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The Public Rock of Cut Heads.

Violence and Banditry in the Mediterranean: Republic of Venice in the 16th century¹.

Guided by the young man who had been waiting for them at the tavern in Progno, the small group of soldiers silently crossed the marshes and moors over the wasteland only a few kilometres outside the town. The rain fallen the night before had made the ground wet and slippery. Dawn had not yet broken when they reached the solitary abandoned house at the foot of a hill. They had left their horses further back, along with most of the men who were waiting for the order to advance. The bandits were probably sleeping in the hayloft of the barn attached to the house.

As they waited for daylight, they cautiously surrounded the building. The podestà of Verona had recommended the utmost caution, and so to avoid being seen they had gone out in the middle of the night, after the customary closing of the city gates. The small army of roughly eighty armed men was made up of soldiers provided by the Provveditore Generale of the Terraferma², Benedetto Moro, by the podestà's police and by two companies of soldiers, Corsican and *Cappelletti*. They had been told that a young man wearing a red shirt, one of the group that had taken shelter in the house with another companion the night before, would wait for them in the tavern to lead them to the bandits' hideout. The two informers had been secretly in touch with the Heads of the Council of Ten for several months, and had offered to collaborate in turning over their companions to the forces of justice in exchange for impunity and the promised head money.

The band in question was known as the Brothers of la Grimana, and for the occasion other bands had joined it to hold up a coach bound for Venice, carrying a large amount of public money. They were considered extremely dangerous men, held to be guilty of numerous robberies and murders. The forces of order had been informed that there were seventeen of them, fully armed with hackbuts, pistols and abundant munitions, and that there was even a Venetian patrician and a Veronese nobleman among them. Almost all of them were by then known as *famous bandits*, a title meaning that they were individuals used to every possible sort of fatigue and daring enterprise. But above all, they had nothing to lose, because they knew what their destiny would be if they were taken alive. Even their bodily features strongly expressed the continual challenge they had been facing for years now, as they moved along borders to surprise the territory delimited by the rivers Po and Adige, at times even adventuring as far as the border of the Venetian lagoon.

The army had also cautiously advised the men of the neighbouring communities that they were to start tolling the bells as soon as they received the order. At daybreak the small army attacked, and the heath was full of the deafening noise of ceaseless gunshot from both sides. As a last measure, the barn

¹ My particular thanks go to my two collaborators, Martino Mazzon and Andrew Vidali, for the assistance given me in preparing the diagrams that accompany this essay and in locating some of the archival sources used. I also wish to give a special thanks to Laura Amato who has shown great competence in translating and editing this essay.

² *Provveditore generale*: the magistracy in charge of the local territory.

was set on fire. The group of bandits poured out and managed to break their way through the ranks of besiegers. Four of them were killed but the remaining bandits, followed by the soldiers and men from the neighbouring villages, managed to cross the marsh and reach the village of Marcelise, where they found shelter in a house. The siege lasted all day, even though the house had been set to fire. Towards evening the attack ended with an incursion of the soldiers in the burning building. Only one of the bandits, who was wounded, was captured. All the others preferred death to surrender. The heads of those whose bodies had not been consumed by the flames were cut off and carried into the city to be placed on the so-called *pietra del bando*³ for recognition.

Violence and banditry

The detailed reconstruction of this bloody attack was made possible by referring to the description of it given by the protagonists who organized or participated in it. It took place at dawn of 1 October 1607⁴, not far from the city of Verona. The bandits' version would likely have furnished other details, and doubtlessly a different assessment of the facts⁵. Similar episodes were, in any case, quite frequent in those years, and they pose a series of very important questions to an observer examining them, above all as regards the extraordinary outbreaks of violence that characterize the war against banditry all over the Mediterranean region between the Sixteenth and Seventeenth centuries⁶.

In the last few decades historiography on the topic of banditry has dwelled in particular on the thesis formulated by Eric Hobsbawm concerning the figure of the social bandit. This thesis has been strongly contested from various points of view, though it has undoubtedly continued to be influential in the field of studies aimed at investigating the social and cultural implications of banditry. Nor have Hobsbawm's subsequent adjustments resolved the perplexity of scholars who emphasize the importance of the reconstruction of the political and social context in which bandits operated⁷. Indeed, Hobsbawm's work failed to take into account,

³ A public stone where the heads of executed bandits were put on display.

⁴ The activities of this band, called *Della Grimana* in judiciary sources, occupy the first years of the Seventeenth century, though Zuan Giacomo Della Grimana, who like his brother Zanon was born in the village of Biadene near Treviso, was banished for the first time in 1596. The two informers, Domenico Ceccato and Augusto Socal, came from the nearby village of Cavaso (today Cavaso del Tomba). The information about their murders are taken from the dispatches of the rectors of Verona and from the documentation of the Council of Ten: Archives of State, Venice (=ASV), *Consiglio dei dieci, Comuni*, filza 263. Some of the men who were killed were without a precise identification, but a brief description was given of them. For instance: 'One called il Gallo, who was said to be from Cremona, tall, 30 years old, with a black beard, 35 years old; [...] One who also was said to be from Cremona, tall, with a red beard, 30 years old...'. *Ibid.*, description attached to the dispatch of the podestà of Verona, Giulio Contarini of 10 October 1607.

⁵ As in the case of Giovanni Beatrice described below.

⁶ POVOLO, C. (1997), *L'intrigo dell'onore. Poteri e istituzioni nella Repubblica di Venezia tra Cinque e Seicento*, Verona.

⁷ HOBBSAWM, E. J. (1969), *Bandits*, London. The work was republished in 2000 (New York) with a 'Postscript' (167-99) in which the author dealt with most of the criticisms that had been made of his ideas. Besides the observations of BLOK, A. (1972), 'The peasant and the brigand: Social banditry reconsidered', *Comparative Studies in society and history* 14, 495-504, reported by Hobsbawm, I mention here SLATTA, R. W. (1994), 'Banditry', in STERNS, P.N (ed.), *Encyclopedia of social history*, New York-London, 1994, 99-100; ID.(1987) *Bandidos: The varieties of Latin American banditry*, Westport.. And again, SANT CASSIA, P. (1993), 'Banditry, myth and terror in Cyprus and other Mediterranean societies', *Comparative studies in society and history* 35, 4, 773-95. Actually, much of the discussion about Hobsbawm's book arose out of an underlying

as did the works based more or less critically on it, the close connections between banditry and the banishment penalty that characterized the middle and the modern ages. Recognizing the interrelations between feud and banditry has put the figure of the bandit closer to local conflicts and their interaction with dominant political systems⁸, but we are still lacking an adequate investigation of the constitutional context of these interrelations, which could be useful in explaining not only the specificity of conflicts⁹, but also the historiographical approaches that have allowed us to focus on the sphere of violence¹⁰. It may be interesting here to mention the observations of the English traveller, Fynes Moryson, who in the early 1590s passed through a good part of the Italian peninsula:

The Italyans in generall are most strict in the courses of Justice, without which care they could not possiblie keepe in due order and awe the exorbitant dispositions of that nation, and the discontented myndes of there subiects. Yet because only the Sergiants

misunderstanding, which considered the *bandito* (*social* or not) to be a person persecuted by those who controlled justice, without considering the constitutional and juridical aspects. See, on this point, the entry by JÜTTE, R. (2004), 'Banditry' in DEWALD, J. (ed.), *Europe 1450-1789. Encyclopedia of the early modern world*, New York, I, 212-15; but also the entry cited above by W. Slatta, in which the definition of banditry 'is the taking of property by force or by the threat of force', SLATTA (1994), 99. It seems clear that this definition can be accepted only when the form of state, in its contemporary meaning, presupposed a widespread control of its territories and borders.

⁸ This approach has allowed us to appreciate important aspects of conflicts and banditry. Some significant examples regarding the Italian context are: RAGGIO, O. (1990), *Faide e parentele. Lo stato genovese visto dalla Fontanabuona*. Torino; LEPORI, M. (2010), *Faide. Nobili e banditi nella Sardegna sabauda del Settecento*, Roma; on Corsica: WILSON, S. (1988), *Feuding, Conflict and Banditry in Nineteenth-Century Corsica*, Cambridge. In these works, there is a clear focus on judiciary activities introduced from outside, or on attempts by the political authority to enter the dynamics of conflicts with various forms of pacification. However, the relationships between banditry and the penalty of banishment that is at its origins, haven't been investigated in their constitutional implications, which clearly influenced the dynamics of feud.

⁹ I mention here only some of the works that have tried to treat this topic more generally: KAMEN, H. (2000), *Early modern European society*, London-New York, in which the phenomenon of banditry is significantly treated in the chapter 'Crime and punishment'; RUFF, J. R. (2001), *Violence in early modern Europe, 1500-1800*, Cambridge, in particular 216-47. Ruff's perspective covers in detail the whole of Europe, but though he stresses the widespread jurisdictional fragmentation (*Ibid.*, 223) and the use of the banishment penalty (*Ibid.*, 230), the term *banditry* is generally attributed to essential criminal actions (e.g., *Ibid.*, 221-2) made possible by the weakness of the state authority. Besides what we have already said, see also Thomas Gallant's penetrating observations cited here below. For the medieval and modern ages, the term *bandit*, used for the perpetrator of actions against community or state, is almost always inseparable from that of a person subjected to the penalty of banishment.

¹⁰ A topic that has aroused the interest of many scholars in recent years and has led to increasingly detailed considerations on the complexity of feud conflicts and peacemaking rites. The bibliography on the topic is extremely large. I mention here CARROLL, S. (ed.) (2007), *Cultures of violence. Interpersonal violence in historical perspective*, New York; BROGGIO, P. / PAOLI M.P. (eds) (2011), *Stringere la pace. Teorie e pratiche della conciliazione nell'Europa moderna*, Roma; DAVIS, J. (ed.) (2013), *Aspects of violence in Renaissance Europe*, Farnham-Burlington; KOUNINE, L. / CUMMINS, S. (2016), *Cultures of conflict resolution in early modern Europe*, Farnham-Burlington. I especially refer to Stuart Carroll's weighty introduction to the 2007 volume, in which the theme of violence is dealt with above all in its cultural and historiographical dimensions. Carroll opportunely observes, 'The concept of medieval man as innately barbaric was less influential among constitutional historians who had always had a high regard for the role of law in regulating behaviour, or those who studied politics and viewed aristocratic violence, in particular, in terms of limited and self-interested political motives; and these traditional pillars of the historical discipline were lent support by the emerging discipline of anthropology...', CARROLL (2007), 5-6.

and such ministers of Justice are bound to apprehend Malefactours, or at least will doe that office (which they repute a shame and reproch), and because the absolute Principalities are very many and of little circuite, the malefactors may easily flye out of the confines, where in respect of mutuall ielosies betweene the Princes, and of their booty in parte giuen to those who should prosecute them, they finde safe retrayt. In the meane tyme where the Fact was donne, they are prescribed and by publike Proclamations made knowne to be banished men vulgarly called Banditi. And where the ruine is haynous besydes the bannishment rewardes are sett vpon their heades to him that shall kill them or bring them in to the tryall of Justice, yea to their fellow banished men not only those rewardes but releases of their owne banishments are promised by the word of the State vpon that condition, which proclamation vpon the head is vulgarly called Bando della Testa¹¹.

Moryson grasped the image of banditry in its original judiciary derivation, principally by seeing it in relation to the extreme jurisdictional fragmentation of the Italian peninsula and the extraordinary measures adopted in those years to cope with this phenomenon, which originated in local and family conflicts. For Moryson the outlaw was essentially a person under penalty of banishment, who could therefore be killed with impunity even by others in the same condition. These were mainly men surprisingly unwilling to abandon definitively the territories they had been banished from, though they were aware of the tragic destiny that might await them. This English traveller also observed that in border lands banditry and violence were inevitably more habitual, nourishing the idea of the outlaw, whose destiny seemed inexorable:

These Outlawes fynde more safe being in those parts, by the wickednes of the people commonly incident to all borderers, and more spetially proper to the Inhabitants thereof. But these rewards, and impunities promised to outlawes for bringing in the heads or persons of other outlawes hath broken their fraternity. So as hauing found that their owne Consorts haue sometymes betrayed others to capitall Judgment or themselues killed them, they are so ielous one of another, and so affrighted with the horror of their owne Consciences, as they both eat and sleep armed, and vpon the least noyse or shaking of a leafe, haue their hands vpon their Armes, ready to defend themselues from assault¹².

In truth, the climate described by Fynes Moryson reflected a state of emergency widespread not only in the Mediterranean area but also in much of Europe in the late Sixteenth and early Seventeenth centuries¹³. Its specific features undoubtedly varied according to the diverse political and constitutional structures which framed the new concept of social order that was emerging, along with the extraordinary explosion of violence linked to feuds and banditry¹⁴.

¹¹ HUGHES, C. (ed.) (1903), *Shakespeare's Europe. Unpublished chapters of Fynes Moryson's itinerary*, London, 157.

¹² HUGHES (1903), 158.

¹³ Fynes Moryson had well understood that banditry was associated with feud: 'They haue many other meanes also to redeeme themselues from banishment, as for murders by intercession of freinds at home, vpon agreement made with the next freinds of the party murdered.' But he also noticed that the climate had greatly changed following the intervention of the central powers: 'But in Crimes extraordinarily haynous, the Princes and States are so seuere, as in their publike Edict of banishment, besides rewardes sett vpon their heads, great punishments and Fynes according to the qualities of offence and person are denounced against them who at home shall make petition or vse other meanes at any tyme to haue them restored to their Countreyes Lands and livings', HUGHES (1903), 158-9.

¹⁴ On banditry I refer to the acts of the two important international conferences that have been held on the question: ORTALLI, G. (ed.) (1986), *Bande armate, banditi, banditismo e repressione di*

The numerous monographic and collective works that in recent years have dwelt on the origins and modes of violence in the medieval and modern ages have underscored the interpretative weakness of theses like those of Elias and Weber, which presuppose the gradual emergence of the force of a state able to legitimize or monopolize the use of violence¹⁵. Some years ago, Charles Tilly stressed that diverse state entities imposed themselves gradually and in a contradictor fashion, by making use of the various social forces existing in their territory and representing themselves as guarantors of the existing constitutional order¹⁶. This is a highly evocative hypothesis if we consider the ways in which institutional violence interacted with that of the forces of opposition. In reality, the extraordinary outburst of violence registered starting from the last decades of the Sixteenth century clearly rested on the banishment laws emanated by the central powers in those years¹⁷. These laws were particularly effective; their real importance can be grasped fully only by setting them alongside the introduction of inquisitorial trials recorded all over Europe in the course of the Sixteenth century. It is evident that criminal policy concerning banditry and the new trial rites could be carried out effectively only if it had the consensus and encouragement of broad sectors of the society of the time. This is true also because it implied an actual and substantial modification of existing constitutional arrangements which had guaranteed political legitimacy to the various territories since the late middle ages, and which would not disappear definitively until the end of the Eighteenth century.

Banditry and the vendetta system were closely tied, as were their outcomes. Above all they reflected the weakening of constitutional arrangements that had for centuries characterized the various political structures of the Mediterranean basin. The inter-connections between feud and banditry found in certain areas of Spain and the Italian peninsula seem to refer implicitly to their specific institutional features, which were characterized by the well-organized system of vendetta existing in the territory¹⁸. Factions, *bandos* and kinship structures endowed with

giustizia negli stati europei di antico regime, Roma; MANCONI, F. (ed.) (2003), *Banditismi mediterranei. Secoli XVI-XVII*, Roma.

¹⁵ Besides the above-mentioned bibliography, in which the theses of Elias and Weber are fully explored, I should mention the observations made from a different perspective by GOODY, J. (2006), *The theft of history*, Cambridge, 154-79.

¹⁶ TILLY, C. (1985), 'War making and state making as organized crime', in EVANS, P. B. / REUSCHEMEYER, D. / SKOCPL, T. *Bringing the state back in*, New York, 171-2; again THOMSON, J. E. (1994), *Mercenaries, pirates and sovereigns*, Princeton, 3 which, following up Tilly's observations, remarks, 'States did not monopolize violence even within their territorial borders. Urban militias, private armies, fiscal agents, armies of regional lords and rival claimants to royal power, police forces, and state armies all claimed the right to exercise violence. Authority and control over domestic violence was dispersed, overlapping, and democratized'.

¹⁷ An aspect chiefly dealt with in Italian historiography. Besides the various contributions presented at the two international conferences dedicated to banditry in ORTALI (1986); MANCONI (2003). I mention FOSI, I. (1985), *La società violenta. Il banditismo nello Stato pontificio nella seconda metà del Cinquecento*, Roma; FOSI, I. (2011), *Papal justice. Subjects and courts in the papal state, 1500-1750*, Washington, D.C., esp. 78-89; GAUDOSIO, F. (2006), *Il potere di punire e perdonare. Banditismo e politiche criminali nel Regno di Napoli in età moderna*, Lecce. Again, BLACK, C. F. (2011), *Early modern Italy. A social history*, London-New York, 189-191. For Germany, and in particular the town of Ulm, I refer to COY, J.P. (2008), *Strangers and misfits. Banishment, social control and authority in early modern Germany*, Leiden-Boston, where the large use of the penalty of banishment by the city authorities does not seem to imply the death of a person who enters territories he has been banished from.

¹⁸ For Spain, I refer particularly to the summary by SEVERINO, B. P. (2011), 'Tra violenze e giustizie. La società del mondo mediterraneo occidentale e cattolico in antico regime', *Il*

some sort of legal legitimacy seem to be less visible in social contexts where, as for instance in north Italy, the towns had spread their jurisdiction over a wide territory. In this case the penalty of banishment, though still a reflection of conflicts between family groups, was however the expression of courts whose main goal was to assure peace and social tranquillity.

The banishment penalty

Widely used in all ages in diverse political structures, the penalty of banishment takes on great importance starting from the late middle ages, both as an arm of political struggle (so-called political banishment) and as an instrument of social control used in defence of community order and values, and also to facilitate the resolution of conflicts between families in competition for honour and the management of economic resources¹⁹. Thus, this penalty expressed the complexity of juridical institutions based both on a culture of writing and the existence of legal professionals, and on a system of conflict regulated by custom and characterized by honour and vendetta²⁰. It was, therefore, a penalty that interacted with judiciary trial rites and that reflected the heteronomous medieval constitutional system, characterized almost everywhere by a dense network of jurisdictions, each of which was endowed with its own autonomy, even if moral, religious and political values were largely shared²¹. In every medieval community restorative and retributive justice were intertwined; though the vendetta system was by and large informal and regulated by custom, the judicial courts recognized its potential for violence, and their chief aim was to reduce its threat to the security and peace of the town²². Not by chance, a person under the penalty of banishment could usually be killed with impunity if he trespassed beyond the borders forbidden to him.

palindromo. Storie di rovescio e di frontiera I, 3, 83-110, where an ample survey of works on Spanish *bandolerismo* is to be found, and in particular those by X. Torres i Sans. Besides this, in the volume already mentioned, edited by MANCONI (2003), the situation in Catalonia is dealt with by X. Torres i Sans (*Ibid.*, 35-52) and by E. Serra i Puig (*Ibid.*, 147-69), who treats the topic of banditry focusing especially on the constitutional structure; the situation in Valencia by L. J. Guia Marin (*Ibid.*, 87-106); and that in Murcia by G. Lemeunier (*Ibid.*, 181-95). An overall general framework is provided in CASEY J. (1999), *Early modern Spain. A social history*, London-New York., 165-91.

¹⁹ CAVALCA, D. (1978), *Il bando nella prassi e nella dottrina giuridica medievale*, Milano. For France, CARBASSE, J. M. (1990), *Introduction historique au droit pénal*, Paris, 223-5.

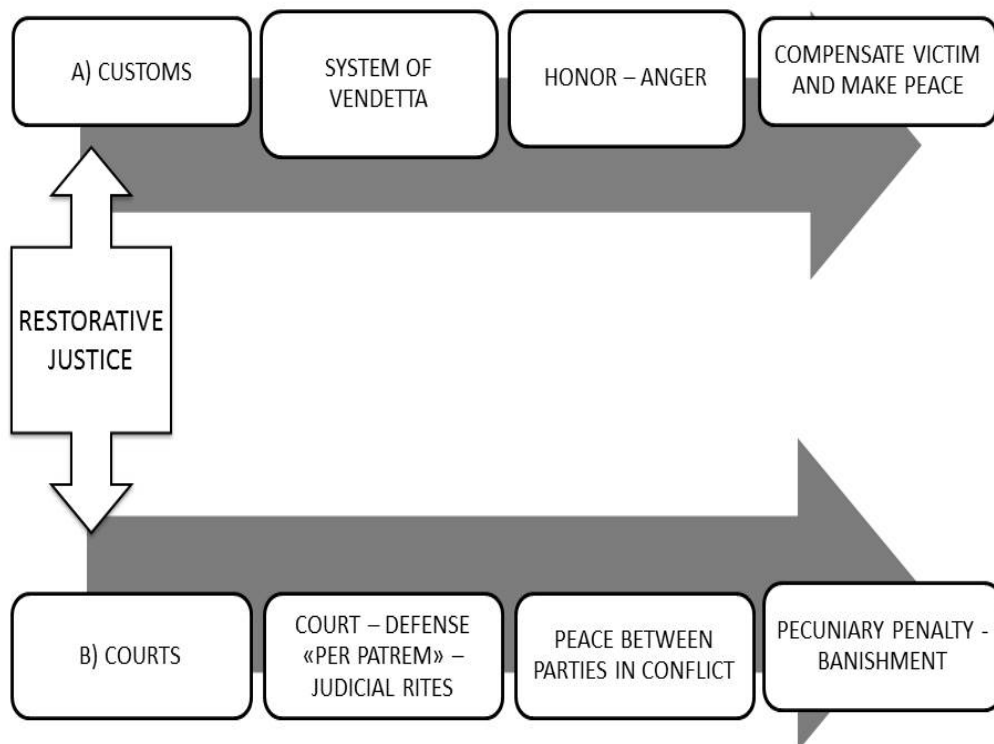
²⁰ STEIN, P. (1984), *Legal institutions. The development of dispute settlement*, London.

²¹ RUGGIE, J. G. (1998), *Constructing world polity. Essays on international institutionalization*, London-New York, 146-7 : 'The medieval system of rule was legitimated by common bodies of law, religion and custom that expressed inclusive natural rights pertaining to the social totality formed by the constituent units. These inclusive legitimations posed no threat to the integrity of the constituent units, however, because the units viewed themselves as municipal embodiments of a universal moral community'.

²² LENMAN, B. / PARKER, G. (1980), 'The State, the Community and the Criminal Law in Early Modern Europe', in GATRELL, V.A.C. / LENMAN, B. / PARKER, G. (eds), *Crime and the Law. The Social History of Crime in Western Europe Since 1500*, London, 22-4. On this important essay, see my observations in POVOLO, C. (2015a), 'Feud and vendetta. Customs and trial rites in medieval and modern Europe. A legal anthropological approach', *Acta Histriae* 23, 212-13. Of great interest on the interrelations between the administration of justice and the vendetta system is SMAIL, D. L. (2013), *The consumption of justice. Emotions, publicity and legal culture in Marseille, 1264-1423*, New York.

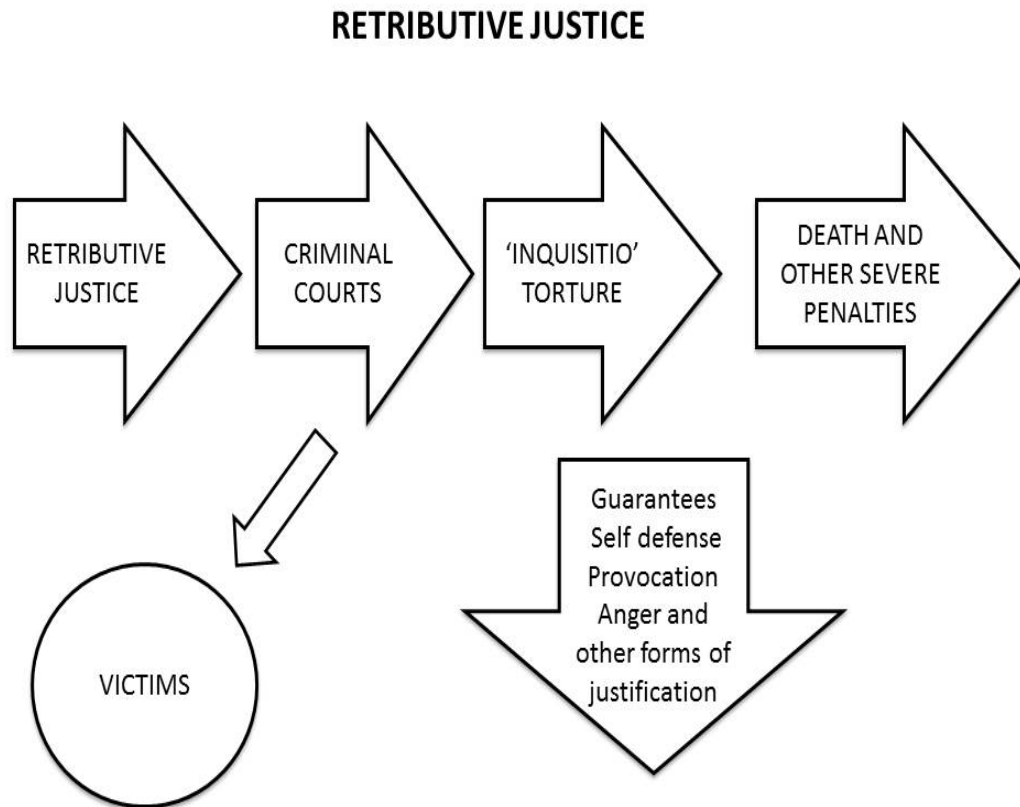
This was, then, a system that involved close correlation between violence and banditry, along with a somewhat blurred distinction between the two concepts of restorative and retributive justice. The concept of restorative justice entailed significant importance given to the victim and the obligation of the offender to adequately compensate the damage caused. In the medieval period, and in some parts of Europe in the following centuries as well, this kind of justice was strictly linked to revenge, which typically involved anger, hatred and resentment, but also peace and *amor*. The banishment penalty, which excluded the person accused of a crime from the community, could therefore be conceived of as an instrument for establishing a necessary truce, in the expectation that the antagonistic groups would reach a peace agreement. The various trial rites were theoretically meant to lead to this result, and their features and outcomes revealed the implicit language of vendetta that underlay formal justice.

RESTORATIVE JUSTICE



Certain trial rites, such as the so-called defence *per patrem*, which provided that the fugitive murderer's father could present himself in his place, also explain why in these forms of justice pecuniary penalties often accompanied banishment, as well as the peace agreements that frequently put a halt to judicial proceedings. But in medieval society, too, there obviously existed retributive forms of justice, according to which certain behaviours were considered a crime against the community, its values and its social arrangements. Though this system of justice

was harsh, it often had a restorative dimension as well, since its primary goal was to reduce the impact of the conflicts driven by the vendetta system²³.



Though characterized by the action of a judge in the so-called phase of the *processo informativo (inquisitio)*²⁴, this form of justice allowed lawyers ample room for procedures aimed at using so-called justifying facts such as provocation, legitimate defence and, above all, anger or temporary madness²⁵. In this judicial dimension the victim continued to have an important role and could intervene in the initial phases of the trial. In the end, the banishment penalty constituted a kind of link to join the various requirements of justice and a balanced role for both victim and defendant.

Banditry in the Venetian Republic

In August, 1531 the Council of Ten, which constituted the highest political-judiciary organ of the Republic, deliberated a measure concerning banditry. This measure reflected the jurisdictional and constitutional tensions that the problem

²³ I refer to POVOLO (2015a), 207 and ff. As Carbasse notes, generally speaking, the purpose of the penalty of banishment was to relieve tensions, 'ce peut être aussi, parfois, l'instrument d'une politique criminelle intelligente; l'éloignement passage d'un petit delinquant permet d'apaiser les passions familiales, de calmer le conflits de voisinage, de restaurer la convivialité villageoise', CARBASSE (1990), 226.

²⁴ The investigation phase preceding the actual trial.

²⁵ POVOLO, C. (2015b), *Furore. Elaborazione di un'emozione nella seconda metà del Cinquecento*, Verona.

caused, as it was spreading to all the territories ruled over by the Republic, *da terra* and *da mar*. As usual, the first section of the *parte* (document) specified contents well known to all subjects of the Republic. It stated that the measures taken concerning banditry, both in Venice and the other cities, had proved ineffective, and that all bandits found in territories from which they had been exiled could be killed with impunity. But then it added that the ineffectiveness of the laws was essentially due to the network of protection and assistance the bandits could safely count on. It was therefore resolved that whosoever lent any form whatsoever of assistance to a bandit would incur the same heavy penalty, and could be killed with impunity ‘even if he was a very close blood relative’.

The 1531 measure was extremely serious, not so much because it involved the sphere of kinship and vendetta underlying the banishment penalty as because it visibly interfered with the existing constitutional structure, according to which the policy of banishment was the exclusive competence of local jurisdictions. So much so that the very next year this *parte* was substantially revised, since it had caused numerous problems when *maligni* (malicious persons) used schemes and tricks to accuse innocent people. In reality the new measure reflected the problems involved in regulating from outside the complex interrelations among vendetta, kinship and banditry²⁶. Indeed, some decades earlier something similar had happened when the Council of Ten passed a measure regarding banditry that they repealed the following year. In 1489 it had been decided that bandits could not be killed with impunity by premeditated aggression carried out using ambushes or traps. This *parte* was contradictory, since it clearly failed to take into consideration the system of vendetta that inspired banditry, and seemed deliberately to ignore the constitutional prerogatives of the large towns of the Veneto and Lombard Terraferma. Indeed, as we have said, the following year, faced by the protests of the town of Vicenza, the measure was revoked²⁷.

Obviously the Venetian ruling class and the highest political-judiciary institutions of the Serenissima were well aware of the social and cultural complexities underlying both banditry and the constitutional balances inherent in its regulation in the subject cities.

In this connection the diary-writer Marin Sanudo reported the discussion that took place in 1525 in the Council of Ten concerning a murder committed in Corfù by a soldier enrolled in one of the galleys of the *provveditore all’Armata*. The councillors had proposed that the case be assigned to this *provveditore* with authority to banish from all the territories of the Republic, also stipulating that this authority should be introduced in the *commissioni* addressed to the *provveditori generali*. This proposal clearly did not take into account the constitutional prerogatives of the *provveditore* of Corfù or, more broadly, of the competent jurisdictions of the subject towns. But in the end, as Sanudo noted with satisfaction, the proposal of the councillors was voted down by the majority of the Council, in that its approval would have meant ‘taking away the jurisdiction of the governors of the Terre’²⁸.

Actually, though it was frequently used by Venetian magistrates, especially from the Fifteenth century on, banishment seems to have been foreign to the city’s juridical tradition. As has been observed, it is not found in the *Promissio*

²⁶ *Leggi criminali del Serenissimo dominio veneto* (1751), Venezia, 30-31.

²⁷ *Ibid.*, 18-9. On this law, see COZZI, G. (1982), *Repubblica di Venezia e stati italiani. Politica e giustizia dal secolo XVI al secolo XVIII*, Torino, 81-2.

²⁸ STEFANI, F. / BERCHET, G. / BAROZZI, N. (1984) (eds), *I diarii di Marin Sanudo*, Venezia, XL, col. 89.

maleficiorum of doge Orio Malipiero (1181) or doge Jacopo Tiepolo (1232)²⁹. This absence does not seem to show so much a cultural difference of Venice as a specificity in its constitutional structure, characterized by a city-state with a very small hinterland (the Dogado). But with the formation of a territorial state it would have been very difficult for the highest Venetian magistracies to ignore the complexity and urgency of a phenomenon that inevitably pressed against the gates of the dominant city.

The measures of the high magistracies regarding banditry were actually for the most part solicited by single families or individuals involved in contrasts between groups, who often tended to go beyond local contexts in order to bend the conflict in their favour. Such measures inevitably produced a reaction on the part of the subject towns, which demanded the immediate restoration of the constitutional rights violated by the dominant city. The penalty of banishment was an important prerogative envisioned in the statutes of every large town of the Venetian state. In particular, at the moment of its acquisition of the Terraferma Venice had stipulated pacts that the representatives it sent to govern those towns were required to respect both in form and substance. The ban inflicted by local courts envisioned expulsion from the town, its territory and the customary fifteen miles beyond its boundaries. In certain cases, as in Vicenza in 1545, the Council of Ten had considerably broadened the prerogatives of local courts to banish from all territories included between the rivers Mincio and Quarnaro³⁰. And in 1503 the highest Venetian magistracy had also decided that anyone who had been banished by the courts of its *dominium da terra e da mar* and who had not left the prohibited territories within eight days was to consider himself banished from the whole state, including the dominant city itself. This criminal policy clearly emphasized the jurisdiction of the subject towns³¹.

The choices made by the highest Venetian governing body clearly aimed to favour peacekeeping in its subject territories, and to that end the jurisdiction of local courts over the matter of banishment was extremely important. Indeed, the purpose of the banishment penalty was not only to exile all those who threatened the tranquillity of urban life; it also aimed to create the premises for re-establishing peace among antagonistic groups and factions. With the removal of those who had committed a serious crime, banishment constituted the essential premise for establishing a truce, the necessary first step to start negotiating peace between rival groups. Moreover, it was essential for reinforcing the role played by the local courts in affirming a system of justice that could reconcile the various

²⁹ COZZI(1982), 82-4.

³⁰ Vicenza, Biblioteca civica Bertoliana, *Archivio Torre*, busta 684, fasc. 22: in cases of especially serious crimes, like for example armed robbery and arson, the Vicentine court, which already possessed considerable jurisdictional privileges, could pronounce banishment from the city, the territory and the customary fifteen miles 'et anco più' [and even more].

³¹ *Leggi criminali...*, 21-2. A similar measure had been taken in 1485, ASV, *Consiglio dei dieci, Misti*, reg. 22, c. 154, 24 March 1485. Towards the end of the Sixteenth century, the renowned expert in criminal law Lorenzo Priori observed, 'Therefore, bandits should beware of coming to the places forbidden them, because even if according to the law 1489 of 29 July bandits or those condemned to fifty lire could not be accosted except for actual murder, and not by traps or ambushes, nonetheless on 11 September 1490 the aforesaid law 89 was revoked so that according to this revocation the bandit or condemned person as said above can with impunity be accosted by traps and ambushes, in a sect and monopoly, as described by the title of this law, and also with the exoneration of arquebuses, of which there had been many and diverse judgments' PRIORI, L.(1738), *Pratica criminale secondo le leggi della Serenissima Repubblica di Venezia*, Venezia, 58-9.

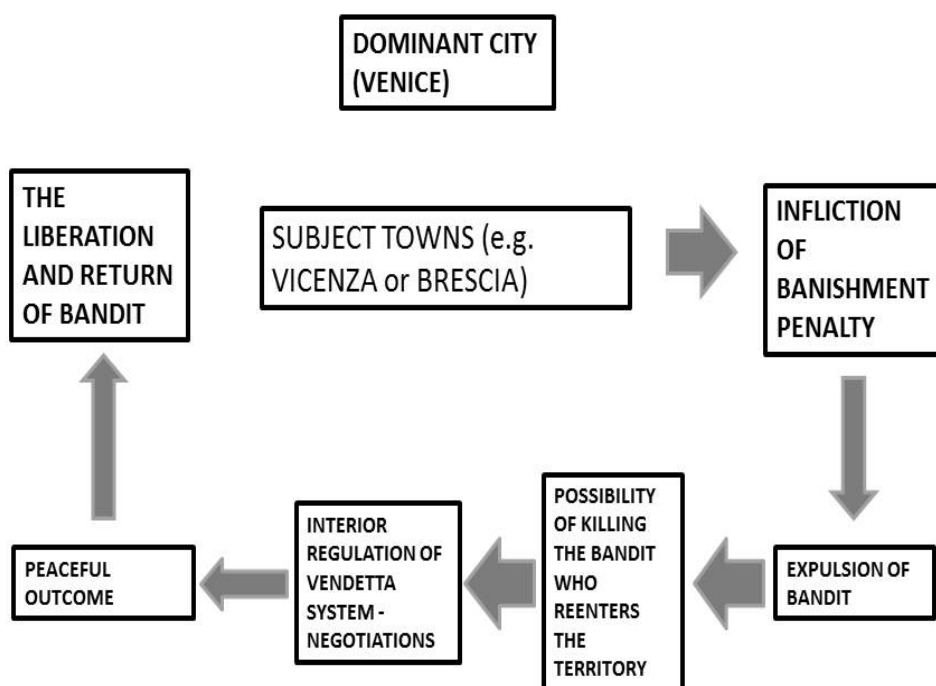
demands of order and safety³². In order to make the ostracism decreed by the local courts really effective, it was also envisioned that anyone who had violated the limits established by the penalty of banishment could be killed with impunity. The clear objective of this provision was to affirm the jurisdiction of the town court, but it also wanted to allow the family that had been offended in blood and honour to continue its vendetta. Thus, the penalty of banishment was indissolubly tied to the customary system of the vendetta, which obeyed its own rules, but which also had to stand up against a judicial system whose priorities of peace and order aimed at guaranteeing the safety of towns as well as an equilibrium between opposing factions in constant economic and political competition³³. Only after peace between opposing factions had been reached would the city court decree the return of the person who had been banished. In this way the informal vendetta system, which obeyed the laws of custom, and the formal system of judiciary institutions mediated and interpreted by a class of professional jurists, met in the name of an order whose indispensable premise was the re-establishment of peace in the city.³⁴

³² For instance, the statutes of Verona made clearly explicit the interrelations between the banishment penalty and truces, see *Statuta magnificae civitatis Veronae*, (1582), Veronae, 165-8.

³³ This question was not always dealt with explicitly in the statutes, also because these texts interacted with customary norms; on this, see CAVALCA (1978), 168-213.

³⁴ Aspects that can be grasped in all their complexity only through the trial rites, which evidently aimed at reconciling the bitter social conflict with the demands of the city courts. For some examples, I refer to my essay of 2013, 'Liturgies of violence: social control and power relationships in the Republic of Venice between the 16th and 18th centuries', in DURSTELER, E. (ed.), *A companion to Venetian history, 1400-1797*, Leiden-Boston.

THE MECHANICS OF THE VENDETTA SYSTEM IN THE CITIES AND TERRITORIES
UNDER VENETIAN RULE BEFORE THE MIDDLE OF THE SIXTEENTH CENTURY



The phase of suspension (1549-1580)

Thus, the complex relationship between the vendetta system and the banishment penalty existed both informally, through negotiations and agreements between the conflicting parties, and on a formal judiciary level interspersed with trial rites like the various forms of summons, the *difese per patrem* and safe-conducts, all of which aimed at re-establishing the equilibrium broken by a conflict and at its peaceful resolution³⁵. So that this could proceed positively, ostracism towards the banished person had to remain in force until the conclusion of the peace. And this ostracism could be effective only if it envisioned the bandit's being killed with impunity if he violated the confines of the territory prohibited to him³⁶. Based on this consideration, we can grasp the impact created by the law that the Council of Ten passed in 1549, which began what can be defined as the policy of suspension. On that day the highest political-judiciary organ of the Republic decreed the suspension of the possibility for bandits to free themselves by killing or capturing other bandits (evidently in the sphere of the

³⁵ Again, I refer to my POVOLO(2015a)

³⁶ Ostracism that becomes concrete in the penalty of banishment at the moment when conflict management merges with the system of common law (*ius commune*) that was prevalent all over Europe from the late middle ages on. In previous centuries it had been a prerogative of the world of custom. The person expelled from the community was considered *homo sacer*, entrusted to God, and was without any rights. The bandit was also looked on as a virtual criminal. On all of this, see KNOLL, V. / ŠEJVL. M. (2010), 'Living dead-outlaw, homo sacer and werewolf: legal consequences of imposition of ban', in GULCZYŃSKI, A. (ed.), *Leben nach dem Tod. Rechtliche Probleme im Dualismus: Mensch – Rechtssubjekt*, Graz, 139-53.

competent jurisdiction). This clear violation of the jurisdiction of the subject towns was motivated by a widespread climate of insecurity, and was in any case adopted for a period limited to two years:

all those who have been banished to this day and those who will be banished for whatsoever atrocious reason can be thought of, likewise, either perpetually or temporarily [...] can no longer be freed from their banishment by the way of capturing or killing another bandit [...] nor for effect of any law or parte up to now taken that gives them that benefit, so that from these bandits be removed all hope of being able to remedy their situation³⁷.

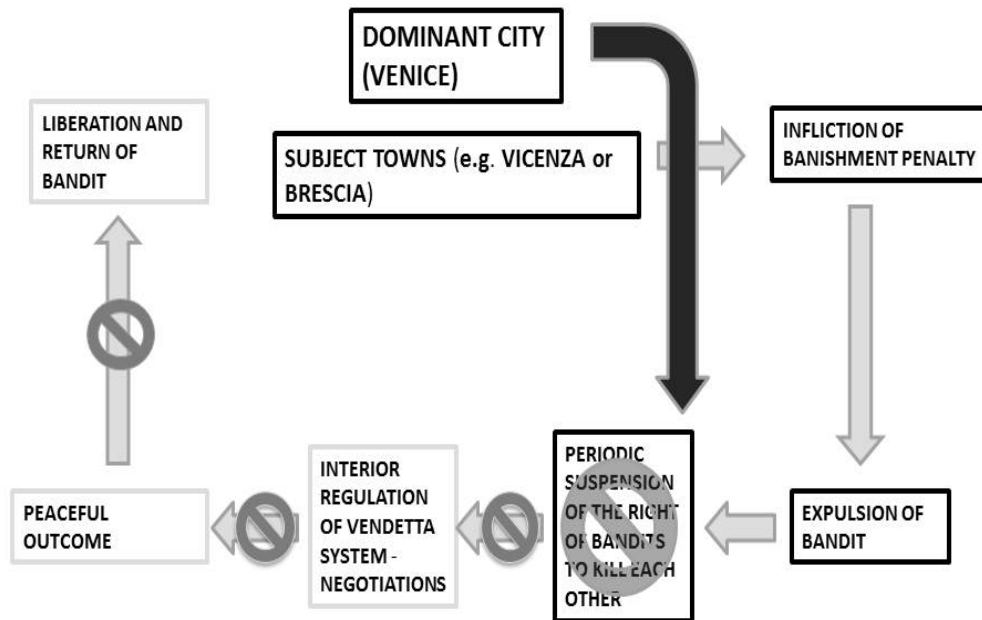
This law remained in force until 1555; then it was suspended only to be intermittently reintroduced until 1580, when it was effectively substituted by the law passed that year, which was to initiate a phase of continuation. The law of 1549 was accompanied by a measure providing for two companies of Dalmatian soldiers, each made up of seventy men led by two country chieftains to be created and assigned to the task of scouring the territories of the Terraferma³⁸.

The intervention of the Council of Ten had the intention of marking a real turning point, since it dealt with the tormented question of banditry with determination, clearly impacting the dynamics that fed the conflicts between groups and families. Many statutes of the subject cities not only provided that bandits could be killed with impunity by anyone, but also that they could win their freedom by killing each other. This was a norm aimed to assure respect for the periods of truce needed by local judicial institutions and conflicting families to lessen internal tensions and start peace negotiations. The measure taken by the Council of Ten interfered with the local dynamics of conflict, and undoubtedly the establishment of the country chieftains could only with great difficulty have coped with the endemic problems caused by banditry. However, the long phase of suspension begun with the 1549 law allowed the highest Venetian organ to dictate the rhythms of a criminal policy that was no longer entrusted exclusively to the subject towns.

³⁷ *Leggi criminali* (1751), 44.

³⁸ BASAGLIA, E. (1985), 'Giustizia criminale e organizzazione dell'autorità centrale. La Repubblica di Venezia e la questione delle taglie in denaro (secoli XVI-XVII)', in COZZI, G. *Stato, società e giustizia nella Repubblica di Venezia (sec. XV-XVIII)*, Roma, 203-4. As Basaglia points out, in 1549 a fund for the payment of reward money was also set up.

VENETIAN INTERVENTION (LAW OF 1549): PERIODIC SUSPENSION OF THE RIGHT OF BANDITS TO KILL EACH OTHER



This was true interference, differing from the single measures concerning banditry that had been temporarily taken in the past, since the 1549 law constituted a reference point for some decades. As a matter of fact, in 1555 it was suspended for three years; and this happened again in 1559 (for five years), 1569 (for one year), 1573 (for one year), 1574 (for one year), 1577 (for two years), and 1579 (for two years)³⁹. In the periods when, due to its suspension, it was not in effect, local jurisdictions regained their autonomy, and the system centering on the complex relationship between vendetta and local judiciary institutions was once again active. It is likely that the 1549 law is to be seen as part of a complicated open exchange with the governing classes of the subject towns, and that it intended to have the function of exhorting them to keep heated permanent local conflicts within limits⁴⁰. What is certain is that for roughly three decades this apparently contradictory and intermittent measure influenced some of the mechanisms fundamental to the vendetta system, at the same time as it suspended the legitimacy of the statutes and their judiciary and procedural provisions.

³⁹ POVOLO (1997), 144. For instance, on 5 June 1577 it was decided, ‘The audacity and temerity of bandits, who do not have high regard for the forces of justice, is such that they allow themselves to cross the boundaries prohibited them and commit new errors and misdeeds, it is fitting to take the same provisions as was done other times to uproot this sort of people. Hence, the resolution of the Council of 11 July 1549, which cancels the faculty of bandits to free themselves from their banishment by capturing or killing other bandits, is to be suspended for the next two years’. See *Leggi criminali* (1751), 220.

⁴⁰ A hypothesis put forward by me at the time in POVOLO (1997), 122-3.

From suspension to extension

Faced by a serious situation explicitly attributed to the emergence of a type of banditry considered aggressive and dangerous,⁴¹ on 20 May 1580 the Venetian Senate passed an exceptional measure that remained in force for a long time. The *rettori*⁴² of the main towns were given the authority to proceed summarily and *sopra il luogo* against bandits found trespassing in prohibited territories. The measure was openly addressed to the network of support and aid associated with certain sectors of the aristocracy, for it stipulated that once those who protected the bandits were identified, the *rettori* were to inflict on them the penalty of confinement and the destruction of their houses if they had been turned into strongholds. The law of 20 May 1580 was particularly effective, since it confronted with determination the climate of heated conflict that characterized significant sectors of the nobility of the Terraferma⁴³.

The real leap, however, was made in July of the same year when a law definitively put an end to the long period of suspension begun in 1549: the Council of Ten took firmly into its own hands the complicated matter of banditry, which, though with significant interference, had for roughly two centuries been the competence of the local jurisdictions. Implicitly repealing the measure of 1549, the highest Venetian organ resolved that all bandits could obtain their freedom by killing other bandits in the same condition as they were. With the inevitable adjustments and modifications, the law was intermittently extended for several decades⁴⁴. Thus, from a long intermittent phase of suspension of a law that interfered in the dynamics of conflicts linked to banditry, a new phase was introduced, one characterized by extensions of a law that gave authority in this matter to the Council of Ten.

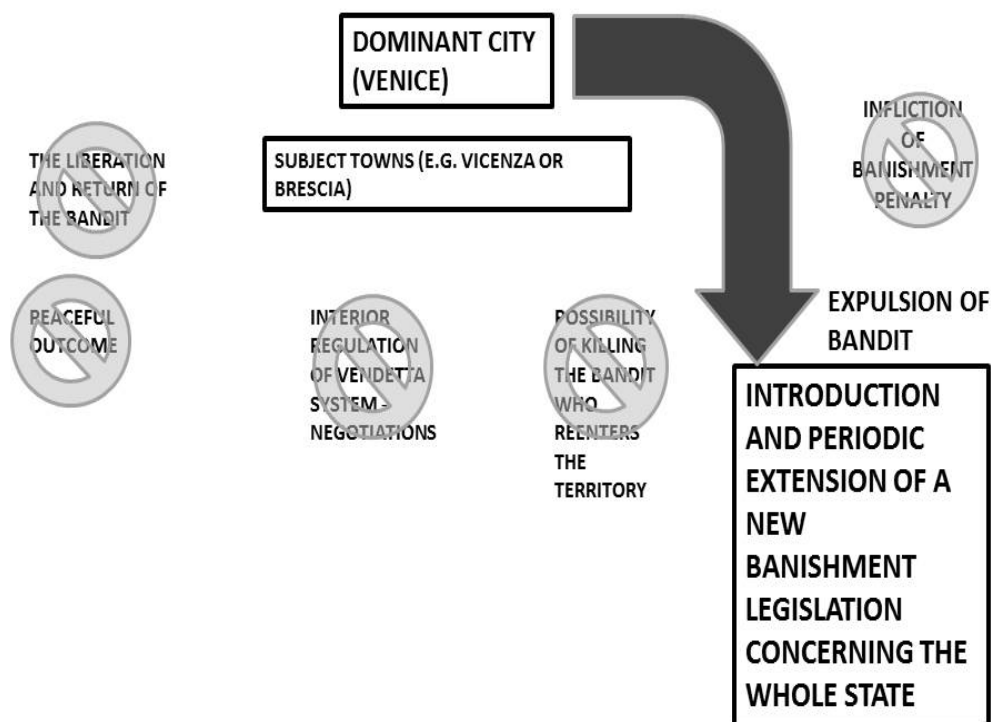
⁴¹ ‘The turmoil that at present is heard in several parts of our state, caused by the insurrection of many villains, who joined together in large number commit various violent acts, assaults, robberies and murders against our faithful populace’, ASV, *Senato, Terra*, reg. 53, c. 18. I refer again to my POVOLO (1997), 153 and ff.

⁴² *Rettori*: Governors.

⁴³ POVOLO (1997), 163 and ff.

⁴⁴ For example, a one-year extension was proposed in 1581, 1582, 1583, 1584 and for two years in 1587, POVOLO (1997), 200.

THE SECOND PHASE OF VENETIAN INTERVENTION: LAW OF 1580 AND THE EXTENSION SYSTEM



With the law of 1580, legislation on banditry was therefore directly taken over by the central organs of the dominant city, at least as regards its politically most important dimension. This control was even more significant in that it went alongside the gradual interference of the Council of Ten in the judiciary activity of the courts of the subject towns. By frequently delegating inquisitorial proceedings to the rettori of the large towns of the Terraferma, the highest political-judiciary organ determinedly involved itself in conflicts and in the vendetta system that for centuries had regulated equilibriums among families, factions and rival groups. Indeed, the inquisitorial rite of the Council of Ten envisioned the exclusion of all privileges enjoyed by the subject towns, secret proceedings, and above all the exclusion of the lawyer for the defence⁴⁵.

The penalty of banishment inflicted by authority of the Council of Ten comprised all the territories of the state, going beyond traditional boundaries, and was made more effective by the concession of bounties, and above all by the

⁴⁵ On the procedure of the Council of Ten, see COZZI, G. (1982), 103-4. On the inquisitorial procedures introduced in Europe during the XVI century see LANGBEIN, J.H. (1974), *Prosecuting Crime in the Renaissance. England, Germany, France.*, Cambridge, MA, 130-131, in which the author underlines the difference quality of the new procedures compared to the traditional medieval *inquisitio*. For an analytical examination of a trial in the context see POVOLO, C. (2003) 'Introduzione' to ID. (in cooperation with ANDREATO, C., MARCARELLI, M.) (eds), *Il processo a Paolo Orgiano (1605-1607)*, Roma, VII-LXVI.

granting of so-called *voci liberar bandito*⁴⁶. The arrest or killing of a bandit was awarded with the acquisition of a *voce* that could be used by the person directly interested, or could be passed on to others, who could in turn ask for the liberation of another bandit. In this way an authentic market of *voci* was created, and most importantly the figure of the bounty killer came into being⁴⁷. This was a person who could remain anonymous, but who more often carried on his activity in agreement with the Venetian institutions. One example is a certain Francesco Canova, who with a following of roughly fifty men dedicated himself for a decade to hunting down bandits, winning many bounties and *voci liberar bandito*. In January, 1588 he carried out his most spectacular enterprise, recorded in 1590 by the rettori of Verona, who had continually put his experience to use. On that occasion, Francesco Canova, with his following of fifty armed men, entered the archducal territory on the trail of Count Ottavio Giusti ‘most famous murderer and implacable disturber of the public peace’. The Count had taken refuge at Avio with some of his followers. As the Venetian representatives noted with satisfaction, the bounty killer was successful in this enterprise, bringing ‘six heads to the *pietra del bando* of this city, along with that of the aforesaid Ottavio’⁴⁸. As the names of his men and their places of origin seem to suggest, Canova’s activities had their start in conflicts originating in the local vendetta system, in which he had been more or less a direct protagonist. In agreement with the rettori of Verona and the Council of Ten, his initiatives were then enlarged to include the repression of banditry. Large companies of armed men like his had become necessary to fight banditry along the borders, which inevitably attracted outlaws of diverse provenance. But the war against banditry could only be effective by taking advantage of the widespread situation of conflict existing in the various territories, which was nourished on a vendetta system no long mediated by local judiciary institutions. In this context, Fynes Morison reported the changed he found climate at the end of the century:

In Crimes extraordinarily haynous, the Princes and States are so seuere, as in their publique Edict of banishment, besides rewards sett vpon their heads, great punishments and Fynes according to the qualities of offence and person are denounced against them who at home shall make petition or vse other meanes at any tyme to haue them restored to their Countryes Lands and livings⁴⁹.

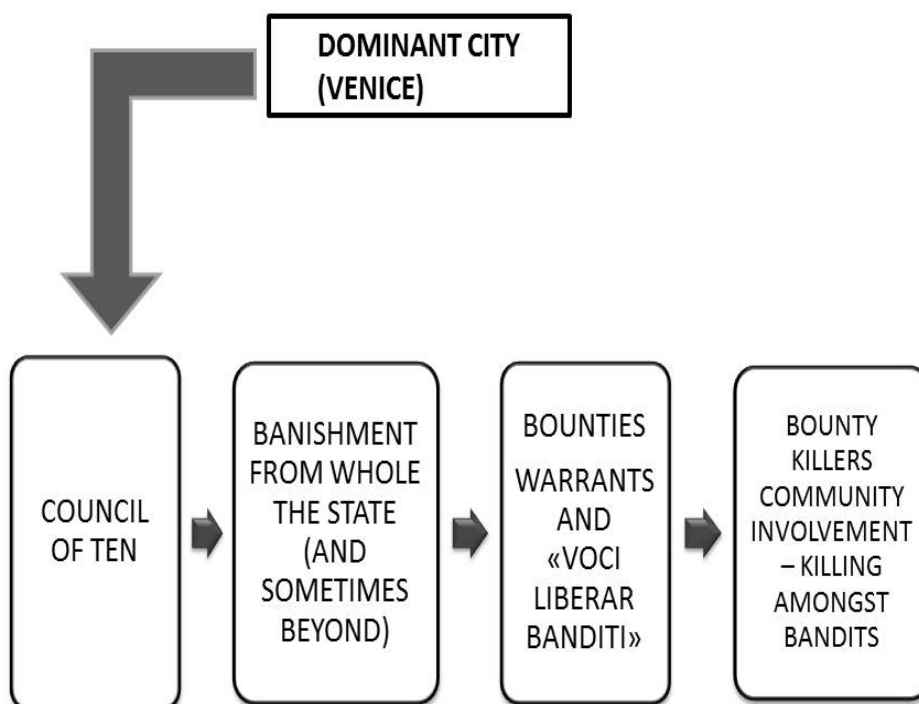
⁴⁶ The right to release a bandit allowed by a public institution.

⁴⁷ *Ibid*, 163-74

⁴⁸ Records of Canova’s activities are to be found in ASV, *Consiglio dei dieci, comuni*, filza 182, documents attached to the *parte* of 21 March 1590.

⁴⁹ HUGHES (1903), 158.

THE NEW LEGISLATION ON BANISHMENT (EXTENSION SYSTEM AND ITS EFFECTS)



The new legislation adopted against banditry at the end of the century created a short circuit between the vendetta system and traditional practices of mediation aimed at reaching truces and pacification. Its effectiveness could be achieved by intervening in the dynamics of local conflicts and by making use of awards and benefits to encourage informers and the involvement of communities and bounty killers. The judiciary activity of the Council of Ten and the use of its inquisitional rites was an essential support for the repression that hinged principally on the banishment laws.

A telling example of the complex interrelations sparked off by the judiciary activity of the Council of Ten is given by the episode whose protagonist was the Vicentine count, Ludovico da Porto. In 1579 he was first investigated and then banished from all the territories of the Republic following a series of violent acts he had committed in the village of Cresole, which had been skilfully magnified by the enemy faction. Determined to revenge himself, Ludovico da Porto trespassed the frontiers of the state on more than one occasion, showing no mercy to his enemies. The Council of Ten put a conspicuous price on his head and issued repeated decrees of banishment against him. He joined a group of bandits from Vicenza and Verona, and in 1586 he was killed in his sleep along with some of his fellow bandits at Sabbioneta in the territory of Mantua. Their murderer, the Veronese nobleman Andrea Del Ben, cut off their heads and sent them to Vicenza to be viewed by da Porto's enemies and displayed on the *pietra del bando*⁵⁰.

⁵⁰ On this episode I refer to my POVOLO (1997), 319; and to LAVARDA, S., 'Banditry and social identity in the Republic of Venice. Ludovico da Porto, his family and his property (1567-1640)',

Borders and outlaws

The new legislation on banditry undoubtedly increased its violent dimension, but above all it brought to light its instrumental and repressive aspects. The traditional relationship between feud and the banishment penalty on the one hand and the constitutional dimension on the other were swept away by the impact of a criminal policy characterized by reward-based legislation and a different perception of territory and borders⁵¹. This phase was destined to last a long time. It was essentially characterized by a use of violence on the part of the dominant powers that depended on forms of violence already in existence in the territory, but now targeted at a new concept of order and social safety. Thus, any attempt to grasp the origins, modalities and transformations of violence in the modern age cannot fail to reflect on the term 'banditry'. On the whole, historiography has dwelt on the concept of social banditry coined by Eric Hobsbawm or, on the contrary, it has used the same word, bandit, in the broader, more general sense of criminal or outlaw. As has been observed, this ambiguity has made it difficult to grasp the problem in its specific constitutional and cultural dimensions:

So long as the target of inquiry was banditry historians and anthropologists limited themselves to exploring only one facet of a much more complex process. As soon as the term 'bandit' was applied, inquiry was restricted only to those armed predators who operated outside the law.

In fact, the complexity of the problem is first of all terminological:

The word 'bandit' itself is derived from the Italian verb 'bandire' meaning to exile or banish and thus at its root a bandit is a man who has been barred from normal society [...]; the same men who at some points in their lives were bandits often operated at times inside the law as well. But a legal bandit is an oxymoron. By definition a bandit stands outside the law⁵².

Based on these considerations, it has been observed that the figures of bandits and pirates are related to the profound economic and political changes that in different periods and territories were decisive in building and strengthening states. For this reason, the term military entrepreneurs has been adopted. These were ambiguous figures who flourished in areas characterized by economic expansion, as well as in peripheral and borderline territories:

Military entrepreneurs, especially when they operated as outlaws, facilitated capitalist penetration of the countryside [...]; were deeply implicated and involved the processes of state formation and consolidation. The political environments in which they flourished were characterized by weak and imperfectly centralized states incapable of

Crime, history and Society, 11, 1, 55-82.

⁵¹ A perception which on the juridical level is not without significant ambiguity throughout the modern age, since, while until the late Eighteenth century it reflected the original and pluralistic jurisdictional dimension, it nonetheless also reflected the tensions that had developed in the political sphere. See MARCHETTI, P. (2007), 'Spazio politico e confini nella scienza giuridica del tardo Medioevo', in PASTORE, A. (ed.), *Confini e frontiere nell'età moderna. Un confronto tra discipline*, Milano, 65-80.

⁵² GALLANT, T.W. (1999), 'Brigandage, piracy, capitalism and state-formation: transnational crime from historical world-systems perspective', in HEYMAN, J. McC. (ed.), *States and illegal practices*, Oxford-New York, 26.

exerting effective control [...]; they participated in power struggles between big men [...]; they provided the armed forces, or at least some of them. When the conflict was resolved, those on the winning side often became irregular members of the legitimacy security forces, while the losers became labelled as outlaws once more⁵³.

In the economic and political changes that interest the Italian peninsula and other European countries starting from the second half of the Sixteenth century banditry served as a social and cultural catalyst. This phenomenon was greatly heightened by the constitutional and political tensions that surrounded it⁵⁴. As a result of the criminal policy and banishment legislation adopted by state entities, borders, which were constitutionally fragmentary and jurisdictionally vague, became the privileged terrain for the action of groups of bandits and outlaws devoted to robbery and plunder, as well as to carrying out vendettas, which were now far more difficult to resolve with the customary modes and procedures envisioned by restorative justice. This is a fact that can explain, for instance, the widespread occurrence all over the Italian peninsula of banditry of aristocratic or feudal origin. As has been observed,

‘It is because the bandit throws down a challenge to law, state violence and the territorial imaginary that the state sees in the bandit not just a criminal but a political opponent and, conversely, why many bandits become ‘primitive rebels’⁵⁵.

While violence still had its origins prevalently in conflicts originating in the vendetta system and the language of honour, its increase came about when the central powers began to ignore customary jurisdictional arrangements in favour of extraordinary repressive instruments⁵⁶. The catalysis of banditry in borderline areas was the inevitable result of the challenge to the traditional banishment penalty. But in order to enforce this new conception of order and security, central authorities did not hesitate to take advantage of the dynamics and ambiguities that inspired banditry itself, betting on figures that could be considered either and both bandit or bounty killer, more or less openly legitimated to operate in the territory. As Thomas Gallant has observed, the new emerging state entities were forced to make use of these irregular forces as guardians of the frontiers. Very often it was difficult to distinguish them from the bandits who operated along the borders or trespassed into the forbidden territories to commit robbery or carry out their vendettas. In any case, the repression used highlighted the role of the central powers in the legal use of violence and the political redefinition of frontiers⁵⁷.

Despite the harsh and decidedly negative language used when dealing with banditry, judiciary sources still do not succeed in hiding the size of a phenomenon which, especially from the late Sixteenth century on, takes on unprecedented

⁵³ *Ibid.*, 51.

⁵⁴ See my reflections in POVOLO (1997), 158 and ff.

⁵⁵ NEOCLEOUS, M. (2003), *Imagining the state*, Maidenhead-Philadelphia, 103.

⁵⁶ As observed by Janice Thomson, ‘The process by which control over violence was centralized, monopolized, and made hierarchical entailed not the state’s establishment and defense of a new legal order but the state’s imposing itself as the defender of that order. Societal groups vigorously resisted state-builders’ drive to monopolize political authority and the coercion on which it ultimately rested. In the process state rulers struck bargains with various societal groups in which the latter provided war-making resources in exchange for property, political, and other rights. These bargains constitute subplots in the central drama in which the state achieved ultimate authority, especially on the use of coercion, within its territory’, THOMSON(1994), *Mercenaries, pirates and sovereigns*, Princeton, 3.

⁵⁷ GALLANT (1999), 47.

dimensions. The figure of the famous bandit, frequently evoked in repressive acts, alternates with that of his antagonists, who hunt him down without respite, either to carry out a nerve-wracking vendetta or to win the rich rewards promised by the central authorities.

But it is above all in literature that the bandit was paid particular attention, having by now assumed the stature of outlaw. The most famous of all was the Catalan bandit Perot Rocaguinarda, handed down to us by Miguel de Cervantes in the second volume of his masterpiece, which appeared in 1615. Through the pen of this great novelist, Rocaguinarda narrates the fatal destiny that led him to become a great outlaw:

‘I should not wonder’ said he, ‘Signor Don Quixote, that our life should appear to you a restless complication of hazards and disquiets; for it is no more than what daily experience has made me sensible of. You must know, that this barbarity and austere behavior which I affect to shew is a pure force upon my nature, being urged to this extremity by the resentment of some severe injuries, which I could not put up with without a satisfactory revenge, and now I am in, I must go through; one sin draws on another, in spite of my better designs; and I am now involved in such a chain of wrongs, factions, abettors, and engagements, which are not only my own but I also take charge of those of others, that no less than the divine power of providence can free me from this maze of confusion: Nevertheless, I despair not still of a successful end of my misfortunes’⁵⁸.

Literature adopted the image and the myth of the bandit-outlaw, uprooted from his social and family context to become at one and the same time a public enemy for the authorities⁵⁹ and a virtual hero for the local population, who were well aware of his misfortunes. The figure of the traditional bandit, an expression of feud conflicts, was transformed into that of the outlaw. Hunted down and fought by the local elites and central powers alike, in time he often took on the allure of a local hero⁶⁰. Certainly, within the community the bandit was felt as a threat and a constant source of insecurity, and as such was pursued with determination, also because of the rich rewards and bounties placed on his head. In no other way can we explain why the harsh banishment legislation was in the end accepted, despite its clear violation of age-old constitutional arrangements. Yet the same judiciary sources that often document the network of protection and

⁵⁸ In the following chapter, Cervantes describes Rocaguinarda’s behaviour not very differently from the picture that Fynes Morryson had given of the Italian bandits some years before. And above all, Cervantes stresses that he had become an outlaw only after numerous banishments had been inflicted on him by political authorities,

‘They slept in one place, and ate in another, sometimes fearing they knew not what, then lying in wait for they knew not whom. Sometimes forced to steal a nap standing, never enjoying a sound sleep. Now in this side the country, then presently in another quarter; always upon the watch, spies hearkening, scouts listening, carbines presenting; though of such heavy guns they had but few, being armed generally with pistols. Roque himself slept apart from the rest, making no man privy to his lodgings; for so many were the proclamations against him from the viceroy of Barcelona, and such were his disquiets and fears of being betrayed by some of his men, for the price of his head, that he durst trust nobody. A life most miserable and uneasy’. DE CERVANTES, M. (1617), *The history of the ingenious gentleman don Quixote of la Mancha*, translated by P. A.. Motteux (1908), Edinburgh, , cap. LX, 22; cap. LXI, 29-30. On Rocaguinarda see also CASEY (1999), 174.

⁵⁹ For further literary examples, see GUARIANTI BAJA, C. (2012), ‘Il bandito e la sua gente. Appunti su fuorilegge e comunità in età moderna’, in LAGIOIA, V. (ed.), *Storie di invisibili, marginali ed esclusi*, Bologna, 169-78.

⁶⁰ A topic dealt with by Graham Seal, in particular in SEAL, G. (1996), *The Outlaw Legend. A Cultural Tradition in Britain, America and Australia*, Cambridge.

assistance surrounding the bandit, which went beyond the enmity between antagonistic kin groups, indicate that he was seen differently by the poorer sectors of the population, who were familiar with the social and conflictual dynamics that were the cause of his ostracism on the part of the authorities. Thus, it comes as no surprise that the bandit, now become an authentic outlaw, was considered virtually an avenger opposing the economic and political logic of the local establishment and even challenging the central power.

In this regard, the biography of the great outlaw Giovanni Beatrice, known as Zanzanù, is emblematic. For roughly fifteen years he operated in the lands bordering the western shore of Lake Garda. Banished in consequence of a feud and the murder of his father by a rival faction, he very soon became a famous outlaw⁶¹. To put an end to the uncontested supremacy of the so-called band of the Zanoni, the Provveditore Generale of the Terraferma, Benedetto Moro, secretly contacted the bandits' enemies, who evidently were knew the lay of the land. Acting through a group of interested merchants and mediators from Brescia, he put several armed bandits at their disposal, authorizing them to enter the territories they had been banished from. After winning the encounter with their adversaries, Giovanni Beatrice and his band widened the scope of their action with the aim of gaining control over the flourishing smuggling activity around the wide basin of Lake Garda. At this point a group of influential traders from Brescia who intended to regain control over this profitable illegal activity, with the backing of both local and Venetian authorities, recruited tens of bandits and armed men drawn by the promise of rewards and bounties.

In the years that followed Zanzanù, who had survived the enemy ambushes that exterminated the rest of the band, was able to operate almost without disturbance thanks to the mountainous territory and its borderline location, but also to the open support of a part of the population. But his destiny was sealed in 1617 along those very borders, which had become a place of tension between opposing political powers after the so-called war of Gradisca. His death was brought about by the concentric attack of some of the communities situated on the western shore of the lake, which for years had been repeatedly spurred by the local nobility and the Venetian authorities to oppose the incursions of the bandits and the disturbances they caused. Wishing to mark the extraordinariness of the event, the communities that took part in his murder commissioned an artist to describe the great battle in a large *ex-voto*, still conserved today in the sanctuary of the Madonna di Montecastello di Tignale.

Held up against the light, this painting can be seen to represent the great changes in banditry between the Fifteenth and Sixteenth centuries. But there is another extraordinary testimony of Giovanni Beatrice that has come down to us. As we have mentioned, in 1616 a bitter conflict broke out between Venice and the Archduchy of Austria. In order to face this military emergency, the Republic offered numerous bandits the possibility to free themselves from the penalty of banishment by enrolling in the Venetian army with their following. Giovanni Beatrice judged that the time had come to go back on his footsteps and so he presented a petition to the Heads of the Council of Ten, in which he described the most significant moments of his life. He bitterly recalled his father's murder and the uninterrupted chain of violence he had been drawn into by the thirst for vendetta. In this extraordinary document, he also proudly recalls the valour as a

⁶¹POVOLO, C. (2011), *Zanzanù. Il bandito del lago (1576-1617)*, Arco (Trento).

bandit that had allowed him to survive the attacks of his numerous enemies for so many years -- a valour that could be of use to the Republic on the occasion of this military encounter:

My father, Giovanni Zannoni of the Riviera di Salò, who was an innkeeper in that land, the usual pass for those taking the lake route down from Germany, and from which he earned a living for all his poor family, while he lived peacefully, founded on a solemn peace with a signed vow, on the sacrament of the altar, was impiously murdered by someone from the Riviera. For this inhuman and barbarous action, and also because I the aforesaid Giovanni doubted my own safety from the felony of such cruel men, induced by desperation, resolved to revenge so serious an offense and to assure my own life, and so taking the path of violence, I revenged with the death of my enemies the loss of my father and of my family's means of support; for which operations I was banished and since the persecutions of our enemies continued, I responded with new vendettas, and drawing one after another, I received a large number of banishments, not only with the authority of the excellent Council of Ten, but one of the Council itself⁶².

This passage strikes us as being very like the dialogue between Don Quixote and Rocaguinarda. The injustice suffered, the imperative of vendetta and the chain of violent encounters with enemies are the features which, apart from any literary rhetoric or notary mediation, seem to distinguish the biographies of many outlaws in this period. And in his petition, while Giovanni Beatrice recalls the inevitability of his becoming a bandit, he lets us understand that this does not affect his being a man or his loyalty to his prince. But above all, like his literary counterpart Rocaguinarda, he does not conceal the fact that his image as an outlaw was inevitably enlarged by the new political and conflictual climate:

I confess to being guilty of many banishments, all however for private crimes and none even minimally pertaining to public or state affairs, neither with a condition to be excluded from the current parte, nor with the burden of compensating anybody, and may I still be allowed to say fairly that, while many excesses have been committed in my name, as I had no hope of freeing myself, I never took the trouble to exonerate myself.

And so the great outlaw begged the grace of being pardoned by his prince, by putting himself into his service. This service he would doubtlessly have performed honourably and expertly, as his adventurous and violent life had clearly shown:

Wherefore, I Giovanni your subject humbly beg Your Sublimity to deign to look upon my deep affection with the eye of pity, condoning the punishments of banishment and the errors committed up to the day of publication of the present parte and also to pardon my wife who has been banished for 20 years because of the service rendered to me, in this way allowing me to show the results my ardent wish to be able, just as I have been careless of my life a good thousand times in the midst of the arquebus shots of enemies, so equally to conserve the same gloriously in your service⁶³.

Giovanni Beatrice's offer was tacitly refused, differently from that of other bandits who received pardon despite the fact that they had committed crimes far more serious and heinous than his. For Giovanni Beatrice had underestimated the degree to which his image had become that of the great outlaw, and that as such

⁶² *Ibid.*, 156.

⁶³ *Ibid.*, 157.

he was considered an authentic political opponent to be eliminated no matter how in order to reaffirm the new social and political order. By contrast, two years previously the Catalan bandit Perot Rocaguinarda had managed to avoid this destiny, winning pardon and the possibility of serving under the arms of the sovereign he had fought against for so long⁶⁴.

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⁶⁴ As has been observed, the second part of Cervantes's work appeared in 1615, a year after Rocaguinarda had won pardon and already served in the ranks of the Spanish army in Naples. The description of this famous bandit thus expressed the solution Cervantes hoped for as regards the vast phenomenon of banditry, in his judgment uselessly prosecuted with the repressive measures adopted by the Spanish monarchy, MARTINEZ-LOPEZ, E. (1991) 'Sobre la amnistía de Roque Guinart: El laberinto de la bandositat catalana y los moriscos en el Quijote', *Cervantes: Bulletin of the Cervantes society of America*, 11, 2, 69-84.

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