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Self-Killing, Leniency, and the Law

To take one's own life in early modern Europe was to incur the notice of the church, the law, and one's larger community. One might suppose that such attention would be negative, for both secular and religious authority condemned suicide. But official prohibition of suicide did not always mean that the bodies, memories, or estates of suicide victims were treated harshly. When scholars examine the reactions of clerical and legal officials and the populace, they discover that the views of Europeans on suicide changed over time. An act that the average person once had perceived as unlawful and sinful became (in the words of Jeffrey Watts, this volume's editor and introducer) "decriminalized, secularized, and medicalized," by the end of the 1700s (p. 8).

This fundamental alteration in the view of non-elites–for many intellectuals and lawmakers still viewed suicide as without justification even after the Enlightenment–sometimes created a clash with the letter of the law. For legal historians, an important sub-theme within this volume is the ongoing efforts of a number of parties (such as jurors, sheriffs, and even, ironically, certain church officials) to subvert the draconian penalties for suicide that the law and church technically required.

Prior to the Enlightenment, European law set out vivid punishments for suicide. Indeed, many of those punishments were not rescinded until the nineteenth and even twentieth centuries. In England, it was only in 1873 that Parliament declared that the property of suicides was no longer forfeited to the state. England's statutory abolition of the desecration of bodies was a part of the reforms of its previously bloody criminal law in the 1820s. As discussed by Arne Jansson, Swedish law officially moderated toward one type of self-killer, the suicidal murderer, in the 1790s; Machiel Bosman identifies a similar time frame for the last public display of a suicide's body in Amsterdam.

Although legal authorities could not upbraid the victims of self-killing directly, they did warn the rest of the population against such behavior. Thus, the law prescribed treatment for the body of the suicide that was designed to stick in the memory–most notoriously, a setting of the corpse in a public place, with a stake through the heart. Other so-called punishments for self-killing were on the books. For example, many areas in Europe in the early modern era threatened to deny suicides burial in consecrated ground, and spoke of confiscating the deceased's estates.

When the law in Western Europe frowned on suicides, it of course reflected the view of the western Christian church–both Catholic and Protestant–that voluntary death was a usurpation of divine authority. Augustine's strictures on suicide from the *City of God_*, for example, held sway not only with Church theologians in the medieval period, but also with moralists in the Dutch Republic and among Protestant English figures such as John Donne.

But however strongly the law on suicide was expressed, and as long as its theological roots might be, legal rules against self-killing were not always enforced in a strict (or even an effective) manner. Although the focus of this collection of essays is not on the law, per se, the contributors to the volume have much to say about law for several reasons. These essayists are not so much concerned with the law on suicide as a formal expression of the rules of each country or region (as legal historians might be), but rather they are interested in the law because of the repeated thwarting of it.

Nor do they simply want to assess the effects of Enlightenment thought on the law of suicide. Certain among the authors here contend that a softening of popular attitudes toward suicide precedes the Enlightenment. That is, these authors do not see a simple connection between the moderate views of persons such as Voltaire toward suicide and the decriminalization of self-killing. Bosman, for instance, argues that there were laws penalizing suicide during the 1600s in Holland –regulations

given the stamp of authority by Hugo Grotius, among others. And yet other Dutch legal writers influenced by Roman law contended that suicides ought to be treated according to whether or not they were otherwise criminals. A suicide based on despair, for instance, ought not to incur the wrath of the law that would attach to self-killing in order to avoid the gallows.

The contributors toward this volume also write about the law in some detail for a practical reason: because legal records are so useful to them as sources. If all suicides had been treated as the law said they should be, then there would have been thousands of nighttime burials at crossroads ordered and carried out. To put it more bluntly, those decomposing bodies might have littered the landscape–but they did not. These authors note again and again that the residents of Western Europe found ways to mitigate the harshness of the letter of the law. And ironically, often they did so through legal mechanisms or via low-level officials. Bosman notes that it was the sheriffs of Amsterdam who determined whether the bodies of suicides would be exhibited on the gallows or, more mercifully, quietly buried in a corner of a churchyard. Seventeenth-century Londoners appealed to the vicar-general–a secular official trained in church law who was attached to their bishop–when they sought exceptions to the rule that suicides could not be buried in churchyards.

Paul Seaver details one instance after another in which the vicar-general complied. Seaver's essay illustrates a transformation over time in the petitions granted by vicars-general. Efforts to secure burial in consecrated ground during the reign of Elizabeth I and James I often mentioned the cognizance of sin and sincere repentance demonstrated by self-killers in the interim between their acts of suicide and their deaths. When bereaved families and friends made the same requests (for burial in consecrated ground) a few decades later, they couched their justifications more in terms of the melancholy or even lunacy that had preceded self-destruction. Scholars interested in the English coronership will note Seaver's observation that such indications of mental illness came at a time when coroners were reluctant to involve themselves in the question of whether a suicide had been *non compos mentis*–an argument previously suggested by the pathbreaking research of Michael MacDonald.

These authors maintain that the populace and some of their governors increasingly treated suicides (their bodies, their estates, and their memories) in a secular and less harsh manner. In the seventeenth and eighteenth centuries, those who judged suicides relied more and more upon non-religious explanations as justifications for mercy toward self-killers. This tendency was not a universal trend, however, as Craig Koslofsky demonstrates with regard to a controversy in Saxony concerning the treatment of suicides. In that instance, despite an articulate and well-known brief by the author Christian Thomasius for the Leipzig city council to oversee suicides' burials, the short-term winners were, instead, church officials. In her discussion of suicides in Schleswig and Holstein, Vera Lind points out that as the eighteenth century dawned many people there associated suicide less with diabolical forces and more with physical causes. And yet superstitions connected with suicide continued to exist in this region among ordinary folk, even while the law became more moderate in theory and in practice. Elizabeth Dickenson and James Boyden describe the persecution of suicide Isabel de los Olivos y Lopez, before and after her death. For those authors, Isabel's death was not merely an example of how zealous church inquisitors could be in the early 1500s. The official reaction to her self-destruction was representative of a strain of thought in Spain that persisted in condemning suicide well into an era when the Holy Office was not so powerful.

Why was there a disconnection between the letter and the enforcement of the law in so many places?- Several of these scholars contend that there were powerful cultural forces within nations, which could work against the legal and religious condemnations of suicide. For example, the Spanish ideal of *desengano* (heroic self-sacrifice) was not at all the same as the "defiant hopelessness" of the Hungarians. And yet David Lederer (writing about the Hungarians' *honfibu*) and Dickenson and Boyden (scholars of Spanish Golden Age attitudes toward suicide), note that both traits produced in their respective cultures a tolerance for suicidal actions under certain circumstances.

These essays provide examples that a particular person's suicide could engender such emotion that discussion of what to do in response, legally or morally, fell outside the bounds of historical trends. Such was the situation after the self-killing of Samuel Romilly in England in 1818, described by Donna Andrews. Romilly was a legal reformer who lobbied for the abolition of slavery as well as for a reduction in the application of capital punishment. While his death might have been seen as a case crying out for the decriminalization of *felo de se*, in fact the public discussion of suicide in the wake of his death was more complex than that. In particular, Andrews perceives a number of religious arguments being raised to condemn Romilly's self-killing. She cites newspaper de-

bates about Romilly's demise as showing that Romilly's contemporaries feared his death was "the inevitable outcome of philosophic radicalism, of Enlightenment self-confidence" (p. 188).

On the other hand, Jeffrey Merrick's examination of the suicide of Etienne Louis Journet, the intendant of Auch, places Journet's death clearly within the environment of 1775 Paris in particular and the evolution of French attitudes on suicide in general. Although Journet's death was used by a number of parties to justify their own ends, the contemporary commentators on Journet's death rejected descriptions of the deceased as sinful or criminal. Instead they spoke of his being ill or insane–a more modern judgment.

This collection of essays supports that view that suicide in the late 1700s was no longer viewed as caused by sin (and certainly not the devil), but rather by a physical affliction. Beautifully researched, thoughtfully introduced, nicely illustrated, the volume is unusually cohesive. It covers a diverse set of geographical areas, some of which are not well known even among scholars of suicide. Its authors obviously are familiar with not only each other's work, but also the relevant research in an impressive number of related fields such as literature, theology, medicine, and sociology. *From Sin to Insanity* will appeal to scholars beyond social historians of the early modern era, including readers interested in legal forms and applications. Woven throughout these essayists' arguments is the observation that the bodies and memories of suicide victims eventually incurred compassion rather than retribution. The citizens of Western Europe saw to that, even when the law lagged behind them.

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