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Agency of sons, mothers and fathers. Family response to son's fornication in seventeenth-century Sweden

ABSTRAKTI / ABSTRACT

This article explores the agency of family members in seventeenth-century Sweden when a son was accused of a premarital relationship in the court of law. What factors defined the agency of sons, mothers and fathers both in and outside of the legal courts? This study is based on the court records from the consistory court of the Royal Academy and the town courts of Turku. The most important characteristic of the agency of sons was their subordinate position in relation to their parents. Fathers' main arena to act was the legal court, and all the mothers were active in trying to figure out their son's situation outside the courtroom. However, mothers who belonged to the lower bourgeoisie were also active in the court hearings. The article shows that the agency of different family members depended on many factors: their gender, their age and their position within the family, but also on their position within a town as well as academic community. Further, we suggest that the patriarchal character of the premodern era cannot be reduced to hierarchical arrangements of power formed from top to bottom or from men to women but must be seen as an intricate operational network in which people acted.

Premarital relationship, agency, gender, family members, 17th century, Sweden, university town

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Introduction

According to early modern moral guides, children of all ages were to respect their parents, be obedient to them and love them. Parents were to keep watch over the lives of their children together and see that children strove to live in accordance with the prevailing ideals and rules in society.¹ Despite children knowing the rules, laws and guidelines, breaches of the norm occurred, however much parents taught, guided and kept an eye on their children. Infractions included, for example, the children's premarital relationships.

Early modern Swedish society was quite tolerant of premarital relationships even though legislation prohibited all sexual relations outside marriage. Young people were allowed to spend nights together in order to get to know one another. However, if and when a woman became pregnant as a result of the relationship, it was important that the father of the child acted responsibly and took care of the woman and the child. If a man did not marry the woman he had made pregnant, the matter was taken to legal court.² The parents' responsibility was to make sure that the children knew the boundaries of acceptable behaviour and that when infractions of the norms occurred, the children would be responsible for their deeds. In this article, I study how family members in seventeenth-century Sweden responded when a son had engaged in a premarital affair and was accused of it in the court of law.

The way to study seventeenth-century premarital relationships is mostly to study the crimes related to these relationships. Youths were accused of violation of a virgin, fornication, or breach of marital promise in the court of law. Violation of a virgin and fornication occurred when an unmarried man and woman had sexual intercourse. Both of these crimes were punished with fines; amends could be made via marriage. A breach of marital promise occurred when a man promised to marry a woman, the couple had sexual intercourse, and ultimately the man refused to marry the woman. In the eyes of the law the couple was as good as married; the marital union lacked only solemnization. As with other crimes related to premarital relationships also, breach of marital promise could be atoned for via marriage. Otherwise, the man was fined and ordered to make amends to the woman he had offended.³ Because premarital relationships were closely intertwined with the possibility of marriage, the parent-child relationship will also be discussed from the viewpoint of getting married.

Relationships between parents and children in early modern times have been of interest to family and gender historians.⁴ Anna Hansen stated that the division of roles between parents in supervising the decency of children and the handling of the matter if it ended up a legal court was gender-based in the seventeenth-century Swedish countryside. Both parents were expected to watch over their children in matters that were related to premarital affairs and marriage, but it was the father's role as the head of the household to represent the whole family in legal court, if and when issues ended up there. The mother, for her part, sought to influence matters before they ended in legal court.⁵

However, it has been shown that the patriarchal ideals of family and social order were not the same everywhere and that they were implemented in different ways in different estates.⁶ Historians focusing on childhood and youth have also called for reconceptualization of agency. According to Mona Gleason and Raisa Maria Toivo, even though youth and children were subordinated by their elders in early modern patriarchal societies, they possessed agency, a possibility for independent action.⁷ Cases examined by courts situated in urban environments and acting namely as legal courts for the academic and burgher communities are analysed here, as they tell us about the factors that determined the agency

of different family members both in and outside of the courtroom when a son was accused of indecency. Agency will be discussed from the viewpoint of sons, mothers and fathers.



Old Turku today. Source: M. Välimäki

More precisely the focus is on legal courts acting in Turku (Åbo in Swedish), a coastal university town in the eastern part of the Swedish realm now known as Finland. Court records of three secular lower courts that operated in Turku are studied in this article: the lower town court, town court and the academic consistory court. People living in Turku were examined and judged in the town courts, but the Royal Academy of Turku had its own jurisdiction. Crimes of professors, their family members and other members of their household, other staff members of the academy, and students were examined and judged in the academic consistory court. The tasks of both the lower town court and academic consistory court included, for example, investigating crimes of indecency.⁸

During the years 1640–1694 we can find altogether 28 cases from the court records where one or both of a man's parents were mentioned in the court records in one way or another. The timeline of the research is determined by the foundation of the Royal Academy of Turku in 1640, and the last case where a parent appears in court is from the year 1694. From the examined period one can find altogether 78 cases that concerned students' premarital relationships. In 17 of the cases (22%) the parents' involvement is mentioned or parents take part in the court hearing.

Because the mass of court records of the lower town court is quite extensive, the records have been studied from the 1640s, 1660s and 1684–1694. These time periods have been chosen based on changes in the interpretation of legislation concerning crimes related to premarital relationships during the seventeenth century.⁹ During the three ten-year periods one can find altogether 219 cases that concerned premarital relationships, and in 12 of these cases (5%) parents were mentioned in the hearing or involved in the examination of the crime. Thus, in seventeenth-century Turku and in cases concerning premarital relationships, parents were clearly more often involved in the examination process of a case concerning their son's premarital relationship in the academic consistory court than in the town court. However, the parents did not appear in court with their sons or on their behalf – either in the academic consistory court or in the town court – on a regular basis, but rather every now and then. Hence the mentions of parent-son relationships are sparse, and the court records do not give us a vast basis for quantitative analysis. However, the cases that can be found highlight family relations and the agency of different family members when the sources are analysed with qualitative methods.

Even though the legal courts had their own functions and the academic consistory court's jurisdiction was separate from the town's jurisdiction, the court records were written according to the same rules and principles. The texts were written in order for the officials in the Court of Appeal who inspected all the court records to find sufficient grounds for every decision and sentence made in the legal court. The court record text can be divided into the main narrative and sub-narratives. The main narrative consisted of the beginning and the end of the hearing, including the prosecution and the sentence, and pulled together the sub-narratives. The sub-narratives were addresses given in the court by different actors such as the plaintiff, the defendant and the witnesses.¹⁰ In this paper, the focus is both on the main and sub-narratives and on the actors giving these addresses. These addresses were made by the parents themselves or by other actors in court during the examination process, such as the son or the woman accusing the son. I have analysed the actions of mothers and fathers from two viewpoints: 1) when they were described to have been involved in the hearing or examination process of their son and 2) when their actions were described outside the courtroom, more in connection to what had happened before the matter came to court. When studying the sons, the analysis has focused on how the sons described their own and their parents' actions in the court records. We will begin with actions of the fathers, proceed to mothers and end the article with the obedient and unruly sons.

Fathers in courts

When parents found out that their son had engaged in a premarital relationship, they could persuade the couple to marry. However, in the cases studied for this article, parents did not once try to create a marriage between their son and the woman accusing him. This was probably because of the nature of the sources: court records tell us about conflicts between people. Marriage would have removed the punishment of the illegal sex and the couple would not have had to come to legal court.¹¹ When marriage was not an option, parents could simply admit that the relationship had happened, make their son bear responsibility for the situation in the legal court, suffer the consequences and move on with life.¹²

According to the court records, the first and foremost place for fathers to act was the legal court. When fathers came to the legal court with their son or on behalf of him, they negotiated with the court about the conviction or vouched for their son. In the academic consistory court, fathers took a more active part in their son's examination processes than in the town court. Altogether 14 fathers were

personally involved in their son's hearing in the academic consistory court. In the town courts fathers took part in handling the matter in five cases. In one case the father himself was among the accused¹³; in two of these cases fathers of the lower bourgeoisie¹⁴ came to the court to vouch for their sons.¹⁵ As part of their fatherly duty, they promised to see that their sons would not flee the town and that they made amends to the women they had offended.¹⁶

The remaining two fathers who came to the town courts were peasants from the village of Sotalainen, situated near the town of Turku. They acted like fathers in the Swedish countryside who, as heads of the household, were supposed to represent their household in legal court on issues relating to their son's marriage and give him support in the legal court.¹⁷ In 1668, Bengt Bengtsson was ordered to bring his son Jacob Bengtsson before the lower town court to answer to Maria Erichsdotter, who accused the man of breach of marital promise. Over two decades later in 1691, Bengt Eriksson was accused of the same crime and came to the court with his father.¹⁸

In these cases, the fathers supported the desire of their sons not to marry the women accusing them.¹⁹ The inhabitants of the village belonged under the town's jurisdiction even though they lived outside the town border and were not members of the town's parishes but the parish of Kaarina (St. Karins).²⁰ Thus, the villagers were not entirely integrated into the town community, and probably for this reason fathers considered it advisable to come to court with their sons. Apparently, in the village of Sotalainen it was thought that the sons particularly needed support in the town's court.

As mentioned, it was more common that fathers came to the academic consistory court. These fathers held a high position in society. Most had studied at a university themselves or they were members of the professoriate. For example, the bishop of Vyborg, Nils Nycopensis, came to the academic consistory court on behalf of his son, Joakim Nicolai Nycopensis. Joakim had left the town and taken a diploma from the rector without making amends to the woman accusing him. In court, the bishop promised to compensate the woman on behalf of his son.²¹ In another case, a theology professor of the Royal Academy of Turku, Petrus Laurbeccius, took part in a hearing where his late son Johannes was accused of fathering an illegitimate child. Because Johannes had died, it was his father's duty to come to court and answer the allegation made against his son.²²

The larger number of fathers present in the academic consistory court is explained by a disciplinary action that the students were subject to. In addition to the fines decreed by legislation, a disciplinary expulsion sentence was imposed on students who were convicted of indecency crimes. The expulsion could be of fixed duration or permanent, depending on the nature of the crime. In cases relating to premarital affairs students were generally expelled for a fixed period, which often meant expulsion for a year. During this time, the student was not permitted to reside in Turku or take part in the teaching provided at the academy.²³ However, some leniency could be applied to the expulsion sentence of the student if his father requested it.

In 1667, the vicar of Lemu (Lemo), Jacobus Stephani, and in 1687 Clas Svarthafva, the local bailiff (länsmannen) of Kangasala, arrived in Turku to negotiate with the members of the consistory about fornication sentences and associated expulsion of their sons. Both fathers requested that their sons be permitted to pay fines in lieu of their sentence and thus be spared expulsion. In both cases the expulsion was commuted to fines.²⁴ Generally, when the students returned to the academy, they were to present an attestation of their good conduct during the period of expulsion. Often, this attestation was written by a local clergyman or some other person in a high position.²⁵ The vicar of Lemu and the local bailiff of Kangasala were respected members of their local communities and in the case of the former, it would have been his duty to write the attestation for the return of his son to the academy in any case. By negotiating the commutation of the expulsion sentences of their sons into a monetary form, the fathers

speeded up the return of their sons to the academic community. In this way, the fathers assisted their sons along a path towards a profession, work and independent life.

For the most part, fathers were willing to cooperate with both the lower town court and the consistory of the academy. They were prepared to ensure, in accordance with their patriarchal obligations, that their sons would answer to charges made against them and undergo the punishments imposed on them, even though they sometimes wished for some remission to the disciplinary punishment. Fathers submitted to the verdict of the court and acted accordingly. In keeping with social order, they were supposed to act obediently and respectfully towards the legal court. However, theology professor Anders Petraeus deviated from this norm.

The professor wrote a letter to the consistory of the academy on behalf of his son, Karl Petraeus, in which he sought to convince the members of the court of his son's innocence with many arguments. In addition, he argued that the rector in charge of the court should not have been involved in the handling of the case. Another professor of theology at the academy, Jakob Flachsenius, was acting as the rector in the case, and Petraeus suspected that conflicts between himself and Flachsenius would influence the handling of his son's case. However, the members of the consistory decided to permit the rector to continue in his role as head of the court. A person selected annually by the body of professors from amongst their number served as the rector and the head of the consistory, so the other professors of the academy chose to support Flachsenius instead of Petraeus.²⁶ Thus, the matter that concerned the son of a professor was elevated into a dispute that concerned the whole professoriate. The case of Petraeus tells us that the charges made against a son were not a matter of no consequence to a father nor a matter that concerned the son only as a member of the academic community, especially if the father was a member of the community too.

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Cases handled in the legal courts in Turku tell us how the patriarchal social order was implemented and how it was made use of in the legal courts of Turku during the seventeenth century. The only father who questioned the charges levelled against his son was the theology professor Petraeus. As a professor, he was himself a member of the consistory and was thus before his colleagues and peers with his son. Other fathers who came to the academic consistory on behalf of their sons were in a lower social position and did not question the action of the court in the same way as Professor Petraeus did. These fathers only sought leniency for their sons in those parts of the punishments for which leniency fell within the limitations of the law. Nor did the peasants from the village of Sotalainen, who appeared in the lower town court with their sons, question the action of the court, but instead used the framework permitted to them by law to achieve the best possible final outcome. They were able to prevent marriage, albeit substantial fines were imposed on their sons. Therefore, in an instance that reflected official norms and used official judicial authority, fathers acted in accordance with the norms set by the society, seeking to get the best possible benefit out of the system. Fathers acted in the patriarchal society from the position that it allowed them, making use of their status.



Eero Järnefelt, unnamed (1906–1907). Source: Finnish National Gallery

Mothers sorting things out

While the records illustrate that the first and foremost place for fathers to act was the legal court when their son was accused of a premarital affair, the mothers had an active role in clearing up the situations outside the courtroom. In ten cases the mothers' actions outside the courtroom are described by their sons, by the women accusing the son, and in one case, by a husband.

When a mother found out about her son's relationship and marriage was not an option, she had few possibilities of how to deal with the situation. She could try to cover up the indecency or be silent about it. The mother could drive the woman away from the household or she could try to persuade the woman to confess that another man had made her pregnant. Mothers could also combine these different tactics.

In 1690, Henrich Wärajalka told the town court that he had confessed to his mother about the fornication he had committed.²⁷ Henrich was never accused of the deed and thus it seems that his mother remained silent about her son's fornication and thereby covered up a matter which, according to law, her son should have atoned for before the community and God. However, it is known that courts usually dealt with cases in which the woman was pregnant or the child had already been born.²⁸ Thus, cases like

Henrich's, in which the fornication did not result a pregnancy, rarely ended up in court. Nevertheless, it seems that the children were expected to confess these relationships to their parents. Henrich's mother was not the only one who stayed silent about a son's affair. Other mothers too sought to keep the liaisons of their sons secret, but it was more difficult when the woman accusing their son was pregnant or had given birth to a child.

The activeness of mothers is particularly evident when the woman who accused the son worked in the household as a maidservant. In these cases, the mistress of the family took action and expelled the maidservant from the house.²⁹ If a woman was still living under the family's roof when the child was born, other measures were undertaken to dispel the allegations made against the son. The woman might, for example, be pressured to identify the child as having been fathered by someone else. This was the case with student Carolus Petraeus. Carolus' mother, Elisabet Mårtensdotter Stodius, tried to prevent the pastor from recording Carolus as the father of a child born out of wedlock. In cases of illegitimate children, the father of the child was recorded in the church register when the child was baptised. The child's mother was Walborg Andersdotter, who was working as a maidservant in Carolus' home estate in the vicarage of Naantali (Nådendal) when she became pregnant. During the examination of the case, Walborg stated that Carolus' mother, her mistress, had tried to force her to confess that an unknown farmworker was the father of the child.³⁰ According to her, Elisabet Stodius was using somewhat questionable methods in order to keep her son from being responsible for his deeds. Walborg was not the only woman making such allegations about a man's mother or even his other relatives.

According to Margetha Larsdotter, her mistress, Sara Rothovia, had persuaded her to confess to the lower town court that she was pregnant by a cavalryman who had promised to marry her. The mistress had also given her a ring as a sign of their engagement, which Margetha was to present for the lower town court as evidence of a marriage agreement.³¹ Sara Rothovia knew what she was doing; she was married to the town's justice burgomaster. She knew that if Margetha would confess to being pregnant by a man who was out of town (or even make-believe) and show evidence of the union, she would be treated as an honourable woman and no one else would be accused.³²

But Margetha Larsdotter was not ready to deceive the court, and instead she confessed that the true father of her child was student Johan Liliewahn. Johan was Sara Rothovia's cousin's child, who was living in her household while studying in Turku. Margetha Larsdotter had also worked at Johan's home estate outside Turku and the couple spent time both at the estate and in town. For this reason, both Johan Liliewahn's mother, Katarina Murenius, mistress of Johan's home estate, and Sara Rothovia, mistress of both Johan and Margetha in Turku, were involved in the case. According to Margetha Larsdotter, both Sara Rothovia and Katarina Murenius were eager to get the blame away from Johan Liliewahn.

A mother could also try to make amends to a woman before the matter came to court. Joakim Nikolai Nycopensis, son of Nils Nycopensis, the bishop of Vyborg, was accused of fornication in the academic consistory. At the hearing, the bishop said that his wife, Katarina Joakimsdotter Iheringius, had already paid a large amount of money to Birgitta, the woman Nikolai had made pregnant.³³ Katarina Iheringius was a bishop's wife; Carolus Petraeus' mother, Elisabet Stodius, was the wife of a university professor; Katarina Murenius was the wife of a vicar; and her cousin, Sara Rothovia, the wife of a justice burgomaster. Each of the women mentioned here who tried to conceal their son's (or male relative's) affair with a maidservant had a high position within the clergy or the bourgeoisie. They were not only influential members of their families and communities, but their actions also show that they had legal knowledge. They knew how to proceed in order to move suspicions away from the man – away from

their son or family member. However, at the same time they tried to remove suspicion focused on themselves.

Questions related to morality were held to be under the oversight of women both in the late Middle Ages and also in early modern Scandinavia. Mothers kept watch over their children, mistresses over their maidservants, and women generally over each other. The duty of the mistress was to keep a watch over the morality of the young women in their house: if a daughter or maidservant became pregnant before marriage, the fault was partly that of the mistress.³⁴ According to Helena Hagelin and Mona Rautelin, social controlling related to premarital affairs was exercised by women towards other women.³⁵ My material indicates that the mothers' supervision not only extended to daughters and maidservants of the house, but somewhat to sons also. The cases studied here would suggest that mothers took an active part in solving the premarital affairs of their sons.

Mothers in courts

Not only were the wives of the clergy or higher bourgeoisie active in dealing with their sons' premarital affairs; the women of the lower bourgeoisie (i.e. wives of merchants engaging in domestic trade as well as wives of craftsmen) acted in a similar manner. However, there was one clear difference between the agency of these mothers: even though the wives of clergy or the higher bourgeoisie held knowledge of the legislative system and how the courts operated, they did not represent their sons or their family in legal court. The academic consistory was a male forum, where the wives of the academic staff had no business representing their families, at least not as long as their husbands were alive. The women from the lower bourgeoisie were, however, actively involved in trying to figure out their son's premarital affairs both outside the courtroom and in trials too. These women were actively involved in the town courts and in the academic consistory court when their sons were accused of breach of marital promise and the parental view on whether the couple should get married was discussed.

Furrier Hans Arckenholt's wife came to the town court with her son. A woman called Maria Natter accused Arckenholt's son, Jören, of breach of marital promise. Jören's mother stated that both she and her husband were against the marriage of the couple. Thus, the mother acted as the representative of the family in court.³⁶ Another mother who was involved in her son's court case was baker's wife Gertrudh Jacobsdotter. A case concerning her son, a student named Henricus Andreae Pistorius, was examined in 1668 in both the consistory of the academy and the lower town court. Brita, who had been working as a maidservant in the baker's household, also accused Henricus of breach marital promise. Due to a serious illness, Henricus was unable to come from the countryside to answer for the crime in person. He sent his parents written instructions on how to act and what to give Brita as compensation. The mother acted in accordance with the instructions from her son and stated to the members of the academic consistory court that her son would never marry Brita.³⁷

It is evident from the court records that the fathers of both Henricus Pistorius and Jören Arckenholt were alive during the handling of the cases. This is because it is stated that Henricus wrote to his *parents*, whereas the mother of Jören Arckenholt said that neither she nor her husband would agree to the marriage. It is possible that both fathers were away from the town and could not present the parental opinion on their sons' marriages when the parental view on the matter was needed, and consequently the mothers went to court. However, it should be taken into account that it is improbable that both fathers would have been away from the town for the whole period of the handling of the cases.

The case of Arckenholt was dealt with on several occasions in 1663–1664, and that of Pistorius from January to November in 1668. Furthermore, Jören Arckenholt's father Hans Arckenholt vouched for his son during the examination of the case.³⁸ Thus he was in fact in town during the examination process and could have stated the parental view on his son's intended marriage.

In my view, what is more significant than why the women were in court is, however, that no one in the academic consistory court or in the town court questioned the authority of the aforementioned mothers. The mistresses of lower bourgeoisie families represented their families in court in a way that has been presented as mainly a men's role in earlier research.³⁹ Of course, we are dealing here with only two cases from the 1660s, but the manner in which the legal courts regarded these cases does not indicate that these would have been special cases.

The records of the academic consistory court and town court tell us that in Turku it was possible for a woman to publicly take care of the affairs of the family even while her husband was alive and that it was possible for her to come to the legal court by herself. In the seventeenth-century Swedish countryside, women were expected to bear public responsibility for matters to do with the household, and these expectations were not only in effect when the husbands were absent.⁴⁰ The actions of the women of the lower bourgeoisie in Turku were similar; even though the master of the household was present in town, the task of the mistress of the household was to take care of matters that related to her son's premarital affairs. It was her duty in legal court where she could state the opinion of the family as to a son's marriage. The wives of the clergy or higher bourgeoisie did not act in the same way. This shows that the responsibilities for responding when a son was accused of a premarital affair were shared differently among the families of the lower bourgeoisie versus among the higher bourgeoisie as well as the clergy. It also suggests that patriarchal ideology was implemented in different ways between the master and mistress of the household within the estate of the bourgeoisie and in respect to the families of the academic community.



Jacob van der Heyden, *Dining students and musicians* (1608). Source: Rijksmuseum, The Netherlands.

Obedient and unruly sons

It is quite rare that men talked about their own actions in relation to their parents or commented on their parents' actions in general in cases concerning premarital affairs; only in three cases did the accused sons describe the actions of their parents. In all three of the cases the men mention their mothers and in one case the father's actions are mentioned also. Students Carolus Petraeus and Benedictus Laurenti Aboensis both talked positively of their mothers in the academic consistory court. Carolus Petraeus' mother, Katarina Mårtensdotter Stodius, had tried to prevent a priest from recording her son as a father in the church register. Carolus explained that his mother had asked the priest not to record him as the child's father only because Carolus was not present at the baptism himself.⁴¹ With this, he wanted to underline that his mother did not want to deceive the priest or try to pressure him to mark another man as the father of the child, as was suggested by the maidservant accusing Carolus to be the father. He wanted to note to the court that his mother only acted with her son's best interests at heart. She wanted him to be present and able to admit or contradict the fatherhood himself.

Benedictus Laurenti Aboensis told the consistory court that his mother had asked Walborg Thomasdatter to leave her son's room, but Walborg had not obeyed. Later she accused Benedictus of being father to her child born out of wedlock.⁴² Benedictus portrayed his mother as acting as a responsible mistress who kept watch over her maidservants and protected her son from women's temptation. Based on the court records the aim of both Carolus and Benedictus was to explain their mother's behaviour and underline her actions as a loving mother and a responsible mistress of the household.

Young men wanted also to show that they were obedient and loyal to their mothers. During the seventeenth century, parental authority over a son's marriage grew. The medieval laws already provided for daughters to be disinherited for marrying against their parents' will, and the 1686 Church Law expanded parental judgment further, stating that adult sons were not to choose a spouse and marry without consulting both of their parents.⁴³ The cases show that it was important for sons to show obedience to their parents in cases concerning premarital relationships too.

To be obedient to one's parents was stated, of course, in the fourth commandment of the Decalogue and it was part of the fundamental rules of the early modern social order, the patriarchal rule.⁴⁴ Rising up against one's parents was considered a serious offence. If an adult or teenaged child went so far as to physically or verbally abuse his or her parent, it could in theory lead to the death penalty.⁴⁵ However, sometimes a son could go against his parents in order to show that the parent was perhaps doing something illegal. Parents were not allowed to misuse their authority and a son should speak up if a parent broke the law severely.

In 1690, Jacob Wārājalka summoned Henrich Jacobsson Wārājalka to the lower town court of Turku.⁴⁶ Jacob told the court that his son, Henrich, had told him and other townspeople that he had previously fornicated with his father's newly engaged fiancée, Walborg Andersdotter. According to Henrich, the intercourse had taken place six years prior to the engagement of Jacob and Walborg, but Jacob was outraged by the confession. Why was this? It is never mentioned directly in the court records but most likely the father was insulted by his son's behaviour because the confession made it possible that the father could be accused of incest.

During early modern times kinship existed either via blood relation or by marriage, and thus according to law an incestuous relationship could happen even between people who were not blood relatives.⁴⁷ In the case of Jacob and Henrich Wārājalka, the problem arose from the fact that if it was true,

as Henrich claimed, that he had fornicated with Walborg and the father had done the same, it was considered a relationship of forbidden degree, that is, incest. Incest was considered to happen between people who were prohibited from marrying and this was determined by the Church. However, these restrictions were also applied when considering who was entitled to engage in sexual acts. During the seventeenth century, the law in Sweden considered a certain family bond to be born between people when a couple was engaged in a sexual act. This meant that when Henrich confessed intercourse with Walborg, Jacob was considered equivalent to Walborg's father-in-law. Further, it meant that Walborg and Jacob were considered relatives, even quite close kin. If Henrich could have succeeded in proving that he had had intercourse with Walborg, his father (and Walborg) would have faced serious accusations, which could have resulted in the death penalty.⁴⁸

The case between father and son Wārājalka is very informative in delineating the boundaries of acceptable choice for sexual partner and spouse. In addition, it tells us about the relationship between parents and son in the matter of premarital relationships. By examining what happened in the family of Wārājalka, it is possible to understand the power and authority relations within a family, as well as the premise of agency of different family members in seventeenth-century Sweden.

During the examination of the case, Henrich presents himself in court as a law-abiding son who needed to confess his affair in order to prevent his father from doing a great misdeed. However, Henrich also told his mother about the relationship. Henrich told the town court that while his mother was alive, he had confessed the intercourse with Walborg to her, and after his mother passed away, he told his father about the intercourse.⁴⁹ Here one could conclude that when men had premarital relationships with women, they confided in their mothers – or at least this was the case with Henrich. However, in this specific case it is possible that Henrich mentioned his confession to his mother because she was conveniently already dead and could not deny Henrich's statement in court. Whatever the truth was, the case of the Wārājalka family reveals to us that there existed certain ideals and guidelines that sons were expected to follow in matters concerning premarital affairs.

The case suggests that a son was expected to confess his deed to his parents. Confessing is part of the way Henrich presents himself as a good son – he has confessed his sin first to his mother and after her death to his father. By telling the court that he had told his father about the fornication, he, at the same time, described his own law-abiding nature as well as his concern for his father's deed. Henrich's argumentation is carefully constructed and it is based on the understanding and ideal of a child's obedience to his parents, while his conduct was actually quite the opposite. He argued in court from the position of an obedient and worried son and, by depicting himself this way, actually attacked his father, which was banned by God as well as by secular legislation. Thus, a son could actually use the patriarchal ideals to go against his parents. Normative expectations could be used as a tactic and ground for one's behaviour.

Based on the cases concerning young men in Turku, it was important for sons to show in court that they were obedient and loyal to their parents and thus act in accordance with the general patriarchal code of conduct. Even though they had committed a punishable deed, they shied away from something that was against God's will and law in relation to their parents. The agency of these men was determined by their position in a family. In legal court, their agency was in step with how masters and mistresses of the household acted in other cases; the patriarchal order of obedience was used as a tactic.⁵⁰ Family members supported one another in the court, and this can be seen, for example, when men represented their mothers in a good light and at the same time underlined their own obedience. Henrich Wārājalka makes an exception to this but he also used the patriarchal code to underline his law-abiding nature and to justify the fact that he attacked his father. What connects Henrich to the others is that he also talked

about his mother and gave her a meaningful role in the narrative of the order of events. It seems that mother was the one to closely deal with in situations connected to a son's premarital relationship.

Multifaceted agency of sons, mothers and fathers

The cases studied for this article show that family members had different positions in handling their sons' premarital affairs in seventeenth-century Sweden. The agency of sons, mothers and fathers depended on many factors, and the family members acted in the framework created by these factors. The framework depended on their gender, their age and their position within a family but also on their position within a town as well as academic community. In the case of the young men studied for this article, the most important characteristic of their agency was their subordinate position in relation to their parents. As sons and as those accused of crimes, the young men wanted to show the legal courts that even though they were accused of breaking the law, they were nevertheless obedient sons. The agency and argumentation of sons was built on the patriarchal understanding of subordination to their elders, to God and to parents. To show obedience was to demonstrate that they had strayed and taken the liberty to act according to their desires but that they had not forgotten how they were supposed to act. The case of the Wåräjalka family also demonstrates to us that a son could build his rebellion against his parents by carefully showing the legal court that he knew his position within the family and patriarchal hierarchy. The age of the studied men, and youth as a period in between childhood and adulthood, created the framework for the agency of these young men, which they nevertheless made use of the best way they could.

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The actions of parents concerning their sons' premarital affairs were conditional to both gender and to their estate. Wives of clergy operated actively outside the legal courts when their sons were accused of engaging in premarital affairs. When the matter was brought to the consistory of the academy, their husbands took charge in dealing with the issue. It was typical in the actions of men to comply with the patriarchal hierarchy and to operate within its limits. Men only questioned the authority of the legal court if they were socially on the same level as the members of the court exercising judicial authority. At the same time, the women of the lower bourgeoisie operated actively in both the legal court and outside it too. Their model of operation was part of a long-standing continuity from the Middle Ages to the dawn of the modern era, in which the women of the lower bourgeoisie had an active role as mothers, wives and experts in questions of morality. Women also had an active role in applying the means of social control on other women. The cases studied in this article suggest that mothers also used similar means in relation to their sons, but this is something that still needs further study.

Even though the catechisms that represented the ideals of the patriarchal society defined women as being under the authority of men, it can be seen that this did not mean subservience in practice.⁵¹ Women had their own areas of responsibility and in issues to do with morality, women's authority might even have exceeded that of men.⁵² Therefore, the power arrangements in the Swedish patriarchal society were not simple nor can they be simplified in any way; instead, people adopted different positions in relation to each other in different situations and during different phases of their lives. The position of a woman and a man depended on what the operating context was, how old they were and who was around them. Further, it depended on whether they were married or not.⁵³ I would also suggest that when studying agency, in addition to the factors mentioned before, we should take into account both the estate and the person's social standing within a certain estate when considering the division of responsibilities in a household. We should analyse family dynamics and the agency of different family members

intersectionally by considering person's age, marital status and position both in a household and within the estate they belonged to. The cases from seventeenth-century Turku suggest that the patriarchal character of the premodern era cannot be reduced to arrangements of power formed from top to bottom or from men to women but must be seen as an intricate operational network in which people – women and men – acted.

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² The matter could also be settled outside the courtroom on the child's keep. Seppo Aalto, *Kirkko ja kruunu siveellisyyden vartijoina. Seksuaalirikollisuus, esivalta ja yhteisö Porvoon kihlakunnassa 1621–1700* (Helsinki: Suomen Historiallinen Seura, 1996), 183–196; David Gaunt, *Familjeliv i Norden* (Stockholm: Gidlunds 1983), 22–40; Anna Hansen, *Ordnade bushäll. Genus och kontroll i Jämtland under 1600-talet* (Uppsala: Uppsala Universitet, 2006), 223–230; Tiina Miettinen, Piikojen valtakunta. Nainen, työ ja perhe 1600–1700-luvuilla (Jyväskylä: Atena 2015), 90–122.

³ On definitions of different crimes relating to premarital relationships see Aalto, *Kirkko ja kruunu*, 116–119; Malin Lennartsson, *I säng och säte. Relationer mellan kvinnor och män i 1600-talets Småland* (Lund: Lund University Press, 1999), 274–284; Hansen, *Ordnade bushäll*, 216–223.

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⁵ Hansen *Ordnade bushäll*, 237.

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⁹ On the changes in the interpretation of legislation see e.g. Lennartsson, *I säng och säte*, 317–324.

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¹¹ There existed an offense called *otädiga sängelag* (swe) originating from the Middle Ages and reasserted in the 1686 Church Law, which meant an intercourse before the solemnization of marriage. However, people were rarely fined for it in seventeenth-century Sweden. Lennartsson, *I säng och säte*, 274, 285.

¹² Tiina Miettinen, *Ihanteista irrallaan. Hämeen maaseudun nainen osana perhettä ja asiakirjoja 1600-luvun alusta 1800-luvun alkuun* (Tampere: Tampereen yliopisto, 2012) 95–97.

¹³ This case concerns the Wärajalka family and will be analysed more closely in the chapter *Obedient and unruly sons*.

¹⁴ The lower bourgeoisie consisted of craftsmen and merchants dealing with local farmers while the higher ranks of the bourgeoisie were engaged in international trade. In the division inside the estate of the bourgeoisie to lower and higher ranks in Turku, see Veli Pekka Toropainen, *Päättäväiset porvarskat. Turun johtavan porvariston naisten toimijuus vuosina 1623–1670* (Turku: Turun yliopisto, 2016) 36–41.

¹⁵ Turun kämnerinoikeuden tuomiokirjat (TKO, lower town court) 6.9.1662, 200–201, Raastuvan oikeuksien renovoidut tuomiokirjat (–1809), Kansallisarkisto (KA); Turun raastuvanoikeuden tuomiokirjat (TRO, town court) 3.3.1664, 163, Raastuvan oikeuksien renovoidut tuomiokirjat (–1809), KA.

¹⁶ Hansen, *Ordnade bushäll*, 237.

¹⁷ Hansen, *Ordnade bushäll*, 237.

¹⁸ TKO 14.11.1668, 253, KA; TKO 17.8.1669, 231–232, KA; TKO 28.2.1691, 57–58, KA.

¹⁹ TKO 17.8.1669, 232, KA; TKO 28.2.1691, 57–58, KA.

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- ²⁵ See e.g. CAAP 14.2.1644, 106–107 and CAAP 12.11.1645, 194.
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- ²⁷ TRO 15.10.1690, 545, KA.
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- ²⁹ CAAP 3.5.1673, 136–137; TKO 14.10.1691, 299–303, KA.
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- ³¹ TKO 14.10.1691, 298–303, KA.
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- ³⁶ TRO 24.2.1664, 161–164, KA.
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- ³⁹ Hansen, *Ordnade hushåll*, 237.
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- ⁴¹ CAAP 7.3.1683, 313–315.
- ⁴² CAAP 9.2.1648, 322–323.
- ⁴³ The 1686 Church Law VIII § VI; Korpiola, ”Marrying of Sons and Daughters”.
- ⁴⁴ Ben-Amos, ”Reciprocal Bonding”, 292; Liliequist, ”Du skall hedra din fader och din moder”, 233–234.
- ⁴⁵ Liliequist, ”Du skall hedra din fader och din moder; Toivo, ”Violence Between parents and children”, 341–343; Toivo, ”Abuse of Parents”.
- ⁴⁶ TKO 23.8.1690, 274–280, KA; TRO 15.10.1690, 542–548, KA.
- ⁴⁷ Bonnie Clementsson, *Förbjudna förbindelser. Föreställningar kring incest och incestförbud i Sverige 1680–1940* (Malmö: Universus Academic Press, 2016), 11–22, 39–41.
- ⁴⁸ Clementsson, *Förbjudna förbindelser*, 94–98, 279–280.
- ⁴⁹ TKO 23.8.1690, 274–280, KA; TRO 15.10.1690, 542–548, KA.
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