

KVHAA Handlingar Historiska serien 37

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The dynamics of law-making

A WORLD HISTORY

Online appendix
Definitions of terms



KUNGL. VITTERHETS HISTORIE OCH ANTIKVITETS AKADEMIEN
HANDLINGAR HISTORISKA SERIEN 37

PART I: CLASSIFICATION OF THEMES

THE STATE

Crime against the security of nation, state and majesty

Illegal act directed against the Head of State, the security of the state or nation, including conspiracy, preparation, attempt, instigation and abetment/aiding to commit such crime.

1. **Rebellion** – to, using military force or other violence, act in the intent to overthrow an established government.¹
2. **Lese majesty** – illegal action directed against Head of State, especially monarch,² including his or her immediate family (consorts, children etc.).
3. **Treason** – to aid a state enemy, such as for example enlisting in the enemy's forces, procuring soldiers or giving other services to the enemy, to obstruct or mislead the nation's military forces, to damage or destroy property of importance for the national defence.³

1 F.ex. *Nationalencyklopedin*, s.v. uppror; *Duhaime's Law Dictionary*, www.duhaime.org/LegalDictionary/R/Revolution.aspx. See also *Oxford English Dictionary*, s.v. rebellion.

2 F.ex. *Nationalencyklopedin*, s.v. majestäsbrott; *Merriam-Webster*, www.merriam-webster.com/dictionary/lèse-majesté; *Oxford English Dictionary*, s.v. lèse-majesté.

3 F.ex. *Nationalencyklopedin*, s.v. landsförräderi; *Duhaime's Law Dictionary*: www.duhaime.org/LegalDictionary/T/Treason.aspx.

4. **Espionage** – to secretly or under false pretences, within the territory of another state, try to obtain information in the intent to communicate this to one’s own forces; or procure and reveal secret political, military or commercial information about one’s own state in the intent of aiding another state.⁴
5. **Rioting** – the act when a crowd seriously disturbs public order and violently opposes public authority.⁵
6. **Sedition** – to publicly (in speech or writing) urge the public to commit a crime, betray civic obligation or being disobedient to or oppose government authority or its representatives.⁶
7. **Resisting public officer/civil servant** – resisting public officer during his or her execution of office.⁷
8. **Disturbing public order** – disturbing public order in a serious way,⁸ but the transgression/act cannot be subsumed under the above-mentioned crimes (see for example rioting and sedition, above).
9. **Impersonating person in authority** – to fraudulently impersonate a state officer or civil servant.
10. **Crime against civic duty** – failure to alert or help in case of fire, natural disaster, accident or crime.
11. **Criticism of regent, government or state** – to criticize the ruler, government or the state.
12. **Other crimes against the security of nation, state and majesty**

4 F.ex. *Nationalencyklopedin*, s.v. spioneri; *Britannica Academic*.

5 *Nationalencyklopedin*, s.v. upplopp. See also *Britannica Academic*, s.v. riot.

6 *Nationalencyklopedin*, s.v. uppvigling; *Britannica Academic*.

7 See also Dubber & Hörnle 2015/2018: “offenses against the person”.

8 See also *Britannica Academic*, s.v. disturbing the peace.

Crimes against the judicial system

False accusations, perjury, using false documents in court and other crimes against the judicial system and its authority, including conspiracy, preparation, attempt, instigation and abetment/aiding to commit such crime.

1. **False accusation/allegation** – to accuse an innocent person to a court of law or police authorities (or similar agencies) for a crime, in the intent of having him or her convicted.⁹
2. **Other unlawful allegation** – allegation to a court of law (and similar agencies) that is unlawful on other grounds than that it is false, for example when the allegation is unsubstantiated or formally inadequate.
3. **Perjury** – to wilfully make a false statement or conceal the truth under oath to a court of law or a similar legal authority.¹⁰
4. **Using false document** – using false document in court, using document with untrue statement in court, or making false statement in a document meant to be used in court, thereby risking to affect the outcome of the case.¹¹
5. **Fabrication/planting** of evidence – to intentionally forge or distort evidence in a legal case, in the intent to affect the outcome of the case; to wilfully place false or genuine material evidence with the intent to incriminate an innocent person.¹²
6. **Non-compliance** as a witness, refusal to testify – to be called to act as a witness in a court of law, but refuse to do so.
7. **Failure to appear in court** – to, after having been called to court

9 F.ex. *Nationalencyklopedin*, s.v. falsk angivelse.

10 F.ex. *Britannica Academic*, s.v. perjury; *Nationalencyklopedin*, s.v. mened; *Oxford English Dictionary*, s.v. perjury.

11 F.ex. *Nationalencyklopedin*, s.v. osant intygande, osann försäkran, fara i bevishänseende.

12 See f.ex. *Oxford English Dictionary*.

as a party in a case, fail to appear.

8. **Illegal private settlement out of court**¹³
9. **Escape from prison or exile** – to escape from a legally imposed sentence of imprisonment or exile.
10. **Opposing punishment/court verdict** – crimes where a person, in different ways, acts against the execution of a lawful punishment or a court verdict, f.ex. by disparaging or criticizing the legal verdict of a court of law, to oppose/try to prevent or refuse to comply with the execution of a legal punishment or verdict by a court of law.
11. **Failure to report crime** – to fail to report a crime to a court of law, police authorities or other relevant judicial body.
12. **To protect criminals** – to harbour, hide, or by other means protect, suspected criminals or fugitive suspects or convicted criminals.
13. **Other crimes against the judicial system**

Procedural law

Rules concerning the “machinery of the courts” and the methods and means used in legal courts to provide redress of wrongs, and to uphold rights, including rules concerning the execution of judgements.¹⁴

1. **Initiating case** – regulations concerning the initial phases/stages of a legal case, i.e. concerning how to report crimes or make criminal complaints, to bring a legal suit, summonses, appearance, preliminary investigation, pre-trial legal procedures or other legal procedures performed outside of the court, evidence gathering, search and seizure, search for criminals, warrants for arrest, arrest, preliminary hearings, prosecution, liability, detention, detention hearings, bail, sureties etc.

13 See f.ex. Carbasse 1990, 213; *Tang Code* § 260, Johnson 1997, 258–260.

14 *Britannica Academic*, s.v. procedural law; *Nationalencyklopedin*, s.v. processrätt.

2. **Trying legal case/determining guilt** – regulations concerning methods and means for determining guilt in legal courts, f.ex. concerning evidence, testimonies, oaths, ordeals, interrogation of accused/defendant or plaintiff/claimant, torture, confession, verdict/judgment etc.
3. **Judicial officers** – regulations concerning judges, lay judges and jurors, lower judicial officers and their rights and duties as office-holders/as holders of office.
4. **Representation and defence** in courts of law – regulation concerning the representation that different parties can have in court, and their defence in general
5. **Punishment and sentencing** – descriptions of penalties and other sanctions, liability, offence severity, the principles for determining penalties and other sanctions, execution of judgements and enforcement of punishments etc. For a definition of “punishment”, see Part II of this Appendix.
6. **Appeal/pardon/amnesties** – regulations concerning appeals of judgements to higher courts,¹⁵ appeal for pardon, i.e. to be released from an imposed penalty “solely as an act of grace and not because one has deserved it”,¹⁶ pardons for clemency, also including amnesties, either general or pardoning certain groups of people.¹⁷ Note: this only includes full pardon – cases of commutation of punishment are classified under “punishment”, above.
7. **Jurisdiction** – “The words *jurisdiction* and *competence* refer generally to the power of an official body (legislative, judicial, or administrative) to handle a specific matter. ‘Judicial jurisdiction’ refers to the power of a court to act.”¹⁸ Jurisdiction normally applies

15 *Oxford English Dictionary*.

16 *Nationalencyklopedin*, s.v. nådeansökan. See also *Oxford English Dictionary*.

17 F.ex. *Britannica Academic*, s.v. amnesty.

18 *Britannica Academic*.

in a particular geographic area or for a particular subject-matter.¹⁹

8. **Interaction** between courts and judicial instances
9. **Other regulations concerning procedural law**

Meta-law

On general principles concerning the range and status of the law

1. **The range of the law** – regulations concerning the range of the law, f.ex. which persons it applies to. (Not to be confused with “jurisdiction”, that is the competence of different courts).
2. **Other meta-law**

Public administration

Regulations concerning the exercise of public authority and public administration, and the violation of such regulations and practices by government officials, including conspiracy, attempt, instigation and abetment to commit such crime.

1. **Misconduct in public office/neglect** or omission in the exercise of public duty – to, intentionally or negligently, in the exercise of public office fail to perform one’s duty,²⁰ excluding offences that can be subsumed under/classified with other categories.²¹
2. **Administrative procedure/regulations** – regulations concerning

19 *Nationalencyklopedin*, s.v. jurisdiktion.

20 *Nationalencyklopedin*, s.v. tjänstefel.

21 That is, if a government official or employee commits rape, theft etc., this is classified with these crimes – this category is reserved for acts and omissions that cannot be subsumed under other categories and is directly related to the office/employment, such as violations of administrative practice, breaches of confidentiality, delays in the handling of cases etc.

administrative procedure and the duties of governmental officials and employees (excluding officials and employees within the judicial system).

3. State **taxes** – regulations concerning the imposition of state taxes, the extent of such taxation, the organization of tax-collection etc.
4. **Political elections/succession**
5. **Other regulations** concerning public authority and administration.

Mandate of the state

1. **Mandate of the state**

Military regulations

Regulations concerning military discipline, and crimes against such discipline, including certain crimes committed by soldiers/members of the armed forces, also including conspiracy, attempt, instigation and abetment to commit such crimes.

1. **Insubordination** – to refuse to obey the lawful order of one's superior,²² here only within the military/within the armed forces.
2. **Desertion** – to leave military service without permission,²³ here both in war and in peace time.
3. **Other military crimes** – other illegal acts or omissions committed by active duty soldier or officer, with the exception of insubordination, desertion, treason etc.²⁴

22 F.ex. *Nationalencyklopedin*, s.v. insubordination; *Oxford English Dictionary*, s.v. insubordination.

23 F.ex. *Nationalencyklopedin*, s.v. rymning; *Oxford English Dictionary*, s.v. desertion, deserter.

24 The same principle here as applied in the case of misconduct in public office, i.e.

4. **Military procedure/administrative regulations for the military**
– regulations concerning military procedure and administration, including the duties of soldiers and officers.
5. **Other military regulations**

THE CIVIL SPHERE

Property

TERMS OF TRANSACTION

Regulations concerning the transfer of money or other property between parties, including when one of the parties is the state, including breach of contract and other agreements regarding transactions of the kinds at stake here.

1. **Buying/selling** goods or commodities
2. **Buying/selling services**
3. **Renting/leasing** property owned by another, including both real estate and moveables/chattels (and including tenancy and the like)
4. **Lending, borrowing and debts**
5. **Trade/business** – regulations and terms of transactions especially related to trade and business, such as business partnerships of different kinds, business corporations and other business-like activities.
6. **Inheritance/succession** – regulations concerning the transfer of property between the estate of a deceased person and heirs, either

offences that can be subsumed under/classified with other categories are excluded (i.e., if a soldier or officer commits rape, theft etc., this is classified with these crimes – this category is reserved for acts and omissions that cannot be subsumed under other categories and is directly related to the service).

decided in advance in the form of a will or other agreement or through general regulations on the property of deceased persons and the rights of heirs.²⁵

7. **Gift/donation** – “gratuitous transfer of real or personal property [our transl.]”,²⁶ between living parties (i.e. excluding inheritance); “in law, a present or thing bestowed gratuitously. The term is generally restricted to mean gratuitous transfers *inter vivos* (among the living) of real or personal property”²⁷

8. **Other terms of transaction**

ILLEGAL TRANSACTIONS

Unlawful transfer of money, or other property, between parties, and also when one of the parties are the state or government officials, also including conspiracy, attempt, instigation and abetment to commit such crimes.

1. **Unlawful buying/selling** – i.e. all forms of sale and purchase forbidden by law (for example to conclude sale contracts with children or slaves, sale or purchase of illegal goods, such as drugs or pornography etc.)
2. **Corruption and bribery** – “the act of promising, giving, receiving, or agreeing to receive money or some other item of value with the corrupt aim of influencing a public official in the discharge of his official duties”,²⁸ including case when a person convinces public officer to act corruptly, but where no property actually has been transferred.
3. **Unjust/unfair transactions**

25 See also *Britannica Academic*, s.v. inheritance: “the devolution of property on an heir or heirs upon the death of the owner. The term *inheritance* also designates the property itself”.

26 *Nationalencyklopedin*, s.v. gåva.

27 *Britannica Academic*, s.v. gift. See also *Oxford English Dictionary*, s.v. donation.

28 *Britannica Academic*, s.v. bribery. See also *Nationalencyklopedin*, s.v. mutbrott, bestickning.

4. **Other unlawful transactions** of money or property (for example gambling)

MANAGEMENT AND MAINTENANCE OF PROPERTY

Regulations concerning the management, maintenance and care of property such as f.ex. cattle, chattels, real estate and land, i.e. the maintenance and care of property after it has been bought, sold, rented out or entrusted (including when the property in question is public or state property), concerning:

1. **Agriculture/land (including pastures/commons/grazing lands)**
2. **Livestock** – on the care of all kinds of domestic animals, including horses.
3. **Chattels**
4. **Slaves**
5. **Fences**
6. **Hunting/fishing**
7. **Real estate**
8. **Storage/warehouses**
9. **Banking**
10. **Irrigation systems**
11. **Roads**
12. **Management and maintenance of other types of property**

PROPERTY RIGHTS

Regulations concerning rights of ownership and disposition of different types of property, including tenures.

PROPERTY CRIMES AND TORTS/PROPERTY OFFENCES AND FINANCIAL CRIMES

Violations against the property, property rights, rights to possession and use of property of another person, corporation or institution, including

illegal production, possession and movement of property in general, tax crimes and conspiracy, preparation, attempt, instigation and abetment/aiding to commit such crimes.

1. **Robbery** – to unlawfully take another person’s property using violence or the threat of violence,²⁹ including cases when a thief is caught stealing and violently resist a person trying to retrieve the stolen goods.
2. **Theft** – to appropriate another person’s property without his or her permission.³⁰ “If person A takes the property of person B without his permission and with the intent to deprive him of it permanently, that is theft, a concept that is virtually universal.”³¹
3. **Robbery/theft** – category used when it is not possible to determine if the rule concerns theft or robbery as defined above (f.ex. when the focus of the description rather is if the theft has been committed openly or “by stealth”).³²
4. **Embezzlement** – to manage entrusted property in an unlawful way, f.ex. by unlawfully appropriating this for oneself or for another.³³
5. To appropriate the property of another through **extortion** – to unlawfully coerce another person to hand over, or accept the handing over of, his or her property to the perpetrator.³⁴

29 F.ex *Nationalencyklopedin*, s.v. rån; *Britannica Academic*, s.v. robbery; *Oxford English Dictionary*, s.v. robbery. See also f.ex. *Tang Code* § 281, Johnson 1997: pp. 290-292.

30 *Nationalencyklopedin*, s.v. stöld.

31 *Britannica Academic*; s.v. property-law. See also Dubber & Hörnle 2015/2018: “property offenses”.

32 On this, and other, distinctions concerning property offences in ancient law, see f.ex. Jackson 1972, 3ff., 26f., 181 [Jackson, Bernard S. 1972. *Theft in Early Jewish Law*, Clarendon Press.]

33 F.ex. *Nationalencyklopedin*, s.v. förskingring; *Oxford English Dictionary*, s.v. embezzlement.

34 See *Nationalencyklopedin*, s.v. utpressning; *Britannica Academic*, s.v. extortion; Dubber & Hörnle 2015/2018: “property offenses”.

6. To appropriate the property of another through **fraud** – to mislead another with the intent to unlawfully obtain his or her property.³⁵
7. **Forgery** – produce or alter documents or objects to purport them to be something they are not,³⁶ including the use of forgeries.³⁷
8. **Burglary** – to unlawfully enter another’s premises or enclosed space, f.ex. using force or list, with the intent to commit theft.³⁸
9. Unauthorized **trespass or encroachment** on another’s land, in another’s house etc.,³⁹ including unauthorized presence in general, f.ex. not leaving another’s premises when urged to.⁴⁰
10. **Malicious damage to property** – to intentionally destroy or damage the property of another⁴¹
11. **Causing property damage** – to unintentionally cause loss of or damage to another’s property, including property entrusted to/in the possession of another person than the owner.
12. **Unintentional/mistaken appropriation** of another’s property/to appropriate another’s property by mistake
13. **Receiving/handling stolen goods** – to handle or deal with stolen goods, or to convert assets acquired through criminal activity.⁴²
14. **Receiving/handling stolen goods/theft** - category used when it is not possible to determine if the rule concerns theft or receiving/

35 F.ex. *Nationalencyklopedin*, s.v. bedrägeri; *Britannica Academic*., s.v. fraud; Dubber & Hörnle 2015/2018: “property offenses”.

36 *Nationalencyklopedin*, s.v. förfalskning; *Britannica Academic*, s.v. forgery.

37 If it is explicitly mentioned that it is done to unlawfully obtain property from another person, it shall be classified as fraud.

38 *Nationalencyklopedin*, s.v. inbrott; *Britannica Academic*, s.v. theft; *Oxford English Dictionary*.

39 F.ex. *Britannica Academic*, s.v. trespass.

40 See f.ex. Dubber & Hörnle 2015/2018: “property offenses”.

41 F.ex. *Nationalencyklopedin*, s.v. skadegörelse.

42 *Nationalencyklopedin*, s.v. häleri.

handling stolen goods as defined above.

15. **Unlawful dispossession** – without permission taking or using the thing or real property of another, to unlawfully deprive someone of the possession of something, or hinder someone in his or her right to hold or take something. If the property is taken with intent to appropriate it,⁴³ it is classified as theft.
16. **Unlawful possession** of property.
17. **Tax crime/tax evasion** – to, as a taxable person, fail to give requested information on f.ex. income or capital, failure by taxable person to pay taxes, perform labour services or the like, including wrongful or insufficient payment of taxes.⁴⁴
18. **Smuggling** – to illegally and stealthily bring goods or money/ means of payment across the border of a country, kingdom or nation (or a similar border),⁴⁵ including f.ex. when the aim is to avoid payment of customs duties or other fees and when import or export is prohibited or restricted.
19. **Other property crime/tort**

Persons

VERBAL ASSAULT

In writing, speech or images revile or abuse another person, in the intent to cause him or her discomfort or damage his or her reputation, including conspiracy, preparation, attempt, instigation and abetment/aiding to commit such crimes.

43 *Nationalencyklopedin*, s.v. egenmäktigt förfarande. See also Dubber & Hörnle 2015/2018: “property offenses”.

44 F.ex. *Britannica Academic*, s.v. tax-law; *Nationalencyklopedin*, s.v. skattebrott.

45 *Nationalencyklopedin*, s.v. smuggling; *Britannica Academic*, s.v. smuggling.

1. **Slander/defamation** – to verbally abuse another person by using offensive epithets or accusations [here excluding false accusation to or before a court of law etc.] or other insulting behaviour, to act in the intent to wrongfully harm the reputation of another person, f.ex. by wrongfully describing his or her as criminal, blameworthy or immoral.⁴⁶
2. **Other verbal assaults**

VIOLENCE

Physical offences against the life and health of persons, including all forms of violence against human beings (regardless of degree of intent), threats of violence, and conspiracy, preparation, attempt, instigation and abetment/aiding to commit such crimes.

1. **Murder** – intentional killing of another person, excluding cases classified as manslaughter.⁴⁷
2. **Manslaughter** – intentional killing of another person without premeditation, “in the heat of the moment”, assault and battery causing death, and less serious cases of intentional killings in general.⁴⁸
3. **Murder/manslaughter** or “killing” – killing another person, excluding “involuntarily causing death”, when available information does not allow classification as either manslaughter or murder.
4. **Physical assault and battery/inflicting bodily harm or pain** – to intentionally “cause another person bodily injury, illness, or pain or render the victim helpless and vulnerable or in a similar state”.⁴⁹

46 *Nationalencyklopedin*, s.v. förolämpning, förtal; *Britannica Academic*, s.v. defamation.

47 F.ex. *Britannica Academic*, s.v. homicide; Heller & Dubber 2010, 277; *Nationalencyklopedin*, s.v. mord.

48 F.ex. *Nationalencyklopedin*, s.v. dråp; *Britannica Academic*, s.v. manslaughter, homicide; Heller & Dubber 2010, 277.

49 F.ex. *Nationalencyklopedin*, s.v. misshandel. See also f.ex. *Tang Code* §§ 303–305, Johnson 1997, 327–331; Dubber & Hörnle 2015/2018: “offenses against the person”.

5. **Involuntarily causing death, bodily harm or illness** – involuntarily causing the death of another person = to cause the death of another person out of negligence or by accident; involuntarily causing bodily injury or illness = to negligently or accidentally cause another person bodily injury or illness.⁵⁰
6. **Unlawful threats** – to threaten another person with a weapon or to threaten to commit a crime against another in a way intended to cause the victim to fear for his/her, or another person's, safety to life or health.⁵¹
7. **Criminal harassment** – to abuse or molest another person (excluding through violence or threats) or to disturb his or her peace through making noise or other ruthless behaviour.⁵²
8. **Other offences against the life and health of persons**

ILLEGAL RESTRAINT/DEPRIVATION OF FREEDOM

To intentionally deprive a free person of his or her freedom, for example by abducting, locking up or in other ways restraining the victim,⁵³ including conspiracy, preparation, attempt, instigation and abetment/aiding to commit such crimes. N.b.: The abduction of slaves and similar crimes are classified as a property offences.

1. **Kidnapping** – to abduct, lock up or forcefully detain another person in the intent to harm the victim to life or health, force him or her into some kind of involuntary servitude (or marriage) or to carry out extortion.⁵⁴
2. **Other illegal deprivation of freedom**

50 F.ex. *Nationalencyklopedin*, s.v. vållande till annans död, vållande till kroppsskada eller sjukdom; Heller & Dubber 2010, 277.

51 F.ex. *Nationalencyklopedin*, s.v. olaga hot; Dubber & Hörnle 2015/2018: "offenses against the person".

52 *Nationalencyklopedin*, s.v. ofredande.

53 F.ex. *Nationalencyklopedin*, s.v. olaga frihetsberövande. See also f.ex. *Tang Code* § 292; Johnson 1997, 307–308; *Laws of Hammurabi* § 114; Roth 1997, 102; Richardson 2004, 77.

54 *Nationalencyklopedin*, s.v. människorov; see also *Britannica Academic*, s.v. kidnapping.

SEXUAL OFFENCES

Unlawful sexual relations, acts or unlawful sexual intercourse, to urge or force someone to commit such acts, including conspiracy, preparation, attempt, instigation and abetment/aiding to commit such crimes.

1. **Fornication** – sexual intercourse between an unmarried man and an unmarried woman.
2. **Adultery** – sexual intercourse between persons where at least one of the parties is married to a third person.
3. **Incest** – sexual relations between blood relatives,⁵⁵ here extended to a wider range of family- and kin relationships than this.⁵⁶
4. **Rape** – to force another person to sexual intercourse or similar sexual acts through the use of force or the threat of force.⁵⁷
5. Sexual intercourse or relations between social classes – sexual intercourse or relations between persons from different social classes or groups, including between unfree persons (slaves, serfs etc.) and free persons.⁵⁸
6. **Bestiality** – sexual intercourse between human beings and animals.
7. **Homosexuality** – sexual intercourse or other sexual relations between persons of the same sex.
8. **Sexual abuse/exploitation of minor** – to have sexual relations with a person who in the society in question is considered to be a minor.
9. **Prostitution**
10. **Procuring** – to promote or have financial benefit from that another person engages in sexual activities for money or other means of payment.⁵⁹

55 *Nationalencyklopedin*, s.v. incest.

56 *Britannica Academic*, s.v. incest. N.b., it is the view of the society investigated as regards which sexual activities and relations that constitute incest that shall apply.

57 *Britannica Academic*, s.v. rape.

58 See f.ex. *Law Code of Manu* §§ 8.374–377; Olivelle 2004, 150.

59 F.ex. *Nationalencyklopedin*, s.v. koppleri; *Oxford English Dictionary*.

- ii. **Other sexual offences** – for example sexual coercion,⁶⁰ and sexual exploitation of adults, sexual harassment,⁶¹ and sexual offences in general, i.e. sexual offences the exact nature of which is not clear.

MOBILITY/MIGRATION

Regulations concerning human mobility, such as permitted and prohibited forms of travelling, wandering or migration or conditions for travel and migration.

1. **Customs offences** – to illegally pass through a border checkpoint/customs control point, failing to pass through a border checkpoint when passing a border where this is required and similar offences.
2. **Trafficking in persons** – to illegally transport persons from one country to another,⁶² or from one region or administrative district to another, here regardless of the purpose of the illegal transport.
3. **Vagrancy** – to illegally drift around, to lack a permanent residence or means of support.⁶³
4. **Other illegal mobility** (f.ex. to defy curfews)
5. **Other regulations concerning mobility or migration** (f.ex. concerning permissions to settle or travel)

NON-VIOLENT OFFENCES AGAINST PUBLIC PEACE AND MORALS

Offences against public peace and against public morals, including f.ex. indecent behaviours and conspiracy, preparation, attempt, instigation and abetment/aiding to commit such crimes.

1. **Disorderly conduct/public indecency** – to make noise or act in other manners destined to disturb the public peace or create public

60 F.ex. *Nationalencyklopedin*, s.v. sexuellt tvång.

61 *Britannica Academic*, s.v. sexual harassment.

62 F.ex. *Britannica Academic*, s.v. human trafficking; *Nationalencyklopedin*, s.v. människosmuggling.

63 F.ex. *Britannica Academic*, s.v. vagrancy.

annoyance, outrage or moral indignation.⁶⁴

2. **Public intoxication** – to appear in public visibly intoxicated from alcohol, drugs or similar substances.
3. **Other offences against public morals**
4. **Other offences against public peace**

REGULATIONS CONCERNING FAMILY/HOUSEHOLD/KIN

Regulations concerning relationships between members of the same families, households or kin and the rules and procedures related to marriages, divorces, the births of children, adoptions, deaths and funerals (in the cases when these rules and procedures are not explicitly religious).

1. **Marriage** – regulations concerning the conditions and procedures required for creating a legal marriage, for dissolving a marriage, and rules concerning the relationship between spouses.
2. Regulations concerning **the relationship between children and parents** – also including the relationship between grandparents and grandchildren, the procedures and conditions required for creating a legal adoption, and regulations concerning guardianship in general.
3. Regulations concerning **the relationship between slaves and slaveowners** – including issues concerning the status of slaves in the households etc.
4. **Deaths** – rules concerning the procedures in cases of deaths, when these procedures do not fall within religious ritual etc.
5. **Other types of regulations concerning family/household/kin**

SOCIAL INTERACTION, SOCIAL STATUS, AND SOCIAL NORMS

Regulations concerning the interaction between people whom are not parts of the same families, kin or households, rules regulating the interaction between social groups in society, and rules prescribing certain behaviour

64 F.ex. *Nationalencyklopedin*, s.v. förargelseväckande beteende; *Britannica Academic*, s.v. disorderly conduct.

or restrictions for certain social groups, and when this does not involve crimes, offences or other matters that can be subsumed under/classified with other categories.

1. **Relationships** – rules regulating the interaction between different social groups in society, excluding interaction within family, household or kin, when this does not involve crimes, offences or other matters that can be subsumed under/classified with other categories (for example contractual relationships).
2. **Social status** and social norms – other rules prescribing certain behaviour or restrictions for certain social groups, when this does not involve crimes, offences or other matters that can be subsumed under/classified with other categories.

CIVIL RIGHTS AND FREEDOMS⁶⁵

Rights and freedoms guaranteed an individual as a citizen or as a human being in general.⁶⁶

1. **Freedom of movement** – the right for an individual or inhabitant to move freely within, or across, the borders of the certain realm.⁶⁷
2. **Freedom from discrimination** – the right to a fair and equal treatment and freedom from discrimination within all sectors of society.⁶⁸
3. **Freedom of expression/speech/opinion/of the press** – the freedom to give out information or express opinions, ideas, thoughts or

65 *Britannica Academic*, s.v. civil liberty.

66 *Britannica Academic*, s.v. civil rights. Classification in this category limited to articles when the words “right”, “rights”, “freedoms” or “liberties” are used explicitly (and not in the sense of “privileges”).

67 F.ex. *Universal Declaration of Human Rights* § 13: www.un.org/en/universal-declaration-human-rights/

68 F.ex. *Universal Declaration of Human Rights*: www.un.org/en/universal-declaration-human-rights/.

feelings in speech, writing, images or in similar ways.⁶⁹

4. **Freedom of information** – the right to seek, take part of and impart information, including official information.⁷⁰
5. **Freedom of religion** – the right to hold religious beliefs, to belong to/be a member of any religious community or organization and “to manifest [one’s] religion or belief in teaching, practice, worship and observance”,⁷¹ as well as the right to not belong to any religious organization and not holding any religious belief.
6. **Freedom of assembly and association** – “the right to [...] peaceful assembly and association”.⁷²
7. **Intellectual property rights**⁷³
8. **Political rights/suffrage**
9. **Other rights and freedoms**

Persons/property

CAUSING PUBLIC DANGER

To engage in activities that pose a general danger to, or hurt or damage, persons and/or property in the surroundings, such as to set other people’s

69 F.ex. *Nationalencyklopedin*, s.v. yttrandefrihet; *Britannica Academic*, s.v. freedom of speech, censorship. Often with the exception of cases severely threatening central values such as national security or the privacy and reputation of private individuals.

70 F.ex. *Nationalencyklopedin*, s.v. informationsfrihet; *Britannica Academic*, s.v. freedom of information; *Universal Declaration of Human Rights* § 19: www.un.org/en/universal-declaration-human-rights/. Often with the exception of cases severely threatening central values such as national security or the privacy and reputation of private individuals.

71 *Universal Declaration of Human Rights* § 18: www.un.org/en/universal-declaration-human-rights/.

72 *Universal Declaration of Human Rights* § 20: www.un.org/en/universal-declaration-human-rights/.

73 See f.ex. *Universal Declaration of Human Rights* § 27: www.un.org/en/universal-declaration-human-rights/.

properties on fire and endanger human life or to handle fire in a negligent or careless way, including conspiracy, preparation, attempt, instigation and abetment/aiding to commit such crimes.

1. **Arson** – to deliberately start a fire and thereby cause danger to the life, health or property of another person (damage need not have taken place – the offence is committed if there has been endangerment).⁷⁴
2. **Careless/reckless driving** – to drive a car or a similar vehicle without due care or attention, or recklessly, and thereby endangering surrounding persons and property.⁷⁵
3. **Negligently causing public danger** – to handle fire or explosives in a careless or negligent way, or to by similar actions cause danger to persons and property.
4. **Sabotage/damage causing major disruption** – to damage property and similar acts and thereby cause disruptions to important societal functions or severe danger to life, health or property.⁷⁶
5. **Other public danger offences/crimes**

Religion

REGULATIONS CONCERNING RELIGION, MAGIC AND THE SUPERNATURAL
Rules concerning the relationship of human beings with the supernatural, divine, holy etc., rules relating to religious specialists and religious institutions and conspiracy, attempt, instigation and abetment to commit offences against such rules.

1. **Blasphemy** – to mock, revile or in other way show irreverence

74 F.ex. *Britannica Academic*, s.v. arson; *Nationalencyklopedin*, s.v. mordbrand.

75 *Nationalencyklopedin*, s.v. vårdslöshet i trafik.

76 F.ex. *Nationalencyklopedin*, s.v. sabotage, allmänfarlig ödeläggelse.

towards a god or deity or similar entities.⁷⁷

2. **Desecration of graves or corpses** – to desecrate grave yard, grave or dead bodies, through f.ex. unauthorized or abusive handling or by causing damage to graves or remains.
3. **Holy places** – to desecrate or defile other holy places than graves, f.ex. temples and churches, including to breach or defy taboos concerning places and regulations concerning holy places in general.⁷⁸
4. **Holy time** – to desecrate a day or other time period considered holy or taboo, including regulations concerning holy days/time periods in general.
5. **Holy objects** – to desecrate holy objects, f.ex. sacrificial objects, ritual objects, saints' relics etc., including breach of taboo concerning objects/purity laws relating to certain objects, and regulations concerning holy objects in general.
6. **Ceremonies/rites** – offences related to church services, sacrifices or other religious rites, f.ex. to perform such rites incorrectly, to participate in such rites in an “unclean” state, to breach taboos connected to religious rites etc., including rules for how religious ceremonies, rites and procedures shall be performed.
7. **Cursing/swearing/using taboo word** – to (often in anger) use forbidden word or phrases that signify something holy,⁷⁹ evil supernatural beings, or to use profane language in general. Also included are violations against certain types of taboos, when they involve uttering or writing taboo word or similar acts.
8. **Magic** – illegal magic here includes the following: to hurt another person physically or mentally with supernatural means, preparation

77 F.ex. *Britannica Academic*, s.v. blasphemy.

78 On the concept of taboo, see f.ex. *Britannica Academic*, s.v. taboo: “the prohibition of an action based on the belief that such behaviour is either too sacred and consecrated or too dangerous and accursed for ordinary individuals to undertake.”

79 *Nationalencyklopedin*, s.v. svordom; *Oxford English Dictionary*.

of such acts, attempts to commit such acts; magic not directly aiming at hurting the victim, such as love magic, other “white magic” and divination.⁸⁰

9. **Unauthorized ordination** of a person to become a religious specialist, i.e. f.ex. a priest, priestess, monk or nun.
10. **Religious specialists** – concerning offences within the offices committed by different religious specialists, rules and regulations concerning priests and similar groups, excluding offences that can be subsumed under/classified with other categories.⁸¹
11. **Impersonating a religious specialist**, i.e. f.ex. a priest, priestess, monk or nun.
12. **Faith and doctrine** – regulations concerning the right faith and doctrine, including apostacy.
13. **Food** – religiously motivated regulations concerning eating and food, purity regulations or taboos concerning food etc.
14. **Body/clothing** – religiously motivated rules concerning the human body and clothing, purity regulations or taboos concerning the human body and clothing etc.
15. **Taxes/fees** – imposition of religious taxes or fees, rules concerning the extent of and forms for such taxation and such fees.
16. **Alms/charity** – regulations concerning giving of alms to such groups as poor people, monks, nuns, Brahmins etc., and the extent and forms of such charity.
17. **Other regulations concerning religion, magic and the supernatural**

80 See f.ex. *Nationalencyklopedin*, s.v. magi; *Oxford English Dictionary*; *Britannica Academic*, s.v. magic.

81 That is, if a religious specialist commits rape, theft etc., this is classified with these crimes – this category is reserved for acts and omissions that cannot be subsumed under other categories and is directly related to the office/employment.

PART II: CONSEQUENCES

Punishment⁸²

Punishment is seen as “the authorized imposition of deprivations” or “the imposition of special burdens”⁸³ on a person due to his or her “transgression of a law or command”⁸⁴; that the law prescribes that a person found guilty of an offence or crime shall be subjected to certain burdens and/or deprivations (such as f.ex. concerning life, health, comfort, personal freedom, property, civic trust, social interaction, honour, domicile etc.).

1. **Capital punishment** – “execution of an offender sentenced to death after conviction by a court of law of a criminal offence”.⁸⁵
2. **Other corporal punishments** – all non-lethal types of punishments consisting of abusing the body of a punished person. This both includes measures causing the punished person injury or pain, and measures that do not, such as forcing the punished person to stand or sit in an assigned place, wear special clothing or wear certain objects or marks on his or her body.
3. **Enslavement** – to reduce a punished person to slave status, either as a direct punishment for a crime or an offence, or as conversion of another punishment, when a convicted criminal or a losing party in a suit cannot pay imposed fines or compensation. This category

82 This does not only include punishments imposed on the perpetrator him- and herself, but in rare cases also punishments imposed on family members of the perpetrator or on whole or parts of the community to which the perpetrator belongs.

83 *Stanford Encyclopedia of Philosophy*: plato.stanford.edu/entries/punishment/.

84 *Britannica Academic*, s.v. punishment.

85 *Britannica Academic*, s.v. capital punishment.

includes debt slavery. Penal labour differs from debts slavery in the sense that the person subjected to penal labour still is considered a free person.

4. **Exclusion** from community
 - ♦ **outlawry** – to exclude a person from society and deprive him or her of the protection of the law due to his or her commission of an offence, meaning that any person (sometimes limited to the plaintiff and the victim’s kin) can legally kill or assault the outlawed person. Often combined with confiscation of property.⁸⁶
 - ♦ **excommunication** – exclusion from religions community or religious rites.
 - ♦ **loss of honour and/or loss of civil rights** – to be forfeit one’s honour, good reputation and/or the trust of society and thereby sometimes certain rights and benefits.⁸⁷
 - ♦ **banishment/exile/transportation** – to exclude a person from the community, where this also means that the person is required to remove himself – or is forcefully transported – to an assigned place and beyond certain borders.
 - ♦ **other forms of exclusion** from the community/exclusion in general.
5. **Penal labour** – “deprivation of freedom combined with duty to perform certain manual labour”⁸⁸
6. **Imprisonment** – deprivation of freedom through detention/ confinement in prison or a similar facility.⁸⁹
7. **Forfeiture of public office or employment**

86 See f.ex. *Nationalencyklopedin*, s.v. fredlös; *Britannica Academic*, s.v. outlawry; *Oxford English Dictionary*, s.v. outlawry. See also f.ex. Carbasse 1990, 100.

87 *Britannica Academic*, s.v. infamy; *Nationalencyklopedin*, s.v. medborgerligt förtroende; *Oxford English Dictionary*, s.v. infamy.

88 *Nationalencyklopedin*, s.v. straffarbete.

89 *Nationalencyklopedin*, s.v. fängelse (“straff i form av frihetsberövande”); *Oxford English Dictionary*, s.v. imprisonment.

8. **Loss of financial/economic resources (economic punishment)** – all types of punishments primarily aiming at causing the person punished loss of financial/economic resources. If the sum prescribed shall be paid to the victim, or his or her kin, and is considered to correspond to the value of the damage, we have here regarded this as *compensation/damages*.
9. **Unspecified punishment** – when the sanction is a punishment, but it cannot be determined what kind of punishment it is.
10. **Other punishments**

Non-penal consequences

Non-penal measures or means, excluding those within procedural law.

1. **Compensation/damages** – to prescribe that one party in a legal case shall compensate the other (in money, the equivalents of money, other means of payment, goods, commodities or by work) for the damage he or she is considered to have caused. More specifically, payments are classified within this category when the sum prescribed shall be paid to the victim, or his or her kin, and is considered to correspond to the value of the damage.
2. **Economic/property** – concerning transactions of property through contracts, loan arrangements, inheritance, in connection with marriage etc., and different types of rights to property, such as ownership and tenure.
3. **Administrative (civil) and administrative (military)** – concerning government administration on the national, regional and local level, divided into civil and military administration, excluding the administration of the judiciary.
4. **Household/social relations** – concerning social relations, family and kinship, such as in the fields of marriage, guardianship, the relationship between children and parents and kinship as well as events such as births and deaths (when not in a religious context).

The category is reserved for measures or means in the field of social relations, all measures or means concerning property are classified within “economy”. Measures and means concerning slaves are either classified here, or with “economy”, depending on the context of the specific article.⁹⁰

5. **Religious** – stipulated consequences concerning the relationship of human beings with the supernatural, divine, holy, religious specialists and religious institutions, such the imposition of penances, pilgrimages, sacrifices or ritual cleansings.
6. **Maintenance** – concerning the maintenance and care of property such as agricultural land, cattle, forests, commons, irrigation systems and chattels.
7. **Reward**
8. **Other measures/means**

Payment

1. **Payment** – classification used in cases when it is not possible to determine which function (compensation or punishment) the payment prescribed is supposed to fill. Clarification: this category is used when *one* sum is prescribed, the function of which is unclear. This include such consequences such as “compensate twelvefold”, which can be more specifically classified as punitive damages (i.e. the fact that the perpetrator is made to pay the victim more than the damage done is taken to indicated a punitive element).⁹¹ When articles prescribe separate sums as compensation and punishment respectively, this is classified as “combination”, i.e. as a combined consequence.

90 Classified here when it concerns the relationship between slave and owner within the household; with “economy” when the issue is slavery as an economic transaction or the slave as a commodity.

91 See f.ex. Hoebel 1961, 120; Jackson 1972, 130.

Legal procedure

Measures and means within the judicial system (see definition of “procedural law” in *Part I of the Appendix*).

1. Requirement or right to swear **oath** – “sacred or solemn voluntary promise”.⁹² This both includes oath in the form of “the trustworthiness of a statement” and oath in the form of a confirmation of a person’s general trustworthiness.⁹³
2. **Trial by battle**/judicial battle – to decide guilt in a legal case through combat between a plaintiff and a defendant (or their representatives), where the outcome is considered to reveal the guilty party through divine intervention.⁹⁴
3. **Ordeal** – to decide guilt in legal case through certain tests, where the outcome is considered to reveal the guilty party through divine intervention, such as trial by water, fire or hot iron.⁹⁵
4. **Other legal procedure**

Meta-law

Meta-law – prescriptions concerning the range and the status of the law.

92 *Britannica Academic*, s.v. oath.

93 *Nationalencyklopedin*, s.v. ed, edgärdsmanprocess. See also *Oxford English Dictionary*.

94 See f.ex. Carbasse 1990, 74–75.

95 See f.ex. *Britannica Academic*, s.v. ordeal; *Nationalencyklopedin*, s.v. gudsdöm; *Oxford English Dictionary*, s.v. ordeal. See also f.ex. *Dharmasastra of Narada* §§ 20.17–21, Lariviere 1989, 223.

Rights

Prescription of **rights**. For definitions, see Part I of the Appendix. Classification in this category limited to articles when the words “right”, “rights”, “freedoms” or “liberties” are explicitly used (and not in the sense of “privileges” for certain groups).

Mandate of the State

Mandate of the state

Religion (predicted)

See definition of “regulations concerning religion, magic and the supernatural” in Part I of the *Appendix*. In codes or legal collections containing law with a religious orientation, the authors sometimes, rather than stipulating a sanction, predict that certain acts will induce/bring about certain consequences *in a supernatural way*. This includes consequences in worldly – as well as in a perceived other-worldly – life. The former includes assertions such as those that God will punish or reward a perpetrator in this world (he or she will suffer disease, incur losses or become wealthy or happy etc.) or that a certain act will change a person’s relationship with supernatural entities or forces while still living in this world (he or she will enter into an impure or sinful state etc.). The latter includes predictions of other-worldly punishments or rewards, such as going to heaven or hell or rebirth in a more or less favourable state:

1. **Religious status**/the relationship to gods/God and similar entities – this does for example include assertions that certain acts puts a person in a sinful state, alienates him from God or make him or her unclean etc.

2. **Death**
4. **Reward (predicted)**
5. **Other (predicted)**
6. **Other-worldly/after-life punishment**

Other

1. **No punishment/consequence** – explicitly prescribed that no punishment or other consequence shall be imposed or that the act is not punishable.
2. **Consequence left out** – an offence is described, but no punishment or other consequence is prescribed.
3. **Prescribed extra-legal revenge.** Technically speaking, revenge is an opposite of the treatment of conflicts and crimes in the judicial system. As opposed to punishment according to law, it is arbitrary and personal: it can be described as an unauthorized punitive action against someone, intended to provide redress for personal injuries, injustices or wrongs suffered by the revenger or a person close to him or her, such as a relative.⁹⁶ This category is reserved for cases when the law prescribes that a victim of a transgression (or his or her family, kin etc.) is allowed to take revenge without involvement or with very limited restrictions from the judicial system.
4. **Surveillance**
5. **Other**

⁹⁶ *Nationalencyklopedin*, s.v. hämnd. See also *Oxford English Dictionary*.

General coding principles: one crime, several consequences:

The *Swedish National Encyclopædia* defines a crime as “a deed, for which a punishment is prescribed in a code of laws or in another statute [our transl.]”⁹⁷ Our use of the term is in accordance with this: a crime is, here, on a basic level *one* illegal action punishable by *one* punishment. However, sometimes legal codes prescribe several consequences for one, inseparable, offence. We have specifically found three varieties of this: alternatives, combinations and “**punishment scales**”:

ALTERNATIVE

This comprises inseparable offences where one or more alternative consequences are prescribed. On the different levels this is coded in the following ways (examples):

- Specific level: alternative (compensation OR ec. punishment) Abstract level: alternative
- Specific level: alternativecapital (capital OR ec. punishment) Abstract level: punishment

COMBINATION

This comprises offences where two or more consequences are combined. Coding examples:

- + Specific level: combination (compensation+corporal) Abstract level: combination
- + Specific level: combination (economy+household/social relations) Abstract level: measure/means
- + Specific level: combinationcapital (capital+ec. punishment) Abstract level: punishment

97 *Nationalencyklopedin*, s.v. brott. See also *Oxford English Dictionary*.

PUNISHMENT SCALE:

This comprises offences where the consequence is indicated either by giving a maximum and a minimum punishment, or where it is connected to a given scale of punishment and where the specific punishment is raised or lowered on that scale depending on such factors as the value of goods stolen or the number of objects involved in an offence etc. (such as in the case of illegal possession of objects).

Coding examples:

- Specific level: scalecapital (corporal—capital) Abstract level: punishment
- Specific level: scale (compensation—ec. punishment) Abstract level: scale

That is, the principle is that if an alternative, combined or scale sanction falls into the same overall category, it is coded in this way on the more abstract level. If it does not, it is coded as “alternative”, “combination” or “scale” respectively. Since we wanted to chart the total use of capital punishment in the codes, all alternative, combined or scale sanctions including a capital punishment has been marked out (with the addition of the word “capital” after the type of sanction).