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Original Research

Public disgrace and financial gain: Punishment of suicide in Mechelen (Belgium) 1366-1795

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***Abstract*:** Suicide was treated as a crime in medieval Europe. However, knowledge regarding the actual penal practice of suicide by the local courts is limited. Based on the published records of the city court of Mechelen, Belgium, 1366-1795, the current study provides an overview of the punishment of suicide and other capital crimes by this city court over a 430-year period during the Middle Ages and Renaissance. The study revealed that punishment of suicide was a rare event. The findings are discussed with reference to the historical context.

Keywords: Belgium, city, crime, history, punishment, suicide

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The city Mechelen (in traditional English: *Mechlin*) is situated in the centre of the Flemish region in Belgium, and located in the middle of the axis Antwerp - Brussels. Inhabitation of the area goes far back in history and first settlements by Germanic tribes occurred during the Gallo-Roman period (Van Uytven, 1991; Verleyen & Decreton, 1987). During the Middle-Ages and Renaissance, until the French Revolution, the city was a major political, economic and cultural centre with international reputation. At the beginning of the 14th century, Mechelen with its outskirts and hamlets became a *seigniory*, and in 1507, during the reign of Archduchess Margaret of Austria (1480-1530), the city became the capital of the Low Countries. By the end of 16th century the political centre had moved to Brussels; nonetheless, in 1559 the city was appointed Archdiocese of Mechelen, the seat of religious power covering a territory that in 1830 would become Belgium (Van Uytven, 1991; Verleyen & Decreton, 1987). The number of inhabitants varied from an estimated 12,000 at the beginning of the 14th century to 20,000 at the end of the 18th century.

The city court of Mechelen appears to be established in the 12th/13th century. The court consisted of the sheriff (the principal magistrate, *de schout*) representing the central power, twelve Aldermen (*de schepenen*) representing the people, a number of civil servants, clerks and officers, such as prosecutors, attorneys, and the hangman. The penal practice was originally based on the Germanic tradition. Over the centuries it evolved under the influence of the Roman law and the Canon law (Maes, 1947). In the Germanic tradition a crime was an act with harmful effects and the consequences of the act were more important than its intention. Sentences were based on the idea of retribution and deterring the culprit and took into account the degree of damage to persons, goods and the community. Judicial procedures were formal and often included a compensation for the victim's family. The raise of the Burgundian and Habsburg Empire in the 15th century and the establishment of the superior court of Burgundy (the Great Council of the Netherlands) in Mechelen in 1473 facilitated the introduction of features of Roman law in the local customs, such as "intent", "liability", "attempt", and "complicity", as well as the practice of torture (Maes, 1947).

The Great Council of the Netherlands dealt with cases against nobility and dignitaries, cases of lese majesty, and served as final court of appeal, whereas the local court dealt with a wider range of crimes. These included major crimes, including suicide, murder and manslaughter, which led to capital punishment, as well as less serious crimes punishable by exile, physical punishment, pilgrimage or a fine. The Canon law was intertwined with civil law, and local courts, such as the court in Mechelen, dealt with cases of heresy, sacrilege or witchcraft. Some types of punishment, such as a pilgrimage, were based on the canon law and priests attended to those sentenced to death. In regards to suicide, the local court in Mechelen shared the point of view of the Canon law, i.e., that a suicide was a double murder killing both the body and the soul. In a powerful religious centre of that era, the permeation of a strict canon to condemn unacceptable for the church behaviour, was somewhat inevitable. Consequently, every suicide (and suicide attempt) was considered a case of manslaughter and treated accordingly (Maes, 1947).

As suicide affected the perpetrator and disturbed the public order, suicide cases were subject of public inquisition and a special procedure was applied (Maes, 1947). An investigation, i.e., a judicial debate between the sheriff and the curator, appointed either by the deceased's family or by the Aldermen, was conducted, and the same judicial procedure was applied to both men and women. Although in a few cases acknowledgement of mental illness led to the commutation of sentence, in general, the court neither investigated nor took into consideration the mental faculties of the deceased. Punishment of suicide included punishment of the corpse, confiscation of the deceased's property, and public disgrace. The judicial procedures regulated the retrieval, transportation and disposal of the corpse and under the threat of persecution, the body of a suicide remained at the disposal of the magistrate in charge (Maes, 1947).

After the body was found, e.g., inside the house, the corpse was dragged with a rope tied around the deceased's neck and under a hole made under the doorstep, or alternatively through a window onto the street. The corpse was placed, usually face down and head towards the horse, on a horse-drawn sleigh, or a sleigh drawn by the hangman, and dragged through the streets to the Gallows Hill. There the body was hanged from the head on a fork (*furca*, a two-pronged pole); a punishment considered more degrading than ordinary hanging. To show that a person who died by suicide did not deserve a funeral the corpse was left hanging as a bait for ravens or until it disintegrated. The sentence could stipulate how long (in terms of days, or even hours) the corpse ought to be displayed

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before being removed. The corpse could not be buried in a consecrated ground (although since 1621 the Aldermen allowed burying the corpse of a suicide in a consecrated ground as an exception; Maes, 1947). The degrading procedure of transporting the corpse and the hanging on a *furca* could be avoided by paying a financial compensation. However, only wealthy families could afford this as the price was high and even this financial commutation did not allow a burial in a consecrated ground. If the body of a suicide could not be found, the memory of the deceased was tarnished by public disgrace. In regards to the financial punishment, a practice which varied across Europe (Vandekerckhove, 2000), half of the deceased's property was confiscated by the Mechelen court and the other half was given to the surviving spouse and children (Maes, 1947). In some cases the family was allowed to buy back the confiscated goods before they were put on sale to the public (De l'Arbre, 1912; 1913).

The social and religious attitudes towards suicide, as well as the legal practice related to criminalisation of suicide across centuries in continental Europe and England have been studied extensively (Fedden, 1938; MacDonald, 1986; Minois, 2001; Murray, 1998). This study aims to present a case study illustrating criminalization of suicide over 430 years in one city in Flanders, Belgium. The analysis of the prevalence of suicide in Mechelen over 1366-1795 is based on the published records of the city court (Maes, 1947). Suicide along with manslaughter, murder, and bodily harm belonged to the category of crimes against physical integrity, which were punishable by death. Consequently, all cases of suicide were recorded by the city court along with other cases of crimes leading to capital punishment, such as crimes against property, public order and safety, counterfeit currency crimes, sexual offences, vagrancy, and religious crimes (i.e., heresy, sacrilege, and witchcraft).

Material

The descriptive analysis is based on the register of capital punishments sentenced and carried out by the court in Mechelen between 1366 and 1795 (Maes, 1947). The register was compiled in Dutch/Flemish and includes 696 cases (94% male), both locals and foreigners under the court's territorial authority. The document contains information about the year of the case, case court number, sentenced's first name and surname, the type of sentence (17% missing information) and the type of crime (53% missing information). In the current study, the gender of the sentenced was established by a native Dutch/Flemish speaker (KA) based on the person's first name.

Results

Between 1366 and 1795 there were 25 cases of suicide registered by the court in Mechelen, 10 suicides by women and 15 by men. Suicides comprised 23% of crimes against physical integrity and 3.6% of all crimes registered by the court (Table 1)

Table 1. Crimes punishable by death in Mechelen, 1366-1795

Crime category	N (%)	Male N	Female N
Crimes against physical Integrity	110 (15.8%)	96 (14.7%)	14 (40.0%)
- Murder	59 (8.5%)	55 (8.4%)	4 (11.4%)
- Manslaughter	26 (3.7%)	26 (4.0%)	0
- Suicide	25 (3.6%)	15 (2.3%)	10 (28.6%)
Crimes against property *	106 (15.2%)	100 (15.3%)	4 (11.4%)
Crimes against public order and safety	50 (7.2%)	49 (7.5%)	1 (2.6%)
- Counterfeit currency	10 (1.4%)	9 (1.4%)	1 (2.6%)
- Vagrancy	7 (1.0%)	7 (1.1%)	0
- Other	33 (4.7%)	33 (5.0%)	0
Religious crimes	43 (6.2%)	35 (5.3%)	8 (22.9%)
- Sacrilege	35 (5.0%)	31 (4.7%)	4 (11.4%)
- Heresy	4 (0.6%)	4 (0.6%)	0
- Witchcraft	4 (0.6%)	0	4 (11.4%)
Sexual offences	15 (2.2%)	15 (2.3%)	0
Unknown *	372 (53.4%)	360 (55.0%)	8 (22.9%)
Total *	696 (100%)	655 (100%)	35 (100%)

**It was not possible to determine gender in 6 cases, due to missing name or listed as for example, "unknown person". Crimes against property (n=2) and Unknown (n=4).*

Suicide accounted for 2.3% of all crimes committed by men and 28.6% of all crimes among women. However, as the type of crime was not recorded by the court in more than half of cases involving males (55%) it is not possible to compare the incidence of suicide in the context of other crimes. The data is more reliable for females (22.9%

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information missing) and in their case suicide was the leading crime (28.6%), followed by religious crimes (22.9%), such as sacrilege and witchcraft, and murder (11.4%).

Twenty-two cases of suicide were punished by hanging the corpse on a fork (*furca*), one was hanged at a stake, and one was displayed on a wheel. In one case the type of punishment was not listed. There was no gender difference regarding the punishment of men and women. In general, the number of registered cases decreased over time (Figure 1); peaking (N=7) over 1401-1450 and decreasing to 1 over 1651-1700, 1701-1750, and 1750-1795. The last case of female suicide was registered over 1594/1599 (year not specified in the court register) and the last male suicide in 1754.

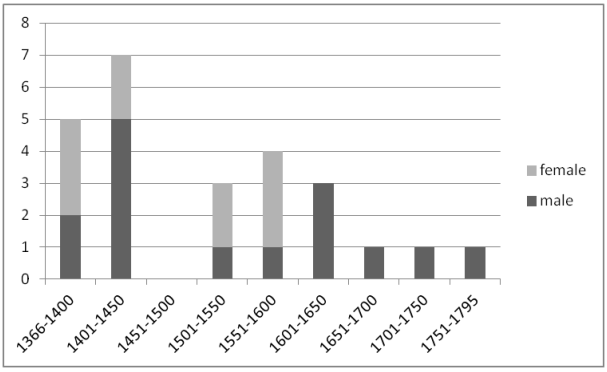


Figure 1. Suicide in Mechelen, per gender, 1366-1795

Discussion

The published historical records from the archives of the city court in Mechelen provide valuable information about the legal procedures, type of punishment, and the number of suicide cases on the territory under the court's jurisdiction over the period 1366-1795. The number of suicides over the study period is relatively modest: 25 cases over 430 years, with an estimated annual suicide rate of 0.3/100,000 inhabitants, and an average of one case every 17 year. Records from other city courts in Flanders over 14th-18th century also show low numbers varying from one case per 1.3 year to one case per 35.3 years. Seven suicides were recorded in Bruges over 1374-1382, another seven over 1430-1442, and four suicide cases over 1724-1774 (Monballyu, 2000). In the 16th century four suicide cases were recorded in Dendermonde and three suicides over 1515-1621 and five over 1750-1795 in Kortrijk (Monballyu, 2000).

One of the explanations for these relatively small numbers could be leniency in applying the law in order to spare the family of a suicide from public shame (Minois, 2001; Murray, 1998). Also, the practice of financial commutation, which was economically beneficial for the city and at the same time psychologically relieving for the family of the deceased, as it allowed to avoid the degrading transportation of the corpse and public execution, could contribute to the reported modest numbers (Maes, 1947). According to Maes (1947), financial compensation averted criminal punishment in approximately three of four initiated court cases in Mechelen; although no information regarding the prevalence of this practice specifically in the context of suicide is available. Of interest, as only the rich families could afford this compensation and the practice was considered unjust, financial commutation in cases of severe crimes was prohibited by the mid-16th century (Maes, 1947). In addition, the city court register did not include cases of suicide among clergy and nobility, social groups not immune to suicide (Murray, 1998), as these two social groups were under jurisdiction of ecclesiastic or supreme courts (Maes, 1947).

Unfortunately, published data on suicide in comparable jurisdictions in Flanders over the study period do not present information on the gender of suicide victims (Monballyu, 2000). Consequently, it is not possible to compare the relatively high ratio of male:female suicide found in Mechelen (1.5:1) to the incidence of male and female suicide in other regions in Flanders. Still, this number is different from the current 2.7:1 gender suicide ratio in Flanders (https://www.zorg-en-gezondheid.be).

The legal procedures adopted by the Mechelen court in relation to handling the deceased's body and punishment of suicide, including degradation of the corpse, refusal of burial in the consecrated ground, and confiscation of property, reflect legal practice at that time in other regions of Western Europa (Murray, 2000; Rosen, 1971; Van Hoof, 2006); although they may differ from the English legal practice (MacDonald, 1986; Seabourne & Seabourne, 2001). The "threshold ritual", i.e., removal of the corpse through a hole dug under the doorstep (or alternatively through a hole in the wall or a window) was a common practice in Flanders, Holland, France and German-speaking areas (Monballyu, 2000; Murray, 2000). Similarly, the "execution" carried out on the suicide's corpse, such as hanging (sometimes upside down to add ignominy) was a common practice in medieval France (Minois, 2001; Murray, 2000). Historians have reported differences in handling male and female suicide corpses (Minois, 2001); yet all suicides recorded over the centuries by the Mechelen court were punished in the same manner, i.e., hanging on a *furca*.

Reflecting the changing social climate and attitudes towards suicide and criminal punishment, suicide was decriminalised in Flanders in 1782 by Emperor Joseph II (Maes, 1947; Monballyu, 2000). According to the Emperor's ordinance, suicide was no

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longer considered a motivated behaviour and thus a subject of criminal liability ("suicides can only be attributed to mental confusion, either continuous or temporary; it is therefore inhuman to take severe action against the corpse of the suicide"; Vandekerckhove, 2000; p. 133). The decree of Emperor Joseph II on September 2nd 1782 stated that "the penalty usually inflicted on those who kill themselves, i.e., dragging their corpse on the sledge and hanging it from the *furca*, will in the future no longer take place, but that, if someone should commit such act of frenzy, one will be required to appoint a trustee to the cadaver, who will be permitted, after a brief procedure to establish suicide, to bury the aforementioned cadaver, without any pomp, or at least to place it in the ground; always condemning however the aforementioned trustee, in his capacity, to pay the costs of the lawsuit" (Vandekerckhove, 2000; p. 134).

In contemporary academic writings, the origins of social stigma currently associated with suicide bereavement are sometimes traced back to the medieval punishment of suicide (Cvinar, 2005). Indeed, the expression "to commit" suicide might refer to a criminal act of killing oneself (Silverman, 2006). It is however noted that suicide remained an offence until 1961 in the UK. Nevertheless, based on the reported data, it appears that punishment of suicide in the Middle Ages and Renaissance was rare, and the origins of current attitudes associated with suicide should be understood within a larger historical and cultural context.

The current study was limited to the published records of the city court in Mechelen. Due to missing data it was not possible to compare punishment of suicides with other crimes. Nevertheless, the study provided a valuable insight in the penal practice of suicide by a city court. The number of cases decreased over the centuries until the official decriminalisation of suicide by the end of the 18th century.

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