

Recovering Blood: Violence and Community in the Age of Transition

The Case of Eastern Finland from the Middle Ages until 1700

I. Violence as an Historical Problem

The Finnish word for violence, *väkivalta*, is derived from *väki* which in Finnish folklore refers to “magical power”, similar to the famous Polynesian word *mana*. The word *valta* is of Scandinavian origin also meaning “power”. In contemporary Finnish *väkivalta* is used in a negative sense, referring to the often physical use of power, but as a research concept *väkivalta* also has a double connotation: “legitimate” and “illegitimate” use of power.

The aim of this study is to examine the definitions of legitimate and illegitimate violence and changing attitudes toward the use of physical violence in early modern Finland (1500–1700). The main argument is that the early modern state building process gradually rearranged the Finnish community’s general world-view, or “how the world works”. The state formation was partly responsible for the reduced use of violence as a tool for resolving conflicts, abandoning old rituals of violence and the diminishing role of the local community in the judicial practice. The main task of this study is not to explain the ultimate reasons for violent behaviour, the state formation process or the “judicial revolution”, but how these processes manifested themselves in people’s everyday thoughts and actions.

The idea to study the connections between violence and mentalities is, of course, not a new one. In 1949, Finnish historian Pentti Renvall published his study “Finnish 16th Century Man in the Light of his Conceptions of Justice”. Many themes already analyzed by Renvall resemble the ones revisited in this study: the relation between the individual and the community, the “affective” behaviour of the early modern people, their world-view and their concepts of truth and honour. Although Renvall relied on the older psychological ideas of the “primitive mind”, later refuted by cognitive psychology and anthropology, his careful study still offers much food for thought. Later, Renvall’s disciple Heikki Ylikangas tried a different method to study the same source material in his important work “Motivational Background of the Violent Crime in 16th Century Finland” (1971), in which Ylikangas applied statistical methods to the bailiff’s ledgers of fines, a method which later became a standard one in the study of historical criminology of the “pre-statistical” era.

Heikki Ylikangas has been one of the many advocates connecting the phenomenon of changing notions of violence and the early modern state formation process. There are many variations on this theme. This study undoubtedly belongs to this tradition. Since the 1980’s, discussions on early modern violence have been strongly influenced by Norbert Elias’s civilization

theory and his efforts to combine social and psychological changes with the state formation process in the early modern European society. It should, however, be noted that choosing the state formation as a vantage point does not imply that it is considered a “black box” explaining everything. An ambitious effort to explain the decrease of early modern violence beyond the state formation process was made by Arne Jarrick and Johan Söderberg in their project on “spontaneous civilization” in the history of the city of Stockholm. Therein they found an explanation for the pacification of society within the changing economic structures of Swedish society.

The study of violence inevitably requires a cross-disciplined approach, but the explanatory models borrowed from anthropology, biology, psychology and sociology should be based on the primary sources. This has not always been the case. Ambiguous concepts of man and society have easily led to misplaced, sometimes politically biased debates on “nature and nurture” in explaining violence. In order to clarify the division of labour and to define the subject of this study, a simplified model of the relation between violence and historical change is put forward, which favours the Holistic Ontology of Man by Finnish philosopher Lauri Rauhala and the Structurationist Research Paradigm of Social History by Christoffer Lloyd. The emphasis of this study is on the often slowly changing mentalities which are the underlying phenomena in the deep structures of the culture.

The idea of blood revenge or “recovering blood” as the early modern Finns put it, is an illustrative case. The practice of blood revenge in the early modern context is inseparable from the biological origins of man (as, for example, evolutionary psychology stresses), environmental factors (local economic and social structures) or conscious acts of people and groups (e.g. those working against the use of private blood feud); nor are the early modern ideas of the blood feud simply reduced to the factors mentioned above.

Many themes analyzed in the studies by, for example, Robert Muchembled and Erling Sandmo, on early modern violence as a cultural phenomenon; are parallel to this study. Two other main inspirations for this study, are anthropologist Mary Douglas’s ideas on how cognitive processes are dependent on the structure of the social institutions, and Anton Blok’s studies on violence and honour of the mafia. The basic framework bringing together the four main themes, the transition in the margins of the community, honour, truth and expiating or reconciling homicide, can be summarized as follows:

| | Kin Society | Theocratic society |
|-----------------------------|-------------|---------------------------------|
| <i>Symbol</i> | Body | Body |
| <i>Territory</i> | Tribal | State/Community of the Faithful |
| <i>Relation to God/gods</i> | Reciprocity | Obedience/faith |
| <i>The man’s lot</i> | Kin | Rank |
| <i>Truth</i> | Community | God/Court |

The previous scheme of the overlapping ideas on “kin society” and “theocratic society” is applied in interpreting the changing meanings of violence. In the age of transition the question of violence could be put in partly the same and partly different terms:

| | Kin Society | Theocratic society |
|------------------------------|----------------------------------|---------------------|
| <i>Symbol</i> | Blood | Blood |
| <i>Interpretation</i> | Violating the “holy brotherhood” | Crime/sin |
| <i>Explanation</i> | Enemies | “Plot of the devil” |
| <i>Confronting offence</i> | Blood revenge | Punishment |
| <i>Guardians of morals</i> | Kin/ the deceased | Authorities/ God |
| <i>Expiating/reconciling</i> | Rite of passage | Rite of passage |

In studying early modern violence much emphasis has been placed on efforts to define the long-term quantitative trends in criminality and homicide. Although this study takes a slightly different path, the quantitative analysis is a useful tool in putting the phenomena into context. The series of fines in the bailiff’s accounts are preserved in Finland from the 1540’s onwards, and the court records exist in an almost unbroken series beginning from the 1620’s. In one case study, the court proceedings in the Jääski Judicial district, comprising the parishes of Jääski and Ruokolahti, were studied more closely for the period 1549 to 1700 (see the Appendix) Jääski represents a typical eastern Finnish rural area which had an economic structure based mainly on “beat and burn” cultivation. The exact demographic trends are difficult to define, but according to the fiscal sources approximately 5,000–6,000 inhabitants lived in the area in the 16th and 17th centuries. Due to almost continuous warfare, from 1580 to 1620 the figures are incomplete. The main trend of the period was the radical decrease in the number of petty violent crimes, “three mark bruises”, dealt with by the courts. The result is not surprising since the same tendency has been noted by several scholars who studied the bailiff’s ledger of fines in other counties in Finland. In this study the much discussed decrease in violence is interpreted as an outcome of the diminished significance of self-help violence as a tool for conflict resolution. What can also be established is the importance of traditional public rituals connected to the use of physical violence declined concomitantly. The tendency was similar in 17th century Norway, as Erling Sandmo has shown. In the 16th century there were many violent conflicts concerning land and water; the analysis of the 17th century court records shows that fierce land and water disputes were still very common but self-help was more rarely used, let alone brought into court. The result gives strong support to the view that the trend in conflict resolution went from violence to litigation. The gradual formation of a strong State authority and the formalization of the judicial praxis was certainly one of the main reasons behind this development,

as Heikki Ylikangas has stated. Dealing with ritual fights and thereby restoring the honour of the parties in conflict lost its meaning in the public records of the courts, which were losing their communitarian nature. The decrease in grievous violence such as homicide, however, remains less clear. The source material for homicide is incomplete and for several reasons any valid homicide rate – a problematic and easily over-emphasized indicator in the current study of historical criminology – is impossible to estimate. The Turku Court of Appeals was established in 1623 and it became the central forum for the judicial treatment of serious crime in Finland. Unfortunately the minutes of this court were almost completely destroyed in the great fire of Turku in 1827.

Despite the incomplete material on homicide, some general conclusions can be drawn. Universally homicide is predominantly a male phenomenon. Out of a sample of 138 eastern Finnish homicide cases or charges of homicide mentioned in the court records between the years of 1623–1685, in only 3 per cent of the cases the perpetrators were women and in 7 per cent of the cases the victims were women. (Infanticide is not included in this study). Another important feature to notice is the relatively low amount (6 per cent) of close relatives among the parties involved in the homicide cases – even if the household is defined in the general sense which includes servants. Anu Koski-virta studied homicide in roughly the same areas during the 18th century (1748–1808) and found the corresponding rates significantly higher: 12 per cent of the perpetrators were women; 21 per cent of the victims were women; one third of the cases were inside the “family”. The development toward the modern pattern of homicide – the amount of close relatives relatively high – indicates that it was the significance of violence as a tool for “external” conflict resolution that decreased during the early modern period. Although the exact occupation of the perpetrators is not always easy to ascertain the numbers for nobles and soldiers are probably underestimated (cases of these groups could be dealt with directly in military courts or in the Court of Appeals). All the groups of the society from priests to vagrants were involved. The early modern violence was by no means a phenomenon of the “lower classes” only.

Approximately one half of the eastern Finnish homicide cases originated in public, spontaneous quarrels between drunken, socially equal men sitting in a tavern or at other social gatherings. As criminologists have noted worldwide, the motives for violence in these conflicts often seemed to be insignificant. In the remaining cases the role of alcohol was less clear, but 40 per cent were due to different moral conflicts like land or fishing water disputes, or arguments on debts, etc. and 10 per cent were conflicts with authorities and violent robberies, most of which were due to restlessness in the border province of Käkisalmi. The 17th century Finnish homicide was mostly spontaneous in nature: premeditated murders were quite uncommon. The position of the perpetrators (arrested, Letter of Safety, ransoms or escaped) in the district courts is worth noting, since the number of escapes indicate that prisoner control by the State authorities was still ineffective. This was especially true in the border province of Käkisalmi where half of the perpetrators managed to escape, and in homicide cases the judicial process often became long-drawn-out and difficult. The weakening of

old customs and the tightening grip of the State over the courts can be seen in the diminishing role of “kin” as plaintiff. Public prosecution became more general at the end of the 17th century.

II. Blood, Kin and the Community

The Finnish title of the study, *Verenperijät*, implies a double meaning. *Perintö* means both “heritage” and “heredity”, but the verb *periä* also refers to the act of collecting a debt. This is why the idea of the blood revenge in Finnish popular culture was represented in the way one peasant put it in Ilomantsi in 1695: *Minä menin veljeni verta perimään* (“I went to recover my brother’s blood”). Parallel societal ideas on “recovering blood” were also an important argument in judicial life and in the writings of religious authors of the 16th and 17th century. Authorities spoke a language that was understood by the whole society; the argument was the same although the political message was different.

The overlap of the early modern mentalities was manifested in a homicide case heard by the Leppävirta District court in 1644. In a fight a man was stabbed with a knife and he shouted to his son: “The murderer ate me, hit back now!”. The son killed the assailant and fled the country, returning two years later to stand trial. In court the son denied that his father directly provoked him to take the revenge. According to him, his father had only been worried that nobody would “recover his blood”. He wanted to emphasize to the court that the motive was not blood revenge: the ultimate reason for the deed was the “evil spirit” which had led him to “madness”. Bargaining for the customary monetary compensations had already taken place between the killer and the relatives of the victim. In court the brothers of the victim made a wise statement that they were, in every case, “subjected to God and the Swedish law”.

The exercise of blood revenge had probably lost its judicial significance in Finland during the Middle Ages: blood-shedding in the eyes of the authorities of the 17th century included the duels of the soldiers and nobility, which seemed to be a more serious concern. The explicit motives of “recovering the blood” were, however, still well-known in the 17th century, which raises the question of the role of kin. In Nordic scholarly discussions there has been a tendency to label the earlier theories of kin solidarity in pre-state Nordic society (*ättesamhället*) as a myth created by 19th century evolutionary thought. Evolutionary theory outlining the development from patrilineal clans to modern nuclear families in Finnish cultural history was represented in great style by Väinö Voionmaa in 1915, and his view has remained unchallenged in Finnish historiography ever since. It is impossible in this study to take any stand on the question of the possible existence of patrilineal clans in very distant history, but the question of the concept of “kin” is worth discussing. In general the role of kinship should not be underestimated. The well-known proverb “blood is thicker than water”, *veri vettä sakeampaa*, was not pure rhetoric in the early modern world. The concepts should be clarified. The Finnish word *suku* (kin) has a broader meaning in contemporary usage than it had in the early modern period when

suku referred to blood-relatives and the word *heimo* referred to affinities. If the concept of *suku* is used in the general, modern sense of the word, the abstract and practical aspects of the early modern kin should be differentiated. In the world of kin society, heredity formed the basis for an individual's place in the social system. Quite fittingly, the Finnish word *kunnia* (honour) is derived from the Germanic root originally meaning "kin". It was the duty of the blood-relatives, *suku*, to recover the blood and restore the social system. *Suku* was, however, more of an abstract category actualizing in specific situations (homicide, marriage) than a permanent social organization based on "kin solidarity". In the practical sense of the word, one's "kin" was a network based on blood-relatives, affinities and ritual kinship, *ystävyyys* (friendship). The symbolic value of the basic kin relationships ("dear brother", "dear father", "dear mother", "dear son") was high among the common people and can also be seen in the rhetoric of the 17th nobility in their efforts in distinguishing themselves from one another's estates.

Before the age of Christianity and the rule of the Swedish Crown, the Finnish tribes had been organized in territorial communities based on kinship and common religion. In the middle of the 16th century, the leading Finnish reformer Mikael Agricola criticized the Catholic church of its incapability to fight against the worship of old pagan gods and the dead. In the 17th century the idea of territorial community and religion was still to be seen. One example of this was illustrated in the relationship between the Lutheran Finnish settlers and the Greek-Orthodox Karelians in the province of Käkisalmi. Once one woman who had converted to Greek-Orthodox because of marriage was reminded of her liminal position: "In the other world there is a wall between the Finns and Russians (Finnish-speaking Greek-Orthodox Karelians) and you are accepted on neither side". The common idea of religion as territorial, the "other world" as a continuum of "this world" and the relation to God as a reciprocal relationship, managed with sacrifices, bothered the early modern reformers. According to them "God's word" was not bound to social borderlines. The relation to God and the "Community of the Faithful" should be based on internal commitment.

The inseparable connection between kin, religion, justice and violence in medieval and the early modern world was best characterized by a nobleman. At a wedding party he shot and killed another nobleman, who had been fighting with his friend and is reported to have said: "Our Lord's death shall have mercy on you that have hit my brother's fingers so that they became bloody"! The death of Christ became the expiator of one's sins and a metaphorical substitute for the sacrifice, no longer making blood revenge necessary by the relatives. God became the ultimate avenger and the Crown had the right to "recover the blood". Indeed, in some cases the demands of the plaintiff for death penalty for the perpetrator can be described as "official blood revenge".

One of the most important keys in understanding medieval and early modern moral relationships is certainly the proverb *Ei vettä vihalla juoda eikä kaljaa kateudella*: "The water is not drunk with hatred nor the beer with envy". Moral relationships were very much about the division between the categories "friend" and "enemy". The division of the insiders and outsiders of the

community remained a central idea for the formation of social control and moral relationships in the theocratic society of the 17th century as well. In discussing “sinners”, for example, Bishop Erik Sorolainen set forth in his influential “Postilla” (1625) both the ideas of the expulsion of “the polluted” from the community and the more modern idea of the possibility of the internal “healing” of the sinners.

It is important to gather the different variations of the same theme, for instance how the public judging of the moral relationships took place at, for example, religious festivals, workingparties (*talkoot*), weddings and tavern gatherings (*rahaoluet*, literally “money beer”). In the “beer bench” the “holy community” was present, and the line between war and friendship was very narrow. It was not appropriate to rekindle one’s old quarrels while sitting in a beer bench. In public situations the affronts were considered especially serious and sometimes led to fatal escalation of the conflict. One of the most striking examples illustrating the logic of the beer bench was a case where an officer shot the local bailiff’s scribe in Jääski in 1661. The officer had a receipt stating he was due some money from the Crown for his expenses. The scribe did not deny the claim: “Your receipt is good, let God give you the money”. The men ate together with the others present, but an argument began when the men had different opinions on the time the officer should receive his money. The officer threatened the scribe with his gun and the scribe tried to keep the peace, saying: “Let us sing a hymn”. Despite this, the argument continued and suddenly, the officer’s receipt was “no good” for the scribe. Actually, according to him, the officer could “wipe his ass” with his receipt. The officer shot the scribe in the head, although he assured everyone that what had happened had been an accident.

In eastern Finland the cannibalistic metaphor of “eating” conceptualized illegitimate violence. The idea was crystallized by a peasant Petter Vääntinen, a victim of a stabbing in 1691. He had shouted: *Jo söi pyövelin ruoka!* (“That executioner’s food, he ate me!”) “Executioners food” became a popular abusive expression in the latter part of the 17th century. “You don’t eat those you eat with”, as anthropologists have noted. The late 17th century discussion on the social position of the executioner was characteristic of the impact of the state formation process in changing the ideas of the margins of the community. Traditionally executioners were excluded from the community. King Charles XII, however, concluded in 1699 that as an important official of the Crown the executioner could not be considered dishonourable.

Besides the beer bench, the two other central arenas of commutary interaction, the church and the local court (*käräjät*), should also be analyzed as beer benches, where “taking part” and judging the state of the moral relationships was essential. The parallel might sound unorthodox, for in literature there are plenty of examples of early modern officials and churchmen fighting against drinking at the courtyards of the church and the courts. According to this view put forth by the authorities and many a later scholar, the church and the court were about order, the beer bench about endless brawls. However, the 17th century formalization of the justice system and the “golden

age” of church discipline should be seen as highlighting the process of differentiation, in which the ecclesiastical and judicial institutions became increasingly separate from the local community. The former development has been exhaustively analyzed in literature on the early modern “judicial revolution”, the latter was, for example, already addressed by the Finnish historian Gunnar Suolahti in his classic work on early modern Finnish priesthood (1919). The question of the right to take part in communion was discussed for a long time more in terms of the person’s social status and moral standing in the community than in terms of his internal commitment. Similarly, at court the fact that the parties drank or had eaten together after the conflict was considered an important testimony, especially, for example, in judging the question of guilt in cases of alleged homicide.

III. Sacred Honour

Finnish anthropologists Asko Vilkuna and Veikko Anttonen, among others, have analyzed in detail the concept of *pyhä* (sacred), conceptualizing the crossings of bodily, territorial and moral boundaries in the Finnish folk tradition. The current study suggests that these aspects of *pyhä* were central for the understanding of the logic of the pre-state conflict resolution as well. The logic of *pyhä* was still in force in the more remote areas. In 1695 a man was knocked unconscious at the traditional spring festival of the Karelians in Ilo-mantsi. Panhila Pirtanoff, the brother of the victim, was drunk, and thinking that his brother would die, went after the perpetrator, Panko Hilipoff, in order to “recover blood”. Panko entrenched himself in his house, and was thereby protected by “home peace”. His argument was based on the well-known proverb: *Oma koto, oma linna!* (literally “Own house, own castle”, “My home is my castle.”). He also tried to calm the feelings of the avenger, considering Panhila as a *kunniallinen mies* (“honourable man”) and *pyhä veli* (“holy brother”). The avenger respected the “home peace”, but after Panko came out a fight emerged and Panhila Pirtanoff was killed. The perpetrator fled to Russia.

Pyhä veljeys was a central concept in defining the idea of the moral relationship and it referred to the ideas of the kin discussed above. The concept was similar to that of Scandinavian *manhelgt*; in the medieval provincial laws of Sweden, the chapter on *manhelgt* included affronts to persons, to honour and on property. Another central concept was that of *onni*, a close Scandinavian equivalent being *mannheill*. In contemporary usage *onni* (luck) is something good or bad happening casually, but in the Finnish folk tradition *onni* referred to one’s “part” in the social system. Thus, the act of violence was an affront to the kin and social order, as well as a threat to the individual’s position in the social system. The presence of the sacred is why the use of physical violence was very ritualized. The same was true in the judicial system of the early modern state; the central categories of society had to be maintained by ritualized force.

The notions of *pyhä* were closely linked to *kunnia* (honour). The concept of honour has been much discussed in the literature and viewed as the value of the

person in his own eyes or in the eyes of his community (Julian Pitt-Rivers), as a right (Frank Henderson Stewart) or as symbolic capital (Pierre Bourdieu). In general, *kunnia* can be seen as a boundary concept between nature and culture, order and disorder: it refers to the ability of the individual or group to keep the community's social ideals according to one's role in the social system. The bodily representation of honour concentrated on the head: "Where do I put my hat, if I lose my head", stated one priest when he was sentenced to death at the Pälkjärvi court in 1669. The message was clear: you can take my head, but you cannot take away my honour.

The honour was very much about one's legitimate status in the community, and many violent affronts can be described as conflicts of honour. The themes of the most common abuse in these conflicts can be divided into six groups:

1. Crime: thief, whore, murderer, traitor
2. Social status: dishonest professions (executioner), unclean heredity (*verivituipoika*, "son of a bloody cunt")
3. Animals and "non-humanity": dog, toad, etc.
4. Gender roles: offending men was often connected to the animal nature and femininity: *hunsvotti* (of a German origin, literally "dog's cunt"), *sikavittu* ("pig's cunt"), "kissing a mare"
5. Stigmatizing and isolating diseases (epileptics, leprosy)
6. Personal features (nicknames, physical appearance of the person)

The question of gender should also be included in the analysis of the terms sacred, honour and violence. The early modern Finnish culture was infiltrated by a strong masculine ethos, in which the *väiki* ("magical power") and ability to defend against affronts were considered essential. One of the most popular abuses towards men was *kelmi* ("rogue", originally derived from the German word meaning "corpse"). In practical use *kelmi* was a close parallel to ancient Scandinavian *niding*; both words carried various meanings of unmanliness and cowardly behaviour. The "whole man" was considered as a symbol of the community; a man could be abused as *huora* (whore), but a woman could never be called *kelmi* (rogue). Although the masculine violence of "honour" was common and during the 17th century took new forms like the violence of the soldiers and the duels by the nobles, a certain change occurred. The attitudes in the courts toward self-help violence were not as favourable as they had been in the previous century, which is seen in the negative statements by the lay members concerning notoriously violent persons. The right to use violence in self-defence or against verbal affronts was no longer considered a self-evident right or a duty in the 17th century District courts. It was, for example, discussed whether the perpetrator pleading self-defence could have avoided the use of violence by escaping – a pattern of behaviour earlier considered dishonest. The statistical analysis also suggests that ritual violence causing single bruises, blows to the mouth or ears, dragging by the hair or beard in public lost meaning in the 17th century courts. As Seppo Aalto noted, according to the medieval code of law the inflation of the fines assessed contributed to this development as well.

The formation of the Society of the Estates of the 17th Century was designed to legitimizing the hierarchies. The nature of the hierarchical relationships and overlapping communities is illustrated in a conflict between a noble captain and peasant corporal. In 1660 in Mäntyharju Captain von Gerten and Corporal Vanonen were having a meal with the local peasants. A friendly situation was interrupted when the drunken corporal began to accuse one of the peasants of hiding escaped soldiers, which was illegal. The peasant accused the corporal of lying like *kelmi*. The captain considered the behaviour of his corporal offending, asked him if “he had not made a man” out of him and demanded his “dear son” to be quiet. Soon, however, the captain lost his temper and beat his corporal severely; Corporal Vanonen died a couple of weeks later. Like many conflicts of honour, the social pattern outlined in this case reminds us, to quote Erving Goffman, “a drama” in which the parties were trying to save face: the whole story of violence and reconciliation takes the form of a rite of passage. The causal relation between the beating and the later death of the corporal remains unclear. The story continued with a description of the reconciliation between the captain and the corporal. The corporal was considered a “restless” person. The outcome of the case is unclear since the cases in which noblemen were involved were directly sent to the Turku Court of Appeals. The previous narrative of events suggests, however, that the captain escaped with minor consequences. The reality of the power relationships in the Society of Estates cannot be described simply in terms of harmony or repression. The ideals and reality, were, of course, not the same thing.

The early modern development toward the hegemony of theocratic ideals at the courts was double-edged in respect of the position of women. Many women no longer had the support of their kin behind them. On the other hand, attention was now paid to regulating the relationships inside the household, for the order of the household became symbolically one of the central themes for the 17th century authorities and the order of the whole society of the estates. The borderline between legitimate discipline in the household and “tyrannous” behaviour by the husband was dealt with in the ecclesiastical forums; some of the more grievous cases were heard at the district courts.

In cases of homicide in which a woman was the perpetrator – these cases were rare – no fundamental, directly gender-related difference in the judicial treatment in comparison to men can be found, but the varying attitudes toward the accusations of rape should be noted. In the beginning of the 17th century there were some cases in which the medieval code of law was strictly followed. According to it, rape was considered as a serious affront against the kin and bearing the meaning of a “tabu” crime: accusations of rape should have been investigated immediately by the whole community and in the case where a man was found guilty, the death penalty should be carried out immediately as well. Later in the 17th century, however, a different kind of outcome became more common. An example of this was found in the Äyräpää Judicial District in 1663 where a woman accused a man of rape and assault. The man admitted having had sexual intercourse with the woman and that he had hit her for her abuses, but he denied the accusation of rape. The laymen (jury) suspected that the

accusation was made in order to pressure the man into marrying her. Both parties had a low social status belonging to group of vagrants and servants: the Court fined the man for the bruises and illicit sex; the woman had to suffer humiliation at the pillory for false accusation. It is impossible to measure the “real” amount of sexual violence, and the sources do not tell much about the attitudes toward victims of rape. What is certain is that in accusations of rape the status and reputation of the parties in the community played an important role.

IV. Weighing the Truth

The connection of violence to the ways in which it was categorized, and defended the categories within the community became evident in the previous analysis. In this chapter the foundations of truth and definitions of violence are more closely scrutinized. The principle of notoriety and the oral nature of the culture were of central importance, as well as the way in which fear, community and honour direct the understanding. In the court records the witnesses often spoke of “signs”, which could be “taken”, “given” or “obtained”. A sign could be “taken” by taking some object for a testimony, like a bloody knife in a case of homicide, or a hat as a symbol for the unclear state of the moral relationship. Typical situation for “giving” a sign was that of ritual violence: visibly bruising one’s skin. It should be noted that words of abuse and making a bruise often had a *similia similibus* relationship. In eastern Finland an interesting phenomenon of “giving a sign” can be found in the cases of more serious violence, where the life of the victim was in immediate danger. The victim, or possibly the eye-witnesses shouted loudly making the state of the affairs public and possibly also stated their opinion: “The murderer ate me, recover my blood”!. The behaviour of people in extreme situations is psychologically universal, but also culturally constructed. The societal aspects, notoriety and defence of the categories in oral culture was embedded in their patterns of behaviour. A case in point: In 1665 in Rantasalmi a body was found and murder was suspected. The case was unclear, but witnesses had heard a voice shouting: “Do not kill me when we are alone”!. Obviously this had to be made public.

“Obtaining” a sign brings us to the question of “God’s testimony”, which was discussed at length in medieval and early modern jurisdiction; the possibility of God “giving a sign” in some form was still considered relevant. Some “tests by the bier” – the suspected had to touch the dead body if it would give a “sign” by bleeding - were still in practice in the beginning of 17th century Finland, but these cases were exceptional. Much more important was the oath, which included the idea of conditional curse and punishment by God. Of particular interest is the institution of oath-helpers, abolished in 1695 but still practised earlier during the 17th century. Originally the institution had been a tool of defence for the accused, because the oath-helpers could be relatives. In the 17th century the practice of ordering the suspect to take an oath of purgation was used more reluctantly in judicial practice, while the idea of the oath-helpers could be difficult to reconcile with the demands of neutral testimony. In finding

the “truth” the oath-helpers should know the person and the case well, but they should not be legally incompetent because of friendship or relatedness.

It is important to note that the legitimate moral relationships of the community were embedded in the oath, thus, the curse formed the counterpart to the oath. Oath-helpers were called in mostly in cases of suspected homicide and witchcraft. The failure in finding the oath-helpers was, however, quite rare especially in unclear homicide cases. This was the case with a peasant called Antti Eronen in Rantasalmi in 1665. His neighbour Heikki Kilpeläinen was found drowned and by the signs in the body a violent death was suspected. There were no eye-witnesses but Eronen was strongly suspected because he had had a quarrel over fishing waters with Kilpeläinen the evening before he had vanished. What took place in the local community was some kind of a fight over the truth in public. Eronen lost for several reasons: his grandfather had been sentenced to death for homicide years ago, he had failed in his efforts to influence some of the laymen with presents and some of his testimony was found to be contradictory. Even the fact that Eronen had taken ill and asked the priest to visit and give him absolution was turned against him. According to the local priest, the common men had a superstition that getting absolution three times would help in court. The law-reader reminded the laymen of Olaus Petri’s well-known Instructions for the Judges, according to which it was better to release the guilty than sentence the innocent. In the community, however, Eronen’s guilt had become notorious and the laymen sentenced him to death because he could not find enough oath-helpers. Only his brothers in-law were ready to defend him. The final verdict of the case in the Court of Appeal is not known.

Another good case can be found in the long-drawn-out process in Ruokolahti in 1664–1666, in which a local vicar, Olaus Rouhianus, was accused of murder. The body of Sergeant Heikki Heikinpoika was found in a lake. Rumours circulated quite soon as to who was “guilty”; a well-known “rogue” of the parish who had quarrelled earlier with the sergeant was at first suspected. The case took a surprising turn when a servant girl staying at the vicar’s house gave a detailed testimony on how the vicar sat one evening drinking with the sergeant, and the men began to quarrel. According to the witness, the vicar killed the sergeant with a blow to the head. The reliability of the servant girl was questioned – the vicar accused her of theft – and under the immense pressure at court the girl withdrew her testimony. When the vicar died of natural causes some years later, his widow mentioned of the difficulties in having her late husband buried and demanded, quite out of the ordinary, a certificate of her husband’s good reputation. This suggests that the case was not sealed in the community; the restoration of the social order remained incomplete. The authority of the formal judicial decisions was absolute and the local community gradually lost its power to define the truth. This was noted by Yrjö Hirvi, who began to make insinuating remarks to Esko Kuivanen at the beer bench by whining like a cat. The brother of the latter, Antti, had been suspected of a homicide of a man called Hiironen (*hiiri* = mouse), but freed by the decision in the Court of Appeals. The brothers of the suspect accused Yrjö of slander, and

the court fined the slanderer with the huge sum of 100 dalers in silver, which was the usual fine for homicide sentenced by the Court of Appeals.

In scholarly discussion on the “judicial revolution” of the 17th century in the Swedish-Finnish context, the relationship between the formal state jurisdiction led by the law-reader or the judge, and the local laymen has taken the central role. In general, it is thought that the laymen decided if the accused was guilty and the judge passed the sentence according to the law. The logic of the reasoning was that there was no essential difference between the statutory theory of proof applied in 17th century judicial practice and the “common sense” of the laymen. Emphasis on the principle of notoriety of truth and the close connection to the state of the moral relationships of the suspect were, however, characteristic of the notions of truth in the local community. These traditional ideas – bearing in mind what happened to Antti Eronen in the above-mentioned case – were suspected by the judicial and religious writers of the early modern period. According to Bishop Erik Sorolainen, commenting on the problems of the judicial practice in the 1620’s, “only God could know the truth”, and Sorolainen thought that the traditionally strong position of the accusing party led to wrong sentences and, ultimately, to God’s punishment.

The medieval Law of the Land did not give exact definitions whether a case should be considered as a homicide or not. The problem was important, because in many cases the victim of violence died days or weeks after the violent incident. According to the law, the suspect had to answer for the wounds ‘for a year and a day’. The article of law reflects the strong position of the accusing party or the kin. A revealing case telling of the change in the power relationships that took place is evident in the process against Esko Mikonpoika in Valkeala in 1674. Twenty-five years earlier young Esko was returning home in a boat from a working party with a friend. The men were drunk, the boat tipped over and Esko’s friend drowned. The father of the deceased accused Esko of the death of his son and informed the officials, who could not catch Esko before he went into hiding. Meanwhile, however, the parents of the young men made a deal: money and gifts were paid and the case was settled. Over 20 years later the authorities heard rumours of this unclear case and decided to reopen it. Esko was found innocent. In the court he made a statement, saying that he had “broken with God and the authorities” for living so long under “such conditions” (customary compensations).

It was not uncommon, as in the previous case, that a mere accident led to accusations of homicide. The phenomenon is interpreted by some scholars as a plaintiff’s efforts to make money on baseless accusations. Like the affronts on honour, rumours were a dangerous weapon in social conflicts for they had a tendency to become the truth. Materialistic motives were also possible, but the case is far from that simple. Cultural notions of death and the status of the deceased in the community played a central role. The last testimony given at the death bed was sacred and given great value both in the ideals of kin and theocratic society. In the first case the concern was caused by the accusation that the deceased would disturb the living if their will was not respected, in the latter from the idea of saving one’s soul. The kin and the deceased gradually lost their

power to define the truth. A trivial incident happened in Kurkijoki in 1680. While drunk in the middle of the night Heikki Merta fell in the dark on Tapani Ollipoika's chest when he was sleeping on the floor. In the morning Tapani Ollipoika asked Heikki to offer him a mug of beer for reconciliation because of what had happened whether it was intentional or not was unclear. Some time after the incident Tapani fell seriously sick and on his death bed surprisingly announced that he wanted to accuse Heikki of his death if he dies. The priest warned Tapani against giving such testimony if he was not absolutely sure about the "truth". When Tapani died, the laymen found the accusations false because no signs of violence were found on the body, the last time the parties had quarrelled was ten years ago, and the deceased was an "old and sickly" person.

The attitudes toward "mad" perpetrators or the ones committing suicide should also be seen as mirroring the change in the notions of the community. Medieval law emphasized that a crucial factor was the notoriety that the individual's madness had acquired. The problem was that there were no categories for temporary madness or conceptual phenomena such as the modern psychiatric term alcohol psychosis, schizophrenia and depression. In the case of 18-year old Juho Varis in Kitee in 1689, a boy suffering from hallucinations killed his mother with a blow in the head. The villagers had considered the boy's occasionally curious behaviour as *vimmatauti*, (rage disease) in common aetiology originating in God or ill-willed people. The official court led by a judge with theological views sentenced the boy to death, as the occasionally curious behaviour was explained as a "plot of the devil". The importance of the categories can in a similar way be found in cases of suicide. The notoriously mad were "only" buried outside the church yard whereas the "usually normal" perpetrator went through the purification rite by burning, and the corpse was buried into a swamp by the executioner. The latter happened, ironically, to Pentti Paavonpoika in Vyborg who was described as a "model peasant", decent and religious. A minor conflict with the authorities over fishing caused serious problems in Pentti's mind and he lost his lust for life. In modern terminology he got depressed and committed suicide. Swedish historian Arne Jansson described the tendency according to which the aggressions were more commonly turned "inwards", as a development from "swords to sorrow". It is difficult to evaluate this hypothesis in the Finnish context, but it is clear that the theocratic view of the world favoured the internalization of the feelings more than the older logic of "outward" sacrifices. The most important general factor to notice is that the people and the courts of the 17th century did not judge the act as an individual's problem in the way the modern mental examination does. It is dealt with as a problem of the community. This does not mean, however, that people would not have understood the causal relation of certain factors, for example, the excessive use of alcohol leading to psychosis. The often stated fact that early medieval laws seldom made a clear distinction between intentional and unintentional killing in measuring punishment, does not mean that the intention would not have been considered important; the seriousness and the meaning of the offence was very much for the parties to decide in their negotiations.

V. The “Head”, the Law and the Custom

This chapter studies the way the community restored the social order and how the logic in expiating or reconciling manslaughter changed from the medieval period to the early modern period. The judicial process of homicide in the 17th century was in a state of transition, the most important reason being the tension between the medieval code of law, the traditional patterns of behaviour in the communities and the efforts made by State authorities to tighten the control of crime. It is important to question the simplistic way of viewing the early modern judicial practice in modern terms of crime, law and punishment. From the previous chapter one might conclude that the early modern judicial system still lacked predictability and neutrality, central ideas of modern justice. It would be, however, a mistake to consider the pre-modern judicial practice as “random”. Instead, it can be characterized as “schematic” justice. The customary regulation of homicide was based on unwritten, systematic schemes or “scripts” employed to find a solution by which a different verdict could be given in similar cases.

Schematically, the customary patterns of behaviour in homicide cases should be viewed as a rite of passage, following the common analogy between marriage and homicide, both actualizing the sacred borderline between kin-groups. This can be seen explicitly in the pattern of the sentences passed and written in the bailiff’s accounts of 1540’s. The laymen declared the killer as a “full manslayer”, the relatives accepted the compensations and asked mercy for the perpetrator in the name of God and the “born and unborn”. Finally, on the behalf of the King the bailiff released the perpetrator and collected the fines to the Crown. As Heikki Ylikangas put it, the role of the Crown at the district courts was still behaving as it did in the former half of the 16th century more in the role of a tax collector than that of an effective control agent, as was the case during the next century. As the threat of blood revenge became more rare, also traditional rituals of reconciliation gradually vanished. A good but already rare example of the overlapping social practices can be found in a case from Valkeala from the end of 1650’s. A land dispute between two villages led to a homicide; the perpetrator fled, but remained in hiding nearby. The parish constable managed to catch him and took the prisoner to the relatives of the victim. Later the constable explained that he needed help to escort the perpetrator to the Crown prison of the Vyborg castle. What followed was a public gathering of the parties and the villagers, similar to weddings and funerals. According to the widow, there was “no need to take pains for the old man’s blood”: a compensation was negotiated and accepted. The widow ordered to release the perpetrator, the “good men” present signed a letter confirming the reconciliation and by setting ransoms they promised to bring the perpetrator into the Crown prison. A cow was delivered immediately by the perpetrator’s relatives to the kin of the victim as a seal for the reconciliation. In court these customary actions by the parish constable and the parties were questioned – it was forbidden to make private reconciliation before the proceedings at the court - but the laymen saw the actions of both parties as legal

and legitimate. The final outcome was the usual one: the district court was bound to the strict letter of the law and the death penalty was sentenced. The Court of Appeals pardoned him, assessed fines and ordered him to suffer the ecclesiastical punishment: public absolution.

The key paragraph for dealing with homicide in the medieval Laws of the Land (1350, 1442) was the second chapter in the Intentional Homicide Code, according to which a killer caught red-handed “within a day and a night” should be sentenced to death. Initially, the idea of the chapter was probably considered as both a concession and a limitation to the right and duty of the kin to take revenge. This principle created a long-term custom, only to be broken by the formation of the central authority of the 17th century: “the one who manages to escape once, saves his head”. It is important to notice that the medieval code of law on homicide was built on the scheme concentrating on the temporal, spatial and social regulation of the social chaos following the deed in the kindred nation. The principles of outlawry and the Letter of Safety could be mentioned as examples. These principles were still included in the Swedish law code of 1734, but gradually they became relics, as Anu Koskivirta has shown. In medieval judicial practice in which the outlawry was a key sanction, escaping was normal, and by declaring the perpetrator an outlaw revenge was directed at the perpetrator only. Returning into the community was possible if reconciliation took place. The State authorities of the 17th century tended to see the problem differently, although the medieval practice continued because of the old law code. Those who had escaped should be caught by the State authorities and punished so that the country would avoid “God’s revenge”. King Charles XI, for example, thought in 1688 that the customary habit of escaped killers, returning back a couple of years after their deed, without a Letter of Safety and expecting to be pardoned with fines, were “groundless”.

The Letter of Safety was a medieval practise, according to which the king protected the perpetrator, so that the accused could come to court without fearing revenge from the relatives of the victim. In the 17th century these letters were delivered in the name of the King by the Court of Appeals and the local governors as well, but the practice was criticized by the Royal Majesty as being too loose (1666). It was pointed out that the letter was to be admitted only to those who fled outside the Swedish realm, not to the ones hiding in the forests nearby. The situation of the Finnish perpetrators changed, because the traditional hiding places, the provinces of Käkisalme and Livonia became parts of the Swedish Realm in 1617 and 1629. The Letter of Safety was not a necessarily known practice in remote areas nor was it trusted, though with a Letter of Safety the threat of immediate death penalty was removed.

Another institution illustrating the limited control by the State were the ransoms, as mentioned in the previous case from Valkeala. Especially in remote areas often there were no State authorities or local prisons, so the responsibility to catch the criminals was still very much a duty of the local community. Earlier the ransoms were a kind of a “deal” between the Crown and the local community. By giving ransoms the community promised to bring the perpetrator to court where he would suffer his punishment. In turn no death

penalty was sentenced. During the 17th century, the attitudes towards ransoms became more strict and acting as a “ransom man” was considered as “every man’s duty” to catch and guard the prisoners. Surprisingly, considering the law and custom, there were not many cases in which the prisoner managed quite effortlessly to escape. In Ilomantsi in 1685, Heikki Muikku, a local layman, explained that he had acted as a “ransom man” when a Karelian man, Paavila Prokonpoika, accused of manslaughter, had escaped. Paavila had shouted his success publicly: “Catch me now, men of Ilomantsi”!. Fortunately for Muikku, the other laymen defended his behaviour in court. The outcome of the homicide process depended on various things; the perpetrator could take a successful path by escaping, negotiating customary compensation with the kin of the victim and by returning with a Letter of Safety. He would then be pardoned with fines and public absolution, which was the probable outcome. On the contrary, for an unpopular “rogue” who was caught red-handed, a similar case might easily mean the death penalty.

The attitudes of the authorities towards the customary compensations (*förlikningar* in Swedish) became more strict. The ritual of *Valkeala* reconciliation mentioned earlier, illustrates, how the compensations were divided into two parts which included an exchange of gifts and the main compensation. The Finnish words for the compensations are not mentioned in the records, but the main compensation could be best characterized as *pääraha* (“head money”). The victim of a violent death was characterized as a “head” and the concept of *pääraha* is known from later folk tradition: a matter of head was a matter of honour. The earliest information on Finnish compensations on manslaughter dates back to the 14th century, although the medieval information is usually limited to remarks in the ecclesiastical sources, and these cases take mainly into account the elite before the bailiff’s accounts of the 1540’s onwards. Sums paid as head money in the 16th and 17th centuries ranged from relatively modest to the confiscation of wealthy farms. For the average peasant the sentence for homicide with fines and compensations easily led to the confiscation of the whole fortune. The proverb *rikas maksaa rahalla, köyhä selkänahalla* (“The rich pays with money, the poor with his back”) was reality when corporal punishment like the gauntlet could be practised if the money run out. The Law of the Land no longer recognized collective responsibility of the kin, but in practice the kin and “friends” often helped the perpetrator. In the long-term the disintegration of collective responsibility led to the isolation of the criminal. Finally, in the law of 1734, the extensive rights of the plaintiff in respect of the accused were completely erased. In practice the wide medieval rights of the plaintiff to accept the compensations or not, or to set the perpetrator “running”, were narrowed down already during the previous centuries. The change in the meaning of the compensations in the 17th century pointed in the same direction; the role of the kin and “friends” was rarely mentioned any more. Often compensations were seen more as a way of helping the widow and the children of the victim than as reciprocal transactions between the kin-groups.

The information on gift-exchange and different items in the cases of homicide is interesting but not a simple phenomenon to explain. In eastern Fin-

land delivering a cow seemed to be customary, while in the west special “friend gifts”, like silver spoons, were used. The cow was seen as a personal animal, which probably explains its use as a seal of reconciliation, and in this sense it also bore a meaning of a sacrifice. In some cases the cow was clearly equal to the widow’s “homegift”; the kin of the perpetrator compensated the widow according to her “part”. A “friend gift” is connected to the Scandinavian tradition, and typical of the western Finnish tradition land was also used in compensations. It is important to link the exchange of gifts and the different items to the idea of an individual’s “part” in the social system discussed above. This is why gifts could also be given between the close-relatives: in Hauho 1672, Wilhelm Laurinpoika gave his sister a silver belt and a gilded spoon as a “friend gift”, because he had killed her husband. Perhaps Marcel Mauss best expressed the idea of the gift, describing it as a “total social phenomena” signifying at the same time religious, judicial, moral and economic institutions.

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B Appendices

Table 1: Persons fined in Jääski Judicial district court 1549–1700

- 1 Violence (intentional and accidental homicide, assaults)
- 2 Slander (defamation, false accusations)
- 3 Sexual crimes (fornication, adultery)
- 4 Crimes of property (theft, crossing boundaries illegally)
- 5 Crimes against authorities (neglecting duties like repairing roads and bridges etc.: often collective convictions to several peasants of the parish)
- 6 Neglecting the summons
- 7 Others (ecclesiastical discipline etc.)

Table 2: Cases heard in Jääski Judicial district court 1623–1700

- 1 Violence (including infanticide and suicide)
- 2 Slander
- 3 Sexual crimes
- 4 Crimes of property
- 5 Crimes against authorities
- 6 Disputes (boundaries, fishing rights, debts, heritage etc.)
- 7 Others (administrative etc.)