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WHEN PEACE IS NOT ENOUGH. MARCO MICHIEL AND THE COUNCIL OF TEN IN EARLY SIXTEENTH-CENTURY VENICE: SHIFTING JUDICIAL PARADIGMS AND NOBLE VIOLENCE

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ABSTRACT

The homicide of Vincenzo Molin by Marco Michiel in early 1518 fits into the framework of feuds and enmities between Venetian noble families that broke out in the first half of the sixteenth century. But these events overlapped with greater political and judicial changes, which involved the Council of Ten taking action against elite violence with unprecedented intensity. The result of this intersection is an episode with various outstanding features, in particular, the early questioning of the juridical-cultural relevance of peace-making as essential to ensure the end of judicial exile.

Keywords: violence, early modern Venice, peace-making, history of criminal justice, Venetian nobility, Council of Ten

QUANDO LA PACE NON È SUFFICIENTE. MARCO MICHIEL E IL CONSIGLIO DEI DIECI NELLA VENEZIA DI INIZIO CINQUECENTO: PARADIGMI GIUDIZIARI IN CAMBIAMENTO E VIOLENZA NOBILIARE

SINTESI

L'omicidio di Vincenzo Molin da parte di Marco Michiel si inserisce nel quadro delle faide e delle inimicizie tra famiglie nobili veneziane scoppiate nella prima metà del XVI secolo. Ma questi eventi si sovrapposero a cambiamenti politici e giudiziari più ampi, che videro il Consiglio dei Dieci intervenire contro la violenza delle élite con un'intensità senza precedenti. Il risultato di questo intersecarsi è un episodio che presenta diversi tratti distintivi, in particolare la prima messa in discussione della rilevanza giuridico-culturale della pacificazione come elemento essenziale per garantire la fine dell'esilio giudiziario.

Parole chiave: Venezia in età moderna, pacificazione, storia della giustizia criminale, patriziato veneziano, Consiglio dei Dieci

INTRODUCTION: AN EXCEPTIONAL FORGIVENESS¹

In the 1780 reprint of the “Dizionario Storico-Portatile di tutte le Venete Patrizie Famiglie”, the Molin family’s origin was not indicated, but the moral greatness of its members was indisputable: a clear example of this virtue was given by “ser Luigi Procurator”, whose “son had been killed by ser Marco Michiel, and not only did he not rail against him, but with greatness of mind, he instructed another son of his, ser Marco, to pardon him and ensure his freedom” (Bettinelli, 1780, 109–110). The memory of the death of Vincenzo di Alvise Molin, which caused a great stir at the time, surpassed the centuries and is summed up in these few sentences. However, the undisputed protagonist of this episode of noble violence was undoubtedly Marco of Alvise Michiel, despite Alvise Molin’s resounding act of forgiveness that earned him mention and citation as an example to follow.

Before going into the details of the story, it is preliminary to contextualise the story of Marco Michiel, which unfolds between the 1510s and 1540s. These roughly four decades opened with the very serious political and military crisis that followed the Venetian military defeat in 1509 against the League of Cambrai, which resulted in the loss of most of the Venetian mainland, recovered only in 1517 (Cozzi & Knapton, 1986, 89–93; Cozzi, et al., 1992, 9–16). The early 1510s were extremely complicated for Venice and its ruling class, which at certain moments understood that the very existence of Venice was in danger. In the same years there were also a series of rebellions and factional clashes in some Dalmatian towns, which Venice struggled to repress precisely because it was busy fighting the Italian and European powers in its own backyard (O’Connell, 2009, 142–149).

This political crisis caused severe socio-political stress and lethal violence within the Venetian patriciate spiked in the mid to late 1510s and early 1520s, while in the first decade of the century there had been no murders among Venetian patricians. Losing control of a large part of Italian territories implied the loss of a large number of political offices in state administration, leading to the depletion of material and immaterial resources for the Venetian patriciate. Material resources such as the salaries paid to low and middle-ranking noblemen to occupy minor roles in the state administration, salaries that were necessary for those families’ survival, and immaterial resources such as the prestige and honour arising from the more important administrative roles, which were not paid, and therefore sought after by the patricians belonging to the most important Venetian families.²

The Venetian troops’ entry into Verona in January 1517 marked the almost complete fulfilment of the rebuilding of the Mainland state. But the balance had

1 This research was financially supported by the European Union’s Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No. 101023687 *ViolenceControl - Violence and its Control in Early Modern Venice*. This research was originally carried out at the University of York, Department of History. The author would also like to thank the reviewers for their valuable feedback.

2 On the relationships between political offices and the Venetian patriciate’s inner social structure Finlay, 1980; Chojnacki, 2000.

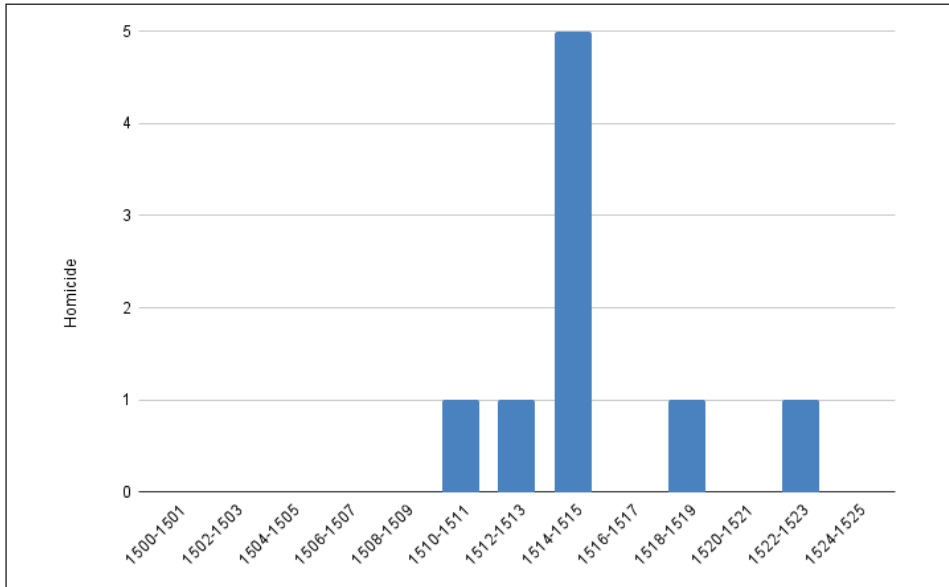


Fig. 1. Venetian patricians killed by their peers (*Diari*, 3–40; *ASVE-AV*, 3659–3665; *ASVE-CDMR*, 28–30; *ASVE-CDCR*, 1–3).

now been broken, and not only within the Venetian patriciate. As a consequence of the League of Cambrai, for instance, Venetian foreign policy changed profoundly, turning to cautiousness and neutrality wherever possible (Cozzi, 1994, 4). But the outcome that matters most is the crisis due to the reduction of available resources. This unleashed, regardless of the individual triggers, an internal conflict in the Venetian nobility, which resulted in 8 murders of Venetian nobles by their peers between 1510 and 1519, with a peak of 5 murders between 1514 and 1515.³ In this framework, Marco Michiel’s violent retaliation against the Molin family took place in 1518.

Before delving into the details, it is also necessary to quickly introduce the protagonists of this paper, the Michiel and Molin noble families, and how they fitted into the Venetian nobility. Between June and July 1501, the Venetian government acknowledged the virtues of Alvise Michiel, Marco’s father, because he was cruelly cut to pieces by the Ottomans while helping to defend the Greek city of Modon, leaving five children in great misery (*ASVE-SMR*, 14, 29v). To guarantee their sustenance, the Senate assigned the son and wife of the dead gentleman the *castellania* of Mestre for fifteen years and a dowry of one thousand ducats for Alvise’s daughter for her marriage or three hundred if she decided to enter a convent. This premise clarifies

3 On the relationship between environment and violence Rose, 2019, 156–180.

the difficulty that Marco Michiel's family, part of the San Geminiano branch, faced at the beginning of the sixteenth century (Barbaro, 21, 97). On the other side is a parental group that experienced remarkable political fortune: both Alvise and Marco, members of the Molin d'Oro branch, achieved the prestigious title of Procuratore di San Marco (Barbaro, 21, 235–236).⁴

This case study fits into a recent reassessment of noble violence committed by members of the Venetian ruling class, which is increasingly being framed in terms of feuds and enmities. Many scholars have previously held that vendetta was not a shared practice among Venetian patricians, implicitly setting the lagoon nobility apart from the rest of the pre-modern elite from an anthropological point of view. According to such views, it was the Venetian institutions that brought about this socio-cultural hiatus, as they had unparalleled success in reducing internal political violence by implementing a system of distribution of offices and privileges. The qualitative leap is marked – according to this thesis – by the transformation that took place between the thirteenth and fourteenth centuries.

Not only political changes contributed to this outcome but also psychological ones; these favoured the principle of the common good over private interests and the building of a broad political consensus, putting an end to internal conflicts. This was also achieved through a bitter fight against factionalism and the different weight given, by the courts, to those forms of insult that could trigger a violent reaction (Muir, 1993, 50–53). The peculiarity of the Venetian patriciate, who allegedly did not share the tenets of honour, has been emphasised again more recently (Muir, 2013, 492).

In contrast, Claudio Povolo investigated and reported on cases of violent clashes between Venetian noble families involving, for instance, the Trevisan, Bon, Valier, and Calergi (Povolo, 2018; 2020). These feuds took place between the late sixteenth and early seventeenth century, at a time when the relationship between legal institutions and the patterns of violence was being reshaped, especially in the Venetian Republic (Povolo, 2015). The dispute that opposed Michiel and Molin unfolded, however, between the early and mid-sixteenth century. The political and legal context surrounding this enmity was quite different from that of the turn of the century. Future research will then have to bridge these two periods, as well as expand research to other ones, for instance the mid-seventeenth century or the second half of the fifteenth century, after the resolution of the Foscari affair.

THE FIRST CONVICTION

The nobleman from ca' Michiel appears in the trial records of the Council of Ten in February 1516 due to his strong feelings, deemed immoral, which turned into violent retaliation. The Ten summoned him to defend himself against the charges of threatening and assaulting a young man with weapons with the purpose

4 According to the writer, the title of Procuratore was, in a sense, handed down from father to son. On this prestigious title, second only to the one of Doge, Chambers, 1997; Metlica, 2021.

of sodomizing him (ASVE-CDCR, 2, 162r; ASVE-CDP, 1, 141). Marin Sanudo's diaries provide a better picture of what happened: Marco Michiel cut off Giovanni Malipiero's robe in Santa Maria Formosa square for reasons of love and jealousy towards Domenico Molin of Alvise (Diari, 21, 514). Despite Marco Michiel's wicked intentions, it should be noted that no blood was spilled, and no actual act of sexual violence took place.

This aggression against Giovanni Malipiero is described by Marin Sanudo as a manifestation of jealousy by Marco Michiel. This feeling embodied the expression of male competition on the level of sexual honour and took part in building ideas of masculinity, and affected family life (Breitenberg, 1993; Barclay, 2017, 218–219). At the same time, this emotion is often used to negatively characterise the 'Muslim Other' in early modern European literature (Calefas-Strebelle, 2017, 302). The quintessentially jealous Moor is, not surprisingly, Othello, anxious over Desdemona's fidelity (Olson, 2015).

In Marco Michiel's case, however, such jealousy could not be socially accepted as it was tainted by its overlapping with the crime of attempted sodomy. Historians of emotions showed how negative feelings such as anger, jealousy, and violence were part of homoerotic relations and not just heterosexuals (Grossi, 2021, 139) and we can arguably frame the aggression towards Malipiero in this sense, even if it did not lead to an actual sodomitic act. Nevertheless, it is also important to not underestimate the implications of this assault in terms of humiliation and shame at being associated with sodomy.

As in the rest of Renaissance Europe, sodomy carried a strong clout not only in social and judicial terms but also political: the prejudices associated with this immoral sexual conduct affected reputation, and this also applied to Venetian society and the class at its top, the patriciate. Even when Venice was renowned for its toleration and libertinism, charges of sodomy could ruin the political aspirations of noblemen belonging to even the most important and prestigious families. This is what happened to Alvise V Sebastiano Mocenigo, a candidate to become Doge in 1789. But he had to renounce because of the accusations of infamy against him, linked to a previous prison sentence for sodomy (Scaramella, 2021).

At any rate, Marco Michiel did not show up and was sentenced in contumacy to fifteen years' banishment from Venice and the lagoon area, the Dogado, while a milder sentence of six years' exile was rejected (ASVE-CDCR, 2, 163v). This first conviction brings forth the institutional protagonist of the Michiel-Molino affair, namely the Council of Ten. This court had significant political power, which increased progressively towards the end of the fifteenth century and took a further leap during the first half of the sixteenth century, as a consequence of the political and military crisis affecting Venice (Conzato, 2008; 2011). Its criminal justice jurisdiction also expanded considerably in the first decades of the sixteenth century.

Initially, when the Ten were established at the beginning of the fourteenth century, it had criminal jurisdiction in cases where the very life of the Venetian Commune and then Republic was at risk, as in the case of the Bajamonte Tiepolo

and Doge Falier conspiracies, events that marked the birth and definitive affirmation of this court inside the lagoon (Ruggiero, 1997, 399–402). The Ten had a peculiar trial ritual, which guaranteed no lawyer for the defendant and almost no room for legal defence (Andreato, 2007; Girardello, 2007). The sentences imposed by this court were then among the most severe and not open to appeal. As we shall see at the end of Marco Michiel's story, the Council of Ten began to interfere in the management of enmities between Venetian noble families.

But the fact that it was the Council of Ten that dealt with Marco Michiel's attack on Giovanni Malipiero is actually not unexpected. The Ten had already extended their jurisdiction over cases of sodomy for some time (Ruggiero, 1985, 109–145) and since Marco's attack was aimed at this, at least according to the judicial account of the events, it is not surprising that the Ten claimed jurisdiction over it. The punishment was significant, as it mirrored the punitive justice approach of the Council of Ten, but it was also proportionate to the social alarm sparked by a crime that, at that time, would certainly have led to a death sentence had it been fully perpetrated. Marco Michiel should have stayed away from Venice for a long time to avoid worsening an already compromised condition.

However, he tried to exploit the precarious political and financial situation of the Republic to seek a pardon, just as many other patricians did during those years of the Italian Wars.⁵ In early December 1516, the Ten replied to Marco's request to be acquitted from his long exile and to be allowed to return home. Marco Michiel offered a 200 ducats loan, also as a symbol of the same loyalty to the Republic shown by his father so many years before. In return, he asked for absolution "with the peace and consent" of the offended party (ASVE-CDMF, 38, 186). But he was denied absolution.

The good intentions to reconcile with Giovanni Malipiero were not enough to secure his freedom, nor was the sum proposed, which might have been considered too low. Other hypotheses to consider are that too little time had passed since the conviction and the possible objections not so much from the Malipiero family but more from the family members of Domenico Molin, Marco Michiel's beloved. As we are about to see, not all patricians belonging to the Molin d'Oro branch wished for Marco Michiel's absolution. As a consequence, Domenico Molin became the target of Marco's retaliation, which took place in late January 1518, changing this affair from a question of unrequited attraction to a violent dispute between noble families.

VIOLENCE OUT OF PROPORTION AND UNCONVENTIONAL SUMMONS

Marin Sanudo describes how, disguised with a mask, Marco Michiel ambushed Domenico Molin and his cousin Vincenzo Molin, son of Alvise *Procuratore*, near the church of San Zulian, wounding both, but putting Vincenzo's life at risk (Diari,

5 Some examples of negotiation between the Council of Ten and Venetian nobles living in both Venice and Crete in Vidali, 2020.

25, 217). Girolamo Molin, Domenico's brother, who was also present, managed to escape. A fight with some servants from ca' Molino ensued, but the masked person defended himself with great skill and managed to escape. A convulsive manhunt followed and, while the search continued, the Council of Ten announced that "for the atrocity of the premeditated and abhorrent crime committed today", of which "by very clear evidence it is understood that the perpetrator was Marco Michiel of the late Alvise of the late Maffio", a three thousand *lira* bounty was issued as well as harsh punishments for those who would have sheltered or helped him in any way (ASVE-CDCR, 2, 212v). Impunity would have been granted to whomever had killed Marco Michiel in the manhunt.

Marin Sanudo offers further insights that do not transpire from official sources and confirm some assumptions made earlier. In particular, he offered two possible explanations shared by the Venetian public for this aggression: firstly, Vincenzo Molin had urged his father Alvise, the powerful Procurator of St Mark, to have Michiel outlawed as a consequence of the first attack on Giovanni Malipiero, as in fact happened; secondly, Marco Michiel wanted revenge on Alvise Molin because the latter had promised to help the former get absolution by lending him money to offer to the Venetian Signoria, but he did not keep his word (Diari, 25, 219).

In light of the diarist's interpretation of events, it is possible to reconsider the earlier rejected pardon request. Alvise Molin had failed to give his financial and, consequently, political aid to Marco Michiel. The fact that Alvise Molin had in any case entered into negotiations with Marco and probably his relatives was an important sign, although they failed. This was perhaps because the family itself was not united and not everyone shared Alvise's intention to settle the quarrel with the Michiel family: evidence of this is the conduct of Vincenzo Molino, Alvise's son and cousin of Domenico, who had instead put pressure on his father and probably opposed Marco Michiel's absolution.

A few days later, as he was the main suspect in the malicious assault on Domenico and Vincenzo Molin, Marco Michiel was summoned to defend himself against the charges and, as he had already been banished from Venice and Dogado, he was granted safe-conduct to appear (ASVE-CDCR, 2, 212v; ASVE-CDP, 1, 185). Meanwhile, the hunt continued, while Vincenzo Molin died. The diarist's pages express in a very accurate manner the sense of the shock caused by Marco Michiel's revenge and the unease pervading the city (Diari, 25, 230–231). To grasp the distress felt within the patrician class, one must bear in mind that Michiel's retaliation was carried out in a way that exceeded the threshold of tolerance that noble violence enjoyed.

The attack was considered heinous because it took place while the nobleman was already serving a harsh sentence for another serious crime and because of the circumstances: the disguise and the ambush left no doubt as to premeditation and, in fact, the gravity of the episode was expressed in the severity of the sentence. The sentence in absentia at the beginning of February 1518 involved a lifetime exile not only from Venice, but also from all Venetian territories on both land and sea, and from all ships

flying the Venetian flag. If captured, the patrician would have been led by horsetail from Santa Croce to San Zulian, the place of the ambush, where his right hand would have been chopped off, to be then led between the two columns at St Mark's Square. Here he would be “descopato”, that is, killed with a strong blow to the nape, then quartered, and his body parts hung on the gallows (ASVE-CDCR, 2, 213r).⁶

Marin Sanudo's diaries show that the nobleman managed to escape and take refuge outside the Serenissima, as his presence is attested in Bologna in the second half of the 1520s (Diari, 40, 726). For more news on the gentleman, we must wait until 1529, when Venice attempted to seize the Apulian ports again (Cozzi, et al., 1992, 12–14). On this occasion, the military skills of the exiled patrician earned him the esteem and support of several people at the top of the military hierarchies, both foreign and Venetian.

At the nobleman's request, these figures pleaded with the Signoria, listing Marco Michiel's merits and valour shown in battle, to grant him a safe-conduct. His numerous deeds for the benefit of the Venetian state were attested in the letters of the late Odet de Foix, Vicomte de Lautrec,⁷ and of lord Camillo Orsini as well as some other Venetian noblemen, who recalled the death of Marco's father at the Ottoman siege of Modon (ASVE-CDCF, 6, 1529 Die 10 Augusti in Consilio X, with attachments).

Despite the high-ranking support that the banned patrician could display, the decision of the Ten to confront the relatives of the dead before making any decisions was much more significant:

Summoned to the presence of the Most Excellent Lords Heads of the Most Illustrious Council of Ten, the noble men, Ser Marco da Molin Procurator of the late Ser Nicolo and Ser Andrea da Molin of the late Ser Marin, and asked if they had made peace and forgiven all wrongdoing by the noble man Ser Marco Michiel. They replied that they have, and they will be very pleased if he is granted what he asked for, and so it has been noted by order and commandment of the most excellent Lord Heads (ASVE-CDCF, 6, 1529 Die 10 Augusti in Consilio X, first attachment).

The father of the murdered and the brother of the wounded man had given their approval to Marco Michiel's request for a five-year safe-conduct to live anywhere in the dominion, with the notable exception of Venice and the Dogado. The reason for summoning the members of the Molin family is probably to be found in the fact that peace, although achieved, had not been formalised in a notarial deed, but it remains unclear why Marco Michiel did not specify this in his supplication. Perhaps the influential recommendations played a role in this. Nevertheless, the pardon was granted at the end of September.

6 On quartering in Venice as part of the capital punishment ritual, Ruggiero, 1994.

7 On him, Woodcock, 2015.

It is worth noting that when assessing this first supplication, the crime committed in 1516, i.e., the assault to sodomise Giovanni Malipiero, was completely set aside in light of the homicide of Vincenzo Molin and the wounding of Domenico Molin. During this first negotiation between the Ten and Marco Michiel the 15-year sentence issued in 1516 was still in place, however, it was not taken into account at all. Not only that, the Malipiero themselves had not been considered in either Marco Michiel's pardon requests or by the Council of Ten, which summoned only the Molin family members. This disregard for the very first sentence against Marco Michiel can be seen as proof that the case had taken on a different significance after the ambush and that the resulting feud had encompassed the armed aggression on Malipiero.

Two years later, in 1531, further evidence of the Venetian gentleman's bravery accompanied a new petition asking for a much longer safe-conduct, one that would last for the rest of Marco Michiel's life. The arguments largely followed those already advanced two years earlier, with minor differences (ASVE-CDCF, 7, 1531 die 4 Septembris, with attachments). The Heads of the Council of Ten again summoned some Molino family members but on this occasion in place of Alvise, who had in the meanwhile passed away, his son Marco was called.

Marco had become Procurator of St Mark in place of his late father. In addition to him, Andrea of Marino came again to confirm the reconciliation between the family groups. Following on from 1529, the two noblemen declared their consent to granting the pardon (ASVE-CDCF, 7, 1531 die 4 Septembris, first attachment). The new petition, granted in mid-September 1531, kept the ban on the entire lagoon territory, from Grado to Cavarzere, as had already been put forward two years earlier.

FATHERLY MEMORIES

Marco Michiel finally attempted to exploit the next politically difficult moment for the Republic, that is, the conflict at the end of the 1530s with the Ottomans (Cozzi, 1994, 33–34), to secure the lifting of the remaining ban from Venice and Dogado, at a time when the criteria for a pardon had been softened.⁸ An initial offer of three hundred ducats, voted at the end of October 1539, did not obtain enough votes to be approved (ASVE-CDCO, 13, 95v). At the end of September 1540, however, a further request for absolution was rejected. On this last occasion, the court read the letters attesting to his merits and the statement by Marco Molin, Procurator (ASVE-CDCR, 5, 168r).

After recalling the pardon already granted to him in 1531, Marco Michiel declared that he continued to serve the Venetian Signoria, as he had been sent by the Senate to the custody of Zadar in 1537 (ASVE-CDCF, 9, 1540 Die 22 Septembris in Consilio X, with attachments). The nobleman had in fact been chosen by ballot,

8 Cf. some measures taken by the Council of Ten in ASVE-CDCO, 12, 197v, 212v–213r, 224r–v; ASVE-CDCO, 13, 5v, 22v, 26 r, 44 v, 50 v, 54r, 98 r.

along with nine other patricians, to go and defend the city and territory of Zadar, and each of them was entrusted with the command of a group of soldiers (ASVE-SMR, 24, 137v–138r, 140v–141r). His military actions were praised by the commander, Camillo Orsini, and by the Venetian nobleman Giovanni Vitturi, captain-general in the Adriatic Sea, both of whom already recommended Marco Michiel in the 1529 and 1531 pleas (ASVE-CDCF, 9, 1540 Die 22 Septembris in Consilio X, second and third attachments).

Marco Michiel believed he had earned a full release after more than twenty years of exile from his homeland and he also offered 150 ducats as a gift. The parallels with the previous pardon requests don't stop there: on this occasion too, the family members of the victims of Marco Michiel's vengeance were heard by the Ten before voting. Marco Molin expressed again his consent to any pardon that the Ten would agree to Marco Michiel. In particular, Marco Molin said that this is what his late father wanted and even wrote so in his last will (ASVE-CDCF, 9, 1540 Die 22 Septembris in Consilio X, first attachment).

Marco of Alvise Molin approved once again Marco Michiel's pardon, who had killed his brother Vincenzo and wounded his cousin Domenico. Above all, he declared his intention to follow the pledge left to him in his father's will. Between 1515 and 1522, Alvise di Nicolò Molin had changed his last will several times, reflecting the vast fortunes his family had at its disposal (ASVE-NT, 208, 11r–14v). The first amendment occurred in March 1518 because an unforeseen event had recently occurred, the death of his son Vincenzo. Alvise wanted to make explicit how his son died and what his last wish was, promptly emulated by the testator:

Having seemed to God to call to Himself my dearest and most beloved son Vincenzo, not from natural death but from a violent one, for he, most innocent, had been horribly killed without cause by one Marcho Michiel, a facinorous man of ill fortune, to whom the poor man granted forgiveness and I too have done the same, whose death has taken away all my good and hope (ASVE-NT, 208, 11v–12r).

Alvise's last will calls into question the complex relationship between memory, conflict, and forgiveness.⁹ The memory of violence feeds on the word, either orally or in written form, as is evident with regard to the recollection of the bloody events of the 1511 Friulan revolt (Casella, 2008). It was not only through words that the memory of family feuds was passed on: stone was just as effective. In sixteenth-century France, small monuments, burial chapels, crosses and more were built at the expense of the murderers to commemorate their victims (Carroll, 2003, 108–109).

We cannot know why a full acquittal was not granted to Marco Michiel, despite the new services valiantly rendered to the Republic and attested to by those

9 On this topic, De Vincentiis, 2004; 2009.

we can consider to be Michiel's greatest sponsors, namely Camillo Orsini and Giovanni Vitturi. Perhaps the Ten believed that a 150-ducat gift was insufficient to replenish the state's coffers after the war effort, which in any case ended in 1540; perhaps the Molin family informally opposed the return of the nobleman to Venice, although on paper they said to hold no grudge against him. There is a chance that the concession of peace was in fact apparent, even though we must factor the forgiveness expressed by the victim's father in his last will and that the Molin family members could have deliberately said that they did not want Marco Michiel to be pardoned. After all, the Ten were well-known for the secrecy of their work and decisions (Conzato, 2008).

Another possible explanation why the Venetian patrician failed to be completely acquitted is that Marco Michiel's return to Venice would have caused embarrassment for the family of the victim, something that the Ten wanted to avoid. However, other similarly severe murder cases ended with the killer returning to the lagoon: in March 1535, the nobleman Lorenzo of Girolamo Bembo got killed in a fashion deemed atrocious. The case was taken up by the Ten who identified the culprit in another patrician, Zaccaria of Marco Gabriel, who was sentenced within the end of the year to a fifteen-year confinement in Koper/Capodistria (ASVE-CDRC, 5, 51v, 52v–53v, 70v).

Only four years later, in 1539, Marco Gabriel succeeded, albeit laboriously, in negotiating the complete release of his son without peace having been achieved as he sought instead to buy his son's freedom with a substantial pecuniary offer (ASVE-CDRC, 13, 18r, 20r, 22v). So being fully acquitted from heinous murder was possible even without reconciliation between the parties. This should make us wonder even more why one year later, in 1540, the Ten did not fully pardon Marco Michiel once again.

CONCLUSION

As the nobleman probably lost hope of obtaining full absolution, Marco Michiel at least attempted to once again play the card of his father's actions to secure the financial benefits he had lost when he was first outlawed. At the end of July 1546, the Ten voted on the nobleman's petition to recover the *castellania* of Mestre for three regiments, so that he could support himself financially. In fact, Marco, who had done much for the benefit of the Republic, was the only one left of Alvise Michiel's sons, and his mother was also now deceased. The Council, however, was split in half and the plea was not granted (ASVE-CDRC, 17, 163r).

Regardless of the conclusion of Marco Michiel's events, what is important is the contribution this story makes to the relations between enmities among Venetian noble families and the criminal justice system during the turbulent period of the Italian Wars. It is indeed not improper to frame the events outlined as a feud between Venetian patrician households, and this can be inferred by the stress placed on reconciliation by both Marco Michiel and the Council of Ten: despite

the Venetian nobleman did not include information about any attempts to broker peace with the Molin d'Oro family, in his first pardon request he admitted – albeit indirectly – that he harmed Giovanni Malipiero's honour with his shameful deeds. Hence Marco Michiel's self-imposed condition to get absolution only with their peace and consent. A similar emphasis can be trace in the Ten's summons of the Molin family members to certify that no hatred and enmity existed between the Michiel and Molin.

The perseverance with which the Ten refused to allow him to rejoin the patrician community has the character of uniqueness, even though the crime he had committed was tremendous and the sentence inflicted was just as heavy. Waiving a sentence of banishment but keeping the interdiction from the territory where the crime had taken place and the victim's relatives lived was an accommodation between the absence of peace among the parties and the pressure to absolve a convicted for different reasons – political, financial, or otherwise. This compromise had, in fact, been employed by the Council of Ten in relation to other areas of the Venetian Republic, particularly in early sixteenth-century Crete (Vidali, 2020, 46–47). In general, forbidding the offender not to reside where the crime had taken place reflected the logic of driving the offender away to ease a truce and, eventually, reconciliation. This is the rationale that shaped the customary features of outlawry (Smail, 2003, 172–173).

However, this requirement was evidently redundant in the case of Marco Michiel, given the repeated confirmation by members of the Molin family that they granted pardon and reconciled with him. So why was peace not enough to let the Venetian nobleman make his return to the lagoon? If even the goodwill of the victim's relatives was not sufficient, then these events can be framed as an early sign of a process that was still in its early stages; a shift that would lead, in the long run, to the socio-cultural and juridical de-legitimation of vengeance and enmity. This is not to say that peace ceased to play a fundamental role in the criminal justice systems of sixteenth and seventeenth-century Italian states. There is evidence to the contrary.¹⁰

Altogether, the most recent historical research proved how the problem of aristocratic violence ultimately declined significantly in central and northern Italy in the first half of the eighteenth century, including the Republic of Venice. Political, social, and cultural changes contributed to their definitive disqualification, as well as that of the associated “scienza cavalleresca” (Carroll, 2023, 137–140). Peace either within or outside the trial did not disappear, but other logics guided eighteenth-century Italian justice (Bellabarba, 2008, 159–178). The case of Marco Michiel should then be understood as one of the first seeds of a process not necessarily deliberate in the first decades of the sixteenth century, which would only take a more mature form in the following centuries.

10 An example in Edigati, 2008.

KO MIR NI DOVOLJ. MARCO MICHIEL IN SVET DESETIH V BENETKAH NA ZAČETKU 16. STOLETJA: SPREMINJANJE SODNIH PARADIGEM IN PLEMIŠKO NASILJE

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POVZETEK

Uboj Vincenza Molina, ki ga je januarja 1518 zagrešil Marco Michiel, sodi v okvir fajn in sovražnosti med beneškimi plemiškimi družinami, ki so izbruh-nile v prvi polovici 16. stoletja. Vendar se je to v danem primeru zgodilo na način, zaradi katerega je bilo nasilje v očeh beneške družbe in njenih institucij nesprejemljivo: iz zasede, ko je bil plemič že izobčen. Kljub temu so sorodniki žrtve z Marcom Michielom sklenili mir in podprli njegove prošnje, da se vrne v domovino. Toda ti dogodki so se prekrivali z večjimi političnimi in sodnimi spremembami, v okviru katerih je Svet desetih z neprimerljivo večjo intenzivno-stjo ukrepal proti nasilju elit. Rezultat tega presečišča je epizoda z različnimi izjemnimi značilnostmi. Svet desetih je patricija strogo kaznoval, vendar to ni bila neka izjema. Nenavadno je bilo to, da je sodišče le delno sprejelo prošnje izgnanega patricija in mu nikoli ni dovolilo vrnitve v Benetke, temveč mu je dovolilo, da živi na drugih ozemljih republike. To se je zgodilo kljub sklenitvi miru. Z navzkrižnim pregledom sodnih odločb, prošenj in sodobnih dnevnikov ta članek sestavlja celovito sliko dogodkov Marca Michiela v širšem političnem in sodnem kontekstu. Epizoda je nato oblikovana kot zgodnje preizpraševanje pravno-kulturnega pomena sklepanja miru kot bistvenega za zagotavljanje koristi reševanja sporov, zlasti konca sodnega izгона.

Ključne besede: nasilje, zgodnje novoveške Benetke, sklepanje miru, zgodovina kazenskega prava, beneško plemstvo, Svet desetih

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- ASVE-CDCF** – Archivio di Stato di Venezia, Consiglio dei Dieci, Deliberazioni, Criminali, Filze.
- ASVE-CDMR** – Archivio di Stato di Venezia, Consiglio dei Dieci, Deliberazioni, Miste, Registri.
- ASVE-CDMF** – Archivio di Stato di Venezia, Consiglio dei Dieci, Deliberazioni, Miste, Filze.
- ASVE-CDCO** – Archivio di Stato di Venezia, Consiglio dei Dieci, Deliberazioni, Comuni, Registri.
- ASVE-CDP** – Archivio di Stato di Venezia, Consiglio dei Dieci, Proclami.
- ASVE-SMR** – Archivio di Stato di Venezia, Senato, Deliberazioni, Mar, Registri.
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