

Conference Report on *After the Feud? Dispute Settlement Between Custom and Law in Early Modern Europe*, 21–22 June 2023, Maribor & Čentur (online)

Regarding violence and dispute settlement, historiography has, for a long time, rested on deep-rooted positivist and evolutionist interpretations. These were consistent with the dominant historical narratives, which saw the (supposed) decline of violence through history as part of a linear progression towards the emergence of modern civil society. In this context, European early modernity was equated with the establishment of modern order and, with the notable exception of some Mediterranean regions, predicated on the eradication of feud. Based on the state's monopolisation of law and violence, the state, together with the efforts of religious reformers, tried to suppress traditional customs of dispute settlement, such as (blood) feud, which were seen as destructive and irrational, and an obstacle on Europe's way towards a 'rational' society. Nevertheless, since the 'anthropological turn' in the 1950s, the role of feud in conflict resolution and social cohesion has been exhaustingly debated by historians.

Medievalists have generally accepted the importance of feuding in conflict resolution and demonstrated that it played a significant role in maintaining peace in the community. However, there are still disagreements as to whether the same was still true in the early modern period, particularly after 1600. This question was one of the main issues addressed by the participants of the international scientific conference *After the Feud? Dispute Settlement Between Custom and Law in Early Modern Europe*, which took place online (Zoom) on 21 and 22 June 2023, and was organised by the Institute IRRIS for Research, Development and Strategies of Society, Culture and Environment. The conference was part of the postdoctoral project Z6-3223 *Plebeian Dispute Settlement in Baroque Inner Austria: Between Feud and Criminal Law* and the research programme P6-0435 *Practices of Conflict Resolution Between Customary and Statutory Law in the Area of Today's Slovenia and Its Neighbouring Lands*, both (co-)funded by the Slovenian Research and Innovation Agency (ARIS).

The conference was organised into four panels, with altogether 14 speakers from across Europe and the US, all specialists in the fields of the history of violence and dispute settlement. Following the conference outline, they focused particularly on: 1) the role of customs and law in dispute settlement, with particular regard on the lower strata of the population; 2) the rites and language of enmity and peacemaking; 3) feud's gendered and 4) emotional aspects.

Following the welcoming address by the conference committee chair and leader of the postdoctoral project, Žiga Oman, the conference opened with the first panel, titled *Pacified Regions?*, moderated by Stuart Carroll from the University of York (UK). The first paper was by Jeppe Büchert Netterstrøm from the University of Aarhus (Denmark). In his presentation, titled *Feuding and Peacemaking in 17th-Century Denmark?*, predicated on 200 homicide cases between 1608 and 1622,

Netterstrøm presented how, despite the strengthening of the Danish monarchy in the sixteenth and seventeenth centuries, and contrary to generalised views of Danish history, the authorities occasionally still tolerated feud-like violence and private dispute settlements among lower classes.

The next paper, titled *Feuding 'After the Feud' in Baroque Inner Austria*, was given by Žiga Oman from the Institute IRRIS (Slovenia). Based on early modern primary sources, he outlined the control of enmities and the resolution of disputes by all social classes in Inner Austria, arguing that the tolerance of traditional practices of dispute settlement by local judicial authorities was of key importance for their continued existence, since they were seen as an indispensable element of social cohesion and peace within the community.

Concluding the first panel, Vicent M. Garés Timor from the University of Valencia (Spain) questioned the notions of banditry in his paper entitled *The Colomer Brothers from Valldigna: Robbers or Members of a Faction?*. Based on a case study of an attack in 1536 on the royal road near Carcaixent, a small town in the Kingdom of Valencia, he refuted the traditional interpretation of banditry in its 'mythical' narrative, establishing that it was a much more complex phenomenon. In this case, a rather typical feud.

The second set of presentations, moderated by Žiga Oman, focused on emotional and narrative aspects of enmity. Umberto Cecchinato from the University of Trento (Italy) analysed a particularly interesting ego-document in his paper entitled *Everyday Interpersonal Violence in Early Modern Treviso. News of Homicides Recorded in the Libro Maccheronico of Zuanne Mestriner (1682–1731)*. This document, containing dispassionate reports on murders between 1682 and 1731 written by the Treviso barber Zuanne Mestriner, not only provides a starting point for a quantitative study, but also offers a rare insight into the dynamics of enmity before the criminal acts themselves.

The following presentation was given by Stephen Cummins from the Max Planck Institute for Human Development (Germany). In the paper titled *The Emotional Politics of Enmity in the Aftermath of the Revolt of Naples (1647–8)*, he discussed the relationship between enmity, peacemaking and royal justice in the tumultuous years after the Revolt of Naples (1647–8). Cummins focused on the issues of the state's ability to resolve disputes and its legitimacy therein, especially predicated on complaints that came to the governing council of the kingdom, i.e. the Collateral Council. He concluded his presentation with some general reflections on how historians may conceptualise some of the emotional politics of enmity in the early modern period, especially regarding the 'emotional regime' concept.

A presentation by Alejandro Llinares Planells from the University of Málaga (Spain) concluded this panel. In his paper entitled *Executions Ballads in Catalonia Between the 16th and 17th Century*, Llinares Planells initially used a comparative approach to outline the broader context of the function of execution texts in early modern Europe. He specifically focused on Catalonia and regional specifics in the creation, transmission and reception of execution ballads.

The afternoon panel entitled *Enmity and Law*, moderated by Stephen Cummins, began with a presentation by Paolo Broggio from the Roma Tre University (Italy). In his paper, *The 'Surety Not to Offend' as an Obligation 'In Forma Camerae': Blood Feuds and 'Binding Over' Legal Instruments in the Papal States (XVI–XVII Centuries)*, Broggio analysed the guarantees against insult or so-called 'sureties not to offend' or 'cautiones de non offendendo' in Latin. This court practice, unlike a peace accord, was concluded without an agreement. At the same time, it represented an important element in establishing and maintaining peace within the community. As he showed, the practice persisted for a long time, due to its economic benefits for the state, and because it legally bound entire lineages more efficiently than peace deals.

The next paper was given by Sian Hibbert from the University of York. In her paper entitled *Violence and Litigation: Women in Dispute in Early Modern Languedoc*, she addressed the role of women, an often-neglected topic in dispute settlements. Based on individual case studies, Hibbert refuted the traditional historiographical interpretation of women as solely victims of – especially sexual – violence, establishing that despite the principled exclusion from the use of physical violence, early modern women used it more often than commonly assumed.

The last paper of the first day, entitled *When Peace is Not Enough. Marco Michiel and the Council of Ten in Early 16th-Century Venice: Shifting Judicial Paradigms and Noble Violence*, was by Andrew Vidali from the University of York. He contextualised the affair of Marco Michiel, which represented the first considerable intervention by the Council of Ten in the customary legal practices of settling disputes, in general, governing enmities between Venetian noble families.

Jeppe Büchert Netterstrøm concluded the first day by providing some final thoughts and starting points for future research.

The second day of the conference began with a panel focused on the issue of duelling, moderated by Andrew Vidali. The introductory paper, entitled *Regole per effettura le paci. A 17th-Century Italian Treatise on the Role of Mediation in Dispute Resolution and Peace-Making*, was given by Tilén Glavina from the Science and Research Centre of Koper (Slovenia). Referring to the posthumously published treatise (1686) by Abbot Taddeo Pepoli, he outlined similarities and differences with the concept of peacemaking in duels and at the same time discussed the ideal mediator or *mezzano*.

Next followed the paper *The Peace and the Duel; The Peace in the Duel*, by Amanda Madden from George Mason University (USA). Referring to various sources, she suggested that the increase in duels was related to the state's attempts to arrange peace. Madden described a duel as part of the peace process, congruent with the 'peace in the feud' (a reference to Max Gluckman), and argued that a re-examination of the role of the duel as a practice of conflict resolution is required.

This panel was concluded by Matjaž Grahornik from the Milko Kos Historical Institute (Slovenia). While emphasising that duelling was not limited only to the upper social classes, in his paper entitled *Early Modern Duels in the Habsburg He-*

reditary Lands between Practice and the Law, Grahornik focused on duels among the (high) nobility in Inner Austria, linking some of the cases to the pre-existing enmities, and examining them in more detail.

After the conclusion of the main panels, Darko Darovec from the Institute IRRIS presented some guidelines for future research. First, the project proposal PEACERITE, which would be the first comprehensive and comparative global historical study of the rituals of conflict resolution based on case studies from pre-modern Europe and indigenous societies of colonial America and Australia. Next, he presented the COST Action with the acronym CHANGECODE, recently launched by the Institute IRRIS. The main goal of this project is to systematise, conceptualise and epistemically upgrade existing knowledge about the influence of past dispute resolution mechanisms on modern practices.

Christine Reinle from the Justus Liebig University of Giessen (Germany) closed the conference by giving her concluding thoughts.

In addition to the already highlighted experts, who, by using various primary sources from different points of view, spoke on the complex topic of dispute settlement in the early modern period, it should be emphasised that very fruitful discussions followed each panel, as well as the concluding remarks. This is quite notable, since debates are too often a neglected part of online conferences, although they are vital in the exchange of knowledge and through constructive criticism enable the further development of the scientific field. Accordingly, the organisation committee is to be commended for the selection of papers, as well as for the organisation and technical execution of the conference. The conference outline, programme and book of abstracts can be accessed at <https://www.iris.eu/wp-content/uploads/AFTER-THE-FEUD-Conference-Programme-and-Book-of-Abstracts-21-22-June-2023-Online-1.pdf>, while the recording of most papers will be available on the IRRIS website in early 2024.

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