
Sisters in faith and the vagabond traitor

Women's same-sex fornication trials in the 1950s Finland

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The criminal law in Finland has not known “lesbians” until present day. The term has not been used in laws or in the pre-works of the criminal law, not even in the 1999 criminal law reform, which, however, uses concepts of same-sex relationship and homosexual – but not lesbian. Until now lesbians have been free-movers of the legal discourse. However, women's mutual sexuality was criminalised as early as 1894. I will discuss the effects of this law in case of significant trials in the 1951. What was the trial about and what concepts were used for women's same-sex activities? The social and cultural category of lesbian was borne in Finland so late as in the 1970s, but at the time of these trials no such identity or legal category existed.

“Fornication with a person of the same sex” was decreed punishable by imprisonment for a maximum period of two years for both parties in the Finnish Penal Code from 1894 until 1971. The Penal Code was rather peculiar in that in most European countries only fornication between men was criminalized, whereas fornication between women was not. Fornication was criminalized between adult women only in Sweden, Austria, Greece, and in some cantons in Switzerland. In the Netherlands, from 1911 to 1971, fornication with an underaged person of the same sex was decreed punishable. Acts between women were included in this section.

In Finland, in total 54 women and 1 009 men were sentenced for same-sex fornication whilst the law stood in force. Women's prosecutions represented approximately five percent of the total number of people prosecuted for same-sex acts. In Sweden and in the Netherlands the numbers were approximately the same: Thousands of men and a handful of women. In Sweden, according to Swedish historian Jens Rydström (2001 p. 343) the concept of “female homosexuality” entered the legal discourse in the beginning of the 1940s, and the image of lesbian was expressed even clearer in the 1950s. In Finland, the legal discourse in the 1950s still lacked the concept of lesbian. However, according to Finnish historian Jan Löfström (1994), the modern category of “homosexual” had taken shape in Finland by the 1950s. During the 1950s

shifts in medical, psychiatric and criminological discourse took place, and new laws and state institutions such as the new abortion law and centres for marriage counselling were established. Effects of many of these changes in discourses and practices concerning sexuality and gender penetrated the lives and bodies of the accused women in the trials I will discuss.

Same-sex sexual relations in “The Sisterhome”

The largest proportion of women’s fornication sentences, twelve, in one year took place in Finland in 1951. This is due to two separate trials, in both which more than two women were convicted. These trials took place in little villages in Eastern Finland and they were closely interconnected.

Eeva, a 31-year-old divorced mother with four kids stood in the court charged with false perjury and eight fornications with a person of the same sex. Five of her accomplices were also accused, two of them were convicted to six months suspended for a three-year probation period. Eeva herself was sentenced to four years penitentiary, and to a forfeiture of her civil rights. This sanction was, according to authors of criminal law science, meant to manifest that the person was not more trusted by the society as its responsible member (Honkasalo 1953 p. 157-161). In practice it meant that Eeva was not allowed to vote, to run a business, to have a foster child or to take on any public responsibilities. She was practically deprived of her citizenship besides of being locked up in jail. She also had to face a forensic examination in which her mental capacities were questioned. She herself claimed that the origin of her same-sex conduct was a result of an encounter with a stranger – she said that a war refugee from Carelia had taught her the vice of making love to women – otherwise she would have stayed an innocent soul.

Eeva’s same-sex activities had been discovered during her divorce trial process. She had confessed to having had several women as sex partners while vagabonding around the country. A couple of months before her arrest she had moved in the Herb Grove orphan house, which was also known as “The Sisterhome,” because all of its personnel belonged to a religious sect. Eeva revealed to the police that she had had sexual relations with some female employees of Herb Grove and that the religious rituals practised there were of a criminal nature.

The Sisterhome was partly abhorred by the villagers because of the extravagant features of the religious cult but also respected for the valuable social work that was being done there. The Sisterhome provided a working place, school, dentist, care and food for its inmates. It was, therefore, for economic reasons desirable for the local community and the authorities to avoid the case of going to the court. The Provincial Police wanted to organise an unofficial

hearing so as to avoid undue publicity, but the Herb Grove women were not co-operative – they believed that a competing religious sect was behind all the gossip and urged the police to take action to clear their reputation. The police examination was set up, but the prosecutor had to wait for months before the county governor gave up his hesitation and allowed the case to be taken to a trial.

The women themselves invented the religious sect of Herb Grove. They had built a church, written more than 400 songs and designed a special clothing. One of their doctrines consisted of an oil anointment. In this ritual person's genitals were oiled in order to see whether the being at her devotions had made her resistant for secular or "abnormal" lusts. If the person was sexually aroused during the oiling, the ritual had to be repeated. The person who acted as the oilier was seen as the mediator between "the heavenly healer" Jesus Christ and the "sick" person.

It was this particular ritual that became interpreted as a crime of fornication in the legal proceedings. Once the police interrogation had started, the police officers translated the oiling rituals to the language of the criminal law system. For the legal authors of the 1950s, fornication entailed that a person was "made to expose her genitalia and, by doing so, to get herself induced to an object of indecent observation" (Honkasalo 1960 p. 47). Fornication comprised of acts which were "taken up in purpose of satisfying or arousing one's sexual drive" (ibid. p. 71). Activity or passivity during the act was irrelevant in a juridical sense.

Top or bottom

In the police interrogations, however, the most crucial question was as to which one of the accused women had been on "top" and which one "underneath" in the act. The police officers wanted to define who was the seducer and the active party. They also asked whether the women's "seed" had run. Other very detailed physical things were asked, too, from the loss of virginity to the menstruation cycle, not even mentioning the details of the suspected acts and the sensations and bodily practices during the acts. The police officers, who interrogated the suspected women, were local men, who had been trained to the profession mainly through the work in the field. Their concepts were a mixture of common village knowledge, police training textbooks and those medical and psychoanalytic discourses, which were taking place in the 1950s juridical and everyday discourses. Since they were uncertain of the nature of this rare crime, they wanted to write up every detail they could ever think of to serve as evidence of fornication. In this proceeding, a "penitent" and confessing woman was constructed alongside an active sexual woman.

Already from the beginning of the police interviews, most of the women, even when they confessed to detailed sexual acts or passionate love, spoke in terms of their religious doctrines. The concept of “lesbianism” was not used, neither by the women nor by the police officers. The accused women were, however, obviously aware of the existence of some sort of a category of people with same-sex interests. The term “homosexualist” was mentioned a couple of times. The women always excluded themselves from this category of “sick” or “sinful” persons as “that group of people to whom I do not belong.” Only one of the women had internalised the medical discourse to some degree: she said in the court that she had “became accustomed to homosexuality.” However, she never explicitly stated that she *was* a homosexual.

Somehow, however, women from other parts of the country with obvious same-sex interests had found their way to this all-women-run religious community. There must have existed some kinds of networks or other communities through which the information spread throughout Finland. It seems that religious communities around the country provided a social, cultural and mental network for rural lower-class women with same-sex interests in the 1950s. This hypothesis has not been studied in any depth, but it seems to provide a fruitful topic for a future research on rural women’s same-sex sexualities.

The new pathologization

Once the Herb Grove case was taken to the court room, sexuality of the accused women’s was related not only to religious-nationalist discourses of “sin” and “indecenty” but also to medical and psychoanalytic discourses on abnormalities and pathologizations. This last rhetorics was pursued by the defence counsels for the purposes of defence. They were seeking to apply an image of emotionally soft, hormonally disturbed and “sick” women as innocent actors in the field of uncontrolled and dangerous sexuality. There are several intra-judicial reasons for this, but obviously the concept of “sickness” was here marking a shift in criminological discourse in Finland. For the purposes to build an effective defence, the counsels attempted to apply contemporary radical psychoanalytical and medical ideas about sexuality. These ideas, also known as the “cure ideology,” were somewhat influential in the criminal legal science from the 1950s onwards. According to this ideology, “homosexuals” and other pathological persons needed to be put in hospitals, not in jail. This line of defence did not work in the courtroom, however. The judges were obviously acting according to the principles and definitions by the older legal authors. For them acts were acts: if genital touching and sexual arousing had taken place, the crime of fornication had been committed. Juridical textbooks

recognised the concept of “pathological homosexual” only in the 1960s. Even then the image was male.

The trial in the national press

The case of Herb Grove was a rare and sensational trial in its time. It went through all the legal phases from the district court to the Supreme Court. The trials lasted almost four years, from 1951 to 1954. In 1953 the new castration law was actively put in use – also the head mistress of Herb Grove was nominated for castration but the medical board dropped the charge.

The newspapers in Finland noted the trial in large scale. Pictures from the courtroom were printed and the names of the accused women were published on front pages of newspapers even before the sentences were read. The newspapers neither used the concept of lesbian, but wrote about “sex crimes” and “indecent acts.” Some of the national newspapers used the opportunity for raising a discussion of the reform demands of the criminal law. They speculated whether the sisters in faith were martyrs in religious sense or whether they should have been locked up in hospital instead of jail, according to the cure ideology. Also, it was questioned why same-sex fornication was criminal whilst heterosexual illicit intercourse was decriminalised earlier on.

The trials were a stage where religious conceptualisations and shifts in psychiatric, criminological, medical and juridical discourses of the time met. The convicted women were moving as if in a liminal space: they were not “homosexuals” since they were not men but they weren’t lesbians either since there weren’t lesbians in social or cultural sense. By police officers they were acknowledged full sexual subjectivity as women, but by their defence councils they were deprived it again as members of soft and overtly emotional female gender. According to the judges they were not pathological since they were convicted for indecent acts, which demanded a capacity for rational and moral judgement from a perpetrator. The women themselves, however, refused to be sexual criminals, since they looked on their actions from the point of view of their own religious logics.

Even though the trials were widely discussed in Finland, they seem not have had influence to a conceptual change in medical or criminological discourses: the term “lesbian” can hardly be found in medical journals or criminological texts in the 1950s. However, the trials must have had an impact to a cultural imaginary of women’s same-sex sexuality. It is interesting that this scene took place in a periphery, in a rural setting in a remote village in borderlands of Finland, in Far East, and not in Helsinki or other big industrial cities.

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