

# Aufsätze

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The Morality Tale of a Duellist:  
Narratives of Duelling in Early Modern Swedish Courts.  
The Duel in Stralsund 1712

On 31 May 1712, the regiment stationed in Stralsund conducted a hearing regarding a fatal duel between Lieutenants Sievers and Hammar.<sup>1</sup> The military prosecutor, Melander, recounted how, after a preamble, Sievers had fought with Hammar, who subsequently died of his wounds. The Prosecutor demanded that the incident be thoroughly investigated so that the *guilty may be put to death as due punishment, and the country freed from blood-guilt.*<sup>2</sup>

The phenomenon of duelling became a political issue in Sweden in the second part of the 17<sup>th</sup> century. In the council as well as in the various estates, debates were conducted concerning procedures involving the prevention of the violent behaviour amongst men of the aristocracy. In 1662 the first so-called edict of duelling was presented and twenty years later, in 1682, a new edict of duelling appeared. The duelling edict of Charles XI was in force until 1861, after which laws of duelling were abolished. The duelling legislation of this authoritarian king clearly reflected the state's ambition to discipline the aristocracy. There was a need to control the aristocracy and to enforce the norms of a Christian lifestyle, thus ensuring that the interests of the state received priority and not personal, private interests. Furthermore, it was intended that the judicial arena would be employed to redress wrongs involving honour, rather than allowing the pursuit of private revenge. Consequently, the law prescribed extreme punishment for breaches of honour, challenges to duel and acts of violence.

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<sup>1</sup> This article, to some extent, is a summary of certain main points from my PhD-thesis *Duellanten och rättvisan. Duellbrott och synen på manlighet i stormaktsväldets slutskede*, (diss) Sekel förlag, Lund 2007.

<sup>2</sup> RA, Justitierevisionen, Generalauditörshandling, nr 1, 1715.

Sievers stood accused of duelling with Hammar and killing him in the process and, as a result, just punishment was to be exacted. The sentence was based on the evidence from Sievers himself as well as on that of witnesses. According to the *duellplakat*, the law under which crimes of violence committed by nobles and others of similar rank was tried, the punishment for killing an opponent in a duel was death. This all centred on guilt – on what could be termed ‘blood guilt’. This paper will attempt to elucidate how Sievers’ narrative in court had reverberations extending to a wider, moral context. In doing this, focus will be on how court records can be of use in interpreting early modern culture.

Since the 1980’s, when scholars such as Carlo Ginzburg, Natalie Zemon Davis, and Peter Burke first presented cultural, historical perspectives, court records were regarded as excellent sources for historians who study early modern culture and worldviews.<sup>3</sup> During the past decades, in their ambition to develop methods for reading and interpreting court records, historians have drawn their inspiration from historical anthropology, discourse analysis, narrative analysis, conceptual analysis and rhetorical analysis.<sup>4</sup>

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<sup>3</sup> Carlo Ginzburg, *Osten och maskarna. En 1500-talsmjölnares tankar om skapel- sen*, Stockholm 1996; Natalie Zemon Davis, *Fictions in the Archives. Pardon tales and their tellers in sixteenth-century France*, Cambridge 1987; Peter Burke, *Folklig kultur i Europa 1500-1800*, Stockholm 1983.

<sup>4</sup> See for example Martin Dinges, Michel Foucault, *Justizphantasien und die Macht*, in: Gerd Schwerhoff und Andreas Blauert (Hrsg.), *Mit den Waffen der Justiz*, Frankfurt/ M. 1993; Martin Dinges, *Der Maurermeister und der Finanzrichter, Ehre, Geld und soziale Kontrolle im Paris des 18 Jahrhunderts*, Göttingen 1994; Laura Gowing, *Domestic dangers : women, words, and sex in early modern London*; Oxford 1996; Erling Sandmo, *Voldssamfunnets undergang. Om disiplineringen av Norge på 1600-tallet*, Oslo 1999; Kari Telste, *Brutte løfter. En kulturhistorisk studie av kjønn og aere 1700-1900*, Oslo 1999; Seppo Aalto, Kenneth Johansson och Erling Sandmo, *Conflicts and Court Encounters in a State of Ambivalence*, in: Eva Österberg och Sølvi Bauge Sogner (eds.), *People meet the law. Control and conflict-handling in the courts. The Nordic countries in the post-reformation and pre-industrial period*, Oslo 2000; Eva Bergenlöv, *Skuld och oskuld. Barnamord och barnkvävning i rättslig diskurs och praxis omkring 1680-1800*, Lund 2004; Collstedt, *Duellanten och rättvisan* (Anm. 1).

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As mentioned previously, the focus of this article will be on one specific narrative formulated within a judicial discourse. Scholars, such as Bo Lindberg, Erling Sandmo, and Eva Bergenlöv have pointed out that in early modern judicial discourse, although legal texts were of extreme importance, normative value systems were also represented. In their argumentation, and the narratives they presented in court, the various actors employed the discourses reflected in their time. These were based on religion, specific jurisprudence, perceptions of virtue and honour, policies involving penalty, and were to a certain extent also based on their knowledge of medicine and the human body.<sup>5</sup>

This paper argues that the judicial discourse concerning crimes of duelling should be recognised as constituting a complex dynamic power arena involving various norms and values directed at the ‘external’ world. At the same time, when these were taken together they effectively defined, in a judicial context, the borders of what was permissible when expressing, both orally and in writing, what was characterised by an ‘inner’ ambivalence. Applying this approach, certain key questions could be formulated in respect of Sievers’ tale:

- What moral concepts and values lie embedded in Sievers’ narrative?
- What image does Sievers paint of himself and his opponent?
- What could have been omitted, and why?

#### *Court Martial concerning Lieutenant Sievers*

Lieutenant Sievers told the court that on the Sunday in question he had been given leave to go into town. At about noon, after divine service, he and Commissioner Cederberg were to pay a call on Mademoiselle Uttermarck and Lady Rehnschöld. On the way there, Cederberg invited Sievers in to a house, where the two men were

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<sup>5</sup> Bo H. Lindberg, *Poena et poenae. Etik och straffrätt i Sverige i tidig ny tid*, Uppsala 1992; Sandmo, *Voldssamfundnets undergang* (Anm. 4); Bergenlöv, *Skuld och oskuld* (Anm. 4); Collstedt, *Duellanten och rättvisan* (Anm. 1).

joined by Lieutenant Hammar, Ensign Dimberg, and Ensign Haxe. Later Ensign Groos also joined the company. After some hours, Hammar suggested to Sievers that they should go to the Town Major's garden. Sievers did not want to go, but said he was forced to do so by Hammar and Groos. On the way there Sievers became ill at ease, whereupon Groos asked if he was annoyed with them. He had no cause to be, replied Sievers. Once in the garden, Sievers stood a little to one side, the better to slip away from the company, but without success.

Hammar and Sievers found themselves in a discussion about Sievers' chances of obtaining a posting with a new regiment at home in Sweden. Hammar said discontentedly that he himself wanted to leave the regiment in Stralsund, but had been passed over a good many times, whereupon he asked Sievers if he would not recommend him to his friends in Sweden, so that he too could obtain a post in Sweden.

The same moment, a journeyman blacksmith entered the summer-house where the officers were sitting. The journeyman, who was employed by Sievers' landlord, doffed his hat and greeted him, and then replaced his hat on his head. Ensign Groos then, *found himself offended, and boxed the journeyman on the ear, and said, 'Ruffian! Will you not show more respect for officers.'* The journeyman answered that the Ensign should leave him in peace *else his master would requite it*'. With that, the journeyman left the company. Several officers (who were never mentioned by name) had then asked who on earth he was, and was he not a rascal. Sievers replied that he did not know the journeyman, more than that he had served as a journeyman to Sievers' landlord. He had not had anything else to do with him. According to Sievers, the journeyman then told his master how he had been assaulted in Sievers' presence. The journeyman's master then approached the company and asked Sievers to follow him aside for a moment and then enquired of Sievers who it was that struck his journeyman. Sievers told him who had done so.

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Soon after, Groos and the journeyman began to quarrel again, whereupon Sievers intervened and asked Groos to *desist from making a row*. Hammar then called Sievers to him, and asked what business it was of his, and asked him to leave them alone. Groos and the journeyman began to quarrel yet again, and Sievers stepped in again, took hold of Groos' coat and wanted to take him away, whereupon a button came off the coat. Groos became somewhat impatient, said Sievers, and asked what he thought he was doing. Sievers answered that he did not mean any harm, but rather wanted to prevent the tumult. Groos and Sievers agreed that they would return to camp, but Groos could not find Hammar, and asked Sievers where he was. Sievers answered that he had left a little earlier, whereupon they walked to the town gate, but on the right hand side, behind the bushes, stood Lieutenant Hammar who called to Sievers. According to Sievers Hammar's words were: *Dearest Brother, come here, I want to say something to you*. Sievers then told Groos to wait, and went to meet Hammar. Then Hammar allegedly said the following to Sievers: *Dog, you will die here*, and notwithstanding all the kind words from Sievers, he drew his sword. Sievers asked Hammar if he was *in deadly earnest*, and because he answered yes, Sievers also drew his sword *therewith to parry the blows he [Hammar] gave, and retired backwards along the path.*" But on other side of the path was a hurdle, and Sievers could not get over it. Sievers called out to ask if there was anyone who saw how he was attacked, wherewith some townsmen had arrived on the scene. Then Sievers narrates how he was dealt a cut on the head by Hammar, and how he had cried out *is it not dreadful that I should be so attacked*. Sievers has no memory of what happened after the blow since, as a result of the blow to his head, he *became quite faint, with blood running down his face and so after a while he went from there to his landlord's, where he let himself be bandaged.*<sup>6</sup>

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<sup>6</sup> RA, Justitierevisionen, Generalauditörshandling, nr 1, 1715.

*Constructing a Narrative of Guilt and Innocence*

The theme that runs through Sievers' story is his view of himself, related in terms of guilt and innocence. He represents himself as an active peacemaker, a person who has a very disciplined approach to violence, the complete antithesis of Ensign Groos' quarrelsomeness and Lieutenant Hammar's provoking, threatening, violent, and murderous behaviour. Placidity is the term applicable to Sievers' narrative and it best describes his concept of the opposite of violence. His placidity could be useful in clearing him of the charge of being violent, since 'active' could be applied as the opposite to being placid. As the German historian, Martin Dinges, argued concerning eighteenth-century Parisians, this social quality or value of being placid was circumscribed by different practices intended to maintain social calm. Such practices, according to Dinges, included strategies to avoid conflict, the patience to withstand suffering of different kinds and when all else failed, self-defence – the latter are all elements applicable to Sievers' narration of his case.<sup>7</sup> In his narrative, Sievers attempts to justify his actions, and to construe an image of his own innocence by describing himself and his moral behaviour.

In Sievers' account, the practices that revealed his placidity were expressed through phrases such as his not meaning *any harm*, his surprise at finding himself in conflict *in deadly earnest*, his attempt to withdraw and stand *a little in one side*. His placidity is further revealed in his descriptions of his own expressions of emotion such as *is it not dreadful that I should be so attacked*. It is also apparent in the vivid descriptions of his vulnerability in the face of armed violence when he *became quite faint, and besides blood ran over his face*, and in the terms describing his self-defence: *therewith to parry the blows he gave (...)*. In Sievers' version, the incident acted out between the lieutenants followed a certain principle of escalation. This fact is deliberately emphasised by Sievers in that he draws attention away from himself, and his supposed guilt, in his description of the

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<sup>7</sup> Dinges, *Der Maurermeister* (Anm. 4) p. 75.

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escalating course of events, and directs attention primarily at Hammar, but also to a certain extent at Groos. He relates how he felt *ill at ease* when he first met Hammar and Groos, and how he more or less felt forced by the two officers to join their company in the garden, thereby revealing how he suspected that all was not well. To Groos' question whether he was annoyed with them, he claims that he answered no, and stresses that he was not inclined to violence. Sievers' self-image is clear in that he portrays himself as placid, forbearing and composed, but suspicious of Hammar's and Groos' intentions.

Suspicion characterises Sievers' story. Describing events in the summerhouse, Sievers depicts Hammar as discontent with his current post, adding to his narration that the latter had been passed over for a posting to Sweden. It is pertinent to the narrative that Sievers himself had just obtained a post in a newly-formed regiment in Sweden. We can only speculate about the reasons for Sievers mentioning this in his account in court, but a reasonable supposition is that it was an indication that Hammar's state of mind was the reason for events escalating further.

A number of different lines of defence are presented to counter the suspicion that he was violently inclined and are evident in Sievers' story. He asserts that he tried to avoid both gentlemen's company in the summerhouse, and a possible conflict, by keeping to one side. As Sievers' account shows, the accused could also refer to parallel events: he strategically weaves in Groos' quarrel with the journeyman blacksmith into his account and represents himself as a peaceful and forbearing man by stressing how he tried to avert their *row* and *tumult*. Hammar, for his part, supposedly called upon Sievers to leave them alone, Sievers' point being that Hammar was willing to carry the conflict between Groos and the journeyman further, another apparent strategy by Sievers to stress his placidity in face of the behaviour of the more violent Hammar.

Sievers continues by referring to how he tried a second time to avert the quarrel between Groos and the journeyman, testimony

that again reveals Sievers' great forbearance and good will. Sievers testifies that he took hold of Groos' coat and wanted to take him away, whereupon a button came off. Gross is then referred to as being *somewhat impatient*, asking *what he thought he was doing*. Sievers in this instance clearly wants to point out Groos' strained relationship with him, and he further declares that he did not mean any harm, since his intention was to *prevent the tumult*. Significantly, it was not befitting for a nobleman and officer to rip buttons off another man's coat; failure to respect another man's appearance was disrespectful and insulting, and could well be a cause for violence and even duelling. Here it is apparent that honour was embedded in the disrespectful action against another man's person.

Martin Dinges has argued, that it is striking how, when appearing in court, defendants emphasise their belief in the possibility of maintaining 'social calm' by expressing their surprise and amazement at their would-be opponent's evil intentions. A similar element of surprise is also evident in Sievers' narrative when he asked Hammar if he was *in deadly earnest*. In this way, Sievers wishes to demonstrate his own innocence by indicating that Hammar took all initiative in the violence.

How then to explain one's own aberrant and illegitimate behaviour? One way, according to Dinges, was to refer to external compulsion, or self-defence. Similarly, Sievers refers to being coerced into dropping his peaceful facade. This was because Hammar said yes when asked if he was in earnest. Consequently, Sievers felt compelled to draw his sword *therewith to parry the blows he gave*, but despite that he remained on the defensive *and retired backwards along the path*. Sievers relates how he was cornered on the path, reduced to calling out *if there was anyone who saw how he was attacked*, thus referring to his own vulnerability and the danger in which he unwittingly found himself. Describing how he was struck on the head, Sievers draws attention to the iniquity of Hammar's violence by relating his emotional cry of *is it not dreadful that I should be so attacked*. Finally, when Sievers has to provide an account of Ham-



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mar's death, he claims he has no memory of it because of the blow that Hammar had dealt to his head, and from which he *became quite faint, and besides blood ran over his face*. His account of the amnesia he suffered and the profuse flow of blood both serve to legitimise and mitigate his circumstances. It is important to bear in mind that spilling the blood of another Christian was regarded as an abomination and was morally unjustifiable according to both the law and Christian belief.

Interestingly, Sievers argues that he acted in self-defence, a claim that is embedded partly in judicial concepts, but also in religious ones. Paragraph 85 of the Articles of War states that *Killing another without duress and due mortal danger demands a life for a life, and not fines*.<sup>8</sup> The question is, when can a situation be regarded as due mortal danger? In 1674 the duelling critic, Rudolph Clingel, who was a theologian by training, argued that *all Creatures are by Nature contrived to defend them and theirs*. There must be a willingness to defend oneself against violence when threatened by force of arms, and when there is no other way out than to defend oneself to the death; he who *does not then defend his Life, he is his own Slayer*.<sup>9</sup> Thus, it was regarded as an act of suicide not to defend oneself under such circumstances. Suicide was a sin, according to both the church and the law, and in early-modern society a suicide was considered wicked and infamous. We cannot know if Sievers had read Clingel, and in this context it is perhaps irrelevant. The example serves, instead, to show how different notions, discourses, and texts can be embedded in one another.

### *The Absence of Honour in the Judicial Narratives of Duellists*

A commonly shared understanding among scholars is the fact that the practice of duelling in early modern times was infused by aris-

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<sup>8</sup> Krigsartiklar som av den Stormäktigste och Herre Carl XI, Sveriges, Götes och Wendes Konung etc, etc, etc, förnyade och stadgade äro på Stockholms slott den 2 Martii 1683, Acedia Press, Karlstad 1998.

<sup>9</sup> Rudolph Clingel, *En liten Tractat de DUELLIS eller Enwijges-Kamp*, 1674, p. 17.

tocratic, military, masculine notions of honour.<sup>10</sup> Significantly, however, arguments about honour are remarkably absent in the narratives provided by duellists brought before the Swedish courts. How to interpret this absence?

Sievers told the court that he left the summerhouse in the Major's garden, and that at the town gate Hammar called to him from behind some bushes saying: *Dearest Brother, come here, I want to say something to you*. According to Sievers, when he went over, Hammar exclaimed *Dog, you will die here*, and he interpreted this as a very clear threat of murder, as well as a sign that events had escalated although they had not yet come to blows. Sievers maintained that this happened despite *all the kind words* of friendship he directed at Hammar. Here, in this account, there is an absence in the court record. What made Hammar threaten Sievers? From one witness' account we know that the origin of the violence between Sievers and Hammar was the altercation between Groos and the journeyman blacksmith. According to the witness, the innkeeper Fram, Sievers had tried to prevent the quarrel, whereupon Hammar had asked if there was no junior officer present who could place the journeyman under arrest in the King's name. Here the innkeeper insists that Sievers tried to avoid violence by trying to deflate the conflict between Groos and the journeyman. But, said the innkeeper, Sievers had gone up to Hammar *and with the flat of his hand*

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<sup>10</sup> Francois Billacois, *The duel. Its rise and fall in early modern France*, London 1990; Ute Frevert, *Ehrenmänner. Das Duell in der bürgerlichen Gesellschaft*, München 1991; Markku Peltonen, *The Duel in Early Modern England. Civility, Politeness and Honour*, Cambridge 2002; Jonas Liliequist, *Manlighet och socialitet, Från duellernas hedersretorik till 1700- och 1800-talens vänskapskult*, i: Ann-Katrin Hatje (red.), *Historiens mångfald. Presentation av pågående forskning vid Institutionen för historiska studier*, Umeå 2004; Christopher Collstedt, 'Som en adlig vederlike'. Duellbrottet i det svenska stormaktssamhället, i: Eva Österberg och Marie Lindstedt Cronberg (red.), *Våldets mening. Makt, minne, myt*, Lund 2004; dens., *Den dödsbringande äran. Duellen som en form av hedersmord på män*, i: Kenneth Johansson (red.), *Hedersmord. Tusen år av hederskulturer*, Lund 2005; dens., *Duellpolitik och duellestetik. Representationer av våld i politisk debatt och skönlitterär fiktion*, i: Eva Österberg och Marie Lindstedt Cronberg (red.), *Våld. Representation och verklighet*, Lund 2006.

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*struck him on the chest and said, dearest brother, I beg you then for God's sake, let him [the journeyman] alone and do not quarrel.* Whereupon Hammar interpreted Sievers' action as a challenge, and said *What do you strike me for? If you have anything to say to me, come with me.* This passage is absent from Sievers' account, and should be interpreted as a conscious omission, a strategic silence. When the men went outside together, Hammar immediately threw off his coat and waistcoat, and so made himself ready for an encounter, crying out *come here!* According to Sievers, Hammar had left the garden before him. In this instance we see how embedded the notions of honour are that regulated challenges to duels. Moreover, we also see the conscious acceptance of violence, but this does not correspond with Sievers' narrative of placidity and innocence.

Sievers never mentions honour explicitly, neither the term duel, it is the court's interpretation of the incident. Sievers' account is, in this respect, not unusual, even though the escalation of the conflict was in all likelihood based on perceptions of honour. As Martin Dinges also points out, the social atmosphere was a precondition for the existence of honour, and as current comprehensive research into perceptions of honour indicates, for the individual's social existence.<sup>11</sup> It is on these terms we should base our understanding of how the conflict between Hammar and Sievers could result in a duel and murder. The two men found themselves in the company of other officers. Vigilance against threats and the questioning of one's honour was of vital importance in a milieu, where all expressions and gestures were observed by the individuals present. In such an atmosphere friendship, forbearance and the like, are absent, and violence is in the air. Honour, as a public manifestation, was of immense significance to both nobles and officers in their everyday life, but it was equally dangerous. In the form that

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<sup>11</sup> See for example Dinges, *Der Maurermeister* (Anm. 4); see also Eva Österberg, *Folk förr. Historiska essäer*, Stockholm 1995; see also Sandmo, *Voldssamfundets undergang* (Anm. 4); Marie Lindstedt Cronberg, *Synd och skam. Ogifta mödrar på svensk landsbygd 1680-1880*, Lund 1997; Collstedt, *Duellanten och rättvisan* (Anm. 1).

led to violence and duelling, to uphold honour was forbidden – and unishable – by both state and church.

To refer to aristocratic, military and masculine concepts of honour when he faced a charge of duelling was in this context not a viable alternative for Sievers. Instead, he formulated the narrative of his defence along the lines of innocence as embedded in everyday moral notions and practices, linking his plea to placidity, forbearance, friendliness, and the maintenance of good order. He also employed the idea of acting in accordance with the Christian commandment to love thy neighbour, in god-fearing and law-abiding terms. This, I would argue, serves as an example of how cultural notions, such as honour, can acquire different content in judicial discourse. In this context, everyday notions of honour associated with violence diverged from the notion of honour acceptable to state and church. In Sievers' encounter with the law and its representatives, there was a repetitive rotation between different discourses and contexts.

Finally, one can ask what, if anything, was especially aristocratic in Sievers' case. The incident could equally well have been interpreted as a straightforward pub brawl between craftsmen, soldiers or farmers. In this instance one is met by yet another interesting silence. Where is talk of the strongly ritualised duel? Aristocratic violence in general and duelling in particular were forbidden by law and by Christian values. The whole, ritualised set of rules that preceded armed and fatal violence attested to a conscious contempt for death and a willingness to take another man's life or sacrifice one's own for the sake of honour, is absent from Sievers' narrative in that it is construed from a general moral perspective.

### *The Verdict*

On 10 June 1712, the general court martial pronounced the following verdict on Lieutenant Sievers:

*We the Royal General Court Martial find it right and just that Lieutenant Johan Sievers, for this past murder, has brought on himself a well-deserved punishment and warning to others to abhor vengefulness,*

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*and, according to His Majesty's Articles of War Paragraph 85 and His Majesty's Duellplakat Clause 3, shall be deprived of his life and be beheaded.*<sup>12</sup>

The court begins its verdict by emphasising that it *has taken the stated reasons from both sides* [Sievers and the witnesses] *and the circumstances into careful consideration*. It concludes by stating that Sievers could not prove his innocence of causing Hammar's fatal wounds. It continues by stating that nor could there be any question of self-defence and risk, despite the background of Sievers' undeniable faintness after receiving the blow to his head. Furthermore, according to the innkeeper's testimony, Sievers had *willingly and without duress entered into a duel with Hammar, while he easily could have desisted* (...). This is an important point from the court's side. Sievers had duelled willingly, not under duress, and thus without the just cause that we would call self-defence. Sievers had even had the opportunity to end the dispute and reconcile with Hammar, but had not done so. These criteria must be met, stated the court *if he wished to engage* [the argument of] *self-defence*. Violence and even killing might be justified only if they were resorted to under duress, and in self-defence.

Murder while being of unsound mind did not come into question either, because Sievers both before and after *the incident had his full judgement, since before the incident he had promised friendship*. In this instance friendship appears to be the opposite of violence, and adds weight for the court arguing that Sievers held full complicity for events. In addition, Sievers had been remorseful after the event, which the court did not accept as a mitigating circumstance, but rather as an indication that he was in full possession of his faculties, and that despite *the treated blow to the head, reason had not been lost*. The court thus sums up that Sievers *was found without duress and due mortal danger or hazard, to have committed this murder from eager vengeful-*

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<sup>12</sup> RA, Justitierevisionen, Generalsauditörshandling, nr.1, 1712, The verdict of Generalkrigsrätten.

*ness*. The fatal violence is described by the court as conscious, without duress, and used with an eagerness to take revenge.

Vengeance is mine, sayeth the Lord, but it was also regarded as a royal prerogative, whereas private revenge was a crime against both the temporal and spiritual moral order. The court's verdict is thus embedded in both religious and judicial discourses.

The *duellplakat* prescribed death for murder by duel, but it was not self-evident that Sievers would be condemned to death without reservation, at least not to the court's representatives, a fact expressed by the detail of their conclusions on the circumstances of the violence. The court refers both to Sievers' account and the testimony of the other witnesses as integral to the creation of its view on events and the formulation of its verdict. As mentioned previously, the punishment under *duellplakat* was death without any mitigating circumstances; Paragraph 85 of the Articles of War does not present any examples of mitigating circumstances, other than noting a difference between violence under duress and violence of one's own free will. The manner in which the law defined the boundary between duress and free will is made clear in the encounter in the courtroom. The circumstances enquired into by the court and later appraised, were determined not only by the dictates of law and jurisprudence, but in a dialogue with the accused, Lieutenant Sievers, together with the witnesses. In this dialogue, it is necessary that a verdict should be formulated and legitimised according to the law, but it is also formulated by referring to the much wider moral landscape of the time.

*A Petition for Pardon: Constructing a Moral Image of the Faithful Subject*

Johan Sievers was condemned to death, and was incarcerated to await execution. In jail he composed a petition for pardon that was sent to the King and Council. In terms of genre, the petition for pardon differs from the speech for the defence in court because the concrete dialogue is absent. Moreover, unlike at the time of the

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court speech, before sentence was passed, Sievers was now condemned to death for his crime.

In the petition for pardon, Sievers' dialogue is thus conducted only with an imaginary audience; in part the lords of the Council, but it also addressed contemporary ideas of how to obtain mercy. Sievers makes use of several interesting arguments that appear to have been carefully thought through. He begins by presenting a strong description of his miserable state in prison:

*For my wretched and impoverished condition, occasioned by now twenty-eight month's arrest, I am now constrained to deliver to Your Excellent Lordship my foolish and humblest humble Petition, with humble request, that it please Your Excellent Lordship who serves in our Royal Majesty's place, consider my misery and distress with merciful eyes.<sup>13</sup>*

Sievers emphasises both his miserable condition and his natural humility before the Council, and in this way he creates a strong and emotional picture of himself and his plight. The theme throughout his petition is his submission and humility.

Sievers also alludes to a certain religious common sense that suggests that he, with the help of God and his own conscience, can maintain that he had not been the cause of Hammar's death. To vouch for something on one's conscience, and with God as one's witness, can only be described as a very serious statement, given that the conscience is combined with spiritual welfare. One's immortal soul could be forfeited if the statement was untrue, so to phrase his statement in this way, Sievers would strengthen his arguments making them appear more credible.

In his petition, Sievers places the blame on Hammar, who he claims attacked and wounded him. In reference to this, he calls on the statements of the witness, as given in the court records. He continues by appealing for mercy, making a great deal of his

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<sup>13</sup> RA, Justitierevisionen, Generalauditörshandling nr 1, 1715, Siever's petition (probably 1714).

vulnerability and his hopeless situation, as well as emphasising his humility before God and the authorities:

*Now as next to God I see no other relief than from Your Excellent Lordship, may it please Your Excellent Lordship from Mercy to resolve on a merciful issue, and to pardon me, your poor prisoner, who for so long has languished under arrest.*<sup>14</sup>

Sievers emphasises his humility, submission, and the place he holds in the social hierarchy. These claims constitute the opposite of his violence and the murder of Hammar, which, instead, exemplifies disdain of the moral order. By employing this argument Sievers clearly hoped he would be able to reinforce the court's perception of his moral character. Describing himself as poor, and emphasising that he would have to endure a long period of incarceration, he wishes to intensify the picture of himself as submissive and dependent on the protective bonds enforced between the imprisoned individual and the authorities. He continues by arguing *could I but obtain Your Excellent Lordship's great Mercy, to bear myself always against mine enemies as both a loyal and dauntless servant of His Majesty when it is (...) required*. In expressing himself in this manner, a certain contractual idea is formulated, alluding to the legitimacy of the state and its responsibility towards the welfare of its subjects. The argument being that if Sievers were to be pardoned, he would always behave towards his enemies in a way befitting a servant of the king. His argument never explicitly makes clear who *my enemies* are, but Sievers maintains that he would faithfully and bravely serve the king in war. The bonds between military officer and his king, and his closest circle were based on a reciprocal relationship, deriving partly from the subject's loyalty and courage in the service of the state and partly from the state's protection and its willingness to pardon a loyal subject's life. Sievers concludes his petition for pardon with *fervent prayers to God*, stating that he humbly awaits mercy.

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<sup>14</sup> RA, Justitierevisionen, Generalauditörshandling nr 1, 1715, Siever's petition.



### *The Morality Tale of a Duellist*

The driving themes of Sievers' petition for pardon are references to his submission and humility, his miserable circumstances and his poverty. By referring to himself in these terms, Sievers places emphasis on his moral character, or rather he creates the image of morality surrounding his own person. Unlike his speech in court, it is no longer his forbearance that is the central image. Instead, he begs for mercy for his crime by referring to his service to the state, and the contract which exists between subject and king. Even his great fear of God is introduced in support of his construction of the moral, and thus credible, image of himself as the king's subject.

#### *Moral Positions in Narratives of Duelling in Early Modern Courts*

The duellist Lieutenant Johan Sievers was brought before the military court during the final phases of Sweden's era as a great power. This period was characterised by a Christian, religious world-view. The predominant normative order was founded on a Lutheran, evangelical mindset. However, daily life under Christianity and the judicial discourse was, as the case of Sievers has shown, informed by variety and a wealth of ideas rather than homogeneity and orthodoxy. Ideas founded on classical antiquity and the medieval perceptions of the church were intertwined with the prescriptions of society's political doctrines as hammered out by protestant theologians.

In a world such as this, violence, fatal violence in particular, was something that shook society and created considerable unease. Crimes against the sanctity of life could invoke the wrath of God and entire societies would be subjected to His vengeance. Parallel to these perceptions the era was infused by notions of honour, which when violence was involved, were in conflict with the values of the state and the evangelical, Lutheran church. Duelling can be regarded as an excellent example of this phenomenon.

However, unlike the case of Johan Sievers threats of extreme punishment were not always maintained in judicial practice. From 1700 to 1740 at least eleven duels resulting in death were taken to

court and eight cases resulted in death penalties. However, none of the duellists sentenced to death were actually executed.<sup>15</sup> In certain circumstances the death penalty was not carried out. When the evidence was too weak or the accused acted in self-defence or because the accused fled after the duel or had been promised safe-conduct during the trial.

In cases involving duelling crimes such as breaches of honour, challenges to duel and physical and armed violence in many cases the courts applied the law in a literal sense. However, there are numerous examples of individual cases where circumstances resulted in the fact that a person could not be judged in accordance to the duelling edict. The courts could only judge a person for crimes against the duelling edict and put into effect such judgement if a duellist had not fled abroad or had been promised safe-conduct during the trial. Furthermore, the accused person had to be of adult age and there should not be doubt concerning such a person's social rank according to the duelling edict's prescription defining concepts such as knighthood, the aristocracy, military officers and their equals.

Moreover, proof had to be given that breaches of honour and challenges to duel indicated malicious intent and were clear provocations where the violence was intentional and not in self-defence. To insult a person in outrage after having being insulted was not punishable according to the duelling edict.

Although the law was followed literally in lieutenant Sievers case, the duelling cases in general during the early eighteenth century show the state's ambivalent policy of strict deterring legislation on the one hand, combined with a milder judicial judgement involving the granting of pardon, on the other. I would suggest that this practice involves three overlapping aspects:

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<sup>15</sup> Collstedt, *Duellanten och rättvisan* (Anm. 1).

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- A mutually accepted hierarchy between the king and the aristocracy. An officer's loyalty and self-sacrifice is rewarded by royal protection.
- The demographic and macro-political situation. The aristocracy suffered mass extinction as a result of war during the era when Sweden was a Great Power. An aggressive foreign policy continued throughout the first decades of the 18<sup>th</sup> century and consequently the state needed its military officers. It was too expensive to execute men of the aristocracy and military officers who were sentenced to death for duelling.
- The religious world-view and jurisprudence with its roots in classical antiquity and Christian theology emphasised the circumstances of individual cases as well as accentuating the fact that punishment should be in relation to crime.

That this judicial practice and its cultural foundation were known among noblemen and military officers becomes evident in their narratives before court. The duellist's narratives had its origin in a complex moral landscape constituted by Christian, hegemonic cultural perceptions where binary oppositions of good and bad are combined with an advanced jurisprudence, notions on a mutually accepted relationship between the king and his noble subjects and the problematic political and demographic situation of the time. By referring to this, an image of the moral and innocent subject and its counterpart was construed, which was mirrored in the judicial narratives identified by the following key concepts:

<i>Ideal</i>	<i>– Counterpart</i>
Christian	– Unchristian
Loving	– Hateful
Friendship	– Enmity
Amicable	– Wrathful
Humble	– Haughty
Faithful to the state	– Unfaithful to the state
Peaceful	– Vengeful
Disinclined to violence	– Inclined to violence

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With good intentions	– With evil intentions
Gentle	– Cruel/Brutal
Honest	– Dishonest
Meek	– Zealous
Benevolent	– Malevolent

The Christian ideal holds that a *good* Christian man is the counterpart of the duellist. The good male was a man who only used violence if it were absolutely necessary. Unjustified violence, breaches of honour and challenges to duel are opposed to the Christian male ideal and are, instead, typical characteristics of the evil, unchristian male. The latter was regarded as a man who would seek conflict, who provoked, was wrathful, vengeful, hateful, deceitful and jealous. In the arguments employed by duellists accused of murder the binary oppositions inherent in the Christian ideal, and its counterpart, become particularly apparent. Several factors contribute to reinforce the perception of the ideal: *One person's surprise at another's desire to employ violence; the attempt to withdraw in order to avoid conflict; emphasizing patience to endure insults and various hardships as well as being ignorant of one's own use of violence.*

In addition, poverty, remorse and sorrow are further factors that could contribute to the perception of this ideal. Thus a life, which is characterised as totally Christian, dutiful, peaceful and sober is contrasted to that of the slain person's whose life is regarded as totally unchristian and wicked where violence, anger and disorder prevails.

Then what about honour? Duels need to be understood as expressions of an aristocratic, masculine, military, culture of honour. In the Swedish case this seems to a certain extent be integrated into a religious Christian culture, but places totally different demands on those men who are included in its normative value system. In the case of crimes of duelling the conflicts of noblemen and military officers were expressions of a strong homo-social culture based on aristocratic ideologies and military norms and values. Noblemen and military officers belonged to an exclusive community of ho-

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nourable, worthy men and it was their belonging to this elevated masculine, military, aristocratic community in itself that these men defended and were prepared to sacrifice their lives for in duels. As such the notion of honour that led to duels was a threat to Christian values and the king's authority.

A Christian lifestyle and virtue aspired to achieve culturally recognised positions in society for all Christian persons. Consequently duellists such as the young Lieutenant Sievers formulated their narratives in court from a position not based on notions of an aristocratic, military honour or masculine bravery, but on the general perceptions of a Christian, virtuous lifestyle.

### *Concluding Remarks*

What happened to Lieutenant Johan Sievers? Like other duellists condemned to death by the Swedish courts he was never executed. A letter to the King, dated 9 April 1715, from the Governor of Malmö, Lars Burenschöld, reveals that Sievers escaped from prison. According to Burenschöld it was thanks to the carelessness of a soldier, Per Västgöte, that Sievers *escaped arrest and got away, and the story is he has arrived in Copenhagen, where he has been engaged as a Captain in the King's Guard*.<sup>16</sup>

Sievers subsequently entered the foreign service, and after serving in both France and Mecklenburg, he returned to Sweden in 1721 in the hopes of being granted a pardon under the recently issued *pardonplakat* of Queen Ulrika Eleonora (Proclamation of a General Pardon). This appeal for pardon was probably successful since records show that he served in the Life Guards in 1722 and that he retired from the army with the rank of Captain in 1735.<sup>17</sup>

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<sup>16</sup> RA, Justitierevisionen, Generalauditörshandling nr 25 ½, 9 April 1715.

<sup>17</sup> Ivar Nylander, *Duell och ärekränkning. En studie rörande tillämpningen av 1682 års duellplakat och lagkommissionens arbete på en reformering av duellagstiftningen under den tidigare frihetstiden*, i: *Saga och sed*, Kungl. Gustav Adolfs akademins årsbok, Uppsala 1966. p. 14; Adam Lewenhaupt, *Karl XII:s officerare*, Stockholm 1920, p. 625.