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THE DEATH PENALTY DURING THE FIRST SERBIAN UPRISING 1804–1813

Summary: In Serbia from the time of the First Serbian Uprising, the judicial power was not quite clearly separated from the executive, and in many respects it was subordinate to the latter. In addition to the courts, judicial power was also exercised by the holders of executive power – especially the Grand Vožd, leader of Karađorđe. Serbian state authorities used the death penalty for murder, banditry, military crimes, political crimes, and crimes against property. Custom played an important role in the judicial procedure, and this was first of all reflected in the evidentiary procedure, in which irrational means were often used, for example “God’s judgment”, throwing suspected witches into the water, witchcraft... Three basic methods of execution in Serbia of the First Serbian Uprising, there were: hanging, shooting and the wheel. Death sentences were carried out publicly, in front of the people, which represented a kind of “compensation” for the secrecy of the trial. On that occasion, people could see the convicted person, but also get an impression of the justification of the verdict from his behavior. The convicted person then had to confess his crime in front of everyone. The public of the trial had its three basic functions, which were reflected in the following: First, the public at the trial provided as much control over the work of the judiciary as possible. Second, the public execution of death sentences calmed the people, because by killing the culprit, the cause of fear ceased to exist. And the third function of the public execution was a preventive function, which was reflected in “making the people respectable”, that is, for the observers to take as an example, so that they do not become such evil and naughty people. Finally, as far as the frequency of the death penalty is concerned, in the first half of the 19th century, Serbia applied the death penalty much more widely than any other European country, and this all stems from the above-mentioned data on the number of judgments passed and executed on an annual basis.

Keywords: death penalty, execution, hanging, shooting

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