

# The View of Blood Vengeance in Medieval Norwegian Sources<sup>1</sup>

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The picture we have of Old Norse society as a feuding society where blood vengeance flourished is essentially based on the Icelandic sagas. The sagas of Icelanders (*Íslendingasögur*) describe a feuding society in the period before Christianization. Blood vengeance is also a theme in the contemporary sagas which describe events in the twelfth and thirteenth century – even though the violence described in this literature is normally more closely connected to the political struggle for power than to ordinary family feuds. The Icelandic sources leave no doubt, however, that blood vengeance continued to be practiced in Iceland during the Free State period and later, but the sagas of Icelanders, which idealize the pre-Christian period and the hero who defends his honour, most likely give an exaggerated picture of how common blood vengeance was.

The Norwegian sources are less rich. In some cases the blood vengeance described in the sagas of Icelanders takes place in Norway, and the kings' sagas normally describe the Norwegian condition whether the author is an Icelander, an Icelander living in Norway or a Norwegian. In the cases where the author is an Icelander, it would be reasonable to assume that he was influenced by Icelandic conditions and described blood vengeance in accordance with the Icelandic practice. It is, however, very difficult to point out differences between the two countries in the descriptions of blood vengeance in literary sources. This may be because blood vengeance was still practiced similarly in the two countries at the time the saga literature was written. At least some authors may also have been aware that the conditions under which blood vengeance

<sup>1</sup> This article is based on a paper read at Leeds International Medieval Congress, 12–15 July, 2004.

was practiced were even more similar in the time described in most of the sagas than in the period in which they were written.

Blood vengeance was closely connected to honour – to the necessity of re-establishing the honour of a man or a family if it had been damaged. Blood vengeance was also closely connected to a certain kind of society, one where the central power or authority of the state was weak and the families had to rely on themselves to protect their lives and property.

Christianization, which took place in Norway and Iceland at about the same time, would, over time, change ideologies with roots in the heathen culture. The opinion that all injustice should be avenged to protect one's honour, and if necessary by killing, would come in conflict with Christian ideas such as forgiveness, humility and the commandment "Thou shalt not kill". We must assume that from the very beginning the Church worked against blood vengeance, but with what vigour we do not know. While both Norway and Iceland were Christianized around the year 1000, and the Church was established in both countries with bishoprics in the eleventh century, only Norway was a kingdom at the time of Christianization. Iceland continued to be a Free State without an executive power until the union with Norway in 1262/64. The fact that blood vengeance continued to flourish in Iceland – though probably more in literature than in reality – has often been seen in connection with the absence of an executive power. Whether there was less blood vengeance in Norway than in Iceland in the first centuries of the Christian period cannot in fact be determined. However, as time went on the kings of Norway probably began to see the institution of blood vengeance as inconsistent with the king's role as lawmaker and protector of law and order in his country. Therefore, if the joint forces of the Church and the king in Norway were both working against blood vengeance, we would expect a slightly different development in the two societies regarding the use and view of blood vengeance. It is therefore of interest to look for the impact of the king's work against blood vengeance in Norwegian sources. The laws are the most valuable sources for this as it is here that we can expect to find reflections of the king's policy as a lawmaker. People's view of blood vengeance may also be reflected in the laws, although perhaps more indirectly. Attitudes towards blood vengeance find expression

in literature of different kinds. The author of *Konungs skuggsjá* (*The King's Mirror*), from the middle of the thirteenth century, comments on the phenomenon, and blood vengeance is a theme in many Norwegian ballads which probably reflect attitudes in the late Middle Ages and later.

The Old Norse language does not have a word for 'blood vengeance'. There is only a word for 'vengeance', *hefnd* (f.), and the corresponding verb is *hefna*. These words are used both when a person beats someone who has beaten him first, when a person calls someone names who has abused him first, and when a person kills someone to avenge a killing of a kinsmen or an earlier serious insult. *Hefnd* is, however, also used as a word for 'punishment'. Thus, in some cases it may be difficult to decide whether the laws describe the old institution of blood vengeance which was carried out in the family's own interest to protect the family honour, or whether *hefnd* was sometimes in reality a death penalty which people were instructed or encouraged to execute on the king's behalf. I will return to this question later.

In the oldest layers of the Norwegian laws there are rather many cases in which a man can legally avenge himself by killing. If we take our point of departure in *The Older Gulathingslaw*,<sup>2</sup> the law of the district of Western Norway which probably reflects the oldest stage found in the preserved laws, it is stated that a man is allowed to kill someone immediately, without first bringing the case to court, in the following circumstances:

- if he finds a man in bed with his wife, sister, daughter, mother, stepmother, his brother's wife or his son's wife (ch. 160);
- if he catches a thief stealing food from his storehouse or an animal from his cattlehouse or fold (ch. 160);
- if he, or the people he is with, are attacked, he can kill in defense, and if the people he is with are killed, he can go after the killer and take revenge by killing him (see, for example, chs. 152, 167, 171, 189, 195).<sup>3</sup>

2 In *Norges Gamle Love* 1. Parallels to *The Older Gulathingslaw* in other Norwegian laws can be found under the entry words *hefna* and *hefnd* in *Norges Gamle Love* 5. Parallels in the laws of the Icelandic Free State can be found under the entry word *vígt* in *Grágás* 1883.

3 Jørn Øyrehaugen Sunde has discussed blood vengeance in the cases mentioned above (Sunde 2005: 56–63). He points out that blood vengeance as described here has many parallels in laws outside Scandinavia. See also Sunde 2006.

These may be regarded as examples of the right to defend one's own life and property, the lives of people a man was expected to defend, and the lives and honour of the kinswomen. These cases are, in principle, different from blood vengeance as practiced in a feud. The examples above describe immediate and spontaneous reactions to a killing. In cases where men had to run after the killer, it is obvious that revenge did not take place at the location of the crime, and occurred only after some time. The Norwegian laws do not say how much time the avenger had to carry out the act of revenge, but if we look at the parallels in Icelandic laws, in most cases revenge had to be carried out within the same day. Only in the most serious cases – killing and rape – could the offended part in some special cases wait longer, but he had to take revenge before the next Thing. In these cases the avenger had time to prepare himself and plan the revenge. This is typical of blood vengeance as practiced in a feud. However, as the feud is described in saga literature, there was no time limit for revenge. Blood vengeance could take place many years after the killing or insult that caused the act of revenge. There is another even more fundamental difference between the cases of legal blood vengeance mentioned above and those in a feud. In the cases above, blood vengeance was directed towards the criminal himself. In a feud, revenge would not necessarily be directed against the offender, but could be directed against anyone of his kinsmen, preferably the best men of the family.

There was also a case, other than those mentioned above, where a man, according to the older layers of the laws, could legally defend himself with blood vengeance. *The Older Gulathingslaw* (ch. 196) gave a man the right to avenge himself with blood vengeance if he was accused of having given birth to children, of having been the sexual partner of another man (in which he played the sexual role of the female), or had been compared to a female animal of any kind or to a whore (ch. 196).<sup>4</sup>

Insulting words were normally not reason enough for blood vengeance: *skal orð orðs hefna*, '[insulting] words shall be avenged

4 Parallels to *The Old Gulathingslaw* in other Norwegian laws can be found under the entry word *fullréttisorð* in *Norges Gamle Love* 5. Parallels in the laws of the Icelandic Free State can be found under the entry word *vígt* in *Grágás* 1883.

by [insulting] words', as it is written in *The Older Frostathingslaw*<sup>5</sup> (x, ch. 35). However, serious insults did result in a fine, and only especially libellous words gave a man the right to avenge himself with blood vengeance. Nor do the Norwegian laws in this case say how soon the offended man must react to the insulting words in order to ensure that the killing would be legal, but according to Icelandic laws he had to react before the next Thing. As in the other cases where a man could legally defend life and honour by killing in revenge, blood vengeance had to be directed against the man who was guilty of the crime, not against members of his family.

Blood vengeance, as it was practiced in a feud, is in fact not directly addressed in Norwegian laws – nor in Icelandic laws either for that matter – before the middle of the thirteenth century. Of course any killing, even those looked upon as blood vengeance, but not legal vengeance of the type mentioned above, could be handled according to the law: the case was brought to court by the offended party, the killer and his family were sentenced to pay fines, and the killer, and perhaps some of his helpers, could be outlawed. Then the case would be settled, but only for awhile; the next revenge would start the same procedure over again, only with the two families in opposite positions. As time went on, illegal revenge could be difficult to handle according to the law since some – or even many – of the men involved in the feud would be outlawed, which meant that they could not bring a case to court and they would not be entitled to compensation if attacked.

Judging from the sagas of Icelanders, which best describe how feuds developed, we get the impression that sometimes blood vengeance was handled according to the law but that sometimes the case was not brought to court. To bring a case to court was not an option if the person who had been killed in revenge was already outlawed. The offended family had nothing to gain by following legal procedure, and if they wanted to continue the feud they had to do so outside the law. The situation must have been very much the same in Norway as in Iceland, but as time went on and the power of the king grew stronger, it may have been more difficult to get away with illegal revenge in Norway.

5 In *Norges Gamle Love* 1.

An attempt to limit blood vengeance can be observed in the Norwegian laws from the middle of the thirteenth century onwards. In the younger layers of *The Older Frostatingslaw*, probably from the last years of King Hákon Hákonarson's reign, the king appears as a legislator. The new preface to the law takes the form of a letter from the king to all Norwegians, and here, as in ch. 8 of the first section, we see for the first time a prohibition against taking revenge on someone other than the killer. The king says that killing the best men from a family in revenge instead of the killer himself has been a bad custom for a long time in this country, and it is now prohibited. The same prohibition in more or less the same wording is also found in the so-called *Hákonarbók*,<sup>6</sup> ch. 20. This law was meant for Iceland, but some chapters mention that the provision in question had already been made law in Norway. The law is therefore primarily a source for new ideas concerning law and justice in circles around the Norwegian court. One innovation in this law is that only the man who committed the crime had to pay fines, not his kinsmen (ch. 42). This legal principle is also repeated in the new law for the whole country, *The Landslaw*<sup>7</sup> (*Landslog*), given by King Magnús lagabœtir, 'the lawmaker', in the 1270s.<sup>8</sup> While this innovation was a relief for the kinsmen it led to financial problems for the criminal.

Finally, the right of kinsmen to seek revenge by killing was considerably restricted in this period. In the laws from King Hákon Hákonarson's time, kinsmen still had the right to take revenge if a killer or rapist refused to pay his fines (*The Older Frostathingslaw* I, chs. 5 and 6), and *Hákonarbók*, ch. 20, states that if a man kills without reason he is *utlægr oc ugildir ... bæði konungi oc frændom*, 'outlawed and has no legal rights ... as regards both the king and the family [of the dead]', which means that not only the king but also the kinsmen of the dead man had the right to kill him. To kidnap or run away with a man's wife was another crime for which kinsmen retained the right to kill; according to the law it was more serious to steal a man's wife than a man's cow. Such men are *obota menn bæði fire konungi oc karle dræpir oc deyddir hvar sem þeir*

6 In *Norges Gamle Love* 1.

7 In *Norges Gamle Love* 2.

8 The provisions are found in section x at the end of the law.

*verða stadder*, ‘men for whom no compensation shall be paid as regards both the king and [other] men, they can be killed and put to death wherever they are’ (*Hákonarbók*, ch. 20). The phrase *bæði fire konungi oc karle* indicates that not only the king and his men were allowed to kill the criminal in such cases, but other men as well. The phrase that a man is *dræpr bæði fire konungi oc karle*, ‘that a man can be killed both by the king and other men’, is also found in *The Landslaw* (IV chs. 3 and 4). Here it is stated that a man has the right to kill to defend his property and his kinswomen, but in this law punishment by the king has, in principle, replaced blood vengeance (IV, ch. 16).

It is obvious that King Hákon Hákonarson and King Magnús laga-bœtir played a very active role in reducing the practice of blood vengeance in Norway. The question is whether the earlier kings did not try or simply did not succeed in bringing blood vengeance under their royal control. At first glance it may seem as if the people of Norway were even more eager for revenge than Icelanders were. *The Older Gulathingslaw* (ch. 186) states that a man cannot receive compensation more than three times if he does not avenge himself in between. If the king wanted to reduce the use of revenge and the number of killings – which was the king’s explicit policy in the thirteenth century – one would think that revenge as a prerequisite for receiving compensation would have given the freeholders’ ideas. On the other hand, the free farmers were normally more interested in the right to avenge themselves than in a duty to avenge themselves; and seen from the king’s point of view, vengeance could have a deterrent effect on negative elements in society. If we compare the laws from the Free State of Iceland and the kingdom of Norway in the period before the middle of the thirteenth century, which give men the right to protect themselves and their interests by killing in more or less the same cases, there is one interesting difference. In the Norwegian laws men are not only granted the right to take revenge, they are in some cases strongly encouraged or even instructed by the law to pursue a man and kill him. If a man is killed on a ship, “then it is good if he is avenged or thrown over board”, *The Older Gulathingslaw* (ch. 171) states. The same law also states that if a man kills someone in a group and runs away to the forest, the rest of the group has to run after him; and it is implied that they should kill him. *The Older*

*Frostathingslaw* IV, ch. 9, commands that if a man is killed (*hoggvinn*) at the Thing, all men should run after him to the forest. The next chapter states that if a man is wounded at the Thing, all free men ought to run after the criminal. Chapter 13 in the same section of the law stipulates that if a man is wounded, wherever he is, all free men should run after the evil-doer. In all these cases it is implied that everyone should run after him to kill him.

Another interesting request for the family of a man who has been killed to pay back with blood vengeance is found in *The Older Frostathingslaw* IV, ch. 33, and in *Hákonarbók*, ch. 22. According to these laws the kinsmen of the dead are allowed to kill a woman who has killed her own husband or caused his death. In Old Norse culture, women were normally not the target of blood vengeance. To kill women and children would have been shameful. If a woman was guilty of killing, revenge would most likely have been directed against one or more male members of her family. The provision could be seen as a request to kill the evil-doer instead of an innocent man from the woman's family.

There is, however, one law in particular which indicates that earlier kings at least tried and had limited success in taking over the families' old right to settle their own affairs. In all Norwegian laws a serious crime against a person was not only a crime against the person in question and his or her family, but was also a crime against the king, and the king was entitled to compensation. In *The Older Bjarkeyrétttr*,<sup>9</sup> the law for the towns, kinsmen and their right to receive compensation when a relative has been killed are mentioned only a few times. According to this law, income from fines was normally divided between the king and the men of the town who had more or less replaced the family. In this law we also find a very interesting example of how execution on the king's behalf could develop out of blood vengeance. In *The Older Bjarkeyrétttr* (II, ch. 13) the kinsmen of a man who has been killed are instructed to kill the murderer, but if the kinsmen were not present, one of the king's civil servants had to do the job. The cases in *The Older Gulathingslaw* and *The Older Frostathingslaw* in which the law instructs or encourages men to kill an evil-doer, could also be seen as examples

9 In *Norges Gamle Love* 1.

of how kings used the old custom of blood vengeance to promote their own interests.<sup>10</sup> When a man killed a criminal who had offended him or members of his family in revenge he was acting in his own interest, but in many cases it was also in the interest of the society to eliminate criminals. The step from blood vengeance to punishment was a short one in these cases.

At least in some cases the laws of the towns can be seen as supplementary to the laws of the surrounding districts. The differences between the two laws may therefore be smaller than a comparison of the texts seems to indicate. Nevertheless, these differences seem to imply that the king had greater power in the towns than in the rural districts. The lack of control in the districts is in fact clearly reflected in the younger part of *The Older Frostatingslaw*, given by King Hákon Hákonarson. In section 1, ch. 12, of this law the king complains about outlawed men living in the countryside, even protected by the king's own civil servants. The towns, which according to later written sources were established by the kings and were their main residences, may also have been bridgeheads for the kings' power and new ideas promoted by the king and the Church. The absence of kinsmen and extended families combined with the presence of the king in the new towns made this possible.

If the differences between Norwegian and Icelandic laws mentioned above developed as a result of the kings' interference, this could point to the kings' struggle for control as the cause, rather than new ideas. This is what we would expect in the first centuries after Christianization. The instructions or encouragements to kill the evil-doer which are found in the older layers of the laws are, however, in accordance with ideas expressed in the new laws from the middle of the thirteenth century.

<sup>10</sup> There are, however, a few provisions in *The Older Frostathingslaw* (IV, chs. 50, 51, 52) which cannot have resulted from the king's policy. These provisions state that if the king, the earl or the *lendr maðr* kills a man without reason, the farmers should kill him. It is very difficult to say when these provisions found their way into the written law and what the background for them might have been. One possible explanation could be that the king had to accept this so that the farmers would accept the duty of killing criminals in cases where they had no personal interest. For a discussion of these provisions, see Bagge 2005.

In the middle of the thirteenth century a literary work appeared which makes an interesting source for a study on the views of blood vengeance. The anonymous work *Konungs skuggsjá* (*The Kings Mirror*) was written in circles closely connected to the Norwegian king. The author regards vengeance as a duty a man has to undertake when necessary, but recommends moderation in the execution of revenge (Holm-Olsen 1983: 66). He does not question the morality of vengeance; what he finds objectionable is that the fines and the vengeance are the same whether the man who has been killed was a good and wise man or an evil and stupid man (Holm-Olsen 1983: 54).<sup>11</sup>

The ban on taking revenge on anyone other than the killer himself and the command that the criminal should pay his fines alone are innovations that could be seen, at least partly, as consequences of the Christian religion. According to Christian beliefs sin was an individual problem. When the Norwegian king argued that it was a bad custom to kill a man who had done nothing wrong, many people probably agreed with him in principle. Whether it really had been more common in Norway than elsewhere to take revenge on the best man in a family, as King Hákon Hákonarson claims, cannot be determined from the sources, and whether the new provisions actually made a difference is also very hard to say.

According to King Hákon Hákonarson's new preface to *The Older Frostathingslaw*, the main reason for restricting the use of blood vengeance was to reduce the number of killings. Whether the number of killings was actually reduced or not we cannot say, but we do know of approximately three hundred cases of manslaughter or murder in Norway in the two last centuries before the Reformation, and this is probably only the tip of the iceberg.

Criminals are to be found among all classes of society, the men of the Church make no exception.<sup>12</sup> It is often difficult to see from the sources whether a killing was regarded as revenge or not. However, there are some typical examples of blood vengeance, and a few of them

11 On the view of punishment and revenge in *Konungs skuggsjá* see Bagge 1987, especially chapter II, "The King as Judge"; Bagge forthcoming, especially the chapter "Justice, Law and Power".

12 See Jørgensen & Saletnich 2004.

clearly illustrate how the Christian culture and the old demand of blood vengeance lived side by side. A diploma from Skien (Telemark) from 1338<sup>13</sup> tells how a man had been fatally wounded by an enemy. The brothers of the dying man ran to find a priest, but on their way to the priest they met the man who had wounded their brother and they stopped to kill him in revenge. Saving their brother's soul and protecting their honour were seen as equally important.

An interesting regulation which also concerns blood vengeance was made by the bishop of Oslo in the year 1395.<sup>14</sup> The regulation is in the form of a diploma to the people from the district of Telemark, and the bishop accuses the people of this district of committing more killings than any other district in Norway. In relation to blood vengeance, it is interesting that the bishop accuses the people of this district of taking revenge after having accepted compensation, and he threatens them with "*heluitis pinu medh diæflinum siæluum*", 'torment in Hell together with the Devil himself'.<sup>15</sup> This indicates that blood vengeance continued to flourish, at least in this particular district, and that the pressure from the authorities to settle a case after having received compensation was greater than the farmers' willingness to abstain from vengeance, which some people might still have considered the most honourable resolution.

Killing as a reaction to insulting words is typical in many of the murder cases described in Norwegian diplomas.<sup>16</sup> In some cases the insults might share some traits with the type of insults found in the oldest layers of the laws which gave a man the right to avenge himself by killing. But if the killings in reaction to insults described in Norwegian diplomas can be regarded as examples of blood vengeance, in most cases they are examples of extreme proportions. Even so, in many cases minor insults seem to have led to killings.

Blood vengeance is also the theme of many ballads. The attitude towards blood vengeance in this literature, which probably reflects

13 *Diplomatarium Norwegicum* 1: 196f.

14 The regulation is preserved in a younger copy and is printed in Taranger (ed.) 1912: 328–334.

15 Taranger (ed.) 1912: 329.

16 See Solberg 2003a, especially chapters 7 and 8.

the ideology of the late Middle Ages both in Norway and in the rest of Scandinavia, is interesting in that it demonstrates that there was not only one view of blood vengeance, but many. The tragedy of blood vengeance is the theme of a ballad like *Hemnersverdet*<sup>17</sup> (*The Sword of Vengeance*). In this ballad the sword takes control and kills everyone, reflecting an attitude towards blood vengeance that is highly negative. A similar plot is found in the ballad *Mindre Alf*.<sup>18</sup> Here the avenger manages to stop the sword by mentioning the name of God. In other ballads, however, blood vengeance is more or less idealized. In the ballad *Ivar Elisson*,<sup>19</sup> the mother who is afraid that her son will be killed when taking revenge says that it is better to live with shame than to lose one's life. Nevertheless she is very pleased when vengeance is carried out. Here the attitude towards blood vengeance is ambiguous. The most common plot in these ballads is of a son who takes revenge by killing the man who murdered his father, as, for instance, in the ballad *Tiarmann i Stokkholmen*.<sup>20</sup> In such cases blood vengeance is seen as a necessary and honourable thing to do. In some ballads it is the daughters who carry out revenge, as in the ballad *Sigrid and Astrid*.<sup>21</sup> Here blood vengeance is highly idealized. The fact that daughters take revenge on the man who has killed their father emphasizes the necessity of vengeance. However, the tragedy of blood vengeance is often focused upon, even in ballads that describe revenge as a necessity. In some ballads a woman is in the unfortunate position of having lover or husband who has been killed by her father or brother and she turns against her own family and kills a close relative in revenge, as in the ballads *Herr Hjelmen*<sup>22</sup> and *Far og dotter*<sup>23</sup> (*Father and Daughter*).

Finally, we have ballads which look at blood vengeance from a humorous point of view. The ballad *Kjerringa vil skrifte*<sup>24</sup> (*The Old*

17 Printed in Olav Bø & Svale Solheim (eds.) 1958.

18 Printed in M. B. Landstad (ed.) [1853] 1968.

19 Printed in Olav Bø & Svale Solheim (eds.) 1958.

20 Printed in Olav Bø & Svale Solheim (eds.) 1959.

21 Printed in Olav Bø & Svale Solheim (eds.) 1959.

22 Printed in Olav Bø & Svale Solheim (eds.) 1959.

23 Printed in Olav Bø & Svale Solheim (eds.) 1959.

24 Printed in Solberg (ed.) 2003b.

*Woman Wants to Confess*) tells about an old woman who takes revenge by killing a nobleman who has stolen her porridge. She goes first to the bishop to confess her sin, but he sends her to Rome to confess to the pope who seems to approve of her deeds. One of the themes of this ballad is vengeance that is extreme in its proportion, and this ballad can be read as a humorous comment on killings as reactions to minor insults.<sup>25</sup>

The essentially different attitudes towards blood vengeance in sources from the late Middle Ages indicate that the views among common people were changing in this period. The tragedy of blood vengeance, especially for women, may also be a theme in Eddic poetry and saga literature. However, the ballads express this tragedy more clearly; honour can be bought at a too high price. It is also worth noting that the kind of blood vengeance which King Hákon Hákonarson looked upon as absolutely reprehensible – that which had someone other than the killer as a target – is no longer a theme in the ballads, and probably was without defenders in the late Middle Ages.

<sup>25</sup> Ballads of this type are normally late, but this ballad must be medieval and was written down in Denmark as early as in the 16th century.

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