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Preface

When I was talking about my research outside of work, at least two – admittedly rather obvious – questions proved to be inescapable: *Why of all things suicide?* and *Why compare Austria and Sweden?* My first reaction usually is a simple *why not?* After all, are there any topics or questions that should not be posed to the past? Are there any restrictions with regard to the choice of the area under investigation? But of course, such a polemic reaction on my part cannot and should not conceal the fact that the choice of my research topic and area under investigation did not emerge out of thin air but is intrinsically tied to a certain context.

The idea to address the topic of suicide in early modern Austria and Sweden in my doctoral thesis goes back to the year 2007, a couple of years before the actual work on the dissertation started. There was no single trigger or incident that initiated my interest in how suicide was perceived and sanctioned in the past. Rather it was an agglomeration of events that – in a manner of speaking – 'forced' me to examine and reflect my own stance on suicide.

In May 2007 *Modern death*, a play based on an essay by the Swedish writer Carl-Henning Wijkmark,[1] was performed on stage as part of the *Wiener Festwochen*.[2] The plot is simple: In an isolated conference center at the Öresund a group of experts meet behind closed doors to discuss a sensitive issue: the human being's end of life. In the face of an aging population and increasing costs for end of life care a project team within the Ministry of Health and Social Affairs (*Socialdepartementet*) develops solutions where nothing is off limits. One idea brought forward is to convince the elderly to demand their own death, make them want to die out of a sense of responsibility towards society, in which governmental services would then willingly give them a helping hand. The governmental goal is to create a "society-orientated utilitarian consequence-ethics"[3] where people who never were or no longer are "productive" and threaten to become a financial burden for the community are urged to die, and their dead bodies – seen as valuable resources – are recycled.

Carl-Henning Wijkmark's fictional essay is filled with exaggeration, irony and cynicism. However, one must admit that some of his scenarios are not so far beyond reality, as de-

1 Carl-Henning Wijkmark, *Den moderna döden* (Stockholm: Norstedt, 2005 [first published 1987]).
2 The *Wiener Festwochen* is an annual cultural festival taking place in Vienna.
3 Wijkmark, *Den moderna döden*, 40–44.

bates on euthanasia, organ trade and transplantation medicine prove.[4] Upon reflecting on Wijkmark's play, I was struck by the complexity of the topic. After all, to refuse the idea of urging people to kill themselves is only one side of the story. But what about those who desire to die of their own free will and fight for their right to end their own life in a well-ordered way?[5] In Austria, this question became eminent in connection with an acquittal in a trial of assisted suicide just a few months later, in fall 2007.[6] The case gained quite some public attention and triggered an emotionally loaded discussion on assisted suicide, euthanasia and terminal care. Once I had become aware of the topic and its complexity, it became almost impossible to escape it: By chance I ended up in movies dealing with the self-afflicted death of the protagonists during the annual Vienna Film Festival *Viennale*[7] and it seemed as if no book that I read at the time could do without mentioning at least one suicide. Finally, I was confronted with suicide on a very personal level, when, in the wider circle of friends and family, self-inflicted deaths occurred.

It was this concentration of suicide related discussions in the media, in legal terms, in theater, movies, literature and my personal life, that prompted me to deal with the subject. Based on the premise that history should tackle the investigation of the past with an awareness of the problems of the present, I delved into this project.[8] I wanted to learn more about how people in the past dealt with suicide, a topic that caused so much debate in the present.

The second question I usually get when talking about my topic of research is why I chose Austria and Sweden for my comparison. Understandably, the choice of my study areas provokes the need for a justification, but sometimes I can't help but wonder if people would be as curious if I had chosen to compare suicide in Austria to a German territory or any other neighboring country, or if I had chosen to compare two regions within Aus-

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4 Cf. Valentin Groebner, "Körper auf dem Markt: Söldner, Organhandel und die Geschichte der Körpergeschichte," *Mittelweg* 36, 14, no. 6 (2005): 81–82 and Martina Keller, "Bestattung zahlt Empfänger," *Die Zeit*, December 5, 2002, accessed Janury 24, 2011, http://www.zeit.de/2002/25/Bestattung_zahlt_Empfaenger.

5 The British fantasy novelist Terry Pratchet, for instance, was a prominent advocate for this position. See also the BBC television documentary *Terry Pratchett: Choosing to Die* (2011), accessed August 19, 2011, http://www.imdb.com/title/tt1929387/.

6 Since assisted suicide is illegal in Austria, an Austrian couple travelled to Switzerland in order use the services offered by the Swiss assisted dying group *Dignitas*.

7 For instance, *Wolfsbergen* (2007) by the Dutch film maker Nanouk Leopold and Anton Corbijn's *Control* (2007), a film about Joy Division singer Ian Curtis.

8 Achim Landwehr, *Geschichte des Sagbaren: Einführung in die Historische Diskursanalyse*, 2nd. ed. (Tübingen: 2004), 14.

tria, say Austria above the river Enns to Austria below the river Enns or –scaling down even further – two legal districts within one territory.

Nevertheless, it is indeed a legitimate question: After all, the spatial and temporal delimitation of the study has a lot of important practical, theoretical and methodological implications, questions I will return to and discuss in more detail at a later point in this thesis. The reasons why I chose Austria and Sweden, however, are threefold and reflect *inter alia* the greater context in which this study is embedded in. First, getting to the core of the matter, having a background in both history and Scandinavian studies, I wanted to bring together my interests and expertise. Moreover, an exchange semester at Umeå University at an early stage of my undergraduate studies allowed me first insights into another research milieu and different perspectives on history than the ones I knew from my 'home university', the University of Vienna, sparking my interest in comparative research already many years ago. Equipped with the necessary language skills that enabled me to analyze not only the German but also the Swedish language sources, the journey could begin.

Secondly, it has become *en vogue* in the field of history to look beyond the nation state in recent years. The different methodological and theoretical concepts that have been developed in this regard provided the necessary tools to master this project, which is situated in a field of historical research that still is very much in a stage of development and formation.

The trend to take up transnational questions and problems is of course connected to how the world we live in has changed in the past decades. Globalization, high speed internet, and increased mobility, to name just a few developments, have not only changed our everyday lives; also the terms under which historical research can be conducted today differ radically from the conditions only a few years ago. The third part of the answer is thus a simple "because I can", "because it is feasible". More precisely: email communication with my supervisors, affordable travel (in fact, for a freelance doctoral student like me, it was sometimes easier to get scholarships for study stays abroad than to get financial aid in my home country), and the digitalization of source materials, allowing us to collect huge quantities of materials in a relatively short time span and analyze them location-independent based on a digital copy, are just some examples. However, the described development is both a blessing and a curse: it not only opens up new opportunities, but it

also imposes pressure on the researcher. For instance, seemingly unlimited possibilities make it harder – yet all the more important – to select and structure.

However, investigating suicides – even those of people who lived hundreds of years ago – is not an easy topic. To write this thesis proved to be not only an intellectual but also an emotional challenge. In the years that I have worked on this study, several people who are close to me lost a loved one to suicide. I witnessed their shock, pain and grief. Not once in all these years of research have I forgotten that all the women and men that are mentioned in my source material were real people, made of flesh and blood, had hopes, dreams, sorrows and fears. They were loved and missed. My intention has always been to treat them, the historical actors, with dignity and respect in my work.

Acknowledgments

A lot of people accompanied and supported me during the process of conducting this study. I am especially grateful to my supervisor Andrea Griesebner (University of Vienna) and to Jonas Liliequist (Umeå University) for their invaluable insights, patience, and encouragement. In supporting me they both went far beyond the standard procedure. Andrea, thank you for many inspiring discussions in a friendly environment. Jonas, a warm thank you for always making me feel welcome in Umeå.

The work on this study was in part supported by a year-long fellowship of the University of Vienna including a three month mobility grant (2009) and a nine-month Marietta Blau Stipendiary (2011).

The past years also allowed me to meet historians with a similar focus of research at various conferences and meetings. I am especially grateful to Alexander Kästner (Dresden) and Riikka Miettinen (Tampere), two talented and inspiring fellow historians who share my interest in the early modern history of suicide, for their collaboration. I would like to thank Elise Dermineur and Peter Lindström (both Umeå) for reading and commenting parts of the manuscript at an early stage of the project. Vienna-based historians Susanne Hehenberger, Georg Tschannett and Christina Linsboth have always had a sympathetic ear for my concerns – thank you for asking and listening. Moreover I would like to thank the people at the Institut für die Erforschung der Frühen Neuzeit for providing such a stimulating and amicable environment for young historians. To the team at the Kindergarten Lazarettgasse, I am grateful for showing understanding for my academic endeavors and for providing a space where there was simply no room for thinking about self-inflicted death.

None of this would have been possible without the help of friends and family. For unconditional 'family support' in all respects I would like to thank my parents Josefa und Ernst Luef, my siblings Manfred, Sonja and Susanne with their respective partners, as well as the Seidl family. I am grateful to my friends Bertram Gaisböck, Harald Lackner, Birgit Leidenfrost, Christina Mangold-Ernst, Dagmar Schadler, Doris Steinböck and Gerhard Steinböck – I am glad to have you in my life. I want to especially thank Georg Pitschmann for his encouragement, composure and a friendship truly extraordinary. Last but not least, I would like to thank Rupert Seidl – for basically everything. Rupert, your

constant support and trust in my abilities have been seminal in finishing this study. Large parts of the thesis were written while travelling the world together. Thank you for taking me along on your adventures, transforming them always into shared opportunities, experiences, and memories.

"Leben ist ein Angebot, das man auch ablehnen kann."
(Juli Zeh, Corpus Delicti: Ein Prozess, 2009)

"Don't do it"
(Sharon Van Etten, Epic, 2010)

1. Introduction

Studying suicide from a historical perspective

The act of self-killing appears to be a timeless phenomenon that raises questions concerning our being, the meaning and value of life. The fact that men and women at different places and times have decided to put an end to their lives can be seen as an inherent phenomenon of humanity. As such suicide has affected ordinary people as well as occupied scholars, artists, jurists and theologians for hundreds of years. Indeed, self-inflicted death is a much discussed subject still today and its societal and political perceptions and implications are manifold.[9] Despite the continuity of the phenomenon itself it is however clear that the attitudes toward suicide and the perceptions of self-inflicted death vary in different cultural contexts and are subject to historical change. Jeffrey R. Watt characterized especially the early modern period as a "watershed in the history of suicide" in which important changes in the attitudes toward self-killing took place.[10] But as he pointed out, the examination of self-killing grants information not only on suicide itself but also on prevailing mores and mindsets. He concluded that the investigation of suicide and attitudes toward self-inflicted death "offer an invaluable window to the collective mentality of a given society."[11] At the same time, especially when approaching the topic 'from below', studying suicide also provides insight into early modern everyday life, into the workday and daily routine of early modern women and men; it allows us to get a glimpse of the day-to-day worries but also joys pre-modern individuals experienced.

Maybe it is this amplitude of possible questions that lend themselves to be to be studied by investigating self-inflicted death in combination with a certain 'morbid charm' that made suicide a popular topic of historical research in recent years. Of course, already Hans Rost's bibliography on suicide, published in 1927, contained more than 3,700 ti-

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9 Apart from suicide as a personal tragedy I have in mind discussions and problems regarding the "Right-to-die" and voluntary euthanasia, suicide bombers and political resistance through self-immolation, to name just a few.

10 Jeffrey R. Watt, introduction to *From Sin to Insanity: Suicide in Early Modern Europe*, ed. Jeffrey R. Watt (Ithaca: Cornell University Press 2004), 2.

11 Watt, "Introduction," 2.

tles.[12] This proves impressively that the topic has attracted scholars and writers in the past and it is safe to say that the production of suicide-related texts has not declined ever since. Still today suicide is a popular theme in arts and literature and a much discussed object of research within a variety of different academic disciplines. All things considered, the pure mass of suicide related texts and publications has become more or less unmanageable.

When we confine our interest to the field of history, a growing interest in historical suicide studies can be observed in recent years. Apart from sporadic exceptions, historians did not turn their interest towards suicide as a historical phenomenon and topic of historical research before the 1980s, as Ursula Baumann pointed out.[13] Since then, however, several studies have been presented that cover a broad range of geographical areas, broach different aspects of the issue and not least integrate the topic of self-killing in a variety of research problems and questions. Early works in the field originated from France and England, studies from Germany, Switzerland and Sweden followed shortly afterwards. Some of these studies focused primarily on the intellectual history of suicide. Georges Minois, for instance, presented a voluminous monograph on the history of suicide from the ancient world to the twentieth century in 1995 with a clear focus on the early modern period.[14] In his analysis he privileged the intellectual discourse on suicide with only sporadic references to the handling of suicide cases in practice. In contrast, Michael MacDonald's and Terence Murphy's study *Sleepless Souls*[15] approached a broad range of individual suicide cases through a partially quantitative evaluation. Their study impresses with its broad contextualization of the history of suicide within the cultural, political and social framework of early modern England. Being a landmark study on suicide in early modern England for two decades, its findings recently have been challenged by Robert Houston.[16] In his comparative work on suicide in early modern England and Scotland he criticized Michael MacDonald's and Terence Murphy's notion of a rather linear shift of attitude, from harshness to leniency, during the early modern period. Instead Robert

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12 Hans Rost, *Bibliographie des Selbstmords*, mit textlichen Einführungen zu jedem Kapitel von Dr. Hans Rost, mit 54 Bildern (Augsburg: Haas und Grabherr, 1927).

13 Cf. Ursula Baumann, *Vom Recht auf den eigenen Tod: Die Geschichte des Suizids vom 18. bis zum 20. Jahrhundert* (Weimar: Böhlaus Nachfolger, 2001), 12.

14 Georges Minois, *Geschichte des Selbstmordes* (Düsseldorf/Zürich: Artemis & Winkler, 1996 [french 1995]).

15 Michael MacDonald and Terence Murphy, *Sleepless Souls: Suicide in Early Modern England* (Oxford: Clarendon Press, 1990).

16 Robert Allan Houston, *Punishing the Dead? Suicide, Lordship, and Community in Britain, 1500–1830* (Oxford: Oxford University Press, 2010).

Houston emphasized the ambivalences and flexibility in treating suicide. In general, England seems to be a fertile ground for research on self-inflicted death as Alexander Murry's[17] comprehensive studies on suicide in the Middle Ages proof. Moreover, in 2012 and 2013 an eight volume strong series on the "History of Suicide in England 1650–1850" was published.[18]

Also in Germany several monographs have been published in recent years: In 1999 Vera Lind presented a study in which she succeeded in combining the intellectual history of suicide with the practical implications of self-inflicted death.[19] Vera Lind concluded that in her study area – the Protestant duchies of Schleswig and Holstein – a fundamental change of attitudes towards suicide, which led to a decriminalization of the act, took place between 1600 and 1820.[20] An unorthodox albeit inspiring approach to historical research on suicide was chosen by Andreas Bähr in his study *Der Richter im Ich*, published in 2002.[21] Methodologically based on the 'linguistic turn', he analyzed suicides as semantic constructs. Among other things he dealt with the valuations and notions conveyed by the terminology denominating suicide in the second half of the eighteenth century. Based on ego-documents, predominantly letters from men influenced by the Enlightenment and Protestantism, Andreas Bähr scrutinized how suicide was conceptualized in the heyday of Enlightenment in Germany. He asked how those men who had decided to put an end to their lives argued their decision. Similar to Andreas Bähr, Florian Kühnel studied suicide in certain social strata by focusing on the question of what role the concept of honor played in the self-killings of noble men in the second half of the eighteenth century.[22] In her monograph *Jenseits vom Glück* Julia Schreiner analyzed the phenomena suicide, melancholia and hypochondria in an overarching perspective concentrating on the late eighteenth century and predominantly printed sources.[23] Karsten Pfannkuchen provided with his legal-historical study on suicide a long overdue overview of the legal provisions in a

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17 Alexander Murray, Suicide in the Middle Ages, 2 vols. (Oxford: Oxford University Press, 1998–2000).

18 Paul Seaver et. al. (ed.), The History of Suicide in England 1650–1850, vol. I–VIII (London: Pickering & Chatto 2012–2013).

19 Vera Lind, *Selbstmord in der Frühen Neuzeit: Diskurs, Lebenswelt und kultureller Wandel am Beispiel der Herzogtümer Schleswig und Holstein* (Göttingen: Vandenhoeck & Ruprecht, 1999).

20 Cf. Lind, *Selbstmord*, 463.

21 Andreas Bähr, Der Richter im Ich: Die Semantik der Selbsttötung in der Aufklärung (Göttingen: Vandenhoeck & Ruprecht, 2002).

22 Florian Kühnel, *Kranke Ehre? Adlige Selbsttötung im Übergang zur Moderne* (München: Oldenbourg, 2013).

23 Julia Schreiner, *Jenseits vom Glück: Suizid, Melancholie und Hypochondrie in deutschsprachigen Texten des späten 18. Jahrhunderts* (München: Oldenbourg, 2003).

long time perspective.[24] Especially inspiring for the present study was the comprehensive monograph on suicide in early modern Saxony by Alexander Kästner. He focused on the societal handling of suicide, the theological discourse as well as the legal norms and their practical enforcement.[25]

The history of suicide, initially considered as an exotic side issue, has become a considerable field of interest within historical research in the past three decades. This development is reflected in the wide range of publications mapping the field – of which only a few monographs have been mentioned so far – and international conferences held on the topic.[26] Two historiographical review papers by Róisín Healy and David Lederer offer a survey of research dealing with suicide in early modern central Europe up to the year 2006.[27] Since these review papers cover first and foremost German- and English-language publications, the works of Scandinavian authors appear only sporadically.

In Sweden Ann-Sofie Ohlander did pioneer work with her article on the view of suicide in Sweden from the Middle Ages to the present, published in 1986.[28] Since then several Swedish historians have dealt with suicide as a historical topic of research. In his monograph *From swords to sorrow* Arne Jansson examined homicide and suicide in early modern Stockholm.[29] His main interest concerned suicidal murder, i.e. killing another person in

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24 Karsten Pfannkuchen, *Selbstmord und Sanktionen: Eine rechtshistorische Betrachtung unter besonderer Berücksichtigung ostpreußischer Bestimmungen* (Berlin: Logos, 2008).

25 Alexander Kästner, *Tödliche Geschichte(n): Selbsttötungen in Kursachsen im Spannungsfeld von Normen und Praktiken (1547–1815)* (Konstanz: UVK, 2012).

26 For instance the "International Conference on the History of Suicide", held at McMaster University, Hamilton, Canada, August 18-19, 2006 which resulted in the conference volume edited by John Weaver and David Wright (ed.), *Histories of Suicide. International Perspectives on Self-Destruction in the Modern World* (Toronto/Buffalo/London: University of Toronto Press, 2009). In December 2010 a conference entitled "The Making of Modern Suicide" was held at the National University of Ireland, Maynooth, focusing on the emergence of "suicidology" in nineteenth-century Europe, cf. "The Politics of Suicide: Historical Perspectives on Suicidology before Durkheim," special issue of the *Journal of Social History* 46,3 (2013), ed. Maria Teresa Brancaccio, Eric J. Engstrom and David Lederer.

27 Róisín Healy, "Suicide in Early Modern and Modern Europe," *The Historical Journal* 49,3 (2006) and David Lederer, "Suicide in Early Modern Central Europe: A Historiographical Review," *German Historical Institute London Bulletin* 38 (2006).

28 Ann-Sofie Ohlander, "Synen på självmordet i Sverige från medeltid till nutid," *Kärlek, död och frihet: Historiska uppsatser om människovärde och livsvillkor i Sverige*, ed. Ann-Sofie Ohlander (Stockholm: Norstedts, 1986). For criticism in regard to her theoretical and methodological approach cf. Birgitta Odén, "Självmordets historia i 'söndersmulningens' tid," *Den frivilliga döden. Samhällets hantering av självmord i historiskt perspektiv*, ed. Birgitta Odén, Bodil E.B. Persson and Yvonne Maria Werner (Stockholm: Cura, 1998), 226–227.

29 Arne Jansson, *From Swords to Sorrow: Homicide and Suicide in Early Modern Stockholm* (Stockholm: Almqvist & Wiksell, 1998).

order to be sentenced to death and executed.[30] Arne Jansson saw a close connection between the increase of suicidal murder in Stockholm at the end of the seventeenth century and the weakening of family ties and social ties provided by the church in the fast growing and increasingly anonymous city of Stockholm. Following in the steps of Durkheim, he argued that the "dramatic growth of the city of Stockholm made many people more vulnerable, as the long-established ties provided by kin, community, and religion weakened".[31]

In 1998 *Den frivilliga döden* by Birgitta Odén, Bodil E.B. Persson and Yvonne Maria Werner was published. Birgitta Odén traced general changes in attitude towards suicide in combination with the transformation of Swedish society. She asked how this development became visible in court records and observed a change in the mindset of Swedish society, a change towards more individualism and individual freedom.[32] Yvonne Maria Werner dealt with lawsuits concerning suicide between 1695 and 1718, during the time of the Great Northern War (1700–1721). She pointed out that the combination of bad harvests, epidemics and war caused aggravated conditions of living which led to increased suicide rates. However, at the same time she also observed a change in the evaluation of suicide. Self-inflicted death was judged more mildly by the court (*Göta hovrätt*) during this period of hardship.[33] In her essay Bodil E.B. Persson asked how the sudden death of individuals who committed suicide was handled in local communities. Investigating mostly cases of people who had drowned she posed the question of which actions were considered as suicides, which as accidents and how the court dealt with cases that were unclear.[34]

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[30] Cf. also Arne Jansson, "Mörda för att få dö: Om 'suicidalmord' – mord begångna i syfte att själv bli avrättad," *Människovärdet och makten. Om civiliseringsprocessen i Stockholm 1600-1850*, ed. Arne Jarrick and Johan Söderberg (Stockholm: Stockholmia, 1994); Arne Jansson, "Suicidal Murders in Stockholm," From Sin to Insanity: Suicide in Early Modern Europe, ed. Jeffrey R. Watt (Ithaca: Cornell University Press, 2004).

[31] Jansson, "Suicidal Murders," 99.

[32] Birgitta Odén, "Rätten att dö – viljan att leva: En förändringsprocess i fågelperspektiv," *Den frivilliga döden: Samhällets hantering av självmord i historiskt perspektiv*, ed. Birgitta Odén, Bodil E.B. Persson and Yvonne Maria Werner (Stockholm: Cura, 1998).

[33] Yvonne Maria Werner, "Självmord i det stora nordiska krigets skugga: En analys av självspillingsmålen vid Göta hovrätt 1695–1718," *Den frivilliga döden: Samhällets hantering av självmord i historiskt perspektiv*, ed. Birgitta Odén, Bodil E.B. Persson and Yvonne Maria Werner (Stockholm: Cura, 1998).

[34] Bodil E.B. Persson, "Drunknad eller dränkt? Plötsliga oväntade dödsfall, särskilt drunkningar, i Skåne 1704–1718," *Den frivilliga döden: Samhällets hantering av självmord i historiskt perspektiv*, ed. Birgitta Odén, Bodil E.B. Persson and Yvonne Maria Werner (Stockholm: Cura, 1998).

Arne Jarrick's starting point for his study *Hamlets fråga* were his own suicidal thoughts projected on the subject of suicide in the past.[35] He was especially interested in the motives for suicide and saw one main reason in the concepts of shame and honor. Anders Ekström chose the suicide of the young student Otto Landgren as starting point for his study on suicide in nineteenth-century Sweden. Based on letters, diaries and novels written by friends of the student, Anders Ekström asked how the suicide of the near friend was interpreted by those who knew him and how his suicide affected their own lives. In the second part of his study he embedded Otto Landgren's individual fate in the greater context of the time by looking at suicide statistics and its interpretation against the background of modernity.[36]

While in the 1990s Swedish historians were quite active in investigating suicide from a historical perspective, the topic has been focused on less by research in recent years. It seems, however, as if currently a new wave of suicide studies gathers momentum. Finnish historian Riikka Miettinen just recently finished her doctoral thesis in which she investigated suicide cases from both the Swedish- and the Finnish-speaking part of the early modern Swedish kingdom.[37]

In contrast to Germany and Sweden, little work exists on the history of suicide in Austria. Some studies within the history of criminal justice have only briefly touched the topic while focusing on related subjects.[38] In 2012 Hannes Leidinger presented a voluminous monograph dealing with the change in societal perception of suicide from the middle of the nineteenth century onwards.[39] Currently Michaela Maria Hintermayer is working on a dissertation regarding the discourse on suicide from a gender perspective.[40] This development can be seen as a first step towards an acknowledgment of suicide as a field of

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35 Arne Jarrick, *Hamlets fråga: en svensk självmordshistoria* (Stockholm: Norstedts, 2000).

36 Anders Ekström, *Dödens exempel: Självmordstolkningar i svenskt 1800-tal genom berättelsen om Otto Landgren* (Stockholm: Atlantis, 2000).

37 Riikka Miettinen, "Suicide in Seventeenth-Century Sweden: The Crime and Legal Praxis in the Lower Courts" (PhD diss., University of Tampere, 2015).

38 For instance, Andrea Griesebner, *Konkurrierende Wahrheiten: Malefizprozesse vor dem Landgericht Perchtoldsdorf im 18. Jahrhundert* (Wien/Köln/Weimar: Böhlau, 2000), 218–222, 277–286; suicide attempts are mentioned in Susanne Hehenberger, *Unkeusch wider die Natur: Sodomieprozesse im frühneuzeitlichen Österreich* (Wien: Löcker, 2006), 123–133, 150–156; Martin Scheutz, *Alltag und Kriminalität im 18. Jahrhundert: Disziplinierungsversuche im steirisch-österreichischen Grenzgebiet im Raum Gaming-Scheibbs* (Wien/München: Oldenbourg, 2001), 173–174.

39 Hannes Leidinger, *Die BeDeutung der SelbstAuslöschung: Aspekte der Suizidproblematik in Österreich von der Mitte des 19. Jahrhunderts bis zur Zweiten Republik* (Innsbruck/Wien/Bozen: Studienverlag, 2012).

40 The working title of her project is "Todernst: Eine Analyse des geschlechtsspezifischen Suiziddiskurses in Österreich (1870 bis heute)" (PhD diss., University of Vienna, forthcomming).

historical research in Austria. As Hannes Leidinger and Michaela Maria Hintermayer do not discuss the period before 1850, a study scrutinizing the history of suicide in early modern Austria is still missing. It is one objective of the present study to redress this desideratum of research.

This cursory survey of mostly monographs illustrates that historical suicide studies have developed into a fast growing subfield of historiography. The present study draws first and foremost – but not exclusively – upon secondary literature with a spatial and temporal vicinity to my own research, i.e. studies dealing with suicide in early modern Austria (or the German territories) and Sweden from a historical perspective. The results of the abovementioned studies will be incorporated and discussed in more detail in the progress of the present work.

Aims and objectives

In the face of all these inspiring works, the question of what new insight can be gained by one more study on the topic suggests itself; especially when one wants to accomplish more than just contributing yet another piece of the puzzle. In some regards, the present study strikes a new and maybe unusual path to approach the topic of suicide in early modern Europe. The basic idea is simple: Suicide seems to be some kind of an anthropological constant, a phenomenon neither tied to any specific era or geographic area. Yet, as outlined above, most studies are restricted to a more or less homogenous study area with regard to the affiliation to a certain political entity, religious denomination and language. Or, as a counter-concept, they cover a rather broad frame but are of a more general character out of necessity. The present study aims to bridge these two approaches. It asks what can be learned about the perception of suicide in early modern Europe if we look at two not-adjacent regions with different religious denominations, administrative systems and languages. It assumes that a broader perspective, exceeding the categorizations that usually define the framework, can offer new insights. By scrutinizing individual suicide cases of two study areas and by contextualizing them both in their regional and supra-regional dimensions, the study is a balance act in many respects. Positioned at a mezzo-level and situated at the crossroad of secular and ecclesiastical spheres, between individual

and society, emotional and pure practical aspects, it aims to mediate between micro and macro level, the specific and the more general in the history of suicide.

In early modern Europe suicide was primarily perceived as a felony, a sinful deed and crime against God, nature and society.[41] However, an equal treatment of all suicides never existed, and in a European perspective the legal foundations differed with regard to their spatial and temporal contexts. As a consequence, a variety of legal procedures and sanctions existed in parallel.[42] As will be shown below, this applies also to early modern Austria and Sweden: in each territory one and the same action – committing suicide – was perceived and judged in different ways. This left room for divergent interpretations and handling of suicide cases.

However, committing suicide could not only result in legal consequences, it was socially stigmatized and tied to a range of societal implications. As Jeffrey R. Watt pointed out, "the history of suicide can be looked at both from above – from the perspective of moralists and intellectual leaders – and below – from the way self-inflicted death was experienced by common folk."[43] The present study will review contemporary theological, medical and legal discourses and their interrelations. The main emphasis, however, lies on the question of how 'common' folk perceived self-inflicted death and persons who had tried to kill themselves. It primarily deals with the rural population in the countryside, peasants and farmhands, individuals who otherwise hardly left behind any self-narratives about their being.

The present study pays special attention to the practical implications of self-killing and suicide attempt: what happened after a person who committed suicide was found? What administrative procedure was initiated? What legal and/or societal consequences did the individuals and their families have to fear? Seeking to answer these questions, I not only expect to learn more about the handling of suicide in early modern times but also hope to illuminate the perspectives of life, expectations and duties of men and women in premodernity.

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41 Cf. Johann Heinrich Zedler, *Großes vollständiges Universal-Lexikon aller Wissenschaften und Künste*, 68 vols. (Halle/Leipzig, 1732–1754; reprint: Graz, 1993–1999), vol. 36, column 1595. Online: http://www.zedler-lexikon.de/.

42 Cf. Alexander Kästner, Lemma "Selbsttötung," *Enzyklopädie der Neuzeit* 11 (Stuttgart: J.B. Metzler, 2010), 1072–1075.

43 Watt, "Introduction," 4.

Within this broad frame of analysis, the study concentrates on suicide in the context of different religious denominations. Current research emphasizes the importance of the local, social and religious contexts by which the perception of suicide was coined.[44] Evidently these spheres are strongly connected and cannot be studied separately. In early modern Austria and Sweden the respective religious denomination without doubt had an important influence not only on shaping legal norms but also on the everyday social life of pre-modern women and men, serving as a major reference system. Early modern people's patterns of thought, action and perception subsequently must be seen against the background of their religious world-view. Hitherto research confirms that religious norms, hopes and fears played an eminent role in the perception and treatment of suicide. Some historical studies went one step further and tried to make a causal connection between suicide rates and a certain religious denomination. In this context one is bound to mention Emile Durkheim's famous, much discussed and still influential study *Le suicide*, first published in 1897.[45] Amongst other things he investigated the impact of different religious denominations on self-inflicted death. He related the higher suicide rates in Protestant regions to lower social ties and religious bonds than under Catholicism, thus offering less "prophylactic" effect against suicide.[46] More recent examples that stress the impact of religion on suicide, albeit with different outcomes, are the studies conducted by Markus Schär and Jeffrey Watt.[47] While Markus Schär saw a close connection between an increase of suicide and the implementation of the reformed church in early modern Zürich, Jeffrey Watt found that Calvinism in Geneva did not lead to higher suicide rates but that on the contrary secularization and the decriminalization of suicide in the eighteenth century abetted suicide.

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44 This is clearly demonstrated in various suicide related anthologies. For the early modern period cf. exemplarily Jeffrey R. Watt (ed.), *From Sin to Insanity: Suicide in Early Modern Europe* (Ithaca: Cornell University Press 2004).

45 Emile Durkheim, *Der Selbstmord*, trans. Sebastian and Hanne Herkommer (Berlin: Suhrkamp, 1983 [Le suicide 1897]). On Durkheim and his contemporaries cf. Baumann, *Vom Recht auf den eigenen Tod*, 227–304; regarding the impact of Durkheim on suicidology cf. Maria Teresa Brancaccio, Eric J. Engstrom and David Lederer, "The Politics of Suicide: Historical Perspectives on Suicidology before Durkheim. An Introduction," *Journal of Social History* 46,3 (2013): 607–619.

46 Durkheim, *Der Selbstmord*, 162–185.

47 Markus Schär, *Seelennöte der Untertanen: Selbstmord, Melancholie und Religion im Alten Zürich, 1500–1800* (Zürich: Chronos, 1985); Jeffrey R. Watt, *Choosing Death: Suicide and Calvinism in Early Modern Geneva* (Kirksville: Sixteenth Century Journal Publ., 2001).

Against this background it is remarkable that most current studies are restricted to either a Catholic or a Protestant region while a systematic comparison is still missing.[48] The present study thus explicitly asks for similarities and distinctions in handling suicide cases in relation to different religious denominations, represented in my study by predominantly Catholic Austria and Lutheran Sweden. Special attention is paid to the question of what role the religious denomination played in the perception and practical handling of suicides or suicide attempts. For instance, what kind of consequences did Lutheran respectively Catholic believers expect? What fears, hopes and expectations in regard to the afterlife did they have? When and how did suicidal individuals turn to ecclesiastical representatives for help? What auxiliary spiritual means were provided? Instead of establishing a quantitatively detectable connection between religious denomination and suicide, I am interested in the practical implications of the belief system on the everyday life. I hope that, through the transnational comparison, differences and similarities of Catholic and Lutheran communities in their respective approaches towards suicide become more clearly defined.

Theoretical concepts and methodological approaches

The present work is an empirical study in which selected source materials are analyzed qualitatively. In its conceptual design and approach it draws upon ideas from different methodological and theoretical concepts. This is not to be misunderstood as a random eclecticism based on fashionable 'key words'; on the contrary, the aim was to harness a well-considered suite of methods that is adjusted to the specific needs of the study layout, source materials, and objectives of the investigation.

For some years now several theoretical and methodological approaches have been discussed in the field of history, which aim to overcome what has been called a "methodological nationalism",[49] i.e. the automatism to situate objectives and study areas within the frame of (modern) nation states. Connected history, shared history, transfer studies, transnational history, comparative history, and most recently *histoire croisée* are just some of

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48 In her survey on suicidal murder in central Europe Kathy Stuart includes cases from both Catholic and Protestant areas. Cf.: Kathy Stuart, "Suicide by Proxy: The Unintended Consequences of Public Executions in Eighteenth-Century Germany," *Central European History* 41,3 (2008): 413–445.

49 See, for instance, Silke Neunsinger, "Cross-over! Om komparationer, transferanalyser, *histoire croisée* och den metodologiska nationalismens problem," *Historisk Tidskrift* 130,1 (2010).

the buzzwords in this debate. What all these concepts have in common is that they propose and discuss ideas aiming to challenge this automatism of choosing the (modern) nation state as unquestioned starting point for historical research. While some of these approaches, e.g. comparative history, look back on a long tradition in the field of history and are well established, others are rather new. Their emergence can be attributed to political and cultural changes as well as the transformative processes of the last decades that one could subsume under the term 'globalization', which has had and continues to have an impact on historical research.[50] This wide range of methodological and theoretical offers is stimulating and inspiring. At the same time, however, it has become more difficult to navigate in this abundance of concepts, not least since there exist of course certain similarities and overlaps among them. The following section sets out to situate the present study theoretically and methodologically by starting on a rather general note and going gradually into more detail.

In a way, the present study can be regarded as a contribution to transnational history, when we understand the term 'transnational' as an indication for the crossing of national boundaries in the broadest sense.[51] However, unlike many transnational studies, it is not the effects of one society on another or connections between different societies that are under investigation here. The focus is on aspects that go beyond the 'nation' by asking how a seemingly universal phenomenon – self-killing – was dealt with in different societies. Since 'transnational history' is a rather vague term with no fixed definition it allows a certain degree of flexibility with regard to the adaptation of the label.[52] As Bartolomé Yun Casalilla pointed out, early modernists tend to have a critical stance towards the term 'transnationality', questioning its applicability to the early modern context, i.e. an era prior to the (modern) nation state.[53] To make the term more 'agreeable' for historians of the early modern period he reminded of its Latin root "*nascere* or *natio*: the group of people

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50 See, for instance, Michael Werner and Bénédicte Zimmermann, "Beyond comparison: Histoire croisée and the challenge of reflexivity," *History and Theory* 45 (2006): 30; Bartolomé Yun Casalilla, "'Localism', global history and transnational history: A reflection from the historian of early modern Europe," *Historisk Tidskrift* 127,4 (2007): 659.

51 For different conceptions of and approaches to transnational history see the contributions to the anthology edited by Gunilla Budde, Sebastian Conrad and Oliver Janz (eds.), *Transnationale Geschichte: Themen, Tendenzen und Theorien* (Göttingen: Vandenhoeck & Ruprecht, 2006).

52 Yun Casalilla, "'Localism'," 660.

53 Ibid., 667.

born within one and the same community",[54] and pointed out that even today 'nation' is a controversial, equivocal term, not identical with 'state' but rather referring to some sort of community.[55] In my conception, however, 'transnational history' refers not only to certain given (or not given) historical circumstances or prerequisites; it also points towards the willingness of historians to go beyond (current) national borders in their research. Leaving the question of semantics aside for a moment, one might think that especially early modernists, who are *per se* used to and trained to think beyond (modern) national borders – and other modern categories, for that matter – would have a head start when it comes to transnational approaches. And indeed, it seems as if historians of the early modern period regularly deal with transnational aspects in their research, but often simply refrain from emphasizing this fact. Yet, while transnational history undeniably provides stimulating ideas on a more general level, I wonder if it offers an adequate methodological and theoretical concept for my research questions at hand. Until now, I am under the impression that it rather stands for a programmatic claim, serving as an umbrella term for more particular approaches like e.g., transfer studies or *histoire croisée*, which usually contain a strong transnational element.

The fundament of this study's theoretical concept and methodological procedure is thus based first and foremost on considerations offered by comparative history and *histoire croisée*. After all, the idea to situate a specific research problem in two different geographical and cultural contexts (units of comparison), and ask for similarities and differences is consistent with the classical model of a comparative approach.[56] Deciding on two study areas and a timeframe of approximately a hundred years implies that one has to deal with diverse systems of jurisdiction, administration, language, societies and mentalities. This raises important questions: How to collect information, and based on which premises? How can results be compared? Of course, also historians utilising a microhistorical approach are familiar with the fact that research on a close range does not absolve them from the above questions. Or, as Heinz-Gerhard Haupt put it: "All historians compare. They compare an earlier event to a later one, a general feature to a specific one; they look

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54 Ibid.

55 Ibid.

56 For a discussion of different comparative approaches see, for instance, Hartmut Kaelble and Jürgen Schriewer (eds.), *Vergleich und Transfer: Komparatistik in den Sozial-, Geschichts- und Kulturwissenschaften* (Frankfurt am Main: Campus, 2003).

comparatively at different geographic areas, at different epochs. Without comparison, almost no historical study can move forward."[57] Yet of course, the broader the study area, timeframe and formulated questions, the more complex the analysis becomes. In order to meet these challenges Heinz-Gerhard Haupt emphasized that comparative history needs to formulate clear hypotheses, and must explicitly indicate the underlying criteria for the comparison as well as the logic of the comparison in the historical narration.[58] By contrasting different phenomena and study units, comparative studies allow us to detect more general patterns respectively inconsistencies in historical developments that in turn help to support or dismiss hypotheses and explanations. In short (and speaking somewhat idealistically), comparative studies contribute to getting a greater picture and broader understanding of the past. However, the merits of conventional comparative history come at a price: multiple units of comparison go usually hand in hand with an increasing dependency on secondary literature and a reduced degree of contextualization. In an attempt of defining independent units of comparison, it tends to overlook or ignore connections, entanglements and continuities between and within them.[59] Moreover, comparative history often still prefers quantitative comparisons and the analysis of holistic structures, and thus tends to neglect the historical individuals, their practices and mindsets.

A promising approach that can help to overcome the shortcomings of comparative history and that corresponds well with the purpose of my study was developed by Michael Werner and Bénédicte Zimmerman, who promote a *histoire croisée*, a history that emphasizes intersections of various kinds.[60] Michael Werner and Bénédicte Zimmerman object to the inflexibility of comparison, and that its knowledge gain is often based on synchrony. They pointed out that comparison in most cases is based on a binary opposition that

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57 Heinz-Gerhard Haupt, "Comparative History: A Contested Method," *Historisk Tidskrift* 127,4 (2007): 697.

58 Ibid., 700.

59 For a discussion of the merits as well as the methodological shortcomings of comparative history, see Jürgen Kocka, "Comparison and Beyond," *History and Theory* 42 (2003).

60 For an introduction to their program in German see, for instance, Michael Werner and Bénédicte Zimmermann, Vergleich, Transfer, Verflechtung. Der Ansatz der Histoire croisée und die Herausforderung des Transnationalen, in: *Geschichte und Gesellschaft* 28 (2002); In English they present their approach in Werner and Zimmermann, "Beyond comparison,". In the German version of their programmatic article they paraphrase "histoire croisée" with the term "Verflechtung", in the English version, however, they frequently use the term "intercrossing". Although (or maybe just because) not being an English native speaker myself, I find the translation of "histoire croisée" or "Verflechtung" into "intercrossing" a bit irritating since the term – to my knowledge – is rather attributed to cross-breeding. Of course, maybe this friction in terminology is intended, but still I chose to rather talk about "intersection" or "crossing" instead.

hardly corresponds to reality. In their opinion, this can lead to a continuation of the national fixation it wanted to overcome in the first place. Similar to comparative history, however, *histoire croisée* is problem-oriented, taking the object of research as the starting point, and claims multi-perspectivity and systematic reflexivity. Stronger than comparative history, *histoire croisée* distances itself from using a priori fixed categories of analysis but explicitly demands their historicization.

For Michael Werner and Bénédicte Zimmermann the key for such an "intersecting" and "crossing" in historical research lies in an inductive and pragmatic procedure combined with a high degree of reflexivity. This means that the observation has its starting point at actions and practices of the everyday life. The postulate of pragmatic induction enables an analysis that stays close to the source material and the *Lebenswelt,* the quotidian life, of the historical actors. Combined with a flexible perspective, this can serve as a vantage point for bridging the much discussed gap between micro- and macro-level.[61] The claim for reflexivity refers to an anti-essentialist approach, which with the help of multi-perspectivity and an entanglement of the objectives not only challenges certain categories and terminologies but makes the position of the observer and the process of gaining knowledge visible, retraceable and comprehensible. However, the intersection of perspectives does not mean that the territorial/national frame is dissolved. Not only language is a clear separating line, also the source material under investigation is pre-structured by the different administrative organizations in the respective study areas. It is thus part of the investigation to integrate over these different preconditions in the analysis.

Building my study on propositions and considerations developed by both comparative history and *histoire croisée* is no antagonism. Despite important distinctions, both approaches also have a number of communalities. This applies especially to those trends within comparative history which are influenced by cultural studies. When Hannes Siegrist, for instance, proposed multi-perspectivity, interculturality and self-reflexivity as new *Leitbegriffe,* key terms, for comparative history, he showed ways how the shortcomings of

[61] For an earlier but somewhat different proposition of flexible perspectives see for instance, Gianna Pomata, "Close-ups and Long Shots: Combining Particular and General in Writing the Histories of Women and Men," *Geschlechtergeschichte und Allgemeine Geschichte. Herausforderungen und Perspektiven*, ed. Hans Medick and Anne-Charlott Trepp (Göttingen: Wallstein, 1998).

conventional comparative history can be overcome by drawing upon other concepts.[62] Thus, to phrase it with Jürgen Kocka, "[i]t is not necessary to choose between *histoire comparée* and *histoire croisée*. The aim is to combine them."[63]

The benefits from an investigation that takes both Austrian and Swedish suicide cases into account are manifold. As will be shown, multiple and flexible perspectives provoke a problematization of divergent terminologies and categories: the analysis of the Swedish material alters the perspective on the material from Austria and vice versa. As a result, the attention is turned to aspects which otherwise would have been regarded as implicit. In this process the historian's position as an 'observer' is of course not neutral. Serving as some sort of 'filter' that selects and processes the information, producing knowledge is always inseparably tied to the historian. Moreover, it must be acknowledged that it is impossible to overcome one's own situatedness. Thus, as an Austrian historian educated and trained at the University of Vienna my knowledge of the early modern Austrian conditions serve consciously and subconsciously as the base line for my perception of the Swedish circumstances. It is therefore that the repeated intersecting of perspectives, which are displayed in the narrative throughout the study, is paramount.

Historical research can never shape a complete or universal picture of the past. It always has to remain selective, emphasizing certain aspects and neglecting others. It thus seems advisable to study phenomena of universal character, like e.g. suicide, on a mezzo-level that is situated between the particular and the general. In this regard, the two territories under investigation build an interesting mix of similarities and differences. Situated in the European cultural area and conjoint in a Christian world view, they represent different religious denominations, languages, administrative and legal systems, social conditions etc. To ask how early modern women and men in Austria and Sweden dealt with suicide gives us the chance to learn more about a universal phenomenon without neglecting the regional or local context.

The above discussion of transnationality, comparative history and *histoire croisée* mostly referred to the implications ensuing from the choice of study area. Yet the methodologies

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62 Hannes Siegrist, "Perspektiven der vergleichenden Geschichtswissenschaft: Gesellschaft, Kultur und Raum," *Vergleich und Transfer: Komparatistik in den Sozial-, Geschichts- und Kulturwissenschaften*, ed. Hartmut Kaelble and Jürgen Schriewer (Frankfurt am Main: Campus, 2003).

63 Kocka, "Comparison and Beyond," 44.

of comparative and interconnecting approaches do not *per se* require spatially separated study entities but are applicable also in a more general sense. In addition to these concepts, this study also has to be situated in the field of the history of crime and criminal justice due to the character of the primary source materials and the study's objectives. Especially with regard to the critical assessment of the sources, insights provided by this field of research are instrumental for this study.[64]

Rejecting the concept of a 'grand narrative' and essentialism, this study is inspired by cultural-practice oriented works (*praxeologische Geschichtswissenschaft*) which focus on the actual doings and communication of people. The emphasis is thus placed on the individual's role in society without neglecting his/her capacity to act.[65] Moreover, this study is taking a critical stance towards attempts of retrospective psychologizing or the search for suicide causes. It argues that insight can be gained into what was plausible, utterable, and thinkable for contemporaries, and how they explained and perceived suicide, thus representing a discourse analytical and constructivist view.

The hybrid approach developed for this study is intended to help broaden our understanding of suicide in early modern Europe and to provide new insights into early modern perceptions of and approaches towards life and death. When Natalie Zemon Davis asks if there are "costs to the preference for multiple paths and alternate trajectories,"[66] I agree with her conclusion: "It may mean giving up on a grandiose universal law for all of history, but it leaves us with a variegated repertoire of typologies and of short-term and middle-term sequences and clusters of cultural traits – themselves always to be rethought through research and debate."[67]

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64 See the section regarding the source material in this work.

65 Cf. Sven Reichardt, "Praxeologische Geschichtswissenschaft: Eine Diskussionsanregung," *Sozial.Geschichte* 22,3 (2007).

66 Natalie Zemon Davis, "What is Universal about History?," *Transnationale Geschichte: Themen, Tendenzen und Theorien*, ed. Gunilla Budde, Sebastian Conrad and Oliver Janz (Göttingen: Vandenhoeck & Ruprecht, 2006), 18.

67 Davis, "What is Universal about History?," 18.

Study areas and timeframe

The geographic and demographic object of the present study consists of two regions situated in central respectively northern Europe (Figure 1). The empirical material regarding early modern Austria stems from the Archduchy Austria above and below the river Enns. This region is roughly consistent with today's Austrian provinces[68] (*Bundesländer*) Upper Austria – although without its most western part, the *Innviertel*, which belonged to Bavaria until 1779 – and Lower Austria, an area of altogether approximately 29.000 km^2.[69] For the period under investigation, ecclesiastically the Archduchy of Austria was part of the diocese of Passau, situated in the eastern part of Bavaria in today's Germany.[70]

The vast majority of the Swedish suicide cases derive from the Västernorrlands county, a region in the southern part of the Swedish *Norrland*. Becoming a composite of Hudiksvall county and Härnösands county in 1654, it consisted during the time under investigation of the six provinces[71] (*landskap*) Gästrikland, Hälsingland, Härjedalen, Jämtland, Medelpad and Ångermanland, extending over an area of approximately 91,300 km^2.[72] From 1651 onwards, the seat of power and administrative center of the county was situated in the town of Gävle. In 1762 the Västernorrlands county again was divided into two parts: While the northern part remained to be called Västernorrlands county, the southern part henceforward was referred to as Gävleborgs county.

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[68] Here, the term "province" stands for the term "*Bundesland*", a historical, administrative and political entity in today's Austria.

[69] Calculated on the basis of the area of today's Lower Austria and Upper Austria without the *Innviertel*. Not included is the area of the capital and seat of power of the Archduchy of Austria, Vienna.

[70] The diocese of Vienna, founded in 1469, comprised only little more than the city of Vienna. In 1729 a part of Austria below the river Enns, the region referred to as *Viertel unter dem Wienerwald* was transferred from the diocese of Passau to the diocese of Vienna. The dioceses in Linz and St. Pölten were founded in 1784.

[71] The term "province" stands here for the Swedish term "*landskap*", historical, geographical and cultural regions without any administrative function.

[72] This is a rough calculation based on the expansion of the six provinces today.

Figure 1: Map of Europe with ellipses indicating the approximate location of the study areas (Source: modified from Nordwestern, CC-BY-SA-4.0).

Regarding the ecclesiastical administration, the greater part of the Västernorrlands county belonged to the diocese of Härnösand, founded in 1647.[73] The provinces Hälsingland and Gästrikland, however, remained part of the diocese of Uppsala which before 1647 had comprised the whole Norrland.[74]

Chronologically, the present study stretches across the seventeenth and eighteenth century. Without insisting on a certain year as a strict starting or end point, the clear temporal focus lies on the period 1650 to 1750. However, source material originating from an earlier or later point outside this core time span will also be included. To concentrate on this hundred-year period seemed reasonable for several occasions. The end of the Thirty Years' War, which was without question a traumatic event and a watershed in European history, appears to be an appropriate initial point for a study with transnational ambitions.

[73] *Nordisk familjebok: Konversationslexikon och Realencyklopedi*, 38 vols. (Stockholm: Nordisk familjeboks förl., 1904–1926), vol. 12, 153–154.

[74] *Nordisk familjebok*, vol. 30, 1272.

Moreover, during and in the aftermath of these conflicts the confessional landscape in central Europe was reorganized with important consequences for the Austrian parts of the study area. In the aftermath of the Battle of the White Mountain, a comprehensive (re)catholization of the – at that time – confessionally divided archduchy began. This process had been enforced more or less successfully in the Archduchy Austria above and below the river Enns by the middle of the seventeenth century. During the core period under investigation, it is thus possible to speak of the Austrian archduchy as a predominantly Catholic territory.[75]

With regard to the Swedish study area it should be mentioned that it was not until 1645 that the provinces Jämtland and Härjedalen became part of the Swedish empire. For the core period under investigation, however, Västernorrlands county can be regarded as a rather constant administrative unit, at least in early modern terms.[76] Around the middle of the eighteenth century, not only the administrative organization of the Swedish study area changed, as has been mentioned above. At the same time, a growing interest in national statistical data of all kinds can be observed throughout Europe and first suicide statistics emerged in Sweden.[77] This and other developments that grew stronger in the second half of the eighteenth century suggested a limitation of the core investigation period around the year 1750.

Already at first glance it becomes clear that the two study areas that are under investigation in this thesis are marked rather by dissimilarities than similarities: They differ in their geographical position, in extent and population density. The inhabitants of these regions spoke different languages and adhered to different religious beliefs. They did not even

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75 During the whole period under investigation also members of other beliefs lived in the Archduchy, for instance Jews. See also the literature on Crypto- or underground-Protestantism, e.g., Rudolf Leeb, Martin Scheutz and Dietmar Weikl (eds.), *GeheimProtestantismus und evangelische Kirchen in der Habsburgermonarchie und im Erzstift Salzburg (17./18. Jahrhundert)* (Wien/Oldenbourg/München: Böhlau, 2008). Underground-Protestantism was a problem that concerned the Austrian authorities still in the eighteenth century. Between 1730 and the 1780s it was mainly Protestants who were deported to Transylvania, cf. Stephan Steiner, *Rückkehr unerwünscht: Deportationen in der Habsburgermonarchie der Frühen Neuzeit und ihr europäischer Kontext* (Wien/Köln/Weimar: Böhlau, 2014).

76 Between 1658–1660 were Jämtland and Härjedalen part of the Trondheim county.

77 Cf. Karin Johannisson, *Det mätbara samhället: Statistik och samhällsdröm i 1700-talets Europa* (Stockholm: Norstedt, 1988), Henrik Höjer, *Svenska siffror: Nationell integration och identifikation genom statistik 1800–1870* (Hedemora: Gidlund, 2001), Evelyne Luef, "Low Morals at a High Latitude? Suicide in Nineteenth-century Scandinavia," *Journal of Social History* 46,3 (2013).

follow the same calendar: While in Catholic Austria the Gregorian calendar was implemented already in 1583 it was not adapted in Sweden until 1753.[78]

Both these rather obvious as well as some – at first glance – less noticeable differences will become more visible on the following pages, accompanying us throughout this thesis. So will certain commonalities and not least the overall questions that initiated this work. Instead of constructing comparative units that fit the problem, this study follows the problem-oriented approach as outlined above, staying close to the source material.

Structure of the study

Following this introduction, the second part sets out the legal and administrative fundamentals for studying suicide in early modern Austria and Sweden and discusses the terminology used in this thesis. The following three sections build the very heart of the present study: The third chapter focuses on the practical implications of committing suicide, condensed around the material aspects of self-killing and the terms 'body' and 'money'. Based on the empirical material it illuminates the aftermath of a suicide and asks what actually happened to the body and what economic consequences those left behind had to fear. The fourth chapter concerns the non-materialistic, non-reified aspects of suicide as outlined above, asking after the role of religious belief in connection to suicide. In chapter five I draw the attention to suicide attempts and ask what attempts at preventing suicides were made, and how. The sixth and final chapter recapitulates the main findings of the study embedding them in an intersecting and crossing perspective.

[78] From 1700 until 1712 Sweden followed its own Swedish calendar, which was one day ahead of the Julian calendar, see: Lemma "Kronologi," *Nordisk familjebok*, vol. 15, 42.

2. Legal parameters and fundamentals

The legislation on suicide in early modern Austria and Sweden

As mentioned in the introduction, suicides and suicide attempts are in general no longer criminalized in today's Western societies. In early modern times, however, suicide primarily was perceived as a felony, a sinful deed and a crime against God, nature and society. According to this notion, both suicides and suicide attempts were criminally prosecuted and socially stigmatized. The following section discusses the criminalization and sanctioning of suicide in early modern Austria and Sweden.[79] It is based on early modern penal codes, i.e. texts of a normative character. Doubtlessly, the informative value of legal norms is limited when it comes to questions regarding the practical handling of suicide. The reciprocity between legal norm and practice is therefore a question that will be attended to throughout this study. The analysis of legal norms and sanctions, however, allows us to learn more about how contemporary legislatures and administrators regarded suicide respectively envisaged its penalization. Normative texts concerning suicide can thus serve as a blueprint against which their application in practice can be contrasted. Moreover, they help us to reflect upon what kind of written documentation was produced in the course of legal action. This in turn is crucial for the contextualization of the source material. Knowledge of the norms helps to stake out the general framework within which suicide was discussed.

In the seventeenth century, the criminalization of suicide was already deep-seated in both legislation and society. That had not always been the case: Karsten Pfannkuchen in his

[79] Parts of this section are similar to explanations of the legislation on suicide in early modern Austria and/or Sweden in my earlier publications. For an overview of the legislation on suicide in Austria cf. Evelyne Luef, "'… boshaftig den entsetzlichen selbstmord angethann': Selbsttötung als strafrechtliches Delikt im frühneuzeitlichen Österreich," *Ermitteln, Fahnden und Strafen. Kriminalitätshistorische Studien vom 16. bis zum 19. Jahrhundert*, ed. Andrea Griesebner and Georg Tschannett (Wien: Löcker Wissenschaft, 2010), 167–178. A rather concise comparison between the legislation in early modern Austria and Sweden, outlining the main features, can be found in Evelyne Luef, "Punishment Post Mortem – The Crime of Suicide in Early Modern Austria and Sweden," *Crime and Punishment in the Middle Ages and Early Modern Age. Mental-Historical Investigations of Basic Human Problems and Social Responses*, ed. Albrecht Classen and Connie Scarborough (Berlin/Boston: De Gruyter, 2012), 556–561. For a more elaborated comparison between the two territories, focusing on the question of what the laws stipulated with regard to the touching, moving, and storage of the suicide's corpse cf. Riikka Miettinen and Evelyne Luef, "Fear and Loathing? Suicide and the treatment of the corpse in early modern Austria and Sweden," *Frühneuzeit-Info* 23 (2012): 107–109.

legal-historical study on suicide showed that suicide per se was not sanctioned in Roman law. However, in connection with other crimes, suicide could be interpreted as a confession. In such suicide cases the confiscation of property was applicable in its function as a punishment for the previously committed crime. However, it was not intended as a penalty for the self-killing.[80] Not only was there no formal criminalization of suicide in Roman law, but it might have been tolerated to a certain degree. Famous examples like the suicides by Cato of Utica, or Lucretia suggest that suicide under certain circumstances was regarded as the proper thing to do, at least in the upper social stratum.[81] This rather broad perspective changed in the course of the Middle Ages. Under the influence of Christianity, suicide was sanctioned by Canon law for the first time through decisions that were promulgated at the council of Orléans (533) and the council of Braga (561), where suicides were denied ceremonial rites.[82] This, however, applied only to those who willfully and while of sound mind took their own lives, whereas suicide committed out of insanity or negligence was not sanctioned.[83] In the course of the Middle Ages a canon of arguments against suicide under all circumstances was developed by leading church figures.[84] Since the Christian world view penetrated almost every aspect of life, and secular and ecclesiastical spheres were heavily intertwined, the religious condemnation of suicide was incorporated into the 'secular' law.[85] Like many other crimes, e.g. blasphemy, theft from a church, murder or adultery, suicide was a phenomenon positioned at the interface be-

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80 Pfannkuchen, *Selbstmord und Sanktionen*, 23–31. For a detailed treatment of suicide in Roman and medieval law cf. Alexander Murray, *Suicide in the Middle Ages*, volume II: The Curse on Self-Murder (Oxford: Oxford University Press, 2000), 152–188; 245–286.

81 For antique suicide motives and perceptions cf. Anton van Hooff, "Vom 'willentlichen Tod' zum 'Selbstmord': Suizid in der Antike," *Sterben von eigener Hand. Selbsttötung als kulturelle Praxis*, ed. Andreas Bähr and Hans Medick (Köln: Böhlau, 2005); for changing perceptions regarding the suicide of Lucretia cf. Christine Jäger, "Lucretia – der Tod einer Tugendheldin? Zu den Selbstmorddarstellungen in der Sächsischen Weltchronik (um 1375)," *Trauer, Verzweiflung und Anfechtung: Selbstmord und Selbstmordversuche in mittelalterlichen und frühneuzeitlichen Gesellschaften*, ed. Gabriela Signori (Tübingen: Edition Diskord, 1994).

82 Nicole Zeddies, "Verwirrte oder Verbrecher? Die Beurteilung des Selbstmordes von der Spätantike bis zum 9. Jahrhundert," *Trauer, Verzweiflung und Anfechtung: Selbstmord und Selbstmordversuche in mittelalterlichen und frühneuzeitlichen Gesellschaften*, ed. Gabriela Signori (Tübingen: Edition Diskord, 1994), 76–69; Pfannkuchen, *Selbstmord und Sanktionen*, 37–39. See also the comprehensive series in two volumes by Alexander Murray, *Suicide in the Middle Ages*, volume I: The Violent against Themselves (Oxford: Oxford University Press 1998) and volume II: The Curse on Self-Murder (Oxford: Oxford University Press 2000).

83 See Pfannkuchen, *Selbstmord und Sanktionen,* 38–39.

84 Cf. chapter 4 in this study.

85 According to Pfannkuchen, this shift from ecclesiastical to secular criminal justice took place most likely in the fourteenth-century; see Pfannkuchen, *Selbstmord und Sanktionen*, 40, note 48.

tween religion and secular rule. Constituting both a crime and a sin, suicide concerned ecclesiastical as well as secular spheres. According to provisions in secular penal codes, which in turn were shaped after Christian attitudes and moral values, it was judged by worldly courts.[86] Punishing the act of self-killing expressed clearly that only God or the sovereign, in his place, had the power and control over a subject's life, death and body. In this regard the legal consequences of a suicide can be interpreted as display of power. At the same time it can be assumed that the deterrent effect of the dishonorable and ignominious interment was also intended to keep subjects from committing suicide.

As mentioned above, the early sanctions by Canon law applied only to those who willfully and when in their right mind ended their lives voluntarily. As we will see, both the Austrian and the Swedish penal codes followed this division of intentional, premeditated suicide (*felo de se*) on the one hand, and suicide committed in a state of diminished mental capacity (*non compos mentis*) on the other.

The secular legislation on suicide in early modern Austria

Suicide legislation in the sixteenth century

Suicide was already mentioned in the first traceable penal codes for the Austrian archduchies, dating from the early sixteenth century. As legal historian Josef Pauser points out, these first codes served first and foremost to settle questions of jurisdiction between the two main levels of jurisdiction that can be distinguished in the Austrian archduchies.[87] In the rural areas of early modern Austria the dispensation of justice regarding minor offences ('low justice') lay in the hands of the *Grundherrschaft*, i.e. noble or cleric manorial lords, who held patrimonial jurisdiction over their subjects. 'High justice', on the other hand, was exercised by the *Landgerichte*. These 'land courts' too were usually held by either noble or cleric proprietors – then called '*freie Landgerichte*' ('free land courts') – or, when the *Landgericht* directly was subordinated to the sovereign (*Landesfürst* or *Landesfürstin*),

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[86] Cf. Susanne Hehenberger, "Entfremdung von Gott? Gotteslästerung und Kirchendiebstahl vor weltlichen Gerichten im 18. Jahrhundert," *Ermitteln, Fahnden und Strafen: Kriminalitätshistorische Studien vom 16. bis zum 19. Jahrhundert*, ed. Andrea Griesebner and Georg Tschannett (Wien: Löcker Wissenschaft, 2010), 141–143.

[87] Josef Pauser, "Landesfürstliche Gesetzgebung (Policey-, Malefiz- und Landesordnungen)," *Quellenkunde der Habsburgermonarchie (16.–18. Jahrhundert): Ein exemplarisches Handbuch*, ed. Josef Pauser, Martin Scheutz and Thomas Winkelbauer (Wien/München: Oldenbourg Verlag, 2004), 226.

termed '*landesfürstliches Landgericht*'.[88] In many cases, but by no means always, 'low justice' and 'high justice' were in the same hands.

In order to eliminate the latent jurisdictional uncertainties, the first penal codes contained first and foremost procedural law and only little substantive law.[89] Yet, the code from 1514 for Austria below the river Enns, for instance, listed suicide under the subsection of offenses that henceforth fell under the jurisdiction of the *Landgerichte*.[90] The passage in question, however, clearly stated that this did not apply to suicides committed out of an infirmity of mind.[91] Additionally, suicide is mentioned at two other occasions in the code: It was stipulated that those who committed suicide while imprisoned for a crime, or outside of prison and with malice aforethought, were to be investigated and judged by the *Landgericht*. In both cases the *Landgericht* had the right to confiscate the deceased's property. All court cost, including the payment for the executioner, had to be covered by the confiscation.[92] This section was again followed by a sentence clarifying that everybody

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88 Cf. Helmuth Feigl, *Die niederösterreichische Grundherrschaft: Vom ausgehenden Mittelalter bis zu den theresianisch-josephinischen Reformen*, 2nd ed. (St. Pölten: Verein für Landeskunde von Niederösterreich, 1998), 137–178; Andrea Griesebner and Susanne Hehenberger, "Entscheidung über Leib und Leben. Rechtsgutachter in frühneuzeitlichen Malefizprozessen im Erzherzogtum Österreich", *Experten und Expertenwissen in der Strafjustiz von der Frühen Neuzeit bis zur Moderne*, ed. Alexander Kästner and Sylvia Kesper-Biermann (Leipzig: Meine Verlag, 2008). The situation was different in market-towns and cities where the jurisdiction was usually not exercised by the nobility but by members of the council respectively the city courts.

89 Pauser, "Landesfürstliche Gesetzgebung," 226–228.

90 Cf. *Landgerichtsordnung [LGO] Österreich unter der Enns 1514*. I used the online version provided by DRQEdit – Deutschsprachige Rechtsquellen in digitaler Edition, which uses a facsimile provided by the Bayerische Staatsbibliothek München: *Hierin[n] seind die Artickel der La[n]de gericht des Fürstenthu[m]b Osterreich durch die Römisch Keyserlich Maiestat etc. auffgericht [Gebe[n] in vnser stat Gmuenden am Ainundzweintzigiste[n] Tag des monats Augusti ... Fünffzehenhundertt vnd Jm viertzehenden ...]*, (Augsburg, ca. 1528), fol. B ij^{r+v}. Online: http://drw-www.adw.uni-heidelberg.de/drqedit-cgi/zeige?verfuegbar=volltext&nr=98 [2014-12-03]. This equates § 35 in the enumeration after Anton Hye, "Beitrag zur österreichischen Strafrechtsgeschichte," *Zeitschrift für österreichische Rechtsgelehrsamkeit und politische Gesetzkunde* 1 (1844): 383.

91 *LGO Österreich unter der Enns 1514*, fol. B ij^{r+v}: "Wer yhm selbs den tod thůt / doch außgeschlossen ob solliches auß vrsachen vnsynniger weiß oder beschwerung seiner kranckheit beschehe / so sol es nicht für Landtgericht messig geacht werden / auch der Ihenig in des hauß solchs beschicht / so ferr er kain schuld daran hat / das mit nichten entgelten."

92 *LGO Österreich unter der Enns 1514*, fol. A iiij^{v}: "Wer vmb Malefitzhendel in gefencknus laeg / vnd im in solcher gefencknus od{er} auch lediger vn{d} nit in gfencknus auß boesem willen vnd nicht auß geprechen seiner vernunfft vn{d} syn{n} selbs de{n} tod thete / darauf dan{n} ein Landtrichter sein ge grundt erfarn vnd aufmercken haben sol / so sol der selb entleibt nach malefitz recht gericht werden / vnd sein verlassen hab vnd gueter nemlich von gemaine{n} vnderthane{n} vn{d} pawerslewten de{n} herschafften der Landtgericht / dene{n} wir solch faell biß auf vnser wol gefallen auß gnaden zůstellen / volge{n} vnd bleibe{n} / Doch vns vorbehalten der gleichen faell / so sich vo{n} personen des Adels oder auß den Stette{n} vn{d} Merckte{n} begeben / Vnd von solchen verlassen Hab vnd guetern / soll der zichtiger vn{d} gerichtscosten / vn{d} was auff den entleybte{n} geen wurd betzalt werden." This section equates Hye, "Beitrag," § 19. Note that the goods of members of the nobility, residents of cities and market towns did not fall to the *Landgerichte* but to the sovereign.

who committed suicide "outside of prison" due to an infirmity of mind, was not to be prosecuted, but should be buried in a Christian way. In such cases, all goods should be passed on to the legal heirs.[93] In the subsequent penal code for the archduchy Austria below the river Enns from 1540 the sections concerning suicide are identical with the code from 1514.[94]

The first penal code for Austria above the river Enns stems from 1559 and surprisingly it differs quite a bit from the regulations in Austria below the river Enns. Remarkably, suicide was not listed amongst the crimes that should be punished by the *Landgerichte*.[95] However, the code explicitly stipulated that the confiscation was allowed only in cases where the individual committed a *crimen læsæ maiestatis* before taking his or her own life. In all other suicide cases – no matter if the self-killing took place in prison or not, or with premeditation or out of an infirmity of mind – the code made clear that the heirs should receive the deceased's property. All expenses that the self-killing and the handling of the body caused for the *Landgericht*, however, had to be paid from the suicide's estate.[96] The formulation suggests that at least in cases of premeditated suicide the body had to be handled by the executioner in Austria above the river Enns as well. This assumption is furthermore supported by the section concerning the payment of the executioner (here: *Züchtinger*), in which the handling of suicide bodies is priced with twelve *schilling phenning*.[97] With only minor changes, this penal code was republished again in 1627.[98]

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93 *LGO Österreich unter der Enns 1514*, fol. A iiij^{v}: "Wer im aber lediger vnd ausserhalb gfencknus auß geprechen seiner vernunfft vnd Sinn / den tod thete / d{er} sol nit nach malefitz gerechtfertigt / su{n}der nach Christenlicher ordnung bestett werden / vnd sein verlassen hab vn{d} guetter seynen erben volgen / wie auch die recht vermoegen." This equates Hye, "Beitrag," § 20.

94 LGO Österreich unter der Enns 1540: *Reformation vnnd ernewerung der Landtgerichts ordnung so weilendt Kaiser Maximilian hochlöblicher gedechtnüß im Ertzhertzogthumb Osterreich vnnder der Enns aufgericht hat* (Wien: Johann Singriener, 1540), cf. fol. A iiij^{v}, B^{r}, and Bij^{r}.

95 LGO Österreich ob der Enns 1559: *Römischer Kayserlichen Mayestat. etc. Lanndtgerichts Ordnung des Ertzhertzogthumbs Osterreich des Lanndts ob der Enns* (Wien: Michael Zimmermann, 1559), fol. 23^{r}–24^{r}, online: http://drw-www.adw.uni-heidelberg.de/drqedit-cgi/zeige?verfuegbar=faks&nr=257 [2014-12-04].

96 Cf. *LGO Österreich ob der Enns 1559*, fol. 15^{v}–16^{r}: "WAnn ye ain Mensch Ime den Todt selbs anthuet / mit oder on vernunfft / auch jnner oder ausserhalb Gefenckhnuß / vnnd aus was vrsachen solches geschicht / So sollen alßdann desselben ligendt vnd Farende Güeter seinen Erben eruolgen / vnd Inen dieselben khains wegs vorgehalten werden / Doch soll der Vncosten / so dem Lanndtgericht auf vertilgung desselben Coerper / vnnd sonst aufferloffen / aus sein / des Entleibten / verlassnen Güettern entricht / vnnd bezalt werden. Vnnd sollen hierinn allain die jhenigen außgenomen sein / so Crimen læsæ Maiestatis, vnd ander dergleichen Vbelthat begangen / die verlierung baider Leibs vnnd Guets / auf sich tragen."

97 *LGO Österreich ob der Enns 1559*, fol. 26^{r}.

98 Cf. Pauser, "Landesfürstliche Gesetzgebung," 227.

When comparing the codes in Austria below the river Enns to those in Austria above the river Enns, significant differences can be noted. In Austria above the river Enns suicide was not explicitly disclosed as a matter for the *Landgerichte* in the penal code. Only implicitly, due to the settlement of financial aspects, we learn that the *Landgerichte* in Austria above the river Enns were concerned with suicide on a regular basis. Even more important is the fact that confiscation was applied only in the rare case of suicide in combination with a *crimen læsæ maiestatis*. In contrast to that, the penal codes in Austria below the river Enns were stricter. They codified premeditated suicide as a crime that fell under high justice. Moreover the *Landgericht* had the right to confiscate the property in cases of premeditated suicide and when the suicide was committed while in prison.[99] In both archduchies, however, any expenses that a suicide caused to the *Landgericht* had to be covered from the deceased's estate.

Suicide legislation in the seventeenth century

During the most part of the period of investigation, two penal codes were effective in Austria above and below the river Enns. The *Land-Gerichts-Ordnung deß Erz-Herzogthumbs Oesterreich unter der Ennß* from 1656, henceforth *Ferdinandea*,[100] was named after Holy Roman Emperor and Archduke of Austria Ferdinand III and applied to Austria below the river Enns. The so called *Leopoldina* from 1675[101] was named after Holy Roman Emperor and Archduke of Austria Leopold I. and was in force in Austria above the river Enns.[102] In the eighteenth-century both territorial penal codes were superseded by the code re-

[99] Hugo Hoegel apparently overlooked the fact that also premeditated suicide was punished with the confiscation of goods, cf. Hugo Hoegel, *Geschichte des österreichischen Strafrechtes in Verbindung mit einer Erläuterung seiner grundsätzlichen Bestimmungen*, vol. 1, (Wien: 1904), 74.

[100] LGO Österreich unter der Enns 1656 (Ferdinandea): "Land-Gerichts-Ordnung. Deß Erz-Herzogthumbs Oesterreich unter der Ennß," in *Codex Austriacus* 1 (Vienna: Voigt 1704), 659–729.

[101] LGO Österreich ob der Enns 1675 (Leopoldina): *Des Ihro Römisch=Kayserlich=und Königlich=Catholischen Majestät Leopoldi Ertzherzogens zu Österreich Unsers Allergnädigest gemachte Satzungen, Wie auch unterschiedliche in diesem Land eingeführte Ordnungen, Sammt einem ausführlichen Register über alle hierin vorkommende Materien zu gelegentlichem Gebrauch deren hierländigen Gerichts=Personen beygerucket worden* (Linz: Feichtinger 1736).

[102] For more information on the Austrian penal codes of the sixteenth and seventeenth century cf. Hehenberger, *Unkeusch wider die Natur*, 45–52; for a detailed description of the structure of the *Ferdinandea* and its application in legal practice cf. Griesebner, *Konkurrierende Wahrheiten.*

ferred to as *Theresiana*[103] (1768), named after Holy Roman Empress consort and archduchess Maria Theresia.[104]

With regard to contents, the provisions concerning suicide are almost identical in the *Ferdinandea* and the *Leopoldina*:[105] Both codes stated that only those who killed themselves out of fear for punishment or "of malice aforethought and godless despair" should receive severe punishment. In cases of premeditated suicide both the *Ferdinandea* and the *Leopoldina* demanded forfeiture, through the confiscation of the deceased's property. Like in all previous penal codes, suicide committed out of an infirmity of mind, melancholia and illness was not to be punished by the *Landgerichte*. These people should be granted a silent funeral in consecrated ground, without any ceremonial rites and in a secluded part of the cemetery. Thus, when we look back at the above mentioned earlier codes from the sixteenth-century, we see that the provisions concerning suicide were aligned in both archduchies, following the provision that had already been in use in Austria below the river Enns.

Compared to the earlier codes, the respective sections on suicide in the *Ferdinandea* and *Leopoldina* are quite comprehensive. They contain detailed provisions concerning by whom and how the dead body should be treated. Premeditated suicides had to be interred by the executioner within three days at the latest. The body of the suicide should be dragged out of the house, put on the executioner's tumbrel like brutes and be buried at the place of public execution.[106] Additional post-mortem punishment, like burning on the stakes or putting the body on the breaking wheel, was possible in cases where major offenders had tried to flee their punishment by committing suicide while under arrest.[107] Four sections concern the financial aspects, namely the procedure and the extent of the confiscation. If the suicide left behind four or more children, they were entitled to half of the bequest. If the deceased left behind less than four children, then they received one

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[103] Constitutio Criminalis Theresiana 1768 (Theresiana): *Constitutio Criminalis Theresiana: Peinliche Gerichtsordnung*. Vollständiger Nachdruck der Trattnerschen Erstausgabe (Wien 1769 [Graz: Akademische Druck- und Verlagsanstalt 1993]).

[104] For more information on the Constitutio Criminalis Theresiana cf. Ernest Kwiatkowski, *Die Constitutio Criminalis Theresiana: Ein Beitrag zur Theresianischen Reichs- und Rechtsgeschichte* (Innsbruck 1903); Hehenberger, *Unkeusch wider die Natur*, 70–71.

[105] The *Leopoldina* contains one additional section, section 13, which deals with *casus fortuitous* deaths.

[106] Cf. *Ferdinandea* Article 69, section 1; *Leopoldina* Article 11, section 1.

[107] Cf. *Ferdinandea* Article 69, section 2; *Leopoldina* Article 11, section 2.

third of the inheritance; the rest was confiscated.[108] However, as mentioned above, this applied only to those who out of fear for punishment ended their lives, or with malice aforethought and prior volition. Those who killed themselves out of an infirmity of mind, melancholia and illness should be buried by "honorable" people in consecrated ground, yet without any pomp (*Gepränge*), nor at any prominent spot of the cemetery.[109] In order to decide if an individual had committed suicide premeditatedly or out of an infirmity of mind, the courts had to investigate the deceased's moral conduct and how he or she behaved shortly before the death.[110] Uncertain cases should be judged in favor of the defendant.[111] Individuals who survived a suicide attempt should not be subjected to the *Landgericht*, but they should be sentenced by their patrimonial authority after circumstances However, those who attempted suicide during incarceration should receive an additional punishment.[112]

An intriguing section of the law stipulated that – if possible – the body of a pregnant woman who committed suicide with premeditation, should be "opened" in order to either save the child's life or at least enable the child a Christian burial apart from the mother.[113] Like most other parts of the penal codes, the section on suicide is formulated by using a generic masculine, except this section on pregnant women, which is the only part where gender is emphasized.

Both penal codes also contained a section that obliged all barber surgeons, surgeons "and the like people" to rush to aid in the case of suicide. This was not only an obligation subpoena but the section explicitly stated that such intervention would not diminish a person's honor.[114]

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[108] Cf. *Ferdinandea* Article 69, section 3–6; *Leopoldina* Article 11, section 3–6.

[109] Cf. *Ferdinandea* Article 69, section 7; *Leopoldina* Article 11, section 7.

[110] Cf. *Ferdinandea* Article 69, section 8; *Leopoldina* Article 11, section 8.

[111] Cf. *Ferdinandea* Article 69, section 9; *Leopoldina* Article 11, section 9. This sections contains the following, puzzling formulation: "[…] Wie dann auch der jenige / der sich unversehens / oder der Meinung / als ob er etwa gefrohren wäre / ersticht / nicht als ein Selbst=Mörder zuvertilgen / weniger sein Gut vom Land=Gericht einzuziehen ist."

[112] Cf. *Ferdinandea* Article 69, section 10; *Leopoldina* Article 11, section 10.

[113] Cf. *Ferdinandea* Article 69, section 11; *Leopoldina* Article 11, section 11. So far, I have not come across a case where this procedure was applied in practice.

[114] Cf. *Ferdinandea* Article 69, section 12; *Leopoldina* Article 11, section 12.

Suicide legislation in the eighteenth century and until its decriminalization

The section on suicide in the *Theresiana* (1768), which superseded both territorial penal codes in 1770 and was in effect until 1787, took over most of the provisions from the *Ferdinandea* and *Leopoldina*. Content-wise the *Theresiana* was even more detailed compared to its predecessors, and differed only slightly but in one important aspect: Unlike the earlier codes, the *Theresiana* stipulated confiscation only in cases when suicides prior to the self-killing had committed a crime that was punished with forfeiture. Hence, forfeiture as a punishment applied no longer to the act of self-killing but to the earlier crime.[115] Beside that important difference, the *Theresiana* contained even more details regarding the administrative, investigative and practical procedure in the aftermath of a suicide.

While in the second half of the eighteenth-century the formal criminalization of suicide diminished in other parts of Europe,[116] it lingered on in Austria – and Sweden, as we will see.[117] Though the sections on suicide in the *Josephinischen Strafgesetzbuch*, in force from 1787 until 1803, differed considerably from the *Theresiana*, the criminalization of premeditated suicide was retained.[118] According to the letter of the law someone committed *Selbstmord* when they took their own life at a time when no signs of insanity were observed, and their reason was incapacitated by a severe illness either. If such person died immediately or without showing remorse, the body had to be buried by the executioner. If the suicide had shown penitence before his or her death, a burial at the cemetery without any pomp at a place other than the ordinary resting place was permitted.[119] If the suicide was committed in order to escape punishment for a crime, the name of the suicide and the committed crime – if legally proven – should be posted up on the gallows, and

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115 Cf. *Theresiana*, Article 93, section 7. The provisions concerning forfeiture in the *Theresiana* are thus similar to the ones in the *Constitutio Criminalis Carolina* from 1532, section 135. Also the Carolina prescribed confiscation only in cases when the previously committed crime had been punished with the loss of the property, cf. Pfannkuchen, *Selbstmord und Sanktionen*, 57–78.

116 A name often mentioned in this context is Frederick the Great, King of Prussia. For his stance towards suicide cf. Kühnel, *Kranke Ehre?*, 135–170.

117 For an overview regarding secular and ecclesiastical legal norms in Austria from the late eighteenth to the twentieth century cf. Stefan Schima, "Die rechtliche Entwicklung des Bestattungswesens im Spannungsfeld zwischen Kirche und Staat: Das Tauziehen um das Suizidantenbegräbnis und der Konflikt um die Feuerbestattung," *Freund Hein? Tod und Ritual in der Geschichte*, ed. Wolfgang Hameter, Meta Niederkorn and Martin Scheutz (Innsbruck u.a.: Studienverlag 2007).

118 Josephinisches Strafgesetz 1787 (StG 1787): *Allgemeines Gesetzbuch über Verbrechen und derselben Bestrafung* (Wien, 1787), part 1, sections 123–125.

119 *StG 1787*, part 1, § 123.

thus made public.[120] Survivors of a suicide attempt should be incarcerated until they had realized – through instructions – that self-preservation was a duty against God, the state and the individual himself/herself, and until remorse and signs of recovery were shown.[121]

In the *Strafgesetzbuch über Verbrechen und schwere Polizey-Uebertretungen* from 1803 (StG 1803) suicide was no longer listed in the section of "crimes" for the first time. Instead, suicide was mentioned in the second part of the book as a severe police infraction.[122] The law stipulated that individuals who had committed a suicide attempt had to be ordered before the authorities. They should be admonished regarding the heinousness of their intentions or – in case the suicide risk was still eminent – they should be kept in safe custody until they showed remorse and signs of improvement.[123] Completed suicides had to be buried outside of the cemetery by the court usher.[124]

In Austria suicide was finally decriminalized in January 1850 by an imperial patent, the so called *Milderungspatent*, which deleted the sections 90–92 of the StG 1803. In case of a suicide attempt, the imperial patent stated, the political authority (no longer the criminal one) had to arrange for a priest to instruct the person at risk or – if necessary – had to ensure safe custody in a hospital or any other suitable place. The bodies of completed suicides had to be buried at the cemetery, but in silence.[125] The imperial patent removed the suicide sections from the law book. What remained was a distinctive form of burial (in silence) which also in the future would mark the funeral of a suicide. However, even though the formal criminalization of suicide came to an end, one can assume that the social stigmatization remained.

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120 Ibid., § 124.
121 Ibid., § 125.
122 *Strafgesetzbuch über Verbrechen und schwere Polizey-Uebertretungen 1803* (StG 1803), part 2, sections 90–92.
123 *StG 1803*, part 2, sections 90–91.
124 Ibid., section 92.
125 Milderungspatent, i.e., Imperial Patent from January 17, 1850/Kaiserliches Patent vom 17. Jänner 1850, Reichsgesetzblatt Nr. 24/1850, Article XVI.

Table 1: Survey of the penal codes in (early) modern Austria and Sweden

Austrian Archduchies		Swedish Kingdom
Austria below the river Enns	Austria above the river Enns	
LGO 1514	LGO 1559	MEL ~1350
LGO 1540	LGO 1627	KrL 1442
Ferdinandea 1656	Leopoldina 1675	Law of 1734
Theresiana 1768		Law of 1864
StG 1787		
StG 1803		

The secular legislation on suicide in early modern Sweden

In Sweden, *Magnus Erikssons landslag* (MEL), a statute book from the mid-fourteenth century, did not contain any provisions concerning suicide.[126] Consisting of a collection of laws for the rural areas,[127] it was an attempt to replace the old-established provincial laws (*landskapslagar*) in order to achieve legal uniformity for the whole realm.[128] However, according to Bo Lindberg, specific forms of handling the bodies of suicides had nevertheless been common already during the Middle Ages.[129] The first criminalization of self-killing in Sweden can be found in *Kristofers landslag* from 1442, which was a revised version of the *Magnus Erikssons landslag*. Instituted by union king Christopher of Bavaria in 1442, *Kristofers landslag* (KrL) remained in force until the eighteenth century. Of course, the problem of an outdated legislation was eminent already during the sixteenth century and as a consequence several attempts at a reform were made. In 1602 a 'law committee' (*lagkommission*) was established in order to reform the old laws. Two propositions were presented: one partial bill, prepared under the lead of King Karl IX.s chancellor Nils Chesnecopherus, favored the interests of the crown and peasants. The other, fully elaborated bill was generated under the direction of the jurist and official Ture Rosengren and abetted the nobility. As a consequence, neither draft was accepted. However, in 1608 the

[126] A meticulous description of the legislation on suicide in early modern Sweden is provided by Riikka Miettinen, cf. Miettinen, "Suicide in Seventeenth-Century Sweden," 65–143.

[127] Therefore *landslagen* as opposed to the collection of laws for cities with town privileges, *stadslag*.

[128] Cf. Christine Ekholst, *A Punishment for Each Criminal: Gender and Crime in Swedish Medieval Law* (Leiden: Brill 2014), 11–12.

[129] Bo H. Lindberg, *Praemia et Poenae: Etik och straffrätt i Sverige i tidig ny tid*, vol I. Rättsordningen (PhD Diss., Uppsala University, 1992), 597.

Swedish king Karl IX confirmed and released for the first time a printed version of *Kristofers landslag*, expanded by an appendix containing extracts from the Pentateuch.[130] This appendix, usually referred to as 'God's Law', contained basically the Ten Commandments, which thus formally became an integral part of Swedish 'secular' legislation.[131] Although no new penal code was created, this measure had the effect that all courts in the realm dispensed justice according to the same letter of the law. Compared to the hitherto circulation of error-prone handwritten transcripts, which differed considerably from one another, the printed version was an important step towards the standardization of the law.[132] This printed reissue of *Kristofers landslag* was in effect during the most part of the period under investigation. The subsequent *Sweriges Rikes Lag* (1734) came into force in September 1736 and remained effective until it was replaced by the new criminal law of 1864.[133]

Suicide legislation in Kristofers landslag

Typical for the medieval origin, the provisions are kept clear and brief in *Kristofers landslag*. According to the fourth chapter of the *högmålsbalken* – which was the one concerning suicide – those who took their own lives should be burnt at the stake in the woods.[134] People who committed suicide out of an infirmity of mind, however, were to be buried outside the cemetery. Moreover, *Kristofers landslag* specified the procedure in the case of a suicide: If a suicide occurred, the *häradshövding* (district judge) had to inform and assemble the *häradsting*, the lower court. The suicide case had to be scrutinized by the jury, the

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130 Kristofers landslag 1608 [1726] (KrL 1608): Petter Abrahamsson, *Swerikes rijkes lands-lag, som af rijksens råd blef öfwersedd och förbättrat: och af k. Christofer, Swerikes, Danmarks, Norikes, Wendes och Götha konung, palatz-grefwe widh Reen, och hertigh af Beijeren, årom efter C. B. 1442. stadfäst: så ock af menige Swerikes rijkes ständer samtyckt, gillat och wedertagen, efter then stormächtige, höghborne furstes och herres, herr Carls then nijondes, Swerikes, Göthes, Wendes, finnars, carelers, lappars i norlanden, the caijaners, och esters i Lifland &c. konungs, nådige befalning, åhr 1608. af trycket vtgången* (Stockholm: af directeuren Johan Henrich Werner med egen bekostnad, 1726).

131 Jonas Liliequist and Martin Almbjär, "Early Modern Court Records and Supplications in Sweden (c. 1400–1809): Overview and Research Trends," *Frühneuzeit-Info* 23 (2012): 11.

132 Göran Inger, *Svensk rättshistoria*, 4th rev. ed. (Malmö: Liber Ekonomi, 1997), 72.

133 Sweriges Rikes Lag 1734 [1984]: *Sveriges Rikes Lag. Gillad och antagen på riksdagen år 1734. Till 250-årsdagen av lagens tillkomst efter den första i antikva tryckta upplagen av år 1780*. Med inledning av Stig Jägerskiöld. Utgiven i facsimile 1984. Skrifter utgivna av Institutet för rättshistorisk forskning grundat av Gustav och Carin Olin. Serien 1, Rättshistoriskt bibliotek (Stockholm: Institutet för rättshistorisk forskning, 1984).

134 *KrL 1608*, högmålsbalken, section 4. *Högmålsbalken* was the section for serious crimes. For an excellent overview of the legislation concerning suicide in Sweden cf. Göran Inger, "Rätten över eget liv och över egen kropp," *Årsbok/Kungl. Humanistiska Vetenskaps-Samfundet i Uppsala* (1985).

häradsnämd, and thereafter the verdict had to be pronounced by the *häradshövding*.[135] In either case the heirs inherited the property of the deceased.

Although short, the provisions contain central information. Most importantly, the above discussed distinction between premeditated suicide (*felo de se*) and suicide committed out of an infirmity of mind (*non compos mentis*) can be also found in the Swedish law. Unlike in Austria, forfeiture was not part of the Swedish law. What is more, the code explicitly stated that the heirs inherited the property. The possibility of imposing forfeiture, however, most likely had been discussed. At least the so called *Rosengrenska lagförslag*, the above mentioned draft law prepared under the direction of Ture Rosengren from the beginning of the seventeenth century prescribed the confiscation of property in cases where suicides prior to the self-killing had already been sentenced to forfeiture.[136] Its approach is thus similar to the legislation in the *Carolina* (1532), the code from 1559 for Austria above the river Enns, and the *Theresiana* from 1768. However, since this draft law never went into force, forfeiture was not stipulated in any of the Swedish laws in effect.

It is also worth mentioning that, according to the letter of the law in Sweden, no individual who committed suicide, regardless of the mental state at the time of the deed, was allowed to be buried inside the cemetery. This means that also people who committed suicide in a state of mental incapacity were denied consecrated ground.[137] In this regard the Swedish laws were even stricter than Canon law, which sanctioned only premeditated suicide with a burial outside of the cemetery, and differ also from provisions in central Europe like e.g. the Austrian penal codes. Again, the *Rosengrenska lagförslag* suggested a burial in the cemetery in cases of melancholy or diminished capacity, similar to the provisions in central Europe.[138]

As already mentioned, the *Rosengrenska lagförslag* never came into force and *Kristofers landslag* remained effective until 1736. However, although neither the *Rosengrenska lagförslag* nor any of the other attempts and measures to reform both procedural and criminal law resulted in an actual new code, the work of these committees influenced the legal practice

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135 *KrL 1608*, högmålsbalken, section 4. For a more detailed explanation of the functioning of the Swedish legal system cf. pp. 64–75 in this study.

136 Cf. *Lagförslag i Carl den Niondes Tid. Handlingar rörande Sveriges Historia*, andra Serien (Stockholm: 1864), 476–477.

137 When Kristofers landslag went into force in 1442 cemeteries were indeed still consecrated ground, a practice abolished with the Lutheran reformation. This will be discussed in more detail in the chapter on suicide and the church.

138 Cf. *Lagförslag i Carl den Niondes Tid*, 476–477.

through the verdicts which were dispensed by the royal superior courts (*hovrätter*).[139] The verdicts by the *hovrätter*, which were founded in the first third of the seventeenth century, differed considerably from the letter of the law in *Kristofers landslag*. In this way, the *hovrätter* directed the legal practice, and adapted it to contemporary standards – also with regard to suicide. Indeed, *Kristofers landslag* stated that suicide cases had to be scrutinized and judged by the *häradsrätt*. However, until 1720 all resolutions by the *häradsrätt* in cases of self-inflicted death had to be approved by the *hovrätt* before execution. Thus, during the most part of the seventeenth and the beginning of the eighteenth century the *hovrätter* played an important role in the assessment of suicide.[140] As a consequence, at the end of the seventeenth and the beginning of the eighteenth century several resolutions and high court verdicts – which served as precedents – altered and complemented the medieval provisions regarding suicide: Resolutions from 1700 and 1701 prescribed that premeditated suicides should no longer be cremated but buried in the woods.[141] Resolutions from 1695, 1700 and 1701 declared that suicides due to insanity should be buried in the cemetery in silence and at a secluded spot.[142] Interestingly enough, the sources show that these forms of punishments had already been passed and implemented in practice since the 1660s, i.e. decades before these resolutions were dispensed.[143]

In cases when it was unclear if the suicide had been committed in a state of diminished capacity or if the person had died a self-inflicted or accidental death, the better should be assumed and a silent burial should be permitted.[144] Special lenience should also be shown when a suicide was committed by underage persons.[145] Their families should be granted

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139 Cf. Inger, *Svensk rättshistoria*, 69–73.

140 Cf. Letter from the Royal Council to the Court of Appeal January 28, 1720, in Abrahamsson, *Swerikes rijkes lands-lag*, 726. For more information about the role of the high courts see pp. 71–73. Although it was not a strict obligation to re-examine suicide cases by the high court, it was a common practice that verdicts regarding self-killing were nevertheless sent to the high court for confirmation until 1720, cf. Lindberg, *Praemia et Poenae*, 597.

141 Svea royal superior court resolutions from August 2, 1700 and April 16, 1701, in Abrahamsson, *Swerikes rijkes lands-lag*, 726–727.

142 Svea royal superior court resolutions from July 11 and July 18, 1695, October 23, 1700 and April 16, 1701, in Abrahamsson, *Swerikes rijkes lands-lag*, 727.

143 The Svea royal superior court had already begun to pass sentences of forest burials in the 1660s, e.g. Riksarkivet in Stockholm (RA): Riksarkivets ämnesamlingar Juridika I: Becchius-Palmcrantz samlingar (BP), Vol 5., 1–11. Well-regarded, pious, but insane, members of the community who had killed themselves were allowed to be buried inside the churchyard, in addition to the less honorable locations already in the 1660s, e.g., RA: Riksarkivets ämnesamlingar Juridika I: BP, Vol 5., p. 29–36.

144 Cf. Royal letter to the Åbo royal superior court November 11, 1695, Svea royal superior court resolution from April 16, 1701, in Abrahamsson, *Swerikes rijkes lands-lag*, 727.

145 Usually referring to children younger than fifteen.

permission to bury them silently at a secluded spot in the cemetery. In my understanding, in the case of underage suicide a silent burial was permitted independently of the state of the mind at the time of the deed.[146]

As Swedish historian Ann-Sofie Ohlander pointed out, hanging was obviously regarded as the typical way to commit suicide since several resolutions and royal letters refer specifically to this manner of death.[147] Regarding those who interfered or touched a suicide, resolutions from 1695 stipulated that those who cut down someone still alive, did not have to fear any punishment ("*må saklöst skie*").[148] Neither were those to be punished who interfered when the person already had been dead but was later permitted a funeral in silence.[149] However, the situation was different when no funeral was permitted respectively when someone "misled" the clergy to bury a suicide: in this case cutting down the body of a suicide was punishable with prison, running the gauntlet or flogging. According to an ordinance passed in 1698 this equaled participation in a serious crime, by attempting to hide the suicide.[150]

Suicide attempt should be punished with a fine of forty *marker* and ecclesiastical punishment for the violence committed against one's own body according to resolutions from 1695, 1696 and 1704. In addition, each self-inflicted injury should be punished like an injury inflicted upon somebody else.[151]

Suicide legislation in the Law of 1734 *and until its decriminalization*

In 1686 a law committee was appointed once again, assigned to prepare what would become the penal code of 1734. The preliminary works by this committee show that, regarding suicide, the wording was discussed meticulously and underwent several chang-

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146 Svea royal superior court resolution from August 27, 1695, in Abrahamsson, *Swerikes rijkes lands-lag*, 727.

147 Ann-Sofie Ohlander, "Suicide in Sweden: A Social History," *Death: the Public and Private Spheres*, John Rogers (Uppsala: Uppsala Universitet, 1986), 17. The *Rosengrenska lagförslag*, however, listed five different ways of how someone could take his life, cf. *Lagförslag i Carl den Niondes Tid*, 477.

148 Svea royal superior court resolution from September 7, 1695, in Abrahamsson, *Swerikes rijkes lands-lag*, 727.

149 Svea royal superior court resolution from May 6, 1695, in Abrahamsson, *Swerikes rijkes lands-lag*, 727.

150 Letter from the Royal Council to Svea royal superior court June 16, 1710, in Abrahamsson, *Swerikes rijkes lands-lag*, 727–728. Ordinance from July 29, 1698/Förordningen af den 29. Julij 1698: 'Rådzbane eller wållande til en missgerning', in Johan Schmedeman (ed.), *Kongliga Stadgar, Förordningar, Bref och Resolutioner ifrån Åhr 1528 intil 1701 angående Justitiae och Executions Ährender*, (Stockholm: 1706), 1516–1517.

151 Cf. Svea royal superior court resolutions from September 7, 1695, March 24 and May 9, 1696, and March 23, 1704 in Abrahamsson, *Swerikes rijkes lands-lag*, 728.

es.[152] By and by, many of the above mentioned resolutions by the *hovrätt* were transformed into the 13th chapter of the part concerning criminal law (*Missgärningsbalken*). Unlike the lengthy provisions in the Austrian penal codes, only five short paragraphs stipulated the legal handling of suicide:[153] If someone killed himself, the code states, the one who found him had to pick up the body and place it aside. If it turned out to be a premeditated suicide, the body had to be carried to the woods by the executioner in order to be buried there. If the suicide was caused by a feeble-minded person (*i hufvudsvaghet*), in a fury (*raseri*) or in agony (*vånda*), then the suicide should be handled and buried by other people.[154] If someone could have saved the life of a suicide but did not help, a punishment according to the circumstances was imposed.[155] If a dead person was found and the cause of death was unclear, an 'honest' burial should be granted. However, had the deceased not lived a god-fearing life, then he should be buried at a remote place of the cemetery.[156] Suicide attempts should be punished with prison on water and bread or flogging, according to circumstances.[157] The same penalty was imposed when someone falsely confessed to a felony that was punishable with the death penalty.[158]

Compared to *Kristofers landslag*, the code of 1734 contained several alterations: the new penal code stipulated that the finder should touch the body and place it aside, and it contained an obligation to save the life. According to Alexander Kästner, such general obligation to save the life that addressed every subject, not only doctors and surgeons, was quite exceptional at the time.[159] Premeditated suicides should no longer be cremated but be buried in the woods. Moreover it explicitly stated that in unclear cases a Christian burial

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[152] Cf. Wilhelm Sjögren, (ed.), *Förarbetena till Sveriges Rikes Lag 1686–1736*, 8 vols. (Uppsala: 1900–1909); see also Inger, "Rätten över eget liv," 85–87.

[153] Law of 1734, Missgärningsbalken, chapter XIII.

[154] Ibid., 1. §. Dräper eller förgiör någor sig sielf; tå må thes kropp af then, som honom finner, oförvit uptagas, och afsides läggas: pröfvar Domaren sedan, at han med vilja sig förgiordt; tå skal en sådan sielfspilling af skarprättaren til skogs föras, och i jord gräfvas. Finnes thet i hufvudsvaghet, raseri, eller annor sådan vånda skedt vara; tå må han af annat folk handteras, och begrafvas.

[155] Ibid., 2. §. Kan någor frälsa hans lif, som sig sielf uphängdt hafver, eller å annat sätt sig förgiöra vil, och frälsar honom ej; plichte efter omständigheterna.

[156] Ibid., 3. §. Finnes någor ligga död, och vet ingen, huru han omkommen är; then må ärliga begrafvas. Hafver han fördt ett ogudachtigt lefverne; varde tå i Kyrkiogård afsides lagd.

[157] Ibid., 4. §. Nu kan så hända, at then sig sielf förgiöra vil, ej får död theraf; plichte med fängelse vid vatn och bröd, spö eller ris, efter omständigheterna.

[158] Ibid., 5. §. Bekänner någor falskeliga, thet han sådan gierning giordt, som dödsstraff förtienar; vare lag samma.

[159] Cf. Alexander Kästner, "Saving Self-Murderers: Lifesaving Programs and the Treatment of Suicides in Late Eighteenth-Century Europe," *Journal of Social History* 46,3 (2013): 636–637.

should be allowed. What was also new was that it contained penalties for suicide attempts and for false confessions. The latter, to make a false confession with suicidal intent in order to be sentenced to death by the authorities, appears to have been a prevalent phenomenon in early modern Sweden.[160]

The provisions of the penal code of 1734 differed significantly from the *Kristofers landslag*, which was in its core medieval. However, as outlined above, most of the changes that the new code brought had been in practical use for a long time, through high court resolutions and precedents. They emerged from the legal practice as established in the case-law of the high courts. Consequently, when the new penal code of 1734 came into force in 1736 it merely stated what had been common practice for decades.

Unlike in the Austrian archduchies, no formal document decriminalized suicide officially. When the code of 1734 was replaced by a new code in 1864, suicide was no longer incorporated. Like in Austria, however, church ordinances made sure that a 'silent burial' would distinguish the funeral of a suicide also in the future.[161] Thus, even though the formal criminalization of suicide came to an end in the mid-nineteenth century, the social stigmatization remained both in Austria and Sweden.

Synopsis

The above sketched survey over the criminalization of suicide in Austria and Sweden reached from the earliest penal codes in the fifteenth-century to the mid-nineteenth century. Indeed, much more could be said about this development; for instance, preparatory works for legal codes were mentioned only *en passant*, and debates by legal experts, philosophical opinions etc. were not incorporated into this overview. My aim was, however, to outline the main trajectories of the (de)criminalization and the norms along which suicide was assessed in the legal practice during this period. When regarding the different penal codes as corner posts along this development, a remarkable continuity can be observed: All codes differed consistently between premeditated suicide (*felo de se*) and suicide com-

[160] To make a false confession in order to be sentenced to death has been described by Jonas Liliequist in the context of bestiality as "*att ljuga livet av sig*", which literally translates to "to lie away one's life", cf. Jonas Liliequist, "Bekännelsen, döden och makten: En studie i social kontroll med utgångspunkt från tidelagsbrottet I 1600- och 1700-talets Sverige," *Historia Nu: 18 Umeåforskare om det förflutna*, ed. Anders Brändström (Umeå: Forskningsrapport från Historiska institutionen vid Umeå universitet, 1988), 159–166.

[161] Concerning the decriminalization of suicide in Sweden and subsequent burial restrictions cf. Ohlander, „Suicide in Sweden," 26–30.

mitted out of an infirmity of mind (*non compos mentis*) and stated – depending on the kind of suicide – different procedures. The distinction between *felo de se* and *non compos mentis* suicides was quite common in early modern Europe. It was penned down in several penal laws and applied in criminal practice in many European countries.[162] It is remarkable, however, for how long the regulations stipulating the degrading handling of premeditated suicides persisted, especially in the Austrian law books.[163]

The exceptional position of suicide committed in prison, treated with aggravated punishments, is a recurring theme in the Austrian codes until 1787 and can be observed in the legislation of other European countries as well.[164] In Sweden, this particular context of suicide is not explicitly mentioned in the law books. Some case histories, however, have shown that in practice people who committed suicide while under arrest or after escaping from arrest received harsher treatment.[165]

In Austria, the consequences for *non compos mentis* suicides, which consisted of a burial 'in silence', remained unchanged from the sixteenth to the nineteenth century. Interestingly, *non compos mentis* suicides had to be buried in the woods according to the Swedish law. From around 1660 onwards, however, the corpses were usually buried in the cemetery in silence. Later this practice was transferred also into the written law.

Important differences and changes over time can be detected regarding the confiscation of property. In Sweden, forfeiture was never stipulated in any of the laws in force. This was different from the situation in Austria: Interestingly, the first penal codes from the sixteenth century stipulated divergent provisions for Austria above the river Enns and Austria below the river Enns. While in Austria below the river Enns (code from 1514) forfeiture was stipulated in cases of premeditated suicide, in Austria above the river Enns (code from 1559), the confiscation was legal only in combination with a *crimen læsæ maiestatis*. The *Leopoldina* from 1675, however, adopted the use from Austria below the

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[162] Cf. for instance MacDonald and Murphy, *Sleepless Souls*, 15–41; Kästner, *Tödliche Geschichte(n)*, 162–223; Pfannkuchen, *Selbstmord und Sanktionen*.

[163] Cf. Pfannkuchen, *Selbstmord und Sanktionen*, 185.

[164] For instance in the *Carolina* 1532, cf. David Lederer, "'…welches die Oberkeit bey Gott zuverantworten hat…' Selbstmord von Untersuchungsgefangenen im Kerker während der frühen Neuzeit," *Gefängnis und Gesellschaft: Zur (Vor-)Geschichte der strafenden Einsperrung*, ed. Gerhard Ammerer, Falk Bretschneider and Alfred Stefan Weiss (Leipzig: Leipziger Universitätsverlag, 2003); see also Machiel Bosman, "The Judicial Treatment of Suicide in Amsterdam," *From Sin to Insanity: Suicide in Early Modern Europe*, ed. Jeffrey R. Watt (Ithaca: Cornell University, 2004); Pfannkuchen, *Selbstmord und Sanktionen*, 115–144.

[165] Cf. page 116 f. in this study.

river Enns and thus introduced the confiscation of property as a punishment for premeditated suicide also in Austria above the river Enns. In the *Theresiana* (1768) the section concerning forfeiture was similar to the early provision in Austria above the river Enns: forfeiture as a punishment applied no longer to the act of self-killing but to an earlier committed crime.[166]

Alexander Murray has shown that the confiscation of a suicide's bequest was common in medieval Europe but declined under the growing influence of Roman Law.[167] Most historians assume that – with few exceptions – forfeiture played hardly any role in central Europe during the early modern period.[168] We will return to this question at a later point in this study, inspecting if this assessment is true also in the case of the Austrian Archduchies.[169] In this regard, the development in Bavaria is quite interesting. David Lederer argues that the confiscation of property played a minor role in seventeenth century Bavaria.[170] However, Florian Kühnel points out that in Bavaria the legislation regarding the confiscation in suicide cases changed in the eighteenth century: Unlike earlier provisions, the Codex *Juris Bavarici Criminalis* stipulated confiscation as a punishment for premeditated suicide in 1751.[171] Thus, like in Austria, the legislation in Bavaria concerning the confiscation as a punishment for suicide had changed over time, yet with different consequences. While in Bavaria confiscation was introduced as a punishment for suicide in the eighteenth century, it was abolished as such in Austria.

When reviewing both the Austrian and Swedish penal codes, another aspect appears to be noticeable: It seems as if in the course of the centuries the legislation on suicide shifted its attention from the corpse to the survivors of suicide attempts. For instance, while the first Austrian penal codes from the sixteenth century did not mention what should happen to those who attempted suicide, this question increasingly concerned the authorities in all the later codes. The norms focused less on the dead body and more on those who survived. This observation is further supported by the fact that according to the *Ferdinandea*

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166 Also the *Carolina* 1532 stipulated confiscation only when the suicide had previously committed a crime that had been punished with the loss of life and goods, cf. *Carolina* 1532, section 135.

167 Murray, *The Curse on Self-Murder*, 54–85.

168 Cf. Lind, *Selbstmord in der Frühen Neuzeit*, 340–347; Lederer, *Madness, Religion and the State*, 251; Kästner, *Tödliche Geschichte(n)*, 143. cf also the short survey by Houston, *Punishing the dead?*, 28–29.

169 Cf. chapter 3 in this study

170 David Lederer, *Madness, Religion and the State in Early Modern Europe: A Bavarian Beacon* (New York: Cambridge University Press, 2006), 249–251.

171 Cf. Kühnel, *Kranke Ehre?*, 254–261, especially footnote 93.

and the *Leopoldina* survivors of suicide attempts should be sentenced by their patrimonial authority after circumstances. The *Theresiana*, in contrast, stipulated that they should be punished after circumstances by the *Landgericht*.[172] This can be interpreted as an indicator that more attention was paid to the survivors of suicide attempts. The exceptional obligation of lifesaving in the Swedish code of 1734 has already been mentioned above.

The reservations about suicide did not emerge in early modern times, they build upon old traditions whose roots are difficult to grasp. However, premodern legislation shaped the rules along which suicide was to be sanctioned. This development, in turn, was imbedded in the general process of codification. Strikingly, the rules concerning suicide were not uniform in all territories; neither did they remain unchanged over the course of time. Commonalities as well as differences have been detected in this short overview of the legislation on suicide in early modern Austria and Sweden. The legislative features of each region need to be considered in order to contextualize the perception and treatment of suicide in early modern times.

One key point of the provisions concerning suicide in both territories is the recognition of two kinds of suicide, *felo de se* and *non compos mentis*. This distinction opened a wide scope for construction, interpretation and negotiation in the courtrooms since suicide investigations in both early modern Austria and Sweden had to determine the circumstances of each individual self-killing. It raises questions about how the legal provisions should and could be followed in practice. Which features constituted a premeditated suicide, which a *non compos mentis* case? How were the norms outlined above implemented in legal practice? However, before turning to the administration of suicide and the question of what sources we have at our disposal, let me briefly reflect upon the terminology of suicide.

[172] Theresiana, Article 93, section 7, sixthly.

Between "self-murder" and voluntary death: some reflections on terminology and definition

On the previous pages, much has been said about suicide. To be precise, much has been said by using the term 'suicide' for acts (and individuals) that in the sources usually were not referred to by that name. The English word 'suicide', a neologism based on neo-Latin *suicidium* ('killing of oneself'), did not emerge before the mid seventeenth century.[173] From the second half of the eighteenth century onwards, derivations of the Latin term found its way into many European languages and by and by became quite common, for instance, in French (*suicide*), Italian (*suicidio*), and German (*Suizid*).[174] *Suicid*, the Swedish derivation of *suicidium* as listed in the *Svenska Akademiens ordbok*,[175] however, has not found its way into Swedish everyday speech. Unlike the English term 'suicide', which can be applied both to the act of taking one's own life and to the person who commits suicide, the German *Suizid* and the Swedish *suicid* refer to the act of self-killing only.

While various vernacular derivations of the term *suicidium* are quite common in many languages today, it is just one semantic expression for the act of taking one's own life. The terminology that can be used to describe this phenomenon is manifold: 'Self-murder', self-killing, self-disembodiment, self-inflicted death, self-accomplished death, and voluntary death are just some other possibilities. Without doubt, all these words carry different semantic notions. The heterogeneous terminology, one might suggest, reflects the complexity and difficulty of grasping suicide as a phenomenon as well as changes in its historical assessment and perception. In recent years – not least due to the findings of historians studying suicide – a discussion about the terminology has taken place. By scrutinizing and critically questioning the different terms, historians have helped to increase awareness for the implicit positive or negative connotations of words denominating the act of taking one's own life.[176] Thus, before turning to the question of which words contemporaries used when they talked or wrote about suicide in early modern times, it might be informative to take a brief look at expressions which are common in today's Austria and Sweden.

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173 Cf. Murray, *The Violent against Themselves*, 38.

174 Andreas Bähr, "Between 'Self-Murder' and 'Suicide': The Modern Etymology of Self-Killing," *Journal of Social History* 46,3 (2013): 620.

175 Svenska Akademiens ordbok (SAOB), accessed February 11, 2015. http://g3.spraakdata.gu.se/saob/.

176 Cf. Andreas Bähr, "Zur Einführung: Selbsttötung und (Geschichts-)Wissenschaft," in *Sterben von eigener Hand: Selbsttötung als kulturelle Praxis*, ed. Andreas Bähr and Hans Medick (Köln/Weimar/Wien: Böhlau, 2005), 2.

In today's Austria several terms for the act of taking one's own life are in use. Most common in everyday speech, newspaper articles and literature are the words '*Selbstmord*', *Suizid*, and '*Freitod*'. Although often used synonymously, each term has a history and meaning of its own.

Despite its obvious negative connotation, which represents the illegitimacy and moral condemnation for the act in the past, '*Selbstmord*' ('self-murder') is still quite common in everyday speech. Most people, however, are not aware of the implicit negative moral assessment that the term carries. It can be assumed that they use it without further reflection. In contrast, the term '*Freitod*' ('free-death') emphasizes the voluntary nature of the act. Coined in a philosophical and literary environment, the word appears predominantly in such contexts even today. Friedrich Nietzsche used the expression "*Vom freien Tode*" ("On free death") in the first of his four-part philosophical novel *Also sprach Zarathustra: Ein Buch für Alle und Keinen* from 1883.[177] At the beginning of the twentieth century the philosopher Fritz Mauthner introduced the word '*Freitod*' in his *Wörterbuch der Philosophie.*[178] Critics have argued that because of its positive connotation, '*Freitod*' runs the risk of trivializing or romanticizing aspects that influence an individual's decision to end his or her life. After all, not every self-killing can be interpreted in the sense of Nietzsche as a death „at the right time", and thus as an ultimate act of freedom.[179]

The term *Suizid* appeared to be a way out of the terminological dilemma with the negatively connoted '*Selbstmord*' on the one hand, and the positively connoted '*Freitod*' on the other: with its Latin roots the word seemed detached from moral assessments and sounded neutral to the ear of a German speaker. Andreas Bähr, however, reminds us that also the term *Suizid* has its history and rejects that alleged neutrality. He sees a connection between the rise of the term 'suicide' and its different derivations in the second half of the eighteenth century, and the historical process of pathologizing the act of taking one's own

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[177] Friedrich Nietzsche, *Also sprach Zarathustra: Ein Buch für Alle und Keinen*, part 1 (Chemnitz: Ernst Schmeitzner, 1883), 102–105.

[178] Mauthner suggests using "Freitod" instead of the word "Selbstmord", cf. Fritz Mauthner, *Wörterbuch der Philosophie: Neue Beiträge zu einer Kritik der Sprache*, vol. 2 (München/Leipzig: Georg Müller, 1910), 411.

[179] The question if or to what degree the concept of „*Freitod*" is connected to Latin *mors voluntaria* needs further scrutiny. The latter expression has been used, for instance, in Roman Law or in Johann Robeck's famous tract "De morte voluntaria" from 1753, cf. Marayke Frantzen, *Mors voluntaria in reatu: Die Selbsttötung im klassischen römischen Recht* (Göttingen: V&R unipress, 2012); Johann Robeck, *De morte voluntaria: Exercitatio sive examen calumniarum nugarum et fallaciarum* (Marburg: P. C. Müller, 1753); see also Bähr, "Between 'Self-Murder' and 'Suicide'," 621.

life.[180] In this sense, *Suizid* has the ring of a medical term, similar to the denomination of an illness. While this sounds plausible to me, not everybody agrees with these 'new' semantics of *Suizid*.[181]

Without doubt, an increased sensitivity can be observed concerning the question of what words one can and should use to speak and write about an act that for centuries has been contested and morally charged. The vivid discussions regarding the terminology are a clear attempt at finding proper, non-judgmental wording. I ascribe it to this search for a more 'neutral' phrasing that the term *Selbsttötung* (self-killing) has had a revival in the historical research on suicide in recent years. It is by no means a 'new' term either: amongst other expressions, Johann Heinrich Zedler mentioned "*Selbstertödtung*" as a synonym for "*Selbst-Mord*" in his *Grossem vollständigen Universal-Lexicon aller Wissenschafften und Künste* from the first half of the eighteenth century.[182] At the end of the nineteenth century Thomas Masaryk defined '*Selbsttödtung*' as an umbrella term both for the act of taking one's own life and for causing one's own death by negligence, to mention but a few references.[183] Today, it has become attractive to historians again due to its rather neutral literal interpretation, namely 'self-killing'.

Interestingly, the question of terminology, which has been discussed comprehensively within the field of historical suicide studies in the German and English speaking communities, has not been taken up by Swedish historians to the same degree. Although Swedish historians are well aware of this issue, the most common Swedish word for self-killing, '*självmord*' ('self-murder'), is not under debate.[184] Similar to '*Selbstmord*' in German, the Swedish '*självmord*' is widely used in everyday speech and it can be assumed that most speakers are probably not aware of the imminent negative connotation of the word.

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[180] Cf. Bähr, "Between 'Self-Murder' and 'Suicide'".

[181] Cf. Kästner, *Tödliche Geschichte(n)*, 6.

[182] Lemma 'Selbst-Mord, Selbst Todtschlag, Selbstentleibung, Selbstertödtung, Selbstermordung,' *Zedler's Universal-Lexikon*, vol. 36, column 1595.

[183] Thomas Masaryk, *Der Selbstmord als Massenerscheinung der modernen Civilisation* (Wien: Carl Konegen, 1881), 2.

[184] For instance, in the preface to the book *Den frivilliga döden* (voluntary death) Birgitta Odén states that the title was chosen referring to the expressions *Freitod*, *wilful death* and *la mort volontaire* (12). Yet, throughout the book the words *självmord* and *självspilling* are used without being critically questioned and without quotation marks. See Birgitta Odén, Bodil E.B. Persson and Yvonne Maria Werner, (eds.), Den *frivilliga döden: Samhällets hantering av självmord I historiskt perspektiv* (Stockholm: Cura, 1998); for a more recent example cf. Malin Lennartsson, "Den sista veckan i framlidne frälsefogden Johan Månssons liv: Berättelsen om en självspilling på 1600-talet," *Våld: Representation och Verklighet*, ed. Eva Österberg and Marie Lindstedt Cronberg (Lund: Nordic Academic Press, 2006).

However, it is also regularly used by historians and other scholars who should be more cautious about their language. According to *Svenska Akademiens ordbok*, '*självmord*' came in use around the mid-eighteenth century.[185] By and by it replaced the older term '*självspilling*', which today is regarded as a condemning denomination and thus has disappeared from the Swedish language use.[186] As mentioned above, the Latinized term *suicid* has not been of any significance, neither in everyday language nor in the scholarly discourse.

It has become clear that in German and Swedish different weights have been placed on questions regarding the terminology of self-killing. In the present study, I will use first and foremost expressions that are widely considered 'neutral', like suicide and self-killing. All terms that have an intrinsic negative (or positive) connotation, like e.g., 'self-murder', '*Selbstmord*', '*Freitod*' and '*självmord*', are placed between quotation marks.

Most of the words denominating the act or the agent of self-killing today were not used in early modern times. Neither in the Austrian nor in the Swedish sources did *suicidium* or a vernacular derivation of the term play a noteworthy role.[187] '*Selbstmord*' and '*självmord*' emerged gradually during the early modern period but were by no means the only or most common expressions. The question is how contemporaries talked and wrote about self-killing.

Alexander Murray has drawn our attention to the wide variety of terms used for designating suicide in the Middle Ages, many of which were rather vague and obscure and, according to Murray, such euphemisms and imprecise periphrases allowed contemporaries to talk about something that otherwise was hard to digest and shameful. It was a way to speak about the unspeakable; it might even have been a way to conceal it.[188] Euphemism, Alexander Murray reminds us, "means reference to something by a term other than the proper one. A problem in medieval language in respect of suicide is that there *was* no

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[185] *Svenska Akademiens ordbok* (SAOB), accessed February 11, 2015. http://g3.spraakdata.gu.se/saob/.

[186] The term *Självspilling* is difficult to translate, it is a composite of *själv* = self and *spilla* = to spill, to waste, thus referring to a person who wasted/destroyed one's life. "*Självspilling*" refers to a person who commits suicide, not the act.

[187] Occasionally we encounter the Greek/Latin terms *autochiria* or *propricidia*. In the *Theresiana*, for instance, the caption of each article and short summaries for each section of an article were provided in Latin. Article 93 "*Von der Selbstentleibung*" was translated into "ARTICULUS 93 de autochiria, seu propricidio", cf. *Theresiana* Article 93.

[188] Cf. Murray, *The Violent against Themselves*, 34–35.

proper term."[189] This finding can also be applied for the early modern period. Moreover, Alexander Murray reflects on whether euphemisms were used because "[s]uicide was just too terrible to talk about."[190] The phrasing in the penal codes and the court records used for this study do not endorse this assumption for the early modern context. A different explanation for the variety of words used to describe self-killing, however, seems more plausible to me: When we take into consideration the 'two kinds of suicide', outlined in the previous chapter, it seems reasonable that contemporaries abstained from using just one generalizing term that would blur this important difference. I am inclined to think that the distinction between *felo de se* and *non compos mentis* suicides is also marked linguistically, at least in the early modern Austrian penal codes. When 'both kinds of suicide' were being referred to – for instance, in the captions of the respective articles – a more general wording had to be used: The codes from the sixteenth century read "*Wer yhm selbs den tod thut*" ("who does/causes one's own death").[191] The respective articles in the *Ferdinandea* and *Leopoldina* are titled "*Von der selbst eignen Entleibung*" ("on the self-disembodiment").[192] In the subsequent law texts of the *Ferdinandea* and *Leopoldina*, however, the word "*Selbst=Mörder*" ("self-murderer") is frequently used, yet primarily in the context of premeditated self-killing. When referring to *non compos mentis* cases, we encounter more neutral expressions like e.g., "*der Entleibte*" ("the disembodied"). Thus, the Austrian penal codes document that sometime between the mid-sixteenth and mid-seventeenth century the term "*Selbst=Mörder*" had come into use. Moreover, a close reading of the individual sections of the *Ferdinandea* and *Leopoldina* suggests a quite conscious choice of wording. A similar observation can be made in the *Theresiana,* where the respective section bears the title "*Von der Selbstentleibung*" ("On the self-disembodiment").[193] Here too the term "*Selbst=Mörder*" is first and foremost – but not exclusively – used in connection with premeditated suicide.

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189 Ibid., 37.
190 Ibid.
191 *LGO Österreich unter der Enns 1514*, fol. B ij^{r+v}; similar *LGO Österreich ob der Enns 1559*, fol. 15^{v}.
192 The spelling differs, but the wording is the same, cf. *Ferdinandea* Article 69; *Leopoldina* Article 11.
193 Cf. *Theresiana*, Article 93.

As part of the caption of the relevant article the term "*Selbstmord*" (self-murder) appears for the first time in the *Josephinischen Strafgesetzbuch* from 1787. As mentioned above,[194] this law comprised only suicide cases in the *felo de se* sense.[195]

It is difficult to detect a similar pattern in the Swedish penal codes, primarily since the respective sections on suicide are kept rather short. The captions of the respective sections in the penal codes bear the title "*Om noghor Menniskia forgör sigh sielf*" ("When a human does away with oneself")[196] respectively "*Om then, som förgiör sig sielf*" ("About the one, who does away with oneself").[197]

This linguistic distinction between *felo de se* and *non compos mentis* suicides in the Austrian printed law texts cannot be detected in the court records to the same degree. Yet, handwritten documents also reveal that on many occasions the words to describe the dead person and/or the manner of death were chosen carefully, thus indicating a certain bias in one direction or the other.

In both the Austrian and Swedish records suicide is usually referred to by the means employed, e.g. self-hanged ("*selbst erhängt*", "*hafwer sig sielf ophängt*"), self-drowned ("*selbst ertränkt*", "*drängt sig sielf*"). Or, in a more general sense, reflexive paraphrases such as "self-disembodied" (*selbst entleibt*) or "*sig själv livet avhänt*" ("one has taken away/deprived oneself of one's own life") are deployed. In Sweden, as mentioned above, the individual who had taken his/her own life was referred to as "*självspilling*", a degrading term charged with moral judgment. "Self-disembodiment" (*Selbstentleibung*) is the noun often used to denote the act of self-killing in the Austrian records. Phrases describing e.g. that someone "became a murderer on one's own body" can also be found. In line with the Christian world view contemporaries apparently assumed that individuals who committed suicide had managed to kill the material body, but not the soul.[198]

Considering the manifold denotations that were used in the past, it has become clear that the modern terminology used in this study can only serve as an anachronistic tool. Robert Houston has pointed out that "[t]o use a modern term like 'suicide' may be to risk creat-

194 Cf. page 41 f. in this study.
195 Cf. *StG 1787*, part 1, § 123.
196 *KrL 1608*, högmålsbalken, section 4.
197 *Law of 1734*, Missgärningsbalken, chapter XIII.
198 Early modern women and men were concerned by questions regarding the whereabouts of a suicide's soul. We will hear more about that aspect at a later point of this study.

ing inappropriate expectations about the subject and constructing it around a set of current problematics, an anachronism only avoidable by strict adherence to early modern context and understandings."[199]

Moreover, the reflections upon the terminology have highlighted some interesting differences in the discourse on self-killing in German- and Swedish-speaking areas both in the past and the present. At the same time we have caught a glimpse of how difficult – if not impossible – it is to translate the endless nuances a language has to offer into another language, time and context. To be precise, not just one, but several translation processes are at work in this study: In a first step, texts written in early modern German and Swedish need to be understood in their proper meanings. Historians know that this is not only a question of vocabulary and language skills; after all, it is not unusual for words to vanish or change their meaning in the course of years.[200] In his study on spiritual afflictions in early modern Bavaria, for instance, David Lederer raised the question of how one could understand and translate past disorders into familiar, current terms without falling for anachronism. I concur with his suggestion that this problem can and needs to be overcome by diligent historical contextualization.[201]

The next challenge is to transfer the early modern language and concepts into the present and finally, in the course of textualization, these words need to be written down in proper English. For a native German speaker like me it is quite an endeavor to produce a text that takes account of both the German and Swedish sources and meets the requirement of an English scholarly text at the same time. To a certain degree, writing this thesis in English can be regarded as 'poetic justice' since it minimizes the temptation to prefer one source over another. Generally, my aim is to save as much as possible of the premodern 'spirit' by enclosing original words in brackets or adding a footnote with references from the sources. In many cases I will – after having provided an explanation or translation– also use original German and Swedish words in the running text. Many readers might benefit from this procedure since it provides orientation on the regional context. By leaving some words un-translated I also hope to emphasize the particularities of each area.

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[199] Houston, *Punishing the dead?*, 24.

[200] To give just one example, the Swedish word "*ursinnig*" meant in early modern times "crazy, mad", while it means "very angry, enraged" today, cf. Lennartsson, "Den sista veckan," 172.

[201] Lederer, *Madness, Religion, and the State*, 145–147.

At the end, the whole process of text-production consists of a constant dialogue between past and present and a symphony of Swedish, German, and English words. I am well aware that much will be lost in translation. Yet I am convinced that this study – despite possible shortcomings regarding the accuracy of language – will provide a fresh and comprehensive perspective on the question of how suicide was treated in different cultural contexts in early modern Europe.

The reflections upon terminology lead to another subject that needs to be addressed: the question of definition. According to the famous, and, for suicide studies, influential French sociologist Émile Durkheim 'suicide' applied to all cases of death which resulted directly or indirectly from a positive or negative act of the victim[202] himself/herself, which he or she knew would produce this result.[203] What is decisive in his definition – and in many others – is not only the fact that the individual causes his or her own death, but also the intention to that effect. In other words: What is crucial is the individual's knowledge of the consequences of his or her doing or passiveness. In addition to these two aspects historians and sociologists have emphasized the temporal aspect. Besides the components self-harm and intention, they suggest speaking of suicide only in cases when an individual assumes his or her death in a foreseeable period immediately after the positive or negative act.[204]

Definitions are useful since they help to specify and concretize the subject under investigation. They increase the awareness for a certain topic, and by defining a subject usually one becomes more conscious of its boundaries and areas of grey. At the same time definitions always serve as gatekeepers that include certain actions and practices and exclude others.

In the course of this study it will be shown that the above mentioned components self-harm, intention, and time played an important role when it comes to the question of what constituted suicide in early modern times. Yet, as Alexander Kästner has pointed out, for

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[202] Durkheim actually uses the word "victim" to denote the individual who committed suicide.

[203] Durkheim, *Der Selbstmord*, 27; regarding the impact of Durkheim on suicidology cf. Brancaccio, Engstrom and Lederer, "The Politics of Suicide".

[204] See for instance, Christa Lindner-Braun, *Soziologie des Selbstmords* (Opladen: Westdt. Verlag, 1990), 31; Ursula Baumann, "Überlegungen zur Geschichte des Suizids (letztes Drittel 18. Jahrhundert bis erste Hälfte 20. Jahrhundert)," *Trauer, Verzweiflung und Anfechtung: Selbstmord und Selbstmordversuche in mittelalterlichen und frühneuzeitlichen Gesellschaften*, ed. Gabriela Signori (Tübingen: Ed. Diskord, 1994), 317.

historians it is impossible to assess or find out if individuals who took their own lives actually had the intention to die and acted with awareness regarding the consequences.[205] Statements concerning these aspects would be nothing more than modern interpretations based on early modern imputations. In addition, Kästner reminds us that modern definitions usually do not take into account that 'self-murder' in premodernity also included a spectrum of actions and practices that would not fall under that category today, e.g. unhealthy lifestyle due to alcohol abuse or endangering one's own life by crossing a frozen over lake.[206] Following a modern definition of self-killing would also mean that phenomena like 'suicide murder',[207] or the earlier mentioned 'lying away one's life'[208] – which by contemporaries apparently were regarded as variants of suicide –automatically were situated outside the field of perception. However, apart from it being a challenge to find a definition of suicide that met the early modern context: What could be gained from it?

The broad aim of this study is to learn more about how contemporaries perceived and handled suicide based on archival research. In order to locate suitable material historians are dependent on the judgment and cataloging systems of archivists incorporated in the archives' finding aids. Or, in many cases, when scanning through boxes labeled as *Criminalia* without further specification, and looking out for specific key words, it was the terminology chosen by premodern clerks that attracted my attention. In a nutshell: I followed the sources; I added cases to my sample which by early modern clerks were labeled as suicide by using the above discussed heterogeneous terminology. Like Alexander Kästner I abstained from a formal definition of suicide in this study and instead followed where the sources directed me.[209] This approach opens up to scrutinizing practices and acts that might not comply with modern perceptions of suicide. In concurrence with Robert Houston I accept "the judgements of contemporaries about cause of death or [...]

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[205] Cf. Kästner, *Tödliche Geschichte(n)*, 7–10.

[206] Cf. ibid.; see also the comprehensive description in Zedler, *Universal-Lexikon*, vol. 36, column 1595–1614.

[207] "Suicide murder", "indirect suicide", or "suicide by proxy" denote the phenomenon when an individual kills someone purely in order to be sentenced to death and executed, cf. e.g., Tyge Krogh, *A Lutheran Plague: Murdering to Die in the Eighteenth Century* (Leiden/Boston: Brill, 2012); Stuart, "Suicide by Proxy"; Jürgen Martschukat, "Ein Freitod durch die Hand des Henkers: Erörterungen zur Komplementarität von Diskursen und Praktiken am Beispiel von 'Mord aus Lebens-Überdruß' und Todesstrafe im 18. Jahrhundert," *Zeitschrift für historische Forschung* 27 (2000).

[208] Cf. page 49 in this study on false confession.

[209] Kästner, *Tödliche Geschichte(n)*, 10.

use disagreements as a way of understanding how meaning was constructed."[210] This way, also the risk to fall for retrospective diagnoses is minimized.[211] The alternative, like Robert Houston put it aptly, would mean "to tinker with contemporary assessments: unwise, both because contemporaries knew the context better than modern historians and because it is possible to learn more about the people of the past by seeking to understand them than by trying to correct them."[212]

[210] Houston, *Punishing the dead?*, 24.
[211] Cf. Kästner, *Tödliche Geschichte(n)*, 90–97.
[212] Houston, *Punishing the dead?*, 24.

Considerations regarding the sources and the procedure following a suicide in early modern Austria and Sweden

Like other offenses that were relevant under secular law, suicide left its traces in the contemporary bureaucracy and the administration of justice both in Austria and Sweden. The main body of the archival material – which builds the fundament of this study – consists of criminal court records in the broadest sense, originating first and foremost from rural areas and small towns. These court records were generated in the course of the administration of justice and the exercise of legal rights by secular courts, and consist of e.g., minute books, files, interrogation protocols, attestations, letters etc. handed down either as original copies, fair copies or concepts. Other sources, for instance records from ecclesiastical bodies,[213] news paper reports, tracts, medical reports, are used complementarily.[214]

Opposed to e.g. more general tracts or philosophical treatises dealing with suicide as an abstract phenomenon, criminal court records allow us to analyze suicide cases that actually took place. They provide an idea of how self-killing was perceived in early modern times and illuminate the practical handling of individuals who committed suicide and thus show how the stipulated standard procedures as outlined in documents of a more normative character were put into practice. Moreover, the sources often contain information that exceeds the legal context and therefore offer a glimpse of early modern quotidian life. Despite the fact that they were generated by and for institutions and penned down by third parties, it is nevertheless possible to gain insight into the lives of so called 'ordinary' people; men and women who did not belong to the social elite. Usually they did not leave

[213] Suicide fell under the competence of the secular authorities during the whole period of investigation in both study areas. However, before the introduction of the ecclesiastical law (*kyrkolag*) 1686, suicide cases apparently were occasionally handled by the ecclesiastical courts in the Swedish kingdom. Arne Jansson refers to several cases that were discussed before ecclesiastical courts, cf. Jansson, *From Swords to Sorrow*, 25–48; also Rudolf Thunander assumes that it was not before 1686 that suicide cases were more often decided by secular courts, cf. Rudolf Thunander, *Hovrätt i function: Göta Hovrätt och brottmålen 1635–1699* (Lund: Institutet för rättshistorisk forskning, 1993), 163. Generally, in his study on criminal cases before the Göta superior court 1635–1699 suicide played just a minor role. Out of a sample of 1.774 criminal cases only 33 were suicides, 27 of them were discussed by the *hovrätt* after the introduction of the *kyrkolag* of 1686.

[214] Suicide is a topic that concerned many different areas of life. Subsequently information about suicides can be found in different contexts. The clear focus of this study, however, lies on suicide in the context of crime and criminal justice.

behind any writings that document their everyday lives, their thoughts and attitude towards life or other self-narratives.[215]

Historical sources of any kind need to be analyzed with due diligence and critical assessment in order to avoid methodological pitfalls and false conclusions. In this regard the historical research on crime and criminal justice of the last decades was of great avail for this dissertation; it provided valuable insights and sharpened my view for the uncertainties but also the benefits of analyzing criminal court records.[216]

When employing a comparative perspective questions regarding the comparability of the documentation yearn for special attention. Analogously to what Robert Houston has pointed out in his monograph on suicide in early modern England and Scotland, the material used for the present study "was compiled for widely divergent purposes, within different legal frameworks, and against contrasting social, political, and cultural backgrounds. Understanding the biases in the different sources is essential to the reliability of the picture of suicide in the two countries and to accurate comparisons […]."[217] It is therefore paramount to unravel the sources' context of origin. In the following, the administrative procedure after a self-killing and the primary sources which emerged before this background will be presented in more detail. First I will outline the sources and the institutions that generated them for each country separately. I will then conclude the section by comparing the findings.

Suicide in Swedish sources

In the early modern Swedish legal system[218] three different main levels can be distinguished that are relevant for this study. In the countryside, we find on the lowest level the

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[215] Even if people of the lower classes and the rural population in Sweden were literate to a higher degree than in the Austrian Archduchy, not least due to the endeavor of the Lutheran church, they nevertheless hardly ever left behind writings concerning their thoughts, problems or everyday life. At least not on an individual level, there exist, however, e.g. minutes from the peasant estate in the diet, supplications etc. Cf. Marie Lindstedt Cronberg, *Synd och skam: Ogifta mödrar på svensk landsbygd 1680–1880* (Lund: Cronberg publishers, 1997), 36.

[216] Still important in this regard Ulrike Gleixner, *„Das Mensch" und „der Kerl": Die Konstruktion von Geschlecht in Unzuchtsverfahren der Frühen Neuzeit (1700–1760)* (Frankfurt am Main: Campus, 1994) and Carlo Ginzburg, "Beweise und Möglichkeiten: Randbemerkungen zur 'Wahrhaftigen Geschichte von der Wiederkehr des Martin Guerre'," epilogue to *Die wahrhaftige Geschichte von der Wiederkehr des Martin Guerre*, by Natalie Zemon Davis (Berlin: Wagenbach, 2004), 185–213. See also the methods section in this study pp. 22–28.

[217] Houston, *Punishing the dead?*, 19.

[218] I am referring to "Sweden proper", i.e. not including the Baltic provinces.

so called *häradsrätt* or *häradsting*, often referred to simply as *ting* (district court),[219] which was subordinated to one of the altogether four *hovrätter*, the Royal Superior Courts. The highest legal power, however, was reserved to the king or queen and administered by the so called *Justitierevision*, the 'Justice Revision', which was a section of the Privy Council.[220]

The present study comprises around 200 cases of self-killing with documents generated by all three of these judicial levels. The vast majority of the cases was examined between 1660 and 1735 in the rural district courts (*häradsrätter*) of the Västernorrlands county, which fell under the jurisdiction of the *Svea hovrätt* (Svea Royal Superior Court) in Stockholm.[221] The work conducted by the *häradsrätter* is documented in the so called 'judgment books' (*domböcker*). These judgment books existed even in duplicate since fair hand copies (so called *renovationer* or *renoverade domböcker*) of the original judgment books (*original domböcker*) had to be submitted to the Royal Superior Court for scrutiny once a year. Each entry in a judgment book usually contains information about where and when the court convened, mentions the names of the jury members (*nämndemän*); it provides a summary of the oral testimonies and statements that were presented before the court, and concludes with the short resolution that was passed by the *häradsrätt*. The following case history illustrates the information that can be gained from a suicide case documented in the judgment book.

Suicide before the häradsrätt *and its documentation in the* dombok*: one among many…. the case of Pär Eriksson (1686)*

Generally, in Sweden *ting* – the popular assembly, which was the community's judicial authority – was held three times a year (in winter, summer, and fall) at recurring places. The dates were announced in advance by the royal bailiffs (*kronofogde*) and read from the pulpit. The *ting* was a big public event that drew the people from all over the region. A wide audience was present, consisting of people from the area who either had to settle their own matters or attended the *ting* out of curiosity. After all, not only civil and criminal

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[219] The majority of my Swedish suicide cases were handled by *häradsrätter*, only some cases were tried by the magistrates in the cities.

[220] For the judicial structure in early modern Sweden see Björn Asker, *Hur riket styrdes: förvaltning, politik och arkiv 1520–1920* (Stockholm: Riksarkivet, 2007), 123–136, see especially the chart on page 135; Liliequist and Almbjär, "Early Modern Court Records".

[221] In many cases the material encompasses both the lower court record and the sentence letter sent by Svea High Court; when one of the two has not been preserved or it has been impossible to locate or retrieve same, only the other one has been used.

matters were tried at this occasion before the *häradsrätt*, also everyday problems and conflicts of communal life were brought forward and resolved. The diversity of the cases handed down in the judgment books is accordingly large, ranging from inheritance matters and property disputes to petty theft, illegitimate sexuality, murder, and – amongst many others – also suicide.[222]

On January 30, 1686, however, the *ting* in the parish of Gudmundrå (Ångermanland, Sweden) had to convene for an unscheduled meeting. Such "*urtima*" or "*extraordinarie ting*" was held in urgent cases, after occurrences that could not wait until the next planned assembly of the *häradsrätt*.[223] This time, the occasion was the suicide of circa 70-year-old Pär Eriksson who had hanged himself two weeks earlier. Both the relevant original *dombok* and the *renoverade dombok*, a fair hand copy of the former, have survived, documenting the investigation.[224] A comparison of the two entries regarding the self-killing shows that the content – apart from orthography – appears to be by and large identical.[225] On three and a half pages the circumstances surrounding the old man's death are documented. As such, the entry belongs to the shorter examples as many suicide cases extend from five to ten pages. In its structure, however, it follows the ordinary style of the entries in the judgment books: In the first paragraph the date and place of the *ting* is given, followed by the names of the jury members (*nämndemän).* Usually this lay jury, the *häradsnämnd*, consisted of twelve resident peasants. According to Pär Frohnert, these men enjoyed a high reputation

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[222] These judgment books are an invaluable source for research on the early modern period in Sweden, be it with regard to early modern everyday life, the history of criminal justice, delinquency, or gender, to name just a few. See for instance the study by Jonas Liliequist on bestiality, Jonas Liliequist, "Brott, Synd och Straff: Tidelagsbrottet i Sverige under 1600- och 1700-talet" (PhD diss., Umeå University, 1992); Marie Lindstedt Cronberg's monograph on the situation of unmarried mothers, Lindstedt Cronberg, *Synd och skam*; and Marja Taussi Sjöberg's work on women and the law, Marja Taussi Sjöberg, Rätten och kvinnorna: Från släktmakt till statsmakt i Sverige på 1500- och 1600-talen (Stockholm: Atlantis, 1996).

[223] In the case of an extraordinary *ting* the jury members were often notified by a '*budkavle*', a piece of wood that contained the message to assemble.

[224] Case of Pär Eriksson, 1686, *extraordinarie ting* in Gudmundrå, January 30, 1686, Södra Ångermanlands domsaga AIa:4, HLA; microfiche D52262, sheet 4; Svea hovrätts renoverade domböcker, Västernorrland 7, RA; microfiche S6043, sheet 9, fol. 445–447.

[225] In a random sample I compared the entries concerning suicide cases in the two versions of the judgment book. Apart from the occasional transcription errors I detected no significant differences with regard to the content. However, of course one cannot rule out the possibility that individual scribes may have shortened or edited their copies of the original *dombok*.

and had a good standing in the peasant community.[226] For their time and effort they were compensated monetarily or received exemptions from socage duties.[227] Sometimes, however, as in the case of Pär Eriksson, where the *dombok* disclosed only six *nämdemän*, the number of the jury members was reduced.

Generally the *häradsrätt* was preceded by the *häradshövding* (district judge) who was nominated by the *hovrätt* and appointed by the king or queen.[228] *Häradshövdingen* and the jury judged together. According to Pär Frohnert, the *häradshövding*'s vote could only be outvoted by a unanimous decision by the jury.[229] In most of the cases I reviewed for this study, the *häradshövding* is not explicitly mentioned in the judgment book. Formulations like "the *häradsrätt* assembled…" or "the *häradsrätt* found…" are used instead of highlighting one individual member of the assembly.[230]

The role of the local police chief (*länsman*) is more visible in the documents. Many entries in the judgment books start with a phrase like "*Dito angafs af cronones ländsman dhet*…" ("Ditto was reported by the crown's police chief that…"). He served as some sort of prosecutor in the sense that he referred the case to the court by reporting who, where and when someone had taken his or her life or had been found dead.[231] Thereafter the actual investigative part was described with a summary of the witnesses' statements.

Concerning our case history, the entry in the judgment book documented the following: Both the *länsman* and other trustworthy village men described Pär Eriksson, an unmarried man, as simple (*enfaldig*), taciturn and meek (*saktmodig*). According to them he had preferred seclusion and had avoided social contact. Since fall he had complained about pain in his chest and thus spent most of the time in bed. At his request the local pastor had visited him and administered Holy Communion on *sjättedag jul*, December 30. At this oc-

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[226] The oldest member of the jury held the honorary title "*häradsdomare*", literally meaning "*härads* judge". This is misleading since he was not actually a judge or did not have any other competences than his fellow jury members except acting as the jury's spokesperson, cf. Frohnert, "Administration," 230.

[227] Cf. Pär Frohnert, "Administration i Sverige under Frihetstiden," *Administrasjon i Norden på 1700-talet*, ed. Yrjö Blomstedt et. al. (Oslo: Universitetsforlaget, 1985), 230.

[228] From 1680 on it was required that each *häradshövding* should be resident in his *domsaga* and exercise the duties of his office himself. Before that, often substitutes, called *lagläsare* or *lagförare* had been hired to do the work. After 1680 the term *lagförare* or *lagläsare* were no longer used. Instead they were called *vice häradshövding*, cf. Jan Eric Almquist, *Lagsagor och Domsagor i Sverige: Med särskild hänsyn till den judiciella indelningen* (Stockholm: Nordstedt & Söner, 1954), 7; Frohnert, "Administration," 230.

[229] Cf. Frohnert, "Administration," 230.

[230] Also Marie Lindstedt Cronberg describes the protagonists before court, cf. Lindstedt Cronberg, *Synd och skam*, 37–39.

[231] Of course, the part of the *länsman* cannot be equated with the role of a prosecutor in a modern court procedure, since he could prosecute a case and exculpate the delinquent at the same time.

casion Pär Eriksson had shrived ("*giort een wacker skriftemåhl*") and confided in the pastor that he had contemplated suicide the day before. Pär Eriksson was convinced, the judgment book states, that his suicide attempt had failed due to God`s intervention: By making the instrument fail, God had prevented his crazy thoughts and therefore Pär thought that he still could obtain God's mercy and had asked for his forgiveness. On the pastor's inquiry, Pär had denied having committed any secret sins, which would burden his conscience.

When the farm people realized that Pär Eriksson was at risk of committing suicide, they put him under surveillance, but did not notice any signs of insanity ("*galenskap*") or fury in his behavior. On the day he took his life, he told the people at the farm and the neighbor's wife that he was feeling better and that he wanted to travel to church the next day if "God allowed him the health he now had" ("*om gud unnar mig den hällsan iag nu hafwer*"). After he had said that, at dusk on Saturday evening, he left the house in order to feed the horse. At this point, nobody suspected that he would hurt himself. When he did not come back after a while, however, his brother-in-law started to look for him in the stable but could not find him. Soon all the farm people were looking for him and finally found him in the attic of one of the buildings where he had hanged himself with a garter. After a description of the position in which his body was found, the judgment book entry concerning the suicide of Pär Eriksson ends with the resolution passed by the *häradsrätt*: The court found that Pär Eriksson had had so much understanding that he had been able to use the administered *salighetsmedel* ("means for bliss") shortly before his death. Neither before nor after that had he suffered from a fervid or fierce illness, which would have robbed his mind. The *häradsrätt* concluded that Pär Eriksson shortly after using his *salighetsmedel* had been driven to despair by his evil thoughts. Therefore it could not allow his body to be handled by honest people. Like a "*siellfspilling*" the corpse had to be taken down by the executioner *("bödelen eller skarprettaren*"), and be buried "aside" according to the fourth chapter of the *högmålsbalk* in *Kristofers landslag*. As customary, the *häradsrätt* suggested the verdict to the *hovrätt* for "merciful consideration" before its execution.

On several occasions it has been pointed out by historians that the individual legal cases that were discussed before court resemble in their structure narrations.[232] As already mentioned, the entries in the *domböcker* followed a certain structure, consisting of a short introduction (providing the place, date and names of the jury members), a summary of the witness' accounts, and the verdict passed by the court. Yet, when we take a closer look at the entries in the *domböcker* the amplitude of information regarding how self-killings were handled by the *häradsrätt* and how the social environment of the deceased described the events becomes visible. Thus, although the entries in the judgment books follow a certain structure and style, variations within this general structure highlight the uniqueness of each case.

Regarding the above mentioned case history, for instance, we learn that two weeks had elapsed between the suicide and the trial.[233] Before the *häradrätt*, however, the case of Pär Eriksson was settled within one day. Usually suicide cases were closed rather quickly, in most cases at a single *ting*. But since a regular *ting* went on for several days it was also possible to adjourn a case if necessary. If further inquiries were necessary, the court could send for more witnesses to come to the *ting* and continue the case a few days later.[234]

The middle part with the witness accounts describes the sequence of events and therefore varies from case to case. To me it is not entirely clear according to which system the witnesses were heard since it was not necessarily the closest relatives who testified or attended the *ting*.[235] In most cases, the witness accounts are summarized in the form of a more or less concise narration but sometimes also the questions and answers are written down in direct speech. Occasionally the judgment books show that the court included the public audience in the investigation by posing questions directly to the audience, asking if an-

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[232] In her study on unmarried mothers Marie Lindstedt Cronberg used first and foremost judgment books from Torna härad in southern Sweden, but her observation with regard to judgment books as source material is true also for other parts of the country, see Lindstedt Cronberg, *Synd och skam*, 36–41; Griesebner, *Konkurrierende Wahrheiten*, 144–176.

[233] On the question of what happened with the body during that time see chapter 3.

[234] See for instance the case of Olof Pärsson, 1724, ting in Tuna, March 21, 1724, Svea hovrätts renoverade domböcker, Gävleborg 80, RA, 131–169. I am grateful to Peter Lindström who let me use this case. Also when the self-killing of was heard before the härädsrätt, the länsman sent after two additional witnesses who were not present at the first day of the ting. He asked how far away the two women lived and when he learned that they live approximately 35 kilometers away, he ordered to bring them to the ting the next day when the case was resumed, cf. case of Märit Zachrisdotter, 1712, *ting* in Nätra, August 4+5, 1712, Södra Ångermansland domsaga AIa:10, HLA; microfiche D52268, sheet 20, fol. 315–321.

[235] Also Malin Lennartsson has observed that sometimes the closest relatives did not testify before court, cf. Lennartson, "Den sista veckan," 175.

yone had information to bring forward in the case. Often it is difficult to assign certain statements to individual speakers since the accounts by relatives and neighbors are blended and summarized, without revealing who said what. Statements made by the pastor are usually identifiable as such. If the pastor was not able to attend in person, a written testimony could be transmitted to the court instead. The judgment books also make clear that usually members of the jury were called to the scene of the suicide for a legal, visual inspection. Before court they reported in detail what they had seen, where and in what position they found the body etc.

Presumably, the actions and goings-on before the *häradsrätt* took place in an emotionally charged atmosphere. At times, people might have talked at once or debated heatedly, and I assume there was some shouting, crying or weeping. All of this was turned into a condensed, ordered, consecutive sequence of events in the narration documented in the judgment books. The person who held a key position in arranging this narration remains in most cases invisible and unnamed: the scribe. Marie Lindstedt Cronberg denotes him as a filter between the researcher and the people at the *ting*.[236] Only little is known about the clerks. According to Rudolf Thunander it was the *lagläsaren* ('law-reader') himself, who kept the books.[237] However, other sources report about an appointed *tingsskrivare* (scribe) being present at the *ting* and being responsible for the paperwork.[238] According to Marie Lindstedt Cronberg the judgment books' content was composed first and foremost by the judge himself during the greater part of the seventeenth century. Gradually this work was taken over by a scribe (*tingsskrivare*) who was presumably educated in law but was still at the beginning of his career. He had to know Latin and was presumably part of the educated elite.[239]

The language used in the judgment books is to a high degree condensed and formalized, often using standard formula, especially at the beginning and the end, the resolution. Marie Lindstedt Cronberg suggests that these standard formulations served to save time and paper. When analyzing criminal court records, historians need to keep in mind the special origin of the documents and their characteristics in order to filter out the "trustworthy",

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[236] Lindstedt Cronberg*, Synd och skam*, 38.

[237] Thunander, *Hovrätt i function*, 246.

[238] Cf. Lindstedt Cronberg, *Synd och skam*, 39. She also refers to Eric Hägge, I *lagens namn: Hallands södra domsaga 1645–1970* (Halmstad 1970), 21.

[239] Lindstedt Cronberg, *Synd och skam*, 39.

and reliable information concerning both the everyday life of early modern people and the perception and handling of exceptional circumstances.

As shown above, the entry for each case heard usually closes with a resolution, i.e. the verdict that was pronounced by the *häradsrätt*. Since there was no formal right to appeal in criminal cases the verdict by the *häradsrätt* was often binding. Criminal cases which could lead to the death sentence, however, had to be submitted to the Royal Superior Court for revision.[240] Although suicide did not fall within this category in the strict sense, the verdict by the *häradsrätter* in cases of self-inflicted death had to be approved by the Royal Superior Courts before execution until 1720.[241] This means that a copy of the case entries in the judgment book was prepared and sent from the *häradsrätt* to the county governor (*landshövding*), who in turn forwarded the documents to the Royal Superior Court.[242] At the Royal Superior Court each case was reviewed and the resolution by the *häradsrätt* was either confirmed or altered. This leads us to the documentation generated by the next highest judicial level in early modern Sweden, the Royal Superior Court in Stockholm (*Svea hovrätt*).

The Svea hovrätt *and the sentence letters to the county governors*

The Royal Superior Court in Stockholm (*Svea hovrätt)* oversaw the work by the *häradsrätter* of the Västernorrland county. For this study, the so called 'sentence letters' were used, which were sent by the *hovrätt* to the county governor.[243] These letters were addressed to the *landshövding*, the county governor, who was responsible for the execution of the ver-

[240] See Thunander, *Hovrätt i function*, 26. An exception in this regard were the so called "*punkt 17-målen*", seven felonies which were regarded as especially severe. From 1614 until 1687 the verdict by the *häradsrätt* in these cases could by executed without referring the case to the Royal Superior Court first, see Thunander, *Hovrätt i function*, 13–14.

[241] Cf. Letter from the Royal Council to the Court of Appeal January 28, 1720, in Abrahamsson, *Swerikes rijkes lands-lag*, 726; see also Lindberg, *Praemia et Poenae*, 597.

[242] See Thunander, *Hovrätt i function*, 40, footnote 46.

[243] In the regional archive of Härnösand (Härnösands *landsarkiv*) exists a card index on the sentence letters sent by the Svea *hovrätt* to the county governors. I am grateful to Jonas Liliequist for sharing his notes regarding suicide cases in this index with me. This card index is an excellent starting point for the archival research. With the information given in these letters (year, date and place of the *ting*, name of the suicide etc.) it is possible to look up the suicide cases in the respective judgment book.

dicts.[244] Sometimes a note of registration, written on the first page of the letter, shows when it arrived at the *länskansliet*, the clerical office at the town of Gävle.[245]

Similar to the entries in the judgment books, also these letters follow a highly standardized form. Following the *intitulatio*, denominating the exact title of the sender (the president of the *Svea hovrätt*), the addressee of the letter, the *landshövding*, is named. Then the case that has been presented to the high court is briefly described, ideally mentioning the *län* (county), the place, date and by whom (e.g. giving the name of the *häradshövding*) the *ting* had been held. Usually the name, age and civil status of the person who took his or her life are mentioned, as well as where, when and under what circumstances the self-killing took place. In addition, the resolution of the *häradsrätt* including the argumentation that led to its verdict is given. This preliminary verdict is followed by the verdict by the Royal Superior court, which either approved or altered the *häradsrätt*'s decision. When the resolution by the *häradsrätt* was approved, no further reasons for the *hovrätt*'s verdict are given. In cases when the verdict by the district court was altered, the Royal Superior court usually motivated its decision by drawing upon the documents that had been sent in. The sentence letters close with the order that the *landshövding* should see to that the verdict by the Royal Superior court would be put into effect.

The letter concerning the case of Pär Eriksson follows that general structure. Dated February 20, 1686 in Stockholm it arrived presumably a couple of days later at Gävle. It contained a summary of the information from the judgment book including the verdict by the *häradsrätt* and closes with the resolution by the *Svea hovrätt*. In conformity with the first verdict, the *hovrätt* ordered Pär Eriksson's dead body to be taken down, carried to the woods and be buried there by the executioner.[246]

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[244] See Thunander, *Hovrätt i function*, 19. In the case of the suicide of Karin Mickelsdotter, for instance, it was addressed to "*General Lieutenant och Landshöfdinge öfwer WästerNorrlanden wälborne H. Baron Alexander Strömberg*", cf. case of Karin Mickelsdotter, 1710, *ting* in Nordingrå, February 21, 1710, Södra Ångermanslands domsaga AIa:10, HLA; microfiche D52268, sheet 8.

[245] For instance, in the case of Karin Mickelsdotter the letter by the *hovrätt* was dated on March 3, 1710 in Stockholm and arrived in Gävle on March 5.

[246] Svea Hovrätts brev February 20, 1686, Skrivelser från Svea hovrätt till Gävleborgs Läns Landskansli 1635–1736, DIIa:7, HLA; microfiche S21052.

The sentence letters are an important source of information.[247] Usually they restate the essence of the entries in the judgment books and thus inform us about the events before the *häradsrätt* even in cases where the *domböcker* do not exist anymore. At the same time they contain the final verdict which often deviated from the one passed by the *häradsrätt*.

It is important to note that the Royal Superior Court neither reinvestigated the cases which were referred to it, nor conducted investigations on its own. As mentioned above, its decision was based solely on the documents submitted by the *häradsrätt*, first and foremost the transcript of the relevant case in the judgment book.[248] While the jury members of the *häradsrätt* in many cases had known the deceased, his or her family and neighbors, the *hovrätt* acted from a spatial and emotional distance. Thus, for the outcome of the case it was crucial *what* information was provided (or left out) and *how* it was phrased by the *häradsrätt*. In many cases the *häradsrätt* outright asked for lenience, on other occasions one can read between the lines, that a certain verdict would have been preferred. The *häradsrätt* therefore had a strong influence on the final decision by the Royal Superior Court.

In addition to the sentence letters by the Svea *hovrätt*, the body of sources used in this study contains seventy-three cases which are listed in the precedent or *exempla* collection of Svea High Court decisions that was compiled by Becchius-Palmcrantz in the late seventeenth century.[249]

Materials from the justitierevision

The highest judicial instance in the Swedish Kingdom was the *justitierevision* ('judicial revision'), a branch of the Royal council and predecessor of the Supreme Court, which was established in 1789. In criminal cases, there existed no clear formal requirements that obliged the *hovrätt* to submit a case to the *Kungl. Maj:t*, an abbreviation which stands for

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[247] When investigating a certain historical phenomenon, historians always need a starting point for their archival research. The letters from the high court are such an entry port, at least until 1720. They not only contained the final verdict, which was not always congruent with the preliminary verdict by the *häradsrätt*. Moreover, with the information given in these letters (name of the *häradsrätt* and date), it is possible to look up the mentioned suicide cases in the *häradsrätt*'s "judgment book" (*dombok*). The entries in the judgment books, on the other hand, tell us more about what the social environment had to say about a suicide before court. Ideally both the judgment book and the corresponding sentence letter are handed down.

[248] However, occasionally also attestations by the parish priest, petitions etc. were enclosed, see Thunander, *Hovrätt i function*, 46.

[249] Riksarkivet (RA): Riksarkivets ämnesamlingar Juridika I: Becchius-Palmcrantz samlingar (BP), Vol. 5.

Royal Majesty (*Kunglig Majestät*). Depending on the context and the form of government at the time, the term *Kungl. Maj:t* referred either to the king/queen in person or to the king/queen in council.[250] In the context of appeal, however, it referred to a judicial committee – the *Justitierevision* ('Justice revision'), a subsection of the privy council that developed around the mid-seventeenth century.[251] Originally a 'review secretary' had the task to review and prepare the cases which were brought before the king respectively the council. Gradually this practice turned into a permanent institution referred to as *nedre justitierevisionen*, 'lower judicial revision'. The 'upper judicial revision' (*övre justitierevisionen*), however, referred to the competent division of the privy council which delivered the verdict as opposed to the lower judicial revision that prepared and presented the cases.[252]

Royal directions from 1641 and 1688 stated that criminal cases should be presented to the *Kungl Maj:t* only when the circumstances gave reason to show mercy (in cases concerning the death penalty), when no written law existed that could be applied to a case or when the *hovrätt* was unsure in the interpretation of the law.[253] The historian Rudolf Thunander calculated that out of altogether 1,342 death sentences the *Göta hovrätt* presented only 80 to the *Kungl Maj:t*.[254] Therefore, Thunander concludes that the *hovrätt* to a high degree acted independently and in most criminal cases factually was the highest instance.

The assumption that only extraordinary cases were presented to the *Kungl Maj:t* is not applicable either. According to Thunander the cases presented to the *justitierevision* hardly differed from those that the *hovrätt* judged without consulting it. Thunander suggests that presenting criminal cases to the *Kungl Maj:t* served first and foremost to strengthen the political and symbolic relationship between *hovrätt* and *Kungl Maj:t* but did not arise from uncertainties in legal questions on the part of the *hovrätt*.[255] Thus, when a criminal case

[250] In cases when the king or queen was underage and Sweden was ruled by a regency council (*förmyndarregering*), consisting of the five great officers of the realm or members of the Privy Council and sometimes the mother of the king to be, until the declaration of majority at 18, the term referred also to this regency council, cf. Asker, *Hur riket styrdes*, 17; 50–51.

[251] Frohnert, "Administration," 228; Inger, *Svensk rättshistoria*, 66; 113.

[252] Inger, *Svensk rättshistoria*, 113; Asker, *Hur riket styrdes*, 82.

[253] Thunander, *Hovrätt i function*, 187.

[254] Ibid., 188.

[255] Ibid., 220–221.

was presented to the *Kungl Maj:t* it was because the *hovrätt* had chosen to do so; not because it was a stage of appeal.[256]

Since the *justitierevision* judged over cases that were transferred from all four *hovrätter* in the kingdom, its documentation contains examples also from e.g. the Baltic provinces or today's Finland. A case file usually consists of different kinds of documents: copies of the relevant section in the judgment book, verdicts by the *hovrätter*, letters exchanged between different authorities etc. Thus, sometimes a case is documented from the time it was first mentioned before a district court up to the highest possible instance.[257] The *justitierevsion* did not conduct any investigation on its own, neither were delinquents or witnesses heard in person.

From the *justitierevision* I incorporated cases of completed suicides, suicide attempts[258] and one attempt to cover up a suicide on the one hand, cases concerning funerals (not necessarily funerals of suicides but of other people who requested a silent funeral), and one case where a priest refused to conduct a funeral on the other hand. In this corpus of sources, the suicide of Pär Eriksson did not leave behind any paper trail. This is representative for my sample, where the documentation of the vast majority of suicide cases ends with the above mentioned sentence letter from *Svea hovrätt* to the county governor. All in all, only about a dozen of cases stem from the *justitierevisionen*.[259] Nevertheless they are important since they illustrate how suicide cases were handled by the highest level of early modern Swedish jurisdiction.

Suicide in sources from Austria above and below the river Enns

The legal organization in early modern Austria can also be described as a multi-level hierarchical system. Yet, compared to the Swedish system, its structure and the competences of the courts were organized differently.

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256 Ibid., 186–187. In civil cases, however, the parties could use the "*beneficium revisionis*" in order to get a case that was decided by the *hovrätt* reviewed by the *Kungl Maj:t* within the stages of appeal, see Thunander, *Hovrätt i function*, 186.

257 In contrast to the judgment books and the sentence letters, the files of the *justitierevision* are not on microfiche, one can work with the actual documents.

258 Contrary to Thunander's assumption that the cases presented to the *Kungl Maj:t* were more or less randomly chosen, I wonder if cases of suicide attempt may have been submitted above the ordinary.

259 These cases were found with the aid of the card index in the Riksarkivet, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål where the years 1683–1705 and 1730–1733 were screened.

Generally two levels of jurisdiction can be distinguished in the Austrian archduchies: On the one hand, 'low justice', which involved *causae minores*, i.e. affairs that were settled by limited fines, short-time incarceration and/or light corporal punishment (e.g., fornication, petty theft or insults). In the countryside, 'low justice' was held by the *Grundherrschaft*, noble or cleric manorial lords, who held patrimonial jurisdiction over their subjects. In market towns, towns and cities low justice was exercised by members of the council (*Marktrat*, *Stadtrat*) or city courts (*Stadtgericht*). 'High justice', on the other hand, was exercised by the *Landgerichte*. These 'land courts' too were held by either noble or clerical proprietors – then called *freie Landgerichte* ('free land courts') – or, when the *Landgericht* directly was subordinated to the sovereign (*Landesfürst* or *Landesfürstin*), termed *landesfürstliches Landgericht*.[260]

In general, the *Landgerichte* were in charge of *causae maiores*, i.e. crimes listed in the territorial penal codes. They had the authority to impose aggravated corporal punishment and the death penalty. Depending on the kind of *Landgericht* (*freies* or *landesfürstliches Landgericht*), the province and the crime in question, they in turn were subordinated to higher ranking administrative and judicial authorities. In the archduchy Austria below the river Enns this superordinate judicial instance was the *Niederösterreichische Regierung* (abbreviated as *NÖ Regierung*), which had its seat in Vienna. The *Landgerichte* in the archduchy Austria above the river Enns were subordinated to the *Landeshauptmannschaft* in Linz, which in turn was subordinated to the *NÖ Regierung*.[261]

In many respects the *Landgerichte* served primarily as an investigative authority since their main task was to ensure the proper execution of the legal action, i.e. to investigate the case, hear the witnesses and formulate a judgment. In cities and market towns, interrogations and questionings took place in the presence of the judge, two assessors (who usually were members of the council) and the scribe. In the countryside, the proprietor of the *freies Landgericht* (or the administrator in his or her place), two knowledgeable persons, and the scribe had to be present.[262] The sentence was issued on a designated day by a committee that – depending on the kind of *Landgericht* in question – was differently composed: In

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[260] Cf. Andrea Griesebner, "Sin, Misdemeanor, Capital Crime? Adultery and Bigamy in the Holy Roman Empire," *Frühneuzeit-Info* 23 (2012): 67.

[261] I gave a short survey over the judicial system in Luef, "Punishment Post Mortem"; see also Griesebner and Hehenberger, "Rechtsgutachter".

[262] *Ferdinandea*, Article 16 and 32; *Leopoldina*, Article 25.

cities and market towns it usually consisted of the members of the council. In the countryside, either the proprietor of the *freie Landgericht* (or his administrator) together with at least six knowledgeable persons, or an impartial jury (*unparteiisches Geding*), consisting of a judge, twelve assessors and a scribe delivered the judgment.[263] After the investigation was closed, *landesfürstliche Landgerichte* were obliged to send the case files including the judgment to the *NÖ Regierung* respectively the *Landeshauptmannschaft* where each case was reviewed and the final verdict was drafted. For *Freie Landgerichte* it depended on the crime in question whether or not they had to submit the case files to the *NÖ Regierung* or the *Landeshauptmannschaft*.[264] Nevertheless, *freie Landgerichte* too were admonished to consult the legal experts of the superordinate instances whenever the slightest uncertainties regarding a criminal case existed.

With regard to self-killing, however, the legal practice presumably diverged from the outlined standard procedure; the cases I reviewed for this study do not confirm that the files were systematically submitted to the superordinate authorities. Occasionally the Landgerichte submitted the relevant files to the superordinate authorities in order to confirm the verdict,[265] and at times both the *Grundherrschaften* and *Landgerichte* turned to them when differences regarding a case evolved,[266] as in the following example. But since by far not all suicide cases were transferred to the superordinate authorities, I assume that both the *Grundherrschaften* and *Landgerichte* were allowed to judge and execute cases of suicide without consulting the *NÖ Regierung* or *Landeshauptmannschaft* first.

There existed hundreds of *Landgerichte* in early modern Austria above and below the river Enns.[267] In some cases the manorial lord (*Grundherr*) was even identical with the proprie-

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263 *Ferdinandea*, Article 41; *Leopoldina*, Article 34. *Landgerichte* in Austria above the river Enns could also engage the service of a so called "*Bannrichter*" to lead the trial, cf. Griesebner and Hehenberger, "Rechtsgutachter," 24.

264 For Austria below the river Enns cf. *Ferdinandea*, Article 41, section 6. Similar provisions existed for Austria above the river Enns, cf. Griesebner and Hehenberg, "Rechtsgutachter," 18–19.

265 For instance in the case of Andreas Mayer, 1777, Archiv der Marktgemeinde Perchtoldsdorf [AMP], archives box 96, bundle 2 or Maria Leißin, 1762, NÖLA, HA Matzen/Angern Karton 16.

266 Occasionally *Grundherrschaften* and *Landgerichte* appealed to the *NÖ Regierung* or *Landeshauptmannschaft* in Linz when they disagreed about the interpretation of a self-killing and thus about the proper jurisdiction.

267 At the beginning of the twentieth century an attempt was made to systematically register and map all Austrian Landgerichts-districts. For Austria above and below the river Enns see: Eduard Richter, *Historischer Atlas der österreichischen Alpenländer*, ed. Kais. Akademie der Wissenschaften in Wien, 1: Die Landgerichtskarte (Wien: Holzhausen, 1906) (for Austria above the River Enns) and 1910 (for Austria

tor of the *Landgericht* (*Landgerichtsherr* or *Landgerichtsinhaber*), thus combining 'low justice' and 'high justice' in one hand. Apart from this constellation the relationship between *Grundherrschaft* and *Landgericht* was further complicated due to overlapping competences. This is particularly true in the case of suicide, where the jurisdiction between the *Grundherrschaft* and the *Landgericht* was split. According to the law, as outlined above, suicide committed out of an infirmity of mind fell under the competence of the *Grundherrschaft*; premeditated suicides, however, were subjected to high justice, the *Landgericht*. Unsurprisingly, this arrangement created confusion in its practical implementation. Throughout this study we will come across several examples where *Grundherrschaft* and *Landgericht* disagreed about their respective rights and duties, and ultimately about the question of jurisdiction over a suicide.[268]

This rather complicated situation is also reflected in the documentation of suicide cases: Generally, the *Grundherrschaften* had to report all self-killings to the responsible *Landgericht*.[269] At times the administrator of the *Landgericht* was verbally informed of the incident, at times the *Grundherrschaft* composed a "*superficial inquisition*" which was forwarded to the Landgericht and served as the basis for the further proceeding. Frequently, however, the *Landgerichte* complained that they were informed too late or not at all and that the information they received was too imprecise.[270]

An investigation by the *Landgericht* should only be conducted in cases when there was reasonable suspicion of a premeditated suicide. If the *Grundherrschaft* presented the self-killing as a *non compos mentis* case and the *Landgericht* accepted that assessment, most likely a silent burial without any further investigation was authorized.[271] Such cases left hardly any paper trail behind. There is more comprehensive documentation for cases concerning (suspected) premeditated suicides which were investigated by the *Landgericht* and self-killings that – for a variety of reasons – engaged different authorities in written communication.

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below the river Enns) and the respective supplementary volumes. The map for Austria above the river Enns can be retrieved also online: https://doris.ooe.gv.at/viewer/%28S%28i5yygjqxfarnf0u1yip3dz2w%29%29/init.aspx?karte=hist_karten. It shows the boarders of the Landgerichts-districts as of the year 1783.

268 Generally, in contentious matters both the *Grundherrschaften* and the *Landgerichte* could appeal to the *NÖ Regierung* respectively the *Landeshauptmannschaft* in Linz, cf. *Ferdinandea*, Article 5; *Leopoldina*, Article 1.

269 Cf. *Codex Austriacus*, 1704, vol 1, 728.

270 Cf. for instance the case of Adam Rodler, 1687, OÖLA, HA Ebenzweier, archives box 2 or Mathias Lindtner, 1674, NÖLA, HA Pöggstall, KGA Krems, HS 101, fol. 20^{r}–30^{v}.

271 Cf. a letter written by the Landgericht Waxenberg to the Grundherrschaft in Rottenegg, OÖLA, HA Oberwallsee-Eschelberg, archives box 27, Jacob Fridl 1760, dated January 7, 1760.

The source material for Austria comprises circa 80 cases of self-killing stemming from the holdings of the so called *Herrschaftsarchive*, i.e. the manorial archives. Generally, the documentation of self-killings is extremely heterogeneous, often fragmentary, and varies from case to case. At times it is just a short phrase or side note that discloses that a suicide had taken place, at times several documents provide extensive information. Various sources have been used for this study, consisting of protocol books and files including interrogation protocols, letters, attestations, and specifications of costs.

Due to the complex legal situation and the heterogeneous documentation of suicide it is difficult to find an example that can be used to demonstrate the 'typical procedure'. Therefore, the following case history cannot be regarded as a standard case but aims to illustrate the multifaceted aspects of the administration of suicide in early modern Austria.

One among many… the case of Stephan Pühringer (1686)

On August 13, 1686 Stephan Pühringer, a widower and subject of the *Grundherrschaft* Ebenzweier in Austria above the river Enns committed suicide by hanging. His case is exceptionally well documented since after his death a drawn-out conflict evolved between his patrimonial jurisdiction, the *Herrschaft* Ebenzweier, and the *Herrschaft* Ort as the proprietor of the *Landgericht*. More than 30 documents, dating from August 1686 to June 1687, provide a comprehensive, yet fragmentary picture of the event and its aftermath, although – unfortunately – without offering complete closure. After bringing the loose folios in a chronological order, the following mosaic could be assembled:

The first piece of writing is a notification concerning the self-killing of Stephan Pühringer, dated August 20, 1686 and issued at the office of the *Grundherrschaft*.[272] It contains summary statements of five witnesses: the deceased's stepson and wife, a maidservant, his daughter and a friend. They all reported in unison that Stephan Pühringer had suffered from melancholic thoughts, severe headache, and confusion. According to the witnesses, he had prayed, invoked God and at several occasions proclaimed that he would give everything he had, if only he would get better. The questions posed to the witnesses were not written down but since two of them mentioned that Stephan Pühringer had always used

[272] Oberösterreichisches Landesarchiv (OÖLA), HA Ebenzweier, archives box 2, bundle 12, *Anzeigungen*, dated August 20, 1686.

the right measure[273] when he traded grain, it can be assumed that irregularities in this regard were suspected and that the administrator asked specific questions concerning that matter.

At around the same time, a *species facti*, a description of the course of the events, was composed.[274] It states that Stephan Pühringer had hanged himself in the attic on August 13. Since no indication for an obvious desperation could be found, the *Grundherrschaft* intended to bury the body in sacred ground with the consent of the ecclesiastical authority. In the absence of the competent administrator of the *Landgericht* in Ort, however, the scribe – who apparently served as a substitute – prevented this from happening by appealing article 11, section 3 of the penal code.[275] According to the *species facti*, the scribe stated that Stephan Pühringer had taken his life while being in his right mind and thus the self-killing must have been out of desperation. The *Grundherrschaft* dissented: even though Stephan Pühringer might not have seemed bereaved of his senses at the time, it can be assumed that he did not possess his full reason due to his melancholy which was witnessed by the whole neighborhood. According to § 7 of the *Leopoldina* this was reason enough to spare him a disgraceful disposal. Secondly, referring to § 8 of the *Leopoldina*, his exemplary moral conduct would prove that he did not take his life out of malice aforethought but due to a lack of reason. According to his neighbors and the priest he had been an exemplary parishioner, he had prayed very often and he intended to go on a pilgrimage. The third argument reiterated that there had neither been signs of desperation, nor a link to the devil; therefore it should be deemed very unlikely that he had taken his life out of desperation. According to § 9 of the *Leopoldina* the favorable should be assumed in unclear cases. Therefore the *Grundherrschaft* questioned the jurisdiction of the *Landgericht* to handle and exterminate the body, and to confiscate two thirds of his bequest. Instead, following § 7 of the *Leopoldina* he should be buried according to Christian order at a place designated by the *Grundherrschaft*.

On August 22, 1686 a letter was sent from the office at Ebenzweier to Ernst Heinrich Haslinghaus, the manorial estate's commissioned advocate, who was also a member of the

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[273] The word used in the sources is *Metzen*, a measure of capacity.

[274] OÖLA, HA Ebenzweier, archives box 2, bundle 12, *Species facti*; the document is not dated but it is referred to in a letter from August 22, 1686 which means that it must have been composed before that date. Content and wording suggests that the document was drafted by the Grundherrschaft's advocate.

[275] Cf. page 39 f. of this study.

Landeshauptmannschaftlichen court in Linz. In this letter, which is preserved as a copy in the archive, the case of Stephan Pühringer is once more depicted from the *Grundherrschaft*'s point of view.[276] In addition to the information already provided in the *species facti*, the letter discloses that in the course of the salvage and interment of the body, differences regarding the handling of the case evolved and that therefore both *Grundherrschaft* and *Landgericht* agreed to present the case to the legal experts of the *Landeshauptmannschaft* and to except their opinion. In doing so, both parties had involved their advocates in the case.[277] The letter explicitly requested Dr. Haslinghaus to do his best in order to preserve the deceased's estate for his daughter, reiterating the arguments brought forward in the *species facti*. It is also mentioned, however, that Stephan Pühringer might have used too small of a measuring jug when trading grain. Therefore the *Landgericht* suspected him of committing suicide due to desperation and bad conscience over this mistake. These allegations, however, had not been proved and several witnesses had stated that Stephan Pühringer used to take the correct measuring jug of his stepson. Moreover the letter mentions that two attestations will be obtained: One by his priest which would confirm his exemplary moral conduct. The second stemming from a noble lady, Eva Johanna Fiegerin, nee Seeau, which confirmed that she had administered different *medicamenta* against "the confusion in his head". Her attestation would also confirm that Stephan Pühringer had been to the order of the capuchin where he had obtained different sacred things to improve his condition. Dr. Haslinghaus was instructed to refer to § 9 of the *Leopoldina* and was informed about two similar cases of self-killing in Austria above the river Enns that ended in favor of the *Grundherrschaft* and a burial at the cemetery.

On August 26, 1686 a letter addressed to Johann Adam Mayrhauser, the administrator of the manorial estate, arrived at Ebenzweier. The administrator of the *Landgericht* wanted to know where the three further witnesses, subjects of the *Herrschaft* Ebenzweier, should be heard. A note on the back of the letter informs that the questioning took place two days later at the office of the *Landgericht* in Ort in the presence of the administrator of the ma-

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[276] OÖLA, HA Ebenzweier, archives box 2, bundle 12, letter to Ernst Heinrich Haslinghaus, dated August 22, 1686.

[277] The manorial estate of Ebenzweier was held by Johann Philipp von Seeau. He was supported by the administrator of the estate (*Pfleger*), Johann Adam Mayrhauser, and the estate's advocate Dr. Ernst Heinrich Haslinghaus. The proprietor of the *Landgericht* Ort was Georg Sigismund Graf von Salburg und des Herrns von Salburg seelig nachgelassene Erben. The administrator of the *Landgericht* was named Lorenz Zechner, the estate's advocate Isaac Auer.

norial estate.[278] Along with the copies of these three witness statements, also two additional statements of witnesses that were heard the day after have survived. This time, the summary statements paint a slightly different picture insofar as some witness accounts indicate that Stephan Pühringer had contemplated suicide before his death.[279] Moreover, one witness claimed that the deceased indeed had used a measuring jug that was too small.[280]

On August 28, the same day the questioning took place at Ort, a letter left Ebenzweier addressed to the priest of the parish of Laakirchen, asking him to submit an attestation that would witness the deceased's good moral conduct. The letter more or less suggests the line of argumentation that the priest should use in his attestation. It explicitly mentions that the deceased's daughter otherwise might not inherit and that the *Landgericht* assembled witnesses to prove Stephan Pühringer's criminal desperation.[281]

Not only one, but two attestations by priests are part of Stephan Pühringer's file.[282] One was issued by the priest in Gmunden, dated August 30, 1868 and the other one written by the above mentioned priest of Laakirchen, dated August 31, 1686. Both priests confirmed the deceased's exemplary moral conduct, and that he had suffered from melancholic thoughts for a long time. To improve his condition he had made use of different spiritual and secular remedies, like e.g. praying, going on pilgrimages, shriving, giving oblations, wearing hallowed items, having the parish pray for him. The priest of Gmunden wrote in his attestation that melancholy was an affliction than could befall anybody, even the most learned person. Both priests attested that despite his condition, Stephan Pühringer had always adhered to his belief and that no sign of desperation could be noticed in his behavior. The priest of Gmunden also remarked that God alone could judge over him.

A few days afterwards, the proceedings over Stephan Pühringer's estate took place and his only legitimate child, his daughter, received 78 *Gulden* after all deductions.[283] Again severe frictions between the *Grundherrschaft* and the *Landgericht* evolved since the proceedings took place without the presence of the administrator of the *Landgericht* despite his

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278 OÖLA, HA Ebenzweier, archives box 2, bundle 12, letter to Ebenzweier, dated August 26, 1686.
279 Ibid., Aussagen an Aydtstatt, dated August 28 and 29, 1686.
280 Ibid., Aussage von Matthias Torff, dated August 29, 1686.
281 Ibid., Ersuech schreiben an herrn pfarrer zu Lakhirchen, dated August 28, 1686 (concept).
282 Ibid., Attest des Pfarrers von Gmunden, dated August 30, 1686; Attest des Pfarrers von Laakirchen, dated August 31, 1686.
283 Ibid., Zehent Verhandlung, dated September 4, 1686.

specific request. This prompted Isaac Auer, advocate of the proprietor of the *Landgericht*, to write a letter to the *Landeshauptmannschaft* in Linz, requesting two thirds of the estate of Stephan Pühringer as stipulated in the penal code in cases of premeditated suicide. From the letter we learn that originally both the *Grundherrschaft* and the *Landgericht* had agreed on an interim burial of Stephan Pühringer in unconsecrated ground next to his house[284] until the case was settled. In the meanwhile, however, the *Landgericht* considered proven that he had taken his life premeditatedly and thus arranged for the body to be disposed of by the executioner.[285] The fact that the *Landgericht* excavated the body from land and property belonging to the *Herrschaft* Ebenzweier, enraged in turn the *Grundherrschaft*. Advocate Ernst Heinrich Haslinghaus advised Johann Adam Mayrhauser, the administrator of the manorial estate, to send a "*Gewaltsladung*" (protestation) to the administrator of the *Herrschaft* Ort.[286] Haslinghaus reminded the administrator also to obtain the attestation by Eva Johanna Fiegerin, which had not yet been transferred. Indeed Johann Adam Mayrhauser addressed a letter to her, dated December 24, explaining that due to the wrongful disposal of Stephan Pühringer's body by the *Landgericht*, the case had been presented to the *Landeshauptmannschaft* and that several witnesses had been heard and attestations by priests had been submitted. Now the administrator asked her to attest that Stephan Pühringer had sought help from her regarding his melancholy, headache, and unreason, and that she had administered to him different *medicamenta*.[287] As in the letter to the priest in Gmunden, the administrator indicated clearly what content the attestation should have.

Her answer is dated January 7, 1687 and lived up to the expectations. According to her letter Stephan Pühringer had approached her for advice in spring the year before, asking her to give him something to make his head better. She advised him to go and see the capuchins, since his disease concerned his soul more than his body. Moreover, she recommended shriving and confessing his sins even if they dated back many years. He said he would give everything he had if only it helped. Eva Johanna Fiegerin, according to the

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[284] Cf. ibid., letter from Johann Philipp Seeau to the Landeshauptmannschaft, dated May 9, 1687. However, it turned out this never happened due to the resistance of some neighbors for fear of severe weather. He then was interred at the local place where "people like that", i.e. self-killers were usually buried but not even there could his body remain but was dug up again and disposed of by the executioner, most likely at the place of execution.

[285] Ibid., letter to the Landeshauptmannschaft in Linz, dated November 16, 1686.

[286] Ibid., Schreiben von Ernst Heinrich Haslinghaus, dated December 18, 1686.

[287] Ibid., Letter to Eva Johanna Fiegerin zu Oberweiß, dated December 24, 1686 (copy).

the letter, comforted him with words and gave him not further specified medicaments (*Arzney*). Unfortunately it did not help and he got sick again.[288] An additional attestation dated from the same day more or less reiterated what she had already written in the letter, confirming his melancholy, sadness, dizziness etc.[289]

Most likely at the same time, a short note was delivered to the administrator of the *Herrschaft* Ebenzweier, too. Also written by Eva Johanna Fiegerin, it informed him about certain rumors concerning the self-killing of Stephan Pühringer which she did not mention in her letter or attestation. According to these rumors, the executioner had found a small bundle around the deceased's neck when lifting him into the chest, saying that Stephan Pühringer had committed himself to the devil and that his time had been exhausted already a year before. Also, his young godchild had prevented him from committing suicide two times by driving him away from the waters.[290]

It is not clear if the *Landgericht* ever learned about these rumors. However, all attempts at proving Stephan Pühringer's self-killing to be *non compos mentis* failed, it seems. A letter dated January 17, 1687 written by Isaac Auer, the advocate of the *Landgericht*, to the *Landeshauptmannschaft* in Linz informs us that the *Landeshauptmannschaft* had decided the case in favor of the *Landgericht* and had imposed upon the *Grundherrschaft* to release the two thirds of the estate. Since this had not yet happened, Isaac Auer again urged the *Landeshauptmannschaft* to remind the *Grundherrschaft* to obey.[291]

Although the suicide case of Stephan Pühringer now apparently had been decided, it nevertheless continued to occupy the authorities. On the one hand the *Herrschaft* Ebenzweier still regarded it as unlawful that the *Landgericht* had recovered the body from their land and property without giving notice,[292] on the other hand the manorial lord and his advocate observed similar cases of self-killing where the *Landgerichte* acknowledged the competence of the *Grundherrschaft*.[293] In April 1678, the manorial lord of Ebenzweier wrote again to his advocate, asking him to communicate to the *Landgericht* Ort how other, similar cas-

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288 Ibid., Letter from Eva Johanna Fiegerin zu Oberweiß, dated January 7, 1687.
289 Ibid., Attestation from Eva Johanna Fiegerin zu Oberweiß, dated January 7, 1687.
290 Ibid., note from Eva Johanna Fiegerin zu Oberweiß, undated, presumably January 7, 1687.
291 Ibid., Letter from Isaac Auer to the Landeshauptmannschaft, dated, presumably January 17, 1687.
292 Ibid., Letter from from Ernst Heinrich Haslinghaus to Johann Adam Mayrhauser, dated February 19, 1687.
293 The case of Adam Rodler, who committed suicide on January 24, 1687, is explicitly mentioned. Cf. Letter from Ernst Heinrich Haslinghaus, dated March 5, 1687.

es were proceeded.[294] On May 9, 1678 Johan Philipp von Seeau wrote again a detailed letter to the *Landeshauptmannschaft* in Linz, asking to reject the legal action which had been brought in by the *Herrschaft* Ort. Once more he narrated the case of Stephan Pühringer's self-killing from the perspective of the *Grundherrschaft*. Again he referred to the *Leopoldina* article 11 § 7, 8 and 9, mentioned other legal literature of the time and verdicts in similar cases, rejecting the idea that Stephan Pühringer committed suicide out of desperation and claiming that at least it had to be regarded as a *casus dubius*.[295]

The last documents concerning the case stem from June 1687, indicating that the debate regarding the legitimate respectively illegitimate excavation of the body was not over yet.[296] Here the documentation of the case ends but it can be assumed that more discussions between *Grundherrschaft* and *Landgericht* followed.

The case of Stephan Pühringer is remarkable in many respects. It shows impressively how persistent *Grundherrschaft* and *Landgericht* acted in proving their respective interpretations of the case. The jurisdiction over suicide in early modern Austria, this has become clear, concerned not only the last resting place of the body but also financial aspects and questions of power of different authorities. Due to the disagreement between the manorial lord and the proprietor of the *Landgericht,* the superordinate authority had been drawn into the conflict. It is important to note, however, that the *Landeshauptmannschaft* in Linz was appealed to for arbitration, but that suicide cases did not per se have to be submitted for revision.[297] What is remarkable in this context is also the role of the advocates who represented their respective lords and steered the proceedings.

Since the documentation of this case was found in the archive of the *Herrschaft* Ebenzweier, it reflects first and foremost the perspective of the *Grundherrschaft*. One needs to keep in mind that the holdings of the *Landgericht* Ort would most probably provide a different view. What is interesting is also the mix between "formal" and "informal" communication, like e.g. attestations on the one hand and the message regarding certain

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[294] OÖLA, HA Ebenzweier, archives box 2, bundle 12, Letter from Johann Philipp von Seeau to Ernst Heinrich Haslinghaus, dated April 7, 1687.

[295] Ibid., Letter from Johann Philipp von Seeau to the Landeshauptmannschaft in Linz, dated May 9, 1687 (concept). The letter comprises 17 pages.

[296] Ibid., „Pottenstellung", dated June 12, 1687.

[297] However, especially in Austria above the River Enns both manorial lords and *Landgerichte* turned to the *Landeshauptmannschaft*, the *Bannrichter*, advocates or jurists when they faced uncertainties regarding a case of suicide.

rumors on the other. Due to the dispute between the two authorities the case of Stephan Pühringer is rather well documented.

Other cases, where *Grundherrschaft* and *Landgericht* agreed upon the interpretation most likely did not produce many written documents. For the present study this means that 'problem cases' most likely are overrepresented in the sources.

Synopsis

When we return to the question of what the administrative procedure after a suicide looked like and what sources in the course of this procedure were generated, important differences have become clear.

In early modern Sweden both *non compos mentis* and *felo de se* suicides were handled by the *häradsrätt* and until 1720 the cases had to be submitted to the *hovrätt* for revision. Only in rare cases were self-killings presented to the *justitierevision*. With the *domböcker* and *sentence letters* a comparatively homogeneous and formalized documentation of suicide cases exists.

Unlike the situation in Sweden, the law in early modern Austria stipulated different proceedings depending on the kind of suicide in question. *Felo de se* cases fell under the jurisdiction of the *Landgerichte*, *non compos mentis* cases should be handled by the *Grundherrschaft*. Unsurprisingly, these prerequisites caused disputes between the different authorities who insisted on their respective rights. The already difficult situation was intensified by the financial aspects concerning suicide in early modern Austria.

Compared to the documentation of self-killings in Swedish records, the information on suicide cases in early modern Austria is extremely heterogeneous and often fragmentary.

It can be seen as a commonality that, both in early modern Austria and Sweden, suicide was a highly delicate issue with lots of room for negotiation and interpretation. The *häradsting* has been regarded both as a public arena, as an instrument for the local peasantry to solve conflicts, and as an arena of power for the early modern state.[298] When *ting* was held, the people gained a good picture of how the judicial system on the level of the *häradsrätt* functioned. This knowledge could be of help when coming personally into the position of being a witness or even an accused. One can assume that the local peasants had a wide knowledge and experience of the legal procedures of the *häradsrätt*. With re-

[298] Cf. Eva Österberg, "Social Arena or Theatre of Power? The Courts, Crime and the Early Modern State in Sweden," *Theatres of Power: Social Control and Criminality in a Historical Perspective*, ed. Heikki Pihlajamäki (Jyväskylä: Matthias Calonius Society, 1991), 8–24; Lindstedt Cronberg, *Synd och skam*, 39.

gard to suicide cases this means that relatives and neighbors were able to assess their situation and the chances to get through with their concerns and requests, and that they had a realistic assessment of the situation. Generally, the *häradsrätt* was a level where ordinary people could exercise influence. This was hardly possible on the level of the *hovrätt*, however, which was situated a far spatial distance away and based its decision solely on the documents that were sent in. And yet, throughout my sample it was the *hovrätt* that either confirmed the resolution by the *häradsrätt* or – and this was frequently the case – mitigated the sentence. While the *häradsrätter* had to stick close to the letter of the law the interpretation of the spirit of the law was reserved for the *hovrätt*, which also held the competence to show lenience.[299]

In early modern Austria the *Grundherrschaft* and the *Landgericht* had to find a common ground regarding each case. On both levels, "ordinary" women and men could exercise influence; both instances heard witnesses in person and made their own inquiries. Also, due to the spatial proximity between the two authorities in most cases, it was hardly possible to keep information from one of these authorities since rumors usually found their way. On the level of the *Landeshauptmannschaft* respectively the *NÖ Regierung* influence could maybe be exercised indirectly, by means of the advocates.

[299] I explained that in Luef, "Punishment Post Mortem", see also Yvonne Maria Werner, "Självmord i det stora nordiska krigets skugga: En analys av självspillingsmålen vid Göta hovrätt 1695–1718," *Den frivilliga döden: Samhällets hantering av självmord i historiskt perspektiv*, ed. Birgitta Odén, Bodil E. B. Persson and Yvonne Maria Werner (Stockholm: Bokförlaget Cura i samarbete med Forskningsrådsnämnden, 1998), 31–99. Yvonne Maria Werner observes a tendency toward more lenience shown by the Göta high court during the period she investigates.

3. About practicalities… Material aspects of suicide: body and economy

The suicide corpse

In the history of suicide a strong research focus on the suicide's body can be observed; some have even denoted it as an "obsession with the suicide corpse".[300] Not without good reason, after all the discovery of a corpse was the prerequisite that marked the beginning of every suicide investigation. Generally, whenever a dead body was found or an unexpected death occurred, a certain procedure was set in motion: the word was spread and officials and authorities had to be informed. One of the first questions that arose concerned the cause of death: did the person die of natural causes or in an accident? Could any indications of outside influences be detected that suggested 'foul play', or was the death self-inflicted, and thus had to be regarded as a suicide? To answer these questions the corpse had to be inspected and examined. The interpretation of the physical marks of the corpse and its finding place, however, did not always suffice to determine the cause of death unambiguously. Thus, assessments regarding the deceased's lifestyle and moral conduct regularly contributed to the determination of cause of death. In other words, the body was always contextualized.

The sources suggest that the question whether someone had committed suicide or been murdered appeared to have been a marginal phenomenon. In my entire sample this problem concerned the Austrian and Swedish authorities only in a handful of cases.[301] In most cases external influences could be quickly dismissed. Similarly, it does not appear as if

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[300] Cf. Alexander Kästner and Evelyne Luef, "The Ill-Treated Body: Punishing and Utilizing the Early Modern Suicide Corpse" *A Global History of Execution and the Criminal Corpse*, ed. Richard Ward (London: Palgrave McMillan, 2015), 147–169.

[301] The case histories of the Austrian master carpenter Johann Pfundbauer and Jon Zachrisson from Ångermannland, Sweden, have already been depicted in Luef, "Punishment Post Mortem," 563–564. A further example from Sweden, for instance, is the violent death of Lars Wadman who was found shot to death next to a road in 1680. The *hovrätt* ruled it a murder case and based its decision on five aspects of which two referred to his body and in what condition it was found while three concerned the deceased's good moral conduct, leading the court to believe that it was unlikely that he had committed suicide, cf. RA, BP Vol. 5, fol. 39. For further examples from the Swedish realm illustrating how the cause of death was established and foul play or concealed murder were ruled out cf. Miettinen, "Suicide in Seventeenth-Century Sweden: The Crime and Legal Praxis in the Lower Courts" (PhD diss., University of Tampere, 2015), 276–284.

there existed a general mistrust towards sudden deaths due to natural causes (for instance, heart attack, stroke, or due to preexisting conditions). Such deaths were hardly ever suspected to be suicides in disguise.[302]

Accident or self-inflicted death: a matter of interpretation

Many times, however, the courts faced the question whether they were dealing with a self-inflicted death or an accident. Certain manners of death were more 'suspicious' than others and alerted the authorities; cases in which individuals, for instance, drowned, froze to death, or were killed in a fall from great height.[303] In many of these cases suicide was ruled out quickly, yet it is interesting to observe that the possibility of a self-killing – sometimes unmentioned – is present as an undertone. For instance, in 1680 young Austrian goldworker apprentice Johann Gayer drowned in a pond when he (presumably) attempted to retrieve a duck that he had shot. An attestation by *Richter und Rath* (judge and council) of the market city of Pulkau described the probable dynamics of the accident. According to the writing the body had been inspected by the barber surgeon who did not find anything "suspect or bad". Therefore the young boy was interred "honestly" at the cemetery on the same day the accident happened, at daylight and accompanied by many people, as the attestation explicitly mentioned.[304] It is not clear to what end this attestation was designed in the first place. Apparently, however, it was of great importance to emphasize that the burial took place at daylight, with a funeral procession and in the presence of many people as to show that there was no doubt regarding the cause of death being an accident. The funeral procession thus represented quite the opposite of the burial of a suicide which often took place in the evening or at night and where the attendance of larger crowds was interdicted. Another source of information in this regard is the case of Hansen Obermayr[305] who – together with a horse – "*casualiter*" fell into the river Aurach and drowned on June 13, 1659. The same day a letter was sent from the office of the manorial

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302 The reader needs to keep in mind, however, that the sample for this study was comprised with the goal of finding cases of suicide. Thus deaths attributed to other causes appear only on the fringes.

303 See, for instance, Bodil E. B. Persson, "Drunknad eller dränkt? Plötsliga oväntade dödsfall i Skåne 1704–1718," *Den frivilliga döden: Samhällets hantering av självmord i historiskt perspektiv*, ed. Birgitta Odén, Bodil E. B. Persson and Yvonne Maria Werner (Stockholm: Bokförlaget Cura i samarbete med Forskningsrådsnämnden, 1998), 101–208.

304 Johann Gayer, 1680, NÖLA, HA Raabs, archives box 44 (miscellaneous files), attestation by *Richter and Rath*, dated June 28, 1680.

305 Maybe his first name was Wolf since both names are used.

lordship to the administrator of the *Landgericht*, dispelling any doubts that the incident could have been anything else than just an accident. The short letter informed the administrator of the *Landgericht* about the fatality and that the *Grundherrschaft* had already ordered to take the body aground where it awaited the inspection of the corpse by the *Landgericht*. The underlying agenda of the letter, however, was to "remind" the *Landgericht* that in *casus fortuitous* like this no "*Heebgeld*"[306] ought to be charged by the *Landgericht* and that the body should be released to the family for a proper funeral. To strengthen this request, the letter also referred to a similar case that had happened in a village nearby only two days earlier and in which the proposed procedure was followed by the *Landgericht* in charge.[307] According to this letter the *Grundherrschaft* had apparently followed the required procedure upon finding a dead body (i.e., informing the *Landgericht*, awaiting the inspection of the corpse) but at the same time it did not allow for any doubt concerning the interpretation of the death and made quite clear what further actions it expected from the *Landgericht*.

In neither case is the possibility of a self-inflicted death actually mentioned. Yet, by strongly emphasizing the unfortunate course of events, any other possibility was implicitly dismissed. No doubt regarding the accidental death should arise. It is also worth mentioning how quickly these cases were settled; ideally the corpses were interred within one day.[308]

A different case in this regard is that of the Austrian cottager and tailor Catharina Pührnsteinerin.[309] A writing from the *Grundherrschaft* to the *Landgericht* shows that the pros and cons were weighed when assessing whether the drowning death of the woman was a suicide or an accident. The letter listed three arguments that point towards a premeditated suicide and nine arguments in Catharina's defense, emphasizing mitigating circumstances and suggesting her innocence. What made her death appear suspect was that Catharina

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306 The terms „*Heb-Geld*" (Austria above the River Enns) and "*Abfahrst-Geld*" (Austria below the River Enns) denominate some sort of tax that had to be paid when a subject relocated and moved his or her estates into the domain of another lordship. In the case of death it meant some sort of inheritance tax. Cf. Adam Joseph Greneck, *Theatrum Jurisdictionis Austriacae, oder Neu-eröfneter Schau-Platz Oesterreichischer Gerichtbarkeit* (Wien: Trattner, 1752), 219 f.; online: http://digi.ub.uni-heidelberg.de/diglit/drwGreneck1752 (last accessed 2015-09-17).

307 Case of Hansen Obermayr, 1659, OÖLA, HA Pucheim, archives box 65, bundle 12, nr. 12, writing to the administrator of Ort, dated June 13, 1659.

308 In many parts of Europe, especially the southern ones, the dead were buried as soon as possible, often on the same day they had died, cf. Murray, *The Curse on Self-Murder*, 16, ref. 22.

309 OÖLA, HA Oberwallsee-Eschelberg, archives box 27, case of Catharina Pührnsteinerin, 1763. This case history has been presented also in Luef, "Punishment post mortem," 565–566.

prior to her passing had repeatedly lamented her poverty and the illnesses of her children. Moreover, she had not taken the usual way from her house to the weir on the night of her death, leading the writer to conclude that she must have had something "evil on her mind." Listed as mitigating circumstances were her (1) Christian and edifying conduct, (2) the fact that she had lived peacefully and in harmony with her husband and the whole neighborhood as well as the (3) love and care she had shown for her constantly sick children. Moreover, though lamenting her poverty, (4) she had never uttered any words of desperation, and (5) according to the deceased's husband and the local "*Baderin*" (the wife of the barber surgeon), Catharina had been sick before her death. The letter also offered an alternative to the suicide scenario suggesting (6) that Catharina might have fallen by accident into the weir when she was on her way to see acquaintances, to whom she wanted to "pour her heart out" ("*ihr herz auszuschitten*"). The letter conjectured that (7) she could have drowned herself more easily in a river that she had to cross before she came to the weir. Since she did not drown herself at the first opportunity the writer presumed that she did not have "evil in mind" ("*nichts übles wird gedacht haben*") when she passed the weir, and that she must have fallen into the water by accident. This theory was, according to the letter, also supported by the "fact" that (8) Catharina was found lying on her back, while in cases of "malicious" drowning a person was always found face down. Finally (9) an amulet, although no scapular, was found on her. For contemporaries this usually indicated hope and faith and thus made despair an unlikely motive for a suicide.

Her passing serves as an example for the important role of doubt when it comes to the question of self-killing and the principle to make assumptions in favor of the delinquent in unclear cases. Moreover, it illustrates to what high degree the cause of death had to be determined by ascriptions and interpretations, which were often biased by how well the deceased was integrated in the local community.

Not only Austrian, but also Swedish authorities had to deal with the question whether a fatality should be ruled an accident or regarded as a suicide. The death of Jöran Joensson Frodig, for instance, concerned the court in an extraordinary *ting* on December 18, 1688. The circa 24-year-old boatswain had drowned when – on his way home from a wedding – he crossed a frozen over lake and broke through the ice. Suspicions arose that the young man might have reached into the water on purpose, namely due to the fact that he had left the festivity without his hat and gloves. However, after hearing several witnesses, all

affirming his 'honest' and Christian lifestyle and reporting that he had always been happy and never had shown any signs of melancholia, the court ruled it an accident and Jöran Joensson Frodig was granted the 'usual' Christian burial.[310]

More doubts arose over the death of 34-year-old farmhand Jon Siuhlson who had drowned in a brook in 1695. According to the entry in the judgment book it was generally known that he had been inclined to have epileptic fits ("*hwilken een lång tydh fallit i brått*"). The *compastor* attested him to be simple minded ("*enfaldig*") because he had not been able to remember many prayers, had had a short memory and a slow mind. What puzzled the jury, however, was that he had secretly left the house during the night and – like Jöran Joensson Frodig – was not dressed appropriately, wearing only a shirt and sweater, but no trousers, shoes, socks or cap. The jury seesawed between two scenarios: either Jon Siuhlson had drowned accidentally, being enfeebled after an epileptic fit, or he had committed suicide due to his poor health. In the end, the jury members decided unanimously that "in this unclear case" the corpse "cannot be denied a spot at the churchyard". Jon Siuhlson was granted a burial without all ceremonies at the northern side of the cemetery. "The rest", as it is stated in the judgment book, should be left to God's judgment ("*lemnandes deth öfriga under Guds doom*").[311]

The specifications regarding the funeral suggest that the assumed cause of his death was not free of doubt. But since the matter was decided in favor of the deceased, probably neither his case nor the one of Jöran Joensson Frodig were sent to the Royal Superior court for further scrutiny. In dubious cases which were decided in favor of the deceased, the *häradsrätt* was thus the only authority.

Before coming to a synopsis, I would like to present one more example, namely the case of 35-year-old maid servant Karin Johansdotter who was found dead in a well on March 23, 1701.[312] When the *häradsrätt* assembled on March 31, her body had not yet been removed from the well. The investigation of the *häradsrätt* brought forward that the woman had suffered from pain in her legs and that she had often cried, but without revealing to anybody what saddened her. No explanation could be given regarding what errand she

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[310] Case of Jöran Joensson Frodig, 1688, *ting* in Nora, December 18, 1688, Svea hovrätts renoverade domböcker, Västernorrland 9, RA; microfiche S6045, sheet 11, fol. 531–534.

[311] Case of Jon Siuhlson, 1695, *extraordinarie ting* in Marieby, July 13, 1695, Jämtlands domsagas häradsrätt AI:16, HLA; microfiche D18289, fol. 36–38.

[312] case of Karin Johansdotter, 1701, Själevads tingslag, March 31, 1701, Ångermanland AIa:7, HLA; microfiche D52265, sheet 15, fol. 423–433.

had to run at the well or why she had used this specific one, since it was not the well located closest to the farm she lived. Considering these factors, the court deemed it unlikely that she had fallen into the well accidentally: no sign of weakness had been observed before her death, nor had she been bereaved of her senses. The jury assumed that she deliberately threw herself into the well and ordered her body to be extracted and burned in the woods by the executioner. Ruled a suicide, the case was submitted to the Royal Superior court in Stockholm, which did not agree with the *häradsrätt*'s decision. In the sentence letter to the county governor, dated April 16, 1701, the president of the Svea Royal Superior Court, count Lars Wallenstedt, mitigated the verdict, arguing that Karin Johansdotter had lived a "god-fearing, beautiful and quiet life". Since no proof had been found that she indeed deliberately threw herself into the well the possibility could not be excluded that she ended up there "through some dangerous event". The Royal Superior court therefore found that Karin Johansdotter's body should be buried at the cemetery silently, and without ceremony.[313]

In many more cases the question of self-killing versus death by accident was discussed and a lot of similar examples could be drawn on from both the early modern Austrian Archduchies and Sweden. The presented case studies, however, suffice to point out some important aspects. I would like to highlight the circumstance that in early modern Austria both *Grundherrschaft* and *Landgericht* were involved in the decision on whether a case of death should be ruled as suicide or accident. The administrator of the *Landgericht* at least had to be informed about the circumstances of a fatality and in many cases attended the inspection of the corpse. If he did not agree with the interpretation of the cause of death by *Grundherrschaft*, he could intervene. In Sweden, cases that were ruled accidents by the *häradsrätt* were occasionally, but not necessarily submitted to the Royal Superior court. This gave the *häradsrätter* some space for maneuvering but it is certainly difficult to assess if or to what degree it was exhausted in practice.

The main object of this section, however, was to show that establishing the cause of death to a high degree was a matter of interpretation. Starting point for the interpretation was the corpse, which usually underwent an external, visual examination and inspection.

[313] Svea Hovrätts brev April 16, 1701, Skrivelser från Svea hovrätt till Gävleborgs Läns Landskansli, DIIa:11, HLA; microfiche S21056, sheet 6, fol. 31r–32r.

However, the corpse was always contextualized; different scenarios that could have led to the death were discussed and reassessed as to their likelihood: was there a reasonable explanation why the deceased lingered where he or she came to death? Was there a reason why they had left the house alone? Were they properly dressed for the assumed purpose? Had there been any indications suggesting that the deceased had contemplated suicide? The state of the physical and mental health before death was considered – spotlighting *en passant* the wellbeing of early modern women and men –, as well as the moral conduct and Christian lifestyle. In this way, the corpse functioned as a projection screen for different explanations and interpretations, which in turn, as Riikka Miettinen argues, were to a high degree based on cultural stereotypes.[314] Physical 'evidence', third party observations as well as social and moral ascriptions were combined and interpreted in a way that does not always comply with our modern understanding.[315] The aim was to reach "a conclusion or at least an acceptable 'truth"'.[316] Thus, as mentioned earlier, in order to study suicide as a historical phenomenon one needs to accept these contemporary judgments regarding the cause of death. At the same time, however, one should be aware of and keep in mind how they were made.

The corpse: evidence, disgraceful object and obstacle in daily life

The corpse was not only the indispensible necessity, the *corpus delicti*, at the beginning of each suicide investigation. At the same time it was an object that had to be dealt with. Neither in early modern Austria nor in Sweden did there exist uniform rules of how to deal with a suicide situation and the suicide corpse. Such rules would have hardly been feasible either, since the concrete handling depended on the individual circumstances of each case. Generally, it can be observed that the treatment of the suicide corpse served two purposes: firstly, the discovery of a dead body forced some sort of action since – depending on its finding place – it caused more or less practical problems. Secondly, the

314 Cf. Miettinen, "Suicide in Seventeenth-Century Sweden," 284–300.

315 This observation, however, applies not only to cases where the courts had to establish the cause of death (self-inflicted versus accidental). If a fatality was ruled a suicide, it had to be decided if the self-killing had been premeditated or not. Here too, the body was 'read'; meaning that the way it was found, its position etc. was interpreted either as an indicator for premeditation or 'innocence'. In the case of the above mentioned Catharina Pührnsteiner, for instance, the 'fact' that she had been found in the water lying on her back, led the administrator to the assumption that she must have fallen into the water by accident since in cases of 'malicious' drowning a person was always found face down, cf. Luef, "Punishment post mortem," 565–566.

316 Miettinen, "Suicide in Seventeenth-Century Sweden," 276.

special treatment of the suicide corpse, how and by whom it was handled, was an integral part of the punishment for the act of suicide.[317] The suicide corpse was the foremost *locus* where the punishment for committing suicide was executed.[318] As is often the case, both aspects are inseparably intertwined and affected each other.

In the chapter on the legislation on suicide in early modern Austria and Sweden I have elaborated that an equal treatment of all suicides never existed. This observation accords with a general European pattern: several studies have shown that within Europe the legal procedures and sanctions for suicide differed with regard to their spatial and temporal context.[319] In addition, numerous local customs surrounding the handling of the suicide corpse were practiced all over Europe. This section takes a closer look at the course of action upon finding a suicide corpse. It focuses in detail on *how* the suicide body was treated, *by whom* and *where* it was stored and finally interred.[320] Like Alexander Murray, I am interested in what people *did* after a suicide occurred. Following in his footsteps, I will discuss the aftermath of a suicide step by step.[321] I am well aware that it is neither feasible nor useful to depict the whole spectrum of possible actions. Some main trajectories, however, can be outlined and – I think – rewardingly analyzed.

Finding the body

The thought of finding a dead body, let alone of someone close, is highly deplorable. This is a reasonable assumption which holds true for both the present and for early modern times. Every corpse of my sample had to be found by someone. Self-killings committed in public places and during the night were detected by the first person who happened to pass by. The sources do not contain much information in this regard – apparently it was not considered of great importance. Persons who had been missing for a shorter or long-

317 Cf. the chapter on suicide legislation.

318 For other aspects of punishment besides the corporal cf. chapter 4 in this study.

319 Cf. Kästner, "Selbsttötung," col. 1072–1075; Houston, *Punishing the Dead*; Pfannkuchen, *Selbstmord und Sanktionen*.

320 The following section draws on articles I have written with Finnish historian Riikka Miettinen and German historian Alexander Käsnter respectively, cf. Riikka Miettinen and Evelyne Luef, "Fear and Loathing? Suicide and the treatment of the corpse in early modern Austria and Sweden," *Frühneuzeit-Info* 23 (2012): 105–119, here 104–108; Kästner and Luef, "The Ill-Treated Body".

321 Cf. the chapter "The Body" in Alexander Murray, *Suicide in the Middle Ages*, Vol. II: The Curse on Self-Murder (Oxford: Oxford University Press, 2000), 10–53.

er period of time[322] were often found by a search party,[323] consisting of family members, friends, and neighbors. In these cases the court records frequently contain information on the preliminary events leading up to the point where a search party was organized. Suicides committed in the house were usually detected by other members of the household. Here too, we occasionally find witness statements that mention how the corpse was found. Finally, a few cases were handed down where another person was actually present when the suicide or suicide attempt happened.

Recounting the events up to the point where the body was found was most certainly an integral part of the criminal investigation. Even though 'filtered' by the words of the scribe and adapted to fit the legal requirements, these descriptions can be read as an attempt at explaining the inexplicable, as an effort of coming to terms with what had happened. Often these words are emotionally charged.

Regardless of the finding situation, one of the first reactions frequently reported in the sources is the summoning of other people. Not only does it appear understandable that one would want support in a situation like this. By summoning other people it was also made clear that no attempt at concealing the self-killing had been made. Browsing through the case studies supports the assumption that generally contemporaries were well aware of the obligation to immediately inform the secular authorities about the incident.

In this respect also the collaboration between secular and ecclesiastical authorities appears to have been good. This does not mean that they always shared the same opinion regard-

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322 Often the sources report that persons left the house to run a quick errand and simply did not return. After a while other household members started looking for them. If persons went missing for longer periods they were occasionally proclaimed from the pulpit, cf. the case of Erich Jönsson, 1713, Härnösands Rådhusrätt och magistrate, June 15, 1713, AI:26, HLA; microfiche D54586, sheet 2; Brita Mårtensdotter, 1700, *ting* in Rödön August 17, 1700, Svea hovrätts renoverade domböcker, Jämtland 3b, ÖLA; microfiche D61554, sheet 4, fol. 887–889. After the sermon announcements of different kinds could be made public from the pulpit, e.g. announcement of engagements, royal proclamations, inquiries regarding things that had been lost or stolen, and inquiries regarding missing persons, cf. church law of 1686, i.e. Kyrkio-lag och ordning, som then stormächtigste konung och herre, herr Carl then elofte, Sweriges, Göthes och Wändes konung, &c. åhr 1686. hafwer låtit författa, och åhr 1687. af trycket utgå och publicera. Jemte ther til hörige stadgar (Stockholm: Johan Georg Eberdt, 1687), chapter II, section 5.

323 When Per Eriksson went missing in 1690 a message was sent to four neighboring villages and ten to twelve people started a search, cf. *ting* in Nätra, May 12, 1690, Norra Ångermannlands domsaga AIa:5, HLA; microfiche D52838, sheet 2, fol. 472–488; when the Austrian woman Maria Leißin left the house and did not return, her daughter-in-law organized her husband and a neighbor to help looking for her, cf. case of Maria Leißin, 1762.

ing the assessment of a suicide case. However, ecclesiastical authorities in both early modern Austria and Sweden acknowledged that suicide fell under the competence of the secular jurisdiction and accepted their own subsidiary position.[324] Even when priests respectively pastors learned about a suicide first, it can be assumed that they referred the case to the secular authorities.[325] When Magdalena Aichbergerin, for instance, approached the local priest to inquire about the funeral of her husband whom she shortly before had cut from the rope, in hopes he would survive, the cleric referred her to the secular authorities. He informed her that he would "leave it to the *Grundherrschaft* and to the *Landgericht* what to do with the hanged" ("*daß er es denen beeden herrschaften als der grundt und landtgerichts obrigkheit zu erwegen überlasse, was mit dem erhenckhten zu thuen*"). Magdalena Aichbergerin then reported her husband's suicide to the *Grundherrschaft* where a report ("*Anzeige*") was filed.[326]

The same applies to cases where priests/pastors were suspicious or at least unsure about the cause of death. Several occasions are documented where they refused to conduct funerals until the fatality had undergone an investigation by the secular authorities. In a rather late example from 1799, for instance, a parish priest in Austria below the river Enns declined to conduct the funeral of a young, unmarried but pregnant woman, who had died under obscure circumstances. He requested to have her death investigated by the *Landgericht* first.[327] Another case that is interesting in this regard is that of circa 73-year-old Anna Olsdotter from Jämtland (Sweden). For several days the aged woman had been bedridden and confused. One day, when checking in on her, her daughter Bryta detected a little amount of blood on her mother's chest. Bryta immediately summoned her brother and another woman and together they found that Anna Olsdotter had injured herself near the breastbone with the knife she used for eating. They established that it was a minor

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[324] Of course there are exceptions, cf. the case of Swedish pastor Erik Sinius, 1705/1713, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål, January 15, 1713, page 125 in this study.

[325] For Sweden see for instance the case of Per Samuelsson, 1734, whose parents also informed first the pastor, cf., Själevads tingslag, April 3, 1734, Norra Ångermannlands domsaga AIa:15, HLA; microfiche D57433, sheet 4, fol. 290–196; in the case of Lars Larsson, 1689, the *häradshövding* had received a letter by the pastor informing him about the suicide and that he had already sent some *nämndemän* to inspect the corpse, cf. Ovansjö, May 4, 1689, Svea hovrätts renoverade domböcker, Gävleborg 36, RA; microfiche S3649, sheet 7, fol. 350–356.

[326] OÖLA, HA Oberwallsee-Eschelberg, archives box 27, case of Joseph Aichberger, 1758, Grundobrigkeitliche Superficial Inquisition, dated July, 22, 1758.

[327] Cf. NÖLA, HA Rastenberg, archives box 5, case of Anna Maria Schilddorferin, 1799.

wound, barely bleeding and only scratching the skin. Yet, in order to avoid rumors, the siblings sent for two jury members (*tolvmän*) who arrived at their house half an hour later and who ultimately shared their assessment. The day after the incident, also the pastor was called to the house. He found the old woman to be very sick but of sound mind which is why he heard her confession and gave her absolution. She then received Holy Communion. The pastor too examined the wound and did not find it of any significance. Neither did he think that she had injured herself intentionally. However, when Anna Olsdotter died six days later, the pastor nevertheless postponed the funeral until the case had been heard by the *häradsrätt*.[328] Although neither of the people involved saw any relation between the old woman's death and the scratch on the chest an investigation was conducted by the *häradsrätt*. The *häradsrätt* too came to the conclusion that the wound did not have any influence on her death. In this case the resolution was even submitted to the Royal Superior Court which confirmed the ruling of the *häradsrätt*, granting Anna Olsdotter a Christian burial, yet without ceremonial rites.[329]

It is interesting that also in a case like this the pastor insisted on an investigation by the *häradsrätt*. Maybe he did so to protect the deceased from rumors and suspicions as to whether or not she had died of natural causes. The fact that she was denied ceremonial rites, however, suggests that the investigation could not remove the last vestige of doubt.

In a similar case from Sweden the local pastor wrote a letter to the *häradshövding* inquiring if the sudden death of 32-year-old Pär Olofsson, who had been known to suffer from epileptic fits and was found dead in the woods, should be investigated. As soon as the *häradshövding* received the pastor's letter he instructed the *länsman* to take "some good men" with him to examine the body. In the subsequent *ting* the letter was read out loud and witnesses were heard. The court found that Pär Olofsson should receive a regular Christian burial since he had died due to his illness which they denoted as "God's punishment and a flaw of nature" ("*gudhs straff och naturens feel*").[330] There are no indications that this case was submitted to the Royal Superior court.

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[328] Cf. Anna Olsdotter, 1697, Rödöns tingslag, June 9, 1697, Svea hovrätts renoverade domböcker, Gävleborg 48, RA; microfiche S3662, sheet 23, fol. 1142–1146.

[329] Cf. Svea Hovrätts brev September 10, 1697, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:10, HLA; microfiche S21055.

[330] Cf. Pär Olofsson, 1691, *ting* in Solängen, May 30, 1691, Svea hovrätts renoverade domböcker, Västernorrland 13a, RA; Mk S6049, sheet 8, fol.394–397.

Establishing the cause of death fell indisputably under the responsibilities of the secular authorities. Moreover, it was the task of the secular authorities to investigate the motive for the suicide and to assign the self-killing to one of the two categories – *felo de se* or *non compos mentis*. Until that decision had been made every self-killer was a potential felon. The place of the self-killing was not to be altered and the body should not be touched until the external, visual examination had been conducted. In early modern Austria the inspection of the corpse had to be carried out in the presence of a representative of the manorial lordship, the administrator of the *Landgericht* and a barber surgeon. In practice this procedure was often, but by no means always, followed. In early modern Sweden, the *länsman* had to be informed about the self-killing. He then assigned jury members or other trusted men, usually without medical knowledge or training but experience in such cases, to perform the viewing of the body. Typically also the *länsman* would attend the inspection. Most likely also the person who found the body and possibly other bystanders were present in both territories.

What happened after the visual examination is difficult to reconstruct. Neither the Austrian nor the Swedish penal codes offered any guidelines in this regard; they did not state what should happen to the body until the final decision was made. However, before consulting the source material and bringing some light into this question, I would like to discuss another matter: the touching of the body.

The touching of the body

Like some other aspects concerning suicide in early modern times, the subject of touching the suicide corpse appears contradictory at first: signs of reluctance, aversion, and sometimes even outright disgust for touching the suicide corpse are present in many of the sources. At the same time it is documented at several occasions that people rushed to aid and touched the body quite naturally, or that they expressed the wish to handle the corpse of a related or befriended self-killer themselves. It does not come as a surprise that in practice a wide set of actions and reactions was applied. Considering that the penal codes acknowledged two types of self-killing this was to a certain degree even inherent with the legal framework. In addition, everyday reality, as we know, has never restricted itself to mere norms and rules. The following section is an attempt at bringing a structure into the plurality of possibilities.

For analytical reasons I distinguish between the touching of a self-killer that took place prior to the sentencing, and the touching that took place after the *felo de se* versus *non compos mentis* decision was proclaimed. Both the Austrian laws and some Swedish legal norms stipulated that convicted premeditated suicides had to be handled by the executioner.[331] It was a key element of the sentence to announce who (executioner or other, 'honorable' people) would be allowed to handle the corpse. However, there were hardly any stipulations for the time while the case was still pending.[332] Thus in the following section I will investigate under what circumstances and by whom the body was touched before the final verdict was pronounced.

Witnesses regularly emphasized in their statements for the authorities that they did not touch or move the body. This can to a certain degree be ascribed to investigative reasons: it was important that the body and the place of the self-killing remained untouched until the visual examination had been conducted. Presumably it also served to prevent any suspicions of an involvement in a suicide, or a cover-up, which would have been prosecuted.[333] Contemporaries were apparently well aware of this no-touching command and basically only two reasons can be found in the sources that justified disregarding it: Occasionally, corpses floating in the water were brought ashore in order to keep the body from sinking or drifting away.[334] The second excuse for touching the body before representa-

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331 As discussed in chapter 2, *Kristofers landslag* did not explicitly mention by whom the corpse had to be handled. However, the case histories from my sample confirm that in judicial practice intentional self-killers were handled by the executioner. Around the year 1700, this practice was put down in writing in the form of precedents and ordinances, cf. Svea royal superior court resolutions from August 2, 1700 and April 16, 1701, in Abrahamsson, *Swerikes rijkes lands-lag*, 726–727. Later it was inserted into the Law of 1734.

332 In Sweden, the law of 1734 stipulated that if someone killed himself/herself, then the one who found the self-killer had to take up the body and place it aside. This regulation clearly dismisses the notion of the suicide corpse as an untouchable object.

333 According to a Svea Royal Superior court resolution from July 29, 1698 and a letter from the royal council to the Svea Royal Superior court, dated June 16, 1710, those who induced a cleric to bury a self-killer at the churchyard should be punished with arrest, running the gauntlet or flogging, cf. Abrahamsson, *Swerikes rijkes lands-lag*, 727.

334 Cf. Miettinen and Luef, "Fear and Loathing?," 109; see, for instance, the cases of Karin Nilsdotter, 1704, *ting* in Tuna, November 15, 1704, Medelpads Domsagas Häradsrätt AI:11, HLA; microfiche D52736, sheet 4, fol. 158, 164–165; Mårten Jonsson, 1700, *ting* in Offerdal, July 21, 1700, Svea hovrätts renoverade domböcker, Jämtland 3b, ÖLA; microfiche D61554, sheet 4, fol. 883–885; Karin Svensdotter, 1689, *extraordinaire ting* in Anundsjö, September 29, 1689, Svea hovrätts renoverade domböcker, Västernorrland 11, RA; microfiche S6047, sheet 3; Brita Simonsdotter, 1708, *extraordinarie ting* in Vibyggerå, August 19, 1708, Södra Ångermanlands domsaga AIa:9, HLA; microfiche D52267, sheet 17; Karin Hindrichsdotter, 1712, *extraordinarie ting* in Säbrå, June 12, 1712, Södra Ångermanlands

tives of the authorities inspected the scene were "signs of life" that had prompted individuals to intervene in the hopes to save the person's life.

When Pär Olofsson committed suicide by stabbing himself with a knife, his wife immediately called for help. Lars Hansson, a neighbor and friend, rushed by. He was accompanied by a quartermaster he accommodated at the time. Not only did neither of the two men show any concern to touch the lethally injured man but they even tried to bring him back to life by pouring cold water into his face.[335] When in 1734 Annika Jönsdotter found her 24-year-old son hanging in a shed she instantly embraced him in order to support his body and started crying out. Her husband Samuel Person came running and cut their son from the rope. The judgment book explicitly noted that the father was not to be punished for his action since he did so thinking he could save the young man's life.[336] When 14-year-old Erich Olsson found his father hanged in the stable he first shook him a little and since he thought his father was still alive, he ran, fetched a pair of scissors and cut him loose. The boy also removed the reins from his father's neck but the man did not regain consciousness. So the kid left him lying in the stable and went for his mother to inform her of what had happened. I doubt that a sentence for the kid's intervention was considered. The protocol book does not mention anything to this effect.[337] In 1731 60-year-old farmer Olof Mickelsson was cut from the rope by the neighbor who had found him, in the hopes of saving his life. According to his statement it cost the neighbor some effort to do it. The judgment book reports: "In spite of the shock caused by this unexpected incident he plucked up courage and with his knife cut the rope in the hopes to save him from death" ("*af det oförmodelig händelße blef nog bestört, fattade han doch mod och med sin knif afskar repet i mening, at frälsa honom ifrån döden*").[338] Johan Persson, who hanged himself in 1735,

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domsaga AIa:10, HLA; microfiche D52268, sheet 20, fol. 311–314; Karin Svensdotter, 1715, *extraordinarie ting* in Nordingrå, August 2, 1715, Södra Ångermanlands domsaga AIa:12, HLA; microfiche D52270, sheet 17; Olof Persson, 1716, *extraordinarie ting* in Nätra, June 4, 1716, Södra Ångermanlands domsaga AIa:12, HLA; microfiche D52270, sheet 6 – usually their bodies were also covered with twigs in order to protect them from wild animals.

335 Case of Pär Olofsson, 1679, *extraordinarie ting* in Järvsö, July 21, 1679, Svea hovrätts renoverade domböcker, Gävleborg 27, RA; microfiche S0409, sheet 9, fol. 437–441.

336 Case of Per Samuelsson, 1734, fol. 290. According to a resolution by the Svea Royal Superior court, dated September 7, 1695, those who cut loose a hanged person while still alive were not to be punished, cf. Abrahamsson, *Swerikes rijkes lands-lag*, 727.

337 Case of Olof Ersson, 1722, *extraordinarie ting* in Nora and Gudmundrå, April 24, 1722, Södra Ångermanlands domsaga AIa:15, HLA; microfiche D52273, sheet 3, case nr. 11.

338 Case of Olof Mickelsson, 1731, *ting* in Själevad, November 22, 1731, Norra Ångermanlands domsaga AIa:12, HLA; microfiche D57431, sheet 8, case nr. 41.

was cut from the rope by his brother-in-law upon discovery. The *häradsrätt* did not scold him for doing so but when investigating the neighbors the court asked them specifically if the deceased's mother and other relatives had immediately informed them about the incident. The court wanted to make sure that no attempt at concealing the self-killing had been made.[339]

Similar examples can be found for the Austrian territories as well. The case of Joseph Aichberger, for instance, who was cut down by his wife, has already been mentioned above. In the course of the investigation Magdalena Aichbergerin justified her action with signs of life that she thought to have observed. Apparently no further questions concerning this point were asked,[340] nor did it play any role in the subsequent investigation or sentence.[341] Neither did the touching of the corpse have any consequences for Wolfen Gräbmer, a small holder (*Kleinhäusler*) in Austria above the river Enns. One day, he found his wife hanged when he returned back home from work. Thinking she might still be alive since her eyes were open, he grabbed her under the armpits, calling out to her, but it was already too late. In the course of his intervention, even the rope got loose.[342] In an early case from 1648, however, a discussion emerged between the *Grundherrschaft* of Achleiten and the *Landgericht* Enns regarding the question if a certain Georg Pichler should face criminal charges since he cut his son from a rope. The *Grundherrschaft* rejected this demand arguing that it was "*affectus paternus*" that led the father to this "natural, yet incorrect affect" ("*natirlichen doch unzimlichen affects*").[343]

Without doubt the vast majority of suicides remained untouched until the verdict was spoken. However, the mentioned examples show impressively that men, women and even

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339 Case of Johan Persson, 1735, *extraordinarie ting* in Säbrå, July 16, 1735, Södra Ångermanlands domsaga AIa:20, HLA; microfiche D52278, sheet 21, fol. 537–542.

340 The case is rather well documented and includes an 'articulated interrogation' of Magdalena Aichbergerin.

341 Cf. case of Joseph Aichberger, 1758.

342 OÖLA, HA Puchheim, archives box 49, bundle 67, nr. 72; case of Eva Gräbmerin, 1726.

343 NÖLA, HA Achleiten, archives box 10, case of the son of Georg Pichler, 1648. Unfortunately the documentation is only sketchy and difficult to read. It is possible that the *Landgericht* insinuated that the father wanted to conceal the suicide. There are indications that the corpse was first buried at the cemetery but later was dug up again and disposed of by the executioner.

children did not hesitate when they thought that they could save lives.[344] In the heat of the moment, possible resentments and criminal charges were obviously forgotten. The presented sample is of course too small to deduct a trend or pattern but it is congruent with findings by other historians and thus can serve to support some important observations. Firstly, it was usually close family members or neighbors who interfered. Most likely the taboo of touching a suicide was stronger when no previous (positive) connection existed between the person who found the suicide and the self-killer. Secondly, in my sample none of the 'helpers' were actually criminally prosecuted for touching the suicide body, although it was a realistic possibility. I doubt that in the heat of the moment people pondered over the question as to whether or not their intervention might be followed by criminal charges: they acted intuitively. In the aftermath, however, they had to convince the court of the probable cause for their action. Since a punishment for the intervention was not out of question, touching the corpse or cutting down a body was definitely something that required a plausible explanation.

The findings, however, also confirm what Alexander Murray has observed for the Middle Ages: the contempt for the act and the person who committed suicide was directed towards the dead body, the corpse, but not towards the person – possibly – still alive.[345] When in 1646 a body was discovered floating in the moat of the town of Freistadt the man who first saw it and the guard at the town gate brought it ashore at once and checked for signs of life. Only when they had confirmed that the girl was dead did they leave her lying on the spot, exposed to the weather and straying animals. Due to disagreements between the authorities involved the *Landgericht* refused to pay for her disposal even "… if swine and dogs should eat her". The corpse remained unburied and left to the elements for a month, becoming a "public nuisance" and "abominable spectacle", as the sources state.[346] Thus, while at first casual passersby quite naturally tried to help the girl out of the water, her body later – when labeled as a suicide corpse – was met with full contempt, disrespect and neglect.

For survivors of suicide attempts the pastor or priest was usually immediately sent for. In 1692 David Jonsson was found by his wife alive but bleeding heavily after having cut his

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344 In, for instance, legal records stemming from 14th century London and in *miracula* attempts at lifesaving are documented also for the Middle Ages, see Murray, *The Curse on Self-Murder*, 19.

345 Cf. Murray, *The Curse on Self-Murder*, 19.

346 OÖLA, HA Freistadt, archives box 12, bundle 33, nr. 12, case of anonymous young woman, 1648.

own throat. She ordered him to commit himself to God "*befalla sig i Guds händer*", hurried to get some neighbors for help and sent for the pastor at once. Unfortunately David Jonsson died before the pastor could reach him.[347] Although it was clear that he had laid hands on himself and that he was about to die, every effort was made to allow David Jonsson to die in God's mercy. Erik Hansson, who cut his throat in April 1729 and died of his injuries in June of the same year, had also requested to see the pastor immediately after he inflicted the wound to himself. In the presence of the pastor he regretted and rued his deed under tears and received Holy Communion.[348]

Like Erik Hansson, those who survived a suicide attempt for several days or longer were usually nursed and cared for by their household members and neighbors.[349] In the case of Georg Dröthändl, who stuck himself in the throat with a knife, fist-aid measures consisted of washing the wound, refreshing him, and applying pressure on the wound; but in vain – he died shortly after his suicide attempt.[350]

Thus, only when the person died did he or she become a self-killer and potentially an object of contempt. As long as any signs of life could be observed, he or she usually received a humane treatment.[351]

Early modern authorities were well aware of the ambiguous situation they had created: on the one hand, suicide was regarded as a serious sin and a crime and was to be punished accordingly. Both the suicide corpse and the crime scene were to remain untouched in order to allow a thorough investigation into the motive for the self-killing. In the legal

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347 Case of David Jonsson, 1692, *ting* in Nordmaling, February 26, 1692, AIa:6, HLA; microfiche D52839, sheet 1, fol. 230–234.

348 Case of Erik Hansson, 1729, *extraordinarie ting* in Nora, June 12, 1729, Södra Ångermanlands domsaga AIa:17, HLA; microfiche D52275, sheet 16.

349 See also the case of Anna Olofsdotter, 1713, *extraordinarie ting* in Nora, May 18, 1713, Södra Ångermanlands domsaga AIa:11, HLA; microfiche D52269, sheet 4, fol. 369–382.

350 Cf. NÖLA, HA Lamberg/Ottenstein, archives box 183, case of Georg Dröthändl 1715, 'articulated examination' of Maria Dröthändlin, question 11, dated February 26,1715.

351 Maybe an exception in this regard is the case of Andreas Mayer, 1777. After his suicide attempt by jumping from the attic of his house, Andreas Mayer was lying on the ground and carried to his bed by soldiers, who at the time were quartered in his house. After the fall one of the soldiers, Johannes Stölzel, took Andreas Mayer's hand to check if he was still alive. After he perceived vital signs he wanted to pick him up and carry him into the house together with his comrade Anton Ekers. Anton Ekers, however, was not convinced that Andreas Mayer indeed was alive and refused to touch the "dead body". Johannes Stölzel then called for other comrades who helped him. It is unclear, however, if Anton Ekers refused to touch Andreas Mayr due to his suicide attempt or if he generally did not want to touch any dead body, cf. case of Andreas Mayer, 1777, examination of Johannes Stölzel, question four, dated July 5, 1777. For this case cf. also Griesebner, *Konkurrierende Wahrheiten*, 277–286.

regulations, the fear that people might try to conceal a suicide shows, too.[352] On the other hand, saving lives whenever possible was considered important also by the authorities.

In this regard, a remarkable development can be observed over time: As pointed out before, the Austrian penal codes contained a section since the seventeenth-century that obliged all barber surgeons, surgeons, "and such people" to rush to aid in the case of suicide. This was not only an obligation subpoena but the section explicitly stated that such intervention would not diminish a person's honor.[353] The issue was discussed also by the Swedish law commissions preparing the Code of 1734, and the conclusion in the finished Code was quite novel: Finders were not only ordained to attempt to rescue the person, facing the threat of punishment, but also requested to move and store the corpse. This express obligation to rescue potential self-killers did not only apply to 'healthcare professionals' in the broadest sense but to the general public. According to Alexander Kästner it is one of the earliest of its kind in Europe. Thus, while for a long time touching the suicide body was prohibited and penalized, intervention in order to save lives was encouraged and even decreed by law by the second half of the eighteenth century.[354]

As shown above it was not uncommon that people rushed to aid when signs of life justified an intervention. Only on rare occasions, however, were corpses touched and handled before the case was settled by the court without appealing to any of the above mentioned two justifications. On November 15, 1704 a somewhat unusual case was discussed before the *ting* held at Tuna, Medelpad. The widow Karin Nilsdotter had drowned herself in a nearby river already in July of the same year. According to the witness statements given before the court, the woman had suffered from mental weakness and had been alternately guarded by the people in the village.[355] One night, however, she escaped from the house she was staying at the time and drowned herself. The woman, who had been in charge of watching her, brought her ashore upon finding her and informed Karin Nilsdotter's relatives. The deceased's brother and his son-in-law then decided to lay her in a casket and

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[352] It is difficult to assess how justified this fear was. In my entire sample I have come across only one or two examples where families tried to conceal a suicide and staged it as a death of natural causes. Of course, the dark figure might be higher.

[353] See chapter 2.

[354] For details cf. Kästner, *Tödliche Geschichte(n)*, pp. 372–456; Kästner,"Saving Self-Murderers," 636–637. For the Austrian territories cf. for instance Decret der Böhm. Oesterr. Hofkanzley, vom 22. Februar 1799: "Unterricht zur Lebensrettung der Erstickten, Ertrunkenen, Erfrornen, Erhängten oder Erwürgten, Vergifteten, vom Blitz Getroffenen, und der todt scheinenden Neugebornen."

[355] I will return to the question of guarding at a later point in this study, see chapter 5.

put her high-handedly in the ground on the northern side of the churchyard before the case was heard by the *häradsrätt*. It is unclear if the local pastor was informed about their plan; however it is unlikely that it would have escaped his notice. According to the documentation in the judgment book the *häradsrätt* did not further comment on this unauthorized action but merely confirmed that the body should remain where it was until the final verdict came in.[356] As usual the case was submitted to the Royal Superior court in Stockholm which confirmed the sentence. The *hovrätt*, however scolded the relatives for their high-handed act and reminded them that no one should dare to take any action into their own hands until the *häradsrätt* had made its decision and the *hovrätt* had resolved the case.[357] Maybe the reprehension by the *hovrätt* was connected to a case that had occurred just over a year before also in Tuna. On July 6, 1703 the *ting* in Tuna deliberated upon the death of Matts Persson who had attempted to stab himself. When the man died a little while later, the *häradsrätt* was not sure if indeed the self-inflicted wounds caused his passing or if another illness that followed his suicide attempt was responsible for his death. At the time the *häradsrätt* assembled to deliberate upon the case, however, Matts Persson had apparently already been put into a grave at the churchyard by his brother. The *häradsrätt* sentenced that the corpse should remain there and that his brother should make sure that the grave was overcast with soil properly. That time the *hovrätt* merely approved of the verdict by the *häradsrätt* without any further commentary.[358] However, when the case of Karin Nilsdotter was reported a year later, the *hovrätt* may have felt that it was about time to remind everyone of the proper order of the procedure. Both in the case of Karin Nilsdotter and Matts Persson it seems that the corpses were put into the ground, yet without closing the graves properly. Only the sentence letter by the *hovrätt* permitted people to fill up the grave with soil. It is also worth mentioning that both interim burials had taken place during the warm season in July.

Likewise, the corpse of 71-year-old widow Karin Mårtensdotter who drowned herself in 1722 was moved before the court assembled to discuss her case. Upon discovery, the body was moved from the lake to a nearby boathouse, which was not commented on by

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356 Cf. the case of Karin Nilsdotter, 1704.

357 Cf. Svea Hovrätts brev December 15, 1704, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:12, HLA; microfiche S21057, sheet 5.

358 Cf. Svea Hovrätts brev August 15, 1703, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:11, HLA; microfiche S21056, sheet 11.

the *häradsrätt*.[359] Maybe this transgression was not addressed because the woman's mental incapacity had been well known in the community and therefore it might have been widely acknowledged that she had killed herself out of an infirmity of mind.[360]

No matter how different they might be, all these examples show that people in early modern times – both in the Austrian Archduchies and the Swedish Kingdom – did not necessarily show any reservations touching the suicide corpse. At this point an inconsistency becomes manifest that has often been observed when studying the topic of suicide: While some persons did not shy away from contact with a self-killer, the sources also report quite the opposite: about people, who outright refused to touch a suicide, openly showing disgust and loathing.[361]

The fact that touching the suicide corpse before the final verdict was announced was more of an exception indicates that people were generally expected to leave the corpse untouched at least until the visual inspection had taken place and until the verdict regarding the further treatment was reached. This procedure was presumably observed in most cases also in practice. However, it has become clear that people committed suicide in quite different places; some of these suicide corpses thus interfered with the daily routine of the villagers or the people at the farm. The next section thus illuminates how people dealt with this challenge.

Awaiting the verdict

Alexander Murray pointed out that "[w]hatever was done with the body had to be done with speed".[362] He reminds us that in many parts of Europe same-day burial of any dead body was the rule, mostly due to reasons of public health.[363] In this regard, cases of self-killing posed a certain challenge. Differences between early modern Austria and Sweden can also be detected in the way authorities handled this question. Contrary to what one would expect, urgency did not always characterize a suicide investigation.

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[359] This case no longer had to be submitted to the Royal Superior Court since it occurred after the decree of 1720 was issued.

[360] Cf. Case of Karin Mårtensdotter, 1722, *extraordinarie ting* in Säbrå, May 26, 1722, Södra Ångermanlands domsaga AIa:15, HLA; microfiche D52273, sheet 3.

[361] For Austria cf. for instance the case of Andreas Mayer, 1777, for early modern Sweden see also Miettinen, "Suicide in Seventeenth-Century Sweden," 144–192.

[362] Murray, *The Curse on Self-Murder*, 16.

[363] Ibid., 16 f.

Neither the Austrian nor the Swedish penal codes stated what should happen to the body until the final decision was made. Depending on the circumstances, however, it could take up to several days, if not weeks or even months until the final verdict was reached and thus the further handling of the corpse was decided. During this time the body usually remained in its finding place. Let us now take a closer look at what that meant in practice starting with the Austrian territories.

In early modern Austria, the penal codes stated that the investigation into a suicide was to be concluded within three days at the most. The prerequisites to meet this requirement were good and several examples suggest that indeed many investigations were closed swiftly. The small-scale jurisdictional structure of the Austrian Archduchies, where patrimonial and criminal courts often existed in rather close proximity or were even in the same hands, enabled fast, often verbal, communication. In cases where all parties typically involved in the investigation of a self-killing were available at short notice and instantly agreed upon the further procedure nothing objected to a same-day interment. It is likely, however, that such cases left hardly any paper trail and thus they are hard to come by in the body of sources. The self-killing of 29- or 39-year-old[364] Theresia Handtschuechin can serve as an example though. Her passing is documented by a letter sent from the municipal judge of the town of Freistadt to the administrator of the *Landgericht* Freistadt. Attached to the letter were the summary statements of four witnesses who had been heard the same day the letter was dated, December 29, 1752.[365] The writings disclose that the woman had taken her life the day before, December 28, 1752, and that the administrator of the *Landgericht* had requested the municipal judge to hear the witnesses. Unfortunately, as often happens, the previous conversation between the municipal judge and the administrator of the *Landgericht* has not been handed down. It is very possible, however, that it was never put in writing but verbally agreed upon. If we trust the parish register, however, Theresia Handtschuechin had already been buried at the time the questioning of the witnesses took place, was put into writing and sent to the *Landgericht*. The parish's register of deaths documents that she had killed herself out of madness ("*soluta ex amentia se ipsam occidens*") and without having received the last rites ("*nullis sacramentis proviso*"). The funeral

[364] The writing from the city court in Freistadt identifies her as 29-year-old woman, the parish record states that she was 39 years old.

[365] OÖLA, HA Freistadt, archives box 12, case of Theresia Handtschuechin, 1752.

was conducted without any pomp ("*sine externa pompa*") but as it seems in the presence of the cleric Joannes Michael Rutgers on December 28, the day of her self-killing.[366] Perhaps the administrator of the *Landgericht* was present at the viewing of the corpse and approved of a funeral in silence under the condition that her mental incapacity was confirmed by witnesses. Apparently the case of Theresia Handtschuechin was regarded as unequivocally clear by all parties involved which allowed her to be buried the same day the suicide had taken place while the 'paperwork', i.e. the witness' statements, was handled the next day. Cases in which the corpses were interred within two or three days after the self-killing are well documented in the sources. This seems to have been the rule and to all appearances it did not matter if the bodies were sentenced to be buried at the cemetery or interred by the executioner; as long as the manorial and criminal authorities reached a consensus on a case a swift procedure was possible.[367]

In early modern Sweden it took considerably more time until the matter was settled. Usually, several days, if not weeks passed by until the *häradsrätt* assembled to judge over the case.[368] After that, the preliminary verdict had to be submitted to the *hovrätt* in Stockholm and its final verdict had to be awaited. The death of Elisabeth/Lisbetta Eriksdotter, who had drowned herself in a river on July 21, 1694 was discussed before the *häradsrätt* on September 5, 1694. At the time the *ting* was held, her body was still in the water. Nobody had touched her or brought her ashore upon finding her. The final verdict reading that the executioner should excavate the body and bury the woman in the woods, was dated September 14, 1694.[369] Thus, almost two months passed between the finding of the corpse

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366 Cf. Matricula online: matricula-online.eu; Pfarre Freistadt, Totenbuch Signatur 03, 1742–1771, jpg 00091.

367 Cf. exemplarily, Georg Dröthändl was buried one day after he had taken his life, case of Georg Dröthändl, 1715, see also matricula-online.eu, Diözesanarchiv St. Pölten, Pfarre Döllersheim, Tauf-, Trauungs- und Sterbebuch Signatur: 01,2,3/02; 1686–1784; jpg 05-Tod_0131; Thomas Auer, 1687, was interred by the executioner in a morass the third day after his self-killing, see NÖLA, KGA Krems, HS 102 Verhörs-Protokoll über Kriminal- u. Zivilsachen der Hft. Pöggstall 1686–1741, fol. 31^{v}–33^{v}; Joseph Aichberger took his life on July 21, 1758. The external investigation took place on July 23, and later that day Joseph Aichberger was interred at the cemetery without any pomp; see case of Joseph Aichberger, 1758. The financial aftermath of a self-killing, however, could linger on for years. This question will concern us in the second part of this chapter.

368 Especially for the 'Finnish' areas of the realm Rikka Miettinen mentions several examples where it took weeks if not months until the suicide case was considered by the *häradsrätt*, cf. Miettinen, "Suicide in Seventeenth-Century Sweden," 144 f.

369 Case of Elisabeth/Lisbetta Eriksdotter, 1694, *extraordinarie ting* in Nätra, September 5, 1694, Södra Ångermanlands domsaga AIa:6, HLA; microfiche D52264, sheet 2, fol. 250–254; Svea Hovrätts brev

and its interment. The case of Lars Larsson, who shot himself in his house on April 27, 1689 was heard before the häradsrätt on May 4, 1689. This time the jury consisted only of seven men and the judgment book explicitly mentions that it had not been possible to assemble more members at such short notice. The resolution by the *häradsrätt* ended with the polite request that the *hovrätt* may want to decide the case as soon as possible; "the malodor of the cadaver" became worse day by day ("*som stancken af aset blifwer ju stööre ju länger*"), and the deceased's children had no other place to stay than the *badstugu*.[370] Moreover, the executioner – if needed – was currently away. The case was resolved in Stockholm on May 17, 1689 but it was most likely not before May 28 that the corpse was removed.[371] Even this 'high priority case' was not settled in less than a month. When on February 26, 1692 the *häradsrätt* in Nordmaling heard the case of David Jonsson who had cut his throat on February 8, the corpse was still lying in his bed, soaked with blood. The widow had moved out in the meanwhile, awaiting the final verdict.[372] Also after 1720, when suicide cases no longer had to be referred to the *hovrätt* in Stockholm, it frequently took several weeks until the *häradsrätt* heard them and made its decision.[373]

While in early modern Austria suicide cases were decided by semi- or full-time administrators in – comparatively – close spatial proximity to each other, each self-killing in early modern Sweden had to be tried by a jury whose lay members had to be assembled for the occasion. In addition the case had to be sent for revision to Stockholm[374] and back again. The by and large longer distances in the Swedish territory may have contributed to the prolonged duration of the proceedings, but hardly suffice to explain it. The different judi-

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September 14, 1694, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:9, HLA; microfiche S21054, sheet 5.

370 *Badstuga* or *Bastu* is the Swedish word for sauna. It was a separate small building, usually made of wood, near the main house which could be heated. Unlike today, peasants – especially in northern Sweden – used the *badstugu* primarily as a storage room for stocks where they for instance would dry grain.

371 Case of Lars Larsson, 1689, *extraordinarie ting* in Ovansjö, May 4, 1689, Svea hovrätts renoverade domböcker, Gävleborg 36, RA; microfiche S3649, sheet 7, fol. 350–356; Svea Hovrätts brev May 17, 1689, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:7, HLA; microfiche S21052, sheet 11. A notation on the letter suggests that the writing arrived in Gävle on May 25, and that the verdict was executed on May 28.

372 Cf. case of David Jonsson, 1692.

373 For instance, Märit Hindrichsdotter committed suicide on February 12, 1725, the *häradsrätt* heard the case on February 27, cf. *extraordinarie ting* in Torsåker, February 27, 1725, Södra Ångermanlands domsaga AIa:16, HLA; microfiche D52274, sheet 3; see also the case of Olof Mickelsson, 1731, who killed himself on October 24, 1731, the *ting* assembled on November 22.

374 The distance between Gävle and Stockholm is approximately 180 km which is about the same distance as between Vienna and Linz. Many *tingslag*, however, were located far from Gävle.

cial and administrative traditions, structures and procedures, however, had a great impact on how and how fast suicide cases were handled in practice and – as a consequence – how long the corpse remained unburied.

Storing the body

A speedy course of action – although that meant different things in Austria and Sweden – was in everybody's interest. As I have shown, until the burial decision was made, the corpse routinely remained in its finding place in both territories. At least for a certain period of time the corpse interfered with the everyday routine of a household or community. Presumably it was at least considered a nuisance having a dead body awaiting further treatment in a common place, evoking various strong emotional reactions from household members, neighbors or passersby. Generally the corpse was hardly ever moved in Sweden; not even in situations where it caused practical problems. The body of Lars Larsson – mentioned above – was left lying in the house. His four young children and the woman who cared for them since their mother had died spent the first night after his death together with some neighbours in the *badstuga*. Apparently the woman had been afraid to spend the night alone with the children and was grateful for the company of her neighbours. After that she and the children did not want to stay there over night anymore. During the day the woman still ran her chores in the household and looked after the livestock at the farm together with the older children; i.e. basically next to the corpse. They would go and sleep at her uncle's house at nights.[375] Thus, instead of moving the corpse, it was the family who had to relocate temporarily. Neither was Karin Johansdotter's corpse removed when she drowned in a well that by villagers was frequently used to get water from. Apparently removing the body was not considered urgent since several other wells were available.[376] Again the corpse remained in its finding place in wait for the sentence by the *hovrätt*.

Exceptions to this practice are rare. Occasionally, the sources provide evidence that suicides were moved and stored in barns or shelters,[377] or were buried in a provisional place

[375] Cf. the case of Lars Larsson, 1689.

[376] Cf. the case of Karin Johansdotter, 1701.

[377] In the case of Pär Olofsson, 1679, the family's request to move the body from where it lay, i.e. in the middle of the farm, was permitted with reference to the heat and subsequent strong malodor as well as to the deceased's good moral conduct. The corpse was granted to be stored in a barn until the final verdict arrived.

until the final decision was reached. The above mentioned high-handed interments of Karin Nilsdotter and Matts Persson are the more astounding ones before this background.[378] In another case the body of a drowned man by the name of Sven Jönsson was not touched at first. Only after having consulted with both the pastor and the *länsman* did two finders drag the man ashore and bury him for the time being near the shoreline in the sand. Otherwise, they argued, the body would have been eaten by wild animals and fish. Moreover, and this was most likely their main concern, leaving the body would have affected the fishery for which the lake was used.[379] A similar argument was brought forward by peasants in a case where during a transport of prisoners on a boat one of the delinquents jumped into the river and drowned. At the *ting* the peasants requested the corpse to be removed from the river since they had their fishery and mill facilities close to the spot where the corpse was pinned to the land by a pole that had been driven through his jacket. This way the body was still in the river, covered by water, but prevented from floating away. It is not clear, however, if their request was met since the judgment book only mentions that the body was to be covered with twigs to protect it from wild animals.[380] When Joen Amundsson hanged himself in June 1679 in the barn of his farm the *häradsrätt* ordered the corpse to be removed and stored in a more remote place until the final verdict by the Royal Superior Court would arrive. The *häradsrätt* justified the measure with the strong odor the corpse caused affecting the neighbors due to closely spaced housing. The court left it to the relatives to decide whether they wanted to send after the executioner to take care of this task or if they wanted to handle the corpse themselves. Since the family had asked for permission to handle the corpse anyways it can be assumed that the service of the executioner was not requested.[381]

In early modern Austria, due to the typically shorter duration of the proceedings in suicide cases the corpse remained unburied – ideally – only three days at the most. Although the sources hardly ever mention it explicitly, it can be assumed that the suicide corpse was normally not moved until the decision was made. What appeared to have been a standard procedure, however, was that local men were usually hired to watch the corpse until the

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[378] Cf. the case of Karin Nilsdotter, 1704 and Matts Persson, 1703.

[379] Cf. case of Sven Jönsson, 1696, *extraordinarie ting* in Sveg, August 27, 1696, Svea hovrätts renoverade domböcker, Gävleborg 47, RA; microfiche S3661, sheet 19, fol. 975–977.

[380] Cf. the case of Mårten Jonsson, 1700.

[381] Cf. Case of Joen Amundsson, 1679, *extraordinarie ting* in Järvsö, June 6, 1679, Svea hovrätts renoverade domböcker, Gävleborg 27, RA; microfiche S0409, sheet 9, fol. 431–437.

burial or disposal could take place.[382] In the case of Joseph Aichberger, for instance, the administrator of the manorial estate sent two men, the court usher (*Gerichtsdiener*) and *Amtmann (*an official of the manorial estate), to guard the corpse as soon as he had learned about the incident, even before notifying the *Landgericht*. According to the specification of costs, they guarded him for two nights and one day.[383] To arrange guards appears to have been quite common in early modern Austria although it is not mentioned in any of the penal codes in force. It was a practice known and applied also in other parts of the Holy Roman Empire, but apparently not common in the Swedish Kingdom.[384]

It was not always possible to meet the requirement of the penal codes and to conclude the investigation within the stipulated three days. Delays usually arose when *Grundherrschaft* and *Landgericht* disagreed upon the question of jurisdiction (i.e. the *non-compos mentis* versus *velo de se* question) or could not agree upon the settlement of the costs.[385] When it became apparent that no quick resolution was in sight, suicides were occasionally buried in a provisional place until a final decision was reached.[386] Sometimes this temporary solution turned into the final resting place.[387] At times, however, authorities showed no hurry to remove a body that fell under their competence, leaving it 'unburied' for longer periods. This of course upset mostly the administrators of the manorial estates and their subjects who, in that case, were affected by the decomposing corpse on a daily basis.[388] In September 1655, for instance, the administrator of the manorial estate of Reichenau urged

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382 This watching or guarding of the corpse must not be confused with the ritual of holding wake, where family members, friends and neighbors gathered to pray and honor the deceased's memory.

383 Cf. the case of Joseph Aichberger, 1758; for more examples see for instance the case of Joseph Aumüllner, 1732, NÖLA, KGA Krems, HS 102 Verhörs-Protokoll über Kriminal- u. Zivilsachen der Hft. Pöggstall 1686–1741, fol. 191r–193r; Joseph Sembler, 1719, OÖLA, HA Oberwallsee-Eschelberg, archives box 27; Johan Steklekker/Steinegger 1777, OÖLA, HA Freistadt, archives box 12; Jacob Fridl, 1760.

384 This practice was common also in other parts of the Holy Roman Empire, cf. Kästner, *Tödliche Geschichte(n)*, 241.

385 The economic aspects will be discussed in the next section of this chapter.

386 Cf. the cases of Stephan Pühringer, 1686, and Andreas Kirchamber, 1725, OÖLA, HA Ebenzweier, archives box 2; this practice was applied also in the Middle Ages, cf. Murray, *The Curse on Self-Murder*, 17.

387 For Swedish examples cf. the example of Mårten Jonsson, 1700; in the case of the Sven Jönsson, 1696, the *häradsrätt* determined that his body should remain at the interim burial spot but the *hovrätt* left it to his relatives if they wanted to bury him at the cemetery with the help of honorable people instead.

388 This, however, applied not only to the corpses of self-killers but also to anonymous dead bodies found along roadways or in rivers. In September 1649, for instance, the administrator of Puchheim requested the administrator of Orth to bury a man who had been found dead more than fourteen days ago and who had already been infested with vermin, cf. OÖLA, HA Puchheim, archives box 65, bundle 28, nr. 10, person found dead, 1649.

the administrator of the *Landgericht* Freistadt to finally take away a woman who had drowned herself "out of desperation" in the lake. He argued that the body could no longer remain in the water, decomposing or decaying, for everybody's disgust and mockery ("*wan man aber disen toden cörper iedermann zum abscheu und spott, nicht lenger also im wasser ligen und darinen verwesen oder verfaullen lassen khan*"). Since it was not his first request the woman had apparently been lying there for a while.[389]

Punishing the body

As mentioned above, the suicide corpse was the foremost *locus* where the sentence for the act of taking one's own life was executed.[390] The punishment manifested itself in *how* and *by whom* the corpse was handled and *where* it was interred. It is remarkable in how many different forms and degrees these punitive measures were applied in practice. What they had in common, however, is that they distinguished the interment of any self-killer – *non compos mentis* and *felo de se* – from that of a 'common' death, in quite an apparent manner for everybody to see. The punishment consisted not only of what was done to the suicide corpse but also of what it was denied. It was the absence of traditional rituals, customs and Christian rites usually accompanying a burial that marked the interment of a self-killer.[391]

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[389] Letter from the administrator of the manorial estate to the administrator of the *Landgericht*, dated September 24, 1655, OÖLA, HA Freistadt, archives box 12.

[390] This section is based on Kästner and Luef, "The Ill-Treated Body".

[391] It goes without saying that also the burials of 'regular' cases of death showed a broad variation, depending on the individual circumstances or temporary 'funeral-fashions'. This is illuminated, for instance, by an example where a woman buried her fiancé with her own hands next to a wayside shrine saying that she could not afford a 'regular' funeral, see the case of Mathias Lindtner, 1674. It is also important to note that burials at odd times, for instance after sundown or in the early morning, and 'funerals in silence' also became some sort of fashion trend, primarily amongst members of the higher social circles, in parts of early modern Europe. In their outward appearance such voluntary silent funerals were characterized by the same absence of funeral rites as in the burials of self-killers. The only difference is that the former took place on the expressed request of the deceased or his/her relatives, while the latter was part of an imposed sentence, for Sweden cf. Ann-Sofie Arvidsson, *Makten och döden. Stat och kyrka möter svenska efterlevande under ett långt 1700-tal* (Göteborg/Stockholm: Makadam, 2007), 155–157. See also the case of Jonas Robeck which was discussed by the *justitierevision* in 1701. Jonas Roback, a wealthy noble man, had died of natural causes, yet his widow requested a 'funeral in silence' for him, which apparently also in Stockholm had become a trend in the higher social circles. The consistory argued against the request in detail, citing several sections of the church law and the bible. Moreover it motivated its refusal of silent burials by referring to the loss of income for the parishes since burials were one of the main sources for earnings; Thus, Hilding Pleijel's assumption that voluntary 'silent funerals' appeared as a trend in the 1960s is incorrect, cf. RA, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål May 13, 1701. Hilding Pleijel, *Jordfästning i stillhet. Från samhällsstraff till privatceremoni. En samhällshistorisk studie* (Lund 1983). For early modern Saxony and Brandenburg cf. Craig Koslofsky, The Reformation of the Dead: Death and Ritual in Early Modern

The most important demarcation line ran between premeditated suicides (*felo de se*) and suicides committed of unsound mind (*non compos mentis*). It was the principal task of every suicide investigation to ascribe the self-killing to one or the other category. This was accomplished by an investigation into the circumstances of the suicide and the person's state of mind at the time of the deed. Authorities interrogated family members, neighbors and inquired about the moral conduct of the deceased with the parish priest or pastor. One can imagine that this procedure opened a wide scope for construction, interpretation and negotiation regarding the assumed motive for the self-killing. Historians today, studying these cases in hindsight, need to keep in mind that the only thing they can be certain about is the insufficiency of these explanations.

Courts in both early modern Austria and Sweden usually granted *non compos mentis* self-killers a so-called 'silent funeral', i.e. a burial without any ceremonial rites in a secluded spot of the cemetery.[392] 'Honorable' people – as opposed to 'dishonorable people', like the executioner – were allowed to take care of the deceased. These 'silent funerals' can certainly be regarded as a concession made to the assumed mental incapacity of the self-killer. However, since the ritual of the interment of an 'insane' suicide differed from a 'regular' funeral, it nonetheless marked the extraordinary circumstances of the death and thus has to be regarded as a stigmatization and a milder form of punishment.

In both territories the sentence for premeditated suicides stipulated the disposing of the suicide corpse by the executioner at a place outside of the cemetery. Although it was only on rare occasions that it was explicitly mentioned in the sources, we can assume that the assignment of the executioner went hand in hand with a disrespectful handling of the corpse, in line with the written law.[393] As outlined above, the Austrian penal codes speci-

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Germany, 1450–1700 (Basingstoke et. al: Macmillan, 2000), 133–152. Honorable nocturnal burials, however, were no Lutheran phenomenon. The funerals of the Habsburg emperors, eager defenders of Catholicism, also usually started in the evening, after sundown, and were dramatically arranged with torchlit processions cf. Martin Scheutz, "Ein unbequemer Gast? Tod, Begräbnis und Friedhof in der Neuzeit," *Freund Hein? Tod und Ritual in der Geschichte*, ed. Wolfgang Hameter, Meta Niederkorn and Martin Scheutz (Innsbruck u.a.: Studienverlag 2007), 100–134; 116.

[392] By the end of the seventeenth century this was common practice also in Sweden although the legal code stipulated a burial outside the churchyard, cf. the chapter on legislation.

[393] The documentation of suicide cases in the Swedish sources usually ends with the sentence letters, at the point when the executioner – if needed – got his assignment. The Austrian sources mention occasionally that the executioner has fulfilled his task. However, hardly ever are any details revealed. A few examples suggest that the corpse indeed was dragged and that carts or tumbrels were used to transport the corpse to the place of interment, cf. for instance the case of Thomas Auer, 1687. Dragging the sui-

fied that the corpse should be dragged through the streets or carried on the executioner's tumbrel like "unreasoning brutes" ("*unvernünftiges Vieh*").[394] This treatment can be regarded as a form of post-mortem public humiliation and display. It furthermore suggests that at least in the 'official' perspective of the authorities, the body of the intentional self-killer was deprived of all human dignity and regarded as a soulless shell.[395]

Within the category of *felo de se* suicides, however, different graduations of punishment existed. The spectrum was in fact quite diverse. The most severe consequences were usually meted out to accused or condemned criminals. According to the *Wienerische Diarium*, a Viennese newspaper, an alleged murderer of his wife who had committed suicide was dragged on an animal skin to the place of execution, where the executioner severed the head from the body with a shovel.[396] An anonymous script from as late as 1781 describes the case of a presumed murderer and thief who committed suicide in his arrest cell. He was ordered to be brought to the place of execution and lashed to the breaking wheel above which a gallows was erected.[397] The aggravated punishments these two men received were in line with the Austrian criminal codes which explicitly stipulated more severe measures for persons who committed suicide while under arrest in order to escape punishment.[398] However, I have not come across more than just the two examples mentioned in the eighteenth-century newspaper respective print. I do not doubt that aggravated punishments in similar cases were executed on the corpse but I have not found such examples documented in my case files from the Austrian Archduchies above and below the river Enns.

Although the short stipulations of the Swedish penal codes do not include a section concerning this matter it can be observed that condemned or alleged criminals – unlike 'regu-

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cide corpse was a wide-spread practice throughout medieval and early modern Europe; see Murray, *The Curse on Self-Murder*, 28–32; Kästner, *Tödliche Geschichte(n)*.

394 Cf. *Theresiana*, Article 93, section 7.

395 Kästner and Luef, "The Ill-Treated Body".

396 See the online database *Kriminalität in und um Wien 1703-1803. Eine Datenbank,* http://www.univie.ac.at/iefn (last accessed on September 23, 2015).

397 Anonymous, *Der sträfliche Selbstmord, oder die unmenschliche Mordthat von Johann S. verübet* (Wien, 1781); cf. Luef, 'Punishment Post Mortem', 573.

398 Cf. *Theresiana.* Article 93, section 7, fünftens. The subsequent Austrian law book of 1787 (*Josephina*) stipulated that in such cases the actual body should not be violated, but instead a note with the name of the suicide and his or her committed crimes should be attached to the gallows and thus made public. Thus, the post-mortem punishment was not performed on the actual body of the suicide but was elevated to a symbolic level. See *Josephina*, part 1, section 124, 7–60.

lar' self-killers – met the full force of the law.[399] An alleged thief was burned together with the holding cell in which he had taken his life. According to surviving sources, the parish and the local jury had requested to burn him with the cell and promised to build a new one.[400] A woman, who committed suicide in 1664, was taken to the woods by the executioner and burned at the stake.[401] Besides her bad reputation and accusations of stealing, the decisive factor for the aggravated punishment was most likely that she had repeatedly hit her mother. In Sweden, like in other parts of early modern Europe, violence against one's parents was condemned as a capital crime.[402]

In some cases from both early modern Austria and Sweden the sentence explicitly stated that corpses should be buried under the gallows respectively at the place where "criminals usually are interred".[403] This was the case when the self-killer had a bad reputation, a criminal record or committed suicide in connection with fleeing from arrest. Interestingly, however, the above mentioned man, who jumped from a boat during a transport of delinquents and drowned, did not get any aggravated punishments. Like most other self-killers he was to be taken to the woods and buried by the executioner.[404]

Even if the examples from early modern Austria and Sweden are rare they nevertheless confirm the practice of meting out aggravated punishments to alleged or condemned criminals that has been shown for other parts of early modern Europe.[405] The sample may be small but it proves the existence of corporal post-mortem punishments of self-killers.

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399 We remember that in Sweden, according to the letter of the law, those who took their own lives should be burnt at the stake in the woods. In practice, however, since the mid-seventeenth century it had been common for suicides to be buried instead of burned in the woods, cf. the chapter on legislation in this study as well as Ilkka Henrik Mäkinen, Jan Beskow, Arne Jansson and Birgitta Odén, "Historical Perspectives on Suicide and Suicide Prevention in Sweden," Archives of Suicide Research 6 (2002): 269–284; 271.

400 Riksarkivet, Riksarkivets ämnesamlingar Juridika I: Becchius-Palmcrantz samlingar (BP), vol. 5, fol. 9.

401 BP, vol. 5, fol. 2.

402 Jonas Liliequist, "'The child who strikes his own father or mother shall be put to death': assault and verbal abuse of parents in Swedish and Finnish counties 1745–1754," *Morality, Crime and Social Control in Europe 1500–1900*, ed. Olli Matikainen and Satu Lidman (Helsinki: Finnish Literature Society, 2014), 19–42.

403 Cf. case of Pär Joensson, 1686, *ting* in Anundsjö, February 2, 1686, Norra Ångermanlands domsaga AIa:4, HLA; microfiche D52837, sheet 6, fol. 261–262; Per Jönsson Lustig, 1709, Svea Hovrätts brev November 25, 1709, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:13, HLA; microfiche S10552, sheet 11; for Austria see for instance the case of Georg Nabegger, 1781, NÖLA, HA Seisenegg, archives box 73, nr. 526. This case has been presented in detail in Luef, "'… boshaftig den entsetzlichen selbstmord angethann'.

404 Cf. case of Mårten Jonsson, 1700.

405 Cf. Bosman, "The Judicial Treatment of Suicide in Amsterdam,"; Kästner and Luef, "The Ill-Treated Body", see the case in Saxony, Stadtarchiv Bautzen, 68002, U III.188/3, fol. 263v.

In a strict sense, as pointed out before, these individuals received the aggravated punishment not for their 'self-murder' but for their previous crimes. This practice contradicted the legal principal of *crimen morte finitur* which was customarily and legally approved by influential legal scholars like Benedict Carpzov (1595–1666) in cases of the most atrocious crimes (*crimina atrocissima*).[406] Such punishments presumably served to postulate that "one could not escape justice – and the public spectacle of execution – by choosing a shameful death like suicide".[407]

The vast majority of *felo de se* self-killers, however, was not subjected to such aggravated measures. In Sweden, the 'standard' formulation in the sentence letters by the *hovrätt* typically reads that the body should be taken down by the executioner, be carried to the woods and interred there ("*skall av skarprättaren nedertagas, till skogs föras och nedergravas*"). The sources do not contain any information about how the executioner carried out his task, e.g., whether it was accompanied by certain rituals. The sources are reticent also regarding the exact places of interment. It remains unclear if designated places for the interment of suicides existed, possibly near the place of execution, or if the executioner could pick a random spot.[408]

The Austrian sources are a bit more revealing in this regard. Sometimes it is mentioned that the executioner (or skinner) dragged the self-killer, used some sort of tumbrel to transport the corpse,[409] and that he performed his tasks in the evening or at night. Regarding the location of interment, different places are mentioned, for instance the place of

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406 Pfannkuchen, *Selbstmord und Sanktionen*, 123–124.

407 Kästner and Luef, "The Ill-Treated Body".

408 So far archeological examinations have generated only little information with regard to this question. To this point burial places of suicides have not systematically been studied but rather been mentioned only *en passent*. For instance, in 2005 in the course of an archeological excavation at the former place of execution in Vadstena, Sweden, the remains of 25 people, whereof 24 men and one woman were uncovered. They had been executed and buried between 1400 and 1650; none of the remains could be identified as those of a self-killer, cf. Titti Fendin (ed.), Döden som straff. Glömda gravar på galgbacken (Linköping: Östergötlands länsmuseum, 2008). It would be an extremely difficult task to distinguish self-killers from executed individuals since it is, for instance, impossible to tell if someone who had died by hanging did so by one's own hands or by those of the executioner, cf. Caroline Arcini, "Detta lämnar ingen oberörd," *Döden som straff. Glömda gravar på galgbacken*, ed. Titti Fendin (Linköping: Östergötlands länsmuseum, 2008), 69–103; 86. An archeological excavation conducted between 2005 and 2009 on six spots on or around former churchyards in today's Vienna, found evidence of at least on burial site outside of the graveyard wall. However, we can only speculate if this indeed was the burial site of a self-killer. Cf. Heike Krause et al., *Zur Erden bestattet. Sechs vergessene Wiener Friedhöfe*. Wien Archäologisch 10 (Wien: Museen der Stadt Wien – Stadtarchäologie, 2013), 127.

409 Cf. for instance the cases of Thomas Auer, 1687, and Georg Nabegger, 1781.

execution,[410] a morass,[411] or a secluded spot on the deceased's property.[412] Most likely each *Landgericht*'s district had a designated area where suicides were usually interred.[413] Occasionally self-killers were even buried at the place where they had committed suicide. In one case, for instance, a man was buried under the tree where he had been found hanging.[414] The young woman who committed suicide in the town of Freistadt in 1646 was finally – after remaining unburied for a month – interred at a crossroads. In her case the place of burial is also highly symbolic: The young woman was originally from the city of Linz and had travelled to Freistadt to get married. When her fiancé, however, did not keep his promise of marriage she drowned herself, according to the documentation. Neither the town of Freistadt as the manorial authority nor the *Landgericht* Freistadt felt responsible for her case which is why the corpse remained lying in the pond, for everyone to see, for a month. Only after the *Landeshauptmannschaft* in Linz had gotten involved in the case, did the Landgericht Freistadt finally order the executioner to dispose of the body. The woman was interred at the crossroads of the way she had taken when travelling to Freistadt.[415]

Generally it can be noted that the last resting place for intentional suicides in both territories was adapted to local conditions and customs, and to the individual circumstances of the self-killing. Often it turned out to be a place that no-one objected to or that evoked little resistance in the community, like e.g. local places of execution, swamps or other secluded sites. Some sites were most likely chosen because they carried a symbolic meaning. Thus, the precise practices of disposing of intentional suicides varied according to location. With regard to the Archduchy Austria above the River Enns it is remarkable that the so-called 'running' ('*Rinnen*') apparently was not common. This practice known from adja-

410 Cf. case of Georg Nabegger, 1781.
411 Cf. case of Thomas Auer, 1687.
412 Cf. case of Martin Reißner, 1687, NÖLA, HA Pöggstall, KGA Krems, HS 102 Verhörs-Protokoll über Kriminal- u. Zivilsachen der Hft. Pöggstall 1686–1741, fol. 34r–35r.
413 Cf. case of Joseph Aumüllner, 1732, fol. 193; case of Stephan Pühringer, copy of letter addressed to Dr. Haslinghaus, dated June 11, 1687.
414 NÖLA, HA Scheibbs, Handschrift 3/30, register: "Folgende Maleficanten seynd durch Johann Friedrich Edder dermahligen Freymann zu Scheibbs Justificirt und hingerichtet worden", Loidlbauer, no date given, fol. 245.
415 Cf. case of anonymous young woman, 1648.

cent southern Germany involved putting the suicide corpse into a barrel and floating it away down a river.[416]

Alexander Murray pointed out that in the Middle Ages suicides were often interred at sites that were far enough away from human settlement yet public at the same time, like e.g. at crossroads or at the border between different lordships. The places were even marked to indicate that a suicide was buried there as a reminder and warning for passers-by.[417] Apart from a few exceptions the places mentioned in my sample appear to have rather been offside 'dump sites'. What they all had in common is that they made it difficult – if not impossible – to serve as dignified places to remember the deceased. Some can be virtually described as 'non-places' that did not only allow the body to disappear, but also obliterated the suicide's memory.[418]

Occasionally the authorities in both territories made concessions to the requests by family members and granted them – contrary to the stipulations – to handle the corpses of intentional suicides. Then honorable people, in most cases family members, were allowed to retrieve the corpse and bury it outside the churchyard.[419] In early modern Austria sometimes the section reserved for 'inculpable,' i.e., unbaptized children was used for this purpose, which was situated outside the cemetery and thus was not consecrated.[420] In both territories the wish to handle the corpse of the deceased was often brought forward by

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416 Cf. David Lederer, "'Wieder ein Faß aus Augsburg …". Suizid in der frühneuzeitlichen Lechmetropole', *Mitteilungen des Instituts für Europäische Kulturgeschichte*, 15 (2005), 47–72. Interestingly suicides were put in barrels also in the Innviertel, a part of today's Upper Austria which until 1779 belonged to Bavaria, cf. the file regarding the suicide of Sigmund Hägerer, 1615, OÖLA, HA Obernberg, bundle 79, nr. 18. Alexander Murray points out that this practice was most likely locally restricted, traceable for certain regions in Switzerland, the cities of Strasbourg, Frankfurt am Main and Regensburg, cf. Murray, *The Curse on Self-Murder*, 37–39.

417 Murray, *The Curse on Self-Murder*, 48 f.

418 Cf. Houston, *Punishing the Dead*, 364.

419 Cf. the cases of Per Eriksson, 1690; Joen Amundsson, 1679; in the case of Sven Jönsson, 1696, the *hovrätt* left it to the relatives whether they wanted to leave the corpse at the interim burial site or bury it at the churchyard.

420 In the case of Maria Eggersdorferin, 1725, the decision to bury her at the section for "inculpable" children was a compromise. According to a copy of a letter sent by the administrator of the *Landgericht* to the *Bannrichter*, dated May 22, 1725, the administrator had discussed the case with the local priest who had no reservations against burying her at the churchyard. However, since the investigation brought forward some indications suggesting an intentional act the administrator left it to the *Bannrichter* if the woman should be buried at the churchyard, the spot for inculpable children outside the consecrated ground, or if she should be handled by the executioner. Her burial is registered in the church records of the parish of St. Martin im Mühlkreis with the remark "*sepulta in loco non baptistatorum*", cf. matricula-online.eu, St. Martin im Mühlkreis, Sterbebuch 02, Signatur: 301/02 Bild: S22SSSS02_00046; for her file cf. OÖLA, HA Oberwallsee-Eschelberg, archives box 27.

household members and/or neighbors. On the one hand this leads to the conclusion that, despite committing the horrific act of self-killing, the deceased were not completely expulsed from their closer social environment. On the other hand it highlights how feared, infamous and despised the treatment by the executioner was. It was definitely something that many families were eager to avoid, as the following examples show.

When in 1679 the former jury member, parish scribe and *länsman* Pär Olofsson stabbed himself the whole community was in shock and the entry in the judgment books reveals that also the *häradsrätt* was not impartial in this case. All witnesses, including the pastor, emphasized the deceased's exemplary moral conduct. And while Pär Olofsson had been melancholic for a while, nothing indicated that he had been of unsound mind at the time of the deed. In similar cases, the *häradsrätt* would usually stick to the letter of the law suggesting a burial in the woods by the executioner. However, according to the account in the judgment book the widow, under tears, humbly begged that her husband might rest at the churchyard. The *häradsrätt* mentioned that the same request was made by the "whole parish".[421]

The *häradsrätt* acted exceptionally in this case: firstly, it allowed the body to be stored in a shed until the case was resolved. Secondly, and that is even more exceptional, it basically refrained from formulating a resolution. Instead it reiterated that the widow and all the other concerned people would "not accept" an interment outside of the churchyard.[422] And indeed, the *hovrätt* allowed the corpse to be buried by his relatives at the cemetery, at a spot north of the church, but without any ceremonies or knelling of the bell.[423]

In another case, this time taken from Austria above the river Enns, the self-killer was interred by two court ushers instead of the executioner since the deceased's influential relatives were eager to keep the suicide as secret as possible. Their initial attempt at persuading the priest to be present during the interment, however, failed.[424] It is quite apparent

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421 Cf. case of Pär Olofsson, 1679.

422 "Häradsrätten tog saken i betänkiande och för denne swåra hettan och derpå fölliande stank, jämbwähl i anseendhe till hans förre berömliga förehållande, wardt hustron och erfwingarne på den högl. Kongl. Hofrättens nådige behag och näst förre ankombne praejudication tillåtit kråppen att optaga och uti en bodh förwara till högl. Kongl. Hofrättens wydare nådgunstige resolution om des begrafning, efter som hustron och flera wederbörande icke kunde gifwa sig tillfreds der med att des kropp uthom kyrkiogård begrafwas skulle, hwilket här med efter trögit anhållande, i underdånig ödmiukheet infördt warder", cf. case of Pär Olofsson, 1679.

423 Cf. Svea Hovrätts brev October 17, 1679, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:6, HLA; microfiche S21051.

424 Cf. the case of Joseph Sembler, 1719.

that they were ashamed of having a self-killer interred by the executioner in the family. I will return to this case in the next chapter since it also illuminates some quite interesting economic aspects.

The expelled body

To this point the focus has been laid on the punishments meted out to self-killers by the authorities. However, suicide was not only formally criminalized but also surrounded by strong taboos and the act of committing suicide as well as the suicide corpse frequently roused fear and dread as well as aversion in local communities. These strong emotions, often in the form of direct and straightforward rejection, become especially tangible in what has been called 'cemetery revolts'. As I have pointed out, those ruled to have committed suicide out of an infirmity of mind were regularly granted a silent burial at a secluded site of the cemetery by the authorities. At times, however, these self-killers were exposed to an expulsion from the 'hallowed ground' by local parish members. Such 'cemetery revolts', where common people prevented the burial of suicides at the churchyard, are well known for central Europe.[425] Also for the Austrian Archduchies the sources document several occasions where the local populace opposed to the interment of suicides at the cemetery.[426] Sometimes protesters assembled and prevented the transport of *non compos mentis* suicides into the cemetery, despite the authorities having granted them a burial in silence. In other cases the documents show that the authorities regarded a burial in silence as the adequate verdict but anticipated resistance from members of the parish nonetheless.[427] In April 1725, for instance, peasants prevented the Christian burial of Andreas Kirchamber, who according to his *Grundherrschaft* and an attestation by the parish priest had been afflicted with various physical and mental pains prior to his self-killing. The *Grundherrschaft* requested the assistance of the *Landgericht* in order to calm the tumult.

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[425] See Kästner, *Tödliche Geschichte(n)*, 515–519; Michael Frank, "Die fehlende Geduld Hiobs. Suizid und Gesellschaft in der Grafschaft Lippe (1600-1800)," *Trauer, Verzweiflung und Anfechtung. Selbstmord und Selbstmordversuche in mittelalterlichen und frühneuzeitlichen Gesellschaften*, ed. Gabriela Signori (Tübingen: Edition Diskord, 1994), 152–188; David Lederer, "Aufruhr auf dem Friedhof. Pfarrer, Gemeinde und Selbstmord im frühneuzeitlichen Bayern," *ibid.*, 189–209.

[426] See Luef, "Punishment Post Mortem," 569 f.; interestingly so far all examples stem from the Archduchy above the river Enns. It seems as if this was a rather locally restricted phenomenon often evolving in communities where previous attempts to prevent such burials had been successful.

[427] For instance, in the cases of Stephan Pühringer, 1686, the planed interment on the grounds of the *Herrschaft* Ebenzweier could not take place since the neighbors feared thunderstorms, cf. copy of a letter addressed to Dr. Haslinghaus, dated June 11, 1687.

However, it is questionable if the authorities managed to settle their claims; the documentation of this case shows that the corpse had not received a Christian burial more than a year after the self-killing had taken place but was still placed in the interim burial spot.[428] In the case of at least 80-year-old Johann Wadauer, who drowned in 1769, the *Landgericht* Ort allowed him the benefit of the doubt and judged his death an accident. Nevertheless the corpse transport to his home parish and the funeral were prevented by peasants who claimed that they had been having severe showers since a drowned person had been buried at the churchyard a few years back.[429] The same year, after the death of "self-hanged" Franz Kemptner at least seven parish members – all men – went to the priest of Gmunden begging him to decline the body a burial at the churchyard.[430] Their request, it seems, was not heard. The parish register of Ohlsdorf records that Franz Kemptner was buried there on May 24, four days after the request was made.[431]

Sometimes the protesters even rejected and prevented the interment of suicides at the spot for inculpable children, situated outside the hallowed grounds. This can be interpreted as an indicator for fears, abhorrence and superstitions against the suicide corpse. Barbara Puchinger, for instance, committed suicide in September 1713. According to the documentation of her case she killed herself out of an insanity that had befallen her a few months earlier when she – during her postpartum period – had been "frightened" by two soldiers who were quartered in the village. The clerics confirmed her "insane mind."[432] Anticipating that the local population would oppose to a silent funeral at the churchyard, the administrator and the local priest decided to have her buried at the spot reserved for 'inculpable children'. However, even this last resting place evoked the resistance of the peasants.[433]

In 1754, allegedly more than one hundred women and men, armed with sticks and halberds, blocked and prevented the transport of a female suicide to the churchyard. Accord-

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428 Cf. case of Andreas Kirchamber, 1725.

429 Cf. the case of Johann Wadauer, 1769, OÖLA, HA Ort, bundle 33, nr. 12. The corpse was found on May 13, 1769 and according to the church register Johann Wadauer was interred on May 18, 1769, cf. matricula-online.eu, Pfarre Atzbach, Totenbuch, Sign. 03, 1765–1783, jpg 00014.

430 Cf. case of Franz Kemptner, 1769, OÖLA, HA Ebenzweier, archives box 2.

431 Cf. matricula-online.eu, Sterbebuch der Pfarre Gmunden 4 (4), Sign. 301/04 Bildnr. G12SSSS04_00132 (= Pfarre Ohlsdorf).

432 Cf. case of Barbara Puchinger, 1713, OÖLA, HA Ebenzweier, archives box 2, letter by the clerics from Gmunden, dated September 29, 1713.

433 Cf. case of Barbara Puchinger, 1713. The files list six gang leaders, who prevented the burial, by name.

ing to the report of the administrator of the *Herrschaft* Pucheim, the investigation into the woman's death clearly showed that she had committed suicide out of melancholy, and also the parish priest had consented to her burial at the churchyard. At first the administrator even tried to negotiate with the insurgents, suggesting that the woman could be buried at the spot for 'inculpable children' instead of in consecrated ground, but his offer was declined. It is an interesting detail that according to the report of the administrator the peasants did not question the assessment of the suicide, i.e. that the woman had killed herself out of melancholy. Nevertheless the populace feared thunderstorms; a belief that by the administrator was dismissed as "criminal superstition". In the end, the administrator was forced to request the support of the militia ("*beyziechung einer aus Schwannenstatt abordnenten militar commando*") in order to be able to execute the funeral. Eventually the body was buried but the whole operation cost the *Landgericht* more than 85 gulden. The report also mentions that the revolting crowd prided themselves regarding a successfully prevented funeral of a suicide that took place in the same parish in 1738. Back then the tumult was not struck down since the deceased's relatives did not have the means to compensate the cost of a military intervention. This time, however, the gang leaders of the tumult were reported and the *Landgericht* hoped to get the money back from them through fines. For that purpose lists were prepared with the names of at least 30 peasants (men and women) and how much each and everyone should pay in reparation.[434]

Alexander Kästner noted that such revolts were rather rare occurrences compared to the number of burials without any incident.[435] Yet, these tumults make clear that the criminalization and punishment of suicide was not only imposed by the authorities, but was also to an extent supported and even demanded by the population.[436] Moreover, these conflicts clearly demonstrate that the authorities and their subjects did not always share the same views regarding a suicide's last resting place and that under certain circumstances

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[434] Cf. case of female tailor, 1754, OÖLA, HA Puchheim, archives box 43, bundle 60, nr. 29, see also Luef, "Punishment Post Mortem," 569 f.

[435] Kästner, *Tödliche Geschichte(n)*, 270–271.

[436] Also Michael MacDonald and Terence R. Murphy observed for eighteenth-century England a growing divergence in the perception of suicide between 'common people' and the educated upper classes. See Michael MacDonald and Terence R. Murphy, "Die Säkularisierung des Selbstmords: Literaten, Rechtsgelehrte und religiöse Fanatiker im frühneuzeitlichen England," *Trauer, Verzweiflung und Anfechtung: Selbstmord und Selbstmordversuche in mittelalterlichen und frühneuzeitlichen Gesellschaften*, Gabriela Signori (ed.) (Tübingen: Edition Diskord, 1994), 233–281.; for Scottish examples where different opinions regarding a suicide's last resting place collided see Houston, *Punishing the Dead*, 240–245.

communities would take matters into their own hands to press their claims. Sometimes these conflicts express underlying conflicts within the local community that culminated in a battle over a dead body.[437] Unlike the case history examined by David Lederer, where the conflict over the suicide corpse mutated into a display of power between secular and ecclesiastical authorities, the dividing line in the Austrian cases usually ran between the populace on the one hand and both authorities united in their position on the other.[438]

In the Swedish Empire, it seems, such incidents were rather rare.[439] One example often cited in scholarly literature is the case of a renowned pastor who in 1663 was discharged from his office in Stockholm because he had buried his hanged maidservant in the cemetery; the executioner accused him of interfering with his work while the locals were concerned over the profanation of the churchyard.[440] Quite the opposite acting, i.e. his refusal to bury a drowned woman at the churchyard, got the pastor from Brunnsby, Erik Sinius, in trouble in 1705. The pastor was convinced that the woman had committed suicide but the competent *häradsrätt* ruled the fatality an accident and granted her a Christian burial which was approved by the Göta hovrätt. In order to slip the obligation to bury the woman against his conviction, Erik Sinius went on a journey, leaving the task to perform the funeral to his substitute. When he returned, however, an action was brought in against him because of his refusal to execute the verdict.[441]

Apart from opposite opinions regarding the assessment of a suicide case or underlying power struggles 'cemetery revolts' could furthermore refer to deep-rooted fears and superstitions. Especially the sources from early modern Austria mention the fear for bad harvests or severe weather associated not only with the act of suicide but explicitly with the suicide corpse.[442] Especially in the eighteenth century, in the spirit of enlightenment, Austrian secular authorities remarked increasingly disparagingly on their subjects' 'superstitions' or 'misbelief' trying to put a stop to it. In March 1781 a legal ordinance was is-

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437 Cf. Houston, *Punishing the Dead*, 240–245.

438 David Lederer, "Aufruhr auf dem Friedhof," 189–209.

439 Riikka Miettinen mentions only four possible incidents, cf. Miettinen, "Suicide in Seventeenth-Century Sweden," 122 f.

440 Case presented in Jansson, "Suicidal Murders in Stockholm," 90–91; Ohlander, *Kärlek, död och frihet*, 40–41; Persson, "Drunknad eller dränkt?," 103.

441 The case was brought before the justitierevision in 1712 and decided in 1713, cf. case of Erik Sinius, 1705/1713, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål, January 15, 1713.

442 Cf. the cases of Stephan Pühringer, 1686; Johann Wadauer, 1769, (some suspected his death to be a suicide although it was ruled an accident); case of female tailor, 1754.

sued requesting from the consistory to make sure that the priests in the countryside would to their utmost to "relieve" their parish members from such "misbelief" instead of nurturing it.[443]

Synopsis

This section has shown that the punishment for the act of self-killing focused strongly on the corpse of the deceased. By punishing the corpse, exposing it to certain treatments and disentitling it of the usual rituals, the contempt against the act of self-killing was made ostentatiously public. The presented examples show a broad variation in the handling of the suicide corpse, reaching from 'silent' burials at the churchyard to post-mortem mutilations of criminal self-killers. In all of them an intentional punitive character is visible, be it in different degrees. In the course of time some penal measures became less frequent or even disappeared, while others emerged. Recently, Alexander Kästner has highlighted that in the eighteenth century yet another treatment of the suicide corpse gained momentum: The transfer of bodies to the theatre of anatomy, which up to this point had played only a minor role.[444] In addition, several practical questions concerning this special type of fatali-

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[443] Sammlung der k.k. landesfürstlichen Verordnungen in Publico-Ecclesiasticis 1767-1782, k.k. Verordnung, dated March 16, 1781.

[444] For a detailed discussion see, for instance, Kästner, *Tödliche Geschichte(n)*, 244–325; and Schreiner, *Jenseits vom Glück*, 32–55. The temporal focus of the present study lies on the period ca. 1650 to 1750, i.e. an era before the transfer of suicide corpses to the theatre of anatomy gained in importance. Neither was this possible treatment of the suicide corpse discussed in any of the case histories this study is based on. Consequently, I will not take up this question in more detail in the present study. However, there are indications that in the Swedish Kingdom a similar development took place as in the German countries. For Sweden, a royal letter from 1747 explicitly stipulated that the bodies of suicides and children born out of wedlock had to be delivered to the universities in Uppsala, Lund and Turku and the Collegium Medicum in Stockholm, if required, see Eva Åhrén, *Death, Modernity, and the Body: Sweden 1870–1940*. Rochester Studies in Medical History, 15 (Rochester: University of Rochester Press, 2009), 21. I assume that first and foremost corpses in closer proximity were delivered to these anatomical theaters and not necessarily bodies from remote areas of the country. For Austria, a regulation from 1742 stipulated that the *Landgerichte* had to provide the bodies of executed criminals for anatomic studies, if requested by the university, see Sammlung aller k. k. Verordnungen und Gesetze vom Jahre 1740 bis 1780, die unter der Regierung der Regierung des Kaisers Joseph des II. theils noch ganz bestehen, theils zum Theile abgeändert sind, als eine Hilfs- und Ergänzungsbuch zu dem Handbuche aller unter der Regierung des Kaisers Josephs des II. für die k. k. Erbländer ergangenen Verordnungen und Gesetze in einer chronologischen Ordnung, ed. Joseph Kropatschek. Vol. 1 (Vienna: Mößle, 1786), Verordnung nr. 7, dated November 24, 1742. However, it is yet unclear if and to what degree this included premeditated suicides. Historians of medicine have emphasized that in the Austrian Archduchies and especially in Vienna – which could look back at a long history of dissection and would become a leading center of medical research and education at the turn of the century – the supply of cadavers provoked little resistance compared to other European regions, cf. Tatjana Buklijas, "Cultures of Death and Politics of Corpse Supply: Anatomy in Vienna, 1848–1914," *Bulletin of the History of Medicine* 82,3 (2008): 570–607. Possibly the supply with suicide corpses was not that urgent for the theatres of

ty have been discussed aiming at sketching the practical implication that followed a self-killing. Despite certain distinctions in the respective penal codes and legal norms in force and the administrative procedures it can be asserted that in both territories the similarities in the treatment of the suicide corpse outweighed the differences. What is most notable regarding the latter is the extended duration of the proceedings in early modern Sweden which caused the corpse to remain unburied usually for weeks. Apart from this important difference with its apparent impact on those who had to continue their lives next to the corpse, the treatment of the body hardly differed from that in early modern Austria. At this point no determining differences regarding the question of how the body was treated can be observed along the line of confession.[445] Differences in the practices of treating suicides can be first and foremost attributed to diverse local customs, traditions, administrative procedures, but not necessarily religious denominations.

By taking a close look at the documented case studies, a whole range of practices has been uncovered. This multitude of reactions implies that views on suicide corpses were not unanimous but that the handling of the suicide's body was a highly sensitive and complex matter. In cases of suicide, questions of punishment, practical issues, local customs, and popular beliefs collided with responses that included compassion, grief and care. The topic of suicide is truly a creator of paradox; the empirical evidence oscillates – sometimes in sharp contrast – between abhorrence and punishment on the one side, care and efforts to provide a dignified last resting place, save from the executioner's hands, on the other.

When it comes to suicide "[t]here were two practical problems that could not be avoided", as Alexander Murray asserted, "respectively, what to do with the body and with the property."[446] After having addressed the former, let me now turn my attention to the latter.

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anatomy in Vienna since, according to Sonia Horn, some anatomists were granted by the sovereign to use the bodies of hospital inmates since the second half of the seventeenth century, cf. Sonia Horn, "Vom Leichenöffnen. Beobachtungen zum Umgang mit anatomischen und pathologischen Sektionen in Wien vor 1800," *Wiener Klinische Wochenschrift* 116 (2004): 792–803; 797 and Sonia Horn, "Sektion und Obduktion in Ländern ohne erforderliche Zustimmung Hinterbliebener – Unterschiede des Umganges mit Toten. Versuch einer historischen Annäherung am Beispiel Wien" *Körper ohne Leben. Begegnung und Umgang mit Toten*, ed. Norbert Stefenelli (Wien/Köln/Weimar: Böhlau, 1998), 596–603; 599f. Regarding the legal status of dissections cf. Josef Pauser, "Sektion als Strafe?," *Körper ohne Leben. Begegnung und Umgang mit Toten*, ed. Norbert Stefenelli (Wien/Köln/Weimar: Böhlau, 1998), 527–535.

445 I will return to this question in chapter 4.

446 Murray, *The Curse on Self-Murder*, 10.

Economic aspects

This chapter poses questions concerning the economic – mainly financial – aspects of suicide in early modern Austria and Sweden. The question whether confiscation was a punishment for suicide is a recurring theme in the research on suicide in a historical context. This chapter will examine this issue for the Austrian Archduchies, providing new insights on the subject. Besides forfeiture, I would like to present and discuss also some other financial matters that might appear episodic or unimportant at first glance. Hopefully, however, they contribute to a better understanding of the dynamics of the investigation into suicide cases in early modern Austria. Looking at the economic implications of suicide helps to explain the tug-of-war for the suicide corpse between different lordships that at times can be observed in early modern Austria.

It is the absence of financial issues in the Swedish case histories that struck me most when first examining the source material for both territories. While in most of the cases from the Austrian Archduchies (unresolved) financial matters played an important role, maybe even were the reason why different writings were generated and thus the suicide documented in the first place, money was hardly ever mentioned in the Swedish cases.[447] Why this discrepancy? And more importantly: how did it affect the handling of the suicide case and the punishment of the deceased and his/her family? Let me begin with the most obvious aspect, the confiscation, or forfeiture, meaning that the suicide's property was seized by an authority and could not be passed on to his or her relatives.

Confiscation

The stipulations regarding confiscation as a punishment for suicide varied significantly throughout Europe.[448] But even where forfeiture was provided by laws the extent of implementation is often unclear. For Geneva, Jeffrey Watt has shown that confiscation occurred only in four out of 361 cases of self-killing that he collected for the period after 1650. In a few additional cases fines were imposed on the estates of suicides, or donations to the state could be made to avert the fine.[449] For Robert Houston this is "a reminder

[447] The exception being fines meted out for suicide attempts.
[448] Cf. *Houston, Punishing the dead?*, 28 f.
[449] Watt, *Choosing death*, 94. Then, however, large sums were in play, cf. 98 f; 104.

that the existence of a law code should not be conflated with its implementation".[450] Apart from England and Scotland with their insular exceptional positions,[451] most historians agree that – with few exceptions – forfeiture played hardly any role in continental Europe during the early modern period.[452] Along with early modern Flanders, where according to Lieven Vandekerckhoven confiscation was a substantial part of the punishment for suicide, the Austrian Archduchies, it appears, belonged to these few exceptions in central Europe.[453]

As outlined previously forfeiture was not prescribed in any of the Swedish penal codes for the period under investigation. On the contrary, *Kristofers landslag* explicitly prescribed that the heirs inherited the property in either case. The subsequent *Sweriges Rikes Lag* (1734, in force from 1736) did not even mention the matter of confiscation anymore.[454] The topic simply was not relevant and had not been for centuries, and thus there was no reason to discuss it.

The situation in early modern Austria was, however, quite different. Let me first take a look at the details of the relevant sections of the law:[455] A stipulation prescribing forfeiture as a punishment for premeditated suicide can already be found in the code from 1514 for Austria below the River Enns. This stipulation was transferred into the subsequent penal codes for the same area. In Austria above the river Enns (code from 1559), the confiscation was legal only in combination with a *crimen læsæ maiestatis* and thus was presumably hardly ever applied in practice. However, the *Leopoldina* from 1675 adopted the provisions from the penal code of Austria below the river Enns and thus introduced the confiscation of property as a punishment for premeditated suicide also in Austria above the river Enns. From 1514 (Austria below the River Enns) respectively 1675 (Austria above the River Enns) onwards until the *Theresiana* (1768) came into force confiscation was provided in the Austrian penal codes. It is noteworthy that confiscation as a punishment for intentional suicide was introduced in Austria above the River Enns more than 150 years

450 Houston, *Punishing the dead?*, 29.
451 Cf. MacDonald and Murphy, *Sleepless Souls*; Houston, *Punishing the dead?*, 30–188.
452 Cf. Lind, *Selbstmord in der Frühen Neuzeit*, 340–347; Lederer, *Madness, Religion and the State*, 251; Kästner, Kästner, *Tödliche Geschichte(n)*, 143.
453 Vandekerckhoven, *On Punishment*, 95–120.
454 Cf. chapter 2.
455 Ibid.

later than in Austria below the River Enns. Before I turn to the question as to whether these stipulations were applied in practice, I will take a closer look at the relevant sections penned down in the *Ferdinandea* and the *Leopoldina*.[456]

Sections three through six of the respective articles regulated the legitimacy, procedure and the extent of the confiscation.[457] Section three allowed the proprietor of the *Landgericht* where the intentional self-killing occurred to seize all immovable and movable goods ("*liegendes und fahrendes Gut*") within the borders of the *Landgericht*'s district. The same right was granted to other proprietors of *Landgerichte* when the deceased had left behind any assets within their criminal court district. The assets of members of the nobility, and those of residents of cities and market towns under the order of the sovereign (*landesfürstliche Märkte und Städte*) did not fall to the *Landgerichte* but were seized by the fiscal authorities of the sovereign. Section four clarified the extent of the forfeiture: If the suicide left behind four or more children, then they were entitled to half of the bequest. If less than four children were left behind, then they received one third of the inheritance after the deduction of all debts and the claims of the spouse. I assume that the share of the widow or widower depended on the particular matrimonial property regime in force.[458] If there were no children but other relatives by blood left behind, they would receive the third part of the bequest. The rest fell to the *Landgericht*.

It was the task of the manorial lord to administer the estate – thus, not the property but the money should be transferred to the *Landgericht*. Section five explained the probate proceedings which were to be handled by the manorial authorities where the deceased had resided. The holder of the *Landgericht*, as an involved party, was free to send a representative to be present during the proceedings. Finally, section six stipulated what to do in case the self-killer died testate. Unsurprisingly his or her last will was declared invalid, with one exception: donations for pious purposes remained intact as long as that did not interfere with the share for the children and the *Landgericht*.

Alexander Murray called to attention the obvious discrepancy in this matter: "The purpose of testamentary almsgiving was held to be the benefit of the testator's soul in Purga-

[456] Most of the suicide cases from my sample fell into the scope of application of these two codes. The wording is almost the same in both codes, and with regards to content, they are identical.

[457] Cf. *Ferdinandea* Article 69, section 3–6; *Leopoldina* Article 11, section 3–6.

[458] Cf. Leopoldina Article 11, section 4.

tory. But the suicide was in Hell. Nothing was more certain."[459] According to Murray some jurists therefore hold that self-killers could not validly leave goods in alms for pious purposes. Others, however, argued quite the opposite, stressing that these were the only purposes for which a suicide could validly leave goods. Apparently it is this latter view that prevailed in the Austrian penal codes.[460] Perhaps this suggests that money was more important than religion or ideology. Maybe, however, this might also be interpreted as an indicator that the damnation of the suicide's soul was not as consistently as assumed, but had cracks.

The question is how – if at all – these legal provisions were applied in the Austrian Archduchies in practice? Of course, to answer this question it would be quite illuminating to systematically collect and analyze probate proceedings of self-killers; this task, however, goes beyond the scope of the present study and thus has to wait for another time. Instead I subjected the cases from my sample to a close reading.[461] Frequently the sources provide an insight into the debate at a crucial point; when the decision as to whether or not seize chattels was made. By applying the method of close reading, the processes and dynamics underlying the confiscation will be illuminated.

For starters, let me return to the case of Stephan Pühringer that has already been described in more detail.[462] The documents handed down in this case make it abundantly clear that from the very beginning the struggle by the manorial estate to establish the self-killing as an act of unreasonableness was closely linked to preventing the *Landgericht* from confiscating the bequest in order to maintain it for the deceased's daughter. Both in the letters to the manorial estate's commissioned syndic and the writings to the priests requesting the attestation, the administrator of the *Grundherrschaft* explicitly mentioned the risk that the *Landgericht* might take the bequest from the daughter.

On September 4, 1686 a probate proceeding concerning Stephan Pühringer's estate in a different *Grundherrschaft* took place, which left his daughter and only heir, 78 *Gulden* after

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459 Murray, *The Curse on Self-Murder*, 83.

460 Cf. Murray, *The Curse on Self-Murder*, 83.

461 Some of these have been mentioned but not analyzed in detail in Luef, "Punishment Post Mortem," 571 f.

462 Cf. case of Stephan Pühringer 1686, see chapter 2 in this study.

all deductions.[463] Again, severe frictions between the *Grundherrschaft* and the *Landgericht* evolved since the proceedings took place without the presence of the administrator of the *Landgericht* despite his specific request and – as I have pointed out, against the provision of the law. This incident prompted the *Landgericht* anew to write a letter of complaint to the *Landeshauptmannschaft* in Linz, requesting two thirds of the estate of Stephan Phüringer.[464] Apparently the *Grundherrschaft* did not follow this request since it was reiterated in January 1687 and again in April 1687, nine months after the suicide took place.[465]

This ongoing dispute about the economic aftermath of the case is the reason why the self-killing is relatively well documented. Of course, there might be other underlying reasons why the *Grundherrschaft* was so eager to fight for the deceased's estate; one can assume that the relationship and cooperation between *Grundherrschaft* and *Landgericht* generally was not too harmonious. But it is evident that the acrimonious dispute was fought about the estate; the insistency on the *non compos mentis* verdict (on the part of the *Grundherrschaft*) respectively the denial of a burial in sacred grounds (on the part of the *Landgericht*) were secondary scenes in this argument, merely serving as means to an end. After all, the *Grundherrschaft* could not even achieve an interim burial at the deceased's property. Notably this endeavor did not fail due to resistance from the *Landgericht*, but because the manorial estate's own subjects (*Grunduntertanen*) and neighbors did not want the corpse to be buried there. It remains unclear what the whole gain of the confiscation would have been, but I doubt that two thirds out of 78 *Gulden* were worth all the trouble. At that point the bureaucratic effort most likely exceeded the revenue that could be expected. However, when we keep in mind that it was less than ten years that the confiscation of the bequest of intentional self-killers was introduced in Austria above the River Enns it is also possible that the self-killing of Stephan Pühringer served as a reason to show muscles in the power game over influence and jurisdiction in suicide cases.

A case quite different from this one is another example of confiscation that took place only a year later, this time in Austria below the River Enns.[466] On June 29, 1687 Thomas Auer, subject of the Herrschaft Pöggstall, and Michael Schreckhenfux were out to lumber

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[463] OÖLA, HA Ebenzweier, archives box 2, bundle 12, Zehent Verhandlung, dated September 4, 1686.

[464] OÖLA, HA Ebenzweier, archives box 2, bundle 12, letter to the Landeshauptmannschaft in Linz, dated November 16, 1686.

[465] Ibid., letter by Isaac Auer to the Landeshauptmannschaft, dated January 17, 1687; letter by Isaac Auer to the Landeshauptmannschaft, dated May 14, 1687.

[466] Cf. the case of Thomas Auer, 1687.

wood when according to Michael Schreckhenfux' testimony, Thomas Auer all of a sudden started to scream and tear at his hair, put two fingers in his mouth, ran towards the nearby lake and rushed into the water. Michael Schreckhenfux chased after him into the water, grabbed him at his shirt and tried to hold him. However, fearing that they both would drown, he exclaimed "*Jesus Maria, wür ersaufen alle beyde*" [we both drown] and let him go.[467] Catharina, the deceased's wife, when asked if her husband had ever been of "ludicrous reason" ("*abwützigen verstandts*"), remembered that seventeen years ago he once had lost his mind for three days during a sickness. Ever since, according to her statement, he had been of sound mind though.

Although Thomas Auer's behavior shortly before his death had been exceptional and nothing incriminating had been brought forward against him otherwise, the authorities reasoned that he must have deviated from God and become a victim of the devil.[468] Thomas Auer's sudden fit, as described by his co-worker, was not interpreted as an indicator for 'temporary insanity' but associated with the devil, causing Thomas Auer's – and his family's – punishment. As a consequence of this assessment his body was dragged on a tumbrel and disposed of in a morass by the skinner (for lack of an executioner, as the source states). Moreover, his bequest was to be confiscated by the *Landgericht*. An inventory enclosed in the archive bundle listed his few chattels: a shirt, a table and kitchenware, two saws, a plow, an ax etc. The estimated value of all his belongings amounted to 15 *Gulden* 10 *Kreuzer*.[469] According to the penal code two thirds of this sum were to be seized. However, due to the poverty of his wife and two young children, the *Landgericht* did not insist on its privilege. Instead an individual solution was negotiated with the widow. She had to pay five *Gulden* to the *Landgericht*, and three *Gulden* to the court usher and the skinner for the disposal of the corpse (*Vertilgung*). The widow was allowed to keep the rest of

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467 Michael Schreckenfux's testimony was confirmed by another man who had worked nearby.

468 "*von Gott abgewichen, und dem abgesagten böẞen feindt in seinen rachen gefahren*", cf. case of Thomas Auer, 1687, fol. 32v.

469 The inventory is headed „*Inventarium. Deß selbst entleibten Thomas Auer vermögen*" (Inventarium. The assets of Thomas Auer). To all appearances the listed things had belonged to the suicide, and did not concern belongings of his wife or things they had owned together. But as previously said, more research into the property situation and probate proceedings would be helpful.

the money and the grain (most likely wheat) they had grown. The harvest of the oats, however, fell to the *Landgericht*.[470]

Thomas Auer was most certainly not a wealthy person, he and his family hardly made ends meet. Yet this did not keep the *Landgericht* from insisting on its legitimate claim and executing the confiscation. Since it was surely not the prospect of a big economic gain I assume that the *Landgericht* simple followed the standard procedure in cases of intentional self-killings. Strictly speaking it even showed leniency by (slightly) reducing its claims.

In another case from 1712 from Austria below the River Enns the *Landgericht* Weitra did not act that modestly but tried to seize half of the bequest despite the fact that the self-killer left behind six children.[471] In 1723, when a man from Zeining, also located in Austria below the River Enns, hanged himself, his son and only heir had to deliver two thirds of the self-killer's bequest, which in this case were 89 *Gulden* 55 *Kreuzer* out of the 134 *Gulden* 52 *Kreuzer* 2 *Pfennige* that in the course of the probate proceeding were estimated as the value of the deceased's estate.[472]

Another example that is illuminating with regard to the persistency the *Landgericht* showed in insisting on its claims is the following one. Again, this was not about the big money but concerned rather small sums. On July 20, 1726, Eva Gräbmerin, a small holder (*Kleinhäuslerin*) in Schalchham, a settlement located in Austria above the River Enns was found hanged by her husband.[473] In the archive a thin convolute regarding her suicide survived. While revealing more or less *en passant* the circumstances of her death the content mainly concerned the economic aftermath of her suicide. Including the cover sheet which translates to "regarding the criminal court expenses paid from Wagrain to Puchheim for the disposal [*Vertilgung*] of the subject of Wagrain at Schalcham", the documentation of the self-killing comprises nine writs, consisting of concepts, original letters and copies, and specifications of costs, stretching over a time period of six years. The

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[470] The case is also mentioned in Ludwig Neunlinger, "Beiträge zur Geschichte der Herrschaft Pöggstall" (Diss., University of Vienna, 1969), 185 f. Incorrectly he states that the value of the estate amounted to 55 *Gulden* 10 *Kreuzer*.

[471] Suicide of a miller in 1712, cf. Josef Kraft, "Übernahme eines Selbstmörders durch das Landgericht, *Jahrbuch für Landeskunde von Niederösterreich* NF 24 (1931): 275–276; Feigl, *Die niederösterreichische Grundherrschaft*, 146.

[472] Cf. case of Johann Mayr, 1723, HA Pöggstall, KGA Krems, HS 102 Verhörs-Protokoll über Kriminal- u. Zivilsachen der Hft. Pöggstall 1686–1741, fol. 184–185.

[473] Cf. case of Eva Gräbmerin, 1726.

documentation is fragmentary but nevertheless provides valuable insights into the economic aftermath of her suicide.

In a concept letter addressed to the jurist in Linz, Dr. Dionysius Adam Frideli, dated July 21, 1726, the administrator of the *Landgericht* Puchheim informed the legal expert about an intentional suicide that had taken place under his criminal jurisdiction. Earlier the same day, the administrator of the *Grundherrschaft* Wagrain had verbally reported to him that Eva Gräbmerin had hanged herself in despair ("*verzweifelter weis*"). At this occasion, the two men had apparently also discussed the economic situation of the deceased. The letter informed Dr. Frideli that the family had only a small house and garden, hardly worth more than 50 *Gulden*, and that they also had outstanding debts in the amount of approximately 40 *Gulden* according to the administrator of the manorial estate. Due to the poor financial situation of the family the administrator of the *Landgericht* Puchheim expected that the *Landgericht* would have to cover the greater part of the expenses. Therefore he asked Dr. Frideli to request on his behalf of the *Bannrichter*[474] that the dead body could be disposed by the local skinner instead of the executioner. In case the request was not conceded, however, the executioner should be sent as soon as possible, due to the "great heat".

It should be noted that the letter from the administrator in Puchheim to the jurist in Linz did not concern the verdict *per se* but only its execution; to all appearances *Grundherrschaft* and *Landgericht* had agreed that Eva Gräbmerin's self-killing fell into the *felo de se* category only hours after her husband reported the incident.[475] The purpose of the letter was to save money, since the service of the local skinner would have been not only faster but

[474] The *Bannrichter* was an educated jurist appointed by the sovereign in order to oversee the work of the *Landgerichte*, cf. Griesebner/Hehenberger, "Entscheidung über Leib und Leben".

[475] Although, in a later writing the administrator of the manorial estates mentions that Eva Gräbmerin – according to reports – had taken her life due to pusillanimity.

also cheaper than that of the executioner.[476] However, the application was not granted and the executioner was ordered to travel to Wagrain.[477]

In November 1727, more than a year later, the administrator of the *Landgericht* Puchheim asked the holder of the *Grundherrschaft* Wagrain to remind his administrator to pass on the documents regarding Eva Gräbmerin's probate proceedings. At this point the costs for the disposal of the corpse had already been reimbursed but the *Landgericht* wanted to check if further claims could be made. Hereupon the administrator of the *Grundherrschaft* informed the *Landgericht* that the estimated value of her estates was of the amount of 71 *Gulden*, whereof more than 46 *Gulden* had already been subtracted to cover various taxes, the pay for the executioner etc. Thus, ca. twelve *Gulden* remained to the widower, and ca. eight *Gulden* to the two young children. The administrator of the *Grundherrschaft* was eager to emphasize that the *Grundherrschaft* would follow the stipulations of the law. However, he also noted that Eva Gräbmerin had brought only 15 *Gulden* into her marriage and asked the *Landgericht* to consider the situation of the "innocent husband" and children. Most likely it was also a strategic move to send the widower himself as the carrier of this writing to the *Landgericht* where he most likely in person asked for leniency.[478] It appears as if the strategy was successful. In a written acknowledgement from August 1732 – more than six years after the self-killing took place – the administrator of the *Landgericht* confirmed that he had been reimbursed the costs for the disposal of the corpse and that he had received the hitherto outstanding "*Hebgeld*"[479] in the amount of five *Gulden* and 15 *Kreuzer*. Moreover the writing clarified that the handling of Eva Gräbmerin's case was an exception in view of her husband's and children's poverty. However, for future cases the

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476 For the relation respectively competition between the two professional categories of executioners and skinners see Jutta Nowosadtko, *Scharfrichter und Abdecker: Der Alltag zweier "unehrlicher Berufe" in der Frühen Neuzeit* (Paderborn et. al.: Ferdinand Schöningh, 1994). The biography of quite an exceptional and much honored representative of this profession, the executioner, healer, collector and writer Karl Huß has been portrayed by Hazel Rosenstrauch, *Karl Huß (1761–1836), der empfindsame Henker. Eine böhmische Miniatur* (Berlin: Matthes & Seitz, 2012).

477 As Susanne Hehenberger pointed out it would have been too expensive for most criminal courts to employ an executioner. Thus in most cases the service of the executioner had to be arranged via the *Bannrichter* in Linz, cf. Hehenberger, *Unkeusch*, 42.

478 The document mentions "the innocent man as the carrier of this writing", thus I assume he delivered it in person to the office of the *Landgericht*.

479 The terms „Heb-Geld" (Austria above the River Enns) and "Abfahrst-Geld" (Austria below the River Enns) denominate a tax that had to be paid when a subject relocated and moved his or her estates into the domain of another lordship. In the case of death it meant some sort of inheritance tax. cf. Greneck, http://digi.ub.uni-heidelberg.de/diglit/drwGreneck1752/0226, 219 f.

Landgericht explicitly reserved its right to execute confiscations in suicide cases as outlined in the penal code.

Unlike in the case of Stephan Pühringer, the cooperation between *Grundherrschaft* and *Landgericht* seemed to work just fine in the case of Eva Gräbmerin. Again the *Grundherrschaft* tried to preserve as much of the deceased's estate as possible, yet in a more subtle way. It did not, however, question the legal claims by the *Landgericht per se*. The confiscation of estates appears to have been standard procedure in cases of intentional self-killings even when the deceased left hardly anything behind. The *Landgerichte* were entitled to confiscations in such cases by the penal codes and enforced their legal claims. It was an act of leniency and mercy when they abstained from taking their part of the bequest. However, the long drawn example of Eva Gräbmerin also shows that such clemency did not come easy. And even when the *Landgericht* waived its right to confiscate, it was very stubborn when it came to the reimbursement of taxes and other costs that came with a self-killing.

Also in the case of Jacob Fridl, a 70-year-old subject of the *Grundherrschaft* Rottenegg in Austria above the River Enns, the competent *Landgericht* Waxenberg inquired shortly after his death about his estates. The administrator of the *Grundherrschaft* reported back that hardly anything worth estimating was found in the course of the probate proceedings, in sum only ten *Gulden*. No further documents exist that would shed light on the economic aspects of this case but since the estate did not even cover the usual costs I doubt that there was anything left to be confiscated at all.[480]

When Jacob Pauer drowned himself in the river Thaya in 1762, the administrator of the *Landgericht* also 'reminded' the *Grundherrschaft* of its right to seize parts of the estate, citing the relevant section of the penal code. Also in this case it is unclear how much – if anything at all – the *Landgericht* received in the end. The documents reveal that in the course of the probate procedure it became evident that the deceased had not been as wealthy as assumed. Moreover, at that time it was unclear if any children had to be considered in the

[480] Cf. case of Jacob Fridl, 1760, letter from the *Landgericht* to the administrator of the *Grundherrschaft*, dated January 8, 1760; copy of the reply letter from the *Grundherrschaft* to the *Landgericht*, dated January 11, 1760. The investigation into the suicide of Jacob Fridl is also interesting regarding the course of the procedure. After his suicide the *Grundherrschaft* wanted to hand over the case to the *Landgericht* but the *Landgericht* rejected it. The administrator of the *Landgericht* reminded the administrator of the *Grundherrschaft* that it was his task to first clarify the cause of the suicide before it became a matter for the *Landgericht*. It was first then that the *Grundherrschaft* conducted a "superficial inquisition", cf. letter from the *Landgericht* to the administrator of the *Grundherrschaft*, dated January 7, 1760.

proceedings. The couple had been married for only eight weeks and thus it was still unclear if his wife had become pregnant. Finally, again the *Grundherrschaft* pleaded to show clemency for the deceased's poor wife.[481]

Although few by number I think that these case histories tell a lot regarding the practice of confiscation in early modern Austria. It is important to note that the confiscated estates fell to the *Landgerichte* respectively their proprietors, and not to a central administration on behalf of the crown or the sovereign.[482] In neither of the presented examples was the *Landgericht*'s right and privilege to confiscate questioned. On the contrary, one gets the impression that forfeiture in cases of intentional suicide was an established practice. Questions arose only concerning the implementation of this punishment with regard to the unique situation of each and every case of self-killing. Thus, as shown, confiscation was not only stipulated by law but also applied in practice in both early modern Austrian Archduchies since 1675. This means that every family in which a suicide occurred had to face – besides the personal tragedy – also an impending economic crisis. In several cases the confiscation of a suicide's bequest endangered the livelihood of the bereaved family. It is noteworthy that none of the above mentioned self-killers left behind a fortune. The sums in question are noticeably low compared to other territories, even when we consider that in the face of confiscation it was opportune to appear needier than one actually was. There is no doubt that this punishment was generally considered in cases of intentional self-killings: Neither was it applied only to rich people, nor were poor families *per se* spared. The possibility to forestall fines by making donations to the territory state, as observed in Geneva, did not occur in the Austrian Archduchies.[483]

The fact that *Landgerichte* possessed the right to confiscate, however, does not mean that they always executed it to the full extent. How diligent the right to confiscate was implemented in practice differed presumably from *Landgericht* to *Landgericht*, and – as shown above – from the particular circumstances of each case. The *Landgerichte* negotiated individual solutions with families or their patrimonial authority, mitigated the burden of the confiscation or even abstained from their right completely at times. However, it is im-

[481] NÖLA, HA Raabs 1762.
[482] Except in cases where the *Landgericht* was held by the sovereign.
[483] Cf. Watt, *Choosing death*, 94; 98 f.; 104.

portant to understand these arrangements as acts of clemency and goodwill, but not as something that was intrinsic to the procedure: bereaved families could not count on it.
For Scotland, Robert Houston has shown that the consequences of forfeiture were less damaging to the bereaved than assumed. He suggests that forfeiture for suicide in Scotland should not only be regarded as a punitive and deterring measure; it also served as a form of "social engineering". According to Houston it helped to repair the social network and the relationship between rulers and ruled that had been destabilized through the "bad death".[484] However, I have trouble interpreting confiscation as practiced in the Austrian Archduchies in a similar way. To me it appears as an additional punishment, an insistence on an established privilege that came with the administration of 'high justice', and a welcome source of income for the mostly unprofitable *Landgerichte*.

Now that it has been established that confiscation was a part of the punishment for intentional suicide in early modern Austria the question remains if this economic aspect influenced the way cases of self-killing were handled. I assume that it made a difference. After all, for the involved parties, it was not only the last resting place, family honor and eternal bliss that were at stake, but potentially also financial loss or gain. It is a reasonable assumption that families, who besides the loss of a family member also feared for their livelihood, had a special interest in convincing the authorities of the *non compos mentis* state of the deceased. Before this background, cases like the one described by Alexander Kästner, where family members tried to make a man, who had attempted suicide, appear in a bad light, seem unlikely.[485] The opposite, however, that suicides were denied the full possession of their senses at the time of the deed in order to obtain a silent burial and save their goods from forfeiture, seems more likely. It seems that the *Grundherrschaften* by and large tried to defend the interests of the heirs and tended to persuade the *Landgericht* of the mental incapacity of the self-killer. This was not necessarily without self-interest. The economic situation of the deceased's family was most certainly a concern for the manorial lord since poor relief usually fell into the competence of the local community and thus remained within the *Grundherrschaft*. The criminal courts were of course well aware of this

[484] Cf. *Houston, Punishing the dead?*, 30–94.
[485] When the man survived against all expectations, he presented an explanation for his suicide attempt that contradicted the narration of his wife and son, cf. Kästner, "Verlorene Seelen?," 68–73.

tendency. Occasionally they complained that in cases of self-killing the *Grundherrschaften* were quick in bringing forward "all kinds of excuses", ascribing the suicide to "sickness which resulted in pusillanimity".[486] Without question, the differentiation between the 'two kinds of suicide' left plenty of leeway. Since in general the *Landgerichte* profited from the confiscation while it was rather disadvantageous to the *Grundherrschaften*, it does not come as a surprise that conflicts occasionally arose along the fault lines between 'low justice', held by the *Grundherrschaften*, and 'high justice', held by the *Landgerichte*.[487]

All in all, the Austrian example adds another piece to the multifaceted mosaic of confiscation practices in early modern Europe supporting the hypothesis that forfeiture in the context of suicide comprised a variety of practices and meant different things in different territories.

The procedural costs and other expenses

In the course of the above made depiction of the role of forfeiture in early modern Austria, it has become clear that besides confiscation, other financial aspects also emerged in the aftermath of a self-killing, namely the procedural costs, which must not be confused with the confiscation itself. While the latter was a punishment for intentional suicide, the procedural costs comprised all spending that accumulated in the course of the suicide investigation and the subsequent proceedings. These expenses were usually taken out of the bequest of the deceased.[488] The obligation to settle these expenses applied to all self-killings, regardless whether the case was ruled *non compos mentis* or *felo de se*; it was not part of the punishment.

A specification of costs survived in the case of Joseph Aichberger, who hanged himself on July 21, 1758 and who was granted a Christian burial in the evening, yet without "a funeral feast, knelling, singing or many people in the funeral cortege".[489] The expenses comprised a diet for the scribe and guards who watched the corpse two days and one

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[486] Cf. case of Stephan Pühringer, 1686, letter concerning the suicide of Adam Rodler, dated January 27, 1687; cf. also the case file for Adam Rodler, 1687, OÖLA, HA Ebenzweier, archives box 2.

[487] This of course applies only to those cases where "low justice" and "high justice" were held by different proprietors and did not lie in the same hands.

[488] Usually the *Landgerichte* demanded the payment from the *Grundherrschaft* which in turn tried to get the expenses reimbursed out of the suicide's bequest, see below. Cf. also Griesebner, *Konkurrierende Wahrheiten*, 72 f., 126–129.

[489] "Eine todenzöhrung, leydten, besingen oder ville leyth zum grab zu beglaidten habe nit gestattet…", cf. Case of Joseph Aichberger, 1758.

night, expenditures for the scribe's horse, pay for the barber surgeon's affidavit, provisions for an official who to all appearances attended the funeral – maybe to inspect if the above mentioned restrictions were observed, – expenditures for the *Hofamtmann*, the hunter adjunct (*Jägerjunge*) and court usher for their services, and finally all expenses for the investigation, the recording of the witness statements, composition of the file and various travels. All in all the *Landgericht* invoiced the *Grundherrschaft* 17 *Gulden* and 27 *Kreuzer*. This sum was settled by the *Grundherrschaft* on August 2, 1758.

If the body had to be disposed of by the executioner the bill could be even higher. In the case of above mentioned Eva Gräbmerin the executioner alone charged 20 *Gulden* and 30 *Kreuzer* for his services whereof one *Gulden* and 30 *Kreuzer* were designated for the *Bannrichter*, four *Gulden* were charged for the disposal of the corpse while 15 *Gulden* covered the travel expenses for five days.[490] In comparison, the procedural costs and the disposal of the corpse of Elias Stockhamber were low priced, amounting altogether to eleven *Gulden*. Unlike Eva Grabmerin he had been disposed of by the local skinner, which saved both the fee for the *Bannrichter* and the expensive travel costs for the executioner.[491] In the case of Maria Eggersdorferin who committed suicide in 1725 and was buried at night by honorable people at the spot reserved for 'inculpable children' the *Landgericht* claimed as a reimbursement for its effort and the inspection of the body five *Gulden* and two *Schilling*, as designated by the penal code,[492] which was paid by the *Grundherrschaft*.[493]

Usually all costs were disbursed by the *Landgericht* at first. After the investigation was closed it expected to be reimbursed for all expenses by the *Grundherrschaft*. The *Grundherrschaft* in turn took the money out of the deceased's bequest, whenever possible. However, at times there was no bequest that could be used for that purpose,[494] since at times the estates of the deceased did not suffice to cover the costs. In those cases, it was not unusual that the responsibility for the absorption of costs was shifted from one authority to another since no one wanted to be stuck with the expenses. It is before this background that cases where corpses remained unburied for longer periods appear in a

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490 Cf. the case of Eva Gräbmerin, 1726.

491 Cf. case of Elias Stockhamber, 1703, OÖLA, HA Ebenzweier, archives box 2.

492 Cf. *Leopoldina*, article 11, section 13 – this section exists only in the *Leopoldina*, not in the *Ferdinandea*.

493 Cf. case of Maria Eggersdorferin, 1725, letter from the administrator of the *Landgericht*, dated June 4, 1725.

494 Especially when anonymous people were found dead or the deceased was originally from another lordship.

new light. In July 1644, for instance, a corpse remained unburied for several weeks, starting to smell and decompose in the warm weather in Rottenegg, in Austria above the River Enns.[495] The *Landgericht* refused to dispose of the body as long as the *Grundherrschaft* Rottenegg, where the body had been found, did not pay the costs. The *Grundherrschaft* in question, however, argued that the property of the deceased was located in the district of another manorial estate, the abbey Wilhering. If the *Landgericht* wanted a reimbursement it should inquire with the administrator there. At this occasion the administrator of Rottenegg did not miss out to remark sarcastically that the *Landgericht*, because it could collect the fines in criminal cases, would also have to pay when it was responsible. When the *Landgericht* did not react, i.e. dispose of the corpse, the administrator of Rottenegg appealed to the *Landeshauptmannschaft* in Linz, invoking "*summum periculum in mora*" (danger in delay). And indeed, the *Landeshauptmannschaft* ordered the criminal court to immediately dispose of the body without claiming reimbursement from Rottenegg.

Also in the case of the young woman who drowned herself in the town of Freistadt and remained unburied for a month it was the *Landeshauptmannschaft* in Linz who finally had to lay down the law.[496] Mayor and council of the town of Freistadt (as representatives of the *Grundherrschaft*) on the one hand and the *Landgericht* Freistadt on the other, fought over the question of who had to pay the outstanding bills and the executioner. Again, in the letter of complaint that mayor and council sent to the *Landeshauptmann* they insinuated that the administrator of the *Landgericht* was rather quick in his actions when there was something to gain from it.[497] It took three orders by the *Landeshauptmannschaft* until the corpse was taken out of the water and buried. Also in this case the main problem seems to have been that the deceased was not a subject of the *Grundherrschaft* in which the corpse was found. Additionally, there was no one close who advocated her case, or cared about her last resting place. Also, to both authorities it was quite clear from the beginning that there would be no bequest to cover the costs. Neither the town of Freistadt nor the *Landgericht* felt responsible for the young woman's corpse. Since it was the town of Freistadt that was affected by the abhorrent sight it was mayor and council who urged the authorities to remove the body – at the costs of the *Landgericht*.

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[495] Cf. case of anonymous man, 1644, OÖLA, HA Oberwallsee-Eschelberg, archives box 27.

[496] Cf. case of anonymous young woman, 1646.

[497] Cf. case of anonymous young woman, 1646, letter from mayor and council of the town of Freistadt to the *Landeshauptmann*, dated December 1, 1646.

Also in other regards both *Grundherrschaften* and *Landgerichte* occasionally tried to be economic, when the deceased and those left behind were known to be poor, probably in order to lessen the economic burden on the heirs, but also to keep the own expenses low in case the bereaved could not be reimbursed. To assign the local skinner instead of the executioner,[498] as attempted in the case of Eve Gräbmerin, was one way.[499] In another case a confirmation over the deceased's impecuniosity had to be presented in order to abate her and her family a part of the procedural costs.[500] When Joachim Luy drowned in 1728 under unclear circumstances the *Grundherrschaft* abstained from positioning guards to watch the corpse since it deemed it needless and wanted to save the poor widow "unnecessary expenses".[501]

These examples illustrate that not only the punishment of confiscation but also the regular procedural costs were a matter of concern for those left behind and caused many discussions between administrators of *Grundherrschaften* and the *Landgerichte*. Also in early modern Sweden – one can assume – did cases of self-killing cause certain costs. And yet, as noted above, the judgment books do not mention these financial aspects of the proceedings. This again marks a remarkable difference in how the Swedish legal system worked compared to the Austrian.

For Sweden, Jonas Liliequist has addressed the question of how the early modern judicial system was economically funded. In a short outline based on normative texts, he presents how the trial, the time in arrest and the execution of verdicts were financed.[502] Generally, it can be subsumed that in early modern Sweden more or less all legal expenses were covered by the crown, including procedural expenses, the pay for the executioner, the costs of executions, the transportation of prisoners, and their imprisonment. Occasionally the local communities contributed material expenses or workforce, for example by providing wood for the stakes.[503]

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498 Apparently this strategy to save money was popular also in adjacent Bavaria, cf. Nowosadtko, *Scharfrichter und Abdecker*, 81 f.

499 Cf. case of Eva Gräbmerin, 1726.

500 Cf. case of Maria Leißin, 1762.

501 Cf. case of Joachim Luy, 1728, OÖLA, HA Puchheim, archives box 50, bundle 67, nr. 82.

502 Jonas Liliequist, "Kostnadsansvar för rättegångar, fängslande och bestraffningar i 1600- och 1700-talens Sverige," *Rettspraksis* 2 (1994): 16–26.

503 Ibid., 18.

Thus, unlike in Austria, it was not necessary to take the expenses for the proceedings and the disposal of the corpse from the deceased's estate. On the contrary, in 1643 a Swedish commentary in preparation of a law explicitly stated that, in criminal cases, neither the parents nor other relatives should be forced to pay the executioner's wage.[504] Due to the formulation of the text, Jonas Liliequist assumes that this had been common in at least some parts of the country before.[505] From the middle of the seventeenth century onwards, i.e. during the timeframe of this study, the executioner's pay was definitely settled by the crown. In *ex officio* cases, all expenses were covered by the crown and to a certain degree by the local population who, as mentioned above, contributed wood for the stakes or provided food for the delinquent until he or she was sentenced. Most criminal cases, including self-killings, fell under the *ex officio* category.[506] The necessary funds were taken out of the crown's portion of the revenue stemming from fines that were paid to the *häradsrätter* (*kronans andel av sakörena*).[507]

The remarkable absence of economic matters in proceedings regarding self-killings can thus be explained by rather clear regulations concerning the financing of the criminal court system in early modern Sweden. All expenses for the investigation and proceeding of a suicide case were basically covered by the crown through fines imposed on other crimes and misdemeanors. The deceased's estate was not touched. The situation in early modern Austria presents itself quite differently: whenever possible the costs had to be defrayed by the delinquents – or in the case of suicide – by the deceased's estate. The criminal courts were quite motivated to get reimbursed since they otherwise had to bear the costs themselves. Since most *Landgerichte* were held by either noble or clerical proprietors it was not 'the crown' but these noble persons or families who were ultimately financially affected. It was a privilege, honor and demonstration of power to be the holder of a

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504 This was stated in the *1643 års lagberedning*, cf. Liliequist, "Kostnadsansvar," 18.

505 Liliequist, "Kostnadsansvar," 18; Jan Ljungström shares that assumption, cf. Jan Ljungström, *Skarprättare, Bödel och Mästerman* (Stockholm: Carlsson, 1996), 43.

506 Liliequist, "Kostnadsansvar," 19 f. The situation was different in accusatorial procedures where all costs had to be paid by the person who brought the case before court at first. This comprised expenses for incarceration, transportation of prisoners and subsistence costs as well as all expenses for the trial including fees for bringing in the accusation, expenses for hearing the witnesses, stamp-duties etc. If the trial was decided in favor of the accuser, he or she could hope for a reimbursement from the sentenced person's property. Starting a trial through accusation thus contained a certain risk for the accuser, in case the accused did not have any possessions or the trial was lost. Jonas Liliequist, however, assesses that the expenses were not very high.

507 Cf. Abrahamsson, *Swerikes rijkes lands-lag*, 764; note e; cf. Liliequist, "Kostnadsansvar," 19.

Landgericht, but it did not necessarily promise any financial gain. If one was to believe the complaints by contemporaries, it was rather the opposite that was true.[508]

Thus, both the fact that confiscation was a punishment for intentional suicide and the complex way of how to settle the expenses of a suicide investigation and proceeding explain why financial aspects in the aftermath of a suicide took such a prominent position in the documentation of suicide in the Austrian Archduchies, whereas financial matters in connection with suicide were hardly ever mentioned in the Swedish cases from the Västernorrland county.

Miscellaneous economic aspects: loss of income and the power of money

To this point I have primarily focused on how the deceased's heirs and the responsible authorities were economically affected by the self-killing. Yet, both in early modern Austria and Sweden, there are at least two more occupational groups to consider with regard to this question: executioners and priests/pastors.

The disposal of intentional self-killers was not just any task in the executioner's scope of responsibilities; it was more than that: a prerogative. Both in early modern Austria and Sweden, executioners received a fixed annual income.[509] In addition to this basic salary they were paid a specified charge per assignment in both territories. In Sweden, according to Jan Ljungström, each *län* had its own executioner who was salaried by the county governor, the *landshövding*. The county governor, in whose responsibility the execution of the verdicts fell, was thus also the one who assigned the executioner his tasks.[510] The executioner for the Västernorrland county was based in the town of Gävle where also the *länskansliet*, the office, was located. In addition to his basic salary, which was rather low, he got paid for every assignment, including travel costs, diet etc. According to a proposal for a tariff list in 1727 the executioner should receive three *daler silvermynt*[511] for burying a

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[508] Concerning the expenses of a criminal investigation cf. for instance, Griesebner, *Konkurrierende Wahrheiten*, 126–129. The question of cost is omnipresent in the source material from early modern Austria.

[509] Cf. Liliequist, "Kostnadsansvar," 17.

[510] Cf. Jan Ljungström, *Skarprättare, Bödel och Mästerman* (Stockholm: Carlsson, 1996), 22. This work by Jan Ljungström is written in a rather popular scientific way and needs to be treated with caution. In the preface to his book he states that he does not claim to satisfy academic demands. The book is based on archival material, yet he is sloppy with references. Parts of the book are quite bluntly taken from Lars Levander, *Brottsling och bödel* (Stockholm: Gidlund, 1975 [1933]). I draw on his work in the absence of more suitable literature on the topic.

[511] *Daler silvermynt* was the Swedish currency between 1633 and 1776.

self-killer.[512] The situation was similar in the Austrian Archduchies where the executioners usually received four *Gulden* for the disposal of the corpse plus incidental expenses for their travels, food etc. Since the execution of death penalties occurred rather infrequently, the handling of the suicide corpse supplemented the executioner's income considerably in both territories. If intentional self-killers were buried by other people – be it family members or the skinner – it meant a breach of the executioner's prerogative and a loss of income.[513]

Considering this background, the above mentioned rejection of having the corpse of Eva Gräbmerin buried by the local skinner instead of the executioner appears in a new light. After all, the executioner received the respectable amount of 20 *Gulden* and 30 *Kreuzer* in total for his services.[514] When in 1719 the executioner learned that the competent *Landgericht* Oberwallsee had granted the body of intentional self-killer Joseph Sembler to be buried by two court ushers instead of demanding his services he complained about the incident to the *Bannrichter* in Linz. The exceptional circumstances of the suicide of Joseph Sembler will be outlined below. At this point, however, it is of interest that the *Bannrichter* sent a letter to the responsible administrator, reminding him of the relevant sections in the penal code and in a patent of 1689 stipulating that the right to dispose of intentional self-killers fell exclusively to the executioner. As a replacement for the loss of income in this case, the executioner demanded twelve *Gulden* which the *Bannrichter* on his behalf requested from the administrator of the *Landgericht*. If the administrator did not to follow this demand, the *Bannrichter* threatened to take legal action against the *Landgericht*.[515]

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512 Cf. Ljungström, *Skarprättare, Bödel och Mästerman*, 42–44.

513 Regarding the earning of executioners in early modern Bavaria cf. Nowosadtko, *Scharfrichter und Abdecker*, 65–98; cf. also Christoph Holl, *Der Scharfrichter, sein Handwerk und sein Leben in der Frühen Neuzeit* (Berlin: wvb, 2012), 76–80. Holl, however, does not elaborate on the executioner's tasks regarding suicides. There are some region-specific reflections on the profession of the executioner for Vorarlberg and Tirol but unfortunately no studies for the Austrian Archduchies above and below the River Enns; cf. Wolfgang Scheffknecht, *Scharfrichter. Eine Randgruppe im frühneuzeitlichen Vorarlberg* (Konstanz: Univ.-Verlag, 1995); Heinz Moser, *Die Scharfrichter von Tirol. Ein Beitrag zur Geschichte des Strafvollzuges in Tirol von 1497–1787* (Innsbruck: Steiger, 1982). A master thesis on adultery, abortion, and infanticide in early modern Austria below the river Enns, conducted by Birgit Dober, touches the topic *en passent* since the accused worked as a skinner, cf. Birgit Dober, "Ehebruch, Abtreibung, Kindstötung: Eine Fallstudie aus dem frühen 18. Jahrhundert" (Master thesis, University of Vienna, 2013). Unlike the situation in Bavaria, nothing in my source material indicates that during the period under investigation executioners in the Austrian Archduchies or in Sweden had been allowed to take and keep things that had belonged to the self-killers. The Austrian penal codes explicitly prohibited such practices which apparently had been common in some German territories; cf. also Murray, *The Curse on Self-Murder*, 56.

514 Cf. case of Eva Gräbmerin, 1726.

515 Cf. case of Joseph Sembler, 1719.

To poach on the executioner's territory did not remain without consequences in Sweden either. In October 1685 Pär Joensson was sentenced to death by the *häradsrätt* for committing adultery, but the judgment was – as often – mitigated by the Royal Superior Court in the course of the so called '*leuteration*'. His life was spared, instead he was fined 160 *daler silvermynt* and "*uppenbar kyrkoplikt*", meaning that he had to confess and repent his deed in front of the whole assembly during church service. In case he could not pay the fine he should run the gauntlet nine times. Four months later, in February 1686, he shot himself and was sentenced to be buried by the executioner at the place where criminals were usually interred.[516] As it turned out, however, the deceased's widow had in the meanwhile instructed a Sami ("*lapp*") to bury the corpse. According to Jonas Liliquist, it was not uncommon in the northern parts of Sweden that Sami people or "parish Lapps" were paid to carry out dirty and infamous chores like killing cats, dogs and horses and clean the streets in the towns.[517] Thus, in this case the above mentioned Sami might have fulfilled a role similar to that of a skinner in the Austrian Archduchies. But when the *hovrätt* learned about the incident it informed the *landshövding* that the Sami should be sought after and incarcerated for eight days for interfering with the executioner's work.[518] Unfortunately the letter does not mention if the widow also received a fine and if the executioner was compensated for his loss of income.

Without doubt the pay for handling the corpses of suicides was a substantial part of the executioner's income. It is only understandable that he wanted to make sure that no one else spoiled his business. However, there is at least one occasion documented where an executioner in pursuing a potential assignment clearly overstepped his boundaries. When the administrator of the *Landgericht* Oberwallsee went to inspect the corpse of the self-killer Matthias Khögler, a subject of the *Grundherrschaft* Waxenberg, in July 1711, he found the executioner together with his two assistants already waiting in front of the house where the self-killing had taken place. Since the house was located within the jurisdiction of the *Landgericht* Oberwallsee, the administrator of Oberwallsee felt compelled to write a

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516 Cf. case of Pär Joensson, 1686.

517 Cf. Jonas Liliequist, "The Cat on the Mayor's Door or Robert Darnton's Great Cat Massacre Revisited: Symbols and Social Protest in a Northern Swedish Town at the Turn of the 18th Century", *UGPS Working Paper Series* 1 (2013): 22 f., http://www.org.umu.se/ugps/eng/working-paper-series/ (last accessed: 2016-05-11).

518 Svea Hovrätts brev April 29, 1686, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa: 7, HLA, microfiche S21052, sheet 3.

letter of complaint to his colleague of the *Grundherrschaft* in Waxenberg. The administrator of Waxenberg, however, assured him in a written reply that he had not sent for the executioner, who to all appearances had acted unauthorized. The overhasty action probably also had negative consequences for the executioner since the administrator of Waxenberg promised in his reply letter to punish him for this transgression. Matthias Khögler did not get in the hands of the executioner but – at least proverbially – in those of the priest; he was granted a silent burial at the churchyard.[519]

This brings me to the second occupational group that was economically affected by a self-killing, namely priests and pastors. In his commentary on the *Ferdinandea*, published in 1751, the Austrian jurist Franz Joseph Bratsch mentioned a peculiar case with regard to this aspect.[520] According to Bratsch, it happened that a wealthy peasant had hanged himself. But since the local priest did not want to miss out on the *jura stolae*[521] he instructed the gravedigger of his parish to make the peasants, guarding the corpse, drunk. Then he should cut the corpse from the rope, put it in a bag, and carry it to the cemetery, because, as Bratsch remarked, the belief was widespread amongst peasants that a suicide corpse buried at the cemetery would cause damaging thunderstorms, and since the peasants might have had a vague notion of the gravedigger's enterprise, they had deployed guards along the way. Thus, when the gravedigger passed at a suitable spot the peasants snatched the corpse away from him. The *Landgericht* later ordered the body to receive a "dog burial" (*sepulture canina*). As a consequence for his interference with the jurisdiction of the *Landgericht* the priest had to cover all procedural costs. In addition he also had to pay the gravedigger, who had been let go, a compensation for the loss of his job. The *Landgericht*, however, issued the gravedigger an "*Ehrenschein*", i.e. a certificate, which attested that this incident did not diminish his honor.[522]

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519 Cf. case of Matthias Khögler, 1711, OÖLA, HA Oberwallsee-Eschlberg, archives box 27.

520 Regarding Franz Joseph Bratsch and his commentary cf. Hehenberger, *Unkeusch*, 61 f.

521 Pastoral perquisites, *Jura stolae*, in German also "*Stolgebühren"* ("stole fees"), are fees paid by parishioners to the clergy for certain liturgical services such as baptisms, weddings, and burials. They were an official component of the pastoral stipend (Benefice) and hence part of the priest's/pastor's income. The name is derived from offices at which a stole was worn; cf. Hartmut Böttcher, "Pastoral Perquisites (Jura Stolae)," *Religion Past and Present* (Brill Online, 2015), accessed August 12, 2015 http://referenceworks.brillonline.com/entries/religion-past-and-present/pastoral-perquisites-jura-stolae-SIM_124982 First appeared online: 2011, First Print Edition: isbn: 9789004146662, 2006-2013.

522 Franz Joseph Bratsch, *Über Weiland der Römisch-Kayserlichen Majestät Ferdinandi des Dritten, Peinliche Land-Gerichtsordnung in Oesterreich unter der Enns, ersten und anderten Theil dienliche Anweisungen und nutzliche*

Dramatic and entertaining as this description by Franz Joseph Bratsch might be, it nevertheless turns our attention to the fact that also priests respectively pastors had something to lose by not being allowed to conduct a funeral. Both in Catholic and Lutheran territories was the *jura stolae* part of the cleric's income.[523] For early modern Austria several 'stole orders' were issued, stipulating how much the priest was allowed to charge for his services. Regarding funerals the fees varied depending on the deceased's affiliation to a social class (e.g., if the dead person was of noble origin, an official, burgher, peasant, servant or tenant), prosperity, and age. The most costly funeral according to the stole order of 1689 for Austria below the river Enns was that of a noble person older than twelve years at the prize of 30 *Gulden*.[524] Regarding the funeral of peasants the stole order distinguished three categories: burying wealthy peasants ("*wohlhabige Bauren oder Bäurin*") cost three *Gulden*, the funeral of a "mediocre" peasant ("*mittelmässigen Bauern oder Bäurin*") two *Gulden*, and that of a rather poor peasant ("*gar geringen Bauern oder Bäurin*") one *Gulden*.[525] The funeral of children cost accordingly less.[526] Impecunious people were buried free of charge as an act of mercy.[527]

Unsurprisingly, the classification according to financial status caused confusion. Only a year after the mentioned stole order was published, an 'elucidation-patent' (*Erläuterungs-Patent*) was issued. It clarified that those who, after deduction, left behind 300 *Gulden* or more were to be regarded as wealthy peasants. Peasants who bequeathed more than 200 *Gulden* were to be considered "*mediocre*", and those who passed on 100 *Gulden* to their

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Anmerckungen, wie auch alle hierüber weiters ergangene Hof-Resolutionen, Patenten, Generalien und Novellen etc. (Wien: Leopold Joh. Kaliwoda, 1751), 186 f. Unfortunately I have not yet been able to find the actual case files regarding this incident.

523 For Sweden cf. Göran Malmstedt, *Bondetro och kyrkoro. Religiös mentalitet i stormaktstidens Sverige* (Lund: Nordic Academic Press, 2002), 82. Rainer Beck has highlighted the important factor that not only a spiritual relationship existed between the representative of the church and the believers but also a 'material' one. Regarding the complex economy emoluments of Catholic priests cf. Rainer Beck, "Der Pfarrer und das Dorf. Konformismus und Eigensinn im katholischen Bayern des 17./18. Jahrhunderts," *Armut, Liebe, Ehre. Studien zur historischen Kulturforschung*, ed. Richard van Dülmen (Frankfurt am Main: Fischer, 1988), 107–143, 118–120.

524 *Stolordnung*, issued November 28, 1689 for Austria below the river Enns, *Codex Austriacus* Vol. 2, 314.

525 *Stolordnung*, issued November 28, 1689 for Austria below the river Enns, *Codex Austriacus* Vol. 2, 315. Stole orders from the eighteenth century usually list additional matters of expense like, e.g. the price of the grave, the service fee for the gravedigger, pallbearer and verger, fees for knelling the death bell, to name just a few, which of course all cost extra, cf. for instance the *Stolordnung* for Austria below the river Enns, issued January 27, 1781.

526 That of a wealthy peasant's child older than twelve years cost one *Gulden*, 30 *Kreuze*r; if the child was younger than twelve years it was one *Gulden*; . *Stolordnung*, issued November 28, 1689 for Austria below the river Enns, *Codex Austriacus* Vol. 2, 315.

527 Burying the dead was one of the "Seven Corporal Works of Mercy" according to the bible.

heirs were considered rather poor ("*gering*").[528] When we think of the rather small sums mentioned in the probate proceedings above, it becomes clear how poor many self-killers in my sample were.

The stole orders also show that funerals were the liturgical service that clearly yielded the most compared to baptisms and weddings. Conducting funerals for sure was an important source of income both in early modern Sweden and Austria. Complaints that priests or pastors overcharged at this occasion are not unheard of either.[529] The interdiction of a Christian burial thus meant in many cases a loss of income for the priest or pastor, especially when the deceased had been affluent. The archival records, however, keep a low profile in this regard, providing hardly any information. Only in the documentation regarding the suicide of Thomas Engl in 1750, the administrator of the *Grundherrschaft* mentioned in a letter to the *Landgericht* that he had inquired with the priest of the parish of St. Gallen[530] if Thomas Engl could receive a Christian burial. According to this letter the cleric, who at the same time had been Thomas Engl's confessor, said that he had good hopes regarding the deceased's salvation and that he had no objections against a funeral on the churchyard. But since he feared that the people would gossip about it ("*umb nicht in der leith mäuller zu gerathen*"), insinuating that he would do it only for the money, he wanted to consult with his prelate first.[531]

It is also unclear if priests/pastors charged somebody for the written attestations they delivered in many cases. It seems unlikely, though, since the specifications of costs that survived in early modern Austria do not list any expenses for the priest. Yet it is possible that family members had to pay for it if they requested an attestation. I assume, however, that priests received some sort of compensation, if not the regular *jura stolae*, in cases the *Landgerichte* permitted a silent funeral at the churchyard. I suspect that the priest was present during the interment but did not hold a funeral sermon. For Sweden it remains unclear if pastors were present at silent burials at the churchyard.

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528 Erläuterungs-Patent, issued July 7, 1690; cf. *Codex Austriacus* Vol. 2, 316.

529 Göran Malmstedt points out that people occasionally complained about pastors to the chapter ("*Domkapitel*") because they felt they were overcharged for a funeral; cf. Malmstedt, *Bondetro och kyrkoro*, 94.

530 The parish of St. Gallen is located in today's Austrian province Styria.

531 Cf. case of Thomas Engl, 1750, OÖLA, HA Steyr, archives box 55, nr. 15, letter from the administrator of Weyer to the *Landgericht* Steyr, dated June 24, 1750.

The – admittedly – extraordinary example mentioned by Franz Joseph Bratsch in his commentary thus poses the question if wealthier people were treated differently from poor ones. On the one hand, wealth might have motivated – in view of a possible confiscation – the *Landgericht* to investigate extra carefully if the self-killing was intentional or not. At the same time the *Grundherrschaft*, the heirs and maybe also the parish priest had good reasons to oppose potential claims by the *Landgericht*. If the deceased was without funds, however, the *Landgericht* would have been better off with a silent funeral. Whichever way one looks at the question, it appears as if financial aspects of self-killings in the Austrian Archduchies, where they come to the fore quite strongly, made a difference. However, to speak with Pierre Bourdieu, not only economic capital mattered, also the social capital, as will be shown.[532]

What money can or cannot buy… Two examples from Austria above the river Enns

In the following I will present two more examples from Austria above the river Enns that are quite unique and illustrative in their demonstration of how financial and social capital opened up a certain leeway that was denied to the vast majority of self-killers. Although it cannot be excluded that similar attempts might have occurred in early modern Sweden as well, I have not yet found any archival proof in this regard. Of course, as is impressively shown in the study by Riikka Miettinen, social capital and standing really made a difference in the way a self-killing was treated.[533] Her conclusions are supported by my own findings. The examples from the *Västernorrland* county provide evidence that the social capital of a self-killer clearly had an effect on how the individual was portrayed in the course of the investigation by the *häradsrätt*. Monetary issues, however, were not once discussed at this occasion. The situation in early modern Auastria presents itself differently: In May 1712, 48-year-old Georg Pogndorfer hanged himself. Two letters have been handed down documenting his death, one composed by the administrator of the *Grundherrschaft*, Johann Heinrich Aichmayr, the second penned by the administrator of the *Landgericht*, Franz Xaver Vogenleitner.[534] Both writings were dated May 31, 1712, one day

[532] For more information on the term 'capital' in the work of Pierre Bourdieu cf. Werner Fuchs-Heinritz and Alexandra König, *Pierre Bourdieu. Eine Einführung* (Konstanz: UVK, 2014 [2005]), 125–137.
[533] Miettinen, "Suicide in Seventeenth-Century Sweden," passim.
[534] Cf. case of Georg Pogndorfer, 1712, OÖLA, HA Oberwallsee-Eschelberg, archives box 27.

after the self-killing had taken place, and addressed to the syndic in Linz, Heinrich Adam Frideli.[535]

In his writing the administrator of the *Grundherrschaft* reported the self-killing of above mentioned Georg Pogndorfer, whose corpse had been inspected in the presence of Franz Xaver Vogenleitner on behalf of the *Landgericht*. According to Johann Heinrich Aichmayr the investigation into the deceased's life brought forward that he had been despondent and melancholic for a while but was said to have had a good moral conduct. Six years back he had already attempted to take his life, which was prevented by a neighbor. The *Grundherrschaft* therefore expected the *Landgericht* to grant a "public" ("*ofentlich*") funeral, meaning presumably a silent funeral at the churchyard, which, however, was declined by the *Landgericht*. Johann Heinrich Aichmayr then started to negotiate a compromise. In his letter he wrote that the administrator of the *Landgericht* made two propositions: the first comprised a secret disposal of the corpse in the evening ("*nachts zeit haimbliche vertilgung*"), although without the executioner, and the confiscation of the estate according to the penal code. The second suggested compromise allowed a 'public' funeral against payment of 100 *Gulden*. Now the administrator of the *Grundherrschaft* turned to the syndic, asking for his opinion. He closed his letter requesting once more that the corpse may be buried in the churchyard and asking how the *Landgericht* should be compensated if this were granted.

The letter by the administrator of the *Landgericht*, however, put a different complexion on the case. In his opinion, the investigation had made clear that the suicide was not caused "*ex delirio*" but was committed premeditatedly. Therefore he had ordered the disposal of the corpse and the confiscation, according to the penal code. The administrator of the *Grundherrschaft*, however, had begged him to refrain from the disposal of the corpse out of consideration for his "high-comital excellency", assuring the criminal court satisfaction and compensation. In his letter to the syndic, Franz Xaver Vogenleitner was eager to emphasize that he again objected to the pleading and insisted on a procedure in compliance with the penal code. He argued that he did so also out of fear that this exception could set a bad example, revealing that four self-killings had occurred recently, which all had been

[535] The letter from the *Landgericht* does not actually mention the name of the addressee but it arises from the content of the letter.

buried in silence. Finally, however, he gave in to the pleading in view of the great neighborly relations and under the condition that the syndic gave his consent.

The concession the *Landgericht* made to the *Grundherrschaft*, however, sounded a bit different in his account. According to Franz Xaver Vogenleitner he compromised insofar as he granted the corpse to be buried in silence at a remote spot in the evening. He expected the *Landgericht* to be reimbursed for all procedural costs and to receive an additional compensation. The amount of this compensation should be set by the syndic in Linz.

Unfortunately the file does not contain the reply letter by Heinrich Adam Frideli and we do not know how the case of Geog Pogndorfer ended.[536] The two documents as they are, however, contain quite interesting details. On the one hand it has once again become clear that the decision regarding the question if a self-killing fell into the *felo de se* or *non compos mentis* category was a process of negotiation. Even in this case, where both authorities together investigated the self-killing, they did not come to the same conclusion but held different opinions. On the other hand – and this is of greater interest at this point – the self-killing of Georg Pogndorfer shows clearly that from time to time attempts were made to find individual solutions. Apparently the reason why an exception should be granted had something to do with the holder of the *Grundherrschaft*, referred to as "high-comital excellency". Yet it remains obscure why averting the disposal by the executioner was so important to him. Nothing in the letters indicates a personal relationship between the "high-comital excellency" and Georg Pogndorfer. Rather, one gets the impression that the sheer fact of an intentional self-killing taking place under his lordship was an ignominy that had to be fixed. It was thus a person of high rank and social standing who – by means of his administrator –urged the *Landgericht* to a compromise, prepared to spend some money on it. I assume it is safe to say that the reimbursement of all procedural costs and the willingness of paying an additional compensation was what enabled the concession in the first place.

I also find it quite remarkable how frankly the administrators of both the *Grundherrschaft* and the *Landgericht* wrote about their deal to the syndic. Does this suggest that in 'well-founded' cases individual solutions were granted by the *Landeshauptmannschaft* as some sort of arbitration? It would also be interesting to know if and how the syndic reacted to the

[536] The parish register of St. Martin im Mühlkreis does not contain a reference to a silent burial of Georg Pogndorfer, for whatever this negative finding is worth.

fact that the executioner would be bypassed, especially since this was the same *Landgericht* which seven years later was to receive a rather strong reprimand regarding the burial of intentional self-killer Joseph Sembler without the executioner. As a final example to demonstrate the influence of financial and social capital let us return to this case and take a closer look.

On May 6, 1719 Joseph Sembler, a salt-bearer ("*Salztrager*") and tenant (*Inwohner*), was found hanged next to a public road.[537] The case was reported by the *Grundherrschaft* to the responsible *Landgericht* Oberwallsee which started the usual investigation the next day. It quickly turned out that Joseph Sembler, although being without funds himself, had influential relatives ("*ein gahr schene freundtschaft*"). He was a cousin of a prelate at the abbey of Wilherig and of the municipal judge (*Stadtrichter*) of Linz. The latter, Nicolaus Rosenmayr, who in 1719 held the office of the municipal judge for the third time,[538] sent a letter to the administrator of the *Landgericht*, dated May 8. In his writing he requested the administrator to prevent that the disposal of the corpse – in case it was not inevitable at all – became public in order to avoid disrespectful chatter. Furthermore he promised to reimburse all expenses, no matter how much it might cost ("*was und wievil es auch immer sein mag*").[539] When all signs indicated an intentional self-killing, Nicolaus Rosenmayr reiterated his plea and financial offer for a burial "under the table" ("*daß er mechte auf eine gewisse arth under der handt beerdiget [warden]*)".[540]

The administrator of the *Landgericht*, Martin Petermändl, did his utmost in order to achieve a silent burial. However, the attestations and witness accounts suggested that Joseph Sembler had killed himself due to debts and under the influence of alcohol. When Martin Petermändl tried to sound out if the priest would agree with the corpse being buried in the evening outside of the consecrated ground, yet near the cemetery, his suggestion was met with a rebuff. According to Petermändl's account the priest replied that even if he would receive 100 *Gulden* for it, he would not dare to do it. Therefore, the best the administrator could do was to secretly bury the corpse in the woods with the help of

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537 Cf. case of Joseph Sembler, 1719.

538 Cf. Martin Scheutz, "Der Bürgermeister in der österreichischen Stadt vom Spätmittelalter bis zur Josephinischen Magistratsreform: Konturen einer wichtigen städtischen Funktion," *Pro Civitate Austriae* 16: Ratsbücher (2011): 71–103, see list on p. 99.

539 Case of Joseph Sembler, 1719, letter from Nicolaus Rosenmayer to the administrator of the *Landgericht* Oberwallsee, dated May 8, 1719.

540 Ibid., letter from Nicolaus Rosenmayer to the administrator of the *Landgericht* Oberwallsee, dated May 9, 1719.

two court ushers. On May 13, 1719 he reported the course of action including the enumeration of all costs in a letter to Nicolaus Rosenmayr.[541]

When in May 1719 the earlier mentioned letter of complaint by the *Bannrichter* was delivered to Martin Petermändl, he forwarded it to Nicolaus Rosenmayr without delay. A reply letter from Nicolaus Rosenmayr to Martin Petermändl dated June 3, 1719 informs us that the municipal judge had settled the matter by paying the requested sum. He once again thanked Martin Petermändl and considered the case hereby closed.[542]

Again, it was the social status of the petitioner in combination with financial means that made exceptions possible. It has become clear, that in both cases it was not the person who had committed the suicide that was in the center of all efforts. There was no talk about respect for the deceased or hopes for salvation etc. All the efforts were made to protect individuals of high rank to become tainted with the stain of suicide, and to protect their reputation. Even though – to all appearances – not even money could guarantee an intentional suicide's way into the churchyard, there was definitely a double standard at play.

[541] Ibid., letter from the administrator of the *Landgericht* to Nicolaus Rosenmayer, dated May 13, 1719.

[542] Ibid., letter from Nicolaus Rosenmayer to the administrator of the *Landgericht* Oberwallsee, dated June 3, 1719.

4. …and the great beyond: religion, soul and the prospect of salvation

"Thou shalt not kill":[543] Self-killing in the context of Catholicism and Lutheranism

Up to this point the study has outlined differences and communalities in the legal basis and the administrative procedure of self-killing. It discussed questions regarding the practical handling of the corpse and the economic consequences of suicide. Therefore, inevitably, the activities by secular authorities have been at the forefront of the presentation. However, although suicide in early modern times fell under the responsibility of the secular authorities, and most of the sources used in this work were produced for and by secular institutions, the history of suicide cannot be studied without taking into account the ecclesiastical sphere. For one, the Christian world view had essentially contributed to the incorporation of suicide as a crime into secular legislation. Moreover, the close collaboration between secular and ecclesiastical authorities is evident in both Sweden and the Austrian archduchies. As I demonstrated, the opinion of the cleric in the interpretation of a suicide case and his consent to a silent burial was crucial, even though the decision was formally made by the secular courts.

In the introduction to this study it was pointed out that most historians regard the religious belief system as an important factor in the context of self-killing. And yet, questions of if and how different religious beliefs influenced the perception and handling of suicide have hardly been analyzed in a comparative perspective. With the Lutheran Swedish kingdom on the one hand and early modern Austria with its inhabitants adhering predominantly to the Roman-Catholic faith on the other, I pose these questions anew.[544]

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[543] The fifth Commandment, Deuteronomy 5:17.

[544] During the period under investigation members of other religious denominations as well as non-believers lived in both territories, too; often clandestinely. Similar to the role that Lutheranism played in Sweden the Roman-Catholic belief was a 'state religion' in early modern Austria until the Patent of Tolerance was issued by Joseph II in 1781. However, especially for the Archduchy above the river Enns it is well documented that adherents to Lutheranism clung on to their belief throughout the whole early modern period despite prosecution by the authorities. An excellent overview regarding this topic is offered by an anthology edited by Rudolf Leeb, Martin Scheutz and Dietmar Weikl (eds.), *GeheimProtestantismus und evangelische Kirchen in der Habsburgermonarchie und im Erzstift Salzburg (17./18.*

Hitherto, the relationship between suicide and religious denomination has often been thought of in terms of statistical correlations and suicide rates. Most prominently, the French sociologist Emil Durkheim found higher frequencies of self-inflicted death in Protestant societies and explained that by a higher degree of individualism, lower social ties and religious bonds compared to Catholic societies. Since Durkheim's influential work from the late nineteenth-century, many historians have followed in his footsteps incorporating his arguments in their own works.[545] Yet, the notion that Protestants were more inclined to committing suicide originated not from Durkheim or his predecessors in moral statistics.[546] As Erik Midelfort has pointed out, also contemporaries in sixteenth-century Germany – both Protestants and Catholics – assumed that especially adherents to Lutheranism with its emphasis on despair and *Anfechtung* as necessary parts of spiritual life on the one hand, and the abolishment of certain remedies to gain salvation on the other, were more prone to suicide.[547] There are hardly any reliable ways of verifying if these contemporary assumptions corresponded to reality with regard to actual suicide rates. Exceptionally well preserved documentations of self-killings like the one for Geneva that allowed Jeffrey Watt to tackle the questions of how many people took their own lives and for what (assumed) reasons statistically are rare.[548] My sources, especially those from the Austrian Archduchies, are too spotty and dispersed to allow a similar statistical analysis in

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Jahrhundert) (Wien/Oldenbourg/München: Böhlau, 2009). For the situation in Austria above the river Enns cf. especially the contribution by Andreas Hochmeir, "GeheimProtestantismus im Land ob der Enns," *GeheimProtestantismus und evangelische Kirchen in der Habsburgermonarchie und im Erzstift Salzburg (17./18. Jahrhundert)*. Veröffentlichungen des Instituts für Österreichische Geschichtsforschung, 51, ed. Rudolf Leeb, Martin Scheutz and Dietmar Weikl (Böhlau: Wien, 2009), 155–184; for the situation in Austria below the river Enns see the contribution by Martin Scheutz, "Eine fast vollständige Tilgung des Protestantismus und ein handfester Neubeginn. (Geheim-)Protestantismus in Niederösterreich im 17. und 18. Jahrhundert," *GeheimProtestantismus und evangelische Kirchen in der Habsburgermonarchie und im Erzstift Salzburg (17./18. Jahrhundert)*, eds. Rudolf Leeb, Martin Scheutz and Dietmar Weikl (Wien/Oldenbourg/München: Böhlau, 2009), 185–207. See also Martin Scheutz, "Das Offizielle und das Subkutane. Konfessionelle Symbole und Rituale im Spannungsfeld von öffentlichem Katholizismus und GeheimProtestantismus in den österreichischen Erbländern um die Mitte des 18. Jahrhunderts," *Liturgisches Handeln und soziale Praxis. Kirchliche Rituale in der Frühen Neuzeit*, ed. Jan Brademann and Kristina Thies (Münster: Rhema, 2014), 401–423. In my body of source materials all Swedish self-killers were apparently more or less zealous Lutherans while all Austrian self-killers were identified as Catholics, meaning that no one was officially suspected of being a Protestant in secret.

545 'Durkheimian' arguments can be found in Anderson, *Suicide in Victorian and Edwardian England*; Jansson, *From Swords to Sorrow*; Schär, *Seelennöte der Untertanen*.

546 Cf. Brancaccio, Engstrom and Lederer, "The Politics of Suicide Journal of Social History."

547 Cf. H. C. Erik Midelfort, "Religious Melancholy and Suicide: On the Reformation Origins of a Sociological Stereotype," *Madness, Melancholy, and the Limits of the Self*, ed. Andrew D. Weiner and Leonard V. Kaplan (Madison: University of Wisconsin Law School, 1996), 41–56.

548 Cf. Watt, *Choosing Death*.

this regard. What my sources do endorse, however, are investigations into the character of the relationship between suicide and belief and it is this angle that I want to pursue: What similarities and distinctions in the perception of the act of suicide and the handling of self-killers can be found with regard to the different religious denominations? What role did religious denominations play in pastoral care? As in the previous chapters, my analysis will contrast Swedish sources with material from the Catholic Austrian Archduchies. In order to deal with these questions, however, it is necessary to reflect more generally upon the long-lasting link between religious belief and suicide first.

The religious grounds for the stigmatization and criminalization of suicide

By the middle of the seventeenth century the stigmatization and criminalization of suicide had penetrated every level of society; it was regarded as a matter of course. The dissenting voices were few: Some intellectuals and philosophers argued for the individual's right to end one's own life, but their voices neither condensed directly on the legislation of the time nor were they heard in the households in the rural countryside that were struck by the tragedy of self-killing and build the basis for this investigation.[549] The traditional Christian conception of self-killing was not to be overruled easily. But what exactly was the Christian notion of suicide?

The bible, usually the guideline for Christian doctrine, contains several examples of self-killing but no unequivocal rule can be derived from the relevant passages. Neither was suicide a topic prioritized by commentators; thus, its moral status was left to be discussed in the phase of early Christianity.[550] The canon of arguments against suicide was built gradually, over time. According to Alexander Murray the subject was still fluid in the late fourth century, yet a tendency towards a condemnation of suicide was already perceptible: "Moral views on suicide were changing, but on no explicit grounds."[551] It fell to St. Augustine (354–430) to systematically treat the topic of suicide for the first time. His conception remained powerful throughout the Middle Ages and the early modern times.[552] In *The City of God* he clearly took the position against suicide under all circumstances, invok-

[549] For the approach of Pierre Charron, Montesquieu, Voltaire, John Donne etc. cf. Minois, *Geschichte des Selbstmordes*; Lind, *Selbstmord in der Frühen Neuzeit*, 45–56.

[550] Murray, *The Curse on Self-Murder*, 91–121.

[551] Ibid., 101.

[552] See, for instance, Zeddies, "Verwirrte oder Verbrecher?," 67; Lind, *Selbstmord in der Frühen Neuzeit*, 21–23; Murray, *The Curse on Self-Murder*, 101–121.

ing the fifth commandment: "You shall not kill", adding the amendment *nec alterum ergo nec te*, thus equating suicide with murder.[553] Exceptions to that general law were justified by a divine order only.[554]

Alexander Murray emphasizes the context in which *The City of God* was created. He identifies a strategy in St. Augustine's work that aimed at distinguishing Christianity more profoundly from Stoic values. The church father's clear position against suicide under all conditions clearly rejected the Stoic association of suicide with high moral value. Alexander Murray goes so far as to state that most of St. Augustine's arguments against suicide were not even Christian:

> "They rest either on the logical annihilation of pagan apologetic or on the discovery, among authorities recognized by his conservative Roman readers, of those who condemned suicide. But Augustine *was* Christian. In much of his writing he was a Christian *par excellence*. That was the fact that gave later authority to his position on suicide, and meant that his chapters on it, with their brilliant but heterogeneous contrivances, would dominate Christian literary treatment of the subject for some thousand years."[555]

In the thirteenth century Thomas Aquinas (1224/1225–1274), heavily influenced by St. Augustine's arguments and Aristotelian thought on self-killing, outlined three main arguments against suicide, considering self-killing as a sin against nature, society and God.[556] Suicide was regarded to be on a par with homicide, or more precisely, was seen as a vari-

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[553] Augustine argues: "It only remains for us to apply the commandment, 'Thou shalt not kill,' to man alone, oneself and others. And, of course, one who kills himself kills a man." Citation from Saint Augustine, *The City of God. Books I-VII*, trans. Demetrius B. Zema and Gerald G. Walsh with an introduction by Etienne Gilson. The Fathers of the Church. A New Translation, 8 (Washington, DC: The Catholic University of America Press, 1977), I, 20. For a detailed analysis of the sections touching the subject of suicide in Book I of *The City of God*, chapters 16 to 27 cf. Murray, *The Curse on Self-Murder*, 113–117.

[554] Cf. Murray, *The Curse on Self-Murder*, 115.

[555] Murray, *The Curse on Self-Murder*, 121, original emphasis.

[556] Summa Theologica, Part II Question 64 article 5: "Suicide is completely wrong for three reasons. First, everything naturally loves itself, and it is for this reason that everything naturally seeks to keep itself in being and to resist hostile forces. So suicide runs counter to one's natural inclination, and also to that charity by which one ought to cherish oneself. Suicide is, therefore, always a mortal sin in so far as it stultifies the law of nature and charity. Second, every part belongs to the whole in virtue of what it is. But every man is part of the community, so that he belongs to the community in virtue of what he is. Suicide therefore involves damaging the community, as Aristotle makes clear (Ethics V, 11). Third, life is a gift made to man by God, and it is subject to him who is *master of death and life*. Therefore, a person who takes his own life sins against God, just as he who kills another's slave injures the slave's master, or just as he who usurps judgment in a matter outside his authority also commits a sin. And God alone has authority to decide about life and death, as he declares in *Deuteronomy, I kill and I make alive*." (Deut. 32, 39). Cited from St. Thomas Aquinas, *Summa Theologiae. Volume 38. Injustice (2a2ae. 63-79). Latin text and English translation, Introductions, Notes, Appendices and Glossaries* (London and New York: Blackfriars in conjunction with McGraw-Hill and Eyre & Spottiswoode, London, 1975), 33.

ant of homicide. This view prevailed as the almost exclusive position throughout the early modern period.[557] Still today the Catechism of the Catholic Church (CCC) promulgated by Pope John Paul II in 1992 disapproves of suicide by referring to these reasons.[558]

Canon law, however, was rather reticent with regard to this question. The act of suicide was sanctioned for the first time through decisions that were promulgated at the council of Orléans (533) and the council of Braga (561), where self-killers were denied ceremonial rites.[559] According to Karsten Pfannkuchen, however, this applied only to those who willfully and while of sound mind took their own lives, whereas suicide committed out of insanity or negligence was not sanctioned.[560] These earliest ecclesiastical sanctions thus operated along similar markers of sanity/insanity that later can be found in the secular penal codes of the respective territories under investigation.[561]

Neither did the topic of suicide appear prominently in the *corpus iuris canonici*, a collection of legal texts of the Catholic Church assembled during the Middle Ages which – in its edition from 1582 – remained in force until the *codex iuris canonici* went into effect in 1918. The oldest part of the *corpus iuris canonici* was the *Decretum Gratiani*, a collection of canon law compiled and systematized by the jurist Gratian around 1140. Alexander Murray states that in Gratian's *Decretum* suicide filled only 24 lines, while other – presumably less grave offences – filled pages.[562] Referring to St. Augustine's equation of suicide with murder and to the council of Braga the *Decretum Gratiani* basically only reiterated the general damnation of the act of self-killing and the denial of a Christian burial.[563]

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557 Cf. Murray, *The Curse on Self-Murder*, 229 f.

558 "[2280] Everyone is responsible for his life before God who has given it to him. It is God who remains the sovereign Master of life. We are obliged to accept life gratefully and preserve it for his honor and the salvation of our souls. We are stewards, not owners, of the life God has entrusted to us. It is not ours to dispose of. [2281] Suicide contradicts the natural inclination of the human being to preserve and perpetuate his life. It is gravely contrary to the just love of self. It likewise offends love of neighbor because it unjustly breaks the ties of solidarity with family, nation, and other human societies to which we continue to have obligations. Suicide is contrary to love for the living God." Cf. Catechism of the Catholic Church (CCC), Part three, section two, chapter two, article 5: the fifth commandment, 2280–2281; online: http://www.vatican.va/archive/ENG0015/_INDEX.HTM (last accessed October 6, 2015).

559 See Zeddies, "Verwirrte oder Verbrecher?," 67–69; Pfannkuchen, *Selbstmord und Sanktionen*, 37–39.

560 See Pfannkuchen, *Selbstmord und Sanktionen,* 38 f.

561 For a detailed description of stipulations regarding suicide in canon law cf. Murray, *The Curse on Self-Murder*, 181–218.

562 Cf. ibid., 247.

563 See also Karoline Weiler, *Die Beurteilung der Selbsttötung unter besonderer Berücksichtigung kirchenrechtlicher Regelungen*, Rechtsgeschichtliche Studien 59 (Hamburg: Dr. Kovac, 2013).

Recapitulating these findings it can be stated that the criminalization and stigmatization of suicide can be traced back to the positions of influential theologians. Although medieval theology did not invent the reservations against suicide – it had been a controversial, fluid topic before – some opinion leaders developed a canon of arguments against suicide under all circumstances during the Middle Ages. "In respect of suicide", as Alexander Murray puts it "the shift from tolerance to condemnation had apparently been a mark of Christian law. Christians spoke more strongly, and more consistently, against suicide than did any pagan school of philosophy."[564]

These views disseminated widely as secular and ecclesiastical spheres merged in conformity with the conception of the 'divine right of kings', according to which the monarch derived the right to rule directly from the will of God, and thus on his part was subjected only to God's justice. In the course of the Middle Ages and the early modern period the lines between worldly and spiritual matters had become blurry.[565] Secular legislation and codes were shaped after Christian attitudes and moral values. Constituting both, a crime and a sin, suicide concerned ecclesiastical as well as secular spheres, but was judged by worldly courts according to provisions in secular penal codes. It is thus not surprising that both the notion of suicide as a variant of homicide and the denial of a Christian burial for intentional self-killers were transferred into secular legislation in many European territories.

For the modern reader the denial of a Christian burial might not sound like too harsh a penalty. In order to understand the severity of this punishment to its full extent, however, one needs to recall the importance of a proper burial in the Christian context. After all, burying the dead was one of the seven corporal works of mercy according to the bible. Denying someone this act was a clear statement: The deceased's body and soul were expulsed from the Christian community; both of those dead and alive. For the Catholic Austrian Archduchies, this general religious framework for suicide remained powerful throughout the study period.

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564 Murray, *The Curse on Self-Murder*, 242.

565 Cf. Hehenberger, "Entfremdung von Gott?," 141–143.

The confessional age and its consequences for the stance on suicide

In the course of the rise of Martin Luther and other Protestant reformers many traditions or pending problems of the papal church were addressed and reevaluated. The Christian roman-Catholic view on suicide as developed over the centuries, however, remained basically uncontested during the confessional age. Again, amongst the topics under discussion suicide did not have high priority: The concept of taking one's own life voluntarily was neither much discussed nor was the damnability of the act per se questioned.[566] In addition to the established arguments against suicide as brought forward by St. Augustine and Thomas Aquinas, Protestant reformers frequently emphasized the role of the devil, associating self-killing with diabolic possession. The link between suicide and the devil, however, was not novel but had been discussed in the late Middle Ages.[567] The new emphasis on the devil's influence over an individual thus can, at least to a certain degree, be attributed to the *Zeitgeist* of sixteenth-century Europe; it was no clear distinction between Catholic and Reformist views, for sure. Erik Midelfort assumes, however, that a different significance was attached to the power of the devil: "Of course, traditional Catholic theology also often assigned suicidal temptations to the devil, but generally held that Christians should be strong enough to repulse such assaults or that the Church and its remedies could assist in warding off demonic despair. Luther accentuated the power of the devil to take charge with or without the cooperation of his victims."[568] In principal, however, Catholics and Protestants were united in their firm conviction that suicide was wrong.

For early modern Sweden, where Lutheranism was adopted in 1527 and more or less completely enforced by the end of the century, Martin Luther's position on suicide was essential. It is not an easy task, however, to depict his stance on suicide which can be described as inconclusive, if not contradictory. As Alexander Kästner has pointed out, no systematic tract or disquisition on suicide by Martin Luther was passed down. His comments on suicide – or what is believed to be his comments – stem from letters, table talks

566 Cf. for the Lutheran context see Kästner, *Tödliche Geschichte(n),* 103–161; for Calvin's stance toward suicide cf. Watt, *Choosing Death*, 67–78; for Zwingli and Heinrich Bullinger see Schär, *Seelennöte der Untertanen*, 45 f, 64–66.

567 Cf. Watt, *Choosing Death*, 73.

568 Midelfort, "Religious Melancholy and Suicide," 42.

(*Tischreden*), and advice that he gave to pastors who inquired with him about what to do when a suicide had occurred in their parish. Most accounts are thus bits and pieces referring to individual suicide cases taken out of the original context. Moreover it is unclear if and to what degree these singular statements were known at the time. Only some of them were part of early modern collections and thus part of the theological discussion.[569] One of Luther's best known statements concerning suicide today – not least since it has been prominently featured in popular culture[570] – stems from one of his table talks: "I don't have the opinion that suicides are certainly to be damned. My reason is that they do not wish to kill themselves but are overcome by the power of the devil. They are like a man who is murdered in the woods by a robber…"[571]

The comparison between a self-killer and someone innocently attacked and murdered by a robber in the woods suggests a lenient stance towards people who killed themselves. By stressing the power of the devil over a self-killer Luther conceded that at the time of the deed the individual might not have possessed free will. Thus, besides the widely acknowledged insanity defense he opened up another explanation for why a seemingly sane individual might have ended his or her life without being fully culpable for the deed. In practice, the two explanations – insanity and being overpowered by the devil – bear a certain resemblance. Frequently they merged since insanity per se and especially sudden fits of madness were often ascribed to demonic influence. However, Martin Luther too emphasized the individual's obligation to conserve his/her own life and warned against the danger and seriousness of suicide as a sin. Moreover, while he argued that leniency should be shown by ecclesiastical authorities, he nevertheless held on to the harsh punishment imposed by secular authorities. To him, this was no contradiction since he differed between

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569 Alexander Kästner did a tremendously well job in contextualizing Luther's comments on suicide, cf. Kästner, *Tödliche Geschichte(n)*, especially 104–119.

570 Cf. "Luther", a movie from 2003 by the Canadian director Eric Till about the life of Martin Luther (1483–1546) starring Joseph Fiennes. The movie prominently features a scene where Martin Luther by his own hands buries a young boy who had committed suicide. In the movie Luther invokes God's mercy and grace contrasting it with the alleged coldhearted and merciless stance of his Catholic counterparts. The depiction of Luther in the movie is highly tendentious and historically inaccurate. Besides the fact that there is no historical evidence that Luther ever did such thing the movie scene simplifies a rather complex matter, cf. Alexander Kästner, "Wenn sich einer das Leben nimmt, Pater, was sagt Gott dazu?" Zum Verhältnis von filmischer Kunst und historiographischer Rekonstruktion in Eric Tills Luther (2003)," *Töten. Ein Diskurs*. Catalogue to the exhibition at Kunstpalais Erlangen March 31 to June 17, 2012, ed. Agnes Bidmon and Claudia Emmert (Heidelberg: Kehrer, 2012), 160–172.

571 *Luther's Works*, American Edition, vol. 54, ed. and tr. Theodore G. Tappert (Philadelphia: Fortress Press, 1967), 29.

the 'spiritual' regime and the 'secular' regime – both founded by God – and between human and divine judgment.[572]

In conclusion this means that Martin Luther – similar to Catholics and other Protestant Reformers – condemned the act of suicide. However, he did not condemn the individual who committed suicide per se, leaving this decision to God and his divine judgment. At the same time Luther approved of the punishment of suicide – both of the act and the individuals – by the 'secular' regime. Not only did he not object to the secular jurisdiction over self-killers and their punishment, he explicitly supported it.[573] Hence, conveniently, secular authorities adapting Lutheranism in their territories did not have to change the ways in which they traditionally sanctioned suicide.

At the end, by committing suicide both Catholics and Lutherans put their souls, the prospect of salvation, and eternal life at risk. Thus, it is questionable if the reformation really marked a significant change in the perception and treatment of suicide.[574] However, before scrutinizing the case histories with regard to this question let me go back one step and have a look at how Martin Luther's ideology was incorporated in the system of Swedish Lutheranism first.

The adaption of Lutheranism in Sweden

Reformation in Sweden was a top-down process. Shortly after coming into power Gustav Vasa (1521/23–1560) introduced Lutheranism in Sweden and made himself and his successors not only the head of all secular but also of all ecclesiastical affairs. Formally Lutheranism was adopted at the Västerås *riksdag*[575] in 1527. Hand in hand with this act the crown seized most of the assets that had belonged to the Catholic Church. In return for their support at the Västerås *riksdag* in 1527, a significant part of the confiscated land was granted to the nobility as a fief by the king. Sweden's transition from Catholicism to Lutheranism brought many changes. Henceforth, all power was concentrated in the hands of the crown enabling it to abolish the principal of an elective monarchy and introducing

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572 Cf. Kästner, *Tödliche Geschichte(n)*, 94–105.

573 Cf. Midelfort, "Religious Melancholy and Suicide," 42.

574 Cf. for instance, Gary B. Ferngren, "The Ethics of Suicide in the Renaissance and Reformation," *Suicide and Euthanasia. Historical and Contemporary Themes*, ed. Baruch A. Brody (Dordrecht: Kluwer Academic Publishers, 1989), 155–181, 178 cited in Kästner, *Tödliche Geschichte(n)*, 126, footnote 99.

575 *Riksdag* is the Swedish term for the assembly of the Estates, the Diet. In Sweden the Diet consisted of the Four Estates: Nobility, Clergy, Burghers, and Peasants.

hereditary succession in 1544, thus further strengthening its hegemony. The king and no longer the pope was the head of all ecclesiastical matters in Sweden, high ranking church officials became officials of the crown. In the following years the Lutheran doctrine was elaborated and by and by replaced or at least reinterpreted Catholic ordinances and customs.

The transition from Catholicism to Lutheranism, however, was not a clear cut; supporters of Catholicism resisted and especially during the reign of king Johan III (1568–1592) with his Catholic tendencies and with regard to his son and successor, the Catholic Sigismund, king of Poland and Grand Duke of Lithuania, re-Catholicism was not completely out of question. It was before this background that the Uppsala Synod took place in 1593, where an official declaration of faith was made: Only the Lutheran doctrine was to be allowed while Calvinism, Catholicism, and Zwingliism were officially banned. The Uppsala Synod in 1593 is generally regarded as marking the end of the confessional conflicts between Lutherans and Catholics of the sixteenth century, from which Lutherans emerged victorious. It gave way to the rigorous Lutheran orthodoxy of the seventeenth century. For instance, it was in the course of this intensification of Lutheran doctrine that the Swedish king Karl IX added an appendix containing extracts from the five books of Moses to his ratification of the Swedish penal code in 1608. By incorporating the Old Testament's Decalogue into the secular penal code he made it very clear that secular law and God's law were considered as inseparable and were guarded by the king himself.[576]

As a consequence of the reformation, also Scandinavia's oldest and most important University in Uppsala declined. Since the University of Uppsala was regarded as a center of Catholicism, its property and financial basis was seized by the king. This made it almost impossible to gain higher education in Sweden. Swedish students thus had to study outside Scandinavia and many of them were educated at Protestant universities in Germany like e.g. Wittenberg. When Uppsala University took up its work again at the beginning of the seventeenth century, many of the teachers were either German scholars or Swedes trained and educated at German universities.[577]

Of course, regardless of the decline of the University of Uppsala, bonds between Scandinavia and (Lutheran) centers in northern Germany had been traditionally strong. Olaus

[576] Cf, Inger, *Svensk rättshistoria*, 71 f.
[577] Cf. ibid., 64 f.

Petri (1493–1552), one of the main figures of the reformation in Sweden and assumed author of the 'rules for judges' (*domarregler*), studied in Leipzig and Wittenberg where he got in contact with both Philipp Melanchthon and Martin Luther.[578] Johan Skytte, the first president of the *Göta hovrätt* in Jönköping, which had been founded in 1634, studied in Marburg and Johan Stiernhöök, member of the 'law committee' which had been tasked to reform the Swedish judicial system around the middle of the seventeenth century, studied amongst other places in Leipzig and Wittenberg. Samuel von Pufendorf operated in Lund. Petter Abrahamsson (1668–1741), commentator of *Kristofers landslag*, had made extended study trips leading him to Germany, France and England.[579] Those are just a few examples for individuals who highly influenced the course of reformation and the development of legislation in Sweden, not least leaving an imprint of Romano-Germanic law on the latter.[580]

The (re)organization of the Swedish church

Although all ties to Rome were cut with the transition to Lutheranism, the former organizational structure was mostly retained.[581] The highest ecclesiastical leader – next to the king – was the archbishop in Uppsala. The territory ('Sweden proper') was divided into fourteen *stift* (dioceses) which were administered by a *domkapitel* (chapter), and lead by the bishop or superintendent. The chapter was also the ecclesiastical court, often called by its Latin name, *konsistorium*. Each diocese in turn was divided into administrative units called *kontrakt*, which corresponds to deaneries. These in turn consisted of several *pastorat* (pastorates), presided by a *kyrkoherde* (pastor). Each pastorate consisted of one or more parishes. The pastor could also have an assistant, a chaplain, sometimes also referred to as *komminister*.[582]

The parishes also had a certain amount of self-government in which the pastor played an important role. Most notable on this local government level was the *sockenstämma*, the as-

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578 Cf. Lemma "Olaus Petri," *Nordisk familjebok*, 1st edition, vol. 12, 170.

579 Cf. Inger, *Svensk rättshistoria*, 69.

580 Cf. also Heikki Pihlajamäki "Executor divinarum et suarum legum: Criminal Law and the Lutheran Reformation," *Lutheran Reformation and the Law*, Studies in medieval and Reformation traditions 112, ed. Virpi Mäkinen (Leiden: Brill, 2006), 171–204, here 188 f.

581 For this overview cf. Asker, *Hur riket styrdes*, 143–149 and Frohnert, "Administration i Sverige under Frihetstiden," 225–228; for detailed information consult the series *Sveriges kyrkohistoria*, 8 vols. (Stockholm: Verbum, 1998–2005).

582 Cf. Frohnert, "Administration i Sverige under Frihetstiden," 225–228.

sembly of the parish members, and the so called *sexmän* (six men), representatives elected by the parish assembly, who worked closely together with the pastor. They helped to take care of the church and its property and monitored order and discipline amongst the parish members. The parish assembly took care of general matters of 'police' and administration on the local level. It also had the character of an organ of the administration of justice since it judged violations of the church discipline and minor misdemeanors, and offered mediation in conflicts between parish members.[583]

Pastors were not only members of a religious organization, but at the same time officials of the state through the church law of 1686. Administering spiritual guidance and care was just one part of their tasks; they were also in charge of early population statistics, exercised social control over the subjects and were responsible for the dissemination of information, e.g. by reading of ordinances and legal provisions. Since church attendance was obligatory the long arm of the crown would reach the subjects at church.[584] A *Haustafel* ('house table'), which was included in Luther's small catechism and thus presumably present in almost every household, outlined how the subjects were to obey to the secular authority as the representative for God's will on earth.[585] In the course of the annual *husförhör* ('house interrogation') the pastor interviewed all members of his parish and examined their knowledge with regard to Luther's small catechism, including the Decalogue and the Lord's Prayer; he inspected their reading skills and understanding of the scripture. At these obligatory house interrogations pastors could see for themselves how things were with regard to the Christian lifestyle of their parish members and if church discipline was lived up to.[586]

The new belief calls for new regulations

The Swedish church ordinance of 1571

The adaption of the new belief made it necessary to replace the Roman-Catholic canon law by Lutheran doctrine. The Swedish church ordinance of 1571, in which Laurentius Petri – one of the main Swedish Protestant reformers, first Lutheran Archbishop in Sweden and brother of above mentioned Olaus Petri – was significantly involved, specified

583 Cf. Inger, *Svensk rättshistoria*, 83.
584 Cf. Frohnert, "Administration i Sverige under Frihetstiden," 224.
585 This was argued by a reference to the bible, Rom 13:1–4.
586 Frohnert, "Administration i Sverige under Frihetstiden," 225.

the Lutheran doctrines following the Swedish Reformation.[587] It was accepted at a church meeting in Uppsala in 1572 and served henceforth as the new authority when it came to ecclesiastical questions.

Since it was the first church ordinance after the Swedish Reformation, efforts were made to clarify the distinctions between the 'old', papal order and the new instructions. On several occasions it explained, why some orders and customs were retained while others were rejected – often accompanied by a side blow to Catholic customs. The section "order on Christian burial" for example starts with the remark that the services of those still alive would not help those who have left this world.[588] Citing John 11, 25–26[589] the notion that salvation could be reached by faith alone was stressed. On judgment day, those who believed in Jesus Christ would achieve celestial glory and bodily resurrection, no matter if their bodies vanished in soil, water, weather or fire.[590] In return, those who died without faith in Jesus Christ could not be saved; and there was nothing that those left behind could possibly accomplish on the deceased's behalf. Because Jesus himself had made it very clear, citing Marc 16, 16, that whoever did not believe would be condemned.[591] The church ordinance thus emphasized one of the main innovations of the new belief, the conception that only individual true faith led into heaven, taking clear position against any kinds of auxiliary means accepted by its roman-Catholic colleagues, be it prayers with the intention to help the deceased or indulgences. Consequently, the belief in purgatory was repudiated.

Nevertheless, a proper burial was of high importance also for the new Swedish church. Not only was it regarded as a visible expression for the love and appreciation towards the deceased, it also demonstrated trust in his or her resurrection and everlasting glory. Thus,

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587 "Then Swenska Kyrkeordningen. Låter all ting ährligha och skickeliga tilgå. 1 Cor. 14. Stockholm M.D. LXXI", in: *Kyrko-ordningar och förslag dertill före 1686*. Första Afdelningen. Handlingar rörande Sveriges historia. Andra serien (Stockholm: Norstedt, 1872), 1–180. The works on the new church ordinance started already under the reign of Gustav Vasa but it was not finished and issued until 1572 under the reign of Johann III.

588 *Swedish Church Ordinance of 1571*, Ordning med Christeligh Begraffning, 120–123.

589 John 11:25-26: "I am the resurrection and the life. He who believes in me will live, even though he dies; and whoever lives and believes in me will never die."

590 "Och skal medh glädhe besittia Gudz Rikes herligheet, på then yttersta daghen, och lekamliga genom wår HERRA Jesum Christum (ähuru lekamenen ock her antigen j iordenne, j watn, wädher eller eeld förgås kan) vpstå igen aff dödha", *Swedish Church Ordinance of 1571*, 120.

591 *Swedish Church Ordinance of 1571*, 121.

the intention of a proper, ceremonial burial was to help and strengthen the belief of those left behind but no effect on the salvation of the dead was expected from the ritual.[592]

With regard to suicide the Swedish church ordinance of 1571 stated that premeditated suicides were not to be buried at the cemetery under any circumstances: "*Självspillingar* that are not those who in delusion, but with malice aforethought destroy themselves shall under no circumstances come into the cemetery. Since they had been desperate."[593] As stipulated in *Kristofers landslag*, explicitly only those who were of sound mind and intentionally committed suicide were categorized as "*självspillingar*". What is interesting, however, is the cause given for the intent to commit suicide: despair. The concept of despair has been closely linked to intentional suicide for centuries since it was regarded as a lapse from faith and thus a marker for insufficient trust in God. As such, the concept was powerful also for roman-Catholics.[594]

Intentional self-killers, however, were not the only ones who were denied a burial at the churchyard: also excommunicated or blasphemous individuals as well as those who otherwise had died in their sins were exempt from a Christian burial at the cemetery if they had not had a chance to show remorse and reconcile before their deaths.[595] Victims of infanticide were not to be buried at the cemetery either, which Ann-Sofie Ohlander interprets as a punishment of the parents.[596] As Jonas Liliequist demonstrated, a burial outside the cemetery served as means of warning and deterrent for the living also in the criminalization of dueling. According to the first ordinance against dueling from 1662 fallen duelists should be buried in the woods like malefactors and suicides. This regulation was mitigated in an ordinance issued in 1682 according to which fallen and executed duelists were admitted to be buried in the churchyard, yet unattended by the clergy and without

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[592] "Doch skole wij likwel lata the dödha ährliga och tilbörliga komma til iordena, Ty ther medh bewise wij för hwar man then kerleek som wij haffue hafft til them, medan the än nu leffde med oss. Item bekenne wår troo som wij haffue om vpståndelsen, och betyge then för hopning som hoos oss är om thens dödhas welfärd och ewigha saligheet", *Swedish Church Ordinance of 1571*, 121; see also Inger, "Rätten över eget liv och över egen kropp," 83.

[593] "Sielffspillingar, thet äro the som icke genom willo, vthan ellies aff berådt modh, sigh förgöra, skola ingalund komma j kyrkiogården. Ty the haffua warit för twifladhe." *Swedish Church Ordinance of 1571*, 123.

[594] For the concept of despair cf. Murray, *The Curse on Self-Murder*, 369–395.

[595] Cf. Inger, "Rätten över eget liv och över egen kropp," 83.

[596] Cf. Ohlander, "Suicide in Sweden," 12.

ceremonies.[597] This reading confirms the assumption that the ignominious burial outside the cemetery was intended as a punishment and warning for the living while no effect on the dead was to be expected.

Still during the reign of king Johan III, only a few years after the church ordinance came in force, some additions were made consisting of the so called *Nova ordinantia ecclesiastica*[598] (1575) and the so called Red Book (*röda boken*) (1576). The *Nova ordinantia ecclesiastica* was not in use for long; due to its rather Catholic-inclined regulations it was annihilated again in 1593 respectively was not in use at all in some regions (e.g. Duke Carl's duchy). Thus, it can be assumed that it left no crucial impact in the long run. Yet, as Ann-Sophie Ohlander remarks, the *nova ordinantia* elucidates in more detail what an exclusion from a Christian burial actually meant, namely: the denial of the Christian's last resting-place (*Neka the Christnas lägerstadh*), no honest and public interment (*Ingen ährlig och vppenbara begraffning viderfara låta*) and interdiction of the tolling of the knell (*Förbiuda klockorna*).[599] However, it is important to keep in mind the context of these provisions. As Ann-Sophie Ohlander also points out, they are embedded in a chapter on ecclesiastical punishments (*Kyrkostraff*), public confession (*uppenbara skrifftemål*) and ban where 29 so called "*crimina notoria*" or serious vices are listed, ranging from too sporadic church attendance, theft, murder and bestiality to gambling and "other serious vices, which are worth to be subjected to ecclesiastical punishment".[600] This enumeration of "*crimina notoria*" is followed by another listing, specifying 15 ecclesiastical punishments by which the former mentioned vices were to be sanctioned. This means, that the above mentioned ecclesiastical punishments applied in theory to all listed crimes and not exclusively to suicide, especially as suicide itself is not explicitly listed amongst the "*crimina notoria*". Although it can be assumed that it fell under the category of "other serious vices" it is interesting to observe that it was not a category of its own.

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[597] Cf. Jonas Liliequist, "From honour to virtue: the shifting social logics of masculinityand honour in early modern Sweden", *Honour, Violence and Emotions in History*, ed. Carolyn Strange, Robert Cripp and Christopher E. Forth (London: Bloomsbury Academic, 2014), 45–68.

[598] "Nova Ordinantia Ecclesiastica. Anno 75 conscripta et unanimo epischoporum consensu approbata," *Kyrko-ordningar och förslag dertill före 1686*. Första Afdelningen. Handlingar rörande Sveriges historia. Andra serien (Stockholm: Norstedt, 1872), 181–351.

[599] Ohlander, "Suicide in Sweden," 12 f; "Nova Ordinantia Ecclesiastica," 254.

[600] "... och andra groffua laster, som äre werde att komma wnder kyrkiostraff," cf. "Nova Ordinantia Ecclesiastica," 252–254.

Reviewing the regulations of the church ordinance of 1571 and the *nova ordinantia* Ann-Sophie Ohlander concludes that both implied that "suicide victims belonged with the hardened criminals who were placed outside of the Christian hope of resurrection and eternal life, concretely manifested in the burial rites of the Church, the consecrated ground of the cemetery, and, not least of all, the tolling of the knell, which people regarded as necessary for the dead to be able to find peace in their graves."[601] I find her conclusion astonishing since it clearly refers to a roman-Catholic interpretation of the last resting place and the burial rites that does not correspond to the 'new' Lutheran context both the church ordinance of 1571 and the *nova ordinantia* created.

For one, according to the Swedish church regulations cemeteries were no longer consecrated.[602] The idea that the tolling of the knell would help the deceased to find peace suggests a Catholic interpretation of the act as well, something that Laurentius Petri had tried to expel. The church ordinance of 1571 explicitly denunciates this 'malpractice' and stipulates clearly and precisely on what occasion the tolling of the knell was allowed.[603] One occasion on which bell ringing was permitted was in the course of a funeral, when the deceased was born out of the house. However, the ordinance made clear that ringing the knell, singing and other rites served to inform the community about the death. It was intended to serve those left behind, not the deceased, who could gain no benefit from it.[604] Like Erik Midelfort noted "in high or official Lutheran theology one's place of burial had no effect on the ultimate fate of one's soul; that fate was regarded as sealed by one's own faith and by God's grace and was not dependent in any way upon the works of one's family, friends, and co-citizens."[605] However, it seems reasonable to suppose that contempo-

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601 Ohlander, "Suicide in Sweden," 13.

602 "Effter thet then wiyelse som til Kyrkior, Kyrkegårdar, och til thenna margahanda Kyrkioskrudh, Beläte oc annat sådant haffuer brukat warit, icke annat är än menniskio påfund, oc haffuer tilfelle giffuit til ganska stort misbruk, skal hon här effter intet meer ther til bruka," *Swedish Church Ordinance of 1571*, 102; see also Sven Baelter, *Historiska Anmärkningar om Kyrkoceremonierna, så wäl wid den offentliga Gudstjensten, som andra tilfällen hos de första Christna, och in Swea Rike; i synnerhet efter Reformationen til närwarande tid*; författade af Sven Baelter, för detta S. S. Theol. Doct. och Domprobst i Wexiö. Andra uplagan (Stockholm: Peter Heßelberg, 1783), chapter 44, § 10.

603 *Swedish Church Ordinance of 1571*, 102 f.

604 "När tå lijket vthbärs, må man wel lata ringia, siunga, och annor stycker, som icke äro ochristeligh, effter sedwenion bruka, först at folket är vnderwijst om slijk tingest, så at the skee meer för theras skul som leffua, effter som ock S. Augustinus bekenner, än för theras skul som döde äro, hwilke slijkt nu intet haffua behoff", *Swedish Church Ordinance of 1571*, 121.

605 Midelfort, "Religious Melancholy and Suicide," 45.

raries had difficulties to internalize this transformation since, with regard to burials, the rituals per se hardly changed but merely had a different meaning attached to them.

For instance, indications that pre-reformatory notions of the necessity of a burial at the churchyard lived on can be found in Sven Baelter's *Historiska Anmärkningar om Kyrkoceremonierna*, first published in 1762, in which he described events that took place in 1710/1711: Due to hygienic reasons the authorities had ordered people who had died in epidemics to be buried outside of the churchyards. This ordinance gave rise to protests not only amongst the parishioners – a considerable part of the priesthood did not follow this order either, fearing a diminution of bliss. The resistance caused Bishop Jesper Swedberg to write a letter to the priesthood in which he emphasized that the place of the burial had no influence on the honor and bliss of the deceased, referring to many examples in the bible in order to strengthen his argument.[606]

The church law of 1686

When finally the new canon law (referred to as *1686 års kyrkolag*) was proclaimed on September 3, 1686, the boundaries between the secular and ecclesiastical spheres had dissolved even more. Also in *1686 års kyrkolag* the course of a Christian burial was set out in detail in chapter XVIII.[607] Many regulations were similar to those from 1571. Those who had lived a good Christian life should enjoy an honest and proper burial. Their deaths should be announced from the pulpit, accompanied by thanking God and praying to solace the bereaved. Tolling the knell after a death was intended to announce the death, and to invoke Christian thoughts about mortality in those left behind. It was not intended to serve any 'superstition' as the law explicitly stated. Several sections requested that funerals should be kept small and simple, not too luxurious. No corpse should remain unburied for more than half a year. Penalties were stipulated in cases when corpses were placed in a grave unauthorized or remained unburied. Penalties were also imposed when corpses where moved from one grave to another and buried anew with a procession. Moreover, pastors were not allowed to travel to the houses where the death had occurred in order to

606 Baelter, *Historiska Anmärkningar om Kyrkoceremonierna,* chapter 44, § 4–6.

607 *1686 års kyrkolag*: "Kongl. May:ts Kyrckio=Lag och Ordning. Datum Stockholm then 3 Sept. Anno 1686," ed. Johan Schmedeman, *Kongliga Stadgar, Förordningar, Bref och Resolutioner ifrån Åhr 1528 intil 1701 angående Justitiae och Executions Ährender* (Stockholm: 1706), 996–1069, chapter XVIII.

sing or hold a procession on the spot, or while the dead person was carried out of the house.

Concerning the course of the funeral, the *1686 års kyrkolag* stipulated that the corpse was to be placed in the grave and buried first and that then the sermon should be heard in the church. Necrologies should be in accordance with the lived life, without embellishment and undeserved praise. Newborns who had died without being baptized were to be buried in their parents' family grave and a pastor should read a prayer. Newborns born out of wedlock who were murdered should be placed at a remote place of the cemetery.

The last section finally concerned those who had not lived a god-fearing life and had died in their sins. For these people the *1686 års kyrkolag* stipulated that the pastor should not be overhasty with a funeral but should report the case to the secular court. The secular court would then investigate and judge what kind of funeral it deemed adequate.[608] Only the last sentence finally concerned suicides by simply stating that they were to be investigated and judged by secular courts.

In summary, it can be stated that suicide once again did not take a prime position within ecclesiastical law but was treated in combination with other transgressions of religious rule. Also, the punishment stipulated for suicide was not exclusive to self-killers but applied to a great many offenses. The reticence regarding the topic of suicide observed by Alexander Murray for medieval canon law can be also applied to the Swedish Lutheran doctrine of the sixteenth and seventeenth century. This means that the canon of the new belief did not get in the way of already established punishment practices of intentional self-killers.

However, another dilemma had unfolded itself in the course of the conversion to the new belief: The reinterpretation of established customs and rites. According to the church or-

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[608] During my collection of sources I have come across several examples where individuals who died of natural causes were denied a regular funeral by the secular courts due to their 'unchristian' lifestyle. In one case a woman who had been sentenced for disturbing the church service was granted only a burial in silence, cf. case of Lisbeta Bertilsdotter, 1704, RA, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål February 22, 1705; in another case a homicide victim with a criminal record who had escaped from prison was to be buried by the executioner under the gallows, cf. case of Carl Albrechtson, 1687, RA, BP Vol. 5, fol. 67 f. When in April 1700 26-year-old farmhand Israel Danielsson was found dead in his bed after having drunk the evening before, the *häradsrätt* started an investigation into the cause of his death. In doing so, however, the court referred to chapter XVIII of the *1686 års kyrkolag*, not mentioning the secular penal code, cf. case of Israel Danielsson, 1700: *extraordinarie ting* in Gudmundrå, April 21, 1700, Södra Ångermanlands domsaga AIa:7, HLA; microfiche D52265, sheet 10, fol. 364–368.

dinance of 1571 premeditated suicides were excluded from traditional Christian burial rites and the Christian last resting-place. These ecclesiastical punishments were not new but a continuation of the sanctions for suicide stipulated by the roman-Catholic canon. The same practices, however, were supposed to bear a different meaning now. By abolishing the Catholic practice of consecrating the churchyard, the ground inside of the churchyard and that on the outside was the same – in theory. And yet it was regarded as a severe punishment to be denied a spot at the cemetery also amongst Lutherans. It meant that the deceased was no longer treated as a member of the Christian community, but – unlike in Catholicism – the expulsion was not expected to alter the chances for salvation.[609] Similarly, Catholic believers thought that prayers and other rituals would also support the deceased's journey to heaven and thus the interdiction of these rituals was a punishment for the self-killer. Lutheran doctrine, however, rejected the notion of burial rituals and prayers being beneficial to the deceased. The denial of a Christian burial served as a warning for the living,[610] and not so much as a punishment for the dead person. Instead of changing the rituals, however, merely their meaning was reinterpreted.

It is unclear if and how quickly contemporaries adjusted to this new meaning and internalized it. It is well known that traditions and customs linger on for long times after they have officially been abolished. Some Catholic customs could not be eradicated but continued to live on, sometimes just in another disguise. In his study on religious mentality in Sweden from 1593 to 1700 Göran Malmstedt showed that in the seventeenth century certain Catholic inclined rituals and saints still played an important role for many women and men. He also assumed that at the end of the seventeenth century the notion of purgatory was still present to some degree.[611] The phenomenon of "*offerkyrkor*", a concept simi-

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609 "Kyrkiogårdar eller ock annor rum, ther Christet folk plägar begraffuas, skola hållas ährliga för theras skul som ther hwilas, och ändoch thet gör lika mykit aff sigh til salighetena, hwar som helst en warder begraffuen, likwel hwar någor effter then grunden wille förachta almennelig Christna menniskiors lägrestadh, then same är icke heller werd warda ther begraffuen," *Swedish Church Ordinance of 1571*, 123.

610 This is clearly spelled out, for instance, in the sentence by the *häradsrätt* concerning the self-killing of Lars Larsson who "sig till förtient straff här i werlden, och andra så denne betänkte och dårachtige diefwulens onde rådh och siälespillares efterfölliere till någon fasa, sky och afskräck, icke bör niuta någon jord eller begrafning uthan kyrkiogård, uthan af bödelen till skougs föras och i båhl brännas" [As a "just punishment in this world", and for the "horror, abhorrence and deterrence" of others who consider becoming "foolish imitators of the devil's evil advice and of those who waste their soul" Lars Larson was denied "soil or burial outside the churchyard but ought to be carried by the executioner to the woods and burned at the stakes"]. The Royal Superior court mitigated the sentence; the corpse should be buried and not burned by the executioner, cf. case of Lars Larsson, 1689.

611 Malmstedt, *Bondetro och kyrkoro*, 153 f.

lar to that of a pilgrimage church, can be confirmed still in the eighteenth century.[612] Thus, the conversion to the new Lutheran doctrine was for sure no process that was accomplished over night. To a certain degree the reinterpretation of long-established rites was presumably also a tactic in order to gradually steer the believers into a new direction.[613] Thus, despite being no longer part of the official doctrine it is very possible that contemporaries held on to Catholic customs and reasoning as some sort of popular belief. It is a difficult task to find out which conceptions lived on and to what degree; much must be left to speculation. Nevertheless, as will be shown, many case histories provide clues with respect to religious beliefs and practices that can be analyzed.

Piety and devotion to the Catholic Church in the Austrian archduchies

At the beginning of the confessional age the Lutheran belief had attracted broad layers of the population, especially amongst the nobility, also in the Austrian lands.[614] Since the second half of the sixteenth century, and more vehemently the beginning of the seventeenth century, Catholic 'reforms' had been forcefully carried out in order to win back those 'lost souls'.[615] In the 1620s Lutheran preachers were banished from the Austrian lands per decree, in the 1630s and 1650s so called '*Reformationskommissionen*' ('reformation commissions') were established in an attempt at organizing a systematical re-Catholicization. Amongst other tasks these *Reformationskommissionen* ought to inquire all parishioners with regard to their belief; non-Catholics could choose between conversion, a short time for consideration, and emigration.[616] Of those who did not want to convert to Catholicism, many left the Austrian lands, others adhered to their Lutheran belief in

612 Ibid., 150; 186.

613 Ibid., 166 f.

614 For a detailed presentation of the developments during the era of confessionalism in early modern Austria cf. Rudolf Leeb, "Der Streit um den wahren Glauben – Reformation und Gegenreformation in Österreich," *Geschichte des Christentums in Österreich. Von der Spätantike bis zur Gegenwart*, eds. Rudolf Leeb, Maximilian Liebmann, Georg Scheibelreiter and Peter G. Tropper (Wien: Ueberreuter, 2003), 145–280.

615 For more information cf. exemplarily the contributions in the edited volume *Staatsmacht und Seelenheil. Gegenreformation und GeheimProtestantismus in der Habsburgermonarchie*. Veröffentlichungen des Instituts für Österreichische Geschichtsforschung 47, eds. Rudolf Leeb, Susanne Claudine Pils and Thomas Winkelbauer (Wien/München: Oldenbourg, 2007).

616 Martin Scheutz, "Eine fast vollständige Tilgung des Protestantismus und ein handfester Neubeginn. (Geheim-)Protestantismus in Niederösterreich im 17. und 18. Jahrhundert," *GeheimProtestantismus und evangelische Kirchen in der Habsburgermonarchie und im Erzstift Salzburg (17./18. Jahrhundert)*, eds. Rudolf Leeb, Martin Scheutz and Dietmar Weikl (Wien/München: Böhlau, 2009), 185–207; here 187–189.

secret.[617] Especially after the Thirty Years' War Lutheran tendencies were defeated mercilessly and Catholicism was enforced with great ambition as the *de facto* state religion in the Austrian lands.[618] Despite serious attempts, however, not all subjects could be convinced of converting back to Catholicism and the Protestant community in the Austrian archduchies was not completely erased. As late as in the second half of the eighteenth century, only a few years before the Patent of Toleration (1781) would have ended their illegal status, mass deportation of Protestants from the Austrian hereditary lands to Transylvania took place.[619]

The harsh abolition of Protestant tendencies was accompanied by a fervent promotion of Catholic piety. Strict religious politics, the erection of pompous sacred buildings, and the extroverted display of piety in the form of pilgrimages, processions, confraternities, and the veneration of saints – especially of the Virgin Mary – thus created a distinct form of Baroque Catholicism.[620] Although not without controversy, the expression '*pietas austriaca*', Austrian piety, is often used to refer to the propagated virtue of many members of the Habsburg dynasty as faithful adherents to Roman Catholicism and their role as devoted defenders of the 'right belief'.[621] Without question specific forms of piety and devotion to the Catholic belief – zealously demonstrated and propagandized by the ruling Habsburg dynasty – significantly coined the baroque era in the Austrian lands.[622] Edificial remnants

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617 Concerning the topic of religious conversion cf., for instance, Martin Scheutz, "Glaubenswechsel als Massenphänomen in der Habsburgermonarchie im 17. und 18. Jahrhundert – Konversionen bei Hof sowie die ‚Bekehrung' der Namenlosen," *GeheimProtestantismus und evangelische Kirchen in der Habsburgermonarchie und im Erzstift Salzburg (17./18. Jahrhundert)*, eds. Rudolf Leeb, Martin Scheutz and Dietmar Weikl (Wien/Oldenbourg/München: Böhlau, 2009), 431–455. Regarding the question of how Protestants and Catholics lived together cf. Rudolf Leeb, "Zwei Konfessionen in einem Tal. Vom Zusammenleben der Konfessionen im Alpenraum in der Zeit des ‚GeheimProtestantismus' und zum Verständnis der Konfessionalisierung," *Impulse für eine religiöse Alltagsgeschichte des Donau-Alpen-Adria-Raumes*, ed. Rupert Klieber and Hermann Hold (Wien/Köln/Weimar: Böhlau, 2005), 129–150.

618 Cf. Scheutz, "Das Offizielle und das Subkutane," 404.

619 Cf. Steiner, *Rückkehr unerwünscht*, 234–298.

620 Cf. Scheutz, "Das Offizielle und das Subkutane," 406–412.

621 Cf. Anna Coreth, *Pietas Austriaca*. Transl. by Anna Maria Leitgeb and William D. Bowman (West Lafayette: Purdue University Press, 2004 [first published in German 1959]). Critics of the term '*Pietas Austriaca*' emphasize that it indeed was a 'propaganda term' during the seventeenth century and that the expression thus affirmatively supports the role and perspective of the ruling Habsburg dynasty during the era, cf., for instance, Martin Scheutz, "Verspätete Konfessionalisierung im österreichischen Donauraum, zwei Konfessionen im Konflikt und Säulen, die langsam Hauptplätze erobern," *Barocke Kunst und Kultur im Donauraum*. Beiträge zum Internationalen Wissenschaftskongress 9.–13. April 2013 in Passau und Linz, ed. Karl Möseneder, Michael Thimann and Adolf Hofstetter (Petersberg: Michael Imhof Verlag, 2014), 146–159, here 147.

622 The *Frühneuzeit-Info* 20,1 (2009) is a special issue on the topic of piety, edited by Friedrich Polleroß and Nicolaj van der Meulen. For an overview of the literature cf. Karl Vocelka, "Frömmigkeitsforschung

of this "Catholicization of the public space"[623] can be seen still today; they remain characteristic markers of cityscapes and landscapes. The *Karlskirche* in Vienna, the Melk abbey in Lower Austria, various Marian or Holy Trinity columns, as well as wayside shrines are just a few examples.[624] On a more personal level the wearing of rosaries, amulets, and scapulars as material affirmation of one's belief was wide spread amongst all demographic groups. The wearing of a scapular could also indicate the membership in a confraternity.[625]

While the seventeenth century is regarded as a phase of strict implementation of the Lutheran doctrine in Sweden, a similar process of confessional indoctrination took place in the Austrian Archduchies concerning the Catholic belief. The manner in which the authorities hoped to accomplish and strengthen the respective religious conformity, however, differed considerably. The baroque Catholicism appealed to all senses stressing visual impressions and (collective) 'doing'. As such, the high degree of performance in these Catholic practices built a sharp contrast to the usually more introverted Lutheran practices with its focus on the word, be it written, heard or sung.

Other mechanisms of religious indoctrination, social disciplining, and control, however, were realized quite similarly in both territories. In a manner comparable to the above described situation in early modern Sweden, Catholic priests in the Austrian archduchies monitored all the parishioners' doings. Church attendance on Sundays was obligatory as well as the annual confession at Easter time. Although Catholic priests were not directly subordinated to the secular sovereign, they were nevertheless expected to closely cooperate with the secular state organization, for instance, by reading orders issued by the sover-

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Mittelalter und Frühe Neuzeit. Forschungsüberblick und bibliographische Einführung," *Frühneuzeit-Info* 20,1 (2009): 15–52.

623 Rudolf Leeb, "Zwei Konfessionen in einem Tal," 135.

624 Cf. for instance, Karl Möseneder, Michael Thimann and Adolf Hofstetter (eds.), *Barocke Kunst und Kultur im Donauraum*. Beiträge zum Internationalen Wissenschaftskongress 9.–13. April 2013 in Passau und Linz, 2 Vols. (Petersberg: Michael Imhof Verlag, 2014). Regarding the meaning and function of Marian or Holy Trinity columns cf. especially the contribution by Scheutz, "Verspätete Konfessionalisierung," 146–159.

625 Cf. Martin Scheutz, "Glauben sie übrigens, daß ich den Teifel nicht so schwartz mahlen könne, wie er in sich selbsten ist'. Die habsburgische Zentralverwaltung und die Vielfalt der untergrundProtestantischen Zeichen um die Mitte des 18. Jahrhunderts," *Konfessionelle Ambiguität: Uneindeutigkeit und Verstellung als religiöse Praxis in der Frühen* Neuzeit. Schriften des Vereins für Reformationsgeschichte 214, eds. Barbara Stollberg-Rilinger and Andreas N. Pietsch (Münster: Gütersloher Verlagshaus, 2013), 346–372, here 354.

eign from the pulpit.[626] As Martin Scheutz pointed out, people were well aware that the presbytery served as the long arm of the secular authorities.[627]

This chapter has argued that the religious grounds for the condemnation of suicide had originally been vague but during the course of the Middle Ages were developed into a firm canon of arguments against suicide under all circumstances. Following the diction of suicide as a sin against nature, society and God, secular legislation incorporated self-killing as a crime in the penal codes and subjected it under the jurisdiction of the secular courts. Neither Martin Luther nor any of the other main Protestant reformers of the confessional age questioned the general rejection or culpability of the act or the judicial competence of the secular authorities in this regard.

In both territories the period under investigation can be described as an era of intensive religious indoctrination creating and pronouncing the confessional differences between the Catholic and Lutheran belief systems. The following section thus examines in detail if and how these differences become apparent in the studied material.

[626] Regarding the role of the Catholic priest, the new demands concerning his occupational profile after the Council of Trent, and everyday problems between clerics and parishioners cf. exemplarily Rainer Beck, "Der Pfarrer und das Dorf. Konformismus und Eigensinn im katholischen Bayern des 17./18. Jahrhunderts," *Armut, Liebe, Ehre. Studien zur historischen Kulturforschung*, ed. Richard van Dülmen (Frankfurt am Main: Fischer, 1988), 107–143; for an example from Carinthia cf. Christine Tropper, "'Zu grosser ergernus mainer pfarrmenge'. Überlegungen zu ländlichen Pfarren als Organisations-, Kommunikations- und Identifikationseinheiten in der Frühen Neuzeit," *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 117 (2009): 312–332; Johannes Kritzl, "'Sacerdotes incorrigibiles'? Die Disziplinierung des Säkularklerus durch das Passauer Offizialat unter der Enns von 1580 bis 1652 im Spiegel der Passauer Offizialatsprotokolle" (PhD Diss., University of Vienna, 2011).

[627] "…, die Funktion des Pfarrhofes als Vorzimmer der weltlichen Amtsstuben war den Pfarrkindern deutlich bewusst.", Scheutz, "Das Offizielle und das Subkutane," 407.

On the soul and the prospects of salvation

Hitherto the discussed consequences for self-killing have mostly concerned material aspects, punishments that – for the most part – were imposed by secular authorities on the suicide's corpse or property. It is a reasonable assumption, however, that in a religiously charged atmosphere where the here and now was merely seen as a passage to true salvation and eternal bliss in the afterlife, the risk of eternal damnation was regarded as the much more severe penalty for suicide.[628] This can be assumed for both Catholic and Lutheran believers. If we were to follow this logic, the sentences meted out for suicide by the authorities in this world were nothing more than concomitants on the soul's way to hell.

And indeed, at first sight it seems quite clear that individuals lost their chances to gain salvation by committing suicide. As shown above the act of suicide was highly condemned both by Catholic and Lutheran doctrine – but does that mean that there was no room for hope for the individual who committed suicide? In other words, did the general condemnation of the *act* of suicide on the normative and abstract level exclude the *person* who committed suicide from the prospect of salvation?

In the course of this study I have come across several indications that suggest such discriminating conception of suicide in premodern times. After all, since the Middle Ages – and thus around the same time the arguments against suicide became firmly established – the important aspects of intent, mental capacity and subsequently the distinction between *felo de se* and *non compos mentis* suicides created some sort of loophole since the latter – due to their assumed diminished culpability – were not completely excluded from the Christian community. In this vein Martin Luther's comments on suicide can be regarded as a continuation and extension of this already existing 'flexibility'. Despite his general condemnation of the act he was inclined to leave the decision regarding the salvation in indi-

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[628] For a brief description of the conception of the afterlife at the end of the Middle Ages cf. Peter Riedel, "'Himmel, Hölle, Fegefeuer'. Jenseitsvorstellungen im Mittelalter," *Weltbilder des mittelalterlichen Menschen*. Studium Litterarum. Studien und Texte zur deutschen Literaturgeschichte 12, ed. Heinz-Dieter Heimann et. al. (Berlin: Weidler, 2007), 135–146; Bernhard Lang sketches conceptions of the afterlife from antiquity to the present age emphasizing the pagan roots in the Christian notion cf. Bernhard Lang, Himmel und Hölle. Jenseitsglaube von der Antike bis heute (München: Beck, 2003); regarding imaginations of the afterlife in Protestant theology cf. Walter Sparn, "'Aussichten in die Ewigkeit.' Jenseitsvorstellungen in der neuzeitlichen Protestantischen Theologie." *Das Jenseits. Facetten eines religiösen Begriffs in der Neuzeit*, ed. Lucian Hölscher (Göttingen: Wallstein, 2007), 12–39.; Josef Schmid, Lemma "Jenseits," *Lexikon für Theologie und Kirche* 5. 2nd edition (Freiburg: Herder, 1960), column 890–892.

vidual suicide cases to God's divine judgment. However, this rather bendable, even 'undogmatic' stance of Luther caused historians to assume more lenience for self-killers by Protestant theology compared to Catholicism. Gary Ferngren, for instance, notes that "Catholic moral theology left no hope for the eternal destiny of a suicide, [whereas] many Protestants were unwilling to deny absolutely the possibility of repentance and God's mercy."[629] Alexander Kästner confirms in his analysis of texts written by Martin Luther and Philip Melanchthon that Protestant theology indeed did not rule out the possibility of remorseful repentance and God's mercy for self-killers assuming an impact also on pastoral care.[630] The question I would like to pose is if Catholics – as implied – really were that much stricter than Protestants and condemned without exception all suicides, or if they too had a more differentiated view when it came to the assessment of individual suicide cases. In the following section I will thus ask if and how questions regarding the possibility of salvation are reflected in the court cases, and if the assumed differences between Catholicism and Lutheranism are confirmed by the findings from the territories under investigation.

Priests and pastors as 'experts on the spiritual welfare'[631]

Although self-killings clearly fell under the competence of the secular courts, priests and pastors were frequently involved in the investigation and/or the trial of suicides in both territories. In principle their participation was not mandatory; the sources confirm the partaking of a cleric only in some – far from all – cases.[632] However, due to the character of suicide as a common concern and in the spirit of a good cooperation between secular and ecclesiastical authorities it can be assumed that priests and pastors were usually integrated into the procedure. In modern terms the role of priests and pastors in the investigation could be described as that of an 'expert witness'. Interestingly not only the role of the Lutheran pastors in early modern Sweden but also the function of Catholic priests in

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629 Ferngren, "The Ethics of Suicide in the Renaissance and Reformation," 178, cited in Kästner, *Tödliche Geschichte(n)*, 126, footnote 99.

630 Kästner, *Tödliche Geschichte(n)*, 219 f.

631 I borrowed this phrase from Alexander Kästner, "Experten für ein gutes Leben. Zur Rolle von lutherischen Pfarrern in Untersuchungsverfahren nach Selbsttötungen (Kursachsen 1700–1815)," *Experten und Expertenwissen in der Strafjustiz von der Frühen Neuzeit bis zur Moderne*, ed. Alexander Kästner and Sylvia Kesper-Biermann (Leipzig: Meine Verlag, 2008), 85–98, 86.

632 Of course it cannot be ruled out that between secular and ecclesiastical authorities informal arrangements took place, which are not explicitly mentioned in the documentation of the suicide case.

the Austrian Archduchies bear a striking resemblance to the picture that Alexander Kästner painted of the involvement of Lutheran pastors in the electorate of Saxony:[633] The intimate knowledge of their parishioners made pastors and priests experts with regard to the Christian moral conduct of the deceased which – as outline before – was an important category in the search for the suicide 'cause'. The investigation was without doubt conducted under the lead of the secular authorities, but the statement of the ecclesiastical representative usually carried a certain weight. Moreover, depending on the verdict, the clergy was also involved in the implementation of the sentence: Silent funerals at the churchyard usually implied the consent of the local cleric. Especially in the Austrian Archduchies, it seems, informal agreements between secular and ecclesiastical authorities were quite common. In many cases, however, priests and pastors either appeared in person before court or delivered written attestations about the self-killers' moral conduct. It can be assumed that clerics were also approached by family members, and explicitly asked to appear on behalf of the deceased.

In their oral or written statements priests and pastors provided information concerning the Christian lifestyle and moral conduct of the deceased. Lutheran pastors in Sweden usually disclosed if the deceased had regularly attended church, how he or she had been doing at the catechism exams, and gave an assessment regarding the reading skills of the departed. Furthermore it was frequently mentioned if the deceased had been known for having prayed and sung on their own, and when he or she had last shrived and received Holy Communion. Additional important characteristics of a good Christian lifestyle were piousness and living peacefully with one's family and neighbors. Attestations and statements by Catholic priests too highlighted the importance of regular church attendance, confessions, piety and generally a lifestyle agreeable to God. The statements varied in length and detail from case to case in both territories; stretching from short confirmations of when the deceased had last received Holy Communion to detailed descriptions of the former lifestyle. The information provided by the clerics tended to be either neutral or positive towards the deceased; explicit negative remarks are rare. Perhaps pastors and priests did not bother attending the trial or writing an attestation when they had nothing positive to say about a person. For the most part, the clerics' statements were unobtrusive in the sense that they provided the requested information yet left the finding of the ver-

[633] Cf. Kästner, "Experten für ein gutes Leben."

dict to the secular court. At times, however, the hoped for outcome of the investigation could be read between the lines.

Generally it can be noted that the judicial aftermath of a suicide in both territories focused by and large on the practical concerns as outlined in the previous chapter, i.e. questions concerning the burial and – in the Austrian Archduchies – the economic consequences.[634] Statements on the subject of spiritual matters, for instance regarding the whereabouts of the soul or the prospect of salvation are mentioned only on rare occasions. This could be interpreted as an indicator that the damnation of suicides was a given which made any discussion about the topic obsolete. I deem it more likely, however, that the worldly criminal courts left questions concerning the soul deliberately on the sidelines. I assume that they consciously avoided questions which strictly speaking did not fall under their competence and to which they ultimately had no answer to. Secular courts were most likely cautious so as not to run the risk of interfering with God's judgment.

Despite certain differences in the details, both Catholic and Lutheran doctrine regarded the soul as an incorporeal essence of all living things.[635] On the last day, the notion goes, the dead would resurrect and their souls would reunite with the physical body. Then every human would be judged either to eternal life and bliss or everlasting damnation. During its lifetime in this world, as David Lederer has shown, the soul was thought to be a sensitive matter that could be easily brought out of balance. Scholars, moralists, theologians as well as common people were concerned with the wellbeing of the soul applying various practices in order to treat its afflictions.[636] Without question, immoral behavior was thought to affect the soul and its chances of salvation. Thus, by attempting or committing suicide, individuals put their prospects of eternal bliss at risk. In order to get a better understanding of conceptions of the soul in the context of suicide cases I turn towards the few examples that actually mention the topic.

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634 For Bavaria, David Lederer notes too that with regard to suicide the central authorities were first and foremost concerned with the conditions of the burial, *Religion and the State*, 251.

635 Cf. Helmut Holzhey, Lemma "Seele," Enzyklopädie der Neuzeit 11 (Stuttgart: Metzler 2010), column 1014–1021. Acknowledging the immortality of the soul Luther also held the view of soul-sleeping which, however, was never developed into a firm doctrine, cf. Koslofsky, *The Reformation of the Dead*, 36 f.

636 On the soul in the context of mental illness and spiritual physic cf. Lederer, *Madness, Religion and the State*, 1–39.

Assessments regarding the prospects of salvation

The only occasion an unequivocal statement regarding the destiny of a suicide's soul can be found in the studied Swedish source material concerns a 'failed' suicide attempt. When Pär Joensson stood trial for his deed the court asked quite bluntly if he did not know that by killing himself he would not only kill his body but also his soul ("*på dhet sättet icke allenast mörda sin kropp, uthan sin siähl*").[637] To hold out the prospect of the death of the soul is a strong predication and quite interesting since it was not in accordance with Lutheran thought or the doctrine of the Swedish church which both acknowledged the immortality of the soul. The jury members of the court, of course, were not trained theologians. The statement thus should not be taken verbally but regarded as an expression for the serious consequences that suicide was thought to have on the soul. Moreover, one needs to keep in mind that this 'threat' was uttered in the context of a trial concerning a suicide attempt. It was thus most likely intended to deter Pär Joensson from further attempts by reminding him of this bleak outlook. At the same time, failed suicide attempts were occasionally also interpreted as divine intervention, a sign for God's mercy and hope for the remorseful and repentant sinner.[638]

In the few other examples that touch the topic – they all concern fatalities – the outlook was less definite. Take for instance the obscure case of Jon Siuhlson, where the court was not sure whether his drowning was an accident or a self-killing. In the benefit of the doubt and in congruence with the "*domarregler*" the court granted him a silent burial on the northern side of the cemetery, however, not without stating that the rest was left to God's judgment ("*lemmandes deth öfriga under guds doom*").[639] The court thus did not only abstain from pronouncing a clear judgment regarding the cause of death; it also showed confidence that in the end God would bring the deceased's soul to justice. As such the ruling is an expression of early modern thought, illustrating the perception of jurisdiction as a two-fold entity: the one part of jurisdiction that was exercised by the secular courts – installed by God's will – in this world, and the other part that was exercised at the time of the last judgment. The worldly judgments by the secular courts added to God's final verdict but did not anticipate it.

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637 Cf. case of Pär Joensson, 1695.

638 Cf. case of Johan Ersson, 1696, *ting* in Ockelbo, April 6, 1696, Svea hovrätts renoverade domböcker, Gävleborg 46, RA; microfiche S3660, sheet 22, fol. 1146; 1150–1152.

639 Cf. case of Jon Siuhlson, 1695.

The only example where the chances of salvation were discussed at least to some extent was the self-killing of Joen Amundsson, a case which is remarkable in many regards. It is therefore necessary to elaborate on the circumstances of his death: On June 6, 1679 an extraordinary ting assembled to judge over 70-year-old Joen Amundsson who had hanged himself four days earlier.[640] The documentation of the case in the judgment book reveals that more than ten years before his suicide, in April 1668, Joen Amundsson had killed his wife with an axe in amentia. After the deed he had been scheduled to appear before the court several times but due to his mental condition he had not been able to stand trial. In the end he was declared *non compos mentis* by the court; he was sentenced to a fine and released under the condition that he would be kept under close watch. According to the statements in the judgment book the neighbors kept him under close surveillance during the first two years after the homicide. Then, however, his condition improved, he regained his complete sanity and was able to work and go to church again. Interestingly, the judgment book indicates that Joen Amundsson most likely was not even aware of the fact that he had killed his wife. At one point the judgment book notes that he never stood "*kyrkoplikt*", a form of church discipline and public punishment decreed by secular courts for certain crimes like manslaughter, since nobody wanted to disclose for him what he had done to his wife ("*icke eller wardt Jon Amundsson någon kyrkioplicht ålagdt; efter ingen wille honom uppenbara att han sin hustru till hennes lijf skadat hadhe*").

The day before his suicide he appeared god-fearing as usual, prayed, sang and asked a neighbor to read for him from the bible, according to the witness statements. He complained about pain in his leg but was otherwise sane. The witnesses confirmed that the only reason why he did not attend church the week before his death was because the river had flooded the road and he therefore had not been able to climb the uneven terrain. Both the pastor and the chaplain[641] confirmed Joen Amundsson's good Christian moral conduct and verified that he indeed had never undergone church discipline. To all appearances, the killing of his wife during a phase of life in which he was insane did not leave any marks in the evaluation of his more recent conduct.

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640 Cf. case of Joen Amundsson, 1679.

641 The chaplain was the pastor's son-in-law and successor; this was a quite common constellation according to Malmstedt, *Bondetro och kyrkoro*, 85.

After the public hearing of the case, the deceased's daughter-in-law, Kierstin Olofsdotter, was heard by the court in private; apparently upon her request. She confided to the *häradsrätt* her deep concerns regarding her husband, the deceased's son. According to her statement he was so upset about his father's suicide that she feared his life might be at risk too. Her worries were nourished by the fact that he had attempted suicide once before, about fourteen years ago. The jury remembered the incident and acknowledged that her husband was a sensitive man. Regarding her father-in-law Kierstin Olofsdotter reported that she had sensed a slight change in his behavior but did not expect that things would proceed so fast, and "that the devil so quickly would gain power over her father-in-law, who always had been so god-fearing" ("*att det skulle kunna så snart få öfwerhanden, och att sathan skulle få en sådan macht med honom som altijd så gudelig sig ställt hade*"). Together with her neighbors she thus requested that her father-in-law may not be handled by the executioner but would be allowed to be buried close to the church since she otherwise feared that her husband's pusillanimity would get even worse.

After hearing all witnesses the court took counsel. Finally the *häradsrätt* came to the conclusion that it simply could not declare Joen Amundsson of having been insane since no indications pointed towards that direction. The *häradsrätt*, however, did not announce him guilty either, leaving the verdict open and referring it to the Royal Superior Court instead. In doing so the *häradsrätt* not only expressed its hopes that the relatives' application would be considered and the executioner could be avoided, it also added some considerations that the clerics had made in the case: According to the documentation the pastor deemed it possible that Joen Amundsson "*ex imbecillitas cerebri*" (out of imbecility) hanged himself and thus "*ex vita bene ante acta*" would be deserving of a burial. He even considered it possible that Joen Amundsson might be blessed since this fit of dizziness came over him so quickly. The pastor compared this assumed sudden seizure to toothache that he had experienced himself. At times, the pastor said, this toothache so rapidly confused his head that he did not know or remember what was going on. Also the chaplain held an optimistic view regarding Joen Amundsson's prospect of salvation. He was inclined to believe that Joen Amundsson in his agony had been able to commit his soul to God once the "*mortis pugna*" (death struggle) set in.

The case of Joen Amundsson is one of the rare exceptions where the *häradsrätt* ordered the corpse to be removed and stored in a more remote place until the final verdict by the

Royal Superior Court arrived. The *häradsrätt* left it to the relatives whether they wanted to send after the executioner to take care of the transport or handle the corpse by themselves. The final verdict by the Royal Superior Court met the hoped for outcome only in part. It granted the relatives and neighbors to bury the corpse, and thus the involvement of the executioner was avoided. However, a burial close to the church could not be obtained. Joen Amundsson's last resting place was located outside of the churchyard.[642]

The unusual example of Joen Amundsson's self-killing highlights several important aspects. In congruence with other case histories it indicates that imbecility was regarded as something that could befall a person temporarily; as quickly as this condition appeared it could vanish again. Joen Amundsson was apparently well liked by his family and neighbors who had only good things to say about him; obviously they did not hold him accountable for the death of his wife and to all appearance the incident did not have a lasting (negative) effect on his social integration into the community. What is especially remarkable in the context of this section are the clerics' considerations regarding the prospects of salvation in his case. They did not only leave open the consequences of this act for his soul, but more than that, both the pastor and the chaplain rather assumed a positive outcome. According to them, Joen Amundsson's chances to gain salvation were still intact. What is especially noteworthy in this context is the chaplain's assumption that Joen Amundsson might have been able to commit his soul to God in the moment of death. It reflects the strong emphasis in Lutheran doctrine on repentance and trust in God in the moment of death, and subsequently on the last words, as most decisive for the prospect of salvation.[643]

The very same chaplain appeared to be optimistic also concerning the case of Per Olofsson, an obviously high-regarded and well-liked man who took his own life in July 1679, in the same parish and shortly after Joen Amundsson's suicide.[644] According to the statement of Per Olofsson's wife, who was in close proximity when he stabbed himself, he committed his soul to God in his last words. Since in the meanwhile the parish pastor

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642 Cf. Svea Hovrätts brev July 4, 1679, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa: 6, HLA, microfiche S21051.

643 Cf. the description of the Lutheran 'model' death of Hermann Bonnus on the first pages in Craig Koslofsky's *The Reformation of the Dead*, 1 f. For the importance of the last moments in life in the context of executions, the preparation of a person condemned to death, and the religious staging of the Lutheran execution ritual cf. Krogh, *A Lutheran Plague*, 114–129.

644 Cf. case of Per Olofsson, 1679.

had died, only the chaplain was present during the *ting*. He confirmed the deceased's outstanding moral conduct but did not withhold that Per Olofsson had lamented over a fear for the secular authorities since he did not regard himself as the most obedient subject. The chaplain explained that Per Olofsson had heard from God's word that one had to obey the worldly authorities since they were installed according to God's will. He thus feared God's judgment over his occasional, minor discord with the worldly authorities. The statement of the chaplain paints the picture of a pious subject intimidated by the thought that any variance with secular rule would be regarded as disobedience to God. This makes abundantly clear how effectively the indoctrination by means of catechism exams could reach the individual believer. According to the chaplain, however, Per Olofsson let himself be comforted and reassured of heavenly joy. The chaplain also stated that God would know well if he had succeeded in committing his soul to God, stressing once more the importance of the last words ("*och ähr gud bäst bekant om han i dene sin melancholie efter sitt sidsta tahl hafwer kunnat sin siähl gud befalla*"). Again, the chaplain did not exclude the possibility of salvation but, on the contrary, nourished hopes in this regard.

The notion that it was not the way a person died that was decisive for the prospects of salvation, but his or her true repentance and trust in God in the very last moments of life can be found also in devotional books like e.g. Friedrich Balduin's *Samwetz Plåster*. Translated into Swedish, the book by the German Lutheran theologian was published in several editions and widely spread. *Casus XIV* of the book raises the question concerning the prospects of salvation of those who killed themselves out of melancholy or for other reasons ("*Hwad skal man döma om theras saligheet som uthaff Melancholia eller annan orsak sigh sielffua förgöra ?*"). In his answer Balduin expresses an optimistic view: "those who, overwhelmed by sorrow, shoot, stab or cut themselves a deadly wound, but just before they die recover and show signs of amendment […]: about their salvation there should be no doubt, since God counts a repenting sinner's last sigh".[645]

[645] "Men medh them som aff myckin sorg öffwerwundne antingen skiuta, sticka eller hugga sigh sielffuom ett dödeligit såår, och doch lithet förr än the döö, komma til sigh igen, och låta någre wisse bättringsteckn see, så är annat besked: Om theras saligheet är inthet til at twijfflandes, ty Gudh anseer och the bootferdigas ytersta suckan", Fredrik Balduin, *Samwetz plåster emoot allehanda samwetz quaal*, trans. Ericus Matthiae (Wästerås: Wald 1638), 151.

Similar optimistic views regarding the prospects of a self-killer's soul can be found sporadically also in sources stemming from the early modern Austrian Archduchies. For instance, in 1648 the father of a self-killer who had been disposed of by the executioner reportedly said that he did not think that his son was lost before God since he had suffered from an illness, no matter how the Christian church had judged the case based on outward appearances.[646] In this case it was a grieving relative who did not accept the 'official' verdict and its implications for the afterlife. On another occasion it was the cleric who shed a glimmer of hope. The example of Martin Reißner is interesting in this regard: He took his own life in 1687 and was ordered to be interred by the executioner on his own ground. A short and otherwise rather vacuous attestation by a priest explicitly mentioned that "in such cases", clerics – according to the canon – were only allowed to judge amicably, not strictly ("*Dann unß geistlichen juxta canones oder geistlichen regula nur zuestehet, in solchen cassibus güettig, als scharf zu judiciren*").[647] In his attestation the priest, it seems, referred to an order in writing that prescribed lenience 'in such cases' on the part of the clerics. Unfortunately it remains unclear to what canon the priest referred and if 'such cases' meant cases of self-killings or generally doubtful situations. The further documentation of the case reveals that Martin Reißner was thought to have committed suicide due to "pusillanimity and godless despair", which reportedly had been confirmed by his confessor.[648] Most likely his confessor was not identical with the above mentioned cleric who wrote the short attestation. Although the evidence is somewhat confusing, it nevertheless indicates the existence of an official order for Catholic priests to show clemency for self-killers under certain circumstances.

The priest of Gmunden was more outspoken on behalf of the deceased in his attestation for Stephan Pühringer.[649] The cleric cautioned against confusing melancholy with desperation, highlighting that Stephan Pühringer at many occasions had proven his trust in God. Most importantly, however, the priest remarked that he did not allow himself to judge whether Stephan Pühringer died in God's mercy or not, since the judgment of people

[646] Cf. case of Georg Pichler's son, 1648.
[647] Cf. case of Martin Reißner, 1687, fol. 34.
[648] Cf. ibid., fol. 34^{v}.
[649] Cf. case of Stephan Pühringer, 1686, see also chapter 2.

would often be wrong or different from that of God.[650] A similar statement can be found in the file of Adam Rodler, reminding the secular authorities that the final verdict had to be left to God's mysterious omniscient judgment.[651]

In the case of Andreas Kirchamber, who allegedly ended his life out of melancholy, the parish priest of Gmunden and Laakirchen did not explicitly mention the topic of salvation but nevertheless advocated for the deceased. On behalf of the patrimonial lordship and to his own conviction, he wrote to the *Landeshauptmannschaft* complaining about the fact that the corpse was still at the interim resting place, insisting that he could not tolerate that the body would remain "at such a ignominious sepulture and outside the consecrated ground".[652] Of course, it is possible that the *Grundherrschaft* asked the priest to write to the *Landeshauptmannschaft* for tactical reasons, hoping that the word of a cleric had more weight in the matter. Be that as it may, the priest clearly took a stand for a Christian burial at the churchyard which makes it unlikely that he was convinced that the deceased was damned.

As a final example I would like to mention the self-killing of Thomas Engl who stabbed himself in June 1750. When the administrator of the *Grundherrschaft* Weyer consulted with the priest of St. Gallen regarding the question if Thomas Engl could be buried in the churchyard, the chaplain – who had also been the deceased's confessor – reportedly said that based on the last confession he had good hopes regarding his salvation.[653]

Unsurprisingly, court proceedings were not the foremost place for extensive debates concerning the fate of a self-killer's soul. The topic is mentioned explicitly in only a few cases. On these occasions, however, it becomes clear that the verdict by the secular courts in the Austrian Archduchies was neither regarded as being in competition to God's last judg-

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650 Case of Stephan Pühringer, 1696, attestation by the parish priest of Gmunden, dated August 30, 1686: "ob er aber an der gnad gottes gestorben oder nit, weillen er sein leben mit ein so ellendten todt geendet, da will ich kein urthl fehlen, dan der menschen urthl fehlen oft gar weith, und weith anderst sein beschaffen die urthl gottes als der menschen, darumb ermahnet uns christus der herr selbsten nolite secundum faciem judicare Joan [Johannes] 7".

651 Cf. case of Adam Rodler, 1687. The cited document is most likely a concept of an attestation by the priest, unfortunately unsigned and not dated. It is very much possible that it was written by the same priest that gave a benevolent attestation in the case of Stephan Pühringer.

652 OÖLA, HA Ebenzweier, Andreas Kirchamber, letter from the priest of Gmunden to the Landeshauptmannschaft dated August 17, 1726. Presumably the corpse was in this interim resting place since April the previous year when peasants prevented a Christian burial.

653 Cf. case of Thomas Engl, 1750, letter from the administrator of Weyer to the Landgericht Steyr, dated June 24, 1750.

ment nor as an anticipation of it. Statements by family members, clerics, and secular authorities show that not all self-killers per se were thought to be excluded from the hope for salvation; in the presented examples a guardedly optimistic view prevailed.

The close reading of the case histories from the Swedish kingdom confirms the findings of earlier research asserting that the damnation of suicides was not fully consistent in Lutheran doctrine and pastoral practice. The sources from Catholic Austria, however, suggest a similar stance. Here too the findings support the assumption that both Catholic canon and especially pastoral care allowed a more flexible attitude towards suicide, depending on the individual case. Thus, the widespread conception according to which Protestants admitted a certain leeway regarding the possibility of repentance and God's mercy while Catholics excluded all hopes for salvation cannot be sustained. I maintain that both denominations generally rejected the *act* of suicide but did not per se damn the *individual* who committed suicide. Contemporary assessments regarding the prospects of salvation for a person depended on the individual circumstances of each case. They were based to a high degree on the Christian lifestyle of the deceased *ante actam* and how well he or she had been liked and had been integrated in the local community.

The intermediate state: purgatory

While ultimately the souls of both Protestant and Catholic believers ended up either in heaven or hell only Catholics had to take a detour via purgatory on their way to eternal bliss.[654] Based on ancient roots, the concept of purgatory was developed and reinforced mainly during the High Middle Ages. In his famous study "The Birth of Purgatory" medievalist Jacques Le Goff situates the rise of purgatory as a physical place in the second half of the twelfth century.[655] The concept received a dogmatic definition at the council of

[654] Cf. Michael N. Ebertz, Lemma "Fegefeuer," *Enzyklopädie der Neuzeit* 3 (Stuttgart: Metzler, 2006), column 864–866. Martin Luther, acknowledging the existence of purgatory at first, finally rejected the idea around 1530, cf. Koslofsky, *The Reformation of the Dead*, 34–39. On the rejection of purgatory see now also Tomáš Malý, "Early Modern Purgatory: Reformation Debates and Post-Tridentine Change," *Archiv für Reformationsgeschichte* 106 (2015): 242–272, 246–251. Consequently, the concept of purgatory never became part of the Lutheran doctrine in early modern Sweden. Göran Malmstedt, however, assumes that the notion of purgatory might have lived on to a certain degree even after the reformation, cf. Malmstedt, *Bondetro och kyrkoro*, 153 f.

[655] Jacques Le Goff, *Die Geburt des Fegefeuers. Vom Wandel des Weltbildes im Mittelalter*. 2. Aufl. (Stuttgart: Klett-Cotta, 1991 [1981]). Andreas Merkt in his concise volume focuses on the ancient origins of the conception of purgatory in the third century in northern Africa cf. Andreas Merkt, *Das Fegefeuer. Entstehung und Funktion einer Idee* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2005). See also Peter Dinzelbacher, *Von der Welt durch die Hölle zum Paradies – Das mittelalterliche Jenseits* (Paderborn/Wien:

Lyon in 1274, thus becoming part of official Catholic Church doctrine. Henceforth the Catholic conception of afterlife can be described as follows: Post mortem the soul separated from the physical body. Immediately afterwards all souls had to undergo a so called 'particular judgment', specifying already at this point the soul's eternal destiny. On this occasion, those who had achieved holiness already during their lifetime on earth, could directly proceed to heaven; others went directly to hell. The vast majority, however, had to undergo a certain cleansing-process in purgatory before they could enter the state of heaven. These souls, this is important to note, would eventually achieve heavenly bliss. Purgatory was limited in time and, so to speak, had only one exit which was directed towards heaven. Finally, at the end of the world, on Judgment Day, all souls had to return to earth and reunite with their bodies before they underwent God's final judgment where each person was judged with perfect judgment. Those who, at this point, had already been in heaven or hell would return there, and those who had been in purgatory would be released into heaven.[656] "From an eschatological perspective", as Tomáš Malý phrased it, purgatory "filled the time between the death of the body and the Last Judgment."[657]

Countless images and sculptures, many of which can still be seen today in Austrian churches, depicted how the state of purgatory was imagined.[658] In its outer appearance purgatory was commonly envisioned as a place being similar to hell; the cleansing was carried out by means of painful punishment associated with fire or ice, and agony of the souls which were referred to as '*arme Seelen*' ('poor souls'). Unlike the suffering in hell, however, the state of purgatory was of a temporary nature and promised entrance into the happiness of heaven eventually. Thus, despite all agonies purgatory was a place of hope.[659] Moreover, the 'poor souls' in purgatory could be supported by the living by means of prayers, intercessions, and indulgences. In this way the notion of a certain degree of permeability between the realm of the dead and this world was promoted; as such the con-

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Schöningh, 2007), 99–163 and Martina Wehrli-Johns, "'TUO DAZ GUOTE UND LÂ DAZ ÜBELE'. Das Fegefeuer als Sozialidee", *Himmel, Hölle, Fegefeuer. Das Jenseits im Mittelalter*. 4. edition, ed. Peter Jezler (Zürich: Verl. Neue Zürcher Zeitung, 1994), 47–58.

656 Cf. Peter Jezler, "Jenseitsmodelle und Jenseitsvorsorge – Eine Einführung", *Himmel, Hölle, Fegefeuer. Das Jenseits im Mittelalter*. 4. edition, ed. Peter Jezler (Zürich: Verl. Neue Zürcher Zeitung, 1994), 13–26. Several images and charts illustrate the mode of operation of purgatory.

657 Malý, "Early Modern Purgatory," 245.

658 For a description of medieval examples cf. Dinzelbacher, *Von der Welt durch die Hölle zum Paradies*, 135–144.

659 Dinzelbacher, *Von der Welt durch die Hölle zum Paradies*, 109.

ception of purgatory connected the living and the dead: It was thought that the living, by practicing various religious deeds, could shorten the time that the dead had to endure in purgatory. Moreover, saints, who were the only ones proceeding directly to heaven, were thought of as being capable to intercede on behalf of the living. The interrelation between the dead and the living created some sort of imagined mutually supportive group emphasizing the unity of both the living and the dead in the Christian community.[660]

In the context of this study the question arises if the 'existence' of purgatory altered the way in which Catholics assessed their chances for salvation. The following example from Austria below the river Enns, which was tried before the *Landgericht* Perchtoldsdorf in 1777, is quite illuminating in this regard.[661]

Plate 1: Ludovico Carracci (1555–1619), *An Angel Frees the Souls of Purgatory* ca. 1610, oil on canvas, 44 x 51 cm (Source: Wikimedia Commons).

[660] Cf. Merkt, *Das Fegefeuer*, 68–70; Michael Mitterauer, "Die Toten und die Lebenden. Jenseitsvorstellungen und Sozialentwicklung," *Dimensionen des Heiligen. Annäherungen eines Historikers* (Wien: Böhlau, 2000), 228–242.

[661] Case of Andreas Mayer, 1777. The case is presented and analyzed in detail in Griesebner, *Konkurrierende Wahrheiten*, 277–286.

It was only by chance and due to rumors that judge and council of the market town Perchtoldsdorf[662] learned about the suicide attempt of Andreas Mayer in 1777. The previous year, a few days before Christmas, he had deliberately jumped from the attic of his house with the intention to injure himself. Without raising any attention, his wife and step-children, with whom he lived in constant conflict, brought him to the order of the Brothers Hospitallers (*Barmherzige Brüder*) in nearby Vienna where he was cared for. When he returned to Perchtoldsdorf after he had gotten better, however, judge and council heard him with regard to his suicide attempt and the rumors were confirmed. Unsure if a criminal investigation had to be started or if the case could be dropped, judge and council wrote to the *N.Ö. Regierung* for further instructions.[663]

Indeed a criminal investigation was initiated, which survived well documented in the archives, revealing amongst other things some interesting aspects about the perception and function of purgatory in the way Andreas Mayer explained his suicide attempt. According to an articulated examination with Andreas Mayer he attempted suicide in order to "shorten his life", yet he did not want to be dead right away, so he would have enough time to shrive before he would actually die. Therefore, according to his statement, he waited with his suicide attempt until his wife was close by – so she would be able to help him afterwards – and jumped out with his feet first, so that he would not be dead immediately. By taking these 'precautions' he wanted to delay his death until after he had confessed his sins, in order to leave this world with a clear conscience and without accumulating further sins.[664] The investigation also brought forward that Andreas Mayer had threatened to commit suicide before. His wish to die went so far that, at one occasion, he even went to the *Landgericht* in nearby Vienna and outright requested to be executed.[665]

When asked if he regretted his attempt at suicide, Andreas Mayer answered that he did not rue it for the "worldly" aspects. He admitted however, that – when suffering the hardly bearable pain caused by the fall – he started thinking how bad the pains would have been in purgatory if he had actually died.[666]

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662 Perchtoldsdorf is one example where "low" justice and "high" justice were in the same hands.

663 Case of Andreas Mayer, 1777, letter from the *Marktrichter* to the syndic of the *N.Ö. Regierung*, dated June 2, 1777.

664 Articulate examination with Andreas Mayer question 17, dated July 14, 1777.

665 Cf. Attestation by the market town of Perchtoldsdorf dated August 10, 1777.

666 "wegen den weltlichen hätte es mich nicht gereuet, aber als ich so viel schmerzen gehabt, so hab ich gedacht, du mein gott, ich hab jetzt schon so viel schmerzen, wie würde es erst gewesen seyn, wenn ich

His family's reaction to his suicide attempt is interesting as well. According to the statement of his step-daughter, Andreas Mayer had asked to see the priest after his suicide attempt but since the attendants deemed that he "was not too bad" they did not call for the cleric. The next morning, however, his wife called for the feldsher who performed bloodletting and confirmed that there was no immediate danger to his life.[667] After that Andreas Mayer was sent to Vienna for further treatment, and most likely also in the hopes to keep the incident from the local secular and ecclesiastical authorities.

Andreas Mayer's logic may seem strange at first but makes perfectly good sense in the context of his time and the general religious mindset: He wanted to cause a premature death which allowed him to repent his sins before actually passing away.[668] It appears that he expected with great certainty to go to purgatory and subsequently – according to the mechanism explained above – purified of all sins to heaven. He did not seem concerned that the way to heaven might have been closed for him if he had "succeeded" with his plan. His reasoning, and this is also interesting, was not contradicted at any point during the course of the investigation.

Surprisingly the case of Andreas Mayer is the only example in my sample – and at that a rather late one – that broaches the issue of purgatory. After all, in the Austrian Archduchies the concept of purgatory was without doubt extremely powerful and presumably generally acknowledged by Catholics during the whole period under investigation. Only recently, Tomáš Malý has pointed out that the faith in purgatory was a distinctive feature of Catholicism. It was promoted accordingly by the Catholic church since the second half of

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bey dieser that gestorben, und ins fegfeuer gekommen wäre, da würde ich noch mehr zu leyden gehabt haben. Mithin hat es mich freylich gereuet." Articulate examination with Andreas Mayer question 31, dated July 14, 1777.

667 Summary examination of Klara Sezerin, dated June 24, 1777.

668 The same logic formed the basis for a phenomenon referred to as "indirect suicide", "suicide by proxy" or "suicide murder". The perpetrators of such "indirect suicides" committed (or confessed to) a capital crime, often murder, in order to be sentenced to death and be executed. The phenomenon was spread throughout Europe but was to all appearances more common in Protestant regions than in Catholic ones. Traceable since the early seventeenth century, indirect suicides reached a climax in the first half of the eighteenth century. The decline of the phenomenon in the second half of the eighteenth century has been ascribed to changes in legislation, fighting the logic of the crime, and societal change with regard to religious doctrine. Discussing this phenomenon in detail would go beyond the scope of this study. For further information cf. Stuart, "Suicide by Proxy"; Martschukat, "Ein Freitod durch die Hand des Henkers"; Krogh, *A Lutheran Plague*; Andreas Hellerstedt, "'Ett stort bevis av Evangelii kraft och sanning'. Suicidalmord, avrättningar och herrnhutisk teologi," *Historisk Tidsdrift* 131,3 (2011): 491–510.

the sixteenth century and intensively used in the propaganda against Protestantism.[669] The concept was disseminated not least by its visualization in the religious art of the baroque era. Numerous paintings, altar pieces, sculptures etc. constantly reminded Catholic believers of the purifying power of the flames in purgatory and the prospect of salvation.

Before this background, I would like to use the example of Andreas Mayer as a vantage point for some further considerations. They are based on the above formulated assumption that suicide was generally considered a severe sin which, depending on the individual circumstances, allowed a certain degree of leeway regarding the assessment of the soul's final destiny. The concept of purgatory can colloquially be described as some sort of cleansing mechanism that – apart from a few exceptions, e.g. saints – all souls had to pass through on their way to heaven. Thus, for common Catholics, there was no way around it; not even the most god-fearing parishioner could have avoided purgatory. On the one hand, the prospect of agony on the way to heaven might have been intimidating for many believers even despite the feeling of great anticipation in the view of eternal happiness. On the other hand the concept permitted hope also for the souls of grave sinners, like for instance self-killers who otherwise had led a god-fearing life, to be cleansed and gain access to heaven. This latter view on purgatory might have had the effect that Catholic believers did not become desperate over their larger and smaller sins as easily as adherents to other denominations. Unlike their Lutheran counterparts Catholic believers could trust in this cleansing mechanism where they had to suffer for all their sins but yet in the end would reach the state of heaven.

It is noticeable that especially case histories from Sweden document that individuals were frequently concerned with their sins, and that they worried if God would forgive them. Although the issue is not completely absent in the sources stemming from the Austrian Archduchies, such doubts regarding one's own worth of gaining salvation or the conviction that one's personal belief would not suffice to please God appear to have been more common in Sweden. This topic is also addressed in various devotional manuals and treatises like e.g. *Samwetz Plåster*. It advised believers to always be prepared in order to be able to face an unexpected and sudden death.[670] After all, no one knows when his or her time will come. For the same reason the strategy to postpone the confession of sins to the last

669 Cf. Malý, "Early Modern Purgatory," especially 264–270.
670 Balduin, *Samwetz plåster*, 50–75.

moment at the deathbed was harshly rejected. An exaggerated concern for one's salvation, on the other hand, could produce doubts about one's worthiness of God's mercy.[671] As the following cases show there were several persons of good reputation who suddenly began to doubt their salvation and died in spite of many attempts by the pastor and others to console and convince them to the contrary.[672] For instance, in 1682 a 70-year-old woman named Sara became desperate over sins she had committed when she was young and unmarried. Apparently she had had (sexual?) relationships with two brothers and – interpreting that as a punishment for her sins – she had been also accused of having brought children to the Blockula but had slipped from public inquisition. It seems that she spoke quite openly about all her past sins and concerns to her pastor who comforted ("*trösta*") her and offered her Holy Communion. However, Sara declined this offer, maybe feeling not worthy of it. Her suicide was consequently regarded as a sign for desperation over God's mercy. Since Sara had excluded herself from the Christian community ("*som hon sig sielf stängt ifrån guds försambling*"), the conclusion by the *häradsrätt* went, she was sentenced to be interred by the executioner in order to be an "abhorrence and warning" for others.[673]

Also Nils Johansson, about 70 years old, fell into deep despair over sins he had committed as a young man concerning sexual relationships to women ("*wara så swår och tung, af the stora synder han i ungdomen med qwinfolck bedrefwit*"). Since no signs of incapacity of the mind could be detected the court assumed that he too – in the face of his sins – had lost hope in God. His body was ordered to be taken down by the executioner and buried in the woods.[674]

These two case histories stand exemplarily for situations in which reassuring words by the pastor apparently did not provide sufficient help for Lutheran believers to get over doubts concerning the prospects of salvation. It is plausible, however, that Catholic believers in a similar crisis might have had the hope that purgatory as an unpleasant yet ef-

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671 Ibid., 175 f.

672 Doubts about one's worthiness of God's mercy in combination with *taedium vitae* are a recurrent theme also in Jonas Liliequist's study on bestially trials cf. Liliequist, *Brott, Synd och Straff*, 108 f.

673 Cf. case of Sara, 1682, *ting* in Sollefteå, July 5 and 6, 1682, Svea hovrätts renoverade domböcker, Västernorrland 3, RA; microfiche S6039, sheet 4, fol. 165–167; Södra Ångermanlands domsaga, AIa:3, HLA; microfiche D52261, sheet 7, fol. 341–345.

674 Cf. case of Nils Johansson, 1683, *ting* in Nordingrå, July 12, 1683, Svea hovrätts renoverade domböcker, Västernorrland 4, RA; microfiche S6040, sheet 5, fol. 218–220; Södra Ångermanlands domsaga, AIa:3, HLA, microfiche D52261, sheet 10, fol. 276.

fective post-mortem cleansing mechanism could purify their souls of such sins. In other words, for Catholics purgatory might have widened the scope within which they saw chances for salvation despite their (grave) sins. If my considerations are appropriate the effect might have been twofold: generally believers might not as easily have questioned their being worthy of God's mercy since they had a chance to purge and suffer for their sins in a hell-like environment before proceeding to heaven and standing God's judgment. More specifically the concept allowed hopes for potential self-killers as well as for friends and families of those who had killed themselves that even these individuals – despite the grave sin they had committed – might be cleansed by the flames in purgatory and finally would reach heaven. Either way, Lutheran sinners had no recourse to such external means. Instead they were promised a more immediate access to heaven – or hell. For instance, according to the church manual the pastor should end his speech to the capital convict at the scaffold with the words: "And I assure you, on behalf of Jesus Christ, that today your soul will enter paradise".[675] That implies that the convict did not have to wait for judgment day in order to receive heavenly bliss. The same message can be found in many funeral sermons studied by Martin Andersson in his master thesis. In the majority of the sermons selected from the eighteenth century, the surviving family and funeral guests were assured that the deceased's soul had been transported directly to heaven.[676]

In their direction of impact, these observations, of course, are not new. In fact they can be traced back to the sixteenth century when Catholics – convinced of higher suicide rates amongst Protestants – regarded this peculiarity quite self-righteously as a negative side-effect of the abolishment of sacraments and religious practices.[677] But regardless of contemporary, highly tendentious propaganda I propose that questions concerning the effect of different topographies of afterlife on Catholic respectively Lutheran believers should not be easily dismissed.[678] The history of the medieval purgatory is well re-

[675] "Och jag säger dig nu fullkomliga till, på Jesu Kristi vägnar, att i dag skall din själ införas i Paradis" cf. Liliequist, *Brott, Synd och Straff*, 93.

[676] Martin Andersson, "Prästen och de yttersta tingen. Föreställningar om döden och tillvaron efter döden i tidigmoderna likpredikningar" (Master thesis, Göteborgs Universitet, 2014), 42–54.

[677] Cf. Midelfort, "Religious Melancholy and Suicide," 43.

[678] In this regard Tyghe Krogh has set an example in his study on „suicide murder" by linking the phenomenon closely to different prospects of salvation for people who were about to be executed. Krogh claims that the frequency of "suicidal murders" was especially high in Lutheran regions because Luther's promise that "all sinners could save their souls if they just repented their sins and opened their

searched, according to Tomáš Malý. Studies on purgatory in the early modern period, its confessional controversies and its specifics, however, are still quite rare.[679] The example of Andreas Mayer has drawn the attention to a crucial denominational difference between Catholicism and Lutheranism which so far has been hardly ever mentioned in historical studies on suicide. Even though purgatory as a physical place in the afterworld is explicitly mentioned only in this one case history, the importance of the conception is not to be underestimated. And indeed, I will come across the consequences of the notion of purgatory again at a later point in this study.

Diabolic temptations and supernatural adversaries

At times, the assumed natural striving for a god-fearing, Christian life with the promise of salvation was opposed by a powerful adversary in the form of the devil. Both for early modern Catholics and Lutherans the devil was an integral element of their religious view and thus considered a real danger. The statement by Joen Amundsson's daughter-in-law, according to which she assumed that the devil had overpowered the old, ailing man and had driven him into suicide, is just one example.[680] The woman was not the only one who ascribed suicidal thoughts and actions to diabolic temptations. This was a widely held view throughout Europe, present in both Catholic and Protestant areas.[681] It has been assumed, however, that this notion was even more powerful in the Lutheran context.[682] Martin Luther's above quoted, famous metaphor where he compared the devil to a robber in the woods, attacking innocent people, suggests that the devil was thought to overwhelm his victims against their will and without their cooperation. In a Catholic understanding, as Erik Midelfort points out, the victim of the devil was not necessarily regarded as completely innocent. To have been overcome by the devil could imply some sort of complicity on behalf of the victim in the sense that the person had not been sufficiently

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hearts to God" was more attractive than the prospects of salvation offered by other denominations, cf. Krogh, *A Lutheran Plague*; Krogh, 130–134. I value his approach although I am not fully convinced by his arguments, cf. Evelyne Luef, book review of Tyge Krogh, *A Lutheran Plague. Murdering to Die in the Eighteenth Century* (Leiden/Boston: Brill 2012), *Frühneuzeit-Info* 24 (2013): 104–105.

679 Malý, "Early Modern Purgatory," 243.

680 Cf. case of Joen Amundsson, 1679.

681 For Protestant areas cf. the detailed analysis in Kästner, *Tödliche Geschichte(n)*, 103–161; Lind, Selbstmord, 159–166; for Catholic Bavaria and the context of exorcism cf. Lederer, 197–241 and passim.

682 Cf. Stuart, "Suicide by Proxy"; 415 f.

strong in his or her Christian belief and thus was unable to repel the evil temptations.[683] In the following I will focus on passages that illuminate the role of the devil – and further supernatural creatures – in cases of suicide. I will ask if the material supports the above mentioned different perspectives on demonic temptation and try to illuminate the role of other supernatural adversaries. I will commence with examples from the Swedish kingdom.

The presence of evil creatures seemed to have been quite real to 20-year-old Brita Persdotter who killed herself in 1690. Shortly before her death she had an eerie experience in the woods, when she fell asleep on a rising ground in the forest. After this she started to suffer from various forms of bodily pain. Moreover, her personality changed and she developed some sort of persecution mania, thinking that she was being followed by "a big black guy", dogs or people who wanted to kill her.[684] According to the witness statements, however, others associated her death with the workings of "*vittra*" or "*vitra*", a small kind of beings, living in an underworld beneath the surface of the earth. The existence of these supernatural creatures was a widespread popular belief, especially in the northern parts of Sweden. It is a typical motive in stories about *vittra* that they approached individuals who worked or got lost in the woods.[685] Also, falling asleep on the ground in the forest, as displayed in the case of Brita Persdotter, was a classical theme in popular stories about demons, trolls and spirits.[686]

In a similar way 22-year-old maidservant Karin Svensdotter, who was found drowned in a lake in 1689, had been approached in the woods before her death.[687] According to the judgment book the young woman had been healthy and god-fearing until a few months before her death when a peculiar incident happened: During the summer, Karin had worked at the *fäbod*, a summer dwelling on a pasture where the cattle grazed during the warm season. One evening, when she was sitting by herself in the woods, she was approached by a bear-like creature with horns on its head and knees. The creature told her

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683 Midelfort, "Religious Melancholy and Suicide," 42.

684 Cf. case of Brita Persdotter, 1690, *extraordinarie ting* in Nora, July 12, 1690, Svea hovrätts renoverade domböcker, Västernorrland 12, RA; microfiche S6048, sheet 18, fol. 918–922.

685 Cf. Tone Dahlstedt, *Tro och föreställningar kring vitra i övre Norrland*. Skrifter utgivna av dialekt-, ortnamns- och folkminnesarkivet i Umeå. Serie C folkminnen och folkliv, 3 (Umeå, 1976).

686 Cf. Jonas Liliequist, "Sexual Encounters with Spirits and Demons in Early Modern Sweden: Popular and Learned Concepts in Conflict and Interaction," *Christian Demonology and Popular Mythology*. Demons, Spirits, Witches, Volume 2, ed. Gábor Klaniczay and Éva Pócs (CEU Press, 2006), 156.

687 Cf. case of Karin Svensdotter, 1689.

that her master did not want her anymore and that she should come and serve him instead. Karin sent the creature away and went back to the other maidservants. When, a few days later, she returned to the farm with the cattle, however, she complained about not feeling well and she reported what had happened to the other people at the farm including her master (*husbonde*) and mistress (*matmor*). After hearing the story her *matmor* immediately took her to the pastor for whom Karin once more told the story. According to the pastor Karin was frightened and complained about headache. When asked if she had any sins to confess which would burden her conscience Karin said no. He instructed her to read her "*christendoms stycke*", Luther's small catechism, and since she wanted to be with her mother, the pastor ordered her *matmoder* to send for her. Karin then spent nine weeks with her mother before she appeared to feel better and returned to her master. Only a short time after her returning she was found dead in the lake. Due to some suspect indicators of intent the *häradsrätt* sentenced her to be disposed of by the executioner. The Svea *hovrätt*, however, mitigated the sentence and granted her a silent burial at the churchyard.[688]

The bear-figure in Karin's account features several demonic characteristics. It is very likely that the creature was regarded as the devil by Karin and her contemporaries, and he was trying to tempt her. However, it is noteworthy that it was never verbatim referred to as devil or Satan in the judgment book, but rather vaguely described as an appearance or vision ("*syn*"). Without doubt, contemporaries regarded the existence of the devil, and of other supernatural beings for that matter, as a fact, and consequently her story appeared plausible. It comes as no surprise that the pastor was the first person to turn to. Yet it is remarkable how he coordinated the support for Karin; he did not only affirm her in focusing on her belief. He also sent for her mother, apparently talked to her about Karin's critical condition and made sure she could spend some time at home.

Another remarkable case is that of 60-year old Anna Olofsdotter.[689] After a suicide attempt, the wounded woman was brought back to the house and the pastor was called. Before court he confirmed her exemplary moral conduct up to the point she became 'sick'. He also admitted that despite his attempt to solace her with words from the bible,

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[688] Cf. Svea Hovrätts brev October 31, 1689, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:7, HLA; microfiche S21052.

[689] This case has been presented also in Luef, "Punishment Post Mortem," 570 f.

she became more and more desperate. After her suicide attempt he reproached her for her grave deed ("*förehölt han hänne sin grofwa giärning*") and asked her if she repented and confided in God that he would forgive her this grave sin. Anna Olofsdotter allegedly answered that she was ashamed for what she had done but believed that Jesus would forgive her since she had not sinned more than other people in any other way. After shriving and receiving absolution the pastor administered her Holy Communion. According to his account she was happy over God's mercy but a few days later the melancholy returned. Lying mortally wounded in her bed she reportedly lamented that she had no confidence in God because she was a lost (*förtappad*) soul who would go to hell. Stating that she belonged to the devil, she was convinced that she was damned. Thus, despite receiving Holy Communion she eventually died in despair of God's mercy.[690]

Interestingly, however, her fears were not shared by the people in her environment: she was cared for during her last days and after she passed away she was washed and dressed for the burial like any other dead person.[691] The *häradsrätt* granted her to be buried by her relatives at the churchyard which was confirmed by the *hovrätt*.

All of these examples have in common that it was either the suicidal individuals themselves or other witnesses who brought the evil powers of supernatural creatures into play. The courts, it seems, only reluctantly picked up on these reported incidents as explanations for the self-killings and tried not to attach too much importance to them. Yet, they could not be completely ignored. In their resolutions, the courts hinted vaguely at these occurrences as a source for lasting psycho-somatic troubles like melancholy, horror, or confusion that caused these otherwise god-fearing individuals to take their lives.

A different picture, however, is presented by the following example. When the Finn Lars Larsson ended his life in 1689 the act was ascribed to the severe physical pain that he had suffered.[692] The hernia, causing these pains, had been a consequence of when he had to run the gauntlet as a punishment for escaping from military service. Thus, in the eyes of his contemporaries, he had brought this unfortunate condition upon himself. The day before his suicide Lars Larson had travelled approximately fifty kilometers to church in

690 Cf. case of Anna Olofsdotter, 1713.
691 Cf. Miettinen and Luef, "Fear and Loathing?," 113.
692 Cf. case of Lars Larsson, 1689.

order to attend the service on the so called "*storbönsdag*" ("great prayer day").[693] According to his son's statement, Lars Larsson went to church since he feared the fines he would have gotten otherwise and which he could not have afforded. On the way back home, however, the pain got so bad, that his son had to meet him with the horse since Lars Larsson had not been able to walk the whole way. Shortly thereafter he sent his son away from the house, fetched a rifle from a shed, went back home and shot himself. This 'rational' procedure was interpreted by the court as a clear sign for intent. While contemporaries generally acknowledged that physical pain could affect the state of mind and – as outlined by the pastor in the case of Joen Amundsson – could drive a sane person crazy, bodily pain *per se* was hardly ever regarded as grounds for mitigation. In the case of Lars Larsson the court bluntly stated that his pains could have been overcome with God's help, thus insinuating insufficient trust in God on his behalf. What is more, in its resolution the court ascribed his suicide to "evil premeditation" and the "devil's inspiration". The reference to the devil's instigation should clearly act as a deterrent and warning for others ("*andra sådane betäncke och dårachtige diefwulens onda rådh och siäle snillares efterfölliare till någon fasa, sky och afskräck*").

Unlike in the above mentioned examples, it was the court that brought the devil into play in the case of Lars Larsson. Apart from the intended deterring effect, there was no obvious necessity for this move deriving from the witness statements. It is noticeable, however, that Lars Larsson did not have anybody actively advocating his case, besides his teenage son. There was nobody who would praise the deceased's allegedly god-fearing lifestyle or heartfelt regrets about the past. The pastor, although involved, did not deliver an official statement regarding Lars Larsson's moral conduct before court. I assume that a certain social dynamic was underlying this case, which is unfolded in the documents handed down only in part. Let me now turn to the Austrian source materials before attempting to draw conclusions.

In the above mentioned case of Thomas Auer (1687), who ran towards the nearby lake during work and rushed into the water, the authorities reasoned that he must have deviat-

[693] There were four "*Böndagar*" ("prayer-days") each year, decreed by the secular authorities. Attending these prayer days was mandatory.

ed from God and become a victim of the devil.[694] His body was ordered to be disposed of by the skinner in the marsh.[695] The devil was seen as 'proof' for his apostasy, not as an 'excuse' for his self-killing or an explanation for his strange behavior shortly before his death. In a similar way a "malicious demonic intent" was implied to have caused Johann Mayr to "despair of God and his mercy" when he committed suicide in 1723.[696]

In 1645 the suicide of Paul Gräzer, subject of the Herrschaft Achleiten in Austria below the river Enns was considered to have been committed "without doubt by the devil's inspiration and driving" ("*unzweifentlich auß eingebung und antreibung des besen feindts*"). Apparently the devil's involvement was not regarded as mitigating circumstances since Paul Gräzer was disposed of by the skinner.[697] In the case of Stephan Pühringer rumors about an association with the devil existed. According to these rumors, the executioner had found a small bundle around the deceased's neck when lifting him into the chest, saying that Stephan Pühringer had committed himself to the devil and that his time had been exhausted already a year before.[698] Since this aspect was not mentioned at a later point of the investigation it can be assumed that the *Landgericht* never learned about it. For sure this knowledge would have added yet another dimension to the case.

On some occasions, people thought they perceived the presence of the devil. Paul Riepl, for instance, who killed himself in 1750, was reported to have become anxious the day before his death saying that he sensed the devil in front of him although he could not see him.[699] When in 1716 Martin Mannhardt claimed to see "evil spirits" which would plague him and insinuate bad thoughts ("*er sehe gamperll, daß ist böße geister, die ihn plageten und übl*

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694 "*dem abgesagten böβen feindt in seinen rachen gefahren"* (he ran the renunciated evil fiend in his throat), cf. case of Thomas Auer, 1687, fol. 32v.

695 Cf. case of Thomas Auer, 1687, fol. 32v.

696 Cf. case of Johann Mayr, 1723.

697 NÖLA, HA Achleiten, archives box 10 (miscellaneous files), case of Paul Gräzer, 1645.

698 Cf. case of Stephan Pühringer, 1686, note from Eva Johanna Fiegerin zu Oberweiß, undated, presumably January 7, 1687. The bundle around his neck could have also been a so called "*Brevert*" or "*Komposit-Amulett*" which was frequently worn by Catholic believers as some sort of talisman, cf. Manfred Brauneck, *Religiöse Volkskunst. Votivgaben, Andachtsbilder, Hinterglas, Rosenkranz, Amulette* (Köln: DuMont 1978), 298–302; Eduard Hoffmann-Krayer, Lemma "Breve," *Handwörterbuch des deutschen Aberglaubens* 1 (Berlin/Leipzig: De Gruyter&Co, 1927), 1573–1574. Archeological excavations have shown that especially in the eighteenth century many people were buried with such amulets; cf. Krause et al., *Zur Erden bestattet*, 33 f., 133.

699 OÖLA, HA Freistadt, archives box 12, case of Paul Riepl, 1750, questioning of Eva Ruedlstorferin, question 5, dated May 23, 1750.

zusprecheten"), his wife identified them as being nothing but spiders on the window. She dismissed what he saw as a hallucination.[700]

The results of reviewing these statements paint quite a diverse picture. Without doubt it can be stated that the influence and presence of the devil as an integral part of the official belief system was acknowledged and feared in both early modern Austria and Sweden. Especially in popular culture, however, also the belief in other supernatural spirits and creatures was widespread. Whether these imaginations were regarded as manifestations of the devil itself, or had its origins in pagan folklore – the boundaries appear to have been blurry in everyday life. It was not uncommon that a connection was made between something 'evil' and self-killings in both areas; supernatural creatures or spirits were thought to approach innocent young girls in the woods or to overpower strong and god-fearing men. At times their sheer presence could be sensed by those about to die. However, while evil spirits could take on many appearances in popular culture, the authorities acknowledged only one evil adversary in accordance with official doctrine: the devil.

Much to my surprise, accounts and assumptions about the devil and his temptations are in fact not strongly represented in the studied material from both Sweden and Austria. Of course, this relative 'absence' does not mean that the concept was not important to contemporaries.[701] However, based on my sample I can neither confirm nor refute Erik Midelfort's assumption concerning the different role of the devil in the two belief systems. Yet it seems that in early modern Sweden the assumed involvement of an evil, supernatural creature did not automatically exclude the individual from a silent burial at the churchyard, as long as a good Christian lifestyle and moral conduct was attested. In early modern Austria, on the other hand, the persons whose suicide cases showed an assumed involvement of the devil were sentenced to be handled by the executioner or skinner. In both areas, however, exceptions prove that these tendencies by no means should be regarded as a general rule. Whichever way one looks at it, in the end the influence of the devil (or that of another supernatural creature) over an individual could be interpreted either as an explanation for the assumed diminished culpability or – quite on the contrary

[700] NÖLA, HA Matzen, archives box 16, case of Martin Mannhardt, 1716, summary examination with his wife Eva (concept), undated.

[701] Cf. Miettinen, "Suicide in Seventeenth-Century Sweden," 275.

– as proof for apostasy and criminal intent. What tipped the scales in one direction or the other is hard to tell. It appears that the role ascribed to supernatural beings in a suicide case – like so many other aspects that have been discussed so far – was fit into the wider circumstances of the life and death of the deceased.

5. Suicide attempts and attempts at suicide prevention

Suicide attempts in legislation and practice

In the last part of this study I would like to turn the attention to measures that were taken to help suicidal individuals and prevent suicides. Vera Lind assumes that suicide attempts – similar to completed suicides – were thoroughly registered by the authorities.[702] It would seem plausible to draw upon criminal court cases regarding suicide attempts in order to analyze these questions. However, compared to the documentation of completed suicides the number of cases where suicide attempts were put on trial is noticeably low in my sample. Then again, investigations into completed self-killings frequently mention previous suicide attempts. In contrast to Vera Lind I thus assume that many suicide attempts – although often known to the public – were never brought or tried before court. The example mentioned in the previous section, where the suicide attempt of a man was mentioned only years later in connection with the self-killing of his father, serves as a case in point.[703]

In this section I will briefly outline the legal framework for suicide attempts and discuss how these instructions were followed in practice.

The legal framework for suicide attempts and its implementation in early modern Sweden

As mentioned above, *Kristofers landslag* did not contain any provisions with regard to suicide attempts but according to royal resolutions from 1695, 1696 and 1704, the "violence committed against one's own body" should be punished by a fine of forty *marker silvermynt* and ecclesiastical punishment. In addition, self inflicted injuries should be punished like an injury inflicted upon somebody else.[704] The code of 1734 stipulated that suicide attempts should be punished with prison on water and bread or flogging, according to circumstances.[705] But how were these provisions observed in practice?

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[702] Lind, *Selbstmord*, 201.

[703] Cf. case of Joen Amundsson, 1679.

[704] Cf. Svea royal superior court resolutions from September 7, 1695, March 24 and May 9, 1696, and March 23, 1704 in Abrahamsson, *Swerikes rijkes lands-lag*, 728; cf. chapter 2 in this study.

[705] *Law of 1734*, Missgärningsbalken, chapter XIII, 4. §. "Nu kan så hända, at then sig sielf förgiöra vil, ej får död theraf; plichte med fängelse vid vatn och bröd, spö eller ris, efter omständigheterna."

Let me start with the case of Johan Ersson. The former soldier had been sentenced for theft but since he had not been able to pay the imposed fine, he had to run the gauntlet instead.[706] The night before he had to run the gauntlet, he tried to kill himself with a knife. The injuries were severe and at first it did not look as if he would survive. The pastor was called and Johan Ersson regretted his sins, asked for God's forgiveness and for reconciliation with the people of his social environment. The *häradsrätt* and the *cronans befallningsman* made sure that he was guarded and that he received proper treatment by a medical doctor. Both during the time Johan Ersson was treated and cared for in Ockelbo as well as during the time he was treated by the doctor in Gävle the *häradsrätt* supplied him with foods.[707] Against all odds, he soon got better but a hole in his throat, which would not heal of completely, remained. Johan Ersson thus had done permanent damage to his body and it was assumed that he would die of these injuries sooner rather than later. According to the judgment book, this prospect made Johan Ersson melancholic at times. For the most time, however, he appeared penitent, read God's word, trusted in God's mercy and asked God for his soul's eternal bliss ("*sin siähls ewiga wällfärdh*").

When the *häradsrätt* discussed his case the fact that Johan Ersson had survived the suicide attempt was ascribed to God's mercy. According to the interpretation of the jury, God did not let Johan Ersson die right away and thus prevented him from becoming a "*lijfsspilling*". Instead, as the interpretation goes, the Lord granted him time and space to remorse over his sins. And indeed, it seems, since his suicide attempt the former soldier apparently lived up to these expectations. He had received Holy Communion several times and had proved himself penitent and god-fearing. While prior to his suicide attempt he had lived an "unchristian, turbulent life", the court assumed that he would show remorse for his sins from now on until his death and would appreciate God's forgiveness and ask for his soul's eternal bliss. In short, the court thought that there was still hope for his soul ("*warandes ännu hopp om honom*"). Johan Ersson was sentenced to the stipulated fine of forty *marker silvermynt*. Unsurprisingly he was again unable to pay the fine and thus should serve the punishment on water and bread in the holding cell. Citing the church

[706] Cf. case of Johan Ersson, 1696.

[707] This is one of the very few cases where a treatment by trained medicals is mentioned. The involvement of doctors, surgeons etc. is occasionally mentioned in cases that took place in towns or nearby. Since the majority of the cases stem from the (remote) countryside, medically trained persons are hardly ever mentioned.

law, the court also stipulated that he should regularly be visited by a cleric and instructed in his Christian belief. The preliminary verdict was submitted to the Royal Superior Court which confirmed the verdict but in addition ordered Johan Ersson to stand public church discipline (*uppenbar kyrkoplikt*).[708]

Also Catarina Lind, a woman from Gävle, was found guilty of trying to end her life intentionally.[709] She was sentenced to public church discipline and forty *marker silvermynt* for her suicide attempt; in addition she was fined twelve *marker silvermynt* for the injury she had inflicted on herself, which – as mentioned above – was regarded as if she had inflicted it on somebody else. Again the fine was to be transformed into time in prison if she could not afford it. The Royal superior court approved the fine of forty *marker silvermynt* and the public church discipline but relieved her from paying the additional twelve *marker silvermynt*.[710]

The self-killing of Per Olsson, who tried to shoot himself in 1704, was prevented only because his mother was in the room and managed to knock over the gun at the very last moment. The bullet still hit him but his injuries were not lethal. According to the statements of his father, mother and wife, Per Olsson had been anxious and weak-minded for a while, but neither the pastor nor any neighbors confirmed this assessment. The *häradsrätt* sentenced Per Olsson a fine of forty *maker silvermynt* and submitted the case to the Royal Superior Court in Stockholm. However, arguing that there existed no law with regard to suicide attempts, the *hovrätt* referred the case to the *justitierevision*, asking if Per Olsson, who indented to "destroy his body and soul" should run the gauntlet and undergo public church discipline as well. The *justitierevision* approved these suggestions. Thus, compared to the verdict by the *häradsrätt,* the *hovrätt* and *justitierevision* meted out a sharpened punishment.[711]

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[708] Svea Hovrätts brev May 12, 1696, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:9, HLA; microfiche S21054.

[709] Also Catarina Lind received treatment by a doctor according to the letter by the *hovrätt*, cf. Svea Hovrätts brev October 11, 1711, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:14, HLA; microfiche S10533.

[710] cf. Svea Hovrätts brev October 11, 1711, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:14, HLA; microfiche S10533.

[711] Cf. Svea Hovrätts brev March 2, 1705, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:12, HLA; microfiche S21057; RA, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål, resolved February 22, 1705.

Anders Brask, while swidden farming in 1692, allegedly suffered a shock when the fire got out of control and tried to kill himself with a knife. He survived and although the injury was not life threatening it left a permanent damage to his throat. According to the judgment book he regretted his deed immediately, received Holy Communion shortly after his attempt and showed himself to be repentant and god-fearing ever after. The *häradsrätt* sentenced him to stand public church discipline on three Sundays in a row. The Royal superior court altered this sentence into a fine of forty *marker silvermynt* and standing church discipline on only one Sunday.[712]

A particularly interesting case – because it concerned a cleric – is the suicide attempt of Olaus Brunnius, a 40-year-old man who had received ordination in 1701 and had worked at the school in Frösö, Jämtland ever since. In 1709 he attempted suicide by hanging which was prevented in the last moment. Olaus Brunnius showed remorse and penance afterwards. He explained his "mischief" by referring to his poverty growing worse from year to year and to marital discord claiming that his wife was being "hard" on him. In its consideration the Royal Superior Court found him guilty of attempting suicide and decided that a fine of forty *marker silvermynt* would be applicable. However, at the same time the *hovrätt* understood that the reason for his suicide attempt was just his poverty and thus the jury feared that a fine and the prospect of losing his job would only made the situation worse, precipitating melancholy for him. Moreover, this would not only affect him but also his wife, children and father-in-law for whom he had to provide. Since Olaus Brunnius sincerely repented his deed and also the *häradsrätt* had petitioned on his behalf the *hovrätt* suggested that he should only be suspended from his work for a certain amount of time. If he showed improvement under this period he should get his job back, which the *justiterevision* resolved without further commentary.[713] It is noteworthy that for the cleric – unlike in the other cases – no public church discipline was suggested.

Another quite extraordinary case from Stockholm, documented in the *justitierevisionens utslagshandlingar*, concerned a maid servant named Kierstin Ersdotter who tried to kill herself by jumping into a lake. Reportedly she had done this in order to escape her mistress who had accused her of stealing and had brutally maltreated her; the latter was confirmed

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[712] Cf. Svea Hovrätts brev January 27, 1693, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa: 9, HLA; microfiche S21054.

[713] RA, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål, resolved June 25, 1710.

by an attestation by the surgeon. Major and council sentenced Kierstin Ersdotter to an hour of public shaming at the pillory for her suicide attempt, followed by whipping. The maltreatment of the maid servant by her mistress was delegated to the competent court, the *cämmnarsrätt*. The *hovrätt*, however, mitigated the verdict and suggested that Kierstin instead of standing at the pillory and flogging could be sent to work at the house of correction (*tukthus*) for six weeks, which the *justitierevision* approved without commentary.[714]

The few examples in the sample dealing with survivors of suicide attempts, who were actually charged for their deed, show that the rulings by the courts usually consisted of a combination of monetary and shaming penalty. The additional fine according to which self-inflicted injuries should be punished like an injury inflicted upon somebody else, however, was only rarely imposed, if at all. Occasionally the sentence was aggravated by corporal punishment. It seems as if cases concerning suicide attempts were transferred to the *justitierevsion* more often than cases of completed suicides. This might be attributed – as mentioned in one of the examples – to the absence of a proper law for suicide attempt in *Kristofers landslag* and consequently an uncertainty on behalf of the *hovrätt* regarding the question of how to rule in such cases. This presumption, however, is contradicted by the fact that the *hovrätt* without doubt ruled cases of suicide attempts also without the help of the *justitierevision*.[715] It thus remains unclear why some cases but not others were submitted to the *justitierevision*.

The legal framework for suicide attempt and its implementation in early modern Austria

The legislation on suicide attempts was scarce also in the Austrian Archduchies. The *Ferdinandea* and *Leopoldina* stated only that individuals who survived a suicide attempt should not be sentenced by the *Landgericht*, but by their patrimonial authority after circumstances. Only those who attempted suicide during incarceration should receive an additional punishment.[716] In the *Theresiana*, however, suicide attempts had become a matter for the *Landgerichte* which should sentence after circumstances. The authorities should

[714] RA, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål, resolved February 3, 1710.
[715] Cf. case of Johan Ersson, 1696.
[716] Cf. *Ferdinandea* Article 69, section 10; *Leopoldina* Article 11, section 10.

help suicidal individuals with worldly and spiritual means to improve their corporal and mental condition and make sure that further attempts would not occur.[717]

Similar to the situation in Sweden, the main focus on the relevant articles in the penal laws lay on completed suicides. It is noteworthy, however, that the competence with regard to suicide attempts shifted from the patrimonial authorities to the *Landgerichte* in the late eighteenth century. Thus, from the second half of the eighteenth century on, the suicidal individual increasingly became the focus of the state;[718] a trend which continued during the nineteenth century.[719] For the time period under investigation, however, suicide attempts as such were hardly ever the object of a criminal investigation.[720] But even in the second half of the eighteenth century – after the *Theresiana* went into force – they appear relatively seldom; the case of Andreas Mayer, mentioned above, seems to be an exception. He was sentenced to four weeks in arrest during which he should be instructed by a cleric. Of course he also had to reimburse all costs the criminal investigation had caused.[721]

Other examples of suicide attempt were connected to more severe crimes. For instance, the investigation into the suicide attempt of Gottlieb Weinegger in 1722 resulted in further accusations regarding incest and bestiality.[722] For all his crimes Gottlieb Weinegger was sentenced to six years of rowing in a galley in Naples. In the reasons given for the judgment, however, the suicide attempt was explicitly mentioned. The *Wienerisches Diarium* which reported about the deportations to Naples mentioned that he had been convicted of "manifold committed turpitudes and crimes, as well as arrogated self-disembodiment."[723] While bestiality and incest were nothing one would say out loud in a newspaper, the suicide attempted was explicitly mentioned.[724]

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717 Theresian article 93, section 7:6.

718 Cf. Luef, "… boshaftig den entsetzlichen selbstmord angethann," 177.

719 Cf. Luef, "Low Morals at a High Latitude?".

720 It should be noted that suicide attempts sentenced by the patrimonial authorities are unlikely to be found in the corpus of sources I used for this study comprising first and foremost files. They were most likely mentioned in the protocol books kept by the patrimonial authorities.

721 The syndic suggested this sentence in his "rechtliche Parere", dated August 12, 1777. The Landgericht Perchtoldsdorf adopted his suggestion basically verbatim in the final verdict "Endurteil", dated August 16, 1777. The sentence was finally confirmed by the N.Ö. Regierung on August 19, 1777. See Griesebner, *Konkurrierende Wahrheiten*, 277–286.

722 For a detailed analysis of this case cf. Heheberger, *Unkeusch*, 150–156; Scheutz, *Alltag und Kriminalität*, 174.

723 "wegen vielfältig begangenen Schand= und anderen Unthaten / auch angemasten selbst=Entleibung".

724 *Wienerisches Diarium*, May 8, 1723, p. 7.; cf. also Kriminaldatenbank: http://homepage.univie.ac.at/susanne.hehenberger/kriminaldatenbank/

The case concerning the suicide attempt of Johann Adam Euerer[725] is 'typical' for early modern Austria in the sense that its documentation can be ascribed to the different opinions regarding the jurisdiction. On March 3, 1733 the judge of the *Landgericht* Donautal Johann Franz Rottwang sent a letter to the administrator of the *Grundherrschaft* Traun, reporting that Johann Adam Euerer, subject of Traun, had been to Eferding about four weeks earlier, where the family of his wife lived. There he had attempted to kill himself by hanging, which was prevented by the intervention of a relative. Shortly thereafter Johann Adam Euerer returned to Traun where he not only mauled his wife but threatened also other people to set them on fire. The *Landgericht* argued that both the suicide attempt and the threat of setting fire fell under its competence, and therefore expected Johann Adam Euerer to be turned over to the *Landgericht* by the patrimonial authorities.[726] Instead of handing him over, however, the administrator of the *Grundherrschaft* turned to the manorial estate's commissioned advocate in Linz who, on behalf of the *Grundherrschaft,* replied to the *Landgericht*. A concept of this reply letter is attached to the archive bundle. According to this letter, all accusations were based on denunciation and that alone would not suffice to request the delinquent's extradition. The letter also mentions that Johann Adam Euerer had been questioned by the *Grundherrschaft* regarding the two charges (suicide attempt and threat to set fire) but had denied both. Regarding the physical abuse of his wife, the letter declares that the delinquent showed remorse and had promised improvement; only his wife's parents stood in the way for reconciliation, according to him.[727]

The *Landgericht*, however, did not give in easily. A letter dated March 13, 1733 sent by Johann Franz Rottwang, the administrator of the *Landgericht*, to the administrator of Traun reveals that the *Landgericht* apparently had asked the *Herrschaft* Eferding, where the suicide attempt had taken place, for a report of what had happened. Unfortunately this report is not handed down in the archival documentation of the case but the letter suggests that it was not in favor of Johann Adam Euerer since the *Landgericht* requested his extradition

[725] The sources are imprecise regarding his first name. He is referred to as Franz Anton and Johann Adam, also the spelling of his last name varies.

[726] OÖLA, HA Traun, archives box 60, letter from the Landrichter Johann Franz Rottwang to the administrator of the Herrschaft Traun, Gottlieb Sebastian Mäderer, dated March 3, 1773.

[727] Ibid., concept letter from Franz Antoni von Kirchstettern to the administrator of the *Landgericht* Johann Franz Rottwang, dated March 5, 1733.

anew.[728] Thereupon the administrator of the *Grundherrschaft* acknowledged the delinquent's suicide attempt but dismissed the threat to set fire as something that was just empty talk in a moment of rage. Johann Adam Euerer, he explained, had been so desperate because his wife was kept from him; it was thus nothing the *Landgericht* had to worry about. In addition, referring to the relevant section in the *Leopoldina*, the administrator of the *Grundherrschaft* once more pointed out that suicide attempts fell under patrimonial jurisdiction.[729] Only two days after this rebuff a letter from the *Landgericht* made again its way to Traun, arguing that the *Landgericht* indeed would have jurisdiction since Johann Adam Euerer had not shown any remorse for his suicide attempt immediately after the deed. According to the *Leopoldina*, as the argument goes, remorse for the deed was a prerequisite for the case to be judged by the *Grundherrschaft*. The *Landgericht* knew however, that Johann Adam Euerer, quite on the contrary, had verbally attacked the capuchin monk who talked to him and had defamed also the administrator of the *Grundherrschaft*. In addition certain indications suggested that he indeed wanted to set fire.[730] In a letter dated March 17, 1733 the administrator of the *Grundherrschaft* denied all these accusations, objecting especially to the assertion that Euerer had not shown any remorse after his suicide attempt. According to the administrator of the *Grundherrschaft*, he had seen a priest, had confessed all his sins and regretted his wrongdoing even before the *Landgericht* knew about the matter. Therefore, since he had shown remorse, the case – in accordance with the *Leopoldina* – was submitted to the *Grundherrschaft*.[731] At this point, it seems, the *Landgericht* had had enough and turned to the *Landeshauptmannschaft* in Linz. In a short letter dated March 18, 1733 the *Landrichter* 'reminded' the administrator of Traun that, according to an order of the *Landeshauptmannschaft*, Johann Adam Euerer had to be handed over to the *Landgericht*.[732]

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[728] Ibid., letter from the Landrichter Johann Franz Rottwang to the administrator of the *Herrschaft* Traun, Gottlieb Sebastian Mäderer, dated March 13, 1773.

[729] Ibid., copy of the reply letter sent from Gottlieb Sebastian Mäderer to Johann Franz Rottwang, dated March 14, 1733.

[730] Ibid., letter from the Landrichter Johann Franz Rottwang to the administrator of the *Herrschaft* Traun, Gottlieb Sebastian Mäderer, dated March 16, 1773.

[731] Ibid., copy of the reply letter sent from Gottlieb Sebastian Mäderer to Johann Franz Rottwang, dated March 17, 1733.

[732] Ibid., letter from Johann Franz Rottwang to the administrator of the *Herrschaft* Traun, Gottlieb Sebastian Mäderer, dated March 18, 1773.

It is unclear if the *Grundherrschaft* indeed extradited the delinquent. The documentation of the case ends with the copy of a letter written by the *Herrschaft* Eferding to the *Landgericht* dated May 4, 1733, which suggests that Johann Adam Euerer left Traun before the *Landgericht* could get hold of him and came to Eferding where he was held but then released and sent back to Traun.[733]

The case of Johann Adam Euerer is once more an example for the tug of war over jurisdiction between different authorities. Although his suicide attempt was predominantly discussed in the correspondence between *Grundherrschaft* and *Landgericht* I assume that it was the combination of suicide attempt, threat of malicious arson, domestic violence, verbal attacks against authorities etc. that had stirred the interest by the *Landgericht* and caused its persistent intervention. Since all other accusations either did not fall under the jurisdiction of the *Landgericht* or could not be proved, charging Johann Adam Euerer with suicide attempt, it seems, was the only chance for the *Landgericht* to get a hold of him and request his extradition.

Another quite unique case is that of Michael Schön, who stood trial before the *Landgericht* Rosenau in Austria below the river Enns in 1744 after he set his house on fire in an attempt at killing not only himself but also his wife, children and his father. In the course of the investigation it turned out that he had attempted suicide before, which had been prevented by his daughter and wife. This first suicide attempt, however, did not have any consequences for him and had most likely been held a secret. Moreover the investigation brought to light that some years ago he had attempted to kill his wife by poisoning her drink. When his mother-in-law drank the drink by mistake, she died instead. This incident, it seems, had been suppressed as well until the investigation into arson brought everything to light. At the end, Michael Schön was attested a mental illness.[734]

Synopsis

Legislation in the Austrian Archduchies and the Swedish kingdom did not pay much attention to suicide attempts as a category of their own during the period under investigation. Based on royal resolutions from the time around 1700, fines and public church discipline were commonly imposed on survivors of suicide attempts in Sweden. According

[733] Ibid., copy of a letter sent from the administrator of Eferding to the *Landgericht* dated May 4, 1733.
[734] HHStA HA Rosenau, Akten I/24–21.

to the circumstances, however, the sentence could vary. Due to the unclear legislation it seems that cases of suicide attempt were occasionally transferred to the *justitierevsion*.

In the Austrian Archduchies suicide attempts generally fell under the jurisdiction of the *Grundherrschaften* until the *Theresiana* went into force. This might also explain why suicide attempts are hardly ever mentioned in the files this study is predominantly based on. Where suicide attempts do appear in the corpus of sources, it is first and foremost in combination with other, more severe crimes.

For both territories it can be stated that individuals were charged with a suicide attempt only on rare occasions. The cases that ended up before court usually concerned suicide attempts that resulted in long-term consequences for the health of the individual or for other reasons could not have been concealed. The vast majority of suicide attempts, however, was most likely never officially reported. This assumption is supported by the observation that in the course of investigations into completed self-killings earlier suicide attempts or suicidal tendencies are frequently mentioned. In the following section I will thus ask how suicidal tendencies or behavior is represented in the source material and what measures were taken to improve the condition of suicidal persons and to prevent self-killings.

Fighting demons, spirits and evil thoughts: attempts at suicide prevention and care

Without question, dealing with suicidal individuals has been a great challenge at all times. Presumably, however, this task proved to be particularly difficult in times when the act of committing suicide and the suicidal individual were associated with crime, sin and diabolical temptations. Against this backdrop it seems of special interest to investigate the efforts being made in order to keep individuals from committing suicide in early modern Austria and Sweden.

As Alexander Kästner pointed out "the very idea that every human being (and even a suicide) are worth of being saved"[735] is rather new. It dates back to the late eighteenth century, when authorities in many parts of Europe implemented life saving programs. It is assumed that these lifesaving programs marked a change also in the societal perception of suicide. In the course of the eighteenth century, enlightened thought gradually repressed more traditional conceptions that associated suicide with supernatural forces, fear and abhorrence. Instead suicide was more and more regarded as a public health issue. This change, however, did not come easy. Alexander Kästner showed that authorities and philanthropic societies had to put much effort in actively changing traditional attitudes towards self-killers. For instance, they offered financial incentives for attempts at saving a suicide's life. In order to bring passers-by to intervene several obstacles concerning the touching of the body[736] needed to be overcome.[737] Besides that, other reasons might have kept people from stepping in. For instance, as Alexander Kästner reminds us, lethal accidents or sudden deaths were often interpreted as an act of God (*casus fortuitus*). Thus, at times the reservation or passiveness of contemporaries in life-threatening situations might be explained as timidity in interfering with the 'natural order'.[738]

There are many explanations why women and men in early modern times often acted hesitantly when it came to stepping in and saving lives. The idea that events like accidents or individuals who put themselves in danger would need intervention was not common or self-evident but had to be planted. Therefore, before such lifesaving programs were

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735 Alexander Kästner, "Saving Self-Murderers: Lifesaving Programs and the Treatment of Suicides in Late Eighteenth-Century Europe,"*Journal of Social History* 46,3 (2013): 633–650; 646.

736 Cf. the section on the touching of the body in this study.

737 Cf. Kästner, "Saving Self-Murderers", Miettinen and Luef, "Fear and Loathing," 109–113.

738 Cf. Kästner, "Saving Self-Murderers", 635 f.

launched and became accepted, many people would not have seen a necessity to intervene, especially if the suicide was a stranger.[739]

However, although the notion of lifesaving measures or intervention were not common or institutionalized yet, the challenge of how to deal with suicidal people was not new to the late eighteenth century, and neither was the idea to provide help. Early forms of suicide prevention and care were practiced within families, neighborhoods, and communities. This section sets out to trace early forms of suicide prevention before charitable associations started to propagandize lifesaving as the right thing to do and long before mental health care professionals provided a place to go to for afflicted individuals and/or worried relatives. The terms 'suicide prevention' and 'care' are to be understood in the broadest sense; as attempts at keeping an individual from committing suicide. From today's perspective, the means by which people were hoping to achieve this goal appear sometimes unusual, to say the least. What is decisive for the analysis, however, is the question of what measures were regarded as practicable and suitable by early modern people.

Spiritual afflictions and suicidal tendencies

When browsing through the sources one gets the impression that – not unlike today – some suicides were committed completely unexpectedly, without any prior indications, and thus left everybody stunned. In a surprisingly high number of cases, however, it becomes evident that a change in behavior had been observed prior to the self-killing. It is this latter category, when self-killings had somehow 'announced' themselves that are under discussion here. After all, only men and women who were thought to be at risk could be subjected to special care and treatment. Of course, in many cases it was probably not before a suicide was completed that – in hindsight – certain modes of behavior, which might have been regarded as peculiar at first, were interpreted as indications for suicidality. Without question, the factum of a completed suicide influenced the assessment of earlier observations. But as emphasized throughout this study, caution is needed in any case when interpreting statements regarding the mental state of a self-killer. For my study of how suicidal tendencies were perceived and handled, it does not make a difference whether observations indeed were made before the self-killing took place or whether

[739] Cf. Kästner, "Saving Self-Murderers", 636.

they were adapted to what had happened after the fact. In any way they inform us about what modes of behavior were associated with suicidality.

Generally, only little is known about the psychological condition of women and men in early modern times. Partly this can be explained by the difficulty to find sources that tell us about the state of mind of early modern people. Besides criminal court records dealing with suicide, accounts of psychological problems and suicidal tendencies of early modern individuals can be found in miracle books and records from hospitals where insane and mentally ill people were housed. David Lederer, for instance, analyzed Bavarian miracle books from shrines specialized in spiritual physics. He defines spiritual physics as a "specific form of mental health care [that] fell within the purview of the clergy."[740] This spiritual art or practice of treating afflictions of the soul included remedies such as auricular confession, pilgrimage, and exorcism. In his book, he presents a table of 23 categories of commonly reported afflictions he found in these Bavarian miracle books from the seventeenth century.[741] In view of the sophisticated contemporary nuances, Lederer warns against translating past disorders into modern terms and reminds us that "[t]he translation of mood disorders or organic mental disturbances as cognates for past complaints often disintegrates under closer scrutiny".[742] Christina Vanja, in her article on German hospitals, does not provide a list of afflictions but comes to a similar conclusion: There was no systematic overview of psychological illnesses but a nuanced terminology was used.[743] Thus, it should be acknowledged that early modern women and men used a wide vocabulary to denominate their various afflictions of the soul. Historians should not be tempted to translate descriptions of symptoms given in the sources into modern classification of psychological illnesses. Even rather familiar terms like tribulations (*Trübsal*), pusillanimity (*Verzagtheit*) or despair (*Hoffnungslosigkeit*, *Verzweiflung*) would be difficult to put into modern classification systems; let alone afflictions like 'evil thoughts', or 'demonic temptations'. In line with Erik Midelfort I assume that it is not only the "culturally constructed, intertextual dependencies of our sources, and not just the unfamiliarity of baffling disor-

740 Lederer, *Madness, Religion and the State*, 1.

741 Ibid., 148.

742 Ibid., 145.

743 Christina Vanja, "'Und könnte sich groß Leid antun'. Zum Umgang mit selbstmordgefährdeten psychisch kranken Männern und Frauen am Beispiel der frühneuzeitlichen 'Hohen Hospitäler' Hessens," Trauer, Verzweiflung und Anfechtung: Selbstmord und Selbstmordversuche in mittelalterlichen und frühneuzeitlichen Gesellschaften, ed. Gabriela Signori (Tübingen: Edition Diskord, 1994), 210–232; 212.

der" that obstruct our view on past disorders, "but the overwhelming influence of a religious outlook that assumed that the devil was everywhere, and that madness might have a purely spiritual explanation and a religious solution."[744] Early modern women and men understood and explained the world in which they lived quite differently from most of today's people in Western societies. From today's perspective it is easier to comprehend that poor living conditions, hunger crises, sickness, and physical pain brought people on the edge of what one could bear. The fact hat supernatural forces, demons and evil thoughts were regarded as realities and were of no small concern might be more difficult to grasp. This antagonism should not be interpreted in terms of backwardness and progressiveness, though. The aim is to increase awareness of 'otherness' in a topic we feel familiar with.

The criminalization and stigmatization of suicide in early modern Austria and Sweden created an atmosphere in which it must have been difficult for suicidal individuals to reveal or verbalize spiritual afflictions or suicidal thoughts. And yet, considering the taboo surrounding the act of suicide, it is quite remarkable how often prior suicide attempts and suicidal thoughts are mentioned in the sources. This observation supports the notion that only completed suicides were met with abhorrence and disgust while suicidal behavior was first and foremost met with concern and evoked remedial measures.

Often, it was a sudden change in a person's behavior or mental state that alarmed the social environment. At times, however, affected individuals actively reached out to family members, neighbors or the pastor/priest. This does not necessarily mean that these people regarded themselves as suicidal (or were perceived as such by others), but somehow their condition gave rise to concern. When later the completed suicide was investigated by the authorities, these observations were recounted, interpreted and recorded. Due to the distinction between premeditated suicides (*felo de se*) and suicides committed out of an infirmity of mind (*non compos mentis*) the mental state of self-killers took much room in the investigation and was prominently discussed before the courts. For the same reason, of course, it cannot be excluded that statements regarding the mental state of a self-killer pursued tactical motives.

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744 Midelfort, *A History of Madness*, 49.

Explaining the inexplicable: representations of mental afflictions and suicidal tendencies in the sources

In many cases family members or neighbors reported before court that they had observed a change in the deceased's behavior before the self-killing took place. Sometimes this transformation happened slowly, over time; sometimes it occurred quite abruptly. At times these changes were linked to a certain event in the past. The brother of 24-year-old self-killer Karin Hindrichsdotter (1712), for instance, stated that his sister had been suffering from a mental weakness since her mother died a few years back.[745] 71-year-old widow Karin Mårtensdotter was said to have been "insane" since a raid by the Russians during the Great Northern War.[746] The Austrian woman Barbara Puchinger allegedly became insane after she had been "frightened" by two soldiers during her postpartum period.[747] In the case of Paul Riepl his landlord stated that the deceased had seen a connection between his bad condition and an earthquake that had taken place the year before his suicide; an event which had left him frightened.[748] It was not uncommon that contemporaries attributed the imbalance of the mind, fears and terror to "a onetime incident of a threatening nature", as David Lederer observed for early modern Bavaria.[749]

In other cases self-killers had been known for having recurring phases where they suffered from a weak mind or low spirits but in between these episodes they seemed just fine. For instance, 50-year-old Karin Mickelsdotter, who hanged herself in February 1710, had already complained to her mother and brother about being anxious and saddened without any apparent reason some thirty years before her suicide. Five years prior to her death these recurring afflictions prompted her brother to ask the chaplain to talk to her and console her.[750] Her mood swings thus had been well known, they had been observed, and people had tried to help her overcome them for years.

Also, the idea that sadness and melancholy could run in the family was mentioned several times. When 60-year-old Karin Svensdotter committed suicide in 1715 the judgment book stated that also her grandfather and other family members had suffered from melancholy,

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745 Cf. case of Karin Hindrichsdotter, 1712.
746 Cf. case of Karin Mårtensdotter, 1722.
747 Cf. case of Barbara Puchinger, 1713.
748 Cf. case of Paul Riepl 1750, articulate examination of Melchior Riedlstorfer, question 6, dated May 23, 1750.
749 Lederer, *Madness, Religion and the State*, 163–166.
750 Cf. case of Karin Mickelsdotter, 1710.

and assumed that this kind of affliction ran in the family.[751] Olof Nilsson, who ended his life in January 1725 out of what appears to have been unbearable pain as a result of a work accident, spoke to the chaplain shortly before his death. On this occasion he did not only complain about the pain in his knee but also about the melancholy that ran in his family referring to his mother, Anna Olofsdotter, who committed suicide in 1713 and his nephew, who killed himself in 1722.[752]

Changes in behavior that alerted the social environment and were frequently reported before court consist of unsociability, sadness, frequent crying, anxiety, talking unreasonably etc. In the case of Per Olofsson, for instance, a neighbor had observed that Per had become less folksy over the past two years and frequently wanted to be alone. Therefore, when the pastor travelled into the region for the catechism exam, the neighbor asked the pastor to talk to Per Olofsson, which he also did.[753] Per Olofsson's change in behavior, his melancholy and pusillanimity were known to his pastor, friends and neighbors in whom he confided. They all tried to confirm him in his belief, but in vain.

Often mental and physical afflictions seem to have gone hand in hand. The notion that physical pain could get a person down was widely acknowledged. After the suicide of Martin Mannhardt (1716), for instance, his wife stated that her husband had been both mentally and physically ill for several months ("*sowohl innerlich kranckh gewesen und gelitten, als auch äusserlich an einen bein grossen schmertzen gehabt*"). At times he had been foolish, at times he had been of a sound mind.[754] In the case of above mentioned Olof Nilsson (1725) it was assumed that the physical pain in combination with his 'inherited' melancholic trait had been the cause for his self-killing.[755] In a similar way it was assumed that it was the high fever that went to Olof Persson's head and bereaved him of his senses in 1716.[756]

Remedial measures

The treatment of "melancholics" was a topic frequently discussed in pastoral literature. Avoiding solitude and seeking the conversation with other people was considered cru-

[751] Cf. case of Karin Svensdotter, 1715.
[752] Cf. case of Olof Nilsson, 1725, *extraordinarie ting* in Nora, February 11, 1725, Södra Ångermanlands domsaga AIa:16, HLA, microfiche D52274, sheet 2.
[753] Cf. case of Per Olofsson, 1679.
[754] Cf. case of Martin Mannhardt, 1716.
[755] Cf. case of Olof Nilsson, 1725.
[756] Cf. case of Olof Persson, 1716.

cial.[757] When identifying possible means to improve an individual's health, talking to the cleric needs to be regarded as the first step in a line of spiritual remedies. It was David Lederer's impressive study on madness, religion and the state in early modern Bavaria which first drew my attention towards the fascinating subject of spiritual physics. As already mentioned, this spiritual art or practice of treating afflictions of the soul included remedies such as auricular confession, pilgrimage, and exorcism. Most of the remedial measures I discuss on the following pages can be subsumed under the broad term of spiritual physics. Even though, as Lederer asserts, its heyday had already passed around the mid-seventeenth century,[758] spiritual remedies offered by the church continued to be easily accessible and were thought to be effective. Without doubt various forms of spiritual physics were popular and practiced even after the mid-seventeenth century. In line with the objectives of this study, the broad subject of spiritual remedies is touched only on its fringes, i.e. where the topic emerges in the criminal investigation of the suicide cases. While David Lederer in his book strongly focused on Catholic forms of spiritual physics in Bavaria, I employ the term in a broader sense, including also Lutheran means of spiritual practices.

Seeking the advice of the cleric

The vast majority of persons who had shown indications of mental or emotional distress prior to their suicide had seen a pastor or priest, either out of their own volition or at the instigation of relatives and neighbors. As mentioned above, consulting with a cleric has to be interpreted as an attempt at seeking help from the 'expert' for questions regarding the meaning and the purpose of life.[759] It can also be seen as some sort of 'mental hygiene', a therapeutical conversation in which one could clear one's conscience by talking about things that one was not allowed to talk or even think about otherwise.

With regard to the content of the conversation between priest/pastor and afflicted person the sources give the impression that believers talked quite openly about their sorrows and anxieties. At times, it seems, sufferers had difficulties to describe their condition since

[757] Cf. Ernst Koch, "Die höchste Gabe in der Christenheit. Der Umgang mit Schwermut in der geistlich-seelsorgerlichen Literatur des Luthertums im 16. und 17. Jahrhundert," *Krisenbewußtsein und Krisenbewältigung in der Frühen Neuzeit – Crisis in Early Modern Europe*. Festschrift für Hans-Christoph Rublack, ed. Monika Hagenmaier and Sabine Holtz (Frankfurt am Main: Peter Lang, 1992), 231–243.

[758] Lederer, *Madness, Religion and the State*, 19.

[759] Cf. Kästner, "Experten für ein gutes Leben."

they could not really explain their feelings or put them into words. Without doubt, however, many of these conversations revolved around the topic of sins committed. The clerics usually asked if the afflicted person had something on his or her mind that lay heavy on their conscience.

When Per Olofsson was approached by the pastor due to the neighbor's intervention, he allegedly told the cleric that he knew that he was a sinner and that he had trust in God's mercy. According to the judgment book Per Olofsson was not aware of having committed any 'special' sin. He generally felt melancholic and had a bad conscience, and both those conditions got worse since, over the course of the previous year, he became dizzy in his head more often. According to the chaplain Per Olofsson had frequently shrived, received absolution and Holy Communion.[760] Regarding 60-year-old Karin Svensdotter, who was reported to have been feeble-minded and melancholic for a while and killed herself in 1715, the pastor stated that she had sought his advice several times, and had talked to him about her affliction. He confirmed her good Christian lifestyle while she was healthy, and attested that she had had a fairly good understanding of her belief despite the fact that she had not been able to read.[761]

What pastors usually offered to afflicted people who turned to them for comfort and advice, was to hear their confession and thereby ease their conscience. Sane individuals were offered to receive Holy Communion. Pastors comforted ("*trösta*") the believers and encouraged them to belief in God's mercy. They incited them to strengthen the personal belief by praying, singing, and reading in psalm books, the catechism or the bible.

Pastors could find guidance on how to deal with afflicted individuals for instance in the so called *kyrkohandbok*, a manual from the year 1693, which contained a chapter on the topic of how to deal with the sick and persons who were anxious over their sins and their weak faith.[762] A subsection of this chapter offered concrete instructions on how the pastor should approach individuals who were anxious over their weak faith and who seemed

[760] Cf. case of Per Olofsson, 1679.

[761] Cf. case of Karin Svensdotter, 1715.

[762] Cf. chapter VIII "*Huru ska handlas med the siuka, och them som äro ängslige öfwer sina synder och tros swaghet*" in *Kyrkohandbok 1693*: Kenicius, Petrus (ed.), *Handbok, ther vti är författat, huruledes gudztiensten, med christelige ceremonier och kyrckioseder, vti wåra swenska församlingar skal blifwa hållen och förhandlad*. Förbättrad och förmehrad i Stockholm åhr 1599. öfwersedd, anno 1608. och numehra efter nyja kyrckioordningen inrättad åhr 1693 (Stockholm, 1693), 135.

to fall into desperation about God's mercy and forgiveness of their sins.[763] This section contains a certainly interesting passage; according to the handbook, the following words should be addressed to the troubled person:

> "And you should know that the evil tempter, the devil, does not fall upon the ungodly and unconcerned with such arrows of temptations, but the pious, who hold God's words to be their highest treasure, those he has the cheek to bring into desperation. That's why he instills these thoughts in you as if you had no faith at all. But you should not doubt but strongly believe that this temptation is a true sign that your faith, even if it appears as weak, still is a right confidence in God."[764]

This formulation not only confirms that the Lutheran church in Sweden generally acknowledged the possibility of a connection between mental afflictions and the influence of the devil.[765] What is more, the passage suggests that especially pious individuals were at risk of attracting the devil. In this sense, it seems, *Anfechtung* and temptations by the devil were regarded as a proof of true belief and an examination of unwavering trust in God.

At times, however, the pastor's engagement went beyond giving comfort. Take for instance the case of Karin Svensdotter, who purported that she had been approached by a scary creature in the woods. The pastor sent for the girl's mother, talked to her and made sure that Karin could spend some time with her family instead of continue working at the farm where she served.[766] The pastor was involved also in the handling of afflicted 23-year-old Karin Jonsdotter. According to the judgment book the woman had always had good health until about a year before her death in 1713, when she became anxious all of a sudden and could not help but cry a lot. The young woman had no other explanation than that she was born "at an unfortunate hour" or had been cursed ("*förgjort*"). While she was in bad condition, Karin had to be guarded by local peasants. When she regained a lucid state after a while, she felt ashamed of her furor during this time, which made her even more withdrawn. Her pastor confirmed this development and her otherwise good

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[763] Cf. *Kyrkohandbok 1693*, 152.

[764] Cf. *Kyrkohandbok 1693*, 154: "Sedan må tu ock thetta weta, at then onda frestaren Diefwulen, med sådana frestelses pilar, intet anfächtar eller ansätter the ogudachtiga och säkra människior, uthan the fromma, som hålla Guds ord för sin bästa skatt och klenod, them ansätter han och understår sig at föra uti förtwiflan. Therföre han ock tig ingifwer thesse tankar, som hade tu föga eller allsingen tro: Men tu må för then skull intet twifla, utan tro thet säkerlig, at thenne anfächtning är ett wisst tekn ther til, at tin tro, fast än hon är swag, så är hon doch en rätt förtröstan och tilförsicht på Herran Gud."

[765] A possible connection between mental afflictions and the devil's influence is also mentioned in Balduin, *Samwetz plaster*, 1 f.

[766] Cf. case of Karin Svensdotter, 1689.

Christian knowledge and moral conduct. Besides the usual spiritual help he had also advised her to start working and meeting people again, which she did, despite feeling weak. Thus, here too the cleric gave advice that went beyond the spiritual treatment of the soul in the strict sense. This was in accordance with the pastoral literature of the time and confirms once more the pastor's role as a more general advisor or – using a modern term – 'life coach'. Unfortunately, however, Karin's anxiety and sadness would not go away and in the end her suicide could not be prevented.[767]

The engagement of the pastor became evident also in the course of the investigation into the self-killing of Måns Månsson in 1724. After a suicide attempt several years earlier, Måns had spent fourteen days at the clergy house and the "*sockenstuga*", a public house where assemblies of the perish members and also *ting* were held. During that time the pastor instructed him regarding his soul and bliss, and gave him solace by reading from the bible and assuring him of God's mercy. Only when the pastor and other people thought that Måns was doing better again did they send him back home.[768]

The situation in early modern Austria was not so different from that in Sweden. Individuals who were concerned with their mental state or generally were not feeling well frequently visited their priest or other clerics. In the Catholic context, too, confession, absolution and Holy Communion were thought to be the most powerful remedies against any sort of affliction. Andreas Kirchamber who committed suicide in 1725, for instance, visited his priest on several occasions and confided to him his anxiety, dejection and bodily pains.[769] Theresia Handtschuechin, a 29-year-old woman from Austria above the river Enns, took her life in 1752. According to her mother, Theresia's melancholy had its seeds in concerns about heaven and hell. For some reason, Theresia feared that she might end up in hell. The young woman went to see two capuchin monks who tried to console her and talk her out of her fear for damnation.[770] When Joseph Aichberger became increasingly sad and worried because of the "hard times" and the debts he had, his wife suspect-

[767] Cf. case of Karin Jonsdotter, 1713, *extraordinarie ting* in Själevad, August 26, 1713, Södra Ångermanlands domsaga AIa:11, HLA, microfiche D52269, sheet 5, fol. 383–388.

[768] Cf. case of Måns Månsson, 1724, *extraordinarie ting* in Boteå, March 18, 1724, Södra Ångermanlands domsaga AIa:15, microfiche D52273, sheet 14.

[769] Cf. case of Andreas Kirchamber, 1725.

[770] Cf. case of Theresia Handtschuechin, 1752, summary examination of Eva Handtschuechin, dated December 29, 1752.

ed that he might be possessed by an "evil spirit" and brought him to the capuchins. Joseph Aichberger made his confession to a capuchin monk and received a scapular, a devotional image *(Andachtsbild*), and "something sacred sewed in", i.e. an amulet or talisman.[771] The capuchin monk assured Magdalena Aichbergerin that her husband was not possessed. In addition to the spiritual means he recommended bloodletting, in order to relieve Joseph Aichberger from his "heavy bloods".[772] Joseph Aichberger started to wear the scapular and amulet; those two items were later also found on his dead body. He put the devotional image on a door in their house, allegedly worshipping it daily.[773] I will return to the issue of such spiritual auxiliary means below.

Generally it can be asserted that both Lutheran and Catholic clerics usually were amongst the first persons to turn to for advice and comfort. They offered the possibility to talk freely, to confess and to receive absolution and Holy Communion – which in both denominations was regarded as the most powerful instrument against anything evil. The clerics' words of advice, however, were not necessarily restricted to spiritual means. In accordance with contemporary advice manuals they also included guidance of a more general character, i.e. suggesting individuals to be more social, to stop or start working again, or to seek additional medical help.[774]

Strengthening one's personal belief

In both denominations a solid trust in God was regarded as the key element in the defense of all evil. For Lutherans strengthening one's Christian belief was the only 'official' way to repel evil spirits and melancholic thoughts. Besides confession, absolution, and receiving Holy Communion this could be accomplished by frequent church attendance, knowledge of one's "*christendoms stycke*" (literally: "Christendom's pieces"), referring to key texts in Luther's small catechism, as well as praying and singing. It is thus not surprising that the witness statements as documented in the judgment books frequently highlight that a suicidal person actively practiced his or her belief. The entry concerning the suicide

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771 Regarding amulets, talismans and devotional images cf. Manfred Brauneck, *Religiöse Volkskunst. Votivgaben, Andachtsbilder, Hinterglas, Rosenkranz, Amulette* (Köln: DuMont, 1978); Stefan Fassbinder, "Religiöse Anhänger und Medaillen als Spiegel barocker Frömmigkeit," *Beiträge zur Mittelalterarchäologie in Österreich* 14 (1998): 131–138.

772 Cf. case of Josef Aichberger, 1758, examination of Magdalena Aichbergerin dated July 22, 1758.

773 Cf. case of Josef Aichberger, 1758, articulate examination of Magdalena Aichbergerin question 2, dated July 23, 1758.

774 For the Lutheran context cf. exemplarily Koch, "Die höchste Gabe in der Christenheit," 236 f.

of above mentioned fifty-year-old unmarried maidservant Karin Mickelsdotter, who had hanged herself on February 7, 1710, can serve as an example in this regard.[775] Allegedly Karin Mickelsdotter had devotionally read her morning prayers and had carried out some regular household chores before she went to a separate room to lie down for a while. When her mother came to look in on her about thirty minutes later, she found her daughter dead. On inquiry, the jury affirmed that Karin Mickelsdotter indeed not only had been able to read "in the book", referring most likely to a psalm book,[776] but had also been diligent in singing. Moreover, none of the assembled people could recall any misconduct on her part; on the contrary, they all confirmed her "still" (i.e. good) lifestyle and agreed that she had never talked unreasonably. However, as mentioned earlier, the protocol also reveals that Karin over the last thirty years had gone through several phases in which she was anxious and saddened without any apparent reason. These recurring afflictions were known also to the chaplain who tried to console her but even after the spiritual help of the cleric the anxiety returned, leaving her fearful and feeling at a loss. On January sixth, a month before her suicide, Karin had received Holy Communion at church for the last time.[777]

Praying, singing, and reading "in the book" were frequently mentioned in the judgment books as proof for a good Christian lifestyle and as an active attempt to improve one's condition. Due to the indoctrination of Luther's small catechism including catechism exams, knowledge of the key texts of the belief system was wide spread. When a person had only little knowledge regarding these texts or had problems to remember and understand them, this deficiency was often interpreted as a sign for low intelligence. Even individuals who had no reading skills usually knew at least some of these texts by heart. When Sami woman Karin Hindrichsdotter took her life in 1712 the *häradsrätt* wanted to know if she knew her "*christendoms stycken*" and could read in the book.[778]According to her brother she had not been able to read but nevertheless had learned the Ten Commandments, Lord's Prayer, Creed, and the Words of Institution.[779] Karin went to church regularly and had used her "*salighetsmedel*" (means of bliss), which in a Lutheran sense comprised the Word

[775] Cf. Case of Karin Mickelsdotter, 1710.
[776] Most likely it refers to *Den svenska psalmboken 1695*, which was in wide use from 1695 to 1819.
[777] For this case history cf. also Luef, "Punishment Post Mortem," 566–568.
[778] Cf. case of Karin Hindrichsdotter, 1712.
[779] These are the words Jesus allegedly used at his Last Supper when consecrating bread and wine.

of God (the bible) and the sacraments (baptism and Eucharist). The brother also presented a certificate by the cleric confirming that Karin had received Holy Communion on New Year's Day 1710. According to Göran Malmstedt church authorities tried to motivate parishioners to receive Holy Communion more often, at least four times per year in the seventeenth century.[780] That Karin's last Communion dated back to more than two years before her death appears unusual. Yet her brother presented the certificate before court as proof for her good Christian lifestyle.

Although the statements of the pastors indicate that most believers were able to read, not everybody achieved these skills. Apart from already mentioned Karin Hindrichsdotter also Joen Amundsson had apparently not been able to read (anymore) since he asked a neighbor to read aloud for him. In the case of older people, of course, debility of sight might be responsible for the inability to read. In at least one case, however, the court speculated that a man committed suicide because he was ashamed of his inability to read and out of fear to fail the catechism exam.[781]

Praying, singing psalms and reading in "the book" (most likely meaning the *Den svenska psalmboken 1695*) were religious practices that were expected to be part of the everyday routine in Sweden. The sources show that many believers allegedly lived up to these expectations, like for instance Erich Isaksson, who took his life in 1706. He was described as a calm, pious but always anxious man who on several occasion sought comfort with the priest and his neighbors. He was said to have read in "the book" every morning and evening, and whenever he found the time.[782] In times of need, however, it was expected to intensify these practices in order to find comfort and strength in one's belief. Showing little spirit for religious practices in such situations made people appear suspect. Before Margareta Johansdotter finally 'succeeded' in taking her own life in 1717, she had had two previous suicide attempts. After the suicide attempts her husband – according to his statement – took the *psalmbok*[783] and asked her to read and sing, and ask God to release her from her "bad thoughts". His wife had followed his request, though – according to

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780 Cf. Malmstedt, *Bondetro och kyrkoro*, 134–145.

781 Cf. case of Olof Pärsson, 1724.

782 Cf. case of Erich/Elias Isaksson (both surnames are used in the judgment book), 1706, *ting* in Arnäs, Grundsunda and Normaling, February 19, 1706, Norra Ångermanlands domsaga AIa:9, HLA, microfiche D52842, sheet 2, fol. 139–146.

783 Most likely he referred to *Den svenska psalmboken 1695* which had been in official use from 1695 until 1819.

her husband – without much enthusiasm. Soon she put the book away again, saying that she had problems with her eye sight, although she otherwise saw well. He also took her to the chaplain who encouraged her to trust in God's support and providence since it was known that she was concerned that the food would not suffice. When the chaplain asked her why she wanted to end her life, she had no answer but showed confidence that this condition would go over. Interestingly the source contains no hint that she had been guarded although her suicide attempts must have been well known in the village since they had been impeded by other villagers.[784]

Also 72-year-old Märit Zachrisdotter who committed suicide in the summer of 1712 was called on to read psalms by one of the women who were ordered to look out after her. Märit Zachrisdotter did not show any eagerness in this regard. Allegedly she replied that "this does not help against my illness". Both women who watched her stated that she did not appear god-fearing during the time they spent with her. However, the attestation by her pastor painted another picture, saying that Märit had been melancholic and anxious for many years. She knew her "*christendoms stycke*" and when she was healthy she had also heard God's word, attended church and received Holy Communion. The pastor had to admit though that all efforts that the clerics made to help her did not accomplish much. Presumably thanks to his attestation and despite the reported unwillingness to pray and sing, the court granted her body to be buried by her relatives on the northern side of the cemetery.[785]

Also in the Austrian Archduchies regular church attendance and diligent praying were of high importance in the assessment of a self-killing. Such practices are thus frequently mentioned in the sources. In the case of Maria Eggersdorferin a witness emphasized that she had gladly gone to church and known the gospels she heard on Sundays and holidays mostly by heart. Maria had also liked it when the gospel was read to her at home.[786] Joseph Aichberger's wife was eager to emphasize that he had prayed his morning prayers on

[784] Cf. case of Margareta Johansdotter, 1717, *extraordinarie ting* in Grundsunda, June 19, 1717, Södra Ångermanlands domsaga AIa:13, HLA, sheet 7, fol. 327a.
[785] Cf. case of Märit Zachrisdotter, 1712.
[786] Cf. case of Maria Eggersdorferin, 1725, witness statement by Magdalena Doppelhamber, dated May 21, 1725.

the day he committed suicide.[787] In contrast, little interest in spiritual matters cast a poor light on a person. Jacob Fridl's wife, for instance, stated that she had never heard her husband pray aloud, not even a single Our Father. Allegedly, however, he used to pray "secretly", meaning in silence. Other witnesses, who were apparently asked this question, reported that he "did not like to pray". When he had been sick for six weeks he had asked the priest to come to his house and was administered Holy Communion. But since the priest did not think that his life was at risk Jacob Fridl did not receive anointing. Reportedly, however, he had been praying the rosary shortly before his death.[788] All in all the investigation made Jacob Fridl appear in a rather bad light. He had talked about committing suicide before, had complained about his economic situation and generally did not receive the best witness attestations; he was said to have been "hard" and stubborn. In addition he did not like to pray, refused to join a confraternity despite his wife's advice, and "nothing sacred" was found on him. In the end he was buried by the executioner on a remote spot on a property belonging to the *Grundherrschaft*.[789] In the synopsis of the investigation the administrator of the *Grundherrschaft* listed twelve aspects that indicated intentional suicide and only five in favor of the deceased. Jacob Fridl's dislike of praying, the fact that he went to church irregularly and confessed only twice the year before his death made him suspect. Furthermore, what was unusual in the context of the time was his disinterest in confraternities[790] and pilgrimages. The fact that he decided to put away the rosary before committing suicide spoke clearly against him.

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787 Cf. case of Joseph Aichberger, 1758, examination of Magdalena Aichbergerin, dated July 22, 1758.

788 Cf. case of Jacob Fridl, 1760, examination of Catharina Fridlin, dated January 6, 1760.

789 Cf. case of Jacob Fridl, 1760, grundobrigkeitliche superficial Inquisition, dated January 8, 1760.

790 Many lay confraternities were founded in the seventeenth century. Their foremost aim was a *demonstratio Catholica*, i.e. to propagandize specific Catholic, anti-Protestant forms of piety. Amongst other things confraternities organized pilgrimages and processions, promoted the veneration of saints, and organized the funerals of their members. Members – both men and women – could expect reduced time in purgatory through mass, prayers, fasting, alms giving and indulgences. Typically each confraternity had an emphasis, e.g. the veneration of a certain saint, and its own style of rosaries or scapulars, which had to be worn by its members at all times. Such items thus served as visible recognition features. Regarding the immense extension and importance of lay confraternities in early modern Austria cf. Thomas Winkelbauer, "Volkstümliche Reisebüros oder Werkzeuge obrigkeitlicher Disziplinierung? Die Laienbruderschaften der Barockzeit in den böhmischen und österreichischen Ländern," *Staatsmacht und Seelenheil. Gegenreformation und GeheimProtestantismus in der Habsburgermonarchie.* Veröffentlichungen des Instituts für Österreichische Geschichtsforschung 47, ed. Rudolf Leeb, Susanne Claudine Pils and Thomas Winkelbauer (Wien/München: Oldenbourg, 2007), 141–160; Martin Scheutz, "Bruderschaften als multifunktionale Dienstleister der Frühen Neuzeit – das Beispiel der vereinigten Barbara- und Christenlehrbruderschaft Herzogenburg (1637/1677–1784)," *900 Jahre Stift*

Jacob Fridl's depreciation of means that were ubiquitous in the Austrian Catholic context and his refusal to exercise them are remarkable. By highlighting what is absent, his case draws the attention to practices that Catholic believers were expected to use in order to strengthen their belief and their defensive forces against evil. However, before I turn towards these auxiliary means reserved for Catholics, I would like to take a closer look at the trinity of spiritual remedies that were of highest importance to both Lutherans and Catholics: Confession, absolution and Holy Communion.

Confession, absolution and Holy Communion

In the course of this study it has become clear that in both early modern Austria and Sweden confession, absolution and Holy Communion played a central role in religious doctrine, pastoral care as well as in the way early modern women and men practiced their religious beliefs. Since the Fourth Council of the Lateran in 1215 it was commanded that each Christian (male or female) had to confess at least once a year, which commonly took place at Easter.[791]

As David Lederer pointed out, auricular confession in combination with the reception of Holy Communion was regarded as the most important form of spiritual physics.[792] This assessment, I would like to state, holds true not only for the Catholic context, as described by Lederer, but – at least in part – also for the Lutheran. Auricular confessions offered for both Catholics and Lutherans the opportunity to ease one's conscience, share one's inmost sorrows and fears, and receive consolation.[793] At the same time it was a powerful mechanism for social control; instrumentalized by worldly and ecclesiastical authorities alike.[794]

Herzogenburg. Aufbrüche – Umbrüche – Kontinuitäten, ed. Günter Katzler and Victoria Zimmerl-Panagl (Wien: Studienverlag 2013), 283–315.

791 Cf. Susan Karant-Nunn, *The Reformation of Ritual. An interpretation of early modern Germany* (London and New York: Routledge, 1997), 93.

792 Lederer, *Madness, Religion and the State*, 11 f.

793 For the Lutheran context in Franconia cf. Hans-Christoph Rublack, "Lutherische Beichte und Sozialdisziplinierung", *Archiv für Reformationsgeschichte* 84 (1993): 127–155; more generally for Germany cf. Karant-Nunn, *The Reformation of Ritual*, 91–137; a comparative perspective on confession based on Catholic and Lutheran confessional manuals is offered by Renate Dürr, "Confession as an Instrument of Church Discipline: A Study of Catholic and Lutheran Confessional Manuals from the 16th and 17th Centuries," *Between Creativity and Norm-Making. Tensions in the Early Modern Era*, ed. Sigrid Müller and Cornelia Gottschamel (Leiden: Brill, 2013), 215–240.

794 Cf. Lederer, *Madness, Religion and the State*, 51. Sixteenth-century German Lutheran-orthodox theologian Erasmus Sarcerius emphasized the importance of private penance as means for repentance, reconciliation, and discipline cf. Helga Schnabel-Schüle, "Der große Unterschied und seine kleinen Folgen. Zum

Unlike Catholicism with its seven sacraments (baptism, confirmation, Eucharist, penance, anointing of the sick, holy orders and matrimony) Lutheran Protestantism recognizes only baptism and Eucharist as sacraments. And, as mentioned before, Catholics ascribed the assumed proclivity to suicide amongst Lutherans not least to this "deprivation" of the holy sacraments. Without the power of the seven holy sacraments, contemporary debates hold, individuals were exposed to the challenges of life without protection.[795] Especially the "degradation" of penance, which played such an important role in pastoral care and in the treatment of mentally inflicted individuals, was regarded as problematic.

It is doubtful, however, whether the renunciation of the sacramental character of penance made the ritual less important to Lutheran believers. Martin Luther rejected the compulsory character of penance as practiced by the Late Medieval Church, but he nevertheless recommended voluntary auricular confession to his believers – despite its lack of biblical grounds.[796] In his large catechism, Martin Luther spoke of only two sacraments at first but at a later point referred to penance as the third one, describing it as an extension of the sacrament of baptism.[797] Moreover he added a treatise on penance to the catechism in 1529. Since according to Luther the sacrament of the altar, Eucharist, could be received only with a clear conscience, he made penance and confession implicitly a prerequisite for the reception of Holy Communion.[798]

This high importance of penance and confession is palpable in both the Swedish church ordinance of 1571 and the *1686 års kyrkolag*. The chapters on penance are in both books located between the chapters on baptism and Eucharist. Also in Swedish versions of Luther's catechism a chapter on penance (*Om Skriftermål*) was included, following the chapter on 'the holy baptism's sacrament' (*Thet H. Dopsens Sacrament*) and preceding the chap-

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Problem der Kirchenzucht als Unterscheidungskriterium zwischen lutherischer und reformierter Konfession," *Krisenbewußtsein und Krisenbewältigung in der Frühen Neuzeit – Crisis in Early Modern Europe*. Festschrift für Hans-Christoph Rublack, ed. Monika Hagenmaier and Sabine Holtz (Frankfurt am Main: Peter Lang, 1992), 197–214; 209. Hans-Christoph Rublack, however, assumes that penance as an instrument of social disciplining was only of limited suitability, cf. Rublack, "Lutherische Beichte," 147. David Warren Sabean, *Das zweischneidige Schwert: Herrschaft und Widerspruch im Württemberg der frühen Neuzeit* (Frankfurt am Main: Suhrkamp, 1990), 29.

795 Midelfort, "Religious Melancholy and Suicide," 43 f.

796 For Luther's conception of confession cf. Dürr, "Confession as an Instrument of Church Discipline," 219–222.

797 "*Und hie sihestu das die Tauffe beyde mit yhrer krafft und deutunge / begreifft auch das dritte Sacrament / welchs man genennet hat die Busse / als die eigentlich nichts anders ist / denn die Tauffe* […]" Otto Clemen, *Luthers Werke in Auswahl*. Vierter Band, Schriften von 1529 bis 1545 (Berlin: Walter de Gruyter & Co, 1959), 88.

798 Cf. Dürr, "Confession as an Instrument of Church Discipline," 221. Sabean, *Das zweischneidige Schwert*, 51–76.

ter on the sacrament of the altar (*Altarens Sacrament*). Penance and confession thus can be regarded as the link between the two sacraments, as an extension of the sacrament of baptism on the one hand and a prerequisite for the reception of Holy Communion on the other.

While baptism was a once in a lifetime event, both penance and communion could be 'used' repeatedly and served to strengthen the individual in his or her belief. Therefore penance and Holy Communion were of outmost importance as remedies for doubts, despair, anxiety or whatever burden a believer suffered from. As mentioned above, the possibility to ease one's conscience by confessing one's sins was a key element in the relationship between pastor and believer. And the question of whether someone had committed suicide out of a bad conscience can be frequently detected in the undertone of a suicide investigation.

Without doubt confession and absolution played an important role in Lutheran belief and its adaption in early modern Sweden. Both the church ordinance from 1571 and *1686 års kyrkolag* assumed that believers reflected upon their sins and asked for penance on a daily basis.[799] The line "*and forgive us our trespasses, as we forgive those who trespass against us, and lead us not into temptation, but deliver us from evil*" in the Lord's Prayer, for instance, served the purpose of daily penance. A strong emphasis on daily penance can be found also in the devotional book *Samwetz Plåster*. Here it is argued that one does not know when death occurs. But one does not have to fear death so much if one continuously prepares oneself and knows how to face it, once it strikes.[800] To be on the safe side, one should always be prepared – just in case one suffers a sudden death with only little time for regretting all one's sins at the very last moment.[801] The devotional book then counsels in detail how each person should prepare himself/herself on a daily basis.[802] The Lutheran doctrine, according to which all preparations had to be done in advance since post-mortem measures were deemed useless, is clearly palpable.

In addition to this daily exercise in self-examination and penance, however, both the church ordinance from 1571 and *1686 års kyrkolag* outlined in detail the specifics of other forms of confession, designed for less 'routine' occasions. The church ordinance from

799 Cf. *Swedish Church Ordinance of 1571*, 59; *1686 års kyrkolag*, 1010.
800 Cf. Balduin, *Samwetz plåster*, 50–55.
801 Cf. ibid., 56–59.
802 Cf. ibid., 59–65.

1571 distinguished between "*hemligt skriftermål*" and "*uppenbar skriftermål*". The former, which translates into "secret confession", means private penance, the act where the penitent confesses his or her sins privately to the pastor, usually upon the penitent's request. According to the church ordinance of 1571 private penance served to confess "private sins", meaning sins that only the sinner and God alone knew about.[803]

In a strict sense, private penance could be exercised in two forms according to the church ordinance of 1571.[804] The first comprised of the sinner confessing his or her sins to God alone, without telling anybody else. The church ordinance, however, explicitly recommended the second variant of "*hemlig skriftermål*", where the sinner confided his or her sins to a confessor. In most cases this confessor was the pastor but it did not necessarily have to be a cleric. In theory, any fellow Christian experienced in this regard, who could give advice and solace based on the bible and could speak the words of absolution, could serve as a confessor.

Private penance could be requested by the penitent at any time, whenever needed. It was expected, though, that private penance was performed at least once a year. The church ordinance advised pastors to arrive at the church at least half an hour before Mass on holidays so that they would be available to hear penance. Moreover it explicitly stated that penance should be heard in the open church space – for everybody to see – as to avoid rumors and suspicions.[805] Another interesting aspect is the specification according to which nobody was allowed to gain absolution in private penance for something he or she had to undergo public penance for. Unsurprisingly the church ordinance, once again, distanced itself clearly from Catholic practices in connection with confession: No full enumeration of all sins was necessary. The penitent should shrive what burdened his conscience most. What was decisive for the absolution was not the complete enumeration of all sins but honest repentance and trust in God's mercy. Penitents should not be obliged to reading or fasting after shriving and the church ordinance reminded people that it was of no use to invoke patron saints. Like their Catholic equivalents, however, Lutheran pas-

803 *Swedish Church Ordinance of 1571*, 60.

804 For the following remarks cf. *Swedish Church Ordinance of 1571*, 61–67.

805 The confessional chair in its modern sense, as a distinct part of church furnishing, is a development of the sixteenth century. For a brief introduction into the history and typology of the confessional in Catholic and Lutheran contexts cf. Nicolaj van der Meulen, "Der Beichtstuhl als Bekenntnisarchitektur," *Frühneuzeit-Info* 20,1 (2009): 104–127. Regarding contemporary concerns connected to 'closed' confessionals see pp. 107–108. See also Michael Bohr, "Barocke Chorgestühle und Beichtstühle in österreichischen Stiftskirchen," *Frühneuzeit-Info* 20,1 (2009): 128–146; 129 f.

tors were bound by the Seal of the Confessional when hearing somebody's "secret confession".

At times, shriving might not have been a cathartic but a rather unpleasant experience. This is insinuated by the church ordinance when it reminds people that especially the young and simple-minded should not be scared off by harsh words – they should not feel worse after the confession than before. The inspecting and controlling character of confession is revealed by the fact that in the course of private penance the pastor could also inquire about the penitent's knowledge regarding his or her "*christendoms stycke*". The minimum requirement comprised knowledge of the Lord's Prayer (Our Father), Creed, and the words of penance. In case of insufficient knowledge the pastor should demand the penitent to improve his or her understanding of these texts; he could also deny Holy Communion until the individual had filled these gaps in knowledge. The absolution, as the church ordinance emphasized, had to be given in Swedish language only, not in Latin. While placing the hand on the penitent's head the pastor should speak the words of absolution and thereby all the penitent's sins should be forgiven by the command and in the name of Lord Jesus Christ.[806]

The relevant sections in Luther's catechisms, in the Swedish church ordinance as well as the significance that penance had in religious practice show its eminent importance in the Swedish Lutheran context. Although not acknowledged as a sacrament, penance maintained an outstanding status; not least because it remained a prerequisite for receiving the sacrament of the Altar. Even though Martin Luther rejected the – in his opinion – coercive nature of private penance as practiced in Catholicism his teachings did not per se discontinue the rite.[807] Thus in early modern Sweden, too, Lutheran believers had the possibility to talk and confess to the pastor in private, without having to fear that their secrets were made public – at least in theory. When in 1692 a circa 60-year-old woman named Kierstin drowned herself, rumors arose in the course of the investigation. According to these rumors her death was connected to certain sins in her past that ever since had twinged her conscience. The court thus questioned the chaplain if, when, and what Kierstin had confessed to him. The chaplain held his answers rather general, but revealed that a while back she had confessed some serious offences that had burdened her mind.

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806 Cf. *Swedish Church Ordinance of 1571*, 67.

807 Cf. Rublack, "Lutherische Beichte und Sozialdisziplinierung," 129–132.

The court was then interested in when they had been committed and the chaplain answered that some of them had been committed when she was still underage, some at a later point. When the court wanted to learn more about the character of her offences, however, the chaplain refused to provide information, saying that it was against the church law to reveal such information without the order of the bishop.[808] The court then wanted to know if he had absolved her from her sins, which he affirmed. However, he also stated that two weeks after her confession Kierstin again turned to him, saying that the other farm servants pressed her and wanted to know what she had confessed to the chaplain. He advised her to tell them that there was no need to worry about her.[809]

This example highlights the role of private penance as a tool for mental hygiene on behalf of the believer. At the same time it shows the deep interest of the social environment, of the co-workers and the court, in the 'secrets' of an individual, and how the seal of confessional had to be defended. The reaction of the other people also suggests that it was no longer common to go to private penance. A continuous tendency away from private penance towards general penance has been observed for the sixteenth and seventeenth centuries.[810] It is unclear to what degree private penance was still practiced in the second half of the seventeenth century. The presented example shows that Kierstin's request for private penance drew quite some unintended attention at her. It is very likely that by then private or secret confessions had become strongly associated with grave sins.[811] And indeed, while the church ordinance of 1571 makes no mention of such a link, a clear connection between "*hemligt skriftermål*" and grave sins is made in the church law of 1686.[812] The example of the woman called Kierstin took place only a few years after the church law of 1686 had been introduced, yet the link between private penance and grave sin, it seems, had already been firmly established. It is thus likely that believers avoided private penance so as not to be suspected of any grave sins.

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808 He was referring to chapter VII, articles II, III and IV of *1686 års kyrkolag*.

809 Cf. case of a woman called Kierstin, 1692, October 22, 1692, Härnösands Rådhusrätt och Magistrat AI:5, HLA, microfiche D54565, sheet 4.

810 Sixten Ekstrand, *"Om allmänt skriftermåhl": en liturgihistorisk studie av det allmänna skriftermålet* (Åbo: Åbo akademi, 2005), 14–32.

811 Jonas Liliequist, for instance, found that many "self-confessors" had first confessed in secret before the pastor before turning themselves in. Cf. Liliequist, *Brott, Synd och Straff*, 103–105.

812 "*Det hemliga skriftemålet sker då när en för Guds ords Tienare uppenbarar någon grof synd, såsom lifs= och högmålssak, eller något annat som hans Samwete beswärar, på thet honom må gifwas råd och tröst utaf then helige skrift.*" Cf. *1686 års kyrkolag*, chapter VII, article I.

The second form of penance, "*uppenbar skriftermål*" translates into "disclosed or public confession". According to the church ordinance of 1571 public confession meant, on the one hand, a certain instant during the church service when the assembled congregation paused for a moment of silent confession.[813] On the other hand, *pœnitentiam publicam*, "*uppenbara scrifft*" referred to the act when a parish member had to confess his or her wrongdoings before God and the whole assembly, asking God for mercy and the assembly for conciliation. Usually this procedure regarded "public sins"; i.e. sins that had become known to the parish members or had affected them.[814] The church ordinance of 1571 contained even a list of severe sins which made such public confession absolutely necessary. Amongst others, it mentioned perjury, adultery, heresy and *bestialitas*.[815]

By confessing one's sins in public the penitent not only served as a warning example for others; going through the rite of public confession made each penitent an example for a sinner who showed obedience and was on the mend. It was a form of public redemption and – on a positive reading – an attempt at re-integration of parish members who had fallen out of grace. At the same time, however, it was also a humiliating ritual that people were ashamed of. "*Uppenbar skriftermål*" was an important aspect of church discipline and as such a common sentence that was frequently meted out by secular courts for various offenses or misdemeanors.[816] In addition to undergoing the shameful ritual of public penance, the penitent also had to fulfill certain duties. The church ordinance did not contain exact instructions as to the character of these duties but left it to the confessor, i.e. in most cases the pastor or chaplain, to find something that fit the case. Yet it was stipulated that the duties should serve to work against the confessed sins. For instance, a person who killed another while under the influence of alcohol should be obligated to stay away from public houses. The church ordinance, however, was eager to emphasize that pilgrimage, praying the rosary, invoking saint patrons, commissioning masses, and other "papal" rites would not serve the cause.[817] Other means usually associated with Catholic rites like e.g. fasting, or giving alms were not per se abolished or declared futile.[818]

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813 For the following explanations cf. Cf. *Swedish Church Ordinance of 1571*, 67–73.
814 Cf. *Swedish Church Ordinance of 1571*, 61.
815 Cf. ibid., 69.
816 Concerning the role of church discipline in Lutheran and reformed contexts cf. Schnabel-Schüle, "Der große Unterschied und seine kleinen Folgen," 197–214.
817 Cf. *Swedish Church Ordinance of 1571*, 71.
818 Cf. ibid.,72.

More than a hundred years later, the church law of 1686 had further differentiated the issue of penance and distinguished three kinds: "*hemligt skriftermål*", i.e. private penance, general penance (*allmänt skriftermål*), and *uppenbara skriftermål*, public penance.[819] Compared to the church ordinance of 1571 it is remarkable how tight the instructions in the church law of 1686 were connected to the secular law.

Regarding private penance, which remained under the seal of confessional, the church law discussed what the confessor had to do when the penitent confessed certain capital crimes or intentions to commit such sins/crimes that fell under secular jurisdiction. It advised the confessor that he should try to move the penitent to turn himself or herself in. To provide this demand with more leverage, the confessor could withhold absolution. Under no circumstances, however, was the confessor free to disclose what had been shrived. Clearly, a close connection between private penance and grave sin was established in the church law of 1686.

However, when Olof Nilsson ended his life in January 1725 the assistant pastor reported before court that Olof Nilsson had received Holy Communion only a few weeks before his passing and in the course of the confession (*skriftermål*) complained not only about the pain in his knee (a result of a work accident) but also about the melancholy that ran in his family.[820] The judgment book does not specify the circumstances of the confession. Since the assistant pastor reported freely about the content of the confession, I assume that Olof Nilsson talked about his concerns in a more open setting, probably at the occasion of a "general confession". In the church law of 1686 "general penance" referred to the act when one or more penitents came to the confessor to shrive in order to receive absolution. It was usually held in the course of the church service, before Holy Communion was administered. There is little doubt that "general penance" had become the most widespread form of confession. According to Swedish theologian and court chaplain Sven Bælter (1713–1760) it was common and sufficient to acknowledge being a poor sinner and declare one's intention for living a better life. There was no necessity to enumerate one's sins one by one.[821] The penitents came forward to the pastor either one by one, made their confession, and received absolution. Or, they came forward in groups, made a

[819] Cf. *1686 års kyrkolag*, chapters VI–IX.
[820] Cf. case of Olof Nilsson, 1725.
[821] Baelter, *Historiska Anmärkningar* (1762), 507 f.

general confession and received absolution. According to Bælter both forms were practiced.[822]

Those who wanted to make a confession had to let the pastor or chaplain know in advance, so he would know how many people to expect. Generally there were no restrictions as to when one could shrive, but it was common to shrive the day before certain holidays and the "*store bönedagar*". According to Göran Malmstedt people frequently confessed in groups on Saturday afternoon or Sunday morning before Mass.[823]

Excluded from absolution and Holy Communion were those who were momentarily or permanently mentally deficient – until they regained sanity – and those who did not know their "*christendoms stycke*". Also children younger than 13 or 14 years of age who did not yet understand the whole meaning of absolution and Holy Communion were excluded. An exception was made for those children who had good knowledge regarding these rites even though they were younger, and for those whose life was at risk. Also elderly people and those with a "weakness of memory", who were not able to learn the required texts, were allowed to receive absolution and Holy Communion; provided that they nevertheless understood that they were sinners and that their sins would be forgiven. The same applied to simple-minded people and those who were possessed by the devil. Regarding the latter, the church law stipulated that, upon request, they should receive absolution and communion if they were free of the devil's *Anfechtungen* (*Anfächtningar*) at the time. They had to acknowledge Jesus as their savior and ask God for forgiveness; moreover they had to know their "*salighetsstycken*" and show an otherwise good moral conduct. Those who lived "ungodly", however, should not be admitted to absolution and Holy Communion.

The chapter "on public penance and church discipline" (*Om Uppenbara Skrift och Kyrckioplicht*) once more confirms the already mentioned amalgamation between secular and ecclesiastical sphere in early modern Sweden. The chapter stipulates the details regarding public penance and church discipline, which was sentenced only by the secular courts. Undergoing public penance and church discipline means that deponents admitted to their sins/crimes in front of the church assembly and publicly repented their wrongdoings, asked for God's and the assembly's forgiveness. After the sinner showed remorse and promised improvement, the confessor should publicly pronounce absolution.

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822 Ibid., 509 f.

823 Malmstedt, *Bondetro och kyrkoro*, 136.

Through this procedure the repentant sinner was restated in the parish community. For those who had to undergo public penance and church discipline, it was an exposing and disgraceful ritual which was frequently accompanied by shame and scoff. The church law tried to put a stop to this unintended side effect by stipulating that the parish members should not blame the sinner for undergoing church discipline. Otherwise they themselves should be punished by secular law. I doubt, however, that this clause made it any easier for the women and men who had to endure the procedure.

Research on the rite and the practice of confession in early modern Sweden is rare. This rather detailed description of different forms of confession in early modern Sweden aimed to highlight the immense significance of penance – in its various forms – in the Lutheran context. The sources provide evidence that, despite the loss of its sacramental status, confession remained a key element in the relationship between believer, the Lutheran Church, and secular rule. First and foremost, believers were expected to exercise a form of self-dependent daily penance. Yet private auricular confession was an integral part of Swedish Lutheran doctrine too. It is, however, unclear to what degree it was practiced. Sven Bælter mentions in 1762 that private penance was not prohibited and should not be abolished since it had certain benefits. According to him it was still in use around the middle of the seventeenth century. His wording suggests, however, that at his time it occurred rather sporadically and that by and large private penance had been replaced by general penance.[824] Bælter bemoans this development, emphasizing the benefits of a private conversation between penitent and confessor: the "distressed hearts" could get solace, the ignorant could be instructed and the "impudent sinner" would get admonition.[825] During the period under investigation, it seems, private penance was still an option, but it was not the foremost form of confession in Sweden. Presumably most people avoided private penance since it had become strongly associated with grave sins. However, further research into the questions of the prevalence and the significance of private penance in pastoral care is needed.[826]

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824 Baelter, *Historiska Anmärkningar* (1762), 521 f.

825 Ibid., 522.

826 This desideratum concerns not only Sweden. As Renate Dürr remarks, also in central Europe only little is known about the confessional practice in different denominations and territories, cf. Dürr, "Confession as an Instrument of Church Discipline," 215–240.

Similar to the situation in Sweden, the authorities in early modern Austria were very eager to find out when the self-killer had last been to confession.[827] The attestations issued by the parish priest usually mentioned when the deceased had last confessed and received Holy Communion.[828] No further specifications concerning the content of the penance – which fell under the seal of the confessional – were made in the course of the investigation.

The Roman Catholic conception of confession was rendered more precisely at the council of Trent where the sacramental character was affirmed.[829] Unlike in Sweden, penance in early modern Austria was thus always a private act between penitent and confessor, with a focus on the complete confession of all sins.[830] Like their Lutheran counterparts, Catholic believers could receive absolution only when they were in charge of the faculties. Barbara Puchinger, for instance, who had lost her reason after she was "frightened" by two soldiers during her postpartum period, had not been able to gain absolution for her confession at Easter. Neither had she received anointment; according to the clerics' attestation due to her "insane mind".[831]

German historian Renate Dürr studied the theological conceptions of confession as formulated by Martin Luther and at the Council of Trent and analyzed Lutheran and Catholic confessional manuals. She concludes that "Lutheran and Catholic ideas of confession throughout the sixteenth and seventeenth centuries closely resembled one another."[832] In both denominations confession and absolution were a prerequisite for receiving Holy Communion. As such, confession was a suitable tool for establishing church discipline. In both denominations, confession was regarded as a protection against the influence of the devil and imperative for God's goodwill, both in this world and for the afterlife. As such the sins of the individual penitent concerned the whole parish. Dürr reminds us:

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827 Cf., for instance, the case of Georg Dröthändl, 1715, articulate examination of Maria Dröthändlin question 6, dated February 26, 1715.

828 Cf. case of Stephan Pühringer, 1686.

829 Cf. Dürr, "Confession as an Instrument of Church Discipline," 222–225.

830 Cf. Thomas Winkelbauer, *Österreichische Geschichte. 1522 – 1699. Ständefreiheit und Fürstenmacht. Länder und Untertanen des Hauses Habsburg im konfessionellen Zeitalter*. Volume 2 (Wien: Ueberreuter, 2003), 143.

831 Cf. case of Barbara Puchinger, 1713, letter from the clerics from Gmunden, dated September 29, 1713.

832 Dürr, "Confession as an Instrument of Church Discipline," 239.

> "'Privateness' in this sense was unknown, however, in the Early Modern period. A community's Christian organization was determined by the behavior of its individual members. Sins, acts of penitence and repentance therefore concerned all members. An absence of remorse or negligence in such matters meant that the individual could expect God's punishment at the Last Judgment and the community as a whole God's wrath in the present. From the perspective of contemporaries, what transpired in the confessional – including that in the *private* auricular confession – thus inherently had eschatological dimensions and an unfailingly palpable social relevance and brisance."[833]

The sins of one individual were thought to have an effect on the community as a whole. In this sense, both Lutheran pastors and Catholic priests played a crucial role as experts who were responsible for the absolution of the individual sinner – and in further consequence – for the public welfare. During the act of confession the personal sins of the penitents and knowledge of the foundation of one's belief were crucial. In this regard Dürr, however, detects an important difference between the two denominations. According to Catholic confession manuals the confessor had to be fully informed about all sins, which means that a complete, articulated revelation on behalf of the penitent was requested. Lutheran manuals, in contrast, emphasized the penitent's knowledge of the Christian tenets, i.e. the Ten Commandments, the Lord's Prayer, etc. Despite different emphases, however, Dürr highlights that in the confession manuals of both denominations knowledge of one's belief and reflection upon one's sins (self-examination) were of high importance and were crucial for a good preparation for confession, and ultimately served as a model for a proper conduct of life.[834]

Like Renate Dürr, I tend to see more commonalities than incommensurable factors in the way individuals in early modern Austria and Sweden used confession as a means to improve their conditions. I regard confession – in its various forms – as a practice intended to keep individuals from committing suicide. Both in Austria and Sweden parish priests and pastors served as contact persons and counselors. With regard to private penance the source material suggests that on the normative level, as outlined in church ordinances etc., hardly any difference can be detected between the religious denominations. Yet, what stands out is the nexus between private penance and grave sin in early modern Sweden. This might have kept individuals from making use of this 'service' in order to avoid negative attention. Dürr's observation that especially Lutheran confession manuals empha-

[833] Ibid., 217.
[834] Ibid., 239 f.

sized knowledge of certain religious key texts is supported by my analysis of the sources, by the interest of the *häradsrätter* in the knowledge of the deceased of his or her "*christendoms stycke*".

General intercessions

Another religious practice which fell in the category of "spiritual physics" was the use of intercessions. In their meaning as prayers by parishioners on behalf of afflicted members of the community, they were available to both Catholic and Lutheran believers as the following examples illustrate.

In 1716 circa 30-year-old Olof Persson killed himself, leaving behind a widow and two young children. Before his suicide he had been bedridden with a feverish illness (*brännsjuka*) which prevented him from attending church at Pentecost. But, as the judgment book documents state, he let others pray for himself ("*lätt i pingshelgen bedia för sig i kyrckian*").[835] This suggests that an intercession (Swedish: *förbön*) was spoken on his behalf. According to Göran Malmstedt intercessions for individual parish members were part of the Lutheran mass. Usually they were made on behalf of sick parish members or – after they recovered – to thank God for their reconvalescence.[836] The prayers for Olof Persson's, however, did not have the desired effect – his state of health did not improve. The day before his suicide he let the pastor come and received Holy Communion. His case is one of the few examples where the pastor stated during the interrogation that he expected the corpse to be buried at the cemetery ("*förmodandes probsten och kyrckioherden att hans grannar och anhöriga tillåtas i kyrckiogården begrafwa dess lyk*") – usually the judgment books do not document such propositions. Apparently the whole jury was very upset about Olof Persson's self-killing, which they ascribed to his feverish illness (*brännsjuka*). He was granted a silent funeral.

Also the investigation into the suicide of 71-year-old widow Karin Mårtensdotter in 1722 shows that intercessions (*förbön*) on her behalf had frequently been read from the pulpit. The pastor, who had also visited her at home, confirmed before court that she knew some of her "*Christendoms stycke*" by heart even after her mental condition worsened. Only by asking more specific questions, the pastor realized her lack of comprehension. There-

835 Cf. case of Olof Persson, 1716.
836 Cf. Malmstedt, *Bondetro och kyrkoro*, 133.

fore, as the judgment book says, he did not dare to administer her Holy Communion, which – as mentioned above – ought to be received only by those, who understood the meaning and importance of the act.[837]

In the case of Johan Persson (1735) the chaplain confirmed before court that he had read intercessions from the pulpit on behalf of the deceased for a while, but without mentioning him by name.[838]

For early modern Austria the practice of general prayers on behalf of a troubled person is explicitly mentioned only in one case. According to the statement by the priest, Stephan Pühringer had asked the whole parish community to pray for him.[839] It can be assumed, however, that this kind of support was quite common also among Catholics.

Typical Catholic spiritual auxiliary means

Seeking the advice of the cleric, strengthening one's personal belief, shriving, receiving absolution and Holy Communion as well as speaking intercessions are spiritual auxiliary means that – in spite of confessional distinctions – were available to both Lutherans and Catholic believers. In addition to this repertoire Catholic believers had access to further practices that were clearly dismissed by Lutheran doctrine. These exclusive Catholic practices were usually connected to the veneration of saints and presupposed the existence of purgatory. They represent typical forms of Catholic piety. Most prominently amongst them ranked various forms of pilgrimages, which were a common occurrence in early modern Austria.[840] In Austria below the river Enns alone, approximately 500 places of pilgrimages existed, which were the destination of one-day or multi-day processions.[841] While officials envisioned pilgrimages as orderly, disciplined and pious affairs, they frequently turned into festive societal events accompanied by drinking, dancing and gambling.[842] Especially under the reign of Emperor Joseph II in the second half of the eighteenth century, several decrees were passed that aimed to restrict the 'misuse' of pilgrimag-

837 Cf. case of Karin Mårtensdotter, 1722.
838 Cf. case of Johan Persson, 1735.
839 Cf. case of Stephan Pühringer, 1686, attestation by the parish priest of Gmunden, dated August 30, 1686.
840 There is a broad field of scholarly literature on the topic of pilgrimages. A compact overview including further references is offered by Martin Scheutz, "Andacht, Abenteuer und Aufklärung. Pilger- und Wallfahrtswesen in der Frühen Neuzeit," *Österreich in Geschichte und Literatur* 49,1 (2005): 2–38. Cf. also Winkelbauer, *Ständefreiheit und Fürstenmacht*, 210–223.
841 Scheutz, "Andacht, Abenteuer und Aufklärung," 15.
842 Cf. Lederer, *Madness, Religion and the State*, 114–144.

es.[843] Many Catholics attended a multitude of pilgrimages during their lifetime. The file of Jacob Fridl, who committed suicide in 1750, for instance, mentioned that he used to go on pilgrimages once a year. The circa 70-year-old man had only abstained from this tradition in the last couple of years before his death, since it had become too exhausting for him.[844]

In connection with pilgrimages, believers frequently acquired devotional objects, like e.g. devotional images, devotional scapulars[845] or sacred wax. Wearing these items or praying to a devotional image was thought to provide extra protection against all kinds of afflictions. The possession and usage of such items was usually regarded for the benefit of the self-killer by the court. In the case of Catharina Pührnsteinerin, for instance, the administrator of the *Grundherrschaft* was inclined to assume the better, i.e. that she got into the water by accident and not intentionally. For her benefit he remarked that an amulet was found on her, indicating her good hopes, though no scapular.[846] In the case of the female tailor, whose funeral was prevented by a mob of more than 100 people, the authorities argued for a silent funeral amongst others with the argument that she had publicly prayed the rosary. Moreover, when she was found she still had the rosary on her and sacred wax around her neck.[847] 65-year-old Josef Hueber, who hanged himself in 1782 was said to have regularly served as an altar server, read in spiritual books,[848] gone to penitence at Easter and received Holy Communion. In the course of the examination of the corpse a scapular and a rosary were found on him. Therefore, as the sources mention, the *Landgericht* had no objections to grant him a silent funeral at the churchyard.[849] In October 1716 Martin Mannhardt, subject of the *Herrschaft* Matzen in today's lower Austria, hung himself in the attic of his house. Eight days prior to his self-killing Martin Mannhardt had promised to the fourteenth holy helper, Saint Vitus, the helper regarding mental illnesses,

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[843] Scheutz, "Andacht, Abenteuer und Aufklärung," 31.

[844] Cf. case of Jacob Fridl, 1760, examination of Thomas Hofer and Catharina Ohrlinger, dated January 6, 1760.

[845] Such devotional scapulars typically consisted of two rectangular pieces of cloth, wool or other fabric that were connected by bands.

[846] Cf. case of Catharina Pührnsteinerin, 1763, letter from the administrator of the *Grundherrschaft* to the *Landgericht*, dated September 29, 1763. Regarding this case cf. also Luef, "Punishment Post Mortem," 565 f.

[847] Cf. case of female tailor, 1754; see also Luef, "Punishment Post Mortem,"569 f.

[848] A book by the capuchin theologian Martin von Cochem (1634–1712) is mentioned, for instance. He was a bestselling author whose works were wide spread at the time.

[849] NÖLA, HA Gaming, archives box 7, case of Josef Hueber, 1782.

to commission a mass. While his wife and son attended this very mass in order to avert the confusion that had befallen him, he killed himself.[850] In the course of the investigation an attestation by the parish priest was brought forward and witnesses were heard. The parish priest confirmed that Martin Mannhardt had lived a pious life agreeable to God. To improve his condition, according to the priest, Martin Mannhardt had been praying the rosary, he had been reading in religious books, and frequently he had been seeing the priest and confessed. Finally he had commissioned the mass which his wife and son attended while he took his life.

Especially praying the rosary was regarded as a sign that a person practiced his or her belief. It is regularly mentioned in the sources.[851] Also in the above mentioned case of Joseph Aichberger, his wife explicitly mentioned that he still had his "*better*", i.e. the rosary, the scapular and amulet on him when she found him.[852] The wearing of these items played a major role in the verdict regarding his case. For those involved in the investigation it emphasized that Joseph Aichberger did not kill himself out of desperation but due to his melancholy, which had been caused by the high amount of black bile. It was in his favor that he had diligently prayed shortly before his death. Moreover, the scapular, rosary and amulet were found on his body, which – as the administrator of the *Grundherrschaft* put it – "desperate persons usually put away before their disembodiment".[853]

The latter is exactly what Jacob Fridl was accused of. Jacob Fridl, who committed suicide in 1760, was a subject of the same *Grundherrschaft* as Jospeh Aichberger, and the same administrator was in charge of his case. Apparently Jacob Fridl had put aside the rosary before he committed suicide, which the administrator of the *Grundherrschaft* interpreted as a sign for malicious intent.[854] Thus, the absence or non-usage of such devotional items was without question a factor when reaching the verdict in a suicide case. For Paul Riepl, not wearing his scapular also attributed to the negative outcome of his case. The 60-year-old man, who hanged himself in 1750 while his wife attended church, was attested a good Christian and calm lifestyle by all witnesses. According to the witness statements he had regularly gone to church and prayed. Several witnesses accounted that he had wished for

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850 Cf. case of Martin Mannhardt, 1716.
851 Cf. also the case of Maria Leißin, 1762.
852 Cf. case of Joseph Aichberger, 1758, examination of Magdalena Aichbergerin, dated July 22, 1758.
853 Cf. ibid., *grundobrigkeitliche superficial Inquisition*, dated July 23, 1758.
854 Cf. case of Jacob Fridl, 1760, letter from the *Grundherrschaft* to the *Landgericht*, dated January 7, 1760.

God to end his life soon, but at the same time he was said to have suffered from pusillanimity for a while. His physical health had been weak and allegedly Paul Riepl had worried about how he could make his living. In short, there were indications for both an intentional suicide and for a *non compos mentis* act. In the end, however, the *Landgericht* ruled the case a *felo de se* suicide and ordered the executioner to dispose of the body. The *Landgericht* based its decision on the finding that Paul Riepl had had enough to eat at the point of his self-killing. Thus, in the eye of the *Landgericht*, there was no immediate cause for his angst. What most likely tipped the scale, however, was that he had put aside his scapular before he hung himself. Taking off his scapular before he hanged himself was clearly interpreted as an indicator for intent. Perhaps his wife had – unknowingly – contributed to this interpretation since it was her who mentioned in her statement that he had left the scapular on the bench.[855]

Generally the wearing of a devotional scapular or rosary was regarded as an expression of piety. Moreover, as outlined above, it often indicated the membership in one of the numerous confraternities. Especially in the context of self-killing, wearing such items was interpreted as a sign that an individual actively tried to fight his or her suicidal tendencies. Consequently, putting these devotional items aside before committing suicide was regarded as mistrust of the saints' efficacy and thus as an indicator for intent.

The examples provide evidence that afflicted individuals exercised various spiritual means in combination. Stephan Pühringer, for instance, had frequently prayed, gone on pilgrimages and been given oblation. He had been to the order of the capuchins and asked for help. He went to confession and received Holy Communion, was wearing sacred items, and had the parish pray for him.[856] Short of exorcism, he had used more or less the whole set of spiritual auxiliary means that the Catholic Church had to offer.

Most of these practices were connected to the veneration of saints (pilgrimages, the use of devotional items, commissioning masses, praying to certain 'specialized' saints etc.) and thus not available to Lutheran believers. It is well known that some of these pre-reformatory, "papal" rites lived on in Swedish folklore nevertheless.[857] Unsurprisingly,

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[855] Cf. case of Paul Riepl, 1750, articulate examination of Margit Rieplin, question 3, dated May 23, 1750 and letter dated May 26, 1750.

[856] Cf. case of Stephan Pühringer, 1686, attestation of the priest in Gmunden, dated August 30, 1686; attestation of the priest in Laakirchen, dated August 31, 1686.

[857] Cf. Malmstedt, *Bondetro och kyrkoro*, 137 f., 186.

however, they are not reflected in the official documentation of the Swedish suicide cases in my sample. As shown, the judgment books contain many references to religious practices acknowledged by the Lutheran church but do not mention "Catholic" inclined practices that officially had been abolished long ago.

Profane means of suicide prevention

Apart from practices which fell under the purview of the church and in the category of spiritual physics in the broadest sense, 'profane' measures are mentioned in the sources only on rare occasions. Stephan Pühringer, for instance, had received no further specified medicaments (*Arzney*) from the noble woman, Eva Johanna Fiegerin.[858] According to the attestation of the parish priest in Laakirchen she had also laid "beneficial" bandages on his "painful" head.[859] Jospeh Aichberger tried to get rid of his melancholy by bloodletting. His example is a rather 'late' case from the middle of the eighteenth century and an excellent example for the concept of humorism: According to the barber surgeon who performed the bloodletting several times, Joseph Aichberger suffered from black bile and looked melancholic.[860] A female tailor, too, whose funeral was prevented in 1754 had used bloodletting as an attempt to improve her condition.[861]

All these individuals used 'profane' treatments in addition to, or in combination with various forms of spiritual physics. For eighteenth-century Germany, for instance, the medical historian Ruth Schilling mentions that at times amulets were furnished with mercury or camphor.[862] Most likely, the bearer of the amulet hoped to enhance the efficacy of spiritual physics by profane active ingredients. The sources from early modern Sweden do not mention any kind of medical treatment.[863] It would be overly hasty, however, to conclude that such practices were not used.

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858 Cf. case of Stephan Pühringer, 1686, letter from Eva Johanna Fiegerin zu Oberweiß, dated January 7, 1687.

859 Cf. case of Stephan Pühringer, 1686, attestation from the priest of Laakirchen, dated August 31, 1686.

860 Cf. case of Joseph Aichberger, 1758, articulate examination of the barber surgeon Melchior Henzman, dated July 23, 1758.

861 Cf. case of female tailor, 1754.

862 Ruth Schilling, *Johann Friedrich Glaser (1707–1789). Scharfrichtersohn und Stadtphysikus in Suhl* (Köln/Weimar/Wien: Böhlau, 2015), 91.

863 Exceptions are occasions where the injuries of individuals after failed suicide attempts were treated by doctors, cf. for instance the case of Johan Ersson, 1696.

Guarding suicidal individuals

In both early modern Sweden and Austria it was well known that 'melancholic' or suicidal individuals should seek company and should not spend too much time alone. In practice, however, this was difficult to accomplish. Watching over a person drew resources with regard to work force and expenditure of time. It thus comes as no surprise that the sources sometimes mention inattentive guarding as the reason why a suicidal individual could slip out of the house or end his or her life in an unwatched moment.

In Sweden, several houses, or whole communities, often seem to have shared the burden of keeping watch over a suicidal individual by either taking turns in the surveillance or by sending the person from house to house. At times, it seems, this kind of observation was not very effective and those who were responsible for keeping watch performed their duty inadequately. Quite illuminating with regard to the difficulties, challenges and practical problems of guarding a suicidal individual is the example of maidservant Brita Simonsdotter who killed herself in 1708.[864]

The sources describe Brita Simonsdotter as feeble-minded ("*samvets swaghet*"). Prior to her self-killing she had attempted to drown herself. Her suicide attempt, however, failed due to the intervention of another maidservant who dragged her out of the water. Aware of her inclination to suicide, the men of the parish ("*sockenmännen*") then decided to keep watch over her. The task should be accomplished by sending Brita – in company of another person – from farm to farm so that the burden of watching her would be evenly distributed amongst the villagers. In practice, however, it did not work out that well. Brita was staying with Erich Eriksson and his family in Häresta when it was his turn to accompany her to the next house in Giälsta. Since Erich Eriksson was not at home at the time, he instructed his wife Brita Clementsdotter to do it, who in turn ordered a woman named Anna Jonasdotter to go with Brita. But Brita Simonsdotter never arrived in Giälsta.

In the course of the investigation, it turned out that Brita Simonsdotter had disappeared already while under the custody of Erich Eriksson and Brita Clementsdotter. Before court Brita Clementsdotter admitted that one morning, when she came into the house after working outside, she realized that Brita Simonsdotter was gone. Brita Simonsdotter had been brought to their house the previous evening and Brita Clementsdotter assumed that

[864] Cf. case of Brita Simonsdotter, 1708.

she had gotten up early and left the house.[865] Brita Clementsdotter explained that it had not been unusual for Brita Simonsdotter to appear at their house in the middle of the night, unannounced and alone. At times, Brita Clementsdotter held, the people at the farm did not even realize she was there until the next morning. Therefore Brita Clementsdotter did not worry about the missing woman or started looking for her. She had assumed that Brita Simonsdotter had left on her own and was on her way to the next accommodation.

In justifying her omission of watching her, Brita Clementsdotter also brought up that guarding Brita Simonsdotter had never been an officially ordered task. It was rather something the peasants amongst themselves had arranged. According to the judgment book the *länsman* confirmed this claim. After Brita Clementsdotter found out that Brita Simonsdotter had killed herself, she did not dare to admit to her husband that Brita Simonsdotter had run away while under her custody. Therefore she claimed to have tasked Anna with accompanying Brita Simonsdotter.

This example shows that watching over suicidal people was to a certain degree regarded as a communal task. As this case history illustrates, parishes or villages occasionally organized it on their own initiative. The official way, however, was to request assistance from the *länsman,* who then would announce an official order. This procedure, for instance, was followed in the next example.

Karin Jonsdotter, a 23-year-old woman who committed suicide in 1713 had always been healthy until about a year before her death, when she, all of a sudden, became anxious and could not help but cry a lot.[866] The young woman had no explanation for her condition other than that she was born "at an unfortunate hour". After a while she started to become dizzy, talked unreasonably, and showed aggressive behavior. When Karin Jonsdotter became increasingly desperate over her poor health and had little confidence that it would improve, her mother feared the worst and requested help from the *länsman* to watch her. The peasants then took turns guarding Karin Jonsdotter for a while, until she started to feel better again.

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[865] Unfortunately it is unclear for how long Brita Simonsdotter had already be 'handed' from farm to farm when she disappeared.

[866] Cf. case of Karin Jonsdotter, 1713.

The idea that mental afflictions were only of a temporary nature was not uncommon. Thus, once the individual improved, the watch was lifted. Especially in cases of young people, it seems, it was assumed that they only went through a phase where they needed extra supervision. Also 29-year-old Annika Zachrisdotter had been watched by the peasants for a while after she turned "feeble-minded". The watch was lifted when she felt better and started to work again. Unfortunately her condition worsened again and she finally took her own life.[867]

Sending suicidal individuals from farm to farm was not the only option for keeping them under close watch. As mentioned above, 72-year-old Märit Zachrisdotter had asked if she could use a room in the "*sockenstuga*", the house where assemblies of the parish members or also *ting* were held, in order to have privacy. The peasants permitted her request, sent her food and instructed the two women who were in charge of the "*sockenstuga*" to watch her and prepare meals for her. It does not appear, however, that Märit was watched around the clock, but rather that the women were instructed to keep an eye on her.[868] Måns Månsson, we remember, spent some time at the pastor's house.[869] In short, different forms of guarding and watching suicidal individuals were practiced with a varying degree of diligence.

The displayed collective effort for taking care of suicidal individuals and the high degree of self-organization is remarkable. The collective stepped in when family members could not carry the burden alone anymore. Yet one should not run the risk of idealizing this procedure since the above mentioned examples also show the problems that such an approach brought along. Watching and guarding suicidal individuals seems to have been a task typically fulfilled for and by women. While the (male) peasants as a community agreed to share the burden of watching a suicidal person, the women at the farm were the ones who in practice took over this task – in addition to their usual chores. As shown in the case of Brita Simonsdotter, the "parish men", the *sockenmän*, decided to send Brita from house to house. Yet, the actual work of watching and accompanying her was performed by women. A similar pattern can be detected in the example of Karin

[867] Cf. case of Annika Zachrisdotter, 1720, *extraordinarie ting* in Själa, September 5, 1720, Södra Ångermanlands domsaga AIa:14, HLA, microfiche D52272, sheet 13.
[868] Cf. case of Märit Zachrisdotter, 1712.
[869] Cf. case of Måns Månsson, 1724.

Nilsdotter.[870] Following a suicide attempt in 1704, Karin Nilsdotter's brother requested help from the *länsman* to have her watched. His request was granted and Karin was sent from farm to farm. While she stayed with Olof Jönsson and his family, she managed to escape and drown herself. In the course of the investigation it turned out that it was Olof Jönsson's stepmother who was in charge of watching her when she disappeared.

Especially when individuals were watched for longer time periods, the suicide risk might have been underestimated – as in the above mentioned case of Brita Simonsdotter – and the guarding got sloppy. It is therefore questionable how carefully and diligently this kind of suicide prevention was performed and how effective it was in the end.

The main problem with watching suicidal individuals, however, was most likely that it interfered with the regular workload. Moreover, I doubt that everybody was part of the necessary network to benefit from such collective spirit. Although shared responsibilities for suicidal individuals are frequently mentioned in the sources, it cannot be assumed that it was available whenever needed. The following case history might serve as an example. Before her death Sami maidservant Karin Hindrichsdotter had been bedridden for several weeks and uttered that she did not believe in getting well again. Both her statements and her bad condition prompted her brother to watch over her during the nights. During the day, however, he had to do his work outside and away from the house. Apparently he instructed his six-year-old son to have an eye on his aunt during his absence. When Karin Hindrichsdotter one day ran out of the house the kid immediately informed his father. But unfortunately the brother could not make it back to the house in time to prevent his sister from killing herself. While he was away, Karin Hindrichsdotter ran into the woods and drowned herself in a river.[871]

In this case, the responsibility for watching a suicidal individual was left to the brother and his six-year-old child. There are several explanations why they had to carry the burden of guarding Karin Hindrichsdotter alone. Perhaps the family's house was in a remote location which made shared guarding difficult. It is also possible that the family was not so well integrated into the local community and thus did not want to or could not ask for help. In any case the example of Karin Hindrichsdotter illustrates how difficult it was to care for a suicidal individual.

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[870] Cf. case of Karin Nilsdotter, 1704.
[871] Cf. case of Karin Hindrichsdotter, 1712.

Perhaps due to the young age of the deceased, the court explicitly inquired if 14-year-old Brita Mårtensdotter had been properly watched. When the girl was found dead in a lake in 1700, the investigation revealed that she had been described as half-witted, and that she had suffered from epileptic fits for a while. Both the pastor and other people confirmed before court that her parents had watched her well and that she did not die out of negligence. Thus, according to the witness statements her parents were not to blame for the fatality.[872] When Anna Olofsdotter died in 1713 a few days after she cut her throat, the *häradsrätt* asked her son why he had not ordered someone to watch the wounded woman, keeping her from removing the bandage. He answered that he could not afford to feed a guard "in these difficult times of war". When the court wanted to know why he had not fixated her hands, he replied that he had tried to do so, but to no avail: Anna Olofsdotter would cast and turn herself in the bed until the bandage went off.[873]

The latter example hints at an economic aspect of organizing watch over a suicidal individual. Fixating or locking up suicidal individuals was obviously an inexpensive alternative when no person could be detached for the task of watching or guarding. In addition it turns the attention to aggravated forms of keeping individuals from killing themselves, forms that involved compulsory measures and force.

Compulsory measures and force

The hitherto mentioned remedies required a certain degree of participation and approval on the part of the suicidal individual. Spiritual physics and profane medication usually involved the cooperation of the afflicted person, ideally the wish to actively improve his/her condition. Guarding and watching measures embody the concerns of household members and the social environment. All these procedures were applied in cases where the behavior of a person gave cause for concern, but no immediate danger for the life of the afflicted individual – or others – was suspected.

Yet it cannot be ruled out that the watching and guarding was always based on the consent of the person in question. Occasionally indications for more forceful measures, which restricted the freedom of movement, can be found in the sources. The above mentioned example of Anna Olofsdotter, who apparently had also been fixated at times,

872 Cf. case of Brita Mårtensdotter, 1700.
873 Cf. case of Anna Olofsdotter, 1713.

serves as case in point. Other sources report that suicidal individuals were locked in the house while the rest of the family was out working. This happened, for instance, to 60-year-old Karin Svensdotter who killed herself in 1715. Karin Svensdotter had been feeble-minded and melancholic for a while. According to the judgment book her brother had her guarded at times or he locked her up when everybody was at work. The day she committed suicide she was locked up in the hall (*förstugu*). Karin Svensdotter crossed the window glass and escaped to a lake where she drowned herself.[874]

At times, especially when considered a danger not only for themselves but also for others, suicidal people were confined in chains. In this context suicidal individuals were often described as "mad", or as being "out of their senses". As David Lederer has pointed out, chains were the classic devotional symbol of madness. In votive paintings the mad are frequently depicted as restrained with chains.[875] Only once are chains mentioned explicitly in my sample of sources, in the case of 29-year-old Theresia Handtschuechin. According to the her mother's statement, Theresia had been imbecile and melancholic since her younger days. At times she became aggressive and since she had tried to escape at least ten times before, her mother had held her in chains. In December 1752, however, she nevertheless managed to free herself, escaped and was found dead later.[876]

Only on rare occasions were suicidal individuals housed in hospitals, madhouses, and asylums or as an alternative, in prison. In most cases the responsibility and costs for taking care of inflicted people lay with the families, which at best were supported by communal charity and good will. Without question, taking care of a suicidal individual was a great challenge that overburdened many families. What David Lederer pointed out for early modern Bavaria, namely that the heavy burden often led to maltreatment, can be assumed also for other European regions.[877]

Synopsis

The presented case studies show a remarkable variety of how women and men in early modern times faced the challenge of dealing with mental afflictions, suicidal tendencies and suicidal individuals. When one keeps in mind the general mindset with regard to self-

874 Cf. case of Karin Svensdotter, 1715.
875 Cf. Lederer, *Madness, Religion and the State*, 258.
876 Cf. case of Theresia Handtschuechin, 1752.
877 Cf. Lederer, *Madness, Religion and the State*, 260 f.

killing, the depicted engagement is for sure remarkable. Despite the aura of stigmatization many people confided their sorrows and suicidal thoughts to people they knew, often to their priest or pastor. Frequently they described their condition as something that came over them, something they were exposed to against their own will.

But troubled individuals did not only talk about their situation, moreover they actively tried to improve their condition and the sources provide evidence that many of them were supported by their social environment. The treatment ranged from what can be described as spiritual physics like praying, shriving and receiving Holy Communion, wearing hallowed items and going on pilgrimages to a more medical treatment by taking herbs and bloodletting. Typically various practices were combined. Regarding spiritual physics differences between Catholic and Protestant areas can be observed. Lutheran believers employed primarily practices connected to the 'word', like e.g. praying, reading in the psalm book, and singing psalms. Catholic believers, it seems, had a broader repertoire they could use. In addition to praying (characteristically praying the rosary) suicidal individuals frequently carried hallowed items on them. On several occasions it is reported that the deceased were wearing a scapular, often indicating the membership in one of the many lay confraternities that were frequented by women and men alike. Already made or planned pilgrimages are mentioned as well as commissioned masses.

In severe cases, when individuals were thought to be on the edge of suicide, were completely out of their mind and/or thought to be a danger for others, more forceful measures were taken. Here the spectrum ranges from keeping watch, locking them up in the house to keeping them chained up. Especially these examples make it clear that the care for suicidal individuals took its toll and drove families and whole communities to their limits. Long time care was drawing resources both in material (money, labor) and emotional regards. At the same time – and without sugarcoating the harsh treatment – the handling of these exceptional situations proves a strong sense for community and joint responsibility, especially in those cases where several farms shared the burden of taking care of a mentally ill person.

6. Conclusions

The aspiration to learn more about how early modern societies handled the challenge of dealing with individuals who took their own lives stood at the beginning of this investigation. The regional focus lay on the Austrian Archduchies and the Swedish Västernorrland; two territories with different cultural and religious prerequisites that nevertheless share a certain subliminal European heritage. Stretching from the end of the Thirty Years' War until the middle of the eighteenth century, a roughly hundred-year-period came into view, with a clear preference for the years from 1680 to 1730. The basis for this empirical study was made up by criminal courts records in a broad understanding. Although often scattered, incomplete and by no means unbiased, they allowed valuable insights into the investigation into suicide cases and the procedures that followed a self-killing. Surprisingly often they cast a light also on what had happened before the self-killing took place. In this way, they illuminated the lives of so called 'ordinary people' who otherwise left behind little evidence about their living.

This study presents the first comprehensive work on how suicide was dealt with in the early modern archduchies Austria above and below the river Enns. I believe that I have also been able to shed new light on aspects concerning suicide in early modern Sweden – despite the fact that this region has been studied before, most recently by Finnish historian Riikka Miettinen. The main value of this work, however, lies in the way the sources from the study areas in Austria and Sweden were subjected to the same research questions. The findings for each region were contrasted and thus fit into a broader context and framework, highlighting the respective differences and communalities. As a consequence of this approach, the study is marked by a constant change of perspective; switching between different study-areas, between case histories and general context, between norms and applied practice, between micro and macro level. This approach is reflected in the results of this study which represent themselves as a multilayered and complex picture, rejecting mono-causal explanations.

I started the investigation by offering a brief survey over the legislation on suicide in early modern Austria and Sweden from the late Middle Ages until the formal decriminalization

of suicide in the mid-nineteenth century. Based on early modern penal codes and legal texts, chapter 2 served to outline the legal frame within which suicide was criminalized and sanctioned. Moreover this review helped to contextualize the criminal court records, and how they were generated.

In both areas all codes differed consistently between premeditated suicide (*felo de se*) and suicide committed out of an infirmity of mind (*non compos mentis*) and stated – depending on the kind of self-killing – different punitive procedures. The distinction between these 'two kinds of suicide' was quite common in early modern Europe. Thus, in this regard, the secular legislation on suicide in early modern Austria and Sweden was no exception. Establishing this distinction was of the utmost importance: it means that the courts of both territories did not only have to establish *if* a suicide had taken place, but also *what kind of self-killing* they had to face. Although differences existed in the details, it can be stated that both in the early modern Austrian Archduchies and in Sweden the consequences for *non compos mentis* suicides were less harsh compared to the punishment of *felo de se* self-killings.

Moreover, in this brief overview regarding the legislation of suicide especially two features emerged that turned out to be crucial for the entire study. Firstly, the way how *felo de se* suicides were punished in early modern Austria compared to Sweden: While in the Swedish Kingdom forfeiture was never stipulated as a punishment for suicide in any of the laws in force (and subsequently played no role in legal practice), in the Austrian Archduchies the confiscation of property as a punishment for premeditated suicide was an option during the most part of the period under investigation. Secondly, the question of jurisdiction in cases of suicide: While the procedure and the jurisdiction were well regulated in Sweden, the situation was less clear in Austria. While *non compos mentis* cases fell under the jurisdiction of the *Grundherrschaft*, *felo de se* self-killings were a matter for the *Landgerichte*. Unsurprisingly the 'split' jurisdiction gave cause for dissonance between the authorities involved, and the question of how this stipulation was applied in practice lends itself to being studied. These two aspects, the possibility of confiscation in *felo de se* cases and the somewhat unclear jurisdiction with regard to suicide run like a thread through the archival documentation of suicide cases in early modern Austria and turned out to be seminal for the way suicide cases were documented and discussed by the authorities. *En passent*, studying these legal norms illustrated also the process of standardization of law

through textualisation, and how the administration of justice was implemented in the two study areas.

Earlier studies on suicide in a historical perspective have shown that the distinction between *non compos mentis* and *felo de se* suicides opened a wide scope for construction, interpretation and negotiation in the courtrooms since the individual circumstances of each self-killing had to be determined. Assuming a similar complexity also for my study areas, I concentrated on the following sections of my thesis on the legal practice: How were the outlined norms implemented and followed in practice? Which features constituted a premeditated suicide, which a *non compos mentis* case?

In order to display the regional specifics in the procedure following a self-killing I unfolded in much detail one case history from each study area. Based on these exemplary cases I explained the (administrative) procedure that set in after a suicide took place. At the same time, these case studies demonstrate exemplarily what sources were generated in the course of this procedure. Despite all source-critical reservations it can be stated that for early modern Sweden with the *domböcker* and sentence letters a comparatively homogeneous and formalized documentation of self-killings exists. In comparison, the information on suicide cases in early modern Austria can be described as extremely heterogeneous and often fragmentary. The in-depth-study of the Austrian case history confirmed what the analysis of the respective legal norms had already suggested: the fact that the jurisdiction over a suicide depended on its classification as *felo de se* or *non compos mentis* case caused disputes between the different authorities who insisted on their respective rights. Generally the relationship between *Grundherrschaft* and *Landgericht*, with their respective rights and deeply rooted privileges, can be described as complex. A clear hierarchical order was missing. The already difficult situation was intensified by various economic aspects, not exclusively but most prominently forfeiture as a punishment for premeditated suicide. At times *Grundherrschaften* and *Landgerichte* cooperated well and worked hand in hand, at times disagreements arose concerning the interpretation of a self-killing and consequently the question over jurisdiction. Unlike the situation in Sweden, *Grundherrschaften* and *Landgerichte* were often in close proximity to each other. Consequently, the communication between the different authorities often went back and forth, and also the possibility of oral communication and agreements between the administrators cannot be excluded.

Usually both the *Grundherrschaft* and the *Landgericht* were well acquainted with the local conditions and the circumstances of the suicide.

It has become clear that the two-step procedure in Sweden (*häradsrätt* – *hovrätt*) allowed influence on the part of the local community on the investigation only in the first stage, the level of the *häradsrätt*. The second stage, the final decision by the *hovrätt*, was detached from the local arena of the *häradsrätt* and was based solely on the written documentation of the case. The sources from the Västernorrland county reflect a rather regulated procedure which might be also attributed to the administrative reforms of the sixteenth and seventeenth century.

Presenting these two exemplary cases in detail has made clear that the respective corpora of sources for each region are not directly comparable to each other. The context, in which the sources documenting suicide in early modern Sweden were produced, differs fundamentally from the one in early modern Austria. Moreover, the analysis of these two case histories has turned the attention to the heterogeneity within each study area. Knowing about these differences and considering them constituted the prerequisite for a fertile analysis. So did accepting the limitations of the written tradition available to study cases of self-killing.

Throughout this study I tried to remain close to the sources. To a certain degree I let myself be guided by them through a close reading of suicide cases, and their contextualization. In this way, certain aspects connected to suicide emerged, proved to be meaningful and thus influenced the structure of the study. Although they are all pieces in a greater picture and should not be regarded isolated, I decided for analytical reasons to divide them into material and immaterial aspects.

In chapter 3, I concentrated on the first focal point that had become apparent, the 'material' aspects of suicide. The first part of this chapter focused on the suicide corpse. It asked what happened upon finding a dead person, and what happened to the suicide corpse until the burial decision was made. Moreover, the punishments inflicted on the bodies of self-killers were discussed. Unsurprisingly, finding a dead person, especially a potential self-killer, presented similar problems and challenges to the authorities in both regions. The establishing of the cause of death and conventions concerning the touching of the corpse followed similar patterns in both regions. I state that by punishing the corpse, exposing it to certain treatments and disentitling it of the usual rituals for the

dead, the contempt against the act of self-killing was made ostentatiously public. In both territories the case histories show a broad variation in the handling of the suicide corpse, reaching from 'silent' burials at the churchyard to post-mortem mutilations of 'criminal' self-killers. In all of them an intentional punitive character is visible, be it in different degrees. Despite certain distinctions in the respective penal codes in force and in the administrative procedures it can be asserted that in both territories the similarities in the treatment of the suicide corpse outweighed the differences. Yet, important differences have been established as well. What caught my eye, for instance, was the considerably longer time span between finding a self-killer and the implementation of the verdict in Sweden. While not more than three days typically elapsed between the finding of the corpse and the burial/disposal of the corpse in early modern Austria, the body usually remained unburied for weeks, if not months, in Sweden. I carved out several explanations for this important difference in the procedure, with all its apparent and far-reaching consequences for the social environment. For instance, in early modern Austria suicide cases were decided by part- or full-time administrators in – comparatively – close spatial proximity to each other, who, on a more or less regular basis, had to cooperate in different matters. Shorter distances and perhaps informal oral agreements might have enabled quick decisions with regard to the burial. It is likely that in many cases a self-killing never turned into a long drawn-out formal criminal court procedure. In Sweden, each self-killing had to be tried by a jury whose lay members had to be assembled for the occasion. In addition the case files had to be sent for revision to Stockholm and back again until 1720. Thus, the procedure was considerably more formal and could hardly be bypassed. Also, the by and large longer distances in the Swedish territory may have contributed to the prolonged duration of the proceedings, but hardly suffice to explain it. The different judicial and administrative traditions, structures and procedures had a great impact on how and how fast suicide cases were handled in practice and – as a consequence – how long the corpse remained unburied. However, they do not explain why the authorities in early modern Austria were eager to bury the corpse as soon as possible while the authorities in early modern Sweden accepted the inconveniences, troubles and risks of having the corpse unburied for an extended time-span.

Another apparent difference between the two study regions concerns the absence of resistance to silent burials of self-killers in the churchyard in Sweden. In early modern Aus-

tria several of these so called "cemetery revolts" could be traced, especially for Austria above the river Enns. A similar intractability on behalf of parishioners could not be found in Sweden. Again, no single explanation presents itself. Perhaps the roots for this discrepancy lie once more in the different procedures and the administration concerning suicide. After all, in Sweden the jury that judged over a suicide and composed the preliminary verdict, consisted of lay members, who were usually regarded highly in the local community. It seems plausible that their verdicts were thus met with a high degree of acceptance. Or, in other words, a protest against the verdict of the *häradsrätt* would not have been a protest against a superordinate authority in a strict sense, but a protest against peers. And as mentioned before, for ordinary people, e.g. parishioners or relatives, it was *de facto* not possible to exercise influence on the *hovrätt*. The communication was in writing and followed specified channels. Even in cases where the *hovrätt* altered the decision of the *häradsrätt* – aggravated or mitigated the punishment – no acts of resistance to this final verdict on behalf of the local community are mentioned in the sources at my disposal.

In early modern Austria, as has been shown, these 'cemetery revolts' were opposed to decisions made by the *Grundherrschaft* and/or the *Landgericht*. Presumably these revolts expressed first and foremost underlying conflicts between the populace (or parts of the populace) and certain authorities. Preventing a self-killer from being buried at the cemetery, it seems, served as a catalyst for deeper troubles and a power struggle between different groups in the local or regional context. At the same time it should not be dismissed that these conflicts refer also to 'immaterial aspects', real concerns and fears connected with the act of suicide and the suicide corpse.

Secondly, chapter 3 analyzed the economic consequences of suicide which – as the study shows – were of eminent importance in the Austrian Archduchies but played no significant role in the Swedish kingdom. Not only was forfeiture as a punishment for intentional suicide absent in Swedish law (and practice); in early modern Sweden more or less all legal expenses were covered by the crown, including procedural expenses, the pay for the executioner, the costs of executions, transportation of prisoners, and imprisonment. In early modern Austria, on the other hand, all expenses for the investigation and proceeding of a criminal case were generally defrayed by the delinquents – or in cases of suicide or execution – by the deceased's estate. Moreover forfeiture in cases of intentional suicide was an established practice. Without question, the legal right of the *Landgericht* to confiscate in

cases of premeditated suicide was applied in practice. Yet, due to the scattered written tradition it is difficult to assess to what degree this right was applied.

This second section of chapter 3 highlights a fundamental difference in the way premeditated suicide was punished in early modern Austria and Sweden. It shows that different economic prerequisites had far-reaching consequences for the families left behind, but also for the secular authorities which processed suicide cases. After all, for the involved parties, it was not only questions concerning the last resting place, family honor and eternal bliss that were at stake, but potentially also financial loss or gain. It is a reasonable assumption that families, who besides the loss of a family member also feared for their livelihood, had a special interest in convincing the authorities of the *non compos mentis* character of the deed.

Besides the important question of confiscation, this section also touched upon other situations in which economic interests were at play. It illuminated questions concerning the procedural costs, the pay for those who were instructed to dispose of the corpse, the *jura stolae*, and the (economic) influence of wealthy relatives on suicide investigations. The sample used to discuss these aspects is small but, nevertheless, the examples highlighted aspects that – especially in the Swedish context – are hardly ever discussed otherwise. For early modern Austria the documentation of suicide cases shows that the authorities were highly engaged in the economic repercussions of self-killings.

Generally it can be noted that in both territories the judicial aftermath of a suicide focused by and large on the practical, material concerns as outlined in chapter 3. Statements on the subject of spiritual matters, for instance regarding the whereabouts of the soul or the prospect of salvation are mentioned only on rare occasions. Supposedly such questions were deliberately left on the sidelines by the secular criminal courts. They were most likely cautious so as not to run the risk of interfering with God's judgment.

For contemporaries, however, issues like damnation, the prospects of salvation and God's punishment were presumably of the utmost importance. Chapter 4 of this study is dedicated to the 'immaterial' aspects of suicide. It analyzed denominational commonalities and differences in the stance towards self-killing and the prospects of salvation for individuals who took their own lives. The first part of this chapter posed the question whether and how different religious beliefs influenced the perception and handling of suicide. It showed that the religious grounds for the condemnation of suicide originally had been

vague but during the course of the Middle Ages were developed into a firm canon of arguments against suicide under all circumstances. Following the diction of suicide as a sin against nature, society and God, secular legislation incorporated self-killing as a crime in the penal codes and subjected it under the jurisdiction of the secular courts. In a second step I discussed Martin Luther's position on suicide and how it differed from a Catholic stance. Martin Luther did not question the general rejection or culpability of the act or the judicial competence of the secular authorities in this regard. Similar to Catholics and other Protestant Reformers Martin Luther condemned the act of suicide and approved of its punishment by the 'secular' regime. However, he did not *per se* condemn the individual who committed suicide, leaving this decision to God and his divine judgment. Catholic and Lutheran doctrine were united not only in their rejection of the act of suicide. For both denominations it can be stated that the topic of suicide did not take a prior position within ecclesiastical law.

After providing an overview of how Lutheranism was introduced and adapted in Sweden, I asked how suicide was represented in the 'new' Lutheran Church laws. I pointed out that a high degree of continuity can be observed in the way self-killers were punished. Thus, instead of changing the rituals of long-established punishments, their meaning was reinterpreted, adapted to the Lutheran belief. In the course of the reformation, however, the topography of the afterlife had changed significantly for Lutherans through the denial of purgatory. Yet, it is unclear if and how quickly contemporaries adjusted to these new interpretations and meanings, and internalized them. In the last section of this part I outlined the dogmatic and practical consequences of the age of confessionalism. In both territories the period under investigation can be described as an era of intensive religious indoctrination pronouncing the confessional differences between the Catholic and Lutheran belief systems.

Part one of chapter 4 served to set the stage for the second part in which I applied the method of 'close reading' and looked more closely at the meaning of the respective belief system in the context of suicide. As mentioned above, it has been established that, by attempting or committing suicide, both Lutheran and Catholic believers put their prospects of eternal bliss at risk. In a first step I analyzed the role of Lutheran pastors respectively Catholic priests as experts on the spiritual welfare in suicide proceedings. In both territories, priest and pastor are frequently mentioned in the criminal investigation, occupying a

role similar to expert witnesses. Moreover, the close reading of case histories from the Swedish kingdom confirmed the findings of earlier research, asserting that the damnation of suicides was not fully consistent in Lutheran doctrine and pastoral practice. The sources from Catholic Austria, however, suggested a similar stance. The findings support the assumption that both Catholic canon and especially pastoral care allowed a more flexible attitude towards suicide, depending on the individual case. Thus, I maintain that both denominations generally rejected the *act* of suicide but did not per se damn the *individual* who committed suicide. Contemporary assessments regarding the prospects of salvation for a person depended on the individual circumstances of each case – both in Catholic and Lutheran contexts. These assessments were based to a high degree on the Christian lifestyle of the deceased *ante actam* and how well he or she had been liked and had been integrated in the local community.

However, significant denominational differences have been established with regard to the imagined afterlife. While ultimately the souls of both Protestant and Catholic believers ended up either in heaven or hell only Catholics had to take a detour via purgatory on their way to eternal bliss. The concept of purgatory was deeply rooted in the Catholic belief system and was one of the main distinctions to the Lutheran conception of what was supposed to happen after physical death. Without question, the concept of purgatory was firmly established at the time and determined the conception of afterlife for Catholics. Before this background it is astonishing that the sources from early modern Austria explicitly mention the concept of purgatory only once. This occasion, however, illustrated the mechanism of purgatory, i.e. the notion that an individual could be cleansed of his or her sins post-mortem and through this procedure could proceed to heaven in a clear state. This suggested that – compared to Lutherans – Catholics did not have to worry about their sins committed on earth to the same degree, since they had to go through this post-mortem cleansing process in any case. Inversely some sources can be interpreted to the effect that Lutherans in Sweden tended to be more concerned about sins they had committed and thus were fearful for their salvation. Moreover, believers in early modern Sweden were expected to continuously prepare themselves in contemplation of death. The sample is of course small and this interpretation needs to be taken with a grain of salt – too many factors remain uncertain. Yet, it seems plausible that the different mechanisms

of the imagined afterlife corresponded with distinct religiously motivated fears and preparations for the afterlife.

A nuanced picture has evolved also with regard to the question of what role the devil played in suicide cases in early modern Sweden respectively Austria. Without question the influence and presence of the devil, and his involvement in self-killings, was recognized and feared in both territories. However, while in line with official doctrine the devil was the only evil adversary acknowledged by the authorities, popular culture knew many evil spirits in various appearances. Most likely the boundaries between the devil and other forms of evil powers were blurry in everyday life. In early modern Sweden, it seems, the assumed involvement of an evil, supernatural creature did not automatically exclude the individual from a silent burial at the churchyard, as long as a good Christian lifestyle and moral conduct was attested. Or, at least it did not increase the chances for a harsh treatment. In early modern Austria, on the other hand, self-killers were frequently sentenced to be handled by the executioner or skinner when the influence of the devil or of another supernatural creature had been mentioned in the investigation. This result, again, needs to be met with much caution and these tendencies should not be regarded as a general rule. Surprisingly, accounts and assumptions about the devil and his temptations are in fact not strongly represented in the studied material – neither in Sweden, nor in Austria. Most likely the role ascribed to the devil in a suicide case was fit into the wider circumstances of the life and death of the deceased. It is unclear, though, if and to what extend Luther's table talks, in which he described the devil as an overpowering force in acts of suicide, influenced the notion of the devil as an active part in such cases in Lutheran Sweden.

In the last part of the study I turned my attention to measures that were taken to prevent suicides. In order to analyze this question the first part of chapter 5 focused on criminal court cases regarding suicide attempts. However, compared to the documentation of completed suicides the number of cases where suicide attempts were put on trial is noticeably low in both study areas. This led me to belief that no systematic registration of suicide attempts took place in either study area. A closer look at the few examples suggested that in Sweden, suicide attempts were registered and tried before court when they resulted in a permanent injury to the health of the suicidal individual. In the case histories stemming from early modern Austria it is noticeable that the suicide attempts were mentioned only in combination with other, more severe crimes. Thus, for answering the ques-

tion of what measures were taken to prevent self-killings, this sample proved to be not suitable.

Therefore, in the second part of chapter 5, I turned again to the investigations into completed self-killings where suicidal tendencies or previous suicide attempts are frequently mentioned. This in turn supported the assumption that many suicide attempts – although often known to the public – were never brought before court. Moreover, in a surprisingly high number of cases a change in behavior had been observed prior to the self-killing. Reading these texts thoroughly, I tried to find out what contemporaries – suicidal individuals themselves and/or their social environment – did to prevent suicide and how the latter cared for suicidal individuals. What ranked most prominently in the sources from both study regions was seeking the advice of the cleric and practices that aimed to strengthen one's personal belief by praying and singing. In both denominations confession, absolution and receiving Holy Communion were thought to be the most powerful means against anything evil. In this context I put a special emphasis on the importance of penitence in the Lutheran context, which has often been unnoticed. When looking at the concrete practices believers thought to be helpful in order to fight afflictions of various kinds, also a range of specific Catholic spiritual auxiliary means became visible. These 'exclusive' Catholic practices were usually connected to the veneration of saints and made sense only in the context of the belief in purgatory. They represent typical forms of Catholic piety like e.g. pilgrimages, the use of devotional items, commissioned mass, or the invocation of certain 'specialized' saints. They were thus not available to Lutheran believers.

With regard to profane means of suicide prevention it is noticeable that measures of a more 'medical' character, like e.g. bloodletting, bandages or herbs, were mentioned only on rare occasions. Yet, suicide prevention was not completely entrusted to supernatural powers. What appears to have been quite common was to keep individuals under suicide watch. Especially in early modern Sweden this task, which drew upon resources, was usually accomplished by sending the person in question from house to house. Unsurprisingly, this system did not always work out in practice. In both study areas fixating or locking up suicidal individuals was an inexpensive alternative when no person could be detached for the task of watching or guarding.

Recent historical research on suicide has significantly changed our view of how suicide was perceived and how the suicide corpse was treated in the past. It has established itself as a very vivid field of research that contributed with significant new insights. Compared to earlier works, historical suicide studies of a more recent date are increasingly critical towards a perception that regards the decriminalization of suicide in most parts of Europe as a linear process that culminates in Enlightenment. Instead a perspective has gained room that acknowledges a broad diversity. The present work joins the ranks of these recent studies. It has been shown that during the whole early modern period suicide was treated in different ways, and that – depending on various factors – harsh treatment and leniency did not exclude each other. This rather new perception of suicide not only deconstructs an imagined homogeneity in favor of a multifaceted picture and multidimensionality. At the same time it concedes a significantly broader scope of actions (and reactions) to early modern women and men regarding the treatment of suicidal individuals and the suicide corps. It thus encourages looking at the agency of people in early modern times. In this study agency has become visible in various ways: in the choices of suicidal individuals, family members, neighbors and friends as well as small collectives to actively countervail suicide; but also in the violent protests against silent burials.

The aim of this study was to illuminate the practical implications of self-killings and suicide attempts. Moreover it touched practices of suicide prevention and care before the dawn of organized and institutionalized (mental) health care. From a macro perspective the commonalities between the two study areas outweighed the differences. Yet, the closer I looked, the more the picture dissolved, revealing the particularities and nuances of traditions, local circumstances, administrative features, and religious convictions. In the course of this foray I did not only learn about how self-killers respectively suicidal individuals were treated in early modern Austria and Sweden. What became evident were also fears and hopes, compassion and love, the pressure of scarce resources, the will to survive and sometimes the will to die.

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Appendices

Abstract (English)

Suicide was socially stigmatized and criminalized as an act against God, nature and society in most parts of early modern Europe. In the study areas of this dissertation, the archduchies Austria above and below the river Enns and the Swedish realm, suicides and suicide attempts were regarded as criminal offenses until the mid-nineteenth century. In both territories the law differentiated between suicides committed due to an infirmity of mind (*non compos mentis*) and self-killings committed in full conscience and considering the act in all its bearings (*felo de se*). Depending on the categorization the further treatment of the corpse and related sanctions varied.

My empirical study is based on materials which were generated in the context of judicial investigations during the years 1650 to 1750. In a first step I examine the legal norms in the respective territories and discuss the genesis of the sources. A synoptic reflection on legal norm and practice combined offers insights into the different forms of how lordship was organized and administrated. With regard to the legal consequences for suicide, both commonalities and differences become apparent. The study's main focus lies on the treatment of self-killers and the practical implications of committing suicide. For analytical reasons I distinguish between material and immaterial aspects. The former illuminate the treatment of the corpse and raise questions concerning the economic consequences of suicide in the context of the proceeding. Especially with regard to the economic aspects, significant differences between the two study areas could be detected. The immaterial aspects focus on the religious sphere and ask for confessional differences and commonalities. The focal point lies on the question of how the emotionally charged breach between Catholicism and Lutheranism in early modern Europe becomes visible in the context of suicide on the practical level.

By applying a comparative and intersecting perspective, different local, societal, and religious contexts become apparent. It is evident that each and every self-killing was imbedded in specific contexts, which attributed to its evaluation and sanctioning. At the same time supra-regional similarities and developments can be observed too.

Abstract (German)

In der Frühen Neuzeit waren Selbsttötungen als Handlung gegen Gott, Natur und Gesellschaft in weiten Teilen Europas gesellschaftlich stigmatisiert und kriminalisiert. So auch in den Untersuchungsgebieten dieser Dissertation, dem Erzherzogtum Österreich ob und unter der Enns sowie im Königreich Schweden. Suizid und Suizidversuch stellten bis in die Mitte des 19. Jahrhunderts einen strafrechtlichen Tatbestand dar. In beiden Territorien differenzierten die Gesetze zwischen Selbsttötungen aus ‚Gebrechen der Vernunft' (*non compos mentis*) und jenen, die im vollen Wissen um die Tragweite der Handlung begangen wurden (*felo de se*). Die Zuschreibung zu einer dieser beiden Kategorien war für den weiteren Umgang mit dem toten Körper und der Frage, welche Sanktionen verhängt wurden, entscheidend.

Ausgangspunkt für meine empirische Untersuchung bilden Materialien, die im Zuge der gerichtlichen Erhebungen in den Jahren zwischen 1650 und 1750 produziert wurden. Zu Beginn werden die rechtlichen Normen in den jeweiligen Territorien skizziert und der Entstehungskontext der überlieferten Dokumente diskutiert. Die Zusammenschau von Rechtsnormen und Gerichtspraxis erlaubt Einblicke in unterschiedliche Formen von Herrschaftsorganisation und -ausübung. In Hinblick auf die strafrechtlichen Konsequenzen für Suizid werden sowohl Verschiedenheiten als auch Gemeinsamkeiten deutlich. Das Hauptaugenmerk der Studie liegt auf der Frage nach dem Umgang mit SuizidentInnen und den Auswirkungen von Suizid in der Praxis. Aus analytischen Gründen wird dabei zwischen materiellen und immateriellen Aspekten unterschieden. Erstere beleuchten den Umgang mit dem toten Körper und fragen nach den ökonomischen Folgen von Suizid im Kontext des Verfahrens. Vor allem hinsichtlich der ökonomischen Aspekte wurden maßgebliche Unterschiede in den beiden Untersuchungsgebieten deutlich. Die immateriellen Aspekte fokussieren auf die religiöse Sphäre und nehmen konfessionelle Unterschieden respektive Gemeinsamkeiten in den Blick. Gefragt wird in welcher Form sich der im frühneuzeitlichen Europa emotional besetzte Bruch zwischen Katholizismus und Luthertum im Kontext von Suizid auf der Praxisebene widerfindet.

Indem ein vergleichender und die Perspektiven kreuzender Blick auf die Quellen gerichtet wird, werden verschiedene lokale, soziale und religiöse Kontexte sichtbar. Deutlich wird, dass jede Selbsttötung in spezifische Zusammenhänge eingebettet war, die in die Beurteilung und Ahndung der Selbsttötung einflossen. Gleichzeitig treten in der länderübergreifenden Analyse aber auch überregionale Ähnlichkeiten und gemeinsame Entwicklungslinien hervor.

List of attempted or completed suicides mentioned in this study

Austria above and below the river Enns

Anonymous man, 1644, OÖLA, HA Oberwallsee-Eschelberg, archives box 27.
Anonymous young woman, 1648, OÖLA, HA Freistadt, archives box 12, bundle 33, nr. 12.
Anonymous man (found dead), 1649, OÖLA, HA Puchheim, archives box 65, bundle 28, nr. 10.
Anonymous woman, 1655, OÖLA, HA Freistadt, archives box 12.
Anonymous woman (female tailor), 1754, OÖLA, HA Puchheim, archives box 43, bundle 60, nr. 29.
Aichberger, Joseph, 1758, OÖLA, HA Oberwallsee-Eschelberg, archives box 27.
Auer, Thomas, 1687, NÖLA, KGA Krems, HS 102 Verhörs-Protokoll über Kriminal- u. Zivilsachen der Hft. Pöggstall 1686–1741, fol. 31^{v}–33^{v}.
Aumüllner, Joseph, 1732, NÖLA, KGA Krems, HS 102 Verhörs-Protokoll über Kriminal- u. Zivilsachen der Hft. Pöggstall 1686–1741, fol. 191^{r}–193^{r}.
Dröthändl, Georg, 1715, NÖLA, HA Lamberg/Ottenstein, archives box 183.
Eggersdorferin, Maria, 1725, OÖLA, HA Oberwallsee-Eschelberg, archives box 27.
Engl, Thomas, 1750, OÖLA, HA Steyr, archives box 55, nr. 15.
Euerer, Adam, 1733, OÖLA, HA Traun, archives box 60.
Fridl, Jacob, 1760, OÖLA, HA Oberwallsee-Eschelberg, archives box 27.
Gayer, Johann, 1680, NÖLA, HA Raabs, archives box 44.
Gräbmerin, Eva, 1726, OÖLA, HA Puchheim, archives box 49, bundle 67, nr. 72.
Gräzer, Paul, 1645, NÖLA, HA Achleiten, archives box 10.
Handtschuechin, Theresia, 1752, OÖLA, HA Freistadt, archives box 12.
Hueber, Josef, 1782, NÖLA, HA Gaming, archives box 7.
Hägerer, Sigmund, 1615, OÖLA, HA Obernberg, bundle 79, nr. 18.
Kemptner, Franz, 1769, OÖLA, HA Ebenzweier, archives box 2.
Khögler, Matthias, 1711, OÖLA, HA Oberwallsee-Eschlberg, archives box 27.
Kirchamber, Andreas, 1725, OÖLA, HA Ebenzweier, archives box 2.
Leißin, Maria, 1762, NÖLA, HA Matzen/Angern Karton 16.
Lindtner, Mathias, 1674, NÖLA, HA Pöggstall, KGA Krems, HS 101, fol. 20^{r}–30^{v}.
Loidlbauer, no date given, NÖLA, HA Scheibbs, Handschrift 3/30.
Luy, Joachim, 1728, OÖLA, HA Puchheim, archives box 50, bundle 67, nr. 82.
Mayer, Andreas, 1777, Archiv der Marktgemeinde Perchtoldsdorf [AMP], archives box 96, bundle 2.
Mannhardt, Martin, 1716, NÖLA, HA Matzen, archives box 16.
Mayr, Johann, 1723, HA Pöggstall, KGA Krems, HS 102 Verhörs-Protokoll über Kriminal- u. Zivilsachen der Hft. Pöggstall 1686–1741, fol. 184–185.
Nabegger, Georg, 1781, NÖLA, HA Seisenegg, archives box 73, nr. 526.
Obermayr, Hansen, 1659, OÖLA, HA Pucheim, archives box 65, bundle 12, nr. 12.
Pichler, Georg's son, 1648, NÖLA, HA Achleiten, archives box 10.
Pogndorfer, Georg, 1712, OÖLA, HA Oberwallsee-Eschelberg, archives box 27.
Puchinger, Barbara, 1713, OÖLA, HA Ebenzweier, archives box 2.
Pühringer, Stephan, OÖLA, HA Ebenzweier, archives box 2
Pührnsteinerin, Catharina, 1763, OÖLA, HA Oberwallsee-Eschelberg, archives box 27.
Reißner, Martin, 1687, NÖLA, HA Pöggstall, KGA Krems, HS 102 Verhörs-Protokoll über Kriminal- u. Zivilsachen der Hft. Pöggstall 1686–1741, fol. 34^{r}–35^{r}.
Riepl, Paul, 1750, OÖLA, HA Freistadt, archives box 12.

Rodler, Adam, 1687, OÖLA, HA Ebenzweier, archives box 2
Schilddorferin, Anna Maria, 1799, NÖLA, HA Rastenberg, archives box 5.
Schön, Michael, 1744, HHStA HA Rosenau, Akten I/24–21.
Sembler, Joseph, 1719, OÖLA, HA Oberwallsee-Eschelberg, archives box 27.
Steklekker/Steinegger, Johan, 1777, OÖLA, HA Freistadt, archives box 12.
Stockhamber, Elias, 1703, OÖLA, HA Ebenzweier, archives box 2.
Wadauer, Johann, 1769, OÖLA, HA Ort, bundle 33, nr. 12.

Swedish Kingdom (Västernorrlands län*)*

Anonymous woman, 1705, mentioned in the case of pastor Erik Sinius, 1713, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål, January 15, 1713.
Amundsson, Joen, 1679, *extraordinarie ting* in Järvsö, June 6, 1679, Svea hovrätts renoverade domböcker, Gävleborg 27, RA; microfiche S0409, sheet 9, fol. 431–437; Svea Hovrätts brev July 4, 1679, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa: 6, HLA, microfiche S21051.
Brask, Anders, 1692/1693, Svea Hovrätts brev January 27, 1693, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa: 9, HLA; microfiche S21054.
Brunnius, Olaus, 1709/1710, RA, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål, resolved June 25, 1710.
Eriksdotter, Elisabeth/Lisbetta, 1694, *extraordinarie ting* in Nätra, September 5, 1694, Södra Ångermanlands domsaga AIa:6, HLA; microfiche D52264, sheet 2, fol. 250–254; Svea Hovrätts brev September 14, 1694, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:9, HLA; microfiche S21054, sheet 5.
Eriksson, Per, 1690, *ting* in Nätra, May 12, 1690, Norra Ångermannlands domsaga AIa:5, HLA; microfiche D52838, sheet 2, fol. 472–488.
Eriksson, Pär, 1686: *extraordinarie ting* in Gudmundrå, January 30, 1686, Södra Ångermanlands domsaga AIa:4, HLA; microfiche D52262, sheet 4; Svea hovrätts renoverade domböcker, Västernorrland 7, RA; microfiche S6043, sheet 9, fol. 445–447; Svea Hovrätts brev February 20, 1686, Skrivelser från Svea hovrätt till Gävleborgs Läns Landskansli 1635–1736, DIIa: 7, HLA; microfiche S21052.
Ersdotter, Kierstin, 1710, RA, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål, resolved February 3, 1710.
Ersson, Johan, 1696, *ting* in Ockelbo, April 6, 1696, Svea hovrätts renoverade domböcker, Gävleborg 46, RA; microfiche S3660, sheet 22, fol. 1146; 1150–1152; Svea Hovrätts brev May 12, 1696, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:9, HLA; microfiche S21054.
Ersson, Olof, 1722, *extraordinarie ting* in Nora and Gudmundrå, April 24, 1722, Södra Ångermanlands domsaga AIa:15, HLA; microfiche D52273, sheet 3, case nr. 11.
Hansson, Erik, 1729, *extraordinarie ting* in Nora, June 12, 1729, Södra Ångermanlands domsaga AIa:17, HLA; microfiche D52275, sheet 16.
Hindrichsdotter, Karin, 1712, *extraordinarie ting* in Säbrå, June 12, 1712, Södra Ångermanlands domsaga AIa:10, HLA; microfiche D52268, sheet 20, fol. 311–314.
Hindrichsdotter, Märit, 1725, *extraordinarie ting* in Torsåker, February 27, 1725, Södra Ångermanlands domsaga AIa:16, HLA; microfiche D52274, sheet 3.
Isaksson, Erich/Elias, 1706, *ting* in Arnäs, Grundsunda and Normaling, February 19, 1706, Norra Ångermanlands domsaga AIa:9, HLA, microfiche D52842, sheet 2, fol. 139–146.
Joensson Frodig, Jöran, 1688, *ting* in Nora, December 18, 1688, Svea hovrätts renoverade domböcker, Västernorrland 9, RA; microfiche S6045, sheet 11, fol. 531–534.

Joensson, Pär, 1686, *ting* in Anundsjö, February 2, 1686, Norra Ångermanlands domsaga AIa:4, HLA; microfiche D52837, sheet 6, fol. 261–262; Svea Hovrätts brev April 29, 1686, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa: 7, HLA, microfiche S21052, sheet 3.

Johansdotter, Karin, 1701, Själevads tingslag, March 31, 1701, Ångermanland AIa:7, HLA; microfiche D52265, sheet 15, fol. 423–433; Svea Hovrätts brev April 16, 1701, Skrivelser från Svea hovrätt till Gävleborgs Läns Landskansli, DIIa:11, HLA; microfiche S21056, sheet 6, fol. 31r–32r.

Johansdotter, Margareta, 1717, *extraordinarie ting* in Grundsunda, June 19, 1717, Södra Ångermanlands domsaga AIa:13, HLA, sheet 7, fol. 327a.

Johansson, Nils, 1683, *ting* in Nordingrå, July 12, 1683, Svea hovrätts renoverade domböcker, Västernorrland 4, RA; microfiche S6040, sheet 5, fol. 218–220; Södra Ångermanlands domsaga, AIa:3, HLA, microfiche D52261, sheet 10, fol. 276.

Jonsdotter, Karin, 1713, *extraordinarie ting* in Själevad, August 26, 1713, Södra Ångermanlands domsaga AIa:11, HLA, microfiche D52269, sheet 5, fol. 383–388.

Jonsson, David, 1692, *ting* in Nordmaling, February 26, 1692, AIa:6, HLA; microfiche D52839, sheet 1, fol. 230–234.

Jonsson, Mårten, 1700, *ting* in Offerdal, July 21, 1700, Svea hovrätts renoverade domböcker, Jämtland 3b, ÖLA; microfiche D61554, sheet 4, fol. 883–885.

Jönsson, Erich, 1713, Härnösands Rådhusrätt och magistrate, June 15, 1713, AI:26, HLA; microfiche D54586, sheet 2.

Jönsson Lustig, Per, 1709, Svea Hovrätts brev November 25, 1709, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:13, HLA; microfiche S10552, sheet 11.

Jönsson, Sven, 1696, *extraordinarie ting* in Sveg, August 27, 1696, Svea hovrätts renoverade domböcker, Gävleborg 47, RA; microfiche S3661, sheet 19, fol. 975–977.

Kierstin, 1692, October 22, 1692, Härnösands Rådhusrätt och Magistrat AI:5, HLA, microfiche D54565, sheet 4.

Larsson, Lars, 1689, *extraordinarie ting* in Ovansjö, May 4, 1689, Svea hovrätts renoverade domböcker, Gävleborg 36, RA; microfiche S3649, sheet 7, fol. 350–356; Svea Hovrätts brev May 17, 1689, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:7, HLA; microfiche S21052, sheet 11.

Lind, Catarina, 1711, Svea Hovrätts brev October 11, 1711, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:14, HLA; microfiche S10533.

Mickelsdotter, Karin, 1710, *ting* in Nordingrå, February 21, 1710, Södra Ångermanslands domsaga AIa:10, HLA; microfiche D52268, sheet 8.

Mickelsson, Olof, 1731, *ting* in Själevad, November 22, 1731, Norra Ångermanlands domsaga AIa:12, HLA; microfiche D57431, sheet 8, case nr. 41.

Måns Månsson, 1724, *extraordinarie ting* in Boteå, March 18, 1724, Södra Ångermanlands domsaga AIa:15, microfiche D52273, sheet 14.

Mårtensdotter, Brita, 1700, *ting* in Rödön August 17, 1700, Svea hovrätts renoverade domböcker, Jämtland 3b, RA; microfiche D61554, sheet 4, fol. 887–889.

Mårtensdotter, Karin, 1722, *extraordinarie ting* in Säbrå, May 26, 1722, Södra Ångermanlands domsaga AIa:15, HLA; microfiche D52273, sheet 3.

Nilsdotter, Karin, 1704, *ting* in Tuna, November 15, 1704, Medelpads Domsagas Häradsrätt AI:11, HLA; microfiche D52736, sheet 4, fol. 158, 164–165; Svea Hovrätts brev December 15, 1704, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:12, HLA; microfiche S21057, sheet 5.

Nilsson, Olof, 1725, *extraordinarie ting* in Nora, February 11, 1725, Södra Ångermanlands domsaga AIa:16, HLA, microfiche D52274, sheet 2.

Olofsdotter, Anna, 1713, *extraordinarie ting* in Nora, May 18, 1713, Södra Ångermanlands domsaga AIa:11, HLA; microfiche D52269, sheet 4, fol. 369–382.

Olofsson, Pär, 1679, *extraordinarie ting* in Järvsö, July 21, 1679, Svea hovrätts renoverade domböcker, Gävleborg 27, RA; microfiche S0409, sheet 9, fol. 437–441; Svea Hovrätts brev October 17, 1679, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:6, HLA; microfiche S21051.

Olofsson, Pär, 1691, *ting* in Solängen, May 30, 1691, Svea hovrätts renoverade domböcker, Västernorrland 13a, RA; Mk S6049, sheet 8, fol.394–397.

Olsdotter, Anna, 1697, Rödöns tingslag, June 9, 1697, Svea hovrätts renoverade domböcker, Gävleborg 48, RA; microfiche S3662, sheet 23, fol. 1142–1146; Svea Hovrätts brev September 10, 1697, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:10, HLA; microfiche S21055.

Olsson, Per, 1704/1705, Svea Hovrätts brev March 2, 1705, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:12, HLA; microfiche S21057; RA, Justitierevisionen utslagshandlingar i Besvärs- och Ansökningsmål, resolved February 22, 1705.

Persdotter, Brita, 1690, *extraordinarie ting* in Nora, July 12, 1690, Svea hovrätts renoverade domböcker, Västernorrland 12, RA; microfiche S6048, sheet 18, fol. 918–922.

Persson, Johan, 1735, *extraordinarie ting* in Säbrå, July 16, 1735, Södra Ångermanlands domsaga AIa:20, HLA; microfiche D52278, sheet 21, fol. 537–542.

Persson, Matts, 1703, Svea Hovrätts brev August 15, 1703, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:11, HLA; microfiche S21056, sheet 11.

Persson, Olof, 1716, *extraordinarie ting* in Nätra, June 4, 1716, Södra Ångermanlands domsaga AIa:12, HLA; microfiche D52270, sheet 6.

Pärsson, Olof, 1724, *ting* in Tuna, March 21, 1724, Svea hovrätts renoverade domböcker, Gävleborg 80, RA, fol. 131–169.

Samuelsson, Per, 1734, *extraordinarie ting* in Själevad, April 3, 1734, Norra Ångermannlands domsaga AIa:15, HLA; microfiche D57433, sheet 4, fol. 290–196.

Sara, 1682, *ting* in Sollefteå, July 5 and 6, 1682, Svea hovrätts renoverade domböcker, Västernorrland 3, RA; microfiche S6039, sheet 4, fol. 165–167; Södra Ångermanlands domsaga, AIa:3, HLA; microfiche D52261, sheet 7, fol. 341–345.

Simonsdotter, Brita, 1708, *extraordinarie ting* in Vibyggerå, August 19, 1708, Södra Ångermanlands domsaga AIa:9, HLA; microfiche D52267, sheet 17.

Siuhlson, Jon, 1695, *extraordinarie ting* in Marieby, July 13, 1695, Jämtlands domsagas häradsrätt AI:16, HLA; microfiche D18289, fol. 36–38.

Svensdotter, Karin, 1689, *extraordinaire ting* in Anundsjö, September 29, 1689, Svea hovrätts renoverade domböcker, Västernorrland 11, RA; microfiche S6047, sheet 3; Svea Hovrätts brev October 31, 1689, Skrivelser från Svea hovrätt till Gävleborgs läns landskansli, DIIa:7, HLA; microfiche S21052.

Svensdotter, Karin, 1715, *extraordinarie ting* in Nordingrå, August 2, 1715, Södra Ångermanlands domsaga AIa:12, HLA; microfiche D52270, sheet 17.

Zachrisdotter, Annika, 1720, *extraordinarie ting* in Själa, September 5, 1720, Södra Ångermanlands domsaga AIa:14, HLA, microfiche D52272, sheet 13.

Zachrisdotter, Märit, 1712, *extraordinarie ting* in Nätra, August 4+5, 1712, Södra Ångermansland domsaga AIa:10, HLA; microfiche D52268, sheet 20, fol. 315–321.