The Wittenberg History Journal

# Listening to the Past: Injustice, Memory, and Denial

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## Listening to the Past: Injustice, Memory and Denial

Wittenberg University
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## The Hartje Paper

The Martha and Robert G. Hartje Award is presented annually to a senior in the spring semester. The History Department determines the three or four finalists who then write a 600 to 800 word narrative essay on an historical event or figure. The finalists must have at least a 2.7 grade point average and have completed at least six history courses. The winner is awarded $500 at a spring semester History Department colloquium and the winner paper is included in the *History Journal*. This year's Hartje Award was presented to Keri Heath.

## On the Cover

## Address Correspondence to:

Editor
The Wittenberg History Journal
Department of History
Wittenberg University
P. O. Box 720
Springfield, OH 45501-0720

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Dedication

*The editors of the History Journal would like to dedicate this issue to Dr. Raffensperger, who is always pushing us to examine what we know a step further in order to advance our scholarship in more nuanced ways. Without his dedication and hard work, the papers in this journal would never have been written. Thank you.*

# The Popular Crusade: Following Count Emicho

Zoë Schwartz

Pope Urban II did not advertise the First Crusade in the region of northeastern France and the Rhineland mid-1090s. Despite the pope's absence, the zealous response to his call for the crusade continued as Peter the Hermit began preaching the cause in this area himself. As Peter and his recruited band of aristocratic and common pilgrims made their way through the Rhineland toward Jerusalem, they acted as an advertisement for the newly begun First Crusade. The passage of these French crusaders through the Rhineland set the barons of the Rhineland, who were inspirited by crusading ideals, into motion.[1] Among these enthused barons was the infamous Count Emicho of Flonheim, who is in both Christian and Jewish interpretations of the event to come attributed as the main architect of the violence against the Jewish communities in 1096.[2]

The activities of the German barons were, although inspired by Peter the Hermit's crusading zeal, not under the direct control of Peter.[3] Their ensuing anti-Jewish violence against Rhineland's well-established Jewish communities reflects an anti-Jewish element that existed in classical Christian teaching.[4] The German band of crusaders augmented an anti-Jewish component to the already loosely established crusading goals, resulting in organized efforts to destroy major Jewish communities before heading East to fulfill the other element of the crusade.[5] For the enemy of the Christians were not sole in the Jerusalem, they also resided much closer to home. In the ranks of Count Emicho's army of twelve-hundred men and women, were the French aristocrats Clarembold, a noble of Vendeuil and Thomas from the House of Coucy.[6] Thomas is most known for his psychotic behavior some years after the crusade when he ravaged the countryside around Laon, Reims, and Amiens leaving the area utterly destroyed, earning him the title of "most accursed."[7] While many Jewish communities around the Rhine came under attack in 1096, Emicho and thus his vassal, Thomas, are only recorded as having participated in one, the attack on the Jewish community in Mainz.[8]

For two days, the army camped outside the closed gates of Mainz and waited for the other crusading parties to arrive via the King's highway.[9] While these groups arrived, the leaders received letters of negotiation from the Jewish community of Mainz, offering the crusading party money and safe passage in exchange for peace having heard of the slaughter of the Jewish community of Speyer.[10] Emicho disregarded their plea and inspirited his army with the spirit of with the cause: "Let us take vengeance upon the Jews first! We shall wipe them out as a nation so that Israel's name will be mentioned no more or let them like us and acknowledge Christ."[11]

The army found support from the local population when they opened the gates for the invading force.[12] Emicho's army confronted these Jews, who sought protection in the Archbishop Ruthard's palace, the burgrave's compound, and the priest's courtyard.[13] After forcing the Jews to choose between conversion and death, many chose to die at their own hands. Thus, the army found many self-sacrificed Jews in the palace and the courtyard.[14] The army's rampage was not finished; more Jews were hiding elsewhere in the city. There were those who hid in their homes or in the homes of sympathetic Christian neighbors.[15] These Jews were also sought out, killed or forcibly converted, and their houses looted.[16]

At the end of the day, the success of Emicho's army was apparent, even in the face of the provisions provided to protect the Jewish people from the

crusading party, the violent attack on the city of Mainz rid the city of at least six hundred Jews, while the rest were forcefully baptized.[17] The conclusion of Emicho's army happens in mid-June 1096, roughly a month after the attack on Mainz, when Emicho's army was fatally defeated by the Hungarians before ever stepping foot in the Middle East.[18] After being prevented from entering the Kingdom of Hungary at the Innsbruck border, the army was thus instructed to besiege the fortress with little success. A delegation was then sent into the Hungarian town but before their return to the camp, Emicho caught wind of a conspiracy against him by this four-man delegation. In response to the threat of a coup, Emicho fled. Shortly after he was followed by many of his knights also in retreat. Thomas and Clarembold and the others who survived the battle and their flight from the Hungarians fled to Carinthia to join the other crusading forces heading toward Jerusalem. Count Emicho followed lead his followers along the royal highway to the Rhineland in retreat, leaving his looted treasures and his chance to visit Jerusalem in Hungary.

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# "Dyin' to Make a Livin' " [1] : The Battle of Blair Mountain- Appalachia's Moment in the Labor Movement

Jerrick L. Allen

Appalachian America has a relationship with the coal industry that is simultaneously embittered and cherished, with the state of West Virginia seeing some of the worst that coal mining has to offer. While it is certainly the case that coal mining has kept families fed and with a sense of financial security for generations, its sheer ruthlessness and often blatant disregard for human life has proven continuously fatal, leaving countless families with broken hearts and empty stomachs. While coal mining today is certainly no safe occupation, the levels of safety and security that are now in place were not always what one could expect when entering the industry. In fact, the decades of forbiddance from unionization, disturbingly hazardous work conditions, and incredibly fragile work security that miners faced gave birth to an unprecedented surge in support of labor rights, as well as against the exploitation that miners faced on a daily basis. The early twentieth century was certainly a time of mass labor struggles, and the mines of West Virginia finally came to experience the movement that had evaded them for some time,
clashing intellectually and physically with mine authorities. The Battle of Blair Mountain, fought in Logan County, West Virginia in 1921 came to represent a stand against the historic mistreatment of miners, as well as a landmark event in the historic struggle of the labor movement, all fueled by a shared class and regional identity.

The United Mine Workers (UMW) Union was founded in 1890, and almost immediately mine companies in Appalachia began inserting non-union clauses in mineworkers' contracts. Under these clauses, joining or forming a union or attempting to collectivize a labor struggle in any way was grounds for the immediate termination of one's employment. Mother Jones, a prominent labor figure and ever-notable in the history of labor in the U.S., came to West Virginia shortly thereafter, calling for immediate unionization. Subsequently, approximately 3,000 miners chose to unionize which led to the immediate termination of those answerable to the mines. A private detective agency was then hired by seniormost mine officials, who tasked detectives with overseeing the eviction of terminated miners and their families. However, once they began doing so, an armed struggle broke out in which seven detectives and three miners were killed, in what became known as the Matewan Massacre.

Immediate civil unrest followed the Matewan Massacre, and West Virginia State Police officials were consequently sent in to disarm, evict, and arrest miners who were continuing to strike against the mines, in what was a clear play to crush miners' momentum and put a stop to unionization. The State Police, surprisingly, were sympathetic to the miners and took only those who were deemed responsible for the shootings. During criminal trial proceedings, however, detectives in the employ of the mining company enacted their own "justice" and gunned down local heroes Sid Hatfield and Ed Chambers, ending their lives right in front of their own families.[2] What followed was mass militarization in which 13,000 miners armed themselves and
commandeered a freight train, which they used to move around fighters and supplies, aptly named the Blue Steel Special. In opposition to the miners, a coalition of police officials and deputized anti-union agents was formed, numbering around 2,000. Throughout the battle's span leftover bombs and

poisonous gas from WWI, as well as homemade bombs, were dropped on the miners' forces. As these actions did not break the miners' armed coalition, President Warren G. Harding sent in military officials, troops, and threatened to send in MB-1 bombing planes which eventually led to the deescalation of the Battle.

While it can certainly be agreed upon that the history of labor movements is no stranger to bloody conflicts between laborers and labor authorities, the Battle of Blair Mountain is perhaps the most extreme case of such conflicts. Though only fought from August 25 to September 2, 1921, by the battle's end both sides had fought so intensely that one million rounds had been fired and an unconfirmed number of people had been killed, with an estimate of one hundred or more having been suggested.[3] The Battle of Blair Mountain has been referred to as the largest armed insurrection since the Civil War, and has been recognized as the largest armed labor uprising in U.S. history, as well. The story of the Battle of Blair Mountain lives on in Appalachian history and likely will for generations to come, as for many it is a story of class solidarity as mineworkers saw themselves as taking a clear stand against the source of their oppression. The Battle of Blair Mountain will also likely live on as for many it is representative of the unbreakable bond that is Appalachian identity, which all Appalachians share.[4]

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[4] The author of this essay is Appalachian, and was born in Charleston, West Virginia.

# Allende Against Empire

Ethan Bochicchio

U.S. foreign policy in Latin America became defined by unilateral intervention during the Cold War. This first manifested with the 1954, CIA-organized coup ousting the democratically-elected president of Guatemala, Jacobo Árbenz, which radicalized many Latin Americans. Deeply affected was Salvador Allende, a leftist Chilean senator who began to place opposition to U.S. foreign policy at the center of his politics. Allende never strayed from the democratic process in pursuing his leftist ideals, but like Árbenz, he would be faced with U.S. interventionism.

In 1964, when Allende, head of a leftist, four-party coalition, ran for president of Chile, the U.S. sent 100 advisors to support his opponent, Eduardo Frei, while the CIA underwrote more than half of Frei's campaign costs. Frei won, but six years later, Allende ran again, with the Unidad Popular coalition, prompting Henry Kissinger to quip to a meeting of the National Security Council (NSC), "I don't see why we need to stand by and watch a country go communist due to the irresponsibility of its own people." At this meeting, $300,000 was allocated to an anti-Allende campaign. Still, Allende won a plurality in an election internationally deemed legitimate. Per Chilean electoral rules, Chile's Congress would meet weeks later and vote to either confirm Allende or the runner up, Jorge Alessandri. The NSC then authorized funds to bribe Chilean congresspeople to vote for Alessandri. Meanwhile, discussions detailing possible assassination scenarios against Allende were held in the White House. Nonetheless, Allende was confirmed and on November 3, took the presidency.

In true Marxist fashion, Allende gave primacy to the role of workers in Chilean society:

> The building of the new social regime is based on the people, who are its protagonist and its judge. It is up to the State to guide, organise, and direct, but never to replace the will of the workers. In the economic as well as in the political field, the workers must retain the right to decide. To attain this means the triumph of the Revolution.

In line with this, Allende nationalized banks, implemented land reform, provided free milk for mothers and children, and engaged working people politically at a municipal level.
A memorandum from Kissinger to Richard Nixon on November 5, 1970, warned, "US investments (totaling some one billion dollars) may be lost." These fears were not unfounded. Chile was the third-largest copper exporter in the world, though U.S. corporations controlled eighty percent of the industry. On July 11, 1971, Allende passed a constitutional amendment through Chilean Congress, empowering him to nationalize the copper industry. Rather than offering the U.S corporations compensation, Allende declared that they owed Chile money for years of exploitation. Next, Allende nationalized the Chile Telephone Company, in which IT&T had invested $153 million. He was playing with fire.

On September 11, 1973, which Chileans refer to as the "first 9/11," the Chilean Army, led by Augusto Pinochet, launched a coup. U.S. Navy ships patrolled Chilean waters and U.S. aircraft monitored events. Visiting American filmmaker, Charles Horman, reported to friends that at the time of the coup, he was told by an American naval engineer, "We came to do a job and it's done." Days later, Horman was arrested

and never seen again. Within hours, the Chilean Army and Navy had control, except for the Capitol and the Presidential Palace where Allende remained. When Allende would not surrender, Pinochet bombed the palace. In his last message, Allende identified, "Foreign capital and imperialism, united with reactionary elements," as the perpetrators of the "fascism" being imposed on Chile. He assured his countrymen, "It is possible they will smash us, but tomorrow belongs to the people, the workers. Humanity advances toward the conquest of a better life." He then took his own life with a rifle gifted him by Fidel Castro, engraved with, "To my comrade in arms."

Under Pinochet, U.S. military aid to Chile increased extensively, and the economy was reopened to the U.S., while 3,000 people were killed, and over 40,000 people became victims of human rights violations. When questioned about Pinochet's brutality, Kissinger said, "I think we should understand our policy— that however unpleasant they act, [this] government is better for us than Allende." Days after the coup, in a speech at a rally in solidarity with the Chilean struggle, Allende's daughter Beatriz, who had fled to Cuba, relayed that while holding the rifle Castro gave him, Allende had ordered the unarmed men and women to leave, "because he didn't want useless sacrifices when the important thing would be the organization and leadership of the working class." Even his last hours, faced with the Goliath of U.S. intervention, Allende never gave up faith in the triumph of the Revolution.

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# September 11th in the Classroom

Lexi Opdycke

Introduction

As time moves forward, past events become blurred in memory. People vary in the ways they choose to remember and honor our history. On September 11, 2001, the United States lost 2,977 civilian lives in a terrorist attack by Al Qaeda. Since 2001, the United States government has made many decisions aimed to protect those on United States soil. To prevent an attack like this happening again, historians evaluate how to remember and learn from September 11. Learning from the past prepares people for the future. To educate future generations, middle school and high school teachers must provide students with valuable lesson plans about September 11. In middle school and high school classrooms around the country, the process and content used to teach the terrorist attacks of September 11 has evolved over the past twenty years from relying mostly on personal accounts of the event to help students understand how and why September 11 happened the way it did.

Initial Reactions

Tuesday, September 11, 2001, began like any other school day. Students around the country gathered in their classrooms as they adjusted to the start of a new year. For schools mostly on the East Coast, students and teachers were getting settled in for the day, just as the first plane, American 11, hit the north tower of the World Trade Center at 8:46am.[1] News spread quickly, as some teachers flicked on the nearest television to watch what had happened. Initially, most people thought that the plane crash was some sort of accident. However, less than twenty minutes later, Flight 175 crashed into the south tower of the World Trade Center.[2] Panic set in as teachers, administrators, and parents realized this might not be an accident but an attack. Schools are left with a decision: what do we tell our students? This question remains even today, as teachers are tasked with teaching about this horrific day.

To discover how teachers handled September 11 on the day and in the weeks after, I interviewed a few teachers and administrators. During an interview with Amanda Love, who was teaching at The Chapin School for girls in the Upper East Side of Manhattan on September 11, she described the initial reactions of teachers and students.[3] After learning the first plane hit the World Trade Center, the school gathered grade levels together for an assembly to inform their students. Because it was a sensitive subject, the upper grade levels and lower grade levels received different information about the attack.[4] Because many students at Chapin had parents who worked in the World Trade Center or in the surrounding buildings, Love remembers the administration speaking carefully not to upset any students.[5] Ann Klotz, also teaching and the head of the senior class at Chapin School on September 11, remembers that the administration explained to students there had been an "accident," choosing not to use words like "terrorist" or "attack" in an effort to keep their students calm.[6] However, Klotz remembers a handful of students jumping up in fear knowing relatives or friends who were working in the towers.[7] For the sake of all the students, Klotz and Love both remember sending students back to class in an effort to go about the day normally.

Teachers and administrators did not know any more than anyone else about what was going on. Sarah Rutledge, teacher, and the 11th grade Dean at Chapin on September 11, remembers hearing news about the Twin Towers through panicked whispers from other teachers.[8] When she learned the second plane hit the south tower of the World Trade Center, she realized it was an intentional attack.[9] Love remembers reflecting

on the terrorist attack that had taken place at the World Trade Center in 1993, but this attack was on a much bigger scale.[10] While concerned about their own friends and family members working in or around the World Trade Center, Love, Rutledge, and Klotz remember worrying about their students more than anything.

As the day continued, Love remembers many parents coming to pick up their children from Chapin school. However, because many parents had been working in downtown New York City, they came to retrieve their children covered in ashes. Chapin school needed staff members to retrieve children from their classrooms and bring them outside of the school to their parents, to protect the children from seeing their friends' parents covered in ashes. There was no school the next day as teachers, students, and parents attempted to recover. However, Love remembers her school trying to get back to normal as soon as possible. When school reopened, while some conversations centered around the attacks, Love remembers attempting to create an environment that served as an escape from the chaos of the world.[11] When reflecting on the days after September 11, Klotz recalls wanting to take care of her students more than anything.[12] Mental health was not as commonly discussed in 2001, but Klotz remembers being concerned with each of her individual student's needs, because each student was affected differently.[13] Rutledge stated that her students all had vastly different experiences although they had sat next to each other in class.[14] School was the only aspect of life that remained the same. Klotz, Rutledge, and Love strived to make The Chapin School a safe place.

In the days following the attacks, the American people only had some information about who caused the terrorist attacks. Love remembers trying to answer her students' questions in the best way possible, without creating panic.[15] In 2001, it was more difficult to receive constant news updates than it is now. People received the majority of their news from television news channels, word of mouth, or what they saw or experienced with their own eyes. Koltz's students had lots of difficult questions, and she remembers working to make sure they were not jumping to assumptions about the Muslim community because Islamophobia was at a high.[16] When asked about parental concerns, she remembers not having to deal with any difficult parents requesting their students not discuss the terrorist attacks.[17] However, Rutledge remembers that in 2001, the American people were not as polarized in their views as they are today.[18] After September 11, even in New York City, Koltz remembers it being eerily quiet, and people ached for a sense of community.[19] In an effort to stick together with the rest of New York City, the staff at The Chapin School did the best they could to help.

In the weeks after the terrorist attacks, The Chapin students and staff helped the community, by raising money for the local fire station to thank them for their bravery. Love recalls the fire crew coming to the Chapin school for fire drills and often interacting with the students. On September 11, members of the fire crew were called to help at the World Trade Center, and unfortunately, many members of the fire crew lost their lives saving others. Love remembered this being most difficult for her staff members, who would often see the firemen and women in their school. Staff and students created a T-shirt campaign to raise money for the fire station, helping to cope with their own loss as well as the loss to the community.[20] Rutledge remembers inviting the surviving members from the firehouse to the Chapin School, so students and teachers could applaud them.[21] While Love, Koltz, and Rutledge struggled to explain the reasons behind the terrorist attacks, they were able to find a way for their students at The Chapin School to give back to the community.

In the first few years after September 11, teachers and students recovered from the emotional trauma they experienced on September 11. On the anniversary in 2004, Koltz remembers feeling as though September 11 was still too fresh to discuss in detail.[22] Because of the emotional impact September 11 had on the American people, teachers struggled to discuss it with their students. As the years passed since September 11, conversation for some became easier. With more resources available that tell the story of September 11, schools and teachers begin to pass on their knowledge about the day to young students. The question remains the same, how do we explain the history of September 11 and what happened after?

## Ten Years After

On the tenth anniversary of September 11, 2001, schools across the United States attempted to teach their students about the terrorist attacks that occurred in the previous decade. For the past ten

years, teachers have discussed the events of the day and their own personal experience of September 11. However, because the events of September 11 and the ensuing War on Terror have largely not been introduced into the formal social studies curriculum, students still do not know much about those events.[23] Most students have limited knowledge of September 11 because they were too young at the time to have much memory of the day. In a study by Aaron Ettinger, he concludes, "these students do not have the benefit of an accumulated knowledge of post-September 11 politics in the same way that their instructors do."[24] While their teachers may have experienced September 11 first-hand, their students did not. However, these students have grown up in the aftermath of the terrorist attacks and have seen their effects in the world, leading to student interest. Joe Corsaro, an AP World History, Government, and Economics teacher at Laurel School, states, "there's been a noticeable decline in knowledge regarding this event over the past few years, but students are really curious about it."[25] As students grow, they may be more curious about recent history. Teachers should work to fill the gaps in students' knowledge of September 11 to help them understand events of the day and the aftermath.

As more information arises assessing the causes and effects of September 11, teachers are equipped with more resources to use in the classroom. Haas and Waterson discuss the challenges of teaching 9/11 ten years after the terrorist attacks.[26] They state, "the teaching of 9/11 has been left to the efforts of individual teachers who are short on time and under pressure to meet many curricula demands."[27] Because September 11 may not be included in the curriculum, teachers may devote time to other topics over September 11 and the War on Terror. Westervelt explains, "only about 20 states include anything in depth about the events of that fateful day in their high school social studies curriculum."[28] Because schools may choose to cover the basics, they do not analyze September 11 in a deeper way. Even when teachers do include September 11, "too often teachers don't want to tackle the complex, often ugly aftermath at home and globally: the wars in Iraq and Afghanistan; the Patriot Act and civil liberties; radical Islam and Islamophobia."[29] However, September 11 is part of a complex history that must be understood by future generations. Without proper knowledge, "stereotypes and misinformation will continue on both sides."[30] Generations to come cannot learn from the past if they do not understand its entirety.

In 2011, middle and high school students have largely been taught through the firsthand experiences of others about September 11, due to lack of educational resources and time because of required curriculum. Haas and Waterman state, "Memories, although an important aspect of personal history, may in unexpected ways also distort, shift, and remodel events."[31] As personal memories begin to slip way, social studies teachers must begin to use other resources to create meaningful lesson plans for students. Hess and Stoddard conducted research to figure out the best way to teach 9/11. They state, "while there was a strong agreement that 9/11 deserved inclusion in the curriculum, precisely what students should learn about 9/11 and its aftermath was a point of contention."[32] Because schools provide students with the opportunity to analyze the content presented to them and explore their own thoughts and feelings about the United States, there is a worry that September 11 could be misconstrued in education.

Hess and Stoddard examine curriculum materials used to teach September 11 released by various organizations and their contents.[33] Overall, Hess and Stoddard found that, "there is an "American Tale" of 9/11 presented in everything we examined-both in what is given attention and what is left out."[34] This "American Tale" is told from the American perspective and presents a patriotic view of 9/11. Hess and Stoddard discovered that some materials ask students to question the definition of terrorism and how the United States should handle it, while some curricula do not.[35] To Hess and Stoddard, "that is a difference that matters when creating materials designed to help young citizens in our democracy understand, reflect on, and respond to 'the unteachable moment.'"[36] As social studies teachers attempt to build lesson plans surrounding 9/11, they should ask students to analyze the cause and effects of the terrorist attacks. The goal of social studies teachers is to provide students with enough information and context so they can dive deeper into the information. As the lesson moves away from personal accounts and provides more facts and historical context, students can explore more details of September 11.

As more recent curricula require September 11 to be taught in the classroom, teachers must decide what resources they should use and include in their

lessons. Ettinger notes that, "the recent past may not be taught at the introductory levels with the same depth as other key moments."[37] While high school students may be taught history from the twentieth century, more recent events in the twenty-first century may be touched upon only briefly, without the in-depth analysis provided for other historical content. Teachers are left to decide how to integrate September 11 into the curriculum. Ettinger decided to try four techniques, chronology, film, maps and newspapers, and news briefings to properly teach September 11 to the post-September 11 generation.[38] Through tracking his students' responses to the lessons, he concluded, "to teach the politics of the post-September 11 wars, instructors need to convey context and be aware of the students' limited historical foreknowledge."[39] Although students have grown up during the post-September 11 wars, there is no guaranteed that they pay attention to, much less understand, current events or politics. To properly teach September 11, teachers must include as much context as possible.

Ten years after the terrorist attacks on September 11, many students have a limited knowledge of September 11, it's causes, and aftermath. Students had grown up in the post-September 11 era and had been exposed to the effects of September 11. Yet, they primarily been educated through personal accounts and memory. As educators developed resources to help aid in teaching September 11, Corsaro reminds us that many students are eager to understand September 11 and the War on Terror in all its complexity.[40] As memories fade, schools must include September 11 in the required curriculum for the future generation to learn from the past.

## Twenty Years After

The generation of students twenty years after September 11, 2001 were not alive during the attacks themselves. Because students do not share a firsthand memory of September 11 like their educators do, they may have faced a difficult time understanding the emotional toll September 11 took upon the American public. Educators must use various resources, including photos, videos, and interactive museums, to explain to students the full effect of September 11 and the War on Terror. Educators can tell much more of the story of September 11 to their students, including the causes and effects. A plethora of resources aid teachers as they plan lessons to teach September 11. The September 11th Memorial and Museum, National Education Association, Scholastic Articles, and a variety of US History textbooks provide context to help teachers educate their students.

The September 11 Memorial and Museum offers twenty interactive lesson plans for students in grades 3-12, covering the September 11 attack, repercussions, and the history of the World Trade Center.[41] One lesson plan is labelled for students grades 6-12, where the essential question is, "What happened on 9/11?"[42] In the beginning of the lesson, students separated information they already knew about September 11 and questions they had about September 11. By establishing what students already know, teachers can cater the lesson to their students' needs. Students then watch a short film, "which outlines the key events of the morning of 9/11" and interact with a timeline of all the events of September 11.[43] In the next half of the lesson, students split up into groups and explore first-person accounts from first responders, high school students, World Trade Center survivors, and government officials. First person accounts help students to better understand how personally the terrorist attacks of September 11th affected the American public. Students are then prompted to discuss if the first-hand accounts changed how students thought about September 11.[44] Provided by the 9/11 Memorial and Museum, this lesson serves as a basis for educators to build upon.

Another lesson from the September 11 Memorial and Museum labeled for students grades 9-12, examines counterterrorism after 9/11.[45] This lesson relies on a basic understanding of the events on September 11, so it would be beneficial to clarify whether students have had a lesson on September 11 before. This lesson's essential question is, "how was the decision made to authorize a raid on the compound in Abbottabad, Pakistan?", addressing the US decision to capture or kill Osama Bin Laden.[46] After watching a video about how the compound in Abbottabad, Pakistan was discovered and a video about the various options presented to President Obama, students are asked to analyze President Obama's decision to combat terrorism. With the information presented in this lesson, students can form their own opinions, by ranking President Obama's options and weighing the pros and cons. Based on the questions posed, students gain a better understanding of the aftermath of September 11 and President Obama's response.

Overall, the counterterrorism lesson plan helps high school students explore counterterrorism actions taken by President Obama's administration ten years after September 11.[47]

Scholastic Articles are another resource that teachers commonly use to aid their lessons. One titled, "From Terror to Hope," by Kristen Lewis, provides an inspiring story of one girl's escape from her school in New York City on September 11 and her thoughts on the attack in the days following.[48] Because the girl, Helaina, in the article is around the same age as the students reading, students should be able to envision themselves on September 11. After learning about Helaina's experience, Lewis states, "A group of terrorists called Al Qaeda had hijacked four planes. Al Qaeda followed a hate-filled form of the religion Islam"[49] Lewis goes onto clarify that, "Most Muslims- people who follow Islam- do not agree with Al Qaeda's beliefs."[50] She provides context on the beliefs of Al Qaeda and clarifies that not all Muslims believe in the same ideals, which is important for middle school students to understand. Lewis provides sections on how the aftermath and rebuilding of New York City after September 11 as well, where thought questions were posed to students, like, "how did the events of September 11th change our country?"[51] Catering to middle school students, Lewis's article encompasses a personal story, basic information about the cause of September 11, and allows students to recognize the changes after the terrorist attacks on September 11.

The National Education Association provides teachers with a resource page to explore and create lessons on September 11. Links to lesson collections, background resources, approaches to teaching, memorials, and images, all give teachers a basis to create their own lessons on September 11.[52] Included among these resources are images such as, "Falling Man," a photo taken by Richard Drew (see figure 1).[53] Many photos of 9/11 display collapsed buildings; the "Falling Man" is different and "is less about who its subject was and more about what he became: a makeshift Unknown Soldier in an often unknown and uncertain war, suspended forever in history"[54] The "Falling Man" would be appropriate for the high-school classroom. To understand the political aftermath of September 11, students need to understand how deeply these attacks affected the American public. The Falling Man poses ethical and disturbing questions for students and is emotional enough to help convey the feelings after September 11.

While photos, videos, and websites can be used to teach September 11 successfully, some schools rely on textbooks to aid in student learning. Peter Wood analyzes five different American history textbooks to discover what they say about September 11 and the War on Terror.[55] American history textbook authors, Colon, Appleby, Warner, Edwards, and Brinkley wrote sections on September 11, with varying degrees of detail. Colon, author of American History, 2018 edition, HMH Social Studies, fails to mention, "any hint of the motives of the 'terrorists'"[56] Appleby, author of United States History and Geography, 2018 edition, McGraw Hill, "gets points for at least trying to establish a context that bears on what the 9/11 attack was about," however, the context provided an obscure motive. Appleby states that, "Muslims feared their traditional values were weakening as the oil industrialisms also brought Western ideals into the region," as the motive to the terrorist attacks on September 11.[57] Warner, author of United States History, 2016 edition, Pearson, provides more details and explanation for what caused September 11, he also, "captures the sudden outpouring of patriot feeling that followed the attacks, which Colon and Appleby simply ignore."[58] Edwards, author of America's History, Ninth Edition, Bedford St Martin's, "offers literally nothing on why the US was attacked or what it meant to Americans."[59] Finally, Brinkley, author of The Unfinished Nation, Ninth Edition, McGraw Hill, "is providing data, not telling a story, and nothing in this account of the events hints at motives or meaning," and "attributes the attack, at some deep level, to Middle Eastern 'poverty.'"[60] Authors, Colon, Appleby, Warner, Edwards, and Brinkley could improve their sections on September 11 in some way.

After analyzing each textbook, Wood concludes the strongest history textbooks provide information about the motives of the terrorist attacks and context.[61] He concludes that the texts, "are factually accurate but estranged from the meaning of what happened- the meaning for the terrorists but even more so the meaning for Americans."[62] Instead of telling the whole story of September 11, four out of the five history textbooks just state facts, without providing much detail or giving much context.[63] For students to know the whole story behind September 11, they must understand terrorist motives and the increased American patriotism after the terrorist attacks, and some history books do not give students this information.

Even with an abundance of resources for teachers, educators are still requesting help to teach September 11 twenty years later. Schools and teachers need to clarify how to go about teaching September 11 because, "some teachers engage students in only the anniversary as a form of memorial, while others want students to understand how the US and world response to 9/11 has impacted their lives."[64] Although September 11 and the War on Terror is a complicated area to study, it must be covered in the curriculum. Without it, "this new generations' lack of knowledge of 9/11 and the WoT [War on Terror] and belief in misinformation or even conspiracies was identified as a major constraint."[65] Educators should use the resources from the National 9/11 Memorial and Museum, Scholastic Articles, and the National Education Association to tell the whole story of September 11. By including the events on September 11, the motives for the attack, American patriotism, involvement in the middle east, the Bush Administration, and the Patriot Act, students have more context to understand September 11.

## Conclusion

Over time, schools have changed the way September 11 is taught in the classroom, no longer relying only on personal memory but by incorporating other resources. Because students in today's middle school and high school history classrooms have no memory of September 11, teachers must rely on resources to convey a more comprehensive story of September 11. Beginning with the key points of September 11, students first must understand the events of the day. Then, teachers need to take a step back in time, and explain to students what led up to the attacks on September 11. After students understand the motives of the terrorist attacks and the events of the day, teachers can move forward in time, and explain the effects of September 11. Through teaching September 11, students can then begin to analyze exactly why the United States was involved in a war in the middle east and why the Patriot Act was passed. While twenty years have passed since September 11, the United States is still experiencing effects today. The best way for students to understand the present is by understanding the past, including September 11.

## Appendix

Figure 1. "The Falling Man" photo taken by Richard Drew.

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# Reagan, Religion, and the Rise of AIDS

Isabel Travis

Ronald Reagan was a witty and personable Republican politician and a compelling public speaker, which drew the attention of a burgeoning constituency that mixed social, economic, and religious conservatism. This new Religious Right – a coalition sharing conservative political and religious ideals – supported Reagan en masse, turning out in large numbers to vote for him. This meant they had power in America, both in that the president agreed with many of their stances and that they helped put him in that role in the first place. This rising power was not always to the benefit of all Americans, especially those the Religious Right condemned. The timing of this rise was unfortunate, as the AIDS crisis required strong leadership in both voice and money. President Ronald Reagan embodied the values of the Religious Right voting bloc, which inhibited his response to the AIDS crisis and led to the death of many Americans.

To understand the Religious Right in the 1980s, one must look further back in American history. Prior to the rise of this movement, most American voters considered it taboo to explicitly combine politics and religion. However, the 1960s changed a great deal about American life. Civil rights legislation passed, the Vietnam War and protests against it were underway, and the birth control pill, among other social changes, allowed for the advent of the sexual revolution. These societal upheavals and changes caused concern among many conservatives. Conservative activists including Paul Weyrich, Richard Viguerie, and Howard Phillips and televangelists Jerry Falwell and Billy Graham took advantage of this conflict to build a coalition that would have power as a political voting bloc. Throughout the 1970s, small-government conservatives and evangelical religious leaders found common ground and made connections, seeking out ways to draw themselves closer in the minds of constituents and parishioners. A prime example of this is the case of Bob Jones University. In 1970, the IRS decreed that an organization practicing segregation was by definition not charitable and therefore ineligible for charitable tax-exempt status. Bob Jones University, a religious institution, practiced segregation. Small-business conservatives felt that this was gross government overreach on the part of the IRS. Evangelicals understood this to be an attack on their faith. Paul Weyrich attributes this action on the part of the IRS one of the key factors that drew these two movements together by providing a rallying point that was relevant to both political and religious conservatives.[1]

Each side of this newfound coalition benefited significantly from their growing bond. Religious conservatives gained respectability and access to mainstream political processes that would otherwise be difficult for them to achieve. Political conservatives got fervently devoted voters who had emotional and moral reasons to make it to the polls.[2] These voters, while skewing older initially, also had television shows, schools, universities, and churches that allowed their message to be spread to younger people in the future, ensuring that they could

maintain a population large enough to stay relevant.[3] The primary focus of this coalition was where their interests most strongly overlapped: domestic social issues like abortion rights, homosexuality, and prayer in school, paired with less government oversight and regulation that gave businesses and churches alike more leeway to do as they preferred. These issues collectively were referred to as "family values" and they provided a common rallying point based on a shared notion of morality and decency.[4]

Reagan might have been seen as a poor fit to receive the support of such a movement. A former actor in his second marriage, Reagan was running against former Sunday School teacher and fellow evangelical Christian Jimmy Carter. Reagan further had a gubernatorial history of passing laws that ran counter to the Religious Right message, such as the 1967 law sponsored by Democratic representative Anthony Beilenson, which expanded abortion rights in California in cases involving rape, incest, or health concerns.[5] However, the Religious Right saw something in him and his past. For example, Reagan was president of the Screen Actors' Guild, the Hollywood union for actors, during the 1940s. He was called to testify before the House Committee on Un-American Activities, where he made a positive impression as a clean-cut and reasonable anti-Communist.[6]

Beginning in 1953, Reagan worked with the General Electric Theater, a program sponsored by the General Electric Company to build positive relationships with customers and workers. This was an instrumental time for him to become a conservative face to the public, not only on the weekly Sunday evening program but when he "visited the plants and walked the factory floors", meeting workers personally as he "articulated the values of personal liberty and individual responsibility."[7] Then in 1964, Reagan was asked to give a speech for Republican presidential candidate Barry Goldwater. Reagan's speech, "A Time for Choosing" gave the audience "something to cheer about" with its optimistic message for the future and launched him into the political sphere.[8] Reagan's political reputation continued during his time as governor, where he remained an engaging speaker with his finger on the popular conservative pulse. For example, he condemned student protestors at California universities, saying "[it] does not constitute political interference with intellectual freedom for the tax-paying citizens, who support the college and university systems, to ask that, in addition to teaching, they build character on accepted moral and ethical standards.[9] Reagan knew the talking points that established him as a steady leader on the political right.

However, the primary reason the Religious Right was drawn to Ronald Reagan was that he talked the evangelical talk. According to historian Darren Dochuk, "Reagan used language drawn from the evangelical lexicon." During his campaign for governor of California, Reagan was open about his conversion experience as a born-again Christian. He specifically said he "accepted the Lord as [his] personal savior," echoing the phrasing of popular evangelical Christian leaders like Billy Graham. When discussing in an interview how he intended to govern California, he mentioned he could not "conceive of anyone trying to meet the problems we face today without help from God."[10] Reagan knew how to appeal to evangelicals using their own words. Ronald Reagan also had warm personal friendships with evangelical religious leaders such as Pat Boone, Jerry Falwell Sr., and Billy Graham that dated back to his early time in office as governor.[11] Further, the type of economic plan Reagan favored – small government and supply-side economics – made religious and economic conservatives feel confident that they would have the freedom to craft local policy to suit them. In the end, the reason the Religious Right supported Reagan was because he publicly supported them as he rose first to Governor of California and then to President of the United States in 1980.

While all this was happening, another major change was quietly affecting the world and eventually American life. This was the disease now known as human immunodeficiency virus and acquired immunodeficiency syndrome or HIV/AIDS. HIV evolved from simian immunodeficiency virus, which affects monkeys and chimpanzees, and likely jumped to humans as a result of hunting for bushmeat. The first recorded case of HIV in a human dates back to samples taken from a man who died in 1959 in Central Africa.[12] Through the 1960s and 70s, several cases of AIDS emerged in Europeans who had spent time in Africa. The first known cases of AIDS in the western hemisphere were a series of 12 cases of Kaposi's

sarcoma, "a rare skin cancer usually found in older Eastern European men." This was found in Haiti between 1979 and 1981.[13] While AIDS likely had come to the Americas a few times, it petered out because there were not enough opportunities for it to spread through human populations.[14] America would not get so lucky again.

1981 was when AIDS started to be seen and recognized by medical professionals in the United States. In Los Angeles, California, five men who were "active homosexuals… were treated for biopsy-confirmed *Pneumocystis carinii* pneumonia," a rare disease related to strong immunosuppression. This was significant enough to alert the Centers for Disease Control, or CDC, who published the information in the *Morbidity and Mortality Weekly Report (MMWR)* in June 1981. The report concluded that there was "an association between some aspect of a homosexual lifestyle or disease acquired through sexual contact and *Pneumocystis* pneumonia in this population."[15] Indeed, due to the relative fragility of rectal tissues and the viral load in seminal fluid, penetrative anal sex was an easy way to spread HIV, which then attacked helper-T immune system cells, allowing the body to be compromised by opportunistic diseases. The long incubation period where HIV was not displaying symptoms in the people who had it allowed it to spread undetected. The gay community in Los Angeles had been infected. As the MMWR mentions, none of the reported infected knew each other or had any "common contacts." By this point, the disease had spread too far to be stopped. Moreover, there were other cases cropping up in other American cities like San Francisco, New York City, and Atlanta, especially in gay communities.[17] In the beginning of the 1980s, scientists and doctors were seeing the beginning of a pandemic like nothing they had ever seen before. According to Dr. Anthony Fauci, it was "truly a new disease."[18]

While many of the early victims of AIDS were gay men, other communities were also particularly at risk. AIDS spread via blood in addition to sexual contact, meaning that other affected communities included intravenous drug users who reused or shared needles and hemophiliacs who required blood-based clotting products to live. Babies of infected individuals could contract HIV in utero or during birth. And of course, sexual contact did not have to be between men to spread HIV.[19] However, the early infection of gay men at a time when their personal and sexual liberation was already controversial meant that the entire disease was strongly associated with homosexuality. Much of the American public saw AIDS victims as dirty, dangerous, and morally impure by association, no matter how they contracted the disease. For example, Jerry Falwell is quoted as saying, "AIDS is a lethal judgement of God on America for endorsing this vulgar, perverted, and reprobate lifestyle" and "[w]e cannot continue to allow our leaders to pass laws protecting the homosexual lifestyle," referring to both civil rights for queer people in general and measures to protect them from AIDS in particular.[20]

Among the clamor from religious organizations and the general public as a whole, President Reagan's voice stood in stark contrast. That is, Reagan was notably silent on the issue of the growing AIDS crisis. He did not even utter the word "AIDS" in public until 1987, though federal health departments like the CDC and Department of Health and Human Services were actively involved in working to resolve the emergency. Health officials and AIDS activists both believe that this silence contributed to negative public reaction and stigma surrounding the crisis. Reagan could have directed funding efforts from the federal government or provided a calm voice to cool the vitriol against victims of AIDS, for example. However, Dr. Donald Francis, an epidemiologist who worked for the CDC researching the disease during the crisis, says of the Reagan administration, "their simple-minded approach had no room for complex concerns like AIDS." Dr. Francis was perturbed that an administration ostensibly "for the people" was allowing many of those people to die due to lack of concern from the government.[21] Dr. Jim Curran, a researcher with the CDC's Sexually Transmitted Disease division called Reagan's lack of response "an open neglect" and a "failure" on the part of Reagan and his administration, referring both to Reagan's unwillingness to discuss the crisis and general defunding of health and human services in general, which continued through his entire administration.[22] Larry Kramer, a playwright and AIDS activist involved in grassroots movements like Gay Mens' Health Crisis and ACT UP, went so far as to call him "Adolf Reagan" as he believed Reagan "responsible for the death of more gay people than anybody in the world."[23]

It was not only a matter of not knowing AIDS existed or its effects. In a telegram from 1982, early in

Reagan's first term, the Department of State to the Embassy in Haiti advised Americans in Haiti to "avoid promiscuous sexual behavior, illegal IV drug use and to use blood or blood products only in a lifesaving situation." Though at the time it was considered a "rare disease", it was still considered risky enough to avoid.[24] The CDC was also working hard on programs to reduce risky behaviors related to AIDS. By 1985, the CDC was reasonably certain of how exactly HIV was spreading, and so created a plan to stop it. The plan was to reduce HIV transmission in urban areas by "hiring teams of people, educating at risk populations of urban areas, testing them for antibodies, and counseling them on ways to prevent further spread." This plan would have cost an estimated $37 million, which Dr. Francis and others at the CDC felt was a considerable but necessary sum to deal with the growing health crisis. This allotment was, however, entirely denied, in such a manner that Dr. Francis and other CDC officials working on AIDS understood to mean "[l]ook pretty and do as little as you can." That is, researchers from the CDC working on the AIDS crisis were to not put too much effort or funding into the work they were doing as it had been deemed low-priority. Indeed, underfunding of HIV/AIDS issues was a common complaint among researchers and activists.[25]

This perspective on funding was contrasted with the position of Margaret Heckler, Reagan's Secretary of Health and Human Services, who said in a 2006 interview "we could not have gained anything more by increasing the cash expenditures… this was not a problem that money could solve; it was a problem that the scientists could solve."[26] It is important to remember that the Religious Right was not only not only concerned with the religious aspect of their name, but that they were not the only conservative faction in Reagan's ear. In addition, "Reagan's key advisors generally tried to insulate the president from religious activists." That's not to say evangelicals were not "enjoying unprecedented access to the presidency and the White House", just that they were not Reagan's only concern.[27] 1984 was an election year, and Reagan intended to stay, and to do so meant not making too many waves in the direction of evangelicals and being branded a zealot. Reagan's first priority was to the fiscal conservative notions of small government and supply-side economics that were popular with both the Religious Right and other conservative factions. This extended to how AIDS was dealt with under the Reagan administration. Members of his administration, Heckler included, supported his fiscal philosophies, driving policy in that direction. Heckler even says that her "first step" and "most serious priority" upon hearing about the advent of AIDS was to talk to the White House Chief of Staff because "this was potentially going to go over the budget." Behind the scenes of the Reagan administration, AIDS was claimed as "the number one issue at the Department of Health and Human Services", but any effort to combat it had to be made within the constraints of the budget-cutting fiscal conservatism Reagan championed, which lay implied as the true top priority.[28]

In public, Reagan did not make a great deal of effort to address the crisis his subordinates were working on. The first time Reagan even publicly alluded to AIDS was in a press conference in 1985, where he was asked about children with AIDS being allowed to attend public school. Reagan stated that he could "understand both sides of" the issue, despite the fact that AIDS was by that point almost entirely known not to spread through casual contact, as a way of hedging his bets just in case. In responding to the question, he did not even say the word "AIDS."[29] His first speech on the subject was not given until almost the end of his administration, in 1987. The speech, given to the American Foundation for AIDS Research, or amfAR, had Reagan touting the successes of his administration, including money spent on research, the advent of the treatment drug AZT, and the possibility of a vaccine very soon. He then went on to soothe some fears about transmission of the disease, firmly stating "AIDS is not a casually contagious disease," and discussed administration plans regarding the disease going forward. One element of the public health response to AIDS as a sexually transmitted disease was sexual education for young people. In his comments on sexual education, Reagan said "if children are taught their own worth, we can expect them to treat themselves and others with greater respect… wherever you have self-respect and mutual respect, you don't have drug abuse and sexual promiscuity, which of course are the two major causes of AIDS". He then went on to say, "after there is a moral base, then you can discuss preventives and other scientific measures." The language used here indicates that Reagan prioritized the imparting of moral norms above accurate information on sexual health. This is reminiscent of the family values of the Religious

Right. Notably, despite being disproportionately affected by the AIDS crisis, gay people were not specifically mentioned in this speech. As such, it's implied that they fall under the umbrella of a "sexual promiscuity" that "self respect and mutual respect" would prevent, which echoes the views espoused by Religious Right leaders like Falwell.[30]

Reagan used a presidential declaration to declare October 1987 AIDS Awareness and Prevention Month. A great deal of this declaration is the unsurprising brief explanation of what AIDS is, how it is spread, and governmental measures underway to prevent it from spreading forward. However, two paragraphs have language reminiscent of that the Religious Right was saying at around the same time. For example:

> The Surgeon General has told all Americans that the best way to prevent AIDS is to abstain from sexual activity until adulthood and then to restrict sex to a monogamous, faithful relationship. This advice and the advice to say no to drugs can, of course, prevent the spread of most AIDS cases. Millions already follow this wise and timeless counsel, and our Nation is the poorer for the lost contributions of those who, in rejecting it, have suffered great pain, sorrow, and even death...

He continues in the next paragraph discussing what time of sexual education would be needed to prevent AIDS's continued spread:

> Parents have the primary responsibility to help children see the beauty, goodness, and fulfillment of chastity before marriage and fidelity within it; know the blessings of stable family life; and say yes to life and no to drugs. Educational efforts should be locally determined and consistent with parental values. Educators can develop and relay accurate health information about AIDS without mandating a specific curriculum on this subject. Parents and educators should teach children not to engage in premarital sex or to use drugs, and should place sexuality in the context of marriage, fidelity, commitment, and maturity.[31]

Not only do these quotations completely bypass the question of the efficacy of his administration's efforts- or at times lack thereof- in dealing with the AIDS crisis, but they claim that most people who get AIDS have it as a result of their own lack of socially acceptable decision making. This echoes the same type of sentiment as Jerry Falwell and others when they claimed that AIDS is the natural (or supernatural) response to decision making that did not follow socially acceptable mores, such as not keeping sexual activity reserved for monogamous heterosexual marriage. Moreover, the section on education expresses that sexual education should be "locally determined and consistent with parental values" and created "without mandating a specific curriculum on this subject". This is Reagan using this declaration to keep the federal and perhaps even state governments as uninvolved in the issue of sexual education for children as possible. The "parental values" on that "locally determined" level allow the religious beliefs of parents to influence what their children learn at school in regards to their health. This would appease conservatives who are in favor of religious moral teaching above scientific fact and small government types alike, while also being able to claim it as a positive action on behalf of his administration. This declaration embodies Reagan's stance on AIDS – that it is primarily a problem for people who are not following moral standards and regardless not something the federal government should be in.

Ronald Reagan was the perfect representative of the Religious Right. He believed in small government with more power to the free market and less to public safety nets, which were conditions the Religious Right preferred. He spoke of his conversion and other matters of faith in language they understood. However, the same qualities that made him a good president for the Religious Right meant that he was ill-suited for the AIDS crisis. He left health care underfunded, did not acknowledge the crisis until late in the timeline, and when he did so, he spoke using language similar to the evangelicals who believed AIDS was a natural consequence of "lifestyles" they did not approve of. His actions, or lack thereof, were not sufficient to guide the nation through a difficult period and many people died because of this. In the end, the very qualities that the Religious Right prized in Reagan condemned others to death by inaction.

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# The Great Migration

Matthew Wink

The first two decades of the 20th century, the United States experienced a significant demographic change which would become known as the Great Migration. Since their emancipation following the conclusion of the Civil War, African Americans migrated throughout the south in search of better farming opportunities and escape from the all-too-common threat of racial violence. The northern economy was primarily industrial with much of the labor being employed in factories and other urban occupations. The southern economy was almost entirely agrarian with few industrial jobs available in urban centers. African Americans were at the bottom of the economic and social ladder, held down by sharecropping and a legal system which targeted them. Newspapers such as the *Chicago Defender* frequently advertised the opportunities the north had for African Americans who made the journey. Similar sentiments can be observed in the letter's migrants wrote home to their friends and families. The north offered significantly higher pay, better educational facilities, and less instances of racial violence compared to the south. Although the north offered African Americans a greater chance of becoming successful, they still faced discrimination in employment, education, and housing.

A common theme prevalent in the historiography of the Great Migration is the contention between "push factors" and "pull factors." In other words, were African Americans pulled from the south through economic and social opportunity, or were they pushed from the south by a weakening agrarian economy and high instance of racial violence? Nonetheless, between 1917 and 1920, 1.5 million African Americans migrated from the deep south to the industrial cities of the north.[1]

In the south, the African American population fell economically subordinate to the white ruling class. In 1910, black ownership of farms reached its peak at 15 percent in Georgia, Alabama, and Mississippi.[2] It is important to note that very few African American farmers owned land in the black belt which contained the most nutrient soil in the South. The overwhelming majority of farmers in the black belt were sharecroppers; working on small parcels of land owned by the white ruling class. In the sharecropping system, white planters and furnishing merchants held all the power. They loaned tools and other farming material to their African American tenants on the condition they sell their crop back to them to repay the debt.

The system created DeFacto slavery with most African Americans failing to pay back their loans, tying them to the land.[3] The legal system in the south was designed around keeping indebted African Americans tied to the south. Contract enforcement laws favored landowners and guaranteed African Americans would remain on the land to repay their debts.

Further ensuring economic subordination were vagrancy laws that allowed the state to arrest "any black man [for] 'loitering' or being outside of formal employment."[4] If African Americans were not tied to the land through indebtedness, there was a high probability they would be tied to the south through

laws designed to use them as labor in the prison system. The system of convict-leasing allowed many industries from railway construction to mining, to utilize cheap coerced labor which was overwhelmingly composed of African Americans.

Vagrancy laws made convict-leasing an economically feasible system, contingent on discrimination that targeted African Americans whose labor, was significantly imperative to the development of the post-reconstruction southern economy.[5] Vagrancy laws alone did not account for all convict laborers. The criminal surety system allowed convicted individuals, often African Americans, to be released in the custody of somebody that paid their fines. African Americans were often arrested on "baseless charges, tried by a Justice of the Peace sympathetic to local farmer's interest," and required to pay fines they could not pay.[6] African Americans were then faced with choosing the abhorrent prison labor system of convict-leasing or be released to their new debtee. Either way, African Americans were tied to the south.

Economic subordination was only one factor that contributed to aspirations of flight from the south. Although often downplayed, the threat of racial violence contributed to African American flight north. Racial violence was especially prevalent between 1882 and 1910 when 1,893 African Americans died to racial violence with Mississippi and Georgia representing one-third of the victims.[7] It is important to note that lynching's and mob violence was not the only mode of racial domination imposed on the African American population. In the same period, 1,299 African Americans were disproportionately legally executed in southern states.[8] The legal system served to coerce African Americans into labor through convict-leasing and subjected them to summary trials with an all-too-common outcome of execution. In both extralegal and legal circumstances, African Americans were murdered at astronomical rates which influenced many in the decisions to leave their homes.

Steward E. Tolnay and E. M. Beck empirically analyzed lynching's and their relationship to African American migration in Black Flight: Lethal Violence and the Great Migration, 1900-1930. In their study they conclude that the rate of out-migration within southern states was not uniform. This could be due to the instances of racial violence and lynching's were primarily a rural phenomenon.[9] However, their effects were felt within industrial centers as well. In fact, racial violence was one factor which compelled many African Americans to move to urbancenters, as lynching's were less common in cities. Steward E. Tolnay and E. M. Beck delivered a compelling argument that racial violence was the primary factor for flight from the south, however other forces cannot be ignored. Racial violence did encourage migration but not necessarily northward. Prior to 1910-1920, racial violence encouraged movement within the south, with many opting to migrate from county to county.

While racial violence encouraged southern migration, it was not the only factor. It was common for African Americans to move within their own states, migrating from county to county in search of better employment opportunities as well as escaping from areas which experienced high instances of racial violence and lynching's. In the half century following the American Civil War, African Americans took advantage of their new freedom to travel. While Kansas and Liberia captured the eye of many looking to better their future through land ownership, most chose to relocate within the south.[10] The soil in the Carolinas was depleted after more than a century of farming without major crop rotation. If African Americans wanted a chance at moving up the economic ladder, they would have to chase the most fertile soil. With the help of labor agents, African Americans were drawn to places like Georgia which promised nutrient soil and better crop yields. Many did choose to relocate great distances away from their homes, however short distance moves were much more common as "landless farmers sought remunerative arrangements with new landlords."[11]

Further contributing to the already monumental reasons for migration were a series of natural disasters which decimated the southern economy. Beginning in 1892 the boll weevil began decimating cotton crops throughout Texas, quickly spreading northward, reaching Alabama by 1910 then South Carolina in 1918.[12] The boll weevil infestation significantly affected sharecroppers who, at the request of their landlords, predominantly cultivated cotton. Those who lost their crop were still obligated to pay back their debts, oftentimes this meant renegotiating with lenders which

further tied them to the land that was plagued by the boll weevil. By the height of the Great Migration, the boll weevil was present in every state which cotton reigned supreme. Those who wished to remain on farms would have to switch to mixed farming or sell off their crop at a loss.
Compiling on the issues from the boll weevil were "alternating seasons of droughts and floods."[13] Together, the boll weevil and changing weather conditions forced many off the land and in search for better economic opportunities.

Until 1910 migrating north was not an attractive option for most southerners. First, many were economically tied to the land through restrictive laws and threats of violence. Secondly, for African Americans to make the long journey north, there would have to be economic, political, and social incentives to justify a move. While family ties would later encourage migration through the process of chain-migration, before the later stages of the Great Migration, family ties kept many bound to the south. The economic incentives to move north were not significant until the mid 1910s. In the south, it was widely believed that African Americans were not suited for factory work, a belief that stemmed from the fallout of the Civil War when whites, fearing labor competition on the land, demanded industrial employment and the exclusion of African Americans from the industrial workforce.[14] In the north, white immigrants from Europe were favored over the domestic African American population.

The outbreak of the first World War cut off the flow of European migrants to northern industrial cities, allowing African Americans to move into previously unavailable skilled labor positions.[15] Wages in the industrial north were incredibly attractive to prospective migrants. While African Americans were making $0.75 to $1.00 per day in southern agriculture and no more than $2.50 in southern industrial positions, they migrants could make $3.00 to $5.00 a day working in the north. With wages on average three times higher than jobs in the south, movement to the north was justifiable for many southerners. According to the Cincinnati Council of Social Agencies, "nearly 75 percent recent black newcomers reported that they came for better wages."[16] In the south, remaining economically subordinate to the white ruling class was an almost certainty, the ruling class had complete control over the agricultural economy through the sharecropping system. Industrial employment was available in the south, although at much lower numbers. The north offered more jobs and more pay to African Americans who made the journey north.

Significant changes to the southern and northern economy occurred at the same time. While the southern economy sunk into depression due to deflated cotton prices, the northern industrial economy was picking up and needed more labor. It became incredibly clear that it would be impossible for African Americans to be successful in the south, where they faced economic, social, and political roadblocks. The emerging economy in the north offered salvation, and a chance at success.

Chicago became a prime destination for African Americans who made the journey north, and the *Chicago Defender* played a key role in advertising the merits of the city. However, at first the *Defender* paid minimal attention to the growing numbers of African American migrants. Robert Abbott, the paper's founder, initially discouraged migration north. He and the black middle-class already established in Chicago were not enthusiastic about an influx of unskilled laborers who they deemed "slow-thinking and unemployable."[17] Abbott was correct, there were little economic opportunities in the north for unskilled workers. However, by 1916, economic opportunities had changed, and the *Defender* began a full-fledged campaign encouraging African American migration northward. James Grossman in Land of Hope describes Abbott as acting in racial self-interest. Abbott saw an opportunity, not just for his paper, but for the African American population as a whole. Migration north could open more economic opportunities for the African American population, increase racial contact which could help erode centuries of racial prejudice, and give more political power to the black community.[1]

Once the *Defender* and Abbott endorsed the migration, they created a full campaign to encourage African Americans to migrate north. Alongside advertisements for jobs were "vivid North-South contrasts" and images of urban life.[19] The Defender undoubtedly made the north seem enticing and increasingly argued the only way for African Americans to become successful Americans.

> Every black man for the sake of his wife and daughters especially should leave even at a financial sacrifice every spot in the south where his worth is not appreciated enough to give him the standing of a man and a citizen in the community. We know full well that this would mean a depopulation of that section and if it were possible we would glory in its accomplishment.[20]

The *Defender* reflects the rejection of the southern imposed position of African Americans in the economy and society. The north presented an opportunity, a chance for something different and new. Its advertising specifically targets the wrongs of southern domination over the black community. The rhetoric resonated with the economically and socially depressed African American population in the south. The *Defender* boasted social opportunities unheard of in the south, white businessmen who treated black patrons with respect, thriving night activities with dance halls and music clubs with racially mixed crowds. Perhaps most compelling for African Americans was fervent white attempts to limit the reach of the *Defender*. White attempts to limit its distribution encouraged more to read and believe in its narrative.[21] White resistance to African American migration north illustrates how dependent the southern economy had become on black labor. Landowners had a real economic interest in keeping the black population in the south.

While it is true that some poor whites were also victims of the crop-lien system, most poor whites worked in factories which excluded black labor. As can be observed in South Africa at the same time, the white ruling class passed laws relegating the African population to a limited amount of land to force them into working in the gold and diamond mines for abysmally low wages with no alternative job prospects. The system of sharecropping was built upon the same principle. Tie the African American population to the land and make farming the only feasible source of income by eliminating all competition. The *Defender* directly confronted the system by advertising better wages and social opportunities for African Americans.

Part of the Defender's campaign to encourage migration north by publishing stories about African Americans who became successful after moving to Chicago. In February 1915, the paper published a story about George W. Prince, a young African American man who had just finished his doctorate in Clinical Pharmacology.[22] Advertisements of leisure activities and social opportunities were certainly compelling for Southern African Americans to make the move north. However, emphasizing African Americans who could become doctors and hold other prestigious degrees or employment, showed that the north offered something completely absent in the south: The American Dream. The paper led the narrative that nowhere except in the north could an African American achieve the same level of education and opportunity as their fellow white citizens. Southern readers of the paper were acutely aware of this fact as well, with one writing that "The winter is about over here in the south and I still have a desire to seek for myself a section of this country where I can better my condishion (sic)..."[23]

Clearly, the *Defender* served as much more than a regular newspaper with advertisements and local news stories. The *Defender,* instead, represented a social movement which directly encouraged flight from the south. If Chicago was a beacon of hope for African Americans in the South, the *Chicago Defender* was a signal booster. The paper was one of the first black newspapers to appeal directly to the masses, most of whom lived in the south. During the peak of the Great Migration, the paper was publishing over 250,000 copies a week, with the large majority of them going directly to the south.[24]

The *Defender* was not the only group perpetuating migration north. Northern industrialists launched campaigns of their own to encourage African Americans to migrate. Through the employment of labor agents, northern industries would "pay" for migrants' transportation by deducting the expenses from their future paychecks.[25] Even Though the migrants were paying for their transportation in the end, it allowed African Americans who could not otherwise afford to move, make the journey north to better employment. The fact that labor agents were beaten as well as migrants themselves illustrates the dependency the south had on African American labor.[26]

While job and social opportunities as well as threats of racial violence in the south were compelling enough to many Southerners, education opportunities

served to further motivate African Americans to move north. It would be inaccurate to suggest that there were not educational opportunities and higher education institutions in the south, The Hampton Institute and Tuskegee to name a few. The leaders of such institutions were strongly opposed to the Great Migration and encouraged African Americans to remain on the farmland. Black flight north directly "repudiated the ideas upon which southern black elites had staked their reputations."[27] The success of George W. Prince would be impossible in southern educational institutions which operated a curriculum designed to keep African Americans subordinate to the white ruling class. Perhaps most telling about southern educational institutions was the name of Tuskegee's school paper, *The Negro Farmer and Messenger*. The existence of these institutions was only made possible by will of the white ruling class. In the American south, the only education available to African Americans had to be first accepted by whites who ensured the curriculum would not disrupt the status quo.

The North presented a different path, one of real opportunity for migrants as well as their children. The *Defender* played on education inequality to encourage migration north. As part of their North vs. South campaign, they published photos of southern schools which depicted run-down dilapidated buildings in much need of repair coupled with the caption: "Jim Crow schools… White Board of Education refuses to appropriate sufficient funds for upkeep."[28] The paper showed African Americans the inequality they faced in the South, there was no prospect of a better tomorrow, and their children would suffer unless things changed. Furthermore, African Americans greatly valued education. Just as their grandparents had enrolled in Freedmen's schools, migrants believed in the power of education and moved north to ensure their children could receive a quality education. Much to the dismay of Tuskegee and Hampton Institute officials who believed their service-based schools would suffice.[29] Although educational institutions were significantly better than their southern counterparts, they were not entirely the same as advertised. Racial discrimination was a real issue in the northern education system just as it had been in the south, especially as more migrants moved north. Schools in African American neighborhoods were not as well maintained as their white counterparts in white neighborhoods. They were often older buildings and received less education materials. The schools were also often too small with overcrowding becoming an issue in 1918 and continuing through the next decade. [30] Schools in African American neighborhoods did not employ African American teachers, favoring white teachers. Students often complained of harassment and fell victim to the prevailing racist ideology that African Americans were "inferior in most things intellectual."[31] James R. Grossman provides an excellent description of the African American experience in Chicago's school system.

> Black children, neither as numerous nor presumably assimilable as immigrants, were simply not of major concern of Chicago educators. If Americanization was a central function of the public schools, black children were constituted a special case. Even the subnormal rooms were not created for blacks, but rather had been crudely adapted to deal with them.[32]

Even though schools in the north were nowhere near as well funded or maintained as white schools and their students faced racial discrimination, they were significantly better than options in the south.

While the *Chicago Defender* advertised opportunities in the north, letters home also proved to be an effective medium to disseminate information about the north, home to family and friends in the south. The process of chain-migration was made possible through letters and familial ties. Migrants would send letters home to notify their family and friends of job opportunities in the North. One woman wrote to their sister encouraging her to migrate north. In the letter, she spoke of job openings for their sister and her husband as well. She notes that thousands of migrants arrive every day and that housing is plentiful, she even offers to find her sister a place to stay until she can find a place she'd like to rent.[33] Another migrant in Philadelphia writes home about the better race relations they experienced since moving.

> "I can ride in the electric street and steam cars any where I get a seat. I dont care to mix with white what I mean I am not crazy about being with white folks, but if I have to pay the same fare I have learn to want the same acomidation (sic)"[34]

Letters encouraging migration north or with news from the north were often read by more than just the intended recipient. In fact, it was common for friends of friends of relatives to receive news of the north from letters. Some letters were rumored to have enticed some 200 southerners to migrate north.[35] While the *Defender* predominantly covered the positive aspects of moving north, some letters provided migrants' friends and families with more information.

Overwhelmingly, letters home encouraged friends and family to move north and while migrants did admit that 'half [southerners] hear is not true," it's better than the south.[36]

The north provided economic, social, and educational opportunities for migrants and their children, however as more African Americans migrated north predominant racial attitudes followed. It would be inaccurate to suggest there was an absence of racism in the north prior to the Great Migration, there was. However as can be observed in Detroit prior World War I, residential areas were not strictly segregated, nor were social and recreational facilities. It was not until the emergence of a large African American population, which coincided with a housing shortage that led to the development of strictly enforced residential and social segregation.[37] Housing discrimination became a central theme of the beginning of the 20th century and in northern cities discriminatory policies were created through civilian and federal actors. Baltimore became the first city to codify residential discrimination on November 21, 1910. The policy directly targeted African Americans, denied them the ability to purchase property in any neighborhood where the majority of residents were white, and required new buildings to be zoned for specific races before clearance to build. Perhaps ironic, the policy was justified by the twisted logic that separating the two races was necessary to protect African Americans from the "savagery of whites."[38] Just as in the south, racial violence at the hands of white mobs served to make African American residents comply with discriminatory policies, throwing rocks through windows and storefronts attempting to run the African Americans from "their" neighborhood.

Policies similar to those enacted in Baltimore were soon challenged by the Supreme Court of the United States in Buchanan v. Warley (1917). The Supreme Court reversed the Kentucky Court of Appeals decision that upheld city ordinances prohibiting the sale of property to African Americans in white neighborhoods.[39] The decision may have been a legal victory, however it only prohibited statutory segregation or in other words, state-sponsored segregation. Private individuals maintained the right to create segregation through private contracts, a practice which was upheld in Corrigan v. Buckley (1926).[40] These private contracts became known as restrictive covenants. These were contracts between all property owners in a neighborhood which prohibited the sale of their homes to African American buyers. Residential discrimination had many adverse effects on the African American community which experienced an influx of communicable diseases due to overcrowding of residential dwellings. Homes were poorly ventilated and created an environment where pneumonia and tuberculosis thrived. The high instances of illnesses in black neighborhoods, nearly six times that of whites, compelled the Ford Motor company to conduct an investigation into black housing in Detroit. In a similar investigation, the Detroit Health Department concluded two thirds of pneumonia deaths and one half of tuberculosis deaths could have been avoided if "crowded and unsanitary housing had been eliminated."[41]

In the workplace, discriminatory practices were prevalent. Although they were earning higher wages than in the agricultural south, they were forced into the most "difficult, dangerous, dirty, and low-paying categories of industrial work."[42] Automobile manufacturing plants, African Americans were employed in foundry departments. This was in part due to the hot and uncomfortable environment in the foundry however its real rationale is likely derived from the racist revisionist claim that African Americans are more suited to hot environments which required superior stamina.[43] However, Ford proved to be an exception, albeit by little margin. At Ford African Americans had a much higher chance of obtaining desirable jobs either as a supervisor or as a respected tool and die-maker. It cannot be ignored that African American workers still faced wage discrimination at Ford and other automobile manufacturers with African Americans primarily being relegated to lower paying job categories, they received about 80-90% of those of whites.[44]

The economic, social, and educational opportunities encouraged many to migrate north. There, they could receive higher wages and break into

industrial employment which was almost exclusively reserved for whites in the south. However, the economic, legal, and social factors in the south cannot be ignored. African Americans were economically subordinated by the southern system of sharecropping and the southern legal system served to further control the African American population. Newspapers, such as the *Chicago Defender* advertised the north as a land of opportunity. Although still discriminated against African Americans in both the workplace and housing, African Americans migrants had more opportunities for themselves and their children if they made the journey north. Changes in the north and south happened simultaneously, as the north demanded more labor, the south was experiencing natural disasters, which in conjunction with underlying issues of racial inequality and poor economic opportunity, drove many to abandon their southern roots and migrate to northern cities.

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# The Circuit Courts of South Africa: An Analysis of Justice

Gabrielle Doty

## Introduction

Since South Africa's colonization in the seventeenth century, friction was an apparent part of daily life, which only escalated further after the introduction of slavery. These tensions grew out of a growing notion of superiority the Dutch and British felt over both the native Khoi population of South Africa and the slaves they brought in from Masahisa, Madagascar, and the East African coast. Laws were continually passed in Cape Town that helped regulate the forced labor of both of these groups. Eventually, sympathy was given over the harsh treatment and subjugation of them, especially the Khoi, as all their rights had been stripped away by the colonizers. This, among other reasons, then led to the creation of the South African circuit courts, a judicial system that would travel around to the various towns and hear complaints of abuse, mistreatment, subjugation, and other offenses. However, despite the court's good intensions, the underlying motivation behind these courts remains up for debate, as well as their effectiveness in protecting the rights of the Khoi and those enslaved. Therefore, an analysis over the effectiveness of the circuit courts will reveal how they actually provided justice to the populations of South Africa and their effects over the growing race relations.

## Background

Located at the southern tip of the continent of Africa, the Cape had become a primary stopping point for ships headed to the East Indies. This port was used by the Portuguese, Dutch, and British, with the Dutch East India Company (VOC) eventually establishing a permit refueling station due to an increase number of ships utilizing this route. While not initially intending on turning this station into a permanent settlement, it nevertheless developed into a small colony. Almost immediately, Jan Van Riebeeck, who was the Commander of the settlement, began writing letters to VOC shareholders in 1652, requesting slaves to be brought in to help with the labor. This request was denied twice, leaving Van Riebeeck frustrated.[1] After their initial landing in the Cape, the Dutch frequently traded with the indigenous population of the Khoi. They were a semi-nomadic cattle herding group, which was organized by lineage and clans. Van Riebeeck saw them as an extremely valuable resource, both for their economic stability through trading, but also as a possible labor force. The Khoi refused to do this labor willingly and Van Riebeeck was denied a request to enslave them from the VOC.[2] This left the new colony in a strained position, as the demand for resources continued to increase, while a lack of labor was growing progressively more evident.

Following this, a severe food shortage developed in the Cape around 1654. Van Riebeeck therefore decided to ignore his orders and sent out ships to buy rice and slaves from Madagascar.[3] From this point on, slaves were continually brought into the colony, setting the precedent for labor. Meanwhile, the Khoi were growing increasingly displeased with the European settlement and expansion into South Africa, prompting them to undersupply Van Riebeeck with meat and other goods. Throughout the following years, the Khoi lost majority of their cattle as a result of unfair trade with the Dutch, ultimately forcing them

to seek employment with the Dutch to earn back their animals. The lines between slaves and Khoi began blurring and the Khoi were rarely paid. Additionally, while technically considered a "free person", the Khoi were subjected to restrictions not applied to the European colonizers or other people defined under this title.[4] The restrictions and laws placed upon the Khoi were greatly increased after the British took over control of the Cape. In 1809, the British passed a series of laws meant to regulate the Khoi. Most notably was the introduction of passes along with the requirement of a fixed residence. These combined became the nail in the coffin for the Khoi's hope of freedom and returning to their original way of life. Both the Khoi and the slaves brought into the Cape were forced to endure some of the most strict and brutal treatment of slave colonies during this time, eventually causing a small outcry to try and improve these conditions.

The Circuit Courts

The harsh treatment the Khoi were subjected to, along with the increased restrictions being placed over them gathered sympathy from John Philip, who was part of the London Missionary Society. He lobbied the British government. In 1811, the first circuit court in the Cape was established by a proclamation issued by the Earl of Caledon.[5] This circuit court heard both civil and criminal trials and would travel around the colony, providing its services to all the regions of South Africa. A second circuit court was established in 1812 and was commonly referred to as the "black circuit", due to it dealing with a large portion of charges regarding the mistreatment of the Khoi.[6] Both of these courts heard a total of around 750 court cases from 1811-1825. Beyond Philips lobbying to the British government regarding the Khois mistreatment, these courts were set up due to three principal factors:

> The first was that the administration of justice in the country districts was clumsy, unsatisfactory and very inconvenient for the inhabitants of the outlying districts. The second was that the highest court, the Council of Justice, was overloaded with work, which caused delays in the administration of justice. The third was that the Hottentot Proclamation of 1809 was deficient in that there was no impartial authority to see to the proper enforcement of its provisions. This was underlined by the frequent allegations of maltreatment made by missionaries, and the circuit court was seen as an appropriate mechanism to investigate and adjudicate upon the charges.[7]

Together, these factors resulted in the two circuit courts being set up and served to provide justice to the European, Boer, Khoi, and slave populations.

This court system was later reformed under the Charter of Justice, which had begun developing in 1827 and was later passed in 1828. These reforms came out of the British distaste of the administration of justice provided by the first two circuit courts of 1811 and 1812, and in turn reshaped them closer to British standards.[8] Some of the changes made included dividing the colony into three districts, and therefore establishing three separate circuits: the Western circuit, the Midland circuit, and the Eastern circuit. These circuits did not run at the same time as one another and would last for two to three months each.[9] Additionally, for criminal trials a jury of nine was required, six members being allowed if nine could not be assembled, however, civil suits and actions were to be done only by the circuit judge and without a jury.[10] Ordinance 50 was also created during this time which repealed early proclamations and restored many of the Khois rights. This included the right to own property, equal protection under the law, and regarded them as having "absolute equality with the white colonists." [11] This may have come about due to a honest push for native rights or as a way to shift oppression of masters to a systematic oppression by colonial order, therefore giving the British more power over the Afrikaners.[12] Nevertheless, with the new court system in place and the Khois status redefined, the circuit courts set out on there routs throughout South Africa.

As previously established, travel was a primary aspect of this court system. However, the conditions of South Africa's roads in the early to mid-nineteenth century were particularly horrendous. One of the circuit judges went as far as stating that the roads were "in an execrable state, quite a disgrace to any civilized society." [13] Accidents were frequent during travel and the roads themselves were nothing more then pathways carved out in the dirt by carts and wagons driven by ox and horses. Additionally, the speed of travel was very slow, ranging from 2.5-6 miles per hour.[14] The terrain of South Africa also proved to be a formidable force, as mountains and rivers significantly prolonged the

trips between towns.[15] This all prohibited the courts from functioning as effectively as they could, as travel throughout the districts proved to be extremely time consuming and, in many cases, dangerous. Likewise, this inconvenience also meant that the speed at with justice could be delivered was often delayed, and in some instances, problems may have gone unaddressed due to the long absences the courts had throughout the rotation of their circuits.

Along with travel, the language used in the courts also proved to be an issue. As the population was diverse in the Cape, so was the ranges of languages used, causing translators to often be required in the courts. In some cases, "double interpretation was required: one interpreter would translate from isiXhosa to English, and a second from English to Dutch."[16] Attempts had been made prior to the Charter of Justice reform between 1827 and 1828 to make English the official language of the court, however, these attempts were postponed till after the first day of January 1827.[17] Following this proclamation of an official language, many jurors were dismissed due to a lack of sufficient knowledge over English. In cases where there were not enough English-speaking jurors, the trial was denied, and the case was therefore thrown out.[18] This inherently caused bias towards non-English speakers and may have also effectively dismissed a higher number of cases in areas that had a larger majority of Boers, slaves, and Khoi. Language, just like travel, hindered these courts effectiveness in providing adequate justice to South Africa and especially the populations under already prevalent discrimination and subjugation.

The circuit courts, as previously established, were intended to benefit and bring justice to all the populations living in the Cape, which included those enslaved and the native Khoi. The inclusion of these two groups inherently led to some resentment from many Europeans and Afrikaners. Similar to the Khoi, despite a declaration being made that slaves "had a share in the laws of nature", to effectively end their legal status as non-persons prior to 1813.[19] Despite this notion, they still lacked many other rights that would truly equate them to that of the white population. Slaveowners by law were allowed to punish slaves for "domestic offences" and slaves were also given the right to lodge a complaint when they felt this punishment was unnecessary.[20] Many of the white frontiersmen saw the courts as overstepping their bounds for allowing these cases to be herd and for them to therefore be put on trial. They viewed their punishments as matters of discipline and not the matter of the law, seeing it in equal footing as disciplining a child. These punishments would be quick in comparison to the drawn-out trials of the court, which would be conducted by a foreign judge.[21] These factors combined led to strong negative feelings the Boers expressed in regard to the circuit courts.

In some cases, complaints logged by Khoi or slaves were thrown out if they were deemed unfounded. This effectively prevented them from ever even making to the court.[22] While the ability to seek justice for themselves gave them some liberation, it also had the potential to make matters worse at home if their master found out they tried to take them to court. To get around possible flogging or other punishments, the Khoi and slaves would turn to their master's neighbors. From there, they could help direct them to the law or act on their behalf.[23] The aspect of community as a whole became very important within the court system. Reputation was a critical element within South Africa's communities and played a role in determining the outcomes in court. A slaveholder who had a reputation of being violent with their slaves would be more likely convicted in court then that of a slave owner with a good name and positive reputation.[24] This had the potential to let a slaveholder off the hook for their first instance of ill-treatment if they were known around the community to be a respectful owner. This therefore allowed bias and other outside factors to affect the court's rulings and the justice they provided, beyond the circumstances of the case itself.

## Effectiveness of the Courts

Despite each of the circuit courts and their individual cases throughout the years all involving different situations, an analysis over a handful of trials will articulate in general how justice was provided to the residents of South Africa. The first case that will be looked at is one regarding an instance of ill-treatment between a slave named Adam and his master Philippus Johs. Van der Byl which was reported on February 3, 1827.[25] The courts Assistant Guardian reportedly advised Adam not to proceed with the trial, as he believed his complaint was not substantial enough for the court to favor him. However, Adam persisted and three days later the case was heard, followed by Adam then withdrawing his charge and "begged his master's

pardon, which was granted to him."[26] This instance displays the paradoxical situation many slaves are put in through the judiciary system. Adam was able to have a second opinion by someone who held status within the court system, but despite this advice, he persisted and may have reaped more consequences as a result. The circuit court system presented the opportunity for justice, but in Adams case he lacked strong enough evidence to win. Even though he withdrew and was granted a pardon, the court stopped its justice after those on trial leave the building, indicating there is no proof that this indeed occurred, and Adam was not additionally punished by his master. In this instance, other factors may have been present and not recorded in the record, which leaves it up for interpretation whether there was outside pressure on Adam to drop the case or if he had simply accepted the fact the court would not provide justice in his favor and saw his withdraw as the safer option.

A common case brought to court by slaves involved illegal detainment and subsequent enslavement. One instance of this can be seen in a report between Apollos of Ryno Mellet and Van Helsland on September 26, 1826.[27] Apollo brought Van Helsland to court stating that he was a captain's servant on a ship heading from India to the Isle of France and after being seized by a King's ship he was brought to the Cape and then sold as a slave by Van Helsland. Following this Van Helsland stated that Apollos had been brought to India in 1779 as a prisoner and that he decided to sell him at the Cape as punishment for stealing a sum of money. He continued that Apollos had attempted multiple times before to earn his freedom in court, however, this case was not ultimately brought forward as there lacked any significant evidence to support Apollos claims.[28] In this instance, Apollos complaint over his illegal detainment did not have a sufficient foundation and did not deny Van Helslands claims over how he became his captain's servant originally. While this report does not include enough information to gather any inkling of bias, it is safe to assume that Van Helslands statement did hold some truth and Apollos clear lack of evidence further points to this being a fair judgement. Additionally, no note was made regarding Apollo's punishment for an insufficient claim, indicating that no additional harm came out of the dismissal of this case from a further trial beside Apollo's continued status as slave.

In comparison, another instance of a slave being illegally detained can been seen through a case regarding a woman who entered the colony as a free person, but later forcibly lost this status. This complaint was lodged by Lucy of Petrus Michiel Brink stating that she arrived to the colony in 1790 from Madras with Widow Smit [Mrs. Peters] as a free person. Following Smits marriage to Mr. Klaas Peters and later passing, she was "carried into his service, and was afterwards sold on his account by the sequestrator." [29] The Guardian residing over this case procured an inventory record taken on June 20, 1793, which was taken following Mrs. Peters death and did not include Lucy's name. If her original statement was correct regarding how she entered the service of Mr. Peters, this evidence therefore supports her claims and the Guardian believed she had very a favorable chance of winning her case.[30] There is no continued record regarding the outcomes of this trial, however, given the statement above, there is indication that Lucy was able to sufficiently support her claim and be given back her status as a free person. This report is also noteworthy as it displays that the courts did not try and prohibit the slaves rights to means of evidence to further support their claims. Moreover, they gave them the same rights and protocol as that for a free person and in this case even actively sought out evidence on their behalf to use in their defense. This then supports the notion that these courts did indeed seek justice for all parties regardless of status.

Another instance regarding freedom can be displayed in a dispute regarding the status of a child born between a slave and her master. This case occurred on October 18, 1826 in which Leentje lodged a complaint that her master Hendrik Greeff registered their child, Sina, as a slave and denied his affiliation as their father.[31] Unlike the previous two cases, this case reported having evidence that Greeff was indeed the father, with "two witnesses having declared positively that they were employed by said Greeff to persuade complainant [Leentje] to submit to his desires, under a promise of freedom, and a third witness having stated that she was often accustomed to sleep in her master's room."[32] With this prevalent evidence and witness testimony, the Guardian remarked that Leentje and her child had a very high chance of obtaining their freedom without having to "recourse to legal measures."[33] While no follow up to this case was recorded in the Cape's records, similarly to the case addressed above, this statement suggested that they did indeed later win the case and were granted their new status as a freed person.

Along with this, the case also displays another instance where slaves were indeed able to use their rights to use resources such as witnesses to support their claims. Overall, this trial is relatively clear cut in the evidence presented matching the outcome ruled on by the court.

Violence between masters and slaves was another prominent issue seen in cases brought to the circuit courts. A notable instance of this occurred in October of 1837 between Roelof Petrus Johannes Campher and his apprentice Dina, whom he ruthlessly whipped to the point of drawing blood. This case was not a matter of whether the whipping occurred, but rather the events that incited it.[34] Dina made a claim that Campher had questioned her on why she had stopped loading dung onto a cart, which she replied by stating the cart would bee too full and tip over and she was waiting for the next one to arrive to continue her work. This reasoning along with leaning on her spade to rest upset Campher, who then struck her twice with an ox-strap on the shoulder. Following this, Dina ran off to Mrs. Campher, Roelof's mother, but was then retrieved by another apprentice and brought back Campher who tied her to a ladder, ripped off her clothes, mercilessly whipped her, and then sent her back to continue loading the cart.[35] The court then questioned her regarding the intensity if their verbal clash which she insisted she had shown no disrespect in the typical gestures of a "look [,] sigh or shrug" that would have provoked violence from a superior.[36] Dina understood that these would typically cause for disciplinary action from a master and insisted upon her actions not equating to this, which her witness confirmed.

It should be noted that the aspect of paternalism and world view did shape Dina's later remarks regarding this event. Dina viewed her place as subservient to Campher, who in turn had the right to discipline her if she disobeyed his order, however, she saw this instant as not being enough to incite this kind of violence.[37] Rather than fighting the system of slavery and apprenticeship as a whole, she instead retreated to her place and judged her situation based upon it and inherently downplayed some events. Campher defended himself in stating that he was a "good master who had finally been pushed too far by obstinate and habitually impudent servant. He was sorry and perhaps ashamed to have been goaded into violence, but Dina's conduct had incited his justifiable anger," a factor that may also been skewed from his own paternalistic viewpoint.[38] If this statement was true, Campher may have been able to gain some say in court to allow this instance to slide as it was his first act of violence and carried a good reputation prior to this pint. However, feeling this trial losing its favor towards him and the high price that would come with a guilty ruling, Campher chose to end Dina's apprenticeship thirteen months early, effectively freeing her.[39] Had the trial continued it is likely that Dina had formulated a strong enough defense to have won against Campher. The element of paternalism and worldview are additionally important, as this case highlighted how bias can shape the perception of an event from both the master and the slaves perspective.

Sexual violence was another prominent occurrence addressed in court, as displayed through one instance between a Khoi woman and an Afrikaner Khoi hawker. This event occurred in 1836, in which Anna, a Khoi servant, who after being sent out to collect wood, was forcefully taken behind a bush by Dienaar de Vries. He told her that he wanted to have a "connection" with her, which she immediately refused stating she had a husband and a young child at home, along with the fact that it would make her mistress angry at her.[40] De Vries then took her into a threshing room, where he threatened to hit her with a brick and attempted to rape her but was stopped after a laborer entered into the room. Throughout Anna's testimony she used rhetoric strategies "to acquire status not as a mute, colonized object, but as a voiced individual with a socially condoned moral … life." [41]This was a similar method as seen in the case above with Dina, who also strategically choose her wording to maintain a strong defense and to portray herself as innocent and not inciting these crimes. Anna additionally, used her "special status" as a married woman and one who did not conform to typical Khoi stereotypes as a way to gain added respect and sympathy from the court.[42] Despite this attempt, de Vries was acquitted. This may have been for a variety of reasons, possibly a lack of evidence to support Anna or de Vries repuation within the community adding extra bias. Regardless however, this instant, if Anna's claim was to be correct, did not serve justice to the correct party.

Another form of violence seen in the circuit courts were in conjunction with rebellions and slave revolts. One of the most famous rebellions was the Slachter's Nek Rebellion of 1815. These events transpired following the death of Frederik

Bezuidenhout, who resisted arrest and was later shot by authorities attempting to retrieve him for missing his court appearance regarding repeated allegations over his mistreatment of one of his Khoi laborer's.[43] His death then resulted in an uprising against British colonial power and their hostility against Afrikaner farmers, which was organized by Bezuidenhout's brother, Hans Bezuidenhout, and his neighbor Hendrik Prinsloo. Those in the rebellion eventually surrendered to British forces and Hans, like his brother, was also shot while resisting arrest.[44] The punishments for the rebels included acquittal, imprisonment, banishment, and six were sentenced to be hung.[45] One of these six was then pardoned by the Governor, Lord Charles Somerset, and the rest, including Hendrik Prinsloo were hung. The rebels who surrendered early on were given more laxed punishment, while those who persisted in their fight longer before eventually surrendering received much harsher sentences. This may have been influenced by the lack of support these actions had by other frontier Boer, as well as the British's own bias towards the Boers. Nonetheless, the rebellion was effectively stopped and those who incited and perpetuated it did receive a punishment based upon the degree at which they were guilty, thereby discouraging any indication of bias in letting this insurrection go without impunity.

Along with this, a notable slave revolt made it to the courts in 1825. The Galant slave uprising was orchestrated by a slave named Galant van der Caab, twelve other slaves and Khoisan laborers in the Koue Bokkeveld.[46] Galant had been severely beaten by his master and sent to prison for discipline. He had tried to take his master to court three times, however, the authorities never took further action. This in combination with the 1823 proclamation from Governor Somerset announcing the amelioration of slavery, which Galant and his companions mistook for emancipation, ultimately sparked this revolt.[47] This resulted in the murder of Galant's master and two other whites. The slaves fled into the mountains, but were later caught by a Cape Town commando, where they were then "tried and convicted of murder resulting in the execution of Galant and two others."[48] Similar to the case above, those who participated in the revolt and were found guilty did received punishment suitable for the crimes committed. It should be noted that there was no mention regarding the punishment for the rest of the slaves and Khoisan's captured. This revolt as a whole, however, could have been avoided if justice had been delivered originally regarding Galant's ill-treatment from his master.

Despite the differing outcomes throughout the circuit courts cases dealing with freedom, detainment, and violence, they all point to a general sense of honest justice present throughout the South African court systems, especially in regard to Khoi and slave trials. Similar to modern courts, the aspect of evidence played a major part in determining whether or not a case would be heard, as well as if the if the defendant would be found guilty. As expressed in the cases analyzed above, if proper evidence could be displayed, the enslaved person who made the claim often was able to successfully win. Moreover, the court did not actively work against them, but in some instances help procure evidence themselves to help bring adequate justice. While these examples are only as small representation of the thousands of cases over the years the circuit courts ruled over, nevertheless there is a general trend pointing to the larger presence of impartiality the judges expressed over these trials.

## Conclusion

The circuit courts, at their core, were a way to try and improve the lives of those living in South Africa, but especially those often ignored within the society. The courts themselves inherently failed at being present for the needs of all its residents, as travel heavily impacted their availability. British changes to the court system both improved the status and protection of the Khoi, as well as increased colonial influence. This was later expressed through the mandate of making English the official language of the courts, which ultimately led to some increased bias. Throughout the trials themselves, paternalism and reputation did affect the jurors and defendants views over how justice should be served, however, the importance of evidence did significantly help maintain fair rulings. While the Khoi and those enslaved within South Africa were rarely given a chance to improve their ill-fated lives, the circuit courts did, however, provide an opportunity that could lead to genuine justice.

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# Soviet GULags as Described by Solzhenitsyn and Ginzburg

Charlotte Sarchet

After the 1917 Revolution, the haggard, oppressed citizens of Russia finally dared to embrace optimism. Trusting Bolshevik revolutionaries, many anticipated an egalitarian future, perhaps out of their reach but open for their children. But as leaders of the Bolshevik Party traded their high ideals for popular support, that future grew distant. Children of the revolution would come of age not in a classless, humanitarian society, but in an intense hierarchy defined by fear and controlled by death. Society was split between "party members" and "non-party members," with members of the Communist Party receiving advantages in every arena of life, from special access to goods to prioritized admittance to universities. Joseph Stalin, the head of the Soviet Union since 1929, organized a system for expelling—or "purging"— members from the party who expressed anti-party sentiment. Following the assassination of Sergei Kirov in 1934, the stakes grew exponentially higher; with rumors circulating that Kirov's killer was a fellow communist, distrust and paranoia grew rampant.

Between 1934 and 1935, roughly half of the Party's delegates were removed, and in 1936, the first Moscow Show Trial took place. Sixteen of the oldest and most trusted Bolshevik leaders were executed, having been found guilty of running a subversive sub-organization. A witch-hunt began to weed out the treacherous party members who supported these betrayers. Rather than one's membership being revoked, those charged with supporting this group—or otherwise disrespecting the Party—now faced death or life in the GULags: the Soviet Union's infamous labor camps. Throughout the 1930s, 40s, and 50s, the GULags were home to millions. Criminals, victims of the Great Purge, and prisoners of war all found themselves contained in these inhumane prisons. Although many Soviet citizens lived in terror of arrest, the public knew few concrete facts regarding the camps. Aleksandr Solzhenitsyn, author of *The GULAG Archipelago*[1] and Yevgenia Ginzburg, creator of *Journey Into the Whirlwind*,[2] were two of the GULag's captives who sought to spread knowledge through their first-hand experiences. Although neither author was infallible, their works provide priceless insight into life in the GULags. Respectively they each told their own story of a soldier and a Party intellectual, an enemy of communism and a staunch advocate, and a man and a woman. When read side-by-side, these two sources equally highlight the personal and shared experiences of GULag prisoners, as well as the way these experiences shaped their life-long beliefs.

Solzhenitsyn, a soldier during World War II, wrote about the GULags from the perspective of one who has lived through hardships before. Having experienced the German battle front, many of the horrors of imprisonment are softened by comparison. In the second chapter of *The GULAG Archipelago*, he lovingly details the "clean linen" and "cots with springs" in his prison cell, declaring that he "could not remember having slept like this during the whole war."[3] More tellingly, Solzhenitsyn celebrates the simple fact that "no shells were falling;" merely being out of the direct line of fire was a blessing, regardless of the circumstances.[4] But Solzhenitsyn's service not only affected his perspective on the GULag's conditions, but on the political structure that placed him there.

Although he entered captivity with devout reverence for Lenin—going as far as to decree it "sacrilege to... call anyone on earth "Ilyich" except that one man"—, he was quickly losing faith in the Soviet Union.[5] While others (Ginzburg included) remained loyal despite the way the system had wronged them, Solzhenitsyn presents the idea: "AMotherland that betrays its soldiers—is that really a Motherland?"[6]

Unlike Solzhenitsyn, prior to her arrest Ginzburg had experienced little trauma. Married to "a leading member of the Tatar Province Committee"[7] and working as the "assistant head of the cultural department"[8] at an editorial office, Ginzburg had a comfortable life on the inside of the party. Although she had some doubts about Stalin, she "carefully concealed it even from [her]self."[9] Solemnly swearing that she would "die for the Party... without the slightest hesitation," Ginzburg was the picture of a perfect party member.[10] Yet, she too would become a victim of the GULags. Arrested in 1937, she was one of the many Party members senselessly targeted during the Great Purge. A faithful party member to the end, despite having been forewarned of her arrest, Ginzburg refused to go into hiding. She explained, "How can a communist run away from the party?"[11] Yet, once in the GULags, Ginzburg's perspective shifted.Although she held onto the "Great Leninist Truths" throughout her 18-year sentence, she began to see the party as fallible.[12]

In chapter 25, "Intro to Butyuki," Ginzburg recalls a day when she and a group of other women were searched before entering a new prison. A young member of the Komsomol looked to her for guidance after correctly identifying her as a Party member. She asked Ginzburg if she should expose a German inmate who had "hidden some gold things in her hair"—her dilemma being that she "d[idn't] like to give her away" unless she was "a real class enemy."[13] Ginzburg responded that she "should be guided by the instinct that is generally knownas your conscience," admitting that what the Party would want is not always the moral choice.[14] Further, Ginzburg juxtaposes herself against the "orthodox Stalinist" she shared a cell with.[15] This woman—whom Ginzburg depicts using unflattering words like "shrill," "pale," and "contorted," glorifies the Party to such an extent that she grew outraged at the other inmates forlaughing at their warder.[16] While Ginzburg points out the problem with this point of view, her own stance on the Party remains a far cry from Solzhenitsyn's, who "sees the purges as simply the most extreme manifestation of the amorality of the Marxist vision."[17]

More meaningful than their contrasting occupations, more fundamental than their split in opinions, is one underlying fact: the authors are different sexes. Coloring all facets of their experience, Solzhenitsyn's manhood and Ginzburg's womanhood influence their respective outlooks, their treatment in the camps, and the groups of people that they interact with. While Solzhenitsyn describes his fellow prisoners in a variety of costumes from "soft black helmets,"[18] to an "aviator's cap,"[19] to "an expensive tunic,"[20] Ginzburg points out a group of inmates wearing"absurd, low-cut evening dresses and high-heeled shoes," who she has to be assured are "not tarts," but "Party members."[21] While men were dragged into the GULags in a range of clothing, none named had to face the discomfort and indignity of wearing heeled shoes and an impractical dress for months on end. Small details like this, compounded with the attitudes relayed (particularly in Solzhenitsyn's writing), support the return of patriarchal attitudes under Stalin.[22] Early in his account, Solzhenitsyn describes one of his cellmates as being "accustomed to" "grabb[ing] women, mess[ing] them up, and then throw[ing] them away" as someone would eat "boiled crayfish"— a practice he neither supports nor condemns.[23] He also blatantly paints three soldiers guilty of sexual assault as mere victims of circumstance, explaining that these "honest, open-hearted soldiers" mistakenly pursued "the property" of the Chief of Counterintelligence in a bathhouse.[24] Had they chosen another woman, they could have either "raped and then shot" her(if she had belonged to the enemy), or at the very least "chased [her] naked... and slapped on the behind" (had she been a Pole or a Russian).[25] Solzhenitsyn also insinuates the likelihood of rape within the GULags. He suggests that the Lubyanka chief may have hired an especially "repulsive" woman—a "blond spinster with a horsy build"—in the role of librarian as a safeguard against her assault.[26] Along a similar, yet opposite vein, Ginzburg writes about one of her overseers, a man named Kostik. She described that if he "wanted any fun" he would have to go elsewhere, as all the incarcerated women were either "criminal types who might have venereal disease," "cracked" religious women, or "walking skeletons."[27] In the male prison it is the staff who must be protected from the inmates, while in the female prison it is the

inmates who must be protected from the staff. Yet, despite their perceived womanly failings keeping them safe, even within the walls of prison societal standards reign; two of Ginzburg's cellmates were often found "lying on their backs on the floor and pedaling in the air, anxious to preserve their figures."[28]

With differing backgrounds, political views, and of course, sexes, Aleksandr Solzhenitsyn and Yevgenia Ginzburg represent a breadth of experience in the Soviet GULags. While both began their sentences as believers in Lenin's dream for the Soviet Union, their wrongful imprisonment and inhumane treatment exposed them each to the harsh reality of the Party and the government's corruption under Stalin. But although the GULags sought to strip away their captives' individuality —even their humanity— the internal world of the camps did not exist discretely from the rest of the world. One's life before imprisonment and perspective upon entering had substantial bearing, and, further, the prevailing rules of society maintained their power, even in the most obscure corners of Siberia. Through Solzhenitsyn's and Ginzburg's accounts, these authors shed light on this suppressed chapter of history.

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# Development of Painting During the Revolutionary Period

Charlotte Sarchet

The American Revolutionary period, brimming with political unrest, financial instability, and crushing uncertainty, proved to be a turbulent environment for the aspiring artist. A land transitioning from a cluster of colonies to an autonomous nation had little time or funding to dedicate to the advancement of the arts. Yet the melodrama of war and the gravity of a new nation's birth provided ample artistic inspiration, resulting in not only the most influential works of the era but the most recognizable imagery in all of American history.

Congruent with the puritan ideals of the era, pre-revolutionary colonial artwork was valued primarily for its practicality and pragmatism.[1] The creation of art without clear function was seen as too frivolous for a man and too "impudent" for a woman, so arts outside of textile creation, silverwork, and other necessary crafts were neglected.[2] However, painted art thrived in a form that modern individuals may be surprised to hear described as essential: portraiture. Before the advent of photography, painted portraits were the most reasonable way to capture a person's likeness. As such, the upper class commissioned portraits to commemorate their achievements, honor their deceased, and project their status.[3] As American art historian Lloyd Goodrich explains, this caused an "overwhelming" percentage of painted colonial art to be portraiture.[4] Not yet craving distinction from their English counterparts, colonial portrait-artists followed the conventions of contemporary Europe. In the late eighteenth century, this meant adhering to the standards of neoclassicism.[5]

Neoclassicism, an artistic movement fronted by French painter Jacques-Louis David, celebrated the values of antiquity.[6] Its practitioners strove to recapture the gravitas and simplistic elegance of high Greek and Roman art, emphasizing technical mastery over innovation. Artists flaunted their understanding of *symmetria,* rational space, proportionality, and naturalism. Their dramatic use of shadows, harsh lines, and textures lent painted figures an almost statuesque quality, again harkening back to the idolized works of classical canon.[7]

One such neoclassical artist, John Singleton Copley, became an early example of notable American painters. Born in Boston to a lower-class family in 1738, Copley was an unlikely candidate for the high arts. But when his mother remarried in 1748 to engraver Peter Pelham, Copley gained access to a collection of English portraits.[8] By studying these works, the young artist gained a unique ability to appeal to the English aspirations of wealthy Bostonians.[9] Throughout the 1750s and 1760s, Copley painted a plethora of portraits for this demographic, most of whom had Loyalist ties.[10] One such portrait, *Thomas Greene*, dated 1758, portrays the subject's allegiance to England through the addition of an English flag in the painting's background.[11] However, Copley did not exclusively work with Loyalists during this period. In 1768 he painted *Paul Revere*, a now extremely well-known portrait of the famed patriot.[12] Though Revere had not yet become the legendary figure history celebrates at the time of his painting, he was already a known revolutionary. This begs the question: where did Copley's allegiance lie? Christopher Brooks, contributor to the Oxford

Art Journal, characterizes Copley as having "loyalist sympathies,"[13] while Jane Kamensky, in her biography *A Revolution in Color: The World of John Singleton Copley*, refers to the artist's political stance as "ambivalent"[14] — an appropriate description for the man who declared: "Art and politics do not mix."[15] Though debate persists over the nature of Copley's leanings, historians generally agree that the advancement of his career took precedence over any particular ideology.[16]

Another crucial colonial artist, Benjamin West, was also born in 1738. Raised in Springfield, Pennsylvania, West had little exposure to the fine arts.[17] As recorded by John Galt in *The Life and Studies of Benjamin West, Esq., President of the Royal Academy of London* (regarded as the definitive biographical work on West), young Benjamin West first experimented with art at the age of seven when he "endeavored to delineate a portrait" of his infant niece.[18] In Quaker Pennsylvania, artistic expression was not an encouraged nor expected facet of life, but after this initial outburst of creativity, West became enamored. Throughout the next year he sketched flowers, birds, and other subjects which "pleased his eye," and at the age of eight, his budding passion was rewarded by a gift from his cousin: an engraving.[19] This was the first professional piece of artwork West had ever seen. Unlike Copley, who had the guidance of his stepfather, West began his career entirely self-taught.[20] Yet, like Copley, before reaching the age of twenty, West was able to establish himself as a portrait painter. In 1758, West was commissioned to create a portrait of the young Thomas Mifflin, future governor of Pennsylvania.[21] Though overshadowed by his later portrait of Mifflin (*Mr. and Mrs. Thomas Mifflin,* 1773), this early work by West shows that the painter had already reached a level of proficiency surpassing that of the painters around him.[22] This talent did not go unnoticed. In 1760, West embarked upon a Grand Tour of Italy, sponsored by William Smith and William Allen, the former the provost of the College of Philadelphia and the latter a powerful Philadelphia-based politician.[23] This tour influenced West immensely, which in turn influenced the course of American art. Exposure to the works of Renaissance painters like Titian and Raphael inspired West to expand beyond the safety of portraiture and venture into the genre of history paintings.[24] Though even after advancing past the necessity of portraiture, West did not fully abandon it. After his tutelage in Italy, West settled himself in London where he continued the remainder of his career. In 1764 he painted *Mary Hopkinson*, a lavish portrait featuring rich textures, including a pink silk gown modeled after the artist's loose concept of fashion in the "orient,"[25] and in 1784, he painted *Richard Price*, a striking portrait of the famed Welsh philosopher with a bold use of *chiaroscuro*.[26] Decades later, West produced a portrait in 1812 of Sir John Eardley Wilmot, a former chief justice.[27] West had transitioned from neoclassicism to rococo, and his work little reassembled his Pennsylvanian portraits of the 1750s; this complex, allegorical painting shows that portraiture is much more than a practical craft.

After gaining international renown, West became a tutor to many great American artists. Included in his long list of pupils are Ralph Earl, his brother James Earl, Charles Willson Peale, Gilbert Stuart, and perhaps the most well-known of all Revolutionary-era painters: John Trumbull.[28] Trumbull first began studying under West in 1780 and, off and on, continued to receive his training over the next decade.[29] During this time, West "suggested" to Trumbull that he paint "a dozen or more scenes from the American Revolution," setting Trumbull on the path to lasting fame.[30] In the words of Goodrich, "It was abroad, in the London studio of Benjamin West, that the first school of American historical painting was born."[31]

As summarized by Goodrich, "Historical art can be divided into two main types: contemporary history, and reconstruction of past history."[32] Trumbull's aspiration fell into the former, which, in a predominantly neoclassical period, was countercultural. The neoclassical mindset dictated that contemporary events need not be granted the same reverence as the events of antiquity, and modeling modern persons after the aesthetics of ancient emperors and deities was nigh sacrilegious. But, in the age of the American Revolution and the dawn of the French Revolution, artists had reason to question these accepted values. The new generation was violently challenging old, hierarchical Europe, and many saw the pertinence of capturing the spectacle around them rather than recreating the history of yore. Though it would not come to fruition for another few decades, the voices of revolutionaries were slowly building the impassioned and experimental path towards romanticism.

While with West, Trumbull completed the first of his great American history paintings. Both *The Death of General Warren at the Battle of Bunker's Hill and The Death of General Montgomery in the Attack on Quebec* were finished in 1786.[33] As one would expect,

each portrays an important battle of the Revolutionary War, but more interestingly, each of the represented battles were American losses. One might question why Trumbull chose these specific scenes to launch his historical series. Goodrich adds the insight, "historical art inclines towards the personal and the dramatic."[34] As Trumbull himself was present at Bunker Hill, he likely did feel a personal connection to the battle, and the drama of both the Battle of Bunker Hill and the Battle of Quebec are undeniable. Though Bunker Hill had been a victory for the British, it was a psychological victory for the Americans. With twice as many British soldiers wounded or killed than American soldiers, this battle gave hope to the American public.[35] Alternatively, the Battle of Quebec, involving a blizzard, an ambush, and the death of General Richard Montgomery, was a poignant admonition of American overconfidence.[36]

Ronald Paulsen, expert of 18th century English culture, provides further analysis of Trumbull's work by drawing comparisons to literature from the same time period. Paulsen mentions the "youth-age metaphor," used most notably by Thomas Paine in *Common Sense,* to liken England to a mother and America to a child.[37] Extending this literary device to the visual medium, he observes, "In *Bunker Hill* the British tend to be fairly elderly and jowled, while the central American figures are young."[38] By presenting the participating men in this way, Trumbull propagates the common image of America as a lively adolescent, yearning to tear away from the restrictive grasp of the British Empire.

Now referring to both *The Death of General Warren at the Battle of Bunker's Hill and The Death of General Montgomery in the Attack on Quebec*, Paulsen identifies Trumbull's work as "baroque."[39] Baroque defines the dominant art style in Europe throughout the 17th century, which remained popular until roughly the 1740s and the rise of neoclassicism.[40] This style is characterized by dramatism, fluidity of motion, and emotionality. As such, Trumbull's bold death scenes, ripe with tragedy and teeming with movement, could logically fall under this category. As well as the subjects and stylistic details, the compositions of these paintings also hearken to the baroque. Paulsen observes that each scene is "constructed on [a] long diagonal[l] from upper left to lower right, focusing on an attacked, dying man."[41] The use of diagonal lines rather than the geometric symmetry so common in neoclassicism creates a dynamic and tension-filled plane, ideal for a highly dramatic scene.

Before continuing his historical series, Trumbull, acknowledging the need for factual accuracy, returned home to a changed America in 1789.[42] For the next five years he traveled through the colonies to assemble "data," "portraits of the principal actors in the Revolution," and "background material."[43] Trumbull hoped that after establishing himself as a historical painter he could "persuade the federal government to commission [paintings] on a large scale."[44] To the artist's misfortune, the American government had "advanced little beyond the colonial governments in recognition of art"[45] and was wholly uninterested in Trumbull's proposition. Not until decades later, in 1817, were Trumbull's aspirations fulfilled. The federal government commissioned Trumbull for four paintings to decorate the Rotunda of the Capitol Building. The four resulting works, *Declaration of Independence, Surrender of General Burgoyne, Surrender of Lord Cornwallis*, and *General George Washington Resigning his Commission*, were intensely scaled-up recreations of Trumbull's earlier paintings and sketches.[46] Due to a childhood eye injury, the artist was less skilled at creating large works, perhaps leading Theodore Sizer, director of the Yale University Art Gallery in the 1940s, to refer to these works of art as "ill-painted murals."[47] Goodrich concurred that they have "little of the vitality"[48] of the original works. However this may be, Trumbull's reputation rests on these monumental paintings. *Declaration of Independence* became not only Trumbull's best-known work, but a symbol of early American society.

Charles Willson Peale, student of West, blended the colonial tradition of portraiture with the newly embraced practice of history painting. Peale created portraits of the most influential men in America, including George Washington, Benjamin Franklin, and Thomas Jefferson. His portraits "sometimes represented [his subjects] in historic actions and settings,"[49] differentiating Peale from his contemporaries. In addition to receiving instruction from West, Peale was guided by another famed artist: John Singleton Copley. Copley, celebrated for his portraits' forthright simplicity and realism, "made a deep impression on Peale."[50] His impact shines through Peale's portraits, particularly in Peale's implementation of "polished tables"—a staple of Copley's work—and increased realism.[51] Peale, the only person to paint Washington before the American Revolution and the artist who painted Washington "more times from life than any other artist," is known for his portraits of the esteemed general.[52] One portrait

in particular has become Peale's legacy, that being his 1779 portrait *George Washington at Princeton*. In this painting, although Peale paid homage to Thomas Gainsborough's *Augustus Hervey, 3rd Earl of Bristol* through Washington's stance, his choice of accuracy over idealism in the general's proportions relates to Copley's influence.[53] Met with more than a warm reception, Peale was commissioned for dozens of recreations by state governments, private collectors, and foreign courts alike.[54] The portrait demands attention even in the modern day, with copies still featured in Princeton University, The Metropolitan Museum of Art, Colonial Williamsburg, and the Virginia Museum of Fine Arts.[55]

The Revolutionary War severed the American Colonies from the British Empire, allowing ambitious American painters the ability to grow beyond the confines of European expectations. The inherent tragedy of bloodshed, the theatrics of battle, and the exhilaration of change ushered in a period of astounding artistic advancement. Benjamin West, John Singleton Copley, John Trumbull, and Charles Willson Peale, among other talented individuals, emerged from the cacophony of revolution invigorated and inspired. Recognizing that the events happening around them, like the signing of the Declaration of Independence and George Washington's resignation, would one day be heralded as legends equal to the tales that neoclassicism so enthusiastically memorialized, these painters adapted from the established rules to blaze their own path. And when the burgeoning United States also arose from revolution (now with sufficient resources to allocate for the arts), these artists gladly fulfilled the high demand for portraits, history paintings, and historical portraits. Many of the works created during this tumultuous period retain the admiration of art critics, historians, and the general public thanks to the innovation of their creators.

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# Icy What You Did There: Values In the Laws of Viking Age Iceland

Isabel Travis

Viking Age Iceland was unique for the Viking world. It was a land rich with natural resources but mostly devoid of people. When explorers and settlers from Scandinavia came to live there, they had a chance to set up their own nation in its entirety. While their law code was based on their familiar Scandinavian knowledge, over time it adapted and reflected the lives and beliefs of those who called Iceland home. Icelandic law emphasized the values of honor, Christianity, and balance to ensure the continuation of Icelandic society.

According to Islendingabok and Landnamabok by Ari, the first settlers of Iceland came to the island around the year 870. Although "considerable numbers [of immigrants to Iceland] came from Scandinavian settlements in the British Isles, especially from Scotland and Ireland" and "some of them had Celtic wives and others brought Celtic slaves," the majority of new settlers in Iceland were originally Norwegian.[1] The land was fertile and rich, an ideal spot to begin a new nation in the Viking Age. According to Ari, who was writing in the early twelfth century, the reason behind their emigration from Norway was discontent with the rule of Harald Finehair (or Fairhair, depending on translation).[2] Harald Fairhair was seen as a tyrant lording over Norway and creating a stronger central government than Icelanders were happy with.[3]

Due to the background of the Icelandic settlers, when setting up their new legal system, decentralization was a priority. Instead of a form of government where one person made the rules, Icelanders chose to set up their government so that all free men had a share in the ruling. Legally, any free Icelandic man could both bring a case to public trial and be involved in overseeing the arbitration of cases. Women could also bring suit in some cases.

According to the founding myth in Islendingabok, Iceland's primary founders were Hrollauger, son of Rognvaldr; Ketilbjorn Ketilsson; Audr, daughter of Ketill Flatnose; and Helgi the Lean, who divided the island into quarters.[4] While Islendingabok was written several hundred years after the events of its founding, Iceland's courts were based on a quartering of the island. Each Quarter had, "three springtime assemblies held in it, each at a named site, except the North which should have four assemblies" with local chieftains presiding over cases.[5] All citizens belonged to a specific assembly based on their household and could utilize it to arbitrate disagreements and conflicts with others with their neighbors serving and jurors.[6]

For more serious or complex cases, there was the General Assembly of the Althing. The Althing was the court of the whole of Iceland, founded in 930.[7] The General Assembly meeting was held in summer, allowing as many interested parties to be present as possible as serious matters were discussed.[8] Chieftains and anyone who wished to participate in the assembly were to arrive the Thursday before it started, though participants could arrive until Sunday and still have the ability to advocate for themself or others.[9] This window provided a definite beginning and end to the window when suits could be brought forward while still allowing for some leeway to those who might be interested in involving themself in a court case but ran into trouble on the road.

The man who presided over the General

Assembly was called the Lawspeaker. He was an elected official who served a three-year term.[10] His most notable job was to orally recite the laws of Iceland at the General Assembly. This was considered incredibly important. Should he not know the laws "so extensively that no one knows them much more extensively" he was "to arrange a meeting in the preceding twenty-four hours with five or more legal experts, those from whom he can learn most…"[11] The Lawspeaker had to be very well studied on the law in order to do his job properly. He also "told men what the law was when asked, made official announcements, presided at meetings of the Law Council, led the procession to the places he ap-pointed for the sessions of the Quarter Courts."[12] In exchange for his service, the Lawspeaker was given "a fee and a half of the fines imposed by judgments at the General Assembly and at the spring assembly he participated in."[13] The role of Lawspeaker was a powerful position in terms of influence and pay, but he did not work or cast judgement alone. Instead, his job was to make sure court proceedings went smoothly while the jury rendered the final verdict.

As mentioned, the laws of Iceland were conveyed orally for much of its history. This means that modern historians do not have much record of the legal goings-on of that time period, or the way the law changed over time. Beginning in 1117, effort was made to transcribe these laws into a printed record.[14] The collection of laws that survives is known as the Gragas, or "gray goose" laws. The Gragas covered all aspects of life Icelanders considered important and carefully broke down the correct action in pertinent scenarios and the penalty for deviating from that, in addition to legal procedures for the island. For example, the section on inheritance explains the intricacies of inheritance law in Iceland. "A son free born and a lawful heir is to inherit on the death of his father and mother. If a son does not exist, then a daughter is to inherit" and so on.[15] The laws break situations like this down into fine detail, reducing the number of moving parts down to better allow a fair judgement to be achieved.

One major part of the Gragas is the element of consequences for rule breaking. Iceland had no prisons or law enforcement agents. There was the Althing and the neighbors. The most common punishment was a fine paid to the Althing. One might be punished with a fine for more minor crimes, such as "If a man is more careless in tying up his dog than now prescribed, or if it is loose, and it bites someone [so as to leave a blue or red mark] or so that blood flows, then his penalty is a three-mark fine."[16] Once the fine was paid, the crime was considered paid for and the issue was resolved. Another, potentially more damaging, consequence was the revocation of immunity. Immunity was a primary concept in Icelandic law where an individual had legal protection against attacks from others.[17] Should that right be violated, the injured party or a select group of supporters had the right to exact revenge. However, the violating party also lost their immunity. This meant that the violating party or their supporters could not then go and wreck their counter-revenge. This limited the amount of damage that could be started from one violent interaction. One interesting aspect of loss of immunity was that it started as soon as the offense was committed "at that place of action" without interaction from the court.[18]

The same offense that caused loss of immunity could also invoke another sentence in a court of law. The main sentence that could result is that of being declared outlaw. There were two types of outlawry. The first was lesser outlawry. As the name suggests, it was the less extreme form. This generally entailed a period of outlawry, or formal removal from society, for a set amount of time before an individual was allowed to return. That period of time might last between three and twelve or more years.[19] The term of their sentence began when the man in *question* left the country. He had three years to get his affairs in order and do so, or his sentence became full outlawry. He was required to ask at least three ship owners for transport every summer or face full outlawry. Before he managed to leave Iceland, he had a measure of safety in "fjorbaugsgardr," which means sanctuary. He could choose up to "three domiciles not more than a day's journey apart" and "travel the roads between them." However, if he crossed paths with another while on the road, "he had to leave the road for a distance greater than a spear's throw" or lose legal protection against attack.[20] Crimes that garnered this reaction generally tended to involve some level of violence. For example, "if men meet as they travel and one man makes what the law deems an assault on another, the penalty is lesser outlawry."[21] In this case, the assaulter would lose immunity after the assault, and then be subject to lesser outlawry. However, he would eventually return to Icelandic society once he had paid his dues, so to

speak, as his case did not overwhelm the boundaries of Icelandic society. He was still considered an Icelander even in exile and had traveler's protections until he returned.[22]

The highest level of punishment an Icelandic person could incur was full outlawry. In essence, the full outlaw was disowned by society. Crimes meriting this were at the level of murder and represented an extreme deviation from Icelandic social order.[23] As the name suggests, a charge of full outlawry affected the entirety of a man's life. After his property was divided by a Court of Compensation, his property and money going to those he owed, the outlaw basically became persona non grata to the entirety of Icelandic society.[24] All of Icelandic society was forbidden from helping him in any way, on pain of similar punishment. This was a treacherous position to be in on an island literally named after ice, where the winters were long and hard and access to the community kept people alive. The full outlaw was in essence socially dead and would most likely physically follow. When that happened, his heirs were not to inherit anything he might ever have acquired. He was also not allowed to be given any assistance, in the form of a ship, supplies, or anything else, in leaving Iceland, trapping him there. Anyone who helped him in this manner risked a similar fate. Should he manage to make it out of Iceland, he was not granted traveler's rights.[25] On top of that, his immunity was forfeit and a "price of eight ounce-units" placed on his head, more under specific conditions.[26] Anyone could kill him for profit, revenge, or even petty amusement and they would face no consequences. In some cases, such as a slave outlawed "because of killing his master or mistress," any free person who caught him was required to take him to the "man who got that outlaw condemned" who is to enact the specified gruesome punishment of "[cutting] off the outlaw's hands and feet and [letting] him live as long as he may."[27] Even other outlaws could not be trusted, as there is some evidence that outlaws could be relieved of that status and welcomed back into Icelandic life by killing other full outlaws. Even once an outlaw has died or been killed, his punishment was not complete, as he was not to be granted a Christian funeral or burial, a punishment more significant as Iceland became more fervently Christian.[28] To be a full outlaw was to be punished by being cast out from society entirely, losing all connection, rights, life, and religious practices that came with it. It was, for that reason, a penalty reserved for the most extreme cases of violation of the social order as Icelanders understood it. Still, it was also a punishment that only extended to the perpetrator of the crime, not his family or friends. Once the outlaw was removed, justice had been served.

This concept of balance and consequences is found in the Icelandic Sagas. In Eirik the Red's Saga, Eirik is twice outlawed. The first is a dispute beginning over a landslide.

> Eirik's slaves then caused a landslide to fall on the farm of Valthjof at Valthjofddtadir. His kinsman Filth-Eyjolf killed the slaves near Skeidsbrekkur above Vatnshorn. For this, Eirik slew Filth-Eyjolf. He also killed Hrafn the Dueler at Leikskalar. Geirstein and Odd of Jorvi, Eyjolf's kinsmen, sought redress for the killing. After this Eirik was outlawed from Haukadal.[29]

This event shows improper escalation of tensions. Leaving aside what happened previously, the man Eirik was disputing with was Filth-Eyjolf. By also killing Hrafn the Dueler, he violated the notion of limits and balance needed for Icelandic society. Still, instead of killing him, Geirstein and Odd of Jorvi used legal means of getting justice for Filth-Eyjolf and Hrafn's deaths. Here, Eirik's outlawry does not seem to follow the strict outlines denoted in the Gragas, though if that is due to a change in laws between Eirik's time and the Gragas, a difference in the laws and enforcement of them, or creative license is not evidenced. Still, declaring Eirik outlaw ends conflict with him before it could escalate too far, fulfilling the need for balance.

Eirik then goes on to move to another section of Iceland. Before he can get very comfortable, he falls into conflict again.

> It was then Eirik lent Thorgest bedstead boards. Later he moved to Oxney where he farmed at Eiriksstadir. He then asked for the bedstead boards back without success. Eirik went to Breidabolstad and took the boards, and Thorgest came after him. They fought not far from the farm at Drangar, where two of Thorgest's sons were killed, along with several other men.

> After that both of them kept a large following of warriors. Eirik had the support of Styr and Eyjolf of Sviney, Thorbjorn Vifilsson and the sons of Thorbrand of Alftafjord, while Thord Bellower and Thorgeir of Hitardal, Aslak of Langadal and his son Illugi gave their support to Thorgest. Eirik and his companions were sentenced to outlawry at the Thorsnes Assembly. He made his ship ready in Eiriksvog and Eyjolf hid him in Dimunarvog while Thorgest and his men searched the islands for him.[30]

This conflict is an example of the type of dangerous escalation the laws of Iceland are most meant to avoid. Both parties in the initial conflict have gained allies and gone to arms to solve the problem. Several men, including two of Thorgest's sons, were killed in the resulting violence. By eliminating the party found more at fault, the conflict would die down without anyone else dying. This provides the impetus for Eirik to travel abroad and settle Greenland.

An interesting contrast to this is found in Egil's Saga. At a few points of Egil's Saga, the concept of outlawry from Norway becomes a plot point. At one point, "King Eirik declared Egil an outlaw throughout Norway, whom anyone might kill with impunity."[31] Later, under King Hakon, the king ordered "that Thorstein should either undertake the journey or else be made an outlaw."[32] These are Icelandic sagas, not Norwegian ones, but they do show a difference in perceptions of the methods of law in Norway and Iceland from the Icelanders' view. In Egil's Saga, Norwegian outlawry was declared unilaterally by the king in response to a perceived threat or personal disagreement with the subject. This is very different from Iceland's outlawry, where one has to be charged with a crime and tried in front of his neighbors to be declared outlaw. Since Norway was likely the main country Icelanders hailed from, this puts into perspective the deliberate changes Icelanders made from their original homeland's legal code and the decentralization of authority to favor a more balanced method of rule.

Another primary theme in Icelandic law was the concept of honor. A person was assumed to have a certain level of honor or reputation simply by existing. That honor was part of their personhood as much as their body, and assault against reputation was considered an equally societally divergent act as an assault against the body. For example:

> The penalty is lesser outlawry if a man speaks of someone with words requiring full personal compensation, whether he speaks of him in his hearing or not in his hearing, and he has the right to personal compensation from his property, forty-eight ounce-units, if he is put under penalty for such words. And full personal compensation is required if a man says something of someone which cannot be taken in a good sense.[33]

Here, cruel words have the same legal standing and penalty as an unprovoked physical attack on the road. This demonstrates that a man can expect to be safe from the verbal barbs of others, and if not, to be paid handsomely for the pain of it. This section goes further to say "Every word is to be as it is spoken. No word is to be taken according to the language of poetry."[34] There is no legal defense of a figurative or joking meaning; anything said was meant to be taken literally and prosecuted as such. This implies that "the language of poetry" was used as a defense in the past and deemed an inadequate justification for an attack on another's reputation.

In fact, poetry itself was a suspect medium for communicating information about someone. While brief couplets were below the court's purview- "A man is not to take offence at a couplet unless there is defamation in it,"[35]- the lowest end of this scale was a stanza with no mockery or ill intention, which had a penalty of "a fine of three marks." Any poem about a person longer than a stanza incurred "lesser outlawry even if there is no mockery in it." This sets a standard for what level of non-mocking poetry was considered acceptable and to what degree. However, once the element of insult was added into the poems, the consequences got far harsher.

> Full outlawry is the penalty if a man composes half a stanza on someone with defamation or mockery in it or with praise which he puts together in order to mock him. If he recites it or teaches it to someone else, then that

> is another suit and the penalty is full outlawry. It is the same penalty for anyone who learns it.[36]

At four lines of insulting poetry, a man is removed from society. At that point, the poem is treated almost as a deadly weapon in itself, as anyone who learns it is also liable to be granted full outlawry. This contains the poem where it begins to limit the spread of an attack against a reputation. The laws on poetry also cover poems about dead people, though it has stronger protection for the Christian dead, about whom no poetry is allowed to be made, than pagan dead, about whom illegal poetry must defame.[37] This is to protect reputations of families, as charge of the suit should be handled by next of kin. Insulting poetry also was not the only type held to stricter scrutiny, as "If a man composes a love-verse on a woman, then the penalty is full outlawry."[38] This implies that love poetry has a specific cultural meaning and interpretation which would be harmful to the reputation of a woman and her family should it spread.

In part, this high defense of reputation via the spoken word was likely because of the high function orality had in Icelandic culture. Stories were meant to convey important information and should be trustworthy, as there was no written source to check against. If something was incorrect in a damaging way, that undermined the structure of information conveyance and made it difficult to trust one another.

An important element of that trust was the fact that all of legal court life was done orally. Laws were spoken aloud, cases were raised in person, and witnesses testified about what they had seen. That requires a great deal of trust from all involved. Thus, it makes sense that "if a man says such a thing of someone at the General Assembly, then a man's personal compensation there is doubled."[39] Casting doubts upon a man's word at the General Assembly, when he might be involved in any role of a court trial, is a greater imposition to him personally but also casts doubt onto the proceedings as a whole. As such, the punishment is harsher at that time.

Moreover, all of the major suits and their consequences were raised in a public arena where personal reputation made connections and connections swayed arbitration matters. Jesse Byock, in *Medieval Iceland*, discusses advocacy as a sort of medieval lobbying function in Icelandic society. As such, the reputations and followings of those involved was a matter that could sway fortunes, making the ability to connect with others a political and economic function. This ties back to balance, as "advocacy because the keystone of a system of reciprocal arrangement in which people carefully kept track of assistance rendered and maintained a balance of obligations. The social fabric depended upon the maintenance of this balance…"[40] Since life in Iceland depended upon favors and contracts, being unable to be trusted to keep an agreement prevented a man from achieving any kind of economic or political power, and a blow to the reputation could cut off his future in the public arena.

Further, reputation could mean the difference between walking free, a fine, or a life of outlawry, as all court cases were decided by a jury of one's neighbors. If someone had a positive or negative reputation around their community, it could seal their fate. An example of this is in Egil's Saga. A conflict brews between Egil's son, Thorstein, and his neighbor, Steiner, over Steiner using Thorstein's land to graze cattle and Thorstein killing Steiner's slaves. The men take the matter to be decided in court. Before the trial itself but at the assembly, several people tried to arrange a settlement between the men, likely trying to continue the system of favors mentioned before. When the conflict was to be decided, Egil was the agreed-upon mediator and judge. Egil knew both parties well, with one as his son and the other his friend's son. Knowing both their characters and the facts presented, he ruled strongly in Thorstein's favor. While Egil declared that this was fair, it is worth noting that every level of potential arbitration was steeped in having and making connections, and Thorstein's lot was likely better under Egil judging than it might be from a man who did not know him.[41]

Christianity also featured heavily in the laws of the Gragas. According to Islendingabok, Iceland became Christian in 1000. Apparently, Christian missionaries came to Iceland to convert the heathen population, which caused some conflict. In order to keep the peace in the future, at the Althing

> It was then proclaimed in the laws that all people should be Christian, and that those in this country who had not yet been baptized should receive baptism; but the old laws stand as regards the exposure of children and the eating of horse-flesh. People had the right to sacrifice in secret,

> if they wished, but it would be punishable by lesser outlawry if witnesses could be produced. And a few years later, these heathen provisions were abolished, like the others.[42]

In the time between conversion in 1000 and the Gragas being transcribed in the twelfth century, there was more emphasis placed on Christianity as the required dominant religion of Iceland, as mentioned with the removal of "heathen provisions." By the time the Gragas was transcribed, Icelandic policy was that people were "not to worship heathen beings."[43] The penalty for such a crime was lesser outlawry. The same penalty went for those who practiced "spells or witchcraft or magic" or "[fell] into a berserker's frenzy."[44] However, if the magic used was black sorcery, described as "if through his words or his magic a man brings about the sickness or death of livestock or people," the penalty was full outlawry.[45] Magic was consistently considered publicly taboo and illegal from the point of conversion on.

As the penalties for magic remained the same, it is likely that the "heathen provisions" referred to were those allowing for the exposure of infants and eating of horse flesh. The Gragas's definition of meat states that "meat is what comes from slaughtering cattle, sheep, goats, and pigs." Horses are specifically excluded as meat animals here to the point that "if a pig gets into horse meat, it is to be kept for three months but starved to shed its flesh and then fattened for three months."[46] A similar but longer procedure is supposed to be done if the pig eats human flesh, implying that the Christian taboo against eating horse meat was in a similar vein as eating human meat. Other forbidden animals included "dogs, foxes, and cats" along with "beasts with claws" and "carrion birds." Though there were no guidelines on what to do to another animal that ate one of them, it signaled their priority as slightly lower than horses.[47] The penalty for eating any of these animals was lesser outlawry.

The exemption allowing for the exposure of infants was even more heavily revoked. With Christian conversion, baptism became a top priority, and deliberately exposing an infant instead of baptizing them would have likely netted several religious charges on top of simple murder. The now-Christian Icelanders saw baptism of infants, especially sickly infants, to be of top priority. While under pagan law, a child might be exposed for physical disabilities, the second law on record in the Gragas (behind only "all people in this country must be Christian and put their trust in one God, Father, Son, and Holy Ghost") is "Every child that is born is to be brought for baptism at the first opportunity, however deformed it may be."[48] If the child was close to death, certain elements of the baptism could be expedited for time, just in case. In a specific turn of events, the priest is traveling and comes across a child in need of baptizing, "he lawfully administers baptism if he administers it at the nearest church-farm, provided the child is not sick."[49] This might be some walking, so the child must be healthy enough to endure the journey. However, "if the child is sick, it is to be baptized at the first place where water is to be had."[50] If the child was not even well enough to wait to find a priest, a layman could even do a baptism with any water he had on hand, and then have a priest check his work.[51] This was a dramatic turn from allowing unwanted infants to be exposed without ceremony, to prioritizing the spiritual needs of an ill child above the convenience of an important adult in society, regardless of if the child itself is desirable, in order to officially make it a Christian and provide the rights that come with that status.

The requirement of baptism was seen as a civic duty, where if one man was unavailable, another needed to step in. Should someone with the responsibility to take the child to be baptized- a long list, including the "natural heir" of the child, the householder of the place the child was born, any other men living in the house, or any other persons living nearby- did not do so, they were to be given the penalty of lesser outlawry.[52] If the priest had made a decision that prevented him from baptizing a child he came across- such as not having baptismal supplies when away from home for more than three days, the penalty was lesser outlawry.[53] Baptism was prioritized over most other aspects of civic and, at times, even religious life.

Baptism was even more important than funerals, and there was a noticeable difference in how the law treated each. For example, if a child was born on a distant island or the highlands, far away from any church or priest, they were required to be brought to the mainland for baptism if possible. In doing this, "if someone refuses him passage or the use of a boat or draught animals without legitimate excuse, the penalty is lesser outlawry."[54] A corpse was also required to be conveyed to the mainland for burial, if the deceased should die on a distant island or the highlands, so that the proper funeral rites could be bestowed. In the process of conveying the body, "A man asked to lend a boat must lend it if he has one. If a

man refuses boat or passage when asked, he is fined three marks."[55] This penalty is substantially less than the same situation but with a newborn instead of a corpse, demonstrating that it was considered more important to achieve a baptism than a funeral. This may be at least in part due to the fact that a child that died without the proper rite of baptism could not be given the proper rites of death or buried in the churchyard, which was considered a fate worse than death.

The role of the Church in Iceland was structural as well as personal. In addition to handling ceremonies around life's most vulnerable moments, like birth and death, it also acted as a unifying factor with rules of its own. In order to fulfil its administrative function, these rules kept the Church running from year to year. For example, every adult person with the means to do so was required to pay an annual tithe. The tithe was based on one's property value, not including property in debt, to support a dependent, belonging to a dependent, belonging to a needy person, or used to work for the Church like vestment and books.[56] Interestingly, this tithe was self-assessed, with the tithe-payer swearing an oath they were paying the proper amount, in another example of honor intermingled with Christianity.[57] The tithes collected were used to help the needy and support the Church administrative costs. It was divided into quarters, with a quarter each going to the needy, the bishop, the individual churches, and the priests at those churches.[58] A good portion of the tithe was in goods like cloth for clothing or incense and wood for the church.[59] The tithes allowed for the churches to remain open without producing a physical good to be sold and to protect the needy.

It was also important to have clear rules on how individual churches were run. The holding of a church-farm was an honorable but expensive matter. For one, the priest's full job produced no tangible produce, so he had nothing to trade but his work. As such, he had to be fed and provided for by whosoever church-farm he was attached to. He also had to be trained, a tall order when few Icelanders had the skills required to learn to speak and read in Latin, let alone a teenager who would be contracted into the trade. The priest would then stay at the church for which he was ordained for most of his life, as he was unable to leave without permission from the bishop of his quarter. Should he choose to flee, he was "to be claimed in the same way as slaves" and "the churchman who receives him into his home or hears services from him or shares living quarters with him is liable to full outlawry."[60] A priest who shirked his duty was opening all of his congregants up to spiritual harm, a crime that made him liable for heavy punishment. The salvation of souls was at stake, along with the harmony of the community. Laws regarding priests, like the other Christian laws, allowed for the Church to maintain a continued, unifying presence in Iceland with no interruptions of the important gathering times or salvation rituals.

Icelanders sought to break away from their Scandinavian roots when forming their own country. Instead of a monarchy, they chose a to build a democracy. With everyone living so closely together, both geographically and in relation to each other, traditions had to adapt into a more practical, less immediately violent form of resolving conflicts. Over time, Icelandic law code emphasized the values of Christianity, personal reputation and honor, and balanced judgement.

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