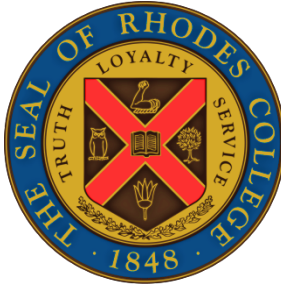


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**Happy People Have a Bad Memory and Rich Memories:
Resistance and the Culture of Remembrance in the Film**

Sonnenallee

Conor Brennan

Women and the Occult in Victorian England

Sarah Judd

**Wielding the Nonviolent Legacy: Martin Luther King and
Cesar Chavez as Mahatma Gandhi's American Successors**

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**Regardless of Marriage: Women, Lineage and Legal Ideology
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Chiara Torrini

Rhodes Historical Review

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Happy People Have a Bad Memory and Rich Memories: Resistance and the Culture of Remembrance in the Film *Sonnenallee*

Conor Brennan

I. Introduction

Films about Germany have largely centered on its Nazi past. However, since the German Reunification in 1990 the nature of the collective memory of the former German Democratic Republic (GDR) has received increased attention, both in scholarly discussion and in popular media. Thomas Brussig and Leander Haußmann's 1999 film *Sonnenallee* (*Sun Alley*, an alley in Berlin) is an important contribution to the *Erinnerungskultur* (culture of remembrance) as one of the first movies following the fall of the Berlin Wall that examines the former communist regime. The film, effectively a coming-of-age film, is a comedic, critical, and sentimental remembrance of life in the GDR. Brussig also released a novel alongside the film, *Am kürzeren Ende der Sonnenallee* (*On the Shorter End of Sun Alley*), which expands upon some of the themes in the film. The importance of memory in the film is made particularly clear when taken in context of the accompanying book and director commentary. The role of memory in shaping lived experience is at its clearest at the end of the movie – the main character, Micha, who has spent much of the film complaining and being harassed by the state, asserts that he remembers his time spent in the GDR as the “best of his life.” So much of the film is spent showing the nasty, annoying, and terrible parts of the GDR. The ending, however, is evidence of the ability of individuals to

have dealt with the state and processed their memories to make something positive out of an often negative experience. It suggests that memory is not a record of what happened. Instead, memory is the way that one makes sense of their world and their place in it based on what is important to them. The ability to separate one's public and private lives was key in creating a good memory of the GDR, for "Happy people have a bad memory and rich memories."¹

Much has been written about the role of privacy in the GDR. It was in private spheres – being among friends and family – that one was supposedly free from the prying eye of the state and at liberty to express themselves. In these private moments, the characters can criticize the regime and separate themselves from the state through personal acts of resistance. This naturally leads to the question: how could the main character make the assertion that his time in the GDR, despite all of the bad events witnessed in the film, was the 'best time of his life?' The characters are "critical but not [actively] hostile"² to the state. It will be argued that, while their 'resistance' is largely symbolic, it serves a deeper role of letting them escape the feeling of complicity with the GDR. In escaping complicity, the characters are able to create separation between themselves and the state, which allows them to dissociate their memories from the state in which they took place. Furthermore, it will be argued that the role of the private sphere in creating this layer of separation between oneself and the state is

¹ Brussig, Thomas. 1999. *Am kürzeren Ende der Sonnenallee*. Berlin: Volk und Welt. Pp. 157, "Glückliche Menschen haben ein schlechtes Gedächtnis und reiche Erinnerungen"

² Maxim Leo. *Red Love: The Story of an East German Family* (London, UK: Pushkin Press, 2015). Pp. 71

directly connected to the influence of *Ostalgie* (nostalgia for the East) on the *Erinnerungskultur* towards the GDR. By dissociating bad memories of the state from the events of one's life, people can form positive retrospective memories not only of their lives in the GDR, but also of the GDR itself. This helped create a more nostalgic attitude towards the GDR and is partially responsible for the *Ostalgie* which arose after the *Wende* (the Change, i.e. the fall of the Wall).

II. The Film

The film *Sonnenallee* was the result of work between the author Thomas Brussig and the director Leander Haußmann. Brussig was known at this point for his novel *Helden Wie Wir* (*Heroes Like Us*). Haußmann experienced his breakthrough with *Sonnenallee*, but had been working already with Detlev Buck. *Sonnenallee* would be produced by Boje Buck Production GmbH (named after Claus Boje & Detlev Buck), which had already been involved with dealing with the GDR in a comedic sense in the film *Wir Können Auch Anders* (English title *No More Mr. Nice Guy*). It is no surprise that they came together in making a comedic film about the GDR. Brussig ended up calling out to Haußmann to direct the film after reading an interview from him³, through which the connection to Boje Buck was made.

³ Haußmann, Leander, and Bettina Gries. *Sonnenallee: Das Buch Zum Film*. Berlin: Madriga, 1999. Pp. 9.

The episodic nature of the film makes it difficult to succinctly and effectively summarize *Sonnenallee*. The film is a comedic coming-of-age story. It has a few main threads which will be relevant in the scope of this paper. It will suffice here to give vague outlines of all the main characters as well as their plots and character arcs. The opening scene sets the stage for the resistance narrative which will be addressed here; it involves Micha, the main character, lamenting his birth in the GDR. From there, he goes to meet up with two other major characters, Wuschel and Mario. The former is, throughout the entire film, trying to get his hands on a copy of the forbidden *Exile on Main Street*, an album which literally saves his life. Mario, on the other hand, is more actively hostile against the GDR, and most of his plot arc revolves around him meeting his girlfriend and later around him getting in trouble with the state. Micha's plot arc revolves largely around his attempts to win over Mariam, his western-minded dream girl, and his acts of personal rebellion in the process of winning her over; acts which, ultimately, lead him to some conflict with the state, but also to be able to view his time in the GDR as the best years of his life. Other major characters include Mr. & Mrs. Ehrenreich, who throughout the film are privately against the GDR. Mrs. Ehrenreich, however, did put in specific effort to appear sympathetic in the public eye to provide her family with opportunities. Also part of the family is Micha's sister, Sabine, who is always featured with her new and constantly changing boyfriend (a party member, an actor, a Christian). Otherwise relevant is Uncle Heinz, the 'Uncle from the West', who 'smuggles' totally legal goods over the border and constantly criticizes the GDR. He ultimately ends up dying of lung cancer,

something which he constantly criticized the family's apartment for inducing via asbestos. The ugly, annoying reminder of the state and its presence in everyday life is the ABV Horkefeld, the block's police officer, who makes his presence known by butting in often and just generally being a nuisance. There were, of course, other characters, but these were worthiest of mention and relevant to the scope of this study.

III. Literature Review

Both the book and the film versions of *Sonnenallee* focus, as mentioned above, on the way the GDR remains in the collective memory and the role of *Ostalgie* in shaping and reflecting memories of the GDR. It is the episodic nature of the book and film which serve to assert such an interpretation. The episodic nature hints towards memory as a “crystallization of moments,”⁴ albeit flawed as memories are. Memories, forgetting (i.e. how what is not remembered influences memories), sentimentality, and perceived importance all come together to influence the ways which we remember and process our experiences.⁵ The last words of both the film and the book pay homage to this – the book

⁴ Cormican, Muriel. “Thomas Brussig’s *Ostalgie* in Print and Celluloid.” In *Processes of Transposition: German Literature and Film*. Leiden: BRILL, 2007. ProQuest Ebook Central. Pp. 263.

⁵ For the role of history in forgetfulness: Paul Ricoeur, “Memory, Forgetfulness, and History.” in: *The Jerusalem Philosophical Quarterly* 45 (1996). For other theoretical works on memory more generally:

Alon Confino, “Collective Memory and Cultural History: Problems of Method” in: *The American Historical Review* 102/5 (1997)

Jan Assmann & John Czaplicka, “Collective Memory and Cultural Identity” in: *New German Critique* 65 (1995).

directly touches on the concept of remembering – as the book puts it, “Happy people have a bad memory and rich memories.”⁶

Sonnenallee’s role in the *Erinnerungskultur* is also rather important. The film was, at least according to Haußmann, the first of the ‘Wall-Comedies’⁷ following the *Wende*.⁸ It is also remarkable for its contribution to the *Erinnerungskultur*, insofar as was one of the most successful German films of the 90’s and one which unashamedly – albeit not unquestioningly – embraced *Ostalgie*. Much has been said of *Sonnenallee*’s place in Brussig’s literary body as well as its place in the overall discussion about the perception of the GDR as well as East Germans’ perceptions of their role in their own history. It would be imprudent to not touch on scholarship related to this – in particular, articles from Muriel Cormican and Stephen Brockmann bring up a number of relevant points about the role of the book and film in the *Erinnerungskultur*.

Stephan Brockmann’s *Sonnenallee und die Geburt der filmischen Ostalgie* (*Sonnenallee* and the birth of filmic *Ostalgie*) focuses, as the title implies, on the film’s relevance to *Ostalgie*. Out of the slow but constant dissolution of the remains of the GDR and its material culture rose a market for *Ostalgie*, one which was – until *Sonnenallee* – left largely untouched by film.⁹ *Sonnenallee* proved that there was a market for a nostalgic and comedic, if rather critical, view of the GDR. Throughout the article,

⁶ Brussig Pp. 157

⁷ “Mauerkomödie“

⁸ Haußmann 7

⁹ Stephen Brockmann. “Sonnenallee (1999) und die Geburt der filmischen Ostalgie.“ In *Mauerschau – die DDR als Film*, ed. Dominik Orth and Heinz-Peter Preußner (Berlin: De Gruyter 2020).

<https://doi.org/10.1515/9783110629408>, Pp. 194-195

Brockmann draws parallels between the *Heimatfilme* of the 50's and *Sonnenallee*, for they fundamentally share a certain *Heimatgefühl* (feeling-of-home) towards and longing for and a time and place which no longer exists. Particularly important about these feelings is that they are attributed after the fact in order to reconcile with the past and the desire to “retroactively create a former home”¹⁰ (to retroactively create a former home). The film's coming-of-age plot structure offered various ways to create this *Heimatgefühl*. The elements which Brockmann touches upon – family, friends, love, sex, drugs, music, and desires – could just as easily have been found in a Western coming-of-age film, a fact which Brockmann brings attention to.¹¹

Cormican's article, *Thomas Brussig's Ostalgie in Print and on Celluloid*, discusses *Sonnenallee* in relation to Brussig's earlier book, *Helden Wie Wir* (Heroes Like Us), and addresses the development of Brussig's view of the GDR as well as touching on the film's relationship with *Ostalgie*. The primary focus is the discussion between *Helden Wie Wir* and *Sonnenallee*, both of which present incredibly different images of the GDR and her citizens. *Helden* is about a misfit anti-hero, born in the GDR, who overcomes his inferiority complex with collaboration with GDR propaganda and the Stasi. His small penis is his biggest insecurity, but it is enlarged in an operation to save Honecker's life; later he uses his now large member to singlehandedly bring about the fall of the wall. An absurd story to be sure, but it fundamentally is critiquing the heroes of the Peaceful Revolution and East Germans

¹⁰ Brockmann 198, “nachträglich eine gewesene Heimat zu machen”

¹¹ See: Brockmann 197, where a survey of various coming-of-age films is provided.

in general, reminding them of their complicity in the system as well as criticizing their self-image of resistance. It goes further to also criticize the Easterners for simply going along with the West's reunification and the West for not trying to actually understand the East and instead just looking for proof of the oppression of the Easterners.¹² Most deserving of critique was, however, the film adaptation of *Helden Wie Wir*, which portrayed the protagonist as a fool and thereby let him, the East Germans, and the West 'off the hook' for their actions.

Brussig's view in *Sonnenallee* is, according to Cormican, rather different. Not only is it more critical of West Germany, it also is softer and more nostalgic towards East Germany and focuses more on the intersection of memory and perception. Its focus is not necessarily on the historical reality of living in East Berlin. Instead, it's focused on "the communication, through exaggerated and absurd images, of a position or perspective on the time and on the retrospective reception of that time."¹³ As such, both *Sonnenallees* are not particularly trustworthy for conveying an accurate account of the GDR and its events – they do, however, convey an impression of what was perceived in Haußmann and Brussig's memories as being of importance and the different realities which people created to deal with the system in which they lived. While the film does have a very nostalgic and ultimately positive message, it does not let the nostalgia go unquestioned and is at times ironic. The main statement is still fundamentally that "If East Germans sometimes remember too fondly, Brussig's *Sonnenallees* contend, then West Germans often

¹² Cormican 256-257

¹³ Cormican 261

reject East German remembrances too callously.”¹⁴ *Ostalgie* is, to a degree, the result of issues of adaptation to the new, re-unified Germany – the foundation was laid by massive changes in life and lifestyle and was reinforced by West German dominance over the GDR *Erinnerungskultur*.^{15 16}

IV. Methodology and Argumentation

The framework that follows will serve as the basis for my approach to the events of the film and novel. Firstly, private spheres in the film will be established and the pervasive nature of the state and politics in private life will be discussed. With this background established, the role of ‘everyday resistance’ against the state can be addressed. Finally, these acts of resistance can be put in context of Haußmann’s statement and the *Erinnerungskultur* to connect the theme of resistance to the feeling of *Ostalgie* and the positive memories associated with the GDR. This model is

¹⁴ Cormican 265

¹⁵ Ziegengeist, Juliane. “DDR-(N)Ostalgie in deutschen Nachwende-Spielfilmen von 1990 bis 2006. Zwischen Kritik und Kult.“ *Jahrbuch für Kommunikationsgeschichte* 13 (2011). <https://www.jstor.org/stable/23346911>. Pp. 120-123.

¹⁶ For more on GDR *Erinnerungskultur*, see the following:

Stefan Wolle, „Der zerbrochene Dialog. Gespaltene Erinnerungskulturen im wiedervereinigten Deutschland.“,

Inga Markovits, „Selective Memory: How the Law Affects What We Remember and Forget about the Past-The Case of East Germany.“ in: *Law & Society Review* 35/3 (2001)

Till Hilmar, ““Economic Memories” of the Aftermath of the 1989 Revolutions in East Germany and the Czech Republic.” in: *East European Politics & Societies* 35/1 (2021).

Carola S. Rudnick, “Die andere Hälfte der Erinnerung: Die DDR in der deutschen Geschichtspolitik nach 1989.”

important as it works to answer the questions which led my research, including the following: how did people with such fundamental problems with the GDR develop such positive views towards it? For the characters of the film, their private spheres served as places where they were free(r) to express themselves and were used, as such, as places to critique the state and politics. What role did this ability to critique the state and privately resist against resist play in the retrospective perception of one's relationship to the state? Does this relationship with the state allow one to dissociate memories from it or to pose oneself as separate/against the state? And, if so, what bearing does this have on the claim that it was the best time of one's life?

Whereas the usual coming-of-age film involves external conflict between the character and other characters as well internal conflict, the main conflict in *Sonnenallee* is primarily between the character and the state and is simultaneously external and internal. The conflict with the state is ever present, whether in the constant interruptions of the local police officer on the streets, debates within Micha's house, resistance (and its consequences) within his friend group, and even in intimate moments. Micha is a completely normal teen, whose main problem is the GDR itself, as he said: "I live in the GDR. Otherwise I don't have any problems."¹⁷ The majority of his problems do indeed come from the environment in which he lives, and the political is pervasive. The state manages, albeit mostly indirectly, to penetrate the private spheres of home, friendships, family, relationships, and even one's sense of identity.

¹⁷ *Sonnenallee*, directed by Leander Haußmann (1999: Boje Buck Produktion GmbH), DVD. 00:01:28, "Ich wohne in der DDR. Ansonsten habe ich keine Probleme."

But it is also in these private spheres that the characters are able to express resistance against the state. *Sonnenallee* is, after all, a coming-of-age film, a teenage film, and one of the hallmarks of the ‘teenage’ film is the concept of resistance and rebellion against authorities.

The concept of resistance is a complex one – outright rebellion is rarely something which a state tolerates. There are only two scenes in both forms of *Sonnenallee* where characters perform actions which are actively working to bring down the state. The first of these is Mario and his girlfriend’s idea of buying the GDR’s land out and then declaring independence (featured only in the book), and the second is Micha and Wuschel leading their crowd of fans to dance across the border. Both events will be discussed later in depth; for now it is only important that the former was impossible and the latter a fantasy. In any state, acts of direct rebellion would imply taking up arms against the state, which is not what occurs in this case. No – the characters do not rebel, but they do resist.

In the case of *Sonnenallee*, the state is the GDR, a state notorious for its lack of tolerance of political resistance – as such, citizens found creative ways of expressing negative opinions about the state. Take, for example, the *Eingabe* (petition) system, which citizens used as a method of expressing dissent, often in passive-aggressively if not just aggressively worded petitions. This concept is discussed at length in Chapter 13 of Mary Fulbrook’s *The People’s State: East German Society from Hitler to Honecker*. On this matter, it is enough to say that the East Germans had clear ways in which they could express their problems with the state through *Eingaben* in ways which, if vocalized publicly, could very

well have led to arrest for sedition. *Eingaben* served to make complaining a private, individual act, thereby keeping it out of the public. The novel version of Sonnenallee also references the *Eingabe* system but reverses this dynamic: Mr. Kuppisch (the family name for the Ehrenreich family used in the novel) constantly threatens to submit *Eingaben* due to outrage from family discussions. Despite constant threats, he only submits one. This hints to the existence of other ways of complaining which did not go through state channels. This study argues that the form of resistance seen in the film is yet another distinct form of resistance, a sort of reversed *Eingabe*, in which the audience is usually oneself and one's private sphere. This form of resistance will be discussed in this essay is one I have chosen to call 'personal' or 'everyday resistance,' for its goal is not the downfall of the GDR or any other particularly lofty ambition. Furthermore, it is mostly totally harmless and largely invisible to the prying eyes of the state. It is instead focused on one's perception of oneself in relation to the state.

This 'resistance' lets the people of the GDR have a positive retrospective view of the state which they once despised. It was a way of separating one's experiences from the system in which they were experienced and a way to distance oneself from one's complicity in the system.¹⁸ This aspect is one Hausmann touches upon directly in the book retroactively released about the film, in which he praises the people of the GDR for "the small tricks and pranks that made that time tolerable and, for many, even let it

¹⁸ The idea of complicity and denial of complicity is one which was present in Brussig's earlier work *Helden Wie Wir*, as discussed earlier.

appear in their memory as the best time of their life.”¹⁹ The book and film made the argument that the political is inescapable; to counter the lack of a refuge, the East Germans found ‘tricks and pranks’ – that is, broad acts of insignificant personal resistance – as a way to ‘negate’ the negative influence of the state on their personal lives. This enabled citizens who otherwise disliked the GDR and SED to have been able to see life in GDR in retrospect in a better light.

V. Memory, the Private Sphere & Resistance in Other Works

The idea of creating a GDR in one’s memory different from that which was experienced is not unique to *Sonnenallee* and is, much like the concept of resistance, directly tied to the post-*Wende* experience of *Ostalgie*. The connection between the 2003 film *Good Bye, Lenin!* is perhaps the best-known example of *Ostalgie* in film. The film follows the attempts of a family to preserve the GDR for their mother who, following the departure of her husband to the West and her child getting arrested for participating in a protest, falls into a coma. While she is in the coma, the GDR falls, and when she wakes she is in a fragile state. To keep her alive, her family recreates the GDR in their home with furniture and by inviting friends over to preserve the illusion. Outside of the house, meanwhile, her children are integrating into life in the West. However, as the main character, Alex, gets more used to the West,

¹⁹ Haußmann Pp. 7, “kleine Tricks und Eulenspiegeleien, die diese Zeit erträglich und in der Erinnerung sogar für viele als schönste in ihrem Leben erscheinen lassen.“

he also gets more critical of the changes his home is undergoing and increasingly tired of criticism from Westerners. The film ultimately ends with the mother finding out the truth and dying. Before this, however, the family is reunited, and Alex fabricates a fictional and voluntary dissolution of the GDR to explain to his mother the presence of his father.

Many aspects present in *Sonnenallee* are reflected in *Good Bye, Lenin!* Cormican's analysis of *Sonnenallee* refers to the 'us and them' dynamic between Easterners and Westerners. This dynamic, created by the Western views of superiority and their lack of understanding or respect for the life of their Eastern countrymen, is directly tied to the creation of *Ostalgie* following the *Wende*. Cormican makes the tie between *Ostalgie* and the post-Wall West-vs-East dynamic in her discussion of Thomas Brussig's engagement with *Ostalgie* and its development from *Helden Wie Wir* to *Sonnenallee*.²⁰ Many of the Easterners were not so upset about the criticism of the GDR itself, but about the criticism of their life in the GDR – that is, it became problematic once it attacked their private and personal life. It is for this reason the methods of creating and crystallizing positive memories of the GDR are tied to private life, for it is in this sphere that the

²⁰ See Cormican 262 and 265, in which the author touches on the importance of the GDR in the western mind for comparative purposes (i.e. pointing out the weaknesses of the East German state to reaffirm West German identity), as well as touching on the lack of understanding the Westerners had of the state based on these assumptions. Examples for this are Heinz's 'smuggling' (he always 'smuggled' totally legal things over the border because he imagined the GDR as a more draconian state than it was) as well as the Western tourists (at the viewing platform and in the bus, both of which have no idea that the quality of life in the East was not nearly as bad as they thought).

accusations of the GDR being an unhappy, totalitarian, and oppressive space are loosened.

In *Good Bye, Lenin!*, the tie between private life in the GDR and the post-*Wende* memory of it is embodied by Alex's posthumous fabrication of a version of the GDR which never actually existed. He creates this image of the GDR through fabricated news reports, in which the GDR is presented not as it was, but as he would have like to experienced it: "The country my mother left behind was a country she believed in ... a country that we kept alive till her last breath ... a country that never existed in that form ... a country that I, in my memory, will always associate with my mother."²¹ The country that Alex 'created' was one created in the private sphere – it arose from a need in the private sphere and existed only in this sphere, despite all attempts to tie in the outside world through fabricated news broadcasts. Throughout the course of the film, Alex fabricates only a few news reports. Much of the television which his mother consumes are recordings of past broadcasts, suggesting that watching television in the home was, even for party loyalists, not hugely responsible for creating their memory of their time in the GDR. As Alex makes increasingly unrealistic and absurd news reports and as the outside world increasingly penetrates the private space of the home, it is the recreated GDR-era apartment as well as the cooperation of family and friends – that is, the private sphere – that preserves the illusion for Alex's mother, despite all of the clear signs of the *Wende*.

²¹ Good Bye Lenin!, dir. Becker, Wolfgang (Sony Pictures Classics, 2004), <https://video.alexanderstreet.com/watch/good-bye-lenin>. 01:55:55

A further example of the role of ‘everyday resistance’ can be seen in Maxim Leo’s *Red Love: The Story of an East German Family*. Much like *Sonnenallee* and *Good Bye, Lenin!*, *Red Love* was written following the fall of the Wall and primarily is an exploration of the divisions of the GDR on the individual, familial scale. For the purposes of this essay, his father – Wolf – is most relevant, as he is – much like the characters in *Sonnenallee* – not a fan of the regime but works with it to get by. His father is an artist and is, privately, a critic of the regime. He mostly just wanted the freedom to do his art and to be left alone by the state, but there are numerous occasions in which this very desire draws him into complicity with the state’s organs of propaganda. When Wolf is called into army service, he is put into an office job due to physical conditions and from there volunteers to do a job where he is to make art and is later trained as a projectionist. He gets access to a mostly private room adjacent to the projectionist’s office in which he can read, listen to records, and sometimes even have his girlfriend over. The room “works exactly in the same way as the GDR as a whole. Here too there are little free spaces, niches that you can disappear into.”²²

Getting such a luxury within the army was, however, not free. In exchange, Wolf does “everything as they want it”²³ and is more than willing to paint “ludicrous propaganda pictures if it means they leave him in peace.”²⁴ Wolf convinces himself that he is only doing it to sell the façade of solidarity with the state and that the state did not demand genuine belief, just cooperation.

²² Leo 69

²³ Leo 69

²⁴ Leo 70

Wolf's excuse for making himself directly complicit with the propaganda machine of the regime is that he did not truly believe in it. Wolf, during his time in the Army, intentionally pushes the boundaries of the rules and nearly gets in real big trouble for doing so – another way of resisting against the GDR. At this point, Maxim offers a bit of input which directly ties into the construct of 'everyday resistance': "Perhaps all those free spaces and possibilities were just an illusion that distracted you from the fact that you were joining in."²⁵ It is exactly this that is the goal of 'everyday resistance' – it is usually nothing of any real consequence to the state, it is done for removing one's own complicity with the state. He repeats behavior which follows this pattern later in his life when he is chosen to do stage sets for celebrations of the 750th anniversary of Berlin and does other artwork for the party, some of which gets censored. When Wolf is invited to receive the Berlin prize from the mayor of East Berlin, he does not go – he got too close to complicity. As Wolf said of conformity: "The question constantly arose of how far you can go, how much conformity you can bear without it hurting."²⁶ Perhaps it is for this critical but ultimately compliant behavior that, despite his privately shared anti-GDR opinions, Wolf is described in Stasi files as being "critical, but not hostile,"²⁷ a statement which well encapsulates the attitude of 'everyday resistance.' Interestingly, despite all of the annoyances of the state in his life, Wolf nevertheless feels a certain nostalgia for the GDR in his later years.

²⁵ Leo 70 is perhaps the best formulation of 'everyday resistance' I've seen put into text by a former GDR citizen.

²⁶ Leo 203

²⁷ Leo 71

In this case, as in the case of *Sonnenallee*, the role of private spaces and ‘everyday resistance’ in changing the individual experience of the GDR by allowing individuals to shape their relationship with the state is important to memory of the era.

VI. Private Life & The State

The concept of private life in the GDR has been the object of much research since 1983, having begun with Günter Gaus’ *Wo Deutschland Liegt*, which discusses the ‘niche society’ of the GDR, the retreat from public life, and the preservation of traditional German lifestyles and practices in the east. The private life, according to Gaus, was directly connected to the concept of leisure, of time well spent among the company of family and friends.²⁸ There are, however, several assumptions made in Gaus’ work, which Paul Betts points out in his book *Within Walls*. The most glaring of these assumptions is his denial of the role of politics in the private life – according to Gaus, the private sphere largely served to offer an escape from the penetration of the state in one’s life and to provide one, if only temporarily, with a respite from the politics that were otherwise pervasive in everyday life. Betts correctly counters this notion – the retreat into the private life was not apolitical, and sometimes could be deliberately political. It signified in many cases a desire to live one’s own life in a style of one’s own choosing; Alf Luedtke’s concept of *Eigensinn* captures this idea and emphasizes the role of the private sphere in allowing

²⁸ Betts, Paul. *Within Walls: Private Life in the German Democratic Republic*. (Oxford: Oxford Univ. Press, 2012.) Pp. 10

one to be oneself, be that unguarded and critical or simply politically apathetic.²⁹

The private sphere, as established by these sources, is effectively a state of retreat in which friends, family, and leisure activities allow one to create a space in which individuals are able to express themselves (more) freely. It is in these places that the characters of *Sonnenallee* can and do express themselves. Micha has three main private spheres in which he operates: his family, his friends, and his time with Miriam. The first among these is the most private; Micha's time spent with his family is primarily spent within the confines of their home, a rather literal private sphere. It is in this space that they – Micha, Mr. and Mrs. Ehrenreich, Sabine (& her boyfriends), and the 'Westonkel' Heinz – are free to relax and be unguarded indeed. The private nature of the home and family is made clear in the first few scenes featuring Micha's family. Mr. Ehrenreich, upon hearing the jingle for *Der Schwarze Kanal*, asks in a particularly condescending manner: "Who turned on the eastern broadcaster."³⁰ Following this, the scene turns to Mr. Ehrenreich's efforts to get the *MuFuTi* (multi-function table) set up, which lead to him calling it an "eastern piece of shit."³¹ This in turn leads to conflict between Mr. Ehrenreich and Sabine's boyfriend, a 'party member.' This serves to reveal the normal behavior of the Ehrenreich family – a family life with openly-spoken derision against the GDR. When a knock comes at the door, presumably from Heinz, who the family is expecting, Mr.

²⁹ Betts Pp. 11-15

³⁰ *Sonnenallee* 00:06:03, "Wer hat denn den Ostsender eingestellt?"

³¹ *Sonnenallee* 00:06:20, "Scheiß Ost-ding!"

Ehrenreich greets him: “You old communist hunter!”³² Upon realizing that it is not Heinz, but the ABV Horkefeld, instantly the atmosphere of the film becomes cold and awkward.

This dynamic is also found in the other circles in which Micha participates; the clearest example of this is the scene from 5:12 to 5:37 and continued from 6:35 to 10:08. It begins with Micha and his friends (mostly Micha, Wuschel, and Mario, although there are other, less important characters) talking about whether they’ll go to the army or not. None of them want to go to the army, but Micha does want to go to college, and refusing to do army service would make it nigh impossible. Mario heavily criticizes this stance, reminding them how they were planning only shortly before “to found a resistance group.”³³ Then they begin to listen to a song until AVB Horkefeld once again interrupts them after hearing one of them say the song is ‘verboten’ (forbidden). Once more, the private sphere is broken and the boys – Mario included – lose their anti-GDR edge and become defensive. The sphere only reforms once the ABV has left.

These scenes, shown towards the beginning of the film in-between scenes of Micha and his friends down in the streets, illustrate well the aforementioned aspects of the private sphere for Micha: the critique against the GDR is unmistakable, and the presence of politics in private life are immediately recognizable. Particularly interesting about the first scene is the presence of Sabine’s boyfriend (the ‘party member’) whose presence does little to destroy the atmosphere of the private sphere regardless of his political allegiance – perhaps because of his relation to the circle as

³² *Sonnenallee* 00:12:24, “Du alter Kommunistenjäger!”

³³ *Sonnenallee* 00:05:32, “eine Widerstandsgruppe zu gründen.”

Sabine's boyfriend. It is only the intrusion of ABV Horkefeld which disrupts this private sphere. In Miriam and Micha's case, the interruptions similarly come from the state – whether it be Miriam getting called up to offer her 'self-critical contribution' the FDJ event or the ABV arresting Micha for going out without his ID. Most if not all the disruptions to the private sphere come from the state, thereby reinforcing the notion that the foundation of the private life is the retreat from the public life. These scenes further reassert the importance of the private sphere in leisure, as the disruptions of the state are only temporary; once the privacy of the private sphere is restored, the more positive, leisurely dynamic returns.

VII. *Sonnenallee* and Everyday Resistance ss

If the conflict of the story stemmed from interactions with the state, the film argues that the paths to happiness were paved with small, insignificant acts of resistance against the state. This concept is reflected in some of the media retrospectively dealing with the GDR. As proof for this argument in the film, I will provide a few examples of this resistance which are directly tied to the characters' searches for happiness in the GDR.

a. Mrs. Ehrenreich – Making Peace

Micha's parents have wildly different ways of 'resisting' against the influence of the state in their private lives which are guided by their goals. We will focus here on Mrs. Ehrenreich, as her relation to the state is much more nuanced than her husbands'. Her political posturing is very important as part of her resistance.

takes place when she hears Micha asking the ‘Stasi-neighbor’ in the stairwell about his occupation. She immediately runs out calling ‘Mischa’ (the Russian pronunciation of Micha) and telling him to go study for college in Moscow. She follows this up by asking the Stasi-neighbor if she can borrow some blankets for their “guests for the 10th youth festival [...]” as “one must help the *Freie Deutsche Jugend* [...]”³⁴ Immediately after the neighbor has closed his door, Mrs. Ehrenreich sticks her tongue out in the direction of the door and, upon returning to the privacy of the family’s apartment, says, “I really fooled him. Yeah Micha, that’s how you have to do it. Imagine what a good report he’ll write to his commanding officers about us, hmm?”³⁵ In this scene, she publicly portrays herself a good socialist mother, but privately treats her outward compliance with the system as a means of resistance. This compliance is to her only valuable insofar as it provides her children with opportunities³⁶ and keeps the state out of her business. Nevertheless, she distanced herself from her complicity by turning her moments of cooperation into deliberate acts of deception to ‘trick’ the state into thinking she truly is an ideal socialist mother.

This is evidently enough for Mrs. Ehrenreich to make a certain peace and happiness with her life in the GDR. As proof for

³⁴ *Sonnenallee* 00:41:45 – 00:42:10, “Gäste zum zehnten Jugendfestival [...]” and “[.] man muss die FDJ doch helfen [...]”

³⁵ *Sonnenallee* 00:42:16 – 00:42:24, “ “Den hab’ ich schön eingelegt. Ja Micha, so muss man das machen. Was meinst du, was der jetzt für ein guten Bericht über uns schreibt an seiner Führungsoffizieren, hmm?”“

³⁶ Refer to the scene at *Sonnenallee* 00:17:55. When Mr. Ehrenreich says that he would never allow his daughter to join a party, Mrs. Ehrenreich protests, “Was, ihr soll wohl auch nichts werden oder wie?” (What, should she also amount to nothing?)

this, I point to her escape attempt, which is important more for its failure than its success; Mrs. Ehrenreich, despite having a good opportunity to escape to the West, chooses to stay in the East. The escape attempt developed vaguely as follows: around the 14:30 mark at the end of the ABV's visit, he announces that a western passport has been lost and, should it be found, it is to be turned in. After he leaves, it is revealed that Mrs. Ehrenreich has it in her possession; later in the film she is seen applying makeup to try and look like the woman on the passport. Once confident, she goes to attempt the border crossing, but ends up turning back. In doing so, she shows clearly that she has made peace with her life in the GDR; it might not be optimal, but her family and her resistance allows her to lead an enjoyable life in the East. This is represented by the events that follow the failed escape. She returns home and takes off the makeup which makes her look much older than she was. This ends up making her look younger, and when her husband sees her, there is a clear moment of affection which ends with them retreating into the bedroom and closing the door on the camera. On one end, it signals an implicit 'making of peace' with the system; she has arrived at a relationship with it which is sustainable, if not ideal. But on the other end, she still is resisting subtly – she (presumably intentionally) sexualizes herself for her husband, thereby going against the “[female ideal of] no makeup [...] as

well as the model of the asexual East German worker/mother.”³⁷ She maintains her model of resistance later in the film.³⁸

The second example I will give deals with Micha and his friends; more specifically, I will discuss Mario, Micha, and Wuschel and the varying forms of resistance practiced by these characters. Mario and Micha are quite similar, although Mario is considerably less willing to conform with the state from the very beginning.³⁹ However, their relation to the state is mostly shaped by what is fun; in the first few scenes of them together, we see them: messing with a GDR officer;⁴⁰ listening to a ‘forbidden’ song;⁴¹ fooling a group of western tourists into thinking they’re starving;⁴² dancing to western music;⁴³ and adding letters to a Leninist quote in a classroom environment, making it inappropriate and embarrassing the teacher.⁴⁴ While none of these acts are

³⁷ Uta G. Poiger, “Rock ‘n’ Roll, Female Sexuality, and the Cold War Battle over German Identities.” *The Journal of Modern History* 68, no. 3 (Sept. 1996): <http://www.jstor.org/stable/1978286>. Pp. 596

³⁸ Refer to *Sonnenallee* 01:17:35, where she ‘smuggles’ Heinz across the border back to her family in a coffee tin. She presents herself at the border as being transparent and working within the limits of the system – coffee wasn’t forbidden and could be brought across – but she views it as an act of ‘smuggling,’ which is to say an illegal act. It is, at least to her, an act of resistance.

³⁹ Refer to the *Sonnenallee* 00:05:12 to 00:05:37 and continued from 00:06:35 to 00:10:08, which was discussed previously in this essay under the subheading “Private Life & The State”

⁴⁰ *Sonnenallee* 00:04:09

⁴¹ *Sonnenallee* 00:07:06

⁴² *Sonnenallee* 00:10:00

⁴³ *Sonnenallee* 00:24:42

⁴⁴ *Sonnenallee* 00:27:11 – 00:27:51; the quote: “Die Partei ist die Vorhut der Arbeiterklasse!” modified by Mario to „Die Partei ist die Vorhaut der Arbeiterklasse!”

exactly revolutionary, they fit well into the model of ‘everyday resistance’ – small acts which serve to paint an image of oneself as more actively against the state than one truly is, but also are just fun.

b. Wuschel – Music as Freedom

For Wuschel, music is life. The emotional climax of the film begins at 1:09:25 and lasts until 1:13:29. There are three main events which occur in the space of these few minutes which are pivotal to the remainder of the film, the main event being Wuschel getting shot by the ABV. Wuschel’s efforts throughout the entire film aim towards getting his hands on a copy of *Exile on Main St.*, the 1972 album from the Rolling Stones. The choice of the Stones is certainly not accidental – the band, was for the SED not just another Rock n’ Roll band, but the “incarnation of imperial decadence.”⁴⁵ The subversiveness of the music is directionally proportional to how cool it is. As such, Wuschel is interested in what he perceives as cool, western music. Take, for example, the ‘forbidden’ song mentioned earlier. Towards the beginning of the film, Micha and his friends listen to the song “Moscow” by Wonderland, which is recorded onto a cassette. It is repeatedly described as being ‘forbidden,’ but – as Wuschel makes clear – they do not understand why it is banned, assuming it is even

⁴⁵ Andrew Wright Hurley, “After The GDR’s ‘Musical Niche Society’? Popular Music in the Literature of Thomas Brussig,” in *Into the Groove?: Popular Music and Contemporary German Fiction* (Boydell & Brewer, 2015), <https://www.cambridge.org/core/books/into-the-groove/3CD8499E3EEEEBD1451B236467846AF88>. Pp. 162, “Inkarnation imperialistischer Dekadenz.”

banned at all. Only the (completely inoffensive) lyrics are given as a reason. 'Verboten' is, as Micha explains to the ABV to try to convince him to not take the cassette, youth speak that basically means cool.⁴⁶ The idea that the subversiveness of a song is directly tied to its perceived coolness is shown in Wuschel's active dislike for music from the GDR.⁴⁷ In listening to this music, he had the feeling of working against the system, of being free, a sentiment – as will be shown – which is echoed in the ending of the film. It is in this method that Wuschel distances himself from the state and, despite a lack of any actual subversive action, is able to view himself as something of a rebel.

This sentiment towards music is one which was shared by Brussig himself: “[While listening to music to be used in *Sonnenallee*,] ‘I felt myself instantly transported back. That rebellion and anger that the music enunciated. That feeling of freedom or the emotion of being stronger than everyone else.’”⁴⁸ At the climax of the film, Wuschel finally got his hands on a copy of *Exile* and arrives at the *Sonnenallee*. The scene ends up being a watershed moment for Micha too. As Wuschel arrives, the border guard tries to plug in a confiscated Japanese stereo system but ends up shorting the grid and the power goes out in the border area, leading to general alarm. Wuschel is told to stop by the ABV, but,

⁴⁶ *Sonnenallee* 00:07:35

⁴⁷ Refer to the dance scene at *Sonnenallee* 00:22:24. The Pudhy's – perhaps the best-known GDRock band – are playing in the background, at which point Wuschel exclaims “Arschmusik hier!” (Shit music here!). Even the ‘coolest’ GDR music is, for Wuschel, shit.

⁴⁸ Hurley Pp. 169, “ “Ich habe mich sofort wieder zurückversetzt gefühlt. Dieses Aufbegehren, diese Wut, die aus der Musik sprach. Dieses Gefühl von Freiheit oder von Stärker-sein-als-alle-Emotionen! “

thinking that his record will be taken, he makes a run for it and is shot. During the alarm, Mario is informed that his girlfriend is pregnant and Micha works at his journals. They all rush to Wuschel's still body, but he turns out to be alive, saved only by the 'subversive' western record which stopped the bullet – his life has literally been saved by his music.⁴⁹ While Wuschel cries over the destruction of his copy of *Exile*, Mario and Micha have had profound changes in attitude towards the state. The scene ends the last of Micha's retroactive journal entries: "I'm waiting and waiting for something that won't happen. I have decided to build an active resistance group myself, with friends who know what it's about: a life for which, just like me, is not a game."⁵⁰

c. Micha & Mario – Love and Pushing the Boundaries of Resistance

The role of Micha's journal is rather important to his character arc with Miriam and to the topic of resistance as, for both Micha and Mario, romantic interests end up being tied to furthering their resistance. This is more pronounced in Micha's case. His romantic interest, Miriam, is attracted to Westerners, which is made abundantly clear when she is seen making out with one at the school dance.⁵¹ Upon seeing this, he (correctly⁵²)

⁴⁹ Hurley Pp. 173

⁵⁰ *Sonnenallee* 01:13:13 – 01:13:30, "ich warte und warte auf etwas, das nicht passiert. Ich habe mich entschlossen, selbst eine aktive Widerstandsgruppe aufzubauen, mit Freunden, die wissen worum es geht: ein Leben für die es genau wie für mich kein Spiel ist."

⁵¹ *Sonnenallee* 00:25:39

⁵² See the dance scene at *Sonnenallee* 00:24:40 – 00:25:30. When Micha asks Miriam to dance, she laughs him off. Only when he and his friends dance along

realizes he needs to be more western should he want to impress her, to which end he ends up putting himself in conflict with the state. For inviting the Westerner, Miriam is required to offer a ‘self-critical contribution’ at the FDJ-Wahl. Upon seeing this, Micha is determined to also get this punishment. To this end, he takes the blame when Mario messes the Lenin quote up and is indeed punished.⁵³ Later in the film, Micha catches up with Miriam after embarrassing himself in front of her. He tells her about the ‘countless journals’ he has written over the years which are filled with anti-GDR thoughts, similar to those she has.⁵⁴ Since these journals were fake, he ends up writing them throughout the remainder of the film. They come to build part of his relationship with Miriam, which is one of multiple sources of happiness Micha has, the other notable one being music.

Immediately after Wuschel is shot, Micha reneges upon his decision to go to the army – he has become a conscientious objector. He has decided, in his search for happiness in the GDR, to resist more actively against the state, thereby breaking from the model of ‘everyday resistance.’ In doing so, he has followed in the footsteps of Mario, who earlier in the film declined to serve. After the two were caught on film pissing on the wall at the party, Mario doubled down on his anti-GDR stance. The two are punished and Mario loses his chance to go to university. The need for ‘everyday resistance’ is made even clearer later – as Micha comes out of the police office, he sees Mario going in. Mario has, due to his

to *Bang a Gong (Get It on)* in a very western style does she express any interest, but even this is overshadowed by the Westerner.

⁵³ *Sonnenallee* 00:28:22

⁵⁴ *Sonnenallee* 00:56:45

girlfriend getting pregnant and a lack of job offers to support his family, decided to work with the state to be able to lead a ‘normal’ life. Nevertheless, the film asserts that the happiest time of Mario’s life was spent in the GDR. The open break made with the system did not put an end to Mario’s ‘everyday resistance,’ as it is exactly this that he tries to use to justify his decision – in his words, “Stir up the organization from inside!”⁵⁵. While he has no real intent of doing any such thing, he nevertheless does some lip service to his ideal of resistance, thereby remembering these times, despite their drawbacks and his compromises, as some of the best times of his life.

The ending scene of the film is perhaps the most powerful example of the intersection of resistance, music, and memory. At the beginning of the film, Micha says that “I always wanted to be a rock star, someone who makes a difference.”⁵⁶ By the ending scene, Micha has delivered his journals to Miriam and won her over; on his way back, he meets up with Wuschel who has acquired another copy of *Exile*. They go up to Micha’s room to listen to it, but it turns out to be a fake. Wuschel is initially distraught, but Micha manages to convince him that the music is unreleased material from the Stones, or (at the very least) is a great song. Micha begins air-guitaring to it and Wuschel joins him, and as they enter into this fantasy, the music changes from the tinny GDRock to a loud and powerful cover of The Box Tops’ “The Letter,” as the pair slowly rock their way out to the balcony, where they *are* rockstars playing for an adoring crowd of acquaintances,

⁵⁵ *Sonnenallee* 01:14:21, “Rinn in der Organisation und von innen aufmischen!”

⁵⁶ *Sonnenallee* 00:01:13 – 00:01:16, “Ich wollte immer ein Popstar werden, einer der was bewegt.“

friends, and family, at least in their own imagination.⁵⁷ The two jump down and they all dance towards the border; meanwhile, the border guards can only respond “ “We’re powerless to do anything [against it].”⁵⁸ (Eventually, the crowd vanishes – it is only their imagination, and the two air-guitar out of the scene, leading to the final words: “Once upon a time there was a country, and I lived there. And if you ask me how it was? It was the best time of my life because I was young and in love.”⁵⁹

The idea of memory, ‘everyday resistance’, and happiness are best tied together in the ending scene. In this case, the resistance was totally imagined; there was nothing done which was actually problematic. Nevertheless, it allowed Wuschel and Micha to view themselves as rockstars and rebels, enemies of the state, and in doing so to distance themselves from everything bad that had happened in the state. They have taken a bad experience – the faked vinyl, one which they would not have had in the West – and transformed it into something wonderful and fun. They play along with the idea that western Rock n’ Roll and its values could bring about the fall of the wall, and for a fleeting moment they are able to entertain such a notion.⁶⁰ Only when the crowd disappears and one sees the two with their eyes closed air-guitaring their way down *Sonnenallee* is it made clear that it the ‘concert’ is a figment of their imagination and not real. It occurs only in their imagination does not, however, take away from the value of it in

⁵⁷ Brockmann 199

⁵⁸ *Sonnenallee* 01:18:48, Da sind wir wohl machtlos”

⁵⁹ *Sonnenallee* 01:29:42 – 01:29:52, “Es war einmal ein Land, und ich hab’ dort gelebt. Und wenn wer mich fragt, wie es war? Es war die schönste Zeit meines Lebens, denn ich war jung und verliebt.“

⁶⁰ Hurley Pp. 173

their memory. Therefore, when Micha narrates the final words of the film from a time clearly after the fall of the wall (“Once upon a time there was a country [...]”), he does not associate the GDR initially with all the bad. Instead, he associates it initially with its best parts: the days of his youth and his first love. His memory of the GDR definitely includes the more negative parts, but the fact that he remembers it so positively speaks to the idea of “retroactively creat[ing] a former home” – he has not only made peace with the time he spent in the GDR, he has come to ‘make a home’ of the GDR and remembers it as the best time of his life.

VIII. Conclusion

Following the *Wende*, many Eastern Germans felt that their former life was under attack. While there was an initial view held by many former East Germans of the GDR being largely bad, many of the particularly negative views were softened once the honeymoon period with the FRG wore off. It was in this time that Brussig’s view of the Easterners developed from the incredibly critical *Helden Wie Wir* to the more nuanced take in *Sonnenallee*. While the former condemns the East Germans for their complicity, the latter both praises and criticizes them for their ability to simultaneously comply with the system but to also maintain a critical, resistant, and distant attitude towards the state – an attitude which ‘made that time tolerable and, for many, even let it appear in their memory as the best time of their life.’ *Sonnenallee* also heavily criticizes the Westerners – from beginning to end, their lack of understanding of the GDR is emphasized. The West

German perception of the GDR as a ‘Stasi-state’⁶¹ or in the more general sense of a misunderstanding of affairs in East Germany are both factors that have led former GDR citizens to take issue with the reunification and the superiority complex of the West Germans. In the context of this attack on their lives, it became increasingly important to find ways in which one was not only able to enjoy their time in the East, but also to disconnect oneself and one’s life from the uglier side of the state. It is perhaps for this reason that the concept of ‘everyday resistance’ appears in the *Ostalgie* of the late 90’s and maybe also for this reason that *Sonnenallee* became a film.

Regardless of the reason for its presence in *Sonnenallee*, it makes another aspect of the private sphere in the GDR clear. Everyday resistance is the opposite of the *Eingabe* state-sanctioned concept of filing complaints – it was a largely private process and did not have systematic change as its aim, instead just focusing on changing one’s self perception. Furthermore, the resistance is – at least in the memory of the residents of the state – worthwhile since it let them create positive memories out of times which were not entirely pleasant. Much like the fake copy of *Exile* at the end of the film, one can take a generally bad situation and, with the right view (and a decent amount of forgetting and rearranging of memories), produce something great out of it. ‘Everyday resistance’ was one tool of many used by the Easterners to dissociate their good memories from the state in which they were experienced – a state which often made itself ugly and easily dislikable to its populace. For most citizens interested in going against the GDR, its very

⁶¹ Hurley Pp. 173

nature required a form of resistance which would not put their remaining freedoms, families, and livelihoods in danger. In filling this role, 'everyday resistance' let East Germans reclaim their memories from the jaws of the state they once hated and even come to a certain nostalgia for the nicer aspects of the time spent in the GDR as its remains slowly disappeared from their lives, leaving for many just memories remaining.

Women and the Occult in Victorian England

Sarah Judd

Introduction

In October of 1874, Helena P. Blavatsky, a well-traveled Russian noblewoman and self-proclaimed medium, traveled to the small farmer town of Chittenden, Vermont to investigate reports of a young woman who channeled the spirits of the dead and took on their physical forms. While there, Blavatsky met Henry Olcott, a lawyer and journalist, and they both bore witness as the young medium is restrained by ropes, put in a bag that is tied around her neck, and placed in a wardrobe⁶². While the witnesses look on, the head of a bearded man wearing a turban appears out of a hole in the wardrobe. The witnesses talk with the man and touch his beard, and when the seance is over, they let the young medium out of the wardrobe and the bag⁶³. Both Blavatsky and Olcott are convinced of the authenticity of the seance, and through Olcott's connections are able to write pieces for several newspapers, like *The Sunday Chronicle*⁶⁴. This unconventional first meeting is the start of a life-long friendship and collaboration between Blavatsky and Olcott that will propel Blavatsky into becoming the leading Theosophist of the occultist movement.

Though the mysterious Helena P. Blavatsky had many interesting professions and stories, what most interests me is her

⁶² Helena Blavatsky, *Collected Writings*, (Theosophical Publishing House, 1966) 61.

⁶³ Helena Blavatsky, *Collected Writings*. 61.

⁶⁴ Bevir, Mark, "The West Turns Eastward: Madame Blavatsky and the Transformation of the Occult Tradition." *Journal of the American Academy of Religion* 62, no. 3 (1994) 750.

prominent role in the occultist movement and in turn the leading role of women in the movement in general. Blavatsky was not the only woman in the occultist movements of the time, especially in the Theosophy movement. She would soon be joined by Annie Besant, a highly educated and intelligent political activist who was an accomplished political thinker and speaker. Like Blavatsky, Annie Besant was a well-educated divorcée with a fierce interest in the occult. However, unlike Blavatsky, Besant already had a respectable career as an activist and editor of a prestigious political publication. Yet, Besant still chose to join the Theosophy movement at the expense of her professional reputation and personal relationships. Why would a well-respected activist sacrifice her hard-earned career for a movement that even then was viewed as suspect and cause for derision?

What did women gain from attaining authority in the occult movement, and what made the movement so open to women in the first place? I propose that the occult movement, specifically the Theosophy movement, was able to be so open to women because of the early involvement of female adherents that helped shape the movement as a whole. The influence of women like Blavatsky and Besant would cause the Theosophy movement to reflect the expanding self-image of these early women leaders, beyond the restrictive conformity of a chauvinistic Christianity. Instead, the ideas within the movement would reflect their hopes for the future. It is important to first define the occult movement and its context as characterized by Helena P. Blavatsky and Annie Besant. I have chosen Blavatsky and Besant as my case studies because they were both prominent leaders in the occult movement with similar ideas despite being from very different backgrounds. Then I will

examine the professional lives of Blavatsky and Besant through the questions of why they were influential and what they gained by joining the occult movement.

The Occult and Theosophical Movement

To begin, I must define what I mean by occult and the occult movement. The modern image of occultists brings to mind images of hooded figures and sacrificial offerings. This is not the occult studied by Blavatsky and Besant. The occult movement of this time was interested in understanding the supernatural world and phenomena through a scientific framework. I will be specifically examining the movement from 1875 to 1917, which covers the entirety of Blavatsky founding Theosophy and the first twenty years of Besant's leadership. Some of the specific interests of the occult movement were clairvoyance, astral projection, hypnotism, and trance-speaking. Occultists saw that there were inherent limits to what traditional science could understand, namely science only answered 'How' instead of 'Why'. The occult movement was the intersection of the scientific and the spiritual.

Science had a strong influence on the movement due to new scientific advancements changing how people thought of the world and themselves. As a result, many believed that science and Christianity were diametrically opposed to one another and could not be reconciled⁶⁵. The single most prominent example of this was Charles Darwin's theory of evolution, which challenged the Christian notions of creation. The rise of confidence in science led

⁶⁵ Mark Bevir. "The West Turns Eastward"(1994) 752.

to a serious crisis of faith for many, with a few turning to other forms of worldviews that could more easily adjust to a scientific understanding of the world, like occultism or atheism. However, there was a wide range of occultist movements with conflicting ideas and messages, ranging from the popular spiritualists to secret societies, like the Hermetic Order of the Golden Dawn.

The rise of the occultist movement fell within the middle of the first-wave of feminism, characterized by the fight for women's suffrage. However, women were still hindered from participating significantly in traditionally male spheres of influence like politics and the sciences. For example, the scientific establishment was extremely difficult for women to enter because access to scientific instruments and education was often not available to women or outsiders⁶⁶. In this context, the idea that women were intellectual equals to men was viewed as radical and extreme. Radical political ideas and nonconventional religious beliefs went hand in hand. The atheist movement and other non-orthodox religious movements were closely connected to the progressive social movements of the era, like the Women's Rights Movement. Annie Besant is a prime example of this, as before she became an occultist leader, she was a prominent political activist in the areas of religious freedom, socialism and feminism⁶⁷. However, most, if not all, women who were able to enter into male dominated fields at this time were white with middle or upper-class backgrounds. Even though this

⁶⁶ Sumangala Bhattacharya. "The Victorian Occult Atom: Annie Besant and Clairvoyant Atomic Research." *Strange Science: Investigating the Limits of Knowledge in the Victorian Age* (University of Michigan Press, 2017) 201.

⁶⁷ Annie Besant, *Annie Besant: an Autobiography*. (London: T. Fisher Unwin, 1893)

paper is examining the occult movement through a gender perspective, it will not be reflective of the experiences of women of color or of the lower class⁶⁸.

The specific sub-section of the occult movement that this paper will focus on is the Theosophy movement, which was largely founded on Blavatsky's occultist writings. Blavatsky's specific understanding of occultism framed 'supernatural' phenomena, like telepathy and astral projection, as natural phenomena that can be studied and understood within a rational framework⁶⁹. Blavatsky split occultism into theoretical occultism (Theosophy), and practical occultism (occult science)⁷⁰. Theosophy is a combination of eastern and western religious philosophies, taking inspiration from multiple sources (Christianity, Hinduism, Buddhism etc.) yet remaining firmly separate from these belief systems.

One other aspect of the occultist movement that I must address is the question of authenticity. The modern view of people who claim to be able to communicate with others telepathically or who claim to speak to the dead is that it is all a hoax. Many modern readers would read the description of the seance I began

⁶⁸ If you are interested in reading about the spiritualist movement from the perspective of black women, you can find more information in these articles. Young, Jeremy C. "Empowering Passivity: Women Spiritualists, Houdini, and the 1926 Fortune Telling Hearing." *Journal of Social History* 48, no. 2 (2014): 341-62. <http://www.jstor.org/stable/43306017>.

Ellis, R. J., and Henry Louis Gates. "'Grievances at the Treatment She Received': Harriet E. Wilson's Spiritualist Career in Boston, 1868—1900." *American Literary History* 24, no. 2 (2012): 234-64. <http://www.jstor.org/stable/23249769>.

⁶⁹ Mark Bevir. "The West Turns Eastward"(1994) 751.

⁷⁰ Helena Blavatsky, "Practical Occultism", *Lucifer* vol. 2 no. 8 (1888) 150.

my paper with and immediately assume it was faked through a complicated scheme for either money or attention. Logically speaking, this is what likely happened. It is also likely that a good majority of the occult phenomena that the movement studied was similarly concocted. However, the authenticity of the occultist phenomena studied and at times performed by the occultist movement is not relevant to the goals of this paper. Were they charlatans or philosophers? In this context, why not both? A follower could truly believe in the existence of occultist phenomena, yet also take part in complicated schemes to create what appears to be genuine occult phenomena. A duplicity for the hope of legitimacy. In the end, the veracity of their claims does not change the fact that the occultist movement was more accepting of women than most other fields, scientific or otherwise. Helena Blavatsky would specifically be repeatedly accused of being an imposter who faked feats of “occult phenomena”, and by the time she died was regarded as a fraud by many within the occult movement⁷¹. In contrast, Annie Besant mostly focused on theory and passive forms of occult phenomena, like attempting to establish the structure of an atom through extra-sensory perception in her book *Occult Chemistry*.

⁷¹Henry Evans Ridgley. "Madame Blavatsky." *The Monist* 14, no. 3 (1904) 399.

Helena Blavatsky: “The High Priestess of Isis”⁷²

Helena P. Blavatsky was born in 1831 to a noble family in modern day Ukraine. When she was 17, she married Nicephore Blavatsky, a general 43 years her senior⁷³. But after three months Blavatsky returned to her grandparents’ house, then ran away to Constantinople so she wouldn’t have to go back to her husband⁷⁴. Though born into the upper class, Blavatsky would become part of the working middle class with little assistance from her family. The next 17 years of her life are a bit of a mystery, as there are several different accounts of what she did, ranging from working in a circus to learning mystical secrets from Tibetan masters⁷⁵. Leading up to Blavatsky’s encounter with Henry Olcott in 1874, she traveled widely, taking part in and leading seances wherever she traveled to⁷⁶. Shortly after her encounter with Olcott, Blavatsky would rise to prominence in the occult movement through writing for newspapers articles and periodicals through Olcott’s connections. Following the success of these articles, the two friends would establish the Theosophical Society in 1875 to further their study of the occult⁷⁷. The Theosophical Society is one of Blavatsky’s most lasting contributions to the occult movement,

⁷²Henry Evans Ridgley. "Madame Blavatsky." 395.

⁷³Henry Evans Ridgley. "Madame Blavatsky." 395.

⁷⁴Mark Bevir. "The West Turns Eastward" (1994) 749.

⁷⁵Mark Bevir. "The West Turns Eastward" (1994) 749.

⁷⁶Henry Evans Ridgley. "Madame Blavatsky." 396.

⁷⁷W. E. Ayton Wilkinson, Josephine C. Locke, and Alexander Fullerton. "Mrs. Annie Besant and The Theosophical Society." *The Monist* 14, no. 5 (1904) 786.

as multiple branches still exists today across the globe⁷⁸.

Additionally, the organization is considered the grandparent of the New Age movement of the 1970s⁷⁹.

Blavatsky is considered so influential to the Theosophical and Occult movements because she was the first to draw heavily from the religious and philosophical ideas of India in her interpretation of occultism⁸⁰. Before Blavatsky, most had focused on the religious ideas of Ancient Egypt instead. Blavatsky transformed the occult movement with her very successful and influential books “The Secret Doctrine” and “Isis Unveiled”, written in 1877 and 1888 respectively⁸¹. Both re-interpreted various Buddhist and Hindu ideas in relation to western philosophy and introduced them to a western audience. The Buddhist and Hindu ideas that Blavatsky drew on, particularly the ideas of reincarnation and karma, gave more power to women than traditional Christian doctrine ever did⁸². The Christian doctrine of original sin and the fall of Adam and Eve in the garden were used to emphasize gender differences and justify putting women in a societal role of subordination to men. Instead, Blavatsky’s interpretations of reincarnation de-emphasized gender differences

⁷⁸ Theosophical Society. “The Society.” Theosophical.org, The Theosophical Society of America. <https://www.theosophical.org/about/about-the-society>

⁷⁹Mark Bevir. "The West Turns Eastward" (1994) 765.

⁸⁰Mark Bevir. "The West Turns Eastward" (1994) 764.

⁸¹Mark Bevir. "The West Turns Eastward" (1994) 753.

⁸²Mary Farrell Bednarowski. “Outside the Mainstream: Women's Religion and Women Religious Leaders in Nineteenth Century America.” *Journal of the American Academy of Religion*, Vol. 48, No. 2 (Jun., 1980) 223.

by stating that women could reincarnate into men and vice versa⁸³. Blavatsky specifically saw these Christian doctrines as being the root of how women began to be viewed as the inferior sex and twisting societal views on sex⁸⁴. According to Blavatsky, before the advent of Christianity, “woman was as free as man; and no impure terrestrial thought was ever mixed with the religious symbology”⁸⁵.

Another aspect of gender in Theosophy that Blavatsky emphasizes in *The Secret Doctrine* is how the evolution of the sexes puts equal emphasis on male and female. Blavatsky writes that “The three earliest Races were sexless, then hermaphrodite; the other four, male and female, as distinct from each other”, with a total of seven ‘races’ or evolutions of mankind ⁸⁶. The idea that mankind was originally sexless, and that this sexless version is seen as a pure spiritual existence, undermines the argument that men are naturally superior to women. Both male and female are seen as equally inferior to the earlier sexless races, and Blavatsky refuses to compare the male and female the same way she compares the sexless with the male and female. This refusal to place one sex above the other reflects Blavatsky’s ideal of the equality between the sexes. Blavatsky resents the male focus of the

⁸³Mary Farrell Bednarowski. “Outside the Mainstream.” *Journal of the American Academy of Religion*, Vol. 48, No. 2 (Jun., 1980) 222.

⁸⁴Helena Blavatsky. “Section VIII. The Lotus, as a Universal Symbol.” *The Secret Doctrine*, Vol. 1, 410-411. (Urbana, Illinois: Project Gutenberg. June 1, 2017)

⁸⁵ Helena Blavatsky. “Section VIII. The Lotus, as a Universal Symbol.” *The Secret Doctrine*, Vol. 1, 410-411.

⁸⁶ Helena Blavatsky. *The Secret Doctrine*, Vol. 2, 109.

mainstream religions, as she writes “the moderns are satisfied with worshipping the male heroes of the Fourth Race, who created Gods after their own sexual image, whereas the Gods of primeval mankind were ‘male and female’”, with the “Gods of primeval mankind” including Zeus, Venus, and Ammon, with Jesus as a special case⁸⁷. When Blavatsky writes that they were ‘male and female’, she means that they exhibited the sex characteristics of both males and females according to esoteric sources. Here, the intersex Gods are seen as superior to the male man-made Gods of the fourth race. It’s clear that Blavatsky sees no use in having the male and female sexes compete with each other and tries to avoid it in her writing.

Furthermore, since the Theosophical movement was new, there was no established hierarchy that specifically excluded women from leadership roles like in Christianity. This meant that the religion would inherently be more responsive to the needs and wants of its female adherents because they had a say in how it was run and developed from the very beginning.

Though it is not apparent what drew Blavatsky to the occult in the first place, she shaped the structure and ideas of the Theosophical movement, creating a religious and philosophical framework that was more accepting of women and did not hold their sex against them. The desire to proselytize to a more universal audience, rather than just white males, can be seen in the central creed of the Theosophical Society; “To form a nucleus of the Universal Brotherhood of Humanity, without distinction of

⁸⁷ Helena Blavatsky. *The Secret Doctrine*, Vol. 2, 143.

race, creed, sex, caste, or colour.”⁸⁸ It’s important to note that these feminist ideas are not present in any of the religions that inspired Blavatsky. The Theosophical Society was very active in India and would be well aware that Hinduism and Buddhism also had a long way to go in terms of women’s rights in India. Instead, Blavatsky molded Theosophy from ancient and often patriarchal ideas to fit the needs and wants of the modern practitioner, especially women. Theosophy was able to be changed for the benefit of the adherents in a way that traditional religions, like Christianity, are not able to due to entrenched belief systems. These ideas would eventually attract Blavatsky’s successor, Annie Besant.

Annie Besant : “The Most Illustrious”⁸⁹

Annis Besant was born in 1847 to a middle-class Irish family in London, England. Like Blavatsky, Besant got married when she was young and did not stay with the man for long. The difficult marriage ended due to religious differences, as her former husband was a clergyman and she had come to the decision to stop taking communion after a prolonged crisis of faith⁹⁰. Unlike Blavatsky, Besant’s life is well recorded thanks to her autobiography, *Annie Besant: an Autobiography* and her rather public life. To support herself and her children, Besant began to write for the “National Reformer”, a radical secularist periodical

⁸⁸ *The Theosophist*, Vol. 30, No.1-6 (Jan., 1909) 96.

⁸⁹ W. E. Ayton Wilkinson, Josephine C. Locke, and Alexander Fullerton. "Mrs. Annie Besant and The Theosophical Society." *The Monist* 14, no. 5 (1904) 787.

⁹⁰ Annie Besant, “The Storm of Doubt”, *Annie Besant: an Autobiography*. 117

and would eventually become co-editor⁹¹. She became a well-respected political activist and was widely respected for her intellect and scientific knowledge⁹². Besant was an atheist and was active in supporting religious freedom, socialism, and women's rights⁹³. Due to her political activism, Besant maintained a high public profile. Unlike many women who joined the occultist movements, Besant already had respect and the ability to right injustices in her chosen profession of political activism. So why would she join the Theosophical movement?

Even though Besant enjoyed a high degree of respect and education not commonly given to women, she was still restricted in her chosen field because of her sex. There was a limit to what she could do politically because women were not welcome in the political sphere. It was not until 1918 that women would be given the right to vote in England. As her close friend and colleague Charles Bradlaugh began to gain more political power, Besant had to distance herself from him so she wouldn't hurt his political career⁹⁴. A prominent episode in her political activist life is when she lost custody and visitation rights to her kids as a result of her activism. As co-editor of the "National Reformer", Besant and her colleague made the decision to publish a family planning pamphlet that educated the reader on different contraception methods.

⁹¹Annie Besant, "At Work", *Annie Besant: an Autobiography*. 180

⁹²W. E. Ayton Wilkinson "Mrs. Annie Besant." *The Monist* 14, no. 5 (1904) 785.

⁹³Annie Besant, "Atheism as I Knew and Taught It", *Annie Besant: an Autobiography*. 153

Annie Besant, "The Storm of Doubt", *Annie Besant: an Autobiography*. 117

⁹⁴Annie Besant, "Socialism", *Annie Besant: an Autobiography*. 306

Besant chose to publish this pamphlet because she wanted to ease the suffering of working-class wives who were suffering from caring for large families, upwards of 8 children, on paychecks meant to support families of half the size⁹⁵. Both Besant and her colleague would be charged and almost sent to prison, with the incident being used by her ex-husband as evidence that she was unfit to be a mother in a very public trial⁹⁶. Besant's own political activism had led to her being forcefully separated from her children until they were adults.

One other aspect of Besant that didn't fit with the rest of her colleague's was how she was constantly evaluating and evolving her own beliefs. She shifted to different political camps several times while she was affiliated with the "National Reformer", and she didn't hide what she believed. When she began publicly supporting socialist views, other radicals criticized her for her political shifts. One even described her "as being, like most women, at the mercy of her last male acquaintance for her views on economics."⁹⁷ Besant's refusal to compromise on her beliefs left her open to sexist criticism from her own colleagues, and each political shift would lead to her losing more and more friends⁹⁸. There were few other prominent female political activists like Besant, which left Besant with only a small group of people who would accept or respect her. Additionally, even after becoming an

⁹⁵Annie Besant, "The Knowlton Pamphlet", *Annie Besant: an Autobiography*. 206

⁹⁶Annie Besant, "The Knowlton Pamphlet", *Annie Besant: an Autobiography*. 217

⁹⁷Annie Besant, "Socialism", *Annie Besant: an Autobiography*. 315

⁹⁸Annie Besant, "Socialism", *Annie Besant: an Autobiography*. 315

atheist, Besant still yearned for a more comprehensive understanding of the universe that fit her own ideals, yet she was unable to find it in western philosophy. Eventually, Besant came across “The Secret Doctrine” by Helena Blavatsky, and after reviewing it for the “National Reformer”, set out to meet with Blavatsky to talk about Theosophy⁹⁹. After a few meetings with Blavatsky, Besant decided to join the Theosophical Society and would proceed to devote herself to the movement. However, this came at a cost. In her autobiography, Besant explains that her professional reputation took a serious hit, as well as her relationships with her former activist colleagues¹⁰⁰. Besant would have to publicly step down from her position of co-editing the “National Reformer” due to her public support for the movement¹⁰¹.

Well before the time Besant had converted to Theosophy, she recognized Christianity as the chief tool of the oppression of women¹⁰². Besant was particularly cognizant of the many ways in which marriage laws founded on Christian doctrine further oppresses women from a legal standpoint as a result of her own tumultuous marriage. These beliefs followed her into the Theosophist movement and matched well with the Blavatsky and

⁹⁹Annie Besant, “Through Storm, to Peace”, *Annie Besant: an Autobiography*. 340

¹⁰⁰Annie Besant, “Through Storm, to Peace”, *Annie Besant: an Autobiography*. 350

¹⁰¹Annie Besant, “Through Storm, to Peace”, *Annie Besant: an Autobiography*. 357

¹⁰²Annie Besant, “Atheism as I Knew and Taught It”, *Annie Besant: an Autobiography*. 173

other Theosophist views on the matter of marriage and women's rights. Her positions on marriage and can be seen in her book "Marriage, As It Was, As It Is, And As It Should Be: A Plea for Reform" and her fight to publish the family planning pamphlet¹⁰³. Her examination of the legal status of married women reflects her own thoughts on her marriage. Marriage takes away a woman's separate legal existence and control over her own body in favor of giving this control to her husband¹⁰⁴. The book is especially harsh in condemning the role Christianity has played in keeping the role of women subservient to men, even after society has progressed past the old social systems that benefited from it, like feudalism¹⁰⁵. A personal example she uses is how while she was still married, she learned that everything she earns goes legally to her husband¹⁰⁶. Blavatsky also expressed mixed views about marriage, believing it to be purely up to chance of whether the marriage will be a happy one¹⁰⁷.

As Blavatsky's successor, Besant would exceed her mentor in philosophical coherence due to her strong scientific and political activism background. She was highly regarded for her intellectual

¹⁰³Annie Besant, "The Knowlton Pamphlet", *Annie Besant: an Autobiography*. Annie Besant, *Marriage, as it Was, as it Is, and as it Should Be: A Plea for Reform*.

¹⁰⁴Annie Besant, *Marriage, as it Was, as it Is, and as it Should Be: A Plea for Reform*. 9.

¹⁰⁵Annie Besant, *Marriage, as it Was, as it Is, and as it Should Be: A Plea for Reform* 13.

¹⁰⁶Annie Besant, "The Storm of Doubt", *Annie Besant: an Autobiography*. 85

¹⁰⁷Mary Farrell Bednarowski. "Outside the Mainstream." *Journal of the American Academy of Religion*, Vol. 48, No. 2 (Jun., 1980) 223.

and oratorical abilities by the Theosophical movement¹⁰⁸ and carried her enthusiasm for political activists into her role as the leader of the Theosophical movement after Blavatsky's death. Besant was especially active in promoting self-governing in India and freeing India from British cultural influence. Later on, Besant would play a prominent role in India's Home Rule movement, and was even elected President of the Indian National Congress of 1917¹⁰⁹. Besant and the Theosophical Society were heavily invested in supporting the Home Rule movement and opening schools in India that focused on building national pride and furthering women's rights¹¹⁰.

Besant would continue to lead the Theosophical Society until her death in 1933. The Theosophical movement would continue to grow in influence in India and its international branches while Besant led the group, with Besant eventually moving to India. Besant was an active political speaker and argued for religious, educational, and social reform in India in addition to being a vehement supporter of the Home Rule movement¹¹¹. Besant's work in India even led to her being voted as President of the 1917 meeting of the Indian National Congress¹¹². As a result of

¹⁰⁸ W. E. Ayton Wilkinson "Mrs. Annie Besant." *The Monist* 14, no. 5 (1904) 785.

¹⁰⁹ Manini Chatterjee. "1930: Turning Point in the Participation of Women in the Freedom Struggle." *Social Scientist* vol. 29, no. 7/8 (2001) 40.

¹¹⁰ Mortimer, Joanne Stafford. "Annie Besant and India 1913-1917." *Journal of Contemporary History* 18, no. 1 (1983) 62.

¹¹¹ Mortimer, Joanne Stafford. "Annie Besant and India 1913-1917." *Journal of Contemporary History* 18, no. 1 (1983) 61.

¹¹² Mortimer, Joanne Stafford. "Annie Besant and India 1913-1917." *Journal of Contemporary History* 18, no. 1 (1983) 61.

her work in educational reform, there are several schools and even a neighborhood named after Besant in India. The continual involvement of women in leadership roles continued to shape Theosophy and by extent, India.

Conclusion

The Theosophical movement that began with a mysterious Russian noblewoman meeting a journalist at a strange seance in a rural Vermont town has now grown into an international organization that is still around today. From examining the Theosophy movement through its two most prominent leaders, we were able to examine the roles women made for themselves in the occultist movement. Using this, we can answer my research questions: what did women gain from joining the occult movement, and why was the occultist movement so open to women? We can see that women secured positions of importance and greater autonomy through the modification of existing religious ideas. By changing the ideas instead of themselves, women in the occult movement were able to expand their sense of self beyond the limits of traditional Christian doctrine. The occult movement in Victorian England was open to women because it was founded and greatly influenced by women from the very beginning. There were no entrenched power structures that women had to fight against to have control over the movement's transformations. Instead, women were able to adapt the movement to better fit their own self-image and aspirations for the future.

Wielding the Nonviolent Legacy: Martin Luther King and Cesar Chavez as Mahatma Gandhi's American Successors

Emma Stauber

Introduction

On the morning of May 28th, 2020, the air is smoky orange rather than blue sky as a man in a mask stands atop a burned-out car in the wreckage of a Minneapolis city street. Behind him, mangled and blackened rebar juts out between his figure and the fire truck still trying to extinguish one of the many scorched buildings visible in the photograph¹¹³. It has been three days since George Floyd was killed by police in the city, and two since the protests started. Lorie Shaull's photograph of this scene, though likely at least somewhat staged, presents a clear message; the riots have begun. For the remainder of the year, the Black Lives Matter movement would struggle to prove its commitment to nonviolence with this initial image, and others like it, receiving as much or more news attention as the stated goals of the movement.

In the wake of these 2020 Black Lives Matter protests and the renewed, national interest of America's youth in wide-spread demonstration, at the very least for a summer, increased public attention has turned to *how* protests should operate. As Todd Gitlin points out in *Letters to a Young Activist*, American protesters today

¹¹³ Lorie Shaull, *A Man Stands on a Burned-out Car on Thursday Morning as Fires Burn behind Him in the Lake St Area of Minneapolis, Minnesota*, 2020, photograph, *Flickr*, 2020, <https://www.flickr.com/photos/number7cloud/49945886467/>.

often compare themselves and are compared, relentlessly, to the youth protesters of the 1960s, including those led by Reverend Martin Luther King Jr. and California's Cesar Chavez—leaders of the “glory days” of American nonviolent resistance. Becoming known as a successor to these giants can make a movement and being compared negatively against them can break one. However, the organizations of the 1960s also took inspiration from the social movements before them, notably, at least for Martin Luther King and Cesar Chavez, Mahatma Gandhi's nonviolent resistance to British Colonialism in India.

Although both Martin Luther King and Cesar Chavez have been extensively written about, their connection to each other, in light of the influences of Gandhi on each of their movements, remains underrepresented. In general, works about Chavez speak more on his connection to Martin Luther King than works about King himself, but even then, much of this is limited to a brief mention of the telegrams King sent to Chavez in 1966 and 1968, falling short of a provision of deserving analysis of the shared nonviolent inspirations of the two leaders. The most significant and useful discussion of the connections between the two men comes from Andrea Shan Johnson's 2006 “Mixed Up In The Making: Martin Luther King Jr., Cesar Chavez, And The Images Of Their Movements,” in which she focuses on the images presented and the tactics employed by both the Civil Rights movement and United Farm Workers Union to as points of comparison between the two movements and their leaders¹¹⁴. However, Johnson's

¹¹⁴ Andrea Shan Johnson, “Mixed up in the Making: Martin Luther King Jr., Cesar Chavez, and the Images of Their Movements” (dissertation, University of

analysis of Gandhi's role in shaping the philosophies of both leaders and their movements' use of his image as a nonviolent leader to further their own is limited to remarking on their similarity as a part of her larger discussion of the effect both men had, as individuals, on the success of their respective movements.

In this analysis, I aim to deepen that discussion, focusing primarily on what each movement learned from Gandhi, how they used his tactics and memory to further their own success, and how Chavez, after the death of King, expanded his movement's rhetoric to include the memory of King, leading to Chavez's reputation as King's successor. Although this reputation has only continued to develop in recent years, with the growing Hispanic population in the United States drawing increased focus to his work as a labor movement leader, in many ways, the evidence shows Chavez actually was a contemporary of King. While he took note of Dr. King's successes and failures on the national scale to enhance the success of his own movement, Chavez's nonviolent ideals, central to his leadership of the United Farm Workers, originated from the same source as King's; Mahatma Gandhi.

Gandhi and King: Nonviolent Rhetoric

On February 3rd, 1959, Dr. Martin Luther King Jr. and his wife left the United States for a five-week tour of India, going as pilgrims, not tourists, to Mahatma Gandhi's homeland¹¹⁵.

Missouri-Columbia, 2006), pp. 22-39, <https://doi.org/10.32469/10355/4486>, 22-39.

¹¹⁵ "Account by Lawrence Dunbar Reddick of Press Conference in New Delhi on 10 February 1959," in *The Papers of Martin Luther King, Jr.*, vol. V (Berkeley: University of California Press, 2005),

Especially in the earlier years of Dr. King's Civil Rights movement, his public association with Gandhi's prior nonviolent movement in India was strong. Later in that same year, the Southern Christian Leadership Conference announced that King would be leaving Montgomery Alabama "in response to the appeal of the SCLC that the time was right for expanded militant action across the South, and for which his presence closer to headquarters was indispensable," and in doing so also took the liberty to refer to him as "the 'American Gandhi,'"¹¹⁶ building up the narrative, in an otherwise unrelated press release, that he was both a follower and the rightful successor of Gandhi. Although the reference itself is brief, it gives significant insight into the consistent and purposeful image that the leaders of Civil Rights movement crafted around the face of their movement, Martin Luther King. Without having to put together a full speech, press release, or other work to establish this connection that could be extensively criticized by opponents or skipped over by the public conscious entirely, the leadership of the Civil Rights movement was able to make clear their inheritance of Gandhi's ideals through smaller references like these, littered throughout their publications as a whole.

Dr. King also established his connection to Gandhi with his own words, which make clear that in addition to wanting the public to connect him and his movement to Gandhi, his intellectual link to the man is as sincere as his pilgrimage to India suggested. In his

<https://kinginstitute.stanford.edu/king-papers/documents/account-lawrence-dunbar-reddick-press-conference-new-delhi-10-february-1959>.

¹¹⁶ "Martin Luther King, Jr. Research and Education Institute," *Martin Luther King, Jr. Research and Education Institute* (Stanford, December 1, 1959), <https://kinginstitute.stanford.edu/king-papers/documents/sclc-press-release-dr-king-leaves-montgomery-atlanta>.

1959 “Address at the Thirty-Sixth Annual Dinner of the War Resisters League,” Martin Luther King reminds the crowd that it was the “study of Gandhi [that] convinced [him] that true pacifism is not non-resistance to evil; but non-violent resistance to evil”¹¹⁷ and that “Gandhi resisted evil with as much vigor and power as the violent resister, but he resisted with love instead of hate.”¹¹⁸ As the address continues, King quotes Gandhi himself, and his commitment to maintaining this connection with the Gandhi throughout the speech establishes his Civil Rights Movement as a direct descendant of Gandhi’s nonviolent protest in India. Such emphasis on the connection between Gandhi and the Civil Rights movement was also not exclusive to this speech. In his “Pilgrimage to Nonviolence,” which echoes the sentiments expressed in chapter six of his 1958 book *Stride Toward Freedom: The Montgomery story*, Dr. King credits Gandhi with the development of his commitment to nonviolence, describing how he became “deeply fascinated by [Gandhi’s] campaigns of nonviolent resistance”¹¹⁹ prior to emerging as a leader of the Civil Rights movement, but that “in accepting this responsibility [of leading protests in Montgomery in 1954] my mind, consciously or unconsciously, was driven back to the Sermon on the Mount and the Gandhian method of nonviolent resistance.”¹²⁰ Although he does not go as far as to

¹¹⁷ Martin Luther King (February 2, 1959).

¹¹⁸ Martin Luther King (February 2, 1959).

¹¹⁹ Martin Luther King, “Christian Century,” *Christian Century*, April 13, 1960, pp. 439-441, <https://kinginstitute.stanford.edu/king-papers/documents/pilgrimage-nonviolence>.

¹²⁰ Martin Luther King, “Christian Century,” *Christian Century*, April 13, 1960, pp. 439-441, <https://kinginstitute.stanford.edu/king-papers/documents/pilgrimage-nonviolence>.Ibd

boldly declare himself Gandhi's successor or the "American Gandhi," that King also wishes to tie himself to Gandhi's image as a great world leader and sees himself as an intellectual and social disciple of the man is clear. With marches and protests that were already wholeheartedly committed to nonviolence, his main vehicle for continuing to emphasize this connection is his rhetoric.

Gandhi and Chavez: Nonviolent Action

In comparison to Dr. King, Cesar Chavez's verbal references to Gandhi are far less frequent, but his methods of protest, outside the commitment to nonviolence that they all shared, were more similar. While King made public speeches to audience sizes ranging from small church rooms to Washington D. C's Lincoln memorial and marched in front of large groups of other Civil Rights protesters, some of Chavez's most memorable protests featured him alone—his fasts. In 1968, his first public fast brought Chavez national fame, with Robert Kennedy himself coming to commemorate the breaking of Chavez's 25-day fast.¹²¹ In the photograph of this moment, taken by Richard Darby, the centrality of Chavez's personal struggle and commitment to nonviolence is far more prominent than the size, commitment, or struggles of his supporters. Wrapped in a heavy jacket and with a blanket covering his legs, Chavez, and the reclining chair he sits in are the main focus of the picture, with Robert Kennedy's concerned expression as he hands bread to the labor movement

¹²¹ Richard Darby, *Robert Kennedy and Cesar Chavez after His 1968 Fast*, photograph, Walter P. Reuther Library.

leader a close second¹²². Although Chavez's physical condition is nowhere near as extreme as the physical condition of Gandhi after his hunger strikes, the similarities between this image and the images of Gandhi cannot be ignored. In 1972 and 1988, he would fast yet again. While Chavez also organized large demonstrations, protests, and marches reminiscent of and parallel to the actions of Dr. King's Civil Rights movement, he also made one of the most visually striking aspects of Gandhi's nonviolent resistance, the personal suffering of an individual leader, a prominent part of his labor movement. King's focus was elsewhere. Chavez may have referenced Gandhi less often than King did in his speeches, but this particular method of protest was far more reminiscent of Gandhi than of King.

Interestingly, Chavez's 1978 article for *Maryknoll Magazine*, "He Showed Us the Way," meant to commemorate the tenth anniversary of Dr. King's death, also brings up Gandhi's lessons on the usefulness of the boycott, with Chavez writing that, "the boycott, as Gandhi taught, is the most nearly perfect instrument of nonviolent change, allowing masses of people to participate actively in a cause."¹²³ Indeed, one of Cesar Chavez's most prolonged and effective method of nonviolent resistance during the 1960s was the Grape Strike, which lasted from 1965 to 1970. King made his name with the Montgomery Bus Boycott, but Chavez chooses—in a discussion otherwise oriented around Dr.

¹²² Richard Darby, *Robert Kennedy and Cesar Chavez after His 1968 Fast*, photograph, Walter P. Reuther Library.

¹²³ Cesar Chavez. "He Showed Us the Way." *Maryknoll Magazine*, April 1978. <https://ufw.org/he-showed-us-the-way-by-cesar-chavez-april-1978-maryknoll-magazine/>.

King and nonviolence, in an article whose title suggests that the labor movement arose from, or at least gained strength because of, King's Civil Rights movement—to reference Gandhi instead, revealing that Gandhi's nonviolent teachings were still very much at the forefront of Chavez's own thinking on nonviolence, even as the labor movement continued into the post-King era of activism.

From Gandhi to King: Chavez Responds to Shifting American Public Memory

Despite that Gandhi served as an important philosophical influence on both Dr. King and Cesar Chavez, and that Chavez's own methods of nonviolent resistance reflected aspects of Gandhi's nonviolent protest methods not prominently featured in King's Civil Rights movement, today, Cesar Chavez is often considered to be "MLK's Mexican heir" in the same way that the Southern Christian Leadership Conference presented King as the "American Gandhi." In many ways, this image has developed because it was crafted by Chavez and the United Farm Workers leadership after King's death. During King's life, he sent two telegrams to Chavez, but neither became public knowledge until after his assassination, when the labor movement used them to connect their movement to the memory of King. Otherwise, the actual text of these messages suggests a shared intellectual camaraderie between the Civil Rights movement under King and the labor movement under Chavez, even if there was no real practical partnership between the two. In the first of these telegrams, sent in 1966, King remarks that he and Chavez are

“brothers in the fight for equality”¹²⁴ and that “together with you in spirit and in determination that our dreams for a better tomorrow will be realized,”¹²⁵ and in the second telegram, sent to Chavez during his 1968 fast, Dr. King praises Chavez’s courage and leadership, and calls him “a living example of the Gandhian tradition.”¹²⁶ These are the words of one follower of a school of thought, Gandhi’s school of thought, writing to his contemporary, rather than two a successor.

However, Chavez responded to neither telegram, interacting with them in a publicly traceable way only when *El Malcriado*, Chavez’s labor movement’s magazine, published the 1968 telegram shortly after King’s death in April of 1968. The intent here is clear; to capitalize on King’s legacy to increase support for the labor movement. Chavez’s 1990 speech, “Lessons of Dr. Martin Luther King,” does the same. By this time, the 20 years that had passed since King’s death had deafened the voices of dissent that criticized him during his life, and his legacy in American public memory had become increasingly positive.¹²⁷ On the other hand, direct memory of Gandhi, who died in 1948, was fading. Associations with Gandhi no longer carried the weight they

¹²⁴ Martin Luther King to Cesar Chavez, September 22, 1966. Telegram. In *Cesar Chavez: A Brief Biography with Documents*. Boston, New York: Bedford, 2002.

¹²⁵ Martin Luther King to Cesar Chavez, 1966.

¹²⁶ Martin Luther King to Cesar Chavez, March 5, 1968. Telegram. *El Malcriado* vol. 2 no. 4, https://libraries.ucsd.edu/farmworkermovement/ufwarchives/elmalcriado/1968/April%2015,%201968%20No%204_PDF.pdf.

¹²⁷ Harry A. Reed, “Martin Luther King, Jr.: History and Memory, Reflections on Dreams and Silences,” *The Journal of Negro History* 84, no. 2 (1999): pp. 150-166, <https://doi.org/10.2307/2649044>.

had in the 1960s, so if the United Farm Workers wanted to continue to tie itself to the global legacy of nonviolent protest through the 1990s and beyond, it became necessary to tie themselves even more strongly to King and the idea that their movement was the successor of the Civil Rights movement. As one of Chavez's final speeches, "Lessons of Dr. Martin Luther King" does this effectively. Chavez challenges his audience to "be a true disciple of King"¹²⁸ and join Chavez's labor movement, recalling how "when Dr. King sounded the call for justice, the freedom riders answered the call in droves"¹²⁹ and promising that "I am giving you the same opportunity to join the same cause, to free your fellow human beings from the yoke of oppression."¹³⁰ It is now wonder, with words like these, that Cesar Chavez came to be seen as Martin Luther King's successor, even if his actions during the 1960s point more closely to Gandhi being Chavez's intellectual mentor, rather than King.

Conclusion

As the study of Cesar Chavez and his labor movement becomes increasingly popular, examining the nonviolent ideas that drove both his labor movement and Dr. Martin Luther King's Civil Rights movement to success in the 1960s and beyond becomes

¹²⁸ Cesar Chavez, "Lessons of Dr. Martin Luther King." *Cesar Chavez Foundation*. Speech, 1990. <https://chavezfoundation.org/speeches-writings/#1549063914152-2996f9ba-439c>.

¹²⁹ Cesar Chavez, "Lessons of Dr. Martin Luther King."

¹³⁰ Cesar Chavez, "Lessons of Dr. Martin Luther King."

increasingly important. Although Chavez and the United Farm Workers movement have worked to establish their movement as one that rose from King's in the years since King's death, careful attention should be paid to considering the potential differences between this narrative and the complicated reality that shaped both King and Chavez's intellectual and physical commitment to nonviolent protest. While Chavez certainly learned from King's Civil Rights and used those lessons to lead his own labor movement to further success, Gandhi was a remarkably influential figure for both men. Rather than identifying King as the successor to Gandhi and Chavez as the successor to King, a more accurate description of the relationship between the ideas of these three influential leaders should be to place Chavez and King alongside each other as dual disciples of Gandhi and his nonviolent ideals in America, whose legacies will continue to inspire activists across the globe for generations to come.

Regardless of Marriage: Women, Lineage and Legal Ideology in Medieval Iceland

Chiara Torrini

The enduring image of medieval Scandinavia women is of Valkyries and Norse Goddesses, fueled by modern interpretations of texts produced in Medieval Iceland. Unfortunately, this fierce and independent image is not representative of the lived reality of women in Iceland when these texts were recorded. While there are depictions of powerful women in Icelandic literature, these do not translate to independence in Iceland's law codes. In this paper, I explore how marriage impacted the legal role of women in Iceland from 1000-1262, after Iceland converted to Christianity, to see what ways women could participate in the Icelandic legal system and what those reveal about Icelandic legal ideology.

Surprisingly, the law codes barely say anything about female warriors—while they are very concerned with controlling violence and preventing blood feuds, they are unconcerned with female violence. The law codes and literature are uninterested in women, assume that women are not their primary audience, and illustrate a legal ideology that does not see women as full legal actors. Within the Icelandic scheme of legal competence, women are a last resort, only used when there are no closely related men. Women are also deemed legally irresponsible and grouped with unfit men—men who could not attend the assembly or represent themselves. The assumption of women's legal incompetence also leads to anxieties that women will not prosecute cases harshly enough.

But even though they are explicitly barred from many legal roles, women do have avenues into the Icelandic legal system—through divorce, their property rights, intercourse cases for unmarried women, and their children. These important exceptions illustrate what circumstances were strong enough to overcome the of assumption female legal incompetence. Usually, these exceptions were motivated by family ties; family was important enough in Icelandic ideology that women appear as potential prosecutors if there were no other options. Fundamentally, marriage does not dramatically change legal access in practice. As I will discuss, there are certain cases where married or unmarried women have a greater chance at access, but access depends more on which male relatives are living, and marriage functions more as a shifting of familial allegiance than a shift in legal status.

Most sources for Icelandic history began as pagan oral traditions from the 9th century but were written down by Christians in the 13th century, complicating when different parts were added and relevant. *Gragas*, the main legal code used in this paper, is a prime example. According to Icelandic tradition, Ulfljotr, one of the first settlers, brought the Gulathing law from the west coast of Norway to Iceland to augment and modify in the 920s. Icelanders wrote down current laws and introduced new laws at the Althing of 1117, the first time *Gragas* would have been written down.¹³¹ This original text does not survive, and the version that survives was further modified by the Christian law section between 1122 and

¹³¹ Andrew Dennis, Peter Godfrey Foote, and Richard Perkins, Introduction to *Laws of Early Iceland: Grágás, the Codex Regius of Grágás, with Material from Other Manuscripts*, Vol. 1 (Winnipeg: University of Manitoba Press, 2006), 4.

1133.¹³² Dennis, Foote, and Perkins conclude that most of the written laws genuinely reflect Iceland in the 12th century and the main manuscript likely dates to 1260.¹³³

Gragas is limited in how it can accurately depict everyday life in Iceland for several reasons. Different manuscripts of *Gragas* survive that do not match completely,¹³⁴ so *Gragas* was likely never seen as one comprehensive law code. Because Iceland lost its autonomy to Norway in 1262, Icelanders may have wanted to codify potentially idealistic version of their laws to maintain a separate identity.¹³⁵ Since the surviving manuscript is also from the end of the period I am examining, it cannot be assumed that the laws recorded were relevant through the whole period. Law codes are also limiting because they combine hypothetical best cases and disagreeable realities that had to be legislated. While these law codes seem to describe a comprehensive system where women have very limited legal agency, we cannot know exactly how these laws were enforced in practice, and *Gragas* and the Gulathing law are not comprehensive.

The surviving version of the Gulathing law faces the same problems. The version that was purportedly brought to Iceland was

¹³² Jenny Jochens, "Gender Symmetry in Law?: The Case of Medieval Iceland," *Arkiv för nordisk filologi* 108 (1993): 47.

¹³³ Dennis, Foote, and Perkins, Introduction to *Gragas*, Vol 1, 13.

¹³⁴ The translation by Dennis, Foote, and Perkins mainly follows the text of the Konungsbok manuscript, probably written around 1260, but it also includes unique sections from the Stadarholsbok manuscript, which was probably written around 1280. This translation is also based on the editions published by Vilhjalmur Finsen in Old Norse beginning in 1851.

Dennis, Foote, and Perkins, Introduction to *Gragas*, Vol 1, 13.

Dennis, Foote, and Perkins, Introduction to *Gragas*, Vol 1, 17.

¹³⁵ Dennis, Foote, and Perkins, Introduction to *Gragas*, Vol 1, 14.

from the 10th century, and Larson believes that most of the written laws are likely from the end of the 11th century,¹³⁶ but the most complete manuscript dates to the 13th century, around 1250.¹³⁷ So even though this law code is older than *Gragas*, the main manuscripts were written very close together, making it especially difficult to isolate which parts of the *Gulathing* law might have been modified to become *Gragas*. It is beyond the scope of this paper to argue for a progression from the written *Gulathing* law to a written *Gragas*, especially because there is not yet a scholarly consensus about what the difference between these sources means for the legal status of women in Iceland after the conversion. I use the *Gulathing*, but primarily as a point of comparison with *Gragas*. Since these sources were written down at such similar times, they show that though there was a large amount of trade between Norway and Iceland, and most of Iceland's original settlers came from Norway, Iceland had more restrictive ideologies than Norway.

Sagas are a prolific genre of Icelandic literature that developed during the 12th century, ranging from poems about Norse gods to seemingly historical descriptions of events. Mythic sagas focus on pagan gods, historical sagas focus on contemporary Iceland, and semi-mythic sagas are in the middle, featuring both

¹³⁶ Laurence Marcellus Larson, Introduction to *The Earliest Norwegian Laws: Being the Gulathing Law and Frostathing Law*, (New York: Columbia University Press, 1935), 26.

¹³⁷ The main manuscript is contained in the Codes Ranzowianus. Larson, Introduction to *The Earliest Norwegian Laws*, 28-29.

gods and humans.¹³⁸ The sagas written in Iceland during this period can show how the law was executed in practice, but they come with a similar set of problems around timing, and their historicity is hotly debated. Byock argues that sagas are not merely fiction but contain important information that can be compared with history, archaeology, and local oral traditions.¹³⁹ Many of the legal cases in *Gragas* involving women do not appear in the sagas, evidence in itself, but the sagas do describe marriages, fleshing out a process that is not detailed in *Gragas*.

There has been a significant amount of scholarly work done on the legal status of Icelandic women. Jenny Jochens has argued that women were barred from almost all legal roles and that symmetry present in the law codes may have been absent in practice.¹⁴⁰ Later scholars have disagreed, and Mundal says directly that she believes that situation was better than Jochens describes.¹⁴¹ Mundal argues that when taking into account Norwegian law codes like the *Gulathing* law, the picture is less restrictive, especially before Christianization.¹⁴² Sanmark also argues for the inclusion of the *Gulathing* law, and claims that the

¹³⁸ The sagas examined in this essay provide a brief look at each of these categories, which is hopefully somewhat representative.

¹³⁹ Jesse L. Byock, "The Mosfell Archaeological Project," in *Viking Archaeology in Iceland: Mosfell Archaeological Project*, ed. Davide Zori and Jesse Byock, 27-44 (Turnhout: Brepolds, 2014), 31.

¹⁴⁰ Jochens, "Gender Symmetry," 65.

¹⁴¹ Else Mundal, "The Double Impact of Christianization for Women in Old Norse Culture," in *Gender and Religion: European Studies*, trans. Ann Torday Gulden, ed. Kari Elisabeth Borresen, Sarah Cabbibo, and Edith Specht, 237-253 (Rome: Carocci, 2001), 244.

¹⁴² In her book on old Norse Women, Jochens does use the *Gulathing* law as one of her sources.

laws did allow women to participate in thing meetings at all levels and terms like ‘thingman’ could also refer to women.¹⁴³ This debate is still ongoing, especially in areas like how long after the conversion Icelandic women were able to sue for divorce.

This paper is limited to the period after Iceland converted to Christianity to avoid some of the issues with the sources. Pagan influence would not disappear from Iceland overnight after the country converted in 1000, but by choosing the year 1000 as my starting point, I focus on a period where Christianity was the dominant influence. This paper does not focus on social class, illegitimate women, or women who were enslaved, because the law codes are most comprehensive about freeborn, legitimate women, but these are all important distinctions in the law codes. While women in earlier sagas perform revenge as a legal role, the law codes do not envision women taking legal revenge and are unconcerned with female violence generally, so it is beyond the scope of this paper to analyze women taking legal revenge in the sagas or the disconnect between these sagas and the legal codes.¹⁴⁴

Historical Context

According to Icelandic texts written in the 13th century, Iceland was first settled by Ingolfur Arnarson, who established his

¹⁴³Alexandra Sanmark, “Women at the Thing,” in *Kvinner i Vikingtid*, ed. Nancy Coleman and Nanna Lokka, 88-105 (Oslo: Spartacus and Scandinavian Academic Press, 2014), 97.

¹⁴⁴ Carol Clover, “Maiden Warriors and Other Sons,” *The Journal of English and Germanic Philology* 85, no. 1 (1986) is an example of a paper that deals more in depth with this disconnect.

farm at modern Reykjavik from 870-874.¹⁴⁵ By 930, all the land in Iceland was officially claimed and the commonwealth was established, along with the national assembly called the Althing. At the Althing in 1000, the Icelanders decided that the whole country would convert to Christianity peacefully. In 1262, after a period of internal turmoil and increasing Norwegian influence, Iceland submitted to the Norwegian crown, though they retained many of their governing structures. After the submission, new law codes were adopted that superseded *Gragas*.

Iceland's legal and political system was based around the yearly Althing, where most of the legal roles in medieval Iceland could be performed. These include prosecuting a case, being a witness, initiating a divorce, inheriting property, and voting on new laws, most of which involved swearing oaths. Legal roles not directly performed at the Althing were still related to it; calling witnesses to publish an incident was a way to present credible evidence at the Althing, and legal revenge could be pursued after a judgement at the Althing. Iceland had no central authority, so all cases were prosecuted and enforced privately, and a significant amount of the law codes discuss who has the right to prosecute which case. Iceland was divided into quarters which each had their own assemblies and courts. Each quarter had a set number of chieftains, who served as local authorities; this position could be inherited, bought, or traded. Every chief had an assembly group that included all the people living in their area, so that every person living in Iceland would be connected to the Althing through their chief. Every individual had to legally reside in a household, and to

¹⁴⁵ Kevin P. Smith, "Landnam: The Settlement of Iceland in Archaeological and Historical Perspective," *World Archaeology* 26, no. 3 (1995): 320.

administer a household and be a householder, men or women needed to hold a certain amount of land. People without property, who worked in the households of others, had to join the assembly group of the householder they worked for.¹⁴⁶ Witnesses were also crucial in the Icelandic system; men are often required to call panels of either five or nine neighbors to publish an incident, like a wound or killing, so that the neighbors could certify they had seen the injury and heard the details. If the case was prosecuted, then the neighbors could be called as witnesses at the next Althing.

Women's Role in Medieval Iceland

A thematic strand that appears time and time again in the law codes and sagas is what roles are appropriate for women and men, illustrating Icelandic gender roles that have a reciprocal relationship with presumptions of legal competence. At the center of ideas about gender was the idea of men as strong, independent, and capable of the tasks necessary in Iceland—farming, fighting, and legal participation. Mundal writes, “there is only the one set of positive qualities and character traits, corresponding to the male gender pattern, according to which the women are also measured.”¹⁴⁷ Not all men were able to reach the ideal of the legally competent male gender role—legally unfit men, along with

¹⁴⁶ *Laws of Early Iceland: Grágás, the Codex Regius of Grágás, with Material from Other Manuscripts*, Vol. 1, trans. and ed. Andrew Dennis, Peter Godfrey Foote, and Richard Perkins, 1980, Reprint (Winnipeg, Canada: University of Manitoba Press, 2006), 132.

¹⁴⁷ Mundal, “Double Impact of Christianization,” 251.

women, are excluded from legal participation. Unlike men, whose violence the law codes heavily legislate, the law codes do not envision women as violent. *Gragas* addresses female violence in blanket statements; after an extensive description of punishments for injuries that refer to men as perpetrators, it usually says that women will be punished the same way as men.¹⁴⁸ Instead, Icelandic women's role generally revolved around the home and the running of the household.¹⁴⁹ *Gragas* states that a woman who owns a share in a household with her husband "is to run the indoor household if she wishes and the dairying,"¹⁵⁰ crystallizing the spheres women were expected to inhabit.

This idea of separate spheres is deeply relevant to how the sources are written—they are primarily interested in men's part of the world, not women's matters. Both law codes are primarily interested in preventing unlawful violence between men and regulating how men act, and the sagas are primarily interested in the heroic deeds of men. The *Gulathing* law is explicit that its audience is men, saying "each one of *us* shall possess one wife." The sagas' disinterest in women is mediated because the sagas are interested in lineage, which women relies on women's ability to bear children. Many historical sagas do not give details about women or their marriages but will include who a man takes to wife and a brief description of the woman's family. This tension

¹⁴⁸ *Gragas*, Volume 1, 220 is one example of a blanket statement about women and violence.

¹⁴⁹ Mundal, "Double Impact of Christianization," 245.

¹⁵⁰ *Laws of Early Iceland: Grágás, the Codex Regius of Grágás, with Material from Other Manuscripts*, Vol. 2, trans. and ed. Andrew Dennis, Peter Godfrey Foote, and Richard Perkins (Winnipeg, Canada: University of Manitoba Press, 2000), 66.

between women as largely absent from the public realm but also deeply involved in it through their children appears frequently in the law codes. These spheres are not concrete and can be challenged, but they do guide what the law codes and sagas examine and what roles are appropriate for women.

A consequence of seeing women as lacking men's strength is the anxiety that women will not prosecute cases harshly enough. This anxiety is most clear in the *Eyrbyggja* saga, which explains why women can no longer prosecute murder cases in Iceland. The two sisters of Arnkell Thorolfsson, who had no children or brothers, prosecuted the case against his killer, and "because the blood-suit was not so seemly as men deemed befitted such a chief as was Arnkel, the rulers of the land made this law, that for the time to come no woman and no man under sixteen winters old should be suitors in a blood-suit."¹⁵¹ The historicity of this event is debated,¹⁵² but the message is clear: women and very young men are not strong enough to prosecute murder cases, and the law must be changed so that only those who are strong enough be legally competent, meaning men who have reached their majority, can prosecute.

Women and the Althing

The yearly Althing was the center of legal life in Iceland, and it has been heavily debated whether women were able to

¹⁵¹ *The Saga of the Ere-Dwellers*, Icelandic Saga Database, published 2007, trans. William Morris and Eirikr Magnusson, ed. Sveinbjorn Thordarson, www.sagadb.org/eyrbyggja_saga.en.

¹⁵² See Jochens, "Gender Symmetry," 65 and Sanmark, "Women at the Thing," 99.

actively participate, primarily through the passage of *Gragas* that defines who is ‘assembly-fit,’ or fit to fully participate in the assembly. Though scholars have argued that the legal definition for who was assembly fit could include women, I agree with Jochens that the definition of assembly participation excludes women, regardless of marital status. *Gragas* defines a person as ‘assembly-fit’ and able to serve on a jury if they are able to ride full days’ journeys, bring in a hobbled horse, and travel known routes alone,¹⁵³ an explicit statement of legal ideology about what is required to make somebody legally competent. The word that translated as man is *madr*, which can mean ‘human,’ and Sanmark argues women could be included in this definition.¹⁵⁴ The requirements could be achieved by women, but as Jochens has argued, the following clauses clarify that women are excluded from this designation.¹⁵⁵ Immediately after, *Gragas* establishes that for an unfit man, four men could be called to the assembly instead, but no female relatives are mentioned, and the same four men are called “on behalf of a household led by a woman as on behalf of the household of an unfit man,” or the household led by a woman could be represented by her husband.¹⁵⁶ If they are summoned to serve on a panel, women and unfit men who are householders are to send one of their household men instead.¹⁵⁷ Women and unfit men are grouped together as deficient legal participants, even though they are capable of running a household, and somebody

¹⁵³ *Gragas*, Vol. 1, 151.

¹⁵⁴ Sanmark, “Women at the Thing,” 97.

¹⁵⁵ Jochens, “Gender Symmetry,” 49.

¹⁵⁶ *Gragas*, Vol. 1, 151.

¹⁵⁷ *Gragas*, Vol. 1, 151.

who does not run a household is sent instead of them, emphasizing how property ownership and control do not directly translate to accessing legal roles. Gender is more important than property ownership in Icelandic legal ideology.

The Althing was also a significant social and economic occasion, and Sanmark notes that women would likely participate in this sphere.¹⁵⁸ *Gragas* supports this—a wife could make formal, binding agreements at the assembly if it regarded paying debts for her husband, their joint money, or if she bought necessary things for the household, but her agreements were conditional on her husband’s consent.¹⁵⁹ Here, a married women assumes a legal role, likely by swearing a kind of oath, but the role is mediated by the superior legal authority of her husband and is mostly limited to the household, reflecting the theme of women’s legal actions being limited to the spheres of home and family.

Implications of Assuming Female Legal Incompetence

Based on the idea that women were legally incompetent and weaker than men, it makes sense why they were explicitly banned from many legal roles: chieftainship, serving as witnesses, and being called as neighbors. If a woman inherited a chieftainship, she was required to transfer it to someone else.¹⁶⁰ *Gragas* identifies witnesses as mentally sound men twelve years or older,¹⁶¹ and states that when calling neighbors to publish a crime, a woman’s household should be ignored unless it had a man who

¹⁵⁸ Sanmark, “Women at the Thing,” 100.

¹⁵⁹ *Gragas*, Vol. 2, 67.

¹⁶⁰ *Gragas*, Vol. 1, 137.

¹⁶¹ *Gragas*, Vol. 1, 145.

could represent her household at the assembly.¹⁶² Owning and administering a household does not qualify a woman to serve as a witness at the assembly or be called as a neighbor.

The Norwegian *Gulathing* law has important differences around women's general assembly participation. Women could serve as witnesses, call neighbors as witnesses, and declare a new will at the assembly, though there are still similarities in how women are viewed. When a man is slain, his widow can publish the crime before witnesses; the man's heir does this only if there is no wife. The wife may also summon a thing at that place if she chooses.¹⁶³ These are two legal roles that are directly opposed in *Gragas*, indicating that women were assumed to be more legally competent. Mundal stresses that this shows the wife has a higher rank than a male heir in this legal situation,¹⁶⁴ but this authority again falls to men in similar cases. If a man is killed at the thing, then his heirs are the ones to 'send the arrows' and receive the compensation;¹⁶⁵ if a man is summoned to the thing to answer to a legal case, his heirs or his thingmen send the summons, but there is no mention of a wife.¹⁶⁶

While this is one significant case where a woman calls neighbors to act as witnesses and calls a thing, the Norwegian ideology is still similar to the Icelandic one, and the place a woman is able to take on this role is in relation to her husband—in the more general cases above, men are again the primary participants.

¹⁶² *Gragas*, Vol. 1, 215.

¹⁶³ *The Earliest Norwegian Laws*, 128.

¹⁶⁴ Mundal, "The Double Impact of Christianization," 243.

¹⁶⁵ *The Earliest Norwegian Laws*, 138.

¹⁶⁶ *The Earliest Norwegian Laws*, 106.

Another case where women participate in the assembly is canceling a previous will and declaring a new one,¹⁶⁷ which was done at the assembly for men and likely for women. The Gulathing is less restrictive about female witnesses and specifies that “housewives whom men know to be good [women]” can be witnesses in witchcraft cases,¹⁶⁸ and it's possible that women could serve as witnesses for women in other contexts. But this ability to serve as a witness is dependent on how well women are perceived by men to fulfill the role of housewife, highlighting similar gender roles to Iceland. Icelandic law is more restrictive than Norwegian law about assembly participation, though it has many similar underlying ideas about what makes a woman more legally competent—often that she is respected wife or mother, limiting this legal access to specifically married women.

Enter the Legal Administrator

As a natural segue from female legal incompetence, *Gragas* relies on other people to represent women legally. Generally, these were men who were related to a woman or a woman's legal administrator, who is never explicitly defined. These legal representatives took on the roles that women were considered unfit to take, often prosecuting cases that related to women, their dependents, or their property. For married women, their primary representative was always their husband. For example, if a wife oversees a minor's property, her husband prosecutes if the minor is injured.¹⁶⁹ If a maintenance case is

¹⁶⁷ *The Earliest Norwegian Laws*, 111.

¹⁶⁸ *The Earliest Norwegian Laws*, 57.

¹⁶⁹ *Gragas*, Vol. 1, 225.

brought against a woman, either her husband or the chieftain whose assembly group she belongs to must defend her.¹⁷⁰ These representatives are often mentioned in conjunction with the idea of women and unfit men because it explains why this is necessary; If compensation for a killing case is due to “a woman or to a man who may not prosecute his own suits,” someone else prosecutes on their behalf and receives part of the compensation.¹⁷¹

Legal representatives also worked to connect women to the legal system, even as they were excluded from it. If a woman was divorced, her assembly attachment moved to that of her legal administrator,¹⁷² and if a woman’s husband died, she could move her assembly attachment to that of her legal administrator before five neighbors.¹⁷³ Whenever a woman’s marital status changed, she had to publicly declare which man would now bear the legal responsibility for her. In this case, a woman can call a group of neighbors as witnesses, which was usually prohibited, but she is only able to do so to transfer her authority to someone else. Women likely talked to their legal administrators about the cases they were a part of, but it is necessary that somebody else connects women to the legal system and navigates it for them. Legal administrators will reappear frequently in other sections of this paper and continue to demonstrate the ways that women were assumed to be legally incompetent.

¹⁷⁰ *Gragas*, Vol. 2, 48.

¹⁷¹ *Gragas*, Vol. 1, 222.

¹⁷² *Gragas*, Vol. 1, 135.

¹⁷³ *Gragas*, Vol. 1, 134.

Intercourse Cases

Intercourse cases are a genre of case in the law codes that concern wrongful intercourse, which is never explicitly defined but includes a man kissing a woman, asking a woman to sleep with him, going to a woman's bed to have sex, and any attempt at forced sex. Intercourse cases both give women a rare chance to be a legal principal and demonstrate a division between married and unmarried women around control of legal cases. *Gragas* lays out clear schemes about who should be the principal prosecutor, and for intercourse cases, a mother can be the principal in her daughter's case *if* her daughter's husband, father, legitimate son over 16, daughter's daughter's husband, and brother from the same father were all dead or didn't exist.¹⁷⁴ This situation is unlikely, but it does put women ideologically before more distant male relatives and technically gives them the chance to prosecute a legal case on behalf of a daughter. In intercourse cases, marriage does have an impact on whether women can access legal roles. If a man kisses an unmarried woman *without her consent*, she can choose to prosecute, but if she consented, the case lies follows the usual scheme for intercourse cases, meaning the woman's husband or father is the principal. If the woman is married, "the penalty for that is lesser outlawry whether she allows it or forbids it."¹⁷⁵ Unmarried women's consent is legally relevant, and they can choose to prosecute, but because of the importance of legitimate offspring for family ties, married women's consent is legally irrelevant, and they lose the chance of prosecuting the case themselves. Cases about minor wounds, which are not intercourse

¹⁷⁴ *Gragas*, Vol. 2, 70.

¹⁷⁵ *Gragas*, Vol. 2, 69.

cases but concern bodily autonomy, also grant unmarried women greater legal freedom. A widow or an unmarried girl can oversee her own case if it is about minor wounds, but she can only transfer the case to someone else or settle and cannot settle for less than the compensation set by law.¹⁷⁶ Though this underlies the idea that women are legally incompetent and will not prosecute cases harshly enough, it does grant more access to unmarried women than married ones.

Another important distinction in intercourse cases is whether the intercourse occurred. If a man tries to have sex with a woman and she takes offense, *given that the intercourse did not take place*, she can prosecute and her legal administrator prosecutes only if she is unwilling to, with no written distinction based on marital status.¹⁷⁷ If the intercourse did occur, then the case lies with the list of people above, going first to the woman's husband. This condition is motivated by the importance of lineage; if a woman is married and wrongful intercourse has occurred, the consequences for lineage are more acute and women cannot be trusted to prosecute or oversee the case. The Gulathing law is explicit that when intercourse has happened, women still bring charges against the guilty man with no mention of husbands, legal administrators, or marital status. Women in the Gulathing are seen as capable of handling this more severe case, but their legal action is still strictly circumscribed: the woman is obligated to bring the case the same day and she can be refuted by a threefold oath.¹⁷⁸ Intercourse cases are one of the only times women can prosecute,

¹⁷⁶ *Gragas*, Vol. 1, 158.

¹⁷⁷ *Gragas*, Vol. 2, 69.

¹⁷⁸ *The Earliest Norwegian Laws*, 144.

illustrating a deviation from the general assumption of female incompetence, but mostly for unmarried women, and only in cases that are not severe enough to disrupt the legitimacy of blood ties—the most severe cases are still prosecuted by men, unless the importance of family doubles back and allows a mother to serve as a principal if there are no close living male relatives.

The Process of Marriage

Marriage is the part of the legal system that would presumably concern women the most, but *Gragas* is not primarily interested with women's role in marriage. The way the law codes and the sagas describe marriage demonstrate that marriage serves more as a re-alignment of a woman's family allegiance and her property than a change in legal status or access. In the process of getting married, *Gragas* gives women very little official authority. While women could not arrange their own betrothals, a mother could arrange her daughter's betrothal if the same five men who were ahead of her in an intercourse case were dead, but the law is explicit that "this is the only case where a woman betroths a woman."¹⁷⁹ A woman's legal administrator and her betrothed name witnesses to the betrothal, but she does not,¹⁸⁰ highlighting that men are the important parties in betrothals because families center around men and their bloodlines. Widows had a minimally greater amount of authority over their second marriages; a widow's consent was to be obtained unless her father was the one betrothing her, and then her consent was unnecessary.¹⁸¹ The process of

¹⁷⁹ *Gragas*, Vol. 2, 53.

¹⁸⁰ *Gragas*, Vol. 2, 270.

¹⁸¹ *Gragas*, Vol. 2, 53.

marriage also highlights women's legal irresponsibility. If a woman married without the permission of her legal administrator, the man she married could be prosecuted and the administrator could claim some of his property,¹⁸² but she is not punished because she is not seen as an active party. Even though marriage profoundly affects women's lives, they are not seen as the responsible or relevant parties during the process of marriage. Legally, marriage is not about them—it is about the patriarchal families they leave and join.

The law codes do not address the informal and personal means that women potentially used to affect their marriages, but the sagas offer a chance to see if women in literature did influence their own marriages and offer valuable depictions of marriage in general. The mythic and semi-mythic sagas analyzed show women with the most agency, but these pagan goddesses and princesses are also the furthest from the reality of medieval Iceland. The historical sagas, which appear more historical, are more in line with *Gragas*'s description of female legal status. A trend appearing in the sagas that is absent in the law codes is while the consent of women is unnecessary for a marriage to proceed, marriages are often disastrous if the woman is forced. While this disaster takes the form of bloody revenge in more mythic sagas, which would likely be unrelatable for Christian Icelandic women, the idea of a marriage failing if a partner is forced could certainly still resonate with them.

The pattern of forced marriages ending in tragedy is most clear in the mythic and semi-mythic sagas, which were written

¹⁸² *Gragas*, Vol. 2, 58.

during my period of study but began as pagan oral traditions. Signy, from *The Saga of the Volsungs*,¹⁸³ a semi-mythic saga, marries at her father's wish even though she is unwilling and ends up murdering her children, husband, and committing suicide.¹⁸⁴ Women in mythic sagas also swear oaths. Sigrun, a Valkyrie and daughter of a king, refuses to marry the man whom her father has promised her to, swearing she will "no sooner marry him than a young crow," but she qualifies this by saying immediately to the man she wants to marry, "the marriage will take place unless you stop Hodbrodd."¹⁸⁵ Sigrun takes on a legal role by swearing an oath, but she understands her authority over her own marriage is still limited; even as a Valkyrie and a princess, her oath needs the support of the man she has chosen to marry to hold true. There are examples, especially in mythic sagas, that do directly contradict *Gragas*, even though they were written down while *Gragas* was in place. Grimhild, a queen, effectively arranges two marriages for her daughter and forces her to go through with them, one when her husband is still alive and the second one when she has two sons who should arrange the marriage instead. But even though this case contradicts *Gragas*, the fact that both marriages end in tragedy reinforces the pattern of forced marriages ending in disaster and could serve as a critique of Grimhild's contradiction of the law codes.

¹⁸³ *The Saga of the Volsungs* is preserved in a single vellum manuscript, Ny kgl. Saml. 1824b 4^o, from about 1400, though it includes copies of older originals. It was probably written down for the first time from 1200-1270.

Jesse L. Byock, "Note on the Translation," *The Saga of the Volsungs*, trans. Jesse L. Byock (London: Penguin, 1990), 31.

¹⁸⁴ *The Saga of the Volsungs*, trans. Jesse L. Byock (London: Penguin), 47.

¹⁸⁵ *The Saga of the Volsungs*, 48.

In the historical sagas, women have very little agency in arranging their own marriages and are seen primarily as objects of lineage. Gudrid, from *Eirik the Red's Saga*,¹⁸⁶ is described by her foster father as “choosy about her husband, as is her father.”¹⁸⁷ But the agency this implies about who she marries is absent in practice or only appears in a way that the saga does not record; when her father objects to a proposal, there’s no input from Gudrun, and when she does marry, she and her father give her suitor “a favorable answer,”¹⁸⁸ which implies her consent but acknowledges that her father’s consent is the most important. When she marries a second time, where according to *Gragas* her consent is necessary, the saga says she allows herself to be guided by the advice of her kinsman Eirik.¹⁸⁹ In *Egil's Saga*,¹⁹⁰ Asgerd always refers marital decisions to her kinsmen. When Thorolf wants to marry her, he asks her uncle and father, and the marriage happens when they agree.¹⁹¹ When Egil wants to marry her, he does ask her personally, but she refers it to her father and kinsman Arinbjorn,

¹⁸⁶ *Eirik the Red's Saga* is preserved in the Hauksbok manuscript (early 14th century) and the Skalholtbok manuscript (early 15th Century). Both of these are based on an earlier text from the early 13th century.

Gisli Sigurdsson, Introduction to *The Vinland Sagas*, trans. Keneva Kunz (London: Penguin, 2019), ix.

¹⁸⁷ *The Vinland Sagas*, trans. Keneva Kunz (London: Penguin, 2019), 28.

¹⁸⁸ *The Vinland Sagas*, 35.

¹⁸⁹ *The Vinland Sagas*, 39.

¹⁹⁰ The oldest complete version of *Egil's Saga* is in the *Modruvallabok* codex, which is dated from 1330-1370, though the oldest surviving manuscript fragments date to the second half of the 13th century.

Svanhildur Oskarsdottir, Introduction to *Egil's Saga*, trans. Bernard Scudder, ed. Svanhildur Oskarsdottir (London: Penguin, 2004), xiii.

¹⁹¹ *Egil's Saga*, trans. Bernard Scudder, ed. Svanhildur Oskarsdottir (London: Penguin, 2004), 71.

and Arinbjorn ultimately decides.¹⁹² In historical sagas, marriages are generally less dramatic; women are not recorded as forced, but women are also barely players in their own marriages. These sagas would be the most familiar to Christian Icelandic women, and the stories correspond much more closely to *Gragas*. Marriage does not change these women's legal access because they take no legal roles before or after marriage. The sagas solidify the ideas found in the law codes that marriage is more about male consent to changing family allegiances than female consent to a marriage or a change in legal status, while also introducing the idea that at least for pagan women in literature, forcing marriages leads to disaster.

Property Inheritance and Control

Property ownership was crucial to legal access in medieval Iceland; to be a householder and participate in the assembly under their own name, a man needed to own enough property and maintain their household. As we have seen, women could be householders, but owning and administering property did not qualify a woman to be a part of the assembly or be called as a neighbor. Icelandic women inherit and own property, and they should be able to reclaim all the property they brought to a marriage if they got a divorce. The practicalities of property ownership also demonstrate how marriage did not dramatically change women's legal access.

¹⁹² *Egil's Saga*, 104.

Gragas' rules about female inheritance reinforce the idea that women are able to gain independence, for example through property, only when their fathers are dead and they are not yet linked to a legally competent man through marriage. According to *Gragas*, daughters inherit after the death of their parents if there is no son, who is the first lawful heir.¹⁹³ Women are unable to maintain their own land before they reach their majority at sixteen. Married women or widows can inherit property before sixteen, but widows only with the authorization of a legal administrator,¹⁹⁴ a case where the choice is practically between the authority of a husband or a legal administrator. At sixteen, an unmarried girl could inherit property and take the yield from her land, but she could not be responsible for her own home until she was twenty.¹⁹⁵ Even once a girl had reached her legal majority, but she was still not trusted to control property until she was twenty. An unmarried girl who was twenty and had inherited land after the death of her parents and because she had no brothers would have an impressive degree of independence, but would be an exception, and she would lose her independence once she married.

Once married, Icelandic women retained their property. A couple's property could be combined in a partnership during the marriage, and both had the equal right to object to a partnership of property.¹⁹⁶ Couples paid according to their own proportionate property, but if that division was unknown, then the default division was for the husband to pay two-thirds and the wife one-

¹⁹³ *Gragas*, Vol. 2, 3.

¹⁹⁴ *Gragas*, Vol. 2, 8.

¹⁹⁵ *Gragas*, Vol. 2, 8.

¹⁹⁶ *Gragas*, Vol. 2, 68.

third. This scheme of the husband paying two-thirds and the wife one-thirds unless they have a separate partnership appears throughout *Gragas*, and clearly defines the expected financial responsibilities of each spouse within a marriage. This division also applied to supporting children: if there was a known partnership, couples paid in proportion to that, but otherwise fathers paid for two-thirds of maintaining their children and mothers paid one-third,¹⁹⁷ The same paradigm also applied to parents supplying dowries to their daughters¹⁹⁸ and how property should be divided between kin if a couple died.¹⁹⁹ This assumption of how much women would generally contribute brings in the idea of financial competence; while some women could provide more, they are assumed to be half as financially competent as men, contributing to an overall view in the laws that women function as less competent men.

There was a constant tension around property within Icelandic marriages. Women retained their property, but during a marriage, a husband has effective control over his wife's property and their shared household. Even though the household is the sphere women most belong in and they could take on rare legal roles to ensure their property remained secure, especially in case of a divorce, control over their property did not extend to full legal competence or an equal partnership within marriage. Within marriages, women had power to ensure their property remained secure through legal means. A wife could prosecute her husband if he tried to run away with her property, though the law also states

¹⁹⁷ *Gragas*, Vol. 2, 30.

¹⁹⁸ *Gragas*, Vol. 2, 68-69.

¹⁹⁹ *Gragas*, Vol. 2, 21.

that she could transfer the case to anyone she chose.²⁰⁰ If a woman requested a calculation of her and her husband's means within a marriage, she could call five neighbors to make the calculation. But this right to protect their property did not extend to full legal competence, and a husband was still in charge of the couple's property, as well as their buying and selling.²⁰¹ If a wife spent more than a certain amount in a year, her husband could nullify her purchases.²⁰² For most women, this control during marriage would represent the change from a father's authority to a husband's. Even for the rare women who were able to inherit and administer their property, that competence did not extend to legal access, and a man, who was presumed to be more competent, would inherit instead in most cases and re-establish the normal order once a woman married. If a woman sued for divorce, she would be able to reclaim control of property, but her legal actions would now be constrained by a legal administrator.

Divorce

Unlike most Christian countries at the time, divorce was possible in medieval Iceland, and women were able to initiate divorces. *Gragas* states: "there shall be no separation of man and wife here in the country unless a bishop gives leave, save only when they separate on account of dependents or when one of them inflicts an injury deemed a major wound on the other."²⁰³ This presents two cases where a bishop's permission is not necessary,

²⁰⁰ *Gragas*, Vol. 2, 66.

²⁰¹ *Gragas*, Vol. 2, 66.

²⁰² *Gragas*, Vol. 2, 66-67.

²⁰³ *Gragas*, Vol. 2, 63.

and the possibility of a bishop approving divorces in other cases. There is an ongoing scholarly debate about how long divorces would have been possible after the conversion to Christianity,²⁰⁴ but the clauses that legislate divorce remain in a manuscript written circa 1260, indicating that women were still seen as capable of achieving and initiating divorces within Iceland's legal ideology.

There are four cases where the laws mention divorce as an outcome, two of which are quoted above: poverty, violence by one spouse against another, if a husband tried to take his wife out of the country without her permission,²⁰⁵ or the marriage was within the prohibited degrees of kinship.²⁰⁶ The process of divorce involved litigating the division of assets, which usually followed the same scheme as financial responsibilities during marriage: following an agreed partnership or two-thirds to the husband and one-third to the wife. If a couple separated because they could not support their children, they maintained dependents in proportion to the means they had or the work they were able to do.²⁰⁷ If both spouses were destitute, then two-thirds of the children would go to the father's family and one-third would go to the mother's family.²⁰⁸ Regardless of who initiated the separation, a woman would be able to leave with her dowry and property.²⁰⁹ The focus of the laws about divorce on the division of assets furthers the idea that

²⁰⁴ See Jenny Jochens, *Women in Old Norse Society*, (Ithaca: Cornell University Press, 1995), 57 and Mundal, "The Double Impact of Christianization," 246. Jochens believes divorces were relatively easy to obtain, while Mundal argues they would have been obsolete by 1200.

²⁰⁵ *Gragas*, Vol. 2, 66.

²⁰⁶ *Gragas*, Vol. 2, 63.

²⁰⁷ *Gragas*, Vol. 2, 30.

²⁰⁸ *Gragas*, Vol. 2, 31.

²⁰⁹ *Gragas*, Vol. 2, 65.

marriages and the dissolution of marriages are mostly about the property women bring with them and how it is passed down family lines.

The laws that legislate divorce demonstrate that it is one of the main ways women could take on legal roles since the laws imply that divorces were administrated at the assembly and women had chances to publicly call neighbors as witnesses during the process of a divorce. *Gragas* requires a husband to help his wife get to the assembly to complete a divorce.²¹⁰ This detail is crucial, giving women access to the assembly but also reiterating that they are not as fit as men by assuming they need help to reach the assembly. Other aspects of divorce also granted women legal participation. If a husband tried to take the wife out of the country, she could declare their separation and end his legal rights to her and her property,²¹¹ but a divorce still depended on a bishop's leave. Whichever party brings about the separation "is to name witnesses to witness their separation in the hearing of the other and announce it to neighbors afterwards if they are not then present,"²¹² and *Gragas*' emphasis on each party seems to include the wife. But even though divorce did allow women these legal roles, the roles underlie the desire to maintain property within family lines. After a divorce, a woman would revert to the legal authority of her male family members or a legal administrator; recall that a divorced woman must change her assembly attachment to that of her legal administrator. In the end, her legal access would be similar to before and during marriage.

²¹⁰ *Gragas*, Vol. 2, 65.

²¹¹ *Gragas*, Vol. 2, 66.

²¹² *Gragas*, Vol. 2, 63.

Compensation for Homicide

Gragas' detailed lists of compensation payments after a homicide try to prevent blood feuds by having the killer and their family pay wergild to the family of the slain man and rarely mention women. The exceptions where women can receive or pay compensation illustrate the importance of women's role in lineage and how it comes to the fore when there are no male relatives to take the role. A mother receives one-third of the compensation for the killing of her legitimate children, including daughters, and female heirs can receive compensation in killing cases, though it is unlikely they would prosecute the case themselves.²¹³

The only time a woman pays wergild is found in the case of the 'ring-woman,' an only child whose father has been killed. Gragas states:

There is also one woman who is both to pay and to take a wergild ring, given that she is an only child, and that woman is called "ring-lady." She who takes is the daughter of the dead man if no proper receiver of the main ring otherwise exists but atonement payers are alive, and she takes the three-mark ring like a son...until she is married, but thereafter kinsmen take it. She who pays is the daughter of the killer if no proper payer of the main ring otherwise exists but receivers do, and she is to pay the three-mark ring like a son, and this until she enters a husband's bed and thereby tosses the outlay into her kinsmen's lap.²¹⁴

²¹³ *Gragas*, Vol. 1, 159.

²¹⁴ *Gragas*, Vol. 1, 181.

Clover argues that in this role, women could not only take the place of a son in property transactions, but also in persecuting blood feuds, helping to explain the prevalence of maiden warriors in Norse literature.²¹⁵ Jochens argues that the ring-woman is more safely interpreted as a way to keep property within the family.²¹⁶ Based on the legal ideology, a fatherless and brotherless woman takes on a legal role usually reserved for men, and she forfeits this role to her new kin when she marries. This is the clearest case where the importance of family prosecuting legal cases forces a tear in the idea of female legal incompetence—but that tear is repaired as soon as this woman again has a family with male members to take on the role. And within the wording of the law, the ring woman is explicitly a last resort—she takes the ring only because “no proper reviver of the main ring otherwise exists.” Even though this is an important exception to the exclusion of women from the legal system, it still reflects Gragas’ idea that women are legally incompetent.

In the Gulathing law, women other than the ring-woman receive and pay wergild, and the ring woman herself is not limited by marriage. Mothers, wives, daughters, and sisters of a slain man receive these payments equally.²¹⁷ A married woman could receive payments if her children were killed, like in *Gragas*, but they could also receive payments on behalf of fathers or brothers. One clause is especially explicit that having children, instead of being married, is what defines access to compensation, saying that only wives who have sons or sisters who are capable of childbearing can

²¹⁵ Clover, “Maiden Warriors,” 47.

²¹⁶ Jochens, “Gender Symmetry,” 52.

²¹⁷ *The Earliest Norwegian Laws*, 151.

receive certain fines.²¹⁸ While this same clause is not found in Gragas, the Gulathing is demonstrating the same ideas about an ideology of family—in this case, these women are able to claim payments on the basis of family because they have proved their ability to carry on a lineage and fully re-align to their marital families.

The definition of the ring woman is less clear in the Gulathing law, but she is an heir to both land and movable goods and pays or takes wergild “just as men do.”²¹⁹ Crucially, there is no indication that this changes on marriage, and it is possible that the ring-woman could keep her role even if her marital status changed. This idea, combined with the earlier Gulathing clauses that allow a widow to call a thing on her husband’s death and let women act as witnesses, solidify the view that the Gulathing law is less restrictive than Gragas. Interestingly, these differences also appear to not hinge on marriage; women had greater access both before and after marriage. In contrast, Gragas is more restrictive of women’s rights before and after marriage, and the ring woman is a dramatic example, along with unmarried women over twenty who had inherited property, where a woman’s legal access changes based on her marriage. But this case is an exception—for most women, marriage would not cause this type of dramatic change.

Conclusion

Women in medieval Iceland were not seen as full legal actors, regardless of their marital status. At the same time, they were connected to the legal system through assembly attachments, demonstrating the tension between women as subjects who needed

²¹⁸ *The Earliest Norwegian Laws*, 155.

²¹⁹ *The Earliest Norwegian Laws*, 180.

to be legislated but could rarely represent themselves. The times women can take on legal roles rely on tension between competing ideas; lineage versus female legal incompetence, keeping property in the family versus a husband legally representing his wife. Even though lineage gives women access to being a principal, a woman rarely represented herself—her authority was entirely rooted in the ideological power of family. The power of lineage is instrumental to almost every case where women can legally participate, either as mothers on behalf of their daughters or as only children who inherit what would normally go to sons. The importance of lineage is clear in the sagas; they mainly discuss women when they discuss marriage, but even there, women have limited legal access, without large distinctions based on marital status. There are cases where unmarried women have greater legal access, especially in intercourse cases, but married women had greater access through divorces and their children. Marriage is not the most important legal dividing line because of the ways that women were restricted by fathers, husbands, and legal administrators, regardless of their marital status. The Gulathing law is less restrictive in many cases, but it often has similar undertones for why women can participate in the legal system and also does not represent a significant change in legal status based on marriage. In most cases, the choice for women was basically between who would represent them legally: husband, father, or legal administrator. Iceland's legal system was unique from the rest of medieval Europe, but women were not the independent warriors they have been imagined to be.

Wielding the Nonviolent Legacy: Martin Luther King and Cesar Chavez as Mahatma Gandhi's American Successors

Emma Stauber

Introduction

On the morning of May 28th, 2020, the air is smoky orange rather than blue sky as a man in a mask stands atop a burned-out car in the wreckage of a Minneapolis city street. Behind him, mangled and blackened rebar juts out between his figure and the fire truck still trying to extinguish one of the many scorched buildings visible in the photograph²²⁰. It has been three days since George Floyd was killed by police in the city, and two since the protests started. Lorie Shaull's photograph of this scene, though likely at least somewhat staged, presents a clear message; the riots have begun. For the remainder of the year, the Black Lives Matter movement would struggle to prove its commitment to nonviolence with this initial image, and others like it, receiving as much or more news attention as the stated goals of the movement.

In the wake of these 2020 Black Lives Matter protests and the renewed, national interest of America's youth in wide-spread

²²⁰ Lorie Shaull, *A Man Stands on a Burned-out Car on Thursday Morning as Fires Burn behind Him in the Lake St Area of Minneapolis, Minnesota*, 2020, photograph, *Flickr*, 2020, <https://www.flickr.com/photos/number7cloud/49945886467/>.

demonstration, at the very least for a summer, increased public attention has turned to *how* protests should operate. As Todd Gitlin points out in *Letters to a Young Activist*, American protesters today often compare themselves and are compared, relentlessly, to the youth protesters of the 1960s, including those led by Reverend Martin Luther King Jr. and California's Cesar Chavez—leaders of the “glory days” of American nonviolent resistance. Becoming known as a successor to these giants can make a movement and being compared negatively against them can break one. However, the organizations of the 1960s also took inspiration from the social movements before them, notably, at least for Martin Luther King and Cesar Chavez, Mahatma Gandhi's nonviolent resistance to British Colonialism in India.

Although both Martin Luther King and Cesar Chavez have been extensively written about, their connection to each other, in light of the influences of Gandhi on each of their movements, remains underrepresented. In general, works about Chavez speak more on his connection to Martin Luther King than works about King himself, but even then, much of this is limited to a brief mention of the telegrams King sent to Chavez in 1966 and 1968, falling short of a provision of deserving analysis of the shared nonviolent inspirations of the two leaders. The most significant and useful discussion of the connections between the two men comes from Andrea Shan Johnson's 2006 “Mixed Up In The Making: Martin Luther King Jr., Cesar Chavez, And The Images Of Their Movements,” in which she focuses on the images presented and the tactics employed by both the Civil Rights movement and United Farm Workers Union to as points of comparison between

the two movements and their leaders²²¹. However, Johnson's analysis of Gandhi's role in shaping the philosophies of both leaders and their movements' use of his image as a nonviolent leader to further their own is limited to remarking on their similarity as a part of her larger discussion of the effect both men had, as individuals, on the success of their respective movements.

In this analysis, I aim to deepen that discussion, focusing primarily on what each movement learned from Gandhi, how they used his tactics and memory to further their own success, and how Chavez, after the death of King, expanded his movement's rhetoric to include the memory of King, leading to Chavez's reputation as King's successor. Although this reputation has only continued to develop in recent years, with the growing Hispanic population in the United States drawing increased focus to his work as a labor movement leader, in many ways, the evidence shows Chavez actually was a contemporary of King. While he took note of Dr. King's successes and failures on the national scale to enhance the success of his own movement, Chavez's nonviolent ideals, central to his leadership of the United Farm Workers, originated from the same source as King's; Mahatma Gandhi.

Gandhi and King: Nonviolent Rhetoric

On February 3rd, 1959, Dr. Martin Luther King Jr. and his wife left the United States for a five-week tour of India, going as

²²¹ Andrea Shan Johnson, "Mixed up in the Making: Martin Luther King Jr., Cesar Chavez, and the Images of Their Movements" (dissertation, University of Missouri-Columbia, 2006), pp. 22-39, <https://doi.org/10.32469/10355/4486>, 22-39.

pilgrims, not tourists, to Mahatma Gandhi's homeland²²². Especially in the earlier years of Dr. King's Civil Rights movement, his public association with Gandhi's prior nonviolent movement in India was strong. Later in that same year, the Southern Christian Leadership Conference announced that King would be leaving Montgomery Alabama "in response to the appeal of the SCLC that the time was right for expanded militant action across the South, and for which his presence closer to headquarters was indispensable," and in doing so also took the liberty to refer to him as "the 'American Gandhi,'"²²³ building up the narrative, in an otherwise unrelated press release, that he was both a follower and the rightful successor of Gandhi. Although the reference itself is brief, it gives significant insight into the consistent and purposeful image that the leaders of Civil Rights movement crafted around the face of their movement, Martin Luther King. Without having to put together a full speech, press release, or other work to establish this connection that could be extensively criticized by opponents or skipped over by the public conscious entirely, the leadership of the Civil Rights movement was able to make clear their inheritance of Gandhi's ideals through smaller references like these, littered throughout their publications as a whole.

²²² "Account by Lawrence Dunbar Reddick of Press Conference in New Delhi on 10 February 1959," in *The Papers of Martin Luther King, Jr.*, vol. V (Berkeley: University of California Press, 2005), <https://kinginstitute.stanford.edu/king-papers/documents/account-lawrence-dunbar-reddick-press-conference-new-delhi-10-february-1959>.

²²³ "Martin Luther King, Jr. Research and Education Institute," *Martin Luther King, Jr. Research and Education Institute* (Stanford, December 1, 1959), <https://kinginstitute.stanford.edu/king-papers/documents/sclc-press-release-dr-king-leaves-montgomery-atlanta>.

Dr. King also established his connection to Gandhi with his own words, which make clear that in addition to wanting the public to connect him and his movement to Gandhi, his intellectual link to the man is as sincere as his pilgrimage to India suggested. In his 1959 “Address at the Thirty-Sixth Annual Dinner of the War Resisters League,” Martin Luther King reminds the crowd that it was the “study of Gandhi [that] convinced [him] that true pacifism is not non-resistance to evil; but non-violent resistance to evil”²²⁴ and that “Gandhi resisted evil with as much vigor and power as the violent resister, but he resisted with love instead of hate.”²²⁵ As the address continues, King quotes Gandhi himself, and his commitment to maintaining this connection with the Gandhi throughout the speech establishes his Civil Rights Movement as a direct descendant of Gandhi’s nonviolent protest in India. Such emphasis on the connection between Gandhi and the Civil Rights movement was also not exclusive to this speech. In his “Pilgrimage to Nonviolence,” which echoes the sentiments expressed in chapter six of his 1958 book *Stride Toward Freedom: The Montgomery story*, Dr. King credits Gandhi with the development of his commitment to nonviolence, describing how he became “deeply fascinated by [Gandhi’s] campaigns of nonviolent resistance”²²⁶ prior to emerging as a leader of the Civil Rights movement, but that “in accepting this responsibility [of leading protests in Montgomery in 1954] my mind, consciously or unconsciously, was

²²⁴ Martin Luther King (February 2, 1959).

²²⁵ Martin Luther King (February 2, 1959).

²²⁶ Martin Luther King, “Christian Century,” *Christian Century*, April 13, 1960, pp. 439-441, <https://kinginstitute.stanford.edu/king-papers/documents/pilgrimage-nonviolence>.

driven back to the Sermon on the Mount and the Gandhian method of nonviolent resistance.”²²⁷ Although he does not go as far as to boldly declare himself Gandhi’s successor or the “American Gandhi,” that King also wishes to tie himself to Gandhi’s image as a great world leader and sees himself as an intellectual and social disciple of the man is clear. With marches and protests that were already wholeheartedly committed to nonviolence, his main vehicle for continuing to emphasize this connection is his rhetoric.

Gandhi and Chavez: Nonviolent Action

In comparison to Dr. King, Cesar Chavez’s verbal references to Gandhi are far less frequent, but his methods of protest, outside the commitment to nonviolence that they all shared, were more similar. While King made public speeches to audience sizes ranging from small church rooms to Washington D. C.’s Lincoln memorial and marched in front of large groups of other Civil Rights protesters, some of Chavez’s most memorable protests featured him alone—his fasts. In 1968, his first public fast brought Chavez national fame, with Robert Kennedy himself coming to commemorate the breaking of Chavez’s 25-day fast.²²⁸ In the photograph of this moment, taken by Richard Darby, the centrality of Chavez’s personal struggle and commitment to nonviolence is far more prominent than the size, commitment, or struggles of his supporters. Wrapped in a heavy jacket and with a

²²⁷ Martin Luther King, “Christian Century,” *Christian Century*, April 13, 1960, pp. 439-441, <https://kinginstitute.stanford.edu/king-papers/documents/pilgrimage-nonviolence>.Ibd

²²⁸ Richard Darby, *Robert Kennedy and Cesar Chavez after His 1968 Fast*, photograph, Walter P. Reuther Library.

blanket covering his legs, Chavez, and the reclining chair he sits in are the main focus of the picture, with Robert Kennedy's concerned expression as he hands bread to the labor movement leader a close second²²⁹. Although Chavez's physical condition is nowhere near as extreme as the physical condition of Gandhi after his hunger strikes, the similarities between this image and the images of Gandhi cannot be ignored. In 1972 and 1988, he would fast yet again. While Chavez also organized large demonstrations, protests, and marches reminiscent of and parallel to the actions of Dr. King's Civil Rights movement, he also made one of the most visually striking aspects of Gandhi's nonviolent resistance, the personal suffering of an individual leader, a prominent part of his labor movement. King's focus was elsewhere. Chavez may have referenced Gandhi less often than King did in his speeches, but this particular method of protest was far more reminiscent of Gandhi than of King.

Interestingly, Chavez's 1978 article for *Maryknoll Magazine*, "He Showed Us the Way," meant to commemorate the tenth anniversary of Dr. King's death, also brings up Gandhi's lessons on the usefulness of the boycott, with Chavez writing that, "the boycott, as Gandhi taught, is the most nearly perfect instrument of nonviolent change, allowing masses of people to participate actively in a cause."²³⁰ Indeed, one of Cesar Chavez's most prolonged and effective method of nonviolent resistance

²²⁹ Richard Darby, *Robert Kennedy and Cesar Chavez after His 1968 Fast*, photograph, Walter P. Reuther Library.

²³⁰ Cesar Chavez. "He Showed Us the Way." *Maryknoll Magazine*, April 1978. <https://ufw.org/he-showed-us-the-way-by-cesar-chavez-april-1978-maryknoll-magazine/>.

during the 1960s was the Grape Strike, which lasted from 1965 to 1970. King made his name with the Montgomery Bus Boycott, but Chavez chooses—in a discussion otherwise oriented around Dr. King and nonviolence, in an article whose title suggests that the labor movement arose from, or at least gained strength because of, King’s Civil Rights movement—to reference Gandhi instead, revealing that Gandhi’s nonviolent teachings were still very much at the forefront of Chavez’s own thinking on nonviolence, even as the labor movement continued into the post-King era of activism.

From Gandhi to King: Chavez Responds to Shifting American Public Memory

Despite that Gandhi served as an important philosophical influence on both Dr. King and Cesar Chavez, and that Chavez’s own methods of nonviolent resistance reflected aspects of Gandhi’s nonviolent protest methods not prominently featured in King’s Civil Rights movement, today, Cesar Chavez is often considered to be “MLK’s Mexican heir” in the same way that the Southern Christian Leadership Conference presented King as the “American Gandhi.” In many ways, this image has developed because it was crafted by Chavez and the United Farm Workers leadership after King’s death. During King’s life, he sent two telegrams to Chavez, but neither became public knowledge until after his assassination, when the labor movement used them to connect their movement to the memory of King. Otherwise, the actual text of these messages suggests a shared intellectual camaraderie between the Civil Rights movement under King and the labor movement under Chavez, even if there was no real practical partnership between the two. In the first of these

telegrams, sent in 1966, King remarks that he and Chavez are “brothers in the fight for equality”²³¹ and that “together with you in spirit and in determination that our dreams for a better tomorrow will be realized,”²³² and in the second telegram, sent to Chavez during his 1968 fast, Dr. King praises Chavez’s courage and leadership, and calls him “a living example of the Gandhian tradition.”²³³ These are the words of one follower of a school of thought, Gandhi’s school of thought, writing to his contemporary, rather than two a successor.

However, Chavez responded to neither telegram, interacting with them in a publicly traceable way only when *El Malcriado*, Chavez’s labor movement’s magazine, published the 1968 telegram shortly after King’s death in April of 1968. The intent here is clear; to capitalize on King’s legacy to increase support for the labor movement. Chavez’s 1990 speech, “Lessons of Dr. Martin Luther King,” does the same. By this time, the 20 years that had passed since King’s death had deafened the voices of dissent that criticized him during his life, and his legacy in American public memory had become increasingly positive.²³⁴ On the other hand, direct memory of Gandhi, who died in 1948, was

²³¹ Martin Luther King to Cesar Chavez, September 22, 1966. Telegram. In *Cesar Chavez: A Brief Biography with Documents*. Boston, New York: Bedford, 2002.

²³² Martin Luther King to Cesar Chavez, 1966.

²³³ Martin Luther King to Cesar Chavez, March 5, 1968. Telegram. *El Malcriado* vol. 2 no. 4,

https://libraries.ucsd.edu/farmworkermovement/ufwarchives/elmalcriado/1968/April%2015,%201968%20No%204_PDF.pdf.

²³⁴ Harry A. Reed, “Martin Luther King, Jr.: History and Memory, Reflections on Dreams and Silences,” *The Journal of Negro History* 84, no. 2 (1999): pp. 150-166, <https://doi.org/10.2307/2649044>.

fading. Associations with Gandhi no longer carried the weight they had in the 1960s, so if the United Farm Workers wanted to continue to tie itself to the global legacy of nonviolent protest through the 1990s and beyond, it became necessary to tie themselves even more strongly to King and the idea that their movement was the successor of the Civil Rights movement. As one of Chavez's final speeches, "Lessons of Dr. Martin Luther King" does this effectively. Chavez challenges his audience to "be a true disciple of King"²³⁵ and join Chavez's labor movement, recalling how "when Dr. King sounded the call for justice, the freedom riders answered the call in droves"²³⁶ and promising that "I am giving you the same opportunity to join the same cause, to free your fellow human beings from the yoke of oppression."²³⁷ It is now wonder, with words like these, that Cesar Chavez came to be seen as Martin Luther King's successor, even if his actions during the 1960s point more closely to Gandhi being Chavez's intellectual mentor, rather than King.

Conclusion

As the study of Cesar Chavez and his labor movement becomes increasingly popular, examining the nonviolent ideas that drove both his labor movement and Dr. Martin Luther King's Civil Rights movement to success in the 1960s and beyond becomes

²³⁵ Cesar Chavez, "Lessons of Dr. Martin Luther King." *Cesar Chavez Foundation*. Speech, 1990. <https://chavezfoundation.org/speeches-writings/#1549063914152-2996f9ba-439c>.

²³⁶ Cesar Chavez, "Lessons of Dr. Martin Luther King."

²³⁷ Cesar Chavez, "Lessons of Dr. Martin Luther King."

increasingly important. Although Chavez and the United Farm Workers movement have worked to establish their movement as one that rose from King's in the years since King's death, careful attention should be paid to considering the potential differences between this narrative and the complicated reality that shaped both King and Chavez's intellectual and physical commitment to nonviolent protest. While Chavez certainly learned from King's Civil Rights and used those lessons to lead his own labor movement to further success, Gandhi was a remarkably influential figure for both men. Rather than identifying King as the successor to Gandhi and Chavez as the successor to King, a more accurate description of the relationship between the ideas of these three influential leaders should be to place Chavez and King alongside each other as dual disciples of Gandhi and his nonviolent ideals in America, whose legacies will continue to inspire activists across the globe for generations to come.

Regardless of Marriage: Women, Lineage and Legal Ideology in Medieval Iceland

Chiara Torrini

Introduction

The enduring image of medieval Scandinavia women is of Valkyries and Norse Goddesses, fueled by modern interpretations of texts produced in Medieval Iceland. Unfortunately, this fierce and independent image is not representative of the lived reality of women in Iceland when these texts were recorded. While there are depictions of powerful women in Icelandic literature, these do not translate to independence in Iceland's law codes. In this paper, I explore how marriage impacted the legal role of women in Iceland from 1000-1262, after Iceland converted to Christianity, to see what ways women could participate in the Icelandic legal system and what those reveal about Icelandic legal ideology.

Surprisingly, the law codes barely say anything about female warriors—while they are very concerned with controlling violence and preventing blood feuds, they are unconcerned with female violence. The law codes and literature are uninterested in women, assume that women are not their primary audience, and illustrate a legal ideology that does not see women as full legal actors. Within the Icelandic scheme of legal competence, women are a last resort, only used when there are no closely related men. Women are also deemed legally irresponsible and grouped with unfit men—men who could not attend the assembly or represent themselves. The assumption of women's legal incompetence also

leads to anxieties that women will not prosecute cases harshly enough.

But even though they are explicitly barred from many legal roles, women do have avenues into the Icelandic legal system—through divorce, their property rights, intercourse cases for unmarried women, and their children. These important exceptions illustrate what circumstances were strong enough to overcome the of assumption female legal incompetence. Usually, these exceptions were motivated by family ties; family was important enough in Icelandic ideology that women appear as potential prosecutors if there were no other options. Fundamentally, marriage does not dramatically change legal access in practice. As I will discuss, there are certain cases where married or unmarried women have a greater chance at access, but access depends more on which male relatives are living, and marriage functions more as a shifting of familial allegiance than a shift in legal status.

Most sources for Icelandic history began as pagan oral traditions from the 9th century but were written down by Christians in the 13th century, complicating when different parts were added and relevant. *Gragas*, the main legal code used in this paper, is a prime example. According to Icelandic tradition, Ulfljotr, one of the first settlers, brought the Gulathing law from the west coast of Norway to Iceland to augment and modify in the 920s. Icelanders wrote down current laws and introduced new laws at the Althing of 1117, the first time *Gragas* would have been written down.²³⁸ This

²³⁸ Andrew Dennis, Peter Godfrey Foote, and Richard Perkins, Introduction to *Laws of Early Iceland: Grágás, the Codex Regius of Grágás, with Material from Other Manuscripts*, Vol. 1 (Winnipeg: University of Manitoba Press, 2006), 4.

original text does not survive, and the version that survives was further modified by the Christian law section between 1122 and 1133.²³⁹ Dennis, Foote, and Perkins conclude that most of the written laws genuinely reflect Iceland in the 12th century and the main manuscript likely dates to 1260.²⁴⁰

Gragas is limited in how it can accurately depict everyday life in Iceland for several reasons. Different manuscripts of *Gragas* survive that do not match completely,²⁴¹ so *Gragas* was likely never seen as one comprehensive law code. Because Iceland lost its autonomy to Norway in 1262, Icelanders may have wanted to codify potentially idealistic version of their laws to maintain a separate identity.²⁴² Since the surviving manuscript is also from the end of the period I am examining, it cannot be assumed that the laws recorded were relevant through the whole period. Law codes are also limiting because they combine hypothetical best cases and disagreeable realities that had to be legislated. While these law codes seem to describe a comprehensive system where women have very limited legal agency, we cannot know exactly how these laws were enforced in practice, and *Gragas* and the Gulathing law are not comprehensive.

²³⁹ Jenny Jochens, “Gender Symmetry in Law?: The Case of Medieval Iceland,” *Arkiv för nordisk filologi* 108 (1993): 47.

²⁴⁰ Dennis, Foote, and Perkins, Introduction to *Gragas*, Vol 1, 13.

²⁴¹ The translation by Dennis, Foote, and Perkins mainly follows the text of the Konungsbok manuscript, probably written around 1260, but it also includes unique sections from the Stadarholsbok manuscript, which was probably written around 1280. This translation is also based on the editions published by Vilhjalmur Finsen in Old Norse beginning in 1851.

Dennis, Foote, and Perkins, Introduction to *Gragas*, Vol 1, 13.

Dennis, Foote, and Perkins, Introduction to *Gragas*, Vol 1, 17.

²⁴² Dennis, Foote, and Perkins, Introduction to *Gragas*, Vol 1, 14.

The surviving version of the *Gulathing* law faces the same problems. The version that was purportedly brought to Iceland was from the 10th century, and Larson believes that most of the written laws are likely from the end of the 11th century,²⁴³ but the most complete manuscript dates to the 13th century, around 1250.²⁴⁴ So even though this law code is older than *Gragas*, the main manuscripts were written very close together, making it especially difficult to isolate which parts of the *Gulathing* law might have been modified to become *Gragas*. It is beyond the scope of this paper to argue for a progression from the written *Gulathing* law to a written *Gragas*, especially because there is not yet a scholarly consensus about what the difference between these sources means for the legal status of women in Iceland after the conversion. I use the *Gulathing*, but primarily as a point of comparison with *Gragas*. Since these sources were written down at such similar times, they show that though there was a large amount of trade between Norway and Iceland, and most of Iceland's original settlers came from Norway, Iceland had more restrictive ideologies than Norway.

Sagas are a prolific genre of Icelandic literature that developed during the 12th century, ranging from poems about Norse gods to seemingly historical descriptions of events. Mythic sagas focus on pagan gods, historical sagas focus on contemporary Iceland, and semi-mythic sagas are in the middle, featuring both

²⁴³ Laurence Marcellus Larson, Introduction to *The Earliest Norwegian Laws: Being the Gulathing Law and Frostathing Law*, (New York: Columbia University Press, 1935), 26.

²⁴⁴ The main manuscript is contained in the Codes Ranzowianus. Larson, Introduction to *The Earliest Norwegian Laws*, 28-29.

gods and humans.²⁴⁵ The sagas written in Iceland during this period can show how the law was executed in practice, but they come with a similar set of problems around timing, and their historicity is hotly debated. Byock argues that sagas are not merely fiction but contain important information that can be compared with history, archaeology, and local oral traditions.²⁴⁶ Many of the legal cases in *Gragas* involving women do not appear in the sagas, evidence in itself, but the sagas do describe marriages, fleshing out a process that is not detailed in *Gragas*.

There has been a significant amount of scholarly work done on the legal status of Icelandic women. Jenny Jochens has argued that women were barred from almost all legal roles and that symmetry present in the law codes may have been absent in practice.²⁴⁷ Later scholars have disagreed, and Mundal says directly that she believes that situation was better than Jochens describes.²⁴⁸ Mundal argues that when taking into account Norwegian law codes like the *Gulathing* law, the picture is less restrictive, especially before Christianization.²⁴⁹ Sanmark also argues for the inclusion of the *Gulathing* law, and claims that the

²⁴⁵ The sagas examined in this essay provide a brief look at each of these categories, which is hopefully somewhat representative.

²⁴⁶ Jesse L. Byock, "The Mosfell Archaeological Project," in *Viking Archaeology in Iceland: Mosfell Archaeological Project*, ed. Davide Zori and Jesse Byock, 27-44 (Turnhout: Brepolds, 2014), 31.

²⁴⁷ Jochens, "Gender Symmetry," 65.

²⁴⁸ Else Mundal, "The Double Impact of Christianization for Women in Old Norse Culture," in *Gender and Religion: European Studies*, trans. Ann Torday Gulden, ed. Kari Elisabeth Borresen, Sarah Cabbibo, and Edith Specht, 237-253 (Rome: Carocci, 2001), 244.

²⁴⁹ In her book on old Norse Women, Jochens does use the *Gulathing* law as one of her sources.

laws did allow women to participate in thing meetings at all levels and terms like ‘thingman’ could also refer to women.²⁵⁰ This debate is still ongoing, especially in areas like how long after the conversion Icelandic women were able to sue for divorce.

This paper is limited to the period after Iceland converted to Christianity to avoid some of the issues with the sources. Pagan influence would not disappear from Iceland overnight after the country converted in 1000, but by choosing the year 1000 as my starting point, I focus on a period where Christianity was the dominant influence. This paper does not focus on social class, illegitimate women, or women who were enslaved, because the law codes are most comprehensive about freeborn, legitimate women, but these are all important distinctions in the law codes. While women in earlier sagas perform revenge as a legal role, the law codes do not envision women taking legal revenge and are unconcerned with female violence generally, so it is beyond the scope of this paper to analyze women taking legal revenge in the sagas or the disconnect between these sagas and the legal codes.²⁵¹

Historical Context

According to Icelandic texts written in the 13th century, Iceland was first settled by Ingolfur Arnarson, who established his

²⁵⁰Alexandra Sanmark, “Women at the Thing,” in *Kvinner i Vikingtid*, ed. Nancy Coleman and Nanna Lokka, 88-105 (Oslo: Spartacus and Scandinavian Academic Press, 2014), 97.

²⁵¹ Carol Clover, “Maiden Warriors and Other Sons,” *The Journal of English and Germanic Philology* 85, no. 1 (1986) is an example of a paper that deals more in depth with this disconnect.

farm at modern Reykjavik from 870-874.²⁵² By 930, all the land in Iceland was officially claimed and the commonwealth was established, along with the national assembly called the Althing. At the Althing in 1000, the Icelanders decided that the whole country would convert to Christianity peacefully. In 1262, after a period of internal turmoil and increasing Norwegian influence, Iceland submitted to the Norwegian crown, though they retained many of their governing structures. After the submission, new law codes were adopted that superseded *Gragas*.

Iceland's legal and political system was based around the yearly Althing, where most of the legal roles in medieval Iceland could be performed. These include prosecuting a case, being a witness, initiating a divorce, inheriting property, and voting on new laws, most of which involved swearing oaths. Legal roles not directly performed at the Althing were still related to it; calling witnesses to publish an incident was a way to present credible evidence at the Althing, and legal revenge could be pursued after a judgement at the Althing. Iceland had no central authority, so all cases were prosecuted and enforced privately, and a significant amount of the law codes discuss who has the right to prosecute which case. Iceland was divided into quarters which each had their own assemblies and courts. Each quarter had a set number of chieftains, who served as local authorities; this position could be inherited, bought, or traded. Every chief had an assembly group that included all the people living in their area, so that every person living in Iceland would be connected to the Althing through their chief. Every individual had to legally reside in a household, and to

²⁵² Kevin P. Smith, "Landnam: The Settlement of Iceland in Archaeological and Historical Perspective," *World Archaeology* 26, no. 3 (1995): 320.

administer a household and be a householder, men or women needed to hold a certain amount of land. People without property, who worked in the households of others, had to join the assembly group of the householder they worked for.²⁵³ Witnesses were also crucial in the Icelandic system; men are often required to call panels of either five or nine neighbors to publish an incident, like a wound or killing, so that the neighbors could certify they had seen the injury and heard the details. If the case was prosecuted, then the neighbors could be called as witnesses at the next Althing.

Women's Role in Medieval Iceland

A thematic strand that appears time and time again in the law codes and sagas is what roles are appropriate for women and men, illustrating Icelandic gender roles that have a reciprocal relationship with presumptions of legal competence. At the center of ideas about gender was the idea of men as strong, independent, and capable of the tasks necessary in Iceland—farming, fighting, and legal participation. Mundal writes, “there is only the one set of positive qualities and character traits, corresponding to the male gender pattern, according to which the women are also measured.”²⁵⁴ Not all men were able to reach the ideal of the legally competent male gender role—legally unfit men, along with women, are excluded from legal participation. Unlike men, whose violence the law codes heavily legislate, the law codes do not

²⁵³ *Laws of Early Iceland: Grágás, the Codex Regius of Grágás, with Material from Other Manuscripts*, Vol. 1, trans. and ed. Andrew Dennis, Peter Godfrey Foote, and Richard Perkins, 1980, Reprint (Winnipeg, Canada: University of Manitoba Press, 2006), 132.

²⁵⁴ Mundal, “Double Impact of Christianization,” 251.

envision women as violent. *Gragas* addresses female violence in blanket statements; after an extensive description of punishments for injuries that refer to men as perpetrators, it usually says that women will be punished the same way as men.²⁵⁵ Instead, Icelandic women's role generally revolved around the home and the running of the household.²⁵⁶ *Gragas* states that a woman who owns a share in a household with her husband "is to run the indoor household if she wishes and the dairying,"²⁵⁷ crystallizing the spheres women were expected to inhabit.

This idea of separate spheres is deeply relevant to how the sources are written—they are primarily interested in men's part of the world, not women's matters. Both law codes are primarily interested in preventing unlawful violence between men and regulating how men act, and the sagas are primarily interested in the heroic deeds of men. The *Gulathing* law is explicit that its audience is men, saying "each one of *us* shall possess one wife." The sagas' disinterest in women is mediated because the sagas are interested in lineage, which women relies on women's ability to bear children. Many historical sagas do not give details about women or their marriages but will include who a man takes to wife and a brief description of the woman's family. This tension between women as largely absent from the public realm but also deeply involved in it through their children appears frequently in

²⁵⁵ *Gragas*, Volume 1, 220 is one example of a blanket statement about women and violence.

²⁵⁶ Mundal, "Double Impact of Christianization," 245.

²⁵⁷ *Laws of Early Iceland: Grágás, the Codex Regius of Grágás, with Material from Other Manuscripts*, Vol. 2, trans. and ed. Andrew Dennis, Peter Godfrey Foote, and Richard Perkins (Winnipeg, Canada: University of Manitoba Press, 2000), 66.

the law codes. These spheres are not concrete and can be challenged, but they do guide what the law codes and sagas examine and what roles are appropriate for women.

A consequence of seeing women as lacking men's strength is the anxiety that women will not prosecute cases harshly enough. This anxiety is most clear in the Eyrbyggja saga, which explains why women can no longer prosecute murder cases in Iceland. The two sisters of Arnkell Thorolfsson, who had no children or brothers, prosecuted the case against his killer, and "because the blood-suit was not so seemly as men deemed befitted such a chief as was Arnkel, the rulers of the land made this law, that for the time to come no woman and no man under sixteen winters old should be suitors in a blood-suit."²⁵⁸ The historicity of this event is debated,²⁵⁹ but the message is clear: women and very young men are not strong enough to prosecute murder cases, and the law must be changed so that only those who are strong enough be legally competent, meaning men who have reached their majority, can prosecute.

²⁵⁸ *The Saga of the Ere-Dwellers*, Icelandic Saga Database, published 2007, trans. William Morris and Eirikr Magnusson, ed. Sveinbjorn Thordarson, www.sagadb.org/eyrbyggja_saga.en.

²⁵⁹ See Jochens, "Gender Symmetry," 65 and Sanmark, "Women at the Thing," 99.

Women and the Althing

The yearly Althing was the center of legal life in Iceland, and it has been heavily debated whether women were able to actively participate, primarily through the passage of *Gragas* that defines who is ‘assembly-fit,’ or fit to fully participate in the assembly. Though scholars have argued that the legal definition for who was assembly fit could include women, I agree with Jochens that the definition of assembly participation excludes women, regardless of marital status. *Gragas* defines a person as ‘assembly-fit’ and able to serve on a jury if they are able to ride full days’ journeys, bring in a hobbled horse, and travel known routes alone,²⁶⁰ an explicit statement of legal ideology about what is required to make somebody legally competent. The word that translated as man is *madr*, which can mean ‘human,’ and Sanmark argues women could be included in this definition.²⁶¹ The requirements could be achieved by women, but as Jochens has argued, the following clauses clarify that women are excluded from this designation.²⁶² Immediately after, *Gragas* establishes that for an unfit man, four men could be called to the assembly instead, but no female relatives are mentioned, and the same four men are called “on behalf of a household led by a woman as on behalf of the household of an unfit man,” or the household led by a woman could be represented by her husband.²⁶³ If they are summoned to serve on a panel, women and unfit men who are householders are

²⁶⁰ *Gragas*, Vol. 1, 151.

²⁶¹ Sanmark, “Women at the Thing,” 97.

²⁶² Jochens, “Gender Symmetry,” 49.

²⁶³ *Gragas*, Vol. 1, 151.

to send one of their household men instead.²⁶⁴ Women and unfit men are grouped together as deficient legal participants, even though they are capable of running a household, and somebody who does not run a household is sent instead of them, emphasizing how property ownership and control do not directly translate to accessing legal roles. Gender is more important than property ownership in Icelandic legal ideology.

The Althing was also a significant social and economic occasion, and Sanmark notes that women would likely participate in this sphere.²⁶⁵ *Gragas* supports this—a wife could make formal, binding agreements at the assembly if it regarded paying debts for her husband, their joint money, or if she bought necessary things for the household, but her agreements were conditional on her husband’s consent.²⁶⁶ Here, a married women assumes a legal role, likely by swearing a kind of oath, but the role is mediated by the superior legal authority of her husband and is mostly limited to the household, reflecting the theme of women’s legal actions being limited to the spheres of home and family.

Implications of Assuming Female Legal Incompetence

Based on the idea that women were legally incompetent and weaker than men, it makes sense why they were explicitly banned from many legal roles: chieftainship, serving as witnesses, and being called as neighbors. If a woman inherited a

²⁶⁴ *Gragas*, Vol. 1, 151.

²⁶⁵ Sanmark, “Women at the Thing,” 100.

²⁶⁶ *Gragas*, Vol. 2, 67.

chieftainship, she was required to transfer it to someone else.²⁶⁷ *Gragas* identifies witnesses as mentally sound men twelve years or older,²⁶⁸ and states that when calling neighbors to publish a crime, a woman's household should be ignored unless it had a man who could represent her household at the assembly.²⁶⁹ Owning and administering a household does not qualify a woman to serve as a witness at the assembly or be called as a neighbor.

The Norwegian *Gulathing* law has important differences around women's general assembly participation. Women could serve as witnesses, call neighbors as witnesses, and declare a new will at the assembly, though there are still similarities in how women are viewed. When a man is slain, his widow can publish the crime before witnesses; the man's heir does this only if there is no wife. The wife may also summon a thing at that place if she chooses.²⁷⁰ These are two legal roles that are directly opposed in *Gragas*, indicating that women were assumed to be more legally competent. Mundal stresses that this shows the wife has a higher rank than a male heir in this legal situation,²⁷¹ but this authority again falls to men in similar cases. If a man is killed at the thing, then his heirs are the ones to 'send the arrows' and receive the compensation;²⁷² if a man is summoned to the thing to answer to a legal case, his heirs or his thingmen send the summons, but there is no mention of a wife.²⁷³

²⁶⁷ *Gragas*, Vol. 1, 137.

²⁶⁸ *Gragas*, Vol. 1, 145.

²⁶⁹ *Gragas*, Vol. 1, 215.

²⁷⁰ *The Earliest Norwegian Laws*, 128.

²⁷¹ Mundal, "The Double Impact of Christianization," 243.

²⁷² *The Earliest Norwegian Laws*, 138.

²⁷³ *The Earliest Norwegian Laws*, 106.

While this is one significant case where a woman calls neighbors to act as witnesses and calls a thing, the Norwegian ideology is still similar to the Icelandic one, and the place a woman is able to take on this role is in relation to her husband—in the more general cases above, men are again the primary participants. Another case where women participate in the assembly is canceling a previous will and declaring a new one,²⁷⁴ which was done at the assembly for men and likely for women. The Gulathing is less restrictive about female witnesses and specifies that “housewives whom men know to be good [women]” can be witnesses in witchcraft cases,²⁷⁵ and it's possible that women could serve as witnesses for women in other contexts. But this ability to serve as a witness is dependent on how well women are perceived by men to fulfill the role of housewife, highlighting similar gender roles to Iceland. Icelandic law is more restrictive than Norwegian law about assembly participation, though it has many similar underlying ideas about what makes a woman more legally competent—often that she is respected wife or mother, limiting this legal access to specifically married women.

Enter the Legal Administrator

As a natural segue from female legal incompetence, *Gragas* relies on other people to represent women legally. Generally, these were men who were related to a woman or a woman's legal administrator, who is never explicitly defined. These legal representatives took on the roles that women were considered unfit to take, often prosecuting cases that related to

²⁷⁴ *The Earliest Norwegian Laws*, 111.

²⁷⁵ *The Earliest Norwegian Laws*, 57.

women, their dependents, or their property. For married women, their primary representative was always their husband. For example, if a wife oversees a minor's property, her husband prosecutes if the minor is injured.²⁷⁶ If a maintenance case is brought against a woman, either her husband or the chieftain whose assembly group she belongs to must defend her.²⁷⁷ These representatives are often mentioned in conjunction with the idea of women and unfit men because it explains why this is necessary; If compensation for a killing case is due to "a woman or to a man who may not prosecute his own suits," someone else prosecutes on their behalf and receives part of the compensation.²⁷⁸

Legal representatives also worked to connect women to the legal system, even as they were excluded from it. If a woman was divorced, her assembly attachment moved to that of her legal administrator,²⁷⁹ and if a woman's husband died, she could move her assembly attachment to that of her legal administrator before five neighbors.²⁸⁰ Whenever a woman's marital status changed, she had to publicly declare which man would now bear the legal responsibility for her. In this case, a woman can call a group of neighbors as witnesses, which was usually prohibited, but she is only able to do so to transfer her authority to someone else. Women likely talked to their legal administrators about the cases they were a part of, but it is necessary that somebody else connects women to the legal system and navigates it for them. Legal

²⁷⁶ *Gragas*, Vol. 1, 225.

²⁷⁷ *Gragas*, Vol. 2, 48.

²⁷⁸ *Gragas*, Vol. 1, 222.

²⁷⁹ *Gragas*, Vol. 1, 135.

²⁸⁰ *Gragas*, Vol. 1, 134.

administrators will reappear frequently in other sections of this paper and continue to demonstrate the ways that women were assumed to be legally incompetent.

Intercourse Cases

Intercourse cases are a genre of case in the law codes that concern wrongful intercourse, which is never explicitly defined but includes a man kissing a woman, asking a woman to sleep with him, going to a woman's bed to have sex, and any attempt at forced sex. Intercourse cases both give women a rare chance to be a legal principal and demonstrate a division between married and unmarried women around control of legal cases. *Gragas* lays out clear schemes about who should be the principal prosecutor, and for intercourse cases, a mother can be the principal in her daughter's case if her daughter's husband, father, legitimate son over 16, daughter's daughter's husband, and brother from the same father were all dead or didn't exist.²⁸¹ This situation is unlikely, but it does put women ideologically before more distant male relatives and technically gives them the chance to prosecute a legal case on behalf of a daughter. In intercourse cases, marriage does have an impact on whether women can access legal roles. If a man kisses an unmarried woman *without her consent*, she can choose to prosecute, but if she consented, the case lies follows the usual scheme for intercourse cases, meaning the woman's husband or father is the principal. If the woman is married, "the penalty for that is lesser outlawry whether she allows it or forbids it."²⁸² Unmarried women's consent is legally relevant, and they can

²⁸¹ *Gragas*, Vol. 2, 70.

²⁸² *Gragas*, Vol. 2, 69.

choose to prosecute, but because of the importance of legitimate offspring for family ties, married women's consent is legally irrelevant, and they lose the chance of prosecuting the case themselves. Cases about minor wounds, which are not intercourse cases but concern bodily autonomy, also grant unmarried women greater legal freedom. A widow or an unmarried girl can oversee her own case if it is about minor wounds, but she can only transfer the case to someone else or settle and cannot settle for less than the compensation set by law.²⁸³ Though this underlies the idea that women are legally incompetent and will not prosecute cases harshly enough, it does grant more access to unmarried women than married ones.

Another important distinction in intercourse cases is whether the intercourse occurred. If a man tries to have sex with a woman and she takes offense, *given that the intercourse did not take place*, she can prosecute and her legal administrator prosecutes only if she is unwilling to, with no written distinction based on marital status.²⁸⁴ If the intercourse did occur, then the case lies with the list of people above, going first to the woman's husband. This condition is motivated by the importance of lineage; if a woman is married and wrongful intercourse has occurred, the consequences for lineage are more acute and women cannot be trusted to prosecute or oversee the case. The Gulathing law is explicit that when intercourse has happened, women still bring charges against the guilty man with no mention of husbands, legal administrators, or marital status. Women in the Gulathing are seen as capable of handling this more severe case, but their legal action

²⁸³ *Gragas*, Vol. 1, 158.

²⁸⁴ *Gragas*, Vol. 2, 69.

is still strictly circumscribed: the woman is obligated to bring the case the same day and she can be refuted by a threefold oath.²⁸⁵ Intercourse cases are one of the only times women can prosecute, illustrating a deviation from the general assumption of female incompetence, but mostly for unmarried women, and only in cases that are not severe enough to disrupt the legitimacy of blood ties—the most severe cases are still prosecuted by men, unless the importance of family doubles back and allows a mother to serve as a principal if there are no close living male relatives.

The Process of Marriage

Marriage is the part of the legal system that would presumably concern women the most, but *Gragas* is not primarily interested with women's role in marriage. The way the law codes and the sagas describe marriage demonstrate that marriage serves more as a re-alignment of a woman's family allegiance and her property than a change in legal status or access. In the process of getting married, *Gragas* gives women very little official authority. While women could not arrange their own betrothals, a mother could arrange her daughter's betrothal if the same five men who were ahead of her in an intercourse case were dead, but the law is explicit that "this is the only case where a woman betroths a woman."²⁸⁶ A woman's legal administrator and her betrothed name witnesses to the betrothal, but she does not,²⁸⁷ highlighting that

²⁸⁵ *The Earliest Norwegian Laws*, 144.

²⁸⁶ *Gragas*, Vol. 2, 53.

²⁸⁷ *Gragas*, Vol. 2, 270.

men are the important parties in betrothals because families center around men and their bloodlines. Widows had a minimally greater amount of authority over their second marriages; a widow's consent was to be obtained unless her father was the one betrothing her, and then her consent was unnecessary.²⁸⁸ The process of marriage also highlights women's legal irresponsibility. If a woman married without the permission of her legal administrator, the man she married could be prosecuted and the administrator could claim some of his property,²⁸⁹ but she is not punished because she is not seen as an active party. Even though marriage profoundly affects women's lives, they are not seen as the responsible or relevant parties during the process of marriage. Legally, marriage is not about them—it is about the patriarchal families they leave and join.

The law codes do not address the informal and personal means that women potentially used to affect their marriages, but the sagas offer a chance to see if women in literature did influence their own marriages and offer valuable depictions of marriage in general. The mythic and semi-mythic sagas analyzed show women with the most agency, but these pagan goddesses and princesses are also the furthest from the reality of medieval Iceland. The historical sagas, which appear more historical, are more in line with *Gragas*'s description of female legal status. A trend appearing in the sagas that is absent in the law codes is while the consent of women is unnecessary for a marriage to proceed, marriages are often disastrous if the woman is forced. While this disaster takes the form of bloody revenge in more mythic sagas, which would

²⁸⁸ *Gragas*, Vol. 2, 53.

²⁸⁹ *Gragas*, Vol. 2, 58.

likely be unrelatable for Christian Icelandic women, the idea of a marriage failing if a partner is forced could certainly still resonate with them.

The pattern of forced marriages ending in tragedy is most clear in the mythic and semi-mythic sagas, which were written during my period of study but began as pagan oral traditions. Signy, from *The Saga of the Volsungs*,²⁹⁰ a semi-mythic saga, marries at her father's wish even though she is unwilling and ends up murdering her children, husband, and committing suicide.²⁹¹ Women in mythic sagas also swear oaths. Sigrun, a Valkyrie and daughter of a king, refuses to marry the man whom her father has promised her to, swearing she will “no sooner marry him than a young crow,” but she qualifies this by saying immediately to the man she wants to marry, “the marriage will take place unless you stop Hodbrodd.”²⁹² Sigrun takes on a legal role by swearing an oath, but she understands her authority over her own marriage is still limited; even as a Valkyrie and a princess, her oath needs the support of the man she has chosen to marry to hold true. There are examples, especially in mythic sagas, that do directly contradict *Gragas*, even though they were written down while *Gragas* was in place. Grimhild, a queen, effectively arranges two marriages for her daughter and forces her to go through with them, one when her husband is still alive and the second one when she has two sons

²⁹⁰ *The Saga of the Volsungs* is preserved in a single vellum manuscript, Ny kgl. Saml. 1824b 4^o, from about 1400, though it includes copies of older originals. It was probably written down for the first time from 1200-1270.

Jesse L. Byock, “Note on the Translation,” *The Saga of the Volsungs*, trans. Jesse L. Byock (London: Penguin, 1990), 31.

²⁹¹ *The Saga of the Volsungs*, trans. Jesse L. Byock (London: Penguin), 47.

²⁹² *The Saga of the Volsungs*, 48.

who should arrange the marriage instead. But even though this case contradicts *Gragas*, the fact that both marriages end in tragedy reinforces the pattern of forced marriages ending in disaster and could serve as a critique of Grimhild's contradiction of the law codes.

In the historical sagas, women have very little agency in arranging their own marriages and are seen primarily as objects of lineage. Gudrid, from *Eirik the Red's Saga*,²⁹³ is described by her foster father as "choosy about her husband, as is her father."²⁹⁴ But the agency this implies about who she marries is absent in practice or only appears in a way that the saga does not record; when her father objects to a proposal, there's no input from Gudrun, and when she does marry, she and her father give her suitor "a favorable answer,"²⁹⁵ which implies her consent but acknowledges that her father's consent is the most important. When she marries a second time, where according to *Gragas* her consent is necessary, the saga says she allows herself to be guided by the advice of her kinsman Eirik.²⁹⁶ In *Egil's Saga*,²⁹⁷ Asgerd always refers marital decisions to her kinsmen. When Thorolf wants to marry her, he

²⁹³ *Eirik the Red's Saga* is preserved in the Hauksbok manuscript (early 14th century) and the Skalholtsbok manuscript (early 15th Century). Both of these are based on an earlier text from the early 13th century.

Gisli Sigurdsson, Introduction to *The Vinland Sagas*, trans. Keneva Kunz (London: Penguin, 2019), ix.

²⁹⁴ *The Vinland Sagas*, trans. Keneva Kunz (London: Penguin, 2019), 28.

²⁹⁵ *The Vinland Sagas*, 35.

²⁹⁶ *The Vinland Sagas*, 39.

²⁹⁷ The oldest complete version of *Egil's Saga* is in the *Modruvallabok* codex, which is dated from 1330-1370, though the oldest surviving manuscript fragments date to the second half of the 13th century.

Svanhildur Oskarsdottir, Introduction to *Egil's Saga*, trans. Bernard Scudder, ed. Svanhildur Oskarsdottir (London: Penguin, 2004), xiii.

asks her uncle and father, and the marriage happens when they agree.²⁹⁸ When Egil wants to marry her, he does ask her personally, but she refers it to her father and kinsman Arinbjorn, and Arinbjorn ultimately decides.²⁹⁹ In historical sagas, marriages are generally less dramatic; women are not recorded as forced, but women are also barely players in their own marriages. These sagas would be the most familiar to Christian Icelandic women, and the stories correspond much more closely to *Gragas*. Marriage does not change these women's legal access because they take no legal roles before or after marriage. The sagas solidify the ideas found in the law codes that marriage is more about male consent to changing family allegiances than female consent to a marriage or a change in legal status, while also introducing the idea that at least for pagan women in literature, forcing marriages leads to disaster.

Property Inheritance and Control

Property ownership was crucial to legal access in medieval Iceland; to be a householder and participate in the assembly under their own name, a man needed to own enough property and maintain their household. As we have seen, women could be householders, but owning and administering property did not qualify a woman to be a part of the assembly or be called as a neighbor. Icelandic women inherit and own property, and they should be able to reclaim all the property they brought to a

²⁹⁸ *Egil's Saga*, trans. Bernard Scudder, ed. Svanhildur Oskardsdottir (London: Penguin, 2004), 71.

²⁹⁹ *Egil's Saga*, 104.

marriage if they got a divorce. The practicalities of property ownership also demonstrate how marriage did not dramatically change women's legal access.

Gragas' rules about female inheritance reinforce the idea that women are able to gain independence, for example through property, only when their fathers are dead and they are not yet linked to a legally competent man through marriage. According to *Gragas*, daughters inherit after the death of their parents if there is no son, who is the first lawful heir.³⁰⁰ Women are unable to maintain their own land before they reach their majority at sixteen. Married women or widows can inherit property before sixteen, but widows only with the authorization of a legal administrator,³⁰¹ a case where the choice is practically between the authority of a husband or a legal administrator. At sixteen, an unmarried girl could inherit property and take the yield from her land, but she could not be responsible for her own home until she was twenty.³⁰² Even once a girl had reached her legal majority, but she was still not trusted to control property until she was twenty. An unmarried girl who was twenty and had inherited land after the death of her parents and because she had no brothers would have an impressive degree of independence, but would be an exception, and she would lose her independence once she married.

Once married, Icelandic women retained their property. A couple's property could be combined in a partnership during the marriage, and both had the equal right to object to a partnership of

³⁰⁰ *Gragas*, Vol. 2, 3.

³⁰¹ *Gragas*, Vol. 2, 8.

³⁰² *Gragas*, Vol. 2, 8.

property.³⁰³ Couples paid according to their own proportionate property, but if that division was unknown, then the default division was for the husband to pay two-thirds and the wife one-third. This scheme of the husband paying two-thirds and the wife one-thirds unless they have a separate partnership appears throughout *Gragas*, and clearly defines the expected financial responsibilities of each spouse within a marriage. This division also applied to supporting children: if there was a known partnership, couples paid in proportion to that, but otherwise fathers paid for two-thirds of maintaining their children and mothers paid one-third,³⁰⁴ The same paradigm also applied to parents supplying dowries to their daughters³⁰⁵ and how property should be divided between kin if a couple died.³⁰⁶ This assumption of how much women would generally contribute brings in the idea of financial competence; while some women could provide more, they are assumed to be half as financially competent as men, contributing to an overall view in the laws that women function as less competent men.

There was a constant tension around property within Icelandic marriages. Women retained their property, but during a marriage, a husband has effective control over his wife's property and their shared household. Even though the household is the sphere women most belong in and they could take on rare legal roles to ensure their property remained secure, especially in case of a divorce, control over their property did not extend to full legal

³⁰³ *Gragas*, Vol. 2, 68.

³⁰⁴ *Gragas*, Vol. 2, 30.

³⁰⁵ *Gragas*, Vol. 2, 68-69.

³⁰⁶ *Gragas*, Vol. 2, 21.

competence or an equal partnership within marriage. Within marriages, women had power to ensure their property remained secure through legal means. A wife could prosecute her husband if he tried to run away with her property, though the law also states that she could transfer the case to anyone she chose.³⁰⁷ If a woman requested a calculation of her and her husband's means within a marriage, she could call five neighbors to make the calculation. But this right to protect their property did not extend to full legal competence, and a husband was still in charge of the couple's property, as well as their buying and selling.³⁰⁸ If a wife spent more than a certain amount in a year, her husband could nullify her purchases.³⁰⁹ For most women, this control during marriage would represent the change from a father's authority to a husband's. Even for the rare women who were able to inherit and administer their property, that competence did not extend to legal access, and a man, who was presumed to be more competent, would inherit instead in most cases and re-establish the normal order once a woman married. If a woman sued for divorce, she would be able to reclaim control of property, but her legal actions would now be constrained by a legal administrator.

³⁰⁷ *Gragas*, Vol. 2, 66.

³⁰⁸ *Gragas*, Vol. 2, 66.

³⁰⁹ *Gragas*, Vol. 2, 66-67.

Divorce

Unlike most Christian countries at the time, divorce was possible in medieval Iceland, and women were able to initiate divorces. *Gragas* states: “there shall be no separation of man and wife here in the country unless a bishop gives leave, save only when they separate on account of dependents or when one of them inflicts an injury deemed a major wound on the other.”³¹⁰ This presents two cases where a bishop’s permission is not necessary, and the possibility of a bishop approving divorces in other cases. There is an ongoing scholarly debate about how long divorces would have been possible after the conversion to Christianity,³¹¹ but the clauses that legislate divorce remain in a manuscript written circa 1260, indicating that women were still seen as capable of achieving and initiating divorces within Iceland’s legal ideology.

There are four cases where the laws mention divorce as an outcome, two of which are quoted above: poverty, violence by one spouse against another, if a husband tried to take his wife out of the country without her permission,³¹² or the marriage was within the prohibited degrees of kinship.³¹³ The process of divorce involved litigating the division of assets, which usually followed the same scheme as financial responsibilities during marriage: following an

³¹⁰ *Gragas*, Vol. 2, 63.

³¹¹ See Jenny Jochens, *Women in Old Norse Society*, (Ithaca: Cornell University Press, 1995), 57 and Mundal, “The Double Impact of Christianization,” 246. Jochens believes divorces were relatively easy to obtain, while Mundal argues they would have been obsolete by 1200.

³¹² *Gragas*, Vol. 2, 66.

³¹³ *Gragas*, Vol. 2, 63.

agreed partnership or two-thirds to the husband and one-third to the wife. If a couple separated because they could not support their children, they maintained dependents in proportion to the means they had or the work they were able to do.³¹⁴ If both spouses were destitute, then two-thirds of the children would go to the father's family and one-third would go to the mother's family.³¹⁵ Regardless of who initiated the separation, a woman would be able to leave with her dowry and property.³¹⁶ The focus of the laws about divorce on the division of assets furthers the idea that marriages and the dissolution of marriages are mostly about the property women bring with them and how it is passed down family lines.

The laws that legislate divorce demonstrate that it is one of the main ways women could take on legal roles since the laws imply that divorces were administrated at the assembly and women had chances to publicly call neighbors as witnesses during the process of a divorce. *Gragas* requires a husband to help his wife get to the assembly to complete a divorce.³¹⁷ This detail is crucial, giving women access to the assembly but also reiterating that they are not as fit as men by assuming they need help to reach the assembly. Other aspects of divorce also granted women legal participation. If a husband tried to take the wife out of the country, she could declare their separation and end his legal rights to her and her property,³¹⁸ but a divorce still depended on a bishop's

³¹⁴ *Gragas*, Vol. 2, 30.

³¹⁵ *Gragas*, Vol. 2, 31.

³¹⁶ *Gragas*, Vol. 2, 65.

³¹⁷ *Gragas*, Vol. 2, 65.

³¹⁸ *Gragas*, Vol. 2, 66.

leave. Whichever party brings about the separation “is to name witnesses to witness their separation in the hearing of the other and announce it to neighbors afterwards if they are not then present,”³¹⁹ and *Gragas*’ emphasis on each party seems to include the wife. But even though divorce did allow women these legal roles, the roles underlie the desire to maintain property within family lines. After a divorce, a woman would revert to the legal authority of her male family members or a legal administrator; recall that a divorced woman must change her assembly attachment to that of her legal administrator. In the end, her legal access would be similar to before and during marriage.

Compensation for Homicide

Gragas’ detailed lists of compensation payments after a homicide try to prevent blood feuds by having the killer and their family pay wergild to the family of the slain man and rarely mention women. The exceptions where women can receive or pay compensation illustrate the importance of women’s role in lineage and how it comes to the fore when there are no male relatives to take the role. A mother receives one-third of the compensation for the killing of her legitimate children, including daughters, and female heirs can receive compensation in killing cases, though it is unlikely they would prosecute the case themselves.³²⁰

The only time a woman pays wergild is found in the case of the ‘ring-woman,’ an only child whose father has been killed. *Gragas* states:

³¹⁹ *Gragas*, Vol. 2, 63.

³²⁰ *Gragas*, Vol. 1, 159.

There is also one woman who is both to pay and to take a wergild ring, given that she is an only child, and that woman is called “ring-lady.” She who takes is the daughter of the dead man if no proper receiver of the main ring otherwise exists but atonement payers are alive, and she takes the three-mark ring like a son...until she is married, but thereafter kinsmen take it. She who pays is the daughter of the killer if no proper payer of the main ring otherwise exists but receivers do, and she is to pay the three-mark ring like a son, and this until she enters a husband’s bed and thereby tosses the outlay into her kinsmen’s lap.³²¹

Clover argues that in this role, women could not only take the place of a son in property transactions, but also in persecuting blood feuds, helping to explain the prevalence of maiden warriors in Norse literature.³²² Jochens argues that the ring-woman is more safely interpreted as a way to keep property within the family.³²³ Based on the legal ideology, a fatherless and brotherless woman takes on a legal role usually reserved for men, and she forfeits this role to her new kin when she marries. This is the clearest case where the importance of family prosecuting legal cases forces a tear in the idea of female legal incompetence—but that tear is repaired as soon as this woman again has a family with male members to take on the role. And within the wording of the law, the ring woman is explicitly a last resort—she takes the ring only because “no proper reviver of the main ring otherwise exists.” Even though this is an important exception to the exclusion of

³²¹ *Gragas*, Vol. 1, 181.

³²² Clover, “Maiden Warriors,” 47.

³²³ Jochens, “Gender Symmetry,” 52.

women from the legal system, it still reflects Gragas' idea that women are legally incompetent.

In the Gulathing law, women other than the ring-woman receive and pay wergild, and the ring woman herself is not limited by marriage. Mothers, wives, daughters, and sisters of a slain man receive these payments equally.³²⁴ A married woman could receive payments if her children were killed, like in *Gragas*, but they could also receive payments on behalf of fathers or brothers. One clause is especially explicit that having children, instead of being married, is what defines access to compensation, saying that only wives who have sons or sisters who are capable of childbearing can receive certain fines.³²⁵ While this same clause is not found in *Gragas*, the Gulathing is demonstrating the same ideas about an ideology of family—in this case, these women are able to claim payments on the basis of family because they have proved their ability to carry on a lineage and fully re-align to their marital families.

The definition of the ring woman is less clear in the Gulathing law, but she is an heir to both land and movable goods and pays or takes wergild “just as men do.”³²⁶ Crucially, there is no indication that this changes on marriage, and it is possible that the ring-woman could keep her role even if her marital status changed. This idea, combined with the earlier Gulathing clauses that allow a widow to call a thing on her husband's death and let women act as witnesses, solidify the view that the Gulathing law is less restrictive than *Gragas*. Interestingly, these differences also appear

³²⁴ *The Earliest Norwegian Laws*, 151.

³²⁵ *The Earliest Norwegian Laws*, 155.

³²⁶ *The Earliest Norwegian Laws*, 180.

to not hinge on marriage; women had greater access both before and after marriage. In contrast, Gragas is more restrictive of women's rights before and after marriage, and the ring woman is a dramatic example, along with unmarried women over twenty who had inherited property, where a woman's legal access changes based on her marriage. But this case is an exception—for most women, marriage would not cause this type of dramatic change.

Conclusion

Women in medieval Iceland were not seen as full legal actors, regardless of their marital status. At the same time, they were connected to the legal system through assembly attachments, demonstrating the tension between women as subjects who needed to be legislated but could rarely represent themselves. The times women can take on legal roles rely on tension between competing ideas; lineage versus female legal incompetence, keeping property in the family versus a husband legally representing his wife. Even though lineage gives women access to being a principal, a woman rarely represented herself—her authority was entirely rooted in the ideological power of family. The power of lineage is instrumental to almost every case where women can legally participate, either as mothers on behalf of their daughters or as only children who inherit what would normally go to sons. The importance of lineage is clear in the sagas; they mainly discuss women when they discuss marriage, but even there, women have limited legal access, without large distinctions based on marital status. There are cases where unmarried women have greater legal access, especially in intercourse cases, but married women had greater access through divorces and their children. Marriage is not the most important legal dividing line because of the ways that women were restricted

by fathers, husbands, and legal administrators, regardless of their marital status. The Gulathing law is less restrictive in many cases, but it often has similar undertones for why women can participate in the legal system and also does not represent a significant change in legal status based on marriage. In most cases, the choice for women was basically between who would represent them legally: husband, father, or legal administrator. Iceland's legal system was unique from the rest of medieval Europe, but women were not the independent warriors they have been imagined to be.