



RITUALS OF RETRIBUTION

Capital Punishment in Germany, 1600–1987

Richard J. Evans 

Rituals Of Retribution Capital Punishment In Germany 1600 1987

Hans Göran Franck



Rituals Of Retribution Capital Punishment In Germany 1600 1987:

Rituals of Retribution Richard J. Evans, 1996 COPYWRITER Modern History section for 1996 cat The state has no greater power over its own citizens than that of killing them This book examines the use of that supreme sanction in Germany from the seventeenth century to the present Richard Evans analyses the system of traditional capital punishments set out in German law and the ritual practices and cultural readings associated with them by the time of the early modern period He shows how this system was challenged by Enlightenment theories of punishment and broke down under the impact of secularization and social change in the first half of the nineteenth century The abolition of the death penalty became a classic liberal case which triumphed if only momentarily in the 1948 Revolution In Germany far more than anywhere else in Europe capital punishment was identified with anti liberal authoritarian concepts of sovereignty Its definitive reinstatement by Bismarck in the 1880s marked not only the defeat of liberalism but also coincided with the emergence of new Social Darwinist attitudes towards criminality which gradually changed the terms of debate The triumph of these attitudes under the Nazis laid the foundations for the massive expansion of capital punishment which took place during Hitler s Third Reich After the Second World War the death penalty was abolished largely as a result of a chance combination of circumstances but continued to be used in the Stalinist system of justice in East Germany until its forced abandonment as a result of international pressure exerted in the regime in the 1970s and 1980s This remarkable and disturbing book casts new light on the history of German attitudes to law deviance cruelty suffering and death illuminating many aspects of Germany s modern political development Using sources ranging from folksongs and ballads to the newly released government papers from the former German Democratic Republic Richard Evans scrutinizes the ideologies behind capital punishment and comments on interpretations of the history of punishment offered by writers such as Foucault and Elias He has made a formidable contribution not only to scholarship on German history but also to the social theory of punishment and to the current debate on the death penalty

Rituals of Retribution Richard J. Evans, This history of capital punishment in Germany deals with the politics of the death penalty and the cultural significance of executions Insight into the modern development of Germany is illuminated through a survey of German attitudes to law deviance cruelty suffering and death Suicide by Proxy in Early

Modern Germany Kathy Stuart, 2023-07-24 Suicide by Proxy became a major societal problem after 1650 Suicidal people committed capital crimes with the explicit goal of earning their executions as a short cut to their salvation Desiring to die repentantly at the hands of divinely instituted government perpetrators hoped to escape eternal damnation that befell direct suicides Kathy Stuart shows how this crime emerged as an unintended consequence of aggressive social disciplining campaigns by confessional states Paradoxically suicide by proxy exposed the limits of early modern state power as governments struggled unsuccessfully to suppress the tactic Some perpetrators committed arson or blasphemy or confessed to long past crimes usually infanticide or bestiality Most frequently however they murdered young children believing that

their innocent victims would also enter paradise The crime had cross confessional appeal as illustrated in case studies of Lutheran Hamburg and Catholic Vienna The Death Penalty Roger Hood CBE QC (Hon) DCL FBA, Carolyn Hoyle, 2008-03-27 The 4th edition of this authoritative study of the death penalty now written jointly with Carolyn Hoyle brings up to date developments in the movement to abolish the death penalty worldwide It draws on Roger Hood's experience as consultant to the United Nations for the UN Secretary General's five yearly surveys of capital punishment and on the latest information from non governmental organizations and the academic literature Not only have many more countries abolished capital punishment but even amongst those that retain it the majority have been carrying out fewer executions Legal challenges to the mandatory capital punishment have been successful as has the pressure to abolish the death penalty for those who commit a capital crime when under the age of 18 This edition has more to say about the prospects that China will restrict and control the number of executions on the road to abolition Yet despite such advances this book reveals many human rights abuses where the death penalty still exists In some countries a wide range of crimes are still subject to capital punishment and the authorities too often fail to meet the safeguards embodied in international human rights treaties to safeguard those facing the death penalty There is evidence of police abuse unfair trials lack of access to competent defence counsel excessive periods of time spent on in horrible conditions on death row and public painful forms of execution The authors engage with the latest debates on the realities of capital punishment especially its justification as a uniquely effective deterrent whether it can ever be administered equitably without discrimination or error and what influence relatives of victims should have in sentencing and on the public debate For the first time it also discusses the problem of devising an alternative to capital punishment especially life imprisonment without the possibility of parole

The Barbaric Punishment Hans Göran Franck, 2021-09-13 In this volume Swedish human rights activist and political figure Hans Göran Franck examines the administration of the death penalty from a historical perspective The author's opinions are based on his lifelong work and devotion to abolishing the barbaric punishment Building upon previously unpublished material and considerable detail drawn from Franck's personal experiences it focuses on both the progressive developments within European countries and institutions over several decades and the frustratingly retrograde situation that prevails in the United States The author dedicated this book to those facing a sentence of death During the course of his work the author traveled to numerous countries and met many condemned men and women Publication of this important volume which comes a few years after Hans Göran Franck's untimely passing coincides with a major development to which he contributed the adoption of Protocol No 13 to the European Convention on Human Rights which abolishes capital punishment in both wartime and peacetime William A Schabas a law professor who specializes in the subject of capital punishment has ensured that the manuscript is up to date and contributed the introductory chapter **Infanticide and Abortion in Early Modern Germany** Margaret Brannan Lewis, 2016-03-17 This book is the first work to look at the full range of three centuries

of the early modern period in regards to infanticide and abortion a period in which both practices were regarded equally as criminal acts Faced with dire consequences if they were found pregnant or if they bore illegitimate children many unmarried women were left with little choice Some of these unfortunate women turned to infanticide and abortion as the way out of their difficult situation This book explores the legal social cultural and religious causes of infanticide and abortion in the early modern period as well as the societal reactions to them It examines how perceptions of these actions taken by desperate women changed over three hundred years and as early modern society became obsessed with a supposed plague of murderous mothers resulting in heated debates elaborate public executions and a media frenzy Finally this book explores how the prosecution of infanticide and abortion eventually helped lead to major social and legal reformations during the age of the Enlightenment

Against the Death Penalty Jon Yorke, 2016-12-05 This edited volume brings together leading scholars on the death penalty within international regional and municipal law It considers the intrinsic elements of both the promotion and demise of the punishment around the world and provides analysis which contributes to the evolving abolitionist discourse The contributors consider the current developments within the United Nations the Council of Europe the African Commission and the Commonwealth Caribbean and engage with the emergence of regional norms promoting collective restriction and renunciation of the punishment They investigate perspectives and questions for retentionist countries focusing on the United States China Korea and Taiwan and reveal the iniquities of contemporary capital judicial systems Emphasis is placed on the issues of transparency of municipal jurisdictions the jurisprudence on the death row phenomenon and the changing nature of public opinion The volume surveys and critiques the arguments used to scrutinize the death penalty to then offer a detailed analysis of possible replacement sanctions

Genocide in International Law William Schabas, 2000-08-31 The 1948 Genocide Convention has suddenly become a vital legal tool in the international campaign against impunity The succinct provisions of the Convention are now being interpreted in important judgements by the International Court of Justice the ad hoc Tribunals for the former Yugoslavia and Rwanda and a growing number of domestic courts In this definitive work William A Schabas focuses on the judicial interpretation of the Convention debates in the International Law Commission political statements in bodies like the General Assembly of the United Nations and the growing body of case law Detailed attention is given to the concept of protected groups to the quantitative dimension of genocide to problems of criminal prosecution including defenses and complicity and to issues of international judicial cooperations such as extradition He also explores the duty to prevent genocide and the consequences this may have on the emerging law of humanitarian intervention

The Politics of the Death Penalty in Countries in Transition Madoka Futamura, Nadia Bernaz, 2013-08-15 The increase in the number of countries that have abolished the death penalty since the end of the Second World War shows a steady trend towards worldwide abolition of capital punishment This book focuses on the political and legal issues raised by the death penalty in countries in transition understood as countries that have

transitioned or are transitioning from conflict to peace or from authoritarianism to democracy In such countries the politics that surround retaining or abolishing the death penalty are embedded in complex state building processes In this context Madoka Futamura and Nadia Bernaz bring together the work of leading researchers of international law human rights transitional justice and international politics in order to explore the social political and legal factors that shape decisions on the death penalty whether this leads to its abolition reinstatement or perpetuation Covering a diverse range of transitional processes in Asia Africa Latin America Europe and the Middle East *The Politics of the Death Penalty in Countries in Transition* offers a broad evaluation of countries whose death penalty policies have rarely been studied The book would be useful to human rights researchers and international lawyers in demonstrating how transition and transformation provide the catalyst for several of interrelated developments of which one is the reduction and elimination of capital punishment *The Abolition of the Death Penalty in International Law* William Schabas, 2002-09-05 This is the 2002 third edition of William A Schabas s highly praised study of the abolition of the death penalty in international law Extensively revised to take account of developments in the field since publication of the second edition in 1997 the book details the progress of the international community away from the use of capital punishment discussing in detail the abolition of the death penalty within the United Nations human rights system international humanitarian law European human rights law and Inter American human rights law New chapters in the third edition address capital punishment in African human rights law and in international criminal law An extensive list of appendices contains many of the essential documents for the study of capital punishment in international law *The Abolition of the Death Penalty in International Law* is introduced with a Foreword by Judge Gilbert Guillaume President of the International Court of Justice

Power and Urban Space in Pre-Modern Holland Clé Lesger, 2024-02-22 Cities and urban societies have many faces In this study the pre modern cities of Holland are presented as arenas where power relations between social classes are expressed in a more or less permanent appropriation of physical space and through discursive strategies The continuity of the power relations in the cities of Holland spanning centuries makes it urgent to look not only at the assumption of urban space as an expression of power relations within society but also at the contribution of this appropriation to the acceptance and continuity of the existing power relations in pre modern Holland Within this broad area extensive attention is paid to the very prominent and enduring appropriation of urban space in the field of housing the less permanent but violent appropriation of urban space during the public execution of scaffold punishments the maintenance of public order by civic militias and appropriation during riots and revolts In addition city descriptions maps and pictures of the pre modern cities of Holland are scrutinised for what they can reveal about the appropriation of urban spaces These themes each have an extensive historiography but they have never been brought together in an interpretative framework that fits in with Pierre Bourdieu s model of society and the work of especially John Allen on power until now

Genocide in International Law William A. Schabas, 2009-02-19 The 1948 Genocide Convention

has become a vital legal tool in the international campaign against impunity Its provisions including its enigmatic definition of the crime and its pledge both to punish and prevent the crime of crimes have now been interpreted in important judgments by the International Court of Justice the ad hoc Tribunals for the former Yugoslavia and Rwanda and various domestic courts The second edition of this definitive work focuses on the judicial interpretation of the Convention relying on debates in the International Law Commission political statements in bodies like the General Assembly of the United Nations and the growing body of case law Attention is given to the concept of protected groups to problems of criminal prosecution and to issues of international judicial cooperation such as extradition The duty to prevent genocide and its relationship with the emerging doctrine of the responsibility to protect are also explored

Execution Culture in Nineteenth Century

Britain Patrick Low, Helen Rutherford, Clare Sandford-Couch, 2020-11-29 This edited collection offers multi disciplinary reflections and analysis on a variety of themes centred on nineteenth century executions in the UK many specifically related to the fundamental change in capital punishment culture as the execution moved from the public arena to behind the prison wall By examining a period of dramatic change in punishment practice this collection of essays provides a fresh historical perspective on nineteenth century execution culture with a focus on Scotland Wales and the regions of England From Public Spectacle to Hidden Ritual has two parts Part 1 addresses the criminal body and the witnessing of executions in the nineteenth century including studies of the execution crowd and executioners memoirs as well as reflections on the experience of narratives around capital punishment in museums in the present day Part 2 explores the treatment of the execution experience in the print media from the nineteenth and into the twentieth century The collection draws together contributions from the fields of Heritage and Museum Studies History Law Legal History and Literary Studies to shed new light on execution culture in nineteenth century Britain This volume will be of interest to students and academics in the fields of criminology heritage and museum studies history law legal history medical humanities and socio legal studies

War

Crimes and Human Rights William Schabas, 2008 This is a collection of essays and articles on human rights law and international criminal law authored by William Schabas one of the most prominent contemporary scholars and practitioners Particular attention is given to such topics as the limitation and abolition of the death penalty genocide and crimes against humanity the establishment and operation of the International Criminal Court and the ad hoc international criminal tribunals truth and reconciliation commissions reservations to human rights treaties and the implementation of international human rights norms in domestic law

The Death Penalty Roger Hood, Carolyn Hoyle, 2008

This new edition of a classic study assesses the global status of capital punishment As in previous editions this work draws on Roger Hood's experiences as consultant to the United Nations for the Secretary General's five yearly surveys of capital punishment as well as the latest literature from non governmental organizations and academic experts This edition examines significant developments around the world including the Chinese plan for the People's Supreme Court to review all death sentences and the abolition in the

USA of the death penalty for offenders who committed murder while under the age of 18 Recent legal challenges to lethal injection as a form of execution are also examined This edition also includes an additional chapter on the role and influence of victims families and victim interest movements This volume shows how despite a number of set backs the movement to abolish the death penalty has continued to gather pace that international organizations and human rights treaties continue to put pressure on retentionist countries that further developments have been made in securing protection for those facing the death penalty in retentionist counties and that despite such advances in some parts of the world the range of crimes subject to the death penalty remains wide and the number of executions considerable This work engages with the latest debates on the realities of capital punishment with claims that the death penalty is a unique deterrent to murder and other serious crimes and contains expanded coverage of arguments about the role of public opinion in the debate on capital punishment

A Global History of Execution and the Criminal Corpse Richard Ward, 2015-09-27 Through studies of beheaded Irish traitors smugglers hung in chains on the English coast suicides subjected to the surgeon s knife in Dresden and the burial of executed Nazi war criminals this volume provides a fresh perspective on the history of capital punishment The chapters Introduction A Global History of Execution and the Criminal Corpse and The Gibbet in the Landscape Locating the Criminal Corpse in Mid Eighteenth Century England are open access under a CC BY 4 0 license Execution and Invention Beth A. Berkowitz, 2006-03-23 The death penalty in classical Judaism has been a highly politicized subject in modern scholarship Enlightenment attacks on the Talmud s legitimacy led scholars to use the Talmud s criminal law as evidence for its elevated morals But even more pressing was the need to prove Jews innocence of the charge of killing Christ The reconstruction of a just Jewish death penalty was a defense against the accusation that a corrupt Jewish court was responsible for the death of Christ In Execution and Invention Beth A Berkowitz tells the story of modern scholarship on the ancient rabbinic death penalty and offers a fresh perspective using the approaches of ritual studies cultural criticism and talmudic source criticism Against the scholarly consensus Berkowitz argues that the early Rabbis used the rabbinic laws of the death penalty to establish their power in the wake of the destruction of the Temple Following recent currents in historiography Berkowitz sees the Rabbis as an embattled almost invisible sect within second century Judaism The function of their death penalty laws Berkowitz contends was to create a complex ritual of execution under rabbinic control thus bolstering rabbinic claims to authority in the context of Roman political and cultural domination Understanding rabbinic literature to be in dialogue with the Bible with the variety of ancient Jews and with Roman imperialism Berkowitz shows how the Rabbis tried to create an appealing alternative to the Roman paganized culture of Palestine s Jews In their death penalty the Rabbis substituted Rome s power with their own Early Christians on the other hand used death penalty discourse to critique judicial power But Berkowitz argues that the Christian critique of execution produced new claims to authority as much as the rabbinic embrace By comparing rabbinic conversations about the death penalty with Christian ones Berkowitz reveals death penalty discourse

as a significant means of creating authority in second century western religious cultures Advancing the death penalty discourse as a discourse of power Berkowitz sheds light on the central relationship between religious and political authority and the severest form of punishment

Ideas and Cultural Margins in Early Modern Germany Marjorie Elizabeth Plummer, 2016-12-14 While the assumption of a sharp distinction between learned culture and lay society has been broadly challenged over the past three decades the question of how ideas moved and were received and transformed by diverse individuals and groups stands as a continuing challenge to social and intellectual historians especially with the emergence and integration of the methodologies of cultural history This collection of essays influenced by the scholarship of H C Erik Midelfort explores the new methodologies of cultural transmission in the context of early modern Germany Bringing together articles by European and North American scholars this volume presents studies ranging from analyses of individual worldviews and actions influenced by classical and contemporary intellectual history to examinations of how ideas of the Reformation and Scientific Revolution found their way into the everyday lives of Germans of all classes Other essays examine the ways in which individual thinkers appropriated classical medieval and contemporary ideas of service in new contexts discuss the means by which groups delineated social intellectual and religious boundaries explore efforts to control the circulation of information and investigate the ways in which shifting or conflicting ideas and perceptions were played out in the daily lives of persons families and communities By examining the ways in which people expected ideas to influence others and the unexpected ways the ideas really spread the volume as a whole adds significant features to our conceptual map of life in early modern Europe

Peculiar Institution David Garland, 2011-02-01 The U S death penalty is a peculiar institution and a uniquely American one Despite its comprehensive abolition elsewhere in the Western world capital punishment continues in dozens of American states a fact that is frequently discussed but rarely understood The same puzzlement surrounds the peculiar form that American capital punishment now takes with its uneven application its seemingly endless delays and the uncertainty of its ever being carried out in individual cases none of which seem conducive to effective crime control or criminal justice In a brilliantly provocative study David Garland explains this tenacity and shows how death penalty practice has come to bear the distinctive hallmarks of America s political institutions and cultural conflicts America s radical federalism and local democracy as well as its legacy of violence and racism account for our divergence from the rest of the West Whereas the elites of other nations were able to impose nationwide abolition from above despite public objections American elites are unable and unwilling to end a punishment that has the support of local majorities and a storied place in popular culture In the course of hundreds of decisions federal courts sought to rationalize and civilize an institution that too often resembled a lynching producing layers of legal process but also delays and reversals Yet the Supreme Court insists that the issue is to be decided by local political actors and public opinion So the death penalty continues to respond to popular will enhancing the power of criminal justice professionals providing drama for the media and bringing pleasure to a public

audience who consumes its chilling tales Garland brings a new clarity to our understanding of this peculiar institution and a new challenge to supporters and opponents alike *The Lure of the Arena* Garrett G. Fagan, 2011-02-17 Were the Romans who watched brutal gladiatorial games all that different from us This book argues they were not

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