



Did interpersonal violence decline in the Spanish Old Regime?

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Crime and interpersonal violence are permanent features of human societies. Crime points out deviant behaviour worthy of punishment. However, not every form of violence has always been considered crime. Every society has criminal violence, but also tolerated violence. Judicial records give information about both versions of violence. Very often historians have discussed about the *dark numbers* of crime in past societies¹. They usually do it when they talk about crime statistics. Nevertheless, this isn't the very point of discussion. Of course, there was much more violence than what historians have found out counting the numbers of criminal cases and reading lawsuits. However, I don't believe this problem is solved nowadays, even speaking about Western societies. In fact, recently the British journalist Alan Travis stressed that what English people think in terms of a *crime crisis* –increasing rates of crime- is a *great myth*. What created the *myth of a crime crisis* is a weak social confidence in what the judge does, despite a greater confidence in what the police, the prison service and the magistrates develop in terms of social control². Of course, speaking about Old Regime societies, historians haven't got an easy task to compare and contrast

¹ This has been a hot topic since the end of the 1970s. V.A.C. GATRELL, & 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. 282 ff. In the history of crime infrajudicial information is always a methodological challenge. However, every historical writing -also every scientific reflection in general- has some infra-levels keeping researchers looking for new and deeper approaches to their subjects.

² A. TRAVIS, "Crime 'crisis' based on myth. Ministers accused of playing to gallery", *The Guardian*, 6th January of 1998, p. 1.

not only crime statistics, but also what people think about every type of crime and about crime in general³. Despite these limitations, both qualitative and quantitative analysis of judicial sources give a representative idea about crime in its cultural and social context in past times. Furthermore, *dark sides* of crime not only are in judicial sources, but also in all historical, sociological and anthropological sources. These *dark figures* don't mean very much about whether the results of research are reliable or not. There are many possibilities of using complementary sources and information.

How many children died before baptism in early modern times? How many married people didn't behave according to general patterns of husband and wife life? How many of them avoided or decreased their sexual life? How much? When? Why? How was the impact of infanticide in early modern societies? How many *skimmingtons*, *charivaris*, *scampanati* or *cencerradas* were in fact played in early modern Europe?... These and many other aspects are very unregistered in the historical sources. In spite of that, historians have got quite realistic ideas about these and similar points from the historical documents we have got⁴. Criminal sources speak about

³ Alan Travis paper (*op. cit.*, p. 1) also underlines that in England, first, "recorded crime has fallen by 8 per cent in recent years", despite "some 75 per cent of people think it is going up". Second, "only 6 per cent of crime are violent or sexual", but "most people think violent crime accounts for more than one-third of all crimes". Third, "serious offenders are jailed", because, for example, "more than 90 per cent of convicted robbers and 97 of rapists go to prison". Furthermore, women are three times less likely than men to be attacked by a stranger.

⁴ As an example see what Lawrence Stone and Keith Wrightson have written about battered women and infanticide. L. STONE, *Uncertain unions and broken lives. Intimate and revealing accounts in marriage and divorce in England, 1660-1857*, Oxford, Oxford University Press, 1995 (1st 1992). *Idem*, *Road to divorce. A history of the making and breaking of marriage in England*, Oxford, Oxford University Press, 1995 (1st 1990). K. WRIGHTSON "Infanticide in European history", en *Criminal Justice History*, III, 1982. About Spain see what I've recently published in T. A. MANTECÓN, *La muerte de Antonia Isabel Sánchez. Tiranía y escándalo en una sociedad rural del Norte de España en el Antiguo Régimen*, Alcalá de Henares, Centro de Estudios Cervantinos, 1998. Hans Medick and David Sabeau collected a good shape of contributions on emotion and family links.



behaviour prosecuted as crime. However, these sources also enclose much more incidental information about criminal and non-criminal violence. Therefore, they give good information about everyday violence or *violence-environment*, I mean that violence which was a component of interpersonal relationships. Now I'm not talking about every type of violence but just about interpersonal violence registered by valley-judges in the Northern Spanish region of Cantabria. These sources allow me to discuss the Gurr⁵ theory of a declining process of homicide and the Stone⁶ emphasis on the decline of interpersonal violence in Western Europe early modern societies.

1. Violence and civilization

Often when sociologists and historians deal with interpersonal violence they speak about homicide rates per 100.000 inhabitants. Very frequently none distinction between homicide and manslaughter is done. Furthermore, it isn't easy to know surely whether or not the numbers of homicide and manslaughter that we've got today are the total produced in past times⁷. Talking about both homicide and manslaughter together as indicator of interpersonal violence, sociologists and historians have indicated that in early modern Western societies interpersonal violence declined very clearly from

H. MEDICK and D.W. SABEAN (ed.), *Interest and emotion. Essays on the study of family and kinship*, Cambridge University Press, 1988 (1st 1984). Lyndal Roper has underlined psychological features of social interaction, particularly in her studies on witchcraft. L. ROPER, *Oedipus and the devil. Witchcraft, sexuality and religion in early modern Europe*, London, Routledge, 1994.

⁵ T. R. GURR, "Historical trends in violent crime: a critical review of the evidence", in *Crime and Justice. An annual review of research*, 3, 1981, pp. 306 ff.

⁶ L. STONE, "Interpersonal violence in English society, 1300-1980", in *Past & Present*, 101, 1983, pp. 22ff.

⁷ About this, P. C. SPIERENBURG, "Faces of violence. Homicide trends and cultural meanings: Amsterdam, 1431-1816", in *Journal of Social History*, 1994, 27, 4, pp. 701-716. *Idem*, "Long-term trends of homicide. Theoretical reflections and Dutch evidence, 15th to 20th centuries", in E. A. JOHNSON, and E. H. MONKKONEN (eds.), *The civilization of crime. Violence in town and country since the Middle Ages*, Chicago, University of Illinois Press, 1996, pp. 63-105.

the Middle Ages up to the middle of the 20th century. In England, for example, homicide-manslaughter per 100.000 inhabitants were more than twenty times higher in the 13th century than after 1800. In the 13th century the rates doubled those of the 16th century. After the 16th century the numbers were decreasing slowly from about 10 cases per 100.000 inhabitants to 6 in the middle of the 17th century and about one up to the end of the 18th. After 1800 slight change was produced up to after the Second World War. The rate became 0.7 in 1966⁸. The last numbers aren't so low. The same year the Spanish rate was 0.2. This was a bit lower than Irish and French rates (about 0.5). Italy, Sweden, Scotland, Western Germany, Canada, Australia and Japan had bigger numbers (between 0.8 and 1.4), but even these were very far away from the U.S.A, Argentina and Chile (between 6.0 and 6.5) and very distant to the really high numbers of Mexico (18.7) and Colombia (21.2)⁹. Still some further areas kept in the 1980s higher rates of homicide. Cairo (56 per 100.000 inhabitants), Alexandria and Rio de Janeiro (49) and Manila (36.5) are good examples. In 1985 Mexico D.F. had lower numbers (28) than these last cases. However, Bogotá reached 80 homicides per 100.000 inhabitants in 1988¹⁰.

Despite these numbers stress the important role of violence in those societies, I really don't think the focus should be just on numbers of homicide-manslaughter, otherwise it would be very difficult to explain how similar the statistics of 1966 Colombia and 13th century England are. Of course, this is just a coincidence. However, it also means that historians shouldn't speak only with

⁸ J. M. BEATTIE, "The pattern of crime in England, 1600-1800", in *Past & Present*, 62, 1974, p. 61. J. S. COCKBURN, "The nature and incidence of crime in England, 1559-1625: a preliminary survey", in J. S. COCKBURN (ed.), *Crime in England, 1550-1800*, Princeton, Princeton University Press, 1977, pp. 55-56. J. SAMAHA, *Law and order in historical perspective: the case of Elizabethan Essex*, New York, Academic Press, 1974, p. 20. J. A. SHARPE, *Crime in early modern England, 1550-1750*, London, Longman, 1994, pp. 60-61 (1st 1984).

⁹ Further 1960s' information in R. D. GASTIL, "Homicide and a regional culture of violence", in *American Sociological Review*, 36, 1971, p. 413.

¹⁰ 1980s' numbers in P. BURKE, "Will the 'civilizing process' match the power or new weapons? Urban violence and civilization", in *Braudel Papers*, 11, 1995, p. 3.



quantitative arguments, because statistics aren't enough at all to know the real impact of interpersonal violence in early modern societies. Many social and cultural particular features gave different meanings to similar rates of homicide and manslaughter in diverse societies. Furthermore, I don't really think homicide and manslaughter rates give enough information about interpersonal violence in early modern societies. There was a close relationship between physical assault and homicide. Sometimes one of the brawlers died several days after the quarrel in which the injury was done. Often, the aggressor hadn't the real proposal of killing his opponent. However, infection also did its own work. I'm sure that the trends of homicide and manslaughter rates mean a lot. The death bodies moved the judges to clarify the circumstances under which the death was provoked. Therefore, homicide-manslaughter statistics are the best indicator of interpersonal violence. In spite of that, these rates also need to be considered in contrast with the rates of physical assault and verbal violence, because often a quarrel started about this kind of dispute between individuals. Furthermore, judges, prosecutors, defendants, accused, petitioners and witnesses in judicial cases always told that honour was much more important than life because when you loose your life it also had effects on yourself, but when you loose honour it had influence on your whole kinship group, whatever its size¹¹. Honour damage was caused by insult, intimidation and threat. Very frequently the answer to a verbal outrage was vengeance, revenge and an individual or collective brawl between the parties. This means that people considered honour affairs and verbal disputes as real interpersonal violence. There is other good reason to considered insults and honour damage as verbal violence. Medieval and early modern Castilian penal law said that the punishment for verbal outrages against honour should be proportional to what punishment in case of homicide was¹². Every verbal offence was a sort of homicide against the individual offended and his or her kinship group. This wasn't like that in the whole period studied. Nevertheless it was what people thought about verbal offences at the end of medieval and the

¹¹ T. A. MANTECÓN, "Honour and everyday life in the Spanish Old Regime", in *Ius Commune*, 1999 issue (forthcoming).

¹² R. SERRA, *Honor y honra en el derecho medieval español*, Madrid, 1969.

beginning of early modern times. From this moment to 1800, when verbal offences affected only to individuals, the strength of those ideas about honour was slowly diluting¹³.

Later I'll return to these points, but now, going back to the British homicide and manslaughter statistics there are some further aspects I want to underline. The British trend, the decline of homicide-manslaughter, with different numbers but not with a really different curve, has been observed in many other European areas from Scandinavia to the Low Countries and the Mediterranean area¹⁴. Of course, different judicial traditions, social relationships and customs to arbitrate disputes between neighbours left a deep footprint on the number of cases before the court. However, despite the numbers are different the declining curve isn't so divergent. This isn't the end of the story. Still there are some *dark sides* in that declining process of homicide and manslaughter rates. First, about how the process took place. Second, about the causes of that trend and, third, about the role of violence as a factor or effect of social and cultural change. I don't think it's possible to get a realistic idea about interpersonal violence in early modern times without taking all these points into account. The only analysis of homicide and manslaughter statistics has allowed historians to develop very risky conclusions, mainly because quite similar numbers can be found in extremely different societies.

The Northern Spanish case of Cantabria is an excellent example to go into this discussion due to several reasons. First, this region has preserved several complete sets of records about five judicial districts. Second, because Cantabria, as the rest of the Northern Atlantic Spanish area has a quite balanced combination of urban-rural life, with a few big cities in early modern times, but with a well connected web of small-towns and big villages instead. Lastly, because there are many qualitative references about violence as a

¹³ T. A. MANTECÓN, "Honor and everyday life...", in *op. cit.*

¹⁴ P. C. SPIERENBURG has collected the main references recently in "Faces of violence..."; *Idem*, "Long-term trends of homicide...", in E. A. JOHNSON - E. H. MONKKONEN (eds.), *op. cit.* I've collected some further information in a recent article. T. A. MANTECÓN, "Poder de la violencia en la Cantabria del Antiguo Régimen", *I Encuentro de Historia de Cantabria (1996)*, Santander, 1999 (forthcoming).



feature of social relationships, a link to relate individuals one another. In 1700 one of the Dominicans of the region criticised the capacity of some powerful local rulers called *caciques* to intimidate their neighbours by violence and to inhibit their behaviour¹⁵. Later, in the beginning of the 19th century, still, a peasant of this region complained that one of his neighbours had taken advantage of his land ownership without any right to do it. However, he explained the judge that his neighbour behaviour was logical, because every society was constituted “by violence” and “every ownership was formed by usurpation”¹⁶. All these references make a wonderful framework to discuss about interpersonal violence.

Violence was a social language that enforced personal links and mutual dependence. Therefore, violence was a very common ingredient of social relationships. Not only violence but also crime in general changed from 1500 to 1800. This marked a transit from societies with hegemony of crime against people and *blood feud* to those societies where there was a prevalence of crime against material property. This process took place in early modern Western Europe. Other processes of change were helping this issue. First, the advance and spreading of capitalism and the progressive better definition of private property. Second, the state-building process and the constitution of new forms of political authority, government (policy) and social discipline. This helped the better definition of crime, criminal behaviour and the spreading of penal law. New moral values were also linked to the aims of the different Christian churches. These started the so-called their *reformation of manners or reformation of customs*, in a period that has been called the age of *confessionalisation* in Europe¹⁷. *Confessionalisation* and the state-

¹⁵ FR. A. del POZO, *Historia de la milagrosa imagen de Nuestra Señora de Las Caldas y su convento. Vidas del venerable padre Fray Juan Malfaz, prior que fue del, con las virtudes de otros religiosos, que se contienen en este tomo*, San Sebastián, 1700, p. 295.

¹⁶ AHPC (Archivo Histórico Provincial de Cantabria), AL (Alfoz de Lloredo), leg. 68, doc. 17, p. 24-25.

¹⁷ W. REINHARD, “Confessionalizzazione forzata? Prolegomeni ad una teoria dell’età confessionale”, in *Forme di disciplinamento sociale nella prima età moderna*, Trento, 1982 (1st 1981). His ideas on confessionalization already were in his publications of the 1970s. However, the concept was

building has been also considered very close developments and interacting each other within a wider process of *social disciplining*¹⁸. This viewpoint focuses on general changes going *from the top* -from the *great cultural tradition* or from the *elite culture*- to the *little cultural tradition* and *popular culture*. However, also at the bottom of early modern European society were people dealing with their own everyday lives, creating their own culture and -from below-instructing the *great cultural tradition* at custom and popular culture. Between these two spheres of culture creation there was a very active exchange. The whole scheme indicates a great movement of *civilization* rooted in the dissolution of medieval society, a social and cultural movement that articulated the Old Regime society. One of the slightest but very visible effects of this movement of *civilization* was the disarmament of Old Regime social groups, corps and individuals. This could have been one of the reasons to change the types of violence before the court¹⁹. The lesser weapons you had and the weaker their capacity of injuring, the slighter they hurt and the lower the homicide rates. The improvement of medical profession and the spreading of medicine also helped the decreasing homicide rates. In Cantabria there wasn't neither significant changes of medical

based on what Ernst Walter Zeeden and his students called "the formation of confessions" or *konfessionbildung*, emphasizing structural common points in the major Christian confessions to enforce confessional conformity. More recently Heinz Schilling has developed some further theoretical approaches. H. SCHILLING, "Between the territorial state and urban liberty: luteranism and calvinism in the county of Lippe", in R. PO-CHIA HSIA (ed.), *The German people and the Reformation*, Ithaca, Cornell University Press, 1988, pp. 263-283. More recently Po-Chia Hsia has summarized much information about confessionalization and confessionalism in his book on *Social discipline in the Reformation. Central Europe, 1550-1750*, New York, Routledge, 1992, (1st ed. 1989), pp. 55 ff.

¹⁸ The concept of social disciplining comes from a Gerhard OESTREICH's article published in 1969 translated into English and published in 1982 as "The structure of the absolute state", in a book titled *Neostoicism and the early modern State*, Cambridge, Cambridge University Press, 1982, pp. 259-267.

¹⁹ Peter BURKE collects the main references with this focus. P. BURKE, "Will the 'civilizing process' match the power of new weapons?...?", *op. cit.* However, his own focus shows violence as a really complex field in every society.



treatments nor a process of disarmament to explain that issue. Furthermore, just a knife or even a stick were enough weapons to kill. Everybody was allowed to have these instruments. However, interpersonal violence statistics weren't static in preindustrial Cantabria.

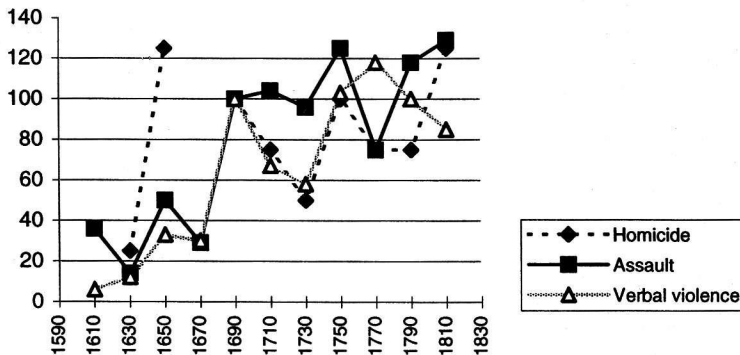
2. Interpersonal violence statistics of Cantabria in early modern times

Criminal records of Cantabria give good information about all these already quoted aspects. There are five judicial districts with complete sets of records: Alfoz de Lloredo, Reocín, Cayón (three rural districts) and the small town and abbey of Santillana del Mar (two urban or nearly urban districts). Four of these districts had a royal judge and one of them –the small town of Santillana del Mar– had a manorial judge. This fact didn't make differences on the types of crime before the court. Furthermore, the appeal court in any case was in Valladolid –*Chancillería de Valladolid*. These five districts make a representative example of Cantabria of the Northern Atlantic Spanish area. There weren't many different characteristics about urbanization, agrarian structures, urban and rural life, institutions and social structure and change in this wide area. Therefore, at the moment there is no reason to think that the case of Cantabria was exceptional. Cantabria had a rate of homicide-manslaughter of 0.9 per 100.000 inhabitants between 1600 and 1830. This rate was much lower than many other European regions in the same period and quite similar to the numbers of some present Western European societies. Despite the low rates of homicide-manslaughter in early modern Cantabria I don't believe that the social interaction in this region in early modern times was very similar to present societies with similar statistics. It was more similar to other early modern European societies instead.

Speaking about crime, homicide was a really exceptional event in every European society of early modern times. Mainly disputes before the court dealt with daily affairs. Buying and selling controversies, inheritance disputes, credit debts, dowries and salaries payment, discussions about land and about damage caused by the cattle were 9 of every 10 judicial cases in 1600-1830. These

controversies usually were underneath others, those that sometimes changed into crime. Criminal cases were quite unbalanced in favour of crime against people, which overlapped clearly crime against property before 1830. Less than 20 % of the court cases were motivated by robbery, burglary, banditry and, in general crime against property. The rest mainly divided into two groups: sexual affairs and interpersonal violence. Sexual affairs included adultery, rape, illicit unions of man and woman out of marriage, pregnancy with a broken promise of marriage and pregnancy out of marriage. All these matters were a bit more than the 30 % of the cases before the court. About the 40 % were cases of interpersonal violence and the rest referred to collective rough behaviour against local authorities and local sellers, *charivaries*, *cencerradas*, rough music and affairs like those. Homicide, of course, was much more exceptional than assault and verbal offence. The best way to see how the relevance of the evolution of these types of interpersonal violence was is by focusing on a particular period and considering its rates equal to 100. The reconstruction of the statistical data shows how the trends went before and after that selected period with no very extreme numbers. Furthermore, this exercise allows me to compare and contrast the trends of all the studied indicators.

Graphic 1: Interpersonal violence. 1610-1830
Five judicial districts of Cantabria
Index: 100=1690-1709



Sources: Criminal cases of Alfoz de Lloredo, Cayón, Reocín (Provincial Historical Archive of Cantabria: AHPC), small town and abbey of Santillana del Mar (Municipal Archive of Santillana del Mar: AMS). In 1690-1709 the absolute numbers of homicide, assault and verbal violence were 2, 28 and 33.

From that viewpoint the agrarian crisis between 1690 and 1712 and between 1778 and 1804 didn't have a relevant influence on the numbers of criminal cases about homicide. Physical assault and verbal violence give complementary information. Actually, homicide rate dropped sharply from 1630-1650 to the critical years after 1709 in a harsh economic context. However, after 1670 the cases of assault and verbal violence before the court increased really fast and sharply up to 1690-1710. Then, whilst homicide trials went down very clearly and verbal violence dropped slightly, physical assaults kept their level. Later, both assault and verbal violence cases grew up in a context of general increasing of all indicators of interpersonal violence up to 1730-1750. Afterwards, homicides and physical assaults decreased, whilst verbal violence increased, up to the end of the 18th century and the starting 19th. In this last period there were several critical years. Soon, the Spanish-French war and a sort of civil war contexts came into scene. These convulsions had great influence on interpersonal violence²⁰ and the strongest types of interpersonal violence –homicide and physical assault- grew up very sharply over the cases of verbal offences. Then there was a substitution of verbal violence by stronger forms of interpersonal violence.

These quantitative references indicate the chronology of change of the forms of interpersonal violence in Cantabria. There was a long process of *civilization of violence* going from a period of hegemony of homicide before 1670-1690 up to the preponderance of verbal offences after 1750. In the middle there was a transitional period in which physical assaults were going over the other indicators of interpersonal violence. Only an exceptional factor turned that trend in the last years of the 18th and the first of the 19th: war. Despite these comments some further qualitative information give details about how that process of change took place.

²⁰ On the effect of these war contexts on social interactions see T. A. MANTECÓN, *Conflictividad y disciplinamiento social en la Cantabria rural del Antiguo Régimen*, Santander, Universidad de Cantabria: Fundación Emilio Botín, 1997, Third Part, chapter two. On the starting 19th century civil war, V. FERNÁNDEZ, *Carlismo y rebeldía campesina. Un estudio sobre la conflictividad social en Cantabria durante la crisis final del Antiguo Régimen*, Madrid, Siglo XXI, 1988.



3. Verbal violence in focus

What homicide-manslaughter and physical assault were in terms of violence in early modern times seems to be quite clear. Homicide and manslaughter were different affairs. The frontier between them was the criminal wish to put an end to his or her victim life – homicide- or the lack of that wish –manslaughter-. However, in both cases the result was the same: someone lost his or her life as a consequence of violence. Furthermore, many times it isn't easy at all to be able to say whether or not the killer had a real wish of killing his or her victim. They also knew that infection did its own work in the injured body of their victim. Therefore, a death that apparently was manslaughter actually could be a really calculated homicide instead.

Physical assault was caused by blowing and beating with hands and feet –even biting ears and noses- or by rough weapons like knives and sticks. In the 17th century and particularly in the streets of small towns and cities, even in the roads between urban points, people fought each other with swords. Pistols and guns were really exceptional in those brawls. The most frequent weapons for the most of the people were knives and strong sticks. These sticks very often had metal components to improve its capacity of injuring. Peasant people used to have these kind of sticks as a preventive weapon when they went from one village to another in periodical local markets or summer festivals –*romerías*. Swords became very infrequent at the end of the 17th century and the starting 18th. Nevertheless, knives and sticks still were common instruments in the 19th century rural daily life. Local law –*Municipal Ordinances and Chapters of Good Government*- was against these weapons still in the first decades of the 19th century. Short knives weren't forbidden. A knife was an useful instrument to develop many everyday tasks, but the same short and legal knife was enough to kill when it was used as a weapon and, furthermore, the killer didn't need to be really strong to knife his or her victim²¹.

²¹ A 19 years old girl was strong enough to knife her victim until his or her death. See what Manuel López did in 1799, T. A. MANTECÓN, *La muerte de Antonia Isabel Sánchez...*, chapter one *passim*.



The both cases homicide -with manslaughter- and physical assault had a common feature. They both injured the victim's bodies. What was different was the result of that injury. In the first case – homicide-manslaughter- the result was death. The other physical assaults were softer injuries. What was different in verbal violence was that not the body but the victim dignity, esteem and reputation was injured. In that sense verbal violence was less material but perhaps not softer than other forms of interpersonal violence –at least before 1750. Very often early modern people said that honour was much more important than life. These words were logical in a society ordered by privilege, where everybody level of honour had a close relationship with their level of privilege, but also their personal degree of dignity and social esteem and reputation. Therefore, honour and privilege, in short, verbal violence had essential consequences on everyday life. Verbal offences against personal honour were also in damage of community –household, kinship group...-, social corps, factions or group honour where every individual was included. A verbal outrage was also projected into the descendants of the victim. This gave a aggravating ingredient to that form of violence over homicide-manslaughter and physical violence. Moreover, there was also a long legal tradition that gave relevance of a peculiar sort of homicide to the lost of honour, because this last meant also *disgrace* and *infamy*. This killed the victim social esteem and reputation in what was popularly considered *social death*. Some further references help to prove this point.

Every insults exchange meant a comparison and contrast of honour between the parties. When the exchange was in public its effect was deeper. The repetition and emphasis of insults and expressions like “I’ll be able to get many witnesses to prove what I’m saying about you” –trying to prove what the insult said- were in the same direction. All these factors made stronger the effect of the insult done. However, many common insults meant that the victim wasn’t a good neighbour and he or she should be excluded from their community. This was a sort of *social death* and it happened when someone called the other “well-known thief”, when the insulting people said about the other party “I’ve got a coin to bribe you” or “in my lineage nobody has been tied as a packsaddle”. This last sentence referred to death penalty with public shame throughout the streets



before hanging in the scaffold. The exchange wasn't only between equals. In small rural communities the social distance between the parties made stronger every insult, particularly when it came *from below* and it was publicly known. Sometimes, nevertheless, local rulers and rich peasants felt the need of boasting about their masculinity and judicial impunity to get a public recognition of social superiority. They wanted to show their capacity to implement whatever form of violence without troubles. Then they boast of their sexual promiscuity -“one of the most obscene men”- and aggressiveness -“great hand and power”- in the community. When they spoke challenging like that against whatever superior authority -even blasphemy came into scene-, they were trying to get the public recognition of social superiority in their neighbourhood. That was what a well-off peasant of Cantabria tried when in the starting 18th century he said in public that “what is necessary to become a real man is to be excommunicated for one or more years and to spend five or six years in jail”²².

Household and family group gave social identification in community to every individual. Public reputation of good name and Christian life meant presumption of innocence in court cases and helped to get the community aid and protection. Therefore, the defence of that public consideration was a permanent need of everyone, mainly because “every verbal outrage was in damage not only of the insulted individual but also of the whole kinship group”²³. Every word had a very specific meaning that the others -the public-understood easily. The peasant Juan Manuel Fernández Cotera gave a good explanation about some of this vocabulary in 1787. He was called as “a descendant of a family of cutters”. He wasn't that and he thought these words meant that his ancestors were “killers of people and animals” because the word “cutter” (*cortador*) had those both meanings: butcher and executioner. The same peasant was said to be “worthy of having his house sown of salt”. This ritual was a part of

²² ARCV (*Archivo de la Real Chancillería de Valladolid*), PCR (*Pleitos Criminales, Causas Secretas*), C-152-3, f. 51 (1719).

²³ In 1633 a peasant of Cantabria told this before the court to make easy his explanation of the reasons why his wife and brother in law had protected him by injuring the neighbour who had insulted him. See AHPC, AL, leg. 80 doc. 1 unpagged document.

the punishment in case of crime of *lessa magestad*. At least, “common people believe that (...) criminals should have their houses sown of salt to dry and wipe away the remains of the criminal and the crime done”²⁴. María Antonia Calderón, the woman who told all those offences against Juan Manuel Fernández Cotera was condemned by the judge to say in public that none of her insults were actually true. This ritual to restore the damage done by verbal offence was the rule to avoid future bigger problems between the parties. In this case, the words that María Antonia Calderón said pointed out her victim as a person without honour and worthy of social exclusion. The aim of these insults was to get the social death of the victim. The best way to do it was by pointing the victim as criminal of *lessa magestad*. However, many further words had the same aim, particularly those giving information about disloyal behaviour and bad example. This was the case of insults like *cornudo* (cuckold). Still in the starting 17th century this was one of the “biggest outrages”. Similar damage was provoked by words like *traidor* (traitor), *infíel* (disloyal person) or *sodomita* (sodomite).

Women got similar damage to social death when they were called *puta* (bitch), *ladrona* (thief girl), *borracha* (drunk woman), *bardaliega* (girl who makes sex with her lovers in the fields), *jambrióna* (starving girl), *jandrajona* (woman without belongings) or *desollada* (barefaced girl). All these insults pointed out factors of social exclusion and they showed the victim as an outsider. The list of insults can be much longer: *desvergonzada* (shameless woman), *emplumada* (girl punished to tar and feather), *frailera* (friars lover), *puerca* (pig, girl with Moorish or Jewish blood)... Other further group of insults dealt with witchcraft. These were exclusively insults against women. *Demonio* (devil), *cara de demonio* (devil face), *enemigo común* (common enemy), *inmundicia* (disgraceful person) and further insults like those weren't just to say social death. They also marked a greater degree of outrage, because they stressed not only exclusion of the community but also enemy of the community and humanity. Nevertheless, the both groups of insults should be restore in public. The judge usually implemented the Talion law -at least up to the last decades of the 18th century- to avoid the victim kinship group

²⁴ AHPC, AL, leg. 88, doc. 18 unpagued document.



vengeance. Public retract and every party public compromise of avoiding future controversies between them went in favour of that peaceful aim.

Some further offences pointed out the lack of other very sensitive personal qualities like loyalty, fidelity and honesty within the neighbourhood. To say that someone was “disloyal dealing with the others”, that he or she “had given his (or her) word and later behaved otherwise”... indicated that who was considered like that wasn’t a good member of the community. The same negative feature was pointed out by insults like thief, usurper, false witness, treacherous man and wolf. This last insult –wolf- meant a collection of them: usurper-voracious-gluttonous-treacherous and brawling person. Apart from all these kinds of verbal offences there was a wider field of insults linked to sexual affairs and behaviour, very particularly when rumour and gossip pointed someone as responsible of illicit unions and sexual exchange out of marriage. The damage of these verbal offences was bigger when the victim was a single woman. She was supposed to be virgin and chaste. In that case the restoration of the damage caused should be done not only by a public retract but also with money compensation. This last allowed the victim to improve her dowry and let her to get a convenient future husband according to the status she had before the verbal outrage against her was produced.

In any case of verbal offence exchange, there was a comparison and contrast of honour and *honra* between the parties, particularly it was done between equals. That was what indicated phrases like: “you’ll become better with my *honra* surplus”, “just in my shoe-sole I’ve got much more *honra* than you”, “some of my ancestors could have been shameless people, but none was a Jewish”, “I’m as good as you and I’ve got more of 100 ducados to spend with you”, “I don’t kill cattle of my neighbours like you do”²⁵.

Of course, despite the instruments to avoid vengeance caused by verbal offences, *blood feuds* and family revenge sometimes showed

²⁵ AHPC, RE (Reocín), leg. 125, doc. 2, unpagued document (1677), AHPC, CAY (Cayón), leg. 81, doc. 19, unpagued document (1737), and *ibidem* doc. 22, unpagued document, give good examples of phrasing like that.



well organised and conscious physical violence as an answer to verbal violence. This fact was very coherent with what honour damage caused by verbal offences was. Honour was a non-material patrimony of the group of people who protected it. The judge always tried to get an informal arbitration out of the court and to put an end to the trial. This was to prevent future vengeance between the parties. In those cases the judge was helped by parish priests, "honest neighbours" and customary "peace makers". When the parties decided to give their mutual controversy up, then, they drunk wine together in a local tavern as a signal of their new mutual friendship. This was the frequent ritual for every agreement between parties in conflict (*robra*). In spite of all those efforts, these negotiations not always were totally infallible and new conflict was produced several years afterwards.

Verbal violence was changing slowly its social meaning since the first decades of the 18th century. At the end of that century many insults lost nearly totally the meaning they had before. This was the case of words like "devil", "personification of sin" or "witch". The extended idea of insult provoking damage to a whole kinship group -family- was diluting itself slowly from the beginning of the 18th century. Due to this changes some parts of the ritual to restore the damage done by insulting weren't necessary in the late 18th century – public retract for instance. Perhaps that's why one local judge of Cantabria explained in 1792 how a judge should deal with cases of verbal violence. In his opinion every judge should proceed in these cases "as a father of family and kind negotiator between parties instead of doing it with the same scrupulousness that other criminal matters need"²⁶. There was a legal background supporting these ideas in the 1780s. Several royal instructions to local judges and chief-magistrates (*corregidores*) stressed that the judge should be more a father than a repressor in cases of verbal offence²⁷. Similar opinions were already in ordinary people minds. In the end of the 18th century, of course, life was felt much more important than honour. Then physical violence was much more important than verbal violence.

²⁶ AHPC, AL, leg. 80, doc. 4, unpagued document.

²⁷ Chapter 6 of the *Instructions* of 1788. This point also was in the *Instructions* of 1783. See AHPC, AL, leg. 100, doc. 1.

About that years many people considered with of the “pretentiousness of lineages”, “good surname” and honour in the sense that was really prevailing in the 17th century and the most of the 18th.

Verbal offences were reduced into their more restrictive meaning in the end of the Old Regime. They pointed individuals mainly, neither kinship groups nor social corps. Basically, they indicated personal qualities or, on the contrary, the lack of them. An insult could have effects on the household honour but rarely beyond. Still in 1830 a peddler of Cantabria told that “the first patrimony and the most sacred ownership of a man was his honour”. He answered like that to the jokes of several young people against him in public. What is important in his words is the field covered by honour in the eyes of that peddler: honour was an individual ownership. Moreover, some characteristics of verbal offences had changed in the 18th century. In 1683 a peasant woman of Cantabria wanted to kill the person who had said she was “a priests lover”. Her answer was a couple of razor wounds in the body of the insulting person²⁸. A bit later, in 1696, in the same region other woman cried she’d kill those who had hanged horns in the main door of her house the same day her husband went back home from Andalusia. Six years later this woman knifed the face of the person she thought was responsible of that joke²⁹. About the middle of the 18th century these ways of answering verbal offences were being overlapped by court cases where the judge arbitrated negotiations between the parties. In the starting 19th century, even verbal outrages against young widows -those who were said to be prostitutes or similar- could be solved before the judge. The result normally was the aggressor apology before the court, the payment of the court costs and a not very high fine and, lastly, perhaps, a few days of house arrest. This happened even in the mountains, where the landscape was of dispersed housing and where the peasant every season moved the whole household to new pastures for the cattle. This peasant people weren’t easily controlled by the administration, the inhabitant of the Mountains of Pas (*pasiego*), that peasant who wasn’t thought as totally human by one Jesuit preacher

²⁸ AHPC, AL, leg. 83, doc. 5, pp. 2-5.

²⁹ AHPC, AL, leg. 84, doc. 4, pp. 14-35.



who had to implement missions in that area in the 1720s³⁰. In spite of that the *pasiegos* seems to be not less civilized than the rest of the population of Cantabria in the starting 19th century.

4. Conjugal violence, peculiar form of interpersonal violence

In early modern times there were three main spheres to preserve social order and public stability. Political thinkers pointed the individual, the household and the kingdom as these main spheres of sociability. In every of them there were levelled spheres of social control: ethic self-control of every individual (*etica*), the father's control and government at home (*oeconomica*) and, lastly, the king's rule in the kingdom (*politica*). This scheme was neither exclusively Spanish, nor original of early modern times, nevertheless, in early modern Spain the main discussions on order and conflict had these ideas underneath. Still in 1800, Fr. Miguel de Santander, one of the most relevant Spanish preachers linked to the Enlightenment movement, explained in one of his well-known sermons those traditional ideas. He indicated that:

“...the first obligation of the children to their parents is love and obedience. The second is about to help and honour them. It's impossible to take a simple argument to say how the obligations of the children towards their parents, the married women link to their husbands, the pupils towards their masters, the servants towards their lords, the parishioners towards their parish priest and the subjects towards their king should be...”³¹

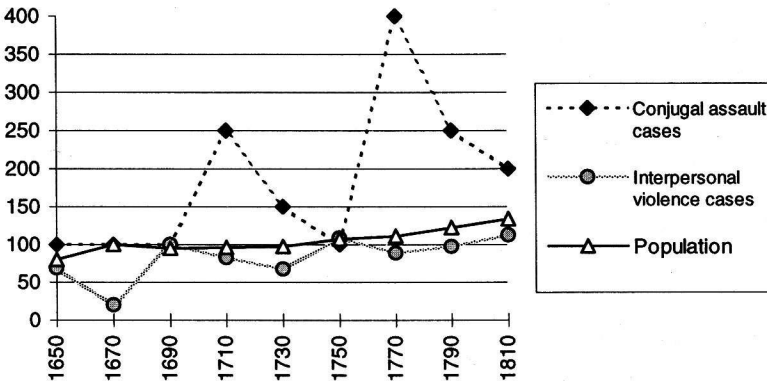
Fr. Miguel de Santander showed a whole program of patriarchy to make sure public peace and order. The basic sphere was the household, where there was a hierarchy of power under the father-husband authority. He should play a good, prudent and tolerant

³⁰ J. de VILLAFANE, *Relación histórica de la vida y virtudes de la excelentísima señora doña Magdalena de Ulloa Toledo Ossorio y Quiñones, muger del excelentísimo señor Luis Méndez Quixada... comendador del Viso y Santacruz... ayo del serenísimo señor don Juan de Austria... fundadora de los colegios de Villagarcía, Oviedo y Santander de la Compañía de Jesús...* Salamanca, 1723.

³¹ Fr. Miguel de SANTANDER, *Sermones para misión, del padre Fray Miguel de Santander*, Madrid, 1800, vol. 1, pp. 182-184.

government at home. Obviously, sometimes that tolerance and prudence was not enough to avoid neither domestic violence nor violence in the political community. Speaking about marital violence, despite the darkness of its statistics, just a quick look at some numbers of conjugal violence cases is enough to see that very often prudence wasn't as strong principle as it was necessary to avoid interpersonal violence within the household. In Cantabria, from 1650 to 1830 about 4 % of criminal cases were caused by conjugal violence. Nevertheless, marital violence was more than 15 % of those cases motivated by assault³². All these numbers show violence registered in judicial archives. Much marital violence was under registered, very particularly verbal violence, but physical violence as well. In spite of that, judicial documents give information about patterns and changes of the trend of cases before the court.

Graphic 2: Conjugal assault cases. 1650-1830. Five judicial districts of Cantabria
Index 100=1690-1709



Sources: See graphic 1. 1670-1690's rates (annual average per 20 years) were: conjugal assault, 0.10; interpersonal violence cases (homicide, assault and verbal offence), 3.25 (including conjugal violence cases), population numbers were 4622 in that period. Marital violence rates include conjugal homicide (in twelve cases the husband had the aim of killing his wife and just in one case the wife tried to kill her husband).

³² About this matter see T.A. MANTECÓN, *La muerte de Antonia Isabel Sánchez...*, pp. 83-99.



The comparison and contrast between the evolution of population and cases of marital violence –also within assault and criminal cases in general- allow me to give some further clear ideas on interpersonal violence at home. The first conclusion coming from this quantitative information is that there was a close relationship between economic changes and violence in the household. The bigger scarcity, the higher conjugal violence. This happened in 1710-1730 and when economy was going worse before the general agrarian crisis of 1770-1790. Marital violence was particularly sensitive to these economic changes. Husbands became more violent with their wives and these were more frequently battered than in other periods.

The second conclusion deals with community social control of marital violence. The community knew the border between a prudent paternal authority and a tyrannical patriarchy. That border was scandal. In early modern Spain scandal, according to a religious viewpoint, was an effect of a “vile and reprehensible” behaviour. Therefore, just scandal proved social deviance³³. However, the witnesses of judicial cases indicated three main components of scandal. First, it should be behaviour transgressing the common customary ideals of social harmony and order. Secondly, that conduct should be publicly considered social deviance. Lastly, that social deviance should be thought as a negative example to the rest of the members of the community. The moralists of the Spanish 18th century had no so different viewpoint about scandal. Nevertheless, they stressed the last feature I have pointed. Above all, scandal should be a negative example –“the cause to move the others to do the same”³⁴. Therefore, battering husbands were scandalous people and scandal was the very frontier between prudent and tyrannical patriarchal authority. There were popular customary ways to control marital violence. First, there were the next-door neighbour’s and kin’s critics, comments and suggestions. Afterwards, gossip and rumour against the violence went in the same direction. Also parish priests, people considered peace makers in the community or even community institutions like confraternities developed a complete set made of opinions, suggestions and social pression to keep marital

³³ T. A. MANTECÓN, *La muerte de Antonia Isabel Sánchez...*, p. 77.

³⁴ *Ibidem*, p. 78.



violence within the limits of a prudent government. These informal instruments of social control and repression of interpersonal violence were very effective before –roughly- 1800. Just to remember that only 12 cases of marital violence within less than a thousand of criminal cases had the aim of killing the partner and in every of them except one there was a husband wishing his wife death. Therefore, despite conjugal violence was very sensitive to the worst economic circumstances, normally the combination of formal, informal and semiformal, popular and official instruments of social control kept marital violence within the borders of prudence. Still there is another discussion about this point because those borders were much wider than nowadays³⁵.

5. Did interpersonal violence really decline in the Old Regime?

Social tolerance to violence was changing in the 1600-1800 perspective. This was underneath the increasing criminal cases of interpersonal violence before the judge in the second half of the 18th century. Then, for example, there were many battered women going before the court and asking for justice. This doesn't mean that there were more battered women, but it shows, first, they had a wider autonomy to go to the judge than before and, furthermore, it points out there was a greater social sensitiveness to scandal provoked by marital violence. I'm quite sure that women were more confident about justice and, therefore, they tried to solve their problems before the court, in the public arena. The decreasing numbers of conjugal violence in the last years of the 18th century were due to several reasons. First, increasing levels of social intolerance against marital violence. In that sense, then, there was a civilization of those forms of interpersonal violence. Traditional seasonal emigration of the young men to Castile and Andalusia gave their wives the opportunity of dealing with their household administration and government. This surely went in favour of higher degree of women self-government. Actually, in the 18th century there was increasing women's capacity to implement not only informal and semiformal customary instruments to keep their husbands' authority within the borders of

³⁵ I've explained it in T. A. MANTECÓN, *La muerte de Antonia Isabel Sánchez...*, *passim*.



prudence, but also to move the judges to proceed against violent husbands. Marital violence also became more scandalous in the second half of the 18th century. Other further changes of interpersonal violence helped this issue between 1600 and 1800.

In that historical times homicide was being overlapped by physical assault with other different result between the last decades of the 17th century and the first of the 18th, just to be overlapped in its turn by verbal violence about the middle of the 18th century. However, this wasn't the end of the story, because in the context of the harsh last years of the 18th century and the political convulsions and war of the starting 19th also verbal violence changed its meaning. Those insults that in the 17th century and the most of the 18th meant social death became "just words" in the starting 19th. There was also a change of the social effects of verbal offences. Actually, in the end of the 18th century were reduced to the individual sphere those insults that before were in damage of the family, kinship group or social corps honour common patrimony. This issue also had an effect on physical assault and homicide rates, because it was in favour of kinship groups vengeance (*pendencias*) were firstly rooted on verbal outrage. All these changes point out not a real decline of interpersonal violence, but the changes experimented, first, by its forms; second, by the meaning of violence and, third, by the social spheres provoking and suffering interpersonal violence. This meant that there was a civilization instead of a decline of interpersonal violence.

The process of civilization of interpersonal violence, of course, wasn't homogeneous at all. It hadn't started in the 17th century and it didn't finish in the beginning of the 19th. Actually, the civilization of interpersonal violence is a really long process that comes up to the present times. Today, still there is a tight interaction between official and unofficial violence, socially tolerated and intolerable interpersonal violence. These interactions are closely linked to changing cultural values about violence. The same ingredients were affecting one another in the studied Northern Spanish society of 1600-1800, showing a long exchange between social groups and between society and institutions to deal with conflict. Popular culture had an important role in this exchange. What is explained about verbal violence in this article gives a wonderful example about that.



Official justice and popular justice or customary justice worked together to restore the damage done by physical and verbal offence. However, these two versions of justice had different instruments and principles supporting their ways to deal with conflict caused by interpersonal violence. This points out a great field of infrajudiciality. Furthermore, in the long processes of state-building the monopoly of violence by the states or public authority wasn't completed at all before the times of the French Revolution and even afterwards. The biggest cities still nowadays give wonderful examples of interpersonal violence patterns and codes that the judges aren't able to control at all. Penal law still is unable to give a total typology including every form of interpersonal violence. Interpersonal violence is changing every day its forms and impact in present societies. Who knows what's in every household in terms of uncontrolled marital violence? Obviously, there is still a great field to research about. This is one of the main points I wanted to stress in this article. That's why I don't think the focus to study interpersonal violence changes in the history of past societies should be that which Lawrence Stone indicated. I don't think homicide rate -homicide-manslaughter rate- indicates trends of interpersonal violence in historical societies. What gives a good harvest in terms of historical research is the focus on the changes of the interpersonal violence forms. The decline of interpersonal violence is, in my opinion, just an intellectual construction of the historian instead of a real process of Western societies before the Industrial Revolution.