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ELOPEMENT AND KIDNAPPING OF WOMEN FOR MARRIAGE
IN THE VENETIAN REPUBLIC FROM THE LATE SIXTEENTH UNTIL
THE LATE EIGHTEENTH CENTURY

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History
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Abstract

This dissertation explores the abduction of women for the purpose of marriage in the Venetian Republic from the conclusion of the Council of Trent in 1563 through the late eighteenth century. My main interest concerns the question of women’s agency over marriage in honor-based cultures, which I investigate through the examination of criminal and ecclesiastical cases for “raptus,” a legal term revived from Roman law. While “raptus” was assimilated into common law with the primary meaning of forcible intercourse, in civil law (ius commune), the legal system in use across a large part of continental Europe, it retained the primary meaning of abduction. In the cases examined in this research “raptus” refers to the separation of a woman from her father or other party possessing authority over her either without or with her consent. In practice, abductions were usually done for the purpose of marriage and “raptus” provided fathers with a legal tool for protecting or censoring their daughters. I am interested in the way in which both forcible and voluntary abductions, despite their apparent difference, reveal the importance of female and family honor, and their interdependent relation, a common feature of Mediterranean cultures: whether a woman loses her sexual honor forcibly or willingly, (usually sexual intercourse follows an abduction), the result is usually that marriage follows in order to restore her and her family’s honor unless the social gap between the abductor and the abducted is too wide. Despite the many constraints imposed on women within early modern Venetian families, I argue that because of the reparable and negotiable nature of female and family honor women were able to exercise some degree of agency over their fates.

Moreover, against the backdrop of a broad Mediterranean cultural pattern, I have identified significant differences between the two regions under investigation, the so-called Terraferma or Venetian mainland, and the ethno-linguistically diverse Venetian Istria, in present-day Slovenia and Croatia. Significantly, I have discovered that abductions were more customary in the Venetian Istria than on the Terraferma, and particularly in the areas of the Istrian countryside that were subject to immigration from the southern Balkans. In both Terraferma and Istria the greater assertion of state and church power over time resulted in the decline of some forms of violence, particularly aristocratic violence targeting daughters of wealthy families. The latter was deemed by the Venetian state to be publicly defiant of public order, and was subjected to greater state control. Similarly, I have noticed the decline of violent group abductions from early seventeenth-century Istria. I also noticed a more accepting view of those abductions that were willingly initiated by the young couple, often against the wishes of parents or other family members.
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Abbreviations

ASV Archivio di Stato di Venezia
ASPV Archivio Storico del Patriarcato di Venezia
ASB Archivio di Stato di Brescia
ACN Archivio Comunale di Noale
ASTv Archivio di Stato di Treviso
ASVr Archivio di Stato di Verona
APT Archivio Parrocchiale di Tarmassia
PVP Palazzo Vescovile di Parenzo
ADT Archivio Diocesano di Trieste
BQ Biblioteca Queriniana di Brescia
BST Biblioteca del Seminario di Trieste

b. busta
fol. folio
fasc. fascicolo
r. recto
v. verso
vol. volume
Introduction

Abduction in the Historiographical Debate

In the summer of 2010 I went to Tarmassia, a small town in the countryside south of Verona, to visit where an abduction had once occurred. Tarmassia is a small town center and the traces of its past stand nearly unchanged: the dwellings of the abducted woman and her abductor, the church, the streets that witnessed the 1582 kidnapping were still there and perfectly matched the description of the court case, I was told. Driving from Verona southward, a few miles from Tarmassia, rice fields start to fill the view, thereby creating a suggestive landscape. Rich with natural springs, this area offered, and still does, ideal conditions for the cultivation of rice, which was already a lucrative crop at the time of the abduction.\footnote{On the origins of the cultivation of rice in the Veronese countryside see Bruno Chiappa “Sull’origine e diffusione della risicoltura nella bassa pianura veronese: nuovi documenti,” Studi Storici Luigi Simeoni LV (2005), 79-105 and Bruno Chiappa, ed. Isola della Scala. Territorio e società rurale nella media pianura veronese (Isola della Scala: La Grafica, 2002).} In 1582 Tarmassia was under Verona’s sphere of influence and part of the larger Venetian Republic. Venice, or the Dominant as it was usually referred to, had acquired this territory in 1405, the year of Verona’s deditio or surrender in exchange for the preservation of its ancient jurisdiction.\footnote{On the representation of the deditio and its political use see Gian Maria Varanini, “L’uso politico della storia. Il Medioevo nelle tele dipinte per la sala del consiglio civico di Verona (fine Cinquecento-inizi Seicento)” in Iconologia del potere. Rappresentazione della sovranità nel Rinascimento, edited by Daniela Carpi e Sidia Fiorato (Verona: Ombre Corte, 2011), 87-105.} The criminal trial that followed the 1582 abduction is emblematic of one of the ways Venice penetrated the area and eroded that very jurisdiction. In fact, Venice increased its power over the territories by exercising criminal justice and by extending Venetian land ownership on the mainland. But the reasons to pursue
this particular abduction were not limited to this. The story told in the criminal trial stands out from other kidnappings in this research for its incisiveness and drama. In November 1582, Cassandra Stiveri, daughter of a wealthy merchant, was kidnapped by a neighbor, the nobleman Zuan Nicola Prandino, after twice refusing his marriage proposal. Unrequited passion that bursts into abduction is a recurring theme in this research, but in this case it is intertwined with class conflict, giving broader resonances to the tension between the two individuals.

When I arrived in Tarmassia, I found Cassandra’s palace still standing in its glory surrounded by tobacco plants where the Stiveris’ fields and economic interest had once been cultivated. The ample courtyard where the harvest was processed testifies to the Stiveris’ vision of prosperity, a vision that turned into reality.

Enclosed within the view from Cassandra’s palace still stands Zuan Nicola Prandino’s palace, only a few fields away and in a state of advanced disrepair. The proximity of the two dwellings speaks of a conflict that arose within everyday life. Despite the dense testimony of the places and the court case, however, there was no documentary trace of what happened to Cassandra at the time of my first trip. Timeless in its drama, this abduction brings into stark relief some of the themes that run through this research: passion, one-sided in this instance, which results in abduction; the blemish of female honor with the intention of restoring it through marriage; the early modern state legislating this type of conflict as part of its growing assertion; and the multi-layered political dimension of this type of conflict, owing to the power relations between genders, generations, families and between families and institutions. One important feature that is missing in this particular abduction is the intervention of the Catholic Church, a relevant factor in other similar conflicts.
Figure 1. Cassandra Stiveri’s house, Tarmacassa

Figure 2. Cassandra Stiveri’s house, interior (photograph of Stefano Gobbi)
Starting from abduction-based conflicts, I intend to contribute to the wider debate on marriage and family in the context of the growing early modern state. The sources for this research are court cases for raptus, a legal category forged by Roman law and assimilated into common law, civil law (ius commune), the legal system in use across a large part of continental Europe, and Venetian law. Unlike in common law, where from its early development raptus meant forcible intercourse and only later evolved to include instances of abduction and elopement--, in ius commune and Venetian law, raptus primarily meant abduction. The cases I analyze fall under the latter definition. While some cases did involve sexual violence as well as abduction, ordinarily rape alone was criminalized under a different legal category not considered in this research. ³ Under ius commune and Venetian law, raptus served to punish the separation of a woman from her father against his will or from other party possessing authority over her even when such separation was done with her consent. In practice, abductions were often done for the purpose of marriage and raptus provided fathers with a legal tool for protecting or censoring their daughters. Therefore, the court records for raptus generated by the Venetian state and the post-Tridentine Catholic Church present diverse situations that include forcible abductions, as in the case of Cassandra

Stiver, and voluntary instances, that is abductions made with the woman's consent, but against her family’s plans. Such polarized situations allow me to reflect on the agency, or lack thereof, of women when involved in conflicts over marital choice. I argue that women enjoyed some degree of agency and that such agency was rooted in the reparable and negotiable nature of female honor. Once female honor was blemished (usually sexual intercourse followed abduction), marriage was the best way to restore it, provided that the social gap was not too wide.

Although this rule made women vulnerable to the will of unwanted suitors, as was the case for Cassandra, it also granted some degree of leverage to eloping couples. By transgressing the rule of female premarital virginity, eloping couples would place any previously intractable family member in the position of having to consent to their marriage. Of course, taking such steps entailed the risk of losing inheritance rights. This was, however, a risk and not a certain outcome, since this facet of abduction-based conflicts is surrounded by ambiguity.

And how did the fluidity of this area of negotiation and reparation change as the State and Church began to assert their jurisdictions through the legislation of this kind of conflict in the late sixteenth-century? What changes did the strengthening of the early modern Venetian Republic and the post-Tridentine Catholic Church bring to the place of women when dealing with conflicts over their marital choices? Was the stricter definition of rules by these institutions detrimental or favorable to women? And what were the consequences in terms of class boundaries? These are key questions arising from this research, questions that connect with a growing body of literature on women as points of reference for the growing early modern states, within Europe and beyond.⁴

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⁴ For a few selected works see Sarah Hanley, “Engendering the State: Family Formation and State
Family, state, and patriarchy

The literature on the nexus between the family and society at large has a long tradition, going back to humanism. The fortunes and well being of the household, meaning upper-class household, were thought to be closely linked to those of society and even the state. While such reflection went beyond Venice, the Most Serene Republic’s mixed constitution, comprising monarchical, aristocratic, and democratic elements, lent itself to inferences that were not possible for the other early modern states in the Italian peninsula, with their more marked autocratic characteristics. In his *Della perfezione della vita politica* (1579) historian Paolo Paruta (1540-1598) compared the father of the family to the Doge, the chief political official in the Republic. Although embodying the monarchical element, the Doge was a peer among equals. Similar to the Doge’s authority, the father’s power was also subject to limitations. Such limitations were posed by the democratic and aristocratic elements, represented respectively by his brothers and wife. The latter performed the aristocratic role by advising her husband and mitigating his autocratic leanings. According to Paruta, the co-presence of these three elements in the family and in the state were at the basis of the longevity and stability that characterized Venice, longevity and stability that also nourished the myth of Venice, its idealized representation. While this

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5 The most notable examples are *I libri della famiglia* composed by the Florentine Leon Battista Alberti in the years 1433-41 and *De Re Uxoria* written by the Venetian Francesco Barbaro and presented as wedding gift to Lorenzo De Medici Il Vecchio in 1416.

6 Paolo Paruta, *Della perfettione della vita politica di M. Paolo Paruta nobile vinitiano. Libri tre: Ne’ quali si ragiona delle virtu’ morali, e di tutto cio’, che s’appartiene alla Felicità civile. Nuovamente con diligenza ristampati con privilegio.* (Venice: Nicolini, 1582). On the myth of
reflection spoke essentially of patrician families and flourished within educated circles, this view of a limited male authority trickled down in courtrooms as well. As historian Daniela Hacke has noticed in a study on Venetian women of both patrician and non-patrician background, women used the epithet ‘tyrant,’ the quintessential anti-Republican figure, to argue in court against the abusive behavior of husbands and fathers.\(^7\)

Modern historiography has revived the inquiry into the nexus between the family and the state in Venice, a nexus reinforced by patricians’ direct involvement in the rule of this aristocratic republic. Upon joining the *Maggior Consiglio*, which was responsible for appointing the political-judicial offices of the many magistracies of the Republic, the young patrician started his *cursus honorum*. The tenure for each office could last from 12 to 18 months. Such brevity made possible for patricians to fill diverse offices and to accumulate an extensive political experience without identifying too closely with any of them. The only exception was the Doge’s office, which was for life. Even with his longer perspective ahead, however, the Doge could not exceed the limitations of his authority. His decisions were always made with other eminent patricians.\(^8\)

Venetian patricians’ political experience was, therefore, diverse, collective, and widespread within the patriciate. In addition to the political experience, patricians

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\(^8\) On the gradual limitation of the Doge’s authority in the 12\(^{th}\) century, limitation that culminated with the introduction of the oath of office (*promissio ducis*) in 1192 (when Doge Enrico Dandolo was elected) see Giorgio Zordan, *L’ordinamento giuridico veneziano. Lezioni di storia del diritto veneziano con una nota bibliografica* (Padova: Cleup, 1980), 185-192. On the tension between the ducal family’s pride and the loyalty to the interest of the Republic, which surrounded the oath of office ritual see Edward Muir, *Civic Ritual in Renaissance Venice* (Princeton: Princeton UP, 1981) passim and esp. 290-296.
in Venice held a vast judicial experience, a feature that separates them from other Italian and European contexts. In the city of Venice, in fact, there was not a body of judges separate from the political body, as the judicial function was not separate from the political one. For instance, the patricians forming the Council of Ten, one of the most powerful magistracies, acted as judges but could issue laws as well. In addition, no specialized university education was required to exert judicial functions in the city of Venice. The only requirement was to be a patrician. It follows that legal practice and laws were more malleable by patricians’ political and social needs, including those concerning the family.

One example in modern historiography dealing with the relation between the family and the state is James Cushman Davis’s *A Venetian Family and its Fortune: the Donà and the Conservation of their Wealth*, published in 1975. In this study, James Cushman Davis has examined the history of the Donà family from the sixteenth century through modern times with the goal of investigating how this family of the ruling class retained its wealth. The Donà family was one of the most prominent patrician families in Venice, known in part for Leonardo Donà, the doge involved in the conflict with the Holy See over the 1606 Interdetto. As did other patrician families, the Donà went through political and economic decline over the centuries, however Davis used an innovative approach in his research by considering the family’s reproductive and inheritance practices. Influenced by the French school Les Annales with its emphasis on the *longue durée*, demography, family, and sexuality rather than the more traditional histoire événementielle, Davis found out that the Donà family limited the number of

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9 By contrast, on the mainland in order to exert the judicial function, one had to study law in college.

marriages, in place of births by means of contraception, to avoid the fragmentation of the household while guaranteeing a male offspring.\(^1\) Contraception was too risky a practice given the high infant mortality. After 1550 only one or two sons married. Although less risky than contraception, the limitation of marriages could also lead to the extinction of the male line; this occurred in the seventeenth century when the only surviving children were two daughters, married into a minor branch of the Donà family but who managed to keep the family name if not its political prestige.\(^2\)

Looking into the link between sexuality, reproductive strategies, inheritance practices, and political success has proven fruitful and generated greater knowledge about the patrician families of the republic. For instance, Volker Hunecke has observed that patricians limited their marriages to a lesser degree than Davis suggests. The limitation concerned only those marriages recorded by the Avogaria di Comun, that is those marriages whose male offspring could pursue a political career.\(^3\) Some patrician sons chose, instead, the so-called secret marriage (matrimonio segreto o di coscienza). The first secret marriage was

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12 See Davis.

13 See Volker Hunecke, “La demografia del patriziato. Parte II: il matrimonio” in Il patriziato veneziano alla fine della Repubblica 1646-1797: demografia, famiglia, ménage (Roma: Jouvence, 1997). It was originally published in Tübingen in 1995 by Max Niemeyer Verlag with the title Der Venezianische Adel am Ende der Republik, 1646-1797. Demographie, Familie, Haushalt). Although Hunecke’s study led to different findings from Davis’, it too located into nuptiality the main regulating mechanism of (aristocratic) population in Venice and the reasons for the decline of its ruling class. The regulation of patrician population worked through the limitation of marriages that could generate patrician offspring. It did not work through the late age at marriage as has been identified for northwestern Europe. In the latter the age at marriage was 24-25 for women, thereby reducing the time span for fertility. By contrast, in Venice patrician women married at 19 in the years 1646-1699 (‘19’ refers to the most frequent age at marriage, not the average age, see chart at page 198). What Venetian patricians limited in nuptiality was the number of marriages. On marriage among the Venetian patriciate see also Alexander Cowan, Marriage, Manners and Mobility in Early Modern Venice (Aldershot: Ashgate, 2007). See also the following publications of the Istituto storico italo-germanico in Trento: Silvana Seidel Menchi and Diego Quaglioni eds., Contugi nemici. La separazione in Italia (secoli XII-XVIII) (Bologna: Il Mulino, 2000); Matrimoni in dubbio. Unioni controverse e nozze clandestine in Italia dal XIV al XVIII secolo (Bologna: Il Mulino, 2001); Trasgressioni. Concubinato, adulterio, bigamia (secoli XIV- XVIII) (Bologna: Il Mulino, 2004); and I tribunali del matrimonio (secoli XV-XVII) (Bologna: Il Mulino, 2007).
recorded in 1646 and after that date, one out of eight patricians’ marriages was secret. A category of canon law, secret marriages often resulted from long-term concubinage relationships and did not have patrimonial consequences. They had to be approved by the Venetian patriarch who was supposed to grant his permission only “ex urgentissima et gravissima causa.” According to Hunecke, the Venetian patriarch, a patrician himself, approved secret marriages in larger proportions than elsewhere. Lacking the requirements to being recorded in the Avogaria di Comun, the offspring of such marriages did not have access to political office. In case of extinction of the male line of the household, however, the offspring of secret marriages could be legitimized. As in the complicated practices concerning natural sons and daughters, here is a case of adapting legal categories, in this case from canon law, to the needs of the Venetian patriciate.

While works like Davis’ and Hunecke’s have contributed to our understanding of the patrician family in its connection to the particular political organization of Venice, other works have focused on women’s place in the broader patriarchal framework, understood both in its familial and state dimension. For instance, Jutta Gisela Sperling has devoted an entire study to the cloistering of patrician daughters, a practice that intensified with the economic-political decline of patrician families and their incapability to give them dowries adequate to their family status. According to Sperling, the reason was not merely economic, but the ‘sacrifice’ of the virgin daughters served to mark the boundaries, the closure of the patriciate from the outside and ultimately its purity.

14 See Hunecke, 130-136.
Sperling compares this ‘sacrifice’ of patrician daughters to the Trobriand natives’ potlach studied by Marcel Mauss: unable to reciprocate the gifts, as the law of reciprocity required, they destroyed them. Similar to Hunecke’s, Sperling’s work also examines family strategies within the particular political context of Venice, but does so by observing the female experience, an experience of sacrificing personal interests to the ruling elite. Sperling also notices, as a broad literature does, that such sacrifice did not pass under silence. This is abundantly testified by the critique of the nun Arcangela Tarabotti (1604-1652) who, in one of her incisive remarks, measured her father against the republican values that he claimed to uphold. A form of resistance against forced cloistering might also be evident in the clandestine relationships that some nuns entertained despite the restrictions of the cloister, a practice documented in the legal dossiers against the so-called monachini, as well as a theme which echoes in Italian literature.

The focus on the place of women in the patriarchal framework is perhaps the most distinctive feature of the historiography from the second half of the 1970s onward. Such historiography is marked by diverse sensibilities, which Stanley Chojnacki has categorized as following two major trends: some studies lean toward the representation of the male intention to subordinate women, others emphasize the ways in which women dealt with that intention and exercised their

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19 A well-known literary example is the story of the ‘monaca di Monza’ in Alessandro Manzoni, *I Promessi Sposi*. 
agency in an unequal society.\textsuperscript{20} The picture turned out to be somewhat less
gloomy than expected. The historiography of the last decades has highlighted, for
instance, women’s handling and transmission of family property; exercise of
literary critique of patriarchy; subversion of expected compliance with social
norms and family authorities. In addition to explicitly addressing the place of
women in the patriarchal context, Venetian historiography has broadened its
initial focus, by also examining non-patrician social groups and by moving away
from the city of Venice toward its territories.\textsuperscript{21}

As for women and their place in the transmission of property, similar to
the rest of Europe, in the Venetian Republic family property devolved along both
the female and male lines. Daughters’ share of family property was formed by the
dowry, which was given upon marriage or upon joining the convent. Diane Owen
Hughes has interpreted the revival of the Roman institution of the dowry in the
High Middle Ages as a form of exclusion from inheritance.\textsuperscript{22} A father’s

\begin{footnotes}
\item[20] Stanley Chojnacki, ‘Introduction’ in \textit{Men and Women in Renaissance Venice: twelve Essays in
\item[21] On women from the lower classes in Venice, see for one example Monica Chojnacka, \textit{Working
Women of Early Modern Venice} (Baltimore and London: The Johns Hopkins UP, 2001). Many are
the publications on Venetian history beyond the city of Venice. For a few selected examples see
James Grubb, \textit{Firstborn of Venice: Vicenza in the Early Renaissance State} (Baltimore: The Johns
Hopkins UP, 1988); Joanne Ferraro, \textit{Family and Public Life in Brescia, 1580-1650. The
Foundations of Power in the Venetian State} (Cambridge: Cambridge UP, 1993); Claudio Povolo,
\textit{L’intrigo dell’Onore. Poteri e istituzioni nella Repubblica di Venezia tra Cinque e Seicento}
(Verona: Cierre, 1997); Edward Muir, \textit{Mad Blood Stirring. Vendetta and Factions in Friuli in the
\item[22] Diane Owen Hughes, “From Brideprice to Dowry in Mediterranean Europe” \textit{Journal of Family
History} 3 (1978), 262-296. On the revival of the dowry see also Tamassia: ‘Il predominio della
dote romana presso tutti gl’Italiani, a qualunque legge o nazionalità essi appartengono, si afferma
verso la fine del secolo decimo-secondo’ in Nino Tamassia, \textit{La famiglia italiana nei secoli
decimoquinto e decimosesto} (Rome: Multigrafica Editrice, 1971), originally published in Milan in
1910), 287. On the consequences of the transition from the joint ownership to dowry exchange see
Marta Howell, \textit{The Marriage Exchange: Property, Social Place, and Gender in Cities of the Low
Countries, 1300-1550} (Chicago: Chicago UP, 1998). She argues that such transition was
detrimental to women not in terms of quantity, but rather in terms of legal agency over their
property. For a comparative analysis of women’s legal agency in Venetian and Florentine
patrimonial regimes, where \textit{exclusio propriet dote} was in use, and the Portuguese patrimonial
regime, where the Roman principle of equal inheritance was never abolished, see Jutta Gisela
Sperling, “Dowry or Inheritance? Kinship, Property, and Women’s Agency in Lisbon, Venice, and
Florence (1572)” \textit{Journal of Early Modern History}, 11/3 (2007), 197-238 and of the same author
\end{footnotes}
obligation to give his daughters a dowry was followed by their exclusion from their inheritance rights (*exclusio propter dotem*). Although the pre-mortem reception of her family property share was an advantage in comparison with her male siblings, it devolved only upon certain conditions, that is convent or marriage. In the former instance the devolution of family property was scantier, a circumstance that pushed unscrupulous fathers or brothers to opt for this solution regardless of the woman’s calling.\textsuperscript{23} In the latter, the boundaries of the dowry risked blurring with the husband’s property. However, the institution of the dowry entailed forms of control on the part of the bride’s family, legal mechanisms aimed at preventing the husband from squandering it. The dowry was a temporary gift for the family and could not be arbitrarily used by the husband. If conjugal life could go otherwise, there were legal mechanisms aimed at redressing abuses. Joanne Ferraro’s *Marriage Wars* documents the litigations in the ecclesiastical court in Venice, whose outcome protected women, even those of low social background, and their dowries from husbands’ abuses.\textsuperscript{24} But historiography has also highlighted how women decided through their last wills about their dowries, which often went to increase their daughters’ dowries.\textsuperscript{25} Also, in absence of male offspring or collaterals, daughters could and did become heiresses.\textsuperscript{26} Through the last will, the testator could express a preference for making daughters heiresses even in the presence of male collaterals. One instance in this research (chapter 1, abduction of the Maggi sisters) evidences such

\textsuperscript{23} Sperling, Jutta Gisela, *Convents...*; Tamassia.


\textsuperscript{25} Hunecke, 156-7; Chojnacki, chapter 7; Ferraro, *Family ...*, 111-130.

\textsuperscript{26} See for instance the case of the sisters Maggi discussed in chapter 1. See also Claudio Povolo, “Polissena Scroffa, fra Paolo Sarpi e il Consiglio dei dieci. Una vicenda successoria nella Venezia degli inizi del Seicento” in *Studi veneti offerti a Gaetano Cozzi* (Venezia: Il Cardo, 1992), 221-233.
preference. Altogether, these practices demonstrate that women were on both the receiving and giving ends of the patrimonial flow. In sum, the normative context, although unequal in its foundations, did not lack forms of protection for women’s property nor entirely oust women from access and control. Lastly, such context was not static: the inflation of dowries’ amounts among urban elites in Italy from late medieval and early Renaissance onward is a well-known phenomenon.27

Some of the abductions in this research had as apparent motive the abductees’ rich dowries (see in particular chapter 1). Such rich dowries could become the target of unscrupulous suitors, but they were the signs that parents did not hesitate to endow their daughters with a substantial part of their patrimony.

In addition to highlighting women’s place within the transmission of property, research of the last decades has also evidenced women’s exercise of literary critique to describe and question their world, with the most notable examples found in the above-mentioned Arcangela Tarabotti, but also in the works of Moderata Fonte (1555-1592), Lucrezia Marinelli (1571-1653), and Sarra Coppia Sullam (1592-1641), some of the most articulate female voices of the late sixteenth- and early seventeenth-century Venice.28 Others, like courtesan and poet Veronica Franco (1546-1541), chose to express themselves both in the literary arena and through an unconventional life.29 To different degrees, all these women took part into the querelle des femmes that reached the peak of its revival in early

27 See Chojnacki, “Introduction”.
seventeenth-century Venice. Furthermore, the historiography of the last decades has pointed out other ways in which women, and men as well, chose not to comply with social norms and family authorities by challenging, for instance, the best laid family plans and eloping.\(^{30}\)

Starting from a different angle, this research on the abduction of women for marriage also addresses the question of the rule of fathers in early modern Venice. The sources detailing this marital practice result from the intention of state institutions, and the ruling class whose power they expressed, to exert control over daughters’ marital destiny. The legal category ‘violent abduction’ served to protect daughters from violence while ‘voluntary abduction’ served to criminalize choices that displeased the best laid family plans. Therefore, such sources speak directly to the question of what kind of patriarchy there was in the Venetian Republic. They do not present ordinary, common situations, but rather conflicts, situations that are extra-ordinary but that nevertheless cast new light on the society that generated them. Alongside state-generated sources, we find the court records produced by the Catholic Church, which resulted from the reforming will of the Council of Trent (1545-1563). Church-generated sources also speak to the question of patriarchy. They do so, however, in a more complicated and ambiguous way since the Catholic Church, even after the Council of Trent, recommended, but did not require parents’ consent to marriage.

In addition, this research speaks about the will of domination of the political and religious centers over the territories of the Republic. This dichotomy is heightened by the fact that most cases for abduction originated in the territories,

away from the dominating center, Venice. As these institutions asserted their jurisdictions over the territories starting with the second half of the sixteenth century, both state- and church-generated records were produced in greater abundance. Moreover, this increased powerful presence was also a vehicle of change, change motivated by the interests of the ruling class. This research also aims at examining abductions in light of these institutions’ modes and motivations. In fact, the ways and rationales by which Church and State asserted their power over abduction-based conflicts modified this practice and changed women’s place within them and within marriage in general.

The institutional context: the criminalization of abduction in the Venetian state

Criminal records are a particularly rich kind of evidence for abduction in the Venetian Republic, since Venice made extensive use of criminal justice in order to assert power over its territories. Even before Venice acquired the mainland, however, the criminalization of abduction was enforced as evidenced in the city charters of medieval communes, which generally remained in use even after they came under Venice’s hegemony. They were not the exclusive source for law, since they were used along with the broader body of legal sources of *ius commune* (civil law) both before and after Venice’s extension of her rule, but they nevertheless represent concerns of the time.

The definition of abduction in the city charters of Portogruaro from 1434 clearly shows the influence of Roman law both in the lexical choice, *rapere* or ‘to seize,’ ‘to carry away,’ and the penalty, capital punishment:
“Ordinamus quod si quis aliquam mulierem, nuptam, viduam vel virginem, per vim de domo vel aliunde rapuerit et ipsam contra suam voluntatem duxerit, si nupta fuerit, pena amputationis capitis puniatur ita quod moriatur. Si autem fuerit virgo vel vidua cum qua matrimonium esse possit et ante condemnationem factam, de consensu parentum, contractum fuerit, solam condemnetur in libris quinquaginta loco pene capitalis. Si autem matrimonium contrahi non poterit, pena amputationis capitis puniatur cum mortis eventu.”

In addition to establishing capital punishment for abduction against the woman’s will, the Portogruaro charters qualified that, if marriage was possible and approved by relatives, the death penalty could be converted into a fine. The same penalties fell upon accomplices.

The fourteenth-century charters of Treviso describe abductions both against and with the woman’s will in the chapter De raptu seu violentia mulierum non nuptarum:

“Statuimus et firmamus quod siquis de cetero mulierem aliquam virginem vel domicellam bone opinionis et fame, tam de civitate quam de districtu Tarvisii, raptu vel indipercerit (*vi duxerit) vel violaverit sive duxerit contra voluntatem mulieris, amputatione capitis puniatur; si vero mulierem viduam vel aitam non virginem bone opinionis et fame, cum (*contra) eius voluntatem rapuerit, capite puniatur. Si vero de eius voluntate eam duxerit, tunc condennetur comuni Tarvisii in trecentis libris denariorum parvorum. ”

Typically, the judicial code describing the crime of raptus was contiguous to or incorporated into the chapters on the sexual crimes ‘rape’ and ‘adultery,’ whose common feature was an offense involving the body of a woman against the man, father or husband, to whom that woman was bound. The English term that

31 “We order that if someone abducts a woman, married, widow or virgin, by force from her house or elsewhere and carries her away against her will, if she is married, her abductor will be sentenced to death by beheading. However, if she is a virgin or widow who can marry and the marriage is contracted with the consent of her parents before the abductor is condemned, her abductor will pay only a fine of fifty lire in place of capital punishment. However, if marriage cannot be contracted, her abductor will be put to death by beheading.” In Statuti di Portogruaro del 1300 e 1434 con le addizioni e le aggiunte fino al 1642 (Rome: Viella, 2002), 154. This quote refers to the 1434 charters.

32 “We establish and state that if someone forcibly abducts or violates or carries a woman away against her will, virgin or unmarried woman of high status and good reputation, from Treviso or from its district, he will be punished by beheading; and if someone abducts a widow or other woman against her will who is not a virgin, but has good reputation, he will be punished by beheading. However, if someone carries her away with her consent, then he shall be fined three hundred lire to be paid to the commune of Treviso.” In Gli Statuti del Comune di Treviso (1316-1390) secondo il Codice di Asolo, edited by Gabriele Farronato and Giovanni Netto (Asolo: Acelum Edizioni,1988), 427.
best combines the sexual connotation with the concept of ‘seizing’ is
‘ravishment.’ The city charters from Vicenza, more explicitly than others, define
raptus and other similar crimes based on their consequences for the abducted
woman’s family:

“Si quis filiam alicuius, vel sororem, vel neptem sine voluntate patris, avi, fratris, patrui
vel avunculi, qui eas maritare habent, vel eis ignorantibus rapuerit, vel duxerit, nupererit,
vel gaudiaverit, pena quingentarum librarum ei afferatur, et iniuriam suam patri, avo,
fratri, patruo vel avunculo debeat emendare, si fuerit postulatum.”

In this definition, the woman is the means by which the offense is
perpetrated, and the true victims are the male relatives who have authority over
her.

Variations in the phrasing of the crime were not unusual. For instance, the
city charters of Lendinara do not use the terms raptus or rapere, but they clearly
refer to abduction in the chapter De eo qui conduserit secum alienam uxorem,

filiam vel sororem:

“Si quis alienam uxorem vel filiam vel sororem seduxerit secum conducendo eandem per
se vel per alium, vel tenuerit contra voluntatem viri vel patris aut matris vel fratris vel avi
vel tutoris sive turticis, si fuerit sub tutella, solvat libras quinquaginta. Et ille qui tenuerit
in domo sua ad postulacionem seducentis solvat libras decem.”

Similar to the Vicenza city charters, this definition specifies which
relatives may have authority over the seduced or abducted woman. The range of
relatives here also includes the victim’s mother and female guardians.

33 “If someone abducts, carries away, marries or (has carnal knowledge) of someone’s daughter
or sister or granddaughter without the will or awareness of her father, grandfather, paternal uncle
or maternal uncle, who have the authority to marry her off, he shall be fined five hundred lire and
will have to make amends with her father, grandfather, brother, paternal or maternal uncle, if this
be requested.” In Statuti del Comune di Vicenza (1264) in Monumenti storici pubblicati dalla R.
Deputazione di storia patria, serie seconda, Statuti, Vol. I, (Venezia, 1886) 119-120. Similarly, the
charters of Belluno discuss abduction under the chapter on adultery. See Belluno. Statuti del 1392.
Testi scelti, tradotti e annotati da Enrico Bacchetti (Roma: Viella, 2005), 130-1.
34 “If someone seduces the wife or daughter or sister of another, leading her away by himself or by
means of others, or keeps her against the will of her husband or father or mother or brother or
grandfather or male or female guardian, if she is under guardianship, he will be fined fifty lire.
And he who will keep her in his house at the request of the seductor will be fined ten lire.” In
If we look at the measures taken by Venetian political judiciaries in the fifteenth century in the city of Venice, we can find early instances of the prosecution of abductions. Significantly, such measures started at the time of Venice’s expansion on the mainland and therefore speak to the relationship established with the newly acquired territories. For instance, on July 3, 1413 or 1414, the Senate put a reward of one hundred lire for capturing abductors of women in addition to capturing those banished by the Venetian rectors forever. This penalty was not harsh, but it introduced a new source of authority in the judgment of this crime. This measure was revoked and replaced on July 13, 1438 with a more nuanced norm, a decree requiring Venetian rectors in the territories to prosecute abductors according to the local city-charters. In particularly serious instances, however, rectors could appeal to the Venetian Senate for greater authority. The case could even be transferred to the Senate itself through a procedure called avocazione.¹⁵ Five extant documents from the Senate confirm the implementation of such measures. Four instances originated in the Terraferma (from Vicenza, Feltre, and Padua) and only one in the city of Venice. These instances are interesting in that they confirm that abduction for marriage was already in use in Terraferma in the fifteenth and early sixteenth centuries. They also confirm the later pattern showing abduction to be only minimally present in the city of Venice and, significantly, the instance from Venice did not involve marriage.¹⁶ The earlier of the two instances from Vicenza evidences marriage as the abductor’s aim. The condottiero (leader of mercenaries) Palmerio Del Sesso

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¹⁵ ASV, Consultori in iure, busta 286, Consulto del 21 ottobre 1791.
²⁶ The abduction from Venice involved two noblemen, Antonio Priuli and Angelo Da Mezzo, condemned to six months in jail and a fifty-lire fine each for breaking into the house of two women, Bianca and Agata, in S. Antonino. Bianca and Agata had tried to flee, but Agata was captured and taken to the inn Osteria della Scimmia where they abused her. In ASV, Senato Terra, Reg. 4, 8 August 1457, fol. 47v.
kidnapped a ten-year old girl, Mambilia, and took her outside the state’s border in order to marry her to his son Ugolino in spite of her already being promised to somebody else. He had previously seduced Mambilia’s mother and his abduction was a way to change the marriage plans by force. For this crime, the Venetian Senate itself condemned him to six months in jail and to a five hundred lire fine on June 29, 1457. The Senate also ordered that Mambilia remain under her family’s tutelage until the age of twelve.\(^37\) Another instance from Vicenza explicitly evidences the patrimonial issues that were associated with abduction, a feature that figures prominently in some of the abductions discussed in this research. This instance from 1531 concerned the abduction of two sisters holding a dowry of ten thousand ducats. The abductors numbered around twenty and were unknown to the sisters. The Senate offered a one-thousand-lire reward to anyone who could provide information about the crime. If the informant was an accomplice, he would receive exemption from punishment provided that he was not one of the principals. Once the abductors were identified, the Senate granted to Vicenza’s rector the authority to banish them from all the territories of the Republic and establish a reward of eight hundred lire for anyone catching the outlaws in violation of this sentence.

While these instances from Vicenza recall the French aristocracy’s use of abduction for marital purposes in the fourteenth century, which has been studied by both Henriette Benveniste and Geneviève Ribordy,\(^38\) other cases do not have marriage as their apparent aim. For instance, in the case from Feltre concerning

\(^37\) ASV, Senato Terra, Registro 4, 27 June 1457, fol. 61.

the abduction and rape of a virgin, the guilty party, Toffolo De Baltois, was also accused of whipping her and cutting her ear. He was condemned to lifelong banishment. The instance from Padua concerned, instead, the abduction of two sisters, Pasqua and Benvenuta. The Senate granted the Padua rectors the right to banish the four abductors, already banished for previous crimes, from all the territories of the Republic with a one-thousand lire reward for anyone capturing them within the state boundary.\(^{39}\)

These instances from the fifteenth and early sixteenth century highlight Venice’s early assertion of state power in abduction-based conflicts, a phenomenon that then accelerated over the course of the second half of the sixteenth century. Perhaps the most significant change was the requirement that all levels of state representatives, from the degani, representatives of small communities, to the rectors of the biggest cities, report abductions to the court and start ex-officio prosecution. This shift demonstrates that the Republic considered this crime particularly destabilizing to the keeping of the peace. This change was introduced into law on April 15, 1574 by the Council of Ten, the most powerful political judiciary in Venice at the time. The law prosecuted abduction along with other crimes including rape, murder, arson and violence against property or life.\(^{40}\) According to historian Claudio Povolo, this law aimed at repressing the fresh wave of violence that was crossing the mainland. In his view, these crimes were addressed in the same law because they were perceived as originating from the

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\(^{39}\) ASV, Senato Terra, Registro 26, 6 May 1531, fol. 130. The instances from Feltre and Padua are found respectively in ASV, Senato Terra, Reg. 8, 13 March 1478, fol. 3 and ASV, Senato Terra, Reg. 10, 10 January 1487 more veneto, fol. 73v.

\(^{40}\) This law established that “che se alcuno o solo, o accompagnando, con insidie et appostatamente anderà alla casa di qual si voglia persona overo nella strada commetterà homicidio, sforzo, rapto, incendio o violentia nella robba o nella vita possano in quello instante infragranti crimine esser impune presi et facendo resistentia morti da cadauna persona etiam in paesi alieni.” ASV, Consiglio dei Dieci, Parti Comuni, busta 120, April 15, 1574.
same root: the social tension resulting from a Terraferma aristocracy restless about the increasingly intrusive power of Venice. It was precisely this aristocracy’s acts of rebellion that worried Venice’s ruling elite. This law, preceded by a similar one in 1560, addressed an emergency situation, and was underscored by the Council of Ten’s authorizing anyone, not simply police officers, to kill those caught in flagranti crimine.41

While the intent of these measures was to control those crimes that were most destabilizing to social peace, due to their level of violence and involvement by large factions, its introduction opened the Republic to some unintended consequences. We also find, for example, abductions originating among non-noble classes, including the peasantry in legal dossiers generated after 1574. The obligation to report all abductions brought even minor instances to the court. Such instances did not stir great anxiety among the Venetian ruling class and were not severely punished. They indicate, however, how the dominant center became more interconnected with its subjects. The push to create such interconnection did not come exclusively from the top down, since there are also instances of subjects taking a case to the appellate magistracies of Venice. In sum, we see the interest of the state in intervening in abduction-based conflicts, but also the interest of the subjects in taking advantage of their opportunity to exercise their own greater power.

More importantly, as recognized by Venetian law itself, the legal category raptus included non-violent as well as violent abductions. This concept is clearly expressed in the definition given by Lorenzo Priori who drew upon his vast experience as secretary (cancelliere) for the most important podesterie (sites of

41 Laws 16 December 1560 issued by the Council of Ten with Zonta and 15 April 1574 issued by the Council of Ten in Leggi criminali del Serenissimo Dominio Veneto in un solo volume raccolto e per pubblico decreto ristampate (Venezia: Pinelli, 1751), 50-51
Venetian representatives in the territories). Priori condensed his knowledge of Venetian law in the handbook of criminal law, *Prattica Criminale*, where he gave the following definition of this crime under the section rapto:

"abduction (rapto) is committed when someone, out of lust, takes away and kidnaps against her will a virgin, widow, or another woman and takes her mainly for the purpose of kidnapping her from place to place and not of having greater convenience in the coitus ... The violence in the abduction is made manifest when the woman asks for help by bursting into screams or when some objects of hers, such as clogs, apron, and neckerchief, which are evident signs of the violence, are found on the ground where the abduction occurred on the street through which she has been taken away."42

Priori’s definition also included non-violent abductions as well:

"However, in absence of that violence, those who lead away a girl with blandishments and deceiving words are equally called abductors since this art of words is done with the only purpose to abduct her."43

Blandishments and deceiving words were different ways to achieve the same end: removing the woman from the authority to whom she was subject, an action that had honor-related and patrimonial connotations. Studies on family honor in the Mediterranean have underscored its in-solidum sharing: any blemishes on a particular individual’s honor fall on the group. Maria Pia Di Bella has suggested that such interdependence works along the gender lines: what happens to the female side of the family affects the male side and vice versa.44

The sources in this research suggest that marriage to restore lost honor was the

42 “il rapto si commette quando uno, per causa di libidine, per forza conduce via et rapisce una vergine, vedova o altra donna conducendola principalmente per fine di rapirla da luogo a luogo et non ad effetto di maggior commodità del coito ... La forza del rapto si conosce quando che la donna prorompendo in gridi chiami aiuto, o pure che si ritrovasse in terra nel luogo del rapto o per la strada per dove fosse condotta qualche robba del suo, come sarebbe zoccoli, traverso, fazzoletto che sono segni evidenti della forza.” Priori, Lorenzo. “Prattica Criminale” in *L’amministrazione della giustizia penale nella Repubblica di Venezia (secoli XVI-XVIII)*, vol. I, Lorenzo Priori e la sua Prattica Criminale, edited by Giovanni Chiodi and Claudio Povolo (Verona: Cierre, 2004), entry rapto.

43 “Ma senza quella forza, si chiamano anche raptori quelli che con parole lusinghevoli et ingannatorie conduessero via qualche putta perciocché tal arte di parole è fatta a fine solamente di rapirla.” Priori, entry rapto.

parties’ favorite resolution for abduction-based conflicts, unless the social gap was too wide or the tension was irreconcilable.

With marriage, part of the bride’s family's property passed to the newly-formed family in the form of dowry. The abductions of women from wealthy families often occurred precisely to get possession of their valuable dowries. Such motivation patently appears in the abductions that I discuss in the first chapter. Although a daughter lost her right to inheritance when receiving her dowry and although the latter was generally less substantial than sons’ inheritance, dowries in cash were extremely appealing. The dowry in cash was an excellent way of climbing the social ladder for wealthy families on the rise such as the Pasquini family that I examine in the first chapter. At the same time, however, the dowry in cash made their recipients vulnerable to the greed of unscrupulous suitors. The practice of restoring honor through marriage only gave such abusive intentions the possibility of attaining their goal.

What was the response of the Venetian State to such delicate issues involving family honor and patrimony, but also overlapping with the Catholic Church’s jurisdiction for its marital implications? As Priori clearly stated in his *Prattica Criminale*, which was influenced by the political environment of the late sixteenth century, Venice chose to pursue a harsh line. Capital punishment was the penalty for abduction even if the woman had consented to marrying her abductor before or after her kidnapping. Of course, as is typical of old regime justice, punishment varied according to the circumstances and status of those involved. While capital punishment was the most severe penalty, it was not the most frequent but nevertheless showed the gravity ascribed to the crime. In addition, Priori recommended that the family of the abducted woman be diligently
interrogated and, in case they refused to pursue the charge, that they be held suspicious and possibly punished.\textsuperscript{45} Privileging punishment over settlement indirectly indicates an aversion against marriage to restore honor.

France pursued an even harsher line against abductors: the criminalization of abduction in sixteenth-century France aimed at eradicating marriages contracted without parents’ approval. To this end, Henry II’s Edict of 1556 established the disinheri{}tance of those marrying without their parents’ assent.\textsuperscript{46} The latter was such an important issue that the French monarchy never accepted the Tridentine decree Tametsi (1563), in which the Catholic Church confirmed the validity of such marriages. In addition, the Ordinance of Blois (1579) established an explicit association between marriages without parental assent and both forms of abduction, the \textit{rapt de violence} and \textit{rapt de séduction}. By virtue of this association, marriages without parental assent were punishable by death, the penalty for raptus. This Ordinance also established the nullity of such marriages. In order for the latter measure to be fully effective, however, the relation between the civil effects of marriage and its sacramental nature had to be redefined. To this end, the Gallican theologians maintained that “marriage was not essentially a sacrament with only civil effects...but rather simultaneously a civil contract and a sacrament, the first forming the ‘substance’ of the second.”\textsuperscript{47} The ability to encroach on the religious sphere is evidence of the French monarchy’s strong power. Such power and will of domination was moderated, however, by its reception at the level of the regional courts. Based on his study on judicial practice in the Parliament of Burgundy, historian James Farr found out that the

\textsuperscript{45} Priori, 180-181.
\textsuperscript{47} Ivii.
death penalty for crimes of abduction was strictly applied only until the early seventeenth century. More often, the judges in this court ascribed responsibility for the crime to both man and woman and, on this basis, gave a less severe punishment, in some instances ordering that marriage follow. Farr argues that judges justified their decisions by appealing to the jurisprudential tradition that held them as interpreters and not mere executors of the law. Jurisprudential tradition gave them greater flexibility in the resolution of conflicts whereas monarchic laws required systematic implementation, which clashed with family interests. 

Unlike France, the Venetian state did not have a law explicitly disinheriting children marrying without their parents’ assent, thereby forbidding the passage of family property to the newly formed couple. Of course, such measure could be taken at the family level, but the state did not issue a similar law. Also, the Venetian patriarch promptly accepted the Catholic Church’s decree Tametsi and the Venetian state never encroached on the religious definition of marriage that gave the French monarchy greater leverage for making its laws effective. I argue, however, that Venice did express a strong assertion of power on these intricate issues involving honor and patrimony, albeit from a different standpoint than the French monarchy.

The cases that I discuss in the first chapter show an increasing severity against abductions with a sentence issued in 1606 prohibiting the passage of the abducted girl’s family property to the abductor by means of marriage, donation or other forms. This measure was taken for a particular abduction, that of Pasquina de’ Pasquini, but being issued by the Council of Ten, it revealed the judicial and

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48 Ivi.
political orientation of the Venetian ruling class. By forbidding the patrimonial consequences of a possible marriage to restore lost honor, the ruling class made a subtle, but clear demarcation between the competences of the State and those of the Church: the Venetian state’s strong will of domination could fully succeed only when independent from the Church’s influence. It is not accidental that the 1606 sentence was issued in the years of Venetian state’s greatest independence from and conflict with the Catholic Church, the years of the Interdetto. A sharp demarcation between state and church jurisdictions, rather than the creation of a national church, allowed Venice to forcefully intervene into abduction-based conflicts.

While such judicial-political orientation demonstrates the Venetian state’s strong will of domination, which reached its peak in the first decade of the seventeenth century, what were the consequences for the women who were victims of forced abductions? Does greater severity entail more justice for the victims? The most apparent outcome of this harsher justice is greater severity toward abductors, but equally evident is that such ‘severe’ justice did not approve out-of-court settlements nor compensate the victims. Also, the nature of the examined sources does not allow me to see the long-term consequences on the victims, but it seems unlikely that such justice alone could bring closure.
The institutional context: the Catholic Church

Sharp demarcation between State and Church jurisdictions did not necessarily entail conflict between the two institutions. The Church decree *Tametsi* (1563), which transmitted the Catholic Church’s measures on abduction discussed at the Council of Trent, was promptly accepted in Venice. At the Council of Trent, the heart of the Catholic Church's efforts to reform itself in the aftermath of the Protestant Reformation, the prelates discussed the reform of marriage, which the Protestant world had heavily criticized by denying its value as a sacrament. This criticism, however, removed marriage from the control of the ecclesiastical institution giving back greater control over it to the family. One specific Protestant criticism was that marriage was so easily manipulated, as in clandestine marriages and bigamy. In Trent, the prelates of the Catholic world reaffirmed the notion of the sacrament of marriage in opposition to the Protestants, limiting, however, the ambiguity and ease of manipulating the sacrament by introducing more stringent rules.

In order to contain practices such as clandestine marriages and bigamy, the Council of Trent strengthened the public character of marriage and its surveillance on the part of the Church through the parish priest. The new rules required the announcement of the marriage for three consecutive Sundays in the future spouses’ respective parishes. If no objection was raised, the ceremony could take place. The ceremony was to take place in the parish of the bride *in facie ecclesiae*, that is in the presence of the priest and two or three witnesses at the church doors. The presence of the priest was necessary, and not simply recommended, to the

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validity of the sacrament. According to historian Elena Brambilla, the theological explanation that legitimized the new standards was based on the Spanish neo-scholastic theology that placed the foundation of marriage in grace, that is the divine spirit, rather than in consent or contract. And in Catholic doctrine grace could only be transmitted by the priest. The Tridentine rules introduced higher publicity and control by the ecclesiastical institution, but unlike the Protestants did not require parental consent for the validity of marriage. Parental consent was recommended, but was not considered necessary. This facet of the doctrine on marriage left open a margin of freedom, however limited, for couples who did not have their families’ approval.  

The debate on abduction followed that on clandestine marriage. Such temporal proximity suggests that the prelates were concerned with the manipulation of the Catholic doctrine of marriage in consensual abductions and not exclusively with the issue of violence when discussing abduction. As already mentioned, in fact, abduction had a double connotation, referring both to the forcible and consensual abductions of a woman, that is the kidnapping against her will and her consensual departure from her paternal house without her father’s consent. The question posed by the prelates was whether the kidnapping was an absolute impediment to marriage. The answer was a compromise: kidnapping was considered an impediment only as long as the woman was in the power of her abductor. In order to ensure the authenticity of her consent, which was essential to the validity of marriage, she had to be placed in a safe location, away from her abductor. If, after the separation, she wanted to marry him, marriage could ultimately take place. This decision reprimanded, but did not harshly condemn

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abduction for marriage. If this measure, however moderate, helped to reprimand forced unions, this was not the only issue at stake. The temporal framework of this debate suggests that the prelates were concerned with marriages celebrated without parental consent.\footnote{For the chapter on abduction in the proceedings of the Council of Trent see Conciliorum Oecumenicorum Decreta, edited by Alberigo J., Dossetti J. A., Joannou P. P., Leonardi C., Prodi P. (Bologna: Istituto per le scienze religiose, 1973), 758.}

Parental consent was recommended but not required in the Catholic doctrine marriage, a stance that the post-Tridentine Catholic Church did not modify. This position makes sense in light of the Church’s efforts to strengthen its own authority over the families. It makes no sense, however, if we consider that the prelates who were discussing marriage at Trent came from the same families of the ruling classes who were interested in maintaining control over the choices of their sons and daughters. This contradiction has been addressed by James Casey for early modern Spain: the Catholic Church never made parental consent a requirement for the validity of marriage because upper class families in honor-based cultures needed, in some instances, to forge unequal marital unions. These misalliances, which were disreputable from the point of view of social decorum, were nevertheless convenient if, for example, they permitted a noble, but impoverished family access to new money. This indirect way of merging new wealth to old status was made necessary by the rigid class boundary marked by honor values. To summarize Casey’s argument, the Church maintained an accepting view toward unions motivated by passion to save the interest of the upper classes. While this is a plausible motivation for the ruling classes, the analysis of the sources from the Venetian Republic reveals more varied situations especially following the implementation of the measures against abduction. For example, people resorting to abductions did not come exclusively from the
aristocracy, but also and more often from the lower classes. In sum, Casey’s argument explains the motivations of the Church hierarchy, but does not examine the diverse reasons why women were abducted or left their paternal house of their own will.

Regional diversity

Due to the more forceful assertion of state and church jurisdictions over abduction, many cases entered the legal sphere, which reflected a variety of situations due to the regional diversity within the Venetian state. In particular, one area stands out from the other examined territories for its cultural distinctiveness: Venetian Istria requires a discrete analysis due to its peripheral location, a peninsula situated on the northeastern border of the Republic, and its diverse cultural makeup due to the immigration of populations from the southern Balkans during the sixteenth and seventeenth centuries. Notable features of Istria are the Catholic Church’s strong influence in this region, exercised through the implementation of the Tridentine norms, and the geographical distribution of abductions within remote rural areas in Istria.52

Ample evidence for the incisive presence of the Catholic Church in Istria can be found in the archives of the Diocese of Parenzo and, to a lesser extent, in that of Cittanova. In the former, thanks to its wonderfully preserved archive, I have identified 347 legal proceedings for raptus during selected time periods from 1602 to 1759. In Cittanova, located north of Parenzo, I have identified only 11 cases for raptus from 1633 to 1731. This low frequency of cases drops off

52 The examined sources indicate that abductions were also judged by local secular courts with ordinary procedure and in some instances with the Council of Ten’s inquisitorial procedure. If those involved in abductions were recent immigrants, the so-called habitanti novi, they fell under the jurisdiction of the Captain of Raspo regardless of where they lived in Istria. On the Captain of Raspo’s jurisdiction over habitanti novi, which was given to him by the Senate on 18 June 1592, see Atti e Memorie della Società Istriana di Archeologia e Storia Patria (from now on indicated as AMSI) XII (1897), 66.
entirely further north in the area of Capodistria, where I have not found any proceedings for abduction for the years 1578-1650.\textsuperscript{53} The bulk of primary sources originated in small villages in the hinterland of Parenzo and Cittanova, that is in the areas most directly affected by the arrival and settlement of immigrants. Abduction for marriage appears to have been widely in use among Morlacs, one group that stood out among the diverse world of immigrants. Some instances were clearly voluntary and speak of different matrimonial customs that then fell under the surveillance of the Catholic Church. By contrast, other instances were clearly violent and were influenced by the unstable social climate that affected Istria during the colonization or settlement.\textsuperscript{54} Therefore, this examination of Istrian cases for abductions also enhances the understanding of the immigrants’ process of settlement and the dynamics of cultural change within an institutional context showing great cultural and linguistic differences. I argue that early modern Istria experienced a process of mutual accommodation between the cultures of its subjects, with their diverse backgrounds, and that of the central institutions, most notably the Catholic Church.

\textbf{Temporal changes}

Lastly, the temporal framework of this research, which spans from the late sixteenth through the late eighteenth centuries, allows me to trace long-term changes in this marital practice. Notable changes are the decline of violence and the shift in the perception of forcible and voluntary abductions. Remarks from the late eighteenth century depict the forcible abduction of women as something definitively belonging to the past and abductions willingly initiated by the young

\textsuperscript{53} There is no extant evidence from the Diocese of Pola.

\textsuperscript{54} For an overview of early modern Istria see Egidio Ivetic, \textit{L’Istria moderna 1500-1797. Una regione di confine} (Verona: Cierre, 2010).
couple as a more common practice. Also, it is noteworthy that a daughter’s flight from her paternal house was considered *her right* among the most progressive fringes of late eighteenth-century legal thought. These long-term changes demonstrate a change toward less narrowly defined legal control over female sexuality and toward confining honor values to the private sphere of the family. This is, of course, a direction, a trend, since individual contradictory instances can still be found in the eighteenth century, and later Italian history shows that honor values did not entirely disappear from the criminal codes until fairly recently.

**Primary sources and chapters breakup**

The primary sources for this research are comprised mainly by state- and church-generated court cases for abduction. In some specific instances, I have complemented the case with other kinds of sources, such as petitions, notarial records, census data, and baptismal records.55

I started my research by looking at the *Avogaria di Comun* archive, the collection of this Venetian magistracy’s records that is kept at the Archivio di Stato di Venezia. More specifically, I looked at appeal cases that originated in the territories. In addition to detailing cases of abduction, these records are also interesting in that they speak of the relationship between Venice and its territories. The criminal cases kept in the *Consiglio dei Dieci, Collegio, and Inquisitori di Stato* archives (all three kept in Archivio di Stato di Venezia) describe this relationship to an even greater degree because these magistracies were among the most powerful political judiciaries of the Republic. The Senate archive (also kept in the Archivio di Stato di Venezia) was my primary resource for measures

55 Although the material examined is varied and abundant, the archival series are chronologically discontinuous, therefore I have refrained from doing a quantitative analysis.
against abduction in the fifteenth and early sixteenth century. Although not specific on abduction, the *Esecutori contro la bestemmia* archive has provided helpful information about how the Venetian state intervened in instances of breach of marriage promise and blemished female honor. I also consulted the *Causae Matrimoniorum* in the Archivio Storico del Patriarcato di Venezia, with limited findings, however.

In order to have more contextual knowledge about two specific instances of abduction (that of the Maggi sisters and that of Cassandra Stiveri, which I examine in chapter one), I did deeper research in Brescia (Archivio di Stato di Brescia; Biblioteca Queriniana) and Verona (Archivio di Stato di Verona; Archivio parrocchiale di Tarmassia). I complemented the perspective on the relationship between Venice and her territories with research in selected archives from the Terraferma (Archivio comunale di Noale; Archivio di Stato di Treviso), in order to see those records that did not reach appeal magistracies in Venice, but remained in inferior courts.

As for the Venetian Istria, the majority of my sources was generated by the Church and comes from the *Diocesi di Parenzo* archive (Archivio Diocesano di Parenzo) and to a lesser extent from *Diocesi di Cittanova* (now in Archivio Diocesano di Trieste). I have also examined the *Diocesi of Capodistria* archive, without finding any sources, however. In addition, I have consulted the *Archivio diplomatico Arrenghi o condanne criminali di Capodistria, 1577-79* at Biblioteca Civica di Trieste. Research visits to Archivio di Stato di Trieste and Archivio di stato di Capodistria did not yield any sources.
I present the examined primary sources in four chapters according to the following themes. The first chapter deals with abductions involving the nobility from the mainland. The second chapter discusses abductions among the peasantry with examples from both the Terraferma and Venetian Istria. The third chapter examines abductions in the Venetian Istria. The fourth chapter considers temporal changes in abduction.

Chapter 1: “Abduction among the Terraferma nobility”

In this chapter, I analyze three criminal cases from the years 1560, 1582, and 1605. All three originated on the Venetian mainland or Terraferma, involved members of the Terraferma nobility, and were resolved through the intervention of the dominant political center, Venice. They provide an excellent source for exploring the Terraferma nobility’s use of abduction, in particular their use of violence to gain possession of women and their dowries. I argue that competition for women, with its deep-rooted implications for family honor and inheritance, was a crucial factor triggering broader conflicts and even feuds. The cases examined here also indicate the ways in which Venice more forcefully asserted its jurisdiction over abduction-based conflicts in the Terraferma from the late sixteenth through the early seventeenth centuries. In turn, this undermined the Terraferma nobility’s power. Following Venice’s greater assertion of state power, not only did aristocrats undergo a weakening of their political legitimacy, but also they were forced to redefine their concept of family honor and to narrow their strategies of survival.
Chapter 2: “Abduction for Marriage among the Peasantry of the Terraferma and Istria”

In this chapter, I will examine abductions that originated in rural settings. First of all, it is noteworthy that such instances form the majority of the abductions in this research. That abductions were mainly a non-urban practice is also confirmed by the extraneousness of the city of Venice; although present in this research as dominant political-judicial center, Venice does not generally appear as the origin of abductions. The concentration of such abductions in the low social strata of rural areas is also noteworthy: most abductions involved peasants who were engaged in manual labors in the fields and, sporadically, artisans of poor economic means. Contemporary judicial authorities gave less importance to such cases than those involving aristocrats, which I examined in the first chapter. This does not mean, however, that they are less relevant for a historian. These sources give us a unique insight into the lives of the peasantry of the Venetian mainland and Istria and particularly, into the ways they conceived relationships of authority within the family.

The questions that I will address in this chapter revolve around three basic issues. First, why did abductions occur in rural settings? Granted that both voluntary and forced abductions challenged the family authority to which the abducted woman was subject, this question leads us to investigate relationships of authority within peasant families. Who were the family authorities? By whom and with what motivations were they questioned? The second group of questions elaborates on the woman’s place in abduction-based conflicts. How did women negotiate their role in such conflicts? How did they react to forced abductions? And how did the negotiation of such conflicts mesh at all in a culture that gave
overarching importance to female honor? What is the relation of female agency to honor? In answering these questions, I intend to contribute to the debate on gender and honor in the Mediterranean that has been fueled by both historians and anthropologists for decades. To conclude, the third and last group of questions continues my discussion of the Venetian State’s and the Catholic Church’s greater assertion of power over abduction-based conflicts. I will specifically examine the State’s and the Church’s influence on abductions and on family relationships in rural settings.

Chapter 3: “Abduction for Marriage in Istria”

Many more cases for abduction occurred in Venetian Istria than in Terraferma, and in this chapter we see how regional differences affected the practice of abducting women for marriage. The most glaring distinctive features of Istria were its peripheral location and the cultural diversity therein. Located on the eastern border of the Republic, Istria was the destination for waves of Christian immigrants from the Ottoman Empire, especially Dalmatia, Bosnia, and Herzegovina. These groups, more intensely in the sixteenth and seventeenth centuries, increased the cultural diversity within Istria. Such diversity becomes visible in abduction cases as well: the great majority of those involved were Slavophone and among these, the Morlacs stood out for their different customs; to a lesser degree we can also find Albanians and Italophones. The largely non-Italophone background of those involved in abductions stands in stark contrast to the Venetian background of church and state hierarchies.

As throughout the dissertation, I focus on the way abduction-based conflicts were resolved, convinced that the venues and modalities of conflict
resolution were a kind of theater where power relations were staged. In addition to church and state trials, in Istria we also find compromises, a more locally-rooted way of resolving abductions (compromises were in use in Terraferma as well, but not for abduction). Because of its Istrian specificity, I start my analysis with a compromise for abduction that occurred in 1646 and explicate its cultural implications, especially the intra-family cohesion that the parties in conflict show in suffering and responding to offenses. Then, I contrast the case to the ecclesiastical trial, which gave greater space to individual voices, in particular to that of the abducted woman. The abundance of ecclesiastical sources is evidence of the active role played by the post-Tridentine Catholic Church in Istria. I argue that a relationship of mutual accommodation, rather than sheer domination, resulted from the Church’s encounter with the rural Istrian population. As for the state, its role in abductions in Istria appears more tepid than the Church’s. Although the few extant sources do not allow me to make broad generalizations, there is indication of possible leniency on the part of state authorities toward new immigrants, especially Morlacs, because of their role as the military force in the service of the Venetian state.

Chapter 4: “Temporal Changes in Abductions”

In this chapter I will explore the temporal changes in abduction for marriage across the course of the examined period and in particular in the eighteenth century. I will start with a document regarding abduction by the legal consultant (consultore in iure) Piero Franceschi, drafted in the year 1791 at the request of the Council of Ten. In this writing Franceschi comments on the decline of violence in abductions, the decriminalization of non-violent sexual crimes, and
the rise of a new cultural sensibility regarding abductions. Although violence did not entirely fade off, some forms of violent abductions, that is abductions tied to complex marital strategies involving the aristocracy from Terraferma, and group abductions from the Venetian Istria, did decline. Also, eighteenth-century sources evidence the increase of elopements, greater willingness to challenge family authorities and a more accepting view of romantic love and the rights of daughters.
Chapter 1

Abduction among the Terraferma nobility

Brescia 1560

It is the thirtieth of July in the year 1560. We are in Brescia, an ancient town on the Venetian mainland. The criminal judge is going to the house of Paola Averoldi, widow of the late nobleman Scipione Maggi. The night before, the Maggi family reported to the Venetian rector that Barbara, Giulia, Caterina, and Teodora, born from Maggi’s previous marriage to Teodora Brunelli, had been abducted. The four sisters were violently kidnapped by their maternal uncle, as was reported in the formal denunciation. But the abduction was not the only dramatic event that had struck the Maggi family. Once in their house, the judge found Paola Averoldi smitten by grief for the loss of her three-year-old son, Scipione, the couple’s only child. The child passed away the night before, only a few hours after his stepsisters were kidnapped.

Lying in bed in her nuptial bedroom, Paola Averoldi told the judge the details about the kidnapping. The four sisters’ maternal grandmother had paid them a visit the evening before. After the usual exchange of greetings, she asked Paola permission to take her grandchildren home in order to spare them the suffering of their step-brother’s imminent death. In the face of the oldest sister

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56 The crime was reported by both Pier Vincenzo Maggi, legal guardian of Scipione Maggi’s will, and Ferrante Averoldi, Scipione Maggi’s widow’s brother. Pier Vincenzo and Scipione Maggi had married two sisters of Ferrante Averoldi. See ASV, Avogaria di Comun, Miscellanea Penale, busta 353, fascicolo 13.

57 ASV, Avogaria di Comun, Miscellanea Penale, busta 353, fascicolo 13. The language of the sentence stresses that the abduction occurred while the young Scipione Maggi was still alive, a further indication of the affront against the Maggi family.
Barbara’s fierce opposition to leaving the house, their maternal grandmother asked if they could come down to the courtyard to touch their uncle Pompeo’s hand. Touching the hand (toccare la mano) was a reverential gesture that the four sisters did not manage to escape.\textsuperscript{58} According to the other testimonies, once in the courtyard, Barbara touched her uncle’s hand, and he unexpectedly pulled her arm and kept her. Despite Barbara’s and her sisters’ screams and resistance, they were dragged into a coach and led to the Brunelli’s house escorted by a large retinue of armed men. According to the accusers, there were more than fifty.

Unlike most of my research cases, the abduction of the Maggi sisters has no sexual connotation, but like other cases it was accomplished for marital purposes. Pompeo Brunelli, in fact, wanted to decide his nieces’ future marriages in order to climb the Brescian social ladder.\textsuperscript{59} The Brunelli family was of relatively recent nobility, and Pompeo aimed to use his nieces to form alliances with the most ancient and powerful noble families in Brescia.\textsuperscript{60}

Pompeo’s nieces were in danger because of the premature passing of the young Scipione Maggi, the only male heir of a huge family fortune. Had he survived, his sisters would have been granted rich dowries but not the family’s whole wealth.\textsuperscript{61} His premature death changed the transmission of property within

\textsuperscript{58} See ASV, 	extit{Avogaria di Comun, Miscellanea Penale}, busta 353, fascicolo 13. Testimony of Paola Averoldi.

\textsuperscript{59} For instance, during his interrogation Pompeo Brunelli referred to have told them: “Come le mie putte, non voleti venir con mi? Voleti star qua con costoro che non sono vostri parenti che vi maridarano a suo modo? Venite con mi che vi darò di mariti par vostri.” (How my children, don’t you want to come with me? Do you want to stay here with them who are not your relatives and who will marry you in their way? Come with me, I will give you husbands of your level) ASV, 	extit{Avogaria di Comun, Miscellanea Penale}, busta 353, fascicolo 13, fol. 22v.

\textsuperscript{60} The Brescia aristocracy was comprised of old and more recent nobilities. Among the former, two branches of the Martinengo family polarized the feud within the aristocracy. This use of abduction is consonant with the findings of Henriette Benveniste’s and Geneviève Ribordy’s studies of abduction among the French nobility in the Middle Ages and the abduction of heir and heiresses in medieval England. See Benveniste, Ribordy, and also Andy King, “Jack le Irish and the Abduction of Lady Clifford, November 1315; the Heiress and the Irishman,” 	extit{Northern History} 38 (September 2001), 187-195.

\textsuperscript{61} See sentence in ASV, 	extit{Avogaria di Comun, Raspe}, registro 3676, fols. 268v-275r.
their family and made the Maggi sisters the sole heiresses of their family’s fortune, estimated to be two hundred thousand ducats. This also made them the target of their maternal family’s ambition.

What rights did the Maggi sisters’ maternal family have over them? In the trial records, Pompeo Brunelli is reported asking his nieces why they wanted to stay with their stepmother, Paola Averoldi, and her family, to whom they were not related. But being closer to his nieces by virtue of bloodlines did not necessarily mean that Pompeo had legal rights over them. In fact, legally, the responsibility for the Maggi sisters fell under the Maggi-Averoldi axis. Their father, Scipione Maggi, had clearly tried to place them under the protection of his lineage by appointing Pier Vincenzo Maggi as guardian of the will. The latter and Ferrante Averoldi, Paola’s brother, reported the abduction. The Averoldi-Maggi alliance was further reinforced by Pier Vincenzo Maggi’s marriage to Paola’ and Ferrante Averoldi’s sister. But the unfolding of the conflict shows that the Maggi-Averoldi alliance and the sisters’ fate was contestable.

The Brunelli family’s strategic use of daughters

The Brunelli family’s motivation for abducting the four girls is complex because of its position in the power map of Brescia. First of all, they were a family of relatively recent nobility. The Brunelli family became rich between the late fourteenth and the early fifteenth centuries by working in the wool trade. In 1430, members of the family obtained Brescian citizenship. By 1471, Gasparo Brunelli, son of one of these first citizens, was appointed to several important offices including that of consolato alla mercatura. In addition, he obliged his heirs

62 BQ, Brunelli, Memorie storiche della Casa Brunelli di Brescia.
63 On 24 February 1430, the podestà Nicolò Cappello granted the citizenship to the brothers Giovanni, Antonio, and Benvenuto Brunelli and to other members of the family, namely Orsino, Cristoforo, Torino, Giovanni Vincenzo, and Pasquino.
not to divide family property so that it would pass intact to future generations (a *fideicommissum*). Much of his property passed to Benvenuto Brunelli, Pompeo Brunelli’s father. In his will, Benvenuto did something unusual for strategic social purposes. He gave his daughters a privileged position, at least in relation to the collateral branches of the Brunelli family. In case of the death of a male legitimate heir, Benvenuto Brunelli decided that half of his property would go to his daughters and half to his brothers and their children. If his brothers opposed his will on the basis of the *fideicommissum*, their part would go entirely to his daughters. However, Benvenuto Brunelli had two sons, Pompeo and Gerolamo, so the family wealth was not invested in his daughters. It is significant, however, that if there was not a male heir, Benvenuto Brunelli would rather have concentrated his wealth in his daughters than in the collateral branches of his lineage.

Both Benvenuto Brunelli’s preference for passing his property to his daughters rather than his male relatives and Pompeo Brunelli’s insistence upon deciding his nieces’ matches are striking. Although economic motives clearly played an important role in such decisions, they need to be complicated by other explanations. Why, in fact, concentrate wealth in daughters if the latter action would transfer it to other families in the form of dowries? The answer seems to rest in the practice of marrying daughters to families of higher social standing. The

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65 Ivi.
66 Benvenuto Brunelli and Chiara Cazzago, married in 1510, had nine daughters, Maria, Laura, Zeneura, Margherita, Cassandra, Teodora, Gabriella, Aurelia, Petronia, and two sons, Giovanni Gerolamo and Pompeo.
power and prestige deriving from such alliances counterbalanced the share of property lost through dowries.\textsuperscript{67}

**From the kidnapping cases in Brescia to the appeal in Venice**

In Brescia during the 1560s, the strategy of social advancement by means of abduction could only succeed if one knew and could manipulate the legal mechanisms that linked Brescia to the dominant political center, Venice. Both the Maggis and the Brunellis were able to do just that. In the end, the legal process ended favorably for the Brunellis. However, it was only a partial victory, as we will see.

Following the abduction, the Maggis started a criminal and a civil lawsuit in Brescia: the former aimed at obtaining revenge and the return of the four girls, and the latter aimed at safeguarding the integrity of the Maggi family’s patrimony. In order to decide the course of both the criminal and civil actions, the Maggi’s male kin appointed three representatives. It is noteworthy that fifteen male Maggi family members, each representing a branch of the extended family, were present at the legal appointment of the Maggi’s representatives, indicating that the entire lineage might be damaged by the abduction.\textsuperscript{68}

\footnote{\textsuperscript{67} In addition, judging from other evidence it seems that cognatic bonds mattered in early modern Brescia. See Ferraro, \textit{Family} ...
\textsuperscript{68} ASB, \textit{Notarile}, Girolamo Zanetti, filza 1695. The three representatives were Onofrio, Guerriero and Pier Vincenzo Maggi. Based on the memoirs of Mons. Fé kept at the Biblioteca Queriniana di Brescia, Flaviano Capretti wrote this biographical information on Onofrio Maggi: “Il nobile Onofrio Maggi, primogenito di Nicolò e di Margherita di Rinaldo Schilini, fu un giureconsulto tanto stimato per scienza e prudenza che i Milanesi lo vollero Capitano di Giustizia e quel Senato, per premiarlo, lo investiva nel 1567 del feudo di Gradella e contado di Vailate con titolo comitale per sé e discendenti. Nel 1570 fu creato dalla Repubblica Veneta cavaliere di San Marco. Nel 1577, nominato per la peste, assieme al nobile Onorio Stella, Provveditore del Lazzaretto, vi si chiuse, comportandovisi in modo superiore ad ogni elogio. Suo fratello Agostino lo chiamò erede ed egli eresse, su disegno di Lodovico Beretta, il palazzo in via dei Musei che tuttora appartiene ai suoi discendenti.” Initially, the case was moved to the captain’s court since many of the accused were soldiers. Then, the Maggi requested the case be signaled to the \textit{Capi} of the Council of Ten. Ibidem, fol. 41.}
The abduction of the four Maggi sisters had started a conflict that did not remain confined to the legal venues. One night in September of the same year, strangers set fire to the Maggi’s palace. Somebody had broken into the wood store. From there, the flames had spread all over the palace and only the external walls were left standing, blackened by smoke. The darkness of the night hid the identity of the arsonists. But this did not prevent the injured from drawing their own conclusions about who were the likely principals in the crime, as Onofrio Maggi sarcastically hinted in a petition to the Collegio.

However, it is the network of those involved in the abduction that gives us a measure of how profoundly the conflict must have seeped through the city social fabric. The list of the Brunelli’s accomplices involved members of other noble families, such as the Ugoni, Porcellaga, Pontevico, Gervaso, and Palazzi. Against this network, the Maggis could count on their afore-mentioned alliance with the Averoldi family. The tension generated by the abduction was also stressed in a writing more than one hundred years later, 1674, in which the author, a descendant of the Brunelli, related that the city of Brescia was polarized around the Maggis and the Brunellis with their followings of relatives and clients. Following the abduction in 1560, the implacable enmity between the two factions reached such excesses that it was necessary for the city to send an ambassador to

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69 On September 18, the delegation was suspended by intervention of the Avogadori di Comun after request of the Maggi. ASV, Avogaria di Comun, Intromissioni 1554-63, busta 3380.
70 In the petition, he asked that: “si metta taglia con il meglio deli eccellentissimi suoi consegli per venire in luce il che non puol fare il clarissimo suo podestà di Brescia; però con ogni reverenza la supplico che si degni di delegar questo incendio di qua, accioché con l’autorità di questi eccellentissimi magistrati si possa venire in luce deli delinquenti ...” See ASV, Collegio, Risposte di fuori, filza 314, 23 October 1560, petition of Onofrio Maggi for arson after the abduction.
71 Members of these families are listed in the criminal sentence as defendants in addition to Pompeo Brunelli. On these noble families see Ferraro, Family ...
Venice, at its own expense, in order to plead for the Most Serene Republic’s help in resolving the dispute.\textsuperscript{72}

It is likely that this case from Brescia made manifest to the highest political authorities in Venice the disruptive potential of conflicts over the possession of women.\textsuperscript{73} In fact, on 16 December 1560 the Council of Ten, one of the highest political-judicial organisms, issued a law against the crimes of abduction, rape, murder, arson, and violence against property and persons.\textsuperscript{74}

The Brescian first-grade criminal and civil cases went favorably for the Maggis. Pompeo Brunelli was sentenced to ten years of banishment, a serious type of punishment of medieval origin. In addition, the Maggi property remained safely under their control.\textsuperscript{75} However, after the condemnation, the Brunelli family appealed against the sentence to the Venetian magistracy of the Avogaria di Comun, which directed the case to the court Quarantia Criminale.\textsuperscript{76} Two years later the Brunelli family and the others involved in the abduction were absolved.

\textsuperscript{72} “…li Maggi con li parenti et adherenti per una parte e li Brunelli con loro parenti et adherenti per l’altra tiravano seco la città tutta di Brescia, come si vede anche nella supplica stessa spedita con ambasciatori al Serenissimo Prencipe, et implacabili inimicitie quali mettendo anche la città tutta a armi per occasione de partegiani, gionsero a tali e tanti eccessi che per mettervi rimedio fu di bisogno che la città stessa spedisse ambasciatori a spese del publico a Venetia per implorare il necessario soccorso da quella Serenissima Repubblica come il tutto appare ne’ sopraddetti voluminosi processi.” BQ, Giovanni Gerolamo Brunelli, Storia delle vertenze fra i conti Gambara e i nobili Brunelli nei secoli XVI e XVII, 1674, see prima ricognizione.


\textsuperscript{74} Leggi criminali del Serenissimo Dominio Veneto in un solo volume raccolte e per pubblico decreto ristampate (Venezia: Pinelli, 1751), Law 16 December 1560 issued from the Council of Ten with Zonta, pp. 50-51

\textsuperscript{75} On 4 December 1560 Pompeo Brunello was banished from the city of Brescia, its district, from “quatuor loci”, and from the city of Venice and the Dogado for ten years. See ASV, Avogaria di Comun, Raspe, reg. 3676, fol. 268v, sentence 21 November 1562, in which there is a reference to the sentence of banishment issued by the capitano of Brescia.

\textsuperscript{76} Among the multiple functions of this magistracy, there was the task to filter the appeal requests coming from the courts of the mainland and directing them to one of the Venetian courts. On the Avogaria di Comun see Melchiorri, Bartolommeo, Miscellanea di materie criminali (Venice: Bassaglia, 1741), 290; Cozzi, Gaetano, “Note sopra l’Avogaria di Comun” in Atti del Convegno “Venezia e la terraferma attraverso le relazioni dei rettori.” Trieste, 23-24 ottobre 1980, edited by A. Tagliaferri (Milano: Giuffrè, 1981); Alfredo Viggiano, Governanti e governati. Legittimità del potere ed esercizio dell’autorità sovrana nello Stato veneto della prima età moderna (Treviso: Canova, 1993), 52.
and the Maggis were condemned to pay the legal expenses. The civil case also ended in favor of the Brunellis with the annulment of the first-grade sentence. However, the entire operation costed the Brunellis a fortune. At the end of the seventeenth century, the above-mentioned descendant of Pompeo Brunelli wrote in his memoir that the court confirmed the family’s claim by placing the four sisters under the exclusive tutelage of the Brunelli family. However, he further noted, in the meantime forty-five of the Brunelli were incarcerated in Venetian prisons for two years, accruing their expenses. In addition to this, the Brunelli appear to have won only a pyrrhic victory over the Maggi, for the latter never actually paid the legal expenses to the Brunelli, which had been imposed on them by the Venetian court.

**End of the conflict?**

Following the appeal, the Brunellis managed to marry two of their nieces into the Gambaras, a powerful family of the oldest nobility in Brescia. In 1566, six years after her abduction, the oldest niece, Barbara, married the count Nicolò Gambara and two years later the second oldest, Giulia, married his younger brother Lucrezio. Whether the double marriage proved a stable alliance between the

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77 The sentence of the first-degree case against Pompeo Brunello was cancelled in Quarantia Criminale on November 21, 1562; his accomplices were absolved on November 26. ASV, Avogaria di Comun, Raspe, registro 3676, fols. 268v-275r.

78 For information about the civil case see BQ, Brunelli, Giovanni Gerolamo, Notitie raccolte dalle scritture usate nella lite principiata del 1569 tra SS. CC. Luchretio e Nicolò fratelli Gambara, contra li SS. Giovanni Girolamo e Pompeo fratelli Brunelli zii medesimi SS. CC. continuando sino alla morte di tutti essi, fols. 8-9.

79 He noted that the Brunelli: “stettero due anni continui con spese immense in avvocati e moltissime reghe, non per altro che per salvar la vita, l’honore e la robbia alle medeme quattro loro nipote e toglierle dalle insidie della loro matrigna Paola Averolda...ma con il divino aiuto conosciuta la ragione validissima de’ Brunelli furono totalmente da quella terribile querela assolti e confermate le quattro nipote in Casa Brunella e sotto la sola loro protezione e custodia, come il tutto consta distinta- e diffusamente nelle sentenze e nelli voluminosi processi, restando anco condannati li querelanti nella spese, quali però mai si sono potute havere.” In BQ, Brunelli, Giovanni Gerolamo, Notitie..., fol. 8.
Brunellis and the Gambaras is, however, questionable.\textsuperscript{80} Their amity turned into enmity when the Brunelli decided to marry the third niece, Caterina, to Rizzardo Avogadro, a match that the Gambara did not approve.\textsuperscript{81} Their moving away from the Gambara’s sphere of influence opened a new conflict. On the day of the wedding ceremony, Nicolò Gambara kidnapped the youngest of the four sisters, Teodora.\textsuperscript{82}

**Uncertain demography, abduction, and aristocratic feuds in the Venetian mainland**

In the abduction of the four Maggi sisters, the origins of the conflict are rooted in the uncertain terrain of sixteenth-century demography. The Maggi sisters had experienced the loss of their parents at a young age. Their mother, Teodora Brunelli, had died in childbirth when Barbara, the oldest daughter, was not even five years old. We do not know when their father passed away, but he must have died between 1557 and 1560.\textsuperscript{83} The Maggi sisters’ parents’ death already made their situation uncertain, but it was the premature passing of their stepbrother Scipione Maggi that made their place within the family open to negotiation through conflict. Notwithstanding the specific precipitating factors, however, the explosion of the feud was not a rare event in Brescia.\textsuperscript{84} In particular, feuds began to escalate in Brescia in the last quarter of the sixteenth century and continued

\textsuperscript{80} The Brunelli had sustained heavy expenses in favor of their nieces, for which they demanded the Gambara compensation. The Gambara gave the Brunelli thirty hours of water, which the Brunelli accepted.

\textsuperscript{81} On the feud opposing the Martinengo and Avogadro families see the Brescia’s podestà remarks from the year 1567. According to the podestà of Brescia these two families “per rispetto di questa passione, che preme i cuori loro non è cosa che non facessero per offendersi l’uno l’altro con occasione. Cadauno di questi principali ha delle dependentie, in la Città fanno ogni sorta di favori a suoi satelliti et quando che ponno offendono quelli che dependono da suoi nimici.” Quoted in Claudio Povolo, “La conflittualità ...”, 114.

\textsuperscript{82} Teodora married the count Nestore Martinengo da Barco, member of one of the most powerful families in Brescia. See BQ, Brunelli, Giovanni Gerolamo, *Memorie storiche della Casa Brunelli di Brescia* and Paolo Guerrini, *Le cronache bresciane inedite dei secoli XV-XIX*, (Brescia: Editrice Brescia Sacra, 1922), vol. 7, 374, footnote 1.

\textsuperscript{83} Barbara, the oldest sister, was eleven at the time of the abduction.

\textsuperscript{84} See footnotes 71 and 84.
Throughout the seventeenth century. By no means was this situation limited to Brescia as states of social unrest arising from similar circumstances are to be found throughout the Terraferma and other Italian states.

**Venice, the Dominant city, and the unruly Terraferma nobility**

The 1560 law concerning crimes of abduction, rape, murder, arson, and violence against property and persons had manifested the authorities’ desire to hold violence in check in the mainland. However, beginning in the mid-1570’s this problem posed itself with even greater urgency, as evidenced by the reiteration of the same law in 1574. In addition, by virtue of this law, rectors and *degani*, respectively the Venetian representatives in towns and representatives from small communities, had to notify any instances of abduction, and the offenders could be prosecuted even in the absence of a formal complaint from the wronged party. This procedural change marked a much stronger will of domination on the part of Venetian authorities. Also, authorizing anybody to kill the authors of such crimes if caught in the act, the 1574 law manifested the urgency of the situation in the 1570’s.

As has been noted by Claudio Povolo for the Venetian Republic, violent conflicts heightened in both urban centers and the countryside. In the latter, litigation between landowners often resulted into particularly bloody feuds.

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85 On the feud opposing two branches of the Martinengo family with their respective following of supporters and clients and more in general on the high level of conflicts in Brescia see the *Sindici Inquisitori*’s report from the year 1621 in ASV, *Collegio, Relazioni*, busta 54; and Ferraro, *Family* ..., 133 and following.

86 See Claudio Povolo, “La conflittualità ...”

87 The law of 1574 reported that “che se alcuno solo o accompagnato, con insidie et appostatamente anderà alla casa di qual si voglia persona o verò nella strada commetterà homicidio, sforzo, rapto, incendio o violentia nella robba o nella vita possano in quello instante infragranti crimine esser impune presi et facendo resistentia morti da cadauna persona etiam in paesi alieni...” (if someone by himself or accompanied, with traps and in ambush will go to anyone’s house or in the street and will commit murder, rape, abduction, arson or violence against property or life, if caught in *flagranti crimine* they can be captured in that precise moment with impunity and if they resist, they can be killed by anyone even in foreign countries) See ASV, *Consiglio dei Dieci, Parti Comuni*, busta 120, 15 April 1574.
Banditry, vagrancy, and migration of marginals increased, adding to the social instability of the Republic. In addition, “almost undisturbed, rebel feudal noblemen crossed state boundaries, followed by their armed bands and outside the control of the region’s political center.” According to Povolo, this fresh wave of violence spoke the ancient language of the feud, used by noble lineages of the Terraferma to resolve their conflicts. However, as in other Italian states, Venice responded to the unruly actions of the nobility, by directing inquisitorial and expedited (sommarie) procedures against them, and thereby depriving the Terraferma nobility of their political legitimacy. The 1574 law is only one example of Venice’s assertion of state power against this alternative power center. The Venetian Republic’s response to the social unrest in the mainland as well as its efforts to tame an unruly nobility are part of an overall pattern by aggrandizing Renaissance states in Western Europe to subordinate noble power, and redirect it toward the growth of central state power. In Venice as elsewhere, such transfer of power occurred with an eye toward gender relations, as indicated by the inclusion of abduction and rape in the 1560 and 1574 laws.

**Abduction, crime of violence and crime of shame**

What were the consequences of Venice’s greater assertion of state power on the level of abduction-based conflicts? The texts of the 1560 and 1574 laws are framed in a way to suggest that abduction was a serious crime per se and also for its potential power of jeopardizing the peace of the Republic. These laws are to be understood as a response to the most violent cases, particularly those linked to aristocratic factional feuds. However, if this danger looms large in the 1560 and

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88 Ivi, 89-139.
89 For France see Hanley and Peirce.
1574 laws, the crime of abduction presents many different facets and was certainly not limited to instances of aristocratic factional violence, such as the Brunelli-Maggi case. Hence, the assertion of state jurisdiction ended up affecting other issues involved in abduction-based conflicts.

The most glaring of such facets, other than aristocratic factional violence, can be identified at the level of the legal definition of abduction. The latter also includes, in fact, ‘non-violent abductions.’ Throughout the early modern age the definition of abduction maintained a fundamental ambiguity, referring both to violent and voluntary instances. A clear definition of these two forms of abductions can be found in Lorenzo Priori’s Prattica Criminale, which can be considered as indicative of Venetian authorities’ legal orientation in the late sixteenth century:

"abduction (rapto) is committed when someone, out of lust, takes away and kidnaps against her will a virgin, widow, or another woman and takes her mainly for the purpose of kidnapping her from place to place and not of having greater convenience in the coitus ... The violence in the abduction is made manifest when the woman asks for help by bursting into screams or when some objects of hers, such as clogs, apron, and neckerchief, which are evident signs of the violence, are found on the ground where the abduction occurred on the street through which she has been taken away"

Priori’s definition also included the non-violent abductions:

"However, in absence of that violence, those who lead away a girl with blandishments and deceiving words are equally called abductors since this art of words is done with the only purpose to abduct her."

90 Lorenzo Priori’s *Prattica Criminale* condensed the author’s experience as cancelliere in the main podesterie of the Terraferma. As cancelliere, he closely followed the podestà’s judicial activity. See Claudio Povolo and Giovanni Chiodi, eds. *L’amministrazione della giustizia penale nella Repubblica di Venezia (secoli XVI-XVIII). I. Lorenzo Priori e la sua Prattica Criminale* (Verona: Cierre, 2004).

91 "il rapto si commette quando uno, per causa di libidine, per forza conduce via et rapisce una vergine, vedova o altra donna conducendola principalmente per fine di rapirla da luogo a luogo et non ad effetto di maggior commodità del coito ... La forza del rapto si conosce quando che la donna prorompendo in gridi chiami aiuto, o pure che si ritrovasse in terra nel luogo del rapto o per la strada per dove fosse condotta qualche robbia del suo, come sarebbe zoccoli, traverso, fazzoletto che sono segni evidentì della forza." Priori, entry rapto.

92 "Ma senza quella forza, si chiamano anche raptori quelli che con parole lusinghevolì et ingannatorie conducevesso via qualche putta perciòché tal arte di parole è fatta a fine solamente di rapirla." Priori, entry rapto.
Lorenzo Priori’s distinction between violent and non-violent abduction was not new in the late sixteenth century when he drafted his *Prattica Criminale*.93 Such distinction can also be found in some city charters of the communal age.94 My argument is that the offense against the woman’s and her family’s honor was the underlying common characteristic of both forms of abduction. What is at stake here is family honor that cannot be disentangled from the woman’s personal honor. As historian Giorgia Alessi-Palazzolo remarked in her study of seduction in early modern Naples, a woman was not the 'owner' of her honor, but its guardian on behalf of her family.95 Family honor is jeopardized whenever a woman is subtracted from her family and her honor compromised. Even in those cases in which the woman voluntarily joins her abductor, a loss is inflicted upon her family. From this perspective, it is irrelevant whether the abduction is violent or consensual, because the offense consists in the subtraction of the woman.

Such common cultural feature reveals deeper, Mediterranean cultural patterns. Anthropologists who have studied contemporary Mediterranean cultures, have underscored the distinct spheres of female and male honor. Female honor is identified primarily with the woman’s virginity and chastity. In addition, it is not just about the woman’s body but it is in the service of the continuity of pure bloodlines. Male honor is aimed at upholding the name, the reputation of the family through acts of courage and by taking revenge when necessary. These two spheres are interdependent: any offense against female honor affects male honor.

93 The *Prattica Criminale* was probably written in the years 1590s and was published in 1622 twelve years after his death. See Loris Menegon, “Appunti a margine della vita e delle opere di Lorenzo Priori” followed by “Prattica Criminale” in Chiodi and Povolo.

94 See my examination of city charters of the communal age in the introduction.

95 Giorgia Alessi-Palazzolo, “Il gioco degli scambi: seduzione e risarcimento nella casistica cattolica del XVI e XVII secolo” *Quaderni storici* 75 (1990), 805-831.
and vice versa. Female and male honor are equally important, but as Di Bella noted, female honor cannot be increased, it can only be guarded or lost. As Julian Pitt-Rivers has underscored, female sexual honor is contended over by men, a competition aimed at confirming and increasing their own and their family’s honor or—using his words—“a competition in which the winners are those who keep their daughters and take the women of other groups in addition, giving only their patronage in exchange.”

Perfectly fitting this scenario, abduction expresses the men’s contention over female honor in order to increase male honor. Why is abduction effective as marital strategy? Or in other words, why cannot the abducted woman return to her family? Once her sexual honor is compromised—usually sexual intercourse follows the abduction—marriage is the best, and sometimes the only way to restore her and her family honor. So the abducted woman is left with no other choice than marrying her abductor (and this is evident from the interrogations of most abducted women in the cases I have analyzed). This is true even if the woman consents entirely to an elopement: parents who ordinarily opposed the match, were forced to consent to their daughter’s marriage in order to restore their family reputation, if the social gap was not too wide.

Does this cultural paradigm, however, apply to all Mediterranean cultural contexts? How do notions of family honor change in a dynamic context, as was the case of the Venetian Republic at the end of the sixteenth century? I do not intend to challenge this cultural paradigm, but rather refining it. The diverse geographical, ethnic, and class contexts inhabiting Venetian Republic deserve more flexible analytical tools.

96 Maria Pia Di Bella, “Name..., 151-165.
The most glaring factor intervening in family matters and honor is the greater assertion of state jurisdiction over abduction and in general over marriage-related issues in the last quarter of the sixteenth century. Once the state defined abduction as a crime of primary seriousness, to be prosecuted ex-officio, a broad variety of cases—not necessarily related to the aristocratic feud—were filtered through the legal system. The issues involved in abductions were multiple. In the remaining part of this chapter, I will focus on two abductions that bring up the tension between the nobility and non-noble rich subjects of the Terraferma. In these two cases, the issue of class boundary appears intertwined with female and family honor. Both are also noteworthy for the responses that judicial authorities gave. The first of these two cases involves the abduction of Cassandra Stiveri, a merchant’s daughter, by a Veronese nobleman, Zuan Nicola Prandino.

**Verona 1582**

On November 7 1582 Cassandra Stiveri, her mother, her sister, and a servant were heading home after the Sunday mass at the San Giorgio’s church in Tarmassia, a village of the Verona territory. While going home, another coach barred their way and would not let them pass. Armed men had come towards them, seized and dragged Cassandra, who resisted by clinging to the ropes of the coach. Her mother was also dragged to the ground. When Elena, Cassandra’s sister, tried to help her, a nobleman from the Verona countryside, Zuan Nicola Prandino, seized her and told her to keep still since Cassandra was now his wife.

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98 “...mi hanno chiapato me, che era nel cochio dal cavo verso li cavalli, per un brazzo et mi hanno tirata fora per forza et mi hanno tratto in terra come fosse stata una bestia, et mi hanno detto che debbi star ferma, se non che mi davano delli schioppi adosso de quelli che erano armati, et perché voleva difender mia sorella Cassandra, quale volevano strafegar fori del cochio, messer Zuan Nicola Prandino mi ha chiapato et mi ha detto che debbi star ferma perché mia sorella era sua moglie et io rispondendoli che lui non haveva a far cosa alcuna secho, ma però l’hanno tirata fora di cochio lei et mia madre, tutte due daffora, et mia madre hanno tratta in terra et lì hanno rotto come si vede la testa con il barbizzolo...”(...)they have seized me, who was in the coach from the
Elena and her mother reported the kidnapping right away to the criminal office in Verona. In the intense agitation of that moment, the clerk recorded their voices in one testimony, which is quite unusual. When the day after Cassandra’s father appeared in court, he added that some of the most prominent personalities of Verona were involved in the crime. With Zuan Nicola there were also braves for sure. However, Prandino’s accomplices’ identities remained unknown. An atmosphere of fear weighed heavily on the investigation by the criminal office in the city of Verona. A few witnesses referred that they had been threatened while they were heading to Verona in order to give their testimony in court. The atmosphere of intimidation was such that the first week of investigation did not produce any results; only a few witnesses asserted that they had recognized Prandino and nothing more came out from the first phase of the investigation towards the horses, by my arm and they pulled me out violently and have dragged me to the ground as though I were a beast, and they told me I had to keep still lest the ones who were armed would shot me, and since I wanted to defend my sister Cassandra, whom they wanted to drag out of the coach, messer Zuan Nicola Prandino has seized me and told me to keep still since my sister was his wife; and I answered back that he didn’t have anything to do with her, but they pulled her and my mother out of the coach, both of them out there, and they have dragged my mother to the ground and, as you see, they have broken her head and chin. (ASV, Avogaria di Comun, Miscellanea Penale, busta 69, fascicolo 17, fol. 12r.) Such threats were confirmed by Jacobina uxor Jacobi Novarini de’ Girardi de’ Bonadomani, Valentinus Baronus fq. Nicolò Baronii, Bartholomeus de Girardis dictus El Toso, Gabriel Baronus fq. Nicolai, Bernardus fq. Baldassaris de Bonadomani.
criminal trial. The criminal judge even imposed a few key witnesses not to leave the palace in order to be interrogated again at a later time in the hope to elicit less fearful testimonies from them. Furthermore, the search did not produce results. There was no trace of Cassandra.

The events leading to the abduction of Cassandra

The events leading to the abduction of Cassandra had unfolded against the backdrop of a common network of relationships. The Prandinos and Stiveris were neighbours and their alternation of friendship and enmity occurred in the eyes of the Tarmassia’s community. Perhaps also for this reason, it was hard for Zuan Nicola Prandino to accept the Stiveris’ rejection to his repeated marriage proposals. When he first asked to marry the merchant’s daughter, she rejected his offer and married a merchant instead. After her first husband passed away, for the second time Prandino asked to marry her and a second time she rejected him. He had even asked his mediator, Marc’Antonio Malpasso, to formulate his request to Cassandra’s mother as well as father, with no success however: Cassandra and her parents were unanimous in denying his request. At that point, he let the Stiveris know that he wanted Cassandra at any cost and in the face of the Stiveris’ obstinate

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102 For instance, at the end of his first interrogation on Tuesday November 9th, Gabriel Baronus fq. Nicolai was ordered not to leave the court (« Fuit intimatus sub penis arbitrio Clarissimi Domini Podestatis ut non recedat (a) curia pretoria. », case against Prandino, c. 15r). He was interrogated two more times on Wednesday and Thursday. Another sign of the criminal judge’s distrust of the testimonies is his frequent deferral of their oath to tell the truth. To stay with Gabriel Baronus’ instance, at the beginning of his first interrogation he was ‘warned to tell the truth with the deferral of the oath’ (« monitus de veritate dicenda cum protestatione differendi iuramentum. ») Had the witness taken his oath before his deposition, the latter would have been binding.

103 See the following capitoli, or statements to be proven through testimonies, that Giovanni Battista Stiveri subitted to the judge: 1. Che Gioan Nicola Prandino ha procurato et ricercato con ogni suo poter di haver madona Cassandra, figliola de messer Gioan Batista Stiver sudetto, per moglie havendola fatta dimandar a detto messer Gioan Batista per li testimoni che serano essaminati. 2. Che è publica voce e fama che detto Gioan Nicola ha fatto dimandar et ricercato di haver per moglie detta madona Cassandra. 3. Che detto messer Gioan Battista si ha lassato intender che non voleva dar per moglie Cassandra sua figliola a detto Gioan Nicola et medesemamente essa Cassandra ha detto sempre di non volerlo per marito a foza niuna et di ciò ancho n’è publica voce et fama. (fol. 21). See also testimony of Marcus Antonius Malpassus son of the late Dominici at fol 24r.
rejection, he deprived them of his salute, stopped talking to them, and spread threats against them throughout the village. A witness referred to hear him saying that ‘he was his peer, and more gentleman than the Stiveris’. For fear of risking their lives, the Stiveris hired bodyguards. Then, Zuan Nicola Prandino pretended to become friendly again and, by taking advantage of the cessation of the hostilities, set the final ambush in motion.

**A misalliance imposed**

The reasons for the Stiveri’s rejection of the offer to form an alliance with the Prandino family deserve attention. A bond with a noble family would have only enhanced their status. Also, the Prandino was a family who mattered in Verona. Zuan Nicola Prandino may well have been less wealthy than the Stiveris and therefore less capable of defending his status.\(^{104}\) This reason may have pushed him to want to marry a woman who was of lower station but probably rich. Within view from the Prandino's home lies the Stiveri palace with its ample courtyard, still conveying the vision of prosperity that must have animated its owners. The first among other families of the area, the Stivieri were part of the 'rush to water' and built an irrigation system to flood their fields with the water necessary to cultivate rice, a lucrative crop at the time.\(^{105}\) Whatever the questionable wealth and personal prestige of Zuan Nicola Prandino was, he could still count on the support of his lineage. As can be inferred from the court case, the Prandino family was noble,

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\(^{104}\) One indication of the discrepancy in wealth between the Stiveris and Prandinos is apparent from their respective donations for the church bell in 1575: the Stiveris gave 7 ducats while the Prandinos gave only 2 and 8 lire. In Archivio Parrocchiale di Tarmassia, Liber Baptizatorum, Conto deli danari che si trovano per far la Campana grossa della chiesa di S. Giorgio di Tarmassia l’anno 1575 appar in una Polizza antica ritrovata nel libro del Battesimo di detta chiesa infra registrata da me Don Lodovico Milanesi Protonotario Apostolico et Arciprete di detta Chiesa.

\(^{105}\) See Giovan Battista Stiveri’s petition to the Venetian magistracy Provveditori sopra i beni inculti in ASVr, Malaspina, busta CLXXXI, busta 1890 (folios not numbered) and on the ‘rush to water’ and the cultivation of rice in the area Chiappa, *Isola ...*, 157-9.
powerful, and well connected. In contrast, the Stiveri had been an old-time merchant family, their kinship ties were only with merchants, and they had no connections with noblemen. Why did they disdain a marriage alliance with a nobleman?

Giovanni Battista Stiveri’s legal argument rested on the claim that they, as merchants, would forge a marriage alliance with merchants only. He asserted Cassandra’s chaste behavior before and during her first marriage and during her widowhood. He also maintained that she never took part in the balls held in Tarmassia and the territories nearby, in which noblewomen and citizen-women participated. His statement stresses two aspects: it reinforces the image of Cassandra as a chaste woman and in addition to this, her reluctance to mingle with noblemen at the ball implies her firm will to remain within the boundary of her social group. Furthermore, the Stiveri’s pride in their social rank is striking. While the parents’ names, Zuan Battista and Caterina, were common among commoners, the choice of their children’s names, Alessandro, Elena, and Cassandra, signaled the Stiveri’s desire for distinction.

I do not exclude the possibility that the Stiveri’s sense of distinction as members of the merchant class was something peculiar to them only. However,

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106 “si ha in processo che la famiglia Prandina è nobile, sono stati molti di loro honorati et respettati et di molto parentetà et dependentie, che hanno gran poter et gran brogli et che al presente vi è il signor Dottor Prandino, qual è di consiglio ordinariamente, ha havuto li primi gradi di questa città et che all’incontro il sodetto Stiver è discesso da mercanti et il suo parentà è con mercanti et non ha alcuna dependentia con gentilhhornini, nè è persona d’alcuna autorità in questa città” ASV, Avogaria di Comun, Miscellanea Penale, busta 69, fascicolo 17, page not numbered.
107 See capitoli 4 and 5: 4. Che detta madona Cassandra avanti si maridasse et doppo è rimasta vedova è stata sempre conosciuta giovine da bene, honesta, et che ha vivuto castamente et mai di essa si ha sentito pur un minimo tristo atto. 5. Che nella villa di Tarmassia et nel loco della Novarina e anco nella Prandina distante per un quarto di miglio in circa dalla casa de messer Gioan Batista Stiver/pertinentia di Sallizzole molte volte alcuni facevano ballare come si fa in villa ove andavano molte giovine cittadine et gientildone nè mai è sta’ vista sopra alcuna di esse feste dita madona Cassandra. (fols. 20v-21r)
this must be balanced by the fact that in the second half of the sixteenth century a group of wealthy merchants of Verona enjoyed a prominent social profile and greater political influence than in other areas of the Republic.109 During the second half of the sixteenth century, for instance, Verona underwent a phase of economic growth, owing to the activities of a group of wealthy merchants. The latter distinguished themselves from the larger world of the artisans for their wealth and acquired a life style similar to that of the nobility.110 Yet this economic upsurge was followed by the tightening of political access at the end of the century, whereupon tension between the newly powerful mercantile elite and the nobility grew.111 In response, the nobility was able to tighten its reins over power. However, the mercantile elite was equally determined to defend its new-won social prominence. The Prandino-Stiveri conflict can therefore be situated against the broader backdrop of the clash between the nobility and its mercantile competition. Indeed, the Stiveri’s conduct throughout the conflict confirms their sense of distinction and their unwillingness to cede before the social power of the old nobility. When it became evident that they would not be able to win a favorable result in the Veronese court, due to the protection that the Prandino received by influential Veroneses, Cassandra’s father wrote a petition to the Signoria for the case to be heard in Venice, a sign of his determination not to let the abduction go unpunished.

110 Ivi, 55-6.
111 An indication of such tension can be found in a petition of the year 1573 in which the petitioner, a merchant who had advocated the rights of the Casa dei Mercanti, lamented to be object of false accusations on part of political enemies acting out of revenge. In the 1580’s this group of merchants openly confronted the Verona nobility in order to have greater political weigh at the Casa dei Mercanti.
The father’s action was rewarded as the case was transferred to the Avogaria di Comun and tried in the Quarantia Criminale court. Zuan Nicola Prandino did not present himself before the court as mandated, and as a defaulter, he was sentenced to banishment on January 11 1584, little more than a year after the abduction.\footnote{\textit{ASV}, \textit{Avogaria di Comun, Raspe}, registro 3685, fols. 95v-97r.} The sentence was quite severe. Not only was he condemned to lifelong banishment from all the territories of the Republic, but his property was ordered confiscated, and he was threatened with beheading, the capital punishment reserved for noblemen, should he infringe the order of banishment. Only after serving 20 years of the banishment sentence would he be eligible to buy a \textit{voce liberar bandito} as well as to request a pardon. At this time, however, the Quarantia Criminale ruled that if Zuan Nicola Prandino would make peace with Cassandra’s closest kinsmen, he would be allowed to avail himself of the \textit{voce liberar bandito} or even a pardon.\footnote{\textit{Ibidem.}}

Cassandra’s father’s action was indeed rewarded since Cassandra was returned to her family.\footnote{Tax records for the year 1583 (early May) place her in her family’s home. \textit{ASVr, Archivio del Comune di Verona, Cancelleria dell’Estimo, Anagrafi}, busta XXI, ord. 876, 1583. I thank Stefano Gobbi for identifying and bringing this document to my attention.} In addition, the sentence against Zuan Nicola was successfully carried out as his father disowned him shortly after the sentence, a measure meant to protect family’s wealth from confiscation.\footnote{Two months after the issuing of the sentence against Zuan Nicola his father, Giovan Nicola Prandino, revised his last will and disowned him. In \textit{ASVr, Testamento} n. 176, mazzo n. 176, Lorenzo Bonanni notaio, 1584, Testamento del nobile GianBattista Prandini di S.Andrea. I thank Stefano and Devis Gobbi for identifying this document and bringing it to my attention.} Furthermore, in her final revision of her will, drafted after the abduction but before the sentence, Zuan Nicola’s mother complained about Zuan Nicola’s offenses and disobedience and therefore limited the inheritance of his future offspring. Only if such offspring were generated by a woman of noble status, as she was, were they to receive their
inheritance. She did not apply this clause to her other sons, a clear reference to the abduction.\footnote{ASVr, Collegio dei Notai, Gian Andrea de Bonis, volume 679, Last will of Gentila Trivelli. I thank Stefano Gobbi for bringing this document to my attention and sharing its transcription.} A complex scenario, hence, that shows, however, that for Cassandra the role of the Venetian state may have afforded a happier ending than I feared.

To sum up, in this case abduction is revealed to be the extreme way to conclude a misalliance between a nobleman and a merchant’s daughter. The phenomenon of the misalliances reflected the necessity for a member of the nobility to go beyond the boundary of his social group. The necessity of acquiring ‘new wealth’ was heightened by the increasing cost of maintaining a noble life style in the changing circumstances of late 16th century Venetian republic. It also speaks to the urgency, in this period, for members of the nobility whose status alone was not sufficient to maintain an adequate level of prestige, to act through force or violence to achieve their end in marriage.

Above all, this case shows that the central state’s intervention altered the dynamics of social power inherited from an earlier age. Without the intervention of Venice’s courts, the merchant family would not have had other choices than to surrender to the nobleman’s imposition. It is noteworthy that the court Quarantia Criminale did not side with the noble family but rather with the merchant family. Venice’s antagonism against the mainland nobility in this case is not exceptional. In fact, on other occasions Venetian political-judicial bodies had sided with the subjects from the Terraferma who had been mistreated by the aristocracy. The practical effect of their actions was to limit the power of the Terraferma aristocracy who remained the most palpable threat to the expanding power of Venice. But perhaps, the Venetian patricians also nourished a fundamental distrust of the landed aristocracy from the mainland, so different in their values from the
aristocracy of the Most Serene Republic. In the long run, as this case demonstrates, Venice’s increasing assertion of state power undermined the Terraferma aristocracy’s ability to exert control over their family matters, especially when the latter provoked conflicts outside the family concerning social order in the community as a whole. But it was above all by means of the inquisitorial procedure of the Council of Ten, one of the most powerful judicial-political organisms in the city, that Venice asserted more forcefully its presence in the mainland. The following case was judged precisely according the procedure of the Council of Ten, a procedure that drastically limited the defendant’s civil liberties.

Battaglia 1605

It is a Sunday morning in March. The year is 1605. In Battaglia, a village on the margins of the Euganei Hills in the Venetian hinterland, at the threshold of the church, a woman’s screams disrupt the calm of the community gathered for mass. She raises the alarm for the abduction of a girl, the eleven year-old Pasquina, daughter of the late Dominico dei Pasquini. As the witnesses would later tell in the trial, Pasquina was doing a neighbor’s hair, when a coach drew close to her house. One of the youths in the coach, Benetto Danfo, broke into the house and after Pasquina’s fruitless attempts to resist, dragged her into the coach and left.\(^{117}\)

\(^{117}\) ASV, Consiglio dei Dieci, Processi delegati ai rettori, busta 2, Processo sopra il rapto di Pasquina di Pasquini dalla Battaglia contra Benetto Danfo padovano et altri, March 27, 1605. These details about the abduction can be found in several testimonies. See, for instance, the depositions of Francesco di Legati and the servants Marieta and Anzola who were in the house when Pasquina was kidnapped. Pasquina’s birth date is found in the fedel di battesimo, the parish priest’s note recording her baptism. According to this document, she was born on May 8, 1593 and baptized the following day. On the archives of the Consiglio dei dieci see Amelia Vianello, Gli archivi del Consiglio dei dieci (Padua: Il Poligrafo, 2009).
Chased by Pasquina’s relatives, Benetto Danfo and his accomplices fled toward Padua, the closest big city. The chasers saw them entering it through Porta Santa Croce, but then lost track of them. Although not big in modern terms, Padua was big enough to shake off the chasers. Padua was also site of the Venetian rectors, the podestà and capitano who were administrators for the city, upholding its local autonomy and city charters. To this city the Venetian Senate used to send its finest and most powerful patricians. It was to the podestà that one of Pasquina’s relatives turned to report the crime, when any chance of catching Danfo seemed lost.

After the formal denunciation to the podestà, the Pasquinis continued their search with the support of the ‘police’ available in Padua, that is a few men or zaffì and their chief, the luogotenente di campagna. The police force assigned to the Venetian rectors was generally small. To make up for it, the police sometimes had villagers ring out the church bells in order to raise alarm and to gather people to help them (suonare campana a martello). This is what the luogotenente did when passing through Campolongo, west of Padua. With these reinforcements they continued their chase southwest into Vicentine territory. When in Pogiana, they found the abductors’ coach deserted. With their horses tired out, the abductors had fled through valleys and fields. Only the coachman was left behind. After trying in vain to reach the church for sanctuary, he was captured and taken to the Vicenza prisons.\textsuperscript{118}

\textsuperscript{118} See the luogotenente di campagna’s account to the podestà on his return from the search: “... andò alla volta di Camisan ove haveva presentito andar li malfattori et così arivato sotto Campolongo scoperse la caroza che andava avanti corendola quale essendosi affermata in una bassa li malfattori sul torno di carozza et sparorno due archebusate contra di noi et li Pasquinii
The chase continued southwest and reached Cortella where Danfo and his accomplices were hiding in a house. According to one of the chasers, the house owner, Repetta, who was well-known for giving refuge to outlaws, denied at first that Danfo was there. Then, suddenly, Danfo and six other men showed up, all armed with short and long muzzle-loaders. As was customary, the zaffi ordered that the church bells be rung to gather help, but nothing came of it, because Repetta, who was also degano or representative of the village, stopped it. Danfo and his accomplices were able to get away and, fleing through the valleys, they crossed the state border and entered the Duchy of Mantua.\footnote{interestati vedendo questo detero volta perciò essi malfattori tornorno a montar in caroza et andorno su il vesentin et dismontorno di caroza et io credendo et sperando di poterli arivar ritrovandomi pochi homeni ho fatto sonar a Campolongo ove essendosi solevato il popolo ho seguitato la caroza et arivato a Pogiana non vi ho trovato alcun dentro perciò havendo inteso che il caroziere si era salvato in (seg..) l’ho retento et per esser sul vesentino l’ho condotto nelle preegioni di Vicenza essendo accompagnato dal contestabile nostro et la caroza con li cavalli l’ho consignata in casa di un conte Dressano a Pogiana over era una dona alla guardia.” Fol. 12r). See also the deposition of the coachman, Santo di Cognolatti fq. Danielle: “E io andai via et passai un’acquetta la qual passata dimandai a non so che donne come si dimandava quel luoco et mi fu risposto che era Pogiana et havendoli dimandato se era paduano o vesentino, mi dissero che era sul vesentino. Et replicatoli io se li zaffi del padovano potevano far retentione in quel luoco et mi fu detto di no. Et così parai avanti fino alla chiesa per mezzo la qual vi è un palazzetto con un cortivo grando serrato et entrai dentro con la carozza et stetti ivi un pezzetto rasonando con quei huomini di quella corte che vi era un pegoraro et in quello vennero li zaffi che dimandorno de mi cioè del caroziere et sentendo questo andai sulla porta della chiesa et essi mi vennero a prendere in detto luogo et mi menorno indredo a mostrarli il luogo ove era dismontata l’ho retentoo alla chiesa et essi Danfo et compagni et essendo andati per quelle campagne dimandando hora a questo et hora a quello et chi diceva ‘Sono andati di qua, sono andati di là’ non si trovando cosa alcuna mi menorno al (luoco) dove stessimo là la notte et pur la mattina mi menorno in preggeione a Vicenza et questa mattina mi hanno tolto di là et menato qua.” (fol. 16r). 

\footnote{See testimonies of Francesco Pasquino and Nicolò Cristan, both at fol. 47. Francesco Pasquino asked that Nicolò Cristan and Zuane Buson be interrogated about the places where Danfo had stopped. See for instance Nicolò Cristan’s testimony: “... arrivassimo a torno alla casa della Ripetta cioè Galeazzo et Trisolo affittuali della signori Padri di S. Maria di Vanzo, i quali sono huomini di cattiva fama et che danno rapito a huomini scellerati et banditi et havendo il lugotenente di campana battuto alla porta della Ripetta gli fu risposto quello andavano cercando et il lugotenente gli disse che cer/cava un beneto Danfo et compagni et haveranno menato via una putta et essi Ripetta gli risopese che non vi era nessuno et havendoli il lugotenente detto d’ordine degli illustissimi signori rettori di Vicenza et di Padova che dovessero lassarlo cercare essi Ripetta gli risopere che non volevano ricercandoli a mostrare che autorità essi haveranno et così li fu mostrato il mandato aperto il che veduto gli rispose che non volevano che cercassero che non vi era alcuno et tutto a un tempo il Danfo et essi Ripetta et essi Danfo et compagni esso Danfo armati tutti di archibusi longhi et curti dettero fuora et erano in sette, quattro il Danfo et tre li Ripetta. Et mentre che li rasonava et li trattava quanto ho detto fu data campana a martello, ma il Ripetta che era degano di quella villa fece lassar stare.” (fols. 47v-48r)}. 


Outside the Venetian state, getting Pasquina back was an entirely different matter. The Venetian police force was powerless outside state boundaries. At the trial, one of the chasers referred to the fact that, once they entered the Mantuan territory, they were able to set Pasquina free thanks to the intervention of the Duke of Mantua who sent fifty troops. Pasquina’s brother-in-law, Antonio Garavatto, confirmed this and added that the key intermediary between Pasquina’s relatives and the Duke had been Geronimo Fabricii d’Acquapendente. Acquapendente was a prominent individual and was even referred to as ‘most excellent,’ a sign of aristocratic status. In addition, his familiarity with the Duke’s court further confirms his high social station. His connection to the Pasquinis derived from a bond of spiritual kinship with one of them, who was his compadre. It is noteworthy that Danfo’s relatives also sought his help, albeit to no avail. While the Pasquinis and Danfos were networking over the fate of Pasquina, the Duke ordered that Pasquina be temporarily kept in a count’s house in Gazoldo, Mantuan territory. Following this temporary solution, Pasquina
was finally released and gave her deposition in Padua in the presence of the podestà and the criminal judge.

**Pasquina**

Once in the podestà palace, Pasquina was asked about the circumstances of her abduction. Crying, she narrated how Danfo snatched her from home and dragged her along in the coach. They continued their escape at times on horseback, at times walking through woods and valleys, while Danfo’s accomplices tried to keep her relatives and police away with muzzle-loader shots. A substantial part of the interrogation of Pasquina concerned her sexual intactness. Here follows the exchange between the judge and Pasquina:

*Having told her: “Did you sleep with Benetto any nights?”*  
*She answers: “Yes, Sir. I have slept with him three nights.”*  
*Having told her: “Did he tempt you or take your virginity?”*  
*She answers: “No, Sir. He only kissed me.”*  
*Being interrogated, she answers: “He kissed me twice or thrice.”*  
*Having told her: “I warn you to tell the truth and don’t have any hesitation because justice knows that you are not guilty of this fact.”*  
*She answers: “He didn’t give me any troubles.”*\(^{123}\)

Following her interrogation, the judges ordered that Pasquina be examined by two midwives to verify her virginity, which was a central feature of the case. Such a ruling was consistent with the legal tradition. Typically, two midwives were summoned in instances of suspected defloration to assess the state of the putta essendosi tutti gli altri salvati la qual putta è stata condotta in Mantova d’ordine del signor Duca et ve l’ha condotta essi signori conti et noi altri insieme et hora si trova in Mantova in casa del signor conte Mattia da Gazoldo appresso la signora sua consorte et pare che il signor Duca non voglia che sia condotta in qua se non ha sicurezza che essa putta non habbia travaglio...” (fol. 47). On the same, see also the depositions of Pasquina brother-in-law Antonio Garavatto (fol. 74) and Giovanni Battista Caragnini, who was with the Pasquinis in Mantua (fol. 58).

hymen. For the Council of Ten, whose procedure has been studied more in depth, we know that the consultation of a male doctor in addition to the two midwives was required only in the eighteenth century. According to Luca Raneri, this was aimed at anticipating and nullifying the objections of the defense, which might use the argument of midwives’ insufficient competence to question the outcome of their consultation. 124 In the early seventeenth century, such argument seems not to have been in circulation or at least it did not affect the procedure used in Pasquina’s trial. It should be also noted that the two midwives who visited Pasquina did not represent the two parties in conflict, as happened in other kinds of examinations.125 By contrast, they were instruments of the investigating authority. This double, but not crossed examination was simply aimed at increasing the exactness of the determination.

The assessment of Pasquina’s virginity was motivated by the need to ascertain the gravity of the crime. The violation of her body’s integrity was a serious crime in itself, but it was also linked to issues of property, which added to its gravity. In the early modern age, the intactness of the bride’s hymen was a good she brought to her spouse along with her dowry. If Pasquina’s honor, represented by her virginity, had been blemished by Danfo, her family would have been strongly pushed to restore her honor by marrying her to him. In early seventeenth-century Venice there was not a clear legal boundary forbidding the

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125 For instance, in the Maggi-Brunelli case a crossed forensic examination by two external consultants was ordered to measure the path of the coach during the abduction of the Maggi girls. Unlike in Pasquina’s trial, the two consultants were appointed and represented the two parties in conflict.
cession of women’s property, in the form of dowry, to the new family, even if a violent abduction had preceded the wedding. Abductions for marriage worked exactly because the loss of virginity, marriage to restore reputation, and transaction of property were all intertwined. Such connections were so self-evident that when Pasquina’s uncle Francesco asked that Danfo be prosecuted, he did so for the safety of both “child and property,” although Danfo had not stolen anything from the house.126

Nor did the Catholic Church’s stance on abduction undermine the cultural link between blemished honor, marriage to restore reputation, and cession of the dowry. In fact, although the Catholic Church condemned abduction, it ultimately allowed marriage to take place. The prelates convened at the Council of Trent (1545-63) had declared abduction an impediment to a valid marriage. According to the their provisions, abduction-based marital unions were not valid and the offspring would have been illegitimate. The abducted woman had to be separated from her abductor and be placed in a safe location. However, if after their separation the woman expressed the will to marry her abductor, he was obliged to do so.127 Hence, marriage to restore honor after an abduction, even a violent one, could ultimately take place.

What were, however, Danfo’s motivations for abducting Pasquina? When Pasquina was rescued, Danfo asked her ‘Say yes, say that you want me’ to which

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126 At the end of his testimony, Francesco dei Pasquini asked: “Et insto per il mio interesse della roba e dell’honor che la giustitia facia quelle demonstrationi et severe contra detto Benetto et altri a fine che si possi esser sicuri delle nostre creature et facultà.” (fol. 6r).
she replied with ‘If I wish, I will say yes.’ Danfo’s words hint at a language of passion, but the economic motive seems to play an important role in his actions. Pasquina came, in fact, from a wealthy family, although not noble. Their wealth and desire for distinction is signaled by the rich dowries that Pasquina’s late father had assigned to her and her older sister. Pasquina’s dowry amounted to eight thousand ducats and would be granted to her when she turned sixteen-years old.

In addition, the motive of passion seems weak for other reasons: Benetto had never asked to marry Pasquina nor had he courted her and, more importantly, Pasquina was still a child.

Pasquina’s status as an orphan and her widowed mother also seem to play a role here. In his will, Pasquina’s father Domenico had made dispositions about Pasquina’s dowry, had provided that Pasquina remain under her mother Isabella’s governance, and had appointed as testamentary executors Francesco dei Pasquini, ASV, Consiglio dei dieci, Processi delegati ai rettori, Processo per il rapto di Pasquina della Battaglia, deposition of Pasquina: Dettoli: “Che vi disse il Danfo quando foste levata dalle sue mani?” Risponde: “Mi disse ‘Disè de sì, che me volì’. Et io gli dissì ‘Se mi parerà, el dirò’. Ma mi non lo voglio perché l’è un�avezzacollo et perché mi ha offesa in questa maniera menandomi via per forza et conducendomi in qua et in là.” (fols. 79r-v).

Both Giacomo and Francesco di Segati Pasquini refer that Pasquina’s father had left her a dowry of 8,000 ducats. See testimony of Francesco: “Ei dicto per che causa esso Benetto ha rapito questa vostra germana, respondit: ‘Per la robba, che lei ha de dotte otto mille ducati in contadi che li ha lasciato suo padre, perché non l’ha mai fatto l’amor. » (fol. 4v). See testimony of Giacomo: “...il Danfo per questa via pensò d’impadronirsi di questa putta la quale ha otto mille ducati di dotte.” (fol. 1r).

See testimonies of Anzola daughter of the late cuogo dalla Battaglia and Marieta daughter of the late magistro Piero Sartore from Trento. Anzola worked as servant in Pasquina’s house and was playing with her when she was abducted. Asked whether Danfo used to court Pasquina, she answered: «Signor no che sappi nè l’ho neanco inteso et lei non attendeva a far l’amor ad alcuno perché è picinina et giochavimo tutte due et al presente era anco mal sana.» It is clear that she is of minor age from the concluding clause: “Et stante minori etate non fuit ei detalum iuramentum.” (fol. 10r). Marieta also worked as servant for Pasquina’s family and was at her house on the day of her abduction. She too testified that Danfo had never courted Pasquina: “Interrogata se il Danfo faceva l’amore a questa figliola, respondit: «Signor no che habbi visto.» Interrogata se pasesegiava per davanti la casa de questa putta, respondit: «Signor no et non l’ho visto se non tre o quatro volte li dalli Segati.» (fol. 8v)
Anzolin Piazola, and Pelegrin Becharo.\textsuperscript{131} Although Pasquina was fatherless, she did not lack male relatives actively involved on her behalf. Francesco, who was great-uncle to Pasquina, testified extensively at the trial.\textsuperscript{132} As degano, his testimony also had the value of formal denunciation. Also, Francesco and other male family members were actively involved in the search and trial.\textsuperscript{133} Yet, her and her mother's status seem nevertheless to be a factor of some importance, in that the prospect of marriage could have interested both of them. I his testimony at the trial, the doctor Francesco Santa Croce, who was accused of complicity in the abduction, but then absolved, did confirm that there was such a negotiation in progress. Santa Croce himself was in fact hoping to marry Pasquina’s mother and to marry Pasquina to one of his sons. To this purpose, he had contacted the Count Hieronimo da Lusi who contacted in turn his tenant, the butcher Pellegrino Buson, who was godfather (compadre) to Pasquina’s mother. Santa Croce complained that such negotiation failed just for lack of time, because the count was occupied with litigation in Venice.\textsuperscript{134}

\textsuperscript{131}See testimony and denunciation of Francesco Segati dei Pasquini: “[Pasquina] era raccomandata al governo de sua madre Isabella vedovando, ma io et Anzolo Piazola e Pelegrin Becharo siamo commissari.” (fol. 5v).

\textsuperscript{132}He was degano in Montenovo, vicaria of Arquà: “Questo mio constituto servirà per denontia essendo degan del comun di Montenovo,/ vicaria de Arquà.” (fols. 5v-6r)

\textsuperscript{133}For instance, Giacomo, son of Francesco and Antonio Garavatto, Pasquina’s brother in law.

\textsuperscript{134}In his defense, Dottor Santa Croce intended to prove: “Che io trattava col mezzo del conte Gieronimo (Lione) haver la madre di questa putta per moglie et la putta per un de’ miei figliuoli et se il signor conte non fosse stato occupato nella sua lite in Venetia facilmente si haverebbe risolto il negotio praedetto” (fol. 122r) See also the testimony of count Hieronimo (Lion): “Così è che il Dottor questo Carnevale passato mi venne a dir questo suo desiderio di haver per moglie questa donna, madre di quella figliola che è stata menata via dal Danfo et haver anco essa figliola per un de’ suoi figliuoli et sapendo che m. Pellegrino Buson beccaro dalla Battaglia era compare et molto ...tico di questa madonna madre d’essa figliola, et credo anche commissario di detta putta. Per essere detto beccaro, mio affittuale e molto di casa mia, voleva che per questa strada vedessi di operare che il suo desiderio fosse effettuato. Ett così scrisse come andai a chiamar questo beccaro mio affittuale et lo pregai instando di questa cosa raccomandandoli questo negotio et pregandolo a disporre essa donna secondo che conosceva che l’ordine il comportasse et venuto a Padova mi promesse di far tutto et mi scrisse anco essendomi ... che havesse già parlato due volte, ma io non volsi terminarli il soggetto come haverei fatto quando havesse il negotio caminato avanti, come
Such negotiations in the process of marriage bring up other themes for reflection. The higher status of Santa Croce, most likely a doctor of law, confirms both the Pasquinis' social ambition and Santa Croce's openness, or perhaps economic need, to form an alliance, a double alliance, with a family of lower social status, but wealthy. This is evidence that marriage alliances across the class lines were not disdained when advantageous. The status level of the people involved in the mediation and more broadly in Santa Croce’s network is also noteworthy: in addition to the above-mentioned count Hieronimo Da Lusi, Pio Capodilista, a prominent aristocrat and condottiere from Padua, also figures in the doctor's network of relationships and testified in his favor at the trial. What we see at work here is a vertical network connecting high nobility to a non-noble, but wealthy family on the rise.

Santa Croce’s plans were jeopardized by Danfo. The latter’s strategy was different (and he was not new to crimes of violence), but he too had connections with high nobility. A count from Vicenza, Vicenzo Thiene, was identified as being part of the complex network of men who accomplished the kidnapping, although he did not kidnap Pasquina himself. His complicity rested in having lent his coach to Danfo for the abduction. The chain linking Thiene to Danfo was Gasparo Cattaro, who was one of Danfo’s accomplices as well as compadre and 

credevo per haver la donna mostrata buona intenzione. Et se non fossi stato a Venetia per le mie liti come ho convenuto starvi tutta questa Quaresima, credo anco che si haverebbe potuto redur a buon fine questo negotio per quanto però mi scrisse il detto beccaro, mio affittuale.” (fol. 123r)
135 Danfo had two prior criminal charges, which were attached to the legal dossier. In one he was charged with the murder of Francesco Toninello. Toninello’s widow maintained that Danfo killed her husband because he had rented lands that Danfo wanted for himself (see fols. 31r-41r). In the other, he was charged of shooting an arquebus shot (fols. 42r-44v).
administrator of Thiene's estate. The lending of his coach might seem a minor level of complicity, but for the judges this was enough to charge Vicenzo Thiene. To his defense, Thiene called prominent aristocrats who testified about the specifics of the coach, but also about his social personality, what kind of nobleman he was. On the issue of the coach, they maintained that Thiene used to lend his coach and horses with liberality, implying that there was nothing unusual in lending it to Danfo. In addition, they described him as a man dedicated to his family, calm, and extraneous to actions of arms and criminal litigation.

The goal behind such a line of defense might have been to keep Thiene disentangled from the image of the noble-tyrant that came out of many criminal court cases and against which the Venetian elite were ruthless. Thiene’s defense strategy was unsuccessful, however, and he was sentenced to spend two years in the fortress of Palma. Although his reasons for being involved in the abduction

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136 On the spiritual kinship bond between Vicenzo Thiene and Gasparo Cattaro see testimony of Francesco Pigheto, boaro of Vicenzo Thiene: “Vicenzo Thiene ha tenuto a battesimo un figlio del Cattaro” (fol. 115r). See also Vicenzo Thiene’s capitolo 10: “Che messer Gasparo Cattaro è mio compadre et che lui mi valeva nelle mie liti così a Vicenza come a Venetia et a vender le mie entrate dove faceva bisogno et perché era huomo di poca fortuna io lo riconosceva con danari et robba come dal mio libro de sallariati si vede alla lettera G.” (fol. 104v)
137 Vicenzo Thiene called to testify in his defense members of prominent aristocratic families from Vicenza in addition to other witnesses of lesser social station. Aristocratic last names such as Capra, Porto, Ferramosca, Losca, Trissino, and Caldogno figure among the witnesses in his favor (fols. 102r-119r).
138 As was customary, Vicenzo Thiene presented a list of statements or capitoli to be proven by the witnesses whom he called in his defense. Here are some of the capitoli: 8. Che io son solito prestar la mia carrozza e cavalli così per la città come fuori prestandola ad ogni uno che me la ricerca. 9. Che io m’attravo moglie, figlioli et che in tutto il tempo de mia vita ho vivuto quietissimamente, alienissimo dalla professione delle armi et dal far dispiacer ad alcun né mai ho havuto alcun travaglio criminale, ma solo liti civili importantissime. (fols. 104r-v)
139 See for instance the case against Paolo Orgiano in Claudio Povolo, L’intrigo dell’Onore (Verona: Cierre, 1997).
of Pasquina are not mentioned in his sentence, his motivation may have been that of attempting to acquire the Pasquini family as one of his clients.\textsuperscript{141}

This case posed questions that involved several issues: Pasquina’s physical integrity and honor; her family’s honor, their right to secure the safety of their child, and freedom to decide over Pasquina’s dowry; the relation between the non-wealthy Danfo and the wealthy Pasquinis and, in the background, the relation between the noble Thiene and the non-noble Pasquinis. The legal procedure and the sentence applied to this case tell us that these were issues of the highest importance for the Venetian ruling class.

**The inquisitorial procedure and the sentence**

From its inception, the trial for the abduction of Pasquina was handled as an extremely serious crime. Following the denunciation, the Padua podestà informed the Council of Ten, the most powerful political judiciary of the Republic.\textsuperscript{142} According to a practice that had started in the 1580s, the Council authorized the podestà to proceed with the inquisitorial procedure. The latter strongly limited the defendant’s civil liberties. For instance, the defendant did not have the right to a lawyer and the witnesses were granted secrecy. This latter meant that depositions were not made public as was always the case in ordinary trials. For this trial, the Council of Ten also granted impunity to the witnesses,

\textsuperscript{141} And perhaps he was also attempting to find a remedy to his financial troubles. While stressing that Thiene had not been involved in any criminal litigations, the testimonies in his defense observed, however, that he had ‘important civil litigations.’ Fabricio Losco, for instance, maintained that Thiene had had ‘travagli grandi di liti civili’ (fol. 111v). Count Odorico Capra maintained that currently Thiene only had one civil litigation with another Thiene. The lawsuit was pending in the Venetian court Quarantia (“ha solo una lite importante con un/una Thiene che è sospesa in Quarantia” fol. 110v).

\textsuperscript{142} As was the case for most Venetian magistracies, the Council of Ten performed both political and judicial functions. The patricians who formed this council acted both as judges and politicians. The lack of separation between these two important functions, which is true only in the city of Venice, meant that legal provisions issued in Venice were more susceptible to political concerns than elsewhere.
provided that they were neither the principal authors of the crime nor the instigators.143

The judges’ response to Pasquina’s case was severe: Danfo was condemned to perpetual banishment from the whole Republic and to beheading if caught within its borders.144 His accomplices also were severely judged.145 In addition, the sentence addressed the patrimonial implications of this event. They were clearly concerned about the indirect means by which the Danfo family might have acquired the Pasquinis’ wealth. To avoid this, they ordered that the Danfo family, including male and female descendants, never be permitted to have any part of Pasquina’s property, not even by marriage, will, *ab intestato*, or donation. In addition, they reserved for themselves the right to decide over Pasquina’s dowry “for the dignity of justice.”146 This last provision in particular stresses the power of the judges over both parties in conflict, not simply over the defendants.

This sentence aimed here at asserting the will of the court, which was not necessarily that of the victims.

The significance of this ruling goes beyond this specific case: the decision in Pasquina’s abduction is also noteworthy in that it is closely linked to the

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143 See ducale 30 March 1605.
144 “Che gli contrascrittii Benetto, Gasparo, Alvise, Marc’Antonio siano condanatti cioe` Benetto sia perpetuamente bandito de Padoa et di tutte l’altre citta’, terre et luoghi del Serenissimo Dominio terrestri et marittimi et navili armati et dell’incilta citta’ di Venetia et Dogado et se in alcun tempo verra’ nelle forze della iustitia sia condoto al locho solito dove sopra un eminent solaro gli sia tagliata la testa si che si separi dal busto et (maiori) et il suo cadavere sia diviso in quatro parti d’esser apessi in lochi soliti con taglia a quelli che lo prendarano et consegnarano nelle forze...”, sentence 12 April 1605, fols. 45r.
146 “… con conditione espressa ch’esso Benetto, suoi figlioli et descendenti o alcun altro della sua famiglia di Danfi non possa mai haver alcun beneficio negli beni di Pasquina per lui rapita etiam che seguisse con essa matrimonio ne per via di testamento ne ab intestato ne per donatione o per altro qual si voglia modo pretesto o voler imaginabile ma sii et si intendi lui e tutti gli suoi descendenti cusì maschi come femine in infinitior et qual si voglia altro della sua fameglia privo et totalmente escluso dalli beni sudetti. Et affinche` la iustitia non resti con cio’ delusa m’abbia il suo debito effetto si riserba autorità di poter dar quell’ordini in proposito della dotte, facoltà et stato della Pasquina sudetta che saranno stimati convenenti per dignità della iustitia.” (fol. 45v)
Venetian ruling class’ legal and political orientation. This is because of the Council of Ten’s inquisitorial procedure, but also because among the tribunals that could be invested with such procedure, the Padua court was perhaps the most important. So, what was decided in this venue closely reflected the legal-political orientation of the Venetian elite.

**Conclusion**

The three cases presented in this chapter highlight that abductions were marital strategies used by the Terraferma nobility to resolve conflicts for inheritance and to make advantageous marriages with non-noble but wealthy women. These cases also show that abductions were a serious issue for the expanding Venetian state. In addition to the issue of violence, these abductions raised concern for social stability. The involvement of the nobility made the social instability even more serious from the perspective of the Dominant city, Venice.

There is a noteworthy change in the state judiciary's legal procedure in cases involving abduction. This is not accidental, but reflects the Venetian state’s greater assertiveness and will of domination during these decades. The Brunelli-Maggi case reinforced Venice’s awareness of the destabilizing power of abductions. The way the case reached the Venetian court Quarantia, however, was not imposed on the parties in conflict, but originated from their initiative by means of appeal. With the Stiveri-Prandino case there is an explicit attempt, through the *avocazione*, to exert a control from the top down: Venice imposed the transfer of the case from the original court in Terraferma to their jurisdiction. Starting with the 1580s the *delegazione* or transfer of a case to a different tribunal in Terraferma
became the main way of asserting central state power over the territories. The tribunal receiving the case could be endowed with the authority of the Ten and their inquisitorial procedure if the crime was particularly serious. Even without these factors, the very transfer of a case to a different town and court made more difficult for the parties in conflict to influence its outcome. Among the three procedures (appeal, avocazione, delegazione), the delegazione with the inquisitorial procedure was the one that most strongly reflected the will and power of the state. The sentence on the abduction of Pasquina confirms such strong assertiveness. The time frame of the sentence, 1605, is not a minor detail either. In these years, part of the Venetian elite, the giovani faction, was supporting an aggressive assertion of state jurisdiction: a Venetian state that will deflagrate in the Interdetto conflict with the Roman Catholic Church in 1606. It comes as no surprise that in the sentence against Danfo the judges also deliberated against the possible patrimonial advantage Danfo might have derived from marrying Pasquina. They could not prohibit their marriage, since this sacrament was not within their jurisdiction, but they nullified all the patrimonial consequences that might have derived from it. In sum, they drew a sharp line between state and church competences in marriage.
Chapter 2

Abduction for Marriage among the Peasantry of the Terraferma and Istria

Why did abductions occur in rural settings?

In 1574 the author of a petition for abduction used the expression “as appears to be the custom among peasant men and women” when describing the crime under investigation.\(^{147}\) In all probability, this remark aimed at invoking a less severe judgement on the part of the Venetian judges. The abductor under investigation had acted within the parameters of his peasant culture -- the petition’s author seemed to imply. Even supposing a certain degree of exaggeration in this specific remark -- it was within the author's purview to make abduction appear a common practice in order to belittle its gravity--, recurrent patterns in cases of abduction from rural settings confirm that abductions were indeed deep-seated in peasant culture. Although abduction was not the regular way of getting married, it offered a way to solve conflicts of various kinds, such as intergenerational conflicts; master-female servant conflicts that could result in the servant’s flight and were treated by legal authorities as abduction; the impossibility to afford the wedding expenses also figure among the sources as the motive for informal transfer to the groom’s house on the part of the couple. In some instances, this last motive appears to be the only reason for the informal transfer, in others it is intertwined with relational conflicts within the woman’s family.

\(^{147}\)“Sì come par che per il più si faci tra contadini et contadine.” ASV, *Risposte di fuori*, filza 328 (27 March 1574).
Intergenerational conflicts: I would eat herbal roots rather than marry that widower

On the night of Good Friday in April 1591, Beatrice Ferraro, a blacksmith’s twenty-year-old daughter, disappeared from her house in Miega, a village nearby Cologna Veneta, a small town located in the Venetian plain not far from Venice. Cologna was a small, but relevant enough center to be a podestaria, a representative site for Venice. At the podestà’s court, Beatrice’s father sued two of his own nephews and Pellegrino Quagiaro for the violent abduction of his daughter and the theft of several items of clothing. He also accused his nephews of having sexual intercourse with her and the charge of incest added to the gravity of the crime. He was not the first to report this crime. As discharge of his obligations, the Miega community representative (massaro) had also reported the abduction to the podestà’s court in Cologna. In so doing, the Miega representative was merely meeting his duty according to the 1574 law passed by the Council of Ten: representatives of rural communities, such as massari, degani, and meriga, as well as rectors, the Venetian public authorities in towns, were obliged to report all cases of abductions.

Interestingly, the testimony of the Miega representative and the others did not confirm Beatrice’s father’s accusation concerning the violent nature of this

148 “...insieme far li predetti che detta Beatrice sua fiola porti via robbia d’esso suo padre // come fece che li parò via dui paia de linzuolli, un (vestimento) bianco nuovo da donna, una rossa (tavarassina) da dona, una traversa de dona e camise con altre diverse robbe et drappi de lino cometendo le cose dette furtivamente contra l’honor d’esso Feraro esponente a grave suo danno.” (...the above-mentioned [defendants] had the said Beatrice, his daughter, steal asset from her father, as she did by taking away two pair of sheets, a new, white dress, a red woman’s cape, an apron, and shirts with other several items and linen fabrics; she committed this furtively against the plaintiff Feraro’s honor with serious damage to him.” See ASV, Avogaria di Comun, Miscellanea Penale, busta 95, fascicolo 6, rapimento di Beatrice Ferraro, querela di Zuanne Ferraro, 15 aprile 1591, fols. 4v-5r. For another example of intergenerational conflicts, see Otmica 4.4, abduction of Cattarina daughter of the late Michiel Bancovich, September 16, 1657, fols. 294r-299r. Cattarina eloped against the will of her mother.
particular abduction. According to the deposition of Zuan Maria Malerba, a neighbor of the blacksmith, Beatrice and Pellegrino were courting (fare l’amor) as he had often seen the two of them conversing on the street. He heard that Pellegrino asked Beatrice’s father to marry her, but the latter denied his consent.\textsuperscript{149} According to the Miega representative, Beatrice’s father wanted her to marry Iseppo Fiumello instead, a man she disliked and, according to another testimony, a widower. In order to marry Pellegrino anyway, Beatrice left her paternal house with the help of Pellegrino and her cousins. The Miega representative also reported that she had been heard saying throughout the village that “rather than marrying the above-said Iseppo Fiumello, she wanted to go eating herbal roots.”\textsuperscript{150}

Costanza, Beatrice’s sister, and the other witnesses also confirmed that she had volitionally left. According to Costanza’s testimony, on Good Friday, Beatrice had asked for her help, which Costanza denied, not wanting to offend their father.\textsuperscript{151} On that same night, Beatrice took some items of clothing, probably

\textsuperscript{149} Testimony of Zuan Maria Malerba, fol. 9r-v: “Interrogato respondit: « Ho vedutto molte volte esso Pelegrin a parlar con essa Beatrice da sollo a sollo sopra la strada publicamente alla casa de essa putta, qual li // faceva l’amor, né so quello rasonassero. » Interrogato respondit: « Ho sentito a dire che il detto Pelegrin la voleva per moglie, ma che suo padre non glia voleva dare et quando suo padre non glia volse dare ad esso Pelegrin, esso Pelegrin per quanto si ragiona fece si che Fermo et Piero Antonio, fratelli sopradetti, come cugini de essa putta la persuase a venir via nel modo che hanno fatto. »

\textsuperscript{150} See the testimony of Battista Borlazzo, the Miega community representative, Beatrice’s village in ASV, Miscellanea Penale, busta 95, fascicolo 6, fol. 2v. “Ho sentito a dire li` per la villa che essa puta disse che più tosto che tuor Iseppo Fiumello sopradetto per marito la voleva andar mangiando radise d’herbe. Il simile la disse anca in casa // a Santa mia moglie et ad una nominata Dominica Morata, sta a Isola sul veronese, ma però io non la sentiti a dir tal cosa perché non era in casa.” The information that he is a widower comes from another deposition. See the testimony of Francesca wife of Matia Perezzuolo, fol. 12v: «Io credo certo che essa Beatrice sia andata via a quel modo volontariamente perché io la sentite a dire che non la voleva che suo padre si vedesse allegrezza di fatti suoi perché suo padre la voleva maritar in uno vedovo et essa non voleva.» («I deem certain that Beatrice left in that way, willingly, because I heard her saying that she didn’t want her father to find glee in her business, because her father wanted her to marry a widower and she didn’t want.»)

\textsuperscript{151} “Fu la sera del venere dell’olivo che Beatrice, mia sorella, mi mandò a chiamare a casa sua dove andata mi pregò se voleva portar a casa mia un cesto di bagagie. Io le dissi de no, che non voleva far questo torto a mio padre. Ella disse che se non voleva, l’avrebbe mandato per un’altra donna a Santo Stefano da Fermo Pagan, nostro parente e cugino.” (It was the evening of
her trousseau, and then she joined her cousins and Pellegrino. Although Costanza took their father’s side in the conflict, she did not confirm the violent nature of the abduction, but made clear that Beatrice left of her own will. The voluntary nature of this abduction was confirmed by all other witnesses. In addition, none of them confirmed any sexual relationships between Beatrice and her cousins. The testimonies are consistent in asserting that Beatrice had arranged her own ‘abduction’ in order to marry Pellegrino.

Beatrice’s escape with Pellegrino seems to have resulted from the tension between the family strategies as deployed by the father and the desires of the children. Beatrice’s father was a blacksmith with his dwelling (casamento) as his only property, and his plan to marry his daughter to the widower was probably aimed at improving his own situation. We can elicit that this marriage was somehow advantageous, especially for Beatrice’s father, from her conversations with her co-villagers. The herbal roots that she would rather eat are an efficacious metaphor of poverty that she contrasts with her father’s plans, greedy by implication. Her stance is clear: better poor with Pellegrino, who was a carter for a count, but had no property, than better off with someone she did not choose. In another such conversation, she was heard saying that she did not want her father to take merriment, glee, in her affairs by marrying her to a widower.

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*Good Friday when Beatrice, my sister, sent for me at her house; once there, she begged me to take to my house a basket of baggage. I said no, that I did not want to offend our father. She said that if I did not want to, she would have sent it through another woman to Santo Stefano, at Fermo Pagan’s house, our relative and cousin)*

152 ASV, Avogaria di Comun. Miscellanea Penale, busta 95, fascicolo 6, passim.

153 See testimony of Zuan Maria Malerba, fol. 9v. « Interrogato de qualitate patris predette iuvenis, respondit: ‘Non ha altro che uno casamento dove habbita et è feraro in detta villa et lavora de feramenti et è persona (comeda) et per poverhomo passa via’ »

154 For other instances of daughters’ rebellion against their fathers see PVP, Otmice 6.19, Abduction of Margherita daughter of Stefano Chiurco, October 2, 1705. “Interrogata rispose: « Son andata io di mia volontà col medesimo col quale già previamente havevimo fatti i sponsali e dato l’anello e dirò signore come fu la mia andata. Io con il .. detto di mio marito futuro havevimo
We might read Beatrice’s elopement as a transgression against her father’s authority. I argue, however, that by promising his daughter to a widower and subtracting her from the young men of her generation, her father was the one to transgress a widespread rule in the world of small rural communities. According to an interpretation that Daniel Favre borrows from Lévi-Strauss, in early modern Europe a kind of ‘marriage economy’ implied that each generation was entitled to their peers as partners. As a consequence, a widower’s marriage to a younger, celibate woman would be seen as an illicit appropriation, a violation of generational boundaries. It is noteworthy that some charivari, ritual forms of popular judgement usually pertaining to youth, targeted marriages of widows and widowers. This research has also produced other references to the disapproval met by marriages with widowers. In a 1703 case for voluntary abduction from Istria, for instance, the father of the abducted bride commented that the couple had eloped after they had failed to reach an agreement on the counter-dowry. He, the father, expected the groom to pay a counter-dowry, a customary practice for widowers in his nation. From this perspective, Beatrice’s and Pellegrino’s
elope ment would not be a transgression, but an action taken by the young males of this community to bring the situation back to the their view of traditional order.

In this instance, the daughter’s interest and theirs happily converged.

While a young celibate woman’s marriage to a widower met with the disapproval of her male peers in small rural communities, criminal courts followed a different rationale. Not only did the Cologna Veneta’s criminal judge make no reference in his sentence to Beatrice’s father’s plan to marry her to a widower, but he also omitted Beatrice’s active involvement. The criminal judge fundamentally embraced Beatrice’s father’s stance. He sentenced Pellegrino and Beatrice’s cousins for abduction, specifying only ‘con mali modi ed arti’ instead of violent abduction. The legal qualification con mali modi ed arti or malis artibus defined a crime accomplished without physical violence, but rather through ‘blandishments, persuasions, and promises’ (blanditie, persuasiones and promissae). 157 Similar to violent abduction --although less serious--, the malis artibus offense nevertheless placed the responsibility for the crime on the abductors and assumed that the abducted woman’s will had been forced.

Following this line of reasoning, the language of the sentence carefully expunged from the text any references to Beatrice’s active involvement in this abduction. The sentence described Beatrice as a chaste and celibate daughter who was abducted and induced by her cousins and Pellegrino to steal her clothing from her father. 158

As for the penalty, the defendants were banished forever from Cologna, Vicenza, Verona, the surrounding territories, and Venice. A penalty of medieval

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157 Massetto, G. P. Entry Ratto (diritto intermedio) in Enciclopedia del diritto, vol. XXXVIII (Varese: Giuffrè, 1987), 725. It could be applied to cases for rape as well as abduction.

158 ASV, Avogaria di comun, Miscellanea penale, b. 95, fasc. 6, fols. 20r-v.
origin, banishment prohibited the accused from living in or even passing through a certain territory. A life-long banishment uprooted the accused from their place and certainly made it difficult—although not impossible—for them to keep their network of relationships. In the case of Beatrice Ferraro's abduction, the severity of the punishment was also due to the defendants’ absence from the trial, which was considered an admission of guilt. Following their appeal to the Venetian magistracy Avogaria di Comun, however, this penalty was annulled on the basis of procedural irregularities. The Avogaria di Comun then forwarded it to the magistracy Quarantia Civile Vecchia, a branch of the magistracy Quarantia, where the verdict of banishment was cancelled about a year and a half after the abduction had taken place because of procedural irregularities. The procedure was considered irregular because it was issued when the defendants could still present themselves at the trial. The podestà had granted the defendants an extension of time to present themselves to the court but did not write it in the registers, hence the problem. The banishment was cancelled on November 4, 1592 in the Quarantia Civile Vecchia with 22 votes in favor, 0 contrary and 6 non-voters (non sinceri). In the meantime according to some witnesses, Pellegrino had married Beatrice.

To sum up, this abduction shows a discrepancy between the logic of criminal justice and what is reported in the legal dossier. The criminal judge’s verdict did not take into account some information from the trial that authorizes a different reading of this conflict. On the basis of these neglected details, I argue

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159 Priori, entry ‘Considerationi che deve fare il giudice innanzi la sententia.’
160 Besides its other functions, the magistracy Avogaria di Comun had the task to filter the appeals from the courts of the mainland. After assessing whether there were irregularities concerning either the procedure or the content, the magistrate forwarded the case to a Venetian court. If there were not any irregularities, they sent the case back to the court that had formed it.
161 ASV, Avogaria di Comun, Miscellanea Penale, b. 95, fasc. 6, passim.
that the Beatrice Ferraro voluntarily left her paternal house with the help of her fiancé and cousins in response to her father’s transgression, namely his intention to marry her to a widower, a violation of intergenerational boundaries. This discrepancy stems from two different ways of conceiving relationships of authority within the family. According to one construct, the criminal judge upholds the father’s authority by ignoring the daughter’s wishes and by projecting the responsibility for her escape squarely on Pellegrino and her cousins. The later annulment of the sentence at the appeal level did not question this notion of the father-daughter relation, since it was based on procedural irregularities and not on the content of the sentence. In the other construct, we see a paternal authority, which is bound by collective rules, such as the one on intergenerational boundaries, generally guarded against by the youth.

The world of the youth is also a feature of the case that I am going to analyze next. This abduction originated in Visinale, a village near the Tagliamento river in the Friuli region. Located on the Eastern side of the Venetian mainland, Friuli was a much more rural area than its western counterpart, where Cologna Veneta was, lacking its typical highly urbanized character. This area stood out for other reasons as well: in addition to having its own vernacular, Friuli was also marked by the resilience of ancient feudal jurisdictions and by a profound attachment to the customary traditions of the myriad of rural communities dotting its landscape. Even within a largely rural and traditional area such as this, however, socio-economic stratification was emerging in the 16th century as a consequence of the rise of commercialized agriculture and greater integration with Venetian market economy. Situated along the Tagliamento river, Visinale

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probably registered such changes. Intergenerational tension looms large in this Friulan abduction as well. Unlike the elopement of Beatrice and Pellegrino, however, in the following case the interests of the abductor and his peers did not converge with that of the young woman whom they kidnapped.

**Intergenerational conflicts: We have been courting each other for one year as is the custom of the youth**

On a winter day in the year 1590, Nicolosa Pupulin, a young peasant woman from Visinale, was tying up wood in bundles in a field. A young man whom she knew, Tita Gaion, came with a group of friends and asked her if she wanted to keep her promise of marriage. When she answered that she had not given him any promise, Tita and the others took her by force, brought her to his house in the neighbouring village of Villotta, and locked her in a room. Soon afterwards, the small group of abductors was chased by Nicolosa’s relatives, friends, and neighbors in their attempt to rescue her. In Tita’s house, the tension flared up into a fight. A Venetian nobleman, Silvestro Memmo, joined the fray on the side of the Pupulin family and was crucial to Nicolosa’s liberation. After liberating her, Memmo took Nicolosa by the arm and asked her three times if she still had her honor, meaning her virginity, to which she answered in the affirmative. In addition, he inquired about another important issue, namely the alleged promise of marriage, which Nicolosa denied she had ever given. On that same day, Nicolosa was returned to her family.163

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ASV, Avogaria di Comun, Miscellanea Penale, busta 203, fascicolo 1, fols. 37r-v, testimony of Sebastiano Pupulin.
The day after her rescue, the criminal judge of the local feudal court went to the Pupulin’s house to conduct his investigation. The Pupulins were peasants, more specifically tenant farmers (coloni) like Tita Gaion. Once in their house, the judge asked Nicolosa to describe her kidnapping, which she did. Then, he inquired as to whether she and Tita had been courting:

“We have been courting each other for one year as is the custom of the youth”\(^{164}\)

Then, the judge asked whether they had had words of marriage. Going back in her mind to the past summer, Nicolosa answered:

“It was on the day of saint Rocco, while I was in the garden picking up sage, that said Batista [Tita] came to the garden and told me: ‘Ah, young woman! Would you like to marry me?’ And I answered him: ‘No sir, because I don’t want to get married.’ And he replied and said: ‘Would you like this da quaranta [coin of little value]?’ And he threw it in my apron, saying: ‘Take this as a sign.’ And I told him: ‘I don’t want it.’ And he told me: ‘If your family, namely your father and mother will be content, you will be content too.’ And lastly, after many words, I returned the coin to him and he left, nor have we talked afterwards, neither about this nor about other.”\(^{165}\)

Why Nicolosa’s sharp rejection, if Tita and she had been courting in the past? There is a limit to what we can infer from Nicolosa’s words about her experience. We do not know, for instance, whether a sudden dislike or disappointment with Tita led Nicolosa to reject his marriage proposal. Despite these limitations, however, her testimony offers valuable information about identity formation in her social milieu. Nicolosa’s deposition highlights two

\(^{164}\) “È da un anno che noi faciamo l’amor come si usa fra giovani” ASV, Avogaria di Comun, Miscellanea Penale, busta 203, fascicolo 1, 21 February 1590, fol. 3, testimony of Nicolosa Pupulin.

\(^{165}\) “Fu il giorno de san Rocho passatto, che essendo io nel mio horto che coglieva salvia, detto Batista vene nel horto et mi disse: - Ah, quella giovane! Volete far nozze con mi? - Et io gli rispose:- Messer no, perché io non mi voglio maritar- Et esso replicò et disse:- Volete questo da quaranta? - Et me lo butò nel palagremo, dicendomi: - Tolè questo per segnal. - Et io gli disse:- Non lo voio- Et esso mi disse- Se i vostri di casa, cioè vostro padre et vostra madre saran contenti, vi contentarete ancor voi- Et io allora risposi:- Se mi chiamarono, li respondardò- Et finalmente, dappoi molte parole gli tornai il da queranta et esso si partite, né mai più habiamo parlato insieme cosa alcuna né di questo né di altro.” ASV, Avogaria di Comun, Miscellanea Penale, busta 203, fascicolo 1, 21 February 1590, fols. 5r e v, testimony of Nicolosa Pupulin. As for Saint Rocco, this festival was very popular in rural areas and was celebrated on August 16. See A. Cappelli. Cronologia. Cronografia e calendario perpetuo (Milan: Hoepli, 1983\(^5\)), 148. As for the da quaranta, here it seems to be given as sign of commitment.
competing collective identities, one associated with her group of peers and the other with her family. Her reference to herself and Tita as ‘youths’ stands out in sharp contrast with the prevailing way of identifying people by their position within their families (daughter of, wife of, etc.). Did Nicolosa mean to be dismissive when she brought up the expression ‘custom of the youth’? Or did her words reveal a nostalgia for that time in her life? What is certain is that the young couple’s courtship occurred within a pattern of socializing between young men and women somewhat independent of their families.

Whatever weight Nicolosa’s and Tita’s courtship had for her and her family, Tita saw things differently. He evidently saw in their courtship a time that would blossom into adult companionship, a view that was shared by his peers. In fact, when on that winter day Tita asked Nicolosa if she wanted to keep her promise, he was not alone. A group of friends and one relative accompanied him. This is by no means an exclusive feature of this particular instance, since many abductions and elopements were accomplished with the help of friends. Several studies have highlighted the importance of youth culture within early modern communities. Although an expression of transient identity, youth seem to have had an important stabilizing function within communities. In particular, studies on the charivari, forms of ritual judgement practised by young men, have underscored youth’s function in re-asserting community values that had been violated by the older, married generation. It was precisely the youths who had not yet formed their own family who acted as censurers of improper behavior, especially those behaviors linked to sexuality. Charivari targeted crucial

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moments of life that, as was true of marriage, marked the passage from one phase to another in the rural world.\textsuperscript{167}

What were the values, however, inspiring the youths in this abduction from Visinale? We do not have Tita’s nor his friends’ version of this abduction since they did not present themselves at the trial. From Nicolosa’s and other testimonies, however, we know that he claimed that she had given him the promise of marriage. In 1590 the promise of marriage was no longer formally binding, but it obviously still held much value in this context. The determination with which the Pupulin’s denied that there had been a promise of marriage between the two confirms that they too considered it important. In fact, an uncle tied the question of the promise to the trustworthiness of their family, maintaining that they would have honored her promise if she had made one.\textsuperscript{168}

In addition to Tita’s claim that there had been a promise, another motive emerges that might have inspired him and his peers to act. As Nicolosa relayed to the judge, Tita identified the woman’s parents as being the source of her refusal. “If your family, namely your father and mother will be content, you will be content too” she reported him telling her on S. Rocco’s day. My reading of this case is that Tita and the young men involved in this abduction were also asserting the equality of status between Tita’s and Nicolosa’s families. Both Nicolosa’s and Tita’s families were peasants, more specifically they were tenant farmers (coloni). They were formally of similar social station, however Nicolosa’s and her family’s

\textsuperscript{168} “Se ella dirà et consentirà di averti promesso, noi siamo molto contenti.” (“If she will say and consent to promise you, we are very glad.”) in ASV, Avogaria di Comun, Miscellanea Penale, busta 203, fascicolo 1, 21 February 1590, fol. 16v, testimony of Paolo Pupulin.
refusal to accept Tita as her spouse implies a judgement on his social suitability. The case gives very little information about their economic differences, but it is possible that there were significant economic differences among the peasantry in this area along the Tagliamento river as it became more integrated with the market economy centered around Venice in the 16th century. There is one reference to the Pupulins’ possible ownership of a field in the passage where Nicolosa is described as tying up woods in bundles ‘in a field kept by her father.’ This expression does not clarify, however, whether her father owned the field or simply rented it. More illuminating is the Pupulin’s connection with the Venetian nobleman Memmo. This information more soundly supports the hypothesis of socio-economic differences between the families. A Friulan peasant’s relation of patronage with a Venetian nobleman meant not only protection, but also access to credit and easier connections with Venice’s markets. Considering this, it is reasonable to argue that this abduction also registered the tensions of an area that was differentiating in socio-economic terms, while still immersed in traditional views of social relationships.

As for the outcome of the trial, this case too ended with the banishment of the defendants. After examining twenty-one witnesses, most of whom were related to the Pupulin side, the criminal judge of the feudal court of Prata condemned Tita and his accomplices to banishment for life, a common penalty for those who did not present themselves at trial. The fact that the legal dossier is

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169 ‘Nel giorno di mercore 21 del mese prossimo passatto, ritrovandosi la predetta Nicolosa, giovane honesta et nubelle a coglier legne cerpide in un campo tenuto per suo padre’ in ASV, Avogaria di Comun, Miscellanea Penale, busta 203, fascicolo 1, 21 February 1590, fol. 51r.
170 See, for instance, the role of the Savorgan family in the rise of commercialized agriculture in Buie, Friuli. The Savorgnan were a noble family from Friuli well connected with and loyal to the Venetian administration. According to Edward Muir, their liberal attitude toward the peasantry encouraged the development of commercialized agriculture in Buie. See Muir, Mad... Venetian landownership in the Terraferma increased over the sixteenth century.
171 ASV, Avogaria di Comun, Miscellanea Penale, busta 203, fascicolo 1, 21 February 1590, fols.
currently in the Avogaria di Comun archival fund is evidence that Tita and his accomplices appealed the sentence. However, there is no information on the legal course that this case followed afterwards.

**Intergenerational conflicts: Against the will of uncles and aunts**

In summer 1633, Caterina Clebaz and Zuanne Radanich eloped despite the opposition of two of Caterina’s four maternal uncles. Originating in the Istrian village of Crassica, this intergenerational conflict pitted the eloping couple against non-parental family authorities. Caterina was under her uncles’ guardianship, since she had lost both her parents. In the presence and with the consent of two supportive uncles, she had committed herself to Zuanne and exchanged ‘words of marriage’ (parole de matrimonio). However, two dissenting uncles expressed their intention to marry her to another suitor who was not to her liking. Hence, she decided to move in with Zuanne in order to become his wife. In this instance, the line of tension did not run between youth and the elder generation in a simple manner, and in fact brought out further conflicts in Caterina’s family, setting her maternal uncles against each other.

Owing probably, although not exclusively, to premature parental mortality, it is not unusual to find uncles among the authority figures defied by eloping couples. Sometimes, as in the case of Caterina Clebaz, there were more than one, a fact that make us think of a complex family, perhaps a fraterna. A fraterna was a type of family organization that could be found in the countryside as well as in the city of Venice. In a fraterna, all brothers inherited equal shares of the family

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51-52v.
172 BSVT, Diocesi di Cittanova, busta 4, the trial was formed on 18 July 1633.
property and continued to live together even after marrying. This organization stressed cooperation among the various family units living under the same roof.\footnote{On the \textit{fraterna} among the Venetian patriciate see Hunecke, chapter 6 “Casa, fraterna e ménage.” According to Hunecke, in the 16th century the fraterna or patrilineal subdivision was replaced by the patrilineal indivisibility (fedecommesso or primogeniture) among the Venetian patriciate. On the \textit{fraterna} in the countryside see Povolo, \textit{L’intrigo} ... More in general on rural households in early modern Europe see Burguière and Lebrun, 52 and following.}

The presence of uncles among those who had a say in marriage is not due exclusively to parents’ premature death. This is, for instance, the case of an abduction from Zero, a village in the territory of Treviso, on the Venetian mainland. This abduction took place with the consent of the woman and her family against the will of one paternal uncle. The latter let the marriage negotiations drag on for so long that the exasperated future groom decided to kidnap his fiancée.\footnote{ASV, \textit{Collegio, Risposte di fuori}, filza 328 (27 March 1574). The petition was presented to the \textit{Collegio} by the abducted woman’s cousin who took part into the abduction.} The succinct language of this petition does not allow us to elicit the reason for this uncle’s influence on his niece’s match. I do not exclude, however, that a \textit{fraterna}, with its emphasis on horizontal loyalties in the family, might explain his authority.

It is interesting that not only uncles, but also aunts are among the non-parental authority figures. This was, for instance, the case of a 1650 elopement that occurred in Torre, Istria. Mariza, widow of Zuanne Vucovich, arranged her own abduction in order to bypass an aunt’s opposition to their marriage.\footnote{State Archive of Pazin, \textit{Causae Matrimoniorum, Raptuum} T. 1, 4.4, fols. 93 r-97r, abduction of Mariza widow of Zuane Vucovich, 9 August 1650.} As she related in the court trial at the bishopric, she had made arrangements with Antonio Pocragiaz for him to come and get her where she was washing clothes. Antonio had asked to marry her earlier, but Mariza’s aunt had opposed this match because she wanted Mariza to marry a laborer of hers (\textit{famiglio}). The couple eventually
decided they had to stage an abduction; this also allowed them to avoid wedding expenses, as Antonio explained to the bishop’s vicar.\textsuperscript{177}

This succinct case does not say whether Mariza’s aunt was a relative from her side of the family or her late husband’s, nor does it explain why she was a consequential figure in her life. What is striking in Mariza’s aunt, besides her being a figure of authority, is her motivation for opposing Mariza’s and Antonio’s marriage. Her plan to keep Mariza close by marrying her to a laborer of hers is, in fact, unusual. Poverty might have been the reason for this. Having Mariza marry a laborer of hers would have not only kept Mariza close, but also her labor and whatever property she had. It would have moreover secured the laborer’s work for life. The laborer, by definition owning nothing but his skill, might have been enticed to stay by the prospect of sharing the yields of that labor. This is an unusual but not exceptional instance. In a similar case from 1647, also from an Istrian village, Caterina Giucich eloped because her father wanted her to marry a laborer of his, obviously not to her liking. At the ecclesiastical trial that followed, her father testified that ‘he wanted to marry her to a laborer of his, an extremely good worker, whose support he wished to have in his old age.’\textsuperscript{178}

To sum up, this section points out the variety in family authority figures within peasant families against whose wishes abductions were staged. Similar to previously examined cases, these abductions demonstrate a certain measure of agency on the part of the bride and the groom: they decided to act and by acting

\textsuperscript{177} Pocragiaz maintained that "questo non habbiamo fatto ad altro fine se non per fuggir le spese che si usano fare nelli sposalitii et nozze perché le entrate non rendono" (We did it solely in order to avoid the expenses that were customary for the wedding ceremonies, because we did not have enough money coming in) Ibidem, fol. 95r.

\textsuperscript{178} Palazzo vescovile di Parenzo, Otmica 4.4, abduction of Caterina daughter of Antonio Giucich, 22 May 1647, fols. 9r-13r. "La volevo maritare con un mio fameglio, bonissimo lavorente, che volevo che fosse stato il bastone della mia vecchiezza," From the testimony of Antonio Giucich, fols. 12r-v.
they made it difficult for their opponents to annul the marriage. These particular cases also bring up the proximity of labor and family relationships, which is the subject of the next section.

Master-female servant conflicts: He brought her sausage and bread for dinner and after kissing her for a while, he left

On the night of December 18th, 1595, Lucrezia daughter of the late Bortolomeo Gaiardello fled from her master’s house in Lendinara, a small center southwest of Venice. Following the formal denunciation of the giurati, a criminal case investigating this flight started against Silvio Paganin, a youth from Lendinara. According to the formal complaint, Silvio was responsible for leading Lucrezia away from her master’s house. According to the testimony of Antonio Littegatto son of the late Bortolo and Silvio’s cousin, after fleeing Lucrezia’s master’s house at night, Silvio brought her to his house. Despite the late hour, Littegatto opened his door since Silvio often came by his house during the day and sometimes even at night for the filo. From Littegatto’s testimony we know that Silvio asked him to host Lucrezia for the night. Then, Silvio brought her sausage and bread for dinner and after kissing her for a while, he left. Silvio’s cousin’s words suggest uncertainty about Silvio’s return. However, Silvio came back the day after, only to find that a man named Bellisario Petrobelli had come by the house and persuaded Lucrezia to go and work for him. Silvio’s cousin refers to him as ‘signor’, suggesting his higher social status. From his testimony,

179 Similarly to the massaro and degano, the giurato had the task to report crimes and capture criminals. See Rezasco’s definition: “In Vicenza e Verona, Massajo di contrada di città, colle stesse incumbenze del Giurato delle Ville, e segnatamente con quelle di denunziare i malefizi e prendere i malfattori ... In alcune ville del ferrarese, semplicemente denunziatore de’ malfattori e dei portatori d’armi proibite.” In G. Rezasco, Dizionario del linguaggio italiano storico ed amministrativo. Ristampa anastatica dell’edizione di Firenze (Bologna: Forni Editore, 1881).

180 « Da lì ad un quarto d’ora in circa detto Silvio tornò da novo lì a casa mia dove era essa zovene, et li portò da cena un poco di luganega et pan, et posto detto pan et luganega sopra la tavolla nella camera dove anco si ritrovava la sudetta zovene, la qual basciatala un pocco se n’andò con Dio né più ritornò.» ASV, Avogaria di Comun, Miscellanea Penale, b. 438, fasc. 10, 22 December 1595, testimony of Antonio Littegatto son of the late Bortolo, fol. 6v.
it seems that Petr obelli convinced Lucrezia by telling her that Silvio was poor, whereas he, Bellisario Petrobelli, could have found a good and wealthy master for her. His higher status and company of two other men might have also intimidated her.\(^1\)

This instance points to the fact that the notion of the family went beyond the circle of those sharing blood ties to involve servants as well. Masters could sue the abductors of their servants and criminal courts recognized these abductions on the same level as any others, demonstrating the strong parallels between master and female servant relationships on the one hand, and father and daughter relations on the other. As in previously examined abductions, this particular instance indicates some degree of agency on the part of the female servant.

Another such instance leads us to the island of Corfu, across the Albanian coast. This case involves the abduction of Sofia, servant of Giacomo Quartano, a citizen of Corfu. In a formal complaint presented to the Provveditore dell’Armata, Giacomo Quartano accused Tommaso Mengano, captain of a galley, of violently abducting his servant Sofia and of beating his wife, Paola Quartano.\(^2\) He asked for his punishment and the return of Sofia. In her deposition, Paola Quartano related that she had taken Sofia with her when she was a child and raised her as a daughter. Now that Sofia was fifteen, Paola had

\(^{1}\) Il qual signor Belissario cominciò a dir a detta zovene se lei voleva andar con essi loro, che ghe troveriano un buon patron et che staria commoda, che volendo star con Silvio è povero, et è un putto che non ha robba, et che volendo andar con essi, che la metteriano in luoco, che la staria bene. La qual zovene ciò sentendo, senza mai parlar cosa alcuna, se gli avviò dietro et se n’andò con loro ». ASV, Avogaria di Comun, Miscellanea Penale, b. 438, fasc. 10, 22 December 1595, fols. 6v-7.

\(^{2}\) Tropo intolerabil è stata l’imperiosità et temerità del sopracomito della galea della Canea, non havendo havuto rispetto della vostra giustitia né amor al prossimo, ha heri sera a hore due de note con tutti li suoi scapoli venuto armata mano, in casa de me Giacomo Quartano, servitor di Vossignoria Illustrissima et irrompendo la casa mia dove hera con la mia brigada ha sforzatamente tolto la mia massara donzella, batendo crudelmente la mia moglie et percontendola’ in ASV, Avogaria di Comun, Miscellanea Penale, b.18, fasc. 12, fol.1.
considered marrying her out and giving her a dowry adequate to Sofia’s station and her own economic potential. However Mengano’s increasing attention for Sofia had jeopardized her plan. He had already attempted to kidnap Sofia twice while she was washing clothes near his galleys. When Paola warned him to stay away from her, he answered that he could not help looking for her, loving her and being unable to distract his thoughts from this love.

Ten witnesses were examined after the Quartanos sued Tommaso Mengano. Five of them confirmed the Quartanos’ version, while the remaining five refuted it. One witness, for instance, maintained with certainty that Sofia herself had planned the abduction; she preferred joining Tommaso rather than staying with her masters who beat her. Another testimony asserted to have heard Paola Quartano saying that she had hurt herself and blamed Tommaso in order to damage him more. In his interrogation, Tommaso said he loved Sofia and that she loved him in return. In his version, it was a mutual sentiment, grown while she came washing clothes near his galley and culminated with her request to join him in his galley, a wish which he granted after having formally asked her if she was coming of her own will. He let her stay on his galley, but Paola Quartano came to claim Sofia. Sofia repeatedly asserted that she wanted to stay with Tommaso, which she did, until the next day when she was placed in a ‘honorable house.’ We do not know what Sofia thought about this event, since she did not testify, but we know that she was returned to the Quartanos ‘intact and without any blemish in her honor.’

Pleased with such outcome, the Quartanos withdrew their formal complaint and the Provveditore dell’Armata decided to not go further with the case.

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183 Testimony of Paola Quartano.
184 ‘Intacta et senza alcuna macula nell’honore.’
This case presents two very different versions making it is difficult to reconstruct exactly what happened. As in the previously examined case, however, it portrays a relationship between a servant and her masters that resembles the relationship between a daughter and her parents. This similarity was acknowledged in legal venues: the subtraction of a servant from her master is equal to the subtraction of a daughter from her father.\footnote{Two other cases of abduction of servants are in ASV, Avogaria di Comun, raspe, Reg. 3685, fols. 64v-65v. Sentence dated 17 October 1583 issued by the Quarantia Criminale against Cesare Miario for the abduction of Giulia Pellizzaria, servant of Nicolò Laniatore, and for the murder of Ortensio Rosseto, a witness. Another case is in ASV, Avogaria di Comun, Miscellanea Penale, b. 363, fasc. 12, case against Tommaso Salvestro for the abduction of Caterina occurred in 1557. See also Otmica 4.4, abduction of Marina daughter of the late Vido Raicovich, February 5, 1652, fols. 121r-125r. In this instance, the suitor had asked Marina’s master for permission to marry her even though she had two paternal uncles still alive.}

To conclude my examination of the reasons for abducting women in rural settings, I will present another recurrent motif, the impossibility of paying wedding expenses.

**Abductions in times of poverty: We did it solely in order to avoid the expenses that were customary for the wedding ceremonies**

In the previously examined case of the abduction of Mariza Vucovich, Antonio Pocragiaz told the judge:

“We did it solely in order to avoid the expenses that were customary for the wedding ceremonies, because we did not have enough money coming in.”\footnote{“Questo non habbiamo fatto ad altro fine se non per fuggir le spese che si usano fare nelli sposaliti et nozze perché le entrade non rendono” in State Archive of Pazin, Causae Matrimoniorum, Raptuum T. 1, 4.4, fols. 93 r-97r, abduction of Mariza widow of Zuane Vucovich, testimony of Antonio Pocragiaz, fol. 95r.}

This was not the exclusive reason leading Antonio to abduct Mariza. As we saw before, Mariza’s aunt’s opposition was also a contributing factor. The impossibility of paying wedding expenses is, however, a relatively recurrent motif in the legal records, particularly in the ecclesiastical cases from Istria.\footnote{BPVP, Otmice 6.16, Abduction of Maria daughter of the late Mattio Vodanich, January 4, 1671. In her testimony Maria told the ecclesiastical judge: «Signor si che mi haveva fatto ricercar per sua moglie ma li miei parenti non volevano per causa della scarcezza dell’entrade per non poter far nozze come si costuma» fol. 5v («Yes sir, he [her abductor] had asked my relatives to marry...»)}
example, poverty appears in another ecclesiastical case from Istria, originating in 1632 in the diocese of Cittanova. When questioned about his alleged abduction of Maria Pribaz, Pasqualin Cosole explained her informal transfer to his house as follows:

“Sir, it is almost the custom, and even more during these times of poverty, that for scarcity of women and men, they pair off without distinction and, doubting that this woman was kidnapped or violated, I arranged for her to come voluntarily to my house where the copulation followed.”

Pasqualin Cosole’s testimony brings up several reasons for this informal transfer: poverty, and the ensuing scarcity of men and women, had heightened what was almost a customary practice. In addition, the fear that Maria might be kidnapped or raped by others also pushed him to stage this voluntary abduction. The poverty of the time was apparent to the eyes of the bishop and his contemporaries. Pasqualin did not need to back his reference with further explanations. In fact, the early 1630s brought some of the most dramatic poverty to Istria, owing to the plague of the years 1630-32. When he mentions poverty as the cause of their informal transfer, however, he offers a more complex explanation than simply lacking the money for wedding expenses. He links

me, but they did not want because of the scarce incomes and the impossibility to pay for wedding as is customary.”

Her uncle Zorzi Chialovich also confirmed that he and his wife did not want Maria to get married «perché non erimo in statto di far nozze per le cative intrate» fol. 4v («because they were not in the condition to have the wedding for their poor incomes.»). See also PVP, Otmice 6.19, Abduction of Lucia daughter of the late Zorzi Pocraiz. In a letter to the bishop of Parenzo, the priest of Villa di Rovigno described both abductor and abductedee, who were his parishioners as ‘volontariamente consentienti per forma di rapto senza far spese di nozze secondo l’usanza del paese’ fol. 314r (‘consenting to marriage by form of abduction as is the custom of the village.’)

188 BSVT, Diocesi di Cittanova, busta 4, Processo formato et espedizione della dispensa pontificia de Pasqualin Cosole e Maria Pribaz della villa di Corte sotto Isola, 6 May 1632. “Signor, è quasi questo costume et tanto più nella miseria de questi tempi che per carestia de donne et di huomini s’accopiano insieme senza distintione et io dubitando che questa donna così fosse rapita o violata, procurai che volontariamente venisse a casa mia dal che ne segui la copula carnale.” Testimony of Pasqualin Cosole.

poverty to the scarcity of individuals, which in turn led to different, and often deteriorated, social relationships. The few survivors of the plague paired off without much concern, by which he probably meant lack of regard for class distinction and proximity of kinship. Marriage between individuals within the third grade of consanguinity and affinity was forbidden, in fact, by the Catholic Church and it was precisely to request a dispensation from this rule that Pasqualin and Maria, who were relatives, had initiated this case.\textsuperscript{190} In addition, Pasqualin mentioned another factor contributing to their rushed union, namely the fear that Maria might be kidnapped or raped by rival suitors, a highly recurrent motive in the Istrian cases, which I will examine in the next chapter.\textsuperscript{191} The central problem resulting from poverty in these abduction cases was the lack of means to pay for wedding expenses. The poverty branched out, however, creating other complications such as the scarcity of men and women, the need for marrying within a close degree of kinship, and the heightened threat of violent kidnapping by rival suitors. Hence, in times of poverty, consensual and forced abductions were more likely to occur.

\textbf{Honor and women’s agency}

Abductions from rural areas show a great variety of situations in regard to women’s degree of active involvement. Some abductions were realized with the woman's consent against the will of her family while other abductions were

\textsuperscript{190} “che siano pigliati li constituti con giuramento degli sudetti Pasqualin et Maria se sapevano inanci che hanno havuto pratica insieme fossero congiunti in terzo grado di consanguinità o d’affinità et se l’hanno fatto con (...) et pensiero di ottenere più facilmente la dispensa da sua santità et se finalmente essa Maria sia stata da lui rapita” in BSVT, Processo ... see footnote 46. For studies on dispensation for consanguinity and affinity see Flandrin, \textit{Les amours paysannes: amour et sexualité dans les campagnes de l’ancienne France (XVII-XIX siècle)}, Paris: Gallimard, 1975.

\textsuperscript{191} Because of its specific appearance in the Istrian cases, I will elaborate on this motive in the third chapter.
unquestionably forcible. In addition, there are instances that do not fit this binary categorization, opposing consensual to coerced kidnappings. For instance, some abductions were formally consensual, but realized under adverse circumstances that limited a woman's range of choices. This very variety lends itself to a fruitful reflection on the nature and extent of women’s agencies: How did women negotiate their role in such conflicts? How did they react to forced abductions? And how did their negotiation mesh at all in a culture that gave overarching importance to honor? An examination of the nature and extent of women’s agency in the Venetian Terraferma and Istria cannot leave out the question of honor.

Historians’ interest in honor is old. Owing in part to the inspiring works of anthropologists Pitt-Rivers and Peristiany on twentieth-century Mediterranean topics, historians have been fascinated by the study of honor in early modern societies since the 1980’s. A key concept in the work of these two anthropologists was the centrality of sexuality to honor in Mediterranean societies as well as the political value of sexuality.192 Another current in anthropology has opposed instead this view of culturally homogeneous Mediterranean societies centered on honor and shame values and criticised the usefulness of the honor/shame pair as interpretative category. While the view of a homogeneous cultural pattern stretching around the Mediterranean shores certainly needs precise

contextualization and refinement, I am less willing to abandon the concept of honor. The sources for this research confirm the centrality of sexual honor for the women and men of the Venetian Terraferma and Istria.

The importance of sexual honor does not entirely exclude, however, women’s assertiveness in words and actions. In his study of non-elite women from the small Castilian town of Yébenes, Scott Taylor has identified a more expansive and assertive notion of female honor than what is found in prescriptive literature and other sources. Drawing on criminal cases for slander and violence from 1600 to 1650, he finds that the women of Yébenes “defined their honor in broader terms than just sexuality, incorporating aspects like creditworthiness and the defense of their families.” While Taylor’s choice of sources, that is cases for slander and non-sexual violence, locates women’s assertiveness outside sexuality, it is within sexuality that I intend to address the relationship between female honor and women’s agencies.

As we have seen in the first part of this chapter, consensual abductions demonstrate a certain measure of agency on the part of both bride and groom: they decided to act and by acting they made it difficult for their opponents to annul the marriage. This measure of agency is rooted in the reparable nature of honor and in the complementarity between female and family honor. Eloping couples took advantage of the same mechanism that imposed the restoration of lost sexual honor through marriage. Once a woman had lost her sexual honor by eloping and

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transgressing the rule requiring premarital virginity, restoring honor through
marriage was not only in her interest, but also that of her family. Any family
member who had been previously intractable, would be forced to consent to the
marriage, however reluctantly.

Of course, this also incurred the risk of remaining dishonored. The gravity
of such a condition is well explained by the poignant testimonies of women who
were forcibly abducted and raped. The following testimony was given by Lucia
Filich daughter of Lorenzo from Canfanaro. In 1708 Lucia was violently
abducted and raped. When asked what she demanded from ecclesiastical justice,
crying she answered:

“Sir, what do you want me to say. For my reputation, since the above-mentioned
Frainovich has taken my honor, I must implore justice to compel him to marry me so
that I do not remain shamed (svergognata) and then after marrying me, justice may
do of him what it wants while I will never forget my being wronged. However,
more importantly, genuflecting I pray Your very venerable Sir to order our wedding
with the highest possible quickness, with the greatest urgency, because he who has
satisfied his lust with me, being a bad man, may be able to abandon me and already
threatens to go on an armed galley and so I would remain a whore
["puttana"=whore; woman without honor] and would lose every good fortune.”

Lucia Filich's account is centered on the opposition between honor and
shame, a focus of the work of Pitt-Rivers and Peristiany. The meaning of the
word 'honor' (onore) in Lucia's account is clear: her honor is her virginity. It is
the loss of the latter that pushes her into a shameful condition, one that she
associates with the loss of her reputation and every good fortune. The dramatic
nature of this condition is made even clearer by the urgency with which she asks
to marry her abductor: she is willing to live with someone for whom she nourishes
profound resent and contempt rather than remaining dishonored. The urgency to
marry one’s abductor even in coerced kidnappings appears more vividly in the
Istrian sources. While the possibility to join a convent, an option available in

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195 J.G. Peristiany, ed. Honour ...; Pitt-Rivers, Julian, The Fate ...
other contexts, might have mitigated such urgency, this option is absent from the Istrian accounts.\textsuperscript{196}

In the Istrian ecclesiastical trials regarding abduction, some women deliberately lied about the circumstances of their kidnapping, in all probability for fear of not being granted the permission to get married by the bishop. In an ecclesiastical trial from 1734, a twenty-year old woman from S.Lorenzo, Agata Radin, offered two different renditions of her own abduction. She offered her testimony with the help of two interpreters, since she spoke a Slavic language, indicated as \textit{illiricum} in trial transcripts, while the official language of the ecclesiastical court was Italian.\textsuperscript{197} She started her testimony with the description of her voluntary union to Vido Petrovich:

"It may be about one year since I have been knowing the above-mentioned Vido Petrovich whom I desired as spouse, for which purpose he asked my parents who were content. However, not having the way to do the wedding, they dragged on till the present. And having heard that others wanted to kidnap me by force, I let the above-mentioned Vido know to come with two men and pick me up in the vineyard where I would have found myself the next Saturday to pick up grapes, as in fact he did. He came with two men whom I don’t know whether they were armed. I joined them and went with them to the house of Vido with whom I have been for ten days after which I have come back to my father’s home and our priest sent me here to give my testimony and represent the truth of the fact that followed, as I have narrated."

Agata’s narrative blends typical motives: Women’s resilient will to join their beloved in the face of family hesitation, threats of being snatched by rival suitors and the inability to afford the wedding expenses are recurrent

\textsuperscript{196} For instance, Venetian patrician women founded the Casa delle Zitelle in Venice in the sixteenth century to host women who, having lost their sexual honor and being poor, were or were likely to become prostitutes. See Laura Laura McGough, "‘Raised From the Devil’s Jaws’: a Convent for Repentant Prostitutes in Venice, 1530-1670," dissertation, Northwestern University, 1999. See also Monica Chojnacka, “Women, Charity, and Community in Early Modern Venice: The Casa delle Zitelle” \textit{Renaissance Quarterly} 51 (Spring 1998), 68-91.

\textsuperscript{197} "…fu esaminata col mezzo Gregorio Guich q. Sime di Sbandati interprete perito della lingua illirica per non saper la giovine la lingua italiana, ammonito di fideliter referendo col pretesto del giuramento etc." in Palazzo vescovile di Parenzo, Otmice 12.12, abduction of Agata daughter of Tome Radin, October 4 1734, fol. 182v. Her second account was given with the help of another interpreter as indicated in the concluding note: “Quibus habitus etc. relectum confirmavit et nesciens scribere facit crucem. Que omnia interpretata fuerunt per don Antonium Baldini peritum in lingua illirica eo quod ipsa Agata nescire italiclo loqui et iuravit de fideliter referendo et subscriptio Antonio Baldini.” (fol. 183v)
motives in Istrian sources. However, after being warned to tell the truth, she rendered a surprisingly different account:

“And told her to tell truthfully the fact that occurred, she answered: 'It may be about one year since Vido asked my father permission to marry me and, having my father declined with the excuse of not being in the state of doing the wedding, they were left like dead, not having spoken about this wedding. I knew about this proposal and I left it to my father to decide, without however thinking any longer about the above-mentioned Vido nor passing between us reciprocity of affection any longer. So I thought that he did not think of me any longer and that he had forgotten. But I was deceived. While on the 26th of the current month I was with an aunt and uncle in a vineyard to pick up grapes, at vespers time I saw myself surprised by two men who, taking me by the waist, had me go with them. I screamed that they let me go and my uncle and aunt screamed as well, but since they could not resist their violence and because we were too far from our dwelling, we had to let them satisfy themselves. I was so totally stunned that I recognized them only after a while, when I recognized Vido Petrovich, but I don’t know if they had flintlocks or other arms nor how many they were for the confusion I had. They took me to Vido’s house where he closed me in a bedroom and with all violence he wanted to force me to consent to his excesses and raped me. After this fact I have been with him for three days, full of confusion, not knowing what decision to make, but I resolved to go back to my father’s house, as in fact I did after being with Vido for three days.'”

While some of the details of the narration remain the same (the vineyard, Vido’s house, her father’s house, the presence of other men, the presence of her aunt and uncle), this second version changes completely the essence of what happened, turning a story of mutual desire into one of shocking coercion. Nor is this the only instance. The testimonies of four other abducted women present a similar pattern: They start with an account of voluntary escape from the woman’s paternal house, but then unveil a violent reality, casting a doubt on the voluntary nature of other, supposedly consensual abductions. At the end of this last excerpt, Agata narrates her final resolution to go back to her father’s house after spending three days with Vido ‘full of confusion,’ in her own words. What happened next, however, shows that returning to her paternal house was not an option:

“When my father saw me and I told him how the fact had occurred, he told me to go to Vido’s since he didn’t want me. So, full of mortification, I returned to Vido’s house and told him my father’s resolution. He received me and I stayed there for other five days at the end of which, having my father sent word to me that I could go home if I wanted. And having told this to Vido, the latter told me that I could go where I wanted, that he gave me the liberty. I went to my father who negotiated so that marriage could follow in order to restore my honor.”
This excerpt is indicative of the cultural impossibility for Agata to make a choice of her own will, a more subtle cruelty than the physical violence that she had experienced. It was not initiative she lacked, as we see from her decision to leave her abductor’s house. It was the unwritten, but evidently deep-seated rule of honor that barred her from being the one to decide about her own life. Rather her father made the decision on her behalf, a decision aimed at restoring her and his own compromised honor.

Lastly, I would like to examine a case that does not fit either the category “consensual” or “forcible.” Originating in the Istrian village of Fontane, this case concerns the alleged abduction of Gaspa, a young woman probably in her twenties and already a widow. She introduced herself as follows: “My name is Gaspa, I am a working woman, and I attend to my own business by working as daily laborers for others.” She was interrogated by the bishop of Parenzo in order to verify her widowhood and also to ascertain whether she had been forcibly abducted or she had voluntarily joined her future spouse. Her story is compelling. At the time of the trial, in September 1654, she was certain that her first husband had died and was confident she could produce the necessary documents to prove his death and her widowhood. But for years she was unable to do so. Her late husband had been sentenced to three years in the galley for murder. Six years had passed and she had not heard from him. However, the fact that she was of undefined marital status, young, and had no children, made her vulnerable to the harassment of the men of her original village, Fratta. She moved to another village, Fontane. Gaspa supported herself by working as a servant for another woman, a relative of hers, and also as a daily laborer for others in the countryside.
However, in addition to being harassed by many, she was mistreated by her boss. Eventually, in order to save her honor, she decided to go and live with a man who offered to marry her. More precisely, her future father-in-law asked her to marry his son since his wife had passed away, and they needed a woman to attend to the care of the house. She accepted their offer.¹⁹⁸

The way Gaspa rendered her biography shines with determination, especially in the light of the her dramatically narrow range of choices. She was a working woman, but she could not defend her autonomy, safety and reputation alone. The need to protect her honor, she indicated, motivated her final resolution to get married and her initiative removed her from a vulnerable situation. If external circumstances, such as fear of violence and need for protection, determine a certain course of action, should we call it “agency”?

**The greater assertion of the Catholic Church’s and the Venetian State’s jurisdictions over abduction among the lower classes**

Even in rural areas, an overall assessment of women’s place in abductions cannot leave out central institutions. The cases examined so far show how even small villages came under the sway of both the Catholic Church and the Venetian State, which more forcefully asserted their powers beginning in the second half of the sixteenth century. Therefore, I argue that the nature of women’s agency in

¹⁹⁸ Palazzo Vescovile di Parenzo, Causae Matrimoniorum. Ruptum 4.4, 23 September 1654. See testimony of Gaspa: “A di 2 octobre 1654. In Orsara. Constituia Gaspa q. Ive Zerlenco di Fontane, monita, interrogata del nome, cognome, patria e professione, rispose: “Io mi chiamo Gaspa figliola del quondam Ive Zerlenco di Fontane, son donna di lavoro, faccio li fatti miei lavorando a giornata per altri … " Venivo perseguitata da molti che mi volevano havere alle sue voglie per essere restata giovane e poco tempo con mio marito senza finglioli che però me ne partii di Fratta e venni a Fontane dove sono stata altri anni quattro e sempre da molti di loro tentata e mi posì a servire Margherita moglie del quondam Capo Vido Dubanovich che sebene era mia parente, ho servito per massa rapazandomi sempre, et ho consumato quel pochi di drappi che havevo anzi che molte volte mi mandava a lavorare a giornata per altri et se guadagnavo qualche cosa essa non mi dava niente come anco per la servitù che a lei facevo che però non potendo più durare e vedendomi anco sollecitata da molti per salvare l’honor mio mi sono risolta maritarmi con Stoian, novo habitante di Fontane, col quale mi sono promessa non havendo mai havuto nova di mio marito “.
abductions is fully understood only by also exploring the church’s and state’s rationales and modalities of power assertion over abduction-based conflicts and their subsequent resolutions.

The Catholic Church became more effectively involved in abduction-based conflicts following the Council of Trent (1545-63). Abduction was discussed during the debate on matrimonial doctrine whose vagueness the Council’s prelates intended to remove. This doctrine’s ambiguity had raised criticism in both Protestant as well as Catholic circles. Due to the central place that the pre-Tridentine Catholic matrimonial doctrine conferred to the spouses’ exchange of consent, it was possible for them to contract a valid marriage even without meeting the suggested formalities conferring publicity to marriage, such as the presence of the priest and witnesses. This kind of marriage without publicity, the so-called clandestine marriage, had no legal consequences, but was nevertheless binding for life. This meant that no other marriage could be contracted afterwards without committing bigamy. Clandestine marriages were contracted for different reasons, such as outflanking the opposition of a priest or someone else in a position of power. However, clandestine marriages contracted by under-age spouses against the will of their parents were those that raised the greatest alarm among the clergy. The debate on abduction is part of this more general effort to remove the ambiguity of the Catholic matrimonial doctrine in order to avoid abuses. From this context, we can infer that violent abductions were not the only kind of abductions worrying the prelates. In addition therefore, to clandestine marriages, voluntary abductions or elopements also, and perhaps to a greater degree, preoccupied the prelates at Trent. The precise question under debate was whether abduction was an impediment to a valid marriage. Their
decision was a compromise, which ultimately allowed marriage to take place.

The Tridentine decree *Tametsi* considered abduction an impediment only if the abducted woman was the hostage of her abductor. The new norms established a procedure requiring the separation of the abducted woman from her abductor. If after the separation a woman wanted to marry her abductor, he was obliged to do so. While these new norms did not realize the harsh condemnation that some prelates had wished, the new procedure offered the abducted woman an institutional space to voice her consent or dissent.

This research’s sources confirm the Catholic Church’s active involvement in implementing the Tridentine norms on abduction. The majority of ecclesiastical sources refer to abductions occurring in rural Istria. Typically, when the parish priest who was supposed to celebrate a couple’s wedding knew or merely had the suspicion that the woman had been kidnapped, he ordered her separation from her abductor and directed both of them to the bishop. The Church’s involvement in Istria was strong due to the high number of abductions which occurred in this area, and perhaps also to the less incisive presence of the state. Where as on the *Terraferma*, it was the state that intervened in cases of abductions by means of criminal justice while the Catholic Church remained less involved.


As for the Venetian State’s involvement in punishing abductions occurring in rural settings and in general from the lower classes, public authorities were obliged to report and investigate any cases of abduction of which they were aware.\textsuperscript{201} Established by law of the Council of Ten, from 1574, such obligation was valid regardless of the class of those involved. Whether the wronged party intended to sue the abductor or not, the judge had to follow up on any report of abduction. Prosecution by the State was more severe against violent than voluntary crimes as well as against those abductions involving aristocrats rather than non-aristocratic individuals. However, voluntary abductions from non-elite settings were also deemed dangerous. This is underscored in a case from the chancery of Padua. Despite the rapprochement between the two parties and their willingness to withdraw from legal action, the judicial authority was reluctant to treat this abduction as a non-serious offense.\textsuperscript{202} This case is particularly worthy of attention because the judge explicitly articulated the reasoning of the sentence, which was a rare occurrence. In addition the chancery of Padua was particularly important in Terraferma and the Padua podestà, a representative from Venice with administrative and judicial competences, generally was a prominent Venetian patrician. Also, many of the ‘processi delegati’ were directed to him and his co-rector, an indication of this office's closeness to the politics of the Venetian ruling class.\textsuperscript{203} This case is also interesting since both state and church intervened. In brief, here is what happened according to the judicial dossier.

\textsuperscript{201} See in chapter 1 my discussion of the Council of Ten’s laws from 1560 and 1574.
\textsuperscript{202} ASV, Avogaria di Comun, Miscellanea Penale, busta 38, fascicolo 10.
\textsuperscript{203} The processi delegati were particularly serious cases that were transferred to a different city from the one where they had been formed. The transfer was decided by the magistracy Council of Ten that also made decisions about the penal procedure to be followed (inquisitorial rite, servatis servandis, ecc.). Transferring cases was a common practice in the Venetian Republic. It aimed at freeing the judicial authority from local groups’ influence. See Claudio Povolo, “Aspetti ..., 153-258.
Santa and Giovanni

On May 12, 1592 Santa Callegari eloped with Giovanni Maria Bevilaqua, taking with her goods and money from her parents’ house in Gazuolo, Campolongo. Their elopement had occurred with the complicity of some friends and by taking advantage of the absence of Santa’s parents. After their elopement, Santa and Giovanni asked their parish priest to officiate at their wedding. The priest asked the bishop of Padua’s vicar for advice because after the Council of Trent abduction had become an impediment to marriage. Celebrating the wedding was still possible, but only after a period of separation aimed at ascertaining the woman’s authentic will and safeguarding her freedom of choice. The bishop’s vicar made arrangements for Santa and Giovanni to be separated according to the Tridentine norms. Once the separation had been accomplished, the banns had to be published and, if nobody opposed it, marriage could take place. As a token of repentance, they were required to offer a large candle to their church, a gesture aimed at making public their contrition and at admonishing the community.  

Santa and Giovanni’s wedding was celebrated on June 7, 1592 without any objections. In the meantime, however, the community representative, the

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204 ASV, Avogaria di Comun, Miscellanea Penale, busta 33, fascicolo 14, non-numbered page. In the letter sent to the parish priest, dated 27 May 1592, the bishop’s vicar referred: “Ho veduto quanto mi scrivete intorno a Giovanni Maria Bevilaqua di costi et Santa Callegar di Gazuolo di Campolongo. Vi rispondo che li facciate separare et, fatta la separazione, facciate le pubblicazioni et non essendo opposto alcuna cosa, celebrate tra loro il matrimonio, servando la forma del santo Concilio. Con questo però, che inanzi offeriscano alla torza et che si sappia che questa è offerta et che si compri in honore de Dio, che così voglio.” (I saw what you wrote me about Giovanni Maria Bevilaqua from here and Santa Callegar from Gazuolo di Campolongo. I respond you that you have them part and, once the separation is done, that you publish the wedding banns and, if there are no oppositions, officiate the wedding according to the form of the holy Council. With the addition, however, that before the wedding, they offer a large candle to the altar of the Most Holy Sacrament and that will be known that this is an offer and that is bought in honor of God).

205 The documents (fedi) certifying the banns and the wedding are included in the dossier of the criminal trial.
degano, had reported the abduction to the criminal court in Padua. On the basis of his statement, the court started a penal proceeding ex-officio and, as is the case with most serious offenses, required the accused to present themselves at the prisons in Padua in order to defend themselves.

Instead of presenting themselves, the defendants took the case to the Venetian magistracy Avogaria di Comun. The legal strategy that they adopted with the aide of Santa’s father was aimed at minimizing the consequences of the trial. In all probability, an agreement had been reached among the parties. Furthermore, Santa had given birth to a child who was baptized with the name of her father, Paolo, perhaps a sign of their rapprochement. Also, Santa’s father had declared at the criminal court in Padua that he did not want to sue Giovanni Maria Bevilacqua. Nevertheless, the trial continued, since it had started ex-officio.

A few days later, the magistrate, the avogadore, ordained the podestà of Padua to grant the defendant the so-called difese per procuratore, namely the opportunity to defend himself by proxy without appearing at the prisons of Padua. Granting the difese per procuratore meant to acknowledge the minor relevance of the crime and, consequently and precisely for this reason, the podestà

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206 The criminal court was called officio del Maleficio.
207 The act by means of which the court ordained the defendants to present themselves at the prisons was a proclama, an act employed only for serious crimes. With this regard, Lorenzo Priori asserted that “non si cita né si proclama o forma inquisizione se per casi gravi et publici et che il reo per il delitto meriti pena corporale et che il giudice possa ex-officio procedere.”(one does not summon nor issue a proclama nor prepare an inquisition unless the case is serious and public and the offender deserves for such crime a bodily penalty and the judge can take proceedings against the offender ex-officio) See Priori, entry citazione.
208 ASV, Avogaria di Comun, Miscellanea Penale, busta 33, fascicolo 14. The baptism certificate is included in the dossier. The baptism took place on the day of the child’s birth, on the 16th of March 1593, because his life was at risk. The priest who baptized him was the same who officiated at the child’s parents’ wedding.
209 The intention not to sue was called remissione dell’offesa, something different from the remissione della querela, meaning ‘discontinuance of action.’
210 Priori, entry Delle difese per procuratore.
refused to grant them. According to him, the couple’s marriage and the woman’s father’s intention not to sue his son-in-law was not sufficient to grant the defense by proxy since abduction ranked among the most serious crimes.

This issue was debated at the Quarantia Civile Vecchia, the appeals court where it had been sent by the Avogadori. The podestà of Padua defended his stance as follows:

“...if, in the case of a father who has an only daughter and a large estate, a man of bad morals or poor wants with blandishments to draw the girl’s disposition to be joined in matrimony with him against her father’s will; and eventually, after the crime is committed, the father gives his permission to marriage, by consenting against his will since he cannot do otherwise; anyone, even with mediocre intelligence, can see and recognize that his torment and regret are enormous...”

According to the podestà of Padua, the abductors of honest women had to ‘show their faces to justice.’ In the podestà of Padua’s view, granting the defense by proxy made for an execrable precedent. There was the risk that in the future no father would be able to marry off their daughters according to their plans because—he maintained—it was easy to mold a young woman’s will with blandishments, promises or by deception.

In line with the sensitivity to social distinction so typical of the ancien régime, the podestà of Padua also pointed out that not all abductions had to be treated as equally serious: those instances involving individuals of low social background did not deserve the same rigor as those regarding noble families. However, even in consideration of such distinction, the crime was serious and, he

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211 “...poiché se sarà un padre qual habbi un’unica figliola con grossa facoltà, non sarà il dover che un homo de cativi costumi o povero vogli con lusinghe tirar l’animo di essa figliola a congiungersi seco in matrimonio contra il voler del padre, il qual se finalmente condescende dappo il delitto comesso a consenter che seguia matrimonio, condescendo sfociatamente et perché non può a certo modo far de manco, ma che non sii il suo crucio e ramarco grandissimo ognuno, benché di mediocre ingegno, può vederlo et conoscerlo.” ASV, Avogaria di Comun, Miscellanea penale, busta 33, fascículo 14, non-numbered pages. Report to the Contraddittori of the Quarantia Civile Vecchia, dated 13 November 1593.

212 Ivì.
continued, should not be downplayed to the point of permitting the defendants not to present themselves to the prisons.\footnote{Ivi.}

The Padua podestà’s defense of his decisions is one of those rare instances in which a judge explicitly formulates his reasoning before coming to a legal decision; it openly conveys the mentality supporting the legal decision. His comments link the State's severity in cases of abduction, even the voluntary ones involving non-elite families, to issues of social order and family status when marrying away daughters. In his view, abduction was a threat to social stability and was likely to lower a family’s social status. Daughters’ honor had to be defended because their marriages reflected the social status of the family of origin. He saw voluntary abductions not simply as individual or familial events, but he gave them a public relevance: he feared that they would jeopardize family honor and patrimony and bring social disorder.

Furthermore, this case shows the tension between on the one hand practices, such as the remissione dell’offesa or discontinuance of action, that gave a primary role to the parties in conflict in deciding the legal course, and on the other hand the State judiciary's growing trend to erode such roles to the advantage of their authority.\footnote{On the gradual interference of the ‘state law’ over practices that revealed mistrust to go to court and that preferred to settle disputes out of court, see Lenman, Bruce and Parker, Geoffrey, “The State, the Community, and the Criminal Law in Early Modern Europe” in Gatrell, V.A.C., Lenman, B., and Parker, G. Crime and the Law. The Social History of Crime in Western Europe since 1500, 1980 (London: Europa Publications Limited, 1980), 11-48. See also Povolo, L'intrigo ..., 111-17.} Paradoxically, the Padua podestà claimed to defend fathers’ right over their daughters against the will of the particular father involved in this case. The shift in power toward the judicial authority is more evident in the inquisitorial procedure, a procedure that strongly limited the defendant’s civil liberties (such as the right to have a lawyer) and also subtracted legal power from
the victim. While it was the Council of Ten to systematically adopt the inquisitorial procedure, the latter was also extended to other judicial bodies through the so-called *processi delegati.*215 As the Padua podestà’s reasoning shows, the assertion of a strong judicial authority clashed against the mechanism of reparation of family honor. The severe punishment of the abductor impeded the rapprochement between the parties: although the criminal sentence could not prevent the abductor from marrying his abductee, since such faculty was within ecclesiastical jurisdiction, obviously it did not ease the process of reparation of honor through marriage. The well-known trial against Paolo Orgiano also confirms the extraneousness nature of the logic of reparation of honor by means of the judicial authority’s strong assertion of power. Administered with the Council of Ten’s inquisitorial procedure, this trial ended with the severe punishment of Paolo Orgiano, a Vicentine nobleman accused of raping several women, especially virgins, from his village and other offenses. As has been noted, the criminal sentence did not order any form of compensation for the raped women despite the acknowledgment of the gravity of Paolo Orgiano’s crimes in the sentence.216 I do not however, intend to draw broad generalizations from such dismissal of mechanisms of compensation for lost honor. For instance, the Venetian magistracy *Esecutori contro la bestemmia* ordered the payment of dowries as compensation for the lost sexual honor in cases of breach of marriage promises.217 I propose, instead, that the dismissal of mechanisms of reparation of

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215 On the inquisitorial procedure and the processi delegati see Claudio Povolo, *Aspetti...*
217 Based on the registers *Notatori* of the years 1577-1582, the magistrates *Esecutori* sentenced those found guilty of defloration and breach of marriage promise to a sum of money to be paid to the *banco* Pisani-Tiepolo. The deflowered women could withdraw the money after showing a
lost honor belonged mainly in inquisitorial procedures, which conveyed the
Venetian ruling class’s political will more firmly than regular procedures. It
comes as no surprise that prominent Venetian patricians, like the Padua podestà,
who were also involved in the processi delegati, expressed similar views.

Having identified the trend toward a harsh condemnation of abduction and
the dismissal of mechanisms of compensation for lost honor, a final consideration
should be made on the different implications of this trend for women involved in
violent and voluntary abductions. Such harshness entailed the protection,
although no compensation, for the victims. In voluntary abductions, however, the
severity of criminal justice had the consequence of limiting further the options of
women who had seen in the consensual abduction the opportunity to assert
themselves against oppressive family plans.

Conclusions

The cases for abduction examined in this chapter portray the complexity of
the rural settings in which they originated. In the villages of the Terraferma and
Istria abductions occurred for diverse reasons. Intergenerational conflicts
opposing unmarried youths to parents, but sometimes also to uncles and aunts,
could result in abductions. Conflicts involving female servants and their masters
also figure among the reasons leading to abductions. In addition, some abductions
were motivated by the impossibility to afford the wedding expenses.
Furthermore, these abductions are situated on diverse points along the spectrum of
female consent-dissent. While some abductions were clearly consensual and
others were clearly forcible, some did not exactly fit either category. Overall,

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document certifying their marriage or monacation. See ASV, Esecutori contro la bestemmia,
Notatorio, buste 56 and 57. These cases concerned only women from the city of Venice and of
low social status.
these cases show some degree of agency on the part of the women involved. I argue that this was possible due to the reparable nature of honor as well as the complementarity of female and family honor in these regions: in consensual abductions, once a woman lost her virginity, the restoration of her lost sexual honor through marriage was not only in her best interest, but also in that of her family. Of course, this involved the risk of remaining dishonored, a dramatic condition as witnessed by the poignant testimonies of the women who were forcibly abducted and raped.

The most notable change that I have identified in this chapter is that even this world of small villages, in which conflicts were resolved through power tests and mechanisms of reparation of honor, came increasingly under the Catholic Church’s and the Venetian State’s spheres of jurisdiction. The major contribution of Catholic Church was that it offered an institutional space for women who had been abducted to express their consent or dissent to marriage with their abductor. The Church’s implementation of the Tridentine norms on abduction concerned mainly Istria. As for the Venetian State, following the Council of Ten’s 1574 law, abduction became a crime of primary importance. Such importance was stressed by the judicial authorities’ obligation to legal action even in the absence of a formal complaint by the wronged party. Although the 1574 law had been conceived to keep aristocratic violence from the mainland in check, the obligatory legal action concerned also voluntary and violent abductions from non-elite settings. The latter certainly were not attributed the same gravity as abductions involving aristocrats. However, I have shown in this chapter that even voluntary abductions from non-elite families created concern of the part of the Venetian ruling class.
Chapter 3

Abduction for Marriage in Istria

Introduction

In February 1702 Zuanne Radmil, a young man from the Istrian village of Tribano, went to his bishop in the coastal town of Cittanova and asked for special permission to have the wedding with his fiancée Marina Pirin celebrated sooner than the usual protocol allowed, a permission that the bishop granted him. With Lent approaching or already started, the rules of the religious calendar would not have allowed them to celebrate their wedding, hence Zuanne’s request for a special permission. His apprehension was motivated by the events of the day before, when he and Marina had exchanged the promise of marriage in Contrada Bollara. After the promise, they had gone to downtown Grisignana to celebrate their engagement under the loggia where the Carnival balls used to take place. While dancing, rumours reached them that a rival suitor wanted to snatch Marina. To ward off the threat, they left, leaving Zuanne’s rivals alone in the loggia.218

Episodes of threatened and actual abductions were surprisingly common in early modern Istria, more than doubling those I had investigated in Terraferma. While transcribing court cases in the Franciscan monastery of Pazin, my eyes scanned over hundreds of abductions, piquing my interest as to the reasons for such conspicuousness. Alone, the 347 cases that I have transcribed from the Diocesis of Parenzo’s archive for selected time periods from 1602 to 1759 stand in stark contrast with the 149 cases that I have identified in Terraferma for a

218 BSTV, Diocesi di Cittanova, unità 23, 27 February 1702, testimonies of Zuanne Radmil and Valentin Sincović, pages not numbered.
broader time range. Although abductions in Istria were in some ways similar to what occurred in Terraferma, their high number requires a discrete analysis.

At a macro level, the most glaring distinctive features of Istria were its peripheral location and the cultural diversity therein. Located on the eastern border of the Republic, Istria was contiguous to the Habsburg Empire and in proximity of the Ottoman Empire. Such geo-political location was made more sensitive by the recurrent plagues and famines that hit the Istrian countryside during the 16th and early 17th centuries, leaving it depopulated and therefore more vulnerable to possible external attacks, the most feared being those from the Ottomans. Istrian proximity to the city of Venice made its military vulnerability even more worrisome for the Venetian ruling class. In response to this possible danger, Venetians encouraged the immigration of Christian subjects from the Ottoman Empire, especially from Dalmatia, Bosnia, and Herzegovina. Colonists were given land to work and tax breaks for twenty years. Immigration from the Balkans increased cultural diversity and also conflicts within Istria. Such context provides the background against which to place my study of abductions.

In order to better understand such marital practice, I will move to the micro level and start my analysis with a document detailing a compromise for an abduction that took place in Dračevaz, hinterland of Parenzo, in 1646. This

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219 Studies on immigration in Istria have highlighted how conflicts often opposed the so-called habitanti novi, that is recent immigrants who enjoyed tax breaks, to older settlers or native Istrians. On this issue in the Venetian Istria in the sixteenth and seventeenth centuries see G. Veronese, “L’immigrazione nell’Istria veneta tra ‘500 e ‘600: problemi giurisdizionali, contese tra comunità, conflitti etnici tra originari e forestieri,” Acta Histriae III (1994), 181-92. Several archival sources on this issue, and specifically on the Morlacchi, have been published in AMSI. See for instance the provveditore Francesco Basadonna’s report upon his return from Istria in 1625, published in AMSI V (1889), 97-99; the provveditore Giulio Contarini’s report from 6 February 1626, published in AMSI V (1889), 108-9; the report of the Captain of Raspo Giovanni Bondumier from 7 May 1643 in AMSI IV (1888, fasfol. 3 and 4), 309. See also the entry “Monspinoso-Dracevaz” in Dario Alberti, Istria. Storia, arte, cultura (Trieste: Lint, 1997). On Morlacs see Larry Wolfe, Venice and the Slavs. The Discovery of Dalmatia in the Age of Enlightenment (Stanford: Stanford UP, 2001). On early modern Istria, see also Egidio Ivetic, L’Istria moderna 1500-1797. Una regione di confine (Verona: Cierre, 2010).
document stands out from the remaining sources for its approach to conflict resolution. While the majority of sources that I have examined derive from formal trials administered by the Catholic Church or the Venetian State, this 1646 instance evidences a compromise among the parties, rather than a settlement imposed from without, as a resolution. This approach might seem somewhat obsolete given that there are fewer compromises for abduction than church and state trials. However, compromises and arbitrations were not exceptional ways of dealing with abduction-based conflicts, but they paralleled and complemented the church’s approach to abductions. An additional and more important reason to start from here is that compromises reflected more closely the values of the parties in conflict, therefore allowing us to look at abductions from the cultural logic of the participants themselves. Then, I will continue my discussion of abductions in Istria by looking at the way in which central institutions, the Catholic Church and the Venetian State, resolved abduction-based conflicts in Istria.

**Dračevaz, 1646**

The year is 1646. It is a Saturday in February. We are in the house of the venerable priest Stefano Schiati. Two locals, the priest Lazaro Dranzi and Paulo Lieto, have been asked to attend a meeting about the abduction of Martin Zamares’s daughter by Paulo Arman, an inhabitant of the nearby Valcarino. When the fathers of the abducted woman and the abductor arrived to the house of Dračevaz’s priest, they resolved the conflict with an exchange of women and livestock. We do not know with what sentiment Martin Zamares accepted the surrender of his daughter, her future marriage to Paulo, and withdrew from legal action in both spiritual and temporal courts. We do know, however, what he demanded in exchange: the abductor’s father was to give his own daughter Margarita as well as a pregnant cow or three goats to Zamares. Margarita was
expected to marry Zamares’ son Nicolò in October of the same year when Paulo Arman would marry his abducted daughter.\textsuperscript{220}

The text documenting this compromise is unfortunately brief and selective. For instance, no detail is given about the circumstances of the abduction, which were probably obvious to those attending the meeting. Not even the name of the abducted woman is mentioned, which is an interesting omission. Instead, the dominant information details the exchange of women and livestock. This exchange is rooted in a context that gives greater importance to the kinship group than the individual. The abduction of Zamares’s daughter seems to have been understood as a loss inflicted on her family rather than a crime against her. Individual damage was subsumed by the broader kinship unit. It comes as no surprise that Martin Zamares’s daughter was not named, since her abduction was primarily a family, not an individual issue. Also, responsibility for the abductor’s action fell upon his family, in the person of his father who was required in turn to compensate the abduction of Zamares’s daughter by giving one of his own. In sum, this

\textsuperscript{220} Palazzo vescovile di Parenzo, Otmice 4.4, compromise between Martin Zamares and Tommaso Arman, fol. 6. Here follows the text of the compromise: In Christi nomine Amen. L’anno della salute humana 1646 indictione X4.a il giorno di sabbo, li 10 febraro, fatto alla casa della solita habitacione del reverendo padre Stefano Schiati nella villa di Dreccevaz alla presenza del pre Lazaro Dranzi, pre Stefano Schiati et Paulo Lieto, tutti habitanti nella sopraddetta villa, testimoni acciò havuti et pregati etfol. Si dichiara per il presente scritto come Martin Zamares et Thomaso Armano della villa di Val Carin sono convenuti voluntariamente d’accordo per esser stata rapita la figliola del nominato Zamares dal figliolo di detto Armano videlicet che il Paulo raptore di sopradetta debba aspettare fin questo mese d’ottobre prossimo venturo per far il matrimonio a quella, con questo patto però che in quel tempo ancor Thomaso antescritto debba dar in matrimonio la Margarita sua figliola al Nicolò figliolo di detto Martin periché si rimove oltrescritto Martin d’ogni sorte di querella data da lui si in foro spirituale come in temporale, promettendogli perciò Thomaso antedetto donar una vaccha pregna overo tre capre obligando una et l’altra parte di non contravenir a detto scritto, ma in tutto attender alla promissione sotto l’obligatione di tutti loro beni mobili et stabili, presenti et futuri etfol. Io Diacono Dominico Giupponi per esser pregato li scritto.
compromise achieved by exchanging daughters informs us about the cohesion of the family group and its collective response to a suffered or committed offense.

Why, however, resolve the conflict through the exchange of women instead of returning the abducted woman to her family? The material loss inflicted with the removal of a woman could have been theoretically redressed by returning her to her family. So why couldn’t Zamares’s daughter be returned to her family? I propose that the answer is to be found in the double nature, material and immaterial, of the wound inflicted through abduction, namely the physical removal of a woman and the blemishing of her sexual honor. Once the abducted woman’s sexual honor was compromised—most court cases in this research evidence that sexual intercourse followed the abduction—marriage was usually the only way to restore hers and her family's honor. Based on the cases that I have examined, in early modern Istria marriage seems to be the only way to restore a woman's compromised sexual honor in both consensual and forcible abductions. Permanently returning a woman to her original family was simply not an option.221

In addition, the exchange of women recalls an analogy with the exchange of violence in blood feuds in Italy and across the Mediterranean. In both exchanges, the law of reciprocity serves to restore the broken balance. This analogy is more than formal. Abductions are in fact connected with the risk of the feud. In his

221 Istrian sources for abduction never mention the convent, an option available in other contexts for women who had lost their sexual honor. For instance, Venetian patrician women founded the Casa delle Zitelle in Venice in the sixteenth century to host women who, having lost their sexual honor and being poor, were or were likely to become prostitutes. See Laura McGough, “‘Raised From the Devil’s Jaws’: a Convent for Repentant Prostitutes in Venice, 1530-1670,” dissertation, Northwestern University, 1999. See also Monica Chojnacka, “Women, Charity, and Community in Early Modern Venice: The Casa delle Zitelle” Renaissance Quarterly 51 (Spring 1998), 68-91.
study on the feud in modern Montenegro, Boehm observes that ‘prominently mentioned in the historical sources [as events triggering the feud] are abduction of a maiden to marry her, seduction of maidens, adultery, runaway wives, and breach of betrothal agreements as well as disputes over pastures.’ Considering that many inhabitants in rural Istria were immigrants or came from immigrant families of the Ottoman Balkans, it is reasonable to imagine a cultural continuity between those involved in the 1646 compromise and areas of the southern Balkans where the connection abduction-feud was found.

While the exchange of women appears to be unique to this 1646 agreement, compromise, arbitration, peace, and informal negotiation were not obsolete ways of resolving abduction-based conflicts. In 1613 for instance, after his failed attempt to kidnap the Morlac Agnia fq. Giacomo Radman, thanks to her mother and other women’s intervention, Giure Cossinosich fq. Filippo made peace in the presence of a few men and promised not to interfere with Agnia again. The peace did not last long as Giure abducted Agnia again, this time successfully, about a month later. Despite the failure of this peace, this instance demonstrates the existence of such practices.

222 Christopher Boehm, Blood Revenge: The Anthropology of Feuding in Montenegro and Other Tribal Societies (Lawrence: University Press of Kansas, 1984), 103.
223 Palazzo Vescovile di Parenzo, Otnica 2.6, abduction of Agnia fq. Giacomo Radman, 31 August 1613, fols. 120r-129v and in particular Giure Cossinosich fq. Filippo’s testimony: “Ei dictum che racconti come la prima volta li sia stata levata, respondit: «Essa mi haveva mandato come l’altra volta a chiamare et havendola rapita, sua madre et alquante altre donne avvedutesi del fatto me l’hanno a forza levato»” (fol. 124v). See also Agnia’s mother Caterina’s testimony: “… per quello che il preditto Georgio accompagnato con due soldati forastieri la dominica precedente alla Madonna di Agosto habbi rotta la porta della sua casa et un balcon et li habbino rapita Agnia sua figliola la qual essa con altri li ha levato di mano et poi fecero pace insieme et il detto Giure giurò di non s’impedire più in detta giovane alla presentia de Matte Gechovich, Vuca Senandravovich et Simon Filipin, Georgii Zelych, Matte Bubicich, Giure Steffanich et altri et poi venero // li 30 agosto venero li medemi con più de venti compagni che io non conobbi et trovata la putta vicino alla casa la rapitero et condussero ove li è piacciuto” (fols. 126r-v).
Similarly, in 1658 a compromise and arbitration followed the elopement of Appolonia f. Andrea Vitas from Antignana. She maintained to have been asked her hand in marriage by two suitors at the same time, Giacomo Brecevaz and Ivan Susich. After her father made her accept Ivan as her fiancé, she accepted the ring and wedding announcements were posted in church. However, not desiring him as a husband, she secretly met Giacomo and arranged for him to come and get her. Probably to further justify her choice of Giacomo, she also stressed that Ivan was a widower, therefore not a good match for her. Following the abduction, a compromise and arbitration were made between the parties in conflict, abductor and ex-fiancé. As in the Dračevaz compromise, the agreement was not made by the persons directly involved but by their relatives, in the persons of the abductor’s brother Giuriza Brecevaz and the ex-fiancé’s father Jure Susich. They chose in turn two arbitrators who met with a third arbitrator and drafted the agreement in the presence of a public notary and two witnesses, one of which was a clergyman. According to the agreement, Iviza Brecevaz had to give Jure Susich wheat, wine, a sheep, and to host a banquet with Susich and the arbitrators as a sign of peace.224

Gifting animals as damages, an important resource in this agrarian society, appears to be a constant feature in compromises and arbitrations. When writing about the abduction of Catarina fq. Tomaso Vucovich, which occurred in 1655, the priest from Torre stated: « ... because it is the local custom that, when a girl is

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224 Palazzo Vescovile di Parenzo, Otmice 4.5, abduction of Appolonia f. Andrea Vitas, arbitration, fol. 36r. A similar instance, a compromise and arbitration between two rival suitors followed the abduction of Antonia fq. Nicolò Krassavac from Grisignana, which occurred in 1727. Drafted by a notary, the compromise involved Antonia, her abductor and his father on one side, and Antonia’s stepfather, mother, brothers, and rival suitor on the other. Then the bishop of Cittanova, as arbiter, arranged a series of measures to be taken before celebrating the wedding on which I shall return in the section on ecclesiastical trials. BSVT, Diocesi di Cittanova, unità 32, fascicolo Matrimoniale, Mazzocca, 1725, 9 March 1727.
abducted, her relatives immediately go to the abductor’s and take as many animals as they wish and then they make peace». Much later, in 1756, the cession of animals was still referred to as a customary practice in instances of abduction.

To sum up, this examination of the Dračevaz compromise and similar instances outlines a world marked by a strong sense of family cohesion and collective responsibility in the face of inflicted and received offenses. Honor-based values cemented such cohesion. Within this system of values, gender distinctions defined different and yet interdependent roles for men and women. In addition, the forms of conflict resolution thus far examined, compromise and arbitration, also fit this cultural world by putting in the foreground groups rather than individuals and men rather than women. Despite such gender limitations, we can read between the lines that in some instances women were active subjects and not simply objects of abductions, as evidenced in the elopement of Appolonia f. Andrea Vitas from Antignana.

Furthermore, the temporal location of the above comments on compromise, arbitrations, and negotiations, which reaches well into the eighteenth century, informs us that such practices were not erased by the parallel assertion of church and state jurisdictions over abduction-based conflicts. The presence of

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225 Palazzo Vescovile di Parenzo, Otmice 4.4, abduction of Catarina fq. Tomaso Vucovich, 8 May 1655, testimony of the priest from Torre Domenico Giupponi: «… perché si costuma qui quando vien rapita qualche putta, li parenti di quella di subito si portano a tegor del rattore et ivi pigliano quanti animali li piaciono et poi fanno la pace » (fol. 214r).

226 See testimony of Zuan Giacomo Candriella: "Interrogato se nel periodo sudetto lui essaminato rilevasse che venissero rapite vergini e da chi e quando: «Pasqualin Precali già circa nove anni ha rapito una figlia del quondam Matte (Semelca) da Geroldia coll’aiuto di Piero Sambris e di Nardo Precali, potendo di ciò render certa la giustizia perché m’attrovavo di lui vicino e so che s’era nascosto anzi in mia casa perché aveva paura del parentado della putta che capitò armato e con strepito e che a norma anzi dell’usanza del paese le fu dato un manzetto per acquietarlo ed io m’attrovavo anzi presente alla consegna dello stesso anmale.» Archivio di Stato di Venezia, Consiglio dei Dieci, Processi Criminali, busta 4, Processo contro Pietro Sambris e quattro complici per bestemmie, ratti di donne, minacce contro il parroco (1756), testimony of Zuan Giacomo Candriella q. Antonio, fol. 147r.
priests in compromises also bears witness to the fact that such practices were not in antithesis to the Church’s assertion of power. I argue that this suggests a relationship of mutual accommodation, rather than exclusion, between the cultures of the subject, mainly members of immigrant populations, populations and the cultures of the dominant institutions, church and state. In order to have a better understanding of such interaction, in the next sections of this chapter I will examine the role of the church and the state over abduction-based conflicts.

The Catholic Church’s implementation of Tridentine measures against abduction

The Tridentine measures against abduction are part of the Catholic Church’s more general effort to reform itself in the aftermath of the Protestant Reformation. Representing the church hierarchy at the lower level, the parish priest was the center of such efforts. In the spirit of the Counter-Reformation, parish priests zealously recorded key-moments in their parishioners’ family cycle, that is birth, marriage and death, in the registers required by the Tridentine norms. With their recording of such events came a closer surveillance on the related rites. As for marriage, the Council of Trent introduced stricter norms aimed at deterring clandestine marriages. Such norms required the future spouses’ parish priests to announce their wedding bans for three Sundays before the ceremony; if no objection was raised, the wedding was celebrated. The ceremony had to take place in facie ecclesiae that is in the presence of the parish priest and with two or three witnesses at the church door. The new norms extolled the authority of the parish priest, whose presence was now necessary, and not simply recommended, for the validity of the sacrament. As historian Elena Brambilla noted, the rationale justifying the priest’s necessary presence was based on Spanish neo-

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scholastic theology defining grace, and not consent or the contract, as the substance of marriage. Grace, or the spirit’s power, could only be infused by the priest. The choice of the place, the church instead of the family home or other locations, also gave greater importance to the institution, the Catholic Church. Historian John Bossy has efficaciously defined this change in marriage as the shift “from a social process which the Church guaranteed to an ecclesiastical process which it administered.”

In Istria, such shift was not sudden. Still in 1644, the diocesan Synod of Cittanova warned priests neither to attend nor give their blessing to nuptial ceremonies without their bishop’s permission; in addition, he recommended that the priest should not focus on the ‘touch of the hand’ (toccar della mano) ‘because these people go and cohabit together right away with bad example;’ furthermore, the Sinodo stressed how important it was for the priest to ascertain the authenticity of the spouses’ consent and placed instances of abduction and copulation before the wedding among the ‘reserved cases.’ This comment tells us that pre-Tridentine nuptial customs had not totally lost their legitimacy eighty years after Trent despite the efforts of the Church.

The resilience of pre-Tridentine rites was not uncommon in Catholic Europe. For the town of Labruyère in the Beauvesis, for instance, John Bossy mentions an instance of baptism from the seventeenth century that demonstrates pre-Tridentine notions surviving well into the seventeenth century. After the parish priest refused to administer one particular baptism because it did not meet

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the Tridentine requirements (which limited the number of godparents to one or at most one man and one woman, and required a minimum level of instruction, behavior, and religious practice) the infant’s parents locked the priest in the vestry and performed the baptism themselves.\textsuperscript{231} Similarly, the Catholic Church’s elimination of pre-Tridentine rites met with strong resistance in Istria. I argue that over time this resistance to reforms lead to a mutual accommodation between the Church hierarchy on one side and the diverse body of the Istrian faithful on the other, allowing previous customs to continue. Such difficulty on the part of the Church to impose new norms was heightened by the profound change that Istria, and the rural areas in particular, experienced while the Council of Trent’s new norms were issued in 1563. These upheavals had started earlier that same century with the immigration of Christian subjects from the Ottoman Empire and continued into the seventeenth century. Although they shared a common religious background, these new populations differed from the church establishment in several respects, one of them being their view of marriage. The Church’s many proceedings for abduction, which also included elopements, reveal this difference. Therefore, the Catholic Church’s implementation of the Tridentine norms against abduction must be situated against the backdrop of the broader encounter, and clash, with the diverse body of believers that came to inhabit the Istrian countryside.

The predominance of abduction cases among immigrants from the southern Balkans is confirmed by geographical analysis. Similar to the Terraferma, abductions originated in the countryside and never in urban centers. Within the countryside, the area of highest concentration was the hinterland of

Parenzo. In the Parenzo archive alone I have identified 347 cases of abduction for selected time ranges from 1602 to 1759. By contrast, in the Diocese of Cittanova, located north of Parenzo, I have identified only 11 instances from 1633 to 1731. This low frequency of abductions drops off entirely further north in the area of Capodistria. In the diocesan archive of this area, in fact, I have not found any proceedings for abduction for the years 1578-1650. It is not possible to make an assessment for the Diocese of Pola, a city in southern Istria, because its archive is no longer extant. Despite this missing data, we can nevertheless generalize that the highest number of abduction proceedings came from areas more intensely repopulated by immigrants from the southern Balkans.232

The monitoring of abductions worked in the following ways. Instances of abduction were primarily reported to the diocesan tribunal by parish priests who refused to celebrate a wedding when they had even the mere suspicion that an abduction had taken place. Commonly, the case initiated with a letter to the bishop by the parish priest of the abducted woman or of the abductor. In some instances the parish priest appeared in person before the bishop’s court. In a few cases, the priest does not appear as the person initiating the case. Instead we find the testimony of the abducted woman or abductor as the first document of the file. Also, a few cases were initiated by the testimony of a relative of the abducted woman, such as a parent, an uncle, or a brother. In a very limited number of cases, it was the party of the abducted woman’s former fiancé to report the ‘theft.’ Lastly, anonymous sources occasionally reported the abduction. Whatever the source of the charge, on the mere suspicion that abduction had taken place, the diocesan court set in motion a procedure to verify whether the woman’s consent

232 See Ivetic, L’Istria ....
had been extorted or freely given. Parish priests were under pressure not to celebrate weddings preceded by abductions. If they did so, they were fined and the marriage was annulled. For an abduction not to become known to the Church hierarchy, it required a high degree of complicity between the future spouses, parish priest, kin, and neighbors. Although I do not exclude that such a tight network of silence could occasionally work, it is more likely that somebody would report the fact to the Church, out of rivalry if nothing else.

Commonly, the cases were heard by the bishop’s vicar: following the Tridentine measures, he ordered the separation of the abducted woman and her abductor, then interrogated them independently as well as other witnesses. If the abduction had been violent, the abductor and his accomplices were excommunicated and declared ‘infamous and incapable;’ then, the abductor was given a fine, he was obliged to perform penance, and rarely he was required to give the woman a dowry. Only after he had done so was his excommunication lifted and was he permitted to marry her, if she had expressed such wishes after the separation. If the abduction turned out to be an elopement and there had been sexual intercourse, both future spouses were asked to perform penance. For instance, in the elopement of Antonia, daughter of the late Nicolò Krassavac from Grisignana, the bishop ordered that (1) Antonia ask her mother and step-father for forgiveness; that (2) both she and her partner make a donation to the Scuola of the Santissimo Sacramento in their parishes (Grisignana and Piemonte); that (3) both

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E.g. the case of Michele Nardini, priest of San Vitale, who was involved in the violent abduction of Agata Costovich, Ruptum-Otmice 1.3, 17 July 1608. He was summoned to the diocesan court to defend himself and was also imprisoned. He was accused of knowing about the abduction plans and offering to intercede with the bishop on behalf of the abductors to avoid the legal proceeding for raptus. (“Che voi sapendo che dovesse seguir detto ratto non solamente vi sete fatto lecito d’agiutarlo et favorirlo con permetter anco d’operar appresso di noi che non procederemo contra detti rattori però non dovendo noi sopportar questa vostra tale operatione.” fol. 43r).
kneel with a large candle in their hands at the door of their churches on a festive day during a solemn mass; that (4) each of their accomplices pay for two masses for the souls in purgatory; and that (5) Antonia’s mother and step-father donate to the new family according to their ‘piety and love’ what the couple might need.\footnote{Diocesi di Cittanova, unità 32, fascicolo Matrimoniale, Mazzocca, 1725, 9 March 1727, folios not numbered.} Although penances were not always so articulated, the payment of monetary fines and the gesture of kneeling at the church doors with a large candle in hand were common. While the fine helped the finances of the Church, the public gesture of kneeling fulfilled both the purpose of inflicting penance and of signifying to the other parishioners what the Church deemed reprehensible behavior.

Inside the bishop’s courtroom, where persons of Venetian background held the high offices, several layers of difference coalesced: territorial (urban/rural), ethno-linguistic (Italophone/Slavophone) and institutional (ruling/ruled). Thus, the trial became a meeting place where such differences were observed and recorded. Witnesses were carefully identified at the beginning of their depositions. Their identification started with their first names, followed by the family name in the case of men and by the father’s or husband’s name in the case of women. For instance, in a case from 1608, the abductor’s name is recorded as Simon Budacovic` while the abductee’s name is indicated as Elena daughter of Simon Chersolovic`.\footnote{Abduction of Elena daughter of Simon Chersolovic, Otmica 1.3, fol. 67v.} Most names indicate a Slavic background, a few were clearly Italophone, while very few were Albanian. Then, the identification of witnesses continued with the place of residence, occasionally with the age, and sporadically with the profession. In a few instances the clerk added a brief description of the person’s physical look and dress. This additional notation was usually made in the case of Morlacs, which probably stood out from the rest of the
population. For instance, in September 1613 when Jelena daughter of the late Stipan Starich of the Mianich appeared at the bishop’s palace, the clerk recorded that she was a young woman of common height, with blond hair, and dressed after the Morlac fashion as signaled by her red coat.\(^{236}\) The identification of the Morlac dress seems key in the following example as well: “Examined a tall young man without beard, dressed the Morlac way, about 20 years old as appears from his look.”\(^{237}\) Remarks identifying Morlacs are not confined to the first lines of the testimony, but occasionally appear in its body as well. For instance, the above-mentioned Elena Cherslovic’ asserted to have joined her suitor because her father was so poor that they could not afford the wedding banquets customary among Morlacs.\(^{238}\) Comments as in the case of Elena aimed at explaining differences in customs that might not be obvious to the judge. In another such instance a young man from Mon delle Botte reported the abduction of his fiancée by a rival suitor; as evidence of the formal bond he had with her, he explained he had given her presents as was observed in the Morlacs’ rite.\(^{239}\) In a similar remark, Caterina daughter of the late Tomaso Vucovich explained to the ecclesiastical judge that she was already married, the Morlac way.\(^{240}\)

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\(^{236}\) “Constituita una giovane de statura commune con capelli biondi vestita alla morlacca con una casacca di sopra d’età d’anni 18” Otmica 3.3, testimony of Jelena daughter of the late Stipan Starich of the Mianich, fol. 7r.

\(^{237}\) “Constituito un giovane di statura grande senza pello in barba, vestito alla morlaca di età d’anni venti in circa come appareva dal suo aspetto” in the abduction of Agnia daughter of the late Giacomo Radman, 31 August 1613, Otmica 2.6, fol. 127r. Similarly, in the abduction of Elena daughter of the late Giovanni Sircovich, she was defined as ‘una giovine di statura ‘un giovine parimenti di mediocre statura di pello negro con poca barba, vestito alla morlaca di griso.’ (in Otmica 2.6, fols. 164r and 165r).

\(^{238}\) “Mio padre è povero che non s’attrova il modo di spendere nelli pasti delle nozze come è la nostra usanza morlachesca.” In Otmica 1.3, fol. 67v, testimony of Elena daughter of Simon Cherslovice’.

\(^{239}\) “ancio dattoli li presenti si come si osserva nel ritto delli Morlachi” in Abduction of Lucia daughter of the late Giure Cadun, 26 July 1613, Otmica 2.6, fol. 87r.

\(^{240}\) “Tanto più che io mi ho maritata seco secondo la nostra usanze de morlachi” in Abduction of Caterina daughter of the late Tomas Vucovich, Otmica 4.4, fol. 205v.
Albanians, too, were occasionally singled out in case references. Testifying in court for his abduction of Aniza daughter of the late Gierco Pinesich, Mico Milincovich from Rogial asserted to be originally from Albania, information elicited by a question about his possible kinship ties with Aniza. The same question yielded a similar response from Vuco Mercovich from Villa di Maggio, who claimed to come from Albania. In other instances, Albanian origins can be inferred from last names and place of settlement, as in the case of the Armans from Valcarino. On the whole, however, ecclesiastical sources do not distinguish Albanians as they do Morlacs.

When necessary, interpreters facilitated this encounter between the church hierarchy and inhabitants of the surrounding countryside. Clergymen ‘low in the hierarchy,’ sometimes even local laity, typically interpreted. The interpreter was required to take an oath of faithful interpretation, which was recorded in the testimony. In the abduction of Agata Costovic, for instance, the presence of the interpreter was noted with the form of oath “interpretante de Illirico in Italum volgarem sermonem subdiacono Marco Giuretich de Visignano cui delatum fuit iuramentum de fideliter interpretando” (“with the interpretation from Illiricum into Italian vernacular by subdeacon Marco Giuretich from Visignano who took the oath of faithfully interpreting”). Derived from the ancient geographical denomination Illiria, Illiricum was an umbrella term for the Slavic vernaculars

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241 Otmica 4.4, fol. 34v, testimony of Nico Milincovich, 27 November 1648. “Interrogato se vi è qualche parentela fra voi, rispose: «Signor no perché io sono d’Albania et essa qui del paese».” (Being asked if there is any kinship tie between the two of you, he answered: «No sir, because I come from Albania and she is from here, from the village.») Nico Milincovich lived in Rogial, territory of Due Castelli, while Aniza came from the territory of Coridigo.

242 Otmica 4.4, fol. 80v, testimony of Vuco Mercovich from Fontane, living in Villa di Maggio, for the abduction of Aniza daughter of the late Martin Antolovich, 22 August 1649. “Interrogato se vi è parentela fra voi che potesse impedire questo matrimonio? Rispose: «Signor no perché io so’ dell’Albania et essa della villa di Maggio ».” (Being asked if there is any kinship tie between the two of you that could impede marriage? He answered: « No sir, because I am from Albania and she is from Villa di Maggio.»)

243 Abduction of Agata Costovic’, Otmica 1.3, fol. 31r.
spoken in the Istrian countryside. Interpreters from *Illiricum* into Italian vernacular were mostly used in abduction cases from the hinterland of Parenzo, and to a lesser extent from Cittanova.

The use of interpreters at trial was only one facet of the complex set of relationships that linguistic diversity generated between church hierarchy and the faithful. Such complexity becomes more apparent when we look at what was happening in the concrete unfolding of the priests’ ordinary life. The pastoral visits in particular highlight the complications resulting from the linguistic diversity of the Istrian territory and the Church’s lack of acknowledgement of the importance of the *Illiricum* vernacular. For instance, in 1632 the priest (pievano) of Grisignana asserted that he did not personally hold sermons in church because the population was primarily ‘schiava,’ that is of Slavic background, and he did not understand their language. Therefore, sermons were held by his chaplain.

A similarly telling example comes from Verteneglio. As permitted by its ancient *ius*, this community was able to suggest to their bishop that two chaplains be appointed. One of them spoke only *Illiricum*, a choice that was closer to the needs of the community. The bishop rejected the appointment however, because the chaplain did not know Latin, making him unable to hold the liturgy. Months afterwards, one of the two chosen chaplains of Verteneglio, who spoke *Illiricum*...
as well as Latin and Italian, complained that he had to handle most of the work in the parish because his colleague, not knowing *Illiricum*, could not listen to confessions nor administer sacraments to their parishioners. These insights into parish life highlight the linguistic power differential and also show that the Church hierarchy’s imposition of Latin as liturgical language, and the likely preference for priests to speak Italian rather than *Illiricum*, backfired in the daily life of this parish. These choices highlight a form of linguistic dominance on the part of the Church establishment that found its limit among *Illiricum*-speaking parishioners.

The encounter between the Church and rural populations found other sources of conflict as well. The Tridentine norms bestowed unprecedented authority to parish priests on the formation of new families, an authority that came into open conflict with local practices. It is telling what the parish priest of Visinada wrote to his bishop in Parenzo in 1608. In his letter, which concerned an abduction, the priest communicated his frustration about the resistance being created by a woman whose help was sought in all abductions committed in the area.

247 Ivvi. “A dì 13 giugno 1659. Comparse in officio della cancelleria il molto reverendo padre Gieronimo Sodnica, cappellano di Verteneglio, et fecce riverente instanza che stante il reverendo padre Gasparo Zancecco, altro cappellano della medema villa, non intendi la lingua slava, non può anco ascoltar le confessioni et amministrar i sacramenti a parochiani et a lui sollo sonno appoggiate le fatiche della cura che perciò supplica sua signoria illustissima vogli determinare che li sia corrisposto dal medesimo padre Gasparo quel tanto le parerà a sua signoria illustissima conforme le sue fatiche.” Another reference to the issue of bilingualism in Verteneglio is found in a later pastoral visit. A community representative (deputato alla comunità) said about the two priests: « Le messe vengono celebrate a suoi tempi, l’officio la festa il capellano lo dice in chiesa ed il pievano a casa, ma credo questo proceda perché uno lo dice in lattino e l’altro in schiavo... Qui sono due preti, pre Stanislao Zuraso, pievano, et pre Zorzi Nenadich, capellano, de quali non si posiamo lamentare; delle messe, li vesperti, et officii per esser un schiavo e l’altro italiano non li dicono in compagnia, qualche volta il vespero solamente... » In BSVT (now in the Archivio Diocesano di Trieste), *Diocesi di Cittanova*, unità 19, *Visite generali*, Pastoral visitation to Verteneglio, 26 November 1674.
“A woman of the devil, named Agnia Custierizza, is involved in this abduction. Without her no abduction is done in the area. She asserts with great derring-do and presumption that she wants to persevere in her diabolic opinion and tries to turn this abuse into use (...). For her great operations, many do not mind transgressing the orders of the Holy Church.”

The role of this woman deserves deeper examination in order to understand the source of her personal power. Whatever the source of her charisma, it is evident that the Visinada priest found her to be a formidable opponent, one with deep-seated power within her community and reluctant to relinquish it. The expressions ‘woman of the devil’ and ‘diabolic opinion’ well capture the hostility and danger that the priest sensed coming from this woman, whom he saw in stark contrast to the sacred role he filled. The priest’s characterization of such tension echoes the competition for the sacred that took place between the parish priests of the Counterreformation and female figures studied by Luisa Accati. According to Accati, such competition originated from women’s direct and intense relationship with the sacred, which was rooted in the female body and therefore alien to the male Church hierarchy. This episode also warns us against a reading of church intervention against abductions as necessarily appealing to women. Attachment to tradition and loyalty to one’s nation might easily have been reasons for distrusting the Catholic Church.

Hence, the Catholic Church’s attempt at reprimanding those involved in abductions and introducing a new view of marriage had to be articulated according to the complex relationship between the church hierarchy and its faithful. What did it mean in practical terms, however, to resolve a conflict for abduction

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248 “È interessata una donna del diavolo, chiamata Agnia Custierizza, senza la quale in questi contorni non è fatto ratto alcuno, affermando con temerità et prosuntione grande di voler perseverare in questa sua diabolica opinione sforzandosi di convertir l’abuso in uso (...) che per le sue male operazioni molti non curan di trasgredire gli ordini della santa Chiesa.” Otmice-Raptum T.I., I.3, fol. 66 (1608).
according to the Tridentine norms? And how did this form of resolution differ from the compromise? A good metric for comparison is an abduction involving the Arman and Zamares families in 1657, eleven years after the Dračevaz compromise.

In 1657, we find Tommaso Arman, the father of the abductor of the 1646 compromise, testifying at the bishop’s court about the abduction of his daughter Marta by Nicolò Samarès. The transcription of Nicolò’s last name is different, Samarès instead of Zamares, but there is no doubt that he is the Nicolò named in the 1646 compromise and that Marta is the Arman woman he was expected to marry. The clear indication of such link is given by Tommaso Arman himself. Testifying on April 5 1657, he said: “more than ten years ago I had promised his late father to give him [to Nicolò] the said daughter of mine as wife.” For this second abduction involving the Arman and Zamares/Samaris families we have the legal dossier generated in the bishop’s court. In contrast to the 1646 compromise, the ecclesiastical trial gave more space to individual voices. The opinion of Tommaso Arman, as father of Marta, the abducted woman, still mattered, but now we can read her version and Nicolò’s as well. The greater space given to individuals was not merely in the service of a more accurate investigation on the part of the court, but was aimed at giving the abducted woman the power to decide whether to marry her abductor. According to the prelates summoned at the Council of Trent, such power to decide freely could be achieved by placing the abducted woman in a safe location away from her abductor. The care placed on

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250 “già dieci et più anni che io havevo promesso al suo quondam padre di darli la detta mia figliola per moglie.” In Otmica 4.4, abduction of Marta Arman, testimony of Tommaso Arman, fol. 266v. This also explains why the 1646 compromise was inserted amidst the abduction cases. It was probably an attachment to the 1657 case.
eliciting an authentic consent from women was potentially disruptive in a context that valued the interest of the family over that of the individual woman. The concrete unfolding of such procedures, however, revealed to be less disruptive than they could potentially be.\(^\text{251}\)

Following the Tridentine measures against \textit{raptus}, Marta Arman was separated from Nicolò and asked about why her parish priest had refused to marry her and Nicolò and send them to the bishop instead:

\begin{quote}
«I wouldn’t know any other reason beside that fact that Nicolò Samaris asked permission to marry me according to the forms of the holy mother Church. My father was content that I marry him and I was even more content to have him as my husband. However, because of the delay in finding an agreement on the specific conditions of our marriage, one day while I was in the country, said Nicolò Samaris came and see me and told me to follow him to his house. I was happy to go with him and stayed there for two weeks without interruption. I slept with him every night, he had sexual intercourse with me, and then, following our priest pre Lazaro Dranzi’s order, we separated. Now I live with my father and therefore I respectfully ask that we may celebrate our wedding.»\(^\text{252}\)
\end{quote}

Marta asserted that she had volitionally joined Nicolò. He had asked her father for permission to marry her. Both she and her father were content with this match at first, but then the finalization of the marriage dragged on for so long that Nicolò simply determined to take her to his home, with her consent, one day while

\(^{251}\) All women who had been forcibly kidnapped and then raped asked to marry their abductor, a choice that shows the limit of women’s free will where honor matters. And the Church itself feared the scandal caused by women left unmarried. Such concerns come up in the requests for dispensation for affinity or consanguinity.

\(^{252}\) « Io non saprei dir la causa se non che havendomi fatto addimandar detto Colle [Nicolò] Samaris per sua consorte come commanda la santa madre Chiesa, il mio padre si contentò che/c.
265\text{v}/lo ricevessi per marito et io ero più che contenta d’accettarlo per mio marito, ma perché si andava slongando il tempo per la diffinition di questo matrimonio et havendomi ritrovata un giorno in campagna detto Colle Samaris mi venne a trovare il quale mi disse che andassi con lui a casa sua et io andai volentieri et stetti con quello due settimane continue havendo dormito con quello tutte quelle notti havendo meco havuto comertio carnale et doppoi con ordine del pre Lazaro Dranzi nostro curato s’habbiamo separati un dall’altro et hora stante col mio padre per tanto faccio riferente instanza che sia tra noi celebrato il matrimonio.» In Otmica 4.4, abduction of Marta Arman, testimony of Marta Arman, 8 March 1657, foll. 265c-v.
she was in the fields. Nicolò was reacting to Tommaso Arman’s change of opinion.253

Tommaso Arman gave a different version, one that referred to his relationship to the Zamares since the 1646 compromise. Back then, he had promised Nicolò’s father to marry his daughter into their family. However, he said, he changed his opinion because Nicolò did not keep his father’s promise and married instead another woman, an Albanian from Monsalice. Only after that marriage was annulled in the ecclesiastical court did Nicolò asked Tommaso to marry his daughter Marta. As was customary, Tommaso was given the *termini*, a lapse of time to think over his answer, but then denied his permission. He did so, he said, because of Nicolò’s first, albeit annulled, marriage. When Nicolò kidnapped Marta, Tommaso reported him to the criminal court in Parenzo.

According to Tommaso, Nicolò forced Marta to join him and after their separation caught her in the fields again and threatened her to force her to join him again, to which she surrendered. The dialogue that he reported speaks of extorted rather

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253 Otmica 4.4, 22 March 1657, testimony of Nicolò Samaris: “Interrogato se per tal effetto sia stato avanti al detto curato et se l’ha ricercato che li faccia questo matrimonio, rispose: «Son stato dal detto nostro curato a far instanza che mi congiongesse nel matrimonio con la nominata Martta il quale non ha voluto perché havendo io quella fatta addimandare per moglie mi fu promessa et poi è venuto nonsoché in testa al padre della nominata Martta il quale non voleva poi darmela benché la sua figliola era contenta et così un giorno havendola trovata in campagna venne volontariamente meco a casa mia con la quale ho dormito alcune notte et doppo d’ordine dell’illusstrissimo et reverendissimo monsignor vescovo si habbiamo separati habitando al presente detta Mare con il suo padre per tanto insto riverentemente che quanto prima sia fatto il matrimonio tra di noi ».

Dettagli che racconta la verità poiché per l’esposizione di pre Lazaro Dranzi, vostro curato, fatta in questo officio si legge che voi habbitiate violentemente rapita detta Mare contra di lei volontà perché non dicendo la verità il matrimonio che sarà fatto fra di voi sarà nullo et di niun valore, rispose: « Non è vero che io l’habbi rapita, ma il fatto/fol. 266v/ è passato come vi racconterò: dopo che il padre di detta Mare mi diede risposta che non mi voleva darmela sua figliola per moglie, mandai a dire a detta Mare per Margaritta, mia sorella et moglie di Colle Biba se era contenta di ricevermi per marito. Lei rispose che era contenta et così li feci intendere che venisse a trovarmi in campagna. Così venne et andassimo per insieme a casa mia et non è stato nissun in mia compagnia se non io solo et detta Mare ». Interrogato se ha havuto comertio carnale con detta Mare, rispose: «Signor si ». 
than granted consent. After peace had been made, however, Tommaso was content that marriage would follow.254

In sum, the ecclesiastical trial gave greater space to individual voices, and to that of the woman in particular, whether she left the paternal house of her own volition or forcefully. In the first instance, she was generally given a penance to perform publicly with her partner, in the second instance she could decide to not marry her abductor. As we have seen in chapter 2, however, voicing one’s lack of consent did not lead women who had suffered forcible abduction and sexual violence to imagine a future other than with the person who had abused them. Reparation by marriage was perceived as something their abductors owed to them, it was the ethical thing to do in order to give them back what they had been subtracted. As I mentioned earlier in this chapter, different kinds of reparation of women’s honor, such as to join the cloister, do not appear in the examined sources. I see in this a further confirmation to the general pattern of accommodation between the culture of the Church and that of the faithful.

254 « Questo agosto ultimamente passato nominato Nicolò Samaris fece addimandar per moglie la soprascritta Marta mia figliola. Io li diedi li soliti termini come si costuma in questo paese et ultimamente li dissi che io non li la volevo dare per consorte detta mia figliola ma che si provedesse in altro luoco perché già dieci et più anni che io havevo promesso al suo quondam padre di darli la detta mia figliola per moglie il qual /fol. 267r/ Colle Samaris pervenuto in stato di maritarsi non ha voluto amogliarsi con detta Marta mia figliola ma si haveva maritato con Manda figliasta di Colle Chiarco di Monsalese et perché fu dalla giustizia ecclesiastica ad instanza deli medesimi disfatto il matrimonio per certi impedimenti et per questo io non volevo dar a detto Colle Samaris per moglie la nominata Marta mia figliola il quale poco tempo doppo a mio dispetto havendo ritrovata detta mia figliola in campagna la fece andare a viva forza con lui a casa sua con il quale ha havuto habitacione et comerto alquanto tempo. Io di subito andai a quadellarlo alla giustizia temporale qui da Parenzo, non essendo stata ancora la giudicatura sotto Raspo, ultimamente essendo stato ricercato della pace per parte di detto Colle Samaris gli l’ho data et mi ho rimovesto della querella benché mi ha fatto gran torto di rubbar la mia figliola, ma non si può far altro dopo d’ordine dell’illustrissimo et reverendissimo monsignor vescovo son stati separati et detta Marta venne habitar meco et doppo alquanto tempo la trovò in campagna che portava da mangiare a lavorenti, li disse ‘Vien con mi a casa se non ti tagliarò la testa’. Et essa li disse ‘perché mi vuoi tagliar la testa, io venirò teco volentieri’. Et così andò, ma novamente sono separati et detta Marta habita meco per tanto, stante la pace seguita tra me et detto Nicolò Samaris et che nominata mia figliola si contenta di riceverlo per marito, insto che sia concesso che sia fatto tra quelli il matrimonio.
The role of the State in abduction-based conflicts in Istria

Assessing the role of the Venetian State in Istrian abductions is more difficult due to the scant extant sources as compared to church-generated cases. On the whole the criminal cases I found are not as numerous as the ecclesiastical cases. While further research might reveal additional state-generated sources, both the quality and quantity of the information that I found so far suggest that the Church was much more seriously involved than the State in reprimanding abductions in Istria. The extant state sources are worth analyzing, however, since they give us significant information, however temporally limited, about the relationship between state and church in cases of abduction. They also confirm that marriage was the end game in most abduction-based conflicts and criminal lawsuits only served the purpose of gaining greater leverage. What is not evident in state-generated sources from Istria is the kind of punitive justice, marked by inquisitorial procedures and other drastic measures, present in Terraferma.

I will start with one epistolary exchange between the bishop of Parenzo and the Captain of Raspo. The latter was the Venetian representative with jurisdiction over the habitanti novi (recent immigrants from the Southern Balkans), regardless of where in Istria they settled. Typically, jurisdiction was defined by the territory: depending on where the individual lived, he/she was subject to the Venetian rector or representative for that territory. In Istria, due to the more conspicuous flow of immigrants and the military recruitment among Morlacs and Albanians, these fell under the jurisdiction of the Captain of Raspo, not territorially defined jurisdiction. Therefore, the epistolary exchange under examination is not simply evidence of the relationship between representatives of
the state and church as in other territories of the Republic, but also of these representatives’ different views on recent immigrants and their customs.

The Captain’s and Bishop’s exchange concerned an abduction that happened in 1608. Helena Costrovich had been kidnapped by Mattio Maiussich and a group of accomplices and her case was being judged in both the criminal and ecclesiastical courts. In the following quote, the Captain of Raspo urged the bishop to halt what he thought was a parallel criminal prosecution:

"Most magnificent and venerable Sir. Today I have concluded the trial that I had formed against Mattio Maiussich and other new inhabitants from Abrega for the abduction of Helena Costrovich. And deeming reprehensible the use, or rather the abuse of these Morlacs, I have condemned them and obliged Mattio to marry the said Helena under threat of capital punishment if he does not comply by the given deadline. Nevertheless, Mattio let me know that doing this is against the will of Your Most Venerable Sir by whom, as they say, they are being tried for the same excess. This gave me the opportunity to tell You to be content with and desist from the criminal prosecution against the above-said defendants and to not perturb this marriage as I am persuaded that You, out of prudence, are about to do since such prosecution is under my jurisdiction according to the Most High Senate’s conferral of authority. In addition, it is not reasonable that these defendants are judged in two courts, which His Serenity would find absurd and would not tolerate. Therefore, I want to believe that, for Your usual prudence and Your office, You will not give me occasion to complain about this."

While complaining to his colleague regarding the alleged intrusion in his sphere of responsibility, the Captain clearly identified abduction as a custom of

255 “Molto magnifico et molto reverendo signor osservandissimo. Hoggi sono capitato all’espeditione del processo d’ordine mio formato contro Mattio Maiussich et altri novi habitanti nella villa d’Abrega per il rapto di Helena Costrovich et havuto in condenazione l’uso o sia abuso di cesti Morlachi li ho condanati et astretto il medesimo Mattio a sposare la predetta Helena con pena capitale quando egli nel termine da me prefissole non essequisse. Egli nondimeno mi ha fatto esporne che a far questo (compi...) ripugna la volontà di vossignoria molto reverenda dalla quale vengono, come dicono, processati per l’eccesso predetto la qual cosa intesa mi ha data occasione di dir a lei che si contenti d’astenersi da procedere criminalmente contro li predetti et non perturbar questo matrimonio come voglio persuadermi per sua prudenza che sia per fare si perchè questa attione competisce a me conforme alla delegazione dell’eccelso Senato si anco perché non è ragionevole che questi siano in due fori // venuti il che sarebbe absurdo da sentire né tollerato da Sua Serenità. Voglio perciò credere che colla solita sua prudenza et per la carica che sostiene non mi darà occasione di dolermi per codesto facto. A vossignoria molto reverenda mi raccomando con tutto l’animo. Di Pinguente, il primo di (ottobre) 1608. Di vossignoria molto reverenda affezionatissimo (... servitore) Costantin Rhenier capitano di Raspo.” In Ottnica 1.3, fols. 96r-v, letter from the Captain of Raspo to the bishop of Parenzo’s vicar.
the Morlacs, one of the most conspicuous immigrant groups. It is also interesting that he offered Mattio the option to be pardoned if he married Helena. Marriage as a form of pardon from punishment is not entirely original. It was employed in at least one other criminal case. In the case for the abduction of Zuana daughter of Matte Scaba from 1669, for instance, the abductor was condemned to three years of imprisonment with the possibility of liberating himself by marrying the woman he had abducted and raped. After opting to marry, however, he asked for the annulment of their marriage in the ecclesiastical court three years afterwards, maintaining that his consent had not been authentic; the bishop did not grant his request. More importantly, however, the criminal sentence pushed the abductor to marry the abductee, rather than limiting its scope to just punishing him. This way of delivering justice was not solely Istrian. Marriage as a form of pardon from punishment can be also found in the archive of the Esecutori contro la Bestemmia, Venetian magistracy that judged over cases from the city dealing with issues of public morality. Following the Council of Ten’s law from August 27 1577, the Esecutori resorted to similar strategies in cases of defloration followed by a breach of the marriage promise. Abduction was a much more serious infringement, however, especially when perpetrated with violence and the help of

256 Reference to this criminal case can be found in the ecclesiastical case kept in Otmica 6.16 n. 2 Annullamento di matrimonio seguito al rapimento di Zuana figlia di Matte (Scaba), 7 febbraio 1673, fols. 6r-15v. (per rapimento occorso il 9 giugno 1669, sentenza criminale 16 April 1670, sposati il 24 April 1670).

257 This magistracy’s books for the years 1577-82 record a few sentences for defloration followed by breach of marriage promise. Sentences varied. In one such instance, the defendant, a boatman, was condemned to 18 months in the galley. He was given the option to be pardoned if he decided to marry the woman he had deflowered. In other instances, the sentence imposed the payment of a dowry to be used either for marriage or to enter a convent. The money was paid to the bank Pisani-Tiepolo and could be withdrawn by the woman upon showing the certificate of her marriage or monacation. In one instance, the woman decided to keep the money in the bank and use the revenues from its investment for helping her original family, which was very poor. In ASV, Esecutori contro la Bestemmia, Notatorio, buste 56 and 57 (1577-82). For the Council of Ten’s law from August 27 1577 see Leggi..., 62. By virtue of this law, the Council of Ten gave the Esecutori jurisdiction over cases for defloration followed by breach of marriage promise.
accomplices as was the case with Mattio Maisich and Helena Costrovich. The bishop’s response, which follows, pointed out the Captain’s excessive leniency in dealing with such practices:

“Most illustrious Sir, those who told Your Most Illustrious Sir that I am holding a criminal prosecution against Mattio Mausich and his accomplices for the abduction of Elena Costovich, gave you a false account. I know very well what I can and cannot do. Since Mattio and all his supporters and advisers have incurred excommunication according to the regulation of the Sacred Council of Trent, session 24 c. 8, on the reformation of marriage: the marriage between abductor and abductee cannot be celebrated if the woman is not in a place where she can express her will without fear, therefore I have arranged, in discharge of my obligations, that they celebrate a legitimate marriage according to the Holy Church and that those who are tangled up in the snare can set themselves free. So far I have obtained this young woman’s consent to marriage and I would have already given them permission to get married if abductor and accomplices had come to be absolved from excommunication as they said they would do, and now have done.

I will tell Your Most Illustrious Sir with the due reverence that, if secular justice does not address with severity this enormous crime, which is not a use nor an abuse and which Morlacs so commonly commit in raping the unfortunate young women and forcing them to consent by means of violence and dishonoring defloration, they will believe to have converted this practice into a lawful and honest use. Not giving them any sort of punishment gives the others incentive to do it too with great offense of God, damnation of their souls and as a bad example to others, which I do not think is the will of His Serenity.”

In his answer, the bishop pointed out that the Captain had been given misleading information, since he, the bishop, knew perfectly well the boundaries of his jurisdiction and was simply applying the regulations of the

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258“Illustrissimo signor mio etfol. quelli ch’hanno referito a vossignoria illustrissima ch’io proceda (...mai) processo criminalmente contra Mattio Mausich et suoi compagni per il ratto da loro comesso nella persona di Elena Costovich gl’hanno dato falsa relatione sapendo io molto bene quello ch’io posso et devo fare, ma essendo costui con tutti li suoi fautori et consulti cascati mediate nella scomunica per la disposizione del Sacro Con/cilio di Trento alla sessione 24 fol. 8 de reformatione matrimonii et non potendo tra esso rattore et dona rapita esser matrimonio se essa donna non è in loco dove non habbi paura d’alcuno et possa dir liberamente il suo volere io ho procurato tutta via per l’obbligio ch’io tengo in questo carico che tra costoro segua il matrimonio legittimamente et secondo i precetti della santa Chiesa et che quelli che sono inviluppati si liberino da questo laccio. Et finhora ho già havuto il voler di questa giovane et gl’haverei anco datto licenza di far il matrimonio se fossero venuti per esser assolti dalla scomunica come haveano detto di venire et come hora sono venuti. Dirò ben a vossignoria illustrissima con quella riverenza ch’io devo che se la giustizia temporale non procede con qualche gagliarda severità a questo non dico uso né abuso, ma enormissimo delitto che comettono così ordinariamente questi Morlachi nel violentar le povere figliole ad acconsentirli con il violarle per forza et levarli l’honore crederanno haverselo convertito in uso lecito et honesto. Et il non li dar alcuna sorte di castigo dà (...me) a gl’altri a cometterlo con tanto grave offesa di Dio, danno dell’anime loro et mal essempio d’altri che pare non credo che sia (...nto) di Sua Serenità. Con che pregando a vossignoria illustrissima dal Signor il colmo delle delle sue gratie gli bascio col fine le mani. Di Orsera, li sei d’ottobre 1608.” In Otmice, I.3, fols. 96v-97r, Bishop of Parenzo’s vicar’s response to the Captain of Raspo.
Council of Trent regarding abduction. Furthermore, that particular abduction was so serious that he inflicted the highest spiritual penalty in excommunicating Mattio and accomplices. In light of the grave nature of the crime, the bishop urged the Captain to be more severe. This was not an isolated case, as both the Captain and the bishop spoke of abduction as a common practice, ascribing it to the Morlacs. He believed that leniency in punishment could shift the perception of abduction as abuse to being a lawful custom.

This exchange of opinions between the Parenzo’s bishop’s vicar and the Captain of Raspo informs us about the alarm with which abduction, and particularly group abductions were perceived. That year had witnessed seven abductions in the Diocesis of Parenzo, the highest annual number during the entire seventeenth century. Three of these seven abductions were group abductions, accomplished with a number of accomplices ranging from three to eight.259 One comment from 1634 tells us that group abductions were perceived by locals as something very different from other abductions. In the trial for the abduction of Gelina fq. Andrea Sarblie, Mattio, the defendant, told the judge: “Those who go and kidnap with the group (la compagnia) deserve to be punished, but the two of us are willingly glad that marriage be done.”260 Bride kidnappings committed with the help of a group, la compagnia, were

259 See the abduction of Agniae fq. Georgii Costovich by Vincentium Biacovich, July 17 1608; the abduction of Elena daughter of Simonis Chersolovich da Simone Budacovich, July 6 1608; and the abduction of Elena fq. Petri Costovich by Matheum Mausich, July 28 1608. All three cases are in Otmice 1.3.

260 « Quei meritano che vano far rapti con le compagnie, ma noi doi semo di volontà contenti che sia fatto il matrimonio» in Otmice 3.3, abduction of Gelina daughter of the late Andrea Sarblie, fol. 45r.
something different. They were the manifestation of an exacerbated and predatory violence. 

The year of this epistolary exchange helps to understand such exacerbation of violence. 1608 was a year of high military tension in Istria when the Uskoks of Senj, irregular soldiers of the Habsburg Military Frontier who lived on a raiding economy, raided Promontore, Pola, and Barbana, all located south of the Diocese of Parenzo. Although the 1608 Uskoks’ raids did not directly involve my area of investigation, they indirectly influenced it: the exacerbated violence of group abductions recalls the predatory nature of Uskok raids. And perhaps this is not simply an analogy, but also speaks of a deeper cultural affinity that went beyond the political border. In her work on the Uskoks of Senj, Wendy Bracewell points out the cultural affinity between the Uskoks and the Morlacs, being both Croats. Such cultural affinity had brought them in close contact, so that Venetian authorities started to doubt Morlacs’ military loyalty and to recruit Albanians. Such picture was complicated by the Captain of Raspo’s reliance on Morlacs and Albanians for military defense, reliance that explains the Captain’s leniency toward those involved in abductions.

261 Although initially the Uskoks targeted Ottoman Turks, so their raiding indirectly benefited the Venetians, the situation changed after the Venetians established peaceful relationships with the Ottomans. By the early decades of the seventeenth century, the Uskoks’ raids targeted Venetian territories, as happened in Istria in the year 1608, so they represented a serious problem for the Venetians. See Catherine Wendy Bracewell, *The Uskoks of Senj, Piracy, Banditry, and Holy War in the Sixteenth-Century Adriatic*, (Ithaca and London: Cornell University Press), 1992.

262 The increased reliance on Albanians is also reflected in Venetians’ encouragement of their immigration in Istria. The Albanians offered the Venetian greater loyalty against the Uskoks because of Albanians’ national difference from the Uskoks “Your Serenity will never be well served against the uskoks by Croats, since both the one and the other are of the same nation.” said a Venetian official quoted in Bracewell’s study on the Uskoks of Senj. Bracewell also informs us that the question of national affinity/difference was also used to explain the “heated conflict between the uskoks and the Venetian Albanian troops See Bracewell, 52. On the harsh conflict between Venetian Albanian troops and Uskoks see also pages 241, 257, and 286.
The 1608 epistolary exchange is an isolated document and the relation between state and church representatives that it shows might be specific to that particular temporal context. There are other sources, however, that can help us to understand how secular justice was employed in abduction-based conflict. From the Dračevaz compromise that opened this chapter, for instance, we know that the abductee’s father sued her abductor in the secular as well as the ecclesiastical court and quit the two lawsuits only when the compromise was agreed upon.

Similarly, in the abduction that involved the Arman and Zamares eleven years later, the abductee’s father sued her abductor in the secular court and withdrew it only after making peace with him. Other sources confirm the pattern of suing and then dropping the charge following a peaceful compromise: following Pietro Percovich’s abduction of Catharina, daughter of the late Martin Iurisich, in September 1650, her mother sued him in the secular court, but withdrew her formal denunciation a few days later.263 Similarly, Gregorio Littar sued the abductor of his daughter Stana in the criminal court saying he was prompted to do so out of great anger.264 Similarly, the father of Fumia Xenandrago sued the abductor of his daughter in the criminal court of Montona, but was then urged to make peace by his friends.265 In the elopement of Orsa, daughter of the late Iuri Matias from Villa di Rovigno, which occurred on October 12, 1658, her brother first sued her ‘abductor’ in criminal court, but then went to the bishop of Parenzo.

263 “la madre di detta giovine querelò detto Pietro in foro temporale e poi fra pochi giorni si rimosse della querella” in Otmica 4.4, trial against Pietro Percovich for the abduction of Catharina fq. Martin Iurisich, 10 settembre 1650, fol. 101, priest’s letter to his bishop.
264 “…il che havendo io inteso così in colera mi portai a San Lorenzo ove lo querellai avanti il (vice) cancelliere di sua eccellenza per tal delitto.” In Otmica 4.4, trial against Marco Sucula for the abduction of Stana daughter of Gregorio Littar, 2 February 1652, fol. 118r.
265 Otmica 6.19, abduction of Fumia daughter of Vido Xenandrago, 7 February 1708, fols. 288r-291v.
asking him to let Orsa and her ‘abductor’ get married since she was consenting.\textsuperscript{266}

These examples outline a pattern in which heightened anger prompted the family of the abducted woman to sue her abductor in criminal court; when peace was made out of court, the lawsuit was then dropped through the formal act of *rimozione della querela* (withdrawal of formal complaint), an ancient legal instrument. In the Istrian cases, settlement through marriage prevailed over punishment as the preferred way to settle abduction-based conflicts. Once the settlement was achieved, the criminal sentence would have been burdensome for the newly formed family. This pattern further confirms that the criminal court was not the sole, nor even the most important venue, for resolving such conflicts. Instead, the criminal lawsuit was one tool among many utilized by the abductee’s family to gain leverage in the negotiation of the conflict. The use of state justice solely as a negotiating tool differs from the criminal cases presented in chapter one, and in part in chapter two, in which inquisitorial and other drastic procedures expressed the state’s strong will of domination.

The continuation of the criminal lawsuit after the wedding had been celebrated is far less common and a clear sign that the conflict was not settled. An example can be found in the violent abduction of Mare, daughter of Ive Bratolich, zuppano of Coridico, which occurred on November 17, 1754. Following the abduction and wedding, Mare’s husband and his father, an accomplice, were imprisoned on charges of abduction by the criminal justice of Pisino, located in the bordering Habsburg archduchy.\textsuperscript{267} In this instance, marriage had brought neither peace nor settlement.

\textsuperscript{266} Ottnica 4.5, elopement of Orsa fq. Iuri Matias di Villa di Rovigno, 12 October 1658, fols. 16r-20r.
\textsuperscript{267} Ottnica 4.4, case against Mate e Mico sons of Gergo Radetich for the abduction of Mare daughter of Ive Bratolich from Coridico, 17 November 1754, fols. 164r-184r.
What is missing in the Istrian criminal cases is the kind of harsh punitive justice, marked by inquisitorial and expedited procedures, which I detailed in Terraferma cases involving the nobility. The reason might be precisely social class: the abductions in Istria did not involve the aristocracy and the Venetian ruling elite was not concerned about them destabilizing the peace of the Republic.

One piece of evidence that seemingly contradicts such an explanation can be found in the Council of Ten’s archive. With its drastic limitation of the defendant’s civil liberties, the inquisitorial procedure that the Council of Ten employed represents the Venetian ruling elite’s quintessential will of domination; cases judged with this procedure are highly significant. One example from this political-judiciary’s archive, generated in Dračevaz in 1756, involved defendants of low social class whose charges also included abduction. Why did Venice deploy the finest tools of her legal might against people of poor social station? Delving into the context that generated this case will clarify this question. The case originated when the Dračevaz priest, Giacomo Cuciparo, started a legal action against some of his parishioners, by charging them for having threatened his own life and for abducting several women. The case ended with the sentencing of the defendants to six-month's detention. Although this condemnation might not seem severe, we should consider that it added to the almost two years that they had spent in jail during the trial and to the legal expenses. For defendants of humble social background this was indeed a severe condemnation.

268 The extant criminal cases of this political-judiciary concentrate on the second half of the eighteenth century, therefore my assessment of the Council of Ten’s intervention in Istria is limited to this time period. The extant criminal trials of the Council of Ten go back to the second half of the eighteenth century. There are also three buste with cases from the early seventeenth century, but none of these proceedings concerns abductions from Istria.

269 ASV, Consiglio dei Dieci, Processi Criminali, Capodistria, fols. 287r-288v. The sentence was issued on March 3, 1759. Being absent, one of the defendants, Pietro Sambris, was outlawed for ten years from the entire Republic.
The most likely reason that this case was judged with the inquisitorial procedure was due to the involvement of a member of the clergy. Following the Interdetto clash between Venice and the Holy See in 1606, the Council of Ten’s inquisitorial procedure was resorted to in crimes involving clergy. As for the charges it is noteworthy that they involved abductions that had occurred across fourteen years preceding the opening of this case. This span of years suggests that these charges were probably brought up to further characterize the criminal profile of the defendants. If these abductions had been the only charges, they would probably have not been judged with the inquisitorial procedure. So while this example stands out, it does not contradict the general pattern outlined earlier: in Istria, criminal justice did not punish abductions with its most severe procedures, owing to the low social station of those involved and also to their involvement in the military defense of Venice.

The 1756 Dračevaz case showed, however, the rhetorical power of abduction to negatively characterize an individual. Abduction and family origins were the core elements of the Dračevaz priest’s portrayal of the defendants’ criminal propensity. ‘Descendants from infected shoot’ was the priest’s metaphor for them. In support of the priest’s view, a witness noted that the defendants’ families had serious criminal precedents, for which the Venetian justice had had their houses set on fire thirty years earlier. They fled across the border and lived in the Austrian Empire for a few years, but then they came back to Dračevaz when the memory of their misdeeds had faded. According to the same witness, they abducted women because no family was willing to give them their daughters as

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270 The charge of abduction was, in fact, a very serious one, for which the laws of the Most Serene Republic had even authorized the killing of the abductor, if caught in the act. *Leggi criminali del Serenissimo Dominio Veneto in un solo volume raccolte e per pubblico decreto ristampate*, Venezia, 1751, pp. 50-51. On 16 December 1560, the Council of Ten and zonta issued a law authorizing the killing of those guilty of murder, rape, abduction, and arson if caught in the act.
wives. According to the Dračevaz priest, in this area abductions used to take place when the suitor did not want to ask the woman’s kin for permission or if he had been rejected. With the help of friends, all armed, the suitor would catch the woman in a moment of defenselessness and would drag her brutally to another place where he would have sexual intercourse with her, by force if not by consent. After being held in her abductor’s power, she was compelled to state that she had consented to her own kidnapping or face incurring criminal charges against her abductor and remaining dishonored. Other witnesses confirmed this information. This narrative is confirmed by the most violent instances of abduction previously mentioned but excludes, however, the kinds of abductions that were consensual. This type of case, of course would not have been much help for the priest’s argument of the defendants’ criminal propensity.

In response to the Dračevaz priest’s accusation of abducting women, the defendant Zuanne Bestoli, who also spoke on behalf of the others, maintained that the charges of abduction were false. To support this, he underscored that neither

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271 Deposition of Zuanne Precali son of Nicolò, fol. 12v. This information is confirmed in the report sent to the Doge and Capi of the Council of Ten on 26 January 1756, fols. 35v-41r.
272 “Sappia dunque che in questi paesi corre per lo più un dannatissimo abuso reprovato da tutte le leggi canoniche e civili; mentre all’occasione che li villici vogliono accompagnarsi in matrimonio senza prima far la dimanda della putta oppure se richiesta siano stati licenziati s’accorda il giovane con altri amici o con altri che per ricevere il premio di due soli pasti che somministra agli stessi detti giovani, s’uniscono tutti armati e cogliendo l’opportunità di ritrovar la putta e s’attraversa senza la diffesa dei propri domestici anco nella propria abitazione la rapiscono con dannata violenza conducendola dove vogliono indi con la forza, se non concorresse la putta alle ricerche del giovane, usa carnalmente con la medesima. Doppo qualche giorno che s’attrova in potere dell’homo viene persuasa da persone a dire che era stata contenta di fuggire e che era precorso l’accordo perché se così non dicesse sarebbe castigato il detto uomo dalla giustizia e che essa resterebbe puttanata per sempre e di tal modo si risolve di /fol. 81r/ assicurare la giustizia ecclesiastica d’esservi intervenuto il proprio assenso et indi poi segue il matrimonio.” Testimony of Giacomo Cuciparo, fols. 80v-81r.
273 “Interrogato se sia a di lui notizia ciò che venga praticato verso le giovani doppo che sono rapite, rispose: «È cosa notoria che colui che la rapisce usa carnalmente con essa e se non per amor per forza non permettendo che essa possa parlar con alcuno del suo parentà se prima questo al raptore non l’accorda la pace e viene obligata la putta a dire che era contenta di esser rapita mentre le viene fatto riflesso che se non dicesse così e non fosse persuasa di riceverlo resterebbe puttanata. Onde la povera giovane per forza dice ciò che gli altri vogliono essendo falso che ella sia concorsa a farsi menar via quando anzi per lo più piango e che vengono brutalmente con violenza strascinate per strada. » Testimony of Martin Sinosić q. Sime, fol. 135v.
legal action nor revenge had ensued immediately following the alleged crimes. He asked rhetorically whether the Albanians and Slavs living in the area had intended to silence these crimes for the past fourteen years rather than reacting with their characteristic revengeful spirit.\footnote{“O forse li nostri albanesi e schiavoni per il corso di quattordici anni hanno voluto sopire li casi senza spirito di rissentimento che forma il carattere della nazione, contenti di non vederne vendetta?,” fol. 264r.} Zuanne Bestoli did however acknowledge some of the charges including the fact that one of the defendants had taken part in the abduction of Ive Radman’s future wife twenty years prior.\footnote{This refers to the abduction of Ive Radman’s wife, to which the defendant Lunardo Precali had taken part.} He also confirmed the consensual nature of the abduction of Pasqualin Precali’s future wife and claimed that ‘accompanying a free young woman from her paternal house to the parish, her parents’ opposition notwithstanding’, was not a crime if the woman was firm in her decision to get married. His argument was clearly defensive in response to the priest’s accusations, denying the use of violence in abduction, and asserting the lawfulness of elopements. The formulation of this argument also seems to show the influence of the eighteenth-century debate on the decriminalization of ‘victimless crimes’ such as elopement.\footnote{Years later, a legal consultant of the Republic, Piero Franceschi, clearly stated that only violence formed the substance of abduction. Voluntary abductions were not criminal actions and their defiance of parents’ authority was a family not a state concern. He went as far as to maintain daughters’ right to leave their parental house under certain circumstances. See ASV, \textit{Consultori in iure}, b. 286, \textit{consulto} di Piero Franceschi on abduction, 21 October 1791.}

**Conclusions**

The examination of sources detailing abduction in Istria has revealed a complex reality that profoundly differed from that in Terraferma. Istria’s location at the border of the Republic as well as its cultural diversity therein shaped different dynamics in abduction-based conflicts. The most glaring factor is the high number of proceedings for abduction, which included both elopements and
forcible abductions. While both State and Church had jurisdiction over abductions, the Catholic Church appears to have played a much more active role.

However, what surfaces from a close reading of the sources is a pattern of mutual accommodation between the culture of the Church and that of its faithful, rather than one of sheer imposition of the new Tridentine regulations. Compromises, arbitrations, and negotiations complemented the measures of the Church. The role of the Venetian State appears more tepid in Istria than in Terraferma, and less involved than the Catholic Church. Although the scant state-generated sources does not allow me to make broad generalizations, the lesser involvement of the State in reprimanding abductions in Istria seems to be linked to the role of Morlacs and Albanians, the groups that appear to have been often involved in abductions, in the military defense of Istria.
Chapter 4

Temporal Changes in Abductions for Marriage

"In the present age, the social ease in conversing along with an indulgent lifestyle, although it paved the way to other disorders, has extinguished, however, many of the old ones, having rendered men’s hearts less ferocious, the sacred virgins’ cloisters less threatened, and the occasions of the violent abduction of women -- as was provided for by the law—less frequent."277

In this passage from 1791, the legal consultant Piero Franceschi observed how the violent abduction of women had become less frequent and situated such decrease in the changed customs, the more indulgent lifestyle, and the decreased ‘ferocity of men’ that marked his time. A cultural abyss separated the late-eighteenth Republic of Venice from what it was in the early fifteenth century at the time of its expansion in Terraferma. The fifteenth-century sentences mentioned by Franceschi in the same report, with their overt cruelty, effectively contrast with the representations of Venice that we find in the court cases from the eighteenth century.

While the occasions of violent abduction of women had become less frequent, the same could not be said of elopements that continued to preoccupy some sectors of Venetian society. Franceschi’s passage responded precisely to a request coming from a few parish priests of the Vicentine diocesis. They claimed to be concerned about the numerous abductions occurring in their parishes. Their concern was such that they had informed their bishop, who had in turn informed the local Venetian representative, the rector, asking for more severe justice. Their

277 “Nell’età presente la sociale facilità del conversare congiunta alla mollezza del vivere, sebbene ha fatto aperture ad altri disordini, ha però estinti molti dei vecchi, avendo reso meno feroce il cuore degli uomini, meno insidiati li chiostri delle sacre vergini e meno frequenti ancora le occasioni del violento rapimento delle donne, quale si contemplò da le leggi.” In ASV, Consultori in iure, b. 286, 21 October 1791, Piero Franceschi’s consulto on abduction.
request reached the Capi of the Council of Ten who asked for the opinion of a legal consultant.

In his capacity as legal consultant, Piero Franceschi gave a critical opinion of the parish priests, an opinion that revealed a modern outlook on the crime of abduction. To begin with, he questioned the seriousness of the alarm raised by the seven priests. The gravity of their complaint was not supported by references to specific cases. The rector had also neglected to provide the reports made to Vicenza’s criminal office, which would have given evidence of seriousness of the problem. On such weak evidence, Franceschi continued, how could they ask for more severe penalties? And was there something else to the priests’ complaint, given the overall decrease of violence in society and consequent decline in violent abductions?

In Franceschi’s view, practitioners of the law would often use the term ‘abduction’ in a confusing manner:

“With regard to the laws, I will say that both professors of law and criminal judges easily mistake raptus with seduction, elopement, and other actions of sheer incontinence if those actions disturb the calm and honor of the families.”

While the term raptus was projected onto non-violent instances such as elopements and seductions when family honor was at stake, he maintained that violent abductions should be carefully separated from non-violent instances and that the category of abduction, raptus, should be applied only to the former. This was the definition to which he adhered:

278“Rispetto alle leggi premetteremo che tanto dai professori di quella scienza che si chiama dei casi quanto dai ministri dei malefizi si confonde facilmente il ratto colla seduzione, colla fuga e con altre azioni di semplici incontinenza se hanno circostanze riferibili alla quiete ed all’onore delle famiglie.” In ASV, Consultori in iure, b. 286, 21 October 1791, Piero Franceschi’s consulto on abduction.
In a raptus, violence against the woman’s will forms the subject of criminality. Its gravity depends on the means employed to perpetrate such crime and the quality of abductor and abductee, as is the case of all other instances of honest women violated by force. 279

With violence as the defining feature, Piero Franceschi was questioning the traditional view on what constituted the crime of abduction. Reflecting late eighteenth-century sensibility, he thereby drew a sharp distinction between ‘true abductions’, and non-violent instances such as seductions and elopements. Only with the use of violence, he claimed, could the charge of raptus be brought.

After establishing that only violence against the woman formed the substance of the crimen raptus, he continued his analysis of the seduction of a daughter or her flight:

“However, the seduction of one’s daughter or her flight without her resistance deserves caution because it can proceed from guilty causes, and sometimes legitimate ones. The guilty causes are those involving the seducer’s deceitful arts. The seducer can be reprimanded at the judge’s equity (arbitrium) and has to compensate damage and offense. The legitimate causes are poor domestic treatment, age greater than 24, lack or scarcity of the dowry, need to use her civil actions, escape from danger and the similar that render justified the withdrawal from the house of parent, relatives or tutors. Therefore, in none of these instances the detested name of raptus has to be applied.”

Franceschi’s sharp distinction between violent and non-violent crimes led him to quite progressive views regarding the rights of daughters and justifying their departure from the paternal roof in instances such as when she was battered at home; if she was older than 24; if she had not been given a dowry or had just a

279 “La violenza nel ratto fatta alla volontà della donna forma il soggetto della criminalità la qual in proporzione dei mezzi usati nel commetterla e secondo la qualità del rapitore e della rapita stabilisce il caso più o meno grave siccome lo stabilisce in tutti gli altri casi delle donne oneste violate con la forza.” In ASV, Consultori in iure, b. 286, 21 October 1791, Piero Franceschi’s consulto on abduction.

280 “Ma la seduzione e la fuga di una figlia senza sua resistenza domanda molte avvertenze perché può avere cause ree e tal volta ancora cause giustificate. Le ree son tutte quelle che procedono dagli inganni e dalle male arti impiegate dal seduttore il quale in proporzione del fatto può essere corretto ad arbitrio del giudice e deve compensare il danno e l’ingiuria. Le giustificate poi sono il cattivo trattamento domestico, l’età della figlia superiore agli anni ventiquattro, la negativa o la deficienza della dote, la necessità di usare delle azioni sue civili, il sottrarsi da qualche pericolo e simili che rendono giustificato il ritiro dalla casa paterna o dei congiunti o dei tutori. Perciò a nessuno di tali casi devesi applicare nella sana giurisprudenza l’odiato nome di ratto propriamente detto.” In ASV, Consultori in iure, b. 286, 21 October 1791, Piero Franceschi’s consulto on abduction.
scarce one; or if she needed to rescue herself from danger.

Furthermore, Franceschi warned against introducing more severe legislation. Not only did such legislation exist, but repressive measures could not provide a solution to the problem raised by the seven priests. What Franceschi suggested was to exert greater control on children within the family and decrease the involvement of the state in family matters by confining the resolution of cases of voluntary abduction to the private sphere. It was the family’s responsibility to bring up their children so as to avoid unpleasant situations and not the state’s responsibility to intervene.\textsuperscript{281}

Piero Franceschi’s careful distinctions and his modern view on daughters’ right to leave their paternal houses is a reflection of highly progressive eighteenth-century sensibility, quite distant from traditional legal attitudes toward daughters. Noteworthy is also Franceschi’s observation that the protection of family honor should be the concern of the family, not the state. In so doing, Franceschi distanced himself from the legal tradition that considered family honor a value to be protected by the state as well.\textsuperscript{282} To what extent can we generalize, however, his thinking? According to Gaetano Cozzi, due to their sensitive office, legal consultants could only express stances that resonated with at least part of the Venetian ruling oligarchy. They could suggest progressive ways of thinking, but without moving too away from their interlocutor.\textsuperscript{283}

\textsuperscript{281} Fabvre, 426-457.
\textsuperscript{282} In glaring contrast to Franceschi’s view stands Lorenzo Priori’s definition of \textit{raptus}, abduction, that I examine in chapter one. Violence was not the defining element of the crime of abduction in Priori’s view. As his view and the legal practice examined in the previous chapters makes clear, the underlying reason for the criminalization of non-violent abductions was the intention to protect family honor and uphold parental authority.
The notion that there should be limits to parental authority was certainly not new in the late eighteenth century. Arguments in favor of the limitation of paternal authority had been made earlier than the eighteenth century in Venice as well as in other contexts.\textsuperscript{284} In Venice, however, the republican constitution – albeit aristocratic and increasingly oligarchic – lent itself to deeper criticism of authority. In the mid-seventeenth century, Arcangela Tarabotti had forcefully criticized the ‘paternal tyranny’ of Venetian fathers by measuring them up against the republican values that they claimed to uphold. Yet, the extension of rights to daughters as well as sons could be appealing and complex at the same time within a republican setting.\textsuperscript{285} As we shall see, judicial practice shows that Venetian patricians continued to hold forms of potentially tight control on the marital choices of their sons and daughters. In light of this ambivalent relation between republican values and inclusion of daughters’ rights, Franceschi’s remarks appear particularly noteworthy and perhaps also informed by the debate on women’s rights in progress in early revolutionary France.

Franceschi’s view echoed the debate on the decriminalization of victimless crimes that accompanied the creation of legal codes in the pre-unitary Italian states. In particular, what caused disagreement were the crime of \textit{stupro semplice}, defined as illicit sexual intercourse with an honest woman without the extenuating circumstance of deception, and the use of criminal justice to enforce marriage for the purpose of restoring honor. In the Grand Duchy of Tuscany lawsuits for \textit{stupro semplice} had increased disproportionately in the first half of the eighteenth century, urging a reconsideration of this criminal category. Charges were often

\textsuperscript{284} For instance, Samuel von Pufendorf had argued in his \textit{De iure naturae et gentium} (1672) that paternal authority, although important for the good upbringing of children, should not extend to their decision over their marital choice. In Cozzi, “Padri…”, 44.

withdrawn and followed by an out-of-court settlement. Legislators’ concerns were abuses aimed at forcing marriage or claiming the dowry, the penalties in these cases. Attempting to redress such abuses, a law was issued on January 24, 1754, which eliminated compensation for the offended party and required only that a monetary fine be paid for the common welfare, a step toward the decriminalization of *stupro semplice* and the separation of law from morality.\textsuperscript{286} This question was also addressed in the debate on criminal reform that led to the Constitution of November 30, 1786.\textsuperscript{287} On this occasion, the debate revealed two opposing stances. On one side, there were those anchored to tradition, who wanted to maintain the criminal condemnation of *stupro semplice* in order to defend family honor. On the other side, there were those who wanted to decriminalize *stupro semplice* and redirect its investigation to the *Buon Governo*, a magistracy with the task of conducting surveillance on subjects’ morality.\textsuperscript{288} This debate revealed two opposite views of women’s sexuality: the conservatives’ argument rested on the idea of women as passive and submissive victims of astute men. They did not attribute to women any responsibility for their sexual behavior, hence their consent had no value. By contrast, the advocates of the decriminalization of *stupro semplice* revealed a radically opposite idea of women’s sexuality: in their view, women hid strategies of upward social mobility under the appearance of being modest virgins and men were their naïve victims. Resorting to criminal justice to force naïve men to marry or dower them only helped the most libertine women, while honest women would not have dared to


\textsuperscript{288} Alessi, G. ivi.
make public their ‘dishonor’ in a court room, they said. These opposing views of female sexuality -- one denying agency, the other portraying female agency as deceitful – nourished the debate on the relevance of female consent.\(^\text{289}\)

The legal category *stupro semplice* was questioned in the Kingdom of Naples as well. Similar to the debate that took place in the Grand Duchy of Tuscany, the use of the criminal justice system to impose marriage caused concern among legislators. Of particular concern was the impact of such marriages on the rank or nobility of families. In 1749 Charles of Bourbon forbade the imprisonment of an alleged seducer during the preliminary investigation in a trial, except for the cases in which there had been violence, *sponsali de futuro*, promises of marriage made in front of a parish priest, or when a marriage contract had been drafted by a notary. This measure was taken in response to one subject’s request for pardon and was so endorsed by the king:

> “Because it greatly matters to the good government and to the tranquility of the vassals of Your Majesty to keep the decency of families, which mainly results from acquiring honorable kindred; and by contrast, every day many and particularly poor and unwary youths are imprisoned, due to others' malice and dangerous actions, as alleged rapists or on the basis of confidential documents gathered during the early phase of the trial, which are based on false evidence; and because those convicted do not have the way neither to defend nor to support themselves inside the prison; are scared by the length of the litigation and above all by the fear of losing their jobs, they are forced against their will to contract marriages with people who are not only poor and of ordinary reputation, but also with little honesty, which brings prejudice and dishonor to themselves and their respectable families.”\(^\text{290}\)

\(^{289}\) The resulting solution was a compromise, closer however to the conservative stance. The criminal character of *stupro* was confirmed and the crime of rape was divided into three subcategories: *stupro semplice*, which carried a sentence of a monetary fine and birth-related expenses if the deflowered woman was pregnant; *stupro aggravato*, for which more serious penalties to be decided by the judge were envisioned; and *stupro con promessa di matrimonio*, in which the offender was sentenced to confinement in Volterra for five years unless he decided to marry or dower the deflowered woman.

\(^{290}\) “Perché importa molto al Buon Governo, ed alla tranquillità dei vassalli di V.M., che si conservi il decoro delle famiglie, che per la maggior parte nasce dalla contrazione di onorevoli parentadi, ed all’incontro sperimentasi tutto giorno, che per altrui malignità ed insidia, molti, e particolarmente poveri ed inaccorti giovani carcerati come supposti rei di stupro, o atti confidenziali ex processu informativo, le di cui prove ... sono false, e non avendo i carcerati maniera, né di difendersi né di mantenersi entro le carceri, spaventati dalla lunghezza del litigio, e soprattutto dai timori di non perdere quell’impieghi, che stanno esercitando, son forzati contro lor voglia a contrarre matrimonii con persone non solamente povere, e di vulgar fama, ma per lo più poco oneste, con preguidizio e disdecoro non meno di loro stessi, che delle loro costumate
The question of marriage as a way to restore honor was tackled again in the Kingdom of Naples in the Prammatica of June 26, 1771. This law lamented the widespread practice of contracting marriages following real or alleged defloration, ahead of parental consent. The Prammatica confirmed the obligation of having the father’s consent for men until 30 years of age and for women until 25. Sons who outflanked their father’s consent risked disinheritance and daughters the loss of their dowry. Eight years later with the Prammatica of February 12, 1779, the crime of *stupro semplice* was repealed and legal action was accepted only in cases of violent *stupro* or rape.  

While the general debate and sensibility was pointing toward the decriminalization of victimless crimes, the Venetian oligarchy continued to show concern for elopements that involved the children of aristocratic families, not disregarding the use of repressive secular magistracies such as the Inquisitori di Stato, a branch of the Council of Ten. Casanova’s portrayal of the secretive and repressive style of the Inquisitori di Stato in his account of his escape from the Piombi prison is perhaps one of the most effective literary characterizations of this magistracy’s infamous reputation. Judicial practice in general, and that of the Inquisitori di Stato in particular, reveals the tension between youths’ rebellion against family authorities and the aristocratic families’ attempt to control the marital choices of their children and family fortunes, a tension that could take broader political overtones. The restlessness of the youth, both men and women, had been gathering steam at least since the 1730s when there was a greater intolerance and more open

*famiglie.* In Alessi, 137-38.

291 *Ivi.*

292 This magistracy was founded in 1539.

opposition to family authority. In one case in 1739, reported by Gaetano Cozzi in “Padri, figli e matrimoni clandestini”, Pietro Emo, the 23 year old son of an eminent Venetian patrician, and Cornelia Gera, daughter of a modest member of the Venetian bureaucracy, contracted a clandestine marriage, that is without all the necessary formalities prescribed by the Church and without the recommended parents’ consent, but nevertheless valid. When asked by the patriarch in Venice to separate from his bride, instead he showed up with her and also affixed in various parts of the city a “protesto” in which he stated that, in love with Cornelia, he had resolved to take her as his legitimate and beloved wife. In the “protesto” he also explained that he had decided to marry clandestinely because otherwise nobody in the Church would have dared to give him support against his powerful family.294

The 1730s seemed to kindle an anti-authoritarian flame among the patrician youth of Venice. In 1731 Giustiniana Gussoni fled her paternal house in Venice with Francesco Tassis, a youth from Bergamo. Giustiniana was the only child of a prominent patrician family and her parents had established, by means of a written contract, that she should marry a patrician. If she did not, she would lose her dowry. By contrast, Francesco Tassis was of much lower station and economic capacity. They left on a gondola, reached Padua, then crossed the state border on a gig while attempting to celebrate a clandestine marriage in a small village nearby. They then reached Mantua where they hoped to obtain the recognition of their union and Giustiniana’s parents’ pardon thanks to the help of the Mantua bishop. Their flight became a complicated case, involving, in addition to the bishop of Mantua, the Holy See, and the Inquisitori di Stato, a branch of the Council of Ten dealing with serious political and moral crimes involving

294 G. Cozzi “Padri...
patricians, repressive in style. Other clandestine marriages of patrician youths followed in the 1730s. Cozzi mentions one such instance involving Giacomo Correr, another child of a prominent patrician family, who escaped with a singer to Bologna in 1732; another from 1734 in which a youth from the Rizzi family clandestinely married an older woman, a ‘seller of oil, music, sweets, and masks.’ And then in 1739, the same year in which young Emo posted his “protesto,” two other young patricians, from the Guerra and the Capello families, contracted clandestine marriages.

These instances from the 1730s have in common the couples’ determined pursuit of their dreams in defiance of family authority, which, in the most difficult situations, led them to flee across state border, an action that the Inquisitori prosecuted as ‘rapimento’ or abduction, obviously a consensual one. From different angles, the legal categories ‘consensual abduction’ and ‘clandestine marriage’ captured the same notion of publicly challenging family authority. According to Cozzi, in that openness—and Emo’s “protesto” was its most glaring sign—the Inquisitori saw a sign of political questioning of the establishment that they, the Inquisitori, were responsible for defending. These young patricians were not opting for a secret marriage, an old and still in use institution that would have allowed them to form a binding union with someone of much lower station, albeit not public and without legal implications for the bride and their offspring. They aimed instead at forming a publicly-recognized union. And what troubled the Inquisitori was that in some instances, the patriarchal court in Venice recognized the validity of these marriages. In response, in 1739 the Council of Ten issued a law increasing the surveillance of patricians’ marriages, ensuring their conformity to the measures of the Council of Trent. Such increased surveillance seems to
have worked, albeit temporarily, since no other clandestine marriages by patricians appear in the archival records of the Inquisitor and the patriarchal court until the 1750s.295

The cases so far presented originated in the city of Venice. However, the restlessness of the thirties spread beyond city limits. If we turn our attention to the Diocese of Parenzo in Istria we will notice a spike in the number of abductions occurring in the early 1730s and in 1743 as well. These church proceedings were started on the mere suspicion that the woman had not given an authentic consent to her union. Therefore, they may include both consensual and forcible instances.

The particularly pronounced concentration for the years 1731-1734 (71 cases) and the year 1743 (21 cases) is noteworthy. On a more general level, the increase of cases in the eighteenth century might be due to the demographic growth in Istria as well as to the Church’s greater presence in the territory.296 The spike in proceedings for the early thirties and the year 1743 is nevertheless striking.

Most proceedings from the 1731-4 and 1743 detail consensual abductions. As to the motivation for starting cohabitation without following the formalities required by the Church, the reasons were similar to those for earlier abductions. One of the motivations mentioned is the lack of consent from parents or other relatives, which echoes the challenge of family authority cited in cases from the city of Venice. For instance, Maria, daughter of the late Stefano Chiurco from Monselice, gave the following testimony explaining why she left her house and moved in with Pietro Chiurco from Monpaderno. She had given Pietro her word to be his wife two years earlier and despite this previous engagement, her relatives

295 Cozzi, “Padri..., 59.
296 Ivetic, L’Istria...
more recently wanted to marry her off to someone from Valcarino. In order to
counteract their plans, she made an appointment with Pietro to meet in a vineyard
and to then go with him to his house.297 When confronted by the judge who was
not persuaded by her version, she asserted again that she left of her own volition:

«I spoke the truth nor do I want to hide it from the justice: my union to the above
mentioned youth came from the love that I felt for him and from my refusal to marry,
against my inclination, the person that my relatives wished for me and this was the reason
for my union with the above mentioned Pietro Chiurco.» 298

Similarly, Cattarina, daughter of the late Mico Casalaz, testified to the
judge that her relatives’ opposition to her and Ive Piavich’s mutual affection made
them resolve to stage an abduction and move in together:

“The above mentioned Ive Piavich was often at my mother’s house for the purpose of
working in our fields. Through these encounters we grew fond of each other and last July
on Saint Magdalene’s day we exchanged word of marriage. However, because none of my
relatives were content with this marriage I resolved to tell and promise him that I would
join him under the pretense that he steal me away.»299

Some widows clearly voiced the greater independence from family
authorities that came with their status. For instance, Maria, daughter of Luca
Dechovich and widow of Nicolò Baldaz from Villanova, maintained that she had
given her consent to marry Rocco Precali from Dracevaz even if her father did not

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297 «Saranno due anni circa che ho data parola al sudetto Piero d’esser sua sposa e adesso li miei
parenti cioè mia madre e mio zio paterno volevano ammogliarmi con Pietro Loc da Valcarin
avendo a tal affetto preso l’impegno col medemo Loc di farmi dar l’annullo a contrazer sponsali
de futuro ma avendo io ciò inteso né acconsentindo a tal partito feci intendere a Pietro Chiurco
mio amante tutto ciò che si designava di me in casa avvisandolo che dovesse capitare in certa
piantada di Marco (Dume) mio zio dove io mi sarei trovata ed in quel luogo si saressimo uniti e
poi partiti assieme come in fatti seguì.» Otmice 12.12, Testimony of Maria fq. Stefano Chiurco,
fol. 152r.

298 «Io ho detto la verità né voglio nasconderla alla giustitia e l’avermi
unito con il giovane
sudetto fu uno sforzo d’amore che allo stesso portava ricusando di maritarmi contro mio genio
con quelli che desideravano li miei parenti e questa fu la causa della mia unione col sopradetto
Pietro Chiurco.» Ivi, fol. 152v.

299 “Pratticava per casa di mia madre il sudetto Ive Piavich in occasione che veniva a lavorare ne
nostri campi e con tal incontro s’abbiamo vicendevolmente preso affetto e dato parola di unirsi
assieme in matrimonio ancora il giorno della Maddalena nel passato luglio ma perché abbiamo
visto che nessuno del mio parentato era contento di questo matrimonio così io mi risolto di
dirli e prometterli che mi unirei con il medemo con finzione che egli mi rubbasce. ” PVP, Otmice
12.12, Testimony of Cattarina daughter of the late Mico Casalaz, fol. 129r.
agree because ‘as a widow, she was the mistress of her own freedom.’ Widows appeared to have greater freedom of mobility, although in cases where their late husbands’ last wills had commissioners, the property that they could keep in their second marriage could be limited. In this regard, the testimony of Catarina widow of Micho Girlevich is eloquent:

“I am a widow and, because the said Gasparo Cossutich wished to marry me, I gave him my consent and he moved to where I was living, that is the house of my late husband Mico and gave me the 'deposit,' that is, the ring, as assurance of the wedding. When Zuanne Sorcich, who is the legal commissioner of my late husband’s last will, learnt about this, he told me that he did not want me to stay in the house and that I should leave immediately.”

The spike in proceedings for the early 1730s and 1743 in Istria does not seem to be, however, only the result of a heightened defiance of family authorities and greater awareness of personal freedom. Another contributing factor is the impoverished state of the Istrian countryside in the 1730s, which led to a surge of banditry and social unrest. Poverty led couples to move in together without following the expense of the formal protocol and the impossibility of covering the wedding expenses is often mentioned in the sources. For instance, Giustina daughter of Piero Chiurco, explained to the judge that her mother did not wish to host the wedding because she did not have the economic means to do so, but gave

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300 "Interrogata se suo padre o altri fossero consapevoli di questa sua intelligenza con il Precali, rispose: «Lo sapeva il mio cugnato e la mia sorella quale m'aveva parlato per il predetto Precali et io gli dissi che l'avrei accettato benché mio padre non volesse perché essendo io vedova ero padrona di me stessa e della mia libertà.»” “Asked if her father or others were aware of her agreement with Precali, she answered: «My brother-in-law and my sister (through whom the said Precali had sent word to me) knew about it and I told Precali that I would accept him although my father did not want, because as a widow I was the mistress of myself and my freedom.» PVP, Otmice 12.12, Testimony of Maria daughter of Luca Dechovich and widow of Nicolò Baldaz, fol. 58v.

301 In this regard see the testimony of Catarina widow of Micho Girlevich: «Io sono vedova e desiderando il detto Gasparo Cossutich di avermi per sua moglie io ho acconsentito ed egli è venuto a casa dove io stavo ch’era la casa del defonto mio marito Mico et ivi mi diede la caparra o sia l’anello per assicurazione di tal matrimonio. Quando tal fatto è venuto a cognizione di Zuanne Sorcich che è comissario testamentario del detto fu mio marito si portà a trovarmi e mi disse (dir) assolutamente non voleva che più stassi in quella casa e che mi risolvesti di subito partire.» (fol. 204r)

302 Egidio Ivetic, _L’ Istria nell’età moderna..._
Giustina permission to leave with her future husband, Antonio Golesich:

"Last Saturday the above mentioned Golesich came to this court in order to obtain a dispensation from two wedding banns, wishing to fulfill only one and then marry me right away. He got it and when he came to our village, he presented his wish to my parents. However, my mother started to yell and say that she did not want me to get married for the time being and that she did not have the economic means to afford the wedding but that I should go where I wished, even though she did not consent at all because she had debts to pay and could not afford the wedding. So, my mother dismissed me and told me to go with my husband and that she did not want weddings in her house. I therefore went with the above mentioned Golesich to Monpaderno to his house along with five others and my father himself who accompanied me to the house of the Casalaz family and left me there."  

In addition, the fear of being kidnapped by unwanted suitors surfaces again in the sources from the early 1730s. For instance, Elena, widow of Matteo Parunich maintained:

"It has been about six months since I gave Vido Dodich word that I would marry him and since he gave me the ring as a token of his assent. Since then we continued to speak together when he came to see me. After learning that I risked being taken away by somebody else, we decided together on the day when we would join and he would come and take me home."

303 «Sabato passato il sudetto Golesich venne a questa curia per ottenere la dispensa delle due pubblicazioni volendo farne una sola e poi subito sposarsi. L’ottenne e venuto in nostra villa rappresentò a miei genitori il suo desiderio ma la mia madre cominciò a shraitare e dire che non voleva che io per hora mi maritassi e che non aveva il comodo di poter far le nozze e che però io andassi dove volessi che essa assolutamente non acconsentiva mentre aveva molti debiti da pagare e che non voleva spendere in nozze cosiché // mia madre stessa mi licenziò dicendomi che io me ne andassi con mio marito e che essa non voleva in casa sua nozze per la qual cosa io m’accompagnai con il sudetto Golesich e mi portai in Monpaderno a casa sua accompagnata con altri cinque e con mio padre stesso quale m’accompagnò sino alla casa dei Casalaz e poi mi lasciò ».PVP, Otmice 12.  

See also the testimony of Maria daughter of Luca Dechovich and widow of Nicolò Baldañ (fol. 58r-v) in which she explains that Rocco Precali had not wanted to ask her father for permission to marry her in order to avoid the wedding expenses, that is the invitations and the giving of the ring” (“per scansare le spese che occorrono nelle // nozze che si fanno con l’aiuto e con il dar precedentemente l’anello”). For other examples, see the testimony of Pasqua daughter of Sime Marich: “The abovementioned Antonio asked my father for permission to marry me and he answered that for the time being he could not afford the wedding and that Antonio should wait until the harvest. But because he did not want to wait, he asked me if I consented that he come and take me and I told him that I was content.” («Fui ricercata per moglie dal predetto Antonio a mio padre quale gli rispose che adesso non // era in stato di far nozze ma che aspettasse sino alle raccolte ma esso non volendo aspettare mi ricercò se volevo acconsentire che egli mi venisse a pigliare et io gli dissi che ero contenta.» fol. 87r-v)  

304 «Saranno già sei mesi che avevo io data parola a Vido Dodich di prenderlo per marito e lui in segno del suo assenso mi aveva dato l’anello e da quel tempo abbiamo continuato a parlare assieme mentre veniva a trovarmi dopo di che avendo inteso che poteva correr rischio d’esser condotta via da qualche d’un altro stabilissimo insieme il giorno di dover unirsi assieme e che lui dovesse venir a levarmi e condurmi a casa.» PVP, Otmice 12.12, Testimony of Elena widow of Matteo Parunich, fol. 145v. For other examples see the deposition of Maria, widow of Tome Chergiac: “On the eve of St. John’s day around noon I was warned that the abovementioned Giurizzan was coming to my house with a company to kidnap me. I then immediately sent word to Matte Radocich so that he would come and get me.” («La vigilia di San Giovanni circa il mezzo giorno fu avvisata che il sudetto Giurizzan con altri in compagnia venia alla volta di casa mia per rubarmi allhora io
Although most abductions from the 1730s and 1743 were consensual, violent instances did not fade off entirely. What seem, instead, to have significantly decreased are group abductions, which had been more frequent in the early decades of the seventeenth century. Kidnappings with ‘la compagnia’ still occurred, but only occasionally, even in a time of more numerous abductions like the early 1730s and 1743.

The outburst of youth rebellion that characterized both Venice and Istria in the 1730s, seems less conspicuous in the following decades. The next case for ‘abduction’ under the scrutiny of the Inquisitori di Stato is from 1754 and involved a young woman from Malta, Maria Teresa Navarra. Similar to the elopement of Giustiniana Gussoni, the flight of Maria Teresa Navarra also involved diplomatic collaboration across state borders. Maria Teresa was not a subject of Venice, however. She was a nineteen-year old woman from a prominent family from Malta, then under the rule of the Knights of the Hospital and Holy Sepulcher of Jerusalem. Maria Teresa was brown-haired and -eyed, fair-skinned, short, thin, and, in her father’s view, she had a full-blooded temperament and was resistant to his attempts to correct her. The Maltese

mandai // subito a chiamar Matte Radocich acciò mi venisse a prendere.» (PVP, Otmice 12.12, fols. 79v-80r). See also the testimony of Maria, daughter of Luca Dechovich and widow of Nicolò Baldaz, who maintained that she joined Rocco Precali out of fear of being kidnapped by Steffano Biacovich from Visinada. («Non altro se non il timore che io avevo d’esser rubbata da Steffano Biacovich di Visinada». PVP, Otmice 12.12, fol. 58 r). An interesting twist dealing with the persons behind the threat of abductions appears in the elopement of Cattarina, daughter of the late Marco Smoglian. She feared that her relatives might have her kidnapped by an unwanted suitor in order to push the marriage negotiations in a different direction. PVP, Otmice 12.12, Abduction of Cattarina, daughter of the late Marco Smoglian (fol. 192r, 203r-v).

305 The high level of group abductions (which I define as involving more than three accomplices) is striking during the first two decades of the seventeenth century: 5 in 1602-1609 forming 36% of total abductions and 13 in 1611-1620 forming 52% of the overall number of instances). 12 of the 18 group abductions were committed against the woman’s will. After 1620, this practice declined abruptly.

306 «Sono padre e padre che l’à sempre trattata con preferenza e con la speranza di dovermi consolare nella mia vecchiaia in vederla ben collocata e contenta e pertanto sono andato sempre studiandomi di correggere con dolci insinuazioni il suo troppo fuoco e di risvegliare con qualche
author of a journal entry from October 24, 1754, describes her as a much loved and high-spirited daughter, able to read and write in Italian, Spanish, Latin, and French, to sing, play, and dance, with interests in philosophy and literature, and, more recently, mathematics.\(^{307}\) Maria Teresa was tutored in mathematics by Fra Samuele Salzano, a friar and fine theologian. Samuele was tall, black-haired, brown-skinned, with poor eye sight and a mark left by his glasses on his nose, a furrowed brow, about fifty or so.\(^{308}\) Probably dressed like a man, in 1754 Maria Teresa fled Malta with Samuele in the likely attempt to reach England, convert, and start a life together. In her escape she also stole numerous clothes, jewelry, and other precious items from her house. They were caught on the island of Corfù, in Venetian territory, and escorted to Venice where they were separated and put in a convent. A thick epistolary exchange started involving Maria Teresa, her father Ignazio Navarra, and the Inquisitori di Stato. In this case, the high risks taken by Maria Teresa and Samuele are quite striking in the face of strong parental authority, even involving international diplomacy.

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\(^{307}\) "Si deve supponere che il Conte Navarra aveva due figlie, una Donna Maria Teresa e l’altra di 17 anni in circa. La Maria Teresa di gran spirito fu dal padre molto amata e la fece allevare con la coltura delle lettere e già sapeva bene leggere, scrivere in italiano, spagnolo, latino e francese; s’imparò la musica e sonava e cantava per eccellenza; s’imparò un poco di filosofia e delle lettere ed era erudita a maggior segno, oltre il ballo e giornalmente era applicata nella lettura di buoni libri e da poco tempo s’invogliò di studiare la matematica.” In John Cilia La Corte, *The Heiress of Bahria*, First Edition, 2010, p. XV. This description of her was given by Ignazio Saverio Misfud and can be found in the October 24, 1755 entry of his Giornale Maltese (this manuscript is kept at the National Library of Malta) and it is mentioned in the introduction to a play, *The Heiress of Bahria*, inspired by Maria Teresa’s elopement that has been written by one of her descendants, John Cilia La Corte. This work of fiction draws inspiration from the historical event of her elopement with Samuele Salzano. The author, with admiration for his ancestress’ gifts but not fully understanding her choice, imagine a psychological trauma, the death of her beloved, as the origin of Maria Teresa’s elopement with Samuele.

\(^{308}\) The couple portrayed their flight as induced by Maria Teresa’s seduction of Samuele. “Ma se si riflette che detto religioso ha passati i cinquant’anni d’età, ch’egli è uomo fondatissimo nella teologia essendo stato uno dei migliori teologi nella religion francesca prima che passasse nella nostra e finalmente che egli è un perfetto matematico ben si comprenderà che una cittella di tre lustri non poteva persuadere ad un’azione così biasimevole un uomo dottato di tante prerogative e si consumato nell’esperienza.”
The crossing of ‘borders’ and the ensuing risk of destabilizing peaceful relations within and without the state was something to which the Republic’s ruling elite was particularly sensitive. Another elopement, which originated in 1776 in Corfù, shows the concern of the Republic for the potential disruptive consequences of such crossings. This case involves the elopement of Rachele Vivante, daughter of the late Maimon, a fifteen-year old from a well-off Jewish family from Corfù, with Spiridione Bulgari, a Greek Orthodox youth from a noble family of the same island.

The Vivantes had been living in Corfù for generations and their wealth came from their thriving commerce in olive oil with Venice. They also practiced money-lending and in the mid-1770s one of the Vivantes, Menachem, began to acquire ships, named with his family’s names, “Bella Rachele,” “Regina Ester,” and “Il Leon”. The Bulgaris were also a prominent family from the island. They were noble and held the title of count and, in addition, they held the *ius patronatus* on the church of San Spiridione, the saint patron of Corfù, an undoubted source of prestige. Spiridione’s father himself was the priest for that church, a privilege deriving from the *ius patronatus*. While Rachele’s elopement immediately recalls to mind the Shakesperean Jessica of *The Merchant of Venice*, the literary representation of Jewish women crossing religious boundaries for love was also nourished by other, less famous narratives. Cesare Vivante, a descendant of the Vivantes and author of a family memoir, identifies some of the narratives that might have circulated in eighteenth-century Corfù, unlike

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Shakespeare’s plays, and informed Rachele’s imagination and final decision to leave her family. One example was the Greek poem *Storia della giovane ebreà Markada* published in Venice at the end of the seventeenth century, which narrates the story of a Jewish woman from Constantinople in love with an Albanian youth of Greek Orthodox faith. They ran away and reached Bucharest where they marry after her baptism. One more recent example, from 1769, was Antonio Piazza’s *L’Ebrea. Istoria galante scritta da lei medesima*, which describes the adventures and baptism of a young Jewish woman. Rachele might have been familiar with these and similar narratives. Equally interestingly, her elopement continued to be remembered in the oral and written tradition for a long time.

Rachele’s and Spiridione’s elopement was followed by her baptism, an event surrounded by religious fanaticism and physical confrontation, and her subsequent marriage to Spiridione. While Rachele was initially willing to convert in order to be able to marry Spiridione, the unfolding of her baptism took a meaning that was out of her control and well beyond her initial wish for freedom over her private life. Fearing for their safety, Leon Vivante, Rachele’s grandfather, and the family’s of the late Maimon left Corfù for Venice where Rachele’s ‘Venetian’ paternal uncles, Giacobbe and Menachem, had already presented an alarmed petition to the Doge and Capi of the Council of Ten demanding justice and imploring for the return of Rachele. In the petition they stressed that their niece had already been promised to someone else, her cousin Mandolino son of Lazaro Vivante; in addition, Spiridione’s seduction of

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311 In Vivante, 51.
312 Ivi.
313 Vivante.
314 Rachele had been promised to him as a child as was the custom of the nation and had
Rachele was motivated by greed, since he was their debtor; they also brought the list of various precious items stolen from their house; Rachele’s uncles addressed the religious issue with prudence, by pointing out that Spiridione had led Rachele to a church of Greek rite and had her baptized without following the necessary formalities, which required her having knowledge of the religion to which she was about to convert; they also added that Spiridione had violently opposed the public authority’s intervention, an event followed by the turmoil and sedition of the crowd. In their carefully crafted petition, Rachele’s uncles also pointed out the ‘enthusiasm of religion’ that rose on that occasion, a danger in their view and something to which Venetian authorities were sensitive. In his report from Corfù to the Inquisitori di Stato, the Venetian Provveditore General da Mar Antonio Renier also pointed out the ‘fanaticism,’ which was introduced among the commoners, under the religious veneer. Hence, Rachele’s uncles continued, Spiridione Bulgari was involved in a series of crimes: abduction/seduction, theft, sacrilege, sedition, and resistance against public authority.

As Giacobbe and Menachem had requested, Rachele was separated from Spiridione, interrogated in Corfù, and then taken to Venice. Her lengthy testimony is rich with details and offers a vivid narration of her tumultuous story. She introduced herself with her Christian and married name, Cattina, or Caterina, Bulgari:

“My name is Cattina Bulgari. As to the reason why I am here, I don’t know, but I will tell you what just happened to me. I was born Jewish, daughter of the late Maimon Vivante. My family wanted me to marry Menachem, son of my paternal uncle Lazaro Vivante. I had to pretend to agree in order to calm my family down: I had told them several times that the marriage went against my spirit. As I said, I pretended to give my consent but was determined to avoid it at any cost. Hence, I was looking for the opportunity to run

exchanged the ring five months before she fled her home. “Erano cinque o sei mesi ch’ero promessa, anzi per meglio dire, dato l’anello al mio cugino cui ero stata promessa secondo l’uso della nazione sino da bambina.” Testimony of Rachele Vivante, fol. 34v.

315 Antonio Renier speaks of “fanatismo introdotto in tutto il basso popolo fin dal primo momento del fatto adornato del spezioso manto di religione.” Fol. 38r.
away, even if I had to be with a soldier and therefore, I wished to become Christian. Two or three months ago I noticed that the count Spiro Bulgari showed interest in me, without, however, daring to talk to me directly or indirectly. Hence I set my attention on him. I had a hairdresser named Nicoletto and decided to trust him. I told him that I was determined to run away from home with someone, and I had seen a young man hanging around at length in a shop across from my balcony (on which he always kept his eyes); so I didn’t think I was deceiving myself in thinking that he was in love with me and therefore [I told Nicoletto to] let him know that I would be ready, whenever he wished, to run away with him, become Christian, and marry him.”

Rachele, now Caterina, gives an account of her elopement as resulting primarily from her wish to escape from her family’s imposed choices and less from her feelings for Spiridione whom she barely knew as is apparent from her deposition:

“Count Spiro accepted my proposal. Once I had heard from my hairdresser, I was determined to urge Spiro to act within a few days and I also invited the hairdresser to help me. Two or three evenings before my escape, I talked to him around three from my window and we agreed then that on the decided evening he would come and stroll by my window around seven and that I would leave and run away with him. That evening was the only occasion in which I directly talked to him except for one or two other evenings when, while passing under my window, he bid me good night and I reciprocated. Once the date of my departure was set, I prepared myself. I must say that I didn’t even bother inquire about him or his way of life both because I didn’t want to risk revealing my plan or to doubt my own intentions and, moreover, because I had already resolved to run away with anyone. It is true that once while in the company of several girlfriends at my home, I saw him passing by and asked my friends who he was. They told me that he was the son of Bulgari and added that he was vain and unwise because he had committed several misdeeds, although he seemed to have quieted down in the past few months. I changed the subject, fearing I might reveal myself, nor did I let the news alter my disposition in the least both because I had my sights set on running away and because I learned this news after I had given him my word.”

316 “Il mio nome è Cattina Bulgari; circa poi la ragione per cui mi ritrovo in questo luoco non lo so, ma racconterò quanto mi è occorso in questi ultimi tempi. Io sono nata ebrea figlia dell’ora quondam Maimon Vivante. La mia famiglia ha voluto farmi incontrare sposalizio con Menachem figlio di Lazaro Vivante, mio zio per parte del padre. Io ho dovuto aconsentirvi in aparenza per rimetter in calma la famiglia cui già avevo prevenuta più volte che lo facevo contro genio né prestai l’assenso che, come ho detto, in aparenza e con risoluzione di sottrarmene a qualunque costo. Quindi è che cercavo l’occasione di fugire di casa se anche avessi dovuto essere con qualche soldato, desiderando perciò di farmi cristiana. Due o tre mesi fa circa m’acorsi che il conte Spiro Bulgari mostrava della premura per me, senza per altro mai avanzarmi perché l’eventualità di fuggire di casa se anche avessi dovuto essere con qualche soldato, desiderando perciò di farmi cristiana. Due o tre mesi fa circa m’acorsi che il conte Spiro Bulgari mostrava della premura per me, senza per altro mai avanzarmi perché l’eventualità di fuggire di casa se anche avessi dovuto essere con qualche soldato, desiderando perciò di farmi cristiana. Due o tre mesi fa circa m’acorsi che il conte Spiro Bulgari mostrava della premura per me, senza per altro mai avanzarmi perché l’eventualità di fuggire di casa se anche avessi dovuto essere con qualche soldato, desiderando perciò di farmi cristiana. Due o tre mesi fa circa m’acorsi che il conte Spiro Bulgari mostrava della premura per me, senza per altro mai avanzarmi perché l’eventualità di fuggire di casa se anche avessi dovuto essere con qualche soldato, desiderando perciò di farmi cristiana. Due o tre mesi fa circa m’acorsi che il conte Spiro Bulgari mostrava della premura per me, senza per altro mai avanzarmi perché l’eventualità di fuggire di casa se anche avessi dovuto essere con qualche soldato, desiderando perciò di farmi cristiana. Two or three months ago I noticed that the count Spiro Bulgari showed interest in me, without, however, daring to talk to me directly or indirectly. Hence I set my attention on him. I had a hairdresser named Nicoletto and decided to trust him. I told him that I was determined to run away from home with someone, and I had seen a young man hanging around at length in a shop across from my balcony (on which he always kept his eyes); so I didn’t think I was deceiving myself in thinking that he was in love with me and therefore [I told Nicoletto to] let him know that I would be ready, whenever he wished, to run away with him, become Christian, and marry him.”

317 “Esso conte Spiro accettò la proposizione di che avertita col mezzo del peruchiere mi determinai a solecitar l’esecuzione in pochi giorni invitando il peruchiere medesimo ad assistermi. Due o tre sere avanti dell’esecuzione parliam seco verso le tre ore dalla finestra e quella sera fu tra noi concertato ch’egli sarebbe stato quella tal sera a passeggiare poco distante dalla mia casa.
Her conversion to Christianity had the primary purpose of permitting her to make a choice different from what her family had decided for her. As the rest of her deposition makes clear, she had little knowledge of what was going to happen after her escape and had certainly not anticipated the climate of religious fanaticism and confrontation with public authority that accompanied her baptism. As soon as she left for the church (without Spiridione, because her future husband’s presence at her baptism was deemed inappropriate), she found herself surrounded by a crowd, comprised by the gentlemen of the village and many other Greeks who were there in her view mainly to prevent that the public authority would take her away. Here is her account of her baptism:

“*The church was crowded too. We did the baptismal service. I cannot provide a full account of this service. I know that the first part was the question asked by the above-mentioned vicar as to whether I wanted to become Christian and whether I did it by free will. Continuing with the service, he asked me this question two or three times and I always answered yes. He asked me if I wanted to become Christian with the Greek rite and I answered yes to that question too because I had to marry someone of the same rite, that is Bulgari. The vicar said some prayers I didn’t know and I too said something that I was taught that same morning, but I don’t remember it because I hadn’t heard it before and I never heard it again. Then my forehead, chest, and the palms of my hands were anointed while I kept my feet in a basin of water. At the end of the service, which lasted an hour, my wedding commenced.*”

In several points of her narration, Caterina maintains that she was in a state
of confusion, presumably due to the crowd, the tension with the public authority and the unexpected unfolding of events. She even asked to delay her wedding since she was not feeling well. In his communication to the Inquisitori di Stato in Venice, Renier, the Provveditore Generale da Mar, doubted the truthfulness of every part of her testimony, which in his view was influenced by Caterina’s concern for her safety. He also stressed the seditious climate and the fanaticism that surrounded these events, only superficially veiled by a religious veneer. Such climate had prevented him from separating Rachele from Spiridione promptly, being able to do so only about forty days after her escape.

While the investigation quickly led to several arrests and only the prudent admonition of three religious figures involved in this event, the question of Rachele’s conversion and marriage required more subtle analysis. Were her baptism and marriage valid? According to the Gran Protopapà, the chief religious authority among the Greek Orthodox in Corfù, they were not. However, the Inquisitori relied on the opinion of a Domenican theologian who maintained that Rachele had given her free consent to both, therefore they were fully valid. In the meantime, after a short time at the Lazzaretto Vecchio, Rachele was transferred to the Pia Casa dei Catecumeni (Holy House of the Catechumens), a charitable institution founded in 1557 with the purpose ‘to shelter, instruct, and baptize its charges.’ From here, especially after being reached by Viola D’Osmo who had been working in the Vivante’s family, had helped Rachele to escape and converted as well, Rachele/Caterina insisted on being reunited with Spiridione. Her insistence was rewarded in that Spiridione was spared the legal

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319 Letter of Renier, fol. 38.
320 Vivante, 67-8.
consequences of his actions and was allowed to join Rachele/Caterina in Venice. Thanks to the careful research of Cesare Vivante, we are fortunate to know how her life continued, a rare circumstance in cases for abduction. We know that Rachele/Caterina and Spiridione’s life together deteriorated quickly and that, probably with the help of her original family, she requested that the Capi del Consiglio dei Dieci give her permission to obtain the annulment of her marriage from a Latin judge, in absence of a Greek judge, which she did. It seems that she was firm in her intention to remain Christian, but perhaps re-converting to Judaism was not an easily viable option. A few years later she married a Catholic doctor and had three children. Toward the end of her short life – she died in her thirties – she was living by herself with her children, having separated from her husband. 322

Rachele’s claim for personal emancipation from her family became an event with many more actors and issues involved than she had probably envisioned: the rushed conversion, the seditious crowd, and her original family’s fear for their safety. 323 The perilous and destabilizing consequences of crossing of family and religious borders were well known to the Venetian elite. As we know from the work of Eric Dursteler, instances of abduction, both voluntary and forcible, and conversion had been especially common between Venetian and Ottoman territories along the Dalmatian frontier. When such instances involved daughters of upper-class families on either side of the frontier, it became a sensitive diplomatic issue and one in which the honor of the state became involved as well. 324 From the perspective of those who chose to escape, the

322 Vivante, 70-1.
324 On the honor of institutions see E. Dursteler, “Convenient to the Piety of Our Signoria and To
porous political and religious boundaries of the Mediterranean offered a glimmer of hope, a way to express their creative agency out of circumstances of constraint.³²⁵ For those who came from upper-class families the risks involved in their escapes were higher, as the surveillance was greater.

To conclude, the sources presented in this chapter confirm the decline of violence indentified by the legal consultant Piero Franceschi. The decline of violence, which did not fade off entirely, concerned especially abductions tied to complex marital strategies involving the aristocracy from Terraferma, and group abductions from the Venetian Istria. This decline was paralleled by a rise in elopements, a greater willingness to openly challenge family authorities, and a more accepting view of romantic love and the rights of daughters.

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³²⁵ This theme is discussed in Natalie Zemon Davis, A Passion for History. Conversations with Denis Crouzet (Kirksville: Truman State UP, 2010).
Conclusions

At the time of my first trip to Tarmassia, in 2010, the end of Cassandra Stiveri's story remained a mystery. All I had was the criminal case. The mysterious fate of Cassandra, however, generated an animated discussion between me and the locals who had invited me to learn more about that ‘strange kind of stealing.’ After a tour through Tarmassia, we continued our speculations in the villa Guglienzi-Guarenti, a sixteenth-century villa inhabited by the same noble family without interruption since the 1570s. As I walked through the second floor under the gaze of their ancestors, beautifully displayed in elegant family portraits from the late Renaissance onward, I could not help thinking about the dense testimony of the past dwelling in that villa and in Tarmassia. Our speculations about the possible fate of Cassandra even led us to the parish priest to learn whether the parish’s marriage registers held any record of Cassandra’s possible marriage to Zuan Nicola. The priest kindly welcomed us and let us consult the documents, but there was no mention of the event. Before my hosts found a tax record indicating that she was returned to her home, they decided to stage a play in the villa Guglienzi-Guarenti wherein they imagined six historical characters, living in Tarmassia, offering monologues about their lives, a deliberate literary invention. One of these characters was Cassandra Stiveri who told of her life after her kidnapping dressed in ghost-like fashion in front of a dedicated audience by candlelight. In this literary invention, Cassandra voices her anger and resentment for what she had suffered and finds a measure of happiness in a liaison with a vagrant.
When I asked one of my hosts why he was so interested in this case, he answered that the story reminded him of one of the classics from the Italian literary canon, Alessandro Manzoni’s *I Promessi Sposi (The Betrothed)*, a foundational narrative that every Italian student reads in high school and therefore something that Italians both love and hate. In one central episode of this historical novel a nobleman, Don Rodrigo, arranges for the kidnapping of a commoner, Lucia, for whom he felt an unrequited passion. In other words, the story of Cassandra connected to a broader narrative about passion, honor, and national culture.

Literary and historical references to the abduction of women are common in Italian culture. In addition to the abduction of Lucia, the Romans’ kidnapping of the Sabine women after the foundation of ancient Rome and Filippo Melodia’s abduction of Franca Viola in 1960s Sicily are also familiar references in Italian culture. Significantly, they are associated with key historical transitions in the Italian peninsula: the former is tied to the foundation of Rome while the latter captures the anxieties of 1960s Italy, a country caught between rapid industrialization and attachment to notions of honor and tradition. Such references and how they are read and understood by Italians have a story of their own.

Although a worthy area of investigation, these literary and historical references to the abduction of women are beyond the scope of this dissertation, which focuses rather on state and church court cases. The sources examined, which range from the late sixteenth through the late eighteenth century, originating mainly from the Venetian mainland and Istria, portray abduction-
based conflicts, instances that were not the ordinary way of getting married, but rather a way to circumvent obstacles, such as family authorities’ opposition to the match; and other instances, also out-of-the-ordinary, in which women were taken against their will. Yet, the ways in which such out-of-the-ordinary conflicts were resolved were informed by widely shared cultural values. What figures prominently in this research is the reparable nature of female and family honor and the overall preference by the parties in conflict to restore female honor through marriage both in voluntary and forcible abductions unless the social gap was too wide. It is in this area of negotiation and fluidity that I see instances of female agency. Although the legal category ‘abduction’ stresses male agency and female passivity, in practice, women were at times fully involved in arranging their own ‘kidnapping.’ I see this area of negotiation and fluidity as an area of risks for women. Arranging an elopement was a choice involving risk: for instance, risks of legal reprisal from the woman’s family. In addition, the notion that blemished honor could be restored through marriage exposed some women to the risks of forced abductions.

An additional conspicuous feature that appears throughout this research is the prevalence of fatherless daughters and widows among the abductees. This is true in cases of both voluntary and forcible abductions. It was not the lack of protection or surveillance that necessarily made an abduction or elopement more likely to occur, but rather the uncertainty about authority and patrimonial flow which came with the absence of males in the family. In the case from Brescia, which opens chapter one, it was the death of a three-year old boy that precipitated the kidnapping of his stepsisters. The absence of a male in the house brought uncertainty about who was going to have authority over the
fatherless daughters and about the inheritance, both factors that opened the way to negotiation.

A noteworthy feature is also the prevalence of rural areas, and often very remote ones, as the place of origin for abductions. While the case from Brescia is an exception, urban spaces generally appear in this research only when the case goes to trial. I read this as an indication, not of a greater abundance of conflicts in rural areas, but rather of the fact that these areas did not assimilate to the modes of conflict resolution implemented by central institutions, which operated from urban centers.

Yet the existence of court records even from remote rural areas shows that the rural periphery was coming under the scrutiny of central institutions. A crime of *mixti fori*, abduction for marriage was subject to both state and church jurisdictions. Each of these institutions operated with its own rationale and modality and their greater assertion of power in this area of negotiation and fluidity brought change to abductions.

The criminalization of abduction by the Venetian State served the purpose of exerting control over celibate women’s and widows’ marital destiny by protecting them from violence through the legal category ‘violent abduction’ and by censoring their rebellious choices through ‘voluntary abduction.’ This double level of control, protection and censorship, was already encompassed by the medieval city-charters. However, it was the more forceful assertion of state power from the mid-1570s that brought a higher number of instances of forcible and voluntary abductions to legal venues. A key-change was the Council of Ten’s introduction of the *ex-officio* prosecution of abduction in 1574, which did not require that a formal complaint be filed by the wronged party for the state to
From the 1570s to the first decade of the seventeenth century, the Venetian Republic shows a strong will of domination in abduction prosecutions. Such forceful determination to exert its authority was aimed primarily at cases that most destabilized the peace of the Republic: instances that involved the unruly Terraferma nobility examined in chapter one. These cases show a progressive severity in judicial procedure, a severity that reached its highest level with the ‘inquisitorial rite’ (rito inquisitorio), which extolled the power of the judges and deprived the defendant of customary liberties, including the right to legal counsel and to be informed of the alleged charges. This ‘punitive justice’ stood in antithesis to negotiation and accordingly did not entail forms of compensation for the victim. As was typical of justice in the old regime, however, penalties were not equally severe, but varied according to the circumstances and the station of those involved. For instance, it was not used in instances involving only peasants. One of the changes brought about by this kind of justice was the erasure of the kind of violence examined in chapter one, a violence that targeted daughters of wealthy families, was openly defiant of public order, and involved the aristocracy. When such powerful state authority was used in cases of non-violent abduction, as in those heard by the Inquisitori di Stato and examined in chapter four, it could reinforce fathers’ authority over daughters by severely punishing abductors, whether they resorted to violent means or the abduction was voluntary.

As for the Post-Tridentine Church, this research shows it to be more active in Istria than on the Terraferma. Church courts held proceedings for alleged abduction in an effort to ascertain the bride’s authentic consent before declaring a marriage valid, a practice prescribed by the Tridentine measures.
Similar to the ex-officio procedures in state prosecutions, such proceedings also extolled the authority of the judges since they could be initiated without the submission of a formal complaint. Unlike secular ‘punitive justice,’ however, ecclesiastical judges fundamentally accepted the principle of negotiation and restoration of blemished honor through marriage in both violent and voluntary abductions. In the case of forcible abductions, valid marriage was no longer impeded by raptus once, after a period of separation, the woman expressed her will to marry her abductor. When such proceedings ascertained that the woman had freely given her assent but that her family disagreed, ecclesiastical judges generally permitted marriage to take place, asking only that the couple perform penance. I see in the Post-Tridentine Church’s effort to encourage authentic consent and reprimand violence, a sign of their desire for reform. Such will was introduced, however, into a framework that continued to uphold traditional values of honor and the preference for negotiating.

The Church’s preference for negotiation and the restoration of blemished honor through marriage might appear stronger in this research because the examined church records came primarily from Istria, where this institution navigated its way through local customs in an attempt to introduce post-Tridentine reforms; an attempt which met with strong resistance. Abduction was more customary in Istria than in other areas but not throughout the entire countryside; the practice was concentrated in areas more strongly subject to immigration from the southern Balkans, especially the Morlacs from Dalmatia.

The abundance of state and church records for abduction is a testimony to these institutions’ effort to scrutinize and bring change to this practice. Some of the long-term changes that appear to have occurred are the decline of some forms
of violence. In particular, the violence that targeted daughters of wealthy families, was openly defiant of public order, and involved the aristocracy in Terraferma; and the violence of group abductions from early seventeenth-century Istria. Late eighteenth-century sources also mention a different perception of forcible abductions, confined to the category of the ‘ferocious,’ and a more accepting view of elopements.

The examined documentation, while abundant and rich with details, did not allow me to establish the long-term consequences of both forcible and voluntary abductions for individual women, a lack of information that I find frustrating. The type of research that I have done allowed me only occasionally to look for and find information beyond the court case and even in these instances, the documentation can only marginally answer the fundamental questions about the meaning of state and church justice to the individual woman, how she elaborated the conflict, and her long-term safety in case of violence. In the specific cases of Cassandra Stiveri and Rachele Vivante, I was able to learn more about the post-abduction period thanks to presence of a community and a family who cared about their past.
Appendix of Primary Sources*

1) Abduction of Beatrice daughter of Zuanne Ferraro (ASV, Avogaria di Comun. Miscellanea Penale, busta 95, fascicolo 6, 15 April 1591)

The following excerpt is from the criminal case for the abduction of Beatrice Ferraro. Beatrice was 20 years old at the time of the trial and lived in Miega, a village south west of Venice. Her father, a blacksmith, sued two of his own nephews and Beatrice’s fiancé Pellegrino Quagiaro for the violent abduction of his daughter. He also accused them of having sexual intercourse with her, and, last but not least, of stealing several items of clothing. As discharge of his obligations, the community representative of Miega also reported the abduction to the local court in Cologna, where the trial was held. None of the witnesses confirmed the gravity of her father’s accusations. On the contrary, all the witnesses confirmed that Beatrice left willingly her paternal house. A witness heard her saying that she would eat herbal roots for the rest of her life rather than marry the widower her father wanted for her husband. Beatrice did not testify at the trial. The following excerpt is from her sister Costanza’s testimony.

Constituta in officio Constanza filia Anbrosii Pagani et interrogata supra casu antedetto deposuit ut infra: « In la sera del Venere del’Olivo che Beatrice mia sorella mi mandò a chiamare a casa sua, dove andata, mi pregò se voleva portar a casa mia un cesto de bagagie. Io li dissi de no che non voleva far questo torto a mio padre. Ella disse che se non voleva, l’haverebbe mandato per un’altra donna a S.Steffano/fol. 20v/da Fermo Pagan, nostro parente e cugino, et cosí comandate per una donna che non so chi sia.»

Interrogata respondit: « Vi dirò fu il Venere de l’Olivo sopradetto che mi mandò a chiamare un’altra volta essa Beatrice, mia sorella, et andata io a casa sua, cioè de mio padre, la qual me disse queste parolle ‘Va che ho voluto pararme via le bagagie che voleva, vien almanco questa sera dappo’ cena a incontrarme de

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*I have used these excerpts for Negotiations of Love and Desire: Elopement, Abduction, and Women’s Agency, a workshop on historical and literary representations of abductions and clandestine marriages, which I co-organized with Katherine Cleland, a literary scholar of English Renaissance, for the conference Attending To Early Modern Women: Conflict, Concord held at the University of Maryland. I would like to thank Katherine for her suggestions to the translations.
case di Brolli perché voglio andar via a S.Steffano da mia ameda che Fermo e
Piero Antonio Pagan, miei cusini, mi hano da venir a levar.’ Io li dissi che non
voleva/fol. 21r/ altramente andar né mai far questo fato a mio padre, et la
cominciai a riprender, la qual me disse ‘Almanco lassa che questa sera venga a
casa tua, che i vegnerà là a tuormi.’ Ne meno volsi che la venisse, ma tolsi su et
venni a casa mia che sto lontan da lei da mezzo miglio et come fu la sera venne da
noi Fermo et Piero Antonio fratelli sopradetti in compania de Pelegrin caretier
qual sta con li conti Della Bivilaqua che noi cenavamo, quali stetero li un pocho et
dandinorno a mio maritto Ambruoso Pagan se voleva andar con loro /c.22v/ alla
Miega, qual non voleva andar, ma fecero tanto che lo et come fu alle cinque hore
de notte in circa venne a casa esso mio maritto et dredo de lui venne essi Fermo,
Piero Antonio e Pelegrin insieme con Beatrice predetta la qual come la vidi mi
misse a pianger, dicendomi essa non piangesse perché essa rideva et che andava
via perché suo padre et mio la voleva dar a chi ella non voleva et così andorno et
la menorno verso S.Steffano et io con mio maritto andassimo in casa nostra a
dormire et havevano li predetti un sacho de /fol. 23r/ bagagie che paravano via
con loro ».

Interrogata respondit: « Signor no che la non è andata via con
consentimento de suo padre et mio perché mio padre era in letto né sapeva de
queste cose ».

Interrogata respondit: « Beatrice, mia sorella, faceva l’amor con Pelegrin
predetto et l’ha sempre ditto di volerlo lui per marito et non altri, né so se nel
menarla via habino usatto violentia alcuna che la putta me disse che essi suoi
cugini li disse che la dovesse andar là, che la saria stata salva ». 
Interrogata respondit: « Detto Pelegrin li faceva l’amor /fol. 22v/ et li ha anco parlatto diverse volte publicamente ».

Interrogata respondit: « De questo mi non so perché i l’à menada via né li ho tenuto a mente ».

Interrogata respondit: « Signor si che i l’à menada via con intentione de darla per moglie a Pelegrin predetto ».

Interrogata respondit: « Mi non so se i’ l’abia sposatta, ma per quanto si dice ho sentito che l’hano datta per moglie a esso Pelegin, ma però non so che anchora el l’habia sposada, ma bene ho sentito de fuora via dalle persone ch’il ghe ha tocà la man et anco li ha compratto li /fol. 23r/ anelli et vestita ».

Interrogata respondit: « Si dice che la zè a S.Steffano in casa delli predetti Fermo e Piero Antonio, suoi cusini ». Et factis quibus.

Translation:

Summoned in the office Constanza wife of Ambruoso Pagan, and examined over the above mentioned case, she deposed: «It was the evening of Good Friday when Beatrice, my sister, sent for me at her house; once there, she begged me to take to my house a basket of baggage. I said no, that I did not want to offend our father. She said that if I did not want to, she would have sent it through another woman to Santo Stefano, at Fermo Pagan’s house, our relative and cousin. And so she ordered a woman whom I don’t know.»

Examined she answered: « I will tell you, it was the above mentioned Good Friday when my sister Beatrice sent for me at her house another time. Once at her house, that is my father’s house, she told me these words: ‘Look that I wanted to take my baggage by myself. Come at least this evening after supper to
meet with me at the Brolli houses because I want to go away to S. Steffano at my aunt, because Fermo and Piero Antonio Pagan have to come and pick me up.’ I told her that I didn’t want to go at all nor I wanted to do this to my father. And I started to tell her off. She told me: ‘At least let me come to your house tonight, because they will come there to pick me up.’ I didn’t want her to come either. I took off and came to my home, which is half a mile away from her. When evening came, the above mentioned brothers Fermo and Piero Antonio came at our place with Pelegrin, carter, who lives with the counts Della Bivilaqua, while we were having supper. They stayed there a little bit and asked my husband Ambruoso Pagan whether he wanted to go with them to Miega. He didn’t want to go, but they insisted so much that they (persuaded) him. And when it was five at night, my husband came back home and Fermo, Piero Antonio, and Pelegrin with Beatrice were behind him. When I saw her, I started crying. She told me not to cry because she was laughing and she was leaving home because her father and mine wanted to give her to whom she did not want. And so they left and took her toward S. Steffano and my husband and I went inside our house to sleep. The above mentioned had a sack of baggage, which they were taking with themselves.

Examined she answered: «No sir, she hasn’t left with the consent of my father and mine because my father was in bed nor he was aware of this.»

Examined she answered: «My sister Beatrice used to court [fare l’amor] the above said Pelegrin and she has always said to want him and nobody else for husband nor I know whether they used any violence when leading her away. She told me that they, her cousins, told her she should go there, that she would be safe.»
Examined she answered: « Said Pelegrin used to court her [fare l’amor] and has also spoken to her several times in public.»

Examined she answered: « I don’t know about this because they took her away nor I kept it in mind. »

Examined she answered: « Yes sir, they took her away with intention to give her as wife to the above said Pelegrin. »

Examined she answered: « I don’t know for a fact whether they have married her off, but as far as it is said, I heard that they have given her as wife to Pelegrin. However, I don’t know that he has also married her. But I have heard rumors that he has touched her hand [tocà la man] and he has also bought the rings and dressed her. »

Examined she answered: « It is said that she is in S. Steffano in the house of the above-said Fermo and Piero Antonio, her cousins. »

2) Abduction of Agata daughter of Tome Radin (PVP, Diocesi di Parenzo, Raptuum 12.12, 4 October 1734)

The following excerpts are from the ecclesiastical case for the abduction of Agata daughter of Tome Radin. Agata is 20 years old at the time of the trial and lives in S. Lorenzo, a village in the hinterland of Parenzo, Istria, present-day Croatia, but then territory of Venice. The trial is aimed at ascertaining whether Agata is giving authentic consent to marriage, essential requirement for the validity of this sacrament for the Roman Catholic Church. Her examination occurred at the bishop’s palace in Parenzo on two different days, the 4th and the 10th of October 1734. The second time she gives a different version from what she had testified at first. She is examined with an interpreter’s help, since she speaks a Slavic language, indicated in the source as illiricum, and the trial is conducted in Italian. Agata is illiterate as indicated by the cross that she affixes at the end of her testimony.

A.

Ei dicto che racconti come segui’ tal unione, rispose: “ Sarà un anno circa che io ho conoscenza col sudetto Vido Petrovich il quale io desideravo per sposo al qual effetto esso fece la dimanda a miei genitori i quali erano contenti, ma non
avendo il modo di far lo sposalizio tirarono inanzi fino al presente. Et avendo inteso che altri volevano per forza rapirmi io lo feci intendere al sudetto Vido perché venisse con due uomini a levarmi nelle piantade dove mi sarei trovata sabbato passato a vindemiare come in fatti è venuto con due uomini i quali non so se fossero armati o no, con i quali mi accompagnai et andai con essi loro in casa di Vido col quale sono stata circa dieci giorni dopo i quali sono ritornata a casa di mio padre et il nostro piovano mi spedi qua perché facessi il mio costituto e rappresentata la verità del fatto che seguì, come l’ho raccontato”

Ei dicto che non resta persuasa questa giustizia di tal racconto che però si risolva di dire la verità, rispose: “Io altro non posso dire se non come ho detto di sopra”

Translation:

Having asked her how this union occurred, she answered: « It may be about one year since I have been knowing the above-mentioned Vido Petrovich whom I desired as spouse, for which purpose he asked my parents who were content. However, not having the means to do the wedding, they dragged on till the present. And having heard that others wanted to kidnap me by force, I let the above-mentioned Vido know to come with two men and pick me up in the vineyard where I would have found myself the next Saturday to pick grapes, as in fact he did. He came with two men. I don’t know whether they were armed. I joined them and went with them to the house of Vido with whom I have been for ten days. Afterwards I have come back to my father’s home and our priest sent me here to give my testimony and represent the truth of the fact that followed, as I have narrated.»

Having told her that justice is not persuaded by this account and that
she has to tell the truth, she answered: « I can’t say anything different from what I have just said ».

B.

Ritornata nell’ufficio e presenza come sopra Agata figliola di Tome Radin del territorio di S. Lorenzo quale ammonita di dire la verità fu interrogata perché sia ritornata in quest’ufficio, rispose: “Per dire la verità sopra l’unione seguita tra me e Vido q. Mate Petrovich”.

Ei dicto che racconti con verità il fato seguito, rispose: “Sarà circa un anno che Vido Petrovich fece a mio padre la ricerca di me per sua sposa e mio padre avendosi sottratto con pretesto di non esser in stato di far nozze, se ne ristorno come morti non essendosi parlato di tal matrimonio. Io sapevo di tal ricerca e mi rimettevo alla volontà di mio padre senza però che io avessi più pensato al suddetto Vido né che tra noi sia più passata corrispondenza onde io credevo che più non pensasse a me e che si fosse scordato, ma restai ingannata. Mentre li 26 del (cadente) mese mentre ero con una mia zia e zio in un campo di piantade a vindemiare, mi vidi sorpresa da due uomini all’ora di vespere i quali, presami per la vita, mi fecero andare con loro. Io gridai perché mi lasciassero e gridavano anco li miei zii, ma perché non potevano resistere alla loro violenza e perché eramo troppo discosti dalla nostra abitazione, bisognò lasciar che si soddisfasessero. Io ero affatto sbalordita che non sapevo neppur/fol. 183v/ chi essi erano se non dopo un pezzo che conobbi Vido Petrovich, ma non so se avessero schioppo o altre armi né in quanti che fossero per la confusione che avevo. Mi condussero alla casa di Vido dove arrivata mi chiuse in una camera e con tutta violenza mi ha voluto sforzar a condescender alle sue sfrenatezze e mi violò. Dopo questo fatto io sono stata tre giorni con lui piena di confusione, non
sapendo qual partito prendere, ma mi risolsi di ritornar alla casa di mio padre come infatti ritornai dopo tre giorni che mi sono con Vido trattenuta. Quando mio padre mi vidde e che gli raccontai come era successo il fatto, mi disse che andassi da Vido perché’ lui non mi voleva, onde piena di mortificazione ritornai alla casa di Vido e gli raccontai la risoluzione di mio padre. Eso mi ricevè e steti ivi altri cinque giorni in capo de’ quali avendomi mandato a dire mio padre che se volevo andar a casa che andassi, io senza altro riferito ciò a Vido, mi disse che pur andassi dove volevo che lui mi dava la libertà. Io andai da mio padre il quale per risarcirmi nell’onore tratò di far che segua il matrimonio al qual effetto andò dal nostro piovano a cui raccontato ciò ch’era seguito gli disse che non poteva lui ingerirsi a pubblicare tal matrimonio se prima non venissi io in questa curia a far il mio costituto e a narrare quanto era successo. Onde io sono qua comparsa e narrata la pura verità del fatto imploro da questa giustizia che mi sia data licenza di potermi unire in matrimonio con il sudetto Vido il quale io sono contenta di ricever per marito”.

Translation:

Returned in the office at the presence as above Agata daughter of Tome Radin from the territory of S.Lorenzo, admonished to tell the truth, she was asked why she has come back to this office, she answered: « To tell the truth about the union followed between me and Vido son of the late Mate Petrovich ».

Having told her to tell truthfully the fact that occurred, she answered: « It may be about one year since Vido asked my father for permission to marry me and, having my father declined with the excuse of not being in the state of doing the wedding, they were left like dead, not having spoken about this wedding. I
knew about this proposal and I left it to my father to decide. I didn’t think any longer about the above-mentioned Vido nor any reciprocity of affection (corrispondenza) passed between us any longer. So I thought that he did not think of me any longer and that he had forgotten me. But I was deceived. On the 26th of the current month, while I was with an aunt and uncle in a vineyard to pick grapes, at vespers time I was caught by surprise by two men who, taking me by the waist, had me go with them. I screamed that they let me go and my uncle and aunt screamed as well, but since they could not resist their violence and because we were too far from our dwelling, we had to let them satisfy themselves. I was so totally stunned that I recognized them only after a while, when I recognized Vido Petrovich, but I don’t know if they had any flintlocks or other arms nor how many they were for the confusion I had. They took me to Vido’s house where he closed me in a bedroom and with all violence he wanted to force me to consent to his excesses and raped me. After this fact I have been with him for three days, full of confusion, not knowing what decision to make, but I resolved to go back to my father’s house, as in fact I did after being with Vido for three days.

When my father saw me and I told him how the fact had unfolded, he told me to go back to Vido’s because he didn’t want me. Hence, full of mortification, I went back to Vido’s house and told him my father’s resolution. He received me and I stayed five more days, at the end of which –having my father sent word that I could go home if I wished, which I told Vido-- he told me that I could go where I wished, since he gave me the freedom to do so. I
went to my father who negotiated so that marriage could follow in order to restore my honor. To this purpose, he went to our priest and told him what had occurred. The priest told him that he could not interfere in this and publish the wedding bans if I didn’t come in this court first to depose my testimony and narrate what had happened. Hence I have appeared here and having narrated the pure truth, I beseech this justice to give me permission to get married to Vido whom I am glad to receive as husband. »

3) Abduction of Gasparina widow of Stanislao Cuchich, (PVP, Diocesi di Parenzo, Raptuum 4.4, 23 September 1654)

The following excerpt is from the ecclesiastical case for the abduction of Gasparina widow of Stanislao Cuchich. Gasparina’s age is not known. She lives in Fontane, a village south of Parenzo, Istria. She was examined in the bishop’s palace in Parenzo about her alleged abduction and the uncertainty of her marital status.

A di 2 octobre 1654. In Orsara.

Constituta Gaspa q. Ive Zerlenco di Fontane, monita, interrogata del nome, cognome, patria e professione, rispose: « Io mi chiamo Gaspa figliola del quondam Ive Zerlenco di Fontane, son donna di lavoro, faccio li fatti miei lavorando a giornata per altri ».

Interrogata de causa sui accessus, respondit: « Il signor pievano mi ha mandato qua da voi che dovrò essere essaminata e credo che la causa sia perché trovandomi io vedova del quondam Ivete Cuchich, già mio marito, che già sei anni sono per un homicidio commesso fu condannato in galera per anni tre, solamente e già sono passati sei che non ho havuto nova alcuna e tengo per certo come anco altri mi hanno detto che lui sia morto per haver finito il tempo della condanna ». 
Interrogata che avviso sicuro e donde ha inteso la morte di suo marito come
asserisce, respondit: « Io come ho detto tengo certa la sua morte perché sono
passati li tre anni e poi me lo ha detto Paulo cavaliere di Pinguente et anco
Michiza Pelizarius di Fontane perché già sei /fol. 152v/anni che amazò un certo
Stanissa di Blagaicha per il qual homicidio fu preso da zaffi e condannato da Sua
Eccellenza Capitano di Raspo tre anni in galera e questo successe mentre
habitavamo in Frattia dove poi ho continuato anco il domicilio circa due anni.
Venivo perseguitata da molti che mi volevano havere alle sue voglie per essere
restata giovane e poco tempo con mio marito senza figlioli che però me ne partii
di Fratta e venni a Fontane dove sono stata altri anni quattro e sempre da molti di
loro tentata e mi posi a servire Margherita moglie del quondam Capo Vido
Dubanovich che sebene era mia parente, ho servito per massara strapazandomi
sempre, et ho consumato quei pochi di drappi che havevo anzi che molte volte mi
mandava a lavorare a giornata per altri et se guadagnavo qualche cosa essa non mi
dava niente come anco per la servitù che a lei facevo che però non potendo più
durare e vedendomi anco sollecitata da molti per salvare l’honor mio mi sono
risolta maritarmi con Stoian, novo habitante di Fontane, col quale mi sono
promessa non havendo mai havuto nova di mio marito ».

Dettoli che consta alla giustitia che il detto Stoiano l’habbi rubata o rapita di
notte tempo il giorno de 22 del passato mese che però non puol altrimenti essersi
promessa seco, rispose: « Non è altrimenti vero che lui mi havesse rapito, ma io
sono andata di mia bona volontà in casa sua perché avanti Jurissa, padre di
Stoiano, mi haveva domandato se io havessi voluto maritarmi con suo figliolo
perché sua moglie era morta et non havevano in casa persona di governo et io
risposi che si e poi a suo figliolo confermai il medesimo che però sopra questa
parola assicurata, il giorno precisato, macinando io nel pistrino di Vucetta /fol.
153r/Albanese, di notte tempo mi venne sete et perché era vicino la casa di Stoian
andai in caso sua a pregarlo che mi desse da bevere, il quale mi diede volentieri e
poi serrò la porta et non volse lasciarmi più partire et sarà circa un mese che semo
insieme et ho del continuo mangiato, bevuto e dormito con lui con pensiero di
maritarmi seco et non altrimenti ».

Interrogata se fosse stato alcuno presente alle parole et promessa fra loro
successa, rispose: « Vi fu presente Cate moglie di Andrea di Fontane e quando la
prima volta parlati con Stoian furono molti presenti che hora così improviso non
posso ricordarmi ma quando lui mi serrò in casa non vi era alcuna persona se non
noi due solamente ».

Addens: « Io faccio instanza che Michiza di Fontane et il cavaliere di
Pinguente siano per hora essaminati che con suo giuramento affermaranno che
mio marito è morto et ancora trovarò delli altri che per loro detto mi ho risolto
maritarmi et si potrà scrivere anco a Venetia alla Camera dell’Armamento che si
haverà la certezza sicura ».

Interrogata sopra qual galera serviva detto suo marito per forzato, rispose: «
Di questo non so che dirvi, ma a Venetia si saprà per via del nome esendo di
Raspo ».

Quibus etc./

Translation:
Summoned Gaspa daughter of the late Ive Zerlenco from Fontane,
admonished, examined about her name, last name, fatherland, and profession, she
answered: « My name is Gaspa, I am a workingwoman, and I attend to my own business working as a daily laborer for others. »

Examined about the cause of her coming, she answered: « The priest sent me here at your presence, because I will have to be examined. And I believe that the reason is that I am widow of Ivete Cuchich, my late husband who was sentenced to the galley for three years six years ago for murder. Six years have passed and I haven’t received any news. I hold for certain that he is dead, as others have told me, since the time of the condemnation is over. »

Examined what certain notice she has and where she has heard about her husband’s death, she answered: « As I said, I hold his death for certain because three years went by and also Paulo cavaliere in Pinguente and Michiza Pelizarius from Fontane told me so, because it’s been already six years since he killed a certain Stanissa from Blagaicha. For this murder, he was caught by the policemen and sentenced by His Excellency the Captain of Raspo to serve three years in the galley. This happened while we lived in Frattia where I continued to live for about two years. I was persecuted by many who wanted to have me at their lust because I was young, had spent little time with my husband and had no children. I left Fratta and came to Fontane where I have been for four more years and many of them always attempted to tempt me. I started to work for Marghetta wife of the late Capo Vido Dubanovich who always mistreated me while I worked as her servant, although she was my relative. And I have worn out the few cloths/drapes I had. She even sent me to work daily for others many times and, if I earned something she didn’t give me anything for the servitude that I also did for her. Since I couldn’t hang in any longer and seeing myself solicited by many, in order to save my honor I resolved to get married with Stoian, new inhabitant (habitante
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novo) from Fontane, with whom I exchanged promise of marriage, having never had any news from my husband ».

Having told her that it has come to the knowledge of justice that the said Stoian has stolen or abducted her at night on the 22nd of the last month, hence she can’t have promised to him, she answered: « It is not true that he abducted me, but I have gone willingly to his home because beforehand Jurissa, Stoiano’s father, had asked me if would have wanted to marry his son, since his wife had died and they didn’t have anybody for housekeeping. And I answered in the affirmative and confirmed the same to his son. Hence because of this assured word, on the above mentioned day, while I was grinding in Vucetta Albanese’s mill at night, I became thirsty and since Stoian’s house was nearby, I went to his home to beg him to give me to drink. He gave me gladly to drink and locked the door and didn’t want to let me leave and we have been together probably for a month and I have continuously eaten, drunk, and slept with him with the thought of getting married to him and not otherwise ».

Examined if anybody was present at the words and promise occurred between them, she answered: «Cate wife of Andrea from Fontane was present and many, whom I can’t remember off the top of my head, were present when I talked to Stoian for the first time. However, when he locked me in the house, nobody was present, just the two of us ».

Adding: « I request that Michiza from Fontane and the cavaliere from Pinguente be examined. They will assert under oath that my husband has died and I will also find others whose words resolved me to marry and one could write to the Camera dell’Armamento in Venice to have sure certainty ». 
Examined in which galley did her husband serve his sentence, she answered: « I don’t know what to tell you about this, but in Venice it will be known because of his name, being from Raspo ». 
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