in female matters. After a victory in 1184, king Sverri promised his men the best marriages that were to be had in the country, and there are no indications that the women were asked for their consent (Jochens 1986:145-146; Sverris Saga: ch. 100).

There are, however, other examples when the female consent was asked for, or at least partly. In 1240, a proposal was made, on behalf of the Spanish king Alfons X, for Kristín, the legitimate daughter of King Hákon, to marry one of the Spanish king’s brothers. King Hákon and Archbishop Einarr were advised to send Kristín to Spain on the condition that she be allowed to marry the brother whom she and her Norwegian entourage liked the best. King Jayme of Aragon asked the king of Spain that he be allowed to replace one of the king’s
brothers in marriage to her. This offer was presented to her, and she was to be allowed to
decide for herself. Her counsellors, however, decided for her that such a marriage was not
desired, because of the great age difference between Kristín and King Jayme. However, it is
clear that the Spanish king accepted the doctrine of female consent more readily than the
Norwegians, probably because of the Church’s more stable position in Spain, than in the
North. Eventually, Kristín was engaged to the youngest brother of the king, whom she liked
best (Jochens 1986:148; Hákonar saga Hákonarsonar:ch.294). It has to be noted, that Kristín
was not consulted on the most important question of all – whether she desired to be married
abroad. She might have been given the slight freedom to choose which of the Spanish
brothers she preferred, in order to satisfy the ecclesiastical demands (Jochens 1986:149)
2. This example may also serve as an illustration of the jafnæði idea; the daughter of the
Norwegian king may only be married to a king, or a son of a king from abroad.

It has to be said, however, that the marriage between King Hákon’s daughter and king
Alfonso’s brother, may be seen from a different perspective also. The historical context of the
marriage, in both countries, may be interpreted to indicate that the union was just meant to
seal off a military - economic alliance (Gelsinger 1981:55). If supported by the Spanish king,
Hákon Hákonarson may have acquired a more favourable economic relationship to the trading
centre of Lübeck, which would have secured supply of inexpensive grain to his country
(Gelsinger 1981:57-58). In “return”, Alfonso could use Hákon’s military assistance in a
crusade in North Africa (Gelsinger 1981:62-63).Ironically, the main motivations for the
marriage alliance between the two kings became outdated for various reasons, and the treaty
could be forgotten. The Castilian chronicles retell of another cause of the marriage, and king
Hákon’s daughter is “remembered for her own sake than for the diplomatic transactions she
had served” (Gelsinger 1981:68). Thus, the historical context of the marriage shows that even
though Kristín could make her own choice whom to marry, she was still just a marionette of
politics. Besides, the fact that Kristín’s consent was sought for may be explained by the
explicit presence of churchmen (Jochens 1993a:280).

Linguistic evidence might also throw some light on when and whether the consent
theory became known to people. There exists a distinction of the terms referring to the two
models of marriage. The traditional Nordic vocabulary most often conveys women as passive
objects in a marriage transaction. She was föstnuð (engaged) or gefin (given); he would taka
(take) or fá (get) her, or átti her. In the 13th century, a new word appeared, in various forms:

2 Other examples of marriage cases, where the female consent were asked for are given by Jochens, 1986.
þúsa (to spouse), or þúsan (a noun connoting to the ceremony), þúsa or þúsi (bride and groom). The word came from the Latin sponsa and sponsus, and had an identical meaning, reflecting a concern for equality between the spouses (Jochens 1986:167-168). There are of course numerous examples of the use of both terms in literature. Both vocabularies were also used at one and the same time. For example, in Hákonar saga Hákonarsonar (ch. 309), from 1264, the term þausut konunginum, was used of the engagement of Margrét and young king Hákon in 1219, but their wedding was called by the “old” name bruðlaup. The appearance of such words was, however, somewhat random and inconsistent, and this supports the thesis that the new consensus theory was adopted in the North gradually, and not overnight (Jochens 1986:169).

What, then, may be concluded as to the definition of marriage in 13th century Norway? First of all, the significance of the woman’s consent for a marriage, or the familiarity of people with the consent theory, is demonstrated by all sources: diplomas, contemporary sagas, and linguistic sources. However, the letters and the contemporary sagas may be used as an even stronger argument for the opposite, namely, that it was the parents who arranged the marriage, as an economic or political contract. In these unions, women were considered as a part of the property exchange between two men, and given almost no right to express their own opinion. Naturally, love and other emotions were not considered of great significance. However, some sense of equality is detectable from the fact that people married within their own social class, and that women’s consent was sometimes, even though very seldom, asked for before a marriage. This reality appears to contradict the Christian consensus theory, which demanded a common consent, in order to make a marriage valid.

1.1.2. The Sagas of Chivalry

After having paid attention to the main types of marriages represented by the various Norwegian sources, I will, now, examine how marriages are arranged in the sagas of chivalry. How would this latter information fit in the Norwegian context? Did the translation of those sagas of chivalry introduce any new types of marriage arrangements?

First of all, I will present the various types of marriages that I found in the analysed sagas, and thereafter give some examples to illustrate and explain the table below.
As clear from the table, there are many examples from the sagas of chivalry that show that marriage was arranged as an agreement between two families. The reasons for the agreement were often economic or political. Besides, considerations were often taken that the future spouses are to be of nearly the same social class. Some examples of marriage as a process, arranged by the young peoples’ kinsmen, will follow below.

Marriage as an agreement

\textit{Marriage as a process, arranged by the young peoples’ kinsmen}

One of the best-known examples of arranged marriages from the sagas of chivalry is the story of the marriage between Isönd and king Mark, in \textit{Tristrams saga ok Isöndar}. When king Mark of Cornwall is to get married, he cannot consider his feelings when choosing a future wife. His men/vassals are to choose a suitable wife for him, and he is willing to accept their decision. The only condition he puts is that she: “…is (his) equal – in lineage, intelligence and good manners – with refinement and good looks, chastity and dignified conduct, so that (he) does not marry beneath (his) station…”\(^3\) (\textit{Tristrams saga ok Isöndar}:ch.32). If the candidate does not have those qualities, the king will not take her as a wife. King Mark’s marriage is a perfect example of a marriage as a political process, steered by concepts as honour and power. The king’s council suggests the daughter of the king of Ireland as a suitable match. Even though she seems suitable, the king hesitates in asking for her hand. As her kin is the enemy, king Mark is afraid that her kinsmen might understand his proposal as admittance of their superiority. The council, however, insists on the marriage and focuses on the positive consequences – a marriage would be the perfect way to conclude peace. Another political consequence is that king Mark would, maybe, one day rule over Ireland also, as Isönd is the only daughter of the Irish royal family. The daughter is, therefore, clearly seen as the enabling force between the two men.

\(^3\) “…sem min jafningi sé at ætt, hyggni ok hæversku, friðleik ok kurteisi, kvensku ok tignum meðferðum, at ek kvángumz ekki ör ætt minni…” (\textit{Tristrams saga ok Isöndar}: ch.32).
When it comes to the marriage of Mark and Isönd, it is also interesting to see the process from Isönd’s perspective. After a number of adventures, Tristram finally brings the message to the king of Ireland, that king Mark is interested in marrying the Irish princess. Her dowry will be all of Cornwall, and she will become the queen of all England. She will be served by jarls and vassals, as nowhere else in the world. Tristram also points out that by means of the marriage, peace could be concluded between Ireland and England (Tristrams saga ok Isöndr: ch.44). The latter seems to be a good enough reason for marriage to all people at the Irish court. This is a typical example of marriage as a process, when the parents decide on the part of the maiden. The way the marriage is arranged reminds strongly of the demands of the Norwegian secular laws on marriage-arrangement matters.

When Isönd is to depart, her mother prepares a love potion, which is to secure the strong love between Isönd and her future husband, king Mark. The episode may be seen from two perspectives, which do not necessarily contradict each other. On the one hand, this may give us the notion that women and men might see marriage slightly differently. For men, it is a political tool, for women it is an emotional link between two people. The fact that Isönd’s mother does not contradict her husband’s decision says that either, she does not totally disagree with using Isönd’s marriage as a political tool for peace, or that she is aware that her opposition would not be of any importance. Therefore, she approves of the decision, or accepts it, but simultaneously wishes to secure the emotional happiness of her daughter. I would like to point out that this episode can also be seen simply as an element employed by the author with literary purposes.

On the other hand, the fact that Isönd’s mother sends a magical drink to secure the marriage between the two future spouses, may remind of the symbolic and juridical function of beer drinking at marriages in medieval Norway. Even from heathen times, the drinking of beer could validate and formalise a stipulated agreement. In heathen times, if an aristocratic woman offered a drink to a man, her gesture could be interpreted as a sexual or marriage invitation (Nedregård 2000:5,71-77). The “drinking-tradition” was kept after the introduction of Christianity as well, and “samdrikkelag” were held at all special occasions of one’s life – birth, baptism, marriage, and death. When a marriage was arranged, the first binding step was the engagement (fæstermålet). At the engagement, a festaröl was offered and drunk. The beginning of married life was called samgang, and samgangsöl was drunk as a confirming deed. Besides, if later in the marriage there were disagreements between the spouses concerning the amount of property each of them brought into the marriage, witnesses of the drinking celebration (drikkelagsvitner) would be needed to solve the conflict, according to the
Frostathing law. Another example of the importance of drinking at a wedding is pointed out through the expression *drekka Brúðlaup*, which is reflected in the English word bridal (brudeöl) (Gjærder 1975:45-46). If we see Isönd’s mother’s preparation of a drink from this cultural-historical perspective, the importance of the love-potion becomes rather social and judicial, rather than emotional. However, I do not see any reasons why the two perspectives could not be equally and simultaneously illustrative.

Another example of marriage as an arrangement can be given from the *Lai of Guiamar*, which is one of the lais in *Strengleikar*. After being wounded and cursed by the white deer, Guiamar sails to the foot of an ancient city. An old lord, who is married to a young woman, governs the place (*Strengleikar*:19). Not much more is said about their marriage, but I would suggest it might be a typical marriage, arranged as a political, or economic agreement. The same type of marriage, between an elderly man and a young beautiful lady, takes place also in *Lai of Jonet*. Such marriages might have been common in the upper classes of the Norwegian society, as suggested by Holtan (1996:46). The woman once again seems to be the exchange good, and no concern with love is noticeable. The suggestion that this marriage was not arranged out of love might be further supported by the fact that the young lady becomes later on engaged in a love affair with Guiamar.

In the *Lai of the Ash*, the knight Gurun is also to be married after the advice of his knights and relatives. He agrees to take a wife according to their choice, even though he is at that time engaged in a love relationship with Ash. For some reason or another, she does not seem to be approved as a proper match for Gurun, by his relatives. The lady they choose for him is the daughter of a powerful lord. The marriage is clearly of economic importance, as it is pointed out that by uniting with her, Gurun’s possessions and wealth will increase. The author even makes a word-game out of this: as the lady of the rich lord is called Hesla (“hazel”), it is said “…you shall now exchange the ash for the hazel, for an ash never bears fruits nor comfort, but a hazel bears nuts and delight…”⁴ (*Strengleikar*:57).

I find it important to point out that, in cases of arranged marriages, it is apparently not essential whether the two like each other or not. Love was probably considered as something that might appear with time. Love and marriage had nothing to do with each other. Or did they? In the *Lai of the Ash*, it is said that the mother of Hesla was afraid that Gurun’s concubine would be around. If so, the marriage might have been destroyed, because of his strong love for her. Here, we see that love might have had a chance to stop a marriage that is

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⁴ “…fyrir þu í skalltu nu skifla æskionni I hæsli at askr allóri alltin ne huggan. En hasl berr netr ok skæmtan…” (*Strengleikar*:56).
simply an economic agreement. Note that it is the man who may promote the importance of love for the marriage.\footnote{There are two more examples of a marriage arranged by the kin. The first one is in \textit{The Lai of Milun}. The sweetheart of the knight Milun is betrothed to a powerful and valiant knight and mighty lord. Here it is important to emphasize that, first of all, the father marries her away, even though she is engaged in a secret love relationship. Second, no matter how much she grieves and sorrows, she has to follow her father’s decision. The second is from \textit{The Lai of Jonet}, which is the story of a man, “...old and very elderly, but because he was enriched with valuable wealth and many great possessions, he married a young woman in order to get an heir for his inheritance and wealth…” (\textit{Strengleikar}: 231). This is a typical example of how a young and beautiful lady, from a distinguished family is betrothed, by her kinsmen, to an elderly and wealthy husband.}

I would also like to give two concrete examples of how little the lady’s opinion might have mattered in arranging the marriage. As mentioned above, Isönd’s father had made a promise to give her, and half of the kingdom, to the one who kills a horrible dragon. However, when there is a slight chance that her father might give her to the man, who claims to be the dragon-killer, Isönd denies to give her consent and to listen to her father. She would much rather take a knife and kill herself, than let a deceiving and incapable man get control over her. The reason for her threats is that she dislikes the man so strongly that even if he had the whole world as a wedding gift, she could not have loved him (\textit{Tristrams saga ok Isöndar}:ch.37). In this last sentence, there is a sense of differentiating the economic side of a marriage (getting a valuable dowry), from the emotional. Or maybe it shows that it was possible to equate them also? Isönd and the "dragon-killer" never get married, but the reason for that is not because Isönd’s father was considerate to her wishes; the reason was, rather, that the man claiming to have killed the dragon was lying. Therefore, I think it is reasonable to evaluate the weight of Isönd’s discontent to marry the chosen man, as rather low and irrelevant. The next example might support this presumption.

Isönd has a negative attitude before her marriage with king Mark. On her departure from Cornwall, she says she would much rather die, than get married. She does not like that she has to leave her friends, her loving parents, and her own country, because of some strangers (\textit{Tristrams saga ok Isöndar}:ch.46). Isönd marries the king, however. Some may say that she does so, in order to be with Tristram. Even if Isönd did not have any personal reason to marry king Mark, would she have really killed herself? Maybe her threat is just indicative of her pathos and pretentiousness, and not real threats. Maybe her threat may be explained by her own female nature, as it is described in the saga: “…a woman always hates the one who loves her and desires the one she can’t have, searching for that which is unattainable and forsaking the one most suitable for her love…”\footnote{“...Kona hatar jafnan sík elsksanda, ok riniz hún þat, er hún má ekki fá, ok við letar þat, er hún má ekki áleiðis koma, ok hafnar þeim, sem henni sömir at unna...” (\textit{Tristrams saga ok Isöndar}: ch.41).} (\textit{Tristrams saga ok Isöndar}:ch.41). At least,
the episode may indicate that Isőnd cannot do much against her father’s decision to marry her to king Mark. She can disagree, but this does not mean much in the men’s world.

Marriage partner chosen by a contest

Another type of arranged marriage that occurs in the sagas of chivalry is when a future husband is chosen by a contest. I consider these marriages as arranged, as the conditions for their realization are stipulated and confirmed beforehand, no matter who sets the conditions.

In the lai Doun, the lady of Edinburgh is described as an exceptionally beautiful and courteous maiden. She is also very swollen with pride, so that there is no one so wealthy and worthy that she would marry. Eventually, she does marry the knight Doun from Brittany because he manages to fulfil her conditions: first of all, to ride from Southampton to Edinburgh in one day, and secondly, to travel as far as her swan flies. No other details around this marriage are mentioned. It is worth emphasising, that even though the marriage is arranged, it is the woman who stipulates the conditions of the arrangement here, which is rather exceptional.

A similar way of choosing a husband is arranged in the lai The Two Lovers. In this story, it is the father of a beautiful lady who sets the conditions. After becoming a widower, he does not wish to live without his only child. Therefore, he announces that he will give his daughter to the one who manages to carry her to the top of the mountain without a rest.

Marriage in cases of danger

Another typical occasion for arranging a marriage in the sagas is when the whole kingdom is in danger. These marriages belong to a fantasy world, and are mentioned, neither in the secular laws, nor in the Church literature. For example, when a terrifying dragon is tormenting Dublin’s population, the king of Ireland promises his daughter and half of the kingdom, to the one who manages to kill the dragon. The king announces his promise in front of many witnesses and signs under it (Tristrams saga ok Isőndar:ch.35). Later on, it is said that if the king does not keep his promise, the deceived is to defend his rights, against anyone who dares to oppose him (Tristrams saga ok Isőndar:ch.41).

However, when Tristram is to fight Morold, who is a horrible and fearful oppressor and demands taxes from the people of king Mark, the latter promises the whole kingdom, but not his daughter, to the one who wins the people’s freedom (Tristrams saga ok
Isöndar: ch.27). The reason might simply be that he does not have a daughter. Ironically, Tristram takes king Mark’s wife.

A similar example is when a giant is tormenting the people of a duke of Poland, to whom Tristram is serving. The giant demands a tribute from the people, which is one tenth of their livestock. If Tristram were to kill the giant, the duke promises to give him anything he wishes. The duke offers half his kingdom, and his sister. Tristram, however, chooses a special dog, that is given to the king by an elf-maiden (Tristrams saga ok Isöndar: ch.62).

Even though a bit distorted, I consider these marriages as similar to political marriages arranged in order to prevent a war, or end a political conflict between two groups. If the threat of the dragon is equalised to the threat of war, the cases might be similar to political marriages in medieval Norway.

‘Mixed’ marriages

Another type of marriages described in the sagas of chivalry are those that are both arranged by the kin of the two to marry, and are determined by the lady’s consent.

One example is the story about Tristram and Isodd from Bretagne, where, both the betrothal and consummation of the marriage are important for its validity (Tristrams saga ok Isöndar: ch.69-70). The saga says that “…with the advice and support of her relatives, he asked for the hand of Isodd, the sister of the duke, and married her…” (Tristrams saga ok Isöndar: ch.69). Isodd is, thus, married after the advice and support of her brother and all the inhabitants of the kingdom.

7 In the analysed texts there are three more examples of this type of marriage. They all come from Íven saga. After having been abandoned by his wife, the knight wanders about and looses his senses. Eventually he is found and helped by three ladies, who take care of him for six weeks, until he had regained his strength, gladness and joy (Ívens saga: ch.9). At that time, the castle of one of the ladies is being attacked by Earl Aleus. Sir Íven decided to help the lady in need. When the ladies of the castle saw what an extraordinary knight he was, they wished that “he became our lord and our lady’s and rules over her entire realm” (Ívens saga: ch.10). However, the only thing Sir Íven did was that he ensured peaceful relationships between the lady and the earl, and thereafter left the castle hastily. The author of the saga adds: “…and the beautiful lady stayed behind angry and sorrowful because she wanted to honour and exalt him…” This story might be indicative to the fact that a marriage with the lady of the castle might have been an expected reward for Sir Íven.

Sir Íven also helps the people of another lord. The latter is tormented by the giant Fjallsharfar, who wants to have the lord’s daughter. The giant has already killed two of the sons of the lord, and threatens to kill the other four, if he does not get the maiden in marriage. Íven kills the giant, with the help of his lion. Thereafter he is offered to place the castle and the people under his power. Besides, the lord of the castle offers him his sons and daughter as companions. Sir Íven cannot accept this gift, as he has other errands to do (Ívens saga: ch.11).

Another time, Sir Íven is to fight the two sons of giants, who have disgraced and vanquished three hundred men, and hold three hundred maidens in slavery. The mighty lord, who asks him for this help, is willing to give him his daughter and castle, and his entire realm if he overcomes them (Ívens saga: ch.13). Sir Íven would fight, but does not wish to have the daughter. And so he does.

8 “…bíðr hann því Isoddar hertugasystur, festir hana ok fær at frænda ráði ok vilja. Ok vár ðall landsmenn því fegnir…” (Tristrams saga ok Isöndar: ch.69)
The saga goes on describing the party and tournaments arranged after the wedding. When the night comes, Tristram comes up with a lie about a sickness, because of which he is not willing to share his wife’s bed. The actual reason for his lie is that he feels he is betraying Isönd, if he sleeps with Isodd. Besides, he asks Isodd to keep it a secret. From the latter, it might be deduced, that according to the saga writer, in order for a marriage to be fully complete, a consummation is expected. This interpretation may explain Tristram’s desire to keep his “sickness” secret; otherwise, a lack of consummation might invalidate the marriage. However, from the saga, it is clear that the continuation of the marriage is not his main concern. Just on the contrary, he regrets committing. Therefore, a more probable reason for his desire to keep the lack of sexual intimacy between them a secret might be that it could bring dishonour to him. According to the Galathing law, a man’s inability to consummate a marriage, would give a woman a reason for divorce (see chapter on divorce).

But why does Isodd agree to keep the secret? One reason may be her strong love for Tristram; another, the shame that the lack of consummation might bring her. The latter seems to be the case, according to the saga. When the brother of Isodd finds out about her platonic relationship to Tristram, he says “…it is ill-mannered of him to live with you and not touch you as you lie in bed, naked…” (Tristrams saga ok Isöndar:ch.82). It is also said that the brother considers it dishonourable for himself and his whole family, that Tristram does not want an heir from their line.

If Tristram and Isodd’s marriage is seen in the light of the Norwegian context, the union may be characterised as a mixture of the secular and religious ideals. On the one hand, it is an agreement between the families, and the consent of the two people has only a secondary importance, as described in the laws. On the other hand, just like the Church preaches, a consummation of the marriage is a necessary step for the completion of the marital bonds.

Another “mixed” marriage takes place in Ïven Saga, the story about Sir Ïven and the lady of Sodal. After mortally wounding the master of the spring, who is named Sodal, Sir Ïven is captured and locked in the knight’s castle. There, he manages to remain concealed with the help of a magic ring, which makes him invisible. Thus, Ïven is able to see how badly all the people of the court mourn and suffer after the death of their lord. At the lord’s funeral, Ïven catches a glimpse of the widow of Sodal, and he falls in love with her. Thereafter, he claims that he would rather die, than leave the castle. The maid of the lady, who is benevolent

9 “…Óhæverskliga býr hann með þér, er hönd hans kemr aldri nær þér í hvílu berri…” (Tristrams saga ok Isöndar:ch.82)
to Íven for various reasons, manages to convince her lady that she would now need a new knight who would be willing to protect the spring for her. The perfect one for this service is Sir Íven. The lady eventually agrees and desires to know more about him – what kind of knight he is, and of what descent; is he so well mannered and of such noble family that he would be a proper match for her (Ívens saga:ch.5). It is also fitting for the lady to ask advice from her council, about Sir Íven. However, the maiden Lúneta adds that the council’s cowardice is well known, and they will never dare to contradict the lady, and they will do what she wants (Ívens saga:ch.5). Eventually, the lady decides to marry Sir Íven, under the condition that he defends the spring for her sake. She also says that she was advised to marry by her men, on account of the great need they now perceive to exist, and because it is not proper for her to refuse a good knight and the son of a king.

Analysed and compared to the Norwegian context, the story has some elements that agree with the normative sources, and others that agree with the descriptive sources. For example, Sir Íven, chooses the lady because of passionate feelings. Note, once again, that it is a man who yields to his emotions rather than other social norms. He is not advised by anybody to marry the lady of Sodal, but he is not contradicted by anybody either. From his perspective, it might be said that the marriage is formed under the consent theory, and thus, agrees with the religious norm, but disobeys the secular laws in Norway. Besides, the saga does not specify whether he is concerned with her economic status. We know that according to the Gulathing Law, a man who is marrying a widow has to pay as a mund, which amounts to the half of the bride’s dowry. However, marrying a widow would often be more expensive than marrying a maiden.

If we look at the marriage from the perspective of the lady, the picture is partly different. She is first to hear about Sir Íven by the advice of her maid. The lady is supposed to be counselled by her men also, but the saga text decreases the weight of their advice. Her freedom of choice might be explained by her being a widow. According to the Gulathing law, a widow has a slightly freer position than a maiden, when choosing a future husband. Anyway, the lady chooses to marry Íven, not because she is in love with him, but because she needs somebody to protect her spring. Therefore, I would say that from her perspective, the marriage looks both as a kind of agreement and a sacrament. This duality may be further confirmed by the fact that she is concerned about how aristocratic his heritage is, and if he is a proper match for her: “…what kind of a knight is he and of what descent…and if he is so well
mannered and of such noble family that he would be a proper match for me…” ¹⁰ (Ívens saga: ch.5). The quote makes it clear that the social status of the future husband is important for the widow. Besides, it is mentioned that: “…God knows, that the sovereign queen of Rome would be well married to such a worthy man…”¹¹ (Ívens saga: ch.7).

**Marriage as an act – the consent theory**

*Rejecting the parents’ choice*

The third type of marriage in the sagas of chivalry is when the consent of those to be married is the only relevant and necessary factor. In this category fall cases when the young people oppose to take the man/woman their parents/kin has chosen for them. One such example may be given from *Lai of Equitan*. The knight is passionately in love with the wife of his seneschal, and has an affair with her. This is a good enough reason for him not to desire a marriage with anyone else. Even though his advisors and friends prefer that he should wed lawfully, Equitan does not want to hear of it, because of his true love. He is another example of the passionate male. The story shows that the norm for arranged marriage is relevant here as well, but that sometimes, love may win over the norm.

*Marriage out of love*

In *Tristrams saga ok Isöndar*, the marriage of Tristram’s parents is a good example of the consent theory. Kanelangres and Blensibil meet at the court of King Mark. They both notice each other and experience a strong physical ‘falling in love’. Blensibil wanders whether it is appropriate for her to be the first in expressing her feelings openly. She knows that it is “…more honourable for him to ask than for me to offer such things to him, and thus shame and disgrace myself and my family…”¹² (Tristrams saga ok Isöndar: ch.7). However, she does hint her emotions to the knight. Kanelangres, on the other hand, is also aware of the fact that his love for the king’s sister is not proper and respectable, as he is just a young knight who has recently arrived at the court. He feels he has to be honest towards the king, which he is not. Blensibil’s and Kanelangres’ feelings tell a lot about the norm of an ideal relationship.

¹⁰ “…hvat riddata hann er ok at hverri ætt, ok ef hann er svá mannaðr ok svá ríkrar ættar at hann sómi mér…” (Ívens saga: ch.5)
¹¹ “…Guð veit, at Rómaborgar yfirvaldsdróttning væri vel þúsuð svá virðuligum manni…” (Ívens saga: ch.7)
¹² “…honum söndi betr at biðja en mér at bjöða þessi hluti fyrir honum ok skemma svá ok svivirða sjálfá mik ok alla mina ætt…” (Tristrams saga ok Isöndar: ch.7)
according to the saga, which we have seen earlier as well: a woman cannot choose a partner herself; such behaviour would be a shame for the family; the man is supposed to be of the same social status as the woman. The fact that Kanelangre does not dare to be open about his feelings might be interpreted in this light. Even though he is a very capable and good knight, he is aware of his lower social position, compared to the king’s sister. The latter might be a reason for why he does not ask for her hand initially. The saga, however, says that king Mark was prone to approve of a marriage between Kanelangres and Blensibil, as he thought so well of the knight (ch.10). The two get married finally in Kanelangres homeland. The circumstances of their departure are not quite clear – does she run away with him, or is their travel approved by King Mark? In short, both choose who they want to marry themselves, and out of pure emotion. The fact that Blenisbil’s kinsman would have approved of her marriage shows that love might not always be lacking in an arranged marriage.

Love is the decisive factor for knight Milun’s marriage, in The Lai of Milun, as well. It is said, “…they asked no man for advice, neither relatives nor friends nor other men…”13 (Strengleikar:193). The marriage is the culmination of a long relationship between them, when their son gives his mother in marriage to his father (Strengleikar:193). The lady’s status as a widow, may explain her freedom to choose a new husband herself. However, the son may also be seen in the role of a kinsman for the mother, who ‘advices’ her in her marriage.

To conclude, the examples from the sagas of chivalry show clearly that the norm is an arranged marriage. Even in the few examples when the lady’s consent is taken into consideration, the text makes it clear that this is an exception of the rule, thus, disregarding the Christian consensus theory. The sagas, therefore, remind strongly of the reality situation in Norway. Even though some Norwegian sources, like the laws, diplomas, and linguistic analysis, convey awareness of the consensus theory, others make it clear that the arranged marriage was the traditional and accepted type of marriage even after the 13th century. It has to be said that the dominance of arranged marriages in the analysed sagas of chivalry may be explained by the sagas’ Northern origin. An analysis of the whole body of chivalric sagas reveals that the literature may be divided in two groups; the sagas coming from Northern Europe, including England and Ireland, describe marriage as predominantly arranged, while in the sagas from the Mediterranean area, women were asked for their opinion of their suitors. It seems that the more established Christianity was in a country/area, the more often were women’s opinions considered (Jochens 1993a:283-284).

13 “…En engan mann spurðo þeir raz um. hvarki fremdr né vini ne aðra menn…” (Strengleikar:192).
The new elements that the chivalric sagas might have introduced to the Norwegian court, are new circumstances around choosing a future husband, namely “by a contest”, or “in cases of danger” (see table above). Those new circumstances might be interpreted as simply literary elements in the European texts, aiming to increase the grade of excitement in the texts. However, they may also be seen as adorned versions of the traditional types of marriages, existing in Norway. I have presented them as signifying arranged marriages, and thus further supporting the suggestion that arranged marriage was the norm.

1.2. Prerequisites and hurdles for marriage

Prerequisites and hurdles for marriage would depend on the definition of marriage. If consent were the only necessary factor for legal marriage, the union would have been uncomplicated to conclude, and secret marriages could occur. Even though there are Norwegian sources that refer to secret marriages, Holtan (1996:67) claims that these were not the most common ones. If a marriage were arranged, on the other hand, many different factors would have been of importance; for example, who could arrange the marriage, and who could marry whom. As mentioned, the laws demanded a payment of morning gift and dowry, which amounted to minimum 12 orer, or 5.5 cows, or 29 sheep. This was a considerable amount of property that would probably take some time to accumulate, and therefore, effect marriage age. Not only was a substantial capital necessary in order to get married, but also, the social status of the future spouses had to be equal. With Christianity, yet another regulation of marriage was introduced – incest. The close relationship one had with someone from the same family, the future-spouse’s family, or godfather/child family, might be a hurdle to marriage. Those restrictions, however, could have been neutralised, by the Pope’s dispensation from the Christian law.

In this sub-chapter, I will focus on the mentioned prerequisites and hurdles for marriage. The questions, I will be concerned with, are mainly whether the economic demands were equally important for the family of both the man and the woman? Was there some difference in people’s attitude on the issue, in the different social classes, and how did these economical demands effect the marriage age? Did incest occur, was it considered a sin, and was it common?
1.2.1. Norway – norm and practice

The Norwegian laws are explicit that the economic aspect of marriage is important for both sides. The demands for equal value of mund and dowry, confirm the idea that people got married within their own social class. The laws also demand a minimum of mund/dowry. Even though the legal requirements for marriage were the same for men and women, historians have pointed out that exchange of women most often went upwards (Holtan 1996, Bandlien 2000). This means that women from lower social classes could marry in upper social classes, as they might have been attractive because of their outer appearance, and age, beside economic wealth. Men, on the other hand, were considered attractive only if they were wealthy. If a marriage were to have any chance of persisting, however, the ideal of jafnræði, meaning that the two families are more or less equal in social status, must have been considered (Bandlien 2000:71). Thus, it might be said that a king would marry a daughter of another king, or an aristocrat, but not the daughter of a peasant. The latter may be a king’s concubine, but not his wife. The horizontality of marriage relationship and verticality of concubinage has been pointed out by the historian Auður Magnúsdóttir (2001:220) as well. It has also been suggested that among poorer people, the economic side of marriage might not have been that important. Because of the relatively high marriage costs, it is possible that poorer people could not afford to marry, and were pressed to live in concubinage. With the exclusion of economical restrictions as a relevant marriage factor, poorer people may have been freer to choose partners out of emotional affection. However, some family historians disagree, and claim that only after crossing the border of poverty, people could afford the luxury to experience love in their marriages (Holtan 1996:120).

Letters can also be illuminative sources on the economic aspects of marriage in the upper social strata. A letter from Osland, Kyrkjebø, dated the 19th oktober 1322, for example, describes Margreta Filippusdotter’s dowry when she married Arnold Josteinsson. She was quite wealthy, and her dowry was worth altogether 80 marks and 2 ører, consisting of furniture, textiles, cloths, and jewellery. The husband’s mund must have had the same value, in addition to which he gave a ‘morning gift’, with the value of 12 marks and 6 ører. Margreta had also received from her father a collection of farms in North-Rogaland, Hordaland and Sogn, which made her much richer than her husband. Note that her family might have been so wealthy that an equally well off husband must have been difficult to find (Holtan 1996:32-36). Thus, it is demonstrated that women and men had to, normatively, go into marriage with an equal value of wealth, but that exceptions to the rule were possible as well.
Marriage age was regulated on both ends. The minimum allowed marriage age in medieval Norway was 12 for girls and 14 for boys (Holtan 1996:46). People from the top strata of society, however, might have been engaged away at earlier age, as a part of a political alliance. In Europe, child marriage was the rule rather than the exception, and many examples may be given (Power 1975:39). In English common law, for example, a child was held capable of consent at the age of seven. However, the marriage was voidable, as long as the girl was under 12, and the boy under 14, at which age they could disagree with the marriage. Even though there are some cases of the latter, pressure against this must have been great (Power 1975:40). Child marriage was arranged in Norway as well. The daughter of king Hákon, Ingibjörg, for example, was betrothed away at the age of one (Holtan 1996:46).

Holtan (2000:46-49) claims that the economic demand for marriage might have had some restricting power on the age of marriage. Men’s marriage age was often related to the life length of his parents. It was first after the death of one’s parents, that the son could inherit the family goods, and thus could afford to marry. In the Middle ages, the average life expectancy was 55 years. Therefore, a son might have been 25 or more before he could afford to marry. Average marriage age for women may have been somewhat lower, because youth was an asset, which may have been considered more valuable than wealth, in some cases.

Beside these economic and social requirements, it was not allowed to marry anybody from the same kin, as such a relationship was considered incestuous. In early Christian time, the Church defined as sinful a marriage with a relative of, or closer than, seventh degree. This meant that a couple had to study their family histories for the past 200 years, in order to find out whether they had common ancestors or not (Holtan 1996:36). There are two relevant debatable questions: how effectively did the Church manage to spread this law and ideology, and how did the Norwegian ecclesiastical legislation respond to these external claims (Hagland 2004:210)? The rule is expressed in chapter 24 in the Gulathing law, which states that none shall have a kinswoman as his wife. This applies to kinswomen in the seventh degree, and widows of our kinsmen in the fifth degree. The fine for incest was three marks to the bishop. Besides, the man was to forsake the woman, go to confession, and do penance. If he refused, they were both to depart from the king’s dominion. He could refute the charge with threefold oath. The Frostathing law (III1) expresses, seemingly, the same claims, but is somewhat more detailed. Interpretation of the terminology referring to affinity, like liðr and

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14 I would just like to mention that it is “frendkonor” that is translated as “the widows of our kinsmen”. This suggestion is given by Maurer who emends the word to “frendleifur”, as otherwise the statement seems inconsistent (G: p.53). However, this emendation appears a bit frivolous and unexplained.
maðr, however, may suggest that the “...prohibition of the Frostathing law was set at one degree closer than the canonical seven...” (Hagland 2004:215).

Beside the restrictions against marrying someone from one’s own family, the Frostathing law forbids marriage/sexual relationship to relatives from the spouse’s family and spiritually close family, like for example godfathers/ godmothers and fadderbarn. A man is neither to be with the wives of his father, son, or brother, nor with the mother, daughter, or sister of his wife, nor with his godmother, or a nun, which he will be outlawed for (FIII3). Landsloven (V6) mentions that if the man commits incest, the woman may divorce him. Archbishop Jón’s Law says that the man committed such a crime has to pay a fine of three marks, and go to confession (Svennebye 1999:70).

The strict incest restrictions might have made it difficult to find a suitable spouse-candidate who fulfilled the social, economic and Christian requirements simultaneously, and may have, therefore, been responsible for increased concubinage (Anna Sigurðardóttir 1983:51). The Norwegian bishops became aware of the problem, possibly because of frequent breaking of the law. In 1192, after a discussion on the issue, the Pope changed the incest rules. It became forbidden to marry a person of, or closer than fifth degree, instead of earlier seventh. In 1214, the regulation was further relieved for the whole Christian world, and a relationship with a relative of fourth degree was now considered sinful (Holtan 1996:37). The regulations are not, however, consistently reflected in the Norwegian laws until after the development of legislation on a national scale in the1270s (Hagland 2004:218).

Religious literature like “Visions” is another source group, which shows concern with incest. In Visio Pauli, women who have committed incest are to be on the third out of nine levels in hell. The work does not comment on men’s sexual relationships, maybe, because of church’s negative and especially condemning attitude to women (Svennebye 1999:68; Visio Pauli:p. 8-9). In Duggals Leiðsla, which is from the same time as the Frostathing Law, both men and women are punished for incest, on the sixth out of ten levels in Hell (Svennebye 1998:69; Duggals Leiðsla: p.121-122). The harshness of the punishment increases, and culminates in Draumkvedet (c.1300), where incest between siblings is punished on the last but one level in Hell (Svennebye 1998:70; Draumkvedet: str. 42-43). The fact that the punishment got more severe with time might be interpreted as to indicate the actual persistence of the crime among people.

One question that has been discussed among historians is why the Church was interested in restricting marriage, by for example, incest rules. Some say that this was a deliberate attempt to diminish the chances for marriage of people from the top social classes.
Fewer legal marriages would have led to fewer legitimate heirs, which might have increased the donations given to the Church by people. Other historians disagree, by pointing out that the incest rules for marriage were influenced by Roman law, and the attitudes of the early Christian fathers during the 5th century (Øye 1999:55). However, it is a fact that the rule was purely Christian for the context of Norway, as there are no signs of pre-Christian incest rules (Jochens 1980:380).

As shown, the Norwegian normative religious and secular opinion was absolutely negative to incest. It would, therefore, be interesting to see how those rules were obeyed in practice. If the law texts were interpreted as indicative of the Norwegian reality, they would present incest as a persistent problem in Norwegian society. Some cases of disobeying the law may be explained by the lack of appropriate spouse-candidates, which may have been a relevant problem for people from the lower or middle social classes. Other cases of disobeying the law, however, may have been legally allowed by a Pope’s dispensation. Dispensations were, however, given in very few cases, for example when a marriage might have ended the hostility between two families. Research has shown that the higher social position one has, the greater dispensations he/she may get (Holtan 1996:39). The allowance of such dispensation may, once again, be interpreted as a deliberate move of the Church, to increase the institution’s income. The more one could afford to pay, the better his chances were of getting a dispensation.

One diploma from the end of the 13th century may illustrate the process of applying and getting of dispensation. The knight Vidkunn Erlingsson from Oslo bishopric and Gyrid Andresdotter from Stavanger bishopric applied for a dispensation from the regulations of marriage from the Pope, because Vidkunn had earlier had a sexual relationship with a woman from Gyrid’s kin. The two women were four-degree relatives, and the marriage between Vidkunn and Gyrid was, therefore, hindered. They applied for dispensation and insisted on the marriage, as they saw the union as a medium of stopping a serious enmity between the two kin. Whether they got a dispensation is unknown, but it is possible that they did (Holtan 1996:39).

As mentioned above, members of royal families could get even greater dispensations, allowing them to marry to third-degree relatives. An example of this is the marriage between the third-degree relatives Margareta from Norway and prince Edward of England. A combination of a number of factors, Margareta’s inheritance of Scotland, England’s interest in Scotland, and earlier conflict between the two kingdoms concerning the governing of Scotland, designated the marriage between the two as rather peace-making and problem-
solving. The pope was convinced by the argumentation and permitted the marriage to take place (Holtan 1996:41).

Another aspect of incest is the frequency with which the crime/sin occurred, or was sought dispensation for. Was incest a big problem for the Church and Norwegian society? A precise statistic of the phenomenon is unavailable, but a number of sources may indicate of its possibly common character. Letters sent from the Norwegian archbishops to the Pope, asking for assistance in more complicated cases, may show that the problem was taken seriously (Holtan 1996:38). Besides, the Church took precautions that incest crime would not take place, by demanding for the announcement of a planned wedding three Sundays in advance. An early announcement would have given time and opportunity for stopping the wedding, if the two were closer relatives than allowed (Holtan 1996:42). If no announcement was made before a wedding, and it was later discovered that the union was incestuous, the children were considered illegitimate (Holtan 1996:43). The fact that the Church took such serious steps to fight incest might indicate that there was danger for its common occurrence. The saga of the Icelandic bishop Þorlákr Þorhallsson, who was declared a saint by the Althing in 1198, retells that he penalized clergy men who had married within the prohibited degrees of consanguinity (Jochens 1980:385). The fact that the incest was committed by clergy men also, may further confirm that it might have been common among the rest of the society too. The saga has been considered a trustworthy historical source, because it was written shortly after the bishop’s death (Ásdís Egilsdóttir 1993:45-46). Even though it conveys life and mentality of the people in 13th Iceland, I consider it a relevant source on Norwegian mentality as well, because Iceland belonged to the archdiocese of Nidaros at that time, contributing to the religious coherency of people’s mentality.

To conclude, the prerequisites for marriage in 13th century Norway were of economic, social and relationship character. Laws and letters confirm the equality in economic demands from both parties; the sources also show that this requirement was not always fulfilled. Further, it was shown that people married within their own social class. The economic aspect of the marriage regulated the age of marriage also. Men from the middle and upper-middle classes would probably marry somewhat late, after they have inherited the goods from the late parents. The very top of society, however, might have betrothed away their daughters at a very early age, as a part of a political alliance. In addition, there was a clear social norm condemning incest in Norway, which may have been crossed commonly in all social strata. If the crime was discovered, people were punished variously, depending on the level of seriousness of their crime. One could also apply for papal dispensation, and such were given,
especially to those from the top social classes. Dispensation were given for political reasons, \textit{i.e.} if a marriage between two persons could solve a conflict between their families, or for social and economic reasons, \textit{i.e.} if it was impossible to find a spouse from the correct social class and age, who was not a relative. However, even the greatest dispensation would not allow for a marriage between relatives of second degree.

1.2.2. The Sagas of Chivalry

After discussing the various requirements and hurdles for marriage in Norway, I will examine the sagas of chivalry, in order to see how they describe the issue. Are there any economic requirements for marriage in the sagas? Is it important that the two future spouses are from the same social strata? Do incestuous relationships occur and how are they described?

As mentioned above, 17 out of 20 marriages in the sagas were arranged, meaning that the conditions were stipulated in advance, and most often by the future spouses’ parents. The marriage conditions would determine the size of the dowry and the morning gift. In the marriage between Isönd and king Mark, for example, the Irish princess is to get Cornwall as a dowry, and is to become the queen of all of England. Even though, not all marriages are described in such details, the economic importance is often pointed out. There are three examples, however, where the economical aspects of the marriage are irrelevant for one of the parts, in \textit{Íven saga}, \textit{Lai of the Ash}, and \textit{Lai of Equitan}. Those correspond to the cases when men put their emotional concerns before other social norms. It is interesting that solely men are described as uninterested in the economic aspects of the marriage, focusing only on their emotional preferences. The described scenario may indicate that men in the sagas of chivalry are more emotional than women. However, it might also be said that because of their top social status, men can afford to be uninterested in the economical status of their future wife, and concentrate on her beauty and youth. Seen from such a perspective, men’s emotional behaviour may be explained by a social norm. Respectively, female’s constant concern with the economic aspect of their marriage in the chivalric sagas, may be explained by the suggestion that men’s only value-increasing asset is their wealth.

Another important factor for the realisation and persistence of marriages is the relative equalness of social status of the future spouses. The significance of the \textit{jafnrað}i ideal is confirmed by the fact that difference in social status may even hinder a marriage. A couple of examples can illustrate this statement. In the \textit{Lai of the Ash}, the knight Gurun and Ash start a
love affair, and he asks her to go and live with him. He says: “…You can be sure that I will never fail you. I shall keep you and take care of you and respect you grandly and fittingly…” (Strengleikar:55). She assents to his proposal, and they have a happy partnership, described in the following way:

The mighty man, the knight, who took her away with him loved her steadfastly and cherished her in his presence by means of worthy honours and splendid favor, so that there was no one of his knights and courtiers, his boys or servants, who did not honour her and serve her and do her will and obey her with complete willingness, because she gratified and well pleased every man with the bountiful benevolence of her courtesy and liberality (Strengleikar: 55).

Note that he does not propose marriage to her, but still she agrees to live with him, without demanding an official marriage. It seems that they both have the same rules internalised in their consciousness, concerning the jafnræði ideal, namely that marriage is only to be arranged between people from the same social strata. As Ash is an orphan, unfamiliar with her origin, she does not demand a proper marriage, and is happy to be the concubine of a knight. Gurun is obviously of the same opinion, as he does not propose marriage, despite his strong feelings. Besides, Gurun is urged by his men to find a proper wife, and give up Ash altogether, so that he would get a legitimate heir. The fact that Ash’s social position was the reason for her not marrying Gurun, is confirmed later in the text. When it is revealed that she is the daughter of a rich and prosperous lord, the couple is wedded immediately.

In the Lai of Desiré, the knight has a long sexual relationship with a most beautiful lady. Besides being extremely pretty, the lady is also quite wealthy on gold and silver, which she shares generously with Desiré. At the end of the story they marry, after some turbulence in the relationship. One reason for their delayed marriage is that she had sent him away as “…it is not right that any knight should give up his reputation for the love of women…”.

The juxtaposition between a knight’s honour and reputation, and his marriage, is also met in Ívens saga. The episode may be explained that by gaining chivalric honour and fame, the knight would also acquire a better social status, and would, therefore, better deserve his wealthy sweetheart.

15 “…vittu at visu at alldregi scal ec bila þer. Ec scal hallda þec ok varðvæita. Ok virða ríkulega ok sæmelega…” (Strengleikar: 54).
16 “…En sa hinn ríki maðr ríddaren er brott haiði hana með ser unni h´nni hugfatalega ok tignaðe hana með ser. Virðelegom sæmdom. Ok riko vyirlæti. Sua at ængi var sa hans ríddara ne hirðmanna. Svæina hans ne þionostó manna er ægí tignaðe hana. Ok æftir leit ok lyndaðe(s)e með fullom göðvilia. Pui at hon likaðe ok væl þokkaðizc hueriom manni af gnogom göðlaek hæverski sinnar. Ok orlæik…” (Strengleikar: 54).
17 The same theme occurs in The Lai of Lanval (Strengleikar:213).
18 “…engvm ríddara samir at fyrirlæta frægð sina sacar kvenna asta…” (Strengleikar:116).
After finding out that difference in social status may be an obstacle to marriage in the sagas of chivalry, the texts will be examined on the issue of incest. I have found only three clear examples of incest, as defined by Norwegian law in the 13th century. The first is from Tristrams saga ok Isöndar. Isönd has a sexual relationship with two quite close relatives: Tristram is the nephew of king Mark. The relationship is not described as improper in any way, and is, therefore, not punished for being incestuous. This is in great opposition to the negative normative opinion of the Norwegian Church and secular laws. Isönd is the wife of Tristram’s kinsman of second degree. There exist no mildening circumstances for Isönd, like for example being a widow, if she was to be judged according to the Norwegian laws.

Also, the knight Gurun, from the Lai of the Ash, has an incestuous relationship. The knight has a concubine, and is later married to her sister. Eventually, he divorces the sister, and marries his concubine, whom he loves dearly. Being married to two sisters is a clear case of incest according to the Norwegian laws; committer of such a crime would, at least, have to go to confession, and do penance. Sanctions like that are mentioned in the saga. The reason might be that initially nobody knows that the girls are sisters. However, when the truth is revealed, he is still allowed to marry the second sister. Obviously, committing incest was not considered a crime in the saga world, as in 13th century Norway.

The third example is from the Lai of Gurun. The story is mainly about the love between a knight Gurun, and one of his first cousins. After a period of wooing from his side, the lady gives him her love. “…Now, Gurun has the freedom and leave to kiss and embrace her, and he spent a long time with her in courteous play and tender kisses” (Strengleikar:177). The story does not actually explicitly say whether they get married or not, but it is clear that the relationship is not kept secret, and is approved of by Gurun’s kinsmen. The Norwegian laws, however, would have definitely condemned such a relationship, as Gurun and the lady are relatives in second degree.

I would also like to pay some attention to another phenomenon, which is close to incest, a marriage/love relationship to two close friends. Such relationships are not considered a crime by Norwegian law, but may say something about the morality of people in the sagas of chivalry. Examples are found in Lai of Equitan, Lai of Laustik, and Lai of Janual. Note that in the Lai of Janual, the knight of the same name is actually concerned because the husband of the woman, who offers him his love, is his lord. Janual does not wish to deceive

19 “…Nu heuir Gurun þat með frelsi ok leyui at kyssa ok halsfaðma hana ok atti hann mioc lengi við hana með kurteisum leikum ok sætum kossum…” (Strengleikar:176).
his lord, or disgrace him, so he rejects her offer (Strengleikar:217). This is the only case when an incest-like love relationship is described as negative in the analysed sagas. However, the validity of the reason for the knight’s rejection (not to disgrace his lord) can be discussed. Janual may have been worried for his own safety if he showed disloyalty to his lord; further, Janual could not admit his fears, as such behaviour would not do justice to a knight. Or maybe, he was simply not interested in the lady, and did not have a better excuse for rejecting her. The suggestions aim to demonstrate that it may not have been Janual’s disapproval of incest that made him reject the woman, but social norms and expectation of a knight’s behaviour.

From the six incest-like relationships in the sagas, only one of them may have been stopped because of the close relationship. The other cases are neither stopped, nor condemned as wrong. The lack of social condemnation and applications for dispensation from incest, in the sagas, suggests a more liberated norm on incest compared to Norway. The few examples might indicate a low-rate of incest in the saga world, unlike in Norway. The suggested low-rate of incest may explain the lack of negative normative opinion on the issue in the texts. However, if there is no social norm against incest in the sagas, there would not be any need to specifically mention cases of incest, and therefore, the frequency of incest may be greater that indicated. Besides, the examples of clear incest (the first three) are of grave seriousness, as they are committed with second-degree relatives. In Norway, papal dispensation for such relationships would have never been given, even for royal members.

To sum up, regarding the economic aspect of marriage, both parts in a marriage are described as concerned with the jafnræði ideal in the sagas of chivalry. Besides, several examples are given when the dowry of a lady might be half the kingdom. It is also shown that it was normal that the husband was elderly and wealthy, while the wife was younger and beautiful. No exact year of age is mentioned, however. The sagas of chivalry depict incest as well, as un-judged by the social norm; the degree of seriousness of incest, according to the Christian norm, was greater in the literature, than in Norway.

1.3. Summary and conclusion

This chapter has focused on two main questions – the definition of and hurdles for marriage. I have approached those issues by discussing and comparing the Norwegian context, as presented in normative and descriptive sources, and four sagas of chivalry. I have tried to find out how the new translated literature might have been perceived by the
Norwegian court audience. Did the sagas of chivalry come up with new models of marriage? May these new models be characterised as “civilising” to the Norwegian court? Now, a summary of the similarities and differences between the two contexts will be given. Thereafter, I will turn to the three characteristics of “civilised”, in order to see what may be deduced about them from the chapter’s discussions.

**Similarities and differences**

On the basis of my sample of sagas of chivalry, it might be said that regarding the definition of marriage, the imported literature agrees mostly with the norm of the Norwegian secular legislation, and namely that a marriage should be an agreement of some kind. In total 17 out of 20 marriages in the chivalric sagas, might be characterized as some kind of contract marriages (see table above). In eight of the 17 cases, the circumstances are of a fantasy character, and with low probability to occur in reality, even though the marriages may be seen as dramatic versions of realistic marriages as well. In two of those 17 cases, familiarity with the church’s norm might be of importance, beside the fact that the kin on both sides are willing to arrange the marriage. There are only three (out of 20) marriages when the consent between the two persons is of main importance. How do these figures relate to the reality situation for the Norwegian court society? Even though, there is some evidence that the consent theory was both known and applied in marriage cases among both the common people, and the aristocracy, the prevailing evidence suggests that in the Norwegian court, marriages were mostly arranged as political or economic agreements. Therefore, it might be said that the audience at the Norwegian court listening to the new imported literature would not have been introduced for a totally new main concept of marriage. Even though both in reality and in the romantic literature, marriages as consent take place, it is clear that the marriage as an agreement is the dominant type. Thus, neither the romantic sagas, nor the Norwegian court reality, do justice to the Christian requirements for marriage. Therefore, I would conclude that on the arrangement of marriage, the romantic sagas do not show a new main model to the Norwegian court.

Just as in Norway, the romantic texts retell of economic requirements placed on the two families that are to be united by a marriage. The only difference between the sources is the value of the gifts exchanged. In Norway, the minimum was 12 orer, but much more could be given, depending on the family’s financial abilities. In the sagas, a lady may get half of her father’s kingdom as a dowry, which is unheard of for Norwegian reality. In the sagas, both
women and men may be equally concerned with the financial situation of the future spouse, and people from the same social class tend to marry to each other, just like in Norway. Difference in social class may be a hurdle to marriage in both contexts. The fact that elderly and wealthy men took beautiful and young ladies as brides, would not have surprised the Norwegian audience either, even though there were exceptions to the rule.

The great difference between Norway and the sagas of chivalry is on the issue of incest. The phenomena is considered a serious crime and sin in the first context, and not considered a sin at all in the second context. It is hard to say whether incest was more frequent in Norway than in the world, described by the sagas. However, the gravity of the sin is definitely greater in the sagas, compared to Norway.

The civilising character of the sagas of chivalry

What would the described similarities and differences between the two contexts imply for the “civilising” character of the chivalric sagas? When it comes to control of love, strong emotions, in the sagas of chivalry, seem in some instances to have greater importance than other social norms. Also, women tend to be more concerned with their emotional happiness, even though some men show such features as well. Seen from the man’s perspective, concern with love is not explicitly described in the presented Norwegian sources. The latter sources suggest some familiarity with the consensus theory, and the requirement for women’s consent, but omit details of emotional character. Besides, the fact that incest is not mentioned as a crime or sin in the sagas of chivalry, would allow for greater spontaneity in behaviour, and yielding to love, when choosing a future spouse. Therefore, I would suggest that the sagas of chivalry presented a model, which showed greater concern with love and emotions, in general, compared to Norway. According to the theoretical perspective that I have adopted in this thesis, control of emotions and impulses is considered “civilised”, and uncontrolled behaviour is “uncivilised”. Having this in mind, together with the conclusion that the sagas of chivalry present love as a strong emotion, which is not always controlled by the protagonists, I would say that the sagas of chivalry might be characterised as “uncivilising” example to the Norwegian court.

Second, regarding the situation of women, it was pointed out that an arranged marriage depraves women of the basic right to express their opinion, and perceives them only as a medium of cooperation between two men. As arranged marriages are the predominant types of marriage in the sagas of chivalry, as well as in Norway, no new model of behaviour
was introduced to the Norwegian court. Women’s subordination to men in the sagas may be further confirmed by the fact that only men’s concern with love is able to oppose the social norms. A woman’s concern with love is rather irrelevant when not supported by a man, and may be promoted only by magic. With the exception of a few strong women, who are able to arrange their own marriages, or dare to show their interest in a man, the women in the sagas are equally dominated by men, as in medieval Norway. Note that the women’s situation might be looked at from another perspective. The fact that the worship of a woman was equally important for a perfect knight, as the worship of God, is a proof that women were given a better status on the social hierarchy (Power 1975: 20). However, from a feminist perspective, the latter might also suggest that women were just used as an honour-bringing factor for a knight. Besides, the conflict between love and chivalric honour emphasises the fact that marriage and women’s love were not always of the greatest importance.

The jafnræði ideal, existent in both the romantic literature, and Norwegian reality, may indicate that women’s position was not totally subordinate to male dominance. However, it has to be emphasized that the equality is not between the woman and the man, but between their kin. Examples may also be given of both women and men being concerned with the social status of the future spouse. The fact that women in the sagas have a right to themselves demand specific economic or social status from the future husband, portrays them as more liberated and independent than women in Norway, where it was the male kin who would usually stipulate a marriage conditions.

As mentioned in the Introduction, equality between the genders may be a signifier of a civilised society. The chapter’s discussions have suggested that, even though women in the sagas of chivalry are sometimes treated in the same manner as men, in most cases the male dominates the female gender, just as in Norway. Therefore, I would conclude that the sagas of chivalry might not be characterised as “civilising” model to the Norwegian court.

Finally, the sagas of chivalry show little concern with the Christian requirement for female consent to marriage. As mentioned, only in four out of 20 marriages, is the woman’s opinion of some significance. Besides, when retelling those four stories, the saga writer does not explicitly connect them to the Christian doctrine, but more with love and emotions. The connection may only be assumed implicitly. Therefore, it may be said that the example of the sagas to the Norwegian court was almost equally un-Christian as the Norwegian aristocratic milieu itself, when it comes to marriage arrangements. The lack of any condemnation of incest in the sagas of chivalry has a particular relevance here. It is simple to draw the conclusion that, when it comes to incest, the translated literature presented the Norwegian
court with a rather un-Christian model. Disregarding Christian norms of behaviour is suggested to be a feature of “uncivilised” behaviour and society. Therefore, for a third time, it may be concluded that, regarding arrangement of marriage, the sagas of chivalry did not seem to present a civilising example of behaviour to the Norwegian court of 13\textsuperscript{th} century.
CHAPTER 2. LEGITIMACY OF OFFSPRING

Now that the definition of marriage has been examined, I would like to turn my attention to another aspect of the union. This chapter will focus on the issue of legitimacy of children. Even though the theme is rather wide, and may be extensively discussed, I choose to concentrate only on one single perspective; was a child a legitimate heir, if he/she was conceived before the actual marriage of the parents? The reason, I direct my attention only on this question, is that only this question outlines itself in my analysis of the sagas of chivalry. Therefore, a comparison of Norwegian sources and the translated literature becomes relevant and feasible.

First of all, I will examine whether sex before a concluded marriage does occur at all, and what is the normative opinion on the issue in Norway, contra the sagas of chivalry. Secondly, I will look at whether the children, begotten in a pre-marriage intercourse, are considered legitimate heirs, in Norway, contra the sagas of chivalry.

2.1. Sexual relationship before a concluded marriage

2.1.1. Norway – norm and practice

In the previous chapter, it was shown that according to the secular and Christian laws in Norway, marriage was considered the only legal framework for a sexual relationship. Besides, the only legitimate reason for having an intercourse was reproduction. Even within marriage, the Church tried to control people’s sexuality with numerous rules of forbidden days, places, and ways for having a sexual intercourse. The forbidden days included all holy days and Mass days, all Wednesdays, Fridays and Saturdays, all days when the woman had her menstruation, or was pregnant, or was breast-feeding (Stefánsson 1992:53-54). Altogether, those come up to more than 275 days a year (Holtan 1996:58). The reason for such strict restrictions on sexuality may have been that many of the Church fathers considered virginity as the purest and most perfect way of living. Sexuality was considered sinful, and damaging to both body and soul. Therefore, sexuality had to be regulated.

Having in mind the Church’s strict regulations on sexuality within the marital bonds, one might imagine the Christian attitude towards sexual intercourse before a concluded marriage. In Gammelnorsk Homiliebok, probably written around 1200 (and latest 1220), untamed lust is characterized as one of the eight main sins. One was to overcome such unclean thoughts by contemplating on the eternal fire, and by fearing God (GNH: 41).
The Church’s negative attitude on premarital sexuality is also conveyed in “Visions”. In *Visio Pauli*, which might have been translated into Old Norse during the 12th century, all those who had casual sexual relationships, together with those who lied, talked during service, gave false oaths, or did not forgive, or confess their sins, would come on the first level of Hell. On the third level, would come all those women who had various sexual sins (Svennebye 1999:55; Visio Pauli:8). Different attitude to the two sexes is detectable here, as women seem to be punished more severely than men. In *Duggals Leiðsla*, which is from nearly the same time as the Frostathing law, the punishment for “unrestrained practice of fornication” is more severe than in *Visio Pauli*, and the sinners are placed deeper in Hell – on seventh out of ten levels (Svennebye 1999:73; Duggals Leiðsla:126). This change to harder punishment might be an expression for the Church’s attempts to make marriage the only legal frame of a sexual relationship, by abusing people’s fear of the afterlife (Svennebye 1999:76).

Another group of sources that convey the same Christian opinion is art-historical sources. Representations of the Virgin Mary as a mother, for example, are especially communicative in this respect. Her motherhood, which was synonymous to virginity and chastity, was to be a model of behaviour for all women. The ideal for women was to stay away from sexual relationships until their marriage, and only to give birth to their children within the marriage (Kempff 1992:54).

The negative attitude towards sexual relations outside the marital bonds is the dominant one in the Norwegian secular laws, as well. It should be noted that the character of the sexual crime is seldom characterised as a sexual relationship between two people who are to get married later. The *Gulathing Law* does not mention this particular type of relationship. Chapter 25 condemns having two wives, or having a concubine; chapter 51 condemns men who take other men’s betrothed; chapter 199 disapproves of violence on women. None of these correspond to the case I am interested in here. The *Frostathing Law* mentions a punishment for a sexual relationship outside the marital bonds, without specifying whether any of the involved is married or not. They both have to pay a three-mark fine; they have to terminate the relationship and, also meet up at the next three assemblies; if they do not do so, they have to pay another three marks for each unattended assembly. If they still do not terminate the relationship, they will be outlawed (FIII4). *Bjørkaretten*, which is the oldest urban law, claims that if a maiden became pregnant after a sexual relationship to a man, the man had to pay three marks to her family, thus, compensating for the girl’s probably diminished chance to marry later. The fact that this special type of sexual relationship is unaccounted for, might indicate that either, it was usual and was not considered a sin, or that
it never occurred, and therefore, it was not necessary to forbid it by law. I find the first suggestion more plausible.

The above interpretation of the laws, as indicative to the usualness of premarital sexual relationships in 13th century Norway, may also be suggested by the character of marriage, as discussed in the previous chapter. For the aristocracy and better off peasants, as discussed above, marriage was most often a financial contract concluded between the men of the two families. Love and attraction between the two to marry was seldom a relevant and decisive factor. People from the upper social classes, may not have been intimately close with the future spouse before the actual marriage, as the latter was more often chosen for economic and social reasons by the kin. It could be thought that the two who were to marry simply did not know each other before their marriage. This does not mean that people controlled their sexual drive until they got married, but rather that a sexual relationship did not always lead to a marriage. As mentioned in the previous chapter, a king might have numerous lovers, but would not marry them, because of difference in social status.

The "the illicit love visit" is a common motif in the Icelandic sources, and might also throw some light on the discussion of premarital sexuality. Before I look at the issue, I would like to mention that one general obstacle of examining sexual relationships, is the habitual use of euphemisms. If a meeting between two persons resulted in pregnancy, there is no doubt on whether they had a sexual relationship or not. The saga authors, however, often use expressions like “til tals við” (to talk to), “at skemmta sér” (to amuse oneself), or “njóta” (to enjoy). Those might refer to innocent conversations, activities pleasurable to a couple, like a card game, for example, but also to sexual intercourse (Jochens 1996:371).

“The illicit love visit” would involve a man and a girl from a good family. As mentioned, a young girl was an asset to her family, both for her potential as mother of the next generation, and for new kinship networks established through her marriage (Jochens 1991:365). Normally, a father of a girl could do nothing to initiate a marriage; instead, he had to wait for an attractive suitor to appear. Therefore, I would imagine that if an approved unmarried man visited a girl, her kin might have had allowed for and encouraged those visits, as they might have culminated in a marriage. The persistence of such visits, without a marriage proposal, however, would have dishonoured the family and devalued the girl for future matrimonial negotiations. Jochens (1991:364, 383) points out that the contemporary sagas contain only rare references to such visits. In the latter source group, the responsibility is also transferred from the male to the female, possibly under Christian influence. Even
though on the wane, the illicit love visit might have been a social phenomenon in 13th century, according to those sources.

As many have stated, the sagas focus on conflict situations. Even the theme of “illicit love visit” is more about conflicts and violence provoked by premarital sexuality, than love and emotions (Jochens 1991:375). The focus on conflict situation may lead to a wrong impression concerning the emotional life of medieval people. Even though the sagas do not describe in detail people’s emotional thoughts and concerns, this does not necessarily mean that people did not experience emotional moments in their lives. Marlen S. Ferrer has, however, showed that the character of the experienced emotions may have varied from one social class to another. As common people’s lives were full of constant dangers, their emotions may have been generally more negative and destructive (Ferrer 1999:186). Members of court society, on the other hand, may have experienced less negative emotions, because of the greater focus on Christian ideal qualities, like loyalty, humbleness and love, in the aristocratic milieu (Ferrer 1999:187).

To conclude, I would say that on the issue of “premarital sexuality”, there might not have been great discrepancies between the norm and the reality in the court society of 13th century Norway. The Church tried to regulate the sexual lives of people within the marriage, and forbade any relationships of the sort outside the marriage. The secular laws also have a clearly negative attitude on extra-marital sexual encounters, but fail to give any judgment on the specific type of pre-marital sexual relationship I am interested in. An explanation for this might be that it was not considered a horrid crime and sin if two persons who were to get married slept together before their marriage; another explanation is that this never happened, and therefore it did not have to be paid any attention to in the laws. Further, I have suggested that sexual intercourse between two persons, who were to get married, might have been a rare problem among the better off in Norwegian society, because they, simply, would not have known each other. Even though debatable, it may be suggested that fathers of girls might have implicitly allowed for that to happen during an “illicit love visit”, as an only opportunity to choose and “hook” a promising young man as a future son-in-law.

2.1.2. The Sagas of Chivalry

In the following, the sagas of chivalry will be examined, regarding the usualness and circumstances of premarital sexuality.
The first example of such a relationship takes place in *Tristrams saga ok Isöndar*, between the parents of Tristram. The description of their very first meeting seems to predestine the outcome of the relationship:

Shortly after seeing this man, so many thoughts, anxiety, great restlessness, and a new circumstances happened to her that she was unable to know, remember or understand what things she had done against God or man that such a heavy fate should befall her, since she had never hurt anyone with word or deed, but rather she delighted everyone with good cheer, with benevolence, and good will, and with courteous conduct *(Tristrams saga ok Isöndar:ch.6).*

The citation suggests juxtaposition between being a good Christian and falling in love, or experiencing physical attraction. This might be supported by the fact that when the author describes how good and courtly Blensibil is, he adds that “… there is nothing without some flaw…” *(Tristrams saga ok Isöndar:ch.6).* Also the author gives Blensibil the following words: “Surely, this man is full of witchcraft and evil powers with which I am so grievously tormented by the sight of him…” *(Tristrams saga ok Isöndar:ch.7).* A possible reason for this juxtaposition might be the author’s opinion on how a proper relationship between a man and a woman should start. Too strong physical attraction is not only negative, but also demonic, as it might lead to a casual sexual relationship outside the marital bonds. This is a Christian attitude, expressed by many religious apostles. Paul and most of the church fathers claimed the virginity was to be preferred for marriage (Stefansson 51:1992). The same attitude is expressed in *Gammelnorsk Homiliebok* – one is supposed to live “…i renhet og daglig avholdenhet…Gå ikke etter ditt begjær, og vend deg bort fra din egen vilje…De som lever i renhet , de lever som engler på jorden…” (GNH: 32, 33). Untamed lust and weak will lead to sin. As presumed above, this is what follows in the saga:

As she saw her beloved lying there wounded. She was overcome and sank down, unconscious, on the bed next to him …and despite the pain and sorrow of his wounds, he embraced her with love’s desire, so that in a love bittersweet, this beautiful woman conceived a child *(Tristrams saga ok Isöndar:ch.12).*
From the citation, it is clear that the two have a sexual intercourse, since Blensibil gets pregnant. It might also be said, that the author of the saga implicitly supports the Christian norm, but also shows that reality was different. I have shown that such discrepancies between the norm and reality might have existed in Norway as well.

It has to be emphasised that it is Blensibil who takes the first step towards a relationship. She is the one who approaches the knight, even though this might bring dishonour to her family, and she might be though to be promiscuous. However, she cannot restrain herself. She follows her heart, even though the social norm warns against such actions. Her impulsive behaviour may be explained by her female nature, as perceived by the saga author in general: “…that is the nature of women to set their desires more towards perfection than to moderation, often wanting what they cannot have…”\(^{24}\) \((Tristrams saga ok Isöndar:ch.4)\).

The punishment of premarital sexuality may also indicate how it is looked upon. In the saga, the punishment is of a very emotional and psychological character for the female, and rather physical for the male. When Kanelangre is badly wounded, Blensibil suffers enormously, as she has to bear her fears and sorrows for Kanelangres in loneliness and secrecy. Later on, however, when he is well and ready to leave for his country, Blensibil is relieved; she knows that if he stayed with her and their secret was revealed, he would have been killed (ch.13). Why he would have lost his life may be discussed – for having a secret relationship with the king’s sister, or for begetting a child outside marriage? It could also be discussed whether the actual punishment – to be killed – is barely a literary technique, increasing the pathos in the text, or was an actually used procedure.

If the latter possibility were the case, a Norwegian listener would have been astonished by the cruelty of the reality described by the sagas, as the local laws were much milder in comparison. As we have seen, the laws do not even mention the specific type of relationship. Other sexual crimes, like having two wives, or having a concubine, or taking another man’s betrothed, etc. are punished variously depending on the seriousness of the crime (see next chapter). The death penalty, however, is very seldom demanded by law. The fact that the crime is so severely punished in the saga, compared to Norwegian laws, may indicate that premarital sexuality was a very common and serious crime in the saga-world, and, therefore, was fought against severely.

\(^{24}\) “…því þat er kvenna lunderni, at þær virða meir vilja sinn fullkominn en mundangshóf, gírnaz opt þat þær kunna ekki fá…” \((Tristrams saga ok Isöndar:ch.4)\)
"Tristrams saga ok Ísöndar" may be interpreted to give yet another example of the usualness of intimacy between two people before their marriage. When Tristram travels to Bretagne, after he has left Isönd, he meets an Isodd, the daughter of the duke who rules over the kingdom. The people in that kingdom love Tristram very much because he is an excellent knight, and they wish to serve him. It was considered a good idea if Tristram and Isodd became better known, and eventually get married, as marriage might have kept Tristram in the kingdom. The saga reads: "...They took him to her quarters for amusement and to speak with her, since playfulness and conversation can lead to tenderness and a change in people’s feelings..." (Tristrams saga ok Ísöndar: ch.69). Even though Jorgensen’s translation of the Old Norse excerpt is devoid of any sexual connotations, expressions like skemta sér have been discussed above as possibly containing sexual undertones. Anyhow, the excerpt shows that it might have been usual to encourage two persons to become better known, if their marriage was desired by the kin. The initiative in this case is taken not by the female herself, but by her kin, as they consider a marriage to Tristram honourable. I have argued that also in Norway it might have been possible that the female’s kinsmen encouraged meetings, sexual or not, between her and an approved male. In such cases, the woman is simply an asset that might increase a man’s social status.

The Lai of the Ash illustrates the topoi of premarital sexual relationship from a male’s viewpoint. The lai shows that a sexual affair before marriage may have been desirable for a man, who is physically attracted to a maiden. The lai, however, also presents a normative judgement on such a relationship. When the knight Gurun, a powerful lord, meets a beautiful maiden named Eskia, he declares that he will be disgraced if he does not win her love, because he had never before seen another who pleased him so well or aroused his love so much. Gurun realises that it would be difficult to arrange this ást, because if the abbess who is the foster mother of the maiden discovers that, Eskia will be kept away from him. It is debatable whether ást is referring to a sexual affair, or to platonic relationship that might lead to marriage. However, the fact that the knight is afraid that his intentions will be revealed and condemned supports the first interpretation. He knows that the abbess will not approve of such a relationship. And even though Gurun knows that such a pursuit might be considered immoral, this does not hinder him from acting.

Gurun solves his problem, by becoming a benefactor of the nunnery, and is thus, allowed to visit the place as often as he desires. He is, thus, given the perfect occasion to court

\[25\] “...ok leiddu þeir hann í hús meyjarinnar at skemta sér hjá henni ok ræða við hana, þvíat af leik ok viðræðu verðr bliðlæti ok um snýz of lunderni manna...” (Tristrams saga ok Ísöndar: ch.69).
Eskia, who gives away to him at the end. The text says: “…he courted her so much and promised her so much that she assented to his will and entreaties and performed his desire in a loving fashion…”\textsuperscript{26} (\textit{Strengleikar}:55). In this story, it is the man who ignores the social norms, in order to satisfy his passions. He, just as Blensibil, fails to control his actions, even though he knows they are normatively wrong. Note, that in this case, the man as an initiator is not described as a helpless victim of a seductive female, but rather as a rational and purposeful individual.

There are also other examples of premarital sexual relationships in the sagas of chivalry. I would like to shortly mention them in order to present a variation of the contextuaxuality. In the \textit{Lai of Bisclaret}, there is a man who has loved and courted the wife of Bisclaret for a long time, and often sought to bend her to his pleasures, given her many costly presents and served her well (\textit{Strengleikar}:91). This again shows that a sexual affair outside the marital bonds was not an unusual wish. Eventually she consents to his desires, and they get married later. The \textit{Lai of Chetovel}, also called \textit{The Four Sorrows}, is a story about a lady of great beauty and learning from Nantes, in Brittany. A lot of young barons wanted to marry her. There were four special knights from Brittany, whom she found it hard to choose from. “…She did not want to loose three for the sake of one. She gave gifts and send messages to each of them, and each one thought she was his sweetheart…”(\textit{Strengleikar}:143). The citation does not explicitly say anything about a sexual relationship, but definitely suggests closeness between the lady and the four knights. In the \textit{Lai of Gurun}, the knight of the same name is infatuated with his beautiful cousin and courts her until she grants him her love (\textit{Strengleikar}:177). It is not clearly said whether the two eventually get married, but their relationship is open and approved by the knight’s kin.

There is one example from \textit{Tristrams saga ok Isöndar}, which may indicate that premarital sexual relationships may have been more problematic for women, than for men. When marrying Tristram, Isönd asks her maid Bringvet to replace her during the first night of the marriage, as “…the queen knew that Bringvet was an unspoilt maiden, but she (Isönd) could not say the same thing of herself…”\textsuperscript{27} (\textit{Tristrams saga ok Isöndar}:ch.46). The episode emphasises the importance of female virginity at the moment of marriage. A correspondent emphasis on male chastity when entering a marriage is, however, lacking. The example, however, condemns female premarital sexuality in general, and not specifically between two lovers.

\textsuperscript{26} “…sua miok bað hann hænnar ok sua mikit het hann hænni at hon iatti vilia hans ok bænom ok gæði hans vilia með astsamlegom hætte…” (\textit{Strengleikar}:54).

\textsuperscript{27} “…hún vissi, at hún var óspillt mær, en sík sjálf vissi hún ekki slika…” (\textit{Tristrams saga ok Isöndar}:ch.46).
people to be married. Even though no distinction between the two possible circumstances is suggested, there might have been a difference between them.

To sum up, the sagas of chivalry present a picture both similar to and different from the Norwegian context. A number of texts make it clear that there is a Christian norm condemning a sexual relationship before marriage, which is as relevant in the saga-world as in Norway. However, the examples above show that the norm was often disregarded, sometimes quite purposefully and secretly, from both the male and the female (or her kin) parts, just as in Norway. On the issue of women’s position in relation to men’s, the sagas of chivalry give a greater account of women’s existence – their thoughts, fears, feelings and interests. This makes them seem more liberated and in control of their lives, compared to what have been presented by the Norwegian sources. However, it should be remembered that even though accounts of women’s thoughts, fears, feelings and interests are not apparent in the Norwegian sources, it does not mean that women did not have such. Still, to me, the women presented in the sagas seem more emotionally and sexually independent compared to those in Norway. In all the presented examples, the females have a right and chance to express their opinion – either by taking the initiative, or by saying the final word. It is most often, even though not always, the man who is courting the woman, but it is up to her whether a love relationship would start or not. It has to be said, that all the women in the sagas eventually say “Yes” to the proposals, something that might put doubt on the realistic freedom of their choice. One example may also indicate that the requirements for female virginity were stricter than those for male. However, I would say that the two genders in the sagas seem more “equalised” in status, compared to Norway. Love, is also of greater importance in the romantic texts. In general, the range of emotions explicitly accounted for in the sagas – from pain, suffering and sorrow, to love and passion – is incomparable to those described in the Norwegian sources. Besides, there are a number of examples, when love is in conflict with the social norm. The fact that a sexual relationship could be punished by the death penalty might also be interpreted as an indication that premarital sexuality was a more serious crime, and needed more severe treatment, in the sagas, compared to Norway. The latter interpretation and the wide range of described emotions may indicate that the sagas’ protagonists might have been rather spontaneous and passionate.
2.2. When is a child the legitimate heir?

Having discussed premarital sexuality, the following section will examine one of the possible consequences of such a relationship. If a child were conceived during such sexual encounter, would it be considered a legitimate heir, or not? The legitimacy of children depends on the definition of marriage. The two events/processes are connected and are defined variously in the various laws existing in medieval Europe. According to Canon Law, for example if children were born to a couple, and the couple got married later, their natural children became automatically legitimate through the parents’ wedding. The Icelandic secular law the Grágás, on the other hand, claims that an illegitimate child remained so despite a subsequent marriage. The Icelandic laws also claim that for a child to be considered legitimate, the parents’ marriage had to contain three necessary elements: the payment of bride wealth, betrothal and wedding (Korpiola 2000:42).

2.2.1. Norway – norm and practice

The Norwegian Gulathing Law (ch. 124) states that a man has the right of heirship only if there are witnesses that “…his mother was bought with the mund, and both groomsmen and bridesmaids were present and the gift that had been pledged was given to her, not less than twelve oras…” If there are more witnesses to the opposite, the man is not to inherit. I interpret this as claiming that children born before a wedding are illegitimate, but those born after a wedding are legitimate, no matter whether the child was conceived before or after the ceremony.

The Frostathing Law states that if a man is to be the heir of his father, he needs witnesses who can claim that he is a son of his father and mother (IX7). If a man marries a woman with whom he has children, then the children born after the marriage are the second heirs to the children born before the marriage (FIII11). If a man sleeps with his betrothed, he has to pay fine to her closest of kin. If the man, however, dies during the next 12 months, then the child conceived before the marriage is to be the lawful heir of his father, as if the mother was bought with mund. This is the only case when a child may be the legitimate heir of his father, without his mother being bought with mund, or without the child itself being taken in the kin, as according to the law (FIII13). Both laws allow that a child be “adopted”, but only with the consent of the closest of kin (ættleiing).
Landsloven of 1274 also claims that if there were doubt on whether a man is the legitimate heir of his parents, he would need witnesses that were present when his mother was legally betrothed, and name where this happened (V19). It also says that as soon as a man gets engaged to a woman, after God’s law and with both theirs consent, then all the children that they have together are legitimate to inherit, no matter whether they were conceived before or after the engagement (V7).

I would like to look at the issue from the viewpoint of the Church. As we have seen, the Church tried to control the marriage arrangements and condemned any sexuality outside marriage. Besides, with Christianity the range of people whom one could marry was restricted. Initially, it was forbidden to marry within seventh degree of family relationship; from 1215, the restrictions were reduced to fifth degree of relationship (Øye 1999:54). In addition, all forms of concubinage were forbidden, and concubines were denied church service; divorce was forbidden, as well. All those restrictions could have made it harder for people, especially from the top social strata, to find suitable spouses. This might have led to fewer legitimate heirs, and, possibly, higher donations to the church from people without heirs (Øye 1999:54).

This theory can be of course argued against, with examples of numerous granted exemptions from the marriage rules, both from European countries, and Norway. Besides, some historians have shown that this strategy could hardly have been intentional/ on purpose from the Church’s side (Øye 1999:54).

What might the “reality” situation, regarding legitimacy of offspring, have been in Norway? From the above it is clear that legitimacy was dependant on marriage regulations. Marriage, on its own, depended on the social and economic status of the family, and on expected living age. Therefore, there might have been some differences in “legitimacy of children” in the various social strata. I will here focus on the top social strata in Norway.

One example may be given, which illustrates very well the fact that the legitimacy of children depended on definition of legal marriage. In Böglunga sögur, it is told that King Sverri’s sister, Cecilia, left her Swedish husband Folkvid, and later married Bárðr Guttormsson, with the approval of her brother. There is a discussion between the Archbishop (who demands that Cecilia go back to her first husband), the King and many magnates, on which of Cecilia’s marriages is legal/ binding. Cecilia defends her second marriage by saying that she was married off to Folkvid without her consent, and therefore she does not consider that marriage as valid. Besides, she points out that she has her kin’s support on her marriage with Bárðr. The archbishop finally gives in (Böglunga sögur:27). Later on, however, the sons
of Cecilia by both Folkvid, and Bárdr claim to be legitimate. Thus, the discussions on the application of the consent theory and its influence on legitimacy were once again raised (Böglunga sögur:124; Bandlien 2000:67).

The wider historical picture suggests that almost all Norwegian kings, until the mid 13th century, were born outside the marital bonds, which characterises them all as illegitimate. King Magús Bareleg, for example, died without legitimate children, but had seven children with equally many companions. Two of his sons were king Óláfr Magnússon, and king Sigurðr Jórsalafari (Jochens 1987:333). Harald harðraði Sigurðarson (1046-1066) was married to both Ellisiv, the daughter of the prince of Kiev, and Tora Torbergsdatter of Giske, and got the sons Magnús and Óláfr Haraldsson the Quiet with her (Øye 1995:76). Besides, the kings had concubines, and other casual sexual partners, who contributed with further more heirs. One might wonder how did the kings find so many women who were willing to be the mothers of illegitimate children. Was not this a shameful label to carry? Many scholars have pointed out that the “respect for a pregnant woman would increase with the prominence of her lover”. Women could acquire considerable social privileges for themselves and their kin, if they provided a royal heir (Øye 1999:75, Jochens 1987:335).

This abundance of kings’ concubines, and casual sexual partners, could lead to complicated and unclear inheritance conditions. Problems could occur, for example, when unknown young men came from abroad, claiming to have been conceived by Norwegian kings on their frequent journeys. For example, in the beginning of the 13th century, a man named Erlingr arrived from the Faeroe Islands and claimed to be the son of King Sverri, even though the latter had claimed on his deathbed that he had no other heir but Hákon (Jochens 1987:340). Sometimes, paternity had to be ordealed, in order to be proved. One of the ordeals was a walk on nine glowing plowshares, undergone by Haraldr gilli. Norway had also a female pretender, the false Maid of Norway (Jochens 1987:341).

The Civil Wars (1134-1227) may have partly persisted because of the high number of pretenders for the royal throne. There were in total 46 candidates. Half of those were actually kings for some period of time, but only two achieved authority over the whole country. Legitimacy was the argument that assured Magnús Erlingsson’s acceptance and coronation. Although his father Erlingr Skjalgson, was not a king, he was married to the legitimate daughter of king Sigurðr Jórsalafari. Thus, Magnús Erlingsson received legitimate royal blood from his mother. At Magnús’ coronation, a law of succession was drawn up determining that the oldest legitimate son should inherit the throne (Jochens 1987:345). The law was disregarded by many, and the decisive factor for the throne claim of those candidates was not
their legitimacy, but the fact that they were the sons of a king (Øye 1999:76). Here, there is a clear discrepancy from the norm of the *Gulathing law* and *Landsloven*, that demanded a legal marriage as a prerequisite for legitimate inheritance; however, the reality conformed with the demands of the *Frostathing law* – and namely, that parenthood is a good enough reason for inheritance.

The Civil Wars may, also, be seen from another perspective. Anthropologists have suggested that “in a primitive society lacking an integrating network of communication and a single economic structure, it is essential for the survival of the state that the conflict should take the form of a contest for the control of centralised power, for the alternative would be local separatism” (Thomas 1963:13). Because of lack of clear definition of the rules of succession, it is the strongest contender who wins, no matter whether he is illegitimate. The high number of pretenders may, thus, have secured the persistence of the monarchy, and not its collapse, as suggested above.

Another interesting question is whether all illegitimate sons of a father would be equally “socially legitimate”, or might any of them be preferred. In other words, what would determine which one of the illegitimate sons would have the primary right to inherit? What is interesting in this thesis’ context is whether a parent might have chosen his main heir, out of pure emotional preference? Or would the main heir simply be the most suitable one, according to the social norm? Would such parental emotions come in conflict with the social norm? I imagine that among the common people, there would have been more room for determining heir out of emotions, as not much property could have been inherited anyway. In the top social classes, on the other hand, honour and power might have played greater role than emotions.

Power concentration and party formation under the Civil Wars, together with Christian influence, led to a demand for the king to be legitimate, *i.e.* born in wedlock. Even though it took some time for the rule to be fully followed, a new Law of Succession was issued by Hákon Hákonarson (1217-1263) in 1247. The latter was the last Norwegian king whose mother was a concubine (Øye 1999:76). She had to prove that the father of Hákon was a king himself, by *jernbyrd*. Besides, Hákon had to obtain a papal letter of dispensation before his coronation. It has to be said that Hákon Hákonarson did have a serious rival in Earl Skúli Bárðarson, who was a legitimate brother to the king, and was to inherit after him (*Hákonar saga Hákonarsonar*; ch.12). The sources also tell of two illegitimate sons born before Hákon’s marriage to Skúli’s daughter, Margret. One of them had apparently died, and the other, Sigurd, was subordinated to King Hákon’s younger but legitimate son (*Hákonar saga*...
Hákonarsonar: ch. 253; Jochens 1987:346). King Hákon insisted on legitimacy on all occasions, declaring that none of his own offspring would inherit, unless born of Queen Margret (Hákonar saga Hákonarsonar: ch.187). The king however, did not accept the principle of primogeniture, as he considered his two sons “jafn-borum” (of equal birth) (Jochens 1987:347). Thus, it is the development of strong kingship, and not the Church’s teaching, that may be seen as “responsible” for both the decline of concubinage among aristocrats, and change in rules of legitimacy during king Hákon’s reign. The power of the aristocracy was, now, based not on kinship, but on service to the king (Auðun Magnúsdóttir 2001:220).

The King’s Mirror (probably written some time between 1250 and 1275) is another source that might convey both some normative, and descriptive opinion on legitimacy of children. It restricts its attention to the top class of society, which is of interest in this thesis as well. The work, which is in the form of a dialogue between a father and a son, discusses among other things, whether the monarchy should be hereditary, or elected, and whether there should be a sole succession or a joint rule. Sverre Bagge (1987:42) argues that the author did believe in hereditary succession, and explicitly rejected attempts of the clergy to influence royal election. Besides, by the image of the dearth, the author’s preference of the principle of sole succession is clear (Bagge 1987:49). By using the image of the dearth, it is shown what horrible consequences might come from a split rule: disregard for royal justice, breakdown of law and order, and finally civil war (Bagge 1987:50). As no similar discussion appears in any of the Europeans Specula, it is clear that the author referred to a Norwegian situation. Exactly what situation it referred to, however, has been discussed. Some scholars have argued that the image of the dearth had as an aim to refute the view that the kingdom should be divided between king Hákon Hákonarson’s two sons. Others, however, have shown that the image might be an interpretation of the recent Civil Wars, and a glorification of king Hákon’s legitimate monarchy (Bagge 1987:49).

For the sake of the discussion on women’s position, it has to be pointed out that, no matter how legitimacy is understood, men always preceded women as heirs. Remember that women did inherit their medgift. There exist examples of women who do inherit and become significant landowners (Clover 1993:366). The strong imbalance on the issue, favouring male inheritance, may possibly be explained by the male dominance on spheres like law-writing and property administration. It has to be, however, said that with the transition from natural-to money-economy, women could more easily gain control over property-administration and production processes (Jacobsen 1983:36). Further, it has been argued that the introduction of
Christian laws on legitimacy-issues may have had a positive effect on women’s situations. Exemption from the laws, which was allowed by the Church, possibly, in order to increase their own property, may also have been used in favour of women (Jacobsen 1983:34).

To conclude, it may be said, that in the Norwegian court society there was a change in attitude on legitimacy during Hákon Hákonarson’s reign. Initially, parenthood was the only necessary prerequisite for a child to inherit his father’s position. There were, probably, exceptions from the rule. It may be discussed whether this statement is equally characteristic of the whole court society, as of the king’s family. Parenthood, as giving right to inheritance, is disregarding to the Church law and the Gulathing law, which demanded legitimacy in order for a child to inherit. Therefore, it might be said, that even though those children were technically illegitimate, according to the law, they were socially legitimate. The Frostathing law actually proclaimed only parenthood as legitimating inheritance. With Hákon Hákonarson, the trend gradually changed, and practice in Norwegian court society might have conformed to a greater extent to the Christian norm and the Landsloven.

2.2.2. The Sagas of Chivalry

Having looked at the Norwegian context, I will now examine the sagas of chivalry to find out how they describe legitimacy and inheritance. Two of the examples from the first section of the chapter will be taken up again, in order to find out whether the children of these premarital sexual encounters are considered legitimate, or not. In addition, I will come up with two more examples, for the sake of discussion.

The circumstances around Tristram’s conception are described in the above section. As mentioned, Tristram was conceived before the marriage of Kanelangres and Blensibil, but born after their wedding. After his birth, his mother dies in sorrow over the death of his father. The baby-boy is secretly fostered by one of Kanelangres’ man, named Roald. In the saga, Tristram may be said to be the lawful heir of his parents. First of all, he is fostered in secrecy from the king (Tristram’s uncle), because if the latter knew of him, he would have killed Tristram: “…if the king should find out about this, he would quickly have the child put

28 An example, from the Lai of the Ash, suggests the same rules for legitimacy of heir. After the knight Gurun has won his sweetheart Ash, and convinced her to live with him, he is approached by his relatives with the urges to take a wife and give up this woman altogether. The reason for this is that he would get a legitimate heir who would be able to inherit his possessions. From this I deduce, that according to the laws in the saga world, only children from a legal marriage may inherit after the parents. This actually conforms to the legal conditions in Norway, presented above. Why the knight cannot marry his sweetheart Ash and have legitimate children with her is another interesting question, which is discussed in the previous chapter.
to death, so that he could not cause rebellion and destruction, loss of men and danger to his kingdom. This might be interpreted that Tristram, as a son of Blensibil, would be the heir of her property, instead of the king, her brother. Secondly, when Tristram grows up and learns the story about who his mother and father were, he desires to go and revenge his father, and get back the property and land he has right to. And so he does. He travels to Bretagne, to the town of Ermenia, where the castle of his father is. Tristram kills the new duke and his men, after being provoked by the retort: “…you are full of arrogance. You are the son of a whore and have no idea who sired you, and you are lying about your father.” Tristrams answers by pointing out that he was born in a legal marriage (ch.24). It could be discussed whether the episode refers to the dubious circumstances around Tristram’s conception and birth, as described above, or is just a coincidence.

So, even though Tristram was conceived before the marriage of his parents, he is the legitimate heir of his father and mother, as he was actually born after their marriage. The Norwegian secular and Church laws would agree.

An interesting detail is that it is Tristram who is to inherit after his mother, and not her brother. Now, according to the Norwegian laws, who is to inherit after a woman, her son, or her brother? The Gulathing Law (ch.103) states that the third inheritance is that which a brother takes from a brother, and which brothers and sisters take from each other, if they are by the same father and their mother was bought with the mund. Thus, according to the Gulathing Law, Tristram would not inherit after his mother, but the mother’s brother would, which disagrees with the law in the saga.

The Frostathing Law is slightly different. The third type of inheritance here is that a brother inherits after his brother; if there is no brother, then the sister inherits. It is not said that brothers and sisters inherit from each other. Then, who inherits after a woman, who is a sister and a mother? The ninth inheritance is that which a woman’s son inherits, together with his grandfather (FVIII10). So according to this law, Tristram would be the heir after Blensibil, and not his uncle; Tristram might, therefore, be regarded as a threat to king Mark.

Landsloven states that if there is one son and one daughter, the son is to inherit two thirds of the inheritance, and the daughter only one third. Beside, if a mother dies, then her legitimate children are to inherit after her (LV7). Thus, according to Landsloven, Tristram would be the lawful heir of his mother, as according to the Frostathing Law.
Some attention has to be paid to the insult Tristram gets from the new owner of his father’s castle; Tristram is called a son of a whore. According to the Norwegian laws, there are a number of insults that a man has the right to get compensation for. Those include statements that a man has given birth to a child, or has been used as a woman, or is a slut/whore, or any kind of female beast. In those cases the insulted man has the right to seek full atonement, or even satisfaction in blood and outlawry (G196). The same sanctions are given when a woman is accused of being a whore without guilt. The Fostathing Law also mentions that a man has a right to revenge and defend without punishment his wife, mother, daughter, sister, etc. (IV39). Thus, it might be stated that a Norwegian listener would understand and excuse Tristram’s murder of the man, who owns his father’s castle; first of all, Tristram revenges his father, and second of all, he defends his and his mother’s honour after being insulted.

The sagas of chivalry present the opposite rules of legitimacy as well. There are two examples indicating that a child might have the status of a legitimate heir, even though the parents are not married. These cases would correspond to a Norwegian reality before the time of Hákon Håkonarson, and to the Fostathing Law. The first example comes from the Lai of Tidorel. The knight of the same name is actually the son of his mother and her mysterious lover. When the king of Brittany, the husband of Tidorel’s mother, dies, he is replaced by Tidorel. Obviously, here the son may inherit his stepfather’s position, and gets his legitimacy from his mother. In The Lai of Milun, the son of Milun and his sweetheart is conceived and born without his parents to be married. However, he is ‘marked’ as their son, by a ring and a letter (Strengleikar:185)\textsuperscript{31}.

I have showed that, just as in Norway, the sagas of chivalry present two opposing realities as equally possible. Sometimes it is enough to prove parenthood, in order to inherit one’s parents; other times, the child has to be born after a marriage, if he were to inherit. The Christian law, however, demanded legitimacy as a prerequisite for inheritance. The discussion shows that the message of the sagas of chivalry was not always Christian in its content. Note, that none of these cases are described as especially emotional, dramatic, or fluctuating from a social norm. They all seem equally natural in their contexts, which may suggest that there is

\textsuperscript{31} The situation is very similar to Janual’s situation, whose parents were only lovers, when he was conceived and born. When Janual has become old enough, he is to be given a special sword from his father, and is to be retold the love story of his parents. Besides, Janual is to become the heir of his father, and to revenge the latter’s death (Strengleikar:245).
not uniform norm on legitimacy in the saga-world. Besides, all the heirs that I have referred to are male.

2.3. Summary and conclusion

This chapter has focused on legitimacy of offspring. First of all, premarital sexual relationships, their usualness, and the normative opinion on them, were examined. Secondly, various definitions of legitimacy were discussed. What may be concluded of the model that the translated European literature presented to 13th Norwegian court society, when it comes to premarital sexuality and legitimacy of children?

Similarities and differences

First of all, I will summarise the similarities between the translated-literature and the Norwegian context. In both contexts, there existed a Christian norm condemning all sexual relationship outside the marriage, possibly, including such between two persons who were to marry. The norm was, however, disobeyed in both realities. If this illegal sexual encounter resulted in a child, the latter was considered illegitimate, according to the Church and some Norwegian secular laws. However, in both contexts, it also occurred that a child was considered legitimate to inherit, if parenthood was proved. Therefore, it might be said that the model of the sagas of chivalry was just as un-Christian, as Norwegians’ behaviour might have been. In this respect, the sagas did not present a new element.

Yet, on some issues, the imported literature may have introduced new attitudes and models of behaviour to the Norwegian audience. Because of greater attention paid to female emotional life, and a higher and clearer voice given to them in the development of love relationships, I would conclude that the women in the sagas seem to be more independent and stronger than those in Norway. Besides, greater and explicit focus on love and emotions, in general, in the sagas of chivalry, might have presented a more passionate and spontaneous model of behaviour to the Norwegian public.

The civilising character of the sagas of chivalry

What might these similarities and differences tell about the “civilising” character of the sagas? Regarding control of emotions and love, premarital sexual contact may be interpreted to indicate some extent of spontaneity in behaviour. However, it was pointed out
that this “spontaneity” might have been urged by other social norms and ideals in a macho society, especially for the men. The words in Old Norse that possibly refer to a sexual meeting between two persons, are verbs indicating action (to talk, to enjoy, to amuse), and do not reveal any direct concern with the characters’ emotions. The implicit and mechanical way of hinting of emotions does not, however, mean that those lacked; it just makes deductions on love and emotions rather uncertain. In the sagas of chivalry, on the other hand, descriptions of feelings and emotions are more explicit and clear. Note that both men and women are described as conscious of their emotions, and sometimes, rather unable to control them. In some of the examples, love, and nothing else, seems to be the inspirational factor to disobey secular laws and Christian norms. Therefore, I would say that the sagas of chivalry convey greater spontaneity of behaviour, and take greater consideration of love and emotions, compared to the Norwegian sources. Therefore, similarly to the conclusion of the previous chapter, the sagas of chivalry may be characterised as “uncivilising” example to the Norwegian court.

It is more difficult to make deductions on love from the issue of legitimacy. The reason for this may be that emotions were not a relevant issue in such cases. Even in the sagas of chivalry, which tend to be more dramatic in their style than Norwegian sources, topics like legitimacy and inheritance are described rather neutrally, no matter how legitimacy is defined.

Women’s social position in relationship to men’s was also examined in the chapter. The Norwegian sources forbade all premarital sexuality, and may, therefore, be characterised as equally restrictive to both genders’ freedom of action. However, as the Norwegian context is also a Christian one, it may be characterised as more oppressive for women, than men. Certain elements of the Christian norm are detectable in the sagas of chivalry as well. However, the translated sagas present women as more emotionally and sexually liberated, when it comes to taking initiative, showing interest, expressing their love, or consenting to a proposal, compared to Norwegian women. A contrast to Norway may be found when examining the gender of the initiator. In the sagas of chivalry, it is mostly women who are the active ones, and not their male relatives, as in Norway. Women appear braver when struggling against the oppressive social norms. When it comes to the issues of legitimacy and inheritance, women do not have much more to say in the sagas, than they would have had in medieval Norway. It is always male children who inherit. And, even though, they sometimes inherit, or get legitimacy, from their mothers, it is never the women who get to determine what constitutes a legitimate child, just as in Norway. Therefore, it might be said, that even though women in the sagas of chivalry were restrained by the same Christian norms as in
Norway, they seem to be more active in challenging those norms. As women’s social position may be indicative of the civilisation of a country, the sagas of chivalry seem to serve as a civilising model for the Norwegian court society. Note that the respective conclusion in the previous chapter was the opposite, namely pointing to the un-civilising model of the chivalric sagas.

Thirdly, even though the Christian norm specifically forbade any sexual relationships outside the marriage, we have seen that in reality people might have overlooked this prohibition. This statement is relevant for both the Norwegian and the European-literature context. The assumption that women in the sagas were more sexually and emotionally liberated would make those sources more divergent from the Christian ideals. Further, in both contexts, inheritance was not always performed, as required by the Christian norm, i.e. only legitimate children should be able to inherit. We have seen that, in both contexts, sometimes it was enough to prove parenthood in order to inherit. Thus, the conclusion may be that the sagas of chivalry introduced an equally, if not more, un-Christian example of behaviour to the Norwegian court. As Christianity is assumed to contribute to the civilising of a society, it may be concluded that the chivalric sagas’ model was uncivilising for the Norwegian court society. This conclusion strengthens the one from the previous chapter.

So far, the conclusions of the two analysis-chapters seem to strengthen, with one exception, the hypothesis that the sagas of chivalry introduced a rather uncivilising model of behaviour to the Norwegian court, at least according to the adopted theoretical perspectives. The one mentioned exception suggests that attitude towards women appears as more civilised in the translated literature, contra Norway. The next chapter aims to further investigate “Marriage”, by focusing on yet another aspect of the union, namely adultery.
CHAPTER 3. ADULTERY

Now that definitions and hurdles for marriage, and premarital sexuality have been examined, sexuality outside the marriage will be discussed. This chapter will focus on the phenomenon of adultery, which is a prominent theme in the sagas of chivalry. I will concentrate on a number of aspects of adultery, which will also be the leading structural entities of the chapter. Each aspect will be looked upon from the perspective of Norwegian norm and reality, contra the romantic ideals in the sagas. The themes that I will focus upon are as follows:

3.1. On love affairs, their initiation and usualness
3.2. Who is most often unfaithful? On the gender responsibility for sexual encounter.
3.3. Who is unfaithfulness more dishonourable for, the one who has committed the crime, or the one cheated on?
3.4. What happens once a relationship is revealed? Is it stopped, regretted, confessed, or not?
3.5. How are unfaithful women and men punished?

The analysis of adultery will further contribute to the characterisation of the chivalric sagas, as civilising or not.

3.1. On adulterous relationships, their beginning, and their usualness

In this first section, I will look at adultery in general, in order to create a fundament for the rest of the chapter. How is adultery perceived in the two contexts? When would such a relationship take place, why, and how often? Themes, like punishment, fault, and gender analysis will be disregarded at this stage, but will be taken up later in the chapter.

3.1.1. Norway – norm and practice

The normative and ideological picture on adultery in Norway may be conveyed by the laws and the religious literature. The attitude is generally negative. There is no excuse for an initiation of a love affair, as the only legal frames for sexuality is marriage.

The Gulathing Law (ch.25), dating to the second half of the 12th century, prohibits to men who are married, to have sexual relationships to other women. It is also forbidden for women, who are engaged or married, to voluntarily have such relationship with other men. Note that the law, most often, presents women, as the most adulterous ones, and man as the
most active ones, like for example chapter 201 reads: “If a man lies with another man’s betrothed…”\textsuperscript{32}

The \textit{Frostathing law} (III7) dating to ca. 1260, and \textit{Landsloven} (IV5), 1276 condemn women who cheat on their husbands. Whether men are condemned in the same manner will be examined later. It is however, clear that the laws have a negative attitude towards adultery.

The Church’s attitude towards adultery was certainly negative, having in mind Christian restrictions of sexuality within the marriage. As already mentioned, the Church would hold women responsible for such sexual sins, more often than men, as women were considered weaker, physically, but also intellectually and morally. Remember that, simultaneously, the Church preached that all people were equal in front of God (Mundal 1982:341).

The negative Christian attitude towards adultery, and especially adultery committed by women, may be illustrated by Visions. In \textit{Visio Pauli} (8-9), unfaithful women are punished on the third level of hell, while unfaithful men, on the first level of hell. The milder punishment for men might indicate both that men had greater freedom of action, and that the Church has a different attitude towards women. In \textit{Duggals Leiðsla}(126), the punishment for adultery is much tougher – the sinners are placed on seventh out of ten levels in hell. Svennebye’s (1999:76) explanation of that is that the Church tried to make sexual relation illegal outside the frames of a marriage, by using and stimulating people’s fear for death and afterlife.

The ‘reality’ situation in Norway may have been somewhat different from the norm. If the laws are looked at as remnants of the Middle age reality, they might indicate that adultery was a persistent social problem. The fact that the Church’s punishment got more severe with time may, also, indicate that the crime persisted as a problem. Unfortunately, there are very few descriptive sources, like diplomas, from Norway on issues of adultery. However, adultery is better covered by sources from other European countries. In the French town of Cerisy, for example, adultery cases comprise 70\% of all the cases, presented in the local court. In the small village of Deux-Jumeaux, consisting of only 40 households, there are eleven adultery cases in the year 1314. Of all the cases at the local Church court at Sudbury in England, two-thirds deal with adultery and family problems, at the end of the 1200s. In Worcester, the percentage of such cases go up to nine out of ten (Holtan 1996:140).

Could it be that adultery was equally well spread in Norway? On the one hand, it might be said that since in Norway both, the size of the population and the number of towns,
was much lower than in Europe, then adultery would be less spread than in European countries. The larger the population, and the higher the density of the population, the bigger the chances are to find someone to commit adultery with (Holtan 1996:140). This argument’s validity is especially strong for the context of the Norwegian countryside, but may not be equally useful for the Norwegian court society, which was situated in the towns. Therefore, it may be said that adultery may have been equally well spread in Norwegian court society, as in Europe.

On the other hand, societies on the fringe of the Christian world may be less affected by Christian norms, than those in central parts of the Catholic world (Agnes S. Arnórsdóttir 1999:103). Therefore, it may be suggested that adultery was more than, or at least equally spread in Norway, as in other European countries. However, both Norwegian secular laws, and religious literature in Norway condemn adultery as a crime, just as European canon law. Therefore, the only discussable issue is to what extent Norwegians followed the law. Unfortunately, this is something that we lack sources on, as pointed out above.

Another question is whether people in Norwegian court society, were more, or less faithful than common people, whom all the above speculations concern? In other words, might there have been any difference in the freedom to have an extramarital sexual relationship, in the different social strata? Research studies on family life suggest that the better off in a society would be more likely to be concerned with love and be faithful, as they do not have any economic concerns to burden their relationships (Holtan 1996:120). However, whether this hypothesis may have been valid for the marriages of Norwegian court members may be debated. Considering that it was the kin that was to choose the future spouse out of economic and political reasons, it may be deducted that, it was exactly the better off in Norway, who would have had a good “excuse” to have a secret love affair. Since arranged marriage was not based on love, the latter had to be sought outside the marriage (Power 1975:24). However, it has to be noted that, the sole fact that a marriage was arranged by the parents, did not necessarily mean that it was void of positive emotions and love. First of all, the parents might have been concerned with the happiness of their own children, and considered the latter’s wishes. Secondly, it might be imagined that the relatively young age of the two people who were married, might have been an advantage in their relationship, as they might not have had strong preferences of their own (Power 1975:41). The poorer common people, on the other hand, would not have had any reason to be unfaithful to their wives/husbands, as it might be thought that those were chosen only out of own preferences.
Therefore, I would conclude, that it is possible that the court society in Norway might have been more often “unfaithful” than the common people.

Other sources that could be illustrative on adultery are the family sagas. It is, however, debatable whether they may be used as a source of mentality on issues, like adultery in medieval Norway. First of all, the sagas are probably most illuminative of the common people’s mentality in Iceland. One might assume, however, that Norway and Iceland had a similar culture in the Middle Ages, and therefore use the family sagas about Norway as well. The texts convey a near total absence of problems posed by uncontrolled sexuality. The 35 family sagas retell only about a number of mistresses among literally hundreds of seemingly faithful and stable couples (Jochens 1991:361). This picture is rather different from the one suggested to have existed in Norway, and might be explained by the origin of the family sagas. First of all, they were written during the 13th century, but aimed to depict the pagan society from Norway and Iceland from the 9th through the 11th century. It might be, that they reflect the norms of the authors’ time period, rather than pagan times. Secondly, they were mostly written by Christian authors, trained as clerics, and therefore, may indicate what the authors thought, or wanted their audience to think, about their pagan forefathers. Thus, it may be concluded that the authors of the family sagas would have been morally and ideologically condemning adultery. Thus, the ideologically negative opinion of the Church on adultery may be confirmed.

The contemporary sagas are another group of sources that may contribute to the discussion on usualness of adultery. They reveal a society disregarding the Christian demands of monogamy and marital fidelity (Jochens 1991:360). It is known that almost all Norwegian kings from the ninth to the thirteenth-century were adulterous. We know the names of seven women, who produced children for Haraldr Fairhaired, besides his wife. This picture was not greatly changed with the Christian kings. King Magnús Erlingsson was called “a great womaniser” (*kvenna-maðr mikill*), at his death in 1184 (Jochens 1987:333). Numerous examples may be given of kings having concubines from the upper strata of society. The kings would, also, have shorter relations with women from the lower social classes, or foreign women, and these were most often chosen because of youth, looks, or other admirable features (Jochens 1987:334). The younger the woman was, the higher the chance was for her getting pregnant, and giving birth to a king’s heir. Besides, a daughter’s success in producing a male child for a king could result in social advancement for her whole kin, for generations (Jochens 1987:335). The kings’ sagas also reveal cases where fathers offered their daughters
for sexual pleasure to Danish and Norwegian kings, with the purpose to increase the prominence of their own family (Jochens 1991: 385).

To recapitulate, men from the top social classes in Norway may have chosen extramarital sexual partners both, out of pure physical attraction, but also out of interest in exploiting the female’s ability to reproduce, and in order to get social elevation. Women, on the other hand, might have been connected to men from higher social class, by their fathers, in order to acquire social prestige for the kin. It has to be mentioned, however, that with acceptance of legitimate monogamy and succession, fewer women and their families were interested in becoming sexually involved with a king. A casual sexual affair with a king would only bring short-term privileges to the woman herself, but no long-term prestige to her kin. This, however, does not mean that the kings canalised their sexual desires only within their marriage (Jochens 1991:349). Thus, the Norwegian “reality” picture seems to be disregarding of the negative attitude towards adultery, presented by the normative Norwegian sources.

3.1.2. The Sagas of Chivalry

As mentioned, adultery is an often-encountered topic in the sample of analysed sagas of chivalry, and the indicated degree of usualness of adultery is rather high. Of all the analysed romantic stories, some kind of adultery takes place in Tristrams saga ok Isöndar, Möttuls saga, Lai of Guiamar, Lai of Equitan, Lai of Bisclaret, Lai of Laustic, Lai of Tidorel, Lai of Milun, Lai of Jonet. In numbers, these are nine of 21 stories. The relatively low percentage of stories, describing adultery, may be explained by the thematic variations in the rest of the stories, where the focus is on, for example, a knight’s dilemma between pursuing marriage or chivalry honour. Besides, in many of those nine stories there is more than one adultery case. Note, also, that the norm on adultery, in the sagas, is not always clearly Christian, as one might suppose, having in mind the Christian origin of the sources. In some cases, the unfaithful people are portrayed with great compassion by the author; they are not punished in any way, and the reader is lead to sympathise with them. Other times, the sinners are punished severely and presented as the greatest evildoers (see sub-chapter on punishment). Therefore, I would say that the moral of the sagas is not consistent, and impossible to characterise as solely Christian or non-Christian.

The high rate of adultery in the sagas give numerous and various descriptions of how adultery is perceived, and why does it take place. The following examples will all portray
adultery as rather usual, but will present the topoi in different contexts, initiated for different reasons.

In Möttuls saga, a magical chastity-revealing mantle is brought at the court of king Arthur. The queen and all the ladies of the court try it on, and it does not fit any of them, thus indicating that none of the ladies has been faithful to their knight (Möttuls saga:97) There is only one maiden, the beloved of Karadin, who is proven to have been faithful. She is initially not present at the court, because of sickness. Eventually, when she tries the mantle, it fits her so well that “…it was neither too short nor too long; rather, it reached the ground evenly on all sides" (Möttuls saga:100). Having seen this, the young man who brought the mantle adds that “he had brought the mantle to many a court, and that more than a thousand of those who are called maidens have been exposed by this mantle and it has never before shown your like in the purity of your maidenhood" (Möttuls saga:100). The author also says at the end that it is expected that also in the future few will be found who might own it. The moral of the saga seems to clearly condemn adultery. The reality, however, seems to show the extreme opposite.

The impression that adultery is rather well spread, is confirmed by the rest of the mentioned stories. In the Lai of Bisclaret, a honourable, praiseworthy and noble man is married to a beautiful woman, wise and well reared. They love each other very much, but there is one problem. Namely, that the man is away from home for three days every week. This bothers the wife, and one day she demands to know what does he do, and where does he go while away. She is mainly afraid that he loves another woman. The fact that her first suggestion and fear is that he is unfaithful, might be interpreted to show that adultery was something quite usual. In the Lai of the Lecher, it is strongly suggested that adultery, and casual sexual affairs were a phenomenon so usual, that it deserved to be composed a lai on. It is told how every twelve months it was a custom for many knights and ladies to gather together to honour the saint. “…They held discussions there, and deeds of love and love affairs and noble chivalry were told…” (Strengleikar:210). One of the discussions is on why do knights love to tourney, or put on their new clothes, or like to be generous. The answer of this question is the love of a lady. The text reads: “…I give you my word that no woman has such a beautiful face that if she lost her cunt she would ever have a friend or lover…” (Strengleikar:211). Other examples on the theme, with the same message, may be given from

33 “…huorkí var hon ofstut ne of síð. Helldr stod hon alla vegha jord vm hana…” (Möttuls saga:65).  
34 “…ath þersa skickio hefui ek j margha fiolempna hird flutta suo ath fleiri enn þusund þeirra er meyiar kollo佐z hafa falsazst vnder þersum mötli ok syndi hann allðri þinn maka fyr ath meydoms hreinlifui…” (Möttuls saga:65).
The high rate of adultery in the sagas, may remind the suggested commonness of adultery in the Norwegian court society. The highly adulterous behaviour in the saga may, however, be explained by the inconsistent moral in the saga-world as a whole.

In addition to indicating a high degree of adulterous relationships, the above examples also suggest various reasons for committing adultery. One seems to be pure sexual attraction, which was suggested by the Norwegian sources as well. The sagas of chivalry also describe unfaithfulness provoked by magic and fate, or inspired by desire for social elevation or love. The following examples will aim to illustrating the latter statement.

The love story between Tristram and Isönd is a quite famous, but here is a short presentation. On the way to Cornwall, Tristram gets thirsty and is given a glass of wine. Nobody knows that the drink is the “love potion” that Isönd’s mother prepared for her daughter and her future husband. Tristram and Isönd drink from the wine and immediately fall in love with each other. The author adds that both were condemned “…to a life of sorrow and trouble and anxiety caused by carnal desire and constant longing…” (Tristrams saga ok Isöndar:ch.46). The physical attraction is, here, associated to negative experience; therefore, a Christian moral is hinted. Tristram and Isönd start a love affair, even before Isönd’s marriage to king Mark. The only person who is acquainted with their secret is Bringvet, Isönd’s maid. She not only keeps their secret, but also agrees to help Isönd by pretending to be her, during the first night of the marriage.

Thus, drinking the magical love potion inevitably leads to the initiation of the love affair. In the previous chapter, the symbolic and judicial importance of drinking at weddings in medieval Norway was pointed out. Thus, it might be said that when Tristram and Isönd drink the love potion together, they become symbolically connected in an indissoluble union. Even though not actually married, the drinking obliges them to devote themselves to each

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35 In Janual, once again it is shown that adultery and casual sexual affairs were a quite common occupation, which everybody engaged in, but all claimed to condemn. One day, at the court of king Arthur, the queen and thirty of her most beautiful and courteous maidens get together with the king’s men. They all were seated in couples and “…began courteous speeches and the game of courteous amusement…”. What exactly this may refer to may be discussed. However, what follows may hint that sexual affairs are not something to be excluded from the possible range of activities. The queen, for example, chooses Lanval for herself, and offers him his love and affection. He, however, rejects her offer, on the base that he would not deceive, or disgrace her lord. This rejection hurts her pride so badly, that she accuses him of preferring to “…carry on with young boys and perform (his) sinful desires on them…” (Strengleikar:217).

In Lai of Nabories, no adultery is actually committed, but it is said that the lady of Nabories devoted very much attention on her dressing, elegance, beauty, and feminine ornamentation, “…because her heart was fixed on another…” (Strengleikar:249). This of course, does not mean that she was unfaithful, but rather, that she might have wished for that.

36 “…ok kom þeim þa bæðum í harmfuðt lif ok meirnlaeti ok langa hugsótt með likams gírnd ok tilfýsilögum hætti…” (Tristrams saga ok Isöndar:ch.46).
other, and promise eternal fidelity. Thus, even though the story is presented as somewhat mystical, it might also be seen as a romantic version of the social ritual of drinking at a wedding.\(^{37}\)

The devotion and loyalty between two lovers may also be emphasised by an oath of faith, sealed by the exchange of a love-symbol. In some cases, lovers exchange rings, which also remind a marriage rings. Guiamar, for example, ties a belt around her lover’s body and says that she is allowed to love only the one who manages to loosen the belt. The lady, on the other hand, ties Guiamar’s shirt in a knot, and permits him to love only the one who manages to untie the knot. As one might expect, the woman or the man, who is able to loosen the knot, or the belt, is never discovered. Similar exchange of symbols, takes place in *Lai of Equitan, Lai of Laustic*, and *Lai of Milun*, and may explain the total devotion and marriage-like relationship between the lovers.

The search for love, as a motive for adultery may be seen in other stories too. In *The Lai of Laustik*, a platonic affair is taking place. The two people engaged, love each other from a distance, because they saw the grace, and courteousness, and goodness in the other. The same is valid of the relationship between Milun and his lady in *The Lai of Milun*. The two lovers may solely enjoy a communication in the form of letters, taken between them by a swan. They nourish their love in such a way for good twenty years (*Strengleikar*:189). The author seems rather sympathetic towards the lovers. No negative moral comments are made on their secret relationship. It seems that the author protects ‘love’, as a pure and noble emotion, threatened of extinction by the social norms. Note that the search for love was not described as a valid motive for the initiation of an affair in the Norwegian court.

Another reason for starting an affair in the sagas, which was also existent in the Norwegian court, is the desire for social elevation. In *The Lai of Equitan*, Sir Equitan and the wife of his seneschal start an affair. The reason for this love relationship may be said to be the promiscuous nature of the two characters. First of all, Equitan was a man who immoderately gave all his attention to love and feminine charms. Secondly, the lady was so beautiful that “…there was no monk in all the realm so chaste that, if he ever saw her face and

\(^{37}\) The love affairs in the *Lai of Guimar* and *Lai of Jonet* seem also to be provoked by destiny, but may be explained by realistic social circumstances. In the *Lai of Jonet*, for example, there is a beautiful lady, who is locked in a tower by her jealous husband, and is dreaming and wishing for a love affair. Thereafter, a very lovely bird flies to her, and turns into a handsome knight. The two start a relationship and meet regularly in the future too. The magical element is fascinating, but the fact that the lady dreams of a love affair seems more important. Possibly because of the lady’s arranged marriage, which may be devoid of love, she seeks to initiate a love affair.
features, he would not turn all his thoughts to her at once and love her with all his heart…” (Strengleikar:67). After he reveals his love to her, she takes a moment to contemplate on the proposal. It seems that she will be honoured by such a relationship, as he is a ruler of great power. However, she is also concerned with an eventual end of their affair, which might lead to her loosing her good name. She knows that he who is mighty considers that everything is at his disposal, and therefore his love is not firm enough. Eventually, she becomes his lover, but not before he has given a promise of firm loyalty and trust (Strengleikar:75). Thus, the social status of people may be both an incentive, and a hurdle for a love affair, or marriage. The statement is relevant for both the sagas of chivalry, and Norway.

Yet, another context of adultery in the sagas may be illustrated. In the *Lai of Bisclaret*, the wife of the knight Bisclaret has an affair. The reason for her adultery is, however, not because she loves another, but rather because she needs someone who may help her to get rid of her husband. It may be said, that she offers herself as a payment for a service she desires. It may be discussed whether the wife of Bisclaret wants to get rid of him because she is afraid of his ware-wolf nature, or because she wishes to revenge the sorrows he has caused her.

As a conclusion, it might be said that, concerning usualness of adultery, the sagas of chivalry present, to some extent, the same situation as may be assumed to have existed in medieval court society. Both source groups suggest that extramarital sexual relationships may have been quite frequent. The norms in the two contexts, however, seem to differ. The Norwegian norm is exclusively negative to adultery, while in the sagas of chivalry the moral may be both condemning and sympathetic to unfaithfulness.

The incentives for adultery, described by the two source-groups are, however, somewhat different. In 13th century Norway, the king and aristocratic might have had sexual affair with women, besides their wives because of sexual lust. Wish for acquiring heir and social privileges might have played some role too. This would have, however, diminished considerably with the reign of king Hákon Hákonarson, who focused on the importance of legitimacy of his lineage. Women, on the other hand, would have gained social status from engaging in a sexual affair with a married king, or an aristocrat. If they themselves were married, however, adultery would not bring them anything else but their personal and their kin’s embarrassment (see sub-chapter below). The sagas of chivalry suggest the gaining of social status, and physical attraction, as possible incentives for adultery as well. The greatest difference between Norway and the sagas is that the latter do not include any examples of

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38 “…engi var sua reínlfrí munr I allu þui riki. Er hann sa nokkora stund anñit ok alit hænnar at hann myndi æigi skíitt snua allum hug sinom til hænnar ok allum hug at unna hænni…” (Strengleikar:66).
adultery, as a means of conceiving a successor. Besides, the sagas suggest that people might have been unfaithful because of fatal circumstances that bring the two together, passionate emotional links, or as a means of acquiring a favour.

3.2 Who was most often unfaithful, and on gender responsibility for sexual encounters.

Having looked at adultery in general, I will now analyse the topoi from a gender-perspective. Who was most often unfaithful, and possibly, why? Who took the initiative for committing adultery most often?

3.2.1. Norway – norm and practice

In the previous section, it was shown that the Gulathing Law, Frostathing Law and Landsloven all forbid adultery, no matter whether it is initiated by a man or a woman. The texting of the laws, however, may convey that the two genders were looked upon differently by society.

According to the Norwegian laws men have better rights, if their wives are unfaithful. They may choose to leave her, or to take her back under special conditions (LV5). The “man-woman-man” relationship, discussed in chapter one, is detectable here as well. Women and their actions serve to promote the dominance of men, and define the relationships between men. If a woman is unfaithful, the adultery becomes a conflict between her husband and her lover.

As mentioned above, the laws nearly always present men as the active in adultery, and women, as the unfaithful ones, for example “…if a man lies with another man’s wife…” Is it possible that such role-segregation in the laws, reflected realistic conditions? The laws may indicate that women’s adultery was a persistent problem, and therefore, needed strict regulations. On the other hand, the laws may indicate that women’s unfaithfulness may have been a greater social taboo than men’s, and therefore was paid greater attention to.

The Church’s attitude to adultery in the Middle Ages was clearly negative, even though not equally negative towards the two genders. The Creation story, for example, is a rather sexist one, and thoroughly embraced in the patristic medieval period. According to the Yahwist Genesis, the creation of the genders was a separate process, and the woman, by definition, is a derivation of man. Therefore, she is chronologically and socially second. Besides, she is considered as bound by the material, by flesh and lust (Bloch 1991:23-24).
Because of her nature as the main temptress and sinner, the woman was considered responsible for significant events, like the Fall. It has to be mentioned that the Bible contains another version of the Creation (Genesis 1:27), known as the “priestly” version. It introduces a simultaneous creation of man and woman, and their equality was attested by a common designation Homo. This version, however, has been forgotten, and been used only recently in feminist research (Bloch 1999:22).

It has to be said that even though the Church’s medieval attitude towards women is notorious, there are many theological examples of the opposite as well (see d’Avray, David & Tausche, M.). Gammelnosk Homiliebok (p.40) for example, condemns adultery by both men and women.

The church’s attitude towards women and sexual crimes is also represented by art-historical sources. Many images, for example, show the story of Adam and Eve, and the fall of man, where Eve is the main sinner. One example may be given from an early gothic fresco, from ca. 1325, from Kirkerup church, Denmark. Adam and Eve are standing at each side of the tree with the forbidden fruit. The serpent has a female upper-body and head, crowned and with loose hair. This type of representation of the snake is common in both medieval texts and images. It emphasises the lusty and seducing female nature. The crown is a symbol of victory, in this case of the snake over Eve. Eve is also shown as a mother to the whole of humanity, including the Virgin Mary, who would give birth to Christ, the new “Adam”. The birth of Christ is what would make for Eve’s sin too. This is a most central element in the Christian religion. It was further emphasised in the Middle Ages, by changing the name of the first woman EVA, to AVE, the greeting of the angel messenger (Damsholt 1999:71, 73).

Medieval literature is another source group, which is relevant in this discussion; what do women tend to symbolise, and by which gender are various vice and virtues described, and especially lust. Joan M. Ferrante (1975) shows that in medieval exegesis, there are two opposing views on women. Biblical women, if they are good, are said to represent the Church; if they are bad, they stand for carnal desires or inconstancy of mind. The negative view is the one most frequently met. However, both vices and virtues are represented as females, for example the virtues Mercy, Justice, Truth and Peace. One part of the problem is connected to language, i.e. the gender of the nouns involved. To a great extent the gender of the abstract nouns determines the gender of the personification, but not always (Ferrante 1975:6). Some qualities are defined as solely female, and lust is one of them. In literature and art, lust is described as a monster with the head of a virgin (for the image of desire), the body
of a goat (for stinking appetite), and the back of a wolf (for the depredation of virtue) (Ferrante 1975:8).

In short, all the presented sources, describe women as the responsible for committing all carnal sins, including adultery. This is, however, only on normative, or ideological level. Let us now have a look at how the reality might have been in medieval Norway.

When it comes to the gender responsibility for sexual encounters, Jenny Jochens (1991:365, 1996:370-371) shows, on various occasions, that in the Norwegian sources, a shift from male to female initiative can be discerned coinciding with the change from the pagan to the Christian era. The change may indicate the authors’ attitude on the issue. In the family sagas, for example, there are relatively few examples of concubinage and extramarital intercourse. This fidelity is rather remarkable. However, a more careful study of the saga would reveal that the illicit love visit is common topoi, and might indicate the authors’ recognition of the deep historical roots of extramarital sexual relations and male sexual initiative. Male aggression and violence when acquiring mistresses, or wives is also considerable in the sagas (Jochens 1991:366; Jochens 1995:33). The texts are almost always silent on women’s responsibility in sexual encounters. There is little evidence that it was the women who tempted the men, but rather that men came on their own initiative (Jochens 1996:379). Therefore, the first-impression lack of sexual crimes might be explained as the authors’ attempt to conceal the violent aspect of their forefathers’ behaviour. The family sagas may, thus, confirm the Christian ideology condemning extramarital sexual relationships.

Contemporary sagas, on the other hand, suggest a shift in behaviour and perceptions. The kings’ sagas make it clear that from the ninth to the mid-thirteenth century all kings were adulterous (Jochens 1995:31). Besides, the responsibility for breaking sexual regulations was transferred from male to female, particularly those involving the clergy, possibly promoted by the Church (Jochens 1991:384).

To conclude, it may be said that both the Norwegian secular laws and Christian norms condemned adultery performed by both men and women. However, the two genders are described in a different way in the sources, and it is most often women who are held responsible for carnal crime. In the laws, the woman is more often presented to be the one who commits the crime. However, her behaviour is only of secondary importance to the relationships it provokes between men. In this respect, women seem to be dominated by men. The Church presented women as the initiators of sexual crimes and therefore, responsible for them. This difference in the behaviour between genders may be based on the Creation story, where women are described as secondary to men, both temporally and morally.
The prejudiced ideological opinion does not necessarily mean that women were more unfaithful than men. Rather, it may indicate that women’s adultery was more severely judged, while male’s adultery was more accepted by the society. It may also have been men, who had the responsibility for sexual encounters in most cases, as suggested by the descriptive sources.

3.2.2. The Sagas of Chivalry

Following the gender-analysis of adultery in the Norwegian context, the sagas of chivalry will be examined in a corresponding way; who is most often unfaithful and who tends to be the initiator of adultery in the sagas? In the translated literature, it is clearly the women who are most often unfaithful. The only time when men commit adultery is the cases of what I call ‘spiritual adultery’ in Tristrams saga ok Isöndar and Ívans saga. This contrasts strongly to all the numerous cases of physical unfaithfulness, committed by women. The table below shows the quantitative and qualitative distribution of unfaithful women and men in the sagas. The notes show to the exact stories.

<table>
<thead>
<tr>
<th>Nr. of sagas when</th>
<th>A woman is unfaithful</th>
<th>A man is unfaithful</th>
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<td></td>
<td>Physically</td>
<td>Platonically</td>
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<tr>
<td>939</td>
<td>240</td>
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Having in mind the table above, I would like to give some examples from the sagas, in order to illustrate my reasoning.

Möttuls saga is, perhaps, the saga presenting the greatest difference between the morals and behaviour of men and women. It conveys an unbalanced attitude towards the ability of men and women to be faithful. The saga retells a story that takes place during the Pentecost, at the court of king Arthur. After the service at the Cathedral, a young man arrives at the king’s palace. He has been sent by an exceedingly beautiful and illustrious maiden, and has a peculiar errand to run, namely, to have all the ladies and maidens of the court of king Arthur try on a special silk mantel. The mantel was given to him by an elf-woman, who had woven a charm in it:

that the mantle would at once reveal the misdeed of every maiden who had been defiled by her beloved, when she dressed in it, so that it would be too long for her or too short in such a flagrant manner as to

40 The unfaithfulness of the woman is only platonic in the following lais: Lai of Laustic, Lai of Milun.
become short so that it revealed in what manner she had sinned. Thus it exposed all false women and maidens, so that nothing could be hidden when it was put on (Möttuls saga: 87).

Before even knowing the outcome of the story, it may be pointed out that the saga does not seem to have the same attitude towards the two genders. For some reason only the women are to be tried out for adultery, and not the men. It is only them who are suspected, which reminds the Christian prejudiced opinion on women, as the main sinners and temptresses. The author also says that:

if they (the women) had known what else pertained to the mantle, …none of them would have dressed in it for all the gold that is in Araby, and it would have been as repulsive to them as if it were a maggot or a serpent (Möttuls saga:89).

But the situation may be looked at from a different angle. If all the women at a certain court were unfaithful to their men, they all needed somebody to be unfaithful with. This would most probably imply that some of the men at this court were also unfaithful. However, the men’s perspective is left unexplored by the author of the saga. The extreme one-sidedness of the presented situation may be meant as ironic, as well; the female freedom of action may be interpreted as hinting and caricaturing men’s “natural” sexual liberty of promiscuousness (Mundal 1982:366).

Another interesting question to discuss is: Why would the request to put on the mantle be so repulsive to the ladies, if they knew about its powers? There may be two possibilities. One possible answer is that because they were unfaithful to their men, and therefore they were afraid that this might become known, and bring shame or punishment to themselves, and their men. On the other hand, the women might have found the request repulsive, as the request itself might have seemed as a dishonouring insult to them. By asking them to try on the mantle, the king is indirectly accusing them of being unfaithful. And if the ladies were innocent, such an insult would be a punishable crime, at least according to Norwegian law (G196; FV24).

The story confirms that all the ladies at the court were unfaithful to their knights, but one. Note, that the saga author does not pay any attention on why the women were unfaithful, but focuses on the fact that they were unfaithful. As mentioned, the Christian prejudice that,
because of their weak morals, women were prone to commit carnal sins easier than men, may be implicitly suggested. Such a great difference in behaviour, however, is highly unrealistic of any medieval society, including Norway. Therefore, I would say, that Möttuls saga presents morally weaker women, than the women in the Norwegian descriptive sources. Another interesting factor is that the men with whom those women were unfaithful are not even mentioned. Because of that, it seems that women’s actions, even though morally degrading, have a significance of their own, and do not exist in the story only to provide further comment on men’s relationship to one another. The man-woman-man relationship, detectable in the Norwegian laws is missing here. In this respect, I would say, that the women in Möttuls saga are given greater independence than in Norwegian sources.

In Lai of Guiamar, it is once again a married woman who is unfaithful. Her husband, however, is presented as old, and jealous, and slightly mean. The way the man is portrayed balances for the woman’s adultery, and makes it seem more understandable and just. Also, the affair is described as predestined by fate, which makes the persons engaged appear rather innocent and passive. In other words, both because of the husband’s nature and “fate”, the woman’s adultery seems reasonable and somehow positive. The story’s moral does not condemn the adultery, but rather attempts to explain it.

In the Lai of Janual, it is once again a woman who is willing to cheat on her husband. The only reason why she does not is that she is actually rejected in this specific case. Janual, who is the tempted man, turns her down because he does not want to deceive his lord, and because he is in love with another woman (Strengleikar:217).

The sagas of chivalry do not always focus on the gender of the initiator of adultery. Sometimes, it is made clear that a woman is unfaithful (Möttuls saga, Lai of Nabories). Other times, it is pointed out that the woman desires a love affair (Lai of Janual, Lai of Jonet). There are also other cases when the woman is the initiator to a sexual relationship, even though it is not adultery, but concubinage, or marriage (Lai of Milun, Lai of Janual, Saga of Tristram and Isönd). Yet, other times, the man is the one who firstly admits to have fallen in love with the lady and desires her as a lover (Lai of Guimar, Lai of Biscarlet, Lai of Equitan, Lai of Tidorel). In those cases, however, the woman has to give her consent to the affair. This reminds strongly of the consent theory for marriage. There is also one example on male initiative, which seems rather violent and intrusive (Lai of Desirè).

The difference between the message of the Norwegian sources and the sagas of chivalry is obvious. The translated literature portray a female character, which is much more promiscuous in her sex-relationships than her male partner. The Norwegian sources, on the
other hand, may be interpreted to suggest the opposite, i.e. men were the more adulterous and sexually active gender. Besides, while both men and women may be the active initiators of sexual encounters in the European literature, it is mainly men who had this responsibility in Norway. Male violence, in connection to women, is practically lacking in the romantic stories, unlike in the “Norwegian” sagas. Yet another difference between the two contexts is that women’s adultery is not only a clarifying detail in relationship between men in the European literature, but has its own significance. How may these differences be interpreted? On one hand, it may be said that the sagas of chivalry introduced a much more independent, and sexually liberated woman to the conservative and male chauvinistic Norwegian audience. The women in the sagas of chivalry are defying the Church’s normative ideal of passive females. On the other hand, it might be said that most often the translated literature confirmed the Church’s attitude on women, as being the temptresses and main incentives to male sexual sin. The following citation may illustrate the latter statement:

This lady had become so fair in form and beauty and all the shape of her body that it was as though nature had given her everything that belonged to beauty. There was no monk in all the realm so chaste that, if he ever saw her face and feature, he would not turn all his thoughts to her at once and love her with all his heart ([Strengleikar]:67).

Thus, it might be said that the women in the sagas of chivalry challenge the Church’s ideal, and, at the same time, confirm the Church prejudices on women. However, the translated sagas seem to account for a more balanced distribution of sexual activeness and initiative, compared to the Norwegian situation.

### 3.3. Adultery and Honour

Now, that adultery has been examined from a gender perspective, the consequences of adultery will be discussed. Was adultery honour bringing, or dishonourable for the ones involved? Would this depend on the gender of the unfaithful person?

#### 3.3.1. Norway - norm and practice

As discussed above, adultery may have been a widespread phenomenon in the Norwegian court, even though it was condemned both by the secular and Christian laws. But did adultery bring social embarrassment to any of the parts involved? The answer of this
question may depend on the social class of the people involved, and here, I will focus only on the top social strata of Norwegian society.

As presented above, in the period after the Christianisation of Norway, the extramarital sexual affairs of the Norwegian kings were honour-bringing to the women involved, rather than the opposite. It was especially so, if the woman could provide the king with a male heir. The reason for this might have been the high social status of the men. This would be valid for both royal and simply aristocratic families (Jochens 1980:384). The female lovers could go on to marry other men, with no loss of honour, if they were left or became widows. For men, also, it was a praiseworthy quality to have many extramarital sexual relationships. In Sturlunga Saga, for example, it is said about Snorri Sturluson, that he “…was a very good businessman and a man of many pleasures, who had children by many women than Herdís (his wife)” (Jochens 1980:384). With the internalisation of Christian ideals, however, the honour-bringing effect of adultery might have diminished. With Hákon Hákonarson’s promotion of the Law of Succession, the female lovers of kings, or prominent men, would experience only a temporal benevolence, but no real social elevation for them, or their families. I wonder, however, whether a man’s popularity amongst women became less honour bringing in the, still, man-dominated medieval Norway.

Adultery may also be studied from the perspective of an unfaithful woman. The Icelandic sagas do indicate somewhat less sexual and marital freedom for women, than for men, but they nevertheless suggest an astonishing degree of sexual promiscuousness between both sexes (Jochens 1980:385). It was mentioned, that if a woman was unfaithful to her husband, this often turned into a conflict between the two men. As it is the relationship between the men that is important, the woman’s situation and feelings may be left unaccounted for. The husband would lose honour on behalf of the lover, who might win on the affair. The fact that a woman had an affair might have indicated that the husband was unable to perform his male duties in the marriage, or that he was homosexual. Both were a disastrous rumour for a man’s honour. For the woman herself, it is hard to say whether her adultery brought her honour or dishonour. There are examples of women getting pregnant by their lovers, and trying to pretend that the child belongs to another woman. This might be interpreted as indicating that they were ashamed of the adultery, and did not want it to bring them dishonour. However, it might just mean that they were aware of the fact that adultery was forbidden, and therefore wanted to hide the results from the affair. In the 14th century, the status of an adulterous married woman is further reduced. A clause from Hákon Magnússon’s
law states that a woman who has been unfaithful, may never inherit her legitimate children with her husband. A similar rule related to men’s adultery is lacking (Holtan 1996:135).

The table below summarises the discussion above - who is unfaithfulness more dishonourable for, the one who cheated, or the one cheated on?

<table>
<thead>
<tr>
<th>Adultery committed by a man brought to the</th>
<th>Adultery committed by a woman brought to the</th>
</tr>
</thead>
<tbody>
<tr>
<td>Man (m) Lover (f) Wife (f)</td>
<td>Woman (f) Lover (m) Husband (m)</td>
</tr>
<tr>
<td>Honour</td>
<td>Honour Dishonour</td>
</tr>
<tr>
<td>Dishonour</td>
<td>Honour Dishonour</td>
</tr>
</tbody>
</table>

It might be concluded that the difference in gender treatment is confirmed by this issue as well. The Norwegian sources may be interpreted to suggest that for men it was positive for their social image to have extramarital lovers. Women, on the other hand, might have gained some honour, but only if they were the lovers of an important man. If they themselves were unfaithful and the crime was revealed, the consequences would be only negative for the female and her husband.

3.3.2. The Sagas of Chivalry

Having in mind the Norwegian context, I would, now, like to see whether the sagas of chivalry presented a new pattern of behaviour and thinking on the issue of adultery and honour. However, because of the double moral existing on adultery in the sagas of chivalry, it may not be so simple to evaluate the consequences from the crime. As mentioned above, it is mostly women who commit adultery in the sagas of chivalry. Therefore, I will first of all look at examples saying something about the effects of adultery committed by married women, and then present examples of adultery committed by married men.

Some stories indicate that the consequences of adultery were negative both for the adulterous woman and her husband. The story of Tristram and Isönd, for example, suggests that the unfaithfulness of Isönd brings dishonour both to herself and to king Mark, her husband (Tristrams saga ok Isöndar: ch.47). However, throughout the story the reader is led to sympathise with the hardship of Isönd and Tristram. Thus, the author makes the pure love sentiments weigh heavier than the dishonour from adultery. Love becomes the means for winning over both, arranged marriage and social dishonour.

In Möttuls saga, it is the women as well who are threatened of loosing honour, if their adultery becomes known. The author conveys the queen’s thoughts, after she is told about the powers of the mantle: “...if she got angry or became enraged in any way about this, … she
would earn shame and disgrace for having been unfaithful to such a ruler…” (Möttuls saga:90). It is also said that when the rest of the women were asked to try the mantle on, no one was found who would not have preferred to have stayed at home with honour, rather than have come there (Möttuls saga:91). Other citations from Möttuls saga may suggest that it was also the husbands who were considered to lose honour, if it became known that their wives were unfaithful. Kay, the steward encourages his beloved to try on the mantle by saying: “…With honour and distinction we two shall carry off the victory today…” (Möttuls saga:91). The latter statement, may however, be interpreted as indicating that men gain honour from having a faithful wife, rather than that they loose honour from having an unfaithful wife. When she fails the trial, it is said that disgrace has turned on Kay (Möttuls saga:92). Besides, it is stated “…joyful and merry should anyone be who looses an unfaithful beloved…” (Möttuls saga:99).

In the Lai of the Ash, or Eskia, there is another episode that suggests that female unfaithfulness was dishonourable to both to the woman herself and her husband. In the beginning of the story, a woman gives birth to twins, two fair boys. The wife of the neighbour, who is described as cruel and proud woman, evil-tongued and envious, comments on the event by saying that no woman can give birth to two children at once unless two men have possessed her. Thus, she suggests that the mother of the twins has had an affair. The evil woman adds that this is to bring shame and dishonour to both the one cheated at, and the cheater. In the Lai of Equitan, there is not much room for the discussion on honour. Here, the ones involved in adultery are so clearly condemned, that they not only loose their honour, but their lives too, because of their crimes.

These negative consequences from adultery remind of the Norwegian conditions, where the unfaithfulness of a woman is a great shame both for herself, and for her husband, as well. Besides, the younger laws put the burden of the adultery, to a greater extent, on the women themselves. They do not have to pay fines in the same way as men, but they are to loose part of their property, and thus, become more dependable on their husband. However, making women more dependable on their husbands, and supposedly hindering them from being unfaithful, just strengthens the statement that it was the men who lost most honour, if their women were unfaithful.

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43 “…ef (hon a)ngradiz e(da) reiddizst nockot vid þetta ath þa mundi henni vera vírt til skemdar ok til suuiirdingar…” (Möttuls saga:33).
44 “…vi d skulum med sæmd ok soma hedann sigr bera jdagh…” (Möttuls saga:37).
45 “… fegín ok katr má sa ver aer tapar otruri vnnasto…” (Möttuls saga:63).
The fact that adultery brought dishonour to women may be argued against with one example from *Lai of Equitan*. Sir Equitan falls in love with a married lady, who is so beautiful that:

it would be in vain for her to be such a beautiful lady if she should have to do with only one man and have no lover besides. There is no man alive who, if this lady loved him, would not be improved by her if he were her loyal lover. But if my seneschal (her husband) should find this out, it is not right that he should take it badly. He (her husband) can have her, but not all to himself; surely I want him to share her with me”46 (*Strengleikar*:69-71).

The passage might be interpreted as an indicator that it was an honour for a woman to have lovers, as this would be evidence of her incredible beauty. Besides, the more men desired a woman, the more proud might the husband be for having her as his lawful wife. An affair with such a lady might have brought honour to the lover too. Note, however, that the positive consequences of adultery are pointed out only by this one story.

The consequences from adultery may be different, if it is committed by a man. As mentioned, there are only two cases of adultery committed by men in my sample of sagas, and both times it is only a “spiritual” adultery. In *Ívens saga*, the spiritual unfaithfulness of Íven is mostly dishonourable for himself. It is said, that if he is not to come back after the arranged one year, he shall be quit of all her love for the rest of his life, and be dishonoured among all those valiant men who honourably get themselves a wife (*Ívens saga*:ch.8). Besides, when Íven eventually remembers his oath to his lady, he regrets what he has done and is ashamed before all the other knights. This means that according to this text, the act of ‘cheating’ is mostly dishonourable to the one who commits it. This conforms to the moral of *Möttuls saga*, and therefore men and women are equally treated.

The spiritual unfaithfulness of Tristram, however, seems to be dishonourable both to himself, and his wife. She is, indeed, so dishonoured that she revenges her embarrassment with a murder.

The table below summarizes the results on the issue as presented by the analysed sagas of chivalry. It may be said that the sagas’ attitude towards men and women is very alike. With very few exceptions, adultery would bring dishonour both to the one who cheats, and the one cheated at, no matter what gender the sinner has.

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46 “…osyniom være hon sua frið fru ef hon scal vela um æinn bonda. Ok ængan æiga hia unnasta. Engi maðr er sa livande. Ef þæssi fru væri honum unnandi at hann myndi æigi baetazt afhenni. Ef hann væri hennar trygr unnast. En ef ræðesmaðr minn spyrr þetta. Þa samen honom æigi illa kunna Eiga ma hann hana en æigi æinn saman. At visu vil ec at hann miðle hana við mec…” (*Strengleikar*:68-70).
If we are to compare the pictures presented by the Norwegian sources, and the translated literature, it might be said that the two groups of sources focus on different things. In the upper classes in Norway, it seems that the more women a man has, the more social status he acquires. Women, on the other hand, do not gain anything, but dishonour to themselves and their families, if unfaithful. The sagas of chivalry have a more similar attitude to the two sexes. The literature condemns adultery, by showing that all involved would be socially embarrassed. There is only one example suggesting that women may gain social honour if they are popular among men; this is a privilege only of the male adultors in the Norwegian context. I would like to remind that even though adultery is presented as dishonourable in most cases, it is not always punished (see next section), which weakens the impression of all-present adultery-condemning moral in the sagas. Thus, it might be said, that on the issue of adultery and honour, the sagas of chivalry, may have introduced both a moral against adultery, reminding the Christian norms, and a more balanced attitude toward the two sexes.


Now, that it is shown that adultery was forbidden by law, condemned by Christian norms, and, possibly, brought social dishonour, I would like to pay some attention on the way the crime was punished. This section will focus on spiritual punishment, like confession and regret; the next, will concentrate on the demands for payment of fines.

3.4.1 Norway – norm and practice

As the Norwegian laws were created in a Christian context, the two source groups would have the same normative view. Most often, if adultery is revealed, the couple is supposed to pay fine, go to confession, do penance, or/and end the relationship. There are some variations in the different laws, but the message from all of them is the same (see G25, G32, G51, G201; FIII7; LIV5, LV5).
In addition, the laws have other clauses that focus on how often one is supposed to confess, and what are the punishments for not doing that. The *Gulathing Law* does not mention anything on the theme, as it dates back to the period before 1215, when the Lateran council orders personal confession from all Christians, minimum once a year (Svennebye 1999:77). The *Frostathing law* says that if one commits a sin one has confessed and paid fines for, then he/she has to pay three marks the first three times if this happens again. If it occurs more than three times, then the person is to be outlawed and the bishop is to take his/her property (FIIT16, Svennebye 1999:81). The Law of Archbishop Jón states that all people above the age of 12 years have to confess at least once a year, or otherwise pay a fine of 1.5 marks. If one does not confess three years in a row, then he/she is to be outlawed (Svennebye 1999:82).

The laws may also be looked at as remnants of the Norwegian reality situation. In this case, the strong emphasis put on the importance of sincere confession and regret at the end of an adulterous relationship, combined with the harsh punishment for not confessing regularly may be indicative of a reality in contradiction to the norms.

In *Gammelnorsk Homiliebok*, strong emphasis is put on confessions, as well. The only way to heal from the wounds of a sin is to confess it. However, it is pointless to regret and confess a sin, if one does not really mean it (GNH:27; Svennebye 1999:79).

In the different “Visions”, not confessing is punished in different ways. In *Visio Pauli*, not confessing is punished on various levels of Hell; the harshest punishment is the same as for those who have committed the worst sin of all – renouncing the Christian faith (*Visio Pauli*:8-10; Svennebye 1999:79). In *Duggals Leiðsla* (127, 130), those who have committed a sin, which they have earlier confessed, come on the eight out of ten levels in Hell. Besides, those who have confessed insincerely are to get the harshest punishment (Svennebye 1999:82).

Knowing that confession of adultery was demanded by law, it is interesting to examine whether people did confess such relationships. As mentioned above, confession was demanded by law after 1215, and people probably did not confess their adultery in the period before that. The suggestion may be strengthened by the fact that adultery was often publicly known, and considered as honour bringing. This situation did change with time for various reasons, and Hákon Hákonarson, for example, is known to have had no adulterous relationships; his faithfulness is in strong contrast to the behaviour of previous Norwegian kings. The change in one king’s behaviour does not necessarily mean that the kings and the aristocracy of the second half of the 13th century were less promiscuous, but rather that
adultery was kept secret, with the indoctrination of the Christian norms on people’s mentality. Whether they confessed their sins regularly is unknown.

Concerning regretting and confessing an adulterous relationship, it is impossible to know whether people did that sincerely. The nature of private confession was that they were to be kept secret by the priest, and, therefore, leaves us with no sources. There is, however, one known exception to the rule. There is a confession from the beginning of the 15th century, from Iceland, which introduces a woman who has sinned against the sexual norms of the church both within, and outside her marriage. She confessed her involvement in sexual relationships to other men, besides her husband (Holtan 1996:62; Stefánsson 1992:50). The fact that the confession is written down is rather peculiar, and difficult to explain. Even though the source is from early 15th century Iceland, I consider it indicative, both of the Church’s restrictions on sexuality, and of the fact that some people did confess their sins. What part of the population did confessed, and the frequency and sincerity-level of their confessions are, however, impossible to examine.

To conclude, it might be said that the norm in Norway demanded that unfaithfulness, as all sins, would be confessed sincerely and ended. It is however difficult to say whether people followed the rules. Some adulterous relationships were not only not confessed and regretted, but were also used publicly as a means of social advantages. This may have changed with time and internalisation of Christian ideals.

3.4.2 The Sagas of Chivalry

In the following, I will give some examples from the sagas of chivalry, illustrating confession / lack of confession of adulterous relationships (see table below for a schematic summary). As it is clear from the table below, in most cases the reaction is not consistent with what the Norwegian norm would have demanded, i.e the sin is neither stopped, nor confessed. In one case the sinners are killed immediately, so they do not even have the choice to confess; in one other case, the unfaithful woman does confess, but only because she is forced to.

<table>
<thead>
<tr>
<th>Nr. of stories when the adultery is:</th>
<th>Not confessed and not ended</th>
<th>Confessed</th>
<th></th>
<th>Because of immediate death</th>
<th>Sincerely</th>
<th>but not sincerely</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
When rumours are spread about the love relationship between Tristram and Isönd, the two do nothing else but try to conceal it, and to sneak on the king and his man. They do not give up on their relationship, they do not admit their sin, nor confess it. Therefore, if they were to be judged by Norwegian law, there might be a danger for outlawry. And this is partly, what happens in the saga. Tristram is sent away from the court and is to live in another town, under strict guard (ch.54). However, the lovers continue to meet secretly. King Mark puts them on a number of tests, but he can never be totally sure of the affair. The saga says that he does not have basis to free them from all suspicion, but he would not want to give up the case either (ch.55). Besides, it might be said that Tristram is platonically unfaithful to his wife, because he is in love with Isönd. He admits his feelings to his brother-in-law, but I characterise this as an insincere confession, since it does not bring to the end of the love affair.

When the queen in Möttuls saga, tries on the silk mantle, and it does not fit, “…she immediately reddens(s) in her face from shame and thereupon she pale(s) from anger and rage…”⁴⁷ (Möttuls saga:89). Some of the other ladies throw the mantle in shame and disgrace, others curse the mantle, and the one who made it, and the one who brought it (95). Some of the men, who have been cheated on, have a similar reaction. Jdeus, for example, does not know what to say when he is faced with the reality, so “…he could only snatch the mantle with anger and rage and cast it at the feet of the king…”⁴⁸ (97). It is clear that they all get really angry, and the author points out that their only consolation might be that no one could blame or mock the other without oneself being implicated. Besides, when finally one honest and faithful lady is found, who wins the mantle, all the other women became envious, because all wanted to own the mantle (100). Therefore, if Norwegians listening to the sagas of chivalry had some of the laws and religious writings internalised, they ought to have condemned the reaction of the ladies in the text. The protagonists in the saga not only do not regret their sins, but also get angry that those are revealed, and curse the one who had made the mantle. The only “punishment” they get, is not receiving the mantle itself. Thus, it might be said that the adultery may not need to be confessed in the saga-world, and it is not punished at all. This might explain why it was so common.

In the Lai of Guiamar, when the love affair of the two lovers becomes known, there is not much they can do. The saga author puts it thus: “…it seemed to all that it was just like a

⁴⁷ “…og rodnadi hun þegar I andliti af skomm og þui næst bliknadi hun af angri og reide er ei var möttullin mundangha…” (Möttuls saga:31).
⁴⁸ “…greip mottolinn af angre og reidi og kastadi fyrir fætur kongi…” (Möttuls saga:55).
regular marriage with them…” (Strengleikar:29). However, even though the two lovers are separated physically from each other, their love for each other does not diminish. They both endure great pain and sorrow, but fate, once again, unites them, and they “…may dwell together in freedom and in peace and prosper with pleasure from now on…” (Strengleikar:39). There are several other examples of lack of confession in other stories.

In *Lai of Equitan*, the sinners are not given the opportunity to regret or confess their affair, as they loose their lives almost immediately after their affair is revealed.

In addition to the fact that people do not confess their sins, the chivalric sagas indicate that confession and sincere regret are not demanded at all. There are, however, a lai commenting on sincere confession, and its importance. In *Desiré*, a beautiful lady gives Desiré a ring as a symbol of her love. The ring is to disappear if he is disloyal to her in any way. What follows is, that the knight reveals his sins in a confession to a hermit. After that, the ring vanishes, and the lady does not want to meet the knight anymore. The confession, given it is sincere, may be regarded as a denial of their relationship, and symbolically marking its end. However, it becomes clear that Desiré regrets, not the affair, but his confession. He longs painfully for his sweetheart. Eventually, she comes back to him, because she understands that he did not confess sincerely, and that he still loves her. But she still does not see why he confessed in the first place. This was not necessary, as their relation was not a sin, since none of them was married, or betrothed, or has ever been so. Here, a great difference is detectable between the Norwegian laws, and the laws in the saga world. In Norway, it is a sin to have a sexual relationship before marriage, and one has to confess, pay fines and stop the relationship, no matter whether the people involved are married, or engaged. Thus, it might be said that the episode in the saga agrees with the Christian norms that a confession is to be made sincere, so that it is valid, but the two sources disagree on whether a premarital relationship is sinful or not. The two actually marry at the end of the story, as the lady wants

49 “…ok fannz þat allom sæm tit var hiuskaps með þæim…” (Strengleikar:28).
50 “…I frælse ok I fríði saman búa. Ok með fagnadeframleibis líva…” (Strengleikar:38).
51 In the *Lai of Tidorel*, the affair between Tidorel’s mother, and a beautiful knight is revealed by a poor vassal who was coming to her to ask for help. However, this does not cause the end of the affair, as the vassal becomes ill and dies the following day, at the very hour he had seen them. When the affair between the two lovers is revealed in the *Lai of Jonet*, they neither admit, nor regret, nor stop the affair. The man is mortally wounded, and the woman is saved by a magical ring. In *Lai of Guiamar*, neither of the two engaged in the love affair regrets, or confesses the sin. In the *Lai of Laustic*, the wife who is secretly in love with another admits to her husband that she is awake every night in order to listen to the beautiful song of the Laustic. She does not, however, admits that she does that together with the one who she loves. The affair of Bisclaret’s wife does not become revealed while it is an affair. Because she manages to get rid of her husband, with the help of her lover, the two can openly marry. She, later on, confesses her misdeeds towards her husband, but not her adultery. Besides, this happens not because she sincerely regrets it, but because she is pressed hard by the king (Strengleikar:97).
to live with Desiré “…according the God’s law…so that I do not need confession or other forms of mercy…” (Strengleikar:133).

To conclude, in the sagas of chivalry, regret and confession are not demanded spiritual ‘punishments’ for adultery. This would explain why adulterous relationships are not confessed and regretted. Just on the contrary, the adulterous women get angry if their secret is revealed, and are comforted if others’ secret relationships are revealed as well. One of the stories, however, shows that if one regrets a sinful relationship and is willing to end it, one would have to confess sincerely. The same norm is also present in the Norwegian secular laws. When it comes to the reality situation in Norway, it is impossible to say whether people confessed their sins regularly, or not. The strong emphasis on confession in the laws, and the severe punishments for not confessing, might indicate that people did not do as the law prescribed. Therefore, I would say that the two compared contexts suggest a similar pattern of behaviour, which contradicts the Christian norm.

3.5. How are unfaithful men and women punished? On physical punishment.

3.5.1. Norway – norm and practice

Chapter 25 of the Gulathing law states that a man is to have only one wife whom he bought with a munder and that if a married man has a concubine, he is to pay 12 oras to the bishop, go to confession, do penance and forsake the woman. In chapter 201 it is said “If a man lies with another man’s betrothed, the latter may claim as atonement as much money as he would have to pay to ransom her from an enemy, (or) as great an atonement as her heir can claim (in her case)”. Chapter 32 claims that men who take women by violence, or carry off other men’s wives or their betrothed, without the consent of those who have authority over them or without their own consent…all such men are in permanent outlawry and have forfeited all rights to peace and to property, to land and chattels. And whoever disregards the legal decision of a doom, the king’s officials will finally summon him before the thing and declare him an outlaw, unless he pays according to the award (G32). If a man comes to a settlement with one who has lain with his wife, he (the husband) shall bind himself to keep the peace; but if the man lies a second time with the woman, he is a truce breaker like one who commits murder after he has given a peace pledge (G32).

52 “…sva at ec þurvi ei skriftagangs ne annarra licna…” (Strengleikar:132).
Chapter 51 states: “If a man takes another man’s betrothed and has her as his own, both having consented to this, let him who had affianced her summon the one who has taken her to appear before a thing; and it shall be the duty of the thingmen to outlaw them both. But if the woman did not give her consent, she has nothing to answer for”. We see that in the *Gulathing law*, if a woman is cheating on her husband, in most cases, her adultery becomes a conflict between the two men, as it is a husband who looses his honour, and the ‘lover’ probably gains honour.

In the *Frostathing law*, women are given a bit more responsibility. It is said that if a woman cheats on her husband, then she has to pay a fine of three marks to the bishop from her own property. The husband can in such cases choose whether he wants to take her back (FIII7). The man is also responsible and he is to pay a threefold fine to the husband. If the former does not want to pay the fine, he may be sent to the thing and made to pay the threefold fine there. If he still refuses to pay, he may be outlawed. He can also swear that he is innocent, if there are two men who are willing to swear with him (FV25).

According to the *Landsloven*, if a man, who has legal witnesses, finds another man with his wife, the latter has to pay a full fine to the husband (LIV5). If a woman cheats on her husband, or divorces him without a reason, and against the God’s and people’s law, then she looses her mund (*tilgave*).

The husband, once again, can choose whether he wants to live with his unfaithful wife, or not. There are a number of solutions. First of all, if he wants her back, but she does not want to get back with him, then he will get all her property, and her closest of kin will inherit her *medgift*, but not the *tilgave*. Secondly, if they both want to live with each other, there will be no change in their property. However, if she is unfaithful again, he is to take all her property. Thirdly, if the woman has not been accused of such offence earlier, and gives an oath to God, and her husband to take a penalty, but he still does not want her back, then she is to keep her *medgift*, but not the *tilgaven*. If the husband claims that she has done that earlier, and wants to acquire her *medgift*, then she can defend herself with one-man’s oath (LV5).

It has to be emphasized that before a man/woman is convicted and punished for adultery, the crime has to be proven. In the laws, there are separate clauses that stress that it is forbidden to blame one of committing adultery, engaging in a casual sexual relationship, or being a bastard, if it is not true. Those who did that could be severely punished. The *Gulathing law* (ch.196) says that if a woman is accused of being a whore without guilt, or if a man is called a slut/whore, or is likened to any kind of female beast, without guilt, full atonement has to be paid; the insulted may, besides, seek satisfaction in blood and outlawry.
The *Frostathing law* (V24) states that if a man says to another man that his wife has slept with a man different from her husband (or his daughter, or his sister), the accuser needs to have witnesses on his case, or will be, otherwise, outlawed. *Bjarkoyretten*, which is the oldest town law, states that if a man accuses a woman of being unfaithful to her husband, then he is to pay a fine to her. Such crime was punished with fines in the 14th century as well; king Hákon Magnusson demanded a fine of four marks silver (Holtan 1996:128).

How was adultery punished in reality? In the period after the Christianisation of Norway, if a woman was unfaithful, the issue became a conflict between the two men. The "injured" man often chose to kill the offender, a reaction that was accepted, and expected (Jochens 1987:334). Towards the 13th century, with the king’s monopolizing the right to use force, personal revenge might have been forbidden. People probably had to pay fines to the bishop. This is indicated by European tax books (see above). The lack of Norwegian sources on this issue has been pointed out above.

There is one example that I would like to include here. It is a case about a certain brother Robin, from Selje monastery, who was accused of having a relationship to a married woman, the daughter of Ogmund Drage. The man got tired of this embarrassing rumour, and sent a complaint to the bishop of Bergen. The bishop asks Jon Eriksson, from Selje monastery, to “investigate” the case, and to get testimony from both brother Robin, and the woman. The bishop underlines that Robin is not to be punished, before he is proved guilty. We do not know how this case ended (Holtan 1996:130). Holtan argues that the very fact that Robin took contact with the bishop might be indicative of his innocence. If he were a religious man, who had committed this crime, he would not have contacted his authority. Note that this case is about the crime committed by brother Robin, and not about the adultery of the married wife. This confirms the society’s perception on men as active, and women as passive. I consider it a suitable example of the fact that accusation of a sexual crime, including adultery, might have been used to blacken one’s social honour, and that one was considered innocent until proven guilty.

The table below, though simplified, presents the possible punishments, respectively for a woman and her lover, and for a man and his lover.

<table>
<thead>
<tr>
<th>Punishment of An unfaithful woman</th>
<th>Punishment of Her lover</th>
<th>Punishment of An unfaithful man</th>
<th>Punishment of His lover</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Economic dependence on husband / father;</td>
<td>- Fines;</td>
<td>- Fines;</td>
<td>?</td>
</tr>
<tr>
<td>- Outlawry</td>
<td>- Loose life when defending one’s honour;</td>
<td>- Outlawry</td>
<td></td>
</tr>
</tbody>
</table>
From the normative literature, it becomes clear that through time adultery was punished by fines, to the bishop, or to the insulted person. In few serious cases, the guilty could be outlawed. This applies to both the “cheater” and the lover. Adulterous women were made financially more dependant on their husband/father, in the younger laws, compared to the older ones. A man involved in adultery with a married woman, however, could risk losing his life, by an honour-deprived husband. An unfaithful man, though seldom, had to pay fines. As mentioned above, the laws present, almost always, the man as the active one in adultery, while it is, mostly, women who are the unfaithful ones. The reason for that might be that it was men who wrote the laws, and it was men’s responsibility to take care that their kinswomen did not commit adultery. In its preaching, the Church judged adulterous women more severely than such men, and seems to use people’s fear for death and afterlife to keep them away from the sin. In practice, adultery had to be proven before anyone was punished. It might be said that with the internalisation of Christian norms, the possibility for personal revenge diminished, and thus the crime seems to have been punished more mildly. However, an accusation of committing adultery was always connected to one’s honour, and the insulted (always a man) could go as far as killing the abuser, in order to defend his or his kinswoman’s honour.

3.5.2 The Sagas of Chivalry

Punishment of unfaithful women and their lovers

As we have seen, in the sags of chivalry it is most often women who are the unfaithful ones. Therefore, I will first of all present various examples, in order to illustrate their punishments. It would, also, be interesting to see how many were actually punished.

In Tristrams saga ok Isöndar, Isönd is considered to have a responsibility in her affair with Tristram. It is clear that all the rumours, no matter wrong or right, are negative for the king’s honour. And the one who is held responsible, first of all, is actually Isönd. She is summoned at the meeting, and accused of having an affair, on the background of rumours. She has to defend herself, and until she is proven innocent, she is neither to live with the king, nor share his bed. Isönd claims that she is innocent, and asks that her innocence be tested. If she fails this test, she agrees that the king may have her burnt alive, or torn asunder by horses. The king makes her give an oath that she will do as she has promised (ch.56).

The saga and some of the Norwegian laws agree, therefore, on the fact that Isönd is responsible. Her punishment, or trial, however, seems to be way too rough and horrid in the
saga, in comparison to the laws. What follows in the saga is also very different from the Norwegian laws. Isönd gives an oath over holly relics, that she has not been touched by anybody else but the king and a poor pilgrim, who helped her out of the boat (*Tristrams saga ok Isöndar*:ch.58). This pilgrim was the disguised Tristram. Thus, Isönd could freely and honestly give her oath. Thereafter, she holds a glowing piece of iron

in such a way that no one noticed any sign of faint-heartedness or cowardice. And God and his gentle mercy granted her purification, reconciliation, and harmony with the king, her lord and husband, with an abundance of love, honour and high esteem33 (*Tristrams saga ok Isöndar*:ch.59)

This proves to king Mark that Isönd and Tristram are innocent. I would just like to mention that *jernbyrd* was also used in Norway, as a means of proof of various claims. For example, being only a concubine of the king, the mother of Hákon Hákonarson had to prove that the father of her son was really the king by *jernbyrd* (Øye 1999:76).

Then, Isönd and king Mark live happily for a while, but the king gets suspicious again, and this time he does not want to tolerate their affair any more, and both Tristram and Isönd are outlawed (ch.64). The scenario reminds of the part of the *Landslov* when it is said that if a woman is unfaithful a second time, after her husband has taken her back in the household, then he is to have all her property. Chapter 51 of the *Gulathing law* says, however, that if both have consented to the affair, as is the case here, they would be outlawed both. So, king Mark’s solution is more similar to the oldest laws.

However, when outlawed the lovers have the best time together, in the forest. Luckily for them, when the king accidentally finds them, they are sleeping separated by a sword (ch.66). This convinces the king that they are innocent, and he, for a second time, decides to take them both back to the court.

For a third time, the king gets suspicious that they are having an affair, when he finds Isönd sitting in Tristram’s lap, sleeping. While, he is gone to get his men, so that they could see how he has found them, Tristram and Isönd separate from each other in sorrow. This is their only way to be saved from being burnt alive (ch.67). When the king and his men come back, Isönd is sitting on the bench alone. And for a third time, the king decides that he has nothing to blame her for. Thereafter, Tristram is never to live in Cornwall again. He travels from kingdom to kingdom, and finally settles down in Bretagne (ch.68). Thus, it might be said that he is permanently outlawed, as he would have been, if judged by Norwegian laws.

33 “…svá at engi maðr fann bleyði né hugleysi á henni. Ok gaf guð henni með sinni fagri miskunn fagra skírn, sætt ok samþykki við kögninn, herra sinn ok eiginbónda, með fullrí ást, sæmd ok mikilli tign…” (*Tristrams saga ok Isöndar*:ch.59).
Isônd, however, is in a way more mildly treated in the saga. The danger for a very horrible punishment is there, but is never applied. She is for a period outlawed, but taken back again, and lives as a queen until her death.

In the *Lai of Guiamar*, when the two lovers are discovered in each other’s embrace, the husband of the lady immediately orders that Guiamar be killed. Before this happens, the old man asks Guiamar what sort of man he was and where he was born. Guiamar tells him his story, about how he was cursed by a white hind, and about the magical ship. The old man does not believe him, but finds it appropriate to send the knight away on the ship. The knight comes safely to his own land, and is welcomed with great joy. However, he remains constantly distressed and troubled, as he misses his sweetheart badly. Thus, it may be said, that even though there is a great danger that Guiamar is severely punished, physically, the only actual punishment he has to endure is the emotional hardship from missing his sweetheart. This is different from the ‘punishments’ imposed in all the Norwegian laws. Besides, the saga does not suggest that he regretted, or confessed, his affair.

The punishment of the unfaithful woman herself is also quite different in the lai, compared to the Norwegian laws. The lover of Guiamar is definitely held responsible for her affair and has to bear an appropriate punishment. She is put into a high tower, where she suffers badly during the days and worse during the nights. The author puts it thus:

There she endured such manifold torment and turmoil and torture and misery and pain, grief and unrest, sorrow and sleeplessness and all kinds of evil and agony that no one could write or reveal. Thus, night and day her body and life were in torment and turmoil…she got no relief or release at all for her grief

(Strengleikar:33).

I am, however, not quite sure whether the excerpt may be interpreted to refer to physical torment, or to psychological and emotional suffering. The lady misses her lover so badly, that she would rather drown herself in the sea, where she last saw him on the ship, than continue living in misery. This description provokes compassion and sympathy from the reader, despite the wrongness of her crime.

In the *Lai of Equitan*, it is once again a woman who is unfaithful to her husband. She is definitely held responsible for her affair. Besides, the lai represents a rather normative opinion on her affair. What happens is that the woman decides to kill her husband, in order to be able to marry her lover. This is of course a double sin, and maybe that is why the author of the story afflicts such a serious punishment on her. She is namely killed by her own ‘weapon’,

54 “…þar þolðe hon sua margfallegan harm ok hugsott ok piningar ok væsallder ok meínlæte. Angr ok uro sorg ok svefnlæysi. Ok allzkonar meín ok meínlæte at engi getri ritat ne rannsakað sua netr sem daga var likamr nænnar ok líf í harm ok hugsott…ok ðeð þar allzængu huggan. Ne hiolp sinna harma…” (Strengleikar:32).
together with her lover. This is a much more horrible punishment for adultery, at least if it were to be judged by the Norwegian laws. The Frostathing law, however, might allow for the killing of a woman, who has planned to kill her husband because of her affair with another man (FIV35).

I would also like to draw attention to the fact that the turn of the events in this saga is given as a moral lesson. This is very different from all the other stories about love affairs. Usually, as shown above, the reader is to take the side of the two lovers in their battle with the law; and ‘love’ is depicted as a pure and magical weapon against the straps, put on human emotion, by society. In the Lai of Equitan, however, the lovers are condemned and severely punished. Their ‘love’ is a sin that leads them downwards towards even worse sins. The reader is led to sympathize with the innocent husband, who has been a victim of adultery. The question is whether the couple is punished so severely because they committed murder, or because they committed adultery, that led to a murder. It has to be noted that the long moralizing sections at the end of the lai, are added by the one who translated the text to Old Norse. The moral lesson is clearly of a very Christian character, condemning envy, adultery, and murder.

I find the story of Bisclaret, rather similar the one about Equitan. Bisclaret’s wife is unfaithful, and plans and accomplishes his symbolic murder, with the help of her lover. They are held equally responsible for their crime, by being outlawed. However, once again it may be discussed whether they are punished because they had an affair, or because they committed a “murder”. The difference between the two stories is that in the Lai of Equitan, the adultery is the primary desire, leading up to a murder, and in the Lai of Bisclaret, the murder is the primary desire, leading up to adultery. Besides, the lovers in the latter story are punished as all their children were born without noses. Thus everybody knew what he or she had done, and thus they had to bare the shame forever (Strengleikar:99).

In the Lai of the Laustic, it is a woman who is unfaithful to her husband. Her platonic affair is never actually revealed, but the loving couple are however punished. They are namely, taken the symbol of their love – the Laustic. This brings sorrow and pain to both lovers.

In The Lai of Jonet, the lovers are afraid that they will be killed if their affair were revealed. The knight is mortally wounded, and dies in his own country. The lady is saved from her doom, with the help of a magical ring.

Note that the lovers do not seem to be punished at all in The Lai of Tidorel, The Lai of Milun and Möttuls saga.
Regarding the punishment of unfaithful men, I would like to remind that in all analysed texts men are unfaithful only in a spiritual sense. In *Tristrams saga ok Isöndar*, when the two are separated, Tristram marries Isodd from Bretagne, in order to try to forget Isönd. However, he does not quite manage to forget his lover, and is pressed to live a life of lies with his new wife. He is not willing to perform his male duties in a marriage, and conceive an heir. The reason why I include this event in the chapter on “Adultery” is that I consider it an example of adultery performed by a married man. The adultery in this case, is however slightly deformed, as Tristram is cheating on his wife, by not sleeping with her, because of his passionate love for another woman. When Tristram is confronted by Isodd’s brother on this issue, he explains himself in the following way:

I have a beloved so beautiful, so honourable and well mannered…to her I have surrendered my desire so completely that I am unable to love Isodd\(^55\) (*Tristrams saga ok Isöndar*: ch. 84).

Isodd’s brother demands of Tristram a proof that his love is much more beautiful than his sister. If she is not so, Tristram is to pay a fine, if God wills, or otherwise, he is to be killed by Kardin. The saga does not mention of what size the fine might be, but the demand for an economic compensation reminds of the punishments for adultery, ascribed by the Norwegian laws. However, if God should not be merciful, Tristram is to pay with his life for his ‘adultery’. This is also a possible “punishment”, according to the laws.

Ironically enough, Tristram is to pay with his life for his adultery. However, this does not happen under Kardin’s hand, but under Isodd’s. During a battle Tristram gets hurt by a poisonous sword, and he gets really sick. He knows that the only one who could help him is Isönd. He asks Kardin to travel to Isönd, his only love, and ask her to come and help him. This is, however, overheard by Isodd, and now that she knows for sure that Tristram has loved another all the time, she decides to revenge his unfaithfulness. Isodd misinforms Tristram, when she sees a ship on the horizon. Instead of bringing him the good news that Kardin is coming together with Isönd in a ship with white-blue sails, she tells him that Kardin is coming back in a ship with black sails (ch.99). Hearing this, Tristram loses hope, and dies out of emotional sorrow and grief for Isönd, and not out of his physical wounds. The author puts it thus: “…Three times he called out his beloved Isönd and spoke her name, but the

\(^{55}\) “…ek á svá fríða unnustu ok svá tignarliga ok hæverska…henni hefi ek gefit allan minn vitja svá vandliga, at ek hefi engan mátt til þessari at unna...” (*Tristrams saga ok Isöndar*: ch.84)
fourth time he surrendered his spirit and died “… (Tristrams saga ok Isöndar: ch.99). How would the Norwegian laws treat such a deed – that a woman kills her husband because of his unfaithfulness? The Gulathing law does not comment on it. The closest situation to the described one is described in the Frostathing law (IV35), saying what will happen if a woman kills her husband. The reason for the murder is, however, very different in the two texts. In the saga, it is because Tristram was cheating; in the law, it is because the woman is cheating. The Norwegian laws do say what will happen to a man if he is cheating on his wife. The Gulathing law says that if a man has a concubine in addition to his wife, he is to pay 12 oras to the bishop, go to confession, do penance, and forsake the woman (chapter 25). The Frostathing law says that if a married man has an affair he is to pay 3 marks for each time (XI14; III5). He may oppose the accusation, if supported by two witnesses. The clause, however, does not directly demand a stop of the affair, maybe because this is implicitly clear. Landsloven says that the fine for cheating is 1,5 mark (Svennebye 1999:74).

A similar spiritual unfaithfulness takes place also in Íven saga. Sir Íven forgets his newly married wife, in his search of knightly honour and reputation. The way Sir Íven is punished for his unfaithfulness is that he is sent away. May we say that he was ‘outlawed’? This is actually the toughest possible punishment for adultery according to the Gulathing and Frostathing law. Landsloven demands only economic compensation. Thus it may be said, that the laws in the saga world are rather tough. Besides, it has to be noted that Lúnete, the maid of Sir Íven’s wife, is almost to be burnt alive, as a punishment to her connecting the two initially.

The table below systematises the possible punishments, according to the sagas of chivalry:

<table>
<thead>
<tr>
<th>Punishment of An unfaithful woman</th>
<th>Punishment of Her lover</th>
<th>Punishment of An unfaithful man</th>
<th>Punishment of His lover</th>
</tr>
</thead>
<tbody>
<tr>
<td>- May be tested by holding hot iron;</td>
<td>- Emotional suffering;</td>
<td>- Fined;</td>
<td>?</td>
</tr>
<tr>
<td>- If condemned, may be burnt alive, or torn asunder;</td>
<td>- Taken symbol of love;</td>
<td>- Killed;</td>
<td></td>
</tr>
<tr>
<td>- Tortured – physically (?), or emotionally;</td>
<td>- Killed;</td>
<td>- Outlawed;</td>
<td></td>
</tr>
<tr>
<td>- Killed (?);</td>
<td>- Outlawed;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Taken symbol of love;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Outlawed</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

56 “…Prisvar kallaði hann Ísönd unnustu sína ok nefndí á nafn, en hit fjórða sinn gaf hann upp önd sína með lifi sínu…” (Tristrams saga ok Isöndar: ch.99).
57 The theme on the knight’s duty to balance the obligations of love and the prowess in arms is also discussed in: Desiré, The Lai of Gurun,
How does this picture fit with the situation in Norway? First of all, it might be said that in the sagas of chivalry, unfaithful women and men seem to be punished in a more similar way. This may be an argument for the sagas being promoters of the equality between the genders. However, the punishments in the sagas are much more severe, than those possible in Norway. Even the trial for innocence is harsher in the sagas, than the respective one in the laws. The reason for this extremeness, might be the romantic character of the texts – everything is much more dramatic, emotional and romantic in the sagas, compared to the Norwegian “reality”. The romantic character of the sagas might also explain the almost total lack of any down-to-earth punishment, like fines, in the sagas. On the other hand, the harsh punishments of adultery may be explained as a necessity when fighting with such a widespread and serious crime, as adultery in the saga-world.

A significant feature of the sagas is that the crime is not punished at all in three stories. Further, some sagas provoke compassion and sympathy for the sinners from the reader, rather than for the person cheated at. In the cases, when the moral lesson is clearly condemning the sinners, it is not clear whether they are condemned for their adultery, or for the murder they plan to commit. Therefore, I would say that even though the sagas present very severe punishments for adultery, the moral on adultery is rather inconsequent. This differs greatly from the secular and Christian laws in Norway that would condemn all adultery.

3.6. Summary and conclusion

This chapter will summarise how various aspects of adultery have been accounted for in Norwegian sources, compared to the sagas of chivalry. From the comparison, a number of similarities and differences may be seen.

Similarities and differences

The Norwegian context and the picture conveyed in the sagas seem to be alike on a number of issues. Adultery seems to have been a quite popular phenomenon according to both Norwegian sources and the chivalric literature, despite the Christian norm. In both contexts, adultery could have been initiated because of pure sexual attraction, and with the purpose of gaining social status. The sagas confirm the Christian prejudice that women are the more promiscuous gender. The Christian norm against adultery is also existent in the sagas, if one judges from the dishonour it brings to all engaged. The norm to confess and regret a sin seems
to exist in both contexts, even though only one chivalric story mentions the rule. However, in both contexts, people may have seldom confessed their adulterous relationships. Adultery seems, however, to be punished in some way or another, most of the time. Women’s situation is sometimes less accounted for than the respective males’.

There are a number of moments when the two source groups differ in their presentations. The sagas suggest a new incentive for initiating adultery, namely the search for love, and omit a traditional Norwegian motive for adultery, like getting a successor. In the sagas the women are represented as more promiscuous, and more initiative-taking, while in the Norwegian sources it is the men who are the most sexually active. Sexual violence, as present in the Norwegian sources, is lacking in the sagas of chivalry. Adultery, in the sagas, seems to be equally dishonourable to nearly all engaged in the sin, while it might have been honourbringing to some of the parts in Norway. In the sagas, adultery is punished more severely than in Norway, but equally severely for men and women. The latter equality may be lacking in Norway, as men may have been punished more mildly than women. Besides, not all cases of adultery are punished in the sagas, and the reader is often led to sympathise with the secret lovers. Therefore, I would say that there exists a double moral on adultery in the sagas. In general, the literature seems to be more dramatic and extreme on a number of issues, which might be explained by their literary character.

The civilising character of the sagas of chivalry

What may these similarities and differences imply for the “civilising” character of the sagas of chivalry, when it comes to adultery?

First of all, despite the existent double moral on adultery in the sagas, the phenomenon is often socially and legally condemned, and somehow punished. Still, adultery is rather well spread. The suggested commonness of adultery may indicate that people in the sagas of chivalry tend to disregard the social norm to a great extent, and tend to act spontaneously, following their drives. In this respect, people’s behaviour is little controlled in the sagas. The punishments in the sagas are more emotional compared to those suggested in the Norwegian sources. Besides, there is a greater focus on love in the sagas, as this is one of the most important reasons for being unfaithful. For all those reasons, I would conclude that the sagas of chivalry were not a “civilising” factor for the Norwegian court society, as spontaneity of behaviour and drives is one of the characteristics of “uncivilised” in this thesis.
In all cases, where a comparison between the genders’ situation is considered, the sagas of chivalry present a greater equality between the two groups, compared to the Norwegian sources. Women are more sexually liberated, and the initiative for a sexual intercourse may be both male and female, in the sagas. The two groups are punished more similarly, and equally dishonoured by adultery. According to the feminist theoretical approach adopted in the thesis, the greater equality between the genders would characterise the chivalric sagas as a “civilising” model of behaviour for the Norwegian court members.

Thirdly, may we say that the sagas of Chivalry presented a Christian model to the Norwegian court society in the 13th century, when it comes to adultery? In short, I would say that the sagas were more un-Christian, than Christian in their message. Adultery seems to be very common, and there does not seem to exist a necessity for confessing or regretting the sin. The women in the sagas behave especially un-Christian, by being rather active in their sexual relationships. The reason for this might be the lack of a totally consequent moral, condemning adultery in the sagas; therefore, I would say that even the moral in the sagas is more un-Christian compared to Norway. Note, however, that the crime is severely punished, as the Church would expect, in ca. 66% of the cases. Besides, adultery does bring dishonour to the ones involved, just as one would suppose from the Christian ideals. As the discrepancies from Christian norm are greater than the similarities, the chivalric sagas may not be characterised as “civilised”, according to the third characteristic of “civilised” of the thesis.

The analysis of the sagas of chivalry, so far, suggests more strongly for the “uncivilising” character of the sagas of chivalry (see table below). There are, however, two exceptions, both indicating that, seen from a feminist perspective, the translated literature may have introduced a “civilising” model of behaviour. Thus, a pattern of contradiction between the adopted theoretical perspectives may seem to appear. The next and last chapter of the Analysis will focus on “Divorce”. It will be interesting to see whether the suggested contradiction pattern between the theoretical perspectives will be confirmed, or weakened.

<table>
<thead>
<tr>
<th>Ch. 1. Arrangement of marriage</th>
<th>Control of emotions</th>
<th>Equality between the genders</th>
<th>Concern with Christian norms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not “civilising”</td>
<td>Not “civilising”</td>
<td>Not “civilising”</td>
</tr>
<tr>
<td>Ch. 2. Legitimacy of Offspring</td>
<td>Not “civilising”</td>
<td>“Civilising”</td>
<td>Not “civilising”</td>
</tr>
<tr>
<td>Ch. 3. Adultery</td>
<td>Not “civilising”</td>
<td>“Civilising”</td>
<td>Not “civilising”</td>
</tr>
<tr>
<td>Ch. 4. Divorce</td>
<td>?</td>
<td>?</td>
<td>?</td>
</tr>
</tbody>
</table>
CHAPTER 4. DIVORCE

The main focus of this chapter will be on one final aspect of marriage, namely divorce. The valid reasons for divorce, the gender of the initiator, and the commonness of divorce will be examined. As in the previous chapters, a comparative discussion between Norwegian norms and reality, contra the picture conveyed by the sagas of chivalry will be built up. The comparison between those two contexts will also give further information on the “civilising” character of the sagas.

Before the introduction of the Norwegian context, I would like to discuss divorce from an anthropological point of view. Such a theoretical discussion seems relevant to this chapter, as divorce is the breakage of a relationship, both domestic and communal, and has thus been of interest for social anthropology (Thomas 1963:15). Why is divorce allowed for and accepted in some societies, and forbidden in others? What are the characteristics of societies that allow divorce, and those that forbid divorce? It seems that divorce is a function of marriage. In societies where marriages are predominantly arranged by the kin, and not by the people to marry themselves, divorce rates have been suggested to be quite low (Thomas 1963:15). There are a number of possible explanations for the latter statement, all based on the fact that an arranged marriage would imply exchange of property between the two parts. The anthropologist Keith Thomas (1963:15) claims that such exchange would give the two sides interest in maintaining the union, and that the exchange would not occur in the first place unless the kinship structure made for the stability of the marriage.

The exchange of property leads up to economic interdependence. Therefore, another way to put the above anthropological theory is:

Divorce is common in societies where women and men both own land, animals, currency, information, and/or other valued goods or resources and where both have the right to distribute or exchange their personal riches beyond the immediate family circles... Where men and women are not dependent on each other to survive, bad marriages can end – and often do...Personal economic autonomy spells freedom to depart (Fisher 1992:103,105).

In Medieval Europe agriculture was the main subsistence strategy. Farming couples would need each other to survive. Moreover, whoever chose to leave the marriage without a good reason remained empty-handed. “Farming women and men were tied to the soil, to each other, and to elaborate network of stationary kin” (Fisher 1992:106).
4.1. Norway – norm and practice

In a previous chapter, it was shown that marriage in top social classes of medieval Norway was mainly an economic and social contract. It was also discussed whether an arranged marriage may be characterised as utterly devoid of love and emotions. To a modern western mind, the little importance of love when arranging a marriage may make such a union seem as a rather loveless affair, and therefore, one bound to a disastrous end. However, according to the anthropological theories presented above, the fact that most marriages were arranged, would imply that divorce in the court society of medieval Norway may have been rather uncommon. Because marriages were economic contracts, and exchange of dowry and mund were demanded, the union would have been comparatively stable.

Further, pastoral regime prevailed during the twelfth and thirteenth centuries in Norway. As mentioned above, in societies with agriculture as main subsistence strategy, men and women would tend to be interdependent, and therefore, would divorce less often. Besides, in the previous chapters, it was suggested that medieval men and women might have been treated differently by the Norwegian norms in a number of the aspects of marriage, placing women in a subordinate and dependant position to the men. The existence of this dependence, even though not equally mutual, may suggest that divorce was not common in medieval Norway. The subordination of women to men might suggest that men had better opportunities to get divorce than women. Having in mind those theoretical speculations on divorce, I will now go to actual sources relevant for Norwegian medieval society and see what they may reveal.

The Christian laws were absolutely negative to divorce. Marriage was a sacrament according to Christianity, and it could not be dissolved, because the couple promised faithfulness to each other for life. Gammelnorsk Homiliebok, for example, emphasises that one is to stay away from murder and divorce (Svennebye 1999:66, GNH:94). With those norms in mind, the low divorce rate among Christians may mainly be connected to religious causes, and secondly to economic causes. Besides, no great difference in gender treatment is noticeable.

The Norwegians secular laws, however, convey a slightly different picture. They are predominantly negative to divorce as well, but in a fluctuating mode. This might be explained by reminiscence of pagan mentality and behaviour, which would allow for a relatively frequent occurrence of divorce (Jochens 1995:61). Besides, the laws contain some asymmetry in gender treatment.
According to the *Gulathing law* (chapter 54), a man can simply announce that he wants to divorce his wife, without having to give a specific reason. The only requirement is that there are witnesses when he announces it. Women, on the other hand, may divorce their husband only if the latter has hit her publicly more than three times. The first three times, he is only to pay her such atonement as he could demand in his own case. In case of divorce, the woman is to have her marriage portion of their property. The law also says that a woman may divorce her husband if he is not able to consummate the marriage for three years. She has to announce this in public. Being accused of inability to consummate marriage would be a serious insult, and one of the worst for a man’s honour (G138). The new *kristenrett* of the *Gulathing Law* states that if there is not a “good enough” reason for a divorce, one could be outlawed. The reasons reckoned “good enough” are very few, and they are applicable only if the marriage has not been consummated yet. Under those conditions, one possibility for divorce is “incest” - a sexual relationship that one of the parts had with a relative of the spouse. Besides, if one of the spouses decides to dedicate their lives to the Christian religion, the other may get a divorce. If one of the spouses dies, or disappears, then a divorce might be considered legal as well (Holtan 1996:53).

Both the *Frostathing law* (XI14) and *Landsloven* (V5) say that if a woman divorces her husband without a reason and against canon law, then she looses her dowry. The same happens if a woman sleeps with another man than her husband. *Landsloven* (V6) also gives adultery and incest as possible reasons for divorce. According to Erkebiskop Jons *Kristenrett*, the unfaithfulness of the wife is also an acceptable reason for a divorce. However, this counts only if the innocent one did not know of the offence. If he/she knew, or if both were unfaithful, then they may not divorce (Svennebye 1999:67).

The normative sources on divorce seem to reveal a negative attitude and condemnation of separation. It would be interesting to examine how these norms may have been internalised by the aristocrats in 13th century Norway. As shown above, ideologically, divorce was allowed for very seldom, for example in cases of adultery, physical violence, or incest. Besides, social-anthropological theory suggested that divorce, which is a breaking of marriage, depended on what marriage was and how it was arranged. One example that the definition of marriage was relevant for divorce, also in reality, may be taken from *Böglunga saga*. This is one of the Kings’ Sagas, and is the most important source of Norwegian history 1202-1217 (Magerøy 1993:60). The saga includes the story of the two marriages of Cecilia, the sister of King Sverri. She is initially married to Folkvid, whom she wants to separate from, or divorce, on the ground that she was given to him against her will. She claims that her
marriage to Folkvid was invalid, *i.e.* that she was never married to him, because she never gave her consent to him (Bgl.:27). Even though the archbishop disliked the situation, Cecilia was given “divorce” and allowed to remarry Bárðr Guttormsson. This story may serve as an example of the freedom and flexibility of norms’ interpretation given to Norwegian court members, on issues of marriage and divorce.

In many other cases, when the official reasons for divorce were missing, it might be thought that the spouses possibly separated, and did not have the opportunity to marry anybody else (Holtan 1996:53). One such case may be Snorri Sturluson (1178-1241), who separated his wife Herdis without actually divorcing her (Tomasson 1976:260). A reason for this might be that a divorce in the aristocratic circles would have involved a lot of property separation and made the process especially complicated.

Is it possible to say something on the usualness of divorce in medieval Norway? The laws allow divorce in case of unfaithfulness. As we have seen in the chapter on “Adultery”, unfaithfulness might have been quite common in medieval Norway. If so, many cheated on would have had the legal right to divorce, and therefore, divorces might have been quite common. Is it possible to trace such speculations of high rate of divorces in any sources depicting or relevant for the Norwegian court? The Sagas of Icelanders abound in divorce cases (Jochens 1980:380). Note that the use of the Sagas of Icelanders as relevant for Norwegian society is debatable. The family sagas were written in the period 13th–15th century and aim to present the stories of Icelandic farm chieftains from the period of the Settlement (870-930) to the mid 11th century. Some consider the Sagas of Icelanders as useful sources of Norwegian pagan mentality as well as Icelandic, because of many similarities between the two countries in that period. However, others point out that on some occasions it is possible to detect the Church’s normative influence (Jochens 1980:389); therefore, it might be said that the family sagas give us only the opinion of the Christian writers on their pagan forefathers. Besides, those sagas are mainly concerned with non-aristocrats (Ólason 1993:333). Thus, the Sagas of Icelanders may indicate that the Christian authors considered their pagan forefathers to have been easily prone to divorce, thus just confirming the Christian emphasis on impossibility of divorce. Could there have been a difference in the usualness of divorce among the common people vs. the aristocrats?

The Contemporary sagas, on the other hand, tell the stories of many prominent chieftains who dominated the Icelandic scene, and focus narrowly on the 12th and 13th century. Even though they are based on Icelandic reality, I would use them as a source on mentality in Norway as well. Those sources contain only a few examples of divorce. The most
common cause is personal incompatibility experienced especially by women (Jochens 1995:60). Can we thrust this picture to be actually representing a realistic mentality, and why? On the one hand, the lower divorce rate, may be explained by internalisation of Christian norms forbidding divorce, changed economic conditions, and therefore, given high truth-value. Maybe, in reality the divorce rate was lower in the top social classes, compared to the common people, and this might explain the difference between the picture conveyed by the contemporary sagas and the sagas of Icelanders. The difference of divorce rate represented in the two source groups may be explained by the fact that divorce of rich people would involve more complicated property separation than a divorce of common people. On the other hand, the character and main themes of the contemporary sagas did not prioritise personal matters, and therefore divorce may have been more common than these sources reveal (Jochens 1995:60).

So, what may be concluded about the circumstances on aristocratic divorce in 13th century Norway? What were the acceptable reasons for divorce; who took the initiative for divorce more often; and, was divorce usual? According to the secular laws, one could divorce because of physical violence, sexual dissatisfaction, unfaithfulness, incest, and interest in religious dedication of one of the spouses. The church added that those could be considered as acceptable reasons only if the marriage was not consummated. If it was, divorce was impossible. Even though some of the secular laws were a bit more liberal on the issue than the religious laws, they tried to control divorce and punish those who divorced illegally. The latter could be punished by being outlawed, or loosing their dowry, according to the various laws. The descriptive sources suggest yet another reason as acceptable, and it is personal incompatibility. This may be interpreted to indicate that the laws could be used with a certain extent of flexibility, especially by the better-off members of society. The laws show that in the beginning of the Christian period it might have been easier for men to obtain a divorce. This, however, changes with time, and the two genders are given more or less the same freedom of initiative. The descriptive sources, however, show that it might have been predominantly women who desired divorce, because it was predominantly men who were unfaithful. Divorce might have been a quite common phenomenon, especially among the common people. It is possible that members of the top social classes might have been more restricted. Because of the strict rules for getting a divorce, it might be thought that if a marriage did not seem to work out, people could simply separate or start an affair, without actually divorcing.
4.2. The Sagas of Chivalry

The following section will examine the causes and usualness of divorce, and the gender of the initiator of divorce, as conveyed by the sagas of chivalry.

First, what are the acceptable reasons for divorce in the sagas of chivalry? One reason is clearly unfaithfulness. One example can be given from *Tristrams saga ok Isöndar*. As presented above, there are many rumours and gossips about Tristram and Isönd’s relationship. King Mark is not sure what to believe, so he gathers all his men, and asks them for advice. The answer of an old bishop is interesting:

> You are legally married and cannot divorce her in any event, the way things stand, since there is no clear evidence against her for the accusation made by her enemies and by those who envy her⁵⁸ (*Tristrams saga ok Isöndar*:ch.56)

The excerpt may be interpreted to indicate that according to the saga, adultery could be a “good enough” reason for divorce. However, it has to be provable. The provability of adultery is an important factor in the Norwegian secular laws as well. Since king Mark is unable to clearly prove Isönd’s adultery, he chooses to stay with her, after having trailed her several times, and never becoming fully convinced of her unfaithfulness (see chapter on “Adultery”). Or maybe he chooses to stay with her because he loved her so highly, and did not desire to separate from her no matter what she had done. It might be discussed whether he would have stayed with her, even if he was positive about her unfaithfulness.

A second example, confirming that adultery was an acceptable reason for divorce, may be given from *Möttuls saga*. The beloved of the only faithful maiden at the court in *Möttuls saga* implicitly makes it clear that it would have been acceptable and even expected for a man to leave his wife, if she were unfaithful. The story says that the knight was,

> cheerful and merry before she came in, (but) he became distressed and angry when he saw her coming, because he did not want her ever to try on the mantle, for he loved her so much that even though he was to know for sure of any misdeed of hers, he did not care about it, because he never wanted to leave her on account of the great love that he had for her⁵⁹ (*Möttuls saga*:99).

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⁵⁸ “…þi t er uð l ögliga gi pt, o k meguð þit með engum kosti svá buit skiljaz, þar sem henni megu engar opinberligar sakir finnaz um þat, er óvinir ok öfundarmenn finna henni...” (*Tristrams saga ok Isöndar*:ch.56).

⁵⁹ “… vnnastí hennar var þar fyrir gladr ok katr adr hon kom jnn. Enn þa hryggdiz hann ok reiddiz er hann sá hana þar komande. Puiat hann vildi alldri ath hon ta ki vid skickiunni. Puiat hann vnni henni suo mykit þo ath hann vildi alldri fyrir lata hana af þeirri myklo ast er hann hafdi á henni... ” (*Möttuls saga*:61).
The citation confirms the suggestion that sometimes love comes before honour, and it is possible that a man does not desire to leave his unfaithful wife, even though he has the right to. It is clear, however, that he might be the only one who thinks in this way, as Kay, the steward proclaims that “…Joyful and merry should anyone be who looses an unfaithful beloved…” (Möttuls saga:99). Those statements are actually in accordance with both the Norwegian laws, and Tristrams saga ok Isöndar, as they clearly show that the unfaithfulness of a wife is a good enough reason for a husband to divorce her. Obviously, he has the possibility to choose whether to keep her, or not. But he says that because of his love for her, he would not want to leave her, even if he knew of any misdeeds of hers.

As pointed out in the “Adultery” chapter, it was mostly women who committed adultery in the sagas of chivalry. There were only two cases when men were unfaithful to their wives, but only in a spiritual way. Therefore, it may be assumed that it is mostly men in the sagas of chivalry who demand, or have the right to demand a divorce, as in the two examples above. This contradicts somehow to the picture conveyed by the sources relevant for the Norwegian context, where it was suggested that mostly women might have demanded divorce. Now, it would be interesting to see whether the wives of the two spiritually unfaithful men did demand divorce.

The first case was from Ívens saga. The knight Íven wants to temporarily depart from his wife, in order to be able to take part in tournaments with king Arthur, so that he can keep his knightly reputation. The lady is willing to let him go, but only under one condition, that he will return no later than within twelve months. Otherwise, if he does not do that and forsakes her, he will be breaking his oath, and he shall be quit of all her love for the rest of his life, and be dishonoured among all those valiant men who honourably get themselves a wife (Ívens saga:ch.8).

How might this last sentence be interpreted? One possibility is that it is simply dishonourable to break an oath; another, that it is dishonourable for a man to leave his wife, without a good enough reason. The latter suggestion is also proclaimed and punished by the secular Norwegian laws.

Time goes by, and after more than a year has passed, Íven remembers his oath to his lady. Now it so too late to go back, even though he regrets what he has done and is ashamed

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60 “…fegín ok katr má sa vera er tapar otrurí vnnasto…” (Möttuls saga:63).
before all the other knights. A maiden sent by his lady calls him a traitor, a liar, a deceiver, and a thief. The message from his wife is that he is to visit her never again and that he is to send her back her ring, which was a symbol for their agreement (Ívens saga: ch.9).

Now, there is something very special about the urge and decisiveness of Sir Íven’s lady to separate from him. It has to be emphasised that nowhere in the saga it is suggested that Íven has done anything dishonourable to his wife – he is not unfaithful and he does not yield to any temptations. So why does she wish to leave him so urgently? On the one hand, she might not want him back simply because he forsakes their oath. Forsaking an oath may be considered dishonourable, and therefore a good enough reason for divorce. However, not according to the Norwegian laws. In the laws it is even said that if a man divorces his spouse without a reason, and against Canon law (see above), he might be outlawed (G), or loose her dowry (F and L). None of this seems to happen with Sir Íven’s lady.

How can it be explained that sir Íven’s lady remains unpunished, even though she seemingly leaves her husband without an acceptable reason? One explanation may be that, according to the saga breaking an oath may be a valid reason for divorce. The saga presents the lady in her full right to ‘divorce’ Sir Íven. Not only does she have this right, but she also has the right to punish those who are responsible for the breakage of their marriage. In this story, it is Lúneta, the maid who brought the two together, who is to be punished for the fact the Sir Íven did not keep his appointment with his lady (ch.10). Therefore, breaking an oath might be seen as synonymous with, for example, being unfaithful. And it may certainly be said that the fact that Sir Íven forgets about his young wife in his search for knightly honour and reputation, may be indicative of him being spiritually unfaithful to her. The case reminds of Tristram being unfaithful to his wife, by not sleeping with her, because of his passionate love for another woman. If so interpreted, Sir Íven’s wife may be in her full right to divorce him.

In order to further illustrate how important an oath was in the saga world, I would like to turn to the end of Ívens saga. Eventually, Sir Íven and his wife reconcile, but the circumstances of the event are rather peculiar. The lady is in a way trapped by an oath of her own, that she finds herself unable and unwilling to break. It could be discussed whether her entrapment in an oath of her own might have been the perfect occasion for her to accept Sir Íven back without loosing honour. The latter suggestion might be supported by the fact that she makes it clear that his treachery, lies and falsehood still hurt her feelings. Her vulnerability might indicate that she has not stopped caring for him. Here again, one encounters the conflict between love and honour. An interpretation connecting love and
personal pride may well be influenced by my modern references. On the other hand, if the reason for the lady’s taking Sir Íven back is really her second oath, the importance of an oath in the saga world is further emphasised, and her initial decision to leave him, because of his breaking of their oath, is clarified.

I would also like to pay attention on the very fact that a lady has the possibility to abandon her husband. As discussed above, Sir Íven’s lady is in her full right to do that, if Sir Íven breaking of the oath is seen as a spiritual unfaithfulness. However, her freedom of action might also be explained by the fact that she is a widow. The latter interpretation may be supported by the existence of a relevant clause in the *Gulathing law*. Chapter 51 states that widows have somewhat more independent positions than maids, as they have the chance to betroth themselves, but only with the advice of the kinsmen. If she has listened to the advice, she has the right to break the betrothal; if she has not, she does not have that right. In the first chapter of the analysis, I pointed out that if analysed from her perspective, the marriage of Íven and the lady might be characterized as an agreement, recommended by the lady’s maid and council. As the widow had married after an advice of her ‘kinsmen’, she would be in her right to break the marriage. The answer to the question about why she has the opportunity to abandon him, might also be a combination of the two suggestions presented above.

The second example of a man being spiritually unfaithful from the sagas is from the story of Tristram and his wife Isodd. The episode also gives interesting information on the conflict between love and honour. By definition, Isodd would have had the right to divorce him after she found out that he loved another woman. However, her personal honour is so hurt that she revenges his crime in a more drastic manner. Isodd kills her husband, even though she could have simply left him. Unlike, the other examples, where we have seen that love wins over honour, here the opposite happens. It is honour that controls Isodd’s behaviour. Or does it? Maybe, Isodd loves Tristram so extremely much, and she is so extremely hurt, that only a murder would do justice for her enormous emotional devastation.

The above examples have shown that adultery would make a divorce acceptable. There is one example in the sagas when a man demands a divorce, and it is for different reasons than adultery, that he gets it. In *The Lai of the Ash*, a divorce takes place. The knight Gurun marries the daughter of a prominent lord. Right before the consummation of the marriage, it is revealed that Gurun’s sweetheart Ash, is the sister of his new bride Hesla. It is clear that Gurun would prefer to be married to Ash, whom he had loved all the time. Now that he knows that she is an appropriate match for him, a marriage between them is possible. But first of all Gurun and Hesla has to be divorced. The archbishop says that he will divorce them.
the next morning. Now, why is this divorce possible? One reason is that the marriage is not yet consummated. The separation might be even further eased by the fact the two girls are sisters. At least according to the Norwegian Landsloven a woman has a right to divorce her man, if he had committed incest (V6). However, note that incest is mentioned nowhere in the saga as a problematic hurdle (see chapter 1 of the Analysis). But still, the Norwegian laws seem to agree with the laws in the saga world in this case.

Last, but not least, I would like to give some examples of the fact that divorce was impossible to get without an acceptable reason. In the Lai of Equitan no divorce takes place, and the text elucidates the fact that divorce was not easy to get. Sir Equitan and his lover wish to be together. The solution they come up with is to murder the husband of the lady, and marry afterwards. A divorce is not even discussed. The latter statement might be interpreted to suggest that for a woman it might have been easier to kill her husband and get away with it, than to leave him because she loved someone else. However, their evil plan is not successful, and both the woman and her lover have to pay with their lives for their murder-plans. Thus, it may be said, that the lai conveys a very Christian norm towards divorce, adultery and murder. However, the lai might also be interpreted to indicate that marriages sometimes did end in dramatic ways, as the norm forbade a simple divorce.

A similar discussion might be relevant for the Lai of Bisclaret. When the wife of Bisclaret does not wish to live with him anymore, she chooses to keep him away from society, i.e. to socially murder him, by pressing him to stay in his werewolf form. A solution by a divorce, or simply a separation is out of the question, once again. Note that the werewolf element in the story may simply be a literary motif without any deeper meaning.

In The Lai of Milun, the sweetheart of Milun is married to another man. Milun and his lady’s son, however, wishes for his parents to be together, and suggests that he kill his mother’s husband. This, again, may be indicating that since there was no good reason for their divorce, the only way to end the marriage was to kill the husband. The author of the lai does not allow for such a dramatic development of the events. The natural death of the husband saves the son from committing a crime.

To sum up, the sagas of chivalry present a number of reasons that are acceptable for granting a divorce. The most common one seems to be the unfaithfulness of a spouse, causing hurt personal honour. Honour, however, seems to be less important than love in some cases. Another reason for getting a divorce might be incest, under the conditions that the marriage is not consummated. The Norwegian secular laws also accepted those motives for divorce, and therefore there are no discrepancies between the translated sagas and the laws. Note, however
that the Christian norm forbade divorce for any reason, after a consummated marriage. This does not seem to be the case in the sagas, since divorce is suggested to be possible because of adultery, even after a consummated marriage.

As adultery is mainly committed by women in the analysed sagas, it may be assumed that mostly men would have the right to demand a divorce, and would take the initiative for it, unlike in Norway. The examples on the impossibility of divorce may, however, throw new light on the problem of female unfaithfulness. Maybe, it is exactly because it was so difficult to get a divorce, that women were pressed into committing adultery. These examples show the desire of women to end their marriages, and a lack of freedom to do so in a legal way.

Those strict rules around divorce may also explain for the very few such cases in the sagas. There is only one divorce that actually takes place in all the analysed stories, in the *Lai of Equitan*. In all other cases, when divorce is mentioned, or hinted, either the one who has the right to divorce, does not want to, or the one who wants to divorce, does not have the right to. The low rate of divorce in the sagas may correspond to the suggested low rate of divorce among Norwegian aristocracy, where, as suggested above, complicated property separation in divorces in the upper social classes may have served as a hurdle. In Norway, better off people with problematic marriage could sometimes simply separate, without actually divorcing, and could have a love affair. The low rate of divorce in the sagas of chivalry and the indicated difficulties around getting a divorce may, therefore, account for the numerous unfaithful spouses in those texts.

### 4.3 Summary and conclusion

So, what kind of divorce-pattern did the sagas of chivalry present to the Norwegian court society? Was a new topoi of divorce introduced to the court society? May the model be characterised as “civilising”?

*Similarities and differences*

In the following, the similarities and differences between the two contexts will be summarised. In both source groups, the legal reasons for getting a divorce were adultery, and in cases when the marriage was not consummated yet, incest. However, the Norwegian sources present several more possible reasons than the sagas. Therefore, it might be said that the sagas of chivalry were stricter on giving divorce. Even though the analysed sagas present
fewer possible reasons for divorce, the translated literature may be characterised as more un-
Christian, as divorce seems to be allowed, even after a marriage is consummated. The low
divorce rates might explain why adultery rates were higher in the sagas, or why sometimes
quite dramatic measures were taken in order to end a marriage.

On the question of the gender of the initiator of a divorce, it seems that it was equally
difficult for both gender to get a divorce in both contexts. However, the high rate of female
unfaithfulness in the sagas might suggest that men had the legal right and the desire to divorce
more often. In Norway, on the other hand, it was mostly women, who might have desired
divorce. Even though men might have had the right to divorce in the sagas, they would not
always do it because of their strong love.

When it comes to the actual rate of divorce, it is suggested to be quite low in both
source groups. The reasons for this low rate of divorce are somewhat different, however. In
the saga world, love often wins over honour and prevents a divorce, even though there is a
legal reason for it. No economic sides of the process are discussed, even though this does not
make them irrelevant. In Norwegian sources, the low rate of divorce may be explained by
high grade of economic complexity of the divorce-process. No matter what the explanation,
divorce seems to be hardly possible.

The civilising character of the sagas of chivalry

In the following, the “civilising” character of the sagas of chivalry, regarding divorce,
will be discussed.

Love plays an important role on the issue of divorce in the sagas of chivalry. As
shown, on a number of occasions, even though the social norm allowed for divorce, the
protagonist did not desire it because of his love for his sweetheart. He was willing to swallow
his hurt pride, because of passionate emotions. Note that it is only men who show such
features. Women might be in better control of their emotions, in the sense that their behaviour
might be explained by various social norms. In total, the sagas of chivalry might be said to
convey a greater concern with love and greater degree of spontaneity of behaviour, compared
to the sources concerning Norway; this would, once again, characterise the sagas as
“uncivilising” model of behaviour.

The fact that it was equally difficult to get a divorce for both genders puts them in the
same social position, both in the sagas of chivalry, as in Norway. However, the fact that it was
only one divorce that actually took place in the sagas, and that it was desired by a man, may
indicate of somewhat better chances for men to get a divorce. This might be confirmed by the
desperate moves towards ending of marriage performed by some of the women. If so
interpreted, the sagas seem to be slightly more restrictive to women than to men, compared to
Norway. It could, however, be discussed what is the causal relationship between the crimes
performed by these women, and the difference in treatment of the two genders by the social
norms of the sagas. Anyway, the indicated inequality in gender treatment may characterise the
model of the saga as “uncivilising”.

Finally, the sagas show a very Christian attitude towards divorce. The only divorce
that takes place has legal reasons. Even though others desire a divorce, the lack of acceptable
reason hinders the fulfilment of their wish. If a murder is planned in order to end of marriage,
in cases of impossibility of divorce, the villains are either punished and morally condemned
by the saga writer, or saved by the circumstances. Note that the sagas differ from the Christian
norm on one issue, namely the possibility to divorce because of adultery, even if a marriage is
consummated; such a divorce never takes place, however. Thus, because of the indicated
Christian moral and behaviour in the sagas, regarding divorce, the literature may have
introduced a “civilising” model of behaviour to the Norwegian court society.

The table below shows a schematic summary of the conclusions of the four analytical
chapters. As indicated, it is only three out of twelve issues that suggest a “civilising” character
of the translated literature; the majority, of the issues discussed indicate the opposite, at least
according to the theoretical perspectives adopted in this thesis.

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<td>Ch. 4. Divorce</td>
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PART III. CONCLUSION

The main goal of this final part of the thesis is to close the circle of thought and argumentation, and answer the question that was set in the Introduction, namely: Did the sagas of chivalry have a “civilising” effect for the Norwegian court of king Hákon Hákonarson? The final answer will be determined by the three characteristics of “civilised”, that have been used throughout the analysis: “control of love and emotions”, “women’s social position”, and “attitude towards Christian norms”.

The conclusion will be built up in two steps. First, the theoretical perspectives adopted in the Analysis will be critically reviewed. By discussing the very features of “civilised” on a theoretical level, I wish to problematise the answers I come up with. Thereafter, a summary of the empirical results will be presented. The analysis focused on comparison between various aspects of marriage in two contexts, the romantic sagas and 13th century Norway. Note that the summary might be rather generalising, compared to the discussion in the separate chapters. What were the main similarities and differences between the pictures conveyed by the translated literature vs. various Norwegian sources, on the issue of marriage? Having in mind the contrasts, what can be deducted on the “civilising” character of the sagas?

CHAPTER 1. CRITICAL REVIEW OF THE THEORETICAL PERSPECTIVES

1.1. Control of emotions and love

In his book “The Civilising Process”, Elias studies various characteristics of “civilised” and “uncivilised”, in order to clarify certain features of the civilising process. He, also, illustrates that the medieval-feudal period and the present-day Western society are two stages of the civilising process. He claims that one of the main characteristics of the “civilised” is controlled and restrained behaviour. Control and concealment of emotions has, therefore, been one of the features of “civilised” in this thesis.

In the conclusion of the last chapter of the analysis, it was suggested that, regarding marriage, the sagas of chivalry might have introduced a rather passionate and impulsive mode of behaviour, and therefore, an “uncivilised” example to the Norwegian court society of the 13th century, at least according to Elias theory on the civilising process. Note that the character and style of the sagas of chivalry and the “Norwegian” sources may be partly responsible for the above conclusion.
Elias’ theory, and its usefulness for historians, has been greatly discussed by Norwegian scholars. In the following, I will present some of the comments on Elias’ theory and see how these might affect my statement that the sagas of chivalry might have been an “uncivilised” example for the Norwegian court society.

**Social norms, as defining “spontaneous behaviour”**

In his article “Det Primitive Middelaldermenneske? Kropp, vold og seksualitet” (1990), Sverre Bagge comments on the applicability of Elias’ theory on Norwegian Middle Ages. He agrees with Elias’ description of medieval men, as lacking the same social norms as we have today. This may make them appear rather primitive and irrational (Bagge 1990:49). However, Bagge sets the question about whether other social norms may explain this, in our eyes, primitive and irrational behaviour. He suggests that it is not the lack of norms, but the existence of different norms, that determines the behaviour of medieval people. “Honour” seems to have been one of the most powerful social factors, determining behaviour in Norwegian Middle Ages (Bagge 1990:50). Medieval attitudes towards violence, sexuality, and the body itself were all predermined by strong norms in a man-dominated society. Honour was much more important than spontaneity. As a conclusion, Bagge states that Elias’ theory may be relevant to some extent, but points out that importance of culture and social norms should not be underestimated.

This is one of the conclusions of other scholars, as well. Arnved Nedkvitne and Johan Anton R. Rygg compare the Icelandic stateless society and the Norwegian state, in the light of Elias’ theory. They find out that there could be greater control of violence in the Norwegian society, than the Icelandic, but also point out, that what seems like impulsive violence in Iceland may be explained by rational norms in a stateless society, and not the lack of any norms (Nedkvitne and Rygg 1997:28-29). Further, Hans Jacob Orning and Erling Sandmo come to the same conclusion that medieval people did not lack social norms, they just lacked our social norms (Førland 1997:7).

Let us now go back to my own analysis and results. In the above, I have stated that the sagas’ example may have been “uncivilised”. If Bagge’s argument is applied here, it might be suggested that the “uncivilised” and spontaneous behaviour in the sagas could be due to different social norms. And indeed this might be the case in the sagas of chivalry as well. When discussing adultery, for example, one of the texts suggested that a lady might be accredit great social honours for her extraordinary beauty and popularity amongst the opposite
sex. Her husband, also, would have been honoured to have her as a lawfully wedded wife, even if she was unfaithful. Her lovers, too, would have been honoured to be her lovers. In this case, it might be said that even though adultery was condemned by Christian norms, it could be seen as an honour-bringing factor, and not as a sign of spontaneity of behaviour. The same might be true for men as well. Popularity among women, and having illegal sexual relationships with them, might have served as raising a knight’s social prestige.

Even though those examples may indicate that it was a social norm, and not the inability to control one’s conduct, that inspired for the disrespect of other social norms, the majority of the examples from the sagas of chivalry suggest the opposite. We have seen that very often it is strong love, and nothing else, that is the main reason for acting “uncivilised”. Both men and women in the sagas of chivalry appear to be unable to control themselves when they fall in love. Their strong emotions take control of their consciousness and capability of behaving according to the social norms. The very abundance and clearness of detailed emotional and sexual descriptions in the sagas, would have qualified them as “uncivilised”, according to Elias. Therefore, I would still characterise the sagas’ example as “uncivilised”, as it is only inability to control one’s drive and impulses that may explain for the spontaneous behaviour, and not the existence of different norms.

Women’s perspective and Christian values

It has been pointed out that in his analysis of the civilisation process, Elias bases his research on three of the greatest thinkers: Freud, Marx and Darwin (Førland 1997:10). Freud’s research gives a model of the human psyche. Marx’s thinking is used to explain how change in one level of the system can cause change in other levels of the same system. Darwin’s evolutionist theory is used as relevant for social changes as well. Combining those three, a dynamic model is created, which explains how changes in the social structure may lead to changes in the individuals’ behaviour. The model is meant to be free from specific temporal and spatial restrictions, and is supposed to be valid for any society, during any time period (Førland 1997:14).

Many have pointed, however, that the model is rather centred on the civilisation of the West, and that other parts of the world are not taken into consideration. This remark is not relevant in the context of this thesis, as I am actually studying western European sources. Besides, it has been pointed out that the model does not take into consideration the women’s perspective (Førland 1997:14). Some explain its absence by the fact that both the period when
Elias’ constructed his theory, and the time period he studied (the Middle Ages) may be characterised as man-dominated; therefore, the gender perspective is said to be irrelevant (Førland 1997:14). However, in my case study, the gender perspective appears to be rather relevant, and is therefore, included as a separate characteristic of “civilised”. It may even be possible that the study of women’s position may characterise the sagas’ example as “civilised”, which is in contrast to the conclusion from the application of Elias’ theory (see below). Last but not least, even though religious ideas are mentioned as one of the aspects that may be characterised as “uncivilised” or “civilised”, the role of Christianity is not discussed as important for the civilising process. A number of scholars (Stephen D. Jaeger), however, have pointed out the civilising function of Christian norms. Therefore, Christianity and concern with Christian norms, is considered as, yet, another feature of “civilised”. This will be discussed on a theoretical level below.

**Individualisation of emotions**

Open expression of emotions may also be seen from another perspective, opposite to Elias’. Descriptions of the protagonist’s emotions and spiritual longings may be interpreted as indicating a development and strengthening of individuality (Hanning 1977:15). The 12th century culture, conveyed in the chivalric romances, contains social development on two levels: “…one towards the intense experience of inner awareness, the other towards the articulation of structures governing institutional and intellectual activity…” (Hanning 1977:20). Thus, open expression of emotions and drives, i.e. individualisation of emotions, may be seen as correspondent to the systematisation and bureaucratisation of ecclesiastical and secular government. The latter processes, on the other hand, may be characteristic of the rise of the state, and the civilisation of society (Hefner 1993:3-4). The latter line of argumentation is to serve as an argument against Elias’ claim that concealment of drives and emotions is civilised.

**1.2. Women’s position**

Structuralist theory, and more specifically Saussure’s semiotics theory of signs, forms the wider context of the gender approach, adopted in this thesis. The essence of Saussure’s theory is that the most important aspect of a signifier is not its meaning, but its different from other signifiers. The relationship between the genders may be seen from the same perspective of binary oppositions. Structuralist theory perceives the genders not only as opposite, but,
also, as unequal, *i.e.* the male dominating the female. Therefore, it may be said that the position of women may often be considered as a test by which the civilisation of a country or age may be judged.

Thus, the equality between the genders is the second feature of “civilised” in this thesis. In the last chapter of the analysis, it was shown that some issues (“Arrangement of marriage” and “Divorce”) indicate female subordination, as existent in 13th century Norway, and thus, characterise the sagas as “un-civilising”; other issues (“Legitimacy of Offspring” and “Adultery”) introduce greater equality between the genders, compared to Norway, and therefore, characterise the sagas as “civilised”. It has to be said that the description of strong and free women in the chivalric sagas, may be explained by the fact that these sagas were meant for the aristocratic circles, the only social class where it was acceptable for women to get cultural education. The potential female audience may have further inspired towards greater equality between the genders, to be described in the chivalric sagas (Mundal 1982:368-369).

One of the characteristics of the post-Structuralist development of gender theory was the deconstruction, or undermining of the “binary opposites”. Even though female is the opposite, or the “other” of male, the female’s otherness is intimately related to the male, “…as the image of what he is not, and therefore an essential reminder of what he is” (Eagleton 1983:132). Therefore, male and female define and depend on each other. The deconstruction of the binary opposition suggests that the difference between male and female may be rather hard and subjectively defined, just as the boundary between what is acceptable or not, and what is sense and nonsense. The fact that they may not be so different, may explain the structuralisms’ need to oppose them (Eagleton 1983:133).

Another relevant issue is the level on which the opposition is made. Is the oppression of women only a material reality, a matter of motherhood and domestic labour, and therefore a function of their biological sex, or is it a question of social and political ideology, which may be seen in explicit or unconscious behaviour (Eagleton 1983:149)? The juxtaposition between individual sex and social power is also touched upon in Carol Clover’s article “Regardless of Sex: Men, Women and Power in Early Northern Europe” (1993). She sets a question mark on the search of strong Old Norse women, who behave as social men. Clover asks: “How useful is the category ‘woman’ in apprehending the status of women in early Scandinavia (Clover 1993:368)?” She shows with numerous examples that women could cross up in the male sphere of behaviour, and respectively, men could cross down in female sphere of behaviour. “Woman” and “man” become normative categories, but not binding
ones. And if they behave in a way more characteristic of the other sex, this may be considered as unusual, but not unnatural (Clover 1993:371). Biological sex, therefore, becomes an irrelevant and obscure characteristic.

But still, “masculinity” is considered as a positive value, even if it is enacted by women, and “femininity” is given a negative value, even if enacted by men (Clover 1993:372, 375). This indicates certain male dominance over women, even though of a different kind. The opposition does not take place on the sexual level or the level of the body, but on the level of social relations and power (Clover 1993:379). Clover suggests that the worst in such world, was not femaleness, but the condition of powerlessness, which was most usually, but not exclusively associated with the female. Respectively, the best was not maleness, but sovereignty, which was most typically, but not solely, enjoyed by men (Clover 1993:379). Gender is, therefore, not coexistent with biological sex, but with winning and loosing entities. Further, as there existed no theoretical top or bottom ceilings, which could not be passed by, respectively, women and men, there was always the potential for sexual overlap in the social hierarchy (Clover 1993:380).

So, now the “binary opposition” is not between male and female, but between powerful persons and everybody else (children, aged people, sick, etc.) Therefore, if I were to use this approach when analysing the sagas of chivalry, I would have had to look at the difference of treatment of the powerful contra the weak. This method would have probably given results of a different character, when it comes to the “civilising” theme, and it is not my aim here to guess what the results might be. I would, however, like to present some thoughts on the applicability of the approach. As we have seen, women and men in the sagas of chivalry seem to be more equal to each other in status, rights, and way of treatment. A number of women are presented as strong, and independent, and thus, behaving as social men. Men, on the other hand, are often represented as emotional and psychologically vulnerable, which may be characterised as socially feminine behaviour (Clover 1993:385). Therefore, it seems that the one-sex model could be valid for the sagas of chivalry as well, at least when it comes to emotions. However, looking for “binary opposition” between the powerful and the rest might be a bit problematic, as the sagas of chivalry convey stories of upper-class people only. There is, however, some differentiation between “ladies” and their “maids”, for example, which might be a productive line of thought.
1.3. Concern with Christian norms

After having discussed the applicability of the two first features of “civilised”, I would now like to turn to the third and last feature, and namely concern with Christian norms and rules.

As mentioned, one of the critiques against Elias’ civilisation theory was that he did not take into consideration the role of Christianity as relevant to the civilising process. It is the historian C. Stephen Jaeger who is of that opinion. In his book “The Origins of Courtliness” (1985) he studies the civilising process prior to the flowering of courtly literature. Jaeger sees the civilisation process as commencing with the presence of a “genial and especially clever individual” (Jaeger 1985:258). In his study, it is the brother of the German emperor Otto the Great, who was responsible for the blossoming of cathedral schools, where the future noblemen and royal administrators were to be educated. As the education at the Cathedral schools was inspired by Christian norms and ideals of behaviour, Christianity seems to have played a central role for this model of spread of courtesy and civilisation.

Christianity has been suggested to be a civilising factor by other scholars and disciplines, also. Hefner (1993) suggests that conversion to Christianity is one of the signs of emergence of civilisation, as such world religions bring up to the cultural rationalisation of societies. Berger (1990) has, also, pointed out that Catholicism was a transmitter and promoter of the process of ethical rationalisation, and, therefore, of the civilisation process.

In the last analytical chapter, it was concluded that that even though some issues, like divorce, present the sagas as sharing and promoting Christian values, all the rest of the discussed topics, i.e. arrangement of marriage, legitimacy and adultery, give the opposite impression. Not only do the protagonists of the sagas behave in an un-Christian way, but also the norms in the saga fail to be consistently Christian in character. Having these results in mind, in combination with the theoretical standpoint, presented above, it may be concluded that the sagas of chivalry did not seem to present an especially civilised example to the Norwegian court in the 13th century.

The study of Christian aspect has, thus, very coherently pointed towards the uncivilised character of the sagas of chivalry. Some may oppose this seemingly absolute coherence of theoretical thought, and my application of it. In order to respond to those potential comments, I would, in the following, critically review the statement that Christianity is a “civilising” factor.
What I focused on, from Jaeger’s study, was the essential role of Christianity in the civilising process, as the religion in both Jaeger’s, and my own, world of study is actually Christianity. The Christian religion was, in this case, represented by cathedral schools, founded by enigmatic bishop, who served at the court of the German emperor Otto The Great. It was the emperor’s educational strategy towards courtly conduct that triggered the civilisation process. There is one problem, however, with my emphasising on the Christian religion, as an inspirational force for the civilisation process. This is namely Jaeger’s own emphasises on the “gifted individual” as the promoter of the civilising forces. The focal point on the individual is also Jaeger’s way to explain why the same tendency of refinement and civilisation may be encountered in the aristocratic social structures of the courts of China, Japan, and Arabia, where the ruling religion was not Christianity (Jaeger 1985:7-8).

Next, as pointed out above, Hefner (1993:10) states that conversion to a world religion like Christianity is “a part of the inevitable march towards human enlightenment”. This is however, a very unilinear model of religious and cultural evolution, which was typical of late 19th and early 20th century thinking. In the mid 20th century, anthropological research was intensified and the myth of the monochrome “primitives” was abolished. Scholars of that time doubted the unilinear model, presented above, and instead, focused on detailed particularities, rather than on comparative studies. The goal was a richer understanding of small-scale societies (Hefner 1993:11-12). This shows that if not “wrong”, to perceive Christianity as a civilising factor, is not the only possible perspective of studying the religion. Further, Hefner associates conversion to world religions with cultural rationalisation. Rationalisation, he points out, is different from rationality (Hefner 1993:21). And indeed, religions with more rationalised doctrines (like Christianity) do not necessarily rationalise their believers’ worldviews and behaviour. On the contrary, anthropology has demonstrated that traditional mode of thought can be more flexible and systematic. Sometimes, systematisation and canonisation of doctrines seen in the world religions can restrict knowledge and hinder the open inquiry, characteristic of rational reflection (Hefner 1993:22). Therefore, Christianity’s as triggering the civilisation process may be said to be further weakened.

Finally, Berger characterises Catholic Christianity as “a transmitter and promoter of the process of ethical rationalisation”. From there, I used Hefner’s connection between the process of rationalisation and the process of civilisation. However, Berger also points out that Catholic Christianity has an especially historical character; God is historically, rather than cosmically, linked to Israel and the kings Saul and David. The rationalisation and historisation of Catholicism had, however, a secularising function, according to Berger. Therefore, the
character of Christianity, implicitly existent during the Catholic period, and re-emerging with
the Protestant Revolution, may have ironically served towards the secularisation of modern
western society (Berger 1990:ch.5). Note that he distinguishes between social secularisation,
which is relevant in this context, and individual secularisation. Thus, if we accept that the
Christian religion served as a civilising factor for the state in the Middle Ages, it is also the
Christian religion that contributed to the secularisation of society in the modern civilised state.

As a short conclusion to the whole chapter, I would say that the critical review of the
theoretical perspectives in this thesis may indicate that control of emotions, equality between
the genders, and Christian norms and behaviour should not only and unconditionally be
perceived as features of civilised behaviour and society. It was shown that the term
“civilisation” might be rather evolutionistic in connotations, disregarding individualistic
peculiarities and developments. However, by critically reviewing the used theoretical
perspectives, I hope to have nuanced, and thus, actually strengthened my usage of the theories
in question.
CHAPTER 2. SUMMARY OF THE EMPIRICAL RESULTS

After critically reviewing the theoretical perspectives adopted in this thesis, the empirical results will be summarised. The focus of the comparative analysis in this thesis has been on marriage, structured in four main chapters: Arrangement of marriage, Legitimacy of Offspring, Adultery, and Divorce. A number of similarities and differences have outlined themselves, and those will be summarised in the first place. The suggested differences indicate when a new “model” of behaviour may have been introduced. Thereafter, the discussions on the sagas’ “civilising” character will be summarised.

2.1. Similarities and differences between the sagas of chivalry and Norway

Similarities

The table below gives a schematic summary of the similarities and differences between Norway and the chivalric sagas. When it comes to the arrangement of marriage, the norms of the sagas of chivalry agree mostly with the norm from the Norwegian secular legislation, and the reality in aristocratic circles, that marriage is an economic or political agreement. In the sagas 17 out of 20 marriages may be characterised as some kind of a contract, even though in two of those cases familiarity with the Church’s theory of consensus might be of importance, as well. Besides, there are three marriages (out of the 20), when the consent and love between the persons is the main incentive for the union. Therefore, I would say that the sagas’ pattern of behaviour shows familiarity with the Church’s norm as well. Thus, on this issue, it might be said that the sagas did not introduce a new main model of behaviour to the Norwegian court.

In both contexts, there are economic demands for both families when entering into a marriage, even though in the sagas the size of morning gift and dowry might be slightly bigger than in Norway. Both families are supposed to invest more or less equally in the marriage, and therefore, the idea of jafnræði, seems to be existent in both contexts. Great difference in social classes could even hinder a marriage. Besides, in both contexts, it was normal that elderly and wealthy men married young, beautiful ladies from prominent families.

In both contexts, there partly existed a Christian norm, condemning all sexual relationship outside the marriage, including one between people who were to get married later. However, in both contexts, it was quite common to disregard this norm. Yet, it may be reasonable, that the degree of commonness of such relationships was higher in the analysed
sagas, than among the Norwegian aristocracy. This is not because Norwegians controlled their sexual desires until they got married, but more probably because of the contract character of their marriages, which would not have allowed for the future spouses to know each other. Further, if a premarital relationship resulted in a child, the common thing for both contexts was that sometimes proved parenthood was enough so that the child would be able to inherit, and other times, legitimacy was demanded.

Further, in both contexts, adultery might have been rather well spread, despite an existent Christian norm. In both contexts, adultery could have been initiated because of pure sexual attraction, or in order to increase social status. The sagas confirm the Christian prejudice that women are the most promiscuous gender. Adultery committed by one’s spouse seems to be negative for the person cheated on, with only one exception from the sagas of chivalry. In both contexts, there exists a norm to regret and confess one’s sins regularly, which is equally regularly disregarded. It is also common for both contexts, that people engaged in adultery is punished in some way or another in most of the cases.

Finally, adultery and unconsummated marriage are presented as common legal reasons for divorce. Despite those legal reasons, it was equally difficult to get a divorce for both genders in the sagas of chivalry, and 13th century Norway. Therefore, in both groups the divorce rate is suggested to be quite low, even though possibly for different reasons.

*Differences*

When it comes to the possible hurdles for marriage, incest is perceived rather differently in the two contexts. In Norway, it is considered as a serious and punishable crime and sin, while in the sagas of chivalry it is not presented as a problematic issue at all. One did not need to apply for dispensation, even if one wished to marry his/her second cousin, which would be unthinkable even for the top of the Norwegian social hierarchy. It is hard to conclude whether the phenomenon was more frequent in one of the contexts, but it is certain that the graveness of the crime is greater in the sagas than in Norway. This is so, possibly because of the fact that incest is not perceived as a sin in the sagas.

When it comes to the issue of legitimacy of children, in Norway there is a consistent Christian norm, which characterises as legitimate, only those who are born in a legal marriage. All others are illegitimate, and do not have the right to inherit. The main difference with the sagas of chivalry on this issue is that such a uniform norm is lacking in the analysed
sagas. As mentioned above, sometimes children could inherit, only if parenthood could be proved, and other times, legitimacy was necessary.

Besides the common incentives for adultery, there are a number of others that characterise only one of the contexts. In Norway, one of the most common reasons for initiating adultery was to get a successor, seen from both male and female perspective. This was a valid reason until the time of Hákon Hákonarson, when a legal successor could be attained from a legal marriage only. This reason is, however, omitted in the sagas, and “replaced” by search for love and fulfilment of emotional dreams, as a major incentive to start an affair. Further, women are represented as the only gender to commit physical adultery in the sagas of chivalry. The men in the romantic literature may be said to sometimes commit spiritual adultery, while in Norway, their crime would be much more physical. Besides, women in the sagas of chivalry are represented as almost equally initiative- and responsibility-taking as the men, while in the Norwegian sources it is mostly the men who are the sexually-active. Male sexual violence, as presented in the Norwegian sources, is lacking in the sagas of chivalry. Further, adultery seems to have been equally negative for the social image of all involved (with one exceptional example), while in Norway, it might have been considered positive, especially for a male lover of a married woman. In the sagas, adultery is punished more severely than in Norway. Another difference is that both genders are punished equally harsh in the sagas, while in Norway it was women who might have been punished harsher than men. Besides, the fact that not all cases of adultery are punished in the sagas, and because of the sympathy one is led to feel for the sinners, it seems that a uniform norm against adultery is lacking.

Finally, when it comes to divorce, the Norwegian sources present a number of new legal reasons for divorce, compared to the sagas. Therefore, it might be said that the sagas were stricter on giving divorce. This might explain the high adultery rates, or the occasional drastic attempts to end a marriage. Besides, because adultery was most often committed by women in the sagas of chivalry, it was men who would have had the right to divorce most often. We have seen, however, that men did not always desire a divorce, even if they had the right to divorce, because of strong emotional bond. In Norway, the picture might have been the opposite, and therefore, it might have been women who desired divorce most often.

Thus, it is shown that when read at the Norwegian court, the sagas of chivalry might have been perceived as similar to the native mentality on some issues, and different on others. Could it be said that the new model of behaviour might have had “civilising” effects on the
Norwegian court society? Below, the empirical results from the discussions around the characteristics of “civilised” will be summarised.

<table>
<thead>
<tr>
<th>ISSUES</th>
<th>SIMILARITIES</th>
<th>DIFFERENCES</th>
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</table>
| 1.1. Arrangement of marriages | - Marriage is mostly a contract.  
- Church’s consensus theory is known, but applied to a lesser degree. | - In SC: disregard social norms because of Love; in Norway, follow the Church’s demand for consensus |
| 1.2. Prerequisites and Hurdles for marriage | - Economical demands for marriage for both sides.  
- The ideal jafnræði is relevant, and difference in social class may hinder a marriage.  
- Age is relevant prerequisite. | - Incest is not considered as a hurdle for marriage in the SC, while it is very problematic in Norway.  
- In SC the “sin” is more serious |
| 2.1. Sexual relationship before marriage | - A common Christian norm, condemning all extramarital sexual relationships.  
- The norm was often disobeyed in both realities. | - The frequency of this phenomenon might have been higher in the SC  
- SC – clearer on emotional issues; Norwegian sources – more verb use  
- SC – Love more often an inspirational factor to disrespect norms. |
| 2.2. Legitimacy of offspring | - A child born before a marriage could be considered both legitimate, on bases of parenthood, and illegitimate of inheritance. | - In SC, there seems to lack a uniform norm on legitimacy of offspring, correspondent to the Christian norm existent in Norway. |
- High rate of adultery  
- Common motives for adultery: pure sexual attraction and gaining social status | - In addition to the common reasons, every context presents a number of other legal reasons (SC: love). |
| 3.2. Who is most unfaithful, and gender of initiator | - Common Christian-like prejudices on the nature of women, as the more promiscuous gender. | - Women in the SC, and men in Norway.  
- Women may also take the initiative in the SC, while in Norway, it was mostly men. |
| 3.3. Adultery and Honour | - Adultery - negative for the person cheated on.  
- Women’s situation might be less accounted for than the respective men’s. | - In SC, adultery seems to be negative for all. In Norway, it might be positive for the cheater himself. |
| 3.4. Spiritual punishments – regret and confession | - A common norm to regret and confess sins.  
- A frequent disregard of this norm in both contexts | - In SC, greater focus on emotional punishment and suffering |
| 3.5. Actual punishment | - In most cases, the people engaged in adultery were punished in some way or another. | - In SC adultery seems to be punished more severely than in Norway.  
- In SC, men and women are punished equally, while women may have been punished harsher in Norway  
- As not ALL are punished in the SC, it might be said that a uniform norm against adultery is lacking. |
| 4. Divorce | - Common legal reasons: adultery and un consummated marriage  
- Equally difficult for both genders to get divorce, and therefore, a rather low rate for divorce | - SC present fewer legal reasons for divorce than Norwegian laws.  
- In the SC it was mostly men who desired divorce, vs. women in Norway |
2.2. Characteristics of “civilised”

Before summarising the individual characteristics, I would like to present the results from the analysis in a schematic form (see table below). Note that such presentation is rather generalising and simplifying, compared to the discussion in the analysis itself.

<table>
<thead>
<tr>
<th>Issues</th>
<th>Control of emotions and love</th>
<th>Women’s position</th>
<th>Concern with Christian norms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2. Prerequisites and Hurdles for marriage</td>
<td>- SC: easier to follow one’s heart</td>
<td>- SC: slightly liberative for women</td>
<td>- SC: more un-Christian norm and behaviour</td>
</tr>
<tr>
<td>2.1. Sexual relationship before marriage</td>
<td>- SC: greater level of spontaneity of behaviour; little control of emotions; Love as inspirational factor.</td>
<td>- SC: women given clearer voice and attention</td>
<td>- SC: more un-Christian behaviour</td>
</tr>
<tr>
<td>2.2. Legitimacy of offspring</td>
<td>-</td>
<td>- SC: equally weak women</td>
<td>- SC: more un-Christian norm and behaviour</td>
</tr>
<tr>
<td>3.1. Adultery – motives and usualness</td>
<td>- SC: little control of impulsive desires and emotions; greater focus on love as a reason</td>
<td>-</td>
<td>- SC: more un-Christian norm and behaviour</td>
</tr>
<tr>
<td>3.2. Who is most unfaithful, and gender of initiator</td>
<td>-</td>
<td>- SC: stronger and more independent women</td>
<td>- SC: women, especially un-Christian.</td>
</tr>
<tr>
<td>3.3. Adultery and Honour</td>
<td>-</td>
<td>- SC: more equal status between men and women</td>
<td>- SC: Christian norm</td>
</tr>
<tr>
<td>3.4. Spiritual punishments – regret and confession</td>
<td>- SC: greater focus on emotional punishment and suffering</td>
<td>-</td>
<td>- SC: more un-Christian behaviour</td>
</tr>
<tr>
<td>3.5. Actual punishment</td>
<td>- SC: greater drama</td>
<td>- SC: more equal status between men and women</td>
<td>- SC: a lack of uniform Christian norm</td>
</tr>
</tbody>
</table>

Control of emotions and love

When it comes to the arrangement of marriage, I have shown that the norm for a marriage is to be arranged between two families, as an economic or political contract. Nevertheless, there are three cases in the sagas, when men show exceptional concern with the emotional side of the union, and disregard the social norm. It is explicitly said that because of love, they would not care to follow the society’s advice. Note that no woman in the sagas conducts similarly. Why this might be will be discussed in the next section. It is hard to say whether similar cases occurred in the court of 13th century Norway. Some of the used examples suggest that the Church’s requirement for consensus was known, and sometimes considered. However, the Church’s ideology might have been used as a support for one’s own
personal desires, because love would not have been a good enough argument for any marriage. In the sagas, however, it is exactly the strong love and affection that are the reasons for standing against the social norm, without any attempt to use the Church’s consensus theory as support. Therefore, I would say that the sagas of chivalry might have introduced a model of behaviour, which was less obsessed with control of emotions, and more flexible to following one’s heart, compared to the model in 13th century Norwegian court society.

Further, because of the fact that incest was not considered a sin or crime in the sagas of chivalry, marriage appears to be less restricted compared to Norway. This would have made it even easier to follow one’s desires when choosing a future spouse.

When it comes to pre-marital sex, the fact that the frequency of the phenomenon might have been higher in the sagas, suggest a greater level of spontaneity of behaviour and less control of impulsive desires and emotions. Note that this “spontaneity” of, especially male, behaviour might have been ruled by other honour-bringing factors in a macho society, like popularity amongst the opposite sex. Besides, descriptions of feelings and emotions are more explicit and clear, compared to sources, relevant for Norway. In the latter contexts, any sexual relationship is referred to by using verbs indicating actions (to talk, to enjoy, to amuse), and no direct concern with emotions is pointed out. Certainly, this does not mean that emotions were lacking, but rather, that they are more difficult to identify. In the romantic sagas, both men and women are described as rather conscious of their feelings, and sometimes, unable to control them. Besides, some of the used examples indicate that love is the only inspirational factor to disobey the existent Christian norm.

Next, I would say that the high rate of adultery in the sagas of chivalry indicates, once again, of little control of impulsive desires and emotions. Besides, the sagas of chivalry focus on love as a possible reason to commit adultery. Adultery becomes understandable to the reader when inspired by love. Further, when the punishment for adultery is described in the sagas, greater focus is put on the emotional pain the sinners experience. It has to be said, that the pain is not caused from their anger and regret, but rather because the sweethearts are separated from each other. Besides, the fact that the punishments applied in the sagas are more severe compared to Norway makes the sagas even more dramatic.

Finally, love is an important factor in the discussion on divorce, as well. On a number of occasions, even tough the social norm allowed for divorce, the protagonist did not desire it because of his love for his sweetheart. He is willing to swallow his pride because of his passionate emotions. Besides, women are represented to follow their impulsive, and rather dramatic, decisions in order to end their marriages, as the norm forbids a simple divorce.
The summary above presents convincing evidence, that the sagas of chivalry introduced a rather passionate model of behaviour to the Norwegian court society. In certain cases, the protagonists show little ability and desire to control their emotions, and purposefully behave socially unacceptable. In other cases, love as an emotion, and no other social norms, is the only inspirational factor to disregard certain rules. Finally, the high degree of pathos and drama in the sagas, as a whole, contribute to strengthen that impression. It has to be emphasised that the very character of the analysed sources may explain the difference in emotional behaviour, in the two contexts. The style of the “Norwegian” sources, like laws, religious literature and contemporary sagas, is much more conservative and unemotional than the “courtly style” of the sagas of chivalry. The difference in style, however, does not necessarily indicate to difference in actual behaviour. People in medieval Norway may have had equally emotional and passionate lives, as the protagonists in the translated literature. Having this stylistic remark in mind, it may be concluded, that judging from the highly emotional and little controlled behaviour in the sagas of chivalry, the latter may be characterised as an “un-civilising” model of behaviour to the Norwegian court society.

Women’s position

What can the comparison on marriage in the saga-of-chivalry-context vs. Norwegian context, tell about women’s position? Do the translated literature present a new structure of relationship between men and women?

In the chapter on marriage arrangements, it was shown that in both contexts, the most common type of marriage was the arranged one, with some exceptions. This type of marriage depraves women of their basic right to express their opinion, and perceives them only as a medium to strengthen the bonds between men. Often a male homosocial triangle (man-woman-man) is created, and the woman becomes the enabling force between the men. Therefore, it may be said that the sagas of chivalry described a similar man-dominated society, as existent in Norway. The latter statement may be further supported by the fact that only men’s concern with love is strong enough to win over social norms, while women’s emotional concerns are perceived as irrelevant and whimsical. The reason for this gender differentiation may have been that it was men who determined the social norms, and only they could have the strength to stand against them. Further, the love of a lady is presented as one of the most important facets of a knight in the sagas of chivalry. This might be interpreted to suggest that women were given a better status in the social hierarchy. However, it might also
further emphasize their man-dominated position. In a contest between the love of a woman, and chivalry honour, it is most often the latter that wins.

It was also shown that a contract marriage was to be arranged between two sides from nearly the same social class. It could be discussed whether this suggests equality between the man and the woman, or simply between their kin. Even if the second suggestion were closer to the reality, there were a number of strong women in the sagas of chivalry (both widows and spinsters), who were themselves concerned with the social status of their future-spouses, and thus, appeared liberated and independent.

The issue of pre-marital sexual relationship may be said to confirm a certain female suppression, because of greater importance put on female virginity vs. male when consummating a marriage. It even seems that the opposite of chastity was honourable to men. Simultaneously, women are represented as more emotionally and sexually liberated, when it comes to taking initiative, showing interest, expressing love or consenting to a proposal. In general, greater attention paid to female emotional life, and a higher and clearer voice given to them in the development of a love relationship, may suggest that the women in the sagas of chivalry were given a more independent position, compared to Norwegian women.

Regarding legitimacy of offspring, women are given little right to express opinion. It has to be said that very few conflicts exist around this theme in the sagas, which might mean that women accepted their subordinate position, never to get to determine what defines a legitimate child. It is always male children that inherit. Sometimes, however, they get their legitimacy from their mothers. So, with the exception of some important mothers mentioned, the issue of legitimacy is a man-dominated arena.

The discussion of adultery showed that it was mainly women who committed adultery in the sagas. This might take us back to the man-woman-man triangle and subordination of women to an asset item. However, it might also re-define women as independent, individualistic and daring to oppose the social norm. The initiative for an affair may be both male and female in the sagas. The suggested equality between the genders may be further supported by the fact that adultery was equally dishonourable to women and men, which might not have been so in 13th century Norway. Besides, the genders seem to be punished in a more similar way in the sagas, compared to Norway. Therefore, I would say that, besides for some exception, equality between the genders is advocated by the sagas.

Finally, the discussion on divorce indicated that it was equally difficult for both genders to get a divorce, in both contexts. Even though this is an argument for equality between the genders, I would say that it confirms the subordinate position of women because
of the different starting points of the genders, when going into a marriage. Women do not have the chance to chose themselves whom they want to marry, and are simultaneously equally restricted to divorce as men, who get to chose their spouses to a greater extent. This might explain the desperation and evil-nature some women in the sagas of chivalry demonstrate, when trying to end their marriages. The fact that men sometimes chose to stay with their cheating wives, because of their love, may further illustrate men’s dominant position. As they have chosen a wife out of love they can afford to be “noble” and accept her back. Women, on the other hand, are presented as evil and adulterous, and the reader is made to look down on them. One might see the divorce topoi from another perspective as well. No mater how women and men are represented, the text may be said to be equally concerned with depicting the events from the women’s points of view, as from the men’s. It is both women’s and men’s desire, or right, for divorce, that are discussed. Besides, women’s self-determination is sometimes astonishing. Of course, it may be discussed whether this self-determination functions in favour or against women’s cause.

In total, even though some issue (three out of eight) present women as equally subordinate to men, as in 13th century Norway, most of the discussions may advocate for stronger and more independent women in the sagas, compared to Norway. Note that the author of Strengleikar, for example, was a female, which may have contributed to the more independent representation of women in the sagas. Another explanation for the “positive” attitude towards women in the sagas may be their oral prehistory (Jónas Kristjánsson 1997:316). The female participation in the preservation of oral stories may explain for the “positive” attitude towards women in the sagas (Mundal 1983:18). It may be concluded that studied from the gender perspective, the sagas of chivalry may have introduced a “civilising” model of behaviour to the Norwegian court members.

Concern with Christian norms

The third characteristic of “civilised” is the grade of Christian faith, detectable in the sagas of chivalry. Do the protagonists in the sagas appear to respect the Christian norms? Can it be said that the saga-world is ruled by Christian norms? How do the translated sagas differentiate from the Norwegian context, in this respect?

When it comes to the arrangement of marriage, we have seen that in both contexts, marriage is more a political and economical contract, rather than a sacrament between two people who have consented to take each other, as the Church preached for. Thus, the sagas of
Chivalry may be described as a rather unchristian. There are however few cases when the love and consent between the two are of importance. However, I would not characterise that as following the Christian norm, as the focus in those cases is put on the passionate love and physical attraction between the two, and not on the common consent. The norm in the sagas, determining whom one might marry is also more unchristian than the respective norm in Norway. Incest is not considered as a hurdle for marriage in the sagas of chivalry, while it is one of the main ones in Norway. In the sagas, even first cousins may have a relationship or be married without any comment on their close family-relationship.

Premarital sexual relationships may have been more common in the sagas, compared to the context of the Norwegian court. Thus, once again, it may be suggested that the sagas’ model was un-Christian. The assumption that women in the sagas were more sexually and emotionally liberated would both oppose the Christian ideal of passive women, and simultaneously, confirm the Church’s prejudices on women as the most promiscuous gender. Further, in both contexts, inheritance was not always performed, as required by the Christian norms. Children could sometimes inherit even if they were not legitimate. The difference between Norway and the sagas is that in the latter context, there does not seem to exist a uniform Christian norm on legitimacy of offspring.

The issue of adultery is the one, which makes the sagas’ protagonists seem totally robbed of any Christian moral. There seems to be a norm condemning adultery, as the crime is shown to be dishonourable to all engaged, and is sometimes punished rather harshly. However, adultery is not always punished in the saga, and even if punished, the reader is often led to sympathise with the lovers. Besides, there does not seem to exist a consistent necessity to confess or regret the crime. Therefore, I would say that the norm against adultery is not purely Christian. In reality, adultery seems to be very common. The women in the saga, once again, behave especially un-Christian, by being rather active in their sexual relationships. This confirms the Christian prejudice on women, and opposes the Church’s ideal.

Finally, the discussion on divorce is the only one, which may give the sagas of chivalry a clearly Christian moral. The sagas allow for even fewer legal reasons for divorce than the Norwegian laws, which would make divorce less easy to get. The only divorce that takes place in the saga has legal reasons. Even though others desire to end their marriages, the lack of acceptable reasons hinders them from getting a divorce. This situation pushes them to commit yet more serious crimes, like murder, which is also condemned by the saga writer. To conclude, I would say that even though some issues, like divorce, present the sagas as sharing the Christian spirit, all the rest of the discussed topics give the opposite impression.
Not only do the protagonists of the saga behave in an un-Christian way, but also the norms in the saga fail to be consistently Christian in character. Therefore, the sagas of chivalry may be characterised as presenting an “un-civilising” example to the Norwegian court society.

CHAPTER 3. CONCLUSIVE REMARKS

The above summary shows that the results on the “civilising” character of the sagas contradict each other. On the one hand, the analysis on “control of emotions” and “Christianity” suggests that the sagas of chivalry may have had a rather un-civilising affect on the Norwegian court society of the 13th century. On the other hand, the analysis of “women’s position” characterise the sagas as a civilised example. How may this controversy be explained? One explanation may be grounded in the very foundation of the theories. It is logical and, almost expected, that theories promoting uni-linearity and male-dominance, like Elias’ theory and the theories on Christianity, would contradict feminist theory. However, I wonder how relevant it is to seek to explain the contradicting results of the analysis. To me, it seems perfectly rational if the sagas of chivalry did not have one single, unified message for the Norwegian audience. With their psychological sophistication and emotional depth, the sagas’ protagonists have proved to be complex, and not only “black or white” models. Besides, the theoretical discussions around the characteristics of “civilised” show how subjective and debatable, both the foundation and the results of the analysis may be.

Anyway, looking back at the broad thematic context of the thesis, the following question re-appears: Why did Hákon Hákonarson commission the translations of the sagas of chivalry? In the beginning of the thesis, it was suggested that the king might have commissioned the translations in order to present his court with an ideal model of behaviour. King Hákon possibly desired that he be perceived as equally strong and independent as European court societies, by sharing a feature of the continental “habitus”. Put in another way, Hákon Hákonarson may have wished to introduce a civilising model of behaviour to his court. The present study has shown that, even though not exclusively, the sagas of chivalry may have had an “un-civilising” effect on the Norwegian court, and therefore, might have functioned in the opposite way as to what the king may have intended, at least when it comes to marriage.
Some comments on the causality between the sagas of chivalry and the Norwegian context

Now that I have come to the end of the argument, and found out that the sagas of chivalry may have had civilising affect on the Norwegian court on some aspects, and less civilising affect, on other aspects, I would like to comment on the actual causal relationship between the two contexts. The whole analysis and discussion has aimed to define the potential affect of the sagas. But, is it possible to say anything about the actual effect the sagas of chivalry had on the Norwegian court society? Further, if such causality may be traced, on which level is the cause-effect relationship most substantial – on the level of mentality and behaviour, or on the literary level?

Through the comparison of various aspects of marriage in the sagas of chivalry contra the Norwegian court society, a number of similarities outlined themselves: marriage seemed to be a political or economic contract in both contexts; Christian norm condemning any extra-marital sexual relationships was commonly disregarded in both contexts; divorce was equally difficult to obtain in both contexts. Even though there existed many differences as well, the number and the character of the similarities make it reasonable to think that members of the Norwegian court might have potentially seen the sagas as an actually realistic and acceptable model of behaviour. I do not claim that only because of the introduction of the romantic sagas, people in the Norwegian court would have changed their behaviour. Rather, the similarities between the two contexts may be seen as a bridge, or a common ground, which might have made the translated literature seem familiar, on mentality level, to the local Norwegian public. Norwegian court members might have possibly identified themselves with some of the emotions and experiences of the sagas’ protagonists. This causal relationship remains, however, entirely hypothetical and impossible to prove.

There is a group of sources, however, which may indicate that European love lyrics did inspire Norwegians towards more romantic and passionate expression of emotions. The sources, in mind, are runic inscriptions of love lyrics in Latin, found at the Bryggen in Bergen. One example is a runic inscription, from around 1300, with the medieval secular poems Amor habet superos and Axe Febus aureus, from the poem collection Carmina Burana, dating to the 13th century:

Virginis egregiae ignibus calseco
Et eius cotidie in amorem cresco.
Sol est in meridie nec ego tepesco.
(Liestøl 1974:28)

I burn with love for the beautiful girl
And daily my love for her grows.
The sun is in the south, nor do I grow cool.
Another runic inscription presents refined and artistic strophes in court meter (dróttkvætt), which may be translated as follows “For me love turned early towards the beautiful dangerous woman” (Seim 1988:14). The inscription ends with an excerpt from Virgil’s Elogiae: “Omnia vincit amor, et nos cedamus amori” (“Love conquers all, let us yield to love”). The verse was probably written by a man “in honour of his beloved” (Liestøl 1974:28). Note that because of the great popularity of the excerpt, the latter has been interpreted as a writing-exercise, or as an expression of the love between God and humanity (Bandlien 2001:185). Anyway, it has been suggested that finding such lyrics in Bergen is not astonishing, as the city was a centre of commerce, and ecclesiastical and secular administration. Norwegian clerics of the period, who were engaged in the administration, did study at French universities, where songs of the type were rather popular (Liestøl 1974:28). There exist only few other examples of Latin love-strophes in Bergen (dekor amenita and flos amoris), which further indicate the suggested interest for love poetry (Bandlien 2001:185). It has to be said that there are many other runic inscription, dealing with love-themes, but of a more vulgar and simple character. The main difference between those and the Latin lyrics, is the latter’s focus on the psychological aspect of love. Thus, the carved love poems, even though not directly citing elements from the chivalric sagas, may indicate that European romantic poetry and stories were circulating among the Norwegian population, and may have possibly inspired towards the romanticizing of language and behaviour. Further, as members of the royal hirð did mingle with common people at brothels, it might be suggested that the European love ideals might have functioned as marking the social stratification (Bandlien 2001:189).

I would just like to mention that another causal relationship between the two sources might be established on a literary level. Many have pointed out that the translations of the chivalric saga may have also influenced, stylistically and thematically, the local literature as well (Jónas Kristjánsson 1997:238, 256-57, 264, 337; Carney 1979:197, 225-228). It has to be said that other scholars disagree and discuss the degree of literary influence from Europe on the Nordic sagas (Carney 1979:225). I do not wish to discuss the issue of influence in detail here, but just to mention the main themes, that may have appeared under European influence. Greater attention to physical beauty and splendour is given in the younger Icelandic sagas. Emotions, while concealed and implicit in the earlier sagas, were now attributed to, especially, female characters at moments of distress (Jónas Kristjánsson 1997:220). Love also seems to become a more common emotion, worth writing about. A thorough examination of causality on literary level may be a topic for a further study on the chivalric sagas.
Suggestions for further studies

A final topic that I wish to address is the possibility of widening the thematic frame of this study. In this thesis, I restricted myself on three main levels. First of all, when studying the civilising affect of the sagas of chivalry on the Norwegian court society, I chose to only focus on the topoi of marriage and its various aspects, as a thematic boundary of my study. The frame I set encompassed a range of questions that was possible to cover in a master-thesis. However, the civilisation affect of the sagas may be studied from another, all-covering perspective, and namely the world-cosmology these sources present. Such a study will, however, be more demanding, both temporally and spatially.

Second of all, when choosing my primary sources, I decided to concentrate and do a detailed analysis of only four sagas of chivalry. My criteria for choosing those four sagas was that in their introductions it is specifically mentioned that they were translated under the commission of king Hákon Hákonarson. However, there are a greater number of sagas of chivalry that are thought to have been translated in the same context, even though this is impossible to prove. Therefore, a study of a greater number of sagas could be another way to widen the scope of this study.

Finally, the aim of this thesis was to make a synchronic comparison between two contexts, the sagas of chivalry and the Norwegian court society, focusing mainly on the second and third quarters of the 13th century. Opening the temporal borders of the Norwegian context would be another way to further build on the present thesis. Studying the development of marriage, for example, from the heathen to the Christian period and studying how the message from the sagas of chivalry would fit within this development, may be another interesting problemstilling.

The suggestions above make it clear that there are numerous modes of using the sagas of chivalry as relevant sources for historical studies of medieval Norwegian society.
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