

Law

Chief Instruments of Punishment Today

Criminal Law: Incarceration

Objectives:

1. Incapacitation
2. Deterrence
3. Rehabilitation
4. Retribution

Chief Instruments of Punishment Today

Criminal Law: Incarceration

Objectives:

1. Incapacitation
2. Deterrence
3. Rehabilitation
4. Retribution

Civil Law: Fines

Objectives:

1. Compensation
2. Retribution
(punitive damages)
3. Deterrence
(exemplary damages)

Branches of Government Today

Legislative

Drafts law
(Parliament)

Executive

Enforces law
(Head of state;
ministers)

Judicial

Interprets law
(Judges)

Branches of Government in Medieval Iceland

Legislative
Courts

Executive

Judicial
Courts

Chief Instruments of Punishment in Medieval Iceland

Criminal/Civil Law

1. Fines

Objectives:

1.1 Compensation

2. Outlawry

Objectives:

2.1 Deterrence

2.2 Retribution

2.3 Incapacitation

Chief Instruments of Punishment in Medieval Iceland

Criminal/Civil Law

1. Fines

Objectives:

- 1.1 Compensation

2. Outlawry

Objectives:

- 2.1 Deterrence
- 2.2 Retribution
- 2.3 Incapacitation

Christian Law

1. Fines

Objectives:

- 1.1 Deterrence
- 1.2 Retribution
- 1.3 Compensation

2. Outlawry

Objectives:

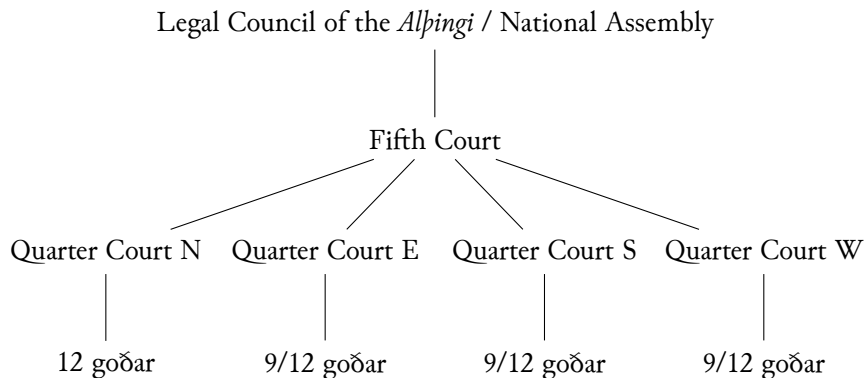
- 2.1 Deterrence
- 2.2 Retribution

In the 1270s, Christian law became as much about the King as about religion.

The Nature of Punishment in Medieval Iceland

- ▶ Reflects rural nature of early Germanic dispute settlement
 - ▶ Based in kinship
 - ▶ Compensation or retribution
- ▶ Plaintiff in charge of enforcement → **saga material**

The Judicial Organization of Medieval Iceland



- ▶ Legislative and judicial branch in one; no executive branch
- ▶ Each free man could choose what regional goði to support
- ▶ All free men were expected to attend the National Assembly
- ▶ Numbers of chieftains vary by source and period
- ▶ 9/12: the additional seats existed in the Alþingi's Law Council only

Outlawry

The condition of being systematically denied legal protection.

- ▶ **Full outlawry** (*skóggangr*), i.e. for life. The toughest ruling in medieval Icelandic law.
- ▶ **Lesser outlawry** (*ffjörbaugsgarðr*), for three years.

Both forms of outlawry entailed the forfeiture of all property.

Oral Law

- ▶ The lawspeaker (*logsögumaðr*) was charged with reciting / reading out the land's laws at the annual *Alþingi*, one third per session
- ▶ Laws reportedly first written down in 1117–1118; the office of *logsögumaðr* would have gradually lost some of its urgency thereafter

Bibliography

- Dennis, Andrew, Peter Foote, and Richard Perkins, trans. *Laws of Early Iceland*. 2 vols. Winnipeg: University of Manitoba Press, 1980–2000.
- Miller, William Ian. *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland*. Chicago: University of Chicago Press, 1990.
- Sandvik, Gudmund, and Jón Viðar Sigurðsson. “Laws.” In *A Companion to Old Norse–Icelandic Literature and Culture*, edited by Rory McTurk, 223–244. Malden, MA: Blackwell, 2007.