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Animal Passions: Bestiality and the Law in Medieval and Reformation Sweden*

by Mia Korpiola

Introduction

At the town court of Stockholm on 4 August 1477, Magnus Olsson from Finland confessed that he had “unfortunately” (*tywär*) had carnal intercourse with a cow. According to the law, he was sentenced to be burned at the stake, a punishment which was carried out¹. This was customary with those convicted of bestiality, a crime against nature², both in Sweden and in many other regions in

* Abbreviations: DL = Dalalagen [Provincial law of Dalecarlia, Dalarna]; *DS* = *Diplomatarium Suecanum*, I, edited by J.G. Liljegren, Stockholm 1829; Kk = Kyrkobalken [Chapter on the Church]; LAV = Landsarkivet i Vadstena [Regional State Archive in Vadstena]; LiRA = Linköpings rådhusrätts arkiv AI:1 [Archive of the Town Court of Linköping]; LSD = Linköpings stads dombok 1609-1619 [Records of the Town Court of Linköping]; PDV = Protokoll och dombrev från landsting och lagmansting i Västergötland [Records and sentences from provincial and *lagman's* (=superior provincial judge) court sessions in West Gothia] 1545-1552, Lagmansting i Västergötland [*Lagman's* court records from West Gothia] 1552; PUF = Protokoll i underställningsmål från Färentuna härad [Records of cases from the legal district of Färentuna, referred to the king]; R = Rättlösabalken [Chapter on offences against ownership]; RA = Riksarkivet [The Swedish National Archives, Stockholm]; SDBRH = Strödda dombrev och rättegånghandlingar [Diverse sentences and court records]; *SLL* = *Svenska Landskapslagar* [*Swedish Provincial Laws*]; SSB = Stockholms stadsböcker från äldre tid [The town records of Stockholm from older times]; *STb* = *Stockholms stads tänkeböcker* [*Records of the Town Court of Stockholm*]; UL = Upplandslagen [Provincial law of Uppland, dated 1296]; VgL II = Yngre Västgötalagen [Younger version of the provincial law of West Gothia]; VmL = Västmannalagen [Provincial law of Västmanland].

¹ 4.8.1477, *STb 1474-1482*, edited by G. Carlsson, Stockholm 1921 (SSB 2:1), p. 117.

² In this article, I will refer to intercourse or sexual activity with animals as bestiality. It was one of the crimes against nature, including homosexual practices, masturbation and anal and oral intercourse, discussed below in detail. In addition, sodomy and buggery were also used as blanket terms for crimes against nature, but they were less precise and often used for (male) homosexual practices even if also used for bestiality; see, e.g., R.F. Oaks, “*Things Fearful to Name*”: *Sodomy and Buggery in Seventeenth-Century New England*, in «*Journal of Social History*», 12 (1978), 2, pp. 268-281, here p. 268; M. Boone, *State power and illicit sexuality: The persecution of sodomy in late medieval Bruges*, in «*Journal of Medieval History*», 22 (1996), pp. 135-153, here p. 138; P.G. Maxwell-Stuart, “*Wild, filthy, execrable, detestable, and unnatural sin*”: *Bestiality in early modern Scotland*, in *Sodomy in early modern Europe*, edited by T. Betteridge, Manchester-New York 2002, pp. 82-93, here p. 82; C. Thomas, ‘*Not Having God Before his Eyes*’: *Bestiality in Early Modern England*, in «*Seventeenth Century*», 26 (2011), 1, pp. 149-173, here pp. 153-154. Cf. the over-extended use of “sodomy” in W. Naphy, *Reasonable Doubt: Defences Advanced in Early Modern Sodomy Trials in Geneva*, in *Judicial Tribunals in England and Europe, 1200-1700: The Trial in History*, 1, edited by M. Mulholland, B. Pullen with A. Pullen, Manchester-New York 2003, pp. 129-146.

Europe³. Magnus Olsson, one of the eight men suspected of bestiality in the Swedish capital between 1475 and 1625, died for yielding to animal passions⁴.

Bestiality was considered one of the most heinous crimes in medieval and reformation Sweden, which did not experience any sodomy crazes like Italy or the Low Countries⁵. The extremely rural character of the country explains this: sodomy was a crime prosecuted predominantly in bigger cities where homosexual subcultures could develop, while bestiality was by its nature more common in pastoral environments. In fact, as Jonas Liliequist has shown, there was no cultural definition, common understanding or discourse of same-sex sexual behaviour in seventeenth- or eighteenth-century Sweden where bestiality prevailed instead⁶. During this period, more than two thousand bestiality cases were heard in the courts of the Swedish realm and many hundreds of condemned were executed. Indeed, a long legal tradition paying attention to bestiality in legislation and court practice has been seen as one explanation of the high figures in early modern Sweden⁷.

In this article, I will particularly discuss three aspects related to this crime. First, the question of jurisdiction, or, as in the case of Sweden, the shift of bestiality from ecclesiastical to secular jurisdiction in the course of the later Middle Ages. Second, in connection to this, I will discuss the punishment of bestiality. Third, the question of circumstantial evidence, so vital for conviction, will also be analysed on the basis of the cases in trial records. In medieval and reformation Sweden, there was a tiny but steady trickle of cases involving bestiality. For this article, I have used twenty-eight bestiality cases culled from medieval and reformation court protocols; partly printed, partly unedited archival records⁸. Normative sources, such as secular laws and statutes form my other main source⁹.

³ E.g., in Lucerne in 1530-1607, thirty-one of the thirty-six men accused of bestiality were executed, twenty of them for no other crime: see H. Puff, *Sodomy in Reformation Germany and Switzerland, 1400-1600*, Chicago-London 2003, p. 90. By contrast, the norms and practice in some colonies in New England seem to have been more lenient: see Oaks, "Things Fearful to Name", pp. 268-281; J.M. Murrin, "Things Fearful to Name": *Bestiality in Colonial America*, in «Pennsylvania History», 65 (1998), pp. 8-43, here pp. 16, 28-35.

⁴ Cf. E. Österberg, D. Lindström, *Crime and Social Control in Medieval and Early Modern Swedish Towns*, Uppsala 1988, p. 125: six men.

⁵ Boone, *State power* (note 2), pp. 135-153; G. Ruggiero, *The Boundaries of Eros: Sex Crimes and Sexuality in Renaissance Venice*, New York-Oxford 1985, pp. 109-145; M. Roche, *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence*, New York-Oxford 1996.

⁶ J. Liliequist, *State Policy, Popular Discourse and the Silence on Homosexual Acts in Early Modern Sweden*, in «Journal of Homosexuality», 35 (1998), 3-4, pp. 15-52, here pp. 27-35.

⁷ J. Liliequist, *Brott, synd och straff: Tidelagsbrottet i Sverige under 1600- och 1700-talet [Crime, sin and punishment: The crime of bestiality in Sweden during the seventeenth and eighteenth centuries]* Umeå 1992, pp. 2-8, 19-20, 72-74; T. Keskiarja, "Secoixuxesta järjettömäin luondocapalden canssa": *Perversiot, oikeuselämä ja kansankulttuuri 1700-luvun Suomessa* ["On the commingling with senseless animals": *Perversions, law and popular culture in eighteenth-century Finland*] Helsinki 2006, pp. 34-36, 39-40: Keskiarja's material (Finland 1728-1778) consists of 253 cases, and he assumes that because of gaps in the source material, it covers only about forty per cent of the actual cases. This would increase the number of bestiality trials to more than five hundred.

⁸ This should be considered a sample and not exhaustive. For other instances, see Liliequist, *Brott*, pp. 22-23.

⁹ The medieval Swedish law was two-layered. The surviving manuscripts of the provincial laws, nine

Medieval Swedish Church and Bestiality

Homosexual or sodomitical practices had not been unknown in early Scandinavian societies, as demonstrated by a solitary criminalisation of sodomy in Norway and references in penitentials and saga literature¹⁰. But in pre-Christian Scandinavia, bestiality and homosexuality had apparently not been considered crimes. Rather, intercourse with animals or being a passive partner in a homosexual act was considered the unmanly act of a weakling¹¹. In the Swedish thirteenth-century provincial law of West Gothia, accusing a man of «satisfying his lust with a cow or mare» was a serious insult just like calling him a puppy, a freed slave, a coward, accusing him of having been penetrated by another man or having had sex with his own mother¹².

Consequently, in medieval Scandinavia the impetus to criminalise sodomy and crimes against nature seems to have come from the Catholic church. In the course of the Middle Ages, the more lenient Germanic and Irish penitential traditions had come under the influence of the stricter Eastern conciliar norms that emphasised unnaturalness, treating bestiality on a par with homosexuality¹³. Indeed, the Bible listed bestiality quite unambiguously as an abomination punishable by death¹⁴.

Medieval theologians condemned all sexual crimes as well as lust in general. Christian authors compared even married couples hurrying to have immoderate or noisy sex to “irrational animals”. Sins against nature, however, topped their list. The worst of these was intercourse between humans and animals, against nature “by reason of species” (*ratione generis*)¹⁵. According to Thomas Aquinas (1225-1274), bestiality was an outrage and the worst sin of those against nature, because it did not observe the “use of the due species”¹⁶. The classifications of both theologians and lawyers went hand in hand.

of which survive either partially or completely, date to ca. 1280-1350. The two royal laws, one for the countryside and another for the towns, were finished roughly around 1350 and bear the name of King Magnus Eriksson (r. 1319-1364). The law for the countryside was revised in 1442 under King Christopher of Bavaria (r. 1441-1448).

¹⁰ K.E. Gade, *Homosexuality and Rape of Males in Old Norse Law and Literature*, in «Scandinavian Studies», 58 (1986), pp. 129-141, here pp. 124-129.

¹¹ Gade, *Homosexuality*, pp. 132-135; J. Jochens, *Old Norse Sexuality: Men, Women, and Beasts*, in *Handbook of Medieval Sexuality*, edited by V.L. Bullough, J.A. Brundage, New York 1996, pp. 369-400, here pp. 378, 380-390; J.E. Salisbury, *Bestiality in the Middle Ages*, in *Sex in the Middle Ages: A Book of Essays*, edited by J.E. Salisbury, New York-London 1991, pp. 173-186, here pp. 175, 177; J.E. Salisbury, *The Beast within: Animals in the Middle Ages*, New York-London 1994, pp. 94-95.

¹² Äldre Västgötalagen [Older version of the provincial law of West Gothia], in *SLL* 5, edited by Å. Holmbäck, E. Wessén, Stockholm 1946, R 5-5:4, p. 110; VgL II, *ibid.*, R 6-8, pp. 293-294.

¹³ Gade, *Homosexuality* (note 11), pp. 124, 126-131; Salisbury, *Beast within* (note 11), pp. 89-93.

¹⁴ Leviticus 18:23 and 20:15-16.

¹⁵ V.L. Bullough, *The Sin against Nature and Homosexuality*, in *Sexual Practices & the Medieval Church*, edited by V.L. Bullough, J.A. Brundage, Amherst 1982, pp. 60-65; J.A. Brundage, *Law, Sex, and Christian Society in Medieval Europe*, Chicago-London 1987, pp. 168, 212-213, 400, 473; Salisbury, *Beast within* (note 11), pp. 78-79; Salisbury, *Bestiality* (note 11), p. 182.

¹⁶ Bullough, *Sin against Nature*, p. 65; Salisbury, *Bestiality*, p. 182.

The Church did not require the death penalty for bestiality, however, even with the strict command of the Old Testament words as an authority. In 1177, Pope Alexander III (1159-1181) wrote to the archbishop of Uppsala lamenting how the Swedes were prone to commit horrible and detestable crimes such as incest and bestiality («cum iumentis abominanda se pollutione commaculent»). The pope lectured them about the egregious character of these offences, using appropriate citations from the church fathers and the authority of Mosaic law¹⁷. Bestiality belonged among the abominations necessitating a penitential pilgrimage to Rome to be absolved there by the Holy Father. Through the very laborious trip and their perspiration, criminals could hope to escape the wrath of the Supreme Judge («superni iudicis iram euadere») and persuade Him to be merciful. The seriously ill and the elderly were to be excepted, however, and pilgrimages commuted to some other penance¹⁸.

Fifty years later, in 1227, Pope Honorius III (1216-1227) sent a letter to the archbishop of Lund, accusing the Danes of bestial practices as well. According to the papal letter, the laity of the archdiocese of Lund was repeatedly guilty of the nefarious crime of bestiality («brutis animalibus, se nefarie commiscendo»). The pope underlined the heinousness of the crime for which God had damned Sodom and Gomorrah, but stressed God's grace. Although the offence required absolution in Rome, the pope empowered the archbishop to allow the culprits to perform other penance¹⁹. According to the *Summa confessorum* by Thomas of Chobham (ca. 1160-1233~1236), the animal was to be killed and burned or buried, while the person who had violated it was to receive severe lifelong penance. This included a ban on ever entering a church or wearing footwear. In addition, no alcohol, fish or meat was allowed²⁰.

According to various Swedish late-medieval tariffs of penance, bestiality, like incest in the first degree, merited a fifteen- or nine-year penance. The penitential tasks assigned to the sinner depended on whether the crime was manifest or clandestine²¹. The statutes for the diocese of Skara (1281) considered sins against nature punishable by a nine-mark fine to the bishop. The fine was the same as for incest within the first and second degrees of kinship and for double adultery²². Moreover, in the diocese of Turku in the 1490s, sodomy, or more accurately perhaps, bestiality, was one of the three crimes reserved for the bishop's absolution²³.

¹⁷ 9 Sep. 1171, doc. 56, *DS*, I, pp. 83-84.

¹⁸ *Ibid.*, p. 84. See also J.E. Almquist, *Tidelagsbrottet: En straffrätts-historisk studie* [Bestiality: A criminal legal history study], Lund 1938, p. 8.

¹⁹ 4.2.1227, *DS* I, doc. 242, pp. 248-249. See also Brundage, *Law, Sex* (note 15), p. 400.

²⁰ Brundage, *Law, Sex*, p. 400.

²¹ E.g., statutes of Skara, ca. 1450, *Beiträge zur Geschichte des Buss- und Beichtwesens in der Schwedischen Kirche des Mittelalters*, edited by J. Gummerus, Uppsala 1900, pp. v-vii. See also *ibid.*, pp. xii, xxvi-xxvii.

²² The statutes of bishop Brynolf of Skara from 1281, doc. 709, *DS* I, p. 576.

²³ Synodal statutes, Diocese of Turku (Aboa), 20 June 1492, doc. 4415: *Finlands medeltidsurkunder* [Medieval documents of Finland], V, edited by R. Hausen, Helsingfors 1928, p. 344.

In Sweden, bestiality seems originally to have pertained to ecclesiastical courts. In 1279, the Swedish king granted a privilege to the Church specifying the boundaries of church jurisdiction, including among other things incest, adultery and crimes against nature («flagiciorum que contra naturam fiunt cause»)²⁴. In the later versions of the provincial law of West Gothia, bestiality was also an abomination (*styggelseverk*), necessitating papal absolution in Rome in addition to the twenty-seven-mark fine divided between the king, bishop, hundred and the injured party²⁵. The section did not contain any mention of the death penalty. Despite this, bestiality was moving into the secular sphere and royal jurisdiction. The crime was perceived to be a mixed-jurisdiction case as in many laws it was either discussed in the chapter on the church or part of the fine went to the bishop.

Changing Punishments and the Language of Condemnation in Swedish Law

Bestiality is the only crime against nature mentioned in medieval Swedish laws. Several of the provincial laws introduced the death penalty for it, but not without exception²⁶. Some of them, e.g., the 1296 law of Uppland, left much initiative to the injured party, the owner of the animal who was to take the accused, caught in the act, to the assizes to be condemned or freed by the jury (*nämnd*). If the suspect was found innocent, the owner was fined forty marks for wrongful arrest²⁷. If he was found guilty, the owner was to bury both him and the animal alive²⁸. The law of Dalarna ironically added: «Let him perform his penance there!»²⁹ If the owner was prepared to spare the culprit's life, which – according to some laws – he could, he received a third of the six-mark fine, while the other thirds went to the king and bishop³⁰. If a third person wished to accuse anyone of such a crime, he had to produce two witnesses. The accused could, then, defend himself with twelve or eighteen oath-helpers. If the oath failed, he was fined six marks and sentenced to public penance by the bishop³¹. However, he was not executed.

²⁴ 15 Oct. 1279, *DS I*, doc. 690, p. 557.

²⁵ VgI II, *Urbotamål* [Unatonable crimes] 3, p. 248. Cf. the penitential tariff of Uppsala (1344), *Beiträge* (note 21), pp. xxvi-xxvii.

²⁶ The laws of Hälsingland and East Gothia and the chapter on the church in the law of Småland do not mention bestiality at all. The older law of West Gothia only mentions it in connection with slander, not as an offence.

²⁷ UL, in *SLL 1*, edited by Å Holmbäck, E. Wessén, Stockholm 1936, Kk 15:8, p. 27; VmL, in *SLL 2*, edited by Å. Holmbäck, E. Wessén, Stockholm 1936, Kk 22, p. 16.

²⁸ UL, Kk, 15:8, p. 27; VmL, Kk 22, p. 16; DL, in *SLL 2*, edited by Å. Holmbäck, E. Wessén, Stockholm 1936, Kk 10, p. 8.

²⁹ DL, Kk 10, p. 8.

³⁰ UL, Kk 15:8, p. 27; VmL, Kk 22, p. 16.

³¹ UL, Kk 15:8, p. 27. The law of Västmanland did not insist on witnesses if a third person accused another of bestiality. The accused had to purge himself free with twelve oath-helpers or pay six marks, VmL, Kk 22, p. 16. Accused who were not caught in the act could purge themselves free with two witnesses and twelve compurgators: DL, Kk 10, p. 8; see also RA, SDBRH 5401, 8; PDV, 53.

Other provincial law texts, like the law of Södermanland, confirmed by the king in 1327, left no discretion to the owner, but decreed only the punishment of burying alive or burning both the offender and his hapless animal victim³². This corresponded to the penalties in other parts of Europe where Roman law had provided further justification for executions. According to the Codex Theodosianus, finished in 438, male homosexuality was to be punished by death by public burning so that avenging flames purged the crime³³. The Justinian *Novella 77* enumerated the scourges inflicted upon mankind, famine, pestilence and earthquakes, through the divine wrath of the deity for unpunished crimes against nature. Not only were the offenders to be punished by the judgement of God (*dei iudicio*), but also by the secular authorities³⁴. Indeed, late medieval Europe was riddled with the bubonic plague, epidemics, warfare and other afflictions which called the Biblical fate of Sodom and Gomorrah³⁵. Italy in particular was seen in other European countries as infested by sodomy. In Germany, sodomy and those performing it came to be known as “to florentine” and “Florentines” (*florenzen; Florenzer*)³⁶. By punishing crimes against nature severely, secular authorities all over Europe were doing their duty as magistrates responsible for public safety and the well-being of the people.

In cases of heinous crime, the provincial laws often differentiated between those situations with culprits caught in the act and those with no eye-witnesses. For example, the law of Dalarna conceded that in the latter case the offender escaped with a twenty-one mark fine and penance instead of being buried alive³⁷, while the strict law of Södermanland did not distinguish between the two. Anyone convicted of bestiality was to lose his life³⁸.

Linguistic strategies were also increasingly used for justifying the growing severity of punishments. The changing discourse of nefarious and heinous crimes mirrors the stricter attitudes towards the felonies while the phrases were borrowed from the Bible, papal letters or late imperial Roman law. In order to indicate the despicable and heinous character of crimes against nature, blasphemy and heresy, words and phrases like «flagitium», «diabolicis et illicitis

³² *Södermannalagen [Provincial law of Södermanland]*, SLL 3, edited by Å. Holmbäck, E. Wessén, Stockholm 1940, Kk 15:1, p. 22. Bestiality was a special case in Sweden where there were no criminal processes against animals.

³³ CTh. 9.7.6. See also T.D. Barnes, *Leviticus, the Emperor Theodosius, and the Law of God: Three Prohibitions of Male Homosexuality*, in «Roman Legal Tradition», 8 (2012), pp. 43-62.

³⁴ Nov. 77. See also Bullough, *Sin against Nature*, pp. 58-59; Brundage, *Law, Sex* (note 15), pp. 121-122; Salisbury, *Bestiality* (note 11), p. 183; J. Chiffolleau, *Dire l'indicible. Remarques sur la catégorie du nefandum du XII^e au XV^e siècle*, in «Annales ESC», 45 (1990), pp. 294-301; Puff, *Sodomy* (note 3), pp. 26, 29.

³⁵ Ruggiero, *Boundaries* (note 5); J.A. Brundage, *The Politics of Sodomy: Rex v. Pons Hugh de Ampurias (1311)*, in *Sex in the Middle Ages. A Book of Essays*, edited by J.E. Salisbury, New York 1991, pp. 239-246, here p. 239; Puff, *Sodomy* (note 3), pp. 26-28.

³⁶ Roche, *Forbidden Friendships* (note 5), e.g., pp. 3-7; A. Stewart, *Close Readers: Humanism and Sodomy in Early Modern England*, Princeton, N.J., 1997, p. XV; C. McFarlane, *The Sodomite in Fiction and Satire 1660-1750*, New York 1997, pp. 1, 3, 25-26, 33-34, 79-80.

³⁷ DL, Kk 10, p. 8.

³⁸ *Södermannalagen*, Kk 15:1, p. 22.

luxuriis» or «instigante dyabolo» were used³⁹. The trend in Swedish law is telling.

Law of Uppland (1296), Chapter on the Church (CC) 15:8: «If someone commits bestiality with an animal and had intercourse with it like with a woman (...)».

Law of Södermanland (1327), CC 15:1: «If someone be unfortunate enough to sin with a beast and commit bestiality with it (...)».

King Christopher's Law of the Realm (1442), Chapter on Heinous Crime 14: «If the fiendishness should occur to a man to mix with a domestic animal or another senseless creature (...) they must not live upon the earth».

In some Swedish reformation court records, bestiality was called «a devil's deed» (*diefwuls gierning*) or «devilishnesses» (*diefwulskaper*)⁴⁰. In 1556, the culprit was said to have acted «through the devil's urging and instigation» (*aff dieffuulzens tilsjndan och jngüfftt*)⁴¹. Some mentioned more mournful and less censuring interjections, such as «unfortunately» (*tyvär*)⁴² or «alack» (*Gudh bettre*, lit. God help)⁴³.

In Sweden, bestiality had mainly been regulated in the chapters on the church in the provincial laws. While Magnus Eriksson's laws remained without such chapters leaving it still controlled by the provincial laws, the Statute of Heinous Crime of 1439 discussed crimes that were «through themselves always forbidden» (*af sigh sielffwe olofflig*) such as murder, homicide and bestiality. The punishment of these offences was the responsibility of the secular sphere⁴⁴. The 1442 law prescribed either a confession or being caught in the act by witnesses as necessary for the capital punishment. If the accused had not been caught in the act, but the local jury still found him guilty, he was not to receive a death sentence, but was to be "put in irons" and submit to penance imposed by the bishop⁴⁵.

Some authors have attributed the growing severity of the punishments for bestiality to a growing concern to distinguish and separate the human and animal species in the course of the later Middle Ages in Europe. The anxious secular authorities reflected insecurity about the human and animal boundary which provoked more severe sanctions. The English Buggery Act of 1533 against unnat-

³⁹ E.g., Ruggiero, *Boundaries* (note 5), pp. 109-113; Chiffolleau, *Dire l'indicible* (note 34); S. McDougall, *Bigamy and Christian Identity in Late Medieval Champagne*, Philadelphia 2012, pp. 127-132; Maxwell-Stuart, 'Wild, filthie' (note 2), pp. 84-86.

⁴⁰ 26 Feb. 1612 and 3 Oct. 1612, *STb från år 1592*, VII, edited by N. Staf, Stockholm 1964, pp. 151, 202. See also Liliequist, *Brott* (note 7), pp. 129-133.

⁴¹ 14 Dec. 1556, *STb 1553-1567*, edited by J.A. Almquist, Stockholm 1939 (SSB, 2. ser., ny följd 3), p. 177.

⁴² 4 Aug. 1477, *STb 1474-1482* (note 1), p. 117.

⁴³ 22 and 26 Feb. 1612, *STb från år 1592*, VII (note 40), pp. 150-152.

⁴⁴ *Ordningen öfver några högmåls Ögerminga 1439* [Statute on heinous crime], *Biärköa Rätten / Then äldsta Stadz Lag i Sveriges Rike* [The Bjärköarätt, the oldest town law in the Swedish realm], edited by J. Hadorph, Stockholm 1687, p. 45.

⁴⁵ *Kuningas Kristoferin Maanlaki 1442*, edited by M. Ulkuniemi, Helsinki 1978 (Törkeiden rikosten kaari 14), p. 135.

ural crimes has been explained by the explorations of the world with new colonies in the sixteenth and seventeenth centuries. These resulted in reports of abnormal and monstrous creatures, while science and the reformation also contributed to a novel perception of humans and animals calling for stricter laws⁴⁶.

Nevertheless, other researchers like James Brundage have discussed crimes against nature together with other severe sexual crimes. In general, secular authorities took a greater initiative than before to police and punish sexual crime in the later Middle Ages⁴⁷. In Sweden during this period, several serious sexual crimes such as bigamy, certain cases of incest within the first degree and adulterous elopement were being transferred to the secular jurisdiction in addition to bestiality. They were also increasingly subject to capital punishment in late-medieval and reformation court practice⁴⁸.

In a case in 1541, the fourteen-year old culprit received the more lenient punishment of heavy fines paid by his family and four whippings at the cathedral door the following year because of his youth although the evidence sufficed for the death penalty. There is no mention of the fate of the horse (*skiut*)⁴⁹ he had copulated with⁵⁰. The youth had a lucky escape as bestiality was regularly punished with burning according to the law if the deed was deemed fulfilled⁵¹. Occasionally, however, the stake was commuted to the axe⁵² or sword⁵³ before burning. In a Stockholm case from 1571, the culprit was beheaded with a sword and buried in a hole in the ground (*kule*) together with the cow⁵⁴. For attempted bestiality, ecclesiastical discipline and banishment from the locality could be expected⁵⁵.

⁴⁶ E.g., Salisbury, *Beast within*, pp. 99-100; E. Fudge, *Monstrous Acts: Bestiality in Early Modern England*, in «History Today», 50 (2000), 8, pp. 20-25, here pp. 22-24.

⁴⁷ Brundage, *Law, Sex, and Christian Society*, esp. pp. 546-550.

⁴⁸ M. Korpiola, *Rethinking Incest and Heinous Sexual Crime: Changing Boundaries of Secular and Ecclesiastical Jurisdiction in Late Medieval Sweden*, in *Boundaries of the Law: Geography, Gender and Jurisdiction in Medieval and Early Modern Europe*, edited by A. Musson, Aldershot 2005, pp. 102-117.

⁴⁹ *Skiut* meant any horse used for transport; secondarily a mare, K.F. Söderwall, *Ordbok öfver svenska medeltids-språket [Dictionary on the medieval Swedish language]*, II:1, Lund 1891-1900, p. 378.

⁵⁰ RA, SDBRH 5401, 3. Protokoll m.m. från konungsdöm och konungsräfst [Records etc. from royal courts and royal investigation assizes] 1528-1567, Protokoll från rättegångar i Uppsala [Records from trials in Uppsala] 10.1.1541-4.5.1541 (unpag.).

⁵¹ 25 Aug. 1596 and 17 June 1596, *Sörmländska härads domböcker från 1500-talet [Sixteenth-century court records from legal districts in the province of Södermanland]*, edited by M. Collmar, Eskilstuna 1953, pp. 107, 130. On 7 May 1554, a man was condemned either to burn or be buried alive. *Långhundra härads dombok 1545-1570 [Court records of the legal district of Långhundra]*, edited by N. Edling, O. Svenonius, Uppsala 1946, p. 74.

⁵² 18 June 1589, *Enköpings stads tänkeböcker 1540-1595 [Court records of the town of Enköping]*, edited by S. Ljung, Stockholm 1960-1966, p. 243.

⁵³ 14 Dec. 1556, *STb 1553-1567* (note 41), p. 177.

⁵⁴ 14 May 1571, *STb 1568-1575*, edited by J.A. Almquist, Stockholm 1941 (SSB, 2. ser., ny följd 4), p. 150.

⁵⁵ RA, SDBRH 5401, PUF, 13 Aug. 1593, p. 3.

Acting on Evil Intent: Swedish Bestial Felons in Action

Precisely because of the heinousness of the offence and the customary fate of convicted delinquents, the accusation or talk of such a deed required quick reaction. At the assizes of Sääksmäki in Finland in 1506, Gregers Rysze purged himself of the rumour of bestiality with a cow (*fää*)⁵⁶. Erik Erlandsson, on the other hand, reacted violently to Michel Olofsson Lahdentaka's claim that he had committed bestiality (*tiläggit med hörs*)⁵⁷. The jury deemed the accusation unfounded, fining Michel six marks for slander (*ohöuiske forwitilse*), while Erik was fined three marks for each of the three bruises inflicted on Michel⁵⁸. Similarly, Jöns Jonsson, burgher of Stockholm, reacted to the talk about him and a dog by having it investigated at the assizes of Åsunda in the countryside of Uppland, probably the alleged scene of the crime. The letter of judgement exonerating him of the slanderous talk was recorded by the town council, bailiff and mayor in its books⁵⁹.

Some avoided the mortal consequences of the law by escaping. This is what Nils Olsson of Ingo did in the 1530s when he was found to have mixed with a horse (*skiuth*)⁶⁰. In 1599, the local rural dean reported to the cathedral chapter of Uppsala that Jöran, a fisherman from Djursholm, had fled after committing bestiality with the cow owned by the parish clerk (lit. bell-ringer, *klockare*)⁶¹. The suspect could offer to free himself with twelve oath-helpers, but probably only when not taken in the act by two witnesses⁶². Only rarely could such decisive evidence be obtained as the three or possibly even four witnesses to Henrik Persson's bestiality with a cow⁶³, or in Stockholm in 1556, when Clemet Andersson from Hauho had intercourse with a horse (*skiutt*) «in the sight of many men» (*j monge mandz åsijn*)⁶⁴.

Accusing a person of bestiality was serious business. Because of the heinous character of the crime and the impending death penalty, the accuser risked severe consequences for himself. In Östra, both the accuser and the suspected

⁵⁶ 21 June 1506, *Dombok för sydvestra Tavastland 1506-1510* [Court records of southwestern Tavastia, the province of Häme], in *Bidrag till Finlands historia* [Contribution to the history of Finland] 1, edited by R. Hausen, Helsingfors 1881, p. 209. According to Söderwall, *Ordbok* 1, p. 365, *fä* meant cattle without specifying the gender. See also 5. July 1501, *Arboga stads tänkebok* [Court records of the town of Arboga], edited by E. Noreen, T. Wennström, Uppsala 1935-1950, p. 121.

⁵⁷ *Hörs* is probably a spelling variant for *hors*, horse, Söderwall, *Ordbok* 1, p. 506.

⁵⁸ 14 Jan. 1507, *Dombok för sydvestra Tavastland* (note 56), p. 238.

⁵⁹ 19 Mar. 1498, *STb 1492-1500*, edited by J.A. Almquist, Stockholm 1930 (SSB, 2:3), p. 357.

⁶⁰ *Erik Flemings jordeböcker* [Land records of Erik Fleming], edited by A. Oja, in *Bidrag till Finlands historia*, 7, Helsinki 1964, p. 134.

⁶¹ Landsarkivet i Uppsala [Regional State Archive in Uppsala], Uppsala domkapitels arkiv [Archive of the Cathedral Chapter of Uppsala] A I:1, Protokoll [Records] 1593-1608, 14 Mar. 1599, p. 152. See also 23 June 1603, *Östra härads i Njudung dombok 1602-1605* [Court records of the district of Östra in Njudung], edited by N. Edling, G. Pellijeff, Uppsala 1965, p. 64.

⁶² RA, SDBRH 5401, 8. PDV, 53.

⁶³ 14 May 1571, *STb 1568-1575* (note 54), pp. 150, 197.

⁶⁴ 14 Dec. 1556, *STb 1553-1567* (note 41), p. 177.

culprit had to place an astronomical bail, 50 dalers and 50 oxen each⁶⁵. In Lnköping in 1615, since Lisbet Klemetsdotter could not prove her allegation of bestiality, she had to pay a sixty-mark fine or be banished from town forever on pain of decapitation⁶⁶. In Huddinge, a woman had claimed that her husband was guilty of bestiality with a horse (*skiutt*), but she retracted her claim at the assizes. Later, she repeated the accusation, but withdrew her words again when questioned by the cathedral chapter⁶⁷. Obviously, neither the clerics nor the secular officials were prepared to act without an accuser or some more tangible evidence.

There were several reasons for incurring suspicions of bestiality. Generally, it was suspect if a man spent time in the cowshed, especially behind shut and bolted doors and shuttered windows⁶⁸. In Sweden, certain symbolic boundaries linked to work and physical space were closely connected with manhood and male prestige. This was especially clear in regard to livestock; cows, cowsheds and milk were linked with the female sex. Women took care of the cattle and milked the cows, while children of both sexes herded livestock. Therefore, all sexual references to cattle had a connotation of prepubescent boyhood and femininity and generally caused a profound ambiguity about livestock. Insinuations of bestiality thus struck at the very core of Swedish medieval and early modern masculinity⁶⁹. In practice, because of this, the young Allill Andersson seems to have been suspected of bestiality on flimsy circumstantial evidence. He had been with his father in a big meadow outside central Stockholm to collect juniper berries when two bulls had “got up” with a cow (*rijfa med en koo*). The boy had chased the bulls away and stroked the walking cow’s flank. Two passing women thought it suspicious that he was standing next to a cow and had him arrested⁷⁰.

More tellingly, witnesses might discover the man with an animal with his trousers down⁷¹. He could be standing immediately behind the animal⁷². He might have been forced to climb on an object in order to reach the animal’s behind more easily. In 1612, a bucket (*embare*) was used⁷³, while another account mentioned a small block of wood (*Lithen Kubb*)⁷⁴, while Simon Persson stood on the harrow that he had been driving in the field (*harfuede*) so as to commit the deed in 1593⁷⁵. Eye-witnesses also observed whether the animal had been

⁶⁵ 14 May 1602, *Östra härads* (note 61), p. 18.

⁶⁶ LAV, LiRA, LSD, 2 Jan. 1616, p. 121.

⁶⁷ Landsarkivet i Uppsala, Uppsala domkapitels arkiv A I:1, Protokoll 1593-1608, 14 Mar. 1599, p. 152v.

⁶⁸ 18 Aug. 1587 and 16 Oct. 1587, *Vadstena stads äldsta tänkeböcker* (“*Domboken*”) [*Oldest court records of the town of Vadstena*], edited by G.J.V. Ericsson, Uppsala 1945-1952, pp. 126-127.

⁶⁹ Liliequist, *Brott* (note 7), pp. 161-166; Liliequist, *State Policy* (note 6), p. 32.

⁷⁰ 17 Sep. 1614, *STb från år 1592*, VIII, edited by N. Staf, Stockholm 1966, pp. 183-184.

⁷¹ 22 Feb. 1612, *STb från år 1592*, VII (note 40), p. 151; LAV, LiRA, LSD, 22 Dec. 1615, p. 120; RA, SDBRH 5401, PUF, 13 Aug. 1593, p. 3.

⁷² RA, SDBRH 5401, PUF, 13 Aug. 1593, p. 3.

⁷³ RA, SDBRH 5401, PUF, 13 Aug. 1593, 2v-3; 22 Feb. 1612, 26 Feb. 1612, *STb från år 1592*, VII (note 40), pp. 150-151.

⁷⁴ LAV, LiRA, LSD, 22 Dec. 1615, p. 119.

⁷⁵ RA, SDBRH 5401, PUF, 13 Aug. 1593, p. 3.

tied up for preventing it from moving for facilitating penetration⁷⁶. Occasionally, eye-witnesses had observed the preparations and spoken or shouted to the accused not to act on his wicked intention⁷⁷.

Conclusion

Bestiality was criminalized in medieval Scandinavia because of Christianization. It topped the list of crimes against nature, but its grading in the penitential hierarchy of heinousness together with incest in the first degree simultaneously pushed these most heinous sexual crimes into the secular jurisdiction. The rhetoric of the law came to mirror the perceived abomination of the offence linked to a growing tendency to see natural catastrophes as scourges of God, consequences of the nefarious crimes committed by the people. Penance was replaced by burning at the stake. Yet, the death penalty usually required eye-witness proof of a completed act if the culprit did not confess.

Less and less attention was given to the position of the owner of the animal as the injured party. Fending off the wrath of God, a responsibility of the commonweal and the state, became the paramount consideration⁷⁸. Bestiality had to be penalized severely in order to escape the fate of Sodom and Gomorrah, and this the Swedish authorities increasingly did in the early modern period. This may reveal more of their assiduity in repressing and chastising sexual offenders as well as the moral climate than constitutes evidence of medieval and reformation Sweden being the bestial Sodom of the North.

⁷⁶ 18 Aug. 1587, *Vadstena stads* (note 68), p. 126; 14 May 1602, *Östra härads* (note 61), p. 18. See also Maxwell-Stuart, 'Wild, filthie' (note 2), p. 87.

⁷⁷ E.g., RA, SDBRH 5401, PUF, 13 Aug. 1593, 2v-3.

⁷⁸ E.g., Ruggiero, *Boundaries* (note 5), pp. 109-114, 126-145.