

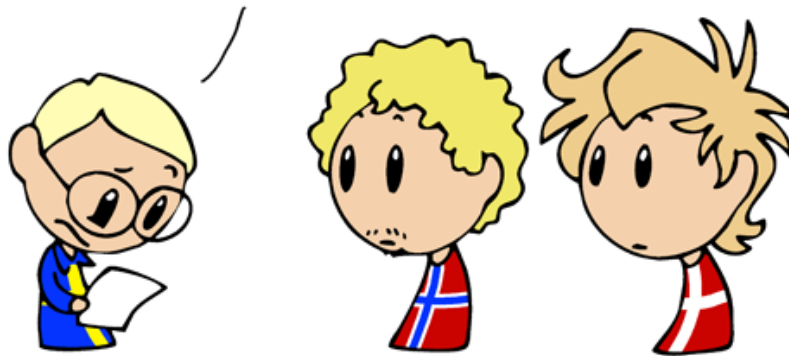
# The legal status of women in the Viking age

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Wow, the Vikings sure had a lot of laws against men wearing women's clothes. It even says here it was grounds for divorce if a man wore his wife's clothes.

I wonder what happened back then for them to care so much about this?



Well one of us is going to have to change.



satwcomic.com

<http://satwcomic.com/viking-fashion-disaster>

## What laws were there? How do we know?

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### Icelandic:

#### Grágás

Written down 1117-1118

Manuscript from 13C

#### Járnsíða

1271

Norwegian

Resisted by Icelanders

#### Jónsbók

1281 (Oldest surviving written copy – 1300)

Revision of above

### Norwegian

#### Gulathing's Law

Oldest written 1250

Icelandic laws based on these

Úlfjǫtr c. 927 Iceland → Norway to study law

#### Frostathing's Law

Oldest written 1260-1269 (Burned in 1728)

Gullfjǫðr (1161-1188) appended Christian Laws by Archbishop Eysteinn

#### Eidsivathing, Borgarthing

All four date from time of Hákon Haradsson (945-960)

Four regions of Norway

#### Nyere Landslov

Unified Law

1271-1274

Basis for Jónsbók

### Danish

#### Sjaelland law

## Other law evidence? The Sagas!(?)

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### Historical Writings

#### Saints Lives and Bishops Sagas

Lives of holy men and women

#### Kings Sagas

Kings and Earls

#### Family Sagas

Icelandic settlers and descendants, lived ~930-1050

#### Contemporary Sagas

13th C. people

## How did the law function

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Iceland: By lawsuit, not a police force. One party brings suit against another, needs lawyers, leader (*goði*). Judged by a panel of men (*kviðir*)(*lögreggá*), who are paid from the fines. Witnesses were needed. ALL MEN!

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## Who is a woman's representative (*lögráðandi*)?

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Husband  
Son of age and competent.  
Husband of Married daughter  
Father  
Brother born of same father  
Mother (explicitly states this is the only instance where a woman can do so)  
Husband of married sister of same father  
Brother of same mother  
Husband of sister of same mother  
Closest kinsmen in the country/husband of closest kinswoman

## Taking care of those without means:

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A large part of the law was concerned with the maintenance of individuals. A person, if they had means, was first responsible for their mother.  
A couple could not marry without 120 ounces of silver and no dependents. This is to ensure that they can support themselves. If they have dependents, they come first.

## Inheritance

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Early on daughters did not inherit (would get money through marriage/dowry/bride price). Later, 1/3 share. If gifts are given during parents lifetime, remaining children can claim their share from those gifts.

## Did women have their own money?

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Yes, by dowry/bride price and occasionally (if no brothers) by inheritance. Marriage monies are either joint or separate, partnership or not. If joint/partnership, separation leads to 1/3 / 2/3 with consideration of things like penalties that one person had incurred during the marriage.

## Can a woman spend money without permission / control her own money?

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Half or one ounce per year if not a widow. Widows had control.

## Are a woman's actions her responsibility?

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Yes. She can be fined separately from her husband/family.  
Grágás: "A woman is to be punished the same as a man if she kills a man or a woman, or causes injury, and this procedure is followed for all breaches of the law" (CH: 318)

## What could a woman own?

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She can own stuff, wealth, property (still trying to figure out if this is really true). She can have sole management of a farm. She can give gifts of her wealth. Her children inherit from her the same as they do from their father. Depending on the type of marriage she is in, she is also responsible for a portion of her daughter's dowry. (Non-partnership, where her and her husband's wealth is separate.)

## Where can she live?

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A maiden of age, 20 (16), had choice.

## How much choice did a woman have about whom she was to marry?

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Based on the order of inheritance/responsibility the responsible man has the choice.

With Christianity this officially changed, but other parts of the law and some of the literature indicate that this did not change as much as thought. (Inheritance laws)

There is a line in Grágás about what happens if the men disagree: "But if she objects to something, then the one who seconds her choice is to decide, as long as that is thought an equal match"

We must remember marriage is a contract in this society, not a love pair. They did not even need to live together, or to combine estates (form a partnership marriage)

Not related within the seventh degree (fifth in Iceland).

## Bride price/dowry?

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Bride price (*mundr* hand, later *tilgjöf* gift)

From husband's family

Legally makes the children able to inherit (legitimate)

Minimum, 1 mark (8 oz silver or 48 ells homespun)

Maximum, 60 hundreds (60 cows or 7200 ells)

150X the min

Dowry (*heimangerð* homegear, homeyard, *fylgja*, support)

From wife's family

No more than 1/3 in clothing

Heirlooms, farm implements, livestock, land, wealth

## How about divorce?

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Easier before Christianity. Allowed when: consanguinity (relatedness, found out after married), sexual impotence, adultery, wearing the clothes of the other gender, husband wanting to remove wife's property from country, violence, incompatibility. The doctrine of consent led to a restriction of divorce, unconsummated or evidence of earlier clandestine marriage.

Husband initiated: Wife keeps bride price and dowry.

Wife initiated: Less certain.

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## Out of wedlock sex?

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*Legorð* – fornication/seduction

Pre-marital sex reduces a woman's worth/marriage prospects and someone is owed. Fines and compensation come into play. If before betrothal, compensation goes to relatives not the future husband even if it is unknown before marriage.

What is stressed is that it is unknown before the betrothal. The act of premarital sex lowers the woman's worth, but only becomes a legal issue if it is unknown and then comes to light.

She does forfeit the right to inherit, but she still can if her father/brother wish.

(Jónsbók) Grágás talks of sound and warrantable match, change from contractual marriage to consensual. (\$\$\$ to purity with change to Christianity)

The man in a seduction case, Grágás: full outlawry, Jónsbók: pay judgment of 12 men.

**Intent, not action is important in both**, so sex is not needed for a penalty to be enacted. "gets into bed beside her intent on seducing her" Jónsbók specifically says "even if he doesn't have his way with her"

## Rape? (*Brýtr kono til svefnis*)

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Often treated as the same as seduction in the law. Socially?

## What kind of political power was possible?

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Run a farm (Aud the Deep-Minded), be a *bondi*. Could not be a full goði that went to the Althing as a representative, might be able to wield the power locally, but would need a male to help at assembly.

## What can she wear?

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Grágás:

"If women becomes so deviant that they wear men's clothing, or whatever male fashion they adopt in order to be different, and likewise if men adopt women's fashion, whatever form it takes, then the penalty for that, whichever of them does it, is lesser outlawry. It is a summoning case. Five neighbors of the man or woman prosecuted are to be called for it at the assembly. The case lies with anyone who wants it." (CH. 155)

Later addition

"If in order to be different a woman dresses in men's clothes or cuts her hair short or carries weapons, the penalty for that is lesser outlawry"

## How about outside the law?

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Cold is the counsel of women

og eru köld kvenna ráð

hvöt

Women as inciters, real or literary convention?

No official power to sue or enact revenge, encourage the appropriate male to do so if reluctant

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- Jochens, Jenny. *Women in Old Norse Society*. Cornell University Press. Ithaca. 1995.
- Schulman, Jana Kate. *Women Between the Texts: Legal License and Literary Discourse in Medieval Iceland*. PhD Thesis, University of Minnesota. 1995.

## For more information, other regions:

Or, stuff I have not read but want to

- Andersen, Per. *Legal Procedure and Practice in Medieval Denmark*. Brill. 2011
- Ekholst, Christine. *A Punishment for Each Criminal; Gender and Crime in Swedish Medieval Law*. Brill. 2014
- Ricketts, P. *High-Ranking Widows in Medieval Iceland and Yorkshire: Property, Power, Marriage and Identity in the Twelfth and Thirteenth Centuries*. Brill. 2010
- Tamm, Ditlev, Helle Vogt. *The Danish Medieval Laws: the laws of Scania, Zealand and Jutland*. Routledge. 2016

But, seriously, check out the Brill series on the Northern World:

<http://booksandjournals.brillonline.com/content/series/the-northern-world>