

Table of Contents

Introduction	VII
Chapter One: The Code of Hammurabi and Sumerian Precursors	1
I. The most Important Sumerian Precursor: Code of Ur-Nammu	1
1. General Overview.	1
2. Crimes threatened with the Death Penalty	2
3. Contrast to the Code of Hammurabi.	4
4. A brief Summary	4
II. Code of Hammurabi	4
1. General Overview.	4
2. Crimes threatened with the Death Penalty	5
3. Capital Punishment, aggravated in a cruel manner	6
4. Further Cruelties: Corporal Punishment.	7
5. Reasons for the Cruelty of Hammurabi's Code	7
Chapter Two: Germanic Law and Roman Law	9
III. Germanic Law	9
1. General Characterization of the Germanic Law.	9
2. Predominance of Private Criminal Law: Criminal Law as a Private Matter	10
3. Beginning of Public Criminal Law.	11
IV. Roman Law	11
1. Roman Republic	12
a) Private Criminal Law and the Law of the Twelve Tables	12
b) coercitio.	14
c) tresviri capitales	14
d) leges iudiciorum publicorum	14
e) leges iudiciorum publicorum: no Enactment of the Principle "nulla poena sine lege"	15
f) Conclusion.	17
2. Roman Imperial Era	18
3. Outlook	19
Chapter Three: The Early Middle Ages	21
V. Beginning and End of this Era	21
VI. Extent and Importance of the Frankish Empire	22
VII. Legal Sources and Nature of the Frankish Law	23
1. Legal Sources.	23
2. The very Nature of the Frankish Law	24
VIII. About the Criminal Law of the Frankish Kingdom.	25
1. Frankish Criminal Law in its core being Private Criminal Law	25

Table of Contents

2.	Elements of Public Criminal Law within the Law of the Frankish Kingdom.	26
3.	Implications for the Nature of the Early Middle Ages	27
Chapter Four: The High Middle Ages		29
IX.	The Beginning and End of the High Middle Ages. Delimitation between this Era and the Late Middle Ages as well as the Early Modern Age	29
1.	The Beginning of the High Middle Ages	29
2.	The End of the High Middle Ages: An Overview of this Problem . .	29
3.	The Author's Position on the Delimitation of the High Middle Ages	31
X.	General Assessment of the High Middle Ages	32
1.	Continuing Predominance of Private Criminal Law	32
2.	The "Gottesfrieden" (Peace and Truce of God) and "Landfrieden" (Public Peace) as Instruments to restrict Feuds	32
XI.	First Steps towards Public Criminal Law including Death Penalty.	33
1.	Threat of Punishment for Cases of breaking the Ban of Violence laid down in applicable "Landfrieden"	33
2.	Heresy Trials: Role Model for Public Criminal Law with Burning and Torturing not until the Late Middle Ages.	33
3.	The Rise of Cities with autonomous Town Statutes: No Development of Criminal Law striking Life and Limb associated with Torture during the High Middle Ages	33
Chapter Five: A brief Outlook for the Late Middle Ages		35
XII.	Beginning and gradual Increase of the cruel "Inquisitionsprozess" ex officio characterized by Torture and Death Penalty during the Late Middle Ages.	35
1.	The Role of the Church.	35
2.	The Role of northern Italian cities and German ones	36
3.	Beginning of bloodthirsty Witch Trials.	36
4.	The Role of the German Territorial Princes	36
5.	The "Sachsenspiegel"	37
XIII.	Hexenbulle and Hexenhammer: Major Blots with strong Impact on the Waves of Witch Trials during the first two Centuries of the Early Modern Age	37
1.	The Papal Bull "Summis Desiderantes" (in German "Hexenbulle" i.e. bull on witches)	37
2.	Kramer's combat writing "Malleus Maleficarum" ("Hexenhammer" i.e. witch hammer)	37