CHAPTER 3

Assault and Lesser Violence

Introduction

Aggression and violence directed at another person's property was an expected and well-known phenomenon in local communities. This was part of an honour system, a culture in which violence was used for retribution and revenge. The law texts do not indicate what possibly could have led to the property destruction or maiming of animals; nor do they mention how this would affect the outcome in court. The destruction of another person's property was seen as part of conflict strategies and as a reaction to an insult of some sort. The many fights and instances of assault have been interpreted in this way as well. Indeed, the most common crimes in late medieval Swedish cities were assaults, brawls, and lethal violence.¹ The frequency of violence in various medieval regions has been discussed extensively by scholars. In an older scholarly tradition, the Middle Ages (in particular the latter part) were portrayed as a time of terror, when violence reigned and people lived in constant fear.² In turn, medieval people were at times described more or less as children, “with few emotions outside fear and anger” and little ability to control these emotions or impulses.³

More nuanced perspectives can be found in recent studies of medieval violence or conflict resolution. To start with, Gert Althoff reminds us that well-developed systems of non-violent conflict resolution also existed during the Middle Ages, and we should not let our fascination with violence downplay these aspects of medieval society.⁴ Other scholars, such as Swedish historian Eva Österberg, downplay the frequency of unlimited violence and terror in

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² Österberg and Lindström, Crime and Social Control, 10.
older societies.\textsuperscript{5} Many scholars have also encouraged us to explore the thinking behind the violence. Instead of depriving medieval people of the ability to think and act rationally, we should try to find the logic within the different legal and moral systems we meet. Medieval violence cannot be reduced to just spontaneous, illogical outbreaks; it should be considered according to its own logic, rules, and honour codes.\textsuperscript{6}

That there is a system or logic to the violence does not imply that violence occurred rarely; on the contrary. It is impossible to understand most medieval societies without taking into account the constant presence of violence and, furthermore, the acceptance of violence. Violence, or the threat of violence, was an integral part of society.\textsuperscript{7} Claude Gauvard writes that violence is found at the core of medieval society and, moreover, that violence and the use of violence were highly valued.\textsuperscript{8} However, as stated, the violence in question was not necessarily uncontrolled or uncontested. There were limits and rules for the use of violence; there were acceptable and unacceptable forms of violence as well as legal and illegal violence. It is important to keep in mind the difference between these norms. A person guilty of unacceptable forms of violence could easily be punished according to the norms of both the local community and the legal system. Violence that was acceptable in the views of the local community, however, could still be illegal.

The difference between acceptable and unacceptable violence, as well as legitimate and illegal violence, was constantly being negotiated. It is clear that even lesser cases of assault, such as a blow or a slap, were brought to court in late medieval Sweden. It has been argued that since so many cases of lesser assault were brought in front of the court, they must have been taken seriously. The frequency of these cases can also be explained by the way that people used legal courts. In pre-modern Sweden, participation in court activities was not only required by authorities but also was something actively sought

\textsuperscript{5} Österberg, \textit{Folk förr.} 78, 82, 131–132, 168.


\textsuperscript{7} Carbasse, \textit{Histoire du droit pénal et de la justice criminelle}, 357.