INTERNATIONAL CONFERENCE

FAIDA

Feud and blood feud between customary law and legal process in medieval and early modern Europe

Venice, 9th to 11th June 2016

PROGRAMME & ABSTRACTS

9th June
Aula Magna Silvio Trentin, from 15.00 to 19.00
Venezia, Ca’ Dolfin, Dorsoduro 3825

10th June
Aula Consiglio (“grande”), from 9.00 to 19.00
Venezia, Palazzo Malcanton Marcorà, Dorsoduro 3484/D, 2nd floor

11th June
Aula Consiglio (“grande”), from 9.00 to 13.00
Venezia, Palazzo Malcanton Marcorà, Dorsoduro 3484/D, 2nd floor

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Università Ca’ Foscari Venezia, Dipartimento di studi umanistici
Ca’ Foscari University Venice, Department of Humanities

VENICE 2016

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PROGRAMMA E RIASSUNTI


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Foto di copertina: Montenegro. La cerimonia dell’offerta (dono) per tregua. Paja Jovanović: Vendetta di sangue (Krvna osveta, 1889).

Picture on the cover: Montenegro. The Ceremony of the Offer (Gift) for Truce. Paja Jovanović: Blood Vengeance (Krvna osveta, 1889).


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**Thursday 9th June**: Aula Magna Silvio Trentin, from **15.00 to 19.00**

15.00-15.15  
Registration of Participants

15.15-15.30  
Opening of the Conference: Welcoming Addresses

15.30-19.00  

**Presidency: Edward Muir, Claudio Povolo**

Edward Muir (Northwestern University Chicago): From the Mountains of Albania to the Court of Charles V

Claudio Povolo (Università Ca’ Foscari Venezia): La Vendetta: aspetti costituzionali e giudiziari

Darko Darovec (Università Ca’ Foscari Venezia): The Feud in the Interrelationships between Customary Law and Legal Process in the Adriatic Region and in the European Context

**17.00 Coffee Break**

Howard Burns (University of Cambridge): “Odij et rancori” and Architecture in Cinquecento Vicenza

Sergio Marinelli (Università Ca’ Foscari Venezia): La pace dopo la faida. La pacificazione al posto della vendetta

**Contributions:**

Luca Rossetto (Università Ca’ Foscari Venezia): Vendetta e banditismo nel secondo decennio del seicento: il caso di Zuanne dalle Tavole

Andrew Vidali (Università Ca’ Foscari Venezia): Faida e pena del bando a Venezia: relazioni tra aspetti costituzionali, conflittualità e famiglie patrizie tra XV e XVI secolo

**Discussion**
**Friday 10th June:** Aula Consiglio („grande“), from **9.00 to 13.00**

**Presidency:** Furio Bianco, John Jeffries Martin

Patrizia Resta (Università di Foggia): Il paradigma vendicatorio nell’immaginario giuridico

Jonathan Davies (University of Warwick): Peacemaking in Tuscany from Republic to Grand Duchy

Marco Bellabarba (Università degli Studi di Trento): Faide e letteratura giuridica nello spazio trentino-tirolese del tardo Medioevo

Antoine Graziani (Université de la Corse): “Eterna feremu vendetta” : lois nouvelles et justice empirique en Corse (XVI-XVII siècle)”

**10.30 Coffee Break**

Emrah Safa Gürkan (İstanbul 29 Mayıs University): Blood on the Sultanic Floor: Blood Vengeance and Regicide in the Ottoman Empire (1622-1634)

Lucien Faggion (Aix-Marseille Université): La faida e il Consolato a Vicenza nella seconda metà del Cinquecento

Marco Gentile (Università di Parma): «Saranno fatte le vostre vendette». Faida, comunità, poteri locali e governo centrale nell’Appennino settentrionale (Varzi, XV secolo)

**Contributions:**

Azeta Kola (Northwestern University Chicago): From Serenissima’s Centralization to the Self-Regulating Kanun: The Rise of Tribes in Northern Albania During the Fifteenth and Sixteenth Centuries (with some observations on the revival of Albania’s customary law in recent times)

Angelika Ergaver (Nova revija Institut for Humanities Ljubljana): »First my brother, then a blood-taker, then my brother forever«. The Efficiency of the Traditional Peace-Making Custom in the Early Modern Age Montenegro and the Role of the Venetian Authorities in the Peace-Making Process

**Discussion**

13.00-15.00 Lunch
Friday 10th June: Aula Consiglio („grande“), from 15.00 to 19.00

Presidency: Jonathan Davis, Patrizia Resta

Tom Johnson (University of York): Law, Courts, and Social Conflict in the English Countryside, 1400-1500

Robert Kurelić (Juraj Dobrila University of Pula): Between Kingdom and Empire: the Feuds of the Counts of Cilli in the Fifteenth Century

Àngel Casals Martínez (Universitat de Barcelona): Legal and Illegal Way of Revenge in the Catalan Framework (15-17th Centuries)

Paolo Broggio (Università degli Studi Roma Tre): Faide, pratiche di giustizia e pacificazioni nello Stato pontificio: la centralità della “sicurtà di non offendere” (seconda metà del XVI secolo)

16.30 Coffee Break

John Jeffries Martin (Duke University): Cannibalism as a Feuding Ritual in Early Modern Thought

Romedio Schmitz-Esser (Centro Tedesco di Studi Veneziani, Venice): The Revenge of the Dead. Feud, Law Enforcement and the Untameable

Contributions:

Stefano Crocicchia (Università Ca’ Foscari Venezia): La conflittualità nel patriziato veneziano d’inizio seicento

Žiga Oman (University of Maribor): Will Auß Der Vnordnung Nit Schritten: A Case of Fehde from 17th Century Styria

Discussion
Saturday 11th June: Aula Consiglio ("grande"), from 9.00 to 13.00

Presidency: Daniel Lord Smail, Stuart Carroll

Riccardo Drusi (Università Ca’ Foscari Venezia): La vendetta popolare nella Venezia del Cinquecento, fra letteratura e documenti d’archivio

Piermario Vescovo (Università Ca’ Foscari Venezia): Lelio bandito (uno e due). Tra Andreini e Goldoni

Christophe Regina (Université Jean Jaurès - Toulouse): La rhétorique de la vengeance à Marseille au XVIIIe siècle

10.30 Coffee Break

Contributions:

Marco Romio (Università Ca’ Foscari Venezia): Feud and Power in Seventeenth Century Maina: the Case of Liberachi Geracari

Samuele Rampanelli (Università Ca’ Foscari Venezia): L’inimicitia ai confini: conflitti sociali e riti giudiziari in un feudo tirolese ai Confini d’Italia (XVI-XVII secolo)

Discussion

Conclusions:
Stuart Carroll
PROGRAM CONCEPT OF THE INTERNATIONAL CONFERENCE:

FAIDA

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In the past two or three decades the famous essay by Max Gluckman, *The Peace in the Feud* (1955), has become the reference point for the many historical studies on the feud and revenge. In his study, Gluckman emphasized how the system of feud fulfilled an essential function of balance within strongly conflicting societies, both by acting as a true regulatory system of social control and by preventing the dreaded and inevitable retaliation represented by episodes of violence.

To what extent can we distinguish the term feud understood in terms of a more general conflict that refers to enmity, which often lasted for long periods, from that of revenge, which seems to suggest a single act of retaliation or more simply a generic concept? The research conducted on the early modern age (Povolo 1997) shows how the feud aristocratic system imploded when, due to the intervention of the central political authorities, there can no longer be a self-regulatory system of conflicts based on the idiom of honor. The system of feud was intimately connected to the political dimension and to the introduction, in the course of the twelfth and thirteenth centuries, of Roman-canonical procedures which had the aim of incorporating the conflict system of feud, until then mainly governed by custom; into procedural practices in order to mitigate its bloodiest consequences.

Feud, revenge and legal process were all part of a complex system of regulation of conflicts (Stein 1984, Berman 1983).

The conference papers should aiming to investigate the feud in the interrelationships between customary law and legal process, especially for the period after the assertion of state powers which, in the wake of new instances and social pressures, imposed intensively inquisitorial procedures that made the self-management of conflicts between different social classes far more difficult.

The scientific purposes lie primarily in the deconstruction and the subsequent reassessment of a historical process that the documentary sources show on the narrative level in a distinctly negative and misleading way. This is because they disregard both the customary and the legal implications that the feud had for centuries, as well as its social functions, which were part of an order and a tradition centered on peace and community control of conflicts.

The Conference is composed of 4 sets:

1. The Feud and procedural narratives
Analysis of the new inquisitorial proceedings with the identification of the speeches that were formulated by experts of law and of their use. This will permit us to understand the narrative forms that aim at facilitating their use and application.
2. **Feud criminal proceedings and social control**

An analysis of the trials and criminal proceedings that conditioned the new form of punitive justice. Through this, it will be possible to identify the actions, consequences and protagonist of the feud in the context of proceedings that not only can no longer convey the older forms of mediation and feud, but are illustrated in a negative way.

3. **Feud and social conflicts**

The analysis of the links between the feud, as understood in terms of a trial that is the expression of new judiciary procedures, and the feud as an eminently social phenomenon described in numerous sources (diaries, reports, and memoirs of the protagonists). It will be possible to understand the existing difference between practices of containment of the social phenomenon itself. The files of the trial indirectly record certain cultural aspects of the feud (mediation, hierarchies, signs and symbols of conflicts). Other sources record the social contexts where they developed, making explicit the protagonists and the dynamics of conflict, as well as the methods used to bypass the new forms of social control (connections with the political power, forms of corruption, control of influential and powerful local persons, and so on).

4. **The protagonists of the feud**

The victim and the accused in the trial. These are protagonists, who could be considered “new”, which the new trial rituals emphasized through the alleged crimes suffered by the victims, or committed by the indicted.
ABSTRACTS OF CONFERENCE PAPERS
At the end of an interdisciplinary conference on “Feud in Medieval and Early Modern Europe,” held in Aarhus, Denmark in 2003, the participants realized we could not agree on a definition of the feud, and we were left with a certain “definitional incoherence.” In the hope that scholarship can make progress, this paper proposes to build upon the Denmark conference. This paper suggests that the feud should be understood as a spectrum of behaviors and values. Part of the task is to identify the boundaries of the feuding spectrum, so that all acts of reciprocal violence do not collapse into it. At one end of the spectrum were those acts most distant from the power of the state, exemplified by the customary law of the Kanun of the Albanian mountains. At the other end of the spectrum might be cases of feuding that hid under the blanket of the *ragione dello stato* and statutory law, cases in which the laws of the monarch repudiated private justice in favor of public norms but that in practice allowed certain privileged persons to continue to pursue feuds. The paper examines the role of Emperor Charles V in the assassination of Lorenzino de’ Medici, himself the assassin of Duke Alessandro de’ Medici, the Emperor’s son-in-law. In between these two extremes were numerous examples of perpetrators of violent acts who negotiated their way along the spectrum to maximize the chances of success during a period of deep social conflict over the honorable and legal ways to redress grievances. There is a certain paradox in my thesis: although the customary codes of the feud implied rigid obligations to maintain honor, feuding parties made choices about where to situate themselves on the spectrum.
LA VENDETTA: ASPETTI COSTITUZIONALI E GIUDIZIARI

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Molti degli storici e degli antropologi non hanno oggi esitazione a definire la vendetta come un sistema giuridico che per secoli svolse una funzione importante sul piano del controllo sociale e delle diverse rappresentazioni culturali. Le divergenze si prospettano comunque nel momento in cui si tratta di condividere una definizione soddisfacente dei conflitti che animavano la struttura sociale nel suo complesso (feud, bloodfeud, inimicizie, vendetta…). Di certo il sistema della vendetta si caratterizzava per il suo profilo consuetudinario, animato sia dall’idioma dell’onore, che dalla stratificazione sociale. Un sistema che, a partire dal Basso Medioevo, è comunque percettibile nelle sue più che evidenti interconnessioni con il sistema giudiziario. In tal senso la dimensione della giustizia è uno strumento utile per cogliere il sistema della vendetta sia nei suoi esiti, caratterizzati dall’utilizzo della pena del bando e della pena pecuniaria, che dalle procedure utilizzate. I diversi *ordines iudiciarii* si contraddistinguevano come riti diversamente finalizzati al raggiungimento della pace o all’individuazione dei cosiddetti *fatti giustificativi* (legittima difesa, provocazione, furore) il cui obbiettivo era di individuare la specificità del conflitto in atto e l’esigenza di giungere ad una sua risoluzione.

Un dato che è stato poco analizzato dalla storiografia è quello costituzionale. Un aspetto che se sul piano più generale era contraddistinto da valori condivisi, nelle sue specificità era definito dal concetto di *iurisdictio*, che caratterizzava lo stato policentrico del medioevo e dell’antico regime. La *iurisdictio* stabiliva la sfera giurisdizionale sul piano politico e giudiziario e il valore stesso dei confini. Il profilo costituzionale contrassegnava sia il sistema della vendetta che le sue caratteristiche specifiche (intensità, durata, estensione dei gruppi coinvolti) e le sue interconnessioni con il sistema giudiziario (gestito da professionisti, procedure più o meno elaborate, sottoposto o meno a interferenze esterne).

Il dato costituzionale spiega altresì la lunga durata del sistema della vendetta nella società di antico regime, ma anche il suo indebolimento e la sua messa in discussione da parte dei poteri centrali che imposero una diversa percezione del territorio e dei confini. Gli strumenti utilizzati furono molteplici, ma un peso rilevante fu svolto dall’imposizione di riti inquisitori (introdotti nel corso del Cinquecento) e da un diverso utilizzo della pena del bando.
THE FEUD IN THE INTERRELATIONSHIPS BETWEEN CUSTOMARY LAW AND LEGAL PROCESS IN THE ADRIATIC REGION AND IN THE EUROPEAN CONTEXT

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The paper presents a case study of the judicial process in 1401 due to the vendetta between the serfs in the Friulian village on the border between the Romance and Slavic population in order to display the ritual of the customary system of conflicts resolution in the medieval community. To illustrate the changes in the customary system, which arose first with the introduction of written law, then even more radically with the introduction of state law, another two case studies will be introduced, namely the feud between the Patriarchs of Aquileia and Counts of Gorizia in the years 1267-1277, and the vendetta in Koper in 1686. The comparative study will take into consideration the findings of research on customary system of conflicts resolution in Montenegro and Albania on the basis of two sources: a survey from the second half of the 19th century, conducted among Montenegrins, Albanians and Hercegovians by Valtazar Bogišić, and the Kanun of Lekë Dukagjini.
“ODIJ ET RANCORF” AND ARCHITECTURE IN CINQUECENTO VICENZA

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Vicentine architecture in the middle decades of the Cinquecento was characterised by the work of two great architects – Palladio (1508-1580) and Scamozzi (d. 1616) – who developed new forms for the town and country residences of the landowning elite not only of Vicenza, but of the whole Veneto.

These two architect-authors in their influential books prudently avoid any reference to the personal and political conflicts of their patrons. Villa and palace owners however sometimes murdered each other, or were involved in vendetta killings.

The paper will ask whether the new residences of the elite reflected factional or personal rivalries or mirrored long-standing feuds and/or competition for the domination of country areas. It will also consider the question of the degree of security from assault offered by palaces and villas, and of how Palladio managed to work for powerful individuals who were enemies or bitter rivals. In this context his position as intimate of local peace-makers and from the 1550s of influential Venetians, linked to the central government, is probably pertinent.
LA PACE DOPO LA FAIDA.
LA PACIFICAZIONE AL POSTO DELLA VENDETTA

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Nelle arti figurative è sistematicamente evitata, nei grandi formati e nelle collocazioni importanti, la rappresentazione della faida e della vendetta come fatto privato ovviamente perché, pur assai frequente, non è un valore su cui costruire una società pacifica e duratura, semplicemente perché non è un valore generalmente riconosciuto. Gli echi di tali fatti restano, spesso indirettamente, in tavolette votive di qualità e impegno artistico sempre generalmente scarso. Le grandi imprese artistiche riguardano e celebrano invece il momento della pacificazione, del superamento della vendetta e della faida. Nell’intervento al convegno se ne illustreranno alcuni casi esemplari.
VENDETTA E BANDITISMO NEL SECONDO DECENNIO DEL SEICENTO: IL CASO DI ZUANNE DALLE TAVOLE

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Tra il 1616 ed il 1618 le più importanti magistrature veneziane, Consiglio dei Dieci in primis, furono investite del caso di una banda di individui che scorrazzava nel territorio trevigiano della podesteria di Castelfranco, ed aree confinanti (padovano e vicentino), rendendosi responsabile, tra l’altro, di azioni quali ruberie, incendi ed omicidi. Protagonista inafferrabile di tali episodi e capo indiscusso di quel gruppo di uomini era un soggetto molto particolare: Zuanne Dalle Tavole, un ex sacerdote, già curato della parrocchia di Bessica di Loria, della stessa podesteria castellana. La ricostruzione della sua avventurosa vicenda e l’analisi delle contromisure messe in atto dalla Dominante, anche con l’ausilio delle autorità periferiche a ciò delegate, per neutralizzarne l’operato costituiscono il nucleo principale del contenuto del presente contributo. Un case study certamente singolare ma quanto mai significativo per approfondire la tematica della natura del rapporto tra faida, vendetta, banditismo, consuetudini e procedure legali nel peculiare contesto della Terraferma veneta del secondo decennio del Seicento.
La seguente ricerca intende approfondire i risultati ottenuti da una prima analisi delle manifestazioni della faida e della vendetta all’interno della realtà sociale del patriziato veneziano. Partendo dalla constatazione di come la gestione di tale forma di violenza all’interno della società lagunare presenti evidenti analogie con le altre realtà italiane, ad esempio nel campo della ritualità processuale, è opportuno ampliare ora il raggio dell’indagine: al centro di tale disamina si pongono le interrelazioni tra aspetti costituzionali, il sistema della conflittualità e le parentele.

Queste connessioni trovano forse una loro precisa convergenza nella pena del bando: questa sanzione si configura infatti come momento d’incontro delle istanze giudiziarie e delle necessità di raggiungere la pacificazione tra i gruppi contrapposti. L’allontanamento dell’offensore garantisce lo spazio per l’intervento delle parentele, finalizzato al conseguimento della *charta pacis*, imprescindibile per la remissione dello stesso bando e il rientro del bandito nella società: una dinamica ben presente anche all’interno della realtà veneziana e che rappresenta un’evidente commistione tra forme consuetudinarie e dotte della giustizia. Oltre ad un’analisi della politica bannitoria promulgata dalla Dominante nel corso del XV e inizio XVI secolo, si cercherà anche di scoprire quali siano stati gli effetti indotti dall’acquisizione di un dominio territoriale, nella penisola italiana a inizio ‘400, sull’utilizzo di tale strumento giudiziario. La domanda a cui si vuole dare una risposta è la seguente: come venne gestita la pena del bando da parte di una città-stato provista di un ristretto dominio diretto sull’ambiente lagunare, il Dogado, nel momento in cui essa estese la propria sovranità su nuove realtà territoriali? E quali furono continuità e discontinuità fino alla prima metà del XVI secolo?
THE VENGEFUL PARADIGM IN THE JUDICIAL IMAGINATION

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A functionalist definition of feud has prevailed in anthropology, since the middle of last century. Nevertheless, this definition has slowly given way to a perspective that considers revenge as a semantic code, able to perform the judicial imagination of actors moving on its stage. In this perspective, I will attempt in this paper to demonstrate that it is a paradigm that remains effective regardless of the different legal systems to which the laws are subject, rather than a conflict resolution system that over time leads to re-establish order and social cohesion.

In order to explain my hypothesis, I will use as ethnographic case the trial that took place in Berlin in 1921 against Soghomon Tehlirian, self-confessed murder of Talaat Pasha, responsible of the Armenian genocide. Here, the retaliative paradigm becomes an useful interpretive tool for understanding three elements: the reached acquittal verdict, the relationship of exchange between victim and murderer and the reduction of an intricate political issue in a family drama.

In this way, during the process, which can be considered the first trial for crimes against humanity in the twentieth century, the tragedy of the Armenian people was made intelligible through the threatening ghost of the mother’s young. In the hearing, the presence of ghost focused the attention on the right of victims to their spilt-blood and it put forward revenge in the courtroom of civil Law.
PEACE MAKING IN TUSCANY FROM REPUBLIC 
TO GRAND DUCHY

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This paper analyses the resolution of violent conflicts involving students and professors at the Universities of Pisa and Siena between 1537 and 1609. Paci and tregue as responses to assault, rape, homicide, and riots are considered. Attention is given to social status (the protagonists came all social classes) and to geographical origins (they came not only from Tuscany and the other Italian states but also from across Europe). The reasons for the often contradictory attitudes of the grand dukes and their representatives are also discussed. The paper is based on the records of the Tribunale dello Studio pisano where the student rector had criminal jurisdiction, a situation unique in the Italian states. It also uses letters and reports to and from the grand dukes and their secretaries.

The vast corpus of the Legislazione medicea issued between 1532 and 1737 includes only six laws from the preceding republican era. These six laws include the Provvisione concernente a chi aspetti dar la pace a’ delinquenti, che vogliono godere il beneficio di quella. Del di 22 ottobre 1476. This was adopted by Duke Cosimo I in the Legge dell’ill. Et eccell. S. il S. duca di Fiorenza del modo di admettere il beneficio della pace pubblicata il di 8 d’agosto 1548 insieme con la legge del 1514 del modo di procedere nelle cause delle tregue e paci rotte et delle proroghe da farsi nelle istantie de dette cause. This paper will examine the continuities and changes in legislation regarding peacemaking in Tuscany from the republican to the grand ducal period. It will also consider the involvement of the grand dukes and their ministers in the practices of peace.
A partire dalla metà del Quattrocento, famiglie aristocratiche e comunità rurali, ma anche singole persone, richiedono ai giuristi dello Studium di Padova un ricco numero di pareri giuridici da utilizzare per risolvere le loro controversie giurisdizionali. In questi consilia, che spesso hanno origine da una faida, si depositano opinioni contrastanti sul diritto e sulle consuetudini locali, sulla possibilità di resistenza armata concessa alle comunità e sulle procedure vigenti nei tribunali. L’intervento prenderà spunto da questo genere di letteratura per mostrare, contro le consuete letture ‘oppositive’ del rapporto tra procedure di diritto romano-canonico e consuetudini, il rapido adattamento delle comunità aristocratiche e rurali a una nuova interpretazione dei conflitti di faida nel corso del tardo Medioevo.
Au lendemain des Guerres du XVIe siècle (1553-1569), on publie les Statuts civils et criminels de la Corse. Mais en réalité du fait de l’exacerbation du banditisme dans les années 1580-1590 et de la pression des notables, de « nouvelles lois », destinées à combattre les vendettas, sont promulguées en 1635 puis confirmées et durcies en 1665 et en 1733. Mais en réalité, ces lois, systématiquement évoquées dans les verdicts énoncés par les officiers génois, se révèleront tout à fait contre-productives. Leur caractère inapplicable aura pour effet de créer de grandes disparités en matière de justice, les officiers pouvant tourner les rigueurs de la pénalité régulière en modifiant la qualification du crime. En fait au double jeu des autorités génoises (des lois dures et une justice empirique essentiellement basée sur les traités de paix entre familles) répond un double jeu des notables corses (qui dénoncent volontiers le banditisme mais sont à l’origine et à la conclusion des vendettas le plus souvent). Là se situent les vérités sur le phénomène de la vendetta, très loin de la lecture romantique de la vendetta qui a abouti en Corse à la construction d’un banditisme « d’honneur » pour touristes et cartes postales.
BLOOD ON THE SULTANIC FLOOR: BLOOD VENGEANCE AND REGICIDE IN THE OTTOMAN EMPIRE (1622-1634)

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On May 20, 1622, the Sultan’s elite troops, the janissaries, executed the young Sultan Osman II who took refuge with them, fearing for his life in the face of a military revolt that had started two days ago. These kuls (slaves/servants) not only violated their oath of fealty to the Sultan and disgraced him with swears, insults and sexual harassments. They also committed the first act of regicide in Ottoman history and then disfigured his sacred corpse despite the fact that he trusted his life with them. Soon after, the empire plunged into chaos with a mentally deranged Sultan on the throne and an intrigue-ridden court while the capital was left at the mercy of the kapıkulu troops that wreaked havoc in its streets and meydans.

The murder of an Ottoman Sultan by the very soldiers who vowed to serve and protect him created far-reaching consequences. While disorder reigned in Istanbul, a powerful reaction came from the provinces, from Abaza Mehmed Paşa, the Governor of Erzurum in Anatolia. In the name of avenging the disgraceful murder of Osman II, Abaza not only sought to create a coalition of governors in Anatolia against the kapıkulu soldiers controlling politics in Istanbul, but also started a janissary hunt in the provinces.

The presentation will demonstrate how both Abaza Mehmed Paşa and the regicide janissaries used the rhetoric of blood vengeance in order to justify their actions in a long-standing political rivalry between the ümera (Ottoman grandees), the Sultan’s kapıkulus (tenured soldiers of the central army, including but not only the janissaries) and the sekban soldiers (irregular troops in the provinces seeking permanent employment).

Due to the absence of an institutionalized legal mechanism to avenge the blood of the Sultan and punish such a powerful political actor as the janissaries, Abaza’s feud was considered legitimate by the Ottoman grandees and Sultan Murad IV who would not only pardon him later, but also appoint him to important governor-generalships.

The rhetoric of vengeance and blood was not the exclusive domain of Abaza. There was a shared culture of blood vengeance that dictated actions within the boundaries of a moral community and decided whether resorting to violence was acceptable or not. This culture was so much ingrained in Ottoman popular mentality that it scandalized the Ottoman populace who attacked the otherwise untouchable janissaries both in the capital and the provinces. Moreover, it forced the janissaries to play by Abaza’s rules and employ a similar vocabulary of vengeance and blood in order to exonerate their corps from the most nefarious crime of regicide. The janissaries may have murdered the Sultan and several other Ottoman grandees; they did this, however, in order to avenge, with acts of ritualized violence, the blood of their unjustly executed peers.
LA FAIDA E IL CONSOLATO A VICENZA
NELLA SECONDA METÀ DEL CINQUECENTO

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L’obiettivo di questa analisi è di cogliere gli atti di violenza (omicidi, faide) commessi a Vicenza e nel suo territorio nella seconda metà del secolo XVI, atti trasmessi alla giurisdizione del tribunale cittadino (il Consolato), composto da dodici nobili locali che giudicano sia nel foro civile che in quello penale, e sempre in presenza del podesta (un patrizio veneziano). L’interesse è così prestato ai vari modi di valutare e di giudicare gli autori degli atti di violenza (punizione-risarcimento) secondo le norme inserite nelle pratiche stesse del tribunale berico. Tale attenzione ci permette di evidenziare il ruolo svolto dalla giustizia locale, prima che certi casi siano eventualmente trasferiti a tribunali veneziani (Avogaria di Comun, Consiglio dei Dieci) oppure delegati ad altre corte pretorie di Terraferma (per esempio, quella di Padova) ; ci consente inoltre di considerare le sentenze comminate (bando perpetuo o a durata determinata, pena capitale che può essere poi mutata in bando e/o in pena pecunaria ...).
«SARANNO FATTE LE VOSTRE VENDETTE».
FAIDA, COMUNITÀ, POTERI LOCALI E GOVERNO CENTRALE
NELL’APPENNINO SETTENTRIONALE (VARZI, XV SECOLO)

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Nonostante l’estrema frammentarietà delle fonti stricto sensu giudiziarie, nello stato di Milano in età sforzesca l’osservazione delle pratiche di vendetta e di faida è resa possibile dalla forte rilevanza politica ad esse connotata: l’attenzione del governo centrale verso gli episodi di conflittualità violenta e i correlativi sforzi di contenimento del fenomeno trovano infatti spazio nel carteggio tra le magistrature centrali e gli officiali periferici. Nella Lombardia del secondo Quattrocento la pratica della vendetta e della faida non si può definire elemento pervasivo e fattore di strutturazione dei rapporti sociali, se non in alcune aree del ducato. L’appennino, in particolare, appare segnato da una conflittualità densa e aspra, che gli officiali milanesi attribuivano alla «mala natura» dei suoi abitanti e che si materializzava in catene di vendette in grado di assorbire completamente il potenziale conflittivo delle società locali, dando luogo a pratiche di separazione fisica tra gli abitanti delle comunità coinvolte. Varzi, borgo della Valle Staffora nell’Oltrepò pavese, è lacerata da una faida di cui abbiamo notizia dal 1456, osservabile su un periodo di quasi mezzo secolo ma con ogni probabilità estesa sia all’indietro che in avanti ben oltre l’età sforzesca. La faida varzese appare tipica, strutturata intorno alla nota alternanza tra fasi di conflitto violento, negoziazione, confronto legale e pacificazione: molto peculiare, rispetto agli standard della Lombardia viscontea e sforzesca, è il fatto che gli schieramenti di fazione che vediamo coagularsi intorno alla faida non hanno un nome, e nelle fonti sono sempre designati solo come «l’una parte et l’altra». Il quadro è complicato dalla posizione geografica, che fa di Varzi uno snodo sulle vie della comunicazione con Genova e del contrabbando, con relativo fiorire del banditismo; ma anche da una situazione giurisdizionale resa intricata dal radicamento di un ramo dei marchesi Malaspina.
FROM SERENISSIMA’S CENTRALIZATION TO THE SELF-REGULATING KANUN: THE RISE OF TRIBES IN NORTHERN ALBANIA DURING THE FIFTEENTH, SIXTEENTH, AND SEVENTEENTH CENTURIES (WITH SOME OBSERVATIONS ON THE REVIVAL OF ALBANIA’S CUSTOMARY LAW IN RECENT TIMES)

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In the Mediterranean, blood feuding has been a social and legal issue of concern for a long time. Whether in the Friuli or Corsica and Sardegna regions, the Atlas mountains of Morocco, Montenegro or Albania, vendetta has claimed the lives of men, young and old indiscriminately. In the twenty-first century, Albania remains the only country in Europe where blood feuding, unheard of and unpracticed during the long communist dictatorship that lasted from 1945 to 1991, still exists. Albania’s Kanun, the country’s old customary law, which regulated the lives of the Northern Catholic mountainous communities, did not invent blood feuding, but perhaps sanctioned it by supporting and spreading it. In the harsh conditions of their existence, and surrounded by foreign powers, which conquered the Albanian space repeatedly, the absence of other governing bodies and dependable rule of law forced the Northern Albanian mountaineers to hold on to the Kanun as a form of self-ruling.

In this paper, I analyze the social and political conditions that contributed to the rise of the Northern Albanian tribes during fifteenth, sixteenth, and seventeenth centuries. These tribes lived in villages (alb. Katun) as brotherhood communities of stockbreeders, reviving and strengthening blood relations and by the eighteenth and nineteenth centuries, they became the main opposers of the Ottoman rule in Albania. Finally, I look into the current situation and the reasons for the revival of blood feuding as a social issue affecting the lives of a new generation of Albanians after the fall of Communism in 1991.

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Although the Gluckman’s essay contributed to the shift of the research paradigm of feuding, stressing the importance of peacemaking in the feuding process, this concept was never oblivious in the Balkan Peninsula. The customs of osveta (alb. marrje) and umir (alb. pajtimi) remained in praxis until the 20th century. In the Early Modern period, the territory of present day Montenegro and Albania was administratively divided between the Ottoman Empire and the Venetian dominion of Stato da Mar. Considering Montenegro, the traditional kinship groups for centuries lived in the Highlands (Brda), the Old Montenegro (Stara Crna Gora) as well as in the coastal area (Primorje). The town communities of Cataro, Budua and Antivari were socially stratified and subdued to the Venetian laws and their punitive justice. In the districts and the neighbouring administrative areas (i.e. Pastrouichi between Budua and Antivari) local kinship groups enjoyed privileges of exercising their customs. Furthermore, the Venetian authorities did not only tolerate the customary law and practices, but they also enforced them and took an active part as a third arbitrary party in the customary pacification. The customs of peacemaking were more efficient as the warranty for peace was achieved by former blood enemies becoming new family members.
LAW, COURTS, AND SOCIAL CONFLICT IN THE ENGLISH COUNTRYSIDE, 1400-1500

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This paper looks broadly at the relationship between legal institutions and the course of social conflict. Specifically, it examines the ways that the different kinds of rural law courts framed disputes among ordinary villagers in late-medieval England. It argues that institutional diversity was significant for how disputes played out.

First I look at the manor court. These courts were widespread in England, and technically were part of the wider system of common law. Yet in practice they varied locally: their geography, jurisdiction, customs, and lord conditioned the kinds of disputes that people could pursue in a given manor court. Next I look at the other common institutional forum for villagers, the church courts. Again, although these courts were theoretically similar, they varied in practice. Thus we can see that this kind of ‘legal pluralism’ – not necessarily substantive or ideological, but rather procedural – shaped the way that ordinary rural people pursued disputes and experienced social conflict.

I conclude by arguing that although there was institutional pluralism, we can speak of a more general legal culture: law was an omnipresent aspect of everyday rural life in late-medieval England. Therefore, we should not make a strong conceptual divide between “courts” and “everyday life”. As well as seeing legal procedures as part of the disputing process, therefore, we should think, conversely, about how features more often associated with the law – like judgements, proof, and writing – were made outside of law courts.
BETWEEN KINGDOM AND EMPIRE: THE FEUDS OF THE COUNTS OF CILLI IN THE FIFTEENTH CENTURY

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The Counts of Cilli were one of the most renowned noble families in Southeastern Europe in the fifteenth century. As their power spread both within the Habsburg Erblande as well as in the Kingdom of Hungary they attracted the enmity of a number of major rivals. Consequently, the feud was a mechanism they frequently employed to further their political and dynastic goals at the same time when kings and emperors sought to blunt its effectiveness and curb noble violence in their realms. Whereas the feud was a recognized, even if undesired juridical mechanism in the Holy Roman Empire, that was not the case in Hungary where the strong Angevin monarchy of the fourteenth century kept the nobles in check and built a strong judiciary. This system was slowly unraveling in the fourties of the fifteenth century when the Kingdom was wrecked by civil war between the Habsburg and the Jagellonian parties as well as the rivalry between the Cilli and Hunyadi. This paper will examine the feuds of the Cilli via two main lines of inquiry: 1. How the feud fitted into the greater paradigm in the Empire as Frederick III tried to impose limitations to its general use and 2. How the „export“ of the feud into Hungary interacted with the laws and customs in the kingdom.
LEGAL AND ILLEGAL WAY OF REVENGE
IN THE CATALAN FRAMEWORK (15TH -17TH CENTURIES)

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Banditry as an organised and collective way to repair a grievance or affront was very common in Catalonia as in the rest of the European feudal world. There was a regulation in the Catalan law about how banditry could be considered a legitimate activity. But the stately crisis of the 15th Century led to a degeneration of the system and an increase of actions out of the law. Consequently, there was a greater involvement by the several political forces, either to mediate between offender and victim or to suppress the most extreme ways of revenge, making it a political problem in the relations between Catalonia and the Spanish Monarchy.

The proposed scheme will be:
1. The Middle Age origin and the ways to recognise the right of revenge and banditry.
2. The legal standards: when, how and who can perform banditry.
3. Letters of challenge as a legal and literary way to challenge.
4. Between legality and illegality: some cases and examples.
5. Ways to avoid it: bans, mediation and suppression of institutional powers.

Research Project: Social conflicts as a resistance against the power in the periphery of the modern state. XVI-XVII centuries. (HAR2013-44687-P).
FAIDE, PRATICHE DI GIUSTIZIA E PACIFICAZIONI NELLO STATO PONTIFICIO: LA CENTRALITÀ DELLA “SICURTÀ DI NON OFFENDERE” (SECONDA METÀ DEL XVI SECOLO)

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Nello Stato della Chiesa massiccio fu il ricorso, nel controllo delle faide locali, allo strumento giuridico della cautio (o sicurtà) de non offendendo, un provvedimento provvisorio della corte, normalmente emesso su istanza di parte, che imponeva una garanzia di natura patrimoniale a carico di chi si fosse reso colpevole di un’aggressione provocatoria o vendicativa. Essa costituiva il preludio alla stipula di una pace e rappresentava al contempo, per il Tribunale del Governatore di Roma, supremo organismo giudiziario dello Stato, un prezioso strumento per mediare non solo tra gruppi sociali in conflittualità costante (sia nel ceto aristocratico, sia nel ceto popolare), ma anche tra istanze giudiziarie locali non sempre disposte a collaborare, tra loro e con il centro. La sicurtà di non offendere aveva la peculiarità di fare leva sia sui legami parentali, visto che a fungere da fideiussore era un parente stretto del soggetto sottoposto a sicurtà, sia sui legami economici. In caso di rottura di sicurtà le corti si mostravano del resto implacabili nel pretendere il versamento, da parte del fideiussore, della somma di denaro, il cui ammontare era definito dal complesso gioco di rapporti di forze vigente al momento della stipula.

La mia relazione intende da una parte analizzare gli stili di intervento in periferia da parte del Tribunale del Governatore rispetto all’ampio ricorso ad una serie di provvedimenti restrittivi posto in atto dalle corti locali ai fini del controllo delle faide locali, tra i quali spicca certamente la sicurtà; dall’altra porre in relazione tali pratiche sociali e giudiziarie con la diffusione di una cultura della mediazione che nel corso del XVI secolo si andò sempre più diffondendo in tutti i paesi dell’Europa occidentale. L’evitare i processi sembra diventare una parola d’ordine nel campo non solo della trattatistica politico-morale del dopo-Riforma, ma anche in quello di una letteratura di vario genere che va dalle ordinanze dei vescovi fino ai testi composti da dottori in legge. Questo proprio in un momento in cui la giustizia regia avrebbe avuto tutto l’interesse, secondo il noto paradigma statualista, a occupare posizioni a scapito delle corti signorili o della giustizia comunitaria. Come spiegare tale fenomeno? Si tratta davvero di residui del passato o non dobbiamo piuttosto sentirci autorizzati, sulla base di tali spunti, a ripensare radicalmente funzionamento e scopi della giustizia d’Antico Regime?
CANNIBALISM AS A FEUDING RITUAL
IN EARLY MODERN THOUGHT

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While intellectual historians have done much to examine some of the guiding philosophical and theological assumptions that shaped European perspectives on cannibalism, no one has explored the way in which the European experience with feuds colored early modern interpretations of cannibalism. This paper seeks to do offer this new perspective, with particular attention to Montaigne and his contemporaries: Jean de Léry, André Thévet, among others.
THE REVENGE OF THE DEAD.
FEUD, LAW ENFORCEMENT AND THE UNTAMEABLE

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Although the historic picture is more complex, medieval feuds and their cruelty rank high in the public imagination of a dark epoch in between the sophisticated cultures of late Roman Antiquity and illuminated Renaissance Italy. Vampires, ghosts, and blood-thirsty undead are also part of this common picture of premodern Europe. For authors of 19th and 20th century Gothic novels, rediscovering the Middle Ages meant attributing religious and mystic qualities to an entire millennium. To form their picture of the premodern world, these authors used medieval sources, sagas, and historiographical texts written mainly by High and Late medieval monks. Early medieval stories differ from these later sources, but the 11th and 12th century cultural change with its development of new ideas about law, education, and society in general did not feature greatly in such a view of the “Dark Ages”. In contrast, this paper proposes a link between medieval stories of the dead interacting with the living and the changing attitudes towards blood feuds in medieval society. A modern imaginary realm of the dead came into being only during the High Middle Ages, and this process correlated with the taming of the feuding society. These developments are not mutual exclusive, one tolling the bell for a modern society, the other belonging to Old Europe and its pagan myths. They seem more likely to be cause and effect, making the undead an expression of the repression of feuds during lifetime. Excluding men from settling disputes by themselves resulted in stories of individuals searching vengeance after death. In this perspective, taming the living led to the birth of the untameable dead in European myth, and these creatures are still haunting us today.
Seventeenth Century Venice already had the feel of a veritable «iron age». It was a time of internal conflict amongst a noble class that was anything but homogeneous. In fact, during this period, the partition that divided the Venetian society, which had been boiling beneath the surface during the previous century, finally burst out into the open. The two factions that had been developing within the political society, the *Giovani*, who opposed Spain and Rome, and the *Vecchi*, who favoured the policies of both, alone cannot account for the explosion of political conflict that broke out across Venice. In fact, up until the second half of the 16th Century, these feuds had been contained by the despotism of the Council of Ten, whose iron hand imposed its will on the noble class. However, when the Council’s authority was called into question, political strife spiralled out of control. The two *correzioni* that took place in 1582 and 1628, in order to regulate the power of the Council of Ten which was then under the influence of the richest patricians, were the main mark of this evolution. And in the second one, a great impact had the sequence of events in which were involved the families of the *Doge* Giovanni Corner and of Renier Zen, that reached his peak on the occasion of the aggression suffered by the Zen, at that time Chief of the Council of Ten, at the hands of the *Doge’s* son.
In the autumn of 1654 a Fehde broke out in the Styrian town of Ptuj between the Moscon and Qualandro noble families, following a long-standing inheritance dispute. During the attempted eviction of the Qualandros from a disputed house, one of Moscon’s subjects was shot and killed by the defenders. The Fehde gained another twist, the threat of blood vengeance. The Qualandros, the shooter and his son fled the threat into monastic asylum and the burgher estate respectively. Following the swift intervention of the Ptuj town authorities, the Fehde entered the mediation phase, which was carried out in accordance with customary law until peace had been made between the families in the summer of 1655. There was almost no interference from the princely authorities, and the town remained practically completely autonomous in resolving the Fehde. The system of conflict resolution in this 17th century case followed similar steps as it would have in late medieval times.
LA VENDETTA POPOLARE NELLA VENEZIA DEL CINQUECENTO. FRA LETTERATURA E DOCUMENTI D’ARCHIVIO

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Una cospicua serie di testi letterari cinquecenteschi in dialetto veneziano ha per protagonisti rappresentanti dei più bassi strati cittadini, colti nel contrasto - spesso armato - con rivali in amore o con avversari d’azione. Questa tradizione, espressasi soprattutto in versi e diffusa dalle modeste edizioncine da colportage, è stata interpretata come la rilettura in chiave parodicamente epica di generici casi di violenza urbana: letteratura disimpegnata e per palati grossolani, essa non avrebbe dunque implicato alcun effettivo e peculiare rapporto con la cronaca del tempo. Un esame della documentazione d’archivio sincrona pertinente alle condanne per ferimento, omicidio e violenza carnale profila invece un retroterra diverso, affatto complementare a quelle manifestazioni letterarie e in grado di caratterizzarle in senso ampiamente realistico.
LELIO BANDITO (UNO E DUE). TRA ANDREINI E GOLDONI

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Una tragicommedia boschereccia di Giovan Battista Andreini, che appare a stampa nel 1620, mostra il personaggio di Lelio (cioè l’autore e capocomico) nel ruolo di un “bandito”, costretto a causa di un ingiusta condanna a guidare una banda di sgherri, fino al suo perdono. Il tema torna, per caso o no, in una delle sedici commedie nuove di Carlo Goldoni, nella fatidica stagione 1750-51, all’incrocio col romanzo e per le prerogative di un attore “malvissuto”, Lucio Landi detto Lelio, calato nell’Incognita nella parte di un bravo, in una trama distanziata ad Aversa, nel lontano regno di Napoli, che ricorda per certi versi quella dei futuri Promessi sposi.
LA RHÉTORIQUE DE LA VENGEANCE
À MARSEILLE AU XVIIIE SIÈCLE

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L’activité des femmes au sein de l’espace public sous l’Ancien Régime est de plus en plus étudiée par les historiens, et plus particulièrement par les historiens de la justice. Les sources judiciaires permettent en effet de réinscrire les femmes dans le processus d’élaboration d’une sociabilité urbaine, fondée sur un système de réciprocité, de don et de contre-don, d’entraide, mais aussi de litiges, qui sont nombreux. Les archives des fonds criminels du tribunal de la sénéchaussée de Marseille permettent d’envisager non seulement la place des femmes des catégories populaires dans la cité, mais également, par le prisme de la justice et de la violence, le rôle de régulation qu’elles entendaient jouer au sein de la société du voisinage dans la seconde moitié du XVIIIe siècle.

Les nombreuses affaires d’injures et de violences physiques portées devant le juge criminel de la sénéchaussée, ainsi que les affaires de mœurs (adultère, violences conjugales, rapt de séductions, voire cas de suicides et d’infanticides), autorisent une prudente reconstruction de l’ordinaire des femmes sous l’Ancien Régime grâce à l’exploitation des archives judiciaires.

Dans ces configurations plurielles, l’usage de la vengeance s’exprime par le recours à la justice qui devient l’instrument du châtiment de ceux et celles dont les femmes souhaitaient compromettre la réputation.

Ainsi l’étude des dossiers criminels permet de dégager comment les femmes parviennent à utiliser les outils judiciaires dans l’intention de faire entendre leurs voix, de modifier et/ou de créer des discours, des règles et des normes qui ne leur sont pas, habituellement, reconnues.
FEUD AND POWER IN SEVENTEENTH CENTURY MAINA:
THE CASE OF LIBERACHI GERACARI

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The establishment of the feud in the Peloponnesian region of Maina was one of the main features of this area: if these real “clan wars” had a sensational explosion during the eighteenth century, we can find the preludes already in the seventeenth century, when the first fortified villages began to rise. Liberachi Geracari’s affair, intrinsically tied to the Morean War, of which he was one of the key players, is meaningful to this regard: born around 1640, he was appointed Bey of Maina by the Ottoman sultan in 1689; he even married the daughter of a Voivode of Moldova. In 1696 he joined the Venetians who elected him Knight of St. Mark. The following year, suspected of a new agreement with the Turks, he was captured and taken to Venice, where he was convicted of treason and forced to exile in Brescia where he died in 1710.

If his military career is known, much less importance is given to the feud he undertook against the Stefanopoli, the main family in the region, which covered his whole political life and that forced a mass emigration of the rival family in Corsica in 1673, at the end of the Candia war, which had allowed Liberachi to benefit from Turkish support. This basically contributed to the political polarization of the fronts in Maina, divided between Geracari’s pro-Turks supporters and their opponents, now become partisans of the venetian purpose: a rivalry that would only end with the political death of the Maniot commander.
In the sphere of the studies regarding feud and vendetta, some historians have pointed to examine their existence and continuity during the Modern Period both in Italian and German rural and alpine communities, characterized by lacking social strata and vast institutional autonomies from urban and Princely centers of political power and dominion. This field of studies has not been concerning the so-called “Italian Tyrol” territories yet, as meridional offshoot of the namesake Habsburgic County.

Therefore, the present research aims to describe the relationship between social conflicts and administration of justice within a Tyrolean territorial fragment: the Primiero valley, a feudal jurisdiction and rural valley community lying on the boundary area with the Venetian territories, suspended between the political membership to the German Empire and the cultural affinity with the Italian world. Here, social disputes were channeled by the local criminal office, where many “legal actors” (judges, notaries, attorneys, experts and community’s representatives) moved among statutes, traditions and *ius commune*. The object of the research are the judicial rites and practices emerged from its trial documentation, which is a rarity in the judicial documentary heritage of the Italian Tyrol.

The examination of trial rites tries to pick up the lasting strength of a community dimension of justice and law, directed in limiting violent conflicts, shown through the language of *inimicitia*, and able to express the local customary legal system. At the same time, the research aims to emphasize some dynamics, which reveal the building up, starting from the first seventeenth century, within significant episodes, of delegitimization in the traditional management of disputes, with interferences emerging from higher Tyrolean magistrates combined with signs of a new punitive dimension of justice.
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