

‘His Disobedient Son’: Sami Narratives of Parental Authority in Eighteenth-Century Finnmark

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This chapter discusses a criminal trial from eighteenth-century Finnmark, the northernmost district of Norway. Hans Nielsen, a 27-year-old Sami man accused of having beaten his parents and committed several other violent deeds against others, was tried in a local court in the far north of the union of Denmark–Norway.

The aim of the chapter is twofold. Firstly, I focus on parent abuse within a legal context, paying attention to legal practice and courtroom discourse. In addition, I contextualize the trial within a wider legal frame. Secondly, with regard to this particular case, I ask whether the contesting of authority in a parent abuse case from a nomadic society differs from such cases in other societies. I therefore examine whether ethnicity had an impact on the act of disobedience or on the court proceedings. To achieve

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these aims, I carry out discourse analysis based on close-reading of the court records.

PERIPHERY OF EUROPE

In the seventeenth century, the district of Finnmark was seen as the periphery of Europe. It was sparsely populated, with only around 3,000 inhabitants in an area of 48,650 square kilometres. Moreover, this small population was not homogeneous; two ethnic groups, the Norwegians and the Samis, lived side by side, each with a language and culture of their own. Among the 3,000 inhabitants of the district were some 660 Sami people.¹ This group was divided into the coastal Samis, living in small villages in the inner parts of the fjords, and the inland Samis. The inland Sami were reindeer herders who migrated towards the coast in the summer. Each ethnic group had its own culture, making Finnmark a meeting place for coastal and inland people, fishermen and reindeer herders. The family of Hans Nielsen was Sami, and the family lived in a migrating, reindeer-herding community.

The ethnic Norwegian population stayed in small fishing villages along the coast, and earned their living mainly by fishing and small-hold farming. This population was composed in part of long-established locals, but there were also migrants who had come north in the previous century to settle in Finnmark, which was well known for its rich fisheries.² Due to the fish trade, several merchants from Bergen had also settled there. In addition, people had come from many European countries, including Scotland, Denmark, Germany and the Netherlands. The king of Denmark–Norway was ultimately responsible for maintaining law and order in this colourful melting pot.

THE COURT SYSTEM AND THE LETTER OF THE LAW

Norway was in a political union with Denmark from 1387 until 1814. While on paper there was one set of Danish laws and one set of Norwegian laws, in practice both countries followed many of the same laws. The most important laws regarding sexual crimes for Finnmark were contained in the Kolding decree of 1558, in which the judicial principle *lex talionis*—an eye for an eye and a tooth for a tooth—was the basis of the penal policy for serious crimes. Christian V's Law of 1687 is frequently referred to in the eighteenth-century records of local courts in Finnmark, which shows that

judicial officials knew the laws and judged according to them.³ Judicial practices in local courts in Finnmark were influenced by their geographical situation, as they were located far from the central authorities in Copenhagen.⁴

In his study *Speculum legale—rettsspejelen*, Jørn Øyrehagen Sunde writes that there was a transition from a legal order to a legal system at the end of the fourteenth century, a development of the legal field governed by the state through borrowings from the rest of Western Europe. The legal system developed into a more centralized, state-governed justice system following a continental model. The legal order in Europe and Norway had as its aim attractive and peaceful ways of solving conflicts as an alternative to more violent ways of dealing with crime, which had previously frequently been used within the legal system. However, the state, in the name of the king, still had to handle crime, and the legal order established in the Middle Ages turned out not to be adapted to this task.⁵ The aim in Norway was to establish a legal system consisting of three levels: the local, intermediate and central courts. What connected the three levels was the possibility of sending an appeal from an inferior to a superior court.⁶ Court proceedings were recorded by a magistrate, a position established for local courts in Norway in 1591.

Finnmark's local courts were at the lowest judicial level in Denmark–Norway.⁷ Present in the courtroom were the bailiff, the deputy bailiff, the magistrate, a jury of trustworthy men, the accused person, the witnesses, local people who attended the session, and often the district governor. The magistrates' powers increased throughout the seventeenth century. The district magistrate, the *sorenskriver*,⁸ was charged with keeping records at the local trials. In the seventeenth century, he was usually Danish, and educated in Copenhagen. This was also the case with the regional governor, the king's man in Finnmark, as well as with the bailiff. There was a linguistic challenge involved in trials of Sami persons—as in the trial of Hans Nielsen—due to the fact that the scribe had to pay attention to the Sami language in addition to the Norwegian language. In migrating Sami communities at this time, Sami was the spoken language. Therefore, it was necessary to have a person in the court that knew both languages, and could translate. In Finnmark, this person was called the Sami constable.⁹ A jury of trustworthy men from the local community was elected to judge in the local court.

Initially, from 1591, the *sorenskriver* was the court recorder.¹⁰ He was gradually accorded more responsibilities, increasingly becoming a full

magistrate in function. In 1687, he replaced the jury altogether in minor cases.¹¹ The records in the archives are either fair copies made from detailed notes taken during the trials or records written during the trial.¹² The documents are written in the Gothic hand, in Danish, occasionally with some words from the vernacular inserted.

The local courts held sessions at fishing villages every year in spring and autumn, all along the coast. Cases from local courts could be sent to the Court of Appeal, presided over by the Court of Appeal Judge, who came to Finnmark every third year to hold sessions. In the same way as the local court sessions, the Court of Appeal sessions were also held at the coast.¹³ If a case was not settled at this judicial level, it could be sent to Copenhagen for a final decision. It took several weeks to receive answers from Copenhagen, and because of the distance, Finnmark's local courts were largely autonomous and served as the main stage for criminal cases to be heard and decided upon. Because the Court of Appeal judge came to Finnmark so seldom, the verdict and sentence in most cases were decided in the local courts, often rapidly.

In the remainder of the chapter, I focus on showing how parent abuse was prosecuted and why. The trial of Hans Nielsen provides a glimpse of court practice in a case of parent abuse in eighteenth-century Finnmark. Far from the central legal authorities in Copenhagen, the local courts were to a large extent able to act as autonomous entities. This holds true for all crimes brought before the courts. However, this particular case is of interest because it shows the judiciary at work in a case that was unusual when it came to the type of crime, but also unusual in the meeting of two existing cultures, and the challenges the court had to face regarding a mentality and a language that was completely foreign to them.

The Danish–Norwegian laws after the Reformation were clearly influenced by the Ten Commandments. Christian V's Norwegian Law of 1687 was used during this trial. Judicial comments on Christian V's Law emphasize the religious impact of the law text and what the Church of Denmark had taken on as the true word of God.¹⁴ In the general part of the law, Book 2, Chapter 1 has the headline 'About Religion' and states that religion in the king's land shall be in accordance with the holy Biblical Scripture, 'det Apostoliske, Nicæniske og Athanasii Symbolis', the Augsburg Confession and Luther's Small Catechism.¹⁵ This means that Christian teaching was not based on the Bible alone, but also on certain symbolic books included in the text of the three articles of Luther's Catechism.¹⁶ The king as the head of the Church is underlined.

Since the true religion is the beginning of all good, the king was obliged to enforce and protect the religion and knowledge preached in Denmark and Norway.¹⁷

The relevant paragraph of law for the trial of Hans Nielsen is directly related to the Fifth Commandment: Honour thy father and thy mother.¹⁸ In Book 6, Chapter 5, there is the headline ‘About children’s wrongdoing against Parents, also Master and Wife’. In text-critical comments to the laws of 1753, violence is defined as all types of annoyance that occur by use of force.¹⁹ Ten years later, in the text-critical comments of 1763, this definition is extended. In a broad sense, it includes violence, destruction and robbery.²⁰ In a more narrow sense, it means an annoyance more directed against a person than an object.²¹ Violence against parents was severely punished, in accordance with the long-lived judicial argument that the punishment should have a deterrent effect.²² In Article 3, it is stated that if anybody beats his or her parents, then it is a ‘Halsløs Gierning’ [literally a ‘reckless deed’].²³ The meaning is that a son or daughter who commits a violent deed against his or her parents will be sentenced to be beheaded.

In the same chapter, Article 7, it is stated that if any husband acts in a tyrannical or unchristian way towards his wife, and this is proved, then he is to be punished at the work institution of Bremerholm—where some of the prisoners were kept in chains permanently—or another penalty according to his status and level.²⁴ In addition, a wife beating her husband or parents treating their children violently were to be punished with strict sentences,²⁵ for instance the spinning house for women.²⁶

SOURCE MATERIAL

A wide range of crimes were treated before the courts in eighteenth-century Finnmark, including murder, violence, sexual crimes, theft and parent abuse. Violent crimes accounted for the majority of trials, while sexual crimes accounted for less than one-tenth of all cases brought before the local courts during the seventeenth and eighteenth centuries. The court records of these local trials, kept in the Archives of the Finnmark District Magistrate, are valuable historical sources, rich in content and detail. The series is almost continuous from 1620 onwards through the seventeenth and eighteenth centuries. However, there is a lacuna from 1633 to 1647.

The court records contain information about the date and place of a trial, the names of the judicial officials participating in the trial and the

names of the members of the jury, which consisted of trustworthy men elected from the local community. Then there is information about the accused person's name and place of abode, the testimonies of the witnesses, the interrogation, the accused person's plea, the verdict and the sentence, if applicable. The court records from Finnmark are very valuable witchcraft sources because the trials are recorded from beginning to end. Due to their richness and detail, these documents offer multilayered potential for interpretation.

The court records from the local courts in Finnmark show that at the beginning of every court meeting, royal letters and decrees were read aloud as the first order of business, which generally concerned taxes or legal decrees issued by the king in Copenhagen. This certainly led to an oral transference from the courts to the populace, either by way of the jury of elected, trustworthy men or by ordinary people who attended the court sessions and later repeated what they had heard there.²⁷

The laws as they were practised in early modern Finnmark, as well as the range of crimes and the number of cases brought before the courts, do not differ much from the rest of the country or from the rest of the Nordic countries.²⁸ In addition to dealing with crimes including murder, violence, theft, infanticide, adultery and fornication, the court also settled financial disputes. However, the case of Hans Nielsen was not an ordinary trial treated as one of many cases during one court session; it was dealt with as a single case. At the beginning of the trial, it was announced that there would be an extraordinary court for this case. This means that from the perspective of the judiciary, the case was seen as both important and unusual, and there should be no delay in bringing the case to trial. In the court records from the seventeenth and eighteenth centuries, no cases of parent abuse appear before the Finnmark local courts other than this one.

THE TRIAL

The trial of Hans Nielsen started in the small village of Talvik, West Finnmark. The entire district of Finnmark was a flowering place when it came to trade at this time, especially well known for its rich *pomor* trade with Russia.²⁹

When this crime of parent abuse was brought before the authorities, it was unusual. On general grounds, it was a case showing disregard for a parent's authority, and as such was very rare in eighteenth-century Finnmark. In addition, this was a conflict related to a Sami community,

which was also a rare occasion. However, the case was taken seriously by the judiciary, and it attracted public attention. Below I give a brief outline of the trial, and then go into more detail in the analysis.

The trial began on 18 November by order of the regional governor of Vardøhus according to a request from Niels Hansen, the father of Hans Nielsen. A number of witnesses testified before the court, mostly members of Hans Nielsen’s family: the father, the mother and the brother. In addition, the father introduced some witnesses from the local community. At last, Hans Nielsen was brought before the court and questioned. The questions as well as the answers were recorded, and therefore the discourse situation in the courtroom is well documented.

After the witnesses had testified and the accused had been questioned, the father—Niels Hansen—wanted Hans Nielsen’s wife to stand as a witness. The case was then postponed until 9 December. Later, the case was postponed until 16 January 1763. However, when this date arrived, Niels Hansen explained that his daughter-in-law was so weak that it was uncertain when she could come down from the mountains to act as a witness. He wanted the case to be decided upon.

The verdict was given and the sentence passed in Talvik local court on 16 January 1763. According to the law, Hans Nielsen might have received the death penalty. However, since the accusations were not fully proved, he was sentenced to one years’ imprisonment at Vardøhus Castle in Finnmark and thereafter to stay at Vardøhus for the rest of his life.³⁰

METHODOLOGICAL APPROACH

To answer the main questions posed in this book—to gain an understanding of the treatment of violence against parents—it is necessary to employ a particular methodology. Since the court records are comprehensive and present detailed courtroom discourse, particularly the voices of the various persons participating, my methodological approach is based on narratology and the category of voice, as in Gérard Genette’s work. Close-reading of the court records based on this approach gives access to the individuals and their speech, as well as to the legal and cultural context, of which the latter is particularly interesting for this trial.

Genette’s main work, *Discours du récit*,³¹ is a study developing a narratological methodology through the analysis of a fictional work. Genette’s two subsequent works, *Nouveaux discours du récit*³² and

Fiction et diction,³³ expand his original narratology and discuss the boundaries between fictional and factual narratives.³⁴ Related to factual narratives, Genette requires ‘a large-scale inquiry into discursive practices such as those of *history*, biography, personal diaries, newspaper accounts, police reports, and *judicial narratives*’ (my italics).³⁵ Such an approach makes it possible to distinguish between different voices heard in court records: the voice of the law, the voice of the accused person, the voices of the witnesses and the voice of the scribe.

Court records are documents with a particular position, placed between oral and written text, as pointed out by Elizabeth S. Cohen.³⁶ She argues that each voice seems distinct, even if the agenda is common—a view I share.³⁷ In a study of testimonies before the governor’s criminal tribunal in early modern Rome, Cohen says:

These testimonies and additional texts all occupy in-between positions on a spectrum between oral and written domains of expression. Sharing an intermediate textual zone that has attracted increasing scholarly attention in early modern cultural studies, these several sorts of non-literary sources invite a comparative analysis and double modes of reading. On the one hand, they are ‘documents’ to be read as straightforward descriptions of the world; on the other, they are constructed texts conceived strategically to represent their speakers and negotiate more complex meanings.³⁸

An important methodological question when working with court records is the possible influence of the scribe. In a study of testimonies, Malcolm Gaskill claims that the voices of witnesses are audible to us and that historical narratives permit semantic interpretation based on the sources behind the documents.³⁹ He argues that a layer of reference to factual, historical events is the case with court records as well as all other historical narratives.⁴⁰ I agree with this. Even if obvious source-critical questions—such as who is the speaker, and what is the intention and motivation of the narrative in its legal frame—are crucial to the analysis of court records, the influence of legal conventions on courtroom records was mostly reflected in the form. With the contents of testimonies and confessions, however, it is the witness or the accused person’s own knowledge that is decisive.

The Finnmark court records seem to be written to give a correct picture of what happened in the courtroom during a trial. The magistrate recorded the discourse during the trial as accurately as possible. The

records carry a stamp of professionalism, characterized in large part by neutrality and trustworthiness.

THE TESTIMONY OF THE FATHER

The methodological approach I have chosen is based on close-reading of the court records in order to focus on the voices of the different witnesses. The question of who is speaking is crucial to get an understanding of the courtroom discourse, and attention paid to the utterances of the witnesses will contribute to giving us a glimpse of how family members as well as other members of the community looked upon the crime of parent abuse committed by Hans Nielsen. This holds true for the contents of the testimonies, the deeds performed by Hans Nielsen and brought to the fore in the testimonies, and the way the testimonies are told on linguistic grounds.

Close reading of the court records may throw light on a central question related to parent abuse posed in this chapter: Is the violent deed discussed to be seen as an act performed by a young person with certain criminal tendencies irrespective of the cultural frame? Could the violence be explained in general terms: the offender's strong will, an inability to control rage, generational conflict? This case would then fit a general pattern also found in other Nordic countries.⁴¹ On the other hand, there is the question whether Sami ethnicity and the Sami way of living in a small, semi-nomadic community had an impact on the offender's behaviour.

The first witness was the father, Niels Hansen. He is also a victim in this case, and his testimony holds forth the abuse he himself experienced, as well as what his wife experienced. The testimony displays his heavy reliance upon his neighbours for support in dangerous situations, and it shows the deep impact of his son's slaughtering of his reindeer, which represented a strong symbolic expression of parental disrespect that was visible to everybody in the community.

He explained that his son, Hans Nielsen, who had married three years previously, came to him at Christmas time the year before and by force took his driving reindeer from him, where after Niels Hansen moved to a neighbour's tent to stay there for a time being. The son went after his father at that time, not to live there. The mother went to the permanent tent of her son to talk with him. The son beat his mother and went to her husband's tent to show her misery. Niels Hansen and his wife then sought

shelter in the tents of their neighbours. Niels Hansen asked whether he might keep company with them, to avoid his son's violence, and he showed them his wife's face. However, it seems that the neighbours were very much afraid of the violent Hans Nielsen. Even though they pitied the old woman, who had been beaten violently, their fear was overwhelming, and they did not consent to Niels Hansen and wife staying with them. It did not help that Niels Hansen offered them a young female reindeer as payment. The neighbours moved immediately with their reindeer and tents from the place; only one stayed behind.

Then Hans Nielsen, before the eyes of everyone, took his father's reindeer and beat it heavily; the father was powerless to do anything other than forbid it. Hans Nielsen finished his violence and slaughtered the reindeer. Two days later, he took a second reindeer and slaughtered it in the same way. Some weeks later, when the two reindeer had been eaten, he took an additional three reindeer and slaughtered them. These deeds were an assault on the father because the son did not respect his father's authority. Even if the son was in need of meat, the father had refused to let him to slaughter the reindeer; the son did not listen and disobeyed his father. Therefore, the slaughtering of the reindeer belonging to the father was more serious in terms of disobedience than in terms of a need for food. As the son was an adult man, the father was no longer obliged to provide him with food; he should have been capable of earning his own living. We see both the son's neglect of the father's authority in terms of obedience, and also the son's resistance against accepting himself as a grown-up person, capable of handling his own life and sustenance.

Niels Hansen was going to relocate with his neighbour to avoid his son's violence, but before they left, Hans Nielsen came running and took the driving reindeer from his father and carved his mark on it. Even when the father moved from one place to another, the son followed. To understand the son's motivation—why he followed his father—it is necessary to understand the context of the type of economy that formed the basis of the migrating Sami reindeer herder community, as well as the urge to challenge his father's authority. An economy based on keeping reindeer was very vulnerable, as the reindeer were of the utmost importance for meat and clothes. Reindeer were very valuable, and the wealth of a Sami living in a migrating community depended on the number of reindeer he owned. Thus, the slaughtering of the father's reindeer was an attack upon his economic foundation. Even if the son's need for food was a direct cause of the slaughter, it was misplaced that an adult son should get his

food from the father's herd; according to his age, he should have his own herd. In addition, the slaughtering of the reindeer was an assault on the father's authority. By depleting his father's wealth and disobeying his father's proscription against the slaughter of the reindeer, he trespassed over the borders of the economic well-being of a father and a grown-up son, and at the same time he made it clear that he did not accept the ordinary system of paying respect to the parental generation. Only by following his father could Hans Nielsen constantly be in a threatening position, close enough to confront his father verbally, and close enough physically to slaughter the reindeer he needed for food; both factors were clearly a demonstration against his father.

In 1762, Niels Hansen wanted to go to the church in Kautokeino, but Hans Nielsen came after him and tried to take the reindeer from his father's sledge by force. However, the father did not want to let the reindeer go, and called his younger son Mathias. When he came, Hans Nielsen grabbed his knife, and Mathias called out to his father that he should take a piece of wood to protect himself. However, as the father became afraid, Mathias grasped a piece of wood, and in the moment his brother tried to stab the knife in his father's reindeer, Mathias struck his hand so that the knife fell from it. However, Hans Nielsen again took the knife and stabbed it into his father's reindeer so that it fell to the ground, whereupon the father took up a piece of wood to use against his son. Then Hans Nielsen grabbed a stick and ran behind Peder Nielsen's tent. When Niels Hansen came to Peder Nielsen's tent, his son came towards him with the stick and thrust it at him with such force that it penetrated his father's fur coat and another coat he had underneath,⁴² and struck his body directly under the breast, leaving Niels Hansen heavily bruised. It was lucky that the stick hit the body to the left of the stomach, and that it was not sharp, but rounded, for otherwise Hans Nielsen would have killed his father with the same blow. Niels Hansen brought the fur coat before the court and showed the hole. Due to the blow, Niels Hansen fell on his knees and called for help, whereupon Hans Nielsen ran to his tent, chased everyone out of it and asked his father to come into the tent to him. The father showed his wound to several others. He believed it necessary to get help from the authorities.

In my opinion, the contents of the father's testimony point to a generational conflict as the main explanatory factor underlying the violent deeds performed by Hans Nielsen; there was a strong desire on the part of the father to divide himself from his son, in contrast to the strong desire of the son to remain in the household. It also seems clear that the father had

not managed to maintain the authority of the master of the household, as was expected in a society based on patriarchal order.⁴³ It is also obvious that the father had not been able to protect either his wife or his younger son against his violent elder son. Hans Nielsen paid no respect to his father or mother. Hans Nielsen had been a problem for the family and the village for a long time. The father had tried to solve this problem within the family and he had sought shelter in the neighbourhood. When it was finally necessary to contact the authorities, the reason given was that Niels Hansen saw no other solution. It cannot have been easy for the father to formally accuse his son, but he had reached a stage where he had to admit that these problems could not be solved otherwise.

Hans Nielsen's reluctance to accept his role and position in the family may also be related to the fact that he was the eldest son. Being the eldest son is frequently related to a set profile. The eldest son might have problems accepting his place in the world and the expectations implied by that role. Hans Nielsen's profile fits well the profile of such a man, and he shows psychological features that are very common in this respect.⁴⁴

THE TESTIMONY OF THE MOTHER

The mother testified at the first court meeting. She was also a victim in this case, and her speech is motivated by an urge to express her pain and emotion; she had been beaten by a son she had brought up and certainly loved. When Margrete Matthiædatter, the mother of Hans Nielsen, was questioned, she testified that her son had beaten her with a piece of wood on the right side of her forehead, and that she had almost fainted. However, she had had two caps on, and this was fortunate, for otherwise the blow would have been dangerous. They were the only two in the tent. She crept out of the turf hut and,⁴⁵ in tears, showed her injury, and then immediately moved with the reindeer and tent over to a neighbour's tent, which was quite a distance away. She was asked how she had been mistreated, and she said that it was the same as what had happened to her husband. She also said that when her husband wanted to gather his reindeer, he was beaten by Hans Nielsen under his ear, so that he fell to the ground. This blow she did not see herself, because she was in her tent, but she had heard this from her own husband and from her son Mathias.

She also testified that some years earlier, when her husband was staying with his reindeer on the southern side of Karasjok,⁴⁶ one day her son Hans had taken a reindeer belonging to her son Mathias and held it fast. The

mother intervened, and Hans Nielsen drew his knife and ran up to his mother with it, behaving as if he would stab her, but restrained himself. However, he took the reindeer against his mother’s will and sold it. The mother was asked whether Hans Nielsen at that time was married, to which she answered he was like an adult son living with his parents. She also showed the court a scar and a mark on her right hand left by a blow. It seems that for the mother, the physical attacks by her elder son had been painful and impossible to forget. She gave a full account of the abuse, which was easy to demonstrate. However, when it came to her son’s position in the family—living together with his parents as an adult—she did not bring this up herself, but was asked about it by the court. What was important for her in the testimony was the chance to express the pain she had experienced. She did not consider it important to mention the unnatural situation in the family—looking after an adult who should have been able to look after himself.

In addition, the mother reported that one year before Hans Nielsen was married, a wolf had killed one of her husband’s reindeer while she and Hans Nielsen were away at church for Easter in Kautokeino.⁴⁷ When they came home from church, the son, in anger, grasped a flint and accused his father of shooting the reindeer dead. However, the father and the younger son Mathias immediately took the flint from him. She had also seen the dangerous blow from Hans Nielsen that had passed through her husband’s two fur coats the previous spring. In addition, she said her son had been disobedient, gainsaying and head-strong since becoming fully grown and had followed his own will, obeying neither his father nor his mother. She said she had urged Hans Nielsen to set up his own tent, because they were all afraid and fled from him.

As underlined in the mother’s testimony, a recurrent issue is the son’s marital status. He was not married when his violent behaviour began, and after he married his violent behaviour continued. It seems to be a clear cultural understanding that a grown-up son should marry and form a household of his own. Hans Nielsen does not seem to have accepted this: he followed his father all the time. The neighbours did not feel safe, either. This entire situation was related to the fact that Hans Nielsen did not accept that he was an adult person who was supposed to accept the responsibility of starting a family life of his own. His violent behaviour had its roots in a general problem related to entering the adult phase of life, not a problem related to the cultural ethnic frame.

The recurrent violent behaviour probably stemmed from Hans Nielsen's personal features. He had a violent character and his behaviour was abnormal. His violence is visible in the beating and assault of his father and mother, but also in violence towards his wife. She had to run out of the tent after having been beaten by her husband. This shows that his violent behaviour was not limited to the intergenerational conflict within his own family, but extended to his inability to control his excessive and violent impulses towards those close to him who were not blood relations.

The mother's testimony seems to strengthen the impression that the parents were no longer able to take responsibility for Hans Nielsen; therefore, the authorities had to enter the scene and take over.

THE TESTIMONY OF THE BROTHER

Nineteen-year-old Mathias Nielsen—the younger brother of Hans Nielsen—was next brought before the court. He swore his oath with an upright finger and gave his testimony. Mathias was also a victim in this case; he was a close relative and had seen his own parents beaten and abused with his own eyes. In his account, the abuse of his mother is prominent; this was against all the ethical rules of the Sami family. The physical threat against the father is also given weight in his account, as well as his own possibilities to intervene and try to prevent his brother's attack on their father.

Mathias Nielsen explained that around five or six years earlier, when he and his father had come home to the tent, they had found his mother, Margrete Matthiædatter, crying and holding out her right arm, which was swollen. She had said that his brother, Hans Nielsen, had beaten her with a rope and at the same time taken a vessel filled with water and urine and poured it over her head.⁴⁸ The mother confirmed that this had taken place. The witness had otherwise often heard his brother threaten his mother with violent blows,⁴⁹ but he had not seen the beating with his own eyes. However, he had seen Hans running towards their mother with a large Russian knife, saying that if she did not go away and let him have her reindeer, he would stab her.

When, just after Christmas the previous year, Margrete had come creeping out of Hans Nielsen's tent, crying, badly beaten upon her forehead,⁵⁰ Mathias and his father were standing outside the tent, and nobody else had been present inside except Hans Nielsen and his mother. The beaten spot was heavily bruised for a whole month afterwards. In addition, Hans Nielsen's wife, after severe treatment from her husband, had run to

her father’s tent. Otherwise, he did not know anything about his brother’s behaviour towards their mother.

Mathias was then asked by the court to say something about his brother’s indecent behaviour towards their father.⁵¹ He reported that his father had lent his brother a traditional costume to wear.⁵² When his father asked for the costume back, Hans Nielsen instead put it in a wooden box.⁵³ When the father fetched this box, Hans Nielsen did not want to open the box. This was the first offence Mathias could remember his brother committing against their father.

Then Mathias recounted the incident when the rest of the family went to Kautokeino church, and an episode when Hans Nielsen attacked Niels with a rope so violently that the witness and the mother had to help the victim. This was confirmed in court by the mother. They eventually had to tie up Hans Nielsen because they feared he would harm them.⁵⁴ Hans Nielsen managed to get loose from his bonds and ran to the tent of Anders Nielsen, where Niels Hansen was staying. Hans Nielsen begged his father for forgiveness and promised to improve his behaviour, and fell round his father’s neck. However, once Hans Nielsen returned home, he started yelling whenever anybody spoke a word to him. Then, the father went to the coast to seek help from the authorities.

Once, when his father was seriously ill, the sister of the witness asked Margrete, ‘shall we make shoes for our father from this skin?’⁵⁵ Hans Nielsen answered: ‘Shall we make shoes for a rotten foot?’ Whereupon the father answered that they should make shoes for Mathias instead. Hans Nielsen became angry, ran to his father and said that if he uttered one word more, he would stab him. Three people confirmed this.

In the year 1758, Hans Nielsen slaughtered both his own reindeer and his father’s female reindeer.⁵⁶ Mathias had not seen this himself, but Hans Nielsen’s wife had told him. According to Hans Nielsen’s wife, when Niels went to the market in Alta, Hans Nielsen slaughtered one of his father’s reindeer. Mathias also recounted the episode with the stick.

THE TESTIMONIES OF THE OTHER WITNESSES

Peder Pedersen Beive, a member of the Sami community, came forth next, gave his oath with an upright finger and testified. He stated his name and age, and said that Niels Hansen and his son Mathias had come to him and Niels had said: ‘Now I am in difficulties.’⁵⁷ I am not safe from my son Hans Nielsen.’ He asked whether he could stay with Peder Pedersen Beive and

his family. The answer was that they also feared his son, and therefore would not like him to stay, but they agreed that the Niels could remain there for some time. However, in the afternoon of the second day, Hans Nielsen came to them with his reindeer.

A young woman, Elen Jonsdatter, was called to testify and swore her oath. She was 24 years old, who served as a maid for Peder Nielsen Aviovara, and had heard from somebody else about the blow that Margrete had suffered above her eye.

Ole Olsen Aviovara, a transport purveyor, was called to testify next. He swore his oath and testified that Hans Nielsen had taken up a stick and that there had been a fight with many involved. Hans Nielsen was jealous because his woman was in the tent of the witness. Then Hans Nielsen fetched a gun and returned. However, he said that he was unarmed. The witness had once found the wife of Hans Nielsen hiding behind a hill, and she had no shoes on. Later on, he saw that she had shoes on, and she said she was going to her father-in-law.

Iver Olsen, a mountain Sami, was called forth. He was 50 years old and from Masi, a Sami village nearby. He swore his oath before the court and testified that on the Ascension Day before last, in the morning, the wife of Ole Olsen came running to his tent and said to him: 'Come quickly, now Hans Nielsen is killing people.' Then the witness ran out as soon as he could, and when he came to Hans Nielsen's tent, Hans Nielsen came out of the tent, grasped the witness by the breast and swung him round. The witness then said to him: 'Be quiet, it is a holy day.' Hans Nielsen replied: 'Why do you come to my tent to have a fight?' The witness said that he did not want to have a fight, as he had no weapon in his hand. Then Hans Nielsen fetched a tent pole and hit the witness over the head a couple of times. The witness blocked a blow with his arm, but Hans Nielsen continued to beat him, and there was a fight. Ole Olsen suggested tying Hans Nielsen up, but they did not know where to put him, and he was set free.

In Ole Olsen's tent they found Hans Nielsen's wife, who complained that she had been hit at the head, and the witness touched her head and could feel that it was swollen. When Hans Nielsen was set free, he went to his reindeer herd with a rope, and took some reindeer and fastened them. Hans Nielsen's wife went to her tent and fetched her sheep skin coat and came afterwards to Iver's turf hut.⁵⁸ But Hans Nielsen shouted to her: 'Why do you dare to go into another man's tent?' The witness said to her: 'You must not stay in my tent, because then your husband may come and

cause damage.' She then went to the tent of Ole Olsen to hide herself behind him, as they saw Hans Nielsen had a stone in his hand. However, Hans Nielsen went out into the field, and scolded and blamed the two witnesses who had saved his wife.

Hans Nielsen came to Ole Olsen's tent and said that he would tear it down, and Ole Olsen asked Hans Nielsen's wife to leave the tent so that he could have peace. She left the tent, and then Iver Olsen left his tent and saw Hans Nielsen pointing a gun at him. He called out to Ole Olsen to come to the place to avoid an accident. The witness also explained when asked that the first time he ran to Hans Nielsen's tent and heard Hans Nielsen's wife cry out for help. The witness did not know anything further.

THE VOICES OF THE WITNESSES

The voices of the witnesses are individualized. All testimonies have a clear narrative structure, with strong features of orality. There are a few core narratives that are told and retold by various witnesses; the violent episodes when Hans Nielsen attacked his father with a stick, a rope and a gun; the attack on the mother with a rope and a knife; the attack on the brother in the episode with a gun. In addition, Hans Nielsen had slaughtered several of his father's reindeer without permission and threatened other members of the local community. These episodes are rendered before the court with a few variations, according to different witnesses' views. Still, it is clear that news about the violent episodes caused by Hans Nielsen had spread in the local Sami communities. The content of the narratives is congruent, and details and colour have been paid attention to. A strong cause-and-effect principle comes to the fore.

The witnesses are accurate in rendering a plausible order of incidents and all necessary details. They manage to bring forth the feeling of fear in the community. However, they also mention points that make their testimonies less trustworthy, such as the fact that Hans Nielsen and his mother were alone in the tent when he beat her, and that Elen had heard about an episode from somebody else. The weakness of the testimonies is that the witnesses had not seen the violence. Therefore they relied upon visible injuries. The witnesses do not exaggerate, but stick to the point.

Sometimes the records show the questions asked, but most of the time the witnesses give long and rich accounts on their own part. If necessary, a witness was called forth to confirm information. The story based on the witnesses' voices shows how the nearest family members as well as the

neighbours experienced Hans Nielsen's violence. As three of the witnesses—the father, mother and brother—were also victims of the abuse, their testimonies differ in motivation and purpose from those of the other witnesses. Hans Nielsen's wife was also a victim, but she was not able to testify at the time. The victims experienced parental, fraternal or spousal abuse physically. The testimonies of the father, mother and brother carry the stamp of a painful experience and disappointment in a close relative. The father's purpose certainly is to have his son imprisoned, and his motivation comprises both humiliation over his loss of authority and anger due to the violent attacks. The mother's and brother's testimonies to a larger extent carry the stamp of fear due to the assaults they experienced. They were physically weaker than Hans Nielsen and unable to resist his abuse. As a mother's role was very much respected in the Sami community, the act of beating one's own mother was unheard of.

The voices of the rest of the witnesses to a large extent contribute to reinforcing what the father, mother and brother had said. These witnesses saw the mother hurt and in pain, they saw the distressed father seek help from his neighbours and have his reindeer slaughtered, and they heard the accounts of the family members. The testimonies of these witnesses do not carry the same weight as those of the family members, as they are partly dependent on the retelling of events. The purpose of their testimonies was to confirm the previous witnesses' statements, while their motivation was to get rid of this unwanted element in the community, a man who was a danger to more than his family. The entire structure of a migrating Sami community resisted such elements much more than people living in a settled community; they were strongly reliant on cooperation and good neighbourly relations.

A common denominator in the witnesses' testimonies is the repeated mention of tents and reindeer. These themes seem to have a particular significance in the type of semi-nomadic community that we meet here, and they are on linguistic grounds highlighted in the testimonies by the force of repetition. I would like to elaborate a little on these themes, as they may say something about the community's understanding of Hans Nielsen's assault on his father. First the tents: the tents are the houses and the private sphere of the single family. There is a clear dividing line between what happens inside the tent and what happens outside. Inside the tent, the most intimate family life takes place, and therefore also the beating of the mother. The privacy of what happens inside the tent also creates difficulties when it comes to evidence. The witnesses can see the

mother's injuries only when she comes out of the tent—in other words, when she leaves the scene of the crime. Thus, the tents provide a frame for privacy and emotions; they are on the one hand a place for love, affection and security, and on the other hand a place for assault and the misuse of power. The important difference between a tent in a nomadic community and a house in a settled community is that tents can be taken down and moved rather rapidly to another location. When a threat appears, when a dangerous person is getting close, there is the possibility for the people attacked to get away and put up their tents in another place. When it comes to violent deeds against parents, as in the factual case, the possibility for the parents to move away, to flee from the attacker, is used, but to no benefit because the attacker simply follows. Attention is therefore turned towards the violent attack on the parents in the mobile tent, but they are all the time within the tent, so the border of privacy is constantly kept. The dividing line between the tent and the community at large also seems to be a necessary line in the nomadic community with its open structure, and the crime of violence within the family is performed on private grounds. When the tent and the moving of the tent are underlined by repetition, as we see in the witnesses' testimonies, this points to the gravity of the assault; the parents have to flee, to move, to get away from their son. However, they have to take the reindeer with them, as the reindeer are their wealth and economic foundation. Thus, people have to flee due to violence, and the reindeer also have to flee, herded onwards. In a nomadic community, parent abuse led to moving around; the target of the attack is, so to speak, itinerant, while in a settled community, the comparable target will remain in the same place.

THE ACCUSED

At the end of the trial, Hans Nielsen was asked what he had to say in his defence. However, no one could get a word out of him in the course of an entire hour. Finally, after much persuasion and encouragement to express the truth, he first said that he could not remember anything about having beaten his father and mother. Then he was asked whether he, some days after Christmas the year before last, had not seen that his mother had a black eye. He answered in the affirmative: he saw it, but he had not caused it. Then he was asked whether he had not asked his mother how she had got the black eye, to which he answered that he had not asked about it. Then he was asked whether he could not see the hole in his father's two

skin coats, caused by the blow against his father's torso. He answered that he could see it, but did not know why it was so. Then he was asked whether he had caused this blow against his father. He confessed to having caused the blow because of an uncontrollable anger and fear of his father.⁵⁹ He regretted to the bottom of his heart his evil deeds and thus asked his father and mother for forgiveness for all the disobedience he had shown. Then he was asked whether he had slaughtered six reindeer against his father's will. He answered that he had slaughtered two cow reindeer and two bull reindeer.

The parents were asked whether their understanding was that their son had sometimes been out of his senses and furious.⁶⁰ To this point, the mother said that when things went very hard against him, he could become furious. Ole Knudsen also confirmed that sometimes Hans Nielsen was furious when imprisoned and placed in custody in a house belonging to the legal authorities. This point may be related to whether Hans Nielsen could be considered able to take responsibility for his actions from a judicial point of view, an important legal point.⁶¹

The voice of the accused is remorseful and subdued. There is no anger left, and it seems that he has understood the severity of the accusations against him. After initially denying them, he confessed to all charges. The last question posed to his mother about losing all control over himself indicates an interest in his mental state.

THE CRIME IN CONTEXT

To what extent is it possible to link Hans Nielsen's behaviour to his ethnic cultural frame? On the one hand, the village structure of the migrating Sami could make it easier for the father to move away with his tent to escape his son. However, this type of society was extremely vulnerable, and had to rely on a type of self-justice. It was important that the members looked after one another, and it was also important that abnormal behaviour was eliminated, otherwise the community could be torn apart. On the other hand, it was possible for the son to see where his father went. The open village structure and the size of the villages made it impossible for the father to hide. It was not possible to remain incognito in a Sami community, a fact that makes it even more evident how strong Hans Nielsen's desire was to stay with his parents.

One could believe that the transparency of the Sami village structure would counteract violent behaviour by one of the members of the society,

that spokesmen from the village would talk with the member who caused disorder. However, this is not the case here. Instead, we see a village struck by fear. It seems clear that one of the strong values of the Sami communities—the loyalty that led them to stick together and help and protect each other in dangerous situations—was challenged by the threat of Hans Nielsen. When Hans Nielsen’s father sought protection, the neighbour said that Hans Nielsen’s violence might also affect himself and his family members. This means that the threat Hans Nielsen represented held true for the other families in the village as well. It is Hans Nielsen’s violent behaviour *per se* that is the real problem. Such behaviour would have been a problem and would have had the same effect within any type of eighteenth-century local community. However, in a Sami community, it impacted the village structure and the values upon which the village structure rested. Hans Nielsen’s abnormal behaviour was a threat both to his own family and to the Sami village. Possibly, an attack on the loyalty values of the village would be stronger in a Sami community, where, unlike in a settled community, steady migration with the reindeer to new places was a part of life.

Studies on a more general basis have been performed in Norway showing the inappropriate treatment of parents in the children’s household farm.⁶² However, Hans Nielsen was bothering many people in the community and there was a strong wish, developed over a period of time, to get rid of him. As I see it, this is an argument building up under the image of Hans Nielsen as a perpetrator who is incurable, and it fits with the research performed by Phillip Shon.⁶³ A sentence in court was probably the only possible way they could see to force this man to stay away from the village.

THE VOICE OF THE LAW

The voice of the law is here understood as the letter of the law as well as the voice of the representatives of the law. It is clearly heard at the very beginning of the trial and when the verdict and sentence are pronounced. The laws referred to in the records are Christian V’s Norwegian Law of 1687, Book 1, Ch. 3, Art. 4,⁶⁴ which is the general part of the law, and the same law, Book 6, Ch. 5, Art. 3, a paragraph dealing with violence against parents, masters and mistresses. It states that if anyone beats his parents, then it is a deed requiring punishment ‘on the neck’.⁶⁵

During the trial, the voice of the law is heard through leading questions, emphasizing the unchristian character of the crime. Hans Nielsen is

an ungodly son and the deeds committed are unchristian. Court practice followed the principles of an accusatorial trial.

There is no discussion related to judicial arguments. The judiciary tries to maintain a legal standard by properly referring to the laws. The formalities—the swearing of oaths—are also rendered in the records. There seems to be full agreement about the verdict and sentence. A possible appeal to the Court of Appeal is not mentioned.

The sentence was milder than what could have been expected: Hans Nielsen might have received the death penalty. Instead he was sentenced to serve one year of prison time at Vardøhus and afterwards to stay there permanently. This meant that he was to be kept in confinement for the rest of his life, to protect society. Thereafter, he was obliged to pay a bill of 35 daler 9 shilling 8 pund,⁶⁶ which his father had placed before the court within 15 days of the announcement of the sentence.

THE SCRIBE

The testimonies of the witnesses and the confession of Hans Nielsen were given in the Sami language, thus the recording of the court proceedings must have happened in cooperation with a translator, probably the Sami constable.⁶⁷ The work of the scribe was professionally performed. The cross-examination was done by the bailiff and the Sami constable. The scribe wrote down what was said and what happened in the courtroom as best he could. He represented the law, and his voice and values can to a certain extent be heard in the court records. An interesting question is whether it is possible to see some conflict between the voices and values of the Sami on the one hand, and the scribe on the other hand. I think it is fruitful to search for this distinction, as the values inherent in the law represented the official apparatus in Denmark–Norway and were developed within learned judicial circles and based on a long legal tradition, whereas the values of the Sami community when it came to dividing right from wrong were developed through centuries of life experienced in the migratory Sami community, where the primary aim was to keep the community together and create a stable foundation.

In the voice of the scribe, different accents come to the fore. Firstly, there is the reporting accent, giving the facts about the trial: the time and place of the trial, the names of judicial officials taking part, the names of members of the jury, and the verdict and sentence. These pieces of information contain no evaluation on the part of the scribe. However,

the values of the law are reflected in the verdict and the sentence. As the sentence was much milder than what could have been the case, the passing of the sentence gives a signal to the Sami community that it is in agreement with their own life philosophy and way of thinking. The Sami community should be safe and protected in the future, but not by using the death penalty, which was an option. Thus, the values revealed in the practice of the law seem not to be harsh, but more in accordance with the values practised by the Sami migratory community.

Secondly, the voice of the scribe may be heard as an accent in recording the accusations against Hans Nielsen—in the content of the testimonies and the interrogation. In these textual passages, the scribe has the possibility to underline or diminish other's words and phrases. His intention is to provide an accurate rendering of courtroom discourse. Still, a certain flavour is given to orality features and stylistic touches. In rendering the violent episodes, the characteristic structure of the narrative is kept, with a strict timeline, a logical ordering of events and clear cause-and-effect relations. In sticking to this oral type of presentation, the scribe certainly gives the Sami way of testifying the upper hand, as orality features prevail. I would say that the way of telling that we hear in the testimonies reflects the values of the Sami community, and that the scribe has managed to preserve these values in the court records.

Thirdly, we hear a descriptive accent in the voice of the scribe when it comes to personal portrayals and the image of the scene itself. Aiming at portrayals highlighting characteristic personal features, he adds a richness of details to the text. In these text passages, a neutral accent on the part of the scribe is intended; it is an example of professionalism. However, in the portrayals of the people involved, some features are coloured in a favourable way, and the mother and the brother in particular are painted in positive terms—the mother as a loving person who tries for as long as possible to forgive her elder son, and the brother as a person showing courage in dangerous situations. The values revealed by the scribe in the personal descriptions of Hans Nielsen's family members seem to be in favour of the victims. The values revealed in the descriptions of the other witnesses seem to be in favour of trustworthiness, justice and honesty.

Fourthly, in some passages the scribe signals his own opinion of people and deeds. He comes forth with his attitude towards the told, displaying what I would call an evaluative accent. This accent may be detected by tracing the scribe's use of evaluative words and expressions in order to colour the account in a positive or negative way. In the choice of words

used when recording the testimonies of the witnesses, for instance, the scribe manages to hint at his attitude towards the accounts. Hans Nielsen was an ‘*ungodly son*’, he had displayed ‘*threatening behaviour*’ and people in the local communities ‘*feared him*’. This evaluative accent is very much in accordance with the values of the law, and mentioning the word ‘ungodly’ is a clear indication that Hans Nielsen is a person opposing the Christian values of the law: he should instead stick to godly behaviour. Bearing in mind that this trial took place fifty years after the Christian mission among the Sami had started,⁶⁸ the word ‘ungodly’ implies that the Sami community as such was a godly community, while Hans Nielsen behaved contrary to these values.

The scribe’s fifth and last accent I will call a pragmatic accent. This is a rather down-to-earth accent, often taking into consideration what could have been the worst case scenario, and often playing on common sense arguments. The father of Hans Nielsen was ‘*lucky*’ not to be killed when he was attacked by Hans Nielsen. The mother of Hans Nielsen came out of her tent, ‘*crying*’. She had ‘*a swollen eye*’ and had been beaten ‘*black and blue*’. The values reflected here on the part of the scribe tend to underline that the assaults by Hans Nielsen were cruel and dangerous and caused the victims pain.

The above-mentioned accents indicate to what extent the scribe was able to influence the recorded text, and to what extent he in fact used his authority. Being in charge of the recording, it was important to show that he was a professional, and to write down to the best of his ability what happened and was said in the courtroom. He had certain opportunities to influence the records, but seldom used them. The text signals that the scribe and the witnesses shared the understanding that the accused person was dangerous. There is throughout a repetition of certain incidents, for example how lucky the father had been because Hans Nielsen had used the rounded end of the stick when attacking his father. The various accents in the voice of the scribe point towards a professional person who took his job seriously and strived to maintain a high standard.

Looking at the values that come to the fore in the voice of the scribe, they correspond with the values of the law and with the values of the Sami community. In my opinion, it is fruitful to look at the voice of the scribe in particular, because it is through close-reading of the records that it is possible to discover his way of paying respect to the Sami community by rendering the testimonies with their orality features intact, paying attention to the victims by colouring the personal portrayals, and displaying the

community as a whole that is completely dependent on decent behaviour and cooperation. The professionalism that comes forth in the voice of the scribe is in my opinion the best guarantee that a historian can trust the source material.

CONCLUSION

The case against Hans Nielsen is on the one hand a usual one related to violence against parents, a crime treated seriously in the eighteenth century. It is a typical case dealing with a generational conflict and a young man's refusal to accept his role as an adult. On the other hand, the case is somewhat special due to the ethnic Sami frame, since the family lived as part of a migratory culture. The parents had the possibility of moving their tent quickly when things went wrong to get away from their violent son. However, this did not serve to help set things right again. It served to avoid the attention of the other members of the community, but it did not erase the main problem. Hans Nielsen's urge to follow his father and mother is underlined by the constant efforts on the part of the father to move his tent to another Sami village and the son's constant following after his father.

Violence against parents in a nomadic society, as it is demonstrated in this case, in my opinion shows that this crime is related to a larger extent to family structure than to cultural context. It is foundational that the new generation follows after the mother and father, and the unwritten rules connected to the handover of authority is the problematic issue. Hans Nielsen did not behave as expected according to his age. Being the elder son, he knew that he would be the first of his siblings to gain independence, and in a short time be the one to help his parents. What we see, however, is the reverse, the father still having to meet the needs of his son. In a clash between the expectations of the community and the son's own wish to remain a child, the violent situations arise.

Hans and his brother Mathias likely had the same upbringing and were taught the same values, including the protection of the elderly and the abhorrence of violence against them. However, while Mathias had internalized these values, his brother had not. Their mother explained that Hans had been a difficult child since birth, but she did not connect this to traumatic experiences. What remains as an explanation of his violent behaviour is his personality. While Hans's particularly difficult and unwanted character traits could be handled when he was a boy, they

could not be handled when he was an adult. His refusal to accept the social rules of the family eventually became unbearable. As an adult, Hans was strong and dangerous. Violence against parents and other community members created a fear so strong that neither the family nor the wider community could live with it, and the law was turned to for aid.

NOTES

1. V.A. Båkte, 'Den samiske befolkning i Nord-Norge,' *Artikler fra Statistisk Sentralbyrå* 107 (Oslo: Statistisk Sentralbyrå, 1978), 14.
2. Liv Helene Willumsen, *Witches of the North: Scotland and Finnmark* (Leiden: Brill, 2013), 223–241.
3. Poul Johannes Jørgensen, *Dansk Strafferet fra Reformationen til Danske Lov* (Copenhagen: Jurist- og Økonomforbundets forlag, 2007), 123–289, 358–390; Jørn Øyrehagen Sunde, *Speculum legale—rettspegelen* (Bergen: Fagbokforlaget), 183; Willumsen, *Witches of the North*, 230–235.
4. Ditlev Tamm, Jens Christian V. Johansen, and Hans Eyvind Næss, 'The Law and the Judicial System,' in *People Meet the Law*, eds. Eva Österberg and Sölvi Sogner (Oslo: Universitetsforlaget, 2000), 27–56.
5. Sunde, *Speculum legale*, 183.
6. Sunde, *Speculum legale*, 197.
7. Sunde, *Speculum legale*, 197.
8. Etymologically the word means 'a sworn writer', a writer who had sworn an oath, in Norwegian 'en ed'.
9. Orig. *samelensmann*.
10. Liv Helene Willumsen, *Witchcraft Trials in Finnmark, Northern Norway* (Bergen: Skald Publisher, 2010), 11.
11. *Ibid.*
12. Very few words are crossed out, which might be a signal that the records are written from accurate notes.
13. Tamm, Johansen, and Næss, 'The Law and the Judicial System,' 27–35.
14. Christian Brorson, *Forsøg til den anden Bogs Fortolkning i Christian den Femtes danske og norske Lov, Vol. 1* (Copenhagen: Gyldendal Publisher, 1801), 2, 5.
15. 'Kong Christian Vs Norske Lov, 1687,' Universitetet i Oslo, Det humanistiske fakultet, Institutt for arkeologi, konservering og historie, available at: <http://www.hf.uio.no/iakh/forskning/prosjekter/tingbok/kilder/chr5web/>, accessed 12 November 2015.
16. Brorson, *Forsøg til den anden Bogs Fortolkning*, 3.
17. *Ibid.*, 8.

18. E. Hesselberg, *Juridisk Collegium, Første Part* (Copenhagen: C.G. Clasing Efterslevsø, 1753), 396; Jens Bing Dons, *E. Hesselbergs Juridiske Collegium* (Copenhagen: Frantz Christian Mummess Enkes Boghandel, 1763).
19. Hesselberg, *Juridisk Collegium*, 396.
20. In Danish: *Vold in specie, Herværk og Ran*. Cf. Dons, *E. Hesselbergs Juridiske Collegium*.
21. Dons, *E. Hesselbergs Juridiske Collegium*.
22. Jørgensen, *Dansk Strafferet fra Reformationen til Danske Lov*, 434.
23. 'Kong Christian Vs Norske Lov, 1687.'
24. Bremerholm was a Danish prison for criminals who were sentenced 'to iron', *dømt til jern*. It was closed in 1741.
25. Jørgensen, *Dansk Strafferet fra Reformationen til Danske Lov*, 209. See also note 9, p. 209.
26. Bremerholm is mentioned in Article 7, and 'Spindehuset' (the spinning house) in Article 8.
27. Willumsen, *Witches of the North*, 328–338, 352–354.
28. Tamm, Johansen, Næss, and Johansson, 23–56.
29. The pomor trade was a trade carried out between the Pomors of Northwestern Russia and the people along the coast of Northern Norway. The trade went on from the 1740s until the Russian revolution.
30. Ref. Regional state archives of Tromsø, The Archives of Finnmark District Magistrate, no. 45, fos. 758–765; fos. 862–884.
31. Gérard Genette, *Discours du récit*, a portion of *Figures III* (Paris: Seuil, 1972).
32. Gérard Genette, *Nouveaux discours du récit* (Paris: Seuil, 1983).
33. Gérard Genette, *Fiction et diction* (Paris: Seuil, 1991).
34. The English editions of the three mentioned books are: Gérard Genette, *Narrative Discourse: An Essay in Method*, trans. Jane E. Levin (Ithaca: Cornell University Press, 1980); Gérard Genette, *Narrative Discourse Revisited*, trans. Jane E. Lewin (Ithaca: Cornell University Press, 1988); Gérard Genette, *Fiction and Diction*, trans. Catherine Porter (Ithaca: Cornell University Press, 1993).
35. Genette, *Fiction and Diction*, 55–56.
36. Elizabeth Cohen, 'Back Talk: Two Prostitutes' Voices from Rome c. 1600,' *Early Modern Women: An Interdisciplinary Journal* 2 (2007): 95–126; Elizabeth Cohen, 'Between Oral and Written Culture: The Social Meaning of an Illustrated Love Letter,' in *Culture and Identity in Early Modern Europe (1500–1800): Essays in Honour of Natalie Zemon Davis*, eds. B. Diefendorf and C. Hesse (Michigan: University of Michigan Press, 1993), 181–201.
37. Cohen, 'Back Talk: Two Prostitutes' Voices from Rome c. 1600,' 96.

38. *Ibid.*, 95.
39. Malcolm Gaskill, 'Witches and Witnesses in New and Old England,' in *Languages of Witchcraft: Narrative, Ideology and Meaning in Early Modern Culture*, ed. Stuart Clark (Oxford: Oxford University Press, 1997), 55–80, at pp. 56–58.
40. Lubomír Doležal, 'Fictional and Historical Narrative: Meeting the Postmodernist Challenge,' in *Narratologies: New Perspectives on Narrative Analyses*, ed. David Herman (Ohio: Ohio State University Press, 1999), 247–273, at p. 247.
41. Jonas Liliequist, 'The Child Who Strikes His Own Father and Mother Shall Be Put to Death,' in *Morality, Crime and Social Control in Europe 1500–1900*, eds. Olli Matikainen and Satu Lidman (Helsinki: SKS, 2014), 19–42.
42. Original *pesk*.
43. Satu Lidman, 'Violence or Justice? Gender-Specific Structures and Strategies in Early Modern Europe,' *The History of the Family* 18, no.3 (2003): 238–260, at p. 239.
44. Phillip Chong Ho Shon and Shannon Barton-Bellessa, 'Pre-offense Characteristics of Nineteenth-Century American Parricide Offenders: An Archival Exploration,' *Journal of Criminal Psychology* 2, no. 1 (2012): 51–66, at pp. 51, 53, 61.
45. Original *gammen*.
46. A Sami settlement in the interior of Finnmark.
47. A Sami settlement in the interior of Finnmark.
48. Original *kieste*.
49. Original *Hug*.
50. Original *Tinding*.
51. Original *Uanstendige*.
52. Original *Kofte*.
53. Original *Bomme*.
54. Original *Karkeband*.
55. Original *Komager*. These are traditional Sami shoes.
56. Original *Simle*.
57. Original *nød*.
58. Original *gamme*.
59. Original *ubehendig heftighed*.
60. Original *rasende*.
61. Jørgensen, *Dansk Strafferet fra Reformationen til Danske Lov*, 124–125.
62. Inger-Lill Husøy, 'Kampen om kåre' (Master's thesis, University of Oslo, 2007), 50.
63. Phillip Chong Ho Shon, 'Sources of Conflict Between Parents and Their Offspring in Nineteenth-Century American Parricides: An Archival

Exploration,’ *Journal of Forensic Psychology Practice* 9 (2009): 249–279, at p. 250.

64. ‘Kong Christian Vs Norske Lov, 1687.’
65. Original: *Slaar nogen sine Forældre, da er det Halsløs Gierning*.
66. Norwegian contemporary currency.
67. Original *Samelensmann*.
68. Thomas von Westen, called the Sami Apostle, went on his first travel mission to Finnmark in 1716.

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