Topic: **Persecuted by justice: rebels, renegades and outcasts in the history of Europe**

Description

Crime, uprisings and political violence are amongst the complicated challenges and concerns of contemporary society. This unit addresses how and why throughout European history people were persecuted by justice. What was perceived as crime? Who was treated as criminal or outcast by the authorities? How did various groups attempt to gain power and revolt against the authorities and how did the authorities respond? How did systems of justice and punishments change?

The subtopics addressed in this unit are:

1) the definition of crime by the powers.

2) violence against the powers: uprisings and riots in early modern Europe.

3) violence against the powers: terrorism.

4) repression and punishment of crime.

In various ways, teaching about these topics can contribute to students' historical thinking and understanding. A historical perspective enables the identification of aspects of change and continuity in types, attitudes toward and punishment of crime and rebellion. It allows for meaningful comparisons between past and present, and the exploration of multiple and changing perspectives. Students can become aware of the situated and changing discourse about complex phenomena, such as crime, uprisings, terrorism and punishment. For several decades now, new approaches in the discipline of history, such as history from below, the war and society school in military history, and gender history, have challenged mainstream narratives of the past, by problematizing key concepts, focusing on different historical agents, and using different historical sources. In history education, narratives are often dominated by states and "great men", and the experiences and perspectives of the elites, in stead of those of ordinary people. Acknowledging the agency of historical actors, but also the obstacles they experienced from established structures and ways of thinking, this unit sheds more light on experiences of ordinary people in Europe, in particular marginal groups, and nonconformists. Teachers can use this background information, when further exploring the experiences and perspectives of, for example, rebelling peasants and craftsmen, people accused of heresy, vagabonding or witchcraft, enslaved people revolting against slavery, people who were send to workhouses, penalty colonies, asylums or camps, victims of human trafficking, and terrorist groups. Concrete sources, such as diaries, pamphlets, images, newspapers, cartoons, legal documents,

and documentariess, can be used to engage students in historical inquiry to better understand change and continuity in crime and punishment and reflect on the values, beliefs and norms associated with laws and punishment and their own perspective.

Concepts

Anarchistic terrorism
Anti-colonial terrorism
Asylums
Capital punishment
Citizen
Civil law system
Common law system
Concentration camps
Cybercrime
Exiles
Food riot
Fraud
Heresy
Human trafficking
Imprisonment
Laws
Natural law
New left terrorism
Peasant uprising
Penal colonies
Principle of compensation (weregeld)
Public execution
Punishment
Reign of terror
Religious terrorism
Revolts of enslaved people
Roman law
State
Terrorism
Trial by ordeal
Uprising
Urban uprising
Vagabonding
Witchcraft
Workhouses

Chronological Axis

Ancient Mesopotamia:
Origin of state, government and laws
Code of Hammurabi: set of written laws

Classic Antiquity
Roman law, The Justinian Code
Principle of personality
Public execution

Middle Ages
Development of civil law and common law systems
Trial by ordeal, principle of compensation
Peasant and urban uprisings
Persecution of heresy, vagabonding and witchcraft

Early Modern Times
Persecution of heresy, vagabonding and witchcraft
Witch trials
Food riots
Revolts of enslaved people
Natural law, human rights
Workhouses
Reign of Terror (1793-1794)

Modern Times
Abolition of the death penalty, imprisonment
Judicial independence, equality before the law
Establishment of a police system
International collaboration to promote security
Waves of terrorism: anarchist, anti-colonial, new left and religious
Exile: Asylums, penalty colonies, concentration camps
Persecution of human trafficking
Fraud, cybercrime

The definition of crimes by the powers

Theft of food, money or other belongings, damaging of another one's property, and harming someone physically are probably the most common crimes throughout history. But what is seen as a *crime* is also time and place bound, not only because new types of crime emerged when societies changed, but also because people started to think differently. In this unit, we look at how European powers dealt with crime. What did they see as a crime? First, we look at continuity and change in the identification of crime, by looking at crime in Roman times, the Middle Ages, Early

Modern and Modern times. Second, we take a thematic approach by discussing three cases. These cases, vagabondage, witchcraft and human trafficking, illustrate that what is seen as crime is subject to change.

Continuity and change in what is considered crime

By 3,000 BCE, in *ancient Mesopotamia*, the first city states developed, several millennia after the first evidence of agriculture and sedentism in the region. Thus, although we are accustomed to think in terms of states, since they are so dominant today, the state is anything but natural or given. The first states had different strata of officials, specialized in the assessment and collection of taxes - either in grain or labor. According to political scientist Scott, a settlement can become a state when it has the power to enforce taxation, which is enabled by grain-based agriculture. Central to establishing and maintaining the state is the role of coercion, often justified by religion, mythology, history and/or laws. Much of early law was penal. Penal law was meant to preserve the security and well-being of individuals and their property in agricultural societies. The first sets of written laws, such as the *Code of Hammurabi* (ca 1755-1750 BCE), consisted of long lists of crimes and penalties that were described in detail. For example, 'if a herdsman who cared for cattle or sheep was guilty of fraud or sold the cattle for money, then he had to pay the owner ten times the loss'. In this period, laws mainly reflect the notion that humans should not lie, steal, break contracts or use violence against other human beings.

When we look at *Classic Antiquity*, and zoom in on the Romans, we can see that the Romans had rational laws, dealing with a huge number and types of crime. In the 6th century, the '*Justinian Code*', at the behest of emperor Justinian, simplified and organized all these laws in one system. The Romans installed jury courts specialized in particular crimes. In case of major crime, a jury had to decide whether the accused was guilty or not. Defendents had to present their own evidence. Romans had punishments for different types of crime, such as theft, damage to property, and murder. So this didn't deviate from previous ancient societies. Since family, and preserving the honour of the family, were considered highly important, there was a special, cruel, punishment for killing a father, mother or grandparent. Roman emperors also tried to reinforce Roman religion. Early christians were punished when they refused to worship or sacrify to the Roman gods or the emperor. With the collaps of the Western-Roman empire, the Roman legal system and system of punishment also collapsed. Legal scholars throughout Europe, however, adapted the principles of ancient Roman law to contemporary needs and scholars who developed the Catholic Church law, or canon law, were also influenced by Roman law.

In the early *Middle Ages*, the dominant source of law was unwritten custom imposed by locally organized courts. Each kingdom had its own laws, which were mainly focused on protecting people from violence and landowners property from theft. Landowners judged local matters. The rise of the Catholic Church and the dominant

role of Christianity, had a major impact on what was identified as a crime. Crime was increasingly identified with sin. There were punishments, for example, for neglecting fastening or unlawful marriage. The Church also considered *heresy* a crime. The Church played an important role in the identification and trial of heresy, but secular powers were involved in the reinforcement of religious orthodoxy. They helped punishing those who were convicted by the ecclesiastical courts. Clergymen could not explicitly ask for the execution, in order to prevent their participation in bloodshed. Heresy was mostly punished with burning or confiscation of property.

In the *Early modern period*, many aspects of crime remained the same. However, there are also several changes. In the 16th century the number of crimes is believed to have increased, in particular in urban environments. Life in early modern cities was difficult with lack of sanity and good health care. Research showed that, in the early modern period, the participation of women in recorded crime was greater than in modern times and that women committed crimes in much larger numbers in the urban areas than in the countryside. Factors explaining this, are related to economic harship, larger social independence, and larger vulnerability of women in cities. Punishment for crimes against property and the Church authority became harsher. More people were persecuted for witchcraft and vagabonding, and religious tensions and conflicts related to the Reformation intensified the persecution of "heretics". The Scientific Revolution and Enlightenment ideas greatly impacted views on crime. Voltaire, for example, advocated the right to chose a religion or not. This contributed to resistance against religious persecution. Furthermore, ideas of the Enlightnement philosophers contributed to new laws against atrocities such as slavery. In trials, more evidence was demanded to proof guilt or innocence. Crime became less associated with religion or demonic manipulation. Humans were considered rational beings whose behaviour is the result of free will and rational choice. This contributed to the belief that to combat crime, the pain of punishment must outweigh what might be gained.

New types of crime emerged in *Modern times*. In the 19th century, the growth of cities encouraged crime, whereas at the same time an offical police was lacking. In the crowded streets, people were also confronted with pick pocketing. Attitudes towards public drunkenness changed. Factory workers were expected to come on time and avoid   injuries.
In the 1930s, criminologist Edwin Sutherland coined the term "white-collar crime". He referred to crime commonly commited by people, for example, professionals in business or government, who possess a high social status. In the 20th century, as more people work in the service sector, new types of crime develop. One form of "white-collar crime" is fraud, which involves purposely obtaining the property of another through deception. Although in ancient times the Egyptians already had laws against fraud by tax collectors, by the 21th century, fraud has become one of the most common   crimes.
Furthermore, since the invention of the Internet, contemporary societies are

increasingly faced with cybercrime, for example hacking of websites or computers, identity theft, data breaches, credit card fraud, and sending false invoices. In this period, social scientists developed new theories to explain crime. They emphasize the role of upbringing, peer group and role models (socialization), unfair economic structures and capitalism (social confict), predispositions that stimulate engagement in crime (biological trait), and neurophysiologic dysfunctions.

The   case   of   vagabondage
Throughout history, different terms were used to define persons who are unemployed and wander, without a fixed residence, for example, vagabonds, vagrants, tramps, and beggars. In contemporary society, often the – to some extent less value-laden - term 'homeless' is used. The term stems from the Latin "vagabundus", which is derived from "vagari", meaning "to wander". Vagabondage had economic and social causes. People moved around in search of work, especially seasonal work. Often they lived by beggary or thievery. Sometimes they did have a profession, for example, as actor, healer or musician. Some vagabonds suffered from mental illness. They took the road, because there was no adequate medical care. Due to the rising population and prices, vagabondage became more common. The decline of agriculture forced whole families to take the road in search of work in the cities, who   could   not   absorb   them.   They   were   forced   to   beg   or   steal. Vagabondage also has a normative dimension. It was not considered 'normal' and it frightened people, wary of violence. In the late Middle Ages and the 16th century, vagabondage became to be considered a crime. Before that, the poor (including vagabonds) were to some extent considered a representation of holiness, demonstrated by the powerful example of Sint Francis. However, during Renaissance, humanists attacked the notion of poverty as a holy condition, and pointed to the risk of disorders, sins and diseases. An English act of 1547, stated that vagabonds should be enslaved for two years. They could be made to work by beating or chaining. In 1572 it was stated that vagabonds were to be whipped and burned through the gristle of the right ear with a hot iron. In 19th century France, the Penal code included vagabondage, which was punishable by three to six months imprisonment. From the 16th to the 19th century, authorities send vagabonds to Houses of correction, and later to workhouses. In Finland and Sweden, vagrancy could be punished with forced labour or forced military service. Especially in the 19th century, the elites increasingly saw vagabondage as a result of poor behavior or eugenics, not as a result of poor economic and social conditions. In Nazi Germany, vagrancy, together with begging, prostitution, and "work-shyness", was considered "asocial behavior" and punished by confinement to   concentration   camps.
In the 20th and 21th century, there is still criminalization of what are now called "homeless people". This is reflected in removing them from particular areas, restricting the areas in which sleeping is allowed, an the prohibiting of begging. In Europe, the number of homeless people is growing. Today, in many European countries vagrancy acts have been abolished, but there are also countries where these acts are under discussion. In those countries, it is, for example, a criminal act to sleep

in the open air or in deserted or unoccupied buildings, not having any visible means of subsistence. The persecution of homeless is contrary to the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights and the United Nations International Covenant on Civil and Political Rights.

The case of witchcraft
In medieval and early modern Europe, many persons were accused of witchcraft and burnt at the stake. Crop failures or death of livestock was sometimes blamed on witchcraft. Also in case of disasters and epidemics, persons were accused of being "in league with Satan". Trial by ordeal was applied to determine whether someone was a witch or not. The accused person was tied up and thrown into the water. If she floated she was considered innocent, but if she sank, she was considered guilty. Most persons accused of witchcraft were women, but men and children were also accused. Often the accused women had no set place in society, specialized in using herbs and charms to treat local people for illness. For example, in Wales in 1594, Gwen Ferch Ellis was hanged as a witch. Next to being a weaver, she did some healing, providing remedies in the form of herbs or charms for people and farm animals. She was accused of leaving a curse in the house of an upper-class man. There were also trials in which large numbers of persons were accused of witchcraft, such as the Valais trials. These trials took place in southeastern France and Switzerland between 1428 and 1447. Both males and females were accused of things like killing cattle (in the shape of werewolves), eating children and cursing. There were probably more than 300 victims.
Religious beliefs played an important role. The Church believed, for example, that women were more susceptible to temptation of the devil. Furthermore, the Reformation may have played a role in the incline of witch trials, which mostly took place in areas were Protestantism spread (and much less in predominantly Catholic areas, such as Spain, Italy, Portugal and Ireland). In these areas, Catholic and Protestant churches were competing. The persecution of witches demonstrated people that the Church protected people from Satan.
The Würzburg witch trials of 1625-1631, which took place in the Holy Roman Empire, were one of the biggest mass trials and executions in Europe. The trials were initiated by a bishop. About 300 people were burned at the stake, including men, women and children. Furthermore, hundreds of people were executed or died in custody. People were accused for a variety of reasons, for example, murder, satanism, being at witch-dances, or humming a song including the name of the devil. The trials took place during the religious Thirty Years War in an area on the religious border between Catholic and Protestant territories.
In the 17th century, the scientific revolution eroded popular belief in witchcraft and resulted in more emphasis on evidence to prove guilt or innocence. In modern Europe, in most areas witchcraft was not considered a crime anymore, but a superstitious idea. Another factor was the ending of important religious wars in Europe. In Modern times, the term witch hunt is still used, although in a metaphorical way. The 'anti-communist witch hunts', for example, refer to rooting out of communists

from the US government and other institutions in the 1950s. Nowadays, there are also 'media witch hunts'; campaigns on social media and the internet against persons holding views considered unorthodox or a threat to society.

The case of human trafficking
Vagabondage, witchcraft, and heresy, were considered crime for centuries. In Modern times, however, this is not the case anymore. But the other way around, there are also actions that were not considered crime in the past, but are now seen as a crime. One of these actions, is human trafficking, which is currently considered a crime in European countries.
Although slavery and slave trade became illegal since the abolition in the 18th and 19th century, contemporary forms of slavery continued to exist. Transnational organizations have exerted pressure on states to address the issue. In 1904, European countries signed an agreement to combat trafficking. During the First World War, the League of Nations, signed a convention to suppress trafficking in women and children. However, states did not agree on a single definition. There are different views on causes of human trafficking, such as globalisation, poverty, but also men's demand for paid sex. These perspectives clashed during the negotiations about the United Nations protocols about trafficking. The term sex trafficking was coined in the womens' movement in the 1980s. There were also different feminist perspectives. Most feminists considered sex work exploitation. Liberal feminists, however, emphasized that women can also voluntary chose sex work, and supported sex workers' rights. In 1989, The European Union passed a resolution against trafficking, which must also be understood in the context of political fears about migration and increase of organized crime following the end of the Cold War. In 2000, the United Nations published the first internationlly accepted definition of human trafficking: "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving or receiving payments or benefits to achieve consent of a person, having control of another, for the purpose of, exploitation." This protocol is often referred to as the Palermo Protocol. Although the exact extent of human trafficking remains unknown, recent research shows that most trafficking in Europe is related to forced labour, and to a lesser extent to sexual exploitation. Within Europe, human trafficking partly originates in post-communist states where unemployment is high and social safety networks were dismantled. It also originates in the large gap between the poverty of many areas in the world and the prosperous European countries with barriers for migration. In Europe, victims of human trafficking come from East Asia, West and Northern Africa and South America.
  Human trafficking has become a well organized criminal activity. The fight against human trafficking is a topic of ungoing discussion. One of the issues of debate, is for example, whether trafficking for sexual exploitation can be curbed by the abolition or legalization of prostitution. Sweden, Norway and Iceland, seek to abolish prostitution and trafficking by criminalizing demand for commercial sex. Paying for prostitution is

considered a crime. The Netherlands, seek to protect sex workers from exploitation by legalizing the sex industry. Dutch feminists focused on the self-determination (agency) of prostitutes. Prostitution became a legal profession with the same rights and obligations as other professions and brothels are legal as long as they are licensed and follow the (tightened) rules. Critics argue, however, that workers from non-EU countries are left outside the social saftey net and are vulnerable to exploitation, and point to prostitution as both a cause and a consequence of gender inequality.

Violence against the powers: uprisings and riots in early modern Europe

Political violence can be both used by the state and by nonstate actors. This unit, will focus on political violence by non-state actors against the state or political authorities. First, we discuss changing perspectives in historical research on uprisings. Then, to avoid drawing artificial and stretched patterns, we will focus on uprisings in early modern Europe. In the early modern period, ordinary people lacked a formal voice in the major governmental decisions that affected their lives. They were still governed by kings, rich families or landowners. At the same time, they had to cope with war (which became more destructive), religious conflicts, difficult economic circumstances and in some regions serfdom or slavery. Popular uprisings were of course not new in the early modern period. The economic and political crises of the fourteenth and early fifteenth centuries resulted in popular uprisings throughout Europe, which were almost always defeated by the nobles. Examples are the Peasant revolt in Flanders (1323-1328, The Jacquerie in France (1356-1358), and the English Peasants' Revolt or Great Rising (1381). Similar uprisings occurred in the Holy Roman Empire, Hungary, Sweden, Catalonia, and the Netherlands. Kings, and manorial lords and ladies reacted to their declining incomes by increasing taxes and forced requisitions. Several years of cold and wet winters resulted in meager harvests.

Popular uprisings were also a significant phenomenon all over early modern Europe. We take a closer look at peasant uprisings, urban uprisings and uprisings of enslaved people in European colonies.

The concept of uprising

Many terms are being used to describe politically motivated violence against the state or state institutions, for example, riot, uprising, insurrection, revolution, rebellion, terrorism, and protest. While they all have their own meaning or connotation, it is not easy to draw clear lines between these concepts. The choice of which word to use depends often on which subjects perceive the phenomenon. Protest and rebellion can be considered more positive/neutral words, whereas terrorism and riots are more negatively loaded, while these phenomena can have similar characteristics. Terrorism is itself a controversial political subject. The state has to defend its civilians against (terroristic) threats, at the same time states have often used the label of terrorism to exclusively demonize the actions of their enemies while obscuring "legal" violence administered by the state.

What riots, rebellions and uprisings have in common, is that they are collective actions of groups of people who - in pursuit of common interest - try to gain power by violence to realize concrete improvements in their lives or to prevent something to happen. Mostly, popular uprisings (the term we will use here) - unlike revolutions - did not result in structural changes in the institutions of government or in society as a whole. The participants of popular uprisings often had a local frame of reference and were aimed at rectification of local injustices.

Initially, historians paid limited attention to popular uprisings, and often described them as acts of desperation of impulsive and ignorant people. Since the 1960s and 1970s, this has changed due to the rise of social history, a field of history that looks at the experiences of ordinary people, and themes, such as, family, work, movements and rebellions. Since then, historians have debated the factors driving the popular uprisings. Often, their interpretations reflect the 'zeitgeist' of which historians lived. In the 1960s, for example, historians tried to fit popular uprisings into a story of the developing bourgeois revolution, emphasizing the role of popular rebels in establishing traditions of resistance and fear of those in power. More conservative historians responded that many uprisings were led or encouraged by leaders from elite groups and that uprisings must be considered exceptional cases, because most of the time, people accepted the system. Marxist historians looked at the revolts through the lense of class struggle. Others investigated the behavior of popular rebels from an anthropological point of view, or tried to find patterns in variables such as taxation or food prices by adopting quantitative methods.
Recently, historians in the field of collective memory or historical culture, looked at how popular revolts and their leaders are commemorated and play a role in defining collective and national identities.

Peasant uprisings
Peasant uprisings were mostly a reaction to the intensification of landlordship, increased taxes, religious conflicts and serfdom. Peasants used various means to protest, such as refusal to pay taxes or render services, but also armed revolt. Their uprisings had to be planned in advance, because they lived in dispersed villages. Sometimes a general assembly, often with the aid of someone who could write, drew up a set of demands (for example, the Twelve Articles of the Upper Swabian Peasants in 1525, or the Manifesto of the Peasants of Angoumois in 1637).
In the 16th century, political and religious tensions contributed to peasant and urban uprisings. This era showed an intense struggle over political and religious authority. In Friesland (now one of the northern provinces of the Netherlands), Pier Gellofs Donia, a wealthy farmer, began a rebellion against Habsburg authorities in 1515. A regiment in service of the Duke of Saxony was charged with suppressing the civil war between factions that either supported or opposed the Habsburg authorities. Pier Gellofs Donia also acted out of personal revenge, since his village and farm were burned by the Saxion regiment, and probably his wife was murdered. He became the leader of the Arumer Zwarte Hoop, which was supported by the Duke of Guelders,

who also wanted to establish power in Friesland. Initially, the guerrilla campaign was successful, but after a few years the peasants and pirates were defeated. The Frisian Museum in Leeuwarden, displays a great sword that is said to have belonged to the legendary Pier Gellofs Donia, who has been considered both a villain and a hero in narratives about Frisian freedom.

In Sweden, in 1542, peasants rebelled against Gustave Vasa, who established Sweden's independence from the Danish ruled Scandinavian union and supported the Swedish Reformation. The peasants responded to the church reforms and increased tax burden. The kings' tax collectors requested church bells, crucifixes and other valuables in order to pay a large debt to the city of Lübeck. Under the lead of Nils Dacke, initially the peasants were successful. Dacke ruled the province of Småland and was able to reinstate the ceremonies of the Roman Catholic Church. However, in 1543 the uprising was defeated.

Also in England, peasants protested against high taxes and policies affecting religious life, in this case the dissolution of monasteries. Property of monasteries and churches was transferred to the Crown, and royal commissioners seized church bells, jewels and gold crosses. In 1536 Robert Aske led the Pilgrimage of Grace. With a band of almost 10,000 followers he occupied York. The royalist leaders negotiated with the rebels, but new uprisings took place in other parts of Northern England. Although the revolt was partially successful, such as the postponement of the collection of a subsidy, the dissolution of the monasteries and the seizing of land from the Catholic Church continued.

In the 17th century, the scale of warfare greatly increased, and war increasingly stretched over decades. Although the armies were much bigger, logistical support was often inadequate. Soldiers devastated civilian areas. In some cases this resulted in protests of the local population. Catalan peasants, for example, were suffering from the presence of the royal army during the war between the Kingdom of France and the Monarchy of Spain. Personal property was destroyed and women raped by soldiers. In 1640, Catalan peasants revolted against the quartering of soldiers on their land.

In the 18th century, several peasant uprisings were part of the French Revolutionary Wars, such as the Peasants' War of 1798 in the Southern Netherlands (Flanders and Brabant). This uprising was a reaction to the French occupation of the region, policies against the Catholic Church, (priests were required to take an oath of allegiance to the state), and a new law requiring compulsory military services for men. The uprising was crushed after two months. The peasants lacked proper arms and military training. Thousands of people were killed and the leaders of the uprising were executed.

Urban uprisings
Urban uprisings or riots were often the result of poor working or living conditions or oppression by the city's administration. Due to urbanization, the number of urban uprisings increased. In early modern time, the institutional structure of European cities was much like in the Middle Ages and only underwent significant changes as a result of the French Revolution and industrialization. The citizens (or burghers,

freemen) formed the political community. A large part of the city's inhabitants, such as servants and unskilled laborers, had no political status. Political power was mostly exercised by councils, and not by powerful individuals. The council regulated the city's economic, social and cultural life. The guilds for particular crafts or branches of trade also had a significant role. Dissatisfaction with the administration was expressed through petitions or, in some cases, violence.

In Early modern times, urban uprisings often took the form of *food riots*. There was a peak in food riots in the 18th century, particularly in France. These riots must be understood in a wider political and economic context of changing governmental policy and a movement towards a formation of a national market. This national market resulted in distribution problems. Furthermore, there were larger demands for food for the (growing) armies and administrative centers. In 18th century France, every region experienced food riots, especially the regions affected by the pull of the Paris market. The citizens who participated in the food riots were mainly artisans and proto-industrial workers. The poorest people often had access to charity. Both men and women played a role in the food riots. Women often led protests at street markets, bakeries and storages. In many cases, the riots were successful in the short-term, resulting in lower prices and more food in markets and bakeries. The riots were legitimized by the idea that the government should keep bread prices low, and prevent the movement of grain outside a particular area unless local needs are satisfied at a reasonable price.

One of the significant events of the French Revolution, the march on Versailles on October 5th 1789, started as a march of women working at the street markets of Paris protesting against the high price and scarcity of bread. Revolutionaries had called several times for a march to Versailles, to compel the king to accept the Assembly's laws. On October 1st 1789, a lavish welcoming banquet at the palace of Versailles resulted in public outrage. The women were joined with revolutionaries and the march grew into a mob of thousands of people. The king was forced to respond, and ordered stored grain and agreed with the constitutional role the Assembly had voted for him.

Uprisings of enslaved people
Uprisings of enslaved people took place in European colonies. In the Early modern period, European states developed colonies in the Americas, Africa and Asia. They started to trade in enslaved African people who were forced to work on plantations producing sugar, coffee, cotton, and tobacco. In the colonies, there were several uprisings of enslaved people, mostly violently crushed by plantation owners. Participants were mostly publicly tortured and killed.

In 1522, there was already a major revolt on the Spanish island Hispaniola (now the Dominican Republic and Haiti). The Enlightenment and French Revolution gave a new impulse, with ideas about the natural, inalienable and sacred rights of man. In the French colony Domingue, enslaved laborers made up the majority of the population. They worked at the plantations, generating sugar, coffee and cotton. Their working and living conditions were extremely harsh. In 1791, enslaved people

started a major revolt. The freedom fighters burned plantations and killed plantation owners. The French sent troops, but half of the soldiers were killed. Francois Dominique Toussaint-Louverture, son of an educated slave, who was legally freed in 1777, became one of the leaders of the revolt. He trained his men in guerilla tactics and negotiated with the French, making use of the language of freedom and equality associated with the French Revolution. In 1794 the revolutionary French government proclaimed emancipation of all slaves in French territories and colonies. The large slave revolt in the Dutch colony Curaçao, was connected with the uprising in Saint-Domingue. It started with a strike on the Knip plantation. Under the leadership of Tula, who worked as a slave on this plantation, the slaves took over the plantation, and many other slaves joined the uprising. Tula argued that, since the Netherlands were placed under French rule (1795-1801) and the French abolished slavery, it might be expected that, in Curaçao, slavery would also be abolished. With the help of two navy frigates, the revolt was, however, beaten and the participants were imprisoned and executed. It lasted until 1863 before slavery was abolished in the Dutch colonies.

Violence against the powers: terrorism

Across the world, and also in European countries, terrorism developed as a new form of political violence. Terrorist attacks resulted in new laws, measurements, and new forms of international collaboration. This unit, discusses the concept of terrorism, different forms of terrorism, and the responses by governments. First, an example of state terrorism, will be discussed: the Reign of Terror during the French Revolution, when the word was first popularized. Subsequently, it will be discussed how the great powers Austria, Great Britain, Prussia and Russia tried to create stability and security. Second, the unit focuses on modern terrorism and discusses four waves of terrorism as they were identified by the American political scientist and expert on terrorism, David Rapoport: the Anarchist wave, the Anti-colonial wave, the New Left wave, and the Religious wave. The focus will be on how these waves affected Europe.

The concept of terrorist
The hijacking of several passenger jets and their subsequent use as missiles against the towers of the World Trade Center and the Pentagon on September 11th 2001, has been widely understood as terrorist acts. Still, it is difficult to provide a clear definition of terrorism. The term terrorism comes from the Latin terrere, "to shake", which corresponds with the arousal of extreme fear. There is no agreed upon legal definition. According to European Union law (2017), terrorist offences are acts committed with the aim of seriously intimidating a population, unduly compelling a government or international organisation to perform or abstain from performing any act, seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation. Researchers from a variety of academic disciplines have formulated more than two

hundred definitions. Definitions are always related to concerns of the present. Recent research on terrorism has been initiated or stimulated by governments, policy experts, and academics to address the problem of extremist Islamist terrorism. We have to be careful with projecting present definitions back through history. And, labeling an act of violence as "terrorism", is also a political act, since it influences the audience. It is sometimes difficult to distinguish terrorism from other forms of political violence, guerilla warfare or freedom fighting. Why are we talking about revolutionaries in one case and terrorists in the other? This makes it worthwile, to reflect on questions such as, to whom, and to what end, did people in the past apply the terms terrorism and terrorist? Which groups or individuals escaped the label? What values and assumptions did the term contain? In what contexts was it deployed? What instances of terrorism have in common, is the threat or use of unlawful force and violence by non-state or state actors, the intention to achieve political, economic, religious or social objectives through fear, coercion or intimidation. The use of new technologies (e.g. newspapers, television or social media) has been crucial in reaching a large audience and increasing the following. Terrorism can be directed to the government, but the government itself can also adopt or support terrorism as a means (state terrrorism). Terrorism can be inspired by nationalism, separatism, political ideals   or   religion.

The Reign of Terror and the post-Napoleontic discourse on security
The term terrorist was first used in 1794 by the French philosopher François-Noël Babeuf, who denounces Robespierre's Jacobin regime as a dictatorship. The 'regime de la terreur' of 1793-1794 was adopted as a means to consolidate the new government's power. Counter-revolutionaries and all others whom the new regime regarded as enemies of the people and the revolution (e.g. nobles, priests), were intimidated. Terror was organized, deliberate, and systematic. The Committee of General Security and the Revolutionary Tribunal was accorded powers of arrest and judgment, and publicly putting to death by guillotine those convicted. Thousands of persons   were   executed   or   died   in   prison. Ironically, in this context, terrorism was associated with ideals of democracy. The revolutionary leader Maximilien Robespierre believed that during the time of revolution, virtue must be allied with terror for democracy to triumph. He proclaimed: "Terror is nothing but justice, prompt, severe and inflexible; it is, therefore, an emanation of virtue." The Reign of Terror was legitimized by the aim of creating a 'new and better society' in place of a corrupt and undemocratic political system. Following the fall of Maximilien Robespierre in July 1794, the aims and methods of terrorism   were   discredited.   The   Terror   was   at   an   end.

After the French revolution, the concepts 'terrorism' and (collective) 'security' became linked. Terrorism was considered a threat to security. The Congress of Vienna, which lasted from September 1814 to June 1815, perpetuated the war alliance to work out the 'new order of peace'. The real impact, however, came from two treaties concluded a few months later: the Treaty of Quadruple Alliance and the Second Treaty

of Paris. This security management laid the foundation for the later European system of collective security as we know it today. The security community developed its own jargon to denote danger and insecurity. Against 'peace' and 'security', stood the 'terror' of possible new revolutions or the rise of a new despot. To prevent such terror, and to counteract the 'urge' and 'envy', 'moderation' and 'restraint' were promoted as virtues.

An important innovation was the implementation of centrally devised and standardized practices. A uniform passport was introduced to be able to check suspicious persons in all European countries. Passports, security agents, border controls were jointly issued, implemented, and imposed on the rest of Europe by the four major European powers. European peace and security was also an imperialist project. The ministers shared their experiences with security practices and fighting rebellions in the colonies, and the uniform measures on the continent were slowly spreading to the European colonies.

Modern terrorism
David Rapoport identified four waves of modern terrorism. Although, most terrorist attacks took place outside Europe, we will pay particular attention to terrorist attacks in Europe during these four waves.

The *Anarchistic wave* started in Russia at the end of the 19th century. Mikhail Bakunin, a revolutionary socialist and anarchist developed the theory of collective anarchism. He advocated the abolition of the state and private ownership of means of production, which should be owned collectively. Followers were dissatisfied with the government of csar Alexander II. The anarchists traveled extensively and the telegraph, newspapers and railroads helped spread their ideas. The People's Will, was probably the first terrorist organization. They tried to assessinate the csar and, after a number of failed events, eventually, in 1881, succeeded by throwing a homemade bomb of dynamite (a recent invention) to his carriage. More assassinations followed. In 1898, empress Elisabeth of Austria was murdered with a sharpened needle file by an Italian anarchist. Fear among the European monarchs increased. After the shocking news about the murder of the empress, the Dutch queen Wilhelmina, installed as a queen a few days before, for example, was advised not to make a tour in a carriage. During the Russian revolutions, the anarchists continued their fight and threw bombs to police stations and factories of the most loathed capitalists, and in hotels and café's. The First World War, ended this first wave of terrorism.

The *Anti-colonial wave* had its peak after the Second World War. During World War I, the American president Woodrow Wilson promoted the concept of 'self-determination': a nation or group of people with similar political ambitions can seek to create its own independent government or state. The idea of self-determination motivated people all over the world to work on driving out the occupier and establishing self-government. Several groups adopted violence as a means to implement their ambitions. This was the case in European colonies (e.g. in Algeria),

but also in Europe itself. The ETA, founded in 1959, was an armed nationalist and separatist organization that waged a bloody campaign aimed at Basque independence. In Northern Ireland, the Irish Republican Army (IRA) fought against the dominance of the United Kingdom. The IRA was considered a terrorist organisation, because they used bombing to create disorder among the British, both in Northern Ireland and the United Kingdom. In Cyprus, in the 1950s, the nationalist organization EOKA used violence to end the British rule and unite Cyprus with Greece. The British considered the armed Cypriots terrorists, because of attacks on public utilities and civil servants, house bombing and intimidation of the local population. The attacks and guerilla activities of the EOAKA ended, when in 1958 Cyprus became an independent and souvereign state.

In the 1970s and 1980s there was a *New Left wave* of terrorism. Throughout the West, the 1960s and 1970s were a period with social, cultural, and political turmoil, involving a new youth movement, popular culture, a sexual revolution and expansion of education. In this context, several groups embraced the new left ideology, criticizing the 'Establishment' and the 'System'. The hard left stream commited to political and social activism, sometimes inspired by ideas of Mao Zedong and Che Guevara. New left protests mainly consisted of strikes, demonstrations and occupations of universities. Some groups, however, adopted the idea that revolutionary violence would have a positive transformative effect. This was also the case in several European countries. In Germany, for example, the left-wing terrorist group Rote Armee Fraktion used hijacking, kidnapping and bombing in its fight against capitalism, imperialsm, fascism and NATO. The group emerged as a movement of radical students, supported by middle-class youth and labors. In 1972, there was the terrorist attack on the Olympic Games in Munich by affiliates of the Palestinian group Black September. Israeli atlets were taken hostage. The terrorists demanded the liberation of more than 200 Palestinians from Israeli prisons and of two leaders of the Rote Armee Fraktion from German prison. It ended in a massacre. In Italy, a bomb explosion in the center of Milan, in 1969 initiated two decades – also known as 'The Years of Lead' - of political terrorism of both far-left and far-right groups. Fascist groups, such as 'Ordine Nuovo', were found to be responsible for several terrorist attacks. The Red Brigades, formed by former members of the communist youth movement, sought to overthrow the democratic government and replace it with a dictatorship of the proletariat. They attacked symbols of the state and capitalism, at first mainly property, but increasingly also politicians and employees of the state. In 1978 they kidnapped and murdered the former Italian prime minister Aldo Moro. In the 1980s this wave of terrorism gradually ebbed away.

Until the late 1980s, secular causes dominated terrorism. The last wave that Rapoport describes, is the *Religious wave* that started in 1979. An increasing number of deaths in terrorist attacks was due to islamist terrorism. Most victims were in islamic countries, such as Afghanistan, Somalia, Irak, Nigeria and Pakistan. The attacks on 9/11 were the deadliest in the history of terrorism, with 3,001 deaths. Afther these

attacks, the United Nations passed a resolution condemning terrorism as a crime. In Europe the number of attacks and deaths were relatively low, although several attacks caused enormous human suffering and impacted daily life. Scholars have pointed that it is problematic to use the term islamic terrorism, because it can demonize all muslims and reinforce the stereotype that islam encourages terrorism. They suggest terms such as islamist or fundamentalist terrorism, although these terms are also criticized. Islamists view islam as a political system, in addition to a religion. They demand the strict application of the prescription of Sharia law, advocate for a jihad against 'bad' muslims and rulers in order to establish an Islamic state or Caliphate, oppose to the secular values that dominate the non-muslim world, and belief in a transnational muslim community. The Iranian revolution, and particularly the war in Afghanistan following the Soviet invasion, are considered important causes of the development of islamist terrorism. Thousands of volunteers, from a broad range of countries, helped Afghans forcing the Soviets out of Afghanistan, among which was Osama bin Laden. Well-trained Afghan veterans returned to their countries of origin and spread their ideas. Part of them organized themselves in terrorist groups who demanded the military withdrawal from the United States from the Middle East and advocated the introduction of the sharia in muslim countries.

Most islamist terrorist attacks were related to Al-Qaeda, the Taliban, and the Islamic State (IS), but there were also attacks of so called lone wolves who used guns or vehicles. Characteristic of this wave is the use of self-bombing. After 2000, the use of suicide attacks increased significantly. In 2004, in Madrid, four trains exploded almost simultaneously and killed 191 people. In 2005, four explosions hit public transportation in London, killing 56 people. There were several deadly attacks in the periode between 2000 and 2020, for example, in Paris, at a football stadium, restaurants and the Bataclan theatre (2015), on a crowded promenade of Nice (2016), at the Manchester Arena, after a pop concert (2017), at a tram in the Dutch city Utrecht (2019), and at the French teacher Paty, who showed controversial cartoons (2020).

Discussing these waves of terrorism, makes it clear that terrorism is not something very recent and that terrorists had different kinds of motives and used different techniques. A disadvantage of this discussion in waves, is that it draws less attention to other forms of terrorism, such as terrorism from far-right groups, cyber terrorism and eco-terrorism.

In the short term, terrorist attacks resulted in suffering and fear. In the longer term, they contributed to an increase in prejudice towards the ethnic-cultural groups to which the terrorists belong and towards minorities. It enhanced polarization. The increase of terrorist attacks, also contributed to a culture of security, confronting people with systems of control to access public spaces, video surveillance, and heavy control and procedures when taking a plane or international train. After the attacks of 11 September 2001, the European Union established a list of persons, groups and entities involved in terrorist acts and subject to restrictive measures. After the attack in 2015 and 2020, European Union leaders strengthened their joint efforts in the fight

against terrorism and introduced measures preventing radicalisation. Since, the 1970s a form of terrorism emerged that ignored borders and, lead to police and judicial responses transcending borders.

Repression and punishment of crime

Different punishments have been used throughout history. Generally it is believed that the Enlightenment brought a turning point in law and punishment. Laws were founded in democratic processes and universal laws. Brutal corporal punishments disappeared, everyone became equal before the law, and punishments were imposed by neutral court. Imprisonment became the main form of punishment. This was done to protect society and, in line with the progressive enlightenment ideals, to heal the criminals. This 'narrative of progress', however, has also been criticized.
In Modern times, for example, punishments did not necessarily become humane, as evidenced by, for example, the use of penal colonies and houses for "fallen women". In this subtheme, we will first discuss continuity and change in forms of repression and punishment of crime. Next, we take a closer look at the use of the death penalty and imprisonment, and modern forms of exile.

Continuity and change in punishment
Punishment in ancient Greece and Roman Europe included fines, labor on roads, acquaducts and or mines, exile (with or without stripping of citizenship) and corporal punishments, including the death penalty. Only when the condemned couldn't pay the imposed fine, he was jailed. Imprisonment was only used for persons condemned to death awaiting trial, and persons arrested awaiting trial. The idea of serving a specified prison term, followed by release, was alien to Roman thought.
The Romans had laws and harsh punishment, but were at the same time struggling to conquer crime. Often, the convicted had to pay a fine. Examples of harsh punishment, were corporal penalties, such as beating with a whip, and different forms of execution, such as crucifixion, penalty of the sack (the convicted was sewed up in a sack with four animals and thrown into the water), and fighting with animals. Throughout history, punishment depended much on the position in society. This was also the case in Roman society. An important characteristic of Roman law, was the *principle of personality*: the law of the state applied exclusively to Roman citizens. Every Roman citizen could bring a case to court. Foreigners had no rights, only if there was a treaty between their state and Rome. In the areas that became part of the Roman empire, people had to submit the terms of peace the Romans themselves set up. Slaves were considered property under Roman law. Unlike Roman citizens, they could be subject to execution, corporal punishment and torture. Noblemens were sent into exile instead of being executed, and when they were executed they were beheaded, which was regarderd as a more honourable way to die. When Roman citizens murdered another citizen, they were often fined or exiled. When they killed a slave, until 319, there was no punishment at all. Another continuity in much of the history of punishment, is public execution. In

Roman times , this was applied on a very large scale. The execution of criminals, including christians who refused to worship Roman gods and the emperor, was a great spectacle and a form of entertainment. Those being condemned to the beast, for example, were exposed to leopards, bears, and lions and had to fight for their lives. This execution was part of a larger programme, including gladiatorial fights and slaughter of wild animals, meant tot entertain the citizens. Another example, is crucifixion. The followers of Spartacus, for example, who gave lead to a slave rebellion, were crucified along the Appia way. Scholars argued that during public execution, the audience was actually asked to celebrate justice, in order to reinforce the authority of the law and contribute to continuation of the empire. Key values of Roman society, such as justice, social order, conformity, and high moral standards, were made visible.

In the *Middle Ages*, the use of '*trial by ordeal*', for serious crimes, illustrates how the power of the Church and religious beliefs affected how powers dealt with crime. Trial by ordeal was used to determine guilt or innocence in case the jury of local persons could not decide whether the accused was guilty or not. It was sometimes considered a "judgement of God": God would help the innocent by performing a miracle on his or her behalf. Trial by ordeal probably originated in ancient Germanic practices, but it was also described in the Bible as a method to test a wife's fidelity. One party accused the other in front of a community meeting, that judged on the manner by which it should be resolved, which form the trial should take, for example, trial by ordeal. Trial by ordeal could take various forms: by hot iron, cold water, hot water, and battle. In the case of trial by hot iron, often in the presence of a priest, the accused had to grasp a bar of hot iron or a stone from a boiling cauldron. If the hand healed properly, the accused was judged innocent. Ordeal by combat, introduced by Normans, was used by noblemen. Whoever won the combat was considered innocent or right. In 1215, the pope condemned trial by ordeal. The clergy was not allowed to participate in ordeal anymore. Gradually ordeal disappeared and was replaced by compurgation. The accused gathered a group of reputable people who would swear that he or she was innocent. The idea was, that people would not lie under oath for fear of being punished by God. Later, this method evolved into testimony under oath and trial by jury.

Under the influence of centralizing powers of the king, in England the legal system developed differently from that on the mainland. From the 12th century, in England, courts began publishing legal decisions. In the English *common law system*, past legal precedents or judicial ruling were used to decide cases, whereas in the *civil law system* that developed in the rest of Europe, continuously updated legal codes and statutes were designed to cover all matters capable of being brought before a court and prescribed the applicable procedure, and the appropriate punishment for each offense.

While many medieval and early modern punishments are now considered gruesome, we must be careful not only to pay attention to major crimes and horrific punishments in this period. Such a focus can give a distorted impression of past society as violent.

For a long time, medieval laws were based largely on the *principle of compensation*: the perpetrator was asked to compensate (called a "*weregeld*" or later "man's compensation") the victim for wrong done. The idea of weregeld can be traced back to the Roman period, but even before that, compensation might have been expressed in livestock. Also outside Europe, the concept of compensation has been widely applied. In medieval Europe, the compensation was normally expressed in money. The size was dependent on the social rank of the victim. In some parts of Europe, such as Scandinavia, a higher compensation was calculated for a free woman than for a free man, especially when the woman had reached fertility. During the late Middle Ages, however, *capital punishment* became more common for major crimes.

In *Early modern time*, monarchs wanted to rule their subjects directly rather than through the nobility and established their own royal courts. Monarchical absolutism was widespread in the 17th and 18th centuries. Besides France, absolutism existed in a variety of other European countries, including Spain, Prussia, and Austria. A monopoly of power was considered necessary to maintain order and security. In the 17th century, however, John Locke argued that life, liberty and happiness could be considered the unalienable rights of every human. All people are born free and equal, and not subject to any authority. When a ruler fails to protect these *natural rights*, according to Locke, it is justified that the people overthrow the ruler. The idea of natural rights was influenced by Thomas Aquinas (1225-1274). Acquinas considered humans able to discern good and evil, since humans are rational beings. When people commit crime, they also commit sin and violate the natural law. Crime harmed their essential 'humanness'. Modern natural law became a key component in the Declaration of Independence (1776) of the United States and the Declaration of the Rights of Man and of the Citizen (1789) of France.

The Early modern period, is often portrayed as an era where scientific and moral progress was made. The 'pre-modern' way of punishing was considered brutal and barbaric and controlled by absolute monarchs, the nobility, and religious institutions. However, it can be argued that early signs of more progressive ways of punishment can be seen in this period. In urban areas a new institution was becoming popular from the 16th century, the so-called prison *workhouse* — " houses of correction" in England; "tuchthuizen" and "beterhuizen" in Holland; "Zuchthäuser" and "Arbeitshäuser" in the Holy Roman Empire, and "hôpitaux généraux" and "dépôts de mendicité" in France. These establishments served many purposes. Altough, later, they were often portrayed as places of hunger, humiliation, sexual and physical assault, they also provided relief for poor, old and sick persons, and security and education. In most of these institutions, including the most famous one, the *Rasphuis* in Amsterdam, founded in 1595, there were convicted criminals among the inmates. The workhouses were a solution to the urban elites to problems of begging and for (appropriate) punishment for minor offenses.

Despite the workhouses, before the 18th century, punishments were mainly corporal punishments. In the 18th century, French reformists criticized the penal system and called for less violent punishments. They argued that the corporal punishments went

against the universal rights and laws. The Italian philosopher Beccaria critiqued the criminal justice system for its superstition and unfair privilige given to nobles and monarchs.

In *Modern times* there were several changes in the way crime was fought and punished. Many of these changes were a continuation of developments that had already started in the Early modern period. European countries formulated constitutions that included protection for the independence of judiciary, which mean that judges can do their work free of influence or control by the government. This principle went back to ideas of the French jurist and philosopher Montesquieu (1689-1755), who argued that political power should be divided among the legislative, executive and judicial branches of government. Part of the constitutions was also equality before the law.

Around 1900, in several European countries, murder was the only crime punished by death penalty. Due to the newspapers and tabloids, murderers could get a lot of attention. A famous example is the murderer of five women in London in 1888, who got the horrifying nickname "Jack the Ripper". This attention contributed to an increased feeling of fear, although the number of murders being committed was decreasing.

In the 20th century, influenced by the Enlightenment ideas on human, natural rights, capital punishments were gradually abolished all across Europe. Another change in the Modern era, has been the establishment of a police system. Early policing to prevent and control crime, could already be found in Greek and Roman cities in Antiquity. In the 16th century, France established a military police, which came to be known as the maréchaussée. Other European countries established a police system similar to that in France. At the end of the 18th century, Joseph Fouché reorganized French police. His methods were exported throughout Europe, during the conquests of Napoleon Bonaparte. Later, the police developed special units for new crimes, such as fraud and drug crime. In today's cybernetic society, policing has been extended by the use of surveillance technologies, which raised debates about how to protect privacy.

The case of capital punishment and imprisonment

For a long time, imprisonment was not a form of punishment. People were only in prison awaiting trial or execution. In contemporary European societies, improsonment became a main form of punishment for major crimes. How could this change take place?

Imprisonment was integrated in the state penal system at the end of the 18th century. At the end of the 18th century, absolute kings were losing their authority. Terror began to have less effect and no longer frightened people. Lower classes began to resent punishments for certain crimes, especially when they realized that they too could be easily accused. In some cases, citizens chose the side of the convicted, resulting in riots. In England, the Gordon riots (1780s), helped end the system of public executions. Foucault argued that the transition from the use of corporal and death

penalties to imprisonment was not motivated by humanitarian ideals. The reformers who condemned torture as inhuman, knew that the torture system had been discredited by the mass, who no longer were frightened by public executions. A new system to enforce the law and protect property was necessary. Why did detention become the standard punishment? Foucault argues that imprisonment seems to make everyone 'equal' before the law. Since freedom is a human or natural right, the worst punishment was to deny someone their individual freedom.

In contemporary Europa, capital punishment has been abolished in all European countries, except for Belarus and Russia. In 1999, Russia put a moratorium on this form of punishment. Most European countries abolished the death penalty in the second half of the twentieth century. Portugal abolished capital punishment for ordinary crimes much earlier, in 1867, and the Netherlands in 1870. In 2012 Latvia was the last European Union member that abolished the death penalty. The abolishment of the death penalty is in line with the European Convention of Human Rights.

According to scientists, several factors played a role in the abolition. First, abolition took place in countries that were democratic, and democracies with a parliamentary system with proportional representation, were among the early abolishers. In several Eastern and Central European countries, the government decided to abolish capital punishment despit the public opinion favoured retention. The abolition was also pushed by the activism of non-gouvernmental and transnational organizations and networks, such as Amnesty International (founded in 1961) and Human Rights Watch. Finally, incentives provided by European political institutions, such as the Council of Europe and the European Union played a role. The abolition must be seen in the context of the broader international human rights regime after the Second World War.

The case of exile: penal colonies, asylums and camps
There are many forms and dimensions to the process of exclusion. In most literature four dimensions of exclusion are being mentioned; economic, cultural, social and political exclusion. While all of these dimensions are related and overlap, we will focus here on political exclusion and the role of the state and the law in exclusion. The (modern) state and related institutions claim to defend marginalized groups with the rule of law and other tools like social welfare. While in some cases they do, too often the state is being used to marginalize and persecute people for reasons of race, skin color, language, religion, gender, social class, education status, age, sexuality, physical abilities, political ideas and probably multiple other reasons. The scholars Ajit Bhalla and Frédéric Lapeyre have argued that exclusion is related to power. The dominant classes in society will consciously and unconsciously protect their position through all these dimensions of exclusion. Throughout history, the dominant classes have used the state and law to deprive people and communities of physical needs, material needs, societal participation, and political participation that were available to other members of society. Maybe the most extreme, or the most visible, form of social exclusion is depriving people of communities of having physical access to society. In

this case, the focus will be on exiling, banning and deporting people from society. We will discuss some examples of deportation to penal colonies and camps.

The phenomenon of banishment has been used as a punishment since the time of the Ancient Greeks. The most known examples are probably the *penal colonies* Australia and New Zealand. The British empire didn't only send criminals but also debtors and political prisoners to these countries. Examples of political exiles were advocates of Irish Home Rule or trade unionism, like the Toldpuddle Martyrs. Banishment was seen as a humane alternative to the death sentence and to manage the populations in European countries and was widespread among imperialist European countries in the 19th and 20th century. The French had several prisons in Devil's Island, French Guiana, where more than three-quarters of the 85.000 exiles eventually died. Among these exiles were political prisoners such as the French Anarchist group the Communards and Algerians resisting French colonial rule known as the Kabyles Rebels. Banishment and deportation have played a crucial role for the European nations and empires. Banishment helped to manage domestic populations and eliminate the unwanted and the poor from European societies. Besides that, banishment also turned out to be an important tool in the colonization process. It provided cheap labor and was essential to overseas infrastructural development. Penal colonies were still common in the 20th century, for example, the Portuguese Tarrafal was used as a penal colony in the Cape Verde Islands. In 1936 this was used by the fascist leader Salazar to exile anarchists, communists, and other anti-fascist opponents. Tarafal was shut down in the 1950s and was reestablished as a penal colony in the 1970s to banish African leaders fighting Portuguese colonialism.

Deportation to the colonies wasn't the only way to get rid of the unwanted. Throughout European history, institutions were set up inside European countries to exile or 're-educate' individuals or certain groups of people. These can be considered *domestic penal colonies*. The Netherlands (including Belgium until 1815) had a system of domestic penal colonies in the 19th and 20th century, the so-called "Colonies of Benevolence". This was a private company run by general Johannes van den Bosch who built seven colonies in 1818. Other initiators included high-ranking officials, the nobility, private investors and the Dutch state itself. In these colonies impoverished groups were disciplined and 'elevated' by being provided housing, education, and employment in return for their labor. This was in line with the 'progressive' Enlightenment ideals of malleability and eradicating poverty completely from society. Initially living in the colonies was voluntary, however soon after the colonies didn't turn out to be profitable, 'unfree' colonies were established. Returning from a colony to their communities wasn't easy due to social stigma. To make the colonies profitable, the Society of Benevolence started to work together with the state to take in orphans and later also beggars and vagrants, who were considered as criminals under the Dutch law.

At the end of the 19th century, the Dutch and Belgian governments took over from private companies. The institutions were used as state penitentiaries, mainly for psychiatric patients, but after World War II, vagrants and beggars reappeared. The

abolition of the vagrancy law in Belgium in 1993 marks the end of the last two colonies.

Another example of disciplinary institutions, which could be find in other European countries as well, are the Magdalene *Asylums* or Magdalene laundries in Ireland. The first Asylum was founded by philanthropist Lady Arabella Denny in 1758, and accepted only protestant women. Later the asylums would become predominantly catholic. These religious institutions operated for two centuries to house 'fallen women'. The term implied female sexual promiscuity or work in prostitution, young women who became pregnant outside of marriage, or young girls and teenagers who had no family support. Tens of thousands of women were forced, sometimes by the Irish government, to be institutionalized. There were inmates from psychiatric wards, women with disabilities, victims of rape and sexual assault, pregnant teenagers, 'flirtatious' women and many women for no clear reason. Though the institutions were run by Catholic orders, they were supported by the Irish government, which funneled money toward the system in exchange for laundry services. In 1996 the last 'laundry' closed. Only recently these practices are seriously being questioned in Ireland. In 2014, the remains of at least 796 babies were found in a septic tank of the Bon Secours Mother and Baby Home in Tuam.

Often the Nazi *concentration camps* are seen as a separate and unique phenomenon in European history. The scale on which the Nazis used camps to exile and exterminate minority groups and political prisoners was and is unprecedented, however, concentration camps were not a new phenomenon. Camps were used on a large scale in the 19th and 20th centuries by European colonial empires. The French colonial regime forced Arabs, Berbers and Jews to leave their villages and held them in camps in order to replace them with French settlers. In the 19th century, around twenty-five percent of the native Algerians died in these camps. This didn't stop after World War II. During the Algerian War of Independence (1954-1962), 'centres de regroupements' were created, to relocate more than one million Algerians including children in order to create free fire zones for the French forces. The French were not the only nation to use these camps. Other examples are the infamous British camps for the Boer population in South Africa, camps in the Dutch East Indies for both Dutch and indigenous Indonesians and the large-scale system of Spanish camps in Cuba.

Glossary of concepts

The definition of crime by the powers
Citizen
Cybercrime
Fraud
Heresy
Human trafficking
Laws
Natural law

Roman law
State
Vagabonding
Witchcraft

Violence against the powers: uprisings and riots in early modern Europe
Food riots
Peasant uprising
Revolts of enslaved people
Uprising
Urban uprising

Violence against the powers: terrorism
Anarchist terrorism
Anti-colonial terrorism
New-left terrorism
Reign of Terror
Religious terrorism
Terrorism

Repression and punishment of crime
Asylums
Capital punishment
Civil law system
Common law system
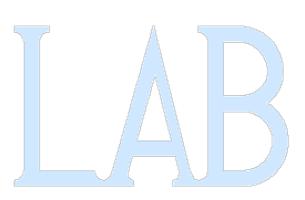Concentration camps
Exiles
Imprisonment
Penal colonies
Principle of compensation (weregeld)
Public execution
Punishment
Trial by ordeal
Workhouses

Web resources

Criminology: Intellectual History. https://law.jrank.org/pages/915/Criminology-Intellectual-History.html

List of uprisings in Europe: https://docs.google.com/document/d/1xylKt9o7Nz-i2QQDhDQfVrerkoHaEdExC_nkDYl0nrw/edit

Fallen Women: https://www.youtube.com/watch?v=04T3nG55ysA

https://www.historyworkshop.org.uk/fallen-women-at-the-foundling-museum/

https://museums.eu/museum/details/397/museum-of-peasants-uprising
https://www.911memorial.org/

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