



**ACTA HISTRIAE**  
*25, 2017, 1*



UDK/UDC 94(05)

ISSN 1318-0185



Zgodovinsko društvo za južno Primorsko - Koper  
Società storica del Litorale - Capodistria

**ACTA HISTRIAE**  
**25, 2017, 1**

KOPER 2017

ISSN 1318-0185

UDK/UDC 94(05)

Letnik 25, leto 2017, številka 1

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**Prevodi/Traduzioni/  
Translations:**

Urška Lampe (angl., slo.), Gorazd Bajc (it.)

**Lektorji/Supervisione/  
Language Editor:**

Urška Lampe (angl., slo.), Gorazd Bajc (it.)

**Stavek/Composizione/  
Typesetting:**

Grafis trade d.o.o.

**Izdajatelj/Editore/  
Published by:**

Zgodovinsko društvo za južno Primorsko / Società storica del Litorale®

**Sedež/Sede/Address:**

Zgodovinsko društvo za južno Primorsko, SI-6000  
Koper-Capodistria, Garibaldijeva 18 / Via Garibaldi 18,  
e-mail: actahistriae@gmail.com; www.zdjp.si

**Tisk/Stampa/Print:**

Grafis trade d.o.o.

**Naklada/Tiratura/Copies:**

300 izvodov/copie/copies

**Finančna podpora/  
Supporto finanziario/  
Financially supported by:**

Javna agencija za raziskovalno dejavnost Republike Slovenije / Slovenian Research Agency, Mestna občina Koper, Luka Koper

**Slika na naslovnici/  
Foto di copertina/  
Picture on the cover:**

*Miniatura, ki prikazuje maščevanje med plemenitimi moškimi in ženskami / La miniatura che rappresenta la vendetta tra uomini e donne nobili / A miniature showing revenge among noble men and women (Source: Manuscript: BGE Ms. fr. 190/1 Des\_cas\_des\_nobles\_hommes\_et\_femmes, f. 77, from Paris, 1410, holding institution: Bibliothèque de Genève. <http://manuscriptminiatures.com/des-cas-des-nobles-hommes-et-femmes-ms-fr-1901/3069/>).*

Redakcija te številke je bila zaključena 15. junija 2017

Revija Acta Histriae je vključena v naslednje podatkovne baze / Gli articoli pubblicati in questa rivista sono inclusi nei seguenti indici di citazione / Articles appearing in this journal are abstracted and indexed in: Thomson Reuters: Social Sciences Citation Index (SSCI), Social Scisearch, Arts and Humanities Citation Index (A&HCI), Journal Citation Reports / Social Sciences Edition (USA); IBZ, Internationale Bibliographie der Zeitschriftenliteratur (GER); International Bibliography of the Social Sciences (IBSS) (UK); Referativnyi Zhurnal Viniti (RUS); European Reference Index for the Humanities and Social Sciences (ERIH PLUS); Elsevier B. V.: SCOPUS (NL)

Vsi članki so v barvni verziji prosto dostopni na spletni strani: <http://www.zdjp.si>.

All articles are freely available in color via website <http://www.zdjp.si>.

VSEBINA / INDICE GENERALE / CONTENTS

<b>Edward Muir:</b> The Feuding Spectrum: From the Mountains of Albania to the Court of Charles V .....	1
<i>Maščevalni spekter: Od albanskih gora do sodišč Karla V.</i>	
<b>Edward Muir:</b> Lo spettro della faida: Dai monti dell'Albania alla corte di Carlo V .....	11
<b>Claudio Povolo:</b> La pietra del bando. Vendetta e banditismo in Europa tra Cinque e Seicento .....	21
<i>The Stone of Banishment. Revenge and Banditry in Europe between the 16<sup>th</sup> and 17<sup>th</sup> Century</i>	
<i>Kamen izгона. Maščevanje in banditizem v Evropi v 16. in 17. stoletju</i>	
<b>Darko Darovec:</b> Blood Feud as Gift Exchange: The Ritual of Humiliation in the Customary System of Conflict Resolution .....	57
<i>La vendetta come scambio di doni: Il rituale dell'umiliazione nel sistema consuetudinario della risoluzione dei conflitti</i>	
<i>Krvno maščevanje kot izmenjava daru: Obred ponižanja v običajnem sistemu reševanja sporov</i>	
<b>John Jeffries Martin:</b> Cannibalism as a Feuding Ritual in Early Modern Europe ....	97
<i>Cannibalismo come un rituale di faida nell'Europa Moderna</i>	
<i>Kanibalizem kot ritual maščevanja v zgodnjem novem veku</i>	
<b>Sergio Marinelli:</b> La pacificazione, non la vendetta .....	109
<i>Peace, not Revenge</i>	
<i>Pomiritev, ne maščevanje</i>	
<b>Romedio Schmitz-Esser:</b> The Revenge of the Dead. Feud, Law Enforcement and the Untameable .....	121
<i>La vendetta dei morti. Faida, applicazione della legge e gli indomabili</i>	
<i>Maščevanje mrtvih. Fajda, kazenski pregon in neukrotljivi</i>	
<b>Lucien Faggion:</b> La vengeance et le Consulat à Vicence dans la seconde moitié du XVI <sup>e</sup> siècle .....	131
<i>La faida e il Consolato a Vicenza nella seconda metà del Cinquecento</i>	
<i>Fajda in konzulat v Vicenzi v drugi polovici 16. stoletja</i>	

<b>Žiga Oman:</b> Modern Age, Ancient Customs – Settling Blood in the Eastern Alps between the Late Middle Ages and Early Modernity .....	153
<i>Età moderna, tradizioni antiche – la riconciliazione nelle Alpi orientali tra il tardo Medioevo e gli inizi dell'Età Moderna</i>	
<i>Novi vek, stari običaji – pomiritev krvi v vzhodnih Alpah med poznim srednjim in zgodnjim novim vekom</i>	
<b>Angelika Ergaver:</b> »First my Brother, then a Blood-taker, then my Brother Forever« The Efficiency of the Traditional Peace-making Custom in Early Modern Age Montenegro and the role of the Venetian Authorities in the Peace-making Process .....	179
<i>»Prima mio fratello, poi carnefice, poi mio fratello per sempre« L'efficacia del tradizionale processo di riconciliazione in Montenegro all'inizio dell'Età Moderna e il ruolo delle autorità Veneziane nel processo di riconciliazione</i>	
<i>»Najprej moj brat, nato krvnik, nato moj brat za vedno« Učinkovitost tradicionalnega postopka pomiritve v Črni gori v zgodnjem novem veku in vloga beneških oblasti pri postopku pomiritve</i>	
Navodila avtorjem .....	207
Istruzioni per gli autori .....	210
Instructions to authors .....	214



Članki, objavljeni v tej številki Acta Histriae, so nastali v okviru projekta / Gli articoli pubblicati in questo numero di Acta Histriae sorsero nell'ambito del progetto / The articles published in this issue of Acta Histriae were arised from the project: FAIDA. Feud and blood feud between customary law and legal process in medieval and early modern Europe. The case of Upper-Adriatic area. This research was supported by a Marie Curie Intra European Fellowship within the 7<sup>th</sup> European Community Framework Programme, Grant Agreement Number 627936.

## BLOOD FEUD AS GIFT EXCHANGE: THE RITUAL OF HUMILIATION IN THE CUSTOMARY SYSTEM OF CONFLICT RESOLUTION

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### ABSTRACT

*The article, based on interdisciplinary historiographical and anthropological studies and archival documents, collected folk literature and other documents, will reconstruct the ritual of blood feud with emphasis on the act of humiliation and penance as reflected in documents from Southeast Europe, comparing them with many fragments of medieval European cases, reflecting general ritual structure in the field of public affairs: Homage (gift, first approach), Fides (fidelity, oath, truce) and Investiture (appointment), and, in case of dispute settlement, Pace Perpetua – lasting peace (love, marriage), with particular focus on principles of the so called gift-exchange societies. The hypothesis of this article, based on collected material and on outlined cases, is arguing in favour of the principle of the general ritual structure for all public affairs, in which precisely the gesture of penance and humiliation plays an important symbolic role, especially in the ritual of vindicta, that is in the customary system of conflict resolution.*

*Keywords: ritual, humiliation, penance, vendetta, faida, satisfaction, system of conflict resolution, trial rites, emotions, Middle Ages, Early Modern Period*

## LA VENDETTA COME SCAMBIO DI DONI: IL RITUALE DELL'UMILIAZIONE NEL SISTEMA CONSUETUDINARIO DELLA RISOLUZIONE DEI CONFLITTI

### SINTESI

*Alla base dell'articolo ci sono studi interdisciplinari di storiografia e antropologia, documenti d'archivio, raccolte della letteratura popolare e altre fonti, viene proposta la ricostruzione del rituale della vendetta dando particolare attenzione all'atto dell'umiliazione e della penitenza come risulta dai documenti dell'Europa sudorientale. Questi vengono messi a confronto con numerosi frammenti di casi del periodo medievale in Europa che riflettono la seguente struttura rituale generale degli affari pubblici: l'Omaggio (dono, primo approccio), il Fides (fedeltà, giuramento, tregua) e l'Investitura (appuntamento), e, nel caso della pacificazione, la Pace Perpetua – pace duratura (amore,*

*matrimonio), con uno speciale riferimento riguardo ai principi delle cosiddette società di scambio reciproco dei doni. L'ipotesi di lavoro dell'articolo, basato sul materiale raccolto e casi descritti, è sostenere l'importanza del principio della struttura rituale generale per tutti gli affari pubblici nei quali proprio il gesto della penitenza e dell'umiliazione svolgeva un ruolo simbolico importante, soprattutto nel rituale della vindicta, cioè nel sistema usuale per la soluzione dei conflitti.*

*Parole chiave: rituale, umiliazione, penitenza, vendetta, faida, soddisfazione, sistema di soluzione dei conflitti, rito processuale, emozioni, medio evo, età moderna*

*Non sa quanto dolce si sia la vendetta  
 nè con quanto ardor si desideri,  
 se non chi riceve l'offese.  
 Boccaccio, Decamerone III. 7.*

## INTRODUCTION<sup>1</sup>

This article aims to analyse the historical documents and the historical-anthropological bibliography with the intent to demonstrate the phenomenon of humiliation within the structure of public and social ritual,<sup>2</sup> with special emphasis on the rite of the conflict resolution system.<sup>3</sup> Using the comparative interdisciplinary approach to present the fundamental characteristics of the ritual, incorporated in general social practices and rela-

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- 1 This research is supported by a Marie Curie Intra European Fellowship within the 7<sup>th</sup> European Community Framework Programme within the project FAIDA. Feud and Blood Feud between Customary Law and Legal Process in Medieval and Early Modern Europe. The case of the Upper-Adriatic area. Grant Agreement Number 627936, then within research program »The past of North Eastern Slovenia and neighbouring regions of Austria, Hungary and Croatia« at the University of Maribor, and within research project "The Contemporaneity of the Understanding Context and the Expression of Personal and Social Freedom" at the Inštitut nove revije Ljubljana, financed by Slovenian Research Agency.
  - 2 There is fairly abundant bibliography about Rituals, in this case it is important to expose at least the following works: Bell (1992); Althoff (2003); Koziol (1992); Buc (2001). I would also like to note the work of Muir (2005, 12–14), who also serves us with an exceptional enlistment of mainly American bibliography about studies of the rituals.
  - 3 Comp. Netterström & Poulsen (2007); Roberts (2013); Verdier (1980); Rouland (1992); Stein (1984); Povoló (2015a).

tions, as well as systems of representation of authority and its functioning, we can notice that the action or the gesture of humiliation and penance is present in all the religious and profane ceremonies, not only in Europe but worldwide, as shown by several indications, which are as well worthy of a future comparative research.

»Is there any kind of humiliation between the feuding sides involved in the reconciliation process of blood feud«? »No, there is no humiliation, these are only honourable people« state three responses in the survey conducted among selected informants from Montenegro, Herzegovina and Albania in the 70s of the 19<sup>th</sup> century, carried by Valtazar Bogišić, an university professor and, among others, the president of the International Institute of Sociology in Paris (1902). However, further survey revealed that the humiliation was in fact a part of the system of conflict resolution in those areas. Bogišić's project of collecting testimonies of legal cultural heritage of customary law of Southern Slavs completely coincided with the scientific backgrounds of legal and historiographical discipline in the European countries (comp. Čepulo, 2010). The latter is proven by numerous collections of documents and testimonies, collected in Europe by lawyers and historians in the second half of the 19<sup>th</sup> century, among others also the collection of Bogišić (1999, 345–384).<sup>4</sup>

In fact, Bogišić's survey clearly shows how the expression of humiliation and penance – as a necessary gesture in the customary dispute settlement system, which leads to friendship and peace in the community – is presented in the ritual of blood feud.<sup>5</sup> Ritual characteristics of the customary system of conflict resolution have already been illustrated by the classics who studied primary communities, including Durkheim, Westermarck, Mauss, Malinovsky, Evans-Pritchard, Radcliffe-Brown, Gluckman, Sahlins, Claude Lévi-Strauss, and many medieval and modern historiographers and anthropologists, such as Heusler, Brunner, Wallace-Hadrill, Hasluck, Black-Michaud, Verdier, Bossy, Foucault, Boehm, Miller, White, Althoff, Pitt-Rivers, Povolo, Carroll, Smail, Muir and others.

Although White highlights that »these ceremonies are never fully described in documentary sources, any reconstruction of them is bound to be highly speculative«, nevertheless notes that »details from various texts can be fitted together to construct a rough, composite picture of these rituals« (White, 1986, 256). However, so far no one has provided with an in-depth analysis and interpretation of the structure of ritual of conflict resolution.<sup>6</sup>

The scholars have not yet arrived to an uniform definition of ritual as a social phenomenon (comp. Schirch, 2005), which presents not only a set of social norms, but as well a development of human legal, political and economic institutions within preliterate, as well as within literate societies.

4 On the inside back cover Bogišić attributed: »Matériaux pour l'étude comparée de la vendetta«. For the bibliography of Bogišić and literature about him see Foretić, 1984.

5 One of the recent studies with abundance of references to crucial bibliography about blood feud, *vendetta, vindicta, faida, Fehde, osveta, maščevanje, gjakmarra*... comp. Povolo, 2015a, esp. 199–204.

6 The studies of ritual communication are still underestimated; comp. Stollberg-Rilinger, 2002, 233–246.



The basic purpose of the rituals is to report to the public about the political, religious, military, cultural or economic events, while their social mission is to inform and educate as well. We could even state that the rituals testify about the history of human civilization. The *Oxford Dictionary*, for example, defines a rite as '(1) a formal procedure or act in a religious or other solemn observance; (2) the general or usual custom, habit, or practice of a country, class of persons, etc., now specifically in religion or worship'. Jack Goody, one of the most prominent social scientists in the world, known for his pioneering writings at the intersections of anthropology, history and social and cultural studies, provided an in-depth discussion about the numerous approaches of the above mentioned classics of anthropology. While discussing the interaction of ritual and religion, he surely could not avoid the usual 'functional' and 'structural' (or post-structural) approaches of such activities (Goody, 2010, 13–40). His most distinct critique of the analysis of various approaches towards the definition of religious and ritual phenomena, is that they are »confusing the public and the social« (Goody, 2010, 19) and that they place »too much weight on the usefulness of the distinction between the sacred and the profane« (Goody, 2010, 15). He tried to take a more cognitive approach, stressing the issues of variation, imagination and creativity, recognizing »the logic of looking at the societies more from the actor's point of view, and considering such forms not as a fixed, formulaic product but as reflecting man's creativity, as a language-using animal in face of the world, not free from tradition but not bound down by it« (Goody, 2010, 1).

He explained his views primarily basing on his own experiences acquired during his field work on the Bagra ceremonies conducted among the LoDagaa people of northern Ghana over several periods. Although he noticed that »all variations of ceremonies are made within a 'common frame'« and that »all were recited in the same ritual situation«, he finally realizes that »even the initial invocation, learnt 'by heart', varied, and the recitations themselves differed not only in detail but in entire outlook, in worldview« (Goody, 2010, 3). This has convinced Goody to recognize the creativity of oral cultures, which should mean that the ceremony does not belong to 'a common frame'. His intention was to stress the role of an individual and to clearly oppose the structuralist theory and methodology, which is, in Goody's critique, practically personified in the works of Claude Lévi-Strauss.<sup>7</sup>

This article does not aim to analyse the structural, functionalist, evolutionist or Marxist theories or psychoanalysis or phenomenology, or to identify itself with any of the mentioned approaches, but it rather aims towards the analysis of the historical documents and historical-anthropological bibliography to demonstrate the phenomenon of humiliation within the structure of public and social ritual, with special emphasis on the rite of the conflict resolution system. As I have stressed, the main hypothesis of this discussion is that the customary rite of the conflict resolution is arguing in favour of the principle of the general ritual structure for all public affairs, with a three-part inner structure as described by Galbert of Brugge (1127): *homage, fides, investiture* (Rider, 2013, 97–98).

7 The theory of myth is one of the central themes developed by Lévi-Strauss, just to mention in particular: *Structural Anthropology* (1963; orig. pub. 1958) and *Mythologiques* (1969a; orig. pub. 1964).

## A SYSTEM OF GENERALIZED EXCHANGE AND A SYSTEM OF RESOLVING CONFLICTS

*A Morlack, who has killed another of a powerful family, is commonly obliged to save himself by flight, and to keep out of the way for several years. If, during that time, he has been fortunate enough to escape the search of his pursuers, and has got a small sum of money, he endeavours to obtain pardon and peace; and, that he may treat about the conditions in person, he asks, and obtains a safe conduct, which is faithfully maintained though only verbally granted. Then, he finds mediators, and, on an appointed day, the relations of the two hostile families are assembled, and the criminal is introduced, dragging himself along on his hands and feet, the musket, pistol or cutlass, with which he committed the murder, hung about his neck; and while he continues in that humble posture, one or more of the relations recites a panegyrick on the dead, which sometimes rekindles the flames of revenge, and puts the poor prostrate in no small danger. It is the custom in some places for the offended party to threaten the criminal, holding all kind of arms to his throat, and, after much intreaty, to consent at least to accept of his ransom. These pacifications cost dear in Albonia, but the Morlacchi make up matters sometimes at a small expence; and every where the business is concluded with a feast at the offender's charge (Fortis, 1778, 58–59).*

This is how Alberto Fortis<sup>8</sup> in the second half of the 18<sup>th</sup> Century described the reconciliation ceremony among the *Morlacks*, a common term for the inhabitants of the hinterland of the Venetian Dalmatian coastal towns, after describing them as very friendly and hospitable, with an immense sense for friendship, but implacable if they were injured or insulted. »And so deeply is revenge rooted in the minds of this nation, that all the missionaries in the world would not be able to eradicate it«. Furthermore, he stated that among the Morlaks, »revenge and justice have exactly the same meaning, and truly it is the primitive idea; and I have been told, that in Albonia, the effects of revenge are still more atrocious and more lasting. There, a man of the mildest character, is capable of the most barbarous revenge, believing it his positive duty, and preferring the mad chimera of false honour ...« (Fortis, 1778, 58–59).

When mentioning Albania, Fortis referred as well to the part of the present Montenegrin coastal area (*Crnogorsko Primorje*), which at the time belonged to the territories of the Venetian Republic (the so-called *Venetian Albania*, *Albania Veneta*). In Europe, the custom of blood revenge preserved itself for the longest period of time especially among the Montenegrins and the Albanians, which is proven by several bibliographical references<sup>9</sup> on this matter. But, despite the stereotypical image of blood revenge, portrayed

8 About Fortis see Wolff (2001, 1–9), discussing the Venetian imperial tendencies and the British views on the imperialism of the Venetian Republic, thus the Fortis's work was translated in English as early as in 1778.

9 For this article, one of the most important referential monographs is Boehm (1984), who provided with an in-depth analysis, using up-to-date referential bibliography about blood revenge, not only for the areas of Montenegro but also comparatively for other parts of the world, comp. pp. 253–258.

as the irrational and emotionally uncontrolled and uncivilised blood-hungry behaviour, some of the more thorough anthropological and historical studies from the end of the 19<sup>th</sup> and the beginning of 20<sup>th</sup> Century, have emphasized that this phenomenon was in fact a primordial system of social sanctioning, typical particularly for tribal societies or for the so-called preliterate societies (Westermarck, 1906; Heusler, 1911).

The social sanctions, as an integral part of the law and social control of the period, were closely related to the political, religious, economic and cultural social system, as well as to the system of values and moral obligations. Therefore, we can hardly apply the modern distinction between criminal and civil law in the preliterate societies. Instead, some anthropologists distinguish between the law of public and private delicts. While the public delicts included the incest, the witchcraft, blasphemy (towards the gods or the rulers) and the breaking of oath, the murder and the revenge (except towards the ruler) were regarded as private delicts (Radcliffe-Brown, 1952, 212, 213, 218, 219; Frauenstädt, 1881, 168–172).

The sanctions for the private delicts were executed by the community, mostly by its representatives or by individuals with the consent of the community. The last was especially the case when there was a violation of the commonly established rights, which were based on the general principle that every injured party, an individual, is entitled to compensation, and that the compensation itself should be in proportion to the extent of the injury (*lex talionis*). Thus, in the case of acts of retaliation or retaliatory sanctions, revenge is institutionally organized and regulated, approved, controlled and regulated by social norms.

In many preliterate societies the injured group, of which an individual was killed, has the right and the duty to seek satisfaction with a revengeful killing of the wrongdoer or another member of his group, for example his brother, or in some instances any member of his clan (Radcliffe-Brown, 1952, 215), usually an influential or physically strong individual, while the retaliatory killing of children, the elderly and especially women was regarded as a dishonourable act (Boehm, 1984, 58, 112, 117, 143; Bogišić, 1999, 367). When the satisfaction is gained, there should be no more animosity towards the wrongdoers, who must accept the killing of one of their number as an act of justice and to make no further retaliation (Radcliffe-Brown, 1952, 215). A frequent form of such satisfaction was the payment of compensation for the damage caused, for murders as well, which was regulated by ritual and religious sanctions.

As argued by Radcliffe-Brown, the »Ritual sanctions are derived from the belief that certain actions or events render an individual or a group ritually unclean, or polluted, so that some specific action is required to remove the pollution« (Radcliffe-Brown, 1952, 213) or at least that can be removed or neutralised by socially prescribed or recognised procedures, such as lustration, sacrifice, penance, confession and repentance, reflected in the gestures of (self) humiliation. During the dispute, both parties are in the state of ritual hostility and conflict. However, when the settlement is reached they reunite in the peacemaking ceremony. The negotiation is lead by a mediator, who belongs to neither of the two opposed groups of kindred. Where this kind of procedure is effective, the reciprocal acts in preliterate societies are replaced more or less by a system of indemi-

ties; persons or groups having injured other persons or groups provide satisfaction to the latter by handing over certain valuables, and custom may require him to undergo ritual purification or expiation as a means of removing the ritual pollution or embarrassment of the injured person or group.

The shortly described characteristics of the customary systems of conflict resolution within primordial societies have already been provided by some noted anthropologist<sup>10</sup> based on their field work and other documents and literature. However, these studies were based on the researches among the non-European communities, especially among the African, Australian and the American, although, for example, the anthropologist Max Gluckman<sup>11</sup> has already drawn attention on the similarity of this reconciliation ritual with the European medieval rites, while the historian Marc Bloch (1961, 123–130) compared the medieval rite of *faida* with the characteristics of the custom of revenge within the tribal communities, especially the close connection between the system of conflict resolution and the solidarity of the kinship groups.

This discussion will not be concentrated on the kinship and clan affinity; however, I aim to stress their central role in the preliterate societies i.e. in the tribal communities, since precisely the community, as already mentioned, was responsible to maintain the peace and the social control, including the sanctions.

At this point, I would like to highlight the excellent studies of Lévi-Strauss (1969b) about the significance and characteristics of the kinship social ties. Although Lévi-Strauss did not focus on the rites of conflict resolution, except in his work on the war and trade among the people of the South America (1943), his researches are, nonetheless, important, as he clearly demonstrated the connections between the elementary structure of kinship in a system of generalized gift-exchange society,<sup>12</sup> in practically all the previous world societies. This system provided the basis for the prohibition of the incest and for the formation of the primal human institution: the marriage, which has evidently emerged independently in all parts of the World in all human societies, proving »that marriage alliances are the essential basis of the social structure« (Lévi-Strauss, 1969b, 292).<sup>13</sup>

10 Especially: Radcliffe-Brown (1952, 207–217); Gluckman (1955, 1–26); Evans-Pritchard (1940); Malinowski (1959); Weir (2007).

11 Although Gluckman was concerned primarily with African feuding, he claimed that his theory was applicable to medieval Europe (Gluckman, 1955, 21–22; 1965, 113–114; Gluckman, 1974, 29–31; 1963, 1515–1546).

12 It is important to reference to the renowned work, *The Essay on the Gift (Essai sur le don, 1929)* by Marcel Mauss. Mauss's original piece was entitled *Essai sur le don. Forme et raison de l'échange dans les sociétés archaïques* (»An essay on the gift: the form and reason of exchange in archaic societies«) and was originally published in *L'Année Sociologique* in 1925. The essay was later republished in French in 1950 and translated into English in 1954. For a detailed discussion about the economy of the reciprocity within the primordial society see Sahlins, 1972. On the recent studies of the possibilities of reciprocal economy comp. Jimenez de Madariaga & Garcia del Hoyo (2015).

13 However, as within all the social laws, the prohibition of the incest has some exceptions, which confirm the rule (as the structuralists refer to the »absence« as one of the constitutional parts of the structure); thus, the Pharos were allowed to marry only their sisters, although this notion derives from the polytheistic religious beliefs, when the gods married their brothers and sisters, i. e. Zeus and Hera (goddess of marriage, women, childbirth, and family), the Pharos, as it is well known, regarded themselves as gods.

Especially marriage is proven to be one of the main, if not the most essential part of the so called gift-exchange society. »Thus in many societies taking a woman in marriage is regarded as an invasion of the rights of her family and kin, so that before they consent to part with her they must receive an indemnity or the promise of such«, as argues Radcliffe-Brown (1952, 210). Therefore, it is no surprise that within the preliterate cultures and in medieval Europe as well, many disputes, killings and blood revenges were settled by forming marriage alliances, as well as with fraternities and godfatherhoods between the feuding parties. Those were the best possible warranties for permanent peace within the community and it, furthermore, presented the basis for mutual relationships. In addition, after the settlement, the marriages between the feuding parties were fairly common.<sup>14</sup>

With particular regard to vengeance, we can notice how an effective compromise made peace by building new, positive relationships, transforming the structures which generated the conflict and placed disputants into a new arrangement of relations in which the desire to take revenge became irrelevant (Armstrong, 2010, 72–82). »Marriage prestations are of course the classic form of exchange as social compact« explains Sahlins (1972, 222), but adding that it is a misconception to experience the marital exchange as a completely balanced exchange situation, since one party, at least temporarily, undeservedly benefited from the other.

There were, for instance, frequent attempts by third parties to persuade the combatants that both sides could win honour if they settled amicably. Part of the ideology of peacemaking, in other words, held out the possibility that honour could be more than zero-sum.<sup>15</sup> »This lack of precise balance is socially of the essence. For unequal benefit sustains the alliance as perfect balance could not« (Sahlins, 1972, 222).<sup>16</sup>

Precisely this observation of Sahlins will contribute to our further understanding of the reasons why in the ritual of blood revenge several tribal societies, for example the Nuer (Evans-Pritchard, 1940), the Montenegrins and the Albanians, and even the Bushmen (Ury, 1995), despite giving great importance to reciprocal exchanges, in practice

14 At this point I would like to stress that these cases are not found only in Montenegro (DACG-AN, VI, 286–287, 22. 12. 1437; comp. Ergaver, 2016, 115–124) or in Corsica (Wilson, 1988), but also in France (Smail & Gibson, 2009, 424–427; Carroll, 2006, 232; Geary, 1994, 156), in Germany (Althoff, 2004, 15, 33, 83), in Netherlands (Van Caenegem, 1954, 280–307), in Scotland (Brown, 2003, 58, 127–128, 170–171) in the Mediterranean and the Middle East (Black-Michaud, 1975, 91–93) in Inner Austria (Kos, 2015, 161, n. 438; Oman, 2016, 93–95) etc. Even in Iceland, as some cases were given by Miller (1990, 262–263), although the Iceland Sagas gave the impression of the endless revenge, that is indeed characteristic for the describing of the so called eroic eras. The widespredness of this custom was already stressed by Westermarck, in his study he contributes also the information about the ritual within the Arrabic areas (1906, 484). Althoff (2004, 90), for example, says: »In the early middle ages, alliances between people and groups were basically arranged through marriage, baptismal sponsorship or friendship«.

15 Comp. the discussion of Miller (1990, 30–34, 75).

16 But the gift, if it was too big and could not be returned by the one receiving it, could have been perceived as a humiliation. Leavitt in his publication, dedicated to Sahlins, especially in support of his thesis of »cultural continuity in situations of change« and the importance of the humiliation in this process, has given a clear example basing on his researches of the tribe Bumbita Arapesh of Papua New Guinea. The tribe has protected themselves from the humiliating affluent gifts coming from the Westerners by considering them as their parents, to whom they were not forced to return the gifts (Leavitt, 2005, 76–79; Robbins, 2005, 5–16).

often derogated from the principle of *lex talionis*, »eye for an eye, tooth for tooth«, since it was frequently honourable to avenge a murder of one member of the society with two members of the opposing group. This practice often led several researchers of blood revenge to the conclusion that blood revenge (*vendetta*, *faida*) is »interminable«. <sup>17</sup>

However, the abundance of the ethnographical material in medieval and early modern European historical documents, as well as the oral tradition and other bibliography, prove that Peace was imbedded into the social rite of dispute resolution. The claim that the social order in stateless societies is constituted by ties that have to be continually reaffirmed or re-created has been developed, in different ways, by various anthropologists (comp. Sahlins, 1968, 4–13), thus several sociologists see the conflicts and the feuds as part of the social cohesion and as an element of structure of natural and social law. <sup>18</sup> Based on the research of blood revenge among the Montenegrins, Boehm came to a conclusion that

*the most general finding is that feuding is a form of active problem solving. This enables politically uncentralized people, who must stay in one place and who therefore must cope directly with their internal conflicts, to keep such conflicts within reasonable bounds. Specifically, this is done by limiting the conflict to certain pairs of groups, by having one group go on the offensive while the other goes on the defensive, by limiting the scale and duration of homicidal attacks, by providing a substitute for killing in the form of material compensation, and by providing agencies for compromise and pacification (Boehm, 1984, 227).*

Feud, revenge and trial rites were all part of a complex system of regulation of conflicts (Stein, 1984; Berman, 2003).

In medieval Europe, in the case of Montenegro up to the early 20<sup>th</sup> century, the compromise and the reconciliation of the two feuding parties was, as we shall see below, reached with the public expression of humiliation, penance and a plea for forgiveness, which were evidently elements of the customary system of conflict resolution in all European countries (Scotland, Iceland, France, Italy, Germany, the Balkans ...).

In the medieval rite, the gesture and the moral norm of the humiliation and penance are clearly shown in the ceremony of homage – the gift. Due to the comparative anthropological literature, I must mention again the monumental work of Mauss (1925), which fundamentally influenced the further research of the tribal societies or primordial

17 The claim that feuds were at least theoretically amenable to settlement is an integral part of one theory of feuding. This view was advanced by Max Gluckman (1955) in his influential essay on *The Peace in the Feud*. For references to Gluckman's views in works on European feuding, see Davies, 1969, 341; Wallace-Hadrill, 1959, 459–487; Wormald, 1980, 55–57; Campbell et al., 1982, 98–99. For a critique of this theory, see Black-Michaud, 1975, 3–17. For a response to Black-Michaud, see Boehm, 1984, 191–227. Comp. White, 1986, 258–259. For a critique of Boehm's functionalist approach, see Otterbein, 1994, 133–146 (comp. Carroll, 2003, 80). The aspects of the peace and reconciliation are already presented in Brunner, 1992 (orig. 1939).

18 The positive nature of conflict was already explored by Georg Simmel (1908). See also Roberts, 2013, 47–50, 192–206; Comaroff & Roberts, 1981, 11–17; Nader & Todd, 1978, 1–40; Nickerson Llewellyn & Adamson Hoebel, 1973, 20–40. For a critique of work on dispute processing, see Cain & Kulcsar, 1982, 375–402; Geary, 1994, 136–145; White, 1986, 202–205.



Figure 1: Edward S. Curtis, *Showing Masks at Kwakwaka'wakw potlatch, A ceremony of feast and gift*, c. 1914 (Wikimedia Commons, Edward Curtis image 6.jpg)

societies, to be more precise. Mauss used some cases from different parts of the World to demonstrate the significance of the gift in cultural, economic, legal and political relationships among people within the society. He devoted special attention on the interpretation of the Native American Potlatch, which today is regarded as the primary economic system (Gift economy).<sup>19</sup> Therefore, it is not surprising that the homage itself, the gift, as a ritual phase of the ceremony, always assumes the first position.<sup>20</sup> And precisely in the homage, even in the customary system of dispute resolution, we can find ritual gestures of humiliation, penance and a begging for forgiveness.

<sup>19</sup> Comp. <https://en.wikipedia.org/wiki/Potlatch>.

<sup>20</sup> *Caerimonia in terra domini concedentis generaliter habebat ut manifestum obsequium sit, e.g. Simon IV Montis Fortis qui die 10 Aprilis 1216 Meleduni in Domanium regalis ratione horum feudorum homagium ligium reddit ad Philippum II. Ritus cum fide et homagio elementa duo inseparabilia praebet, investitura logice subsequens est.* <https://la.wikipediagaina.org/wiki/Homagium>.

Homage (/ˈhɒmɪdʒ/ or /ˈɒmɪdʒ/) is a show or demonstration of respect or dedication to someone or something, sometimes by simple declaration but often by some more oblique reference, artistic or poetic. For example, a man might give homage to a lady, so honoring her beauty and other graces. [https://en.wikipedia.org/wiki/Homage\\_\(arts\)](https://en.wikipedia.org/wiki/Homage_(arts)).



Figure 2: *Homage: Immixtio manuum, flexibus genibus. Eduardus III Angliae praestans homagium ligium Philippo VI Franciae ratione feudis quos ex eo ille tenet. Hommage de Edouard III à Philippe VI en 1329 (Wikimedia Commons, Homage d'Edouard III.jpg)*

However, we can establish that in the Christian tradition penitential practices can be understood as adopting this style, and also, the most frequent ritual of humiliation: the apology and begging pardon to receive the forgiveness (see Koziol, 1992). In fact, this is also the most important mission of the ritual of humiliation in the customary system of the dispute resolution among the socially unequal social groups and, even more prominent, among those of equal social status.

Presumably, in medieval historiography there is no more doubt that the homage is in fact the part of the ceremony that expresses the penance and humility, and, on the other hand, establishes reciprocity and equality (Le Goff, 1977, 442–449). However, the establishing of equality can be understood only in the context of a gift-exchange society, which has been proven by the above mentioned anthropological studies, whereas the historians still swirl around in circles studying fairly short time intervals and only narrow geographical areas and end up exposing the particularities of the selected territory, instead of presenting general structural characteristics.

For example, when Koziol notes that »the language of political submission was nothing but the language of penance« (Koziol, 1992, 187), Althoff concludes that »ritual acts taken from ecclesiastical penance functioned as building blocks for the creation of a ritual, which provided the possibility for a peaceful resolution of secular conflicts«



(Althoff, 2003, 69). Although Althoff specifically mentions the ritual of public penance as a model for later rituals of *deditio*, Koziol maintains that »from the ninth through the eleventh centuries all penance, whether public or private, required the gestures and language of supplication, and through them exposed the laity to a universe structured around the act of entreating a beneficent lord« (Althoff, 2003, 58–9; Koziol, 1992, 182; Meens, 2006, 7–21).

Using these frameworks, Rob Meens aims to prove that only at that time the elements of (public) penance and humiliation, in the context of dispute resolution, have been introduced in the emerging canon law. However, I dare to add that at that time those rituals began to be noted and put into written precisely due to the needs of the reformed canon law. Namely, the earliest preserved German laws, along with the Old and the New Testament (comp. Smail & Gibson, 2009, 1–78; Davies & Fouracre, 1986, 207–240), and especially the anthropological studies of tribal societies, prove that the penance and the humiliation were an important part of the customary system of conflict resolution long before the 10<sup>th</sup> or the 11<sup>th</sup> century, not only in religious ceremonies, but as well in secular customary rites.

Homage has been, and it apparently still is, a topic of discussions regarding the medieval ritual. Lately, however, the debate began to circulate around the question whether the homage was only an investiture rite, indicated in gestures of humility, or was homage also a ritual gesture within the reconciliation ceremony or even a flexible rite used in different occasions.

In his 2012 article, Roach offers an in-depth discussion about the role of the homage in the public ritual, which is in any case a public, legal or administrative act, and indisputably concludes that homage is a form of settlement, used to appease the honour of the senior party (Roach, 2012, 367). Equally, Björn Weiler, basing on some cases, concludes that the ritual was primarily used for the conflict resolution, but as well for the customary appointment to a position or a social and administrative function (Weiler, 2006, 275–299). However, Roach also exposes the fact that Weiler, as well as Van Eickels (van Eickels, 2002, 287–398; 1997, 133–140), have been questioning whether it is possible to discuss the »homage of peace« or the »homage in march« separately. Roach concludes referring to John Gillingham's research »who argues that rather than distinguishing 'homage of peace' and 'vassalic homage' we should treat homage as a flexible rite, whose meaning was contextual and might change and adapt over time and space« (Roach, 2012, 367; Gillingham, 2007, 63–84; comp. Reynolds, 1994, 210–213).

The fact that homage was used in the religious as well as in the administrative and legal matters has been proven by French historians Petot (1927, 82–84) and Lemarignier (1945, 81–83) some decades ago, as well as some other historians (Hollister, 1976, 231), who tried to solve the problem described above by distinguishing between legally different forms of homage (*hommage de paix* for peace-agreements, *hommage vassalique* for acts of subordination). This hypothesis is partially supported by the study of van Eickels, especially when he concludes: »In fact, it is undeniable that throughout the 12<sup>th</sup> century, doing homage was not a clearly defined legal act, but remained a flexible ritual able to cover a wide variety of relationships« (van Eickels, 1997, 140).

Many scholars have been repeatedly stressing the ambiguity of the rituals as one of their characteristics.<sup>21</sup> However, the ambiguity in the perception of the rituals is apparently something that is characteristic for a modern man – consumer, who disposes a plurality of (consumerist) symbols, gestures, words and objects, when communication goes through various media and presentations which create an ideological mechanisms of modern societies. Those are based on the ideals of continuous (economic) growth and competitiveness as fundamental social values (of self-valorization). Quite unlike the societies of the past, who deeply understood the rites and ceremonies and were thus able to recognize and distinguish the public (legal) acts immediately (comp. Althoff, 2004, 136–137).

Thus, the article uses an interdisciplinary approach, combining historiographical and anthropological studies and archival documents, oral tradition and folk literature and other documents, to reconstruct the ritual of blood feud with special emphasis on the acts of humiliation and penance. The latter has been detected in the sources from South-Eastern Europe and in many fragments of medieval European cases that are comparatively analysed to reconstruct the general ritual structure in the field of public affairs. Namely, the *Homage* (gift, first approach, immixtio manuum, *flexibus genibus*), the *Fides* (fidelity, truce, friendship, swearing oath) and the *Investiture* (appointment),<sup>22</sup> and, in case of dispute settlement, *Pace Perpetua* – lasting peace (love, marriage, *osculo pacis*). The structure has been described by Le Goff,<sup>23</sup> but only within the context of knightly investiture. Based on the material, the hypothesis of this article is, however, that the principle of the general ritual structure is identic for all public affairs, in which precisely the gestures of penance and humiliation play an important symbolic and legal role, especially in the ritual of *vendetta*.

The ritual of vendetta refers to the customary system of conflict resolution which is, especially by the medieval scholars, characterised as an extra-judicial (Geary, 1995, 571–605) procedure or an extralegal (amicable) settlement (Miller, 1990, 8, 230, 336, 349), in order to be distinguished from the legal judgment, formal law or judicial system,<sup>24</sup> representing thus an alternative to courts and judges (Geary, 1995, 571–575; Miller, 1990, 229–257).

However, both systems show the formal procedures producing a structure within which the disputing parties could confront each other in front of the public consisting of *boni homines*, the important people of the local community, as well as in front of the representatives of public authorities (Geary, 1995, 572).

21 There is fairly abundant bibliography, in this case it is important to expose at least the following works: Bell, 1992, esp. 19–66; Koziol, 1992, 309–16. For Koziol ritual is ambiguous, there is no overriding meaning; instead, various actors can interpret rituals differently as a part of a struggle for power, comp. Buc, 2001, 1–12, 238–247.

22 »*Ritus cum fide et homagio elementa dua inseparabiles praebet, investitura logice subsequens est*«. Comp. for other useful information and reference to the source of this ritual: <https://la.wikipedia.org/wiki/Homagium>.

23 Le Goff, 1977, 428–429; his description is based on the work of Galbert of Bruges (Rider, 2013, esp. 97–98).

24 See Van Caenegem (1954, 280–307), on the difference between what he calls »evolved penal law« and »law of reconciliation.«

Therefore, we can confirm the statement of Geary who says that studying extra-judicial disputing is difficult, since, by the very informal nature of this normal means of settling disputes, such processes seldom leave traces. The appeal to extra-judicial means of pursuing or concluding disputes is often mistakenly taken as evidence of the weakness of centralized judicial institutions, the incomplete assimilation of barbarians into Roman legal traditions, or the negative heritage of Germanic custom. Too much attention within the disputing process in the early middle ages was devoted to determine whether practices, such as oath-taking, composition and the ordeal, are of Roman or barbarian origin. »Likewise, the tendency to polarize the *placitum* on the one hand and the blood feud on the other fails to recognize that both are essential parts of the disputing process within these societies« (Geary, 1995, 574; comp. Vollrath, 2002, 91–94).

After the analyses of the material, for the purpose of this article, I selected some cases of successful settlements of (blood) feuds from 10<sup>th</sup> to 19<sup>th</sup> century, which all indicate that the conflict resolution was based on a customarily regulated ritual, applicable in cases of settling material damage or property transfers, as well as for singular cases of homicide and accidental killings, vindictive retaliatory killings and multiple cases of vindictive retaliatory killings with rising casualties on both sides.

The peace is usually initiated by the »winning« party, which caused (bigger) damage to the other party, (greater) injustice, (greater) shame and humiliation and thus faced the loss of honor. The process of reconciliation is always accompanied by an important participation of the community, especially as a mediator, but as well by pressuring on the feuding parties. This pressure has several means of manifestation, but one of the most significant elements in the process of reconciliation is the (self) humiliation

## THE ROLE OF HUMILIATION IN PUBLIC RITUALS

At the forefront of our research focus is the humiliation as a public and legal act within the customary rite of conflict resolution. In analogy to the tribal communities, the ritual itself, performed in front of the audience, is a collectively accepted and approved legal and public act, since it is universally approved by the community.

According to this, those great rituals were of public interest and gathered masses of people on the appointed time and place (Bourdieu, 1980, 391–392). One of the most solemn ceremonies was undoubtedly the ritual of reconciliation, where the (self) humiliation of the offender works as a retribution for the injury caused, since every damage, either verbal or material insult of honour, e.g. stealing or killing, is perceived as a humiliation and shaming.

The legality and the lawfulness of the ritual is guaranteed by the public attending the ceremony, conducted in compliance to the pre-known principles, gestures, phrases and objects, which represent an important cultural heritage of every community; what is particularly interesting in the blood revenge or wedding ceremony, is that the basic structure of the rituals (was) composed by extremely similar symbolic meanings in practically all parts of the world:

1. The exchange of gifts or insults
2. The oath of truce/friendship (armistice)
3. The verdict, the composition and the nurturing of the perpetual peace and the communion, which is reflected in the marriages between the previously feuding parties or at least in fraternities (Westermarck, 1906, 74–99/I) and god-fatherhoods, in order to reach »conviviality and for renewing and reaffirming bonds of blood and alliance« (Miller, 1990, 80).

The question is whether this could be credited only to the cultural contacts, the diffusion phenomena and borrowings, or as well to the independent formation of rules, moral norms and values in singular human societies throughout the world?

How did the spiritual and emotional purification or the retribution of the humiliation manifest in the ritual of the blood feud? With the public ritual of (self) humiliation.

We are discussing a system of religious, political and legal norms and values that are undoubtedly applicable beyond the dimensions and significance of the knight, royal and notarial investiture. Within the complexity of social interaction and lawfulness, from the standpoint of the individual and his social group, there is great emphasis on the emotions. The emotions are not related only to the moral and religious perceptions, although we can conclude that humiliation and humility represent a great part of any major religion including Christianity, Buddhism, Hinduism, Judaism and Islam. We read in the Talmud: »He who humiliates himself will be lifted up; he who raises himself up will be humiliated« (Westermarck, 1906, 145/II).

However, this article does not aim to go in depth into the psychological and emotional characteristics of the humiliation and humility. Nor does it focus on other aspects of honour, such as love and anger, grief and shame, envy and embarrassment. This has been thoroughly discussed by W. I. Miller, not only regarding the revenge, but also on the significance and the role of humiliation in every-day interactions, comparing the past and present viewpoints.<sup>25</sup>

As stressed in the anthropological literature, »emotions are organized in an comparative framework for looking at emotions as cultural idiom for dealing with the persistent problems of social relationship« (Lutz & White, 1986, 406). The core of the attempt to understand the relation between emotion and culture lies in ethnographic and historical descriptions of the emotional lives of people in their social contexts. Although this ethnographic task has only recently been taken on, the historical studies hardly follow this concept,<sup>26</sup> the number of descriptions is now impressive and raises the possibility of cross-cultural comparison.

25 Comp. Miller, 1995, and there used literature. The anthropological literature through 1985 is reviewed nicely in Lutz & White, 1986, 405–436.

26 Although the ethnographers and anthropologists intensively collected the material within their field-work during the 20<sup>th</sup> century, historiography only recently took the topic of the emotions into consideration; comp. Plamper, 2015.



Figure 3: Swearing oath. *Homagium: sacramentum*. *Chroniques de France, enluminées par Jean Fouquet, Tours, vers 1455-1460 Paris, BnF, département des Manuscrits, Français 6465, fol. 301v.* (Wikimedia Commons, *Hommage d'Édouard Ier à Philippe le Bel.jpg*)

*Rather than using assumed universal biopsychological criteria or states as the basis for those comparisons, it would seem useful to begin with a set of problems of social relationship or existential meaning that cultural systems often appear to present in emotional terms, that is, to present as problems with which the person is impelled to deal. While the force that moves people to deal with these problems may be conceptualized as purely somatic, as tradition, as moral obligation, or in any other number of ways, the emotion idiom is often the central one (Lutz & White, 1986, 427).*

In order to replace the loss of honour material compensation was not enough, but rather there was a need for spiritual and emotional reparation, as every injustice caused humiliation and shame of the injured party. As stated by Bloch:

*The payment of an indemnity did not as a rule suffice to seal the agreement. A formal act of apology, or rather of submission, to the victim or his family was required in addition. Usually, at least among persons of relatively high rank, it assumed the form of the most gravely significant gesture of subordination known in that day—homage 'of mouth and hands' (Bloch, 1961, 130).*

The discussion thus regards the exchange of honour and dishonour, which is operating on the same level as the ritualized gift exchange.<sup>27</sup> However, the act of homage was not only the compulsory phase in the concluding ritual of the dispute settlement, when both parties took oath of truce and reached public reconciliation through arbitration, yet the homage was, in the first place, the condition to reach a compromise that led to the truce (*treuga/amicitia*) and towards the perpetual peace (*amor*). The last could have been going on for a year or even several years, as we will see in the case of the reconstructed Montenegrin ritual.

The concluding ritual of the dispute settlement was actually a performance in the social drama of the system of conflict resolution where, as at the conclusion, community played the role of the mediator, the warrantor (*fideiussor*) of the truce, as well as the role of the arbitrator. The community itself actually defined the honour of the individual and of the social group one belonged to.

The theatre of honour was displayed on various levels of social positions and rules on the principle of reciprocity. »Every exchange contains a more or less dissimulated challenge, and the logic of challenge and riposte is but the limit towards which every act of communication tends«, states Bourdieu while discussing the combinations of theoretical and practical rules in the drama of social interactions within honour and gift-exchange society, whether in the case of honour as in matrimonial transactions, of exchanges of gifts or of offences, either by rejecting the gift or by presenting an immediate or subsequent counter-gift identical to the original gift (Bourdieu, 1977, 10–15, 14). Those aspects of the economy form the values in all sorts of balance and exchange: gifts, sales, raids, even the my-turn/your-turn killings of the bloodfeud, the world of violence and the world of

27 The interconnections between feud and gifts and the logic of requital and of getting even are the central themes of Miller's 1990, esp. 77–110.

peace. Metaphors of exchange and reciprocity were the central constitutive metaphors of the culture, involved in all social interactions (comp. Miller, 1990, 7–8).

*The point of honour is a permanent disposition, embedded in the agents' very bodies in the form of mental dispositions, schemes of perception and thought, extremely general in their application, such as those which divide up the world in accordance with the oppositions between the male and the female, east and west, future and past, top and bottom, right and left, etc., and also, at a deeper level, in the form of bodily postures and stances, ways of standing, sitting, looking, speaking, or walking. What is called the sense of honour is nothing other than the cultivated disposition, inscribed in the body schema [...], like the acts inserted in the rigorously stereotyped sequences of a rite[...]* (Bourdieu, 1977, 15).

Miller, one of the most prominent researchers of blood feuding in the Middle ages, in his monograph on humiliation concludes:

*Honor was always sensitive to context and circumstance. Bloodtaking was not the only course of honor. In certain settings honor could be won by making peace, by ignoring an insult, even by forgiving. Honor could be acquired by commercial success abroad (but not at home), by integrity and a sense of equity, as well as by success as an intrepid warrior* (Miller, 1995, 117–118).

But honour goes hand in hand with shame. Shame is, in one sense, nothing more than the loss of honour. Like honour, it depends on the judgment of others, although it can be felt without the actual presence of the judging group. Nothing is more honourable than reclaiming one's honour, than paying back affronts, humiliations, and shames. These were the feelings that filled the period during which one was waiting for the chance to take vengeance and hence the chance to repair one's honour. Honour was not to be reclaimed with indecorous haste. Vengeance was to be savored. Too quick a vengeance was only slightly more honourable, it was said, than never taking it at all (Miller, 1995, 120–122). And timing was no less significant here than in the world of gift-exchange: »Only a slave avenges himself immediately, but a coward never does« (Miller, 1990, 83).

However, this was also the time when the feuding parties, with the intervention and mediation of the community,<sup>28</sup> were able to reach a compromise that lead to a non-violent conflict resolution. The first step towards the reconciliation of the feuding parties was in fact humiliation, penance that needed to be shown by the offender.

Usually, the custom of conflict resolution, as we will see in its idealized and practical form, is regarded as something that exists among near equals or among people in proximate social standings. However, the ritual form of humiliation within the system of conflict resolution itself indicates its applicability in the Ancient times and in the European

28 About the role of notaries as mediators in disputes in the community during modern age comp. Faggion, 2013.



Figure 4: *The Kiss of Peace – Osculo pacis. Homagium: osculum. Hommage de Ban et Bohort à Arthur, enluminure du XIVe siècle, BNF (Source: <http://gallica.bnf.fr/scri>. From Wikimedia Commons, *Hommage2.jpg*)*

middle ages (comp. Dalewski, 2008, 42–48) and, in some cases, still in the early modern period, also among socially un-equal individuals, i.e. the serf and his or other feudal lord, or among different social groups i.e. the monks and the knights. The ritual of humiliation is manifested in at least two forms: while the humiliation between socially equal individuals assumes the form of the gift-exchange, among socially un-equal individuals assumes the role of public challenge, a call for the commencement of the conflict resolution and for the reparation of injustice / injury.



## THE HUMILIATION OF SOCIALLY EQUALS AND UNEQUALS

How was the ritual of humiliation performed within the conflict resolution? When it actually occurred, since, according to the practice, the ritual was more frequent than the common belief about the conflict resolution of blood revenge. The humiliation, as we have seen, always takes place in the first stage of the ritual within the homage (the gift), and is expressed with the gestures of *flexibus genibus* and *immixtio manuum*, well known within all the medieval European ceremonies.

The latter is also supported by several documents. To only mention few, seven case studies of conflict resolution among different social strata of the population in Touraine, France around the year 1100, were described by White (1986, 218, 236, 240, 256). All the cases show that the reconciliation took place by implementing the gestures of humiliation, even between unequals,<sup>29</sup> while the reconciliation was concluded with the kiss of peace and the payment of compensation.<sup>30</sup>

The ritual of reconciliation, with the gestures *genuflex* and the kiss of peace, in medieval Germany was described by Althoff (2004, 136–159; comp. Roach, 2012, 360–365), in Scotland by Brown (2003, 43–64) and in the Netherlands by Van Caenegem (1954, 280–307). Even greater attention was given to the research of the homage of the English kings in front of the French rulers; although, as shown in the study of van Eickels, those were in most cases peace treaties after the feuds among the French and English royalty, which ended with the homage, the oath of fidelity and with the kiss of peace (van Eickels, 1997, 133–140).

This topic has seen considerable interest in the studies of Italy in particular (Niccoli, 2007; Bellabarba, 2008, 77–78; Muir, 1998) and France (Smail, 2012; Carroll, 2003). Comparing the criminal courts of Lucca and Marseille between 1334 and 1342, Smail did not see their task as to regulate violence through counter-violence, coercion, and arrest.

*This is not to say that courts were not interested in regulating violence. But the courts did it indirectly. In both Lucca and Marseille, the criminal justice system put the squeeze on the accused, and coerced them into making peace. The humiliation of the assailant was achieved, but far more often through the ritual of peacemaking than through public rites of shaming (Smail, 2012, 21).*

However, how widespread was the ritual in the village communities of western Europe up to the period of reformation was confirmed by the study of Bossy: at least once a year, the village assemblies, led by the local priest, organised peace marches, where village conflicts were settled by penance and humiliation (Bossy, 1975, 21–38). Although the 16<sup>th</sup> century was characterised by the growth of the centralized power of the rulers and the legislation began to outroot the custom of conflict resolution, the latter was still firmly present in early modern Europe.

29 About equality and inequality comp. Pitt-Rivers, 1977, 18–47; Miller, 1998, 161–202.

30 About the widespreadness of the kiss of peace in the reconciliation procedures and other public rituals within the medieval society in an excellent study of Petkov (2003).

Within all the cases provided, mostly among the people of equal social status, the offender or a representative of the offender's group was the one to execute the ritual act of humiliation. Nonetheless, there exist several different cases of humiliation within the system of conflict resolution, where the victim himself was the one performing the act of (self) humiliation. Geary's study *Living with the dead* provides with several cases of ritual conflict resolution in France between the 10<sup>th</sup> and the 13<sup>th</sup> century, where the main actors, for different reasons, were the monks or the priests and knights or other feudal lords, who caused a certain injustice, as well as some cases of settling disputes between lords and peasants (Geary, 1994, 93–160).

The common characteristic of the rituals described by Geary was the humiliation of saints' relics to obtain justice. Geary interestingly states that »the clamor itself, in its longest and most complete form, is found with only slight variations across a wide geographic area from the tenth until the fifteenth centuries«, and that »the practice was known in Cluniac houses throughout Europe« (Geary, 1994, 97, 100).

Religious communities, in this cases, often placed their most important reliquaries on the floor of the church, covered them with thorns or sackcloth, than the monks prostrated themselves along with the prostrate relics, announced the rite to the rest of the world by the ringing of the bells, and addressed a prayer and a *clamor* to God for redress of their grievances. The prayers and psalms sung during the rite, blessing and/or cursing the wrongdoers, elucidate the situation and articulate the community's official interpretation of the nature of the injustice and the necessary conclusion of the affair, so the ritual humiliation often continued until the humiliation caused by the injustice has been ended. Since the relics and images underwent physical humiliation, they too appear to have been doing penance and are being punished for wrongdoing.

The physical association of the humiliated monks or canons and the humiliated saints on the floor in front of the Eucharist emphasized also that the most sacred objects of the church are humiliated, as are the members of the community. Than, if the humiliation did not have a direct effect on the alleged wrongdoers, it did act on others, helping to shape public opinion on the issue.

Perhaps one of the most descriptive cases of the ritual in practice, also provided by Geary, took place at the end of 996 or in early 997, when the Count Fulk Nerra of Anjou and Touraine entered the cloister of Saint-Martin of Tours with armed retainers and damaged the house of one of the canons, the treasurer. The canons saw the attack as a gross injustice. Having no other recourse against the powerful count, they decided to humiliate the relics of their saints and the crucifix on the ground, they placed thorns on the sepulchre of the confessor Martin and around the bodies of the saints and the crucifix. They kept the door of the church closed day and night, refusing admission to the inhabitants of the castle, opening them only to pilgrims, and refused the count and his men the access to the church, where Fulk's ancestors and relatives were buried and for five generations had maintained a close relationship with the monastery.

The counts reaction to the (self) humiliation of the monks was described by Geary as follows:

*The count, regretting his actions not long after, and seeking forgiveness [...]. To make satisfaction, he had to humiliate himself physically. Thus, barefoot, he entered the church and went in turn to each humbled sacred object, starting with the most important. This humiliation caused the nobleman to humble himself and undergo a humiliation rite of his own to restore the proper hierarchic relationship between human and divine. Neither the humiliation of the saints nor that of the count resulted in permanent loss of status. The necessary result of humiliation is sublimation, and so the saints are raised up in a joyful rite and returned to their proper places and the count is returned to his proper position of honor among men (Geary, 1994, 106–107).*

Regarding the humiliation or the punishment of the saints in the system of the conflict resolution, Geary notes another particularity: Humiliation as Coercion, as he entitled one of the chapters (Geary, 1994, 110–114), was performed by the laity, particularly the peasants. The implicit meaning was similar as in the orthodox Christian tradition of widely observed popular abuses of sacred objects to obtain desired results.

*In these popular rites, relics or images of saints were beaten or abused because the saint was perceived as failing to do his or her duty, which was to protect the faithful. Ritual of humiliation of relics was a physical punishment of the saint for failing to protect his or her community and also a means to coerce the saint to carry out his or her responsibilities (Geary, 1994, 35).*

Geary's study thus describes the ritual of humiliation as acting on two levels: on the ecclesiastical (yet only within monasteries and churshes, with no judicial jurisdiction of a bishop) and the secular. Their common feature lays in the fact that it was adopted against a more powerful adversary, who had the judicial and military strength, thus the political power.

Another mutual characteristic is that within the ritual, performing the gestures of penance (lie prostrate on the ground, *genuflects* on the floor (*ad terram*) of the church ...) (Geary, 1994, 98), the performers were equally humiliating and shaming the saints, who were proven to be useless for the protection of their community, as well as themselves and their opponents in the conflict, yet always with a clear intention to publically declare the injustice the community has suffered and attract the attention of the broader public. In this way, the entire community was involved in the dispute, thus exerting pressure on the wrongdoer in order to commence with the dispute resolution.

I, thus, argue against the statement of the valuable study of Geary, claiming that: »These rites should properly be seen not as rituals of conflict resolution but as means of *continuing* the conflict in such a way as to strengthen the relative position of the church in the conflictual structure of society« (Geary, 1994, 148). I do not agree, since this in fact acted as a public challenge for the commencement of the conflict resolution, similar to the medieval system of dispute settlement, where knights and feudal lords were obliged to announce the forceful or peaceful dispute resolution, with the only difference that the last were solving the conflict either by judicial means or by arms

(ordeal,<sup>31</sup> feud).<sup>32</sup> All these rituals are strategic, as well as the ‚violence‘ done to third parties: monks would ritually humiliate the relics of their saint to make him or her intercede (Halsall, 1999, 22).

Both cases of humiliation, described by Geary, in fact have strong similarity with other rituals in other cultures of the world. A great comparison with the well-known ritual of the sitting dharna is provided by Miller, who noticed some similarities of the ritual even within the medieval Iceland society.<sup>33</sup>

*The Indian ritual of sitting dharna is a classic instance of a humiliation ritual of self-abasement, variants of which can be found in many cultures. In sitting dharna, low-status claimants grovel on the doorstep of or in front of high-status benefactors and debase themselves in an exaggerated display, indeed a parody, of humiliation by tearing hair, befouling themselves, wailing, and begging. The ritual is a grotesque comedy and plays off the ability of people who are humiliating themselves to engender embarrassment in others. This ritual functions, in effect, by threatening to shame. Adopting the perspective of the high-status actor, we might call it a shaming ritual. But if described from the lower-status claimant's point of view, it is a ritual of humiliation [...]. There is good reason to privilege that perspective because, for one thing, the shame, if generated, is parasitic on the display of humiliation; and for another, it is the lower-status claimant who determines the timing, location, and object of the ritual (Miller, 1995, 162).*

Both ritual forms of self-humiliation are, in cases of conflict resolution in the European countries, appear up to the 16<sup>th</sup> and 17<sup>th</sup> centuries (Povolo, 2013, 513–515; Carroll, 2003). This truly progressive crowding out of custom from trial rites in modern times can be traced in the example of the rich archives of the Venetian Republic.<sup>34</sup> In Inner Austria, for instance, where even though Archduke Charles II forbade genuflection (*Fußfall*) in 1584, the gesture was still considered legitimate by the Land Estates, who used it in their demands for religious freedom, at least until the turn of the century (Strohmeier, 2011, 242–243).

31 For a view of the ordeal as a ritual of humiliation rather than as a mode of proof see Miller, 1988; comp. Pitt-Rivers, 1977, 8.

32 Althoff, 2004, 147–148: »The feud had to be publicly proclaimed, by throwing down a gauntlet for instance, or was limited to two combatants alone, or was restricted in its duration«.

33 The sagas, in fact, do show a shaming ritual in every way analogous to sitting dharna. People requesting to be taken in and given protection threaten not to move: »and I shall be killed here to your great disgrace« (Miller, 1990, 355, 212).

34 Especially in the archives ASVe AC, ASVe Cam Cons X, ASVe Capi, ASVe Cons X, ASVe QC, ASVe Senato.

## HUMILIATION WITHIN THE MONTENEGRIN CUSTOM OF CONFLICT RESOLUTION

There are some substantial descriptions of pacification rituals in Montenegro, Herzegovina and Albania, collected in 19<sup>th</sup> century especially by Valtazar Bogišić (Bogišić, 1999, 355–376; Miklosich, 1888; Sommières, 1820). Those descriptions indicate the importance of the (self) humiliation among the feuding parties in the custom of reconciliation. To sum up the general characteristics, deductible from the examples given in the literature and archival sources, the ritual of the conflict resolution assumed the following stages.

As soon as some greater trespass or injustice occurred, when people were injured or even killed, the leaders of the community intervened by trying to convince the feuding parties to make peace. In this first stage of the reconciliation procedure, regarded as a compromise by the known 13<sup>th</sup> century Bolonian notary, judge and university professor, Rolandino,<sup>35</sup> and indicating all the ritual shapes of the homage, women played an important role. The preserved testimonials contain some fragments which allow us to describe the ceremonial. For a much more explicit presentation, however, there is an extremely eloquent painting of a Serbian painter, Paja Jovanović (1859–1957), titled *Umir krvi, thus truce*.

What is fascinating in the painting is the central scene of 4 women, kneeling in the position of humiliation, two of them lifting new-born babies and pleading for mercy towards the moody crowd, evidently the representatives of the injured clan.

Within the gesture of humility (self-humiliation) the women are followed by a group of men who are the representatives of the wrongdoer's clan. They come to plea for compromise, the truce and the pardon. Only when the injured party accepted them, the negotiation for truce will commence. In this case, the injured party takes the oath and is obliged not to take vengeance until the final act of peace is made (Bogišić, 1999, 363–364).

However, the expression of humiliation, which is the retribution for the humiliation suffered by the injured party, has to be repeated by the party of the offender several times, not only once. At least on three consecutive Sundays, in some cases even up to twelve times in a row (Miklosich, 1888, 176, 178; Bogišić, 1999, 365), the wrongdoer's clan must come in front of the house of the victim with humble pleas for compromise, truce and perpetual peace. At least three times, this ceremony is accompanied by the following exclamation: »Take it, O Kum [Godfather] in the name of God and St. John!«.

The party of the offender comes every Sunday in ever-greater numbers. Eventually, the number raises up to over 100 pleaders in order for the party of the victim to accept the negotiation, to compromise and to reach the oath of truce that is necessary to start the arbitration and to further negotiate the compensation for the damage done and eventually reach a permanent reconciliation. This process alone can last up to one year.

The Bogišić's Survey offers us some more interesting fragments of the ceremony, where women again play a prominent role. They not only expose themselves to humili-

35 *Rolandinus Rodulphi de Passageriis*, Bologna, 1215 about – Bologna, 1300: Rolandino, 1546, 158–159v.



Figure 5: Paja Jovanović, *Vendetta – Blood Feud*. The ritual of the community mediation with children in their cradles to persuade the offended to compromise, that's the truce, compensation, reconciliation, forgiveness and peace perpetual (Paja Jovanović: *Umir krvi*, 1899. / Foto: galerija Matice srpske, <http://www.info-ks.net/slike/clanci/slike/2016i/decembar/Krvna-osveta.jpg>)

ation, as it is depicted in the painting of Jovanović, but they in fact actively intervene in the conflict resolution.

The interviewees of Bogišić described some cases of the injured party who was unwilling to accept the pleas of the wrongdoer's party, even after several attempts (Bogišić, 1999, 365). At that point, the offender's party tries to get one of their women into the house of the victim, wilfully chaining herself to the fireplace. The offended would in this case have to forcefully unchain the woman, which is regarded as a dishonourable act. Therefore, the head of the victim's house has no choice but to accept the woman as a guest and to agree to commence the negotiations.

The painting of Jovanović offers us all the dimensions of the reconciliation procedure, where the act of (self) humiliation plays the central role. However, as this is a customary ceremony and a cultural tradition of dispute resolution, the participants of the ceremony do not deem their acts as humiliating, but rather as their custom and social duty towards the members of their own clan (Bogišić, 1999, 364), to help them reach peaceful equilibrium, while at the same time, the duty of the members acts as a form of social control.

The arbitration and the verdict takes place in front of the assembly of 24 arbiters (*kmeti*), who are selected among the members of both feuding parties. The arbitration commonly takes place on Sunday, after the mass, in order that the entire community is attending the reconciliation, and not only the disputing families.

I do not intend to focus on various arbitration procedures (Ergaver, 2016, 116–119), I would, however, like to stress that there were proscribed compensation tariffs for individual offenses, while the wounds and killings were treated separately. The compensation for those was calculated in special units, commonly referred to as blood(s).<sup>36</sup>

After the selected arbiters deliberated the sum of units to be paid for the compensation, the mass ceremony was followed by the concluding act of pacification, thoroughly described by Fortis and by Vialla de Sommières. In his 1820 edition of his monograph, the latter included also a graphical depiction of the ceremony, depicted as well in the 1856 monograph titled *L'Univers Pittoresque, Histoire et description de tous les peuples*.<sup>37</sup> Beside those, other examples of the customary pacification can be found in the Bogišić's survey, in the collection of Miklosich, while Ilija Jelić (1926, 125–141) enclosed several documents in the appendix of his monograph. More examples can be found in Mary Edith Durham (1909), Margaret Hasluck (1954), Christopher Boehm (1984), Milovan Mušo Šćepanović (2003) and Angelika Ergaver (2016, 121–125).

After the compromise is reached, which is the condition for truce and sets the basis for the further community mediation and negotiations that lead to arbitration of the »good people« (*boni homines*) between the feuding parties, the consolidation of peace requires a closing conciliation ceremony, which is again based on the (self) humiliation of the offender party.

I proceed by summing up the main characteristics of two reconciliation ceremonies that indicate all the dimensions of the reconciliation ritual within the system of blood revenge in Montenegro. However, by using medieval documents from other parts of Europe, we can confirm that a similar ritual was also present in other European countries. Comparing the characteristic of those reconciliation ceremonies in the European medieval society and within various tribal societies, we can hypothesized that the reconciliation ceremony did not substantially differ itself in regards to historical time and place.

Mary Durham translated from Vuko Vrčević (1851; Miklosich, 1888, 176–178) the case of pacification of the quarrel in which little boys began to fight, the mothers intervened and one assaulted the other, the men of the two clans started killing each

36 Twelve bloods was a compensation for murder, for a wound, however, the compensation was up to eight bloods, as the unit of blood(s) was apparently designed to compensate for wounds. The forms of compensations differed; they were given in currencies, such as 10 zecchins for a blood and 120 zecchins for a killing (Miklosich, 1888, 177); 120 zecchins was indeed a great sum, equal to a wealthy house in a Venetian town. Yet, the Miklosich's collection of nine documents on pacification procedures from 18<sup>th</sup> and 19<sup>th</sup> century Montenegro include many different currencies; taliers, grossi, zecchins (Miklosich, 1888, 178, 180), the Kanun of Lekë Dukagjin (Gjeçovi, 1933) again uses other currencies, yet it all indicates that the compensations remained within customary relations in regards to one another.

37 Acte de reconciliation publique, published in a volume of Chopin & Ubcini, 1856, approx. image size 10.5 x 16.5 cm.



Figure 6: *Acte de reconciliation publique*, *L'Univers Pittoresque*, 1856. ([http://www.ebay.com/itm/1856-print-RECONCILIATION-OF-BLOOD-FEUD-VENDETTA-MONTENEGRO-25-/401190719118?\\_ul=AR](http://www.ebay.com/itm/1856-print-RECONCILIATION-OF-BLOOD-FEUD-VENDETTA-MONTENEGRO-25-/401190719118?_ul=AR))

other, when finally the rest of the tribesmen interfered to stop this violence in their midst. At that point, the clan with the lower score threatened the one which was ahead, while the one that was ahead angrily reckoned that the other one owed it »for one dead head and two wounded«. Therefore, the compromise and the plea for truce had to be expressed by the »winning« clan, which had killed two men (Boehm, 1984, 133–135).

After the trial assembly of the 24 »good men«, arbiters – the selected representatives of the feuding parties – has reached the settlement, the concluding reconciliation act followed. The ceremony was public, attended by the entire community. A member of the »winning« clan described the event as follows:

*... and I hang the gun which fired the fatal shot around my neck and go on all fours for forty or fifty paces to the brother of the deceased Nikola Perova. I hung the gun to my neck and began to crawl towards him, crying: 'Take it, O Kum, in the name of God and St. John.' I had not gone ten paces when all the people jumped up and took off their caps and cried out as I did.*

*And by God, though I had killed his brother, my humiliation horrified him, and his face flamed when so many people held their caps in their hands. He ran up and took the gun from my neck. He took me by my pigtail and raised me to my feet, and as he kissed me*



*the tears ran down his face, and he said: 'Happy be our Kumstvo [Godfatherhood]. 'And when we had kissed I, too, wept and said: 'May our friends rejoice and our foes envy us.' And all the people thanked him. Then our married women carried up the six infants, and he kissed each of the six who were to be christened. Then all came to us and sat down to a full table (Durham, 1909, 89–90; Boehm, 1984, 134; Miklosich, 1888, 177).*

Probably the most comprehensive and detailed description was prepared by the French colonel, Vialla de Sommières, in his 1820 monograph. After shortly describing the characteristics of the Montenegrin vendetta, which he regards as the only law they knew, he stresses that the entire community was involved in the ceremony of the public reconciliation between the feuding parties. He described the case of reconciliation of an apparently long lasting feud between the clans of Lazarich in Czernogossevich, who were forced to finally make peace by other members of their community and the mediators of the feud.

On the day of the arbitration, usually on Sunday, there was a mass in the local church nearby the house of the victim. An hour before the mass, the assembly of the arbiters – *kmeti*<sup>38</sup> (*tribunal spécial, érigé spontanément*) (Sommières, 1820, 342) met and established the amount of damage caused by both parties. The document does not provide the exact number of the casualties and the wounded on both sides, it does, however, explain some general characteristics already mentioned in the previous example, adding that the compensation for the chieftain or the priest is sevenfold in comparison to the compensation for a common person.

When the damage is compensated, the party which caused greater damage (i.e. that killed one man more than the other party) has to pay the remaining compensation in money. Sommières also explains that the compensation system of damage assessment and determination of compensation of the Montenegrins has been formed in a far beyond past (*un temps immémorial*) (Sommières, 1820, 344).

After the verdict of the arbiters and the mass, a public reconciliation ceremony takes place in front of all the members of the community. The ceremony is based on the act of public (self) humiliation of the wrongdoer or of the prominent representative of the wrongdoer's community, which caused greater damage.

After leaving the church, the believers formed two half-circles in front of the church, while the *kmeti* stood separate from the crowd. The *kmeti* were led by the priest (*pop*), who stood in the middle of the scene. Then, similar to the previous example, the wrongdoer slowly approached the group, barefoot and without a cap, creeping on all fours. There was a long gun on a strap hanging on his neck.<sup>39</sup>

Initially, there was a great silence, then the *pop* intervened, and explained to the assembly that the offender accepted their verdict. Then, the *pop* turned towards the offended party

38 *Kmeti* means *paesants*, but in this case they are arbiters (n. a.).

39 Boehm, while describing a similar case witnessed in 1890 while visiting Grbalj in Montenegro by Pavel Rovinskii, a highly competent Russian ethnographer, . Rovinskii (Pavel Apollonovich Rovinskii, 1901) additionally added »it is always a long gun, for a greater effect, even if the murder was just by pistol« (Boehm, 1984, 136).



Figure 7: Vialla de Sommières: *Voyage historique et politique au Montenegro, Acte de la réconciliation publique*, 1820, p. 338 (Wikimedia Commons, VDS pg390 Act de Réconciliation publique devant le Tribunal du Kméti.jpg)

and asked if they renounce the vengeance and animosity. »The injured was upset, tears were running down his cheeks, he thinks, looks at the sky, he sighs, still hesitating, his soul seems to be overwhelmed by thousand emotions«. All the people began to persuade him and plead for him to accept the reconciliation, but he answered he is not yet completely ready. Meanwhile, the offender was still waiting in the humble position, placed on all fours. Again, a great silence took place. Then the *pop* approached the injured, whispering something in his ear and then lift his hand towards the sky.<sup>40</sup> The offended looked upwards, without uttering

40 Comparing a similar example, provided by White when attempting to reconstruct the ritual of reconciliation which included the presence of the local abbot, the ceremony was described as follows (White, 1986, 256): »After Bernier's offer of peace had been emphatically rejected by Gautier, the abbot of Saint Germain suddenly appeared, carrying relics, and after recalling how Christ had pardoned Longinus, he not only urged Gautier to accept Bernier's offer of peace, but also warned this kinsman of Raoul's that he would be condemned by all if he did not make peace. The abbot then persuaded Bernier's elder kinsmen to kneel before Gautier and Guerri and offer them their swords as an act of submission. The abbot assured them that their sins would be pardoned, if they were reconciled«. We can only speculate that something similar might have been whispered in the ear of the Montenegrin man by the *pop*.

a word. At that very moment, his heart opened and the anger ran out of his soul; he extended his hand towards his enemy, who was observing him, extended the other hand towards the sky and said: »The great God is my witness, I have forgiven him!«.

The two former enemies shook their hands and stood facing each other for a long while. Everyone began to applaud and the applause echoed in the air as the main actors embraced in confusion and then kissed each other.

The ritual of (self) humiliation was the first rate and the most important part of the compensation for the loss of honour that was suffered by the offended. After this act, the offended not only forgave the offender for his trespass, but also renounced the claim for the compensation payment.

This act was followed by a great celebration, which gathered all the members of the community and was prepared on the expense of the offender's group. During the event, a lot of meat, brandy, wine, bread, pastry, cheese, honey and other delicacies were served and the celebration with singing and dancing lasted until late at night. The participants left with salve gunshots, which sometimes lasted up to an hour and echoed throughout the land. Each one, while leaving for his community, has been shooting as long as he had any munition. »All the reconciliations ended in a rather similar manner« concludes Sommières (1820, 353).<sup>41</sup>

As we can deduce from the Montenegrin documents and the described cases, the offender had to repent himself twice, humiliate himself and ask for forgiveness; firstly for the truce to be made, and secondly for the reconciliation act after the arbitration. The perpetual peace was always confirmed with a kiss of peace, as already stated by Rolandino (Rolandino, 1546, 158–159; comp. Petkov, 2003).

## CONCLUSIONS

As it is evident from the example above, the arbitration always determined the compensation for the damage. The damage suffered by each side was compensated, while the party which caused greater damage had to pay the compensation. All feuds, however, did not conclude in a similar manner, but reconciliations were probably more frequent than today, in the modern judicial system, where law feuds only provide with the winning and the losing party.

The ritual of humiliation in the system of conflict resolution is manifested in at least two forms: while the humiliation between socially equal individuals assumes the form of the gift-exchange, among socially un-equal individuals (i.e. against a more powerful adversary) assumes also the role of public challenge, a call for the commencement of the dispute settlement and for the reparation of injustice.

The reconciliation ceremony itself, likewise the first – for compromise and truce, as the second – for lasting peace after the arbitration, shows the general structure of the ritual, even, for instance, in the investiture of knights and notaries and even in nowadays wedding ceremonies (comp. Darovec, 2015, 53–67) it is divided into 3 phases:

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41 Comp. Regarding the celebrations after disputes between Istrian cities in the 13<sup>th</sup> century Mihelič, 2015, 309–332.

1. The **homage**, the gift / the offering of the serfdom, the acceptance of the serfdom / the offering of the engagement ring, the acceptance of the ring / the counter-gift, the reciprocity: offense, counter-offense – penitence, compromise; always expressed by the gesture of humiliation (*immixtio manum – flexibus genibus*).
2. Swearing the **oath** (on bible, cross, stone ...): truce (*tregua*)<sup>42</sup> / the betrothal – the swearing of fidelity; the oath of truce/friendship.
3. The concluding act: **investiture** (with sceptre, sword, ring ...) / the wedding ceremony, the kiss / the deliberation of peace (*amor*), also concluded with *kiss of peace* (*osculo pacis – amor*), which often leads to *marriage* or at least to Godfatherhood and Brotherhood between the representatives of the feuding parties.<sup>43</sup>

The ritual begins and ends with reciprocity and with the mediation of the community. The ritual of homage was applied in the religious as well as in the administrative and legal matters, through humiliation/humility it expresses the system of values, the mirror of norms in societies, thus the system of conflict resolution had in fact the role of social cohesion.

Is this really only a Myth and Illusion? The Myth of Religion Preventing Violence? At first glance, the image of the reconciliation ritual might seem idealised, but it obviously worked well in practice,<sup>44</sup> which is evident from numerous cases throughout the medieval Europe.

What happened to this (customary) system of conflict resolution? Why nowadays we have such a negative and stereotyped image of revenge, seeing it as an uncivilized basic instinct, which we believe was never typical for the European West, but at most for some of the marginalized areas in the Mediterranean and especially for the wild African and Australian tribes?

When in the early modern period a modern state was gradually formed in all the European countries, the centralization of authorities over the territory was established through the judicial system and hierarchical apparatus for an effective collection of taxes and the organization of the army, with the legitimate monopoly to exercise violence in the name of the Ruler (see Machiavelli, 1532), the revenge and mediation of the community was assumed by the state, including the ritual of humiliation. The ritualized public executions in European towns between the 16<sup>th</sup> and 18<sup>th</sup> Century, so vividly described by Michel Foucault (Foucault, 1975, 8–35; comp. Farr, 2000), are the best confirmation. Even within

42 Rolandino, 1546, 158v: *fidancia seu treuga*.

43 An interesting example from 1785 is provided by Miklosich, 1888, 190–194, describing how two montenegrin tribes decided to reconcile in front of the Venetian authorities after a long lasting feud. (The coastal areas of Montenegro were a part of the Albania Veneta). The compensation was exclusively given in the number of the necessary fraternities and godfatherhoods, which would be the warranty for peace. The presence of the Venetian authorities is also interesting in this case, whereas in other Venetian countries, in accordance with the policy of centralization of the (judicial) authority, such practice has been forbidden, persecuted and punished at least for two centuries before that date. Comp. Povoło, 1997, esp. 147–227.

44 See regarding the link between *ideal order* and *the order of lived experience* in Rouland, 1992, 175–203, esp. 181–186. Comp. also the case of family Corradazzo from 16<sup>th</sup> Century Friuli in Povoło, 2015b, 15–45.

them, we can perceive a three phase ritual, but with one essential difference: instead of the reconciliation, the compensation for the damage done and lasting peace in the community, which satisfies the victim and allows the perpetrator to reintegrate in the society, the state removes the delinquents from the community, condemning them to the galleys, to banishment or to death penalty. While the customary system allows the conflicting parties to decide to resolve the conflict according to the principles of restorative or retributive justice, the modern-age state knows only the principle of retributive justice. That is why it was necessary for the customary conflict resolution system to venture into oblivion.

## KRVNO MAŠČEVANJE KOT IZMENJAVA DARU: OBRED PONIŽANJA V OBIČAJNEM SISTEMU REŠEVANJA SPOROV

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### POVZETEK

»Ali je v pomiritvi krvnega maščevanja prisotna kakšna oblika pokore med sprtima stranema?« »Ne, nobene pokore, to so sami častni ljudje«, odgovorijo trije anketiranci na vprašanje univerzitetnega profesorja Valtazarja Bogišiča v njegovi anketi, ki jo je izvedel med izbranimi informatorji iz Črne Gore, Hercegovine in Albanije v sedemdesetih letih 19. stoletja. Njegov projekt zbiranja pravne kulturne dediščine je povsem sovpadal z raziskovalnimi izhodišči pravno-zgodovinske stroke v tedanjih evropskih deželah, očitno pa so impulzi za tovrstna raziskovanja prihajali prav iz francoskih dežel. O tem pričajo številne zbirke dokumentarnega gradiva in pričevanj, ki so jih pravniki in zgodovinarji zbirali na evropskih tleh v drugi polovici 19. stoletja, ndr. tudi omenjena Bogišičeva zbirka.

Bogišičeva anketa namreč jasno pokaže, kako je izražanje ponižanja v pokori, kot nujni gesti v sistemu reševanja sporov, ki vodi k miru v skupnosti, predstavljeno v ritualu. Na ritualne značilnosti reševanja sporov nas opozarjajo že klasiki na področju preučevanja primarnih skupnosti, vendar se nihče še ni poglobil v njegovo interpretacijo in strukturo. Zato je članek na podlagi interdisciplinarne antropološke študije ter arhivskih dokumentov, zbranega ustnega slovstva idr. dokumentarnega gradiva, rekonstruiral obredje krvnega maščevanja s poudarkom na aktu pokore, kot se odraža v dokumentih iz jugovzhodne Evrope, ter jih primerjal s številnimi fragmenti srednjeveških evropskih primerov, ki odražajo splošno obredno strukturo na področju javnih zadev: homagij (dar, prvi pristop), fides (zvestoba, prisega, premirje) in trajni mir – pace perpetua (ljubezen, poroke, potomci). Hipoteza tega članka zagovarja na podlagi zbranega gradiva in predstavljenih primerov načelo splošnega ritualnega obrazca za vse javne zadeve, v katerem ravno gesta pokore in ponižanja igra pomembno simbolno vlogo, še posebno v ritualu krvnega maščevanja, to je običajnega sistema reševanja sporov.

*Ključne besede:* ritual, ponižanje, pokora, maščevanje, fajda, zadoščenje, sistem reševanja sporov, sodni postopek, čustva, srednji vek, zgodnji novi vek

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