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Prvih osem člankov v tej številki Acta Histriae je nastalo iz prispevkov za mednarodno spletno konferenco After the Feud? Dispute Settlement Between Custom and Law in Early Modern Europe. Konferenca je bila del podoktorskega projekta Z6-3223 Reševanje sporov med nižjimi sloji v baročni Notranji Avstriji: med fajdo in kazenskim pravom, ki ga je financirala Javna agencija za znanstvenoraziskovalno in inovacijsko dejavnost Republike Slovenije (ARIS) v letih 2021–2023, ter raziskovalnega programa P6-0435 Prakse reševanja sporov med običajnim in postavljenim pravom na območju današnje Slovenije in sosednjih dežel, ki ga sofinancira ARIS v letih 2022–2027./I primi otto articoli in questo numero di Acta Histriae provengono dagli interventi presentati alla conferenza internazionale online After the Feud? Dispute Settlement Between Custom and Law in Early Modern Europe. La conferenza faceva parte del progetto di post-dottorato Z6-3223 La risoluzione delle controversie plebee nell'Austria Interiore nel periodo barocco: tra faida e diritto penale, finanziato dall'Agenzia slovena per la ricerca e l'innovazione (ARIS) nel periodo 2021–2023 e dal programma di ricerca P6-0435 Pratiche di risoluzione dei conflitti tra diritto consuetudinario e statuario nell'area dell'attuale Slovenia e dei suoi territori limitrofi, cofinanziato dall' ARIS nel periodo 2022–2027./The first eight papers in this issue of Acta Histriae originate from papers for the international online conference After the Feud? Dispute Settlement Between Custom and Law in Early Modern Europe. The conference was part of the post-doctoral project Z6-3223 Plebeian Dispute Settlement in Baroque Inner Austria: Between Feud and Criminal Law, funded by the Slovenian Research and Innovation Agency (ARIS) in 2021–23, 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, co-funded by ARIS in 2022–27.

ENMITY AFTER THE FEUD: VIOLENCE AND ITS CONTROL IN INNER AUSTRIA, 1500–1750

Žiga OMAN

Institute IRRIS for Research, Development and Strategies of Society, Culture and Environment
Čentur 1F, 6273 Marežice, Slovenia
e-mail: ziga.oman@irris.eu

ABSTRACT

Centring on non-nobles in the Duchies of Styria, Carniola and Carinthia, this paper addresses dispute settlement in Inner Austria, following the Imperial prohibition of feud in 1495 and the Habsburgs' local consolidation of power earlier in the century. These developments are said to have brought about an end to feuding in the duchies in the 1500s, but by focusing on the concept of enmity, which articulated the same state of social relations, this article presents ample evidence that among all social classes dispute settlement retained much of the traditional practices well into the 1700s. Their survival was instrumentally underpinned by various courts of law and local authorities, regarding them as an indispensable element of keeping social cohesion and peace.

Key words: feud, enmity, violence, peacemaking, dispute settlement, peasants, burghers, courts of law, legal culture, Inner Austria, Styria, Carniola, Carinthia, early modern period

L'INIMICIZIA DOPO LA FAIDA: LA VIOLENZA E IL SUO CONTROLLO NELL'AUSTRIA INTERIORE, 1500–1750

SINTESI

Ponendo al centro gli individui non nobili dei ducati di Stiria, Carniola e Carinzia, questo saggio affronta la risoluzione dei conflitti nella Austria Interiore a seguito del divieto imperiale del 1495 di dichiarare la faida e alla luce del consolidamento del potere degli Asburgo a livello locale a inizio di quel secolo. Questi sviluppi sono stati ritenuti come la causa dell'effettiva fine del ricorso a questa pratica nei ducati nel corso del Cinquecento, ma focalizzandosi sul concetto di inimicizia, che esprimeva il medesimo stato di relazioni sociali, questo articolo presenta consistenti prove che tra tutte le classi sociali la risoluzione dei conflitti preservò gran parte delle proprie pratiche consuetudinarie fino al Settecento. La loro sopravvivenza fu strumentalmente sostenuta da diversi tribunali e autorità locali, le quali li considerarono elementi indispensabili per mantenere la coesione sociale e la pace.

Parole chiave: faida, inimicizia, violenza, pacificazione, risoluzione dei conflitti, contadini, borghesi, tribunali, cultura legale, Austria Interiore, Stiria, Carniola, Carinzia, età moderna

INTRODUCTION¹

Similar to other parts of the Holy Roman Empire, feuding in the Inner Austrian Duchies of Styria, Carniola and Carinthia, which are at the centre of this paper, is generally said to have been eradicated by the early sixteenth century, following the Habsburgs' consolidation of power in the territory in the mid-1400s and the Imperial prohibition of feud, or *Fehde*, in 1495. However, this paper provides ample evidence that the practice survived among all social classes well into the early modern period, underpinning the latest investigations elsewhere in the Empire.

Since the 'anthropological turn' in the 1950s (Gluckman, 1955), different theses proposed therefrom on the role of feud or vengeance in dispute settlement and social cohesion have been exhaustingly debated by historians, largely by mediaevalists (e.g. Netterstrøm, 2007; White, 2016). Adapted to the research on European mediaeval societies, they provided important results (e.g. White, 1986; Miller, 1996; Smail, 2003), and today it is generally accepted among researchers that feud as a way to communicate grievances was an integral part of mediaeval dispute settlement and could have had an important role in maintaining social order and peace. However, there is a lot less agreement on whether this was still true in early modern Europe.² Research on feud in that period is rather recent, and while the number of studies is growing, thus far they have chiefly³ centred on Italy, followed by Montenegro, Albania and France. Whereas the inquiry in the Balkans is focused on blood feud in an essentially agricultural tribal society (e.g. Boehm, 1984; Ergaver, 2017), in Italy and France the investigation has concentrated on the role of feud in local and state politics. Research on Italy, early modern Europe's most civilised and complex region, is particularly rich and demonstrates that feud or vendetta was a complex social practice of dispute settlement, which did not disappear after 1500 (e.g. Raggio, 1990; Povolo, 1997; Rose, 2016; Broggio, 2021).⁴ In fact, in Italy the violence worsened in the sixteenth and seventeenth centuries. Italy also challenges the idea that lawsuits were the opposite of feud; they turn out to have been its corollary – interpersonal violence and litigation boomed at the same time. Studies on France (Carroll, 2006) have produced similar findings.

1 This paper is the result of research carried out in the post-doctoral project Z6-3223 (B) *Plebeian Dispute Settlement in Baroque Inner Austria: Between Feud and Criminal Law*, funded by the Slovenian Research and Innovation Agency (ARIS) in 2021–2023, and the research programme P6-0435 (A) *Practices of Conflict Resolution Between Customary and Statutory Law in the Area of Today's Slovenia and Its Neighbouring Lands*, co-funded by ARIS in 2022–2027. My thanks to Stuart Carroll and Andrej Hozjan for their specialist advice as well as the anonymous reviewers for their comments on this paper. I would also like to thank Andrew Vidali for translating the abstract into Italian.

2 Recent international discussions are Carroll, 2007; 2023; Netterstrøm & Paulsen, 2007; Broggio & Paoli, 2011; Davies, 2013; Cummins & Kounine, 2016; Decock, 2021. In June 2023, these issues were also addressed by the online conference *After the Feud? Dispute Settlement Between Custom and Law in Early Modern Europe* (After the Feud?) with most papers published as the first eight articles in this issue of *Acta Histriae*.

3 For recent research in Northern Europe, specifically Denmark, cf. Netterstrøm in this issue.

4 Cf. also the papers by Vidali, Madden and Cecchinato in this issue.

In contrast, the research on feuding in the Holy Roman Empire remains dominated by the belief that *Fehde* was a mediaeval and elite phenomenon, despite the not so recent examination of the widespread practice of feuds among peasants (Reinle, 2003). Feud's significance and function in the creation of a distinctively 'German' or Imperial constitution, either as the legitimating tool of a class of 'robber barons' (e.g. Rösener, 1982; Algazi, 1996) or as an essential element in state-building (Brunner, 1990; cf. Eulenstein et al., 2013), has been exhaustively debated, but the debate has remained an essentially local one (Kaminsky, 2002). Its protagonists generally tend to assume that *Fehde* is a quintessentially German phenomenon, a genus of war, abandoned following the Imperial Peace of 1495, the adoption of the inquisitorial judicial process following Emperor Charles V's penal code of 1532 and the establishment of Imperial legal institutions on a sounder footing following the Peace of Augsburg in 1555. This view of the period after 1500 as a time 'after the feud' (cf. Wieland, 2014) remains entrenched in German historiography, despite its rich early modern social history (e.g. Sabeau, 1984), and growing evidence that in the Empire feuding among all social classes survived well into the early modern period (Zmora, 1997; Peters, 2000; Mommertz, 2003; Jespersen, 2009; Carroll, 2023, 145 ff.) – not as a rigid institution of the nobility, defined by mediaeval Imperial and provincial peace codes (*Reichsfriede*, *Landfriede*) and other legislation (cf. Patschovsky, 1996; Wadle, 1999; Prange & Reinle, 2014), but as a complex social practice, much like elsewhere in Europe.

Whether over spilled blood or property rights, the purpose of feud in every society was to communicate a grievance and invite mediation, first by the community. A recent study (Darovec et al., 2018) proposes that everywhere feud followed the ritualised pattern of publicised grievance – violence – mediation – truce – peace. *Fehde* was likewise a legal instrument for the enforcement of compensation for injustice through the use of limited violence, usually the seizure or destruction of enemy property, requiring a formal renunciation of peace (*diffidatio*, *Absage*). Following the ban, its vocabulary, rather than rites and social role, changed. Across early modern Europe, disputants had a rich language to describe their disputes and once *Fehde* was prohibited, all social classes abandoned the word for a plethora of cognates that articulated the same state of social relations. The English *feud* and the German *Fehde* share a common origin, meaning *enmity*. In fact, in mediaeval and early modern Europe, 'enmity' (*inimicitia*, *Feindschaft*) was the most common synonym for feud, denoting not just the emotion of hatred (*odio*, *Haß*) or anger (*ira*, *Zorn*), but a formal relationship of mutual opposition or hostility between individuals or kin groups. Yet, because both emotional states were closely related to enmity, they both often designate it in sources, for instance as 'old grudge' (*alter grollen*) or 'delayed hatred' (*verzogte haas*) among some Styrian peasants (StLA, Rothenfels, K.116/H.363, f. 26r–27v, 30 September 1620; StLA, Rothenfels, K.117/H.364, 1 November 1727). Similarly, blood feud was referred to as capital or mortal enmity: *inimicitia capitalis* or *mortalis*, *hauptveintschaft* or *totveintschaft* (Frauenstädt, 1881, 10; Zacharias, 1962, 167). Due to the centrality of enmity in interpersonal conflicts, Stuart Carroll (2017) has recently proposed it as a better analytical concept than 'feud', which is often burdened with anthropological and mediaevalist specifics or 'national' idiosyncrasies.

Enmity was closely connected to violent retribution for injury or injustice. It broke out if a publicized grievance was not honourably settled or if violent retribution was seen as more appropriate or honourable than (immediate) material or monetary compensation, particularly for homicide. Feuding rites dictated a balanced/honourable response or exchange for an offence. The aim of retribution was to gain satisfaction (*satisfactio*, *Genugthuung*), meaning a restoration of the offended party's honour and compensation for the injury. Even insults that may seem trivial today were generally far from petty in the competition for status among neighbours, and required a response to keep one's honour (cf. Schwerhoff, 2013). Retribution could include physical violence, ideally proportionate to that of the offending party, although the threat of violence was often enough. In general, the pressure to obtain satisfaction gradually escalated from coldness to verbal affronts and lesser and greater physical violence (Beuke, 2004), so a violent attack was not always simply in affect. With the growing importance of courts of law from the late Middle Ages, litigation became another avenue for pursuing enemies. A state of enmity, interrupted by truces, lasted until the parties made peace, with community mediation being a key component in settling disputes. Following a mutual renouncement of enmity (*Urfehde*) (cf. Blauert, 2000), peace (*pax*, *Sühne*, *Friede*) was made with a public oath, which restored justice and both parties' honour, establishing or renewing friendship and good neighbourliness or love and kinship. Even when the peace was unjust, settlement had to appear just in order to hold (Oman, 2021, 31–33, 36, 38–39).

The view of feud as an essentially mediaeval custom of the nobility is largely shared by Slovene and Austrian historiography. It is further grounded in a general disinterest in plebeian interpersonal violence, particularly notable in the Slovene historiography, which continues to focus on peasant revolts as the only form of plebeian violence worth researching. Only very recently have a few Slovene historians started to investigate the role of feud in early modern dispute settlement, both locally (Makuc, 2015; Darovec, 2018; Oman, 2021; cf. Kambič, 2017), and abroad, focusing on the Balkans (Ergaver, 2016) and Italy (Glavina, 2019). In contrast, in the Austrian historiography there seems to have been no acknowledgement of the recent research on early modern and plebeian feuds, with other studies of interpersonal conflicts of the lower orders focusing on Tyrol, Upper and Lower Austria (e.g. Winkelbauer, 1992; Griesebner, 2000; Hohkamp, 2003; Scheutz, 2004; 2007; Heidegger, 2005; Czwik et al., 2007), while Inner Austria, which encompassed a large part of the Republic of Austria and the bulk of today's Slovenia, as well as parts of Italy and Croatia, remains comparatively neglected.

Research on enmities in early modern Inner Austria has thus far only been done for Lower Styria, Carniola and Gorizia, which are today entirely or largely in Slovenia. This article expands the scope of investigation by including sources from Upper Styria and Southern Carinthia, today in the Republic of Austria, to provide a more comprehensive view and goes beyond the idiosyncrasies of national histories towards a shared history of legal culture. By focusing on non-nobles, who constituted the vast majority of the population, the paper addresses the broadest notions and practices of enmity in the early modern period, with a shorter chapter on nobility provided for comparison. Due to few surviving records of major crimes (*causae maiores*),

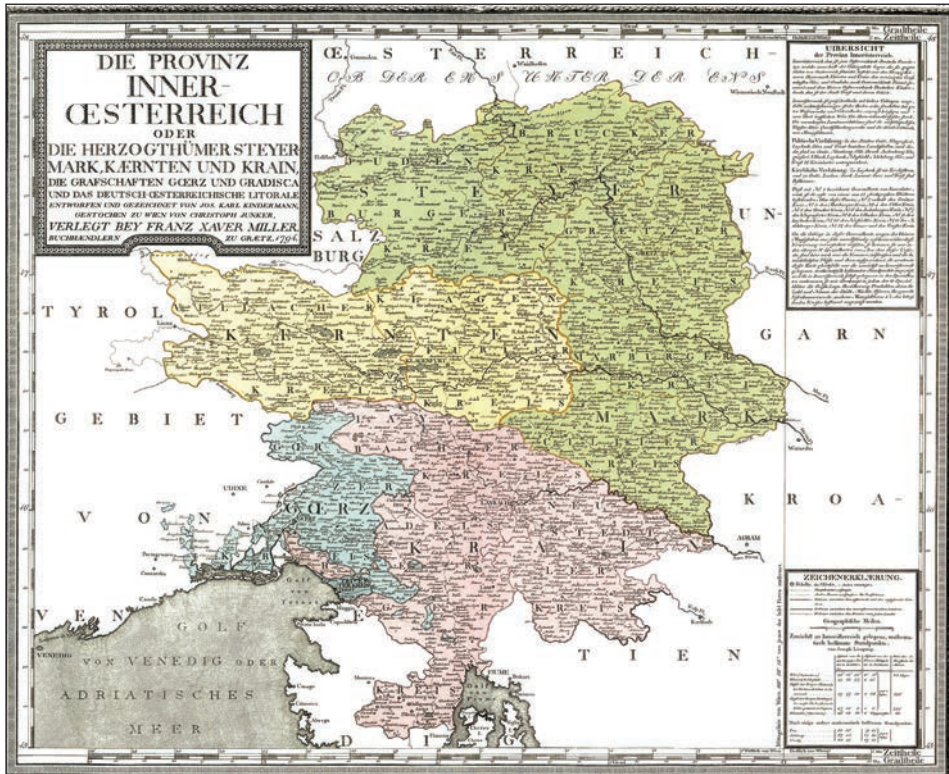


Fig. 1: Map of Inner Austria, Joseph Karl Kindermann & Christoph Junker, 1794 (Wikimedia Commons).

such as homicide, the analysis of plebeian disputes had to focus on more ‘everyday’ notions of enmity. Whereas this cannot provide a complete picture of the attitude towards enmity in early modern Inner Austria, surveyed records, especially town and provincial court registers, are nevertheless an important source for understanding plebeian social relations more broadly and, in particular, the manner in which everyday enmities that undermined ideals of good neighbourliness were mediated by secular authorities, specifically at the local level.

* * *

Late mediaeval Habsburg efforts to administratively bring the Inner Austrian provinces closer together culminated with the reforms of (future) Emperor Maximilian I in the late fifteenth and early sixteenth centuries. For the Provincial Estates (*Landstände*) dominated by secular nobility the establishment of the first

centralised offices for the Habsburg hereditary lands also facilitated their growing sense of independence from princely rule. This resulted in the formation of a kind of ‘administrative dualism’, even if in reality the delineation of princely and the Estates’ offices and officials was often ambiguous. Most importantly, from 1518, the princes had to acquire the Estates’ consent in order to raise new taxes, which were instrumental for the defence against Ottoman incursions and invasions. Following the death of Maximilian’s grandson, Emperor Ferdinand I in 1564, the Austrian Habsburg territories were divided between Ferdinand’s sons. The eldest, also King of Bohemia, Hungary and Croatia, became Emperor Maximilian II and ruled the Archduchy of Austria; the second son, Ferdinand, was given Tyrol and the rest of Further Austria; and the youngest came to rule Inner Austria as Charles II. During his reign, Inner Austria was organised into a semi-independent polity of the Habsburg lands. It consisted of the Duchies of Styria, Carniola (including Inner Istria) and Carinthia, the Counties of Gorizia and Gradisca (a county from 1647), the City of Trieste/Trst and a few smaller territories. The seat of the Princely Court was the Styrian capital Graz. When Charles’ son became Emperor Ferdinand II in 1619, his residence moved to Vienna, but Inner Austria retained much of its autonomy and Graz remained the seat of the Inner Austrian Government until 1746. Three years later, the territory was finally integrated into a more centralised Habsburg state (Spreitzhofer et al., 1988, 64–66; Štih & Simoniti, 1996, 167–169, 171, 182).

NOBILITY

Despite almost a quarter century having passed since Maximilian I’s ban on feuding, at the time of his death in 1519, the Carniolan Provincial Estates still complained about ongoing open feuds, discords and altercations (*offene Fehden, Irrungen und Späne*) among nobles, calling on the Provincial Governor⁵ and his councillors to settle them amicably (Dimitz, 1875, 69), i.e. according to custom. The situation in Styria and Carinthia was likely similar. However, by the seventeenth century, the ‘knightly feud’ seems to have disappeared from Inner Austria, with several factors contributing to the demise of noble feuds in their ‘mediaeval’ form.

The Habsburgs’ rule in the three duchies was consolidated by their victory in the feud with the Counts of Celje/Cilli (1437–43) and acquiring their extensive possessions following the Counts’ extinction in 1456 (Štih, 1996), as well as inheriting the territories of the Counts of Gorizia with their demise in 1500 (Fräss-Ehrfeld, 1994, 51). Outside threats, first by the Hungarians and from the late 1400s especially by the Ottomans (Simoniti, 1990), also likely played a role in preventing larger conflicts among the nobility. One of the consequences of the Habsburg wars with Hungary

5 *Landeshauptmann*, the highest military and judicial office in a province after the prince and the highest representative of the Estates. His deputy was the provincial administrator or *Landesverweser*, who also presided over the Provincial Bar, or *Landschranne*, one of the courts with jurisdiction over nobility (Spreitzhofer et al., 1988, 66).

(1446–90) was the Baumkircher *Fehde*, the last large ‘knightly feud’ in Inner Austria (Rothenberg, 1909; Toifl, 2012, 13–15, 33–36). In the following centuries, border conflicts of Styrian lordships with Hungarian and Croatian nobles still often escalated into violence, largely as the result of shifting riverbeds delineating the territories of the Holy Roman Empire and the Lands of St Stephen’s Crown (e.g. Zelko, 1984, 24–27; Burkert, 1987, 253). While Gorizia and Istria were devastated by wars with Venice (1508–16/21, 1615–7) and the tumultuous situation in the Venetian Friuli echoed in neighbouring Gorizia throughout the 1600s (Makuc, 2015), the Ottomans remained the greatest threat to the Habsburg hereditary lands throughout the early modern period. In the late fifteenth century, they quickly exposed the vulnerability of the Prince, the nobility and their military co-dependence, which resulted in the establishment of the Military Frontier in the first half of the sixteenth century. Solidarity among the Inner Austrian nobility was further strengthened by the need to protect its rights and privileges from the early Absolutist aspirations of the Habsburg princes. From the 1530s, the nobility in the three duchies was predominantly Lutheran, as was a large part of the burgher elite and middle class until the seventeenth century, particularly in the larger towns, while the vast majority of peasantry remained Catholic. In the 1570s, predicated on their consent in raising new princely taxes under growing Ottoman pressure, the Protestant nobility was able to force Charles II into granting it and four towns (Graz, Ljubljana, Klagenfurt/Celovec, Judenburg) freedom of religion, which they then lost under Ferdinand II; the towns in 1598 and the nobles in 1628. Thus, the political struggle over supremacy in the provinces was long interlocked with the confessional conflict between the largely Lutheran Provincial Estates and the Catholic ruling dynasty, but this was never exacerbated into the factional violence that ravaged some parts of the Empire or France. The nobles’ solidarity was surely also facilitated by recurring peasant revolts, with those in 1515, 1573, 1635 and 1713 engulfing more than one province (Grafenauer, 1944). In the late sixteenth and early seventeenth century, the Princely Counter-Reformation, foremost directed at the noble opposition, accelerated the establishment of early Absolutism and enabled the princes, particularly Ferdinand II, to ‘exchange’ the Protestants for loyal Catholic Estates (Sittig, 1982; Burkert, 1987; Dolinar & Drobesh, 1994; Pörtner, 2001; Strohmeier, 2011).

The Habsburgs’ Absolutist ambitions were likewise furthered by the exclusion of their hereditary lands from the jurisdiction of the Imperial Chamber Court, which likely strengthened the role of princely authorities in dispute settlement among the nobility. Their authority was additionally fortified when, following Ferdinand II’s death in 1637, the Imperial Aulic Court also lost its jurisdiction in the Hereditary Lands (Kluehnig, 1999, 13, 38–39). After the Imperial Enforcement Ordinance of 1555, both courts were envisioned as the main institutions for maintaining the Perpetual Peace of 1495, ideally removing the need for nobles to wage feuds (Brunner, 1990, 34–35; Wieland, 2014, 506). In Inner Austria, the role of the Aulic Court as the highest judicial institution was, in 1639, taken over by the Inner Austrian Privy Council or Office, which was abolished in 1749. From 1578, the role of the appellate

court was held by the Inner Austrian Aulic Council. After the Emperor moved to Vienna in 1619, the Inner Austrian Government in Graz became the highest judicial authority after the Privy Office. The Government had authority over provincial governors and administrators, various courts for nobility, provincial courts or *Landgerichte* for commoners, as well as over princely towns and market-towns (Spreitzhofer et al., 1988, 65–69).

In Inner Austria, the word *Fehde* seems to have lost its vogue among nobles prior to the seventeenth century, having been increasingly equated with commoners and criminals, much like the word *Rache*, or revenge. Semantic changes followed those in criminal law after the Imperial ban. In 1769, Empress Maria Theresa's penal code, the *Theresiana*, labelled feud as a criminal pursuit (there were mitigating circumstances) of alleged justice, with the diction making it clear that *Absagerey, oder Befehdung* pertained to commoners, while 'revenge' was used for similar actions by the nobility (CCT, 1769, Article 73). But despite normative stipulations and semantic shifts, violence remained a common occurrence in disputes among nobles – noble feuds did not cease in the early modern period, they were transformed.

One of the last 'mediaeval-looking' feuds in Inner Austria was over the Lower Styrian Pukštajn castle in the late sixteenth century, between the Lutheran noble families of Gaisruck and Amman. It originated in the sale of the castle and eponymous lordship in 1593, first by Georg Kasper von Gaisruck to his brother Hans Sigmund for 10,000 guildens, followed by Hans' sale to Matthäus Amman von Ammansegg later that year for the same sum. Amman, a prominent official of the Styrian Provincial Estates (Loserth, 1918), had been rapidly acquiring property in the area, including Pukštajn's neighbouring lordship and market-town of Vuzenica in 1588 (Pirchegger, 1962, 154). Following his brother's death, Georg demanded that Amman return the castle, claiming that Hans had not paid him out in the first place. In 1595, Georg seized Pukštajn by force and evicted his brother's widow, but lost the castle that same year, when his garrison surrendered to a larger number of horse and foot led by Amman's son, Matthäus Jr. In response, Gaisruck proposed both extra-curial settlement to Amman Senior and filed a lawsuit against him in the noble court, also claiming that by seizing Pukštajn by force Amman Jr had broken the Perpetual Peace of 1495, to which Senior replied that he was just defending his property. While it seems that Gaisruck managed to retake the castle sometime in 1596–7, in the end he could not prove his ownership. The matter was resolved out of court in 1600, with Gaisruck accepting Amman's control of Pukštajn. By then, the Ammans had already been pardoned for their 'disorder' (*vnordnung*) in 1595 (StLA, LA, LR 18/1, f. 120r–137r, 156r–162r, 181r–184r, 323r–359v; StLA, LA, LR 18/2, 1r–38v). Peace was either facilitated or underpinned by wedlock in 1594 (Loserth, 1918, 46) or after 1597 (Mravljak, 1929, 43–44), when Matthäus Jr married Georg's daughter Concordia; the bride could have hardly had a better-suited Christian name for the occasion.

By the seventeenth century, violence in enmities between nobles, barring duels, largely took the form of intermittent skirmishes. With the gradual end of specialist armed retinues, clashes generally involved poorly armed subjects and a few servants



Fig. 2: Pukštajn castle, Georg Matthäus Vischer, 1681 (Wikimedia Commons).

and sometimes the lord himself. This happened in the recurrent violence between the Upper Carniolan lordships of Bled and Radovljica, in part originating from the unclear delineation of their jurisdictions in the fifteenth century (Škrubej, 2012, 211). In 1651, the conflict flared up once more with the arrival of the latest administrator of Bled, an extra-territorial lordship of the Tyrolean Prince-bishopric of Brixen (Bressanone). The lord of Radovljica, Count Johann Ambros Thurn-Valsassina, seized the opportunity for a show of force to claim his rights, leading a handful of his armed servants and subjects to Bled castle, threatening to burn down some of its peasants' outbuildings. This was only prevented by the Bled garrison rushing to the defence, although no combat ensued. The administrator Georg Dienstmann filed a lawsuit with the Provincial Governorate, stressing that 'inimical attacks are highly forbidden in the province' and demanded 500 gold ducats in damages. The governorate raised this to 3,000 ducats, because in the meantime the count had once again invaded Bled under arms, personally hacking down some contentious fences. When he refused to pay for these incursions, the governorate mandated the seizure of some of his assets (ARS 721, fasc. 25, Process: Bled, Dienstmann Georg vs Radovljica, Thurn Johann Ambros, 1651).

Occasionally, such clashes resembled small battles, as in the dispute between Hans Jakob Baron von Herberstein from the Lordship of Slivnica and Lady Ursula Kohler from the Lordship of Fram, as well as their respective subjects. The feud broke out over the protection of the church fair in the Lower Styrian village of Slivnica

in the late 1620s, but Ursula's debts to Hans Jakob likely played a role as well. Providing security at church fairs was of great importance to the parishioners and their understanding of communal, familial and individual honour. It was also where the subjects' interests overlapped with that of their lords as holders of the rights of patronage, which were a marker of lordship. The protection of the fair in Slivnica, traditionally shared by local parishioners with those from neighbouring Fram, had in the mid-1620s begun to be usurped by the locals and their lord, following depopulation after a plague epidemic. Aside from a few armed scuffles among the peasants, the conflict was mostly carried out in the Styrian noble court between Herberstein and Kohler. The enmity boiled over at Pentecost in 1631, when Ursula's husband Wolf Sigmund led a force of allegedly over a hundred of their armed subjects, under the colourful noise of flying banners and beating drums, to Slivnica as a show of force. Things escalated into violence in which one of Herberstein's men was killed 'in fury'. The count complained to the Inner Austrian Government over the 'tumult and assaults breaching the provincial peace', but Graz only demanded that the nobles settle their dispute. Due to Ursula's natural death that same year and her debts to Herberstein, Fram became his property. However, this did not end the animosity of the Fram subjects towards their new lord, against whom they rebelled two years prior to the Second Slovene Peasant Revolt of 1635.⁶

Forty years later, Hans's relative Count Georg Günter Herberstein from the Lower Styrian Lordship of Vurberk fared much worse. Over several decades he was embroiled in a conflict with the Gallers from neighbouring Ravno Polje over fishing rights and the border on the shifting banks of the Drava River, further altered by levees their respective subjects raised to protect their fields. A settlement was reached in 1662, but Georg Günter continuously broke it by having his armed servants and subjects destroy the Gallers' dikes, seize their livestock and ferries, and trample their fields. Sometimes, Herberstein accompanied them and shot at his enemies' subjects. The count became more aggressive following the death of the influential Baron Johann Christian Galler in 1669, trying to take advantage of the lordship coming under his widow Countess Maria Theresa Galler and their underage children. In early 1675, the enmity escalated into a duel between Herberstein and Johann Christian's eldest son, Count Johann Maximilian. While no one was killed, the Styrian noble court threatened them with a fine of 2,000 ducats, confining them to house arrest at their seats. They settled the same day, but the conflict went on. Following another incursion into Ravno Polje territory, Georg Günter was killed near the village of Starše on

6 StLA, LA, LR 382/2, Countersuit of Lady Ursula Kohler against Baron Hans Jakob Herberstein regarding the church fair in Slivnica, s.d., s.l.; StLA, LA, LR 382/2, Order of the Styrian Provincial Administrator regarding the dispute between Baron Hans Jakob Herberstein and Lady Ursula Kohler, 21 April 1629, Graz; StLA, LA, LR 1112/5, Report to the Inner Austrian Government regarding the church fair in Slivnica on Pentecost 1631, 30 January 1632, Graz; StLA, LA, LR 1112/5, Legal opinion on the tumult in Slivnica, 21 May 1632, Graz; StLA, LA, LR 1112/5, Committee report to the Styrian Provincial Administrator regarding witness testimonies in the dispute between Baron Hans Jakob Herberstein and Lady Ursula Kohler, 20 March 1630, Fram; cf. Koropec, 1995, 39–40.

31 May 1677 in an altercation with around a hundred largely unarmed subjects the Gallers had finally mustered for a show of force. Despite rightfully defending their lordship, several subjects and servants were imprisoned and rotted in jail until 1680, with some dying before release. The Ravno Polje administrator Matija Golob and subject Jurij Kreušl were convicted of killing a member of one of the most important Styrian noble families, with Golob exiled for life and Kreušl sent to lifelong forced labour (Hernja Masten, 2004, 51–58; Grahornik, 2021, 255–257; 2022, 272).

The use of violence in early modern disputes was not confined to lay people nor, when it involved the clergy, to confessional conflicts. For instance, in 1603, the abbot of the Žiče Charterhouse in Lower Styria opted for a large show of force in a dispute over fishing rights with the Lordship of Pogled, under Toman Zipnikh or Tomaž Cipnik, chief toll master of Croatia and Slavonia. The abbey allegedly sent three hundred of its people armed with axes, halberds and firearms ‘fishing’ in the contentious sections of the Dravinja River, prompting Zipnikh to file a lawsuit (Koropec, 1980, 277).

In most enmities among nobles, the overwhelming number of victims were easy targets – peasants. An enmity originating from a long-standing inheritance dispute between the gentlemen Fermo Qualandro and Simon Moscon, uncle and nephew from the Lower Styrian town of Ptuj, turned into open feud on 22 October 1654, recorded as ‘disorder’ in the sources. The main point of contention was the Qualandros’ *Freihaus* in town. After Fermo occupied it with a handful of his servants and subjects, Simon marched forty of his armed subjects into town and tried to storm the house, thus breaking town peace. The assault failed after Fermo fatally shot Luka Pajnkiher, one of the attackers. Town authorities immediately stepped in and quickly brokered a truce between the relatives. This was helped by Fermo taking asylum⁷ with the town’s Minorites and his son Mark Anton becoming a burgher, thus obtaining the town’s and its lord’s, the prince’s, protection. Fermo also acquired safe conduct from the prince, Emperor Ferdinand III, in order to prepare his defence. At first, he claimed that the shot was accidental, but successfully pleaded self-defence in court in the end. This was surely helped by Fermo becoming a Minorite himself in the meantime. On 23 June 1655, the court ordered him to pay 150 guldens in damages for the homicide, a third each to his victim’s family (blood money or *wergild*), the town (fine) and a local chapel (atonement). Already in October 1654, his nephew had also paid a fine to the town for breaking peace. Not only was the homicide settled much like in the Middle Ages – self-defence and the social status of the culprit and the victim played an important role – but the feud was also conducted according to the rites of publicised grievance, violence, mediation, truce and peace, although the language changed, with *Absage*, *Fehde*, *Urfehde* or *Sühne* being absent from these sources (Oman, 2021, 121–141).

7 At least until the early eighteenth century, in the duchies the monasteries and the Teutonic Order, e.g. their Graz house in 1713, were sometimes still able to grant asylum to killers, generally noblemen (Pirchegger, 1976, 171), to prevent revenge and facilitate mediation. The long survival of ecclesiastic asylum in Inner Austria makes the territory more akin to Italy, rather than Germany (cf. Carroll, 2023, 57, 254–255).

The language of dispute settlement changed in accordance with the framework of the new law courts and penal codes introduced after 1495. In general, violence was illegal and so it had to be legitimised using legal writs. In their lawsuits, nobles decried the violence of their peers as breaches of provincial or Imperial peace and presented their own actions as self-defence. Noble feuds in the early modern Inner Austrian duchies seem to have been conducted with a combination of litigation and carefully calibrated small-scale violence, which could be both construed as reasonable and leave open the potential for an out-of-court settlement. The very high numbers of duels fought in this period – forty are recorded in Graz alone in 1670–5, with forty more by 1700 (Zahn, 1888, 163, 170)⁸ – should caution us against assuming a decline in noble violence, especially since there was a strong overlap between notions of credit and honour (Carroll, 2023, 15, 185) and material interests. For instance, it was over unpaid debts that in 1666 a young von Grienpach twice assaulted his debtor Georg Sigmund Roll von Rollau at the eponymous manor near Voitsberg in Western Styria, first with six and the second time with 30 men (Zahn, 1888, 155).

Hence, it remains to be seen how much of a stark contrast to the three duchies the County of Gorizia was, where the arrival of many wealthy nobles from Italy sparked competition with the old nobility, which also led to factional violence (Makuc, 2015, 218–226). For instance, in the 1660s, the enmity between several leading noble families in Cromòns (Neuhaus, del Mestri, Manzano, della Torre or Thurn), going back to the sixteenth century, once again broke out into open feud. As many Gorizian noble families had possessions on both sides of the Imperial-Venetian border, they could make use of their retainers or mercenaries (*bravi*), who were also hired from the large number of bandits in the Terraferma (Makuc, 2015, 214), which fed the violence in Gorizia.⁹ Its Provincial Governor, Count Carlo della Torre (Thurn-Valsassina), used the *bravi* via his local allies to twice ambush the Barons and brothers Francesco Maria and Nicolò Neuhaus, leading to the latter's death on 6 June 1667. Francesco retaliated on Carlo on 24 May 1668, with an unsuccessful ambush on the governor's carriage, but still killed his driver and a fellow traveller, Cristoforo Bonomo from Trieste. The Inner Austrian Government banished Francesco for life, seizing his family's estates and razing his house in Cromòns. If caught, Francesco was to be hanged and quartered, and if killed by another bandit, the killer's banishment was to be annulled along with being awarded a bounty of 2,000 ducats, or twice the sum if the baron was slain outside the Habsburg lands. Francesco's hopes for obtaining a pardon from Emperor Leopold I were raised by della Torre's life-imprisonment in 1671, due to

8 Cf. Grahornik, 2022 and his paper in this issue. For more on intra-elite violence in Graz, cf. Zahn, 1888, 154 ff.

9 Bandits from the Terraferma occasionally crossed into the Inner Austrian duchies, even in larger numbers (AS 1, šk. 251, fasc. 131, The order of Archduke Maximilian against incursions of Italian bandits into Carniola, 17 December 1593, Graz, transcript from 20 June 1597; Makuc, 2015, 219–220). Most infamously, in 1512, enemies killed the banished Antonio Savorgnan in Carinthia in front of Villach's parish church (not cathedral) of St James, as part of the Zamberlani-Strumieri feud that ravaged neighbouring Friuli (Muir, 1998, 137–140).

his indirect involvement in the anti-Habsburg magnate conspiracy by Hungarian and Croatian nobles, and finally realised in 1683, against the backdrop of the imminent Ottoman invasion. This was similar to della Torre's own banishment for killing Baron Ulderico Petazzi at Švarcenek castle in 1651, which was annulled in 1658, once he joined the Imperial army to fight the Swedes in Silesia. On 24 July 1684, nine months after the Ottoman siege of Vienna, Carlo and his sons made peace with Francesco and his sons by Imperial order (Makuc, 2019).

TOWNSPEOPLE

Contrary to the nobility, relinquishing one's right to vengeance had already been a prerequisite for becoming a burgher since the thirteenth century, beginning in Italy. Oaths between burghers and town councils, by which the former renounced the use of violence in disputes and the latter granted them protection in turn, were the foundation of urban communities as legal communities of peace,¹⁰ summed up as *Stadtfriede* in German. Breaking this oath resulted in losing the protection of said peace, particularly following grievous and repeated offences. Concurrently, the oath bound burghers to intervene in conflicts among their neighbours and assist them if they were assaulted. In the Empire, until this duty was completely taken over by city watches or soldiers in the eighteenth century, bearing arms to defend the city and keep its peace remained a key symbol of the burghers' status and masculinity (Tlusty, 2011, 17). While this and the omnipresence of arms could easily exacerbate disputes, a complex set of extrajudicial (e.g. Pohl, 2003) and judicial rites and practices of dispute settlement and conflict prevention successfully kept much of the interpersonal violence in check. Town authorities mainly strove to prevent violence and facilitate settlements, also favouring them over litigation, which was often corollary to violence and regarded as an expression of enmity. Court sentences could also be considered unjust, because they granted success to just one party, which was contrary to the social ideal of balanced settlements framed as 'friendship' (cf. Broggio, 2021, 84) and underpinned by the Christian teaching of loving one's enemies and neighbours. Despite theological and secular reservations towards litigation, from the Late Middle Ages, law courts were generally a successful forum for pursuing one's enemies by airing grievances and demanding justice or sanctions (Smail, 2003, 1–14). Settlements included the restitution of the parties' honour and the reintegration of offenders into the community, even in homicide cases, with councillors often accepting out of court settlements without further interventions. The role

10 At least since Max Weber (1978, 1252), the European late mediaeval and early modern towns have been regarded as those premodern societies to have come closest to realising the ideals of non-violent dispute settlement, but it would be inaccurate to argue (cf. Schwerhoff, 2004, 235) that measures for violence prevention were their invention. Anthropological studies have early on demonstrated that these ideals and efforts are universal and predate the first towns (e.g. Darovec, 2017).

of town authorities as mediators and arbiters in conflicts strengthened throughout the Middle Ages, while in the early modern period they sought to monopolise this role, including by sentencing growing numbers of culprits to the scaffolds, galley slavery or lifelong¹¹ banishment. On the continent, this process was aided by the accelerated reception¹² of Roman law and the introduction of the so-called strict inquisitorial procedure, but was not concluded before the end of the seventeenth century (Povolo, 2015). Furthermore, generally only the gravest and repeated criminal offences were met with the full severity of the law and already in the early seventeenth century judicial torture and executions were dropping across Europe, after rising since the late 1400s (Beam, 2020, 389–390). Especially in small towns, which also predominated in Inner Austria,¹³ magistrates had to rely on the broad participation of all burghers in administering town matters, including justice, as courts were dependent on the cooperation of the townspeople. In fact, well into the early modern period, dispute settlement amongst townspeople was predicated particularly on informal mechanisms of interpersonal relationships and rites of sociability within the family, neighbourhood, confraternity or guild, with a strong component of mutual control, rather than on institutional proceedings (Eibach, 2007, 14–21; Eibach & Esser, 2007, 6–8; Behrisch, 2007, 45–46; Scheutz, 2007, 53, 61–63).

Across much of early modern Europe, traditional mechanisms of controlling violence and enmity came under strain due to political and social upheaval, which was the result of the Reformation and civil conflict (Carroll, 2023, 3–5), economic crises and natural forces such as epidemics (cf. Rose, 2016, 194–223), as well as rapid climate change leading to crop failures. While the politically quite stable Inner Austrian towns – aside from Gorizia – had been spared the factional violence that ravaged plenty of Italian cities and, compared to many in the Empire, remained rather peaceful even at the height of the confessional strife, there were plenty of issues that could lead quotidian disputes to violence. By the early seventeenth century, the princes' fiscal and mercantile policies, as well as, to a lesser degree, Ottoman and Venetian wars, severely disrupted particularly the important trading routes between Italy and Hungary crossing the region (Pickl, 1992, 205–207), causing economic stagnation or decline until the early 1700s, while smaller towns also struggled with the competition from rural trade (Štih & Simoniti, 1996, 175). The princely circumscription of urban autonomy growing since Ferdinand I (Pirchegger, 1976, 181) gained new momentum with the Counter-Reformation, which mostly hit urban elites (Oman, 2020, 333), and with miner and peasant revolts fed political and social anxiety, while plague epidemics decimated the population, particularly in the seventeenth century (Travnar,

11 This fuelled banditry and filled the ranks of inimical factions (Povolo, 2017; Casals, 2019). Cf. also Llinars Planells in this issue.

12 In the Habsburg hereditary lands, the reception of Roman law was slower than in much of the rest of the Empire, dragging out into the early 1700s (Žepič, 2022, 29–30).

13 The population of 1660s Graz has been estimated at ca. 14,000 (Straka, 1957, 25) and for coeval Ljubljana at ca. 6,200 (Valenčič, 1955, 182), while other towns were smaller, for the most part substantially.



Fig. 3: Ljubljana, Johann Weikhard Valvasor, 1689 (Wikimedia Commons).

1934). Additionally, while Inner Austria was not directly affected by the ravages of the Thirty Years' War (e.g. Kočevár, 2020), its economic fallout was substantial, especially due to the severe devaluation of currency, and in 1635 also contributed to the second largest peasant revolt in Inner Austria (Koropec, 1985, 98–103).

Research has yet to determine if these crises led to an uptick of interpersonal violence in Inner Austria more broadly, but some figures show that they might have had local impact, for example, in the Carniolan capital of Ljubljana. While none of its criminal court registers survive, Ljubljana makes for an important case study, as it has one of the best preserved town archives from all of the Habsburg hereditary lands (Golec, 2005, 142). Its town registers also survive for eleven of the tumultuous twenty-two years between the beginning of Ferdinand II's reign and his Counter-Reformation policies and the factual end of the Uskok War with Venice in 1618 (de jure a year prior), a period that also included most of the Long Turkish War (1593–1606), although the fighting did not spill into Carniola (Hozjan, 2021). While the Ljubljana registers for these years comprise just a fifth of the 56 years recorded in the surviving registers from 1521–1671,¹⁴ they contain two-fifths of all the therein

14 A total of 123 registers survive from 1521–1786. For up until 1671, they are also available online: <http://zal-lj.splet.arnes.si/project/zapisniki-ljubljanskega-mestnega-sveta-1521-1671>.

recorded homicides¹⁵ (10 of 26) and threats with arms (5 of 13), half of all wounds made with weapons (3 of 6), almost a third of all verbal injuries (40 of 131) and over a quarter of all brawls (12 of 42) (LJU 488, Cod. I/1–40). Similarly, almost two fifths of all executions (31 of 78) from the 1581–1671 period were carried out between 1596 and 1618 (Fabjančič, 1944–45, 92–98). Still, the correlation of these figures and an exacerbated political, economic and social climate remains hypothetical, as half of the registers for the period are missing and no criminal registers survive, while the rise could also just have been a result of more diligently kept records.

Despite the registers largely containing *causas minores*, a few homicide settlements that still included the payment of blood money and atonement (*geistliche buße*) were recorded in Ljubljana, as well as elsewhere in the territory. Penances were already in decline in homicide settlements in the seventeenth-century Empire, having been largely converted into cash payments (Carroll, 2023, 238). In Upper Styria in 1698, the Oberwölz burgher and tailor Balthasar Kauffman had to pay for the renovation of a local church for killing the driver Mathias Paurer. Kauffman managed to present his case as involuntary manslaughter, since the victim drove for another three hours after he had struck him on the head with a loaded carbine, allegedly in anger (*zorn*) due to Paurer's drunken insults. The administrator of the Lordship of Rothenfels, under the Prince-Bishopric of Freising, first proposed that Kaufmann pay 20–25 gulden for the renovation of the local church, but as he was destitute and had a small child, this was changed to helping renovate in person, which was soon approved by Emperor Leopold I (StLA, Rothenfels, K.115/H.362, Report by the administrator of the Lordship of Rothenfels, 17 March 1698, Rothenfels; StLA, Rothenfels, K.115/H.362, Emperor Leopold I's decree to comply with the supplicant's request, 9 April 1698, Graz). In 1681, the Oberwölz town judge Balthasar Khibler had no problems in settling his killing of a subject of the nearby Lordship of Sankt Lambrecht of the eponymous Benedictine abbey with a 'substantial sum', because he had gotten rich from the Lower Styrian wine trade. The Lordship of Rothenfels was suspicious of the deal, perhaps being or feeling left out, but nothing seems to have come from the inquiry, with Khibler denying the unknown accusations with the town council's support (StLA, Rothenfels, K.115/H.362, The Lordship of Rothenfels to the Oberwölz town judge, 25 June 1681, s.d.). In a case from late sixteenth-century Ljubljana, when Domenigo Rohso unsuccessfully applied for citizenship, he also claimed to have paid some kind of atonement for killing someone (LJU 488, Cod. I/15 (1594), f. 73r–74v, 28 March 1594).

There are a few more homicide settlements from Ljubljana, but aside from a case involving two peasants (see next chapter) none mention atonement. In 1665, the father and 'entire kin'¹⁶ of Lukas Maul rejected the extension of his killer's safe conduct and demanded the initiation of criminal procedures against the burgher and butcher

15 At least three did not occur in Ljubljana. In major criminal cases the town judge also had jurisdiction over six provincial courts in the neighbouring countryside (Golec, 2005, 140).

16 This formulation usually meant up to the third (Broggio, 2021, 98) or fourth degree (Frauenstädt, 1881, 16).



Fig. 4: Oberwölz, Georg Matthäus Vischer, 1681 (Wikimedia Commons).

Jurij Veitl. Emperor Leopold I granted the family's request, but in the end there was no 'revenge by executioner', and Veitl managed to settle for the homicide (StLA, IÖreg, Cop. 1665-I-53). The Mauls' tactic was probably to simply force a better or more honourable deal. Not all settlements were successful in the long term. In 1594, a peace between two burghers was almost undermined by competing interpretations of compensation, when Marco Vidalbo once again demanded that Josef Knoblauch finally pay all the damages for beating his wife, who had become deceased in the meantime. Knoblauch rejected this, replying that he had already paid for the apothecary and the barber surgeon, and refused to pay the remaining 44 guldens from the agreed upon 10 gold ducats¹⁷. Vidalbo remained resolute, but emphasised that he was still behaving in a 'neighbourly manner', not trying to (re)start an enmity (*khein feindschaft tragen wellen*). Despite his rather thinly-veiled threat, the council supported Vidalbo, demanding that Knoblauch immediately pay 20 gold ducats (LJU 488, Cod. I/15 (1594), f. 168r–169r, 8 November 1594). Threats could be more direct. In 1599, the glassmaker Zuan killed his colleague Francesco in a fight and afterwards threatened the widow with murder and arson, should she not settle, promising her blood money of 40 guldens should she testify that Francesco died of some malady rather than from his wounds. Zuan was arrested, but does not seem to have been executed (LJU 488, Cod. I/16 (1599), f. 50v, 72v–73r, 7 and 21 May 1599). Maybe

17 Possibly 50 guldens in Carniolan value (Ribnikar, 1976, 29). In Upper Styria and Carinthia, it was 30 guldens.

he was banished. Similarly, in 1610, the apothecary assistant Ferdinando Curzio was first sentenced to death for killing a man surnamed Bianchino, but then pardoned (Fabjančič, 1944–45, 93) and perhaps banished.

Because settling homicide was always challenging, already in the Middle Ages peace was often underpinned by written contracts, which could be upheld and enforced by judicial authorities (Smail, 2001, 98). In Ljubljana, after the burgher and merchant Blasius Rottheüsser was killed in 1634, Lorenz Raisinger, the guardian of his heirs and property, requested that the town council examine and ratify his peace contract with Georg Andreas von Apfalter zu Roj (Jablaniški). While there is no mention if the gentleman or one of his kin or people was the killer, the council supported Raisinger's reasoning for ratifying the settlement: 'to keep the peace and unity and prevent all enmity' (LJU 488, Cod. I/25 (1633–1635), f. 135v–136r, 21 July 1634).

Contracts were drawn up for settling other enmities as well, at least in more severe cases. The barber surgeon Janez Jurij Seršič and Adam Weiss had a quarrel for at least four years, which followed or was exacerbated by an obviously grave insult from Weiss in 1659. A year into their enmity, largely conducted with accusations before the town council, Weiss unsheathed his knife or single-edged sword (*messer*)¹⁸ against Seršič. The barber demanded an extraordinary 1,000 gold ducats in damages for the offence, yet this sum was just an expression of outrage or means of pressure, as Weiss only paid 55 gold ducats upon settlement in 1663. This nearly fell through, because Weiss at first very sloppily signed the contract due to his 'bitterness'. He properly signed the contract only after Seršič threatened him with a seizure (LJU 488, Cod. I/30 (1659), f. 217r, 12 December 1659; LJU 488, Cod. I/31 (1660), f. 158r–v, 5 September 1660; LJU 488, Cod. I/33 (1633), f. 75r–v, 13 April 1663). Weiss' original insult might have been related to the duel Seršič fought with the merchant's assistant Andreas Pototschnikher in Graz in 1652, in which he lost a man, perhaps a second. Seršič demanded 1,000 gold ducats for the 'murder' from Pototschnikher's guarantor, Domenico Brogiol, perhaps his employer (LJU 488, Cod. I/28 (1653), f. 118v, 163v, 20 June 1653, 23 August 1653).

Enmities often originated from or were intensified by broken contracts, unpaid loans or debts. These were regarded as serious breaches of trust, which was the foundation of charity, good neighbourliness and the *bonum commune*, and closely related to honour (cf. Muldrew 1998, 123–129, 199–200). In 1548, Leonhard Kache and Anton Tischler formally declared enmity on each other (*an einander abgesagt*) due to an unpaid bill. While provincial (LGK, 1535, 5) and the town's (LMF, 1514, f. 5v) criminal codes stipulated death by the sword for *Absager*, the two men were put into burgher arrest (LJU 488, Cod. I/6 (1547–1548), f. 99v, 27 April 1548) rather than the town gaol, the Tranča, where serious offenders (Fabjančič, 1944–45, 90) were imprisoned. Since burgher arrest (*Bürgerarrest*) was envisioned as punishment for misdemeanours and a means to cool passions (Valvasor, 1689a, XI, 672; Scheutz,

18 The word could denote a knife or a type of single-edged sword used by commoners (Lazar, 2017, 100).

2007, 55), the men were likely forced to settle and had to pay a fine to the town court, although this does not preclude eventual banishment. Sixty years later, two members of the burgher elite fell out over a similar matter, but no formal declarations of hostility were recorded. The enmity between Jožef Mohorčič and Hans Cornion, both town judges at some time (Fabjančič, 2005, 34, 38), originated in an alleged breach of a wine-sale contract and broke out into violence when Jožef unsheathed his sword and with insults ‘heatedly’ chased Hans out of his house. On the street, Hans returned Jožef’s insults and challenged him to come out (*hinaußgefordert*), but to no avail. Although challenging someone to come out of their home was forbidden, failing to respond was not without consequences for their honour (Schwerhoff, 2004, 230). The council stepped in before things could escalate, confining Jožef to burgher arrest against a surety of 100 gold ducats, as the initiator of the violence, and Hans against a quarter of the sum. Not wanting to make peace, Jožef defiantly renounced his burgher rights and thus his oath, effectively declaring enmity on Hans, but soon beseeched the council that he may keep them. The matter was settled *ex officio* within a week, against a surety of 200 gold ducats for keeping the peace, and Jožef’s public apology to the council for his ‘recklessness’ (LJU 488, Cod. I/20 (1608), f. 127v–128v, f. 130r–131r, 19 and 26 September 1608).

In 1616, a dispute Jožef’s widow Marija had with the lawyer Daniel Schwizer and his wife over her widow’s support and a house she inherited from her husband also boiled over into grave insults. Marija claimed that the Schwizers inimically (*haddersichtigen*) (cf. Hader) threatened to kill her, unsheathing a sword or knife, yet this claim might have been only a defamatory tactic. In the end, the council supported the lawyer, even after he threatened to ‘become his own judge’ in the matter (LJU 488, Cod I/24 (1616), f. 136v, 240v–241r, f. 259v–260r, 23 June, 19 September and 3 November 1616). In the same year, Schwizer was at odds with another widow, Marusch Ugga, who managed to get rid of him as a witness in a property appraisal by stating that he was her ‘known enemy’ (LJU 488, Cod I/24 (1616), f. 163v–164v, 18 July 1616). Whereas theirs did not involve physical violence, a year prior it broke out in a dispute between the widow Maria Weixlbraun and Hans Kheisell or Kajzl and his wife. The widow sued the Kheisells for their serious insults and Hans’ allegedly counterfeit promissory note. Kheisell’s wife responded that her insults were *defensiue* not *offensiue*, since the widow first insulted her as an adulteress, while her husband maintained that his insults were in anger, because the widow had waylaid his wife in the street, assaulting her with words and blows. The council took the matter seriously and settled the matter *ex officio*, imposing a heavy surety of 100 gold ducats. This was confirmed by the parties shaking hands, whereupon the council declared them good friends once again. But only four days later the widow had already claimed that the couple had broken the settlement. Hans had to publicly apologise to her (again), but the council let the matter rest after the women shook hands anew (LJU 488, Cod. I/23 (1615), f. 117v–119v, 121v–122r, 9 and 13 July 1615). As with nobles, widows seem to have also been regarded as easy targets in urban disputes.

Insults and brawls were common in urban enmities, but weapons were rarely drawn, and if they were it was largely among the elite, as between Mohorčič and Cornion. In a similar case from 1541, Georg Tiffrer, a later *Bürgermeister*, came to blows with one Dr Gregor, a physician in the employ of the Carniolan Provincial Estates. Their dispute worsened into insults, followed by Tiffrer hitting the doctor on the mouth and attempting to strike him with his sword in front of the town hall. Bloodshed was only prevented by the intervention of another burgher. Wanting to settle the matter out of court in the most reciprocal manner possible, Tiffrer suggested that Dr Gregor strike him on the mouth in public, but made no mention of the drawn sword. The doctor rejected the offer and went to court, demanding that Tiffrer prove his insults or publicly take them back (LJU 488, Cod. I/4 (1541), f. 79r–80r, 17 June 1541). No details of their settlement survive, but nine years later, when Tiffrer fell out with Johannes Baptist Posch in the town council, their colleagues immediately intervened by placing them in burgher arrest and calling for an end of their enmity, recorded as ‘ill will’ (*vnquette* and *vnwillen*). They were released once passions cooled, with the council declaring them good friends again and stipulating a surety of 100 guldens (LJU 488, Cod. I/7 (1548–1549), f. 163v–164r, 180v, 17 June and 19 July 1549). The somewhat stern intervention by the council attests to either an enmity already at, if not over, the edge of physical violence, or it may have been predicated on Tiffrer’s assault on Dr Gregor in 1541.

Killings remained a veritable threat. In Ljubljana in 1601, the Trieste-born Peter Černe (*Zörne*) or Piero Cergnia was accused by his wife Speranza and brother-in-law Francesco Pellizarol of threatening to kill them for their accusations of theft and adultery. They demanded that he face a criminal trial, but Černe managed to escape from gaol. When caught, he claimed that he did not care for the accusations, openly admitting to having had sex with other women as his wife had refused him intercourse for three years already, but rejected having threatened or stalked her. The siblings did not trust him and Pellizarol demanded assurances and surety (*versicherung vnd caution*) from Černe for himself and his sister. Once he provided these (and paid a presumably heavy fine), he was released and the council had the relatives settle amicably, thereby restoring ‘tranquillity [peace] and unity’ (*rhue vnd ainigkheit*). Still, seven years later, the matter prevented Černe from acquiring citizenship in Ljubljana. He regarded the rejection as an insult to his honour, which the council saw as a ridiculous claim, remaining adamant despite a princely order for Černe’s admittance and his wife’s pleas – these show that the peace had held (LJU 488, Cod. I/18 (1601–1602), f. 102r–103r, 14 May 1601; LJU 488, Cod. I/20 (1608), f. 50v, 52v–53r, 7 and 21 March 1608).

While Černe could not gain burgher status due to his threats, Balthasar Einkat lost his in early 1606, after threatening to kill the postmaster Michael Taller, a recurrent town judge and confidant of Tomaž Hren, the Prince-bishop of Ljubljana. The threats were due to Taller accusing Einkat of already having a wife in Vienna, when he was courting the daughter of the apothecary and town councillor Janez Krstnik Vrbec. In response, Einkat publicly stated at least twice that he will kill or shoot Taller with a

pistol and then ‘make the Croatian jump’ (*crabatiscen sprung thuen*), likely to flee to the Croatian Military Frontier. This would be a case of so-called *Austretten* or ‘stepping-out’, namely out of the legal order and community, which among commoners was closely connected to *Absage* (Reinle, 2007). Einkat was jailed and, following a public apology to Taller and a surety payment to the court, banished – perhaps unjustly and only due to Taller’s connections (LJU 488, Cod. I/19 (1605–1606), f. 95r–97r, 9 February 1606; Kos, 2016, 281–282).

Death threats also seem to have been very serious in a case from 1602, when Jurko Nadal accused Hieronymus Görzer, likely a gentleman, of having attacked him in enmity (*mit feindtlicher hant angriffen*) with two men on a public road. This originated in, or was exacerbated by, Görzer fornicating with Nadal’s wife and stealing 800 guldens worth of assets from him. The adulterers were jailed, but Görzer was quickly released without the town judge’s consent. He was soon caught in bed with another woman, fined 200 gold ducats and banished, in part also because of his and his brother’s threats, probably to the judge. However, Görzer soon returned to Ljubljana, swaggering about town with his men armed with crossbows and pistols in an explicit show of enmity, which also broke town peace. Nadal not only demanded a restitution of the stolen goods (and his honour for the adultery) with a lawsuit, but also assurances that he would not come to harm. Görzer was again jailed and the council supported Nadal’s demand for security. Essentially, this was an *Urfehde*, which, when provided, at least formally froze their enmity. The matter garnered the interest of the princely authorities, but was not completely resolved for a few years. Its exact end is unknown (LJU 488, Cod. I/18 (1601–1602), f. 235r–v, 240r–242r, 318r, 4 and 7 January 1602, 7 June 1602; LJU 488, Cod. I/19 (1605–1606), f. 181r–v, 4 August 1606; cf. Kos, 2016, 251).

Enmities with those of higher rank were the most dangerous (cf. Beuke, 2004), but social capital could play an important role. This was the case in a dispute between the Žalec market-town councillor Johann Christoph Pilpach and Baron Ferdinand Miglio from the nearby Plumberk manor in Lower Styria, which erupted into an open feud in 1681. With the help of soldiers whom Pilpach acquired from the Counts of Strassoldo from Krško in Lower Carniola, he raided Miglio’s manor during his absence, threatening his administrator Jakob Galič with killing the baron should he try to retake Plumberk. It is unclear for how long Pilpach occupied the manor, but on 12 September 1681 the nobleman avenged himself by ransacking his house in Žalec during his absence, essentially mirroring Pilpach’s actions: threatening his kin and servants with violence and death, stealing his horses and slaughtering his poultry. While the origins of their enmity are unknown, Pilpach’s plundering of Plumberk suggests that it might have been due to Miglio’s debts to the affluent market-burgher. The raid on the manor was co-organised by Pilpach’s son-in-law Gregor Rozman, who secured help from the Strassoldos. The exact nature of their relationship with the counts is obscure, but had to be close for an important noble family to lend its soldiers to two market-burghers from another duchy. Maybe the Strassoldos’ help was related to disputes they themselves might have had with Miglio. Pilpach’s social

capital was probably also strengthened by the marriage of a lesser line of the Valvasor noble family to the Pilpachs from Žalec in early 1680 (Golec, 2017, 385). These connections likely levelled the field once his dispute with the baron broke out into violence. Following the raids and after failing to obtain satisfaction from Miglio for the attack, Pilpach opted for a recourse to law, but the market-burgher's attempt to serve the nobleman a writ ended with Miglio cudgelling Pilpach's messenger nearly to death, regarding the attempt as sheer insolence. Despite going to court, the settlement of their dispute, or at least the violence, was likely extra-curial, as was common in enmities among the elite. Similarly, the only intervention by princely authorities seems to have been a demand that Miglio accept the writ, although attacks on the socially superior upset the social order. There were certainly no grave consequences for Pilpach, who in 1684 is attested as the Žalec market-town judge. All of this suggests that the social differences between the enemies were formal rather than factual, underpinned by Pilpach's connections to influential noble families and, perhaps, also by the Miglios' rather recent (Naschenweng, 2020, [1612]) rise to nobility. Pilpach's 'equality' with the baron during the feud probably also helped him to improve his social standing. Peace seems to have been made by Candlemas 1683, as a day later Pilpach's wife Ursula Elisabeth and his former enemy Jakob Galič became godparents to a child of one of their market-town neighbours (NŠAM, Župnija Žalec, KMK 1661–1683, 3 February 1684), and settlement generally included 'all the people' of the feuding parties.¹⁹

This feud was likely exceptional, and, as can be deduced from the figures for Ljubljana, serious insults were the most common public expression of enmities among townspeople, while the number of unarmed and especially armed fights was low, despite the burghers' duty to carry arms, which attests to the long survival of traditional rites of violence prevention. However, the recorded cases should not be seen as the total figures of breakdowns of good neighbourliness. Not only because many registers do not survive, but also due to the often poorly kept records and the continuation of out-of-court settlements.

For comparison, in the small²⁰ Lower Carniolan town of Višnja Gora, some 25 kilometres to the southeast of Ljubljana, verbal assaults predominated even more clearly than in the provincial capital. Between 1673 and 1750,²¹ sixty insults – one

19 StLA, LA, LR 723/2, Record of the first trial between Johann Christoph Pilpach and Baron Ferdinand Miglio, s.d., s.l.; StLA, LA, LR, 723/2, Main evidence article by Baron Ferdinand Miglio regarding Johann Christoph Pilpach's lawsuit for an injury by acts on 26 October 1681, s.d., s.l.; StLA, LA, LR 723/2, Johann Christoph Pilpach's request to the Styrian Provincial Administrator regarding Baron Ferdinand Miglio, 23 September 1682, s.l.; StLA, LA, LR 723/2, Dr Jakob Sauer to the Emperor etc. regarding Johann Christoph Pilpach, s.d., s.l.; StLA, LA, LR 723/2, Imperial Privy Councillors to the Styrian Provincial Governor regarding Pilpach and Miglio, 30 October 1682, s.l.; StLA, LA, LR 723/2, Report to the Styrian Provincial Governor regarding the dispute between Ferdinand Miglio and Lorenz Frazioli, received on 28 June 1687, s.l.; StLA, LA, LR 7232, Report to the Styrian Provincial Governor regarding the dispute between Ferdinand Miglio and Lorenz Frazioli, received on 20 October 1687, s.l.

20 For the late 1500s, its population has been estimated at ca. 500 (Vilfan-Bruckmüller, 1978, 158).

21 With gaps for the years 1676–81, 1706 and most of 1682 (AS 166, fasc. 2).



Fig. 5: Višnja Gora, Johann Weikhard Valvasor, 1689 (Wikimedia Commons).

as ‘inimical injury’ (*feindtlichen iniurirt*) in 1719 – were recorded compared to nine brawls, two stabbings and one assault with an axe; the graver altercations do not seem to have been connected. Much like the standoff between Mohorčič and Cornion in Ljubljana, the assault with an axe in 1674 originated in a dispute over a wine sale between the town councilman Marx Raab and a man surnamed Mary, with Raab having been allowed to ‘forever amicably settle’ with his victim, even though he at first rejected the surety of 100 ducats and serving time in burgher arrest (AS 166, fasc. 2, Town court register 1673–1674, 21 August 1674). Likely, he was later forced to accept both. To the contrary, Mihael Meden, who stabbed Andrej Kastelc with a knife right below the heart in 1702, was arrested outright and had all his property impounded by the council, until he paid appropriate satisfaction to his victim (AS 166, fasc. 2, Town court register 1683–1710, 8 April 1702). Similarly, Gašper Šparovec had to remain in arrest at the town hall until he paid three guldens damages to Gregor Markovič for stabbing him in the stomach with a fork (AS 166, fasc. 2, Town court register 1707–1753, 29 December 1714). As in Ljubljana, settlements for various affronts in Višnja Gora also generally included fines and sureties and were demonstrated by public apologies and shaking hands. Local clergy were not exempt. In 1674, the vicars Jernej Mantvan and Mihael Poderžaj settled following the town council’s intervention, after having often publicly threatened each other. The council stipulated a surety of 10 ducats and corporal punishment to keep ‘quiet and safe’ (AS 166, fasc. 2, Town court register 1673–74, 21 June 1674). In the 1600s, the town court sometimes stipulated burgher arrest lasting from a few hours to a couple days,

which, from 1714, seems to have become the norm for all affronts (AS 166, fasc. 2, Town court register 1673–1674; AS 166, fasc. 2, Town court register 1683–1710; AS 166, fasc. 2, Town court register 1707–1753).

What settlement generally looked like is perhaps best demonstrated by a Ljubljana case from 1569, when the town council had to intervene in the inheritance dispute turned bitter lawsuit that Erazem Naglič and his wife Agnes had with the other heirs of Blaž Sallitinger, Agnes' father. Erazem, likely found to be the instigator, had to pay 50 crowns for the upkeep of town fortifications and publicly apologise to his adversaries, with both sides then having to end their 'ill will' per decree of the town authorities and 'due to charity'. Settlement was confirmed and demonstrated by both sides shaking hands before the council and 'publicly declaring and vowing to settle with and forgive one another for everything and to forthwith have naught but love for each other as well as, for God's sake, to avoid all harm', whereupon the council declared them good friends again, emphasising that the settlement was 'without harm to their honour'. Again, this was a mutual renouncement of enmity or *Urfehde*, although the term does not seem to have been used in early modern settlements. No surety is recorded, but it was likely stipulated, since the spouses were urged to refrain from renewing the matter either amicably or by law (*guetlich noch rechtlich*), i.e. out of or in court; as certainly was the other party (LJU 488, Cod. I/9 (1568–1569), f. 219r–222r, 9 July 1569).

Sometimes, the clergy had to intervene in enmities at the behest of secular authorities, like in Ptuj in September 1642. The Inner Austrian Government ordered the parish priest to mediate between Hans Sigmund Khockerl and his enemy (*feindt*) or adversary (*widersacher*) Matej Sirc, who had Khockerl arrested over a debt in August, and to 'make them good friends again'. Their enmity seems to have been settled in early 1643, when Khockerl was ordered to go to confession and partake in communion by Candlemas (StLA, IÖReg, Cop. Protocol 1642, K and P; StLA, IÖReg, Cop. Protocol 1643, P). It was likely the priest's involvement that brought such atonement into the settlement, since this, when not specified for homicides, was usually just a payment of wax or candles.²² In fact, mediation in enmities long remained a key social obligation of Church authorities and the clergy. In seventeenth-century Gorizia, where the situation in Inner Austria was direst, the Jesuits especially were involved in peacemaking among feuding nobles (Makuc, 2015, 220), as they were among all classes elsewhere in Catholic Europe (Bossy, 2004b). For the three duchies, the role of Jesuits and Capuchins in peacemaking remains to be investigated,

22 In Ljubljana, a payment in wax to the town's Corpus Christi confraternity or one of the mendicant orders was thrice stipulated for 'bad behaviour' and 'depravity' in 1635–6 (LJU 488, Cod. I/25 (1633–1635), f. 409r, 3 December 1635; LJU 488, Cod. I/26 (1636), f. 180r–v, 292r–v, 4 July & 19 December 1636). In Višnja Gora, it is recorded for insulting the town judge in 1701, and for theft and a brawl the next year (AS 166, fasc. 2, Town court register 1683–1710, 22 August 1701 & 24 October 1702), whereas in 1727 in the Upper Styrian market town of Niederwölz, for insulting and beating a sexton, a subject bought a couple of candles for the local church of his own volition (StLA, Rothenfels, K.108/H.343, Provincial court register 1723–1743, f. 13v, 29 April 1727).

but parish priests were obliged to report on hatred (*odium*) between individuals and families to their superiors until the late eighteenth century (Ožinger, 1993, 76). The clergy also mediated in criminal cases for lighter sentences or pardons. In Ljubljana in 1545, a man surnamed Plevnik was exiled for three years, but was able to keep his right hand – perhaps sentenced for perjury (LMF, 1514, f. 3v) – following the intervention of the cathedral chapter and the prince (LJU 488, Cod. I/5 (1544–1545), f. 177v, 25 September 1545). A few years later, when several potters allegedly beat Hans Marincelj to death, the chapter likewise intervened on their and their wives' behalf, so they could obtain safe conduct. It is unknown if the bishopric was successful for all of them, although at least Mihael Babst was acquitted (LJU 488, Cod. I/8 (1551–1552), f. 113r–114r, 133v–134v, 6 February & 23 March 1552).

The Ljubljana cases of dispute settlement show that among Inner Austrian townspeople the word enmity and its key synonyms expressing hatred, envy, discord, bitterness or resentment – as opposites of love, friendship and concord – long signified a formal state of hostility, even if they were rarely recorded; this happening only 15 times from 1521–1671. In fact, most recognizable enmities were never recorded as such. The majority were ultimately settled amicably at the town hall, at least as long as no one was killed or seriously injured, as was common in the Empire (cf. Nowosadtko, 2004, 15). Still, if the killing could be defended as justified, or at least unpremeditated, settlements with a combination of blood money, atonement and fines long remained in use. Town courts and councils retained their role as mediators and arbiters in enmities, underpinned by community mediation, and sometimes with the clergy's help. Prompt reconciliations for affronts and non-fatal violence with public apologies, forgiveness and declarations of friendship and neighbourliness, confirmed by handshakes, remained the norm, especially if acts could be presented as a defence of one's honour. Often, the councillors suggested out of court settlement to the parties, so they would avoid the costs (and animosity) that litigation would entail. For more obstinate parties, settlement had to be enforced *ex officio*, usually with threats of heavy fines, prison sentences, corporeal punishment or banishment. Settlements made at the town hall could also be enforced and were often safeguarded by substantial sureties²³ for keeping the peace. Presumably, and apart from the most affluent defendants, fines and sureties were at least in part paid for by guarantors from the defendants' kinship and friendship networks, giving them a say in renewing disputes (cf. Broggio, 2021, 137–141). All of this enabled the long survival of traditional practices of dispute settlement and largely prevented enmities from erupting into serious violence. Thus, when the market-town ordinance for the Upper Styrian (Bad) Aussee from 1568 stipulated that the judge and council are 'not to suffer any known enmity' (Mell & Müller, 1913, 12), this likely meant that they had to strive to settle it amicably, not outright or severely sanction it. Until local courts

23 In Ljubljana also twice recorded as *verschreibung* (LJU 488, Cod. I/12 (1575), f. 207v, 5 December 1575; LJU 488, Cod. I/25 (1633–1635), f. 25r, 3 March 1634) and once each as *cautio* and *pürgschafft de non offendendo* (LJU 488, Cod. I/28 (1653), f. 205r, 28 November 1653; LJU 488, Cod. I/36 (1667), f. 123r, 20 June 1667).

of law lost their autonomy towards the end of the eighteenth century (Kambič, 2005, 209–210, 213–216), Ljubljana in 1791 (Golec, 2005, 141), it is unlikely that the system changed much – this seems to be corroborated by the situation in the countryside, where conducting and settling enmities was very similar to that in towns.

PEASANTS

Most of the early modern Inner Austrian population worked the land as peasants, generally as subjects of secular and ecclesiastical lordships, while particularly in Carinthia and Upper Styria larger numbers of plebeians also laboured as miners and ironworkers. Free farmers were few. In the late fifteenth and early sixteenth centuries, it was the countryside that suffered most under Ottoman incursions that devastated whole swathes of Inner Austria, chiefly the south and east, while Venetian wars ravaged Gorizia in the early sixteenth century and decimated Istria in the early seventeenth. At least Inner Austria was spared the warfare that beset much of the early modern Empire up to and including the Wars of the Spanish and Austrian Successions. After the early 1530s, it also avoided most of the fighting harrying neighbouring Hungary and Croatia, only occasionally spilling into eastern Styria with the incursions of anti-Habsburg Hungarian forces (Kovačič & Slekovec, 1905; Pirchegger, 1976, 128–129). While the bulk of Inner Austria enjoyed peace, peasants were hit hardest by the economic fallout from these invasions and wars. Moreover, even in peacetime their situation continued to worsen, especially due to steadily growing feudal demands and princely taxes, periodically aggravated by plague epidemics and poor harvests, exacerbating existing conflicts in the village world of limited goods. Commercial competition with towns also sometimes led to violence. For instance, from the sixteenth to the eighteenth century, citizens of Trieste often raided the church fair in Duino/Devin and in 1565 burned down the village of Lokev in neighbouring Gorizia because of its fair (Vilfan, 1944, 19–22). Yet, from the late fifteenth to the early eighteenth century, it was particularly the rising fiscal pressure that led to several²⁴ local revolts and a few large ones that spilt across provincial borders, the latter mostly by Slovene²⁵ peasants. The largest two, in 1515 and 1635, resulted from the economic impact of Maximilian I's war with Venice and the Thirty Years' War (Štih & Simoniti, 1996, 180, 224–234).

In the countryside, provincial and manor or patrimonial courts, with few judges and lawyers trained in Roman law until well into the eighteenth century (Škrubej,

24 Their frequency alone refutes Otto Brunner's (1990, 69) thesis that Inner Austrian peasants were very loyal to their lords, which he predicated on the lack of sources on peasants' feuds with nobles.

25 Hence, the large revolts by chiefly Slovene peasants in 1515, 1573 (with Croatsians), 1635 and 1713 are an important segment of Slovenian cultural memory and national history (e.g. Čeč et al., 2014; Jerše, 2017; for neighbouring territories, cf. Rauscher & Scheutz, 2013). Among German-speakers, the largest was the Upper Styrian peasants' and miners' revolt of 1525, connected to the German Peasants' War. Schlading joined the revolt after the miners threatened it with a *veindbrief* (Brunner, 1990, 77, n. 2), then lost its town privileges for revolting (Pfersch, 1966, 126–127).

2012, 216–224), administered justice much like courts in towns, with the rural communities and their elders playing a key part in the mediation and settlement of conflicts. Since the Middle Ages, dispute settlement in the countryside was regulated according to local statutes or *Weistümer*, which were legal customs recorded in cooperation between the lordship and experts in customary law, either by the lordship's demand or per request of its subjects (Dolenc, 1935, 118–119; Obermair, 2015, 108–111). In the early modern period, the mediaeval statutes' regulation of homicide and feud was replaced by penal codes at the normative level.

In criminal matters, peasants were under the jurisdiction of provincial courts, yet as very few records of major crimes survive, available documents are chiefly about minor crimes such as insults, beatings and brawls. An important exception are the registers of the Lordship of Bled in Upper Carniola, which contain a number of homicide settlements from the mid-seventeenth century.²⁶ On Palm Sunday 1656, Hans Mušan made peace with the family of Jakob Špetič in front of the Church of St John the Baptist in the village of Zasip, where Špetič had been killed and buried. He died the previous summer at the local church fair, after Mušan hit him on the head with a heavy club (cf. Fig. 6). In order to be granted princely pardon, Mušan had to regain the 'love and friendship' of his victim's kin, who demanded that he pay them for the appropriate food and drink, which demonstrated reconciliation, and as atonement donate a mass garment to the church in Zasip and pay for thirty masses to be held there in the next three years. Once he swore to do that, the victim's 'entire kin' pledged to no longer hold anything against him. The settlement was testified to by twenty-seven witnesses, including a local priest and nobleman (AS 721, kn. 21 (1655–1662), 9 April 1656). At least some of them should be regarded as mediators and guarantors of the peace.

Peace could be made long after a homicide. Gregor Knaflič killed Mihael Stojan in 1645, but it took him over a decade to settle with his widow Urša, their two young daughters Jera and Urša, and his next of kin; certainly because he had fled. In 1657, Knaflič made peace of his own volition (*wilkhierliechermassen*) before the court, once he attained the Stojans' 'full pardon', for which he had to pay his victim's daughters 25 guldens and almost three metres of coarse linen or hemp fabric within eight days, probably for their dowries, as well as pay several masses for Stojan. Five to be held at the Bled parish church of St Martin and 'at least' thirty at *Khostouiza* (perhaps St Andrew in the village Gosteče near Škofja Loka, cf. Kosi et al., 2016, 297), likely because the victim was killed and/or buried there. Once Knaflič swore to pay, the court declared the *widerwertigkeit* or enmity (*Widerwärtig*, 2a) to be over. Knaflič also had to pledge against a surety of 10 gold ducats or 30 guldens²⁷ not to molest or disturb his victim's widow, children and kin, either sober or drunk

26 Even if there was an upswing in homicides related to the suppression of the 1635 revolt, barely any sources on major crimes from the regions where it took place survive to corroborate this.

27 Presumably. This rate is given in coeval Upper Styria and Carinthia, where a ducat equalled 3 guldens, a crown 2 guldens and a thaler 1.5 guldens (StLA, Rothenfels; KLA 22).

(apparently a common excuse), in the street or in inns. Peace was made in front of eighteen witnesses, including Stojan's widow, daughters, sister Jera Hrastnik and 'closest aunt' Jera Potočnik (AS 721, kn. 21 (1655–1662), 7 April 1657).

In contrast, in 1654, swift peacemaking was facilitated by the culprits' flight and, quite likely, by the penitentiary season of Lent, after the four Svetina brothers beat Peter Jakopič to death on Shrove Monday. Matevž was imprisoned while Blaž, Hanže Jr and Matija fled the duchy, but it was unclear who dealt the fatal blow. In their stead, their father Hanže Senior requested peace from Peter's widow, brothers and rest of kin. The families reconciled by late April, after Easter. The victim's family accepted the father's request for settlement and agreed that all four of his sons were to be given 'true and full peace' and safe conduct (to be able to receive princely pardon), pledging not to pursue the brothers upon their return home and to forgo all enmity (*feindschafft*), vowing instead to live with them 'in good neighbourliness as is becoming'. In exchange, Hanže pledged for himself and his family to give Peter's kin no cause for anger or ill will (*zorn oder widerwillen*) and forever remain in peace and good neighbourliness with them. After peace was made, the youngest of the brothers who fled, Hanže Jr, could return home immediately, while the other two had to remain in exile for the likely customary period of a year and a day, whereupon they could safely return home. Settlement included blood money for the widow: 10 crowns for the support of her underage child to be paid as soon as possible and a plot worth 30 crowns, plus the customary interest. This was not a meagre sum as 40 crowns or 80 guldens could equal the price of two farms (Kotnik, 1997, 48). Hanže also had to pay 35 crowns in legal fees, while a surety of 2 gold ducats was set for keeping the peace (AS 721, kn. 20 (1652–1655), 10 and 25 April 1654).

There is no mention of atonement or the location of this settlement. In 1637, Martin Mencinger, Wallandt Schiller and Andrej Prešelj, who beat Pavle Tišal to death in a brawl, made peace with his kin at 'a church fair in front of many people', but still had to have the settlement confirmed by the provincial court. The court agreed that blood money of 40 guldens would be paid to Tišal's relatives: 10 to his mother, 20 to his brothers (including legal fees), and 10 to the rest of his kin. The court also ordered the families to keep 'peace and concord', while the register specifies no surety (AS 721, kn. 18 (1636–1640), 27 April 1637). What's more, the family might have had to pay at least part of the sum back after 1639, when the court ruled that Tišal did not die directly from his wounds and the perpetrators were pardoned (AS 721, kn. 18 (1636–1640), 3 August 1637; AS 721, fasc. 6, Archducal pardon of three subjects for the death of Pavle Tišal, 3 January 1639, Graz).

Not all were so lucky, even if they managed to settle. In 1593, the young thief Martin Kačar broke into the house of Gregor Privec, a peasant from Studenec near Ljubljana. Woken up by the commotion, Privec rushed after Kačar with a sword, stabbing him to death. He was arrested and tried the next year. Following witness accounts, his lawyer argued that Privec, 'an honourable man', acted in defence of his property, while the 'known thief' resisted capture, and that the killing was not due to enmity or a grudge (*grollen*), essentially revenge, which were aggravating

circumstances. Privec had to publicly apologise for the deed, pay Kačar's mother 10 guldens of blood money, atone in an unspecified manner and spend a year digging ditches at the Karlovac fortress in the Croatian Military Frontier at his own expense (LJU 488, Cod. I/15 (1594), f. 42v–49r, 70v–72v, 14 February & 21 March 1594).

Sometimes, settlement was accompanied or preceded (forced) by razing the killer's house. In German-speaking lands, this was generally called *Wüstung* or devastation and existed in many forms for various offences, with razing the entire house most common for homicide (Coulin, 1915; Bühler, 1970). This also befell Baron Neuhaus in Cromòns. Chiefly, devastation was a communal sanction, but it is unlikely that at least in smaller communities the victim's family would not have participated in the destruction. Among peasants in sixteenth-century Carniola it might have been carried out only by the victim's kin in homicide cases, albeit likely with the community's, or its elders', consent. In the early 1540s, the Provincial Estates complained about the practice they recorded as *grundstöer* to the prince: 'when there is a homicide, the whole kin rise up, storm the perpetrator's land, devastate and trample everything, wanting to regard it as a custom and a right (no better or worse than others), during which a lot of evil happens' (AS 2, fasc. 98, Supplication of the Carniolan deputation to King Ferdinand I regarding various grievances, s.d., s.l.; Dimitz, 1875, 304). The 1542 concept of this supplication explicitly states that devastation was retaliation for homicide: *grundstöer vmb beschehen todslag* (Vilfan, 1943, 221, n. 5).²⁸ In the Carniolan town of Kranj in 1600, the Princely (Counter-)Reformation Commission also razed the house of the Protestant Križe Mikuž alias Luter for his sons' alleged murder of a Catholic surnamed Lovretič (Gruden, 1914, 834).

Although surviving cases of homicide settlement are rare, the practice went on until the eighteenth century, despite growing efforts of central authorities to eliminate it. Sometimes, this led to exaggerated claims, for instance, by the Carniolan Provincial Estates in 1530, who insisted that the high murder rate in the duchy was not easily matched by any other country (Žontar, 1952–53, 572). Closer to reality was the Provincial Governor's complaint from 1724 over the allegedly still common practice of 'trifling' sums paid to the kin of homicide victims among Carniolans (AS 1, šk. 251, Patent of the Carniolan Provincial Governor regarding the eradication of sins and vices, 4 March 1724, Ljubljana). As late as 1770, following mortal wounds in a brawl, a Lower Carniolan wine-growers' law court or *Bergtaiding* belonging to the Teutonic Order ruled that the culprit should make peace with his victim – or his kin, if he died – and the judges would make sure that the matter would not get to the provincial court as a *causa major* (Dolenc, 1921, 82). Homicide settlements could have only survived into the eighteenth century because they were underpinned by local law courts more interested in upholding peace in communities than the letter of the criminal law, as well as maintaining their autonomy before central authorities.

28 For more on *grundstöer* and its relation to *Wüstung* and (blood) feud, cf. Oman, 2021, 148–165.



Fig. 6: Upper-Carniolan peasants in late seventeenth-century attire, Johann Weikhard Valvasor, 1689 (Wikimedia Commons).

To a degree, this is reflected in the case of the miller Matthäus or Matthias Khözl, a subject of Rothenfels, even if his violent reputation made him a feared man among his neighbours, subjects of the Lordship of Murau. Due to the negligence of his brother Andreas' hired hand at logging, Adam Khnapp lost a cow in the Spring of 1668. He sent a few 'good men' to the Khözls to mediate (*beschikht*) for a restitution of damages, but the brothers would have none of it. Matthäus Khözl and his 'evil company', seemingly including his sister Gertrude, burnt down Khnapp's house and set four more fires to his property in their 'insatiable vindictiveness', as was put by the victim's lord, Baron Hans Sigmund Prankh from Murau. Khnapp was too afraid to sue and Prankh could not get Rothenfels to take action against its subject; a protection of its autonomy, which probably predicated Khözl's boldness. While the multiple arson attacks may point to a long-standing enmity, Matthäus also had a more violent demeanour than most. On 7 October 1668, he almost killed Maria Rackhl, ambushing her outside the tavern in Feistritz am Kammersberg and stabbing her seven times, likely for refusing to dance with him. Although soon caught, no one would testify against Khözl out of fear of arson. In fact, many

intervened on his behalf and he was able to settle, likely paying damages to Maria or her father Simon. However, only due to Baron Prankh's persistent interventions to Rothenfels, he also had to publicly apologise and pay a fine of two ducats for the attack. Because Khözl could not get any guarantors, presumably as everyone knew he would break the peace sooner or later, the surety was set at his 'own life and blood'. Khözl pledged not to cause any danger or harm to the baron or his people, which, as Prankh reminded him, also included Khnapp. The miller seems to have held his peace until June 1670, when he broke into his brother Andreas' house, smashing the oven and windows and threatening to kill him and his wife. The attack was part of an inheritance dispute and was soon settled with Matthäus revoking his claims and pledging peace with an actual *Urfehde* form. While he continued to threaten others with whom he was in dispute, even threatening to stab the market-town judge of St. Peter am Kammersberg if he would not rule in his favour, in the end Khözl's downfall was his obsession with Maria Rackhl. On Shrove Sunday 1671, he once again asked her to go to the dance with him, yet as she did not show up, the next day he attacked her with an axe on a public road. She managed to flee unscathed, and Khözl was soon apprehended. He had to pledge another *Urfehde* and pay 40 guldens for legal expenses. Since Khözl provided his life as surety for the first attack on Maria and his arson attack on Khnapp's house could not be proven – this would have meant execution by burning at the stake (LGSt, 1638, §90) – he was accompanied to the Carinthian border and banished from Styria for life. His debts of 48 guldens were paid off and his property, estimated at 75 guldens, was transferred to his brother, the mill alone worth 60 guldens.²⁹

These and previous figures show that blood money was seldom trifling to peasants and could be decisive for their survival, so life was not always quite as 'cheap' as it is sometimes made out to be, even if losing a loved one could not really be compensated for. Nevertheless, the amount always depended on the killer's assets, as was also stipulated by the Carniolan Provincial Court Ordinance of 1535 (LGK, 1535, 15), in order to facilitate settlement and for the peace to hold. These were common concerns throughout the Empire (Frauenstädt, 1881, 141). In 1632, a subject of the Pleterje Charterhouse in Lower Carniola paid blood money in kind in various cereals to settle the enmity that broke out due to 'manslaughter', when the victim put a borrowed firearm into a fire and died in the resulting explosion

29 StLA, Rothenfels, K.117/H.364, Baron Hans Sigmund Prankh to the administrator of the Lordship of Rothenfels, 10 January 1669, Feistritz; StLA, Rothenfels, K.117/H.364, Baron Hans Sigmund Prankh to the administrator of the Lordship of Rothenfels, 26 September 1669, Feistritz; StLA, Rothenfels, K.117/H.364, Verdict in the settlement between Matthäus and Andrä Khözl, 23 June 1670, s.l.; StLA, K.117/H.364, *Urfehde* by Matthäus Khözl to the Freising Lordship and provincial court of Rothenfels, 23 June 1670, s.l.; StLA, Rothenfels, K.117/H.364, Baron Hans Sigmund Prankh to the administrator of the Lordship of Rothenfels, 23 February 1671, Feistritz; StLA, K.117/H.364, Georg Fux to Balthasar Heßdt, administrator of the Freising town of Oberwölz and Lordship of Rothenfels, 7 March 1671, Schloss Murau; StLA, Rothenfels, K.117/H.364, Inventory of miller Khözl's assets, 7 March 1671, s.l.; StLA, Rothenfels, K.117/H.364, Baron Hans Sigmund Prankh to the administrator of the Lordship of Rothenfels, 27 February 1671, Feistritz.

(Dolenc, 1935, 409–410). On the other end of the spectrum is a case from Carinthia in December 1660, when the abbot of Arnoldstein/Podklošter opined that it would be of no use if Julian Grappler, a Villach/Beljak merchant, was executed for killing the abbey's subject Adam Sluga, as this would not benefit his family. Instead, Grappler had to pay off the family's debts, support the children until they were of age and provide the daughters with 'good dowries', which in total amounted to 2,273 guildens to be paid over 10 years. This included legal expenses, fines and a restitution of damages to the Benedictine abbey. It is uncertain if he ever paid the entire sum, but he did soon pay the widow 50 guildens, likely as blood money (KLA 445, Criminalia, Fasz. 53, XXV.48). Grappler was well-off, but among peasants the killers' families often had to chip in. For instance, in Bled in 1661, the late Gregor Iskra's next of kin paid the customary blood money (*gebreüchige bluet gelt*) on behalf of Peter Iskra's son Gašper, who had killed someone in a brawl two weeks prior (AS 721, kn. 21 (1655–1662), 6 August 1661). Raising the money could also lead to conflicts. In Bled in 1657, Jakob Prešeren sued Andrej Prešeren over 4 guildens he was supposedly owed, whereas Andrej claimed that he needed the money to uphold the settlement for killing Mihael Prešeren (AS 721, kn. 21 (1655–1662), 22 January 1657).

Even rarer than homicide settlements are attested declarations of enmity. This was also certainly due to the fact that in most parts of the Empire peasant feuding had already been criminalised in the fifteenth century (Reinle, 2003, 112–122). Furthermore, as a case from Lower Styria shows, 'common crime' and feud could be conflated³⁰ in legal sources. In 1610, Matej Rojko, *župan* (leader) of the village of Negova, complained that his kinsman Jurij Rojko had been 'robbing and thieving' in the countryside between Ptuj and the market town of Ljutomer for several years, often declaring himself the enemy (*durch des feindts eingebung*) of his victims as well as threatening Matej with 'robbery, arson and murder'. He and his associate Jurij Arnečič were caught and handed over to the provincial court of Gornja Radgona (PAM 1856, TE 371, Bergtaiding register 1610–1624, 13–14). While its registers do not survive to offer further insight, Matej's complaint should be taken with a grain of salt. He and Jurij were clearly enemies and perhaps so were his other alleged victims. Hence, Jurij's actions might also have been the result of enmity rather than just 'simple' robbery.

A Bled case likely provides a better example of declaring enmity among coeval peasants. In 1634, the millers Christoph Scheull and Adam Paßler or Hörman fell out. The offended Scheull swore in front of a handful of witnesses: 'Mark my words Hörman, if I haven't caused you harm yet, I still will!', tapping himself on the nose, vowing that it should be cut, if he does not deliver on the threat (AS 721, kn. 17 (1632–1636), 1 December 1634), gesturing that failing to do so would cause him great dishonour (cf. Pejanović, 2018). *Austretten* was also used. In 1646, Hans Jakopič threatened his *župan* Gregor Konič and a man surnamed Ferčej with the killing of Konič's foal, as well as

30 Cf. also Garés Timor in this issue.

anyone who would ‘hold any suspicion against him’, and then leaving for Karlovac. The župan filed a lawsuit and expressed his ‘suspicions’ (*argwon*) against Jakopič in court, likely fearing that he would deliver the threats. Jakopič was jailed until Hanže Svetina Senior agreed to be the guarantor of his surety (AS 721, kn. 19 (1644–1651), 455–458, 7 July 1646). Perhaps the killing of Peter Jakopič by the Svetina brothers eight years later was connected to disagreements over this very surety.

Following great crises or social upheaval, everyday disputes could also lead to larger-scale violence, as between the parishioners of Fram and Slivnica after the 1620s plague. A much grimmer case took place in the wider Vurberk area soon after the peasant revolt of 1635, as several subjects of the eponymous lordship carried out three organised murders within a year or so. Some were led by Arni Rešetar, an official of Vurberk’s vineyards (*bergsuppan*), others by Urban Graber and the rest by Tomaž Lesenägerä. Their first victim seems to have been a peasant surnamed Bač from the village of Grajena in 1638, whom they suspected of something; most likely witchcraft, since he was tied to a table and burnt to death along with his house. That same year at least some of the same men also drowned a miller from near Vurberk in the Drava River. In 1639, the vintner Martin Böhemb, nicknamed Dry or Skinny Martin (*Suchi Martin*), was suspected of having ‘blocked the south wind, so it could not get warm’. Several masked men broke into his home at night, savagely beat and then shot him, or hacked him to pieces according to another report, looted the house and were about to burn it down, when neighbours rushed to the scene (StLA, IÖReg, Cop. 1639-IV-81; StLA, IÖReg, Cop. 1639-IV-119). While the belief in witchcraft in the Lower Styrian northeast was particularly strong, the authorities also persecuted alleged witches with determination and this was years before the height of the ‘witch craze’ in the Slovene-speaking regions of Inner Austria from 1660–1710 (Košir, 1997, 124). On the other hand, accusations of witchcraft between neighbours were often settled much like other insults (see below). Hence, rather than distrust in the provincial courts to take care of the witches, the killings might attest to a severe breakdown of trust among neighbours, perhaps following the 1635 revolt or its suppression, and in one case further exacerbated by a late spring thaw.

In the early eighteenth century, matters were even worse between the subjects of the Lower Styrian Lordship of Zavrč, belonging to the gentleman Franz Xaver Qualandro, Fermo’s grandson (Oman, 2021, 125), and those of the Croatian Lordship of Trakoščan and, later, Zelendvor, under Count Ivan V Drašković, one of the most influential Croatian magnates and later Ban of Croatia (1732–3) (Švab, 1993). Much like in Slivnica, the subjects’ enmity was enmeshed with that of their lords. The dispute originated in the delineation of their lands along the Drava River and the subjects in the contested Styrian village of Dobrava, today Dubrava Križovljanska in Croatia. There the counts had five families and Qualandro two, with two more under other Croatian lords. One of the reasons why the counts’ subjects wanted to come under Croatia might have been to avoid Imperial prohibitions on the trade of sea salt and tobacco and consequent heavy fines for smuggling, over which they often complained. Relations became strained in 1705, when Drašković’s subjects started

logging across the border with their lord's tacit support. Qualandro complained to the Inner Austrian Government, but to no avail, since Drašković, with lands on both sides of the border, had better connections in Graz. With Qualandro unable to muster support, the incursions grew bolder, especially after the count's return from the suppression of Rákóczi's Revolt. On 7 August 1713, he sent 40 soldiers to protect the logging activity, who then also went 'looking' for Qualandro in Zavrč; although he was away. The enmity (*feindtselligkeiten*) continued. In 1717, the count's subjects dragged three women and their livestock from Qualandro's estates across the border, killing the women, half burning their bodies without 'giving any cause' – evidently taking them for witches – and leaving the corpses for the animals to feed on. Three years later, the Zelendvor judge and his men came to Dobrava and demanded that Andraž Lebič switch allegiance, beating him to death when he refused. The local priest rushed in to mediate and managed to get the killer to pay a truly trifling 4.5 guldens as settlement. In June 1724, Qualandro finally retaliated, moving into Dobrava with some 60 subjects, allegedly to run out Croatian 'vagabonds' like every year, whereas Drašković claimed that over 300 of Qualandro's peasants looted his subject's homes and trampled their fields. Qualandro claimed not to have that many subjects, most likely truthfully. Two months later, the counts' subjects hit back, killing one of Qualandro's in the Croatian village of Voća. The violence peaked on 20 July 1728, when reportedly almost 50 of the count's peasants from the Croatian villages of Lovrečan and Breznica crossed into Zavrč territory at midnight, robbing and abducting the vintner surnamed Skok and his wife. On their way back to Lovrečan, the woman was thrice sunk into the Drava River and then burnt alive at the stake for having 'closed off the rain for a long time'. The husband was set free. Local Jesuits soon had two of the men apprehended, but the outcome is unknown. By 1735, Styrian authorities accepted the redrawn border.³¹

However, these were extreme cases. Akin to enmities of urbanites, violence among disputing peasants was largely limited to verbal and unarmed attacks, although the latter were more common in the countryside. Despite the ubiquity of beatings and brawls, they seem to have rarely resulted in homicide, even if dangerous objects and tools such as clubs, axes, picks and knives were commonly used (Müller-Wirthmann, 1983). This attests to the rites of violence control generally being adhered to, albeit the lack of sources on major crimes warrants caution. As does coeval ethnography. In the late seventeenth century, the renowned Carniolan polymath Baron Johann Weikhard Valvasor wrote that Upper Carniolan peasants were known for their long and heavy clubs, mostly made of hawthorn wood, emphasising that a single blow by one could, and of

31 StLA, LA, USGL, K.8/H.36, Franz Xaver Qualandro's request to the President of the Styrian Provincial Estates' representatives, s.d. [after 1713], s.l.; StLA, LA, USGL, K.8/H.36, Franz Xaver Qualandro to the Styrian Provincial Governor, received 9 March 1725, s.l., Appendices A and C; StLA, LA, USGL, K.8/H.36, StLA, LA, USGL, K.8/H.36, Report by postmaster Johann Baptist Aichmaÿr on the abduction and execution of vintner Skok, 27 July 1728, Zavrč; StLA, LA, USGL, K.8/H.36, Franz Xaver Qualandro to the Inner Austrian Aulic Chamber on the selling of sea salt in the Lordship of Zavrč, s.d., s.l.; cf. Hernja Masten, 2005, 113–116.



Fig. 7: Landskron castle, Matthäus Merian, 1679 (Wikimedia Commons).

often did, kill a man. There were plenty of opportunities for this to happen at or after gatherings such as church fairs, where many brawls took place. Valvasor also noted that Upper Carniolans were passionate dancers (Fig. 6 background) and that many brawls and deaths occurred at their dances, which drew attempts by Church and provincial authorities to have them banned. But to no avail, since they regarded the dances as their ‘ancient right’. They also attended weddings carrying sabres at their sides, as if they were ‘off to fight the Turks’ (Valvasor, 1689b, VI, 278–283). Even if Valvasor may have exaggerated the high numbers of killings among peasants, as noblemen often did, proximity spawned conflict.

Registers of the Rothenfels provincial court record 83 beatings and brawls from 1656–88 and 95 cases from 1706–43, while registers for the united Landskron/Vajškra and Velden/Vrba provincial courts near Villach in Carinthia give 53 cases for 1651–7 and 24 for 1752–60. Whereas Rothenfels’ numbers remained stable, in Landskron and Velden, belonging to the mighty House of Dietrichstein, they more than halved between the mid-seventeenth and mid-eighteenth century. However, these were not total numbers, as several known cases were not recorded in the registers and not all

came to the court in the first place, having been settled sooner. Roughly a fifth of these altercations are recorded to have occurred at church fairs, tavern visits and other gatherings, or on the way home from them: 34 in the Styrian court and 16 in the two Carinthian ones.³² While alcohol consumption lowered the threshold for violence, it was rarely its cause. On 5 July 1665, at the dance at a church fair in Lind/Lipa near Arnoldstein, Jurij or Georg Pinter's younger son met 'an enemy of his', with whom he had already had an altercation about a year previously, and attacked him. The man defended himself with a stiletto, but Georg's older son intervened before matters escalated³³ (KLA 445, Criminalia, Fasz. 53, XXV.51). Drunkenness was not recorded as a mitigating circumstance. In fact, it seems to have rarely been emphasised; it is only mentioned thrice in the Landskron and Velden cases and eight times in Rothenfels.

The use of arms in disputes among peasants was rare. For instance, it is only recorded once in the surviving Rothenfels registers and five times in the surveyed Landskron and Velden registers, all in the 1600s. Most prominently, in the long-standing enmity between Bärtil Kaufman and Sebastian Lippitsch, peasant sons and Jesuit students. The latter fact should not surprise, since, as noted by Stuart Carroll (2023, 77), 'violence was not the product of an absence of civilised manners; rather it was a consequence of political relationships'. After all, education was a means to gain status and power. Kaufman and Lippitsch seem to have first come to blows in 1654, when Kaufman dangerously beat up Lippitsch, possibly at Carnival. Following new provocations on Shrove Sunday 1655, Lippitsch retaliated with three accomplices and/or kinsmen, attacking Kaufman's party at the masquerade, including his relative Oswalt Kaufman, the parish priest in Köstenberg/Kostanje. Bärtil was severely beaten up, but managed to strike Lippitsch with his sabre, although he did not seriously injure him. In addition to the sabre, Kaufman also carried two stilettos, which was forbidden in general, as was carrying swords at the masquerade. The court forced the parties to settle, fined them a total of 6 guldens and stipulated a somewhat high surety of 15 thalers or 22.5 guldens to keep the peace. Less than two years later, on New Year's Eve 1656, a student friend of Kaufman's called Lipp stabbed Lippitsch almost to death with his sword outside the tavern in Köstenberg, after someone from the victim's company ridiculed him. A witness later said that Lipp, Kaufman and his relative Oswalt came to the tavern looking as if 'full of anger'; if there was any truth to that, the attack might have been premeditated (KLA 22, Landskron and Velden, Provincial court register 1651–1657, f. 185v–186v, 282v–284r, 15 February 1655, 5 January 1657).

32 StLA, Rothenfels, K.107/H.341, Provincial court register 1656–1688; StLA, Rothenfels, K.107/H.342, Provincial court register 1706–1723; StLA, Rothenfels, K.108/H.343, Provincial court register 1723–1743; KLA 22, Landskron and Velden, Provincial court register 1651–1657; KLA 22, Landskron and Velden, Provincial court register 1752–60.

33 Another brawl ensued soon thereafter in which someone was knifed, with the brothers Clement and Hans Pinter denounced as the culprits and jailed. Months later, it was established that it was the actual killer who denounced the brothers. The Pinters from Krainberg/Strmec were subjects of Arnoldstein's mining office or *Bergamt* (KLA 445, Criminalia, Fasz. 53, XXV.51).

Aside from attacks on persons, peasants would also damage their enemies' property, kill their livestock or dogs, etc. Arson, however, is rarely mentioned in enmities in the surviving sources and, apart from Khözl's actions and the Vurberk witch-hunts, was largely used as a threat. Still, arson remained enough of a problem in the late eighteenth-century Habsburg Monarchy to be mentioned specifically in the *Theresiana* (CCT, 1769, Article 73), so the lack of recorded accounts probably does not equate to local restraints on its use, nor was it used just by the marginal as a century later (cf. Schulte, 1994, 27–57). Since fire could cast a family into beggary within moments, it was a popular threat that generally coerced an enemy to swift settlement (Reinle, 2003, 259–260; 2007, 165), but it could be dangerous if this got to court. In 1651, Mathes Underräuer, a subject of the Upper Styrian Benedictine nunnery of Göss, lost his farm and 36 guldens that had been set as surety due to his continued threats with revenge and arson against his neighbours (StLA, Göß, K.304/H.439, Court register [1647–1700], f. 25r), while Gregor Zupančič from Višnja Gora was burned at the stake for the same offence in 1715 (AS 166, fasc. 2, Town court register 1707–1752, 13 April 1715). However, this might have been due to recidivism, as in 1754, Andre Trinkher or Casperl from Gratschach/Grače only had to apologise to Hans Lugensteiner, bailiff of the Landskron and Velden provincial courts, after threatening to burn down his home, with the surety set at two gold ducats (KLA 22, Landskron and Velden, Provincial court register 1752–1766, 109^v–110, 1 October 1754).

If the Rothenfels court's information on Gertrude Khözl was correct, peasant women sometimes also participated in arson attacks. Overall, however, they largely conducted their enmities with insults – as did men – calumny, keening and gossip (cf. Čeč, 2011), rarely by physically attacking their enemies. Sometimes, this was alongside their husbands in brawls among inimical families, rarely between the women themselves: there are only nine cases from Rothenfels and four from Landskron and Velden in the surveyed registers. A quarter of these cases, and one with a husband present, took place at laundry areas such as wells and streams, which were public spaces generally only frequented by women. When settling altercations involving women, the Rothenfels court four times out of 34 stipulated a shaming punishment (once as part of a surety) known as *Geigen*, or shrew's fiddle, a violin-shaped wooden collar that immobilised the hands in front of the neck (Coy, 2008, 47). This was never ruled as punishment for men in the surveyed registers. Presumably, because contrary to men, a woman's violent retribution to verbal or physical attacks on her honour dishonoured her (Pohl, 2003, 29) and consequently her family. The usual insults between women were accusations of adultery, dishonesty and theft, much like amongst men, while the one largely levelled only at women was that of witchcraft. This was dangerous and liable to backfire, so once in court, plaintiffs would be vaguer or double down on their accusations. In the surveyed registers, insults of witchcraft have only been recorded in the seventeenth century, thrice in Landskron and Velden and six times in Rothenfels (twice for men). Most were accusations of casting harmful spells on livestock, but all were settled much like other insults, with fines and sureties stipulated by the court. For instance, in

Rothenfels in 1671, Magdalena, daughter of Andrä and Elisabeth Dietmaÿr, on a public road accused Maria, wife of Georg Lähner (Länner), of being a witch and killing her family's cows. Maria retaliated by strangling Magdalena until she passed out, insulting her and her mother as witches and thieves. The altercation was part of a long family feud. Because Magdalena could not prove her accusations, the court ruled that she and her mother had to first apologise to Maria and her husband through two honourable men, followed by Maria's apology to the Dietmaÿrs. The women were ordered to keep the 'peace, safety and good neighbourliness' against a surety of 6 thalers. They were also fined, Magdalena one gulden due to her poverty and Maria one thaler for 'being her own judge' (StLA, Rothenfels, K.107/H.341, Provincial court register 1656–1688, f. 102r–103r, 5 September 1671).

Whereas insults of witchcraft, much like those of theft, were a common expression of enmity and a 'weapon of the weak', as they could result in the prosecution and execution of the accused (Carroll, 2023, 191), curses and spells were likewise a tool of retribution, although admitting so in court would have been unwise. In 1513, a robber and murderer from Upper Styria, who was likely executed soon after, also admitted that he had an 'evil envy' towards Gotthard Hackenschmid from Kindberg and not knowing how else to take vengeance had used some spell to dishonour him (StLA, Stubenberg, K.99/H.620, Admission of guilt, 1513, Monday before the Feast of Saint Elias [14 July 1513]).

Even lesser verbal affronts were far from trivial, as the assault on honour demanded reciprocation in kind or with 'interest', i.e. physical violence. Since insults often led to brawls, sometimes with grave consequences, the swift restoration of good neighbourliness was in the interest of the community and local courts of law, as well as, generally, the parties themselves. While recorded numbers are not to be seen as accurate totals, in the surveyed seventeenth- and eighteenth-century Rothenfels, Landskron and Velden registers, only 12 settlements are recorded as having been ordered by the courts for 255 brawls, because the parties were too reluctant or averse to making peace. Particularly in such cases, courts had to emphasise that apologies and concessions to erstwhile enemies were not shameful, so that the settlement would hold. In 1648, the Bled provincial court mediated between Hans Triplat and Jurij Avsenik in their 'longstanding evil unneighbourliness' (*lang geführten vblen vnnachparschafften*) that repeatedly erupted into insults and fights. As usual, the settlement included a fine for the offence, but in this case the court also stressed that this was just compensation for the legal fees that had accumulated during their enmity, not punishment or otherwise dishonourable (ARS 721, kn. 19 (1644–1651), 809–811, 31 March 1648).

Opposite to verbal abuse, not greeting one's neighbours was another expression of enmity. In 1668, in the jurisdiction of the Rothenfels provincial court, the dairy farmer Adam Ebmer ambushed Merthen Pechl on a public road and asked why he did not greet him anymore and held an enmity towards him (*nit griesse vnd feintschafft auf ihm trage*), then hit him in the teeth. The dairy farmers from different lordships, Reiffenstein and Admont, were in conflict over the use of pasture rights (StLA, Rothenfels, K.107/H.341, Provincial court register 1656–1688, f. 75r–v, 2 March

1668). In 1677, Matheus Stainer or Grueber threatened his neighbour Georg Lähner with an axe, allegedly even encouraged by his wife to throw it at him, because he would not greet him anymore, following their settlement two years prior. The threat broke the 1675 ‘peace and security’ pledged to by the two Rothenfels subjects. While that surety was set at 6 ducats, Stainer did not have to pay as he was destitute, whereas the new settlement was to be guaranteed by three ‘honourable men’ or, if none were willing, by his ‘own body and life’, to be banished if he broke the renewed peace (StLA, Rothenfels, K.107/H.341, Provincial court register 1656–1688, f. 126v–128r, 5 November 1677).

Sometimes, enemies were very reluctant to make peace, and Georg Lähner was particularly stubborn. When his neighbour Andrä Dietmaÿr, another subject of Rothenfels, was on his deathbed in late 1674, he called for Georg to apologise to him and end the years’ long enmity between the families. But Lähner, being ‘hard and unchristian’, rejected the offer and later also refused to help bury his neighbour, as was customary. He was sternly reprimanded for his behaviour by the court and fined three guldens (StLA, Rothenfels, K.107/H.341, Provincial court register 1656–1688, 115r, 3 January 1674).

Following an agreement on blood money or damages, legal expenses and sometimes atonement, settlement could take place. This was often initiated by formal public apologies (*Abbitte*) by the offending or both parties, frequently in the company or via a few ‘honourable men’, who also acted as witnesses and, likely, as mediators and guarantors. Sometimes, especially in the Landskron and Velden court registers, public apologies were specified as Christian apologies. Following apologies and consequent forgiveness, peace was solemnly sworn with a mutual renouncement of enmity and the restoration of neighbourliness, love, honour and friendship (*lieb ehr vnd freindschafft*) (AS 721, kn. 17 (1632–1636), 13 June & 15 September 1635). Although not all of these terms were always recorded, a combination thereof is always to be expected in peacemaking rites. For insults, giving the former adversary a ‘good word’ could be enough to repair their honour (e.g. KLA 22, Landskron and Velden, Provincial court register 1651–1657, f. 41r, 22 September 1651). Peace was further publicised and confirmed by court rulings, warning the parties to avoid any future harm and henceforth keep good neighbourliness, peace, quiet (tranquillity), unity (concord) and safety.

The kiss of peace, in decline since the fifteenth century (Koslofsky, 2005, 25, 33), seems to have disappeared from the three duchies by the seventeenth century, and the embrace (cf. Carroll, 2016, 128–129) is likewise mentioned nowhere in the surveyed sources. The essential gesture that underpinned the words of peace, friendship and forgiveness was the handshake as a sign of peace (*fridenzaichen*) (KLA 22, Landskron and Velden, Provincial court register 1651–1657, f. 190r, 26 February 1655). This was frequently followed by a shared drink of settlement wine (*vergleich wein*) (StLA, Rothenfels, K.108/H.343, Provincial court register 1723–1743, fol. 23r, 22 September 1731), to be paid for by the offending party. This was not for communal feasts, like the *Bierbuße* in other parts of the Empire (cf. Carroll, 2023, 243), but to be

drunk by the parties as a sign of friendship. In the Rothenfels, Landskron and Velden registers, a measure of wine is recorded to have been paid 44 times and a measure of mead four times (all in Carinthia), constituting almost a fifth of all cases. Again, these should not be seen as total figures, as in eighteenth-century Rothenfels the court for the most part only recorded the fines. Likely, mutual toasts were always present in peacemaking, at least as an extrajudicial ritual. In the late nineteenth century, the Slovene shoemaker, shopkeeper and self-taught ethnographer Gašper Križnik still recorded handshakes and mutual toasts in out-of-court settling of insults and brawls among peasants, denoted as *sovraštvo* or enmity (Polec, 1945, 47, 50), in parts of Upper Carniola.

Matrimony was regarded as the ideally ultimate guarantee for lasting peace, although there were also plenty of intra-familial enmities. In the Inner Austrian countryside, at least until the early 1700s, some marriages in Lower Styria and Carniola are attested as having been envisioned to end bitter disputes over the delineation of property, eventually aiming to unite it by wedlock. In 1705, matrimonies between Matija Predovnik and Magdalena Tončnik, from the Lower Styrian village of Braslovče, and between Jakob and Agnes Prešeren, from the Upper Carniolan parish of Radovljica, were probably orchestrated by their parents, whereas in the Lower Styrian market-town of Gornji Grad in 1709, it was the prospective newlyweds Andrej Maranšek and Marija Avguštin who were hoping that their marriage would end the dispute between their families (Kos, 2015, 160–161). It remains unknown if wedlock could still be part of homicide settlements in rural early modern Inner Austria, although there are echoes thereof in a few folk songs (Štrekelj, 1980, 213–215; cf. Oman, 2021, 193).

Concurrent to restitutions to the offended party, the courts stipulated fines for offences and sureties for keeping settlements. Sums depended on the gravity of the offence and on the offending party's assets. In the sixteenth century, fines were generally still kept low to facilitate settlement, even in cases of unpremeditated homicide. The Carniolan Provincial Court Ordinance of 1535 stipulated the sum of 60 pennies, roughly the price of a pair of boots or ten chickens (Koropec, 1972, 109), to be paid by those who killed in self-defence in order to make peace with the court (LGK, 1535, 12). In some parts of Inner Austria, subjects held their own court or *Taiding*, at least until the late sixteenth century; for instance, in Kleinsölk in Upper Styria, a free valley or *Freithal* in an area largely supposed to be allodial property of the Styrian Provincial Estates. Its *Weistum* stipulated that when an enmity (*feintschaft*) arose between neighbours, with or without justifiable cause, the bailiff (*ambtman*) and four peasant trustees (*verordnten*) first had to try their best to amicably settle the dispute (*güetlich zu vergleichen*). Should both or one party resist this, the matter could be taken to court, but the bailiff had to be compensated with a pound of pennies (one gulden). Then, one party or both had to call on the peasants' court within three times fourteen days (three court days) and present the matter there. The bailiff and the lordship (the Estates) also had to be paid 30 guldens before the court convened. Both parties were then allowed to employ such lawyers as 'they could find or afford' (Bischoff & Schönbach, 1881, 7, 12). Whereas the court path at the time retained

‘subsidiarity’ to custom in Kleinsölk, elsewhere peacemaking came under the supervision of provincial courts, as Tišal’s killers were reprimanded in Bled in 1637. Settling without notifying the court, or without its assent, usually resulted in fines. This was not simply out of avarice, as was the common lament of lawyers trained in Roman law. For instance, the authors of the Bamberg penal code of 1507 complained that judges were only after fines instead of working towards ‘general peace and the common good’ (CCB, 1507, §272), but it was actually the continued use of traditional settlement by the courts that helped them maintain both (cf. Povolo, 2015, 219–221), as was the case in Inner Austria, likely until the late eighteenth century, when they lost their autonomy. Settling in court was also beneficial to the parties, as it could be enforced, which also furthered the courts’ role in dispute settlement.

As in towns, keeping in mind the few surviving criminal records, the judiciary’s main form of control over rural enmities seem to have been sureties, envisioned to ‘firmly keep the peace’ (KLA 22, Landskron and Velden, Provincial court register 1752–1766, 312–313, 14 November 1757), which included involving guarantors from the parties’ networks of relatives and friends to help safeguard settlements. In the sixteenth century, sureties were sometimes very low. Market-town privileges of the Lower Styrian Šentjur pri Celju from 1538 stipulated a fine of 70 pennies to be paid to the market-town judge for breaking peace settlements ordered by the court and an unspecified, and likely higher, sum to the town’s lord, the Bishop of Gurk from Carinthia (Mell & Müller, 1913, 257). By the seventeenth century, the amounts rose and could be substantial, especially for homicide, grave wounds and dangerous insults. In two cases of insults of witchcraft in 1664, the Rothenfels court stipulated sureties of 6 and 12 gold ducats or 18 and 36 guldens (StLA, Rothenfels, K.107/H.341, Provincial court register 1656–1688, 56r–58v, 12 January & 11 July 1664), which are significant, but dwarfed by a case from Bled. In 1656, Jurij and Marina Kozel settled with Katarina and Marina Vidmar, because the mother and daughter accused Jurij’s wife of being a thief and a witch, whereupon he incriminated the accusers for theft and libel. While the settlement’s other provisions are unknown, the court stipulated a surety of 200 gold ducats, with another 5 to be paid to the offended party if the accusations were renewed (ARS 721, kn. 21 (1655–1662), 8 April, 1656). The enormous amount clearly shows that the court preferred to keep the peace and social order instead of upsetting it with a witch trial.

For settling brawls in the Rothenfels registers, the average recorded surety in the seventeenth century was 9.9 guldens, while no surety was recorded in 44 of the 83 cases. This rate was even lower in the first half of the eighteenth century, when a surety was recorded in only 18 of the 95 cases, so the average surety of 11.4 guldens might be misleading. For comparison, in 1678, in settling a brawl between two smiths from competing hammer mills, Mathias Sadlhacker and the Oberwölz burgher Martin Langauer, the surety was set at 30 thalers or 45 guldens (StLA, Rothenfels, Provincial court register 1656–1688, f. 130r–v, [after 25 July] 1678). Among local peasants, this was topped by the surety of 75 guldens for settling a brawl between Oswald Zechner and Mathias Pez in 1739, which was just the latest of the ‘many worrying

violent acts' between them (StLA, Rothenfels, Provincial court register 1723–1743, f. 46v, 17 December 1739). The court already had to intervene in another of Pez's enmities in 1722, when he and his neighbour Georg Schäffer fell out over their pigs, likely their grazing. To prevent anything 'more serious and worse' from arising from their 'quarrel and hot-headedness' (*hüzigkheiten*), the court ordered them to shake hands and forever forget about the matter. Peace lasted for a fortnight and this time the surety was heavy: whoever renewed the 'discord' would lose his farm (StLA, Rothenfels, Provincial court register 1706–1723, f. 70v, 72r, 14 November 1722 & 27 February 1723). Apparently this worked, as no new altercations between the two were recorded. There were also shameful 'sureties'. Spending time in the shrew's fiddle in public if they broke the peace was stipulated for the wives of Blasi Leýt gamb and Georg Schloÿer in 1721, after settling a brawl in the families' long-standing enmity. For the men, the surety (*sichere darobhaltung*) was set at 6 thalers (StLA, Rothenfels, Provincial court register 1706–1723, f. 58v–59r, 5 March 1721).

Sureties were recorded more diligently in the court of Landskron and Velden. In the mid-1600s, 37 of the 53 cases record a surety, twice only as oaths to keep the peace and once with jail time for breaking the settlement. The other 34 cases give an average surety of 11.2 guildens. By the mid-1700s, this dropped to 13 recorded sureties out of 24 settlements, with the average surety of 12.7 guildens. But this is misleadingly high, as in 1756, a surety of 24 ducats or 72 guildens was stipulated in settling Karl Schwinger's and Christian Bauer's beating of Thomas Lassnig (KLA 22, Landskron and Velden, Provincial court register 1752–1766, 198–199, 21 June 1756), so excluding this one instance the average recorded surety was only 7.8 guildens. This case also included atonement: Schwinger had to pay three ducats in damages to Lassnig for beating him up, which Lassnig had to immediately hand over to the Church of St Nicholas in Villach (KLA 22, Landskron and Velden, Provincial court register 1752–1766, 198–199, 21 June 1756); perhaps because he was regarded as the initiator of the brawl and keeping the money himself would look unjust. A century earlier, the highest surety was 15 thalers or 22.5 guildens in settling Lippitsch's attack on Kaufman. Also of note is the surety stipulated in settling the beating that Anna Rägger took from Lorenz Schwinger's wife in 1655. If they broke the peace, the 'hot-headed' *Schwingerin* was to pay 10 thalers, while Anna was to be jailed for 8 days (KLA 22, Landskron and Velden, Provincial court register 1651–1657, f. 191r–v, 4 March 1655), which as a fine equalled 4 thalers (KLA 22, Landskron and Velden, Provincial court register 1651–1657, f. 109r–v, 26 February 1653).

The average surety for settling brawls as rather quotidian expressions of enmity, was generally low enough for peasants to be able to raise the cash, especially with kin and friends pitching in. However, they were still high enough that people could not disregard them completely, even when they could have managed the sum by themselves. This was especially true since settling a broken peace would entail higher sureties, including with property and life, which meant banishment from the estate or province if they were broken again. The low number of broken settlements suggests that the system generally worked.

In the Rothenfels, Landskron and Velden registers, surety was nearly always recorded as *pöen* or penalty for breaking the settlement, with the exceptions of the abovementioned Styrian case from 1721 and another from Carinthia in 1654. In the latter, after Steffen Kölbinger threw a rock at Georg from Sattendorf/Sedlo and went on publicly that one of them should die, Georg requested that the court have Steffen provide settlement and *porgschafft*, surety; for them to keep the ‘quiet and peace’ the court set it at 6 thalers. They were also to be fined if they failed to notify the court of any breach of settlement within eight days (KLA 22, Landskron and Velden, Provincial court register 1651–1657, f. 162r–164v, 15 August 1654). The terms *caution* and *pürgschafft* were sometimes used in Bled, for instance in settling Jakopič’s death threats. Both terms are also used in a document related to Khözl’s stabbing of Maria Rankhl. He was ordered by the Rothenfels court to *de non amplius offendendo* and provide an appropriate living surety (*lebendige porgschafft*), i.e. a guarantor, or *cautionem juratorium*, if no one was willing, so that his neighbours would be safe from ‘murder and arson’ (StLA, Rothenfels, K.117/H.364, The administrator of the Lordship of Rothenfels to Baron Hans Sigmund Pranckh, 30 September 1669, Burg Rothenfels). As noted, Khözl had to set his life as surety and was banished for breaking the peace.

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Apart from wordings such as the ‘evil unneighbourliness’ in Bled, the vocabulary of peasant enmities differed little from those of townspeople. In the Styrian registers, enmity is recorded six times, whereas more emotionally-charged words are predominantly used by litigants or recorded by the court: anger or *zorn* and hot-headedness or *hizigkheit* are given nine times each, followed by discord or *vneinigkheit* with eight mentions. Other cognates for enmity are recorded once: revenge or *rach*, grudge or *grollen*, suspicion or *argwon*, bitterness (*verpittert*), hardness (*harth*), even contempt or *verachtung*. To the contrary, enmity was not directly recorded in the Carinthian registers, wherein the most common analogues used are *zorn* with five mentions and *hizigkheit* and *vneinigkheit* with three mentions each, followed by ill will (twice *widerwillen*, once *vnnwillen*), grudge and envy or *neid*. In the eighteenth century, in both courts, the most common words for a state of enmity were discord with seven mentions and anger with five mentions, but also enmity (in Rothenfels) and hot-headedness with three each. The quotidian word for quarrel, or *handel*, was also commonly used by all classes in the territory.

The use of emotionally-charged cognates for enmity is unsurprising, since the language of enmity and peacemaking, including gestures as nonverbal communication, was inseparable from their emotional dimension. However, the meaning of some emotions changed over time, notably anger. In the Middle Ages, *ira* generally signified a state of mutual enmity (Bossy, 1985, 35–36), rather than the capital sin, which was generally understood as uncontrolled wrath. The dichotomy between blind rage due to injustice and just anger or *ira justa* as an emotionally balanced expression of

grievances was known since at least the antiquity (Dixon, 2020). In mediaeval and early modern Europe, honourable men had to respond to affronts, but their emotions and actions, including violence, had to remain balanced. This separated them from young men and women, supposedly subject to unbridled passions. Since their anger and enmity had to serve justice, honourable men had to remain level-headed, always prepared to settle. But to achieve the desired effect, their anger had to be convincing, even when formalised (cf. Miller, 2012). During the early modern period, in part due to the changing attitude of central authorities and intellectuals towards feud (Broggio, 2015, 47–50), justifying violence with anger slowly changed from claiming just anger as a reasonable defence of one's honour to mitigating one's actions based on a sudden bout of rage or a temporary loss of sense. Success in the very least resulted in a lighter sentence, especially if the defendant was otherwise known as honourable (cf. Pohl-Zucker, 2018). Conversely, the emotional dimension of peacemaking was less prone to change, as it communicated expressions of humility and affection, especially with gestures and words of friendship, forgiveness, good neighbourliness, peace,³⁴ concord and love.

Because the rites, words and emotions of feud and peace were known to everyone involved, it allowed them room to manoeuvre and historians to read between the silences and holes in narration. Recently, it has been propounded by Robert Kaster (2005, 10) that

when we understand the basic structures of thought and behavior that converge on a given emotion-term, and [...] how those structures are related both to each other and to the structures associated with other terms, we can claim with greater confidence to understand [...] scenes built upon the same structures, even when they happen to be devoid of emotion-talk.

The key to reading emotions in enmities is understanding their 'structure', namely the rites and language of feud and peace. But understanding this 'structure' goes both ways: it not only allows historians to read hidden emotions, but also enables us to see past emotionally-charged terms, when they communicate a state of social relations rather than unrestrained feeling.

CONCLUSIONS

Despite entrenched notions of the demise of feuding in the Inner Austrian duchies of Styria, Carniola and Carinthia soon after the Habsburgs' consolidation of power in the territory in the mid-1400s and the Imperial ban on feud in 1495, the disap-

34 *Sühne*, the 'mediaeval' customary and legal term for settlement, concord and peace is only echoed once in the surveyed Styrian and Carinthian registers as a verb denoting settlement (*versöhnet*), much like in modern German, in 1729 Rothenfels (StLA, Rothenfels, Provincial court register 1723–1743, f. 18v, 1 October 1721).

pearance of the practice among all classes was a drawn-out process, which was not completed before the eighteenth century. While the word *Fehde* fell out of vogue in the sixteenth century, noble feuds did not vanish with the disappearance of the 'knightly feud', but were transformed from warlike combat into a combination of litigation and carefully calibrated small-scale violence, which could be both construed as reasonable and leave open the potential for an out-of-court settlement, whereas duels became a new important avenue for redressing injuries among the elite. The rites of feuding, however, largely persevered, centred in the concept of enmity or *Feindschaft*, expressing the same state of social relations. Violence and litigation likewise long remained correlated means of pursuing one's enemies among Inner Austrian urbanites and peasants, with violent retribution for affronts having broad legitimacy. Women of all social classes were also involved in family feuds or carried out enmities among each other, sometimes using physical violence, but largely verbal attacks. Among peasants, even in cases of homicide, extra-curial settlements with blood money persisted into the eighteenth century, much to the chagrin of the central authorities, but insults and brawls were the dominant expressions of their and townspeople's enmities. However, this picture might be distorted due to the lack of surviving records of major crimes, and the levels of graver violence indeed might have been higher. Nevertheless, even if the lack of such sources precludes putting together a complete picture of the attitude towards enmity and violence in early modern Inner Austria, surveyed records, especially town and provincial court registers, offer important insight into understanding plebeian social relations more broadly and, in particular, the manner in which everyday enmities that undermined the ideals of good neighbourliness were mediated by local secular authorities. While physical violence from brawls to arson and killings, remained a present threat in plebeian enmities, it continued to be largely dealt with by traditional rites of dispute settlement, with community mediation, apologies, forgiveness and compensation payments for affronts. Atonement by paying for masses for homicide victims also persevered at least until the mid-seventeenth century, while monasteries continued to provide asylum to (elite) perpetrators until the early eighteenth century. Customary peacemaking was integrated into court proceedings and instrumentally underpinned by local courts of law, which regarded it as an indispensable element of social cohesion and peace; at least as long as they maintained control over settlements, largely through sureties, with corporal punishment, death sentences and banishment generally reserved for recidivists or the gravest breaches of social order. Until the local law courts lost the remaining vestiges of their autonomy during Emperor Joseph II's judicial reforms in the 1780s, this system is unlikely to have changed much in the Inner Austrian duchies. In parts of the countryside, in the extrajudicial settling of insults and brawls, still denoted as enmities, some key peacemaking rites survived well into the late nineteenth century.

SOVRAŽNOST PO FAJDI: NASILJE IN NJEGOV NADZOR V NOTRANJJI AVSTRIJI, 1500–1750

Žiga OMAN

Inštitut IRRIS za raziskave, razvoj in strategije družbe, kulture in okolja

Čentur 1f, 6273 Marezige, Slovenija

e-mail: ziga.oman@irris.eu

POVZETEK

Osredotočen na neplemiško prebivalstvo vojvodin Štajerske, Kranjske in Koroške članek obravnava reševanje sporov po habsburški konsolidaciji oblasti v Notranji Avstriji sredi 15. stoletja in cesarski prepovedi fajde leta 1495. Kljub ukoreninjenim predstavam, da je temu že v 16. stoletju sledilo izginotje maščevanja iz notranje-avstrijskih vojvodin, razprava pokaže, da je bil zaton te prakse med vsemi sloji dolgotrajen proces, ki se ni končal pred 18. stoletjem. Beseda Fehde je prišla iz mode v 16. stoletju, vendar fajde plemstva niso izginile z izumrtjem »viteške fajde«, ampak so se iz vojaškim podobnih spopadov spremenile v kombinacijo pravdanja in natančno odmerjenega nasilja manjšega obsega, ki ga je bilo mogoče zagovarjati kot razumno in je dopuščalo možnost izvensodne poravnave; obenem so med elito dvoboji postali nova možnost za poplačilo krivic. Kljub tem spremembam je obredje maščevanja večidel preživelo, osredotočeno v konceptu sovražnosti ali Feindschaft, ki je izražal enak družbeni odnos. Nasilje in pravdanje sta prav tako dolgo ostala soodvisna načina soočanja s svojimi sovražniki med nižjimi sloji Notranje Avstrije, pri čemer je nasilno povračilo imelo široko legitimnost. Tudi ženske vseh stanov so sodelovale v meddružinskih sporih ali vodile sovražnosti med seboj, včasih s fizičnim nasiljem, večinoma pa z verbalnimi napadi. Med kmeti so se, na nejevoljo osrednjih oblasti, v 18. stoletje obdržale celo izvensodne poravnave ubojev s plačilom krvnine, a so bili pretepi in žalitve glavni izraz njihovih sovražnosti, enako kot tistih med prebivalci mest. Vendar je ta podoba morda izkrivljena zaradi pomanjkanja virov o težjih kaznivih dejanjih in je stopnja hujšega nasilja mogoče bila višja. Čeprav pomanjkanje tovrstnih virov onemogoča celovit vpogled v odnos do sovražnosti in nasilja v zgodnje novoveški Notranji Avstriji, nudijo zlasti protokoli mestnih in deželskih sodišč pomemben uvid v razumevanje širših družbenih odnosov med neplemiškim prebivalstvom ter v načine, s katerimi so lokalne posvetne oblasti posredovale v vsakdanjih sovražnostih, ki so spodkopavale ideale dobrega sosetstva. Fizično nasilje od pretepih do požigov in ubojev je še naprej grozilo v sovražnostih nižjih slojev, a so se z njim pretežno uspešno spoprijemali s tradicionalnim obredjem reševanja sporov: z mediacijo skupnosti, opravičilom in odpuščanjem ter odškodnino za žalitve in škodo. Tudi pokora s plačilom mašč za žrtve ubojev se je obdržala vsaj v sredini 17. stoletja, Cerkev in samostani pa so do zgodnjega 18. stoletja nudili tudi azil storilcem (iz vrst elite). Pomiritve po običaju so bile integrirane v sodne postopke in, kar je bilo ključno, podprte s strani lokalnih sodišč, ki so jih hkrati pojmovali kot nepogrešljive za vzdrževanje družbene kohezije in miru; vsaj dokler

so ohranila nadzor nad poravnavami, zlasti skozi jamstva, medtem ko so telesne kazni in smrtna kazen ter izgon bili praviloma pridržani za povratnike oziroma najtežje kršitve družbenega reda. Ta sistem se v notranjeavstrijskih vojvodinah najbrž ni kaj dosti spremenil, dokler lokalna sodišča niso izgubila zadnjih ostankov svoje avtonomije med jožefinskimi reformami v poznem 18. stoletju. Ponekod na podeželju se je del pomiritvenega obredja v izvensodnem reševanju žalitev in pretepov, ki so bili še vedno označeni kot sovraštvo, obdržal globoko v pozno 19. stoletje.

Ključne besede: fajda, sovražnost, nasilje, pomiritev, reševanje sporov, kmetje, meščani, sodišča, pravna kultura, Notranja Avstrija, Štajerska, Kranjska, Koroška, zgodnji novi vek

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