

Call for Papers

Workshop

Crime, Punishment and Mercy:

Granting Pardon from the Early Modern Period to the Present

Venue: Käte Hamburger Kolleg “Legal Unity & Pluralism”, University of Münster, 48143 Münster, Germany, 15 – 16 April 2027.

Organisation: PD Dr. Beate Althammer, Trier University / Humboldt University Berlin.

Deadline for Proposals: 15 September 2026.

Around 1800, criminal justice systems changed profoundly in most of Europe (and beyond). The division of powers and reformed penal statutes endeavoured to make prosecution more rational, uniform and regular. Nevertheless, courts did not always have the final say: The centuries-old royal prerogative of mercy remained a much-used instrument to commute or remit sentences by extrajudicial means in the nineteenth century, and it lives on in the privileges of heads of state until today. The right to grant pardon was not smoothly compatible, however, with the core principles of the modern legal order, whose emergence was one of the basic transformation processes of the nineteenth century. And hence it does not fit well into historical narratives that portray this century either as an era of progress towards liberal constitutionalism or critically as one of ever more systematic strategies to “discipline and punish” (Foucault). In early modern Europe, the royal prerogative to intervene in the course of justice in favour of individual offenders had drawn its legitimacy from religious motives and from the monarch’s sovereignty. But it was hard to reconcile with political conceptions that centred on the rule of law, an independent judiciary, and citizens’ equal status. No wonder, therefore, that it had been much damned as a feature of arbitrary absolutist government already in the Enlightenment period, and that the French Revolution had (temporarily) abolished it. Despite of that, the right to pardon survived and even thrived in the nineteenth and twentieth centuries, as masses of pertinent files in the archives indicate. And even in the present, it sporadically makes headlines, as recently with regard to the USA. Many comments on the dubious pardons granted by President Donald Trump after his inauguration in January 2025 suggested that the power to do so was a remnant of monarchical despotism and an anomaly in a state under the rule of law. All the more, this poses the question why it still persists throughout the world.

While there exists by now a rich historiography on the royal prerogative of mercy in medieval and early modern Europe, we know much less about the evolution of this facet of criminal justice after the epochal threshold around 1800. An exception to some extent are works on the death penalty. Another exception are studies that, within the framework of transitional justice research, have analysed the controversies about pardons and amnesties for war criminals, collaborators and human rights violators in the aftermaths of dictatorships and armed conflicts since the Second World War. Yet, large blind spots remain, especially regarding the use of pardons as a corrective to, or an encroachment on, the ordinary course of justice in the nineteenth and early twentieth centuries. Historians of this period have often postulated that the

penalisation of deviance should be understood as a negotiation process with many participants; but negotiations about mercy after the court verdict have found surprisingly little attention.

This workshop takes up the issue. It aims to bring together researchers who are working (or have worked) on the history of pardoning in the modern age, be it in European or extra-European settings. The main focus will be on the nineteenth and early twentieth centuries, but in order to transcend conventional disciplinary boundaries, contributions on the late *Ancien Régime* and on the contemporary period are welcome as well. Questions of particular interest that might be addressed include (but are not limited to):

- Continuities and Changes: Can we, in the long term, observe shifts in the quantitative use, in the functional logic and in the procedural handling of the power to pardon? When and how has the differentiation between pardons and amnesties evolved?
- Controversies about the prerogative of mercy: On what grounds has it been criticised or legitimatised since the dawn of modernity? Who argued pro and contra? What benefits and dangers have been associated with it?
- Pardons and political culture: How have governing elites used pardons (and amnesties) to stage authority and rulership symbolically? Can we, in a comparative perspective, observe that the more or less conspicuous granting of pardon relates to specific political regimes or legal traditions?
- Selectivity of granting and denying pardon: Have particular offences and/or social groups (differentiated by age, gender, class, ethnicity, etc.) had greater chances to receive a pardon than others have?
- Petitions for pardon as a means of appeal and negotiation: Who submitted pardon petitions with which rhetoric and reasoning? What can these petitions tell us about how ordinary people experienced the criminal justice system, about variable conceptions of justice and about the social networks of convicts? How can petitions, or large-scale series of petitions, be analysed meaningfully?
- Individual case stories: Course of events, actors, significance and consequences.

The workshop is organised in cooperation with the Käte Hamburger Kolleg “Legal Unity & Pluralism” (<https://www.uni-muenster.de/EViR/en/index.shtml>) and will take place at the Kolleg’s premises in Münster on the **15-16 April 2027** (from Thursday afternoon to Friday afternoon). It will offer a forum to discuss research projects in a small group of about 10 to 15 participants. The language of the Workshop will be English, unless all participants should turn out to be German speakers.

Interested researchers (of all career stages) are invited to submit proposals for a presentation of ca. 20 minutes length. Please send proposals to Beate Althammer, althamme@uni-trier.de, by **15 September 2026**. These should include a working title, an abstract of 300-500 words, and a short bio of 150-200 words. Submitters will be notified by the end of September 2026. The Kolleg will fund accommodation and travel costs for speakers (with certain limitations).

We aim to publish either an edited volume or a journal special issue based on the papers presented at the workshop.

For questions, please contact: PD Dr. Beate Althammer, althamme@uni-trier.de.