



# The Rhythms of Vengeance in Late Medieval Marseille

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## The Rhythms of Vengeance in Late Medieval Marseille

Interpersonal violence was common in late medieval Marseille, as it was everywhere in Europe. In the fourteenth century, the city was riven by warfare between two great factions involving some of Marseille's leading families. Court records and deliberations of the city council from the 1340s and 1350s reveal episodes of tit-for-tat violence involving members of the two parties, temporarily halted by the occasional act of peace. Lesser families, loosely affiliated to the major factions, carried on their own intermittent acts of mutual violence<sup>1</sup>. Common brawling was a daily occurrence on the streets of Marseille. Many of these conflicts began and ended with insults ; others graduated to blows and injuries, and a few led to a great effusion of blood, ending, at times, in death. Hundreds of brawls show up annually in fiscal accounts and records of the criminal court, a pattern in keeping with cities and communities throughout the Mediterranean and the north<sup>2</sup>.

How much of this violence was inspired by vengeance ? Although violence was common enough in Marseille's records, episodes explicitly characterized as vengeance are rare. The passages below are among the few extant from fourteenth-century Marseille in which we can find the words *vindicare* or *vindicta* in sources<sup>3</sup>.

1) *Socie, ego volo facere donationem Gambino de omnibus bonis meis ut possit bona mea salvare, quia intendo me **vindicare** de Petro de Lambisco et quibusdam partiis suis de quibusdam vulneribus per eos in meam personam illatis*<sup>4</sup>.

2) *...Petrum de Jerusalem, dicto cero vigilie Pentecostis, ynisse ad domun dicti Hugonis de Ruppeforti, scientem dictum Hugonem tunc facere congregationem sive acamprassam*<sup>5</sup>, *et quod dictus Hugo de Ruppeforti dicto Petro dixerat, dicta die dicte vigilie, quod volebat dictus Hugo se **vindicare** iuxta formam capituli sive statuti Massilie de Francisco [de Hostia] predicto, et quod, ad predicta dictus Petrus de Jerusalem respondit dicto Hugoni quod libenter, quia dictus Petrus accedebat quod dictus Hugo de Ruppeforti nollet dictum Franciscum interficere sed quodammodo vulnerare*<sup>6</sup>.

3) *Volens habere **vindictam**, mortem predictam patravit.*<sup>7</sup>

4) *...pro **vindicando** morte dicti Guillelmi*<sup>8</sup>.

5) *Demum Jacobus Albini, frater interempti, **vendicans** mortem fratris sui, ipsum Johannem Arresati banitum dicitur interfecisse*<sup>9</sup>.

We are entitled to assume the presence of vengeance even in cases where the word is lacking. Even so, there is no *a priori* reason to think that most acts of violence were motivated by what contemporaries considered vengeance<sup>10</sup>. Brawling or fighting, among humans as among chimpanzees and many other primates, is a device for determining matters of honor, standing, and social precedence<sup>11</sup>. It is a tool found in the toolkit of medieval and early modern masculinity<sup>12</sup>. Vengeance is different. The pursuit of vengeance, as understood by historians and anthropologists for a half-century and more, is about honor, but it also concerns the righting of wrongs and the restoration of balance<sup>13</sup>. This is perhaps especially true for the European middle ages, where the concept of vengeance was very nearly synonymous with justice<sup>14</sup>. It could be considered a « medium good » among canon lawyers and other writers in the twelfth century<sup>15</sup>. Florentine historiography has long acknowledged the practical and conceptual parallels that were drawn between justice and vendetta in fifteenth-century Florence<sup>16</sup>. Brawling, in short, can be thought of as a political process associated with the pursuit of precedence. Vengeance, at least as it was practiced in later medieval Europe, was a legal process associated with the pursuit of justice.

Common brawling and vengeance can be distinguished not just by their ultimate goals but also by their rhythms or patterns. Each practice is governed by a *habitus*, script, or grammar that loosely governs the order and the manner in which events unfold<sup>17</sup>. The particularities of these rhythms may vary from one historical society to the next but their presence is universal. In the case of common brawling, ample evidence from fourteenth and early fifteenth-century Marseille indicates that brawls typically involved a) equal numbers of combatants, often single combatants, operating ; b) spontaneously and ; c) in full publicity, often using ; d) non-lethal

weapons that produced ; e) wounds typically on the front or the left side of the victim's body (inflicted by right-handed assailants in face-to-face combat) that ; f) were usually not fatal, owing to a measure of self-restraint exercised by the assailants and to the intervention of neighbors or bystanders. Though we should not assume that this code was universal in later medieval Europe, similar patterns can be found elsewhere<sup>18</sup>.

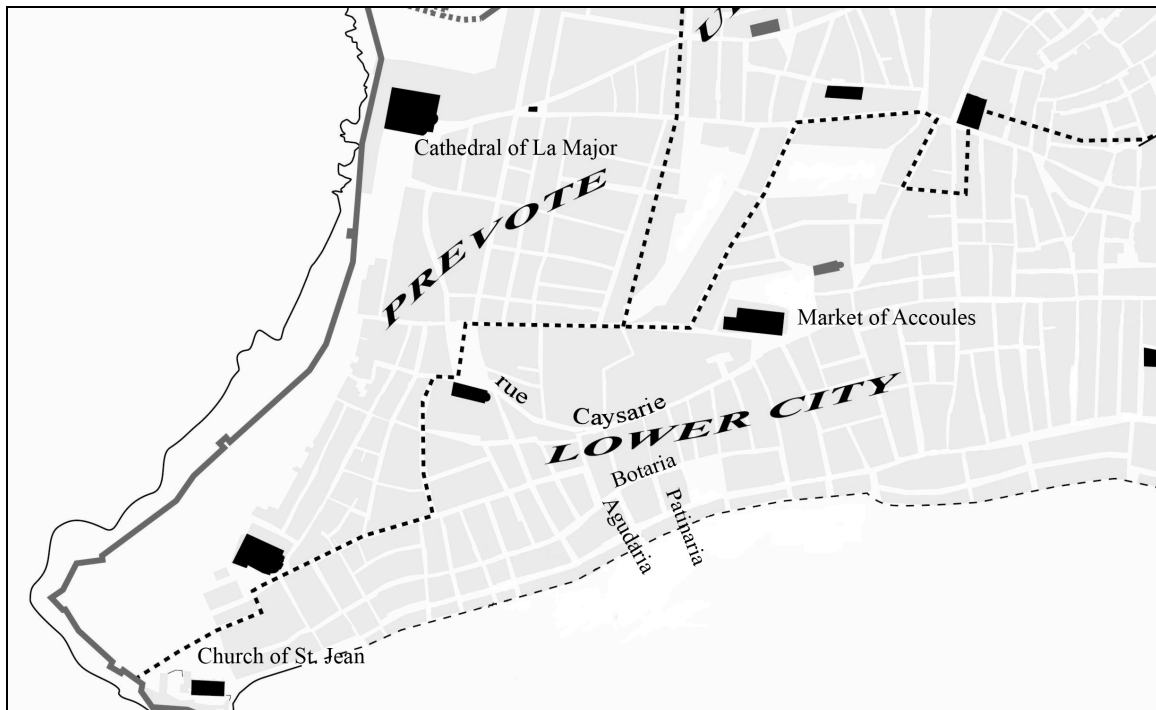
As I hope to show in this contribution, the rhythms that guided the pursuit of vengeance in late medieval Marseille are quite different. They are also far more difficult to reconstruct. Flashes of insights from disparate records confirm the existence of a culture and even an expectation of vengeance but say little about the act itself played out. Records of receipts arising from fines assessed by the criminal court provide some sense of the frequency of insults and brawls, but these are terse to the extreme, usually no more than a few lines in length, and rarely provide any clue to the dispute's context<sup>19</sup>. Eight notarized peace acts extant from the middle of the century offer tantalizing but ultimately incomplete glimpses into vengeance<sup>20</sup>. Deliberations of the city council allude to acts of vengeance from time to time, but the references are veiled and unhelpful. The best sources for the study of vengeance consist of the registers of the secular and ecclesiastical courts of first instance and the court of first appeals, but even here procedural notes far outweigh narratives. In a few cases, one gets a strong impression of plaintiffs, defendants, and witnesses itching to relate deep histories of vengeance so as to explain or justify assaults or killings. Yet these stories of vengeance were suppressed by the procedure of the court<sup>21</sup>. This is the extent of our sources. Marseille had no urban chronicler to record the rhythms of particular vendettas. The rare household cartularies from the period were concerned exclusively with business dealings or rents. There was no Philippe de Beaumanoir to record, in intimate detail, the unwritten customs of vengeance. The culture of vengeance, so frankly depicted in medieval chronicles, sagas, customaries, saints lives, and sources like the peace registers of the city of Tournai, is very nearly invisible in Marseille's records<sup>22</sup>.

There is a glittering exception to this general rule of documentary silence about vengeance : two court cases, the first an ecclesiastical inquest from 1402<sup>23</sup>, the second an appellate court transcript from 1403, that describe in exceptional detail two phases of confrontation involving two groups of men<sup>24</sup>. The appellate case, which includes an avenger's reflections on his own deed, provides an altogether rare insight into a killing categorized unambiguously as an act of vengeance. Taken together, the two cases allow us to reconstitute a relatively complete narrative of a vengeance killing with its characteristic rhythms and patterns. Possessing this narrative, in turn, helps us with the task of reconstructing the code of vengeance in later medieval Marseille. It provides an organizing framework for understanding and classifying the isolated shafts of insight that occasionally crop up in other sources, allowing us to build up a thicker description. And this, as I hope to show, will in turn allow us to draw even larger comparisons between brawling and vengeance as forms of violence in later medieval communities.

The first section offers an analysis of the confrontation, piecing together a narrative of events and processes from the two relevant court records. Following this, I will highlight some of the key elements of the rhythms of vengeance in late medieval Marseille, connecting them, where possible, to other sources that confirm or amplify conclusions drawn from this case. There are few surprises here. The patterns typical of Marseille will be familiar to anyone who has explored the rich world of vengeance in human societies. The chief contribution of this article, therefore, lies in the fact that this particular case suggests how an act of common brawling, which closely followed the script typical of such fights, engendered an act of vengeance that followed a very different script. As a case study, therefore, this episode offers insights into how we might go about the process of developing a more nuanced set of categories for violence in later medieval Europe.

The brawl that first drew the attention of the courts began on the evening of 15 February 1402 on a street various identified as the Slipperer's Quarter (*La Patinaria*) the street of Agudaria, and the corner of the Oven of the Coopers (*cantonum furni Botarie*). One of the parties to the brawl consisted of the two Albin brothers, Guilhem and Jacme. Both were smiths ; they shared a house and forge located in the Slipperer's Quarter. Their principal antagonists were two clerics in minor orders : Johan Areat, a caulker and *clericus solutus*, and his nephew, Johan Giraut, the son of a cooper and a *clericus cum unica et virgine coniugatus*. Originally, a servant of Johan Giraut named Johan Chrestian, a recent immigrant from Toulon and likewise a *clericus solutus*, was also listed among the accused, although testimony taken more than a year after the fight suggests his innocence. In the course of this fight, the smith Guilhem Albin died at the hands of the cleric Johan Areat.

Figure 1 Marseille ca. 1350, southwest quadrant, illustrating place names associated with the vengeance killing of Johan Areat by Jacme Albin



### *Dramatis personae*

#### *The Albin brothers*

- †Guilhem Albin, a smith who lived in the Slipperer's Quarter in Marseille. He was killed by Johan Areat in the course of a brawl that took place on 15 February 1402. His death was the subject of an inquest by the ecclesiastical court that opened in August of 1402.
- Jacme Albin, Guilhem's brother, also a smith. A year after Guilhem's death, on 27 February 1403, Jacme ambushed and killed his brother's murderer, Johan Areat.

#### *Johan Areat and his nephew, Johan Giraut*

- †Johan Areat, a cleric and a caulker by trade. During the course of the brawl in 15 February 1402, Johan was severely wounded by Guilhem Albin but recovered from his wounds. He was killed by Jacme Albin the following year.
- Johan Giraut, the son of a cooper and the nephew of Johan Areat. Johan Giraut was also a cleric.

The details of the brawl are unclear, owing in part to the absence of any record of the inquest of the secular criminal court. The ecclesiastical court claimed jurisdiction over the two clerics, Johan Areat and his nephew, Johan Giraut, but the inquest was unusually delayed, opening in August of

1402. Proceedings were stalled for a further sixteen months. Ironically, by the time witnesses were finally heard in the ecclesiastical inquest, in December of 1403, Johan Areat himself, one of the principal accused, had already been dead for ten months. At this remove, a year and ten months after the first fight, the testimony given by witnesses, including Johan Giraut and the servant, Johan Chrestian, is vague on the order of events. Consider the deposition of the servant.

He was following his master, carrying a certain number of pewter plates and saucers for the marriage feast of Johan Areat. He saw Jacme and Guilhem [Albin] running along the street of Uguo de Rogier. Later, near the corner of the Oven of the Coopery, he saw Johan Areat fighting with Guilhem, both of whom had their knives drawn. At length, Guilhem broke away and he and his brother took to their heels in flight. Some neighbors came, and they carried the half-dead Johan Areat to the harbor. The men present were the coopers Antoni Niel and Johanet Pascal. Antoni picked up a dart that Jacme had shot at Johan Giraut from a doorway<sup>25</sup>.

To these disjointed fragments we can add the testimony of the remaining principal accused, the cleric Johan Giraut<sup>26</sup>. Johan confirmed that he and his uncle, Johan Areat, had been fighting with the two smiths in front of their forge. His uncle was seriously wounded in the waist and had to be carried away by boat. We also learn that Guilhem Albin had been badly wounded by Johan Areat with blows to the chest and side. As the two smiths were fleeing to sanctuary in the cathedral, Guilhem dropped dead in the street of Caysarie, before the house of Peire Audebert<sup>27</sup>. Bear this location in mind.

Carried half-dead to sanctuary in the church of St. Jean, near his home in the sixain of St. Jean, Johan Areat eventually recovered from his wound, although at no time during the ensuing year did he choose to answer any of the summonses issued by the criminal and ecclesiastical courts. Following a killing or severe wounding, the custom in Marseille was for assailants to seek sanctuary in church for a few days and then slip out of the city into exile. This period of self-imposed exile lasted anywhere from several months to a year, as procurators and kinfolk negotiated a peace settlement with the victim's family. There is no evidence, however, that Johan ever left the city. But even if he did, one thing is quite clear : within a few months of the battle,



Johan was once again living openly in Marseille and had resumed all of his former habits. He had not made peace with his enemy. Jacme Albin, understandably, continued to brood about his brother's death, and plotted his vengeance with care.

The vengeance killing took place just over a year later, on 27 February 1403. It can be reconstructed in some detail, thanks to the existence of the lengthy appellate court case<sup>28</sup>. At dawn, Johan Areat arose and went to market with his small son, making his way down the street of Caysarie, the major thoroughfare funneling foot traffic from the sixain of St. Jean, in the very southwestern corner of the city, toward the markets located in the city center. When they came to the steps where Caysarie descended into the great market at Accoules, the little boy, with a prescience fatally ignored by his father, remarked : « There is the wife of the smith ». Her name was Francesa. Returning from market a short while later, Johan and his son ascended the steps and made their way back up Caysarie. But as they passed the garden belonging to Peire Audebert—in all likelihood, the exact location where the wounded Guilhem Albin had collapsed and died the previous february—the smith, Jacme, came rushing out of an alley with three accomplices, including a Greek slave or servant, all bearing knives and daggers. Johan tried to flee but was seized from behind and held by Francesa and one of Jacme's brothers. Stabbed repeatedly, Johan was left for dead, as Jacme, for the second time in just over a year, fled to the cathedral in search of sanctuary.

This was the substance of Johan Areat's account of his own murder, for his wounds were not immediately fatal<sup>29</sup>. He was taken home to die, and had enough time to dictate this account to a court notary. The basic accuracy of the account is confirmed by the depositions of the eight additional witnesses. There was some disagreement about the number of assassins involved. One of the female witnesses, asked explicitly whether Francesa, the wife of the killer, was involved in the affray, said that she had not seen her. But otherwise we can take Johan's deposition as a reasonably accurate depiction of the events in question.

Jacme, who prudently refused to respond to the summons and remained safely in sanctuary, was condemned to a contumacy fine of 400 pounds and was placed in the ban of homicide. A notary went to his house to conduct an inventory of his goods, to be seized and auctioned off, if necessary, to pay the contumacy fine. Several months later, in July of 1403, as the dust had begun to settle, Jacme's procurator, a lawyer named Bertran Gombert, lodged an appeal. The key components of Bertran's argument (transcribed in full in Appendix A) can be paraphrased in this way<sup>30</sup>.

- According to both civil and municipal law, a successor is bound to avenge anyone who has been murdered.
- The previous year, Johan Areat had refused to answer a summons for murder and was condemned to a fine of 300 pounds for contumacy and placed in the ban of homicide.
- According to the statutes of Marseille, all injuries inflicted on the body of an outlaw, especially for avenging a murder, when there has been no peace with the dead man's heirs, is by law unpunishable.
- All this has been the case since time immemorial.

We do not know whether the appeal succeeded. But the argument is interesting regardless, for it expresses, with rare directness, a motive usually hidden from the gaze of the court.

With the possible exception of the some of the rich cases deriving from the great feud involving Marseille's noble factions, this is easily the most sustained narrative of vengeance to be found in the court records from late medieval Marseille. In some respects it is unique. It is the only case, for example, where the act of vengeance took place on or near the anniversary of the first killing. But in other respects some of the rhythms and patterns found in the second episode correspond with isolated fragments found in other sources. From the ensemble, we can derive some general features governing the rhythm of vengeance in late medieval Marseille, which can be summarized under six headings.

1) *Vengeance was not a monopoly of the social élite*. Violence, as Gauvard has argued, was constitutive of nobility<sup>31</sup>. So, for that matter, was silk. Since the legitimate exercise of violence had the ability to confer nobility, we should understand the widespread condemnation of common violence, in the laws and commentaries from the high and later middle ages, as elements of a kind of sumptuary law designed to preserve an aristocratic (or royal) monopoly. Yet despite the prohibition, violence and brawling was practiced up and down the social spectrum, from nobles to peasants<sup>32</sup>. Prohibitions on violence, in other words, were violated in much the same way as sumptuary laws, and for much the same reason. Given the parallels—given that we are talking about the claims of status in a rapidly changing social order—we should expect to find that the accelerating pace of sumptuary legislation and sumptuary violations in later medieval Europe matches the accelerating pace of both condemnations of violence and violent acts.

Vengeance, too, was not a monopoly of the social élite. The profile of the men directly involved in this enmity—two smiths, a caulker, and a cooper—confirms observations made elsewhere in late medieval Europe to the effect that vengeance was available to virtually anyone possessing the necessary resources and stamina<sup>33</sup>. In Marseille, the pursuit of vengeance attracted a broad spectrum of the free Christian population, including not only the nobles, great merchants, and jurists but also notaries, artisans, and even fishermen and peasants. As I have argued elsewhere, for example, the range of professions associated with the two great factions during the factional warfare of the 1350s and 1360s was extremely broad<sup>34</sup>. Among the Vivaut clients we find, in addition to twenty-some nobles, twelve fishermen, mariners, or other members of sea-going professions, four peasants, one caulker, one reamer, one painter, one butcher, one fuller, one baker, one buckler, six apothecaries, two cobblers, three drapers, one banker, twelve merchants, fifteen notaries, and three jurists. The de Jerusalem party, in turn, included not only fifteen nobles but also a barber, a mason, a farrier, a grocer, a miller, a fisherman, a clothier, two judges, two butchers, three drapers, three notaries, nine peasants, and ten merchants.

Additional evidence for this claim regarding the social breadth of vengeance can be found in the eight extant peace acts from the period<sup>35</sup>. Unlike the situation in Italy, peace acts from Marseille are uncommon. The surviving acts, found in notarial protocols, constitute a tiny percentage of the 6,600 extant acts that I have catalogued from the period 1337 to 1362. Since our best estimates suggest that only 7 to 10 percent of the original mass of notarial protocols from mid-fourteenth-century Marseille are still extant, there may have been from eighty to one hundred and twenty peace acts from the period 1337 to 1362, or roughly three to five per year. All of the extant acts involve middle- to low-status individuals : we find a shepherd, a butcher, a carpenter, a baker, a leather-worker, and at least eight peasants or workers. One of the most interesting acts of vengeance to be found among the contracts in Marseille's notarial archives was committed by a shepherd named Guilhem de Bessa. Angered by a beating inflicted by his employer, Raymon de Ornho, he killed Raymon and then came to Marseille and asked a notary to draw up an act announcing his vengeance<sup>36</sup>.

Brawling and vengeance were identical in the social profiles they attracted. Yet there was a measure difference in how assailants thought of their actions. To my knowledge, no participant in a common street brawl in Marseille ever claimed, in court, that the brawl itself was legal. Instead of claiming a right to the exercise of violence, they explained their actions with references, typically indirect, to injured honor. One of the most striking features of the killing of Johan Areat, by contrast, lies in the remarkable claim made by Jacme Albin, or rather by his procurator, Bertran Gombert, that vengeance itself is legal. The wording is unambiguous : « To begin with, he says and intends to prove that, according to both civil and municipal law, a successor is held (*tenetur*) to avenge anyone who has been killed by an evil death ». Where did he get this idea from ? Is it possible that Bertran, a lawyer, had once paid a visit to Florence and studied the customs of the Florentine vendetta ? But Bertran was not alone among Massiliotes. According to Peire de Jerusalem, Uguo de Rocafort, the principal antagonist in the assassination

of Franses de Hostia, also claimed the right « to avenge himself on Franses according to the text of the chapters or statutes of Marseille » (*se vindicare iuxta formam capituli sive statuti Massilie deFrancisco*). It has to be said that blood vengeance, as a practice, is absent from Marseille's statutes. What we must understand by this is that « vindicare » meant to them what it did to the Florentines : the act of pursuing justice. Blood or money : compensation had to be paid in some currency, and according to this mentality it didn't really matter which currency was used.

Massiliotes may have accepted the idea that violence, in the form of brawling, was never legitimately undertaken, at least by people of ordinary status. Where vengeance was concerned, however, they framed their actions as legitimate, and used the language of statutory law in their rhetoric.

2) *Absence of collective liability*. Jacme Albin took vengeance on his brother's killer, Johan Areat. There is no hint in this case that Johan Giraut, the killer's nephew and Jacme's principal antagonist at the scene of the first battle, was ever in danger. In the historical societies whose code of vengeance stretched to collective liability—in the European sphere, these include Florence, saga Iceland, Montenegro, and Corsica—custom sometimes allowed avengers to target kinsmen of the killer<sup>37</sup>. Collective liability, however, was not a feature of the code of vengeance in medieval Marseille. Typically, it was killers alone who stood liable for vengeance<sup>38</sup>.

There are exceptions to this general prohibition on collective liability. The first involves the factional warfare between the Vivaut and the de Jerusalem. In the unsettled ecology of the 1350s, following the ravages of the Black Death, the long-standing feud involving the two parties flared up, producing a series of criminal inquests that probed deeply into a series of fights and killings. In the course of pursuing appeals against fines imposed by the criminal court, the adherents of the two parties crafted compelling histories of the iniquities committed by their enemies<sup>39</sup>. In these stories, we can sometimes detect faint hints that vengeance could occasionally spill sideways, targeting collaterals rather than principals. In 1336, Franses de Hostia, the servant

and shield-bearer of the judge of Marseille's upper city, was killed by a vengeful Uguo de Rupefort, perhaps for actions he committed on behalf of his master<sup>40</sup>. Earlier, a poor unfortunate who gave testimony perceived as inimical had an eye gouged out by the offended party<sup>41</sup>. The patterns of tit-for-tat vengeance described in the testimony suggest that all members of the two parties were considered at least partly liable for the actions of anyone of their allies. Since these parties were recruited by patronage and alliance rather than kinship, however, the sense of collective liability was not mechanically extended to all blood relations.

Leaving this aside, acts of vengeance did not target the kinfolk of a killer. In much the same way, the court normally did not seek to enforce collective fiscal liability on a kin group for the actions of one of its members. The fines for homicide generated by the criminal court, a kind of symbolic vengeance, could normally target only the goods belonging to the principal. Both the culture of vengeance and the patterns of Roman-canon law, in other words, shared a restricted sense of liability. Here, too, there is an exception : in Marseille, as in Florence and elsewhere in Europe, houses or estates belonging to people deemed to be unspeakably wicked could be destroyed for the owners' crimes. When Peire de Jerusalem was assassinated in 1356, a house named « La Sala » or « La Salla, » in which the deed was plotted, was destroyed at the order of the viguier, Valdus de Rubeis<sup>42</sup>. In this way, goods and estates could sometimes serve as « proxy victims » for court-sponsored vengeance.

3) *The prudent avenger planned for his estate.* In late medieval Marseille, the vast majority of cases heard before the criminal court resulted in fines, many of which exceeded, by far, the defendant's liquid assets. By the fourteenth century, in concert with the goods-as-proxies principle described above, courts of law had perfected a mechanism for seizing and liquidating the personal assets of the condemned, including lands, houses, workshops, unpaid credits, and especially material goods such as clothing, linens, jewelry, and fine metalwares. In the case of spontaneous street brawls that resulted in injury or death, of course, there was not much anyone

could do, in advance, to shelter his or her assets from court-sponsored distraint. As a rule of thumb, men found it helpful to be as indebted as possible to their own wives, since dowry rights allowed for some protection of the conjugal assets<sup>43</sup>. In Italy, the early emancipation of sons and the consequent division of assets may have also provided some legal shelter<sup>44</sup>. Most people understood how the law could be used to evade court-sponsored distraint of assets.

With vengeance, however, it was possible to plan ahead in a far more systematic fashion. The evidence for estate planning is thin but telling. Thanks to a remarkable court case from 1334, for example, we know that it was possible for a would-be avenger to make a fictitious donation of all of his worldly goods to an unrelated third party so as to shelter his goods from the court once his vengeance was achieved<sup>45</sup>. In the case of the vengeance of Jacme Albin, the inventory conducted by the notary (see Appendix B) showed that Jacme's estate consisted of a house with its adjoining forge as well as a vine<sup>46</sup>. There was little Jacme could do to preserve these properties, unless, of course, they were obligated to Francesa for her dowry. What is remarkable about his house of habitation, however, was its barrenness, relative to the richness of the material goods listed in inventories of other houses from this same period. Apart from a well-appointed bed dressed with fine gray curtains, there were virtually no luxury items to be found in the house. The inventory reveals not a single article of clothing or any household linens apart from the sheets found on the bed and a few hand towels. The inventory mentioned several small chests ; most of these were empty<sup>47</sup>. Even the great storage jars found in every Mediterranean household, containing olive oil, wine, and grains, were empty, with the exception of eight barrels of salted tuna. Here, it must be emphasized how unusual this barrenness is. Household inventories from the period typically reveal richly furnished houses with significant stocks of food<sup>48</sup>. In the case of Jacme Albin's household, he and his family and servants, it seems, had consumed their stores of food, apart from the tuna. Jacme had taken steps to spirit away, pawn, or sell all the items of high

value. The only exception was the richly appointed bed, although this, following the usual dowry custom, may well have belonged to his wife Francesa.

What do we make of this ? The fourteenth century, as Fernand Braudel argued some decades ago, was the century that saw the birth of fashion. Richard Goldthwaite, Susan Mosher Stuard, and others have argued that the fourteenth was the century that experienced significant acceleration in patterns of consumption and, what is more, the spread of fine goods and clothing across the social spectrum<sup>49</sup>. A great deal of wealth, as a result, was coming to be stored in the form of household goods. These goods, of course, became an obvious target for patterns of court-sponsored distraint, and everywhere across Europe courts were perfecting systems of forcible distraint<sup>50</sup>. As this system grew more efficient, violence grew more costly, thus pushing the evolution of more sophisticated legal shelters. The advanced planning evinced by Jacme Albin illustrates how the rhythms and patterns of vengeance in late medieval Marseille were in the process of adjusting to a new ecology.

4) *The killing was planned.* The original fight between the Albin brothers and Johan Areat and his nephew shows every sign of having been unpremeditated. Students of common street violence, everywhere in late medieval Europe, note a similar pattern of spontaneity<sup>51</sup>. The vengeance taken by Jacme Albin, so very close in time to the anniversary of his brother's death and in the same location, was clearly planned<sup>52</sup>. Among other things, it follows a finely crafted script for vengeance, as if Jacme were playing out a role assigned in a play. In the days or weeks preceding the event, even as he was arranging to hide his personal assets and consuming the last dregs of wine and oil from his storage jars, Jacme conducted a careful study of Johan's movements and was aware of the time of day on which he was likely to go to market. Two female witnesses suggested that he had posted his wife, Francesa, on Caysarie, so that she could report Johan's movements to her husband. Before the assault, they claimed, Francesa had come to Caysarie to buy fish. As she was haggling over the price, along came Johan Areat, heading



toward market with his son. Francesa watched him intently as he went along (*uxor dicti Jacobi respexit ipsum Johannem ire*) and then she left for her own home (*ex post recessit versus domum suam*). When Johan returned from market a short while later, one of Jacme's servants was on hand to see him coming.

The advanced planning undertaken by Jacme was essential to the success of the resulting ambush. The pattern, in turn, was characteristic of other acts of known vengeance from Marseille. When Uguo de Rocafort planned the killing of Franses de Hostia on the eve of Pentecost in 1336, he brought together an assembly of at least twelve co-conspirators, described by the notary both in Latin as a *congregatio* and in Provençal as an *acamprassa*, to discuss the affair. Peire de Jerusalem was one of the men who responded to the summons. At the ecclesiastical inquest that resulted from the killing, Peire proclaimed his innocence, declaring that when he heard what Uguo had in mind he approved it only because he assumed that Uguo was simply going to rough up his victim or wound him in a small way<sup>53</sup>. Twenty years later, when another Peire de Jerusalem, perhaps the nephew of this one, was killed by members of the Vivaut party, the killing was planned in La Sala, the house later destroyed by the court.

5) *Vengeance was not fully public*. Street brawls were face-to-face conflicts. In Marseille, they typically involved individuals or parties of equal size. They took place in broad daylight, in public places<sup>54</sup>, and generated a great deal of noise, the *rumor* described in numerous records. This stands to reason : brawls were about honor, and the participants courted the greatest publicity. Vengeance, in stark contrast, was about killing. It was *only* about killing. Given this mindset, no one aware of the train of events leading up to the murder of Franses de Hostia in 1336, least of all the judge of the ecclesiastical court, would have been credulous enough to accept Peire de Jerusalem's claim that the attack (as he understood it) was only meant to injure the victim in a small way (*sed quodammodo vulnerare*). For this reason, a vengeance killing typically took the form of an ambush carried out either early in the morning, as was the case with the

killing of Johan Areat, or late in the evening. The infamous assassination of Peire de Jerusalem by the Vivaut and Martin party in 1356 was an early morning ambush<sup>55</sup>. Lurking in La Sala, the killers leapt out as the unarmed Peire made his way to morning services at the Franciscan church. The killing of Franses de Hostia, which involved a home invasion, took place at night. The ambush and killing of a cleric named Bernart Berengier in 1400 took place so late in the evening that many of the witnesses reported difficulties seeing<sup>56</sup>.

The preference for an ambush is easy to explain. Avengers were not interested in honorable face-to-face combat. They simply wanted their victims dead. The preference for dawn or dusk, however, is not so immediately obvious. The streets of Marseille were not heavily policed in the later middle ages. Most street brawls ended before agents of the court had arrived. In cases of serious bloodshed, virtually every assailant was able to reach the safety of sanctuary without being arrested, as did Jacme Albin and the two Johans. This being so, it is unlikely that a fear of the gendarmes pushed vengeance out of the main hours of the day.

In my view, the preference for dawn or dusk has a different explanation. In case after case of non-lethal street brawling, records indicate that the fights were broken up by neighbors before any serious injuries were inflicted. Women played a distinctive role in this process, often interposing themselves between the combatants. In the case of the murder of the cleric Bernart Berengier, his wife, Guilhalmona, cast her body over that of her husband as he lay prostrate on the ground. To one of his principal assailants she called out « O false friend, you are killing my husband. » But in an exception that exposes the limits of the rule, her intervention was in vain, for one of his assailants, another cleric named Nicolau Jausap, struck Bernart twice on the head, wounds that proved fatal<sup>57</sup>.

To the antagonists involved in common street brawling, it did not matter greatly if neighbors intervened before much harm was done. Arguably, brawls were conducted in the full light of day, in the middle of the street, precisely *because* the combatants subconsciously wanted

their neighbors to intervene and stop the fight. Avengers, in sharp contrast, wanted to kill. To avoid the meddlesome intervention of neighbors, they planned their vengeance during the times of day when fewer neighbors were on the street. Honor brawls, in short, were fully public. Vengeance, in sharp contrast, operated in the half-light of publicity. There was honor to be derived from a vengeance killing, but the honor was not derived from the primary publicity of the event.

6) *Avengers preferred overwhelming force*. When Peire de Jerusalem left home in 1356 to attend morning services, he did not carry a knife or short sword, presumably trusting in the tacit truce of Sunday. His imprudence notwithstanding, virtually every adult male in Marseille carried a knife with him in public<sup>58</sup>. Given this defensive posture, there was every chance that vengeance could go wrong. In the case of Jacme Albin, in fact, one witness reported that Johan Areat managed to knock his assailant to the ground ; only the intervention of Jacme's accomplices saved his life. With the striking exception of Guilhem de Bessa, the shepherd who took solitary vengeance, cases of vengeance from later medieval Marseille always involved overwhelming force. This was in part the point of gathering in advance, in a *congregatio* or an *acamprassa*, to plan the affair ; this was an occasion to recruit members to your party and test their resolve. Avenging groups typically including the principal avenger along with one or more brothers, cousins, friends, and often servants. Unlike fifteenth-century Valencia, where avengers could set their household slaves on their enemies, the principal avenger was always present in Marseille<sup>59</sup>. Women, too, got involved from time to time. There is little doubt, for example, that Francesa assisted her husband in the stalking of Johan, although some witnesses contradicted Johan's claim that Francesa had actually joined in the fight. In the killing of Bernart Berengier in 1400, however, witnesses uniformly agreed that a woman named Johaneta Rostanha was an active member of a group of four who collaborated in the killing.

The use of overwhelming force in vengeance led to a pattern in which victims typically suffered multiple wounds, many of which were fatal in and of themselves. Victims were almost invariably attacked even after falling prostrate to the ground. This was the case with both Bernart Berengier and Johan Areat ; several other killings from the period follow the same pattern. The surgeons called in to examine the body of the younger Peire de Jerusalem in 1356 counted twenty-two wounds to his body. The pattern of wounds in cases of vengeance stands in stark contrast to street brawls, which, in Marseille as elsewhere, typically involved no more than one or two wounds.

Leaving aside the ambiguous case of Bernart Berengier, whose wife, Guilhalmona, appears to have been close at hand, cases of vengeance also reveal solitary victims. Johan Areat was accompanied only by his small son. At the time of his killing, he was walking through a neighborhood some distance from his home. Franses de Hostia, apparently, was all alone in his house, at least where armed allies and friends were concerned. Vengeance killings were not honor-based confrontations, like the duel, involving two individuals or two parties of equal strength, the pattern characteristic of street brawling. The honor derived from a vengeance killing, presumably, sprang from the belief that justice had been achieved according a finely crafted vengeance script.

The street brawls that show up so commonly in records emanating from the criminal court conformed to a set of rhythms or patterns that were quite distinct from those particular to vengeance. Victims of common street brawling typically suffered no more than one or two wounds, typically inflicted in face-to-face combat. The antagonists who fought on the streets surely disliked one another, but the men and women swept up into these brawls did not necessarily enter into a fight with the intention to kill. They fought in broad daylight in the

presence of watchful, meddling neighbors. Common street brawling, in short, was hedged around with natural checks, enabling the patterns or appearance of self-restraint that Finch has noted in Cerisy<sup>60</sup>.

Vengeance, like common street brawling, also involved the full spectrum of the population. The guilt ascribed in both cases targeted individuals, not kin groups or other collectives. But apart from this, vengeance was different from brawling all its rhythms, for vengeance was about killing and only secondarily about honor and publicity. Vengeance was about justice. The case of Johan Areat and Jacme Albin reveals that blood vengeance was something that people felt entitled to pursue when the courts had failed to act. The careful planning and scripting of Jacme's vengeance also lends support to one of Andrea Zorzi's most important claims, namely, that vengeance should be viewed as a cultural practice, the subject of a familial or even a civic pedagogy<sup>61</sup>. Vengeance was learned behavior. It was not the product of unchecked or « free-floating emotions »<sup>62</sup>.

Surely, it is unwise to draw too sharp a line between the two forms of violence. First, as we have seen in the case of the Albin brothers and the two Johans, a common street brawl could easily escalate to vengeance, whether on the same day or, as in this case, a year later<sup>63</sup>. The fight that took place in 1402 was clearly a brawl. It involved equal numbers of antagonists and took place openly, without an ambush. Johan inflicted only two wounds on his victim and himself suffered only a single wound, in part because the brawl was swiftly broken up by the neighbors. But Johan Areat was unlucky, for one of his blows proved nearly instantaneously fatal to his victim. We should not assume that vengeance was automatically taken up by the kinfolk of the victim<sup>64</sup>. According to arguments made by Bertran Gombart, vengeance was only born when Johan refused, or neglected, to make peace with his victim's brother. This is a reminder of another important feature of late medieval violence that has been emphasized repeatedly in the literature : peace worked.

If we could make a systematic comparison between the late medieval code of vengeance and its antecedents we would, doubtlessly, find differences. I have suggested here that some aspects of the rhythms of vengeance in Marseille were shaped by features typical of a late medieval Mediterranean city, including a court that had perfected the art of restraint and the dense living conditions that promoted the intervention of neighbors. The prominent role of women in a game that, elsewhere, was usually played by men may reflect the fact that the world of male kin, after the Black Death, was too small to generate a vengeance group that was sufficiently large. The rhythms of vengeance, however, adjusted easily to the changing ecological conditions in which they operated. These conclusions may be tentative, but they do suggest that we cannot and should not speak casually about the survival of vengeance. Vengeance, surely, is continuously being reinvented. The very idea of the « survival of vengeance » suggests the idea of a fixed and unchanging form, a Platonic form or an ideal type, from which all practices necessarily depart to a great or less degree. This is not how human institutions work. Human institutions, like all processes, operate in constantly changing ecological settings involving such factors as population density, patterns of consumption, and the presence of authority. As the circumstances change, the practices necessarily evolve and take new forms. In no age can we take a snapshot of vengeance and claim that *this* is the ur-type.

If common street brawling is a political process associated with the pursuit of status, its prevalence should depend on its capacity to deliver social distinction. But pathways to distinction will vary from one historical society to the next. If the prevalence of brawling has indeed declined in the past few centuries, there is no reason to suppose that more effective policing had all that much to do with it, and even less reason to imagine that violence yielded to theft as the crime of choice over the course of the seventeenth and eighteenth centuries<sup>65</sup>. According to an ecological argument, the social distinction derived from aggression simply lost out to distinctions of office, education, taste, manners, athleticism, and, perhaps most notably, the distinctions that center on

the emblems of material culture. But if vengeance is not so much about social distinction, if vengeance is a legal process associated with the pursuit of justice, then we can uncouple its analysis from the analysis of brawling, and acknowledge that vengeance might have its own medieval and post-medieval historical trajectory.

## Appendix A : Jacme Albin's Argument Concerning the Right of Vengeance

*Arguments proposed in the court of first appeals on 11 July 1403 by Bertran Gombert, procurator for Jacme Albin. Bertran was initiating the appeal against Jacme's contumacy fine of 400 royal pounds. Source : AD Bouches-du-Rhône 3B 140, fol. 235r-v*

In primis quidem dicit et probare intendit quod, tam de iure civili quam etiam municipali, successor tenetur vindicare nescem defuncti mala morte interempti.

Item dicit et probare intendit quod anno MCCCC primo, die mercuri, quinta decima mensis februarii, hora terciarum vel circa, Jacobus [*sic*] Arreati quondam dicte civitatis Massilie, pro certis vulneribus illatis in personam magistri Guillelmi Albini fabri condam civitatis predicte et eiusdem Guillelmi morte illico subsequata pro contumacia eo quia delatus de morte ipsius Guillelmi legitime citatus comparere noluit, condempnatus fuit per nobilem Refforciatum de Agouto, tunc vicarium, in trescentis libris regalium et in bannum obmisidii.

Item dicit et probare intendit quod dicta condempnatio seu summa in rem transivit iudicatam.

Item dicit et probare intendit quod iuxta statuta presentis civitatis Massilie, omne dampnum illatum in personam dicti taliter banniti specialiter per /verso/ vindicandum mortem defuncti cum cuius defuncti herede [*ms* heredes] seu heredibus pax non est subsequata est ipso iure impunitum.

Item dicit et probare intendit quod alius de predictis incontraditorio iudicio per dictum dominum vicarium et alios precessores et etiam successores similiter seu in casu simili extitit iudicatum et in ista quasi possessione sunt et fuerunt cives presentis civitatis Massilie quinque decem et viginti anni lapsi sunt.

Item dicit et probare intendit quod de predictis omnibus et singulis est publica vox et fama.

Item dicit et probare intendit quod pro parte dicti Jacobi Albini summa per magnificum et potentem virum dominum Johannem Gonisalvi militem dominum de Soleriis et de Valleta, honorabilem vicarium presentis civitatis Massilie, lata in suo proximo preterito parlamento, fuit dicta nulla et iterum dicitur et si qua fuerit vel sit dicta fuit et iterum dicitur pro parte sui nulla causis et rationibus in instrumento appellationis contentis ideo ab ea tam iniqua et iniusta legitime et infra tempus de bitum ad vos et vostrum examen extitit appellatum et omnia alia facta que fieri incumbuit cuilibet legitime appellati.

Item dicit et probare intendit quod predicta sunt vera, notoria, et manifesta presertim inter personis de premissis noticiam habentes.

## Appendix B : Inventory of the Estate of Jacme Albin

*During the course of the inquest into the vengeance killing of Johan Areat, an inventory was made of the estate of Jacme Albin. Unlike post-mortem inventories from the period, even those of relatively middling artisans, this inventory reveals a distinct absence of fine goods, clothing, and*



*even foodstuffs. The inventory was conducted by the notary of the court, accompanied by the subviguier and the vice-treasurer of the city. Source : AD Bouches-du-Rhône 3B 140, fols. 247r-248v*

/Folio 247r/

Primo, reperimus quandam domum predicti Jacobi delati sitam in carreria dicta antiquitus La

Sabateria prope plateam Scariorum infra quam reperimus bona sequentia.

Primo, in aula ipsius domus, unam tabulam mensalem cum suis submensalibus

Item, duo banca et unum brocum

Item, unam parvam capciam in qua sunt quinque fere

Item, unum scamium et unam capciam vacuam

Item, unum potum et unam aquiferam stagni

Item, duas lanceas

In camera

Item, unus lectus munitus una bassachia, /fol. 247v/ mathalacio, pulvinari, duobus lintheaminibus, et duobus lodicibus cum quatuor petiis cortinarum lividi coloris

Item, duas capcias et duo manutergia

Item, unam capciam clausam cum clave et sera sigillatam sigillo dicti subclavari

Item, alias duas capcias vacuas

In domo superiora

Item, decem jarras terre vacuas

In focanea

Item, unum tripedem et duas olas terre.

In domo inferiori

Item, sex carbas ferri et certa ferramenta galee

Item, octo barrilas tonnine, quatuor vasa, et tres bocas vacuas et vacua

Item, unam tinam

Item, unam jarram vacuam

Item, unam grahilham

Item, unum balonum stuparum

Item, unum par bilancium

Item, unam concam ferri

Item, et duos parvos cacobos

In quandam aliam domum ipsius Jacobi /fol. 248r/ in qua facit fabricum sitam prope aliam suprascriptam infra quam reperimus bona sequentia.

Primo, unum magnum incudem

Item, quatuor malleos magnos

Item, novem tenellas

Item, duos alios veteres

Item, unam seram parvam

Item, duas grahilhas

Item, duo ignipendia

Item, duas fuxinas

Item, et unam molam amolandi

Item, unum parvum incudem

Item quatuor parvos malleos

Item, duos tripedes novos  
Item, quatuor palas ferri  
Item, sex senas novas  
Item, quinque luquetos ferri  
Item, unum par follorum cum toto fornimento fabare  
Item, quatuor masse clavium /fol. 248v/  
Item, unam ayssadam et unam securem

Item quandam vineam sitam in Valle Charties.

## Notes

<sup>1</sup>. See Daniel Lord Smail, « Faction and Feud in Fourteenth-Century Marseille », in *Feud in Medieval and Early Modern Europe*, Jeppe Büchert Netterstrøm and Bjørn Poulsen (ed.), Aarhus, Denmark, Aarhus University Press, 2007, p. 113-32.

<sup>2</sup>. Much of the literature on late medieval and early modern violence in Europe has sought to quantify the prevalence of violence and to describe long-term trends. Useful bibliographic overviews can be found in David Potter, « 'Rigueur de Justice' : Crime, Murder and the Law in Picardy, Fifteenth to Sixteenth Centuries, » *French History*, 11 (1997), p. 265-309, and Gerd Schwerhoff, « Justice et honneur. Interpréter la violence à Cologne (XVe -XVIIIe siècle), » *Annales. Histoire, Sciences Sociales*, 5 (2007), p. 1031-61. Recent local studies of violence in the Mediterranean zone include Pau Viciano, « Violencia y sociedad en una villa medieval: Castellón de la Plana en el siglo xv », *Hispania : Revista Española de Historia* 66 (2006), p. 851-82 ; Gemma Teresa Colesanti and Daniela Santoro, « Omicidi, ingiurie, contenziosi: violenza verbale e fisica nella Calabria del xv secolo », *Anuario de Estudios Medievales*, 38 (2008), p. 1009-22 ; Elizabeth Lee Hardman, « Justice, Jurisdiction and Choice: The Fifteenth-century Church Court of Carpentras, » Ph.D. dissertation, Fordham University, New York, 2010 ; Steven Bednarski, *Curia: A Social History of a Court, Crime, and Conflict in a Late Medieval Town* (forthcoming).

<sup>3</sup>. In three of the sources identified below, the word for vengeance appears a few more times in close proximity to the passage quoted. In the source listed for the first passage, for example, two other witnesses used the word *vindicare* in an identical context. I have found no instances of words for vengeance in other court cases, roughly 1 000 in all, or notarial acts, roughly 6 000, on which I have taken detailed notes. *Ultio* appears in several sources but is invariably attributed to God ; see, for example, two registers of the episcopal court, AD Bouches-du-Rhône 5G 771, fol. 29, and AD Bouches-du-Rhône 5G 775, fol. 131.

<sup>4</sup>. Words attributed to the late Bernat de Amilhano by Simon de Apta in a sworn deposition taken in 1334 ; see AD Bouches-du-Rhône 3B 28, fol. 79, case opened 19 May 1334 on fol. 75. Words for vengeance appear numerous times in this case.

<sup>5</sup>. Reading unclear. *Acampar* is a Provençal verb meaning to assemble or to gather.

<sup>6</sup>. From AD Bouches-du-Rhône 3HD-H2, liasse 1, a charter containing the sentence of a judge of the episcopal court in the case of the vengeance killing of Franses de Hostia, a servant of the judge of the upper city, in 1336. This incident was remembered by a witness twenty years later, in 1356 ; see below.

<sup>7</sup>. From a notarial act from 1361, concerning an announcement of vengeance by the shepherd Guilhem de Bessa ; see AD Bouches-du-Rhône 381E 83, fols. 16v-17, 27 Apr. 1361. Translated in Daniel Lord Smail and Kelly Lyn Gibson (ed.), *Vengeance in Medieval Europe: A Sourcebook*, Toronto, University of Toronto Press, 2009, p. 428-29.

<sup>8</sup>. From the sworn deposition of witness named Antoni Bort taken in 1365, explaining why the enemies of Guilhem de Belavila were pursuing Guilhem through legal actions ; see AD Bouches-du-Rhône 3B 825, fol. 169, case opened 13 May 1365 on fol. 35.

<sup>9</sup>. From the case discussed at length in this paper, a court record from 1403 concerning the killing of Johan Areat by Jacme Albin. This is one of multiple references to vengeance in this source. See AD Bouches-du-Rhône 3B 140, fols. 267, case opened 11 July 1403 on fol. 229.

<sup>10</sup>. As Andrew Finch has suggested, « considerations of revenge motivated only a small number of the attacks » in Cerisy-la-Forêt in Normandy during the fourteenth and fifteenth centuries ; see « The Nature of Violence in the Middle Ages: An Alternative Perspective », *Historical Research*, 70 (1997), p. 249-68, here p. 264.

<sup>11</sup>. In general, see Christopher Boehm, *Hierarchy in the Forest: The Evolution of Egalitarian Behavior*, Cambridge, Mass., Harvard University Press, 1999. On violence as a device for elevating social status, see the remarks of Mark D. Meyerson, Daniel Thiery, and Oren Falk, « Introduction », in « *A Great Effusion of Blood ? Interpreting Medieval Violence* » (ed. idem), Toronto, University of Toronto Press, 2004, 6-7.

<sup>12</sup>. See Karen Jones, « Interpersonal Violence in Kent, 1460-1560 », in *Archaeologia cantiana*, 122 (2002), p. 29-47, here p. 35-40.

<sup>13</sup>. See, notably, William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland*, Chicago, University of Chicago Press, 1990.

<sup>14</sup>. Otto Brunner, *Land und Herrschaft : Grundfragen der territorialen Verfassungsgeschichte Österreichs im Mittelalter*, Baden bei Wein, 1939 ; English translation *Land and Lordship : Structures of Governance in Medieval Austria*, Howard Kaminsky and James Van Horn Melton (trans.), Philadelphia, University of Pennsylvania Press, 1992 ; on the Brunner thesis, see Jean-Marie Moeglin, « Le 'Droit de Vengeance' chez les historiens du droit au Moyen Âge », in *La vengeance, 400-1200*, Dominique Barthélemy, François Bougard, and Régine Le Jan (ed.), Rome, École Française de Rome, 2006, p. 101-48, here p. 138-44 ; Jeppe Büchert Netterstrøm, « Introduction: The Study of Feud in Medieval and Early Modern History », in *Feud in Medieval and Early Modern Europe, op. cit.*, p. 20-24. Many of the contributions to *La vengeance, 400-1200, op. cit.* explore the parallels between justice and vengeance in medieval

thought ; see, *inter alia*, François Bougard, « Les mots de la vengeance », 1-6, and Isabel Alfonso Anton, « Vengeance, justice, et lutte politique dans l'historiographie castillane du Moyen Âge » (Céline Martin trans.), p. 383-419.

<sup>15</sup>. Karl Shoemaker, « Revenge as a 'Medium Good' in the Twelfth Century », *Law, Culture and the Humanities*, 1 (2005), p. 333-58.

<sup>16</sup>. Andrea Zorzi, « The Judicial System in Florence in the Fourteenth and Fifteenth Centuries », in *Crime, Society and the Law in Renaissance Italy*, Trevor Dean and K.J.P. Lowe (ed.), Cambridge, Cambridge University Press, 1994, p. 40-58, here p. 53 ; Id., « La cultura della vendetta nel conflitto politico in età comunale », in *Le storie e la memoria. In onore di Arnold Esch*, Roberto Delle Donne and Andrea Zorzi (ed.), Florence, Florence University Press, 2002, p. 135-170, here p. 159-60.

<sup>17</sup>. Parallel terms include « ritual » or « liturgy » ; see Schwerhoff, « Justice et honneur », *op. cit.*, p. 1040.

<sup>18</sup>. E.g. Finch, « Nature of Violence », *op. cit.* ; Hardman, « Justice, Jurisdiction and Choice », *op. cit.*, p. 135-40.

<sup>19</sup>. Remits for fines issued by the criminal court between 1315 and 1471 can be found in AD Bouches-du-Rhône B 1517, 1519, 1940, 1523, 1943, 1944, 1945, 1947, 1948, 1949, 1949, and 1953 ; see my « La justice comtale à Marseille au XIV<sup>e</sup> et XV<sup>e</sup> siècles », in *La justice temporelle dans les territoires Angevins ; théories et pratiques*, Jean-Paul Boyer, Anne Mailloux, and Laure Verdon (ed.), Rome, École française de Rome, 2005, p. 221-32.

<sup>20</sup>. The notaries and peacemakers responsible for writing up these acts, however, had reasons for drawing attention away from the motives that lay behind each assault or killing. In general, peace was more easily established if all involved could pretend that the killer really *was* motivated by a sudden flare of hot anger rather than cold, premeditated vengeance. Italy, perhaps uniquely, seems to have generated far more peace acts than other regions of Mediterranean Europe. See Katherine Ludwig Jansen, « Florentine Peacemaking: the Oltrarno, 1287-1297 », in *Pope, Church and City: Essays in Honor of Brenda Bolton*, Frances Andrews, Christoph Egger, and Constance M. Rousseau (ed.), Leiden, Brill, 2004, p. 327-44 ; Andrea Zorzi (ed.), *Conflitti, paci e vendette nell'Italia comunale*, Florence, Florence University Press, 2009. According to Isabel Alfonso Anton, peacemaking acts are quite rare in thirteenth-century Castile and León ; see « ¿ Muertes sin venganza ? La regulación de la violencia en ámbitos locales (Castilla y León, siglo XIII) », in *El lugar del campesino: en torno a la obra de Reyna Pastor*, Ana Rodríguez (ed.), Valencia, Universitat de València Consejo Superior de Investigaciones Científicas, 2007, p. 261-87, here p. 261. For France, see Nicole Gonthier, « Faire la paix: un devoir ou un délit ? Quelques réflexions sur les actions de pacification à la fin du

Moyen Age », in *L'infrajudiciaire du Moyen Age à l'époque contemporaine: actes du colloque de Dijon, 5-6 octobre 1995*, Benoît Garnot (ed.), Dijon, Éditions Universitaires de Dijon, 1996, p. 37-54.

<sup>21</sup>. Interrogations naturally centered on the proof of legal claims. Testimony, as a result, resulted in fragmented and disjointed parts. See Daniel Lord Smail, « Telling Tales in Angevin Courts », *French Historical Studies*, 20 (1997), p. 183-215.

<sup>22</sup>. See Walter Benary (ed.), « Zwei altfranzösische Friedensregister der Stadt Tournai (1273-1280) », *Romanische Forschungen*, 25 (1908), p. 1-197.

<sup>23</sup>. AD Bouches-du-Rhône 5G 772, fols. 81-93, case opened 20 Aug. 1402.

<sup>24</sup>. AD Bouches-du-Rhône 3B 140, fols. 229-273v, case opened 11 July 1403.

<sup>25</sup>. AD Bouches-du-Rhône 5G 772, fol. 92.

<sup>26</sup>. *Ibid.*, fol. 91r-v.

<sup>27</sup>. It is not clear how Johan Giraut knew this at the time of the battle. Other witnesses report that he had fled to sanctuary in the church of St. Jean as soon as the neighbors came to break up the flight. Two other witnesses had little to add. Asked to comment on Johan Giraut's possible guilt, they noted only that when they arrived on the scene, Johan was lying on the ground, and that Jacme would have killed him without their intervention.

<sup>28</sup>. AD Bouches-du-Rhône 3B 140, fols. 229-273v, case opened 11 July 1403. Like all cases from Marseille's rich series of appellate court registers, this one includes a transcript of the inquest made into the killing by the secular criminal court. The existence of both transcripts thus provides unusually rich insights into the sequence of events.

<sup>29</sup>. His testimony can be found on AD Bouches-du-Rhône 3B 140, fol. 246r-v.

<sup>30</sup>. *Ibid.*, fol. 235r-v.

<sup>31</sup>. Claude Gauvard, *Violence et ordre public au Moyen Age*, Paris, Picard, 2005, p. 13.

<sup>32</sup>. *Ibid.*, p. 14. Numerous studies have made this point. See also Christiane Klapisch-Zuber, « Les soupes de la vengeance », in *L'ogre historien: autour de Jacques Le Goff*, Jacques Revel and Jean-Claude Schmitt (ed.), Paris, Gallimard, 1998, p. 259-81, here p. 271.

<sup>33</sup>. Claude Gauvard, « *De grace especial* »: *crime, état, et société à la fin du Moyen Âge*, 2 vols., Paris, Publications de la Sorbonne, 1991, vol. 2, p. 764-72 ; Zorzi, « La cultura della vendetta », *op. cit.*, p. 162 ; for the situation in Castile, see Iñaki Bazán, « La pena de muerte en la Corona de Castilla en la Edad Media », *Clio e Crimen*, 4 (2007), p. 306-52, here p. 310 ; in Bavaria, see Christine Reinle, « Peasants' Feuds in Medieval Bavaria (Fourteenth-Fifteenth Century) », in *Feud in Medieval and Early Modern Europe*, *op. cit.*, p. 161-74.

<sup>34</sup>. Smail, « Faction and Feud », *op. cit.*

<sup>35</sup>. I have translated the peace acts in Smail and Gibson, eds., *Vengeance in Medieval Europe, op. cit.*, p. 417-27.

<sup>36</sup>. AD Bouches-du-Rhône 381E 83, fols. 16v-17, 27 April 1361 ; trans. in Smail and Gibson, eds., *Vengeance in Medieval Europe, op. cit.*, p. 428-29.

<sup>37</sup>. On « collective liability », see Sally Falk Moore, « Legal Liability and Evolutionary Interpretation: Some Aspects of Strict Liability, Self-help, and Collective Responsibility », in Ead., *Law as Process: An Anthropological Approach*, London, Routledge and Kegan Paul, 1978, p. 82-134, here p. 118-21. For studies, see Miller, *Bloodtaking and Peacemaking, op. cit.* ; Christopher Boehm, *Blood Revenge: The Anthropology of Feuding in Montenegro and Other Tribal Societies*, Lawrence, Kansas, University Press of Kansas, 2004 ; Stephen Wilson, *Feuding, Conflict, and Banditry in Nineteenth-Century Corsica*, Cambridge, Cambridge University Press, 1988, p. 189-90 ; for the penalization of « secondary vendetta » in Florence and northern Italy, see Trevor Dean, « Marriage and Mutilation: Vendetta in Late Medieval Italy », *Past and Present*, 157 (1997), p. 3-36, here p. 7-9.

<sup>38</sup>. In Marseille, the kin of the perpetrator were likewise very little involved in peace acts ; typically the perpetrator alone received the forgiveness of his victim and/or his victim's kin. Compare to the situation described in fourteenth-century Holland by Peter C.M. Hoppenbrouwers, « Vengeance is Ours ? The Involvement of Kin in the Settlement of 'Cases of Vengeance' in Later Medieval Holland », *International Medieval Research: Selected Proceedings of the International Medieval Congress, University of Leeds*, 11 (2003), p. 241-75.

<sup>39</sup>. Smail, « Telling Tales », *op. cit.*

<sup>40</sup>. See AD Bouches-du-Rhône 3HD H2, liasse 1. This killing was remembered in 1356 by a witness named Bernat de Tortoza ; see AD Bouches-du-Rhône 3B 820, fol. 76v, case opened 7 July 1356 on fol. 8. Bernat described Franses as fearless in his complaints directed at the city's viguier, and suggested that the court privately let the word slip that anyone was free to kill Franses with impunity.

<sup>41</sup>. Described by a witness in AD Bouches-du-Rhône 3B 820, fol. 78v, case opened 7 July 1356 on fol. 8.

<sup>42</sup>. The case that refers to how « la Salla fuit destructa et totaliter dampna » is AD Bouches-du-Rhône 3B 60, fols. 190-210v, case opened 4 July 1358.

<sup>43</sup>. See my « Démanteler le patrimoine: Les femmes et les biens dans la Marseille médiévale », *Annales: Histoire, Sciences Sociales*, 52 (1997), p. 343-68.

<sup>44</sup>. Thomas Kuehn, *Emancipation in Late Medieval Florence*, New Brunswick, Rutgers University Press, 1982.

<sup>45</sup>. AD Bouches-du-Rhône 3B 28, fols. 75-83, case opened 19 May 1334. I discuss this case at length in *Consumption of Justice*, *op. cit.*

<sup>46</sup>. AD Bouches-du-Rhône 3B 140, fols. 247-248v.

<sup>47</sup>. In the cellar, for example, the notary found « quatuor vasa and tres botas vacuas and vacua » and « unam jarram vacuum » ; see fol. 247v. The forge, in contrast, was not stripped of its tools and implements.

<sup>48</sup>. See « Matériaux pour l'étude de la vie domestique et de la culture matérielle en Provence aux derniers siècles du Moyen Âge », special issue of *Razo: Cahiers du Centre d'Études Médiévales de Nice*, 13 (1993). Inventories from Marseille are scattered through the notarial archives ; several examples can be found in a court register from 1405, AD Bouches-du-Rhône 3B 145.

<sup>49</sup>. Fernand Braudel, *Civilisation matérielle et capitalisme, XVe-XVIIIe siècle*, Paris, A. Colin, 1967 ; Richard A. Goldthwaite, « The Renaissance Economy: The Preconditions for Luxury Consumption », in *Aspetti della vita economica medievale, Atti del Convegno di Studi nel X Anniversario della morte de Federigo Melis, Firenze-Pisa-Prato, 10-14 marzo 1984*, Florence, Istituto di storia economica, Università degli studi Firenze, 1985, p. 659-75 ; Carlo Cipolla, *Before the Industrial Revolution: European Society and Economy, 1000-1700*, 3<sup>rd</sup> ed., New York, Norton, 1994 ; Susan Mosher Stuard, *Gilding the Market: Luxury and Fashion in Fourteenth-Century Italy*, Philadelphia, University of Pennsylvania Press, 2006.

<sup>50</sup>. E.g. Joseph Shatzmiller, *Shylock Reconsidered: Jews, Moneylending, and Medieval Society*, Berkeley: University of California Press, 1990 ; Julie Claustre (ed.), *La dette et le juge : Juridiction gracieuse et juridiction contentieuse du XIIIe au XVe siècle (France, Italie, Espagne, Angleterre, Empire)*, Paris, Publications de la Sorbonne, 2006 ; this topic is the subject of my current research in Marseille and Lucca.

<sup>51</sup>. The unplanned nature of brawling is noted everywhere in the literature ; see, for example, Finch, « Nature of Violence », *op. cit.*, p. 267 ; Hardman, « Justice, Jurisdiction and Choice », *op. cit.*, p. 156.

<sup>52</sup>. Pieter Spierenburg notes how vengeance killings, to the degree that they were intentional rather impulsive, « appear to contradict the idea of a long-term trend from impulsive to planned violence ». Spierenburg chooses to finesse the issue by ranking « the physical attacks and killings occasioned by feuds closer to the impulsive than to the



planned pole. » See « Violence and the Civilizing Process: Does It Work ? » *Crime, Histoire and Sociétés/Crime, History and Societies*, 5 (2001), p. 87-105, here p. 97.

<sup>53</sup>. Peire was sentenced to a fine of 160 pounds, a ruling that came after eight months of incarceration in the episcopal jail (*in carceribus curie predictae episcopalis Massilie*).

<sup>54</sup>. Daylight confrontations are typical ; see, *inter alia*, Viciano, « Violencia y sociedad », *op. cit.*, p. 855. Viciano also notes (p. 856) the public nature of the spaces in which violence unfolded.

<sup>55</sup>. AD Bouches-du-Rhône 3B 820, fols. 8-103v, case opened 7 July 1356.

<sup>56</sup>. AD Bouches-du-Rhône 5G 772, fols. 24-30v. It is important to acknowledge this record includes no reference of any kind to vengeance, although many of its features indicate that this is one of an unknown number of cases where the moral filter erected by the court obscures the vengeance that motivated the killing

<sup>57</sup>. AD Bouches-du-Rhône 5G 772, fols. 24-30v. This case is translated in Smail and Gibson, *Vengeance in Medieval Europe*, *op. cit.*, p. 445-55.

<sup>58</sup>. The « technological » argument for the prevalence of medieval violence—namely, that homicide rates were high partly because everyone was armed—appears in James Buchanan Given, *Society and Homicide in Thirteenth-Century England*, Stanford, Stanford University Press, 1977, p. 188-91, and has been replicated since. For an interesting take on technological transformation, see Robert C. Davis, « The Renaissance Goes up in Smoke », in *The Renaissance World*, John Jeffries Martin (ed.), New York, Routledge, 2007, p. 398-411.

<sup>59</sup>. Debra Blumenthal, « Defending their Masters' Honour: Slaves as Violent Offenders in Fifteenth-Century Valencia », in *A Great Effusion of Blood ?*, *op. cit.*, p. 34-56.

<sup>60</sup>. Finch, « Nature of Violence », *op. cit.*, p. 267.

<sup>61</sup>. Zorzi, « La cultura della vendetta » *op. cit.*

<sup>62</sup>. One of the terms used by Spierenburg in his robust defense of the idea of the process of civilization in « Violence and the Civilizing Process », *op. cit.* Note that Spierenburg may be on firmer ground where common brawling is concerned. See the arguments of Gauvard, « *De grace especial* », *op. cit.*, vol. 2, p. 765, where she distinguishes between unthinking impulses (*la pulsion irréfléchie*) and vengeance.

<sup>63</sup>. Although Jacme Albin appears to have sought vengeance close to the anniversary of his brothers death, the code of vengeance did not determine the length of the delay ; see Gauvard, « *De grace especial* », *op. cit.*, vol. 2, p. 759.

<sup>64</sup>. The unwillingness of kin to take up the cause of vengeance has been pointed out by Trevor Dean, among others ; see « Marriage and Mutilation », *op. cit.*

<sup>65</sup>. For a survey and critique of the « violence au vol » thesis ; see Schwerhoff, « Justice et honneur », *op. cit.* p. 1053.