Bibliographical essay

The following bibliographical essay is a far more comprehensive listing of scholarship on early modern violence than was possible in the print version of *Violence in Early Modern Europe*. Space constraints confined the published bibliography to a limited number of works, almost all of them in English. This listing presents scholarship – in English and a number of other European languages – that is pertinent to the historical study of violence.

Introduction

As we saw in the text of this chapter, historians and sociologists have long sought the causes of behavioral changes among early modern Europeans. Max Weber was a pioneer in this search, as he was in so much else in modern social thought. He warned of the disciplining process imposed on individuals by the growing power of the modern state as well as by the power of other institutions such as the army and by growing modern industries. The result, he alleged, would be an "iron cage" for the individual, a phrase he used in *The Protestant Ethic and the Spirit of Capitalism*, trans. by Talcott Parsons (London: Allen and Unwin, 1948).

Scholars who followed in Weber's footsteps concurred with his assertion that a process of social discipline resulted from new power dynamics emerging in the early modern period. This was certainly the message of the philosopher Michel Foucault in his works *Madness and Civilization: A History of Insanity in the Age of Reason*, trans. by Richard Howard (New York: Pantheon Books, 1965); *The Birth of the Clinic: An Archaeology of Medical Perception*, trans. by A. M. Sheridan Smith (New York: Pantheon Books, 1973); and *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (New York: Vintage Books, 1979). In these books Foucault connected basic changes in mentality with developments in punishments and the enforcement of social norms resulting from the rise of the bourgeois-capitalist state. The state, in Foucault's view, practiced an increasingly subtle repression of the individual designed to modify

behavior – a repression epitomized by the "great confinement" of social deviants in asylums, hospitals, workhouses, and prisons.

Other scholars, many with far more formal historical training than Foucault, also identified increasing disciplining of the individual with growing early modern state power. The German historian Gerhard Oestreich described a process of "social disciplining" by the institutions of the early modern state that he described in a number of works: *Neostoicism and the Early Modern State*, ed. by Brigitta Oestreich and H. G. Koenigsberger, trans. by David McLintock (Cambridge: Cambridge University Press, 1982); "Policey und Prudentia civilis in der barocken Gesellschaft Von Stadt und Staat" in his *Strukturprobleme der frühen Neuzeit: ausgewählte Aüfsätze* (Berlin: Duncker und Humblot, 1980), pp. 367–79; and "Strukturprobleme des europäischen Absolutismus," *Vierteljahreschrift für Wirtschafts- und Sozialgeschichte* 55 (1968), pp. 329–47.

Norbert Elias was one of the first scholars to move beyond simply linking behavioral change to the growing normative power of the early modern state. He described a "civilizing process" in which increasing numbers of people in western Europe internalized social restraints aimed especially at containing violence. His key works, which drew little scholarly attention when published originally in 1939 on the eve of World War II, are now tremendously influential. They are *The Civilizing Process*, trans. by Edmond Jephcott, vol. 1, *The History of Manners* and vol. 2, *Power and Civility* (New York: Pantheon Books, 1978–82).

The work of Elias has influenced much modern scholarship, including that of Pieter Spierenburg on crime and punishment, which we will chart in later sections of this bibliography, and the works of Robert Muchembled: *L'invention de l'homme moderne: sensibilités, moeurs et comportements collectives sous l'Ancien Régime* (Paris: Fayard, 1988) and *La société policée: politique et politesse en France du XVIIᵉ siècle au XXᵉ siècle* (Paris: Editions du Seuil, 1998).

A good summary of the work of Elias, Foucault, and Oestreich is Norbert Finzsch, "Elias, Foucault, Oestreich: On a Historical Theory of Confinement" in Norbert Finzsch and Robert Jütte (eds.), *Institutions of Confinement: Hospitals, Asylums, and Prisons in Western Europe and North America, 1500–1900* (Cambridge: Cambridge University Press and the German Historical Institute, 1996). The work of all of these scholars has elicited criticism, and Elias has perhaps received more than his fair share. Hans Peter Duerr, an ethnologist, has criticized the very foundation of Elias's work in his massive *Der Mythos von Zivilisationsprozess*, 4 vols. (Frankfurt am Main: Suhrkamp 1988–97), which denies the sense of shame that Elias saw increasingly serving to repress violence is natural to

humans and is not culturally bred as Elias alleged. Other critics include R. J. Robinson, "'The Civilizing Process': Some Remarks on Elias's Social History," *Sociology* 21 (1987), pp. 1–17, and Robert Van Krieken, "Violence, Self-Discipline and Modernity: Beyond the Civilizing Process," *Sociological Review* 37 (1989), pp. 193–218.

Other historians have traced behavioral change to the effects of the Protestant and Catholic Reformations, identifying what they have called a process of "confessionalization" in which Catholic and Protestant church establishments enforced improved behavioral standards in the later sixteenth and seventeenth centuries. Some of the first modern work in this direction was done by Wolfgang Reinhard in *Bekenntnis und Geschichte: die Confessio Augustana im historischen Zusammenhang* (Munich: Vögel, 1981) and Heinz Schilling, *Konfessionskonflikt und Staatsbildung: eine Fallstudie über das Verhältnis von religiösem und sozialem Wandel in der Frühneuzeit am Beispiel der Grafschaft Lippe* (Gütersloh: Gütersloher Verlagshaus Mohn, 1981). Ronnie Po-chia Hsia's *Social Discipline and the Reformation: Central Europe, 1550–1750* (New York: Routledge, 1989) is a fundamental treatment of confessionalization.

Yet other scholars have found different causes for behavioral changes in this period. Hugues Lagrange, *La civilité à l'épreuve: crime et sentiment d'insécurité* (Paris: Presses universitaires de France, 1995) saw a secularization of western European insecurity accompanying the diminution of superstition in the early modern period that gave greater priority to individual security and thus served to increase society's condemnation of violence. Paolo Prodi (ed.), *Disciplina dell'anima, disciplina del corpo e disciplina della società tra medioevo ed età moderna* (Bologna: Mulino, 1994) provides a more eclectic body of scholarship. And several English historians have studied the campaigns for better manners in the eighteenth century, including Martin Ingram, "Reformation of Manners in Early Modern England" in Paul Griffiths, Adrian Fox, and Steve Hindle (eds.), *The Experience of Authority in Early Modern England* (New York: St. Martin's Press, 1992), pp. 47–88, and Robert B. Shoemaker, "Reforming the City: The Reformation of Manners Campaign in London, 1690–1738" in Lee Davison *et al.* (eds.), *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689–1750* (Stroud: Alan Sutton, 1992), pp. 99–120.

Chapter 1   Representations of crime

An extraordinarily large number of works treat the issues introduced in this chapter. A good, brief introduction to the whole problem of early modern literacy, with an examination of oral culture, is contained in R. A.

Houston, *Literacy in Early Modern Europe: Culture and Education, 1500–1800* (London and New York: Longman, 1988). Also treating issues relating to unwritten culture are several of the essays in Peter Burke, *The Historical Anthropology of Early Modern Italy: Essays on Perception and Communication* (Cambridge: Cambridge University Press, 1987) and in Peter Burke and Roy Porter (eds.), *Essays in the Social History of Language* (Cambridge: Cambridge University Press, 1987). Similarly useful is Henri-Jean Martin, "Culture écrite et culture orale, culture savante et culture populaire dans la France d'Ancien Régime," *Journal des savantes* (1975), pp. 225–82.

Oral transmission of news and images of violence affected both perceptions of violence and events in our period. The classic study of rural riot due to rumors is Georges Lefebvre, *The Great Fear of 1789*, trans. by Joan White (New York: Pantheon Books, 1973). Also key on the role of orally transmitted information and its role in public-order problems like rioting and creating a general sense of insecurity is the work of Arlette Farge, "L'insécurité à Paris: un thème familier au XVIIIe siècle," *Temps libre* 10 (1984), pp. 35–43, and, with Jacques Revel, *The Rules of rebellion: Child Abduction in Paris in 1750*, trans. by Claudia Miéville (Cambridge: Polity Press, 1991). Traditional images of violence and violent entertainments are the subjects of James B. Twitchell, *Preposterous Violence: Fables of Aggression in Modern Culture* (Oxford: Oxford University Press, 1989), especially pp. 48–89.

Popular-print culture is accessible in a number of works. Broadsheets and the range of subjects they covered may be explored in David Kunzle, *The Early Comic Strip: Narrative Strips and Picture Stories in the European Broadsheet, c. 1450–1825* (Berkeley and Los Angeles: University of California Press, 1973); Walter Strauss (ed.), *The German Single-Leaf Woodcut, 1500–1600: A Pictorial Catalogue*, 3 vols. (New York: Abaris Books, 1975); and Dorothy Alexander and Walter Strauss (eds.), *The German Single-Leaf Woodcut, 1600–1700: A Pictorial Catalogue*, 2 vols. (New York: Abaris Books, 1977). English prints relating to crime and justice may be examined in James A. Sharpe, *Crime and Law in English Satirical Prints, 1600–1832* (Cambridge: Chadwyck-Healey, 1986).

Suggestive of the range of pamphlets and small books in French is a comprehensive catalog of the *Bibliothèque bleue*, Alfred Morin, *Catalogue descriptif de la Bibliothèque bleue de Troyes (Almanachs exclus)* (Geneva: Droz, 1975). There are a number of fundamental studies of books and pamphlets, their readers, and circulation within various early modern states. The popular-print culture of the Dutch Republic may be sampled in A. T. Van Deursen, *Plain Lives in a Golden Age: Popular Culture, Religion and Society in Seventeenth-Century Holland*, trans. by Maarten Ultee

(Cambridge: Cambridge University Press, 1991). On England see Bernard Capp, "Popular Literature" in Barry Reay (ed.), *Popular Culture in Seventeenth-Century England* (London: Croom Helm, 1985), pp. 198–243, and Margaret Spufford, *Small Books and Pleasant Histories: Popular Fiction and Its Readership in Seventeenth-Century England* (Cambridge: Cambridge University Press, 1985). On France the work of Roger Chartier is fundamental, especially *The Cultural Uses of Print in Early Modern France* trans. by Lydia G. Cochrane (Princeton: Princeton University Press, 1987) and a work edited jointly with Hans-Jürgen Lüsebrink, *Colportage et lecture populaire: imprimés de large circulation en Europe, XVIe–XIXe siècles* (Paris: IMEC Editions and Editions de la Maison des Sciences de l'Homme, 1996). On Spain there is E. Larriba, *Le public et la presse en Espagne à la fin du XVIIIe siècle (1781–1808)* (Paris: H. Champion, 1998) and Joaquin Marco, *Literatura popular en España en los siglos XVIII y XIX (una aproximación a los pliegos de cordel)*, 2 vols. (Madrid: Taurus Ediciones, 1977). Works on the peddlers who distributed much of this literature include Jean-François Botrel, "Les aveugles colporteurs d'imprimés en Espagne," *Mélanges de la Casa de Velazquez* 9 (1973), pp. 417–82, and 10 (1974), pp. 233–71, and Laurence Fontaine, *History of Pedlars in Europe,* trans. by Vicki Whittaker (Durham: Duke University Press, 1996).

Crime and violence in popular literature are accessible in two ways. First, there are a number of modern published collections of popular works on these themes, including Roger Chartier (ed.), *Figures de la gueuserie* (Paris: Editions Montalba, 1982); Arthur V. Judges (ed.), *The Elizabethan Underworld* (New York: E. P. Dutton, 1930); Andrew Knapp and William Baldwin (eds.), *The Complete Newgate Calendar*, 5 vols. (1824–28; reprinted, London: the Navarre Society, 1926); Hans-Jürgen Lüsebrink (ed.), *Histoires curieuses et véritables de Cartouche et de Mandrin* (Paris: Editions Montalba, 1984); Joseph H. Marshburn and Alan R. Velie (eds.), *Blood and Knavery: A Collection of English Renaissance Pamphlets and Ballads of Crime and Sin* (Rutherford, Madison, and Teaneck: Fairleigh Dickinson University Press, 1973); and Gamini Salgado (ed.), *Cony-Catchers and Bawdy Baskets* (Harmondsworth: Penguin Books, 1972).

Second, there are a number of critical studies of the popular literature of crime and violence, including: Ian A. Bell, *Literature and Crime in Augustan England* (London and New York: Routledge, 1991); Florike Egmond, "The Noble and Ignoble Bandit: Changing Literary Representations of West European Robbers," *Ethnologia Europaea* 17 (1987), pp. 139–56; Lincoln B. Faller, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England* (Cambridge: Cambridge University Press, 1987);

Hans-Jürgen Lüsebrink, *Kriminalität und Literatur im Frankreich des 18. Jahrhunderts. Literarische Formen, soziale Funktionen und Wissenkonstituenten von Kriminalitätsdarstellung im Zeitalter des Aufklärung* (Munich and Vienna: R. Oldenburg Verlag, 1983) and "Judicial Norms and their Radical Inversion: Symbolic Reversals of Legal Discourse in the Literature and Social Imagination of Late Eighteenth-Century France," *Studies in Eighteenth-Century Culture* 18 (1988), pp. 141–51; Philip Rawlings, *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century* (London and New York: Routledge, 1992); and Joy Wiltenburg, *Disorderly Women and Female Power in the Street Literature of Early Modern England and Germany* (Charlottesville: University Press of Virginia, 1992).

Procedural and legal developments in eighteenth-century England and France as well as popular reaction to crime and violence may be followed in several chapters in Davison *et al.*, *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689–1750*. See also Nicole Castan, *Justice et répression en Languedoc à l'époque des Lumières* (Paris: Flammarion, 1980); Peter King, "Newspaper Reporting, Prosecution Practice and Perceptions of Urban Crime: the Colchester Crime Wave of 1765," *Continuity and Change* 2 (1987), pp. 423–54 and "Punishing Assault: The Transformation of Attitudes in the English Courts," *Journal of Interdisciplinary History* 27 (1996), pp. 43–74; Peter Linebaugh, "The Tyburn Riot Against the Surgeons" in Douglas Hay *et al.*, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (New York: Pantheon Books, 1975), pp. 65–119; Steven G. Reinhardt, *Justice in the Sarladais* (Baton Rouge: Louisiana State University Press, 1991); and Kirilka Stravreva, "Scaffolds into Prints: Executing the Insubordinate Wife in the Ballad Trade of Early Modern England," *Journal of Popular Culture* 31 (1997), pp. 177–88.

Chapter 2   States, arms, and armies

There exist a number of works on the development of state power and the control of violence, including Christopher Dandeker, *Surveillance, Power and Modernity: Bureaucracy and Discipline to the Present Day* (Cambridge: Polity Press, 1990); Anthony Giddens, *A Contemporary Critique of Historical Materialism*, vol. 2, *The Nation-State and Violence* (Berkeley and Los Angeles: University of California Press, 1985); Michael Mann, *The Sources of Social Power*, vol. 2, *The Rise of Classes and the Nation-State, 1760–1914* (Cambridge: Cambridge University Press, 1993); Janice E. Thompson, *Mercenaries, Pirates, and Sovereigns: State-Building in Early Modern Europe* (Princeton: Princeton University Press, 1994); and

several works by Charles Tilly, including *Coercion, Capital, and European States, A.D. 990–1990* (Cambridge: Basil Blackwell, 1990) and *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975).

The issue of arms in the hands of private individuals factors in almost all historical study of violence in the early modern period. On the ways in which arms of all sorts found employment, see Sydney Anglo, *The Martial Arts of Renaissance Europe* (New Haven: Yale University Press, 2000). On the availability of artillery, see M. S. Anderson, *War and Society in Europe of the Old Regime, 1618–1789* (London: Fontana Press, 1988). There are also studies of the presence of arms in various states. On the Dutch Republic A. T. Van Deursen offers an interesting discussion of Dutch knife fighting in *Plain Lives in a Golden Age: Popular Culture, Religion and Society in Seventeenth-Century Holland*. On weapons in England the fundamental work is Joyce Lee Malcolm, *To Keep and Bear Arms: The Origins of an Anglo-American Right* (Cambridge, MA: Harvard University Press, 1994), while Lawrence Stone, *The Crisis of the Aristocracy, 1558–1641* (Oxford: Oxford University Press, 1965) assesses the problem of livery and maintenance within the larger perspective of English history. For France's problems with private arms, see Yves-Marie Bercé, *History of Peasant Revolts: The Social Roots of Rebellion in Early Modern France*, trans. by Amanda Whitmore (Ithaca: Cornell University Press, 1990); Philippe Contamine, "L'armement des populations urbaines à la fin du Moyen Age: l'exemple de Troyes (1474)" in Philippe Contamine and Olivier Guyotjeannin (eds.), *La guerre, la violence et les gens au Moyen Age*, vol.2, *Guerre et gens* [*Actes du 119ᵉ congrès national des sociétés savantes. Section d'histoire médiévale et de philologie*] (Paris: Editions du Comité des Travaux historiques et scientifiques, 1996), pp. 59–72; and Julius R. Ruff, *Crime, Justice and Public Order in Old Regime France: The Sénéchaussées of Libourne and Bazas, 1696–1789*, especially pp. 146–47. The problem of arms in Italy may be followed in the works of John K. Brackett, *Criminal Justice and Crime in Late Renaissance Florence, 1537–1609* (Cambridge: Cambridge University Press, 1992); Gaetano Cozzi (ed.), *Stato, società e giustizia nella repubblica Veneta (sec. XV–XVIII)* 2 vols. (Rome: Jouvence, 1980); Luciano Allegra, "Stato e monopolio del controllo sociale: il caso del Piemonte" in Allesandro Pastore and Paolo Sorcinelli (eds.), *Emarginazione, criminalità e devianza in Italia fra '600 e '900. Problemi e indicazioni di ricera* (Milan: Franco Angeli, 1990); and Frank McArdle, *Altopascio: A Study in Tuscan Rural Society, 1587–1784* (Cambridge: Cambridge University Press, 1978). For arms in Spain, see Henry Kamen, "Public Authority and Popular Cime: Banditry in Valencia, 1660–1714," *Journal of European Economic History* 3 (1974), pp. 654–87

and Mary Elizabeth Perry, *Crime and Society in Early Modern Seville* (Hanover, NH: University Press of New England, 1980).

The nobility in our period wielded a great deal of power that today is the possession of the centralized nation state. The problem of this non-state violence, whether in feuds to settle scores or in other forms, has been studied very extensively in German-speaking areas. Still fundamental is a work originally published in 1939, Otto Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. by Howard Kaminsky and James van Horn Melton (Philadelphia: University of Pennsylvania Press, 1992). A modern reassessment of noble military power and its use in feuds is Hillay Zmora, *Feuding and Lordship in Early Modern Germany: The Knightly Feud in Franconia, 1450–1567* (Cambridge: Cambridge University Press, 1998).

The late sixteenth century and the seventeenth century produced developments in tactics and firepower, strategy, military organization, and the sheer scale of warfare that, in the opinion of a number of historians, constituted a "military revolution" that had extraordinarily wide implications for government. Indeed, some historians aver that military developments called into being the modern bureaucratic state to meet armies' needs. The seminal essay by Michael Roberts, "The Military Revolution" in his *Essays in Swedish History* (Minneapolis: University of Minnesota Press, 1967) initiated the debate on this subject, to which Geoffrey Parker, *The Military Revolution: Military Revolution and the Rise of the West, 1500–1800*, 2nd ed. (Cambridge: Cambridge University Press, 1996) is a key addition. Excellent overviews of early modern armies may be found in the work of M. S. Anderson cited above; J. R. Hale, *War and Society in Renaissance Europe, 1450–1620* (New York: St. Martin's Press, 1985); and Frank Tallett, *War and Society in Early-Modern Europe, 1495–1715* (London and New York: Routledge, 1992). The siege warfare that so dominated the age's military campaigns is examined in Christopher Duffy, *Siege Warfare: The Fortress in the Early Modern World, 1494–1660* (London and New York: Routledge, 1979), while John Lynne, "The *trace italienne* and the Growth of Armies: The French Case," *The Journal of Military History* 55 (1995), pp. 297–330, examines the consequences of new fortification techniques on military practice.

The problems raised by mercenary armies are the subject of several excellent works, including Fritz Redlich, *The German Military Enterpriser and His Work Force. A Study in European Economic and Social History*, 2 vols. (Wiesbaden: Franz Steiner Verlag, 1964–65) and Michael E. Mallett, *Mercenaries and their Masters in Renaissance Italy* (Totowa, NJ: Rowman and Littlefield, 1974). General problems of military administration, including finance, recruiting, and supply, may be explored in André

Corvisier, *L'armée française de la fin du XVIIᵉ siècle au ministère de Choiseul. Le soldat*, 2 vols. (Paris: Presses universitaires de France, 1964); Michael E. Mallett and J. R. Hale, *The Military Organization of a Renaissance State: Venice, c. 1400 to 1617* (Cambridge: Cambridge University Press, 1984); Geoffrey Parker, *The Army of Flanders and the Spanish Road, 1567–1659: The Logistics of Spanish Victory and Defeat in the Low Countries' Wars* (Cambridge: Cambridge University Press, 1972); and I. A. A. Thompson, *War and Government in Habsburg Spain, 1560–1620* (London: University of London Athlone Press, 1976).

Military-civilian relations may be followed in a number of excellent studies, including Peter Burschel, *Söldner im Nordwestdeutschland des 16. und 17. Jahrhunderts. Sozialgeschichtliche Studien* (Göttingen: Vandenhoeck and Ruprecht, 1994); Jean Chagniot, *Paris et l'armée au XVIIIᵉ siècle. Etude politique et sociale* (Paris: Editions Economica, 1985); and John Lynne, "How War Fed War: The Tax of Violence and Contributions during the *Grand Siècle*," *Journal of Modern History* 65 (1993), pp. 286–310. The problem of military looting is the subject of Fritz Redlich, *De Praeda Militari: Looting and Booty, 1500–1815* (Wiesbaden: Franz Steiner Verlag, 1956). And a good synopsis of an eighteenth-century German mutiny may be found in Peter H. Wilson, "Violence and Rejection of Authority in Eighteenth-Century Germany: The Case of the Swabian Mutinies of 1757," *German History* 12 (1994), pp. 1–26.

The loss of civilian lives in early modern conflicts must begin with the historical debate on the Thirty Years' War in Germany. General orientation on that debate is available in Theodore K. Rabb, "The Effects of the Thirty Years' War on the German Economy," *Journal of Modern History* 34 (1962), pp. 40–51, and Sheilagh C. Ogilvie, "Historiographical Review: Germany and the Seventeenth-Century Crisis," *The Historical Journal* 35 (1992), pp. 417–41. A national picture of population losses, based on vast secondary research, is Günther Franz, *Der Dreißigjährige Krieg und das deutsche Volk: Untersuchungen zur Bevölkerungs- und Agrargeschichte*, 4th ed. (Stuttgart: Gustav Fischer Verlag, 1979). Several excellent English-language studies address the uneven local impact of the war, including C. R. Friedrichs, *Urban Society in an Age of War: Nördlingen, 1580–1720* (Princeton: Princeton University Press, 1970); Thomas Robisheaux, *Rural Society and the Search for Order in Early Modern Germany* (Cambridge: Cambridge University Press, 1989) on the County of Hohenlohe; and John C. Thiebault, *German Villages in Crisis: Rural Life in Hesse-Kassel and the Thirty Years' War, 1580–1720* (Atlantic Highlands, NJ: Humanities Press International, 1995).

The Low Countries also suffered gravely from war, and its economic and demographic impact in the principality of Liège is the subject of an

excellent study by Myron P. Gutmann, *War and Rural Life in the Early Modern Low Countries* (Princeton: Princeton University Press, 1980). See also A. T. Van Deursen, "Holland's Experience of War during the Revolt of the Netherlands" in A. C. Duke and C. A. Tamse (eds.), *Britain and the Netherlands*, vol. VI, *War and Society* (The Hague: Martinius Nijhoff, 1977), pp. 19–53. The artistic repercussions of military violence on the Netherlands' civilians is accessible in Jane Susanna Fishman, "'Boerenverdriet': Violence between Peasants and Soldiers in the Art of the Sixteenth- and Seventeenth-Century Netherlands" (Ph.D. dissertation, University of California, Berkeley; UMI Dissertation Services, 1979). For soldiers' violence in France, see Patrick Landier, "Etude quantitative d'une année de violences, en France, pendant la guerre de Trente Ans," *Histoire, économie et société* 2 (1982), pp. 187–212.

Historical studies of early modern peasant rebellions and riots are treated in Chapter Seven. Works specifically addressing the use of military force to counter these events include Charles Tilly, "War Making and State Making as Organized Crime" in Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (eds.), *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985). English historians have looked at military interventions in crowd actions, notable studies being Anthony Babington, *Military Intervention in Britain: From the Gordon Riots to the Gibraltar Incident* (London: Routledge, 1990) and Clive Emsley, "The Military and Popular Disorder in England, 1790–1801," *Journal of the Society for Army Historical Research* 61 (1983), pp. 10–21, 96–112.

Chapter 3   Justice

The development of formal criminal jurisprudence in western Europe may be traced in several works. General studies include John Dawson, *A History of Lay Judges* (Cambridge: Harvard University Press, 1960); Adhémar Esmein, *A History of Continental Criminal Procedure, with Special Reference to France*, trans. by John Simpson (Boston: Little, Brown, 1913); Petrus Wernus Adam Immink, *La liberté et la peine: Etudes sur la transformation de la liberté et le développement du droit pénal en Occident avant le XIIe siècle* (Assen: Van Gorcum, 1973); John H. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, and France* (Cambridge, MA: Harvard University Press, 1974); and Bruce Lenman and Geoffrey Parker, "The State, the Community and the Criminal Law in Early Modern Europe" in V. A. C. Gatrell, Bruce Lenman, and Geoffrey Parker (eds.), *The Social History of Crime in Western Europe since 1500* (London: Europa, 1980), pp. 11–48. A particularly informative anthology of recent work is Xavier Rousseaux and René Lévy (eds.), *Le pénal dans tous ses états: Justice, états et*

sociétés en Europe (XIIᵉ–XIXᵉ siècles) (Brussels: Publications des Facultés universitaires Saint-Louis, 1997).

The studies of German historians, in particular, have yielded great insight on the penetration of the state and its law into rural early modern Europe. The work of Peter Blickle is particularly noteworthy, including his recent edited work, the *Resistance, Representation, and Community* in *The Origins of the Modern State in Europe* series (Oxford: Oxford University Press, 1997). Also key are Thomas Robisheaux, *Rural Society and the Search for Order in Early Modern Germany*; David Sabean, *Power in the Blood: Popular Culture and Village Discourse in Early Modern Germany* (Cambridge: Cambridge University Press, 1984); and Karl Wegert, *Popular Culture, Crime, and Social Control in Eighteenth-Century Württemberg* (Stuttgart: Franz Steiner Verlag, 1994).

For areas outside Germany, see Thomas Brennan, "Police and Private Order in Early Modern France," *Criminal Justice Review* 13 (1988), pp. 1–13; Cynthia Herrup, *The Common Peace: Participation and the Common Law in Seventeenth-Century England* (Cambridge: Cambridge University Press, 1987); José Luis de las Heras Santos, *La justicia penal de los Austrias en la Corona de Castilla* (Salamanca: Universidad de Salamanca, 1991); Steve Hindle, "The Keeping of the Public Peace" in Paul Griffiths, Adam Fox, and Steve Hindle (eds.), *The Experience of Authority in Early Modern England* (New York: St. Martin's Press, 1996), pp. 213–35; the massive work of Tomás Antonio Mantecón Movellán, *Conflictividad y disciplinamento social en la Cantabria rural del Antiguo Régimen* (Santander: Fundació Marcelino Botín and Universidad de Cantabria, 1992), which examines both judicial and extrajudicial modes of dispute resolution; Robert Muchembled, *Le temps des supplices. De l'obéissance sous les rois absolus, XVᵉ–XVIIIᵉ siècles* (Paris: Armand Colin, 1992); Steven G. Reinhardt, "Crime and Royal Justice in Ancien Régime France: Modes of Analysis," *Journal of Interdisciplinary History* 13 (1983), pp. 437–60; Enrique Villalba Pérez, *La administración de la justicia penal en Castilla y en la corte a comienzos del siglo XVII* (Madrid: Actas, 1993); and Keith Wrightson, "Two Concepts of Order: Justices, Constables and Jurymen in Seventeenth-Century England" in John Brewer and John Styles (eds.), *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (New Brunswick, NJ: Rutgers University Press), pp. 21–46. The social bases for expanding local support for state law may be discovered of in Keith Wrightson and David Levin, *Poverty and Piety in an English Village: Terling, 1525–1700*, 2nd ed. (Oxford: Oxford University Press, 1995); the works of Robisheaux, such as *Rural Society* mentioned above; and Yves Castan, *Honnêteté et rélations sociales en Languedoc, 1715–1780* (Paris: Plon, 1974).

There is a large literature on the duel in European history, and an accessible general history is V. G. Kiernan, *The Duel in European History: Honour and the Reign of Aristocracy* (Oxford: Oxford University Press, 1988). Individual countries can be looked at in greater depth: on England see Jeremy Horder, "The Duel and the English Law of Homicide," *Oxford Journal of Legal Studies* 12 (1992), pp. 419–30; on France François Billacois, *The Duel: its Rise and Fall in Early Modern France*, ed. and trans. by Trista Selous (New Haven: Yale University Press, 1990) and Micheline Cuénin, *Le duel sous l'Ancien Régime* (Paris: Presses de la Renaissance, 1982); on Germany Ute Frevert, *Men of Honour: A Social and Cultural History of the Duel*, trans. by Anthony Williams (Cambridge: Polity Press, 1995); on Ireland James Kelley, "*That Damn'd Thing Called Honour": Duelling in Ireland, 1570–1860* (Cork: Cork University Press, 1995); on Italy Frederick Robertson Bryson, *The Sixteenth-Century Italian Duel: A Study in Renaissance Social History* (Chicago: University of Chicago Press, 1938) and Donald Weinstein, "Fighting or Flying? Verbal Dueling in Mid-Sixteenth-Century Italy" in Trevor Dean and K. J. P. Lowe (eds.), *Crime, Society and the Law in Renaissance Italy* (Cambridge: Cambridge University Press, 1994), pp. 204–20; on Spain Claude Chauchadis, *La loi du duel: Le code du point d'honneur dans l'Espagne des XVIᵉ–XVIIᵉ siècles* (Toulouse: Presses universitaires du Mirail, 1997); and on Switzerland Michel Porret, "'Il faut que j'aie ta vie ou que tu aies la mienne': les 'circonstances aggravantes' du duel à Genève au XVIIIᵉ siècle ou comment devenir criminel en défendant son honneur" in Benoît Garnot (ed.), *L'infrajudiciaire du Moyen Age à l'époque contemporaine* (Dijon: Editions universitaires de Dijon, 1996), pp. 175–87.

The other fashions in which early modern Europeans regulated their disputes without recourse to state law have generated a large and interesting body of work. Both anthropologists and historians have investigated feuds and vendettas, and scholars in each of the two disciplines have made extensive use of each others' methods. The fundamental works include Tommaso Astarita, *Village Justice: Community, Family, and Popular Culture in Early Modern Italy* (Baltimore: The Johns Hopkins University Press, 1999); Jacob Black-Michaud, *Cohesive Force: Feud in the Mediterranean and the Middle East* (New York: St. Martin's Press, 1975); Keith M. Brown, *Bloodfeud in Scotland, 1573–1625: Violence, Justice, and Politics in an Early Modern Society* (Edinburgh: John Donald, 1986); Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*; Elisabeth Claverie and Pierre Lamaison, *L'impossible mariage: violence et parenté en Gévaudan, XVIIIᵉ et XIXᵉ siècles* (Paris: Hachette, 1982); Max Gluckman, "Peace in the Feud" in Max Gluckman, *Custom and Conflict in*

Africa (Glencoe, IL: The Free Press, 1955), pp. 1–26; Edward Muir, *Mad Blood Stirring: Vendetta and Factions in Friuli during the Renaissance* (Baltimore: The Johns Hopkins University Press, 1993); J. G. Peristiany (ed.), *Honour and Shame: The Values of Mediterranean Society* (Chicago: University of Chicago Press, 1966); Julian Pitt-Rivers (ed.), *Mediterranean Countrymen: Essays in the Social Anthropology of the Mediterranean* (Paris: Mouton, 1963); Angelo Torre, "Feuding, Factions, and Parties: The Redefinition of Politics in the Imperial Fiefs of Langhe in the Seventeenth and Eighteenth Centuries" in Edward Muir and Guido Ruggiero (eds.), *History from Crime*, trans. by Corrada Biazzo Curry *et al.* (Baltimore: The Johns Hopkins University Press, 1994), pp. 135–69; J. M. Wallace-Hadrill, "The Bloodfeud of the Franks," *Bulletin of the John Rylands Library* 41 (1959), pp. 459–87; Stephen D. White, "Feuding and Peace-Making in the Touraine around the Year 1100," *Traditio* 42 (1986), pp. 195–263; Steven Wilson, *Feuding, Conflict, and Banditry in Nineteenth-Century Corsica* (Cambridge: Cambridge University Press, 1988); and Jenny Wormald, "The Bloodfeud in Early Modern Scotland" in John Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge: Cambridge University Press, 1983), pp. 101–44.

Ecclesiastical leaders and institutions also defined and enforced standards of behavior and mediated disputes in our period. On ecclesiastical institutions' judgments see Bartholomé Bennassar, "Les sources inquisitoriales espagnoles et l'histoire de la criminalité" in Benoît Garnot (ed.), *Histoire et criminalité de l'antiquité au XXᵉ siècle: nouvelles approches* (Dijon: Presses universitaires de Dijon, 1992), pp. 61–66; Ralph A. Houlbrooke, *Church Courts and the People during the English Reformation, 1520–1570* (Oxford: Oxford University Press, 1979); Martin J. Ingram, *Church Courts, Sex and Marriage in England, 1570–1640* (Cambridge: Cambridge University Press, 1987); Ronald A. Marchant, *The Church under the Law: Justice, Administration and Discipline in the Diocese of York, 1560–1640* (Cambridge: Cambridge University Press, 1969); Didier Poton, "Les délibérations consistoriales, une source pour l'histoire de la violence" in Garnot, *Histoire et criminalité de l'antiquité au XXᵉ siècle*, pp. 67–73; and Jan Sundin, "Control, Punishment and Reconciliation: A Case Study of Parish Justice in Sweden before 1850" in Anders Brändström and Jan Sundin (eds.), *Tradition and Transition: Studies in Microdemography and Social Change* (Lineå, Sweden: The Demographic Data Base, 1981), pp. 9–65.

A still-provocative introduction to accommodation, both formal and informal, is Alfred Soman, "Deviance and Criminal Justice in Western Europe, 1300–1800: An Essay in Structure," *Criminal Justice History*: 1

(1980), pp. 3–28. Another excellent introduction is Xavier Rousseaux, "Entre accommodement local et contrôle étatique: pratiques judiciaires et non-judicaires dans le règlement des conflits en Europe médiéval et moderne" in Garnot, *L'infrajudiciaire*, pp. 87–107. The French experience has been most extensively studied, with works by Benoît Garnot, "Justice, infrajustice, parajustice et extrajustice," *Crime, histoire et sociétés/Crime, History and Societies* 4 (1) (2000), pp. 103–20; Nicole Castan, including "The Arbitration of Disputes under the 'Ancien Régime'" in Bossy, *Disputes and Settlements*, pp. 219–26; Yves Castan, *Honnêteté et relations sociales en Languedoc, 1715–1780* (which reproduces text of an accommodation); and Reinhardt, *Justice in the Sarladais, 1770–1790*. For a wider perspective, see Garnot, *L'infrajudiciaire* and Renate Ago, "Conflitti e politica nel feudo: le campagne romane del Settecento," *Quaderni storici* 21 (1986), pp. 847–74; Catherine Clemens-Denys, "Les apaiseurs de Lille à la fin de l'Ancien Régime," *Revue du Nord* 77 (1995), pp. 13–38; Marie-Sylvie Dupont-Bouchat and Xavier Rousseaux, "Le prix de sang: sang et justice du XIVᵉ au XVIIIᵉ siècle," *Mentalités 1: Affaires de sang*, ed. by Arlette Farge (Paris: Imago, 1988), pp. 43–72; Michael Frank, *Dörfliche Gesellschaft und Kriminalität: Das Fallspiel Lippe, 1650–1800* (Paderborn: Ferdinand Schöningh, 1995); Thomas A. Mantecón, "Meaning and the Social Context of Crime in Preindustrial Times: Rural Society in the North of Spain, 17th and 18th Centuries," *Crime, histoire et sociétés/Crime, History and Societies* 2 (1998), pp. 49–73; Osvaldo Raggio, *Faide e parentele: lo stato genevese vista dalla Fontanabuona* (Turin: Einaudi, 1990); Xavier Rousseaux, "Le prix de sang versé. La cour des 'apaisiteurs' à Nivelles (1430–1665)," *Bulletin trimestriel du Crédit Communale*, no. 175 (1991), pp. 45–56.

Finally, the decision to move from infrajudicial to judicial modes of resolving disputes is the subject of several insightful studies in François Billacois and Hugues Neveux (eds.), "Porter plainte: stratégies village-oises et institutions judiciaires en Ile-de-France (XVIIᵉ–XVIIIᵉ siècles)," *Droit et cultures* 19 (1990), pp. 7–142. See also Philippe Henry, *Crime, justice et société dans le principauté de Neuchâtel au XVIIIᵉ siècle (1707–1806)* (Neuchâtel: La Baconnière, 1984).

The body of historical scholarship on early modern policing is large and growing. Excellent overviews of the problem of policing in the context of state development are available in Charles Tilly, *Coercion, Capital, and European States, A.D. 900–1990* and in the same author's edited work, *The Formation of National States in Western Europe*, especially Chapter Five, "The Police and Political Development in Europe" by David H. Bayley. General studies of police history include those of Jean-Claude Monet, *Police et société en Europe* (Paris: La Documentation

française, 1993) and the work of Clive Emsley on English and French police, *Policing and its Context, 1750–1850* (New York: Schocken Books, 1984).

Most histories of policing are national in focus, and France, with the longest tradition of centralized policing, is – aptly – especially well served in this regard. A recent general history of French policing is Georges Carrot, *Histoire de la police française* (Paris: Tallandier, 1992). On the reorganized rural force after 1720, there is Claude Sturgill, *L'organisation et l'administration de le Maréchaussée et de la justice prévôtale dans la France des Bourbons, 1720–1730*, trans. by Nicole Suzanne (Vincennes: Service historique de l'Armée de Terre, 1981). In the absence of a modern general history of the Maréchaussée, that force may be examined in terms of the justice it administered in several fine studies, most of which have essentially provincial, rather than national, foci. See Nicole Castan, "Summary Justice" in Robert Forester and Orest Ranum (eds.), *Deviants and the Abandoned in French Society*, trans. by Elborg Forster and Patricia M. Ranum (Baltimore: The Johns Hopkins University Press, 1978), pp. 111–56; Iain A. Cameron, *Crime and Repression in the Auvergne and the Guyenne, 1720–1790* (Cambridge: Cambridge University Press, 1981); Malcolm Greenshields, *An Economy of Violence in Early Modern France: Crime and Justice in the Haute Auvergne, 1587–1664* (University Park: Pennsylvania State University Press, 1994); Jacques Lorgnier, *Maréchaussées, histoire d'une révolution judiciaire et administrative*, 2 vols. (Paris: L'Harmattan, 1994); and Robert M. Schwartz, *Policing the Poor in Eighteenth-Century France* (Chapel Hill: University of North Carolina Press, 1988). The history of the Paris police is also well served, with the essential work of Alan Williams, *The Police of Paris, 1718–1789* (Baton Rouge: Louisiana State University Press, 1979), and a large number of articles, among which we might note David Garrioch, "The People of Paris and their Police in the Eighteenth Century: Reflections on the Introduction of a 'Modern' Police Force," *European History Quarterly* 24 (1994), pp. 511–35, and Paolo Piasenza, "Juges, lieutenants de police et bourgeois à Paris aux XVIIe et XVIIIe siècles," *Annales: économies, sociétés, civilisations* 45 (1990), pp. 1189–215.

There is also a considerable body of work on English policing. General works include Clive Emsley, *The English Police: A Political and Social History*, 2nd ed. (London: Longman Publishing, 1996); Douglas Hay and Francis Snyder (eds.), *Policing and Prosecution in Britain, 1750–1850* (Oxford: Oxford University Press, 1989); and Elaine Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720–1830* (Stanford: Stanford University Press, 1998). Individual elements of early modern English policing have been the subjects of excellent

histories: Joan R. Kent, *The English Village Constable: A Social and Administrative Study* (Oxford: Oxford University Press, 1986) and Norma Landau, *The Justice of the Peace, 1679–1760* (Berkeley and Los Angeles: University of California Press, 1984). See also the case study of the investigative methods of a justice of the peace: William Robinson, "Murder at Crowhurst: A Case Study in Early Tudor Law Enforcement," *Criminal Justice History* 9 (1988), pp. 31–62.

Historical scholarship is less extensive on early modern policing outside France and England. On the Dutch Republic there is a brief treatment of police within the work of Jonathan Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477–1806* (Oxford: Oxford University Press, 1995). On sixteenth-century Florence we have the study of the Otto di Guardia, an institution with wide-ranging police and judicial powers, by Brackett, *Criminal Justice and Crime in Late Renaissance Florence, 1537–1609;* on Germany Robert W. Scribner, "Police and the Territorial State in Sixteenth-Century Württemberg" in E. I. Kouri and Tom Scott (eds.), *Politics and Society in Reformation Europe* (New York: St. Martin's Press, 1987), pp. 103–20 as well as Matthias Weber, *Die schlesischen Polizei und Landesordnungen der frühen Neuzeit* (Köln: Böhlau Verlag, 1996). On Spain there is Marvin Lunenfeld, *The Council of the Santa Hermandad: A Study of the Pacification Forces of Ferdinand and Isabella* (Coral Gables: University of Miami Press, 1970). Beyond these we must rely on brief treatments of policing within works on the crime problem, many of which are surveyed below in Chapter Four.

Research into torture has produced a small but distinguished group of studies. Essential general works include Piero Fiorelli, *La tortura giudiziaria nel diritto comune*, 2 vols. (Milan: Giuffrè, 1953–54); the old but still useful work of Henry Charles Lea, *Torture* (1866; reprinted, Philadelphia: University of Pennsylvania Press, 1973); and Edward Peters, *Torture* (Oxford and New York: Basil Blackwell, 1985). Works basic to the 1500–1800 period include Marie-France Brun-Janson, "Criminalité et répression pénale au siècle des Lumières. L'exemple du Parlement de Grenoble," *Revue historique de droit français et étranger* 76 (1998), pp. 343–69; Luigi Cajani, "Pena di morte e tortura a Roma nel Settecenta" in Luigi Berlinguer and Floriana Colao (eds.), *Criminalità e società in età moderna* (Milan: Giuffrè, 1991), pp. 517–47; Marie-Sylvie Dupont-Bouchat, "Criminal Law and Human Rights in Western Europe (14th–18th centuries): The Example of Torture and Punishment. Theory and Practice" in Wolfgang Schmale (ed.), *Human Rights and Cultural Diversity: Europe, Arabic-Islamic World, Africa, China* (Goldbach: Keip Publishing, 1993), pp. 183–97; Elizabeth Hanson, "Torture and Truth in Renaissance England," *Representations* 34 (1991), pp. 53–84; James

Heath, *Torture and English Law: An Administrative and Legal History from the Plantagenets to the Stuarts* (Westport, CT: Greenwood Press, 1982); the seminal work of John H. Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Régime* (Chicago: University of Chicago Press, 1976) on the abolition of torture; Louis-Bernard Mer, "La procédure criminelle au XVIIIᵉ siècle: l'enseignement des archives bretonnes," *Revue historique* 274 (1985), pp. 9–42; Véronique Pinson-Ramin, "La torture judiciaire en Bretagne au XVIIIᵉ siècle," *Revue historique de droit français et étranger* 72 (1994), pp. 549–68; Bernd Roeck, "Criminal Procedure in the Holy Roman Empire," *International Association for the History of Crime and Criminal Justice Bulletin*, no. 18 (1993), pp. 21–40; Bernard Schnapper, *Voies nouvelles en histoire du droit: la justice, la famille, la répression pénale (XVIᵉᵐᵉ–XXᵉᵐᵉ siècles)* (Paris: Presses universitaires de France, 1991); and Alfred Soman, "La justice criminelle aux XVIᵉ–XVIIᵉ siècles: Le Parlement de Paris et les sièges subalternes" in Alfred Soman, *Sorcellerie et justice criminelle: Le Parlement de Paris (16ᵉ–18ᵉ siècles)* (Brookfield, VT: Ashgate Publishing Company/Variorum, 1992).

Early modern public capital punishment has produced a number of provocative historical studies. Still fundamental, because it formed the basis of historians' debate on this subject for more than a quarter of a century, is Michel Foucault, *Discipline and Punish: The Birth of the Prison*. Also of use in framing the issues raised by public execution are David Garland, *Punishment and Modern Society: A Study in Social Theory* (Chicago: University of Chicago Press, 1990) and especially Wegert, *Popular Culture, Crime, and Social Control in Eighteenth-Century Württemberg*. General works on penalties include volumes 56 and 57 of the *Recueils de la Société Jean Bodin pour l'histoire comparative des institutions* (Brussels: De Boeck Université, 1988–89), which are entirely devoted to penology within a large number of European states, as well as Mitchell B. Merback, *The Thief, the Cross, and the Wheel: Pain and the Spectacle of Punishment in Medieval and Renaissance Europe* (Chicago: University of Chicago Press and Reaktion Books, 1999).

There are also a number of studies based on punishment in individual countries, some of which have already been noted above with the works on torture. In addition, on the Dutch Republic there is the important study by Pieter Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge: Cambridge University Press, 1984), which uses the work of Norbert Elias to present an important alternative to Foucault that places the decline of public execution much earlier than the nineteenth century. Also significant is the work of Anton Blok, "The Symbolic Vocabulary of Public Executions" in June Starr and Jane F. Collier (eds.),

History and Power in the Study of Law: New Directions in Legal Anthropology (Ithaca: Cornell University Press, 1989), pp. 31–54. On England there is J. M. Beattie, *Crime and the Courts in England, 1660–1800* (Princeton: Princeton University Press, 1986); Ruth Campbell, "Sentence of Death by Burning for Women," *Journal of Legal History* 5 (1984), pp. 44–59; and especially V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770–1868* (Oxford: Oxford University Press, 1994). Still provocative are Douglas Hay, "Property, Authority and the Criminal Law" and Peter Linebaugh, "The Tyburn Riot against Surgeons," both in Douglas Hay *et al.*, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (New York: Pantheon Books, 1975), pp. 17–117. Very informative on English rituals attending executions are Randall McGowen, "'He Beareth Not the Sword in Vain': Religion and the Criminal Law in Eighteenth-Century England," *Eighteenth-Century Studies* 21 (1987), pp. 192–211, and James A. Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England," *Past and Present* 107 (1985), pp. 144–67. On France see the articles of Michel Bée: "Le spectacle de l'exécution dans la France d'Ancien Régime," *Annales: économies, sociétés, civilisations* 38 (1983), pp. 843–62, and "Le théâtre de l'échafaud à Caen, au XVIIIe siècle" in Jean-Pierre Bardet and Madeleine Foisil (eds.), *La vie, la mort, la foi, le temps. Mélanges offerts à Pierre Chaunu* (Paris: Presses universitaires de France, 1993), pp. 259–72. On Geneva see Michel Porret, "Mourir sur l'échafaud à Genève au XVIIIe siècle," *Déviance et société* 15 (1991), pp. 381–405. On Germany see two very different interpretations of executions in Richard van Dülmen, *Theatre of Horror: Crimes and Punishment in Early Modern Germany*, trans. by Elisabeth Neu (Cambridge: Polity Press, 1990) and Richard J. Evans, *Rituals of Retribution: Capital Punishment in Germany, 1600–1987* (Oxford: Oxford University Press, 1996), as well as Herbert Reinke, "Criminal Justice in the North-Western Territories of Eighteenth-Century Germany" in Luigi Berlinguer and Floriana Colao (eds.), *Le politiche criminali nel XVIII secolo* (Milan: Giuffrè, 1990), pp. 375–88. And on Spain there is Ruth Pike, "Capital Punishment in Eighteenth-Century Spain," *Histoire sociale/Social History* 18 (1985), pp. 376–86, and Angel Rodriguez Sanchez, "La soga y el fuego: La pena de muerte en la España de los siglos XVI y XVII," *Cuadernos de historia moderna* 15 (1994), pp. 13–39.

Finally, several authors address the complex status of the early modern executioner. Gerald D. Robin, "The Executioner: His Place in English Society," *British Journal of Sociology* 15 (1964), pp. 234–53, focuses on the English executioner, while the fine study of Kathy Stuart, *Defiled Trades and Social Outcasts: Honour and Ritual Pollution in Early Modern Germany*

(Cambridge: Cambridge University Press, 1999) draws on research in Augsburg to consider executioners as part of the social group known in Germany as *unehrliche Leute*, that is, people considered dishonorable because of their particular occupations. In addition, there is the diary of an executioner, Albrecht Keller (ed.), *A Hangman's Diary, being the Journal of Master Franz Schmidt, Public Executioner of Nuremberg, 1573–1617*, trans. by C. Calvert and A. W. Gruner (London: Philip Alan and Co., 1928).

Chapter 4   The discourse of interpersonal violence

Historical research on homicide and assault constitutes part of a relatively new area of social history concerned with the general problem of crime. The volume of scholarship in this field has grown immensely since the initial research on the history of crime in the 1960s by students of Pierre Chaunu at the University of Caen – the first was Bernadette Boutelet, "Etude par sondage de la criminalité dans le bailliage de Pont de l'Arche (XVIIᵉ–XVIIIᵉ siècles)," *Annales de Normandie* 12 (1962), pp. 253–62 – and researchers at the University of Paris: Yves-Marie Bercé, "La noblesse rurale du Sud-Ouest sous Louis XIII: De la criminalité aux troubles sociales," *Annales du Midi* 76 (1964), pp. 41–59, and Jean Imbert (ed.), *Quelques procès criminels des XVIIᵉ et XVIIIᵉ siècles* (Paris: Presses universitaires de France, 1964).

The evolving maturity of the field is reflected in the appearance of specialized journals on the history of crime and justice in the United States, with *Criminal Justice History* (1980–), and in Europe, first with the *Newsletter* (subsequently *Bulletin) of the International Association for the History of Crime and Criminal Justice* (IAHCCJ) (1978–96), and now with *Crime, histoire et sociétés/Crime, History and Societies* (1997–).

Works synthesizing historical research on the problem of violent crime across national boundaries are virtually nonexistent, except for Michael Weisser, *Crime and Punishment in Early Modern Europe* (Atlantic Highlands, NJ: Humanities Press, 1979), a book completed early in the development of the historical study of crime and therefore unreflective of the large body of scholarship published in the 1980s and 1990s. Two excellent recent collections of historical studies of crime and justice, however, do suggest the present-day breadth of the field: Clive Emsley and Louis A. Knafla (eds.), *Crime History and Histories of Crime: Studies in the Historiography of Crime and Criminal Justice in Modern History* (Westport, CT: Greenwood Press, 1996) and Eric A. Johnson and Eric H. Monkkonen (eds.), *The Civilization of Crime: Violence in Town and Country since the Middle Ages* (Urbana: University of Illinois Press, 1996). In addition,

several recent works by Xavier Rousseaux summarize developments in the area of crime and criminal-justice history and provide exceptionally detailed bibliographies of writings on all aspects of crime and justice for western Europe: "Crime, Justice, and Society in Medieval and Early Modern Times: Thirty Years of Crime and Criminal Justice History: A Tribute to Herman Diederiks," *Crime, histoire et sociétés/Crime, History and Societies* 1 (1997), pp. 87–118; "Criminality and Criminal Justice History in Europe, 1250–1850: A Select Bibliography," *Criminal Justice History* 14 (1993), pp. 159–81; "From Medieval Cities to National States, 1350–1850: The Historiography of Crime and Criminal Justice in Europe" in Emsley and Knafla, *Crime History and Histories of Crime*, pp. 3–32; and, with René Lévy, "Etats, justice pénale et histoire: bilans et perspectives," *Droit et société* 20–21 (1992), pp. 249–79. On England see Joanna Innes and John Styles, "The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England," *Journal of British Studies* 25 (1986), pp. 380–455; for a German perspective see J. Eibach, "Neue historische Literatur: Kriminalitätsgeschichte zwischen Sozialgeschichte und historischer Kulturforschung," *Historische Zeitschrift* 223 (1996), pp. 581–715, and G. Schwerhoff, "Devianz in der alteuropäischer Gesellschaft. Umrise einer historischen Kriminalitätsforschung," *Zeitschrift für historische Forschung* 19 (1992), pp. 385–414. On Scandinavia consult Eva Osterberg, "Gender, Class, and the Courts: Scandinavia" in Emsley and Knafla, *Crime History and Histories of Crime*, pp. 47–65.

Historians have critically analyzed the sources for the study of violent crime and the methods employed in studying crime history in a number of works, some of which have become classics of historical analysis: Yves-Marie Bercé and Yves Castan (eds.), *Les archives du délit: empreintes de société* (Toulouse: Editions universitaires du Sud, 1990); Benoît Garnot, "Une illusion historiographique: justice et criminalité au XVIIIᵉ siècle," *Revue historique* 281 (1989), pp. 361–80, and "Pour une histoire nouvelle de la criminalité au XVIIIᵉ siècle," *Revue historique* 288 (1993), pp. 289–303; V. A. C. Gatrell and T. B. Hadden, "Criminal Statistics and their Interpretation" in E. A. Wrigley (ed.), *Nineteenth-Century Society: Essays in the Use of Quantitative Methods for the Study of Social Data* (Cambridge: Cambridge University Press, 1972), pp. 336–96; Bruce Lenman and Geoffrey Parker, "The State, the Community and the Criminal Law in Early Modern Europe" in V. A. C. Gatrell *et al.*, *Crime and the Law: The Social History of Crime in Western Europe since 1500*; Steven G. Reinhardt, "Crime and Royal Justice in Ancien Régime France: Modes of Analysis," *Journal of Interdisciplinary History* 13 (1983), pp. 437–60; and Alfred Soman, "Deviance and Criminal Justice in Western Europe, 1300–1800: An Essay in Structure." Also informative is

the exchange in Lawrence Stone, "Interpersonal Violence in English Society, 1300–1983," *Past and Present* 102 (1983), pp. 22–33; James A. Sharpe, "The History of Violence in England: Some Observations," *Past and Present* 108 (1985), pp. 206–15; and Lawrence Stone, "A Rejoinder," *Past and Present* 108 (1985), pp. 216–24.

Violent crime seemed eminently quantifiable to the first researchers in criminal justice records, who readily identified the decrease in interpersonal violence that marked our period. Only slowly did the critical analysis of sources noted in the preceding paragraph shape researchers' efforts, but increasingly historians have approached the analysis of crime and violence from the point of view of social and cultural research. From that perspective, honor has emerged as an issue as fascinating to historians as it was to the cultural anthropologists from whom they drew much of their inspiration. Such works include Jacob Black-Michaud, *Cohesive Force: Feud in the Mediterranean and the Middle East*; Anton Blok, "Rams and Billy-Goats: A Key to Mediterranean Codes of Honor," *Man* 16 (1981), pp. 427–44; Jan Brenner and Herman Roodenburg (eds.), *A Cultural History of Gesture* (Ithaca: Cornell University Press, 1991); George M. Foster, "Peasant Society and the Image of the Limited Good," *American Anthropologist* 67 (1965), pp. 293–315; Erving Goffman, *The Presentation of Self in Everyday Life* (Garden City, NY: Doubleday, 1959) and "The Territory of Self" in his *Relations in Public: Microstudies of Public Order* (New York: Basic Books, 1971), pp. 28–61; Peristiany, *Honour and Shame: The Values of Mediterranean Society;* and Julian Pitt-Rivers, *The Fate of Shechem: Or, the Politics of Sex: Essays in the Anthropology of the Mediterranean* (Cambridge: Cambridge University Press, 1977) and his article "Honor" in *Encyclopedia of the Social Sciences* (New York: Macmillan, 1968) 6, pp. 503–11.

A good general introduction to historians' work on the issue of honor, and by extension some of the conflicts it engendered, is Philippe Ariès and Georges Duby (eds.), *A History of Private Life*, vol. 3, *Passions of the Renaissance*, ed. by Roger Chartier, trans. by Arthur Goldhammer (Cambridge, MA: Harvard University Press, 1989), pp. 571–607.

Historical scholarship may best be surveyed, however, along national lines. On England and Wales there is Anthony Fletcher, "Honour, Reputation and Local Officeholding in Elizabethan and Stuart England" in Anthony Fletcher and John Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge: Cambridge University Press, 1985), pp. 92–115; Laura Gowing, "Language, Power, and the Law: Women's Slander Litigation in Early Modern London" in Jenny Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England* (Chapel Hill: University of North Carolina Press, 1994), pp.

26–47; James A. Sharpe, *Defamation and Sexual Slander in Early Modern England: The Church Courts at York* (York: Bothwick Papers, no. 58, n.d.); and Richard Suggett, "Slander in Early Modern Wales," *Bulletin of the Board of Celtic Studies* 39 (1992), pp. 119–49.

The body of work for France is considerable. Fundamental, however, is Yves Castan, *Honnêteté et relations sociales en Languedoc, 1715–1780*. Other works include Claverie and Lamaison, *L'impossible mariage. Violence et parenté en Gévaudan, 17ᵉ, 18ᵉ et 19ᵉ siècles* and the study of Martin Dinges, *Der Mauermeister und der Finanzrichter: Ehre, Geld, und soziale Kontrolle im Paris des 18. Jahrhunderts* (Göttingen: Vanderhoeck und Ruprecht, 1994), which illuminates concepts of honor by tracing a dispute between a Parisian landlord and a master mason. Issues of honor among artisans are accessible through James Farr, *Hands of Honor: Artisans and their World in Dijon, 1550–1650* (Ithaca: Cornell University Press, 1988) and the remarkable book by Jacques-Louis Ménétra, *Journal of My Life*, ed. by Daniel Roche, trans. by Arthur Goldhammer (New York: Columbia University Press, 1986). See also David Garrioch, "Verbal Insults in Eighteenth-Century Paris" in Burke and Porter, *The Social History of Language*, pp. 104–19; Gregory Hanlon, "Les rituals de l'agression en Aquitaine au XVIIIᵉ siècle," *Annales: économies, sociètès, civilizations* 40 (1985), pp. 244–68; Hugues Lecharnay, "L'injure à Paris au XVIIIᵉ siècle. Un aspect de la violence au quotidien," *Revue d'histoire moderne et contemporaine* 36 (1989), pp. 559–85; and Philip B. Uninsky, "Violence, Honor, and Litigation: *Injures et voies de fait* in Pre-Revolutionary Rouen," *New York University Journal of International Law and Politics* 22 (1991), pp. 867–904.

Consideration of the issue of honor in Germany might begin with the excellent general synthesis of early modern popular culture by Richard van Dülmen, *Kultur und Alltag in der frühen Neuzeit*, 3 vols. (Munich: Verlag C. H. Beck, 1990–1994). Work specific to the issues we raise in this chapter includes Bernhard Müller-Wirthmann, "Raufhändel: Gewalt und Ehre im Dorf" in Richard van Dülmen (ed.), *Kultur der einfachen Leute. Bayerisches Volksleben vom 16. bis zum 19. Jahrhundert* (Munich: Verlag C. H. Beck, 1983), pp. 79–111; Lyndal Roper, "Will and Honour: Sex, Words and Power in Criminal Trials," *Radical History Review* 43 (1989), pp. 45–71; and Walter Rummel, "Verletzung von Körper, Ehre und Eigentum: Varianten in Umgang mit Gewalt in Dörfen des 17. Jahrhunderts" in Andreas Blauert and Gerd Schwerhoff (eds.), *Mit den Waffen der Justiz: Zur Kriminalitätsgeschichte des Spätmittelalters und der frühen Neuzeit* (Frankfurt am Main: Fischer Taschenbuch Verlag, 1993), pp. 86–114.

For Italy the work of Peter Burke is fundamental, especially *The*

Historical Anthropology of Early Modern Italy: Essays on Perception and Communication. There is also Sandra Cavallo and Simona Cerutti, "Female Honor and the Social Control of Reproduction in Piedmont between 1600 and 1800" in Muir and Ruggiero, *Sex and Gender in Historical Perspective*, pp. 73–109; Elizabeth S. Cohen, "Honor and Gender in the Streets of Early Modern Rome," *Journal of Interdisciplinary History* 12 (1972), pp. 597–625; Thomas V. Cohen, "The Lay Liturgy of Affront in Sixteenth-Century Italy," *Journal of Social History* 25 (1992), pp. 857–77; the works of P. Schneider, "Honor and Conflict in a Sicilian Town," *Anthropological Quarterly* 42 (1969), pp. 130–50 and "Of Vigilance and Virgins: Honor and Shame and Access to Resources in Mediterranean Society," *Ethnology* 10 (1971), pp. 1–23; and Sharon T. Strocchia, "Gender and the Rites of Honour in Italian Cities" in Judith C. Brown and Robert C. Davis (eds.), *Gender and Society in Renaissance Italy* (New York: Longman Publishing, 1998), pp. 39–60. The books of Bartholomé Bennassar are essential for understanding early modern Spanish culture, especially *Valladolid au siècle d'or: Une ville de Castille et sa campagne au XVIᵉ siècle* (Paris and The Hague: Mouton, 1967) and *The Spanish Character: Attitudes and Mentalities from the Sixteenth to the Nineteenth Century,* trans. by Benjamin Keen (Berkeley: University of California Press, 1979). See also Claude Chauchadis, *Honneur, morale et société dans l'Espagne de Philippe II* (Paris: Editions du CNRS, 1984).

On other countries see Mirrka Lappalainen (ed.), *Five Centuries of Violence in Finland and the Baltic Area* (Helsinki: Hakapaino, 1998) and on the Dutch Republic see "Points of Honor: The Limits of Comparison," in Florike Egmond and Peter Mason, *The Mammoth and the Mouse: Microhistory and Morphology* (Baltimore: The Johns Hopkins University Press, 1997).

There are a number of specialized historical studies of homicide and assault, as well as much scholarship on such violence within general studies of crime. The number of all of these works has grown extremely large and the following list of necessity is selective.

There is a considerable volume of work on the Low Countries. On the Austrian Netherlands see Louis d'Arras d'Haudrecy, Michel Dorban, and Marie-Sylvie Dupont-Bouchat, *La criminalité en Wallonie sous l'Ancien Régime* (Louvain: Bibliothèque de l'Université Louvain, 1976) and Xavier Rousseaux, "Ordre et violence. Criminalité et répression dans une ville brabançonne: Nivelles (1646–1695)," *Revue de droit pénal et de criminologie* 1986, pp. 649–92. On the Dutch Republic see Herman Diedericks, "Patterns of Criminality and the Law during the Ancien Régime: The Dutch Case," *Criminal Justice History* 1 (1980), pp. 157–74 and "Urban and Rural Criminal Justice and Criminality in the

Netherlands since the Middle Ages: Some Observations" in Johnson and Monkkonen, *The Civilization of Crime*, pp. 153–64; Herman Franke, "Violent Crime in the Netherlands: A Historical-Sociological Analysis," *Crime, Law and Social Change* 21 (1994), pp. 73–100. Pieter Spierenburg has completed a number of highly significant studies largely based on Amsterdam records of the inspections of the bodies of homicide victims, including "Faces of Violence: Homicide Trends and Cultural Meanings: Amsterdam, 1431–1816," *Journal of Social History* 27 (1994), pp. 701–16; "How Violent Were Women? Court Cases in Amsterdam, 1650–1810," *Crime, histoire et sociétés/Crime, History and Societies* 1 (1997), pp. 9–28; "Long-Term Trends in Homicide: Theoretical Reflections and Dutch Experience, Fourteenth to Twentieth Centuries," in Johnson and Monkkonen, *The Civilization of Crime*, pp. 63–105; and "Knife Fighting and Popular Codes of Honor in Early Modern Amsterdam" in Pieter Spierenburg (ed.), *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America* (Columbus: Ohio State University Press, 1998), pp. 103–27.

There have been some outstanding syntheses of crime and violence in the British Isles, including: J. M. Beattie, *Crime and the Courts in England, 1660–1800*; J. S. Cockburn, "Patterns of Violence in English Society: Homicide in Kent, 1560–1985," *Past and Present* 130 (1991), pp. 70–106; and James A. Sharpe, *Crime in Early Modern England*, 2nd ed. (London: Longman Publishing, 1999).

On France the range of works is truly vast. It includes François Billacois and Hugues Neveux (eds.), "Porter plainte: stratégies villageoises et justice en Ile-de-France (XVIIe–XVIIIe siècles)," *Droit et cultures* 19 (1990), pp. 5–148; Ian Cameron, *Crime and Repression in the Auvergne and the Guyenne, 1720–1790* (Cambridge: Cambridge University Press, 1981); Nicole Castan, *Les criminels de Languedoc: Les exigencies d'ordre et les voies du ressentiment dans une société pré-révolutionnaire (1750–1790)* (Toulouse: Association des publications de l'Université de Toulouse-Le Mirail, 1980); Pierre Deyon, *Le temps des prisons, essai sur l'histoire de la délinquance et les origines du système pénitentiaire* (Villeneuve d'Ascq: Université de Lille III, 1975); Arlette Farge, *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris*, trans. by Carol Shelton (Cambridge, MA: Harvard University Press, 1993) and her work with André Zysberg, "Théâtres de la violence à Paris au XVIIIe siècle," *Annales: économies, sociétés, civilisations* 34 (1979), pp. 984–1015; Claude Fouret, "Douai au XVIe siècle: un sociabilité de l'agression," *Revue d'histoire moderne et contemporaine* 34 (1987), pp. 3–29; Nicole Gonthier, *Cris de haine et rites d'unité. La violence dans les villes (XIII–XVIe siècles)* (Turnhout: Brepols, 1992); Malcolm Greenshields, *An Economy of*

Violence in Early Modern France: Crime and Justice in the Haute Auvergne, 1587–1664 (University Park: Pennsylvania State University Press, 1994); Robert Muchembled, *La violence au village: Sociabilité et comportements populaires en Artois du XVᵉ au XVIIᵉ siècle* (Turnhout: Brepols, 1989); Jean Quéniart, *Le Grand Chapelletout: Violence, norms et comportements dans la Bretagne rurale au 18ᵉ siècle* (Rennes: Editions Apogée, 1993); Ruff, *Crime, Justice and Public Order in Eighteenth-Century France: The Sénéchaussées of Libourne and Bazas, 1696–1789.*

There is a large and growing number of studies on other countries, too. On Germany there are Blauert and Schwerhoff, *Mit den Waffen der Justiz*; Richard van Dülmen (ed.), *Vebrechen, Strafen und soziale Kontrolle: Studien zur historischen Kulturforschung* (Frankfurt am Main: Fischer Taschenbuch Verlag, 1990); Michael Frank, *Dörfliche Gesellschaft und Kriminalität: das Fallbeispiel Lippe, 1650–1800* (Paderborn: Ferdinand Schöningh, 1995); Ute Gerhard (ed.), *Frauen in der Geschichte des Rechts: von der frühen Neuzeit bis zur Gegenwart* (Munich: Verlag C. H. Beck, 1997); Ulinka Rublack, *The Crimes of Women in Early Modern Germany* (Oxford: Oxford University Press, 1999); Gerd Schwerhoff, *Köln im Kreuzvehör Kriminalität, Herrschaft und Gesellschaft in einer frühneuzeitlichen Stadt* (Berlin: Bouvier, 1991); and Wegert, *Popular Culture, Crime, and Social Control in Eighteenth-Century Württemberg.* There is much scholarship on Italian crime and violence, but regrettably little of it is in English. Good starting points would be Berlinguer and Colao, *Criminalità e società in età moderna*, which contains a number of studies pertinent to early modern assault and homicide; Peter Blastenbrei, *Kriminalität in Rom, 1560–1585* (Tübingen: Max Niemeyer Verlag, 1995); Cozzi, *Stato, società e giustizia nella Repubblica Veneta (secc. XV–XVIII)*; and Lauro Martines (ed.), *Violence and Civil Disorder in Italian Cities, 1200–1500* (Berkeley: University of California Press, 1972).

On Scandinavia see Arne Jansson, *From Swords to Sorrow: Homicide and Suicide in Early Modern Stockholm* (Stockholm: Almqvist and Wiksell International, 1998); Jens Chr. V. Johansen, "Falster and Elsinore, 1680–1705: A Comparative Study of Rural and Urban Crime," *Social History* 15 (1990), pp. 97–109; Eva Osterberg, "Violence among Peasants: Comparative Perspectives on Sixteenth- and Seventeenth-Century Sweden" in Göran Rystad (ed.), *Europe and Scandinavia: Aspects of the Process of Integration in the Seventeenth Century* (Lund: Scandinavian University Books, 1983), pp. 257–75; Eva Osterberg and Dag Lindström, *Crime and Social Control in Early Modern Swedish Towns* (Upsala: Acta Universitatis Upsaliensis; distributed by Almqvist and Wiksell International, 1988); Heikki Ylikangas, "Major Fluctuations in Crimes of Violence in Finland," *Scandinavian Journal of History* 1 (1976): 81–103.

On Spain see Angel J. Alloza, "Crime and Social Change in Eighteenth-Century Madrid," *IAHCCJ Bulletin*, no. 19 (1994), p. 7–19; R. Carrasco, "La violence physique d'après les archives judiciaries. Le cas de Cuenca (1535–1623)" in Augustin Redondo (ed.), *Le corps dans la société espagnole des XVIe et XVIIe siècles* (Paris: Publications de la Sorbonne, 1990), pp. 164–71; Rudy Chaulet, "Le violence en Castille au XVIIe siècle à travers les *Indultos de Viernes Santo* (1623–1699)," *Crime, histoire et sociétés/Crime, History and Societies* 2 (l) (1997), pp. 5–27; Jean-François Galinier-Pallerola, "La délinquance des ecclésiastiques Catalans à l'époque moderne d'après les archives du Bref," *Annales du Midi* 104 (1992), pp. 43–67; Mary Elizabeth Perry, *Crime and Society in Early Modern Seville* and *Gender and Disorder in Early Modern Seville* (Princeton: Princeton University Press, 1990); and I. A. A. Thompson, "A Map of Crime in Sixteenth-Century Spain," *Economic History Review* 2nd. ser., 21 (1968), pp. 244–67.

Works on Swiss crime include Philippe Henry, *Crime, justice et société dans la principauté de Neuchâtel au XVIIIe siècle (1707–1806)* (Neuchâtel: Editions de la Baconnière, 1984); E. William Monter, "Crime and Punishment in Calvin's Geneva," *Archiv für Reformationsgeschichte* 64 (1973), pp. 281–86; and Michel Porret, *Le crime et ses circonstances: De l'e-sprit de l'arbitraire au siècle des Lumières selon les réquisitoires des procureurs généraux de Genève* (Geneva: Librairie Droz, 1995).

Study of domestic violence must begin with basic treatments of the legal and customary positions of women in the early modern family and of the family breakdowns that produced domestic violence. Good introductions to these issues may be found in Olwen Hufton, *The Past Before Her: A History of Women in Western Europe,* vol. 1, *1500–1800* (New York: Harper Collins, 1995); Merry E. Wiesner, *Women and Gender in Early Modern Europe*, 2nd ed. (Cambridge: Cambridge University Press, 2000); and Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society* (Cambridge: Cambridge University Press, 1988).

There is a growing literature on the history of domestic violence in the various western European states. On the Austrian Netherlands Catharina Lis and Hugo Soly study domestic problems and the process by which abusive spouses and other family members might be temporarily confined without trial in *Disordered Lives: Eighteenth-Century Families and their Unruly Relatives,* trans. by Alexander Brown (Cambridge: Polity Press, 1996).

The problem of domestic violence has been studied particularly extensively for England: Anna Clark, "Humanity in Justice: Wifebeating and the Law in the Eighteenth and Nineteenth Centuries" in Carol Smart (ed.), *Regulating Womanhood: Historical Essays on Marriage, Motherhood*

and Sexuality (London: Routledge, 1992), pp. 187–205; Russell P. Dobash and R. Emerson Dobash, "Community Response to Violence against Wives: Charivari, Abstract Justice and Patriarchy," *Social Problems* 28 (1981), pp. 563–81; Frances Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550–1700* (Ithaca: Cornell University Press, 1994) based on popular early modern texts**;** Anthony Fletcher, *Gender, Sex and Subordination in England, 1500–1700* (New Haven: Yale University Press, 1995), pp. 192–203; Thomas R. Forbes, "Deadly Parents: Child Homicide in Eighteenth- and Nineteenth-Century England," *Journal of the History of Medicine and Allied Sciences* 41 (1986), pp. 175–99; Laura Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford: Oxford University Press, 1996); Margaret Hunt, "Wife Beating, Domesticity and Women's Independence in Eighteenth-Century London," *Gender and History* 4 (1992), pp. 10–33; Martin Ingram, "'Scolding Women Cucked or Washed': A Crisis in Gender Relations in Early Modern England?" in Kermode and Walker (eds.), *Women, Crime and the Courts in Early Modern England*, pp. 48–80, which questions the notion of an early modern crisis in gender relations advanced by historians such as David Underdown ("The Taming of the Scold: The Enforcement of Patriarchal Authority in Early Modern England" in Fletcher and Stevenson, *Order and Disorder in Early Modern England*); Peter Ruston, "The Matter in Variance: Adolescents and Domestic Conflict in the Pre-Industrial Economy of Northeast England, 1600–1800," *Journal of Social History* 25 (1991–92), pp. 89–108; James Sharpe, "Domestic Homicide in Early Modern England," *The History Journal* 24 (1981), pp. 89–108; and Wiltenburg, *Disorderly Women in the Street Literature of Early Modern England and Germany.*

On French domestic violence there is Nicole Castan, "La criminalité familiale," *Newsletter of the IAHCCJ*, no. 7 (1983), pp. 15–38; Cissie Fairchilds, *Domestic Enemies: Servants and their Masters in Old Regime France* (Baltimore: The Johns Hopkins University Press, 1984); Arlette Farge and Michel Foucault, *Le désordre des familles: Lettres de cachet des archives de la Bastille au XVIIIe siècle* (Paris: Gallimard, 1982), which examines the French *lettre de cachet* widely used to confine abusive spouses and other problem family members; and Sabine Juratic, "Meurtrière de son mari. Un 'destin' criminel au XVIIIe siècle: l'affaire Lescombat," *Revue d'histoire moderne et contemporaine* 34 (1987), pp. 123–37.

Domestic violence in other countries has not produced as many studies. German domestic violence may be approached through two fine monographs**:** Lyndal Roper, *The Holy Household: Women and Morals in Reformation Augsburg* (Oxford: Oxford University Press, 1989) and

Rublack, *The Crimes of Women in Early Modern Germany*, pp. 197–230. On Italy see Joanne M. Ferraro, "The Power to Decide: Battered Wives in Early Modern Florence," *Renaissance Quarterly* 48 (1985), pp. 492–512. And on Spain there is James Casey, "Household Disputes in Early Modern Andalusia" in Bossy, *Disputes and Settlements: Law and Human Relations in the West*, pp. 189–217.

Until recent decades, rape received scant treatment by historians. The omission was only partially the result of the research difficulties inherent in documenting this chronically underreported crime; it was also clearly a result of the tendency of a traditionally male historical community to trivialize the crime as the work of a tiny fringe group of sexual deviants.

The advent of modern feminist scholarship has transformed the picture. For a brief treatment of feminist and other theories on rape, see Lee Ellis, *Theories of Rape: Inquiries into the Causes of Sexual Aggression* (New York: Hemisphere Publishers, 1989). A good introduction to recent historiography is Roy Porter, "Rape – Does it Have a History?" in Sylvana Tomaselli and Roy Porter (eds.), *Rape* (Oxford: Basil Blackwell, 1986), pp. 216–36. Porter and many other scholars acknowledge the continuing importance of the seminal feminist work of Susan Brownmiller, *Against Our Will: Men, Women, and Rape* (New York: Simon and Schuster, 1975). Brownmiller and many subsequent feminist historians have seen rape as a widespread and fundamentally political act, part of a deliberate strategy of male domination that has kept women living in fear. This point of view has not gone unchallenged, and Edward Shorter, "On Writing the History of Rape," *Signs* 3 (1977), pp. 471–82, for example, argued that rape in the early modern period represented a release for young men in a society that saw marriage as the only legitimate setting for sexual relations, even while it postponed matrimony until relatively late in the male life cycle.

As with many of the issues raised in this book, scholars have most often worked along national lines in their studies of rape. For the Dutch republic see Manon van der Heijden, "Women as Victims of Sexual and Domestic Violence in Seventeenth-Century Holland: Criminal Cases of Rape, Incest, and Maltreatment in Rotterdam and Delft," *Journal of Social History* 33 (2000), pp. 623–44.

A fundamental introduction to rape in England is Nasife Bashar, "Rape in England between 1500 and 1700" in *The Sexual Dynamics of History: Men's Power, Women's Resistance* (London: Pluto Press, 1983), pp. 28–42. See also J. M. Beattie, *Crime and the Courts in England, 1660–1800*, pp. 124–32; Anna Clark, *Women's Silence, Men's Violence: Sexual Assault in England, 1770–1845* (London: Pandora, 1987); Jocelyn Catty, *Writing Rape, Writing Women in Early Modern England: Unbridled Speech* (New

York: St. Martin's Press, 1999), which charts the evolution of the meaning of the word "rape" from "kidnapping" to "sexual assault"; and A. E. Simpson, "Vulnerability and the Age of Female Consent: Legal Innovation and Its Effect on Prosecutions for Rape in Eighteenth-Century London" in Roy Porter and G. S. Rousseau (eds.), *Sexual Underworlds of the Enlightenment* (Manchester: Manchester University Press, 1987), pp. 181–205.

The study of rape in France has been given a full history in Georges Vigarello, *Histoire du viol, XVIe–XXe siècle* (Paris: Editions du Seuil, 1998). There is also Jean-Paul Dessaive, "Du geste à la parole: délits sexuels et archives judiciares (1690–1750)," *Communication* 46 (1987), pp. 119–33, and, on gang rape, Jacques Rossiaud, *Medieval Prostitution*, trans. by Lydia G. Cochrane (Oxford: Basil Blackwell, 1988), pp. 11–22. On Germany there is Alfons Felber, *Unzucht und Kindsmord in der Rechsprechung der freien Reichsstadt Nördlingen vom 15. bis 19. Jahrhundert* (Wemding: Georg Appel, 1961).

Rape in Italy has been extensively studied; the major works are those of Guido Ruggiero on violence and sexual offenses, although these deal with the two centuries prior to our period: *Violence in Early Renaissance Venice* (New Brunswick, NJ: Rutgers University Press, 1980) and *The Boundaries of Eros: Sex Crime and Sexuality in Renaissance Venice* (Oxford: Oxford University Press, 1985). More centered on our period chronologically are a number of other works, including that of Oscar Di Simplicio on Siena. "La criminalità a Siena (1561–1808): Problemi di ricerca," *Quaderni storici* 17, no. 49 (1982), pp. 242–64, is his investigation of noblemen and their relations with females; while "Sulla sessualità illecita in Antico Regime (secc. XVII–XVIII)" in Berlinguer and Colao, *Criminalità e società in età moderna*, pp. 633–75, offers an examination of rape, the most common Sienese sexual offense, in conjunction with other sexual crimes. Also adding to our understanding of rape in Italian society are L. Ferrante, "Differenza sociale e differenza sessuale nelle questioni d'onore: Bologna, sec. XVII" in Giovanna Fiume (ed.), *Onore e storia nelle società mediterraneana* (Palermo: La Luna, Arcidonna, 1989); Elena Fasano Guarini's discussion of the evolution of more rigorous Florentine laws against rape and other sexual offenses in "The Prince, the Judges, and the Law: Cosimo I and Sexual Violence, 1558" in Dean and Lowe, *Crime, Society and the Law in Renaissance Italy*, pp. 121–41.

More detailed understanding of the Italian experience will come from Gabriele Martini's study of sexual violence toward minors and the social attitudes reflected in the crime, "Rispetto dell'infanzia e violenza sui minori nella Venezia del seicento," *Società e storia* 34 (1986), pp. 793–817; Daniele Peccianti's treatment of legal aspects of rape in Siena in

"Gli inconvenienti della repressione dello stupor nella giustizia criminale senese: Il dilagare delle querele nel settecento" in Berlinguer and Colao, *Criminalità e società in età moderna,* pp. 477–515; Claudio Pavolo's general survey of the evolution of rape law over several centuries in "Entre la force de l'honneur et le pouvoir de la justice: le délit de viol en Italie (XIVᵉ–XIXᵉ siècle)" in Garnot, *L'infrajudiciare*, pp. 153–64; and Michael Rocke, "Gender and Sexual Culture in Renaissance Italy" in Brown and Davis (eds.), *Gender and Society in Renaissance Italy*, pp. 150–70.

Jan Sundin treats Swedish rape, fornication, and adultery in "Sinful Sex: Legal Prosecution of Extramural Sex in Preindustrial Sweden," *Social Science History* 16 (1992), pp. 99–128. Finally, on Switzerland there is Michel Porret, "Viols, attentats aux moeurs et indécence: les enjeux de la médecine légale à Genève (1650–1815)," *Equinoxe*, no. 8 (1992), pp. 25–43, and the same author's *Le crime et ses circonstances*, pp. 207–23.

Initially something of a by-product of the modern historical study of demography initiated in the 1950s, the study of newborn-child murder grew apace when social historians increasingly turned to judicial records in the 1970s and 1980s. Much of the literature on this problem, however, remains in article form, and a great deal of it relative to the European continent remains without English translations.

Two general studies of newborn-child murder are William L. Langer, "Infanticide: A Historical Survey," *History of Childhood Quarterly* 1 (1974), pp. 353–65, and Keith Wrightson, "Infanticide in European History," *Criminal Justice History* 3 (1982), pp. 1–20. Most studies of the crime, however, are national or local in focus. For Belgium there is an important long-term study of the problem in René Leboutte, "Offense Against Family Order: Infanticide in Belgium from the Fifteenth through the Early Twentieth Centuries," *Journal of the History of Sexuality* 2 (1991), pp. 159–85.

The literature is quite extensive for the British Isles. Especially notable are Marilyn Francus, "Monstrous Mothers, Monstrous Societies: Infanticide and the Rule of Law in Restoration and Eighteenth-Century England," *Eighteenth-Century Life* 20 (1997), pp. 133–56; Laura Gowing, "Secret Births and Infanticide in Seventeenth-Century England," *Past and Present* 156 (1997), pp. 88–115; Peter C. Hoffer and N. E. H. Hull, *Murdering Mothers: Infanticide in England and New England, 1558–1803* (New York: New York University Press, 1981), a work with a broad definition of infanticide that encompasses murders of children up to the age of nine; and Mark Jackson's study of the legal and medical aspects of the problem, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England* (Manchester: Manchester University Press, 1996).

Other works on newborn-child murder in Britain include R. W. Malcolmson, "Infanticide in the Eighteenth Century" in J. S. Cockburn (ed.), *Crime in England, 1550–1800* (Princeton: Princeton University Press, 1977), pp. 187–208; two works that deal with Scotland, Rosalind Mitchison and Leah Leneman, *Girls in Trouble: Sexuality and Social Control in Rural Society* (Edinburgh: Scottish Cultural Press, 1998) and Deborah A. Symonds, *Weep Not for Me: Women, Ballads, and Infanticide in Early Modern Scotland* (University Park: Pennsylvania State University Press, 1997); and Keith Wrightson, "Infanticide in Earlier Seventeenth-Century England," *Local Population Studies* 15 (1975), pp. 10–22.

Danish and Norwegian newborn-child murders are part of the focus of Inger Dübeck, "Poor Women's Criminality in Eighteenth-Century Denmark and Norway" in Thomas Riis (ed.), *Aspects of Poverty in Early Modern Europe*, vol. 2, *Les réactions des pauvres à la pauvreté* (Odense: Odense University Press, 1986), pp. 193–205.

The pioneering efforts of French historians in both demographic and social history mean that France's experience of newborn-child murder has been extensively studied. The result includes James R. Farr, *Authority and Sexuality in Early Modern Burgundy (1550–1730)* (Oxford: Oxford University Press, 1995); Françoise Fortunet, "Variations dans la définition de l'infanticide (XVIIIe–XIXe siècles)" in Garnot, *Histoire et criminalité de l'antiquité au XXe siècle,* pp. 465–69; a treatment of the machinery for implementing the decree of Henry II requiring the declaration of pregnancy, Marie-Claude Phan, "Les déclarations de grossesse en France (XVIe–XVIIIe siècles): essai institutionnel," *Revue d'histoire moderne et contemporaine* 22 (1975), pp. 61–88; Didier Riet, "Infanticide et société: Bruits publics et rumeurs dans la communauté," *Ethnologie française* 16 (1986), pp. 401–06; and an important work by Alfred Soman, "Anatomy of an Infanticide Trial: The Case of Jeanne Bartonnet (1742)" in Michael Wolfe (ed.), *Changing Identities in Early Modern France* (Durham: Duke University Press, 1997), pp. 248–72.

German newborn-child murder is especially well served by historical studies. Fundamental on illegitimacy and sexual offenses is Ulrike Gleixner, *"Das Mensche" und "der Kerl": Die Konstruktion von Gerschlecht in Insuchtsverfahren der frühen Neuzeit (1700–1760)* (Frankfurt am Main: Campus Verlag, 1994). See also Alfons Felber, *Unzucht und Kindsmord in der Rechsprechung der freien Reichsstadt Nördlingen vom 15. bis 19. Jahrhundert*; Richard van Dülmen, *Frauen vor Gericht: Kindsmord in der frühen Neuzeit* (Frankfurt am Main: Fischer Taschenbuch Verlag, 1991); Rublack, *The Crimes of Women in Early Modern Germany*, pp. 163–96; Wilhelm Wächtershäuser, *Das Verbrechen des Kindesmordes im Zeitalter der Aufklärung* (Berlin: Erich Schmidt Verlag, 1973) for the legal history of

the murder of newborn infants and reactions to the statutes governing infanticide; Wegert, *Popular Culture, Crime, and Social Control in Eighteenth Century Württemberg*; Mary Nagle Wessling, "Infanticide Trials and Forensic Medicine: Württemberg, 1757–1793" in Michael Clark and Catherine Howard (eds.), *Legal Medicine in History* (Cambridge: Cambridge University Press, 1994), pp. 117–44; and Otto Ulbricht, *Kindsmord und Aufklärung in Deutschland* (Munich: R. Oldenbourg, 1990), a treatment of newborn-child murder in Schleswig and Holstein and the impact of Enlightenment thought on the law regarding this crime. Ulbricht's findings on Schleswig and Holstein are summarized in his "Infanticide in Eighteenth-Century Germany" in Richard J. Evans (ed.), *The German Underworld: Deviants and Outcasts in German History* (London: Routledge, 1988), pp. 108–40.

The scholarship on newborn-child murder elsewhere is less extensive. On Italy there is Maria Pia Casarini, "Maternità e infanticido a Bologne: Fonti e linee di ricerca," *Quaderni storici* 17, no. 49 (1982), pp. 275–84, which deals with the early nineteenth century but suggests convincingly an enduring popular belief in an ailment, *madrazza*, reputed to cause women's bellies to swell, and of which abortion or delivery were thus simply evidence of its "cure"; and Richard C. Trexler, "Infanticide in Florence: New Sources and Results" in his *Dependence in Context in Renaissance Florence* (Binghamton, NY: Medieval and Renaissance Texts and Studies, 1994), pp. 203–24. And, on Geneva, Switzerland, there is Michel Porret, *Le crime et ses circonstances*, pp. 207–23.

Chapter 5   Ritual group violence

Several works provide fine entrées to the topics addressed in this chapter. The best introduction to the rich ritual life of early modern Europe is Edward Muir, *Ritual in Early Modern Europe* (Cambridge: Cambridge University Press, 1997). As we have seen, much of the ritual life of early modern Europeans revolved around public celebrations of Carnival and festivals that were so much a part of popular culture. The best English-language introduction to early modern popular culture remains Peter Burke, *Popular Culture in Early Modern Europe* (New York: Harper and Row, 1978). Mikhail Bakhtin, *Rabelais and His World*, trans. by Helene Iswolsky (Cambridge, MA: MIT Press, 1968) is a challenging but important work on early modern festivity. Also informative is Peter Stallybrass, "'Drunk with the Cup of Liberty': Robin Hood, The Carnivalesque and Liberty" in Nancy Armstrong and Leonard Tennenhouse (eds.), *The Violence of Representation: Literature and the History of Violence* (London and New York: Routledge, 1989), pp. 45–76. Other general works include

Claude Gaignebet, *Le carnaval: essais de mythologie populaire* (Paris: Payot, 1974); Jean Jacquart (ed.), *Fêtes de la Renaissance*, 3 vols. (Paris: CNRS, 1956–73); and Jacques Heers, *Fêtes, jeux et joutes dans les sociétés d'Occident à la fin du Moyen Age* (Montréal: Institut d'études médiévales; Paris: J. Vrin, 1971) and *Fêtes des fous et carnavals* (Paris: Fayard, 1983).

Particularly informative on the cycles of the festive year are Ronald Hutton, *The Rise and Fall of Merry England: The Ritual Year, 1400–1700* (Oxford: Oxford University Press, 1994); Roger Vaultier, *Le folklore pendant la guerre de cent ans d'après les lettres de rémission du Trésor des Chartes* (Paris: Librairie Guénégaud, 1965); and Maria Antonetta Visceglia and Catherine Bruce (eds.), *Cérémonie et rituel à Rome (XVIe–XIXe siècles)* (Rome: Ecole française de Rome, 1997).

Local studies of Carnival that amplify our understanding of the phenomenon include Peter Burke, "The Carnival of Venice" in Peter Burke, *The Historical Anthropology of Early Modern Italy: Essays on Perception and Communication*, pp. 113–90; Giovanni Ciapelli, *Carnevale e Quaresima. Comportamenti sociali e cultura a Firenze nel Rinascimento* (Rome: Edizioni di storiae e letteratura, 1997); Samuel Kinser, "Presentation and Representation: Carnival at Nuremberg, 1450–1550," *Representations* (1986), pp. 1–42; Robert W. Scribner, "Reformation, Carnival and the World Turned Upside-Down," in Robert W. Scribner, *Popular Culture and Popular Movements in Reformation Germany* (London and Ronceverte, WV: Hambledon Press, 1987), pp. 71–102; and Roger Vaultier, *Les fêtes populaires à Paris* (Paris: Editions du Myrtle, 1946).

There are few general studies of the charivari. A noteworthy one is Henri Rey-Flaud, *Le charivari: les rituals fondamentaux de la sexualité* (Paris: Payot, 1985). Another is an excellent international collection of scholarship on the phenomenon, Jacques Le Goff and Jean-Claude Schmitt (eds.), *Le Charivari* (Paris and The Hague: Mouton, 1981), which includes a useful bibliography. Most other scholarship on charivaris remains local or national in scope and in article format.

On the English charivari there is Adam Fox, "Ballads, Libels and Popular Ridicule in Jacobean England," *Past and Present* 105 (1984), pp. 79–113; and the same author's "Juridical Folklore in England Illustrated by Rough Music" in Christopher W. Brooks and Michael Labban (eds.), *Communities and Courts in Britain, 1150–1990* (London and Rio Grande, OH: Hambledon Press, 1997). The classic by E. P. Thompson, "'Rough Music': Le Charivari anglais," *Annales: économies, sociétés, civilisations* 27 (1972), pp. 285–312, is still fundamental.

The charivari in France has been especially well studied by John Cashmere, "The Social Uses of Violence in Ritual: *Charivari* or Religious Persecution," *European History Quarterly* 21 (1991), pp. 291–319; Natalie

Z. Davis, "Charivari, Honor and Community in Seventeenth-Century Lyon and Geneva" in John J. MacAloon (ed.), *Rite, Drama, Festival, Spectacle: Rehearsals Toward a Theory of Cultural Performance* (Philadelphia: Institute for the Study of Human Issues, 1984), which originally appeared in Le Goff and Schmitt cited above; Jean-Pierre Gutton, "Reinages, abbayes de jeunesse et confréries dans les villages de l'ancienne France," *Cahiers d'histoire* 20 (1975), pp. 445–53; Frédérique Pitou, "Jeunesse et désordre social: les coureurs de nuit à Laval au XVIIIe siècle," *Revue d'histoire moderne et contemporaine* 47 (2000), pp. 69–92; and Jacques Rossiaud, "Fraternités de jeunesse et niveaux de culture dans les villes du sud-est à la fin du Moyen Age," *Cahiers d'histoire* 21 (1976), pp. 67–102.

Particularly provocative, because it places the charivari within the myth of the savage hunt of the wandering dead, is the work of Carlo Ginzburg on Italy's expression of it, "Charivari, associazioni giovanili caccia selvaggia," *Quaderni storici* 49 (1982), pp. 164–77, which is a revised version of a contribution to Le Goff and Schmitt. Also on Italy, see Christine Klapisch-Zuber, "The 'Mattinata' in Medieval Italy" in her *Woman, Family, and Ritual in Renaissance Italy*, trans. by Lydia G. Cochrane (Chicago: University of Chicago Press, 1985), pp. 261–82. Finally, on Switzerland there is Norbert Schindler, "Les gardiens du désordre: rites culturelles de la jeunesse à l'aube des temps modernes" in Giovanni Levi and Jean-Claude Shmitt (eds.), *Histoire des jeunes en Occident*, 2 vols. (Paris: Seuil, 1996).

The early modern observance of Carnival and festivals had great potential to descend into mass violence, and this tendency is the subject of the work by Yves-Marie Bercé, *Fête et révolte: des mentalités populaires du XVIe au XVIIIe siècle* (Paris: Hachette, 1976). Several excellent studies of occasions on which festivals led to widespread violence include Emmanuel Le Roy Ladurie, *Carnival in Romans*, trans. by Mary Feeney (New York: George Braziller, 1979) and Muir, *Mad Blood Stirring: Vendetta and Factions in Friuli during the Renaissance*.

Despite the pioneering study of Johann Huizinga, *Homo Ludens: A Study of the Play Element in Culture* (New York: Roy Publishers, 1950), there are still few works on the violence of popular entertainments and how it was affected by the civilizing processes that we have identified. Therefore two works on the subject are notable: Norbert Elias and Eric Dunning, *Quest for Excitement: Sport and Leisure in the Civilizing Process* (Oxford and New York: Basil Blackwell, 1986) and Eric Dunning and Kenneth Sheard, *Barbarians, Gentlemen and Players: A Sociological Study of the Development of Rugby Football* (Oxford: Martin Robertson, 1979). See also Roger Chartier, "Sports or the Controlled Decontrolling of

Emotions" in his *On the Edge of the Cliff: History, Language and Practice*, trans. by Lydia G. Cochrane (Baltimore: The Johns Hopkins University Press, 1997), pp. 132–43.

Several works, now quite old, catalog many of the violent entertainments discussed in this chapter. They include Arnold van Gennep, *Manual de folklore français contemporaine* (Paris: A. Picard, 1937–); James George Frazier, *The Golden Bough: A Study in Magic and Religion*, especially Part III, *The Dying God*, and Part VI, *The Scapegoat*, 3rd ed. (New York: Macmillan, 1935); William Heywood, *Palio and Ponte: An Account of the Sports of Central Italy from the Age of Dante to the Twentieth Century* (1904; reprinted, New York: Hacker Art Books, 1969); and Joseph Strutt, *The Sports and Pastimes of the People of England …* (1801; reprinted, Bath: Firecrest Publishing, Ltd., 1969).

Modern general studies of entertainments include Philippe Ariès and Jean-Claude Margolin (eds.), *Les jeux à la Renaissance* (Paris: J. Vrin, 1982). On England see Christoph Daigl, *"All the World is But a Bear-Baiting": Das englische Hertztheater in 16. und 17. Jahrhundert* (Berlin: Gesellschaft für Theatergeschichte, 1997); Anthony Delves, "Popular Recreation and Social Conflict in Derby, 1800–1850" in Eileen Yeo and Stephen Yeo (eds.), *Popular Culture and Class Conflict, 1590–1914: Explorations in the History of Labour and Leisure* (Atlantic Highlands, NJ: Humanities Press, 1981), pp. 89–127; Christina Hole, *English Sports and Pastimes* (London: B. T. Batsford, 1949); Robert W. Malcolmson, *Popular Recreations in English Society, 1700–1850* (Cambridge: Cambridge University Press, 1973); Morris Marples, *A History of Football* (London: Secker and Warburg, 1954); Keith Thomas, *Man and the Natural World: Changing Attitudes in England, 1500–1800* (London: Allen Lane, 1983); and David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1607–1660* (Oxford: Oxford University Press, 1985). On France see Robert Muchembled, *Popular Culture and Elite Culture in France, 1400–1800*, trans. by Lydia G. Cochrane (Baton Rouge: Louisiana State University Press, 1985) and Isabelle Paresys, "L'ordre en jeu: les autorités face aux passions ludiques des lillois (1400–1668), *Revue du Nord* 69 (1987), pp. 535–51. On Italy see Robert C. Davis, *The War of the Fists: Popular Culture and Public Violence in Late Renaissance Venice* (Oxford: Oxford University Press, 1994) and his "The Trouble with Bulls: The *Cacce dei Tori* in Early Modern Venice," *Histoire sociale/Social History* 29 (1996), pp. 275–90; and Edward Muir, *Civic Ritual in Renaissance Venice* (Princeton: Princeton University Press, 1980). Finally, on Spain see Timothy Mitchell, *Blood Sport: A Social History of Spanish Bullfighting* (Philadelphia: University of Pennsylvania Press, 1991), as well as his *Violence and Piety in Spanish Folklore* (Philadelphia: University

of Pennsylvania Press, 1988); Garry Marvin, *Bullfight* (Oxford and New York: Basil Blackwell, 1988); and Adrian Shubert, *Death and Money in the Afternoon: A History of Spanish Bullfighting* (Oxford: Oxford University Press, 1999).

Chapter 6   Violent popular protest

There are a number of general studies of early modern European popular protest. They include Yves-Marie Bercé, *Revolt and Revolution in Early Modern Europe: An Essay on the History of Political Violence*, trans. by Joseph Bergin (New York: St. Martin's Press, 1987); a study by an international group of scholars in the series *The Origins of the Modern State in Europe* edited by Peter Blickle, *Resistance, Representation and Community* (Oxford: Clarendon Press for European Science Foundation, 1997); an examination of women's role in Natalie Z. Davis, "Women on Top," in *Society and Culture*, pp. 124–51, Roland Mousnier, *Peasant Uprisings in Seventeenth-Century France, Russia, and China*, trans. by Brian Pearce (New York: Harper and Row, 1970); Michael Mullett, *Popular Culture and Popular Protest in Late Medieval and Early Modern Europe* (London: Croom Helm, 1987), which places protest in its cultural context within the age's religious thought, concepts of honor and revenge, and the carnivalesque; Hugues Neveux, *Les révoltes paysannes en Europe, XIVe–XVIIe siècle* (Paris: Albin Michel, 1997); and Winfried Schulze (ed.) *Europäische Bauernrevolten der frühen Neuzeit* (Frankfurt am Main: Suhrkamp, 1982). In addition, George Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England, 1730–1848* (New York: John Wiley and Sons, 1964) considers the crowd in England and France; David Sabean "The Communal Basis of Pre-1800 Peasant Uprisings in Western Europe," *Comparative Politics* 8 (1976), pp. 355–64, examines the foundation of peasant unrest in communal life; Wayne te Brake, *Shaping History: Ordinary People in European Politics, 1500–1700* (Berkeley: University of California Press, 1998) considers popular interventions in European politics within the trajectories of political change; and Perez Zagorin, *Rebels and Rulers, 1500–1660*, 2 vols. (Cambridge: Cambridge University Press, 1982) examines agrarian and urban rebellions as well as revolutionary civil wars in western Europe.

Most work on collective violence is by scholars working within their particular national perspectives. The literature on England is large and, like most work on popular politics and protest, founded in local and regional studies. On sabotage, threats, and terrorism, see Douglas Hay "Poaching and Game Laws on Cannock Chase" and E. P. Thompson, "The Crime of Anonymity," in Hay *et al.*, *Albion's Fatal Tree: Crime and*

Society in Eighteenth-Century England, pp. 189–253 and 255–308, and Thompson's *Whigs and Hunters: The Origins of the Black Act* (New York: Pantheon Books, 1975).

On English riots and rebellions see John Bohstedt, *Riots and Community Politics in England and Wales, 1790–1810* (Cambridge, MA: Harvard University Press, 1983) and his "Gender, Household, and Community Politics: Women in English Riots, 1790–1810," *Past and Present* 120 (1988), pp. 88–122. Andrew Charlesworth has been concerned with the geographic diffusion of riots, and his "The Spatial Diffusion of Riots: Popular Disturbances in England and Wales, 1750–1850," *Rural History* 5 (1994), pp. 1–22, is useful here, as is his *Atlas of Rural Protest in Britain, 1548–1900* (London: Croom Helm, 1987). Ian Gilmour, a modern Conservative politician, considers the whole problem of early modern order, including popular violence, in his *Riot, Rising and Revolution: Governance and Violence in Eighteenth-Century England* (London: Hutchinson, 1992), while the problem in Wales has been examined by David J. V. Jones, *Popular Protests in Wales, 1793–1835* (London: Allen Lane, 1973). Stephen K. Land, *Kett's Rebellion: The Norfolk Rising of 1549* (Totowa, NJ: Rowman and Littlefield, 1978) is an excellent survey of a large uprising. Peter Linebaugh's "The Tyburn Riot against the Surgeons" in Hay *et al.*, *Albion's Fatal Tree*, pp. 65–117, is a model study of the political and cultural roots of riots at executions.

Historians of England have approached riots from several perspectives. The workplace, and the corporate solidarity it engendered, is the subject of Robert W. Malcolmson, "'A Set of Ungovernable People': The Kingswood Colliers in the Eighteenth Century" in Brewer and Styles, *An Ungovernable People: The English and Their Law in the Seventeenth and Eighteenth Centuries*, pp. 85–127. Roger Manning, *Village Revolts: Social Protest and Popular Disturbances in England, 1509–1640* (Oxford: Oxford University Press, 1998) finds much rural protest in this period rooted in issues of land use, while Nicholas Rogers, instead, underlines the crowd's political objectives in his *Crowds, Culture and Politics in Georgian Britain* (Oxford: Oxford University Press, 1998). In addition to his work on *The Crowd in History*, George Rudé, a pioneer in the study of the crowd, has written *Paris and London in the Eighteenth Century: Studies in Popular Protest* (New York: Viking Press, 1971), and *Wilkes and Liberty* (Oxford: Oxford University Press, 1962). An excellent regional study of enclosure issues in western England is Buchanan Sharp, *In Contempt of All Authority: Rural Artisans and Riots in the West of England, 1586–1660* (Berkeley: University of California Press, 1980). John Stevenson provides a useful survey of problems of rioting in *Popular Disturbances in England, 1700–1832*, 2nd ed. (London: Longman Publishing, 1992), as does

Charles Tilly in *Popular Contention in Great Britain, 1758–1834* (Cambridge, MA: Harvard University Press, 1995). E. P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present* 50 (1971), pp. 76–136, is a pioneering study of the ideals that legitimated crowd activities in the view of participants, and it remains valuable. David Underdown examines protest and regional societies in Somerset in *Revel, Riot and Rebellion: Popular Politics and Culture in England, 1603–1660*. John Walter has also added to our regional understanding of popular violence, most recently in *Understanding Popular Violence in the English Civil War: The Colchester Plunderers* (Cambridge: Cambridge University Press, 1999), as well as in numerous articles, including "Grain Riots and Popular Attitudes to the Law: Maldon and the Crises of 1629" in Brewer and Styles (eds.), *An Ungovernable People*, pp. 47–84; "A 'Rising of the People'? The Oxfordshire Rising of 1596," *Past and Present* 107 (1985), pp. 90–143; and with Keith Wrightson, "Dearth and Social Order in Early Modern England," *Past and Present* 71 (1976), pp. 22–212.

Popular protest in France has been extensively studied – indeed, historians of that country were pioneers in this field. In 1932 Georges Lefebvre published one of the first modern historical studies of crowd psychology, now translated as *The Great Fear of 1789: Rural Panic in Revolutionary France*. In addition, George Rudé's, *The Crowd in the French Revolution* (Oxford: Oxford University Press, 1959) was a pathbreaking study of crowd composition. Pre-Revolutionary popular protest in France also was the subject of pioneering studies of peasant rebellion, many of which stemmed from the debate initiated by Boris Porshnev. A Soviet scholar, Porshnev published in 1948 a study of French peasant revolts based on records of the French chancellor Pierre Séguier, which fell into Russian hands in 1815. Porshnev's Russian-language study interpreted these revolts in terms of class conflict; as it was translated, first into German and then into French (*Les soulèvements populaires en France de 1623 à 1648* (Paris: SEVPEN, 1963)), it became better known in western Europe and set off a debate as to the nature of these disturbances. Roland Mousnier led the opposition to Porshnev, describing Old Regime society in terms of social orders, not classes, in a number of works, including *Peasant Uprisings in Seventeenth-Century France, Russia, and China*. Mousnier's students have contributed to his position: Yves-Marie Bercé, *Histoire des Croquants: Etude des soulèvements populaires au XVIIe siècle dans le sud-ouest de la France*, 2 vols. (Geneva: Librairie Droz, 1974); Madeleine Foisil, *La révolte des nu-pieds et les révoltes normandes de 1639* (Paris: Presses universitaires de France, 1970); and René Pillorget, *Mouvements insurrectionnels de Provence entre 1596 et 1715* (Paris: A. Pédone, 1975).

Two superb general surveys of French Old Regime protest may be found in the seminal article of Leon Bernard, "French Society and Popular Uprisings under Louis XIV," *French Historical Studies* 3 (1964), pp. 454–74, and in Robin Briggs, "Popular Revolt in its Social Context" in his *Communities of Belief: Cultural and Social Tension in Early Modern France* (Oxford: Oxford University Press, 1984). Also noteworthy is Robert Muchembled, *La violence au village: sociabilité et comportements populaires en Artois du XVe siècle* (Turnhout: Editions Brépols, 1989).

For religious violence see Denis Crouzet, *Les guerriers de Dieu: La violence au temps des troubles de religion, vers 1525 – vers 1610*, 2 vols. (Seyssel: Champ Vallon, 1990) and his *La nuit de Saint-Barthélemy: un rêve perdu de la Renaissance* (Paris: Fayard, 1994); Solange Deyon and Alain Lottin, *Les casseurs de l'été 1566: l'iconoclasme dans le Nord* (Paris: Hachette, 1981); Mark Greengrass, "The Anatomy of a Religious Riot in Toulouse in May 1562," *Journal of Ecclesiastical History* 34 (1983), pp. 367–91; Philippe Joutard, *Les Camisards* (Paris: Gallimard, 1994); and Alfred Soman (ed.), *The Massacre of St. Bartholomew: Reappraisals and Documents* (The Hague: Nijhoff, 1974).

Violence over subsistence issues is the subject of Cynthia A. Bouton, *The Flour War: Gender, Class, and Communities in Late Ancien Régime French Society* (University Park: Pennsylvania State University Press, 1993); Steven Kaplan, *The Famine Plot Persuasion in Eighteenth-Century France* (Philadelphia: American Philosophical Society, 1983); Louise Tilly, "The Food Riot as a Form of Political Conflict in France," *Journal of Interdisciplinary History* 2 (1971), pp. 23–57, and her "Food Entitlement, Famine and Conflict," *Journal of Interdisciplinary History* 14 (1983), pp. 333–49; Jean Meuvret, *La problème des subsistances à l'époque de Louis XIV*, 3 vols. (Paris: Armand Colin, 1977–88); and George Rudé, "La taxation populaire de mai 1775 à Paris et dans la région parisienne," *Annales historiques de la Révolution français* 143 (1956), pp. 139–79.

The roots of violence associated with journeymen may be surveyed in a good local study, Bernard Gallinato, *Les corporations à Bordeaux à la fin de l'Ancien Régime* (Bordeaux: Presses universitaires de Bordeaux, 1992), pp. 243–67, and in general studies of these workers, including Emile Coornaert, *Les compagnonnages* (Paris: Editions ouvrières, 1966); Jacques-Louis Ménétra, *Journal of My Life*; William Sewell, *Work and Revolution in France: The Language of Labor From the Old Regime to 1848* (Cambridge: Cambridge University Press, 1980); Cynthia M. Truant, *The Rites of Labor: Brotherhoods of Compagnonnage in Old and New Regime France* (Ithaca: Cornell University Press, 1994); and J. Watelet, *Histoire du compagnonnage*, 2 vols. (Geneva and Seyne-sur-Mer: Beauval, 1982)

William Beik, *Urban Protest in Seventeenth-Century France: The Culture of Retribution* (Cambridge: Cambridge University Press, 1997) is an important addition to scholarship on French protest, which has tradition-ally concentrated on peasant rural disturbances. Also addressing urban disturbance is Farge and Revel, *The Rules of Rebellion: Child Abductions in Paris in 1750*. Studies on individual violent episodes, as well as general works, include Jacques Dubourg, *Histoire des grandes révoltes aquitaines: XVIᵉ–XVIIᵉ siècle* (Bordeaux: Sud-Ouest, 1994); Yvon Garlan and Claude Nières (eds.), *Les révoltes bretonnes de 1675* (Paris: Editions socials, 1975); Olwen Hufton, "Attitudes Toward Authority in Eighteenth-Century France," *Social History* 3 (1978), pp. 281–302; Arlette Jouanna, *Le devoir de révolte: la noblesse française et la gestation de l'état moderne, 1559–1661* (Paris: Fayard, 1989); Charles Tilly, *The Contentious French: Four Centuries of Popular Struggle* (Cambridge, MA: Harvard University Press, 1986); and Sal Alexander Westrich, *The Ormée of Bordeaux: A Revolution during the Fronde* (Baltimore, MD: The Johns Hopkins University Press, 1972).

There is a growing literature on popular protest in Germany. The greatest popular rebellion of the period, the Peasants' Revolt of 1525, has understandably dominated German historiography on popular protest. For much of the last century, historians advanced competing Marxist and non-Marxist interpretations of that revolt. Among non-Marxists the work of Günther Franz, rooted in the comparative history of late medieval unrest, separated the revolt from the Reformation and emphasized its place in the continuing German conflict between lord-ship and community. His work includes *Der deutsche Bauernkreig,* 11th ed. (Darmstadt: Wissenschaftiche Buchgesellschaft, 1977) and *Geschichte des deutschen Bauernstandes vom frühen Mittelalter bis zum 19. Jahrhundert,* 2nd ed. (Stuttgart: Ulmer, 1976). The key expression of the Marxist interpretation has been the work of M. M. Smirin, *Die Volksreformation des Thomas Münzer und der grosse Bauernkreig*, 2nd ed., 3 vols. (Frankfurt am Main: Bundschuh Verlag, 1976). By the 1970s, however, non-Marxist scholars joined Marxists in reexamining the soci-oeconomic causes of the rebellion, especially David Sabean, *Landbesitz und Gesellschaft am Vorabend des Bauernkreigs: Eine Studie der sozialen Verhältnisse im südlichen Oberschwaben in den Jahren vor 1525* (Stuttgart: G. Fischer, 1972). And some historians have seen the revolts, at least ini-tially, as rooted in a peasant search for greater communal autonomy. See, for example, Horst Buszello, *Der deutsche Bauernkrieg als politische Bewegung mit besanderer Berücksichtigung der anonymen Flugsachrift an die Versamlung Gemayner Pawerschafft* (Berlin: Colloquium-Verlag, 1969). More recent research has applied the techniques of sociology and

anthropology to the revolt, and this endeavour may be traced in John C. Stalnaker, "Towards a Social Interpretation of the German Peasant War" in Robert W. Scribner and Gerhard Benecke (eds. and trans.), *The German Peasant War of 1525: New Viewpoints* (Boston: Allen and Unwin, 1979), pp. 23–38. Historians who have incorporated elements of cultural analysis in their studies of the revolt include Heide Wunder, "The Mentality of Rebellious Peasants: The Samland Peasant Rebellion of 1525" in Scribner and Benecke, *The German Peasant War*, pp. 144–59. Richard van Dülmen's *Reformation als Revolution: Sozicale Bewegung und religiöser Radikalismus in der deutschen Reformation* (Munich: Deutscher Taschenbuch Verlag, 1977) has reemphasized the roots of the revolt in the Reformation. Peter Blickle's *Die Revolution von 1525* (Munich: R. Oldenbourg, 1977) pulls together much of this scholarship and is available in English (without the extensive citations of the original) as *The Revolution of 1525: The German Peasants' War from a New Perspective*, trans. by Thomas A. Brady Jr. and H. C. Erik Midelfort (Baltimore, MD: The Johns Hopkins University Press, 1981).

Perhaps because of the magnitude of the 1525 revolt, historians neglected for a long time unrest in Germany between the Peasants' War and the disturbances on the eve of the French Revolution. What work has been done has been dominated for almost a quarter of a century by fundamentally conflicting interpretations of this period by two key historians. On the one hand, Peter Blickle has seen disturbances of this period as evidence of peasant unrest in response to the destruction of the autonomy of rural communities by the growing power of the centralized state. Blickle's works include his edited *Aufruhr und Empörung? Studien zum bäuerlichen Widerstand im Alten Reich* (Munich: Beck, 1980) and *Obedient Germans? A Rebuttal: A New View of German History*, trans. by Thomas A. Brady Jr. (Charlottesville, VA: University Press of Virginia, 1997). On the other hand, the research of Winfried Schulze emphasizes that revolts were few and far between because the judicial institutions established by German rulers in response to the Peasant's War created for peasants a sort of safety valve through which they could sue their lords, rather than rising in revolt against them. Schulze's work includes *Bäuerlicher Widerstand und feudale Herrschaft in der frühen Neuzeit* (Stuttgart-Bad Cannstatt: Fromann-Holzboog, 1980) and his edited works, *Europäische Bauernrevolten der frühen Neuzeit* (Frankfurt am Main: Suhrkamp, 1982) and *Aufstände, Revolten, Prozesse. Beiträge zu bäuerlichen Widerstandsbewegungen im frühneuzeitlichen Europa* (Stuttgart: Klett-Cotta, 1983). In English there is Schulze's "Peasant Resistance in Sixteenth- and Seventeenth-Century Germany in a European Context" in Kaspar von Greyerz (ed.), *Religion, Politics, and Social Protest* (Boston: Allen and Unwin, 1984), pp. 61–98.

Only recently have historians begun to challenge the opposing interpretations offered by Blickle and Schultze. Particularly noteworthy in this regard is David Martin Luebke's *His Majesty's Rebels: Communities, Factions and Rural Revolt in the Black Forest, 1725–1745* (Ithaca: Cornell University Press, 1997). Luebke's study of a revolt against the abbots of Saint Blasien in the Black Forest shows that peasant rebels were far from unified in their opposition tactics and that Habsburg power exploited such divisions.

Little has been done on German food riots, under the assumption that paternalistic policies of provisioning largely eliminated this dietary cause of unrest. This is the position of George Schmidt, "Die frühneuzeitlichen Hungerrevolten, Soziale konflikte und Wirtschaftspolitik im Alten Reich," *Zeitschrift für historische Forschung* 18 (1991), pp. 257–80. A different perspective is evident in Manfred Gailus *et al.*, *Der kampf um das tägliche Brat: Nahrungsmangel, Versorgungspolitik und Protest, 1770–1990* (Opladen: Westdeutschen Verlag, 1994). On urban revolts there are Christopher R. Friedrichs, "German Town Revolts and the Seventeenth-Century Crisis," *Renaissance and Modern Studies* 26 (1982), pp. 27–51; K. Gerteis, "Frühneuzeitliche Stadrevolten im sozialen und institutionellen Bedingungsrahmen" in Wilhelm Rausch (ed.), *Die Städte Mitteleuropas im 17. and 18. Jahrhundert* (Linz: Der Arbeitkreis 1981); and, on unrest among craftsmen, Andreas Griessinger, *Das symbolische Kapital der Ehre: Streikbewegungen und kollektives Bewusstsein deutscher Handwerksgesellen im 18. Jahrhundert* (Frankfurt and Berlin: Ullstein, 1987).

Historians have studied Italian unrest much less extensively, and little work has appeared in English. That which has concerns Naples especially, in our period one of Europe's largest cities, and other regions of the south: Giuseppi Galasso, *Napoli spagnola dopo Masaniello* (Florence: Sansoni Editore, 1982); Edward Muir, "The Cannibals of Renaissance Italy," *The Syracuse Scholar* 5 (1984), pp. 5–14, which treats both a Neopolitan and a Florentine riot; Aurelio Musi, *La rivolta di Masaniello nella scena politica barocca* (Naples: Guida, 1991); and Rosario Villari, *The Revolt of Naples*, 5th ed., trans. by James Newell (Cambridge: Polity Press, 1993), which deals with the roots of the rebellion of 1647. Unrest in highly urbanized Sicily has been the subject of historical research: H. G. Koenigsberger, "The Revolt of Palermo in 1647" in his *Estates and Revolutions: Essays in Early Modern European History* (Ithaca: Cornell University Press, 1971); and Luis Antonia Ribot Garcia, *La revuelta antiespañola de Mesina: Causas y antecedents, 1591–1674* (Valladolid: Ateneo de Valladolid, 1982).

Central and northern Italy have been less closely explored than the south, but there are some valuable studies: Yves-Marie Bercé, "Troubles

frumentaires et pouvoir centralisateur: l'émeute de Fermo dans les Marches (1648)," *Mélanges d'archéologie et d'histoire publiés par l'Ecole française de Rome* 73 (1961), pp. 471–505, and 74 (1962), pp. 759–803; Denilo Gasparini, "Signari e contadini nella contea di Valmareno-Secoli XVI–XVII" in Cozzi, *Stato, società e giustizia nella republicca Veneta (sec. XV–XVIII)* 2, pp. 133–90; Edoardo Grendi, "La pratica dei confini: Mioglia contro Sassello, 1715–1745," *Quaderni storici* 63 (1986), pp. 811–45; Giorgio Lombardi (ed.), *La Guerra del Sel (1680–1699): Conflitti et frontiere del Piemonte barocco* (Milan: F. Angeli, 1985); Jean Nicolas, *La Savoie au XVIIIe siècle: noblesse et bourgeoisie*, 2 vols. (Paris: Maloine, 1977), which deals at length with collective violence within a larger work on Piedmont-Sardinia; and Ivan Tognarini and Francesco Mineccia, "Tumulti urbani nella Toscana di Pietro Leopoldo" in Berlinguer and Colao, *Criminalità e società in età moderna*, pp. 167–228.

For the Low Countries there is much on the religious turmoil of the sixteenth century, and a good introduction is Phyllis Mack Crew, *Calvinist Preaching and Iconoclasm in the Netherlands, 1544–1569* (Cambridge: Cambridge University Press, 1977). The work of Karin van Honacker, "Resistance locale et émeutes dans les chefs-villes brabançonnes aux XVIIe et XVIIIe siècles," *Revue d'histoire moderne et contemporaine* 47 (2000), pp. 37–68, sees Belgian riots as essentially political in nature. There is also Wayne te Brake, "Revolution and the Rural Community in the Eastern Netherlands" in Louise and Charles Tilly (eds.), *Class Conflict and Collective Action* (Beverly Hills: Sage Publications, 1981), pp. 27–53, and A. H. Wertheim and Gijse Weenink, "Early Eighteenth-Century Uprisings in the Low Countries: Prelude to the Democratic Revolution," *History Workshop* 15 (1983), pp. 95–117. Much else has been done on collective violence, but it remains in Dutch; on the Spanish/Austrian Netherlands see Karin van Honacker (ed.), *Locaal verzet en oproer in de 17de en 18de eeuw* (Kortrijk-Heule: UGA 1994) and the work of Rudolf Dekker, which has dispelled the myth of civic peace in the United Provinces, *Holland in beroering: Oproeren in de 17de en 18de eeuw* (Baarn: Ambo, 1982).

Literature on Spanish collective violence that is available in English is not plentiful, but useful surveys may be found in relevant sections of James Casey, *The Kingdom of Valencia in the Seventeenth Century* (Cambridge: Cambridge University Press, 1983) and Henry Kamen, *Spain in the Later Seventeenth Century, 1665–1700* (London: Longman Publishing, 1980) and his *Spain, 1462–1714: A Society of Conflict*, 2nd ed. (London: Longman Publishing, 1991). See also Henry Kamen, "A Forgotten Peasant Insurrection of the Seventeenth Century: The Catalan Peasant Rising of 1688," *Journal of Modern History* 49 (1977), pp.

210–30; Claude Larqué, "Popular Uprisings in Spain in the Mid-Seventeenth Century, *Renaissance and Modern Studies* 26 (1982), pp. 90–107; Ruth MacKay, *The Limits of Royal Authority: Resistance and Obedience in Seventeenth-Century Castille* (Cambridge: Cambridge University Press, 1999); and Laura Rodriguez, "The Spanish Grain Riots of 1766," *Past and Present* 79 (1973), pp. 117–46.

J. H. Elliott's *The Revolt of the Catalans: A Study in the Decline of Spain (1598–1640)* (Cambridge: Cambridge University Press, 1963) remains the definitive study in English of the complex events of 1640. In Spanish several works may be consulted on early modern unrest: Antonio Dominguez Ortiz, *Altercaciones andaluzas* (Madrid: Nárcea, 1973); L. Rodríguez, "El motín de Madrid de 1766," *Revista de Occidente* 121 (1973), pp. 24–49 and "Los motines de 1766 en provincias," *Revista de Occidente* 123 (1973), pp. 183–207; P. Ruiz Torres, "Los matines de 1766 y los inicios de la crisis del Antiguo Régimen" in Pedro Ruiz Tores *et al.*, *Estudios sobre la revolución burguesa en España* (Madrid: Siglo Veintiuno, 1979); and P. Vilar, "El motín de Esquilache y las crisis del Antiguo Régimen," *Revista de Occidente* 107 (1972), pp. 199–249.

Chapter Seven   Organized crime

Bandits have excited a great deal of historical interest since the original appearance in 1969 of Eric J. Hobsbawm, *Bandits*, revised ed. (New York: Pantheon Books, 1981), based on representations of bandits in popular culture. Criticisms of his thesis have been numerous, and include Anton Blok, "The Peasant and the Brigand: Social Banditry Reconsidered," with Hobsbawm's "Social Bandits: Reply," *Comparative Studies in Society and History* 14 (1971), pp. 494–505; and Pat O'Malley, "Social Bandits, Modern Capitalism and the Traditional Peasantry: A Critique of Hobsbawm," *Journal of Peasant Studies* 6 (1979), pp. 489–501. Nevertheless, the controversy raised by Hobsbawm's work helped to spark greater research on bandits.

The poverty in which a great deal of robbery had its roots has been addressed by a generation of social historians, and a number of their works are worthy of note. General studies that synthesize much modern research include Bronislaw Geremek, *Poverty: A History*, trans. by Agnieszka Kolakowska (Cambridge, MA: Basil Blackwell, 1994); Jean-Pierre Gutton, *La société et les pauvres en Europe (XVIᵉ–XVIIIᵉ siècles)* (Paris: Presses universitaires de France, 1974); Robert Jütte, *Poverty and Deviance in Early Modern Europe* (Cambridge: Cambridge University Press, 1994); and Stuart Woolf, *The Poor in Western Europe in the Eighteenth and Nineteenth Centuries* (London and New York: Methuen, 1986).

Vagrancy and its relationship to crime are explored in A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560–1640* (London and New York: Methuen, 1985); Douglas Hay, "War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts," *Past and Present* 95 (1982), pp. 117–60; Olwen Hufton, *The Poor of Eighteenth-Century France, 1750–1789* (Oxford: Oxford University Press, 1974); Angelika Kopecny, *Fahrende und Vagabonden. Ihre Geschichte, Überlebenskünste, Zeichen und Strassen* (Berlin: K. Wagenbach, 1980); Carsten Küther, *Menschen auf der Straße: Vagierende Unterschichten in Bayern, Franken und Schwaben in der zweiten Hälfte des 18. Jahrhunderts* (Göttingen: Vandenhoeck und Ruprecht, 1983); Francesca Meneghetti Casarin, *I Vagabondi, la società e lo stato nella repubblica veneta alla fine del '700* (Rome: Jouvence, 1984); and Michel Vovelle, "De la mendicité au brigandage. Les errants en Beauce sous la Révolution français," *Actes du quatre-vingt-sixième Congrès nationale des sociétés savantes, Section d'histoire moderne et contemporaine* (Paris: Comité des travaux historiques, 1962), pp. 483–512. An article particularly evocative of the fear vagrants inspired is Robert W. Scribner, "The *Mordbrenner* Fear in Sixteenth-Century Germany: Political Paranoia or the Revenge of the Outcast?" in Richard J. Evans (ed.), *The German Underworld: Deviants and Outcasts in German History* (London and New York: Routledge, 1988), pp. 29–55.

The socially and religiously excluded groups that turned to organized crime in our period are treated by Rudolf Glanz, *Geschichte des niederen judischen Volkes in Deutschland. Eine Studie über historisches Gaunertum, Bettelwesen und Vagantentum* (New York, 1968) on the Jews; while Leo Lucassen, Wim Willens, and Annemarie Cottar, *Gypsies and Other Itinerant Groups: A Socio-Historical Approach* (New York: St. Martin's Press, 1998) and François de Vaux de Foletier, *Mille ans d'histoire des Tsiganes* (Paris: Fayard, 1970) focus on the Roma.

No general study of European banditry yet exists, so we must rely on local and regional studies, often in article form. An excellent overview of modern scholarship, based largely on criminal-justice records, is Gerhardo Ortalli (ed.), *Bande armate, banditi, banditismo e repressione di giustizia negli stati europei di antico regime* (Rome: Jouvence, 1986).

For the experiences of individual states, see, on England, Patricia J. Bradley, "Social Banditry on the Anglo-Scottish Border in the Late Middle Ages," *Scotia* 12 (1988), pp. 27–43; George MacDonald Fraser, *The Steel Bonnets: The Story of the Anglo-Scottish Border Reivers* (New York: Knopf, 1972); Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Cambridge: Cambridge University Press, 1992), pp. 184–218; Alan Macfarlane, *The Justice and the Mare's Ale* (Cambridge: Cambridge University Press, 1981); and James A.

Sharpe, "Criminal Organization in Rural England" in Ortalli, *Bande armate*, pp. 125–40.

On French noble banditry there are Yves-Marie Bercé, "De la criminalité aux troubles sociaux: la noblesse rurale du sud-ouest de France sous Louis XIII," *Annales du Midi* 76 (1964), pp. 42–59, and Gaston Zeller, "La vie aventureuse des classes supérieures en France sous l'Ancien Régime: brigandage et piraterie," *Cahiers internationaux de sociologie* 28 (1960), pp. 13–20. On other Old Regime banditry there is Nicole Castan, "Du banditisme à la révolte populaire: l'exemple du Vivarais à la fin de l'Ancien Régime" in Ortalli, *Bande armate*, pp. 107–23; P. Delahaye, "Troupes de voleurs in Bretagne à la veille de la Révolution," *Annales de Bretagne et des pays de l'Ouest*" 99 (1992), pp. 243–62; Paul Dominique, *Les brigands en Provence et en Languedoc* (Avignon: Aubanel, 1975); Catharine Goyer, "La délinquance en bandes en Lyonnais, Forez et Beaujolais au XVIIIe siècle" in Garnot, *Histoire et criminalité de l'antiquité au XXe siècle*, pp. 189–98; Jean Loren, *La grande misère et les voleurs au 18e siècle. Marion de Faouët et ses "associés" (1740–1770)*, 3rd ed. (Paris: Perrin, 1933); Jean Quéniart, *La grand Chapelletout*: *Violence, normes et comportements dans la Bretagne rurale au XVIIIe siècle* (Rennes: Apogée, 1993); and André Zysberg, "Bandits et banditisme en France du XVIIeme au XVIIIeme siècle: essai de typologie" in Ortalli, *Bande armate*, pp. 205–23. On Revolutionary-era bands there are several studies: Richard Cobb, *Paris and its Provinces, 1792–1802* (Oxford: Oxford University Press, 1975), pp. 141–207, and the same author's *Reactions to the French Revolution* (Oxford: Oxford University Press, 1972), pp. 180–211; Alan Forrest, "Conscription and Crime in Rural France during the Directory" in Gwynne Lewis and Colin Lucas (eds.), *Beyond the Terror: Essays in French Regional and Social History, 1794–1815* (Cambridge: Cambridge University Press, 1983), pp. 92–120; Georges Sangnier *Le brigandage dans le Pas-de-Calais, de 1789 à 1815* (Blangermont: chez l'auteur, 1962), and André Zysberg, "L'affaire d'Orgères (Eure-et-Loir), 1790–1800," *Mémoires de la Société archéologique d'Eure-et-Loir* 30 (1985), pp. i–188.

General studies on Germany's versions include Uwe Danker, "Bandits and the State: Robbers and the Authorities in the Holy Roman Empire in the Late Seventeenth and Early Eighteenth Centuries" in Evans, *The German Underworld*, pp. 75–107, and the same author's *Räuberbanden im Alten Reich um 1700: Ein Beitrag zur Geschichte van Herrschaft und Kriminalität in der frühen Neuzeit*, 2 vols. (Frankfurt: Suhrkamp, 1988); and Carsten Küther, *Räuber und Gauner in Deutschland: Das organisierte Bandenwessen im 18. und 19. Jahrhundert* (Göttingen: Vandenhoeck und Ruprecht, 1976). Schinderhannes has been the subject of a number of works, including Wolfgang Stenke, "Schinderhannes & Co.: Kriminalität

und Banderwesen in 18. und 19. Jahrhundert," *Frankfurter Hefte* 35 (3) (1980), pp. 47–54. An accessible English-language summary is T. C. W. Blanning, *The French Revolution in Germany: Occupation and Resistance in the Rhineland, 1792–1802* (Oxford: Oxford University Press, 1983), pp. 288–300.

More than half of the contributions to Ortalli's, *Bande armate* relate to Italy. The English-language chapters include Nicholas S. Davidson, "An Armed Band and the Local Community on the Venetian Terraferma in the Sixteenth Century," pp. 401–11 and James S. Grubb, "Catalysts for Organized Violence in the Early Venetian Territorial State," pp. 383–400. Also on Venetian banditry is Peter Laven, "Banditry and Lawlessness on the Venetian Terraferma in the Late Cinquecento" in Dean and Lowe, *Crime, Society and the Law in Renaissance Italy*, pp. 221–48. In addition, on Rome there is Jean Delumeau, *Vie économique et sociale de Rome dans la seconde moitié du XVIᵉ siècle*, 2 vols. (Paris: Editions de Boccard, 1957), which treats the bandit problem in the sixteenth-century Papal States. Studies of Corsican banditry before French rule include Antoine-Marie Graziani, "'Comme des oiseaux à la campagne': Banditisme, état et société dans la Corse du XVIIᵉ siècle," *Etudes corses* 21 (1993), pp. 77–89, and François Pomponi, "Banditisme corse et ordre génois," *Etudes corses* 21 (1993), pp. 291–323. On Sardinian banditry see Giuseppe Doneddu, "Banditismo e Stato nella Sardegna del XVIIIᵉ seccolo," *Etudes corses* 21 (1993), pp. 203–14.

With regard to the Low Countries, the work of Florike Egmond on the United Provinces is fundamental to understanding both Dutch and European banditry; it includes "Crime in Context: Jewish Involvement in Organized Crime in the Dutch Republic," *Jewish History* 4 (1) (1989), pp. 75–100; "The Heyday of Banditry in Western Europe: The Case of the Great Dutch Band, 1790–1799" in Ortalli, *Bande armate*, pp. 167–78; and especially her *Underworlds: Organized Crime in the Netherlands, 1650–1800* (Cambridge, MA: Basil Blackwell, 1994). Anton Blok's studys of the Bokkerijders is also essential; see a good English synopsis in Blok, "The Symbolic Vocabulary of Public Executions," in Jane F. Collier and June Starr (eds.), *History and Power in the Study of Law: New Directions in Legal Anthropology* (Ithaca: Cornell University Press, 1989), pp. 31–55. There is also M. F. Backhouse, "Guerrilla War and Banditry in the Sixteenth Century: The Wood Beggars in the Westkwartier of Flanders (1567–68)," *Archiv für Reformationsgeschichte* 74 (1983), pp. 232–51; Roger Darquenne, *Brigands et larrons dans le département de Jemappes* (Haine-Saint-Pierre: Publications du Cercle d'histoire et de folklore Henri Guillemin-La Louvière, 1994); Michel Dorbin and Christine Piraux (eds.), *Douanes, commerce et fraude dans le sud de l'espace belge et*

grandducal (Louvain-la-Neuve: Academia Bruylant, 1998); and Lammert G. Jansma, "Crime in the Netherlands in the Sixteenth Century: The Batenburg Bands after 1540," *Mennonite Quarterly Review* 62 (1988), pp. 221–35.

For Spain some of the first modern scholarship on banditry came from Juan Reglá, *El bandolerisme català del Barrac*, 2 vols. (Barcelona: Ayma, 1962–63), but it has not been without criticism, such as that of Ricardo Garcia Cárcel, "El bandolerismo catalán en siglo XVII" in a collective work on banditry, Juan Antonio Martinez Comeche (ed.), *Le bandit et son image au siècle d'or* (Paris: Publications de la Sorbonne; Madrid: Ediciones de la Universidad Autónoma de Madrid, 1991). The work of Henry Kamen opened the modern historical study of early modern Spanish bandits by English-language scholars and may be found in *The Iron Century: Social Change in Europe, 1550–1660* (New York: Praeger Publishers, 1971); "Public Authority and Popular Crime: Banditry in Valencia, 1660–1714," *Journal of European Economic History* 3 (1974), pp. 654–87; *Spain in the Later Seventeenth Century*; and *Spain, 1469–1714: A Society of Conflict*. James Casey, *The Kingdom of Valencia in the Seventeenth Century* devotes an entire chapter to Valencian outlaws. In addition, there is Henk Driessen, "Heroes and Villains: Images of Bandits and Banditry in Eighteenth- and Nineteenth-Century Andalusia" in Ortalli, *Bande armate*, pp. 179–95; Ruth Pike, "The Reality and Legend of the Spanish Bandit Diego Corrientes," *Folklore* 99 (1988), pp. 242–47; Bernard Vincent, "Les bandits morisques en Andalousie au XVIᵉ siècle," *Revue d'histoire moderne et contemporaine* 21 (1974), pp. 389–40; and Michael Weisser, "Crime and Punishment in Early Modern Spain" in Gatrell *et al.*, *The Social History of Crime in Western Europe since 1500*.

Jan Sundin looks at Sweden's experience in "Bandits and Guerrilla Soldiers. Armed Bands on the Border between Sweden and Denmark in Early Modern Times" in Ortalli, *Bande armate*, pp. 141–66.

Unlike the military, the poor, and bands of robbers, smugglers have not generated a vast historical literature, except for those of France, where early modern smuggling was widespread. There is an overview of French smuggling in the previously cited Olwen Hufton, *The Poor of Eighteenth-Century France*, pp. 284–305. Bernard Briais, *Contrabandiers du sel: la vie des faux sauniers au temps de la gabelle* (Paris: Aubier Montaigne, 1984) offers a relatively brief modern history of salt smuggling. Smuggling of tobacco as well as salt is the subject of Marie-Hélène Bourquin and Emmanuel Hepp, *Aspects de la contrebande au XVIIIᵉ siècle* (Paris: Presses universitaires de France, 1969). The structure of the tax system that gave rise to salt smuggling and the Ferme that attempted to collect the imposts on the mineral are accessible in the old but reliable J. Pasquier, *L'impôt des*

gabelles en France au XVIIIe siècle (1905; reprinted, Geneva: Slatkine Reprints, 1978) and Yves Durand, *Les fermiers généraux au XVIIIe siècle* (Paris: Presses universitaires de France, 1971). One of the great centers of salt smuggling is the subject of Yves Durand, "La contrebande du sel au XVIIIe siècle aux frontières de Bretagne, du Maine et de l'Anjou," *Histoire sociale/Social History* 7 (1974), pp. 227–69. Tobacco smuggling is treated in Marc and Muriel Vigié, *L'herbe à nicot. Amateurs de tabac, fermiers généraux et contrebandiers sous l'Ancien Régime* (Paris: Fayard, 1989).

For smuggling in other countries, on England there is Hoh-Cheung and Lorna H. Mui, "Smuggling and the British Tea Trade before 1784," *American Historical Review* 74 (1968), pp. 44–73, and Cal Winslow, "Sussex Smugglers," in Hay *et al. Albion's Fatal Tree*, pp. 119–66. On the Cologne area in the German Rhineland, see Norbert Finzsch, *Obrigkeit und Unterschichten: Zur Geschichte der rheinischen Unterschichten gegen Ende des 18. und Beginn des 19. Jahrhunderts* (Stuttgart: Franz Steiner Verlag, 1990). For Venice there is Furio Bianco, "Sbirri, contrabbandieri e le 'rie sette di malfattori' nel '700 Friulano" in Alessandro Pastore and Paolo Sorcinelli (eds.), *Emarginazione, criminalità e devianza in Italia fra '600 e '900. Problemi e indicazioni di ricerca* (Milan: Franco Angeli, 1990), pp. 51–75. For Spain see Marcelin Defourneaux, "La contrabande du tabac en Roussillon dans la seconde moitié du XVIIIe siècle," *Annales du Midi* 82 (1970), pp. 171–79, and Jean-François Galinier-Pallerola, "La délinquance des ecclésiastiques catalans à l'époque moderne d'après les archives du Tribunal du Bref," *Annales du Midi* 104 (1982), pp. 43–67.