



The geometry of suicide law[☆]

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Abstract

Suicide is largely decriminalized in the contemporary world. But self-killers in the past were sometimes considered criminals and subject to posthumous trials, convictions, and penalties. In societies where suicide was defined as a crime by the state, some self-killers had their corpses defiled and mutilated and their assets confiscated. Others, though, received no state sanctions. In this paper, I apply Donald Black's theory of law and social control to explain variation in suicide law: When is suicide defined and treated as a crime? When is suicide law most severe? I focus on the three variable features of the social geometry of a suicide case – the centralization of the state where the self-killing occurs, the self-killer's relationship to the state, and the self-killer's social status. My central findings are consistent with what Black's theory would predict. Suicide law is most likely and most severe when 1) a self-killing occurs in a highly centralized state, 2) a self-killer is directly subject to strong state authority, and 3) a self-killer has an inferior social status. To support my findings, I draw mostly from recent historical scholarship on suicide and its aftermath.

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1. Introduction

The following events occurred six centuries ago, a decade after the end of the Spanish *Reconquista*, in the province of Ciudad Real:

On 7 May 1513, Isabel de los Olivios López, a twenty-five-year-old married woman, committed suicide [at] the home of Melchior de Saavedra by deliberately throwing

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herself into a well in his courtyard. Although eyewitness testimony both before and after her death confirmed that she was under a physician's care and mentally unstable, the ecclesiastical authorities of the Inquisition tribunal of Ciudad Real concluded that this was a suicide and that Isabel should be "punished" accordingly ... [T]he inquisitors pronounced Isabel excommunicate and damned her memory (*en memoria damnada*). They went to the length of ordering the exhumation of her bones, which were broken into pieces and then [turned over] to the secular authorities. *El brazo seglar* – in the person of the public executioner – burned Isabel's shattered bones, thus eradicating all physical evidence of her existence. Subsequently, the authorities deprived her heirs in the male and female lines of their rights to her property and barred her descendants in perpetuity from a number of private occupations, including those of pharmacist and attorney. They were forbidden to receive honors of any kind whatsoever, to own or even ride horses, to carry guns, or to own any precious metals, gems or rich fabrics, all in perpetuity (Dickenson and Boyden, 2004: 101, 103).

The legal reaction to Isabel's suicide was unusually severe. Few self-killings¹ today or in the past attract such a strong response by the state. Even so, the targets of the state's response – the memory of the self-killer and the people close to the self-killer – are not unique to this case. The social control² of suicide, including informal social control by the self-killer's family and community, often involves erasing evidence of the self-killer's life and punishing the self-killer's intimates.³ Members of a self-killer's family, for example, may remove all traces of the person from their home or refuse to talk about the person, while the people in the self-killer's community may criticize or ostracize the family of the self-killer.⁴ The state, though, pursues the most aggressive forms of erasure and punishment. But when does it do so? When is suicide treated as a serious crime by the state? When, in other words, is suicide law⁵ most severe?

Isabel's suicide points to some answers. Consider first the nature of the state that prosecuted the case, the 16th-century Spanish monarchy. Extreme centralization of state authority, a defining

¹I use the term "self-killing" interchangeably with suicide, and I use the term "self-killer" rather than "the deceased" or "the decedent" to refer to a person who dies by suicide. Both terms (self-killing and self-killer) are meant to be descriptive and imply nothing about the morality of suicide or the culpability of people who die by suicide.

²Social control refers to "how people define and respond to deviant behavior" (Black, 2010: 105) and it occurs whenever people have conflicts about "right and wrong" (Black, 1993: xiii).

³Suicide can also attract the opposite response: Self-killers may be glorified and their families may receive support (on glorification, or "praise," as a response to homicide, see Cooney (2009: 1–12).

⁴Family members of self-killers may also face supernatural sanctions. In many tribal societies, for instance, people go to great lengths after a family member's suicide to protect themselves from what they consider dangerous spiritual pollution that remains at the site of the suicide and ghostly revenge by the self-killer's spirit (e.g., Wyman and Thorne, 1945; LaFontaine, 1959). Shamans sometimes lend their assistance, purifying the scene of a self-killing or exorcising a ghost (e.g., Culwick, 1935). Self-killers themselves (not their alleged ghosts) may also impose sanctions on family members. This occurs, for example, when a self-killer publicly blames and shames family members before the suicide, or when a self-killer leaves a suicide note containing statements that hold family members liable. Finally, although family members appear to be most frequent targets of social control by the state, the community, the supernatural, the self-killer, and themselves, other parties (such as the self-killer's psychotherapist or the self-killer's friends) might also be subject to social control after a suicide.

⁵Suicide law is a quantitative variable (on the "quantity of law," see Black, 2010: 3–4). It first appears when an agent of the state (such as a court official or police officer) becomes aware of a suspected suicide. Suicide law increases when an agent of the state (such as a coroner or medical examiner) investigates a suspected suicide and officially classifies the cause of death as suicide. It increases further when a self-killer or another party (such as self-killer's family member) is held legally culpable or liable for a suicide, and even further when the self-killer or others are subject to legal sanctions (such as mutilation of the corpse or forfeiture of assets to the state). And the more sanctions, the greater than quantity of suicide law.

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