

PROSECUTING CRIME *in the* RENAISSANCE

ENGLAND, GERMANY, FRANCE



JOHN H. LANGBEIN

Prosecuting Crime In The Renaissance

Robert W. Shaffern



Prosecuting Crime In The Renaissa:

Prosecuting Crime in the Renaissance John H. Langbein, 2005 Our present system of criminal prosecution originated in England in the sixteenth century Langbein traces its development which was at its most intense during the reign of Queen Mary He shows how the common law developed a system of official investigation and prosecution that incorporated the medieval institution of the jury trial He places equal emphasis on the role of the justices of the peace as public prosecutors The second half of the book compares the English system with those of the Holy Roman Empire Germany and France He concludes by refuting the popular opinion that the English were strongly indebted to continental models This is an excellent work of scholarship exhibiting wide research erudition and analytical ability Joseph H Smith Harvard Law Review 88 1974 1975 485 JOHN LANGBEIN is Sterling Professor of Law and Legal History at Yale Law School He has held academic positions at Stanford University Oxford University the Max Planck Institut f r Europ ische Rechtsgeschichte and the Max Planck Institut f r Ausl ndisches und Internationales Strafrecht Langbein is a member of the American Academy of Arts and Sciences the International Academy of Comparative Law the International Association of Procedure Law and other organizations in the fields of legal history and comparative law Some of his most distinguished publications and articles include History of the Common Law The Development of Anglo American Legal Institutions 2009 Torture and the Law of Proof Europe and England in the Ancient Regime 1977 and The Supreme Court Flunks Trusts Supreme Court Review 1991

Prosecuting Crime in the Renaissance John H. Langbein, 1998 Prosecuting Crime in the Renaissance , **The Royal Financial Administration and the Prosecution of Crime in France, 1670-1789** Albert N. Hamscher, 2012-07-13 The Royal Financial Administration and the Prosecution of Crime in France 1670 1789 explores the French monarchy s role in financing criminal prosecutions in the royal courts of the realm the payment of criminal frais de justice in the vocabulary of the ancien r gime between 1670 and 1789 that is from the codification of criminal judicial procedure in the early period of Louis XIV s personal rule to the outbreak of the French Revolution The subject brings together three areas of scholarly inquiry criminal justice royal administration and the management of the crown s finances A central goal of the study is to provide factual information and interpretive insights on each of these topics and to explain the relationship of each to the others over a long time period The book contributes to existing scholarship in four ways First although each of the major dimensions of the inquiry the operation of the criminal justice system the conduct of the royal administration and the management of the monarchy s finances has a large and increasingly sophisticated historical literature this is the first study to combine them in a systematic way Second the long time period covered in the book not only enables the historian to distinguish gradual from rapid change but it also allows the reader to view how the system functioned in different historical contexts Third the study is based on archival sources throughout France This comprehensive approach permits the identification of elements of a common experience without sacrificing attention to important aspects of regional diversity

Finally with respect to the sources themselves the range is broad encompassing regulatory acts and decisions of the king s councils administrative correspondence at the central regional and in some cases local levels financial accounts and related papers and court records from the major appellate courts and from several lower courts as well An appendix of 33 tables lists figures of annual expenditure and other pertinent financial operations for each of the major financial districts of the kingdom

Criminal Discovery Cosmas Moisisdis,2008 In *Criminal Discovery From Truth to Proof and Back Again* author Cosmas Moisisdis examines aspects of pre trial stages such as police interrogations preliminary hearings and discovery between the prosecution and the defence addressing contentious issues such as the right to silence and the privilege against self incrimination These issues give rise to strong emotive and polarised differences of opinion Criminal discovery is an area in which views are entrenched and passions run high *Criminal Discovery From Truth to Proof and Back Again* seeks to inform the current debate through a detailed analysis of the history theory and practice of criminal discovery Historical and jurisprudential matters which are not commonly known are here brought to light The approach is holistic and comparative examining the issues in detail with reference to the jurisdictions of the United Kingdom United States particularly California and Australia It concludes with recommendations to guide the future putting forward a reciprocal criminal discovery model which it is argued will enhance the truth seeking potential of the adversarial criminal trial

The Diffident Naturalist Rose-Mary Sargent,2009-04-03 In a provocative reassessment of one of the quintessential figures of early modern science Rose Mary Sargent explores Robert Boyle s philosophy of experiment a central aspect of his life and work that became a model for mid to late seventeenth century natural philosophers and for many who followed them Sargent examines the philosophical legal experimental and religious traditions among them English common law alchemy medicine and Christianity that played a part in shaping Boyle s experimental thought and practice The roots of his philosophy in his early life and education in his religious ideals and in the work of his predecessors particularly Bacon Descartes and Galileo are fully explored as are the possible influences of his social and intellectual circle Drawing on the full range of Boyle s published works as well as on his unpublished notebooks and manuscripts Sargent shows how these diverse influences were transformed and incorporated into Boyle s views on and practice of experiment

Marks of an Absolute Witch Dr Orna Alyagon Darr,2013-07-28 This work explores the social foundation of evidence law in a specific historical social and cultural context the debate concerning the proof of the crime of witchcraft in early modern England In this period the question of how to prove the crime of witchcraft was the centre of a public debate and even those who strongly believed in the reality of witchcraft had considerable concerns regarding its proof In a typical witchcraft crime there were no eyewitnesses and since torture was not a standard measure in English criminal trials confessions could not be easily obtained The scarcity of evidence left the fact finders with a pressing dilemma On the one hand using the standard evidentiary methods might have jeopardized any chance of prosecuting and convicting extremely dangerous criminals On the other hand lowering the

evidentiary standards might have led to the conviction of innocent people Based on the analysis of 157 primary sources the book presents a picture of a diverse society whose members tried to influence evidentiary techniques to achieve their distinct goals and to bolster their social standing In so doing this book further uncovers the interplay between the struggle with the evidentiary dilemma and social characteristics such as class position along the centre periphery axis and the professional affiliation of the participants in the debate In particular attention is focused on the professions of law clergy and medicine This book finds clear affinity between the professional affiliation and the evidentiary positions of the participants in the debate demonstrating how the diverse social players and groups employed evidentiary strategies as a resource to mobilize their interests The witchcraft debate took place within the formative era of modern evidence law and the book highlights the mutual influences between the witch trials and major legal developments

Beyond Reasonable Doubt and Probable Cause Barbara J. Shapiro, 2023-11-10 Beyond Reasonable Doubt and Probable Cause Historical Perspectives on the Anglo American Law of Evidence delves into the evolution of evidentiary doctrines within the Anglo American legal system focusing on their development from the early modern period to the twentieth century This book examines the historical and intellectual underpinnings of key concepts like beyond reasonable doubt and probable cause exploring their roles in shaping the criminal justice process across various stages from arrest to jury deliberation By engaging with both doctrinal writings and broader philosophical and religious influences the study highlights the interplay between evolving legal standards and cultural notions of truth and certainty The work also traces the migration of evidentiary principles between institutions such as the grand jury trial jury and pretrial hearings and examines how these concepts were influenced by Romano canon traditions The book is structured thematically addressing three major areas the interaction between legal and philosophical ideas of evidence and proof the transmission of evidentiary concepts across different procedural stages and the impact of Romano canon traditions on English law Individual chapters tackle topics such as the trial jury s reliance on beyond reasonable doubt the grand jury s evidentiary standards and the migration of probable cause across arrest search and pretrial procedures The analysis also revisits philosophical contributions to evidentiary concepts and explores the incorporation of circumstantial evidence and presumption into Anglo American legal thought Ultimately this study sheds light on how these legal doctrines have shaped and reflected the intellectual and institutional foundations of Anglo American legal culture This title is part of UC Press s Voices Revived program which commemorates University of California Press s mission to seek out and cultivate the brightest minds and give them voice reach and impact Drawing on a backlist dating to 1893 Voices Revived makes high quality peer reviewed scholarship accessible once again using print on demand technology This title was originally published in 1991

Witchcraft, Demonology, and Confession in Early Modern France Virginia Krause, 2015-01-19 Situated at the crossroads of history and literary studies this book examines confession s place at the heart of French demonology Drawing on evidence from published treatises the writings of skeptics such as Montaigne and

the documents from a witchcraft trial Virginia Krause shows how demonologists erected their science of demons on the confessed experiences of would be witches *Legal Medicine in History* Michael Clark, Catherine Crawford, 1994-06-09 A collection of essays on the social history of legal medicine including case studies on infanticide abortion coroners inquests and criminal insanity *Prosecution and Punishment* Robert B. Shoemaker, 1991-08-30 This book offers an assessment of the social significance of the law in pre industrial England *Dangerous Familiars* Frances E. Dolan, 2017-04-15 Looking back at images of violence in the popular culture of early modern England we find that the specter of the murderer loomed most vividly not in the stranger but in the familiar and not in the master husband or father but in the servant wife or mother A gripping exploration of seventeenth century accounts of domestic murder in fact and fiction this book is the first to ask why Frances E Dolan examines stories ranging from the profoundly disturbing to the comically macabre of husband murder wife murder infanticide and witchcraft She surveys trial transcripts confessions and scaffold speeches as well as pamphlets ballads popular plays based on notorious crimes and such well known works as *The Tempest* *Othello* *Macbeth* and *The Winter's Tale* Citing contemporary analogies between the politics of household and commonwealth she shows how both legal and literary narratives attempt to restore the order threatened by insubordinate dependents **The Oxford Handbook of Rhetorical Studies** Michael J. MacDonald, 2017-09-20 One of the most remarkable trends in the humanities and social sciences in recent decades has been the resurgence of interest in the history theory and practice of rhetoric in an age of global media networks and viral communication rhetoric is once again contagious and communicable Friedrich Nietzsche Featuring sixty commissioned chapters by eminent scholars of rhetoric from twelve countries *The Oxford Handbook of Rhetorical Studies* offers students and teachers an engaging and sophisticated introduction to the multidisciplinary field of rhetorical studies The Handbook traces the history of Western rhetoric from ancient Greece and Rome to the present and surveys the role of rhetoric in more than thirty academic disciplines and fields of social practice This combination of historical and topical approaches allows readers to chart the metamorphoses of rhetoric over the centuries while mapping the connections between rhetoric and law politics science education literature feminism poetry composition philosophy drama criticism digital media art semiotics architecture and other fields Chapters provide the information expected of a handbook discussion of key concepts texts authors problems and critical debates while also posing challenging questions and advancing new arguments In addition to offering an accessible and comprehensive introduction to rhetoric in the European and North American context the Handbook includes a timeline of major works of rhetorical theory translations of all Greek and Latin passages extensive cross referencing between chapters and a glossary of more than three hundred rhetorical terms These features will make this volume a valuable scholarly resource for students and teachers in rhetoric English classics comparative literature media studies communication and adjacent fields As a whole the Handbook demonstrates that rhetoric is not merely a form of stylish communication but a pragmatic inventive and critical art that operates in myriad social

contexts and academic disciplines The Origins of the Criminal Justice System Omi Hodwitz,2025-02-18 The Origins of the Criminal Justice System Historical Explorations by the Justice Involved provides an introduction to the historical roots of modern day Western systems of justice The text addresses different aspects of criminal justice including chapters on police courts corrections and trends in crime and punishment as well as chapters that examine the relationship between justice practices and select communities defined by gender age class and race Each chapter begins in Ancient Antiquity before progressing to the Middle Ages the Renaissance and Age of Enlightenment and concluding in the Modern Era Readers are introduced to the social and political factors evident at the time the structure and function of each era specific system and the execution and consequences of early policies and procedures The book provides an important and detailed examination of the evolution of justice practices tying these temporal threads to modern systems and offers the readership the opportunity to observe institutions across the millennia Whether it is jury trials in Ancient Greece or ordeals in the Dark Ages the reader is invited to traverse the world of criminal justice practices replete with eras of inspiration as well as intolerance and cruelty

A Social History of Western Europe, 1450-1720 Sheldon J. Watts,2017-07-06 This thoroughly readable and stimulating social history of Western Europe first published in 1984 explores the family religion and the supernatural and the social structure and social controls of rural society This title will be of interest not only to students but to anyone who is anxious to understand the lives both internal and external of rural people in his fascinating period that is so central to everyone s past

Routledge Library Editions: Rural History Various,2021-07-14 The volumes in this set originally published between 1969 and 1990 draw together research by leading academics in the area of the rural history and provide an examination of related key issues The volumes examine social change in rural communities approaching the industrial revolution whilst also providing an overview of the history of rural populations in England France Germany Mexico and the United States This set will be of particular interest to students of history business and economics **The Oxford History of the Laws of**

England: 1483-1558 John Hamilton Baker,2003 This volume in The Oxford History of the Laws of England covers the years 1483 1558 a period of immense social political and intellectual changes which profoundly affected the law and its workings

The Oxford History of the Laws of England Volume VI John Baker,2003-09-18 This volume covers the years 1483 1558 a period of immense social political and intellectual changes which profoundly affected the law and its workings It first considers constitutional developments and addresses the question of whether there was a rule of law under king Henry VIII In a period of supposed despotism and enhanced parliamentary power protection of liberty was increasing and habeas corpus was emerging The volume considers the extent to which the law was affected by the intellectual changes of the Renaissance and how far the English experience differed from that of the Continent It includes a study of the myriad jurisdictions in Tudor England and their workings and examines important procedural changes in the central courts which represent a revolution in the way that cases were presented and decided The legal profession its education its functions and its literature are

examined and the impact of printing upon legal learning and the role of case law in comparison with law school doctrine are addressed The volume then considers the law itself Criminal law was becoming more focused during this period as a result of doctrinal exposition in the inns of court and occasional reports of trials After major conflicts with the Church major adjustments were made to the benefit of clergy and the privilege of sanctuary was all but abolished The volume examines the law of persons in detail addressing the impact of the abolition of monastic status the virtual disappearance of villeinage developments in the law of corporations and some remarkable statements about the equality of women The history of private law during this period is dominated by real property and particularly the Statutes of Uses and Wills designed to protect the king's feudal income against the consequences of trusts which are given a new interpretation Leaseholders and copyholders came to be treated as full landowners with rights assimilated to those of freeholders The land law of the time was highly sophisticated and becoming more so but it was only during this period that the beginnings of a law of chattels became discernible There were also significant changes in the law of contract and tort not least in the development of a satisfactory remedy for recovering debts

Law and Justice from Antiquity to Enlightenment Robert W. Shaffern, 2009 This concise intellectual history of the law offers an accessible introduction to the ideas and contexts of law from ancient Babylon to eighteenth century Europe Robert W Shaffern examines a rich array of sources to illuminate ideas about law and justice in Western civilization He identifies four main sources for traditional jurisprudence the civilizations of the Fertile Crescent and classical Athens the legal legacy of ancient Rome the legal traditions of the Middle Ages and developments in early modern Europe By focusing on the recurring issues and historical contexts of the law the author shows the extensive influence earlier sources had on the later development of Western law For instance the ancient code of Hammurabi pledged to obtain justice for the widow and the orphan a phrase that appeared again in later laws Also the tragedies of Aeschylus insisted that private individuals pursue vengeance but government judiciaries upheld justice an idea that the early modern European monarchies advanced when they promulgated new codes of criminal law Additionally Roman medieval and modern jurists all believed that natural law theory served as a rational criterion for legislators and judges Throughout the span of centuries covered in the text governments used law to regulate or monopolize the employment of violence Designed to introduce undergraduates to the significant developments and ideas about the law and justice this book will be invaluable for courses on the history of law and jurisprudence

Urban and Rural Communities in Medieval France Kathryn Louise Reyerson, John Victor Drendel, 1998 This volume provides case studies of the growth of urban and rural communities and their institutions in Languedoc and Provence in the Middle Ages The importance of a Roman law tradition and the new institutions of the notary and his records are observed in both urban and rural contexts and interactions between town and country are featured

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