

The logo for the journal 'Mirator' features the word 'Mirator' in a stylized, red, cursive script font. The letters are elegant and flowing, with the 'M' and 'R' being particularly prominent. The text is set against a solid, light brown rectangular background.

Mirator 2/20 (2021)

eISSN 1457-2362

Glossa ry - Keskiajan tutkimuksen seura / Sällskapet för medeltidsforskning /

Society for Medieval studies in Finland

<https://journal.fi/mirator>

CC BY-NC-ND 4.0



VERTAISARVIOITU
KOLLEGIALT GRANSKAD
PEER-REVIEWED
www.tsv.fi/tunnus

Christine Ekholst

The Value of a Thumb: Injuries and Disability in Swedish Medieval Law

Christine Ekholst

Uppsala University

christine.ekholst@hist.uu.se



<https://orcid.org/0000-0002-9616-3271>

To cite this article:

Christine Ekholst, 'The Value of a Thumb: Injuries and Disability in Swedish Medieval Law',
Mirator 2/20 (2021), 38–53.

The Value of a Thumb: Injuries and Disability in Swedish Medieval Law¹

CHRISTINE EKHOLST

Introduction

The Östgöta Law, one of the Swedish medieval law codes, declares in one provision that if someone cuts off someone else's thumb, then the fine is twelve *öre* because the thumb is 'half the hand' (*half hand*).² The statement acknowledges the importance of the thumb in comparison to the other digits and ranks it by giving it a monetary value; consequently, the fine would be lower if another finger was cut off. The Swedish medieval law codes are very preoccupied with the numerous sorts of injuries that could be inflicted on a body. Various wounds and injuries were assigned specific fines. The different body parts had a monetary value, but apparently, they could also be evaluated in comparison to other body parts. In the same way that the thumb counted as 'half the hand', another law code adds that the heel is called 'half a foot' (*haluer foter*).³ The body parts were ranked based on various criteria such as functionality, aesthetic or symbolic meaning.⁴ By doing so, the law codes depict a body that seems fragmented, divided into parts that all carried different meanings.

An additional question is what long-term effect these mutilations and injuries had for the victims: for their life-quality and for their position in society. Sean Lawing states that, in Old Norse sources, the status of 'disfigured' people is somewhat ambiguous. For example, mutilating an opponent to inflict a permanent, visible injury could be a means of disgracing the person.⁵ The same tendency can be found in medieval Sweden where it was considered a humiliation to mutilate another person, and by doing so, treating them like an animal.⁶ In addition, mutilation was used as a corporal punishment in Swedish medieval law. Cutting off a thief's ears was a way to mark the criminal body and make the judicial sentence visible on the body.⁷ Cutting off the ears, nose and hair was a way to punish a woman who was found guilty of adultery, but who had no money to

¹ I would like to thank Rachel Bott who, during her internship as a research assistant at the Department of History at Uppsala University, did bibliographic research that facilitated the work with this article.

² The Östgöta Law, Vådabalken 18. All references to Swedish medieval law codes follow Hans Samuel Collin & Carl Johan Schlyter eds., *Corpus iuris sueo-gotorum antiqui. Samling af Sweriges gamla lagar*, 12 vols., Z Haeggström: Stockholm 1827–77. All English translations are my own.

³ Magnus Eriksson's Law of the Realm, Sårsmål med vilja 3; Magnus Eriksson's Town Law, Sårsmål med vilja 4. These two laws will hereafter be referred to as The Law of the Realm and The Town Law

⁴ Christine Ekholst, *For Each Criminal a Punishment: Gender and Crime in Swedish Medieval Law*, Brill: Leiden 2014, 90–91.

⁵ Sean B. Lawing, *Perspectives on Disfigurement in Medieval Iceland: A Cultural Study based on Old Norse Laws and Icelandic Sagas*, PhD Thesis, University of Iceland: Iceland 2016, 53.

⁶ Karin Hassan Jansson, 'Våldsgärning, illgärning, ogärning. Könskodat språkbruk och föreställningar om våld i den medeltida landslagen', in Eva Österberg & Marie Lindstedt Cronberg eds., *Våld: representation och verklighet*, Nordic Academic Press: Lund 2006, 145–65, at 157–59; Ekholst 2014, 90–94.

⁷ Ekholst 2014, 58–60.

pay the fine.⁸ Likewise, we may recall that the earliest Norwegian law codes stipulate the right to dispose of a baby born with severe physical impairments.⁹ From these instances one might assume that people in the medieval Nordic world had a very negative view of impairments and regarded variations from a bodily norm as indications of weakness, character flaws, or even a sign of sin. Indeed, in the Icelandic sagas we find ideas of masculine perfection that builds on a normative body: the ideal man in the Old Norse texts was a young, active, handsome male who was a good fighter.¹⁰ But views on the body in Nordic medieval sources are indeed ambiguous as Lawing points out; for example, several important Norse gods lacked body parts: Óðinn had only one eye, Týr was one-handed, and Hödr is described as blind.¹¹ There are also several heroes in the sagas that either do not fit the physical, normative ideal at all or lack body parts. In thirteenth century Icelandic sources, we find prominent chieftains with bynames that imply that they had ‘cleft-palates’, ‘withered-hands’ or ‘slack-feet’.¹² This suggests that certain impairments did not lead to exclusion nor to a lower social status.

Research on concepts of disability in Old Norse texts is a new but flourishing field and has so far demonstrated multiple and complex understandings of embodied differences. Similar ideas on disability might have existed in medieval Sweden, but in fact we know very little about how impairment and disability were viewed in Sweden since not much research has been done on the topic.¹³ This article aims to shed light on medieval understandings of impairment in a specific context: medieval Swedish law texts. The article will analyze legal provisions that enumerate vari-

⁸ The Uppland Law, *Ärvdabalken* 6.

⁹ Sean B. Lawing, ‘The Place of the Evil: Infant Abandonment in Old Norse Society’, *Scandinavian Studies* 85, 2 (2013), 133–50; Lotta Mejsholm, *Gränsland: konstruktion av tidig barndom och begravningsritual vid tiden för kristnandet i Skandinavien*, Uppsala universitet: Uppsala 2009, 71–102.

¹⁰ Todd Michelson-Ambelang, *Outsiders on the Inside: Conception of Disability in Medieval Western Scandinavia*, PhD Thesis, University of Wisconsin-Madison: Wisconsin 2015, 90.

¹¹ Lois Bragg, *Oedipus Borealis: The Aberrant Body in Old Icelandic Myth and Saga*, Fairleigh Dickinson University Press 2004, 52–135.

¹² Lawing 2016, 53; John P. Sexton, ‘Difference and Disability: On the Logic of Naming in the Icelandic Sagas’, in Joshua R. Eyler ed., *Disability in the Middle Ages: Reconsiderations and Reverberations*, Ashgate: Burlington, VT 2010, 149–63.

¹³ Janken Myrdal discusses the manuscript image of a man with crutches that he posits could be a picture of Swedish rebel leader Engelbrekt Engelbrektsson in Janken Myrdal, ‘Kryckmannen kan vara unik bild av Engelbrekt’, *Årsbok/Hembygdsföreningen Arboga minne*, (2005), 26–31. Göran Dahlbäck discusses the hospital institution Helgeandshuset in Göran Dahlbäck, ‘Helgeandshuset: en välgörenhetsinrättning i det medeltida Stockholm’, *Sankt Eriks årsbok*, Samfundet S:t Erik: Stockholm, 1980, 27–40. Much more research has been done on the period after 1800; see Kristina Engwall & Stig Larsson eds., *Utanförskapet historia: om funktionsnedsättning och funktionshinder*, Studentlitteratur: Lund, 2012. There are also several important studies in osteoarchaeology that provide knowledge on health and the lived experience of people with impairments; see for example Caroline Arcini, *Health and Disease in Early Lund: Osteo-Pathologic Studies of 3,305 Individuals Buried in the First Cemetery Area of Lund 990–1536*, PhD thesis, Lund University: Lund 1999; Anna Kjellström, *The Urban Farmer: Osteoarchaeological Analysis of Skeletons from Medieval Sigtuna Interpreted in a Socioeconomic Perspective*, PhD thesis, Stockholm University: Stockholm 2005; Sabine Sten, ‘Vad kan sjukliga förändringar och trauman i arkeologiska skelettmaterial berätta om? Ett samarbete mellan arkeologi och medicin’, *Kungl. Humanistiska Vetenskaps-Samfundet i Uppsala, Årsbok 2018–19*, Kungl. Humanistiska Vetenskaps-Samfundet i Uppsala: Uppsala 2019, 173–80; Sabine Sten, ‘Vad kan arkeologiska skelett berätta om hälsan förr i tiden?’, in Paul Wallin & Helene Martinsson-Wallin eds., *Arkeologi på Gotland 2: Tillbakablickar och nya forskningsrön*, Institutionen för arkeologi och antik historia: Uppsala universitet & Gotlands Museum 2017, 21–32.

ous types of injuries and wounds to gain knowledge on views of impairment and disability in medieval Sweden. The focus is thus limited to impairment caused by various forms of violent assault.¹⁴ The article will explore how such impairments are described and will analyse Old Swedish terms that modern lexicologists have translated as ‘impairment’ or ‘disability’. By using modern theories and discourses on disability the article will explore views of impairment in the Swedish medieval law texts with the express purpose of opening up a discussion about what disability could mean in the Middle Ages. The article argues that the legislators conceptualized disability as the permanent consequences of an injury that would affect a person’s life. This meant, to start with, that the legislators defined the time after which the damages of an injury would be considered permanent and had become an impairment. Furthermore, I suggest that the legislators considered that an impairment had become a disability when the person could no longer attend church, go to the market, or take care of themselves. Finally, it is clear that we need to proceed carefully when studying disability and pay attention to the sources’ definitions and terminology. For example, while an impairment was paid for with a specific ‘impairment fine’, which will be discussed in more detail below, and thus must have been perceived as something negative that needed compensation, there is nothing in the law texts that indicates that a person with a disability was viewed in negative light in general. Rather, the law texts imply that impairment, and subsequently a disability, was a common phenomenon that could happen to anyone.

Sources

The article will discuss impairment in the Swedish provincial law codes, the older town law *Björköarätten*, Magnus Eriksson’s Law of the Realm and Town Law. There remain nine entire regional law codes that applied to different provinces of Sweden. While it is impossible to securely date most of the individual law codes, the provincial law belongs to the period 1225–1350. From the earliest part of this period, we have a fragment remaining of the Older Västgöta Law, but in most cases, the manuscripts are younger than the legislation they contain. The Older Västgöta Law, likely represents an older form of legislation, but the differences between this law and the others can also be explained by its strong regional traits.¹⁵ With the exception of The Older Västgöta Law, the provincial law codes were compiled around the end of the thirteenth century and the first half of the fourteenth century. Of the provincial laws, the Uppland and Södermanna Laws distinguish themselves by having confirmation charters. The Uppland Law was confirmed by the king in 1296 and the Södermanna Law in 1327. Parallel to these law codes that were valid in the countryside in the different provinces, there was also an older town law called *Björköarätten*. It can be dated to the late thirteenth century. A significant change occurred in the legal history around 1350 when a law for the entire kingdom was compiled. This law is usually called Magnus Eriksson’s Law of the Realm, named in honour of the reigning king at the time. It took time to implement the new

¹⁴ Most notably, the article excludes provisions that contain mentions of congenital impairments and legal provisions on who had the responsibility to care, support and restrain people with physical and mental impairments.

¹⁵ Thomas Lindkvist, ‘The Land, Men and Law of Västergötland’, in Stefan Brink & Lisa Collinson eds., *New Approaches to Early Law in Scandinavia*, Brepols: Turnhout 2014, 89–99.

law, and for a period of time, the provincial laws and the Law of the Realm were used in parallel until the latter finally took precedence over the older law codes.¹⁶ The Law of the Realm was soon accompanied by Magnus Eriksson's Town Law that was valid in Swedish towns.

Using the Swedish medieval law codes as sources of social history is not without difficulties. The origin and the dating of the provincial law codes have been the topic of a very heated debate among historians and legal historians. This debate concerned whether the law codes represent an orally transferred legal culture that was thereafter written down or if the law codes from the beginning consisted of written legislation with no background in oral traditions. This is of crucial importance in order to establish what the law codes actually represent. If they are taken purely as written royal legislation, then they tell us little or nothing about society's general moral values.¹⁷ However, as Mia Korpiola puts it: 'Nowadays, the *communis opinio* of researchers – with different emphases and variants – is that the laws represent mixtures of old and new elements, and that the Church acted as a conduit for foreign legal elements – especially canon, but to a lesser extent Roman law – influencing the Scandinavian legal systems'.¹⁸

Parts of the Swedish law codes have a strong casuistic and descriptive tendency, some sections are poetic, filled with alliterations and proverbs. Other parts consist of terse lists of different crimes and their subsequent punishments; indeed, the standpoint in these particular sections seem to be that specific crimes entailed specific penalties. In this regard they resemble the much older continental Germanic law codes.¹⁹ Other parts are more abstract and some of these are clearly royal legislation. Nonetheless, laws fulfil many different functions. Providing guidelines for judges and lawyers might be the most common one today, but legislation is also an ideological and political project that tells us about the type of society that the legislators wanted. Indeed, as Esther Cohen states: 'Legal systems serve a variety of functions. They establish, order, and define social relationships. They provide an institutional justification for society's norms and sanctions against those who transgress the established order. As societies change and evolve, it is the function of law to redefine the

¹⁶ Magnus Eriksson's Law of the Realm was eventually replaced by an updated version called Christopher's Law of the Realm in 1442. 'The Law of the Realm' in the footnotes refer to Magnus Eriksson's Law of the Realm and not Christopher's Law of the Realm.

¹⁷ For an overview of this scholarly debate see Per Norseng, 'Law Codes as a Source for Nordic History in the Early Middle Ages', *Scandinavian Journal of History* 16 (1991), 137–66. Legal historians and historians revisited the discussion of the origins of the Nordic law codes during two conferences in Copenhagen. These proceedings are published in Per Andersen, Ditlev Tamm & Helle Vogt eds., *How Nordic are the Nordic Medieval Laws: Proceedings From the First Carlsberg Conference on Medieval Legal History*, 2nd Edition, DJØF Publishing: Copenhagen 2011; Per Andersen, Kirsi Salonen, Helle I.M. Sigh & Helle Vogt, eds., *How Nordic are the Nordic Medieval Laws?: Ten Years After: Proceedings of the Tenth Carlsberg Academy Conference on Medieval Legal History*, DJØF Publishing: Copenhagen 2014. For a description of law making and state formation in Sweden, see Thomas Lindkvist, 'Law and the Making of the State in Medieval Sweden: Kingship and Communities', in Antonio Padoa-Schioppa ed., *Legislation and Justice*, Clarendon: Oxford 1997, 211–28.

¹⁸ Mia Korpiola, 'High and Late Medieval Scandinavia: Codified Vernacular Law and Learned Legal Influences', in Heikki Pihlajamäki, Markus D. Dubber & Mark Godfrey eds., *The Oxford Handbook of European Legal History*, Oxford University Press: Oxford 2018, 378–403, at 380. For this view of the law codes, see also, for example, Ekholst 2014, 5–12; Helle Vogt, *The Function of Kinship in Medieval Nordic Legislation*, Brill: Leiden 2010, 61–63.

¹⁹ Katherine Fischer Drew, 'Legal Materials as a Source for Early Medieval Social History', in *Law and Society in Early Medieval Europe: Studies in Legal History*, Variorum Reprints: London 1988, 33–43, at 35. First published in 1974 by Rice University Studies.

new relationships'.²⁰ The medieval law codes functioned as a way to understand and define social relationships: between the king and the aristocracy, between the king and the peasantry, between the peasants and enslaved people, and between men and women. They are to be seen primarily as ideological texts that created order, meaning, and norms.

This is not to say that they were not used as legal tools; the provincial law codes certainly contain customary law that must have been used to solve conflicts and punish wrong doings in local communities. However unfortunately, we do not know how the provincial law codes functioned as legal tools since there are no court records preserved from this time period. Court records from Swedish towns can be found from the mid-fifteenth century and onwards. They demonstrate that the town courts certainly knew what the town law stated and, as a general principle, the courts followed the law, but they also frequently departed from it and sentenced more leniently.²¹ The law codes are thus prescriptive sources and provide us with normative statements, which includes views of injuries and impairments. It is however quite possible that larger groups in society shared these views; the provisions that concern violent assault and injuries tend to have an especially casuistic character and may, therefore, represent older customary law.²²

Dealing with Injuries

Medieval Nordic law is very preoccupied with violence of various kinds. This is not restricted to the sections that deal with assault in particular, provisions dealing with violence can be found in almost all sections of the law codes. Violence was an expected reaction to affronts of various kinds. According to these normative texts, violence was an integral part of dealing with conflicts in medieval Sweden, albeit certainly not the only one. As I have argued elsewhere, these conflicts, and the violent responses that were expected, were part of an honour culture where a free man had a right to personal integrity, self-defence, and respect.²³

Swedish medieval law used the term *saramal*, meaning 'wound cases' for various forms of assault that had resulted in an injury. These provisions often resemble the personal injury tariffs found in the older Germanic law codes. The description of injuries in these laws can be strikingly specific; some regulations even distinguished between injuries to the upper and lower eyelid, which entailed separate punishments.²⁴ Patrick Wormald has described how Germanic law-making some-

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

²¹ Ekholst 2014, 68–69; Eva Österberg & Dag Lindström, *Crime and Social Control in Medieval and Early Modern Swedish Towns*, Studia historica Upsaliensia: Uppsala 1988.

²² Ekholst 2014, 93–94; Janken Myrdal, *Det svenska jordbrukets historia. Jordbruket under feodalismen: 1000–1700*, Natur och kultur/Nordiska museet: Stockholm 1999, 23–24; Lindkvist 1997, 212. Lisi Oliver writes: 'In these personal injury clauses, then, we must consider the possibility of customary law, which may have been in effect before the arrival of literacy'; Lisi Oliver, *The Body Legal in Barbarian Law*, University of Toronto Press: Toronto 2011, 13

²³ Ekholst 2014, 40–42, 76–79, 218–221.

²⁴ Oliver 2011, 99–101, 159–62.

times seems to be dictated by ‘arbitrary obsession rather than rational choice’.²⁵ However, Jean-Marie Carbasse posits that the long lists might have filled a rational function: to minimize conflict in court.²⁶ By examining the wound a precise punishment could be meted out and the court would agree on the proper compensation that was due. In Swedish law too, we find that the assault provisions focus on consequences rather than the intent behind the act. However, several provisions indicate that the severity of the injuries also functioned as a way to reveal the intentions of the assailant, especially whether the purpose was to kill or injure the victim.²⁷

As noted above, lawmakers dealt with physical violence and assault in ways that, at times, can seem different compared to how we see it. They describe a body that is fragmented and consists of a collection of body parts, a measurable body where all the body parts also have a value attached to them. So, if you damaged or chopped off someone’s finger, it had a price tag. The law codes contain lists with examples of assault and descriptions of the consequences:

If a man chops off another’s hand, that is six marks [...]
 If a man chops off another man’s foot, that is six marks [...]
 If a man chops off another man’s nose, that is six marks [...]
 Eye and ear the same fine.²⁸

As we can see from these provisions, the lawmakers in general assumed a male perpetrator and a male victim, however, the regulations must have applied to women as well. Still, in some instances, the provisions have been adjusted to adapt the punishment or define the crime according to gender.²⁹ To give a sense of the monetary value of these fines: the most common fine for lesser offences – such as making noise at night or milking someone else’s cow – was three marks; a regular homicide with no aggravating circumstances led to a 40-mark fine. The 40-mark fine was a very high sum for ordinary people to pay.³⁰ For bodily injuries, the law codes, in general, assign a fine that was divided into three; one third went to the plaintiff, one third to the king, and one third to the jurisdictional district (*härad*) or to the town in the town laws *Björköarätten* and Magnus Eriksson’s Town Law. At times, the law codes also contain enumerations of monetary compensation, damages, to be paid

²⁵ Patrick Wormald, ‘Lex Scripta and Verbum Regis: Legislation and Germanic Kingship from Euric to Cnut’, in *Legal Culture in the Early Medieval West: Law as Text, Image, and Experience*. Hambledon: London 1999, 1–43, at 12. Originally published in Peter H. Sawyer & Ian Wood eds., *Early Medieval Kingship*, School of History: Leeds 1977, 105–38.

²⁶ Jean-Marie Carbasse, *Histoire du droit pénal et de la justice criminelle*, Presses Universitaires de France: Paris 2006, 98.

²⁷ Ekholst 2014, 86–90.

²⁸ ‘Huggær man hand aff aprum. at markær sæx [...] Huggær man fot aff manni. at sæx markær [...] Huggær man næsær aff manni. at markær sæx [...] öghæ ok öræ j samu botum’, The Uppland Law, Manshelgdsbalken 24 §1.

²⁹ Ekholst 2014, 25–27, 216–18.

³⁰ 1 mark = 8 öre = 24 örtugar. In 1280 an ox was worth six marks and a cow one and half mark. In 1330, a male servant (a farmhand) earned one mark (and two pairs of shoes and one pair of pants) for half a year’s work during the summer period. In 1310, 100 marks could buy you a mill; see Lars O. Lagerqvist, *Vad kostade det?: priser och löner från medeltid till våra dagar*, 6th edition, Historiska media i samarbete med Kungl. Myntkabinettet: Lund 2011, 91–93. To make the amounts comparable I have chosen sums that clearly state that they are in *mark penningar*.

directly and solely to the plaintiff. In several cases, the lawmakers stipulated an explicit sum to pay for an impairment. This sum, an ‘impairment fine’ (*lytisbot*), was paid in its entirety to the plaintiff; the concept of the ‘impairment fine’ and its meaning will be discussed further below.³¹

Impairment and Disability

In her groundbreaking study from 2006, historian Irina Metzler comes to the conclusion, that in medieval Europe we would find many people with impairments, but that there were very few ‘disabled people’.³² Her conclusion stems from her (strict) methodological distinction between impairment and disability according to the social model of disability. Joshua R. Eyler describes Metzler’s research as foundational but calls this claim ‘a bit extreme’.³³ In any case, her statement invites us to examine what she and we mean when using the terms ‘disabled’ and ‘disability’. Indeed, there are many different ways to understand disability; two of the best-known ways are the medical model of disability and the social model of disability.³⁴

Disability scholars explain that, within a medical model of disability, a person is defined as a ‘disabled person’ based on medical definitions, which emphasize the person as an object of study and often as a problem. The medical model is usually connected to rehabilitative efforts and the body is seen as something to fix – to restore back to a socially constructed norm or ideal. In the social model of disability, the focus is instead on a person’s surroundings and their experiences in order to discover the ways society creates barriers for a diverse population. According to this model, it is the barriers in themselves that create disabilities, not physiological differences *per se*. That is, our world is naturally one of bodily diversity and neurodiversity; it is social norms that define some people as different and declare that a problem. The social model of disability will help us focus on accessibility, where we learn to think about the barriers that society creates.

According to the social model, we must distinguish between impairment and disability. Impairment refers to the bodily manifestation – a biological fact – while disability refers to the social constructs around an impairment.³⁵ This means that disability is created by people’s attitudes towards the impairment or to bodily differences: disability is created by experiences.³⁶ Disability

³¹ Old Swedish had no standardized spelling. When discussing general terms, I have used the spelling found in *A Lexicon of Medieval Nordic Law*. <https://www.dhi.ac.uk/lmnl/>. This dictionary is not complete, and I have also used the dictionary *Fornsvensk lexikalisk databas*: <https://spraakbanken.gu.se/fsvldb/>. The latter is a combination of three dictionaries: Knut Fredrik Söderwall, *Ordbok Öfver svenska medeltids-språket*, 3 vols., Berlingska: Lund 1884–1918; Knut Fredrik Söderwall, *Ordbok Öfver svenska medeltids-språket. Supplement*, 2 vols., Berlingska: Lund 1953–1973; Carl Johan Schlyter, *Ordbok till Samlingen af Sweriges Gamla Lagar* (Saml. af Sweriges Gamla Lagar 13), Berlingska: Lund 1877.

³² Irina Metzler, *Disability in Medieval Europe: Thinking about Physical Impairment During the high Middle Ages, c. 1100–1400*, Routledge: London 2006, 190.

³³ Joshua R. Eyler, ‘Introduction: Breaking Boundaries, Building Bridges’, in Joshua R. Eyler ed., *Disability in the Middle Ages: Reconsiderations and Reverberations*, Ashgate: Burlington, VT 2010, 1–8, at 8.

³⁴ For a description of the different approaches to disability, see Tom Shakespeare, *Disability Rights and Wrongs Revisited*, 2nd edition., Taylor and Francis: Hoboken 2013, 11–91. For a description of the relevance of these models for the medieval Nordic world, see Michelson-Ambelang 2015, 24–31.

³⁵ Tom Shakespeare, ‘The Social Model of Disability’, in Lennard J. Davis ed., *The Disability Studies Reader*, 2nd Edition, Routledge: London 2006, 197–204, at 198–200.

³⁶ Metzler 2006, 20–21; Eyler 2010, 5.

is closely associated with social stigmatization and society's identification of a person as different, as outside of the norm. To disable a person is connected to processes of exclusion, prejudice and oppression. This difference between impairment and disability has been and still is very important for activism as it focuses on removing the barriers that prevent people from fully participating in the mainstream of social activities.³⁷

However, as disability scholar Tom Shakespeare acknowledges, the social model has the potential of minimizing the real limitations and difficulties that people face no matter how many accommodations society provides or how much society attempts to get rid of barriers. An additional issue is that the social model assumes what it needs to prove; the question is not whether disabled people are oppressed, but only the extent to which they are oppressed.³⁸ Shakespeare suggests a different approach that he refers to as 'critical realism'. This model takes into account the different levels and contexts of disability; impairment is a necessary factor in disability, but it is not sufficient. He states that people are disabled by society and their bodies. He argues that disability is scalar and multi-dimensional, and that disability should be used broadly to describe the whole interplay of different factors that create disability.³⁹

This model thus gets rid of the binary between impairment and disability and underlines that disability is always a combination of corporal or intellectual variance and social judgments. More importantly, for medieval historians, this model focuses on cultural and temporal variations of disability. In line with this, Edward Wheatley has suggested that a religious model dominated the medieval view of disability. This model underlines that religion played much the same role in medieval society as science and medicine do in modern Western societies. The religious model centered on ideas of miraculous cure but also on charity through and by the Church.⁴⁰ Wheatley adds a necessary dimension to better understand medieval disability. But just as Eyler points out, there was not just one lens through which medieval people saw disability.⁴¹ Indeed, Jenni Kuuliala who has worked extensively on impairment and disability in canonization processes, demonstrates that understandings of impairment were ambiguous and not consistent.⁴² We therefore need to proceed with caution and with a focus on the medieval texts themselves. If we let the texts guide us, we can then distinguish temporal and cultural locations, which are sites of restriction, confinement, and the absence of liberty for people with disabilities.⁴³

We need to let the sources guide us and have an open mind as to what various terms might have meant. This article will, for methodological reasons, uphold the difference between impairment and disability, while acknowledging that it is a constructed binary. Impairment then refers to physi-

³⁷ Shakespeare 2006, 198–200.

³⁸ Shakespeare 2006, 200–01.

³⁹ Shakespeare 2013, 74–80.

⁴⁰ Edward Wheatley, *Stumbling Blocks Before the Blind: Medieval Constructions of a Disability*, University of Michigan Press: Ann Arbor 2010, 9–19.

⁴¹ Eyler 2010, 7.

⁴² Jenni Kuuliala, *Childhood Disability and Social Integration in the Middle Ages. Constructions of Impairments in Thirteenth- and Fourteenth-Century Canonization Processes*, Turnhout: Brepols 2016.

⁴³ Beth Tovey, 'Kingly Impairments, in Anglo-Saxon Literature: God's Curse and God's Blessing', in Joshua R. Eyler ed., *Disability in the Middle Ages: Reconsiderations and Reverberations*, Ashgate: Burlington, VT 2010, 135–48, at 136.

cal injuries that have led to damage to a body part. By contrast, disability implies that an individual was restricted from participating in the normal, mainstream life of the community. In addition, a person becomes disabled when an impairment led to stigmatization, or they were excluded from the social groups to which they belonged. It should be noted that since the sources used in this article are normative law codes, they can never provide us with information on how medieval individuals themselves regarded their injuries or how they viewed their identity.

Wounds vs. Impairment in Swedish Medieval Law

As mentioned above, medieval Swedish legislators used very tangible descriptions of injuries that could happen. These injuries were listed and given precise labels; wounds were given different names depending on how they had happened and how they looked. One crucial difference was whether they had been inflicted with a weapon or with another instrument, like a staff, that was not considered lethal. The laws then ranked the various injuries; the most serious one was a ‘full wound’ (*full sar*), then we have a ‘blood wound’ (*blöpsar*), ‘open wound’ (*skena*), etc.⁴⁴ A ‘full wound’ was such a severe injury that the outcome could be death. Certain wounds – like ‘full wounds’ done to the head – would, therefore, need to be monitored and the sentencing was put on hold until it was clear whether the victim survived or not.⁴⁵

The wounds were thus ranked, and the injuries compensated according to how severe the wound was. This, in turn, was determined by an inspection where the injuries were measured and evaluated.⁴⁶ In addition to the fine for the wound, the perpetrator was also expected to offer compensation for the doctor’s fee. Several laws specify that if a person had injured another person, they should pay for ‘the bandages and the doctor’ (*lin ok lækiærs*).⁴⁷ The Uppland Law defines a doctor as someone who had healed an iron-cut wound, broken bones, and a flesh wound that went through the body.⁴⁸ So, in addition to paying compensation for the actual injury, the guilty party could be sentenced to pay for additional costs connected to the wound. This also applied to injuries that caused impairment. In the thirteenth-century Older Västgöta Law, for example, one section reads as follows:

§1. If a man chops off the thumb of another man, he shall pay nine marks for the wound and twelve öre for the impairment. [...]

§5. (If he) beats the teeth out of the head, impairs his speech, three marks for the impairment and nine marks for the wound.

§8. Impairment cases shall stand [that is: be put on hold for] a year, then (they) shall

⁴⁴ Some of these terms are very hard to translate and it is at times impossible to determine their precise meaning; see Ekholst 2014, 86–90.

⁴⁵ For example, see The Västmanna Law, Manhelgdsbalken 22.

⁴⁶ For example, The Dala Law, Manhelgdsbalken 20; The Västmanna Law, Manhelgdsbalken 21; The Law of the Realm, Sårsmål med vilja 8 §2.

⁴⁷ The spelling is taken from The Uppland Law, Manhelgdsbalken 23 §4.

⁴⁸ The Uppland Law, Manhelgdsbalken 27.

inspect whether there is an impairment and take out an impairment fine. The same shall apply for impairment done by accident as on purpose.⁴⁹

It is evident that the lawmakers made a distinction between injuries and impairments, between the assault and the long-lasting consequences of an attack. The medieval law codes, in general, stipulate different fines for injuries that were a result of an accident compared to those done intentionally. By stipulating the same ‘impairment fine’ no matter whether it was done with intent or not, the lawmakers made it clear that the purpose of the impairment fine was solely to compensate the victim for the lasting consequences of their injuries.

The Old Swedish noun that the lawmakers used in the section above is *læst* that, according to dictionaries, means a ‘defect’ or ‘mutilation’. It stems from the verb *læsta* meaning to ‘hurt, mutilate, ruin, damage’. It can also mean ‘to maim’.⁵⁰ Another term commonly used is *lyti*. This term has been translated as ‘deformity’ or ‘disfigurement’.⁵¹ An older dictionary of Old Swedish, compiled at the end of the nineteenth to the beginning of the twentieth century, adds the meanings: ‘severe physical defect’ and ‘monstrosity’.⁵² We should not conclude from this, however, that medieval people regarded an impairment as a ‘monstrosity’, or that they, in general, attached social stigma to disabilities. It may rather reflect the lexicographer’s assumptions about how medieval people viewed bodily variance rather than how they actually regarded impairment. This reminds us that we need to carefully examine the terminology of the sources. This article will attempt to define how *lyti* and *læst* was understood based on the legal provisions; it will avoid preconceived notions about how impairments was regarded in the Middle Ages.

In the provision quoted above, the Older Västgöta Law defined a time period – a year – after which an injury was considered to have become an impairment. This resonates with how Irina Metzler defines impairment, as a permanent state and not something that can be healed or treated. Illness had an evolution, she writes, impairment is static, unchanging, and permanent.⁵³ We find several other examples in the provincial law codes that state that an injury should be evaluated after a year had passed to see if it could be considered a permanent impairment.⁵⁴ One law code explicitly states that if a person gets injured so that he gets an ‘everlasting’ (*æuerpelikt*) impairment, then

⁴⁹ ‘§1 Huggær maþær þumulfingær af manni bötæ IX markær firi sær ok tolf öræ firi læst. [...] §5 Lystær tendær vr höfþi læstir mal hans bötæ III markær firi læst ok IX markær firi sar. §8. Læstir skulu til iamlangæ standæ. Þa skal a sea æn læst ær ok læstær bot vt takæ. Slikt skal væþæ læst væræ sum uilia læst’, The Older Västgöta Law, Sårnålsbalken, 4 §1, §5 & §8. The paragraph lists specific fines for each finger as well as fines for chopping off other body parts. Legal texts in Old Swedish often eliminate the sentence subject, I have added this in parenthesis. In brackets, I have added explanations when needed.

⁵⁰ ‘læst’, *A Lexicon of Medieval Nordic Law*. <http://www.dhi.ac.uk/lmnl/nordicheadword/displayPage/3455>; ‘læsta’. *Fornsvensk lexikalisk databas*; ‘læsta’. *A Lexicon of Medieval Nordic Law*. <http://www.dhi.ac.uk/lmnl/nordicheadword/displayPage/3456>

⁵¹ ‘lyti’, *A Lexicon of Medieval Nordic Law*. <http://www.dhi.ac.uk/lmnl/nordicheadword/displayPage/3422>

⁵² See ‘lyti’, *Fornsvensk lexikalisk databas*.

⁵³ Irina Metzler, *A Social History of Disability in the Middle Ages. Cultural Considerations of Physical Impairment*, Routledge: New York/Abingdon 2013, 5.

⁵⁴ The Uppland Law, Manhelgdsbalken 25; The Södermanna Law Manhelgdsbalken 5; The Hälsinge Law, Manhelgdsbalken 10.

he should receive compensation.⁵⁵ The legislators thus emphasized the fact that the damage was permanent. However, the terminology used – *lyti* or *læsta* – is not always very clear cut. The Uppland Law can thus state that if a man hacks another man in the face and he gets a *lyti*, and then it ‘grows away’ (*wæxir aff*) before a year has passed, then the perpetrator did not need to pay for the impairment.⁵⁶ It is thus clear that the words could be used for severe injuries that had the potential to become permanent impairments. The term *lyti* could also be understood as an evident mark that visually set the victim’s body apart from an implicit norm. This is close to how Sean Lawing uses the term ‘disfigurement,’ as an external or evident mark on the body that sets it apart from preconceived notions about how the human body should look, function, or be constituted.⁵⁷

Another of the meanings of the terms *lyti* and *laester* was ‘mutilation’. One way to interpret the term ‘mutilate’ is the act of cutting or chopping off a body part. Yet another way the law codes emphasized that impairment was a permanent state can be seen in the provisions that state that if a limb had been chopped off – something the lawmakers refer to very directly as a ‘chopping-off’ (*avhug*) – then an impairment fine should be paid directly and there was no need to wait a year. But in other cases, the injuries needed to be measured. The Law of the Realm states that the bailiff of the district should appoint six men to evaluate the injuries after a year had passed. It was their task to determine whether the person had become impaired or ‘crooked’ (*krumpin*) as they put it.⁵⁸ The Law of the Realm uses another term in addition to those mentioned:

If a man gets stabbed in the back, arm or leg, so that he becomes crooked, unable to move, or impaired, then the impairment fine is six mark, if he is not crooked, impaired or unable to move, then no impairment fine shall be paid.⁵⁹

The word *lamber* is used to refer to the inability to move due to the injury.⁶⁰ Thus, being *krumpin* or *lamber* were also regarded as forms of impairment, as they reflect injuries that affected either the functionality of the body or its appearance.

Functionality and Visibility

The lawmakers thus saw impairment as a permanent state that could be determined after a year had passed based on whether the limbs were still affected. One criterion for how the lawmakers regarded impairment was whether or not the damaged limb was still functional. The Law of the Realm specifies that if a man’s hand gets stabbed or beaten so that the thumb becomes ‘crooked’ or ‘bent’ (*krumpnar*) and can no longer be used, then the perpetrator shall pay three marks as an impairment fine. The value of the other fingers then descends from twelve *öre* for the index finger,

⁵⁵ The Law of the Realm, Sårsmål med vilja 2.

⁵⁶ The Uppland Law, Manhelgdsbalken 24 §3.

⁵⁷ Lawing 2016, 24; see also his contribution in the present special issue.

⁵⁸ The Law of the Realm, Sårsmål med vilja 8 §2.

⁵⁹ ‘Nu kan man varþa huggin i ryg, arma ællæ been sua æt han varþer krumpin, lamber ællæ lytter, vari þa lytis boot siæx marker; varþer han ei krumpin, lytter ællæ lamber, þa skal ei lytis boot fölghia’, The Law of the Realm, Sårsmål med vilja 6.

⁶⁰ ‘lamber’, *Fornsvensk lexikalisk databas*.

six *öre* for the middle finger, three *öre* for the ring finger and four and half *örtug* for the little finger.⁶¹ The term *krumpin* seems to mean something quite specific where the person was no longer able to stretch out the finger or move it, which made the digit non-functioning but also changed its appearance.

The loss of functionality was measured according to the assumed (and often commonsensical) usage of the different body parts, some of the various functions are captured in this passage from The Uppland Law:

[...] If a man chops off another man's foot so that he is not capable of walking on it, or (chops off his) hand so that he cannot work with it; the eye so he cannot see with it, but it is still in its place, for that, a full impairment fine shall be paid.
(If he) can work with the hand, see with the eye, walk with the foot, then for that he [the perpetrator] shall pay half the impairment fine, that is six marks.⁶²

In this provision, we see a clear focus on functionality, and the injuries are evaluated based on how they affected the usability of the foot, the hand or the eye. Above, an injury to the hand was measured based on whether a person could still work with it; another way to evaluate impairment of a hand was, according to the two town laws, whether a person could feed himself with the hand.⁶³

We find a focus on functionality in the case of loss of teeth too; one provision states that if a man beats the teeth out of someone's mouth – literally, 'out of someone's head' (*vr höffi*) – and damages his speech, for that he shall pay three marks for the impairment.⁶⁴ The usability of the feet could be defined more precisely as well. The *Björköarätten* states that if a foot is cut off so that a person cannot walk without crutches, then the fine was twenty marks, which is a substantial fine. Unlike the other law codes, the older town law does not use a specific impairment fine; instead, it raises the fine for the wound if an impairment had been the consequence.⁶⁵ Magnus Eriksson's Town Law also uses the need for crutches as a defining factor; the law states that a lower fine should be paid if the person was impaired by the injury but did not need crutches to walk.⁶⁶ These distinctions recall Tom Shakespeare's statement that impairment is scalar and on a continuum.⁶⁷ This was obviously how medieval Swedish lawmakers saw it too.

Modern disability theories often center on the ability to work and how structural changes, such as industrialization and the introduction of capitalist modes of production, have impacted the lives of people with impairments.⁶⁸ We can find a focus on the lost ability to work also in the

⁶¹ The Law of the Realm, Sårsmål med vilja 7. *Krumpnar* is a verb that means 'get crooked/bent'.

⁶² '[...] Huggær man fot aff manni swa at han ær æi för gangæ mæþ ællr hand swa at han far æi burghiz mæþ öghæ swa at han far æi set mæþ ok sitær þo quært giældi þa fullæ læstis bot. Gitær mæþ hand burghiz mæþ öghæ sett mæþ fote gangit þa giældi halwæ læstis bot. Þæt æru sæx markær', The Uppland Law, Manhelgdsbalken 24 §1.

⁶³ *Björköarätten* 14 §11; The Town Law, Sårsmål med vilja 6 §1.

⁶⁴ The Older Västgöta Law, Om sårsmål 4 §5.

⁶⁵ *Björköarätten*, 14 §11.

⁶⁶ The Town Law, Sårsmål med vilja 6, 6 §1.

⁶⁷ Shakespeare 2013, 80.

⁶⁸ Metzler 2006, 24–27.

medieval laws. The Uppland Law, quoted above, defined this directly: an impairment fine was paid if a person could no longer work with the damaged hand. The work in question can be assumed to be farm work and the term used, *biærgha*, also means harvesting. This underlines the fact that the setting for the provincial law codes and the Law of the Realm is the rural farming communities of medieval Sweden.

Another regulation that directly connects impairment to work is when an enslaved person (*bræl*) had been injured. Unsurprisingly, the enslaved individual was treated as a tool and his injuries were measured based on his ability to work or not. If an enslaved person was beaten, the perpetrator had to compensate for the missed days of work while he was recovering, but also for any permanent impairments that he had caused. The Östgöta Law states that the perpetrator shall take the impaired person and provide the owner with one that is ‘unimpaired’ (*olyttan*).⁶⁹ The same expression and legal solution can be found when farm animals had been injured and impaired; the impaired animal was to be replaced with one that was unimpaired.⁷⁰

As indicated above, the lawmakers had a very tangible view of injuries; they were seen as measurable. It was a part of the legal system to view, inspect, and assess injuries based on their appearance. The law codes use the term *miæta*, meaning to ‘examine’ or ‘assess’, for this procedure. The lawmakers thus assume that almost all injuries and wounds were clearly visible. Several provisions indicate that ‘impairments’ (*lytin*) were not solely evaluated based on how they affected the body’s functionality or how they affected a person’s ability to work or care for themselves. Instead, they are assessed based on how visible the permanent injury was. Patricia Skinner states that head and facial trauma was the most serious of injuries, partly because a head injury could lead to damage of the brain, but also due to these injuries’ high level of visibility.⁷¹ This corresponds to Han Nijdam’s studies of Old Frisian compensation tariffs where functionality but also visibility were the two most important principles for evaluating wounds to the body.⁷² This aspect can be seen clearly in provisions that deal with cases when an ear had been cut off. The Västmanna Law thus declares:

(If he) chops a man’s ear off: twenty marks fine for the wound, twelve *öre* for the doctor, and twelve *öre* in impairment fine. If the hat covers it, then he pays half the fine.⁷³

Here the impairment fine is evaluated based on whether the impairment could be hidden or not. This is far from the only case where the visibility of an ear injury affected the impairment fine. In

⁶⁹ The Östgöta Law, Vådabalken 16.

⁷⁰ The Östgöta Law, Byggningsbalken 24 §3; The Law of the Realm, Byggningsbalken 33 §4.

⁷¹ Patricia Skinner, ‘Visible Prowess? Reading Men’s Head and Face Wounds in Early Medieval Europe to 1000 CE’, in Larissa Tracy & Kelly DeVries eds., *Wounds and Wound Repair in Medieval Culture*, Brill: Leiden 2015, 81–101, at 81.

⁷² Han Nijdam, ‘Compensating Body and Honour: The Old Frisian Compensation Tariffs’, in Wendy Turner & Sara Butler eds., *Medicine and the Law in the Middle Ages*, Brill: Leiden 2014, 23–57, at 34. Also see Oliver 2011, 102, 165–166, 240.

⁷³ ‘Hoggær af öra af manne XX markær at sarom tolf öra at lækis bot tolf öra oc at læstes bot hyl þær hattær halfwa bot’, The Västmanna Law, Manshelgsbalken 23 §2.

many cases, the defining aspect was whether a hat or hood would cover the damage.⁷⁴

The town law *Björköarätten* highlights both the functional and the aesthetic aspects of how an impairment was evaluated. The law first focuses on the functionality of the ear and declares that the hearing needed to be affected to warrant an increased fine. The law states that if both eyes are ‘beaten out’ (*ut slæghin*) so the person cannot see or both ears injured so that the hearing is damaged, then the fine is forty marks.⁷⁵ As mentioned previously, this was a very high sum, the same as a *wergild*, the sum to be paid if you had killed a person. However, other regulations highlight the importance of visibility and how an impairment affected a person’s appearance: *Björköarätten* stipulates that if a person is beaten so badly that his cheekbone breaks and his mouth thereafter is lop-sided, that warrants a higher fine. The law then explains that an ‘impairment’ (*lytin*) that cannot be concealed by a hat or a hood and is clearly visible from the other side of the street all warranted an increased fine.⁷⁶ The other law codes all have their basis in a rural community; here, we see a different context. In the urban space that *Björköarätten* regulated, the law made use of spatial markers such as streets to indicate and measure how severe an injury had been. The urban setting can also be noted in how these laws evaluated whether a damage had become permanent. A perpetrator was only responsible for another man’s wounds until the victim was able to go to church or to the market for a purchase.⁷⁷

It is thus clear that an impairment fine could be warranted because the injury had affected the functionality of the body part, but impairment could also be a severe injury that affected a person’s appearance. The ears might have held symbolic value as well. Since the lawmakers could sentence a thief to have one or both ears cut off, the loss of an ear could thus visually connect the person to criminality.⁷⁸ However, Patricia Skinner states that one key to understanding wounds and injuries to the face rather has to do with the implied loss of dignity, honour and masculinity. A permanent facial injury – a disfigurement as she calls it – suggested a humiliating inability to defend oneself. This is thus a very different interpretation of scars compared to those who may have seen battle scars as a matter of pride and testimony of prowess.⁷⁹ Indeed, as Lisi Oliver writes: ‘An obviously visible injury adds a resultant wound to your reputation in the community’.⁸⁰ Injuries could thus be interpreted as a slight to someone’s masculine honour and that may explain why some injuries were compensated as impairments although they had not affected the body’s functionality.

A few provisions also discuss injuries to women specifically. The older town law stipulates a very high fine for cutting off a woman’s breasts; indeed, that led to a 40-marks fine, which was

⁷⁴ The Södermanna Law, Manhelgdsbalken 5; The Hälsinge Law, Manhelgdsbalken 9 §1; The Östgöta Law, Vådabalken 15 §4; The Dala Law, Manhelgdsbalken 17 §3.

⁷⁵ *Björköarätten* 14. As noted above, this law does not use impairment fines and instead increases the fine when an impairment had happened.

⁷⁶ *Björköarätten* 14 §2.

⁷⁷ *Björköarätten* 14 §6.

⁷⁸ Metzler 2013, 22–24.

⁷⁹ Skinner 2015, 97. See also Bragg 2004, 91–92, 240–42.

⁸⁰ Oliver 2011, 240. She too contrasts this to another view of scars: in nineteenth-century Germany a dueling scar would be seen as a badge of honour. Oliver 2011, 102. Further research, using other sources, may demonstrate if this alternative, more positive view of scars also existed in medieval Sweden.

reduced to half if only one breast was cut off.⁸¹ Magnus Eriksson's Town Law states that all injuries done to a woman shall be compensated in the same way as if the victim was a man, except if the breasts have been cut off. The breasts were to be paid for with a double fine just like if a man's tongue or penis was cut off; the double fine was eighty marks, an enormous sum and double the amount compared to a regular homicide.⁸² Indeed, the act of castrating a man was punished very harshly. The Uppland Law declares that if a man puts another man on the ground and castrates him like an animal, if he is sentenced by a jury then the perpetrator shall pay for the crime with both his hands.⁸³ A mirroring punishment can be found if he had cut out the tongue or the eye, meaning that the perpetrator had to pay for the crime by having his own tongue or eye cut out. Anyone who helped him was punished by having one of their hands cut off.⁸⁴ In several of the provincial laws, a perpetrator who had castrated a man also needed to pay for the children the victim could no longer father, which are referred to as 'wished-for-children' (*uskabarn*).⁸⁵

There are other gendered aspects of impairment as well. According to the law codes' moral understanding of violence, certain types of violence were accepted. A man had the right to discipline his wife, children and servants by using physical force. In some cases, the lawmakers used impairments as a way to establish the limit for acceptable violence. Thus a man had a right to beat his wife, but if he beat her so badly that she became 'impaired' (*lyt*), then he could be taken to court by her relatives and sentenced to pay a fine.⁸⁶ The same notion can be found in a provision that regards shepherds, where it is stipulated that a farmer had a right to beat his own shepherd without penalty as long as the victim did not turn blue, bloody, or become impaired.⁸⁷ An impairment then clearly meant that the male householder had crossed a limit, had used excessive and uncontrolled violence and behaved unacceptably.

Conclusion

The Swedish medieval law codes stipulated that compensation should be paid for impairment caused by violent assault, though it should be noted that in most instances the 'impairment fine' is lower than the fine paid for wounding someone. The lawmakers defined impairment as a permanent injury, an enduring state that could only be assessed after a full year had passed. The exception was if a body part had been cut off, which would immediately lead to an injury being considered an impairment. In many cases, the impairment was based on the loss of functionality of the body part. In some cases, the impairment was directly linked to a person's inability to work, which thus connects medieval discourses of impairment to more modern views of disability. Impairment could also be based on visibility – severe injuries to the face and head were evaluated partly based on whether they could be seen. In this case, the impairment was seen as damaging someone's physical

⁸¹ *Björköarätten* 14 §18.

⁸² The Town Law, *Såramål med vilja* 20 and *Såramål med vilja* 3, 3 §1.

⁸³ The Uppland Law, *Manhelgdsbalken* 30.

⁸⁴ The Uppland Law, *Manhelgdsbalken* 30 §1, 30 §2.

⁸⁵ Ekholst 2014, 92–93.

⁸⁶ The Östgöta Law, *Vådamålsbalken* 10.

⁸⁷ 'eig ær lestir æller lyter ok ær eig blat æller blophugt', The Younger Västgöta Law, *Fredsbalken* 15.

appearance, but the impairment also carried symbolic meaning as it was commonly a sign of an emasculating inability to defend oneself or linked the body to criminality.

The question remains: can we then talk about disability in medieval Sweden? The law codes provide a window into how medieval Swedish people thought about embodied differences; we get a normative perspective entirely focused on conflict resolution and compensation. With this in mind, let us return to the definitions of disability highlighting the fact that an individual could not participate in the mainstream life of the community. In addition, a disability could lead to stigmatization or social exclusion of the person. Based on the legal definitions, medieval Swedish laws suggest an awareness that a person who had been impaired was restricted from participating in normal life. Being able to see, walk, work, or feed oneself must be regarded as essential aspects of normal life in the Middle Ages, and these were activities that an impaired person could no longer do according to the law texts. Going to church or to the market, can be seen in the same light. I would thus suggest that the lawmakers saw these people as having been disabled by their impairments. As to whether there was a stigma connected to impairments, this seems to be the case when a person had sustained a facial injury. The provisions that compensated a victim for purely visible aspects of facial injuries demonstrated that they must have been seen as negative in themselves. In the same sense we note that corporal punishment in the form of mutilation connected the loss of certain limbs to criminality. This too indicates that the loss of limbs may have affected the social status of an individual or, at least, made possible a negative interpretation of how the loss had happened. However, in other provisions, there is very little indication that disability was connected to strong social stigmatization or led to exclusion and oppression. The question of whether a person with disabilities was oppressed or was excluded from their social group must therefore be left open since further research, exploring other sources, is needed. However, based on the compensation that victims received for impairment, there was an understanding of disability as a limiting factor in the lives of an impaired person. The law makers underlined the adverse effects that impairment had on people's lives and highlighted how it led to restrictions to their independence and limited their participation in the social life of the community.