

The Weaker Sex¹

Juridical strategies of women in early 16th century Swedish charters

Introduction

In his *Policraticus*, John of Salisbury referred to women as the 'weaker sex'.² Female subordination was by no means specific to the Middle Ages but can, with the words of R. Howard Bloch be seen as a "cultural constant".³ The idea that women were weaker than men permeated medieval society, shaping the contemporary view on women and femininity in all areas, from learned discourses at the universities to all kinds of literature seeping into everyday life. In courtly literature women were romanticized and never depicted as managers of estates or partners to their husbands but rather as an attraction for young noblemen.⁴ To what extent the learned discourses on female weakness and English courtly literature reached the northern borders of the known world is very difficult to determine, but traces of a view on female weakness are nonetheless distinguishable.⁵ Though the concept of female weakness is very multifaceted, the specifics of this concept will not be treated here. Instead, I will try to let the women themselves speak. How would women portray themselves when dealing with legal matters? Would they call upon their weakness, or their capabilities? What would be a weakness and would could instead be seen as a strength? A juridical strategy is in this context to be interpreted very widely. Most of the legal sources from the early 16th century concern landed property which is reflected in the juridical strategies discernible in the sources – all of them pertain to acquisition of property in general and landed property in particular.⁶

In this paper I will focus on the area of law – an area characterized by the dual nature of law as norms and law in practice. This paper is a small sliver of a significantly larger survey of the legal norms versus legal practice regarding guardians and coverture in Sweden 1350-1550.⁷ Guardianship was an essential part of the medieval Swedish legal system but as yet has not been a particular subject of scholarly research in Sweden. Guardianship also quite naturally affected women's position

¹ This is a draft and should not be quoted.

² Steven Henry Rigby, "England: Literature and Society" in Stephen Henry Rigby (ed.), *A Companion to Britain in the Later Middle Ages* (Malen, Oxford: Blackwell 2003), 515.

³ R. Howard Bloch, *Medieval Misogyny and the Invention of Western Romantic Love* (Chicago: University of Chicago Press, 1991), 7.

⁴ Shulamith Shahar, *The Fourth Estate – a History of Women in the Middle Ages* (London and New York: Methuen, 1983), 152.

⁵ That works of theology and philosophy existed in Sweden has been shown by for example Anja Inkeri Lehtinen "From Fragments into Codices. On Reconstitution of Theological and Philosophical Works" in Jan Brunius (ed.) *Medieval Book Fragments in Sweden: an International Seminar in Stockholm, 13-16 November 2003* (Stockholm: Kungl. Vitterhets historie och antikvitets akademien 2005), 109-131.

⁶ Compare with Gabriella Bjarne Larsson, *Laga fång för medeltidens kvinnor och män: skriftbruk, jordmarknader och monetarisering i Finnveden och Jämtland 1300-1500* (Stockholm: Institutet för rätthistorisk forskning, Rätthistoriskt bibliotek 66, 2010). Bjarne Larsson clearly shows the importance of different methods for acquiring landed property.

⁷ The survey is my doctoral thesis conducted at the University of Helsinki under the supervision of PhD Anu Lahtinen and PhD Björn Forsén.

as legal subjects, as Swedish law called for the husband being made guardian of his wife upon entering wedlock. However, the main focus of this paper is not guardianship as such but the strategies with which women used the legal systems. Being presented now are findings from the legal practice of the first decade of the 16th century showing how women could use the legal systems to their advantage but also indicating certain areas where women were greatly disfavored or possibly even prohibited.

In this paper I will discuss the juridical strategies of women in late medieval Sweden, showing two rather different sides of the 'weaker sex'. On the one hand, women were knowledgeable of the legal systems and participated in most kinds of legal affairs on what seems to be equal terms with men. On the other hand, female legal activity was in steady decline alongside an increase in women officially coming under male protection during the early 16th century. This dichotomy sets the scene for a transition from the medieval rather pragmatic view on jurisdiction to the professionalization of the legal systems in the Early Modern era and can be seen as an effect of both female will and female weakness.

After having briefly described the historical context – late medieval Sweden – and the available sources, I will proceed to discuss different juridical strategies discernible in the sources. Some thoughts on the differences between male and female juridical strategies precede concluding remarks on the continuation of medieval legal traditions in a drastically changing social setting.

Context and Sources

The early 16th century was a time of political turmoil in Sweden. In the wake of the dissolution of the Union of Kalmar and the breakdown of the Hanseatic League, nobles aspiring to reestablish and gain the Swedish throne created opposing factions. At the turn of the century members of the Sture family held a grip on the regency – though by no means undisputedly so.⁸ The time in question is also characterized by conflicts with both Russia (Novgorod) and Denmark.⁹ The Swedish borders were not as today defined by the Baltic Sea. In the south, Skåne, Halland and Blekinge belonged to Denmark, in the west Jämtland and Härjedalen were parts of Norway – and hence part of Denmark – and in the east the Swedish realm incorporated present day Finland and parts of western Russia. The term 'Sweden' in this paper refers to the late medieval realm unless otherwise indicated.

When researching medieval Sweden the sources are unfortunately very limited, and legal sources – law codices and charters – are almost by default the primary sources. On the one hand there are the law codices – the most relevant one being the *Magnus Eriksson Law of the Realm* issued in 1350 – and on the other hand the documents registered in the databases *Svenskt huvudkartotek över*

⁸ What is in this paper referred to as the Sture family was really several families that in Swedish historiography usually are referred to as *Sturarna*. Svante Nilsson, who was the regent in Sweden from death of Sten Sture senior in 1503 until his own demise in 1511, never called himself a Sture and did indeed belong to another noble family – Natt och Dag. His son, however, took up the Sture name and became Sten Sture senior and was on his mother's side related to one of the Sture families albeit not that of Sten Sture senior. See Thomas Lindkvist and Kurt Ågren, *Sveriges medeltid* (Solna: Esselte studium, Scandinavian University Books, 1985), 120.

⁹ Thomas Lindkvist and Kurt Ågren, *Sveriges medeltid*, 118-126.

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medeltidsbrev (henceforth SDHK) and *Diplomatarium Fennicum* (henceforth DF).¹⁰ Before the 16th century there were no regular protocols kept at court sessions – the *ting* – and these sessions, though presided over by an itinerary judge appointed by the king, were local assemblies where issues ranging from litigation in criminal cases to distribution of taxes were discussed. From this it follows that the charters are quite diverse in character and should preferably be treated as individual remnants rather than a single kind of source. Nonetheless, there is a clear trend towards charters regarding landed property transactions and for example crimes are very rare. Once having reached the early 16th century an altogether new type appears in SDHK – the private letters. These are almost exclusively from the *Sturearkivet* where documents pertaining to the Sture family are kept.¹¹ For the purpose of this paper, the Sture correspondence supplements the standardized format of the charters and offers a view into women's juridical strategies behind the *ting*.

One of the issues with using law codes as sources is their evident normative. However, by comparing the laws with the charters this issue can be addressed and compensated for. A more peculiar problem arises from the fact that attitudes to law in medieval Sweden were at best arbitrary. People were in general aware of the letter of the law but did not always adhere to it.¹² It seems that as long as the closest relatives agreed upon a certain subject this was taken to be the rule, and specific regulations were invoked only to settle disputes. Researchers have widely considered women judicially subordinate and with limited legal rights, but in fact women both could and did participate in most kinds of legal affairs.¹³ In the light of this, the juridical strategies of women become an important facet of jurisdiction as a whole.

Women were by no means a homogeneous group. There were quite naturally a number of socially and economically constructed constellations of women with different responsibilities and possibilities. In *The Law of the Realm*, three groups of women of different legal status are defined. The first one is the maiden who, just like men under the age of 15, was considered a legal minor.¹⁴ The second one is the wife who upon getting married attained legal majority.¹⁵ The third one is the

¹⁰ The SDHK is upheld and continuously updated by the Swedish National Archives and can be found at <http://www.riksarkivet.se/sdhk>. DF is upheld by the National Archives of Finland and found at <http://extranet.narc.fi/DF/df.php>. Since Finland was a part of Sweden during the Middle Ages many of the posts in the databases refer to the same document, though there are also unique entries in both databases. The total amount of posts from 1350-1550 is approximately 20.000. All references to sources in this paper are given according to the standards of the Swedish National Archives, with the indexed number of the source in the database.

¹¹ The *Sturearkivet* is preserved as a part of the Swedish National Archives.

¹² This has been discussed especially with regards to the regulations surrounding the giving a morning gift. See Mia Korpiola, *Between Betrothal and Bedding: Marriage Formation in Sweden 1200-1600* (Leiden: Brill, 2009), 80 and Hans Petersson, *Morgongåvoinstitutet i Sverige under tiden fram till omkring 1734 års lag* (Stocholm: Institutet för rättshistorisk forskning, Rättshistoriskt bibliotek 21, 1973).

¹³ Compare e.g. Gudrun Andersson Lennström, "Makt och myndighet – kring 1686 års lagkommissoin och kvinnors vardagsmakt" in Gudrun Andersson Lennström and Marie Lennerstrand (eds.) *Sprickor i muren. Funktion och dysfunktion i det stormaktstida rättssystemet* (Uppsala: Historiska institutionen, Opuscula historica Upsaliensia 14, 1994), 1-87 and Maria Sjöberg, "Kvinnans sociala underordning – en problematisk historia. Om makt, arv och giftermål i det äldre samhället," in *Scandia* 63 (1997), 165-192.

¹⁴ Carl Johan Schlyter, *Corpus iuris sueo-gotorum antiqui: Volumen X: Konung Magnus Erikssons Landslag* (Lund, 1862) Eghno B. VIII. Compare with Andersson Lennström, "Makt och myndighet", 25, and Andersson Raeder, *Hellre hustru än änka*, 54.

¹⁵ Carl Johan Schlyter, *Konung Magnus Erikssons Landslag*, Eghno B. VIII.

widow who after the death of her husband was to retain his status as either noble or farmer and gain custody over the couple's under-aged children for as long as she did not remarry.¹⁶ Women enter the legal sources once they become wives and gain legal majority, but become more active only as widows. Tomas Kuhn introduces additional groups on the basis of the woman's place in the family – mother, sister and daughter.¹⁷ Though, for example, legal paragraphs indicating a change in a widow's legal status once her sons turn 15 and gain legal majority¹⁸ would speak for a distinction between mothers and childless women, the Swedish sources very seldom allow for such distinctions to be made. Firstly, they very rarely present us with information on year of birth and thus the possibility of calculating age; secondly, there are only a few families from the high nobility for which we have enough personal data to reconstruct the family structure with more certainty.¹⁹

Before proceeding to discuss the various juridical strategies a note on the representativeness of the charters is due. The preserved charters are scattered, a most unfortunate fact. Presumably, there has been an extensive production of charters – a charter was to be issued after each case resolved at the *ting*²⁰ – but what remains are the ones owned by people who could store them safely. This means that the higher strata of society and the church are greatly overrepresented in the material. As a consequence, the results presented in this paper are applicable primarily on the higher strata; to what extent the result apply to ordinary people is at present uncertain.

Women's juridical strategies

To do or not to do – women as active subjects

At the outset let us consider what women could do and what they could not do. First of all, it must be emphasized that there's nothing in the standardized formula of the charters that is gender specific. Charters issued by men did not differ from charters issued by women.²¹ Nonetheless, the law was heavily dependent on gendered structures both in norms and in practice.²² In practice, the most evident gendered structure was the sex of legal officials. Though the means by which legal officials were appointed changed during the Middle Ages and even more so in the Early Modern era all legal officials were men. Apart from being prohibited to act as legal officials women participated in legal

¹⁶ Schlyter, *Konung Magnus Erikssons Landslag*, Kunungx B. XX- XXI. Compare with section XIII.

¹⁷ Thomas Kuehn, "Daughters, Mothers, Wives and Widows: Women as Legal Persons" in ed. Silvana Seidel Menchi, Thomas Kuehn and Anne Jacobson Schutte *Time, Space and Women's Lives in Early Modern Europe* (Kirkville: Truman State University Press, Sixteenth century essays & studies LVII, 2009), 97-115.

¹⁸ Carl Johan Schlyter, *Konung Magnus Erikssons Landslag* (Lund, 1862) Pingmala balken XXVII.

¹⁹ An attempt to reconstruct family patterns have been made by e.g. Johanna Andersson Raeder, *Hellre hustru än änka: äktenskapets ekonomiska betydelse för frälsekvinnor i senmedeltidens Sverige* (Stockholm: Acta Universitatis Stockholmiensis, Stockholm studies in economic history 59, 2011). Though the reconstruction is well made the lack of sources creates significant gaps.

²⁰ Carl Johan Schlyter, *Konung Magnus Erikssons Landslag*, Eghno B. XX-XXII, 110-111. To what extent this was actually followed is unfortunately not possible to determine.

²¹ The same is concluded by Gabriela Bjarne Larsson "Kvinnor, manlighet och hushåll 1350-1500", in Maria Ågren (ed.) *Hans och hennes: genus och egendom i Sverige från vikingatid till nutid*, (Uppsala: Opuscula historica Upsaliensia 30, 2003): 81-111; here 104, 118.

²² For a thorough study on the gender of the medieval laws see Christine Ekholst, *För varje brottsling ett straff: föreställningar om kön i de svenska medeltidslagarna* (Stockholm: Historiska institutionen, Stockholms universitet, 2009).

matters in all kinds of positions. Women could sell property, pawn property, act as witnesses and prosecute etc.²³

The women found in the early 16th century charters are almost exclusively widows. The only married women found are acting together with their husbands, often by consenting to a legal act drawn up by the husband. This is quite a change from a century earlier when wives seem to have been significantly more active, even drawing up transactions concerning their own landed property completely without the husband's interference. So what has happened to the married women? For the first decade of the 16th century the private correspondence of the Sturearkivet shed a light on married women as active subjects. In this correspondence married women were still clearly subordinate to their husbands but were also for example head of households in the husband's absence, active in purchasing chattels and seemingly knowledgeable of the husband's legal affairs. Nonetheless, the women we see actively using discernible strategies were widows.

Based on the fact that most of the active women were widows, the death of a husband emerges as the single most important factor determining a woman's participation in legal affairs. Once the husband was dead, the widow not only dealt with whatever legal affairs had been left unfinished, but also entered into new ones. The husband's death thus worked as a trigger. In the charters from the time in question there are almost 50 widows mentioned as participants in legal affairs, most commonly as sellers of landed property. Nothing in the charters speak for these women being treated differently than their male counterparts, but when comparing the standardized information in the charters with the circumstances surrounding acquisition of landed property described in the Sture correspondence some quite clear differences are found.

Finding protection

Though widowhood activated women and has sometimes been described as a preferred social status – owing to the freedom that it brought – recent research has revealed the exposed position of a widow as well as her financial and social insecurity.²⁴ Though it is not explicitly mentioned in either charters or the Sture correspondence a fundamental effect of the female weakness was women's need for male protection. A husband was the natural protector of his wife, in the capacity of guardian, but a widow was left without formal guardian and hence protection.²⁵ It can therefore be said that seeking male protection was a form of juridical strategy with a long-term effect. So, how could this protection be acquired?

²³ Compare with Maria Ågren, *Domestic Secrets: Women & Property in Sweden 1600-1857* (Chapel Hill, N.C.: University of North Carolina Press, 2009).

²⁴ In her thesis, Johanna Andersson Raeder discusses this very thoroughly showing how women tended to prefer marriage to widowhood. Johanna Andersson Raeder, *Hellre hustru än änka*. Joel T. Rosenthal, "Fifteenth-Century Widows and Widowhood: Bereavement, Reintegration, and Life Choices" in Sue Sheridan Walker (ed.) *Wife and Widow in Medieval England* (Ann Arbor, Mich: University of Michigan Press, 1994), 33-58; here 34.

²⁵ Birgit Sawyer notes that both Danish and Swedish law calling for widows standing under formal guardianship. Birgit Sawyer, *Kvinnor och familj i det for- och medeltida Skandinavien* (Viktoria Bokförlag: Skara, Occasional Papers on Medieval Topics 6, 1992. I can find nothing in the Swedish laws supporting this.

Studies have shown that remarriage was a favorite way of ensuring male protection.²⁶ However, some women chose to approach the regent, Svante Nilsson (Sture), with requests for protection for themselves, their property and in some cases their children.²⁷ A letter from 1505 sent from Gertrud Paulsdotter to the regent Svante Nilsson clearly illustrates women's juridical strategies. Gertrud was a widow and when her son-in-law Joseph and daughter moved to Finland she found herself without anyone to "put her faith in". Therefore she wrote to Svante and asked if he could assist her by sending some oxen. To help her pledge she invoked not only her own weakness as a lonely widow without close relatives but also the toil of her son-in-law – "for the sake of God and for Josephs merits".²⁸ As we shall soon see, this was typical.

Also men could ask for protection for women. In 1505, the prominent knight Sten Kristiernsson wrote to Svante Nilsson. After mentioning his regrets on not having been able to meet up with Svante as had been the plan, he continues to explain how he had come down with an illness so severe that he feared it was "the moment and hour when God wanted to call him from this sinful world". Upon facing his own mortality he decided to ensure protection for his wife and children once his time has come.²⁹ As legitimization for his request he promises undivided devotion and service should he survive.

The question thus arises whether asking for protection can really be seen as a juridical strategy used by women if men were in fact the ones ensuring their protection. Letters regarding the death of the knight Bengt Ryning in 1505 shed light upon the matter. Bengt Ryning had an agreement with Svante Nilsson that the latter would care for his wife's interests should she outlive her husband. When Bengt Ryning died his widow, lady Filippa Månsdotter, had only the word of Svante Nilsson to rely on. Uncertain of whether the promise to Bengt Ryning would be kept her nephew wrote to Svante Nilsson encouraging him to stand true to his word, thus confirming how powerful male relatives might use their contacts to assure protection for widows.³⁰ However, Svante Nilsson answered that Filippa Månsdotter already had sent a messenger to the castle and thus convinced herself of Svante's good intentions.³¹ This shows that even though the surviving correspondence and charters suggest that finding protection for women was to a large extent a male affair, women were indeed active in

²⁶ Johanna Andersson Raeder, *Hellre hustru än änka*; Barbara Hanawalt, "Remarriage as an Option for Urban and Rural Widows in Late Medieval England" in Sue Sheridan Walker (ed.) *Wife and Widow in Medieval England* (Ann Arbor, Mich: University of Michigan Press, 1994), 141-164.

²⁷ If – and in that case to what extent – other powerful men (or women?) were contacted for that purpose could perhaps be found in other family collections but is beyond the scope of this paper. At least one man approached Svante asking for protection for himself. SDHK no 35104.

²⁸ SDHK no 35054 (Stureark. 423).

²⁹ SDHK no 35063 (Stureark. 690). A similar case is that of Bengt Ryning writing Svante Nilsson on the same subject for the same reason. SDHK no 35233 (Stureark. 712).

³⁰ SDHK no 35239 (Stureark. 727). A similar letter referring to a previous agreement was sent by Åke Hansson to Svante Nilsson on behalf of Åke's sister lady Anna Hansdotter. SDHK 35470 (Stureark. 761). Ture Jönsson wrote on behalf of his deceased brother's widow. SDHK no 35691 (Stureark. 518).

³¹ SDHK no 35245 (Stureark. 1623). Filippas letter, if such has existed, is not preserved.

finding protection themselves and it is highly likely that some of the men seeking protection for women in fact had been approached by the woman beforehand.³²

So far we have discussed only the issue of *who* might need protection, which leaves us with the other half of the question unanswered – protection *from whom*?³³ The sources give no conclusive answers but indicate that widows needed protection from men aspiring to acquire their property and especially their fiefs. To return to the case of lady Filippa, who was promised the estate and fief of her deceased husband, the worry expressed by both Filippa and her niece proved to be justified. A year later, Pavel Kyle wrote to Svante Nilsson with an anecdote and a request. Pavel recounted when Filippa's nephew, Sten Kristiernsson, had convinced Pavel that it would be safe to leave his estate unprotected for the short while it would take Sten to return but when Sten was delayed several weeks Pavel's estate was vandalized. Since the loss of his estate could be blamed on Sten, Pavel requested parts of Filippa's fief previously held by Bengt Rynning as compensation. Pavel was compensated with another fief, but what is striking is how he perceived having a right to Filippa's property on a mistake made by her nephew. This shows that a widow's rights were not guaranteed but largely dependent on what protection she had, demonstrating the significance of seeking protection as a juridical strategy.³⁴ Interestingly enough, a widow's legal rights to property was never invoked, though they were explicitly mentioned in the law.³⁵

Let's now turn to the different strategies women would use with regards to how they justified certain juridical actions. How did women legitimize their claims?

Invoking weakness

The most common weakness to invoke was poverty. Widows would refer to their poverty – though judging from the fact that all of the widows in the sources belonged to the highest strata of society their poverty must have been relative – in order to claim property. But poverty could also be an alleviating circumstance for men³⁶ or even for the kingdom³⁷. This means that poverty, though considered a weakness, was not a wholly gendered attribute and consequently not a specifically female strategy. A weakness specific to women was on the other hand being widowed which in turn was interconnected with poverty.³⁸

³² The widow lady Anna Hansdotter had approached Mats, bishop of Strängnäs, asking him to write Svante on her behalf (compare note 29, SDHK no 35539, Stureark. 1696), to which Svante agreed (SDHK no 35791, Stureark. 57).

³³ These questions of analysis are brought forward by Ann Ighe, "Replacing the Father – Representing the Child. A Few Notes on the European History of Guardianship" in Inger Dübeck, Grethe Jacobsen, Helle Vogt and Heide Wunder (eds.), *Less Favored – More Favored, Proceedings from a Conference on Gender in European Legal History, 12th - 19th Centuries* (Copenhagen: Royal Library, 2005), (articles paginated individually).

³⁴ The widow Ottilia Ottesdotter apparently had a similar agreement with Svante regarding her departed husband's fiefs, but lost everything. SDHK no 34579 (Stureark. 810). Compare with SDHK no 35816 (Stureark. 874a) where a widow's rights are contested.

³⁵ Carl Johan Schlyter, *Konung Magnus Erikssons Landslag*, Kunungx B. XXI, Gifto B. XV.

³⁶ SDHK no 34669.

³⁷ SDHK no 35896 (Stureark. 224).

³⁸ Shulamith Shahar, *Growing Old in the Middle Ages: "Winter clothes us in shadow and pain"* (London: Routledge, 2004), 166.

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March 30, 2012

Losing one's husband was presumably not a choice of strategy as such, but calling upon the loss of a husband as a factor when dealing with legal affairs was. When Filippa wrote to Svante urging him to keep his promise she referred to her precarious position as widow – a “poor, worthless woman”. Her strategy was to justify her right to the fief by her own poverty and the responsibility she now had to “provide for these poor fatherless children”.³⁹ An almost identical phrasing was used by Ottilia who described herself as a “poor, worthless woman standing by God” and having no one else to turn to but Svante.⁴⁰ In some cases men also referred to the death of a wife, but in those cases it was rather the practical arrangements around the death of a spouse that were the focus – not the effect on the husband's status.⁴¹

Invoking strengths

In attempting to retrieve fiefs, goods or personal benefits men would refer to their long service, their hard work and their toil. Women on the other hand would not promote themselves at all. In fact, in the hundreds of letters from the first decade of the 16th century there's not a single woman promoting herself, but nearly 20 men doing so with great certainty of their own capabilities. This is a clear difference in how men and women perceived themselves and in their relationship to the juridical sphere. Men legitimized their claims on property and their rights – or lack of such – with their long service to the kingdom and their close and personal relationship to the regent. Women on the other hand legitimized their claims and rights with poverty, weakness and their need for protection emphasizing that the regent was the only one that could help them.

Some comments on this contrast are due. First of all we know that the turmoil and constant warfare of the early 16th century caused many men to be away from their estates and that their wives were left as managers. This is evident in the correspondence between Svante Nilsson and his wife lady Mätta Ivarsdotter. For example, when he is engaged in a conflict near Kalmar in southern Sweden and unable to attend the council meeting in Stockholm in 1507, Mätta arranged the meeting, aided in assembling the councilmembers and sent Svante updates of the proceedings. She also read letters addressed to him as opposed to sending them to his current whereabouts unopened.⁴²

But the widows that took over their late husband's fiefs in practice show very little of the weakness they invoked. Gunilla Johansdotter Bese held Viborg castle at the border of eastern Sweden after the death of her husband in 1511.⁴³ She wrote among others to the prominent knight Tönne Eriksson (Tott) asking for help against the Russians who, her informants had claimed, were on their way, but

³⁹ SDHK no 35448 (Stureark. 373). When she later on writes to Svante in gratitude she uses the same formulation. SDHK no 35901 (Stureark. 1547).

⁴⁰ SDHK no 35473 (Stureark. 810).

⁴¹ SDHK no 34752, SDHK no 35517.

⁴² SDHK no 35930 (Stureark. 817), SDHK no 35941 (Stureark. 212), SDHK no 35954 (Stureark. 816), SDHK no 36101 (Stureark. 221) and SDHK no 36670 (Stureark. 1090). See Natalie Zemon Davis, “Boundaries and the Sense of Self in Sixteenth-Century France” in Thomas C. Heller (ed.), *Reconstructing individualism: Autonomy, Individuality, and the Self in Western Thought* (Stanford, Calif.: Stanford University Press, 1986), 58.

⁴³ She is described as “despite of her gender” one of the most “renowned castle lords”. Seppo Suvanto, “Gunilla Johansdotter Bese” in Matti Klinge et al. (ed.) *Suomen kansallisbiografia 1. Aaku-Browallius* (Helsinki: Suomalaisen Kirjallisuuden Seura, 2003), 589-590. See also Anu Lahtinen, *Anpassning, förhandling, motstånd – Kvinnliga aktörer i släkten Flemming 1470-1620* (Stockholm: Atlantis, Skrifter utgivna av Svenska litteratursällskapet i Finland 721, 2009), 90-91.

when urging him to hurry it was to save the “poor part of the realm”, not to aid her.⁴⁴ When the council in Stockholm heard news of Russians on the move they sent two trusted men to take over Viborg and Gunilla’s other border castle – Olofsborg. Gunilla, however, would not give up the castles but referred to the promise made to her by the regent Sten Sture junior. In fact, she refused even to let the men close, and her own people clearly stood by her – defending for example the royal estate in Borgå held by Gunilla’s bailiffs when the men sent by the council came to claim it.⁴⁵ After almost a year she agreed to trade Viborg and Olofsborg for a quite significant fief in southern Sweden, and to ensure that no harm would come to her or her people she referred to the precarious situation of her and her “little fatherless children” and to her “ignorance”.⁴⁶ For all that we know about Gunilla there’s nothing to indicate that she was not a very able woman, a skilled politician, knowledgeable of her own rights and determined to uphold them. Yet when legitimizing her claim to the castles she didn’t refer to her obvious ability to hold them but to her willingness to serve Sten Sture – not with men but with “humble love and good will” – and to the fact that the fief was granted her because of “the benevolent service her dead lord has shown the Swedish kingdom”.⁴⁷ In the end, Gunilla also ensures that the castle is left in the hands of Tönne Eriksson (Tott), who as it happens had married her daughter.⁴⁸

In the light of this I would propose a certain discrepancy between the rhetoric and reality, which would indicate that the idea of female weakness was at least in the higher strata of society fairly well established. It was part of late medieval conventions for a woman to refer to herself as poor and miserable.⁴⁹

Conclusions

To conclude, there were several strategies women employed when dealing with legal matters. Most of these strategies pertained to elements of weakness but some of these – such as referring to poverty – were not exclusively female. Nonetheless, women more frequently than men called upon their weaknesses and never promoted themselves with reference to their abilities – though this was very common among men. Women could – as Gunilla did – refer to their willingness to perform service but not with men and force, but with humble love and devotion.⁵⁰

The common feature of all the juridical strategies used by women used was that they were employed in order to avoid entering the juridical sphere. It can be deduced from the sources at hand that irrespective of the fact that women were perceived as weaker than men and legally subordinate, women themselves preferred not to deal with legal matters. This might have been because of a

⁴⁴ FMU no 5530.

⁴⁵ The assumption of Viborg and Olofsborg have been described as a usurpation. Helge Pohjolan-Pirhonen, *Suomen poliittinen asema pohjoismaisen unionin loppuvaiheissa 1512-1523* (Porvoo: WSOY, Historiallisia Tulkimuksia, 1953), 66.

⁴⁶ DF no 5608 and DF no 5619.

⁴⁷ DF no 5614.

⁴⁸ Anu Lahtinen, *Anpassning, förhandling, motstånd*, 90.

⁴⁹ Anu Lahtinen, *Anpassning, förhandling, motstånd*, 83. Compare with Natalie Zemon Davis, “Boundaries and the Sense of Self”, 57-59.

⁵⁰ One exception must be mentioned. When Ture Jönsson wrote to Svante Nilsson he urged him to let his brother’s widow keep the fief for the sake of her “sorrow and misfortune” but also mentioned that the widow had some “good men” willing to serve Svante. SDHK no 35691 (Stureark. 518).

general perception that the juridical sphere was male and the many difficulties that being a woman in that context might involve.⁵¹ Taken into account the frequency with which women appeared in the charters it can be concluded that women withdrew from the legal sphere continuously over the later Middle Ages. It is therefore essential to consider the variety of legal matters dealt with in the charters as the charters very rarely deal with crimes but are focused on landed property transactions. This means that women in the early 16th century significantly more seldom participated in landed property transactions than the women of the early 15th century, but that determining their participation in criminal cases is outside the scope of this paper. I would argue that women's declining participation had two major effects.

Firstly, as previous research has shown, husbands in the 17th century were in practice the owners of their wife's property, even though she would remain the formal owner.⁵² The pattern of development over the Middle Ages supports the idea that husbands gained increasingly strong rights to their wives' property – women managed their own property less and less. Secondly, the fact that women laid the responsibility for legal matters on men must have meant that women had decreasing contact with the juridical sphere. As Anthony Musson has concluded, knowledge about law and legal systems "was acquired throughout a person's life concomitant with the level of his or her exposure to legal processes" thus, as women refrained from participating in juridical life their knowledge of their own rights would fade. This could in turn be part of the explanation of why women's juridical rights deteriorated during the 17th century.⁵³ Though women were clearly not allowed in the juridical sphere as officials they were not denied access to the *ting*, to legal matters, or to the legal knowledge that had as of yet not been professionalized in Sweden. In this respect, women themselves contributed to their exclusion from the juridical sphere by not participating.

⁵¹ Johanna Andersson Reader, *Hellre hustru än änka*,

⁵² Anna Hansen, *Ordnade hushåll: genus och kontroll i Jämtland under 1600-talet* (Uppsala: Acta Universitatis Upsaliensis, Studia historica Upsaliensia 224, 2006), 209. Also compare Maria Ågren, *Domestic Secrets*.

⁵³ Maria Ågren, *Domestic Secrets*, chapter 4: "Deteriorating Rights and Compensating Practices", 100-139; Merry Wiesner, *Women and Gender in Early Modern Europe* (Cambridge: Cambridge University Press, New approaches to European history, 1993) The introduction of primogenitur also contributed. See Christer Winberg, *Grenverket: studier rörande jord, släktskapssystem och ståndsprivilegier* (Stockholm: Rättshistoriskt bibliotek 38, 1985), 48-50. Anu Lahtinen recounts how lady Ebba Gustavsdotter (Stenbock) held Åbo castle after the death of her husband, Klas (Eriksson) Flemming, and suggests that Ebba was the last woman to hold such a position before the increased royal power and professionalization of official posts put an end to it. Anu Lahtinen, *Anpassning, förhandling, motstånd*, 92.