

Abnahme der Kindsmorde, doch kamen diese als besondere Deliktart auch noch im 19. Jahrhundert vor.

SUMMARY

*Abolition of Shaming Punishments
for “Fornication” in Livland
and Estland (1764–1765)*

Medieval Canon law permitted sexual intercourse only in heterosexual marriages. Although the Reformation brought about a greater appreciation of marriage, pre-marital and extramarital sexual relations were more severely punishable. Clearly the Church as well as secular powers lacked the administrative capacity to uncover and punish all extramarital sexual relations. Therefore, unmarried mothers received most of the punishment because pregnancy and birth as a rule could hardly remain unnoticed by the public. Pregnancy outside of marriage was generally qualified as “fornication”, devoid of Christian moral norms, and the fornicator received a shaming punishment after giving birth.

Unmarried mothers’ “case” trials became a routine process. In Estland, these cases were adjudicated at parish level church courts, whereas in Livland, they took place in every county court, where unmarried mothers were thoroughly interrogated. This article examines 95 cases in the Pärnu County Court from 1743 to 1745. Only in ten cases did the woman not receive any punishment. In eight of the cases, the child was conceived in the expectation of marriage. Therefore, as a rule, a summoned woman received a conviction and punishment. The usual scale of penalty for “fornication” was five pairs of whips (three hits with each pair) in a public place and as a penitence, standing on a chair of shame in front of the congregation during Sunday service.

During the Enlightenment, understanding grew in Europe that shaming punishments only encouraged unmarried mothers to hide their pregnancies and even to kill their newborn infants. From 1710 to 1783, county courts in Livland and Estland tried 490 cases of child homicides. This urged secular powers to review the punishment of unmarried mothers, replacing or abolishing the forms of shaming punishment. In 1734, Sweden replaced shaming punishment with pecuniary punishment, Livland and Estland followed suit in 1764, when Catherine II approved the senate’s order to abolish such punishments. Shaming punishments were replaced with fines ten times lower than previously, or in case the person was not

able to pay the fine, a “private” beating was ordered (hidden from the public). Livland ceased to interrogate unmarried mothers in county courts. In 1785, the Baltic Provinces abolished punishment of unmarried mothers altogether. Court materials show that alleviating and abolishing punishments minimised the number of child homicides in Livland and Estland, but they continued well into the 19th century.