

WORLD HISTORIES OF CRIME, CULTURE AND VIOLENCE

PARRICIDE AND VIOLENCE  
AGAINST PARENTS  
THROUGHOUT HISTORY  
(De)Constructing Family and Authority?

Edited by

Marianna Muravyeva & Raisa Maria Toivo



# World Histories of Crime, Culture and Violence

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Editors

# Parricide and Violence Against Parents throughout History

(De)Constructing Family and Authority?

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World Histories of Crime, Culture and Violence

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# Introduction

*Marianna Muravyeva and Raisa Maria Toivo*

Every modern nation has its own legend of patricide or matricide. The jacket of this book features the legend of Orestes, the son of Clytemnestra and Agamemnon, who killed his mother to avenge the murder of his father by his mother's lover. As a consequence, Orestes is tormented by the Furies – the first ultimate punishment for matricide. Although his actions might have been in some sense justified, he still receives a terrible punishment for breaking the natural bond between mother and child. This is how the killing of parents by their children has been treated for centuries: the children were always punished, regardless of whether they were responding to abuse or protecting those they loved. In crimes against all other relatives – be they children, brothers or sisters, aunts and uncles, or other relatives, especially spouses – the punishment could be mitigated by extenuating circumstances, but this was not so in the case of parricide. Was this rule applied universally in Europe because the natural bonds between

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parents and children were perceived as sacred, or, perhaps, because parents were viewed as vulnerable due to their age and status when they had to rely on their children for support? Did the authorities, who were for a long time composed of elders – that is, the old and wise members of the community and therefore probably parents themselves – identify with parenthood and thus do everything to protect themselves from attack? After all, parricide was often considered an attack on authority, as the seventeenth-century debate on patriarchy highlighted.<sup>1</sup> Were children who attacked their parents able to go further and disrespect any form of authority? Such questions emerged during our work on the various aspects of family, community, and crime history, and united us to address these issues in this volume.

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Violence against parents (VaP) and parricide are domains of study that contemporary criminological and psychological specialists rarely think about beyond the immediate object of examination. VaP, here understood as any act by a child or children that intimidates the parents and is aimed at hurting them,<sup>2</sup> is a phenomenon that has become high profile in recent years. Data from Europe, the USA, and Canada reveal that between 7 and 18 per cent of parents have been the victims of physical violence by their adolescent or adult children at some time, a figure that rises to 29 per cent in the case of single parents. Previous research also indicates that the majority of aggressors are males aged between 10 and 18 who attack their mothers, mainly in one-parent families and/or where the parents are older than average.<sup>3</sup> However, in terms of parricides, a prevalence of patricides over matricides has been noted.<sup>4</sup> Many authors attribute this to current parenting styles, characterized by excessive indulgence, permissiveness, and a lack of boundaries that end up producing an imbalance in the filio-parental relationship.<sup>5</sup> Gallagher found that two types of family experience intra-family violence: one with a liberal-permissive, overprotective character and without consistent norms, and the other with an authoritarian character.<sup>6</sup> Laurent and Derry identified a third type of family characterized by parental neglect or a lack of child supervision. Generally, such families are of a low socio-economic class and the children are characterized by a high level of independence and responsibility in relation to their subsistence.<sup>7</sup> One of the hypotheses currently gaining momentum is the bi-directionality of violence. It would appear that the violence parents commit against their children is related to the violence the children against their parents.<sup>8</sup>

While current criminological and sociological studies have concentrated more on adolescent-to-parent abuse,<sup>9</sup> children of all ages abuse their parents. The latency of the offence, especially in cases where adult children are involved, does not allow us to draw any definite conclusions as to what would be the predominant age-group of VaP perpetrators, although one longitudinal study suggests that adolescent VaP often develops into adult VaP.<sup>10</sup> Moreover, research on the history of parricide shows that in past societies, parents were killed by their adult children either accidentally or as a result of domestic quarrels often involving alcohol abuse.<sup>11</sup> This discrepancy between contemporary research and historical data is a result of the absence of dialogue between the disciplines, which often reshape the focus of these studies. Thus, criminological and sociological studies are overwhelmingly concentrated on psychopathic cases or the reciprocal violence of children against parents.<sup>12</sup> This book aims at building interdisciplinary research facilitating a dialogue between the arts, humanities, and social sciences to allow a more nuanced, thorough, and comprehensive analysis of the reasons, origins, and responses to VaP.

The researchers' focus on specific types of VaP produces limited explanations and, therefore, narrows down the conceptualization of potential responses to the problem. Historicizing VaP enables us to identify different ways of dealing with VaP and parricides in the past, since the problem is recurrent and our predecessors were aware of VaP. In the past thirty years, history research has done a great deal to raise awareness about domestic violence and violence against women, but other forms of family violence are still waiting to be studied. There is limited but important research on the history of parricide and VaP.<sup>13</sup> At the same time, in many important works on intra-family violence, VaP is ignored or mentioned only in passing.<sup>14</sup> This oversight on the part of scholars often reflects a lack of awareness of the problem in present-day society. While domestic violence and violence against children are examined in many historical studies, VaP remains hidden, perhaps due to a belief that it is an insignificant or an infrequent problem, or perhaps due to an assumption that it did not exist as a problem at all. Our research in this volume and elsewhere has shown that while parricide is indeed rare, VaP in general is much more common, although often underreported. It also suggests that these crimes against parents often share a common context in family relationships and questions of authority, dependence, and emotion. This book focuses on careful research into sources, theories, and methodologies to understand how (in)significant VaP was, whether it depended on the cultural or

political frameworks in place, and what kinds of responses it provoked once revealed.

Through various case studies from Europe, the scholars contributing to this volume provide a cohesive historical and criminological picture of parricide in the context of VaP in general, bringing both disciplines together and starting a dialogue between researchers from different fields. The authors use court cases, criminal statistics, newspaper reports, and legal and medical literature to verify existing explanations of VaP and to highlight how it was handled in different societies and historical periods. The findings and conclusions do not support many of the contemporary assumptions about VaP, such as the idea that parricides are committed by adolescent children as retaliation for abuse. Historical data also reveal that women are more visible both as perpetrators and as victims of VaP. The book strongly connects VaP and abuse of other types of authority in patriarchal societies, so the responses of the community and the courts sought to restore balance rather than to deter or prevent VaP. The chapters of this volume also cover a wide geographical area and different cultural contexts, suggesting methods to study the interplay of cultural context and authority patterns in VaP.

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This volume is divided into three parts. The first part, ‘Normative Concepts’, outlines the normative concepts that provided the official frameworks for dealing with VaP in three crucial historical periods: ancient Rome, the early modern period, and the nineteenth century. The second part, ‘Localities and Identities’, focuses on localities, identities, and their interplay in local societal contexts. The third part, ‘Struggling with Parental Authority in Early Modern and Modern Societies’, investigates responses to parental authority by children: it offers a more nuanced picture of how parenthood could incite violent responses, which were considered a failure of patriarchal authority.

Barbara Biscotti starts with ‘Parricide and Parental Authority in Roman Law’ to consider the etymological and sociological perspective of parricide in addition to the development of legal attitudes towards the crime from archaic Roman law onwards. Through the prism of jurisprudence, she reveals the nature and dynamics of complex parenting networks and family structures of feeling, and the paradoxical link between the violation of one of the greatest taboos and the origin of law itself in the confrontation of freedom and power.

The next two chapters take up later examples of how parricide was conceptualized. In his chapter, “‘A Timely Warning to Rash and Disobedient Children’: Normative Literature and Violence against Parents in England, 1600–1900’, Jim Sharpe examines normative literature, mainly conduct books that offer advice on family management and commentaries and sermons on the Fifth Commandment. He seeks to determine how far these sources identify possible areas of friction between parents and children to see how they relate to the reality of this area of violence within the family. He also suggests that changes in attitudes took place towards the end of the eighteenth century, when the established ideas of parent-child relationships were being supplanted by more flexible and ‘modern’ ones. Marianna Muravyeva in her chapter, ‘New Unfortunates: Medicalization, Pathology, and Parricide in Modernizing Europe’, picks up on the consequent changes in the understanding of parricide as a mental and medical problem. Muravyeva highlights the shift in explanation of parricide that occurred in the nineteenth century, when it became a focus of degeneracy theory. Treating parricide as a consequence of the perpetrator’s mental illness due to possessing a degenerate heritage provided a pacifying explanation for both the community and the authorities, meaning that they would not have to deal with the greater problems brought about by changes in family organization and relationships occurring at the heart of the modernizing society.

The interpretation of VaP and parricide was highly dependent on the specificity of localities and identities, as the second part of the volume attests. Drawing on four different case studies from across Europe and the USA, the scholars offer a nuanced picture of how local communities dealt with what they saw as a fundamental threat to their existence. Constanța Vintilă-Ghițulescu in her chapter, “‘You would have them lock me up and sell me as slave’”: Parents and Children in Eighteenth-Century Wallachia’, investigates Wallachian law codes and case law to analyse how the community viewed intra-family violence. The chapter examines what was considered violence, how often it occurred, who might consider themselves entitled to resort to violence and under what circumstances, what specific forms it could take, what the differences were between violence directed at parents and at children, and what grounds there were for different interpretations of family violence.

Katie Barclay in her chapter, ‘From Confession to Declaration: Changing Narratives of Parricide in Eighteenth and Nineteenth-Century Scotland’,

explores how Scottish people explained incidences of parricide in Scotland between 1660 and 1830. Drawing on popular culture – notably James Hogg’s *Confessions of a Justified Sinner* – and court records, she argues that across the centuries this ‘unimaginable’ crime was explained by combining competing – and not always compatible – variables, mostly previous bad character, mental illness, and overwhelming anger. These explanations drew attention away from the tensions that arose between adult children and their parents in a patriarchal system that demanded obedience from those who wished – and in some cases were actively encouraged – to be ‘independent’.

Silje Warberg in her chapter, ‘Appropriating Matricide: The Thorvald Sletten Murder Case, 1899–1907’, moves the discussion to the nineteenth-century Norwegian print media. In particular, Warberg investigates the role played by fictional and non-fictional texts in the changing debates and public image of a convicted parricide. The chapter reveals the interaction between these texts and their surrounding contexts, and the negotiation of historical, cultural, and literary criminal understandings of scandal, crime, and parricide at the turn of the twentieth century.

Peter Boag embarks on the analysis of masculinities in parricide cases. In his chapter, ‘Gender and the Historicity of Parricide: A Case Study from the Nineteenth-Century North American West’, he places parricide in the context of larger social forces. In this case, the alchemy of agrarian depression, rural decline, problematic boyhood, idealized motherhood, and imperiled fatherhood created the horrific events that tore apart a family and a North American farming community in the 1890s. Exploring a double parricide committed in a rural, western American community in 1895, Boag uses historical evidence and source critique to challenge the traditional psychological and sociological explanations of parricide.

The final part of the volume begins with chapter by Satu Lidman, ‘Ambivalent Fatherhood: Non-Lethal Assaults and Disobedience against Parents in the Patriarchal Context of Early Modern Munich’. Drawing on the Munich magistrates’ court proceedings from around 1600 concerning non-lethal, minor assaults against fathers, Lidman explores what happened in cases of rebellion against fathers as such rebellions threatened to unsettle paternal authority underpinning the early modern European ideology of domestic order. This chapter contrasts the ideal perceptions of the father, father figures, and fatherhood within the framework of patriarchal ideology and masculinity, and, particularly, in situations of disobedience challenging the parent-child hierarchy.

Raisa Maria Toivo in her chapter, ‘Parricide in Nineteenth-Century Finland’, places nineteenth-century parricide cases in the context of changing concepts of authority and masculinity, and the devaluation of traditional forms of authority. In the next chapter, “‘His disobedient son’: Sami Narratives of Parental Authority in Eighteenth-Century Finnmark”, by Liv Helene Willumsen, the discussion focuses on an eighteenth-century criminal trial – and the related courtroom discourse – of a nomadic Sami man from Finnmark, Norway. Since the trial took place in the far northern periphery of Europe in a district with two ethnic groups living side by side – the Sami and the Norwegians – this article also investigates the importance of cultural frameworks and living arrangements.

The book offers a variety of concepts, frameworks, and explanations for the abuse of parents and their authority in mostly Christian societies resting on ideologies of power and patriarchy that descend from common roots: the Roman legal heritage and Christian canonical tradition. While there are obvious similarities in discourses on VaP and parricide, differences attributed to the specifics of cultural contexts and localities – and their interplay in shaping identities – provide the reader with an understanding of past societies’ pragmatism and methods of conflict resolution.

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PART I

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# Normative Concepts

# ‘What Kind of Monster or Beast Are You?’ Parricide and Patricide in Roman Law and Society

*Barbara Biscotti*

## *PARICIDAS AND PARRICIDIUM: ORIGINS IN ARCHAIC ROMAN LAW AND ETYMOLOGY*

The phenomenon of parricide is best explained through the lens of history by analysing what occurred in Ancient Rome, where it represented a real ‘national neurosis’, as Paul Veyne has aptly noted.<sup>1</sup> Before explaining the significance of this expression, a philological and etymological overview is needed to define the conceptual boundaries of the term in relation to its origin and evolution. The dominant view among commentators from the earliest times was that the term ‘parricide’ derived from the compound *patris-cidium*, which refers to the killing (*caedere*) of a father (*pater, -is*). The hypothesis of a relationship between the term ‘parricide’ and *pater/parens* also seems to be confirmed by some etymological references made starting from the late Republic by Roman authors like Cicero and Quintilian.<sup>2</sup>

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Ps. Quint., *Decl. maior* 8.14 (‘*Quod tu monstri portentique genus es?*’).

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However, we know that the etymological explanations of the Latin writers were sometimes anything but precise. In this case, the etymological justification seems to have been affected by the lexical and conceptual transformations undergone by the term during its transition from the archaic age to the end of the Republican age (from the eighth to the first century BC).

From a strictly etymological perspective, there have been attempts to link the first term of the compound to the Greek term *παός* (relative, father). However, as this hypothesis is not so convincing, some experts have referred the term *parri-* to the middle-Indian words *posa-*, *purisa-*, *puruṣ-* and from these forms they went back to the specific Sanskrit root \**parso-* and more generally to *purṣa-*, ‘man’.<sup>3</sup>

Today, the most recent and convincing studies support historical legal evidence that the original significance of the term, which is deployed for the first time in the form ‘*paricidas*’ in the royal law attributed to Numa Pompilius (715–673 BC),<sup>4</sup> could not originally mean the killing of a father committed by the offspring.<sup>5</sup>

Instead, the term would have been used to mean the killing of a *pater*, understood as a freeman, committed by someone outside the family.<sup>6</sup> *Pater* was used to refer to those males who possessed three fundamental *status* (*civitatis*, *libertatis*, *familiae*), which identified the legal subject who had full capacity and was the only legally relevant entity. This qualification impacts greatly on the external rather than on the familial level, especially in the archaic age. A man did not necessarily become *paterfamilias* when he had offspring. Rather, he became *paterfamilias* when he, freed from his father’s *potestas* (because of the father’s death or by emancipation), became a full subject of law and created his own *familia* – that is, the complex realm composed of persons, goods, animals, slaves, wealth, familial divinities, domestic rituals, and interpersonal relationships.

Besides these specific legally active subjects – the *patres* – all other living beings and things, significantly expressed by the hendiadys *familia pecuniaque*, are objects whose relevance exclusively depends on those individuals.

The unjustifiable, wilful murder of a freeman, citizen, *sui iuris*, that is not justified by legitimate revenge substantially disturbs the balance of society by causing great upheaval and demands a specific intervention of the *civitas*. According to Numa’s law – and in order to ensure self-preservation – this intervention provides a complex, magic-religious, and

legal arrangement that serves to restore the altered balance and regulate the appropriate revenge by the victim's relatives.<sup>7</sup> Hence, by deploying the concept of '*paricidas*', the *lex Numae* provided a different meaning from the one we attribute to parricide.

From this viewpoint, because these two concepts overlap in the ancient Roman world, the fact that the etymological root of the term may refer to the killing of a 'father' or a 'man' is irrelevant. Instead, it is noteworthy that the idea of parricide does not move to the centre stage in archaic Roman law (and Western thought) in relation to the phenomenon of lethal violence committed by children against fathers or parents in general. Rather, this idea becomes central to the qualification of the act, which subverts the established social order, aimed to unjustifiably 'eliminate' one of the legally relevant subjects and, definitively, a power centre in the community. This point of view would become a foundation for the early modern reinterpretation of any power relation, including the killing of a parent or parents by their offspring.

#### FROM *LEX NUMAE* TO *LEX POMPEIA*: TOWARDS ENDOFAMILIAL HOMICIDE

The process of switching from *paricidas* to *parricidium*, understood as the killing of a relative, gradually occurred during the Republican age, with the progressive diffusion of the most recent coinage *homicidium/homicida* deployed to generally define wilful murder.<sup>8</sup> The final stage of the process occurred during the first century BC, more precisely in 55 BC, when the *lex Pompeia de parricidiis* was promulgated.<sup>9</sup> This law stipulated the death penalty for anyone who had killed a person 'with whom he had a blood relationship, marriage, affinity, and patronage'<sup>10</sup>; in so doing, the law contributed to the qualification of *parricida*. Therefore, parricide specifically connoted a homicide occurring within the *lato sensu* familial environment, without distinction between degrees of kinship, including collateral relatives up to the sixth degree. This was a particularly serious crime, as it was committed – against expectations of solidarity – within the family: each member was put in a very vulnerable position, since they shared the place of residence, objects, habits, and relations.

As Yan Thomas has convincingly observed, the scope of the *lex Pompeia* – including such a large number of subjects and kin (blood relationship, marriage, affinity, no less than patronage) – almost coincides with further normative arrangements concerning the statute of the family. However, all

of these laws seem to aim to attract to the sphere of ‘public’ law the regulation of all the relationships inside the family, for example, the possibility of endogamous marriages without committing incest or the obligations of mutual assistance from an economic or procedural viewpoint. This coincidence, concerning the subjects considered by all these laws, may therefore let us imagine that an archaic *pontificalis mos* narrowly established the extension of the legally relevant domestic network, whatever its area of application.<sup>11</sup> The reason for such a *mos* can be explained by referring to the social structure I described earlier, grounded in the *paterfamilias*, within whose orbit other subjects and non-subjects fell and contributed to building and increasing their patrimony (i.e. the ‘*patri-monium*’). When the *paterfamilias* died, some of these true ‘prostheses’ (the *fili*) received his composite endowment, which should by no means be wasted, in the interest of anyone who in an objective or subjective function had access to and benefit from it. The Roman family was, therefore, a kind of cooperative with one effective member (the *pater*, and in turn the *fili* as future heirs and *patres*), but with many people (wives, daughters-in-law, daughters, slaves, freedmen, clients) who had an interest in its preservation and good functioning, as they *de facto* depended on it.<sup>12</sup> Such a complex and large network necessarily demanded for its sustenance that any single part of it could have faith (*fides*) in (according to a decreasing order of priorities): (a) the smallest waste outside of the family of the goods that constituted its structure; (b) internal solidarity; (c) the possibility of referring to the other members if necessary; and specifically and *a priori* (d) certainty that there would be no need to fear them.

Despite the fact that in Rome the culture grounded in these values and in particular in the binding relevance and authority of the *paterfamilias* was original and therefore deeply rooted in the perspective of the Roman *reverentia antiquitatis*, numerous factors connected with economic developments contributed to eroding and finally undermining its solidity.<sup>13</sup> This aspect emerges in many excerpts from the comedies of Plautus and Terence (third to second century BC) where the father is personified as the *person* (mask) of the lascivious old man (*senex libidinosus*) and the son is the young insolent and dissolute one.<sup>14</sup> The roles within the family began to crumble away, and the consequences of this process were manifested in the fact that all the Republican structures, including the traditional family, were put to the test (with known negative results) in conjunction with the political events of the first century BC.<sup>15</sup>

The *lex Pompeia*, a specific law concerning endofamilial homicide, was not indeed promulgated by chance during this dark period of Republican

history. In the middle of the first century BC, when social tensions, proscriptions, civil wars, and the impoverishment of democratic arrangements had completely ruined the *res publica*, ‘sons were impregnated with paternal blood: it was harshly debated who was entitled to obtain the severed head of the parent’<sup>16</sup> and it was realized that even within the familial realm ‘there is nothing so sacred which cannot be sometimes violated by audacity’.<sup>17</sup>

Velleius Paterculus, at the time of Tiberius (14–37 AD), recalls in his *Historiae Romanae* with regard to this terrible period and to the endofamilial relations in those circumstances, that

No one has even been able to deplore the fortunes of this whole period with such tears as the theme deserves, much less can one now describe it in words. One thing, however, demands comment, that towards the proscribed their wives showed the greatest loyalty, their freedmen not a little, their slaves some, their sons none. So hard is it for men to brook delays in the realization of their ambitions, whatever they might be.<sup>18</sup>

Thus, what Velleius denounces is a peculiar violation of *fides* perpetrated by the sons of proscribed individuals. However, in other pieces of his *Historiae*, the historiographer also refers more extensively to the accusations that relatives made against relatives during proscriptions hoping that they could make some profit out of it.

This was in general the atmosphere in which the *lex Pompeia* was conceived – that is, an environment where all relations, even those inside the family, were breaking down, and sons in particular betrayed their fathers for reasons (the ‘*mora spei*’ of Velleius) that I will examine later. However, at the same time, sources from this period confirm the impossibility of deriving the term *parricidium* from *pater* in its meaning that is strictly connected to the filial relationship.

As Mommsen has already noted, the use of the term *parricidium/parricida* on the part of late-Republican authors like Cicero<sup>19</sup> in tandem with the degree of kinship between the killed and the killer (for instance, ‘*parricida fratris*’,<sup>20</sup> but also and more meaningful in this sense ‘*patris et patruī parricidium*’<sup>21</sup>) rules out the theory that, even in this more recent age, Romans did not connect *parricidium* to an idea (univocal for us, but not for them as we will see) of ‘*pater*’ grounded in the filial relationship. Consequently, this also excludes the theory that they considered the parent-child relationship a distinguishing feature of the homicide or of a higher degree than other endofamilial homicides.

SOCIAL PHENOMENOLOGY AND LEGAL PHENOMENOLOGY  
OF *PARRICIDIUM* IN ROME: A CLARIFICATION

A methodological clarification is necessary. The current study is framed within a more general enquiry into the phenomenon of violence of children against parents in history, and more specifically into the crime of parricide. Although its roots are clearly manifested in Ancient Rome, my early investigation shows, however, that these roots, albeit present, are not so linear.

The structural differences of Roman society and its peculiarities clearly highlight a fact that historians should not lose sight of and which is aptly summarized in the famous words of Hartley: ‘The past is a foreign country: they do things differently there’.<sup>22</sup> At the same time, the difference in perspectives broadens the horizons of the reflection on contemporary times in new and fruitful directions that very often go straight to the core of the problem. Therefore, in order to retrace the history of ‘parricide’ according to the modern meaning – that is, strictly connected with the parent-child relationship through the paradigm of the Roman world – we need to focus on the following essential aspects in the light of what I have already discussed: (a) the history of terminology; (b) the broad meaning, albeit strongly connected with familial dynamics, that the crime of parricide had in Rome from the pre-classical age onwards; and (c) the dense connections between the evolution of the legal concept of parricide and the social, economic, and political changes that transformed the nature of Roman civilization over the centuries.

Taking these facts into account allows us to investigate some aspects concerning the copious (and we surely cannot know them all) cases of patricide (and matricide) that concretely occurred in the history of Rome and that, according to the evidence derived from the sources, represented the typical offence termed *parricidium* in practice.<sup>23</sup>

This offence was, from a phenomenological perspective, to such an extent consistent that we can easily agree with Paul Veyne’s idea that the fear of ‘parenticide’ (from a given historical period onwards) caused a real collective neurosis in Rome.<sup>24</sup>

However, the historical-legal approach to the question requires consideration of one fundamental aspect, that is, the assessment of this social phenomenon on the part of the law. Legally speaking, indeed, these specific cases did not constitute a *quid alii* in relation to the endofamilial homicides committed by other members of the family, either from the

point of view of the Roman legal perception of them, or from the perspective of the related repressive measures.

Legal historians know well the hiatus between the theoretical and the practical level, and there are countless examples of this issue, particularly with regard to subjective rights and related capacities: just consider, for instance, the area of rules concerning women's legal capacity, especially concerning dowry and inheritance, where theory is one thing and practice quite another. Nevertheless, we should understand the reasons for such a discrepancy.

As far as *parricidium* is concerned, legal practice seems indeed not to substantially distance itself from the theoretical level, as is sometimes the case in other circumstances. Rather, the divergence exists with regard to the numerical entity of the phenomena, that is, in relation to the subjects abstractly addressed by the norm and those on whom the norm practically impacts. We are confronted here with a normative arrangement whose implementation addresses a broader subjective scope. This coincides, however, *de facto* with a specific phenomenology mainly (albeit not exclusively) related to a single category of subjects selected from those addressed by the norm, that is, the sons.

In a parallel fashion, there is also – at least in non-legal texts – an expansion of the conceptual framework of the term that identifies the crime. Hence, the reach of its meaning covers the case of sons charged with *parricidium* even when the father is not dead, but suffered from blows and injuries perpetrated by the child.<sup>25</sup>

## ROMAN PARENTHOOD BETWEEN THE PRIVATE AND PUBLIC SPHERES

In order to explain the reasons for this (illusory) distance between the phenomenological manifestation and the legal abstract provision of the case in point, we should abandon the filters imposed by categories usually utilized in contemporary discussions and associated with the representation of the parent-child relationship from a privileged perspective when compared to the other domestic or social relations.

From this viewpoint, Roman culture confronts us with an apparently ambiguous reality. On the one hand, the experience of the parent-child relationship, and father-child in particular, comprises a deep emotional involvement and tenderness, as it results from a number of historical findings. For example, Cicero's pain caused by the death of his daughter, Tullia, is clearly narrated in a heartfelt epistolary exchange with his friend (and

jurist) Servus Sulpicius Rufus, where he also states, with great humanity, his fear of not being able to bear the grievous pain with due virility.<sup>26</sup> Nevertheless, as it emerges, for instance, from some peculiar *consolationes* for the death of children, the construction of this parental affective relationship, especially on the part of the father, took on different forms in Rome, ranging from the socially relevant ones, as the frequent *de facto* construction of paternal relationships with the children of others or of slaves, to the legally relevant ones like the *adoptio*, a recurring implemented institution.<sup>27</sup>

Phaedrus aptly highlights the Roman perception on this point in his fable of the Dog and the Lamb. To the dog's scornful derision of the little lamb looking for its mother within a herd of goats, the lamb says:

I ask not for her  
 who had me first at nature's spur,  
 and bore me for a time about,  
 then, like a fardel, threw me out;  
 but her that is content to bilk her own dear kids,  
 to give me milk.<sup>28</sup>

The fable, which is inspired by a more visceral and therefore by nature less replaceable relationship with the mother, finishes with a morally touching conclusion that includes both parents, and which seems to speak to our contemporary epoch, increasingly challenged – especially on the legal level – by a plurality of different kinds of parenthood: '*Facit parentes bonitas, non necessitas*' ('Not necessity, but goodness makes parents'), Phaedrus concludes, providing the moral of the story.

Hence, on the private level, Roman culture devotes great attention to the parental affective relationship, not restricted to the biological filiation, but open to other kinds of 'shared' parenthood. Conversely, when we address the legal world, and in particular the patrimonial, hereditary relationships, what prevails is their evaluation in strictly familial terms, albeit not exclusively biological – that is, from the viewpoint of a 'legitimate' filial relationship, inscribed in the civil-legal theology of the sacredness of marriage. This is indeed a context that prevents the risk of asset dispersion and guarantees that the individual continues being, even after death, a legal 'subject' through his sons.<sup>29</sup>

Thus, also in private law, the legitimate filial relationship plays a specific key, functional role in maintaining the broader familial system, which absorbs, even in this case, the privilege characterizing the parent-child

relationship so relevant to us. Moreover, from a social-legal and public perspective, other more important values take priority over this relationship. Consider, for instance, patriotism that, albeit being philologically intertwined with paternal love (*pater/patria*), plays a conceptual leading role that admits no exceptions.

Thus, one of the founding myths of Rome, Brutus<sup>30</sup> killing of one of his own sons (guilty of having conspired in favour of the restoration of the monarchist regime of Tarquin the Arrogant, 535–509 BC) in 509 or 508 BC, represents one of the numerous examples of ‘virtuous’ fathers, who did not hesitate to sacrifice their heirs on the altar of respect and maintenance of the established order.<sup>31</sup>

This virile rigour is almost framed, in the narrations of historians, within a paternal love – albeit choked – and the emotional involvement of the entire citizenship when faced with these painful events. These are, however, accepted as a due and unavoidable sacrifice in order to preserve the respect for the established rules. It nonetheless occurred that the paternal *firmitas* sometimes exceeded its limits and became a cruel inflexibility, as is the case of Titus Manlius Torquatus. He, as a consul, did not hesitate to punish his son, who had successfully fought against the Latins without permission, and had him executed.<sup>32</sup>

When narrating this episode, Titus Livius approves of the effective *exemplum*, even though he underlines the extreme rigor of Manlius Torquatus’ behaviour. Instead, Valerius Maximus notes a crucial point: when the victorious Torquatus came back to Rome the crowd who welcomed him in triumph was composed of the elderly only. The young people, tormented by the destiny of their courageous contemporary, expressed in this way their disapproval of the rigid father, and implicitly any excessively inflexible father in the collective manifestation of an *ante litteram* generational conflict.<sup>33</sup>

‘THERE ARE ALMOST NO OTHER MEN WHO HAVE AN  
AUTHORITY OVER THEIR CHILDREN LIKE WE HAVE’

If the parent-child relationships within the family could indeed take on every nuance of natural, emotional involvement, in Rome their legal reach was comparatively limited to the rigorous and functional terms of the *patria potestas*.<sup>34</sup> This was taken into account from a unilateral perspective (that is, from the viewpoint of the father-subject in relation to the children-object) and was characterized by a virtually unlimited authority that

Gaius defined, without hesitation in his *Institutiones*, more broadly than anywhere else.<sup>35</sup>

As I have pointed out earlier, the parent-child relationship is inscribed within a model that may appear ambiguous, because it is twofold, especially if observed from the children's viewpoint. On the one hand, the father is the source of all good, the benefactor; on the other hand, not only is he the arbiter of any donation (which includes by definition only the potential nature of the gift and the expectation of gratitude as compensation), but he might also be a severe person wielding power that may theoretically imply a decision about the life or death of the children (*vitae necisque potestas*).<sup>36</sup>

However, as Lentano deftly remarked, the model, far from being contradictory, effectively reconciles these two features of the 'father-benefactor' and the 'legal father', following a rigorous social perspective that requires the determination of precisely defined roles, especially within the familial microcosm, in order to preserve the balance of the civil macrocosm.<sup>37</sup>

Nevertheless, when we consider that the legal authoritative bond *sui iuris* father/*alieni iuris* son was virtually doomed to last until the father's death unless it was intentionally interrupted by the *emancipatio*; the coexistence of the two described aspects in the paternal figure occasionally shows its potentially dysfunctional character.<sup>38</sup>

As Lentano demonstrated in his study concerning the recurrence of cases of patricide in Roman rhetorical speeches, exactly this explosive mixture of the fathers' abuse of the power that the law granted them and the situation of the children indefinitely devoid of personality – both on the patrimonial and legal level – is the main cause for the majority of cases of patricide.<sup>39</sup> Thus, the '*mora spei*', the delay in materializing hopes, which Velleius Paterculus (whom I mentioned in earlier) indicated as the cause of the widespread betrayals of fathers on the part of the children at the time of Sulla's proscriptions, probably referred to the sons' expectations of inheriting the paternal wealth, which was conveniently hastened by those proscriptions.

Romans living at the time of the *lex Pompeia de parricidiis* were, on the one hand, a victorious people fascinated by Eastern cultures and by the possibility offered by trade with exotic countries, but simultaneously they had been economically exhausted by the long and constant wars.

The sumptuary laws, promulgated between the third and the second century BC with the aim of regulating permitted consumption, are a clear

testimony of this situation.<sup>40</sup> The reasons for these laws were essentially economic and political-cultural, as they served the purpose of preserving the social structure traditionally corresponding to the *boni mores* of the ancients. However, they were also associated with the fear caused by the emergence of a new elite of rich plebeians, who could not only freely trade in contrast to the patrician senators, but could also have access, by the time of the laws *Liciniae Sextiae* (367 BC), to all the institutional offices.

In the background of the tension between these two opposite forces in this period, ‘when the Roman as an individual was emerging out of the rigid Roman family controls and the absolute subordination to the state’,<sup>41</sup> the relationship between sons and fathers changed. The crisis of the traditional family, access to new goods/pleasures and the related induced needs, the ongoing social changes, and eventually the *bellum civile* were the generators of domestic conflicts and transformed the children from devoted extensions of the fathers’ personality – living expressions of *pietas* – into impatient *bon vivants* only desirous of inheriting the paternal goods in order to waste them.<sup>42</sup>

### A HEINOUS CRIME: CAUSES, MOTIVATIONS, CONTEXTS

It has been already noticed that there was an increase boost in the number of parenticides after the age of Plautus and even more in the imperial epoch.<sup>43</sup>

In addition to the punishment provided by the *lex Pompeia* – clearly not adequate enough to discourage the homicidal claims of sons, even though it provided the terrible capital punishment of *culleus*<sup>44</sup> – during the first century AD (under Vespasian, between 69–79 AD) a *senatusconsultum Macedonianum* (so named after the main protagonist of the event, in which the provision has its origins) was promulgated. This normative arrangement went straight to the core of the problem – that is, the desperate need for money on the part of sons heavily in debt: the measure, whose connection with the *crimen parricidii* is nearly unanimously recognized by the doctrine, was clearly directed with a preventive intent towards those who had lent money to a *filiusfamilias*.<sup>45</sup> They were to be denied legal action for recovering money paid to the son, even after the death of the parents (D. 14.6.1 pr., Ulp. 29 *ad ed.*).

The legal order, shocked by the impossibility of restraining the terrible phenomenon of patricide, tried to control where possible the circumstances fostering the crime. After all, the *lex Pompeia* itself had

been promulgated in order to specify the former *lex Cornelia de sicariis et veneficiis* of 81 BC in relation to endofamilial homicides. The latter punished the homicide *tout-court* in different forms (including patricide, which was judged by a court established by the *lex Cornelia*, as Cicero lets us know in *pro Sexto Roscio Amerino*), also including those ‘*qui hominis necandi causa venenum confecerit dederit*’ (D. 48.8.1.1, Marcian. 14 *Inst.*; see also Dion. Hal. *Ant. Rom.* 2.26.4.) who has made or given (someone) poison to kill a person. Significantly, thirty years later the *lex Pompeia* ‘besieged’ patricides and considered specifically accountable ‘*qui emit venenum ut patri daret, quamvis non potuerit dare*’ (D. 48.9.1, Marcian. 14 *inst.*) the individual who had merely bought the poison to kill the father, irrespective of the lethal result.

The normative provisions therefore trace a very clear history of the phenomenon of patricide. It ranges from homicide understood as the killing of a *paterfamilias* – that is, of one of the subjects of the legal order – to endofamilial homicides, and eventually to the acknowledgment that the authors of these homicides were primarily the sons, mainly motivated by the desire to release themselves from emasculating paternal control, especially over the patrimony.

The economic motive was not the only one. A further frequent circumstance fostering patricide was connected with the sexual sphere, either because of jealousy (of the mother or the stepmother who usurped the role of the mother or more often the father, who often married for the second time a young girl with whom the son fell in love), or because of the father being an obstacle to the fulfilment of the son’s sexual desires (by means of forced marriage, interruption of disapproved relationships and so on).

As Thomas has already noted, *parricidium* is often related to the sphere of licentiousness or even to incest, associated with the facts of cohabitation and intimate promiscuity among the direct or indirect actors of the sequence of events.<sup>46</sup>

Matricide, rare in Roman history, is rooted mainly in this kind of context: either the mother takes on the paternal role of control, deprivation, and abuse of power (often in her relationship with the daughter), or, more frequently, there is an ambiguous relationship between mother and son, where the son’s incestuous desires remain frustrated.<sup>47</sup>

In this case, the underlying dynamics are different and easily connected with a true pathology of the relationship (or the perpetrator), that clearly

recurs in the sources: in the *Rhetorica ad Herennium* (1.3.23) the will of P. Malleolus, first matricide in 101 BC is held invalid under the *decemviri*'s rule on the *furiosus*, meaning that a son who had killed his mother could only be insane; and Marcus Aurelius, consulted about a specific case, suggests in a rescript (D. 48.9.9, Mod. 12 *paedect.*, and D. 1.18.14, Macer 2 *de iud. publ.*) the absolution of the offender '*qui per furorem matrem necaverat*' who had killed the mother by reason of insanity.

Indeed, rhetoricians often appeal to insanity as a circumstance that can justify an acquittal judgement, even in litigations concerning an actual patricide.<sup>48</sup> However, in these cases it is a rhetorical *tópos*, aimed to emphasize the impossibility of explaining a heinous, hardly conceivable crime that is rooted in the exasperated dynamics of power relations between fathers and sons, framed within the oppressive familial and social roles established by law.

The time and place of the crime are very meaningful from this perspective: patricide is committed exactly where it originated, mainly at night in the bedroom of the *pater*; poison is prepared in secret in the recondite rooms of the *domus*; the crime is perpetrated at the core of the person's intimacy, when he is alone and more vulnerable. Alternatively, it may occur when father and son are far away from home (Sen. *Contr.* 5.4), travelling abroad, within the exclusivity of a relationship that, when moved to other places, seems to constitute an 'elsewhere' even with regard to the legal protection of the paternal figure, as it is re-evaluated and perceived as less untouchable.<sup>49</sup>

### 'PARRICIDIUM' IN THE ORIGIN OF LAW

This fragility and exposure to the *fides* are the distinguishing features of *parricidium*, a crime that anyone in the family could commit, even though it found its main motivations and occasions in the parent-child relationship, in the vanishing of its ancient moral coordinates, and in the desperate need for the emancipation from a power that limited the free expression of individuality, which increasingly gained strength in Roman civilization.

Consequently, the qualification of patricide goes so far as to include the individual who makes an attempt on the life of the state power-holder, the *pater patriae*, hence ultimately on the life of the entire, broad common 'family' – the people.<sup>50</sup>

It is in relation to such circumstances that law itself meaningfully finds its original expression in the first founding episode of Rome and all Western culture: the legend tells us that Romulus draws a primogenital boundary

line in the earth and establishes the borderlines between an ‘internal’ and ‘external’ world. In this circumstance, he legitimately kills his twin brother (which symbolically means a part of himself) for failing to respect the original Rule (*regula*=line/measure), and in so doing he imposes the boundaries between the Kósmos of the *civitas* and the Káos of what is left outside. Thus, the scandalous and indescribable violation of a fundamental taboo becomes an origin myth that can be narrated: the order of law prevails in the paradox of fratricide over the chaos of non-law, over chaotic violence, by means of regulation – of giving measure to an endofamilial crime – by delimiting what is legitimate, albeit terrible, and what is not.

Thereby, Roman law deals with *parricidium* and patricide deriving from the roots of the dynamics between freedom and power, between law and non-law. Through the historical development of the legal reflection on the phenomenon, it reveals that the seeds of the most inexpiable crime germinate in the intimate, delicate secret of the *humus* of such a conceptual dialogue. However, the chance to remove their origins and eradicate them, when they first appear, germinate there too.

## NOTES

1. Paul Veyne, ‘La vie privée dans l’Empire romain’, in *Histoire de la vie privée. De l’Empire romain à l’an mil, I*, eds. Philipp Ariès and George Duby (Paris: Seuil, 1999, now in a separate volume, Paris: Seuil, 2015).
2. Cic., *Pro Sext. Rosc. Amer.* 25.70, *pro Mil.* 7.17, *Phil.* 3.7.18, *Tusc.* 5.2.6; Quint., *Inst. or.* 8.6.35.
3. See *sv. par(r)icida(s)/par(r)icidium*, in Alfred Ernout and Alfred Meillet, *Dictionnaire étymologique de la langue latine. Histoire des mots*<sup>3</sup> (Paris: Klincksieck, 1951), 855, where it is underlined that ‘the uncertainty of the ancient sense makes every etymology doubtful’.
4. Or even to Romulus, according to the contents of the *Vitae* by Plutarch, *Rom.* 22.4 (see Jörg Rüpke, ‘You shall not kill. Hierarchies of Norms in Ancient Rome’, *Numen* 39 [1992]: 61). The text is referred to by the grammarian Festus (second/third century AD) in *de verborum significatione*, *sv. ‘Parrici-<di> quaestores’* (L. 247) in these terms: ‘*Si qui hominem liberum dolo sciens morti duit, paricidas esto*’, ‘If anyone knowingly with guilty intent kills a free person, let him be *paricidas*’. I deliberately do not translate the word *paricidas*, as this would require a specific interpretative stance (worthless here) preceded by a full explanation of the different reasons and justifications on which the choice is based: the lemma is very controversial indeed and subjected to manifold interpretations. These may range from

- interpretations (no longer up to date) of the term as a mere definition ('be a patricide'/'be killer of one of his peers') to the (most likely) reference to the punishment of the criminal act, that is, 'be likewise killed' or 'be killed by means of the punishment of the sack', and the like. Specifically on the more ancient form of the word '*paricidas*', see Giuseppe Romaniello, *Pensiero e linguaggio. Grammatica universale* (Rome: Sovera Edizioni, 2004), 418 f.
5. For a general reference to the current position within the doctrine, for all, see Marco Falcon, "Paricidas esto". Alle origini della persecuzione dell'omicidio', in *Sacertà e repressione criminale in Roma arcaica*, ed. Luigi Garofalo (Naples: Jovene, 2013), 191–274 (bibliography *sub* fn. 5).
  6. In this sense, Festus' testimony is decisive, always *sp.* '*Parrici<di> quaestores*' *cit.*, where he clearly states that '*Nam parricida non utique is, qui parentem occidisset, dicebatur, sed qualemcumque hominem indemnatum*' ('Indeed, the qualification of parricide was not used to refer to everyone guilty of the killing of a father, but of any man who had not been prosecuted yet.'). In this sense, see also the cited excerpt from Plutarch (*Rom.* 22.4), according to whom the term parricide referred to 'any killing of a man' (πάσαν ἀνδροφονίαν πατροκτονίαν προσειπεῖν).
  7. On the nature and elements of such an arrangement, see the convincing arguments of Falcon, 'Paricidas esto'.
  8. On '*homicidium/homicida*', see Theodor Mommsen, *Römisches Strafrecht* (Leipzig: Duncker & Humblot, 1899), 613, and fn. 2., who however underlines that this terminology did not have good fortune in the Roman lexicon. There are clues to the use of a different term '*parenticida*', specifically referred to the killer of a father, already during Plautus' age (*Epidic.* 349–351), linked to the archaic, terrible punishment of the sack (*pera*). About *Epidicus*' text, see Mommsen, *Römisches Strafrecht*, fn. 44. See fn. 45 about the nature of this punishment.
  9. In this sense, see Mommsen, *Römisches Strafrecht*, 613. A copious testament to this law is indeed in Cicero, *pro Sext. Rosc. Amer.* 25.70, *de inv.* 2.50 and in *Rhetorica ad Herennium*, 1.12.23. On the *lex Pompeia* specifically and for all, see Yan Thomas, 'Parricidium. I. Le père, la famille et la cité (La lex Pompeia et le système des poursuites publiques)', *Mélanges de l'École française de Rome. Antiquité* 93, no. 2 (1981): 643–715; Lucia Fanizza, 'Il parricidio nel sistema della «lex Pompeia»', *Labeo* 25 (1979): 266–289; Henryk Kupiszewski, *Quelques remarques sur le 'parricidium' dans le droit romain classique et post-classique*, in *Studi in onore di E. Volterra*, 4 (Milan: Giuffrè, 1971), 601–614 (now in *Id.*, *Scritti minori* [Naples: Jovene, 2000], 225–238).
  10. The penalty was the same one provided by the *lex Cornelia de sicariis*, according to D. 48.9.1, Marcian. 14 *inst.*; on this, see Duncan Cloud, 'Leges de sicariis: The First Chapter of Sulla's lex de sicariis', *Zeitschrift der Savigny-*

*Stiftung für Rechtsgeschichte / Romanistische Abteilung* 126 (2009): 114–155. But see also *supra*, fn. 9 and, *infra*, fn. 45. On the potential ties of kinship taken into account by the law, see, in the title specifically dedicated to the law in the Digest of Justinian, D. 48.9.1–3 (Marcian. 14 *inst.*) and D. 48.9.9 pr.-1 (Modest. 12 *pandect.*); *adde*, as a testament to a trend of extensive interpretation of the law by the Roman jurisprudence, D. 48.2.12.4 (Venul. Saturn. 2 *de iudic. publ.*); *Pauli Sententiae* (5.24.1); Theodosian Code (9.15.1, referred to in C. 9.17.1); *Iustiniani Institutiones* (4.18.6). See Carla Fayer, *La familia romana: aspetti giuridici ed antiquari* (Rome: L’Erma di Bretschneider, 2005), 181.

11. Thomas, ‘Parricidium,’ 656 ff.
12. We should keep in mind that the *paterfamilias*, the only subject *sui iuris* with a legal competency and who took part in legally relevant activities (legal transaction, legal action), took advantage of a wide network of sons, slaves, sometimes freedmen, and clients, who acted in his name and on his behalf for the benefit of his *patrimonium*. For this purpose, he could count on effective *ad hoc* legal instruments provided by the praetor according to the circumstances. See for a more historical focus, see Maurizio Bettini, *Affari di famiglia. La parentela nella letteratura e nella cultura antica* (Bologna: Il Mulino, 2009).
13. With regard to the familial environment, the father was even defined in some Latin literature as *domesticus magistratus* (Sen., *de benef.* 3.11.2) or *iudex domesticus* (in addition Sen., *Controv.* 2.3.18; Cic., *Pis.* 40.97; Liv. 2.41.10). I cannot analyse here in depth the controversial institution of *consilium domesticum* (on which, for all, see Edoardo Volterra, ‘Il preteso tribunale domestico in diritto romano’, *Rivista Italiana per le Scienze Giuridiche* 85 (1948): 103–155, now in *Scritti giuridici*, 2 (Naples: Jovene, 1991), 127–177; Antonio Ruggiero, ‘Nuove riflessioni in tema di tribunale domestico’, in *Sodalitas. Scritti in onore di A. Guarino*, 4 (Naples: Jovene, 1984), 1593–1600; Yan Thomas, ‘Remarques sur la jurisdiction domestique à Rome’, in *Parentés et stratégies familiales*, eds. Jean Andreau and Hinnerk Bruhns (Rome: Ecole Française de Rome, 1990), 449–474; Id., ‘Il padre, la famiglia e la città. Figli e figlie davanti alla giurisdizione domestica a Roma’, in *Pater familias*, ed. Angiolina Arru (Rome: Binklink, 2002), 23–57. However, the fact that the sources refer to it along with the role assigned to the father as the person granted the right of life and death (*ius vitae ac necis*), which was institutionalized and ruled in a legal perspective whose boundaries between private and public were less definite than today, contribute to defining a precise framework for the episodes of familial violence, as we will see later. On the general authority of the *paterfamilias* see Meyer Reinhold, ‘The Generation Gap in Antiquity’, *Proceedings of the American Philosophical Society* 114 (1970): 362 f. (now in Id., *Studies in*

- Classical History and Society* [Oxford: Oxford University Press, 2002], 1–22).
14. For all, see Maria Vittoria Bramante, “‘Patres’, ‘filii’ e ‘filiae’ nelle commedie di Plauto. Note sul diritto nel teatro”, in *Diritto e teatro in Grecia e a Roma*, eds. Eva Cantarella and Lorenzo Gagliardi (Milan: Led, 2007), 95–116.
  15. For a historical evaluation of the *parricidium* especially in this period, see Eva Maria Lassen, ‘The Ultimate Crime. Parricidium and the Concept of Family in the Late Roman Republic and Early Empire’, *Classica et Mediaevalia* 43 (1992): 147–161.
  16. Lucan., *Phars.* 2.150: ‘... nati maduere paterno/sanguine: certatum est, cui cervix caesa parentis/cederet...’.
  17. Cicero, *pro Sext. Rosc. Amer.* 25.70: ‘... cum intellegerent nihil esse tam sanctum, quod non aliquando violaret audacia’, with reference to parricide and to the dissuading function of the terrible related punishment.
  18. Vell. Paterc. *Histor. rom. ad M. Vinicium libri duo* 2.67.1–2: ‘Huius totius temporis fortunam ne deflere quidem quisquam satis digne potuit, adeo nemo exprimere verbis potest. Id tamen notandum est, fuisse in proscriptos uxorem fidem summam, libertorum mediam, servorum aliquam, filiorum nullam, adeo difficilis est hominibus utcumque conceptae spei mora.’
  19. But also, for the father who kills the children (addressed as *parricida*): Liv. 3.50.5 (*parricida liberum*); 8.11.7 (*parricidium filii*) and Ps. Quint., *Decl. maior* 8.1,2,4,6,8,11,14,15,19,21; 10.17; 18.1,2,3,5,8,11,14,15,17. For parricide as the killing of a brother: Liv. 40.24.6 (*parricida fraternus*); Sen., *Contr.* 7.1.1,5,6,7,9,10,15,16,17,22,23; Ps. Quint., *Decl. min.* 286.9, 321.6,11; Calp. Flacc., *Decl.* 21.7.
  20. Cic., *pro Cluent.* 11.31.
  21. Cic., *Phil.* 3.7.18.
  22. Leslie Poles Hartley, *The Go-Between* (London: Hamish Hamilton, 1953).
  23. Yan Thomas (‘Paura dei padri e violenza dei figli: immagini retoriche e norme di diritto’, in *La paura dei padri nella società antica e medievale*, eds. Ezio Pellizer and Nevio Zorzetti [Roma-Bari: Laterza, 1983], 119 ff.) had the merit to analyse the controversies linked to the familial conflicts in the writings of Quintilian, Seneca the Elder, and Calpurnius Flaccus in order to verify how many of these had fathers and sons as main actors. The result emerging from the analysis of these selected authors is really noteworthy: 54 cases out of 90 in Quintilian, 37 out of 50 in Seneca, 21 out of 33 in Calpurnius Flaccus. The majority of these were cases of parricide.

For further statistics involving single authors, see Lewis A. Sussman, *The Declamations of Calpurnius Flaccus* (Leiden, New York, Köln: Brill, 1994), 103; Vera Isabella Langer, *Declamatio Romanorum. Dokument juristischer Argumentationstechnik, Fenster in die Gesellschaft ihrer Zeit und Quelle des*

*Rechts?* (Frankfurt am Main: Lang, 2007), 87 ff.; Mario Lentano, ‘Parricidii sit actio: Killing the Father in Roman Declamation’, in *Law and Ethics in Greek and Roman Declamation*, eds. Eugenio Amato, Francesco Citti, and Bart Huelsenbeck (Berlin, Munich, Boston: de Gruyter, 2015), 139 ff. This last scholar highlights in his very recent work (133–153) that in the rhetorical writings (where parricide is a *tópos*), the majority of the cases of *parricidium* are murders committed by sons against fathers. I will come back later to the distinctive features between patricide and matricide. From now on, in order to avoid misunderstandings, and unless there is no different specification, I will refer in general terms to the specific phenomenon of the killing of parents committed by the children as ‘parenticide’ if there is no need for a distinction concerning the two different roles played by gender.

24. Plutarch (*Rom.* 22.4) meaningfully states that in the first six hundred years of Roman history there were no cases of patricide. The first one was indeed committed by Lucius Ostius in 202 bc. For a backdating of the first episodes based on references made by Plautus, see Eva Cantarella, *I supplizi capitali* (Milan: Rizzoli, 2005), 224 f.: we would however go back just 30/40 years.
25. Lentano, ‘Parricidii sit actio,’ cit., 143.
26. Cic., *ad fam.* 4.6. In *Laelius de amicitia* (8.27), Cicero will remark that ‘the relationship between parents and children could not be severed, except by the most detestable crime (*detestabili scelere*)’.
27. See, for example, the *consolationes* in P. Papin. Stat., *Silvae* 2.1.13–15; 5.5.54–59.

For one of the most well-known examples of a non-genetic paternal relationship, just think about the one between Caesar and Brutus, who was a patricide (according to Caesar’s perplexed expression ‘You too, son’, in Suet., *de vita Caes.* 1.82 and Cass. Dio, *Hist. Rom.* 44.19), not exactly as son, but because of the *de facto* paternal relationship between him and Caesar (and because he killed the *pater patriae* as Cicero remarks, Cic., *de philos.* 2.31; I will come back later to this point).

28. Phaedr., *Fab.* 3.15.: ‘*Non illam quaero, quae, cum libitum est, concipit, dein portat onus ignotum certis mensibus, novissime prolapsam effundit sarcinam; verum illam, quae me nutrit admoto ubere fraudatque natos lacte, ne desit mihi?*’.
29. A very meaningful fragment of Ulpian (2 *inst.*, D. 1.3.41) testifies to the fact that the patrimonial relations are the core and foundation of the fatal function of law: ‘The entire law consists in acquiring or preserving or diminishing: or indeed, it deals with the way someone comes into possession of a thing, or with the way someone maintains a thing or a right, or how he transfers or loses them’ (‘*Totum autem ius consistit aut in acquirendo aut in conservando aut in minuendo: aut enim hoc agitur, quemadmodum quid cuiusque fiat, aut quemadmodum quis rem veli u suum conservet, aut quomodo alienet aut amittat*’).

30. The first consul, along with Collatinus, established after the expulsion of the Etruscan kings from Rome.
31. See Liv. 2.4.5–6, 2.5.5–8. Dion. Hal., *Antiq. Rom.* 8.79 attributes the episode to the two sons of Brutus.
32. Liv. 8.7.
33. Val. Max., *Fact. et dict. memorabil. libri novem* 9.3.4.
34. Gai. 1.55: ‘... fere enim nulli alii sunt homines, qui talem in filios suos habent potestatem, qualem nos habemus’.
35. See previous footnote. About *patria potestas*, see, for all, the most recent publications of Yan Thomas, ‘Paura dei padre,’ cit., *passim*; Id., ‘Vitae necisque potestas. Le père, la cité, la mort’, in *Du châtement dans la cité. Suppliques corporels et peine de mort dans le monde antique: table ronde (Rome 9–11 novembre 1982)* (Rome: Ecole Française de Rome, 1984), 499–548; Walter Kirkpatrick Lacey, ‘Patria potestas’, in *The Family in Ancient Rome: New Perspectives*, ed. Beryl Rawson (London, Sidney: Cornell University Press, 1987), 181; Emiel Eyben, ‘Fathers and sons’, in *Marriage, Divorce and Children in Ancient Rome*, ed. Beryl Rawson (Oxford: Clarendon Press–Canberra: Humanities Research Centre, 1991), 114–143; Antti Arjava, ‘Paternal Power in Late Antiquity’, *The Journal of Roman Studies* 88 (1998): 147–165; Eva Cantarella, ‘Fathers and Sons in Rome’, *The Classical World* 96 (2003): 281–298; Chiara Corbo, ‘Genitori e figli: l’affidamento e le sue origini nell’esperienza giuridica romana’, *Studia et Documenta Historiae et Iuris* 77 (2011): 55–103; Francesca Lamberti, *La famiglia romana e i suoi volti: Pagine scelte su diritto e persone in Roma antica* (Turin: Giappichelli, 2014), 2 ff.
36. A right established by the XII Tables (IV 2a). See also Dion. Hal., *Ant. Rom.* 2.26.4. Cf. William V. Harris, ‘The Roman Father’s Power of Life and Death’, in *Studies in Roman Law in Mem. of A. Arthur Schiller*, eds. Roger S. Bagnall and William V. Harris (Leiden: Brill, 1986), 81–95.
37. Mario Lentano, ‘Il dono e il debito. Verso un’antropologia del beneficio nella cultura romana’, in *Römische Werte als Gegenstand der Altertumswissenschaft*, eds. Andreas Haltenhoff, Andreas Heil, and Fritz-Heiner Mutschler (Berlin, Munich, Boston: de Gruyter, 2005), 125–142 (see especially 138).
38. The *emancipatio* was an institution consisting of a complex and formalistic ritual (a triple fictitious sale of the son to a third fiduciary in order to make him *sui iuris*, that is, an autonomous subject of law) and referring to the XII Tables (IV 2b; Gai. 1.132), which ruled the expiry of the *patria potestas* only in case of a triple sale of the son on the part of the father: this institution is, therefore, a testament to the Roman reluctance to break with the described model. Anyway, as Eyben underlines in ‘Fathers and sons,’ cit., Latin

literature mainly shows us a rich sample of careful and generous fathers who are not prone to abuse of their legal power.

39. Lentano, 'Parricidii sit action,' 146 f.
40. See, for all, Carlo Venturini, 'Leges sumptuariae', *Index* 32 (2004): 355–380.
41. Reinhold, 'The Generation Gap,' cit., 363.
42. Thomas, 'Parricidium,' 690, fn. 163, and 714.
43. See Eva Cantarella, *Dammi mille baci: Veri uomini e vere donne nell'Antica Roma* (Milan: Feltrinelli, 2009).
 

In Plautus' *Epidicus*, 349–351, as referred to earlier, we still read the *hapax* 'parenticida': the characters have a discussion about the subtle play on words concerning the identification of the elements of the crime (see Carlo Lanza, 'Plautus, Epidicus, 349–351', in *Fides Humanitas Ius. Studi in onore di Luigi Labruna*, eds. Cosimo Cascione and Carla Masi Doria [Naples: Editoriale Scientifica, 2007], 2757–2766), and they underline that still at that time there was no 'qualification' of the term in relation to parenticide.
44. This remained almost constantly the typical punishment of *parricidium*, except for occasional exchange with other capital punishments as the *damnatio ad bestias* and the *aquae et igni interdictio*, or the stake in the late classical period. The *culleus* was the archaic capital punishment of being sewn up in a leather sack with three live animals (a dog, a cock or a viper, and a monkey) and then being thrown into the Tiber or into the sea. On the connections between this punishment and the dark and hellish side, on its expiatory function, and on the impossibility of contaminating the community with the blood of such a guilty person, see Thomas, 'Parricidium'.
45. On it, see Francesco Lucrezi, *Senatusconsultum Macedonianum* (Naples: Edizioni Scientifiche Italiane, 1992), 144 and 211; Sara Longo, *Senatusconsultum Macedonianum: interpretazione e applicazione da Vespasiano a Giustiniano* (Turin: Giappichelli, 2012), 11 ff. and 19, fn. 32.
46. Thomas, 'Parricidium,' 689 and fn. 159 for textual references.
47. On this, see again Thomas, 'Parricidium,' 653 and 681 f., with analysis of the variation of terminology in the texts. Concerning the cases of daughter-mother matricide, see Valerius Maximus (8.1): a daughter, who had killed her mother was acquitted of the charge because she had been 'motivated by the pain caused by the killing with poison committed by the grandmother against her children.' On the other side, concerning the son-mother relationship, just consider the well-known case of Nero's matricide committed against Agrippina (Tac., *Ann.* 14.8.5), which Suetonius (*Nero* 34.5) significantly defines as '*parricidio matris*'.
48. Above all Cic., *pro Sext. Rosc. Amer.* 70. See Lucrezi, *Senatusconsultum Macedonianum*, 161 and Lentano, 'Parricidii sit actio,' 144.

49. Lentano, ‘Parricidii sit actio,’ 145 f.; Thomas, ‘Parricidium,’ 706; Lucia Pasetti, ‘Filosofia e retorica di scuola nelle Declamazioni Maggiori pseudo-quintilianee’, in *Retorica ed educazione delle élites nell’antica Roma. Atti della VI Giornata ghisleriana di filologia classica (Pavia, 4–5 aprile 2006)*, eds. Fabio Gasti and Elisa Romano (Pavia: Collegio Ghislieri, 2008), 113–147 (see 139) and Id., ed./trans./comm., [*Quintiliano*]. *Il veleno versato (Declamazioni Maggiori, 17)* (Cassino: Edizioni Università di Cassino, 2011), 91, fn. 3.
50. This figurative use of the term, starting from the middle of the first century AD, is very widespread. See, for example, Cic., *Phil.* 2.7; 2.13; 6.4; 11.27; 11.29; 13.20–21; Id., *Cat.* 1.17, 29, 33; Id., *de off.* 3.21.83; Id., *pro Sull.* 6; Id., *ad fam.* 10.23.5; Tac., *Ann.* 15.73.4; Id., *Hist.* 1.85.5; Sall., *Cat.* 31.8; 52.31.

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# ‘A Timely Warning to Rash and Diobedient Children’: Violence against Parents in Seventeenth and Eighteenth-Century England

*James Sharpe*

## INTRODUCTION: TWO NARRATIVES OF FILIAL DISOBEDIENCE

The title of this paper is derived from that of a pamphlet published in Edinburgh in 1721, but claiming to deal with events in Stepney in Middlesex, at that time on the outskirts of London.<sup>1</sup> At the centre of the pamphlet’s story was John Watts, son of a wealthy gentleman of Stepney named William Watts. John, as was common in morality tales of this type, was a spoilt child. His parents had sent him to be educated at St John’s College, Oxford, and when he returned home they ‘were very tender over him, allowing him money at all times,’ which, the pamphlet writer tells us, ‘proved his utter destruction’. He wasted his money on keeping bad company, to the great grief of his ‘aged parents’, especially to his mother, who pleaded with him to give up his wicked way of life, ‘which would bring him to utter destruction, and that he would be a

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stain to all their family, and bring his father's and her gray hairs, with sorrow to the grave'.<sup>2</sup> John replied that he would repent when he was old, and that he would do as he pleased at present, his retort making his mother 'weep bitterly'. Finally, when on one occasion he came home drunk and demanded money from his father, the old gentleman, tiring of his ways, refused him, saying that he would no longer supply him with money at the current level. John Watts went off in a rage, swearing that 'he would be revenged upon his father and mother, for this denial, to the hazard of both soul and body', and took lodgings 'a distance from his father's house'.<sup>3</sup>

One night when he was in his lodgings pondering on how to restore his fortunes the devil appeared to him. The young man told the devil about his need for money in the face of what he saw as his parents' hardness of heart. The devil replied 'if that was all, he would quickly help his wants shewing to him a great bag of gold, and told him that he should not only have that, but he should have money at all times', the catch being that he would give himself to the devil after twelve years of enjoying his largesse.<sup>4</sup> The bargain was sealed with John Watts' blood, and the young gentleman continued to follow 'his wicked course of life', but the day before the twelve years was up began to worry about the future fate of his body and soul. He confessed his plight to his father, who, the pamphlet tells us, was astonished, but called in four clergymen from the neighbourhood to give spiritual assistance. Their efforts were in vain: they could not get John to pray, and their attempts to lead him through the Lord's Prayer proved fruitless. John resigned himself to his having given himself to Satan, 'who in a few hours will come and carry me into his utter regions of darkness, where there shall be weeping & gnashing of teeth'. 'Oh that I were begin my life again', he continued, 'How would I frequent the churches, and keep holy the Lord's day'.<sup>5</sup> But, as John Watts had realised, such repentance was too late. The ministers stayed with him in his bedroom, but

in the dead of the night there arose a dreadful storm of Thunder, Lightning, rain and hail, and affrighted the people, that the very roof of the house where he was, being split asunder, the devil coming into the room in dreadful shapes, snatched the young man from between them, and dashed his brains against the wall, tearing him limb from limb, scattering them on a dung hill that lay behind the house.

The next morning his remains were gathered up by his parents, and privately buried, 'wishing that they might serve as a warning to all rash and disobedient children'.<sup>6</sup>

Unfortunately, despite the hopes of John Watts' parents, children were to remain rash and disobedient over the eighteenth century. This conclusion is borne out by another pamphlet worth detailed consideration.<sup>7</sup> In this instance the action took place near Exeter, and the fate of the miscreant was attributed to the direct intervention of the Almighty, rather than to God's hangman, the devil. Again the story centred on the son of 'a gentleman of good account', a young man named Mr Robert Davis. Like John Watts, this young gentleman had been spoiled, 'but as with children many times, that parents take the greatest care of and are most indulgent to, prove their greatest grief, so it happened with this young man'.<sup>8</sup> At the age of twenty he fell in love with 'a lady of great fortune', but 'could not obtain her because of the smallness of his estate'. On his knees he begged his father to lend him the money to make his fortunes equal to hers, promising to repay his father and to look after the parents should they fall into want. His father, wise to the ways of the world, expressed his fears that he would 'prove as undutiful as many children have been when they have got what their parents had, and have turn'd them out of doors'. The son replied 'if ever I prove undutiful and disobedient to you or my mother, or if I wrong you of a farthing, or don't return what I have from you, that God may make me a publick example to all mankind, and consume all the substance that I have without and within'. His father, hearing these 'many fair promises', mortgaged all his estate and borrowed extensively to fund his son.<sup>9</sup>

The son enjoyed his new-found wealth, married the object of his desires, and pretty quickly lost all thoughts of his parents. The father went and reminded him of his promises, but the son refused to give him a penny, and 'told him that he should have no money of him, for he had done no more than a father ought to do for a son'. Shortly after the old man was gaoled for debt, and the mother 'went and fell on her knees to her son, and with tears in her eyes begg'd of him to consider his aged father and help him out of prison, or else he would certainly break his heart'. These pleas were to no avail, for the son disowned her, and threw her out of his house. When the mother told the father this 'he broke his heart and died', and the old woman roamed around begging for her sustenance. She returned to her son's gate, famished, to see 'if his hard

heart was turned', but it had not. He told her that 'he would not be troubled by such old beggarly devils as she', and set his dogs on her, although the dogs, 'having more compassion than their master', left her alone. She fell down dead about twenty yards from her son's gate, and a passing gentlemen who discovered her corpse had it consigned to a pauper's grave.<sup>10</sup>

However, divine retribution rapidly followed. Robert Davis's conscience began to trouble him, so that he could not rest night nor day, he was disturbed by 'fearful dreams and apparitions' at night, and 'his substance wasted away like snow in the heat of the sun'. One day he rode out in his coach to divert himself, only to have his horses struck 'by a terrible flash of lightning', which also severely damaged the coach and left him half dead. After that he appears to have suffered a complete breakdown, in particular declaring that in his sleep 'his father and mother appeared to him in a dreadful manner upbraiding him for his cruelty, and threatenng his destruction; so that he waked many times with fearful groans saying the dogs which he set at his mother were tearing him to pieces'. Many came to visit him, including the minister of his parish, calling upon him to repent, but he cried out that it was too late, and he could expect no mercy from God after the way in which he had treated his parents. All he had to look forward to now, he declared, was his soul being taken to 'an eternal prison, where it must be tormented without any pity or compassion'.<sup>11</sup> The pamphlet ended by putting the following words in the young man's mouth:

O therefore let my miserable end be published, as a warning to all children of disobedience, and let such consider that the sin of the breach of the fifth Commandment is so heinous and aggravating in the sight of God. Men may escape punishment in this world, God will not let them escape his righteous judgements in the world to come.<sup>12</sup>

Thus ends another narrative of the fate of a 'child of disobedience', and once again the fate of the disobedient offspring serves as a warning to others against similar behaviour, and once again the narrative unfolds within a framework of Christian morality, of sin and repentance, and of the obedience towards parents urged by the Fifth Commandment.

## NORMATIVE LITERATURE AND PARENT – CHILD FRICTION

This chapter aims to carry out an initial investigation of how the salient themes and salient concerns emerging from a body of normative literature connected with the themes delineated in the early modern accounts of parricide and matricide, above all those provided by contemporary murder pamphlets.<sup>13</sup> The early modern period considered the family to be the major building block of both civil society and the Christian commonwealth. Keeping the family on a controlled and godly path was essential, and failing to do so risked disastrous consequences. As the late seventeenth-century nonconformist divine Richard Baxter put it:

Consider also that an ungoverned, ungodly family is a powerful means to the damnation of all the members of it: it is the common boat or ship that hurrieth soules to hell: that is bound for the devouring gulf: he that is in the devil's coach or boat is like to go with the rest, as the driver or boatman pleaseth.<sup>14</sup>

Within this framework, it is my objective to identify a number of the themes identified as problematic by the writers of normative literature on the family, themes that often lay at the centre of pamphlet narratives of patricide and matricide. Thus the two narratives examined above delineate the desire to access parental wealth on the part of their offspring, filial exasperation with parental admonitions against a prodigal lifestyle, and a mention in the second narrative of the perennially worrying question of offspring's choice of marriage partners. As well as sharing common narrative themes, the fundamental moral objectives of both the murder pamphlet and the didactic tract were essentially similar. The murder pamphlet did not just tell a story. Its overriding aim was to help establish, illustrate and maintain a normative framework. This was even more true of the works I shall be drawing on for this chapter. And the normative frameworks demonstrated by these two *genres* had a great deal in common.

Sources for this project are hardly lacking. In 1710 there was published *the Young Christian's Library: or, a Collection of good and useful Books, proper to be given to young Persons by their Parents*.<sup>15</sup> This catalogued roughly 120 works, varying in complexity from basic catechisms to Thomas à Kempis's *Imitation of Christ* and varying in price from two pence to five shillings. The compiler of this guide, aware that he was

noting a wide range of works, recommended that the more serious tracts should be read by children as they matured and were ready for them, and recommended that for younger children, ‘in the mean time such small tracts be put in their hands, whilst children, as are best suited to their age and capacity’, and helpfully signalled these with an asterisk.<sup>16</sup> My main sources will be normative tracts for adults, and fall into two main categories. The first consists of works written for the guidance of heads of household. The second are commentaries on the Ten Commandments which, of course, routinely offer thoughts on the Fifth Commandment.<sup>17</sup> The chronological range of these works spans the seventeenth and eighteenth centuries, and in fact stretches back to works by William Perkins first published in the late sixteenth. Taking the early seventeenth century as a starting point permits inclusion of two classic works. The first of these is a formidable work on household government, William Gouge’s massive (i.e. 693 pages) *Of Domesticall Duties: Eight Treatises*, published in 1622, and apparently originating from a series of sermons by Gouge, a London clergyman.<sup>18</sup> The second was a work co-authored by two clergymen, John Dod and Richard Cleaver’s ‘Exposition’ of the Ten Commandments, first published in 1604 and going through a number of later editions, its fame earning the man identified as its main author the soubriquet of ‘Decalogue Dod’.<sup>19</sup> To these well-known works I have added a number of tracts, some more familiar than others, from the later seventeenth and eighteenth centuries.

It should be noted that most early modern writers stretched the significance of the Fifth Commandment far beyond the bounds of filial obedience. As Ezekiel Hopkins, author of an influential treatise on the Ten Commandments, put it, ‘All the precepts of the Holy Scriptures, which concern the regulation of our lives and actions, though not explicitly mentioned in the Decalogue, may very aptly be reduced under one of these the commandments’.<sup>20</sup> This extension of the scope of the Fifth Commandment is perhaps demonstrated in its most elaborated form in the second of two sermons on the commandment published together in 1797, at a time when Britain was locked into what was seen increasingly as a life-and-death struggle against Revolutionary France. The author explained that having considered household matters in his first sermon, ‘I now come to treat of teachers and governours; their office, and the honour due to them’. He opined that ‘under our laws and government, every Englishman sleeps in peace and safety in his own house’, and that maintaining that happy situation depended largely on obedience to civil

authority. Thus reverence was due to the king, 'on account of his high dignity, pre-eminence, and authority', and extended 'to every other of your governours, in proportion to their rank and order, whether bodies or individuals, ecclesiastical or civil'. This reverence included, so the sermon informs us, the duty of 'the cheerful payment of taxes, adjudged by king and parliament to be necessary to the defence, government, and prosperity, of your country'. Moreover, every man should beware 'lest, seduced by a discontented spirit, or a lust of reform, he shorten his days, or live a slave to his enemies in his own land, or a wretched exile out of it'.<sup>21</sup> Earlier writers touched on the same theme, albeit perhaps without quite the same degree of urgency. In 1702 Edward Pigott extended to commandment's scope to encompass not only parents and also other 'natural' persons of authority in families, but also all ecclesiastical and civil authorities up to and including the monarch, although parents in particular were honoured by obedience, love, and being cared for in old age.<sup>22</sup>

There was a further scriptural reference which could be elaborated upon in discussion of filial disobedience. This was the story of Absalom, and the uses to which this story was put might repay detailed research.<sup>23</sup> Absalom was a child of King David by his second wife, handsome (his long and luxuriant hair was especially noteworthy), personable, but also ambitious. After his sister Tamar was raped by his half-brother Amnon, Absalom vowed vengeance, which he attained by having Amnon murdered at a feast to which he had invited him. David forgave this killing, but Absalom turned against his father, planning to dethrone him and take over his kingdom. He spent four years building up a following, subverted David's role as dispenser of justice, and attracting to his side one of the king's chief advisers, Achitophel. Eventually he launched a rebellion, but his army was defeated by royal forces, and Absalom was killed by Joab, commander of the royal army, as he hung suspended with his hair caught in the boughs of an oak tree. The Absalom story crops up regularly in early modern discussions of disobedient children, while his revolt against his father was frequently drawn upon in broader discussions of rebellion, providing the potential for juxtaposing filial and political disobedience. Thus this scriptural story provided subject matter for a sermon preached on a Day of Thanksgiving held in 1716 for the defeat of the Jacobite Rebellion of the previous year. George Farrol, the preacher of the sermon, noting that 'it is certain, he made no scruple to debauch his father's concubines, nor did he abhor the proposal made for the murder of the king his father, but was well pleased with it', described Absalom in the following terms:

an ungracious son; a murderer of his brother Amnon; a man ambitious of grandeur; a detractor of the honour of his father's government, by slyly suggesting, either male [i.e. mal]-administration, or a neglect to execute justice and judgement; a state thief, robbing his father of his most valuable treasure, the hearts of his people; a close conspirator, and an open rebel.<sup>24</sup>

Absalom's rebellion was all the more horrifying to early modern commentators given the weight they placed on parental authority and filial obedience. As the great Elizabethan theologian William Perkins put it succinctly, 'Parents are they which have authority over children'.<sup>25</sup> This precept was to prove extremely durable: thus in 1797 the anonymous author of two sermons on the Fifth Commandment could state that 'an awful dread of disobeying or offending' their parents was 'due to them as the persons to whom, under God, he owes his being, and whom God has appointed to be their guides and governours'.<sup>26</sup> This formulation echoed that of most earlier writers. Ezekiel Hopkins, for example, noted that God, having in the first tablet of the Decalogue given commandment ensuring honour to himself, 'his next care was for the honour of our parents, because they are next under him'.<sup>27</sup> The wickedness of children who disobeyed and were not respectful to their parents was a staple theme. Thus Richard Allestree, after stressing the need for obedience among children, could deplore how 'the youth of our age set up for wisdom the quite contrary way, and think that they become wits when they are advanced in despising the counsel, yea, mocking the persons of their parents'.<sup>28</sup> Obedience and reverence was best taught early. 'It is the opinion of some, and I could almost side with them', wrote John MacGowan in 1772, 'that if a child does not learn submission before he is two years of age, it is much if he ever learns it all'.<sup>29</sup>

Curiously, the writers of the works under analysis here had little to say on what a modern observer would identify as an inherently difficult relationship, that between step parents (often referred to in this period mothers or fathers-in-law) and their spouses' children by previous marriages. One of the few commentators to give this matter much coverage was William Gouge. Gouge saw the relationship as a potentially difficult one. He recommended that step parents should love their step children as if they were their own, and suggested that 'to respect the children of an husband or wife as their owne, is a great evidence of intire love of husband and wife'. Conversely, he was aware that the reality of step-parenting often fell far below this ideal:

Contrary is the carriage of most fathers and mothers in law: especially of those who are married to husbands or wives that had children before marriage: so farre as they are from performing the forenamed duty, as rather they envy at the prosperity of their husbands and wives children: and secretly endeavour to hinder it in what they can: and cunningly seeke to alienate their natural parents affection from them: whence fearefull tragedies have beene made, and lamentable miseries have followed.<sup>30</sup>

Gouge also covered the issue of the obedience due from children to their step parents, arguing that 'fathers and mothers in law are to be ranked in the first degree of those who are in the place of natural parents', and adduced powerful scriptural support for this point by noting the reverence Christ paid to Joseph.<sup>31</sup> William Perkins was another writer who commented on this issue in his commentary on the Fifth Commandment in his massively important devotional tract, *A Golden Chaine*, first published in 1591. By the commandment, he noted, 'we are put in mind to performe due honour to our stepmothers & fathers in law, as if they were our proper and natural parents'.<sup>32</sup>

The concomitant of this emphasis on obedience was the widely expressed conviction that obedience was best earned by the head of household taking his responsibilities towards those under him seriously. Richard Allestree felt that 'there are none more frequently the instruments of corrupting children, than their parents'.<sup>33</sup> Richard Baxter, writing at about the same time as Allestree, wrote that 'ungodly parents do serve the devil so effectually in the first impressions on their children's minds, that it is more than the magistrates and ministers can afterwards do, to recover them from that sin to God'.<sup>34</sup> Writing in 1614, Robert Cleaver asked:

Is it any marvell, if householders many times finde small obedience, and lesse dutyfulnesse, and faithfulnesse, at the hands of their children and servants, seeing they omit and leave undone the performance of those so Christian duties towards them here expressed and enjoyned of the Lord?<sup>35</sup>

We return to the point that obedience to parents was essentially similar to that owed by God. As we have seen, Ezekiel Hopkins, pointed out, as did many other authors, that the Fifth Commandment was the first of the second book of tables, commented that after four commandments relating to himself, God's 'next care was the honour of our parents, because they are next under him'.<sup>36</sup> But the parents had themselves to be godly, and lead their

households in general and their children in particular through good example.<sup>37</sup> By the second half of the eighteenth century, at least some writers were envisaging another objective for the head of household to aim at. Thus in 1762 Edward Pickard could declare that ‘Every head of family, every parent especially, is under the most sacred endearing obligation, to promote the happiness of those committed to his care’, although this objective which could still, in Pickard’s view, be best achieved by leading the household into ways of piety and virtue.<sup>38</sup> But despite the emphasis placed on the need for godliness in, and the setting of godly examples by, parents, negligent or brutal parents still had to be obeyed and as far as possible respected: ‘Duty’, commented Richard Allestree, ‘is to be paid to even the worst of parents’.<sup>39</sup>

The limits of obedience were reached, however, when the parent instructed the child to perform an ungodly act.<sup>40</sup> ‘Children have always to remember’, wrote Robert Cleaver, ‘that they may not in anie case obey theyr parents, when the shall command them to doe or say anie thing, that is contrary to the word of God, and yet they are to be thought well of’.<sup>41</sup> Ezekiel Hopkins, writing towards the end of the seventeenth century, recommended that a child ordered by a parent to go against the will of God should respond with passive obedience, although what this might entail was not elaborated upon.<sup>42</sup> A sermon of 1797 declared that ‘if a parent should be so wicked as to advise any thing sinful, he should not be obeyed or followed: no parent or friend, no command or advice, can justify an evil action’.<sup>43</sup> Richard Allestree held not only that the child should disobey ungodly commands, ‘nay he must disobey or else he offends against his duty, even that he owes to God his heavenly father’, although he urged that they should refuse to obey ‘in a modest and respectful manner, that it may appear tis conscience only, and not stubbornness’.<sup>44</sup> An earlier work extended the same line of argument to the obedience of servants, commenting that ‘if the master command to lye, or swear, or break the Sabbath, that is not to be done; but in such case it is better to obey God than man’.<sup>45</sup> Likewise Dod and Cleaver were insistent that parental orders should be obeyed so long as they were ‘lawfull’.<sup>46</sup> The issue was summed up by William Perkins: ‘Furthermore, we must yield obedience to our superiors; yea, although they be cruell and wicked, but not in wickedness’.<sup>47</sup>

Curiously, concerns over inheritance, or a desire on the part of children to gain control of their parents money or possessions, a fairly frequent theme in pamphlets describing the murder of parents, received little

attention in the works under consideration. William Gouge was one of the few writers to confront this issue head on, noting that some children were 'so ungracious and ungratefull', that as their parents grow old, 'they seeke to defeat their parents of all they have, and bring their parents under them, to be ordered by them: labouring to get possession of all before their parents are dead'.<sup>48</sup> On a related tack, Richard Allestree noted that filial obedience might not be genuine, but was 'only wordly prudence' by children who were anxious not to lose all or part of their inheritance as the outcome of acts or attitudes perceived as rebellious, and Allestree also, as we shall see, believed that many children wished their parents dead because they wanted their property.<sup>49</sup> This seemed to run against the often repeated injunction that children had a duty of care towards their aged parents. Dod and Cleaver identified a possible area of inter-generation friction, and cause of lack of respect, when they commented that:

Those wicked and miserable children, who take occasion to be undutiful, because their parents be poore and lowe, in disgrace, and small account among men. But be they so then the child ought so much to the more honour them, or else he addes affliction to the afflicted. The more they be discomforted by others, the more need have they to be comforted by their owne.<sup>50</sup>

Likewise Richard Allestree decried the way in which some children 'out of pride, scorn to own their parents in their poverty . . . it often happens, that when the child is advanced to dignitie or wealth, they think it a disparagement to them to look on their parents, that remain in low condition'.<sup>51</sup> Earlier in the seventeenth century William Gouge had commented on 'that light, or (which is more abominable) that base and vile esteem of parents, which is at the heart of many children', and which was more frequently encountered if the parents were 'poore, of low degree, unlearned, ignorant, or subiect to other infirmities'.<sup>52</sup> Indeed, the insistence among moralists that children were duty-bound to look after their parents in their old age may have been pointing to another source of resentment.<sup>53</sup>

The pamphlets narrating cases of parricide or matricide frequently see disputes over marriage partners as a source of friction between parents and children. The message from the writers of normative tracts was mixed. It was widely accepted among such writers that parents had a large, if not an absolute, say in whom their children married. 'Of all

the acts of disobedience', wrote Richard Allestree, 'that of marrying against the consent of the parents, is one of the highest'.<sup>54</sup> Despite this, however, there was a rejection of forced marriage which was already voiced by the earliest text we are drawing on in this paper, that of William Perkins, and which was reiterated to the late eighteenth century.<sup>55</sup> Ezekiel Hopkins, for example, thought that although parents should have a strong influence in directing their offspring towards wedlock, yet 'children have a negative vote, and ought not to be forced against their will and consent'.<sup>56</sup> Even Richard Allestree, quoted above on the need for children to obey their parents in matters of marriage, decried parents who in the course of their children's marital arrangement, 'force them to marry utterly against their own inclinations, which is a great tyranny, and that which frequently betrays them to a multitude of mischiefs, such as all the wealth of the world cannot repair'.<sup>57</sup> How far the stress on parental control of their children's marriage options diluted over the eighteenth century awaits further research: as an indication of earlier attitudes, it is interesting to note that William Perkins felt moved to discuss whether parental consent was needed for their offspring's second marriages, concluding that it was 'not absolutely necessarie, yet it is to be thought fit and convenient'.<sup>58</sup>

This last thought from William Perkins raises the question of at what point in an offspring's life cycle does parental authority come to an end? By the late eighteenth century there seems to have been a clearer awareness of the reality an offspring's progress towards maturity, and hence towards the ability to govern him or herself.<sup>59</sup> Thus a sermon writer towards the end of the century could advise that:

The authority of the parent over the child is universal and absolute during the state of infancy and youth: it ought to have considerable weight when he is at years of discretion, especially if he continue under their roof: and after he is settled in the world, the opinion and advice of his parents should be heard with great attention: and have a proper influence, according to situation and circumstance, upon his conduct.<sup>60</sup>

Earlier writers saw a more proactive role for parents in directing their adult offspring's lives. Richard Allestree deplored that way in which 'children, when they are once grown up, they think themselves free from all obedience' to their parents'.<sup>61</sup> Ezekiel Hopkins declared that 'After children are grown up, the parent is still to watch over them in respect of their souls, to

observe how they practise the precepts which were given them, and accordingly to exhort, encourage or reprove as they find occasion'.<sup>62</sup> 'Perhaps you will say', wrote Richard Baxter, 'that though little children must be ruled by their parents, yet you are grown up to riper age, and are wise enough to rule yourselves'. This point of view, argued Baxter, was erroneous: 'I answer, that God doth not think so; or else why would he have set governors over you. Are you wiser than he?'.<sup>63</sup>

Another source of concern was the problem of the physical correction of children. All writers agreed that this would on occasion be necessary and was justified, but they were equally alert to the consequences of disproportionate correction or correction carried out in rage. This, again, is very relevant to the deterioration of relations which could preface filial violence against a parent. Robert Cleaver noted that, when a child or servant was corrected harshly and disproportionately, 'his heart is hardened against the man which correcteth him, and the faulte for which he is corrected, and after he becometh desperate like a horse, which turneth upon the striker'.<sup>64</sup> For William Gouge immoderate correction could cause children to hate their parents, so that 'they will mutter and mumure, fret and fume, rage and rave against their parents, and despise and hate them for it'.<sup>65</sup> A century and a half later John MacGowan was to make much the same point, noting that 'The tyrant may gain fear from his dependants, but unhappily their hatred of him rises in equal proportion to the fear... for a parent to render himself the object of his children's hatred, is something extremely shocking'.<sup>66</sup> It was, perhaps, Richard Allestree who focussed his attention most sharply on rebelliousness among children. He wrote of 'those children, that instead of calling to heaven for the blessing of their parents, ransack Hell for curses on them, and pour out the blackest execrations against them'. Chillingly, Allestree felt compelled to ask 'how many children are there, that either through impatience of the government, or greediness of the possessions of their parents, have wished their deaths'.<sup>67</sup> Earlier in the seventeenth century William Gouge had opined that generally parents loved their children more than their children loved them.<sup>68</sup>

### TOWARDS 1800: BALANCING CHANGE AND CONTINUITY

As we have seen with attitudes to parental control of marriage, by the late eighteenth century the tract writers might have been moving towards more flexible attitudes on parental-child relationships. Even when old

lines of argument were being rehearsed they were being expressed in rather more measured tones. Thus towards the end of the eighteenth century a tract, apparently part of a ‘Cheap Repository’ for ‘Sunday Reading’ was published, selling for a halfpenny, telling again the story of Absalom, and framing it as a warning to undutiful children.<sup>69</sup> The tone was set by a passage in which King David’s grief at his son’s rebelliousness was imagined:

Gracious Heavens! A parent to be reduced to such extremity by his own child! Does not every heart bleed for him? What must have been his sufferings! Nothing but that firm confidence which we find him ever place in his Maker could have supported him under a stroke, which must have been, surely, more severe than all his former misfortunes.<sup>70</sup>

How far attitudes to youthful obedience, parental discipline, and child-rearing more generally were changing leads us to the difficult and as yet unresolved issue of how far family relations had changed by the late eighteenth century. This issue has recently been addressed in an excellent book by Joanne Bailey, which identifies a new set of attitudes, embedded as they were in the broader cultural changes of the period, developing towards parenting and child rearing in the decades around 1800. She writes that in those decades the world of parenting

was very much of its time. Prevailing social, economic, political, and cultural conditions influenced ideals of Georgian parenthood and parental behaviour. Sensibility and its constellation of ideas, like tenderness, sympathy, and benevolence, encouraged more emotionally expressive styles of parenting. Populationist concerns and child health-care guides brought attention to the need for both mothers and fathers to be more hands-on in the physical care of their offspring. Reconfigurations in the basis of political authority, which deployed models of parenthood as metaphors, brought to the forefront ideals of companionate, negotiated parent-child relationships and problematized corporal punishment.<sup>71</sup>

On this reading, we are moving a fair distance from the moral universe of parenting set out by Dod and Cleaver, William Perkins, Richard Baxter and their contemporaries.

One tract on youthful obedience does confirm that by 1800 we are confronting, at least in middle class families, a new and rather different view of parenting.<sup>72</sup> This concerns a six-year-old boy called Francis, son to

'a kind and good father', who is in fact depicted over most of the tract implanting morality into his son by drawing pictures for him and then discussing them with him. The opening pages of the pamphlet, however, concern the boy's not yet being able to read. His 'mama' told him one day that 'If Francis will learn to read well, he shall have a pretty little chaise', in fact a toy carriage drawn by a dog named Chloe.<sup>73</sup> Despite promising not to do so, Francis whipped the dog too harshly as it pulled the chaise, with disastrous consequences. When his father arrived on the scene he confessed his disobedience, and the pamphlet tells us that 'Francis should not have forgotten his promise so soon; but as he did not offer to hide his faults, his father soon forgave him, seeing how sorry he was for what he had done'.<sup>74</sup> As we have noted, not only did his father forgive him, but he then commenced some very hands-on parenting with his son. Sensibilities had clearly shifted. At the very least, by the end of the eighteenth century ideas of divinely ordained obedience on the part of children could be complemented by the idea that 'the natural affection of every parent to his child demands a return of natural affection'.<sup>75</sup>

But the old ideas of godly parenting fought a stubborn rear-guard action. Let us end by considering one of the most enduringly popular plays of the eighteenth century, George Lillo's *The London Merchant: or, the History of George Barnwell*.<sup>76</sup> Lillo (1693?–1739) was a London goldsmith–jeweller of Anglo–Dutch parentage who was also a successful and well-regarded playwright, one of those recurring figures in the history of the arts who enjoyed fame in their own day but who are now virtually forgotten outside of academic circles. *The London Merchant*, a reworking of a ballad probably dating from the mid seventeenth century, tells the story of the downfall of George Barnwell, a young and virtuous man apprenticed to a London merchant, Mr Thorowgood.<sup>77</sup> Barnwell was regularly entrusted with the care of large sums of money by his master, and this came to the attention of a high-class prostitute named Millwood. Millwood used her favours to entice Barnwell away from his honest ways, and soon had him embezzling money from his master. When this was discovered, and he had to discontinue the practice, she encouraged him to rob and kill his rich uncle, Barnwell, in the play if not the ballad, being an orphan. His passion for Millwood overcame his scruples over killing this relative who had always been his benefactor, but as soon as he had murdered his uncle remorse set in, and he returned to Millwood without having robbed him. Millwood, enraged, cast him out, and sought to distance herself from the crime. Both she and Barnwell,

however, were apprehended, tried, and executed, with Barnwell making an exemplary gallows speech after being worked on by a ‘reverend divine’. Those familiar with English murder pamphlets of the period will immediately recognise the moral framework within which this play is located, and its didactic intent, and this moral framework, perhaps at one remove, definitely connects with that of the godly writers on the obedience owed by children and servants to those set above them. The play was staged regularly well into the nineteenth century, and was regarded as an entertainment providing suitable moral instruction for its audiences, especially apprentices among them. No less a figure than that great arbiter of eighteenth-century taste, Lady Mary Wortley Montagu, opined that, ‘whoever did not cry at George Barnwell must deserve to be hanged’.<sup>78</sup>

Our interest in this apparently moving drama is that key episode in Barnwell’s downfall, the murder of his uncle, in effect his father figure. Lucy, Millwood’s servant, gets wind of the plot, and discusses it with the villainess’s other servant, a man named Blunt. Lucy refers to a ‘horrid sacrifice’, and predicted that Barnwell’s ‘near relation and unsuspected virtue must give an easy means to seize the good man’s treasure, whose blood must seal the dreadful secret and prevent the terrors of her [i.e. Millwood’s] guilty fears’. Blunt responds by asking ‘Is it possible to persuade him to do an act like that?’<sup>79</sup> The horror that Millwood’s servants feel about the proposed murder is echoed by Barnwell in the immediate aftermath of his killing his uncle:

Murder the worst of crimes, and this the worst of parricides. Cain, who stands on record from the birth of time and must to its final period as accursed, slew a brother favoured above him. Detested Nero, by another’s hand, dispatched a mother that he feared and hated. But I, with my own hand, have murdered a brother, mother, father and a friend most loving and beloved. This execrable act of mine’s without a parallel. Oh may it stand alone – the last of murders, as it is the worst.<sup>80</sup>

George Barnwell’s killing of his uncle, and its centrality in a play which became a vehicle for the moral edification of youth, is a powerful example of how a fictional breach of the Fifth Commandment could stand at the centre of an account of temptation and the consequences of succumbing to it, and ultimately of hopes for redemption and the re-imposition of the Christian moral order. And the maintenance of that Christian moral order was of fundamental importance to the authors of the normative tracts we

have considered here. Future research will need to investigate how this Christian moral order interacted with those new attitudes to parenting delineated by Bailey and other writers.

## NOTES

1. Anon., *Timely Warning to Rash and Disobedient Children. Being a Strange and Wonderful Relation of a Young Gentleman in Stepney, in the Suburbs of London* (Edinburgh, 1721); the pamphlet was republished more or less verbatim, but with the setting transposed to Bridgewater in Somerset, in 1780.
2. *Ibid.*, 3–4.
3. *Ibid.*, 4.
4. *Ibid.*, 5.
5. *Ibid.*, 7.
6. *Ibid.*, 8.
7. Anon., *God's Dreadful Judgement On Cruel, Wicked and Disobedient Children to their Parents* (Wolverhampton, c.1790).
8. *Ibid.*, 2.
9. *Ibid.*, 3.
10. *Ibid.*, 4–5.
11. *Ibid.*, 7.
12. *Ibid.*, 8.
13. For an introduction to the subject, see Garthine Walker, 'Imagining the Unimaginable: Parricide in Early Modern England and Wales, c.1600–c.1760', *Journal of Family History* 41, no. 3 (2016): 1–23.
14. Richard Baxter, *A Christian Directory or a Summary of Theologie and Cases of Conscience* (London, 1678), Tome 2, 'Christian Oeconomics or the Family Directory', 98.
15. Anon., *The Young Christian's Library: Or, a Collection of Good and Useful Books, Proper to be given to Young Persons by their Parents* (London, 1710).
16. *Ibid.*, 'The Preface,' iv.
17. It should be remembered that the Decalogue seems to have acquired a novel importance in the immediate pre-Reformation period, an importance which was then enhanced by the Reformation and the Counter Reformation: John Bossy, 'Moral Arithmetic: Seven Sins into Ten Commandments', in *Conscience and Casuistry in Early Modern Europe*, ed. Edmund Leites (Cambridge and Paris: Cambridge University Press, 1988), 214–234.
18. William Gouge, *Of Domesticall Duties: Eight Treatises* (London, 1622); Gouge's work has recently been the subject of a commentary by Frances E. Dolan, *True Relations: Reading, Literature, and Evidence in Seventeenth-Century England* (Philadelphia: University of Pennsylvania Press, 2013),

Chapter 5, 'The Rule of Relation: Domestic Advice Literature and its Readers'.

19. John Dod and Richard Cleaver, *A Plaine and Familiar Exposition of the Ten Commandments* (London, 1604); for the changing and augmenting significance of the Decalogue at the time this work was published, see Jonathan Willis, 'Repurposing the Decalogue in Reformation England', in *The Decalogue and its Cultural Influence*, ed. Dominik Markl (Sheffield: Sheffield Phoenix Press, 2013), 190–204.
20. John Wesley, *A Short Exposition on the Ten Commandments Extracted from Bishop Hopkins* (London, 1799), 7.
21. *Two Sermons of the Fifth Commandment* (Hereford, 1797), 19, 27, 32.
22. Edward Pigott, *Several Discourses on the Lord's Prayer, the Creed and the Ten Commandments* (London, 1702), 247–248; for the historian of early modern England, the most noteworthy example of the extension of paternal into political authority is Sir Robert Filmer, *Patriarcha: or, the Natural Power of Kings* (London, 1680).
23. The most familiar example of the recycling of this story is John Dryden's *Absalom and Achitophel*, published in 1681 and a satire on the Exclusion Crisis and related matters of the late 1670s, casting the Duke of Monmouth as Absalom and Charles II as a rather unlikely King David.
24. George Farrol, *The Late Rebellion Against King George, Worse than Absalom's Against King David: A Sermon Preached at Lymington in Hampshire, on the Day of Publick Thanksgiving, June the 7th 1716* (London, 1716), 20, 19; for two sermons fitting the story of Absalom to the conditions of the Civil War, see: Barten Holyday, 'Absalom's Ambition: a Sermon preached before the Prince his highness at Christ – Church in Oxford, November 10, 1644', in Barten Holyday, *Against Disloyalty: Fower Sermons Preach'd in the Time of the Late Troubles* (Oxford, 1661); and Anon., *Absalom's Rebellion: as it is Recorded in the 2 Sam. Chap 15, 16, 17, 18 & 19: Too [sic] Fit a Patterne for the Present Time, Whereunto We Are Fallen* (Oxford, 1645); the title of this last pamphlet leads the reader to those chapters of the Bible where the story of Absalom is recounted.
25. William Perkins, *Oeconomie: or, a Short Survey of the Right Manner of Erecting and Ordering a Familie* (1609), 134.
26. *Two Sermons on the Fifth Commandment*, 5.
27. Wesley, *Short Exposition . . . Extracted from Bishop Hopkins*, 33.
28. Richard Allestree, *The Whole Duty of Man. Laid Down in a Plain and Familiar Way for the Use of all, But Especially the Meanest Reader* (London, 1703 edition), 276.
29. John MacGowan, *Joshua's Pious Resolution; or the Duties of Family Religion and Household Government Enforced* (London, 1772), 21.
30. Gouge, *Of Domesticall Duties*, 581.

31. *Ibid.*, 488.
32. William Perkins, 'A Golden Chaine', in *The Workes of that Famous and Worthy Minister of Christ in the Universitie of Cambridge Mr William Perkins*, 2 vols, (London, 1616), vol. I, 49.
33. Allestree, *Whole Duty of Man*, 291.
34. Baxter, *Christian Directory*, Tome 2, 57.
35. Robert Cleaver, *A Godly Forme of Household Government: For the Ordering of Private Families, According to the Direction of God's Word* (London, 1614), sig. A4v.
36. Wesley, *Short Exposition... Extracted from Bishop Hopkins*, 33.
37. A point made by many contemporary commentators, e.g. Baxter, *Christian Directory*, Tome 2, 57.
38. Edward Pickard, *The Religious Government of a Family: Particularly the Obligation and Importance of Family Worship: in Three Discourses* (1762), 19.
39. Allestree, *Whole Duty of Man*, 282.
40. There are, of course, clear connections here between one of the great issues in seventeenth-century political thought, what action should the subject take if his or her monarch instructed him or her to perform ungodly acts: for a brief discussion of this point, see Glenn Burgess, *British Political Thought, 1500–1660: The Politics of the Post-Reformation* (Basingstoke: Palgrave Macmillan, 2009), 121–128.
41. Cleaver, *Godly Forme of Household Government*, sig. Y5v.
42. Wesley, *A Short Exposition... Extracted from Bishop Hopkins*, 37.
43. *Two Sermons on the Fifth Commandment*, 5–6.
44. Allestree, *Whole Duty of Man*, 279.
45. Dod and Cleaver, *Plaine and Familiar Exposition of the Ten Commandments*, 205.
46. *Ibid.*, 189–190.
47. Perkins, 'A Golden Chaine', 51.
48. Gouge, *Domesticall Duties*, 455. Gouge did at this point touch on another theme that crops up in the murder pamphlets, noting that some sons 'riotously spend their portion, like the prodigal child, and runne into debt, and so make their parents either to pay for it, or to leave them to the law'.
49. Allestree, *Whole Duty of Man*, 279.
50. Dod and Cleaver, *Plaine and Familiar Exposition of the Ten Commandments*, 184.
51. Allestree, *Whole Duty of Man*, 281.
52. Gouge, *Domesticall Duties*, 431.
53. E.g. *ibid.*, 473–475.
54. Allestree, *Whole Duty of Man*, 279.
55. Perkins, *Oeconimie*, 145.

56. Wesley, *Short Exposition . . . Extracted from Bishop Hopkins*, 37.
57. Allestree, *Whole Duty of Man*, 292–293.
58. Perkins, *Oeconomie*, 151.
59. Some aspects of this problem are discussed in Elizabeth Foyster, ‘Parenting was for Life, not Just for Childhood: The Role of Parents in the Married Lives of their Children in Early Modern England,’ *History* 86 (2001): 313–327.
60. *Two Sermons on the Fifth Commandment*.
61. Allestree, *Whole Duty of Man*, 279.
62. Wesley, *Short Exposition . . . Extracted from Bishop Hopkins*, 40.
63. Baxter, *Christian Directory*, Tome 2, 38; conversely, Baxter went on to suggest that children reaching maturity did escape direct government by their parents but that they still owed them obedience.
64. Cleaver, *Godly Forme of Household Government*, sig. Aa3v.
65. Gouge, *Domesticall Duties*, 463.
66. MacGowan, *Joshua’s Pious Resolution*, 24.
67. Allestree, *Whole Duty of Man*, 278.
68. Gouge, *Domesticall Duties*, 429.
69. Anon., *The Judgement Awaiting Undutiful Children Illustrated in the History of Absalom* (London, 1790).
70. *Ibid.*, 10.
71. Joanne Bailey, *Parenting in England, 1760–1830: Emotion, Identity and Generation* (Oxford: Oxford University Press, 2012), 245.
72. Anon., *The Prize for Youthful Obedience* (London, 1800).
73. *Ibid.*, sig. A2–A2v.
74. *Ibid.*, sig. A3v.
75. *Two Sermons on the Fifth Commandment*, 4.
76. I have made use of the text, and the commentary on the play, in *The Dramatic Works of George Lillo*, ed. James L. Steffensen (Oxford: Oxford University Press, 1993), supplemented by George Lillo, *The London Merchant*, ed. William H. McBurney (Lincoln, London: University of Nebraska Press, 1965); for some earlier comments by me on the play, with a different focus from that offered here, see James Sharpe, ‘Social Control in Early Modern England: The Need for a Broad Perspective’, in *Social Control in Europe 1500–1800*, eds. Herman Roodenburg and Pieter Spierenburg (Columbus, Ohio: The Ohio State University Press, 2004), 37–54.
77. George Lillo, *The London Merchant-or the History of George Barnwell* (11th edn., London, 1759).
78. Quoted in Lillo, *The London Merchant*, ed. William H. McBurney, 128.
79. Lillo, *The London Merchant*, 41.
80. *Ibid.*, 46.

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# Degeneracy and Abuse: Attitudes to Violence Against Parents in Nineteenth-Century Russia

*Marianna Muravyeva*

*It is often the case that husbands kill their wives' lovers, sons... their fathers, frequently conspiring with their mothers and friends after they had caught them in flagrante with another woman; a brother-in-law kills his sister's husband upon her request and together they dispose of the body... One sister stabs another for reporting her lewd behaviour to their mother; she confesses that originally she wanted to hack her to pieces but then planned to use a pestle to beat her [to death]... The body of a dead infant is floating in the nearby lake...*

Sergey Maksimov, *Sibir' i katorga* (1871)

*The most frequent victims of criminal accidents are the people closest to a morbid criminal, those he loves most of all...*

Valerian Volzhin, *Zakon i zhizn'* (1891)

This gloomy picture of the degeneration and decay in moral principles of the working class in the remote mines of industrial Perm serves as a typical representation of the depressing social state of the Russian population in

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the mid-nineteenth century. Writers, social commentators and the press were no better toward the peasants endlessly exposing tales of bloody fights and murders in their numerous pamphlets, newspapers and journals. Stories of fathers killing their sons and vice versa in drunken brawls often made newspaper headlines, typically under titles such as ‘The Power of Darkness’. The press blamed these incidents on the ‘ignorance and moral underdevelopment’ of the Russian population.<sup>1</sup> Excessive drinking was understood to be the most frequent cause for this widespread violence, especially within the family; other causes—such as poverty and degradation as a result of the breakdown of the ‘traditional’ peasant community after the 1861 emancipation of the peasants, industrialization and mass migration—were seen as crucial explanations for what the upper classes and the intelligentsia perceived as a high level of violence.<sup>2</sup> Wife beating remained the most important sign of the degradation and ignorance of the lower classes, but parent abuse and parricide emerged as a new low indicating ‘cultural impoverishment’.<sup>3</sup>

The post-emancipation commentators contrasted the disarray of the peasant community with the idyllic, often mythical days when peasants respected their elders, refrained from drink and worked hard on the landowner’s land to create the empire’s wealth. Such rhetoric is rather typical of the reform era, especially when the reforms brought deep and visible changes: one can find the same discourses during Ivan IV’s reforms (1555–1575), Peter I’s reforms (1695–1725), Catherine II’s reforms (1762–1787), the 1917 revolutions and Bolshevik reforms, the upheaval of the 1990s and even in the current discourses of the third term of Vladimir Putin’s presidency.<sup>4</sup> While violence against children and wives often received much attention but was explained by social and economic factors (poverty, lack of education, the low status of women and their dependence on the patriarchal family, and so on), parent abuse called for explanations related to the human psyche, morality and pathology because it violated the natural order of things—or what was understood as the natural order. Courts prior to the nineteenth century dealt with it by discounting parricide as an ‘unfortunate crime’ that happened by accident, either as a result of reckless escalation through mishandling firearms or engaging in drunken fights.<sup>5</sup> The nineteenth century redefined the ‘unfortunate’ by pathologizing the perpetrators, looking into their state of mind and declaring alcohol as the most frequent cause of mental disorders, thus allowing temporary insanity pleas for parent murderers. In this chapter, I would like to highlight why these changes took place and why the authorities preferred to

ignore the trivial nature of ‘normal’ parricide and, instead, to demonize it and see it as the result of pathological behaviour.

### NEW SENSITIVITY TO VIOLENCE: FAMILY CONFLICT RE-CRIMINALIZED

The nineteenth century was as dramatic for Russia as it was for the rest of Europe and indeed the world. In terms of studying the nineteenth century through law and statistics, the period presents a number of difficulties that scholars often try to tackle by using a different chronology to avoid the period’s complexity. Generally, the period is divided into pre- and post-emancipation (i.e. the Great Reforms of the 1860s) eras and studies mostly focus on either the first half or the second half—with some notable exceptions. While these divisions seem to have little effect on the prosecution of homicide, they do affect the interpretation of homicidal behaviour, the social and political expectations of the public and the state, the rhetoric surrounding certain types of killings, and—as a result—the criminal and wider social policies of the authorities. At the same time, the nineteenth century continued to re-conceptualize attitudes to interpersonal violence, following the state’s gradual intervention into the privacy of the family in the process of monopolizing violence. These changes found their reflection in the detailed systematization and classification of prohibited types of interpersonal violence, such as homicide and abuse of all kinds.<sup>6</sup>

The types and forms of homicide underwent certain reinterpretations, especially between 1832, the date of the publication of the Law Code of the Russian Empire (*Svod Zakonov Rossiiskoi Imperii*), and 1845, the date of the publication of the Penal Code (*Ulozhenie o nakazaniakh ugovornykh i ispravitel’nykh*). The 1832 code systematized homicides: it distinguished between regular and specific homicides as well as between premeditated and unpremeditated killings. Specific homicides included the killing of relatives (parents, children, illegitimate newborns, brothers and sisters, spouses, other relatives) with a hierarchical predominance of blood kinship over consanguinity ties and intentional abortion (*umervshchlenie i izgnanie ploda*). Premeditated homicides included two degrees of premeditation: planned and uncalculated; unpremeditated homicide included accidental killings (*nechayannoe*) and killings in the heat of the moment (*v zapal’chivosti*). Both classifications overlapped in the sense that specific homicides were punished according to the degree of premeditation but with a higher-scale punishment.<sup>7</sup>

The family became a battleground for conflicting attitudes to the permissibility of discipline and a reconfiguration of the borderline between discipline and abuse. The nineteenth-century codes paid much attention to procreation and crimes within and against the family by including extensive sections devoted specifically to familial conflicts. Commentators and lawyers generally agreed that parricide did not warrant mitigation—in line with the tradition of previous centuries—while infanticide did provoke pity and remorse towards ‘these mothers’. Moreover, it was recognized that even if the killing of a parent happened accidentally, in the heat of the moment, it was still treated as premeditated and punished by penal labour (*katorga*) for life without any possibility of parole ‘to provoke horror at this important crime . . . contrary to very nature’.<sup>8</sup> The authorities and legal commentators focused on the parent–child relationship, which was seen as the foundation of social and political order. Children were brought up in unquestioning obedience to their parents. This made them good citizens, loyal and obedient both to their superiors and to the authorities.<sup>9</sup>

The government concentrated on designing the best policies to provide conflict resolution for the numerous family disputes between parents and children. These disputes over property, personal relationships, excessive violence and communal reputation were seen as the original causes for escalation to homicide; therefore, the authorities worked on coming up with preventive measures to deal with them. While there existed a long tradition of wives and husbands going to court to resolve their conflicts,<sup>10</sup> children were absolutely prohibited from complaining about their parents or bringing any charges against them on pain of death. At the same time, parents could use the court to prosecute disobedient offspring.<sup>11</sup> The state always took the parents’ side in these conflicts.<sup>12</sup> Such policies started to change during the reign of Catherine II. The *Police Regulations* of 1782 prescribed the following duties to family members:

X. Parents are masters of their children and their natural love towards them defines their duty to provide food, clothes, and good and honest education appropriate to their social status for their children.

XI. Children have an obligation to pay their parents wholehearted respect, obedience, humility and love . . . and suffer parental correction and admonition patiently . . .<sup>13</sup>

These rules implied that parents were allowed to use violence as a tool of discipline, which often resulted in the homicide of either the child or the parent. Catherine's enlightened policies, however, were intended to provide some alternative means of conflict resolution and to give children and parents an official space in which to deal with their disputes. The *Sovestnyi sud* (Equity Court) became such a space. It operated between 1775 and 1866, and presided over cases of petty crime in addition to property conflicts and other civil matters. In 1802, family conflicts between parents and children were transferred to this court because here 'justice united with benevolence' was required by those who committed crimes either with a 'disturbed mind' or in a state of 'corrupted morality'.<sup>14</sup> However, it proved to be a tool for parents to protect themselves against abuse. The government also introduced a number of acts to protect parents against children, while reciprocal legislation was not so forthcoming.<sup>15</sup>

The majority of these statutes emerged as remedies against specific cases, thus continuing the eighteenth-century tradition of amending legislation to deal with social anxieties. The statutes issued by the authorities in the first half of the nineteenth century focused on finding an appropriate punishment for the abusers of parents. The language of these statutes reveals a great deal about the authorities' approach to power and power hierarchies, and the motivation behind the attacks against them. All the statutes insist that an assault on parents represents an act 'against nature', as parental power over children is a natural type of power. In the 1802 decision by the Senate, parental (maternal) authority was recognized as superior to a husband's authority on the grounds that the latter was acquired and, therefore, not natural: the daughter in question (whose first name is never mentioned) evicted her mother from her house upon her husband's insistence, so the court had to decide whether to charge her with the full weight of law or apply mitigating circumstances considering she was executing her husband's will. The Senate, based on the opinion of Emperor Alexander I—who had come to power a year earlier after his followers killed his father, Paul I (1796–1801)—decided in favour of natural authority and the punishment of the daughter according to the full force of law.<sup>16</sup>

Nikolai I (1825–1855), continuing his grandmother Catherine II's tradition of being personally involved in supervising the nobility's behaviour—since they were supposed to set an example for the rest of society—approved decisions that provided exemplary punishments for such nobles, such as in the 1833 case of Lobko-Lobkovskiy. Platon Lobko-Lobkovskiy was a provincial secretary occupying a prominent role in the local

community of Mglinsk (Ukraine). One day, while drunk, he assaulted his senile father, who died as a result. The court, however, imposed the full measure of punishment for the crime of murder: he was deprived of his noble status and rank and exiled to Siberia to do penal labour for life.<sup>17</sup> His actions could have been treated as unpremeditated homicide, which was subject to a much lighter punishment, but Nikolai did not see it that way, agreeing with the vertical court's approval chain: once the Senate presented the case for his approval, he did not hesitate.

Following Nikolai's policy and taking into account his close attention to family conflicts, the Penal Code of 1845 criminalized domestic violence (art. 2075–2076) and introduced a special chapter on the 'abuse of parental authority' (art. 2078–2082). However, in comparison to the chapter on the 'crimes of children against parents' (art. 2083–2086), physical abuse was not part of this chapter. Abuse of parental authority included forced marriages, making a child an accomplice to a crime, moral corruption and embezzlement of a child's estate, while crimes against parents included injuries and physical and verbal insults to a parent, disobedience to parental authority and immoral behaviour as well as the denial of material support.<sup>18</sup> It is obvious from this legislation that the authorities considered the abuse of parents more important and serious than child abuse and prioritized parent protection over child protection, thus revealing their fear of dealing with disobedient and rebellious citizens.

These policies became even more transparent after the 1861 emancipation of the peasants and subsequent legal reforms. The 1861 manifesto granted the peasants personal freedom, and the government needed to provide transitional measures for both the peasants and their former owners to reform their relationship.<sup>19</sup> With emancipation, the Russian paternalist structure of rural communities came to an end: landowners officially ceased to be paternal figures whose authority was upheld by law and they were instead transformed into economic superiors whose relationships with their tenants were now tied to proto-market economics. Russian social thought at the time expressed great anxiety about the dissolution of paternalistic hierarchies and the disastrous consequences.<sup>20</sup>

However, in response to these anxieties, the government decided to preserve rural community structures by turning manorial justice into 'tradition' and arguing that the peasantry would not survive without the 'customary law' that had developed over the centuries.<sup>21</sup> Before 1861, owners maintained manorial rights of justice over their lands for minor offences (such as disobedience to the ownership's authority,

laziness, drinking and so on) and the government decided to keep the prosecution of these offences at the community level by creating special communal courts (*volostnye sudy*).<sup>22</sup> The jurisdiction of these courts included all petty offences and community quarrels between peasants belonging to their respective rural communities (*volost'*) over property (often the separation of sons and fathers in terms of their households and farms as well as dowries and marital support litigation), disorderly behaviour, slander and insult charges.<sup>23</sup> Insulting or physically assaulting a parent resulted in being placed under arrest for no more than six months.<sup>24</sup> In fact, the article of the new *Court Regulations* (1864) punished insults or assaults against a 'relative in the ascending line', which included parents, in-laws, step-parents and grandparents—that is, any figure of the 'natural' family authority. In cities and towns as well as in the industrial regions, justices of peace had the same jurisdiction. The difference was that in communal courts, the judges were elected among the elders and respected members of the peasant community, while justices of the peace were elected by the regional or city assemblies (which were composed of the nobility and middle classes) among those with high educational and property status.<sup>25</sup> Therefore, while peasant communities did receive an opportunity to go through community mediation in family quarrels, other social groups such as workers, the urban population, the middle classes and the nobility—who represented less than 20 per cent of the Russian population—ended up in regular courts and were judged by their superiors (except for the nobility) rather than their peers.<sup>26</sup>

Respect for parents was a part of good behaviour and social order. Catherine II made the police responsible for maintaining both social and political order, and prosecuting those who broke the rules of appropriate behaviour. The police had to ensure good mores, decency, and common and private order, which included ensuring that children obeyed and respected their parents. Generally, 'everyone shall live in peace and concord with each other, shall not drink and brawl' as the police manuals instructed local policemen.<sup>27</sup> Children's submission to parents was ensured by not accepting their complaints against parents and not allowing them to act as witnesses in cases against their parents, while parents did have a right to complain about their children and had to be called as character witnesses in cases against them.<sup>28</sup> This deprived children of any opportunity to deal with abusive parents, which pushed some to retaliate through violence.

## TRIVIAL ABUSE AND COMMUNITY MEDIATION

Local *volost'* courts became especially busy with family conflicts, trying to mediate between parents and children, spouses, in-laws and other family members. They had taken cases of abuse of parents from the *Sovestnyi sud*, which ceased to exist in 1866, but the approach was different: no benevolence was allowed in the *volost'* courts. They rather sought to restore proper order by making children submit to parental authority. In these courts, a typical parental abuse case involved verbal abuse or physical assault by a drunken son. The absolute majority of those sons lived with their parents, were often newly married and sought to establish their economic independence. Violence was often sparked as a result of property or economic disputes.<sup>29</sup>

Russian peasants continued to live together with their parents until they could afford to separate from them—that is, to receive their portion of the parents' estate to live independently. The practice of inheritance required the division of property and other estate holdings between all children (sons and daughters) in equal shares, and daughters could claim their share in dowries. Daughters moved out upon their marriage, while sons stayed in their parents' household until they were economically independent enough to leave. Separation was not a desirable event for the parents, though. As a united household, everyone worked together to support the home, and the father as its head managed the income, proceeds, workload and so on.<sup>30</sup> Once a son decided to separate, the parents would lose not only part of their estate, but also the labour of those who left.

At the same time, if the father (or both parents) were not wise in their management of the estate, the children could try to overpower the head of the household in economic matters. In one 1871 case, a man called Andreev filed a complaint against his son for unauthorized separation, disobedience and disrespect. The quarrel started when Sergey, the son, refused to pay his father's debts, which were piling up due to his father's unwise management of the farm. As a result, Sergey left, claimed his portion of the property and started his own business. For the community court, these were typical and routine proceedings: they handled hundreds of such cases every year. The father insisted that his son was rude and disrespectful but failed to prove it: neighbours attested that they had never heard any rude words spoken by Sergey. Sergey admitted that he decided to leave because his brother hit him and their father encouraged him to do so, as well as because of his father's poor management and drinking. The

court allowed Sergey to live separately, and ordered his father to give him his inheritance if Sergey would pay all the debts. Sergey's father did not accept this decision, so the case went to the appeal court; Sergey also won the appeal.<sup>31</sup>

In a similar case, a son moved out to his parents-in-law after his father decided to reclaim some property and estate holdings that he had given up earlier due to his old age. When the son, his wife and his father-in-law came to his father's house to take what he claimed was his, his father decided not to give him anything, which resulted in a bitter quarrel and a fight: the daughter-in-law struck her father-in-law with a bear spear. When the court looked into the case and especially into the daughter-in-law's assault, it appeared that her father-in-law had sexually harassed her, which was probably the true reason for their departure from the household. However, she had still hit her father-in-law, and was thus sentenced to seven days' arrest. The property dispute was also settled by making the son compensate for all the damage and return all property.<sup>32</sup>

In these cases, the courts constantly mediated the ways of restoring order: they practised a type of restorative justice thought to be desirable in the closeted peasant communities. No matter how respectful and obedient the children had been or how quarrelsome and abusive their parents became, the children had to perform their duty. Otherwise, the natural order—the only one the peasants could cling to in these times of social disruption—would be undermined. This is especially visible in cases of adult children dealing with domestic abuse, as in the following case from 1866.

A 36-year-old peasant named Petr was prosecuted for an assault on his father in which he broke his father's left ring finger. The family, however, stood by him, accusing the father of constant domestic abuse, frequent beatings of his adult son, drinking and indecent behaviour. Petr's step-mother, brother and a step-brother all attested that he respected his father, never insulted him verbally and submitted patiently to his scolding, and that on that day he had tried to protect himself from another beating by blocking his father's hand. In return, his father often kicked him out of the house or would order him to leave the dinner table without food. The community court tried to persuade the father to reconcile with his son, but he refused. The case went to the equity court—which was still in place, although it would be abolished later that year—and the son was acquitted. In addition, the community court ordered the father to live in peace with his family members.<sup>33</sup> These decisions appear to be just, but what they

signify is that the son had to justify his self-defence in court in order not to be prosecuted—the situation in which adult children ended up if they tried to protect themselves. When these cases came to light, they were frequently described by the local or central newspapers, which provoked commentators to portray the rural populations as ignorant and barbaric,<sup>34</sup> often placing their behaviour within the framework of degeneration theory, which I will discuss in the next section.

### FROM NORMAL TO PATHOLOGICAL: DEMONIZING PARRICIDES

In 1902, Alexander Kara, the son of a prominent brewer, appeared in front of a jury for killing his mother and two younger sisters with a hatchet for the most banal of motives: his mother had discovered that he had stolen money from her, so he first killed her and then the two girls—the youngest of whom was only 7 years old—because they had witnessed his crime. Apparently, he was courting a young woman and had been pilfering cash and valuables from family members for a year in order to buy gifts to impress her. He wanted to marry the young woman in question and although she agreed to be his wife, he knew she did not love him, and he was trying to keep her with him by buying her luxurious gifts.<sup>35</sup> To society, he was a well-bred and good-natured young man who committed an act disproportionate to his need for cash.<sup>36</sup>

The jury, upon the insistence of the defence attorneys, ordered a psychiatric evaluation in order to find some answers in the perpetrator's psyche, contrary to the judge's refusal to do so. Alexander admitted to killing his mother and sisters: he gave a very detailed account of his preparations, plans for murder and actual killings. For the judge, this was proof enough of sanity and intent to convict him of three counts of murder; the judge would have sentenced Kara to penal labour in Siberia for life, but the jury decided otherwise. The jury demanded to know the state of Kara's mind, for which the public audience in court applauded them. Kara's defence attorney used degeneration theory in addition to Kara's history of alcohol abuse (his father was a brewer) and mental problems in the family. Apparently, his maternal uncle had killed himself after a long-lasting melancholia; his grandmother had been committed to an asylum for several years and had tried to kill his father. Kara had a crooked chest and hunched shoulder, physical abnormalities which attested to his own mental problems and prevented him being drafted into the army.<sup>37</sup> The narrative of the court trial describes him as a 'short

little boy with a thin and yellowish face lightly touched by facial hair'.<sup>38</sup> The attorney insisted that Kara had killed his mother and sisters in a moment of temporary insanity. The jury found him not guilty of murder and recommended he be sent to a psychiatric hospital. However, the case returned to court a year and a half later for retrial. As a result of this second trial, which focused mostly on Kara's personality rather than on degeneracy and lineage, Kara was found guilty and sentenced to twelve years of penal labour in Siberia.<sup>39</sup>

This case represented a culmination of the public's fascination with new criminological theories, insanity, sensation, monstrosity and the dark side of the human psyche. Jury trials provided entertainment and fed the public's hunger for it. Instead of reflecting on the social, economic and political reasons for domestic crimes, such as inequality, gender discrimination and patriarchy, the public and criminologists were much more attracted to Lombrosian explanations of especially heinous crimes such as parricide and filicide. Russian newspapers and magazines periodically reported the most horrific crimes committed in Russia and abroad in detail to fascinate the public and redirect their attention towards the problematics of human nature.<sup>40</sup> The mundane quarrels over property in impoverished peasant households could not stir interest among the middle and upper classes, who would rather dismiss external factors in favour of inherent monstrosity and degeneration.

Criminologists and medical doctors started paying particular attention to psychiatric evaluations around the 1840s. This was connected to changes in the criminal procedure and the growing importance of medical forensics and physical evidence. The *Regulations for Medical Forensics* (1842) included a number of articles prescribing that medical doctors accredited to the police pay special attention to the arrestee's state of mind and suggest a psychiatric evaluation upon the slightest hint of mental problems. At the same time, the *Regulations for Criminal Investigations* (1864) insisted that such evaluations should be conducted in the presence of the court upon the investigator's or prosecutor's request.<sup>41</sup> The most interesting was that the decision on the accused state of mind was made by the court based on a psychiatric evaluation conducted by the local police doctor.<sup>42</sup> In practice, this meant that prosecutors requested a psychiatric evaluation in standard cases of obvious signs of mental disturbance. These included a gloomy and despondent facial expression, moodiness, delirious speech, agitation, a hopeless or lost gaze, and other abnormal behavioural

signs.<sup>43</sup> The police were instructed to conduct a preliminary oral interrogation (a conversation, as they called it) to assess the perpetrator's state of mind, especially if the accused was caught in the act or confessed immediately.<sup>44</sup>

In the case of 26-year-old Ippolit Lipunov (1866), the son of a merchant, the police, called to the scene of his stabbing of his father with scissors, knew immediately that he was unstable: his expression was gloomy, his speech incoherent, his gaze was fixed on the same object, his pupils were dilated and he had a pulse rate of fifty beats a minute. He provided coherent answers to the questions asked about himself and his relatives. His explanation for the stabbing related to his father's unwillingness to allow him to marry. Lipunov was particularly upset because his father had married three times but refused to allow him to marry. The police doctor and the judge found these explanations unsatisfactory and ordered an additional evaluation. As a result, psychiatrists found that Lipunov was suffering from dementia as a result of epilepsy and had committed this crime while delirious; therefore, he should be placed in a psychiatric facility.<sup>45</sup> As this case occurred before Kraft-Ebbing, Freud and Hirschfeld, his repressed sexuality did not become a central point of the doctors' discussion as in the Kara case, where an expert witness pointed out that Kara experienced sexual arousal while battering his mother and sisters to death.<sup>46</sup> Cases like this from the nineteenth century never even mention the perpetrator's state of mind: the police would have described the confession and interrogation, the agitation and shock, but the judge would be quite satisfied with the explanation of the stabbing: naturally, a 26-year-old male should have been married and must have been frustrated if he were not. However, this would not serve as a mitigating circumstance in the sentencing. Starting from 1802, the statutes used a category of 'disturbed mind' (*pomrachennyi um*) that could be viewed as a characteristic of the state of mind.<sup>47</sup> By the 1840s, with advancements in the clinical sciences, the category had expanded into fully developed insanity theories.

Russian police physicians in the 1840s, 1850s and 1860s were looking for manifestations of abnormality to decide if these signs could explain crimes that were rare and contradicted the natural order and inclinations of human beings. Parricides fell into this category. The 1870s brought criminal anthropology and psychiatry to the fore, and police physicians jumped on the opportunity to use degeneration theory as it was formulated by Cesare Lombroso, Benedict A. Morel and other, mostly French

and German, authors. In Russia, Morel and the French school happened to be very popular, while Lombroso received sceptical reviews from the majority of lawyers and social reformers. Morel's methods were very quickly applied to the work of the police and medical forensics specialists, who already had a very rich experience and data set to examine for deformities and abnormalities in criminals.<sup>48</sup>

Criminologists and medical doctors specifically pointed out the obvious signs of degeneration and insanity when criminals did not make any attempt to hide their crime, as in the Kara and Lipunov cases. For the jury trials and the public's fascination with them, the physical display of degeneracy worked as the main confirmation of 'deviancy' and 'abnormality'. Kara had an asymmetric face, skull and placement of ears—common signs of degeneracy—as well as an 'almost complete absence of pectoral muscle on one side', which was considered a rare indication of the disease.<sup>49</sup> In the 1911 case of Sergey Martionov, who had entered his father's bedroom very early in the morning and stabbed the sleeping man to death, the first sign of insanity was that he made no effort to escape and returned to his own room, where he was later apprehended by the police. In addition to the initial police examination and psychiatric evaluation, the court asked the Moscow psychiatrist Samuel Tseitlin (1878–?) to fully assess Martionov's physical and mental faculties. Tseitlin immediately started looking for hereditary signs of disorder. He found that Sergey's skull was the wrong shape, 'with a sloping forehead with sharply prominent orbital ridges and acutely segmented upper parts'. His brother apparently had 'acute symptoms of physical degeneration with a misshapen skull and asymmetrical ears'. Sergey showed no signs of remorse, was fully conscious and the absence of any delirium. Therefore, he concluded, Sergey suffered from both 'physical and mental degeneration', as if this was an official diagnosis.<sup>50</sup> This case represents the 'success' of a degenerationist language of crime and insanity: although Martionov was found guilty by the jury, the charge was manslaughter, contrary to the judge's insistence that the accused be found guilty of premeditated murder. As in Kara's case, the jury wanted to find a sensible explanation to assure themselves that parricide could only be committed by insane degenerates instead of sane, rational human beings.

In cases such as Kara's and Lipunov's where inheritance was not involved, it was obvious that parricide must be a clear indication of insanity. The prosecutors, though, stuck to a traditional punitive approach to parricide, partially due to the nature of their office, and partially because

of how they saw the role of justice in these cases. In a 1914 case, the jury in the Moscow Circuit Court's trial of 20-year-old student Alexander Solomonov sided with his defence, finding him not guilty by reason of temporary 'insanity' (*v bespamaitstve*). Solomonov killed his father, a painter, and his step-mother in a rage because they would not allow him to marry his fiancée. The defence cleverly manipulated the jury's sentiment, painting a picture of a young, sexually frustrated male with a sensitive nature (an artist's son) who could not overcome his father's refusal to allow him to marry because of his age.<sup>51</sup> This case did not make the tabloids, which were preoccupied with war coverage, but it created a stir in the local legal community when the prosecutor protested to the Senate's Criminal Department, accusing Solomonov's attorneys of prejudice and of manipulating the jury's opinion. In his view, a vicious murderer had walked free because the defence exploited the public's fascination with degeneracy and insanity.<sup>52</sup> While the whole case ended up being very technical from a legal point of view, the positions of the prosecutor and the defence represented the two main approaches to the killing of parents: the traditional punitive one—a murderer should receive the full measure of punishment no matter what; and a new 'humanitarian' one—such killers would be better placed in clinics than in prisons, because they could not avoid committing their crimes due to their mental state and degenerate heritage.

### ALCOHOL AND INSANITY: A NEW DEGENERATE DISEASE?

Alcoholism or simple drunkenness is a good example of how certain causes of crime were repackaged within degeneration and pathological theories. Alcohol constantly figures in family quarrels and brawls. It has been a universal explanation in family and community crimes since at least the seventeenth century. In the eighteenth century, alcohol ceased to be an official excuse for assaults. However, before the 1840s drinking was not viewed as a sign of degeneration or mental problems, but rather as the sign of a weak will and moral corruption. In the 1820 case of the brothers von Kurs, who drank, behaved in a debauched manner and abused their mother verbally and physically, the court portrayed the situation as total decay:

Under-lieutenant Anton von Kurs comes [home] on leave and re-unites with his elder brother, Egor; they both drink, spend their nights at taverns

and inns, commit debauchery, ride with whores around [their] villages, wander around drunk and naked, ruin the estate...<sup>53</sup>

As a result, they scolded their mother when she tried to moderate them, and, finally, Anton hit her with a stick and threatened to whip her. Frightened, their mother fled with her younger children to another village on her estate and started legal proceedings.

Cases of parents and children (fathers and sons, mostly) drinking excessively together and then attacking and accidentally killing each other continued to come up before the courts, but in the nineteenth century the plea of temporary insanity as a result of alcohol intoxication became available to mitigate or escape the punishment altogether.<sup>54</sup> In Kara's trial, one of the doctors, N.N. Bazhenov, insisted that hereditary alcoholism was a necessary sign of degeneration. Instead of pointing to Kara himself, he took the case of Kara's youngest sister, the 7-year-old Hedviga, whose liver had already degenerated. For Bazhenov, this was the most significant sign of the impact of alcohol consumption on the criminal's psyche.<sup>55</sup> At the same time, other police experts were not that taken in by alcoholism-as-a-disease discourse. In 1896, peasant N. was at his neighbour's house together with his son R.N. and others drinking. After becoming drunk, the son started a quarrel with his father and attacked him. The fight quickly turned violent, and the others separated the father and son when the father passed out from the beating. N., who was 62 year of age, woke up the following morning to find a physician in attendance. He had several broken ribs, other fractures and bruising all over his body. The neighbours told the police constable that if they had not separated the two, the son would have killed his father. R.N. claimed he could not remember anything, but admitted that he could very well have attacked his father. The circuit court convicted the son of grievous bodily harm and sentenced him to five years' penal labour.<sup>56</sup> Because a jury was not involved, the local police doctor did not advance the degeneration theory, and the case took place in a remote province far from the latest criminological advances of the anthropological school, the case was handled in a routine, traditional manner: alcohol consumption was an aggravation, the victim sustained serious injuries, the son had a history of parent abuse and the physical assault of others as a result of his temper, and all these facts pointed to a classic case of disorderly and socially dangerous behaviour.

At the same time, social reformers, commentators, the press and officials all saw drinking as the cause or result of popular degradation

and cultural backwardness. Many denounced the modernizing, secularizing, urbanizing and industrializing movements in Russia in the second half of the nineteenth century as the causes of alcoholism.<sup>57</sup> The movement preaching against alcohol had already been around for centuries, but in late nineteenth-century Russian society, peasants and workers in particular became the exemplary cases for alcoholism as a sign and cause of degeneration and insanity and thus high levels of criminality. Dr Nikolai Grigoriev found that 45 per cent of those convicted of crimes in St Petersburg and its surrounding region between 1883 and 1898 were more or less drunk. Among them, all parent abusers were drunks, and 47 per cent of murders and 62 per cent of assaults were committed under the influence of alcohol.<sup>58</sup> These numbers conveniently called for psycho-biological explanations. Pavel Kovalevsky, an eminent psychiatrist, explained that ‘alcoholic parents have children who are epileptics, idiots, melancholic, born criminals, and so on’.<sup>59</sup> The calls to treat alcoholism as a medical and psychiatric condition and, therefore, for milder punishments for drunks started as early as the 1840s. Dr Alexei Pushkarev defined alcoholism as a physical condition with a profound effect on the mental faculties. He described the symptoms of the illness as fever, dizziness, nausea and hot flushes that manifested false liberation, which, in reality, was a loss of self-control.<sup>60</sup>

Such a description matches the case of Matvei Babanov (1860), who killed his mother with an axe. Babanov, 40, was of quiet disposition and good-natured, as his wife, daughter and neighbours testified. He was religious, and a good son, husband and father. The only problem he had was drinking, which displeased his mother, who often publicly scolded him for it and even hit him on several occasions. According to witnesses, he never responded to her insults and physical abuse, and was always respectful and obedient. On the day of the incident, he returned from a fair, walked into his house, picked up an axe and chased his mother into the yard where he struck and killed her. When the neighbours arrived, they saw him sitting on top of his mother. To their question, ‘What are you doing?’, he replied, ‘None of your business’. Babanov admitted to killing his mother; he also said that he remembered the killing but could not remember anything before or after it. The police doctor did a very thorough job in trying to find any sign of mental illness or any physical deformity; Babanov remembered that a year prior to the incident, he suddenly became very

agitated in church, dashed out of the building and ran around the village spitting offensive and insulting words at everyone—or, at least, that is what people told him later, because he could not remember doing it due to being drunk. Finally, based on this evaluation the court granted him a temporary insanity plea caused by heavy drinking, but still punished Babanov with arrest.<sup>61</sup>

### THE NEW UNFORTUNATES: TO CONCLUDE

In the second trial of Alexander Kara, legal experts refused to treat degeneracy as a mental illness and, therefore, as a valid reason to mitigate his punishment. They managed to persuade the jury that while degeneracy manifested itself in physical abnormalities and certain types of behaviour—such as a hot temper, irritability, constant lying and deception—it was not an absolute precondition for committing a crime; rather, it was a variation of a criminal type. Degenerates did not necessarily become criminals, but many criminals were degenerates and, therefore, their parents did have some responsibility for how they turned out.<sup>62</sup> Killing the parents under these circumstances was inevitable. This was a fundamental discussion touching upon the very anxiety of communal coexistence: it was difficult to deny monsters existed, but interpreting their meaning would have helped to pacify the people. Breaking blood ties and killing or abusing those who gave life in the first place stirred fears and anxieties in Russian society— anxieties that could be dealt with through sensible explanations of these horrific crimes. The early modern concept of ‘unfortunate’ killings could not satisfy the society that had learnt of Darwinian primordial instincts and the fight to survive through violence. The motives for these crimes had to be biological—or better yet, inherited—so that it would be easy to identify those who were to blame. The explanation of monstrosity as an irrational behaviour via rational degeneracy theory helped at the time to assert that parricide was not a rational, calculated deed, but a moment of irrational frenzy that restored the traditional explanation to its new status.

While the Russian legal profession, represented by prosecutors and judges, resisted the Morelian anthropology of crime, medical professionals favoured biological explanations based on empirical evidence—at least, that was what they thought. Fascinated by science and perceiving their age to be advanced and modern due to the rapid development of the sciences, the public sided with the doctors over the lawyers: after all, for their own inner peace, degeneration as a result of alcoholism and

mental disturbance—be it inherited or acquired—served as a better explanation than any rationalized parricide. Those criminals became the new unfortunates of the time who deserved to be placed in clinics rather than in prisons and given medication rather than the lash.

## NOTES

1. ‘Karachaevskaia khronika. Vlast’ t’my’, *Orlovskii vestnik* no. 261 (1898), 3.
2. See, for example, A.S. Gatsisskii, ‘Materialy dlia ugovolnoi statistiki Nizhegorodskoi gubernii’, *Nizhegorodskii sbornik* 1 (1867): 121–171; Stephen Frank, *Crime, Cultural Conflict, and Justice in Rural Russia: 1856–1914* (Berkeley: University of California Press, 1999).
3. Marianna Muravyeva, ‘Between Law and Morality: Violence Against Women in Nineteenth-Century Russia’, in *Women in Nineteenth-Century Russia: Lives and Culture*, ed. Wendy Rosslyn and Alessandra Tosi (Cambridge: Open Books Publishers, 2011), 209–238.
4. See, for example, seminal rhetoric in other post-emancipation and reforming societies such as Brazil: M.K. Huggins, *From Slavery to Vagrancy in Brazil: Crime and Social Control in the Third World* (New Brunswick, NJ: Rutgers University Press, 1985) or the American South: E.L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th Century American South* (New York: Oxford University Press, 1984).
5. Marianna Muravyeva, ‘Family Authority, Violence Against Parents, and Parricide in Russia, 1600–1800’, *Journal of Family History* 41, no. 3 (2016): 294–317.
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7. *Svod Zakonov Rossiiskoi Imperii. Vol. XV: Svod zakonov ugovolnykh* (St. Petersburg: v tipografii II otdeleniia, 1832), 332–346.
8. Nikolai Shreiber, *Sbornik statei ulozheniia o nakazaniakh* (St. Petersburg: tip. Imperatorskoi AN, 1869), 188; German Trakhtenberg, *Ukazatel’ po iuridicheskim voprosam, razreshennym ugovolnym kassatsionnym i obshchim sobraniiem kassatsionnykh departamentov Senata* (St. Petersburg: Izd-vo Ministerstva Iustitsii, 1878), 825–826; Dmitry Lutkov, *Sbornik svedenii*,

- raz'iasniaushchikh primenenie na praktike Ulozheniia o nakazaniakh* (Moscow: tip. T. Ris, 1872), 198.
9. Muravyeva, 'Family Authority'.
  10. Engel, *Breaking the Ties That Bound*; Muravyeva, 'Between Law and Morality'.
  11. 'Sobornoe Ulozhenie 1649 goda', in *Akty zemskikh soborov*, ed. A.G. Man'kov (Moscow: Iuridicheskaiia literatura, 1985), XXII: 2–3.
  12. Muravyeva, 'Family Authority'.
  13. *Polnoe Sobranie Zakonov Rossiiskoi Imperii* (hereinafter PSZ I), 45 vols (St. Petersburg: v Tipografii II Otdeleniia Sobstvennoi EIV Kantseliarii, 1830), 21, no. 15379 art. 41.
  14. PSZ I, 27, no. 20519.
  15. For parents: PSZ I, 27, No. 20519; 37, no. 28121; 38, no. 29411; *Polnoe Sobranie Zakonov Rossiiskoi Imperii* (hereinafter PSZ II), 55 vols (St. Petersburg: v Tipografii II Otdeleniia Sobstvennoi EIV Kantseliarii, 1885), 1, no. 568; 2, no. 883; 4, no. 3023; 25, no. 24328; for children: PSZ II, 36, no. 37743a.
  16. PSZ I, 27, no. 20519.
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24. *Sudebnye ustavy 1864 goda* (St. Petersburg, 1864), art. 132.
25. On justices of the peace, see Wortman, 'Russian Monarchy and the Rule of Law'.
26. Mironov, *Sotsial'naiia istoriia Rossii*, 1, 58.
27. Vasilii Lukin, *Pamiatnaia kniga politseiskikh zakonov, dlia chinov gorodskoi politzii* (St. Petersburg: tip. Eduarda Pratsa, 1856), 47.
28. *Ibid.*, 164.
29. Frank, *Crime, Cultural Conflict, and Justice*.
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32. TKPVS, I, 547–458.
33. TKPVS, I, 362.
34. See, for example, *Sudebnaia gazeta*, 1 January 1883, no. 1, 2–4.
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36. Witness depositions in *ibid.*, 18–19.
37. *Delo A. Kara*, 22.
38. *Ibid.*, 4.
39. *Ibid.* See also description of this case in McReynolds, *Murder Most Russian*, 74–76.

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44. L.A. Dobkevitch, *Nastol'nyi politseiiskii slovar'* (Odessa: tipo-litografiia shtaba Odesskogo voennogo okruga, 1904), 198–230.
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46. *Delo A. Kara*, 25.
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55. *Delo A. Kara*, 62.
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62. See the gallery of generate criminals in Mikhail Gernet, ed., *Prestupnyi mir Moskvy* (Moscow: Pravo i zhizn', 1924).

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PART II

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Historicising Violence Against Parents:  
Localities and Identities

# ‘You Would Have Them Lock Me Up and Sell Me as Slave’: Parents and Children in Long Eighteenth-Century Wallachia

*Constanța Vintilă-Ghițulescu*

My son Gheorghită, may God give you health. I have no reason to write at length but I heard that you are master of the Stroești estate and that you did not hand it over to the people I took money from and gave to you. Beast, if you want the land, give the money back to the priest and to captain Alexi, because you know too well that I gave the money to you and your mother and I fled. And now you take all the possessions and the money too, and have them lock me up and sell me as slave? The law does not say that the son can sell his father, but the father can sell his son.<sup>1</sup>

This excerpt is from a bitter letter sent on 1 September 1740 by the exiled Constantin Stroescu to his son. Twelve years previously, Stroescu, a minor

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landed nobleman (boyar), had divorced his wife, Bălașa Cărpinișanu. The divorce suit had been straightforward, but the subsequent legal actions initiated by Stroescu's ex-wife for financial support for their children bankrupted him and forced him into exile in Transylvania. Gheorghiiță Cărpinișanu, the couple's son, took over these lawsuits when he reached adulthood and pursued his father relentlessly. Gheorghiiță took possession of all his father's mortgaged estates, clashing with the creditors and with his father. Pursued by his former wife and his son, buried in debt and trials, Stroescu vented his anger in the letter, threatening and insulting his son, though without acting upon his threats.

This case is an example of the tense relationship between parents and their offspring caused by the customs and laws of that period. Both custom and canon law stipulated the father's absolute power over his family and endorsed the use of violence and coercion within certain limits. In the eighteenth century, Wallachians adhered to the Orthodox Church. The church tribunal was responsible for analysing domestic conflicts, which often took the form of strife between parents and children, when family members challenged the authority over domestic order. In the Stroescu case, paternal authority was undermined by an adult son. I did not find documents about the solution to this case, which would have captured the position of the Church. There is, however, plentiful archival material that reveals how the Church analysed, interpreted, judged over and regulated domestic order in Wallachia.

## METHODS AND PRIMARY SOURCES

This chapter investigates the parent-child relationship with an emphasis on the concept of domestic order. With the help of this modern concept, I shall examine the general principles that governed the relationship between parents and their offspring: authority, love, indulgence or violence. They are very well reflected in the documents of the judicial archives. The present analysis is part of a project focusing on the relationships within the family, especially between spouses, and on the fate of children after divorce.

In all litigation concerning family issues (civil law), the ecclesiastical courts (and the lay courts from the nineteenth century onward) used and applied the codes of law of the time (*pravila*), also referred to as the Holy Laws (*sfintele pravili*) in contemporary documents. The ecclesiastical

courts functioned within the Metropolitan’s offices of both Wallachia and Moldavia, in Bucharest and Iași respectively. Judges were theologians by training: they were in fact priests or monks working in the administration of the Orthodox Church. Their knowledge of the law was based on acquired practice and experience. Occasionally, the sentences refer to theological literature written by theologians of the Orthodox Church down the centuries. Memoirs (ego-documents) on childhood and the parent–children relationship began to flourish only at the beginning of the nineteenth century. This type of document helps complete the picture drawn by the judicial archives and describes in detail the relationships between parents and children. Some authors focus on childhood and the role parents played in their children’s upbringing, while others analyse the tension in family relations, expressing dissatisfaction and blaming their misfortune in life on domestic violence.

#### PARENTS AND CHILDREN ACROSS THE LAWS AND CUSTOMS

The Code of Law repeatedly underlined that children owed their parents respect and obedience. This code was issued and printed in the middle of the seventeenth century—in 1646 in Iași and in 1652 in Bucharest—and was in use for two hundred years, until the mid-nineteenth century. Chapter 283 of the Wallachian Code (*Indreptarea legii*) is in fact an interpretation of the biblical principles praising the benefits of the respect shown to parents on the Day of Judgement. Obeying one’s parents, regardless of the nature of the relationship, ensured ‘a good death’ and easy salvation.<sup>2</sup>

Respect and obedience in relation to one’s parents was expected beyond reaching adulthood, when children left their family and became attached to a different social group. A child could become independent upon coming of age: Mihai Fotino’s codes of law (*Proiectele de cod*, 1778) and the Caragea code *Legiuirea Caragea* (1818) set majority at the age of 25.<sup>3</sup> Reaching the ‘lawful age’, sons and daughters became rightful ‘masters’ of their estate and could behave ‘as they wished’ provided they followed the law. In theory, the independence gained at maturity would also grant the offspring the right to marry freely. Jurist Mihai Fotino mentioned in his codes of law that only a son ‘upon reaching the lawful age can marry without the consent of his parent’ and failed to consider the situation of an adult daughter.<sup>4</sup> Since most marriages were contracted before children reached adulthood, sons and daughters were still under

the social and economic grip of their family. Marriage strategies were decided by the head of the family. Consent to enter into a marriage was practically non-existent. In certain cases, the Church manipulated consent to suit its interests.

Another chapter from the Code of Law (293) prescribed that sons had the duty to feed their parents just as parents had a duty to feed their sons, but neither was to be held accountable for the other party's debts.<sup>5</sup> On a similar note, Chapter 284 urged parents not to forsake their children and bar them from inheritance but to forgive and accept the children they were 'feeding'. These chapters of the law encouraged parents to indulge their offspring, their own flesh and blood. In practice, these articles of law were not widely known, as the relations between parents and children were shaped by customs and mores. Joanne Bailey has introduced the notion of the culture of indulgence—created by popular and literary printed material—that was prevalent in eighteenth-century English society.<sup>6</sup> The eighteenth century in Wallachia was defined by the domestic tyranny of the father, who had absolute powers over his wife, children and servants. Thus, the local model seems closer to the one suggested by Lynn Broughton and Helen Rogers when they speak of 'the Empire of father',<sup>7</sup> or the model suggested by Marianna Muravyeva when she speaks of the father as the 'king in his own household'.<sup>8</sup> Each case in my analysis supports this argument. Violence was a tool in educating children and maintaining control over the family. Parents and children did not contest every form of violence in the courts. Furthermore, the justice system assessed the reported violence in accordance with the levels tolerated by society. 'A good beating' was not viewed as domestic violence. For instance, when a mother complained that the step-father was whipping the children's bare skin, the judges ignored her complaint because more serious matters caught their attention, such as incest and sodomy.<sup>9</sup>

A crucial distinction must be made: the ecclesiastical court analysed and judged abuse charges, sending on a suggested sentence for the Prince's approval, while parricide fell within the exclusive jurisdiction of the Prince and the Princely Council. Cases of the abuse of a parent were built upon certain key pieces and followed a set institutional trail: a complaint was filed by the abused parent (*jalba*) or a report was made describing the murder, the witnesses were questioned and an inquiry took place among the neighbours concerning the reputation of the accused,<sup>10</sup> which was followed by a report describing the facts, the judges' report (*anafora*) with the suggested sentence and the

confirmation of the sentence by the Prince. The clerics of the ecclesiastical court were responsible for drafting all these documents: they wrote up the complaint, compiled witness reports from the neighbourhoods, carried out the interrogation of witnesses and determined the final sentence. By signing their names on the paperwork, everyone involved—plaintiffs and accused, neighbours and relatives—became part of this complex process. For those who could not write, a thumb-print signified their participation in the lawsuit.<sup>11</sup>

### FATHERS AND DAUGHTERS

A father’s power stemmed from his position within the family, where he was in charge of the material well-being of the entire household and served as the guardian of its morals. The Church endorsed this power in each judgement, preaching obedience as the main embodiment of domestic order. When, in the summer of 1793, the daughter of Iorga Dolete breached the ‘marital contract’ that her father had made with Mareş *mazilul* (a petty clerk) and eloped one night with a certain Luca from Ialomita county—with whom she had also later become engaged, with her father’s consent—the father bore the brunt of the punishment because of his *indulgence*. In the court, the father explained: ‘I gave in to her wish, wanting as a parent a good life for my daughter.’ Thus, for the sake of his daughter, he had disregarded the first *ierologhia*—the engagement ceremony held in the church—read by the priests. Iorga’s indulgence shows that paternal authority was different in each case, and that a father’s authority was not always rigid and inflexible.<sup>12</sup> Declared affection, however, contained the seeds of domestic disorder. The first fiancé, having lost the girl, dragged Iorga to the bishop’s court. The indulgent father was to be excommunicated (‘they stopped me from going to church and forbade priests to come into my house’) unless he convinced his daughter to return to the first engagement, even though it had been made against her wishes. Upon his return home, Iorga had to choose between enforcing his authority and eternal excommunication. In the profoundly religious society of eighteenth-century Wallachia, Iorga’s choice is not hard to guess. He explained himself in front of the ecclesiastical court after the daughter had eloped with the second fiancé: ‘I did my best [to convince her] in all possible ways, gently and roughly as well, and I beat her three times because everyone knows how she opposed me, saying that she would rather die than marry Mareş.’

In his defence, Iorga claimed that the girl had run away without his knowing and consent (the elopement was without his knowledge and a curse upon her could be placed). Standing in front of the Metropolitan, the father asked for clemency for the sake of his distraught daughter who was waiting for the Church's permission to wed. This attitude was seen as weakness and the court took it into account. The engagement ceremony, considered 'half of the wedding's sacrament', was not held because of Iorga's indulgence. This was a serious breach of the written norms of the Church, a disruption of the social equilibrium. Iorga 'acted against rightfulness and the Law', the final sentence stated, ordering him to return all engagement presents and make recompense for the expenses Mareș, the snubbed fiancé, had incurred.<sup>13</sup>

What is the moral of this story told within the community? It emphasizes the requirement for control over family members, the need for a strong authority that imparts advice, reprimands and punishes with beatings. It also reveals how quickly any breach of the equilibrium is brought to the attention of the authorities. Fathers denounced their sons and daughters, seeking help to restore the traditional family roles and the internal hierarchy, even when the offspring were adults. Furthermore, fathers were held responsible for the errors of their grown-up children: a father could stand trial and accept the guilt and punishment in their place. A father who was unable to keep domestic order and to control his household was often reprimanded and made to accept some of the punishment given to his offspring.<sup>14</sup> One father said in his defence that he did not know 'all the habits of his children, being caught with the affairs abroad'; therefore, he was not aware of the behaviour of his daughter, who had turned into an unruly housewife. The same father blamed 'the mother's indulgences' for the 'bad upbringing' of his daughter. Nevertheless, the ecclesiastical court held him accountable and responsible.<sup>15</sup> This case reveals that the mother's softness towards her children, in a more affectionate and indulgent attitude, was sometimes at odds with the paternal discipline.

Two decades later, another father described in his memoirs the ungrateful behaviour of his overindulged daughter. Ioan Băluță, a merchant, spent most of his fortune on the fashionable education of his daughter, Zoița: piano lessons, dance training and language instruction. Brought up just like a 'princess', according to her father's words, the young woman displayed insolent and inappropriate behaviour. Zoița attacked and insulted her father in public and disgraced him by creating conflicts in

the street, embarrassing herself and bringing family disputes into the public eye. The father felt deeply ashamed by the state of things. Ioan Băluță was an outstanding member of his native town of Craiova and his daughter’s insubordination, in spite of her costly upbringing, humiliated him. Nevertheless, Băluță chose to deal with the family conflicts himself and not to appeal to the local authorities, who often witnessed his daughter’s public outbursts. In the end, his solution was to disinherit Zoița.<sup>16</sup> Having only fathered daughters, Băluță concerned himself with their education and, following the conventions of his time, he was particularly preoccupied with his girls’ conduct in society, thus hoping to find his daughters good husbands. For a family of rich merchants, investment in education was a strategy for building a network of power. If played right, the marriage card would help the family climb further up the social ladder. The investment in education also shows the father’s concern for his own well-being later in life: through marriage, Zoița would not only inherit her father’s business, but would also have to take care of him when he was old and could no longer work. Essential to social mobility, education was also a form of preparation for the possible and perhaps less pleasant cohabitation of children and parents in their old age. However, Zoița did not turn out to be the heir her father had dreamt of: Băluță believed that over-indulgence had made her an ungrateful child. In fact, influenced by her husband, Zoița started having disagreements with her father, challenging the allocation of the family patrimony and the duties that came with her share of the inheritance.

#### THE FRIVOLOUS STEP-MOTHER, THE CRUEL STEP-FATHER

The Wallachian Orthodox Church granted divorce in some circumstances and on certain grounds.<sup>17</sup> New couples could then be formed, thus bringing members of different families under the same roof. Life in such circumstances was difficult. Children from previous marriages did not get along well, and there were further tensions with their step-parents. In folk tales, the step-mother is the villain, a ‘hag’ who would stop at nothing in order to favour and support her own offspring to the detriment of the other children in the family. A wicked person was said to behave ‘like a stepmother’, while in other texts we can read that ‘a stepmother is worse than the wildest beast’. A step-mother’s wickedness haunts the children even after her death; contemporary advice recommended that children who were raised by step-mothers avoid the step-mother’s tomb.<sup>18</sup>

In a society ruled by preconceptions and where relationships within recomposed families carried such a negative connotation, conflicts arose easily.

On 30 March 1794, a petty state employee named Mareș died, leaving behind an estate too small for his ten children. To make matters worse, Zoița, his widow, was too young to handle the latent conflict. Zoița had seven children with her late husband but also had to raise three boys from his previous marriage. The death of the father was the right opportunity for the young men to attack their stepmother, claiming that she was too young to control and run the household. In fact, in court the step-sons challenged with strong language the role assigned to their step-mother in their late father's will to govern and administer the fortune and future of all. The three brothers called her 'a young and mindless widow' and argued that 'she shall lose the house entirely because she is young and skittish by nature, loving vain things more; she shall soon leave us bereft of our father's wealth'. Thus, the ecclesiastical court was sought by the family to appease the conflict surrounding the leading role in the family and to establish new power relations. The three brothers suggested joint rule over the household and control over their step-mother: 'that neither she should do anything without our knowledge, nor us without hers; and we should all live in the house, where we shall work. We shall marry off our sisters according to our standing and reputation, and we shall share in a brotherly fashion what is left afterwards.'

Their main argument was that their step-mother's first decision was to give her own daughter an unsuitably large dowry to the detriment of the other nine siblings of the family, who were just as entitled to a fair share of their father's estate. After Zoița and the three boys filed numerous complaints, the ecclesiastical court mediated the conflict using the central piece of the challenges: the father's will. The testament had been written in the presence of a bishop who had become a Metropolitan in the meantime, and it carried forward the father's domination over his family, albeit through the step-mother. The father's power still cast a shadow that ruled over his family: his testament was upheld by the court on the condition that young Zoița kept her honesty and her widowhood. The slightest indiscretion could remove her from the leading position in favour of her step-sons.<sup>19</sup>

A redistribution of patrimony was most likely to create resentment, and the ensuing negative feelings most often led to disorder. The church authorities had to intervene to restore moral order: their solution had to

be accepted by all involved, even by force. Rebellious daughters or extravagant fathers were reminded of the mores of society through public beatings in the presence of their neighbours, who were witnesses of the transgressions and the guarantors of reformed behaviour.

Historical sources reveal situations when the transgression of generally accepted social norms was far greater, going beyond the tolerated degree of violence. Mostly concealed from strangers, incest was a frequent occurrence in recomposed families. It came to light usually under external pressure. First marriages were contracted at a very young age (14–16 for girls and 19–21 for men) and the first child was born within a year; therefore, the age difference between grown children and their parents was small. A step-daughter could be a rival to her own mother, even unintentionally. Youth and shared habitation facilitated incest, which, as a serious crime, was punished accordingly.

On 22 September 1799, Damian Tricolici from Orhei County raped his 14-year-old step-daughter. The neighbours, having heard of the rape from the girl, Tatiana, and her mother and Tricolici’s wife, Gafița, alerted the authorities. Arrested on the spot, the man confessed to his deed. The law required the death penalty for incest: ‘He who marries a widow who has a daughter from her first husband, and copulates with his wife’s daughter, he has mixed blood and shall be punished with death.’<sup>20</sup> In this case, however, the judges pleaded with the Prince for clemency and suggested instead that ‘his nose be cut, so that the others shall know and see what he had done; he should be carried along the streets of Iași, be beaten in three places, and then be sent to the salt mines where he shall stay for as long as Your Highness wishes’.<sup>21</sup>

This suggestion for a sentence was based on the Penal Code (1783), Chapter XIX, article 9: ‘he who takes the maidenhood of a girl should lose his nose, and half of his estate should be given to the girl’.<sup>22</sup> The staging of the punishment ‘at the spot where the deed happened’, according to the final sentence of the Princely Council, rewarded the community for helping to denounce this transgression of the proper mores. The community was instrumental in preserving social order and in alerting authorities to an offence, and it therefore played an important role in staging the punishment of the offender(s). Similar cases found in judicial archives confirm the importance of the community in settling domestic conflicts. Women were able to protect themselves against sexual assault by their step-fathers by publicly ‘calling’ for shame to be imposed on them. Public calling was the defence mechanism of last resort after abuse and violence had already decided the power dynamic.<sup>23</sup>

## THE PILLORY AND THE FATHER'S AUTHORITY

Conflicts between parents and their offspring were more likely to arise when the children were adults and the household included both nuclear families—that of the father and of the son. Inheritance rules stipulated that the youngest son stayed with his parents, taking over the house with all its implements and belongings in exchange for caring for his parents in their old age. In these situations, undermining paternal authority took more obvious and aggressive forms. Excessive drink was a contributing factor in exacerbated violence. As an adult—and when physically stronger—the son found the father's authority harder to bear. Unable to control the new power relations, a father could appeal to the Princely Council for support in reasserting himself as head of the household. The Prince usually stepped in and punished the rebellious son, sending him to a monastery or putting him in the pillory to shame him publicly.

Prince Alexandru Ipsilanti (1774–1782) introduced the pillory as a punishment for those who shunned the church service and did not keep the feasts. Soon, however, the pillory and the stocks were used to punish mainly violent, drunk or squandering men. The stocks were placed at the church door. The most frequently used stocks were the ones at the Metropolitan Church in Bucharest, the seat of the ecclesiastical court. The condemned was placed in the stocks on Sundays or on church holidays for higher visibility. For instance, on 19 November 1781, Ivan the Serbian of the Dichiu neighbourhood in Bucharest brought his son, Călin, to the court because he was disobedient, idle and lazy, and had been abandoned by his wife. Călin's violent disobedience disrupted the domestic order and threatened to further disrupt the order in the community because of his repeated acts of violence towards his parents, wife and neighbours. The sentence came quickly: Călin received the punishment of the stocks, where he was publicly humiliated.<sup>24</sup>

Three years later, in 1784, Dumitru, a constable (*scutelnic spătărăsc*) from the neighbourhood of Gorgan in Bucharest, met a similar fate as Călin. His father complained that Dumitru neglected his household and his wife, drank and brawled with everyone, and therefore he should face public shame in the pillory.<sup>25</sup> Exposure to public humiliation was part of the judicial process. The pillory, which was used in many European penal systems,<sup>26</sup> exploited public shame and the implicit participation of the community in carrying out the punishment. Public shaming, in the full view of all, was the most widely applied correction for disobedient

children. A defiant son was thus immobilized, with his head and hands held fast in the wooden pillory, for the entire duration of the liturgy, losing face and honour. A petty official shouted the offence and the sentence in front of the church. The neighbours naturally reacted to these public shamings, which must have been a familiar sight. J.M. Beattie argues that such public humiliations carried the risk of the offender being killed or pelted with stones and mud.<sup>27</sup> In the cases presented in this study, documents only record the sentence, thus we have no precise details about the punishment or the reaction of the parish. However, in a society of orality such as eighteenth-century Wallachia, shame and disgrace were crucial. ‘A tool to control personal conduct’,<sup>28</sup> shame was employed by the authorities to straighten out behaviour and control morals. The parish was invited to be present at the public shaming not only to disapprove of the offence but also to take note of the offender. The consent of the parishioners was required in order to enlist them in the correction and straightening out of the errant that followed. Conflicts were often mediated through the informal institution of these guarantors. Reputation within the community was essential for all parties involved.

### PARRICIDE: A ‘HORRIBLE CRIME’

When power relations could not be restored, murder was seen as the last resort. This is how a son explains his reason for killing his father at the end of the long eighteenth century:

My father, who had become an enraged beast, had to be killed by someone, if not by me, then by my brother; if not by my brother, then by his wife. The three of us were miserable, suffering constantly, and sooner or later nature itself would push us to plot to make him disappear. We were convinced that we would do the family and the world well.<sup>29</sup>

These are the words of Dumitrache Cuciuc who, together with his brother and step-mother, killed his father in the winter of 1847. Alexandru and Dumitrache Cuciuc suffocated their father after they had suffered his cruel and brutal violent outbursts throughout their childhood, adolescence and young adulthood. He had raised and educated his sons in poverty and with absolute dominance. The slightest gesture was regarded as lack of obedience and punished accordingly. Dumitru had spent a year at a monastery, while his brother Alexandru was sent to live with the servants because a

shot pellet had grazed his father's cheek during hunting. In court, at the murder trial, the two brothers were resigned to their fate and accepted their sentence, 'knowing full well what a horrible thing parricide is'. They found solace in the thought of a family curse. Both were hanged on 24 October 1847, during the annual fair of St Theodor, at the market of Frumoasa in Iași. Their father's wife was hanged at the site of the crime.<sup>30</sup> Anger pushed the Cuciuc brothers to murder. The community described them as 'model employees' and 'wonderful' people, and yet they lost all control over their emotions and killed their father. A civilized person had to know how to control his anger and master his feelings.<sup>31</sup> This loss of control in the unfolding of the events is what shocked Iași society around the 1848 revolution.

A decade earlier, another parricide on 6 August 1831 was judged and appraised differently. Catinca Vlahuță and her son, Nicolae, plotted to murder Mihalache Vlahuță, Catinca's husband and Nicolae's father. The two culprits received different sentences, while both were degraded in order to be able to receive their punishments.<sup>32</sup> Catinca was sentenced to eighty strokes of the whip to be carried out in the St Spiridon square in Iași, followed by imprisonment in chains in a monastery. The son was to receive sixty strokes of the whip and imprisonment in a monastery until he reached adulthood. However, Governor Pavel Dmitrievich Kiselyov softened these sentences, taking into account that the accused were nobles.<sup>33</sup> Both were spared the public flogging: Catinca was sent to the monastery, and Nicolae was imprisoned until his majority, being granted the mitigating circumstances of his young age and not knowing right from wrong.<sup>34</sup>

Contemporary legislation listed parricide as the most heinous crime: 'He who shall kill his father, or his mother, or his grandfather, or his grandmother, he who kills his parents should suffer the greatest punishment of all murderers.'<sup>35</sup> It is legitimate to ask how Catinca and Nicolae could be spared capital punishment when this sentence was stipulated in the Code of Law. At first, it would seem that their lives were spared on account of their nobility, or for 'biological' considerations: Catinca was a woman and Nicolae was underage. These attributes were given considerable weight in sentencing during this period. Furthermore, in this particular case, the mother and son were considered the mere instigators of the crime and not the actual perpetrators. The two servants who were found guilty of the murder were sentenced to prison for twelve years. In fact, this clemency was directly linked to the Russian governor Kiselyov: capital punishment was avoided during his governance.<sup>36</sup> Parricide cases fell

under the jurisdiction of the Criminology Department (Departamentul Criminalicesc), and the sentences always carried the Prince’s decision as a final approval of the punishment.

The judiciary archives record hardly any cases of parricide. They seem to have been a taboo, related to the Fifth (‘Honour your father and your mother, so that you may live long in the land the Lord your God is giving you’) and the Sixth (‘Thou shalt not kill’) Commandments (Exodus 20:1–17). A father’s authority mirrored the authority of a lord over his country. Disobedience was equated with betrayal. Sons and daughters had to obey their lord—their father.

Furthermore, in eighteenth-century Wallachia, curses had a strong hold on society and were seen as an eternal punishment weighing on the cursed. A curse by one’s parents was the hardest to neutralize.<sup>37</sup> ‘Cursed be by the Lord he who shall forsake and forsakes his father and his mother.’<sup>38</sup> Sons and daughters carefully avoided the curse of their parents, which was believed to attract divine punishment in the form of disease and horrible death: ‘the curse of the parents, the punishment of God’ was a saying of those times.<sup>39</sup> Christians strived and hoped for a ‘good death’, therefore resigning themselves to obedience and a certain degree of socially acceptable violence. Children’s obedience and compliance was instrumental in the transmission of patrimony. Parents rewarded obedience and good behaviour with generosity displayed at the division of the estate. The relations between parents and their offspring were thus strongly marked by fear of disinheritance and the paternal curse.

## NOTES

1. The Library of the Romanian Academy, Documente Istoric Collection, LXXXI/ 80, 81, 83b, 84, 85, 86 (hereinafter BAR, followed by the pressmark).
2. *Îndreptarea legii (1652)* [The Correction of the Law] (Bucharest: Editura Academiei Române, 1962), 275.
3. Pan. Zepos and Val. Al. Georgescu, eds., *Nomicon Procheiron, élaboré par Michel Photinopoulos à Bucarest (1765–1777)*, Annuaire du Centre des Recherches de l’Histoire de Droit Hellénique, tom 24–26 (1977–1979), (Athens, 1982), 487–488; *Legiuirea Caragea (1818)* (Bucharest: Editura Academiei Române, 1957), 8.
4. *Nomicon Procheiron*, 456.

5. *Îndreptarea legii*, 280.
6. Joanne Bailey, 'Paternal Power: The Pleasures and Perils of "Indulgent" Fathering in Britain in the Long Eighteenth Century,' *The History of the Family* 17, no. 3 (2012): 326–342.
7. T.L. Broughton and H. Rogers, 'Introduction: The Empire of the Father,' in *Gender and Fatherhood in the Nineteenth Century*, eds. T.L. Broughton and H. Rogers (Basingstoke: Palgrave Macmillan, 2007), 7. See also Raisa Maria Toivo, 'Violence Between Parents and Children: Courts of Law in Early Modern Finland,' *The History of the Family* 18, no. 3 (2013): 342; Nicoleta Roman, 'A Dimension of Private Life in Wallachia: Violence Between Parents and Children (1830–1860),' *The History of the Family* 19, no. 2 (2014): 181–201.
8. Marianna Muravyeva, "'A King in His Own Household": Domestic Discipline and Family Violence in Early Modern Europe Reconsidered,' *The History of the Family* 18, no. 3 (2013): 227–237.
9. BAR, Manuscripts Collection, mss. 637, f. 150, 24 October 1784.
10. For the importance of community participation, see also Nancy Kollmann, *Crime and Punishment in Early Modern Russia* (Cambridge: Cambridge University Press, 2012), 124–132.
11. Most of the petitions were not written by the social actors themselves; they paid a priest, a public scribe, an official clerk or any other *logothete* for doing this. See Constanta Vintila-Ghitulescu, *Im Schalwar und mit Baschlik. Kirche, Sexualität, Ehe und Scheidung in der Walachei im 18. Jahrhundert* (Berlin: Frank & Timme, 2013), 65–94.
12. Bailey, 'Paternal Power,' 327.
13. Department of National Historical Archives Bucharest ANIC, Manuscripts Collection, mss. 143, ff. 224<sup>v</sup>–226<sup>f</sup>, 12–14 July 1793 (hereinafter ANIC, followed by the pressmark). The ecclesiastical court found the father guilty, together with other accomplices who broke the written and unwritten rules of society and defied the Church. Luca was guilty of 'not guarding his honesty and not following the commandment of the church as a Christian but going against it'. The girl's brother and neighbours were all punished for taking part in the young woman's abduction.
14. For a comparative perspective, see also Daniela Hacke, *Women, Sex, and Marriage in Early Modern Venice* (Aldershot: Ashgate, 2004), 89–109; Elizabeth A. Foyster, *Marital Violence: An English Family History, 1660–1875* (Cambridge: Cambridge University Press, 2005), 131–140.
15. ANIC, Mitropolia Țării Românești Collection, CCCLX/1, 26 May 1816.
16. Gheoghe Lazăr, *Mărturie pentru posteritate: testamentul negustorului Ioan Băluță din Craiova* [Testimony for Posterity: The Last Will of Merchant Ioan Băluță from Caiova] (Brăila: Istros, 2010), 18.

17. See Constanța Vintilă-Ghițulescu, ‘Judicial Archives and the History of the Romanian Family: Domestic Conflict and the Orthodox Church in the Eighteenth-Century,’ *The History of the Family* 2 (2013): 261–277.
18. Iuliu Zanne, *Proverbele românilor din România, Basarabia, Bucovina, Ungaria, Istria și Macedonia* [Romanian Proverbs from Romania, Moldavia, Bucovina, Istria and Macedonia] (Bucharest: Socec, 1899), vol. IV, 471 and VIII, 372.
19. V.A. Urechia, *Istoria românilor* [History of the Romanians] (Bucharest: Socec, 1893), III, 440–445.
20. *Îndreptarea legii*, 217.
21. Mihail Gălan, ‘Organizarea justiției moldovene în timpul ocupației rusești din anii 1828–1834,’ [The Organization of the Moldavian Justice Under the Russian Occupation] in *Întregiri. Buletinul Institutului de istoria dreptului vechi românesc* (Iași, 1938), 67.
22. BAR, Manuscripts Collection, mss. 1336, f. 27v.
23. On this topic, see also Marianna Muravyeva, ‘Family, Authority, Violence Against Parents, and Parricide in Russia, 1600–1800,’ *Journal of Family History* 41, no. 3 (2016): 307.
24. BAR, Manuscripts Collection, mss. 636, f. 91<sup>r</sup>.
25. BAR, Manuscripts Collection, mss. 638, ff. 183<sup>v</sup>-184<sup>r</sup>, 20 February 1784.
26. Marianna Muravyeva, ‘Vergüenza, Vergogne, Schande, Skam and Sram. Litigating for Shame and Dishonour in Early Modern Europe,’ in *Shame, Blame and Culpability: Crime and Violence in the Modern State*, eds. Judith Rowbotham, Marianna Muravyeva, and David Nash (New York: Routledge, 2013), 22–23.
27. J.M. Beattie, *Crime and the Courts in England, 1660–1800* (Princeton: Princeton University Press, 1986), 133–134, 464–468. See also Jody Greene, ‘Public Secrets: Sodomy and the Pillory in the Eighteenth-Century and Beyond,’ *The Eighteenth Century* 44, no. 2–3 (2003): 203–232.
28. David Nash and Anne-Marie Kilday, *Cultures of Shame. Exploring Crime and Morality in Britain 1600–1900* (Basingstoke: Palgrave Macmillan, 2010), 26.
29. Gheorghe Sion, *Proză. Suvenire contimpurane* [Memoires] (Bucharest: EPLA, 1956), 190.
30. *Ibid.*, 190–191.
31. Ute Frevert, *Emotions in History: Lost and Found* (Budapest: CEU Press, 2011), 89.
32. The sentence read: ‘It was decided in the presence of the members of the Chamber that the above named shall be degraded from the rank they had on this earth, they shall wear the peasant tunic and be bound to pay census in

the village of Pătrășcanii of Tutova county, where the murder took place.’ Members of the nobility could not be sentenced before they lost their rank and privileges. The two culprits were also included in the tax-paying population, whereas tax exemption was one of the main privileges of the boyars (Gălan, ‘Organizarea,’ 105–106).

33. The Romanian Principalities were under Russian occupation between 1828 and 1834. One of the Russian governors was Pavel Dmitrievich Kiselyov (1829–1834). See Jean C. Filitti, *Les Principautés Roumaines sous l’Occupation Russe (1828–1834)* (Bucharest: L’indépendance roumaine, 1904).
34. Gălan, ‘Organizarea,’ 105–106.
35. *Cartea Românească de Învățătură* (1646) [The Romanian Book of Learning] (Bucharest: Editura Academiei Române, 1961), 92.
36. Constantin Angelescu, ‘Pedepsa cu moartea la români în veacul al XIX-lea,’ [Capital Punishment in Romania, XIXth century] in *Revista de drept penal și știință penitenciară* 5–6 (Bucharest, 1927), 18–24.
37. A saying for the XVIII. suggests: ‘you should avoid annoying you mother, because she could blaspheme you and her blasphemy is really tenacious’ (Zanne, *Proverbe*, VIII, 372).
38. *Îndreptarea legii*, 275.
39. Zanne, *Proverbe*, VIII, 683.

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# From Confession to Declaration: Changing Narratives of Parricide in Eighteenth-Century Scotland

*Katie Barclay*

In 1824, the Scottish poet James Hogg published *Confessions of Justified Sinner*, a remarkable tale of a young man who murders his brother, mother and sweetheart, amongst others.<sup>1</sup> The main character, Robert Wringham, is the second son of his mother's marriage to George Colwan, laird of Dalcastle. He is raised by his mother's spiritual adviser, Reverend Wringham, after she separates from her husband due to their religious differences. Her eldest son remains with his father. Set in the early eighteenth century, the family are torn apart by the mother's devotion to a strict Calvinist faith and the father's persistence in the polite and worldly lifestyle of the Scottish elite. As a strict Calvinist, Robert is raised to believe that his election as one of God's people was determined before birth and so there is nothing he can do to effect his salvation. In his early teens, he meets a man, Gil Martin, who convinces him that God wishes the furtherance of the Kingdom of Heaven through a series of 'righteous' murders. Wringham begins by killing a well-known cleric, then his

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brother. Martin pushes him to kill his father, but Colwan dies of grief after the death of his eldest son. Wringham then inherits. Over the next few months, he also kills his mother and a woman whom he has seduced. Finally, he kills himself.

The narrative structure is marked by its potential for double readings. It is split into two sections. The first is an overview of the story told by a third party narrator. The second part is Wringham's confession, recounting events from his perspective. The relationship between Wringham and Martin can also be read in two ways. For the reader of Scottish folk tales and given the story's setting in the strict Puritan environment of early eighteenth-century Scotland, Gil Martin can be viewed as a daemon, a familiar spirit or perhaps even the devil himself, seducing Wringham to his own eternal destruction as he commits mortal sin after mortal sin. Or, the story can be viewed from the perspective of the nineteenth-century reader who, whilst not yet having rejected the possibility of supernatural intervention, perhaps suspects that Robert Wringham is provoked not by an external force but by his own delusions, and therefore as a tale of psychosis and mental illness. Which reading is 'correct' is ambiguous. On the one hand, (according to Wringham) local witnesses see and interact with Gil Martin, increasingly recognizing him as a supernatural, maleficent creature. On the other hand, significant moments are missing in Wringham's rendition—he has no memory of killing his mother or sweetheart and his memory of killing his brother is not his own but one recounted by Martin—which is suggestive of a mental break.

Across the tale, Wringham struggles with his religious conscience. Gil Martin's encouragement to kill disturbs him, yet his arguments are rational and persuasive within a framework of Calvinist predestinarianism. They are coupled with temporal temptations of riches, honour and power, which for the reader reinforces the immorality of the situation. Increasingly Wringham feels Martin's presence as a weight that bears him down and experiences relief at his absence. Throughout the book, 'honest' characters provide him with opportunities to re-evaluate his murderous choices and to redeem his soul. The murders themselves act as steps in his moral downfall. The initial killing of the cleric, a stranger but a man of God, is followed by the more significantly unnatural killing of his brother. The murder of his parents, particularly his father, is held out as the penultimate temptation, more serious again due to the sacred relationship between parent and child and its disregard for the scriptural injunction to 'honour thy father and mother'. Martin 'began to urge the death

of my father with such an unremitting earnestness, that I found I had nothing for it but to comply', noted Wringham.<sup>2</sup> After his father's death, Wringham's life spirals: he begins to lose periods of time, feels his relationship with Martin as little more than a burden, wishes for death and finally commits the unredeemable sin of suicide.

In these last days, Wringham finds it difficult to separate himself from Martin. He notes that 'to shake him off was impossible—we were incorporated together—identified with one another as it were, and the power was not in me to separate myself from him'.<sup>3</sup> Later in the text, Martin reaffirms this connection: 'our beings are amalgamated together, as it were, and consociated in one, and never shall I depart from this country until I carry you in triumph with me'.<sup>4</sup> A victory of the devil for a man's soul, perhaps, but just as keenly a victory of the devil over a man's mind, offering the alternative reading of this as a tale of one man doubled in mental break, lost to illness. A novel that was not well received at the time, *Confessions* has come to be viewed as a landmark in modern, even post-modern, literature. It is also a tale that provides remarkable insight into how the Scottish public across a long eighteenth century interpreted and explained the behaviour of children who murdered their parents.

This chapter is based on evidence from witness testimonies and criminal confessions or declarations from trials arising from parricide and parental assaults. Whilst the historiography of domestic violence is a growing field, it has largely focused on violence between spouses and more recently child abuse.<sup>5</sup> The history of violence against parents is remarkably unexplored, despite a growing interest in relationships between parents and adult children, and on family dynamics within the household.<sup>6</sup> What has been written has focused on representations of parricide in the press and similar media and, in a British context, has almost exclusively centred on the high-profile, mid-eighteenth-century trial of Mary Blandy for the murder of her father and the reasons why it captured the imagination of the public.<sup>7</sup> A notable exception is Anne-Marie Kilday's recent work on parricide in eighteenth-century Scotland, surveying the (limited) data and suggesting reasons for the absence of parricide cases.<sup>8</sup> The broader dearth of research is perhaps unsurprising in a Scottish context, where the history of the family, particularly outside marriage, is still embryonic, and where there is very little written on parent-child relationships at all.<sup>9</sup>

It may also reflect that parricides were relatively rare, typically forming between 1 and 5 per cent of all homicides.<sup>10</sup> There are no absolute parricide statistics available for eighteenth-century Scotland, a country

with a comparatively low non-infanticidal homicide rate of 0.37 between 1700 and 1749 and 0.32 between 1750 and 1799.<sup>11</sup> Kilday has identified nine cases between 1700 and 1850, and thirteen for the 250 years after the 1594 Parricide Act.<sup>12</sup> ‘Intimate killings’ formed a significant proportion of all homicides, however, with the killing of strangers only making up 34.5 per cent of homicides in the first and 34.3 per cent in the second half of the century.<sup>13</sup> As has been shown for the rest of Britain, parricide played on the public imagination as a particularly heinous crime, one that, as repeated commentators reminded readers, was so unthinkable that some nations did not legislate against it, not imagining that it would occur.<sup>14</sup> As one uncle observed to his nephew in 1756, ‘parricide is the highest step of murder than can be act or imagined’, and those that committed it ‘tho they should escape punishment from men yet they will not escape God Almighty’s swift judgment both in this life and that to come and seldom fails but to happen this life and every thing they put hand to will goo wrong and never prosper and vanish away as smoke and generally goe in misery before they dye’.<sup>15</sup>

Rather than focusing on public representations, this chapter explores how Scottish men and women explained and made sense of parental violence when in front of the court. During such testimony, people were asked to consider such violence not only in the abstract, but as it occurred in their families or amongst their neighbours. In doing so, wider public discourses provided useful frameworks for interpreting such events, but, as in Hogg’s tale, competing narratives often played out alongside each other as people tried to articulate the unthinkable.<sup>16</sup> Here the child that dishonoured his/her parents competed with the mentally ill child; in both cases, violent children were often viewed as overcome with anger, a consuming passion that tested the boundaries between madness and sanity, legal culpability and sin. This chapter adds to a literature that highlights the complexity of notions of legal responsibility, social order and mental wellness across the eighteenth century.<sup>17</sup> Rather than contributing to an older narrative of increasing secularization and naturalization of both law and medicine, it highlights the contested nature of these processes as they were played out in people’s lives over the century.<sup>18</sup> Like James Hogg, people found that explanations for parricide did not sit easily within one explanatory model.

This chapter draws on fifteen cases of parricide and nine trials for ‘cursing and beating parents’ that came within the purview of the Scottish Justiciary Court between 1660 and 1830.<sup>19</sup> This should not be

presumed to be a full set of such cases, as it is based on a random sampling of Scottish court records. Nine of the parricide cases date from after 1800, which may suggest a flurry of murderous children after a quiet eighteenth century. However, it is more likely the result of the survival of procurator fiscal (the prosecutor for the Scottish Crown) records after this date, allowing the historian access not only to cases that went to trial but also to those that were dismissed.<sup>20</sup> Given that being ‘distracted’ was a recognized defence, written into the statute, for ‘cursing and beating parents’, and that, as we shall see, within the Scottish imagination mental illness played a key role in explaining why children murdered their parents, it may be that such cases were weeded out before trial during the earlier period. It is also worth noting that only the most serious cases of ‘cursing and beating parents’ came before Scotland’s highest court; many were dealt with through the Kirk Sessions, sheriff and police courts.<sup>21</sup> This sample includes only one such case after 1800, suggesting that this crime was less likely to be escalated to the higher courts during the later period.

### HONOUR THY FATHER AND MOTHER

Scotland, like the rest of Europe, retained a strong investment in the patriarchal family unit across the long eighteenth century.<sup>22</sup> The father was expected to act as the head of his household, exercising his authority benevolently and with love. More broadly, children were expected to ‘honour’ both their father and mother, following the scriptural injunction but also the duties bestowed upon children in Scots law. This religious and legal framework imagined the family as affectionate, peaceful and orderly, where strict hierarchies coupled with loving leadership and gentle discipline would ensure familial success.<sup>23</sup> Whilst the level of acceptable violence in the early modern European home is a topic of some debate, in Scotland at least, even quarrelling was frowned upon and physical discipline was only meant to be applied when family order broke down.<sup>24</sup>

Such injunctions were supported in law, not only by enshrining the honour of parents as an ideal, but by prohibiting violence against them. Although subject to its own statute, parricide was treated as a species of murder, punishable by death and prohibitions on inheritance.<sup>25</sup> There was some debate around whether parricide was a ‘murder under trust’ (killing someone that was in your protection) that was therefore punishable as a form of treason, but it was generally agreed that this only applied in special circumstances.<sup>26</sup> James Oliphant was outlawed for

treason after murdering his mother in 1665, but it does not seem to have been applied thereafter.<sup>27</sup> ‘Cursing and beating’ parents was a criminal offence, punishable by death for those over 16 and not ‘distracted’. Children between the age of ‘pupilarity’ and 16 were subject to ‘arbitrary punishment’, non-capital punishments at the discretion of the judge. Children below the age of pupilarity were not legally culpable, ‘here accompted as distracted persons’, as the lawyer Sir George MacKenzie put it.<sup>28</sup>

All the cases of cursing and beating tried in the Justiciary Court seem to have involved adults over 16. Ages are not always given, but those prosecuted typically appear to be aged between 17 and 30 (based on ages given for siblings and their roles and responsibilities). Given that those who were legally insane never held responsibility in Scots law, some commentators thought that the inclusion of a clause limiting the liability of ‘distracted’ people from punishment suggested that a lower bar should be set in such cases, where ‘though a total Alienation of Mind did not appear, yet even such Levity and Dissipation of Understanding, as might betray one into the Commission of so great an Outrage, should exempt one from the Punishment of the Statute’.<sup>29</sup> From the outset, then, violence against parents was situated within a complex discussion that tied honour for parents together with mental ill health and disorderly behaviour, and in which untangling or evidencing these variables played a key role in discussions of parricide.

Most cases of violence against parents were not isolated incidents, but arose from difficult relationships that had broken down over time. They typically occurred among families where children still lived with their parents or within small communities where they had daily interaction. Living at home with parents may have been relatively unusual in a broader Scottish context. Although data on household composition for eighteenth-century Scotland are sporadic, work on Wigtownshire suggests that less than 18 per cent of households contained children over 13 residing with their parents.<sup>30</sup> Of the sixteen cases where living arrangements are known, eleven children were living at home and one, Samuel Killan, received his victuals at home but slept next door.<sup>31</sup> A further son, David Kennaway, had been living with his father but had been thrown out a few weeks previous to the murder due to his violent behaviour, whilst Daniel Elphinstone regularly ate in the home of his in-laws before he murdered his mother-in-law, as that was where his wife resided (having fled his violence at home).<sup>32</sup> Of the

eight cases where living arrangements were unclear, two sons worked with their fathers and likely resided with them.

As this might suggest, much intra-familial violence was exasperated by a patriarchal system that expected children to honour their parents, but where the positioning of adult children at home was ambiguous.<sup>33</sup> This seemed to be particularly problematic for young men, who by far made up the majority of people indicted for violence against parents. Amongst the parricide cases, twelve sons, one daughter, one daughter-in-law and one son-in law killed eight fathers, five mothers and two mothers-in-law. The two murderous women both killed women. Although not counted in the previous figures (so as not to double-count victims), charges were also brought against a second daughter-in-law, Eliza Cook, who was tried with her husband for the murder of his mother.<sup>34</sup> Amongst the assault cases, nine sons and one daughter cursed and beat four fathers, two mothers and in three cases both parents. Again, the lone daughter in this set battered her mother. These data suggest that gender played a significant role in shaping children's violence against their parents, but whilst it impacts on incidence and it is notable that women were exclusively accused of violence against other women, the explanations that were provided for children's violent behaviour were not significantly different across genders. Witnesses providing evidence at such trials were typically trying to make sense of deviant behaviour from a range of explanatory frameworks that often overlapped.

### BAD OR MAD?

One such model was to view violence against parents as simply another deviant behaviour amongst the unruly and disobedient. It is notable that Hogg's Wringham showed very little respect for his parents or peers before he met Gil Martin, and he was wooed not only with theological justifications, but with the very worldly temptations of power and wealth. Despite it featuring strongly in popular culture as an explanation for parricide, greed was only explicitly articulated as a motivation in one Scottish case, although disputes over household resources featured in several cases.<sup>35</sup> Helen Watt and William Keith, mother and son, were accused of murdering their husband/father, because they were favourably placed in his will and were concerned about him changing his mind.<sup>36</sup> As a motivation it was weak, and the physical evidence weaker again; more

compelling for the court, however, was the list of witnesses that spoke to their wider ‘bad’ behaviour.

Watt and Keith were described as people of ‘bad fame, character and reputation, known & suspected guilty actors . . . of . . . thefts, theftous practices and other immoralities’; ‘as unruly people and dishonest people’; and ‘common thieves’. William and his brother Alexander were also accused of ‘whoreing and of pilfering’. Philip Standsfield’s charge for killing his father was coupled with a prosecution for High Treason, after he toasted ‘confusion’ to the monarch and made his servants do likewise.<sup>37</sup> Whilst viewed as separate crimes, it is clear that Philip’s treasonous behaviour was anticipated to make his murderous activities seem more likely to the jury, just as the Keiths’ theftous activities suggested they were culpable of parricide motivated by greed. In these cases, as in so many early modern criminal narratives, murder was an end point in a series of disorderly behaviours and was interpreted through this lens.<sup>38</sup>

Lunacy also emerged as another possible explanation in the nineteenth century. Margaret Robertson poisoned her mother in 1810, using arsenic from her mother’s store. The women appeared to live alone together; the father/husband was deceased. Robertson claimed that she ‘had no ill will towards her mother but at the time she was under distress & discomposed in mind’. She was found not guilty due to lunacy and sentenced to be kept in custody for life ‘so she is not a danger to herself or others’.<sup>39</sup> Robertson’s motivations, however irrational, for murdering her mother were never articulated in her file. Similarly James Esson was widely agreed to be an ‘idiot’ that experienced ‘furious violence’ at times.<sup>40</sup> The court deemed that he was not fit for trial and ordered him to be confined in the lunatic hospital for life after he murdered his mother.

Such clear-cut cases of insanity were quite rare, however. Rather, in many cases, mental wellness was one consideration amongst many in determining guilt. Alexander Wingate’s case, for example, was more complicated. He lived with his widowed mother, widowed aunt, sister and her child (who was likely illegitimate). He was widely known to suffer convulsive fits accompanied by ‘symptoms of derangement’, including hallucinations, suicidal tendencies and a range of ‘odd’ behaviours.<sup>41</sup> Yet for some time before his mother and sister died of arsenic poisoning, he had been relatively well and able to work. Moreover, everyone agreed that the family were on good terms. Wingate was described as ‘living on friendly and affectionate terms since he came to live with his mother’ and that ‘he never talked disrespectfully of his friends and he seemed to live on the

most affectionate terms with them'. One witness noted that Wingate and his sister 'have slight quarrels at times, but for a long time back they have lived very agreeably'. Whilst there was evidence that he had bought arsenic and no other obvious suspects, the jury came back with the distinctly Scottish verdict of 'not proven'. Like in Margaret Robertson's case, the lack of ill will and the harmonious living arrangements within the family concentrated explanations for parental violence in the mental illness of the (alleged) perpetrator, and in their absence, led to doubt over culpability—there was no rational or irrational explanation for Wingate's behaviour.

As this might suggest, one of the most important determinants in how child violence was interpreted was whether there was a history of previous violence or disrespectful behaviour towards parents. It is notable that a similar verdict was arrived at in the case of William Jackson and Eliza Cook, who were jointly prosecuted for the murder of his mother, Marion Jackson. In her legal declaration, Cook described how her husband came home extremely drunk and tried to take some money from her. She refused and he threw a hammer at her, which missed and struck his elderly, paralysed mother who was lying in bed. His declaration stated that he was so drunk that he had no memory of the events.<sup>42</sup> All the witnesses agreed that both husband and wife had a good relationship with his mother and had taken her in after she had a stroke. Given this context and the lack of independent witnesses, the jury found the case 'not proven'.<sup>43</sup>

Much more often, however, violence against parents followed a previous history of disrespectful or aggressive behaviour that coloured how the perpetrator's actions were interpreted. It is notable that in both Hogg and the Keith and Standsfield cases, not giving due respect to the parent's body in the lead-up to burial was telling evidence of their guilt.<sup>44</sup> In such cases, mental ill health and bad character were just some of a range of possibilities as witnesses attempted to make sense of violence against parents. Nineteen-year-old Christian McKenzie's 1763 crime was quite remarkable, clearly disturbing the small community in which she resided.<sup>45</sup> She was accused of murdering both her mother-in-law and her brother-in-law, with whom she and her husband lived. The crime was committed in a field near the public road. The two women were known not to get along and the prosecutor argued that Christian had fought with her mother-in-law when returning from town and hit her on the head with a rock, killing her. It was alleged that her 13-year-old brother-in-law heard the commotion from the field in which he was

working and surprised Christian, and that she twisted his head round, breaking his neck. Afterwards, it was claimed that she hid her mother-in-law's body beneath rocks and ferns, took some of her clothes and buried others near the river. Her brother-in-law's body was left lying in the field. It was found first and initially assumed to be a natural death. It was only when the mother-in-law's body was discovered that this decision was reversed. Christian was immediately suspected due to their previous inharmonious relationship. She was searched by her neighbours and found with her mother-in-law's apron beneath her clothes. However, she denied both murders until a confession was forced from her by a group of local men who tied her up and threatened her with violence for several hours. She repeated this confession to the authorities, but retracted it at trial. She was found guilty.

Christian was suspected because she had last been seen with her mother-in-law, but also because a number of witnesses noted they were 'not in good harmony with one another', 'they had not been in friendship and good harmony tho living together in one family'.<sup>46</sup> At the same time, her behaviour was puzzling and it appeared that her credit was already low in the community. One neighbour noted that 'he did not look upon the panel to have been very wise as she had been guilty of severall misdemeanours but not that she committed therefrom want of Judgement but from vicious inclination'. When she was questioned by authorities, they observed that 'it took a considerable time in taking the said declaration owing to her being silent for a considerable time before he could obtain an answer to the interrogator and sometimes answering by a sudden starting as if she had awaked out of sleep but found her answers pertinent to the interrogatorys'. A witness to these events agreed that she appeared 'to be in some confusion and cost Mr McQueen a great deal of trouble'.<sup>47</sup> Given that it was agreed that she was legally sane, such evidence was not used to suggest her innocence but rather contributed to the fullness of the explanation for this horrific and unusual crime. McKenzie was of 'vicious inclination', marked by her petty criminality; she was 'not wise' and 'confused', perhaps suggesting a diminishment of her rational processes; and her relationship with her kin was known to be difficult, a disharmony suggestive of disorderly disrespect. Between them witnesses provided the full flavour of the character and motivations of one who committed parricidal murder.

A similarly complex picture was constructed for David Kennaway, who murdered his father in 1825. Kennaway had returned home from the army

to live with his sister, her husband and their father. It was generally agreed that when he was sober, he was 'very quiet and agreeable', and that when abroad he 'spoke kindly of his father' and took him tea, sugar and 'other little things'. However, when he was drunk, he became 'very quarrelsome', 'noisy and quarrelsome', 'very furious like', 'quarrelsome and riotous and appeared to be like a madman'. In that state, he would abuse his sister, calling her a 'brimstone whore' and threatening to strike her, and he had publicly stated that he would murder his father and 'not be satisfied till he washed the walls with his brains'. Neighbours testified to the family's attempts to 'sooth him and keep him quiet'. After the murder, he left 'in a great passion and looked very fearful'.<sup>48</sup> Beyond this, it was speculated by witnesses that he disliked his sister's choice of husband and that he was angry at her for spending time with a new male lodger (suspecting infidelity). The only explanation for his anger at his father was that the latter had spoken to him about his treatment of his sister. Nobody articulated that Kennaway was 'insane'; indeed, it was broadly agreed he was 'intoxicated'. Yet his behaviour was so extreme, 'furious', 'like a madman', that it was suggestive of irrationality or loss of self-control.

Such a loss of control was not considered to be insanity in Scots law.<sup>49</sup> The ability to exercise control over one's passions was vital evidence of masculinity during the period; a lack of control was viewed as a sign of moral weakness, deserving of punishment.<sup>50</sup> It was exactly these sorts of failures of control that the court system was designed to manage, rooted in a longer Presbyterian heritage which saw criminal behaviour as the failure to resist sinful temptation.<sup>51</sup> Such a position was clearly captured by Hogg's Wringham, but also by the 1691 case of William Rutherford for murdering his father. In his legal confession, Rutherford explained to the court that for two months before his father's death he had been 'tempted therto by the Deivill'. He had told his father the day before that 'he was tempted to murder him and his father said that he hoped the Lord would not suffer him to doe such ane evill thing and desired him to pray to God against that Temptatione'. Rutherford could not resist and felled his father with a staff, striking him several times 'without speakeing a word'. Afterwards he went back to the house and told his mother he had killed his father. His mother and sister then went with him to his father's corpse.

The court accepted this explanation and Rutherford was sentenced to have his right hand cut off and publicly displayed, and then to be hanged.

It is unlikely that the court would have responded similarly one hundred years later; however, they were equally willing to locate impulsive and furious violence within a model of loss of self-control, rather than insanity. Nor was this necessarily a straightforward story of increased secularization. Many of Hogg's critics disliked *Confessions* for the 'doubling' that fascinates modern readers. That fanaticism was a form of madness was not in dispute: 'We leave such to Bedlam, fleabotomy, (an excellent remedy if applied in early life) and the straight waistcoat.'<sup>52</sup> But the status of Gil Martin was more suspect, viewed not as a product of a delusional imagination but a spiritual intervention, 'either an agent of the Great Enemy, or the arch deceiver himself'.<sup>53</sup> Indeed, one critic thought that rather than capturing fanaticism, the book attributed to 'the wild ravings of a madman' that 'which can never be fairly attributed to anything but the visible and irresistible agency of a familiar demon, such as that, which, according to the German fashion, is introduced into the fiction'.<sup>54</sup> For another, this familiar was viewed as unnecessary: 'there was no nodus which required such a cacodæmonical interference, in order to bring the self-justified sinner to the halter'.<sup>55</sup>

Rather than seeing Gil Martin as another self, they saw him as a spiritual intervention that they thought was largely unnecessary to the plot. The same outcomes could have been achieved through Wringham's misdirected imagination and loss of control over his passions. This is not to suggest that early nineteenth-century elite commentators, such as the reviewers, necessarily believed the devil actively walked on earth (although many lower-order Scots still held such beliefs—as late as the 1760s, that the accused 'saw spirits and apparitions' was reckoned evidence of guilt), but that the domain of spiritual temptation was still real enough that it could not be collapsed straightforwardly into mental ill health.<sup>56</sup> It is interesting, then, that by the nineteenth century, nobody explained their violent behaviour towards their parents as a demonic temptation. Rather, as for Kennaway, such explosive and furious behaviour was explained as a loss of self-control over the passions, and inflected by broader social behaviour, including intoxication and family conflict.

### ANGER AND MASCULINITY

Explanations based on lack of control over the passions were not new to the second half of the eighteenth century, but they were perhaps the most persistent representation of murderous children in this period, particularly

sons. In such tales, witnesses typically described a series of conflicts between parents and children that fed a growing anger and culminated in murder. Notably, whilst parents were often described as active participants in such disputes, it was much more unusual for their passions to be described as disorderly, suggestive of the way that patriarchal constructions of family life informed whose anger was viewed as legitimate. The indictment against Philip Standsfield, the heir to a small landed estate and manufactory, in 1688 for murdering his father, James, explicitly articulated that he did ‘conceave harbour and enterain ane hellish malice and prejudice’ against his father.<sup>57</sup>

Witnesses described how Philip’s dissolute life had provoked his father, who acted to restrain his behaviour through limiting his spending and ultimately disinheriting him. They presented a picture of escalating tensions, beginning with his father catching him doing something shameful and unspeakable in London and bringing him home. At home, Philip’s resentment to his father built. Servants heard him complain that ‘his father dealt too narrowly with him, he being then married’. They described how they heard him ‘curse his father and bid the Devil damn him and rise him’; heard him ‘express his hatred and abhorrence of his father, and that he could not abyde to see his father’; that ‘God let him never see his fathers face again; . . . the Devil rive him, and take him away’.<sup>58</sup> Philip was said to avoid being in his father’s company and refused to take meals with him, whilst shortly before the murder, his father complained that Philip had fired a pistol at him when he was on his horse.

In contrast, James Standsfield was described as a ‘kyndlie parent’, who showed ‘his natural compassion’ for his son in paying his debts. Witnesses described his distress as their relationship broke down and the conflicted feelings he had about disinheriting his son. In the weeks before he died, one witness noted that he was ‘not so free for discourse, nor so pleasant as at other tymes. In so much that I used some freedom with him to quere the reason why his honor was so melancholy? Who with a great sigh wringing his hands together with tears trickling down his cheeks, said, Mr Spurway I have great cause for it.’<sup>59</sup> Despite the disinheritance of a son being considered unacceptable except in extreme circumstances, James Standsfield was not represented as angry, but as exercising fatherly discipline and displaying sorrow, tears literally running down his cheeks, at the breakdown of the father–son relationship.<sup>60</sup> Such a response made Philip’s behaviour appear all the more unreasonable and unnatural. Despite the evidence that emerges from this case of a clash rooted in different notions

of masculine independence and authority, of the son who felt constrained by a controlling father—a limitation that was heightened for Philip who, as a married man, considered himself an adult—witnesses did not question James’s exercise of paternal authority. The conflict was acknowledged but interpreted within a framework where the honour that children owed parents trumped Philip’s need to position himself as an independent man.<sup>61</sup> In this, his growing anger was viewed as irrational, disorderly and ultimately criminal.

The case of David Young, who in 1738 was accused of both ‘cursing’ his mother and setting fire to his neighbour’s property, showed a similar destructive anger rooted in a challenged to the masculine self. Young was not considered to be insane, although his behaviour was clearly understood to be irrational. He had lost a legal suit against a man named Compton and blamed his neighbour Alexander Mitchell for its failure.<sup>62</sup> Neighbours recounted how he ‘raged’ against them ‘for some time’, saying ‘God Damn Compton and Sanders Mitchell and he hoped to see them licking the Herds Coff with their hunger ere long’. He often threatened revenge and his behaviour was considered odd. One witness thought he appeared ‘to be in some confussion [after the fire] he sitting with his head hung over his staff’.

His attack on his mother was a relatively minor part of the trial. The prosecutor and witnesses recounted how he found his brothers employed at the plough ‘assisting their and your mother in Labouring the said Lands which you had neglected to do tho’ specially bound and oblidged therto you having thrown off all ties of blood and relation’. On seeing them, he drew a small sword and attacked them, but was disarmed. Later his mother came to his home and ‘spoke roughly’ to him about his treatment of his brothers, and he replied ‘The Devil take him that ever she should have born him, for she would be orphaned and disgraced by him and he would bring her to trouble’, and called her ‘ye old Devill’ and ‘God Damn her’. ‘God Damn her’ may seem like a relatively mild epithet, but it was amongst the most common attributed to children cursing their parents in the first half of the eighteenth century, suggestive that, within the religious context of the period, it was understood as a curse and not just as abusive language.<sup>63</sup> What had initially motivated Young’s attack on his brothers is not clear, but is tied to a throwing off of ‘blood and relation’, marked by his refusal to work his mother’s land. More broadly, Young’s anger is described as embedded in a sense of injustice and sensitivity to even small slights; moreover, it is an anger that grows, leading him to eventually burn down his neighbour’s

house. Yet such unruly passion was not an excuse for parental violence. Whilst his mother is acknowledged as having 'spoken roughly' to him about his behaviour, his response was still considered as having breached legal statute, reinforcing the significance of even adult children conforming to models of honour and respect under chastisement.

In a final case in 1822, Peter Moffat displayed a similar uncontrollable rage, but the behaviour of his father, also named Peter, was more ambivalent. Young Moffat, aged around 17, had been drinking in various places in the town, before going to Adams's public house and falling asleep by the fire. He eventually slid onto the floor and was pushed into a corner by the landlady. His father, also very drunk, came in, took hold of him by the hair and started kicking him with 'considerable violence'. He accompanied this by asking him 'what he meant by lying there', swearing at him and asking the landlady if she wanted any money (presumably for unpaid drinking debts). Young Moffat awoke and started fighting with his father; witnesses described them wrestling on the floor and Old Moffat hitting Young Moffat's head on the ground. A group of people managed to separate them and put Old Moffat out of the public house and locked the door. Young Moffat, however, remained angry, attempting to get out of the building to go after his father. 'In a great rage and squeal[ing] like a madman', he pulled out a knife and threatened those around him, who let him leave the building. He ran across the street to his father and stabbed him repeatedly in the stomach until unarmed and pulled off his father by members of a watching crowd. Old Moffat died from his wounds a few days later.

Neither father nor son were portrayed particularly well in reports of this encounter and they were rumoured to be involved in smuggling, further proof of their poor character. Both men were also overcome by anger, a lack of self-control perhaps explained by their drunkenness, but the initial dispute that occurred was still understood as arising from fatherly discipline and the challenged masculinity of the son. Old Moffat's reaction to his sleeping child is suggestive that, even amongst heavy-drinking working-class men, maintaining a semblance of respectability and self-control when drunk was significant. Young Moffat may have felt his behaviour was acceptable as it was his sister's workplace, and his continued rage may have been influenced by the public nature of his beating and the fact that the local community had to intervene. The extreme violent reactions of both men is perhaps suggestive of a longer-running conflict; it is notable that Young Moffat no longer lodged at home and press reports recorded that Old Moffat was regularly violent towards his wife and did not provide for his children.<sup>64</sup> In the aftermath,

Young Moffat, like so many other angry men, not least Hogg's Wringham, denied remembering the events that led to his father's death. This failure of manly self-control could be recognized by outsiders as a growing, maddening anger, but within a patriarchal structure, such men had no vocabulary to explain their failure at both emotional control and honour for their parents.

## CONCLUSION

As a heinous crime, accounting for parricide and the beating of parents was challenging for eighteenth-century Scots, particularly in cases where 'insanity' did not provide an explanation. Like Hogg's account of Wringham's behaviour, observers of violence against parents attempted to build complex characters, drawing together social and economic motivations (greed, conflictual relationships), previous bad or criminal behaviour (reflective of a weakness of character) and overwhelming emotion—a form of rage—that drove people to overcome both natural affection and the moral and legal duty to honour parents. Violence against parents, therefore, was not a crime committed randomly or by good or honest children, but reflected a long-term erosion of either the familial tie or an individual's character, ultimately leading such people to commit the 'highest step of murder than can be act or imagined'. In this, understandings of violence against parents reflected the continuing significance of the family as a patriarchal structure that maintained good and moral order in eighteenth-century Scotland, and where affective and peaceful family relationships were vital to social stability and the orderly Christian community. If such a model was challenging to adult children, and particularly sons, who sought manly independence or a greater space for their own identities, such children were expected to place their own interests beneath those of their parents.

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## NOTES

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63. *Ibid.*
64. See discussion in Kilday, ‘Sugar and Spice’.

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# Unimaginable Crime and Imaginary Criminals: The Thorvald Sletten Matricide Case 1899–1907

*Silje Warberg*

On the afternoon of 6 April 1899, Maren Brevig (Mother Sletten) received two gunshots to her head at her farm in Vestby county, Norway. There were no witnesses. The revolver was found beside her on the floor of the bedroom, and it appeared she had been shot while asleep in her bed. The doctor was called for, but although she survived the night, she died in the morning without regaining consciousness. Suicide was ruled out, and the victim's foster son soon became the prime suspect. The 24-year-old Thorvald Sletten was Mother Sletten's biological nephew, and had been raised by her and her late husband from his infancy. His motives were perceived to be a blend of money and love. Sletten was engaged to a woman named Marie, who was pregnant, but his foster mother opposed the match and had threatened to disinherit him if he

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My title is inspired by Garthine Walker's paper presented at the BSECS annual conference (Oxford, 8 January 2015) titled 'An Unimaginable Crime? Parricide and Publicity in Seventeenth- and Eighteenth-Century England'.

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married her. Sletten was tried, found guilty of premeditated matricide and sentenced to death. Because he never confessed to the crime, the verdict was based on circumstantial evidence. As the death penalty had not been used in Norway since 1876, his sentence was customarily changed to life imprisonment at Akershus fortress. Eight years later, he received a royal pardon and was released.

Any history of violence against parents is also a story based on the various accounts that present and seek to explain events such as the Sletten murder. In accordance with a broader interdisciplinary interest in textual analyses of narrative sources, this should be a fairly uncontroversial statement.<sup>1</sup> That textual representations of crime do not faithfully reflect the actual incidents can be deduced already from the discrepancy between the large space crime is allotted in the daily press and literature, and the comparatively low statistical instance of serious crime in society.<sup>2</sup> The discourses and rituals of crime, rather than the direct experience of criminal acts, are the key determinants of crime's cultural impact.<sup>3</sup> This is particularly the case with violent crimes and murders. While these were marginal and infrequent experiences for most Scandinavians in the early twentieth century—affecting statistically very few people either as felon or victim, or through the judicial processes—cultural responses to and the uses of serious criminal events brought deviant actions into the mainstream.<sup>4</sup> Parricides, widely considered to be particularly gruesome crimes, were described at great length in newspapers and other printed media. As with all accounts of crime, they were produced and made sense of within the available collective cultural meanings and contexts of the period, which, in their turn, were continuously renegotiated through the texts in which they were put to use. In this way, printed narratives actively mould our definition of crime, suggesting motivations and dynamics for different kinds of criminal behaviour.<sup>5</sup>

Acknowledging this necessitates a focus upon the role of textual practices and their determinants—such as rhetoric, media, genre and literary agency—in studies of the cultural sense-making of crime. In what is often called the Narrative Turn within the humanities, interdisciplinary fields have emerged that pay attention to 'narrative' in new ways, such as law and literature and narrative medicine.<sup>6</sup> A perspective on criminal narratives based on these insights involves a movement from an analytic practice in which one looks at historical knowledge *and* the text, to an analysis of historical knowledge *in* and *by* the text. As a consequence, it becomes important not to overlook or conflate the borders between fiction and

non-fiction or other crucial distinctions between texts. As a case study, the Sletten murder makes the necessity of incorporating perspectives that adhere to these differences particularly evident. In this Norwegian case of matricide from the end of the nineteenth and beginning of the twentieth centuries, literature and fiction came to play important roles in shaping the public perception of the criminal event as well as the public image of the convicted offender. The explanation they provided will, however, seem surprising: through different textual representations and the interaction between them, Sletten eventually came to replace his foster mother as the perceived victim of the crime. When, in 1907, he was pardoned and freed, it seemed that the majority of the Norwegian population believed him to be innocent.

The textual material associated with the murder is large. Throughout the eight years of his imprisonment, the question of Sletten's guilt continued to be a matter of public discussion in various media. Newspapers, periodicals, pamphlets and sensational stories all contributed to what became a miscellaneous range of portrayals. Reading this material, it is striking how the public image of Sletten seems to have gone through a complete transformation. First perceived as guilty and decried as a monster, he went on to be portrayed as innocent and a victim, not just of a miscarriage of justice but also, potentially, of complex intrigues in which he was framed for the murder of his foster mother. In sensational true crime stories, his imprisonment was depicted as the true motive behind the murder on Mother Sletten, making Sletten's sentence part of the criminal act itself. This transformation could not have happened were it not for the involvement of two very different types of literary engagements with the case by Norwegian authors, who employed literary practices in order to explain and make sense of the matricide.

Bjørnstjerne Bjørnson, an author and public figure who was engaged in the newspaper debates, played a key role in shaping public opinion on Sletten and redefining the crime from one of matricide to one of a miscarriage of justice. As we will see, his involvement can be seen as an example of 'noo-politics', a type of power that, according to Maurizio Lazzarato, came into existence at the end of the nineteenth century, a time when the emergence of mass media and its establishment of a new 'public' marks the beginning of the transition from a society of discipline to one of control.<sup>7</sup> Bjørnson's active engagement in turn influenced four sensational stories written by popular, anonymous authors in which the known facts of the case as well as hypotheses from the ongoing debate

were merged with genre fiction. The stories are veritable reimaginings of the murder and its circumstances. Fictionality—understood here as a rhetoric quality or mode in which the imaginary or invented is used intentionally—is at play in all these texts, and is crucial to their negotiation of how the murder should be perceived.<sup>8</sup> This chapter is a contextualizing analysis of these two ‘literary’ engagements with the Sletten case. My aim is to explore how the matricide case was appropriated in literature and put to use in a wider cultural context, thus shedding light on the textual and contextual frameworks that shaped cultural understandings of violence against parents in Norway at the turn of the century. Precisely by refusing to believe that the case was one of matricide, the texts convey cultural expectations of parricides and their perpetrators. In order to portray Sletten as innocent, the texts needed to address and explicitly discuss what it is that characterizes a person who is (in)capable of murdering his/her parent.

#### THE UNNATURAL MURDER AND NORMAL MAN: THE SLETTEN DEBATE

Bjørnstjerne Bjørnson involved himself in the debate on the Sletten case in the national newspaper *Verdens Gang* in 1900 and again in 1906, contributing greatly to the public interest in the matter on both occasions. The author had a history of previous involvement in criminal cases both nationally and internationally. He was a well-known opponent of the death penalty and an advocate of a more humane penal system. These were issues that had a prominent place in Norwegian public discourse at the time because of the 1902 revisions to Norwegian law. The issues at hand were the role of psychiatric expert opinion, the death penalty and the care of the criminally insane.<sup>9</sup> Bjørnson’s involvement reflects this background, and at the same time reveals the close connections between the scientific, juridical and cultural fields in contemporary Norwegian public space. By bringing the matricide case to the fore of the broader debate, Bjørnson made the cultural implications of matricide a public concern.

Already in his first article, Bjørnson foregrounded the question of the relationship between the criminal act and the criminal individual. Sletten had been convicted of premeditated murder, a notion which to Bjørnson indicated that he must have had an abnormal mind and carried signs of his delinquency since childhood:

It would indeed be more than strange if a very young boy should give home to and raise traits that under the given circumstances could lead to murder in broad daylight and with open doors without his companions (the female and the male) not having run into these traits before. Yes, I say it is quite impossible [...]. We are talking about a long prepared assault, and yet it was accomplished with a foolish boldness. The characteristics this assumes do not grow anonymously in anyone.<sup>10</sup>

His defence of Sletten was constructed around the presumption that Sletten showed no signs of abnormality; Sletten was polite and good-natured—albeit a bit weak and cowardly—characteristics that pointed towards him being incapable of the planned murder of his own foster mother. Bjørnson repeatedly pointed to discrepancies between Sletten’s personality and the horrible deed of which he was convicted. Based on this ‘psychological evidence’, he attempted to have the case reopened and Sletten acquitted.

The idea that all criminals shared certain character traits visible from a young age was, of course, not new. From early textual representations of true crime in broadsheets and pamphlets from the sixteenth and seventeenth centuries, distinctive habits such as drinking, gambling, fighting and sexual immorality had marked the pathway towards sin and criminality.<sup>11</sup> Indeed, several such traits were attributed to Sletten in the first newspaper reports about him. Many of them accentuated his ‘less than pretty life’: his drinking, partying and the sexual immorality implied by his illegitimate child as well as his pregnant fiancée.<sup>12</sup> This interest in causality and personal characteristics served to strengthen the moral aspects of the true crime narrative. While presented as sensational and horrific, the murder also served as a warning and pretext for moral judgement and solicitations. One report, for instance, pointed out Mother Sletten’s role in spoiling her foster son and ended with an edifying Christian message warning all parents and guardians to raise their children in chastity and according to the precepts of the Lord, so as to avoid destroying their characters.<sup>13</sup> The characteristics of the criminal individual, their causes and their relation to those of the normal person have always been issues at stake in criminal representation. Victim-blaming is one potential consequence of this, especially in cases that involve close family.<sup>14</sup>

When Bjørnson pointed towards such criminal traits, he did so in line with contemporary ideas about the criminal that had gained scientific support from the emerging criminal sciences in the second half of the

nineteenth century. The French philosopher Michel Foucault has described this period as a historical turning point in the understanding and handling of criminality—from an interest in and punishment of criminal action and the criminal’s body, towards an increased interest in and punishment of the criminal individual and his criminal mind.<sup>15</sup> The criminological sciences studying ‘criminal man’ from the 1880s onwards contributed greatly to this development, and criminality became an object of study within the medical as well as the juridical field. Towards the turn of the century, the notion of inherited degeneration had become a causal explanation for a vast array of deviancies, including criminality, and connections between physical attributes and psychological traits were constructed as diagnostic taxonomies for them.<sup>16</sup> According to Foucault, these developments constructed a new figure: ‘the abnormal man’. When psychiatric expertise became a part of judicial practice, a discourse was established in which the question of abnormality was linked to the question of guilt.<sup>17</sup>

If we are to understand how these notions spread to a wider public and created new cultural images of criminality, Lazzarato’s concept of noo-politics may add new perspectives to how this process took place. ‘Noo’ comes from the Greek word ‘noos’ (‘mind’ or ‘intellect’), and as a philosophical term it signifies a faculty of our intellect which, much like intuition, shapes what we understand to be ‘true’ or ‘real’. The public is the structuring principle of the ‘politics of the mind’ that noo-politics entails. It is the ‘public’ not in the Habermasian sense, but that of the French sociologist and criminologist Gabriel Tarde: ‘The public of the media, the public of a newspaper: the public is a dispersed crowd in which the influence of minds [*esprits*] on one another has become an action at a distance.’<sup>18</sup> This ‘time of the public’ starts at the end of the nineteenth century, spurred on by the emergence of a new media reality, and builds on institutions such as public opinion, collective perception and collective intelligence.<sup>19</sup> It is through these media that ideas about the ‘born criminal’ and degeneration spread to the Norwegian public from the 1890s onwards, through prominent—albeit ambivalent—figures such as the Italian criminal anthropologist Cesare Lombroso, the German cultural critic Max Nordau and authors such as the French naturalist Émile Zola. Together with the wider context of degeneration theory and psychiatry, they contributed to a (re)shaping of ideas and narratives about true crime, both internationally and in a Norwegian context. In the printed press as well as in true crime stories from the first decade of the 1900s, we see an

increased interest in the connection between deviancy and abnormality of the mind.<sup>20</sup> In addition, themes such as hallucination and mania are introduced into the already established patterns of true crime narratives.<sup>21</sup>

When Bjørnson brought ‘psychological evidence’ to the fore of the debate, he invoked these contexts and used them actively in his own appeals to the public. Rather than confirming the criminal’s guilt, however, the ideas catering to popular science were put to use in order to argue Sletten’s innocence. Despite Sletten’s ‘less than pretty’ life, Bjørnson assured his readers that he did not fit the description of an abnormal, degenerate criminal. Instead, he postulated that it was unimaginable that this apparently normal man should have committed the inherently abnormal crime of premeditated matricide. In the ensuing debate, Doctor Carl I. Gundersen, who was an expert witness during the trial, became one of the primary opponents of Bjørnson’s defence. Both in newspapers and in an article published in a psychiatric journal, Gundersen attempted to prove Bjørnson and public opinion wrong and the justice system right. Much more in line with the discourse of expertise that Foucault sets out in his lecture series *Abnormal*, Gundersen’s article traces a series of traits that—although not criminal or pathological in themselves—depict a behaviour pointing towards the act of murder. He describes Sletten’s premarital sexuality as ‘abnormal’ and depicts a young man who had been on the verge of criminality since childhood due to his immoral traits: he spent too much money, partied and drank alcohol.<sup>22</sup>

In parallel with this development in the debate on Sletten’s guilt, the public image of the murder victim began to change. In the early reports on the murder, Mother Sletten was repeatedly portrayed as an honest, hard-working and often cheerful Christian woman.<sup>23</sup> Already in 1900, supported by a public statement from people who had known Sletten since his childhood, this began to change. Bjørnson and others subsequently described her as a harsh, cold and quarrelsome woman who treated her paying vacation guests from the capital well whilst maltreating the poor children she had in her care.<sup>24</sup> Interestingly, this image of Mother Sletten was sustained by both sides in the Sletten debate. Doctor Gundersen, who believed Sletten to be guilty of premeditated murder, described the malfunctioning mother–son relationship as part of a chain of events that inevitably led to their grim conclusion.<sup>25</sup> The idea that the foster son, even if guilty, was a better person than his victim was implied several times throughout the years.<sup>26</sup> As the years went by, and Sletten was reported to be behaving extraordinarily well in prison, Bjørnson and others argued

that he should be pardoned even if he had committed the murder, because he posed no threat to society at large.<sup>27</sup> One of his defenders even stated that ‘if a boy as modest and caring as Thorvald Sletten is a criminal, we wish that we had many such criminals!’<sup>28</sup>

Public opinion seemed to be largely on Bjørnson’s side, thanks to his active role in the media debate. From the start, he established an image of strong public opinion on his side by anchoring his interpretation of Sletten in ‘witnesses’ representing the local community. He procured these through an appeal issued in his very first article, in which he suggested that people who knew Sletten well should give a public statement about his character. Only a few weeks later, newspapers were able to print a petition signed by 107 of Sletten’s friends and acquaintances. It portrayed him as a kind, honest man and stated that the petitioners did not believe him capable of murdering his foster mother.<sup>29</sup> Nor had he shown any traits, such as cruelty towards animals or man, which could suggest him capable of murder. A people’s movement for Sletten’s release was established soon after, and continued to lobby for his pardon until it was achieved in 1907. Bjørnson used the petition to argue that if the local community believed in his innocence, ‘the rest of us in thousands must join in and seek his pardon by the authorities’.<sup>30</sup> At the same time, he determined the direction of the debate that followed. Its pivot point became Sletten’s character, and Bjørnson built his argumentation on the witness statement as well as on two meetings he had had with Sletten in prison.

Bjørnson had many supporters as well as opponents in the debate that followed. One editor made the Sletten case the focal point of his newspaper for an entire year.<sup>31</sup> Another anonymous contributor to the debate joined Bjørnson in his take on the new criminal sciences by adding photographic evidence to the same line of argumentation Bjørnson had established, suggesting that Sletten’s physiognomy indicated his innocence: ‘I have pretty recently seen a phototypic picture of Thorvald Sletten. One has not seldom seen pictures of criminals without the criminal physiognomy; but criminals, especially murderers, with a good expression in their face is reputedly a rarity. The expression in Thorvald Sletten’s face seems to be good.’<sup>32</sup> Repeatedly, the discrepancy between the unnaturalness of matricide and the apparent normality of the convict was reinforced by invoking taxonomies of criminal figures that had become prominent throughout the second half of the nineteenth century. Thus, public discourse made use of these concepts in ways contradictory to how

they were applied within the medical and legal institutions. Pseudo-scientific interpretations were merged with concrete, contextual frameworks and competing versions of the events at the Sletten farm on the day of the murder, slowly transforming the public image of the case. One very powerful context in this respect was that of a famous French case of a miscarriage of justice, which provided a ready-made explanatory framework in which the Sletten murder could be set.

### THE SLETTEN AFFAIR: A NORWEGIAN DREYFUS AFFAIR?

In his defence of Sletten, Bjørnson repeatedly referred to a historical case which, perhaps more than any other, exemplifies the rise of neo-politics at the end of the nineteenth century: the Dreyfus Affair. The French case of military espionage has gone into history as an instance where public opinion played a central role in changing the outcome of a legal conviction. That the Sletten case came to be influenced by this famous example of a miscarriage of justice was largely due to Bjørnson's earlier engagement in it. In 1898, he had published several articles about the Dreyfus case in the international press. Only a few days after Émile Zola published his *J'Accuse...* in Dreyfus's defence, the front pages of *L'Aurore* announced Bjørnson's public letter in support of the French author. He also published an article in which he elaborated on his interpretation of Alfred Dreyfus's character and an open letter addressed to Dreyfus himself. His arguments in these texts ran along the same lines as his defence of Sletten, highlighting psychology and personal characteristics that were seen as contradictory to the criminal deed. In Norway, these texts were published in the same national newspaper that would later print his articles about the Sletten murder.

Public opinion had been crucial in the reopening of the Dreyfus case in 1898—in the end leading to Dreyfus's acquittal—and Bjørnson clearly attempted to make history repeat itself when Sletten applied for a new trial in 1900.<sup>33</sup> The petition he obtained was unique in the Norwegian context, but it was clearly built on the 'intellectuals' defence of Dreyfus, in which 102 people signed the first petition.<sup>34</sup> Although Bjørnson seems not to have explicitly mentioned the French case in connection with the Sletten debate before 1907, these parallels were not lost on the Norwegian public or his critics.<sup>35</sup> In fact, connections between the two cases had already been established in newspapers, with headlines such as 'The Sletten affair: A Norwegian Dreyfus affair.'<sup>36</sup> In 1906, as the Dreyfus

case was reopened for a final time in France, Bjørnson was publicly criticized for his reinvolvement in the Norwegian matricide case:

It seems that, in his ageing days, old father Bjørnson has a new ambition. Apparently, he cannot sleep before he has gained the same reputation as his deceased colleague Zola. We shall have a Dreyfus affair in Norway. In article upon article the ageing, giant poet attempts to raise doubts about the validity of our courts' conviction of Thorvald Sletten. However, the difference between the French and the Norwegian trial is that the case in Norway has been performed strictly within the rules, whereas in the French one there was, as is well known, a considerable amount of cheating and foul play. Bjørnson, then, has not, with all his might, managed to breathe life into the agitation he has been attempting to stir. Every responsible man who has had anything to do with the case therefore refuses, with a clean conscience, Bjørnson's truly humane but unfortunately all too poetic appeals in favour of the unhappy criminal.<sup>37</sup>

Bjørnson at this point was ageing and suffering from illness, and the correspondent implies that his renewed involvement in the Sletten case had to do with a wish to establish his posthumous legacy. By framing the Sletten case as a miscarriage of justice equal to the Dreyfus affair, he could take on the same position as Zola in France. Both cases are perceived as tools for establishing and showing off literary agency.<sup>38</sup> The anonymous correspondent points out that there is no real connection between the French case and the Norwegian one, and that Bjørnson's defence is 'too poetic' to be taken seriously.<sup>39</sup> But at that point, the Dreyfus affair had already become a framework for understanding the Sletten case and had a large influence on various representations of it.

Bjørnson's engagement widened the contextual framework deemed relevant for the matricide case, and the French case of a miscarriage of justice came to play a central role in opening up sensational possibilities to explain Sletten's conviction for a deed he perhaps had not committed. Newspaper coverage of the Dreyfus affair, which was extensive at the turn of the century, presented the case as a sensational instance of elaborate conspiracies and a serious miscarriage of justice. For the Sletten case, the affair came to serve as a rhetorical figure associated with foul play and the conviction of an innocent man. Its primary function was not to provide an elaborate background or political context for the Norwegian murder case. Rather, it allowed the mystery of the case to grow and multiply in ways which added significance to the lacunas created by the lack of material

evidence. Despite repeated mentions similar to the ones seen above, the Dreyfus context seldom forms a full argument in itself. It is instead a doorway to a reality in which convicted men might be innocent after all, and in which convictions that are hard to believe can cover up truths that are even more unimaginable. This second paradoxical notion might explain how the public's unwillingness to believe that a normal man had committed matricide could be replaced by their willingness to believe in other, increasingly imaginative possibilities.

### THE REAL CULPRIT: HYPOTHESES, LIES AND INVENTIONS

This is where fictionality begins to enter into our story. Bjørnson had established the notion that it was hard to believe Sletten had committed the crime for which he was sentenced, and the Dreyfus context opened up the possibility of conspiracies and a miscarriage of justice. As a result, the question of who 'really' did it had to be addressed. Interestingly, the same pseudo-scientific ideas that had suggested Sletten's innocence were now put to use in order to fill the gaps they had previously been employed to call attention to. Alternative suspects were put forward who seemed to better fit common ideas about how a criminal should behave and look. Bjørnson called attention to one of them already in his first article:

To me, the rumour about the Swedish pedlar with scowling eyes, the skewed shoulder, seems uncanny. He is supposed to have been in the parish in exactly those days, and had been expelled by Mother Sletten after making threats—and he has not been there since. Even if this pedlar is innocent, it should remind us that there are mad people among us; we do not need to think of premeditated murder with deep motives.<sup>40</sup>

The pedlar has the physiognomic traits that mark the criminal type within criminal anthropological frameworks such as that of Cesare Lombroso, including scowling eyes and a skewed shoulder. He forms a contrast to Sletten, being an outsider in every sense of the term; he comes from another country, and he lives a vagrant life outside the social and cultural framework of the Sletten farm.<sup>41</sup> Bjørnson adds to this the suggestion that he might be one of the 'mad people among us' and lack a motive altogether. Criminality and insanity are portrayed as interconnected qualities belonging to the physically marked and foreign vagabond. He fits exactly the notions

of a criminal psychology and physiognomy that had served to disqualify Sletten from being the murderer.

This is another instance of how Bjørnson elaborated on already known facts from the Sletten case. The pedlar is a figure that appears several times in the Sletten debate. A month before Bjørnson mentioned the figure in his article, a barber named Ole Lauritz Andersen had come forward claiming that he had seen the murder of Mother Sletten as it took place. It had been committed by a dark-haired and nasty-looking man, most likely a vagabond, completely unlike Thorvald Sletten.<sup>42</sup> Newspapers were quick to report that Andersen had a history of alcoholism, delirium and epilepsy as well a 'lively imagination'; he had aspired to be an actor as well as a writer, but failed in both pursuits.<sup>43</sup> Even so, his statement had consequences. A Swedish pedlar was arrested a few weeks later, and new hearings and interrogations were opened to decide whether Sletten should receive a new trial. In the months that followed, Andersen changed his statement several times and even confessed to the murder himself. Eventually, he retracted everything and admitted that he had based his statements on newspaper reports. He had so strongly believed in Sletten's innocence, he said, that he had done this to help him.<sup>44</sup>

Although it did not result in legal consequences for Sletten, the presumably false statements had a large impact on public discourse. The public's attention was drawn towards questions of normality versus deviancy and the intersection between madness and criminality. How should one understand Andersen's statement? Was it a premeditated lie, a hallucination induced by his delirium, an invention or a hypothesis built on press reports—or was it, even, the truth or part of the truth? Both newspapers and a pamphlet written by lawyer Alfred Eriksen in 1906 suggested that there could be a core of reality in Andersen's fantasies.<sup>45</sup> Ideas about alternative murderers came to be based on his description of a dark, ugly outsider, or on the notion that Andersen himself might have murdered Mother Sletten in one of his fits of epilepsy, as epilepsy was characteristic of the criminal and insane according to Lombroso and others.<sup>46</sup> When cultural conceptions of the criminal individual are put to use in this way to create causal links between certain types of persons and criminal acts, it underlines the contrast between Sletten's apparent normality and the deviancy and insanity at play in the construction of alternative culprits. More 'imaginable' culprits slowly began to take the convicted matricide offender's place.

## ‘WHODUNIT?’ SENSATIONAL TRUE CRIME STORIES AND FICTIONALITY

What-ifs and hypotheses had already entered into the Sletten debate, and even more obvious uses of fictionality can be found in the sensational stories that were based on the Sletten case. Four such stories were published altogether, three in 1904 and one in 1907. Although they were all published anonymously, we can be fairly certain that three of them were written by the prolific writer Rudolf Muus, and one by a priest named Ludvig Bærøe.<sup>47</sup> Unusually for writers of true crime stories, they did not limit themselves to the traditional pattern of describing the murderer’s upbringing, the events that led to the murder, and his contrition and punishment afterwards. Instead, they told the story of the Sletten murder as a ‘whodunit’, constructing complicated intrigues to explain both who really murdered Mother Sletten and how Sletten ended up going to prison for it. They made use of the known facts of the case, generic patterns from European ‘sensation fiction’ and a wide variety of criminal figures that circulated in the period. Only one of them explicitly refers to the Dreyfus affair, but they all build on the notion that Sletten—like Alfred Dreyfus—must have been framed.<sup>48</sup>

The stories are recognizable as a mixture of traditional, sensational true crime stories and the generic fictions that came to be called sensation fiction by British critics in the 1860s.<sup>49</sup> These were romances with complicated intrigues, drawing upon emotional responses from their readers. Although the genre had long since had its heyday in Europe by 1900, sensation fictions were still widely translated and read in Norwegian popular literature, together with the developing modern crime and detective fictions.<sup>50</sup> Such stories played a significant role in shaping popular knowledge about crime and justice. They addressed cultural anxieties, especially those of the bourgeoisie, while medical and scientific discourse as well as politics underlay their seemingly conservative and formulaic writing. Like their European counterparts, the stories about Sletten reworked contemporary interests and concerns, mirroring national issues in larger, European contexts.<sup>51</sup> At the same time, they provided sensational reimaginings of the historic criminal case at hand.

All four stories portray Sletten as the victim of a conspiracy motivated by love and revenge. In three of them, a love triangle serves as an explanation for the murder. Sletten is torn between his fiancée and

a dark, exotic beauty that embodies the characteristics of the nineteenth-century 'new woman': she is active, independent and sexual. When he rejects her in favour of his fiancée, she contrives to frame him for the murder of his foster mother as her revenge. In each story, the woman instigates the conspiracy but requires help in order to carry it out. As a result, the 'real' culprits are many. Together, their characteristics provide a catalogue of the criminal figures in popular fiction from the period: They are men and women of another race, or who have spent considerable time in foreign countries, doppelgängers, passionate and active new women, swindlers, corrupt lawyers, vagabonds and delirious alcoholics who will do anything for money. They have paranormal abilities such as hypnosis, divination and spiritual suggestion, and they conceal their true selves and achieve social mobility by masquerading as both criminal lowlifes and nobles.

Between them, the stories suggest different solutions that reimagine the matricide and to varying degrees address grey areas between guilt and innocence. For example, two of Rudolf Muus's stories revolve around a plot of hypnosis in which the culprits attempt to hypnotize Thorvald Sletten in order to make him murder his foster mother himself. In the first story, published in 1904, the conspiracy is successfully carried out, and Sletten actually commits the matricide without being aware of it afterwards. In the second story, which was published on the occasion of Sletten's pardon and release in 1907, the same conspiracy fails in its final stage and the criminals end up firing the shots themselves. The use of hypnotism touched on legal, philosophical and moral debates that were frequently discussed in the period. Is the hypnotized offender guilty, having performed the act as an automaton? Is a guilty mind a necessary accompaniment to culpability? Even as the 1904 story explicitly states that Sletten should be perceived as innocent although he performed the murder, the story necessarily ends with Sletten imprisoned and his hypnotizers free—in fact, they are in love with one another and engaged to be married! It would seem that by using the same plot structure in 1907, this time making sure that Sletten does not murder Mother Sletten, Muus wishes to remove all doubt of Sletten's innocence on the occasion of his release. The close connection to historical developments in the case is evident, as are the presumably problematic dark areas of the hypnosis plot.

By stating that murder under hypnosis was unheard of in Norway, even though it was a legal issue in other European countries and in

America, the story also contains an implicit critique of the Norwegian legal system. The lack of closure, which was noticeable in all the stories about Sletten, tended to underline this. Even as the belief in Sletten's innocence allowed his story to be told as a 'whodunit', it did not allow for the typical closed ending of the modern crime fiction that usually followed this pattern. All of the stories had to leave open the question of whether the true culprits would ever be apprehended. Still, the sensation fiction could take the assumption of Sletten's innocence all the way and provide explicit answers to the question 'Who did it?' and probe its consequences. Not stopping at hypotheses or speculation, they used fiction to invent both the intrigues that led to it and the 'real' criminals behind it.

Despite their variations, all of the stories have some features in common: Sletten is the main character, his love interests are central to the story and Mother Sletten is murdered in order to harm him. The mother-son relationship is always described in connection with Sletten's engagement to Marie and Mother Sletten's dislike of it. She is portrayed as difficult, unfair and harsh, whereas her foster son is patient and good-natured, albeit deeply worried by the conflict. In this way, all the narratives reduce Mother Sletten to a pawn in a game that has her foster son at its centre. He is the intended victim of the crime, to be doubly punished by grief and imprisonment for life. Matricide ceases to be the crime, while the mother-son relationship remains an important part of its motive. It is a narrative solution that adheres both to Bjørnson's assumption that a stranger committed the crime, and the 'whodunit's' demand for a surprising and complex motivation behind an apparently unsolvable case. It seems that the mother-son nexus could not be abolished even in the fictionalized stories; issues concerning close family relations needed to remain central even if the son was innocent. The solution was to make the foster son a victim himself, perhaps even to a greater degree than the murdered person.

While highly fictionalized, the stories do build on the known facts of the Sletten case and make claims to truth and documentary value. All of them used the real names of several living people involved in the case. Their textual hybridity and its resulting ontological uncertainty make the stories ethically problematic. A striking example is Ludvig Bærøe's 'Thorvald Sletten or the Murder in Vestby'.<sup>52</sup> In his story, the man who is hired to perform the murder is Ole Lauritz Andersen, the historically false witness to the murder. The readers are presented with

his qualms about the murder plan, his proclivity towards lies and fantasies, and eventually his presence at the Sletten farm when his companion fires the shots. The story also contains several illustrations and photographs showing the Sletten farm, portraits of Thorvald Sletten and Mother Sletten as well as drawings of events such as his secret engagement to his fiancée, Marie. Newspaper articles and the verdict against Sletten are cited, and Bjørnson's involvement praised. A footnote informs us that only Marie's last name has been changed, in order to protect her privacy.<sup>53</sup> Andersen was not granted any such consideration: He is mentioned by his full name at the end of the story, and the narrator states that 'this man is on the loose and considered insane, while Thorvald Sletten must languish in prison'.<sup>54</sup> Here it becomes particularly clear that the stories were not the usual retrospective true crime narratives, but aspired to play a part in the ongoing debate.

The double exposure of 'what is' and 'what is not' is one of the qualities of the rhetoric of fictionality that these hybrid stories enable. They could retell the story of the murder using narrative devices and topoi that were familiar and recognizable to their readers. The practice results both in a naturalization and a denaturalization of the contexts and facts that are appropriated and fictionalized. Historical events and persons as well as scientific and cultural conceptions of criminality are transformed into literary plots that provide explanations naturalized by well-known, established formulae for narrative sense-making. At the same time, this process is denaturalizing in the sense that its explanations are hyperbolic and unreal. The stories mock the debate on which they build by transforming the hypotheses about alternative murderers into sensation fiction plots and the convicted murderer into the victim. They mock the legal system by framing a real event in ways that repeatedly show how the authorities fall short. At the same time, they celebrate these practices by reinvesting them in the playful format of popular literature. The stories also draw upon the historical developments in the case, and reserve for themselves a role in the debate to which they refer. All of them contain explicit references to Bjørnson's engagement and appeals where the narrators appear to speak with 'the voice of the people'. At the end of Muus's final story, published in 1907, an all-inclusive 'we' addresses Sletten himself, congratulates him on his pardon and wishes him all the best in his future life.<sup>55</sup>

## CONCLUSION

With the sensational stories, the textual transformation of Thorvald Sletten from guilty to innocent is complete. From the convicted murderer of his foster mother, he has become the victim of a miscarriage of justice as well as the intended victim of the crime itself. A matricide has been ‘undone’, although the case has not legally been reopened nor the offender acquitted. Distinctions between textual practices are important if we want to understand how this process took place. While the same facts, ideas and stereotypes are often repeated, they are also refracted in specific ways depending on each text’s exchange between source texts, historical discourses, and their generic set of rhetorical and narrative rules. When investigating the Sletten case, we are looking at a process in which historical facts and cultural conceptions of crime and the criminal individual are put to use *in* the texts and at the same time transformed *by* them. In this way, the various stories about Sletten’s innocence become part of a larger history of violence against parents and crimes within the family. They provide a fascinating example of the role public discourse played in putting to use existing explanatory models for parricide as well as constructing new ones.

Despite the many differences between them, there are fascinating points of contact between the various hypothetical constructs of the Sletten case across media, genre and literary status. In Bjørnstjerne Bjørnson’s open letters, the newspaper articles and the sensation fiction, the same patterns emerge: the foreign pedlars, the physically marked, the outsiders and the insane are repeatedly referred to as cultural and literary figures strong enough to supplant the historical matricidal offender. Precisely because they argue that Sletten is innocent, the texts become revelatory of the cultural frameworks for comprehending crime that were provided in the period. Apart from showing the sheer diversity and wide range of possibilities that can be panned out in the popular imagination, the material also indicates how a local case of matricide could become a national ‘trauma’ to be debated on and off for almost a decade. They demonstrate how powerful the new scientific theories and international political contexts—such as the Dreyfus affair—could be, particularly at the point where they intersect with the literary agency of the famous author and the sensation authors’ fictionalizations. The combined textual or cultural ‘verdict’ can be as significant as the juridical. Sletten was never fully acquitted by the courts and his appeals never led to the reopening of

his case. Nevertheless, the public image of Sletten was completely transformed through different but related textual representations of him. Along the way, they had fed the popular imagination and contributed to exchanges between historical fact, cultural conceptions and literary figures, which also contributed to a negotiation of their delineations on a wider horizon.

## NOTES

1. This point was famously set out by Hayden White in *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (London and Baltimore: Johns Hopkins University Press, 1973).
2. Joy Wiltenburg, 'True Crime: The Origins of Modern Sensationalism,' *The American Historical Review* 109 (2004): 1377; Eamonn Carrabine, *Crime, Culture and the Media* (Cambridge: Polity Press, 2008), 2.
3. Wiltenburg, 'True Crime,' 1377. This is a point which has also been well set out by sociologists in the past; see Stuart Hall et al., *Policing the Crisis: Mugging, the State, and Law and Order* (London: Palgrave Macmillan, 1978); Geoffrey Pearson, *Hooligan: A History of Respectable Fears* (London: Palgrave Macmillan, 1983).
4. Statistics from 1923 onwards indicate a stable, low level of serious crimes in Norway—about 0.2 murders per 100,000 inhabitants. 'Historisk kriminalstatistikk, tabell 8.9,' Statistisk sentralbyrå, accessed 10 October 2015, <http://www.ssb.no/a/histstat/tabeller/8-8-9t.txt>
5. Esther Snell, 'Discourses of Criminality in the Eighteenth-Century Press: The Presentation of Crime in the Kentish Post,' *Discontinuity and Change* 22 (2007): 15.
6. For more on the 'Narrative Turn', see Matti Hyvärinen, Anu Korhonen and Juri Mykkänen, *The Travelling Concepts of Narrative* (Helsinki: Helsinki Collegium for Advanced Studies, 2006). The interdisciplinary fields law and literature movement and medical humanities were both established in the USA during the 1970s. Since then, they have spread to other countries and continued to grow in various directions. Narrative medicine became a field of its own during the 2000s, while narrative criminology is an emerging field.
7. Maurizio Lazzarato, 'The Concepts of Life and the Living in the Societies of Control,' in *Deleuze and the Social*, eds. Martin Fuglsang and Bent Meier Sorensen (Edinburgh: Edinburgh University Press, 2006), 179.
8. Henrik Skov-Nielsen, James Phelan and Richard Walsh have contributed to a recent rethinking of the concept of fictionality, in which they distinguish between fiction as a generic category and fictionality as a rhetorical quality.

- See their co-authored article ‘Ten Theses About Fictionality’ (2015) as well as Henrik Skov-Nielsen’s ‘Fictionality as Rhetoric’ (2015) for an overview. A criticism of their view on fictionality and a historical background to fiction studies can be found in Paul Dawson’s response titled ‘Ten Theses Against Fictionality’ (2015). All of these articles can be found in the journal *Narrative* 23, no. 1/15 (2015).
9. Espen Schaanning, *Kampen om den forbryterske sjel. Kriminal-filosofiske vitenstrekk* (Oslo: Unipub, 2013).
  10. All translations from Norwegian are mine unless otherwise stated. Bjørnstjerne Bjørnson, ‘Slettensagen,’ *Verdens Gang*, 15 August 1900. ‘Det skulde nemlig være mere end sælsomt, om en helt ung Gut skulde huse og opdrage Anlæg, som under Omstændigheder kunde føre til Mord paa lyse Dagen og for aabne Døre, uden at Kameraterne (de kvindelige og de mandlige) ikke skulde have stødt paa disse Anlæg før. Ja, jeg siger, det er rent umuligt. (...) [H]er er jo Tale om et længe forberedt Overfald og ligevel fuldbyrdet med en taabelig Dristighed. De Egenskaber, som her forudsættes, de vokser ikke anonymt i nogen.’
  11. Wiltenburg, ‘True Crime,’ 1391.
  12. The citation is from an article with no title in *Fredrikstad Tilskuer*, 10 April 1899, but these are recurring explanations in both local and national newspapers. For example, ‘Mor Sletten’s Død’ *Innherreds-Posten*’s report of 19 April 1899 quotes from the larger newspaper *Intelligensen* that Thorvald led an immoral life and had impregnated a girl without marrying her, and ‘Mor Sletten’s Død. Pleiesønnen arresteret’ in *Stavanger Aftenblad* on 11 April 1899 states that his planned marriage was ‘one of duty’, implying his fiancée’s pregnancy.
  13. No title, *Fredrikstad Tilskuer*, 10 April 1899.
  14. Garthine Walker, ‘Imagining the Unimaginable: Parricide in Early Modern England and Wales, c. 1600–c.1760,’ *Journal of Family History* 41, no. 3 (2016): 281–283.
  15. Michel Foucault, *Surveiller et punir. Naissance de la Prison* (Paris: Gallimard, 1975).
  16. Marie-Christine Leps, *Apprehending the Criminal: The Production of Deviance in Nineteenth-Century Discourse* (Durham and London: Duke University Press, 1992).
  17. Michel Foucault, *Abnormal. Lectures at the Collège de France 1974–1975* (London and New York: Verso, 2003), 15–18. The Norwegian law of 1902 gave psychiatric expertise a central place in the Norwegian court of law.
  18. Lazzarato, ‘The Concepts of Life and the Living in the Societies of Control,’ 179.
  19. *Ibid.*, 180.

20. See also Michel Foucault, ed., *I, Pierre Rivière, Having Slaughtered My Mother, My Sister, and My Brother . . . A Case of Parricide in the 19th Century* (Lincoln and London: University of Nebraska Press, 1975). This case study suggested an increased interest in criminal motive and intent in the nineteenth century across discursive practices.
21. This is the case, for instance, in a murder that took place in 1904, for which Knut Ryentveit was convicted, and which also comes to throw new light over the murder case against Ole Olsen Sevre from the 1830s. The cases and their affiliation with degeneration theory will be treated in my forthcoming PhD thesis.
22. Carl I. Gundersen, 'Slettenmordet,' *Tidsskrift for nordisk retsmedicin og psykiatri* (1903): 145.
23. For example, in 'Mordet i Vestby,' *Aftenposten*, 29 June 1899.
24. Bjørnstjerne Bjørnson, 'Et vink,' *Verdens Gang*, 1 February 1906.
25. Gundersen, 'Slettenmordet,' 121, 140–146.
26. For example, in 'Thorvald Sletten,' *Innherreds-Posten*, 11 January 1901.
27. Bjørnstjerne Bjørnson, 'Thorvald Sletten,' *Verdens Gang*, 23 September 1900. 'En Benaadnings-ansøgning,' *Kysten*, 17 January 1905.
28. "'Slettensagen". En ensidig Mand,' *Aftenposten*, 19 January 1901. '[H]vis en saa beskeden og hensynsfuld Gut som Thorvald Sletten var en Forbryder—saa gid, vi havde mange slige Forbrydere!'
29. Bjørnson, 'Thorvald Sletten.'
30. Bjørnson, 'Slettensagen.' '( . . . ) da maa vi andre i Tusenvis slutte os til for at søge Benaadningsmagtens Mellemkomst.( . . . )'.
31. Editor and owner of the newspaper *Vestfold*, Thorval Klaveness.
32. 'Thorvald Sletten,' *Innherreds-Posten*, 11 January 1901. 'Jeg har ganske nylig seet et Fototypibillede af Thorvald Sletten. Man har ikke saa sjelden set Billeder af Forbrydere uden Forbryderfysiognomi; men Forbrydere, særlig Mordere, med et godt Udtryk i sit Ansigt, hører vistnok til Sjeldenhederne. Udtrykket i Thorvald Slettens Ansigt synes at være godt.'
33. For an account of the historical and cultural contexts surrounding the establishment of popular opinion in the Dreyfus affair and Émile Zola's role in it, see Ruth Harris, *The Man on Devil's Island: Alfred Dreyfus and the Affair that Divided France* (London: Allen Lane, 2010).
34. Bernt Hagtvet, *Hvor gjerne vilde jeg have været i Deres sted-?: Bjørnstjerne Bjørnson, de intellektuelle og Dreyfus-saken* (Oslo: Aschehoug, 1998), 166.
35. In 'Linda Murri' from 1907, Bjørnstjerne Bjørnson compared the Italian case against Linda Murri with the Sletten case and the Dreyfus affair. See Bjørnstjerne Bjørnson, *Artikler og taler II* (Christiania and Copenhagen, 1913), 529–534.

36. 'Slettenaffæren. En norsk Dreyfusaffære?' *Romsdals Amtstidende*, 11 November 1899. The newspaper article suggested that evidence might have been planted on the Sletten farm.
37. 'Store og lille B.B.,' *Fredrikstad Tilskuer*, 27 February 1906. 'Gamle Fader Bjørnson har paa sine aldrende Dage—lader det til—faaet en ny Ærgjerrighed. Han kan aabenbart ikke sove, før han har vundet samme Ry som hans afdøde Kollega Zola. Vi skal have en Dreyfusaffære i Norge. I Artikler paa Artikler forsøger den gamle Digterkjæmpe at reise Tvil om Rigtigheden af vore Domstolers Fældelse af Thorvald Sletten. Forskjellen mellem hin franske og den norske Retssag er imidlertid den, at her i Norge er det gaaet efter alle Kunstens Regler, medens der som bekjendt ved den franske var en Mængde Fusk og Fanteri. Bjørnson har heller ikke med al sin Evne formaet at blæse noget Liv ind i den Agitation, han har forsøgt at sætte igang. Alle de *ansvarlige* Mennesker, der har havt Befatning med Sagen, viser derfor ogsaa med god Samvittighed Bjørnsons oprigtig menneskevenlige, men desværre altfor digteriske Indlæg til Fordel for den ulykkelige Forbryder fra sig.'
38. Émile Zola was also criticized for exhibitionism and his involvement in the Dreyfus affair was understood as part of his literary project, for example by Ferdinand Brunetière. Harris, *The Man on Devil's Island*, 149.
39. 'Store og lille B.B.'
40. Bjørnson, 'Slettensagen.' 'Paa mig har Rygtet om den svenske Kramkar med de skule Øjne, den skjæve Skulder virket uhyggeligt. Han skal have været i Bygden netop i de Dage og være blevet bortvist af Mor Sletten og have truet; – og han har ikke været der siden. Selv om denne Kramkar er uskyldig, saa bør det minde os om, at der er gale Folk imellem os; vi behøver ikke at tænke paa overlagt Mord med dybe Motiver.'
41. The criminal has often been cast as an alien other; see, for instance, Carrabine, *Crime, Culture and the Media*, 86–87. It is relevant in this case that the pedlar is Swedish, as Norway was about to break from its union with Sweden. The neighbouring country serves a similar role as 'criminal' and 'other' in other texts from the corpus as well. In one of the sensation stories built on the Sletten case, for example, the escaped criminals find a sanctuary in Sweden. See Rudolf Muus, *Thorvald Sletten's Saga eller Morddramaet i Vestby. Virkelighedsskildring grundet paa mystiske iagttagelser* (Christiania: J.H. Küenholdt Forlag, 1904).
42. 'Sletten-Mordet. Det nye Vidne,' *Aftenposten*, 22 June 1900.
43. 'Barber Andersen og Slettenmordet,' *Stavanger Aftenblad*, 27 June 1900.
44. 'Slettensagen,' *Indtrøndelagen*, 28 November 1900.
45. Alfred Eriksen, 'Sletten-saken' (Christiania: Feilberg & Landmark, 1906).
46. See Mary Gibson and Nicole Hahn Rafter's introduction to *Criminal Man*, by Cesare Lombroso (Durham and London: Duke University Press, 2006)

for a thorough description of the developments in Lombrosian theory through the years.

47. Hans P.S. Knudsen, *Folkeskribenten Rudolf Muus og hans forleggere* (Oslo: Bladkompaniet, 1995). It is uncertain whether Ludvig Bærøe or Thoralf Klaveness wrote *Thorvald Sletten or the Murder in Vestby* (Christiania: J.H. Küenholdt Forlag, 1904), but I find it more likely to be Bærøe. See Sigurd Heiestad, *Av folkelesningens saga* (Oslo: Halvorsens bokhandel, 1946), 146.
48. The Dreyfus Affair is explicitly discussed in Rudolf Muus's '*Thorvald Slettens Skjebne*' (Christiania: Folkelæsningsforlaget, 1904).
49. The term 'sensationalism' was invented in the nineteenth century as a pejorative term for literature and journalism that was commercial and aimed to create a strong emotional response in the public. Well-known examples of sensation fiction include Wilkie Collins's *The Woman in White* (1859) and Mary Elizabeth Braddon's *Lady Audley's Secret* (1862). Wiltenburg, 'True Crime,' 1378. Sensationalism has until recently not been given much attention either as a mode or a genre. Joy Wiltenburg's article is, however, a contribution to studies of sensationalism as a mode which is recognizable across media and genres, while *The Cambridge Companion to Sensation Fiction*, ed. Andrew Mangham (Cambridge: Cambridge University Press, 2013) focuses on the specific genre as it appeared in English fiction in the 1860s.
50. See Willy Dahl, *Trivialiteter. Fra den norske masselitteraturs historie* (Oslo: Aschehoug, 1986).
51. One example is how they stage the capital's Vaterland area as a criminal underworld equal to that of Eugène Sue's still popular *Les mystères de Paris* (1842–1843), populating it with a variety of well established criminal figures.
52. Ludvig Bærøe, *Thorvald Sletten eller Mordet i Vestby. Fortælling fra Virkeligheden* (Christiania: Skandinavisk Forlagskompagni, 1904).
53. *Ibid.*, 66.
54. *Ibid.*, 286.
55. Rudolf Muus, *Thorvald Slettens Historie. Sensationel Fortælling udgivet i Anledning hans Benaadning* (Christiania: Helge Schultz, 1907), 32.

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# Gender and the Historicity of Parricide: A Case Study from the Nineteenth-Century North American West

*Peter Boag*

*[I]n the interest of justice and humanity...neighbors of the unfortunate family, who until now have taken little notice of the accused or his peculiarities, will refrain from drawing upon their imaginations for any statements relative to his temper, recklessness, discontent, impudence, etc., awaiting further developments in charitable silence.*

Portland, *Oregonian*, 24 November 1895

## PARRICIDE AND HISTORY

Social scientists and psychologists have contributed most of what we know about parricide, particularly in contemporary times. Professional historians, on the other hand, have largely ignored the phenomenon, even though they have extensively studied interpersonal violence and murder. Of course, in the American context, there are a number of books about Lizzie Borden. The popularity of that story has even spawned a cottage industry in publishing.

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A search of the Library of Congress catalogue reveals that between the year 2000 and late 2016, thirty-three books appeared that in some way concern the Borden case. Only two of these titles, however, look to have been authored by professional historians with doctoral degrees in the discipline and who have or had academic appointments.<sup>1</sup>

Perhaps professional historians have avoided parricide because, thanks to the determinations of psychologists and social scientists, parricide seems to defy the basic rules of history. Generally, late twentieth- and early twenty-first-century psychologists look for the causes of parricide in psychodynamic phenomena, which apparently exist transhistorically.<sup>2</sup> Social scientists who study parricide often focus on adolescents, dividing offenders into three types: the severely abused child, the severely mentally ill child and the dangerously anti-social child. As the criminologist Phillip Chong Ho Shon has pointed out, such an approach ends up attributing parricide to personality traits, in the process ignoring significant contextual matters.<sup>3</sup> Furthermore, a number of social scientists focus their research on the era since 1976, when the Federal Bureau of Investigation started reporting useful nationwide data on that crime in its Supplementary Homicide Report. The tendency of these researchers to aggregate these data precludes an exploration of the temporal aspects of parricide.<sup>4</sup> But even when social scientists have taken note of the rate at which parricides have occurred over the last decades of the twentieth century, they have tended to conclude that those rates have remained relatively stable.<sup>5</sup> This perhaps suggests that the frequency or, as the case may be, relative infrequency of parricide (about 2 per cent of homicides in America) has always been the same, regardless of what goes on in society.

It may be that the above approaches to and therefore understandings of parricide have inhibited professional historians from considering the topic. At its most basic level, the discipline of history investigates change over time. If something does not change, as parricide (at least as traditionally reported) does not, then it has no history. If it has no history, then what is there for the historian to study? Actually, as it turns out, quite a bit, as some of the latest efforts of even social scientists suggest.<sup>6</sup> Most notable, in fact, is the work of Phillip Shon. Just a few years ago, he and his research associates commenced their assault on the apparently ahistorical nature of parricide.<sup>7</sup> In a series of articles based on more than two hundred American parricides dating from the second half of the nineteenth century, Shon has offered a sustained critique of modern social scientific and psychological studies that have ignored the historical

context in which parricides occur.<sup>8</sup> He has considered, for example, the historically contingent factors of the types and availability of weaponry used in parricides; how certain forms of socializing that were more prominent in an earlier era provided specific venues for disagreements that escalated into killings; how the availability of alcohol impinged on murderous acts; and how residential arrangements more common in the nineteenth century influenced what triggered certain parricides. In making historical context relevant to demonstrating differences in the particulars between nineteenth- and late twentieth-century parricides, Shon has begun to historicize parricide.

But more can be made of history as a tool for explaining parricide. Michel Foucault already suggested such a thing in one of the earliest and still among the few critical historical studies available on parricide, his 1973 collaboratively authored *I, Pierre Rivière, having slaughtered my mother, my sister, and my brother... A Case of Parricide in the 19th Century*. In it, Foucault was actually not so much interested in historical (nor even in psychological and social scientific) explanations for why the 20-year-old French peasant Pierre Rivière committed his triple intra-familial murder in 1835. Rather, Foucault and his students took the varied texts that the parricide generated—legal, medical and confessional texts—and analysed them to show how murder, biography, consciousness and insanity are discursively created.<sup>9</sup> Most significant to my work is Foucault's admission, easily overlooked in his introduction because of its brevity, that he and his students might have used 'Rivière's narrative' for exploring French peasant ethnology. Foucault actually called the narrative a 'marvellous document' for doing just that.<sup>10</sup> I would turn Foucault on his head. Rather than using narratives of rural nineteenth-century American parricide as marvellous documents for exploring peasant ethnology (or, in the context of America, what we would refer to as farmer and rural ethnology), I maintain that historical sources from the United States' nineteenth-century countryside marvellously document a social and cultural system that could and, as the case sometimes turned out to be, did produce parricide.

### THE MONTGOMERY PARRICIDE

My work explores several late nineteenth-century rural American parricides. But I focus here on one in particular. It occurred at approximately 4.30 in the afternoon of 19 November 1895, on a farm outside the small town of Brownsville in Oregon's rural Willamette Valley—on the far

north-western coast of the United States. Just the day before it transpired, 18-year-old Loyd Montgomery (Fig. 1) disappeared from home without giving any notification to his parents, John, a 44-year-old farmer, and Elizabeth, a 39-year-old farming woman. At the moment when Loyd returned home from his unaccounted-for absence, his father was in front of the family residence conversing with Daniel McKercher, a 34-year-old businessman who also happened to be a neighbor. Elizabeth was also home at the time. The other members of the household were away: John's brother-in-law, Samuel Templeton, who not only resided with the Montgomerys but also owned the home and property where they lived and worked, was visiting a neighboring village; three of the other four Montgomery children had not yet returned home from school; the other child, Orville, a lad of about 16, was out ploughing fields some distance away.<sup>11</sup>

'Father commenced getting after me for going away from home and neglecting my work', Loyd later recounted in his confession, and 'McKercher sided in with father. . . . Father asked me where I had been. I told him I had been hunting. Then he slapped me in the face and told me



**Fig. 1** Loyd Bryson Montgomery, the Murderer

On 19 November 1895, outside the small village of Brownsville in Oregon's Willamette Valley, 18-year-old Loyd Montgomery, pictured here, committed a brutal triple murder. Two of his victims were his parents.

*Source:* Albany, Oregon, *Weekly Herald-Disseminator*, 6 February 1896

to go and cut some wood. This made me so angry that I did not know what I was doing. I went into the house and got father's rifle'. By then Loyd's mother had also appeared in the yard. 'I came out and stood in the kitchen door', he continued, 'Father and McKercher were still standing by the fence talking, and mother was standing near by. . . . I shot father first; then mother. McKercher started to run toward the house. I shot at him, but missed him the first time. I jumped out of the doorway where I was standing and ran around the house toward the front porch. McKercher was just going through the door . . . [when] I shot him'.

But the murder rampage had not ended. The first bullet that Elizabeth had taken did not fell her. Seeking cover, she fled into the house through the kitchen door, which Loyd had vacated when he set off in pursuit of McKercher around the front of the abode (Fig. 2). After dispatching the latter at the house's threshold, Loyd could see his mother through two open doorways that separated him from the dining room in which she had now appeared. He levelled his gun once more. The shot this time had its intended effect. The local newspaper

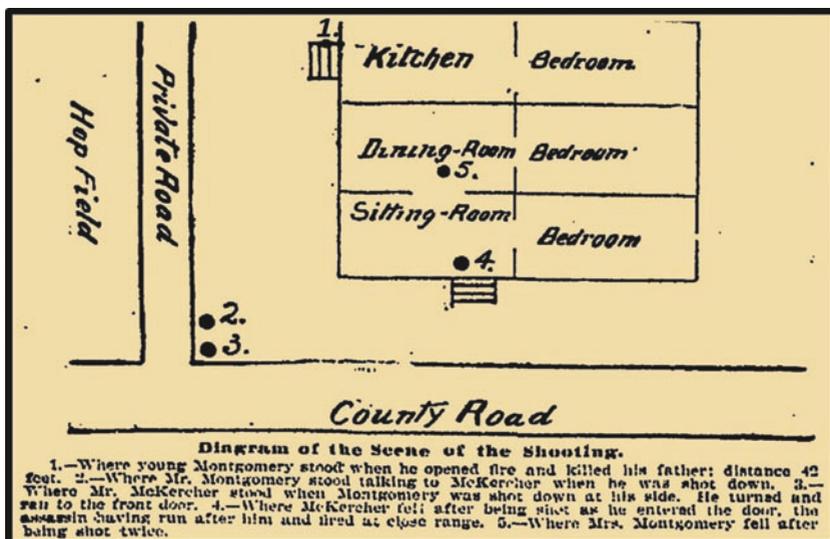


Fig. 2 Diagram of the Montgomery murder scene

Source: Portland, *Oregonian*, 12 December 1895

described the slaughter in gruesome detail—most vividly, that all three of Loyd’s victims had their brains blown from their heads. And then it summarized the prospect as ‘ten fold worse than any one can picture—it was simply wholesale butchery, the like of which never before came under our observation’.

In 2009, criminologist Phillip Shon produced a study on sources of conflict that escalated into acts of parricide in nineteenth-century America. He gathered his data from newspaper articles that appeared in the *New York Times* and the *Chicago Tribune*. From this research he concluded that ‘arguments of a trivial nature represented the most common [33 per cent] source of conflict between parents and their offspring that culminated in parricides’. Additional immediate causes of conflict that he found were defence, finance, abuse, accident, other and unknown. I have yet to uncover reference to the Montgomery parricide in the *Chicago Tribune*, but the *New York Times* carried one short piece on it. It merely explained that Loyd ‘was not on the best of terms with his father, and that the motive for the murder was revenge’.<sup>12</sup> The item provided no actual source of conflict that led to Loyd killing his father, let alone his mother and Daniel McKercher, that fateful day.

If one were to read Loyd’s confession recounted in Oregon newspapers, one would have to conclude that the murders grew out of a youth having neglected his responsibilities and a father smacking him in the face because of it. This source of conflict might appear ‘trivial’, even ‘frivolous’, to use Shon’s verbiage. In fact, the conflict between John and Loyd occurred in a family and society experiencing significant, even shattering changes. Among these were fundamental alterations in gender norms and relations. Alterations in gender and incumbent tensions in family and society provided the major source of conflict between Loyd and his father and ultimately resulted in the former murdering the latter. The other two murder victims were not just collateral damage; they were likewise implicated in the story of precarious gender change.

As such, this was not a trifling matter, but one that figuratively and literally struck at the core of rural family and agrarian society in 1890s America. Elements of 18-year-old Loyd Montgomery’s personality and background handily lend themselves to an analysis according to the three typologies that sociologists have proposed in more recent times for explaining parricide—the severely abused child, the severely mentally ill child and the dangerously anti-social child. In my analysis, I first provide a typological assessment of Loyd Montgomery, but I integrate into it a

consideration of questions about evidentiary validity and historical issues of gender and boyhood. The purpose is to explore the limits of the typological assessment of parricide by providing a broader, historically informed analysis of gender as related to proximate events leading to the Montgomery and McKercher killings.

### LOYD MONTGOMERY AND SOCIOLOGICAL TYPOLOGIES

Generally speaking, Loyd Montgomery may very well have prefigured patterns that social scientists and psychologists have identified as typical for late twentieth-century youthful parricides. Firstly, males are the principal perpetrators of parricide.<sup>13</sup> Loyd was a male. Secondly, firearms are the most common weapons used in the USA.<sup>14</sup> Loyd killed his parents using a rifle. And thirdly, Loyd may have been abused, he may have suffered mental illness and he may have been anti-social.<sup>15</sup> Just how *severely* abused, *severely* mentally ill or *dangerously* anti-social Loyd was, not to mention what these meant in the context of the times, is something of a question.

The nature of Loyd's mental state was an issue confronting the legal system in the aftermath of his murders. His lawyers employed insanity as a defence. This seems to have been based, at least in part, on Loyd's doubtlessly sincere confession that 'I don't know what made me do it!' and, in response to his father slapping him, 'it made me so angry that I did not know what I was doing'.<sup>16</sup> Moreover, on 30 November 1895, when incarcerated in the county gaol awaiting trial, Loyd experienced a startling and inexplicable seizure. Kicking, screaming and beating himself in the face, he fell convulsing to the floor. It took the combined strength of the sheriff and a cellmate to subdue him and only when a doctor arrived were they actually able to strap him down. The physician administered morphine, which calmed but did not entirely relieve Loyd's symptoms. In subsequent, milder phases of his craze, he engaged in conversations, arguments and shadow-boxing with people he only imagined. When Loyd finally emerged from his stupor a few days later, he claimed to have neither recollection of it, nor the knowledge that any time had actually elapsed since immediately before the episode began.<sup>17</sup>

Four physicians observed or examined Loyd at this time or in the days that followed. They differed in their opinions over the nature of the attack. M.H. Ellis and I.W. Starr generally agreed that Loyd had suffered a 'transient mania', which at that time, anyway, was understood to follow

an epileptic seizure. After such an attack, they explained that a patient would regain complete lucidity, though Starr contended that an extended spasm could weaken the mind. Starr relied in his assessment on the authority of E.P. Hurd, a noted American pathologist, and his translation of J.M. Charcot's *Clinical Lectures on Certain Diseases of the Nervous System*. Starr, who actually practised in Brownsville, testified during Loyd's trial, furthermore, that a little more than a week before the murders occurred, he had been called to the Montgomery home where Loyd had similarly fallen to the floor in a convulsive condition. This could have suggested to the court that Loyd's gaol seizure might have been part of a larger pattern of mental problems, except that Starr also stated that the earlier episode was likely due to indigestion brought on by overeating; Loyd's stomach, bowels and liver had all been inflamed at the time.<sup>18</sup> Strikingly, Loyd's seizure in the gaol also occurred after he had eaten, in this case 'a fine Thanksgiving dinner'.<sup>19</sup> A condition does exist that is known as 'eating epilepsy', in which food brings on seizures. It is possible, given the evidence, that Loyd suffered such a disorder.

A third observer, E.L. Irvine, a physician formerly employed at Oregon's public insane asylum, did not rule out insanity, but provided no definitive diagnosis, preferring instead to continue to evaluate the case. The last physician, J.P. Wallace, believed that Loyd had feigned the attack and whatever symptoms he exhibited matched neither that of epilepsy nor of an acute mania. Due to the heinous nature of the murders, locals' demand for 'justice', the nature of that justice in the atmosphere of the times and Loyd's reputation prior to the murders (points elaborated on in varying degrees below), the western Oregon press, proximate to the murders, largely agreed with and promoted Wallace's diagnosis: Loyd's attack in the county gaol was part of a ruse to support a bogus defence of insanity.

The press from afar was not so sure of Wallace's diagnosis, lending credence to Michel Foucault's conclusion put forth years ago in the case of Pierre Rivière: insanity is socially constructed and used to fit historical circumstances. In Loyd's case, a San Francisco newspaper opined, for example, that Loyd's murderous acts were in themselves proof of his insanity. An editorial from that paper maintained:

The boy is a congenital criminal, or he is a lunatic—or both, for the line of difference is so fine as to be practically imperceptible. He is, at all events, incapable of reasoning and it is an open question how far the law of

responsibility should apply to beings whose reason is primarily defective. And yet there seems to have been no effort on the part of the Oregon courts to fix the matter of responsibility nor to trace in the lad's environment some cause for the abnormal desire for blood.<sup>20</sup>

It is unlikely that the above evidence, some of it purely conjectural, lends itself to a diagnosis that Loyd suffered 'severe' mental illness. It does suggest another connection to modern typological research: the San Francisco editor's reference to the relevance of the environment within which Loyd grew up speaks directly to the issue of whether or not he had faced abuse in his life. One modern study of parricide reports that 90 per cent of parricides perpetrated by juveniles are committed by youths who have suffered severe abuse.<sup>21</sup> But as with the proof for Loyd's insanity, evidence for abuse in his case is somewhat inconclusive. When confessing to the murders a few days after he committed them, Loyd did assert that his father 'had always abused' him. When a news reporter from the *Oregonian* (a major newspaper in the state's largest city of Portland) pressed for clarification on the matter, asking Loyd if his father 'flogged' him, the youth responded, 'No, but I had worked hard all my life, and he always treated me mean and abused me'.<sup>22</sup>

Whether or not Loyd actually said this is impossible to know. There is reason to question its attribution. Western Oregon newspapers resolutely opposed the lad. At a moment when one reporter from the *Oregonian* apparently wavered in a direction more favourable to Loyd, readers (including from the town of Brownsville) complained bitterly to the editor, forcing the *Oregonian* to clarify its larger position on the matter. 'The boy is clearly guilty of a most atrocious crime', an editor then forcefully stated, 'and his bold fabrications and hypocritical professions only increase certainty of his guilt. He ought to be hanged without more ado. He will be hanged anyway, because neither the governor nor the supreme bench is governed by weak sentimentalism'.<sup>23</sup> Under these circumstances, just about any news account that claimed to report Loyd's words, not to mention those that ventured opinions on his motives, sanity and family history, must be treated with caution.

Nevertheless, the western Oregon press largely discounted abuse in Loyd's background. As they had been on the matter of Loyd's sanity, newspapers from farther afield were not so quick to arrive at a similar conclusion. When disputing the western Oregon press, they even

sometimes waded into the realm of psychoanalysis. An editor from a distant, eastern Oregon paper, for example, explained:

The fact that the father became angered at the boy's conduct and slapped him in the face in the presence of a neighbor, leads us to conclude that possibly he had been in the habit of cuffing the boy about from childhood, the same as some two-legged brutes will kick and cuff a dumb animal that can offer no resentment. Who can say that, possibly, the father is not responsible for this whole affair? Not from any inherited tendency of the son, but from the fact that this brutish, frenzied depravity bordering upon insanity had been drilled into the boy by the treatment of a reckless and an unwise parent.<sup>24</sup>

Whether John's slapping of Loyd was part of a larger pattern of physical, domestic violence in the Montgomery household, however, is a matter challenging to confirm. Loyd claimed it was so, though, as already shown, he supposedly said that the abuse he endured at the hands of his father was not actually of a physical sort. On the other hand, some evidence hints at the possibility that whatever domestic violence occurred in the Montgomery family, it could possibly be traced to Loyd's mother. In 1859, when Elizabeth was only 3, her parents, Mary (Griffith) and John Couey, divorced in a highly publicized case that the Oregon legislature twice considered before granting. In bringing suit against her husband, Mary presented evidence of John's neglect and even occasional abandonment of his family, including during times when she was incapacitated by pregnancy. Notably, she also described an occasion when her husband, over her protests, struck one of his infant children repeatedly, including in the mouth. Testifying to the dysfunctional nature of Mary and John's relationship, and thus the familial atmosphere Elizabeth experienced as a young child, within months of the bitter divorce the couple remarried.<sup>25</sup> By 1870, however, John Couey was dead and Mary was now married to someone else. Elizabeth and her two siblings were living with their maternal grandparents.<sup>26</sup>

We know that domestic abuse and violence can run in families. Mary Couey accused her husband of having repeatedly hit one of their children on one occasion. Historical evidence thus far produced does not show extended bouts of abuse of the Couey children at the hands of their father. Nor is the evidence clear that the child whom John hit was actually Elizabeth. On the other hand, Mary did claim that John

otherwise neglected his family for long periods of time, leaving them with little or no food, and that he treated her meanly. This led her at times to seek refuge in her parents' home. Elizabeth's childhood family was indeed a broken one, but there is no evidence that when she became a mother she physically abused her own children or otherwise neglected them. That may have happened, but even Loyd was quoted as telling a journalist that 'My poor mother had always been kind and good to me, and I thought the world of her'.<sup>27</sup>

This statement might have been a manufacture of the press given the atmosphere of the time. Newspapers admitted that, however monstrous it might be, it was at least conceivable that a youth could kill his father. On the other hand, it was 'incredible' to them that Loyd 'could have brutally murdered [his] mother'.<sup>28</sup> In fact, the rural press in late nineteenth-century Oregon was filled with idealized images of the farmer mother, commenting at length on the pivotal role she played in society precisely because of her relationship to her children. As explained later in this chapter, economic hard times and technological change confronted farmers across the United States during these years with the loss of their lands and livelihoods and thus the constant erosion of their moral authority in American culture and politics more generally. Great concern pervaded the countryside at this time not only about the future for farmers, but what this meant for the republic more generally. As rural boys became men in the final decades of the nineteenth century, the world they inherited seemed considerably more tenuous than that of their fathers, and the burden of preparing them for an uncertain future fell increasingly on the shoulders of their mothers. The rural press, notably the Oregon-produced and widely circulated *Willamette Farmer*, hammered this message home as the situation in the countryside further foundered. 'American boys', as one of these editorials opined, 'are expected to become manly men' and it was the 'privilege, nay more—it is a duty' of the mother 'to self, to family, to the state, and to the nation' to ensure this happened. Editorials appearing in the paper that routinely advised rural mothers on how to raise boys included titles such as 'Train the Boys to Help their Mothers', 'How to Treat a Boy' and, more gravely, 'How to Save our Boys'. A concomitant batch of editorials in the *Willamette Farmer* likewise rained down on boys about their expected interactions with their mothers. These bore such messages as 'Young man! Thy mother is thy best earthly friend', 'In Love with His Mother' and 'Who I Like—Declamation for Little Boys'.<sup>29</sup>

Given this atmosphere pervading agricultural America and the tight-knit nature of rural Oregon neighborhoods, where families were intertwined and people well knew each other's business, it may be that press reports about Loyd and his mother were also designed to protect the reputation of the latter, given her unfortunate background of a broken family, her continuous poverty and perhaps neighborhood knowledge of a less than ideal current home life. It may also be that the press simply blindly upheld the image of the farmer mother in the face of a parricide that so shattered it. Whatever the exact motivation, the press in fact reported very little about the real person of Elizabeth Montgomery. When it did mention her, it either did so in passing as one of the victims of the triple murder or, when it chose to do more, invoked her less as a person than as an anonymous representative of a more idealized motherhood, typically focusing on the sentimentalized version of the expected relationship between rural mothers and sons. In one case, for example, when trying to make sense of Loyd's killing of his mother, the press could only answer its apparently rhetorical question of 'why' with another: 'What man becomes so lost in fury that he could send a first, and then a second bullet crashing into the form of the mother who gave him life, into the breast that nursed him, and whose keen he prattled the first [d]ays of childhood?' In another instance, an editorial reflected on what it must have been like for Loyd, stuck away in a gaol cell with only 'the haunting companionship of his own thoughts' to keep him company and offer him solace. The paper opined that 'Had he in his ungovernable rage spared his mother, nature would still have guaranteed to him a friend, who, though she could not have excused or palliated his crime, would have soothed his wretchedness with the divinest pity'.<sup>30</sup>

Whatever Elizabeth's real personality, her actual gifts as a mother and her true relationship to her murderer, others in the community where the parricide happened argued strenuously against any pattern of violence in the Montgomery family. James McFeron (Fig. 3), the Linn County sheriff who arrested Loyd, had been a farmer in the Brownsville area and knew the Montgomery family well, likely from about 1874 when, at the age of 15, he settled there with his parents who had migrated overland from Missouri. He also happened to be distantly related to the Montgomerys through marriage. He claimed to be 'positive' that John Montgomery had not slapped Loyd on the day of the murders, for reasons discussed later in this chapter.<sup>31</sup>



**Fig. 3** James McFeron, Sheriff of Linn County

James McFeron, Sheriff of Linn County, arrested Loyd Montgomery, whom he had known since he was a baby, for the triple murder of both his parents as well as a neighbor

*Source:* Albany, Oregon, *Weekly Herald-Disseminator*, 6 February 1896, 3

On the other hand, McFeron also admitted that when Loyd was younger, his father did use ‘corporal punishment’ to correct ‘him for his meanness’.<sup>32</sup> Such a concession calls into question the veracity of the quotation attributed to Loyd in which he supposedly denied that his father ‘flogged’ him. McFeron’s statements may have thus been designed to defend Loyd’s parents, whom locals and the press likewise rallied round. Certainly, corporal punishment remained a common way for parents to discipline children in the late nineteenth century, though it was becoming suspect in some quarters, especially as it bled into the realm of abuse.<sup>33</sup> Even rural reformers who had a voice in Oregon’s Willamette Valley were beginning to caution against it. An editorial in the *Willamette Farmer*, for example, offered an injunction against whipping children as early as 1883, when Loyd would have been about 6 years old. Calling such treatment barbarous, the paper charged that ‘Many children are of such quality that a

blow makes them cowardly, or reckless, or deceitful, or permanently in temper. Whipping makes children hate their parents. Whipping makes them lie. Whipping makes home unpleasant, makes boys run away, makes girls seek happiness anywhere and anyhow'.<sup>34</sup>

That this editorial came amidst a several-week discussion carried on in the paper among readers over the appropriateness of employing coercive methods in the raising of boys in particular, speaks to the fact that the issue was certainly up for debate. In this long-running deliberation, Willamette Valley farmer J.B. Knapp used the example of his relationship with his own son to recommend the superiority of reason and example in directing boys. After receiving pushback on this point from others who advocated a somewhat harsher approach, Knapp did have to admit that more forcible methods might very well be warranted, especially for the 'boy or youth that persists in wrong doing from malice or pure cussedness'.<sup>35</sup>

Given such views on the raising of children, it is plausible that McFeron was not entirely forthcoming when he claimed that John did not use harsh physical methods in dealing with Loyd. In any case, when McFeron divulged that, at least long ago, John had used corporal punishment on Loyd for his 'meanness', he also reported that the latter 'would never admit his wrong-doing'. In contrast to the relatively equivocal evidence that Loyd Montgomery was abused, or even insane, more data like that coming from McFeron suggest that the youth may have had some anti-social tendencies, but these too must be understood in the context of the era and atmosphere in which they were situated, not to mention reported.

McFeron was among the few people specifically named in the press who knew the Montgomerys well and who also offered commentary on their home life. It may be that he was an authority who in fact did know more than others. But in the wake of the murders, just about everyone who knew Loyd, and in many cases those who did not, freely voiced their opinions on Loyd's alleged history of disobedience and maliciousness. Peppering the papers for days after his arrest were statements to the effect that he did 'not bear a good reputation in the neighborhood'; 'He has a very hard name in the neighborhood'; 'It is said by those who are best acquainted with the boy that he is a very cheerful liar'; 'it is generally known that [he] was not a good boy—very passionate, headstrong and hard to control'; 'He has no reputation for truthfulness where he lived'; he had a 'violent character and given to ungovernable temper'; and he was well known 'for pure cussedness' and simply for being 'bad'. Other reports claimed that Loyd kept company

with a bunch of youths who collectively engaged in vandalism, thievery and mischief in the area around Brownsville. Before it was entirely clear that Loyd was the perpetrator of the heinous murders, one of his old cronies referred to him as ‘a tough lad’ in the same breath that he uttered he ‘was likely the one to have done it’.<sup>36</sup>

More elaborate stories of Loyd’s childhood malice, his more recent rebelliousness and his untoward feelings about his father, whether true or not, also circulated. Sheriff McFeron retold the weeks-old incident in which Loyd had forged some bills and tried to abscond to eastern Oregon. John apprehended him and brought him home. According to McFeron, he ‘severely censured’ the youth. As a result of that reprimand, McFeron added that ‘About one week before the murders, [Loyd] told a younger brother that he was going to kill his father . . .’.<sup>37</sup>

In a didactic sermon to his congregation about the ill effects of (the apparent worrisome trend toward) sparing the rod and spoiling the child, a local minister reached farther back into Loyd’s past. His saga also related to Loyd’s alleged insouciance when it came to matters of his father’s life and death. ‘When 10 years old he got hold of a 50-cent piece’, the minister described, ‘and went to Brownsville one day when his father was ill and offered to bet it with the boys of the town that his father would die before morning’.<sup>38</sup> While such an anecdote echoes apocrypha, in fact when Loyd was precisely 10 years old, a newspaper reporting on local items from Brownsville did mention that ‘Mr. John Montgomery has been very sick with . . . fever, and his wife is also down with the same ailment’.<sup>39</sup>

It goes without saying that whether or not all or even any of these stories and reports are true depends on one’s relationship to gullibility or one’s faith in the evidence. Loyd was indeed a boy in rural 1870s, 1880s and 1890s Oregon. In this time and place, children often went unsupervised, making it a daily occurrence that they, for whatever reason, might obey or disobey their parents, or might have no guidance from them at all. Rural boy culture was also one of considerable violence. During these years, the *Willamette Farmer* reported countless numbers of boys drowning, many others being accidentally shot and a host of others being injured in some sort of frightening farming accident. In addition to these deadly or physically maiming experiences, boys regularly fought and wrestled with each other and routinely went about killing small animals; they also soon enough acquired their own firearms and participated in hunting. As they grew, they also sometimes became menaces to their country teachers. It was also not unusual for them to participate in acts of vandalism and other forms of

mischief.<sup>40</sup> Loyd obviously far exceeded such brutal expectations of rural boy culture when he killed his parents while still a youth, something that forced people to dredge up his childhood ways and rummage through them for their explanatory power. No doubt, these views of Loyd were also coloured by the social atmosphere of the time which, as explained earlier and commented on further below, expressed considerable concern about the present and future of farmers' children, especially their boys on whom, it seemed, the future of the nation pivoted.

Much of the above evidence about Loyd's sanity, his obnoxious boyhood ways, his troubled relationship with his parents and the nature of the discipline that he may or may not have been subjected to appeared in the wake of Loyd's shocking acts. That was during a period when his infamy reached its zenith and his reputation its nadir. Taken at face value, the above evidence does hint that Loyd may have had anti-social tendencies, that he might have suffered some mental debility and that he could have suffered from abuse within his family. The evidence likely does not, however, conclusively demonstrate that Loyd was *severely* abused, that he was *dangerously* anti-social or that he was *severely* mentally ill. What the foregoing discussion does point out is that the evidence used to support and deny questions of Loyd's mental condition, his relationship to abuse and his wilfulness was historically contingent, rigorously disputed and sometimes invoked to support a desired fact while at other times to maintain a social fiction. All the evidence, furthermore, has to be understood in the context of the socially fraught period of time in which it was divulged. Ultimately, the question of whether Loyd Montgomery was one of, or just the right mix of, all three of the social types typically involved in modern-day parricides, still does not clarify why he murdered his parents and a neighbor, nor exactly what happened at 4.30 p.m. on 19 November 1895. Therefore, a fuller historical consideration of the era in which he committed his parricides and the proximate events leading up to them is still needed.

## GENDER AND PARRICIDE IN NINETEENTH-CENTURY RURAL AMERICA

At the time of the Montgomery parricide, depression raged across the United States and the western world. The early and mid-1890s experienced the worst economic decline the country had ever endured or would

endure until the Great Depression of the 1930s. The financial crisis badly undercut American farmers, who were already beginning to experience economic debility as early as the 1870s. This situation and even its history and its consequences are readily depicted in the accompanying editorial cartoon (Fig. 4) that appeared in American newspapers in 1893. The editorial's two vignettes, one depicting a farmer's prosperity in 1873 and the other his poverty in 1893, are linked by a table that charts the decline in prices for major American crops—cotton, corn and wheat—as well as for silver in the intervening years. Among the shocking revelations of the cartoon is that the price of wheat had plummeted from \$1.47 a bushel in 1875 to a mere 72 cents a bushel in 1893.<sup>41</sup> Wheat composed the major cash crop in Oregon's Willamette Valley in the second half of the nineteenth century. Its decline resulted in a forbidding situation across the region. The tax base shrank considerably while the number of delinquent taxpayers in Linn County climbed from an already notable 28 to a distressing 47 per cent of the total taxpaying population.<sup>42</sup> Consequently, notices of sheriffs' sales of properties with unpaid back taxes filled local Willamette Valley newspapers in the 1890s. The same occurred across the USA and is well depicted in the second tableau of the above editorial drawing: the farmer in 1893 confronts the reality that his broken-down property has gone up for auction.

Rural depression and the loss of farms, along with a rapidly growing urban and industrial sector and the arrival in the countryside of new techniques and technologies that altered the need for labour, all led to

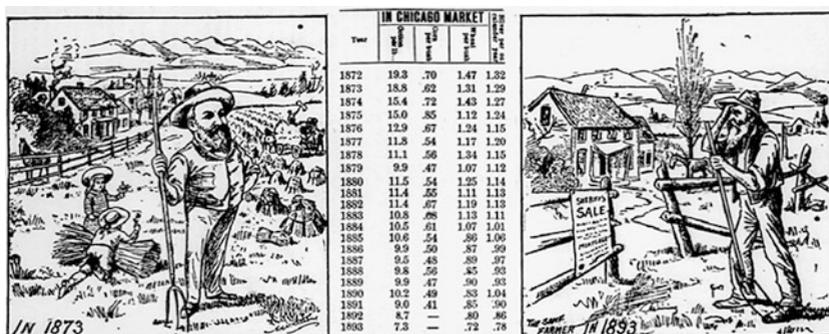


Fig. 4 The plight of the American farmer between 1873 and 1893  
 Source: Dallas, TX, *Southern Mercury*, 19 October 1893

an increased rate of rural to urban migration during this era.<sup>43</sup> This scenario is also possibly highlighted in the 1893 sketch in that the farmer's children are now absent from the scene. Granted, twenty years have passed since they were pictured as rosy-cheeked youngsters playing in productive pastures. But the farmer, who has not aged at all (though he has apparently gone without some meals) is now alone on the farm (save for a bony nag in the background). As such, the two drawings are not two bookends to a farmer's evolving biography, so much as they provide viewers with a depiction of what the situation for the same farmer would have been in 1873 versus 1893.

The effects of depression and broader changes in the countryside, as depicted in the comparison of the two sketches, only hints at the staggering changes that families experienced as a result of depression. While it is true that entire families fled the countryside for the city during this era, in many cases rural families broke apart when it was only the children who sought opportunity and refuge there. On the other hand, many youngsters who did not flee to the city experienced longer periods of dependence on their parents in the countryside, unable to acquire their own farms and forced to put off marriage. In other instances, the tables turned and rural parents had to rely increasingly on their children for support during difficult economic times, something that unsettled customary gender patterns and relations and disrupted the ways in which authority had been traditionally exercised in the family. Such an atmosphere existed in the Willamette Valley.<sup>44</sup> Such an atmosphere there also accounts for why the *Willamette Farmer*, oft quoted in this chapter, carried so many articles in its columns about farmers' children, especially boys, their future, and their parents' relationships to and treatment of them. The seriousness of the *Willamette Farmer's* social policy in this regard is further clarified by the fact that the paper also served as the voice of the Oregon branch of the Grange, more formally known as The National Grange of the Order of Patrons of Husbandry. A non-partisan, though highly political organization that formed in 1867, the Grange pushed a significant agenda for bringing benefits and reforms to farmers across the United States during this economically fraught era. It also occupied itself with rural family, educational and other social matters as farmers faced a declining situation in the last decades of the century. The Grange had a particularly strong presence in Linn County; in 1895 it supported more chapters and pledged more members than any other county in Oregon.<sup>45</sup>

The depression and social change that pervaded rural Oregon generally also prevailed specifically in the Montgomery family.<sup>46</sup> John Montgomery, born in 1851 not far from the place where he met his end, was the oldest son of one of the earliest and most revered pioneer couples who had come across the Oregon Trail in the 1840s and then settled in Oregon's Linn County. John's grandparents on his mother's side were, furthermore, co-founders of the town of Brownsville; in fact, the town's name derived from their surname, Brown.

John inherited neither his parents' nor his grandparents' pioneering spirit and success. In fact, he inherited little from them at all. In the year of his death, his estate, which included no real property, had a tax-assessed value of \$55. His widowed mother, in contrast, still owned and operated her late husband's farm of 268 acres. The county estimated its worth at close to \$3,000. In keeping with these statistical representations of John's lack of accomplishment, a cousin explained to news reporters covering the murder that as a farmer he 'did not seem able to make much of a success, never getting more than a living out of it. He moved from one farm to another....'<sup>47</sup> After repeated failures, in 1894 John moved his family once again, this time onto the small, thirty-acre farm of his brother-in-law Samuel Templeton. The farm's small size, plus the decline in the value of wheat, led Templeton and Montgomery to try their hand at raising hops there. A crop of increasing importance in the Willamette Valley in the last decades of the nineteenth century, hops also served as a hoped for alternative to the traditional staple. Nevertheless, the Templeton-Montgomery farm was indeed relatively poor. A news report from the time of the murders described the house as of 'unpretentious style, unpainted and plainly finished, one and a half story in height, blackened by exposure to the elements, [and] devoid of paint'.<sup>48</sup>

The financial struggles of the Montgomery family played a role in how western Oregonians at least initially, when nothing else seemed to explain it, tried to make sense of their slaughter, and more to the point a son's motivations for doing it. Only days after Loyd's arrest and before any confession was known to have been extracted from him, a newspaper in Portland pointed out what apparently was becoming social knowledge in the economic atmosphere of the times. 'It is not unusual for farmers' boys, whose homes represent the pinching economies of life to the exclusion of most of its pleasures', the piece explained, 'to feel and nurse a grievance at fate and its supposed arbiters, their plodding, hard-worked parents. Happily, this grievance seldom takes a more violent form than that of

“running away.” That it does sometimes . . . take on a homicidal feature has been clearly proved, and to all appearance it will be further verified in this instance’.<sup>49</sup>

As it turned out, the depression and the Montgomery family’s ‘pinching’ economy did contribute to the slaughter, more specifically in the ways that they impinged on issues of gender. Manhood in late nineteenth-century America depended on a male’s ability to support and provide for his family. But John owned no real property by 1895. He also relied on his family for assistance. As already noted, the Montgomerys resided in the home and on the land of an in-law. Secondly, part of the financial arrangement in all this was that Elizabeth would help out by also keeping house for Samuel. Samuel in turn, because he owned the place and continued to live in the same dwelling, had actually displaced his brother-in-law John as the actual head of the family. More noteworthy, John’s two older sons had equal shares with their father in the hop crop on the Templeton farm. One of these sons was Loyd. The other was his slightly younger brother Orville, the son who had been dutifully out ploughing the fields when his prodigal brother returned home and killed their parents. John’s economic reliance on various family members undercut his independence, thus undermining the manhood he should have ideally evinced, at least according to the dictates of rural America.

John’s attenuated situation no doubt made it difficult to control and discipline a son who was becoming his equal. The path from boyhood to manhood in rural late nineteenth-century America was not without its twists and turns; long-term depression threw up additional road-blocks. One traditional step toward manhood in rural America was acquiring one’s own land and marrying. General financial constraints of the time hindered this, but land settlement patterns in western Oregon and an older generation of men unwilling to divide large parcels for the benefit of sons or to sell it off to other prospective farmers who were in search of property exacerbated the situation, and lengthened the period of time in which young men there remained at home and dependent on their fathers. One researcher found that young men in the late nineteenth-century Willamette Valley, on average, were not financially capable of setting out on their own until they were in their late twenties.<sup>50</sup> On the other hand, they legally came of age at 21. Not surprisingly, newspapers such as the *Willamette Farmer* commented on the former problem already in the 1870s, sometimes spelling out and at other times hinting at the ill effects the lack of land dispersal

had on manliness and the character of communities, as well as the social discord that could potentially result.<sup>51</sup>

On their fathers' farms, these young men nevertheless tended to do the work that otherwise bestowed the status of manhood on a male, namely labouring in the fields. And so it was, to a degree, in the case of Loyd; he also laboured in the fields ploughing and harvesting. But he also still did the work and chores of a boy, including cutting wood, feeding animals and helping his mother. Loyd was, after all, still not quite even 19 years old. The tension between men's and boys' work and what it meant for the different kinds of people who did them is apparent in the few moments leading up to Loyd's murderous rampage. When Loyd encountered his father and Daniel McKercher in the front yard, the latter asked him to get him a glass of water. This was hardly an offensive request, but it was one that nevertheless highlighted different loci on the axis of boyhood and manhood. At that moment, Elizabeth called from the kitchen door, telling Loyd to chop some wood for her. According to some reports, Loyd refused this demand.<sup>52</sup> In one sense he was rebelling against his perceived station in life as a boy, asserting his adult male prerogative. In another sense, he contravened the duties he owed his mother, duties socially cherished and locally promoted in the ideal rural mother-son relationship. Upon Loyd refusing his mother's wishes, according to certain versions of the confession, his father slapped him in the face and instructed him to do as his mother had bid.

As pointed out earlier in the chapter, considerable debate raged over whether John might have actually struck Loyd that day. I would propose that he did. Given other circumstances of that encounter between father and son—namely the presence of Daniel McKercher—John had motive in such treatment of his son that related to his eroding authority in the family and his impaired masculinity. McKercher was a miller and had, according to local reports, 'kept the Montgomery's [sic] from want for some time by furnishing them flour when they could not get it anywhere else'. Aware that a hop buyer was in the neighborhood that very day purchasing the recent harvest, McKercher had actually headed to the Montgomery home in hopes of getting some sort of payment on the long-standing debt that John owed him. Even Loyd recounted in his confession that he overheard McKercher ask his 'father how he was fixed for money; that he would like to get a few dollars father owed him'.<sup>53</sup> The hop buyer had actually just left the Montgomerys (with his life, as things turned out) when McKercher appeared. John had received word from the buyer that because

of the continued low prices for agricultural commodities due to the depression, prices were not that great and consequently John realized he faced another unprofitable year.<sup>54</sup> I would argue that this bad news, John's continued indebtedness to keep his family fed and the presence of a relatively successful (and considerably younger) businessman to whom he owed money motivated him at that moment to try to exert control and authority over one of the only things he might still have been able to exert control and authority over—his contentious son who was no longer a boy, but not exactly a man either. Had John done nothing when Loyd wilfully ignored his mother's request and consciously neglected his chores, he would have lost more face in front of Daniel McKercher.

Other evidence from the Montgomery case strengthens this contention. As pointed out earlier, James McFeron, the county sheriff who had known the Montgomerys for years, claimed to be 'positive' that John had not slapped Loyd. To support this proposal, he provided the telling evidence that Loyd 'was unusually large for his age, and during the past few years his father never attempted corporal punishment. Mr. Montgomery was afraid of the boy, who was much the better man of the two physically'.<sup>55</sup> It may very well have been that John was indeed frightened of his son and so had not employed corporal punishment against him for some time. But given the circumstances of the moment, when an impaired masculinity and a father's eroding authority over a son was tested, as it was in front of another man, John may have had the additional incentive to try his hand at something he had not done for a very long time. In this case, the reaction was dramatic.

The issue of Loyd's size, strength and appearance, which filled newspapers for days, is worth dwelling on a bit more. His size and strength indicates another way in which he had become a man, despite the reality that he faced at home as a boy. Occasionally over the years the *Willamette Farmer* ran articles about the ideal height and weight of men and when they achieved them in their lives. One from 1887 entitled 'The Life of Men', for example, described that at 25 years of age, a man will have acquired his maximum height, which would normally range between five and a half and six feet tall. At a medium height, he should weigh about 140 pounds.<sup>56</sup> By all accounts, at 18 years old Loyd had already met and exceeded these dimensions, standing already six feet tall, and weighing between 170 and 190 pounds.<sup>57</sup> More generous reports described him as, 'although only 18 years old... as large as a full-grown man, and his

magnificent physique might well be the envy of a trained athlete'.<sup>58</sup> Most reports, given the circumstances, however, described his body in menacing terms. '[H]e is full grown, and very weather beaten, being a large, raw-boned young man', announced one news item, while another called him 'a large over-grown boy', and yet another portrayed him as 'a stout, heavy-set fellow . . . of swarthy complexion an[d] looks older than 18'.<sup>59</sup>

The press's intense focus on this specific issue and McFeron's revelation point to strong social concern about youths who were not yet men dominating their fathers, fathers whose social position was already undermined because of the economic and cultural shifts of the time. From his physical size to his disobedient and socially unacceptable behaviours, from his refusal to do as his mother asked to his father's fear of him, from his continued status as a boy to his role as a man in supporting his father's family, Loyd emerged in the public consciousness in November 1895 as the very type of boy rural Oregon society worried about most as the future of that society was increasingly imperilled by the weight of history. That all this happened in a family where the patriarch and matriarch were, as depicted in the press, 'plain, hardworking people, who had not been fortunate in accumulating more than a fair share of this world's goods', only highlighted the despair of Oregon farmers in the 1890s, and the fact that so many of its men and fathers were facing continued erosion of their authority.

Someone once said that you cannot keep a good man down. Good or not so good, the same applies in the case of John Montgomery, who from beyond the grave had, in a way, the final say in this prolonged father-son dispute. This is seen most notably in the workings of the legal system, and more especially the role gender played in it. Supposedly, in the American legal system a jury is to be made up of one's peers. This is impossible in a parricide case when the individual accused of murder is not yet of age—he or she cannot face a jury of other children.<sup>60</sup> So, necessarily Loyd would have to face adults. Additionally, given that Oregon in 1895 had not yet granted women the right to vote, the jury would naturally be composed only of men. But there are yet more interesting facts about the jury. At the time of his death, John Montgomery was 44. All but three jurors were in their forties. Of the twenty-three men whom lawyers excused from the panel, eighteen were not in their forties. In other words, lawyers working for the state and for the defence selected a jury composed of men whose ages closely matched John's; they excused from service those whose did not.<sup>61</sup>

John Montgomery was a farmer. All members of the jury were also farmers or farmhands. All men whom lawyers questioned as to their suitability to serve on the jury who made their living in ways other than through farming (there were twelve such individuals) were excused. The occupations of the excused included grocer, carpenter, bank cashier, insurance and real estate broker, postmaster and factory worker—largely the city folk who were becoming increasingly suspect as social and cultural authority shifted away from the countryside and in an urban direction in America as the nineteenth century ebbed.

The jury was not exactly composed of men as poor as John Montgomery, but in fact the average wealth of the jurors was half that of those excused from participation in the jury. There were no apparent differences between selected and excluded jurors as far as their marital status and whether they had children, likely because it was common at that time and in that place for older men to be married and to have children (the youngest man in the juror pool was 29). But this is certain: all those who served on the jury, save for one, were or had been married and had children.

Thus, as far as being *fathers*, being *farmers*, being in their *forties* and being less *financially* successful (what I call the 4-Fs), those selected for the jury looked very much like John Montgomery. Therefore when Loyd faced his jury, he in a very real sense faced his father. In this way, the spirit of John Montgomery literally returned from the grave to preside over his son's trial. But it was more than John's spirit, it was the spirit of farming men everywhere in rural America who faced decline in so many aspects of their lives. This was one small way in which they, through their proxies on the jury of a murder trial, could reassert their authority during the depression of the 1890s.

After a two-day trial, the jury found Loyd Montgomery guilty of murder. A couple of months later, on 31 January 1896, a small crowd of invited dignitaries assembled to watch him dangle at the end of a rope behind the county gaol in Albany. Newspapers remarked that the remnants of Loyd's broken family refused to claim his body.

In the United States, psychologists and sociologists have long dominated the field of parricide studies. They have largely taken their subjects from the era that begins in the last three decades of the twentieth century. Collectively, their research has revealed a great deal about parricide, who commits it, how it is done and certain reasons that seem to explain why people who murder their parents do so. And yet, as this chapter demonstrates, through invoking the methods and sources of the historian, much more about parricide is yet to

be learned. Certainly, historical context matters. More to the point here is that history provides a way to critique the typical sorts of evidence and sources utilized in the study of parricide. Furthermore, the use of history and its disciplinary methods shows that larger social forces, not just individual action, are culpable in producing parricide. In the case of the Montgomery parricides and the McKercher murder, the alchemy of long-term depression, painful decline of the countryside, problematic boyhood, idealized motherhood and imperilled fatherhood, more than the social type of one individual, created the horrific events that sundered a family and a rural North American community on 19 November 1895. Tellingly, at the very time that same community invoked, denied, disputed and embraced issues of mental illness, physical abuse and disagreeable personality as causes of murder, that same community also explained murder through the roles that long-term depression, decline in the countryside, problematic boyhood, idealized motherhood and imperilled fatherhood all played in its commission.

## NOTES

1. I conducted my survey of Lizzie Borden books in the Library of Congress online card catalogue on 10 November 2016. History, in contrast to the social sciences, is a book-driven discipline. But a survey of professional history articles produced on parricide is also instructive for what it reveals about the limited interest academic historians have in parricide. The major article search databases for North American history (the USA and Canada) and for world history (outside of North America and since the fifteenth century) are 'America: History and Life' and 'Historical Abstracts'. They collect citations to history articles in academic journals as far back as the early 1950s. My search of the literature in these databases on 10 November 2016 provided only nineteen hits in which I used the terms parricide, patricide and matricide as subject terms. An examination of article abstracts determined that several of these titles were more literary analyses than histories per se. Kerry Segrave, a prolific writer of books on popular culture, produced *Parricide in the United States, 1840–1899* (Jefferson, NC: McFarland, 2009), which is a compilation of more than one hundred cases of patricide and matricide. He undertakes some analysis, for example presenting them according to their association with financial disputes, abuse, alcohol and so forth.
2. Phillip Chong Ho Shon, 'Parricide: Desire, Dedifferentiation, and the Emergence of an Ironic Hero', *Journal for the Psychoanalysis of Culture & Society* 4 (1999): 265–271.

3. Phillip Chong Ho Shon, 'Sources of Conflict Between Parents and Their Offspring in Nineteenth-Century American Parricides: An Archival Exploration', *Journal of Forensic Psychology Practice* 9 (2009): 252–256.
  4. See, for example, Kathleen M. Heide and Thomas A. Petee, 'Parricide: An Empirical Analysis of 24 Years of U.S. Data', *Journal of Interpersonal Violence* 22, no. 11 (2007): 1382–1399, and 'Weapons Used by Juveniles and Adult Offenders in U.S. Parricide Cases', *Journal of Interpersonal Violence* 22, no 11 (2007): 1400–1414.
  5. See, for example, Kathleen M. Heide and Autumn Frei, 'Matricide: A Critique of the Literature', *Trauma, Violence, & Abuse* 11 (2010): 3–17; Marc Hillbrand and Traci Cipriano, 'Commentary: Parricides—Unanswered Questions, Methodological Obstacles, and Legal Considerations', *Journal of the American Academy of Psychiatry and the Law* 35 (2007): 313–316; Paul A. Mones, *When a Child Kills: Abused Children Who Kill Their Parents* (New York: Pocket Books, 1991); William R. Holcomb, 'Matricide: Primal Aggression in Search of Self-Affirmation', *Psychiatry* 63 (2000): 264–287.
- An important exception to this are the findings of Phillip C.H. Schon and Joseph R. Targonski, whose work, because of this and other exceptions it takes to the general tenor of sociological traditions, is discussed in greater detail below. See Phillip C.H. Shon and Joseph R. Targonski, 'Declining Trends in U.S. Parricides, 1976–1998: Testing the Freudian Assumptions', *International Journal of Law and Psychiatry* 26 (2003): 387–402.
6. On the role of social factors see, for example, the admittedly lukewarm conclusions of Chelsea Diem and Jesenia M. Pizarro, 'Social Structure and Family Homicides', *Journal of Family Violence* 25 (2010): 521–532.
  7. In addition to Shon's works already cited, others who consider nineteenth-century data as their source base include Phillip C. Shon and Michael A. Roberts, 'Post-Offence Characteristics of 19th-Century American Parricides: An Archival Exploration', *Journal of Investigative Psychology and Offender Profiling* 5 (2008): 147–169; Phillip C.H. Shon, 'Weapon Usage in Attempted and Completed Parricides in Nineteenth-Century America: An Archival Exploration of the Physical Strength Hypothesis', *Journal of Forensic Sciences* 55 (2010): 233–236; Phillip Chong Ho Shon and Michael A. Roberts, 'An Archival Exploration of Homicide—Suicide and Mass Murder in the Context of 19th-Century American Parricides', *International Journal of Offender Therapy and Comparative Criminology* 54 (2010): 43–60; and Phillip Chong Ho Shon, 'Existential Boundary Crossings: An Archival Exploration of Identity Projects in Nineteenth-Century American Parricides', *Human Studies* 35 (2012): 445–457.
  8. Shon, 'Sources of Conflict', 255–256. This article offers Shon's most significant critique of why social science and psychology have left out historical

factors in their analysis of parricide and consequently some of the resulting problems with that research.

9. Here I use Michel Foucault, ed., *I, Pierre Rivière, having slaughtered my mother, my sister, and my brother... A Case of Parricide in the 19th Century*, trans. Frank Jellinek (Lincoln: University of Nebraska Press, 1982; reprint New York: Pantheon Books, 1975).
10. Foucault, *Pierre Rivière*, xiii.
11. This and the following few paragraphs of information are taken from Portland, *Oregonian*, 26 November 1895, 1; *Brownsville (Oregon) Times*, Supplement, 20 November 1895, photostatic copy on file at the Linn County Historical Museum, Brownsville, Oregon.
12. 'Accused of Slaying His Parents: An Oregon Youth Arrested for a Terrible Crime', *New York Times*, 22 November 1895, 9.
13. Mones, *When a Child Kills*, 25; Charles Patrick Ewing, *When Children Kill: The Dynamics of Juvenile Homicide* (Lexington, MA: Lexington books, 1990), 5.
14. Carl P. Malmquist, 'Adolescent Parricide as a Clinical and Legal Problem', *Journal of the American Academy of Psychiatry and the Law* 38 (2010): 73; Kathleen M. Heide, *Why Kids Kill Parents: Child Abuse and Adolescent Homicide* (Thousand Oaks, CA: Sage Publications, 1995), 42; Mones, *When a Child Kills*, 25.
15. See, for example, Heide, *Why Kids Kill Parents*, 6.
16. Salem, *Daily Oregon Statesman*, 30 November 1895, 1; Portland, *Oregonian*, 1 December 1895, 20; Portland, *Oregonian*, 29 December 1895, 10; Portland, *Oregonian*, 26 November 1895, 1 (quoted).
17. Portland, *Oregonian*, 1 December 1895, 20.
18. Albany, Oregon, *State Rights Democrat*, 20 December 1895, 3; J.M. Charcot, *Clinical Lectures of Certain Diseases of the Nervous System*, trans. E.P. Hurd (Detroit: G.S. Davis, 1888); 'In Memoriam: E.P. Hurd, M.D.', *Boston Medical and Surgical Journal* CXL, no. 17 (27 April 1899): 416; Portland, *Oregonian*, 1 December 1895, 20; Albany, Oregon, *Weekly Herald-Disseminator*, 19 December 1895, 4.
19. Portland, *Oregonian*, 1 December 1895, 20.
20. Portland, *Oregonian*, 11 February 1896, 4 quoted the words of the San Francisco newspaper.
21. Heide, *Why Kids Kill Parents*, 6.
22. Portland, *Oregonian*, 26 November 1895, 1.
23. Portland, *Oregonian*, 9 January 1896, 4.
24. The report comes from the Lakeview, Oregon *Examiner*, but was carried in the Portland *Oregonian*, 11 February 1896, 4.
25. The divorce documents are contained in Oregon Provisional and Territorial Government Records Access Project, Reel 75, Provisional and Territorial

- Documents, manuscript 1226, Items 11573–11832, held at the OHS Research Library. Item 11823, an affidavit from Alexander Seavey, reports the instance of physical abuse. On the history of the divorce petition in the legislature, see *Oregon Statesman* (Salem), 27 September 1859, 2.
26. Manuscript Population Census Returns, Linn County, 1870, Albany Precinct, lines 3–9, p. 47, and Brownsville Precinct, lines 19–23, p. 5.
  27. Portland, *Oregonian*, 6 January 1896, 6.
  28. Portland, *Oregonian*, 29 December 1895, 10.
  29. Salem, *Willamette Farmer*, 4 October 1873, 3; 19 September 1884, 3; 20 June 1884, 3; 1 February 1884, 2; 4 December 1874, 1; 18 July 1874, 2; and 28 February 1874, 2.
  30. Portland, *Oregonian*, 3 December 1895, 4; 18 December 1895, 4.
  31. Portland, *Oregonian*, 1 December 1895, 20 (quoted); Portland, *Oregonian*, 17 March 1940, 10.
  32. Portland, *Oregonian*, 1 December 1895, 20.
  33. David Peterson del Mar, *Beaten Down: A History of Interpersonal Violence in the West* (Seattle: University of Washington Press, 2002), 7, 63–66, 82; Linda Gordon, ‘Family Violence as History and Politics’, *Radical America* 21, no. 4 (1987): 24.
  34. Portland, Oregon, *Willamette Farmer*, 27 April 1883, 3.
  35. Knapp’s letters to the editor of the Portland, *Willamette Farmer*, are 26 January 1883, 1; 2 February 1883, 4; 13 April 1883, 3; and 4 May 1883, 1 (quoted). Responses to him are from 23 February 1883, 1; 16 March 1883, 3.
  36. Portland, *Oregonian*, 22 November 1895, 1; 23 November 1895, 8; 1 January 1896, 2; 6 January 1896, 6; 9 January 1896, 4; Albany, Oregon, *State Rights Democrat*, 22 November 1895, 3; Salem, Oregon, *Daily Oregon Statesman*, 21 November 1895, 1, Albany, Oregon, *Weekly Herald-Disseminator*, 21 November 1895, 5; 2 January 1896, 5; 23 January 1896, 5.
  37. McFeron’s rendition is included in Portland, *Oregonian*, 1 December 1895, 20. Other reports with some additional details are in Albany, Oregon, *Weekly Herald-Disseminator*, 21 November 1895, 5; Albany, Oregon, *State Rights Democrat*, 22 November 1895, 3; Portland, *Oregonian*, 23 November 1895, 8; Loyd’s account of the affair is Portland *Oregonian*, 26 November 1895, 1.
  38. Portland, *Oregonian*, 3 December 1895, 4.
  39. Albany, Oregon, *State Rights Democrat*, 6 December 1895, 3; Portland, *Oregonian*, 3 December 1887, 1.
  40. Elliott West, *Growing Up with the Country: Childhood on the Far Western Frontier* (Albuquerque: University of New Mexico Press, 1989), 149–156; Pamela Riney-Kehrberg, *Childhood on the Farm: Work, Play, and Coming of*

- Age in the Midwest* (Lawrence: University Press of Kansas, 2005), 188; Peterson del Mar, *Beaten Down*, 66–67; E. Anthony Rotundo, *American Manhood: Transformations in Masculinity from the Revolution to the Modern Era* (New York: Basic Books, 1993), 35, 42–49; Salem and Portland, *Willamette Farmer*, various issues.
41. The reference to silver has to do with the demand of farmers in the 1890s for the USA to go off the gold standard and embrace silver, whose value, like that of crops, had declined. Had the USA done so, farmers' political organizations argued, then money would be of a value that compensated for the decline in crop prices. This would alleviate the farmers' sufferings.
  42. Linn County Tax Records, 1893, reel 5, p. 449, Linn County Tax Assessor's Office, Linn County Courthouse, Albany, Oregon; Linn County Tax Records, 1895, reel 8, n.p., located at end of Tax Assessment for 1895, p. 447, and beginning of Delinquent Tax Assessment for 1895, p. 1.
  43. To produce twenty bushels of wheat in 1830, it took sixty-one man hours of labour. To do the same in 1896 took only three hours and eleven minutes. See Thomas G. Andrews, *Killing for Coal: America's Deadliest Labor War* (Cambridge, MA: Harvard University Press, 2008), 80. A few sources on rural-to-urban migration during this era are, from the general to the specific, George Brown Tindall, *America: A Narrative History* (New York: W.W. Norton, 1984), 789–790; Joseph P. Ferrie, 'The End of American Exceptionalism? Mobility in the United States Since 1850,' *Journal of Economic Perspectives* 19, no. 3 (Summer 2015): 199–215, especially 209–210; Michael J. Greenwood and Gary L. Hunt, 'The Early History of Migration Research Revisited', available at: <http://www.colorado.edu/econ/courses/spring12-4292-001/Greenwood%20and%20Hunt%20Migration%20Research%20History.pdf>, accessed 3 April 2015; Paul H. Landis, 'Selected Problems of the Western States in Relation to Agricultural Adjustment' (paper presented at the 9th Annual meeting of the Western Farm Economics Association, Laramie, Wyoming, 30–31 July, 1 August 1936); Thomas Dublin, 'Rural-Urban Migrants in Industrial New England: The Case of Lynn, Massachusetts, in the Mid-Nineteenth-Century', *Journal of American History* 73, no. 3 (1986): 623–644.
  44. On different aspects of these alterations in Willamette Valley farming society, see Christopher Dean Carlson, 'The Rural Family in the Nineteenth-Century: A Case Study in Oregon's Willamette Valley' (PhD diss., University of Oregon, 1980); Cynthia Culver Prescott, *Gender and Generation on the Far Western Frontier* (Tucson: University of Arizona Press, 2007).
  45. *Proceedings of the Twenty-Second Annual Session of the Oregon State Grange of Husbandry* (Oregon City, OR: Enterprise Electric Power Plant, 1895), 28–29, 72–73. On the *Willamette Farmer*, see Jason Stone, 'Salem

Willamette Farmer’, available at: <http://oregonnews.uoregon.edu/history/willfarmer/>, accessed 16 April 2015. On the Oregon Grange, see Edna A. Scott, ‘The Grange Movement in Oregon, 1873–1900’ (MA thesis, University of Oregon, 1923).

46. In addition to the specific reference notes, the following is based on research presented in Peter Boag, “‘He Took Up Arms Against the Loins from Which He Sprang and the Womb That Bore Him’: Gender and Parricide During the American Agrarian Crisis—A Case Study’, *Oregon Historical Quarterly* 113, no. 2 (2012): 134–163.
47. Portland, *Oregonian*, 22 November 1895, 1.
48. *Brownsville (Oregon) Times*, Supplement, 20 November 1895, photostatic copy on file at the Linn County Historical Museum, Brownsville, Oregon.
49. Portland, *Oregonian*, 24 November 1895, 4.
50. Carlson, ‘The Rural Family’, 304–305; Prescott, *Gender and Generation*, 43.
51. See, in particular, Salem, Oregon, *Willamette Farmer*, 14 August 1874, 4.
52. James McFeron, for example, reported that Loyd had refused to cut the wood for his mother. See Portland, *Oregonian*, 1 December 1895, 20. The issue of Loyd cutting (or not cutting) the wood came up elsewhere, including in trial testimony. In his initial attempt to throw suspicion off himself, Loyd dwelt on the issue of cutting wood, claiming that he had done as his mother had asked. The focus on this particular event may possibly indicate that it was at the heart of the immediate conflict that day. See E.F. Gilkey’s testimony at the Loyd’s trial carried in Albany, Oregon, *Weekly Herald-Disseminator*, 19 December 1895, 4. Gilkey was also a relatively objective observer; he was not a member of the local community, but rather came from distant Portland on business to purchase the recent hop harvest.
53. Portland, *Oregonian*, 26 November 1895, 1.
54. Portland, *Oregonian*, 26 November 1895, 1.
55. Portland, *Oregonian*, 1 December 1895, 20.
56. Salem, *Willamette Farmer*, 27 May 1887, 2.
57. Portland, *Oregonian*, 1 December 1895, 20.
58. Portland, *Oregonian*, 29 December 1895, 4.
59. Portland, *Oregonian*, 22 November 1895, 1; 23 November 1895, 8; Albany, Oregon, *State Rights Democrat*, 29 November 1895, 1.
60. For a fuller discussion of this matter, see Mones, *When a Child Kills*, 71.
61. For a more detailed account, see Boag, “‘He Took Up Arms’”, 134–163.

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PART III

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Struggling with Parental Authority  
in Early Modern and Modern Societies

# Ambivalent Fatherhood: On Disobedience and Assaults Against Parental Authority in Munich in the Early Seventeenth Century

*Satu Lidman*

How do we define fathers and father figures? Are they strong and warm, protecting, trustworthy and caring—or rather oppressive, cruel, distant and demanding? In concrete individual cases, fathers can be all of these things, or anything in between. When analysing fatherhood within the framework of patriarchal ideology, other kinds of patterns start to emerge. Particularly in situations of domestic violence against fathers, the ideals clash with the expected status quo of the parent–child hierarchy.

In this chapter, fatherhood is seen as reflecting and being a part of masculinity; it is also viewed as patriarchal authority challenged by disobedience and assaults against fathers. The ambivalence and diversity of perceptions of fatherhood are analysed qualitatively through the example of early modern European ideology on household order, and more specifically in the light of the Munich magistrates' court proceedings from around 1600 concerning domestic violence and other disturbances in the domestic sphere. The chosen approach focuses on non-lethal, minor assaults against fathers,<sup>1</sup> which ran the risk of unsettling paternal authority.

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The chapter explores how ideal fatherhood was defined and what happened in cases of rebellion against this given model.

### STRUCTURES: FATHERS AND AUTHORITY

Patriarchy was indisputably one of the most telling elements of early modern European societies. It forms the basis for understanding the hierarchic relatedness between individuals and questions concerning power relations in both the private and public spheres.<sup>2</sup> Consequently, people's lives were largely characterized by inequality. This manifested in societal, cultural and legal structures from secular Roman law and its influential concept of *patria potestas*, closely related to patriarchal household order.<sup>3</sup> At the same time, religious reasoning was strongly affected by the biblical ideal of male dominance, such as St Paul's notions of man being the head of the woman (*vir est caput mulieris*).<sup>4</sup> Accordingly, early modern fatherhood has to be considered in the context of the gendered structures of patriarchal order and hierarchic power relations, which concerned every member of the society in one way or another.<sup>5</sup> Patriarchy and authority were in many ways closely related and overlapping concepts, and neither of them was unchanging but rather both were open to interpretation.<sup>6</sup>

Being patriarchal to their very core, it is natural that early modern cultures reserved a variety of important meanings for fatherhood and the term 'father'. The aspects of being a father and having a father touched various dimensions of the society. This point of view shows in the contemporary advice literature and rulers' books of the early sixteenth century, for example by the Dutch humanist Erasmus of Rotterdam. In his widely adopted view, rulers, including household heads and family fathers, were compared to the sun, which was the image of God himself. Therefore, they were obliged to let their light and wisdom shine over their subordinates 'in the manner of a good master'. Erasmus compared a good Christian kingdom and household with each other, and referred to the king as 'a father of many people'.<sup>7</sup> Due to this sphere of influence, idealistically, fatherhood reached from God to the religious authorities, and from housemasters to biological fathers as well as secular rulers. In early modern Munich, the latter included bourgeois magistrates as well as the Bavarian duke and his officials.<sup>8</sup> They were all perceived in some way as father figures to their subordinates.

A further variation of this composition can be seen in the theory of the late sixteenth-century French writer Jean Bodin, whose absolutist ideas on political power also influenced notions of family and the way ideal familial power relations were understood. In fact, as the family was compared to the state, the authority of the male household head was seen to resemble the power of the sovereign ruler. He was a kind of father to all household members, including not only his biological children, but also his wife and servants as well.<sup>9</sup> This scenario was based on the ideal of honourable adult men having a wife and children, and demonstrating their masculinity through taking care of the order in their households.<sup>10</sup> A household was a kingdom on a smaller scale in which the wife, servants and children were seen as subjects to be reigned over by the father as master of the house.<sup>11</sup> In many ways, fatherhood meant responsibilities benefiting those who were placed lower in the hierarchy. As fathers and household heads, this setting granted men the possibility of exercising certain rights, but it also created the need to fulfil a gendered role suitable for a man in this position.<sup>12</sup>

Grounded in God's will, patriarchal order was supposed to create justice, not unfairness. Nevertheless, the manly role embedded in it included the duty of fatherly correction, which could include physical discipline if needed. Today, this would of course for the most part be interpreted as unlawful domestic violence. As history research has later claimed, this system aimed at maintaining the patriarchal hierarchy, which was seen to uphold the desired stability as a natural cornerstone of society.<sup>13</sup> Obeying those considered more honourable or higher in the social rank was natural, and also simply considered polite.<sup>14</sup> The contemporary advice books for family life and upbringing supported sustaining the ideal social order by demanding that children not question authority. Obviously, from the perspective of children growing up, this included one's own father more than anybody. There were no major differences in the teaching of patriarchal order or perceptions of fatherhood in Protestant and Catholic areas. Occasionally, the demonstrations of ideal masculinity were confronted by assaults against family fathers and other patriarchal authorities.

### IDEALS: DISOBEDIENCE CHALLENGES CORRECTION

Currently, the complexity and many nuances of violence are understood as essential starting points for the research field of violence studies. Even though public opinion may still regard violence as merely referring to

physical assaults, the research predominantly understands it as a complex and diverse phenomenon dealing with both the power relations between individuals and societal structures. Violence is seen to range from various kinds of psychological and sexual abuse, such as controlling, ridiculing, harassing, non-consensual touching and stalking, to many kinds of non-lethal and lethal physical harms, including assault, manslaughter and murder.<sup>15</sup> Despite this broadened view of violence, actual violence against parents is one of the least analysed subcategories of unwanted and/or criminalized behaviour both in historical times and today.

Before the emergence of the modern state, the justification of violence largely depended on the context and who was performing it. Additionally, proscriptions were gendered, and they were based on the amount and nature of violence and whom it concerned.<sup>16</sup> However, in order to comprehend domestic violence against parents—and in the case of the study at hand, especially against fathers—in any historical context, one has to pay attention to the presumably different understanding of violence in the past. This not only concerns the facts about how certain behaviour was regulated or how it was handled within the legal system; rather, it is a deeper philosophical question of defining violence. Many deeds that are now defined as crimes—for example, physical disciplinary correction of children—were not criminalized. Instead, they may have been culturally encouraged, at least to a certain extent, and therefore not considered violence in the first place.<sup>17</sup>

At the same time, some kinds of behaviour that are not understood as violence nowadays may have appeared seriously incriminating, such as questioning paternal authority. One also needs to bear in mind that parental love was not necessarily altruistic. Actually, it could be clearly conditional, as shown in the following letter from a German father to his 12-year-old daughter in 1625. The father told his daughter:

Behave in such a way that one there has reason to continue to treat you kindly. Then you will also give me reason to love you and to treat you as a true father should. Be god-fearing and humble to everyone, and I will always remain your dear, loyal father.<sup>18</sup>

This is certainly an unambiguous way of demonstrating fatherly power and placing the guilt on the child's shoulders in the case of failure: if you do not obey me, you will not be included in my mercy.

The fact that desirable parenting included the possibility of using physical force against the child's will is quite in line with this world view. To love one's child was to take care of punishment if necessary, as commanded by the Bible: 'He that spareth his rod hateth his son: but he that loveth him chasteneth him betimes' (Proverbs 13:24). Being such a natural part of familial values, the possibility of physical correction did not contradict the understanding of justice; it was rather an essential aspect of it.<sup>19</sup> Evidently, this cultural setting contributed to the use of physical disciplinary correction. It is only against the background of this acceptance of disciplinary means that the picture of violence against fathers can be drawn.

Despite the fact that early modern society was prepared to tolerate many forms of suffering, the parental right to discipline was accepted only with certain restrictions. Disciplinary correction could, on the one hand, include the just use of force (*potestas*). In that case, it referred to desirable masculine or parental authority, not wrongful violence. On the other hand, excessively harsh correction or discipline for the wrong reasons could be interpreted as criminal and violent (*violentia*). The latter was not to be tolerated.<sup>20</sup> It is essential to note that many forms of children's disobedience not only questioned parental authority; they were sins confronting God and as such serious matters. Parents were advised to first try to settle conflicts with love and understanding, by patiently teaching Christian virtues. When thinking about the hierarchic framework of early modern culture, it is not surprising that this was basically the same advice husbands were given for communicating with disobedient wives. Whipping or beating was not supposed to be the first but the very last method—an *ultima ratio*—used for solving any familial issues. Therefore, the beating of a child should not take place without a reason that was justifiable to contemporaries, and the disciplinary methods were not supposed to leave permanent marks on the child's body.<sup>21</sup> The methods of physical chastisement were to be considered in case of bad behaviour at home—such as contradicting the parents, being rude or bawdy, and cursing—or in case of committing more severe crimes in the eyes of ecclesiastical or secular authorities.

This did not mean the ultimate proscription of violent acts between private people; it was merely the question of who disciplined whom, for what reasons and by what means. The basic legal construction of unlawful assaults did exist, of course, but the lines between acceptable and culpable actions were drawn differently than today.<sup>22</sup> This leads to a certain uncertainty when a researcher wants to discuss violence of the past. To name specific actions as violence means taking a stand—to speak about them

using other terms may be deemed underrating the suffering of the victims or ignoring the meaning of immoral choices. At the same time, one should respect the limitations of the historical setting and try to understand the actions of past people in the context of their reality. Additionally, when studying violence, one should stay alert and sensitive in order to avoid the danger of presenting the past through something that might actually have been exceptional, or at least only formed one part of the entity.

Whatever the chain of the disciplinary event or assault against parents was then, it was in the interest of all household members—and especially its male head—not to let the conflict become public. Otherwise it could be interpreted as a sign of unmanly weakness and insufficient paternal control.<sup>23</sup> Faith in the righteousness, or at least the necessity, of parental disciplinary actions was widespread in early modern Europe. In his didactic book from the early sixteenth century, the German Franciscan writer Johannes Pauli referred to an anecdote of an Antique story. A man sentenced to death for his horrific crimes made fun of his father by saying, ‘if you had only punished me in my youth, I would not have ended up with the shame’.<sup>24</sup> On one level, Pauli seems to blame parents for not righting the wrongs within the family as expected. At the same time, the story strengthens the image of them being given this power, but above all, the mocking tone of the son seems to question paternal authority as he points out his father’s mistake.

As parents, people were obliged to take care of their duties in bringing up good members of society, and failures in this were believed to result in various forms of misfortune.<sup>25</sup> According to the religiously coloured legal theory, rulers were supposed to guard and punish their subjects, like fathers disciplining children, in order to avoid the collective consequences of God’s wrath.<sup>26</sup> When analysing perceptions of correction, disobedience and violence, one cannot ignore the contemporary legal context: public shaming, painful corporal punishments and death penalties were parts of the early modern governance.<sup>27</sup> Certainly, experiencing this sort of violence on a cultural level could not but be reflected in the domestic sphere. This supported the image of masculine disciplinary and penal authority underlining the importance of patriarchal social hierarchy. It may also be that it triggered disobedience against the authorities and father figures.

Children themselves were not in a position to question this disciplinary authority, not even as they grew older. For their part, and especially when younger, it was necessary to humbly submit and receive the just punishment, for example birching.<sup>28</sup> Officials could use their paternal power to

prescribe the whipping of adults in a public square, and the father of the house possessed the right to correct his children and other subordinates. This was the hierarchical composition, and it was not supposed to be turned upside down. In reality, opportunities for the authorities to control what was happening in private households were fairly limited, which increased the likelihood of children facing many kinds of physical and mental harm at home. Furthermore, lawful disciplinary correction formed a grey area when it came to regulation, supervision by the authorities and public opinion. This does not mean that children were not loved, however. It only refers to the potentiality of violence created by the cultural setting.

The existence of widely approved methods of correction that stemmed from the patriarchal order created a layer of inequality between parents and their offspring. This was supposed to maintain the social hierarchy, but may actually have created bitterness, as contemporary authors have suggested. It was simply a man's duty to set a good example for his household members and children. As the Swedish theologian Oloff Swensson Lemwijk pointed out, it was more a sign of failure than of power when a man allowed events to progress so far that he was obliged to use physical violence. 'A roaring lion' offending his subordinates without proper reason was not the image of the ideal head of the household.<sup>29</sup> However, and even though ungrounded violence and cruelty were culturally and socially unacceptable, only the most severe cases of physical injury resulted in legal charges for assault. Intervening in familial matters would have undermined the very values of social order that the authorities wanted to uphold, and so it seems quite likely that even cases of excessive discipline were not actively prosecuted.<sup>30</sup> For an adult man, it may have been even more unlikely to report being a victim of his children's violence, as this did not fit with his role as the possessor of masculine honour and authority.

### PRACTICE: THREATENING AUTHORITY IN EARLY MODERN MUNICH

Being situated beneath their parents in the social hierarchy, children were not supposed to object to or question their authority—just as people were not allowed to oppose officials or rules. Obviously, children had no disciplinary power over their parents, not even after reaching adulthood. It was God's will that the mother, father and authority figure were respected and honoured—even though these adults were not mutually equal in the

gendered societal order. Rising up against the parents at home, and especially in public, was unheard of on the ideological level.<sup>31</sup> Therefore, and contrary to parental disciplinary correction, being rude and violent towards one's parents—especially the father—could not be excused through disciplinary aims. In fact, there were hardly any possibilities to explain this kind of behaviour sufficiently.

One could think that the existence of patriarchal order was an efficient tool to prevent violence against parents. At the same time, the possible experiences of violence in the childhood home—or in the society and the legal system at large—also may have given rise to interpersonal violence towards parents, including the father. Could it be that the early modern interpretation of patriarchal authority created a monster that contributed to the continuum of domestic violence, not only in the context of parents disciplining children, but also children turning against their parents? Of course, conflicts between young and adult children and their parents did take place, but most of the incidents never became public or legal matters. It was rather unusual to handle assaults against one's own parents in court, and it is therefore hard to estimate its prevalence. Nevertheless, there are a few reports of violent offspring, mostly sons, found among the proceedings of the Munich magistrates' court.

In 1613, a worker from Munich claimed his 21-year-old son was 'drunk and crazy, and when coming home [from the tavern he] beats his father and mother and insults them badly'. After the court's questioning, the young man, who worked as a singer in the cathedral, promised to improve his behaviour. The magistrates released him from custody, but they also prohibited him from drinking beer and wine.<sup>32</sup> This kind of proscription was a fairly commonplace punishment for men who broke the norms of good behaviour when consuming too much alcohol. In fact, drunkards were a constant source of trouble in the Munich magistrates' court.<sup>33</sup> The sentence is in line with these other cases, and there seems to be no evidence of harsher or milder treatment of the defendant based on his close relationship with the plaintiff. It is also notable that neither in its recorded discussions nor in the actual sentence does the court touch on the subject of the parents being victims of assault. Perhaps the matter was simply ignored—or silenced.

Just before Christmas in 1615, a whole family, comprising the father, mother and their adult son, stood before the magistrates because of their unsatisfactory way of living. The couple was only threatened with banishment if they did not improve their ways, but their son was actually

sentenced. He would have to 'carry the chain until the holy day, because he had hit his parents and made fun of that in front of the mayor'.<sup>34</sup> Being one of the centres of the Catholic Reformation, the Duchy of Bavaria and its capital, Munich, were supposed to reflect Christian masculine authority both in official forums and in private homes.

As a result of the sharpening, religiously coloured criminalization and growth of ducal bureaucracy that characterized the late sixteenth and early seventeenth centuries, the issue of respecting one's father had its equivalents on the ideological level as well: as much as citizens were to behave or else be punished by the city fathers, the city itself was supposed to be an obedient child under the rule of a demanding father, the duke.<sup>35</sup> But, as legal practice required no specific documentation of the court's reasoning, it can be speculated which was the most aggravating feature of this young man's crime. Was it assaulting his parents, underrating his deed or disrespecting the fathers of the city? It may also be that the magistrates considered the combination of these aspects as grounds enough for their reasonably harsh decision.

No further discussion of the nature of the violence that had occurred was recorded, but evidently the convicted had breached the limits of good behaviour by ridiculing authority figures. Therefore, it may seem somewhat surprising that it was the convict's father who pleaded for his freedom. However, before letting the young man go, the magistrates made him swear to offer his father 'another kind of respect' in the future.<sup>36</sup> A somewhat similar case of a wronged father pleading for the court's mercy for his adult child had also occurred some years earlier. In 1604, a woman had seriously insulted her father. The court found it especially incriminating that the incident had taken place in front of the magistrates and the higher judge (*Oberrichter*). Two members of the court stated that the daughter had 'insulted and defamed her old father in horrendous and dreadful ways', among others by implying that he was a liar, an oath-breaker and a man without honour.<sup>37</sup>

The woman did not try to deny or explain her deeds in any way, and so the magistrates were obliged to sentence her, but due to her pregnancy they had to delay the punishment. She would have to suffer public shaming on a special shame platform (*Schrägen*) after having delivered the baby.<sup>38</sup> Ultimately, she was pardoned thanks to her father's petition.<sup>39</sup> Perhaps this was motivated by the fear of shame that the public punishment would bring to the family, or perhaps parental love or pity for the new mother steered his actions. These questions can hardly be answered

on the basis of historical sources. However, it should be pointed out that in cases of verbal assaults between people not closely related, there are no traces of such reversed sentences. It seems that at least in this respect, assaults against parents may have been encountered differently than rudeness towards other people.

Nevertheless, parents did not always petition for their offspring who were accused in court, and sometimes sentences could even be made harsher. In the summer of 1604, a son was found guilty of insulting his father in a way that was not specified in the proceedings. He was sentenced to the shame platform, which would then be followed by two years' military service in the war against the Turks. For unreported reasons, the sentence was not put in practice immediately, and in October it was changed to one year of banishment. The convict was transferred from a more honourable prison to the shameful dungeon in the cellars of the town hall, and was soon afterwards flogged at the pillory and expelled.<sup>40</sup> In this case, the first sentence had also been harsh, but the ultimate one was more shameful.<sup>41</sup> On the one hand, the episode indicates that insulting honourable people was considered a serious crime. On the other, it reveals that the familial relationship between the plaintiff and the defendant was not necessarily emphasized in any way, and there was no evidence in the records of the father trying to spare his son. Of course, he may have felt the punishment was justified.

Between 1611 and 1615, magistrates discussed the actions of a 20-year-old 'beggar boy' several times. He had called his own father—who was a mason—a thief and a villain (*Schelm*), taken part in various disturbances and behaved badly in other impudent ways. While being tortured after entering the Bavarian territory in breach of his previous banishment, he confessed to multiple acts of larceny, including having 'broken into the lower judge's [*Unterrichter*] garden because of the plums' as well as stealing a chicken from the duke's henhouse. He was then banished for life.<sup>42</sup> Obviously, calling his own father names was one of the pettiest offenses on his record, but it seems to fit into the image of a loose and immoral person, someone not respecting authority. This detail can be read as part of the story that the court wanted—or felt obliged—to tell, as the first warning step on a path leading to more severe immoralities. It would then, in this interpretation, suit the objectives of contemporary criminal justice, which sought to prevent further crime through cautionary punishments.

When trying to understand fatherhood, not only in familial or biological terms but on a larger scale, one must acknowledge that paternal

authority could also be threatened through the verbal insults of an apprentice against his master. The master–apprentice relationship resembled in many ways the one between father and son. The elders of the guild could make a young man beg the forgiveness of his superior if he wanted to continue his studies. However, as in a case from 1600, the guild specifically asked the court to be discreet so as not to cause harm to the defendant’s parents. As a solution to the troublesome situation, the apprentice was sent to another town to learn manners and the profession.<sup>43</sup> The bad behaviour of a son could seriously hurt his parents, but by protecting them, the guild also protected its own honour and taught the disobedient apprentice a lesson about authority and hierarchy.

Could it be, as in Pauli’s anecdote referred to above, that undesirable behaviour in some cases cast doubt on the father’s ability to raise a good son? At least in 1600, the court seems not to have sympathized with a man telling the magistrates about his disobedient son. He tried to emphasize that the underage child did not want to live with his father and step-mother, and had now gotten into trouble. The father specifically stressed that it was only against his will that the lad had gone away with a friend and committed burglary. When the drunken boys returned to him in the middle of the night, he sent them away, hoping the episode would not draw the authorities’ attention to himself.<sup>44</sup> Yet this was inevitable.

In the end, the fathers of both boys were shamefully banished, but there is no mark in any court record of the sentence for the children.<sup>45</sup> In cases such as this, it was a fairly commonplace practice to punish parents for the wrongs of their underage children.<sup>46</sup> They were seen as the result of a failure in upbringing, and for the city authorities the conviction was a way to demonstrate their disciplinary and penal power over citizens that did not fulfil their duties. The situation changed when children reached adulthood, but even then a child’s immoral deeds could endanger the father’s reputation.

In 1617, the Munich magistrates were forced to involve themselves in a case of rape of a 9-year-old girl. Eventually, they sentenced the perpetrator, who was the victim’s schoolmaster, to death.<sup>47</sup> In the court’s final statement, not only the shameful crimes of the convict but also his disobedience of all kinds of masculine authorities was emphasized. He had betrayed the trust of the city fathers who had hired him to honour the city by teaching and being a good example to children. He had also let down his own father, who had tried to raise his son well.<sup>48</sup> Additionally, it was pointed out that during his student years in the monastery the man

had been a disgrace to his clerical fathers. The fact that a son committed all sorts of violent and shameful crimes—on top of being a child molester, he was also a wife beater, a drunk and a fornicator—seems to have put his father's honour in danger.<sup>49</sup>

Clearly, the father felt the need to excuse himself by describing his continual attempts to educate his son. In his statement, he emphasized how he had 'from early age on put much fatherly discipline, care, and punishment, as well as great effort and work, into his son'. Despite all this, the son 'did not accomplish much good' but mainly spent his days drinking.<sup>50</sup> The defendant himself seemingly wanted to strengthen this very story by pointing out that his father had 'locked him up three times, once for 12 weeks' in order to make him behave.<sup>51</sup> These kinds of measures were regarded as part of normal parental discipline. In this case, however, it failed, for unknown reasons.

Eventually, the father of the convict was not blamed for his son's crimes. One could even see him as a justified victim of the misery caused by an outrageous man threatening the honour of the whole city. The proceedings support the interpretation that in this situation a father could only maintain his social status by dissociating himself from his offspring. Thus, even in the absence of a physical assault against the father himself, serious crimes committed by a son could violate paternal authority. One cannot underestimate the psychological burden of losing one's own child through decapitation, but it seems the father was rather obliged to mourn the wrongs done by his disobedient son rather than his son's death.

#### EPILOGUE: FATHERS AS PARDONERS, PUNISHERS AND VICTIMS

Early modern patriarchal order seems to have enabled multiple interpretations of fatherhood. The term 'father' was not only limited to private life or biological relations; it reached from rulers and officials up to God. In all of these meanings, a father could be a loving and forgiving character, a man who even begged the court to pardon a child after having been assaulted by him. At the same time, a father could be a true authority figure aware of the need to uphold the moral order and his own masculine honour by punishing disobedience. Actually, both of these approaches reflect paternal power, as they are expressions of hierarchy: the father is not only the one who punishes; he is also the one whose pardon plays the dominant role.

In the light of the Munich cases studied here, assaults and disobedience against fathers were not necessarily punished more harshly than similar deeds in other contexts. At first sight, this seems to contradict the idea of an undisputed paternal authority. One assumes that all kinds of assaults against authorities were perceived as serious matters. However, when a child's assault and disobedience targeted his/her father, this was, at least in cases of minor harm, downplayed rather than brought to the centre of attention. Therefore, it is much harder to place fatherhood in the context of fragile victimization rather than to perceive it in relation to pardoning and punishing. It is easier to see fathers as justified victims of their offspring's misbehaviour when this was serious enough and addressed third parties.

When looking at the punishments given to those who assaulted their fathers and comparing this to similar crimes against other people, it can be stated that the sentences were no harsher. Rather, there existed the possibility of pardoning upon the parents' pleas, at least when it came to less serious violence or conduct. In cases of grievous crimes, the perpetrator could not be acquitted or pardoned based on the parents' wishes, and the sentence probably resulted in the family splitting apart. All in all, the magistrates did not take the assaults against parental authority as seriously as one might assume when thinking about the contemporary ideals of patriarchal authority. The descriptions of the insults and assaults were sketchy in their nature—which was, however, commonplace throughout the period. Nevertheless, nothing seems to refer to the specific nature of these offenses, and there were no devastating remarks about the appalling disgrace that the deeds committed would cause to the head of the household. In fact, fatherhood and masculinity were not addressed in the court proceedings, but this does not mean that they were unimportant to contemporaries.

The role of the father was an ambivalent one: he should be loving and caring as well as strict and firm, and becoming a victim of violence by his subordinates did not fit into any of these ideals. It was not easy for a man to publicly admit that his own child had turned against him, as this could be interpreted as a failure in paternal duties and might serve to severely question his masculinity. Accordingly, there seems to have prevailed a certain culture of silence and shame, which may have influenced the underreporting of these deeds. I suggest that the most painful or revealing conflicts involving disrespect towards fathers and other authorities were not handled in court, at least if they had not become public. Silencing

these voices better served the purpose of maintaining the desired status quo of patriarchal hierarchy. Of course, conflicts between persons closely related to each other were also difficult on a human level, and they should not only be considered in terms of ideological patriarchy and authority.

Growing up in a society that allowed and sometimes even encouraged the physical correction of children was quite likely a factor with consequences. Certainly, children absorbed this model of problem-solving and put it into practice in their own adulthood. This constituted a circle of violence that was passed on to new generations. As early modern culture and societal structure were largely based on the continuation of 'natural' or God-given hierarchy, common people were not in a position to question the justification of control from above. Disciplinary correction was not seen as domestic violence until fairly recently, and it was generally criminalized only in the latter half of the twentieth century. Overall, it can be stated that the emphasis on patriarchal hierarchy was a cultural element that among other factors triggered a continuum of domestic violence, and the modern world is affected by its heritage.<sup>52</sup>

I believe it is worth paying attention to long-term historical continuity and cultural similarities related to patriarchy as a global phenomenon. This helps us understand the ideals of fatherhood in further patriarchal contexts, and their connections to familial power relations in our own time. For anyone who reads the news, it cannot go unnoticed that the family culture and gender roles of some communities seem to resemble the kind of patriarchal household order known in pre-modern Europe and also described in this chapter. This shows, for example, in Mehrdad Darvishpour's study on the masculinity of Iranian men in today's Sweden.<sup>53</sup> At the same time, it is necessary to keep one's eyes open for the remains of patriarchal power and authority structures that still affect interpersonal relations and perceptions of violence all over the world, including in European countries. Although perceptions of masculinity and family have undergone a dramatic change during the last 500 years, it seems that some of their negative aspects have a more lasting character than one would like to think.

Of course, family structures and perceptions of authority and gender are constantly changing.<sup>54</sup> For men who have grown up in a culture that values and establishes its notion of fatherhood on traditional ideals of masculinity, it can be challenging to cope with the new agencies of family members. This

change often causes feelings of insecurity and vulnerability. The patriarchal law of the father as it used to be known contradicts the values of modern Western societies and their dominating perceptions of justice, and a shift from a collectively regulated head of the household to individually chosen fatherhood is inevitable. Masculine identity is—regardless of ethnic or cultural background—in turmoil: it is changing ‘from familial breadwinner to co-operation within the family’. Becoming a father is not a biological but a social process taking place in connection with the child and the family. The new role of the man includes the idea of participatory fatherhood that should be earned, and not automatically received from above.<sup>55</sup> Recognizing this, it is nevertheless to be presumed that men have always interpreted fatherhood in their own ways, and sought agency within the limits of patriarchal order.

## NOTES

1. More serious assaults were handled in other courts, and they are not included in this study.
2. See, for example, Elisabeth Koch, *Maior dignitas est sexu virile. Das weibliche Geschlecht im Normensystem des 16. Jahrhunderts* (Frankfurt: Vittorio Klostermann, 1991); Elisabeth Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (London: Longman, 1999); Andreas Marklund, *I hans hus. Svensk manlighet i historisk belysning* (Stockholm: Boréa, 2004).
3. Koch, *Maior dignitas est sexu virile*, 56, 59.
4. Epistle to the Corinthians 11:3; Koch, *Maior dignitas est sexu virile*, 39. On domestic order in popular poems, pamphlets and graphics, see Julius R. Ruff, *Violence in Early Modern Europe 1500–1800* (Cambridge: Cambridge University Press, 2001), 35–37.
5. Early modern gendered reality can also be analysed in the light of contemporary verbal insults: as men were supposed to be manly, they were scorned by referring to opposite qualities, such as being a dishonourable thief or too female, as in not standing up for their manly rights. For observations of this kind in the context of early modern Bavarian legal culture, see Satu Lidman, *Zum Spektakel und Abscheu. Schand- und Ehrenstrafen als Mittel öffentlicher Disziplinierung in München um 1600* (Frankfurt: Peter Lang Verlag, 2008), 68, 233–234.
6. On authority as ‘a slippery concept’, see Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003), 210. For my part, I have addressed these questions throughout in Satu Lidman, *Väkivaltakulttuurin perintö. Sukupuoli, asenteet ja historia* (Helsinki: Gaudeamus, 2015).

7. Erasmus von Rotterdam. *Ein nutzliche underwisung eines Christlichen fürsten wol zu regieren*, 1521, XIIIv and XXv ('Ein frommer fürst sol ein solich gmut vnd hertz haben gegen sinem volck, als da hat ein guter hußvatter gegen sinem hußgsind. Dann was ist anders ein rych, dann ein groß hußgsind? Was ist ein künig, dann vyler menschen vatter?').
8. For more on power relations between ducal and city officials in Munich, see Satu Lidman, 'To Report or Not? To Punish or Not? Between Tightening Laws, Old Habits and Loyalty,' in *Morality, Crime and Social Control in Europe 1500–1900*, eds. Olli Matikainen and Satu Lidman (Helsinki: SKS, 2014), 87–106.
9. Marianna Muravyeva, "'A King in His Own Household": Domestic Discipline and Family Violence in Early Modern Europe Reconsidered,' *History of the Family* 18, no. 3 (2013): 230–231.
10. See, for example, Jonas Liliequist, 'Violence, Honour and Manliness in Early Modern Northern Sweden,' in *Crime and Control in Europe from the Past to the Present*, eds. Mirka Lappalainen and Pekka Hirvonen (Helsinki: Academy of Finland, 1999), 174–207, and Jonas Liliequist, 'Changing Discourses of Marital Violence in Sweden from the Age of Reformation to the Late Nineteenth-Century,' *Gender & History* 23, no. 1 (2011): 1–25; Foyster, *Manhood in Early Modern England*; Marklund, *I hans hus*; Pieter Spierenburg, ed., *Men and Violence. Gender, Honour and Rituals in Modern Europe and America* (Columbus: Ohio State University Press, 1998).
11. Jari Eilola, "'Cuckoi päällä curjanakin; cana alla armaisnakin"—patriarkaalisuus, puolisoiden välinen suhde ja auktoriteettien muodostuminen,' In *Arjen valta. Suomalaisen yhteiskunnan patriarkaalisesta järjestyksestä myöhäiskeskiajalta teollistumisen kynnykselle (v. 1450–1860)*, eds. Piia Einonen and Petri Karonen (Helsinki: SKS, 2002), 100–101; Ulrike Strasser, *State of Virginity: Gender, Religion and Politics in an Early Modern Catholic State* (Ann Arbor: University of Michigan Press, 2004), 12, 51–52; Lidman, *Zum Spektakel und Abscheu*, 76. See also Muravyeva, "'A King in His Own Household",' 227–237.
12. Lidman, *Väkivaltakulttuurin perintö*, 223–238.
13. For more on this topic, see Satu Lidman, 'Violence or Justice? Gender-Specific Structures and Strategies in Early Modern Europe,' *The History of the Family* 18, no. 3 (2013): 238–260. See also Walker, *Crime, Gender and Social Order*.
14. Erasmus von Rotterdam, c viii v.
15. For the complexity of violence in modern understanding, see Linda McKie, *Families, Violence and Social Change* (London: Open University Press, 2005), 24–26.

16. Kevät Nousiainen and Anu Pylkkänen, *Sukupuoli ja oikeuden yhdenvertaisuus* (Helsinki: University of Helsinki Press, 2001), 145.
17. On the limits between violence and justice in early modern society, see Lidman, 'Violence or Justice,' 238–260.
18. Cited in Steven Ozment, *Ancestors. The Loving Family in Old Europe* (London: Harvard University Press, 2001), 95. See also Erika Hoffmann, ed., *Briefe grosser Deutscher an Kinder: Deutsche Männer schreiben an Kinder* (Berlin: Metzner, 1943), 21.
19. For early modern parenting, see Joel F. Harington, 'Bad Parents, the State and the Early Modern Civilizing Process,' *German History* 16, no. 1 (1998): 16–28.
20. For the diversity of perceptions of violence, see Gerd Schwerhoff, 'Social Control of Violence, Violence as Social Control: The Case of Early Modern Germany,' in *Social Control in Europe 1500–1800*. Vol. 1, eds. Herman Roodenburg and Pieter Spierenburg (Columbus: Ohio State University Press, 2004), 230–231, 235, 237. See also Lilliequist, 'Changing Discourses of Marital Violence,' 1–3. For the expressions *Gewalt* and *Auktorität* in the context of the household, see Jean Baptiste De Glen, *Oeconomia christiana* (Gedruckt zu Cölln: Durch Henrich Krafft In verlegung Wilhelm Friessem im Bäumgen vor S. Paulus, 1641), 227, 228.
21. For the vague limits of house discipline, see Raisa Maria Toivo, 'Violence Between Parents and Children. Courts of Law in Early Modern Finland,' *The History of the Family* 18, no. 3 (2013): 331; Laura Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford: Clarendon Press, 2005), 79; Karin Hassan Jansson, *Kvinnofrid. Synen på våldtäkt och konstruktionen av kön i Sverige 1600–1800* (Stockholm: Uppsala University, 2002), 53–57, 91, 116–119; Karin Hassan Jansson, 'Väldsgärning, illgärning, ogärning. Könskodat språkbruk och föreställningar om våld I den medeltida landslagen,' in *Väld. Representation och verklighet*, eds. Eva Österberg and Maria Lindstedt Cronberg (Lund: Nordic Academic Press, 2006), 145–150; Eva Österberg and Dag Lindström, *Crime and Social Control in Medieval and Early Modern Swedish Towns* (Uppsala: Uppsala University, 1988), 102, 141–143; Walker, *Crime, Gender and Social Order*, 49; Philippe Rosenberg, 'Sanctifying the Robe: Punitive Violence and the English Press, 1650–1700,' in *Penal Practice and Culture, 1500–1900: Punishing the English*, eds. Simon Devereaux and Paul Griffiths (Basingstoke: Palgrave Macmillan, 2004), 170; Paul Griffiths, 'Bodies and Souls in Norwich: Punishing Petty Crime, 1540–1700,' in *Penal Practice and Culture*, 96. Especially in the context of disciplining the wife, see Albertinus, *Hortulus muliebris quadripartitus*

- (Stockholm: Grefwe, 1638), 2:239–241; De Glen, *Oeconomia christiana*, 199–200, 230–232; Zacharias Brockenius, *Huus-taflan* (Stockholm: Henrich Keyser, 1696), 117.
22. Lidman, 'Violence or Justice.'
  23. For the limits between public and private as well as social control, see Heinz Schilling, 'Discipline: The State and the Churches in Early Modern Europe,' in *Social Control in Europe*, 25–29; Manon van der Heijden, 'Punishment Versus Reconciliation: Marriage Control in Sixteenth- and Seventeenth-Century Holland,' in *Social Control in Europe*, 55; Albrecht Classen, *The Power of a Woman's Voice in Medieval and Early Modern Literatures. New Approaches to German and European Women Writers and to Violence Against Women in Premodern Times* (Berlin: De Gruyter, 2007), 188; Matikainen and Lidman, eds., *Morality, Crime and Social Control*.
  24. Johannes Pauli, *Schimpf und Ernst* (Straßburg: Grüninger, Johann, 1522), 18–19 ('hettestu mich gestrafft in der jugent, so wer ich nit zu der schand kumen'). The anecdote probably originates from the Roman philosopher Anicius Manlius Severinus Boëthius (c. AD 480–524 or 525).
  25. Harington, 'Bad Parents,' 16; Ozment, *Ancestors*, 80–82.
  26. On the theory of God's wrath, see Lidman, 'To Report or Not,' 89.
  27. Martin Ingram, 'Shame and Pain: Themes and Variations in Tudor Punishments,' in *Penal Practice and Culture*, 36, 47–48; Lidman, *Zum Spektakel und Abscheu*, 64–70, 116–133; Heinz Schilling, *Institutionen, Instrumente und Akteure sozialer Kontrolle und Disziplinierung im frühneuzeitlichen Europa* (Frankfurt: Vittorio Klostermann, 1999). See also Matikainen and Lidman, *Morality, Crime and Social Control*.
  28. Ozment refers to an English case from 1687 in which a college boy first refused to be whipped by his schoolmaster and was therefore in danger of being expelled. His father's visit made him change his mind and he agreed to his sentence. Ozment, *Ancestors*, 81–82.
  29. Liliequist, 'Changing Discourses of Marital Violence,' 5; Lidman, *Väkivaltakulttuurin perintö*, 110–111; Oloff Swensson Lemwijk, *Sveriges devotion*, 1674; Petrus Johannis Törnewall, *Dygdz och odygdz spegel i huus-håld och gemelna lefwerne*, Chapter 1, 1694.
  30. For similar conclusions, see Walker, *Crime, Gender and Social Order*, 64.
  31. For adult children who violently confronted their parents in early modern Sweden, see 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,' in *Morality, Crime and Social Control*, 19–42.
  32. MP 866/8 (1612/1614), Fol. 124 r–124 v ('tag vnd nacht voll vnd tholl sei, vnnd wann er heimb khomb, jne sein vatter vnd muetter schlag vnnd also ybel rumore?').

33. For more on this topic, see Lidman, *Zum Spektakel und Abscheu*, 215–277.
34. RP 230 (1615), Fol. 230 r–230 v (‘bis auff den heilligen tag in den springern gehen, weil er seine eltern geschlagen vnd vor herrn burgermeister nur das gespött daraus getriben’).
35. For more on this topic, see Lidman, ‘To Report or Not,’ 87–106.
36. RP 228 (1613), Fol. 42 r.
37. RP 219 (1604), Fol. 150 v (‘jren alten vatter gar greulich vnd erschröcklich jniuriert vnd geschmächt’).
38. RP 219 (1604), Fol. 150 v (‘derowegen, wan sie des schwangeren leibs ledig werde, öffentlich auff die schrägen gestellt werden’). The various kinds of shaming punishment that were used in early modern Munich are explained in detail in my doctoral thesis (Lidman, *Zum Spektakel und Abscheu*).
39. RP 219 (1604), Fol. 252 r–252 v. Sometimes even third persons interfered, as in the case in which an unmarried woman pleaded for a banished apprentice. He had been sentenced for hitting his mother, but was pardoned and allowed to enter the city as the woman promised to marry him. RP 211 (1596), Fol. 18 v and 59 v.
40. RP 219 (1604), Fol. 156 r, 233 v and 235 v. See also Fluchverbot, 1589. In 1596, the court sentenced a man to one year’s forced service because of his participation in various disturbances and his ‘rude impoliteness’ (*grobe Unhöflichkeit*) towards his parents. RP 211 (1596), Fol. 212 r.
41. For the scale of shame in punishments and prison variation in Munich, see Lidman, *Zum Spektakel und Abscheu*.
42. RP 226 (1611), Fol. 24 v, MP 866/7 (1610/1611), Fol. 255 v–257 r, MP 866/8 (1612–1614), Fol. 142 r, 143 r–144 r and 151 v–152 r, RP 228 (1613), Fol. 85 v and MP 866/9 (1615/1616), Fol. 36 r–37 r (‘des vnderrichters garten pflamben halber sei eingestigen’).
43. RP 215/1 (1600), Fol. 59 r and 61 r–61 v.
44. MP 866/4 (1599–1602), Fol. 47 r–48 r and 49 v–50 v.
45. RP 215/1 (1600), Fol. 170 r, 187 r and 222 v.
46. See also Harington, ‘Bad parents.’
47. I have published an article about the case in Finnish: Satu Lidman, ‘Pikku Bärbl opettajan kammariassa. Lapsen seksuaalisesta hyväksikäytöstä 1600–luvun Münchenissä,’ in *Makaaberin ruumis. Mielikuvia kuolemasta ja kehosta*, ed. Jari Eilola (Helsinki: SKS, 2009) and in English: Satu Lidman, ‘Intersections of Rape Crime and Child Protection in Early Modern Courts,’ in *Interpersonal Violence. Differences and Connections*, ed. Marita Husso et al. (London: Routledge, 2017).
48. RP 232 (1617), Fol. 85 r.
49. About his criminal career: MP 866/10 (1616/1617), Fol. 239 r–240 r and 242 r–243 r; RP 232 (1617), Fol. 147 v.

50. MP 866/10 (1616/1617), Fol. 247 v–248 v ('von jugent an, vill vätterliche zucht, firsorg vnnd straff, auch grosse miehe vnd arbeit, an jne gewennt').
51. MP 866/10 (1616/1617), Fol. 242 v ('sein vatter hab jne 3 mal eingespört, einmahl biß in die 12 wochen lang').
52. I have developed these ideas further in my book, which I hope to translate into English soon (Lidman, *Väkivaltakulttuurin perintö*).
53. Mehrdad Darvishpour, *Invandrarkvinnor som bryter mönstret. Hur maktförskjutningen inom iranska familjer i Sverige påverkar relationen* (Stockholm: Akademityck, 2003). See also Unni Wikan, *In Honour of Fadime. Murder and Shame* (Chicago: University of Chicago Press, 2008); Rana Husseini, *Murder in the Name of Honour: The True Story of One Woman's Heroic Fight Against an Unbelievable Crime* (Oxford: Oneworld, 2009).
54. McKie, *Families, Violence and Social Change*, 45 and 126.
55. Darvishpour, *Invandrarkvinnor som bryter mönstret*, 61–62 ('från familjeförsörjare till familjemedarbetare').

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# Parricide in Nineteenth-Century Finland: Cultures of Violence and a Crisis of Authority

*Raisa Maria Toivo*

This chapter uses a case study of a nineteenth-century Finnish parricide to analyse the societal concerns and discourses that arise from its discussion. The court records of this case are compared with both a wider range of material on the abuse of parents in eighteenth-century Finland and to specific reports of the aforementioned case in the Finnish press. The official records and scandal reports are combined to reveal the contrasting expectations and values of familial bonds at different stages of life. Parricide is placed in the context of rising homicide rates, the violent knife-fighting culture in Ostrobothnia, and the related social crisis that included economic stagnation and the devaluation of traditional authority.<sup>1</sup>

## THE PARRICIDE IN ALA-HÄRMÄ

On 26 April 1848, two brothers and their father went to strip some pines in Vuoskoski, a village in the parish of Ala-Härmä. The parish lay in the Uusikaarlepyy district of Ostrobothnia in western Finland. The man and

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his two sons had been working in the forest to prepare the pines for the following year's tar production by cutting away part of the trees' bark. The older brother sent his younger sibling, who was 16 years old, to fetch some vodka (*brännvin*) from a nearby farmstead. When the younger brother returned with a bottle, the older brother drank most of it very quickly, but he offered some to his father, who apparently accepted the offer. As the first bottle ran out, the older brother sent his sibling to get another bottle. Though apparently not altogether willing, the younger brother obeyed. When the boy returned again, his brother emerged from the forest saying that there was no point going back in again; their father had gone to a neighbour's house on a binge. The younger brother was somewhat disconcerted by this, and, along with some workers who saw and joined them, they decided to go into the forest nevertheless. There they found the father dead and bloody, killed by several blows with a sharp object. When they looked more closely, they noticed that the elder brother and his drawknife were covered in blood.<sup>2</sup>

The case was taken to trial on 24 May 1848 at Uusikaarlepyy rural district court. During the trial investigation, the older brother denied having killed his father, accusing first his younger brother and then an unknown man who had demanded two silver roubles from them. The number of cuts on the father's body and the son's attempt to divert attention and lead people away from discovering the corpse led to the elder son being found guilty of his father's death. He was initially sentenced to death but, according to the law of 1826, the death penalty was commuted to corporal punishment (whipping), public penance in Wasa and finally transportation to Siberia.<sup>3</sup>

The family lived on a farmstead where quarrels had been constant. The condemned son was described as having been a lazy drunkard all his life. Both the lower court records and the Senate Justice Department noted that he had previously committed acts of violence against his father. According to the parish church records, the family comprised the 44-year-old father—who was occupied in farming and was the head of the household—his 46-year-old wife and their five children: there were four sons aged 23, 16, 12 and 5 years—a fifth brother had died in infancy—and a daughter aged 18 years.<sup>4</sup> The relative ages of the family members were certainly not unusual at the time. The parents were by no means elderly or in need of care, but some of their children were young adults or nearing that age, as was usual in cases of parricide and violence against parents. In rural

nineteenth-century Finland, adulthood was still considered a social rather than biological stage of life, entered into by degrees rather than at a certain date or age. Full adulthood was created gradually, first by earning one's living, getting a farmstead of one's own or a position of authority at work, marrying, having children and successfully bringing up one's children. Therefore, a 23-year-old son living in his parents' home was, while not in an unusual position in any way, also not yet considered fully adult. Nevertheless, he would try to gain greater independence in order to be considered more adult. The sons involved in the tragic events were 23 and 16 years of age—those most suitable for the heavy physical work of stripping bark from pine trees.

### AUTHORITY AND MASCULINE VIOLENCE IN SOUTHERN OSTROBOTHNIA

The parricide in Ala-Härmä stands out against a general peak in the rates of violent crime and homicide across Finland at this time. The rates in Southern Ostrobothnia had been especially high from the end of the eighteenth century and continued to be so until the latter half of the nineteenth century: at their worst—from the 1840s to the 1860s—they increased the overall Finnish homicide rate by a third. Within Ostrobothnia, the regions of Kauhava, Ala-Härmä and Yli-Härmä displayed the highest rates of violent crime, with homicide rates on occasion being more than three times higher than those for the rest of the country.<sup>5</sup> It should be noted that although Southern Ostrobothnia saw the heaviest crime rates, the rates also increased elsewhere in Finland—and also in Sweden—perhaps even earlier.<sup>6</sup>

The crime wave was driven by men—usually soldiers, the landless and farmers' sons—who gathered in groups and wandered from one house or village to another in search of alcohol. They would turn up at crowded events such as weddings, or places such as taverns, where a fight could be picked easily. Their initial purpose may have been just to find some excitement, but these groups grew to become semi-organized, and they started to fight each other, the official authorities and the more conservative population of the area. This led to performative violence, where the violence was not only spontaneous; fights were deliberately planned and picked in public places in order for the aggressors to show off and frighten people—witnesses would not readily testify in court for fear of retribution, since the judicial system rarely removed the offenders from local society.

As the violence grew increasingly commonplace and it became ever more common to carry weapons such as knives, heavy whips and metal bars, the fights became deadly. Through violence and fear, these men held illegitimate power in a society that otherwise offered them very little.<sup>7</sup>

Historian Heikki Ylikangas has claimed that the area was facing an economic downturn and growing social inequality, which meant fewer chances for landless people and the non-inheriting sons of farmers to provide for themselves and gain independence in a society where paid work and service meant remaining under the authority of the master of the household. There was a discrepancy between what society expected of the younger generation—and even what they expected of themselves—and what was actually possible for them. Ylikangas claims that the resulting frustration was one of the causes of the aggression and violence. Ylikangas's interpretation brings to mind theories of anomie, but rather than there being a psychological trigger, he attributes the upheaval to a structure or general culture that allowed for violence when other social structures—such as efficient law enforcement—did not prevent it.<sup>8</sup> Whether or not it is possible to actually show that the economic challenges were really connected to violent crime at an individual or even local community level is another matter: Ylikangas presents a few case studies, but his overall interpretation has been criticized.<sup>9</sup> Reino Kallio, on the other hand, has claimed that the wave of violence was caused not so much by the bleak social prospects of the young men's generations, but by the hard and unyielding discipline organized in the villages and parishes, which Ylikangas in turn explains as the local populace's response to the violence.<sup>10</sup>

Another theory, presented by Juha Rajala for a slightly later period in eastern Finland, is the complete opposite: an economic upturn at the end of the nineteenth century brought new prospects and expectations, which in turn encouraged new innovations and experiments. These advances in turn corroded the conservative values of the established society, church and authorities—and, presumably, the parents. This may actually also have been relevant to some of the Ostrobothnians, since tar production was still a source of wealth for many in the mid-nineteenth century, despite the fact that the Finnish tar trade had been facing a downturn since the British started importing their tar from North America. The main point to note is that here, too, the means of gaining a better position in society had to be taken into one's own hands, and not left to the authorities.<sup>11</sup>

While the theories presented as explanations for the violence in nineteenth-century Finland differ in their economic and social approaches, they all relate the violence to some form of disintegration of hierarchy and traditional forms of authority. This meant that it was no longer self-evident who could legitimately use violence in the society. A new culture of authority and status emerged in which new sorts of people sought power and legitimized it through the use of violence. People who had previously been on the margins of society or sidelined by authority began to use violence to gain honour and masculinity—if not according to the generally accepted standards, at least according to standards accepted by their own kind. A number of pre-modernists have nevertheless claimed that a subversive questioning of formal authority and political hierarchy had always been a part of peasant masculinity: to be a proper, masculine man, one had to have the courage to defy and deride the authorities. This was often accomplished while drunk: intoxication temporarily liberated the man from the simultaneous and even more pressing demands of hegemonic masculinity—of being steady, serious and moral—and allowed men to fulfil opposing ideals. Kustaa H.J. Vilkuna suggests it was the tightening of the rules of traditional hegemonic—that is, serious and steady—masculinity that created the need for more intense and more frequent subversion during the nineteenth century.<sup>12</sup>

While the parricide case in Ala-Härmä was obviously not part of the knife-fighters' activities—the son acted alone rather than while backed up by a gang, and in the secrecy of the forest rather than in public—the act took place in the middle of an area where violence was common, and exactly at the time when the violence peaked. While theories of frustration and anomie seem insufficient to explain the violence in general or in any one case—including the parricide at hand—it is possible to learn about the aggressive responses to the frustration displayed. This has indeed been part of the explanatory models of domestic violence, where social commitment and therefore both frustration and learning are at their strongest.<sup>13</sup> In pre-modern societies, the disciplinary duty of the father or master of the household maintained 'modest' violence as a constant feature of the domestic sphere.<sup>14</sup> However, there are hints in the case description that suggest learning could well take place outside the home, too. The court records noted that the son was in the habit of drinking and being violent at home and elsewhere, although this was the first time he had come into contact with the officials. Violence was also an ongoing factor on the farmstead where the event took place, which the court records point out

several times. The son had been moody and aggressive, and several witnesses reported they had seen him hit or threaten his father several times with items such as shovels, digging forks, knives and firewood. There had even been a time when the father said he might need to flee the house and leave the farmstead to his son. Though it is not stated in the source material, it is possible that the son's habit of 'drinking and night-time visiting' brought him into contact with the knife-fighting gangs that shared the same habits. However, the father had not been entirely submissive, for he had been seen chasing his son out of the house with an axe. The son had also talked to outsiders about killing his father, 'for then I would be free to binge'. This reflects Garthine Walker's claim that parricides were usually presented as lacking in compassion and seeing the parent as an obstacle—to an inheritance, marriage or freedom—to be removed, but it also shows that life had become cheap at some earlier point in time in Ala-Härmä.<sup>15</sup>

Ylikangas also notes that the rates of criminal charges for non-lethal violence against parents have a reverse correlation with the knife-fighting. Ylikangas explains this not as evidence that aggression against parents declined when the knife-fighting increased, but only that charges were brought less often. Ylikangas connects this to a decline in parental authority and, to a degree, a separation of the young from the values of their parents' generation, especially among the landed population. According to Ylikangas, however, the values, as the targets of the protests themselves, mattered less than the circumstances that made the young rebel in the first place—namely the lack of opportunities to be gained and therefore a lack of incentive to follow the established rules of society. Among the gangs themselves, different rules of authority existed, based not on age or official recognition as within the established society, but on physical strength and fighting abilities. Nevertheless, some traits of traditional social hierarchy also survived among the gangs: the men in leading positions in the groups were often those who had access to land or came from larger farmsteads than the others. Soldiers and those coming from landless families had to settle for the role of underling. The social hierarchy was also emphasized by the fact that although the regular, established society did not approve of the knife-fighters' activities, their parents often protected their own offspring by hiring them good lawyers—and the more money the parents had, the more successful they were at keeping their sons out of prison and in the village.<sup>16</sup>

In the Ala-Härmä parricide case, a crisis of authority within the family was evident and long-standing, although the reason for it is far from clear. The court records suggest that the son considered himself able enough to take over the farmstead and had tried to persuade his father to leave it to him, both violently and verbally, and that he was also disobedient in other ways. He had refused to see the chaplain in order to learn to read, although his mother had 'spoken to him gently' about it. The parents' admonishments were not only futile, but also irritating, and, according to the testimonies, the son continually talked about them disrespectfully.<sup>17</sup>

Questions of freedom and submission also arise in the witnesses' testimonies of how the son had spoken. He was reported to have raged that he would 'sit in prison in Korsholma rather than there' at the chaplain's bench. He was reported to have premeditated the killing of his parents so that he would be free to binge on alcohol. These deliberations were reported in the court to make him look worse, of course, but they also reflect a counterculture where masculinity was displayed not by the traditional means of skill, work and family, which reflected the values of the established society, but by drinking and brawling, which reflected a notion of freedom and non-submission, and perhaps also by the opposite of what was described as the mother's gentleness.<sup>18</sup> It is said that toughness and hardness were valued qualities in Finnish nineteenth-century rural culture, representing power and security against other people but also against natural forces such as illness. They were embodied, for instance, in the ability to go into a right kind of rage, one that would convince and frighten both human and spirit enemies, and men were reportedly more capable of hardness than women.<sup>19</sup>

In the court records, such a masculine culture is, however, only to be found in hints and side remarks by a willing historian: the records do not subscribe to such an understanding of masculinity, but rather to a more sedate and dignified manliness—one represented by the judge and the scribe. Even less masculinity was ascribed to the actions or descriptions of the victim, who had not been able to hold a position of authority. This is even shown in the son's own testimony. He claimed he was innocent of the crime: the last he saw of his father was when his father 'announced he was going to go to a nearby house to booze',<sup>20</sup> and, turning away, the father had met 'an unknown, short man dressed in a grey russet pullover'<sup>21</sup> who had demanded money. The son had left for another house where he had friends, fallen down, lost his drawknife and hit his nose on the ground hard enough to bloody his clothes. Moreover, he said there had never

been a disagreement between his father and himself, and he had been trying to ‘quietly restrain his father’s violent character when his frequent drinking frenzy made him want to persecute his neighbours’.<sup>22</sup> The meek expressions of quiet restraint and their contrast to the violent drinking frenzy—in addition to the suggestion that it was the father who had intended to go on a binge rather than he himself—indicate that he knew the values that would gain him sympathy in court. In cases of non-lethal violence in previous centuries, the court had frequently looked for excuses for violence against parents, and blamed the parents for the escalation of the situation.<sup>23</sup> No sign of such sympathy can be detected here, not even at the point when the autopsy report revealed that the father had been intoxicated to an extent that could have influenced his death.<sup>24</sup> Rather, the son’s excuses were recorded as part of the operations of a judicial system that was obliged to hear from all sides on the matter.

It is hardly surprising that a parricide represents a crisis of authority. The circumstances in Ostrobothnia also highlight that it was a long-term crisis that may have extended beyond the family circle in which the killing took place. Since violent crime was a serious social problem at the time and merited public attention, it is worth examining whether the public discussions of parricide showed any sign of these concerns.

### NEWSPAPER ARTICLES ON PARRICIDE IN FINLAND, 1775–1850: EXOTIC HONOUR AND DEGENERATION

In order to see how parricide was discussed in early nineteenth-century Finland, I have looked at the daily and weekly newspapers in Finland before 1850 for articles on parricide and their treatment of the subject.<sup>25</sup> Twenty-five Finnish daily newspaper articles mentioned parricide between 1801 and 1850.<sup>26</sup> The frequency of their appearance was fairly regular from the 1820s to the 1840s. I also searched for matricide,<sup>27</sup> but found only one article prior to the latter half of the nineteenth century. That was a recounting ‘of a French crime history from the last third of the previous century’, a matricide in St Omer in which the accused son and daughter-in-law had been pronounced innocent only after the execution of the son.<sup>28</sup> Two of the parricide articles were, however, verbatim translations of the same text in two different newspapers (it is noteworthy, however, that this only happened once). As most of the items were either completely fictional or human interest descriptions of past or foreign cultures or persons, it is clear that the number of newspaper articles in nineteenth-

century Finland that mention parricide bears absolutely no relation to the real crime rates. Rather, it may reveal a certain interest in the thematics. There seems to be an increase in the number of articles on parricide or mentioning parricide after 1820, but this is due to the increasing number of newspapers rather than to an increase in the interest itself; therefore interest in parricide appears sporadic but stable.

Neither the increase of violence in nineteenth-century Finland nor any subversive code of honour were directly discussed in the newspaper items concerning parricide. Nevertheless, in the human interest items, parricide was indeed related to honour in a few exoticized descriptions of imaginary ancient 'Viking'<sup>29</sup> or 'Indian' ('Native American')<sup>30</sup> warrior cultures. In these imaginings, violent death is presented as the honourable way to move from this world to the next, and if it was not arrived at in battle, it was the duty of sons to dispatch their fathers to the afterlife. Exotic honour also features in the story of Beatrice Cenci, a Roman daughter who avenged her rape on her brutal father in the sixteenth century, retold in *Åbo Tidningar* in 1821.<sup>31</sup> These stories related parricide to preservation of honour, but it is likely that these stories were related to an infatuation with the 'strange' and exotic, which was simply and much more profoundly connected to reading for pleasure, a phenomenon that was spreading rapidly among new social groups and classes in nineteenth-century Finland. Moreover, the subversive code of honour in which authorities can or even must be killed was always situated somewhere else, or in times well past.

Most of the items discussing parricide in any form did not relate it to any kind of honour; in fact, the opposite was true. The eighteenth- and early nineteenth-century newspapers had few regular editorial staff and were often filled with various kinds of entertainment writing without much apparent coherence, such as excerpts from historical records or historical narratives, overviews of themes of current or human interest in some part of the world, and dramatic fiction stories, often with a moral lesson. In these stories, the role of parricides is to add drama.<sup>32</sup> Some stories were proposed to be 'true', but included romanticized or scandalous tones found in the tabloid press. Examples include a description of 'Ali Pasha's life and deeds' after his death, where parricide was used to mark moral degradation,<sup>33</sup> and a story of a French tobacco workshop owner and her son in St Omer, a sensation story of social problems and unsolved crime in history half a century previously. In the latter article, the writer

asserted that though convicted, the son of the dead woman may have been innocent since the licence for the tobacco business—the family’s livelihood—belonged to the mother, and therefore the son had an economic motive to keep the mother alive rather than to kill her. Where this story did not portray the son as lacking in morals, it presented the parricide as revealing the corruptness of the drunken, dead mother and the judges, whose error had sentenced an innocent man to the gallows.<sup>34</sup> Considerations of poverty and economic motives were important in the story, and probably reflect the rising inclusion of these matters in considerations of law and criminology. In these stories, parricide is a sign of moral degeneration and corruption rather than the choice to do evil.<sup>35</sup> This also applies to the three articles that reported the Polish uprising in January and February 1831, which all—while not naming parricide directly—started by describing the fatherly care of the monarch (not, however, the emperor) or the government, and then proceeded to describe the degeneration of the rebellious ad hoc military troops in the way they had killed their superiors.<sup>36</sup> Following the Finnish War of 1808–1809, Finland ceased to be a part of Sweden and instead became a Russian grand duchy; it was important to display the loyalties that were now expected.

Only six newspaper articles related to real crimes of parricide that had taken place in Finland. Like the total number of newspaper articles, but for a different reason, this cannot be taken to represent the actual crime rate: it is evident that not all parricides made it into the newspapers. The first item in this group was actually a blunt note on the causes of death of people in the previous year: it included the number of executed prisoners, one of whom was executed for parricide.<sup>37</sup> There is no further report of this crime, which makes it evident that not all crime was reported in the press. Likewise, items on causes of death are in no way regular in the newspapers of the time. The newspapers sought to report what they thought would advance their circulation, glossed over the material with some moralism,<sup>38</sup> and sometimes they just filled empty spaces with whatever was available. It is therefore evident that a report of a parricide in an early nineteenth-century Finnish newspaper was a matter of chance, and the real crime rate of parricide was much higher (0.06–0.07 per 100,000 cases per year) than the newspapers would suggest.<sup>39</sup>

Of the remainder of the six articles on actual crimes of parricide in Finland, two different papers note verbatim the rising crime rate in the

Uusikaarlepyy district, where seven death sentences had been passed in 1848, including one for parricide.<sup>40</sup> A further three articles in the same year were devoted to reporting the Ala-Härmä case described above.<sup>41</sup> One of these articles was just a short note. The other two articles were rather more elaborate; apparently, they had considerable value for the newspaper and reading culture, which, at the time in Finland, seems to have relied heavily on crime reports and scandal. Below, I will make use of this case to further clarify the debates and discussions around parricide in nineteenth-century Finland.

### REPORTING THE ALA-HÄRMÄ CASE: IGNORANCE AND INEPTITUDE

When the Ala-Härmä case was reported in the newspapers, the emphasis changed somewhat. Whereas the court records were mainly concerned with the facts, the newspapers took a moral stance. The case was reported as evidence of the ‘thousand times-repeated message that ignorance, ineptitude, laziness, and drink are the origins of a crime that does, from time to time, stain our Fatherland with human blood’. This moralist stance suited the educational purpose of the papers, but it may also have served to pacify the official censorship in Finland, which, though milder than at the end of the nineteenth century, was wary of raising public scandal and disturbance in any way. Indeed, officialdom was even more wary of anything implying an assault on the authorities. In the patriarchal order, parricide was, after all, seen to stem from the same root as regicide.<sup>42</sup>

*Helsingfors Tidningar* and *Maamiehen Ystävä* both reported the case: the latter’s report was spread over two editions of the paper. *Helsingfors Tidningar* was launched in 1829 as the first Swedish-speaking newspaper based in Helsinki, and it was soon able to acquire and maintain the position of the leading newspaper in Finland. Between 1841 and 1860—that is, at the time of the parricide case in question—it was run by Zachris Topelius, who was an eager proponent of Finnish culture and responsible for literary items from fairy tales to novels and landscape descriptions. Topelius’s personal interest in ‘*schönlitteratur*’ is visible in the newspaper’s content: its writing is sometimes described as being more comfortable and natural in style than the other Finnish papers. Although Topelius later became known for his nationalist efforts, it was only well after his editorship that the newspaper was closed down in 1866 due to censorship. *Maamiehen Ystävä*, on the other hand, was a Finnish-

language newspaper based in Kuopio—a smaller town in eastern Finland—that included small treatises on agriculture and short texts on history, geography and technology to educate and enlighten the Finnish-speaking peasant population. The paper was launched with J. V. Snellman as its chief editor, but, by the time of the crime discussed here, it was run by the local senior high school (*lukio*) teacher in Kuopio, Joachim Zitting, who had the advantage of a better knowledge of the Finnish language. The content of the paper was educational, and the news items were often borrowed from other papers—as seems to have happened with the 1848 parricide case, too: the article in *Maamiehen Ystävä* is a Finnish translation of the item published in Swedish in *Helsingfors Tidningar*, save for a couple of small additions. While both papers published readers' letters and guest authors' texts, the authors' names were never mentioned; nevertheless, it is likely that the Swedish item was written by Topelius for *Helsingfors Tidningar* and translated into Finnish by Zitting for *Maamiehen Ystävä*.<sup>43</sup>

The two newspapers gave the case a full description spread over three pages in *Helsingfors Tidningar* and two editions of the paper in *Maamiehen Ystävä*. This actually meant that it received a lot of attention in the rather modest Finnish newspaper media of the time. The author was aware of the attention value of the case, as well as the related danger of being accused of abusing it. The reports therefore start with an apology. The description begins with a note that the crime was so horrible, it had been unthinkable in the times of Solon, and while it was fortunately very rare in Finland, one case had nevertheless taken place.

A crisis of parental authority was indeed presented in the newspapers, with the blame levelled at the mother and father. The reports refer to the parents' 'carelessness' and negligence in the upbringing of their children, because these were the original causes of their children's laziness, vileness and drunkenness.

The role of alcohol was obvious in the case and apparent also in the court records: the crime had been committed while both the perpetrator and the victim were under its influence, it was the reason the younger son had been sent away, and very likely it had been the source of conflict between the father and son. The descriptions do not describe where the vodka was obtained, but apparently alcohol was available nearby and it was not difficult for a 16-year-old boy to get hold of first one and then another bottle of vodka. Home distilling had been legalized in 1787, but in 1800

the right to distil alcohol in rural areas was limited to those who owned or farmed land. However, this meant there were many people who had that right. Selling alcohol was forbidden in rural areas in 1829, but it was widely known that the trade continued in secret, and sometimes the authorities turned a blind eye, for many of those involved in it were the poor, itinerant and landless; their number often included widows and old servant women no longer capable of other work. The authorities weighed the balance of the disruptive behaviours that alcohol encouraged and the savings in parish poor relief when these people supported themselves. Nevertheless, documents also reveal that it was not only the poor who were involved in the illegal alcohol trade; the landowners and the clergy were as well. Temperance movements were starting to gain in appeal in the mid-nineteenth century. Their ranks obviously included the newspaper editors, but there were many people across the social spectrum who did not support the movement. While there were people in the country who thought a real man could drink and remain honourable, their number did not include Topelius or his presumed readership.<sup>44</sup>

The trial records show that the court was interested in the role of alcohol mainly in order to find out what had happened and who was present, but the newspapers tried to make more of it. It is also evident that alcohol was related to the other violence in the household as well, although it is impossible to say whether the amount of alcohol consumed by the family was really out of the ordinary. The court records noted that both the father and the son were drunk when the father was killed, the father even considerably so. In the newspaper items, nevertheless, the drunkenness was blamed on the son, and the father is stated to have been ‘usually not especially keen on misusing strong drink’.<sup>45</sup>

The newspaper articles also refer to the tar exports of the region, which brought wealth but also drew the peasant population to the inns and taverns of the town of Uusikaupunki, which were the source of vodka and trouble. The town’s inns were, the articles said, the main reason the peasants were ‘not even more industrious’, as the papers politely put it. Educated circles in nineteenth-century Finland had adopted the internationally prevalent view that towns were dangerous and corrupting—they had a negative influence on the morals of the population in the surrounding countryside.<sup>46</sup> In the emerging nationalism of mid-nineteenth-century Finland, towns were considered a source of general depravity, whereas the pure and poor but hard-working countryside represented real, uncorrupted

Finnishness.<sup>47</sup> They may have been correct as far as alcohol was concerned, although it is rather difficult to determine, since the legal control of sales and consumption of alcohol was different in rural and urban areas. Ala-Härmä was almost 50 kilometres away from the nearest town of Uusikaarlepyy, and although the trip could be made on horseback in one day, it was most likely not the source of alcohol for the people of Vuoskoski village. Indeed, although the educated newspaper writers—including Topelius—had adopted the view of towns as the source of depravity, in reality Finnish towns experienced lower crime rates than the countryside until the last quarter of the century. It was in the Ostrobothnian countryside where violence reigned, not in the towns.<sup>48</sup> Nevertheless, the nearby town was depicted as a source of infectious laziness and all the sins that followed from it: drink, avarice, greed and violence. Garthine Walker and James Sharpe have shown on the basis of early modern English pamphlet literature that tales of murder and parricide presented a discourse of the sinner whose lesser sins—such as liking a drink too much—gradually led to greater sins, which in turn led to the gallows.<sup>49</sup> Though Walker and Sharpe worked on material from an earlier period, there is a similar discussion in the present material. Nevertheless, it is mitigated by another discussion—one on upbringing, ignorance and ineptitude.

When historians have studied early modern cases of non-lethal violence against parents in Finland, they have noted a strong tendency to blame the parents and the poor upbringing they provided. A similar trend has been seen elsewhere, in early modern England and in today's discussions, for example.<sup>50</sup> Blame was laid on the parents in a similar manner by stating that 'as far as the lack of care by the parents can be judged by the vanity of the children it is likely that . . . [the parents] did not watch over their sons' education carefully enough'.<sup>51</sup> This had led, according to the newspapers, to ignorance and ineptitude in the eldest son, who was 'untrained in reading a book'.<sup>52</sup> Ignorance and ineptitude (*okunskap* in Swedish, *tai-dottomuus* in Finnish) is a completely new feature in the nineteenth-century reports. Ineptitude also comes up in another of the cases—the reports on French criminal policies and statistics, which note that almost all of the parricides 'possessed no skills'. This emphasis on ineptitude and lack of skills was an extension of the laziness, possibly also a result of the rising interest in criminological social explanations. Nevertheless, it refers not to occupational or trade skills or anything that could directly make a person's future look brighter and circumstances easier. Rather, the newspaper reports directly and outspokenly refer to mechanical reading skills

and, first and foremost, Christian teaching. A lack of skill was also not a problem in terms of actually earning a living, for, although described both in the court records and in the newspapers as spending his time in useless and vain pursuits in the village, at the time of the murder the culprit had been in the forests preparing for tar production. The point was that, along with the rudiments of Christianity, the fundamental values of the established society—including parental authority and patriarchal hierarchy—were also drummed into the pupils.

This already highlights that the interest in skills was not about reducing crime by altering people's circumstances, but instead teaching them the right values of social hierarchy and peace. The same is suggested by the Ala-Härmä case, where the problem is presented more as one of a want of will than of ability. The son did not want to learn, and refused to try or accept help. He was said to have raged when his mother suggested that he should see the chaplain to learn under his instruction. The church communion books confirm, indeed, that the eldest son of the family had not been able to manage any part of the required pieces of learning, not the ABCs, the Catechism, the table of duties, questions and answers, or David's Psalms. These were supposed to be first memorized, then read from the book and finally understood, and marks were given even for partial accomplishment, but the eldest son of this family had not gained even a partial mark. While the newspapers blamed this on the parents, the church record shows that the family's other children performed in a much more satisfactory way.<sup>53</sup> Whether the eldest son suffered from some kind of learning difficulty is impossible to tell: the pedagogical thought of the time would not have recognized such impediments. It was not the circumstances, but the son's personal qualities and moral failure, that were to blame above all else.

Several scholars, including Garthine Walker and James Sharpe, have suggested that avarice, jealousy, impatience, self-indulgence and lust—all of which might ultimately lead to murder—were understood to be common emotions in the early modern world, although this perhaps began to change in the eighteenth and through the nineteenth centuries, when parricide became pathologized with other forms of extreme violence. The horrible stories about parricide that circulated in popular print in the seventeenth and first half of the eighteenth centuries were warnings about the brute that potentially lies within all humans beings. This grim view of human nature is also evident in ideas about discipline, the purpose of which is said to have been to curb the innate evil in children.<sup>54</sup> The discourse on parental blame on the one

hand, and Christian education on the other—which were evident in the reports of the parricide case in Ala-Härmä—suggests that in mid-nineteenth-century Finland, people still thought of negative emotions such as avarice, impatience and self-indulgence as being natural to all humans. Nevertheless, people also thought that these sins did not randomly threaten just anybody; rather, people could be protected from their own natural emotions and those of their children through a proper upbringing.

The ideas of honour should also be looked at against this background. Some of the exotic parricide stories related the killing of old men to the honour code of exotic warriors, but in these cases this form of killing a parent was presented as a final act of filial obedience—a submission to the values of a culture sufficiently alien to pose no threat to the contemporary culture. The general context of the crime wave has been related to the emergence of a new kind of subversive masculine power drawing on violence, and this may have formed the background for the interest in real or mythological parricides. The reports of real and contemporary crime on the one hand, and the parricide in Ala-Härmä on the other hand, showed no understanding or recognition of a violent code of honour of any kind. If there was one in the background of the crime, it can only be constructed by a researcher willing to find hints of a masculine subculture in some of the statements attributed to the murderer—the ostentatious refusals to obey and take guidance from the parents or the chaplain, and the way the son was reported to have thought himself capable and entitled to be the head of the farm. The purpose of the newspaper reports was the exact opposite—to make the offender look unmanly.

## CONCLUSIONS

Parricide is presented here against a background of locally widespread violent crime. In the area, human life had become cheap, and the long-term crisis of legal and parental authority extended beyond more than just one family. This upheaval may have been related to the reduced prospects and frustrated hopes of economic and social success offered by established society's rules. While it is impossible to prove that the bleak prospects of the younger generations had much to do with this particular case, the public discussions of parricide seem to mirror these concerns, albeit in an ambiguous way.

The court records' attention centres on the events, the drinking of alcohol and the reputation of the people concerned in terms of previous violence and threats in the household. When the case was reported in the newspapers, the emphasis changed somewhat. Whereas the court records were mainly concerned with evidence, the newspapers took a moral stance. The case was reported as evidence for the 'thousand-times repeated message that ignorance, ineptitude, laziness, and drink are the origins of a crime that does, from time to time, stain our Fatherland with human blood'. There was a heavy emphasis on parental blame, but also on the moral failures of the son who was too lazy and obstinate to bother to learn to read his catechism, and was thereby driven to drink. The notes on bad parenting, parental failure and negligence seem at first to conflict with the emphasis on patriarchal hierarchy. Feelings of fear and disgust are created towards the boozy, lazy and useless son, but little empathy is extended towards the parents, either. As they had failed in their duty to bring up their son, the son's disgrace was theirs, too. Consequently, the parents' role is presented ambiguously in the newspapers: the patriarchal framework and parental authority, which was continuously compared to other kinds of authority in society, demanded that parents should be honoured; but at the same time, their son's crime was evidence of a failure of parenthood that undermined their honour.

The trends of increasing violence in nineteenth-century Finland have been connected to a general undermining of authority and the birth of subversive codes of honour among social groups that questioned the traditional hierarchy. A similar notion of an exotic or different, violent code of honour is present in some of the newspaper items, but only in so far as the newspaper items dealt with unusual and faraway cases. When parricide occurred close to home—close to the existing society in nineteenth-century Europe and Finland—it acted as proof of moral degeneration and the evil nature of man. This evil could, however, be countered through education and schooling, which not only taught the proper values on authority and violence, but also provided the basis for the new, emerging Finnish nation as well.

## NOTES

1. This chapter has been written with the support of the Academy of Finland.
2. District Court Records: Lower Keski-Pohjanmaa, C4b 24.May 1848, §6. National Archives of Finland (previously Vaasa Provincial Archives).
3. District Court Records: Lower Keski-Pohjanmaa, C4b 24.May 1848, §6. National Archives of Finland (previously Vaasa Provincial Archives); Senate

- Justice Department to the Governor in Vasa. Senate Justice department decisions 1848–1849, DA:46, pages 471–474. National Archives of Finland. The transportation to Siberia is to be understood in the context that, from 1809 to 1917, Finland was a part of the Russian Empire.
4. Church Records, Ala-Härmä Communion Book 1846–1852, Wuoskoski by Nykarleby Pastorat, 530. National Archives of Finland.
  5. See, however, a crime rate comparison by Juha Rajala, ‘Yhteiskunnalliset ongelmat 1800-luvulla’, in *Suomen historian kartasto*, eds. Pertti Haapala and Raisa Maria Toivo (Helsinki: Karttakeskus, 2007), 200–201, for 1863, where the rate for the Härmä region and Kauhava was 5.0–9.9/10,000 but where Kurikka and the Swedish-speaking areas north from Kristiinankaupunki displayed rates from 15/10,000 upwards.
  6. Mona Rautelin, ‘Brott mot liv i Finland på 1790-talet’, *Historisk tidskrift för Finland* 82, no. 2 (1997): 176–197; Eva Österberg, ‘Kontroll och kriminalitet i Sverige från medeltid till nutid. Tenderser och tolkningar’, *Scandia* 57, no. 1 (1991): 65–87.
  7. Heikki Ylikangas, *Väkivallanaallon synty. Puukkojunkerikauden alku Etelä-Pohjanmaalla* (Helsinki: Helsingin yliopisto, 1973).
  8. Ylikangas, *Väkivallanaallon synty*, 145, 288–310; Robert Merton, *Social Theory and Social Structure* (New York: Free Press, 1957).
  9. Eva Österberg, ‘Criminality and the Early Modern State in Scandinavia’, in *The Civilization of Crime. Violence in Town and Country Since the Middle Ages*, eds. Eric Johnson and Eric Monkkonen (Chicago: University of Illinois Press, 1996), 35–62.
  10. Reino Kallio, *Pohjanmaan suomenkielisten kylien oltermannihallinto: tutkimus vuoden 1742 kyläjärjestysohjeen toteuttamisesta* (Jyväskylä: University of Jyväskylä, 1982) and esp. Reino Kallio, *Häiriköintiä ja henkirikoksia. Etelä-Pohjalaisnuoret paikallisen kurinpidon kohteena sääty-yhteiskunnan aikana* (Helsinki: Self-published, 2009).
  11. Juha Rajala, *Kurittajia ja puukkosankareita. Väkiältä ja sen kontrollointi Kannaksen rajaseudulla 1885–1917* (Helsinki: Finnish Literature Society, 2004), 70–71; Martti Lehti, *Väkivallan hyökyaalto, 1900-luvun alkuvuosikymmenten henkirikollisuus Suomessa ja Luoteis-Virossa*, Oikeuspoliittisen tutkimuslaitoksen julkaisuja 178 (Helsinki: Oikeuspoliittinen tutkimuslaitos, 2001).
  12. Kustaa H.J. Vilkkuna, ‘Viina miehen mitta: Vapaa-ajalla rakennettu miehekkyyks 1550–1850’, in *Näkyvätön sukupuoli. Mieheyden pitkä historia*, eds. Pirjo Markkola, Ann-Catrin Östman and Marko Lamberg (Tampere: Vastapaino 2014), 92–113; Kimmo Katajala, ‘Oliko talonpoika rivo sälli? uuden ajan alun ihmisen uudelleenarviointia’, *Historiallinen aikakauskirja* 93, no. 2 (1995): 99–106; Jonas Liliequist, ‘Masculinity and Virility Representations of Male Sexuality in Eighteenth-Century Sweden’, in *The*

- Trouble with Ribs: Women, Men and Gender in Early Modern Europe*, eds. Anu Korhonen and Kate Lowe (Helsinki: Helsinki Collegium for advanced Studies, 2007), 57–81; Ann-Catrin Östman, *Mjök och Jord: Om kvinnlighet, manlighet och arbete i österbottensk jordbruksambälle ca 1870–1940* (Turku: Åbo Academis Förlag, 2000); See also Lynn Martin, *Alcohol, Sex and Gender in Late Medieval and Early Modern Europe* (Basingstoke: Palgrave Macmillan, 2001).
13. Richard Gelles, ‘Domestic Criminal Violence’, in *Criminal Violence*, eds. Marvin Wolfgang and Neil Weiner (London: Sage, 1982), 225–226.
  14. For earlier periods see, e.g., Jonas Liliequist, ‘Violence, Honour and Manliness in Early Modern Northern Sweden,’ in *Crime and Control in Europe from the Past to the Present*, eds. Mirkka Lappalainen and Pekka Hirvonen (Helsinki: Publications of the History of Criminality Research Project, 1999), 192; Philip Grace, *Affectionate Authorities. Fathers and Fatherly Roles in Late Medieval Basel* (Basingstoke: Ashgate, 2015), 135–155. Note, however, that already in the sixteenth century resort to physical discipline was thought a sign of failure to educate by words and example; and by the late eighteenth century, views that, on the basis of Pierre Poiret, explicitly stated that education by force taught nothing circulated in Finland in manuscript form. University Library Helsinki, Manuscript collection C III, 22, 5 (2). The following quotations are from the same source. I would like to thank Dr Päivi Mehtonen, who pointed this manuscript out to me, and who is currently working on it.
  15. District Court Records: Lower Keski-Pohjanmaa, C4b 24.May 1848, §6. National Archives of Finland (previously Vaasa Provincial Archives). Quotation ‘det har jag och tänkt, på det jag måtte vara fri at supa’. *Helsingfors Tidningar*, (onds. 30 aug) 1848. See also [note 38](#).
  16. Ylikangas, *Väkivallanaallon synti*, 188–189.
  17. District Court Records: Lower Keski-Pohjanmaa, C4b 24.May 1848, §6. National Archives of Finland (previously Vaasa Provincial Archives).
  18. District Court Records: Lower Keski-Pohjanmaa, C4b 24.May 1848, §6. National Archives of Finland (previously Vaasa Provincial Archives).
  19. Laura Stark, ‘Emotional Causality in Dynamistic Finnish-Karelian folk belief’, *Scandinavian Journal of History* 41, no 3 (2016): 369–387.
  20. ‘fadren...yttrat sig ärna gå till Ojanperä hemman för at supa’. District Court Records: Lower Keski-Pohjanmaa, C4b 24.May 1848, §6. National Archives of Finland (previously Vaasa Provincial Archives).
  21. ‘Okänd kortväxt mansperson, klädd i grå vadmals tröja’. District Court Records: Lower Keski-Pohjanmaa, C4b 24.May 1848, §6. National Archives of Finland (previously Vaasa Provincial Archives).
  22. ‘på fredlig wäg sökt stilla ethrätten aff han wäldsamma lynne, när denne under des softa inträffande dryckesvrede tilstånd förföra sig å dess

- omgifning'. District Court Records: Lower Keski-Pohjanmaa, C4b 24.May 1848, §6. National Archives of Finland (previously Vaasa Provincial Archives).
23. Raisa Maria Toivo, 'Abuse of Parents in Early Modern Finland: Structure and Emotions', *Journal of Family History* 41, no. 3 (2016): 255–270.
  24. District Court Records: Lower Keski-Pohjanmaa, C4b 24.May 1848, §6. Vaasa Provincial Archives.
  25. The first newspapers in Finland were published in 1771. All of the newspapers published between 1771 and 1910 are digitalized and usable at the digital archive of the Finnish National Library at <http://digi.kansalliskirjasto.fi/sanomalehti?language=en>. I found no items concerning parricide from the eighteenth century; the first item dates to 1801. The archives are searchable using keywords, but the image-reading search engine is still in the process of learning: it misses some things. Therefore the following presentation is not based on an exhaustive review of the source material; nevertheless, since the search engine does not leave anything out systematically, the results form a representative random sample.
  26. *fadersmord* in Swedish, *isänmurha* in Finnish, but one must also take into account the varying orthography of the time: sometimes parts of the words are written separately, sometimes with a hyphen, sometimes together, etc.
  27. *modersmord* in Swedish and *äidinmurha* in Finnish, and various typographical forms.
  28. *Åbo Tidningar*, 12 April 1824, (no 28, 1–3).
  29. *Morgonbladet*, 15 November 1847, (no 86, 2–3); Mythical 'Viking' and Valhalla symbols seem to have been very popular themes in fiction writing at the time. See also e.g. *Helsingfors Morgonblad*, 25 February 1833.
  30. *Turun viikkosanomat*, 3 September 1825 and 10 September 1825. 'Indian' was used to represent Native American but the description had as little connection to any real Native American culture as the Viking image had with any real Iron Age Nordic culture.
  31. *Åbo Tidningar*, 24 October 1821.
  32. *Åbo Tidningar*, 1 December 1821; *Åbo Tidningar*, 13 March 1824.
  33. *Åbo Tidningar*, 8 January 1823.
  34. *Åbo Tidningar*, 12 April 1824, (no 28, 1–3).
  35. See, however, Marianna Muravyeva's chapter in this volume.
  36. *Finlands Almänna Tidning*, 11 January 1831; *Helsingfors Tidningar*, 19 January 1831; *Finlands Almänna Tidning*, 10 February 1831.
  37. *Åbo Tidning*, 28 August 1802.
  38. See also Garthine Walker, 'Imagining the Unimaginable: Parricide in Early Modern England and Wales, c.1600–c.1760', *Journal of Family History* 41, no. 3 (2016): 271–293. This seems to be a feature of parricide reporting today as well. See Kathleen M. Heide and Denise P. Boots, 'A Comparative

- Analysis of Media Reports of U.S. Parricide Cases with Officially Reported National Crime Data and the Psychiatric and Psychological Literature,' *International Journal of Offender Therapy and Comparative Criminology* 51, no. 6 (2007): 646–675.
39. Estimate presented in Hannu Säävälä, 'Isänsä surmannut poika—psykiatrisen tutkimus' (PhD diss., University of Oulu, 2001) and Lehti, *Väkivallan hyökyaalto*.
  40. *Åbo Underrättelser*, 28 July 1848.
  41. *Helsingfors Tidningar*, 30 August 1848; *Maamiehen Ystävä* no. 36, 9 September 1848 and no. 37, 16 September 1848.
  42. *Maamiehen Ystävä* no. 36, 9 September 1848.
  43. *Suomen lehdistön historia I: Sanomalehdistön vaiheet vuoteen 1905* (Kuopio: Kustannuskiila Oy, 1982); Matti Kinnunen, *Sanan valtaa Kallaveden kaupungissa I. Kuopion sanomalehdistön historia 1844–1917* (Kuopio: Savon sanomain kirjapaino Oy, 1982).
  44. Kustaa H.J. Vilkuna, *Juomareiden valtakunta 1500–1850* (Helsinki: Teos, 2015), 43.
  45. 'icke särdeles was begifwen på misbruk af starka drucker'. *Helsingfors Tidningar*, 30 August 1848. The same note also in the court records. District Court Records: Lower Keski-Pohjanmaa, C4b 24. May 1848, §6. National Archives of Finland (previously Vaasa Provincial Archives).
  46. Peter Burke, 'Culture: Representations', in *The Oxford Handbook of Cities in World History*, ed. Peter Clark (Oxford: Oxford University Press, 2013), 438–454; see also Keith J. Hayward, *City Limits: Crime, Consumerism and the Urban Experience* (London, Sydney and Portland, Oregon: Routledge, 2004), 89.
  47. Vilkuna, *Juomareiden valtakunta*, 30.
  48. Vilkuna *Juomareiden valtakunta*, 57; Rajala, 'Yhteiskunnalliset ongelmat'.
  49. James A. Sharpe, "'Last Dying Speeches": Religion, Ideology and Public Execution in Seventeenth-Century England', *Past & Present* 107 (1985): 144–167; Peter Lake and Michael Questier, 'Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England', *Past & Present* 153 (1996): 64–107; Garthine Walker, 'Everyman or a Monster? The Rapist in Early Modern England, c.1600–1750', *History Workshop Journal* 76 (2013): 5–31; Walker, 'Imagining the Unimaginable'. Grace, *Affectionate Authorities*, 99–100.
  50. Toivo, 'Abuse of Parents'; Walker, 'Imagining the Unimaginable'; Amanda Holt, 'Adolescent-to-Parent Abuse as a Form of "Domestic Violence": A Conceptual Review', *Trauma, Violence, & Abuse* 17, no. 5 (2016): 490–499.
  51. 'fär man af barnens wanart sluta till föräldrarnas wärdlöshet, är det sannolikt att...icke med den efterson som wederbörde wakat öfwer sönernes

uppföstran'. *Helsingfors Tidningar*, 30 August 1848, 2; *Maamiehen Ystävä*, 9 September 1848, 3.

52. 'okunnig i bokläsning'; 'kirjalukuun ihan harjautumatoim'. *Helsingfors Tidningar*, 30 August 1848, 2; *Maamiehen Ystävä*, 9 September 1848, 3.
53. Church Records, Ala-Härmä Communion Book 1846–1852, Wuoskoski by Nykarleby Pastorat, 530. National Archives of Finland.
54. Sharpe, 'Last Dying Speeches'; Lake and Questier, 'Agency, Appropriation and Rhetoric'; Walker, 'Everyman or a Monster?'; Walker, 'Imagining the Unimaginable'; Grace, *Affectionate Authorities*, 99–100.

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

*Liv Helene Willumsen*

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

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

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

### PERIPHERY OF EUROPE

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

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

### THE COURT SYSTEM AND THE LETTER OF THE LAW

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

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

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

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

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

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

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

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

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

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

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

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

## SOURCE MATERIAL

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

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

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

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

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

## THE TRIAL

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

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

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

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

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

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

## METHODOLOGICAL APPROACH

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

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

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

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

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

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

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

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

### THE TESTIMONY OF THE FATHER

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

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

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

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

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

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

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

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

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

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

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

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

### THE TESTIMONY OF THE MOTHER

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

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

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

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

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

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

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

### THE TESTIMONY OF THE BROTHER

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

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

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

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

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

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

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

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

### THE TESTIMONIES OF THE OTHER WITNESSES

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

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

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

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

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

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

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

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

### THE VOICES OF THE WITNESSES

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

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

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

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

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

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

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

### THE ACCUSED

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

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

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

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

### THE CRIME IN CONTEXT

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

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

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

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

### THE VOICE OF THE LAW

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

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

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

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

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

### THE SCRIBE

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

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

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

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

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

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

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

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

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

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

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

## CONCLUSION

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

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

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

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

## NOTES

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4. Ditlev Tamm, Jens Christian V. Johansen, and Hans Eyvind Næss, 'The Law and the Judicial System,' in *People Meet the Law*, eds. Eva Österberg and Sølvi Sogner (Oslo: Universitetsforlaget, 2000), 27–56.
5. Sunde, *Speculum legale*, 183.
6. Sunde, *Speculum legale*, 197.
7. Sunde, *Speculum legale*, 197.
8. Etymologically the word means 'a sworn writer', a writer who had sworn an oath, in Norwegian 'en ed'.
9. Orig. *samelensmann*.
10. Liv Helene Willumsen, *Witchcraft Trials in Finnmark, Northern Norway* (Bergen: Skald Publisher, 2010), 11.
11. *Ibid.*
12. Very few words are crossed out, which might be a signal that the records are written from accurate notes.
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14. Christian Brorson, *Forsøg til den anden Bogs Fortolkning i Christian den Femtes danske og norske Lov, Vol. 1* (Copenhagen: Gyldendal Publisher, 1801), 2, 5.
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16. Brorson, *Forsøg til den anden Bogs Fortolkning*, 3.
17. *Ibid.*, 8.

18. E. Hesselberg, *Juridisk Collegium, Første Part* (Copenhagen: C.G. Clasings Efterleverske, 1753), 396; Jens Bing Dons, *E. Hesselbergs Juridiske Collegium* (Copenhagen: Frantz Christian Mummess Enkes Boghandel, 1763).
19. Hesselberg, *Juridisk Collegium*, 396.
20. In Danish: *Vold in specie, Herværk og Ran*. Cf. Dons, *E. Hesselbergs Juridiske Collegium*.
21. Dons, *E. Hesselbergs Juridiske Collegium*.
22. Jørgensen, *Dansk Strafferet fra Reformationen til Danske Lov*, 434.
23. 'Kong Christian Vs Norske Lov, 1687.'
24. Bremerholm was a Danish prison for criminals who were sentenced 'to iron', *dømt til jern*. It was closed in 1741.
25. Jørgensen, *Dansk Strafferet fra Reformationen til Danske Lov*, 209. See also note 9, p. 209.
26. Bremerholm is mentioned in Article 7, and 'Spindehuset' (the spinning house) in Article 8.
27. Willumsen, *Witches of the North*, 328–338, 352–354.
28. Tamm, Johansen, Næss, and Johansson, 23–56.
29. The pomor trade was a trade carried out between the Pomors of Northwestern Russia and the people along the coast of Northern Norway. The trade went on from the 1740s until the Russian revolution.
30. Ref. Regional state archives of Tromsø, The Archives of Finnmark District Magistrate, no. 45, fos. 758–765; fos. 862–884.
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38. *Ibid.*, 95.
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42. Original *pesk*.
43. Satu Lidman, 'Violence or Justice? Gender-Specific Structures and Strategies in Early Modern Europe,' *The History of the Family* 18, no.3 (2003): 238–260, at p. 239.
44. Phillip Chong Ho Shon and Shannon Barton-Bellessa, 'Pre-offense Characteristics of Nineteenth-Century American Parricide Offenders: An Archival Exploration,' *Journal of Criminal Psychology* 2, no. 1 (2012): 51–66, at pp. 51, 53, 61.
45. Original *gammen*.
46. A Sami settlement in the interior of Finnmark.
47. A Sami settlement in the interior of Finnmark.
48. Original *kiaste*.
49. Original *Hug*.
50. Original *Tinding*.
51. Original *Uanstendige*.
52. Original *Kofte*.
53. Original *Bomme*.
54. Original *Karkeband*.
55. Original *Komagere*. These are traditional Sami shoes.
56. Original *Simle*.
57. Original *nød*.
58. Original *gamme*.
59. Original *ubehendig heftighed*.
60. Original *rasende*.
61. Jørgensen, *Dansk Strafferet fra Reformationen til Danske Lov*, 124–125.
62. Inger-Lill Husøy, 'Kampen om kåre' (Master's thesis, University of Oslo, 2007), 50.
63. Phillip Chong Ho Shon, 'Sources of Conflict Between Parents and Their Offspring in Nineteenth-Century American Parricides: An Archival

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

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

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## Conclusion

*Marianna Muravyeva and Raisa Maria Toivo*

Violence against parents (VaP) is a universal and yet highly contextualized phenomenon. The assault of parents in Russia, Romania, Finland, Scotland and the United States took different forms and happened in very different contexts, but essentially it probably had a similar meaning for the family, the community and the individual parent as we have demonstrated in this book. In this volume, we have attempted to problematize the current approaches to VaP, which view it as a form of adolescent-to-parent abuse mostly happening as the result of mental challenges or as a consequence of the severe abuse of children. Historical evidence provides us with a different picture of parent abuse, as a trivial ‘normal’ type of family conflict, often as a means of conflict resolution and a certain type of ritual taking of power. There are two ways to explain our findings: either the situation changed dramatically coming into contemporary society and this change demands explanation, or the situation did not change but contemporary scholarship chooses to focus on certain aspects of parent

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abuse—ones different from those highlighted in the past. This, too, requires investigation, as it reflects policy issues in both academia and the wider society.

The material in this volume examines a number of issues connected to family violence in general and VaP in particular. Firstly, and crucially for the scope of this book, the issue of definitions and ideas of what constituted parent abuse and parricide are investigated. Secondly, the book looks at the issue of locations and how VaP influences or becomes a part of the narrative of local identity; this has not been paid attention to by scholars, but now examined, it provides a very ambivalent picture of the stretching of the boundaries of the permissible. Thirdly, looking at issues such as old age and the anxieties associated with it, and the economic pragmatism of household survival and role of ageing parents within this unit, the book paints a different picture of these processes in agricultural and urban societies, both traditional and modern.

### CONCEPTUALIZING VIOLENCE AGAINST PARENTS

What is violence? Is it a process or a state? Is it enough to hit your parent, spouse or child once—even in self-defence—to be classified a violent offender, or is there a requirement of systematic abuse? These questions are as pertinent to contemporary policies on violence prevention and intervention as they were to past societies, because they define the scope of the act to be criminalized and prosecuted.

Violence against parents is a modern term coined in international legal documents and policy papers through an analogy with violence against women and children. It derives from standard definitions of domestic violence, such as

any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to psychological, physical, sexual, financial and emotional abuse.<sup>1</sup>

This is analogous with violence against women: the definition that emerged as part of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) framework of gender equality produced a concept of women being abused as a result of gender inequality and discrimination,<sup>2</sup> but VaP has never become such a term or concept.

VaP is also closely connected to the abuse of the elderly, which is defined by the World Health Organization (WHO) as ‘a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person’.<sup>3</sup> Despite this, VaP rarely has a uniform definition, and where it does, it principally focuses on adolescents between the ages of 12 and 23, as it is stated by the Netherlands Centre for Social Development.<sup>4</sup> This raises the question as to why parent abuse is rarely conceptualized outside psychology and more specifically psychiatry,<sup>5</sup> leading to therapeutic measures and intervention rather than a wider network of policies aimed at providing social and economic measures to prevent such abuse.

One explanation probably lies in the common agreement among scholars that parent–child relationships are not equal (as in relationships between women and men or people of different ages, classes or race groups): children depend on their parents at some time in their lives. As Barbara Cottrell notes:

Occasional conflict between people who live together, including parents and their children, is normal. Parent abuse is difficult to define because it is not always clear when certain behaviours are ‘normal’ and when they are ‘abusive’. Conflict becomes abusive when one person uses threats, force or manipulation to gain power over the other. Parent abuse is any act of a child that is intended to cause physical, psychological or financial damage to gain power and control over a parent.<sup>6</sup>

Despite this, most specialists talk about power and control as the main components of abuse, thus expressing the hidden fear that has been present for centuries—the fear of an assault on the given natural hierarchy. This fear was at the heart of the harsh prosecution and punishment of children who assaulted their parents by words, deeds, actions or otherwise—that is to say, when parents felt they were disrespected, mistreated or disobeyed. In this situation, children of any age ended up being punished, even when they were allowed to defend themselves, as attested to in almost every chapter of this book.<sup>7</sup>

Non-lethal violence against parents was rarely accepted in the official legal ideology and, for once, gender was not seen as a mitigating factor either in legal or popular culture: violence against both parents was equally condemned. However, gender played a significant role in how and why parents were victimized as well as in the motivations of sons and daughters

who dared to commit the deed. At the level of communal justice, children were allowed to explain themselves in order that their motivations might come to light. According to the historical evidence presented in this book, a wide range of socio-economic reasons could act as a motive for physical assault, most of them being the result of intra-family tensions over household rules and practicalities, including the power struggle between younger and older generations.

As non-lethal violence against parents—that is, verbal insult, disrespect, disobedience, refusal to provide support and, finally, physical assault—was perceived as a dreadful act performed by a corrupted individual, there was no explicit connection between this and the homicide of parents. Both the community and the authorities provided different explanations for abuse and homicide. While non-lethal VaP did take place as a part of family life and family conflict, and it could be normalized although condemned—didactic literature always reminded both parents and children (as well as spouses) to care for, respect and obey—killing a parent generated a completely different response filled with horror, disgust and blame. The authorities together with communities fantasized about the perpetrators' motivations, representing such killings as acts of sinister greed, sheer madness or the work of a deeply depraved mind. Before the mid-nineteenth century, the choice between depravity, calculation and madness was often made in favour of depravity, since madness was still a category under construction.<sup>8</sup> Only those who exhibited clear and sustained signs of lunacy or insanity could claim madness as an explanation, but it did not excuse them from punishment. Therefore, as the punishment involved the death penalty everywhere in Europe and there was no automatic mitigation on behalf of children, the homicide of parents served as an exemplary evil deed for the community and the state.

The usual term for killing a parent—parricide—presents scholars with a number of difficulties, because it emerged to mean something completely different from its original usage in Roman law, as Barbara Biscotti explains in her chapter. The confusion over the term lasted until at least the nineteenth century, since parricide had two distinct usages: as a political term meaning regicide—that is, an attack against the head of state—and as a criminal term meaning the killing of the father or rather the head of the household. Both usages were connected to Roman approaches to authority and the family, and yet they came to mean different things at different times. Parricide as the killing of an authority figure was crucial to the hierarchical power regimes, which were also patriarchal and strongly

reliant on men holding power over their families and dependants. Therefore, the prosecution and constant condemnation of parricide became central to the ideologies of obedience and order that relied on the strict observance of natural law in the sense of its stability and immutability.

It was primarily the father's authority that was upheld by the official ideology. On the surface, according to legal and didactic literature, an assault against paternal power was both unthinkable and unspeakable. However, in reality it took place quite often, as the numerous cases presented in this book show. Sons contested their fathers' rule and power in the household. Both sons and daughters constantly questioned their parents' (mostly their fathers') right to intervene in their private lives by, for example, arranging their marriages for them or preventing them from marrying, such as in the famous case of Mary Blandy, which was just one of a handful of cases of parent-killing by those children who saw their parents as obstacles to their desires and freedom.<sup>9</sup>

In pre-modern society, there were two fathers who could be assaulted or killed: one legal and one physical. Both categories mattered to the community, while to the law, legal parents were probably more important. In terms of terminology, the category of parents included natural parents, step-parents, adoptive parents and in-laws. In the eyes of the law, all of these categories were equally important because they were the ones responsible for providing an orderly life at the lowest level of social organization. There was a normative expectation that step-parents, adoptive parents and in-laws should be treated like natural parents and vice versa, and these parents—natural or otherwise—were expected to treat all the children in the same way. However, this was not the people's idea of legal parenthood. On the contrary, as literature, folk stories, fairy tales and court testimonies show, people expected non-natural parents to behave differently towards their step- or adopted children. They were praised if they were kind and caring, but to act differently simply fulfilled negative expectations. The official ideology, though, continued to press for the expectation of equal treatment for a good reason: political paternalism functioned at the level of legal parenthood, and divorcing the ideologies of the natural and the adopted created a danger to political regimes that based their authority on unquestioned obedience.

In this context, normative explanations and interpretations of parricide and VaP that exposed the community's and the state's need to provide a sustainable framework for VaP, including its lethal forms, have evolved in

connection with the state's formation processes, political theories of power and the pragmatic needs of local communities in terms of preservation and survival. Garthine Walker has outlined three major narratives of parent-killing in early modern broadsheet newspapers: insanity, spoilt children lacking compassion and parental fault. The absolute majority of narratives fell into the second category, exposing spoilt and corrupted adults, though often young offspring killed their parents because their elders stood between them and something they desired. Insanity and parental fault (often interpreted as indulgence) made up a minority of the narratives.<sup>10</sup> The explanation of homicidal or abusive behaviour through the lenses of morality and character flaws was based on the long tradition of moral philosophy, which was responsible for the concepts of human behaviour before and during the Middle Ages. In Europe, morality was understood through the Christian values of the time. However, with the influence of humanism from the seventeenth century onwards, the discussion of morality and corruption moved to include environmental issues as well.<sup>11</sup> Indulgent parents played a role in the flaws their children exhibited; bad influences and examples could feed wild fantasies. Overall, however, such children were simply considered 'bad'.<sup>12</sup>

It was this discussion of corruption and morality that generated further thinking about the causes of depravity. By the beginning of the nineteenth century, the concept of moral insanity emerged, which conveniently gave the medical profession the opportunity to offer a remedy.<sup>13</sup> Shifting the focus from 'bad' to 'mad' allowed the authorities to represent assaults on natural parental authority as the absence of choice to pacify the community and excuse the killers. This paralleled the final divorce between the ideologies of political power and familial power due to the spread of democratic values. Political power slowly ceased to be understood as a given—it rather became a choice—while familial power remained a given. Under these circumstances, the crime of parricide as well as the abuse of parents moved into the private sphere of family disturbance to signify the inherent long-standing problems of the offspring. The move from a belief in the general inner evil of bad children to psychological or psychiatric explanations represents the scientific heritage that fed the explanations for violence against parents that continue to this day. At the same time, the notions of 'insanity', 'degeneracy' and 'madness' were still not quite biological or psychosomatic; they were also social categories, constructed via certain patterns of behaviour, such as violence and drinking, and expressing certain emotions, such as rage, anger, disrespect or

disobedience. Exhibiting unconventional or unaccepted patterns of behaviour—primarily disobedience and disrespect of one’s own parents—stood as one of those signs of social ‘madness’ that prompted parents to act by appealing to the authorities for help.

### AGE, VIOLENCE AND DISRUPTED HOUSEHOLDS

Contemporary society is ageing, and anxieties about this reality reveal themselves in social policies and research that attempt to use the past as an example of evolving change. Dwelling on the concepts of generational solidarity rather than conflict, scholars shift the focus from domestic abuse of the elderly to institutions, where, in their opinion, the elderly are mostly concentrated. This leaves the family to account for spousal and child abuse, ignoring the issues of persistent parent abuse. In addition, institutional care as it stands is well developed in some European societies, but not in others. Furthermore, looking outside of Europe, the picture becomes even more problematic. Another perspective introduced by this inquiry into VaP and parricide involves the expanded study of other cultures and societies in connection with historical patterns of how parental status has evolved over the ageing process and in relation to welfare and institutional care.

Disobedience and disrespect by children have been a fear of many communities, a fear connected with the vulnerability of old age and parental status after the children take over, as James Sharp clearly demonstrates in his chapter. Disrespect and disobedience not only undermined parental authority but also foreshadowed potential problems in the future, the most important of which were economic support and moral and physical well-being. In the absence of institutionalized care, family support remained the only option until at least the twentieth century, although alms houses and private care institutions existed from the sixteenth century onwards—possibly earlier—and access to them as well as the willingness of the elderly to reside in an institution are problematic issues in the history of old age.

Studies on the history of old age have produced prolific literature on how old age was constructed and viewed during major periods of human history. Contemporary geriatric literature still reproduces both the myth of the ‘cosy old age’ and the ‘golden age’ of past societies where the elderly were respected, and the widespread idea that Eastern societies are more appreciative of old age than those in the West.<sup>14</sup> Historians of old

age, though, have provided us with numerous cases showing that ageing in past societies led to poverty, loneliness and vulnerability, even in the upper classes, and it was experienced differently by women and men.<sup>15</sup> These studies suggest it was the eighteenth century that brought an appreciation of the elderly via creating a system of welfare and economic support outside the family and changing the overall portrait of the older person into that of a wise, dignified and respectable individual who was useful to the community.<sup>16</sup>

In focusing on the lack of a 'golden age' of respect for old age, these studies choose to overlook violence against the elderly and, especially, parents and grandparents, probably in an attempt to divorce parenthood and old age in demographic terms, because at least before the nineteenth century, the majority of European parents were younger than present-day parents and could in no way be considered 'old'. At the same time, many students of economic history have highlighted intra-generational conflict over property and material goods and the fact that the patriarchal nature of society exacerbated this conflict.<sup>17</sup> Our evidence suggests that having adult children and, especially, grandchildren was often a marker of old age, not in numerical terms (many of those parents and grandparents were in their forties and fifties), but from the point of view of their status and contribution to the community and family economy. The way rural and urban households in many European countries were organized prior to the major industrialization of the nineteenth century demanded effectively working mechanisms of generational change to provide for all. With their early development of nuclear households, England and the Netherlands established a system of Poor Law to support the elderly in need—that is, those who were left without sufficient economic means and whose children could not provide for them.<sup>18</sup> In comparison, Finland, Russia, Romania, Italy, Spain, Poland, France and many German states maintained their extended households and continued to have ageing parents in residence, with the elders often maintaining their control over the economics of the home and reluctant to part with it. This inevitably produced tensions and struggles for both men and women to establish their social position, as, according to political and didactic literature, every married man had to be in charge of his own household.<sup>19</sup> The younger couple often had the choice of departing the home, but this choice involved the additional economic burden of paying taxes separately as well, something not every family could afford. The majority of domestic conflicts in eighteenth- and nineteenth-century Russian rural households

resulted from attempts by the younger couple to take control of the household.<sup>20</sup> For parents, both the father and the mother, surrendering such control meant relying on their children for support. This also meant dependency, and not only in strictly economic terms: elderly parents had to submit to their children's decisions even if they disagreed. Therefore, old age became a period of powerlessness and dependency—not a pleasant position to be in. The only protection parents retained was the official ideological support of their natural authority, requiring unconditional respect and obedience from their children. It was the conflict of these two rights that produced many instances of violence.

Ironically, many contemporary descriptions of domestic abuse of the elderly echo the same anxieties and explanations of parent abuse in past historical periods: the decline in social status, changes in the culture of ageing, changes in family structure, the inability to financially support the elderly, demographic changes and so on, all leading to an increase in disrespect of parents and resulting in abuse and fantasies about the golden age for the elderly, as described earlier.<sup>21</sup> Therefore, from a historical perspective, we are dealing with the perpetual struggle of different age groups to gain and maintain an appropriate social and economic status, and one of the methods employed to do this was violence and abuse.

### GENDERING VIOLENCE AGAINST PARENTS

One of the most demanding topics for further examination is that of gender and violence. In order to find out *how* gendered VaP and parricide was, it is necessary to further question not only power structures, social statuses, race relations, moral obligations and the expectations characteristic of the societies under study, but also household economics, residential patterns, environmental factors and public institution systems.

So far, official ideology, economic necessity and power discourses have all focused on fathers. But where were the mothers in all of this? That is exactly what John Locke asked in his *Two Treatises on Government*, questioning Filmer's assumption that fathers are the sole possessors of their offspring. According to Locke's argument, mothers should be honoured as much or as *equally* as fathers, and scorn against them should be prosecuted just as vigilantly.<sup>22</sup> While the evidence in this volume attests to the harsh prosecution of those who abused and killed *both* of their parents, VaP and parricide still emerges as a predominantly male affair. Men constituted the majority of the perpetrators and victims of VaP, thus

making female violence exceptional and exemplary, although victimhood was normal and expected of women, contributing to standard explanations of criminal violence as being an option available to and perpetrated by men. Indeed, a gender analysis of violence that focused on examining numbers of perpetrators and victims would in the main provide the same result. Therefore, the questions may be qualitative rather than quantitative: it may be a matter of figuring out how gender—as a normative category, a social expectation and a notion of power—influenced the motivation of abusers and the decision-making of judges and other officials in determining how to represent and prosecute the perpetrators for their actions. How violence against fathers and mothers by their sons and daughters was explained by all the parties and then reshaped in court, what motives were expected to be (in)sufficient for such behaviour, and which emotions were accepted as appropriate for each respective gender in connection to their social and power status played a crucial role in how the society explained violence within the family and against parents.

Men generally did not need to provide a sufficient explanation or motivation for committing violence; it was understood that it was in their nature to do so. The standard model of masculinity included a thirst for violence, alcohol and power, and these expectations gave the authorities and the official ideology the ingredients that were brewed into moral examples for society in general. When women abused or killed, it was much harder to find an adequate normative explanation for their behaviour, to understand it as something typically ‘female’. Women sometimes claimed they were responding to violence, although it was difficult for them to claim self-defence. They were sometimes presented as acting irrationally to satisfy their desires, but this was received in the courts as a transgression of the normative feminine gender role, while violent men could, to some extent, be seen as fulfilling their normative gender role.<sup>23</sup> Masculinities were constructed around perpetration, while femininities were framed in terms of victimhood. In reality, both women and men acted like vicious killers and abusers or became victims of abuse, but only men were allowed to take the blame or be judged by other men.

Matricide and the abuse of mothers became a classic tale of this permissible representation of gender roles. Killing or abusing a mother was the most depraved act one could commit, since mothers gave life and nurtured their children as the primary carer and protector. There had to be a very good reason to do it and while it was quite difficult to find such a reason, the society tended to ascribe these incidents to mental problems

from quite early on in history.<sup>24</sup> However, a closer look at these incidents reveals how the discourses of ‘depravity’ and ‘insanity’ were often used to cover up a power struggle between a mother and a daughter, a struggle that was very different from one with a father.

Historians of demography continue to remind us that women outlived men in past societies for a variety of reasons. As they lived longer than men, they ended up in positions of dependence upon their children more often than their husbands, who died younger and handed their patriarchal authority on to their sons. The double burden of age and gender made women more likely to be victims of abuse.<sup>25</sup> On the surface, this seems a tempting explanation for the maltreatment of mothers. If we were to rely on complaints submitted by mothers to their respective local authorities all over Europe between Roman times and today, the classic feminist explanations of violence against women as a sign of oppressive patriarchy and gender-based discrimination would be compelling. Nevertheless, looking closely at those complaints, we cannot underestimate their essence as documents of a power struggle. The majority of the complaints tell a story of widowed mothers calling upon the authorities as their allies to put their children—mostly sons—in their proper place, and to enforce respect for the living parent. These accounts are narratives of a strategic choice on the part of the mother.<sup>26</sup> Fathers also complained, but mostly in situations where their authority alone was insufficient to deal with their sons.<sup>27</sup>

Does this mean that mothers were more vulnerable than fathers once left alone with their offspring? Surely, the social structure of past communities did not afford women the same status as it did men. However, much of this depended on the particular community. In England, France and the Netherlands, among others, married women had few rights over their property and economic activities, unmarried women had to remain under guardianship and widows had only slightly more freedom. In Russia and Romania, however, women retained their property upon marriage, could own their own business and could manage their own estates. Even so, they still could not leave the house without their husband’s or father’s permission. Nevertheless, as mothers they all maintained high moral and practical authority over their children. They were not necessarily victimized just because they were *women*; rather, much depended on the combination of their economic power, gender and the expectations of who would continue to take care of the household, both within and outside the family.

## LOCALITIES AND IDENTITIES

Culture and locality are currently seen as among the crucial factors shaping VaP and parricide.<sup>28</sup> Our evidence comes from very different European cultures—from Roman, continental European and British sedentary cultures to the semi-nomadic cultures of northern Norway. There seem to have been very great similarities among these societies. All of them treated parricide and VaP as the ultimate crime and at least theoretically punished it very strongly. Furthermore, discussions of VaP and parricide seemed to deal with deep-set questions of authority and dependence or independence. In most of these different regional cultures, similar explanations were given for the violence against parents, usually describing them as isolated, exceptional incidents removed from normal society either because of the utterly evil nature of the child, the perpetrator's insanity or a failure of upbringing on the part of the parents. The actual economic circumstances do not seem to have had much of an effect on the real frequency of the crime: neither poverty nor wealth seems to have increased crime rates, nor did the actual arrangements for the transfer of inheritances protect parents or expose them to violence. VaP simply took place in all circumstances. Nevertheless, VaP and parricide were not uniform crimes everywhere. The nature of the crime—how it was perpetrated, what methods of violence were used and in what circumstances—was influenced by living arrangements. The way it was discussed was also influenced by the media and the audience. This ranged from the abstract and detached legal documents meant to deal with a private, domestic crime among a smallish audience, through to the pamphlets and moral literature in the seventeenth and eighteenth centuries, to the scandal papers that turned the crimes into entertainment and the cultural identity talk of nations and classes in the nineteenth century. Despite the similarity in the violent actions and the frequency of the crime in statistics, the nature of the crime has, throughout history, depended on the community and audience that has discussed it, even within one and the same society.

Changes in the understanding of VaP and parricide according to locality or geocultural setting are complemented by changes in time. In the early modern period, other relatives or even unrelated people could find themselves in a parental position and, consequently, face an attack of a similar dynamic. In-laws that lived in the house or a neighbouring house held the position of parents to young couples. Household masters and mistresses could be in a similar situation

regarding their servants, at least legally and ideologically, and the comparison was indeed often made in the contemporary literature. Servants were emotionally, hierarchically and economically dependent on their masters. Nevertheless, they held a different position from the children, since they were usually on temporary contracts and could more speedily hope to escape dependence and its constraints. Therefore, the dynamics of violence between servants and masters were different from those between children and their parents or in-laws. Living arrangements and mental and economic (in)dependence influenced this and placed in-laws in a similar situation as the biological parents and children. This changed towards the nineteenth century, however, and the dynamics between servants and masters changed completely, while those between children and parents-in-law changed more gradually. The changes meant that violence between those groups conformed to different dynamics and could no longer be similarly compared.

One of the most dramatic differences in attitudes to VaP and parricide can be seen between the urban and rural societies of the past. Attitudes to parental power as absolute and VaP as unacceptable changed in parallel with major social and economic transformations—that is, during the urbanization and industrialization of the nineteenth century. Historians of the family, childhood and parenthood, on the one side, and historians of crime and violence, on the other, have highlighted this period as the most dramatic in terms of major changes in attitudes to parent–child relations, styles of parenting, family ideals and the permissible use of violence.<sup>29</sup> While the evidence of parent abuse in this volume comes equally from both rural and urban locations, there is a tendency to think that rural households were more violent than urban ones due to the latter’s crowdedness and residential patterns.<sup>30</sup> At the same time, cities were perceived to be more violent due to the high crime rates outside the home. Was it really more likely for parents to be abused if they lived in the countryside? Or was it more likely if they resided with their children regardless of their geographical location? The cases in this volume support the affirmative of the latter question. We acknowledge, however, the necessity to further inquire into the neighbourhood patterns of violence, especially in places where it was a custom for the young couple to build their house next to or very near their parents’ home, and cultural assumptions about the acceptability and desirability of parents residing with the younger couple for whatever purpose.

## WHERE DO WE GO FROM HERE?

VaP represents a type of violence heading up the hierarchical chain: it is committed against figures of authority who, in addition to their legal and natural status, also have an emotional bond with those who commit the assault. Contemporary scholarship on VaP heavily focuses on children in the most rebellious age group—that is, teenagers—allocating the majority of violent incidents to them. Psychological analysis today suggests that the phenomenon is new, contemporary and the result of child abuse and neglect by parents in modern society.<sup>31</sup> This analysis portrays an unproblematic picture of childhood violence that is by no means new or recent. Historians of juvenile delinquency have shown that youth violence has existed for as long as any other type of violence, with its motivations often very similar to those of the present day.<sup>32</sup>

Problematizing childhood and adolescent violence in relation to VaP and the homicide of parents requires further exploration and contextualization. Contrary to contemporary assumptions and the current heavy focus on adolescent offenders, historical evidence points to adult children as major perpetrators. However, the age of maturity was perceived differently up until very recently; prescriptive and didactic literature is filled with stories of young sons and daughters, spoiled and overindulged, who upon marrying disrespected their parents, disobeyed them and often stopped providing care and support. They were considered old enough to marry, but not old enough to be independent, full members of the society in their own right—something that was, in pre-modern societies, more connected to social status and wealth and only remotely connected to age. Studies in the history of juvenile delinquency often lack the kind of evidence contemporary studies have as to the neglect and abuse of children or prior violent behaviour within the family as the cause for the criminal activity. There are some hints in this direction in the chapters of this collection, however, and this aspect needs to be further explored using a plurality of methods and in cooperation with other fields of study.

Today, child and youth delinquency is a major cause of moral panics instigated by the mass media, especially in terms of drug use, knife crime, street violence and gangs. The same mechanisms worked in past societies to attract the attention of communities to major social and moral problems, be it witchcraft or moral corruption and decay. A family disturbance on a greater scale (several incidents of husband-killing in one place, for example) produced an array of pamphlets, broadsheets and

prosecutions followed by sturdy moral lessons embodied in the didactic literature written by watchful clerics.

The killing of parents was one of the triggers of moral panic, reflecting the fears of various European societies during times of social upheaval and profound transformation. In ancient Rome, the fear of parenticide created a real collective neurosis, which, in its turn, resulted in the stricter prosecution of those abusing or killing their parents, specifically fathers by their sons. For centuries, men remained the central figures of this neurosis, as the public sphere (not as opposed to the private, but as connected to the state and public law) was dominated by men. Therefore, homicide within the family committed by men was ultimately a matter for public prosecution and the realm of public law—that is, it was a concern for the state rather than individual citizens.

Contextualizing VaP and parricide in relation to their representation as markers of greater social problems is another perspective for further research, especially in connection with changes in communication strategies. The development of mass media heavily influenced the representation of parricide. It was not enough simply to portray parricide as a trivial matter. The newspapers needed methods of attracting the reader to their pages; hence, the dramatization of family violence became important for crime reportage. This is even more the case today, with the Internet enabling stories to travel much faster and readers to become tired of them much sooner than even a couple of decades ago.

With this volume, we hope to open up a more detailed and historically informed discussion of both the present-day issues of lethal and non-lethal violence against parents, and how these phenomena have been treated, observed, studied and dealt with in the past.

## NOTES

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