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Discourse of Magic and Female Violence in Swedish Provincial Laws Before 1350

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Discourse of Magic and Female Violence in Swedish Provincial Laws Before 1350

WILHELMIINA HEINONEN

Introduction

Magic has always been an inherent part of human thinking, behaviour, and social life. It is often described as attempts to communicate and control the supernatural or the unseen forces of nature. In medieval Europe, magic was an inseparable part of the social environment: its significance was not restricted to merely some abstract notions of how the world works, but instead it manifested in society as various complex thoughts, attitudes, actions, feelings, and experiences. Moreover, the use of magic has always been associated with attempts to harm, and, as a result, it is closely linked with violence.

In the medieval era – just like today – violence was a highly gendered phenomenon. The use of violence was subject to specific limits and regulations, with some forms being considered acceptable or legal while others were deemed unacceptable or illegal. Violence was an integral part of medieval society, employed to resolve conflicts and define gender and social status. Even though in principle everyone had a right to use violence, social rules, ideals, and expectations divided the rights to using violence unevenly between genders and different social groups. During the medieval period, the use of violence became more closely linked with male aristocracy. Typically, traits like violence, aggression, and bravery were strongly linked with masculinity, while traits like passivity and cowardice were attributed to women.¹ Similarly, gendered ideas, notions, and stereotypes have long been intertwined with the concept of magic.²

This article examines the construction of the discourse of magic in Swedish law material in the

¹ Christine Ekholst, *A Punishment for Each Criminal: Gender and Crime in Swedish Medieval Law*, Brill: Leiden 2014, 77–81. Ekholst comprehensively discusses relevant previous research regarding medieval violence and the different levels of femininity and masculinity in medieval Europe: for example, Ross Balzaretta has stated that violence was something that defined the social categories of woman and man, and a woman acting violently was a serious breach in the social rules. According to Ekholst, violence, strength, and ideas formed a basis for the hierarchies in medieval Swedish law material. Carol Clover discusses the topic of femininity and being subordinate in early medieval Nordic countries and claims a “Europeanization” and “medievalization” in the Nordic countries that starts with Christianization. These changes bring about a new classification of individuals where the norms for men and women become more precisely defined compared to the earlier “one-sex” and “one-gender” model. Carol J. Clover, ‘Regardless of Sex: Men, Women, and Power in Early Northern Europe’, *Speculum* 68 no. 2 (1993), 363–387.

² See e.g. Michael D. Bailey, ‘The Feminization of Magic and the Emerging Idea of the Female Witch in the Late Middle Ages’, *Essays in Medieval Studies* 19 (2002), 120–34; Kimberly Stratton, *Naming the Witch: Magic, Ideology, and Stereotype in the Ancient World*, Columbia University Press: New York 2007; Raisa Maria Toivo, *Witchcraft and Gender in Early Modern Society: Finland and the Wider European Experience*, Aldershot: Ashgate 2008; Stephen A. Mitchell, *Witchcraft and Magic in the Nordic Middle Ages*, University of Pennsylvania Press: Philadelphia 2011; Catherine Rider, ‘Women, Men, and Love Magic in Late Medieval English Pastoral Manuals’ *Magic, Ritual, and Witchcraft* 7, no. 2 (2012), 190–211; Kimberly B. Stratton & Dayna S. Kalleres eds., *Daughters of Hecate: Women and Magic in the Ancient World*, Oxford University Press: New York 2014.

thirteenth and fourteenth centuries. The research question is: How is the discourse of magic linked with female violence in Swedish law material before 1350? The question will be analysed with carefully selected cases that illuminate the interconnection between magic and female violence. Violence will serve as an exemplary perspective for the discourse, as it was closely intertwined with everyday life during the medieval period and connected to both magic and gender. I follow Kimberly Stratton's theory and understand magic as a socially constructed discourse, rather than any conclusively defined category.³ By focusing on the Swedish law material, the aim of this article is to shed light on a particular aspect of the discourse of magic and contribute to new knowledge by bringing a Nordic perspective to the wider European discussion on magic into focus.

To answer my research question, I will use a close reading approach to the law material. Firstly, I will explore the possibilities and challenges of using Swedish provincial laws as sources and explain my research methodology. Secondly, I will analyse harmful magic as it appears in the Swedish laws. I will focus particularly on the crime of *förgörning* (destructive magic) and its meanings in itself and as a part of the magic discourse. Thirdly, I will examine violence from a gender perspective, analysing the attributes of violence that were considered feminine and their connection to magic. Finally, I will investigate punishments associated with practising magic, their connections to gender, and what they reveal about the discourse of magic.

Previous research and research methods

Previous research has diligently explored the various manifestations and phenomena that can be categorised as magic with various methods and approaches. Social anthropologists in the late nineteenth and early twentieth centuries viewed magic as a phenomenon that preceded religion and science in the evolution of human thought.⁴ However, the late twentieth-century turn into understanding magic as a dynamic phenomenon without clear boundaries or definitions opened up new ways of examining the concept and understanding its meanings and significance in different historical periods.⁵ For instance, utilising the concept of religion as active social processes and understanding magic as a discourse, research has come to see magic as something that was actively produced, negotiated, and maintained in a given society. This newly emerged view recognises the discourse of magic as a communally created phenomenon that has both universal and

³ Stratton explains the theory in her 2007 book *Naming the Witch*.

⁴ See e.g. James Frazer, *The Golden Bough. A Study in Magic and Religion*, Macmillan: London 1922; Lynn Thorndike, 'Some Medieval Conceptions of Magic', *Monist*, 25 (1915), 107–139; Bronislaw Malinowski, *Magic, Science and Religion*, Greenwood Press: Connecticut 1984.

⁵ It is beyond the scope of this article to provide a full research background here. However, a few examples of the research of magic are noteworthy to highlight. In his 1971 book, Keith Thomas examines religion and magic thoroughly, but does not give enough attention to conceptualising and defining the concepts. Keith Thomas, *Religion and the Decline of Magic*, Scribners: New York 1971. For a more thorough analysis of the book, see Simon Young & Helen Killick, *An Analysis on Keith Thomas's Religion and the Decline of Magic*, Macat Library: London 2017. A widely used research is Richard Kieckhefer's *Magic in the Middle Ages* from 1989 that continues to discuss the boundaries between religion, science, and magic. Richard Kieckhefer, *Magic in the Middle Ages*, Cambridge University Press: Cambridge 1989. Valerie Flint's 1991 book is a good example of how magic began to be seen as an actively negotiated way of operating in society rather than a fixed phenomenon. Valerie I. J. Flint, *The Rise of Magic in Early Medieval Europe*, Clarendon Press: Oxford 1991.

Moreover, seminal work on magic and witchcraft has been conducted by e.g. Bengt Ankarloo, Stuart Clark, Karen Jolly, Stephen Mitchell, Raisa Toivo, Sari Katajala-Peltomaa, and Marko Nenonen.

local characteristics, which change in different geographic locations and over time. However, what is yet largely missing from the wider scholarship of magic is a closer insight into the local social processes of how magic was produced as a gendered discourse. While previous research has examined Swedish provincial laws to a fair extent, offering valuable insights into the relationship between magic, gender, and violence, this article illuminates even further the intricate connections between *förgörning*, gendered violence, and magic in medieval Sweden. It explores how *förgörning* and the local stereotypes of the feminine intersect with broader European notions and history of magic.⁶ In addition, the article contributes to our understanding of malevolent magic and how it was intertwined with gender.

This article draws from the theory of magic as a discourse and seeks to provide a clear understanding of the discourse in medieval Sweden. Another important objective is to examine how magic and violence were contextualised in Nordic perceptions of gender. Previous research has often viewed gender as a dualistic, static binary with gender boundaries and roles understood as a dichotomous hierarchy.⁷ However, recent studies have actively contested this view, recognising gender as a dynamic process and a negotiable social phenomenon.⁸ This article aligns with the more recent perspective on gender as a dynamic social process and seeks to illuminate the topic from the perspective of Nordic magic.

In medieval Europe, magic manifested itself in many different forms, such as ritual magic, divination, love magic, and healing magic that used herbs and spells.⁹ However, these forms of magic are not represented in Swedish provincial laws. It seems that the Church, rather than secular lawmakers, was more interested in limiting the use of these types of magic.¹⁰ Because of the thematic tendency in the Swedish material, this article focuses on harmful magic, which refers to the destructive actions believed to be aided by supernatural aid. The translations of terms related to magic into English lack universal agreement among researchers. To ensure consistency in discussing the topic, I use the following framework: I treat harmful magic as parallel to harmful, destructive, and malevolent witchcraft or sorcery. Based on Stephen Mitchell's thoughts, this article

⁶ Especially the works of Stephen Mitchell, Christine Ekholst, and Charlotte Cederbom have delved into Swedish law material, exploring their treatment of gender and magic.

⁷ For a more detailed historiography on gender research, see e.g. Marianna Muravyeva & Raisa Maria Toivo, 'Introduction' in Marianna G. Muravyeva & Raisa Maria Toivo, *Gender in Late Medieval and Early Modern Europe*, Routledge: New York 2013, 1–16.

⁸ See e.g. Muravyeva & Toivo 2013; Ekholst 2014; Ann Marie Rasmussen, *Rivalrous Masculinities: New Directions in Medieval Gender Studies*, University of Notre Dame: Notre Dame, Indiana 2019; Sari Katajala-Peltomaa & Raisa Maria Toivo, *Lived Religion and Gender in Late Medieval and Early Modern Europe*, Routledge: Abingdon, Oxon 2021 among many others.

⁹ Karen Jolly, 'Medieval Magic: Definitions, Beliefs, Practices', in Karen Jolly, Catharina Raudvere, & Edward Peters eds., *Witchcraft and Magic in Europe* (The Athlone History of Witchcraft and Magic in Europe 3), The Athlone Press: London 2002, 1–71, at 27–71.

¹⁰ For example, in one Danish church law from the 13th century, there is a short section that prohibits predicting the future: *De Sortilegiis. Item inhibemus ne quis Sacerdos vel Clericus se intromittat ad aliquuid sortilegium, quia in talibus semper est occulta diaboli administratio*. G. J. Thorkelin ed., *Samling af danske Kirke-Love*, Godhices Arvingers Forlag; Copenhagen 1781, 118. Also, some later Swedish penitentials from the 15th-century address e.g. predicting the future and spells that were understood to be connected to demons. See e.g. Jaakko Gummerus, *Beiträge zur Geschichte des Buss- und Beichtwissenschaftes in der Schwedischen Kirche des Mittelalters* (Akademische Abhandlung), Harald Wretman: Uppsala 1900, XVI, XVIII.

approaches magic first and foremost as actions with harmful objectives.¹¹ To maintain coherence throughout the article, I use the term magic to describe violent acts of a supernatural nature found in the law material, unless there is a specific reason for using a different term.

The concept of lived religion approaches religion as action: faith is viewed as social actions, through which people experience it.¹² This approach of practice and performativity can also be applied to magic, as both magic and religion were phenomena actively produced by people from all levels in society by their actions (or inactions) rather than being a passive ideology imposed from above.

Swedish provincial laws and the discourse of magic

In medieval Sweden, provincial laws governed different regions with varying degrees of independence until they were replaced by Magnus Eriksson's Law of the Realm after 1350.¹³ The defined temporal focus for this article stems from this division in the legal development: before 1350, the different provincial laws provide a more versatile viewpoint for studying the discourse of magic. Examining various law codes across different regions, rather than a single law applicable to the entire kingdom, enhances the analysis of the discourse of magic.¹⁴ However, medieval Swedish law material presents a few specific challenges. The origin and dating have created a lot of debate among scholars, but it is now generally agreed upon that the provincial law material was compiled between the late thirteenth and the first half of the fourteenth century, although the remaining manuscripts are usually younger.¹⁵ This article does not aim to discuss the developmental history

¹¹ Stephen Mitchell discusses the meaning of witchcraft: instead of being a bounded entity, the definition and meaning of witchcraft derives first and foremost from behaviour that was understood as acts of witchcraft, rather than from defining articles or attributes. According to an Old Swedish translation of Bernhard of Clairvaux (1091–1153) the sin of a witch, especially that of a female witch, is resistance or opposition to obedience. Similarly, the Latin term *maleficium*, which is commonly used to designate witchcraft, derives from "evil doing", thus indicating action and behaviour as definitive features of the phenomenon. Mitchell 2011, 14–15.

¹² Sari Katajala-Peltomaa & Raisa Maria Toivo, *Histories of Experience in the World of Lived Religion: Springer Nature*, Cham 2022, 4.

¹³ Christine Ekholst, "Unable to Defend Him': Conflicting Views of Female Violence in Swedish Medieval Law", *Scandinavian Studies* 94, no. 2 (2022): 174–95, at 176. In previous research, the medieval legislation in Sweden has been connected to state-building processes that were happening simultaneously. Ekholst 2022, 176 and Thomas Lindkvist, 'Law and the Making of the State in Medieval Sweden: Kingship and Communities', in Antonio Padoa-Schioppa ed., *Legislation and Justice*, Oxford, Clarendon 1997, 211–28. Besides the provincial laws, two medieval town laws and two versions of the Law of the Realm are preserved in Sweden.

¹⁴ However, clear temporal changes between the earlier provincial law codes and the later laws of the realm reveal intriguing features regarding how magic was discussed in the changing society. This article, however, discusses provincial laws and not the legal changes that took place later. Throughout the article, Carl Johan Schlyter's edition of the Swedish provincial laws is used and referred to as "Schlyter 1822–77, book number, page number". Åke Holmbäck and Elias Wessén's editions of the provincial laws to modern Swedish are occasionally used as a support to Schlyter's edition. Åke Holmbäck & Elias Wessén, *Svenska Landskapslagar: 2, Dalalagen och Västmannalagen / Tolkade och förklarade för nutidens Svenskar*, Almqvist & Wiksell's Boktryckeri AB: Uppsala 1936.

¹⁵ Helle Vogt, *The Function of Kinship in Medieval Nordic Legislation*, Brill: Leiden 2010, 61; Ekholst 2022, 176. Previous research on the dating of the law codes in e.g. Elsa Sjöholm, 'Sweden's Medieval Laws. European Legal Tradition - Political Change', *Scandinavian journal of history* 15, no. 1–2 (1990), 65–87. In addition, debate about the character of the laws has occurred in previous research: Sjöholm 1990; Per Norseng, 'Law Codes as a Source for Nordic History in the Early Middle Ages', *Scandinavian Journal of History* 16, no. 3 (1991): 137–166; Lindkvist 1997; Vogt 2010.

of the law codes, but instead concentrates on analysing the content and leans on previous research regarding the dating of the material.

The law codes are a mixture of royal legislation, customary law, and canon law, divided into sections (*balkar*): each discussing different areas of societal life, such as trade, marriage, rights to inheritance, and so on. The laws functioned as a way for the elite to define and maintain social relationships, establishing rights and duties among different groups and genders.¹⁶ The law codes represent an idealised and stereotypical version of society and they depicted reality as the lawmakers assumed or wanted it to be.¹⁷ For this reason, the laws should not be viewed as direct portrayals of how conflicts were solved. The laws do reveal, however, how people were expected to behave.¹⁸

The law codes are a result of negotiations between different groups of people and their varying interests.¹⁹ They are normative sources and have an ideological character, and one of their main purposes was to define and command social order. They also provided institutional justification for the established norms and punished individuals who deviated from social order and rules.²⁰ Moreover, no trial cases have survived from this period, so it is not possible to compare the normative legal texts and actual court proceedings.²¹ Nevertheless, the law codes offer valuable clues into the attitudes, expectations, and beliefs of medieval Swedish society.

In summary: it is beyond the scope of this article to discuss the temporal evolution of the law codes in any final, definitive way. Instead, my starting point for using the law codes as sources is – following Christine Ekholst’s thoughts – that the law codes should be used for sources for the time when they were compiled. The fact that the regulations and phenomena were actually written down in the laws implies that the texts were meaningful at both the time of writing and using them until the legal transition of 1350 when a single law was applied to govern the whole realm.²²

Defining magic

The definitions of magic are inherently interwoven into their respective time periods and cultures, both historically and in research. This article focuses on the emergence of the discourse of magic in legal material from a defined region and time, that is, medieval Sweden. In the broader European research tradition on magic, the study of Nordic magic has received relatively little attention. Therefore, investigating the specific temporal and cultural context can lead to a better understanding of Nordic magic within the broader context.

Historically, across different societies, the concept of magic and its various categories have often defined and sustained limits of socially and culturally acceptable actions. However, to this day, magic remains a very unstable category. In many cases, it has been defined by authorities from

¹⁶ Ekholst 2022, 176–178.

¹⁷ Ekholst 2014, 9–10; Ekholst 2022, 190.

¹⁸ Ekholst 2014, 10.

¹⁹ Elsa Sjöholm, *Sveriges medeltidslagar. Europeisk rättstradition i politisk omvandling*, Institutet för rättshistorisk forskning: Stockholm, 1988, 24–25; Lindkvist 1997, 212; Ekholst 2014, 10.

²⁰ Esther Cohen, *The Crossroads of Justice: Law and Culture in Late Medieval France*, Brill: Leiden 1993, 4; Ekholst 2014, 10.

²¹ However, Stephen Michell discusses various trial cases from the late 15th century throughout his book Mitchell 2011.

²² Ekholst 2014, 10.

different fields, who are either against or at least condescending towards practices they perceive as magic. In addition, not even within any given society were definitions of magic agreed upon: not everyone engaging in magical practices would necessarily define or understand their actions as part of some single system, or accept all or any elements of that system.²³

I use Kimberly Stratton's theory as a methodological background for my analysis of the law material. The theory approaches magic first and foremost as a socially constructed object of knowledge. Stratton's concept of magic is informed by Foucault and it understands magic as a discourse that, once having emerged in a particular social and historical context, acquired reality both in the minds and practices of the people who lived in the societies where the discourse functioned.²⁴ Just like the concept of magic, the discourse of magic is conceived differently in different cultures. The discourses share common characteristics, but the details and representations vary considerably from place to place and over time. Despite their local and temporal differences, the discourses give rise to identifiable patterns or stereotypes. These stereotypes possess a great marginalising potential, thus making power intricately linked to their definition and usage. The differences between the stereotypes can be understood by looking at local social and political contexts in which they emerged and were used.²⁵ Stratton's notion of magic as a discourse provides a tool for understanding the phenomenon as a dynamic, communally created, and constantly negotiated way of thinking, experiencing, and acting according to – or against – it.

The discourse of magic is also linked to lived religion, which sees ideas and religious concepts first and foremost as communally constructed and experienced – they were “lived out” in everyday life, performance, and ritual.²⁶ Therefore, examining the discourse can provide a link between both research perspectives. Magic functioned by engaging communities in a discussion of the boundaries between magic and religion, as well as behaviours that were considered acceptable or unacceptable. By utilising the theory of magic as a discourse, I will examine thoughts and attitudes, but also practices and actions of a local society.

Magic as a crime

As such, the word magic does not appear in medieval Swedish law texts. Instead, a frequently used term is the Old Swedish *förgörning/förgöra*, which appears in the law material in several slightly

²³ Michael David Bailey, 'The Meanings of Magic', *Magic, ritual, and witchcraft* 1 (2006), 1–23, especially at 2, 9. Bailey gives a comprehensive account of different definitions of magic in previous and modern research. He addresses medieval European conceptions of magic and how the Christian doctrine affected them, and presents the relevant anthropologists' and sociologists' theories and notions about magic from the nineteenth- and early twentieth-century. Bailey's important remarks concerning modern research are: understanding the versatile terminology regarding magic, viewing magic as a historically and culturally specific category, and the goal to understand how human societies and cultures have constructed and reacted to magic and other comparable categories.

²⁴ Stratton 2007, 17.

²⁵ Stratton 2007, 15–16.

²⁶ While this article doesn't employ the concept of lived religion as a research method in itself, it is taken into account in relation to the research topic. For information about lived religion, see e.g. Robert Orsi, *The Madonna of 115th Street*, Yale University Press: London 1985; Meredith McGuire, *Lived Religion: Faith and Practice in Everyday Life*, Oxford University Press: New York 2008; Sari Katajala-Peltomaa, *Demonic Possession and Lived Religion in Later Medieval Europe*, Oxford University Press: Oxford 2020; Sari Katajala-Peltomaa & Raisa Maria Toivo, *Lived Religion and Gender in Late Medieval and Early Modern Europe*, Routledge: London 2021.

different written forms.²⁷ Because of its ambiguity and close connection to the discourse of magic, the word deserves some further attention. In previous research, the interpretations and uses of the word are varying, and a final, commonly agreed definition does not exist. However, *förgöra* can essentially be and is widely translated to mean “to destroy” or “to kill”.²⁸ In medieval Swedish sources, it is interpreted to mean both poisoning and harmful witchcraft. This includes violent, malevolent actions that were understood to work with supernatural aid.²⁹ In this article, I follow this previous interpretation and define *förgörning* as an umbrella term. It encompasses poisoning, destructive magic, and other malicious actions intended to cause harm that were thought to operate with supernatural powers. The term not only assumes the presence of malicious magic in society but also acknowledges it to be a tangible experience. In doing so, it provides a link to the notions of violent magic that were an inherent part in the discourse of magic.

Examining the contexts in which the word *förgörning* is used enables illuminating contemporary notions regarding destructive magic and its meanings in society. This sheds light on the connection between magic and lived religion, as destructive magic was believed to work with supernatural means and was therefore situated in the negative margin of spiritual life. While early legal material does not explicitly link magic to demons (a connection that starts to emerge in later European thought), both religion and magic were seen as involving powers beyond ordinary perception. Like religious belief, magic had a transcendent quality, which connected it to the broader experience of religion in everyday life.

Women as criminals

In the Swedish provincial laws, there is a clear connection between female perpetrators and crimes of destructive magic: in all of the provincial laws the perpetrator for the crime of *förgörning* is always a woman. In Sweden, this changes in the first Law of the Realm in the middle of the fourteenth century, when also men start to appear as possible perpetrators for destructive magic.³⁰ The early provincial laws, however, continuously create a notion of women practising harmful magic.

The Older Law of Västergötland from the 1220s discusses violence in the following way: the law states that if a woman destroys a man, she can be declared an outlaw and, because she is a criminal, she can be killed.³¹ The secular section in the law collection in which the act of destroying

²⁷ *Förgöra* is the verb form, *förgörning* is the noun form in modern Swedish. See appendix for Old Swedish written forms.

²⁸ In Old Norwegian sources, the similar term is *gerningar*. In the 1268 Gulathing Law, in its Christian Law of King Magnus, it is stated that “These things belong to aberrations and pagan beliefs: Spells, magic (*gerningar*).” (Translation by Arnved Nedkvitne) Arnved Nedkvitne, *Lay Belief in Norse Society, 1000–1350*, Museum Tusulanum Press: Copenhagen, University of Copenhagen 2009, 285.

²⁹ Ankarloo 1984, 35; Mitchell 2011, 154–155. Also, see discussion in Ekholst 2014, 139–140: According to Ekholst, Ankarloo’s definition sees poisoning and witchcraft as two sides of *förgörning*. Ekholst suggests a different interpretation where the term *förgörning* was only used for witchcraft that led to injuries.

³⁰ One slight anomaly in the provincial laws is Hälsingelagen, which mentions the words “sorcerer” and “witch” in a section where slander against men is listed. According to Christine Ekholst, a reason for this could be because the law is written from a male perspective and could thus indicate that the word “witch” is an insult of female connotations that are said against a man. There are also other examples of gendered insults in the laws, such as calling a man “a female puppy/dog”, which a modern reader would understand to mean “a bitch”, again, a highly gendered insult. Ekholst 2014, 144.

³¹ Schlyter 1822–77, 1: 22: “Kona firigær manni. fællir hana lukt hærasznæmd. þa skal hun haua grið til skogs. dax ok nattær. þa skal latæ dömæ hanæ. vgill. firi arva. ok eptimælændæ ok dræpæ þær næst.”

is discussed concentrates on bodily injury inflicted on others, either accidentally or on purpose.³² Later, several other laws in thirteenth- and fourteenth-century Sweden echo this notion by repeating the use of *förgörning*.³³

The Younger Law of Västergötland, which was compiled after 1281 and concerns the same geographical area as the earlier law, repeats similar ideas presented in its predecessor. According to the younger law, if a woman kills a cow or cattle, a woman, or a man and is caught in the act, she forfeits her life.³⁴ The use of the word *förgörning* is repeated. However, while the older law only mentions men as possible victims of harmful magic, the younger law expands the list to include women, cows, and cattle. Likewise, the Östgöta Law mentions possible harm caused to domestic animals and prescribes punishments depending on whether visible signs of harmful magic were found in animals.³⁵

The depiction of a female witch who uses magic to harm or kill domestic animals or steal milk from neighbours has long roots in the past notions of women and magic.³⁶ In northeastern Europe, taking care of cattle and related household work were regarded as property and work of women, and were therefore linked to female magic.³⁷ However, the specific characteristics associated with the stereotype of the female witch differ by region: in southern parts of Europe, the image of a female witch who harms or kills children is much more prevalent.³⁸ Interestingly, the Nordic mindset appears to lack the child-harming witch stereotype. Instead, the primary focus of women's harmful magic in the North seems to be directed towards adults, both women and men.³⁹

By applying Stratton's theory and thus understanding the discourse of magic as changing from place to place, it becomes evident how local circumstances affected the representations of magic and produced and shaped the imagery of women using magic in differing ways. The lack of a child-harming witch imagery in the northern parts of Europe reveals details about these gender

³² See also Mitchell 2011, 156–157.

³³ The Younger Law of Västergötland, The Östgöta Law, The Law of Uppland, The Law of Västmanland, and the Law of Södermanland. See appendix.

³⁴ Schlyter 1822–77, 1: 153: "Firi giær cona ko æller bo. cono æller bonde. warper hun takin við. giælðe lif sit firi. þet ligger til hæræznempdinne. falz hun at. þa böte."

³⁵ The Östgöta Law was compiled around 1290. See appendix. Ekholst 2014, 146–147.

³⁶ Mitchell 2011, 125, 137–138, 152; Katja Fält, 'Women and Demons in the Late Medieval Wall Paintings in the Church of Espoo (Finland)', *Mirator* 18:1 (2017), 1–35.

³⁷ Katja Fält 2017, 1–35; Raisa Toivo, 'Witchcraft and Gender', in Johannes Dillinger ed., *The Routledge history of Witchcraft*, Routledge: Abingdon, Oxon 2020, 219–232, at 226.

³⁸ For more information about the concept of a child-harming *striga/strix* that was prevalent in ancient and medieval Southern Europe, see e.g. Michael D. Bailey, 'Witchcraft and Demonology in the Middle Ages', *The Routledge History of Witchcraft*, Routledge: Abingdon, Oxon 2020, 46–60, at 48; Marina Montesano, *Classical Culture and Witchcraft in Medieval and Renaissance Italy*, Springer International Publishing: Cham 2018, 54–66, 80–97.

³⁹ The Swedish provincial law material does not explicitly link violent magic to harming children; instead, the focus is on adults. While infanticide as a crime is connected to women in the law material, it lacks the analogous stereotype of cannibalistic child-harming witches found in the more southern European imagery. Further research is necessary to conclusively examine all the nuances in chronological and regional continuations and changes in the witch stereotype in the Nordic area. On this topic, Marina Montesano's *Classical Culture and Witchcraft in Medieval and Renaissance Italy* gives an extensive account on how the phenomena and vocabulary related to magic and witchcraft from Antiquity move in time. Montesano 2018. Ronald Hutton's *The Witch* also examines the roots of witchcraft stereotypes and their continuation in time. Ronald Hutton, *The Witch: A History of Fear from Ancient Times to the Present*, Yale University Press: New Haven 2017.

roles and stereotypes – in Southern Europe, the worst act for a woman within the discourse was to kill children with destructive magic, whereas in the north the parallel act was to kill other women and men. The social status and assumed capabilities were in that way different, suggesting a varying category of agency. The act of killing adults, particularly men, can be perceived as a more powerful and consequently more frightening and alarming capability than killing weak and defenceless children.

Like many other pre-modern legal systems, Swedish law material tends to depict women as potential offenders for violent crimes committed in secret and devious ways, as was the common medieval view.⁴⁰ Any violence against a weaker person or deadly violence done secretly and out of public sight was considered particularly shameful in respect to open, public violence. The private sphere of life, such as the home and its surroundings, was viewed as women's domain, while the public sphere was reserved for men.⁴¹ This distinction extended beyond daily life to encompass the use of violence and other aspects of life, functioning as a means to produce both gender and the discourse of magic.

The lawmakers' discourse of magic was also a way to gain and use power.⁴² The definitions for different forms of violence and their acceptability were produced by a group of elite men aiming to create an ideal society. Hence, the law texts reveal an attempt to categorise legitimate and illegitimate violence and at the same time produce acceptable gendered behaviour. The strong link between gender and spatiality reinforced the idea of women using harmful magic in hidden, devious ways. Both the notions of understanding women as weaker and devious and their expected use of space in society are reflected in the law texts' repeating imagery of a female user of harmful magic.

In the given geographical and temporal context, women are continuously linked to the use of harmful magic and disallowed from using it. The treatment of the crime of *förgörning* in the lawmakers' discourse reveals gendered ideas as both attempts to use power to control violent behaviour and negotiate boundaries between acceptable and non-acceptable beliefs and practices.

Placement of *förgörning* in provincial laws

Quantitatively, the mentions of harmful magic in the provincial laws are not extremely voluminous. The topic is consistently covered in the provincial laws, but the length and amount of the mentions do not particularly stand out within the entirety of the law codes. The sections where mentions of harmful magic can be found, however, reveal significant features. The sections that contain mentions of harmful magic are: *bardagabalken* that handles fights, accidents, and bodily injury; *rättlösabalken*, that handles various property crimes; *vådamålsbalken* that handles killing and injuries; *manhelgsbalken* that treats the "inviolability of man"; and *kyrkobalken* that handles the Church's rules and regulations.⁴³ A general outline seems to be that harmful magic is treated parallel with other types of bodily violence or harm done to property.

An interesting observation is the role of *edsöresbalken* that handles the peace and safety of

⁴⁰ Ekholst 2022, 175, 187, 189.

⁴¹ Ekholst 2014, 149, 217.

⁴² Stratton 2007, 16.

⁴³ See appendix for more information.

home, women, general assembly, and the church, that is, the general societal peace and order. Offence against *edsöre* was an offence against the king. According to the law, women could not violate the *edsöre*.⁴⁴ Women were not seen as capable of breaching the public peace, and perhaps because of this notion, no mentions of harmful magic is seen in *edsöresbalken* but rather in other sections. After the compilation of the first Law of the Realm in 1350, however, the section in which harmful magic is treated, radically changed. From 1350 onwards, magic was placed in *högmålsbalken*, which treats the most severe crimes.

Other crimes that were very often connected to women were infanticide and abortion. Since pregnancy, giving birth, and childcare belonged to women's area of life, the crime of killing a child was strongly linked to femininity. Infanticide is often mentioned near harmful magic in the laws, reinforcing the lawmakers' notions of feminine violence. This illuminates how the gendered imagery and attitudes of women's violent crimes were produced. However, as mentioned earlier, infanticide was not explicitly connected with harmful magic in Swedish laws.⁴⁵

The earlier discourse of magic seems to have viewed harmful magic as parallel with other violent ways of causing bodily injury. Later, however, the attitude changes and harmful magic is consistently treated as a much more severe breach of peace and order. The changes observed in the Swedish material mirror the broader European evolution in the changing attitudes towards harmful magic. In the approach to and during the fifteenth century, the general attitude towards harmful magic became increasingly stricter, and a detailed stereotype of a witch, intertwined with the Church's evolving notions of demonology, began to emerge.⁴⁶

In different Nordic areas, the attitudes and notions towards magic are varying, from which the case of Iceland is distinct: early laws of Iceland reflect an ungendered character when discussing magic, but the early modern witch was traditionally a man. This imagery derives from a local notion that the foundation of the witch's powers was knowledge, which was an attribute connected to men.⁴⁷ In comparison, in an early Norwegian Gulathing Law, witchcraft is mentioned in a form of gender-neutral slander, meaning both women and men could be accused.⁴⁸ The local discourses of magic in the Nordic area reveal varying imagery when constructing the gender of the possible user of harmful magic, and the notions change from place to place and over time.

Feminine violence and magic

In the medieval period, the expectations of using violence were different for women and men. Women were not expected to be able to use armed force effectively and were viewed generally as weaker and in need of protection. Men belonged to the societal sphere of life, and as the head

⁴⁴ Eva Österberg & Dag Lindström, *Crime and Social Control in Medieval and Early Modern Swedish Towns*, Acta Universitatis Upsaliensis: Uppsala 1988, 25–26; Charlotte Cederbom, 'Malsmanskapets medeltida ursprung och betydelse för kvinnans rättskapacitet', *Historisk tidskrift för Finland* 106, no. 1 (2021), 1–34, here 13; Ekholst 2022, 184.

⁴⁵ See notes 38 and 39 for more information.

⁴⁶ Bailey 2001; Ekholst 2014, 139; Stratton 2014, 17.

⁴⁷ Mitchell 2011, 152–153. The native Icelandic and Danish laws are relatively disinterested in the problem of harmful magic, when compared to the frequency it appears in Norwegian and Swedish material. In Gulathing Law, the ungendered character is expressed through an unmarked masculine pronoun: "If one [*maðr*, i.e. "man", or here "a person"] uses magic or witchcraft..." Mitchell 2011, 192.

⁴⁸ Mitchell 2011, 150.

of their families, were free to use violence to establish their dominant role and expected to use efficient armed and physical force. Women belonged to the domestic sphere of life and were both allowed and expected to use some forms of physical discipline against their subordinates, such as chastising their children or servants.⁴⁹ A clear hierarchy of violence existed in the patriarchal community; however, a closer examination of the Swedish laws reveals views that conflict with the general stereotype of a weak woman.

Women using and compensating violence

Women were recognised for using violence in many ways, both conforming to and deviating from their assigned gender role. The Law of Uppland from the beginning of the 14th century orders that if a woman gives a man something destructive⁵⁰, she should be put in chains and taken to the thing, i.e., a public assembly. The same destructive articles that she used should be taken with her. The meaning of destructive articles has been interpreted to mean witchcraft paraphernalia.⁵¹ Like in the both laws of Västergötland, the word *förgöra* is repeated in the Law of Uppland when discussing female violence, again repeating the notion of female violence as devious and despicable. The Law of Uppland, however, unlike the earlier law collections of Västergötland, continues to explain in detail how to proceed concerning the accusation of the woman in question. For example, it is clearly stated that twelve men have to prove the accused either guilty or innocent. This was a usual rule in medieval Swedish court.⁵² Also, it has to be proved whether the accused was caught in the act or not. The rules continue to explain the amount of fine and how it should be distributed.

The eastern Swedish laws follow more or less a similar pattern in discussing harmful magic. The usual explanation for the similarities of the eastern Swedish laws is that they have all been largely based on the Law of Uppland.⁵³ The Law of Södermanland from ca. 1327 portrays a woman as the only possible perpetrator for the crime of *förgörning*.⁵⁴ Likewise, the Law of Västmanland, created ca. 1300, portrays a similar account of the crime of *förgörning* and its consequences: the perpetrator for harmful magic is assumed to be a woman, and a woman only. The victim is assumed to be a man, and there are no mentions of women or animals as victims of *förgörning*. The law continues to describe legal rules of action and different outcomes if the woman is declared innocent or guilty for the crime. On one hand, this continuing pattern of linking women with harmful magic is based on the law's interconnectedness with each other. On the other hand, it offers insight into the lawmakers' discourse of magic: the idea of women using harmful magic was persisting and widely accepted.

The fines for compensating the crime of *förgörning* reveal attributes linked with the discourse of magic. An all-encompassing analysis is not in the scope of this article, but a few examples will highlight the significance and seriousness the crime had in society. For example, according to the Law of Uppland, Västmanland, and Södermanland, if someone dies as a result of harmful magic,

⁴⁹ Ekholst 2022, 175, 183.

⁵⁰ Schlyter 1822–77, 3: 149; "Bær konæ forgiærningær manni."

⁵¹ Mitchell 2011, 155.

⁵² For more information about rules of the local court assemblies, see Ekholst 2014, 15.

⁵³ Holmbäck & Wessén 1936, 35; Lindkvist 1997, 213; Ekholst 2014, 11.

⁵⁴ Schlyter 1822–77, 4: 159.

the accused woman – if found guilty – should be burned at the stake. However, her life could be saved by paying a fine: in the said laws, the plaintiff is allowed to receive a payment if he wishes to save the guilty woman's life.

The fines were very high, from 100 marks up to 140 marks, and are thereby a lot higher than the basic fine for someone's death, that is, 40 marks. If some visible signs of destructive magic can be found in people or animals, the accused woman could prove her innocence with an oath of three times twelve men or pay a fine of 40 marks. However, if no signs of destructive magic could be found, the fine was 3 marks in addition to an oath of twelve men. This signifies a pragmatic attitude to harmful magic: if someone died or signs of magic could be found, it was a visible and measurable sign of a crime committed. If no harm was inflicted, the fine is significantly smaller.⁵⁵ In comparison, the Dala law states a fine of three marks for adultery (to both men and women), a fine of twelve marks for infanticide of a newborn (this applied to women only), or a fine of twelve marks if a son hits his father.⁵⁶

It is significant to note that women's criminal liability and destructive magic were strongly linked: for example, in the Older Västgöta Law a woman was fully liable for her own actions only in the case of destructive magic. In all other cases her guardian had to take the punishment for her. The Younger Västgöta Law expresses similar attitudes by sentencing the guilty woman to outlawry for using destructive magic, which basically meant a death sentence.⁵⁷ As mentioned before, legally, women were not seen as capable of breaching the *edsöre*, the public peace. However, taking someone's life through devious, suspicious, and shameful means, such as destructive magic, was deemed a serious and intentional violation of general peace and safety. Consequently, the responsibility for the crime could not be transferred to the guilty woman's guardian, as in the case of other offences.

In summary: compensating for the crime of magic was significantly more expensive than for other types of killings or murder, which implies how serious a crime magic was considered to be. In the provincial laws, women's liability for their actions is strongly emphasised with regard to destructive magic: only women were seen as possible perpetrators for it and it was the only crime they could receive a death sentence for. It is noteworthy that the accused woman was advised to be placed in fetters and her magic paraphernalia was to be taken away from her. Such radical measures taken against women – who were generally seen as incapable of adequately defending themselves or using violence in an aggressive way – underscore the seriousness attributed to destructive magic. By instructing to place the accused woman in fetters and thereby restricting her movement or use of special equipment, the lawmakers' discourse of magic composes an image of a powerful and frightening woman who was capable of and intentional in causing great harm, even death, and for that reason had to be tightly controlled and punished.

Other types of female violence

Besides listing violent crimes involving magic, the Swedish provincial laws also contain other illuminating sections on women engaging in violence or killing. For example, if a wife found her

⁵⁵ Ekholst 2014, 146–147. A more comprehensive analysis of the fines for harmful magic can be found in Ekholst 2014, 145–150.

⁵⁶ Holmbäck & Wessén 1936, 7, 9, 30.

⁵⁷ Ekholst 2014, 146.

husband cheating on her, she was thought to have wanted to take revenge on the other woman. However, the rights of a woman seeking revenge for adultery were more limited than those of a man. For example, in some law codes she was allowed to kill the other woman, but not her husband, and other law codes allowed ripping the other woman's clothes or cutting off her nose as a revenge, but not killing her. In comparison, in Swedish laws a man had the right to kill both his adulterous wife and the other man, and would receive no punishment at all.

The legislators expected women to want to take revenge in a form of physical aggression, but did not allow her the same rights for using violence as men. The violent revenge that was allowed for a woman was nonetheless legitimate and would receive no punishment.⁵⁸ Another scenario where it was expected for a woman to resort to aggressive violence or even homicide, was rape. In several provincial laws it is stated that "if a man takes a woman with force, and the woman thereby kills him, and if twelve men testify to this, then his death shall not be paid for".⁵⁹

These examples of women's violent acts are connected to the notions regarding the sanctity of marriage and the honour of the female body. In these cases, the hurt woman was provided with legitimate reasons and justification to act violently: she was allowed to defend her marriage and her bodily integrity. From the lawmakers' perspective, these acts were seen as actions that, once performed and legally addressed, would reinstate balance and peace in society, provided that justice was served. Therefore, in some occasions women were expected and known to use the same type of violence as men and for similar reasons.⁶⁰ In addition, the examples of female violence speak of producing belief communally: destructive magic was seen first and foremost as action, and accusation, legal proceedings, and giving oath were socially performed processes that defined the ways of being and acting within society.

Looking at different aspects of female violence in the law material reveal intriguing attributes of the social role and effect that destructive magic had in the society: whereas avenging oneself in the case of adultery or rape, destructive magic could not be justified, and because it caused chaos and fear in the community it was therefore condemned and harshly punished. Women were not completely ruled out of using fatal violence, but were expected to use aggressive violence that fit into the general outlines of revenge and compensation.⁶¹

Another important perspective to consider is the normative nature of the law material. The laws were intended to shape an ideal society and were part of the processes that produced gender and stereotypes. To achieve the purpose of organising society and maintaining control, lawmakers tended to view gender in a normative, binary way. Categories of "woman" or "man" were normative, but not binding.⁶² In the law material, "feminine" and "masculine" were broad categories produced by the lawmakers and their understanding on how society should be arranged. Inside these categories, however, there was space and extremities between which people could move:

⁵⁸ Ekholst 2022, 186. Ekholst has collected comprehensive data regarding female violence, to which I am referring here.

⁵⁹ Ekholst 2022, 187. The quote is from Västmanna Law, translation to English by Ekholst. She continues by listing other laws with the same or very similar provisions: the Uppland Law; the Dala Law; the Hälsinge Law; and the Södermanna Law.

⁶⁰ Ekholst 2022, 191.

⁶¹ Ekholst 2022, 185.

⁶² Clover 1993, 371.

within the category of the feminine, women could choose to act and perform in a way that was typically connected more strongly to the masculine. The normative law material produces strong binary categories of woman and man, however, there are examples that deviate from the rigid division of the two. For example, there were occasions where feminine-gendered slander could be aimed at a man for certain deviant behaviour. Also, the laws – and later also court cases – record notions and instances of women using aggressive violence, which was typically (but not always) considered as negative action within their gendered category.⁶³ The way in which the law material produces the idea of the feminine inside the gendered category leans on the lawmakers' notions of ideal feminine behaviour, societal peace and safety, and the right to retribution in the case of abuse or adultery committed by a woman's husband.

By acting in ways that were not expected for the given gender, a man could descend in the social hierarchy and a woman could rise to a man's level.⁶⁴ The legal liability linked with receiving capital punishment solely for engaging in destructive magic suggests that, by engaging in aggressive and illegitimate violence, women were perceived as more equal to men. This indicates that the lawmakers' normative roles and restrictions for genders were not so stationary and tightly limited after all.

However, maintaining peace in society meant that actions that disturbed the order had to be prohibited, and for reasons of more effective control certain gender and gendered stereotypes were produced and maintained in the law texts. Although the idea of misogynistic tendencies behind accusations of women practising harmful magic may offer some explanatory power, it fails to capture the full extent of the phenomenon. Destructive magic was considered a dangerous violation of societal norms, and its practitioners were actively feared. While the long-standing stereotype of women practising harmful magic certainly contributed to the accusations, destructive magic was viewed as a dangerous transgression of societal norms, and those who practised it were viewed perilously powerful. By engaging in such practices, women were operating as active agents in society, functioning in the negatively charged extremity of their assigned gender role.

Gendered punishments and stereotypes

Capital punishments were a way for the authorities to maintain peace and order, reaffirm social norms, and prevent blood feuds from happening. They also had strong symbolic meanings that were linked with gendered stereotypes of the time. Executions served as a legitimization of the authorities' power, established their right to exert violence as a legitimate disciplinary device, and defined the boundaries of normative community. However, executions also served as tools for spiritual redemption, and as acts of collective healing.⁶⁵ Similar to other regions of medieval Europe, gender in the early Swedish laws was strongly linked with defining punishments and their symbolism.

Sentencing a woman to death was a rare occurrence in the Swedish laws: both the Older and the Younger Laws of Västergötland state that women cannot be given a death sentence from any other

⁶³ Later court cases on destructive magic are examined in e.g. Mitchell 2011. See note 30 for gendered slander against men in Hälsingelagen.

⁶⁴ Ekholst 2022, 192.

⁶⁵ Cohen 1993, 77–84; James Davis, 'Spectacular Death: Capital Punishments in Medieval English Towns', in Jöelle Rollo-Koster ed., *Death in Medieval Europe: Death Scripted and Death Choreographed*, Routledge: London 2017, 130–148, at 136–137.

crime than *trolskap*, or sorcery. Instead of *förgörning*, these laws use another term when discussing the possibility of capital punishment.⁶⁶ In research, the English translation for *trolskap* varies: some use witchcraft and some sorcery as a translation.⁶⁷ While a common agreement on the definition for these terms does not exist, ongoing discussions and uses for the words continue to explore their meanings within specific time periods, sources, and societies. I interpret *förgörning* to indicate an action or an active deed, while *trolskap* and *trolldom* pertain more to an attribute or a quality that a person possesses, in other words, something a person is. In this article, I place *trolldom* parallel with *trolskap*, since it is used in similar contexts.

The outcome of the crime of magic would determine whether the offence was considered serious enough to be punishable by death.⁶⁸ Believing in superstitions would not end in execution but in fines or repentance, whereas practising harmful magic and killing someone might, if found guilty.⁶⁹ Some Swedish laws differentiate clearly between legal measures in the case of harmful magic, whereas some have shorter mentions of the specified punishments.⁷⁰ Moreover, as mentioned earlier, the fines for compensating destructive magic were very large, and the liability of the crime always landed on the accused woman instead of her guardian, which hints to the severe disturbing nature of the crime. Analysing these attitudes and regulations reveals that the local discourse of magic constructed a social role for women, portraying them as capable of actively and intentionally using dangerous violence. Consequently, they had to be properly punished for it – either by paying large fines or by death.

Capital punishments

Capital punishments between women and men varied. If women were to be executed, the punishment was usually carried out either burning at the stake, stoning to death, or burying alive.⁷¹ For example, in the laws of Västmanland and Uppland, the capital punishment for causing a death to a person with destructive magic is the same – burning at the stake.⁷² Men, however, were typically to be hanged or dismembered. This variation was linked to the gendered perception of the human body. Women's bodies were regarded as both powerful and the origin of their transgressions, and

⁶⁶ Schlyter 1822–77, 1: 53. “Konæ ær ovormaghi hvn a eigh hug ok eigh hangæ utæn firi trolskap.” Schlyter 1822–77, 1: 169. “Hun er eig huggande oc eig hængiænde. vtan firi trolskap.”

⁶⁷ For example, Stephen Mitchell translates *trolskap* as both witchcraft and sorcery in Mitchell 2011, 45–46. Charlotte Cederbom uses the word sorcery. Charlotte Cederbom, *Married Women in Legal Practice: Agency and Norms in the Swedish Realm, 1350–1450*, University of Helsinki: Helsinki 2019, 33. Michael Bailey discusses sorcery and witchcraft as follows: he applies sorcery to mean the earlier, simpler notion of a person using harmful magic, and by witchcraft he means the later, fully developed stereotype of a witch that started to emerge in fifteenth-century Europe. For more discussion, see the whole article: Michael D. Bailey, ‘From Sorcery to Witchcraft: Clerical Conceptions of Magic in the Later Middle Ages’, *Speculum* 76, no. 4 (2001), 960–990. See also Catharina Raudvere’s discussion on the meanings of the Old Norse word *trolldóm* in Catharina Raudvere, ‘Trolldóm in Early Medieval Scandinavia’, in Karen Jolly, Catharina Raudvere, & Edward Peters eds., *Witchcraft and Magic in Europe* (The Athlone History of Witchcraft and Magic in Europe 3), The Athlone Press: London 2002, 73–171, especially at 81–82.

⁶⁸ Ekholst 2014, 139.

⁶⁹ In comparison, the Norwegian Gulathing Law condemns belief in spells and magic, and believing in spirits of the land was punished by outlawry. Nedkvitne 2009, 285.

⁷⁰ See appendix.

⁷¹ Ekholst 2014, 216.

⁷² Schlyter 1822–77, 3: 149; Schlyter 1822–77, 5: 149.

therefore posed a threat. Also, the female body was something very private that was not meant to be shown publicly. Because of this, even in the case of execution, women's bodies had to be either destroyed or hidden. Men's bodies, however, could be used as cautionary examples of the results of punishable behaviour – a public hanging and leaving the body as a warning to others was considered as acceptable, since the male body inherently belonged to the public sphere of life. So even in death, the female body stayed in the private sector, and thus the body of a woman had to be hidden or destroyed in execution. Burning at the stake also had a strong link to the idea of purification through fire.⁷³

The lawmakers' discourse of magic linked the use of destructive magic with danger, impurity, and the need to purify the sinful body, following general outlines of the gendered body and its qualities. The discourse produced a perception that the feminine was linked to harmful magic and reinforced the stereotypical notion that the female body was a source of sin.

Stereotypes of gendered deviancy

Acts deemed socially and sexually deviant, which breached established gender norms, were believed to warrant a specific form of bodily punishment. Interestingly, the punishment a man could receive for offences such as arson or bestiality, was similar in nature to the punishments a woman received for seriously deviant behaviour, like destructive magic. The punishment for arson – burning at the stake – was thought to symbolically reflect the crime. Another interesting example is bestiality: as a crime it was very gendered and strongly connected to men. It transgressed established codes of behaviour set for men. Bestiality – or sexually deviant behaviour – broke the norms and expectations connected to the masculine category of acceptable behaviour. Engaging in bestiality implied that a man's body was seen to have become tainted and impure. For that reason, his body should be hidden or destroyed with a similar punishment that women's bodies were treated with, like stoning or burning.⁷⁴ Again, we detect here the idea of purification of the body's sins through fire. The punishments for harmful magic reveal where the discourse of magic draws its notions from, how these notions affect the punishments, and what kinds of social meanings the crime and its punishments had.

The stereotype of a sexually deviant behaviour and the female witch – and thus also harmful magic – is a long-standing one in European tradition.⁷⁵ Disobedience, long, messy hair, and uncontrolled sexuality were European-wide stereotypical notions that were linked to women's undesired behaviour and witchcraft. In addition to harmful magic, also slander against women in the law material mirrors this attitude: the Older Law of Västergötland, for example, describes a woman riding a “witch's ride” (literally “the pen gate”) with her hair loose, in a witch's shape, caught between night and day.⁷⁶ The Younger Law of Västergötland contains a mention of a “loose-girdled” woman, which refers to a woman who does not wear her headgear in a proper manner, thus revealing messy, unpinned hair that symbolised disobedience, sensuality, and prohibited sexual-

⁷³ Ekholst 2014, 216–218; Davis 2017, 134–135.

⁷⁴ Ekholst 2014, 218.

⁷⁵ Stratton 2007, 96.

⁷⁶ Schlyter 1822–77, 1: 38. “Iak sa at þu reet a quiggrindu lösharæþ. ok i trols ham þa alt var iamrist nat ok daghér.” See also Mitchell 2011, 134–135 for a more detailed analysis.

ity.⁷⁷ In Bjärkö Laws, slander against a woman are: whore, harlot, witch, or sorceress.⁷⁸ Similar list of slander against men in the Older Law of Västergötland included cowardice, homosexuality, incest, and bestiality.⁷⁹

The slander against women mirrors the long-standing stereotype of a female witch who runs around during the twilight time (“caught between night and day”), thereby rebelling against rules of accepted social behaviour and using forbidden powers for malevolent intentions. These crimes and transgression of the general social conventions were linked to chaos and efforts to prevent it: in the social hierarchy, women held a lower position than men, and engaging in sexual acts outside of marriage or using harmful magic were considered as causes of chaos, since in this way, women stepped outside of the set rules of the social hierarchy. Also, men were prohibited from acting in a sexually deviant way, in other words, in a way that was not socially accepted and was considered harmful or wrong.

The gendered notions we can discover from slander against women and men reveal what the lawmakers wished to prevent and erase from society, and how these notions were linked to stereotypical ideas and the processes of producing gender. Bodily and sexual deviance is emphasised especially in the discourse of magic: the image of a female witch is inherently interconnected with prohibited sexual appearance and activity. Both women and men had their own gendered rules regarding appropriate sexual behaviour, but particularly women’s bodies and sexuality were highly controlled and linked with stereotypical notions of magic, i.e., what a female witch looks and acts like. The punishments for harmful magic mirror the ideas of deviant and forbidden bodily attributes and behaviour: a capital punishment, especially by burning at the stake, was a way to purify the charged body of its sins. The process of producing imagery of a woman using harmful magic and determining gendered punishments reveal how the discourse of magic was connected to female violence. Moreover, it unveils the position that the Swedish lawmakers’ discourse of magic had in the wider European processes of shaping definitions and meanings of the feminine.

Conclusions

This article has explored the link between the discourse of magic and female violence in early Swedish provincial laws. By doing so, it has aimed to provide a deeper insight into the social processes that produced the local, gendered discourse of magic. Expanding upon previous research on Nordic magic and feminine violence, the article has carved a new – albeit still narrow – path into the research of (malevolent) magic and its connections to the stereotypical notions of the feminine.

Both female violence and magic were a part of the lawmakers’ discourse, which aimed to create an ideal society. The laws functioned as a way to maintain social hierarchy and as a tool for using power: they reveal the lawmakers’ expectations of and definitions for socially acceptable behaviour. The law texts’ imagery of women using violence are linked to the lawmakers’ aim to maintain gender roles and actions within the defined gendered categories. Forms of illegitimate and legitimate violence concerned both women and men: men’s socially accepted violence was

⁷⁷ Mitchell 2011, 152. The word “*giurb*” or its similar versions in Nordic areas are thought to have meant both a belt and a headgear in different contexts.

⁷⁸ Schlyter 1822–77, 6: 127. English translation in Mitchell 2011, 152.

⁷⁹ Schlyter 1822–77: 36–41. Translation in Mitchell 2011, 152.

connected to honour and discipline, and was symbolically more strongly linked with the public area of life. Women's legitimate violence covered self-defence, retaliation of adultery, or chastising children, and was linked with home and the private area of life.

The discourse of magic in the law material handles the illegitimate form of female violence: the crime of *förgörning*, or destructive magic, was strongly linked to women, and it was first and foremost addressed as action. By creating and maintaining an image of women using devious and shameful violence with destructive magic, the lawmakers produced a stereotypical notion of the female gender. In the law material, the discourse of magic and female violence both draw from stereotypical femininity: in general, women were not seen as capable of using aggressive violence successfully, nor were they liable for their criminal actions. However, in the case of destructive magic, the criminal liability was transferred to the female perpetrator, and it was the only time when a woman could receive a capital punishment. Furthermore, the crime of destructive magic was harshly fined. All this points to the crime's severe and feared nature in society. Therefore, the discourse of magic contained a notion of women as dangerous and capable of lethal violence. This was in part rooted in long-standing stereotypical and misogynistic ideas of women. However, the powerful and frightening nature of women using aggressive violence is strongly present in the laws, and also in later court cases.

By engaging in the practice of destructive magic, women challenged the gendered social role as the passive and weaker sex. They were acting in the negatively charged border of the female social category as active agents who used prohibited ways of causing harm. Following analysis made in previous research, it becomes clear how – however normative – the social categories for women and men were not stationary.⁸⁰ By engaging in harmful magic, women were acting at the very negative border of the stereotypical social category of the feminine. At the same time, however, they were challenging the ideal subordinate role produced by the lawmakers.

The stereotypes linked with women using magic are connected with broader long-standing European ideas of a female witch. However, following Stratton's theory of the discourses of magic changing locally, the discourse in the northern area is different from the southern notions of female magic: the concept of a child-harming witch, *strix*, seems to be missing from the Nordic discourse. The imagery of a female witch is otherwise aligned with earlier European concepts: unacceptable behaviour such as running around or flying in the nighttime and messy appearance, particularly open hair, are both stereotypes that are connected to sexual deviancy and witches. However, the central victims that female witches were perceived to threaten varied locally – in the south, they were children, while in the north, men. Therefore, due to different local cultural and social concepts, a noticeable difference between the discourses is evident. Narrowing the perspective all the way to more tightly defined local discourses, there was also fluctuation between the different Nordic areas: the early Swedish material sees essentially only women as perpetrators of magic, whereas in the other Nordic area the topic is approached in a more gender-neutral way. The later, more defined stereotype of the witch did not form until the fifteenth century.

Categories of magic were often used for defining and maintaining the limits of socially accepted behaviour.⁸¹ Magic, having a transcendent nature, also functioned in the negative frontier of reli-

⁸⁰ Clover 1993, 371; Ekholst 2022, 191.

⁸¹ Bailey 2006, 9.

gious life and in this way discussed the limits between religion and magic, acceptable and unacceptable. The discourse of magic and its notion of female violence functioned as a tool for discussion, producing gendered boundaries, and control. It created and maintained local stereotypes of gendered behaviour and women using magic.

The discourse of magic was produced socially, and its manifestations were witnessed in practices and actions. Following the notions of lived religion, the experiences and performances related to magic reveal how action both defined gender and produced it. The discourse of magic was actively lived out and experienced by engagement or non-engagement in harmful magic, accusations and slander, being a victim of magic, and having to defend oneself or others in court. As an active social process, the discourse of magic linked people from all layers of society and actively produced notions of female violence that contained both broader, long-standing stereotypes and local conceptions of women using magic.

Appendix

Table 1: Swedish provincial law texts used in the article, sections on destructive magic (*förgörning*)

Estimated date of compilation	Location / Title	Section / Reference	Old Swedish text	Content summary
1220s	The Older Law of Västergötland	<i>Bardagabalken</i> – fights, accidents, bodily injury Schlyter 1822–1877, 1: 22.	Kona firigær manni. fællir hana lukt hærasznæmd. þa skal hun hua griþ til skogs. dax ok nattær. þa skal latað dömæ hanæ. vgill. firi arva. ok eptimælændæ ok dræpæ þær næst.	A woman kills a man
After 1281	The Younger Law of Västergötland	<i>Rättlösabalken</i> – various property crimes ⁸² Schlyter 1822–77, 1: 153.	Firi giær cona ko æller bo. cono æller bonde. warþer hun takin viþ. giælðe lif sit firi. þet ligger til hæraznempdinne. falz hun at. þa böte.	A woman kills cow or cattle, a woman or a man
Around 1290	The Östgöta Law	<i>Vådamålsbalken</i> ⁸³ – killing and injuries Schlyter 1822–77, 2: 85.	Nu kænnis kunu trulldombær ok uarþær takin uipær [ok] mæþ sannum uitnum leþt. þa hauær hon firiuærkat liui sinu: ok hana skal stenka i hæl. Nu kænnis hæne þæt. ok synis {egh} a bondanum ælla a hionum hans ælla a bo hans sanna forgærninga: þa uæri sik mæþ þrætylftum eþe ælla böte fiuratighi markær. uænis {hæne} hæne þön sak ok {þær} [[þæt] ær huarghin synt a bo hans: þa uæri sik mæþ eþe tolf manna ælla böte þreia markær.	A woman knows witchcraft / kills a person or cattle

⁸² For more information, see Ekholst 2014, 34–35.⁸³ Modern Swedish translation in Ekholst 2014, 146.

1296	The Law of Uppland	<p><i>Manhelgdsbalken</i> – “inviolability / sanctity of man”⁸⁴</p> <p>Schlyter 1822–77, 3: 149.</p>	<p>Bær konæ forgiærningær manni wærþær bar ok a takin. þa skal hanæ takæ o .j. fiætur sættia. ok swa til þinx föræ. ok þe samu forgiærningær mæþ hænni. þæt skulu tolff mæn witæ. hwat hun haffþi þe forgiærningær giört ællr æi. ællr hwat hun ær bar ok a takin ællr æi. wæria þer hanæ. wæri saklös. fællæ þer hanæ. fællis til fiurætighi markæ. þe bot þræskiptis. takær en lot kunungær. annæn malseghande. þriþia hundærit. hawær nokor þær döþ aff lutit. ok kiaris siþæn. witin ok þæt tolff mæn. skiaeræ þe hanæ. wæri saklös falls hun. þa a hun .j. bali brinnæ. ok ærfwingiær hænnær takin goz æptir hanæ. will malsegande hænni liff unnæ. þa bötes hundræþæ markum. ok fiurætighi. skiptæs swa þe giæld sum all annur hundræþæ giæld. æn þo at hun wærs fore forgiærningum. þa wæri bonden saklös fore fiæturin.</p>	A woman gives a man something destructive
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⁸⁴ See Ekholst 2014, 95 for more information: the word is very hard to translate, but it refers to the idea that peace was supposed to prevail in not only certain places and times, but also that a person was protected.

ca. 1300	The Law of Västmanland	<p><i>Manhelgdsbalken</i></p> <p>Holmbäck & Wessén 1936, 72.</p> <p>Schlyter 1822–77, 5: 149.</p>	<p>Hær six om förgærningar. Bær kona forgærningar manne. warþær bar oc atakin. þa scal hona taca oc i fiætur sætia. oc swa til þings föra. oc þe siamo förgærningar mæd hænne. þæt scolo tolf mæn wita hwat hælldær hon hafwær þöm förgærningar giort. ællær æi. ællær hwat hon ær bar oc atakin ællær æi. wæria þe hona. ware saclös. fælla þe hona. faelz. til XL marca. þe bot þræskiptis. takær en lut conungær. annan malsæghande. þriþia hundærit. Hafwær nocor döþ af lutit. oc kær is siþan. witin oc þæt tolfmen. skæra þe hona. ware saklös faelz hon þa a hon i bale brinna. oc erfwinge hænne taca goz æfte gona. wilia malsæghanda hænne lif giwa. þa bötis mæd C markom. æn þo at hon wæris fore forgærningom. þa vare bonden saclös före fiæturin.</p>	A woman destroys a man
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Early 1300s	The Dala Law	<p><i>Kyrkobalken</i> – section of Church</p> <p>Holmbäck & Wessén 1936, 8.</p> <p>Schlyter 1822–77, 5:10.</p>	<p>Warþir kuna takin mæþ truldom. mæþ horn oc haar quiet oc döt þæt ma wel truldom heta. þæt ær fyritighi marka sak. ær æi san oc atakin mæþ. wæri sic mæþ þrim witnum oc þrætoltum eþe. gitir æi gangit eþin. fallen ær þæssum kuna at fyritighi markum. gangi bot i. þræskipti. taki een lut kunungir annan biscopir. þripia alle mæn oc niw markir fori banz mal oc biscopir raþe script hennar. hawir æi böta. wari stens mattit oc stranda.</p>	A woman is caught in action doing harmful magic
1327	The Law of Södermanland	<p><i>Manhelgdsbalken</i></p> <p>Schlyter 1822–77, 4: 159.</p>	<p>Kan kuna man mæþ forgerningum dræpæ wilia. warþer bar oc takin wiþ. þa scal hon bindes oc til þinx föræs. oc gerninga hænnær mæþ hænni. Tolf mæn sculu hona þær wæriæ æller fællæ mæþ eþe sinum. wærs hon. wari saclös. Falz han. böte XL. marker. Dræper mæþ allu. oc warþer sandð. þa dömis hon til ball. oc arwa hænnæ ærwin goz æpte hona. wilia malsæghandar hænni lif vnna. oc böter taka. þa böte .XX. marker oc hundraþa. Skiptins sum annur þræböte. þen hona fangape wari saclös firi bandð. æ hwat hon wærs æller ei.</p>	A woman destroys a man