

## RITUALS OF EXECUTION IN EARLY MODERN GERMANY

*Richard van Dülmen*

Basing his study on the court records of major German cities, Richard van Dülmen, professor of modern history at the University of the Saarland, Germany, describes a society that, lacking a police force and a prison system, imposed social control by means of rituals of torture and grisly public executions. A veritable "theatre of horror" (the title of the book from which this selection is drawn) maintained social order. Governments ordered corporal punishments — such as mutilation, branding, flogging — and the pillory that meant public disgrace. The criminals' public confession, which courts demanded, legitimized the sentence and execution and offered a moral lesson to the audience. There were also ecclesiastical punishments, which emphasized public shame, but secular court systems eventually incorporated these as early modern states sought to limit the ability of churches to act with any independence. Medieval legal systems had stressed the public nature of trials. Early modern courts, however, removed the public from the process of determining guilt and instead insisted on the public spectacle of execution and on the ritual of social purification. Courts even ordered the execution of the corpses of criminals, thus underscoring the necessity of the execution ritual and the accompanying cleansing of society.

The poor suffered more than the elite from the system of punishments; the latter's social status elicited more humane methods of execution. German courts, reflecting the anti-Semitism that pervaded early modern society, likewise treated Jews more brutally than Christians. Men and women often experienced different forms of execution (the latter being burned, drowned, or buried alive). Why does van Dülmen refer to these practices as rituals of purification? Why did courts demand such severe retribution?

The number of executions and the harshness of punishment peaked in the sixteenth century, in part owing to the Protestant and Catholic religions' new concern for the purification of morals. Why do you think horrific methods of execution, although they continued to exist, began to lose favor in the seventeenth and eighteenth centuries?

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Richard van Dülmen, *Theatre of Horror: Crime and Punishment in Early Modern Germany*, trans. Elisabeth Neu (Cambridge: Polity Press, 1990), 88–97, 99, 101–106.

Do you think that brutal and public executions were justified because they brought the community together by reinforcing contemporary morality and social standards? To what extent do you believe such executions acted as an effective deterrent to criminals?

Early modern Europeans were accustomed to violence and brutality. Do you think the callous disregard for pain inflicted on others has been a constant in Western civilization, or do you find that attitude peculiar to certain centuries or regions or social groups? How much of the brutality in sixteenth- and seventeenth-century German executions was a result of German law and culture, or was that ferocity simply a natural part of the human condition?

The traditional rituals of execution were burning, drowning and burying alive. Documented abundantly for the sixteenth century, and in part also practised in the early seventeenth century, they subsequently lost their significance. In so far as their objective was the radical extermination and annihilation of a malefactor of whom no trace — either memory or grave — must remain, these forms of execution can be viewed as society's rituals of purification. Society cleansed itself of crimes, especially of those that violated the religious and moral order in a way that brought fear of harm to the community if they were not punished accordingly. These punishments were mainly inflicted upon women. Death was not brought about by the executioner's hand, but without bloodshed by forces of nature, through fire, water or earth, to which specially destructive or purifying powers were attributed. To a certain extent hanging can be included, as the delinquent was abandoned to the power of air — that is, to the weather and the birds. With the authorities' increasing control over penal practice and executions designed for theatricality, intimidation and moral edification, "purificatory" rituals became more and more dysfunctional in the eyes of the authorities and were substituted for the main part by the "deterrent" punishment of the sword.

Being buried alive was deemed a particularly horrific and severe punishment for a variety of sexual offences such as adultery, murder of one's spouse and infanticide, but it also punished cases of grand larceny. It was used mainly as a punishment for women, as a counterpart to breaking on the wheel for men. The delinquent was generally undressed and laid on her back in a pit beneath the gallows, bound, covered with thorns and buried from the feet upwards. This was often combined with impalement — that is, a pale was driven from above through the heart, navel or chest. This might be carried out before or after burial. The symbolism is not completely clear; obviously a return was to be rendered impossible and at the same time impalement prevented slow suffocation. One of the last and most famous cases of a delinquent being buried alive is documented for Frankfurt in 1585. A woman had killed her husband in bed, stabbing him sixty-four times. Burying her alive and driving "a long, pointed spike through her body" was considered the most appropriate punishment for her crime. Burying alive was

practised frequently in the fifteenth and early sixteenth centuries, but is considerably less often documented than burning or drowning. It was deemed a particularly horrific punishment which occasionally resulted in pitiful scenes and it was therefore — often through the executioner's initiative — abandoned early on. In 1497 a woman in Nuremberg was buried alive beneath the gallows for grand larceny. "But the poor creature showed herself to be so resilient during the burying that her skin on hands and feet gashed open so that she aroused great pity in the people." She had obviously defended herself vigorously. After this, the council decided no longer to bury women alive, but rather to drown them, "and so it happened afterwards that those who had stolen in this way, had their ears cut off or were drowned." Despite this note in the records, burying alive continued to be carried out in Nuremberg. A last case is documented as late as 1522: a woman who had poisoned her husband and granddaughter was "chained to a cart at the hands and neck, led outside and pinched with red-hot tongs, then a spike was driven through her heart and afterwards she was buried alive under the gallows."

The far more widespread punishment of drowning was likewise mainly inflicted upon women. But occasionally men also were put to death in this way. Predominantly offenders who violated moral norms or the order of the church were drowned; child murderers, adulterers and heretics. Many Anabaptists<sup>1</sup> had to suffer this death. But if there was no river in the vicinity, drowning was replaced by other punishments. Besides the idea of annihilation, the purificatory power of water symbolizing the washing away of guilt played a significant role. There was a preference for running water. The courts made use of drowning throughout the sixteenth century. Although gradually abandoned in the seventeenth century, it was once more increasingly employed in Prussia and Saxony, mainly in the struggle against infanticide. Drowning was also considered a horrific punishment which — because of the relatively uncertain outcome — still retained many elements of a trial by ordeal.<sup>2</sup> The execution was generally carried out on a bridge. The malefactor was partially undressed, forced to squat so that a stick could be put through the hollows of her knees and then her hands and feet were tied together behind the stick. She was thrown into the water and an assistant of the executioner pushed her underneath the surface with long poles. There were other variations: for instance the so-called "sacking," originating in Roman law. The condemned person was put into a sack together with three or four animals. Justice required that these should be a dog, a cockerel,<sup>3</sup> a snake and a monkey. But since monkeys were hard to come by here and snakes were also rarely at hand, instead of the monkey a cat, and for the snake a painted image of a snake, were put into the sack. The meaning of these additions is not altogether clear. Perhaps they signified a refinement of the punishment or served to indicate especial shame. . . .

<sup>1</sup> Radical Protestants who denied the doctrine of the Trinity, believed that only adults should be baptized, and refused to cooperate with the government.

<sup>2</sup> Used in the Middle Ages, a method of determining guilt by making the suspect undergo a test such as carrying a red-hot iron bar.

<sup>3</sup> Young rooster.

Another variation strongly reminiscent of trial by ordeal was found mainly in Switzerland. The executioner drew the malefactor into the water by means of a rope and pulled her out on the other shore. If she survived, she was free. Sources speak of "drifting downstream." Another variation consisted of the malefactor being bound and thrown into the water without a rope and left to drift. If the fetters loosened in the water and she could swim to the shore, she was also pardoned. We read in a document of 1521 from Elbing: "So she was carried along to the red fisherman's hut and thrown onto the shore still alive. The hangman's assistant wanted to push her into the river again, but the spectators, who had followed, rescued the woman from his hands and freed her from her bonds as they had seen the clear proof of her innocence." It was a tacit rule that a punishment that had been properly carried out, but failed to kill the delinquent, should not be repeated. The people wished to see this right retained, whereas the judicial authorities were increasingly successful in insisting on a repetition of the punishment.

The third, and in a sense most complete, form of punishment by annihilation and purification was burning. Predominantly those convicted of witchcraft, heresy, brewing poison, sodomy and forgery were burned. The punishment was inflicted upon men and women alike. Burning was most frequent during the sixteenth century, the time of the Counter-Reformation and the rigid enforcement of church morals. Afterwards, in so far as burnings continued to take place, the malefactor was strangled beforehand or a little sachet of gunpowder was put around his or her neck so that death would occur before fire consumed the body. Burning, especially if the fire was set badly, could last for a very long time and be extremely painful. It was always an intricate ritual of punishment. Usually, a post was rammed into the ground and bundles of brushwood, straw and wood piled round it. The condemned person was fastened to the post with an iron chain round neck or trunk. He or she could either be placed on the pyre or be set on a stool. The fire burned as long as it took to reduce everything to ashes. If the bones did not burn, they were eventually ground to powder. Then either all remains were buried underneath the gallows or thrown into a river. The killing was to result in total extermination and annihilation "so that the memory of this shameful deed may for ever be eradicated," as it is phrased in the sentence, or "so that the wrath of God and His punishment may be averted from the town and the land."

In 1659 in Nuremberg a young shepherd, "a cruel and abhorrent sodomite had to sit on the pyre made for this purpose and be burnt alive by fire and sent from life to death and executed, for him a well-deserved punishment, and since this horrible vice is strongly increasing and becoming more widespread, as a warning, abhorrence and example for others to beware all the more of such shameful misdeeds and reprovable crimes." A witness tells us that the shepherd died an extremely "pitiful and cruel" death because "not only the bonds and ropes burnt down along his hands and feet, but also when the fire cracked open his hands, feet and body, he was still alive." In cases of sodomy the animal was also burnt. Although burning was considered a death penalty with a secure, predictable outcome, as with burying alive or drowning, unexpected events could occur which would result in a "frightful and pitiful death" for the delinquent. It

is understandable that the executioner, who had to prepare the fire, wished to see this punishment replaced by others, as he could be held responsible for a failed burning. Hence prior strangulation or the little sachet of gunpowder round the delinquent's neck was not only based on humane considerations, but also on the wish for a smooth execution.

Breaking on the wheel, quartering and dismemberment were also among the traditional execution rituals. These bloody butchering fulfilled no purifying function, but translated *par excellence* the idea of retaliation into action and therefore corresponded to the older punishments of mutilation. They were predominantly inflicted upon men, but there were cases when they were also suffered by women. Severe crimes, such as multiple murder or treason, were punished by the wheel or by quartering. Although often threatened, quartering was rarely carried out in Germany and hardly ever inflicted from the sixteenth century onwards. But if it took place, the effect on the public was all the greater. Breaking on the wheel, however, remained a fairly widespread punishment for murder until well into the nineteenth century. However, the delinquent was often beheaded or strangled before being tied to the wheel.

Only a few instances of quartering are documented, but their descriptions are all the more vivid. Quartering was considered the cruellest punishment, and imposed mainly on traitors and regicides. . . . In the cases we know of, . . . the executioner and his assistants put the delinquent naked onto a wooden bed — often on a large scaffold in the middle of the town — and tied up all his limbs. The executioner then cut the chest from below with a large knife designed especially for this purpose, removed all the entrails together with the heart, lungs and liver and “all the contents of the body,” hurled them unto the mouth<sup>4</sup> of the culprit and subsequently buried the organs. The man was then put on a table, bench or block, his head struck off with a special axe and the body hacked into four pieces which were later nailed to oak columns or gibbets standing along the main roads.

Of the cases known to us, the execution of the noble conspirator Grumbach<sup>4</sup> in 1567 is the most instructive. The event was nothing more than butchery, witnessed by “a horribly large number of people, of princes, counts, noblemen, men of war, citizens and peasants.” Six executioners erected a large scaffold in the market-place in Gotha, described in contemporary sources as a wooden bridge of blood or a shambles.<sup>5</sup> Many accounts circulated in public afterwards. The entire procedure of the execution of Grumbach and his five fellow conspirators lasted two hours. Two troops of soldiers surrounded the scaffold. The imperial provost with cavalry and trumpeteers led the condemned conspirators one by one from the town hall — Grumbach himself was brought from the castle. As Grumbach suffered from gout, eight gaoler's assistants had to carry him on a stool. The exe-

<sup>4</sup> Wilhelm von Grumbach (1503–1567), German knight who led a revolt in Saxony against the Holy Roman Emperor.

<sup>5</sup> Butcher shops.

cution was staged as a sovereign act. Each convict was read his sentence by the clerk of the criminal court, sitting high upon his horse. The confessions followed just as solemnly. Grumbach admitted his guilt and asked everyone he had harmed to forgive him. . . . He was then undressed, bound and his heart cut out and hurled by the executioner at Grumbach's mouth with the words “Behold, Grumbach, your false heart!” The executioner then hacked his body into four pieces. Grumbach's chancellor Brück suffered the same fate. He had come to his execution in a black cloak of mourning, with a black ribbon on his black hat. His sentence was also read aloud. He too apologized and asked everyone for forgiveness. As his heart was cut out and slapped many times across his mouth, he is reported to have screamed “horribly and for a very long time.” The other four conspirators suffered “more lenient” punishments which illustrate the complete range of possible executions. The first was decapitated and then quartered; the second had also been sentenced to death, but subsequently had his sentence commuted to incarceration, the third was decapitated in “magnificent” clothes and the last was hanged. After the execution, those who had been quartered were thrown onto a cart and their limbs [were] nailed to twelve pillars on the four roads leading to the gates of the city. . . .

Breaking on the wheel was considered a horrific, severe and disgraceful punishment. It was practised almost exclusively on men and predominantly served to punish robbery with murder or the murder of one's spouse. But from the seventeenth century delinquents were often beheaded or strangled beforehand. This act of mercy did not minimize the effect of deterrence. The public rarely knew anything of the strangling. No other punishment was as effective as a deterrent as breaking on the wheel. . . . Usually the condemned person was tied naked on the ground on spikes and a heavy wheel was thrust onto his limbs or he was put on a wheel-shaped base and his limbs were crushed either from the feet up or the head down. If a malefactor had not been strangled beforehand, a *coup de grâce*<sup>6</sup> might be administered if he so wished. The wheel had to be unused. A display of the wheel on which the dying malefactor was bound formed part of the ritual. Like that of those hanging on the gibbet, the corpse was now left to the birds. In St. Gallen a murderer and robber murderer was sentenced to death by the wheel in 1596. He was dragged head down on a hurdle<sup>7</sup> to the place of execution. There he was tied to a wooden bed and each of his four limbs was broken twice with the wheel, i.e. above and below the knees and elbows. A *coup de grâce* by the knife, which he begged of the executioner, ended his torments. Finally the corpse was bound to the wheel in an upright position “so that the birds may fly below and above the wheel.” The number of thrusts was precisely laid down in the sentence and often corresponded to the number of offences committed.

Like every ritual of execution, breaking on the wheel might be intensified by additional punishments. It might be preceded by dragging the delinquent to the

<sup>6</sup> A deathblow administered as an act of mercy.

<sup>7</sup> Rectangular wooden frame on which traitors

place of execution, by pinching him with red-hot tongs, or followed by beheading and burning. Here the head was stuck on a pole above the wheel or the entire body was burnt. The boundary between quartering and breaking on the wheel was reached when the delinquent's limbs were not only broken, but subsequently torn from the body and displayed individually; this might be combined with removing the entrails, but this variation is rarely documented. These cases present not so much a refinement of punishments as already forms of cumulative punishments. If, for instance, a malefactor was accused and convicted of murder as well as of grand larceny and incest, an attempt was made to express this in the ritual of punishment in the way that breaking on the wheel was combined with hanging or burning. Either a gibbet was constructed above the wheel or the crushed body was burnt afterwards. Criminal courts in Switzerland were especially inventive in this respect. A criminal convicted of church robbery, murder, arson and rape — he had buried women alive after raping them — was punished in St. Gallen in 1600 as follows: he was dragged to the town hall on a hurdle and there pinched with red-hot tongs once on his chest and six times on each arm. The same procedure was repeated on his thighs in the market-place. At the place of execution he was put on a wooden plank, his arms and legs were crushed above and below the joints and he was tied to the wheel so that his head was in the gallows' noose without strangling him. Finally the wheel was displayed and everything burnt to ashes. At times special emphasis was put on burning the delinquent very slowly. . . . Such spectacles of execution were consciously staged by the authorities and attracted many spectators from far and near. Broadsheets ensured that news of the event was well publicized. Only a few representatives of the enlightened intelligentsia condemned these spectacles, but not because of the severity of the punishment. Their concern was rather the brutalization of the people through these spectacles and at the same time they disputed the value of such executions to the state. . . .

Hanging and beheading were the most frequent capital punishments. They had always existed, but gained dominance in the seventeenth century when the authorities became the sole organizer of executions. The most common offences, larceny and murder, were punished by the sword or by the rope.

The capital punishment most frequently carried out, at least in early times, was by hanging from the gallows. It was usually a punishment for grand larceny and fraud and was mainly designated for men. Because of its disgraceful character, hanging was replaced from the seventeenth century by beheading. Hanging was the most disgraceful punishment: it not only took the life and honour of the delinquent, but also put his entire family in disgrace. So relatives often sought commutation of the punishment to execution by the sword. In later times especially, residents and members of the upper strata of society were granted this relief. Hanging was deemed an indelible disgrace; moreover — and this was no less devastating at the time — exposure of the corpse to the birds meant that the delinquent was refused burial and his soul would not be granted peace. In this respect there was a correspondence between hanging and breaking on the wheel,

where the body was left to decompose on the wheel. . . . Hanging was carried out in a variety of ways, but two methods prevailed. Either a delinquent, bound, had to mount the ladder backwards, the hangman put a noose round his neck and then pushed him off the ladder. Or the condemned person was pulled up by means of a strap by the hangman's assistants, the noose put round his neck before he was pushed down. . . .

According to the gravity of the offence, variations might be introduced into the process of hanging. It was, for instance, stipulated precisely how long an offender had to remain on the gallows. If the time was too long, there was a danger that the body might fall down or be stolen — or that at least several of the limbs would be removed. Although this was often done by those who placed great hopes in the healing powers of parts of the body, it was mainly family members who stole the entire corpse to wipe out the shame and grant their relative peace for the soul through burial. Moreover, the position on the gallows or the height of the gallows might be stipulated. Being hanged from the middle of the cross beam of the gallows was deemed especially disgraceful, as was being hanged very high. "The higher anyone was hanged, the more humiliating was the punishment."

The execution of the Jew Süss Oppenheimer<sup>8</sup> in Stuttgart in 1738 was a spectacle of a particular kind. Convicted of treason, fraud, incest and other crimes, Süss was hanged not only from unusually high gallows but also in a large cage which projected over the gallows. During the trial he had stated: "You cannot hang me higher than the gallows." The court had spared no cost in answering this challenge and succeeded in hanging Süss higher than the gallows before a large crowd of spectators. . . . A large number of soldiers marched in and many boxes had been especially erected for cavaliers and their ladies. Booths offered wine and beer. Street traders sold broadsheets with a picture of Jew Süss and derisory verses. It was an exciting, festive scene when Süss, who had stubbornly resisted both the court and the repeated attempts of Protestant ministers to convert him, put up a last desperate resistance to the hangmen when they tried to slip the noose round his neck. The convict had been driven through the city to the place of execution on a high knacker's<sup>9</sup> cart. He was clad in a scarlet mantle and had been allowed to keep a precious, conspicuous ring. As he was pulled up, the vicar of the city shouted at the dying man: "The devil take you, stubborn knave and Jew"; while Jews who had accompanied Süss prayed aloud "jahve Adonai"<sup>10</sup> is one God and eternal."

Occasionally a malefactor sentenced to hanging had to wear a placard round his or her neck on which either the stolen object was depicted or the offence proclaimed. The punishment was refined by the hand being struck off and stuck onto

<sup>8</sup> Joseph Süss Oppenheimer (1698–1738), financial advisor to the Duke of Württemberg: the Nazis made an influential anti-Semitic film, *Jud Süss* (1940), about his life.

<sup>9</sup> Dealer in horse carcasses.

<sup>10</sup> Lord Yahweh, the Jewish god.

a pole. Hanging might also qualify as an accumulation of punishments, as in the examples above. Subsequent burning is frequently documented.

The execution of Jews was a special ritual. They were hanged by the feet, flanked by two dogs. Often death did not occur for a number of days. These executions were mostly carried out in an open field on three- or four-legged gallows.

Although hanging may appear simple at first sight, it demanded great concentration on the executioner's part. If the rope was too short, painful strangulation ensued, which could lead to arguments between executioner and spectators. These might likewise occur if the rope was too long and therefore broke when the delinquent was pushed down, which meant that the execution had to be repeated. If an execution failed, an accusation of cruelty was voiced by the spectators and by the convicted person's family, who could then insist on mercy.

From the seventeenth century the predominant form of execution was beheading by the sword, the least severe and most acceptable form of capital punishment. As a rule, members of the nobility and persons of rank were beheaded. As before a hanging, the delinquent was blindfolded, his or her hands were tied behind and the neck bared so that the blow could be aimed with precision. The delinquent awaited beheading either standing, kneeling or sitting on a stool. Most delinquents wanted to be beheaded as it was the least painful way of dying. Yet to sever the head in one single blow was not an easy task. The audience was satisfied when blood gushed forth and the head fell after the first blow. But the delinquent might suddenly move his or her head, and therefore the executioner tried to gain the condemned person's assent beforehand. If the executioner's attempt was unsuccessful, his life was at risk, while a "masterly" stroke was met with appreciation by authorities and people. . . .

Criminals convicted of manslaughter, robbery, incest, infanticide (from the seventeenth century) and severe fraud were beheaded. Whether a delinquent was buried beneath the gallows after decapitation, handed over to the anatomists . . . or granted burial in a church yard often depended upon the verdict, or rather the mitigation of the verdict. It was deemed a special mercy if a delinquent could be buried by his or her friends and family immediately after the beheading. After a Franconian nobleman was executed for murder in Frankfurt in 1618 "on a particular scaffold on a black cloth by the sword, from life to death," he was placed in a coffin by soldiers "and carried in the customary funeral procession headed by a cross into the church of St. Nicolas: there he lay until the following Sunday when he was fetched by his family who took him away." It was likewise deemed a great mercy if the delinquent was spared the executioner's touch. But not only were there various means of commuting punishments; equally numerous were combinations of punishments, whether enforced as refinements or as part of other forms of execution. The head that had been struck off might be stuck onto a pole or the gallows, the body might be put on the wheel or buried beneath the gallows. But this was generally the fate of delinquents who had been reprieved from death on the wheel. A normal case may illustrate this: a city messenger had insulted the council and citizens of Frankfurt in 1607. As a punishment, the two fingers of his

his head was struck off and together with the two fingers stuck on a pole "and the head had its face turned towards the street and then the dead body was buried beneath the gallows." Many kinds of combinations existed, yet they frequently bore traces of the intention of mirroring the crime in the punishment.

Alongside these forms of execution with their individual refinement or accumulation of punishments, there were execution practices that, although they were unique and comprehensible only in the context of the crime, bore characteristic traits of the penal practice of the early modern age. Two cases might be mentioned here. Both date from the sixteenth century, the century showing the most resourceful inventiveness in forms of punishment. Our examples pertain to executions immediately after the Peasants' War<sup>11</sup> and the collapse of the Anabaptists' revolt in Münster,<sup>12</sup> but remain atypical of the steps taken by the authorities against leaders of the peasants and Anabaptists, who on the whole were punished far more leniently than the average robber murderer or blasphemer.

Jäcklein Rohrbach, the leader of the Neckar revolt,<sup>13</sup> and the piper Melchior Nonnenmacher were arrested, Nonnenmacher because as a former piper to the nobility he had piped them to their death, Rohrbach for forcing noblemen to run the gauntlet.<sup>14</sup> Both were sentenced to death by burning. They were chained to a tree so that they were allowed some freedom of movement. Wood was piled round the tree. The convicted men could move within the ring of fire, but their chains were too short to allow them to curtail their agonies by jumping into the fire. Noblemen themselves set the fire, which slowly burned Rohrbach and Nonnenmacher to death. This execution was clearly an act of revenge on the part of the noblemen. Another special case, full of symbolism, is the execution of the Anabaptist leaders Jan van Leiden,<sup>15</sup> Bernd Knipperdolling<sup>16</sup> and Bernd Krechting<sup>17</sup> in 1536 in Münster. The Bishop of Münster ordered a large stage to be constructed in front of the town hall to which all three Baptists and rebels were chained by iron collars. The executioner pinched them with red-hot tongs "on all the fleshy and veined parts" of their bodies "so that from each part touched by the tongs, a flame blazed out and such a stench filled the air that nearly everyone standing in the market-place was unable to bear it in their noses." After this lengthy torture — which they survived — their tongues were torn out with red-hot tongs and a long dagger thrust deep into their heart "so that the seat of life was

<sup>11</sup> A massive rural uprising in 1525 that threatened the social order.

<sup>12</sup> A group of Anabaptists took over the city government of Münster in 1534 and attempted to establish a theocracy.

<sup>13</sup> Jäcklein Rohrbach, an innkeeper, led the peasants of the Neckar Valley in revolt in 1525.

<sup>14</sup> A military punishment whereby the victim was forced to run between two rows of men who beat him as he passed.

<sup>15</sup> A Dutch tailor (1509–1536) who became the leader of the Münster Anabaptist revolt.

<sup>16</sup> Wealthy cloth merchant and Jan van Leiden's prime minister (ca. 1490–1536).

<sup>17</sup> Prominent supporter of Jan van Leiden.

wounded and they would lose the very thing all the more quickly." Finally the bloody corpses were locked into cages especially constructed for the occasion and hung high from the spire of St. Lambert to be seen as a warning from far away. But it is not only these special cases, which do not correspond to any pattern, that should be mentioned. We must finally consider the phenomenon of execution by corpse. This does not mean executions in which a delinquent was beheaded or strangled before being put on the wheel, burnt or quartered and the entire procedure of torture exerted on the dead body, but rather those cases in which delinquents who were already dead were put on trial or the punishment to which the court had sentenced them before death was executed after their demise. . . . In 1690 an entire gang of church robbers was tried. When during his execution the Jew Jonas Meyer, "to the greatest annoyance of the bystanders and other Christians delivered very shameful and blasphemous speeches against our Saviour and Redeemer Jesus Christ," a second trial was instigated against him — or rather against his corpse. The sentence commended the tearing out and burning of his tongue and a second hanging, this time head down, next to a dog.

There are many more cases of criminals who before their apprehension or when already incarcerated committed suicide and the intended sentence was subsequently enforced on their bodies. Suicide in itself was deemed a crime and as a rule the offender was either burnt by the executioner, stuffed into a barrel and thrown into the river or buried beneath the gallows. But a prisoner who committed suicide might face a much more severe punishment. Some examples from Frankfurt may illustrate this. In 1685 a man who had often lived in disharmony with his wife had murdered her and then wounded himself so badly in his house that he died in the main watch house. The sentence prescribed that his corpse should be dragged publicly to the place of execution. There his head was struck off and stuck onto a pole while his body was put on the wheel. This was the punishment for murdering one's wife. A maid who, after killing her child, jumped into a well and drowned suffered the same fate in Frankfurt in 1690. The great procession leading to the execution of a footpad and citizen of Frankfurt in 1690 was arranged on purpose as a gruesome spectacle. While in prison, he had taken his life "intentionally." As punishment, he was dragged past his house to the place of execution. There his head was struck off with an axe, stuck onto a pole and his body put on the wheel for general abhorrence. Until the eighteenth century suicide was considered "one of the most severe and dangerous kinds of manslaughter since by committing it one shamefully depraves body and soul." If a sentence had been passed before the delinquent's suicide, "the very one must be executed, as far as possible, on the dead body, serving as a deterrent to others." We read this in the enlightened Prussian *Allgemeines Landrecht* of 1794.<sup>18</sup>

Although the original, cruel methods of execution such as quartering, burning, burying alive and breaking on the wheel were carried out, they do not entirely define the penal practice of the early modern age, not even that of the sixteenth

century. The same applies to commuted punishments carried out upon delinquents already beheaded or strangled. By the sixteenth century, and certainly in the eighteenth century, hanging and beheading became the prevailing forms of execution. Cruel methods did not disappear altogether, and existed in the eighteenth century, but more in theory. They were, however, frequently threatened. Yet everyone could easily witness a hanging or a beheading in their lifetime. Both forms served predominantly as a more or less disgraceful liquidation without torture, but might be intensified by torments or defilement before or after death. . . .

We should not deduce from this that the intention of fitting the punishment to the crime — which was obviously achieved best in the cruel variations — was completely abandoned with the decrease in horrific methods and the increase of hanging and beheading. It was only the character of the punishment fitting the crime that altered. Despite all restraint, there were plenty of opportunities to emphasize traces of traditional rituals of punishment through refinement or diverse combinations of punishments. Hanging might be combined with fixing placards, or even the burning of the delinquent's corpse. Beheading did not exclude the possibilities of the head being stuck onto a pole or the hand being cut off. Although traditional penal forms were increasingly obscured, important traces of the old system survived until the end of the eighteenth, and even into the early nineteenth, century.

A third, instructive fact survived in the criminal penal system. Punishments were inflicted not only upon the living, but also — and consciously — upon the dead body. We have to differentiate between two dimensions. When hanging a delinquent, it was decisive for how long he or she remained on the gallows, which was of no importance to the dead offender, but considered a part of the punishment in legal practice and by the public. Equally, torture continued whether or not the convicted person died with the first thrust of the wheel. The corpse was crushed further, then put on the wheel or gutted and beheaded. In these cases torture before or after execution was an integral part of the punishment. Obviously the aim was not only to kill the delinquent, but to exercise on him or her a punishment that corresponded to the offence, but bore no direct relation to the individual criminal. Moreover, it made no difference whether the punishment was inflicted upon the living or upon the dead body. Punishments were designed to create a horror of the crime as well as to provide examples of the penalties for a crime.

In whatever different ways the corpse might be included in the execution ritual, for a long time no clear distinction was made between living and dead. The idea that a person and his or her criminal activities could still be punished by inflicting torture upon the corpse lasted up to the nineteenth century.