

# Death as Archaeology of Transition: Thoughts and Materials

Papers from the II International Conference of  
Transition Archaeology: Death Archaeology  
29th April – 1st May 2013

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BAR International Series 2708  
2015

Published by

Archaeopress  
Publishers of British Archaeological Reports  
Gordon House  
276 Banbury Road  
Oxford OX2 7ED  
England  
bar@archaeopress.com  
www.archaeopress.com

BAR S2708

*Death as Archaeology of Transition: Thoughts and Materials  
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ISBN 978 1 4073 1359 7

Printed in England by Information Press, Oxford

All BAR titles are available from:

Hadrian Books Ltd  
122 Banbury Road  
Oxford  
OX2 7BP  
England  
www.hadrianbooks.co.uk

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# ARCHAEOLOGY OF THE DEATH PENALTY IN ALENTEJO - PORTUGAL

*Jorge de Oliveira, Ana Cristina Tomás*

## RESUMO

*Abolida a pena de morte em Portugal em 1867 os testemunhos matérias dessas práticas ou foram intencionalmente destruídos ou simplesmente esquecidos. A forca de pedra, madeira, ou mista foi o processo mais utilizado em Portugal para aplicar a pena de morte. Procura-se neste breve texto estudar e tipificar as variantes das forcas e formas de aplicar a morte, desde a Idade Média até ao séc. XIX no Alentejo, Portugal.*

## SUMMARY

*This communication is designed to inform the archaeological community about the physical evidence of the implementation of the death penalty by hanging. Although largely forgotten, there are still many remains of different types of gallows in Portugal. We will present some of the most significant examples that have been identified in the Alentejo region.*

*Palavras chave: Gallows, Alentejo, Archaeology*

In 2007, while celebrating the 140 years since the abolition of the death sentence for civilian crimes in Portugal and since this was the first country to do so, we thought we should mark this date by publishing the small book called *'As Forcas do Distrito de Portalegre'* ('The Gallows of the District of Portalegre'). The book included references to almost forty sites where physical, written or graphic evidence or spoken accounts of gallows were identified. Death by hanging was one of the most frequently used death penalties applied to the general population and that is why these structures of death were the most commonly used. Although they have been completely forgotten by the scientific community, these evidences did not go unnoticed by Manuel Heleno (Heleno, 1922), who made a brief reference to gallows, drawing on Duarte d'Armas' illustrations. After the survey that was carried out for the book published in 2007 and considering the appreciation it earned, we continued (although in a less systematic way) to gather information about other areas in Alentejo. This brief communication presents a summary of the subsequent results. The implementation of the capital punishment in the case of civilian, political, religious, economic and other crimes has always been present in most cultures and civilizations until the end of the 19<sup>th</sup> century. During the 20<sup>th</sup> century, many countries gradually abolished the death penalty. In the 21<sup>st</sup> century, this hideous form of punishment has almost entirely been abolished in Europe and Central Asia, in America only the United States implements it and it continues to be an ever present reality in the remaining continents, where the frequent executions in China and in most of the Muslim countries are worth noting, mainly for so-called moral crimes or those related to drug trafficking. Although there are and have been various ways of implementing the death penalty, the most common one was and continues to be the gallows. Death by hanging, especially through the short drop, constitutes a particularly painful death, because it

is a slow and also a public process. And for this reason, those who support this type of sentence consider it more educational. Therefore, despite the use of other processes more or less painful, gallows have always been built almost everywhere in the world. The gallows made of wood, or simply a tree branch, has been the more widely used type of gallows, because it is easier to obtain. As the penal codes started to be implemented and became widespread, the places to execute these penalties became more stable and the gallows started to be more impressive, mainly as an expression of the power of prevention. In Portugal, as the so-called *Reconquista Cristã* (Christian Reconquest) was advancing southwards and at the same time the new municipalities were being established along with their respective 'Charters', the construction of a gallows would be immediately determined. Therefore, gallows or simply the places where they stood, when there are no other physical remains, are central references for the history and archaeology of any settlement, especially those established during the Middle Ages. As we shall discuss in further detail, it is possible to identify a series of archaeological references associated to the location of the old gallows that contribute to a better understanding of the urban fabric, the outline of the main road, the presence of peripheral cemeteries, the related toponymy, or of sanctuaries related to martyr saints, especially to Saint Sebastian. With this research we wish to record the archaeological remains of the still existing gallows or, when they no longer exist, it is important to document with precision the gallows' previous location and other elements which might help us to better understand this forgotten element of our cultural heritage.

After the death penalty was abolished in 1867 most of the gallows were destroyed by order of the city council or by the population; because they were made of wood, others rotted and disappeared over the years, and thus today