FROM FEUD TO ENMITY

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ABSTRACT

This article questions the use of the concept of feud for early modern historians. The concept, as currently understood, is confused. The article argues that we shall have to look for better conceptual and theoretical tools if we are to draw attention to the significance of the feud for understanding early modernity. It proposes that we adopt the concept of enmity in its place.

Keywords: Feud, Enmity, Semantics

DALLA FAIDA ALL'ODIO

SINTESI

Il presente articolo mette in discussione l'uso del concetto della faida per i primi storici moderni. Intorno al concetto, come viene inteso attualmente, c'è confusione. L'articolo afferma che se si vuole attirare l'attenzione sul significato della faida per comprendere l'alto Medioevo dovremmo cercare migliori strumenti concettuali e teorici. Propone di adottare il concetto dell'odio.

Parole chiave: faida, odio, semantica

The feud, as the present collection demonstrates, is fundamental to understanding early modern Europe.[1] It was, in contrast to the middle ages, discussed beyond the confines of the law and theology and identified as a major social and political problem. It was a common refrain that, far from being repressed or overcome, it was becoming more de-stabilizing and socially disruptive. Fabio Albergati, writing in 1583, blamed the invention of the duel. He denied that it was an old institution rooted in the medieval ordeal, and therefore legitimate. Rather, it was a recent invention, the product of factionalism and feud, and even encouraged by the state:

> *non potendo percio rimovere le fattioni, & acquetare gli huomini partiali, & essendo loro ogni parte egualmente sospetta, e pericolosa, si puo stimare, che per estipare l'una col mezzo dell'altra, fomentassero quest duello, e l'accrescessero ogn'hora d'armi piu forti, e piu pungenti* (Albergati, 1664, 479).[2]

Shakespeare dramatized the phenomenon in *Romeo and Juliet*, which remains perhaps the most popular and influential exploration of the feud today. His fascination with the theme of faction, division and violence is also demonstrated in the cycle of history plays dealing with the civil wars of fifteenth-century England, which he treated as a '*butcherly, erroneous, mutinous and unnatural…deadly quarrel*'.[3] And one that was interminable: '*And heir from heir shall hold this quarrel up Whiles England shall have generation.*'[4] During the French Wars of Religion, Frenchmen were aware that bloody feuds were a defining characteristic of the conflict:

> *One taketh amends with advantage: an other taketh cruell revenge: one procureth the killing of his enemie in treazon with the shot of some Dagge or Harquebut: others doe make great assemblies resembling pettie warres: and many times one quarell breedeth fower, and twentie dye for one mans offence* (La Noue, 1587, 161; French edn, 1587, 248).

The civil and religious conflicts of the seventeenth century stimulated Thomas Hobbes to argue that feud, or the quarrel as he called it, was rooted in human nature. For Hobbes, the three principle causes of quarrels are: competition, that is the war of every against every man; diffidence, the lack of trust between us; and glory, the joy arising from the recognition of one's own power and abilities and a concomitant hostility to any apparent signs of being undervalued. Worse than these, however, was vainglory, the foolish overestimation of our own worth and honour, which causes us to be vengeful, reluctant to offer pardon and prone to 'glorying in the hurt of another' (Tuck, 1996, 88).

Given the ubiquity of the feud and its importance for understanding early modern

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1   My thanks to Žiga Oman, Ed Muir and Tim Stanton for their comments on this paper.
2   *Trattato del modo di ridurre a pace l'inimicitie private.*
3   *Henry VI Part 3* (Act II scene 5).
4   *Henry IV Part 2* (Act IV scene 2).

society and culture, it is surprising that the subject has only recently been of serious interest to early modernists. And although it is now seen as fundamental to understanding early modern Italy, it continues to be of marginal interest to historians of early modern France and England.[5] With a few notable exceptions German scholars continue to identify it as an essentially medieval phenomenon. Why this should be so is worthy of further consideration. I address three causes of the neglect – the confusion caused by language and terminology, the obsession in the historiography with the state at the expense of civil society, and the vestigial influence of Freudian understandings of the self. I argue that these explanations of change are so deeply embedded in the various national historiographies that we shall have to look for better conceptual and theoretical tools if we are to draw attention to the significance of the feud in understanding early modernity.

The word feud is itself a barrier to comparative history and makes comparison between different states and regions difficult. Feud is a technical or scholarly concept that often has little relation to social practice. Interest in the feud has its origins in two divergent traditions, which began simultaneously in the 1930s. In most of Western Europe the foundations were laid by the anti-Eurocentrist direction in anthropology. More controversially, in Germany it derived from the anti-modernist direction in constitutional history represented by Otto Brunner. Until recently, the two traditions developed independently and with little reference to each other. And this is not surprising because they derived from opposing political positions, whereas for the anthropologists '*the tribal feud was part of an anti-colonial, anti-racist and anti-eurocentristic agenda, Brunner's analogously positive view on noble feud (*Ritterfehde*) was part of a program that tended towards fascism and nationalism*' (Netterstrøm, Poulsen, 2007, 22). Structural anthropology saw the feud as a cohesive force in traditional societies; establishing rules of the game, it limited violence and made peace possible. Brunner, in contrast, was a pioneer of conceptual history, *Begriffsgeschichte*. For him, conceptual history was a tool with which to critique the projection of liberal ideas of progress back into history, and to create an alternative view of German constitutional history that foregrounded the legitimate use of violence. Both approaches have been immensely influential and spawned a large historical literature. But they have also spawned an immense amount of confusion (Netterstrøm, Poulsen, 2007, 48–49). The scholarly understandings of feud are manifold and even contradictory. The anthropological concept of feud does not fit with practice in the past. The German *Fehde* in no way resembles the feuds described by anthropologists, since *Fehden* in the Holy Roman Empire were usually declared by states, aristocrats or cities, who often deployed organized military force to back up their claims. From an anthropological point of view therefore the medieval German *Fehde* looks like a genus of war. And indeed this is precisely how contemporaries understood it. *Krieg* and *Fehde* were synonyms and often appeared together. Article 1 of the 1495 Imperial Perpetual Peace, which outlawed violence, coupled 'befehden' with 'bekriegen'.

The feud still tends be taken as an essentially medieval phenomenon. Derived from the Germanic words *faehde, faithu, faida*, which described a state of legal enmity, the words

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lost their value as customary law codes were superseded. It is invariably represented as an institution that was in decline in the late middle ages. The impression that the feud was a largely early medieval and Germanic phenomenon is given credence by the fact that the word and its cognates, do not generally appear in the sources outside of Germany and Scandinavia. Even among early medievalists there is some doubt about its existence, and it has been claimed that it was less of a legal institution than a narratological device, which has been misinterpreted by the over reliance on anthropological models (Halsall, 1998).

None of the extracts cited at the beginning of this piece use the word feud. '*Whereof one cannot speak, thereof one must be silent*', and thus to use the term 'feud' is to invite accusations of anachronism. In English the word had a largely colloquial meaning before its reimagining in the mid-twentieth century. The on-line catalogue of Early English Books reveals that the word feud appears 1,732 times between 1500 and 1700 and there-fore in common usage. It meant, according to the English expositor of 1621, 'hatred, enmitie and strife.' But early modern English historians are fairly adamant that there was no such thing as the feud after the mid sixteenth century, or at the very least it was reduced to a marginal or backwoods phenomenon. In Scotland feuding only disappeared by the 1620s, but the Scots did not use the word to describe their custom of legalized revenge. In Germany, too, the discovery that the *Fehde* lingered in some parts of the Empire as a legitimate tool in disputes into the seventeenth century does not contradict the traditional story of a new modern political and social order characterised by the adoption of the inquisitorial judicial process based on Emperor Charles V's ordinance, the *Constitutio Criminalis Carolina* (1532), and the establishment of Imperial legal institutions on a sounder footing following the Religious Peace of Augsburg (1555). Confined to peas-ants and less economically advanced regions the survival of the feud is represented as a remnant or backwoods phenomenon (Peters, 2002, 62–97; Mommertz, 2003).

The terminology is even more problematic in Romance speaking regions. The Ital-ian words *faida*, and French *faide* were long obsolete by the sixteenth century. Indeed, they may never have had significance beyond a narrow legal context. The word died out altogether in France in the middle ages (Carroll, 2006). It remained very rare in Italian. It did not appear in the first four editions of the *Vocabolario degli Accademici* (1612, 1623, 1691 and 1739–38) and only made an appearance in the final edition published in the nineteenth century. Its obsolescence is probably explained by the word's Germanic ori-gin. One of the few Italians to use *faida*, Scipione Maffei, did so specifically to highlight its foreignness. It was, he complained, a barbaric custom introduced into the Italy by the Lombards; overturning Roman laws and virtue, it was the origin of vendetta and the cause of Italy's backwardness (Maffei, 1710, ii, 1–5). The recent revival of the word among Italian scholars owes a great deal to Osvaldo Raggio's 1997 *Faide e Parentele*, his classic study of feuding and peace-making in the sixteenth-century Genoese back country. But *faida* was not the word that the peasants of Fontanabuona used to describe their disputes. Its absence in the sources has been noted elsewhere in Italy (Comaschi, 1986, 229).[6] Raggio picked up the term from Anglophone structural-functionalist anthropology and in

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6   A point reinforced by Rampanelli in this volume.

doing so revived a redundant Italian word. The Italian *Microstoria* tradition was particularly compatible with the Anglophone anthropological tradition, and it is no surprise that Italy now has the most sophisticated and detailed study of feuds and feuding culture for the early modern period. The present collection is testimony to the strength of the field. But the Italian historiography presents a challenge to the rest of Europe. The irony of the current semantic and conceptual confusion is that, while Italian historians now accept that the feud is essential to understanding early modern Italy, contemporary Italians did not have the word *faida* at their disposal and ordinary folk never used it to describe their disputes. In England, in contrast, although the word feud was common currency in the sixteenth and seventeenth century, the concept is deemed a phenomenon not worthy of serious consideration.[7]

The second problem is the state. Modernizing narratives about the state, which continue to maintain a dominant hold over most national historiographies, leave no room for the feud, since the feud is seen as being opposed to state power. The notion that the state represses violence is so pervasive that today it goes largely unquestioned. It has become historical orthodoxy. '*Once Leviathan was in charge, the rules of the game changed*', a best-selling book tells us (Pinker, 2011, 75). It is a question of fundamental importance because the control of violence is crucial to the very idea of modernity and the rise of the West. The term 'early modern' was coined because our period is distinguished from the middle ages by the manner in which states increasingly monopolized violence.

This simplistic understanding of the punitive nature of the state has been exploded in the last decade by the discovery that violence was not so easily curbed during the early modern period (f. e. Carroll, 2016a, 101–142). The idea that homicide rates fell uniformly and consistently in the early modern period is misleading, because the statistics hide the extreme levels of violence caused by civil war. In France, during the Wars of Religion (1562–98) and Germany during the Thirty Years War (1618–48) population loss may have been as much as 20% and 30% respectively. Civil war transforms the social environment, offering those who are not normally bloodthirsty opportunities to harm everyday enemies. Rather than a steady and gradual decline homicide rates soared and then fell sharply during the early modern period. Across Europe, rates increased from the middle of the sixteenth century, peaking in the first half of the seventeenth century. This was followed by a very steep decline in the second half of the seventeenth. Even in relatively peaceful England rates doubled or tripled between the late 1570s and early 1620s and did not return to mid-sixteenth-century levels until the last decade of the seventeenth (Carroll, forthcoming).

Italy provides some of the best evidence for challenging received opinions about the state. Italians were significantly more prone to violence than other early modern Europeans. Manuel Eisner has calculated that the homicide rate in early seventeenth-century England, calculated per 100,000 population, was about 7, that of Germany and Switzerland was 11, while the Italian rates was 47 in the same period. But as Eisner has pointed out

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7   On the importance of peace-making, however, see now Withington (2013, 127–153).

whatever the deficiencies of early modern Italian states may have been they were certainly not characterized by a lesser overall level of state bureaucracy and judicial control than, for example, states in England or Sweden during the same period (Eisner, 2003, 128).

The present collection of essays demonstrates amply the entangled relationship between feud and the law. It is still common to view the law as arm of the state. But this cannot be the case in the early modern period, because this was an age when there was very little private prosecution, except for the most heinous crimes. In recent years our understanding of the early modern legal system has undergone a 'Copernician Revolution', which has revealed the pervasive tolerance of interpersonal violence (Piant, 2006, 208; see also Broggio, Paoli, 2011). The ubiquity of pardons and the encouragement of arbitration were underpinned by the spread of Roman Law and its principle that crimes of blood could be satisfied by a monetary compensation. In the sixteenth century there was a brief experiment with harsher punishments, but the use of corporal punishments declined in the seventeenth century just as rates of violence were rising. But the punishment statistics are deceptive: very few people were ever executed for crimes that could be construed as a defence of honour or right. In most cases banishment or exile was usually deemed more appropriate by the courts for crimes of violence, because this allowed a cooling off period, preventing revenge and forcing the guilty party to deal with the victim's family in order to facilitate their reintegration in the community. The problem of banditry in Italy amounted to the corruption of system that worked fairly well in controlling revenge in France and the Holy Roman Empire. Even the more punitive English Common Law – which was responsible for 75,000 executions in the period 1530–1630 – overwhelmingly targeted thieves, who accounted for 87% of the victims. '*Vengeance is in fact everywhere in the judicial archives even if its presence is rarely explicit*' and historians would do better to abandon simplistic notion of repression and investigate how legal systems mediated violence (Piant, 2006, 202). Violence was legitimate if it was backed up by legal writ and the law and force went hand in hand when pursuing an enemy. Going to law was itself interpreted as a sign of enmity. In a heresy trial in Bordeaux in 1560, the defendant complained that one witness, a priest, '*was his enemy and had tried to kill him and sworn vengeance and given him the lie*'; a second witness had been his mortal enemy for seven years and attacked him with halberd; another priest had stabbed him twelve years ago; all of them stood to gain financially from his execution (ADG, 1B 201 fo. 296v.). Good Christians were told to stay away from the law lest it imperil their salvation. Historians assume without any evidence that rising rates of litigation in the sixteenth century mean that violence was going down. But as we have seen this was not the case. In fact, high rates of litigation are usually an indication or greater conflict in society. The United States presently has much higher rates of litigation than Europe, but this does not suggest that it is a less violent society. In the early modern period litigation and violence in the early modern period can both be seen as forms of self-help, not opposites but coordinate ways of redressing grievances. Thus, to litigate in no way implies that disputants were giving up on violence, only that they were trying to maximize their chances of success.

We might add that the state caused a lot of the violence in the first place. France provides the best example of this.

> *All the textbooks report that Louis XIV subjugated the aristocracy by luring them to Versailles and tantalizing them with the status shorn of power, while transferring their authority to bureaucratic agents. But could such deep-seated dissatisfaction really have turned so rapidly to placid indifference? And what about all the aristocrats out in the provinces?* (Beik, 1985, 3).

In fact, the policies of Richelieu and Mazarin, which created the modern French royal state, unleashed a huge wave of violence. Historians have tended to see this as a matter of peasant revolts, or the periphery versus the centre. But state intervention also upset the local equilibrium, encouraging factionalism and exacerbating local feuds (Carroll, 2016b, 25–40). I think the model is extendable. It explains the very high rates of violence recorded in the Venetian Terraferma, where rule by the city was widely resented and resisted by local elites (See Faggion in this collection and the work of Povolo, 2010; Povolo, 2011). It tells us something about the limits to the Counter-Reformation in Germany. In Franconia, for example, the attempt by the Bishops of Bamberg and Würzburg to increase their authority undid the fragile local equilibrium created in 1555.The Counter-Reformation revived older battles about sovereignty, unleashing a huge amount of elite violence among the local nobility. The feud was revived before 1618 (Buchinger, 1843; Ehmer, 1989; Looshorn, 1903, 324–397). We are really going to have to do better than relying simply on the Leviathan to explain what was going on.

The third reason for the neglect of the concept of the feud is that it is deemed to be a feature of uncivilized societies. During the early modern period, it is traditionally assumed, we became civilized as people learned to control their emotions and manners became increasingly differentiated and refined. This growth of self-discipline was related to the social controls exercised by increasingly centralized state bureaucracies. This biological model of civilization invented by Freud remains immensely influential. But the chronology will need to be seriously rethought in the light of the growing evidence for rising rates of interpersonal violence in the sixteenth and seventeenth century. Italy provides this most imposing obstacle to the account of the civilizing process, because the evidence for rocketing rates of interpersonal violence is irrefutable. In Bologna, for example, a sophisticated city which housed one of Europe's most prestigious Universities, feuding got so bad in the 1650s that it amounted to an undeclared civil war that claimed hundreds of victims (Rose, 2016). But the inhabitants of Italian Renaissance cities were exposed to levels of social and economic interdependency far in advance of anything comparable in the North. Supporters of the civilizing process will argue that Italy is an exception. The feud they argue is a 'Mediterranean' phenomenon and Italy characterised by a 'culture' of vendetta. But cultural explanations for Italian exceptionalism also run into similar problems. Two broad cultural streams in Western society have been linked with the decline in interpersonal violence, namely Protestantism and modern individualism. Following Durkheim it is axiomatic that the liberation of the individual from the collective bonds and the collective emotions they

generate, and in particular the obligation on kith and kin to take revenge, will lead to a decline in homicide rates. This has inspired several historians to claim that the duel was a signifier of the new moral autonomy; superseding the bloody medieval feud it canalized and contained violence. Italy furnishes the most serious objections to these explanations. The social and self-discipline that was demanded by the Protestant faith was also a character-istic of the Counter-Reformation. As for the honour duel, it was an invention of the Italian Renaissance. The duel in Italy, and elsewhere, did not initially lead to a fall in violence. The evidence suggests that duels in the sixteenth and early seventeenth century had few rules and were fought to the death. It was only in the later seventeenth century in France and parts of Italy, such as Bologna, that a fight to first blood was deemed sufficient to repair honour (Carroll, 2006; Angelozzi, Casanova, 2003).

The recent research on violence and the law is calling into question the empirical foundations on which pillars of the early modern historiography have traditionally been built. However, they are unlikely to be completely replaced. For teaching purposes the focus on the state, modernity and the civilizing process will remain a useful short-hand for explaining the concept of early modernity. This means that the feud will in all likeli-hood remain a marginal field of study, dismissed as something that is being overcome and consigned to the other. But even if it becomes an essential category of analysis for some regions, the confusion in the terminology will render it of limited utility beyond these specific contexts and comparative analysis will remain fraught with difficulty. The pragmatic solution would be to talk about 'feud-like' practices. Ed Muir makes the sensible suggestion that we should see feud on a spectrum with Albania at one end and England, where royal justice had extinguished the feud in the middle ages, at the other (Muir, 2017). Italy would be somewhere in the middle.

But in the light of recent research, I suggest that a more comprehensive rethink is re-quired. I do not suggest that we abandon feud altogether, but that that we include it within the wider concept of enmity. Feud is culturally and chronologically specific; enmity is a universal human phenomenon. Feud, vengeance and vendetta are conditions of enmity. And the concept of enmity offers the possibility of real and fruitful comparison, because the early modern language of enmity, unlike the language of feud, is so rich and varied. Italians talked of 'odio vecchio', 'inimicizia di sange' and 'mortali inimicizie'; the French of 'inimitié particulier', 'haine mortelle' and 'ennemi capitale'; the Germans of 'abgesagter Feindschaft'. These terms do not refer simply to personal sentiments. In the sixteenth cen-tury enmity was not just an emotion; it was a public state of affairs which had a strong legal aspect. There was a great debate about enmity in the early modern period precisely because violence was increasing and because religious divisions made reconciliation more difficult. Peace-making in the late middles ages was underpinned by the Roman Law concept of satisfaction. In Roman Law it meant '*to do enough to prevent an angry party from taking vengeance*' (Bossy, 2004, 106–118). This formed the basis of the medieval sacrament of penance instituted at the Fourth Lateran Council in 1215. It required the sinner to offer a combination of prayers, alms and deeds to compensate the pain they had caused. The Re-formers, Catholic and Protestant, would have had no truck with the theology of satisfaction. The Mass, the guarantor of peace and concord, came under attack. The Roman Catholic

liturgy got rid of the kiss of peace. But the problem of enmity remained central to Christian moral teaching and it was endlessly addressed in print and sermons.

In the early modern period the awareness of the problem of enmity was crucial to the emerging debate about civil society. It was not enough that the state claimed a monopoly of violence, a claim largely ignored by the social elite. But during the seventeenth century the honour code was relativized and feuds were viewed as trivial private matters that were inimical to the functioning of society. Hobbes's intention in inventing the concept of society – more precisely what he called the civil condition in *Leviathan* - was to liberate us from the fear caused by enmity. Today, disputes do not commonly involve hatred. For example, the English word 'quarrel' is today usually taken to mean, 'a heated argument or disagreement, typically about a trivial issue and between people who are usually on good terms.' But Shakespeare's quarrel (119 usages) was not trivial and the protagonists were not on good terms. The French 'querelle' has undergone the same semantic trans-formation. At the beginning of the seventeenth century, it referred not to the modern understanding, but was closer to the meaning of feud. For example, in the region of Castres in 1610 a murderous encounter between two noblemen was the result of '*deux familles [qui] estoient en une querelle irréconciliable*' (Gaches, 1879, 477). Within a century such quarrels, feuds, and private enmities underwent a process of trivialization and relativization. This began with the social elite in the seventeenth century as gentle-men were made aware and became conscious of the ways in which individual actions had wider political and social consequences (Carroll, forthcoming). This social and cultural change had little to do with the law. But when the concept of feud was reimagined and reinvented in the 1930s, it was framed with reference almost exclusively with reference to the law and legal understandings of the dispute process.

Enmity is not only a better category for comparative analysis than feud – one really could compare its discourse and practice in seventeenth-century England and Albania – it is secured on firmer theoretical foundations. I would argue that recent research suggests it is time to broaden the field of analysis to include the political. Carl Schmitt's claim in the *Concept of the Political* (1932) that enmity is the essence of the political owed much to an engagement with medieval political thought and with Hobbes. The idea that politics was the realm of enmity and religion of peace was an essential part of medieval thinking. Schmitt wished to make a clear distinction between private enmity (*inimicus*) and public enmity (*hostis*). His purpose in doing so was to relegate private sentiments to the lesser sphere in order to ennoble his higher concept of the public enemy: '*an enemy exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity. The enemy is solely the public enemy.*' It is hard not to see this arbitrary separation as a form of casuistry, a cover for his private hatreds and rabid anti-Semitism (Müller, 2003, 32).

In fact, *pace* Schmitt, history teaches that the distinction between public and private enmity is not at all appropriate for pre-modern societies. Recent events have also dem-onstrated how, during periods of civil conflict, the distinction between the public and the private becomes blurred. But in contrast to the feud, enmity is not a relic; it evolves. It is arguably the greatest challenge facing liberal democracy today. The recent resurgence of enmity and its exploitation by the unscrupulous has a great deal to teach us about the past.

OD FAJDE DO SOVRAŽNOSTI

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POVZETEK

V zadnjih letih so zgodovinarji dokazali preživetje in pomen fajde in maščevalnih praks v zgodnjenovoveški Evropi. Kljub temu je zanimanje za ta koncept izven Italije še vedno majhno. Razlogi so trije. Prvič, semantika in terminologija fajde v številnih evropskih jezikih praktično nimata resonance. To je pripeljalo do zmede o tem, kaj fajda pomeni in ali je lahko aplicirana na regije in družbe, ki nimajo enotnega izraza za opisovanje praks, podobnih fajdi. Drugi razlog leži v prevladi, ki se je pojavila s porastom pomena države v zgodovinopisju. V skladu s to paradigmo je bila fajda vedno presežena in pripisana drugemu. Tretji razlog pa temelji na zastarelem biološkem razumevanju samega sebe, ki je fajdo videl kot 'necivilizirano prakso', ki jo je potrebno zatreti. Čeprav obstajajo dobri razlogi za premislek vseh teh zagat v zgodovinopisju, so ti preveč utrjeni v zgodovinskem imaginariju koncepta fajde, kot jo razumemo danes, da bi bili koristno orodje za primerjalno historično analizo.

Zato predlagam, da izraz fajda zamenjamo z izrazom sovražnost. Feud, vengeance in vendetta, ki so regionalno in kronološko specifični, so stanja sovražnosti, ki je univerzalna človeška značilnost. Sovražnost zato nudi potencial tako za vsebinsko zgodovinopisno primerjavo, kot za boljši dialog z drugimi vedami. Kot eden izmed glavnih izzivov današnjega časa, s katerim se sooča liberalna demokracija, ima izraz sovražnost pomen, ki presega ozko akademsko in znanstveno sfero.

Ključne besede: fajda, sovražnost, semantika

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