

Karl Härter, Strafrechts- und Kriminalitätsgeschichte der Frühen Neuzeit, Berlin, Boston (De Gruyter Oldenbourg) 2018, X-204 S. (methodica – Einführungen in die rechtshistorische Forschung, 5), ISBN 978-3-11-037979-2, EUR 24,95.

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This slim volume by one of the leading scholars of early modern German criminal history is intended as an introduction to undergraduates, doctoral students, and other scholars. It consists of three parts, unequal in both length and quality: Part I (56 p.) provides a historiographical overview of the field, focusing mostly on the past thirty years; Part II (100 p.) discusses sources and methods; Part III (18 p.) describes some desiderata for future research. This text is followed by an extensive bibliography.

Part I is the least satisfactory section in my eyes. Härter has no interest in the nineteenth century or any pre-1950 works and is also largely dismissive of mid-twentieth-century studies, with their questionable sociological assumptions that result in »impressionistic perpetrator-centered« and »dogmatic« approaches to the history of crime, focused on such topics as public law, the state, and police. Certainly such scholars as Gustav Radbruch and Eberhard Schmidt were constrained by the preoccupations of their own time (as are we all), but a more sympathetic and nuanced appraisal might have not only preempted a triumphalist presentist bias but helped us to better understand just how the scholarly evolution occurred.

The same is true of scholarship since the 1980s, the main focus of this section, which tends to be described mainly in terms of topic (e. g., witches, robbers, sexual immorality), approaches (case studies, territorial studies, comparative studies), periodization, and legal concepts. Härter wisely frames his overview in terms of Gerd Schwerhoff's triangle of norms, deviant behavior, and sanctions, and there are nods to social history and microhistory, as well as questions of digitalization. But there is little evidence of the impact of major historiographical discussions during the past forty years about gender, let alone any of the recent »turns« (linguistics, space, emotions, etc.). Judging by the book's bibliography, this is in part due to an almost exclusive emphasis on works in German – which is surprising given the author's many international collaborations. In a list of hundreds of titles, there are, for instance, forty-three works by Härter himself and at most a dozen by Anglo-American-Australian authors. Admittedly, it would be impossible to be truly comprehensive in such a short book, but the price of the narrower historiographical focus is evident in what is supposedly the big picture provided by Part I.

Part II, by contrast, is exceptionally well-done and should prove very helpful to students and scholars alike in making use of a variety of primary sources. Here, too, Härter draws on similar



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overviews by Schwerhoff regarding criminal court records, but expands the scope to include a variety of ordinances, mandates, and legal declarations of various sorts. Noting the absence of up-to-date and reliable *Hilfsmittel* on this subject, Härter himself provides expert guidance on just about every kind of legislative or forensic source a researcher is likely to encounter, at the same time making several well-measured judgments about the problematic nature of many, particularly interrogation protocols. It is in this section, that he addresses the well-founded notion of reading against the grain – a practice well-known to all criminal historians – and addresses the respective merits of microhistorical and quantifying approaches (something which I had expected to see in the previous section). We are even exposed to various ancillary documents, such as wanted posters, pamphlets, and chapbooks. Reading this section should be mandatory for any doctoral student working on early modern Germany, regardless of topic.

Part III, the shortest section of the book, thoughtfully considers many aspects of criminal history within larger theoretical contexts (again, something regrettably absent in Part I). Here, Härter weighs the usefulness of Elias's civilizing theory, Foucauldian and other notions of social control, and historiographical constructs such as Schwerhoff's triangle, mentioned above. The author's own broad and deep experience in the subject allows him to speculate with profit about the future of such questions and the relationships between mercy and punishment, property crime and conflict resolution, the professionalization of law and growth of governmental bureaucracy. Secularization, obviously a controversial subject among early modernists, likewise provides a fruitful topic for much future historical research.

On balance, then, this brief survey provides much helpful information and orientation for anyone new to the field and even to those of us with some previous experience. Readers may be disappointed by some of the shortcomings of Part I, but the author himself truly does display a magisterial view of the field, which permits him to provide a number of both specific and general insights to guide future research.



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