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**VOLUME I**

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500–1500 CE

**EDITED BY MATTHEW S. GORDON, RICHARD W. KAEUPER AND HARRIET ZUENDORFER**

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1500–1800 CE

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**VOLUME IV**

1800 to the Present

**EDITED BY LOUISE EDWARDS, NIGEL PENN AND JAY WINTER**
THE CAMBRIDGE WORLD HISTORY OF VIOLENCE

VOLUME III
1500–1800 CE

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VOLUME III
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Over the past half-century the period from about 1500 to 1800 has been widely recognised as being distinct in world history. This was an age that witnessed the consolidation and expansion of great empires, which were for the first time linked to each other by trans-oceanic contacts and a sophisticated world trade system. These developments led to the world’s first global conflicts and also the first attempts to limit conflict in international law. Since the nineteenth century a series of conventional dates have been suggested as marking the beginning of the period – 1453, the fall of Constantinople to the Ottomans; 1492, the transatlantic voyage of Columbus; 1498, the voyage of Vasco da Gama to India; and 1519, when the Spanish conquistadores landed in Mexico. Reactions to Eurocentric history have resulted in other suggestions, such as the death of Tamerlane, the great central Asian conqueror in 1405, which brought to a close a cycle of empire building that began with Genghis Khan in the late twelfth century; or the Chinese maritime expeditions under Zheng He, between 1405 and 1433, which took Chinese fleets as far as the east coast of Africa. At the other end of the period, there is more consensus that, at the beginning of the nineteenth century, the world was undergoing radical change with the harnessing of mechanical power that began to drive an industrial revolution and the transformation of political systems across the Atlantic world as the old order was overturned by democratic revolutions. Scholars have long noted sharp declines in the Mogul, Qing and Tokugawa regimes at the end of the eighteenth century, developments that ushered in distinctly modern social, intellectual and cultural changes. In the period from 1500 to 1800 the problem of violence necessitated asking fundamental questions and

1 All dates throughout this volume are CE unless otherwise stated.
formulating answers about the most basic forms of human organisation and interaction, such as the problem of civility in society, the nature of political sovereignty and the power of the State, the legitimacy of conquest and subjugation, the possibilities of popular resistance, and the manifestations of ethnic and racial unrest. Violence also provided the raw material for profound meditations on humanity and for examining our relationship to the divine and natural worlds.

Between the fifteenth and the start of the nineteenth centuries across Eurasia and much of the Americas this period witnessed the apogee of pre-industrial state building and economic achievement, often referred to as advanced organic societies. Prior to the exploitation of coal for cheap energy all societies were dependent on organic sources of energy – biomass from crops to power the muscles of men and animals and wood for fuel and industrial processes. These were supplemented by wind and water power. Advanced organic societies were characterised by vigorous commercial economies that encouraged capital accumulation and in which the rule of law was enforced by centralised bureaucracies. They furthermore were characterised by considerable incremental innovation and long-term economic growth.

The period from 1500 to 1800 is far from being the story of ‘the rise of the West’. The process of economic growth and political consolidation began much earlier in Asia, perhaps as early as the tenth century in China, and continued to the end of our period: eighteenth-century China and Japan enjoyed agricultural productivity and standards of living equal to or greater than that of contemporary European nations. A modern economy, characterised by the significant technical advantages offered by steam power and nearly unlimited cheap energy for production, was only being realised in north-western Europe at the very end of our period. Until then, the self-contained and powerful centralised states of Asia had little to fear from the Europeans. This volume presents an opportunity to compare and contrast the nature, use and control of violence in these advanced organic societies.

Not until the victory of the English East India Company at the Battle of Plassey in 1757 did any major Old World territory come remotely close to falling to European conquest. In fact, the violence and exploitation that characterised European conquest before the mid eighteenth century were usually visited upon nations that were technologically or biologically

ill-equipped to resist. Until then, Europeans had managed to conquer only Siberia and parts of the Americas (in the latter case mainly with the assistance of disease), as well as parts of Africa and the Indonesian and Philippine archipelagos. The emergence of Europe in this period was therefore directly attributable to the violent subjugation of indigenous peoples and the creation of a system that used military (and especially naval) power on a new scale to enforce unequal and often injurious economic exchange.  

The societies of the Americas, and to a lesser extent of sub-Saharan Africa, were fundamentally transformed between 1500 and 1800 by mass violence. Sub-Saharan Africa was torn apart by fighting caused by Europeans and Muslims seeking slaves. This was intensfied by Africans seeking to enslave other groups. In the Americas the European invasion also exacerbated conflict and war between competing indigenous groups. Bartolomé de las Casas reported ‘cruelty on a scale no living being has ever seen or expects to see’.

The silver mines at Potosí in present-day Bolivia operated through the labour of tens of thousands of indigenous workers in brutal conditions, with the mitayos drafted under the Inca system of labour service undertaking the most appalling jobs. When this proved insufficient the workforce was reinforced by the import of thousands of African slaves. The exploitation of the mines was directly linked to early modern or ‘proto-globalisation’ in another way. A good proportion of Potosí’s silver went across the Pacific to fuel Chinese demand for silver in a complex trade pattern that linked Manila, Malacca, the Portuguese settlement of Macao and the port of Nagasaki in Japan. Thus Asian economies inadvertently helped to perpetuate the brutal mistreatment of miners in the Americas. The emergent wealth and power of north-western European nations in the eighteenth century was predicated on the transformation of tiny colonies into thriving plantation economies using slave labour. The 12 million enslaved people who endured the Atlantic crossings between the fifteenth and early nineteenth centuries and the brutal regimes that awaited them form one of the most significant, and violent, events in world history.

The great ‘early modern’ Eurasian empires bear comparison, but also contrast. The advanced organic societies of Ming (1368–1644) and Qing (1644–1911) China and Mughal India (1526–1857) displayed substantial

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accomplishments in science and technology; they also had long periods of relative peace that helped foster trade, capital accumulation and massive population growth. The resulting socio-economic contradictions fuelled increasing social instability and conflict. Taking homicide rates as an indicator of the general distribution of violence in a given society, China had significantly lower homicide rates than Europe in the period 1600–1800. Nevertheless, the trends were going in the opposite direction. Whereas homicide rates were falling in eighteenth-century Europe, homicides and violent crimes in general actually increased tremendously in China during this same period.\(^6\) With the diminishing coercive capacity of the Qing state after 1760, there was a marked upsurge in millenarian rebellions, peasant uprisings, ethnic disturbances, piracy and banditry.\(^7\)

In contrast, in Europe the widespread violence that characterised the German Peasants’ War – the greatest popular uprising in European history until 1789 – was not repeated after 1525. A fair and accessible legal system was essential to this process. What distinguished Europe in this period was not the strong state, but the fact that the State was increasingly complemented by a sophisticated and vigorous civil society, one based on a contract for mutual preservation. It was civil society and the public sphere that it fostered that created intense debates, deliberations, reflections and intellectual engagements in efforts to understand changing societal reality and to locate the role of human beings in its processes. This both underpinned the legitimacy of the State and shaped resistance to it. Distrust of state power and clerical authority fired the American and French Revolutions. In southern Europe and Latin America the State and the Catholic Church suppressed religious discussion and political dissent, delaying the emergence of a public sphere until the late eighteenth century. Although the Enlightenment slowed the work of the Inquisition – in the reigns of Charles III (1759–88) and IV (1788–1808) of Spain there were only forty-four autos-da-fé – the role of the Catholic Church in undermining the organs of justice by promoting private settlements for crimes of blood was a more fundamental problem. The negotiations and private deals, brokered by patrons, served to perpetuate a culture of violence in southern Europe and Latin America that contributed to the much higher

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6 Z. Chen et al., ‘Social-Economic Change and its Impact on Violence: Homicide History of Qing China’, Explorations in Economic History 63 (2017), 8–25. See also Chapter 18 in this volume.

levels of interpersonal violence that these societies experienced. Different from the Asian experience during the seventeenth century and later was the growing European scepticism of millenarian beliefs and disillusionment with the idea of a return to a golden age. In Europe, the nature and purpose of violence was called into question. This contrasts with Russia, where the extreme violence and class warfare of Pugachev’s Rebellion (1773–5) is indicative of a repressive state lacking legitimacy and trust.

Recent research challenges traditional accounts that explain the rise of European modernity based on a model which blended the civilising process and social disciplining imposed by the state and reformed churches. First, the traditional peacemaking role of the church was disrupted by the Reformation, confessional conflict and finally civil war. Second, more punitive law codes did not suppress violence. Early modern legal systems privileged restitutive over retributive justice and going to law continued to be considered a sign of enmity. Litigation and violence were complementary ways of redressing grievances in this period. Litigating in no way implied that disputants were giving up on violence, only that they were trying to maximise their chances of success. Third, the collapse of medieval systems of control fuelled an explosion of interpersonal violence in the sixteenth and seventeenth centuries. European homicide rates increased from the middle of the sixteenth century, peaking in the first half of the seventeenth century. Across the continent faction and civil war turned enmity into a toxic social and political problem which was not brought under control until the end of the seventeenth century.

The experience of civil war led to an atmosphere of acceptance of change in which the security and order provided by a strong state was elevated to the status of a supreme public good. The civil and religious conflicts of the sixteenth and seventeenth centuries stimulated Thomas Hobbes to argue that violence is rooted in human nature. In Leviathan (1651), Hobbes also wished to liberate us from the fear that bred violence. The belief that men naturally hate each other and that civil society protects us from anarchy formed the basis of the new civility that conquered Europe in the eighteenth century. In contrast to the honour code, which was predicated on the recognition of one’s own power and abilities and a concomitant hostility to any apparent signs of being undervalued, the new civility taught what to avoid, ensuring that social relations were protected from violence by the hygiene of tact. In Europe, violence became a measure of society, which shifted the boundaries of acceptable violence towards criminals, women and even animals.
The comparison with East Asia is instructive, since both China and Japan also emerged transformed by a period of intense civil conflict at the same time as Europe. The designation ‘early modern’ (approximately covering the eras of Oda Nobunaga, Toyotomi Hideyoshi and the Tokugawa Shogunate from 1568 to 1868) has become a standard way of periodising Japanese history. It is used to describe the establishment of strong central authority, especially under the Shoguns after 1603, following a century of civil war. This long period of peace and stability was based on a rigidly hierarchical society dominated by an elite warrior class, the samurai. The state maintained order by mediating conflict effectively, protected Japan from foreign invasion and permitted the economy to develop by the eighteenth century into one of the world’s most advanced. Tokugawa Japan was more effective in terms of central political control than Qing China and even the most interventionist police state in Europe. In China, the emergent public sphere, predicated on the sixteenth-century revival of Confucian ideals of the common good and the cultivation of virtue, was temporarily shattered by the civil conflicts of the mid seventeenth century, which toppled the Ming dynasty. The Qing regime that seized power in the aftermath attempted to regulate public discourse in the name of unity. The reinvigorated civil service exam system imposed conformity among the ruling educated elites, while the literaryquisitions of the High Qing (1662–1795) systematically curtailed the scope of culture and learning available to them. The intention was to better control and dominate scholar-officials by creating a climate of fear and mutual suspicion. The state severely persecuted non-conformists with thousands of intellectuals imprisoned, sent into exile or executed. Different from Europe, neither Qing China nor Tokugawa Japan developed civil societies or public spheres that generated discussion and debate or the questioning of traditional assumptions and received opinions. China and Japan therefore maintained a traditional view of the political; that dissent or difference was indicative of faction and enmity, which required policing and repression.

Although notions of civilised behaviour and restraint were not absent from East Asia, nonetheless political culture in Europe developed along a different trajectory. Enmity was not completely suppressed – the Balkanised nature of Europe and its colonies encouraged intense interstate competition, which resulted in frequent wars and fostered patriotic chauvinism – but internally states developed structures and social systems which meant that political

differences could be debated and expressed without recourse to violence. In Europe, political fragmentation set limits on the power of the state to control the circulation of ideas, and dissent and debate were not necessarily interpreted as indicative of faction or resistance. Civilised behaviour was increasingly measured according to international standards; a source of national or dynastic pride, it was an indication of cultural superiority. Civility required changes to traditional concepts of masculine honour. The culture of vengeance that generated very high rates of interpersonal violence in the sixteenth and seventeenth centuries was banished to the periphery – southern Italy, the Balkans and the Mediterranean Islands – and homicide rates fell very sharply in the eighteenth century in western Europe in particular. The boundaries of civil society were, however, marked by race and class. The link between civility and good breeding was at its most pernicious in colonial America, where it became a tool of white and mestizo supremacy, legitimising violence against the supposedly racially inferior.

Although early modern Chinese and Japanese elites also developed the notion that civil order required self-restraint, the culture of kin obligation and revenge was not replaced by a civil society on the European model. In Japan the traditional culture of feuding built on the mediation of ancient enmities did not disappear. The culture of revenge was exacerbated as the mediating power of the Shogun began to falter in the nineteenth century. At the same time in China ethnic and lineage feuding were also on the rise, especially in the south. Rising rates of interpersonal violence in eighteenth-century China are indicative of growing economic contradictions, social conflicts and resistance to the encroachments of the centralising state. The tardiness of the Qing state in developing responsive legal and political mechanisms meant that social and economic grievances could not be addressed effectively, laying the foundations for the great millenarian movements and social rebellions of the nineteenth century, beginning with the White Lotus Rebellion (1796–1805), in which up to one hundred thousand people died and millions were displaced.

World history in this era has traditionally been written from the perspective of the economy or trade, and the period is often understood in terms of the clash between the great Eurasian empires. The danger with this approach – particularly when studying violence – is that it tends to privilege the history of warfare and the institutions of the state in creating and maintaining order. Both of these have an important place in our volume.

9 See Chapter 12 in this volume.
But violence is a protean subject; it cannot be reduced to economic or political variables. Crucial to the recent cultural anthropology of violence is that it is ‘perspectival’. According to David Riches, violence is ‘an act of physical hurt deemed legitimate by the performer and illegitimate by (some) witnesses’. It is precisely because violence’s legitimacy is contestable that it is opened up for debate, and so rhetorical strategies are employed that persuade people of its acceptability and reduce the chances of a reply in kind. Understanding the relations between performer, victim and witness will tell us much about the political and social environment within which the act occurs. The study of violence therefore permits us to analyse social relations and tensions as well as cultural norms and practices. The rulers of the great Eurasian empires claimed divine sanction and the promotion of ideals of universal peace was a legitimating strategy common to all. The strong states of the ‘early modern’ period supported and reinforced a millennia of religious practice and thought. But state laws and religious injunctions are not the only factors that shape the nature and intensity of violence. Official norms were mediated and even inverted by popular beliefs, rituals and practices. And norms were shaped by gender and age expectations – the licence attributed to young males in traditional societies was not at all appropriate in patriarchs and women. Divine authority might also subvert the earthly hierarchy; it was routinely invoked in all societies to resist tyranny and subjugation.

All societies promote ritual behaviour that helps to limit and contain violence. The role of religion and custom in establishing moral codes and tempering violence was not new in our period. Few states at this time were able to claim the monopoly of the legitimate use of force within their territory. In many areas religious officials held as much authority as political leaders and religious law was as important, or even more important, than the dictates of the state. The period after 1500 is distinguished by the sheer volume of documentary evidence about violence and new ways of thinking about it and recording it. The explosion of information after 1500 includes not just law codes, judicial documents, moralising religious texts and cautionary tales, but also ego documents and other first-person writings. The growth of history writing from the fifteenth century onwards was closely related to changes in patterns of long-distance travel and imperial conquest, as well as to contacts between human societies previously isolated from one another. Mughal historical works bloomed after 1570. Epic tales, such as the Hikayat Siak, helped

to create a Malay identity that celebrated the violence and prowess of Siak maritime raiders, such as Raja Ismail. As Timothy Barnard has explained, ‘Tales of raids and battles preoccupy the author(s) of the Hikayat Siak, and these raids were not only to gain economic and manpower advantages. Violence itself seemed to occupy a primary position in Siak-Malay identity, as it did in states throughout the region in the eighteenth century.’ The intermingling, often collision, of cultures led to the reinvention of ethnography. Our knowledge of Aztec war and ritual sacrifice relies heavily on missionary texts, such as Bernardino de Sahagún’s Florentine Codex, completed in the 1570s, which demonstrates the complex ways in which warfare and violence were bound up with Mesoamerican identities. Historians are wary of outmoded imperial perspectives on subject societies, which perpetuate stereotypes about indigenous cultures. This volume is a testimony to the ways in which new sources and interpretative tools have enabled us in recent years to gain a more nuanced understanding of indigenous societies and their role as agents in the transformations wrought by European invasion.

It is possible to invert Eurocentric expectations and narratives. Even the idea that the modern introspective self is a European invention is a myth. The diary of Japanese merchant Enomoto Yazaemon (1625–86) is instructive in this regard. Yazaemon’s pursuit of profit tempered by frugality shows there was nothing particularly special about European capitalism. His views about violence are also edifying. Though he did not belong to the samurai class, he describes a youth in which masculine honour required the frequent threat of violence. As he reached middle age, the diary records his mature realisation that violence was a problem that threatened the social equilibrium. Yaezemon learned to tame his violent impulses and searched for other means to settle disputes. However, it is clear that his primary duty was to his parents and family – he did not wish to make mortal enemies of his kinsmen in squabbles over the family inheritance. His emphasis on self-control and self-discipline echoed early modern samurai thinking, which ostensibly privileged the duty to one’s lord over self-interest. The conscious attempt to channel masculine bravado is common to many cultures. Confucian teaching placed a high premium on the power of reason, human perfectibility and social harmony. Yaezemon’s emphasis on restraining the

will is strongly suggestive of the neo-stoicism that became fashionable in sixteenth-century Europe.

But Europe also provides points of contrast. Chivalry had long existed to establish rules of the game and limit violence. But chivalric conventions collapsed during the religious wars of the sixteenth and seventeenth centuries. The Reformation was an ideological revolution because it legitimised the politics of revenge in defence of the constitution and the commonwealth. Political justice required the pursuit of enemies in the name of the public good. This justified political assassination and tyrannicide, which became common currency in the sixteenth and seventeenth centuries. This thinking contributed to outbreaks of popular intercommunal religious violence in some regions. It was this violence that encouraged Montaigne to find answers to the human condition. His purpose in the *Essays* was to critique the masculine ego and replace the cult of honour with an ethos that was more reflexive and circumspect. More specifically, in his essay ‘On the Cannibals’, in which the indigenous peoples of the Americas are a mirror used to critique contemporary European society, Montaigne went further. Rather than viewing other parts of the world as inferior, he saw them as different. Although Montaigne had a huge impact on European culture (*Hamlet*, the quintessential exploration of conscience, duty and revenge, owes a great deal to him), his view of indigenous peoples was not the one that would prevail.

The deeply chauvinistic views developed by Europeans about their ‘civilisation’ (a word invented in the 1750s) and its superiority to the Middle East, Asia and Africa, as well as the indigenous peoples of the Americas, legitimised conquest, subjugation and enslavement. The same beliefs that underpinned notions of civil society also served to exclude, marginalise and legitimise violence. The imperative to Christianise and ‘civilise’ led to widespread violence against both Native Americans and Africans, in forms that were driven by differing European understandings of humanity. British American territories tended to place all non-white people outside of civil society altogether, promoting structures of racial difference which led to the infamous ‘one-drop rule’ and underpinned the systematic use of racialised violence against both black and indigenous peoples. In Spanish America, indigenous Americans were declared to be ‘fully human’ and their enslavement repeatedly declared illegal, but the boundaries of society were shaped by blood and race, which legitimised Creole domination and violence against

those who were perceived to be inferior. Nonetheless, indigenous people possessed legal recourse against indiscriminate violence, unlike most African slaves. These unfortunate souls, perpetually impure under the Curse of Ham, were precluded from ever being fully part of the communal contract in which Spanish society was rooted.\textsuperscript{14} The social structures and racial hierarchies that legitimised violence in the colonial system had far-reaching consequences. During the Enlightenment ideas of natural slavery were given fresh impetus across the whole of Europe. The belief that certain classes, races and people were naturally made for slavery and subjection and others naturally made to rule laid the foundation for nineteenth-century empire building and racial theories of domination.

The idea that violence is not simply structural but perspectival assumes a role for human agency. Violence is a dynamic category that touches on questions of morality, the answers to which may make people change their views or may challenge their preconceived notions. Violence is therefore shaped by and can subvert cultural norms and expectations. The architecture of this volume bears testimony to this approach. World history has traditionally been approached from a materialist standpoint. It has privileged interstate conflict, conquest and nation building. These themes are ripe for comparative analysis and are well represented in the chapters that follow. But the present volume attests to the wealth of research done over the past fifty years on the social and cultural context of violence. This has enabled the recovery of the experience of those excluded from traditional modernising discourses. It has emphasised the significance of class, race and gender as ordering and organising principles in the use and legitimation of violence. The interconnectedness of the world after 1500, the spread of literacy and the significant increase in the source base for this period permits a much more detailed attention to the subaltern, the criminal, the domestic and the everyday dimensions of violence than is possible for previous eras.

In any project of world history there are likely to be gaps in coverage. This is particularly the case in a presentation of the state of the art in a field that, warfare aside, is still relatively new. This volume does not claim to be comprehensive, but the intention of the editors is that it should inspire others to fill in the gaps. The assessment of violence in African history before the nineteenth century is fraught with difficulty. The operation and impact of the slave trade are relatively well covered, but even here the source material is

overwhelmingly European and problematic, not least because of its propensity for racial stereotyping and cultural miscomprehension. The current state of the research does not, at present, lend itself to a survey. This will only be possible once Africanists have overcome the methodological and conceptual problems posed by the fragmentary sources. 15 The available sources, the possibilities for constructive comparison and the need to address the most significant global changes in our period have led the editors to place a particular emphasis on Europe, Asia and the Americas. Part I introduces the theme which most distinguishes the period after 1500: the rise of empire – particularly the invasion of the Americas – and the establishment of colonial regimes that used slave labour to produce luxury commodities – coffee, tobacco and sugar – for export. A culture of terror shaped the slave societies in English, French, Spanish and Portuguese America. Violence was essential to the perpetuation of the system and had a profound impact on the continent, the legacy of which remains today. The Ottoman Empire established a very different system of rule by permitting its polyglot religious communities a wide degree of toleration. The convivencia that characterised Ottoman rule came under threat from the top with Sunni confessional demands for conformity at the end of the seventeenth century and at the end of the eighteenth century by the penetration of western European merchants who brought competition and new ideas that threatened community cohesion.

War transformed societies and moulded states. The story of the rise and clash of the ‘gunpowder’ empires – Habsburg, Ottoman, Safavid, Ming and Mughal – has been written many times. Our period witnessed incipient warfare between established states – the period from 1550 to 1683 was one of the most warlike periods in the long history of East Asia – which was increasingly conducted over vast distances. The adoption of firearms put a premium on the ability to raise funds to equip armies and navies. The complex fortifications that were required to resist artillery also required resources on an enormous scale. The Ottomans led the way in the Middle East and Africa. Their nearly unstoppable army built one of the largest empires since the Romans. During the seventeenth century the ‘gunpowder empires’ were evenly matched in terms of training and technology. It was only by the beginning of the eighteenth century that European perfection of military drill

15 For the challenges to and potential for such a study, see R. Reid, "'None Could Stand Before Him in the Battle, None Ever Reigned so Wisely as He': The Expansion and Significance of Violence in Early Modern Africa", in P. Wilson, M. Houlemare and E. Charters (eds.), A Violent World? A Global History of Early Modern Violence and its Restraint (Manchester: Manchester University Press, in press).
and adoption of the faster flintlock firing mechanism permitted tactics that
gave Europeans a considerable advantage.\textsuperscript{16} Part II covers this story but is
distinguished from traditional military histories by its emphasis on the human
cost of war and the culture of violence that warfare created.

Part III continues to explore what it means to be human by focusing on
intimate violence. In all societies the boundaries of legitimate violence are
closely related to ideas of gender and status. It is commonly supposed in
traditional societies that men’s stock of honour can go up or down, but that
women only have honour to lose. The cult of masculine honour required
that any slight be met with an immediate riposte. But patriarchal societies
require the control of male sexuality, as well as the subjugation of women.
There were changes in our period as the control of passion was increasingly
associated with social superiority and the right of men of status to rule. States
in our period did little to interfere in the domestic arena and the traditional
expectation that men could beat their wives and that parents needed to
discipline children with force continued to be shaped largely by religious
and moral strictures and community pressure.

Part IV demonstrates a further significant feature of ‘early modernity’,
namely the role of the state in developing police and judicial systems to
enforce order and suppress criminality. The mature states of Europe and Asia
enacted and codified a significant corpus of law designed to control violence.
There are strong comparisons between China and Europe in regards to
debates about the morality of inflicting corporal punishments on offenders.
There was a growing assumption that the appropriate and restrained use of
corporal punishment was an indicator of a civilised state. The ability of states
to temper punishment is a testimony to the strong legitimacy that states
across Eurasia had achieved by the eighteenth century. This was less appar-
etent in regimes based on violent conquest that had weak legitimacy and
continued to require judicial terror as a routine weapon of rule. Part
V demonstrates the points of resistance as population growth led to pressure
on resources and created tensions within communities which were exacer-
bated by the growth of the fiscal demands of the state. Exorbitant taxation is
a form of violence and the harm caused by the fiscal and labour demands of
both the state and lords on an undernourished rural population cannot be
overlooked. The opening of the world’s seas after 1500 created opportunities
for pirates and commerce raiding and for the first time European states were

\textsuperscript{16} T. Andrade, \textit{The Gunpowder Age: China, Military Innovation, and the Rise of the West in
required to protect property and impose the rule of law over vast distances. There was a close relationship between this form of conflict and modern navies, which operated according to the prize system, the monetary reward that the crew was due for capturing an enemy vessel. There remained a grey zone between unsanctioned and sanctioned maritime raiding, not only in the West but also in other areas of the world.

Part VI deals with the close relationship that violence has to the sacred. For some believers violence is a sacred performance. Many of the world’s religions have foundational myths that originate in violence, and they shared a view of history that was eschatological and redemptive. This presented a threat to states and social order when popular movements invoked divine authority in the quest for justice. One of the points of comparison between the strong states of Eurasia was the rise of religious non-conformity, which sparked intercommunal violence and caused the state to intervene and attempt more systematically to suppress dissent. Some empires – the British, the Ottoman, the Mughal and Holy Roman – were tolerant of religious differences. But a general feature of this period was the effort made by states in Europe, South America and Asia to enforce confessional conformity through the expulsion of minority groups and the criminalisation of heterodox beliefs. Changing attitudes to religious authority were a major feature of the Enlightenment and contributed significantly to the Atlantic revolutions of the eighteenth century.

During this period violence was the raw material for some of the profoundest meditations on humanity and its relationship to the divine: ‘is’t not perfect conscience to quit him with this arm? And is’t not to be damn’d to let this canker our nature come in further evil?’ ponders Hamlet. These are universal themes which thinkers, artists and poets addressed. For most people violence also provided entertainment and spectacle. The satisfaction of witnessing executions, participation in extreme sports and the pleasure taken in the ritual baiting and slaughter of animals were features of all the societies under scrutiny. But there were changes too. There was a growing disdain by elites in many of our societies for pastimes that were seen to be unseemly and plebeian. They wished the state to regulate popular culture. Our final section, ‘Representations and Constructions of Violence’, therefore reprises many of the themes common across the world in our period: the gender, generation and class expectations that shaped violence; the role of the state in policing its boundaries; the ways in which violence was legitimised and critiqued; and the central role that violence had in forming both individual and collective identities.
PART I

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EMPIRE, RACE AND ETHNICITY
I
Terror, Horror and the British Atlantic Slave Trade in the Eighteenth Century
TREVOR BURNARD

Among the many images created by Europeans in the period of the abolition of the slave trade in the late eighteenth and early nineteenth centuries is one undoubted masterpiece, J. M. W. Turner’s Slavers Overthrowing the Dead and Dying, first exhibited in London on 4 May 1840, precisely one month before the first World’s Anti-Slavery Convention opened in Exeter Hall. It is one of Turner’s finest paintings and the only ‘indisputably great work of Western art ever made to commemorate the Atlantic slave trade’. It is a dazzling yet disturbing picture: many critics at the time hated it and even John Ruskin, who purchased the work, thinking it Turner’s greatest, eventually tired of its horrid themes and sold it so that it descended to the Boston Museum of Fine Arts. It is a painting that tells a terrible story. It shows a sailing ship in the distance about to be engulfed by a hurricane and in the foreground black people, seemingly thrown overboard, drowning and being devoured by fish and birds. It was inspired by a 1730 poem called Summer written by James Thomson in which the poet envisioned a ‘direful shark’ that was ‘lured by the scent / Of steaming crowds, of rank disease, and death’ to make its own profit ‘from the partners of that cruel trade / Which spoils unhappy Guinea of her sons’.1

Turner probably also had another event in mind. Or if he did not, his viewers quickly identified the painting with a notorious incident in the history of the Atlantic slave trade. They assumed it was a visual representation of a dreadful crime, the throwing overboard of 122 captives from the Zong in late 1781 in order to claim the price of these murdered people from insurers.2 The case of the Zong became a cause célèbre in England during the late 1780s, and campaigns to abolish the slave trade became the country’s first

mass-participation humanitarian protest movement. It showed how slave traders had so effectively equated humans with property that ‘the taking away of the life of a black man is [of] no more account than taking away the life of a beast’ and that violence was central to the slave trade and perhaps to the whole British imperial enterprise. Britons accepted the new principles of an imperialism that was beginning to bestride the globe but felt distinctly queasy about particular aspects of its commerce and governance.

The slave trade lasted from the mid fifteenth through to the mid nineteenth centuries. In it, around 12,521,300 Africans were transported and 11,062,000 Africans arrived alive to work mostly as plantation labourers in the Americas, especially in Brazil and the Caribbean. One could list episodes of violence in the slave trade endlessly. Violence permeated every aspect of its operations. By the last decades of the eighteenth century, first-hand accounts of especially egregious acts of slave-trade violence formed a subgenre within a burgeoning British abolitionist literature. Much of the literature concentrated on the ways in which the slave trade was not as economically beneficial as defenders of slavery believed, on the inhumanity of treating humans as if they were animals and on the dolorous effects of slavery and involvement in the slave trade on the morals of whites. But the most successful efforts to bring the slave trade to the attention of the public came through the dramatisation of particular acts of violence.

Some accounts came from ex-slaves, captured in Africa and sent across the Atlantic. The most famous account of the middle passage came from a man who may not actually have been born in Africa. Oladuah Equiano, possibly born in South Carolina, wrote what he called a ‘true narrative’ in 1788, describing his remarkable life from his birth in 1745, supposedly in central Nigeria. He was captured as a slave and shipped to Barbados in 1756. His book details his subsequent experience as a plantation slave in various parts of the British Atlantic world, as a sailor in the navy and at various merchant levels, and his gaining of freedom, conversion to Methodism and career as an abolitionist. It powerfully describes the middle passage and how Africans

probably felt when they were shipped across the Atlantic. Having never seen the sea and being scared of strange white men, Equiano was terrified of what might happen to him after being put on board. He even hoped ‘for the last friend, Death, to relieve me’. He emphasised in his account how terror was used systematically to demoralise and dehumanise Africans. The white sailors acted with ‘brutal cruelty’ and were themselves treated brutally. He noted how the slaver captain had a white sailor ‘flogged so unmercifully . . . that he died in consequence of it’. If whites would do that to their own countrymen, he feared what they might do to him: ‘I expected nothing less than to be treated in the same manner.’ He dwelt at length on the appalling conditions captives suffered, jammed below decks so close together that ‘each had scarcely room to turn himself’. Arriving in Barbados did little to reduce the dread; Equiano thought that the captives ‘should be eaten by these ugly men’. Instead, they were washed, made to jump and then taken ashore to a merchant’s yard where ‘we were all pent up together like so many sheep in a fold, without regard to sheep or age’. Finally, Equiano was sold. He noted, with deep sadness, that the small amount of community feeling that captives had gained through their shared misery was now lost as ‘every tender feeling’ was sacrificed to the planters’ ‘lust of gain’. The violence directed at him, he insisted, was not just physical but psychological, as captives were transformed into commodities and alienated from family, friends and homeland.

At least Equiano survived his ordeal. Over a million captives did not, consigned, dead from disease, namelessly, into the ocean and noted in ships’ transcripts without reference to name, age, sex or ethnicity. Others died more violently. John Newton, a slave captain turned abolitionist, enlivened his 1788 account by relaying several tales of horrific torture. In 1748 or 1749 another ship’s captain, the sadistic Richard Jackson, had captives who started a rebellion aboard ship ‘jointed’. According to Newton, ‘jointing’ involved cutting off each man’s limbs in turn with an axe until finally their heads were cut off. Jackson threw the bodies into the ocean for the sharks to feed on. Then, in front of the ‘trembling slaves’ gathered on the foredecks, he placed a rope around the heads of some unfortunate captives and squeezed hard with a lever inserted in the point of the rope until ‘he forced their eyes to stand out of their heads’. As Newton commented in a letter to an abolitionist, Richard Phillips, ‘A savageness of spirit . . . infuses itself . . . into those who

7 Stephanie Smallwood, Saltwater Slavery: A Middle Passage from Africa to American Diaspora (Cambridge, MA: Harvard University Press, 2007).
exercise power . . . It is the spirit of the trade, which, like a pestilential air, is so generally infectious that but few escape it.8

Sometimes slaves were killed because captains wanted to get rid of the sick captives before they infected the healthy. In a case reminiscent of the Zong, a ‘middle aged’ slave woman aboard a slave ship bound for Rhode Island in 1791, captained by the Bristol-born James De Wolf, ‘was seized dangerously with the Small Pox’. The crew attempted to quarantine her, but fearing the spread of smallpox, De Wolf ordered her to be put ‘in the main top’, where she stayed, aloft and terrified, for two days. The situation became increasingly tense and the crew were gathered together by the captain to give their opinion. They advised that the woman needed to be killed in order to preserve the health (and monetary value) of the remaining captives. Convinced that the slave woman ‘could not survive the Malady . . . it was concluded that the next Morning before day . . . the ailing bondwoman . . . should be thrown overboard . . . whether dead or alive’ into the sea. Thus, she was lowered into a chair and thrown overboard, where, if other similar examples are any guide, she either drowned or was devoured by the sharks that customarily followed slave ships.9 The only reason we know about this sad death is that, unusually, the ship’s captain was put on trial for murder. In the trial transcript, jurors learned that what most disturbed De Wolf about the murder was that he lost with the dead woman a valuable chair.10

Terror versus Horror

The Atlantic slave trade was an especially violent trade, of course. Both the people who profited from it, such as African and European merchants, slaver captains and planters in the Americas, and the people caught up in the work, especially Africans from the regions of West Africa from Senegambia in the north to Angola in the south and also European sailors, understood that the trade was sustained through violence. These sailors laboured under the tyranny of slaver captains but also exercised tyranny against captive Africans themselves. What was new in the 1780s in Britain was popular revulsion against the trade. The slave trade seemed to presage the worst

features of a developing merchant capitalism and showed a seeming capacity for inhumanity among Europeans that observers thought out of step with rising Enlightenment ideas of sentimental attachment to others. In general, most abolitionists viewed the slave trade through the lenses of ‘horror’, an emotion that is the feeling of revulsion after an act is experienced. Abolitionist writers on the slave trade were skilled at evoking this emotion, doing so through voyeuristic depictions of the violence that accompanied the slave trade. Thus, a contemporary review of James Field Stanfield’s lengthy poem about the slave trade as seen through the eyes of an ordinary sailor, *The Guinea Voyage, A Poem in Three Books* (London, 1788), commented that Stanfield was excellent at evoking ‘horrid scenes’ and that he ‘dwells on every minute circumstance in this tale of cruelty, and obliges us to witness every pang of complicated misery!’\textsuperscript{11} It was this evocation of horror that was largely responsible for the dramatic shift in opinion among educated Britons about slavery. Slavery moved from being seen as a necessary evil to being a sin that had to be eradicated in order to preserve European honour. Eventually many people in Western Europe, although not many Iberians, came to see the slave trade as an almost uniquely horrible industry, one that however valuable to European commerce needed to be ended as soon as possible.

The argument of this chapter, however, is that ‘horror’ was not the only emotion evoked by the Atlantic slave trade. A more significant emotion at work in all areas of the trade was ‘terror’, an emotion that can be distinguished from horror in being before rather than after the act, as a feeling of dread and anticipation that precedes a horrifying experience. ‘Terror’ is a stronger and more protean emotion than ‘horror’ and has a somewhat different relationship with violence, insofar as the careful evocation of ‘terror’ by people in authority over those people to whom horrible things were likely to happen was an important tool of control. There is no necessary contradiction between the slave trade being a principal site for terror in the eighteenth century and the trade being one that was increasingly efficient and profitable. The slave trade undoubtedly was a scene of horrors but it was maintained through terror – the careful application of violence and the use of apprehension over future applications of violence were central to every part of the experience.

Most European observers, like Turner in his great painting, concentrated only on describing or depicting the ‘horror’ of the slave trade, with a strong

\textsuperscript{11} *Monthly Review, or, Literary Journal* 81 (1789), 277–9.
emphasis on only one part of it – the middle passage, in which naked Africans were carried in conditions of unspeakable disgustingness from West Africa to ports in the Americas in voyages lasting up to six weeks. But it was ‘terror’ (the apprehension entertained by those caught in the slave trade’s grip that any mistake they made would lead to dreadful violence being enacted against them) that sustained the Atlantic slave trade. It was the pervasiveness of violence within the system which allowed African rulers to terrorise their country people so as to provide the captives that Europeans were prepared to take off their hands for money or goods. It was the use of violence against Africans which encouraged European merchants to enter into a lucrative if dangerous trade that was the first and most complex eighteenth-century international business. It was the exercise of violence that allowed slaver captains to create their own hells aboard ships.

Moreover, it was terror that made possible the transformation of African captives into wretched commodities who could be made into slaves able to be put to work producing tropical goods for sale to Europe. As a Liverpool writer well after the slave trade ended argued, ‘the captain bullies the men, the men torture the slaves, the slaves’ hearts are breaking with despair’. Violence was thus not incidental to the slave trade but integral to it. It was the oil that made ‘the dark mazes of the inhuman Trade’ work. Stanfield called the slave trade ‘a vast machine’. As Marcus Rediker comments, in this ‘machine’ ‘almost everyone was a captive in one way or another and subject to an institutionalised system of terror and death’.

James Field Stanfield and The Guinea Voyage

A useful guide to the role of violence in the British slave trade in the eighteenth century is James Field Stanfield’s three-volume book of poetry on the trade. It is an impressive work, written from the perspective of the ordinary seaman but with a panoptical view of the slave trade that was especially sensitive to how the trade operated in Africa. Unusually for commentators on the slave trade in this period, Stanfield was also aware of the extent to which European traders were dependent upon African decision makers to get the captives they wanted. He was also different from most writers on the slave trade in not treating Africans with a disfiguring racism, declaring at one stage that all people were

of one blood’. He was determined, moreover, to be confronting. John Oldfield notes that Stanfield ‘clearly set out to shock his readers; some of the scenes he describes were extremely graphic even by the standards of the eighteenth century’. But Stanfield was not merely being sensationalist. It is one of the few works that sees the violence employed at every point in the trade as part of an overall purpose to transform Africans into commodities.

For Stanfield, the ‘vast machine’ that was the slave trade was rotten to its core, despite the wealth it produced for African rulers, British merchants, American planters and for Britain as a nation. The business, he asserted, did only ‘assume the honours of an honest trade / and hid, beneath a prostituted glare / thy poison’d purpose, and th’ insidious snare’. He described how difficult it was to man a Guinea ship, as sailors were so ashamed of doing slave-sailors’ dire work that when they departed the shore, usually without friends or family to see them off, ‘shades of sorrow ev’ry face o’ercloud’. The slave trade suffered ferocious mortality for sailors: perhaps one fifth died within the course of a voyage, an even higher rate that that experienced by captives. Stanfield crewed on the Eagle, an old and leaky vessel that sailed from Liverpool to Benin to Jamaica and back to Liverpool in 1774–5. Only four of the thirty-four people who embarked at Liverpool on this ship, including the villainous captain, David Wilson, as well as Stanfield himself, returned home. Not surprisingly, most sailors wanted to avoid the trade. A crew was only procured by deceit, through crimps (or labour agents) getting ‘heedless’ sailors so drunk or indebted that they signed up for a very dangerous voyage, exchanging the likelihood of prison on land for a ‘floating dungeon’ at sea.

Violence accompanied the ship at all stages of its voyage. The floggings started when the Eagle reached the Canary Islands and quickly became more frequent and intense so that Stanfield felt that the violence ‘spread like a contagion’. As the ship got closer to Africa, he thought that ‘the dark pow’r / of savage rigour ripens ev’ry hour’. Arriving in Africa only increased the captain’s propensity for cruelty. Stanfield thought that the difficulty of doing business on the African coast brought out the worst in captains, noting that ‘the moment a Guinea captain comes in sight of this shore, the Demon

14 Quotations are from James Field Stanfield’s The Guinea Voyage, a Poem in Three Books and Observations on a Guinea Voyage, in a Series of Letters Addressed to the Rev. Thomas Clarkson (both published London, 1788).
17 Rediker, Slave Ship, p. 136.
cruelty seems to fix his residence within him’. Perhaps the captain was steeling himself for the horrors of the middle passage. Stanfield, however, had a more sophisticated view of why the mood turned uglier as the voyage proceeded, arguing that the savagery of the slave trade made Europeans realise that it was them as much as Africans who were reverting to savagery. He called the European traders ‘pallid robbers’ and ‘traffickers in human blood’.

The height of the violence was reserved for the middle passage where both crew and captives were entrapped, Stanfield believed, in a single system of terror under a tyrannical captain. He argued that ‘when the capricious and irascible passions of their general tyrant were once set afloat, I never could see any difference in the cruelty of their treatment’. Such an argument was a dramatic overstatement, as clearly sailors were not just victims but perpetrators of horrific violence against captives. There is little evidence of any shared sense of mutual mistreatment uniting white sailors with black captives. Sailors hated looking after slaves and clearing up their excrement amidst the ‘nasty filthiness’ of the trade. Their dislike was translated into extreme contempt for the captives they guarded. They beat them incessantly, cared little about their welfare, considered that the noxious smell of the captives’ rooms showed that Africans were little better than beasts and were principal agents in Africans’ depersonalisation. The surgeon Ecroyde Claxton noted that when forced to clean up after captives, sailors ‘inhumanely beat [them] either with their hands or a cat [o’-nine-tails]’. Stanfield was probably accentuating the misery of the sailors and underlaying their violence towards their charges in order to play upon the sympathies of an abolitionist audience who saw one of the major crimes of the slave trade as the degradation of Britain’s proud Jack Tars, whom they felt were an essential bulwark to naval strength.

While sailors had an unpleasant time on the passage from Africa to the Americas, it was captives who suffered most. Stanfield’s poem listed a litany of cruelties suffered by captives, from being kept in filth to the force-feeding of Africans who would not eat, to acts of slave suicide, to many examples of whipping and, most egregiously, to a rape ‘practiced by the captain on an unfortunate female slave, of the age of eight or nine’. The crime was, he thought, too dreadful to name but he noted that it was ‘too atrocious and bloody to be passed over in silence’. The final act of violence occurred when the ship arrived in Jamaica. Planters rushed the Eagle like ‘dread fiends’ who

with ‘impetuous sway / fasten rapacious on the shudd’ring prey’. The captives, now slaves, let out ‘one dreadful shriek’ as they were parted from family and even from children, Stanfield describing in graphic relief the wails as ‘the frantick mother calls her sever’d child’.

At all times, in short, violence pulsed through the system. It worked because of terror – the apprehension of worse things happening if one did not obey commands. Both captives and sailors had to be kept powerless in the ‘floating dungeon’ so that the ‘vast machine’ could do what was necessary to make money for merchants in both Africa and Britain. The major actors profited while everyone else suffered. And they were determined to keep secret the pervasiveness of violence in the trade, knowing, Stanfield believed, that if ‘the impenetrable veil’ that had been placed over the trade was cast aside then ‘the mercifull slave merchant’ would be forced to reveal the ‘long catalogue of rapacity, murder and destruction his own avarice has framed’. Stanfield showed, in often excruciating detail, that British wealth was only gained through the sufferings of others. The trade, he argued, was a reversion by a seemingly civilised society to savagery. As he explained, referencing a famous Scottish Enlightenment writer for support: ‘One real view – one MINUTE absolutely spent in the slave rooms of the middle passage, would do more for the cause of humanity than the pen of a [William] Robertson or the whole collective eloquence of the British senate.’

Violence in Africa

Stanfield’s poem dwelt at length on his time in West Africa, mainly to show that Europe was a destroyer of simple African happiness. He noted that ‘av’rice, bursting ev’ry tender band / sweeps, like a deluge thro’ the hapless land’. He also included in his poem the life story of a beautiful African woman, Abyeda, stolen on her wedding day to ‘youthful Quam’no’ and placed on the Eagle where she was lashed to death – ‘convulsive throbs expel the final breath / and o’er the fatal close sits ghastly death’. We have moved on somewhat from Stanfield’s 1788 analysis. One of the most significant changes in how historians view the slave trade is that they have departed from Walter Rodney’s influential thesis of the 1960s – one Stanfield would have supported – that Europeans always held sway in the acquisition of slaves in West Africa. We now see the trade as largely being controlled, at least in Africa, by prominent Africans.  

Slavery was nothing new in Africa and thus African merchants and rulers were not reluctant to facilitate European efforts in getting slaves, experienced as they were by extensive internal slave trading in Islamic areas of northern and western Africa. The nature of political authority in much of West Africa, moreover, encouraged slavery: political fragmentation led to frequent inter-necine warfare that often generated captives who could be just as easily got rid of for profit to Europeans as to other Africans. Most captives in the Atlantic slave trade were the unintended by-products of war. Atlantic slavery thus became a highly lucrative trade in some parts of West Africa by the eighteenth century. It is estimated that in the 1780s slaves comprised over 90 per cent of all African exports. By 1800, African traders were getting three or four times the value of goods that they had received in 1700, increasing considerably the price which planters on the other side of the Atlantic had to pay for their slaves.21

Given the increasing lucrativeness of the trade to African rulers, it seems logical to assume that there was an incentive to increase the supply of slaves available to be sold to Europeans. Rodney’s second and more accepted contention was that the profitability of the Atlantic slave trade within African commerce accentuated pressures to start wars solely for the purpose of gaining slaves, thus leading to considerable changes in state formation and to destabilised political structures. Certainly, the emergence of new states in the late seventeenth and eighteenth centuries was closely associated with the development of the Atlantic slave trade, particularly the Yoruba states, especially the Oyo Empire, and also the Akan states, like Asante, Allada and, between 1727 and 1740, Dahomey. The latter was the prime example of a state oriented around warfare to capture slaves to feed the transatlantic market. It was remarkably successful for a brief period before being absorbed into the Oyo Empire, and its success transformed the politics of the Bight of Benin in the eighteenth century. Slaves were either sold to Europeans to raise revenue for the state or were killed in dramatic public ceremonies that showed how powerful the Dahomean monarchy was. Its principal embarkation point for slaves crossing the Atlantic, Ouidah, sent over 1 million people to the Americas. Slavery continued well after the end of the Atlantic slave trade, with slaves used on palm oil plantations and employed to harvest palm kernels.

The link between powerful, warring states and the Atlantic slave trade was clear. The rulers of Dahomey and the lords of the Asante, another highly stratified, centralised and war-loving state in the region that Europeans called the Gold Coast, traded captives for guns which they used to strengthen social hierarchies in their area and to subdue their neighbours in order to produce the next coffle of slaves to be traded for new muskets. Those people involved in slave trading became rich, with wealthy merchants controlling customs, taxes and the flow of captives. The advent of the Atlantic slave trade enhanced the power of the groups most inclined to advance their power by acting violently and aggressively towards their neighbours. In Dahomey, it seems to have been the presence of the Atlantic slave trade that encouraged violence. In the Asante alliance, slave trading followed rather than preceded expansion, as the Asante’s slave trading was a consequence of their warring abilities. Nevertheless, in both places military expansion, increased social differentiation and conflict, and aggressive and continual warfare occurred in tandem with increased European penetration of African slave markets.22

Contrary to Rodney’s argument, the slave trade was not an independent force that shaped West Africa and Africans but a manifestation of local politics and the solution to problems raised by war (and at times an encouragement to more war). For many ordinary Africans, the increasing frequency of internal wars, only some of which were related to the slave trade, showed them that people in authority were determined to exploit them. They tended to blame local merchants and rulers more than Europeans, and to place these evildoers within an ideological construct of witchcraft and even cannibalism. Despotic African rulers and nefarious local traders were often denounced as either witches or cannibals. If we are to understand how the violence of the slave trade worked within West African slaving societies, we need to appreciate that the transatlantic slave trade was connected to internal class structures and class antagonisms. Those Africans shipped to the Americas as slaves were caught up in local politics and patterns of violence exhibited by the rich to the poor that marked life in early modern West Africa as much as in Europe.23

The Middle Passage

Cannibalism was also something that captives expected when they boarded a European slaver, as Equiano made clear. That white people might be cannibals seemed a reasonable assumption to make given the roughness with which they customarily dealt with Africans, even on shore. Lots of tales exist about white cannibals that represent a collective folk wisdom that distilled the exploitative business of slavery and the slave trade down to a kind of analogy. William Pierson, who collected such tales, argues that ‘as a mythopoetic analogy, it does not seem far-fetched to portray chattel slavery as a kind of economic cannibalism; and in that sense, mythic stories of man-eaters were true enough’.24

Captives may not have been eaten by voracious whites once they boarded a slave ship, but what they suffered instead was bad enough. There are few examples in history of such planned and sustained cruelty against defenceless people to compare to the Atlantic slave trade. The middle passage is one of the great crimes in history and a crime even more galling insofar as the beneficiaries of it suffered little for their actions. Indeed, the list of British individuals and institutions that have benefited from the workings of the slave trade is extremely long, as the path-breaking Legacies of British Slaveholding project is making clear.25

The slave ship during the middle passage was as much a floating prison as a sailing vessel. It was full of weapons, especially guns, to keep Africans in check, and was overly crewed by poorly paid seamen. The crews were so large because seamen were employed less to sail ships than to keep order. They were prison guards and soldiers as much as sailors; in short, the ‘capos’ of the system. But the slave ship was not a killing machine. The aim of the captain and the officers was to keep captives alive and as healthy as possible (given the constraints of having to ship lots of people in limited space) so that they would fetch high prices on arrival in the Americas. Crews were responsible for steering a course between cowing captives so that they would do as they were told and preparing slaves for market. It was a hard to do both things at once, and many of the problems that occurred on slave ships were the result of getting the calibrations between punishment and sustenance wrong.

Slave captains were harsh masters, even if they were not tyrants. Moreover, the gap in status and wealth between captain and crew was comparatively greater than in other maritime trades, mainly because captains had a direct interest in the result of the voyage as a result of being given ‘privilege’ slaves. They augmented their wages by being allowed to sell several ‘privilege’ slaves, usually prime male slaves transported free of cost. Given the prices paid in the Caribbean for top-quality slaves, the amount of money captains received for ‘privilege’ slaves was considerable. It meant also that the crew had to pay particular attention to keeping the captain’s slaves in good health.

Sailors therefore tended to take out their frustration on captives. They had ready recourse to the whip, sometimes as part of their daily duties, when they used it to force slaves to ‘dance’ when brought up on deck, but more often as a means of disciplining people or for sadistic pleasure. But they did more than just punish captives. Part of their duties included participating in the preparation of people for sale at markets. Their harsh treatment of captives helped dehumanise them and thus advanced the process whereby people were transformed into chattel. As Emma Christopher notes, ‘many of the acts of this conversion were simply stark, horrific terror, but they also formed part of the larger panorama that attempted to alter human beings to things’.26

We can see the process of self-disintegration best in how male captives were treated. Separated from the women and children, who tended to have more freedom to move about the ship, and restrained by iron fetters around their ankles and sometimes around their wrists and necks, they were packed so tightly into the lower decks of the ship that they could hardly move. Their nakedness only increased their resemblance to animals. They were forced to wallow in their own excrement, unable to reach buckets provided for them as toilets. And, of course, they had to endure the screams of those driven mad by their hardships and sometimes had to lie chained to a person dead from the ‘bloody flux’ (the most common cause of death on ship) for days. Observers compared them to beasts and treated them as such. A British seaman remembered that ‘the floor of their rooms was so covered with blood and mucus which had proceeded from them having the flux, that it resembled a slaughter-house’, with prisoners gasping for breath like ‘expiring animals’.27 It was very difficult to preserve one’s humanity in such an environment. Stephanie Smallwood suggests that such disorientation was deliberate, a method whereby Africans had an ‘ontological crisis of identity’ as they

26 Christopher, Slave Ship Sailors, p. 165. 27 Ibid., p. 170.
were reduced from being people to becoming mere commodities. The slave ship, she insists, was a ‘hollow place’, distinguished by material and social misery and cognitive dissonance.  

There was, however, a more practical reason why male captives were confined so rigidly and kept in such a helpless condition. They were considered too dangerous to be given any latitude. Slave captains over-crewed their ships on the passage across the Atlantic because they feared captives rebelling. They had good reason to do so. David Richardson has shown that captive resistance on slave ships was considerable. He has counted 485 acts of violence by Africans either on shore immediately before shipment or when on British ships at sea, 90 per cent of which occurred between 1698 and 1807. About one in ten voyages was affected by violence. Most acts of violence happened soon after a ship set sail, as captives realised they were unlikely to see their homelands again and as they began to fear what might happen to them during and after their sea voyage. If they could, captives tried to take over the ship and gain access to where the gunpowder was stored. If successful, they might try and blow up the ship.  

The frequency of resistance aboard slave ships was so great that ships had large arsenals to quell any possible rebellion. Male slaves, in particular, were treated with great care, especially if they came from places, like Senegambia or the Gold Coast, with strong warrior traditions. Any suspicious signs suggesting that a slave would provide resistance usually resulted in a slave being shot. As the anecdote above of Captain Richard Jackson shows, captives caught rebelling would be punished with even more severe cruelty than normal. In such a way, most captives were kept sufficiently terrified that they put up with the bad treatment they received.

Transition to the Plantation

Violence did not end when the voyage finished. The slave trade may have even been instrumental not just in stocking plantations with fresh inputs of new labourers but also in developing the kind of management techniques necessary to keep large numbers of traumatised, brutalised and potentially hostile and dangerous slaves in check. It is probably no accident that the rise of the very large West Indian plantation coincided temporally with the transformation of the English slave trade in the late seventeenth century as

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seamen learned military practices aboard ship that helped them discipline slaves on the plantation.\textsuperscript{30} Seamen may have hated what they did on slave ships, thinking it demeaning and dangerous, but they learned skills that they transferred to the large integrated plantation, especially the ability to keep large numbers of dangerous male slaves under control.

Nevertheless, the violence customary on a slave ship diminished on arrival and was less likely to be physical than psychological violence, at least while captives were being prepared for sale; purchasers of valuable commodities did not want to damage their expensive acquisitions. But the sale process could be traumatic. As ships neared the Americas, slaves were prepared for market through being primped and polished so that they might get the best prices. William Butterworth described how on the \textit{Hudibras}’s voyage to Grenada in 1787 captives were rubbed with palm oil to make their skin gleam and ‘those who age or grief had rendered grey were selected, when, with a blacking brush, the silvery grey hairs were made to assume a jetty hue’. Some deceptions were more painful. Alexander Falconbridge described how a captain hid the fact that slaves suffered dysentery by stuffing a plug in their anuses, only removing them after sale when ‘the excruciating pain’ could no longer be ‘borne by the poor wretches’\textsuperscript{31}

If captives were unlucky, they might have to endure the ‘scramble’, when planters rushed aboard ship to try and secure the best-quality slaves before others did. The doctor Alexander Falconbridge popularised the idea that the scramble was the normal way of selling slaves, providing lurid details about the procedure: ‘[T]he doors of the yard were suddenly thrown open,’ he reported, ‘and in rushed a considerable number of purchasers, with all the ferocity of brutes’. ‘It is scarcely possible to describe the confusion’ he continued, ‘several of [the slaves], through fear, climbed over the walls of the court yard, and ran wild about the town.’\textsuperscript{32} Such scenes of chaos were in fact rare – Guinea factors had little reason to see their valuable merchandise handled in such a way – but did occur, especially when the demand for slaves was much higher than the supply. But even if slaves were not sold by scramble, they suffered many indignities in the methods by which sales proceeded. Factors divided captives by condition, with ‘prime’ slaves and


\textsuperscript{31} William Butterworth, \textit{Three Years Adventure of a Minor . . .} (Leeds, 1822), pp. 132–3; Alexander Falconbridge, \textit{An Account of the Slave Trade on the Coast of Africa} (London, 1788), pp. 35–6.

\textsuperscript{32} Falconbridge, \textit{Account of the Slave Trade}, pp. 44–5.
‘refuse’ slaves separated out and with planters engaged in heated haggling over terms of credit and which slaves they wanted. If slave ships arrived when it was hard to dispose of cargoes, slaves, like Equiano in Barbados in 1757, might spend ages in cramped conditions in merchants’ yards, being inspected as if they were horses. Abolitionists were especially outraged when white women examined naked black men, especially when they inspected their genitals. There was somewhat less revulsion, however, over white men luxuriating in the nakedness of captive African women.33

Revulsion and the Role of Violence in Abolitionist Discourse

Why did the slave trade move from being a bulwark of British trade and an essential part of the functioning of Britain’s most economically important and dynamic colonies, as well as the location of a ‘great brood of seamen’ who were the source of ‘a formidable nursery of Naval Power’, to being the symbol of Britain’s sinfulness?34 One striking theme in abolitionist campaigns was that anti-slavery rhetoric served to show the superiority of Britain over other European nations. It was argued that the country that best represented a commitment to liberty – and what stronger commitment could there be than voluntarily giving up a lucrative economic enterprise solely because it was morally wrong? – would gain a particular advantage in a world of growing western European domination. It is significant that the sudden and unprecedented explosion of anti-slavery sentiment in 1787–8 happened when British confidence in its future economic prosperity, global presence and moral righteousness was at an unparalleled high. For the most visionary of abolitionists, anti-slavery could be married with an assertive imperialism in order to create utopian schemes of colonisation in which slavery was not present.35 It has also been connected to a sentimentalist discourse where abolitionists made strategic use of the rhetoric of sensibility in the hope of influencing a reading public thoroughly immersed in the mid-eighteenth-century ‘cult of feeling’.36

33 Christopher, Slave Ship Sailors, pp. 187–92.
Yet it is noticeable that one constant theme in the rhetoric used by abolitionists to convince the public that the slave trade was fundamentally evil was an emphasis upon scenes of violence carried out against sailors and captives. This rhetoric resonated with the public, who were outraged by the tales of brutality and cruelty that they read about in best-selling abolitionist texts. Thomas Clarkson, an important early British abolitionist, set the tone at the start of the abolitionist campaign. He deliberately focused on violence on slave ships because he knew that the way to get the public to sympathetically identify with Africans was to see them as helpless victims of barbaric cruelty. He concentrated, moreover, on targeting ships’ captains rather than sailors as the particular brutes whose cruelty was destroying the good reputation of Britain. These particular tropes – the slave as victim and the captain as monster – proved long-lasting and highly effective in mobilising public opinion, as was seen in a high-profile case in 1792, when Captain John Kimber was put on trial (and acquitted) for the murder of two girls on a slave ship. Clarkson fashioned this narrative through collecting sailors’ testimonies that piled together story after story of depredations at sea. Unsurprisingly, such stories focused as much on the plight of sailors as upon the ordeal of African captives. Clarkson showed the slave ship as a place of radical disorder, an essentially lawless place that was presided over by cruel tyrants. His presentation of evidence was carefully selected, less a collection of first-person accounts and more a co-authored document with witnesses, in which he conducted a distinctive narrative about the sinfulness of the Atlantic trade.

All of which leads us back to the Zong and Turner’s painting. It was the calculated and calculating violence of the Zong case that made it so shocking. It was an event, moreover, that combined both cold-blooded terror (the crew debating the merits of mass murder before proceeding to enact it) and hot-blooded horror (the imagined screams of victims entering a watery grave). Turner captured the horror, if less the terror, in his painting. The Zong was such a powerful indictment of the slave trade because it was very easy to imagine the horror of the scene of shackled captives drowning and being devoured, as Turner evoked so powerfully. Just as importantly, the case of the Zong served as a supreme example of the callous financial calculations upon which the slave trade was based and the reality of the omnipresence of death occasioned by violence in every aspect of the trade. Moreover, it tugged at the sentiment of nationalism. It raised the question of what it meant to be British

in a world of amoral commercial and imperial competition. It galvanised young men like Thomas Clarkson (in 1783 a student at Cambridge, as yet unaware of the evils of the slave trade) to take up their pens and start, almost from scratch, one of the greatest reform movements in British history. In 1788, by now a dedicated abolitionist, Clarkson wrote of the Zong that it is an event ‘unparalleled in the memory of man . . . and of so black and complicated a nature . . . it could not possibly be believed’. Abolitionists were drawn to the movement because they were upset about how violent it was. In devising ways to end the slave trade, in the process they made important contributions to an Enlightenment and modern discourse on how violence against innocent people – first slaves, then children, women and even animals – was both a sin and also a condemnation of ideas that humanity was improving.

Bibliographic Essay


In 1843 the jury of the Louvre Salon in Paris refused an oil painting submitted by Marcel Antoine Verdier, a former student of Jean Auguste Dominique Ingres, claiming that it could ‘raise popular hatred against slavery’. It was then shown in a Parisian counter-exhibition with other paintings that had been refused. Entitled ‘Châtiment des quatre piquets dans les colonies’ (‘Punishment of the Four Stakes in the Colonies’) in the catalogue, the large canvas (approximatively 147.5 x 210 cm) represents a scene of violence taking place on a Caribbean plantation. The corner of a wooden shack, a few leaves of a banana tree and a landscape stretching into the distance recall the crude and exotic character of life on tropical islands. The viewer’s attention, however, is first drawn to the people in the centre of the foreground: a black man, entirely naked, with his clothes and iron collar and chain strewn beside him, is lying on the ground on his stomach, tied to four stakes. His nakedness and prone X position deprive him of any possible modesty. He is on the verge of being flogged by a black man, very likely the driver of the plantation, who has raised his whip in the air ready to inflict a lash. Just behind the driver on the right, a slave on his knees is pouring something from a jar, as if he may be preparing the mixture of hot pepper and lemon juice put on the wounds after the flogging. On the left, two slaves, a man and a woman, are waiting to be punished. In the background, other enslaved men and women appear busy working, paying no attention to the punishment.

In contrast, the scene of violence is watched by the planter leaning casually against the shack and by his wife sitting next to him and holding in her arms their young child, who also watches the flogging. The mistress is attended by a domestic slave, kneeling in front of her and turning her back to the scene as if she was protecting the white woman. Next to them, a naked black toddler crawls on the ground playing with the chain of the chastised slave while a dog sniffs at him. The proximity of the toddler and the dog stresses the process of animalisation involved in this mode of punishment. Skin colour and body
language as well as degrees of nakedness and diversity of apparel are used by the painter to convey the racial divide between masters and slaves and the social hierarchy among enslaved labourers. Every detail in the painting aims to present such a scene of extreme violence as ordinary. As violence was central and normal in the daily operation of a colonial plantation, it had to be taught to the next generation of both masters and slaves. It both linked and separated everyone on the estate across status, race, class, gender and generation. At the same time, this customary violence set aside colonies from the metropole as exceptional places.

The practice of punishment painted by Verdier was so common that the leading abolitionist Victor Schoelcher referred to it twice, using the expressions ‘to inflict’ or ‘to give a four stakes’ without any explanation, in his book Des colonies françaises. Abolition immédiate de l’esclavage, published for a metropolitan readership in 1842.¹ Four years later, Joseph France, a gendarmerie lieutenant who had served in Martinique, published another abolitionist pamphlet in Paris. In order to condemn the ‘regime of discipline’ on which the slave system

rested in the Antilles, he insisted first on the whip and then on ‘the three and the four stakes’.²

The emphasis that nineteenth-century abolitionists put on this specific form of punishment was no distortion of reality for the sake of propaganda. It appeared very early on with the development of slavery in the French Antilles, and was not only transmitted across generations within the same plantation but also transferred over space and time between colonies and through centuries. In an edited version of his account of his travels to French Louisiana, former officer Jean-François-Benjamin Dumont de Montigny mentioned that masters there resorted to a mode of chastisement they had learned from Saint-Domingue planters. Even though he did not use the name, the practice he described was the ‘three stakes’.³ Yet, in their interrogatories and testimonies before the Superior Council, a judicial court, French Louisiana slaves repeatedly referred to the ‘four stakes’. In 1748, Pierrot, a Bambara employed as a cowherd, explained to the judges that he was very careful not to lose any cows because his master would order four stakes to be made ready for him otherwise. In 1766, Démocrite revealed that, in a conflict with another enslaved man who was a stranger to the local slave community, he had threatened the outsider ‘to have him tied up to four stakes to flog him’ if he came back.⁴ The practice had such a symbolic significance that it had been appropriated by slaves to deal with their own internal conflicts. The long history of the ‘four stakes’ within the French Empire testifies to the inherent character of violence in racial slavery.

Slavery as it developed over the early modern period in every American colony under European sovereignty, particularly those of the English and the French in the Caribbean and in North America where the large majority of the enslaved were of African descent, was a labour regime, a form of property and a specific mode of social domination in which violence played a crucial role. Violence was intrinsic to the slave system, particularly within slave societies, that is societies in which slavery was ‘pivotal to the entire institutional structure and value complex’, on which this chapter focuses.⁵ This idea.

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⁴ Louisiana State Museum, New Orleans, Registers of the Superior Council of Louisiana, 1748/01/12/01, 1766/07/29/04.
is not only a retrospective judgement by twenty-first-century historians. Social actors at the time viewed American chattel slavery as a particularly violent institution. This was true of slaves and of abolitionists, but also of proponents of slavery and of other white people with mixed feelings about the institution.

The tight interplay of slavery and violence came from the fact that the enslaved were legally the chattel property of other men or women, and as such found themselves under the permanent personal domination of their owners. Moreover, as natural growth amounted to zero or was negative in most slave societies – with the exceptions of Barbados and the southern English colonies in North America in the second half or at the end of the eighteenth century – the slave order was always weakened by the massive arrival of new captives from Africa who had to be taught the slave system. This highly unequal and exploitative social order could never become self-evident; it remained contested. Chattel slavery sparked off violent reactions from enslaved men and women. The production and reproduction of the slave order therefore necessarily rested on violence, all kinds of violence, even though social control also took other forms.

Violence here refers to the infliction of pain, whether physical or psychological, or coercion through the threat of violence, whether implicitly or explicitly stated. Physical violence against slaves included labour discipline, corporal punishment, sexual assault and poor living conditions. Physical violence differs from psychological violence by the harm inflicted on the body, but it always involves a psychic and moral dimension as the personhood, dignity and sense of worth or honour of the victim are affected as well. Besides physical violence, slaves also suffered from all sorts of strictly psychological and moral violence, including the exhibition and examination of their bodies, their sale as commodities, the breaking up of families, the use of women as ‘breeders’ to ‘produce’ new slaves, and watching kin and relatives being abused. Although chattel slavery relied on a regime characterised by multiple forms of violence, this chapter concentrates on violence including a physical dimension, especially corporal punishment, as it occupied a central place in the debate about the abolition of the slave trade and slavery. The ordinary bodily violence of masters against their enslaved labourers was also matched by sporadic outbursts of physical violence by slaves against their owners.

A Systemic Violence That Varied over Time and Space

Violence was a daily reality within every economic unit relying on slave labour in English or French America. The main reason why slaveholders used physical violence was to constrain their enslaved labourers to work. The harshness and duration of work (the number of working hours in a day, in a year, over a lifetime) demanded from slaves was such that it could not be obtained without resorting to violence. The worst working conditions were found on the large integrated sugar plantations in the Caribbean. On such estates slaves were forced to toil in gangs for cane holing, making and distributing manure, and harvesting the cane under the supervision of overseers and/or drivers who constantly used the whip to impose rapid cadences for long periods of time. In a planter manual published in Guadeloupe in 1792, Jean-Baptiste Poyen Sainte-Marie explained that the slaves had to be woken up by the bell and that, after thirty minutes, they had to exit their cabins once the drivers had made their whip crack: the sound of the whip marked the beginning of the working day.7

While the large integrated sugar plantations imposed the most brutal and impersonal form of labour discipline, the whip also played a role in compelling slaves to work in other kinds of slaveholding units, either in the countryside or in town. The ‘Memoirs of the Life of Boston King, a Black Preacher’ recounted how, when the young man was apprenticed to a tradesman in Charleston in the late eighteenth century, he was severely beaten, flogged and even ‘tortured’ on occasion to the extent that he missed work for three weeks.8 Indeed, slaveholders not only resorted to physical violence as a stimulus to extract as much work as possible, but also meted out corporal punishment to slaves who rebelled, ran away, stole, moved around without authorisation or did anything that was not allowed. Violence could also be inflicted for no apparent reason. Moreover, as it was always a possibility, very often masters did not have to actually chastise their slaves: the threat of punishment sufficed to obtain what they wanted. Still, even in the most violent slave societies, violence and negotiation always combined in complex

ways if only because incentives and rewards could be more effective in convincing slaves to work and not run away.

The level of violence, however, varied in time and space. Despite the lack of quantitative data at the scale of a colony or state, descriptions and discussions of violence in the documentation reveal that globally its level, in terms of both frequency and harshness, escalated at the time of the formation of slave societies, along with the growth of the slave population in absolute and relative numbers and the rising fear among settlers that the enslaved labourers, who had become a majority, could revolt. There was good reason to feel such a threat during the period of transition from a society with slaves to a slave society that many colonies experienced at various times. Jamaica, for instance, experienced the highest number of revolts in the last third of the seventeenth century. Hence, John Taylor, who spent six months on the island in 1686–7, considered the severe punishments inflicted on slaves a necessity: otherwise ‘they would sooner cut your throat than obey you’. After this brutal phase of adjustment to a new slave order, the fear of revolt or other retaliation from slaves, such as poisoning, never disappeared. From top officials to settlers of the middling and lower sorts, a very common idea, present in every slave society, was that slaves constituted domestic enemies who could never be trusted. This assumption fuelled a shared culture of terror that explains why violence was pervasive. Nevertheless, this intense anxiety and the level of violence that went with it was more or less acute across space and time, depending on the degree of demographic imbalance between whites and blacks and the importance of newly arrived slaves from Africa.

The level of violence also varied from one slaveholding unit to another within or between colonies. Only two primary sources provide quantitative data about corporal punishments and they do so for only one Caribbean set of estates and a North American plantation over a limited period of time: the eighteenth-century private diary of Jamaican overseer Thomas Thistlewood, who successively managed the Vineyard pen and Egypt sugar plantation; and a list of whippings on the Bennett Barrow Louisiana cotton plantation in 1840–1. In all cases, violence was common even though a slave was whipped every eleven days on Vineyard pen whereas a whipping happened more than once a week at Egypt and every five days on Bennett Barrow plantation.

Variations in frequency and harshness of corporal punishments from one slaveholding unit to another depended on many factors both structural (labour conditions, which differed according to the activity or the crop in rural settings) and circumstantial (the character, knowledge of the slave system – newcomers had a tendency to be harsher masters – and personal interests of the persons in charge of the slaves’ management: when the owner was an absentee who lived in the metropole or the slaves were hired out to another settler, the supervisor did not have an interest in preserving his workforce).

**A Collective Regime of Violence and the Debate about the Abuse of Slaves**

Violence against the enslaved not only involved masters but also non-slaveholders and the authorities. It permeated every social sphere. At the same time, the pervasive and extreme character of violence in slave societies fuelled a debate on the need to regulate it. Indeed, chattel slavery contradicted the monopoly on legitimate violence that states sought to impose in European Old Regime societies as central or local authorities gave masters the right to punish their slaves within their households even though slave acts and codes set some limits to the absolute power they could exercise. Yet, laws did not offer the same protection to slaves as to white people. In the British West Indies, they penalised the dismemberment or mutilation of slaves, but sanctioned such crimes only by fine or imprisonment or both. Except in Jamaica, until the end of the eighteenth century most English islands did not recognise the wilful killing of a slave as an act of murder or homicide: it was penalised, but it was not considered a major criminal offence and was not punished by death. Moreover, these laws remained neglected. In the French Antilles, the 1685 Code Noir formally forbade masters from torturing, mutilating or murdering their slaves. These prohibitions were later re-enacted in several ordinances. All these offences could lead to criminal prosecution and a capital sentence in the event of homicide. The provisions ensured, in theory, the pre-eminence of royal justice over domestic sovereignty. Until the 1780s, however, masters were very rarely prosecuted for such crimes, while overseers were only sentenced to pay financial compensation.

Consequently, some masters openly committed atrocities, including cold-blooded murder in the cruellest way, with impunity. During his stay in Saint-Domingue on his way to Louisiana, military officer Jean Bernard Bossu reported that he had
seen a settler, named Chaperon, who forced one of his slaves to enter a hot furnace where the unfortunate man expired; and as his jaws had fallen open, the barbarous Chaperon said: I believe he is still laughing, and poked him with a fork. Since then this settler has become the bogyman of the slaves, and when they disobey their masters, the latter threaten them saying: I will sell you to Chaperon.¹⁰

Such torturers were socially condemned – Bossu described Chaperon as barbarous – but they were tolerated as their presence meant other slaveholders did not have to commit cruel acts themselves. Thus, the issue of violence within slavery cannot be reduced to the master–slave relationship within one household: it was collectively managed.

However, even in the most brutal slave societies, where settlers were accustomed to extreme violence in everyday life, the question of legitimate, fair and efficient ways of punishing slaves continued to be debated among the authorities and settlers. Some saw abusive violence as morally degrading for slaveholders. According to the Saint-Domingue lawyer Michel-René Hilliard d’Auberteuil, ‘the habit of being obeyed makes the master proud, swift, rough, choleric, unjust, cruel, and imperceptibly makes him abandon all the moral virtues’.¹¹ Others believed that excessive violence could incite slaves to run away or revolt: it imperilled rather than sustained the slave order. Everywhere, the limits to violence remained a social, political and moral issue.

Interpersonal violence was not restricted to masters and slaves but also involved non-slaveholders, and it combined with judicial violence. Not only did states give masters the right to punish, within limits, their slaves; they also involved the whole of white civilian society in their efforts to curb slave unrest. They required all whites, including non-slaveholders, to keep an eye on slaves and to police them in the public space under certain circumstances. Slave laws allowed or ordered white private individuals to arrest slaves who circulated, congregated, bore arms or traded without any note from their masters authorising them to do so. Public authorities were also more or less involved in the development of police forces operating against runaway slaves. The use of either free people of colour or poor whites to curb slave criminality participated in racial formation. As a result of vigilantism, the public space could not be claimed by the state as its exclusive domain of intervention.

According to Hilliard d’Auberteuil, the consequence of this slave legislation was that ‘in Saint-Domingue, anyone who is White mistreats the Blacks with impunity. Their situation is such that they are slaves to their masters and the public.’ In cases of conflict, whites felt justified and powerful in using physical violence as slaves could not strike back without risking a great deal. Hence, in urban slave societies such as French New Orleans the streets remained sites of frequent physical confrontations over status and race, most often initiated by whites. This violence helped low-ranking non-slaveholders such as soldiers to publicly distinguish themselves from and to assert their racial pre-eminence over slaves. Contrary to what Hilliard d’Auberteuil claimed for Saint-Domingue, however, those men were sometimes prosecuted for having harmed or killed a slave who belonged to someone else, but the procedure could be either civil or criminal, and, in the case of a criminal trial, they were rarely sentenced to death.

Indeed, in every slave society public justice served to consolidate the slave system and the enforcement of a strict racial order. Although masters were, to a large extent, supposed to govern and discipline their slaves within their own households, some offences were deemed too serious to be left to private justice. Slave laws provided for the possibility for slaves to be tried and specified the kind of sentences according to the nature of the crimes. The Georgia Act of 1755, for instance, provided for the death penalty for slaves convicted of insurrection, attempted insurrection, murder, attempted murder, assault, arson and, in some instances, striking a white person. Slave laws and courts mostly sought to criminalise and prosecute slave resistance; in contrast, they were not interested in dealing with violent confrontations among the enslaved.

The judicial systems sustained the production and reproduction of the slave order through the organisation of separate courts for slaves (this was the case in the British Empire but not the in French Empire) and restrictions on slaves’ testimony, the social identity of criminals (the targeting of slaves and the sparing of whites), the crimes for which they were convicted (mostly theft and running away), the punishments to which they were sentenced (flogging, branding, mutilation, the death penalty by burning, breaking their arms and legs on the wheel, or hanging, transportation and hard labour in a workhouse), the status and background of the executioner (a slave or freedman was most often chosen), and, lastly, through the organisation of public executions and the exhibition of corpses and body parts. Decapitating and placing heads on poles or burning

12 Ibid., p. 145.
corpses after hanging assimilated slaves to traitors. Any ‘crime’ committed by slaves was interpreted as an act of treachery against the slave order.

The need to sustain the slave system explains the divergence in the way metropolitan and colonial judicial machineries evolved over time. While the debate about the necessity of reforming criminal justice that developed in Europe over the eighteenth century in the context of the Enlightenment was apparently not based on what was happening overseas, it had an impact in some slave societies. On the one hand, colonial authorities continued to resort to torture in judicial procedures and to sentence slaves to terrible corporal punishments which were being phased out on the other side of the Atlantic. On the other hand, after the Seven Years War, the debate about the need to curb masters’ domestic sovereignty intensified. During the war slave revolts had spread in the Caribbean and, after peace was signed, the slave trade rapidly expanded. In such a dangerous context, the state, in both the French and British Empires, felt the need to intervene in order to prevent slave unrest. In 1784–5 the French Crown tried in vain to reform the slave system in a more humanitarian way. Yet, the number of masters prosecuted for having tortured their slaves started to increase at the same time, some of these trials becoming causes célèbres in the metropole.

This phenomenon was sustained by the development of interconnected abolitionist movements in the Atlantic world. The denunciation of inhuman cruelty and degrading violence was a central argument of abolitionist discourse, especially in England. As a result of the abolitionist campaign, which was widely supported, Prime Minister William Pitt commissioned a report on the slave trade and the treatment of slaves in the West Indies in February 1788. The parliamentary debate encouraged some colonial assemblies to pass new slave laws, including provisions protecting slaves. These laws were also inspired by the amelioration movement that had started to develop in the islands from the mid-century and which expanded in the aftermath of the American Revolution. Planters in favour of amelioration supported slavery and mostly sought to reduce the mortality of their enslaved labourers at a time when they had difficulties acquiring slaves whose prices were rising in an era of political turmoil and of international wars.

Physical and Symbolic Violence, or Slavery and Race

Abolitionist literature as well as all other primary sources produced by historical actors on all sides – slave narratives, interrogatories and testimonies
of slaves in judicial archives, travel accounts, histories of colonies, masters’
diaries, correspondence between slave owners and overseers, planter
manuals, administrative correspondence, parliamentary investigations, pro-
slavery pamphlets, etc. – brought to light the prevalence of violence in slave
societies even though they provided little quantitative data. It was true, for
instance, of both the Histoire générale des Antilles habitées par les Français
(General History of the Antilles Inhabited by the French) (1667), by the French
Dominican Jean-Baptiste Du Tertre, and The Interesting Narrative of the Life of
Olaudah Equiano, or Gustavus Vassa, the African Written by Himself (1789). The
fifth chapter of Equiano’s narrative describing ‘various interesting instances
of oppression, cruelty, and extortion, which the Author saw practiced upon
the slaves in the West Indies during his captivity from the year 1763 to 1766’,
echoed through time the section the missionary had devoted, more than one
century earlier, to ‘the punishments used to sanction the offenses of the
Negroes’, although he justified this violence while deploiring it, whereas the
former slave condemned it.13 Even the most fervent proponents of slavery
recognised at least that the slave system allowed some tyrannical masters to
commit what were seen at the time as atrocities. Slave narratives alike
established a difference between ‘good’ and ‘bad masters’ in relation to
violence; they outlined peculiar episodes of paroxysmal violence while at
the same time denouncing the pervasive brutality. In fact, gruesome anec-
dotes about cruel planters and horrific ways of punishing and killing slaves
can be found in every kind of documentation. Beyond this common trope,
the way violence was described or appeared, however, differs tremendously
from one type of source to another.

Primary sources create two opposite impressions, each reflecting one
dimension of a complex reality: violence against slaves remained arbitrary,
but at the same time tended to become normalised. A large part of the
documentation produced at the time, either by advocates or opponents of
slavery, insisted on the boundless imagination masters deployed to invent
new instruments and forms of punishing slaves. They listed a dreadful variety
of ways used by masters to chastise, torture or even kill their enslaved
labourers, and conveyed the idea that they resorted to violence impulsively,
erratically and unpredictably – in short, irrationally. These descriptions
emphasised the mutilations and murders of slaves, which could be viewed
as particularly irrational as these casualties went against the best interests of

13 Olaudah Equiano, The Interesting Narrative and Other Writings, ed. Vincent Carretta
(Harmondsworth: Penguin, 2003), pp. 95–112; Jean-Baptiste Du Tertre, Histoire générale

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the slave owners who thereby lost or damaged part of their workforce and
financial capital. Arbitrary violence expressed the absolute power masters
had over their slaves. Behind the apparent lack of rationale, the variety of
forms of atrocities communicated the belief that no rules applied to slaves as
they did not belong to the civic community and were not tied or protected by
any social contract.

On the other hand, some sources, generally produced by planters or other
proponents of slavery, opposed the idea that extreme violence in slavery was
an evil by-product of a system that could not be controlled and regulated.
They presented violence as an acceptable and necessary social-engineering
tool in the hands of slaveholders. Masters needed to learn how to use and
modulate physical violence in a calculated and controlled way in order to
impose their authority and extract as much work as possible from their
enslaved labourers at the lowest human and financial cost. It was
a question of efficiency, but also a way of preserving the morality of owners
themselves, whether this morality was inspired by religious and/or humani-
tarian ideas. Consequently, some forms of corporal punishment became
customary and ritualised, such as three or four stakes or whipping a slave
attached to a ladder in the French colonies. The development of customs and
rituals in the chastisement of slaves contributed to normalising the use of
violence. That violence could be normalised, controlled and calculated does
not mean that it was not widespread, brutal and degrading.

The pedagogical role these masters attributed to violence explains
why punishments were most often administered in public in order to
deter other slaves from disobeying or rebelling. For the same reason,
they carefully decided the kind of punishment they would inflict accord-
ing to circumstances. Likewise, many masters experimented and dis-
cussed their policies of punishment among themselves. In his travel
account, Alexandre-Stanislas de Wimpffen explicitly recounted how he
made an ‘experiment’, doubling, tripling, quadrupling, etc. the number
of lashes of the whip from one day to the next until his slaves stopped
failing to meet their quota of coffee beans at the time of harvest on
a Saint-Domingue plantation in 1790.14 Some considered that masters
administered justice on their estate: they believed they needed to reduce
the arbitrary dimension of punishments in order for slaves to more
easily accept them, and fixed their own personal legal code.

14 Albert Savine (ed.), Saint-Domingue à la veille de la Révolution (souvenirs du baron de
The controlled dimension of violence also appeared through the choice of person actually inflicting the corporal punishment. That was a crucial issue: at stake were acceptance of the master’s authority and the construction of a chain of command. When they were not absentee planters but lived with their enslaved workforce, masters could chastise their slaves themselves or order a white overseer or a black driver to do so. Some slaveholders also asked the public executioner or common whipman (in Jamaica someone employed by the parish whose service could be purchased by masters) to punish their slaves on their behalf. Such a practice was probably especially common within cities and on small plantations in the immediate vicinity. In the countryside, the masters who deliberately refrained from inflicting violence themselves most often ran large plantations. Landon Carter, one of the wealthiest and most privileged planters of eighteenth-century Virginia, never once mentioned having executed one of his slaves himself in his long diary. He might have felt that doing the dirty work did not suit his prominent social position or fit the new culture of sensibility that developed among elites in the second half of the eighteenth century. Others were not as sensitive, and a mixed system also developed.

While both enslaved men and women were mistreated, it was men who were, most of the time, in charge of punishing slaves, as it was not considered proper for women to inflict violence. Yet, while there is no known case of a white woman serving as an overseer and black women were never chosen as drivers except to handle other women and children, white women could be involved in the chastisement of slaves. This phenomenon questioned their gender position within white society. The Martinique planter and lawyer Jean-Baptiste Thibault de Chanvalon described ‘the great severity they [American women] employed to get served; a severity that seems to exceed that of men’. For this reason and others, tropical colonies appeared in his writings as the site of the inversion of social norms.

The use of violence in slave societies distinguished colonies from the metropole in many other ways. Indeed, violence within private households, by masters on servants in particular, existed and was accepted in early modern Europe. In slave societies, however, this violence was amplified, intensified and systematised; it also took on a new meaning as it came to express not only class but also racial hierarchy. Specific forms of corporal punishment were chosen to enforce and display a racial divide. Masters

commonly used various instruments and resorted to all sorts of corporal punishment (flogging attached or suspended in all kinds of positions; tying a slave’s neck to his heel for hours, etc.) in combination with imprisonment (jails were built on large plantations). The goal was not only to punish and teach a lesson by inflicting pain, to impede desertion by restricting mobility, and to identify unruly slaves and prevent recidivism by marking the flesh with branding, mutilation and scars from lashes of the whip; corporal punishments also served to humiliate, terrorise and demoralise. That humiliation was sought is clear in both what seems to have been uncommon atrocities, when slaves were forced to drink urine or eat excrement, and in a regular mode of punishment such as the four stakes. Instruments and methods of chastisement were intended to animalise enslaved men and women. When an overseer sent their annual report to their absentee plantation owner, they often listed and counted slaves and cattle in the same document. When they punished slaves or when they branded them with the name of their owner, they also tried to make them internalise their condition of living chattel.

The same instruments and modes of punishment were used indiscriminately against enslaved men and women. Women, however, were apparently punished less frequently and as intensively as men, although they were not spared. Indeed, the denunciation of the flogging of women did not become central to British abolitionist literature until the 1820s. Moreover, in addition to the corporal punishment common to both genders, women had to endure systemic sexual violence. Coerced sex (either rape or sex to which women only consented because they felt they had no choice even though physical violence was not involved), as illustrated by Thomas Thistlewood’s diary, was used by whites as a weapon of social control on plantations. Men were not subjected to the same policy of sexual violence, but the whole system of corporal punishment, the sexual appropriation of enslaved women by whites, and the fact that enslaved men could not protect their wives from sexual and physical abuse by their owners combined to impair their manhood and make them feel inferior – on occasion their virility was not only challenged symbolically but also physically, as castration occurred. Gender thus played a crucial role in the intersection between violence and race that tended to strengthen over time. It is remarkable how, confronted with such a regime of systematic violence and terror, enslaved women and men fought hard to preserve their dignity. While such a process of dehumanisation may have taken a heavy psychological and moral toll on slaves, it did not impede them from violently reacting against their enslavement.
Slave and Maroon Violence

Violence by slaves took multiple forms and was directed towards various actors. First, enslaved men and women could escape the slave system by turning the violence against themselves. Suicide was common, especially among newly arrived slaves who were traumatised by the middle passage and had difficulties adapting and forming social ties in their new hostile environment. Although the role of will in their action is a matter of debate, masters interpreted the self-murder of slaves as an act of defiance and resistance against their authority; they also feared epidemics of suicide. As they explained the propensity of their enslaved labourers to kill themselves by their belief in the passing of the souls, they beheaded and dismembered their corpses and exposed the heads on poles: these mutilations were supposed to impede transmigration back to Africa. The spectacular punishments masters inflicted on these dead bodies aimed to project their authority symbolically, to impress the imagination of slaves by appropriating the power of the dead, and to fuel a spiritual terror.

Violence was also widespread among the enslaved. Brutal confrontations frequently erupted on and between plantations. The reverse would have been surprising as there is no reason why slave communities should have operated differently from any other collectivity, including those confronted by harsh oppression and domination. It is impossible to know, however, if the level of violence between slaves was particularly high because of the peculiarities of the slave system. The destitution of their daily lives and the scarcity of women certainly provoked multiple incidents over property (related to theft, the exchange of commodities and services, and the repayment of debt) and family (the control of women’s sexuality prompted domestic abuse and acts of violence against potential or actual rivals). Violence by enslaved men may have allowed them to assert their manhood, which was constantly challenged by the slave system. Slaves developed their own code of honour and violence was used to fiercely defend one’s reputation. While among the enslaved it potentially undermined and divided slave communities, it also constituted a way of coping with the violence inflicted by masters.

When they tried to directly confront their enslavement, most slaves chose desertion. In fact, running away constituted the most common mode of slave resistance and violence was usually not involved. Most slaves escaped for a short period of time before going back to their plantations. However, on some islands – Jamaica, Dominica and Grenada – runaways
succeeded in forming long-lasting communities of Maroons, which came to occupy a liminal place between freedom and subordination within plantation societies. To maintain their population, Jamaican Maroons, for instance, welcomed runaways and raided plantations to obtain women and children. They succeeded in terrorising settlers with their repeated attacks and techniques of guerrilla warfare, especially during the First Maroon War, which lasted from 1729 to 1739. Unable to defeat them, the British authorities signed a series of treaties in 1739. These treaties granted the Maroons land and limited rights as British subjects, including the right to bear arms and administer justice for non-capital crimes. In return, Maroons pledged to serve as runaway catchers, to support colonists against slaves in every rebellion, and to defend the island in the event of invasion. Yet, by the last quarter of the eighteenth century the relationship between the Maroons and the colonial authorities progressively deteriorated, as Maroons were increasingly reluctant to fulfil their role of colonial police force and sided, on occasion, with the enslaved.

In contrast with desertion, which was widespread, slaves only very rarely struck back against their masters, assaulting or murdering them, as they were sure to be sentenced to the death penalty in the case of homicide. These incidents were more or less facilitated by local circumstances. Trials in which slaves were prosecuted for such crimes were, for example, more numerous in South Carolina than in Virginia throughout the eighteenth century, as the demographic imbalance between whites and blacks was more pronounced, the number of creolised slaves was lower and the plantations were larger and more isolated in the Lowcountry. Slaves could involuntarily kill their masters as they tried to defend themselves; they could also purposely plot a murder. Masters were particularly fearful of poison and what they viewed as witchcraft. Homicide happened sometimes as a way of redressing a wrong to the slave community. This was clearly the case in Antigua in 1701 when a group of slaves murdered their owner, Samuel Martin, after the latter decided to suppress the traditional Christmas break.

Finally, violence by slaves also took the form of revolt. Rebellions were sporadic because slaves usually did not rise up unless they believed they could succeed. The only slave conspiracy that was allegedly organised in French Louisiana, for instance, took place at the time of the Natchez Wars in June 1731. The frequency and magnitude of rebellions depended on multiple factors, including the size of the slave population, the demographic imbalance between whites and blacks, the conditions of the slave trade, the size of plantations and their degree of isolation, the presence or absence of a large
Native American population, the existence of a military culture among the enslaved, the strength of the militias and garrisoned troops, and, finally, the existence of favourable circumstances such as epidemics and colonial or international wars that weakened the white population. In contrast, the possibility for slaves to form families and cultivate market gardens constituted deterrent factors, as slaves sought to protect their relatives’ lives and preserve their property. The impact of religion is more difficult to assess. In the case of the Mesopotamia plantation in Jamaica, for instance, the presence nearby of Moravian missionaries who taught a doctrine of passive obedience might have played a role in the refusal of slaves of this plantation to join Tacky’s revolt in 1760. Whatever their origins, rebellions were more or less easily suppressed, but they were most often severely repressed. The paroxysmal violence of repression had a cathartic purpose: it served to expurgate fear, reinstall domination, and celebrate the unity and solidarity of the white population.

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In English and French America, as well as in the rest of the western hemisphere, violence played a crucial role in explaining how slave societies succeeded in perpetuating themselves for such a long time. It was not the sole factor, but it was certainly the most decisive one. A culture of terror deeply shaped these slave societies and affected all sides, although slaves suffered the most. The centrality of violence within slave societies was not only related to its frequency and harshness and to the fact that it involved all social and institutional actors, but also to the specific forms it took. Corporal punishments always constitute a symbolic language. The forms of physical violence are never chosen randomly and always mean something as they serve to justify and legitimise the system of domination, exploitation and oppression. The specific modalities of violence in slave societies aimed at dehumanising slaves; conversely, the dehumanisation of slaves facilitated this regime of pervasive and brutal violence because it eased the way both public justice and masters resorted to cruelty as slaves were not considered as human beings entitled to the same rights. In that regard, slave societies under British and French sovereignties operated in the same manner. They differed, however, in the way in which the debate over slavery in relation to violence developed through a parliamentary commission or the justice arena in the last decades of the eighteenth century. Likewise, slaves in the French Empire did not publish narratives denouncing the atrocities of the slave system in the same way their counterparts in the British Empire did, but they did bring charges against their masters.
What happened during the Revolutionary era also distinguished the two empires. In world history, no slave revolt ever succeeded, with a single exception: the Saint-Domingue slave insurrection, which broke out in August 1791. Only the political turmoil brought on by the French Revolution and international war explain this remarkable outcome. The French and Haitian Revolutions prompted a cycle of extreme violence. A series of genuine wars opposed whites, free people of colour and slaves. Refugees who fled Saint-Domingue wrote and published many accounts of the events. They exported a fear that spread and reverberated through the whole Atlantic world. For all American slave societies, not only for Saint-Domingue, the Haitian Revolution, and more generally the Age of Revolutions, marked a rupture. From then on, slaves started to fight not only to obtain their own freedom but the overthrow of slavery globally.

At the same time, one can argue that there was considerable continuity between the periods before and after the Revolutionary era in the British and French Caribbean. As the painting of the punishment of the four stakes by Verdier demonstrates, extreme violence continued to be prevalent in the slave societies of the British West Indies and French Antilles in the first decades of the nineteenth century. Yet, the abolition of the international slave trade in 1807–15, the creolisation of slave populations, the rise of humanitarianism and abolitionism, and the expansion of movements to reform or ameliorate slavery might all have had an impact on the interplay between violence, slavery and race before the abolition of slavery in 1833–8 in the British Empire and in 1848 in the French Empire.

Bibliographic Essay

Among the few books that focus specifically on violence in early American societies, one collective volume includes several chapters dealing with violence in slave societies: John Smolenski and Thomas J. Humphrey (eds.), New World Orders: Violence, Sanction, and Authority in the Colonial Americas (Philadelphia: University of Philadelphia Press, 2005).

The topic of corporal punishment on plantations appears in many books on slavery in early English and French America, but none concentrates specifically on the subject. Particularly insightful are Trevor Burnard, Planters, Merchants, and Slaves: Plantation Societies in British America, 1650–1820 (Chicago: University of Chicago Press, 2015); Gabriel Debien, Les esclaves aux Antilles Françaises (XVIIe–XVIIIe siècles) (Basse Terre and Fort-de-France: Société d’histoire de la Guadeloupe and Société d’histoire de la Martinique, 1974); and Philip D. Morgan, Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry (Chapel Hill: University of North Carolina Press, 1998). The role of violence in the production and reproduction of slave societies is a central theme of another book by Trevor Burnard, which is based on the diary of a Jamaican


As the colony that gave Europe its archetype of tropical cannibalism and consumed more African bodies than any other American slave system, Brazil warrants a central place in the history of early modern racial violence. For its long-standing tradition of denying the salience of this violence, Brazil also merits attention. This chapter examines the history of violence in Portuguese America as an early transatlantic form of what I call ‘coercive pedagogy’. It considers the ideas and methods refined by authorities to teach peoples of indigenous and African descent, as well as white settlers, about the parameters governing the permissible use of force. The chapter’s objective is to clarify how colonisers came to accept violence organised along racial lines and how subsequent interpreters of the Brazilian past came to de-emphasise such violence. Analysis centres on the enslavement of Indians and blacks on the assumption that, as Trevor Burnard notes in Chapter 1, violence ‘permeated every aspect’ of slavery in its foundational role in the colonisation of the Americas.

The Portuguese devised an array of practices intended to inflict physical and psychological harm on the majority non-white inhabitants of their sprawling and expanding American possession. The effort to establish new rules of violence to undergird the founding and consolidation of the tropical colony combined legal procedures, theological positioning, military and paramilitary campaigns, and communal and individual acts of corporal punishment. Authorities at the highest level of the imperial administration rationalised physical aggression as necessary, appropriately calibrated to the threats they perceived, virtuous, and just. They sanctioned broad categories of coercion as endorsed by their monarch and sanctified by God. They deemed violence indispensable as an instructional practice. Guided by a conviction of their own civil and religious pre-eminence, which they understood in increasingly racialised terms, the Portuguese devised forms of aggression intended to communicate and secure their dominant position atop the colony’s emerging social
hierarchy. They did so by making biologised judgements about native, African and mixed-race peoples. They then translated these judgements into punitive acts orchestrated to achieve didactic effects.

Evident in medieval chronicles of the Iberian Reconquista, such violence was refined over the centuries and promoted in the service of Portugal’s early overseas conquests. It accompanied the kingdom’s precocious imperial ventures along Africa’s Atlantic seaboard in the fifteenth century. After the Portuguese Crown announced the discovery of Brazil in 1500, the work of devising a repertoire of effective violent methods extended to the Americas. There, concerns about territorial as opposed to seaborne expansion, the imperatives of religious conversion, the need to assemble a labour force and the push to guarantee the security and hegemony of white Christian colonists became increasingly urgent. The embrace of righteous brutality came to be seen as especially useful in conveying the lessons of subordination to peoples of non-European origins and physiognomies.

Classical philosophy, Roman and Muslim precedents, medieval theology, papal approbation and Iberian law and social practice honed during the Reconquista combined to define slavery as natural, just, honourable for captors, and morally and spiritually edifying for captives. Portuguese thinkers invoked these ideas to justify early shipments of sub-Saharan slaves to Iberia to work as domestic servants and to Africa’s Atlantic islands to labour in sugar production. Buttressing these developments was a perspective on human difference that historian James Sweet has aptly called ‘racism without race’ – that is, racist ideology and practice developed before the advent of pseudoscientific systems based on phenotype. This perspective associated dark skin and other disparaged bodily traits with peoples deemed naturally condemned to slavery and its attendant violence.

Accounting for the pervasive application of physical and psychological punishment should not be confused with the question of its effectiveness. Ceaselessly carving out spaces in which to achieve their own outcomes and shape their own lives, peoples of Amerindian and African descent did not readily conform to the dictates of force and its animating ideology. Resistance, both violent and non-violent, to harsh colonial impositions has been the

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subject of assiduous study. It does not fall directly within the purview of the discussion that follows. Instead, the focus throughout remains on the use of racial violence to advance Portugal’s South Atlantic imperialism.

After briefly examining long-standing denials of this blood-stained history, this chapter turns to the substance of coercive relations with Portuguese America’s non-white peoples in the sixteenth and seventeenth centuries. The first century of colonisation turned on efforts to dominate Amerindians; the second, on the creation and control of the largest enslaved African workforce in the Americas. By the eighteenth century, when many scholars of Atlantic imperialism posit the emergence of race-based hierarchies justifying colonial domination, Portugal’s transatlantic enterprise had long since prepared the ground.

**Cordial Colonialism**

Emphasising the centrality of racial violence in Brazilian colonial history, even with respect to the enslavement of Amerindians and Africans, has not always seemed defensible. Interpreters of the Brazilian past tenaciously resisted this view. Myopic scholars and other apologists described the nation born of more than three centuries of Portuguese rule as a beacon of racial harmony, the product of an exceptionally permissive, multicultural form of colonialism. Mariners, traders and settlers, they maintained, mixed liberally with the colony’s aboriginal occupants and then fashioned a comparatively mild form of slavery.

This defanging of the Portuguese colonial project gained its most famous champion in the 1930s in the Brazilian sociologist Gilberto Freyre, who coined the term ‘luso-tropicalism’ to describe what he construed as Portugal’s distinctive imperial conduct. Considered ahead of his time for embracing racial mixture or *mestiçagem* as a defining and positive characteristic of Brazilian

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history and culture, Freyre nonetheless was prone to stereotypes and sweeping pronouncements that now seem quite startling. Describing the onset of colonisation, for instance, he declared: ‘The milieu in which Brazilian life began was one of sexual intoxication.’ He mused about the ‘charms of the woman of color: charms to which so many Portuguese surrendered in the tropics’. As colonists, the Portuguese distinguished themselves by ‘not seeking to submit [non-Europeans] ethnically, socially, and culturally’, but by way of ‘temporization . . . resulting in symbiosis’. Although slavery was widespread, it was a ‘patriarchal’ rather than ‘industrial’ form of slavery, a ‘system of social security’ for those drawn into the lusophone world.4

Luso-tropicalism caught on quickly in Brazil and beyond, tracing a reverse trajectory across and around the Atlantic. After some initial wariness, because the theory posited his nation’s preternatural affinity for miscegenation, the Portuguese dictator António de Oliveira Salazar (r. 1932–68) embraced Freyre’s ideas in the 1950s to bolster popular support for the maintenance of colonies in Africa and Asia. Luso-tropicalism also influenced those whose fascination with modern Brazil’s striking colour continuum and inter-ethnic sociability blinded them to the nation’s persistent racial inequality. Foreign scholars misdiagnosed the sexual abuse endemic in unequal colonial social relations as benign libidinous exuberance and, implicitly or explicitly, as tolerance for racial intermingling. ‘The Portuguese image of Brazil was from the beginning erotic’, wrote a leading American Brazilianist in 1999, channelling Freyre in a widely used English-language textbook. Other scholars contrasted the Portuguese inclination towards alliance and collaboration with the Spanish predisposition for war and conquest.5 These formulations implied that human difference mattered little and that violence constituted a last resort in the colonisation of Portuguese America.

With increasing insistence during the second half of the twentieth century, scholars and social critics worked to dismantle these conceptual relics. Researchers emerged from the archives with mounting evidence of the bedrock status of brutality, bloodshed and generalised coercion in Portuguese relations with Indians, Africans and their multi-ethnic descendants. Such work demonstrated the pervasive intimidation required to compel the collaboration and mestiçagem enshrined as the essence of Portuguese practice. This

4 Freyre, Masters and the Slaves, p. 85; Freyre, O Luso e o trópico, pp. 87, 105, 296.
scholarship has revealed Brazil’s importance as an early modern crucible of violence predicated on hardening conceptions of the incommensurability of peoples of different origin, creed and colour.

In this revisionist project, there was no need to discount evidence of innumerable instances of coexistence, which, after all, was a feature of virtually every colonising venture throughout history. As elsewhere, the church and the crown established parameters restricting the application of violence. Violence was never the only tool available to colonisers. It need not have been so to have had an outsized effect. For, crucially, authorities also defined when violence was justifiable and necessary. The result was a conviction among colonisers that coercive measures were employed as a last resort, in moderation, and only when legally and morally permissible. This view proved central to the pedagogical uses of violence.

Upon reflection, the application of force as a form of instruction will not seem surprising. Sanctioned violence frequently rests on the conviction that it teaches a lesson. When the colonised cannot be civilised by culture, Partha Chatterjee observes, they must be disciplined by force. Both elements intertwined in Portuguese America, but the civilising, acculturative discourse of collaboration and miscegenation predominated in histories of the colonial past, obscuring the prevalence of racial violence. To reveal it need not entail reimagining Brazil’s mythical racial paradise as an unmitigated inferno. This opposing exaggeration tilts towards a new Black Legend of the kind northern Europeans crafted to smear Spanish imperial history as uniquely inhumane. Luso-tropicalism, with its idealised narrative of a tropical colony constructed cooperatively by Indians, Africans and Europeans, could not have gained the traction it did without a certain basis in historical fact. In fact, it was a formulation inherited from the first colonists and royal authorities who sought to direct events on the ground. The insistence on amicable racial relations constituted a colonial ideology before it became a postcolonial salve.

Relations with Indians

Claiming the discovery of Brazil after what was by then nearly a century of exploration and intrusion along Africa’s western shores, Portuguese mariners

and traders had long experience dealing with those who looked, thought and acted differently from themselves. The South Atlantic adventurers quickly elaborated a vocabulary that set themselves apart from those they encountered, a theologically based, racially inflected classificatory system which judged white European Christians superior. They extended notions about the inferiority of Iberia’s Jews and Moors to sub-Saharan blacks. Also by extrapolation, they applied these prejudices to the native inhabitants of the New World. The consequence was a legitimation of violence based on prejudices about native behaviour thought to stem from physical, social and cultural disparities.

Across Iberia, by the late medieval period, the Spanish and Portuguese words raza and raça (race), casta (caste), and linaje and linhagem (lineage) ‘were part of a complex of closely associated terms, which linked both behavior and appearance to nature and reproduction with reference to the animal as well as to the human world’, Giuseppe Marcocci explains. Race as a biologised concept did not yet constitute a formal theory. Nor was it reinforced by the rationalist, pseudoscientific bulwark it acquired in the eighteenth and nineteenth centuries. It had not yet become the primary way to refer to the human diversity increasingly evident as the Portuguese explored the coast of Africa, rounded the continent’s southern tip, and reached India. Nevertheless, racism, understood here as the derogation of others based on heritable physical characteristics, emerged in Iberia well before Columbus sailed to the New World in 1492, followed by his Portuguese counterpart Pedro Álvares Cabral in 1500. To be labelled negro in Portugal implied enslavement, a connotation that deepened as Portuguese merchants pioneered the systematic export of enslaved Africans to Iberia and Africa’s Atlantic islands in the fifteenth century. The association of blackness with enslavement considered legally and morally acceptable, legitimated by crown and church, carried over to the colony.

The famous letter announcing Brazil’s discovery, drafted by Pero Vaz de Caminha, a scribe aboard Cabral’s fleet, described the coastal Tupi speakers as ‘dark, somewhat reddish’. They had ‘good faces and good noses, well shaped’. Naked, evidently lacking all religion, they were at once ‘bestial’,

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‘timid’ and ‘good and of pure simplicity’, inclined to have ‘stamped upon them whatever belief we wish to give them’. His references to indigenous women focused on their exposed ‘shame’ or genitals. From the first Portuguese observations of Amerindians, in short, came intimations of latent conflict suppressed by assertions of tropical harmoniousness. Resting on a hierarchy of human types, this equation would centuries later contribute to Brazil’s paramount nationalist myth.

As a pilot accompanying one or possibly two Portuguese expeditions ordered to follow up on Cabral’s landfall, Amerigo Vespucci pronounced on another aspect of native behaviour, which more than any would be used to justify collective violence. In contrast to Caminha’s sanguine images of innocents eager for conversion, Vespucci described acts of cannibalism, including one in which a member of his landing party was ambushed, bludgeoned, hacked to pieces, roasted and consumed ‘before our eyes’. Sceptics quickly challenged the veracity of this claim. Later, some scholars cast doubt upon the very existence of Brazilian cannibals. No reputable specialist familiar with the colonial archives, however, still maintains that the practice was a mere invention of Europeans in search of a rationale for conquest. A potent rationale it was, but also a reality. In a highly ritualised practice, the Tupinamba, Tupinikin and other groups ate captives seized in warfare as part of a cycle of vengeance they believed preserved their cosmic order. Thoroughly documented by Jesuit missionaries and others, cannibalism became the behaviour, par excellence, invoked to condemn Brazil’s natives as savage others, legitimating their slaughter and enslavement. Portuguese America came to be associated more than any other colony with cannibalism. For more than a century scenes of man-eaters became the emblematic ethnographic image illustrating Brazil on European maps. The colony served as the source of best-selling, first-person accounts depicting cannibal feasts, including those authored by Jean de Léry, Hans Staden

and André Thevet. To varying degrees, these images and texts emphasised the alterity of Brazil’s indigenous inhabitants. Their subordinate status in nature’s hierarchy of human populations was assumed. ‘They are fierce and savage people far removed from any courtesy or humanity and quite different from us in their way of life and upbringing.’ Nicholas Durand de Villegagnon, leader of a failed French effort to establish a Huguenot colony at Rio de Janeiro, wrote to John Calvin. ‘It even entered my thoughts whether we had fallen among beasts wearing a human aspect.’ Many commentators considered the coastal Indians outside of nature, aberrant and bestial inhabitants of a hellish Torrid Zone, fatally corrupted by their environment and deserving of enslavement because of their supposed inhuman cruelty.¹³

Encountering semi-sedentary peoples who did not produce agricultural surpluses, lived in impermanent villages and possessed no treasure in gold or silver, the Portuguese devised practicable, non-military means to extract wealth from their tropical colony. Few in number and overwhelmingly male, the first colonists mixed extensively with the coastal Tupi-Guarani Indians. Among the most famous of these individuals, Diogo Álvares, renamed ‘Caramuru’ (Eel) by the natives he befriended, fathered children with various women, married a chief’s daughter, mastered the Tupi language and became a valued intermediary sought out by Portuguese traders and planters. The children born of these liaisons became the colony’s first biracial mestizos or mamelucos (from the Arabic mamluk, meaning ‘slave soldier’), as the offspring of Europeans and Indians were called. For the first half of the sixteenth century, such alliance-building through kinship and barter predominated, essential for the production of the first profitable export commodity, Brazil wood (Caesalpinia echinata), a dyewood cut from the forests, hauled to the shore and loaded aboard ships by native labourers in exchange for European cloth, tools and other goods.\(^\text{14}\)

Given their long experience enslaving blacks, the Portuguese were quick to connect indigenous alterity with skin colour, and skin colour with the suitability for enslavement, especially as export agriculture expanded after the 1530s. Taking stock of the social structure emerging in the north-eastern sugar plantation complex as it came to depend on Amerindian labour, one early chronicler observed, albeit with evident exaggeration, ‘there was no white man, however poor . . . who did not have twenty or thirty of those negros that serve him as slaves, and the rich had whole villages’.\(^\text{15}\) Early settlers commonly referred to the natives as negros da terra (native blacks). The descriptors differentiated them by their place of origin from negros da Guiné (African blacks), also called pretos (another term for black), but it simultaneously linked both populations to slavery as a consequence of their inherited physical traits. The connection was further fortified by an alternative practice established long before the Portuguese reached the Americas of describing sub-Saharan Africans as Indians or índios. And both were demeaned as gentios (heathens), people outside the normative world of the Catholic Church.

\(^{14}\) Metcalf, Go-Betweens, p. 95, n. 16; Alexander Marchant, From Barter to Slavery: The Economic Relations of Portuguese and Indians in the Settlement of Brazil, 1500–1580 (Baltimore, MD: Johns Hopkins University Press, 1942; Gloucester, MA: Peter Smith, 1966).

More aggressive means of disciplining workers proved necessary as sugar cultivation accelerated, with its voracious appetite for land and labour. Arriving in the colony in 1549, assisted by Caramuru’s diplomacy, Brazil’s first governor, Tomé de Sousa, established his seat of authority on the fertile north-eastern shores of the Bay of All Saints. Salvador, the city that flourished at the site, would serve as the colonial capital until 1763. Sousa carried orders emblematic of a bifurcation that characterised Portuguese indigenous policy throughout the colonial period. King João III (r. 1521–57) commanded him to ‘treat all who are peaceful well, favour them always, and do not consent to any oppression or insult being done to them’. In this way, the king hoped to curtail slaving operations targeting Indians, which he acknowledged explained mounting hostilities. For those natives who failed to accept ‘subjection and vassalage’, however, the king demanded punishment, to be effected by ‘destroying their villages and settlements, and killing and enslaving whatever part of them you consider sufficient to act as a punishment and an example to them all’. Even if they sued for peace, headmen implicated in uprisings against the Portuguese were to be executed in their villages as a vivid warning to potential rebels.\footnote{Quoted in Hemming, \textit{Red Gold}, pp. 79–80. See also Beatriz Perrone-Moisés, ‘Índios livres e índios escravos: Os princípios da legislação indigenista do período colonial (séculos XVI a XVIII’}, in Manuela Carneiro da Cunha (ed.), \textit{História dos índios no Brasil} (São Paulo: Companhia das Letras, FAPESP/SMC, 1992), pp. 115–32.}

The didactic imperative here was unmistakable. Settlers were to rein in their depredations, except in cases in which the crown instructed them that such actions were permissible. Simultaneously, through exemplary violence, Indians were to be taught a lesson about subordination. In the process, benevolent intentions and instances of cooperation could be hailed alongside official support for ruthless retaliation.

The Jesuit missionaries who accompanied Sousa to Brazil questioned the practice of Indian slavery more forcefully than secular officials. Yet they accepted the forced labour of natives taken captive in ‘just wars’ based on medieval theological precedents. The difficulty of drawing a clear line between justifiable and illegitimate forms of warfare and slavery became evident almost immediately. In 1556, for instance, the first bishop of Brazil, Pedro Fernandes Sardinha, was cannibalised by the Caeté Indians. Called back to Lisbon to answer for his criticism of the Jesuits, Sardinha met his fate, together with more than a hundred crew members and passengers, after his ship ran aground north of Salvador. The atrocity led Brazil’s third governor Mem de Sá to proclaim a just war against the perpetrators, unleashing an
assault by settlers that decimated the Caeté and other groups, including many living in Jesuit missions who had nothing to do with the bishop’s demise.¹⁷

Both a lawyer and a military man, Mem de Sá personified the two faces of royal indigenous policy: a legalistic insistence on humane treatment for those who converted to Christianity and laboured in the plantation economy, and a merciless determination to punish those who did not. He considered military action a necessary corrective for the recalcitrant. Personally leading multiple campaigns against those who resisted submission, he set out ‘to subjugate them and make them appreciate the only path by which they can arrive at an understanding of the Creator,’ as one Jesuit approvingly wrote. The fear he instilled left natives more ‘able to hear the word of God’.¹⁸ An account of a night-time ambush the governor led against the Tupinikin south of Salvador explained his tactics for achieving the change of heart he sought: ‘When those wild savages considered themselves most secure, our men charged in and fell upon them, beheading, wounding, and throwing to the ground every living being, men, women and children.’ The account continued, ‘The forests burned for many leagues and the night was turned into clear day...Following trails of blood, parents found their children, husbands their wives.’¹⁹ According to his rationale, educative violence made humane treatment possible.

At first wary of such logic, the Jesuits eventually came to embrace it as they grew frustrated with the slow pace of evangelism. They supported just war declarations, even while they maintained that persuasion was the preferred method to re-educate Indians. The eloquent sermons and letters they drafted reassured elites that everything possible was being done to establish the colony on humane footings. This was especially true after they prevailed on the crown to ban the practice of enslaving Indians. King Sebastião (r. 1557–78) declared it illegal in 1570. His proclamation denounced the expanding use of ‘heathen’ slaves as morally and socially corrosive, and contrary to the service of God and the monarchy. Yet the just war loophole remained. Crown-sanctioned military and paramilitary operations continued to support the capture and enslavement of indigenous groups deemed intractable. Their enslavement, laden with associations of insuperable inferiority given their status as negros da terra, remained widespread. As a result, in the most

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¹⁷ Hemming, Red Gold, pp. 82, 147–8.
dynamic north-eastern plantation zones the coastal indigenous population collapsed by the end of the century, hastened by a combination of conquest, oppressive labour demands and deadly epidemics.20

From the onset of Portuguese colonisation in Brazil, in sum, crown and church not only sanctioned but effectively taught violence as a means to contain the perceived threat of human difference while speeding the consolidation of imperial rule. Laws, edicts, sermons, episcopal dispatches and other pronouncements and communiques counselled settlers to limit warfare against the coastal native population when less coercive means could achieve the same ends. Yet officials continuously authorised military and paramilitary conquest as necessary and just in asserting their European, Christian primacy. The enslavement of Indians survived, ensuring that the bloodshed visited upon those who resisted in the forests metamorphosed into the brutality imposed on those who succumbed on the plantations. Amid a discourse of temperance and toleration, violence flourished as an instructional tool. As first or last resort, it conveyed the lessons of subordination thought necessary to make the colony productive and profitable while contributing to the rapid decline of native populations. Increasingly, colonists turned to Africa, whose denizens the Portuguese had long since cast as less than fully human.

Relations with Peoples of African Descent

In the destructive process of compelling native peoples to work in the sugar export economy, the Portuguese drew on notions of religious and racial difference borrowed from their long experience in Africa. Conversely, by the time enslaved Africans became Brazil’s primary plantation labour force, planters and their allies in the royal and ecclesiastical administration could invoke models of colonial violence perfected for decades in their assault on coastal Indians. The bucolic world of the plantation described by Freyre exaggerated the power of paternalism to mitigate the cruelty at the heart of slavery. Proponents of Brazil’s myth of racial harmony gauged the existence of multiple forms of inter-ethnic accommodation by the proliferation of racially mixed progeny. But meticagem never negated the power of coercion. In practice, coercion quickened such cooperation as slaves were taught to dread the consequences of resistance. No less than in indigenous slavery,

racialised violence served its grim pedagogical purpose in the shift to African slavery, as survivors of the middle passage arrived in accelerating numbers.

As noted, attitudes and actions drew on African precedents. A chronicler of a 1444 encounter between Portuguese and West Africans in Lagos had no qualms categorising slaves by their skin colour and disparaging them according to their relative blackness. He marvelled at an assemblage of captives: ‘among them were some who were reasonably white, handsome, and genteel; others, not so white, who were like mulattoes; others as black as Ethiopians, so deformed both in their faces and bodies that it seemed to those who guarded them that they were gazing upon images of the lowest hemisphere’.21 Such preconceptions crossed the Atlantic as swiftly as the officials, sailors, merchants and planters destined for Portuguese America, with its ideal climatic and soil conditions. For a full century, between 1580 and 1680, the colony was the world’s leading exporter of sugar. By the middle of the sixteenth century it became the primary destination for slaves shipped

across the Atlantic, and by the end of the seventeenth century it had received more than 800,000 captive Africans, nearly half of all the slaves transported across the Atlantic. Over its entire colonial period, just over four of every ten slaves departing Africa headed for Brazil. Of these, according to the best estimates, 4.4 million left African shores, some 3.9 million surviving to disembark in Brazilian ports.22

As the numerical gap between departures and arrivals makes clear, the death toll could be shattering; yet those who survived did so in such numbers that they Africanised the colony, with its comparatively small Portuguese population. Arriving yearly by the thousands, they exceeded the capacity of clergymen to convert them. They influenced not only popular religion but also foodways, healing practices and many other beliefs and customs, as well as virtually all social conventions and configurations. As with native relations, practical adjustments to the challenges of assembling an Afro-Brazilian labour force were later misconstrued as indicators of colonists’ comparatively humane conduct. But despite a receptiveness among some to African cultural influences, violence continued to play a major role. It is worth noting, moreover, that the era’s standard of humane conduct regarding slaves angled decidedly towards behaviour later defined as callous. A planter in the northeastern captaincy of Pernambuco, for example, tutored his senior administrator to avoid beating slaves with sticks, rocks and bricks; rather, ‘they should be tied to an oxcart and punished with a whip, and after being well-lashed, they should be cut with a razor or knife and then treated with salt, lemon juice, and urine and then placed for some days in chains’. Unlike slaves, he counselled, oxen ‘that work one day’ should ‘not work the next’.23

Although an earlier generation of historians credited the Roman Catholic Church with fostering a comparatively compassionate slavery in Brazil, subsequent research has left this argument unsustainable. The church rarely wavered in its support for the enslavement of Africans and their descendants. Brazilian clergymen viewed their bondage as a desirable alternative to the abuses inherent in Amerindian slavery. Priests frequently became slaveholders themselves. A number of clerics did set out to instruct the colonial populace, both masters and slaves, on the role of piety in a society dependent on forced labour. They generally limited their critiques of the plantation

system to the unjust treatment of slaves, not to the injustice of slavery. The most vociferous critic, the famed Jesuit missionary, orator and statesman António Vieira, adhered to this logic, admonishing slaveholders to be prudent in meting out corporal punishment. They should guard against their own perdition by treating their captives compassionately. Grandson of an Afro-Portuguese serving-woman, Vieira was atypical in questioning the physio-racial basis for slavery. He rejected the widespread belief that Africans suffered from physical, mental and moral deficiencies as a consequence of being born closer to the sun. ‘An Ethiopian [black African] if washed in the waters of the Zaire [Congo River] is clean but not white; but if washed in the water of baptism, he is both one thing and the other,’ Vieira declared in a celebrated 1662 Epiphany sermon delivered to the Portuguese monarch.24 Spiritual whitening achieved through conversion, however, did not portend Africans’ liberation in this world. Justice would be theirs in heaven, earned through obedience, he preached.

With its emphasis on logical exercise, submission to authority and hierarchical certitude, Vieira’s message constitutes a study in baroque theology. Most telling for our purposes is his pedagogy. He drew on scripture, classical myth and history to guide his listeners to a view of their condition that must have struck many as challenging if not preposterous. ‘Black brothers,’ he explained in another sermon delivered to the members of a Bahian Catholic confraternity, ‘the slavery you suffer, however hard and grinding it may be, or seems to be to you, is not total slavery’, since slaves’ souls remained free. He urged them to ‘adapt’ to this bodily bondage in order to ‘take advantage’ of their servitude. When unjustly punished, they should ‘suffer it bravely and with a Christian spirit, since these punishments are martyrdoms’, instances of God’s providence, bestowed so that through ‘temporal captivity you may more easily acquire eternal freedom’. By this formulation, masters must be instructed on how to fairly mete out violence; slaves, on how to accede to it. For the Afro-Brazilian slave, redemption came from faith in God, Christ-like acceptance of suffering, and surrender to a master’s just punishment.25


By necessity, given the size of Brazil’s enslaved population, an uncommon degree of flexibility characterised its forced labour regime. Reliance on slaves defined not only large plantations and, by the eighteenth century, gold and diamond mining operations, but also virtually every other labour-intensive activity, including food production, artisanal production, commerce, transport, construction and domestic service. The threat of corporal punishment loomed in all these activities. As a rule, however, overseers administered whippings and other forms of bodily and psychological abuse most frequently to slaves occupied in tasks requiring the greatest physical effort and the least skill. Particularly vulnerable were those employed at large plantations and mines dependent on routinised gang labour. In myriad skilled and semi-skilled activities, masters moderated their use of violence, integrating it into a spectrum of positive and negative incentives.²⁶

Force administered in tandem with these incentives combined to provide the ultimate didactic tool, teaching slaves to conform, at least as a strategy of survival if not as an act of submission. The Italian Jesuit André João Antonil, who sailed for Brazil in 1681, captured this calculus as incisively as any observer: ‘If the planter treats the slaves like a father, giving them what they need to sustain and clothe themselves and some needful respite from work, he can subsequently treat them like a master. They will not then object to being punished rightly but mercifully for the misdeeds they have committed.’ In turn, slaves learned how to persuade masters ‘not to punish them by promising to behave better’. A seventeenth-century slaveholder’s adage put things more starkly: ‘Whoever wants to profit from his blacks must maintain them, make them work well, and beat them even better; without this one gets no service or gain whatsoever.’²⁷ Whipping, beating, branding, confining with chains and stocks, mutilation, rape and child abuse, amid back-breaking toil and the withholding of adequate food, clothing, shelter and medical care, stood at one end of the spectrum.²⁸ Increased rations and alcohol, release from forced work to cultivate garden plots or participate in religious festivities, permission to form families and tend to needy loved

²⁶ Klein and Luna, Slavery in Brazil, p. 119; Schwartz, Sugar Plantations, pp. 133–9, 155–9.
ones, opportunities to earn money and in some cases even pronounced autonomy for weeks at a time beckoned at the other end. Mostly female food marketers and mostly male itinerant miners, for example, often operated on their own recognisance, providing for their own sustenance and shelter. Their masters required them merely to deliver a portion of their earnings on a regular basis. Yet every positive incentive could be withdrawn. Every opportunity for greater freedom, if abused according to the master’s estimation, presented the risk of physical punishment and psychic torment. Every reward for good behaviour was a threat thinly disguised.

A crude ethno-racial classificatory scheme overlaid occupational distinctions. In their comparatively skilled positions, Brazilian-born slaves, particularly those of mixed European and African origins with lighter skin, could anticipate in exchange for compliant behaviour less punishing work assignments and less exposure to bodily abuse. They were also the most likely, particularly females and their children, to benefit from the most enticing of incentives, the remote but real possibility of self-purchase. The institutionalised practice of manumission made the colony home to the largest number of free black and coloured people of African descent outside of Africa. Dripping with prejudice, Antonil diagnosed the effects of this systemic flexibility, stating the common conviction that those with lighter skin frequently gained the upper hand.
Mulattoes, ‘both male and female’, he wrote, ‘are usually luckier than anyone else in Brazil. For, thanks to that portion of white blood in their veins – which is perhaps derived from their own masters, they bewitch these to such an extent that some masters will put up with anything from them, and forgive them any excess.’29 Later notions of benign colonialism, it is worth remembering, hinged on such racist inversions with their sexual innuendo.

Even more than birthplace, colour appears to have determined the position of slaves in the plantation occupational order. Data from Bahian sugar plantations show blacks far outnumbering lighter-skinned mulattoes in the captive workforce. Mulattoes were more than twice as likely to be assigned managerial, artisanal and household jobs, while blacks more commonly laboured in the fields, where slaves suffered the most persistent application of corporal punishment.30 Nor did the burdens associated with race relent if a slave gained his or her freedom. Data analysed for multiple colonial regions show that slaves born in Brazil (therefore, more likely to have lighter skin) experienced rates of manumission at least double that of African-born slaves. Women and children predominated among the manumitted, which prompted commentators from Antonil to Freyre to posit the amorous power such women held over their masters. Contemporary scholars, by contrast, emphasise the patriarchal domination evidenced by this gender disparity. While the rapid growth of a free coloured population over the course of the colonial period was traditionally cited in support of the myth of racial tolerance, those who gained their emancipation continued to suffer from caste and colour discrimination. Adding to the complexity of colonial society, a small but significant minority of slaveholders in virtually every region of the colony were themselves free persons of colour, especially small farmers and artisans. As a group and as individuals, they held far fewer slaves than their white counterparts, who denigrated them.31 Such ownership was the surest marker of freedom secured. It also serves as a reminder that slavery’s multidimensional history, and its associated violence, cannot be understood through the prism of race alone.

By the eighteenth century, when many scholars argue that racism as we know it first emerged in the Atlantic world in tandem with

29 Antonil, Brazil at the Dawn, p. 40. 30 Schwartz, Sugar Plantations, pp. 142, 152.
Enlightenment classificatory biology, the mature Brazilian slave system was firmly rooted in oppressive methods long based on its workforce’s origin and colour. Cruelty spread fear among blacks and sometimes prompted rebellion, flight, suicide, legal action and other acts of resistance. But violence also regulated the system as a didactic apparatus, more or less crudely honed. Manoel Ribeiro Rocha, a Portuguese priest and lawyer resident in Bahia, insisted that ‘for the punishment of slaves to be pious and conform with our religion and Christianity, it must be administered with prudence’, at the right time, for the right reasons, in the right form, and to a proper degree. It should be applied not in ‘anger and rage but rather with mildness and benevolence’. Otherwise, the master risked provoking the ire of his slaves and obscuring the lessons he wished to convey. Like children, slaves required calibrated, exemplary punishment to be properly educated.32 Silvia Lara describes Rocha’s proposals as the epitome of a ‘veritable science of domination’ with which elites refined corporal punishment into an ‘instrument of instruction, discipline, and correction’.33 Although Rocha evinced more concern for blacks than many of his fellow literati, he nonetheless maintained they were mentally inferior and prone to aggression as a by-product of their colour and origin. To prepare for their potential freedom, they required dedicated, punitive training from their owners.34 Applied methodically, he averred, corporal punishment served as a mechanism of humane reeducation.

Racial Violence and the End of Colonial Rule

The final century of colonial rule preceding Brazil’s independence from Portugal in 1822 brought a further acceleration of the slave trade, as captive workers poured in from west central Africa, the Bight of Biafra, the Bight of Benin and south-east Africa. The discovery of massive gold and diamond deposits yielded a bonanza in the south-eastern inland captaincy of Minas Gerais. There, traders and merchants assembled what became the colony’s single largest regional enslaved workforce. Gold rushes also flared farther to

the west. The Portuguese Crown redoubled its efforts to settle Brazil’s southern borderlands and colonise its northern Amazonian expanses. Following a period of decline provoked by Caribbean competition, a revitalisation of coastal agricultural production further fuelled this economic expansion. Scholars interested in the racial violence associated with this period have concentrated on peoples of African descent. However, inland expansion also entailed new threats to indigenous peoples. The same logic that justified violence against Africans deemed unfit for freedom similarly singled out still autonomous hunter-gatherers as fatally unequipped for an existence untutored by white European Christians. When native groups resisted conquest, as they often did, authorities sanctioned extreme countermeasures.

One such case unfolded as the colonial period assumed its final form in 1808, when the ageing Queen Maria I, her son Prince Regent João, and thousands of members of the royal court took up residence in Brazil after fleeing Napoleon’s invasion of Portugal. One of the prince regent’s initial decrees harked back to the earliest days of the Portuguese presence in the tropical colony. Determined to incorporate the vast forested territory that separated the three major nodes of colonial settlement – Bahia, Minas Gerais and Rio de Janeiro – he declared war on the semi-nomadic Botocudo Indians. Denouncing them as cannibals, he invoked the time-worn principle of just war, pledging a military offensive that would not cease until the Indians, ‘moved by just terror’, learned to submit to the rule of law, accepting life as settled Christian vassals.35

On the eve of independence, in the realms of both indigenous and Afro-Brazilian relations, alterity, violence and pedagogy stood firmly linked. This tripartite reckoning remained indispensable, white elites reasoned, if they were to forge a harmonious society that preserved the just privileges of their class and race. Their creed, although challenged from below by those it forcibly subordinated, shaped the future of the new nation born in 1822, a nation destined to maintain legalised slavery until 1888, longer than anywhere else in the Americas. With its attendant naturalisation and thus effacement of a violent past, it echoed in the ideology of racial harmony that would come to dominate Brazilian social thought in the twentieth century.

Bibliographic Essay


With few exceptions, only over the last generation have historians of Portuguese America taken up the challenge of studying indigenous peoples, a pursuit formerly consigned to anthropologists. Recent production has done much to fill this lacuna. For English-language overviews, see John Hemming, *Red Gold: The Conquest of the Brazilian Indians, 1500–1760* (Cambridge, MA: Harvard University Press, 1977); Frank Salomon and Stuart B. Schwartz (eds.), *The Cambridge History of the Native Peoples of the Americas*, vol. 111, South America (Cambridge: Cambridge University Press, 1999); and Hal Langfur (ed.), *Native Brazil: Beyond the Convert and the Cannibal, 1500–1889* (Albuquerque: University of New Mexico Press, 2014).


For an English-language entry point to the rich historiography of Afro-Brazilian slavery, see Herbert S. Klein and Francisco Vidal Luna, *Slavery in Brazil* (Cambridge: Cambridge
Pierre Belon, the sixteenth-century French naturalist, wrote ‘the Turks force nobody to live according to the Turkish way, but all Christians are allowed to follow their own law. This is precisely what has supported the power of the Turk; because when he conquers a country, he is satisfied if it obeys and once he receives the taxes he doesn’t care about the souls.’¹ Belon’s comments, along with those of countless other Europeans, are an important reason why the Western association of the Ottomans with religious tolerance has proved so remarkably enduring. Certainly the current leadership of Turkey is well aware of it and, in our multicultural age, is happy to exploit this aspect of the empire as a source of pride for Turks today. In 2009 the then minister for European affairs, Egeman Bağış, told a reporter with the New York Times: ‘The Ottoman Empire conquered two thirds of the world but did not force anyone to change their language or their religion at a time when minorities elsewhere were being oppressed. Turks can be proud of that legacy.’²

Such a depiction of the sultan’s domains of course bears directly on questions of religiously motivated violence in the early modern Ottoman world. One would expect to see very little of it and, indeed, the remarkable diversity of the empire from beginning to end – religious, ethnic and linguistic – owes a good deal to imperial traditions of governance. No one would deny that the Ottoman disinclination to forcibly convert non-Muslims is the primary reason why the Balkans remained majority Christian through the long period of Ottoman rule, which stretched from the fourteenth century to the early twentieth century.

¹ Quoted in Maria Todorova, *Imagining the Balkans* (New York: Oxford University Press, 1997), p. 74. And, Todorova writes, ‘While such impressions have been instrumental in creating the widespread notion of Muslim tolerance, it needs to be emphasized that they were conceived at the peak of religious intolerance in Europe, particularly France, and therefore should be properly contextualized.’
Nevertheless, Ottoman historians today are less satisfied than they used to be with Belon’s depiction. The reasons for this are fourfold. First, Belon’s explanation for Ottoman tolerance is indifference: ‘when he conquers a country, he is satisfied if it obeys and once he receives the taxes he doesn’t care about the souls’. The idea of the Ottomans as ideologically indifferent to matters of religion has a long pedigree among Ottoman historians as well. Cemal Kafadar nicely articulates such thinking when he describes how the Ottomans have been seen as the Romans of the Muslim world:

The Ottomans, like the Romans, gained a reputation as better administrators and warriors, even if less subtle minds, than the former representatives of their civilizations; they possessed less taste for philosophical finesse perhaps but had greater success in creating and deploying technologies of power.3

Today, it is clear that the Ottomans were far more invested in their subjects’ souls than was previously thought and historians no longer assume that indifference was the default assumption of the authorities. Whether a more religiously engaged elite translated into more religious violence in the empire is a question we will consider below.

Second, there was religious persecution in the empire but it most commonly targeted Muslims rather than non-Muslims. Western Europeans tended to focus on Ottoman Christians and Jews and thus often overlooked this fact. Until recently, so did Ottoman historians.

Then there is the question of periodisation. The empire lasted a long time – over six hundred years – and it does not make sense that state policy would be unwavering over such a long period.4 This chapter will concentrate on what is known as the classical period, roughly 1300 to 1800, and will not delve into the empire’s final century, a time of increasing and, in the end, catastrophic, violence. The arrival of nationalism, an ambitious programme of state reforms and increasing European intervention in its affairs all contributed to creating a situation quite different from the previous half millennium.

Finally, Ottoman historians are now careful to point out that tolerance in and of itself was never valued, neither by the sultans in Istanbul nor by their subjects. Instead, it was a governing strategy and there were others – persecution, assimilation, conversion and expulsion – that the state could and did use.5

Ottoman historiography has always privileged the state, a tradition of which today’s historians of the empire are very aware and which they are trying to remedy. Therefore, this chapter will also consider the place of religious violence within Ottoman society, to the extent that existing studies and extant sources allow us to do so.

Religion, Statecraft and Conquest, circa 1400–1600

The Ottomans emerged from the competing Turkish emirates of medieval Anatolia, and it was they who prevailed and who put an end to the thousand-year existence of the Byzantine Empire in 1453. Given the defeat of a Christian empire by a Muslim foe, the most obvious place to look for religious violence would be the slaughter of Christians as Christians and the forced conversion of those who remained. The Ottomans did not pursue such a policy, not in 1453 and rarely in the centuries that followed. This is not to say that the conquests themselves, first in the Balkans, then closing in on the Byzantine capital of Constantinople, were not violent. They were, although it was also the case that many populations – most notably the ancient monastic complexes in northern Greece known as Mount Athos – chose to surrender in advance and thus to spare themselves destruction. And of course some individual fighters were certainly motivated by religious passions, but alongside the Muslims fighting a jihad or a gaza there were large numbers of Christian troops as well, from vassal troops to high-ranking Christians, who were partners in the Ottoman endeavour.

Conversions from Christianity to Islam in the Balkans did happen, but gradually, and for a variety of reasons. The Ottoman army was clearly a melting pot and the Christians fighting alongside Muslim soldiers did convert. Little is known about the details of this process but it certainly happened, since by the sixteenth century a regular Ottoman soldier who was a Christian was seen as an anomaly that could not be tolerated. Even prior to that, a recent study has cautioned against assumptions of an easy mix among Muslim, Christian and convert soldiers, facilitated by Ottoman tendencies towards latitudinarianism and syncretism. Hagiographies of fighter saints from the time celebrate violence against Christians, such as the spearing of 400 Christian monks or turning an infidel on a spit. These narratives – which could in fact have been produced by the converts themselves as a way of

proving their loyalty – were not intended to exclude Christians or converts from the fighting forces. What they were intended to do was to remind the sultan and other Ottoman elites that it was loyal and zealous Muslims who were, who must be, at the centre of the Ottoman polity, and this at a time when widespread incorporation of Christians into the empire was causing considerable anxiety.\(^7\)

Over the course of the sixteenth century most cities in the Balkans became majority Muslim, in part due to Muslim immigration from Anatolia and in part due to Christian conversion. These conversions were the result of some combination of urbanisation (Christian converts tended to be new arrivals to the city), social pressure and the high prestige that the conquering religion enjoyed. However, although it is impossible to know the exact mix of motivations, forced conversion by the state was not a factor.

Let us turn now to the issue of persecution of Muslims within the empire. The conquest of Constantinople, now Istanbul, was of course a monumental step in Ottoman history, but it has not traditionally been seen as consequential in terms of state policy towards those seen as heterodox Muslims. That would come later, at the beginning of the sixteenth century, with the rise of Safavid power in Persia. Unlike the Mamluks in Egypt, who were the Ottomans’ political rivals, the Safavids were both a political and a religious threat. This was because they adopted Shi’a Islam and appealed to the restless Turcoman populations of eastern Anatolia on that basis.

The first pro-Safavid uprising in eastern Anatolia occurred in 1511 and is known as the Şahkulu rebellion, after one of the rebellion’s leaders.\(^8\) An Ottoman army was sent after the rebels, with limited results (although Şahkulu was killed), but in 1514 the Ottomans, under Selim I, decisively defeated the Safavids at the Battle of Chaldiran, on the border between today’s Turkey and Iran. Despite this military victory, the Ottomans were now determined to wipe out the Safavids’ followers – known derisively as the kızılbaş or redheads, after the red headgear they wore – within the empire. Campaigns of persecution were carried out throughout the sixteenth century across a wide stretch of territory including not only in eastern Anatolia but also Iraq and even Yemen. A report from Ayntab (today’s Gaziantep) in 1570 is typical. Officials there notified the sultan

\(^7\) Krstić, *Contested Conversions*, esp. ch. 2.

\(^8\) This was the name he adopted. Its meaning, ‘slave of the shah’, is a reference to Shah Ismail, the Safavid leader at the time.
that they had arrested a certain ‘Mehmed’ who had cursed the caliphs, a heretical act. His execution was ordered.9

In the past the Ottoman persecution of the kızılbaş was seen as a localised and historically particular exception to the norm of imperial toleration, little more than security measures adopted in the face of an imminent Saflavid threat directed against Ottoman domains. Now some historians are suggesting that it may well have been part of something larger, namely part of a lengthy and determined project on the part of state authorities to make the empire, and its Muslim subjects, a properly Sunni Muslim polity.10 Casting doubt on earlier ideas of Ottoman indifference to religious matters, there is now a great deal of evidence that the Ottomans pursued a policy of ‘Sunnitisation’.11 Moreover, the records also show that such measures began long before the rise of the Safavids and, though they intensified as a result of the threat from the east, cannot be seen solely as a response to external factors. Already in the waning years of the reign of Mehmet II (1451–81), the sultan appointed an official called a namazci, whose task it was to punish (typically with a fine) those who failed to observe the five daily prayers.12 Later on, in 1530, a ferman (sultanic decree) was sent out to every corner of the empire, commanding the construction of mosques in villages that did not have them.13

The list of measures taken is longer than this. What interests us is whether Sunnitisation involved violence. There is limited evidence from the sixteenth century that suggests that, in the main, it did not. Another imperial decree, this one from the second half of the sixteenth century, ruled that it was no longer sufficient to fine people for missing prayers; if they persisted in their dereliction, imprisonment and even capital punishment could be imposed, but we do not know the extent to which this was implemented.14 If, on the other hand, the persecution of the kızılbaş was part of a programme for enforcing religious orthodoxy, then it seems that the Ottomans were more willing to use violence in pursuit of religious ends than was previously

12 Ibid., 313.
thought. Evidence for a possible (partial) decoupling of Ottoman policy towards the kızılbaş from the Safavid threat comes from the fact that, as recent research has revealed, surveillance of the community started before the Şahkulu revolt began and continued long after the revolts subsided. In addition, the documents show that accusations of being kızılbaş – due to various infractions, such as failure to observe Ramadan – were sometimes launched against individuals by their neighbours and even their family members. This suggests that official policies for enforcing religious orthodoxy were embraced by at least some members of society.15

Policing the Boundaries of Orthodoxy in the Seventeenth Century

There is no doubt, however, that religious violence was on much fuller display in the seventeenth century, in the form of a group known as the Kadizadeli. Named after the fiery mosque preacher Kadizade Mehmet, who burst on the scene in Istanbul around 1630 and electrified his audiences, the target was, once again, other Muslims. The Kadizadeli, who preached from the pulpits of the most prestigious mosques in Istanbul, were particularly fierce in their critique of the Sufis, whose religiosity was deeply marked by mystical practices – such as singing, chanting, whirling and dancing – which were intended to bring the individual adherent closer to God.16 Sufism was widely practised in the empire and was deeply embedded in the Ottoman elite. Select Sufi lodges, or orders, enjoyed the generous patronage of the palace and many members of the ulema – the scholarly class, or clerics, who interpreted Islamic law and served the sultan in many capacities – were Sufis themselves. The Kadizadeli also denounced the use of coffee, tobacco and opium as un-Islamic innovations. All of this came under threat in the course of the seventeenth century, particularly in three discrete waves of violence.

Urged on by Kadizade Mehmet, his followers denounced and beat individual Sufi masters and vandalised their lodges. Sultan Murat IV, whose qualified support for the preacher allowed these attacks to take place, shut down and destroyed taverns and coffee houses and had hundreds executed for defying his ban on tobacco. The sultan’s interest in law and order created a limited common front with the Kadizadeli, although the sultan and the palace refused to cut their ties with the Sufi orders.

15 Karkaya-Stump, Kızılbaş-Alevis, p. 21.
In the next decade or so official tolerance of Kadizadeli violence waxed and waned. In 1651 the grand vizier, the sultan’s chief minister, ordered the destruction of a Sufi lodge and the Kadizadeli carried it out; they now claimed the right to not only attack Sufi brethren but also ordinary visitors to the lodges as well. Once apprehended, people would be given a choice between renewing their faith or death. But in 1656 the Kadizadeli moral crusade was brought to a halt with the appointment of Köprülü Mehmet as grand vizier. He did not appreciate their vigilante justice and exiled the movement’s leaders to Cyprus. But just a few years later a more sympathetic grand vizier (the son of Köprülü Mehmed) permitted a final wave of Kadizadeli violence. Once again Sufis were denounced from the pulpits of Istanbul’s mosques and even the richest lodge in the city – the Mevlevi lodge in Galata – had to comply with the new ban on the public performance of Sufi dances and rituals. The drive for purity at home was associated with the fight against enemy infidels abroad, and this partly explains the movement’s rise and fall. So, for example, the leader of the movement in its final stages, the preacher Vani Mehmet, was one of the strongest proponents of the campaign against the Habsburgs. The disaster of the second failed siege of Vienna (1683) put an end to his influence and the movement never recovered.

If the persecution of the kızılbaş has until recently been considered an exception in Ottoman history, the Kadizadeli movement has been interpreted in the light of debates within Islam dating back to the time of the Prophet; with reliable regularity, a fundamentalist movement such as the Kadizadeli would erupt. Recently, an argument that pays more attention to the Ottoman context has emerged. The Kadizadeli were part and parcel of the much longer process of the Sunnitisation of the empire. Throughout the sixteenth century the Ottoman state worked hard to inculcate the tenets of Sunni Islam in their Muslim subjects. In addition to the programme of mosque building and other top-down initiatives discussed earlier, literacy in Islam and its tenets was making real inroads into all levels of society, in part because literacy itself was rising. Reading had spread to such an extent, and well beyond the scholarly class, that the elites worried about ordinary people reading on their own, without guidance from a teacher.

The state’s efforts to control religious education and promote Sunni values had the unintended effect of opening up debates about what constituted

correct Islamic behaviour and the relationship between belief, orthodoxy and the state.\textsuperscript{21} Whereas some scholars worried about the perils of unsupervised reading, others admonished the Kadizadelis for their fanaticism and threat to the social order. The historian Katib Çelebi wrote that they ‘must not spread extremist notions and so provoke the people and sow dissension among the community of Muhammed’.\textsuperscript{22} The Kadizadelis and their followers of course did not see it that way. The debates of the seventeenth century largely covered the same ground as those in the previous century, a testimony in and of itself to the success of the state’s efforts to promote learning. But the expansion of literacy meant that it was the non-elites who now took the lead in deciding who was and who was not a good Sunni Muslim. As has been shown, they were willing to use violence to enforce their vision. The Ottoman authorities vacillated in their willingness to condone popular violence, but their own efforts to define normative Sunni Islam helped pave the way for the upheavals that followed.

The story of the Kadizadeli is an Istanbul story, and this is worth underlining. Even as it is clear that a programme of Sunnification, including violence, was ongoing in the early modern period, it is also true that this effort did not extend beyond a few select urban centres. The empire was vast and in most places the sultan was willing to settle for obedience over orthodoxy. The Alawis in the mountains of northern Syria provide a good case in point. Historically viewed as a heterodox if not heretical sect by the Sunni majority, the Ottomans were certainly well aware of who they were. Tax registers reveal that they were subject to a special head tax, not unlike the Christian and Jewish subjects of the empire (although the tax had a different name). And court records show that, when state officials were angry with community leaders, they did not hesitate to hurl religious slurs at them. But they relied on local elites to collect taxes for the central state and these very same officials would grant tax farms to the Alawis they had previously insulted.\textsuperscript{23}

Even when it came to the dreaded kˇızılba¸s, the Ottomans largely stopped persecuting them after 1600, when large-scale rural disturbances in Anatolia – known as the Celali revolts – made social order and political stability the top

\textsuperscript{21} Terzioglu speaks of the ‘multiplication of the agents of Sunnification and the diversification of the interpretations of Sunni Islam among these agents’, ‘Ottoman Sunnification’, 319.
\textsuperscript{22} Zilfi, ‘Kadizadelis’, 251.
priority. As long as the populations in eastern Anatolia kept their religious preferences to themselves, the authorities turned a blind eye. They even purchased loyalty through the grants of positions and titles. Prominent families were recognised as seyyids (that is, descendants of the prophet) and given tax privileges.\textsuperscript{24} In sum, in most of the empire the Ottomans followed a policy of accommodation with local religious practice.

Nor did the effort to mould Sunni subjects and to establish the boundaries of orthodox Sunni values translate into violence for the sultan’s Christian or Jewish subjects. Even when the sultan increased the pressure on non-Muslims, he made it very clear that that was his prerogative as ruler of the empire; his Muslim subjects were not allowed to take matters into their own hands. The sultan was aware of the dangers of popular religious enthusiasm. Over the course of the sixteenth century, for example, several prominent churches were converted into mosques. Though these conversions were always met with great acclaim, the sultan was careful to contain and control the excitement. When the conversion of the patriarchal church of the Pammakaristos in Istanbul into the Fethiye mosque set off a particularly strong wave of fervour, the sultan was quick to send out an order forbidding any attempts to convert other churches into mosques across the empire.\textsuperscript{25}

The Kadizadel, as with all movements of Islamic reform within the empire, were concerned first and foremost with their fellow Muslims and had little to say about the empire’s Christians and Jews. The last wave of enthusiasm, in the 1660s and 1670s, was somewhat different. At Vani Mehmet’s urging, the ban on the sale and consumption of wine was now extended to non-Muslims. He also took strong exception to the tradition of communal prayers, when the city’s Muslims, Christians and Jews prayed together under their leaders. This was most common during incidents of the plague and when the army left for a military campaign.

It was also in this period, in 1660, that a huge fire, the worst the city had ever experienced, destroyed two-thirds of Istanbul. The fire or, rather, its aftermath, was also exceptional. In the past the city’s Christians and Jews had been allowed to rebuild their houses, their churches and their synagogues. This time, Islamic law against the building of non-Muslim religious buildings was strictly applied, particularly against the Jews. The commercial centre of the city was a heavily Jewish area; it was also the site of an unfinished mosque, whose construction had begun in the late sixteenth

\textsuperscript{24} Karkaya-Stump, Kizilbash-Alevis, p. 29.
century but had then been abandoned. The Valide Sultan, as the sultan’s mother was known, took the opportunity of the fire to begin anew the building of what would become the very imposing Valide Sultan mosque (now known as the New Mosque). Not only were Jews forbidden from rebuilding their homes and synagogues; they were forced to leave the area all together. The written records – from chronicles to various documents – make it very clear that the construction of the mosque was not only an affirmation of Islam, but was also a condemnation of the Jews. The endowment deed of the mosque reads, in part:

    By the decree of God the exalted, the fire of divine wrath turned all the neighbourhoods of the Jews upside down. The effect of the flames of the wrath of God made the homes and abodes belonging to that straying community resemble ashes. Every one of the Jewish households was turned into a fire temple full of sparks.26

These harsh policies against Christians and Jews were in part the result of Vani Mehmet’s insistence that the two communities were too visible in the capital city and needed to be cut down to size. His interests intersected with those of the grand vizier, Fazil Ahmet Pasha, and the powerful Valide Sultan; both sought to make political capital out of this religious enthusiasm. Palace intrigues stretching back over a decade had tarnished the image of the ruling elite, and the sultan’s armies were bogged down in a seemingly unending war in Crete.

The grand vizier and the Valide Sultan, however, were not only motivated by the desire to improve their popularity. Both of them, deeply entwined with the Kadizadeli movement, were committed to a personal renewal of their faith, and they eventually brought Sultan Mehmet IV (1648–87) along with them. The second half of the seventeenth century was a unique moment when the highest officials of the Ottoman state – led by the triumvirate of the sultan, Grand Vizier Fazil Ahmet Pasha and the Valide Sultan Hatice Turhan Sultan – pressured their Christian and Jewish subjects to convert to Islam.

The conversion of Rabbi Shabbatai Tzevi in 1666 was of course a spectacular event. Leader of one of the most fervent messianic movements in Jewish history, the Ottoman authorities ignored the rabbi for some years, but he was eventually arrested while on a ship en route to Istanbul. By that point, the sultan and his entourage were alarmed by the large and enthusiastic following he had acquired (in fact, such a large crowd gathered outside the

dungeon where he was being held in Istanbul that his jailers moved him out of the city).\textsuperscript{27} The rabbi was summoned to the sultan’s palace in Edirne where he was interrogated by none other than Vani Mehmet himself, in addition to the sultan. Given the choice between conversion or death, he chose conversion and emerged as Aziz Mehmet Efendi with a position in the palace.

Although Shabbatai Tzevi’s movement itself was an important moment in early modern history, with repercussions across the European and Mediterranean world, the rabbi’s forced conversion in front of the sultan was not that remarkable or surprising from the Ottoman point of view. Sultans were in the habit of co-opting rebels. Just one year later two other troublesome figures were summoned to the palace. Sheikh Seyyid Abdullah, a Kurdish dervish from south-eastern Anatolia, proclaimed that his son was a redeemer or rightly guided one, and started a rebellion. They too were questioned by Vani Mehmet, and once they renounced their claims the son was given a position as a gatekeeper in the palace (the same position, in fact, that had been given to Shabbatai Tzevi) while his father, the one who had actually raised an army against the sultan, was set up in a Sufi lodge in Istanbul.\textsuperscript{28}

But the story did not end with the rabbi’s conversion. Many of his followers converted as well, and both European and Jewish sources from the time describe how the newly converted rabbi strolled through the streets of Istanbul ‘with a large retinue of turban-wearing Jewish converts’ and went into synagogues trying to gain more followers.\textsuperscript{29} At the same time, the Valide Sultan – who just a few years previously had overseen the construction of the Valide Sultan mosque on the ruins of the old Jewish neighbourhood – then told the many Jewish members of the palace medical corps to either convert or lose their positions. The most eminent doctor in the palace, the privy physician Moses son of Raphael Abravanel, converted and became Hayatizade Mustafa Fevzi Efendi, and she was clearly successful at forcing conversion on others as well. At the beginning of the seventeenth century Jewish physicians in the palace outnumbered Muslims by three to one; by the end of the century there were seventeen Muslim physicians for every Jew and converts were far more prominent.\textsuperscript{30} This demonstrates the narrowing of the parameters for tolerance.

\textsuperscript{27} Ibid., 126. \textsuperscript{28} Ibid., 130. \textsuperscript{29} Ibid., 131. This community of converts acquired a distinct identity and came to be known as the Dönme. They survived until the very end of the empire and even into the modern Turkish state. \textsuperscript{30} Ibid., 133.
Sultan Mehmet IV had a conversion project of his own. In his case the stage was the forests of Rumelia, as the European provinces of the empire were known, and the converts were the sultan’s own Christian subjects, many of them ordinary peasants. Military campaigns into central Europe were traditionally launched from Rumelia and it was there too that Mehmet indulged his passion for the hunt. It has been a tradition to see Mehmet as a frivolous ruler because of the amount of time he spent hunting, but a recent study has revealed a more complicated picture; among other things, the sultan himself personally converted hundreds of Christians to Islam. As many as 35,000 peasants could be recruited to drive animals through a forest. The sultan, mobile and virile on horseback, like the Ottoman sultans of old, took these expeditions as an opportunity to also stage outdoor conversion ceremonies. One of Mehmet’s chroniclers describes how, in a place near the hunt, a cow was about to give birth: ‘Out of his royal compassion, his imperial majesty wished to assist that cow in giving birth, and so he had the cow’s drover brought into his presence.’ The sultan conversed with the drover and asked him if he was a Muslim. When he said no, he was a Christian, the sultan said, ‘Come, become a Muslim. Let me give you a means of livelihood and God will forgive all your sins. In the afterlife, you will go straight to Paradise.’ In the account, the peasant, not realising that it was the sultan speaking to him, refused. But when he was told that it was the sultan himself who was inviting him to Islam, he quickly converted and then, amazed, confessed that he had already been offered the faith in his dreams. Hundreds of accounts appear in the historical records from Mehmet’s reign: ‘one finds that converts appeared wherever the sultan hunted in Edirne, Istanbul and their environs’.

Although it is difficult to prove a direct causal link, it cannot be a coincidence that most cases of Christian martyrdom took place during the second half of the seventeenth century. In the space of just four years (between 1679 and 1683) seven people were executed on the charge of apostasy in Istanbul. Even though forcible conversion was not sanctioned by Islamic law, Christians could be pushed to convert, and if they refused

31 Ibid., 179. This is in addition to the Christians who were converted during festivities at the sultan’s court in Edirne (190).
32 Ibid., 186. 33 Ibid., 195.
34 E. Gara and G. Tzedopoulos, Χριστιανοί και μουσουλμανοί στην Οθωμανική Αυτοκρατορία: Θεσμικό πλαίσιο και κοινωνικές δυναμικές (Christians and Muslims in the Ottoman Empire: Institutional Framework and Social Dynamics) (Athens: SEAB, 2015), p. 216. In the literature they are called ‘neo-martyrs’ to distinguish them from the martyrs of early Christianity.
they could be executed. Christians could also be charged with apostasy; that is, of recanting Islam. A fascinating case of martyrdom from Istanbul in 1680 shows how this could come about, and it also reveals the paradoxes of imperial society during the age of the Kadizadeli. It was August and a goldsmith named Angelis and his friends were celebrating the feast of the assumption of the Virgin. The group of celebrants included both Christians and Muslims; the latter were recent converts to Islam. Carried away by the festivities, the friends decided to exchange outfits, and one of them ended up wearing the headgear of a Muslim friend. The next day those very same friends denounced him to the authorities, saying that, since he had put on a turban, he was now a Muslim. Was this a trick to get him to convert? We do not know. What we do know is that Angelis’s refusal to recognise Islam led to his death.35

In this tragic story we see the easy camaraderie that could exist between Muslims and Christians, precisely because the former had only recently declared their allegiance to a new religion and clearly still had ties to their old life. At the same time, such close proximity was fraught with danger for both. What seems like an astonishing about face on the part of the Muslims is rendered somewhat more comprehensible when we remember that in 1680 the Kadizadeli were still very powerful in Istanbul. On the day after the festivities, the Muslims must have worried about the price they might have to pay for attending a Christian festival with Christian friends. For the Christians, of course, the vulnerability was even greater.

There was one other route to martyrdom and it was even more dramatic, and quite deliberately so. Beginning in the seventeenth century and continuing on into the eighteenth, a small number of Christians openly declared their own apostasy. Having converted to Islam, they then publicly and loudly renounced it, therefore leaving the Ottoman authorities with no choice but to execute them. The martyrologies that were written down beginning around 1700 make it clear that these events were very public spectacles. The determined young (and they were always young) martyr would square up against the local Muslim authorities, who were invariably very reluctant to carry out the execution and hoped only that the apostate would come to his senses.36 Thus we have the case of Nannos the shoemaker in the port city of Izmir. The city’s Muslim authorities pleaded with him: ‘think of your life, and of how young you are; just say that you are a Turk and you can save

yourself. Complicating the authorities’ task was the crowd of Muslims who gathered around, demanding that the offender be put to death.

Spiritual advisors are present in these accounts. It is not uncommon to read that the shoemaker, or the goldsmith, or the leather worker, spent time at Mount Athos, the monastic centre of Greek Orthodoxy, prior to making his fateful announcement. These apostasies, then, were carefully orchestrated events, which is why one scholar has called them ‘theological ecclesiastical propaganda’. But to what end? The careful preparation of the martyrs by some Orthodox leaders was in part a response to conversion to Islam, which reached its height in the seventeenth century, for reasons that included but were not limited to the Kadizadeli movement and Mehmet IV. But during the eighteenth century this ‘ecclesiastical propaganda’ was just as often targeted at elites within the Christian community. The monastic leaders who worked to prepare martyrs, and to publish accounts of their lives in simple and accessible Greek, represented a distinct movement within the Greek Orthodox Church known as the Kollyvades, a reference to the dispute over when memorial services for the dead should be performed. (Kollyva is the name of the boiled wheat that is served at such services.) This dispute was part of a much larger struggle over the growing influence of the European Enlightenment within Ottoman Greek society. The Kollyvades were fierce opponents of Western influence and were highly critical of wealthy Greeks who were increasingly enamoured of all things modern. The latter were concentrated in the port cities of the empire and thus it is not surprising that stories of the martyrs in the eighteenth century also take place there. The heroic young men who renounced Islam and braved death for the sake of Christ were intended to serve both as heroic exemplars of Orthodox teaching and as a rebuke to their fellow Christians.

Conclusion: Managing Religious Diversity

The Kadizadeli, the rabbi who apostatised and then went looking for converts in the synagogues of Istanbul, and the monks who prepared young men for death were exceptions within the religious leadership of the various communities – Muslim, Jewish and Christian – in the Ottoman Empire. They were exceptions within Ottoman society more generally as well because, from the

37 Gara and Tzedopoulos, Χριστιανοι και μουσουλμανοι, p. 222.
39 Gara and Tzedopoulos, Χριστιανοι και μουσουλμανοι, p. 227.
pinnacles of state power to the elders of individual villages, there was a widely shared interest in upholding the political and social order. Religious fanatics of any stripe were a threat to this commitment. Rabbi Tzevi was opposed by the Jewish leadership in Istanbul and elsewhere. He had been banished by the Jewish authorities more than once prior to his arrival in the capital. It was some members of the Jewish leadership that alerted the Ottomans to the fact that he had arrived in the city. Similarly, the Ecumenical Patriarchate was opposed to the practice of martyring in the seventeenth and eighteenth centuries. The Ottoman authorities themselves had no interest in promoting religious unrest or zealots, and tried to talk them out of their suicidal missions. Members of elite Muslim society in Istanbul had nothing but scorn for the Kadizadeli and their religious fervor. And in fact the Ottomans counted on the elites in all three religious communities to impose and maintain social order.

This shared, and mostly successful, interest in maintaining the traditional equilibrium can tempt historians into drawing a profoundly conservative picture of Ottoman society, essentially hundreds of years of convivencia, or religious accommodation, which is the everyday counterpart to official Ottoman tolerance. However, the widespread desire for stability, of course, does not automatically translate into stability. War, for instance, regularly upended existing social arrangements. Clashes with the Venetians and the Habsburgs in the Mediterranean resulted in massive enslavement on both sides, and the victims were not limited to the combatants. On the Ottoman side, unscrupulous actors seized the opportunity to enslave local Ottoman Christians, passing them off as captured enemy combatants. Then there were the seasonal tensions as the Ottoman polity faced the annual cycle of competing religious festivals of the various communities. Although no comprehensive study has yet been done, we know that Easter, for example, was always a fraught time for relations between Christians and Jews.

The convivencia model also pays insufficient attention to the local context. As was seen with the case of Angelis the goldsmith, socialising between Muslims and Christians in Istanbul could be dangerous. And throughout the Ottoman centuries both Christian and Muslim authorities objected to mixing of the communities. In a fetva (religious opinion) the great sixteenth-century jurist Ebusuud wrote that ‘[t]he religious communities should be separate’ and that Muslims should not speak a language used by non-Muslims, lest the

line between the two communities become blurred.\textsuperscript{41} Converts to Islam were repeatedly enjoined to cut contact with their communities of origin and were criticised for continuing to celebrate Easter and to dance and drink wine with Christians. On the Christian side, the church tried to prevent Christians from using the empire’s Islamic courts and the narratives in the martyrrologies warned against the dangers of contact with Muslims. However, a recent study of religious life in the towns and villages of Syria and Palestine shows widespread sharing of sacred space, seemingly without controversy.\textsuperscript{42} In Homs the former Church of St Helen was converted into a mosque early in the sixteenth century, but Christians were allowed to continue to pray there. Muslims routinely worshipped at the Church of the Holy Nativity in Bethlehem, and even used it as temporary lodging. The French traveller Thévenot recorded his annoyance at the practice; he had assumed that the church would be an entirely Christian space.

Comparing the Middle East – where Christians and Jews had lived as religious minorities under Muslim rule for centuries – to the Balkans and Anatolia suggests that religious tension and even violence was more likely in unstable situations. Muslim communities comprised of recent converts, for example, had a very different relationship to their Christian neighbours than did those where identities and communal boundaries were long established. Finally, there was probably a spatial component to coexistence. Conversion and religious mixing in the countryside elicited less attention than similar practices in the cities of the empire.

In the Ottoman Empire people defined themselves as members of a religious community. Thus social conflict was always expressed in religious terms. A very violent event in 1770 brings together these themes, of episodic religious violence, the unsettling nature of war and the relationship between social change and conflict between groups that defined themselves in religious terms. In 1770 the residents of Izmir watched the Russian destruction of the Ottoman navy right in front of their eyes. The attack came in the course of the Russo-Turkish War of 1768–74, which introduced new, and unwelcome, changes to the empire’s internal and external situation. Among them, the appearance of the Russian fleet in the eastern Mediterranean heralded the return of large-scale naval warfare to the inland sea for the first time in two


centuries. At the same time, in southern Greece some armed Christian
groups rose up in support of the Russians.

The French consul Peyssonnel in Izmir described the scene in vivid terms
and is worth quoting at some length:

The news of the total destruction of the Ottoman navy reached Smyrna on
Sunday July 8, 1770, at 4 o’clock in the morning. We had already expected
it . . . because we could clearly hear the bombardment as warships were
blown up into the air. The reality of such an unprecedented event, which
people found hard to believe, shattered the Muslim population of the city
and caused great despair.\textsuperscript{43}

Peyssonnel then relates how these Muslims, encouraged by one Ibrahim
Agha, who was a customs official at the port, proceeded to slaughter 1,500
Christians who worked at the port, most of them Greek.

In addition to the obvious catalyst of war, it is important to note that the
protagonists and the events themselves were all connected to the port.
Christian neighbourhoods and their churches were left alone. In this rapidly
growing city – an insignificant town in the early seventeenth century, it had
become one of the premier ports of the Mediterranean by the time of the
Russian attack – the port was at the very epicentre of social and economic
change. Ottoman Christians were very prominent in the city’s trade with its
European partners, and the unusual strength of the Christians, both local
and European, in Izmir had earned it the name ‘\textit{gavur} Izmir’ or ‘\textit{infidel}
Izmir’. Communal leaders of all religious persuasions lacked the control
over these new commercial spaces that they enjoyed in the older
neighbourhoods.

At the beginning of this chapter I mentioned the question of period-
isation and the fact that blanket declarations of a tolerant (or intolerant)
empire are insufficient, considering how many centuries the Ottomans
lasted. Among Ottoman historians there is a growing consensus that some-
thing changed for the worse in the eighteenth century. Within this para-
digm, the events at Izmir in 1770 are seen as a microcosm of the changes
occurring in the empire as trade with Europe increased. It established the
pattern for the future. As Ottoman Christians prospered, the empire’s
Muslims became increasingly resentful. The state increasingly viewed its
Christian subjects as disloyal.\textsuperscript{44} All of this set the stage for a new type of
violence of which the killings in Izmir were a portent.

\textsuperscript{43} Gara and Tzedopoulos, \textit{Χριστιανοί και μουσουλμανοί}, p. 141.
\textsuperscript{44} Barkey, \textit{Empire of Difference}, p. 165.
But once again this broad claim needs to be placed in local context. In those areas untouched by global trade, such as the rural areas of the Balkans, conversion to Islam continued, as did mixed marriages between (recently converted) Muslim men and Christian women. Such practices make it difficult to argue that, empire-wide, Muslims and Christians were increasingly heading towards confrontation. In the Middle East the same comfortable religious practices discussed above continued uninterrupted. And even in the Morea (southern Greece), the location of the 1770 uprising in support of the Russians and thus a prime site for nascent Greek nationalism, a recent study has shown what a mistake it is to see a community divided along religious lines. Certainly not all Greeks participated in the uprising and some actually assisted both the Ottoman officers trying to put it down and their Muslim neighbours. The accounts of different Ottoman officials show that they held contradictory views of certain key actors and had a difficult time discerning where their loyalties lay, which also suggests a more complicated picture than conventional patriotic interpretations. When Russian-backed rebels attacked the town of Gastun on the west coast, for example, Ottoman officials and Christian peasants attempted to flee together but were stopped by a local (Muslim) official who demanded cash before he would let them leave. Everyone was shocked by this. Personal interests and local rivalries seem to have been just as important as religious identity in explaining behaviour during the uprising.45

The management of religious diversity in the Ottoman Empire, then, was not uniform across either space or time. Intercommunal tension was on a spectrum that ranged from the exceptional violence in Izmir caused by changes brought in from outside to the everyday enmities and squabbles that divide any community. In some parts of the empire religious difference was a fact of life, including mixed marriages and different religious identities within one family, while other areas were far more homogeneous. In the eighteenth century the mechanisms for social peace still held, by and large. But it is certain that rapid economic change amplified traditional antagonisms. In the Ottoman Empire antagonism and anxiety about change was expressed in religious terms. Izmir was one such site of change. In the nineteenth century, as economic change accelerated and created social upheaval, the number of such sites spread out across the empire.

Bibliographic Essay

Traditional historiography of the Ottoman Empire assumed that the Ottomans simply inherited the Islamic tradition of earlier centuries. It is only in the last several years that Ottoman historians, basing themselves on meticulous research in both the documentary record and in manuscripts, have made the case that the Ottomans had their own programme of ‘Sunnitisation’. Tijana Krstić’s Contested Conversions to Islam: Narratives of Religious Change in the Early Modern Ottoman Empire (Stanford, CA: Stanford University Press, 2011) and Derin Terzioglu’s several articles – ‘How to Conceptualize Ottoman Sunnitization: A Historiographical Discussion’, *Turcica* 44 (2012/13): 301–38, and ‘Where ‘Ilm-I Häl Meets Catechism: Islamic Manuals of Religious Instruction in the Ottoman Empire in the Age of Confessionalization’, *Past & Present* 220.1 (2013), 79–114 – are the most important contributions to this new narrative. Although it is not their primary concern, both authors discuss the relationship between religious indoctrination and violence. Krstić also takes on the much debated concept of Ottoman tolerance, and emphasises an ongoing process of negotiation rather than a sturdy status quo stretching across the centuries.

Karen Barkey’s widely read *Empire of Difference: The Ottomans in Comparative Perspective* (Cambridge: Cambridge University Press, 2008) is the most recent attempt to provide an overall narrative of the Ottoman Empire, with religious diversity as a major theme. Barkey, too, offers a more nuanced conceptualisation of Ottoman toleration, although in other ways her approach is quite traditional. She argues for an empire that was latitudinarian in its earlier centuries, only to become more orthodox and rigid later on, with a consequent deterioration in intercommunal relations. M. Baer’s *Honored by the Glory of Islam: Conversion and Conquest in Ottoman Europe* (Oxford: Oxford University Press, 2008), by contrast, is a study of the Ottoman Empire during the reign of just one sultan – Mehmet IV – and is interesting to read alongside Barkey’s more general narrative. Under Mehmet IV the Ottomans demonstrated an unusual level of religious zeal.

Elizabeth Zachariadou’s article, ‘The Neo-Martyr’s Message’, *Δελτιο Κεντρου Μικρασιατικων Σπουδων* (Bulletin of the Centre for Asia Minor Studies) 8 (1990–1), 51–63 provides an excellent sense of the ideological stakes at play in the phenomenon of the neo-martyrs.

Debates over sectarianism loom very large among historians of the modern Arab world. Most of the interest falls on the nineteenth and twentieth centuries but several studies do consider earlier periods and how Ottoman governance did or did not contribute to the sectarian struggles that developed later on. Bruce Masters’s *Christians and Jews in the Ottoman Arab World: The Roots of Sectarianism* (Cambridge: Cambridge University Press, 2001) and Ussama Makdisi’s *The Culture of Sectarianism: Community, History and Violence in Nineteenth-Century Lebanon* (Berkeley: University of California Press, 2000) are both valuable in this regard. See James Grehan’s *Twilight of the Saints: Everyday Religion in Ottoman Syria and Palestine* (Oxford: Oxford University Press, 2014) for a rather different approach to the religious culture of Ottoman Arab provinces, and to intercommunal relations. Among other things, Grehan develops the concept of ‘agrarian religion’.
The period from 1500 to 1800 roughly corresponds to the colonial era in the Americas. The colonial encounter between European intruders and indigenous inhabitants from the late fifteenth century was characterised by tremendous acts of violence. In a few decades a large part of the native population died either in the wars of conquest, due to over-exploitation or as a result of hitherto unknown diseases introduced by the explorers and conquerors, such as measles or smallpox, against which they had no resistance. Amerindian ritual violence, such as human sacrifice, the torture of captives and cannibalism (anthropophagy), was particularly suited to the justification of conquest and colonial domination. Therefore, it was widely discussed in European sources. Few sources ‘from the natives’ point of view’ exist, however, and so the indigenous perspectives have to be elucidated by critically analysing descriptions from conquerors, colonisers or missionaries.

This chapter presents several arguments concerning native and European colonial violence, focusing in particular on their ritual forms. Firstly, while Amerindian cannibalism and human sacrifice were particularly condemned by the Europeans, some of their own behaviours resembled these practices more than they would admit. Secondly, while the colonial discourse tended to construct a relatively homogeneous colonial ‘other’, native ritual violence differed considerably between and among stratified and egalitarian indigenous societies – that is, those with or without institutionalised forms of inequality beyond age and gender differences (a distinction which will be critical in this analysis). Thirdly, Amerindians were differently affected by European conquest and colonial rule depending, among other things, on their form of political organisation. Fourthly, native and European (ritual) violent practices influenced each other to a certain extent. Finally, while Europeans condemned native ritual violence such as human sacrifice or the treatment of war captives as barbaric, their dealings with people considered inimical to the secular and godly order were by no means more humane.
Given the variety of Amerindian cultures and colonial encounters, only some general trends and a few empirical examples can be discussed in what follows.

**Human Sacrifice, Cannibalism and the Colonial Encounter**

People living at the margins or outside of the ‘civilised’ world had been habitually described as man-eaters by Europeans at least since the time of the ancient Greeks. Thus, Columbus found his expectation of encountering cannibals confirmed when he reached the Caribbean in 1492. Arawak-speaking Amerindians told him about the ‘Carib’ people living on an island to the south who ate men.¹ Hernán Cortés wrote to the Spanish king about the Maya of the Yucatán peninsula (Mexico) he had met on his way to conquer the Aztec Empire in 1519:

> They have a most horrid and abominable custom which truly ought to be punished . . . whenever they wish to ask something of the idols, in order that their plea may find more acceptance, they take many girls and boys and even adults, and in the presence of the idols they open their chests while they are still alive and take out their hearts and entrails and burn them before the idols, offering the smoke as sacrifice. Some of us have seen this, and they say it is the most terrible and frightful thing they have ever witnessed.²

The topic gained particular importance after Pope Paul III issued a bull on 9 June 1537 declaring that the American Indians were ‘truly men’ and not ‘dumb brutes created for our service’.³ Thus, they were not destined to be ‘natural slaves’ and the subjugation, enslavement and exploitation of the indigenous people had to be legitimised by other means such as a ‘just war’. The Dominican Francisco de Vitoria, considered one of the founders of international law, gave as legitimate reasons to make war on the Amerindians ‘the personal tyranny of the barbarians’ masters towards their subjects’ or ‘their tyrannical and oppressive laws against the innocent’, such as human sacrifice or cannibalism.⁴ Conspicuously, Iberian authors accused mainly those

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Amerindian groups of man-eating that were resisting European domination. Cannibalism was an epitome of barbarity, a ‘quintessential symbol of alterity’, and was therefore particularly suitable for the establishment of a fundamental distinction between the groups of ‘us’ and ‘them’. However, this symbolic potential was present in both European and Amerindian cultures. North-west coast natives, for example, were not only considered cannibals by some Europeans but they suspected that the latter were, for their part, man-eaters.

Reports of anthropophagy have to be critically evaluated for a number of reasons beyond deliberate attempts to legitimise colonial domination and European expectations of finding cannibals among the New World’s ‘heathen’ and supposedly barbaric peoples. Many reports are based on accusations of alleged cannibalism by neighbouring groups. First-hand and eyewitness accounts are also often problematic. Even Europeans with some knowledge of the local language may have misunderstood the metaphorical usage of native terms that also mean ‘to eat’. Among the Iroquois, for example, the expression ‘to eat a nation’ was equivalent to making war, taking scalps or captives. Certain treatments of corpses, such as skinning, decapitation, cutting off legs and arms etc., taken to be indicators of cannibalism, may, in fact, have been merely part of mortuary rituals. Such is also the case when the deceased’s flesh or ashes were consumed, as in several lowland South American groups. ‘For dying individuals the idea of disappearing into fellow tribes-members’ bodies apparently was more appealing than the alternative of being left to rot in the ground’ among the twentieth-century Wari. Jesuit missionaries reported similar feelings in sixteenth-century Brazil, where prisoners of the Tupinamba were ‘so happy about being eaten that they would never consent to be rescued ... because they say that it is a sad thing to die, and to stink and be eaten by insects’. For Tupinamba warriors, to be executed and eaten was a glorious

death ‘for they say that only cowards and weaklings die and are buried and go to hold up the weight of the earth, which they believe to be extremely heavy.’ Thus, although we have good reason to question many European reports on indigenous human sacrifice and cannibalism (especially its ‘culinary’ variant), there is sufficient evidence to assert that human sacrifice was widespread in the Americas before the conquest. Even anthropophagy cannot be ruled out in a number of cases. Ceremonial cannibalism has been ascribed to the Inuit, Cree, Iroquois, Huron, several groups on the Gulf coast and along the north-west coast in North America, the Aztec and Maya in Mesoamerica, the Chibcha, the Tupi-Guaraní and the native groups of the Putumayo River in South America, among others. Thus, the practice seems to have been present in most parts of the Americas and in societies of widely different social organisation – from small Inuit bands to the Aztec Empire.

In spite of the omnipresent damnation of cannibalism by the colonisers, abhorrence of the consumption of human body parts was far from complete even in Europe. Human flesh, blood, heart, marrow and other body parts were consumed for medical reasons from the sixteenth to the eighteenth centuries. *Mumia*, prepared from real mummies or from the remains of humans who had suffered sudden, preferably violent death, was an important drug, among others, for the followers of Paracelsus and in folk medicine. To drink the still-warm blood of executed criminals, sold by executioners, was considered a remedy to cure several ills, such as epilepsy. Thus, while both Europeans and Amerindians ingested human body parts and substances, the human source of these materials was ‘depersonalised and objectified’ in European medicinal cannibalism. The depersonalisation and the fact that the consumers were more or less detached from the remedies’ preparation

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10 José de Anchieta cited ibid., 155.
probably allowed the colonisers to consider European practices as fundamentally different from ‘barbarous’ native ones.

Native Diversity and the Varieties of Conquest and Colonialism

The impact of European conquest and colonisation on indigenous religious practices, including the ritual exercise of violence, was far from uniform, varying in its timing, forms and intensity among the regions of the continent. The empires of the Aztec and Inca in Mexico and the central Andes succumbed to the Spanish conquerors and their native allies in a few years (1519–21 and 1532–9). Colonial rule was firmly established in these native societies characterised by intensive agriculture, urbanism and class stratification in the first half of the sixteenth century. The Spaniards ousted only the top imperial leaders from offices, installing themselves at the apex of the political hierarchy. Conquest and the subsequent establishment of colonial rule were more difficult in the case of less-centralised native chiefdoms with inequality based on the ranked order of kin groups, such as those prevailing in south-eastern North America, the West Indian islands, most of Central America, the northern parts of South America and the fertile alluvial plains (varzeas) along the major lowland rivers, such as the Amazon and Orinoco. Here each polity or settlement had to be conquered individually. Political fragmentation was greater and conquest and colonisation even more difficult in the rest of the Americas. Mobile people, who combined hunting and fishing with gathering and gardening, populated most of the South American lowlands. Foragers roamed the Arctic and the Great Basin, where agricultural production was impossible due to the harsh climate or lack of adequate tools to break up the grass cover. However, most indigenous groups in North America lived semi-sedentary in towns and villages combining horticulture and hunting. Large parts of these areas remained outside of effective colonial control and were contested between Europeans and Amerindians for decades or even up to the end of the colonial period.

Another factor that decisively shaped the colonial encounter was the different interests of the Europeans arriving on the continent. Most Iberians strove for silver and gold and to live on the exploitation of the numerous native peasants and workers in Mesoamerica and the Central Andes or, in the peripheries of the colony and in Brazil, slave labour. The Europeans who reached North America in the sixteenth century were mostly explorers, fishermen or traders, and contacts remained mostly sporadic. This began to
change only after 1600 when colonists arrived in greater numbers in the quest for agricultural land. Consequently, two quite different types of colonialism emerged. While settler colonies developed in eastern North America where the native population was a disturbing factor to be dispelled or wiped out, colonies of domination based on the sweating of the natives had already emerged in the Iberian core areas in Mesoamerica and the Central Andes in the first half of the sixteenth century. Amerindians in the interior of South and most of North America, in contrast, preserved their independence up to the eighteenth century or beyond, and the major European presence remained confined to a relatively small strip of land along the coasts. While pre-Columbian cultural practices were soon repressed by colonial officials and missionaries in the colonial core areas, Amerindians were able to uphold their traditions, including forms of ritual violence, to a much larger extent in the other regions where they coexisted with Europeans – as enemies or allies – for more or less extended periods of time.

Amerindian Human Sacrifice and Ritual Violence

The concept of sacrifice refers to the relinquishment of something of value and its offering to an addressee, such as an ancestor or supernatural being. This may be intended as a sign of devotion, a plea for a benefit or as an expression of gratitude. Human sacrifice can affect one’s own body or those of members of one’s group or outsiders. These forms of ritual violence have a long history and wide distribution in the Americas. Self-sacrifice – involving isolation, fasting, exposure to the vagaries of the weather, blood-letting, the cutting or even the amputation of body parts such as parts of a finger – was an important component of the vision quest during rites of passage, or pertained to ordeals to secure certain benefits for oneself or one’s group. Outsiders, such as captives of war or slaves, were the most common sacrificial victims in all types of indigenous society. The sacrifice of certain in-group members (such as children or the wives and retainers of a deceased chief) in addition to outsiders was also practised in the ranked or stratified societies of Middle and South America (e.g. the Aztec and Inca) and the south-eastern part of North America, such as the Mississippian cultures (e.g. the Natchez). 14 Among the relatively egalitarian hunters, gatherers and horticulturalists of North and South America ritual killings were generally restricted to aliens and took place mostly in the context of feuding and warfare. Retaliation for real or

14 See Chapter 19 by Schüren and Gabbert in Volume 11 of this series.
assumed damages suffered by others was a typical motive. In addition to actual killings caused by members of enemy groups revenge raids could also result from the belief that death was not natural in most cases but an effect of harmful activities – physical or spiritual (sorcery or witchcraft) – by neighbouring groups. The living relatives were therefore obliged to calm the soul or spirit of the defunct by avenging his demise. These beliefs led to a particular conflict pattern known as ‘mourning war’, which was widespread in North America (especially among the Plains and the North-east) and also found in lowland South America.\(^\text{15}\) Grief led to acts of mourning sometimes including forms of auto-aggression, such as cutting oneself in the legs and arms. Aggressive impulses were then redirected against outsiders and acted out ritually. This involved the organisation of war parties to kill enemies or to obtain captives. Since warfare was the most important means for males to acquire prestige, mourners had little difficulty in motivating young men to accompany them on revenge raids. Female mourners often played a key role in instigating war parties. Among the Iroquois, for example,

women whose kinfolk had been killed would appear at public dances and feasts, weeping inconsolably; if this display did not succeed in arousing the warriors, the women might offer payments or accuse the lagging warriors of cowardice . . . until there had been retaliatory killings and tortures, it was as if the blood of the murdered one had not been wiped away and his corpse not covered.\(^\text{16}\)

The taking of body parts of enemies slain during raids, such as heads or scalps, was common. However, they were differently treated and served diverse ritual functions. While the scalp was adopted and addressed by kinship terms in some groups (the Plains, Eastern Woodlands, South-east and South-west), it was affronted and reviled in others. Scalps and other body parts were used as offerings to the supernatural, especially among the South-eastern groups of North America (e.g. the Caddoans, Natchez and Calusa), as a means to calm the souls of the dead, or merely as tokens of a warrior’s courage.

A warrior’s success depended heavily on his ability to capture prisoners in many Amerindian groups. It was considered more prestigious than killing the


enemy on the spot and could also be related to rites of passage, as among the Tupi on the Brazilian coast:

The greatest honor they have . . . is to capture an enemy in war and this they consider greater than killing them because many of those who capture them give them to others to kill, so that they may have a name, taking a new one each time they kill one, and they have as many names as the number of enemies they have killed, though the [ones] most honored and esteemed and regarded as courageous are the ones who capture them.¹⁷

The ritual torture of captives was not universally practised in the Americas, but was found among certain specific groups including the Carib (in the Caribbean), the Indians in the Colombian Cauca Valley, the Araucanians (in southern Chile and Argentina), the Tupinamba, Natchez and Pawnee (on the Missouri) and, particularly elaborated, among the Indians of the North-east (the Montagnais, Huron, Iroquois and Susquehanna). The methods of torturing were varied and included, among other things, tearing out fingernails; cutting or biting off fingers; burning various body parts with torches, embers and hot metal; and the mutilation of the ears, nose, lips, eyes or tongue. Captives were often tied to a pole or stake, or fixed to a frame, and often, but not always, tortured to death.

While the rituals accompanying the execution of captives differed in many respects – torture might be present or absent, for example – they also showed a number of similarities. The victims were frequently expected to participate in the ritual by singing or dancing. The prelude to the execution was also a moment to test the victim’s fearlessness. According to descriptions from geographically widely separated groups, such as the Island Carib, Tupinamba, Chickasaw (along the Tennessee River) and the Iroquois, at least some of the captives boasted of their own deeds in war, mentioning particularly how many of their capturer’s group they had killed themselves. They threatened their tormentors with the revenge of their fellows and scoffed them ‘as being unskilled in the art of inflicting torments’.¹⁸ Besides proving one’s valor, this might have been intended to infuriate the tormentors and provoke a mortal blow to shorten the suffering in cases involving torture.

¹⁷ José de Anchieta, cited in Forsyth, ‘Beginnings of Brazilian Anthropology’, p. 329.
In addition to secular objectives, such as inspiring fear among one’s enemies, the torture and execution of prisoners was aimed at appeasing the souls of dead relatives or intended as offerings to the supernatural. Among the Mohawk and Huron in the North-east, for example, captives were tormented and slain as sacrifices to the god of war, to ensure success in future war parties. The North Carolinian Saponi feared supernatural punishments, such as storms or crop failure, if they did not torture prisoners.\(^\text{19}\) That torturing was part of a sacrificial complex is indicated, among other things, by the festive arrangement of the executions, the aforementioned singing and dancing of the victims, the ritualised behaviour on the part of the torturers, the insistence on particular methods of killing the prisoner (preferably by knife among the Iroquois, or by a particular club among the Tupinamba) and, in a number of cases, the extraction of the heart and the consumption of flesh or blood.\(^\text{20}\)

In the ranked and stratified societies of south-eastern North America, Mesoamerica, the Central Andes and central Colombia war captives were sacrificed to the gods by ritual specialists as part of a centralised cult controlled by the rulers until European domination became firmly established. Among the more egalitarian Amerindian groups, in contrast, the sacrifice of prisoners was a communal affair in which men and women, old and young, participated. Women often played a key role in the treatment and ritual torture of captives. The ritual fostered social cohesion by strengthening ties among the living as well as with the souls of the deceased. Beyond this, it reaffirmed the power of the group and was an opportunity to appropriate the spiritual force of victims, among other things, by ingesting the flesh, organs or blood of valiant prisoners. The treatment of the sacrificed captive’s body among the Huron is described thusly: ‘they tear the heart from the breast, roast it upon the coals, and, if the prisoner has bravely borne the bitterness of the torture, give it, seasoned with blood, to the boys, to be greedily eaten, in order, as they say, that the warlike youth may imbibe the heroic strength of the valiant man’.\(^\text{21}\) The ritual was also a means to maintain friendly relations beyond the local group. The Tupinamba invited people from neighbouring groups to their sacrificial feasts, which were always accompanied by the

consumption of manioc beer. Iroquois raiding parties ritually tortured their captives during feasts in several villages on their way home.

Although the drama of sacrificing or torturing prisoners to death attracted much attention among European observers and compilators, there is evidence that these practices were exceptions rather than the rule. In fact, the capture of enemies, especially women and children, to compensate for previous losses or to increase the population was a widespread motive for warfare in egalitarian societies: it was often related to the revenge or ‘mourning war’ complex. While men were often either killed during raids or sacrificed later, women and children were spared and assimilated by marriage or adoption. A Jesuit missionary reported from the Huron: ‘the Barbarians do not usually harm the women or the children, except in their sudden attacks. Indeed, many a young man will not hesitate to even marry a prisoner, if she is very industrious; and thereafter she will pass as a woman of the country.’

The marriage of captives into the captor’s group is reported from the Tupinamba, the Cree, Algonkian, Iroquois, Delaware and western Siouans, among others. In the complex societies of the North American south-east, Middle and South America, in contrast, captives were either enslaved or sacrificed and not adopted into the group in most cases.

European Influence on Indigenous Forms of Ritualised Violence and Sacrifice

Five factors decisively shaped Amerindian warfare in general and ritual violence in particular after Europeans reached the Americas in the late fifteenth century. First is the degree to which the colonisers were able to influence or effectively control the Amerindian populations and to disseminate their norms, religion and ritual practices. Second, the introduction of European plants and animals produced entirely new ways of life, such as the mounted warrior cultures of the North American Plains, the South American Pampas and the Chaco. Thanks to the horse, the Araucanians, for example, gained military superiority over their neighbours and were able to seize more captives than before. A third factor was the massive population decline caused by epidemics of formerly unknown diseases. The common belief that almost all death was not natural but the result of human malice by enemy groups (see above) must have led to an immense increase in revenge raids. Fourth, economic motives for warfare were strengthened by the

22 Ibid., vol. ix, p. 255.
colonisers’ demand for Amerindian products, such as precious metals or furs, and the spread of European goods such as metal tools and guns, which became essential to the natives very early. And fifth, colonisers’ demands for Amerindian slaves resulted in many groups changing their war strategies. Male enemies were now often spared and sold. Amerindian groups who lacked products that could be exchanged with the Europeans ‘turned into slavers and made an industry of warfare’.  

Iroquois history aptly illustrates most of the aforementioned developments. Conflicts among neighbouring groups dramatically increased due to competition in the fur trade, pressure from the growing number of European settlers and the high mortality caused by epidemics in the course of the seventeenth century. The established pattern of engagements between large warrior groups became too risky as flint was replaced by iron or brass arrowheads, or firearms able to pierce the traditional wooden armour. It was thus supplanted by ambushes and small-scale raiding. A series of conflicts developed with their western and northern Amerindian neighbours, which have become known as ‘beaver wars’ for hunting grounds. Against this background the importance of the ritual torture and sacrifice of captives grew for the Iroquois and Huron. Thomas Abler and Michael Logan explain this as an attempt to strengthen group cohesion and gain control over their uncertain environment by increasing the number of sacrifices to honour deities.

Violence among the natives increased particularly in those regions and time periods where Amerindians, just as the Iroquois, felt the Europeans’ influence – by the pressure of displaced groups on their resources, by the development of a market for slaves or furs and the dependency on imported goods – but still preserved political autonomy. However, Europeans also curtailed fighting and warfare between Amerindians when this threatened their political suzerainty or economic interests, such as trade relations and the exploitation of the native workforce. In Canada, for example, the Hudson Bay Company’s policy was to discourage fighting between the Cree and the Inuit. While the Spanish in Mesoamerica and the Central Andes fostered, exploited and emphasised internal rivalries, especially in the early conquest period, they suppressed internal wars and feuding among their subjects after their rule had consolidated.

The contact between Amerindians and Europeans not only led to the adoption of alien plants, goods and techniques but also involved the transfer of patterns and procedures of (ritual) violence. While Nathaniel Knowles suggests that the burning of captives at the stake was probably adopted from Europeans, others doubt it. Abler, for example, argues that the techniques employed were quite different. While fire was ‘the instrument of death’ among Europeans, Amerindians used it as a means of torture. The actual killing was caused by knife or hatchet. However, the use of red-hot iron objects, such as gun barrels or axe heads, to burn the victim was clearly a post-contact invention. The crucifixion of victims, reported of the Araucanians for example, was probably a post-contact phenomenon (if not merely part of Spanish propaganda). Europeans had widely adopted scalping from the Amerindians in the eighteenth-century frontier regions. However, they stripped it from its ritual context, converting it into a ‘business’ to encourage raids by their native allies against common enemies. The taking of scalps and other body parts increased due to European influence because of the prizes they paid for these trophies. Amerindians sometimes solved the dilemma between commercial and ritual uses ‘by dividing a scalp in two, retaining half for home use while selling the other portion to White authorities’. Europeans often employed torture, mutilation and burning at the stake for instrumental reasons such as gaining information or punishing resistance. These extreme forms of violence were particularly prominent during the conquest and in frontier areas. In fact, the spread of the torture of captives may have been the result of European influence among indigenous groups to some extent. A Jesuit reported from the Tupi, for example: ‘They are naturally inclined to kill but they are not cruel; because ordinarily they do not torment [i.e. torture] their enemies . . . If they are at times cruel, it is because of the example of the Portuguese and French.’

While ritual violence, including human sacrifice, survived in the open among the Amerindians, who were able to maintain their political autonomy, such practices were persecuted in the areas firmly under European control as part of the attempt to eradicate indigenous ‘superstitions’ and to spread Christianity. However, native religious practices, including ritual violence, which lingered on in secrecy, often merged with Christian elements

to create syncretic forms. This resulted in nothing less than a fully fledged scandal in Yucatán in the late 1550s and early 1560s when the Spanish discovered that ‘pagan’ rituals were still taking place in sacred caves, in the bush, in the houses of members of the native nobility or even in the churches. What enraged the Franciscan friars particularly was that a substantial part of the Maya nobility as well as indigenous church assistants, the most important intermediaries in the colonial relationship with its Amerindian communities, had played a key role in the execution of the rites. Idol worship included not only offerings of copal incense and maize but also the blood of human sacrifices. Christian elements had been incorporated. Children had allegedly been crucified, for example. Others had allegedly been killed inside the church by opening their chest and extracting their heart or being thrown alive into the holy cenote (natural sinkhole).  

In the Andean region, the Inca summer solstice celebrations of Inti Raymi were merged with the feast days of Catholic saints. The Inca ritual involved the sacrifice of animals and ritual fighting between the upper (hanan) and lower (hurin) halves of native communities, resulting in the shedding of blood of injured or even killed participants. The ritual, probably aimed at securing a good harvest for the upcoming year, has persisted in syncretic form to the present day.

Ritualised Violence in Amerindian Rebellions

Amerindian rebellions against colonial rule were generally not just secular affairs. Religious rituals and millenarianist thinking activated by prophetic leaders often played a key role. Various movements aimed at eradicating European influences and domination, something which was particularly important in the early rebellions. During the so-called Great Maya Revolt in Yucatán in 1546–7, for example, the insurgents not only killed Spanish men, women and children; some were tortured by crucifixion or roasted in copal, and others were sacrificed by opening up their chests and removing their hearts. They also slew natives who had willingly served the colonisers as well as all the animals owned by the Spaniards, including horses, cattle, chicken and even dogs and cats.

While certain Christian elements, such as the idea of crucifixion, were already present in the earlier native rebellions, the syncretic character of

beliefs and practices is even more obvious in later insurgencies. Thus, Jacinto Canek, the prophetic Maya leader of an uprising in the Yucatecan town of Quisteil in 1761, told his supporters that Spanish bullets would not harm them if they refrained from moving their lips in combat. He also ordered his followers ‘to kill all their pigs because, he said, swine had Spanish souls and the slaughter of the pigs would enable Mayas to kill Spaniards’. 29 However, he ordained native priests who, among other things, donned the vestments of the Catholic clergy, administered the sacraments and recited rosaries.

The Central Andean region was the scene of numerous Amerindian uprisings. Leaders proclaimed themselves native kings, exploiting widespread ideas of the Inca empire’s rebirth. Similar to the pattern seen in Yucatán, the rebels’ ideology and practice combined native and Christian elements. In fact, they often considered themselves the ‘true Christians’. This was the case in the uprisings of Túpac Amaru II and Túpac Katari in 1780–2, the greatest revolt of Indians, mestizos and other mixed bloods (castas) in the history of Latin America, during which an estimated 100,000 people or approximately 8 per cent of the population in the Andean area lost their lives. 30 There are reports that, in a number of cases, slain Spaniards were not only beheaded but their eyes were pierced, their tongues cut out and their hearts extracted. Their corpses remained unburied. All this was done to prevent resurrection in the future, according to Andean ideas. Rebel leaders suggested to their followers that they would revive after a couple of days if they died in battle. Several chiefs also forbade Spanish dress and promoted the return to a happier native life. 31

Revivalist ideas about turning away from European ways and goods, including alcohol, merged with Christian elements, such as the idea of an all-powerful creator god or the rejection of polygamy and shamanism, were also evident in several Amerindian reform movements in mid-eighteenth-century North America, among them the one inspired by the Delaware prophet Neolin. His ideas influenced what is known as ‘Pontiac’s War’ (after the

name of an Ottawa leader), the campaign of a coalition of Amerindians from several language groups against the British presence in North America between 1763 and 1764.\textsuperscript{32}

Millenarist and revivalist thinking and the idea of eradicating the European evil by ritual as well as physical violence, provided ideologies and practices with the potential to integrate hard-pressed and fragmented Amerindian populations into anti-colonial movements. Fighting was considered a religious duty by many participants. While European domination was rejected, Christian ideas and practices were not, but rather often played an important role in the indigenous movements. The colonial encounter had proved that the new religion offered access to potent spiritual forces that should be tapped for resistance to be successful.

Ritualised Violence against Amerindians and among the Colonisers

As has been seen, the colonisers adopted some of the native forms of violence, such as scalp taking, depriving them of their religious dimension. However, Europeans brought with them their own varieties of ritual violence, which are particularly evident in two areas: the punishment of major crimes, especially those against public order; and the persecution of religious deviance and witchcraft.

The questioning of royal sovereignty, for example, was often severely sanctioned both in Europe and in the Spanish colonies. Rebel leaders were not simply brought from life to death but their bodies were physically destroyed. Jacinto Canek, for example, was tortured and executed in Mérida, Yucatán, on 14 December 1761: his limbs were broken and his flesh ripped apart with pincers ‘until he dies naturally’, and then his body was burned and ‘the ashes scattered to the wind’.\textsuperscript{33} Túpac Amaru II fared no better. Before being put to death in the main plaza of Cusco (Peru) on 18 May 1781 he was forced to witness the execution of his wife, several relatives and ‘principal captains’, and after that his tongue was cut out and his arms and legs were tied to four horses to quarter him; however, this failed, and he was finally beheaded. Then, while his torso was burned in a bonfire and the ashes thrown to the wind, his head, arms and legs were sent


\textsuperscript{33} Patch, ‘Culture, Community’, 79.
to the main centres of the revolt, as were the dismembered corpses of his wife, son and uncle.34

The burning of rebel leaders’ bodies and the throwing of their ashes to the wind or into a river was the same treatment that heretics suffered as a consequence of inquisitorial trials in Europe to prevent their followers from collecting and venerating the remains. It was also considered an additional sanction ordained by God. In fact, the ideas of offence and sin were closely related. Rebellion against Spanish rule was considered an offence directed against both God, as the divine majesty, as well as the king, his direct representative on earth and thus the human majesty. The religious body of Christianity and the political body of the kingdom had to be purified from defilement by physically destroying the rebel leader.35

The Catholic Inquisition, aiming to eradicate heresy and blasphemy, was also active in the Americas from the early sixteenth century. Inquisitorial powers rested on friars or bishops until the Spanish established specialised tribunals in Mexico and Lima in 1570–1. Don Carlos Ometochtzin, the native leader of the Nahua town of Texcoco in central Mexico, for example, was burned in 1539 accused of backsliding to the worship of old gods. Although Amerindians were formally exempted from the Holy Office’s jurisdiction in 1571, proceedings against indigenous people continued. Those suspected of heresy often had to endure torture, for example, by a form of waterboarding or by stretching, which implied that the victim was suspended by his wrists with or without weights attached to his feet. Convicts were severely punished with 50, 100 or even 200 lashes administered during public ceremonies. More than 150 natives may have died as a result of severe torture during the idolatry investigations of the Provincial Fray Diego de Landa in Yucatán in 1562. Even the bones of already deceased Amerindians found guilty of idolatry were exhumed and publicly burned during an auto-da-fé in the same year.36

The belief in evil magic and witchcraft was widely held among American natives as well as among European colonisers. Accusations of witchcraft and

34 ‘Castigos ejecutados en la ciudad del Cuzco con Túpac-Amaru, su mujer, hijos y confidientes ... Cuzco, 15 May 1781’ (‘Punishments Executed in the City of Cuzco ...’), in Documentos para la Historia de la sublevación de José Gabriel de Túpac-Amaru, cacique de la provincia de Tinta, en el Peru (Documents for the History of the Uprising of José Gabriel de Túpac-Amaru, leader of the province of Tinca, in Peru) (Buenos Aires: Imprenta del Estado, 1836), pp. 52–4.
sorcery provoked feuding and warfare among the Amerindians, as has been seen, and were also persecuted by the colonial administration in certain periods. However, in contrast to Europe, large-scale witch crazes were rare. In Latin America the Holy Office or episcopal and secular inquisitions investigated such cases. Several hundred trials resulted in at least twenty burnings of supposed witches and numerous minor sanctions. In North America, four major witch hunts (1651, 1662–3, 1665, 1692–3) resulted in several hundred accusations. About forty convicts, mostly women, were executed mostly by hanging.\textsuperscript{37} Beyond this, New England Puritans also zealously pursued dissenters such as the Quakers in the seventeenth century:

The stocks and the pillory, stripes at the whipping-post or at the tail of an ox-cart, fines and imprisonment, branding and mutilation, banishment and death upon the gallows, were meted out . . . Many were imprisoned, some for years. Some were reduced from comfort to penury by fines imposed upon them. Some had their ears cut off, and the law provided for boring the tongue through with a hot iron. Two were ordered to be sold into slavery to pay their fines, and large numbers were mercilessly whipped. Neither age nor sex was spared.\textsuperscript{38}

**Conclusion**

Ritual violence did not end with the European conquest and the establishment of colonial rule. Although native forms were suppressed in the areas controlled by the newcomers, they in turn introduced their own practices, which were often similarly ritualised and based on religious or magical worldviews. Uprisings against Spanish sovereignty or witchcraft appeared as violations of both the worldly social order and God’s grand scheme. Therefore ceremonial executions of rebels such as Túpac Amaru II or alleged witches can, in a certain sense, be considered as sacrifices of expiation. While the sacrifice of humans to the gods or as company for high-ranking individuals was only common among ranked and stratified Amerindian societies, captives were executed and sometimes tortured, mostly to calm the souls of dead relatives or as offerings to the supernatural, in the other Amerindian groups. The consumption of human body parts or substances was also often part of these rituals. Such practices were not alien to the Europeans. Thus, the blood


\textsuperscript{38} Horatio Rogers, *Mary Dyer of Rhode Island: The Quaker Martyr that was Hanged on Boston Common, June 1, 1660* (Providence, RI: Preston & Rounds, 1896), pp. 4–5.
and other corporal substances of executed felons were sometimes consumed to cure certain ailments, the assumption being that they contained a great amount of the life force stemming from individuals who had died, supposedly in good health and strength. The underlying idea of both Amerindian and European thinking seems to have been to incorporate the qualities or energy of the victim. However, while these were considered assets of particular individuals who had demonstrated their courage among Amerindians, Europeans took them as generic features of the young and healthy.

As the treatment of rebels against the Spanish Crown or religious dissenters at the hands of New England Puritans shows, European forms of ritualised violence cannot be considered less cruel than the torture and sacrifice of captives by Amerindians. While the role of the community in these acts was mostly restricted to that of passive audience, sacrifice and torture were often an affair where men, women and sometimes even children participated, particularly in less stratified Amerindian societies. In contrast to European practices, the victims were often not considered outcasts with which any social bond had to be severed, but honoured by feasts before execution or integrated into the group by the creation of fictive kin relationships.

Considering what has been said in this chapter, it is neither justified to negate the existence of ritual violence, including human sacrifice, in the pre-Columbian Americas as colonial propaganda, nor can this in any way legitimise the carnage of the European conquest. The French Renaissance philosopher Michel de Montaigne was, of course right, when he asserted in his essay ‘Of Cannibals’ in 1581:

I do not believe, from what I have been told about this people [the Tupinamba], that there is anything barbarous or savage about them, except that we call barbarous anything that is contrary to our own habits . . . We are justified in calling these people barbarians by reference to laws of reason, but not in comparison with ourselves, who surpass them in every kind of barbarity. 39

Bibliographic Essay

Although numerous case studies relevant to the topic of human sacrifice and ritual violence in the Americas exist, very few works provide overviews or comparisons. Therefore, two lengthy articles, though somewhat dated, remain essential. See, for Amerindian North America,


WOLFGANG GABBERT

Further references concerning ritual violence, particularly in the stratified indigenous societies of Latin America, are to be found in the Bibliographic Essay accompanying Chapter 19 of Volume II of this series.
 PART II

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 CULTURES OF WAR AND VIOLENCE
While much is made of the importance of ideology, most notably Confucianism, in enabling the Chinese imperial order to endure for over two millennia, more recently scholars have highlighted the equal importance of military power, or state-sponsored/sanctioned violence, in maintaining and extending the empire’s borders. The three centuries from 1500 to 1800 are among the most significant militarily in the long history of imperial China. Spanning parts of the Ming and Qing dynasties, these centuries were notable for the widespread adoption of gunpowder weapons, the successful defence of the Asian mainland against the Japanese invasion of the 1590s, the massive peasant rebellions and Manchu invasion that overthrew the native Ming dynasty, and the steady expansion of territory under succeeding Manchu Qing rulers that ended the age-old steppe threat to the Chinese empire and established most of what remain the modern borders of the People’s Republic of China. At the same time the Ming and Qing Empires were confronted with a dizzying array of domestic challenges ranging from uprisings by minority peoples along the frontiers to challenges from imperial princes, to sectarian insurrections to outbreaks of piracy along the south-east coast. Indeed, Sun Laichen has called the period from 1550 to 1683 the most warlike in the long history of East Asia.¹

Recent scholarship on various aspects of Chinese warfare highlights the broader role of state-sponsored violence in maintaining imperial authority at home and abroad. It also draws our attention to a surprising level of local violence embedded within Chinese society. Sectarians, bandits, pirates and martial arts associations, among others, routinely used violence to achieve desired outcomes and the imperial state responded in kind.

Indeed, a re-examination of Chinese ways of war accentuates the roles played by violence in maintaining and extending the power of the imperial state in Asia. For while Enlightenment European philosophers might have cast China as an idealised philosopher kingdom and praised its bureaucracy and apparent lack of violence in contrast to contemporary Europe, in fact early modern China was also a violent place and legitimacy and authority were maintained by the sword more so than Confucian platitudes about benevolent governance.\(^2\) And while the ways ‘just wars’ were framed and articulated differed from their European counterparts, it is obvious that the late imperial Chinese state, building upon centuries of military developments and statecraft traditions, was equally concerned about monopolising violence in the interest of extending its authority and territorial control.\(^3\)

Recent scholarship on this era has highlighted the martial orientation of China, casting aside the aforementioned presumption of civil (wen) dominance over the military (wu) aspects of Chinese society and culture. Joanna Waley-Cohen contends that ‘an intense focus on military affairs’ was one of the Qing state’s most distinctive characteristics.\(^4\) She further argues that the Qing witnessed a steady militarisation of culture and perpetuation of martial values that was unprecedented in Chinese history. David Robinson highlights the ‘martial spectacles’ of the Ming court that were carried over from the preceding Mongol Yuan (1279–1368) dynasty.\(^5\) Such studies draw our attention to the centrality of warfare and violence in late imperial Chinese culture and remind us that these were both empires beset by foreign and domestic challenges that necessitated military flexibility and adaptability. The sheer number and scope of military operations suggests that violence was a way of life and an everyday reality for many people despite governmental efforts to create a veneer of civility. In fact, it was the government’s ability to overawe its subjects that often proved crucial in maintaining order.

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2 On the violent nature of early modern Chinese society see R. Antony, *Like Froth Floating on the Sea: The World of Pirates and Seafarers in Late Imperial South China*, China Research monograph (Berkeley: University of California, Institute of East Asian Studies, 2003) and his *Unruly People: Crime, Community, and State in Late Imperial South China* (Hong Kong: Hong Kong University Press, 2016).


In considering Chinese ways of war one must begin with the realisation that the Ming and Qing Empires were incredibly ethnically and geographically diverse and their militaries were forced to deal with a range of strategic problems that far exceeded those of many of their contemporaries, with the possible exception of the Ottomans. That the Ming and Qing states were able to handle these problems and develop new solutions to them is a testament to the military might and innovation of the empire and warrants far greater attention from students of both Chinese and comparative military history. This chapter presents an overview of Chinese ways of war and addresses the relationship between warfare and violence in early modern China. By presenting a generally chronological approach to the way these dynasties managed their military challenges one can appreciate the interplay of traditional practices and new innovations that allowed these empires to be among the most successful in the world while also seeing how they deployed violence to maintain their authority.

**Warfare in the Ming–Qing Context**

When considering the Ming and Qing dynasties, the first thing comparative military historians should keep in mind is the sheer size of the empire. From 1500 to 1800 the population of China swelled from roughly 150 million to perhaps 400 million. Managing an empire of this size required a massive military establishment that needed to be able to deal with a multiplicity of threats in varying terrains. Even a cursory perusal of the official dynastic chronicles, known as the *Veritable Records* (*Ming and Qing shilu*), reveals that military affairs were always in the forefront of imperial concerns. Thus, the Ming and Qing were constantly developing new technologies and experimenting with new tactics to realise the dynasty’s strategic aims. Responses to military threats varied according to relative dynastic military strength as well as the particular needs and interests of individual monarchs and competing official power blocks. The mid-Ming emperors tended to be more defensive in orientation whereas Wanli (r. 1573–1620) sought to reassert Ming primacy within Asia by virtue of military achievements early in his reign, only to be thrown on the defensive by the rising Manchu challenge later.\(^6\) For their part, after a forty-year war to defeat Ming loyalist groups, the Qing embarked

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upon a period of aggressive territorial expansion that was unprecedented in Chinese history. And both these dynasties routinely participated in what are laconically dubbed ‘pacification’ campaigns in the traditional sources. These could range from the eradication of a group of local bandits or pirates to massive campaigns mobilising hundreds of thousands of troops.

Indeed, this era was regarded as particularly violent by contemporary observers and later scholars alike. In a study of collective violence in the Ming period, 80 per cent of James Tong’s cases occurred between 1506 and 1644. An examination of Gu Yingtai’s Mingshi jishi benmo (A Topical History of the Ming Dynasty), one of the most highly regarded histories published shortly after the dynasty’s fall, bears out Tong’s findings. Some two-thirds of the chapters dealing with the later Ming period in the Topical History treat military topics. Additionally, the six chapters appended to the end of the work proper deal with strategic military concerns pertaining to the Manchu wars in the north-east dating from the late sixteenth century. More recently, in a work on the global crisis of the seventeenth century, Geoffrey Parker has opined that China was more adversely affected by climate change and military disasters than any other place in the world. In the eyes of the imperial state, as revealed by most of the surviving sources which are of course from the perspective of the centre, the government was bringing peace and order to the countryside. But from the perspective of local people, the state was often simply upping the ante on violence.

The greatest problem faced by Chinese empires in general was the diversity of threats with which they were confronted on a regular basis. I have identified eight major military challenges faced by the Ming and Qing. My list is derived from readings of primary and secondary materials and is meant to reflect the way they were typically treated in contemporary sources. Most could be described as being endemic to traditional Chinese empires and some even remain present today in the eyes of the People’s Republic of China. These strategic threats, as viewed from the perspective of state authorities, were as follows: (1) the Mongols (in Ming and Qing contexts); (2) peasant rebels and bandits; (3) minority revolts; (4) pirates; (5) the Japanese invasion of Korea.

Challenges to the imperial state could sometimes consist of a variety of these threats, and strict delineation between them is not always possible. It was possible for one event to lead to another. Petty bandits could spark larger peasant rebellions, as could sectarian movements, particularly in times of widespread natural disaster and government turmoil. Troop mutinies along the frontiers sometimes sparked Mongol raids or aboriginal uprisings as minority groups seized opportunities presented to them. Sectarian uprisings similarly had the potential to explode, seen most notably in the massive White Lotus Rebellion of 1796–1805. I concur with Tong’s findings, which indicate that while there was not necessarily always a direct correlation between the type and level of threat, in the eyes of the state it was the potential for expansion that mattered. Belying popular generalisations, sources suggest that the empire as a whole was a violent and dangerous place.

As far as the relative importance of these threats is concerned, it depended upon the time in question. The Mongols constituted the paramount threat to Ming security for most of the dynasty, but they were regarded as far less dangerous after the late sixteenth century when a combination of peace settlements and Ming military victories reversed the strategic balance of power. The so-called Japanese pirates (wokou) took centre stage in the mid sixteenth century, and the threat of a massive Japanese invasion of the Asian mainland was the major strategic concern of the 1590s. In the seventeenth century the Manchus assumed the role of Ming nemesis, to be joined by sectarian and peasant rebels in the 1620s. During the long Ming–Qing struggle, the invaders selectively applied violence to consolidate and legitimate their rule. Under the Qing, border clashes involved new methods of using violence for strategic ends, but were not necessarily threatening the survival of the empire. Sectarian revolts re-emerged in the late eighteenth century, seeming to presage the military decline of the Qing. Thus, the range of strategic threats necessitated the adoption of a variety of ways of warfare and strategic applications of violence.

The Mongols

Given the fact that it was the Ming who ousted the Mongol Yuan (1279–1368) dynasty from China, it is perhaps only natural that the Mongols assumed the role of public enemy number one for most of the dynasty. In the early years

11 Tong, Disorder under Heaven, p. 44.
of the Ming, the empire launched lengthy campaigns deep into the wastes of central Asia in vain attempts to eradicate the Mongol menace once and for all. Drawing upon centuries of strained relations with central Asian peoples, the Mongols were typically cast as violent and warlike, though significantly enough it was these very qualities that made them desirable in Ming armies. As David Robinson has convincingly demonstrated, Mongol military values and cultural practices impacted significantly upon the Ming rulers. Thus, individual Mongols were frequently allowed to rise to positions of great authority and influence, albeit with occasionally negative consequences.

The Ming adopted a variety of strategies to deal with the Mongol threat, ranging from formal alliance building and alliance subversion to static defence mixed with occasional punitive operations to the aforementioned application of large-scale military force resulting in occupation or incorporation of Mongol lands into the Ming Empire. The Great Wall is of course the most famous symbol of Ming defence against the Mongols, but it should be noted that the wall was never designed to be a final solution, nor was it merely defensive in nature. Additionally, it was by no means as ineffective as its critics might maintain. It is perhaps best viewed in the light of general Ming strategies to overawe the empire’s steppe foes by impressing upon them the power and resources of the Ming state. As enormous as the costs of building the Great Wall were, it was still considered cheaper than mounting campaigns into central Asia and it served the purpose of highlighting the state’s willingness to use violence, given that the wall was a staging area for destabilising ‘surgical strikes’ into Mongol lands whereby livestock and weapons were captured and encampments were scattered so as to reduce their military viability. But while such efforts were sometimes effective in reducing short-term threats, they also perpetuated the cycle of violence between steppe and sown.

The Mongols were the foremost threat to dynastic security until 1571 when the Ming concluded a peace treaty with the most powerful Mongol leader, Altan Khan (1507–82), granting him investiture as a tributary prince and opening up regular trade fairs along the frontiers. The peace treaty was

eventually facilitated by the defection of Altan’s grandson to the Ming and the shrewd negotiations of several able Chinese commanders and advisers to the emperor. The arrangement was more or less successful as large-scale clashes between the two sides became far less frequent, but it would be erroneous to suggest that relations between the Ming and the Mongols were cordial from 1571 on. In fact, neither side kept to the terms of the original agreement, and right up until the very end of the dynasty the Ming were launching quick strikes into Mongol territory with the aim of capturing livestock to destabilise certain tribal leaders even as the Mongols raided Chinese border towns and garrisons in hopes of exacting further concessions. Nonetheless, after 1571 the Mongols ceased to be the major threat to Ming security as they tended to be politically divided and the Ming was in the process of a general military revival that would last until the second decade of the seventeenth century.

Mongols would return as the primary challengers to the Qing in the late seventeenth century under the leader Galdan, who subjugated various Mongol tribes in the 1670s, controlling most of East Turkestan by 1679. He then extended his sway of the Eastern Khalka Mongols in the 1680s and clashed with the expanding Qing in Tibet in the 1690s. His machinations earned the ire of the Qing court and the Kangxi Emperor (r. 1662–1722) himself eventually took the field against his rival. Galdan would die in 1697, but the Qing continued to battle the Zunghar tribe of Mongols in Tibet for the next two decades.

After the Qing concluded the Treaty of Kiakhta with Russia in 1727 they again turned their attention towards a rejuvenated Zunghar confederation, which was now powerful enough to be considered an empire in its own right. After a series of battles and negotiations during the reign of the Yongzheng Emperor (r. 1723–35), the Qing ruler Qianlong (r. 1736–95) resolved to destroy the Zunghars once and for all, using a succession dispute as a pretext for invading the steppe in force. Building upon decades of military experience in pacifying China and incorporating the frontier lands of Sichuan and Tibet into the burgeoning Qing Empire, the Manchus successfully established supply depots across the south-west, allowing them to penetrate deeper into the steppe than any preceding China-based state. Combined with superior eighteenth-century firearms (which the Mongols likewise possessed, but in fewer numbers), the Qing managed to achieve what no dynasty had done before in ending the nomadic challenge to a sedentary state based in China. In the process they perpetrated what Peter Perdue has dubbed a ‘genocide’ in crushing the Zunghar Empire.\(^\text{15}\) While this meant using violence on an

unprecedented scale to bring peace, modern Chinese historians have tended to
gloss over the messiness of these operations in favour of narratives emphasising
the supposedly natural progression of the Chinese state across central Asia.

Rebels and Bandits

As the Ming was founded by a peasant rebel, it was probably fitting that the
dynasty was also toppled in large part by the efforts of peasant rebel armies.
Unlike the Mongol threat however, peasant rebellions tended to spring from
specific socio-economic triggers, including drought, famine, poor harvests and
other natural disasters. Additionally, many of the so-called peasant rebels of
the late Ming period were in fact soldiers or members of the official Ming postal
service who, through government cutbacks or simple maladministration, had
fallen into destitution and felt they had no other way out. As these people
transitioned back into local society, often with considerable friction, they
brought a range of martial skills and experiences with them. In the process,
certain areas of the country, most notably the north-west, became increasingly
militarised and violence became a part of everyday life. Virtually all the major
late Ming peasant rebel leaders hailed from north-west China. Although Tong’s
study on collective violence in the Ming also notes the importance of ‘regime
capacity’ and distance from the power centres as factors in instigating peasant
uprisings, Robinson has countered Tong’s findings by highlighting the violent
nature of Ming society in general.17

For example, the rebellion of one Wang Jiayin, which broke out in the
autumn of 1628 and spread throughout the north China plain, was attributed
to widespread starvation and deprivation. In general, the policy for dealing
with peasant rebels was to convince the leaders to turn themselves in, and
then pardon the rank and file in the interest of maintaining stability. In some
cases leaders who turned themselves or their allies in would even be
rewarded with military ranks themselves. Famine or disaster relief measures
would also be implemented if deemed necessary. Military force would be
applied only if less severe measures failed. But much depended upon the
abilities and predilections of particular officials assigned to deal with the
problem in question.

Such strategies generally met with mixed results for a variety of reasons.
First of all, most soldiers themselves came from lower-class backgrounds and

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16 For comparison, see Chapter 22 in this volume.
17 Tong, Disorder under Heaven, pp. 96–132; and D. Robinson, Bandits, Eunuchs, and the Son of
often sympathised with the plight of the peasant rebels. Low-ranking officers who felt cheated by the government could often be lured into joining rebel groups and assuming leadership positions by virtue of their military experience. This meant that local uprisings could quickly mushroom into regional or even national threats, especially in times of widespread natural disaster. And, if and when government forces did come forth to engage rebels in combat, they could simply melt into the countryside along with the rest of the peasantry.

Crushing the peasant revolts proved maddening and in the end impossible for the Ming. Their mobile warfare and ability to blend in with the populace resulted in unsatisfying engagements and their decentralised leadership meant that even killing prominent leaders often had little effect. So the government resorted to a ‘body bag’, or more accurately, ‘ear counting’ philosophy whereby success was measured primarily in the number of enemy killed, once again resorting to the strategy of trying to overawe perceived enemies. But the practice backfired as soldiers often killed innocent commoners to inflate their numbers and receive rewards. This in turn led more locals to abscond into the wilderness, frequently joining bandit gangs and thereby militarising society even more.

The Qing were similarly bedevilled by the peasant rebel problem and eventually ended the threats by pacifying local society, restoring order and encouraging agriculture and a return to traditional occupations. Areas needed to be secured and a formal military presence in the form of the Chinese Green Standard Armies established. These were essentially infantry units raised from the Chinese (rather than the Manchu) populace and used for maintaining internal security. When people felt safe again they were less inclined to join local bandit gangs and society was gradually demilitarised, albeit not without some massive pacification campaigns. For example, in the final military push to eradicate the so-called Thirteen Houses of Kuidong in the eastern Sichuan region in 1662–4, the Qing mobilised an army of 200,000, converging from three provinces, to crush the rebels in their mountain fortresses. The Qing relied upon the time-honoured tactic of overawing the enemy while also encouraging defections by commanders and local supporters.


19 See Gu Cheng, ‘Guanyu Kuidong shisanjia de kang Qing douzheng’ (‘Concerning the War of Resistance against the Qing Waged by the Thirteen Houses of Kuidong’), in Li Yan zhi yi (Doubts about Li Yan) (Beijing: Guangming ribao chubanshe, 2012), pp. 296–310.
Related to the problem of peasant rebellion was the existence of low-level banditry. Petty bandits were endemic to China. Banditry tended to increase during times of political and social unrest or natural disaster, but the frequency of references to bandits attests to the fact that they were a recurring problem. Bandits tended to be opportunistic, so outbreaks of banditry often followed disruptive government suppression campaigns. The ability to curtail banditry on the local level was seen as indicative of an official’s ability to maintain peace and tranquillity in general and was a way for military officials to obtain combat experience. Much of what is related above concerning the suppression of peasant rebellion applied to anti-bandit measures, albeit on a more localised scale. In short, the government generally relied upon a combination of carrot-and-stick measures, and Confucian suasion would often be tried first, though if that failed, violence would be liberally applied. While one is certainly struck by the widespread occurrence of petty banditry in Ming–Qing China, it does not seem to be inherently any more violent than any other early modern society.20

Ethnic Revolts

Aboriginals, or ethnic minorities, constituted an entirely different kind of threat. Viewed from the perspective of the central government, the various aboriginal peoples of south-west China were uncivilised and superstitious, not to mention savage and warlike. Writing in the early sixteenth century, the Ming official Zhuge Yuansheng described the Miao of south-west China as being ‘skilled swordsmen, fond of sorcery and very superstitious, believing in ghosts’. In the eyes of the imperial state, characteristics such as these made aboriginals prone to violence and susceptible to manipulation by crafty leaders. Ironically enough, they also made aboriginal troops highly sought after as elite units or even bodyguards. The most infamous of these were the so-called Wolf Troops of Guizhou province in the south-west, regarded as especially fierce and savage fighters.

Thus, not unlike other empires throughout history, the Ming and Qing sought to co-opt and channel the supposedly violent elements of their populace and use them to advance their imperial aims. In doing so they realised and extended the emperor’s claims of universal rule, for it meant that the ‘barbarian’ elements were being used for positive purposes. Interestingly enough, the Ming appear to have made more extensive use of minority groups as shock troops than the more consciously multi-ethnic Qing, who

20 On mid-Qing banditry and its suppression, see Antony, Unruly People.
from a relatively early point emphasised the innate savagery of such peoples and eagerly adopted the Han civilising mission used by their predecessors to incorporate minority lands more formally into the empire, a process known as gaitu guiliu, or ‘making regular offices out of aboriginal lands’.

For most of the Ming period the empire was content to let local aboriginal leaders rule as practically independent chieftains in exchange for pledges of loyalty, coupled with payment of ‘tribute taxes’ and occasional military service. But according to official sources, local chieftains often became arrogant and high-handed, flouting their positions and stirring up locals against their rightful Ming overlords. As they generally erupted in remote corners of the empire, such revolts could quickly get out of hand. The largest of these, the rebellion of the Miao chieftain Yang Yinglong at the end of the sixteenth century, reportedly involved over 100,000 rebels and required nearly a quarter of a million government troops to suppress it. Thus it can be readily seen why the state regarded aboriginal threats so seriously.

But as much as standard accounts of aboriginal rebellions seek to portray the instigators of these movements as antisocial malcontents, one can still see these peoples as more passive-aggressive than anything else. While they certainly tended to distrust the central government and did what they could to maintain a measure of autonomy, they were rarely threats that could overthrow the empire. It seems as if most aboriginal uprisings were sparked by Han Chinese encroachment on traditional aboriginal lands and the empire-building efforts of Ming–Qing policymakers who sought to find outlets for the empire’s expanding population. And the ways in which the imperial state sought to play local interests against one another and vice versa attests to the simmering levels of violence along the ever-expanding frontier. Local peoples were encouraged to cast aside their traditional ways in favour of those of the colonisers. When they resisted, they were branded as rebels. Moreover, efforts to suppress one rebellion often sparked others as local economies were disrupted by military campaigns.

From the perspective of the central government these measures were necessary as there were great concerns over the lawlessness of the southwestern border areas. Not only was the state actively encouraging Han Chinese to settle in the area to acculturate the locals; they were also apparently hoping to strengthen their hold on the area vis-à-vis the

Burmese and Tibetans. In addition to the multiple Jinchuan Wars of the eighteenth century in western Sichuan, which pitted the expanding Qing state against tribal leaders who had ‘revolted’ against their local appointees, Ming and Qing records are replete with accounts of border clashes between government forces and Burmese and Tibetan ‘bandits’. Nevertheless, on the whole these tactics were effective and Chinese control over the south-west steadily increased throughout the late imperial period as the combination of superior technology, use of local allies and demography facilitated the continued expansion of the empire.

Pirates

With respect to regional violence in particular, the study of pirates has received considerable attention in the scholarly literature. While some studies have highlighted the importance of endemic societal violence in shaping the world views and culture of late imperial pirates,23 others have focused on the state’s responses to piracy, most notably in the mid sixteenth century, during the so-called wokou (Japanese pirate) crises.24 In the Ming, most wokou pirates were actually amphibious bandits that were not only Japanese but also Chinese and even sea rovers from as far afield as Africa. When the Ming state was strong and vigorous, piracy declined. But when the state was faced with challenges, such as that of Altan Khan, piracy surged.

In reality, the wokou never constituted a serious challenge to Ming authority, but they symbolised dynastic corruption, inefficiency and military weakness in the mid sixteenth century. The state’s inability to deal with this minor threat on its coasts eventually led the Ming to develop a more formidable navy, which acquitted itself quite well in the struggle against Japan in the 1590s. Initially, the Ming embarked upon a two-pronged strategy to eradicate the pirate threat. The first was the lifting of the general ban on maritime trade in 1567 by the Ming Emperor Longqing (r. 1567–72). The second was the general revival of Ming military power carried out under the auspices of the emperor’s top adviser, Zhang Juzheng (1525–82), a patron of General Qi Jiguang (1528–88). In addition to appointing competent officers to important commands, Zhang believed in bolstering the Ming

23 See Antony, Like Froth Floating, and Chapter 23 in this volume.
defences along the coast by improving the early warning systems and reconstructing decaying walls and other coastal defences.

Piracy would revive towards the end of the eighteenth century as pirate leagues flourished in coastal south-eastern China. Historians have offered differing interpretations as to the primary causes of this revival. One interpretation blames political unrest in Vietnam, connected to a popular rebellion known as the Tay Son Uprising. Another focuses on domestic social and environmental causes related to Qing population expansion and resource exhaustion. In any case, the Qing managed to eventually solve the pirate problem through traditional means of coercion and diplomacy, and because the pirates were not especially technologically advanced, they were not forced to develop significant new naval technologies to defeat these primarily amphibious bandits. This would have serious repercussions four decades later with China’s dealings with the West.

The Japanese Invasions of Korea

The Japanese invasion of Korea, which lasted from 1592 to 1598, was the largest conflict in the world in the sixteenth century in terms of both numbers and geographic scope. Japan’s overlord, Toyotomi Hideyoshi, endeavoured to create a new East Asian world order, one with himself at the apex. To this end he assembled a force of over 150,000 soldiers, bolstered by perhaps 200,000 reserves and equipped with not only Japanese swords but also Portuguese- and Chinese-derived firearms.

In a transnational sense this was a ‘just war’ from the Sino-Korean perspective as the Ming mobilised tens of thousands of troops to aid its beleaguered tributary vassal and stymied the greatest challenge to the so-called Chinese world order in pre-modern times. The Ming application of state-sanctioned violence in this case was designed to overawe the Japanese and allow Ming China to retain its hegemonic position in East Asia. Though the war was poorly managed by both sides, in the end the Ming achieved all of its aims. Ming units brought to Korea included contingents of aboriginals from China’s south-west, designed to intimidate the Japanese with their savagery. Once the war ended many of the Ming troops were sent directly to Sichuan to

26 Antony, Like Froth Floating.
battle the aforementioned Miao rebel, Yang Yinglong, including Japanese soldiers who had surrendered and were employed as firearms specialists.

The Sino-Korean allies prevailed by a combination of superior cannon technology, better logistics, stronger navies and, to a lesser extent, the presence of Korean guerrilla resistance in the countryside. While the social effects of the war on Korea are well documented, the effects on China are only now being examined. Some of the rebellions in south-west China, for example, can be attributed directly to increased taxes or supply exactions for the war effort in Korea. Thus, the strategic application of state-sponsored violence could have serious local repercussions.

The Manchus

The people who later called themselves the Manchus were known throughout the Ming period as the Jurchens and could claim descent from a dynasty that had ruled part of China in the twelfth and thirteenth centuries. Thus, they had an imperial pedigree of sorts and, judging from the subsequent actions of the early Qing dynasties, a sense of their history and how it fitted in with the broader scheme of the East Asian world order and the succession of legitimate dynasties. They dwelt in north-east Asia and were military threats to both the Ming and the Korean Chosôn (1392–1910) dynasties. Administratively, the Jurchens were treated in the same way as both the Mongols and the aboriginal tribes of the south-west. Tribal leaders were invested with seals of authority and conferred hereditary titles of nobility in exchange for recognising Ming sovereignty. Favoured Jurchen commanders could even be taken under the wing of Ming military officials, as seen in the fateful case of Nurhaci (1559–1626), founder of the Latter Jin state which would become the Qing dynasty.

When dealing with the Jurchens the Ming tended to adopt the same types of approaches they had used against the Mongols: in other words, divide and conquer. They would launch quick strikes into Jurchen territory and offer Jurchen leaders Ming official rank and trading privileges in exchange for loyalty. They were also not above double-crossing erstwhile allies if the opportunity presented itself. Livestock would be captured and settlements burned in an effort to keep potential threats scattered and disorganised. It was during one such raid that Nurhaci’s father was ‘accidentally’ killed by Ming forces, who demolished an enemy fortification while he was still inside. Nonetheless, Ming policy worked quite well until the early seventeenth

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28 See Gu, Mingshi jishi benmo, pp. 2488–91.
century, and is another example of how state-encouraged violence could be used in the interests of maintaining order. But the Ming decision to afford Nurhaci considerable latitude eventually backfired, as he was able to amass an army of around 60,000 for his initial campaign against the Ming in 1619.

Sectarian Rebels

Sectarian rebels occupy yet another contradictory place in the annals of Ming–Qing history. As the Ming founder himself had relied heavily on sectarian support, he was quick to recognise the potential danger of such groups. Instigators of sectarian uprisings are consistently referred to as sorcerers who duped the people with false claims of magical prowess and millenarian visions. They were also typically associated with the notorious White Lotus sect, a millenarian Buddhist sect committed to the return of the Buddha of the Future, Maitreya, almost by definition a source of violence and instability from the perspective of the state. The late Ming witnessed two major uprisings attributed to the White Lotus sect: the uprising of Li Fuda in 1512, and the more serious uprising of Xu Hongru in 1622. These uprisings involved thousands of followers and spread across multiple provinces at their height, though the state suppressed them expeditiously once it turned its military attention their way.

A huge empire with a bewildering array of religious beliefs and practices, it was impossible for the state to legislate every aspect of religious life. Practising Daoist and Buddhist priests and monks were expected to register with government authorities. The government also cast a suspicious eye on lay practitioners and those who used martial arts in conjunction with religious practices. Government authorities detained suspected sectarian leaders and conducted periodic suppression campaigns. These campaigns certainly did not eradicate religious beliefs from the countryside, but they nipped potential insurrections in the bud and probably convinced most people to confine their religious pursuits to less threatening practices. The only time such movements could really get out of hand was when the government was preoccupied with other problems or in times of extreme hardship. Such was the case in 1622 when Xu Hongru’s uprising began in the north-eastern coastal province of Shandong.

This rebellion is seen as one of the first major domestic uprisings that signalled the beginning of the end for the Ming, even though it was quelled

29 See Chapter 25 in this volume.
relatively quickly. What made it threatening was the pervasiveness of White Lotus’s teachings and the fact that the rebellion’s leader declared himself an emperor, presenting himself as an alternative to the Ming. Like most domestic rebels, Xu Hongru was publicly executed in the marketplace in Beijing so as to set an example for others – yet another way in which state-sanctioned violence operated to proclaim and ensure legitimacy.

The Qing dynasty was similarly plagued by secret societies, some of which were lent an additionally subversive taint by virtue of their association with Ming loyalist sentiments. Most notable in this respect was the Tiandihui, or Heaven and Earth Society, popularly known in the West as the Triads, though recent scholarship has concluded that there is no definitive evidence of the Triads as a viable organisation in China prior to the 1760s.

The White Lotus sect also reappeared as a threat in the mid-Qing, most notably in the Wang Lun Uprising of 1774 in Shandong, an area that was a stronghold of White Lotus beliefs, and in the massive White Lotus Rebellion at the end of the eighteenth century in north-west China. In dealing with the former uprising, the Qing government adopted the general imperial practice of executing ringleaders and banishing lesser offenders. And though militarily outclassed in some of the initial engagements, the Qing eventually responded with a multi-pronged offensive that crushed the rebels and brought order to the countryside.

The White Lotus Rebellion of 1796–1805, however, was quite different, as significant levels of corruption contributed to extending the scope and duration of the uprising. The Qing proved ultimately effective in suppressing this challenge to their authority by relying upon hired local civilian militia organisations to battle the rebels, and some have suggested that this practice contributed to the general militarisation and increased violence of late Qing society at the local level. The government also adopted a practice somewhat akin to what certain late Ming officials had done against peasant rebels operating in the same region of China, employing the strategy of ‘strengthening the walls and clearing the fields’ (jianbi qingye) to isolate rebel groups

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and deny them local resources.\textsuperscript{33} People and resources would be concentrated in fortified bastions or stockades and then the surrounding lands would be denuded. This cost-effective method had been used in various guises since at least the Tang dynasty. The policy could also have negative local repercussions as peasant fields and homes were destroyed in the interest of denying supplies to enemies of the state.

**Troop Mutinies**

Troop mutinies were generally tied to military maladministration of various sorts. Recognising the importance of distant frontier posts and their undesirability from the perspective of most soldiers, government authorities often tended to be lax in enforcing regulations for frontier commands. As a result, sometimes troops became indolent and accustomed to easy, unsupervised life in the barracks. When ordered to take up new posts or actually perform their required duties, they could become surly and in several cases, including the Datong Mutiny of 1524, they killed both their commanders and civilian authorities.\textsuperscript{34} Government responses to such actions varied according to the administration in charge. In the Datong Mutiny, one investigative official actually favoured leniency, as did the Jiajing Emperor himself, who blamed the (slain) provincial governor for inciting the disturbance. Thus, following the path of benevolence, he wanted to merely arrest the ringleaders and pardon the rest of the mutinous soldiers. When this strategy failed, however, the government responded by crushing the revolt with excessive force.\textsuperscript{35} The same was true in the Ningxia Mutiny of 1592, one of the so-called Three Great Punitive Campaigns of the Wanli Emperor. In this case Pubei, a Mongol defector who had served the Ming loyally in positions of increasing authority for some twenty years, lured a number of Mongol chieftains to support his uprising with vague promises of restoring the Mongol Empire, though in fact it appears that Pubei himself was lured into the mutiny by Chinese officers.\textsuperscript{36}

\textsuperscript{34} See Gu, *Mingshi jishi bennuo*, pp. 2353–5.
\textsuperscript{36} On the Ningxia Mutiny see K. Swope, ‘All Men are Not Brothers: Ethnic Identity and Dynastic Loyalty in the Ningxia Mutiny of 1592’, *Late Imperial China* 24.1 (2003), 79–129.
From the government’s perspective, troop mutinies were dangerous in that those involved possessed military skills and an intimate knowledge of government institutions and suppression tactics. Another disturbing aspect of troop revolts was the possibility that the troops themselves could claim to be acting legitimately and in accordance with proper principles and standards of conduct, potentially undermining the authority of the state – they could claim to have killed corrupt government officials on behalf of the emperor. Leaders of troop mutinies, not unlike other rebels, often went to great lengths to obtain seals of authority, essential to lending themselves an aura of legitimacy. Finally, troop mutinies could be exceedingly difficult to put down if the rebels attracted local backing and managed to entrench themselves in staunch defensive positions. Lengthy sieges were costly in both lives and materiel. And of course the outbreak of a mutiny often meant execution for the superior officers of a garrison whether by the mutineers themselves or by government authorities later.

Conclusion

While this chapter has only focused on three centuries of conflict, much of what has been said could also be applied to other eras in Chinese history. The sheer number of strategic threats and the inventive approaches adopted in confronting them belie the image of a staid Confucian state loath to embrace its martial side. In fact, it appears that state-sponsored violence was utilised to a far greater extent than mere Confucian proclamations when it came to maintaining authority and establishing legitimacy. Military matters were constantly at the forefront of Ming–Qing policy concerns at both foreign and domestic level. At times, such as during the tumultuous decades of the Ming–Qing transition, violence was endemic across society as a whole, and the final recourse of the state was to use overwhelming force to bring things back into balance. In other words, states used war to bring about peace. It is fascinating to examine Ming–Qing China in the light of its contemporaries with respect to state-sponsored violence and its relationship to military operations. Although it might be difficult to find contemporary states that faced the diversity of threats encountered by the Ming and Qing, an examination of how contemporary states dealt with similar military problems and the ways in which state-sponsored violence was justified or sanctioned could be very instructive for students of Chinese and world history. And it sheds greater light on the role of state-sponsored violence and its many intersections with Chinese society at all levels.
Chinese Ways of Warfare

Bibliographic Essay


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The Wars of Invasion in the Caribbean and Mesoamerica, 1492–1547

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Turning Cortés into Columbus

On the walls of the grand staircase in the old Mexican embassy in Washington, DC there is a captivating but perplexing mural. A visitor climbing the stairs is faced with a depiction of the Aztec capital city of Tenochtitlán, a peaceful scene of settlement, agriculture, artisanry and family life. Painted in the early twentieth century, this romantic rendering faithfully reflects how the Aztecs were represented by the great Mexican muralists of the early decades of the century.

But that idyll is a calm before the storm, for on the wall to the left the Spanish conquistadors are advancing. Soldiers, priests and administrators row to shore from an oversized sailing ship – symbolically larger even than an Aztec pyramid – and, on land, one invader plants a cross while another wields a sword. That red-bearded conquistador with a sword is recognisable as Pedro de Alvarado, a captain in the conquest wars against both the Aztecs of Mexico and the Mayas of Guatemala, a man whose reputation for violence has survived to this day. One might therefore expect the figure towering over the scene to be Hernando Cortés, the leading Spanish captain of the conquistador expedition that destroyed Tenochtitlán – and indeed such was the muralist’s original plan.

But after Mexico became an independent nation in 1821, Cortés became unpopular, an uneasy symbol of the colonial past that Mexicans were putting behind them; and after the Mexican Revolution that began in 1910, his unpopularity increased. Roberto Cueva Del Rio, the Mexican painter who began the mural in 1933, intending at first to depict Cortés, decided by the time he completed the work in 1941 to replace the infamous conquistador with Christopher Columbus – a more neutral figure, who could be depicted in non-military clothing, holding an unfurled banner rather than a sword. The inclusion of Columbus would have made sense – and still makes sense – to local US visitors to the embassy. For in the nineteenth century the Genoese
discoverer of the New World was appropriated by the United States as a patriotic icon, a founder of ‘America’, depicted in dozens of statues and paintings in public places across Washington, DC.¹

Thus for North Americans, those of the United States and Mexico alike, substituting Columbus for Cortés emphasised discovery over conquest, exploration over invasion, peaceful encounter over violence. While Columbus’s inclusion in the embassy mural is therefore initially discordant – his transatlantic voyages of 1492–1504 did not touch upon the Aztec Empire, which was not discovered by Spaniards until 1519 – it nonetheless invokes a pair of important themes for this chapter. First, I argue that we can better understand the wars of invasion and conquest that swept the Caribbean, Mexico and Central America in the half-century after 1492 by viewing them as part of a single process – albeit a complex, multi-staged one. The point is not to assign

¹ See information presented on site at the Mexican Cultural Institute of Washington, DC, and the essay by Harry Iceland on the institute’s website, www.institutode_mexicodc.org/mansion.php#mural. Cueva Del Rio was inspired by his mentor, Diego Rivera, but also by early engraved depictions of the conquest era by European artists such as Theodor De Bry.
responsibility to Columbus, but to emphasise that the historical phenomenon
that would bring upheaval to Aztecs, Mayas and other Mesoamericans began
in the decade of Columbus’s early voyages.

Second, the modern invention of Columbus as a US patriotic icon, eclipsing Cortés as a problematic figure, prompts us to ponder what it was about
those wars that causes discomfort even centuries later. The answer is not
simple, but for our purposes a simple one will act as a reasonable focus:
violece. Those wars were characterised by multiple forms of violence above
and beyond the violence of battlefield casualties or other military encounters.
Invasion and colonisation are inherently violent, but in the case of the
Americas the invaders brought new diseases that devastated indigenous
communities. They also failed to respect the indigenous tradition of a war
season, thereby disrupting agricultural cycles and creating famine. Their
demand for labour and their insistence on the abandonment of religious,
marital and other cultural practices prompted further social, political and
economic disruptions that often had violent effects on indigenous families.

Above all, the conquistadors and early generations of colonisers enslaved
indigenous peoples by the hundreds of thousands. Under Spanish law, it was
illegal to enslave ‘Indians’, but two loopholes were mercilessly exploited.
‘Indians’ could be branded and sold if already enslaved by other ‘Indians’, in
which case they were not freed but ‘rescued’ through enslavement to
Spaniards. They could also be taken as slaves if they could be classified as rebels
against the Spanish monarch. Fighting-age men were often slaughtered, but
women and children were routinely enslaved and sold at auction or relocated
away from their home towns – even as far way as Spain. There was a brisk
traffic in young indigenous girls as sex slaves; one such victim, Malinztin or
Malinche, achieved some status and lasting fame as Cortés’s intepreter,
although her story – and thus that of the trade in general – has been distorted
into one of opportunism (by her) or romance (she bore him a son).2

It is thus hard to imagine there was a family in the Caribbean or
Mesoamerica, let alone a village, that was not impacted, if not torn apart,
by one or more of these forms of violent disruption. Indeed, the violence of
the invasion was so multifaceted and widespread that it is has even been
suggested that we debate categorising it as genocidal.3

2 Camilla Townsend, Malintzin’s Choices: An Indian Woman in the Conquest of Mexico
(Albuquerque: University of New Mexico Press, 2006). On indigenous rebellion as
a legal loophole, see Chapter 21 in this volume.
3 See, e.g., my discussion of Tzvetan Todorov in Matthew Restall, When Montezuma Met
Cortés: The True Story of the Meeting That Changed History (New York: Ecco, 2018),
The Caribbean: The ‘Yoke of Slavery’

The inhuman death of Hatuey occasioned so universal a dread among the Indians of Cuba, that without further resistance they submitted to the yoke of slavery

J. H. Campe, 1799

In the early months of 1515 a Spanish ship dropped anchor near Cumaná, off the coast of Venezuela. The ship’s captain, Gómez de Ribera, went ashore with a small entourage, made contact with a local group identified simply as indios (‘Indians’), and invited them aboard his ship to trade. At the time this particular strip of Caribbean coastline was controlled by Dominican friars, and so its indigenous population spoke a little Spanish and had developed some trust in Spaniards – hence Ribera’s success in persuading eighteen men and women to take the boats out to his ship. But instead of talking trade, the captain raised anchor and sailed to Hispaniola. There the eighteen ‘Indians’, now chained and branded on the face, were sold as slaves.

This tiny tale is neatly illustrative of the larger story of Spanish–indigenous interaction in the Caribbean, circum-Caribbean, Central America and Mexico in the half-century following 1492. In general terms, those of the bare outline of facts, the incident reflects how indigenous peoples suffered various forms of violence – from betrayal, enslavement and displacement to rape, mutilation and massacre – despite competing Spanish visions of colonialism. Viewed thus, it is violent interaction, not God, gold and glory, that most characterised the earliest decades of European exploration and settlement in the Americas.

The more complex history of early Spanish colonialism in the region is also illustrated in the details of the 1515 anecdote, specifically in the legal loopholes and categories that Ribera used. For example, Ribera and his crew were not licensed slave traders; their mandate was to find the ‘Caribs’ who had killed a pair of Spaniards on the island of San Vicente. Since the first use of ‘Carib’ – coined during the 1493 Columbus expedition – to designate hostile indigenous groups, Spaniards had reduced the ethnic complexity of the islands and

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4 Hatuey was a Taino ruler. Quote from the earliest English translation (from German) of J. H. Campe, Columbus; or, the Discovery of America: As Related by a Father to His Children, and Designed for the Instruction of Youth (London: Sampson Low, 1799), vol. 1: Vol. 2, p. 179.

circum-Caribbean coastal regions to a dichotomy of two invented categories. We might call them ‘good Indians’ and ‘bad Indians’, not labels officially used by Spaniards but ones recognisable to Europeans and their descendants in the Americas for centuries since 1493. We know the former as Tainos (although scholars recognise that this category is also invented, and the process of recovering pre-Columbian ethnic identities is still ongoing); nitaino is an adjective meaning ‘good, noble’ in the Taino language. The latter, the caribes, were classified as violent cannibals (hence the name), whose nature thereby made it legal to slaughter or enslave them.

There is no evidence that Ribera’s ship bothered to sail to San Vicente at all. Most likely they found a convenient bay near a Dominican mission in order to trick peaceful indios into being kidnapped and reclassified as enslaveable caribes: a quicker and less dangerous prospect than hunting ‘real’ caribes. Such a manipulation of invented categories was standard Spanish practice throughout the region. Equally common was the collaboration in this abuse by Spanish officials; Ribera’s eighteen captives were purchased in Santo Domingo (Hispaniola’s capital) by local magistrates and encomenderos (Spaniards with licences to access the tribute and labour of specified communities), who surely knew that Ribera had fudged his documentation, even before a letter of protest reached the city from the friars on the Venezuelan coast. Among the eighteen were the baptised local cacique (indigenous chief or local ruler), don Alonso, and his wife; even within the contorted logic of Spanish law, the couple could not legally be enslaved.

The case was scandalous enough that it generated paperwork, and was preserved for posterity in the outraged phrases of the era’s most famous Dominican, Bartolomé de las Casas, the bishop-friar who campaigned at court in defence of indigenous rights (earning him infamy among the conquistadors but fame in the modern era). But don Alonso, his family and compatriots were never returned to their homes. And by the end of 1515 the missions in the Cumaná area were destroyed (either by men avenging don Alonso’s kidnapping, or by enemies taking advantage of his absence). In 1518 the king ordered Judge Alonso de Zuazo on Hispaniola to find and repatriate don Alonso’s wife (the unnamed cacica), but there is no evidence this was done, and the order ignores the other seventeen captives (although it does state that generally speaking illegally enslaved indios are to be deposited in Franciscan or Dominican monasteries). The details are again illustrative of larger patterns: there were laws in place designed to protect indigenous groups and facilitate peaceful colonial settlement, and there were Spaniards willing to fight to enforce those laws; but they were almost
always outnumbered by those who viewed the legal loopholes as the very licences that made their presence and profits possible.⁶

The quebrantamiento, the great ‘breaking’ of the Taino population of the first decade of the century as a result of violence, enslavement and overwork in placer gold mining, led to a decade of slave raiding across the Caribbean – from Florida to the northern coasts of South America. The islands in between were decimated. Tens of thousands were enslaved. The slaughter and disruption to family life and food production caused the indigenous population to drop within a generation by hundreds of thousands – if not by millions, as Las Casas claimed (we may never know the precise numbers, which modern scholars have fiercely debated).⁷

Then a smallpox epidemic hit the greater Caribbean region in 1518, killing a quarter of the indio population of Hispaniola in a matter of months (or so Zuazo claimed), prompting a dramatic increase in the issuing of slave raiding licences. Faced with increasingly poor ‘harvests’ of ‘Indians’, Spaniards in the Caribbean jumped at the opportunity to reap the benefits of an untapped mainland. As it happened, in 1517 the governor of Cuba, Diego de Velázquez, had sent an expedition to explore the mainland coastline and what was then perceived to be a large island – Yucatán. The expedition (whose leader, Francisco Hernández de Córdoba, was fatally wounded) had returned with tantalising evidence of wealthy and well-populated indigenous kingdoms. As a result, 1517 would prove to be the starting date of a pair of interlocking thirty-year wars – a Spanish–Mesoamerican Thirty Years War and a Spanish–Maya Thirty Years War.⁸

The ‘Conquest of Mexico’: ‘Some of Evil Disposition’

As men, not all of us are very good – rather, there are some of evil disposition

Bernal Díaz, 1580⁹

⁸ Note that these designations are inventions of mine, intended to help convey the larger picture, and not to be confused with the Thirty Years War (a European conflict of 1618–48).
⁹ My translation from Bernal Díaz del Castillo, Historia verdadera de la conquista de la Nueva España, ed. José Antonio Barbón Rodríguez (Mexico City: El Colegio de México, 2005), vol. 1 p. 834, quoted more fully below.
Viewing the violence of the decades after 1517 as a pair of thirty-year wars is innovative because it privileges the indigenous perspective, which is not how the invasion has tended to be seen for the past five centuries. For Mesoamericans, year after year the invasion’s many forms of violence disrupted their lives and destroyed their families. But for Spaniards, the war was soon reduced to a two-year story of miraculous triumph. That story was the 1519–21 war in Mexico, culminating in the siege and seizure of the Aztec capital of Tenochtitlán. For Spaniards and other Europeans, the war soon became known as the Conquest of Mexico. That term—which Spaniards began using soon after the war—was set in stone after 1552 by the success of Francisco López de Gómara’s *La Conquista de México*, a hagiographic history that praised and promoted the role of Cortés as the leading conquistador in that war. Still used today as the common name for the war, it ignores the violence and warfare that followed 1521, and helps perpetuate the Spanish view of the war as a brief, predestined and glorious conquest of a barbarian empire.

The essential events of the war are well known, but it is worth summarising them with an emphasis on the forms of violence that the conflict brought to, or exacerbated in, Mesoamerica. The 1517 expedition sponsored by Governor Velázquez, which had returned early following a punishing defeat by a Maya army on the coast of Yucatán, was followed by two more, in 1518 and 1519. The Spanish captains who led these expeditions were mandated by Velázquez to explore, trade and—if the captains could use the legal loopholes of ‘Indian’ cannibalism and rebellion—enslave, but not to conquer and settle. Yet the men who comprised these companies were not primarily explorers, merchants or soldiers; they were armed settlers. They explored, fought and sought to trade in loot and slaves as a means to an end: to settle as privileged colonists in new Spanish provinces.

The 1518 expedition reached the coastal edges of the Aztec Empire, turning back to report to the Governor of Cuba as instructed. But the 1519 company pushed further up the coast, into the region around today’s Veracruz, where they quarrelled for four months over whether to return to Cuba or reconstitute themselves as a new company answerable only to the Spanish king. The company had initially consisted of about 450 Spanish men and over a thousand Taino slaves and servants, as well as small numbers of African slaves and servants, some non-Taino women, a dozen horses and some mastiffs (or war dogs). The majority would die in the war that followed,

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replaced by others (the original 450 men constituted less than 15 per cent of the total number of conquistadors who came from the Caribbean and Spain to join the conflict of 1519–21) and supplemented by many tens of thousands of indigenous allies.

Choosing to betray Velázquez and replace him with Cortés, the company set off in August 1519 on an inland march that would take them, three months later, into the Valley of Mexico and the heartland of the Aztec Empire. En route, they encountered the city-state of Tlaxcala, which they fought to a stalemate. The Spaniards and the Tlaxcalteca agreed to a treaty and an alliance; the leaders of Tlaxcala persuaded the Spanish captains that the Aztec Empire, the long-term antagonist of the Tlaxcalteca, was now their common enemy. In October the combined Spanish–Tlaxcalteca force entered an important Aztec client city, Cholula; during three days of violence the city’s population was massacred and the survivors enslaved.

In November the Spanish company reached Tenochtitlán, where they were welcomed in a diplomatic ritual by the huey tlatoani, or emperor, Moctezuma (more properly, Moteuctzomatzin). Cortés and his fellow captains later depicted the encounter as a formal surrender, leading to the seizing of Moctezuma, through whom the Spaniards claimed to rule the empire for the next eight months. That interpretation also allowed the Spaniards to characterise the deterioration of peaceful relations with the Aztecs over these months as a growing rebellion. The ‘revolt’ was propelled by a massacre of Aztec celebrants during the Toxcatl festival in the city centre, while most of the Spanish company was temporarily absent, facing a rival expedition from Cuba. The absent Spaniards returned with the members of that company to find Tenochtitlán in a state of war; weeks of fighting resulted in the killing of Moctezuma, the death of two-thirds of the Spaniards and the desperate nocturnal flight and retreat of the survivors to Tlaxcala in July 1520.

From the Spanish perspective, the challenge was then to crush the revolt of an empire that had been won through hard-fought battles and skilful diplomacy. That challenge was met, they claimed, through the forging of a growing alliance of city-states that had been either enemies of the Aztecs (such as Tlaxcala) or elemental to their empire (such as Tetzcoco). With Tetzcoco in the alliance by the end of 1520, the siege of the island capital of Tenochtitlán could gradually be executed, culminating in August 1521 with the capture of the last emperor, Cuauhtemoc, and a great city largely reduced to rubble.¹¹

¹¹ The sources underpinning the summary of the above paragraphs are too numerous to cite here, but see the various renderings of this narrative (with copious citations) in Restall, When Montezuma Met Cortés.
For Spaniards, the conclusion of the siege marked the end of Tenochtitlán, from whose ashes would rise the new viceregal capital of Mexico City, and the end of the barbarous Aztec age, replaced immediately by the Christian Kingdom of New Spain. Subsequent military activity, extending north and far south of central Mexico, and lasting until about 1547, would constitute a consolidation of conquest that Spaniards termed ‘pacification’ – much of which was classified as the suppression of rebellion, thereby permitting the enslaving and selling of indigenous men, women and children.

Yet despite the thriving slave market in Mexico City and the constant decades-long movement of Spanish settlers and companies of indigenous warriors between Mexico and the conquest frontiers, Spaniards viewed their Conquest of Mexico as over. For them, the perpetuation of conquest violence was far less significant than the steady imposition of three colonial institutions: the administrative hierarchy of the colonial regime (stretching from the Spanish viceroy in the city of Mexico down to the cabildos or councils of prominent indigenous men who were confirmed as rulers of Mesoamerican towns and villages); the network of encomiendas (grants of those towns and villages to Spaniards, who thereby had privileged access to their labour and

Figure 7.2. The Codex Durán’s rendering of the Toxcatl Massacre – initiated by Pedro de Alvarado – in the central plaza of Tenochtitlán in the middle of the 1519–1521 Spanish–Aztec War. The hybrid Spanish-indigenous style conveys well conquest-era butchery by sword-wielding conquistadors of unarmed indigenous men.
tribute goods); and the new church, its parishes and buildings, preachings and dogma, imposed variously and often with violence.\textsuperscript{12}

\begin{center}
\textbf{Thirty Years Wars: ‘A Bellicose People’}
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These Indians have forced us into many battles and denied us entry into their land, because they are indomitable Indians, a bellicose people

\textit{Merida cabildo, 1542}\textsuperscript{13}

Yet even from the perspective of those Spaniards who fought in the war against the Aztecs, it was for most of them part of a broader regional experience. The conquistadors who went to Mexico and other Mesoamerican regions in the 1520s had seldom come directly from Spain; more often, they had spent years sailing, enslaving and settling in the Caribbean. There they learned that interaction with indigenous communities inevitably resulted in violence (which was invariably blamed on the ‘Indians’), and that enslaving indigenous people was the quickest (or, many believed, only) way to profit from expeditions of exploration and conquest.

To see the Spanish–Aztec War more clearly, with its multiple forms of violence at the centre, we need to adopt perspectives and emphases that avoid the traditional story – which tends to be centred on a legendary version of Cortés as the heroic architect of the Conquest.\textsuperscript{14} There are various ways to circumvent that triumphalist narrative, but here I suggest three. The first has already been introduced: to place the 1519–21 Spanish–Aztec War in a larger context, thereby including the violent exploration and settlement in the Caribbean that preceded and paralleled events in Mexico, as well as the continuation of that process in northern Mexico and in the Maya region.\textsuperscript{15}

The second emphasis is the appreciation of multiple Spanish and indigenous protagonists. By removing Cortés as the military genius and master


\textsuperscript{13} Original document transcribed by Diego López de Cogolludo, \textit{Historia de Yucatán} (Madrid: Juan García Infanzón, 1688).


\textsuperscript{15} On northern Mexico, see the Ida Altman references in the Bibliographic Essay below; on the Maya area, see the discussion below.
manipulator, the other Spanish captains, self-interested, jostling for survival and advantage, come into clearer view; and the war is seen more accurately as less controlled, more chaotic and consequently more violent. By the same token, the crucial roles played by multiple indigenous leaders are thereby given fuller attention. Men like the upstart *tlatoani* (ruler or king) of Tetzcoco, Ixtlilxochitl, who emerges as a powerful player – rather than a puppet of Cortés’s – manipulating the Spaniards and Tlaxcalteca to tip the balance of power in the Valley of Mexico from Tenochtitlán to Tetzcoco. That not only gives us a more accurate, less Hispanocentric view of the war; it helps us to understand why it became so violent. For Ixtlilxochitl’s ability to control all the players and the outcome of the war was limited. His role has been greatly underestimated, but he was not able to achieve total control or rein in all the competing and self-interested sides in the war any more than was Cortés. As a result, there were exceptionally high mortality rates among civilians as well as combatants, village and town massacres were frequent, and hundreds of thousands of Mesoamericans were enslaved (mostly women and children).

That, indeed, is my third emphasis here: to place at the story’s centre the high incidence of massacre and enslavement, rather than moments of surrender or the battles that have been inscribed as tragic or glorious. The massacre at Cholula has traditionally been presented as if it were exceptional, the only incident of its kind in the war; in fact, it was typical of how most Mexicans experienced the 1519–21 war, as well as how most Mesoamericans experienced the wars that spanned thirty years.

Useful evidence of the oft-ignored centrality of slaughter and slavery in the wars can be found buried in the telling by Bernal Díaz of what he called the Conquest of New Spain. Díaz was a conquistador-settler who participated in the wars in Mexico and Guatemala, writing a long account that was first published in 1632 – and is still widely read today. But his original manuscript included chapters omitted from the first publication and from almost all modern editions. Titling the chapter ‘Why so many Indian men and women were branded as slaves in New Spain’, Díaz insisted that because Moctezuma surrendered to Cortés, the violence that later broke out was an Aztec revolt. As we have seen, rebels could be enslaved under royal law. Thus in the middle of the 1519–21 war, claimed Díaz, the Spanish king ‘granted us permission’ to ‘enslave and brand on the face with this G the Mexican Indians and those natives of the towns that had risen up and killed Spaniards’.16

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16 Díaz, *Historia verdadera*, vol. 1, pp. 830–6 (his 213th chapter); also see Restall, *When Montezuma Met Cortés*, pp. 338–40.
In truth, there had been neither surrender not rebellion, but a diplomatic
welcome to the invaders, followed eventually by a growing resistance as war
consumed the region. Part and parcel of warfare with ‘Indians’ was the
Spanish expectation of loot and slaves – Díaz’s G stood for guerra (‘war’).
Admitted Díaz:

Certainly great frauds were committed over the branding of Indians, because
as men, not all of us are very good – rather, there are some of evil disposition,
and because at that time there came from Castile and from the islands many
Spaniards who were poor and so greatly covetous and avaricious and
ravenous to acquire wealth and slaves that they took measures necessary
to brand the free.\(^{17}\)

Thus, in a nutshell, did Díaz unwittingly convey all three of the emphases
I am making here. In evoking the larger context of prolonged warfare, the
expectation by thousands of conquistadors of the rewards of loot and slaves,
and the fact that the branding iron and the sword were routinely wielded
together, Díaz showed in one short chapter how those factors worked
together to inflict lasting violence upon indigenous Mesoamericans. No
wonder the chapter was left out of most editions of his book.

Díaz’s reference was not just to the Spanish–Aztec War, but to the larger
Spanish–Mesoamerican Thirty Years War (although he did not name it). One
of the many conflicts within the larger one was what we might call the
Spanish–Maya Thirty Years War. It deserves some separate attention, in part
because it offers contrasting patterns of violence, and in part because the war
against the Aztecs has been studied far more than that against the Maya.

The initial date of Spanish–Maya conflict (1517) saw the first full-scale battle
between conquistadors and a Maya army – the encounter that forced
the Hernández de Córdoba expedition back to Cuba. The end date (1547)
saw the final killings of the third entrada or invasion led by Francisco de
Montejo in eastern Yucatán, with most conquest events elsewhere in the
Maya world falling in between.\(^{18}\) At that point, there were two small Spanish
colonies in the Maya area – in north-west Yucatán and in highland
Guatemala – and a scattering of even smaller ones, many of which would

\(^{17}\) Díaz, Historia verdadera, vol. 1, p. 834.
\(^{18}\) The Maya region comprised what is today Chiapas, Tabasco, the Yucatán peninsula,
Guatemala, Belize and western Honduras. There were three Franciscos de Montejo,
father, son and nephew, who served as captains in various entradas into Tabasco,
Yucatán and Honduras (only the father held the official adelantado or invasion licence).
(Washington, DC: Carnegie Institution, 1948), and the items by Clendinnen, Graham,
Lovell, Restall and Asselbergs, and Restall in the Bibliographic Essay below.
become abandoned during the decades that followed. Thus the conclusion of the Spanish–Maya Thirty Years War resulted in an archipelago pattern of Spanish colonisation, with most of the Maya area unconquered until the Spanish destruction of the Itza Maya kingdom in what is today’s northern Guatemala in 1697, after which many smaller Maya polities still remained independent – some into the twentieth century.

Thus instead of a single event or short, decisive war that marked a ‘Conquest of the Maya’, there were three violent decades of ‘long drawn out, painful, and halting’ Spanish–Maya conflict (as an early historian put it), followed by centuries more of intermittent violence. How do we explain the protracted nature of the conflict? In contrast to Mexico, where an intense

19 Chamberlain, Conquest and Colonization, p. 3.
two-year war was followed by prolonged violence across the surrounding regions, the Maya region experienced only the latter period. Why? That same historian drew upon the opinions of the conquistadors themselves to offer three causes: lack of gold and silver to tempt Spaniards; the distractions of conquest campaigns in other regions (such as Peru in the 1530s); and a Maya ‘resistance’ and ‘opposition’ that he characterised as ‘stubborn’.20

There is validity to the first two of those explanations, but the last one simply reflects the frequent conquistador complaint that the Mayas, ‘raised from birth in warfare’, as Merida’s settlers put it a few months after the city was founded in 1542, ‘have forced us into many battles and denied us entry into their land, because they are indomitable Indians, a bellicose people’; Cortés too had lamented that the Mayas he encountered in northern Guatemala in 1525 were ‘very bellicose and bold in war’ and did ‘much harm to the Spaniards’.21 What the Spaniards explained by resorting to a stereotype, seeing persistent Maya bellicosity, was in reality a manifestation of the violence that was endemic to these decades, one that stemmed both from Spanish methods of attempted conquest and colonisation, and from the tenacious way in which Maya communities understandably resisted Spanish invasions.

An additional explanation for the prolonged nature of the Spanish–Maya War was the lack of a Maya empire, with the Maya area comprising at least forty polities or kingdoms. In the words of Gaspar Antonio Chi, a Maya nobleman who was born during the Spanish–Maya War and became an interpreter in the early colony of Yucatán ‘When the conquistadors invaded these provinces, the provinces were already divided, and as each one was an enemy of the other, they fought with one another on little pretext, going out with their captains and their banners, most of them naked, painted with black stripes as a mark of grief to come.’22 Conquistador captains sought to leverage regional rivalries and deploy one Maya polity against another. That tactic was conventional conquistador wisdom everywhere after 1521, as it was believed that Tenochtitlán had fallen because of Cortés’s skilful use of Tlaxcalteca allies (whose role had indeed been crucial). To some extent it worked in Maya country. The Alvarado brothers benefited in highland

20 Ibid., pp. 3–5.
22 Relaciones de Yucatán (Madrid: Real Academia de la Historia, 1898), vol. 1, pp. 142–53, quote on p. 149 from the Relación de Chunchuchu y Tábi; on Chi, see Matthew Restall, Maya Conquistador (Boston, MA: Beacon Press, 1998).
Guatemala from the willingness of the K’iche’, Kaqchikel and Tzutujil to use the disruption of the Spanish invasion to pursue old vendettas. The leaders of Spanish campaigns into eastern and south-eastern Yucatán in the late 1520s and early 1530s survived because anti-Spanish cooperation between Maya polities was sporadic and because local leaders could not resist the temptation of sending the dangerous and demanding foreigners into neighbouring kingdoms (wounded, exhausted, disoriented and undernourished invaders were all too easily manipulated). But those campaigns were disasters. Old rivalries set the scene not for a successful conquest, but for extended violence on many fronts.

Whereas the Aztec Empire made Spanish colonisation possible because the empire could be preserved – its structure of provinces, trade routes and tribute patterns slowly turned into the sinews that held New Spain together – turning neighbouring Maya polities against each other preserved nothing more than their traditional enmity. The tactic did not foster post-invasion colonisation; it fostered prolonged regional warfare that postponed or prevented effective colonisation. Thus the Álvarados’ stirring up of K’iche’–Kaqchikel rivalry contributed to two decades of brutal violence in the highlands. The result of the so-called Great Maya Revolt of 1546–7 (which was in fact yet another Spanish campaign into Yucatán’s north-east) was not to extend the frontier of the colonial province, but to help ensure there was a frontier for centuries to come. The failure of the Spanish conquest in what is now southern Quintana Roo and Belize would prove to be permanent and likewise ensure for centuries a cycle of small-scale but persistent Spanish–Maya violence.

Thus the multiplicity of Maya polities, and the short-sighted Spanish reaction to their regional rivalries, prevented the forging of large colonial provinces, instead permitting only hard-won small ones. As a result, the protracted nature of the Spanish invasions became self-generating: that is, with every entrada or campaign that failed or achieved minimal success, the Spanish invaders lost the advantages of surprise and unpredictability, and of horses and steel; by the same token, Maya polities gained the advantages of anticipating Spanish patterns of behaviour and response.

In frustration, Spaniards resorted to the same short-term tactics of violence and enslavement that had undermined efforts to settle the Caribbean. In doing so, they exacerbated the problem of population decline caused by epidemic disease, disruption to agricultural cycles and warfare. In the Maya area, demographic decline prolonged the wars of invasion and hindered colonisation because – without the gold and silver
mines that the Montejos and Alvarados had hoped for in vain – the Maya people themselves were the primary resource upon which colonies might be built. As one conquest era chronicler noted in explaining why the small Maya kingdom of Acalan (settled in 1530 by Montejo as the projected new centre of a peninsula-wide colony) was abandoned in 1531: ‘the Indians were too few to support the Spaniards, and they gave no gold in tribute but only items of food’. In addition, the persistence of independent Maya polities encouraged flight from war zones and conquered kingdoms – a kind of tactical migration catalysed by repeated entradas and in turn ensuring prolonged violence and the pattern of limited, archipelago colonisation by Spaniards.

Finally, Maya leaders did not respond to the invaders with consistent hostility, but with friendly curiosity alternating with hostility (fostering Spanish complaints of ‘Indian’ duplicity). The deep-rooted pre-Columbian history of migration within the Maya area, and of contact with central Mexico, had fostered mythologies among the Yucatec, K’iche’ and other Mayas of the remote or foreign origins of their ruling elites. As a result, Mayas were inspired at times to take a closer look and appraise the behaviour of outsiders – some of whom were potentially future insiders. The Yucatec term for foreigner, dzul, was also a Maya patronym (and a dynastic polity or kingdom name in south-eastern Yucatán); it likely meant ‘outsider’ rather than ‘foreigner’, lacking racial implications before the Spanish invasions.

Maya leaders therefore often initially met Spaniards with welcoming interest, which the invaders hungrily interpreted as surrender, keen to see a repetition in every Maya kingdom of Moctezuma’s famous capitulation to Cortés in 1519. But Moctezuma’s surrender was a lie, invented after his murder by the Spaniards, already blossoming by the time of the Spanish–Maya Thirty Years War into a spectacular fiction believed as fact by Alvarados, Montejos and other captains – who were thus driven mad with frustration over the failure of Maya leaders to play roles as mini Moctezumas.

24 Tactical migration may have had roots going back many centuries to the Classic Maya era; see Stephen D. Houston and Takeshi Inomata, *The Classic Maya* (Cambridge: Cambridge University Press, 2009), p. 45.
25 The kingdom was called Dzuluinicob (‘foreign men’), presumably by its neighbours; Grant Jones, *Maya Resistance to Spanish Rule: Time and History on a Colonial Frontier* (Albuquerque: University of New Mexico Press, 1991).
26 Restall, *When Montezuma Met Cortés*, esp. ch. 2.
The interested welcome that Spanish captains misread as surrender often proved to be something else, just as it had done in Tenochtitlán in 1520: a gathering of information leading to a violent attempt to evict the invaders. In Mexico, in Maya kingdoms and in other parts of Mesoamerica, Spaniards were quick to imagine victory. They founded cities and planned colonies, only to despair in violent infuriation over ‘rebellions’ by the ‘Indians’. Spaniards were unaware that from the indigenous perspective there had been neither surrender nor rebellion, neither victory nor defeat – only repeated cycles of invasion, epidemic disease, starvation, slaughter and enslavement. Such misunderstandings served to further prolong the multivalent violence of the wars of invasion in the Caribbean and Mesoamerica.

Bibliographic Essay


A primary source on early violent encounters between Spaniards and indigenous Americans is Bartolomé de las Casas’s Historia de las Indias, but as it is not yet available in English I recommend An Account, Much Abbreviated, of the Destruction of the Indies, trans. Andrew Hurley (Indianapolis: Hackett, 2003). Neil Whitehead treats early violence in the Caribbean, along with a useful overview of the use of the term ‘Carib’ in justifying indigenous slavery, in Of Cannibals and Kings: Primal Anthropology in the Americas (University Park: Pennsylvania State University Press, 2011); the book is the 7th in the Latin American Originals series, of which ten volumes (as of 2018) present primary sources, in translation with accessible introductions, on the history and literature of the Spanish Conquest.


Never have I seen such yogis, brother. They go about mindless and negligent.

They wage war deviously. Are they ascetics or archers?

Kabir, *Bijak, ramaini 69, vv. 1 and 6, c. 1750–80*

There are two types of men in this world who go on to pierce the beautiful disc of the sun:
He who has been following the path of yoga from birth and fights with calm indifference.
And he whose passion is roused by the battle and fights to the death then and there.

Padmākar, ‘Himmatbahādurvīrūdāval’, v. 105

The warrior ascetic has a long pedigree in India. The most famous examples are Viswamitra in the *Ramayana* and Dronacharya in the *Mahabharata*, tutors in the arts of war to Rama and Arjuna. Indeed, the *Ramayana* has an extended disquisition on Viswamitra’s power-generating asceticism (*tapas*), attesting to its thematic importance in classical Indian thought. This occurs early in the epic while explaining the development of (and the troubled relationship between) the Kshatriya Viswamitra and his rival, the brahman sage Vasistha. Long before the days of Rama, Visvamitra wandered the earth looking for realms to conquer,

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1 Translation follows David Lorenzen (1978), with a slight alteration. For the poem, see *Kabir Bijak*, ed. with introduction by Shukdev Singh (Allahabad: Nilabh Prakashan, 1971), p. 103. Kabir flourished in the fifteenth century, but the *Bijak* almost certainly dates from the late 1700s. On the dating question, see Imre Bangha, ‘Kabir Recontextualised – From the Mughals to the Present’, 12th International Conference on Early Modern Languages of North India, Lausanne, Switzerland, 15–19 July 2015; I am grateful to Dr Bangha for sharing this paper.


when he came upon the ashram of Vasistha. After receiving the sage’s hospitality, Visvamitra expressed a desire for the brahman sage’s magical, wish-fulfilling cow. Vasistha demurred (as did the cow). A battle ensued, resulting in the utter destruction of Visvamitra and his family. Dejected, he made his way to the Himalayas where he performed great tapas and was granted a boon by Siva. He chose weapons; the battle was thus rejoined. But Vasistha remained too powerful. In Visvamitra’s own rejected phrasing, “The power of the Kshatriyas is no power at all. Only the power of a brahman’s energy is power indeed. All my weapons have been destroyed by a single brahman’s staff.” So Visvamitra chose to undertake yet even greater tapas, but the goal now was to become a brahman—and at this he succeeded, to everyone’s astonishment. Vasistha finally greeted him as an equal. It was as a brahman ascetic that Visvamitra, much later, instructed Rama in the arts of war and presented him with an arsenal of weapons.

These stories are commonplace cultural referents in modern India. Visvamitra’s asceticism remains a popular subject for calendar art, especially via replicas of Raja Ravi Varma’s nineteenth-century paintings. And in 1948 Nathuram Godse, Gandhi’s assassin, told the courtroom that just before he gunned down the Mahatma he pressed his palms together and saluted him—just as Arjuna had saluted his guru Dronacharya before slaying him on the field of battle. According to one of the judges, there was not a dry eye in the room and had the audience been constituted into a jury, Godse would have been acquitted—despite his confession.

The automatic equation of asceticism with power—including the power to kill—is difficult for Westerners to understand. It seems like a confusion of categories. This is due to a millennium of Christian devotionalism, which has infused asceticism with monastic virtue, including a strong dose of pacifism. Gandhi drew on this Christian pacifism, most famously as outlined by Tolstoy, alongside an admixture of Jain notions of ahimsa and Vaishnav bhakti, in honing his doctrine of non-violence. In the West Gandhian non-violence remains deeply appealing, but the enduring resonance of figures like Visvamitra and Dronacharya in India are a reminder that Gandhi was a modern departure from, or an innovation of, longer Indian understandings. The

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asceticism of Viswamitra and Dronacharya hewed closer to the original, pre-Christian meaning of asceticism – as *askesis*, self-discipline or training.

In this chapter I explore the phenomenon of warrior asceticism in early modern India, a subject I have explored in much greater depth in my book *WarriorAscetics and Indian Empires*. Sadly we possess very little direct information about warrior asceticism from the point of view of warrior ascetics themselves. This is a historiographical lacuna that reflects the largely subaltern origins of warrior ascetics, despite the considerable political and military successes they achieved at the turn of the nineteenth century. I can only touch on this here: but consider that the two most powerful warrior ascetics of the eighteenth century, Anupgiri and Umraogiri (discussed below), were orphaned as infants and taken, probably as slaves, into the army that they eventually rose to command. In sketching a picture of warrior asceticism we must rely on an array of descriptive accounts in European and South Asian languages, including Persian, Urdu and Hindi – especially from the eighteenth century when warrior ascetics were most active.

**Expansion**

If the classical idea of the warrior ascetic was grounded in an ancient struggle between the Kshatriya and the brahman, the modern explanation for the emergence of warrior asceticism in the more recent past is often understood in terms of a presumed age-old conflict between Hindu and Muslim. Modern oral tradition thus holds that peaceful Hindu *sanyasis* (or ‘renouncers’) were suffering persecution and harassment from Muslim ghazis, and consequently sought and received permission to arm themselves from none other than the Mughal emperor Akbar. This oral tradition reflects the increasing purchase of ‘communalist’ historical understandings in the nineteenth century and the firming up of Hindu nationalist sentiments in the twentieth.

We get a markedly different picture of origins from an account of Rajendragiri (d. 1753), the progenitor of the most successful ascetic army of the eighteenth century. According to this story, which was told by the

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6 This is not to say that there were not earlier premonitions of the devotionalist redirection of asceticism in India. The poem attributed to Kabir, which begins this chapter, is one indication that religious reformers were challenging the idea of the weaponised ascetic and asserting that his proper role was to engage only in religious devotion and meditation (what Christians would call prayer). As I argue in *Warrior Ascetics and Indian Empires* (Cambridge: Cambridge University Press, 2006), this ‘bhakti’ or devotionalist sentiment fuelled a potent critique of yoga-tantric asceticism from the fifteenth century onwards. The British would join ranks with this critique after the mid eighteenth century.
The Yogi’s Way of War

poet Mān Kavi of Charkhari in the 1790s, the young Rajendragiri was guarding the mouth of a cave in which his guru was seated, steeped in meditation. A mysterious stranger approached and sought to enter the cave but the young Rajendragiri barred the way. The stranger, who turned out to be the guru of the sage in the cave, was so impressed by Rajendragiri’s courage that he granted a boon. The boy wished to be a king. His wish was soon granted: upon reaching maturity Rajendragiri became a commander of troops and began waging wars, conquering territory and amassing wealth. His guru had misgivings, however, and urged his disciple to return to the superior calling of the yogi, focused on meditation. Rajendragiri dutifully obeyed, but the more he stilled his mind, the more effective he was at war: ascetic discipline enhanced his tactical prowess, political acumen and strategic vision. He became a yogi-raja par excellence.²

Unlike the early twentieth-century origin tale involving Akbar and the remembered Hindu desire to mount a defence against an external enemy (Muslims), the story of Rajendragiri’s yogic transformation suggests an internal dynamic to account for the rise of warrior asceticism in the early modern era. This transformation is in keeping with the ancient complementarity of asceticism and power (the logic of tapas) noted above, but is also cognisant of the bhakti critique of the warrior yogi ascribed to Kabir. Indeed, the intensity of the critique may be taken as an implicit acknowledgment of the fact that warrior ascetics were becoming an increasingly common feature of the religious and political topography of eighteenth-century north India. So widespread were warrior ascetics that they came to be known by many different names: most commonly, yogi (or jogi), gosain, bairagi, sanyasi, naga and fakir. These terms can possess specific sectarian and religious meaning—for example, fakir, which is derived from the Arabic faqr, connoting poverty, usually refers to a Sufi mendicant. But often they are used more generically to refer to either martial or non-martial asceticism. The exception is naga (‘naked’, from Skt nagna), which has a specifically martial connotation since warrior ascetics tended to wear little or no protective clothing—this was, as it were, their uniform. The profusion of nomenclature suggests that the origins of warrior asceticism are not to be found in a particular sectarian lineage but rather stem from the organisational and structural complementarity of asceticism and early modern military culture.

If we strip away its communalist veneer, the early twentieth-century oral tradition about Akbar was true in one respect: the emperor did encounter Hindu ascetics who appealed to him to mediate a conflict. This occurred in 1567 at the shrine of Thaneswar, north of Delhi. However, the conflict in question was not between Hindus and Muslims but between two bands of Hindu ascetics (yogis and sanyasis), and the Persian accounts make it clear that these ascetics were well armed long before the emperor happened upon them. The armed ascetic bands encountered by Akbar and other observers in the sixteenth and seventeenth centuries consisted of modest numbers of men (and some women) armed with rudimentary weapons. Akbar’s historians and artists depicted a 1567 skirmish that involved swords, spears, clubs, bow and arrow, and stones. Other writers, European and Indian, make reference to wandering bands of yogis with long, matted hair who wander from village to village begging (or demanding) alms, for which they encourage compliance by carrying swords, spears, iron-tipped staves and iron discs – chakras – which they throw with deadly accuracy.

Gradually, as the seventeenth century drew to a close, the numbers grew and a degree of tactical diversification set in; by the late seventeenth and eighteenth centuries we begin to read about ascetic soldiers employed as a fairly regimented component of state power, with divisions between infantry and cavalry. According to a document held in Jaipur, the Mughal emperor Aurangzeb issued a decree in 1692–3 authorising five bairagi commanders ‘to move freely about the whole Empire with standards and kettledrums, at the head of companies both of horse and foot’. Local landlords and military officials were warned ‘that no obstacle or hindrance be put in their way, so that they may travel without molestation from one province to another’. The French traveller Careri, who visited western India in 1695–6, likewise observed ‘jogi’ armies that ‘march in companies with banners, lances and other weapons’. These descriptions imply considerably larger numbers than the earlier accounts of wandering yogi bands.

We begin to get abundant documentary references to warrior ascetics in English records in the 1760s, after the British gained control of Bengal and Bihar. Warrior ascetic bands posed a threat to the sovereignty of the English East India Company (hereafter the Company) since they claimed the right to

8 This farman is in the possession of the Balanand math and mandir in Jaipur and is translated in W. G. Orr, ‘Armed Religious Ascetics in Northern India’, Bulletin of the John Rylands Library 25 (1940), 87.
9 Indian Travels of Thevenot and Careri, ed. Surendranath Sen (New Delhi: National Archives of India, 1949), p. 258. He also used the term fakir to describe them.
levy contributions from the villages through which they passed in their seasonal wanderings. Their resistance to Company attempts to eradicate them would be remembered as a decades-long sanyasi and fakir rebellion. Company correspondence makes frequent reference to the tactical and strategic capabilities of the ascetic bands that the British encountered in Bengal. On several occasions, Company units thought they had the jump on the ascetic armies, only to be lured into traps where they exhausted their ammunition before being cut to pieces. A typical scene is the one that played out in 1767 when a ‘body of 5,000 Sinnasees’ entered Saran District in northwest Bihar and handily defeated two companies of sepoys sent by the local commander to meet them. ‘The Sinnasees stood their ground and after the sepoys had fired away part of their ammunitions, fell on them, killed and wounded near eighty and put the rest to flight.’

Despite the high visibility of sanyasi and fakir ‘raiders’ in Company correspondence during this period, the most successful and militarily important of the ascetic armies in north India was commanded by the aforementioned Rajendragiri, or rather by his disciples Umraogiri (d. 1809) and Anupgiri (d. 1804). Both men would claim the Persianate *nom de guerre* ‘Himmat Bahadur’ (bestowed by the Nawab of Awadh in the 1750s or 1760s, depending on the source), though the title is usually associated with the younger Anupgiri. The services of these men, and the large numbers they could quickly recruit, were sought by an array of regional powers including the Nawabs of Awadh, the Marathas, the Jats and the erstwhile Mughal emperor Shah Alam II. Eventually (and ironically, given their antipathy for armed ascetics in Bengal), the British would ally themselves with Anupgiri in 1803, a decision that would prove instrumental in their capture of Delhi in that year. At the peak of their power, Anupgiri and Umraogiri commanded upwards of 20,000 men, many if not most of whom were ascetics of various stripes (and mainly gosains). Most importantly, they understood themselves first and foremost as soldiers for hire. They had no illusions about where their loyalties lay. As Umraogiri put it, when making overtures to Company officials in Delhi in the 1770s, ‘he was no

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10 Company rule in India lasted from 1757 to 1858.
11 This conflict was fictionalised in the early 1880s as a patriotic Hindu insurgency by the Bengali novelist Bankim Chandra Chatterji: see his *Anandamath*, trans. J. Lipner (Oxford: Oxford University Press, 2007).
Motteseddy [pen-pushing bureaucrat] but a soldier’ and ‘considered himself obliged to his sword for everything he held’.13

The daring exploits of Rajendragiri, Anupgiri, Umraogiri and their men attracted frequent comment. Ghulam Hussain Khan, writing in Persian in the 1780s, describes them at Allahabad in 1751 as setting out every day ‘with the bravest of his people, all mounted on excellent mares . . . to gallop about the Afghan camp, from whence [they] never returned without having killed several of the bravest of the enemy’.14 Similarly, the Capuchin Marco della Tomba, writing in Italian in the early 1770s about skirmishes between the Company army and the forces of Shuja ud-Daulah in the aftermath of the Battle of Buxar (1764), described the ‘fakiri nudi’ (naked fakirs) as ‘skilled cut-throats on their own account’ whose opposition was ‘the strongest that the English ever had’. These ‘naked fakirs’ were almost certainly gosains commanded by or connected to Anupgiri and Umraogiri, then in the service of Shuja. ‘These [men], not caring for the artillery, nor the English fire, advanced with sabres in their hands up to the bayonets’. Della Tomba claimed that but for the steadfast quality of the Company forces, the English ‘would have been undone’.15

Early nineteenth-century accounts paint a similar picture. The Scottish surveyor Francis Buchanan wrote that ‘Nagas [are] a description of rogues who from going quite naked[,] close shaved and well rubbed with oil are so slippery that no one can seize them while they force their way with a dagger pointed at both ends and held by the middle’.16 Thomas Broughton, who encountered a troop of gosains connected to Anupgiri in 1809, remarked that, ‘as soldiers, they are accounted brave and faithful’.17 Lieutenant Colonel Valentine Blacker included ‘gossyes’ (gosains) in his reflection on the rise of infantry forces in India in the 1700s and described them as ‘a Hindoo cast of peculiar habits, scattered over different parts of India’, who ‘have been always considered as good troops’ on a par with Rohillah Afghans, Jats and khalsa (military) Sikhs.18

13 See Bristowe to the Board, letter received 8 Nov. 1775 (dated 11 Oct. 1775), BL, Bengal Secret and Military Proceedings (hereafter BSMP).
17 Thomas D. Broughton, Letters Written in a Mahratta Camp during the year 1809, descriptive of the character, manners, domestic habits, and religious ceremonies of the Mahrattas (London: Archibald, Constable, 1813), p. 130.
Given the eighteenth-century expansion of warrior asceticism, it is likely that the ascetic orders were a major conduit through which the increased demand for manpower created by the military revolution in South Asia was satisfied. In retrospect this is not surprising: the new infantry required, as David Ralston has argued (following John Keegan), a new kind of soldier, capable of withstanding a whole new level of chaos and slaughter in battle, which ‘presupposed a much different attitude on the part of the fighting men, one stressing a sense of abnegation and even selflessness’. One is put in mind of the poet Padmākar’s observation, quoted at the outset: ‘There are two types of men in this world who go on to pierce the beautiful disc of the sun: those who have been following the path of yoga from birth and fight with calm indifference, and those whose passion is roused by the battle and fights to the death then and there’. Padmākar was describing the contest between the forces of Anupgiri and his Rajput nemesis Arjun Singh at Ajaygarh in 1792, which ended with Anupgiri’s victory (and, allegedly, Arjun’s decapitation at his hands) and conquest of Bundelkhand; but the point is more broadly applicable. The old way of war called for passionate, one-on-one contests as a way of proving one’s Kshatriya manhood. The new way of war demanded detachment, a yogic ‘calm indifference’ to the chaos of battle.

Beyond the fact that ascetic hardening and a life on the move were inherently useful for soldiering, the guru–chela discipleship in the akhara (a term that originally meant ‘arena’ but has come to mean ‘ascetic order’ as well) seems to have meshed well with the needs of military hierarchy and discipline. The guru commanded complete obedience. As one observer put it, their leaders ‘exercise over the minds of this class of people a very peculiar kind of influence. From the singular nature of their institutions and habits, the lower orders are peculiarly in subjection to the will of their superiors, whose privileges secure them a deference and respect, especially in religious matters[,] which rank and riches alone can seldom command’. The complementarity of life in the akhara and soldiering is captured nicely in an oral tradition from the early twentieth century concerning Anupgiri’s childhood. According to this tale, the young Anup used to play with clay soldiers. He was so transfixed with this game that it even distracted him from his chores, a fact


20 W. W. Bird, Acting Magistrate, Benares, to W. A. Brooke, Senior Judge of the Court of Circuit for the Division of Benares, 14 April 1810, BL, Board’s Collection, IOR/F/4/365/9093, 298.

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that his guru Rajendragiri could not help but注意. Finally Rajendragiri arranged for Anupgiri’s martial training, which included ‘wrestling, sword-play, and stick fighting exercises . . . By the time he was approaching the age of nineteen Anupgiri had become, by the good graces of his guru, fully versed in the military sciences and horseback riding’.  

**Contraction**

We earlier learned of Rajendragiri’s own transformation from yogi to warrior at the mouth of the cave of his guru. There is another, rather more mundane, story about this apotheosis. According to John Baillie, the British agent who orchestrated the alliance between Anupgiri and the Company in 1803, Rajendragiri had been a respectable banker in Jhansi but had been forced to leave the city due to ‘some disturbances [that] arose between the people of Rajinder Geer and certain turbulent persons’. He eventually took up soldiering, using the village of Moth in Bundelkhand as his base.

Whether an involvement in trade and banking preceded the profession of arms among gosains (and clearly the implication of Baillie’s tale is that it did), what is significant is that asceticism was conducive to both, and that this also made ascetics useful for intelligence purposes. So adept were gosains in commerce, and so far-reaching their intelligence, that Warren Hastings relied upon them in attempting to massage trading connections with Tibetans in central Asia in the 1780s. There is even evidence that gosains were complicit in the Company capture of Bengal. In the run up to the Battle of Plassey in 1757, one Nimoo Goosenyng of Calcutta, ‘whose people go up and down the Kingdom well arm’d in great bodies, of the Facquier or religious beggar cast’, offered Company officials intelligence about the political lay of the land and even offered to assist the Company in any upcoming hostilities. There is some irony here given the hostilities that would prevail between the Company and armed ascetics in

22 The Soobadar of Jhansee to Baillie, enclosure no. 4 in Baillie to Edmonstone, no. 1 of 26 Feb. 1807 (dated 10 Feb. 1807), BL, Bengal Political Proceedings (hereafter BPP). The subadar’s narrative gels with that of William Irvine; see W. Irvine, *A History of the Bangash Nawabs of Farrukhabad, from 1713 to 1771 A.D.* (Calcutta: G. H. Rouse, 1879), p. 79. Sital Singh’s ‘Bikhwud’ (in *Silsilah-i-Jogiyan*, Ethe 2974, BL, trans. Carl Ernst) states that trader gosains sometimes took to arms, and vice versa, and hints that Rajendragiri himself was of this ilk. I am grateful to Ernst for sharing his translation of this text.
Bengal in the following decades. Warren Hastings would himself complain about sanyasis in a manner that barely concealed his admiration, emphasising in particular their mobility, speed, ruthlessness and prodigious talent for duplicity and treachery. As the collector at Dhaka observed in a letter to Hastings, ‘there are a great number of this vagrant race [sanyasis] in this city who carry on some trade and it is not improbable that many of them act as spies’.

Distrust of armed ascetics persisted well into the early nineteenth century and it even (or especially) extended to Anupgiri himself. On 4 June 1804, Thomas Brooke of Banaras wrote an unofficial letter to Governor General Wellesley’s secretary in Calcutta concerning matters of intelligence. In it, he expressed his deep scepticism about the Company’s 1803 alliance with Anupgiri and hinted darkly that the gosain found it ‘profitable to fish in troubled waters’. In short, Brooke insisted, ‘Himmut Behadhur is not to be trusted . . . A native speaking of him, said he was like a man who in crossing a river kept a foot in two boats, ready to abandon the one that was sinking’. Unbeknownst to Brooke, Anupgiri had died the previous day. John Baillie, the Company agent who had been assigned to manage the alliance and supervise the gradual British takeover of the province, had matters well in hand (from the Company point of view) despite the impending arrival of Anupgiri’s brother, Umraogiri, on the scene. Baillie would orchestrate the enthronement of Anupgiri’s young child, Narindragiri, as the head of the gosain army, and isolate an outraged Umraogiri in the process; over the next four years he and his successor would manoeuvre the gosain forces out of the province and into a quasi retirement.

The jaundiced view of Anupgiri has seeped into modern historical writing. Jadunath Sarkar, the leading historian of India in the first half of the twentieth century, resorted to such terms as ‘faithless’, ‘unscrupulous’ and ‘selfish’ to describe the gosain. According to Sarkar, ‘Himmat Bahadur lacked personal courage and bore a low character for his faithfulness [sic] and love of secret intrigue’. With the comfort of post-nationalist hindsight, it is easy to see how Anupgiri’s political and military instincts were perfectly normal for the
time, how if anything he was emblematic of the military entrepreneurs in a fast-dwindling ‘ancient regime’, who constituted the grease between the cumbersome gears of the alliance-seeking states.28

Ghulam Hussain Khan, quoted above for his description of the daring raids carried out by the ‘saniassi-fakir’ Rajendragiri and his men at Allahabad in 1751, also noted that Rajendragiri ‘spent his time in his devotions to Maha-deoo’. Maha-deoo, or Mahadeva, was and is a common way of referring to Siva. Usually the term gosain referred, in a martial context, to Saiva (Siva-oriented) ascetics, whereas bairagi referred to armed Vaishnava ascetics (that is, those of a Vishnu orientation, usually in the avatar forms of Rama or Krishna). Given the rise to prominence of Rajendragiri in the region in mid-century, and the rising stars of Anupgiri and Umraogiri following Rajendragiri’s death in 1753, gosains were congregating in Banaras in ever greater numbers. One estimate in 1810 held that they made up fully one-quarter of the male population of the city, or roughly 20,000 men. This probably had much to do with the recent and ongoing demobilisation of the gosain armies following the deaths of Anupgiri and Umraogiri in 1804 and 1809, respectively.29 Gosains seem to have outnumbered bairagis to the east as well. The Company correspondence regarding the suppression of the ascetic bands in Bengal and Bihar in the last three decades of the eighteenth century usually referred to ‘fakirs’ and ‘sanyasis’ (spelled frequently as ‘sunnasies’ or variations thereof). ‘Sanyasi’ generally connoted a Saiva orientation. ‘Fakir’ was mostly used to indicate Sufi ascetics, though often it was used generically for any ascetic or mendicant, and not infrequently it referred to Nath yogis as well (not least because of the frequent interaction between Naths and Sufis). According to the deposition of ‘Govindgeer’, who was captured in northern Bengal in 1794, the army he served with numbered ‘above one thousand people, of which number there are four hundred Mussulmaun Fakeers, one hundred Hindoo Sonassies, four hundred Seapoys, twenty Byragies and the rest are people of different descriptions’.30 Govindgeer reported that he himself was from Surat, over 2,000 kilometres to the west, on the Arabian Sea. His name, or rather the

29 See Pinch, ‘Hiding in Plain Sight’, and W. W. Bird to W. A. Brooke, Senior Judge of the Court of Circuit for the Division of Benares, 14 April 1810, BL, Asia Africa Pacif Collection, Board’s Collection, IOR/F/4/365/9093, p. 298.
30 ‘Deposition of one of the Fakeers’, enclosed in C. A. Bruce, Judicial Officer, Cooch Behar, to George H. Barlow, no. 7 of 19 Sept. 1794 (dated 27 Aug. 1794), British Museum, Bengal Judicial Department Criminal Proceedings. This document is also reproduced in Ghosh, Sannyasi and Fakir Raiders, pp. 111–12.
suffix ‘geer’, indicates that he was a gosain. He reported that he ‘was enrolled with’ the party of ‘one hundred Sonassies’, which would confirm that sanyasis in Bengal were roughly identical with gosains further west.

West from Banaras, especially beyond Delhi, bairagis were more frequently encountered. Thus the portrait of a Naga trooper in James Skinner’s ‘Tashrih al-Aqvam’ reported that he belonged to the ‘vairagis’. Bairagis had been a major component of the army of the maharajas of Jaipur, most famously serving under the command of Balanand Swami and his disciple, Ramakrishna Mahant. Even though their numbers were smaller, bairagis were gradually making inroads into the region around Allahabad, Banaras, and its hinterland in what is now eastern Uttar Pradesh and Bihar, in the eighteenth century. The best evidence for this is the rising profile of the pilgrimage town of Ayodhya, where by the late 1700s a structure known as ‘Hanuman Garhi’, or the fortress of Hanuman, was constructed as a headquarters of the warrior bairagis of the Ramanandi order. This structure received considerable support from the nawabs of Awadh and their principal Kayastha ministers (the latter are said to have been staunch Vaishnavas).

Not surprisingly considerable enmity existed between the gosains and the bairagis. This is often interpreted as a sectarian – which is to say, religiously inspired – animosity, though one can surmise that at least some of the rivalry was fuelled by competition for patronage in a time of decreasing employment opportunities. Sital Singh ‘Bikhwud’, a munshi or Persian writer in the court of the Maharaja of Banaras in the early nineteenth century, reported that gosains, whom he called ‘Sanyasi Nagas’ (and classified as Saiva), ‘hold a heartfelt enmity towards the Beragi Nagas’ (classified as Vaishnava), ‘so that mostly between the two divisions there is a field of armed battle’. These conflicts occurred ‘to such an extent that hundreds are killed and injured on both sides’. Both groups, he reported, are ‘armed with military weapons ... like swords, muskets, spears etc.’, wear their hair ‘matted on their heads’, and sport beards and moustaches. Whereas the Saivas (gosains) rub their naked bodies with ash, the Vaishnava (bairagis) rubbed their bodies with ‘yellow rose’ and ‘wore a loincloth below on the waist to veil their private parts’. Gosains and bairagis frequently came to blows at the periodic pilgrimage festival gatherings at Allahabad, Hardwar, Nasik and Ujjain, otherwise known as the Kumbha Mela. These disputes were

31 ‘Tashrih al-aqvam, an account of origins and occupations of some of the sects, castes and tribes of India’, anon. artist, comp. at Hansi, Hissar District, for Colonel James Skinner, c. 1825, BL, Add. MS 27235, fo. 386v.
32 Singh, ‘Bikhwud’. According to Jean Arzoumanov, this text was commissioned by John Deane, Judge of Gorakhpur, in the early 1800s; personal communications, 8 and 16 Apr. 2017.
sometimes mediated by the reigning power, whether the Marathas in the early and mid eighteenth century or the British in the nineteenth century.

Death

How did warrior ascetics understand themselves? A major source of their identity was based on their martial accomplishments. As Umraogiri had informed a British agent in 1775, ‘he was no Motteseddy but a soldier’ and ‘considered himself obliged to his sword for everything he held’. However, there are clues that speak to their own ascetic sensibilities. One comes from an episode in 1785, when the relationship between Anupgiri and the Maratha warlord Mahadji Scindia was beginning to sour. Scindia had stationed a mounted guard over the gosain’s tents. According to the British agent at the camp,

Himmet Behadre went immediately to [Scindia’s] Durbar [court] with a very small retinue, instead of the numerous armed attendants, with which he used of late to be accompanied, and after declaring to Sindia that he was determined to relinquish all worldly pursuits, and attach himself in future to the observances of religious duties[,] he presented him with all the sunnuds [titles] he holds for his several possessions.33

Scindia decided that this was no idle boast on Anupgiri’s part and immediately restored him to favour, and returned his sanads too, claiming that he was simply testing the gosain’s loyalty.

Part of what may have convinced Scindia that Anupgiri was not making an idle boast was the fact that Anupgiri’s brother Umraogiri himself claimed to be doing precisely what Anupgiri was suggesting. We learn this from a petition from Umraogiri to the Company in 1806, that as the senior disciple of their guru Rajendragiri he had retreated from ‘worldly concerns’ in the 1780s and ‘passed my time on the banks of the Ganges in the full and undisturbed exercise of my religious duties’, either in Sivarajpur (near Kanpur) or in Banaras (or, more likely, in both locations).34 It is not clear how long his religious retreat lasted. Though he claimed in his 1806 petition that he had been focused on his religious duties for twenty years, other sources make it clear that he had travelled to Almorah in the Garwhal hills in 1790–1 to conspire with the Nepal raja against the local hill chieftains. In 1799

33 J. W. Anderson to Hastings, Sindia’s camp at Muttrah, dated 10 May (recorded in progs. 26 May 1785), British Library, BSMP.
34 ‘Translation of an Arzee from Omrao Geer’, no. 83 of 2 Apr. 1807 (received 1 Nov. 1806), BPP.
he was implicated in the murder of a Company official in Banaras and put under ‘house arrest’, from which he was released in 1803 courtesy of a stipulation in the treaty between Anupgiri and Wellesley.35

Many observers concluded that Anupgiri and Umraogiri’s asceticism was simply a kind of pretence, a foil or cover for their political and military activities. Conversely, from their point of view, they did not see politics and asceticism as an either/or choice, that there was nothing unusual about being a Saiva ascetic, a military entrepreneur and a political deal maker – all three rolled into one. In any case, the best evidence that Anupgiri and Umraogiri were not simply pretending a commitment to Saiva asceticism is their behaviour at the time of death. When Anupgiri died on 4 June 1804, Umraogiri quickly came to Banda. He deputed two of his ‘sons’ along with fifty horsemen to take the body north across the Yamuna ‘for the purpose of interment on the banks of the Ganges at Sewrajpur agreeably to the directions of the deceased’.36 This instruction indicates that Anupgiri was interred according to Saiva funerary rites in ‘samadhi’ rather than being cremated as per standard Hindu practice.

Samadhi interment is specific to Saiva ascetics and involves placing the body in cross-legged position, or padmāsana, and placing it into an excavated chamber approximately 1.5 metres cubed. Over the chamber a structure is built, the nature of which can vary widely; it can be a simple stupa-like structure of clay and dirt, a large plinth or a small temple. The practice reflects the belief that the individual has achieved immortality.37 An ascetic buried in samadhi is understood to be still present, hovering proximate to the shrine, and even capable of interceding in the worldly affairs of his followers – or punishing those who ignore or disrespect him.38

35 Umraogiri’s movements are difficult to track but are suggested in reports by Edward Ives, Resident in Lucknow, to the Governor General, no. 12 of 3 Dec. 1790, dated 24 Nov. 1790, BPP; Ives to the Governor General, (no number given) of 12 Oct. 1791, dated 3 Oct. 1791, BPP; and S. Davis, Magistrate Benares, to G. H. Barlow, Secretary to the Governor General, no. 2 of 3 Sept. 1799, dated 25 Aug. 1799, BL, Bengal Secret and Political Proceedings. For the terms of the treaty, see Edmonstone to Mercer, no. 2 of 3 Mar. 1803 (dated 22 July 1803), BL, Bengal Secret and Political Consultations (hereafter BSPC).
36 Baillie to Mercer, no. 232 of 21 June 1804 (dated 4 June 1804), BSPC.
Anupgiri’s influence was such that he is said to have two additional samadhis to the one said to exist (according to Baillie’s correspondence, cited above) at Sivarajpur: one in Vrindaban, in a small temple called Himmatgir Mandir situated at the base of the structure that was his palace/fort; and the other in Kalwara, outside Banda, where his army was headquartered. All three sites are still visited and considered sites of power, at least as of 2002. The samadhi in Vrindaban was so active that the priest who officiates at the temple there told of having been visited by Anupgiri at night and chastised for having covered the samadhi marker with a permanent structure. He also told of a visitor who decided to spend the night in the inner sanctum of the temple, where an image of Krishna stands next to a picture of Anupgiri. This visitor was physically lifted and heaved out by an unseen presence, whom the priest presumed to be the undead warlord himself.

Conclusion: Violence and Non-violence

By the mid nineteenth century Anupgiri and Umraogiri were increasingly consigned to the past, their armies demobilised and their officers and their descendants pensioned off. The rank and file were left to fend for themselves in pilgrimage centres such as Banaras, Allahabad and Hardwar. A lucky few had been recruited into the Company army. The akharas would occasionally attract notice during the great periodic Kumbha Mela, when regiments of ash-besmeared naga sadhus would compete against one another for ritual precedence in astrologically timed processions. Sometimes these competitions would result in spectacles of bloodshed; more often questions of disputed precedence would be mediated by an increasingly powerful, modernising state. Gradually the imposing fortress-palaces built by Anupgiri and Umraogiri in the late eighteenth century would fall into disrepair and be sold off or encroached upon. They too would soon be forgotten by all but the most ardent devotees.

But oddly enough, warrior asceticism would experience a second coming. In the early 1880s the Bengali writer Bankim Chandra Chatterji produced a novel entitled Anandamath, or ‘Abbey of Bliss’, that depicted warrior ascetics of the late eighteenth century as patriotic Hindu insurgents struggling against foreign (mainly Muslim) tyranny. Bankim did not look to Anupgiri and Umraogiri for inspiration however – indeed, he


probably had never even heard of them. Rather, he drew his understanding of asceticism from the Bhagavadgita and the idea of karmayoga or selfless action, and the canvas upon which he painted his newly conceived political asceticism was the ‘Sanyasi and Fakir Rebellion’ in late eighteenth-century Bengal. Bankim’s novel was wildly popular and was soon translated into numerous languages, including English, in the early decades of the twentieth century. By 1952 it had been made into a film, and in 1974 a comic book. Meanwhile, Bankim’s anthem sung by the ascetic-patriots, ‘Bande Mataram’, had been put to music by none other than Rabindranath Tagore, and became a rallying cry during the Swadeshi movement in early twentieth-century Bengal. It is still sung today, mainly by Hindu nationalists, though not without controversy. In short, Anandamath formed the core of a political imaginary that would influence generations of Indian nationalists, not least because it imprinted the figure of the Hindu ascetic as an authentic response to foreign rule. Indeed, Gandhi’s cultivation of political asceticism may be seen thus as a continuation of Bankim’s literary-nationalist project, which was itself an inventive reimagining of early modern warrior asceticism.

Bankim’s warrior ascetics were sprung-from-the-soil patriots, more a product of a desperate late nineteenth-century need for manly national pride than a reflection of eighteenth-century late Mughal realities. While the actual roving bands of warrior ascetics no doubt felt some claim over the villages through which they moved, and from which they levied contributions, to call this a form of patriotism is probably a stretch. Similarly, while Anupgiri and Umraogiri may have felt some emotional tie to their native Bundelkhand, and even to their adopted Hindustan and Awadh (and Bhojpur), any regional patriotism they might have felt paled in comparison to the exigencies of military entrepreneurship that governed their lives and careers. And while it is just possible to glean a sense of what being a Saiva warrior ascetic meant for men like Anupgiri and Umraogiri, it is harder still to know what they thought about violence. Whereas their Rajput opponents conceived of battle as a kind of cosmic wedding ceremony to be approached with unbridled passion, yogi warriors entered the fray with ‘calm indifference’. For Rajputs, violence was an end in itself; for yogis, violence was a means to an end. Consequently Mān Kavi compared Anupgiri to Canakya (aka Kautilya), the brahman minister who advised Chandragupta Maurya and authored the Arthasastra, the ancient treatise on statecraft. Violence was a given, a fact of life. The ancient
axiom that asceticism enhanced one’s martial prowess implies that violence was not a problem, as such. It only became a problem for Gandhi in the early twentieth century, as he confronted the immense power of the British Raj and the inability (in his opinion) of Indians to combat it in a conventional way. It was the ready acceptance of violence in the Hindu tradition, especially in the Bhagavadgita, that inspired Gandhi to articulate a doctrine of non-violence – and to rethink the Gita in the process. Violence needed no doctrine in India before the twentieth century.

Bibliographic Essay

Because it is something of a categorical mistake for Western observers, warrior asceticism has received uneven attention in English-language scholarship. The earliest (non-fiction) work on the topic is J. N. Farquhar, ‘The Fighting Ascetics of India’, Bulletin of the John Rylands Library 9 (1925), 431–52, which introduced the oral tradition concerning Akbar’s arming of Hindu ascetics to fend off attacks by Muslims in the sixteenth century. This essay was followed by Jamini Mohan Ghosh’s Sannyasi and Fakir Raiders in Bengal (Calcutta, 1930), which examined the ascetic resistance to English East India Company suppression in late eighteenth-century Bengal. The next major work, building especially on Farquhar, was W. G. Orr, ‘Armed Religious Ascetics in Northern India’, Bulletin of the John Rylands Library 25 (1940), 81–100; its main contribution was Orr’s examination of late seventeenth-century Persian records from Jaipur. The leading Mughal historian Jadunath Sarkar included frequent reference to Rajendra Giri and Anupgiri (‘Himmat Bahadur’) in his four-volume Fall of the Mughal Empire (Calcutta, 1932–50), as well as his more detailed co-authored study with Nirod Bhusan Roy of Shantiniketan, A History of the Dasnami Naga Sanyasis (Allahabad, n.d. [1952?]).

Detailed social histories of warrior asceticism began to appear in the 1960s, reflecting an increasing awareness of the importance of the akharas in the economic and political history of the eighteenth century. The pioneer in the field was B. S. Cohn, ‘The Role of the Gosains in the Economy of Eighteenth and Nineteenth Century Upper India’, Indian Economic and Social History Review 1.4 (1964), 175–83. D. H. A. Kolff followed with ‘Sanyasi Trader-Soldiers’, Indian Economic and Social History Review 8.2 (1971), 213–20, which extended Cohn’s argument to suggest that the monastic-business networks were also effective in supporting naga soldiering. C. A. Bayly, Rulers, Townsmen and Bazaars: North Indian Society in the Age of British Expansion, 1770–1870 (Cambridge: Cambridge University Press, 1983), built on these arguments but emphasised the importance of military-trader ascetic orders in facilitating commercial and financial links between the increasingly regional political economies of the eighteenth century.

A new phase of analysis that combined social history with literary analysis was inaugurated by David Lorenzen with his foundational article, ‘Warrior Ascetics in Indian History’, Journal of the American Oriental Society 98 (1978), 61–75, which argues that it is likely that the inspiration for the decision to take up weapons had more to do with the need to protect monastic endowments from treasure-hungry kings in the deep past, long
before Muslims arrived in India. Another important study is Monika Thiel-Horstmann’s ‘Warrior-Ascetics in 18th Century Rajasthan and the Religious Policy of Jai Singh II’, in M. K. Gautam and G. H. Schokker (eds.), Bhakti in Current Research, 1982–85: Proceedings of the Third International Conference on Early Devotional Literature in New Indo-Aryan Languages (Lucknow: Indo-European Publishers, 1985), pp. 43–55. Finally, I should mention my Warrior Ascetics and Indian Empires (Cambridge: Cambridge University Press, 2006), a major goal of which was to argue for the importance of warrior asceticism not simply to reframe the political and military history of early modern and modern India, but also for what it reveals about the categories with which religion and asceticism are perceived in history generally.
Early modern European warfare features prominently in several important discussions of early modern violence, notably the debate on the Military Revolution and its variants, as well as forming part of the standard narrative of state formation and the emergence of an international order based on sovereign states. The latter are still largely defined according to models articulated in late nineteenth-century European thought which identified the state as a ‘monopoly of violence’. This chapter sets out to test some of these older claims, highlighting both the diversity of European warfare and the variety of ways in which warfare interacted with state and ‘international’ structures. It will attempt to include the northern and eastern extremities of Europe, which were largely ignored in older accounts. Chronologically, the chapter will necessarily have to include some developments from the later fifteenth century. It will stop around 1790 and thus exclude the Revolutionary and Napoleonic eras.

War and the State

The predominant trend in European political development between 1500 and 1800 was that of the consolidation of states defined by a monopoly of legitimate violence over a given area. This monopoly was twofold and encompassed war-making as large-scale organised violence and judicial violence inflicted on inhabitants deemed to be criminals or rebels. These two dimensions were linked through the creation of permanent armed forces; another distinguishing feature of this period and which formed the most obvious institutional manifestation of the monopoly of violence. Armies and, to a lesser extent, navies were employed to defend the state and the social order against those threatening it, including criminals and pirates. Simultaneously, the state imposed its own form of martial law on its military and naval personnel, who were subject to corporal punishments for infractions.
These developments profoundly shaped ideas of violence which persist in today’s Western world. Foremost amongst these is the belief that state-controlled violence is not only legitimate, but rational in the sense of being integral to civilised, ordered society. The state’s monopoly of warfare was achieved by delegitimising war-making by other actors, as well as removing previously autonomous judicial structures and practices. State-controlled war-making and judicial violence remained extremely violent, but the killing and maiming were presented as both necessary and purposeful, in contrast to quotidian violence, which was generally conceived as unnecessary, irrational and meaningless. The validity of these claims has been widely accepted and internalised by historians and social scientists, who have sought to explain them as a civilising process through which human society allegedly became more ordered, self-disciplined and productive. In turn, this process is often related to ideas of historical time as following a linear path towards modernity. Presentation of change over time frequently rests on distorted notions of ‘medieval barbarism’ contrasted with modern civility, allowing Western observers to cast those threatening that civility as belonging somehow to the past.

As the preceding suggests, the crucial issue here is one of legitimacy. The crystallisation of European states around monopolising violence was directly related to Christian ideas about what kinds of conflicts could be considered ‘just’. Such ideas had deep resonance throughout society at a time when individual salvation was believed to depend on moral conduct, including observing the commandment not to kill. For a war to be just it had to be conducted by a ‘proper authority’, for the ‘right purpose’ and by the ‘right means’. States monopolised organised violence by claiming that they alone constituted such ‘proper authorities’. From this exclusive position flowed their other war-making powers, including the sole right to start and end wars, and to possess and wield the means to wage them.

This process was crucial to the formation of European states since it entailed defining what form they should take and articulating what became modern distinctions between ‘public’ and ‘private’. The exact form varied across Europe, but was always shaped by the interaction of rulers and ruled rather than simply by the imposition of new ideas from above. States were ‘formed’

3 See e.g. R. von Friedeburg, *Luther’s Legacy. The Thirty Years War and the Modern Notion of the ‘State’ in the Empire, 1530s to 1790s* (Cambridge: Cambridge University Press, 2016).
rather than consciously ‘built’ according to some preconceived blueprint by allegedly far-sighted monarchs or statesmen. Moreover, this process was lengthy, uneven and far from complete by 1800. All European states relied on agents partially or completely outside their control, such as provincial nobles, autonomous communes, privateers and military contractors to recruit personnel and supply the materiel and technological means to wage war.

The older literature generally interpreted this reliance as a sign that European states were still weak or underdeveloped. The use of contractors, privateers and mercenaries was considered a transitional phase between a relatively decentralised medieval ‘feudal’ way of war, and the modern era of ‘nationalised’ war-making in which the armed forces became fully public institutions intended to fight in the ‘national interest’. Such forces were deemed inherently superior to those of early modernity, adding an institutional and organisational dimension to the standard linear modernisation narrative of conventional military history, which presents a technological ‘progress of destruction’ based on evermore powerful weaponry. This approach ignores the fact that many Europeans did not see nationalised war-making as desirable, if they conceived it at all. The right to carry arms was found not only in Anglo-American political ideas, but elsewhere throughout Europe. For example, Germans and Swiss regarded serving other rulers as an expression of their individual liberties and freedom of movement, while Polish and Hungarian nobles felt their right to raise their own troops was a guarantee against monarchical tyranny. Contracting out was also not necessarily inferior to organising war directly through state institutions. Many states indeed struggled to cope with the pressures of war between 1500 and 1800, but overall the scale and intensity of European warfare grew exponentially. Meanwhile, Europeans conquered or influenced large parts of the globe through private or semi-private enterprises like the English and Dutch East India Companies.

Thus, rather than already monopolising war during this period, states secured a decisive ‘comparative advantage’ in organised violence relative to other agencies. This advantage was won at considerable cost. The numerous

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civil wars and rebellions of the sixteenth and seventeenth centuries were often struggles over the form and extent of state power, as well as over who would share its benefits and burdens, and how far central authorities could dictate affairs in localities and on the geographical or political periphery. Religious controversies from the 1520s exacerbated these struggles where the rival parties also disagreed over faith. The changes associated with the Reformation represented a major extension of state power, because secular authorities, regardless of which faith they professed, now claimed to decide which version of Christianity was correct. While they still largely left doctrinal matters to the Pope, even Catholic monarchs like those in France and Spain asserted greater powers to regulate the church and religious life within their political jurisdictions. These internal wars were largely decided by the mid seventeenth century. Politically or geographically distant regions were no longer able to challenge central control, or break away entirely as had the northern Netherlands and Portugal, which had freed themselves from Spanish rule by 1648 and 1668 respectively. Likewise, the existence of the state was no longer challenged from within by powerful nobles or autonomous cities.

Meanwhile, external wars decided the geographical extent of each state and how they would interact across regions and the continent generally. Europe’s flashpoints remained those regions where sovereignty was most fragmented, especially the Low Countries, northern Italy and the eastern Danube. There was a direct correlation between conflicts to demarcate territory and the desire to represent boundaries with greater cartographical precision, as in the case of the Austrian Habsburgs, who commissioned Italian experts to map their frontiers with the Ottoman Empire in Hungary during the 1560s. Territorial conflicts were structurally determined by the way in which monarchical power was legitimised. Virtually all European states had adopted some form of hereditary monarchy as a way of ending violent struggles among the aristocracy as to who was entitled to rule. However, prevailing ideas of social hierarchy restricted available marriage partners to other royal families, thus establishing the basis for competing claims to territory, especially if a ruling line died out, as happened in Spain in 1700 and Austria in 1740. Many of the continent’s conflicts were ‘wars of succession’ triggered by such eventualities, or at least involving dynastic claims as part of their justification.

Notions of hierarchy also translated into attitudes about interstate relations. Kings were regarded as ‘emperors in their own kingdoms’ already in the thirteenth century, but this expression of sovereignty was always
articulated unilaterally in relation to the traditional powers of the Pope and Holy Roman Emperor. Monarchs did not see each other as equals, and certainly always regarded Europe’s few republics, for example Venice or Genoa, as political inferiors. Just as they saw their own paramount position as essential to the internal order of their state, they could not conceive of an international order on anything but hierarchical terms. However, the ability of either pope or emperor to arbitrate disputes declined drastically by the mid sixteenth century, leaving others, notably the French and Spanish monarchs, to claim they should exercise this function in the interests of wider European peace.7 While the peace congress talks held in the Westphalian towns of Münster and Osnabrück between 1643 and 1648 did promote new ideas that all sovereign states were equal, actual European relations remained hierarchically structured into the nineteenth century. The principal change was a shift from an order based on rank and status, to one more clearly determined by actual military and, increasingly, economic power during the later eighteenth century.

A major consequence of political centralisation was a concentration of the power to open and conclude wars, as well as to determine their objectives. These powers were vital parts of sovereign prerogatives and were generally reserved exclusively to monarchs, though were frequently hemmed in by requirements at least to consult parliaments, diets and other intermediary bodies. These representative institutions developed throughout most of western, central and northern Europe by the fifteenth century as means to amortise debts from previous wars. In return for sanctioning new taxes to pay for old debts, parliaments and similar institutions gained a say in legislation and policy. Their power of the purse remained the main restraint on royal war-making throughout this period. Strategic direction likewise remained formally in royal hands, though in practice monarchs relied on the advice of key officials in formulating both goals and the methods to achieve them. Decisions remained highly personal, though no monarch stood detached from wider political, cultural or religious influences. Governments remained primarily reactive, with little capacity for longer-term strategic planning.8 War councils and other specialist agencies developed during the sixteenth century, such as that established by the Austrian Habsburgs in 1556. These remained understaffed and were primarily concerned with administration

rather than planning. The most that such bodies could do was provide cost estimates and other guidance to assist immediate operational planning, rather than coordinate longer-term strategies.

Operational command remained another royal prerogative, and though it was frequently delegated to generals or admirals, senior military and naval appointments depended on royal approval. Many monarchs led their forces personally. King Christian IV lost an eye while commanding the Danish fleet at Colberger Heide in 1644. His Swedish rival Gustavus Adolphus was killed at the Battle of Lützen in 1632, while another Swedish warrior king, Charles XII, died at the siege of Fredriksten in 1718. There are numerous other examples of kings at least accompanying their armies, and while this was not expected of queens, female monarchs such as Austria’s Maria Theresa or Russia’s Catherine the Great nonetheless closely identified with their soldiers. Rather than representing a new departure, Napoleon was only novel in being a general turned monarch.

**Armed Forces as Institutions**

The three centuries after about 1500 saw the establishment of permanent ‘standing’ armies and navies as the institutionalised means to project state power, chiefly externally, but also against internal opponents. The literature of the past sixty years has stressed technological changes as promoting the consolidation and expansion of permanent forces. Central to this interpretation is the idea of a Military Revolution originally applied to 1560–1660, and later extended not merely temporally to 1500–1800 but spatially from being a purely European phenomenon to become an allegedly global one. Though differing in emphasis, most interpretations following this line emphasise the impact of gunpowder technology in transforming how wars were fought on both land and sea. This transformation supposedly called for forces to be reorganised and reconfigured both tactically and strategically, prompting their growing permanence and size, which in turn impacted on state and society.

In particular, land warfare came to be dominated by infantry formed into relatively large, standardised units trained to combine shock and firepower. The balance between shock and firepower shifted in favour of the latter around 1630 as improved, lighter handguns were introduced. Armies sought

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to maximise firepower by thinning while extending infantry formations, producing a form of linear tactics which persisted into the 1840s when renewed improvements in firearms prompted the introduction of looser, deeper formations. Siege warfare was transformed by new fortification techniques known as the *trace italienne*, developed in the later fifteenth century but making their full impact from about 1560, which shifted to defence in depth to protect towns and fortresses against the new, far more powerful artillery. That artillery was also deployed at sea, especially from the 1570s, eventually shifting naval warfare from ships as floating platforms for soldiers to attack the enemy by boarding, to ships capable of sinking or disabling opponents through long-distance artillery fire. Navies introduced their own form of linear tactics, called ‘the line ahead’, intended to maximise the weight of fire delivered by ship-borne artillery arranged in broadside. The tactical changes on land and sea required more complex command structures to coordinate the actions of individual military units and ships. The ratio of officers to men increased and officers themselves required more experience and technical expertise, and gradually assumed cultures which later ages have dubbed ‘professional’. Simultaneously, command structures became more hierarchical and the roles and titles of the individual ranks were defined more clearly.

It is not the form but the alleged causes and impact of these changes which are problematic. Most versions of the Military Revolution preference western European warfare, and neglect ideas and practices which came from the east where warfare was characterised by more fluid operations relying more on light cavalry and other ‘irregular’ forces. More fundamentally, this approach is technologically determinist and underestimates political, cultural and social factors shaping warfare. Firearms were used in Europe from the 1320s, but it was not until the mid to late fifteenth century that developments in gunpowder manufacture and metallurgy made such weapons both effective and less dangerous to use. Further developments across the next century produced stronger yet lighter gun barrels, while improved gunpowder increased propellant power and at the same time reduced the size of the charge. As a result, field and siege artillery became lighter and more manoeuvrable. Such cannon rendered medieval fortifications obsolete, since these relied on height rather than depth, which was more resistant to artillery fire. However, there is no causal link between the new *trace italienne* and the growth in army size.

The new fortifications certainly changed European cityscapes, because they required huge, elaborate defensive rings to be built around towns. These had low, thick walls, strengthened by bastions for emplacing defensive artillery, and were surrounded by a protective earth glacis with a clear field of fire. Once constructed, it was extremely costly and difficult to alter them, effectively constraining urban growth and forcing inhabitants to build upwards rather than outwards. The construction of fortifications also encouraged new approaches to urban planning which emphasised rational geometry rather than religious ideas, such as laying towns out in relation to their churches.\(^{11}\) The new defences frequently included a citadel which faced inwards as well as outwards. Intended as the garrison’s last refuge, a citadel was also a symbol of state power relative to the inhabitants, especially in places where that power was contested, such as in the Spanish Netherlands.

Fortifying a city was a major undertaking involving shifting thousands of tonnes of earth and stone. However, the overall impact remained limited. Major states only spent around 5 to 10 per cent of their expenditure on fortifications, and even in late seventeenth-century France, which constructed the most extensive outer defensive ring along its frontiers, this proportion was only 17 per cent. Artillery consumed only 4 to 8 per cent of all military expenditure. Such fortifications did require large garrisons and even larger forces to besiege them, but armies were already growing before they were built.\(^{12}\) Meanwhile, the adoption of handguns alongside more traditional bladed weapons like swords, or pikes, did not require armies to grow in size. However, it was now easier to recruit larger forces quickly, because firearms required less lengthy training than bows, which had been the primary missile weapon of the Middle Ages. Politics, not technology, provides the more convincing explanation for the growth and permanence of armed forces. The changing configuration of political power in Europe, especially the consolidation of France after 1450 and then the growth of the Habsburgs under Charles V around 1520, both provided the institutional and material means to raise larger forces, as well as widening the geographical scope of interstate rivalry.\(^{13}\)

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The creation of permanent forces was slow and uneven across Europe, while their implications varied depending on whether they were navies or armies. The material requirements of navies far outstripped those of land forces since, in addition to trained personnel, they needed suitable ships, docking facilities and the means to concentrate stores in accessible points along coasts and major rivers. Warships were especially costly, because they had to be purpose built, particularly after the adoption of heavier, more numerous cannon during the mid-seventeenth century as part of the shift towards reliance on line-ahead tactics. Such ships were ill-suited for alternative uses, such as commerce, conversely meaning that merchant ships were less desirable for hire or impressment in wartime to form or enlarge fleets. Ships had to be maintained, which proved difficult given their vulnerability to marine bacteria which rotted their hulls. Repair and maintenance in turn required suitable facilities, which also had to be staffed and maintained.\textsuperscript{14} Navies were thus either the necessity of countries heavily reliant on maritime trade or overseas empires, such as England, Spain and the Dutch and Venetian republics. Or they were the luxuries of those few states with the capacity or desire to demonstrate power at sea as well as on land, such as France and, to a lesser extent, Sweden and later Russia.

Europe’s maritime powers already maintained permanent fleets from the early sixteenth century, but this did not necessarily mean they were always combat-ready. Fleets, like armies, needed to be mobilised, involving fitting out those ships which had been laid up in peacetime, as well as recruiting new crews and hiring or building more vessels. Navies were not always fully operational even during a conflict. England’s greatest defeat during this period occurred in June 1667 when the Dutch caught its main fleet in the Medway, where it had been laid up for lack of funds. By that point, changes in warship design requiring a purpose-built line of battleships did encourage the expansion of permanent fleets. England and the Dutch engaged in a naval race after 1652 which foreshadowed Anglo-German naval rivalry over two centuries later. Both embarked on major building programmes funded by taxation. Spain, France, Denmark and Sweden likewise constructed fleets which were both larger and comprised ships which were individually

\textsuperscript{14} Examples in D. Childs, \textit{Tudor Sea Power: The Foundations of Greatness} (Barnsley: Seaforth, 2009).
bigger to carry more heavy armament. The size of an average ‘first rate’ battleship grew from 500 tons in around 1650, to three or four times that by the eighteenth century, and around 3,000 tons by 1815. The total size of European navies quadrupled from 200,000 tons in the half a century after 1650, and expanded to 1,700,000 tons by 1790.\footnote{J. Glete, *Navies and Nations: Warships, Navies and State Building in Europe and America 1500–1860*, 2 vols. (Stockholm: Almqvist & Wiksell, 1993).}

Compared to navies, armies required relatively little in terms of costly equipment and installations beyond the artillery and fortresses already discussed. Size was determined by the ability to recruit, train, maintain and retain the forces deemed necessary by political ambition. Overall army size grew 1,000 per cent across 1500–1800, compared to only a threefold increase in Europe’s population from around 60–70 million to 190 million. The strength of individual armies fluctuated considerably across the first half of the period in line with the conflicts they were fighting. Soldiers were still generally raised for each campaign, generally from April to October, with the majority being disbanded or sent home in the early winter, regardless of whether peace had been made. Some states continued this practice into the mid-seventeenth century, but most by then maintained permanent cadres even in peacetime, which could be expanded when needed. These fluctuations within years as well as between them make any calculation of strengths difficult, even before other problems are considered, such as the often significant differences between official and actual numbers of men present.

Major states like France or Spain could put 50,000 or more into the field during the first half of the sixteenth century. Spain had at least double that number by the early seventeenth century when it was locked in a protracted struggle against the rebellious Dutch who mustered about 40,000. The Thirty Years War (1618–48) saw significant increases, with the various belligerents in the Holy Roman Empire together fielding around 250,000 men by the early 1630s. However, these were almost entirely disbanded by 1654, apart from the army of the Austrian Habsburgs, which remained genuinely permanent. The real ‘birth’ of most European ‘standing armies’ was during the 1670s at the onset of another thirty years of fighting, this time caused by the expansion of France under Louis XIV. Total numbers peaked around 1710 and then remained broadly constant until the 1790s, though the size of individual armies shifted significantly. France’s army declined from 340,000 in 1697 to 136,000 by the time of the Revolution, though there were significant wartime increases in 1734–5, 1740–8 and 1756–63. The armies of the smaller German territories also
declined from a combined total of 170,000 in 1710 to 106,000 by 1790, however those of Austria and Prussia increased from 129,500 to 497,700 and from 43,800 to 195,000 respectively.  

Large monarchies like France already maintained small permanent forces by the late fifteenth century. These were supplemented in wartime by a variety of troops provided by aristocrats and communes on the basis of long-standing obligations to the Crown, as well as others raised by professional military contractors either at home or abroad. Institutional permanence was underpinned by maintaining distinct units during peace as well as war, as was the case in Spain from the 1530s, France around the 1560s, and the Dutch Republic after about 1585. These units were professional in the sense of being composed of men serving under standardised contracts for fixed periods, trained and equipped in a uniform manner, and organised into units which outlived their individual service. Such ‘regular’ formations could generally be deployed wherever required, though the service agreements (‘capitulations’) sometimes specified areas of deployment, for example excluding the obligation to fight in the colonies.

Most of the literature on warfare and the state in this period emphasises the link between political centralisation and the creation of permanent, regular armies. In its classic formulation, the recruitment of ‘mercenaries’, especially ‘foreigners’, supposedly freed monarchs from dependency on their aristocracy while simultaneously providing a reliable force which would not sympathise with indigenous rebels. However, in practice most regular soldiers were subjects of the crown they served. Indeed, the term ‘mercenary’ has been one of the greatest hindrances to understanding European warfare in this period, because its modern definition is overburdened by the political legacy of the American and French Revolutions of the later eighteenth century and their idealised celebration of citizens-in-arms. Virtually all soldiers were ‘mercenaries’ in that they were paid to fight; indeed, that is the origin of the word ‘soldier’. Recruitment systems were complex,

especially those developed from the later sixteenth century which rewrote subjects’ traditional obligations to create new forms of militia. Again, such organisations are often misunderstood because of the anglophone association of voluntary militia service with citizenship. This kind of civic militia did exist on the continent, notably in the Dutch towns where it was an important part of burghers’ social and political identity, as commemorated in Rembrandt’s famous painting, *The Night Watch*. Civic militias had little practical fighting value in contrast to the select militias established in many countries which used them to train able-bodied men who were either mobilised as separate units in wartime to supplement professionals, or inducted directly into regular formations as a form of limited conscription. The latter method was famously adopted in Prussia in 1733 and was a way in which poor states could maintain disproportionately large armies. Rather than militarising society, such systems partly civilianised the military, because recruits were discharged back into the civilian economy for most of each year once they had completed their basic training. Even those nominally permanently with the colours were given long off-duty hours during which they could supplement their meagre wages by working as day labourers.¹⁹

Additional forms of recruitment and organisation existed in east central Europe, which developed ‘military frontiers’ along the borders with the Ottoman Empire. Neither the Ottomans nor their Christian neighbours were prepared to accept the possibility of permanent peace before 1699, meaning that each conflict was only terminated by a time-limited truce. Cross-border raiding was often excluded from the terms of these truces, and indeed became a structural feature of life for the communities on both sides of the frontier. Borrowing on earlier Hungarian models, the Austrian Habsburgs developed an extensive network of fortified posts after 1522 to protect their territory from the Ottomans.²⁰ Land grants, tax exemptions and religious and political freedoms were granted to settler communities along the frontier in return for garrisoning these posts and patrolling the land between them. The system became increasingly sophisticated from the mid sixteenth century as the Habsburgs drew subsidies from their other provinces and from the Holy Roman Empire to maintain and develop the defences and to add small regular garrisons as well. Russia developed military colonies along some of its frontiers which were broadly similar, while Poland-

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Lithuania maintained registers of Cossacks who could be summoned in emergencies. In all cases, it proved possible to redeploy some of these border troops to fight wars elsewhere, effectively supplementing more conventional forces and providing specialised ‘light troops’ skilled in raiding and scouting which these states’ western opponents frequently lacked.

The key advantage of regular troops was that their tighter discipline allowed them to fight in close-order formations designed to maximise the potential of the available weaponry. Discipline had several roots and its development was a key feature of European warfare in this period. The prevailing idea of a ‘just war’ required ‘proper conduct’ for it to be considered legitimate. Discipline was seen as a way to achieve it, since it enabled the authorities to determine how soldiers fought. Cohesion also protected soldiers’ lives, since most battle casualties occurred once units broke and were attacked or pursued by their enemies. Soldiers also welcomed the legitimacy conveyed by ideas of proper conduct, since they wished to avoid the social stigma associated with murder. Finally, discipline reflected broader ideas of an orderly society.21

Military units, like ships’ companies which were subject to similar disciplinary trends, formed distinct communities in a society characterised by a multitude of corporate groups. Like their civil counterparts, these military and naval communities were contested spaces shaped by competing views of idealised order. The horizontal element was gradually eroded by a clearer hierarchy of command emerging between about 1520 and 1580. Soldiers lost the right to choose their immediate superiors and to dictate or negotiate the norms by which they were bound. The right to draft normative statements, known as ‘articles of war’, passed exclusively to the senior officers as agents of the political authority, becoming a specialised military form of wider legislation. This development was much broader than much of the older literature on the Military Revolution suggests. The so-called Orange reforms initiated by Maurice of Nassau in the Dutch army during the 1590s were certainly influential.22 Prince Maurice drew inspiration from his reading of ancient Roman military history to advocate new forms of drill intended to maximise firepower at a time when handguns were only effective

when used en masse under the direction of officers. In practice, however, his ideas were part of a longer critique of mercenaries on moral as well as practical grounds. Many officers were as concerned as the men under their command to defend themselves against theologians and social commentators who condemned them for pursuing ‘war as a trade’. Already in the 1560s, books had appeared advocating practical measures to make war less destructive by making it more efficient to achieve victory in a controlled manner.23

The articles of war specified norms to guide soldiers’ behaviour. All recruits had to swear an oath to obey them. This signalled their passage from civil to martial law, and provided the legal basis for the authorities to punish them for any infraction. The character of the articles changed to reflect the more extended and formalised hierarchy of ranks, with some states issuing separate ones for officers and other ranks by 1700. Ordinary soldiers retained some influence, especially through the legal practice of trial by peers which ensured that the composition of courts martial roughly corresponded to the rank of those on trial.24 Like members of civil communities, soldiers could exert extralegal pressure to change or shape how rules were enforced, notably by mutinying. Also mirroring civil society, martial law was corporate, distinguishing soldiers from other legally defined groups in society. This reflected the broader character of early modern Europe as defined by liberties – which were local and specific to groups or communities – rather than the general, uniform and abstract Liberty – an idea only fully articulated towards the end of the eighteenth century. Thus, martial law was part of the wider web of privileges defining social groups. The Spanish government deliberately expanded its martial law, the fuero militar, after 1763 as an incentive to attract more volunteers.

Military justice was often regarded as brutal, especially by later commentators, but in fact armies and navies generally condemned fewer men to death than civilian courts, largely because of the cost involved in replacing trained personnel. Armies and navies also offered a refuge for those escaping civil justice, though civilian criminals were sometimes condemned to military or naval service. The creation of permanent armies created new problems of regulating jurisdiction with civil justice. This was handled differently across

Europe, with Spain privileging its military personnel while France allowed soldiers to be judged by civil courts after 1665.\textsuperscript{25}

The development of martial law reflected the broader spread of written culture across Europe. The articles of war were supplemented by numerous regulations, ordinances and other normative documents from the later sixteenth century. These were revised following the experience of the wars of the first half of the seventeenth century and reached their definitive form around 1670–1720. This corresponded with the solidifying of military institutions generally, which assumed a form lasting into the early nineteenth century and in some cases beyond. Armies were now subdivided into regiments and companies which were permanent administrative units, some of which could trace a lineage of a century or more. Administration remained largely in the hands of military personnel, though subject to growing supervision from the still understaffed central state institutions. Despite the spread of formal law, regulations and paper-based administration, considerable scope remained for what contemporaries termed ‘military custom’, which provided a supplementary set of largely unwritten practices and precedents guiding behaviour.

The Conduct and Impact of War

It has become customary to regard conflicts from about 1517 to 1648 as ‘wars of religion’, which were followed by the ‘limited wars’ of the age of absolutism, 1648–1789. The first phase was supposedly characterised by brutal, barely controlled violence in which religious hatred allegedly explains both the causes of wars and the character of their conduct. The second phase is interpreted as a reaction to the first, when stronger states sought to ‘tame bellona’ and subordinate war as a controlled instrument to achieve limited goals, largely defined in terms of dynastic objectives. This narrative has its roots in the time, as governments justified the heavy taxation required by the permanent forces established around 1670 as necessary to avoid a repeat of the early cycles of violent war. New ideas associated with the Enlightenment and especially the French Revolution added to this picture by presenting the conflicts of the later seventeenth and eighteenth centuries as the ‘sport of kings’ contrary to the interests of the ‘people’. A new language of ‘national interest’ was developed after 1792 to legitimate a massive extension of the

ability of central governments to mobilise human and material resources. This contributed to the belief that warfare had changed fundamentally and now had a more direct impact on ordinary peoples’ lives.

This standard view is hard to shift, because it has become deeply embedded in the general literature, especially in disciplines outside history. Moreover, there is plenty of evidence pointing in this direction. Some conflicts of the sixteenth and early seventeenth centuries were accompanied by obvious sectarian violence, notably the French Wars of Religion (1562–98) and the fighting in Ireland during the 1640s and 1650s. This was also an age of confessionalisation when identities formed around distinct versions of Christianity forged new alliances and solidarity across geographical space so that, for example, Londoners could be vexed by stories of the hardships of their German co-religionists.26 The evidence of such external observers features prominently in discussions of conflicts as religious wars. Many, especially clergy, indeed felt the fate of their faith was at stake, and urged the pursuit of more directly religious objectives, such as the expulsion of dissenters and the seizure of their churches.

However, the actual experience of violence was often very different. The idea of the Thirty Years War as a struggle between two clearly defined confessional parties rapidly receded when the rival armies arrived in any area. Most inhabitants experienced the war as a bewildering succession of violent disruptions of their community and daily life.27 Even the war’s most notorious atrocity, the infamous sack of Magdeburg in May 1631, hardly fits the standard rubric of sectarian violence.28 Wars were indeed bloody, but the majority of casualties were incurred in conventional military operations, such as the siege of Ostend in 1601–4, in which Spain lost 80,000 men taking the town from the Dutch, who lost 60,000.29

Wars were waged by states, not churches. Though defence of the ‘true religion’ was invoked as a justification in some conflicts, no government proclaimed holy war and none tried to use religion to mobilise their inhabitants. Soldiers were admonished to be pious as part of the wider programme of encouraging obedience, discipline and cohesion. Some armies displayed

more distinct confessional characters than others, notably the
Parliamentarian New Model Army of the British Civil Wars. However,
religion always remained one of several markers of identity alongside ethni-
city, language and communal and political loyalties, which all affected the
character and culture of military units. It remained important well beyond
1648, both as part of military culture but also more generally as a factor in
interstate relations and conflict. Far from secularising European politics, the
Peace of Westphalia was a Christian peace based on demarcating confes-
sional rights, not establishing modern toleration.\(^{30}\)

The idea of warfare after 1648 as peculiarly ‘limited’ is equally misleading.
Wars were not waged by civilised monarchs exercising self-restraint who
supposedly knew when they were beaten and offered acceptable terms to
their opponents.\(^{31}\) Prussia’s Frederick II, who has been cited as an example for
this interpretation, clearly did not know when he had lost, continuing to fight
the Seven Years War against impossible odds after his crushing defeat at
Kunnersdorf in 1759. Indeed, Frederick was an inspiration to the Nazi elite,
who hoped that Roosevelt’s death in 1944 would lead to a US withdrawal
from World War II, just as Russia had spared Prussia by pulling out of the
Seven Years War after the death of Empress Elizabeth I in 1761.

Sweden’s Charles XII also pursued war to the point of reckless destruction,
insisting on continuing the Great Northern War (1700–21) despite his crushing
defeat at Poltava in 1709. Moreover, this conflict made a lasting impact, with
Russia displacing Sweden as the dominant Baltic power. Likewise, Prussia’s
sheer survival during the Seven Years War confirmed its position as one of
the five European major powers.

Wars were certainly not limited in terms of their human and material
pressures. The level of French mobilisation during the wars of 1688–97 and
1701–14 was not far short of that during the Revolutionary and Napoleonic
eras when measured as a proportion of the population.\(^{32}\) The demands of
warfare forced European states to introduce new forms of permanent taxes,
especially from the 1630s, as well as to develop new credit arrangements
starting with the Dutch Republic after the 1580s and then the English
‘financial revolution’ after 1688, which saw the foundation of the Bank of

\(^{30}\) D. Onnekink (ed.), *War and Religion after Westphalia, 1648–1713* (Farnham: Ashgate, 2009);

(Cambridge, MA: Harvard University Press, 2012). For the following see J. Kunisch, *Das

England and the development of the world’s first modern national debt.\(^3\)

The ability of states to manage the long-term indebtedness deriving from prolonged warfare became a major factor in their viability as European and, indeed, world powers. Whereas France failed to solve the debts from its (militarily) successful intervention in the American Revolutionary War (1775–83) and plunged into revolution, Britain, which had been defeated, recovered swiftly.

Nonetheless, there is a validity to some aspects of the characterisation of warfare in this period as limited which can also be extended to the era before 1648. War remained within the Christian conception of fighting as the extension of legal arguments to right perceived injustices. It was only to be embarked on once all other means of settlement had been exhausted. However reprehensible we may find their justifications for war, states generally adhered to this principle. Objectives thus remained limited, even if they might be expanded in the light of initial victories, as in Sweden’s case after 1630 during the Thirty Years War or Russia’s involvement in the Great Northern War. Goals could be extensive. The anti-Prussian coalition during the Seven Years War intended to remove that state almost completely from the map. France and Austria fought for possession of the entire Spanish Empire during 1701–14, even though in practice they were willing to settle for more limited shares. Nonetheless, there was no desire to exterminate the enemy or destroy their way of life. It was recognised that peace might require mutual concessions if it was to last. Sometimes diplomats misjudged this. French ministers were widely criticised at home for giving too much away to secure peace at the end of the War of Austrian Succession (1740–48).\(^4\)

Military operations were usually linked to diplomacy, with the seasonal lull during winter used to sound out the possibility of peace as well as rebuild forces for an eventual renewed effort the following spring.

The risks inherent in warfare were another constraining factor. Battles were considered an honourable way to decide conflict, but they were also extremely bloody with armies losing up to a quarter or even more of their strength in casualties and prisoners. Conventional military history has tended to favour those commanders who allegedly pursued strategies of


decision by seeking to win quickly and efficiently by defeating their opponents in battle.\textsuperscript{35} However, this was often both riskier and more costly than a strategy of attrition involving besieging enemy fortresses. These discussions also neglect the influence of human and physical geography on conflict. This was war in an age of grass, where armies remained dependent on food for their transport and cavalry horses for movement and operational effectiveness. The regions with the highest agricultural surpluses also tended to be those that were most densely populated, like northern Italy or the Low Countries. These more urbanised areas might sustain larger armies, but the presence of well-fortified towns often blunted the impact of battle victories since the defeated side might still retain possession of the contested territory.

Throughout this period, combat involved close-quarters fighting in which participants could see their opponents. Despite gradual improvements, all firearms remained limited in range compared to those used from the mid nineteenth century onwards. Handguns were only effective when used en masse by tightly packed formations under the close supervision of officers, requiring soldiers to embrace what has aptly been described as a ‘culture of forbearance’\textsuperscript{36} as they endured enemy fire, often without being allowed or able to retaliate. Other weapons, such as pikes, could only be employed for ‘close order’ since they required soldiers to be in close contact with the enemy. Armament and other equipment were bulky, heavy items adding to the physical endurance required by combat. Contemporary accounts frequently stress the noise of the artillery, comparing it to thunder, which in an age without loud machinery would have been unusual and added to the sense of disorientation.

**Bibliographic Essay**


Historians have traditionally regarded the Ottoman Empire’s failed second siege of Vienna in 1683 as a turning point in the empire’s long history, bringing to an end centuries of military success and expansion. After the siege, Habsburg forces, aligned with Poland, Venice and Romanov Russia, launched attacks against the Ottomans across Eurasia. They took Budapest and most of Transylvania by 1686, and two years later pushed the Ottoman border hundreds of kilometres south, beyond the confluence of the Sava and Danube rivers, taking Belgrade in the process. The Treaty of Karlowitz of 1699 that finally brought an end to the seventeen-year-old ‘Great Turkish War’ is traditionally understood as a marker of Ottoman imperial decline, since Istanbul lost unprecedented amounts of territory and subject populations in Hungary, Croatia, Romania and parts of Bosnia to the Habsburgs and were forced to accept borders imposed upon them by their rivals. The Habsburg reconquista of Christian lands dealt a huge blow to the Ottoman ideology of the ever-expanding Islamic frontier. Like the halting of expansion in other dynamic imperial ventures in history, the ‘closed’ frontier meant that opportunities for ambitious, able-bodied men of all faiths to make a career under the Ottoman banner were henceforth significantly restricted.

Military historians have devoted a lot of attention to the siege of Vienna, depicting it as a decisive Habsburg victory that saved Western civilisation and triggered Ottoman decline. Nevertheless, from the Ottoman perspective, Istanbul succeeded in consolidating its military strength in south-eastern Europe, and the Habsburgs never again constituted an existential threat to the empire. Throughout the eighteenth and nineteenth centuries the Ottomans likewise managed to defend themselves against the rising power of imperial Russia. The Ottoman military machine therefore proved capable of defending the empire, militarily as well as through tactful diplomacy, even if the days of large-scale conquest were over. One of the most profound effects of the Great Turkish War on Ottoman society, however, was that for
the first time the Catholic Habsburgs managed to incite Orthodox Christian warrior populations like the Serbs, many of them integral to the Ottoman forces that laid siege to Vienna, to rise up against their Muslim rulers en masse, thereby sabotaging the Ottoman war efforts from within as well as pillaging, terrorising and demoralising the Muslim population in Rumeli (the Ottoman Balkans).

The threat of Christian uprisings in the Ottoman Empire had always been latent given that Ottoman Christians constituted the majority or significant part of the population in the provinces of Rumeli and Anatolia. But Ottoman rivals, like the Habsburgs and the Venetians, consistently failed to foment uprisings among the largely Orthodox Christian populations prior to the eighteenth century. They were unwilling to commit sufficient military and financial assistance unless the Orthodox Christians agreed to accept papal or imperial supremacy and sovereignty. In general, they regarded the much smaller Ottoman Catholic Christian population, such as the Catholic Albanians along the Adriatic coast, as the only viable agents and provocateurs of large-scale Christian dissent within Ottoman society.1 In any case, until 1683 Istanbul continued to provide Orthodox Christian warrior populations with opportunities for accumulating wealth, social mobility and distinguishing themselves as conquering imperial warriors alongside their Muslim comrades.2 But Vienna’s successful incitement of Orthodox Christian warrior populations, like the Serbs, to rise up collectively against Istanbul in the 1680s marked the beginning of what would become a recurring pattern of inter-imperial, Eurasian politics and intrigue in which first the Habsburgs but then the Russians, French and British would incite other subject Christian populations of the empire to rise up against the Ottomans with devastating effects.

Prior to the eighteenth century what distinguished the Ottomans from their rivals was that they were the first early modern ‘European’ state to establish a largely professional standing army comprised of janissary infantry and sipâhi cavalry. Established already in the fourteenth century, the janissaries were a force comprised of boys taken as levies largely from Christian families in the Balkans, converted to Islam and trained to ensure their exclusive loyalty to the Ottoman dynasty. The sipâhi, in contrast, were cavalrymen – sometimes Christians – much larger in number who were awarded fiefs (timârs) throughout the empire and allowed to collect taxes in

Map 10.1. The Ottoman Empire, 1660–1913.
these lands in order to raise, arm and provision a retinue of fighting cavalry whose numbers were determined by the size, resources and revenues of the lands they were granted. Auxiliary, irregular troops were also raised to aid the standing armies, skirmish across imperial borders, secure roads and mountain passes, and provide garrison support. Prior to the eighteenth century a large portion of these troops – if not the majority in places across Rumeli – were comprised of Christian warrior populations like the Serbs, Hungarians, Greeks and Vlachs.

The janissaries and sipâhîs made up the bulk of the Ottoman ‘askerî (military-administrative) class, along with higher-ranking imperial officials and bureaucrats as well as religious scholars, whereas the Ottoman irregular forces, Muslim and Christian warriors alike, traditionally hailed from the re’âyâ (literally ‘flock’) subject classes that neither enjoyed the same status nor were exempted from paying taxes. During the sixteenth century the imperial war machine could muster over 100,000 combined janissary and cavalry forces supported by tens of thousands of irregular warriors; however, as European rivals began centralising their governments and creating larger fiscal bases to train and pay much larger standing armies to match the Ottomans, Istanbul reduced the size of the sipâhî class in order to increase musket-bearing troops on account of revolutionary changes in warfare by the mid seventeenth century. The concomitant loss of control over the growing size and discipline of the janissary forces consequently reduced the Ottoman capacity to organise warfare.³

The Ottomans responded to these challenges by radically increasing the number of their musket-bearing irregular forces, who were much more willing to embrace these technological changes at a fraction of the cost of the janissaries, in order to match the larger forces the Habsburgs, and especially the Russians, could muster. As recruiting more men became the prerequisite of eighteenth-century warfare and required much more cash than in previous centuries, the Ottomans responded by converting the farm-land of the timâr system into much more lucrative lifetime tax farms (malikâne) for which local notables (a’yân) paid large lump sums of cash, providing the government with the revenue needed to defend the empire.⁴ They consequently came to dominate provincial governance. Notables likewise were employed as military contractors, raising large retinues of irregular

warrior troops for the Ottoman war effort. Irregular warriors were organised in companies (bölük) of fifty men, and they were given monthly salaries, paid in two or six months’ lump sums, daily rations (yevmiye) and signing-on bonuses (bahşiş). ⁵

But what gets lost in the historiography of this transformation and privatisation in the eighteenth-century Ottoman fiscal-military state is the extent to which the Great Turkish War profoundly altered the confessional and even ethnic make-up of the Ottoman army. The recurring defection of Ottoman Orthodox Christian warrior populations like the Serbs, followed by the retaliation of Muslims against them once the Habsburg forces were pushed out of the Balkans starting in the 1690s, constituted a sea change in the nature of Ottoman imperial sovereignty, subjecthood and social relations on the ground. Not only would Istanbul henceforth bar Christian warriors from serving in the army, but it was forced to outsource imperial governance, military recruitment and policing activities to pastoral Muslim warrior populations from the southern and, later, northern parts of the empire – the Albanians, Tatars, Circassians and Kurds – on unprecedented levels.

The Ottoman state, however, lacked both the resources and the will to pay them or offer them sufficient access to power, which meant that these new agents of empire were difficult to control. More importantly, the administration little understood the nature of the honour, vendetta and feuding cultures that bound pastoral communities like the Albanians, coming from the Dinaric Alps in the western Balkans, or steppe warriors, like the Tatar refugees who fled to Rumeli upon the Russians’ annexation of the Crimea in 1783 to bolster the Muslim population along the new Danubian borderland. There was a logic to leaving broader security and policing responsibilities to local ‘para-military’, pastoral warrior units: they required less resources from the centre; they were extremely mobile and could be mobilised rapidly for war theatres thousands of kilometres away at a fraction of the cost of the empire’s standing forces; and they were sustained beyond their short-term contracts by peacetime cross-border pillaging, slave-taking and kidnapping runs, as well as feuding, ensuring that service to the Ottoman state was profitable. This was especially true during wartime ‘states of exception’ when these men could prey upon non-Muslim groups like the Serbs, who lost their status as protected Ottoman subjects (i.e. zimmî; dhimmi, ‘peoples of the book’) when they sided with the pro-Habsburg and, later, pro-Russian insurrections in Ottoman society.

In effect, after 1683 the Ottoman state sanctioned continual guerrilla warfare and terror – hit-and-run pillaging, ransoming, enslavement, arson and presumably rape – against non-Muslim Ottoman subject populations that frequently supported or outright joined the armies of Ottoman imperial rivals like the Habsburgs and Russians during the frequent eighteenth-century wars. The problem was that this type of vindicatory violence persisted during times of peace, well after the Ottomans signed armistices ending inter-imperial wars with their rivals and undermined the possibility of restoring the rule of law when Muslims and non-Muslims had to live together peacefully again. This frontier policy worked for a time, as the Ottoman imperial palace could disavow this localised violence as acts of banditry by ‘mountain’ or ‘Albanian bandits’; but by the turn of the nineteenth century it spiralled out of control in ways overlooked by military historians. It generated confessional and increasingly ethnic enmities while concomitantly fostering large-scale organised crime. This chapter will sketch for the first time the nature and repertoire of the violence stemming from Istanbul’s massive privatisation of military and policing powers, and its deleterious impact on inter-confessional and ethnic relations in Ottoman society.

The Ottoman Fiscal-Military State 
in Comparative Perspective

The story of the Ottoman’s devolution and increased outsourcing of imperial violence in the eighteenth century is important because it demonstrates how the central government was forced to turn from its late medieval policy of relying largely upon commissioned armies at a time when its European rivals are understood to have increased their monopoly of legitimate violence and articulated a clearer distinction between military and civil society. In many respects, the outsourcing of military capacity was an older response to the problem of military financing that had been tried by European powers. Part of the reason why Louis XIV created a professional army and officer corps was to curb the use of private armies and feuding. But as they consistently found themselves embroiled in two-front wars against the Habsburg and the much more powerful Russian armies, the Ottomans scrambled to find and finance reliable soldiers to match the amount of men their rivals could mobilise.

Ottoman imperialism contrasted significantly with western European, colonial imperialisms. Ottoman expansion had long been predicated upon the absorption and assimilation of subject peoples, who were permitted to maintain local customs and religious beliefs, so long as they did not challenge Ottoman suzerainty. While conquest was initially violent, the conquered were not treated as racial inferiors and subject to the sorts of extreme violence that the process of European colonisation and racial slavery produced in the New World. The Ottoman Empire offered peace and security for its multi-confessional and heterogeneous population. Its dynamic military machine offered social mobility for its entire subject population until the end of the seventeenth century. Historians have accordingly attributed the empire’s very longevity to Istanbul’s flexibility and ability to conceive of a policy that enabled the dynasty to negotiate with and co-opt indigenous populations across religious and social divides in the lucrative business of imperial expansion and trade.7

In the traditional grand narrative of Ottoman history, the seventeenth and eighteenth centuries, awkwardly positioned between the better-studied ‘golden age’ of sixteenth-century conquests and the nineteenth- and twentieth-centuries’ modernising reforms and national revolutions, have been neglected and dismissed as a period of decline and military disaster. However, over the last decade historians have striven to replace the image of stasis and decay with a more balanced picture of developments. Transition instead of decline, economic and fiscal reconfiguration and consolidation instead of stagnation, as well as outsourcing and privatisation instead of decentralisation and political chaos, are the preferred themes in revisionist historiography that contextualises the Ottomans in the larger ‘Age of Revolution’.8

Nevertheless, when it comes to the outsourcing and privatisation of coercive force that characterised the eighteenth century, the profound inter-confessional-cum-inter-ethnic strife that accompanied this devolution of violence has largely been ignored. Ottoman irregular forces are typically reduced to mere pawns and commodities in the struggles among Ottoman imperial and provincial elites, and Ottoman non-Muslims’ participation in Ottoman culture and the Ottoman military is largely ignored until the first ‘national’ uprising in Serbia between 1804 and 1817. This latter omission is all the more glaring given that what was so ‘revolutionary’ about the period was

the new political imagination of Ottoman Christian groups like the Serbs and, soon afterwards, the Greeks, that prompted them to take enormous risks to establish more autonomy and independence from Ottoman rule by the early 1800s. Moreover, the fact that bands of discontented irregular warrior populations forged large networks of violence and terror that attracted and involved common subjects, janissaries, provincial notables and governors alike testifies to how very well organised paramilitary forces were, how they appealed to and were representative of a large swathe of Ottoman society.

War and the Outsourcing of Imperial Violence

The nature of war fundamentally changed in the Balkans between 1683 and 1688. Belgrade had grown wealthy and important as an Ottoman fortress city. The conquest in 1521 of Sultan Süleyman the Magnificent (r. 1520–66) had made it the key staging post for imperial campaigns against the Hungarian and Habsburg Empires to the north or Venice to the west. Before 1688, no foreign invading army came close to the city. But when Habsburg general Prince Eugene of Savoy crossed the Danube and occupied it during the Great Turkish War, something unprecedented in terms of scale happened: his Catholic officers were successful in coaxing large numbers of Orthodox Serbian, as well as other non-Muslim re’âyâ subjects, into a general uprising against the sultanate. They joined Habsburg forces and carried out the same type of morale-sapping violence they had traditionally perpetrated for Istanbul outside of the empire on the soils of imperial rivals, pillaging, enslaving and slaughtering a Muslim population that had already sacrificed a great deal in its long defence against the Holy League’s advances.

The Orthodox Christian warriors of the Balkans, who traditionally comprised the backbone of Ottoman irregular forces in the West, now defected to Freikorps (volunteer) paramilitary bands led by Habsburg officers and former Ottoman Christian irregulars (martolos) that penetrated deep into the heart of Rumeli, briefly taking important cities like Niš (now in Serbia) and Skopje (now in Macedonia), inciting Christian communities elsewhere to rise up. The Ottomans regrouped nevertheless, taking back Niš and Skopje followed by Vidin, Belgrade and the rest of Serbia by the autumn of 1690.⁹ Warrior Catholic (e.g. Uskoks) as well as Orthodox populations (e.g. Serbs, Vlachs and martolos) and other borderland groups had weaved in and out of the service of

⁹ Selim Aslantaş, Osmanlîda Sîrp İyânîlar: 19. Yüzyılın Şafâğında Balkanlar (Serbian Revolts in the Ottoman Empire: The Balkans at the Turn of the Nineteenth Century) (İstanbul: Kitap Yayinevi, 2007), pp. 37–9.
the Ottomans and their rivals in the past. However, the massive shift in their allegiance after 1688 was unprecedented and henceforth altered the political balance in the region.

Savoy’s invasion also displaced thousands of Muslim refugees, who fled Ottoman Hungary and Transylvania in terror. In what would become a recurring Ottoman tradition, Istanbul settled traumatised refugees from recently lost territories in key fortress cities such as Belgrade and Vidin as well as along strategic roadways to secure these areas as Muslim spaces against foreign invasions and treachery from local Christian subjects. But complaints and petitions from Belgrade, Vidin and Wallachia after the war point to the great problems the state had in trying to settle Muslim refugees and paramilitary groups, and the disorder they caused when they usurped properties and ransomed and enslaved members of Christian communities well after the wars ended. The protracted violence forced the Serbs to embark on a series of ‘great exoduses’ (Velike seobe Srba) across the border into the Habsburg Empire.

In addition to turning a blind eye to peacetime vigilantism against the Serbs after the Ottoman forces retook Belgrade in 1690, Istanbul stripped the Serbian Patriarchate of all the special privileges, lands and tax collection rights it had granted to it in the sixteenth century. The former Patriarch of Peć (now in Kosovo), Arsenije III Ćarnojević (1633–1706), consequently led the first wave of Serbs and other Orthodox Christians into the Habsburg Empire. After reclaiming territories they lost to the Russians in 1711, the Ottomans turned to the west to fight the Habsburgs and Venetians between 1714 and 1718, in order to regain the large tracts of territories they had lost there in 1699. However, Eugene of Savoy’s Austrian forces routed the Ottoman forces again at the Battle of Petrovaradin in 1716, pushing through to recapture Belgrade, while Serbian Freikorps bands once again drove far south deep into the Balkans. Most significantly, Vienna created the Kingdom of Serbia (Königreich Serbien) with Belgrade as its administrative centre in 1718. This territory permitted the autonomous Serbian Freikorps to maintain a peacetime system of feuding, plundering and raiding on Muslim lands that helped to sustain the new kingdom until the outbreak of yet

Map 10.2 The Ottoman Rumeli, c. 1800.
another long war in 1739, in which the Ottomans fought more successfully against a Habsburg–Russian alliance, retook Serbia and razed ‘Habsburg’ Belgrade.\textsuperscript{13}

With all hopes of greater Serbian autonomy and liberties thwarted, coupled again with Muslim retributions after the war, the Serbs embarked on a second wave of massive migrations north out of Ottoman territory. To accommodate these large migrations, the Habsburg emperor Leopold I (1657–1705) established a tax-free military border region called the Vojvodina and allowed Serbian and other Orthodox groups from the Ottoman Empire to repopulate the region on the condition that they organise as Freikorps irregular units that served the purpose of defending the region against and launching periodic raids and skirmishes (\textit{Kleinkrieg}) into the Ottoman Empire.

Although detailed research into these new border dynamics still remains to be done, extant scholarship suggests that the Ottoman response was to bar henceforth Serbs and other Ottoman Christians from serving in the military and make conscientious efforts to Islamise the new borderland along the Danube, removing remaining Christian subjects from these strategic fortress cities. To fill the void left by the Serbs and other Christians who had left the empire, the Ottomans authorised a series of migrations of stockbreeders and pastoral warrior populations from the mountains of what is now Albania, Greece and Montenegro near the Adriatic coast eastwards into southern Serbia, Kosovo, Macedonia and Bulgaria.\textsuperscript{14}

These long-term demographic shifts arose from a combination of ecological factors as well as confessional-cum-ethnic-identity politics spurred on by inter-imperial conflict and intrigue. But Istanbul’s dire need to populate its frontier defences with reliable and inexpensive Muslim military labourers was the most important factor. Lacking the resources and time to create and train a standing army, the central government was forced to outsource imperial defence and governance to these new recruits. The rugged terrain and dearth of fertile land in the mountainous regions of Albania and Montenegro made sedentary agriculture difficult; thus, the peoples of these regions were largely pastoral and traditionally served as mercenaries of rival


empires that bordered the Adriatic Sea, dating all the way back to Byzantium. This population, often collectively referred to as ‘Arnavut’ (‘Albanian’ in Turkish) by imperial officials, was in fact divided by myriad local, clan, confessional and ethnic allegiances, making it impossible for the Ottomans to categorise or control. In the past, Istanbul tried to confine the internecine struggles and blood feuds among these communities to the mountains, and was content to tolerate violence so long as the state controlled the imperial roadways, mountain passes and coasts in the western Balkans.

Albanian, Macedonian and Serbian scholars have traditionally interpreted the Albanian settlement in Kosovo and its surrounding areas as an Ottoman, state-sponsored attempt to colonise these areas with loyal Muslims. But the Albanian pastoral warrior populations that settled in the Kosovo plain and further north towards Belgrade, and in the Balkan and Rhodope Mountain ranges farther east, can hardly be construed as zealous Muslims of the Ottomans. A large part of the Albanian population up to the eighteenth century was still Catholic. In fact, these migrations ought to be seen as part of a larger phenomenon in which Albanian pastoral warrior populations found a niche as irregular troops who filled the voids left by the Serbs and other Orthodox warrior populations during their flight to the Habsburg Vojvodina. Their settlement appears to have been concomitant with their conversion to Islam; therefore, Albanian migration must be viewed in the context of a larger shift in which confessional, sectarian and even ethnic identity began to play a more important role in Ottoman society as a whole. Indeed, what is discernible is that Istanbul’s need to muster more bodies to fight the Russians by the end of the eighteenth century involved the mobilisation of irregular troops who were bound less by dynastic loyalties than they were by regional and ethnic ones, at a time when ethnic identity among Ottoman Christian subject populations also began to matter more.

Virginia Aksan has noted that the Ottoman state found it difficult to effectively negotiate with these mobile, warrior subjects and therefore struggled to reassert its control over the monopoly of legitimate violence. Recent studies suggest that this was not only the case in borderland areas but also in the urban context as well, where migrants were implicated in various forms of disorder. Immediately after the Treaty of Karlowitz, for instance, Balkan migrants came to play a key role in fomenting large-scale peacetime

16 Aksan, ‘Mobilization’, p. 344.
riots and rebellions that affected even the Ottoman capital itself. In the 1703, 1730 and 1740 urban revolts that erupted in Istanbul, the first two of which deposed sultans, unemployed Albanian vagrants and young, unmarried men were singled out in imperial sources as the key instigators. What made the 1730 Patrona Halil revolt, for example, so unique at this point in Ottoman history was its social base. Patrona Halil is said to have been an immigrant Albanian bath attendant and itinerant dealer of used goods who muscled his way into the janissary corps. He led a combination of fruit sellers, coffee shop owners and janissaries, as well as parts of the urban population in Istanbul, in a full-scale rebellion that deposed Sultan Ahmed III (r. 1703–1730). Together with the civil population and urban guilds, imperial authorities singled out Albanian migrants who, with their military experience and reputation for violence, were cited by imperial authorities as a new element in the urban fabric of the imperial capital that undermined the rule of law and sultanic authority. Likewise, in the wake of another costly war in which Ottomans fought the Russians and Habsburgs simultaneously, a crowd allegedly comprised largely of Albanian migrants attacked shops and plundered goods in the Sipâhî bazaar in 1740, thus spurring on a riot that spread to the flea market and then to the Bayezid Mosque area. Though the government suppressed these rebellions, imperial sources again attributed public disorder, uprisings, and crimes to Albanian migrants. Whether the state exaggerated their role or not, these migrants became proverbial agents of disorder in the imaginations of Ottoman elites.

The Failure of Privatisation

In the first half of the eighteenth century military and policing functions on the frontier were outsourced. The state largely turned a blind eye to the banditry and feuding against Christians that resulted. But peacetime disorder and violence in the aftermath of another war the Ottomans fought against the Habsburg and Russian Empires simultaneously between 1787 and 1792 destabilised Ottoman society in novel ways. As in earlier wars, Muslim irregular warriors were charged not only with fighting foreign combatants but also their Serbian and other domestic Ottoman Christian proxies within Ottoman territory. Because Ottoman non-Muslim subjects consistently supported or joined the invading armies of imperial rivals, the Ottomans worked

out legal procedures by the late eighteenth century that systematically abrogated the protected status of such non-Muslim subjects (i.e. the zimmî/dhimmi status). This policy served Istanbul well during times of war, for it effectively allowed its large contingents of irregular troops to live off the property and forced labour of non-Muslim subjects. Since a cash-strapped treasury lacked the funds to pay its irregular warrior populations their contracted salaries, the government increasingly encouraged its irregular soldiery to pillage and plunder, as well as confiscate the property and enslave the womenfolk and children of Serbian and other Ottoman Christian belligerents that joined foreign combatants. But the system was open to abuse: Muslims took advantage of these laws and the wartime conditions to prey upon the innocent, and it was difficult for the centre to distinguish between combatants and non-combatants. It proved a useful cover for traditional feuding and banditry.

The consequence of these recurring, wartime ‘states of exception’ in Ottoman governance towards the end of the eighteenth century was widespread peacetime violence and instability. Even when war came to an end, it proved impossible to stop the local feuding. Serbs and Albanians had a shared feuding culture that was fostered by the demands of the border region and shaped by the military needs of Vienna and Istanbul. But the 1787–92 multi-front war that the Ottomans fought against the Habsburgs and Russians was particularly caustic for inter-confessional and inter-ethnic relations in the Ottoman Balkans and other parts of the empire. The scale with which imperial governments outsourced violence to different ethnic groups to fight their war by proxy was new. Trying to compete with his ally Catherine the Great’s lofty plan of creating a new, Russian satellite Byzantine Empire run by Greeks from Ottoman territory (much like the Habsburgs attempted to create the Serbian Kingdom earlier in the century), Habsburg Emperor Joseph II (r. 1780–90) sent agents throughout Ottoman Serbia disseminating gifts and making promises about wider freedoms and social mobility in a bid to clinch local support. They were also sent to Montenegro and Wallachia, making broad promises of religious freedoms and promoting the advantages to be gained from rule by Vienna.¹⁸

Habsburg Freikorps officers led fifty-men bands of Serbian irregulars (i.e. the same structure as Ottoman böyük divisions) in a series of hit-and-run guerrilla attacks in strategic locations near Belgrade in 1788; these forces attacked,

¹⁸ M. Pavlović, Srbija za vreme poslednjeg Austrijsko-turskog rata (1788–1791) (Belgrade, 1910), pp. 9–16.
pillaged and slaughtered inhabitants of towns and, more importantly, targeted movements of weapons and provisions leading to Belgrade on imperial highways, fleeing into the surrounding mountains and forests once Ottoman pressure on them became too great.19 One ambitious Serbian Habsburg agent who led his own Freikorps band, a certain Koča Anđelović, became legendary because of his ability to disrupt Ottoman supply lines while terrorising and demoralising the Muslim community far south of Belgrade, all the way down to Niš. Though he may have only briefly held control over parts of southern Serbia in the spring of 1788, so famous were Anđelović’s exploits against the Ottomans stretching from Niš in southern Serbia to Transylvania in the north that Serbs hailed these areas as ’Koča’s borderlands’ (Kočina Krajina). Emerging from a new class of pig merchants who made their fortune trading in the Habsburg markets across the border, Anđelović forged a new merchant identity for other like-minded Serbian communal leaders such as Karađorđe Petrović, who later led the First Serbian Uprising of 1804–13 and whose descendants would later reign over the Kingdom of Serbs, Croats and Slovenes.

In a time-honoured Ottoman tradition, Anđelović even sent the Habsburg emperor Joseph II symbolic parts of the booty that he and his men had seized from Ottoman supply caravans on their way to Belgrade, and he was duly rewarded for his services; the emperor promoted him to captain (kapudan) in the Freikorps and granted him authorisation to roam with 2,000 men over Ottoman territories. Other Serbian irregular outfits followed suit and made their own bids for power, forming notorious četa bands (irregular warrior bandit bands) that carried out similar hit-and-run assaults in the north near Belgrade, stretching from the Morava to the Drina Rivers into Bosnia, thereby successfully interrupting Ottoman supply routes and terrorising the local Muslim population. Ottoman Albanian irregular forces finally caught up with him in the Banat (today north-eastern Serbia and western Romania) in 1789, impaled him, and at least 100 followers, and in yet another time-honoured Ottoman tradition in kind, sent their decapitated heads to Istanbul.

Ottoman sources provide us with a better understanding of the legal framework with which the Ottomans justified exceptional wartime violence against recalcitrant groups like the Serbs. In 1788 Istanbul responded to Koča Anđelović and other Serbian Freikorps četa bands in draconian fashion: the şeyhü’l-islâm (chief mufti) in Istanbul, Mehmed Kâmil Efendi, issued a fatwa (legal opinion) authorising Ottoman irregular forces to execute all Serbs and their

The Ottoman central government thereby authorised measures against its own subjects for logistical as much as legal reasons, just as it had done during the previous 1778 war against the Russians, when Istanbul sent Albanian troops to both Moldova and Greece to suppress rebellions that St Petersburg had incited. After the Russians annexed Crimea in 1783, the Tatar aristocracy and warrior castes fled to the Ottoman Balkans en masse. They could no longer supply Ottoman slave markets with Russian subjects. But alongside their Albanian counterparts, they found another source of slaves among Ottoman non-Muslims who had lost their rights as protected zimmî subjects. Though Ottoman troops were supposed to target disloyal Serbian warriors and their kin, they often pillaged, slaughtered and enslaved the general non-Muslim public. Thus, in Bosnia, Croatia, Serbia and the Habsburg Vojvodina, Serbian communities were singled out by Ottoman irregulars. Habsburg sources estimate that even in Transylvania during the war, Albanian forces killed, abducted, enslaved or forced to flee 36,000 Transylvanians.  

The tide of the war, nevertheless, began to shift in Vienna’s favour when Habsburg forces captured Belgrade on 6 October 1789, prompting the Ottomans to sign the Treaty of Zishtov (Svishtov in modern Bulgaria) by 1791 and soon afterwards the Treaty of Jassy with the Russians to end all hostilities in 1792. One pressing issue in the negotiations was what would become of Ottoman subjects like the Serbs, Romanians, and Moldovans, who had fought as proxies for the Habsburgs and Russians. Communal leaders in Serbia, Montenegro, Wallachia and Moldova pressed the Habsburgs and Russians to protect them following the conclusion of peace negotiations, fearing the revenge of local Muslims. The third clause of the peace agreement stipulated that Istanbul must issue a general amnesty to all Christian re‘âyà who supported foreign belligerents during the war.  

The crushing defeat and the violence caused by the outsourcing of security was part of the trigger behind Selim III’s broad reform programme, the New Order (nizâm-i cedîd), aimed at creating and training a much larger professional army with the newest techniques and weaponry as well as creating a new treasury that would impose and collect taxes more efficiently to pay for

20 Aslanta¸s, Osmanlîda Sırp, pp. 49–50.
Selim III had his chief cleric Mevlânâ Mehmed Mekkî Efendi issue a fetvâ that not only collectively pardoned Serbs for their treachery and protected them against Muslim reprisals, but in one stroke of the pen also banished from Serbia large networks of Albanian irregular warriors, fortress guards and janissaries, whom the central government blamed for the fall of Belgrade. This Muslim warrior population was consequently forced to abandon their estates (çiftlik) and the properties they had confiscated during the war. Istanbul, in turn, handed these properties back to Serbian cultivators in the forms of deeds (resm-i tapu), hoping this would placate them and prevent their irregular forces from marching on Belgrade and reclaiming them by force. Moreover, Selim III even authorised his officials to execute a number of important Muslim Albanian leaders for resisting the reforms, including Deli (Crazy) Ahmet Paşa, a leader of an irregular battalion (bölükbaşısı), who was elevated to the rank of general for hunting down and killing his infamous Serbian irregular counterpart Koça Andelović a couple of years earlier.

What Selim III and his advisors probably did not anticipate was the unity and resolve with which Muslim warrior populations on the frontier would not only resist the reforms but seek revenge against the state for betraying them. Throughout the next decade and a half, between 1792 to 1806, the central government would find itself scrambling to defend not only Belgrade but also the rest of the Balkans from its own disgruntled Muslim irregular forces, whose numbers were swelled by further disgruntlement, becoming one of the largest fighting forces in Ottoman society. The bulk of the exiled leaders went on to coordinate revenge attacks on cities, towns and villages in Rumeli, expanding the same repertoires of terror and havoc that the state sanctioned them to visit upon the Serbs during the war, but now they targeted Christians and Muslims alike across a much larger geography alarmingly close to the imperial capital itself.

State officials were often complicit in the widespread crime and banditry that marked the civil-war-like conditions in Rumeli in the 1790s. Sources reveal how fluid the boundaries were between imperial officials charged with countering the exiled irregulars – now collectively relabelled in the official sources as ‘mountain’ or ‘Albanian’ bandits – and the bandits themselves. They also betray the recurring problem that officials faced in being able to recruit reliable troops who could mount effective operations against the bandits. The governor of Belgrade, El-Hac Mustafa, complained in 1795, for example, that his own irregular forces stationed in the city were not reliable.

23 Aslantaş, Osmanlıda Sirp, pp. 54 and 208.
being ‘filled with hatred and savagery because exiled bandits were spreading endless lies and baseless rumours among them in order to attract them to their ranks’. However, the correspondence also reveals the correlation between the abuses perpetrated by officials on their irregular soldiers and the latter’s propensity to join the Rumeli bandits. A year later, for example, we learn from another official that the Belgrade governor not only prevented his contingent of irregulars from returning back to their homes after their contractual obligations ended, but also pocketed their salaries. Unsurprisingly, once they left Belgrade his soldiers defected to the bandit bands outside the city.24

The problems Muslim irregular warriors faced in being treated fairly by the state and receiving the salaries promised to them were not limited to the Balkans. A fascinating first-person narrative attributed to an Anatolian irregular warrior, a certain Deli (Crazy) Mustafa, a couple of decades later in the 1820s, reveals similar dynamics in peacetime Anatolia. Parts of Mustafa’s narrative recalling his adventures in the Morea during the Greek Revolution (1821–9) read like rites of passage into manhood, as the young warrior boasts of beheading Greek insurgents, pillaging and burning down their communities and enslaving their womenfolk and children – acts that would have won him the respect of his comrades, commanders and other target audiences of his narrative. Mustafa was little troubled by the morality of his actions. After all, during the war Greek zimmî subjects lost their status as protected subjects because of their insurgency against the Ottoman state. However, he showed more circumspection in describing his adventures in Anatolia before the Greek revolt, where his divisions fought rebellious pashas, bandits and Kurdish tribes. He repeatedly describes his commanders abandoning him and his companions, or reneging on their salaries, after which he admits that his division was forced to ‘roam from this to that village’ to get by. Here the damage done to local communities was more the result of Ottoman corruption, as officials frequently pocketed funds and provisions allocated for irregular soldiers.25

It is clear that the privatisation of security fostered organised crime. Men who were recruited into autonomous nodes of coercive force across the Ottoman Empire subjected different regions to rackets, forcing people to pay protection against the disorder and violence that these men themselves

perpetrated. But the state was complicit in the crime, as sources describing the insurgency of Rumeli bandits consistently show that the stranglehold they exerted over communities was facilitated by local officials. Istanbul would authorise community leaders to negotiate so-called winter truces with important bandit chiefs that would allow them to remain in the vicinity, draw salaries and provisions from the local population, and enjoy safe havens during the winter season in exchange for pledging to refrain from harming local townspeople during the autumn and winter. In fact, the truces never uprooted the networks. They were often negotiated by corrupt local officials who profited from the sale of pillaged goods, from smuggling and the black market.

It was not just with middling local officials that the bandit leaders forged symbiotic relations. A successive line of imperial vezîrs (ministers) appointed to fight Istanbul’s war against banditry, first from the Balkans and later from Anatolia and the Arab provinces, accepted bribes and facilitated these very networks in their extortion and racketeering enterprises. Imperial elites benefited from bandit leaders in their own struggles with one another, and manipulated accompanying discourses of violence, bandit terror, justice, gossip and rumour to secure their own footing in the topsy-turvy world of Ottoman imperial intrigue and fierce competition over scant resources.\(^{26}\)

**Conclusion**

The creation of a culture of widespread peacetime paramilitary crime and terror following large-scale war had an impact that reached far beyond the Balkans. Its corrosive effects penetrated the highest cadres of the state and had a long-term impact on Ottoman society. This violence was a consequence of state-sponsored violence on the frontier and of the outsourcing of the security apparatus to paramilitary and other mobile, irregular warrior troops and populations, that the state concomitantly refused to confer status and wealth upon despite their sacrifices for the defence of the Ottoman state and Muslim society. The enduring instability caused by the complicity between the bandits and the Ottoman state led the Serbs, now backed by the Russians, to make their bid for independence in the First Serbian Uprising of 1804–13. Though the Serbs were no match for the Ottomans, the uprising led to another devastating war with the Russians between 1806 and 1812 that further destabilised Ottoman politics and society, engendering the revolt that claimed the life of both Selim

\(^{26}\) Esmer, ‘Economies’, 179–82.
III and his successor, Mustafa IV in 1808. This was the first of a series of wars in which the Russians would launch full-scale attacks against the Ottomans following revolts by non-Muslim subjects in the Balkans. These wars resulted in Balkan Christians’ independence from Istanbul: Greek independence and Serbian autonomy was won after the war of 1828–31, whereas Montenegrin, Romanian and Serbian independence/Bulgarian autonomy were won after the war of 1876–8.

The history of the Ottoman Empire after 1683 suggests that the transition from the early modern to modern period was profoundly different from that of western European states because of the degree to which the Ottomans over-outsourced violence and governance to fight successive two-front wars against the Habsburgs and Romanovs. This is contrasted with the rise of the European fiscal-military state. Recent scholarship on military enterprise in early modern Europe, however, has questioned this traditional narrative and the correlation between the creation of professional, standing armies and the rise of state formation and civil society. It has pointed out how anachronistic it is to use Max Weber’s categories of bureaucracy and the monopoly of legitimate violence as a yardstick with which to analyse early modern empires.27

Lauren Benton’s work suggests that we need a more nuanced approach to state formation. She demonstrates that a monopoly of violence in large dynastic states and empires, characterised by a high degree of ethnic and religious diversity, was inconceivable. Scarce resources meant that early modern empires were generally forced to outsource governance to networks of men who specialised in violence, and these actors enjoyed a high degree of autonomy. The incorporation of warrior networks was crucial to the imperial expansion of mercantile empires. The British state outsourced its colonial project in India to a private company, whose success required the co-option of local elites and the recruitment of local manpower. The Royal Navy’s prize system was akin to a form of state-sponsored piracy.28 Ottoman strategy was more problematic because it faced two imperial rivals across Eurasia along its northern frontier, in addition to Safavid Persia in the east. It is worth noting here that the Austrians and the Russians also struggled to control their clients effectively. However, the Ottoman imperial strategy of arming and organising mobile ethnic warrior populations against one another, though it might

have worked in the short term, laid the foundations for future dysfunction and intercommunal violence. In particular, it led to the blurring of the boundaries between state violence and private violence. Subjects on the ground, who suffered from the collateral damage caused by Istanbul and its rivals’ outsourcing of violence and terror to different ethnic warrior populations, saw these actors as well as their terror as representative of the state.

The ways in which the state outsourced imperial violence to ethnic warrior populations in a manner that pitted them against one another and then criminalised them once they had fulfilled their purpose forged ethnic identities based on a sense of injustice and grievance. Ethnicity was shaped by a culture of paramilitary violence: this was a direct consequence of the state’s promotion of collective violence between ethnic groups and its demonisation and criminalisation of whole groups once they carried out the ‘dirty work’ of empire.29 The Albanian–Serbian conflict created by the Ottoman state and its rivals is only one example of a wider, recurring phenomenon: the Tatar refugees commissioned to suppress the Bulgarian uprisings in 1876 were soon criminalised as başbozuk (‘masterless’); the Kurdish warrior tribes commissioned to fight Russian-backed Armenian revolutionaries (Dashnaktsutun) that culminated in the Armenian genocide of 1915 were collectively criminalised soon after World War I. These later examples point to the continuation of a policy first formulated in the eighteenth century.

Bibliographic Essay

Studies on violence in Ottoman society have concentrated mostly on late nineteenth-century national struggles, contingent inter-imperial wars and cultures of paramilitarism that culminated in World War I and the Armenian Genocide (1915), as well as more ethnic cleansing in a civil war that marked the empire’s transition into the Turkish Republic (1919–23). However, the question of violence in the process of Ottoman state-building has also been in the focus of scholars who write on the late medieval period up to the seventeenth century – a period of rapid expansion which has traditionally been understood as the golden age of the Ottoman Empire. Writing in reaction to early twentieth-century studies that ascribed the success of the early Ottoman polity to the ‘holy war’ ideology (gaza), scholars have sought to rethink the connections between state-building and inter-confessional violence. In Between Two Worlds: The Construction of the Ottoman State (Berkeley: University of California Press, 1999), Cemal Kafadar has reread fifteenth-century Ottoman chroniclers and demonstrated how what historians have understood to be an exclusive, crusading ‘holy war’ ideology (gaza) was a much more

ambiguous discourse that left space for the participation of Greek, Armenian and Slavic Christians as well as Turks in the Ottoman enterprise. Karen Barkey’s Empire of Difference: The Ottomans in Comparative Perspective (Cambridge: Cambridge University Press, 2008) similarly argues that the Ottomans networked across social, religious and ethnic divides to build one of the longest lasting imperial ventures in history. For Barkey, the key factor that buttressed the longevity of Ottoman rule was a prescient central bureaucracy that conceived and enacted a policy conducive to inter-confessional tolerance and coexistence. Thus, since the 2000s the view that early Ottoman society was ecumenical, tolerant and syncretic has become a textbook orthodoxy.

The long eighteenth century, in contrast, has received much less attention, and continues to be plagued by the notions of ‘chaos’ and ‘decline’. Traditional scholarship largely portrayed this period as one in which the Ottoman state and society deviated from the strong, centralised military-fiscal state model of its past. Since the 1990s, Ottomanists have been preoccupied with challenging traditional narratives on decline, which were often replete with Orientalist, monolithic characterisations of Islamic society, choosing to focus instead on the Ottoman dynasty’s ability to adapt and reconfigure fiscal and administrative structures in a changing world. In Bandits and Bureaucrats: The Ottoman Route to State Centralization (Ithaca: Cornell University Press, 1994), Karen Barkey studied mostly Ottoman chroniclers to re-examine the chronic problem of banditry during the Celâlî rebellions that spread across Ottoman Anatolia after unsuccessful inter-imperial wars between the 1590s and 1620s. Barkey concluded that the Ottoman government negotiated with and co-opted bandits, thereby preventing them from building dangerous alliances with peasants and elites that could overturn state structures, underscoring Ottoman agency that pursued ‘non-European’ paths to state formation that assured its longevity.

More recently, revisionist scholarship has turned back to this unresolved issue of widespread bandit violence that plagued different regions of the empire between the seventeenth and early nineteenth centuries, and has distanced itself from state-centric perspectives of chaos and decline that previous generations of scholars received uncritically through the language of imperial chronicles. Utilising a wider range of sources, such as Ottoman manuscripts, archival sources, court records, as well as foreign travel and ambassadorial accounts alongside court-commissioned chronicles, both Baki Tezcan’s The Second Ottoman Empire: political and Social Transformation in the Early Modern World (Cambridge: Cambridge University Press, 2009) and Ali Yaycîoğlu’s Partners of Empire: The Crisis of the Ottoman Order in the Age of Revolutions (Palo Alto: Stanford University Press, 2016) offer alternative assessments of the narratives of turmoil and disorder associated with the period between 1622 to 1808, when widespread banditry and violence escalated into large-scale revolutions that led to the dethronement and even execution of a number of sultans. Both authors turn to the roles of social actors such as imperial bureaucrats, religious scholars, janissaries and provincial notables (âyan) in these conflicts to show how they represented much larger, overlooked factions of Ottoman society that joined in social movements against sultanic autocracy.

The imperial outsourcing and privatisation of imperial governance and military contracting figure positively in these new narratives of Ottoman experiments in ‘proto-democracy’, but the roles of paramilitary warrior populations, whether Muslim or non-Muslim, are not explored fully. In contrast, in Ottoman Wars, 1700–1870 (London: Pearson,
2007) as well as more recent articles Virginia Aksan makes the connection between the over-outsourced, eighteenth-century Ottoman military machine and widespread, peacetime banditry but with a twist: she shows how the Ottoman military machine increasingly insisted on recruiting Muslim irregular troops precisely at the time when non-Muslim, ethnic identity began to matter right before the turn of the nineteenth century and the age of nationalism.
PART III

* INTIMATE AND GENDERED VIOLENCE
This chapter explains how sexual and domestic violence were understood according to elite norms that were codified in formal law in early modern China (1368–1800), with a focus on the judicial reforms of the eighteenth century. As with other chapters in this volume, the point of departure for this one is the profound distance between present-day common-sense notions and those of the early modern era. Today, in much of the world, it is commonplace to assume a basic feminist perspective that values and prioritises individual consent, and that therefore understands sexual violence as a violation of an individual person’s freedom of body and will. But in many other societies, including imperial China, the legitimacy of both sexual acts and acts of violence has been understood in fundamentally different terms.

For this reason, language is a key issue, and basic terms in original Chinese texts may defy easy or casual translation into contemporary English equivalents. We must remain sensitive to original context, however repugnant that may be to modern sensibilities, as well as to our own present-day priorities.

‘Illicit Sex’, Coercion and Consent in Ming–Qing Law

The Chinese legal term that denotes ‘illicit sex’ (jian) has an ancient provenance, although its use continues to the present day. Its fundamental

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1 The ‘Late Imperial’ era corresponds to the last two dynasties: the Ming (1368–1644) and the Qing (1644–1912). The original 1646 text of the Qing dynasty’s legal code – The Great Qing Code (Da Qing lüli) – was copied wholesale from its Ming dynasty predecessor. For the Ming Code, see Y. Jiang, The Mandate of Heaven and the Great Ming Code (Seattle: University of Washington Press, 2011), and Y. Jiang (trans.), The Great Ming Code (Seattle: University of Washington Press, 2005); for (partial) translations of the Qing Code into English, see G. Staunton (trans.), Ta Tsing Leu Lee: Being the Fundamental Laws, and a Selection from the Supplementary Statutes, of the Penal Code of China (London: Cadell & Davies, 1810), and W. Jones, et al. (trans.), The Great Qing Code (New York: Oxford University Press, 1994).
meaning is treachery or betrayal, which can take political as well as sexual form – as seen, for example, in the Ming Code’s and the Qing Code’s prohibitions of jian dang, ‘treasonous factions’, as well as fan jian, ‘sex offences’. In the Confucian scheme, the absolute sexual loyalty a wife owes her husband corresponds to the political loyalty a subject owes the sovereign; in effect, they are the same value in parallel registers. Hence, a jian fu was an ‘adulterous wife’, whereas a jian chen was a ‘treasonous minister’. The basic misogyny of jian finds graphic expression in the character itself, which consists of the radical nü, meaning female or woman, repeated three times in a triangular structure. The essence of the concept is the treacherous scheming of women, i.e. an effeminate conspiracy in the shadows.\(^2\)

In sexual terms, jian referred to vaginal intercourse outside marriage (either coerced or consensual), which was understood as one man violating a woman of another man’s household and thereby threatening to corrupt the latter’s line of descent. Therefore, vaginal penetration was required for rape to be considered ‘consummated’. The focus being female chastity, male–male sexual acts were treated separately until the eighteenth century (see below). Similarly, non-vaginal penetration of a female (e.g. rape by means of anal penetration) was punished by analogy to jian, confirming that jian itself referred to vaginal penetration.\(^3\) Other sexual practices certainly occurred – for example, the hero of the Ming dynasty novel Plum in the Golden Vase (Jinpingmei) enjoys being fellated by his concubines – but they do not appear in legal texts.

The law against illicit sex drew a fundamental distinction between ‘coercion’ (qiang) and ‘consent’ (he). The term usually translated as ‘rape’ is qiang jian, which literally means ‘coercive illicit sex’; its counterpart is he jian, ‘consensual illicit sex’. Both were categories of crime, the main difference being that in cases of coercion, only the male rapist would be punished, whereas in cases of consent, both partners would be punished equally. Penalties were more severe for coercion than for consent, although the gap widened over time. ‘Consent’ bore no positive connotation whatsoever in Chinese law: its only legal significance was as a category of crime, and a woman who consented to sex outside marriage was herself a criminal.\(^4\)

In Ming–Qing law, rape was punished by death. But the death penalty applied only if the rape victim were worthy – in effect, she had to earn the


\(^3\) Ibid., pp. 66–71.

\(^4\) Ibid., pp. 77–93.
death penalty for her attacker by means of her spotless record of chastity and her militant resistance to the rape itself. Therefore, for a man to be convicted of coercion, his victim first had to be exonerated of the crime of consent.\(^5\)

The basic standards of evidence for rape were spelled out by a Ming-dynasty commentary that was incorporated into the Qing Code:

In prosecution for rape (\textit{qiang jian}), there must be evidence of violent coercion (\textit{qiang bao}), and the situation must have been such that the woman could not struggle free; there must also be persons who heard what happened, as well as evidence such as physical injury or torn clothing. Only then shall the offender be sentenced to strangulation.\(^6\)

The code further stipulated that ‘if an offender joins with a woman by coercion, but consummates the act by means of her consent, then the act does not count as coercion’. In other words, vigorous physical resistance throughout the entire episode was required for a woman to qualify as a rape victim; otherwise, by default, she might well be judged guilty of consent. In addition, reduced penalties applied to an offender who raped a woman with a record of unchaste behaviour.\(^7\)

\section*{Sexual Violence within Marriage}

A wife’s consent had no bearing on the legitimacy of conjugal intercourse. By law and custom, the validity of marriage depended on an agreement between patriarchal heads of household, not the spouses themselves, and if the marriage were valid then sexual intercourse between the spouses was \textit{ipso facto} legitimate. Here we have a stark contrast with the European canon law tradition, which defined marriage as a covenant before God requiring the free consent of both husband and wife. Hence, Ming–Qing jurists recognised no crime of ‘marital rape’ – presumably they would have regarded this term as an oxymoron, since ‘rape’ constituted a subcategory of jian, which referred only to acts that took place outside marriage. By extension, if a woman alleged that she had been raped, her pelvis would be examined by a court-ordered midwife only if she were unmarried and presumed to have been a virgin. The reason is that pelvic trauma in a married woman might result from her husband’s actions, which were legitimate by definition, and therefore could not be considered evidence of rape.\(^8\)

\(^6\) Quoted in Sommer, \textit{Sex, Law, and Society}, p. 89 and appendix A.2. \(^7\) Ibid., pp. 84–93.
\(^8\) Ibid., pp. 38–43, 83–4.
Cases involving what we might call ‘marriage by abduction’ illustrate this point from another angle. The legitimacy of a marriage depended not on the consent of the bride and groom themselves, but rather on that of the heads of their respective households (usually their fathers), and marriage normally resulted from negotiations between two families that were brokered by a matchmaker. Moreover, there was typically some delay between betrothal and marriage, which might last several years. Trouble could develop if negotiations broke down or if one family changed its mind in the interim that followed betrothal, and sometimes the groom’s family would attempt to impose a fait accompli by seizing the bride, taking her home, forcing her to perform the marriage rituals (typically bowing before family elders and their ancestral altar), and finally having the groom ‘consummate the marriage’ by raping her. When such cases came to court (and not all did, because some women’s natal families would accept the fait accompli), the coercion and sexual violence inflicted on the woman bore no legal significance in and of themselves. Rather, judgement would depend entirely on whether the marriage was valid: namely, whether appropriate representatives of both families had agreed to the marriage through a matchmaker, finalising their agreement through payment of the bride price by the groom’s family, and documenting it with a written contract. If they had, then the manner in which the groom consummated the marriage was irrelevant. If they had not, then those who had seized and raped the woman were liable for the grave crime of ‘using coercion to abduct a wife or daughter of good family and using her for illicit sex in the manner of a wife or concubine’. The language of the statute is telling: the term ‘illicit sex’ underscores that the illegitimacy of the sexual act derived from its lack of a valid marital context.\footnote{Ibid., pp. 43–5.}

A fundamental mission of the legal system was to uphold and enforce a Confucian vision of normative family hierarchy, defined for immediate family in terms of generation, birth order, gender and marriage, and for the extended family in terms of degree of kinship distance within the orthodox mourning system. For crimes involving kin, penalties would be weighted accordingly: acts of violence would be punished far more severely if an individual offended against their senior relative than in the reverse case. For example, both Ming and Qing legal codes explicitly authorised a husband to beat his wife, as long as he broke no bones or caused even more severe injury (and the qualitative evidence in Qing case records suggests that wife-beating was normalised to a high degree); but a wife
who struck her husband was liable for severe punishment and might even be sentenced to death, depending on the circumstances. A wife who murdered her husband would be executed by immediate dismemberment, whereas a husband who murdered his wife would, at worst, be sentenced to strangulation *with delay*, which opened the door to a possible reprieve. At the annual autumn assizes (*qiushen*), senior judges advising the emperor in his review of such delayed sentences would weigh the aggravating and mitigating circumstances in each case, and if a husband had killed a wife who had been ‘unfilial [to his parents]’ (*buxiao*) or ‘disobedient’ (*bushun*), then his sentence would be commuted. The reasoning behind such commutation was that the wife’s misbehaviour had provoked her husband’s righteous anger.⑩ Because of the lengthy review process in capital cases, especially those involving the autumn assizes, it has been estimated that most were never carried out.

‘Disobedience’ certainly included refusing sexual intercourse, but there was a limit to how violently a husband could handle his wife with legal impunity, even if she defied him. Wanton sadism was not condoned. A reprieve would be justified only when the husband’s homicidal violence somehow accorded with the normative basis of marriage.

In 1784 the Qianlong emperor addressed this issue by contrasting two husbands whose convictions for murdering their wives were under review at the autumn assizes. In the first case, Chen Minggui’s wife Lin Shi had resented his poverty, argued with his mother and repeatedly demanded to dissolve their marriage. When Chen scolded her, she insulted and cursed his mother, provoking him to strangle her. The emperor commuted Chen’s penalty on the grounds that Lin Shi’s incorrigibly defiant and unfilial conduct was itself criminal and therefore mitigated her husband’s guilt considerably. After all, the emperor opined, ‘the basic purpose of taking a wife is to care for one’s parents, and the purpose of enlightened punishment is to assist in moral instruction’. In the second case of wife-killing, however, the emperor refused clemency. The murder happened as follows: when Wang Tianfu’s young bride Yu Shi refused sexual intercourse, he beat and kicked her savagely and finally burned her genitals with fire tongs; she later died of her injuries. In denouncing ‘the extreme cruelty’ of this murder, the emperor singled out the

youth and innocence of the woman (she was just 17 sui\textsuperscript{11} – i.e. 15 or 16 years old – whereas her husband was in his thirties, and it appears the murder took place on the couple’s wedding night) and also highlighted the extreme disproportion between her transgression and her husband’s violence: ‘We shall approve his sentence, so as to admonish the violent and cruel! The emperor concluded by noting that ‘one crime was motivated by righteous anger, and the other by licentious cruelty. The differences must be weighed and each case judged accordingly’.\textsuperscript{12}

Moreover, a husband who caught his wife in the act of adultery could kill her and her sexual partner with complete impunity, if he acted at once. This was one of the few exceptions allowed by Ming–Qing law to the emperor’s absolute monopoly on the taking of life. In other words, to kill one’s wife was not necessarily wrong, as long as a husband acted out of ‘righteous indignation’ against a wife who had threatened the integrity of his household and lineage.\textsuperscript{13} Moreover, if a wife engaged in adultery, and her lover murdered her husband, then she was liable for the death penalty (along with her lover) even if she had played no part in the murder and knew nothing about it. The rationale for this law was that the wife’s betrayal of her husband had created the motive and opportunity for his murder. These exceptions did not apply, however, if a husband had previously abetted his wife’s unchaste behaviour – for example, by agreeing to a polyandrous relationship with another man, or by making her support him through prostitution. Under those circumstances, a husband who killed his wife and/or her sexual partner lost his legal immunity; equally, a wife not complicit in her husband’s murder would be punished only for illicit sex.\textsuperscript{14}

Moreover, the legitimacy of conjugal relations was not simply a matter of indulging the sexual whims of husbands. From the previous discussion it might appear that nothing taking place within marriage could be considered a sex offence, punishable by law. But that was not true. The concept of unfilial marital intercourse had an ancient provenance. For example, jurists of the Tang, Song and Yuan dynasties (618–1368) all imposed severe penalties for

\textsuperscript{11} In China the age of a person is calculated as sui, that is the age a person will attain in the current year, not the actual number of months and years that have elapsed since birth. Thus newborns begin at one year old and at the lunar New Year one year is added to the person’s age.

\textsuperscript{12} Sommer, Sex, Law, and Society, pp. 41–3.


\textsuperscript{14} Sommer, Sex, Law, and Society, pp. 247–50.
a husband who impregnated his wife or concubine during the official mourning period for his father or mother. So too, the Ming Code and the Qing Code proscribed marrying or taking a concubine during mourning, and they mandated penalties of extra severity for offences of ‘illicit sex’ if committed during the mourning period. The Ming Code and the Qing Code did not contain any explicit prohibition of unfilial marital intercourse per se (i.e. impregnating a legitimate wife or concubine during mourning). Nevertheless, authoritative commentators urged that such conduct be punished with a beating or even penal servitude, under the broad rubric of criminal ‘unfilial conduct’ (bu xiao). As one observed, ‘it is by forgetting his parents, to indulge in licentiousness, that her husband has made her conceive’. Ideally, then, even the conjugal bed was supposed to be ruled by an internalised Confucian morality.¹⁵

To sum up the discussion so far: marital relations, including both sex and violence, were properly governed not by lust or other egocentric impulses but rather by deference to one’s place in a larger familial order. A husband was authorised to have sexual relations with his wife, or to inflict violence on her, only in a manner and to a degree consistent with enforcing that order.

From Status Performance to Gender Performance

The Confucian paradigm outlined above served as the foundation for the regulation of sexual and gender relations throughout the entire imperial era, from the Han dynasty down through the Qing. Within that overall continuity, however, the eighteenth century witnessed the culmination of a long-term, paradigmatic shift in how the Chinese dynastic states regulated sexual relations, which can be characterised as a shift from ‘status performance’ to ‘gender performance’.¹⁶ To generalise broadly, in the early empire legal codes had focused on securing the interests of aristocratic elites and free commoners (liang min, literally ‘the good people’), who constituted a minority of China’s population. In this regard, the seventh-century Tang Code epitomises the early imperial legal order.¹⁷ In contrast, most ordinary people in the early imperial era (including most of the agricultural workforce) were bond-servants, serfs or slaves of one kind or another. These unfree statuses were generally hereditary and, in legal terms, unfree people were considered ‘mean’ or ‘debased people’ (jian min) and were discriminated against

¹⁵ Ibid., pp. 36–8. ¹⁶ For the following discussion, see ibid., chs. 1 and 3.
accordingly. Thus, for example, the chief priority of the Tang Code’s statutes against ‘illicit sex’ was to prohibit sexual relations between debased males and women of free commoner or elite status; illicit sex between individuals of the same legal status was to be punished far less severely.

As far as ‘coercion’ was concerned, the paradigmatic crime envisioned by lawmakers in the early empire was the rape of an elite woman by an unfree labourer subordinate to her own household – a scenario not unlike the American south’s paranoid fantasy of black men raping white women (which was a reversal of the true state of affairs). In contrast, elite men were entitled to have sexual relations with unfree women of their households, and nothing they did to those women counted as ‘illicit sex’, let alone as rape. Instead, legal texts characterised such acts as a master ‘favouring’ (xing) one of his subordinate women. The only legal offence involving acts that conformed to status hierarchy would be for one man to encroach on the privileges of another man by having sex with a woman subordinate to the latter’s household, but this was a relatively minor crime.

According to the old status performance paradigm, the purpose of the laws against illicit sex was not to ban a particular kind of sexual act, but rather to police legally defined status boundaries so that a person’s conduct conformed to the expectations of their status. Thus, for example, a free commoner woman was prohibited from sexual relations with any man other than her husband, but women of debased status were not entitled to maintain this standard of chastity. A female slave or servant could not deny her master, even if she were married. Moreover, certain categories of debased status people provided sexual services and other stigmatised forms of entertainment for a living (for example, the notorious ‘music households’, yue hu), and in this context, prostitution was regulated and even taxed by the state.\footnote{Sommer, Sex, Law, and Society, ch. 6.}

By the eighteenth century, however, China’s social structure had changed dramatically, and a basic purpose of the Qing legal reforms was to update the law to fit this new social reality.\footnote{For the following discussion, see ibid., chs. 1 and 7, and Sommer, Polyandry and Wife-Selling, pp. 284–7.} Aristocracy per se had disappeared (except for a tiny number of Manchu and Mongol nobles, who were closely connected to the ruling house and concentrated in Beijing); the vast majority of people were now free peasants who held land either as their own property or by contract, and who enjoyed the same free commoner legal status as their landlords. At the same time, overpopulation, shrinking farm sizes and systematic discrimination against girls and women had distorted sex ratios and...
fostered a burgeoning underclass of men who lacked both wives and land. The rising profile of these single, landless men provoked increasing anxiety on the part of Qing officials and elites, who perceived them as a threat to social and moral order.

In the Confucian vision, the patrilineal family constituted not a collection of individuals but rather an organic stream flowing through time, from the past down into the future, in which the present generation were placeholders whose greatest duty was to continue the family line and the ancestors’ incense fire. Hence, the chief purpose of marriage and of conjugal sex was to produce sons, in service to parents and ancestors. Although sex difference of course was understood, adult gender roles were defined largely in terms of the division of labour within normative marriage and reproduction: rather than ‘men’ and ‘women’, it might be more accurate to say that there were husbands/fathers and wives/mothers. Moreover, a fundamental tenet of Confucian statecraft was that patriarchal authority and family bonds served to socialise individuals to behave properly outside the family and to be loyal political subjects. The first chapter of the Confucian Analects tells us: ‘Those who in private life behave well towards their parents and elder brothers, in public life seldom show a disposition to resist the authority of their superiors. And as for such men starting a revolution, no instance of it has ever occurred’.

From this standpoint, the growing crowd of rogue males outside the normative family system in eighteenth-century China constituted a fundamental ideological and political threat to the established order. These men were known both colloquially and in legal discourse as ‘bare sticks’ (guang gun) – ‘bare’ in the sense of lacking the disciplining ‘roots and branches’ of family ties. The term ‘bare stick’ first appeared in judicial texts in the late seventeenth century and became the focus of a great deal of legislation in the eighteenth. This figure became the bogey of the Qing dynasty judiciary, which demonised him as a viciously antisocial individual and specifically as a sexual predator who threatened the chaste wives and daughters (and young boys) of ‘good’ family.

The shift in legal paradigm from fixed legal statuses to gender roles defined in terms of normative family reflected the change in social structure since the early empire, as well as a broader 'peasantisation' of Qing law to regulate the lives and reflect the concerns of ordinary people rather than those of elites. Under the new legal paradigm, obsolete laws policing status boundaries and allowing spaces outside marriage for sexual activity were eliminated or fell into desuetude. For example, the old status categories associated with permitted sex work were eliminated, their members being promoted to free commoner status, which had the effect of prohibiting all prostitution for the first time. New laws required that female domestic slaves and maidservants be married off by a certain age (effectively returning them to commoner status), and a master who wanted to sleep with his maidservant was expected to promote her to legitimate concubine status.

In place of the obsolete laws, a host of new measures focused on reinforcing gender roles defined in terms of normative family: their cumulative effect was to envision every woman as a chaste wife and mother, and every man as a socially responsible husband and father. Under this new paradigm, the imagined rape victim was 'a chaste wife or daughter of good commoner family' attacked by a 'bare stick' who existed outside of the family order altogether. Case records from the eighteenth century show that rapes actually prosecuted and punished by death tended to fit this scenario quite closely.

Eighteenth-century laws against rape and male–male sodomy (of which more below) targeted this 'bare stick' for suppression, while penalties for crimes against female chastity were ratcheted up across the board. But in addition to the penal law, a parallel structure of ritual protocols promoted and celebrated female chastity with increasing scope and vigour and with a new focus on ordinary women. Just as sexual betrayal paralleled political betrayal in the Confucian scheme, so too chastity (i.e. absolute sexual loyalty to one husband for life) was seen as a value closely analogous to political loyalty of subject to sovereign. Therefore, under the Qing, women who had achieved a heroic standard of chastity would be 'canonised' (jingbiao) by

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23 Sommer, *Sex, Law, and Society*, pp. 45–54; Sommer, *Polyandry and Wife-Selling*, pp. 302–4. For the 'peasantisation' of the law, see K. Bernhardt, 'Women and the Law: Divorce in the Republican Period', in K. Bernhardt and P. Huang (eds.), *Civil Law in Qing and Republican China* (Stanford, CA: Stanford University Press, 1994), pp. 187–214. In polygyny as practised by Chinese elites, a husband had one 'main wife' (qi), also from an elite background, who enjoyed the unique prestige and ritual authority of that role, as well as one or more 'concubines' (qie), who were secondary spouses of subordinate status, and who had been purchased on the market from their parents and brought in without fanfare. Concubines’ children were legitimate and their sons inherited equally.
imperial edict, they would be venerated at the local Confucian temple, and their families would be authorised to erect memorial arches in their honour at state expense. Those honoured in this manner included, for example, women who died rather than submit to rape; unmarried women who committed suicide to follow a deceased fiancé rather than accept marriage to another man; widows who committed suicide to resist their in-laws’ pressure to remarry; and poor widows who remained chaste for decades, by refusing to remarry or to sleep with anyone. The effect of all these measures, both penal and ritual, was to place ordinary women on the frontlines to defend the Confucian family order against internal subversion or external attack: it was as if these women’s decisions about sex – whether to have it and with whom – held the fate of the empire in the balance.24

In the Qing dynasty’s legal archives, we find that rape cases that were formally prosecuted, with the rapists actually receiving the death sentence, tend to conform to the codified stereotype of a rootless rogue male attacking a chaste wife or daughter of good family. These rapists were typically single men with no family and little or no property; many were outsiders to their victims’ communities, including migrant labourers, beggars and other marginally employed drifters. In contrast, the rape victims were uniformly respectable members of settled communities, and their own conduct was beyond reproach; many were little girls under the age of criminal liability for consenting to sexual relations, which rendered moot any conceivable ambiguity about their conduct at the time of assault. Nearly all the victims were assaulted at or near their own homes; moreover, they exhibited injuries and torn clothing (to prove their energetic resistance), and often witnesses had heard or seen what happened.25

A frequent scenario in these cases is for a married woman to be assaulted at night in her own bed by a rapist who forced entry. In one remarkable (but by no means unique) example from 1762, Wang Yuzhi broke into his victim’s house at night (by digging a hole through its earthen wall) and then assaulted

25 E.g. Sommer, Sex, Law, and Society, pp. 104–11.
the woman, Wang Shi, in her sleep while her husband Li Gouhan was sleeping next to her. Wang Shi awoke, realised that the man on top of her – who had penetrated her and was trying to kiss her – was not her husband, and fought him off, in the process biting off the tip of the rapist’s tongue. Her husband awoke and the rapist ran away. The couple had not recognised Wang Yuzhi in the dark, but they did recognise him when, at dawn, he returned and demanded that they return the piece of his tongue! In this case, the evidence to prove rape was overwhelming: the hole in the wall, the piece of tongue (which matched the rapist’s injury), the woman’s injuries (including bruises and a broken finger) and the eyewitness testimony of her own husband.26

Finally, in every case successfully prosecuted, the rapist himself testified to his victim’s chastity by confirming that ‘violent coercion’ had been necessary to overcome her fierce resistance. In effect, he had to exonerate her of the crime of ‘consent’ before he himself could be convicted of the crime of ‘coercion’.

Male–Male Rape in Qing Law

The first laws in imperial China explicitly prohibiting male homosexual rape were promulgated by the Qing dynasty, beginning in the mid seventeenth century.27 These laws, and the specific procedures that Qing jurists developed for dealing with male–male rape, were based by analogy on pre-existing laws and procedures for prosecuting the rape of women. The stereotypical rapist was the same rootless, rogue male found in male–female rape cases (beggars, casual labourers and soldiers are plentiful); but also, this analogy extended to the male rape victim himself, who in various ways was put in a female position.

The crime prohibited by these laws was referred to in Chinese as ji jian, which case records and commentaries show referred specifically to anal intercourse between males. The term literally means ‘chicken illicit sex’, which sounds like nonsense; but ‘chicken’ (ji) evidently carried a strong

26 First Historical Archive, Beijing, Xingke tiben 797–8, Qianlong 27.4.17.
connotation of obscenity, as it also appears in vulgar terms for ‘penis’ (ji ba, literally ‘chicken tail’) and ‘streetwalker’ (ye ji, literally ‘wild chicken’). For convenience, ji jian is usually translated into English as ‘sodomy’, but the Chinese term carries none of the theological baggage of that notoriously vague European legal concept. Other sexual practices aside from anal intercourse certainly occurred and are depicted in fiction, but anal intercourse is the only male–male sexual act that appears in legal texts, which draw a precise parallel between it and the extramarital vaginal penetration prohibited as jian.

This parallel was codified in a statute of 1734, which completed the formal incorporation of male–male sodomy into the previously heterosexual concept of jian. The breakdown into specific offences exactly paralleled pre-existing categories of illicit sex. Moreover, the penalties for sodomy offences equalled in almost every detail those for corresponding heterosexual ones. For example, gang rape of a person of either sex was punished by immediate beheading (for the ringleader) and strangulation after the assizes for accomplices; rape by one culprit of a person of either sex over age 12 sui was punished by strangulation after the assizes; rape of a child of either sex between 10 and 12 sui, by beheading after the assizes; rape of a child under 10 sui, by immediate beheading. Rape of a person over 12 of either sex that was ‘not consummated’ by penetration was punished by 100 blows of the heavy bamboo and exile at a distance of 3,000 li (about 1500 km); if the victim were 12 or under, the penalty was enslavement to the military forces in Manchuria.

The focus of the 1734 statute was male–male rape; but to maintain the exact parallel with heterosexual jian, the statute also criminalised consensual sodomy, almost as an afterthought, and prescribed the same penalties as for consensual sex outside of marriage between a man and a woman: 100 blows of the heavy bamboo and one month wearing the cangue.28 If the object of penetration were age 12 sui or under, the act was automatically treated as ‘coercive’ and punished by strangulation. In other words, the age of liability for the crime of ‘consent’ for both males and females was 13 sui.

What was the conceptual basis for the close analogy between homosexual and heterosexual acts drawn by Qing jurists? Men, as a category, were defined not by penetrability, but by its opposite, the ‘active’ sexual role of penetrator.

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28 A cangue was a heavy wooden frame worn around the neck – an offender sentenced to a term in the cangue would have to wear it during the day while being exposed to the public before the courthouse, and have it taken off to spend the night in jail. For an overview of the Qing penal system, see Bodde and Morris, *Law in Imperial China*. 

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A male could be imagined as vulnerable to rape, like a woman, only by being imagined as powerless, like a woman; and what made this possible was the physical weakness of childhood. Therefore, Qing jurists imagined the plausible male victim as an adolescent or even younger boy, assaulted by a powerful mature man. This image is clearly expressed by the language of the Qing Code, which (for example) characterised the male rape victim as ‘a son or younger brother of good/commoner family’; and it is confirmed by the records of cases where homosexual rape was actually prosecuted, which invariably concern children or youths assaulted by significantly older and more powerful men. In thirty-nine such cases, the average age of rapists is 33 sui, whereas the average of rape victims is just 16 sui.\(^{29}\) (The imagined male rape victim included no ‘husband’ to correspond to the wife in ‘wives or daughters of good family’, who were imagined as the female objects of sexual assault.) This image is equally clear in the statutes applied to homicide in self-defence against rape.\(^{30}\) A woman who killed a man trying to rape her would not be punished, as long as she could satisfy the strict evidentiary requirements for rape; the law says nothing about the woman’s age. Once again, we see that the legitimacy of violence, including homicide, depended on Confucian family norms rather than any notion of individual rights. In the case of homosexual rape, however, such complete impunity could be enjoyed only by a male under the age of 15 sui who killed an attacker at least ten years older than he.

In this way, jurists drew a parallel between female chastity and vulnerability to rape, and the effeminate vulnerability of male children or youths. Moreover, it is quite clear from both legal case records and a wide variety of literary sources that the male youth was feminised and eroticised as an object of masculine possessive desire. In this way, the weakness of a young boy corresponded to the gendered vulnerability of women generally, and male vulnerability to rape (like male erotic appeal as a sex object) was considered a temporary transitional phase that ended with the empowered masculinity of adulthood.

For a male youth to be penetrated inflicted a profound stigma (on both the individual and his family) and threatened to derail his delicate journey to

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29 Sommer, Sex, Law, and Society, pp. 133–4.
adult masculinity. No such stigma attached to the penetrator, however, because his was the definitively masculine role; he might be perceived as a disreputable rogue, but his sexual behaviour in no way compromised his masculinity. On the contrary, case records show that men who had penetrated other males might brag of that act, thereby exposing and shaming their sexual partners.  

Conclusion

The point of departure for understanding how sexual and domestic violence was understood in early modern China (at least, according to elite norms) was the normative hierarchy of the Confucian kinship system. Chinese law had no term equivalent to ‘rights’, in the modern sense, until the early twentieth-century import of Western norms via Japan. Instead of ‘rights’, it would be more appropriate to speak of the ‘duties’ and ‘privileges’ that attached to different roles within the kinship hierarchy. Legally defined social status (such as the distinction between ‘free commoner’ and ‘mean/debased’ people) had played a complementary and even more important role for much of the imperial era. But in the Qing dynasty it yielded once and for all to the primacy of gender roles defined in terms of normative Confucian kinship hierarchy. The priority of Qing law was to ensure that males played their proper role as husbands and fathers, and that females played their proper role as wives and mothers.

In closing, let us reflect again on the basic assumptions of rape law in Ming–Qing China. Many of those assumptions would have been perfectly familiar to jurists of earlier dynasties in China, and even to jurists from other legal traditions altogether. For example, Anglo-American common law traditionally defined rape as ‘unlawful sexual intercourse (requiring penetration) of a woman not the rapist’s wife, by force and against her will’. It required that ‘actual force’ or verbal threat thereof be present for a woman to prove that the act had been ‘against her will’; it required a woman to have ‘resisted to her utmost’ in order to communicate her ‘non-consent’ to the rapist, and held her ‘at fault if she did not manifest her non-

31 It was common for pirates along the South China coast to rape young male captives, sometimes as a way to initiate them into the pirate ranks; see R. Antony, Like Froth Floating on the Sea: The World of Pirates and Seafarers in Late Imperial South China, China Research monograh (Berkeley: University of California, Institute of East Asian Studies, 2003), and D. Murray, Pirates of the South China Coast, 1790–1810 (Stanford, CA: Stanford University Press, 1987), p. 50.

32 For this concluding section see Sommer, Sex, Law, and Society, pp. 111–13.
consent with sufficient clarity’; in addition, ‘the fact that a victim was unchaste, was a prostitute, or had a prior consensual sexual relationship with her rapist was a defence to the crime of rape’. This Anglo-American reasoning would have made perfect sense to a Ming or Qing magistrate. Indeed, these basic elements of rape law are common enough that they may be considered definitive of women’s status under traditional patriarchal legal systems, before modern reforms (in some countries, at least) redefined sexual assault as a violation of individual rights.

What was truly distinctive about the late imperial period is that both the ideal rape victim and the ideal rapist envisioned by jurists had shifted from a status-based stereotype keyed to the class structure, to a gender-based stereotype linked to normative family roles. The stereotypical rapist had always been envisioned as an outside male who threatened the integrity of patrilineal descent, but the specifics of his identity had changed. The old stereotype of a slave attacking his master’s wife or daughter gave way to the predatory rogue male outside of the normative family system: the ‘bare stick’. The typical victims in Qing rape cases were not members of the elite, but rather chaste wives and daughters, or young boys, of humble, law-abiding peasant families. This shift in the law reflected not only underlying change in imperial ideology, but also the long-term transformation of Chinese social structure and the mounting social crisis of the High Qing.

Bibliographic Essay


For the regulation of sexual behaviour and gender relations in Qing law, we are indebted to the pioneering scholarship of Marinus Meijer; the work of American historian Vivien Ng is similar. In the absence of legal archives, both scholars relied heavily on a nineteenth-

century casebook, *Xing’an huilan (Conspectus of Penal Cases)*, which contains summaries of tricky cases (Bodde and Morris, *Law in Imperial China*, describes the casebook and translates 190 of its cases). Their work was superseded by later scholarship based on Qing legal case records.


Samurai, Masculinity and Violence in Japan

CONSTANTINE N. VAPORIS

In the early seventeenth century Japan transitioned from a period of prolonged and nationwide internecine civil war (the Warring States period, 1467–1600) to an era of extended peace during the early modern, or Tokugawa, period. After the last pitched battle at Osaka in 1614–15, and the armed suppression of a rebellion at Shimabara in southern Japan in 1637, there were no battles to fight until the closing year of the period. By the end of the seventeenth century the country under the stewardship of the Tokugawa government, or shogunate, was heralded by Japanese contemporaries as the ‘realm at peace’ (tenka taihei).

While this remarkable period in world history lasted more than two centuries, its peaceful state was imposed and maintained by a large-scale military aristocracy, the samurai, who took measures to disarm the other social groups below them in the social hierarchy. In pacifying the land, the samurai ‘effectively demilitarized the non-samurai population by depriving them of the right of private conflict resolution’ and thereby acquired a monopoly on the legitimate use of violence.¹ This created a type of ‘garrison state’, visible in the fully armed samurai population and biennial processions of more than 250 daimyo rulers, who marched back and forth from their domains’ castle towns to the Tokugawa capital at Edo to wait on the shogun.²

Pacification also resulted in two currents of tension related to samurai identity. The first current consisted of the dynamic tension between the civil arts, or the arts of peace (bun), and the military arts (bu). While written codes for the samurai historically had included statements about the importance of both elements, it was only in the Tokugawa period, when samurai had to fulfil bureaucratic functions, that so much emphasis was placed on the civil

The emphasis on literacy, education and culture in samurai life thus created a new definition of masculinity. The second tension arose from the lack of opportunity for samurai to demonstrate their martial skills and valour on the battlefield, resulting in a hypersensitivity in defending their honour.

Out of this tension there developed in male samurai culture an ideology of honour violence, one that entailed a constant readiness to employ lethal force. This ideology consisted of a variety of forms of interpersonal violence largely enacted by men against men: samurai against samurai and samurai against commoners. While the state acted in some ways to encourage the samurai to maintain their skills as warriors, even upholding the culture of honour violence, it had to balance these demands with a more general concern for maintaining civil order. Male samurai culture also involved a form of self-inflicted violence known as *seppuku* (a more formal word for *harakiri*), or ritual suicide. This chapter explores how the culture of honour violence developed among male samurai during the centuries of the Tokugawa peace, and considers its importance in the construction of samurai masculinity.

### The Early Modern Order and Samurai

In the face of widespread warfare and the increasing scale of violent death on the battlefield, political leaders (daimyō) in the late sixteenth century, and later their Tokugawa successors of the seventeenth century, placed a high priority on establishing and maintaining political and social order. The military hegemon Toyotomi Hideyoshi (1537–98) promulgated policies in the 1580s that have been described as having resulted in a ‘sixteenth-century revolution’.³ This involved a largely successful effort (known as the ‘sword hunt’) to take weapons out of the hands of the peasantry.⁴ The revolution also involved an official policy, formally enunciated in 1591, to draw the samurai off the land and into the castle towns – in other words, to separate peasant and warrior both physically and functionally. Agricultural work and military service, in principle, became exclusive occupations. Peasants were not to abandon their fields and go into trade or wage labour, and warriors were not to return to the land. In effect, this was an attempt to ‘freeze’ the social order, although in reality some movement across status lines was still possible.

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The separation of samurai and peasantry was in fact a process that spanned about half a century and was in no sense ever complete, particularly on the peripheries of the archipelago. Nevertheless, it resulted in a profound transformation of the social group, from a feudal military class with close ties to the land to an economically dependent, urban-based, underemployed elite. As a member of the daimyo’s retainer band, the samurai became part of a stratified and intricate civil administrative body that ran the government for urban, rural, temple and shrine, financial and social affairs. In a time of peace, loyalty to the person of the daimyo morphed into a more general loyalty to the domain; and loyalty itself came to be redefined as bureaucratic service rather than as something to be demonstrated through bravery on the battlefield. As a result, a formal, Confucian-based education necessary for service became essential, such that by the end of the seventeenth century an illiterate samurai could find himself the subject of ridicule.

The daily life of a Tokugawa samurai was quite a contrast from that of his predecessor in the Warring States period. For samurai, the ‘great peace’ created tensions between a long and proud martial tradition and the newfound reality of bureaucratic service or chronic under- or unemployment. There were far more samurai retainers than available positions, so many samurai either shared jobs on a rotational basis, lacked administrative jobs or spent significant amounts of time in the unsuccessful pursuit of one. They were not, in principle, allowed to perform manual labour.) Adding to these strains, for most retainers, was the reality of living in castle towns and drawing what amounted to a salary in rice, paid largely from the daimyo’s warehouse.

Samurai intellectuals during the seventeenth century became concerned about the inactivity of samurai. As the noted samurai and Confucian scholar Yamaga Sokō (1622–95) wrote, ‘[T]he samurai eats food without growing it, uses utensils without manufacturing them, and profits without buying or selling. What is the justification for this?’ Accordingly, he and other intellectuals articulated a new role for the samurai in peacetime: ‘The business of the samurai consists in reflecting on his own station in life, in discharging loyal service to his master if he has one, in deepening his fidelity in associations with friends, and with due consideration of his own position, in devoting himself to duty above all.’ Reflecting the changing times, this formulation inverted traditional relationships, which would have placed that of lord and subject at the top.

Through education, both formal and informal, samurai learned about their special role in society, their monopoly in terms of their birthright to bear arms and the social expectation that they would be able to use them effectively. In fact, samurai were compelled to exercise violence in certain circumstances in order to maintain their honour and position as retainers in the daimyo’s political organisation, his retainer band. The samurai Mori Hirosada (1710–73) from Tosa domain, for example, was part of a study group of fellow samurai ‘in which they studied how a proper samurai was supposed to behave in various situations’. In one lesson they learned that when a samurai had need to execute a servant he should call him out, saying, ‘Bring your weapons and defend yourself as you may, because I accuse you of such-and-such a crime and I will slay you.’ Depending on the status of the servant, he might be allowed to carry one or two swords, but the assumption conveyed in the story was that a samurai’s authority rested with his superior martial skills, which would allow him to defeat an armed opponent. Samurai also learned that their monopoly on the use of violent force was not unrestricted. In the interests of civil peace and to regulate the actions of their samurai retainers, political authorities imposed social and political controls on the samurai’s ability to use the weapons that helped define their status, a long and a short sword (collectively known as daishō). These controls can be seen as concessions by state authorities to the samurai’s martial spirit and legacy as warriors.

Interpersonal Violence between Samurai: Acts of Revenge, Quarrels and Fights

Samurai could obtain permission to test a new sword on the corpse of a convicted criminal, but they were circumscribed, legally, in their rights to use their two swords against another living person. One such legalised form of killing was known as katakiuchi, or ‘revenge killing’. Written permission to enact a revenge plot could be granted by domain or shogunate authorities to a samurai, in principle only to avenge the unjust death of a social superior. Following the Confucian values of hierarchy that prevailed in Tokugawa society, this meant that as an act of filial piety a son could avenge the murder of his father or as an act of fraternal duty an elder brother, but a father could not avenge a son’s murder nor an elder brother a younger brother’s. There were more than 100 known cases of this type of legalised revenge during the Tokugawa period.

8 Quoted ibid.
In all but two of the more than 100-plus known cases of katakiuchi, vengeance was carried out for the murder of a blood relation; in cases where revenge was not deemed appropriate, the correct procedure was to allow the government authorities to take charge of the punishment. In addition, while the practice was almost exclusively restricted to samurai, in a number of unusual cases the shogunate gave permission for a commoner to carry out an act of revenge. In all cases, though, secondary vengeance, or retaliatory revenge, was prohibited. In other words, once a legally sanctioned revenge killing had been carried out, the family of the original killer was not allowed to take any further action against the avenger or his family. This prevented the multigenerational family or blood feuds that sometimes took place in earlier periods of Japanese history or in other societies across the globe.

One example from the nineteenth century reveals some of the variables that came into play in blood revenge cases. Two brothers from Echigo province named Kume Kōtarō and Seitarō made an application to the Tokugawa shogunate in 1817 to avenge the death of their father at the hands of his ‘associate’, Takizawa Kyuemon. After committing the crime, Takizawa escaped and his location could not be traced. At the time of their father’s murder, the brothers were young boys and unable to take any action. Now (in 1817) that they had grown to ‘mature age’, Kōtarō (aged 18) and Seitarō (aged 15) applied for permission to seek out their father’s enemy wherever he might be to carry out a revenge killing. Since the brothers were so young at the time of the crime and had no recollection of the murder, their father’s younger brother applied to join the sons on their mission.

The brothers and their uncle received official authorisations from the domain authorities two weeks later. While reminding them of their responsibility to report the results of their mission – whether they were successful in killing Takizawa or if they discovered that he had died – the trio were also informed that the domain would continue to support their families’ salaries (in allotments of rice) during their search. The eldest son was given a valuable sword and 20 ryō (gold coins) to support his mission. The uncle was praised by the lord for his request; not only was he granted leave from his official duties to accompany his

nephews, but his allowance was actually increased. The notice went further in saying, ‘Every effort will be made to see that you lack for nothing and to enable you to achieve your goal. Accordingly you are granted a sum of fifteen ryō of gold.’ As it turns out, the brothers were lucky to achieve their goal, as some would-be avengers never did. However, the search for their father’s murderer took nearly thirty years – almost forty years after the crime – before they succeeded in 1857. Whether the three men were commended by the authorities for their efforts is not known, but in other cases the avenging samurai were presented with gifts and even given promotions. Nevertheless, the financial aid and praise the brothers and uncle received at the beginning of their mission is evidence that the domain government supported an honour code that the three men were trying to uphold.

As noted above, there are only two cases in which legal revenge killing did not involve the murder of a blood relation. This may have been more due to the fact that in the peaceful Tokugawa era the murder of daimyo or overlords was extremely rare, if not unknown, rather than family loyalty being more highly valued than feudal loyalty. One of the two cases, from 1723, involved a maidservant named Yamaji who killed a senior lady-in-waiting because she had humiliated Yamaji’s mistress to such a degree that she committed suicide. The other, and more celebrated, case is known as the Akō Incident, or Chûshingura, and involved the revenge plot of forty-seven samurai from Akō domain who avenged the death of their daimyo, Asano Naganori, who had been condemned to death, via seppuku, for having drawn his sword in the shogun’s palace to attack Lord Kira Kōzunosuke, a direct vassal of the Tokugawa family. This affair is celebrated in popular Japanese culture as a katakiuchi, but this is not accurate in the sense that Asano was not the victim of a murder and it was the Tokugawa shogunate that forced his seppuku, not Lord Kira.

Sometimes it was difficult for revenge seekers to succeed in their goal even when they tracked down the assailant, due to the custom of offering refuge to samurai who had committed an act of bloodshed. This custom persisted in spite of frequent prohibitions issued by government officials. According to an early eighteenth-century primer on the ‘way of the warrior’, a samurai seeking refuge should not be handed

11 Ibid., 527. 12 Ibid., 533. 13 H. Smith II, ‘The Capacity of Chûshingura’, Monumenta Nipponica 58.1 (2003), 1–42. The reasons for the initial attack have been much debated by historians, but are still not entirely clear.
over summarily to his pursuers, even if he had committed an ‘injustice’ (fugi), such as stealing or killing his master. Implicit here was the notion that the granting of refuge should be automatic. In the customary practice, the victor in a fight was not considered a killer or murderer; instead, he was seen as upholding his honour and having acted according to that code. The assumption that the assailant was being pursued was important; his actions in fleeing from a revenge seeker after having achieved his goal, victory over an opponent, were not therefore considered cowardly. To shelter and assist such a person would be an act of sympathy, a response that demonstrated a ‘righteous spirit’ (giki).

More frequently than was the case with ‘revenge killings’, violent fights between samurai took place as a result of private disputes, which were known as kenka (literally ‘fights’). Since under the peaceful conditions of the Tokugawa period samurai could no longer demonstrate their honour and bravery on the battlefield, they became hypersensitive to challenges to their manhood, which often led to fights. One example which demonstrates this hypersensitivity involved the Tosa samurai Mori Masana, who reported that he observed a heated discussion between a Tokugawa bannerman and a low-ranking foot soldier from Mito domain in Edo. When the foot soldier saw Masana and others watching the altercation, he came straight towards Masana and demanded to know who he was. Enraged, the samurai from Mito shook his sun umbrella at Masana, as if to hit him. Masana told the man that if he was to hit him with the umbrella Masana would have no choice but to draw his sword and kill him. This would also result in Masana having to commit seppuku. In other words, both men would die a ‘dog’s death’ (inujini), meaning a meaningless death. Masana concluded his diary entry for the day commenting that ‘In Edo one must take extreme care when walking the streets’.

The shogunate’s Laws for the Military Houses prohibited daimyo lords from engaging in private disputes, but it did not contain clear language for dealing with quarrels among their samurai retainers. To some extent the medieval practice of kenka ryōseibai (‘double-guilt doctrine’), which held that both parties to a quarrel were equally guilty regardless of the particular

15 Ibid., 226–8.
16 Mori Masana, ‘Mori Masana Edo nikki’ (‘The Edo Diaries of Mori Masana’), Kochi Prefectural Library, Kochi, MS 1828/8/1, vol. 1, fo. 49.
circumstances, continued to be observed as a kind of customary law during the Tokugawa period, but it was not uniformly applied.\(^\text{17}\)

Tensions resulted from the ruler’s needs for law and order, which coexisted with their perceived need to uphold the martial traditions of the samurai. The samurai, for their part, were highly concerned with maintaining their privileged male identity, which included protecting their reputation. The great difficulty that existed in balancing these conflicting needs is evident in a case from Okayama domain dating to 1647. With every samurai in attendance at the castle on a holiday, a samurai named Ogiwara Matarokuro was criticising a fellow samurai, Ikoma Genba. Apparently there was bad blood between the men, but when Genba arrived at the castle and heard about the slander he suppressed his anger, not wanting to cause an incident. When word of this came to the attention of domain officials, Matarokuro was ordered to commit seppuku due to his slanderous misconduct. While Genba was praised for his peaceful forbearance while the lord was in the castle, he was still punished severely, his land and position confiscated due to the fact that he did not take any action. The authorities announced that their decision ‘did not imply that, in a similar situation, all samurai must fight each other until one kills another’, but their action revealed a dilemma: if a samurai struck another in responding to an insult then he would be executed in the name of law and order; however, should he keep quiet, he might survive yet would be dishonoured.\(^\text{18}\)

The peace of the times thus compelled samurai to take private quarrels quite seriously. They were, in effect, compelled to demonstrate their manhood through a swift act of violence, which might result in the death of their opponent, but also in their own punishment.

Over the course of the seventeenth century ‘the violence of the samurai was progressively restricted, but approval of a spirit of vengeance and a warrior version of the honour culture survived’. For the government, its interest in law and order was paramount, but it found ways to respect the samurai honour code; in the case of the Akō samurai, for example, it honoured their spirit of loyalty and vengeance by allowing them to commit seppuku, but upheld the principle of law and order by punishing their illegal act. To one scholar, this amounted to

\(^{17}\) The shogun Tokugawa Tsunayoshi’s (1646–1709) decision to force Lord Asano alone to commit seppuku, while sparing Kira, was criticised by some contemporaries as one-sided, ignoring the principle of ‘double-guilt’ even though it was a quarrel (kenka) between two samurai. See Hiroaki Sato, ‘The Forty-Seven Samurai: An Eyewitness Account, with Arguments’, in *Legends of the Samurai* (Woodstock, NY: Overlook Press, 1995), pp. 304–38.

\(^{18}\) Quoted in Ikegami, *Taming of the Samurai*, p. 212.
a ‘taming’ of the samurai, a reduction of the samurai honour culture ‘by shrinking it to fit within the confines of a bureaucratic and procedural code’.\textsuperscript{19}

The concern with reputation or public face could also lead samurai to employ violence within the patriarchal household, against a wife who had committed adultery. In Tokugawa society it was acceptable for a married man to have sexual relations with an unmarried woman, but the reverse was illegal. In fact, a samurai was legally permitted to murder an adulterous wife and her lover, a right known as \textit{megataki-uchi} or ‘wife revenge killing’. The purpose of such an act was to defend a samurai’s male honour, not to defend a woman’s virtue and chastity. The practice of wife revenge killing first arose during the earlier, Kamakura period (1185–1333), and was related to the development of a more rigid marriage system in Japanese elite circles in general, as well as the emergence of the highly patriarchal samurai \textit{ie} [household].\textsuperscript{20}

In reality, these acts of violence directed towards the wife were rarely carried out, since in taking retaliatory measures the samurai husband did not regain his lost honour. In fact, the husband would likely have been viewed as ‘negligent’ for not having maintained control over his household and its women, and would lose face in his social circles. As a result, samurai tended to conceal incidents of infidelity or to seek a private settlement, usually involving a cash payment from the lover to the offended husband. This was done, one might say, ‘in order to avoid a public display of his private failure’. While wife revenge killing and ‘disrespect killing’ (the latter practice to be discussed in the next section) were not practised frequently, these legal prerogatives remained important ‘because they conveyed significant symbolic messages of the valuation of the samurai’s cultural and social tradition’, including their superiority to the other social groups.\textsuperscript{21}

\textbf{Samurai Violence against Commoners}

Samurai were able to demonstrate their collective superiority over commoners, in effect over male commoners, through their legal right to execute a person of lower status, such as a commoner or a servant, for rudeness, an act known as \textit{burei-uchi} (‘disrespect killing’) or \textit{kirisute gomen} (‘permission to cut down’). The ostensible purpose of such violence was the enactment of justice and enforcement of respect for the status system. For the exercise of lethal violence against a commoner to be recognised as \textit{burei-uchi}, the

\textsuperscript{19} Ibid., pp. 226, 242. \textsuperscript{20} Ibid., p. 245. \textsuperscript{21} Ibid., pp. 245–7.
commoner’s act must have been truly offensive to the samurai and the samurai must have killed the commoner on the spot, not at a later time.

Samurai-directed violence towards people of lower status could take place in several types of social settings. Japan’s castle towns were populated by samurai and townsmen (the latter term meaning artisans and merchants), and while samurai lived in segregated residential districts there was ample opportunity for daily interaction with them on the city streets. There were also opportunities for interaction and conflict on the highways and in the post-towns during the daimyo processions, with their entourages of samurai and support staff, which were utilised on the lords’ required biennial trips to Edo as part of the alternate attendance system. In contrast with the relative physical proximity of samurai and townsmen in urban centres, samurai would not have had much opportunity to interact with peasants, who resided in the countryside. In most domains the samurai-based government maintained a minimal presence in rural areas in the form of a lightly staffed intendant’s office. In fact, in many places samurai were required to obtain official permission to travel into the countryside. Nonetheless, the occasions when they did meet peasants were fraught with opportunity for conflict and violence.

Offensive acts towards samurai most commonly occurred when samurai and members of the other status groups physically passed by one another, resulting in chance physical contact or simply by virtue of a commoner not showing adequate social deference in creating a buffer zone between the samurai and himself. It was for that reason, for example, that the townsman code from cities like Kanazawa instructed that it is ‘forbidden... to walk along the street next to samurai’. Similarly, in the countryside in Tokushima domain, on Shikoku island, a farmer carrying a bucket of urine (used as fertiliser) on a path at the edge of a rice field did not give way to a samurai and was summarily cut down. (Of course, this example begs the question of why the samurai was in the countryside, but no further information is available.)

Disputes between samurai and commoners leading to lethal violence could also result when commercial transactions took place. Whenever a samurai purchased a commodity, such as a horse or a weapon, or a service, such as hiring a packhorse driver, an argument over prices could lead to violence if the samurai felt as if he was being cheated or the

22 See Vaporis, Tour of Duty.
23 The Kanazawa townsman code from 1642 is quoted in Vaporis, Voices of Early Modern Japan, p. 90.
commoner became verbally or physically abusive. For example, in 1768 a samurai on his way home from Edo became involved in a dispute with two packhorse drivers who claimed that his load was overweight and then demanded a tip, even after it was determined that the load was under the legal limit. One of the porters verbally taunted the samurai (‘there’s nothing less interesting than a samurai’) and grabbed him by the front of his kimono. The samurai responded by severing one porter’s head in two and then went after his colleague, who tried to run away, eventually killing him too. An official investigation followed in which about fifty witnesses were interviewed. This resulted in the packhorse driver’s employer writing a letter of apology to the samurai and an official judgement from the Tokugawa government that the samurai was not at fault (okamai nashi); in fact, his actions were deemed ‘praiseworthy’ (goho¯bi).

However, if a samurai did not take action to address an insult from a commoner or was not successful in killing the commoner on the spot, there could be negative consequences for him. Furthermore, if the samurai did not act immediately to redress the insult, instead deciding at a later time or date to redress his grievance, this too could result in his punishment. In one case from 1839 the samurai was not able to kill a merchant who had been verbally abusive. The merchant escaped and only later did the samurai track him down and kill him. Deemed ‘incompetent’ or ‘negligent’, the samurai was sentenced to twenty days’ house arrest. In some cases, when the offended samurai was unable to kill the offender, the samurai might feel that he had no choice but to abscond from his domain in disgrace. Such an action typically led to the confiscation of his fief or stipend and the extinction of the family line. Given these imperatives, disrespect killing should be viewed as an act during peacetime which a samurai must carry out, rather than one that must be controlled or restricted by the state. Samurai were compelled to act to redress insults, and failure to do so could impact negatively not only on the individual but on his relatives as well.

How often did these cases of lethal violence by samurai against offending commoners take place? Given the fragmented nature of the early modern polity, there are no national statistics available, but a study of one of the country’s more than 250 domains reveals that there were fifty-one cases over the period 1670–1860, or roughly one every four years, with a notable increase of incidents from the mid eighteenth century onwards. While disrespect

25 Ibid. Her statistics are from Okayama domain.
killings were far from a common occurrence, the possibility of a male commoner being cut down by a samurai’s sword was real. The fear was real enough that some commoners apparently carried paper amulets to protect them from ‘sword calamities’ – likely meaning being killed by a samurai’s sword. Furthermore, it is likely that popular consciousness of the occurrence of this type of honour violence (and licensed revenge killing) was magnified through the circulation of woodblock prints, which acted as broadsheets, spreading detailed news of these bloody affairs.

Despite the clarity of the legal principle of disrespect killing, the reality was not as clear cut. A samurai’s action in killing a disrespectful commoner was not accepted unconditionally. By the early eighteenth century procedures for dealing with disrespect killings were systematised. A samurai’s actions had to be reported to a high-ranking official of his domain (usually a house elder), which led to an official investigation to verify the samurai’s account. For a samurai not to be punished for killing a commoner there had to be eyewitness testimony that the commoner had been sufficiently rude to have warranted lethal action. If these conditions were not met, then a samurai was likely to suffer legal punishment for having engaged in a ‘fight’, which was disturbing the public peace, an illegal act that would in all likelihood have led to banishment from the domain.

Given the examples cited above, it becomes clearer why samurai did not exercise their prerogative to cut down commoners as often as one might imagine. According to one authority, ‘Only if his [a samurai’s] conduct were so spotless and the misconduct of the murdered party so obvious that the survivors would not strongly question the justice of the execution, would a samurai escape punishment’. No doubt the occasions when samurai were punished for exercising their privilege worked to discourage its frequent exercise.

The social acceptability of samurai exercising their prerogative also seems to have greatly diminished over time. Writing in 1816, an anonymous samurai who used the pen name Buyō Inshi, lamented,

In the old days, if someone tried to trick a warrior, the offender would be cut down immediately. Warriors were thus feared. Nowadays, though, were a warrior to cut down someone for merely tricking him, the argument would be that he was in the wrong to become involved with such a lowlife. The world at large would not approve of his action, and so craven have the

26 For examples of ‘sword calamity’ amulets see F. Drixler, W. Fleming, and R. G. Wheeler, Samurai and the Culture of Japan’s Great Peace (London: Yale University Press / Peabody Museum of Natural History, 2015), figs. 17 and 88 (pp. 17 and 82).
shogunate’s judgments become that the norm is to patch up matters quickly, regardless of right or wrong.28

Self-inflicted Violence

While the samurai were famous for their ability to kill with their long swords, they also turned violence inwards on themselves, sometimes at their own initiative and sometimes by compulsion, through the practice of seppuku. Also known by its less formal name, harakiri, it was a form of ritual suicidal carried out by ‘cutting the belly’. In Japan, the abdomen was chosen because of the ancient notion that it was the place where one’s spirit resides. The first literary evidence for the practice can be traced back to the early eighth century, but recorded instances of seppuku became more frequent with the rise of the samurai as a social force in the twelfth century. During the Tokugawa period seppuku was just one of many practices of the samurai that underwent a process of institutionalisation and ritualisation.

Prior to the Tokugawa period, samurai most often committed seppuku to avoid the disgrace of falling into enemy hands. For example, in the twelfth-century war chronicle The Tale of Hōgen, the exiled Minamoto Tametomo withdrew into his private room and disembowelled himself in a standing position rather than yield to the 300 warriors sent to kill him; he then proceeded to throw his intestines at the enemy before collapsing. Many samurai committed seppuku during the Mongol invasions of the late thirteenth century in order to show their valour in the face of the foreign enemy, to avoid capture and to assume responsibility for mistakes in battle or for local defeats. During the civil war of the Sengoku period (1467–1600), seppuku remained a form of suicide practised by samurai on the battlefield to demonstrate their valour and to avoid capture. A samurai might also be ordered by his lord to kill himself to atone for some offence. Similarly, a defeated daimyo might be called upon to commit ritual suicide as part of a peace agreement, as was the case in 1590 when the lord Hōjō Ujimasa was instructed by Toyotomi Hideyoshi to take his own life after the Hōjō’s defeat at Odawara in 1590.

During the peaceful Tokugawa era seppuku was variously institutionalised, ritualised and standardised. Before carrying out seppuku the samurai bathed, dressed in white (death) robes and ate a final meal which included sake (white rice wine). He was also given the opportunity to write a death

poem prior to carrying out the ceremony before what was generally a small number of official spectators. The samurai was assisted in this act by a second, ideally a close friend or someone who excelled as a swordsman, namely someone able to cut the neck in such a way that a small band of flesh kept the head attached to the body, hanging in front, rather than rolling unceremoniously away. In reality, few had such skills, which meant that typically the principal was decapitated.

An agreement was made beforehand by the principal and his second as to when decapitation would take place. This often occurred when the short sword (wakizashi) was plunged into the abdomen, rather than waiting for complete disembowelment to take place; but as the practice became even more ritualised, it could take place as soon as the principal reached for the sword. In some cases the sword was done away with altogether, replaced with a symbolic object such as a fan.\(^29\)

A samurai without a second might remove the blade from the abdomen after an initial thrust and slash his own throat or stab his heart, as otherwise death could take a long time to come. It required much more fortitude to carry out a full disembowelment by performing a cross-shaped cut: after cutting a straight line across the belly, another cut was made from the upper centre of the rib cage straight down to the navel. According to Alessandro Valignano, the head of the Jesuit mission in Japan in the late sixteenth century, ‘The braver type make the cut in the form of a cross and demonstrate their courage by pretending not to feel any pain. The moment the entrails gush out through the wound, the friend so deputed cuts off his head. Those who did in this fashion are regarded as very honourable and valiant men.’\(^30\)

Seppuku also underwent a basic change in purpose during the Tokugawa period, as under conditions of extended peace its use became largely limited to a type of capital punishment imposed by political authorities exclusively on male samurai bodies. Under the Tokugawa regime, punishments varied according to social status. For members of the other status groups (i.e. peasants, artisans and merchants), those convicted of a capital offence were put to death by beheading or crucifixion. Murder of one’s master was the most serious crime, for which the criminal merited nokogiri (the condemned was buried in the ground up to the neck and passers-by were invited

to cut at the neck with a bamboo saw) and then crucifixion, followed by the public display of the corpse for several days.\textsuperscript{31}

Seppuku was the most severe of the various grades of penalties to which samurai were subject (others included banishment and house arrest). As befitting their position at the top of the status system, samurai were given the privilege of committing seppuku for their crimes rather than being executed. It was thus a type of ‘conferred death’ (ishii). The forty-six former retainers of Lord Asano Naganori, who was forced to commit seppuku for drawing his sword in the shogun’s palace in an attempt to kill the Tokugawa retainer Kira Kōzunosuke in 1701, were also granted permission to commit seppuku, as samurai, even though they were rōnin (masterless samurai) and therefore technically not qualified for the privilege.\textsuperscript{32}

The practice of seppuku thus can be divided into two main categories. It was practised as an act forced upon an individual for criminal punishment (tsunembara) or as a voluntary act of self-destruction (jijin). Foreign observers were able to witness seppuku inflicted as punishment in mid-nineteenth-century Japan, after the opening of the country to Western powers. Algeron Mitford, a member of the British legation in Japan, wrote in awe, respect and simultaneously horror at the self-disembowelment of the Satsuma samurai Taki Zenzaburō, who in 1868 was commanded to commit seppuku for ordering the men under his command in the treaty port of Hyōgo to open fire on British troops. Mitford noted that despite the crime committed, by carrying out seppuku the samurai was able to preserve his honour and retain his rank.\textsuperscript{33} This also allowed an heir to succeed him. Mitford recorded that Taki spoke before proceeding: ‘I, and I alone, unwarrantably gave the order to fire on the foreigners at Kobe, and again as they tried to escape. For this crime I disembowel myself, and I beg you who are present to do me the honour of witnessing the act.’\textsuperscript{34}

The second category of seppuku, as a voluntary act of self-destruction, included the practices of junshi (seppuku performed to follow one’s lord in death), memboku (seppuku performed to prove one’s innocence), kanshi (seppuku in protest against some action taken by a samurai’s lord) and inseki

\textsuperscript{34} Ibid., p. 283.
(seppuku performed to assume responsibility for some mistake). Of these four practices, junshi was particularly notable during the early Tokugawa period. Deprived of the means to show their bravery and loyalty on the battlefield, some samurai felt the need to demonstrate their loyalty when their lord died, either of natural causes or illness, by committing ritual suicide. Perhaps the first mention of this practice was by the Portuguese Jesuit priest Luis Frois (1532–97), who wrote: ‘In Europe when the master dies, his followers weep and send him to the grave, while in Japan some people cut their stomach and many people cut off the tip of their little finger and throw it into the fire which is burning the corpse’.\(^{35}\) In fact, junshi became something of a fad at this time. For example, when the lord Date Masume died in 1636, fifteen samurai followed him in death by their own hands. In another case, twenty-six samurai followed lord Nabeshima Katsushige in death in 1657. A samurai who performed junshi not only demonstrated his skill in the martial arts, but was usually honoured posthumously and his heirs were well rewarded. Sometimes junshi was also related to the socially sanctioned sexual relationship that could exist between lord and vassal.\(^{36}\)

Since the practice of junshi resulted in death and hence meant the loss of valuable retainers who could be of use to the new lord, it came to be viewed as an obstruction to orderly government, leading several daimyo to ban the practice. The Tokugawa shogunate itself moved to ban the practice in 1663, and it was rigorously enforced when, for example, Sugiura Uemon, a vassal of Lord Okudaira Tadamasa, committed junshi in 1668. The heirs of both the lord and his vassal were punished. The prohibition was further reinforced through its inclusion in the ‘Laws for the Military Houses’ of 1683. Both codification of the law and active enforcement served to stymie this samurai custom. Accordingly, the abolition of junshi is interpreted by many historians as an important sign of a shift from a military-based society to a more civil-based one.

During peacetime samurai served their lords in a variety of ways and when they failed to perform their job properly they often took responsibility for it by committing seppuku. One notable example of this type of seppuku (known as inseki seppuku, or ‘responsibility-driven suicide’) occurred in 1754, when a group of fifty-one samurai from Satsuma killed themselves to take responsibility for a delay in completing a riverine flood control project in central Japan (Mino


province) that Satsuma domain had been ordered to undertake by the Tokugawa shogunate.\textsuperscript{37} Another example involved the Nagasaki magistrate Matsudaira Yasuhira, who committed seppuku in 1808 after failing to prevent the entry of the British frigate \textit{Phaeton} into Nagasaki harbour. During the Edo period the Dutch were the only Westerners permitted to trade in Japan. Matsudaira, as the top government official in Nagasaki, was unable to stop the vessel from entering the harbour and also unable to destroy it afterwards (the harbour defences were inadequate relative to the firepower on board the \textit{Phaeton}). To prevent a criminal investigation for violating Tokugawa law, which would likely have led to the punishment of family members as well, Matsudaira committed seppuku. Before doing so he left a memorial, a written account, in which he explained the circumstances of the incident. By taking these actions he was able to preserve both personal and family honour.\textsuperscript{38}

Seppuku was formally abolished in the Meiji era (1868–1912), but not without some difficulty. When a Japanese politician first proposed a ban of the practice before the Japanese parliament in 1869, a year after the Meiji Restoration, he was cut down by a former samurai. It would be four years before the bill to ban seppuku was successfully passed, but the practice was still carried out occasionally thereafter by military officers and ultranationalists during World War II, and most recently and infamously by the writer Mishima Yukio in 1970.

\textbf{Conclusion}

Samurai developed a distinct cultural identity during the long years of the Tokugawa peace. This was due to the special administrative function they performed in government, but also particularly because of the military role they exercised through their exclusive privilege to carry two swords. These blades were key markers of status but also important as lethal weapons, which they were legally sanctioned to use under prescribed conditions. The tension between the state’s interests in maintaining civil order and male samurai culture resulted in the development of an identity of constant readiness to enact honour violence that was periodically exercised across the physical landscape of early modern Japan. Over the course of the Tokugawa period, however, it became increasing problematic for samurai to exercise that monopoly against commoners. Yet in the closing years of 37 Rankin, \textit{Seppuku}, pp. 152–6.
the shogunate, after the arrival of Commodore Matthew Perry and his American armada in 1853, samurai would display a resurgence of sensitivity against insult, not against Japanese commoners but rather against the foreign intruders in their land. This resulted in periodic bloody confrontations, but also subsequently led to Western interest in the samurai code of honour violence.

Bibliographic Essay


On swordsmen, see William de Lange, Famous Japanese Swordsmen of the Period of Unification (Warren, CT: Floating World Editions, 2008), and Stephen Turnbull, The Samurai Swordsman: Master of War (Tokyo and Rutland: Tuttle Publishing, 2008). The focus of both books is on the more violent times before the Tokugawa era, but the second title includes material on the turbulent final years of the period. The book authored by
Miyamoto Musashi, perhaps the most famous swordsman of the late sixteenth and early seventeenth centuries, has been translated numerous times — see for example The Book of the Five Rings, trans. William Scott Wilson (Boulder, CO: Shambhala, 2012).

For William Byrd II, gendered violence was part of the daily routine. Born to wealth in 1674, Byrd owned thousands of acres in Virginia and oversaw dozens of people who made his estate profitable. He maintained a secret diary in which he recorded how gender and violence intersected in his life. His wife Lucy was an obvious target, and Byrd noted how he often ‘gave [his] wife a flourish’. Lucy’s consent for sex was unnecessary; when a recent pregnancy left her ‘much indisposed’, the sexual encounter continued anyway, even though Lucy ‘took but little pleasure’ from it. Byrd’s power over women extended beyond his marriage. On one occasion he used his position as a wealthy landowner to force a servant girl to ‘feel [his] roger’, or penis. He was also notorious for his harsh discipline of African American slaves, and violence framed how he interacted with women of colour. In his diaries he describes lusting after a Native American woman (‘a dark angel’) and the time he ‘asked a negro girl to kiss’ him.¹

William Byrd is indicative of the characteristics of gender and violence in early America. While marital discord and abuse were not confined to the colonies, their exploitative economy and mixture of diverse peoples encouraged and expanded male power over women, often in violent ways. Beginning with the arrival of Columbus in 1492, the European conquest of America was built upon the sexual mistreatment of indigenous women, and the racialisation of gendered violence remained a constant throughout early America, growing more acute when African American slavery became the dominant form of labour. As was the case with William Byrd, gendered violence towards women often began in the home. Colonial governments bestowed significant legal authority on the heads of households, effectively

mandating that men use violence to discipline their female dependants. The expansion of patriarchal privilege concealed rape and prohibited battered wives from escaping their abusers.

But if the history of early America is one of gendered violence, it is also one of revolution. Women, including Native Americans and African Americans, repeatedly fought back against their abusers, even when the consequences were fatal. Moreover, the variety of colonial governments allowed for alternative household orders to flourish, such as in Pennsylvania where abusive husbands were punished effectively. The Enlightenment reframed the behaviour of men like William Byrd as sexual tyranny such that eighteenth-century sensibilities turned against unchecked male privilege. Following the Revolution, governments enabled legal recourses for abused women through rape prosecutions and divorce. However, these protections only extended to white women, further racialising gendered violence in the nation that followed.

The intersection of gender and violence thus lies at the heart of American history, from contact to the creation of the United States. It was pervasive and expansive, implicit and explicit, with unique characteristics shaped by the colonial economy and notions of race. Most of all, it was a crucible in which modern American notions of gender and violence were forged. While few colonial Americans were surprised by the actions of William Byrd, it was because of changes in the eighteenth century that we are repulsed by his behaviour three centuries later.

Sexual Contact and Conquest

In November 1493 Christopher Columbus rediscovered America. The year before, the Genoese explorer had stumbled upon the Caribbean islands and established La Navidad on Hispaniola, leaving thirty-nine of his men behind. When he returned, Columbus expected to find a thriving colony, but instead he found La Navidad in ruins and his men dead. In response, he interrogated the Taínos until they confessed that the Spaniards had been put to death for their inhospitable appropriation of native women. ‘One of the Spaniards had taken three women to himself, and another four,’ recorded a fellow conquistador.2 Such revelations baffled Columbus, who, in his previous voyage, had spied naked native women frolicking about. Columbus scoured the Caribbean for ‘Indians’ to enslave for their disobedience to Spanish rule.

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The sexual exploitation of indigenous women was central to Europe’s conquest of the New World. Many European explorers, settlers and soldiers were young men who saw Native Americans as enemies to be conquered. The Spanish conquistadors were largely *hidalgos* (lesser nobles) who enriched themselves by taking Indian lands and sentencing natives to a forced-labour system known as *encomienda*. They also sexually exploited native women. Assuming that nakedness and affability indicated a natural lustfulness, Spanish conquistadors used violence to force native women to become their sexual partners. As Magnus Mörner observes, ‘the Spanish conquest of the Americas was a conquest of women’.³

Spanish men brought with them heavily gendered notions of violence. Late medieval Europeans understood war as a masculine endeavour and the Roman Catholic Church officially designated women as non-combatants, issuing edicts against their rape and kidnapping. By the fifteenth century secular governments had banned sexual violence against an enemy’s female population. However, it was impossible to dislodge entirely the promise of sexual violence from the minds of unpaid men who fought for pillage and plunder. When Spanish conquistadors reached the Americas, the Crown officially denounced the brutal treatment of indigenous women, but as Antonia Castañeda argues, officials often looked the other way as the rape and murder of native women enabled Spanish men to subjugate Indians.⁴

Europeans’ use of sexual violence for conquest contrasted sharply with the sensibilities of Native Americans. Many indigenous peoples believed that manhood was something born of active aggression either through war or the hunt, but they did not use masculine power to exploit women.⁵ ‘For the Aztec,’ notes Karen Vieria Powers, ‘sex was not seen as a form of violence or conquest.’ Instead, the indigenous women that the Spanish encountered in Mexico and Peru maintained sexual rights unknown to most female Europeans; neither the Aztecs nor the Incas placed taboos on premarital intercourse or divorce. Women were entrusted with practising monogamy

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and self-control, although among the Incas the rape of a married woman could prompt a husband to murder.⁶

The importance of sexual violence to conquest of the Americas raises questions about native women’s consent. In 1519 Hernando Cortés received a tribute payment of twenty indigenous slave women, including Malintzin (also known as La Malinche, or Doña Marina). Malintzin proved invaluable to Cortés, serving as his translator and emissary when he defeated the Aztecs in Mexico. She also bore several children for Cortés, and today she is alternately honoured as the mother of the Mexican people and vilified as a traitor to her race. Yet her motivations remain unclear: was she forcibly raped or did she willingly become Cortés’s lover? For many native women, the choice was no doubt illusory, as the Spaniards’ overwhelming military power put them in a position where they could not refuse.

In the early seventeenth century France and England began to compete with Spain for North America. Although they justified their colonial schemes as rescuing Indian women from the Spanish conquistadors, both French and English colonisers sexually exploited indigenous women. French fur traders (coureurs de bois) engaged in sexual unions with Indian women, often sanctioned by native leaders in order to cement trading relationships. The English disdained interracial marriage and officially discouraged intercourse with Indians. At Jamestown, leaders threatened members of the all-male colony with death should any rape or run off to live with the Powhatan Indians. However, Anglo-Indian relations persisted and, in the marriage of John Rolfe and Pocahontas in 1614, were celebrated as a means of effecting peace between natives and newcomers.⁷

Generally, the English did not rely upon Indian women to legitimate colonisation. Unlike the Spanish, who saw indigenous bodies as sources of labour, pleasure and procreation, the English viewed natives as impediments to the replication of European society in America. The Pilgrims settled at Plymouth in 1620 in part because disease had cleared the site of its Patuxet inhabitants. The Mayflower brought large numbers of English women and children to America and helped to transform the region into a New England. Nevertheless, racialised violence was gendered in the English colonies. In warfare, English colonists killed native men but spared women, believing that their gender made them easier to convert to English religion and values. The colonists also feared native men as devilish rapists. When Mary

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⁶ Powers, Women in the Crucible, p. 27.
Rowlandson was captured by Wampanoags in King Philip’s War (1675–8), she fretted that the ‘Barbarous Creatures’ and ‘ravenous Bears’ would sexually assault her, although she ultimately admitted that ‘not one of them ever offered me the least abuse of unchastity to me’. Such rhetoric disguised the fact that native women were far more likely to be raped by English colonists than the reverse. By the end of the seventeenth century the population of indigenous Americans had nearly collapsed, losing as much as 90 per cent of its pre-Columbian numbers. Gendered violence had coloured the conquest, giving rise to mixed-race mestizos in Latin America and laying the groundwork in the English colonies for the treatment of African Americans.

The Household and Intimate Violence

When the Pilgrims settled Plymouth in 1620, they came not as individuals but as a community. They spent the first winter together in a single structure and, when spring arrived, they sowed seeds together in collectively owned fields. By their third year in America, however, the Pilgrims bridled under the colony’s communalism. As Governor William Bradford recalled, bachelors resented working ‘for other men’s wives and children’ and married women denounced serving men other than their husbands as ‘a kind of slavery’. As a result, Bradford divided the colony’s lands and each family built its own house. He also privatised governance, shifting power to household heads: male homeowners were granted near absolute control over their dependants. This governing structure was emulated by England’s other North American colonies, creating a system that promoted gendered violence by concealing spousal abuse and rape.

Throughout the colonial era the household was the primary unit of government. It consisted of parents and children as well as live-in workers such as servants and slaves. The organisation of the household was hierarchical and gendered, with the father/master the undisputed head. Carole Shammas estimates that 80 per cent of English colonists came under the


purview of a household head. In the first generation of settlement, colonial
governments passed laws imbuing the household head with a great deal of
power over his dependants. Included in these was the prerogative to disci-
pline wives, children and servants through moderate physical correction.
Removing punishment from the state to the household left dependants at the
whims of the household head and created opportunities for abuse. Only
rarely did the authorities intervene. When Hannah Dyre was beaten by her
husband she told her neighbours, showing one a wound on her head ‘which
she said her Husband had broke with a stick of wood’. The neighbours
reported the abuse to the colonial government, although the courts took
no action against Dyre’s husband until he murdered her.10

Giving the household head nearly unrestricted power was a deviation
from English law and a practical response to weak civil and religious institu-
tions in America. Although colonial authorities occasionally legislated
against householder tyranny, such laws often went unenforced. In 1641
Massachusetts determined that ‘Everie marryed woeman shall be free from
bodilie correction or stripes by her husband’, an innovation that Elizabeth
Pleck argues was among ‘the first laws against spousal abuse enacted any-
where in the Western world’.11 However, the law provided little protection
for abused wives. Middlesex County, Massachusetts, heard only seven cases
of wife beating between 1649 and 1699; the Plymouth courts heard only four
between 1663 and 1682. Moreover, legal punishment of spousal abuse
decayed over time. Only two wife-beating cases in Middlesex County came
after 1663, while complaints in Plymouth declined to one per decade in the
1680s before disappearing altogether after 1700. As Ann Little observes, the
courts were more interested in prosecuting wives for beating their husbands
than the reverse.12

10 Quoted in Elaine Forman Crane, Witches, Wife Beaters, and Whores: Common Law and
Carole Shammas, A History of Household Government in America (Charlottesville: University
of Virginia Press, 2002), p. 31; Mary Beth Norton, Founding Mothers and Fathers: Gendered
11 ‘The Body of Liberties, 1641’, in The Colonial Laws of Massachusetts (Boston, MA:
Rockwell & Churchill, 1890), p. 51; Elizabeth Pleck, Domestic Tyranny: The Making of
Social Policy against Family Violence from Colonial Times to the Present (New York: Oxford
12 Roger Thompson, Sex in Middlesex: Popular Mores in a Massachusetts County, 1649–1699
(Amherst: University of Massachusetts Press, 1986), pp. 119–23; Pleck, Domestic Tyranny,
pp. 29–31; Ann M. Little, “‘Shee Would Bump His Mouldy Britch’: Authority,
Masculinity, and the Harried Husbands of New Haven Colony, 1638–1670”, in Michael
A. Bellesiles (ed.), Lethal Imagination: Violence and Brutality in American History (New York:
The problem of abusive husbands was compounded by the difficulty of divorce in early America. Marriage was understood as a lifelong commitment and rarely did governments dissolve marital unions. Of the fewer than forty full divorces (a vinculo) granted in seventeenth-century Massachusetts, none were allowed for cruelty alone. Likewise, Connecticut only terminated marriages for physical abuse if the husband was also guilty of adultery or abandonment. Virginia allowed only partial divorces (a mensa et thoro), effectively a legal separation. When Mary Savory petitioned for divorce because her husband’s ‘inhumane usage’ threatened her ‘life as well as her bodily health . . . daily’, the York County court allowed her to depart her husband’s house but did not terminate the marriage. Less fortunate was Joan Aduston, who could not prove her husband’s ill-treatment and was returned to her abuser.

Deference to the household head also informed ideas about rape. Rape was a capital crime under English law, and the colonial courts could be fierce in their prosecution of rapists. In 1636 a Massachusetts court heard the case of Edward Woodley, an indentured servant who broke into a neighbour’s house and sexually assaulted a female servant. Woodley was swiftly and harshly punished as his crime confirmed colonial expectations about rape: it was perpetrated by an outsider who violated another man’s household. But few rape cases were this clear cut. Male sexual power was thought of as normative, thus obfuscating a woman’s resistance and discrediting her consent. Moreover, rape did not always involve strangers but often came at the hands of relatives and friends. The contradiction between belief and reality consequently complicated exactly what constituted rape. Although it was claimed that ‘the Oath of a Common Strumpet’ was enough to convict a man of rape, most colonial juries were suspicious of a woman’s testimony. According to Sharon Block, jurists carefully considered if a woman concealed the incident and if she screamed during the assault to determine if the encounter was consensual. Courts also wanted to know if there had been penetration as this allowed them

14 Quoted in Terri L. Snyder, “‘As If There Were Not Master or Woman in the Land’: Gender, Dependency, and Household Violence in Virginia, 1646–1720”, in Christine Daniels and Michael V. Kennedy (eds.), Over the Threshold: Intimate Violence in Early America (New York: Routledge, 1999), p. 227.
to distinguish between rape and attempted rape, the latter being punished less severely.  

Individual sexual brutality rarely resulted in judicial violence. Court records indicate that colonists were reluctant to prosecute men for rape, especially if conviction resulted in execution. Massachusetts judged fourteen cases of rape and three cases of attempted rape between 1636 and 1692, but only one man was hanged for raping an unmarried woman. Similarly, there were two cases of rape and ten cases of attempted rape in seventeenth-century Connecticut, but even though all but one resulted in a guilty verdict, no men were executed. Marital status was also important to judgements in rape cases. In the eighteenth century Massachusetts was more successful at convicting men of attempted rape when a single woman was the victim, but Connecticut rejected charges of attempted rape and proved more willing to convict men of raping married women than singles.

Ultimately, rape was a matter of household governance. Lawmakers understood it as a grave threat to the authority of the household head and thus, Thomas Foster argues, ‘Rape was a crime between men as well as a crime against a woman’. A rapist offended the ability of a husband or father to protect his dependants, so male relatives of a rape victim could sue for financial damages. Moreover, colonial courts were more than willing to blame the victim. If a woman charged a man with rape, but the court found that the encounter was consensual, the woman could be fined or whipped for fornication.

Although there were broad similarities in the official treatment of gendered violence in the American colonies, religion and race gave rise to variation. Pennsylvania was founded in 1681 by the Society of Friends (Quakers), a religious sect that attached profound spiritual significance to the family and child-rearing. Consequently, the colony took a hard line against spousal abuse and rape. Between 1682 and 1801 the provincial court heard as many as 887 cases of assault and battery involving married couples and convicted eleven of fourteen men for murdering their wives. Quaker theology also shaped Pennsylvania’s rape law as the Friends’ disdain for capital punishment initially

led the colony to prescribe estate forfeiture, imprisonment and hard labour for convicted rapists. In time, Pennsylvania strengthened its rape laws, adding castration and branding in 1700, then death in 1718. Between 1718 and 1786 colonial courts tried thirty-seven rape cases and twenty-three attempted rapes, resulting in convictions of about a third of the former and more than half of the latter.20

Racial inequality also shaped notions of gendered violence. As African American slavery rapidly expanded after 1680 so the colonial governments adjusted their laws to harshly punish black men for raping white women. Pennsylvania’s reluctance to execute rapists did not cross the colour line as it meted out death for ‘any negro’ who ‘shall commit a rape or ravishment upon any white woman’.21 During a ferry ride from Bristol to Portsmouth, Comfort Dennis Taylor claimed that a slave named Cuffee tried to rape her. Horrified that the colony’s law was not harsh enough to punish Cuffee sufficiently, the Rhode Island legislature quickly wrote a law for ‘Negroes attempting to commit Rapes on white Women’, demanding they be branded, whipped and sold out of the colony. Conversely, black women were not protected by colonial rape laws, nor could black men sue for the sexual assault of their wives and daughters.22

African American men were routinely and harshly prosecuted for the rape of white women. In Connecticut, all three men executed for rape in the eighteenth century were black. Kirsten Fischer identifies fourteen white women who charged white men with rape in colonial North Carolina, but only two of these accusations resulted in a trial and neither was convicted. By contrast, all twelve enslaved men accused of rape were executed. African American men also faced grotesque physical torture. Although Pennsylvania’s law for castrating white rapists was short-lived, this punishment became de rigueur for black men throughout the colonies. Some alleged black rapists were executed by burning and their bodies deformed after death.23

Servants and Slaves

As William Byrd discovered, violence begot violence. After he asserted mastery over his wife’s body, there was little to stop him from transferring that control to other women, especially servants and women of colour. Throughout the American colonies the expansive power of the household head not only encouraged gendered violence against wives but also affected women in servile positions. In part, this emanated from European expectations of class and race, but the economics of colonial America played a determinative role. As plantations stretched out across the southern colonies, the number of unfree labourers increased dramatically. Like wives, female servants and slaves were the responsibility of patriarchs, thus colonial laws created further opportunities for gendered violence in the form of sexual exploitation and abuse.

Indentured servitude was a common form of unfree labour in the seventeenth century. In exchange for passage to America, tens of thousands of English men and women contracted to work on the colonial plantations for several years. Throughout the colonies indentured servants were placed under household governance as legal dependants, thus they could be corrected physically by their masters. Like wives, laws protected servants against masters’ ‘harsh or unchristianlike usage’, although the colonial authorities only intervened in extreme situations.24 Instead, masters were expected to keep their young and single servants in line. When William Judson’s male servant made ‘filthy’ advances towards a female servant, the New Haven court faulted Judson.25

Indentured servants were especially prevalent on the tobacco plantations of early Virginia and Maryland, accounting for 70 to 85 per cent of all emigrants. Servants were overwhelmingly male with only one woman arriving for every six men. Not surprisingly, many bachelor masters sought sexual relations with their female servants. Not all master–servant relationships were violent and some resulted in marriage. However, a female servant lacked the power and communal support to refuse her master, so her consent was murky at best. The historical record conceals the extent of the sexual abuse of female servants in early America.26

25 Quoted in Godbeer, Sexual Revolution, p. 96.
26 James Horn, ‘Servant Emigration to the Chesapeake in the Seventeenth Century’, in Thad W. Tate and David L. Ammerman (eds.), The Chesapeake in the Seventeenth Century: Essays on Anglo-American Society (Chapel Hill: University of North Carolina Press, 1979), pp. 51–95; Godbeer, Sexual Revolution, pp. 198–200; Block, Rape and Sexual Power, pp. 63–4; Norton, Founding Mothers and Fathers, p. 120.
When the colonial authorities did intervene in master–servant relationships, they did so in order to maintain a productive workforce. In 1643 Virginia prescribed additional service for female servants who became pregnant during their indenture. Although this made restitution for the work lost during a woman’s labour, the law was widely abused by ‘dissolute masters’ who impregnated their female servants in order to lengthen their indentures. When lawmakers revisited the law twenty years later, they remained suspicious of female servants, claiming that ‘if a woman gott with child by her master should be freed’ then she would claim that all of her children had been fathered by her master. Accordingly, Virginia ordered female servants to serve two years for bearing a child, but allowed them to be sold to a different master.27

Indentured servitude waned over the seventeenth century as fewer English men and women were willing to subject themselves to violent exploitation. Africans and people of African descent quickly took their place in the tobacco fields such that by 1700 black slaves outnumbered white servants in Virginia. Slavery was a significantly more violent institution than servitude, stemming from the fact that slaves did not volunteer for plantation labour but were forced into submission. Initially, colonial laws treated slaves as household dependants, but as slavery became the primary form of southern labour so the laws changed to treat slaves as chattel instead. As this happened, the treatment of Africans and African Americans shifted from correction to deadly violence. In 1669 Virginia decreed that ‘casuall killing of slaves’ would not be treated as a felony because it could not be assumed that malice ‘should induce any man to destroy his owne estate’. 28

Integral to the violence of slavery was the sexual exploitation of African American women. First, there were economic motives for this. Laws in the southern colonies directed that children born to enslaved women would be slaves for life regardless of their father’s status, thus creating an economic motive for masters to rape their female slaves. Second, sexual abuse was a method of enforcing white supremacy. Sex with unwilling slaves allowed white men to bolster their own self-image as all powerful. Black women had no protection against such assaults as no colony allowed a black woman – either slave or free – to file rape charges against a white man.29

White colonists justified their sexual abuse of African Americans with racist arguments. They averred that blacks were naturally more libidinous than whites

27 Statutes at Large, vol. 11, p. 167.
29 Block, Rape and Sexual Power, pp. 67–74; Brown, Good Wives, pp. 207–11.
because they had greater physicality and lacked the mental capacity to restrain their bodily impulses. English travellers to Africa observed people ‘called Negros, without any apparell’, and some speculated about ‘a beastly copulation’ between African people and apes. In America, slaveholders made black sexuality seem more profligate by forbidding legal marriages between slaves and forcing the enslaved to expose their bodies by providing only tatters of clothing. These beliefs also created fears of African American male sexuality and led to cruel treatments for black men suspected of assaulting white women.  

African Americans vigorously resisted their sexual exploitation. When he was enslaved in the Caribbean and South Carolina, Olaudah Equiano observed the ‘constant practice’ of ‘violent depradations on the chastity of the female slaves’. These stories were prominent in his autobiography – a manifesto of the early anti-slavery movement. Other slaves responded to violence with violence. While stationed in Surinam in the 1770s, Lieutenant John Gabriel Stedman observed that slave revolts were often led by black men who sought to stop ‘drunken managers and overseers’ from abusing their wives. Some planters sought to inhibit slave insurrections by bringing more African women to their plantations, believing that they would pacify enslaved men. However, such hopes were dashed when enslaved women abetted slave revolts.

In effect, the English colonists repeated the Spanish practice of using sexual violence to subjugate a non-white population. Miscegenation led to the procreation of mulatto persons, nearly all of whom the colonists racialised as ‘black’ and enslaved. The exploitation of African Americans also elevated white women by removing them from the tobacco fields and replacing them as the primary targets of male sexual power. However, the unchallenged rule of masters would not survive the eighteenth century. Although the racialisation of gendered violence outlasted the American Revolution, the unrestrained power of the household head did not.

**Revolutionary Changes**

In June 1774 a political cartoon appeared in the *Royal American Magazine* that used rape to illustrate how the American colonies were being treated by the British government. During the preceding ten years parliamentary laws such
as the Stamp Act had aroused anger and defiance in the colonies, culminating in the Boston Tea Party. In early 1774 Parliament attempted to bring the colonies to heel by closing the port of Boston and other coercive measures. For the defenders of America, the cruelty of Britain was akin to physical abuse. To make this point, ‘The Able Doctor, or, America Swallowing the Bitter Draught’ depicted the colonies as a Native American woman held down by Britain’s Chief Justice and force-fed tea by Prime Minister Frederick, Lord North. The sexual abuse of the scene is undeniable: America’s breasts are exposed while the First Lord of the Admiralty peers up her dress. Rakish France and Spain look on, while Britannia hides her head in shame and the sword of military law legitimates the scene.³²

‘The Able Doctor’ is arresting not only for its political commentary, but for what it suggests about how ideas of gendered violence were changing. For most of the colonial era rape had been ignored, especially when the perpetrator was a master and the victim an Indian, servant or slave. But sensibilities were changed with the Enlightenment and the American Revolution. Sexual

³² ‘The Able Doctor, or, America Swallowing the Bitter Draught’, cartoon, [London, 1774], Library of Congress, Prints and Photographs Division, Washington, DC.
abuse became problematic and rapists were not forgiven easily. Sex was supposed to be loving and companionate, with women empowered to escape abusive relationships. Indeed, the message of ‘The Able Doctor’ was clear: America needed to escape her abusers. Perhaps the only part that had not changed was the race of the victim. Native American women had suffered from the gendered violence of European men since Columbus, and despite the depiction of America as an Indian, the Revolution did not end the sexual exploitation of women of colour.  

Ideas about gendered violence began to change in the eighteenth century with the Enlightenment. French philosophes such as Voltaire and Jean-Jacques Rousseau prized reason and individual liberty over religious authority and communal order. As these ideas filtered into the American colonies, the absolutism of the household head was called into question. Although he was not deposed, the master was expected to be less cruel and capricious in his governance of dependants. The Enlightenment also initiated a reassessment of slavery as a violation of individual freedom, although the nascent abolitionist movement was confined to northern colonies where African Americans were few and slavery economically insignificant.  

One concrete result of the Enlightenment was the use of the language of freedom and individual rights by American Revolutionaries. Following the Seven Years War (1756–63), Parliament sought greater control over the American colonies through taxes and the deployment of British soldiers. Gendered violence was an important part of the political discourse leading to independence. Americans feared that the constant presence of British soldiers in cities like Boston led to increased incidents of rape. Such worries repeated older perceptions of rapists as a foreign presence and prompted American men to take arms in defence of their women. Ultimately, ideas of gendered violence influenced the Declaration of Independence, which likened the relationship between the king and the colonists to a marriage, reasoning that like a cruel husband King George III had visited ‘repeated injuries and usurpations’ upon Americans. The only solution was ‘to throw off such government’: a divorce.  

The Revolutionary War (1775–83) escalated incidents of gendered violence. War itself was a gendered and violent experience as soldiers

33 Godbeer, Sexual Revolution, pp. 293–4.
34 Shammas, Household Government, p. 56; Berlin, Many Thousands Gone, pp. 228–55.
in the Continental (US) Army quickly discovered. In addition to death and injury on the battlefield, men faced deprivations and disease in camp. Moreover, the army enforced strict discipline through corporal punishments such as floggings and running the gauntlet. Open hostilities also emboldened soldiers to sexually abuse women. When Connecticut was raided by British soldiers in 1779, Christiana Gatter reported that two redcoats broke into her house, ‘laid hold of me and threw me on the Bed’. Frightened for her life, Gatter testified: ‘I was obliged to Submit’.36 Sharon Block notes that women were more likely to immediately notify the authorities that they had been raped during the war, and that they achieved a higher conviction rate than during peacetime. In this way, women became active agents in their own defence, politicised to join the American cause.37

The creation of the United States called much of the existing social order into question. Aristocratic privilege was assailed in a new nation where ‘all men are created equal’ and nearly all white men gained the right to vote within two generations. This further weakened the household head and empowered dependants to be independent actors. Religious tests were prohibited by the US Constitution of 1787 and states disestablished their churches, thus removing ecclesiastical constraints as well. In place of church and state, American society looked to women to regulate the nation’s morals. This had profound effects on gendered violence.

Illustrative of changing social mores was Susanna Rowson’s 1791 novel Charlotte Temple, the story of a young woman who was seduced, only to be abandoned and die in childbirth. Rowson largely absolves Charlotte’s seducer of fault, placing the blame on the title character for allowing herself to become a victim. Although Charlotte’s father offered advice, the household head was unable to protect his daughter from ravishment. The lesson of Charlotte Temple was the lesson for all young women, with Rowson hoping that her novel ‘should save one hapless fair one from the errors which ruined poor Charlotte’.38 Clare Lyons argues that such stories endorsed male sexual

privilege while confusing notions of consent. In the early republic, American women were on their own against the sexual passions of men.39

Shifting gender mores affected notions of marriage. Early nineteenth-century marriages were expected to be companionate and loving with the husband a genteel patriarch rather than an absolutist governor. This delegitimised most physical violence within the household, especially among the growing middle class. Women resisted wifely correction and began to abandon abusive husbands. With the Revolution, some Americans asked why ending an abusive marriage should be any different from ending a tyrannical regime, and the right to divorce was recognised by twelve of the sixteen states by 1799. Pennsylvania legalised divorce in 1785, and over the next thirty years the number of women petitioning to end their marriages spiked, with one in four citing cruelty alone and many more citing mistreatment among other causes.40

To be sure, the transition was incomplete and contested. Some men continued to claim the right to correct their wives. Pennsylvanian Michael Fisher testified that for his wife, ‘beating was necessary to make her a good housekeeper and that she must have more of it’. In response, Fisher’s wife filed for divorce, reflecting a division among some husbands and wives over the role of physical violence within a marriage.41 The courts were also resistant to accepting domestic abuse as sufficient grounds for divorce. In turn-of-the-century Pennsylvania, half the divorce petitions filed by women on the grounds of cruelty alone were denied. Moreover, physical abuse continued unreported in many households, concealed by a growing expectation of domestic privacy. Early nineteenth-century legal codes did not recognise rape within marriages, and husbands continued to enjoy unfettered access to their wives’ bodies. Likewise, the family was excluded from early tort laws, leaving battered wives with little recourse against abusive husbands beyond divorce.42

41 Quoted in Smith, Breaking the Bonds, p. 114.
Finally, domestic murder persisted. In Vermont and New Hampshire the legalisation of divorce in the last decades of the eighteenth century coincided with a decline of spousal murder. By the 1820s murder rates of spouses and children had increased and kept increasing through the American Civil War (1861–5). 43

Gendered violence outside of the household changed as well. Following the Revolution, Americans questioned the widespread application of capital punishment for crimes including rape. By 1800 at least six states had substituted incarceration for death in rape convictions. Simultaneously, prosecutions increased. In Chester County, Pennsylvania, rape cases per 100,000 residents per year rose from 0.58 in 1718–93 to 1.57 in 1794–1801. However, the prosecution of attempted rapes declined over the same period. Before 1770, attempted rape cases outnumbered rape in Pennsylvania by a ratio of three to one, but after 1770 there were more than five rape cases for every one attempted rape case. Conviction rates also declined in Pennsylvania to 18.2 per cent in the 1790s. A growing disinterest in attempted rape and falling rates of conviction correlate to the growing sexual licence of men in the early nineteenth century. 44

The growth of male sexual licence only applied to white men. With the Revolution, an emergent criticism of unfree labour called sexual exploitation of enslaved women into question for the first time. In response, southern planters committed to a ‘conspiracy of silence’ and refused to acknowledge their role in interracial sex. President Thomas Jefferson maintained a sexual relationship with his slave Sally Hemings for decades, fathering several children by her, but he refused to ever acknowledge the connection. Although Jefferson’s opponents divulged the president’s relationship for political effect, the embarrassment did little to end Hemings’s exploitation. 45 Conversely, perceptions of African Americans as unable to control their lust remained unchallenged. Changes in rape law did not apply to black men, who continued to face death for crossing the colour line, while black women still had little recourse for their sexual exploitation. In Philadelphia, bastardy law was increasingly racialised as single black women lost the ability to sue their sexual partners for support. 46

44 Block, Rape and Sexual Power, p. 143; Marietta and Rowe, ‘Rape, Law’, pp. 86–9.
45 Godbeer, Sexual Revolution, pp. 208.
46 Lyons, Sex Among the Rabble, pp. 377–83.
Conclusion

In the mid nineteenth century ‘Omie Wise’ became a popular folk ballad in the United States. The song recounted the murder in 1807 of Naomi Wise by Jonathan Lewis in rural North Carolina. Lewis and Wise had conducted a sexual relationship, but when Wise revealed that she was pregnant Lewis drowned his lover. The ballad was popular for its pathos, which was not impeded by Wise’s background as an orphan and a servant. Indeed, ‘Omie Wise’ suggests that sensibilities about gender and violence had changed drastically since the days of William Byrd. The brutal treatment of a woman, especially a servant, would not have aroused popular sympathy in the eighteenth century. However, had Wise been African American, it is doubtful that her story would have captured the nation’s imagination in the same way.

Gendered violence in early America had its own unique dimensions, shaped by the experience of colonisation, the establishment of a plantation economy and the inequalities of race in the New World. The exploitation of women was key to the conquest of the Americas beginning with first contact. It flourished under the expansive power of the household head in the English colonies as well as the spread of indentured servitude and slavery. Yet gendered violence was frequently challenged, by Quakers, Revolutionaries and women themselves. Although the exploitation of women of colour continued after the Revolution, the United States sought to reverse the spousal abuse, rape and gendered violence of early America.

Bibliographic Essay

The study of gender and violence is a relatively recent innovation in the history of early America. To date, few works exist that focus exclusively on gender and violence; rather, the richest literature is contained in histories of women, Native Americans and African Americans. Similarly, the nascent state of the field means that some of most impressive work is contained in collections of essays and scholarly articles.


Sexual and Family Violence in Europe
DIANNE HALL AND ELIZABETH MALCOLM

Any study of sexual and family violence in early modern Europe must first acknowledge and confront the problems of language and meaning. Modern terminology can obscure rather than illuminate past understandings of violence. Widely used current terms like ‘domestic violence’, ‘rape’ and ‘infanticide’ are not easily transferrable across time. Definitions of domestic violence in Europe today prioritise heterosexual couples and usually refer to violence by men against female partners in the home, although they can include violence perpetrated by women against male partners. But this concept of domestic violence simply did not exist within early modern Europe’s legal frameworks. Rape and infanticide, on the other hand, were certainly crimes according to early modern European legal codes, but how contemporaries understood them is markedly different from how they are understood today. And even today, while sexual violence has specific legal definitions, these definitions vary according to jurisdiction. Under modern German law, for example, the term ‘rape’ covers both male and female victims and does not necessarily assume sexual penetration, whereas, under Swiss law, it is defined specifically as forced sexual penetration of a woman.¹

How, then, do we investigate and analyse forms of violence in the past that were by their very nature often hidden or lacked witnesses? Analysis of criminal laws, court cases and trial outcomes is vital to any investigation of the boundaries of historical sexual and family violence. Criminal prosecutions and convictions can also be quantified and very usefully compared over time and between different territories. Historians have done this most productively with murder – a crime that leaves a corpse and as such is hard to hide. But justice in the past, as still today, was always inflected by class and by gender. Barriers to litigation based on such factors need therefore to be

taken into account when employing legal records to trace early modern meanings of family and sexual violence.

Many historians have fruitfully used other types of documentary evidence to fill in the gaps in the legal record. These might include personal narratives and anecdotal accounts contained in letters or pamphlets. This material, showing how families and communities negotiated and managed violent behaviour, is extremely valuable, even though it cannot be quantified and thus remains impressionistic. Such material can be employed, however, to investigate instances in which, according to modern understandings, sexual or family violence occurred, although it was not considered criminal at the time. Through such an investigation the boundaries of popular early modern understandings of violence can be delineated, throwing into sharp relief the differences between past and present perceptions.

**Family and Household Violence**

Whereas today ‘domestic violence’ usually means violence between intimate partners, if we were to investigate early modern family violence using this definition, we would miss crucial aspects of the topic. Family violence in Europe between 1500 and 1800 must be understood within the contemporary household structure, which was composed of a male head of the family, his wife and their children, but might also include a host of other dependants, ranging from elderly relatives to a variety of servants and employees of different types. When interpersonal violence occurred in such households, it was understood in terms of what Philippa Maddern has called a ‘moral hierarchy of violence’. By this she means that those in charge of the household had the moral authority to employ violence in disciplining people occupying positions beneath them.\(^2\) Subordinates, in turn, were expected to accept this discipline with resignation and patience, even if they might on occasion consider it unwarranted or excessive. The meanings of violence were thus a function of the position a person occupied within the social hierarchy of the household. Single women and men living outside household structures who employed violence tended to have their actions scrutinised especially closely, and they were less likely to be viewed as justified.

Early modern married men had prescribed responsibilities, one of the most significant being to maintain order within their households. Both Protestant

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and Catholic authors discussed models of the ideal godly household and how men were to exercise authority over their dependants. A husband was expected to govern his household wisely and without recourse to uncontrolled force. Conversely it was, as a seventeenth-century Swedish moralist wrote, a husband’s ‘greatest humiliation and shame, if he allowed himself to be subdued, ruled and criticised by a woman’. In other words, a man who failed to maintain control over his wife, or other household members, was likely to find his standing within the community undermined. Responsibility for discipline devolved down the household hierarchy, so that the wife of the male head also had power over subordinates, especially children, servants and apprentices. Again, discipline was exercised through varying degrees of physical force, and this was considered acceptable so long as it was not motivated by anger or caused serious physical injury. Household violence was thus highly regulated, although distinguishing between acceptable and excessive force was sometimes not a simple or easy matter.

When men used excessive violence – defined as such if death or serious injury resulted – they could damage their social status as they were likely to be seen as creating disorder within their own households. In 1579, for example, an Anglo-Irish aristocrat, Christopher St Lawrence, Lord Howth, was prosecuted and fined a huge sum of money for physically assaulting his wife and daughter. The court found these assaults to be reprehensible, not because Howth had struck them, but because the motivation behind the punishment was to injure rather than to correct. The extent of their injuries was taken as evidence of motivation. Howth beat his wife so badly on the back that ‘her skin [was] so taken away that for many days she could not abide any clothes to touch her’; he also inflicted sixty lashes on his daughter, so that she afterwards contracted a fever and died. While the injuries described and the penalty imposed clearly indicate that Howth had breached the legal limits society placed upon acceptable household violence, the political context of this court case is important. He was only tried because of his political

4 Christopher Fischer, Haustafel (1613) cited in Jonas Liliequist, ‘Changing Discourses of Marital Violence in Sweden from the Age of Reformation to the Late Nineteenth Century’, Gender & History 23.1 (2011),3.
activities; it is unlikely that otherwise the injuries done to his dependants would ever have come to light.8

When violence by men against their wives or other household members did attract the notice of European courts, either through circuitous routes as in the Howth case or directly through prosecutions for murder or serious assault, penalties varied considerably. Murder was most likely to lead to a prosecution and result in a conviction, which could attract the death penalty. However, even with murder, ambiguities abounded. The limited nature of contemporary medical knowledge meant that internal injuries, such as those presumably suffered by Howth’s daughter, could be difficult to detect. If death was not immediate, its causes might be impossible to establish for certain in court. In Holland, for example, there were at least three cases during the seventeenth century in which judges explained that they could not be sure whether the deaths of women were attributable to the injuries their husbands had caused or to infections.9

What motivated both the man and his victim was crucial, for motivation influenced whether a legal penalty could be sought or secured. If discipline was the accepted motive, then it was more likely that a man would be deemed not guilty, even if a death had occurred. An eighteenth-century Swedish law specified that if a child died while being disciplined, then it was a case of death by misadventure, not of murder.10 Yet, if witnesses testified that a householder’s violence was the result of anger or drunkenness and that a wife or other dependant had offered no provocation, then the case was more likely to be judged as murder. On the other hand, if a wife or dependant was reputed to be drunken, quarrelsome or violent, or if a wife was suspected of adultery, then the violence employed by a male householder was far more likely to be considered justified.

Prosecutions for violence resulting in non-lethal injuries were less common in all jurisdictions than prosecutions for lethal violence. Protestant moralists preached the duty of women to suffer and be obedient to God’s natural gender order, no matter how unbearable their marriages were made by violent husbands.11 Nevertheless, women did on occasion seek relief and redress by airing their marital grievances in court. In response, courts sometimes tried to

force men to maintain domestic order and refrain from violence. In 1517 a German court instructed Hans Stadmann to return to his wife, to ‘cohabit with her, supply her with food and drink . . . and not push or beat her, but honour her’. Early modern French legal systems included a mechanism whereby violent or otherwise troublesome family members could be imprisoned. German local courts could order a year-long separation of husband and wife in hopes that a reconciliation could be achieved during this period.

Ecclesiastical courts, rather than civil ones, were often the arbiters of matters involving sexual misconduct and marital breakdown. The remedies offered in church courts might include the following: monetary bonds imposed on husbands to keep the peace by not assaulting their wives and dependants; public shaming rituals with erring husbands paraded through village streets; public apologies made by husbands in church; or explicit promises extracted from husbands before courts to stop their violence. As a last resort, a form of separation could be ordered by the courts, intended to protect wives while, at the same time, husbands remained financially responsible for them. In local courts, many judges tried to promote harmony within households and communities by publicly ordering husbands to stop beating their wives, but wives were also instructed to refrain from quarrelling with their husbands. When women took their husbands to court in early modern France seeking a separation, they usually argued that the violence employed against them was extreme and beyond normal bounds, whereas husbands responded by claiming that any physical discipline used was appropriate and acceptable. In 1656, for example, Rouen husband Jacques Lyon said in court that he and Marguerite Barry argued ‘as spouses do’ and, while he admitted slapping her, he claimed that this did not amount to the brutal battery she had alleged. Wives, such as Catherine Puy, also of Rouen, usually countered by emphasising their virtuous characters, as well as their forbearance in the face of aggressive and unreasonable men.

Other avenues open to women who suffered at the hands of excessively violent husbands might entail enlisting the support of family, friends or neighbours. These groups were often called upon – or even sometimes took it upon themselves – to care for and protect women who were being assaulted on a regular basis by their husbands. In 1790 Adelaide Lefebvre, a Rouen textile worker, was bleeding and distressed when she was helped by

14 Rublack, Crimes of Women, p. 227.  
a neighbour to escape from her violent husband and seek refuge with her brother. Over a quarter of women who attempted to obtain relief through Paris courts in 1775 had previously sought help from relatives, friends or neighbours. When John Edwards of Dorchester beat his wife in front of neighbours in 1633, one of them pushed him out of the house, while others locked the doors to prevent him returning to continue assaulting his wife.

But in artisan and farming communities economic survival depended upon married couples and their dependants working together cooperatively, so keeping households intact was an imperative. One way of enforcing communal expectations of acceptable martial behaviour was through public shaming rituals, known in different countries as ‘rough music’ or ‘charivari’ or ‘youth abbeys’. These usually involved groups of young unmarried men publicly humiliating husbands or wives whose behaviour was considered to have gone beyond communal norms. Such rituals were often aimed at husbands who were believed to be dominated or cuckolded by their wives, but they could also target men known to assault their wives without justification. In 1566 a Lyon street parade contained floats ridiculing local men who either beat their wives excessively or were beaten by their wives. How successful these communal sanctions were in curbing marital violence is hard to say. But what they do demonstrate is that violence by husbands against wives was recognised as not just a problem within particular households, but one that could also threaten the well-being of the broader community. And there were actions that communities could take in order to try and protect the vulnerable women and children in their midst.

Apprentices and servants mistreated in the households of their masters were often in a more difficult position than were wives, for throughout Europe there were severe penalties for breaking employment or apprenticeship contracts. Some avenues for redress did exist, however, even though

18 Amussen, ‘“Being Stirred”’, p. 79.
22 Davis, ‘Reasons of Misrule’, p. 45.
proving that a master or mistress had used excessive or unjustified violence was far from easy. Apprentices in eighteenth-century Paris who were mistreated by their employers often relied upon their own families to protect them. In 1761, for example, an 11-year-old apprentice to a master enameller returned home to his mother, ill, exhausted and severely bruised from the beatings inflicted upon him by his master’s wife. The child’s mother responded by launching a court action to annul his apprenticeship on the grounds of ill-treatment.  

Dependent children had even fewer opportunities to seek legal protection against violent parents. Prosecutions of adults for physically injuring children, even when the child died, were rare. But there is evidence of informal attempts through public shaming to curb violence against children. In Essex in 1623 a long poem was printed and circulated in taverns and other public gathering places accusing a father of beating his daughter excessively. Clearly this was an attempt by someone in the local community, who judged the father to be abusive, to call him to account by means of publicising his actions. Popular German literature of the sixteenth century was fascinated by stories of children murdered by one of their parents, suggesting anxiety over the boundaries of discipline in relation to children.

The key principle that physical correction of dependants should be motivated by the need to maintain discipline, and not be the result of anger, applied to all households, even religious ones. The complex case mounted in 1531 against Elicia Butler, abbess of Kilculliheen in Ireland, revolved around the question of motivation. The nuns testified that they had been regularly struck by their abbess: violence that they claimed was due to her ‘quarrelsome’ and not to a ‘desire to correct’. Moreover, as additional evidence that this violence was unjustified, the nuns alleged that blood had flowed from the wounds to their bodies caused by their superior. Genuine discipline was not supposed to entail bloodshed.

The moral hierarchy of authority not only shaped the meanings attached to the violence employed by men and women against their dependants; it also configured the meanings of any violence directed against the men at the

The apex of the hierarchy. This was most evident when women attacked their husbands, but also when servants or children used violence against either a master/father or a mistress/mother. Such actions attracted extremely severe legal and social penalties. The ambiguities surrounding the use of violence by masters did not exist when violence was turned against them. Under English common law, for instance, a violent act by a woman against her husband or by a servant against a master was defined as petty treason. The logic behind the treason analogy was that such cases were in essence comparable to when subjects attacked a king, because the man was ‘king’ in his own household. This meant that if a wife killed her husband, she was liable to be punished as if for high treason: that is by being burnt at the stake, rather than hanged as was usual in murder cases. This penalty continued to be used up until the 1790s. In Germany, the penalty inflicted upon a woman who murdered her husband was decapitation. While such prosecutions and convictions were not particularly common, a great deal of popular literature reinforced the legal code and revealed a general fascination with the concept of the rebellious wife. Ballads, ephemera and pamphlets offering lurid details of the crimes allegedly committed by wives against their husbands circulated widely in seventeenth- and eighteenth-century England and France.

Harsh penalties also applied to servants, apprentices and children who attacked, injured or killed a master or a father. By such actions they were in effect attempting to overthrow the God-given social order, which made justification virtually impossible. In Frankfurt in 1585, a woman who had been convicted of killing her former employer was executed. Her arms were first pinched with hot tongs in front of the house where the crime had occurred; then she was placed in an open grave and covered with wooden branches before a wooden pole was driven through her heart. In England, servants who killed masters or mistresses were viewed by the courts in the same way as wives who killed their husbands, for their crimes too were punished as if they amounted to treason.

Sexual Violence

The dynamics of the early modern household are also vital when it comes to considering histories of sexual violence and infanticide. These two types of violence overwhelmingly affected women, both as victims and as perpetrators. As with family violence, in analysing sexual violence we must bear in mind the problems entailed in employing modern definitions and the need to be sensitive to the often very different contemporary understandings. Studies of past sexual violence have been forced, of necessity, to interrogate archival absences and silences more perhaps than studies of other types of historical violence. 33 Under most European law codes rape was a serious crime; in some jurisdictions it was a capital offence punishable by death. Yet prosecutions were uncommon and convictions rates were low. Most historians, drawing on modern analogies, assume that rape was far more frequent than court records would appear to indicate. So they have focused on the silences evident in the archive and how such silences should be explained and interpreted.

Broadly speaking, there were basic semantic and legal similarities between different regions of Europe when it came to understandings of rape. Rape was generally defined as forceful penile penetration of the vagina, in the absence of a woman's consent, by a man who was not the woman’s lawful husband. But, beyond these broad outlines, there were significant regional and national variations in attitudes to sexual violence and in the legal and social remedies available to female victims – and victims were always female as male rape was not recognised. 34 The social class, age, marital status and reputation of the victim were highly important in determining the legal significance of the crime and in shaping communal understandings. The rape of an unmarried, wealthy, under-age virgin or of a pious religious woman was usually considered particularly heinous and was most likely to result in a successful prosecution. The rape of a married woman by her husband was not recognised as a crime at all, but the rape of a respectable married woman by a stranger was certainly unlawful. Class and reputation were key determining variables, for allegations of rape made by unmarried non-elite, working women were less likely to be believed.

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Different legal systems handled rape differently. Since it was a sexual crime, as well as a physical assault, it could come under the jurisdiction of church courts or of local or higher civil courts. Under early modern English, Florentine and French law, the maximum penalty for rape was death by hanging.\(^{35}\) Scholars of rape within English common law jurisdictions have argued that the severity of the penalty resulted in judges and juries being reluctant to convict men, and it was this reluctance that contributed to the low prosecution and even lower conviction rates.\(^{36}\) In fifteenth-century Venice, conversely, the penalties varied considerably, ranging from relatively short prison terms for the rape of an adult woman to more drastic punishments usually reserved for child rapists.\(^{37}\) German courts during the seventeenth century punished rapists with banishment, fines or the pillory. Punishments also differed within the Dutch Republic: Rotterdam opted for whipping, branding or banishment, whereas Amsterdam executed rapists by hanging or beheading, while their accomplices were whipped.\(^{38}\)

Whichever court system dealt with an allegation of rape, there was broad, although not universal, agreement that in order to prove rape a woman had to demonstrate that sexual intercourse had occurred as a result of violence and that it was not in the least consensual. As Garthine Walker has argued with regards to England, if courts decided that a case had more to do with sex than violence, then it could not be classed as rape.\(^{39}\) Because in most instances there were no witnesses to sexual assaults, proof of lack of consent and the use of violence rested largely upon the woman’s behaviour immediately after the alleged attack and the physical marks left upon her body. Early modern courts took it for granted that a healthy adult woman could fight off a man, if she really wanted to; therefore, she needed to provide evidence that, despite her best efforts, she had been physically overpowered, perhaps because her attacker was armed. Proof of this might include witnesses who had heard her screams or who had encountered her in a distressed and disordered state immediately after the attack. In most jurisdictions proof of lack of consent also required evidence of physical injury, like cuts or bruises. Other physical

\(^{35}\) Ruff, *Violence in Early Modern Europe*, p. 146.


\(^{39}\) Walker, ‘Rereading Rape’, p. 8.
signs, like torn clothes or dishevelled hair, could also be taken as indicators of a lack of consent. On the other hand, though, silence during the alleged assault or a delay in reporting it straight away or the absence of physical signs could be construed as evidence of consent.

In Württemberg in 1646 it was decreed that, due to the fact that some women were alleging rape well after the event in order to explain illicit pregnancies, a rape had to be reported within a month of its occurring or otherwise the allegation would be disregarded. In fact, in early modern Europe, if a woman discovered she was pregnant as a result of rape, her accusation of rape was not likely to be credited. Medical and legal opinion of the time were in agreement that conception could only result if a woman consented to sexual intercourse. Therefore, if a pregnancy occurred, a woman had little chance of having a man convicted of rape. Women whose pregnancies became known were then often liable to prosecution themselves for crimes such as fornication or adultery. In Tübingen in 1590, for example, lawyers decided that because a young pregnant girl, Margaretha Müller, had not cried out nor told her mother that her father was having sex with her, she must have ‘indulged in it’. Accordingly, she was convicted of incest and adultery and executed by drowning.

Focusing narrowly on the relatively few rape cases that reached the courts, and the fewer still that succeeded, may well obscure other ways in which early modern rape victims could seek justice. Whereas rape required a high burden of proof, prosecutions for assault or civil actions for compensation were easier to prove. If either action succeeded, then a woman was likely to be vindicated in the eyes of her community and able to resume her place without serious damage to her reputation. The outcome of a rape prosecution in many parts of Europe was often not a conviction, because a marriage would be arranged instead: a marriage with either the rapist or another man given a dowry by the rapist. Such an outcome might appear abhorrent to modern sensibilities, but the intention was to acknowledge the hurt done to the victim’s body and reputation, while at the same time guaranteeing her a continuing and productive role as a wife within the community.

An additional complicating factor with regard to rape is the question of the semantic and legal meanings attached to the word ‘abduction’. The Latin term *raptus*, which gives us the modern word ‘rape’, literally means ‘carried away’, so it could apply also to abduction. In early modern France, for

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instance, the crime of *rapt* involved abduction and clandestine marriage, not necessarily a violent sexual assault.\textsuperscript{44} When, however, the woman taken was a young heiress, then abduction intended to coerce marriage was generally assumed to entail rape. By raping his captive, the abductor made it very difficult for the woman and her family to reject him as a husband, for it was unlikely that in such circumstances another more suitable husband would be found. But the French experience shows that abduction could generate considerable violence, destabilising elite families. An heiress named Claude de Sallenove was first abducted but rescued in 1643; six years later her brother was killed in a duel fought with a second abductor; while, a year after this, her uncle was killed while trying to thwart a third abduction attempt.\textsuperscript{45}

Towards the end of the early modern period, however, there is considerable evidence that some at least of these supposed abductions were in fact being manufactured by young couples as a ploy to force reluctant families to accept their children’s preferred marriage partners. Also, during the course of the eighteenth century in Naples and other parts of Italy, convictions for rape became even more difficult to obtain because the authorities feared that women were using accusations of rape to force wealthy men into marriage.\textsuperscript{46}

Sexual assaults on girls under the age of consent were more likely to lead to convictions. In Venice in 1461 the rape and near fatal assault of a 9-year-old resulted in the perpetrator being blinded, banished and forced to pay a substantial sum towards the victim’s dowry.\textsuperscript{47} Even though the rape of a child usually attracted severe penalties, the status of the girl and her family, her age and how she behaved were still crucial matters for the courts in determining whether a rape had occurred or not. However, rapes committed on children of noble or elite families by men from a lower social class were always seen by the courts as worse crimes than similar assaults on working-class or peasant children. In fact, in most instances the latter rarely came to the attention of the authorities as allegations made by such children were seldom believed.

Thus far we have been examining rape in times of peace, but early modern Europe was repeatedly ravaged by war, particularly by brutal religious wars during the late sixteenth and early seventeenth centuries and then by dynastic

\textsuperscript{46} Tommaso Astarita, *Village Justice: Community, Family and Popular Culture in Early Modern Italy* (Baltimore, MD: Johns Hopkins University Press, 1999), p. 163.
struggles thereafter. Rape by soldiers was almost universally condemned under military conventions and codes, yet it undoubtedly occurred to a very considerable extent, even if it was grossly under-reported.48 Eyewitnesses to the destruction of towns and cities by armies consistently reported that women were sexually assaulted in the wake of sieges and battles, and also when armies plundered villages or farms. In 1631, for example, during the sacking of the city of Magdeburg, some monks described watching helplessly while a group of Catholic soldiers gang raped a 12-year-old girl until she died of her injuries.49 Likewise, during the Irish rebellion of 1641, many witnesses reported seeing or hearing about numerous rapes committed on women and girls.50

Much of the evidence for rape in war comes not from court records but from descriptions of conflicts contained in pamphlets and contemporary histories. This is hardly surprising given that in war zones the civil justice system usually broke down. We need, though, to be careful in our handling of accusations of rape during war. It is necessary to understand the circumstances in which mass rape was alleged to have occurred and what meanings were attached to this phenomenon. Accounts of rape were often used in propagandist literature in an effort to encourage men to resist a common enemy. During the early seventeenth-century wars between the Spanish Empire and the Dutch Republic an extensive literature was published by Dutch writers emphasising the monstrous and cruel behaviour of marauding Spanish troops. In particular, the Catholic Spaniards were accused of seeking to destroy God-fearing Dutch Protestant families by the systematic rape of their wives and daughters. While there can hardly be any doubt that untold numbers of rapes occurred during these wars, we must be alert to the fact that rape narratives served important political purposes, especially in terms of encouraging in men a sense of shared moral outrage and a patriotic determination to resist an enemy bent upon violating their women.51

It was not only in the immediate aftermath of hard-fought battles and sieges that large numbers of women were raped. Early modern European

50 Dianne Hall and Elizabeth Malcolm, “”The Rebels Turkish Tyranny”: Reading Sexual Violence in Ireland during the 1640s”, Gender & History 22.1 (2010), 55–74.
armies largely lived off the land and soldiers were normally billeted in civilian homes, with their officers sometimes making little if any effort to control them. This could easily lead to violence between soldiers and male householders and their servants, as well as to the rape of the women of the household. Repeated wars saw soldiers traversing foreign territories singly or in groups, and there were many reports of rapes committed by such itinerants. But sometimes it was alleged that women had actually been seduced by promises of marriage and only when the men had departed did they allege rape. Certainly soldiers like these, not anchored in established households and communities, could readily avoid punishment for illicit sex by simply moving on, leaving behind the women to deal with the inevitably unpleasant consequences, regardless of whether sex was consensual or not.

Infanticide

Single women who fell pregnant after a violent rape or after being pressured into sexual intercourse were, as we have already seen, considered to have consented. Such women, along with the many others whose partners refused to marry them when they conceived a child, found themselves in an extremely difficult position. They belonged to households and communities that regarded sexual intercourse outside marriage as a sin warranting harsh punishment. The options for a woman in this situation were limited: she could attempt to force her reluctant partner into marriage by reporting him to the civil or church authorities; she could face down community disapproval, but then be condemned to live as a social pariah; or she could conceal the pregnancy, abandon the baby or try to farm it out to someone else. Killing the child was of course another option, and one taken by many desperate women throughout the period. Infanticide, or the murder of a newborn child, was a crime nearly always committed by women and the punishment for it throughout early modern Europe was death, often involving torture, drowning or impaling in order to highlight society’s revulsion at such a crime.

Most legal theorists and legislators would have agreed with the German jurist Benedikt Carpzov who wrote in 1652: ‘What [is] more horrible than to turn one’s pitiless hands on one’s own children against affection, natural love

and the rights of blood. Yet, the weight of the law against infanticide fell most heavily upon single women or women whose husbands were absent. Given the state of medical knowledge, married women living with their husbands in established households who wanted to limit the size of their families had options that single women did not enjoy to nearly the same extent. Deliberate overlaying, suffocation or failing to feed a newborn child could have occurred without anyone suspecting, let alone being able to prove, a crime. But with single women too, it was often impossible to determine for certain whether a neonate had been born alive or dead. In seventeenth-century Nuremberg and Württemberg women could be tortured in an attempt to determine if a baby had lived; and, if it was decided that the baby had been born alive, then execution by beheading was the penalty for infanticide. In recognition of the difficulties involved in determining the cause of death, the authorities increasingly criminalised the concealment of the pregnancy. This was on the basis that a woman who did not publicly acknowledge her pregnancy and make preparations for the child’s care, must have intended to kill it. An English act of 1624 made it a crime for a woman to conceal her illegitimate child’s death, unless at least one witness was ready to swear it had been a stillbirth. In Württemberg an ordinance of 1658 required anyone suspecting a woman of concealing a pregnancy to report her to the authorities. She was then carefully watched so as to ensure witnesses were present at the birth.

It is possible that itinerant rural working women or single independent women living in large cities had more opportunities to conceal pregnancies and to dispose of infant bodies than single women living in regular households under the prying eyes of mothers, mistresses or neighbours. In 1721, when the drains of Rennes were repaired, the skeletal remains of some eighty infants were discovered, suggesting that urban drains offered an effective means of disposing of unwanted infants. The women who consigned their children’s bodies to the drains of Rennes, and of other cities as well, were likely to have been servants or daughters living in households where they had been able to conceal their pregnancies, but were unable to hide a newborn child. Other women, who came to the attention of authorities after the

54 Astarita, Village Justice, p. 163.
56 Rublack, Crimes of Women, p. 165.
deaths of neonates, had already given birth to illegitimate children or had been suspected of killing previous babies. This suggests that, whereas communities might have tolerated one sexual lapse, they were much less prepared to countenance continuing ones. It is clear from testimony given in court, however, that neighbours, midwives or family members did on occasion help single mothers conceal births and ensure that the newborn did not survive. All this means that the convictions for infanticide or concealment of birth recorded by courts cannot be considered at all an accurate measure of the extent of the crime.

While the harsh penalties against infanticide enacted during the sixteenth and seventeenth centuries continued into the modern era in many places, in others they were eased as courts became more willing to give women the benefit of the doubt. In England, for instance, by the eighteenth century temporary insanity was being increasingly accepted as a plea in infanticide cases. This could still lead to a conviction, but it also held out the possibility of a pardon.

Conclusion

Early modern European understandings of family and sexual violence were very different from today’s, but this is not to say that violence occurring within households or sexual assaults on women went largely unpunished. On the contrary, civil and religious courts, as well as communities, exercised jurisdiction over the behaviour of husbands and wives towards each other and towards children and other dependants. Sexual relations were similarly heavily policed. The mechanisms of control could be legally or religiously based, or they could be informally exercised by communities. All were in agreement, however, that keeping households living and working cooperatively together was the desired object, and this normally entailed upholding the right of the male head of the household to discipline his dependants by forceful means. Arguments did not revolve around whether or not violence should be employed, but rather what levels and types of violence were necessary in order to guarantee household discipline.

Penalties for rape and infanticide in early modern Europe were often severe, but both crimes were singularly difficult to prove. In the case of

rape, distrust of women in patriarchal societies led to laws that placed serious obstacles in the way of female victims attempting to substantiate their allegations. With infanticide, in an effort to prevent it, some jurisdictions went as far as criminalising single women who concealed a pregnancy. Again, the fundamental object was to ensure godly households in which sexual relations occurred exclusively between husbands and wives, and thus all children born were legitimate. The household was central to most early modern European societies, and these societies were prepared to go to considerable lengths to ensure that they operated in an orderly fashion, under a male head licensed to employ appropriate violence in regulating the economic, religious and also sexual lives of his subordinates.

**Bibliographic Essay**

Scholarly interest in early modern European family and sexual violence has developed in tandem with changing modern attitudes towards women and violence, so that the literature on this type of early modern violence is now substantial. Whereas research in the 1970s and 1980s scoured legal records for relevant cases, studies since the late 1990s have combined legal research with analysis of popular culture, autobiographical writings, letters and various forms of literature. This in-depth archival analysis has, since about 2000, allowed the production of synthetic accounts that situate family and sexual violence within broader cultural frameworks. Wide-ranging studies, such as Robert Muchembled’s *A History of Violence from the End of the Middle Ages to the Present* (Cambridge: Polity Press, 2012), offer stimulating pictures of long-term change in all aspects of violence, including family and sexual violence. The work of Peter Spierenburg has been very influential in this regard, including, for example, his *A History of Murder: Personal Violence in Europe from the Middle Ages to the Present* (Cambridge: Polity Press, 2008). Julius Ruff’s useful *Violence in Early Modern Europe, 1500–1800* (Cambridge: Cambridge University Press, 2001) includes a chapter on interpersonal violence, covering rape, marital violence and infanticide.

Regional and national studies of violence that contain chapters on family and sexual violence have enriched our understanding of the culturally specific meanings of violence in different early modern communities. Extensive research has been carried out on the surviving records of the English regions, with Garthine Walker’s work combining legal and literary analysis in publications such as *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003). Local variations in how household violence functioned and was managed are revealed in detailed urban and regional studies, such as Arlette Farge’s *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris* (Cambridge: Polity Press, 1993) and Tommaso Astarita’s *Village Justice: Community, Family and Popular Culture in Early Modern Italy* (Baltimore, MD: Johns Hopkins University Press, 1999).

Another rich vein of scholarly research has concentrated on the violence accompanying marital breakdown. For England the scholarship is especially large: Joanne Bailey, for example, has examined marriage failure in *Unquiet Lives: Marriage and Marriage Breakdown*

Women who killed their husbands provoked acute anxiety throughout early modern Europe. Even though prosecutions were relatively few, a wealth of evidence survives, particularly in popular culture. For Germany, Ulinka Rublack’s research is foundational on this and other aspects of women and criminality: The Crimes of Women in Early Modern Germany (Oxford: Clarendon Press, 1999). Frances Dolan makes fruitful use of popular ballads and gallows speeches in her important study of attitudes towards violent women: Dangerous Familiars: Representations of Domestic Crime in England, 1550–1700 (Ithaca, NY: Cornell University Press, 1994).


The anxiety early modern European societies felt about the sexuality of single women was expressed in particular through harsh laws against infanticide. Anne Marie Kilday, A History of Infanticide in Britain, c. 1600 to the Present (Basingstoke: Macmillan, 2013) investigates this topic for England, Wales and Scotland. In other places, such as Ireland, where there are few surviving records of infanticide, folklore is a potentially valuable research tool, as Anne O’Connor demonstrated in ‘Women in Irish Folklore’, in Women in Early Modern Ireland, edited by M. O’Dowd and M. MacCurtain (Edinburgh: Edinburgh University Press, 1991), pp. 304–17. Close analysis of individual cases is another way of exploring the complexities of infanticide. An intriguing study of a well-documented case is William David Myers’s Death and a Maiden: Infanticide and the Tragical History of Grethe Schmidt (DeKalb: Northern Illinois University Press, 2011).
Men Fighting Men: Europe from a Global Perspective

PIETER SPIERENBURG

This chapter focuses on homicide and serious interpersonal violence, male on male, in early modern Europe within a global context, with the aim of making a few tentative comparisons between the well-researched features of European homicide and some things that we know about the rest of the world during the period under examination. To begin with, the term ‘early modern’ needs some scrutiny. As a label for a chronological unit, it originates in European historiography. Traditionally, the early modern period comprises the three centuries between the end of the Middle Ages and the rise of modern industrial societies with mass participation in politics. As is already clear from the preceding chapters, this chronological unit applies much less to the history of many other world regions.

To a large extent, my global comparison of the West with the rest covers three arbitrarily chosen centuries and whatever kind of interpersonal violence that we happen to find in them. However, this was the first era of globalisation in which the empires of Europe had a significant impact on rates of violence in other continents, especially on the Americas. And although the impact of European contact was less discernible in other regions of the globe, a comparative analysis of interpersonal violence is a useful way of gauging changes that were taking place in Europe and how far this diverged from patterns in other continents.

Homicide Rates

In early modern Amsterdam a committee consisting of a professor of medicine and two or three surgeons had the task of inspecting the bodies of all those suspected of having died of unnatural causes. The committee would write, for example, that they had observed three stab wounds in the chest and belly of an adult man and considered these as absolutely lethal. These medical examiners refrained from any legal conclusions, but often a court clerk added
information about the circumstances in which a body had been found. Due to the committee’s meticulous description of injuries and the additional information, ambiguous cases are few. This allows the researcher of today to assign the overwhelming majority to one of three categories: murder, suicide or accident. Starting from here, further quantification is possible. We can compute a reliable suicide rate for the period covered by the series, for example. Making statements about the number of accidents, on the other hand, would be less advisable, as it is unlikely that all were systematically investigated. Here we are concerned with murder. Because each inspection report specifies whether the body is that of a baby or an older person, we can subdivide this category into homicide and infanticide. The latter possibility, once more, is not the subject of this chapter. In the case of homicide, the crucial advantage is that we get information about victims regardless of whether or not a perpetrator was caught or even identified by name. The only missing number is that of murdered persons whose bodies were successfully hidden, and it is generally assumed that this number is negligible.

Amsterdam is just one example of the post-mortem record keeping which became ubiquitous in western Europe during the Middle Ages. In England a special official, the coroner, had investigated suspect deaths since the thirteenth century. Unlike the Amsterdam examiners, coroners always presented a legal conclusion, deciding among other things whether death was caused by homicide or suicide. The registration of suicide was less common in other parts of Europe, but that of death due to homicide, again regardless of the identification of a killer, occurred nearly everywhere. The documentation varies from elaborate investigations, as in England, to simple lists of annual numbers of victims. Often, the records in question have been preserved with chronological gaps, and for some towns or regions they still await study. Taken together, however, they provide us with a clear picture of the incidence of homicide in Europe from the late Middle Ages to the present. Figures from all over Europe have been systematically collected and analysed by several scholars, most notably Manuel Eisner. As with every type of crime, absolute numbers have little meaning; we count homicides relative to the total population of the town, region or country in question. An imaginary example serves to illustrate the soundness of this procedure. When five murders per year take place in a town of 10,000 inhabitants, it means that

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within a generation nearly everyone has direct experience of killing: in her street, in his family, by knowing people who witnessed the act and in still other ways. When a town of 1 million has thirty per year, it means that the overwhelming majority has only the indirect experience of killing.

The count relative to the total population is called the homicide rate. Unless specified otherwise, homicide rates refer to the annual number of killings per 100,000 inhabitants of a geographic entity. In the examples of the previous paragraph, the rates become 50 – typical for many medieval towns – and 3 – not uncommon for a modern European city – respectively. Note that the population of 10,000 in the first example is about (there is no strict rule) the minimum size of the geographic entity. Otherwise the calculated homicide rate would depend too much on chance. This is equally the case when we only have a figure for one year or so. Thus, fifteen Jacobins were murdered in Aubagne, a town of 7–8,000 inhabitants near Marseille, in 1795, and so the calculated homicide rate for Aubagne in 1795 is 200. This figures tells us only that political violence was high in the town; it is not an indication of overall levels of homicide in southern France in the 1790s.

Finally, meaningful figures must be based on systematic and trustworthy records: claims by contemporary commentators are to be treated with suspicion, especially if they complain that times are bad.

As suggested above, the foremost and basic result of the systematic study of homicide rates in European history is a picture of massive decline from the end of the Middle Ages to the 1950s and 1960s. Medieval rates vary widely per area investigated, at between 20 and 80 or so, but on average they are the highest found over time. Since the Middle Ages falls outside the scope of this chapter, there is no need for further discussion. Homicide rates have increased slightly since about 1970, but this likewise falls outside the present discussion. As it happens, the bulk of the decline had already taken place by the year 1800. Thus, the downward trend in European murder was especially characteristic for the period examined in this chapter. It should be emphasised that this decline of killing refers exclusively to interpersonal violence within the boundaries of developing states. One note of caution: the death count from violence during periods of civil conflict such as the French Wars of Religion (1562–98), the Thirty Years War (1618–48) or the British Civil Wars (1638–51) was much higher than records suggest. This was not just a result of military deaths; during periods of civil conflict all forms of homicide are likely

to increase. The greatest fall in the European homicide rate came after 1650 and particularly after 1700. Moreover, the downward trend in murder did not take place at the same pace throughout Europe. Italy, for example, always had much higher homicide rates than England, but in both countries they went down during the early modern period.\textsuperscript{3} Even though the Italian homicide rate fell, in accordance with the general pattern, it continued to remain as much as six times higher than that of England in the eighteenth century.\textsuperscript{4} Moreover, in the south, in particular, the homicide rate did not approach those rates in the core area of Europe until the early twentieth century. Within the early modern decline, finally, we observe recurrent upsurges of a local and sometimes national character, not all of which are easy to explain. Thus, English homicide rates rose to 5 or 6 in the 1590s, having been 3 or 4 between 1560 and 1590.\textsuperscript{5} In Bologna and its \textit{contado} the rate peaked to no less than 44.5 by the mid seventeenth century, following a severe plague in 1630.\textsuperscript{6} Amsterdam witnessed a temporary peak of nearly 10 between 1690 and 1720. The evidence from Aubagne shows how the Revolutionary decade of the 1790s led to an upsurge of personal vendettas in much of southern France, but it is difficult to place this in a long-term pattern since we have few reliable homicide rates for early modern France.\textsuperscript{7} To conclude, the early modern downward trend certainly was not unilinear, but it was unmistakably a trend. Admittedly, in the past a number of victims of violence died who, under modern circumstances, might have been saved. This makes the observed decline all the more significant: by far the largest share of the decline in the rates – by a factor from five to fifteen depending on the area under examination – took place during the early modern period. This was a period without any significant improvement in medical care; expertise and technology did not start to make a difference to homicide rates until the late nineteenth


\textsuperscript{4} For recent figures for Italy see Stuart Carroll, ‘Revenge and Reconciliation in Early Modern Italy’, \textit{Past & Present} 233 (2016), 101–42.


\textsuperscript{6} Colin Rose, ‘Homicide in North Italy: Bologna, 1600–1700’, unpublished PhD thesis, University of Toronto, 2016, 189. The rate of 44.5 is the mean of Rose’s sample years 1632, 1640, 1652 and 1660, which together yield a meaningful figure. See also Irene Fosi, \textit{Papal justice: Subjects and Courts in the Papal State, 1500–1750} (Washington, DC: Catholic University of America Press, 2011).

century or even later. The prevalence of one type of weapon used as opposed to another did affect injured victims’ chances of survival. During the upsurge of homicide in Amsterdam, when knife fighting was rampant, about a quarter of homicide victims might have been saved if modern medical treatment had been available. On average, however, the contribution of injury treatment to survival from attack was the same in 1500 as it was in 1800. The steep decline in European homicide rates therefore reflects a real decrease in the incidence of serious interpersonal violence. Moreover, in nearly every society with a high incidence of homicide, this high level is due, in an overwhelming part, to killings in which men are the victims as well as the perpetrators. Hence, the decline of European homicide was primarily a decline of male-on-male fighting.

Nevertheless, early modern Europeans were well aware that victims of assault often died as a consequence not of extreme violence but because of the inadequacy of medical care. Thus, an Amsterdam body inspection report of 1678 concludes that poor Jan Valk had not succumbed to his injuries but rather to the bad treatment that these had received. Among other things, those nursing him had failed to renew his bandages regularly, which had caused dirt to slip into his wounds. When the Amsterdam court arrested an offender for assault and his victim died a few weeks later, the magistrates routinely consulted medical opinion on who was to blame. When the doctors were unable to tell whether death was due to the initial wounding or to something else, the offender received the benefit of the doubt and the symbolic punishment of a sword being swung over his head was used instead of decapitation.

Whereas decline in the incidence of homicide forms the basis of our knowledge of interpersonal violence in Europe, the reverse applies to the rest of the world between 1500 and 1800. Here we lack reliable quantitative figures. An exception is the daybook kept by the alcalde mayor of the Mexican region of Yanhuitlán for twenty-six months in 1606–8. It lists all offences that came to his attention, but records not a single homicide. One offence consisted of inciting a son to commit murder. We should not draw any conclusions from this small sample. For the rest, we are largely ignorant about the quantitative dimension of lethal interpersonal violence in the non-Western world. In some cases, this may be due to a lack of documentation. In

9 Stadsarchief Amsterdam, Oud-Rechterlijk Archief, 640c: 11 July 1678.
other regions, research is hampered by the very quantity of the documentation. China, for example, has records similar to those left by English coroners for at least the Ming and Qing periods. Apart from the pioneering work of Thomas Buoye, these records have hardly been studied. Did China witness a decline in homicide similar to that seen in Europe, or was serious interpersonal violence, for reasons that await explanation, on the rise under the Ming and Qing? Chinese scholars are beginning to work on the data, and their results will transform our understanding of the problem. Comparison between the homicide rates in China and Europe promises to be a fruitful area for future research and collaboration.

Honour versus Criminalisation

We are better informed about one qualitative element in the non-Western world that relates to violence: the traditional concept of male honour. In many societies, a man’s honour depended on his readiness to fight. He had to defend his dignity whatever his interests were, if necessary by force. The more successful he was in this, the more honourable his peers considered him to be. An insult – verbal, by gesture or otherwise – could be cancelled out only by a physical attack or at least its threat. Thus, honour was not so much a motive for violence as it was an integral part of it. A man was obliged to defend his reputation and that of his dependants, in particular the sexual reputation of his wife and daughters. As a corollary, the slightest suggestion that a man could not control his dependants constituted an insult. In early modern Europe this concept of male honour played a crucial role in nearly all violent encounters. As will be shown, the rise of new notions of what it meant to be honourable was instrumental in the decline of homicide. Hence, levels of interpersonal violence are high when traditional male honour is widely valued. During the Middle Ages codes of chivalry and Catholic teaching acted to keep masculine codes of honour in check with varying degrees of success. Similar codes were developed in other pre-modern non-Western societies too. And we can be sure that these codes also functioned to control masculine behaviour in societies characterised by a strong tradition of machismo.

Such societies prevailed throughout Latin America, Africa and Asia in early modern times and beyond. A culture of traditional male honour shows up, for example, in the Inquisition and in court records of the Spanish American colonies. Colonists had brought this culture from the homeland, but

11 See Chapter 18 in this volume.
indigenous peoples, African slaves and men of mixed descent adapted their behaviour to fit the European cult of honour. As John Iliffe demonstrates, traditional male honour has been cherished equally by nearly all social classes throughout the African continent from pre-colonial times onwards. His literary evidence dates back to before 1500, showing the importance of warrior-like notions of male honour in the Ethiopian highlands and among the horse-riding elites of the sub-Saharan savannas. For Asia we can point to, among others, the samurai culture of Japan and similar martial traditions on the islands of Indonesia. For all regions mentioned there is no evidence that traditional male honour was less strongly valued in 1800 than in 1500, so we must assume that corresponding levels of honour-based male-on-male violence remained endemic throughout the early modern period.

Developments in Europe were different. Honour remains important to us today, but in different ways. Academic feuds are sparked by fears about reputation and essays are written ‘in honour of professor X at his retirement’. But the merits of these professors do not consist of wielding swords. The academic ‘honour’ bestowed on them has to do with inner qualities rather than bravado. In European history, honour gradually became spiritualised, losing its close association with the body and the necessity of using violence in its defence. By 1800 a large share of the upper and middle classes and even the ‘respectable’ layer of the working classes subscribed to the ideal that a man could be both honourable and peaceful. This change in the concept of honour is key to the decline of homicide in early modern Europe.

The creation of European empires and the export of slavery to the New World transformed indigenous societies and created features which distinguished the new colonial regimes from the European metropole in the early modern period. The institution of slavery and the creation of diverse multiracial societies with distinct racial hierarchies had a deep effect on the nature of interpersonal violence as well as on the code of honour that accompanied it. For example, freedmen of African descent in colonial Latin America might show their superiority by acting with extreme severity against slaves they considered disrespectful. This served to underline that the attackers, unlike the slaves, had some honour to begin with. Slavery likewise

14 I have used the term ‘spiritualisation of honor’ in publications since 1988. If one wants, one can substitute another term such as ‘sublimation’.
15 As slavery is a social institution we observe, so slave is an observed social role. It is unnecessarily complex to use terms like ‘enslaved person’, since it should be clear that a slave has not adopted his or her social role voluntarily and is likely to be unhappy with it.
affected the obligations of masters. In order to be considered men of honour, they not only had to control their own wives and daughters, as in Europe, but also had to supervise the sexual relations of their slaves. An incident in Cartagena de Indias, in present-day Colombia, makes clear what this might lead to. In 1602 the port city’s bishop issued an edict encouraging citizens to report cohabitating male and female slaves, which was forbidden. A hatter, Jerónimo de Serpa, made secret inquiries about the domestic situation of two slaves belonging to his neighbour, the merchant Francisco Luis. Luis considered his neighbour’s poking around in his affairs to be a sign of enmity. After exchanging a number of insults, Serpa finally challenged Luis to a duel, which took place in the street watched by a large crowd. Serpa received a serious head injury, of which he died six hours later. Luis had successfully regained dominion over the bodies of his slaves.  

In Europe, long before the waning of the honour code set in, states gradually suppressed interpersonal violence. Laws increasingly disqualified the defence of honour as justification for a physical attack. I have termed the entire process the ‘criminalisation of homicide’. This was a long drawn-out process that began in the Middle Ages and was not completed until the mid seventeenth century. Here I will only focus on the phases after 1500. By then, judicial prosecution had already become the norm in cases of homicide. However, most murderers were unlikely to suffer corporal punishment since sovereigns issued pardons freely and under the Roman law system it was possible to satisfy a blood crime with monetary compensation. A killer’s claim of provocation by the victim, always implicating a man’s honour, was usually sufficient to obtain a pardon from the French or English king, or the Burgundian rulers and their Habsburg successors. Criminal laws, moreover, were often ambiguous. Charles V’s law for the Holy Roman Empire of 1532, known as the Carolina, says: ‘When someone challenges, attacks or strikes another with a deadly weapon or arm and the imperilled person cannot reasonably escape without danger or injury to his body, life, honor and good repute, he may save his body and life through appropriate counterforce without any criminal penalty.’  

This wording treats a threat to the defender’s life and honour as a unity; whenever it is dishonourable to retreat, the Carolina does not oblige you to do so. Contemporary legal writers confirmed this interpretation. In Spain, as late as the 1620s several killers had confidently

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announced to their prospective victims that the penalty would be no more than 100 ducats, the price for registering a pardon.\textsuperscript{18}

Presently, the available evidence for the completion of the criminalisation of homicide is most detailed for the northern Netherlands. By the sixteenth century pardons were granted there on condition that the killer and his kin had formally reconciled with the victim’s family, which originally was a voluntary ritual. Subsequently, in about 1650, the ritual of reconciliation had practically disappeared and pardons for homicide became infrequent. Criminal prosecution had become the rule. A similar development took place in the whole of Scandinavia and in parts of the Holy Roman Empire.\textsuperscript{19} Of course, full criminalisation does not require that the punishment be death, as modern legal practice demonstrates. Thus, English killers of the eighteenth century were frequently pardoned, but this meant that they received the penalty of transportation instead. In France and Italy the full criminalisation of homicide was hampered by the ubiquity of pardons and the venality of the legal system, where it was fairly easy for those with the resources to pay off crimes of blood. Those convicted and punished for crimes of violence were invariably people of marginal status. For the Dutch Republic, we have the additional evidence of a tightening of the rules for self-defence. Notably, defending your honour and defending your life became disentangled, with just the latter counting as self-defence. Amsterdam homicide trials of the late seventeenth century illustrate this development. A man whose victim had been the first to draw a knife had subsequently offered his assailant the opportunity to exchange his broken knife for his friend’s: instead, he could have fled the scene, the court pointed out. The magistrates told another man who had not begun the fight that he could have retreated into one of the many houses at the spot. For these two defendants this would have meant acting dishonourably, but the Amsterdam court no longer recognised their honour code.

Can we find parallels to the criminalisation of homicide in non-Western societies? Since such a process presupposes some measure of monopolisation of force and a functioning judicial system, we would expect to find them only in relatively developed states. China is an obvious candidate. Here, the least we can say is that the criminalisation of homicide had been achieved under the Qing dynasty (1644–1912). This can be concluded from legal texts as well

\textsuperscript{19} See the evidence is reviewed in Spierenburg, History of Murder, pp. 57–64.
as court records. The Qing legal code included elaborate provisions for differentially punishing all kinds of murder. Only husbands who killed adulterous wives or their lovers met with relative leniency and understanding. Courts investigated all homicide cases that came to their knowledge and capital sentences were subject to review by a central institution. It is less easy to determine whether or not this system was already in place before the Qing. The evidence for other continents is even more patchy. Latin America saw the introduction of Spanish and Portuguese judicial institutions. It is therefore not surprising to see that in Mexico pardons were frequently being issued in 1800. In the West African Ashanti kingdom, on the other hand, few killers seem to have been criminally punished by a court. Justice continued to rely on an out-of-court ceremony sealed by the payment of blood money. This was very different to most European Roman law systems, where compensation for killing was mediated solely by the law courts, which invariably handed out some form of punishment, most often banishment. However, a fuller examination of the legal evidence from non-Western societies would extend our picture of the level of criminalisation of homicide there, and offer the possibilities of real and productive comparison with European practices.

Homicide: Types and Motives

In Europe, the transition from the Middle Ages to the early modern period brought about two changes that affected the character of male fighting and homicide. One was a decline in the relative importance of the larger kin network in favour of the nuclear family. In turn, this transition led to a decline in feuding, which was also due to other factors such as state repression, at least in western and northern Europe. Of course, people did not simply stop caring about distant cousins, but the requirement to take revenge for the murder of an uncle or nephew all but vanished in most of Europe by the eighteenth century. Likewise, it was no longer necessary to take revenge by attacking a killer’s father or brother. It should be noted that all of this involved a very gradual change, and that renewed episodes of feuding, often caused by state breakdown and civil conflict, occurred even in the heartlands of Europe until the mid seventeenth century. On many

Mediterranean islands and in some peripheral regions the culture of the vendetta survived into the twentieth century.

The second change involved the gradual acceptance of the virtues of fighting fairly with equal arms and numbers. At the beginning of the early modern period the collapse of medieval chivalric codes had meant that fairness mattered hardly if at all. In sixteenth-century France and Italy, where duelling spread most rapidly and widely, an unfair assault left no stain upon an avenger’s honour. Examples of treachery abound, while ambushes or attacks on weak, old men were common. A group of four or five kinsmen would often set out to retaliate against a single member of an enemy family. As the early modern period progressed such practices increasingly met with peer disapproval. This explains the differences in homicide rates across Europe. North-western Europe led the way in accepting a new rule-bound concept of honour, while Italy continued to be beset by a culture of vendetta. In northern Europe, in particular, during the seventeenth century traditional male honour still held sway, but it became tied more firmly to the principle of equity and required justification. Next to an equality in the number of combatants on both sides, this principle also involved an equality of weapons. Remarkably, perhaps, increased emphasis on one-on-one fighting emerged at about the same time among groups at the top and the bottom of the social ladder. With the present state of our knowledge, we cannot tell whether this amounted to a process of acculturation among the lower orders. The greater value placed on fairness of fighting did not prevent unfair fights from occurring, but unfairness was a stigma that the man of honour did his best to avoid.

In categorising types of male-on-male fighting in early modern Europe, then, the basic division was fair and unfair. This transformation had much to do with the development of class identities. The elite duel was perceived as superior to the plebeian brawl. In theory, formal duels were agreed upon after a written challenge of the aggrieved party to the prospective opponent, while published codes explained the rules and the honour principle involved. In practice, formal rules and principles of fairness were only slowly established. Until the end of the seventeenth century, in countries like Germany, Italy and France, it was common for seconds – officially non-combating assistants – to take part. At the same time, many duellists handled a second weapon, usually a dagger, with their free hand. Such practices remained

common into the seventeenth century. The discrepancy between theory and practice underlines the gradualness of the transition from brawls and melees fought to the death into properly regulated and formalised combats. Since duels were illegal, combatants referred to these fights as encounters, which they claimed were fortuitous and therefore not subject to the law. In general, the early modern period saw a transition from these bloody encounters to more regulated fights to first blood. This is indicative of wider changes to elite culture and the fact that honour could increasingly be satisfied without recourse to extreme violence.

But duelling was not confined to the elite. The plebeian duel was both similar to and different from its elite counterpart. Gradually, the idea that honour could be satisfied by a fair contest also came to dominate. So, for instance, the popular notion came to prevail that when one of the fighters was in the company of a friend then the latter should refrain from interfering. In some Dutch cases the unaccompanied man complimented the other’s friend, saying ‘you are an eerlijk man’ (a man of honour). All kinds of grievances could lead a man to challenge another to a fight, as with the formal duel, which in both cases did not necessarily result in the death of a combatant. Nevertheless there were significant differences to elite combats. In the popular duel the challenge was verbal rather than on paper. Participants relied on custom since they had no access to written duelling codes or expert opinion. Most elite encounters seem to have been premeditated, whereas the popular duel had greater immediacy. The fight would follow immediately after the challenge on the spot, albeit that, when an insult or quarrel had given rise to a challenge in a tavern, the two men would normally go outside. Although the weapons used were equal in individual instances, various types were common in different parts of Europe. In regions where the plebeian bearing of swords was widespread, for example in the Holy Roman Empire, these were commonly used in the popular duel too. In some places, perhaps most notably in England, where arms bearing by the people was less common, it was fought with fists only. The knife fight, practised in urban as well as rural areas throughout early modern Europe, was perhaps the most widespread and certainly the most notorious form of popular duel, with its own rituals and techniques. In Amsterdam, for example, the use of sticks as a defensive weapon against knives was common. There is no reason to see these as unfair fights, despite the disparity in weapons. It regularly happened that a man armed with a knife attacked another, for whatever reason, who refused to draw a knife too. Instead, the defender grabbed a stick. For one thing, this allowed him to keep enough distance to his attacker to avoid getting stabbed. The defender
could be quite resolute; his aim was either to hit the knife out of his attacker’s hand or to deal him such fierce blows that he backed off. This resulted in a precarious equality of chances, exemplified by the fact that, although some stick wielders were stabbed to death, others managed to hit the knife handler so hard that he died. Even here we can discern changes in social and cultural practices. Gentlemen across Europe wielded sticks only to punish their inferiors and beat their tenants. They employed lackeys to administer beatings for them. Knives were increasingly identified as plebeian weapons that a gentleman should not be seen carrying. Even in Italy, they were increasingly seen as dishonourable weapons. In Amsterdam, the evidence leaves no doubt that defenders wielding staves had a social status higher than that of knife fighters: the former considered it beneath their dignity to handle a knife and, consequently, refused to be associated with such a plebeian and dangerous weapon. What this reveals is the ways in which violence and reactions to it were programmed by social status and social expectation.

Truly unfair fights cannot be properly classed as duels. However, it needs to be stressed that the absence of parity did not necessarily result in a loss of honour. The men initiating unequal fights either did not consider unfairness dishonourable or considered that winning at all costs was the surer way of winning honour. Others were motivated by a sense of injustice or that they had been disrespected and considered that any form of retaliation was justifiable. These feelings meant that the cult of honour in early modern Europe often required degrading or humiliating others. A man increased his own honour by diminishing that of other men. This could take all kinds of forms, from stabbing someone while he was urinating – instances of which are recorded in sixteenth-century France – to snatching away his hat. But these instances also suggest that injured honour was the principle motive in unequal confrontations – an enemy might simply need to be disposed of or humiliated. We should therefore imagine physical confrontations as a continuum from the unprovoked assaults just mentioned to more spontaneous cases in which an angry client in a bar attacked a landlord, which was in turn different from the instrumental violence used by professionals like street robbers and bandits.

This differentiation between different types of violence can probably be extended to the non-Western world in the early modern period. But the present state of research does not permit a systematic comparison. We know, for example, that in samurai culture distinctions were made between fair and unfair fights and virtue or shame were conferred accordingly. The evidence for duelling and knife fighting in Latin America, on the other hand, is largely confined to the nineteenth and early twentieth centuries, although the
Cartagena case mentioned earlier had all the features of a duel except the name itself. The persistence of feuding is more discernible in several parts of the world. Feuding was rampant on China’s south-east coast, for example, while Macheng county, a mountainous inland region, had a reputation for violence that lasted more than seven centuries. Factional feuds also occurred in early modern Damascus under Ottoman rule, but they were fought by servants and clients only.\(^{22}\) The chances for global comparison are better when we turn to motives.

Even in Europe, the historical literature lacks consensus about how to categorise motives for violence. Some authors make a claim for monocausal explanations. For example, the anthropologist Alan Fiske claims that all violence is shaped by moral codes.\(^{23}\) However, court cases show that the motives for violence are often complex, or unknowable. Violence, according to anthropologist David Riches, is perspectival, something we can see in the diverging perspectives of the parties involved in an Amsterdam murder trial in 1787. The defendant, a Swedish sailor named Nicolaes Noortsteyn, had upset his superiors on the journey home to Amsterdam by writing a note in which he called the captain Satan, his officers devils, and demanded that the ship’s command be transferred to him. Noortsteyn’s superiors considered him mad, though once in port he was certified by a doctor to be sane. A few months later, in one of the city’s lodging houses, Noortsteyn killed a 19-year-old fellow lodger, stabbing him five times in the chest and belly. During a long set of interrogations the defendant insisted on his sanity; he had committed a sin, he declared, but in the end he admitted that he was tired of life and wished to be executed. For their part, the magistrates entertained the possibility that he had committed the murder under the influence of the teachings of the philosopher and mystic Emanuel Swedenborg. According to their interpretation, the boy had told Noortsteyn that he longed to be with his mother in heaven; by fulfilling his wish, Noortsteyn believed that he, too, would end up there and that both would experience eternal bliss. What is significant about this case is the concern of the court for the truth and the defendant’s welfare.\(^ {24}\) Finally, the


judges concluded that the defendant was insane after all, sending him to the rasphouse, or asylum, for an indefinite period.25

This case offers various possibilities for attributing motive. We might agree with the Amsterdam judges, that it was caused by insanity; alternatively, it lends itself to the label ‘indirect suicide’, a typology formulated by Tyge Krogh. Krogh has uncovered what he calls ‘suicide murder’, that is, people with a death wish who refused to kill themselves but killed another instead in order to be executed. This was frequent in early modern Scandinavia, where the demands of a strict Lutheran upbringing increased the propensity for self-harm, but where suicide was a mortal sin. Most suicide murderers chose as their victim a girl or boy much younger than the late teen stabbed by Noortsteyn. They believed that an innocent child would definitely go to heaven. This distinction introduces a third possible motive: the victim himself wished also to die and that this was part of what we would call today a ‘suicide pact’. It explains the implicit lack of resistance by the victim in the story. This story has a modern ring to it and reminds us of the ways in which terrorists or the perpetrators of mass murder can be socialised or brainwashed into killing. Noortsteyn was guided by his interpretation of the teachings of the mystic, Swedenborg. This was therefore a killing with a religious or ideological motivation. Various chapters of this volume pay attention to religious violence in the non-Western world, but mostly to the collective variant. The Indian thagi or thugs, whose operations date back to the eighteenth century, constitute an example of religiously inspired violence on a more individual scale, though the interpretation that they strangled unsuspecting travellers in order to ritually offer them to the goddess Kali has been contested. Possibly, they were bandits of a more mundane type, who did believe that a goddess offered them special protection. Nevertheless, there is a close relationship between conscience, morality and violence.

The statistically important role played by bandits and robbers in levels of violence within Europe, most notably in Italy, has also been attested for several parts of the non-Western world. There is no need to dwell on this in detail. In pre-modern societies, with large parts of the population living at subsistence level, life was cheap. However, during the early modern period states increasingly attempted to curb the excesses of soldiers and to differentiate between criminal robbery and actions required by military

operations. Bandits counted as dishonourable in most societies, certainly among the propertied classes.\(^\text{26}\) By contrast, more understandable to contemporaries and to some extent allowed by the law was the defence of one’s property. It was acceptable for any man when attacked to defend his rights and property. In early modern rural Europe conflicts over land use or the allocation of scarce resources loomed large among motives for homicide. This was equally so in several parts of the non-Western world, such as Qing China. Land and debt constituted one of four categories used by the justice ministry in China to classify homicides.

**Conclusion**

This chapter has sought to place European developments within a global perspective. The present state of research on non-European regions means that any such comparison is tentative and provisional. Only after this volume has been completed, digested and debated will such a comparison be truly possible. I have attempted some broad points of contrast and comparison, but given the present state of research I have offered no overall picture of the transformations of male-on-male violence outside Europe in the early modern period. My conclusion, therefore, must refer to Europe alone. Between 1500 and 1800 interpersonal violence among men transformed both in a quantitative and a qualitative sense. I would argue that we can explain these developments with the help of the theories of Norbert Elias, supplemented with the work of Pierre Bourdieu.

Many authors attribute the great decline in homicide rates, which was primarily a decline in male-on-male violence, to civilising processes. The average level of self-control of which people were capable, including control over aggressive impulses, increased. In turn, this was due to the monopolisation of force within Europe’s emerging states. In Elias’s theory, moreover, changes in the (power) relationships between social groups are equally important. This explains how the social differentiation in male fighting impacted on rates of violence. Across Europe, the idea that duelling, a fair fight between equals, was befitting a gentleman came to be the norm during

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the seventeenth century. The elites refused to consider a knife fight a duel, ranking it along with common brawls as an unworthy pursuit for lower persons, and this attitude gradually trickled down. During the eighteenth century the elite duel, too, began to lose much of its value as a signifier of status and honour for upper-class men, particularly in north-western Europe. Across the whole of Europe fighting to first blood was now considered sufficient to repair honour. The elites were also pacified in the civil sphere by the growing demands of military discipline required by the expansion and sophistication of modern standing armies. Nobles and high-ranking bureaucrats became tied to supra-local centres such as princely courts, where they were expected to exhibit restrained behaviour. The pacification of the elites reinforced the peaceful tendencies of other groups.

Along with state formation, commercial expansion in the seventeenth century was an equally crucial factor. Thus, Holland and other provinces of the Dutch Republic were dominated by an urban patriciate with a largely civil and commercial outlook; its members constituted one of the few elite groups who condemned duelling from the outset. The total number of towns grew during the early modern period and most cities increased in size. Even the largest conglomerations – Paris, London and Amsterdam – developed sophisticated mechanisms of social control that had a pacifying effect. More importantly, commercial and bourgeois elites had a different concept of honour and largely eschewed the cult of violence associated with a landed aristocracy. In the course of the eighteenth century serious violence involving knives largely disappeared from cities like Amsterdam and London. Gentlemen no longer needed to carry swords in these cities. Thus commercial expansion and state formation mutually reinforced each other. The decline of Italy’s great urban centres in this period may account for the higher homicide rates they experienced.

The pacification of the elites constituted a crucial intermediary between processes of state formation and commercial expansion, on the one hand, and the decrease of serious violence and aggressive impulses among broader sectors of the population, on the other. The upper layers of the working classes, for example, had no great stake in the state or in the economy, but they increasingly sought to ape the cultural model of a peaceful lifestyle provided by their superiors. There was not one type of model state in Europe. The court of the House of Orange was of less significance than the fact that Dutch patricians and rich burghers, for example, acquired

27 Spierenburg, Violence and Punishment, ch. 2.
28 See Chapter 33 in this volume.
a stake in the state by financing it. In France, the court played a more significant role in the civilising process. Italy provides another point of contrast. The failings of the state there probably explain why Italian homicide rates did not go down until the end of the seventeenth century, and in the south even later. Not only was the monopolisation of force exercised by the territorial states of Italy in the sixteenth and seventeenth centuries relatively limited, but their rulers were largely unable to pacify local and regional aristocracies. The ancient leading families of former city-states ruled by Venice, for example, continued their feuds into the seventeenth century. In Bologna, the aristocracy did not accept papal rule and its law courts as legitimate until the eighteenth century. Despite the adoption of elegant manners in other spheres of social life, the Italian elites retained their affection for the culture of vendetta. As long as this lasted, the population at large was devoid of a virtuous model to emulate.

Finally, the pacification of the elites was intimately related to the spiritualisation of honour. Honour is often categorised as a cultural capital, which in Bourdieus’s theory is but one form of capital next to a person’s economic or social assets. The transformation of the honour code meant that honour was still a valued commodity for elite men, but now it could be won not just by displaying martial prowess, but by commercial, intellectual, artistic or moral achievement. These were largely unattainable for lower-class men, who additionally lacked economic and social capital by definition. This explains why lower-class men continued to cherish traditional notions of honour, which obliged them to be violent when necessary.

Bibliographic Essay


The Paradox of Self-Killing

As a form of violence, self-annihilation is inherently paradoxical, as subject is both perpetrator and victim alike. No other act of violence directs physical injury at the self with the conscious intent to bring about one’s own demise. Historically, contemporaries both condemned some suicidal behaviours as heinous usurpations of godly and princely authority over life and death and, alternately, praised others as honourable acts of self-sacrifice to the greater glory of God and country. In other words, in addition to overarching normative proscriptions, context, motivation and intentionality – key components in the current analyses of suicidologists – also played distinguishable roles in the early modern casuistry of self-killing.

For example, morally condemned by Christianity as the sin of despair since antiquity, self-killing emerged throughout the medieval West as the crime of self-murder. Just as Renaissance humanists had revived Roman stoic justifications for ending one’s own life, Reformed Protestants diminished the role of free will by reinterpreting self-murder as a sign of inescapable predestination. The Enlightenment came to favour broader social and medical explanations, even inventing a Latinate neologism, ‘suicide’, to depict self-destructive behaviour as a regrettable pathology. It remained for nineteenth-century moral statisticians to invent a global master narrative of ever-increasing rates of suicide as an unavoidable social by-product of modernity.

Nonetheless, Western notions about self-murder were by no means ubiquitous during the early modern period. And so this chapter not only considers the origin and development of Western perceptions, but also locates them within a comparative global context. In particular, comparisons are made with East and South Asia, where our knowledge of their early
modern cultures of suicide permit the adumbration of critical hypotheses regarding differing perceptions of self-killing.

‘The Violent against Themselves’

In early modern Europe, paradoxical attitudes towards self-killing appeared during the Renaissance. In his *Inferno* – part one of the Florentine poet’s epic fourteenth-century trilogy, the *Divine Comedy* – Dante describes a journey through Hell guided by his ancient Roman counterpart Virgil. Upon reaching the seventh circle, they encounter the violent, dispersed into three concentric rings according to their victims – violence against neighbours in the first ring, the self in the second and God in the third. ‘Against themselves men may be violent, And their own lives or their own goods destroy; So they in the second ring in vain repent’.¹ In the seventh circle, among blasphemers, murderers, sodomites and usurers, Dante and Virgil witness the peculiar torture reserved exclusively for souls forced to quit their bodies through mad violence against the self: transformed into a forest of withered trees eternally tormented by harpies, they remain imprisoned until the end of days. Even at the Resurrection, they cannot reunite with their corpses, violently destroyed in an estranged state of self-loathing.

Dante drew on rich classical and Christian traditions. From the fifth century Christian teaching on self-killing relied heavily on St Augustine, who advised that violent and illegitimate usurpation of God’s dominion over all human life applied equally to self-killing as a form of murder.² Augustine drew on Plato’s comparison to a cowardly soldier abandoning his post. He condemned self-killing on all accounts, whether to escape shame, expiate sin or to attain eternal reward through martyrdom. Practically, Augustine’s disapproval arose from his confrontation with Donatism, an early Christian sect zealously engaged in self-sacrifice as martyrdom during the Roman persecutions. He feared the Donatist emphasis on martyrdom cost the early Christian movement far too many valuable adherents.

As historians, we can never know exactly what motivates another person to end their own life, only how they are judged by contemporaries. Today, suicidologists and journalists still commonly explain suicidality through despair and loss of hope, though these terms have evolved considerably over time. In literature and art, despair already loomed large as the antithesis

¹ Dante, *Inferno*, Canto XI, 28–33; Canto XIII, 40–2.
of hope since antiquity. Prudentius, a contemporary of Augustine, fused Roman and Christian beliefs about the soul in his *Psychomachia* (*War for the Soul*), portraying an endless conflict between right and wrong waged on the battleground of every person’s soul. He pitted Hope in mortal combat against the horrible giant Despair. Prudentius’ moral message harmonised with the teachings of St Augustine and resonated through the Middle Ages in depictions of the virtues and vices, notably in Dante’s *Divine Comedy*.

Despair (*desperatio*), a compound word, combines the Latin preposition ‘from’ (*de*) with the noun ‘hope’ (*spes*). For Christians, it implied a loss of faith in personal salvation and the resurrection at the Last Judgement. Despair remained a common allegorical trope throughout the early modern period, regularly depicted by artists like Giotto as a self-hanged person in juxtaposition to Hope (as in the Scrovegni Chapel in Padua) or as Judas. Those judged to have committed suicide in possession of their faculties (*compos mentis*) were deemed apostates, beyond all hope of salvation. Medieval theology universally condemned desperate self-murder as a heinous sin committed at the behest of the devil.

Renaissance humanists resurrected more ambivalent notions from Greek and Roman philosophy. The ancients eulogised heroic self-sacrifice as valour and praised stoic self-killing to uphold honour. In practice, however, Roman notions of honour remained embedded in class and gender; only free, Roman, male citizens availed themselves of self-killing with honour, while it was frowned upon among the lower classes, women and especially slaves. When self-killing alienated familial authority over legal property without permission, the Romans despised it publicly as an act of cowardice.

Renaissance humanists idealised self-killing in antiquity to promote acceptance under certain circumstances and admit autonomous free will justifying self-harm. They were aided by resurgent Roman law. By the sixteenth century powerful voices advocated for leniency. One of the earliest is found in Thomas More’s *Utopia* (1516). In book two, More describes the custom of euthanasia on the island of Utopia. He recounts how patients with

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3 According to Anton van Hoof, who examined over 1,200 case histories from ancient Greece and Rome, despair (*desperatio*) as a category made up 24 per cent of all ascertainable motivations, second only to shame (*pudor*) at 29 per cent: Anton van Hoof, ‘A Historical Perspective on Suicide’, in Ronald Maris, Alan Bermann and Morton Silverman (eds.), *Comprehensive Textbook of Suicidology* (New York and London: Guilford Press, 2000), pp. 96–123.


painful and terminal illnesses were advised by priests and government officials to ‘cut their losses’, escape their misery and put an end to their own suffering.\(^6\) If convinced voluntarily, patients might starve themselves to death or accept an overdose of laudanum and still receive an honourable burial. Patients unwilling to end their lives voluntarily continued to benefit from kind medical attention without prejudice until they expired from natural causes. More realised how controversial such opinions were at the time and protected himself by locating the practice on the far-off satirical island of Utopia (Nowhere). Faithfully cognisant of the dangers for practitioners of the recently reinvented and as yet untested genre of satire (More’s refusal to take the Oath of Supremacy, recognising Henry VIII as head of the English Church and his divorce from Catherine of Aragon, ultimately cost him his head), he reassured readers that, on the island of Utopia, anyone committing suicide for reasons deemed unworthy by the authorities forfeited their right to a proper burial.

In his *Essays*, Michel de Montaigne also consigned his philosophical ruminations on self-killing to the natives of far-off lands. With copious references from classical antiquity, he justified fearlessness in the face of death and the fortitude to end one’s life whenever continued existence became unbearable. On the issue of ownership of the self, as laid out in Roman law and highlighted by St Augustine, Montaigne calmly observed: ‘Just as I break no laws against theft when I make off with my own property or cut my own purse, nor the laws against arson if I burn my own woods, so too I am not bound to the laws against murder if I take my own life.’\(^7\) He recalled many cases of Spartan bravery, in particular retelling the tale of a slave who spited his master’s commands by jumping from a cliff, preferring the freedom of death to a life of servitude.

Montaigne’s ideas resounded in William Shakespeare’s famous commentary on self-killing: Hamlet’s soliloquy ‘To be or not to be’ raises the fundamental question of human existence:

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\text{Whether tis nobler in the mind to suffer} \\
\text{The slings and arrows of outrageous fortune,} \\
\text{Or to take Arms against a Sea of troubles,} \\
\text{And by opposing end them: to die, to sleep} \\
\text{No more; and by a sleep, to say we end} \\
\text{the heart-ache, and the thousand natural shocks} \\
\text{that Flesh is heir to?}
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by the eighteenth century enlightened philosophes could ruminate on suicide as both a social issue as well as a matter of individual conscience. In his essay Of Suicide (1755), David Hume presupposed that while one person might disturb society, the governance of the whole world was beyond one person’s violence to the extent that ‘a man who retires from life does no harm to society’. By then, he could stake his reputation with unflinching assuredness on the certain belief that, ‘no man ever threw away life while it was worth keeping’, thereby effectively rendering the avoidance of suffering, whatever the source, as justification for all suicides. Eighteenth-century physicians went further to promote a pathological view of self-killing, suggesting that all suicides suffered from physical or mental infirmity and were, therefore, non compos mentis. Of course, religious prejudices never disappeared entirely and even if some basic presumptions against self-killing changed, Europeans generally continued to judge suicide pejoratively, albeit it as a sickness to be treated and pitied rather than condemned and persecuted outright.

The Crime of Self-Murder

The first European record of judicial process for self-killing is an account from the English rolls of the twelfth century for ‘a woman who hanged herself’ with possessions worth seven shillings. The rise of inquisitorial Roman law procedure in the late Middle Ages led to an attendant rise in recorded prosecutions for self-murder, declining only after the advent of decriminalisation from the eighteenth century onwards. The transition was uneven: statutes prohibiting suicide remained on the books in England and Wales until 1961, in Ireland until 1993; in Scotland, a person committing suicide today may still theoretically be charged with culpable homicide.

The word ‘suicide’ itself is a neologism, entering the English language through Thomas Browne’s Religio Medici of 1643: ‘yet herein are they in extreames, that can allow a man to be his own Assaîine, and so highly extoll

8 David Hume, On Suicide (Harmondsworth: Penguin, 2005), p. 8f.
the end and suicide of Cato’. The spread of ‘suicide’ to other European languages during the eighteenth century ‘reflects a gradual and complex historical process of pathologising and decriminalising the act of taking one’s own life’. Luminaries thus hoped to destigmatise self-killing by eliminating any pejorative religious connotations attached to an activity legitimised through an invented Latin word. However, by defining the act in conjunction with the verb ‘to commit’, they unwittingly reinforced both its traditional association with homicide and the depiction of the self-killer as the perpetrator of a crime, an association that remains implicit into the present day. Occasionally, the association wasn’t entirely unwitting. During the nineteenth century the officially sanctioned procedure of delivering the cadavers of impoverished self-killers to anatomical theatres for medical dissection by doctors-in-training was ubiquitous.

Prior to the discovery of the term ‘suicide’, official inquiries into the crime of self-murder most often discussed the felo de se (felon of themselves) in reference to method (self-hanged, self-drowned, self-shot, etc.). Investigations served cross-purposes, foremost to ascertain cause of death as either homicide, suicide or misadventure. Always a complex procedure, investigations involved coroners, eyewitnesses, statements from relations and neighbours and expert testimony from physicians, parish priests and pastors regarding the physical circumstances of the death and the deceased’s state of mind.

Given existing folk attitudes towards corpses, peculiar circumstances during such investigations were not unusual. Disputes left corpses rotting in barrels awaiting final disposition and endangering communities with infectious disease. In one particularly bizarre incident involving a dispute over a property confiscation in Germany, a corpse was formally summoned to appear before judges in camera for examination in 1542. The relatives did not appear, so it was judged a suicide and sentenced to burning with the property forfeit. Determination of cause of death aimed to prevent murder cover-ups masquerading as suicide. As accused criminals, both failed (living) and successful (dead) self-murders faced legal sanctions and social degradation.

10 Thomas Browne, Religio Medici (London: Sampson Low, Marston, Searle & Rivington, 1645), p. 92f., pdf facsimile, University of Chicago Library, http://penelope.uchicago.edu/relmed/relmed1645.pdf. Cato the Younger reportedly eviscerated himself in 46 BCE after defeat at the battle of Thapsus, upon which the Roman historian Plutarch wrote in a letter to Caesar, ‘Cato, I grudge you your death, as you would have grudged me the preservation of your life’. The implications of suicide, for honourable Roman citizens, had reverted to a grudge match.


12 State Archives Munich, Reichskammergericht, Bestellnr. 14192.
Legal sanctions from church and state – chiefly confiscation of property and elaborately degrading funerary rituals – evolved to punish the self-murderer after death. In the early modern period local rituals and customs ranged from removal through a tunnel dug under the threshold of a door, dragging the corpse backwards from a donkey’s tail to its final resting place (the so-called asses’ burial depicted in Jeremiah 36:30), disposal in a barrel thrown into a nearby river, interment under the gallows, disposal in swamps or other waste places, burial at a crossroads with a stake driven through the heart, hanging upside down on a pitchfork (furca) or burning to ash.\(^{13}\)

Euphemisms were regularly deployed and while their meanings were abundantly clear to contemporaries, they are now often misunderstood. The term ‘despair’ is a case in point. Since ‘suicide’ is an eighteenth-century neologism, modern scholars will search for it in vain in sources from the fourteenth to mid seventeenth centuries. For that reason, researchers need to pay special attention to mentions of ‘despair’ and its equivalents in other European languages as an indicator of suicidality. Despair arose from temptations of the devil or Satan, who sowed seeds of doubt and attempted to convince suicidal persons of the futility of life. Accounts in legal texts as well as literature throughout Europe commonly depict desperate self-murders committed at the instigation of the devil.\(^{14}\) In his memoirs, the seventeenth-century London master craftsman Nehemiah Wallington recounts his eleven attempts at his own life instigated by the temptations of Satan, who appeared to him as a crow, his sister and a minister, as well as in aural hallucinations, without ever mentioning suicide at all.\(^{15}\)

Apart from punishment by the authorities, the crime of self-murder carried the stigma of dishonour. Local authorities sanctioned executioners to conduct removals and degradations in order to prevent honourable individuals from coming into physical contact with the corpse of a self-killer. Apart from incurring public shame, early modern honour codes held systematically enforced legal ramifications, analogous to the caste system in India. Strict laws concerning loss of honour prevented citizenship in towns, membership in guilds, the practice of an honourable trade and marriage in respectable


circles. Individuals who came into physical contact with the corpse of a self-murderer (or who touched the executioner or the gallows for that matter) forfeited their honourable status and had to seek legal redress to have it reinstated.\(^\text{16}\) As the practitioner of a dishonourable trade, the legal and moral stigma of dishonour through physical contact with the self-murderer could not affect the executioner or local knackers, hired by the executioner as assistants. Removal represented yet another dishonourable task in the executioner’s and knacker’s repertoire of duties (along with dog-catching, inflicting torture upon suspected criminals during their interrogation, disposal of the carcasses of dead animals and the removal of night soil), for which they received substantial remuneration from town councils and state authorities.

In addition to statutory rewards for disposing of the corpse of the self-murderer, the executioner traditionally claimed possession of all goods within a sword’s length of the body.\(^\text{17}\) Records pertaining to the local executioner are a reliable source of information regarding early modern perceptions and the procedural treatment of self-killers. In Augsburg, for example, the executioner placed the corpse in a barrel and disposed of it in the Lech River. The town council duly recorded payment for the construction of each barrel and, from these and other sources, we can ascertain crude rates of reported self-killing.\(^\text{18}\) The law code of Baden stated:

If it happens that someone in our town and our jurisdiction brings death on himself and this becomes known, the man or woman should be shut in a barrel and on each side of the barrel should be [fastened] a note [to say] what he has done; and he should be thrown in the river Limmat and allowed to float away.\(^\text{19}\)

Notes affixed to the containers read, ‘Let it go! Official!’ to ward off treasure seekers and garbage pickers. The custom extended to many towns located on rivers, such as Basel, Frankfurt am Main, Lucerne, Regensburg, Strasbourg and Zurich.

A self-killing by someone declared sane (\textit{compos mentis}) by the court was invariably attributed to despair and apostasy, namely, the rejection of hope in

\(^{16}\) On the social status and role of the executioner, see Kathy Stuart, \textit{Defiled Trades and Social Outcasts: Honor and Ritual Pollution in Early Modern Germany} (Cambridge: Cambridge University Press, 2000).


salvation, and therefore the self-killing was considered to have been committed at the behest of the devil. This spawned a variety of folk beliefs. Communities feared the return of the dead as revenants caught between this world and the next, wandering endlessly in search of expiation and haunting the living. Consequently, families ordered bodies removed from buildings through a tunnel dug under the threshold and subsequently filled the tunnel to confuse revenants seeking re-entry. The corpses might also be buried at a crossroads to add to the revenant’s confusion, or staked down through the heart to hold them in place.

In Catholic regions, burial in hallowed ground was prohibited by ecclesiastical law as a profanation of a cemetery. Another communal fear arose concerning divine retribution for the burial of a self-murderer in the local cemetery. In communities dependent upon subsistence agriculture, the peasantry observed over centuries how inclement weather, particularly hailstorms that destroyed crops and livestock, appeared to coincide with the outrage of self-killers. In reaction, they meted out vigilante justice, sacking and destroying the deceased’s household to eliminate their memory from the community. Just such an event is illustrated in a Swiss collection of woodcuts, which depicts a crowd of locals disinterring a body and burning it. Even when authorities intervened and reports confirmed that a self-killer had suffered chronic illness or insanity, angry mobs violently disinterred corpses.

Occasionally, tensions between ecclesiastical authorities, secular authorities and the populace over the interment of self-murderers ended in violence and legal sanctions. Peasants and members of the lower clergy were chastised for harbouring such ‘superstitions’. However, their beliefs contained an essential logic, which simply inverted cause and effect. Suicide was held responsible in the popular mind for crop failures and famine. Upon closer examination of individual case histories, we find evidence pointing to suffering, starvation and chronic illness as significant motivations to take one’s own life.

As in the case of witchcraft persecutions, the equation of folk beliefs about self-killing with unfounded superstition is clearly an oversimplification.

22 Zentralbibliothek Zürich, MS F29a, fo. 178r, reprinted in Marzio Barbagli, Farewell to the World: A History of Suicide (Cambridge: Polity, 2015), illus. 4.
of the complex interpretive processes of the collective consciousness in the face of environmental and biological events. Unfairly attributed to an ignorant and superstitious peasantry by enlightened scholars and physicians, today such beliefs are equally as unfairly condemned as evidence of social constructivism or simply blamed on religion.

Theoretical debate also exists questioning whether these European rituals served either as deterrents, indicators of anthropological pollution anxieties, manifestations of popular fears subsequently rejected by the Enlightenment as unfounded prejudice and common superstition, or, as Alexander Murray claims, as pragmatic methods of waste disposal. Nonetheless, even after elite commentators no longer condemned suicide outright, many continued and continue to regard suicidality pejoratively as a pitiable condition or as indicative of pathological weakness.

This is significant from the perspective of moral panics and demonstrates, at least in this particular instance, the direct correlation between climate-related crises and popular culture. To illustrate the functional social mechanisms by which a moral panic over self-killing resulted in violent unrest, we need simply to triangulate instances of subsistence crises, peaks in rates of suicide and witchcraft persecutions during the era of a well-researched climatic phenomenon known as the Little Ice Age, in particular the deepening and disastrous cycle of inclement weather, crop failures, famines, price inflation and pandemics during the years 1580 to 1650. Although primary sources documenting suicides were never intended for statistical analysis in the systematically quantitative fashion employed by suicidologists since the nineteenth century, even a perfunctory graphic analysis of available information on reported suicides is illustrative. Spikes in suicide rates at this time tended to conform with the aforementioned crisis events and peaks in rates of witch hunting, which have also received much quantitative attention. In other words, what for enlightened authors was made to appear a mindless superstition in fact evidences real crises in a society dependent upon subsistence agriculture which resulted in moral panics and scapegoating behaviour. Crudely put, it is an anthropological demonstration of how weather events influence the popular mood.

Global Comparisons: Self-Sacrifice and Gender

Up to now we have dwelled on the history of suicide in Europe during the early modern period, and there is an obvious reason for this: of all places and

24 For an explication of the statistics, see ibid.
times, this geographic area has been the subject of far more research than any other. In part, this is because Europeans have historically, at least since the early modern period, been more preoccupied with the idea and concept of self-killing than other societies, in large part due to the importance of Christian theology. Any comparative approach to the early modern global history of self-killing should therefore begin with religion. Although very different views of self-killing emerged in non-Christian societies during the early modern period, they too were largely predicated upon religious and ethical values. However, comparative analysis is complicated by a relatively diminished sense of moral outrage against suicide outside of the West.

One potentially fruitful linkage is found in the religious meanings of self-sacrifice; for despite harsh punishments for some self-killers, even Christianity treated self-sacrifice with ambivalence towards an intentional act resulting in one’s own death, as long as it contributed to the cause of religious-based communal values and ideals. Nearly every society accepts virtuous and heroic acts of self-sacrifice on behalf of the greater good. At first glance, a direct linkage between martyrdom and suicide may seem controversial, particularly to the adherents of any religious or ethical persuasion. However, even a cursory examination of the entry for ‘martyrdom’ in the multi-volume Encyclopedia of Religion immediately refers the reader elsewhere: ‘For discussion of ritual death in a cross-cultural context, see Suicide’.  

Indeed, while self-killing precludes accidental death and homicide, high-risk behaviours taken without regard for personal safety and in certain knowledge of self-annihilation, especially in fulfilment of a religious or ritual obligation, evidence suicidality in the strictest possible sense. Behaviours placing the self in imminent danger and at certain risk of violent death by another (martyrdom and self-sacrifice) aim at a suicidal outcome. Furthermore, the issues of martyrdom and self-sacrifice underscore fundamental influences of religious values regarding quality of life on perceptions of suicide in nearly every culture.

Perhaps the most compelling early modern case for interpreting martyrdom as self-killing is provided by a haunting inquiry composed by the seventeenth-century English clergyman John Donne about one of the most famous martyrs of all time. Donne convincingly argued that Jesus’ death on the cross could be clearly construed as the ultimate act of self-sacrifice; in effect, it was an early modern interpretation of what we today might view as

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‘death by cop’. As postulated in his controversial 1608 essay, ΒΙΑΘΑΝΑΤΟΣ [Biathanatos, or Self-Killing]: A Declaration of that Paradoxe, or Thesis, that Self-Homicide is not so Naturally Sinne ..., he enumerated a variety of peculiar circumstances that justified self-sacrifice for the sake of charity and the greater glory of God, chief among them the Passion of Christ. Donne, fully cognisant of the danger his assertion held both for his person and his career, as well as the potential for misinterpretation as a blanket legitimisation of self-killing, refused to allow its publication during his lifetime. Instead, he left the manuscript in the care of a close friend, Robert Ker, with instructions to ‘keep it ... with ... jealousy ... Publish it not, but yet burn it not’. Ultimately, however, his son granted permission for its publication in 1647, sixteen years after Donne’s death. In the seventeenth century, needless to say, its attribution to a clergyman provoked something of a scandal.

Religious martyrdom is one extreme form of self-sacrifice offered up here in evidence of the linkage to suicide. Another ubiquitous example is self-sacrifice in battle as intentionally suicidal behaviour. In full accordance with Durkheim’s dictum that suicide rates decrease among civilian populations during wartime, suicide historian Georges Minois recounts how the option for heroic self-sacrifice in battle offered suicidal nobles an honourable death in combat as an alternative to the shameful crime of self-murder. While common civilians faced opprobrium, he notes, suicidal behaviour on the battlefield is just one more example of the class-related discrimination inherent in perceptions of self-killing.²⁶

Most early modern cultures honoured self-sacrifice in battle, not least the samurai tradition of Edo/Tokugawa Japan from 1603 to 1868. Regulated by the Bushido ethical code of the warrior, which tempered the violent lifestyle of practitioners with a serene acceptance of death in the face of adversity, it was steeped in the religious ethics of Zen Buddhist stoicism, neo-Confucian filial piety and the Shinto proclivity to view all human activity as part of the cycle of nature.²⁷ From childhood, the code schooled young samurai to constantly ponder death through self-sacrificial immolation. On the battlefield, the samurai were notoriously fearless. The customary practice of preserving honour off the battlefield through seppuku, or self-disembowelment, however, generally involved a second, who delivered the coup de grâce

²⁶ George Minois, History of Suicide: Voluntary Death in Western Culture (Baltimore, MD: Johns Hopkins University Press, 1999), pp. 10–18.
from behind immediately after the self-killer first plunged his sword into his entrails. Technically mandated by the code, seppuku was not self-killing per se, but rather an act of restoring honour reserved solely for the samurai class.

Other acts of self-destruction were alternately considered as both martyrdom and self-killing, depending on the perspective of the observer. While religious and ethical values played a significant role in interpretations of self-killing beyond the warrior cult of the samurai, the role of gender in the self-sacrifices of women offers another useful litmus test for comparative analysis. In Japan, the self-killing of one noble woman demonstrates differing cultural perspectives on the same event. In 1549, the arrival of the Jesuit missionary Francis Xavier in Japan met with resistance. In 1587, daimyo Toyotomi Hideyoshi, de facto ruler of Japan, issued a prohibition against Christian missionary activities, initiating a persecution of converts. As a result, in 1600 the convert, Princess Hosokawa Tama (baptised Gratia), took her own life rather than allowing herself to become the captive of a rival clan. While Jesuit missionaries celebrated her death as martyrdom, it was condemned by locals as a shameful suicide.28

For commoners, one form of honourable self-destruction was shinju, literally ‘in the heart’, or figuratively meaning ‘the faithfulness in one’s heart’. Shinju was the mutual suicide of star-crossed lovers who defied social convention, and has been described as ‘frequent’ during the Edo/Tokugawa era, particularly among courtesans and their lovers.29 Erotic love between courtesans and their admirers is celebrated in the quasi-pornographic woodcuts and pamphlets of shunga, literally ‘pillow books’, employed by both men and women to excite themselves during masturbation.30 If shunga celebrated spaces of emotional liberty against an otherwise repressively circumscribed regime of socially acceptable courtship, so too did accounts of shinju. Most incidents of dual suicides arose out of illicit relationships forged in the yuri, brothel quarters located in larger cities where the samurai and geisha coupled. While the ‘customer-lover’ might demand an act of self-harm from his lover (e.g. ripping of fingernails, cutting off hair or stab wounds inflicted with a knife) to prove fidelity when he proposed redeeming her through marriage, in other circumstances when marriage was entirely

forbidden, both lovers refused to bow to social pressures and took the ultimate pledge to engage in double-suicide as a protest against a prevailing emotional regime.31

Probably the most famous practice of self-sacrifice to prove fidelity is the Indian sati, the ritual self-immolation of widows at the funerals of their husbands. Depictions of the practice by shocked Westerners are legion: awestruck, the Venetian jeweller, Cesare de’ Fredrici, described the self-sacrificial burning of a widow in 1587, bejewelled and appareled as a bride, while merchant Gasparo Balbi related a similar incident in 1580, noting how a widow was carried in a sedan and assisted into a flaming pit to join her deceased husband.32 Noted scholar Jörg Frisch suggests that, in fact, the voluntary self-sacrifice of the sati (that is, a bride who was to remain faithful, chaste and virtuous through self-destruction upon her husband’s death) was anything but voluntary, implying that widows may frequently have been drugged or pushed on their husband’s funeral pyre against their will.33

The Qing dynasty in China witnessed the unique phenomenon of a cult dedicated to pious widows who killed themselves to defend their honour and chastity. The cult celebrated the obstinate virtue of women under duress from families to remarry and renegotiate their valuable inheritance as a bargaining chip. The social and economic pressures on Chinese widows to remarry not only resulted in their self-killing, but in their murder as well, for obvious reasons.34 Qing law entitled widows to retain control over their husband’s property – unless they remarried. Intended to protect the rights of widows, the law in fact jeopardised them. In a patriarchal society, it left the lone widow at the mercy of family intrigues initiated both by her in-laws, seeking to regain at least some portion of the patrimony, and potential suitors who sought to take advantage of her precarious social position.

In Chinese culture, however, suicide is perceived less as a cry for help and more as an angry indictment of wrongdoing. Harried by their in-laws or sexually assaulted by would-be grooms, many women chose death rather

32 See Barbagli, Farewell to the World, pp. 192–5.
than the loss of their autonomy and in order to protect their honour, proving their piety to society at large. Thus accused by the self-killer, if the in-laws were found out, if foul play were proven or if the suicide was motivated by sexual assault by an overzealous suitor and the crime were discovered, then the full weight of the law fell upon the convicted perpetrators. 

Furthermore, families frequently went to court to prove that the widow had killed herself out of loyalty to her deceased husband in an attempt to defend her honour and chastity, thereby rendering her eligible for public veneration as a martyr by entering her name on the roster of pious widows on ceremonial public arches constructed throughout the countryside. The practice became so popular that later Qing emperors intervened directly to limit the proliferation of ceremonial arches in order to discourage widows and so-called betrothed widows (fiancées) from taking their lives too lightly.

Pious female suicides are a common trope in Japanese and Chinese literature of the early modern period. In art, however, the most popular representative of self-killing to preserve female honour is undoubtedly the depiction of Lucretia by Renaissance painters. There are literally dozens of portraits of Lucretia, a portrayal indulged in by so many great masters that its significance, though seldom recognised, is undeniable. Why was the self-killing of Lucretia so beloved of Renaissance painters? The answer lies in Republican ideals. According to Roman legend, Lucretia suffered rape at the hands of Sextus Tarquinius, son of the last king of Rome. In a dramatic move, she denounced him to her family before plunging a dagger into her own heart in front of them. Their revenge killing of Tarquin and his family resulted in the downfall of tyranny and the proclamation of the Roman Republic. For Renaissance artists, Lucretia embodied Republican virtues in an age marked by rising absolutism. Artists who chose to paint her did so to publicly proclaim their Republican political allegiance.

In reality, however, actual female self-killing in early modern Europe was usually motivated by far less lofty aspirations. Suicide by proxy, a peculiarly
gender-related phenomena of the age, witnessed a peak in the late seventeenth to early eighteenth centuries. The rise and fall of female suicide by proxy coincided with the beginning and end of a judicial campaign against infanticide, though the definitive relationship between the two remains unclear. Arne Jansson demonstrates how desperate women in Sweden resolved to end their lives, and balked at religious prohibitions against suicide which carried the sanction of eternal damnation. As a desperate alternative, a spate of women began throwing young children, either their own or others, from bridges in Stockholm. Arrested for homicide, they confessed and repented the deed, accepting death through public execution. In a twisted logical consequence, they avoided damnation for suicide by repenting the crime of homicide, while still achieving self-destruction. Remarkably, as prosecutions for infanticide abated in the eighteenth century, so too did incidences of suicide by proxy. The realities of female self-killing for women in the early modern era, it seems, often had little to do with the virtues and piety extolled in literature and art.

Conclusion

Through a global comparison, the early modern European paradox of self-killing which emerged during the Renaissance is thrown into sharper contrast. While Christian norms condemned self-killing perhaps more than in any other contemporary society, the Renaissance reintroduced arguments from classical antiquity allowing its justification under certain circumstances. Eventually, the Enlightenment introduced ‘suicide’, a Latinate neologism less laden with religious prejudice. Non-European societies did not share in this initial transition, as self-killing was viewed far less pejoratively. However, the pathological explanation for suicide invented by the Enlightenment would eventually become the global norm.

Suicide is a universal human activity liable to be interpreted either positively or negatively by any society contingent upon moral values, social circumstances and particular events. Not all cultures have been equally or morbidly concerned with suicide as a public problem; here too, the West led and continues to lead. Suicide excludes accidental death, but can include high-risk behaviours without regard for personal safety and in certain

knowledge of self-annihilation, whatever the motivation. Behaviours placing the self in imminent danger and at certain risk of violent death by another (martyrdom and self-sacrifice, for example) aim at a similarly suicidal outcome. How a given society reacts to self-violence is the product of culture, mentality or cosmology – in a word, it is a product of history. Attitudes towards suicide tend to change slowly and popular attitudes may differ significantly from those of the educated elite. Gender and class play their role in perceptions, but even apparent changes in perception mask fundamental continuities. Suicide, a term invented during the Enlightenment, was still deeply embedded in a traditional religious and ethical belief system.

We can never truly know why a person chooses to end their life, and attitudes towards self-killing historically speak to us far more about the community values of survivors than they do about individual motivation. For that reason, the history of self-killing during the early modern period is of greater potential use in elucidating belief systems and contemporary reflections on the quality of life, than it is as part in a puzzle to understand the phenomenon of violence against the self sui generis, which will perhaps always remain an existential matter.

Bibliographic Essay

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PART IV

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THE STATE, PUNISHMENT
AND JUSTICE
Crime and Punishment in the Russian Empire

Nancy S. Kollmann

Russia’s criminal justice regime in the early modern centuries might seem paradoxical. Known in the West for a brutal exile system and for corporal punishment by the deadly knout, Russia did not stage executions as theatrical ‘spectacles of suffering’ and abolished the death penalty in the mid eighteenth century. Derided as despots by European observers, Russian tsars presided over a judicial system in which judges ruled by the law and readily dispensed mercy in the tsar’s name. Ruling a sprawling empire, they balanced centralised control with tolerance of local religions, elites and customs. Russia’s criminal justice system reflected the challenges of governing a Eurasian empire and the formative influence of its patrimonial political ideology.

In the early modern centuries Russia grew from a regional principality to a vast empire stretching from Poland to the Pacific, from the White Sea to the Black Sea and encompassing the western steppes of the great Silk Road. It took over two centuries to assemble the empire, beginning in the fifteenth century with conquests of neighbouring principalities and expanding into non-East Slavic, non-Orthodox territories in the mid sixteenth century with the conquest of Kazan and Astrakhan (both predominantly Islamic in population). Expansion across Siberia from the 1580s through the seventeenth century brought myriad ethnic groups and religions including Islam, Buddhism and varieties of animism. From the mid seventeenth century Russia also pushed steadily south into the steppe and west, culminating by the end of the eighteenth century in control from the Polish border to the Black Sea steppe, Crimea and lands north of the Caucasus. Here, too, diversity reigned, including German, Estonian and Latvian Lutherans in the Baltics, Polish Catholics, Orthodox Ukrainians and Protestants in modern-day Ukraine and Belarus, and Islamic Tatars in the Black Sea littoral.

Conquering and governing such a large realm demanded violence. Racing across Siberia to claim fur bounty, bands of Cossacks killed natives and razed villages, barely held in check by Russian officials. Scattered in small, often nomadic bands, forbidden to own guns, Siberia’s native peoples did not organise united opposition but regularly revolted and were brutally put down. A line of fortresses along Siberia’s southern edge maintained a credible threat of violence. Since the steppe frontier presented steeper challenges with paramilitary bands of steppe nomads, Russia here adopted a gradualist policy of seemingly equal alliances (with Kalmyks and Bashkirs in the seventeenth century, Kazakhs in the eighteenth), while it fortified a line of garrisons against nomadic raids. Over the eighteenth century, with its fortress lines, aggressive in-migration of East Slavic-speaking peasants to native lands and greater bureaucratic and military capacity to control, Russia subjugated many of its steppe nomadic neighbours, brutally putting down uprisings in Bashkoria and by the Kalmyks. Some conquests required international war, as Russia won territory from the Ottoman Empire and Polish-Lithuanian Commonwealth.

Violence and the threat thereof by military presence were constant tools of governance, but in so large a realm with so diverse a population, coercion alone was insufficient. Russia’s rulers and elites devised a governing structure grounded in a dogged commitment to centralised control, a minimal approach to power and a ‘politics of difference’ approach to governance. Throughout the early modern centuries Russia’s rulers focused single-mindedly on mobilising the realm’s scant human and material resources. They created a skeletal bureaucracy across the realm, a single law code and single bureaucratic language and defined central power minimally. Moscow insisted on, and charged its local governors with, three basic functions: mobilisation of resources (taxation, military recruitment), defence of the realm and criminal justice. Almost everything else was left to communities. Thus, like other continental Eurasian empires, they tolerated existing elites, religions, institutions, languages and cultures as long as subjects stayed loyal to Moscow. Social services, religious life, public works, education and courts for petty crime and disputes varied across the realm, from well-developed school systems and courts in the Baltic and Ukrainian lands to few public institutions among native tribes in Siberia.

Across the realm, local law and justice varied widely: there was Sharia law; German, Polish and Swedish codes; Cossack law; Siberian native customs and courts, and those of the East Slavic peasant communes. The Russian Orthodox Church had jurisdiction over church crimes in bishops’ courts and partnered with the state on crimes that involved corporal punishment (heresy, blasphemy, sacrilege, witchcraft). The church hierarchy and monasteries also exercised secular jurisdiction over peasants and servants on their extensive lands. Justice in all these lower courts involved corporal punishment, rendered according to customary law by East Slavic peasant communes and/or their landlords or by Siberian and steppe peoples, or enshrined in the Swedish, Polish and German law codes applied in the Baltic and former lands of the Polish-Lithuanian Commonwealth, as well as in Cossack regimental justice.

Defining the Criminal Law

Russia’s rulers reserved the area of criminal law for themselves, in fulfilment of Muscovy’s theocratic tenets of legitimacy. The good tsar was pious and merciful, a patron of the faith, protector of tradition and a just judge. Peter I (r. 1682–1725) introduced from Europe a new, more dynamic absolutist rhetoric but did not displace these expectations around justice. Russia’s legal system was built on a heritage quite different from Europe’s fertile combination of Roman, Germanic and canon law. Russia’s dynasty and political structures were descendants of the Kyiv Rus’ state that flourished on the Dnieper from the tenth to the twelfth centuries. Kyiv’s princes took Christianity from Byzantium (988) and thus received, in Slavic translation, religious texts, historical chronicles and some Orthodox Church law. But Byzantium’s rich heritage of Roman law barely penetrated; secular law was embodied in the eleventh-century Rus’ Law (Russkaia Pravda), similar to Germanic customary law. From the eleventh to the fifteenth centuries neither Kyiv Rus’ nor its successor states (principalities and urban republics) created secular institutions of learning or law, in part because control by the Mongol Empire deeply drained manpower and resources. The sole institutions of learning were monastic scriptoria; until the judicial reforms of the 1860s Russia had no juridical faculties, no bar and no notaries. Thus, as Moscow centralised power starting in the fifteenth century, rulers had little jurisprudential expertise or apparatus on which to draw.

Thus, they created law codes (1497, 1550, 1589, 1606) that were workaday handbooks with few definitions or generalisable norms, but rather hyper-detailed citations of specific situations. They focused on policing officialdom (defining fees and legal procedure to prevent official corruption and judicial abuse), punishment and issues such as landholding and slavery. The apex of Russian legal codification – the *Ulozhenie* or Conciliar Law Code of 1649 – maintained this practical, unlearned approach even as it expanded the scope of the law. In contrast to the 1497 Code’s 68 articles and the 1550 Code’s 100, the *Ulozhenie* contained twenty-five thematic chapters with 967 articles covering state crime, judicial procedure, landownership, serfdom and slavery, capital punishment and other themes. All these codes were supplemented by individual decrees, but since printing was not used widely, particularly in local courts, knowledge of the full legal corpus was sketchy. Throughout the eighteenth century rulers commissioned codification projects (Peter I, three times between 1700 and 1719; Elizabeth I in the 1750s; Catherine II in 1767), but they came to naught for lack of legal expertise. Russia went into the nineteenth century relying by and large on procedure and punishment from the 1649 *Ulozhenie*.

The sphere of the criminal law was never theoretically defined but courts focused on a few very important issues: high political crime, defined broadly to include religious offences such as heresy and blasphemy as well as treason; major crime such as arson, murder and kidnapping; and recidivist felony (theft and robbery). Already in the mid sixteenth century a system of local criminal officers had addressed recidivist crime; they were charged with rooting out and trying bands of robbers, deploying torture, corporal punishment and even execution without referral to a higher court. Following the Lithuanian Statute of 1588, the 1649 *Ulozhenie* introduced three chapters on political crime, starting with crimes against the faith and the church and moving to crimes against the person of the tsar and his embodiments (palace, presence, courts and officials, documents), as well as treason and rebellion. The Lithuanian Statute and a revival of Byzantine Church law inspired a greater reliance on capital and corporal punishment and greater brutality in the 1649 *Ulozhenie* and a criminal code of 1669. In addition to felony theft and robbery and intentional murder, the *Ulozhenie* added capital crimes (a total of 122), including varieties of homicide (parricide, infanticide, homicide in court), arson, forgery, possession or sale of tobacco, poisoning and conversion to Islam. Peter I’s military codes defined sixty more capital crimes.
Judicial Procedure and Violence

Early modern Russian courts used an accusatory framework for disputes over property, honour and other lesser issues. Here interested parties initiated a case, brought their own witnesses and had the right to reject their rival’s witnesses, speak in their own defence and reach a settlement; the judge’s role was relegated to assessing the evidence if a settlement was not reached. For criminal cases the more intense inquisitorial framework was used. Inquisitorial trial procedure expanded across Europe with a revival of Roman law in the sixteenth century; Russia probably encountered it through contacts with the Polish-Lithuanian state. In its classic form, embodied in the Holy Roman Empire’s *Constitutio Criminalis Carolina* of 1532 and the French Criminal Code of 1539, an inquisitorial trial took place in a closed court; its proceedings were recorded in a written dossier by a legal expert, the prosecutor, who conducted interrogations, sometimes with the aid of torture. A judge or panel of judges rendered a verdict on the basis of the dossier. Torture was regulated: ‘probable cause’ was required for its use, a maximum number of sessions was prescribed, witnesses and medical personnel were present and the tortured person had to sign the testimony the next day.

Russian law adopted aspects of the inquisitorial framework: the judge took a decisive role in interrogation (*obysk*) and verdict; reputation was included as evidence; judicial torture was allowed, with ‘probable cause’ defined as accusation by another criminal, being caught in the act or with material evidence, or being considered a ‘known criminal’; settling capital cases was forbidden. But there were also significant relaxations of the rigour of the European inquisitorial process: witness depositions took place in an open courtroom, torture sessions in an alcove (the *zastenok*) at the governor’s offices, no safeguards were prescribed for torture sessions. Judicial practice suggests a limit of three torture sessions for common crime, but for the highest religious and state crime that tacit limit was ignored. A case law does not record witnesses to torture or even the number of blows in a session until a few citations in the early eighteenth century. No learned prosecutor compiled a closed dossier; rather, through the process judicially knowledgeable scribes assembled all relevant documents, including transcripts of interrogations and torture sessions and citations from relevant laws, and read the material aloud to the judge for directives. Ultimately a scribe read the entire text to the judge for sentencing (as military men, at least before the eighteenth century judges were generally illiterate).

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The relative simplicity of the Russian inquisitorial courtroom corresponds to available resources. While the Carolina advised German judges to confer with the faculty of the nearby university on difficult cases, Russia had no such recourse (its first university was founded in 1755 in Moscow). The judiciary was not separated from the administrative and executive until the reforms of 1775 (and for less than a decade in the late 1710s). In addition to being judge, the governor was garrison commander, tax collector, overseer of customs and trade, diplomat in border posts and general jack of all trades. Judicial expertise resided in the scribes, trained in law and procedure in the Moscow Felony Chancery, which in turn deployed trained scribes to local offices to maintain standards.

Chancery scribes went through years of apprenticeship, their training reinforced by the bureaucracy’s system of document composition. Intentionally repetitive, the format required that prior documents be copied verbatim before a response was added. Cases involving months of correspondence and trial process (interrogations, summons, torture sessions, surety bonds) grew into thick, fat scrolls. Such redundancy not only preserved the history of a case (helpful since governors were reassigned every few years), but also by sheer repetition taught procedure and legal norms to local scribes and judges forced to sit through oral readings. Local courts could appeal to the Moscow chancery on difficult or very important cases; judges routinely did so for capital cases even before such referral was required in the early eighteenth century. Despite the lack of formal legal training, early modern Russian criminal legal practice was remarkably consistent. In cases from Ukraine to Siberia, the same document forms and legal terminology were used and the same legal procedure and sentencing norms were applied. All the tsar’s subjects, regardless of ethnicity, gender or religion, from Estonian peasants to Iakut nomads, were subject to the criminal court and served as plaintiffs and defendants, witnesses and sureties. The consistency of criminal legal practice across the empire is a striking demonstration of Russia’s commitment to centralisation.

Legal practice, however, exhibited a flexibility in procedure and sentencing that might seem at odds with the state’s dogged pursuit of control but which is characteristic of most well-functioning judicial systems; settlement, mediation and mitigation of sentences were common across early modern European judicial venues, primarily because trials were expensive and socially divisive. In Russia, other factors told as well. First, the dearth of manpower that plagued the state meant that local judicial offices – bailiffs, jail guards, executioners and posses – were staffed by residents fulfilling their mandatory service to the tsar,
generally with minimal salary. Only the scribes were full-time salaried employees of the state. Thus, when it came to chasing down a suspect or inflicting blows of the knout in torture and punishment, neighbours were facing neighbours. This could predispose the judge to go lightly (or harshly for criminals the community despised).

Second, subjective judgement was written into the inquisitorial system in the provision of reputation as evidence and in the granting of mercy. Surveys of community opinion of an accused were done to gain information on collaborators, prior intent, eyewitness evidence and also reputation. If the community considered a defendant a known criminal, or if he were a stranger, this was cause for tortue and harsher punishment. Alternatively, such surveys could inspire judges to mitigate sentences for defendants about whom the community spoke favourably. In 1646, for example, community members interceded for a woman who had admitted intentional murder. The husband she killed, they said, was an evil man, and she was a ‘good woman’. The judge reduced her death sentence to a knouting in the interest of social equilibrium. Adding to the moral basis of legal proceedings, in almost all cases where the defendant was not sent to exile, the community (neighbours, kin, village elders) was required to sign a guarantee bond, accepting collective responsibility for a high fine should the defendant commit a crime again.

The judge’s mercy fulfilled more than the laudable desire of maintaining social equilibrium. It also responded to Russian political ideology. Typically for early modern monarchies, Russian ideology depicted the tsar as a just judge, whom his people could personally petition for mercy and favour. Enacting this role, rulers regularly dispensed amnesties on holy days and other celebrations and regularly mitigated sentences themselves or in the person of local judges reducing sentences in the sovereign’s name. Offering mercy regularly, particularly at the local level, enhanced the tsar’s and the court’s legitimacy and contributed, however minimally, to social cohesion. Mercy also stemmed from litigants themselves. Victorious plaintiffs sometimes protested an overly harsh sentence and asked the judge for mercy on the defendants. Furthermore, despite a law against this, litigants (with the judge’s approval) occasionally settled even capital cases, usually to compel the survivor to provide material support to the victim’s family.

Some structural aspects of this system weakened the provision of justice. Governors were supported by their communities with housing, transport, food and services, which could in the extreme lead to abuses by greedy officials and at the least created what Brian Davies calls a ‘gift economy’ in which the community expected officials to reciprocate with cooperative
policy in proportion to the gifts given. A community’s local moral economy set the line between gift and bribe, appropriate service and abusive demands. Like judges, scribes were also susceptible to corruption because of poor compensation. Throughout the seventeenth century scribes were paid both a salary and fees for services, but for most of the eighteenth century salaries were eliminated and clerks lived only from fees, also opening the door to corruption and abuse.

The state tried to combat corruption by threatening fines or corporal punishment on corrupt officials and bribe-givers alike: instances are frequent in which governors urgently defend themselves from such accusations, desperate to maintain their honour and their job. Governors served only brief terms of one or two years (up to four in Siberia) to prevent them from building up local power or inflicting excessive corruption. Peter I was particularly incensed by graft of state funds and some of his most spectacular public executions were of venal officials. But the infrastructure was weak: the state never devoted the resources to audit and investigate or to pay staff adequately. Complaints that justice was slow or venal abounded. Catherine II worked to create a more effective officialdom by restoring salaries for officials and eliminating community upkeep in 1764. In 1775 she reformed local government with a denser and more professional network. She doubled the number of provinces (gubernii) from twenty-nine to fifty with a total of 585 districts across the empire, and introduced in all gubernii and districts the same three offices (Treasury, an administrative ‘Land Court’ and a judicial hierarchy of lower and gubernia-level courts). The reform’s judicial organisation provided a hierarchy for appeal; lower courts included representatives of the local population, including native peoples and native law. But some of the same problems endured into the nineteenth century – insufficient bureaucratic personnel, inadequate funding and a dearth of judicial expertise.

Punishment

Russia’s regime of judicial punishments was simple. For some disputes, such as insult to honour, generally fines were imposed. But for serious crime, sentences emphasised corporal punishment. Beatings were done by the dreadful knout: a wide heavy leather strap with a weighted end to give greater

momentum. It could flay a man’s back in a handful of blows. Less harsh beatings were by bastinadoes (a cluster of rods) or lashes (pleti). Torture was done by knouting, with the individual raised on strappado; suffering was intensified by adding weights between the bound legs and shaking the hanging body. Torture by fire was rare but practised for the most serious political crime. As noted, for torture and beatings, laws and sentences did not specify how many blows or how harsh to be, although occasionally punishment was ordered to be given ‘mercilessly’ (neschadno). Mitigation could come from the judge’s discretion or from the fact that executioners were locally recruited and might have reflected community sentiment, but investigations of treason and witchcraft brought out the greatest brutality in Muscovite legal practice. Multiple torture sessions, with weights, shaking, fire and all possible enhancements, were common. Peter I delegated to one of his trusted regiments the investigation of a rebellion against him in 1698 and that office – the Preobrazhenskii Chancery – became the locus for intense investigations of treason for the first half of the eighteenth century.

Capital punishment was done in Muscovy primarily by beheading and hanging. As in Europe, those sentenced for witchcraft and heresy were burned, their ashes scattered to the wind to destroy any trace of evil spirit. Women who killed husbands were buried up to the neck to die (mentioned in 1649, abolished in 1689, this bizarre punishment endured several more decades). But in some ways, before Peter I Muscovite capital punishment was not as brutal and violent as it was in many contemporary European countries. Russia did not practise the famed ‘spectacles of suffering’ described by Michel Foucault, Pieter Spierenburg, Richard Evans, Richard van Dülmen and others – public, often mass executions and punishments, staged before large audiences with theatrical drama and religious trappings. Rather, executions for local crime in the Russian Empire were simple, expeditious affairs. When a case that might have dragged on for months and years given the expanse of empire was finally resolved, governors were instructed to punish speedily, ‘not delaying the tsar’s work’. ‘To deter others’, they were to gather a crowd in a public space (often marketplaces) to carry out the sentence, but speed was more important than theatre. Permanent scaffolds were not built, the city fathers and dignitaries were not installed in grandstands, executions were not delayed until the prisons were teeming with enough convicts to provide a mass event. The 1649 Ulozhenie mandated giving a condemned person six weeks for repentance but in practice governors rarely waited longer than a few weeks. A priest gave confession and communion and carpenters erected a simple scaffold for hanging, laid
down a block for beheading or threw together a wooden cage to be stuffed with hay and tar for burning witches and heretics. Despite these simple formats, after months of trial an execution carried out immediately might well have shocked the community. The terror in Muscovite punishments was probably in their speed.

While judicial punishments were measured doses of violence, Muscovy certainly used brutal and exemplary violence in times of rebellion. When Stepan Razin’s uprising of Cossacks and peasants on the Volga was put down in 1670–1, thousands were killed on the field of battle or in razed villages and hundreds of others were hanged along the Volga River or at battle scenes. Razin himself was taken to Moscow to be quartered in Red Square; his body parts were left on display for months. When Russia put down an uprising led by Kondratii Bulavin in 1707–8, 90 per cent of the population of the rebellious northern Don Cossack lands was killed. Yet even in times of war and rebellion, mercy and reconciliation accompanied punishment, for pragmatic reasons as well as patrimonial ideology. After the Razin rebellion, for example, whole villages were forgiven on the excuse that they had been foolishly seduced by Razin’s cunning words. They were made to renew their solemn oath to the tsar and released, the state calculating that it was impossible to punish everyone.

Peter I brought a new level of violence to judicial punishment. He witnessed a day-long ‘spectacle’ of execution in Amsterdam in 1698 and brought the practice home to Russia. In Moscow and St Petersburg he built permanent stands for the display of body parts and staged mass executions for the 1698 musketeer rebels, for a circle around his son Aleksei found guilty of treason in 1718, and for several extremely corrupt officials. He and his immediate predecessors introduced some new forms of punishment, probably suggested by European officers in Russian service; Peter I was particularly close to the Scot Patrick Gordon and the Swiss Franz Lefort. Quartering was used in four cases of treason from 1653 to 1698; Peter I introduced breaking on the wheel and even ordered one man impaled and another roasted alive. Peter I’s military codes, borrowing from foreign models, added such brutal punishments as running the gauntlet. As a rule, military codes were not applied in secular courts, but given the huge size of the army and its dependent employees and the application of military law in the borderlands, they had social resonance.

Judicial violence nevertheless declined in the eighteenth century as the exile system grew. From the late sixteenth century onwards men convicted of serious offences short of capital crime were sent to settle Siberia or the borderlands, taking up jobs related to their skills (farming peasants, urban artisans, even musketeers and garrison troops). With Peter I’s energetic building projects
new ports, harbours and canals, factories and mines, a new capital city at St Petersburg) and a new navy in need of galley oarsmen, the state decided to risk using even capital criminals for such ‘hard labour’ (katorda). Laws extended the number of felonies required before the death sentence was invoked, and narrowed the range of crimes worthy of death; all other serious criminals went into exile and the use of capital punishment declined. Exile was brutal: many were sentenced to be knouted before being sent off, transport to places of exile was arduous and living conditions were primitive.

Because the use of capital criminals for labour in exile posed a special problem of control, the state developed cruel but effective systems of bodily marking to identify such exiles. The Ulozhenie of 1649, the Criminal Articles of 1669 and other decrees of this era prescribed bodily mutilation by severing an ear or finger for capital criminals and felons, mandating a succession of mutilations (left ear for first theft, right ear for second theft) for felony, theft and robbery so that the disfigurements became a semiotic record of the crime itself. If a man with two severed ears committed a theft, it was clearly his third, which merited the death penalty.

By the 1690s bodily mutilation was being replaced with less debilitating branding (often a form of tattooing). Capital criminals sentenced to life-long exile ‘instead of death’ had the letter V (for vor, or criminal) stamped on their face. In 1705 for capital criminals the punishment of slitting nostrils (which healed grotesquely) was added to branding to identify the most dangerous criminals. Branding and slit nostrils were explicitly intended to prevent exiles from fleeing their locations; decrees noted that if an exile so branded or marked appeared in European Russia, he would be recognised as a runaway exile and punished. As in some European states, some brands specified location of exile (the Siberian city of Tobolsk, for example), but more commonly brands identified crimes. The letters VOR or RZB for ‘thief’ and ‘robber’ were tattooed on an exile’s face; by the turn into the nineteenth century other anagrams or words were used as brands to identify the crime more precisely (counterfeiter, corrupt official, sentenced to hard labour, etc.).

Thus, Russia moved away from capital punishment to the violence of the exile system in the eighteenth century. The utilitarian requirement for labour power certainly was a prime motive, but moral considerations should not be discounted. Even Peter I, who did not hesitate to use violence, mandated that death sentences be referred to higher authorities for affirmation, ‘lest innocents be harmed from ignorance’. Concern about inaccurate death sentences was repeated in similar laws of the 1740s. Not only did political legitimacy depend in part upon Russian rulers protecting their people from injustice and
providing mercy; the dominant moral code of the empire’s elite – Russian Orthodoxy – also preached mercy and charity. Elise Wirtschafter and Cynthia Whittaker have shown that Russian intellectuals and educated nobles of the eighteenth century framed public problems within private morality. They saw their relationship with the tsar, their serfs and the public sphere in personal terms; they argued for moral self-improvement to solve political problems. Over the century church hierarchies, at least in court circles for the elite, were integrating German and later French Enlightenment thinking into Orthodox moral philosophy. Thus, stepping back from capital punishment, despite the rigours of exile, might have seemed benevolent.

Peter I’s daughter Elizabeth, who took to the throne in 1741, was clearly motivated by humanitarian concerns when she ordered the Senate to end the death penalty in 1743. The way in which her order was implemented, however, created legal ambiguity that was not resolved for another century. Perhaps reflecting opposition among the elite, the Senate in the 1740s initially responded by reiterating the call to refer death sentences to higher authorities. In 1751 it accommodated the abolition without naming it: citing a huge backlog of cases awaiting affirmation, the Senate declared that all capital criminals should be sent into exile to hard labour, in theory while they awaited review. The Senate proceeded to define regimes for exiled capital criminals, standardising brands and setting different work conditions for different categories of capital criminals. The harshest conditions and most disfiguring marking (branding and slit nostrils) went to those sentenced to ‘natural death’; criminals in the lesser category of ‘political death’ (those reprieved on the scaffold) received somewhat less harsh work conditions and some decrees suggest that they were not disfigured with slit nostrils.

By the turn into the nineteenth century Russia openly acknowledged that it had abolished the death sentence and judicial torture and was applying this standard to criminal courts across the empire. Executions for common crime virtually stopped: one scholar estimates only about a dozen executions from the 1760s to 1845. Nevertheless, Russia’s situation with regards capital


punishment remained ambiguous. On the one hand, laws continued to threaten the death penalty, knowing that this meant in reality exile; on the other hand, the state never stopped executing for political crimes. Catherine II executed the traitor Vasilii Mirovich in 1764, plague rioters in 1771 and Cossack rebel Emelian Pugachev in 1775; Nicholas I executed the revolutionary Decembrists in 1826. The Criminal Code of 1845 resolved the ambiguity around the death penalty and in doing so demonstrated the underlying patrimonial assumptions in Russian law. This code allowed the death penalty only for ‘two points’ – intent and action against the tsar and his family, and treason and rebellion (extreme breaches of quarantine were also called capital crimes in a special quarantine law). Otherwise, sentences of exile and corporal punishment were assigned to previous capital crimes, including blasphemy, sacrilege, parricide, murder, arson and recidivist felony.

At the same time humanist values were contributing to some moderation of the brutality of Russian criminal law. In her *Instruction* to the Legislative Commission of 1767, borrowing heavily from European thought (408 of 526 of its articles were taken from Beccaria, Montesquieu and others), Catherine II argued against torture and the death penalty, allowing the latter only for extreme threats to the state. She argued that prison, by depriving people of ‘liberty’, was the highest punishment. Russia did not develop a prison system until much later, leaving the exile system to endure into the Soviet Gulag system. In addition to the abolition of torture in 1782, Catherine abolished corporal punishment for the nobility and highest merchant ranks in 1785; clerics and other high social groups were included by the end of her reign.9 Eighteenth- and early nineteenth-century laws ended branding and nostril slitting for women (1757); lessened the brutality of judicial beatings and called for medical care after punishment (1801, 1809); and abolished slitting of nostrils as ‘inhumane’ in 1817. But knouting continued until 1845 and other corporal punishment to the 1860s.

Thus Russia went into the nineteenth century with a combination of violence and mercy in the criminal law that seemed out of step in a century when European states were shifting to prisons and in some places crime rates were falling. The reign of Nicholas I (1825–55) provides a stark contrast of brutality and sovereign mercy and also the key to understanding the contradictions in Russian criminal justice. Nicholas I did not let the abolition of the death penalty deter him. In the face of peasant rebellions, political unrest and

9 Paul I abolished these immunities in 1797, but Alexander I reinstated them on his accession in 1801.
endemic criminality in the borderlands, his regime simply declared military law against civilians where needed. Harsh military codes were applied to horse theft and slave raiding by Bashkirs and Kirgiz, highway robbery in Transcaucasia and political unrest in the western provinces and Poland. Siberian governors received secret permission in the 1830s and 1840s to use the death penalty against unruly exiles. Military tribunals readily rendered death sentences, most of which Nicholas I just as readily mitigated in a show of benevolence. But the punishment to which such sentences were often commuted was the near fatal running of the gauntlet, administered before large crowds to deter the public in a throwback to early modern ‘spectacles of suffering’. How can these countervailing trends in punishment be consistent?

Jonathan Daly directs our attention to the ideological underpinnings of the 1845 Criminal Code regarding the death penalty – only threats to the ruling family and treason to the state merited death. Daly contrasts Russia’s patrimonial political philosophy to the increasingly legal and rational theories of government in post-French Revolution Europe. In a country with a legal, ‘rational’ expectation that crime must be punished to protect the sovereign citizen, the letter of the law should be applied. In Russia, by contrast, the tsar was supposed to protect his people from injustice, not to kill them, so sovereigns staked a subjective position that protected their subjects from the ultimate punishment and reserved capital punishment for threats against themselves, thereby exalting their own stature. Such a stance accorded them autonomy to deploy violence as they saw fit; theoretically there was no contradiction between aversion to capital punishment for common crime, on the one hand, and the brutality of the exile system and the violence of military law used against revolutionaries and unruly imperial subjects, on the other. Such an approach raised tensions as Russia contended with liberal jurists and elites trained to European standards, tensions exemplified by the progress towards rule of law in the 1860s judicial reforms and subsequent decades’ brutal application of tsar-centred criminal law.

Representing Justice

Visual representations of the law in Russia are few but fascinating. In Europe the visual proliferated in public spaces. As monarchical, episcopal, parliamentary, municipal and other courts proliferated, so did courthouses and other

spaces consciously dedicated to adjudication; they often featured imagery that inspired respect for the judicial process and instilled sobriety in legal participants. Medieval Italian courts decorated the walls behind the judge’s bench with images of the Last Judgement or allegories of Good and Bad Justice (as in Siena); the facades of German town halls were often decorated with images of biblical and classical scenes of virtue and vice. But Russia did not have separate courthouses, and the only symbol of justice litigants might have seen in a courtroom might have been a copy of the Ulozhenie on the judge’s table.

Similarly, in much of Europe print culture disseminated images of legitimate justice. The classical statue of Justice as a blindfolded woman holding scales symbolising impartiality and a sword connoting just punishment was a familiar figure in public art and printed sources. Particularly in state broadsheets of executions, legitimacy was indicated by fixed conventions: surrounding the scaffold with portraits of presiding officials and buildings of state; putting judges, priest and doctor on the scaffold; surrounding it with an attentive crowd acting as the affirming body politic. But Russia lacked such visual print culture. A few eyewitness European travellers (most notably Adam Olearius, Erich Palmquist and Johann-Georg Korb) provide the sole representations of Russian judicial practice, and they depict disorderly and violent scenes of punishment (knouting in particular). Published in Vienna in 1700, for example, Korb’s depiction of Russia’s first ‘spectacle of suffering’ – the mass execution of over 600 musketeers in 1698 – notably lacks the conventions of legitimacy familiar to his engraver and to the European audience. Affirming his text’s view of Russia as an arbitrary autocracy, Korb depicts mass hangings, beheadings and bodies broken on wheels with no evocation of courtroom, judicial officials or orderly body politic. European viewers would see Russian justice as brutal and despotic.

Russian art did not produce images of such day-to-day subjects as courtrooms and executions; it was controlled by the church and depicted religious subjects in icons and frescoes. (Although Peter I introduced secular art in the eighteenth century, it took more than a century for artists to move beyond portraiture to genre scenes.) But the few images of criminal justice produced in early modern Russian art – in frescoes, Last Judgement imagery and illustrated histories – present a harmonious, legitimising picture. They are neither brutal nor violent. Done in iconographic style, gestures are stylised, emotions sublimated and violence not graphic. The imagery of the Last Judgement, often frescoed on

a church’s western wall, celebrated the salvation of the righteous more than the sufferings of the damned. From the mid sixteenth century onwards allegories of justice in the figures of Kings David and Solomon were featured in the frescoes of an important Kremlin reception room visible to the elite.

Literate members of the court elite (particularly clerics) might also have seen a unique illustrated work of history compiled at the Kremlin court in the mid sixteenth century. In over 10,000 folio pages with approximately 16,000 images, the *Illuminated Chronicle* visually displays the tenets of faith, social ethics and justice. Each scene of the ruler pronouncing a sentence of corporal or capital punishment rehearses the tenets of Russia’s political ideology. The ruler is seated on a throne, often with sceptre and always in consultation; he is surrounded by his boyars and often also by clerics (particularly for religious crime). Sentences are carried out by the tsar’s emissaries and the condemned accept their fate with calm demeanour, as if accepting a legitimate verdict. *Illuminated Chronicle* illustrations portray the full process from verdict to execution by using a multi-episodic composition such that the ruler in judgement is virtually present as his men carry out the sentence. These images of the ruler as judge transmit political ideology, which grounded legitimacy in the tsar’s heeding the counsel of righteous advisors and acting as God’s emissary on earth dispensing just justice.

Two hundred years later, Catherine II had herself depicted in statue and portrait as a virtuous lawgiver but, like the massive *Illuminated Chronicle* (which was never reproduced and never left the Kremlin), these evocations of justice would have been seen only by the court elite. Ironically, a more widespread source on the judicial system came in satirical broadsheets in the eighteenth century. Broadsheets featured popular satires on corrupt courts, including ‘Shemiaka’s Trial’, a tale of a peasant lad who outwitted a corrupt judge, and another tale in which fish play the roles of venal judge and litigators in a dispute over the ownership of Lake Rostov. These spoofs suggest that judicial corruption was more the experience of Russian subjects than the serene justice of the *Illuminated Chronicle*.

**Conclusion**

Russian justice was brutal, but infused with an ideology of patrimonial mercy. This tension was never resolved. In fact, that patrimonial ideology

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occasionally demanded sovereign violence, as in 1648 and 1682 when Russian rulers were confronted with urban riots demanding justice. As Aleksei Mikhailovich in 1648 and female regents on behalf of two minor ‘co-tsars’ in 1682 faced crowds screaming for the heads of corrupt boyars, they understood the interpenetration of legitimacy and violence. To maintain legitimacy, they had to provide justice. To shield corrupt boyars from a crowd bent on arson and riot risked losing all control. In each case, these rulers appeased the crowd’s moral economy by yielding one or two officials to murder by mob violence, so merciless were the expectations of political ideology. Peter I, a personal observer of this cruel interaction as co-tsar in 1682 at age 10, went on to create palace guards and establish a more distant stance for the autocrat but, as has been shown, neither he nor his successors abandoned the claim that the tsar was a patrimonial protector of his people. Russian rulers dispensed forgiveness, mitigated sentences, replaced most death sentences with exile, and wielded cruel violence against any opposition to themselves. Ruling empire in a situation of limited resources, Russian law balanced violence with mercy.

Bibliographic Essay


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Some American scholars have construed Russia as a despotism or emphasised the brutality of public life: see Georg Michels, *The Violent Old Belief: An Examination of Religious Dissent on the Karelian Frontier*, *Russian History* 19.1–4 (1992), 203–30; Marshall Poe, ‘A People Born to Slavery’: *Russia in Early Modern European Ethnography, 1476–1748* (Ithaca, NY: Cornell University Press, 2000). Others argue that court politics was based on ‘consensus’ between ruler and the

Homicide and Punishment in Eighteenth-Century China

THOMAS BUOYE

Over the last three decades a resurgence of interest in Chinese legal history and the opening of archives for the Qing dynasty (1644–1911) has contributed to an outpouring of scholarship on interpersonal violence, homicide and capital punishment in eighteenth-century China. Marked by unprecedented demographic growth, economic commercialisation and territorial expansion, the eighteenth century has long been considered a flourishing era in the Qing dynasty, but it also witnessed an upsurge in interpersonal violence that triggered a protracted and wide-ranging legislative crackdown on crime. The Qing court faced a stark dilemma. Violent crime exposed fissures in the social and economic order that endangered bedrock principles of Chinese civilisation such as filial piety, patriarchal privilege, social hierarchy and female chastity. Characteristically, the rulers responded pragmatically with legislation that fine-tuned existing crimes and punishments, created new offences, restricted statutory pardons and expanded the use of the death penalty. In fact, this steady stream of legislation addressing crime and criminal justice was part of a broader ‘legislative turn’ in Qing rule that was unmatched in any earlier dynasties. Still, no matter how impressive this legal tinkering may have been, the crackdown on crime was destined to fail because it did not adequately address the underlying economic and social milieu that impelled people to violence. A careful examination of homicide cases exposes the inequities of eighteenth-century economic and demographic change that undermined social and economic norms, vitiated conventional concepts of justice and disrupted the ideological consensus of Chinese civilisation.

Homicide in Eighteenth-Century China

To understand the challenges Qing criminal justice faced we must begin with the abundant extant records of homicides, which contain the details of crimes, depositions, autopsies and official judgements. Most tragically,
homicide cases explicitly depict the desperate survival strategies of the rural poor and the destruction of families. Homicide reports provide an enormously rich body of data that can be compared over time and across jurisdictions, offering abundant opportunities to study crime and the various factors that contributed to an upsurge in violence over time. Recent quantitative analysis of homicide case records for Qing China shows that the homicide rate rose steadily throughout the eighteenth century, though estimates based on historical archives show that the annual rate ranged between 0.35 and 1.47 per 100,000 inhabitants during the period 1661–1898.1 Although rates this low would not be seen in Western Europe until the late nineteenth century, the increase was perceptible and worrisome to Qing officials. This statistical analysis is consistent with the findings from earlier qualitative studies based on homicides relating to land disputes and sexual crime. Research based on homicides relating to marriage and illicit sex has unearthed abundant evidence of use for studies of sexual assault, female chastity and polyandry and wife-selling.2 Eighteenth-century judicial officials responsible for the comprehensive review of capital crimes were undoubtedly troubled by the homicides as well as by the dire poverty that spawned the violent behaviour.

Research based on homicide reports relating to land and debts likewise depicts a prosperous but decidedly more contentious eighteenth century. My own research has drawn on homicides relating to land and debt records to reconstruct and analyse violent disputes over property rights in land in the context of large-scale changes in the structure of the eighteenth-century Chinese economy and society.3 Not surprisingly, with the Chinese population surpassing 300 million by the end of the century, tensions arose among landlords, peasants, and tenants who sought to protect or extend their property rights in land under conditions of economic commercialisation and demographic pressure. An increase in the relative value of land had created incentives for stringent enforcement of established property rights and for the elaboration of new economic institutions to safeguard newly emerging property rights. The

2 J. Theiss, Disgraceful Matters: The Politics of Chastity in Eighteenth-Century China (Berkeley: University of California Press, 2004); M. Sommer, Sex, Law, and Society in Late Imperial China (Stanford, CA: Stanford University Press, 2000); M. Sommer, Polyandry and Wife-Selling in Qing Dynasty China (Berkeley: University of California Press, 2015). See also Chapter 11 in this volume.
link between population growth, commercialisation and violence is discernible in the temporal and geographic patterns of homicides related to property rights in land, but economics alone cannot explain the violence.

Disputes over conditional land sales are indicatory of the complex motivations behind violent disputes. Customarily, ties to land were considered personal and trans-generational, making all land sales effectively conditional and subject to redemption. The original owner of the land, the owner’s direct heirs or even more distant kin often asserted the right to redeem. Normally this right was assumed but not formalised in a contract. Legal ambiguities, emotional ties to land and outright fraud all contributed to violent disputes. With the growing commodification of land in an increasingly commercialised economy, an ‘original’ owner’s ties to the land became attenuated at best. In areas where the market for land was lively and turnovers in ownership were numerous, the practice waned. In another example of the legislative turn in Qing rule, legislation that overturned the custom that land sales were conditional by default, and that set limits on the right to redeem if a time limit was not stipulated in the contract, was added to the Great Qing Code in 1753. Unfortunately, the deeply rooted custom lingered and legislation alone could not eliminate violent disputes.

A careful analysis of land disputes shows that competing visions of social justice, legal remedies and economic rationality notwithstanding, often triggered violence. When individuals exploited their relative economic advantages in a seemingly rational manner, they might find themselves in conflict with existing ethical norms. For example, a landlord who evicted a tenant solely to obtain a higher rent was punished for creating a situation that led to a killing when the evicted tenant and the new tenant became embroiled in a lethal confrontation. Economic self-interest eroded shared ideological convictions and ethical norms that had been the foundation of a communal sense of justice. Over the course of the eighteenth century fatal affrays over land increasingly involved competing peasants or tenants, who often expressed their moral outrage in simple terms. Only once in thousands of violent disputes did I encounter a clear statement of moral indignation from a member of the literati. Chen Jingwei, a scholar and tutor, became infuriated after witnessing Li Weizhen, the son-in-law of the landlord who employed him, abusing a delinquent tenant. Chen berated Li, saying, ‘If you insist on having the full [rent], you will be rich but not benevolent.’ Insulted and angered, landlord Li turned on Chen, who lost his life in the ensuing fracas. This incident simultaneously illustrates the emotionally charged atmosphere of the eighteenth century, the ascendancy of economic self-interest and the
resilience of ethical concerns. Market principles and moral economy were increasingly in conflict in eighteenth-century society, creating a seedbed for violent confrontations.

The erosion of shared ethical norms regarding property rights created uncertainty, distrust and anxiety, but it also weakened the moral authority of local magistrates who tried to settle disputes that came to their courts. New substitutes aimed at clarifying property rights in land were added to the Qing Code, but enforcement of the new laws remained problematic. Underpaid, understaffed and overworked, local magistrates had trouble enforcing judgments in the best of times. Making matters worse for the courts, property rights and notions of fairness were in flux and some litigants openly and blatantly defied official adjudication. Indignant losers at court might refuse to abide by official rulings. Landlords who had won their suits in court sometimes resorted to violence to enforce judgments against recalcitrant tenants. Violence might be retributive, as in cases of tenants who lost their land, or preemptive, as in cases of landlords who feared their tenants would not respect the courts. Until economic institutions were adjusted to reflect changing realities and until these economic institutions were accepted as fair, violent disputes, some of which ended in homicide, were inevitable.

Inter-ethnic Violence on the Qing Frontier

Another response to population growth was migration to the mountainous regions of the south-west, which historically had been a contested frontier of Chinese civilisation. Until the early eighteenth century the Qing court had actively encouraged migration to Sichuan province, where the population had declined precipitously during the dynastic transition from Ming to Qing. Interestingly, homicide reports recorded the home county of the accused killers. In a five-year sample of homicides for Sichuan province during the Qianlong reign (1736–95), 63 of 125 homicides relating to land disputes involved migrants from counties in the provinces of Hunan, Guangdong, Jiangxi, Guizhou, Gansu, Guangxi, Hubei, Shaanxi and Yunnan. The frontier conditions in Sichuan and the influx of single male migrants alone was a volatile mix. To make matters worse, migration also ignited bloody confrontations between

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5 Buoyé, Manslaughter, Markets, p. 156.
Han Chinese settlers and the indigenous Miao and Yi populations. Ethnic conflict was undoubtedly a factor in the eventual reversal of the official policy to facilitate resettlement of Sichuan.

Han Chinese encroachment on Yi lands had deadly consequences for two Yi men, Yuezi and Baoshou of Ningyuan county in Sichuan.6 In 1772 a local Yi leader, Lu Jingyao, had conditionally sold his land to a Han Chinese settler, Fan Tianren, who in turn leased it to Han tenants Huang Junshang and two brothers, Deng Zhaohou and Deng Zhaolian. In the winter of 1777 Lu Jingyao redeemed the sale, but because the field had already been planted, Lu agreed not to repossess the land until the next year. The field was adjacent to land owned by Yuezi and his father Xiage, who asked Lu Jingyao if they could lease it. Lu agreed but told them they could not occupy it until the following year. According to the homicide report, Yuezi was impatient and did not wait. Perhaps anticipating a confrontation, Yuezi invited four other Yi men, Baoshou, Abei, Naizu and Jiebie, to accompany him to dig an irrigation ditch, setting the stage for a deadly confrontation in the spring of 1778.

When the five Yi men arrived at the field, Deng Zhaolian ordered them to leave. Baoshou picked up a rock and hit Zhaolian. Armed with a spear, Huang Junshang came to Zhaolian’s defence. When Yuezi pulled a knife Junshang lanced him with his spear. Dropping their weapons, Junshang and Yuezi grappled. Yuezi would not let go of Junshang’s queue so Junshang picked up Yuezi’s knife and fatally stabbed him. Meanwhile, Deng Zhaohou saw his brother Zhaolian lying on the ground surrounded by several Yi men, so he loaded a makeshift firearm with shot and lit the fuse. Claiming he only intended to frighten the assailants, Zhaohou fired and killed Baoshou, leaving twenty-one wounds in his back. The shot also struck Apei in the neck. Zhu Junren, a Han Chinese neighbour of the Dengs, heard the commotion and arrived armed with a wooden stick, and he drove Naizu and Jiebie off the land. Interestingly, all the Han migrants were twice or more the age of their Yi victims. Based on evidence of similar violent encounters over land, it is likely that the ‘advanced’ ages of the migrants indicated they were single men who had migrated without their families. Had there been sons or nephews nearby, they would probably have joined the affray.

With multiple deaths and numerous participants, the homicide record was quite long. In addition to reconstructing events, assigning guilt and meting out

6 Xingke tiben (Routine Memorials), First Historical Archives, Beijing (hereafter XKTB), dated QL 44.7.7. These archival sources are case records from the land and debt category; this document was compiled on the 7th day of the 7th month in the 44th year of the Qianlong reign (QL 44.7.7, which in the Western calendar is 18 August 1779).
punishment, central government officials who reviewed the case raised concerns about Han migrants tilling Yi land. The senior judicial official who reviewed dozens of capital case records every year would have immediately noticed several troubling signs in this case. Land disputes were typically protracted affairs and verbal confrontations usually preceded violence. In this event, moments after the Yi men arrived the confrontation escalated into violence. Finally, the use of firearms, which were illegal under any circumstances, would immediately command the attention of higher-level judicial officials. Uncharacteristically, the broader issue of Han–Yi relations was also addressed in the case record. In addition to sentencing Deng Zhaohou to beheading with imprisonment awaiting final approval at the autumn assizes and sentencing Huang Junshang to strangulation and imprisonment awaiting final approval at the autumn assizes, the Board of Punishments ordered an investigation of Han encroachment on Yi land. If Han were found to be renting Yi land, the Board ordered that the land should be returned to the Yi owners. There is no way of knowing if this was carried out, or how much Yi land was cultivated by Han, but the order, albeit an impractical one, was an unmistakable sign that inter-ethnic violence aroused the attention of the central government. Yet even if the provincial officials had implemented it, it was unlikely to counteract the powerful demographic imperative that drove Han encroachment on Yi land.

‘Bare Sticks’

Eighteenth-century China was not unique in experiencing an upsurge in violent crime during a period of rapid demographic expansion. Studies examining the relationship between crime and demography have consistently found that young males are disproportionately involved in violent crime as both victims and offenders.\(^7\) Research on the American frontier in the nineteenth century has explained violence in terms of the predominance of ‘young and single men’.\(^8\) Regarding violent behaviour of young men, it found that cultural norms and social institutions are also important determinants, but ‘endocrine research, bolstered by historical, criminological, and cross-cultural studies’ suggests that ‘this tendency is universal and that it has a biological basis’.\(^9\) It comes as no

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\(^7\) See S. South and S. Messner, ‘Crime and Demography: Multiple Linkages, Reciprocal Relations’, *Annual Review of Sociology* 26 (2000), 83–106. Qing officials generally referred to young single males, especially those who got in trouble with the law, as ‘bare sticks’.


\(^9\) Ibid., p. 23.
surprise that, as the eighteenth-century demographic boom swelled the absolute ranks of young males, judicial officials also noted a worrisome increase in social unrest and interpersonal violence. While Qing emperors may not have had a sophisticated understanding of the underlying dynamics of rapid population growth, they were vigilant observers of potential threats to social order. Furthermore, elite polygamy and female infanticide meant that many young men on the lower rungs of society found it increasingly difficult to marry and start families, a situation that exacerbated the tendency towards violent behaviour.

At first glance these downwardly mobile, young, unmarried men (so-called ‘bare sticks’) would appear to be the likely targets of the severe penalties in the eighteenth-century bare stick statutes, but the scope of these new laws was much broader. Conflating unmarried rootless males with criminal bare sticks would be misleading. For example, a statute under the law on ‘monopolising markets’ specifically referred to employees of the Imperial Household Department or their relatives, imperial princes, eunuchs, officials or their relatives, none of whom would be considered downwardly mobile rootless males. Similarly, scapegoating bare sticks for sexual assaults was a staple of official rhetoric and four statutes under the law against ‘fornication’ were offences that could be sentenced under the bare stick statute. But on closer examination, we find that one of these statutes specifically addressed rapes committed by lamas and monks. Suffice it to say that although sexual crimes bulked large in official denunciations, bare stick crimes included violent and non-violent offences and depending on the crime the perpetrators could be more precisely described as hoodlum, drifter, conman, swindler or gangster.

Killing the Family

Legislatively, the meaning of ‘bare stick’ was expanded to include morally reprehensible behaviour regardless of economic or social status. At grassroots level, where county magistrates investigated violent crime at first hand, it was no doubt apparent that not all bare sticks were impoverished males, and not all impoverished males were bare sticks. Painfully evident to county magistrates were the economic hardships that produced rootless males. In fact, in the course of prosecuting homicides, the county magistrate often vividly documented evidence of the grinding poverty and desperate struggles to survive that frequently resulted in the disintegration of families and atrocious acts of violence. Although officials at every level of review contributed summaries of the crime in their reports, it was the county level
magistrate, who took the depositions of the individuals involved and wrote
the foundational narrative. Increasingly terse and formulaic over time, these
case records nevertheless often included evocative language meant to facil-
itate leniency, but also to convey the pitiful conditions of the rural poor.
A recurring image that haunted many homicides, particularly from extremely
destitute counties in Shandong, was the violent disintegration of the family,
the essential building block of Chinese civilisation.

The Qing Empire was vast and individual provinces were similar in size to
European countries, but with twice the population. Historically, Shandong
was among the most disaster-stricken, with drought in 233 different years in
the 268 years of the Qing dynasty and with the Yellow River bursting its
banks on 127 separate occasions. Parts of the province were among the most
impoverished in the empire. Homicides from Shandong province in particular
reveal the dire struggles for survival that framed violence in rural society.
Threatened with eviction from the land prior to the harvest, tenant Wang
Chen pleaded: ‘If you demand that I return this land now, is it not the same as
killing my family?’ His pleas unheeded, Wang later died from the injuries
suffered in the ensuing struggle with his manager, Cheng Zhao. Landless
peasants in Shandong often subsisted as agricultural contract workers. For
example, Huang Bang, without a family or land of his own, became
a contract labourer on Ming Keyi’s land. Huang relied on his employer
for wages, food and shelter, and he lived with other contract workers.
Trouble started when Ming Keyi denied Huang’s request for an advance on
his wages to pay gambling debts. Later, when Huang overheard Ming Keyi
conspiring with the workers to whom he owed the money to have Huang
beaten and taken to court, Huang felt betrayed. According to his later
testimony, realising he could lose his livelihood, he ‘harboured resentment
all the more deeply’ and ‘murderous thoughts arose’. Knowing that he was
no match physically for his boss, Huang decided to kill Meng Keyi’s two sons
instead. Armed with a wooden mallet, he entered the sleeping quarters of the
two young boys and smashed in their skulls.

The crime was heinous and brutal, and there was no question that the
punishment would be severe. In a society rooted in patriarchal privilege and
filial piety what could be worse than the destruction of his master’s

10 T. Buoye, ‘Suddenly Murderous Intent Arose: Bureaucratization and Benevolence in
11 T. Buoye, ‘Bare Sticks and Naked Pity: Rhetoric and Representation in Qing Dynasty
12 XKTB, QL 15.4.17 (22 May 1750). 13 XKTB, QL 16.7.6 (26 Aug. 1751).
Huang was sentenced to ‘lingering death’ for the premeditated killing of his master’s two sons. Still, in composing the account of the crime the county magistrate included this pitiful quote from Huang Bang regarding the threat to take him to court over gambling debts: ‘This clearly would put an end to my livelihood and would lead to my death’. While the job of the county magistrate was limited to investigating the crime, compiling the evidence and citing the applicable laws, this magistrate, and others like him, made sure that their superiors were aware of the utter despair that generated violent events.

Sometimes a single homicide report poignantly encapsulated the precarious existence of a rural household. Sadly, the case of Kuang Wenqi epitomised the slow, agonising and dehumanising descent into rootlessness and poverty that could end in atrocious violence. Wenqi had been raised by his uncle Kuang Yuxiang and his aunt Ms Dong, with whom he shared a home. By all accounts, Ms Dong was mean and petty. She discouraged her husband from loaning money to Wenqi and she disparaged Wenqi to his wife. While Kuang Wenqi was away from home engaged in petty trading, his mother and younger brother died of disease, though Wenqi mistakenly suspected that his aunt had ‘worked them to death’. The following year, Wenqi resorted to the illegal but frequent practice among the rural poor, of selling his wife to raise money. Bereft of family, Wenqi left home again and wandered as a vagrant. When he eventually returned home, Ms Dong refused to let him in the house. ‘Cold and hungry and without a home or kin to support him’, Wenqi blamed all his troubles on his aunt. The next day he returned to the house with a knife. He stabbed Ms Dong six times. When her 12-year-old son fled, Wenqi chased the boy and slashed him with the knife. Returning to the house, he found the 5-year-old daughter crying and killed her too. Covered in blood, Wenqi immediately turned himself in to the authorities. Clearly, his crimes were unforgivable. He also was sentenced to ‘lingering death’ for killing three members of the same family. Despite the heinousness of his crime the county magistrate still interspersed his report with language clearly meant to illustrate the depth of Kuang’s privation. Indeed, Kuang Wenqi’s life was a depressing

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14 Lingering death, also known as death by slicing or ‘death by a thousand cuts’, was the most severe and painful form of capital punishment. Compared to strangulation and beheading, the punishment was rare. Of the 813 capital offences in the Qing Code only 30 carried the penalty. See T. Brook, J. Bourgon and G. Blue, Death by a Thousand Cuts (Cambridge, MA: Harvard University Press, 2008), ch. 2.
illustration of rural distress and the disintegration of a family. He had lost his mother and brother to disease, sold his wife, and his only kin had harassed him and rejected him in his hour of need.

Poverty Destroys the Family

Interestingly, the three cases discussed above were reported within a two-year period, meaning that the same provincial-level officials would likely have read the reports along with hundreds of other homicide reports. We will never know if superior officials sympathised with the individual plights of Wang Chen, Huang Bang or Kuang Wenqi, but the wanton use of violence against innocent children and the alarming vulnerability of the family no doubt appalled judicial officials. Strikingly, both Kuang Wenqi and Huang Bang directed their murderous frustration at the children of their elders and superiors. One obvious lesson was that poverty not only destroyed the families of the impoverished; the impoverished also destroyed families of the better off. The broader implications of these crimes would not have been lost on the literati elite who staffed the Chinese bureaucracy. It was up to these pillars of patriarchal power to protect the foundations of Chinese civilisation, but the task was daunting, particularly when the local patriarchs, the presumed paragons of moral behaviour, were guilty of moral lapses.

The case of Feng Shiji and his wife Ms Zhang not only demonstrates the fragility of the family, the vulnerability of women and the ideological paradox that limited leniency in Chinese law; it also illustrates the limits of relying on the moral authority of the patriarch. Feng Shiji was an itinerant labourer in Shandong. While he was away seeking work, his wife, Ms Zhang, stole some beans from a senior clansman Feng Fazhen. The theft was uncovered and the beans were returned. When Feng Shiji returned home and heard what had happened, he berated his wife and also went to Feng Fazhen’s home to make the appropriate apologies. Feng Fazhen, an unmarried and, as subsequent events would reveal, randy old man (67 years old), recognised Ms Zhang’s precarious position and was emboldened to make advances. The next month when Feng Shiji was again away from home, the old man sneaked into Ms Zhang’s room at night and secretly left some money. The next morning, Feng Fazhen informed Ms Zhang that he had left the money and he made sexually suggestive comments. Clearly alarmed, Ms Zhang told

16 XKTB, QL 16.7.11 (31 Aug. 1751).
him she did not want his ‘filthy money’ and she cursed him several times. Ms Zhang hurried home and informed her mother-in-law.

When her husband returned that night and received the news of Feng Fazhen’s harassment he wanted to attack Feng Fazhen immediately, but his father persuaded him otherwise. That evening Ms Zhang wept after her husband scolded her for stealing and blamed her for the ‘loss of face’ resulting from Feng Fazhen’s untoward behaviour. Despite her innocence, Ms Zhang faced the humiliation that many women suffered in Qing China when they were victims of sexual harassment.

Apparently still angry, the next morning Feng Shiji concealed an iron bar on his person and went to confront Feng Fazhen. Shiji found Fazhen on the outskirts of the village in a wooded area digging with a spade. When Shiji asked Fazhen about the matter, Fazhen, without saying a word, raised his spade to strike Shiji. In the ensuing melee, Shiji disarmed Fazhen, pinned him to the ground with his knee and beat him with the iron rod. Feng Sanpo, an uninvolved passer-by, broke up the fight, disarmed Feng Shiji, and sent the two men on their respective ways. Unfortunately, the matter did not end there.

After witnessing her husband leaving the house with the iron bar, Ms Zhang had gone to Feng Fazhen’s home and hanged herself. Tragically, female suicide was not uncommon in cases of attempted rape or sexual harassment. In many cases male relatives pressured women to forego reporting ‘disgraceful matters’ to protect the family’s reputation but at the same time berated women who were victims of sexual harassment or assault. When Feng Shiji returned home and did not find his wife he searched for her. Eventually, he found her corpse hanging from a rafter in Fazhen’s home. Distraught, Feng Shiji took a wooden mallet and went to look for Fazhen to ‘vent his anger’. When he found Feng Fazhen he struck him in the eye and repeatedly hit him over the head as well as the upper body and wrist. A local constable, Li Tingzhang, intervened and stopped the assault. Feng Fazhen was seriously injured and died later the next day.

While there was no doubt that Feng Shiji was responsible for the death of Feng Fazhen, under interrogation Shiji emphasised several mitigating factors. Regarding the first brawl, Shiji depicted it as self-defence because Fazhen has raised his shovel first. After the brawl ended and Shiji discovered his wife’s corpse he immediately went home and got the mallet and proceeded to

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17 See Theiss, Disgraceful Matters.
attack Fazhen again. The point being there was no premeditated violence. Finally, laying the possible groundwork for a statutory pardon in the Qing Code, Shiji noted that both his adoptive parents were 71 years old and that he was their sole support.

Tellingly, the county magistrate interrogated Feng Shiji a total of five times. To an experienced reader of Qing homicide reports the questioning followed a familiar pattern. The magistrate probed to be sure that there was no premeditation or intent. Another indication of the dire exigencies of the eighteenth-century rural poor was the ‘opportunistic use of cadavers’ and the use of false accusations. For this reason it was not unusual for the magistrate to question whether Ms Zhang had falsely accused the old man of sexual harassment as a form of blackmail. Similarly, regarding the death of Feng Fazhen, the magistrate consulted the autopsy and observed the number and variety of the wounds implying that Feng Shiji must have intended to kill the old man or may have had accomplices. No doubt the county magistrate was also concerned to alleviate any possible doubts the superior judicial officials might raise.

Ultimately, the magistrate accepted Feng Shiji’s version of events. He concluded that there was no evidence of a long-standing grudge and that Feng Shiji’s resort to violence, while extreme, was not unprovoked and nor was it premeditated. Regarding Ms Zhang’s suicide, the magistrate acknowledged the flirtation, and concluded that Ms Zhang was ashamed and regretful after her husband scolded her over the petty theft and the loss of face. Thus, the magistrate surmised that it was her ‘clear intention’ to ‘sacrifice her life’. The important point here was that Ms Zhang was an honourable women who had not been involved in trading sex for food, and who had committed suicide out of shame. Based on my own reading of thousands of case records, Feng Shiji would have had a good chance of leniency given the circumstances of the crime. Furthermore, the fact that he was an only son of aged parents qualified him for a statutory pardon to care for parents over the age of 70. Unfortunately, Chinese law had a long history of differential punishment based on kinship relations. The fact that Feng Fazhen was a senior clansman was an aggravating circumstance. Under Chinese law, anyone found guilty of killing a senior clansman, regardless of the circumstances, was usually sentenced to beheading and imprisoned awaiting a final decision at the autumn assizes. Despite the fact that the killer’s father was over 70, Feng Shiji had

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committed the very serious crime of killing a senior clansman and the magistrate ruled that the circumstances did not warrant a pardon to care for his aged father.

The death of Feng Fazhen, the suicide of Ms Zhang and the conviction of Feng Shiji succinctly exemplify the contradictions that plagued eighteenth-century society and Qing criminal justice and the material and ideological predicaments that the rural poor faced in the eighteenth century. With no land of his own, Feng Shiji was forced to seek work outside his village for weeks at a time. Ms Zhang’s plight vividly illustrates the risks that households encountered when the men left home to seek gainful employment. Away from home for days, weeks or months at a time, itinerant male labourers exposed their wives, mothers and children to economic exploitation, harassment and sexual assault. Tragically, male mobility created female vulnerability. Furthermore, despite the official scapegoating of bare sticks as rapists, in the case of Ms Zhang her assailant was a relative. In fact, the perpetrators of sexual assault and harassment in eighteenth-century China usually were men known to the victim.¹⁹

As appalling as Ms Zhang’s fate was, it was even more repugnant given that she was victimised by a senior clansman. From the point of view of a scholar official steeped in Confucian ideology, patriarchs should demonstrate benevolence towards their juniors. Instead, Feng Fazhen selfishly exploited Ms Zhang’s economic insecurity. While there is no defence for Fazhen’s actions, as recent research on polyandry and wife-selling demonstrates, ‘sharing’ a wife in return for material support, although illegal, was one of the desperate survival strategies of the rural poor.²⁰ In this case, however, it was clear that neither Feng Shiji nor Ms Zhang were interested in such an arrangement. Finally, because protecting patriarchal privilege was paramount in Qing law, Feng Shiji was punished severely regardless of the circumstances (provocation, absence of intent or premeditation, suicide of his wife) surrounding the crime and despite the fact that he would have qualified for a statutory pardon to care for his elderly father if the victim had not been a senior relative. Legally, the harsher sentencing of the killer and the denial of pardon to care for an elderly parent was justified by the principle of patriarchal privilege. Ironically, while upholding the protection of the deceased patriarch, the law denied a living and morally correct patriarch, Feng Shiji’s aged father (who had wisely counselled against violent action), the support of his son. Keeping in mind that homicides underwent thorough judicial review

¹⁹ Theiss, Disgraceful Matters, p. 156.
²⁰ See Sommer, Polyandry and Wife-Selling.
and multiple sentencing reviews, the irony, if not inequity, of the result in a case like this would have been painfully apparent to judicial bureaucrats at every level of administration.

‘Legislative Turn’ in Punishment

Over the course of the eighteenth century a succession of Qing emperors enacted hundreds of statutes that codified changes in taxation, reorganised governance of ethnic minorities, eliminated hereditarily debased legal status, addressed contentious property rights issues and imposed harsh penalties for an increasing number of specifically defined violent crimes. Peaking in the eighteenth century, the proliferation of new regulations more than quadrupled the number of statutes in the Qing Code in comparison to the Ming Code. The most prolific Qing ‘legislators’ were the Yongzheng Emperor (1723–35) and the Qianlong Emperor (1736–95), who together added more than a thousand new statutes to the Qing Code during the eighteenth century. The broad legislative turn in Qing rule was conspicuous in the response to violent crime and capital punishment. The steady accretion of legislation included an increase in the listing of offences defined as capital crimes, restrictions on statutory pardons, a streamlining of review procedures, expansion of penal institutions and the extension of bare stick legislation. Of all the changes to criminal law, however, the resort to an aggressive policy of deterrence predicated on capital punishment was the most consequential. By embracing a strategy that deployed the presumed deterrent power of capital punishment, aimed at a particular type of offender, eighteenth-century emperors presented staggering practical and ideological challenges to the judicial bureaucracy.

Ideologically, this legislative initiative indicated a new direction in Chinese criminal justice. Most notably, bare stick legislation profiled a new class of despicable and wilful miscreants. Often associated with unmarried downwardly mobile males who were frequently scapegoated for sexual crimes, eighteenth-century bare stick crimes were extended to include the illegal activities of local government underlings and pettifoggers, and crimes such as false accusation, fraud, opening graves, hoarding commodities, tax resistance and witchcraft, among others. The far-reaching ideological implications of this effective redefinition of criminal behaviour are too complex to address in detail here, but it is sufficient to note that over time the common denominator of bare stick crimes was not social status of the perpetrators but their moral character. Similarly, these unlawful acts were diverse, but collectively
they were all related to the side-effects of an increasingly complex commercialised economy and a highly mobile population. In this way, one could argue that bare stick legislation was an innovative response to combating crime, but the reliance on strict enforcement and expanded use of the death penalty ran the risk of toppling the highly centralised criminal justice system. Given the procedural requirements for adjudicating capital offences, one predictable and inescapable result of increasing the number of crimes eligible for the death penalty was that the sheer number of cases under review would increase. Making matters worse, the Qing rulers did not augment judicial personnel, pushing the judicial bureaucracy to near breaking point.

Autumn Assizes

Contrary to the distorted view of Chinese criminal justice that many Western observers advanced in the late eighteenth and nineteenth centuries, the Qing dynasty inherited a sophisticated, multi-tiered procedure for the judicial and sentencing review of capital crimes that had deep roots in China’s past. All capital crimes were subject to automatic judicial review, and the overwhelming majority of death sentences were also subject to an equally exhaustive review. As the voluminous extant capital case records indicate, these exhaustive review procedures entailed an enormous bureaucratic burden. Each capital case was initially investigated and prosecuted at county level and then automatically re-examined at successive levels of administration, starting with the prefecture and continuing upwards to the province, central government and eventually the emperor, who reserved the ultimate privilege to decide all capital cases. Judicial review of homicide established guilt and assigned specific sentences in accordance with the Qing law code. Serious crimes, such as parricide, were sentenced to ‘immediate execution’, and the criminal was executed without delay after the judgement was rendered, but most death sentences were provisional and convicted individuals were jailed at local level awaiting additional review and final sentencing at annual autumn assizes. Sentencing the overwhelming majority of capital cases provisionally in effect made the death penalty revisable and debatable and required an additional round of review.

The autumn assizes began in the provinces soon after an initial verdict was rendered. Provincial judicial commissioners compiled lists of recommended sentences that were forwarded to their respective provincial governors who considered the recommendations and submitted their own reports to the Board of Punishments in Beijing. The Board of Punishments deliberated and
recommended sentences to a special tribunal known as the 'Nine Dignitaries', which was usually comprised of forty to fifty officials drawn from the top ranks of the judicial administration. The Nine Dignitaries returned their decisions with comments to the Board of Punishments, which then presented its results to the emperor. A final grand ceremony in which the emperor personally checked off the names of the criminals who would be executed took place at dawn in the ninth month of the lunar year. By late imperial times, the institutionalisation of this annual multi-tiered procedure of sentencing review each autumn became the framework for imperial control of capital punishment and the public vehicle for demonstrating imperial grace.

At the autumn assizes there were four possible outcomes: execution warranted, ‘indefinite stay’, remaining at home to care for aged parents, and worthy of compassion. Few in number, those worthy of compassion were individuals who qualified for specific statutory pardons or reduced punishments as defined in the Qing Code. This included the aged, young and mentally impaired. In the same way, the legal qualifications to remain at home to care for aged parents, which were amended several times during the eighteenth century, granted mercy to a convict who was the sole support for parents or grandparents who were over age 70. The most numerous and more problematic outcome was indefinite stay. Throughout his sixty-year reign the Qianlong Emperor complained often about indefinite stays. Usually without the introduction of any new evidence, these cases were returned to the autumn assizes year after year for reconsideration with many hapless souls dying in local jails awaiting final sentence. By 1765 the Qianlong Emperor was angrily complaining that the autumn assizes was ‘awash’ in unresolved sentences. Legislation that variously set time limits of three or five years on indefinite stays, after which convicts would be exiled to Xinjiang, was introduced and debated, but the costs of monitoring convicts whose sentences were commuted to exile and detaining those under provisional sentences of death placed an ever growing burden on local officials. Despite his acrimonious complaints over deferred sentences, the emperor himself often did not finalise death sentences that the autumn assizes recommended. This category of unresolved sentence was known as ‘execution warranted but not yet “checked”’; what it meant was that officials at the autumn assizes endorsed the death penalty but the emperor had not personally placed his vermilion check mark next to the name of the criminal. Without the emperor’s approval the sentence could not be carried out. These cases would also be re-examined at the following year’s autumn
assizes. By the 1770s provincial officials were requesting clarifications on imperial orders to reclassify cases that had been found execution warranted but not yet ‘checked’ for ten consecutive years to the category of indefinite stays. Suffice it to say that despite the increase in capital crimes there was a high degree of ambivalence regarding the use of capital punishment.

When the emperor did approve the death penalty, the sentence was carried out in the district where the crime had occurred. Historical statistics are sparse but data for nine years during the Qianlong reign, arguably a period of relative administrative competence, show that there was an average of 2,863 executions each year. Furthermore, the reluctance of many officials to finalise death sentences or reduce the sentence to exile during the annual autumn assizes meant that thousands of cases received deferred sentences. Imprisonment was never a statutory punishment in Qing law but, as the reports of deaths in detention reveal, a form of ‘lingering imprisonment’, the indefinite detention in county or prefectural jails, became a de facto punishment for many who awaited final sentencing at the annual autumn assizes. By the late eighteenth century exile to Xinjiang had become an alternative punishment for individuals who had had their death sentences deferred multiple times. A study of exile to Xinjiang during the Qing notes that ‘from 1790 to 1792, some 8,000 criminals were placed in the execution deferred category three or more times’ and ‘from late 1800 to the assizes of 1803, more than 10,000 were so classified and from 1809 to 1812, nearly 13,000 were so classified’. Still, thousands of these hapless souls languished in local jails for decades and hundreds never survived incarceration. Death in detention was the tragic consequence of an overworked judicial bureaucracy, an under-resourced criminal justice system and an expanded use of capital punishment.

Conclusion

An indisputable consequence of the demographic and economic expansion in eighteenth-century China was a more mobile and peripatetic population. Whether profitably engaging in commerce, adventurously migrating in search of arable land or urgently seeking seasonal employment, during the eighteenth century Chinese men, and sometimes women, were on the move in search of economic opportunity, better livelihoods or basic sustenance.

These sojourners, migrant, and vagabonds sometimes faced personal danger, including fatal violence, on the road or on the frontiers of new settlements. In extreme cases the absence of a male head of household exposed some women to a greater risk of sexual assault, but more common were the desperate survival strategies of the rural poor which included polyandry, wife-selling and marital prostitution. Still more alarmingly, economic and demographic forces had created a decidedly more contentious society that undermined shared ethical norms and vitiated notions of social justice. Equally dreadful, the extreme nature of violent crimes – younger relatives attacking and killing elders, adulterous wives plotting to kill their husbands and brutal killings of female and juvenile relatives – was an appalling threat to the civilisational ideal that social stability was rooted in benevolent patriarchy. The ideological underpinning for the administrative apparatus that had supported Chinese civilisation for millennia was profoundly threatened.

Western and Chinese concepts of civilisation have much in common. Unlike the nineteenth-century Western notion that has long been associated with the Age of Enlightenment, modernity and progress, the Chinese concept has a much longer pedigree. Most scholars would agree that the concept of civilisation that embodied Confucian principles of moral behaviour, loyalty and filial piety was well established by the Western Han dynasty (206 BCE–220 CE). Likewise, the idea that civilisation constituted the special character of a society was common in China and the West. Civilised people in China and the West valued self-discipline and rejected violence. Indeed, the Chinese commitment to education and cultural refinement was institutionalised in the civil service examination system, which became the pathway to political power and influence in the Song dynasty (960–1279). Ultimately, both Chinese and Western advocates believed in the positive transformative power of civilisation.

Not surprisingly, given the deep roots of Chinese civilisation, the association of historical patterns of interpersonal violence with a notion of progressive civilisation that begins in the nineteenth century seems irrelevant to China. The civilisational values of reciprocity, benevolence and refinement had survived for over two millennia. As the evidence gleaned from eighteenth-century homicide illustrates, the increasing incidence of horrendous acts of violence was inextricably linked to unprecedented macro-economic and demographic change in China that simultaneously engendered

22 Sommer, Polyandry and Wife-Selling.
prosperity and poverty. The situation was so dire that the rural poor who lost out economically often engaged in survival strategies that were desperate, pathetic and, too frequently, horrifically violent. Ultimately, threats to the material well-being of a growing number of Chinese peasants overshadowed the ameliorating power of civilisational ideals. The anguished pleas and plaintive cries of the rural poor attested to the breakdown of shared norms and ideals of justice. Undoubtedly, the Qing officials who regularly reviewed homicide and capital crimes were painfully aware of the threat to social order and the ideological pillars of civilisation. What they did not seem to realise was that the material foundations of civilisation had been irreparably undermined. Regardless of how we judge the efficacy of the tactics, eighteenth-century rulers undertook an innovative course of action – redefining criminal behaviour and pursuing an aggressive policy of deterrence – that was not wholly compatible with established norms or institutions of Chinese criminal justice. More importantly, to the extent that the underlying causes of violence were not identified and addressed, their efforts were doomed to fail.

Bibliographic Essay


The first effort to statistically analyse homicide based on the archival resources is Zhiwu Chen, Kaixiang Peng and Lijun Zhu, ‘Social-Economic Change and its Impact on Violence: Homicide History of Qing China’, Explorations in Economic History 63 (2017), 8–25. Finally, an invaluable website for Qing law is Legalising Space in China, http://lsc.chineselegalculture.org/, the nexus of an ongoing project to translate the statutes of the Qing Code, which has hundreds of historical works on Qing law, documents and other resources.
From the first permanent English settlement in North America to 1800, the character and causes of violence in Anglo-America revealed both continuities and changes. A persistent source of violence was the inability of the state to suppress and sanction it. Especially in the seventeenth century, colonial governments were feeble and contested, and were unable to suppress the exorbitant violence of colonists. In the eighteenth century the vitality of government grew, but in the remoter regions of America, the ‘frontier’, the magistracy still struggled to keep the peace and be respected. Ironically perhaps, the government also sponsored and tolerated violence, in the two obvious cases of war and chattel slavery. Wars were common to both the seventeenth and eighteenth centuries, but slavery grew immensely in the eighteenth. It flourished in the American south only with the state’s infliction of physical and capital punishment upon the captives and by its sanctioning of slaveholders’ use of violence. An accompanying cause of the violence in America was race prejudice, which helped create and maintain slavery and also underlay the colonial wars, declared or undeclared, between European Americans and Native Americans.

In the seventeenth century the Europeans who migrated to eastern North America left a remarkable record of criminal violence. Eastern North America was contested ground, a ‘frontier’, lacking government and law enforcement, with ill-defined political boundaries, populated by distinct ethnic, racial and cultural groups, predominately men, insecure, schooled in violence and pursuing, variously, wealth, personal or public power and autonomy or exclusivity. They, in turn, confronted indigenous peoples who themselves had different identities, languages, histories and territorial claims.

It was a dangerous mix. In the first three-quarters of the seventeenth century violence and homicide pervaded the European settlements: in New England, Plymouth, Massachusetts Bay and Rhode Island; in the mid-Atlantic, New Netherlands and New Sweden, later New York and New
Jersey; in the Chesapeake region, Virginia and Maryland. Rates of homicide in these settlements far exceeded those in contemporary Europe or modern America. The large majority of migrants were escaping poverty, crime, capital sentences, war or political and religious discrimination. Especially in the Chesapeake, they were mainly male indentured servants, without property and unfree. They included soldiers of fortune, some of whom achieved renown in America, like Captain John Smith of Virginia.

At Plymouth, the Pilgrim colonists, religious refugees who enjoy good repute in American memory, murdered seven offending Massachusetts Indians in 1623. Myles Standish, one of the career soldiers who accompanied migrants to America, led this murderous foray. He mounted the head of the most offensive Indian, Wituwamat, on a pole at Plymouth to intimidate any other presumptuous natives. But Englishmen victimised not just Native Americans; they killed fellow Englishmen who allegedly threatened them. The homicide rate in New England exceeded 100 per 100,000 persons in the first quarter of the century.

The earliest Virginians, on the other hand, were a notoriously aggressive and contumacious lot, and it is not surprising that their homicide rate doubled that of New England, at 200 per 100,000. With the discovery in 1618 of tobacco as a lucrative marketable commodity, the demand for labour in the Chesapeake outstripped demand in any other region of mainland American. For most of the century, Virginians imported indentured servants, overwhelmingly male, from the British Isles. Especially because their owners, with the collaboration of the government, oppressed them remorselessly, these servants presented the greatest problem of American crime and violence during the latter half of the seventeenth century. Vengeful, alienated and armed, former servants and escaped servants composed a bandit proletariat in Virginia that committed assault, theft, vandalism, arson, sedition and, in 1676, insurrection. Historian Randolph Roth estimates that servant immigrants accounted for 50 per cent of non-political homicides among unrelated persons in Virginia and 67 per cent in Maryland.

2 Ibid.: except regarding Pennsylvania, the rates of homicide specified hereafter are from Roth. Roth’s rates combine data from court documents and from private narrative accounts of homicides (see pp. 489–91). For a comparison, the homicide rate in 1991–2 in the United States, when public concern over crime was pronounced, was 10 per 100,000: Roger Lane, *Murder in America: A History* (Columbus: Ohio State University Press, 1997), p. 308.
The exorbitant homicide rates in colonial Anglo-America did not persist long past 1675, however. Epochal events of the last quarter of the century propelled an unmistakable decline in violence in both New England and the Chesapeake and changed the course of law enforcement. Wars deserve most of the credit for this change. When one rival dispatched another, imposing its will and law in a formerly contested territory, violence subsided. In New England it was King Philip’s (or Metacom’s) War of 1675; in Virginia it was civil war – Bacon’s Rebellion of 1676.

King Philip’s War was probably the most punishing conflict ever suffered by Anglo-Americans; not until the 1720s did New England’s economy recover its pre-1675 level. Most obviously the war eliminated the commonplace acts of aggression between Natives and Anglo-Americans: the Natives were either expelled or killed. From more than 100 per 100,000 in the first quarter of the century, the homicide rate among unrelated adults fell to less than 4 per 100,000 in the last quarter. That momentous decline included not just interracial homicides but homicides within the Anglo-American community. Whereas the cause of the decline in violence between colonists and Native Americans is obvious – the Natives were dead or removed – the decline among the colonists needs additional explanation. Racism caused much of that decline. The war generated widespread, virulent racism directed towards the Native enemy; it created a barrier of colour between colonists and Natives, white versus ‘red’. It unified the colonists and generated fellow feeling that curbed hostility and violence among them. With the Native enemy at the gates, they could not suffer divisions among themselves. They were consequently less inclined to violate each other’s persons and more inclined to respect each other’s rights and religious and social distinctiveness. For its part, the state dampened down its earlier heavy-handed punishment of non-conformity. A spectacular example of the growing toleration in New England and the state’s retreat from judicial violence is the crime of bestiality. More than any other behaviour, bestiality horrified New Englanders. Samuel Danforth wrote that ‘it will not suffer God to rest in Heaven . . . the Earth groans under the burden of such wickedness’.4 Between 1642 and 1674 New Englanders executed seven men convicted of bestiality. After 1674 there were no further executions or convictions for the offence.


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The famous witchcraft trials at Salem, Massachusetts, in 1692 appear to contradict the claim that tolerance and civil peace grew after King Philip’s War. After all, the state judicially murdered nineteen women and men upon convicting them of witchcraft. But after the rash of prosecutions in 1692–4, only two additional persons were tried. Historian Karen Karlsen has commented on the remarkable nature of the decline, but the relatively peaceful aftermath of the episode does conform to the longer trend of increased tolerance in the community of white New Englanders.5

Also, the witchcraft trials occurred in the context of war, race phobia and growing English solidarity that had originated in King Philip’s War. War with France began in 1689, following the Glorious Revolution in England and the ousting of Catholic James II from the throne. The revolution further confirmed the Protestant identity of Englishmen, which now significantly expanded to include dissenting Protestants. In New England, the Catholic French and their Indian allies attacked villages on the northern perimeter of Massachusetts, feeding the phobia that persisted from 1675. The phobia against Indians appeared in the trial testimony of afflicted Salem women. Mercy Lewis testified that among her afflicters were French and Indians who appeared to her, brandishing their Roman Catholic missals. Defendants in the trials also corroborated the complicity of the Indians and French: one of the convicted witches confessed to plotting with French and Indians to destroy New England. It seemed that Satanic forces from the violent frontiers were penetrating the neighbourhoods of Massachusetts.

In Virginia, the route to reduced homicide and greater fellow feeling differed from that of New England, even though both ways involved war with Native Americans. Bacon’s Rebellion pitted not only Anglo-Americans against Indians, but also English against English. It was partly a civil war. The first of the three parties to the conflict was Nathaniel Bacon and his followers, who included some men of property and status who were aggrieved at the slights they had allegedly suffered from Governor William Berkeley. In addition, Bacon also enlisted the support of suffering and impoverished freed servants. Together, Bacon’s clique and the freedmen waged war against the second party to the conflict, the Natives. When Berkeley and the government would not sanction the war against the Indians, Bacon, whom Berkeley pronounced a rebel, waged war against Berkeley and the government – the third party to the conflict. Bacon and his rebels, although failing in their rebellion, frightened the planter

elite into realising how precarious their position, power and property were. The colony had dangerously many angry, poor, white freedmen – men who had been the planters’ solution to the labour shortage in a commodity economy. Planters needed an alternative to indentured servitude.

That alternative already existed in the Chesapeake. From the earliest decades Africans lived in Virginia in an ambiguous civil status, some of them free and some enslaved. If lifelong slavery were made the civil status of all African Americans, and many more were to be brought from Africa, then the danger of proletarian, white rebellion could be dispelled. Thus, in the last quarter of the century planters shifted from white servitude to racial, chattel slavery. In 1670 the Afro-American population numbered some 2,000, mostly enslaved; by 1700 it was 8,000, all enslaved. By 1750 it was 100,000 slaves. But there was no escaping the violence; instead, the planter plutocracy, with the assent of the white labouring class, substituted new victims of violence.

After Bacon’s Rebellion and with the shift to chattel slavery, the poor white population of Virginia escaped the prospect of continual oppression by white planters. Moreover, they enjoyed the positive benefits of lighter taxation, the franchise and increased access to land. There was also the matter of fellow feeling. In New England white solidarity complemented increased hatred of Native Americans. In Virginia, with the assistance of lawmakers, race prejudice was focused upon Negroes, justifying in the minds of whites their universal enslavement and repression. Hereafter, and at least until emancipation in 1865, the poor whites, erstwhile criminals and rebels, instead of disrupting the peace of Virginia would secure it – manning the slave patrols, filling the ranks of the militia that would suppress Negro revolts, and executing the constables’ and deputy sheriffs’ duties. This change had the most profound consequences upon crime and justice of any in American history reaching into the twenty-first century.⁶

In the decades after 1680 the justice system of Virginia subdued resistance to enslavement that the newly transported Africans offered. From 1706 to 1784 at least 567 slaves were sentenced to death – and possibly additional hundreds from counties whose records are lost. There were no appeals, no reprieves and no pardons. By contrast, there were only seventy free persons sentenced to death in

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the same period. Violent repression by the State was complemented by the power owners wielded over slaves, which the law sanctioned and violations of which were rarely recorded. Thus, after 1710 no white person was prosecuted for causing the death of a slave whom he or she was ‘correcting’.

Although the problems of violence and justice that plagued the seventeenth century before 1675 – arising, for example, from intimate contact with Native Americans and contested governments – did not disappear in the eighteenth, there were many fewer incidents for eastern North America for extended interludes. The violence that attended the earliest European encroachment on Native American lands receded into the Appalachian regions, leaving the seaboard communities in greater peace and security. Native Americans in the east had been evicted or subdued. The need for labour never diminished and the labour supply – enslaved Africans in the south and immigrant Europeans to the north – continued to disrupt the public peace. Late in the seventeenth century Americans grew their tolerance for other white Americans. Generations of creole whites arose creating more homogeneous communities. Nevertheless, new arrivals to America would test their tolerance again; but now governments functioned regularly and citizens treated their authority and power as legitimate. Courts convened, juries were impanelled, judgements rendered, sentences executed. A civil society had arisen in most of America, most of the time.

The clearest evidence of improvement occurred in New England’s record of violent crime. The New England rate of homicide among European Americans remarkably fell below 2 per 100,000 until the American Revolution. A more homogeneous population accounted for much of the fall. European immigrants of the eighteenth century mostly avoided New England, and the region escaped the disruption that immigrants caused elsewhere in America. New England communities did not welcome newcomers, nor did its meagre economy and natural resources attract them. The colonies south of the Hudson River had to deal with the next mass arrivals from Europe and the violent behaviour attributed to them.

The Chesapeake region did not enjoy as dramatic a drop in violence as New England. There, the rate of homicide among unrelated adults declined to 9 per 100,000. Chesapeake tobacco planters were substituting African slaves for white indentured servants and the change reduced one source of violence and increased another. As noted earlier, Virginians applied both public and private violence against Africans in order to reduce them to

7 Roth, American Homicide, p. 38.
obedient labourers. Former indentured white servants and their descendants shared a common racial identity with the wealthier, governing planter class. Similarly to the dynamic in New England after King Philip’s War, that sense of unity and fellow feeling staunched the urge to avenge oneself on some fellow white Virginian. The Chesapeake did not escape an influx of trouble-making Europeans, however. Before the American Revolution ended the practice, Britain transported some 50,000 convicts to Virginia and Maryland, who served there as indentured labourers. And as in the past, these convicts were freed or they escaped and became drifters. Colonists in the Chesapeake complained abundantly of their crimes, but so too did magistrates from nearby colonies; from New York, William Smith Jr labelled them ‘a Herd of the most flagitious Banditti upon Earth’. 

Towards the middle of the eighteenth century Virginia began receiving an exodus of Scots-Irish from Pennsylvania who were migrating south on the ‘Great Wagon Road’. Some Virginians encouraged the migration, for one reason: that these pugnacious folk would serve as a barrier between hostile Indians and the older settlements in the Tidewater. Their presence had its regrettable side, in the opinion of yet other Virginians. Anglican minister Charles Woodmason called them ‘beggarly Irish Presbyterians’, ‘the Scum of the Earth and Refuse of Mankind’. ‘They delight,’ he continued, ‘in their low, lazy, sluttish, heathenish, hellish life.’ When they illicitly sold liquor to Indians, or especially when they defied government by moving west of the Appalachians onto Indian lands, Virginians realised that their pugnacity and defiance created danger as much as security and safety for the Tidewater. Aside from their clashes with Indians, the Scots-Irish brought with them impetuousness, pride, sensitivity to honour and a willingness to fight that marked them and the character of the south where they settled. In short, they were violent; before 1765 in Virginia, they were 26 per cent more likely to be murdered or to commit murder than other colonists, according to Randolph Roth. From Virginia they dispersed into the Carolinas and beyond and took with them their violent behaviour and reputation.

10 Roth, American Homicide, p. 84. Roth notes that the Scots-Irish in New England were less violent than their countrymen in Ulster; their higher rate in New England and especially in the south was partly due to their settling on frontiers, where government was feeble and Native Americans were nearby.
In 1682 Pennsylvania was the next to last colony founded by the English in continental North America (and destined to have its largest population of free persons), and its record of crime and justice benefited immensely from that late start. It did not need to be settled by the conquest of indigenous peoples confronting Europeans for the first time. The Dutch and Swedes had entered the Delaware Valley as early as the 1620s. The English populated adjacent New Jersey, and some were migrating across the Delaware River before 1682. The indigenous Lenape people were long familiar with Europeans by the time founder William Penn arrived.

Nor did Penn have anything like conquest in mind. He wished that no lands be settled without the consent of local Indians and, in 1682–4, he and the native Lenape devised treaties that peacefully admitted colonists to the region’s south-east. For decades Pennsylvania escaped the interracial violence that characterised almost all other American settlements. It was unique. Besides having a Quaker founder, Pennsylvania’s immigrants during its first three decades were very largely Quakers. Their religious profession included pacifism and non-violence. Long after the first three decades, most of the magistrates were Quakers and pacifists. Finally, Pennsylvania did not have an agricultural staple like tobacco, which encouraged a massive servile labour force. It would later confront problems with indentured servants, but not in the way Virginia confronted them.

A late founding, William Penn, pacifism and no staple crop resulted in some thirty years of grace. Between 1682 and 1719 Pennsylvania recorded only sixteen homicide indictments, which was a homicide rate of 1 per 100,000. It was the lowest rate ever for Pennsylvania and a memorable record for any time or place. The colony imposed capital punishment for only two crimes, murder and treason. That amounted to extraordinary leniency in the English-speaking world, and it caused critics of Penn and the Quakers to predict an abundance of crime. The courts in that period sentenced only two convicted persons to die, further defying the critics.

The consequences of erecting an open, pluralistic society emerged towards the fortieth anniversary of Pennsylvania’s founding. Thousands of non-Quaker immigrants arrived after 1717 – ‘shoals’ of them, wrote James Logan, Pennsylvania’s pre-eminent administrator, who called it an invasion.¹¹ The population grew by 40 per cent every decade from 1700 to 1780. The

timing of the initial surge was unfortunate; by 1722 Pennsylvania had plunged into economic depression. Violence and disorder occurred in ways previously unknown in the province. In 1726 a mob attacked instruments of criminal justice, burning down the pillory and stocks in Philadelphia and destroying the stalls of butchers, whom people believed were profiteering. Two years later a mob vandalised Logan’s home and physically intimidated members of the legislature. Homicide rates doubled and quadrupled: from 0.9 in the whole province to 3.6 per 100,000 in the 1710s and 4.5 in the 1720s. Chester County recorded 9.0 for the period 1718–32.

Logan complained that ‘The Quaker Countrey, as this is called abroad, is become a scene of the vilest, most extravagant Licentiousness’. The Society of Friends blamed the criminal turmoil on immigrants, who, it wrote, were ‘great Numbers of the vicious and scandalous Refuse of other Countries’. The immigrants they especially had in mind were the Scots-Irish. ‘What is to become of us,’ Logan ranted, ‘with those additions [of more Scots-Irish] to ye Poyson in our Bowels.’ The records of the courts reflect the dismay at the Scots-Irish influx. In the 1710s criminally indicted Scots-Irish amounted to 23.3 per cent of the total in Chester County, 3.9 per cent more than their share of the county population. By the 1730s it had grown to 49.2 per cent, 21.9 per cent greater than their share. At the western edge of settlement, as in Donegal Township, the Scots-Irish predominated. There the courts hardly operated and crimes went unprosecuted. The rapid growth of population and expansion of the colony had brought it the unwelcome experiences of other less fortunate and idealistic settlements in America. Pennsylvania’s period of grace was over.

Excellent court records, tax lists and city directories from Pennsylvania facilitate analysis of the criminally accused or prosecuted. The single most significant fact to be obtained about these persons was that a majority were transients, strangers, men without homes, wives, children, neighbours, churches or affiliations. In Chester County 61.5 per cent of the accused are missing from the county tax rolls; in Philadelphia 70 per cent or more are missing from tax rolls and city directories. Poverty alone does not explain their absence, because townships listed poor or unfortunate residents excused from taxation. The accused were not among these communities’ own poor. Except for their appearance in the criminal court records, they are effectively invisible. Significantly, a large minority of the victims of crime were these invisible men as well.

12 Ibid., pp. 66, 70.
Pennsylvania – and probably all the colonies south of New England and north of Virginia – had very mobile, heterogeneous populations. In Chester and Lancaster Counties of Pennsylvania, between 30 and 50 per cent of the residents in representative townships disappeared within ten years. At the edge of western settlement, a third of the taxpayer population disappeared every year. Urban Philadelphia registered the same high mobility as rural Pennsylvania. In this environment of very mobile people, the correlation between criminals and transients is not surprising.

Almost 45 per cent of the men missing from tax and other records had Scots-Irish surnames. In Chester County, of persons accused of theft, burglary and robbery, servants outnumbered all other known occupations combined. In sum, the prosecuted criminal in Pennsylvania was most likely to be a white male immigrant, younger than 35, from the British Isles and probably Ulster, who owned only what he wore and carried with him.

An example of these men was William Gumley, indicted for theft in Chester County in 1771. Nine years earlier, he had come from London to Maryland as an indentured servant. He served two masters until freed, after which he went to Baltimore and worked at menial jobs. Then back to work for his last master, and then back to Baltimore where he enlisted in the regular British army. Discharged in Philadelphia, he laboured at a farm in New Jersey, then on the docks in Philadelphia, then back to New Jersey. Finally, on his way to Lancaster County he was indicted in Chester.

While Pennsylvania was tending towards greater crime and disorder before 1730, the older colonies were putting behind them their experience of widespread crime. Homicide rates in New England fell from between 8 and 10 per 100,000 (for unrelated white adults) before 1675 to less than 2 from 1700 to the 1760s. The Chesapeake, to begin with, suffered more violence than New England but enjoyed a much greater decline into the eighteenth century. From more than 30 its rate for the equivalent population as New England dropped to approximately 10. Roth found that in these two regions there was almost no chance that within this white Protestant sodality colonists would kill each other over questions of land, boundaries, legal jurisdictions, rights or religion. By the middle of the eighteenth century

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13 South of Pennsylvania the large minority or majority of the population were slaves and unable to move. In New England colonies the populations were geographically stable and the towns resisted immigration. For an explanation see Barry Levy, *Town Born: The Political Economy of New England from Its Founding to the Revolution* (Philadelphia: University of Pennsylvania Press, 2009).

homicides of blacks also declined, as slaveholders felt more secure in their control of their chattels.

In the eighteenth century the Anglo-French wars that began in 1689 only fixed more securely the common identity of English colonists and lessened their inclination to harm each other. From its troubled decade before 1732, Pennsylvania’s homicide indictments fell from 3.4 per 100,000 to an admirable 1.0 in the years of the French and Indian War, 1755–64. In Chester County it fell from 9.0 to 1.2. Philadelphia, the largest city in the colonies, lowered its homicide rate to 1.6. The peace of the first forty years seemed to have returned.

The conditions in Pennsylvania that made for civil peace on the home front for 1755–65 could not thrive long in a growing and diverse province fractured by politics and religion. As decades passed, the burgeoning population of the province shared little of the peaceable ideals of the Quaker leadership. At mid-century the chief justice rued that 4,000 mostly Scots-Irish families lived beyond the Susquehanna River, out of reach of government and justice. The Scots-Irish, Lutheran and Reformed Germans and Anglicans earnestly wished to oust the Quakers from the government and reshape its policy towards Indians and imperial enemies. Since 1739, war had exposed ethical and policy divisions in the province. But it was not until the 1760s that these differences ruptured the colony and fuelled violence from the western frontier to the Delaware River.

Before 1763 there existed some ‘dark figure’ of unprosecuted crime and homicide between Indians and whites. One frontiersman, Edward Marshall, boasted that he alone had murdered at least twenty Indians. The Indians in turn murdered Marshall’s wife and son. Many adversaries singled out their victims from some memory of earlier unjust treatment. It was not impersonal war, but murder and revenge.

In December 1763, after an Anglo-French peace had been declared, men from Paxton, on the Susquehanna River, rode to Lancaster and murdered six peaceful Conestoga Indians in their homes, returning two weeks later to kill fourteen more. They boasted that they would march to Philadelphia and kill 140 more Indians, and that they would come after some of the pacifist Quaker legislators and defenders of the Indians. Many Philadelphians believed that an insurrection was afoot and they armed themselves for battle. Governor John Penn asserted that in the Susquehanna Valley 10,000 of the King’s soldiers could not bring even one of the perpetrators to trial. He exaggerated, but he understood the frailty of the justice system in the west.

In the ten-year run up to the American Revolution the peace of the first half of the century disappeared in more than just the frontiers of
Pennsylvania. In Pennsylvania as a whole the homicide rate quadrupled or more, from 1.0 indictments per 100,000 to 4.2. In Philadelphia, remote from the frontier, it rose from 1.0 to 11.6. Whereas the late war with the French and Indians strengthened community and raised empathy among most Anglo-Americans, the approaching revolution – a civil war, in fact – alienated them from each other. Issues of British taxation, colonists’ rights, petitions, boycotts, forceful resistance and, finally, the legitimacy of governments generated arguments and loosened tempers. New antagonistic political identities were emerging: Tory and Patriot. In this atmosphere of hostility homicides leapt in number. The seaboard cities, like Philadelphia, suffered this political mobilisation and violence before the countryside.

At Pennsylvania’s frontiers unprosecuted homicides continued as before. In the Wyoming Valley, land contested by Pennsylvanians, Connecticut migrants and Delaware Indians, rivals rotated among killing each other. One Pennsylvanian who allied himself with the Connecticut intruders was Lazarus Stewart, a Scots-Irishman and leader among the Paxton murderers. Stewart had once beaten a constable with an axe handle and had outstanding warrants against him for murder, assault, riot, arson and treason. In 1770, with his henchmen he destroyed the properties of Pennsylvanians in the valley. Connecticut people had earlier murdered the Delaware Indian leader Teedyuscung, for which Teedyuscung’s son led Delawares to massacre the Connecticut settlers. After the declaration of American independence, a force of British and Delaware and Iroquois Indians killed more than 200 Connecticut settlers at Wyoming; Lazarus Stewart was among them. Violence at Wyoming arose before the Revolution, expanded during it, but outlasted the century. Hostility towards Native Americans had usually influenced white Americans to coalesce and treat each other more civilly, but not in Pennsylvania; there, the white population was deeply divided over the appropriate treatment of Indians.

North and South Carolina, too, suffered the violence of the 1760s that accompanied contested authority, but not in a way equivalent to Pennsylvania. Later than neighbouring Virginia, North Carolina had emerged from the violence of the seventeenth century and then enjoyed a declining homicide rate until the 1760s. Following war with the Cherokee Indians in 1761, upland South Carolina and western North Carolina descended into anarchy and brigandage. Settlers suffered from criminal bands and neglect by the colonial governments and the eastern political elites. They were aggrieved at the lack of government, law enforcement and public peace, and so they took up arms against the brigands, but they also lashed out at
colonial officials, assaulting them and destroying their property. The royal governor of North Carolina resolved to suppress these so-called Regulators, sent the militia after them, and in a pitched battle at Alamance Creek in 1771, triumphed. Later, the colony hanged six of the Regulators for treason, a record toll in North Carolina judicial history. The epilogue to this conflict in the backcountry was the Revolution, since local hatreds did not disappear by 1776 but re-emerged in deadly conflict between revolutionaries and Loyalists, especially in South Carolina.

When the British attempted to enforce the Stamp Tax in 1765, Americans protested violently – rioting, assaulting and vandalising tax and customs collectors and British officials in the port cities, especially in Boston and New York. Even the governor of Massachusetts, Thomas Hutchinson, saw a mob all but destroy his home and, in his opinion, threaten his life. This putatively patriotic behaviour was simply crime in the minds of the British – crime that went unpunished in cities and counties in New England where magistrates and courts sympathised with the resistance. In 1770 disorder in the streets produced five American deaths when a mob of Bostonians assaulted a detachment of British soldiers and the soldiers fired upon the crowd.

The resistance that Americans showed after 1765 to laws and to local magistrates exposed the weakness of the Crown in America. As resistance expanded and patience with Parliament and the Crown was exhausted, Americans needed to find some replacement authority vigorous enough to maintain the local peace. Otherwise, venal men, some under the colour of patriotism, could use the lapse in authority to prey upon others.

When war broke out and independence was declared, the struggle for control of the political commons intensified and violence along with it. Had all Americans been revolutionaries (Patriots) the event would have been simply a popular anti-colonial revolution. But Americans were not anywhere near unanimous about revolution and consequently the engagement was a civil war as well, between American Loyalists and American Patriots. Where the Patriots outnumbered the Loyalists, and resistance to Britain was strongest, internecine violence was least common; where the numbers of Patriots and Loyalists approached equality, and the outcome was in play, Americans fought each other desperately. Added to this condition were other catalysts to violence: the presence of Native Americans (allied with the British); the legacy of past internal clashes, as in the Wyoming Valley or North Carolina; and occupation and departure of British armies.

New England, the most patriotic region and one which escaped extended British occupation, experienced the least violence. Resistance by Loyalists
was hopeless there. Major cities like New York, Philadelphia and Charleston were home to large numbers of Loyalists and were occupied by British armies. Where the hinterlands of these cities joined the occupied areas, regular and irregular warfare occurred and violence raged among civilians. In the late stage of the war the British occupied Charleston, South Carolina, and Lord Cornwallis and his army ranged across the southern backcountry and encouraged numerous Loyalists to suppress their Patriot neighbours, producing the most vicious violence of the Revolution. Homicide rates in the southern rural hinterland reached even higher than 200 per 100,000, which repeated the worst levels of violence from the seventeenth century.

An outstanding example of southern frontier homicides was the Cloud’s Creek massacre of 1781 in upland South Carolina. A band of Loyalists captured thirty Patriots who had just retrieved horses stolen by Loyalists. The Patriots surrendered but the Loyalists killed all but one of them anyway. They said they did it in retaliation for earlier brutality by the Patriots. A year later, a Patriot affiliated with the twenty-nine Patriot victims killed a defenceless Loyalist who had tortured his mother to death to get her to reveal her son’s whereabouts. Events like these caused a visitor to upper South Carolina to observe that society ‘seems to be at an end... Robberies and murders are often committed on the public roads. The people have been peeled, pillaged and plundered... the morals of the people are almost entirely extirpated’. Memories of old wounds were not permitted to die and revenge followed upon revenge. Long after the peace with Britain, former Loyalists and Patriots assaulted and murdered each other for reasons that were historical and political but also familial and clan-related. Southerners practised makeshift justice or ‘lynch law’ when they had no confidence in, or wish for, government to solve their differences.

Pennsylvania was more complicated than most states, especially because the year 1776 brought not only anti-colonial revolution but also the overturning of the charter government of 1682 – revolution at home as well as revolution for home rule. Unlike in Massachusetts and Connecticut especially, in Pennsylvania the populace was divided over revolution and whether state and local governments were legitimate. In south-eastern Pennsylvania Loyalists and pacifists were the majority and refused to support revolution. Central Pennsylvania just as clearly had a majority of Patriots who enthusiastically supported it. Western Pennsylvania and the Ohio River Valley

were politically precarious due to the proximity of enemy Native Americans
and British; it was frontier America.

In much of the state courts closed in the summer of 1776 when Pennsylvania revolutionaries overthrew the existing government, and did not reopen until 1778. Even when public offices opened, in their first year ‘the new state regime contained not a single provincial executive or judicial office holder from the old’. In view of this absence of courts, their questioned legitimacy and inexperienced office holders, it is not surprising that the recorded homicide rate in the state dropped from 4.9 indictments per 100,000 (1765–75) to 1.9 (1776–83). The official record misrepresents the actual history of all the assaults, murders and other felonious crimes that occurred.

In a Patriot stronghold like York County, community members tarred and feathered a pacifist Mennonite man who refused to be co-opted into the county militia. In such a case, who deserved to be criminally prosecuted? In the contested ground of Bucks County, adjacent to occupied Philadelphia and hostile to the Patriot cause, Loyalists and neutrals trafficked with the British. At his wits end as to how to stop it, General John Lacey of the county militia ordered his men to shoot on sight anyone going to the city who tried to escape. To discourage others he ordered, ‘You will leave on the road, their bodies and marketing lying together.’ According to Loyalists, Patriots accused John McKenny of trading with the British and then tied him behind a horse that dragged him at a gallop until he almost died.

This violence operated under the alleged colour of organised war. Other violence was mere banditry, the most famous bandits being the Doan Gang. They robbed, whipped and burned out residents, rustled cattle and robbed the Bucks County treasury of £650. In Chester County, James Fitzpatrick raided tax collectors and militia recruiters, and terrorised them and others until he was hanged in 1778. In Philadelphia, Patriot mobs terrorised Quakers, when the British did not occupy the city, vandalising and ripping apart their homes and businesses, sometimes pitching firebrands and shooting muskets into their houses.

In the west, the worst violence was interracial and the worst example involved militia from western Pennsylvania and Christian Delawares at Gnadenhutten (Ohio). In March 1782 the militia bludgeoned to death some

16 Marietta and Rowe, *Troubled Experiment*, p. 182.
ninety Delawares and took scalps – while the Indians sang hymns. Later that year, Delawares captured Colonel William Crawford while he led an expedition against the British. They excruciatingly tortured Crawford, but they explained to him that they did so because in his command was Colonel David Williamson, who had led the extermination of the Gnadenhutten Delawares. Patriots in the west conflated their political contest with a racial contest: the enemy was the British, allied with the Indians; if an American supported the British, in the eyes of the Patriots he was not just making a political choice, he ‘committed the most monstrous sort of treason’ – against his race.18

Unshackled from the British Empire, some pre-eminent Patriots expected in 1776 that Americans would become a better people, more virtuous, in the image of idealised republicans of the ancient world. Samuel Adams envisioned a ‘Christian Sparta’. Virtuous, republican Americans would, for example, not need England’s 200-plus capital crimes; signally, Pennsylvania and Virginia reformed their criminal codes. However, Americans did not live up to the aspirations of Adams or the Pennsylvania and Virginia Solons. After 1783 interracial homicide in the southern backcountry and Ohio Valley continued, to the despair of diplomats in the Confederation and Constitution governments who sought peaceful resolutions. In the backcountry, aftershocks followed the Patriot–Loyalist clashes of the war years; vengeance and vigilantism substituted for lawsuits and organised law enforcement. Most conspicuously, risings against government reverberated: Shays’ Rebellion in Massachusetts in 1787; the Whiskey Rebellion in Pennsylvania in 1794; and Fries’s Rebellion in Pennsylvania in 1799. Tax collectors and magistrates were assaulted, tarred and feathered, shot at and driven out. In 1787 the optimistic Sam Adams of 1776 wanted the Shaysites to be hung immediately.

Resistance to government occurred much more often in less conspicuous outbreaks, especially rioting. Of the 2,127 charges of rioting in all of Pennsylvania, 1682–1800, 73.6 per cent occurred between 1781 and 1800. In America’s largest city, Philadelphia, the rate doubled between the last two decades of the century. In Chester County it tripled. Infrequently, events became deadly, as when three rioters were killed in Philadelphia in 1795 and the militia was called to put it down.

Homicides in Pennsylvania in the 1780s numbered 154, the highest ever, and the rate was the second highest ever, at 4.0 per 100,000. Assaults surpassed

previous records. In rural Mifflin County, the rate in 1794 was 511 accusations per 100,000, the highest for any county in any year in Pennsylvania history. Those assaults could be merely verbal, as when Thomas Hall shouted in Bernard Watters’s face that ‘By God he had fucked . . . Bernard’s wife oftener that he [Bernard] had himself.’ Or, the assaults could include battery, as when Henry Seegar bit off Benjamin Williams’s finger and Williams chewed off Seegar’s nose.  

Property crimes, mostly theft, jumped from 252 in Philadelphia in the 1760s to 997 in the 1790s. After 1760 Pennsylvania prosecuted more cases of burglary per decade than Massachusetts prosecuted in 1750–1800. And it executed sixty-one burglars in all.

The disappointing, unwelcome effects of revolution in the United States did not abate; criminal violence persisted to the end of the century. When, after 1800, civility began to grow, it grew for several reasons. The enmities of the Revolution – Loyalist and Patriot – faded. By the 1820s universal white male suffrage was enacted and this prospect of the revolution became a reality. More men felt respected and empowered; they took ownership of government and trusted its courts to resolve their differences. Decades of war in Europe had shut down immigration, and Americans felt greater kinship with each other. African and Native Americans, however, remained unassimilated and unempowered, and in their situation especially lurked future violence in the United States.  

Bibliographic Essay


Michel Foucault’s provocative critique of the modern prison system, first published in 1975, raises important questions about the evolution of justice in the West. Foucault argues that European justice, hitherto dominated by gruesome acts of torture and public execution, evolved rapidly at the end of the eighteenth century into one in which most lawbreakers were imprisoned, a shift that he argues created a permanently depoliticised criminal class. While most historians agree that incarceration replaced other punitive techniques between 1750 and 1850, many instead focus on the rise of liberal ideals during the Enlightenment to explain increasing reliance on more ‘humane’ forms of punishment. Nevertheless, both these strands of scholarship assume that the transformation to an incarceral regime replaced a system that was both homogeneous and dominated by violent and cruel forms of punishment.

Recent research has turned this assumption on its head by revealing that pre-modern European justice was less draconian and more flexible than previously assumed. Judicial violence peaked in western and central Europe between 1400 and 1600 and declined rapidly thereafter. Its intensification occurred with the birth of stronger states at the end of the medieval period. Increasing reliance on judicial torture as an interrogation tool and execution as a form of punishment resulted from the convergence of three phenomena: the reintegration of Roman law into criminal procedure, a Christian conviction that pain could purge sin, and the expansion of secular courts dispensing criminal justice. Even during the 200 years in which both secular and ecclesiastical courts regularly practised torture and execution, however, most criminals were not subjected to either. Our focus on sensational execution rituals has exaggerated the prevalence of capital punishment and underplayed the importance of more commonplace punitive techniques, including fines, prison sentences, honour punishments and banishment. In fact, justice in the West was not inherently violent before 1750 and then
suddenly transformed by the Enlightenment, modern democracy, liberal ideals and capitalism. Rather, both torture and rates of execution were already declining in Europe during the seventeenth century, a period during which the utility of corporal punishment began to be called into question and states developed other, more effective, forms of social control.

Torture

Stereotypical characterisations of ‘medieval torture’ misdate the peak of judicial violence in Europe. Torture had been a regular investigative technique in classical Rome, but the practise of it gradually waned after the fall of the empire in the West. In Carolingian Europe, Roman law was supplanted by Germanic customs of conflict resolution that compensated the victim rather than punished the criminal. Around 1100 most judges functioned as mediators who resolved disputes about personal injury rather than as guarantors of abstract legal principles. These traditions lasted many centuries in some jurisdictions. In late medieval Scotland, Germany and Italy homicide among elites continued to be resolved through exile, payments to the victim’s family, confiscation of property and charters aimed at ending feuds. Even during the early modern period, most crimes were punished with fines or banishment, and most violent sentences were reserved for the socially marginal. Only in the prosecution of exceptional crimes against the natural and divine order, such as treason, aggravated murder, major theft, certain moral offences and heresy (including witchcraft), do we see a shift to torture and execution.

During the early medieval period, it is true that both secular and ecclesiastical judges sometimes subjected defendants to the judicial ordeal, a ritual by which the innocence or guilt of the defendant was evaluated during a painful test involving water or fire. Divine intervention was thought to determine the result. But the ordeal was an exceptional procedure and, as early as 1215, was outlawed by the Catholic Church. Although judicial combat continued to survive for some time, its authority was gradually undermined by the self-conscious reintegration of Roman law into criminal procedure and the training of lawyers at universities, in Italy and France and later elsewhere. Roman law usually favoured the reasoned search for truth over divine intervention or social reconciliation: investigation of a crime involved the collection of written testimony from witnesses and the defendant in order to establish whether a crime had actually been committed. The development of medieval legal theory eventually led to the return of torture as a regular tool
for proving that accused criminals had committed serious crimes. Following Roman tradition, during the twelfth century only recidivists or individuals of ill repute were considered appropriate candidates for torture. But soon enough few categories of individuals were entirely exempt.

Although the return of Roman law in Europe justified torturing suspects, it is simplistic to associate only the Roman tradition with judicial violence. Roman law also allowed for conflicts to be resolved by financial compensation and encouraged judges to mitigate sentences: children and pregnant women were exempt from torture and women in general were held less responsible for their actions due to their perceived weakness of intellect and judgement. Only recidivists with proven criminal intent were subjected to the full impact of the law in Europe. In England, where Roman law had little impact on the common law tradition after the thirteenth century and judicial torture was never made legal, final sentences were more uniform and no less violent than on the Continent. Despite differing legal traditions and procedures, judicial violence in England also peaked during the sixteenth century and declined after 1630.

The church was at the forefront of legal developments in the twelfth century, and fear of heresy soon encouraged it to fertilise canon law with the Code of Justinian. By the mid thirteenth century the papacy had appointed Dominican and Franciscan monks as inquisitors to search out individuals who believed false doctrines and, if possible, to reform their views and return them to orthodoxy. At first, the use of interrogative torture in order to determine innocence or guilt was discouraged, but legal theory that equated heresy with the Roman crime of treason reconciled the papacy to the practice. A papal bull in 1252 instructed the inquisitor to ‘force all the heretics whom he has in custody, provided he does so without killing them or breaking their arms or legs ... to confess their errors and accuse other heretics whom they know’. Individuals who refused to recant their ‘false’ beliefs could face severe punishment, including long punitive prison sentences or execution.

Inquisitions, which began as temporary judicial mandates, sometimes evolved into long-standing institutions: for example, in Spain, Ferdinand and Isabella approved the establishment of a permanent inquisition in 1478 under the authority of the Pope. The Spanish Inquisition became renowned for large-scale public rituals of penitence, or autos-da-fé, during which

hundreds of convicted heretics did penance or were released to secular authorities to be flogged or burned at the stake. Paintings and printed descriptions of these spectacular rituals served as propaganda, demonstrating the church’s determination to stamp out religious deviance. The will to violence was fuelled by a conviction that God mandated the elimination of heresy and that the means to do so, inquisitorial procedure including torture, was an effective means of establishing the truth.

Secular jurisdictions followed suit. Between 1200 and 1400 local criminal law statutes increasingly authorised torture when investigating serious crimes and defined some crimes as punishable by execution. Italian cities were early adopters of torture, though often at first citizens were exempt. North of the Alps, local statutes and court records also document the use of judicial torture to test the innocence of some accused criminals: Flanders in 1294; Vienna in 1277; Lausanne in 1368. In France, torture was first authorised in 1254, though its practise at the Parlement of Paris, the largest appeals court in the country, remained rare until the end of the fifteenth century.

By the sixteenth century most European states employed torture during interrogation sessions to determine whether or not a suspect was guilty and executed a minority of convicted criminals in notoriously painful ways – burning at the stake, breaking on the wheel, drawing and quartering, and drowning – in addition to the more common practices of hanging and beheading. In an attempt to regulate judicial procedure throughout the Holy Roman Empire, Charles V in 1532 promulgated the Carolina, a legal statute that mandated suspects could be tortured only once unless new evidence came to light. Both the Carolina and analogous French legislation (1498, 1539) sought to standardise and limit the practice of torture. Yet these statutes also normalised its use and affirmed that judicial violence was an effective means to represent the power of the state to its subjects. In sixteenth-century Germany, woodcuts depicting prolonged and painful executions spread awareness of judicial violence very broadly among the urban population.

Torture usually took place during the investigative portion of the trial, before sentencing, in order to determine whether or not the defendant had committed a crime. Bounded by legal statutes shaped by Roman tradition, its practice was broadly consistent across western and central Europe. European investigative magistrates only arrested suspects after they had conducted a public inquiry into a crime, amassed considerable witness testimony as well as circumstantial evidence, and identified a possible culprit. Soon after arrest, without the benefit of a defence lawyer and often without knowing
the charges being brought against them, defendants were interrogated in the hopes that they would spontaneously admit that they had committed the crime under investigation. Many defendants accused of minor crimes did confess quite readily; as a result, they were not tortured and their cases were decided quickly. Defendants accused of serious crimes, however, tended to be more circumspect. This unwillingness to admit guilt posed a legal problem for magistrates. According to medieval legal theory, a full proof of a crime could only be established if the defendant confessed or if two reliable eyewitnesses testified to his guilt. Although they were willing to impose lesser sentences such as banishment without a full proof, few judges before 1650 were willing to execute defendants without it. Common torture procedures included the strappado, raising the defendant on a pulley with his hands tied behind his back, and the rack, which involved the painful extension and compression of the limbs. In the interests of consistency, innovation in torture techniques was not encouraged and, in principle, the objective was to inflict extreme short-term pain but to avoid causing lasting damage.

It is difficult to ascertain how often and how intensively torture was practised, in part because it was such a standard procedure that it was not always mentioned in the final sentence of a trial, often the only surviving documentation. Nevertheless, evidence from a handful of courts in Florence, Paris, Bordeaux and Geneva suggest that approximately 5 to 20 per cent of all defendants were subjected to torture during the late fifteenth and sixteenth centuries.\(^2\) In France, most defendants at the Parlements, the sovereign courts of appeal, were tortured only once, as mandated by French law, but in Geneva, in line with German practice, many accused criminals were subjected to multiple sessions. Torture in early modern Europe is most commonly associated with witch hunting, and it is true that many of the approximately 30–50,000 individuals who were convicted and executed for the crime of witchcraft were tortured, often repeatedly. In some communities, witchcraft, a form of heresy, was considered to be an exceptional crime and, as a result, suspects, most of them women, were tortured more frequently.

intensively than were other defendants. Nevertheless, many jurisdictions did not experience witch crazes. Instead, it was men accused of aggravated murder, treason, and, most importantly, theft who made up the vast majority of suspects tortured during the early modern period.

Judges were well aware that torture could produce false confessions. In 1580, when French essayist and judge Michel de Montaigne observed that torture ‘was more a test of patience than of truth; and those who can bear it hide the truth, and those who cannot suffer’, he was only articulating a view that was widely shared by his fellow magistrates. Concerns that some individuals were hardened against the pain of torture and that some inquisitors were abusive were long-standing. As a result, a number of procedural safeguards drawn from Roman law were practised to minimise false confessions. Defendants were to be tortured only if considerable evidence, constituting a half proof, was gathered against them, they were accused of a capital crime and they consistently refused to confess. First, they were taken to the torture chamber and threatened with pain; authorities preferred for defendants to confess ‘freely’. If they continued to resist, they were tortured, but a valid confession did not consist of ‘yes, I did it’; instead, a confession of guilt was admissible only if defendants produced detailed information consistent with other testimony gathered in the case. When Bernardino Pedroso was accused in 1559 of abducting and deflowering a teenage Roman girl, at first he emphatically denied the charge. But the girl in question, Ottavia di Rosignoli, insisted that they had slept together and admitted that she had been willing. In order to determine the truth, Bernardino was raised on the strappado and, in the end, admitted to having ‘put a little of my member inside’ Ottavia. If defendants did confess under torture, their testimony had to be confirmed again in an interview conducted twenty-four hours later – procedures followed in Bernardino’s trial and many others. Nevertheless, defendants often found themselves in a double bind: a confession of guilt recanted the next day was often considered ‘new’ evidence in the case and could justify further torture sessions. Although legal statutes in France and some parts of Germany limited the application of torture to a single session, during the sixteenth century it was not uncommon to violate this principle by extending a single ‘session’ over several days.

Punishment

The idea that executing criminals was a symbolic display of state power and an effective deterrent for the common people was largely unquestioned until the eighteenth century. Executions were major civic events, paid for by the state and attended by hundreds and, in larger cities, thousands of spectators. Executions were also Christian rituals in which confessors accompanied the guilty to the place of execution and criminals were required to admit guilt and ask for forgiveness from God. Although crowds witnessed the flogging and pillorying of criminals on a regular basis, in most communities rituals of capital punishment only occurred a handful of times each year. By the mid sixteenth century the Spanish and Italian Inquisitions issued death sentences against a tiny minority of convicted sinners, estimated at 2 per cent for the Spanish tribunals. Rates at many secular courts were generally much higher but varied considerably: in Frankfurt, approximately 26 per cent of criminals were executed during the sixteenth and seventeenth centuries and the Parlement of Bordeaux executed 36 per cent of criminals in the 1520s, most convicted of theft and aggravated murder. In Bologna, a city of 60,000 inhabitants, an average of 15 criminals were killed per year between 1540 and 1600, for an overall total of 917 executions. In most of Europe, such high rates of execution lasted only a few decades, often occurring during a period of political or religious turmoil. In addition, in some jurisdictions many lawbreakers fled to avoid justice and were thus executed in effigy.

Executions were violent public rituals meant to inspire awe and obedience to God and the state. In actuality, however, urban crowds responded variably, usually watching solemnly, but at other times harassing the executioner for killing someone they felt had been wrongly convicted, or mocking the criminal’s suffering by throwing dung and other objects at him. Jean de la Fosse claimed in 1557 that an executioner refused to carry out a sentence of

strangling and then burning against a convicted student guilty of disturbing the peace ‘for fear of being beaten’ by his fellow students.\textsuperscript{8} The authorities found it difficult to control crowds’ reactions and, as a result, sought to choreograph execution processions to keep them orderly.

Crowds also identified with the suffering of the criminal, in large measure because Christianity taught that pain could bring one closer to God. Early modern Europeans were accustomed to pain, not only due to the harsh conditions in which they lived but because Christianity celebrated its salvific potential. Catholicism in particular was preoccupied during the fifteenth and sixteenth centuries with Christ’s suffering on the cross. The church encouraged laypeople to identify with Christ and to embrace their own pain – by fasting and flagellation, through illness and death, or at the scaffold – to do penance for their sins. The suffering experienced by criminals was the ultimate spiritual test that, if passed, washed away their sins and rendered them ready to meet their maker. A fifteenth-century Bolognese manual for confessors who consoled convicts in the hours before their death instructed those on death row to identify with Christ:

\begin{quote}
Do not care for your body, how it must be tied nor how it must be led in sight of all the people. In these hours and at these moments, you must remember that our Lord Jesus Christ was given into the hands of sinners, and how they took him and tied him, and how they harshly led him like a thief, and how much the people of Jerusalem scorned him.\textsuperscript{9}
\end{quote}

Although Protestants rejected penitential practices, they continued to embrace the spiritual potential of suffering as a test of one’s faith well into the seventeenth century. As a result, both Catholics and Protestants witnessing an execution might construe the convict’s suffering as just punishment or (particularly if endured bravely and with an open heart) as penance that might reconcile the sinner with God, or even as proof of innocence. The ‘dying speeches’ of English convicts about to be executed often scoffed at the validity of human justice and proclaimed their innocence before God. The enthusiasm with which spectators collected the blood of executed criminals, desecrated their bodies or sought to remove them from the gallows to bury them in sacred ground indicates how deeply held beliefs in the afterlife were located in the suffering body of the executed criminal. This spiritual valorisation of pain, celebrated in art, in books of hours, and in

\textsuperscript{9} Terpstra (ed.), Art of Executing Well, p. 212.
popular manuals on the art of dying well, helped to normalise and justify the use of torture and execution to laypeople.

The rising tide of judicial violence after 1400 can also be explained by the efforts of secular states to centralise authority. Renaissance Italian oligarchs, often troubled by rival factions or popular discontent, sought to bolster their power through the exercise of judicial violence. The use and abuse of judicial power in factional politics was one of the features of the Italian peninsula and is difficult to unravel from the culture of vendetta. The political uses of judicial violence in the city-states of Italy are better documented than those of other parts of Europe, but were by no means exceptional. Everywhere, secular authorities sought to keep the peace by relying more and more heavily on judicial violence.

Keeping the peace was certainly rendered more complex by the challenges posed by the division of Western Christendom after 1517. A century of religious dislocation and intermittent civil war in France, the Low Countries and Germany encouraged vindictive violence in the community and an intensification of judicial violence. In the Dutch-speaking lands, the Protestant leanings and rebellious tendencies of the local population led the Spanish to impose the Inquisition, a development that eventually led to over 1,000 martyrdoms and sparked a revolt; in France, decades of intermittent civil war led to feuds, ambushes between noble rivals and deadly attacks on urban neighbours by Catholics and Protestants. And even in England under the Tudors, the Star Chamber prosecuted Catholics for treason using a technique called peine forte et dure to obtain pleas from plaintiffs, a method very similar to torture procedures on the European continent. The perception that heretics could be hiding anywhere and that they were unlikely to remain loyal to a state that defined itself as rigidly Protestant or Catholic thus also intensified judicial violence.

Another feature of the Reformation and Counter-Reformation was the gradual decline in the power of church courts, which were concerned largely with the reconciliation of the sinner through penance, and their replacement with secular courts more focused on punishment. By the sixteenth century and earlier in some jurisdictions, secular courts prosecuted not only individuals for murder, theft and treason but increasingly moral offences like adultery, sodomy, rape, witchcraft and blasphemy. In the Protestant cities of Germany, new secular marriage courts reconciled estranged couples and authorised divorce but also prosecuted aggressively those who committed incest, bigamy and adultery. Secular courts punished sinners because they felt responsible for maintaining Christian unity and many sins were considered
serious enough that the defendants were tortured and, if found guilty, punished with pain. During the sixteenth century it was not unusual for secular courts to slit the tongues or brand recidivist blasphemers, to flog and banish adulterers, and to burn convicted witches at the stake. An exception to the rule is England, where church courts maintained widespread jurisdiction and moderated punishments for sin throughout the early modern period.

Despite the fact that acquittal rates in early modern Europe were notoriously low, the traditional reputation of early modern justice as uniformly severe and violent is no longer sustainable. Many evaded justice and even among those who were prosecuted, violent punishments were only imposed on a minority. Many never appeared at court: in an era before large-scale police forces, it was virtually impossible for the authorities to lay hands on most accused criminals. Unlike in England, where it was difficult to escape the king’s justice, in Europe the relatively small size of many jurisdictions enabled suspects to flee to the next town and rebuild their lives in order to evade prosecution. In fourteenth-century Reggio Emilia almost 50 per cent of sentences were not enacted because the convicted individuals had long since left town.10 Analogously, in Geneva between 1675 and 1699 thirty-one of forty-three executions were carried out in effigy because the criminal had not been apprehended.11 In early modern France many homicide suspects fled the local jurisdiction to avoid prosecution and then wrote to the king, admitting their guilt but requesting a royal pardon. Such pardons were readily granted. Most legal systems also developed an appeals procedure that reduced abuses. Jews accused of ritual murder in early modern Germany often stayed trial procedures by appealing directly to the emperor for his support. And in France a complex hierarchy of royal courts allowed convicted criminals to appeal capital sentences to the Parlements, which often reduced them to banishment or fines. It is clear that early modern plaintiffs and defendants understood how the judicial system worked and could use this knowledge to their advantage to avoid most bloodshed.

Finally, most crimes were not serious enough to warrant extreme measures such as torture and execution, which were labour-intensive and expensive (executioners, though sometimes considered social pariahs, could nevertheless enrich themselves). The beggar who stole bread in the market, the young woman pregnant with her fiancé’s child, the young man

who uttered words against God in front of church, the labourer who fought a fellow worker after a night’s drinking – these everyday criminals were dealt with by more moderate means. Punishments varied widely: some jurisdictions preferred shaming punishments such as time in the pillory or corporal punishments such as whipping. From the sixteenth century onwards an increasing number of convicts were sent to the galleys, and by the middle of the seventeenth century the English had developed the policy of transportation. But by far the most common punishments were fines and banishment, which in many jurisdictions together made up the majority of all punitive sentences.

Whereas historians traditionally assumed that pre-modern prisons were used only to hold prisoners during a trial, recent research shows that incarceration was a key element of penal practice, particularly in France, Italy and Spain. Inquisitors punished the majority of convicted heretics with long prison sentences designed to reform their ways as early as the fourteenth century. This practice continued during the early modern period: perhaps the most famous victim of inquisitorial justice was the Italian miller Menocchio, whose unique cosmology earned him a punitive prison sentence in the 1580s, an experience so damaging to his health and well-being that he temporarily recanted his idiosyncratic religious beliefs.\textsuperscript{12} But secular courts also employed penal incarceration on a regular basis. As early as the fourteenth century Florence, Venice and Bologna established large and permanent prison buildings that were staffed by jailors paid in part by the city. Family members were expected to visit prisoners regularly to provide food and clothing; otherwise, prisoners were subjected to a harsh bread and water diet as well as to the extremes of hot and cold weather. Medieval Italian jails housed prostitutes, men bearing illegal arms, gamblers and men convicted of domestic abuse. Nevertheless, the vast majority of prisoners in Italian and French jails before 1600 were guilty of debt and bankruptcy; often the prison sentence was employed as a means to pressure the debtor’s family to raise the necessary funds.

By the early seventeenth century a different form of prison, known as bridewells and houses of correction, was established in many English, Dutch and northern German cities to house beggars, prostitutes and indigent youth for weeks at a time, to try to teach them useful work skills and transform them into productive subjects/citizens. These institutions were notoriously

unsuccessful at reforming their charges and uniformly costly: many German prisons had to close because they were too expensive to maintain. To publicly fund the incarceration of criminals for long periods of time was an expensive proposition that most European states could not afford. In England, bridewells were not able to prevent the expansion of a population of ‘sturdy beggars’ considered resistant to reform. Prisons were not a new option for Europeans in the eighteenth century, as Foucault and others suggest, but they became increasingly attractive as questions began to be raised about the usefulness and moral justification of torture and execution.

Changing Attitudes to Justice

The particular combination of legal, religious and political developments that led to an increase in judicial violence between 1400 and 1600 began to unravel during the following century, both on the Continent and in England. Judicial practice gradually became less violent, though of course this trend was not linear and occurred at different paces in different jurisdictions. The process was nevertheless well underway by 1650 due to qualms about burning witches, a shift away from the medieval law of proofs, doubts about the spiritual value of pain, and elites’ growing discomfort with many forms of violence. Judicial violence declined long before Enlightenment authors began to attack criminal justice as barbarous and in need of reform.

Historians have argued that the period following the end of the Thirty Years War in 1648 marked an important watershed in the internal organisation of European states. The development of more efficient taxation systems and standing armies improved internal security. In France during the second half of the seventeenth century the number of royal officials maintaining public order mushroomed, including the creation of a new dedicated police force in the capital (1667). Other European states, with the exception of England, followed suit and developed police forces. As a result of these changes, states were in a better position to subdue discontent and no longer required gruesome spectacles to inspire fear among the populace.

These political changes did not, for the most part, result in formal changes in criminal law. One exception was France, where a lively debate about abolishing torture occurred just before the promulgation of a new criminal code in 1670. In the end, torture remained legal, but all the loopholes that had allowed judges to torture suspects more than once were closed; as a result, confession rates of defendants, increasingly aware they would only be tortured once, collapsed. At the Parlement of Paris, the fact that torture

Even in states where no change in penal law occurred, fewer criminals were tortured and fewer still executed. In Nuremberg, the execution rate dropped precipitously during the second half of the seventeenth century. Whereas between 1541 and 1600 an average of 7 individuals were executed each year, the rate declined to 3.5 per year between 1601 and 1660 and to 2 per year between 1661 and 1743.\footnote{Van Dülmen, *Theatre of Horror*, p. 140.} Although not all jurisdictions show such a consistent pattern of decline in absolute numbers, in most places executions declined as a percentage of final sentences. Overall, fewer homicides and major assaults were prosecuted by the mid eighteenth century due to an apparent real decline in interpersonal violence.

Executions remained important state rituals during the eighteenth century, but breaking on the wheel, drawing and quartering, drowning and burning at the stake were gradually abandoned in favour of more efficient hanging and beheading. Authorities came to realise that excessive violence was not always effective: it did not eliminate witches or murderers, preyed on the vulnerable, and often alienated important power brokers in the community.

Some thinkers critical of witch crazes specifically raised insistent questions about the morality and efficacy of judicial violence. Johann Weyer, Friedrich Spee and Augustin Nicolas, all of whom published between the 1560s and the 1680s, attacked over-reliance on torture in the prosecution of witches and questioned whether witchcraft should be considered an exceptional crime warranting the death penalty. Positing that many accused witches were mentally unstable and that weak women were easily led into confessing falsehoods under torture, these authors argued that the danger of witches had been exaggerated and that their prosecution had resulted in abuses. Such critiques may have had a direct impact on the declining number of executions for witchcraft after 1630, and on the overall decline in penal violence against all criminals.

Changes in the standard of proof contributed to the decline of torture and execution in some jurisdictions. Whereas medieval legal theory demanded a full proof, which almost always involved a confession of guilt by the suspect, by the eighteenth century some judges were abandoning this principle to adhere to a lesser standard, proof beyond reasonable doubt. When Pierre
Jean was accused of theft in Geneva in 1679, he refused to confess to the main charge: that he had broken into and stolen from the safe of his employers. Despite being tortured repeatedly, Pierre insisted that he had never touched the safe. He nevertheless confessed to several other thefts and, because the circumstantial evidence pointing to his guilt was extremely strong (only he had access to the safe during the crucial hours when the theft occurred), the judges deemed the case sufficiently proven and he was hanged. Throughout the eighteenth century European states continued to practise a very violent form of justice against a very small minority of defendants whom they felt most threatened public order. Jean had betrayed the trust of his employers and violated the master–servant relationship, thereby undermining the foundation of the social hierarchy; these transgressions justified his torture and execution.

The use of medical experts also became an increasingly important element of some criminal trials. The testimony of doctors, surgeons and midwives both cemented convictions in some cases and mitigated sentences in others. This evolution is particularly notable in the prosecution of infanticide. Throughout the early modern period thousands of women were prosecuted for killing their newly born infants. During the seventeenth century medical evidence was often used to prove that the mother had just given birth or to demonstrate that the infant had been strangled, hence strengthening the prosecution’s case against her. A century later, however, as sympathy for the poverty and vulnerability of these young mothers was accentuated in public discourse, medical evidence was increasingly used to show that the baby was stillborn or that the mother had experienced a form of temporary insanity immediately after the birth. Although greater reliance on circumstantial evidence and medical experts did not immediately result in mitigated sentences, over the course of the eighteenth century it tended in that direction.

Changes in Christianity also diminished the violence of judicial practice. By the end of the seventeenth century new developments in both Catholicism and Protestantism, including a focus on private prayer and more emphasis on the conscience rather than the body of the sinner, meant that the pain of torture and execution increasingly lost its positive valence. Although executions retained a Christian tone during the eighteenth century, print descriptions and artistic representations increasingly focused on public order, rowdy crowds and the need for state power.

The shifting role of religion in public life often referred to as secularisation or desacralisation also moderated the punishment of sin. Although European

15 Archives d’État de Genève, procès criminels, série 1, 4458.
states remained officially Catholic or Protestant, by the middle of the eighteenth century some degree of religious coexistence among Christians developed and even Jews slowly gained some civil rights. In this changing context, sin was increasingly considered to be a private matter better handled with religious instruction and fines rather than with corporal punishment. The evolving judicial treatment of suicides is emblematic of this shift. During the sixteenth century individuals who committed suicide were considered to have abandoned God and, as a result, judicial courts insisted that their bodies be dragged through the city streets, burned or thrown into rivers, and denied burial in consecrated ground like those of other criminals; in contrast, by the late eighteenth century self-inflicted death was increasingly decriminalised and framed in medical terms. An analogous shift occurred in the sentencing of other kinds of sinners. By 1700 witches were increasingly banished; sodomists imprisoned rather than burnt at the stake; blasphemers and adulterers fined. Criminals who had once been seen as evil corrupters of Christian society were reimagined as misguided individuals: you would not want them as neighbours, but they were no longer thought to have the capacity to bring down the wrath of God on the community.

In addition, European elites were becoming uncomfortable with many forms of violence, including public execution. Whereas traditionally European nobles (and many urban professionals who had noble aspirations) affirmed their masculinity and honour through the conduct of private feuds and the practice of duelling, by the eighteenth century gentleman increasingly took the view that violence should be confined to just war in the service of the prince and the patrie. In the polite society of the king’s court and the urban salon, a code of etiquette known as ‘civility’ allowed elite men to redefine their masculinity in terms of cultural refinement, including possessing good taste in music and literature and conversing politely with women. As elites redefined their own identity, their awareness of the difference between their sensibilities and those of the common people increased. Feeling disgust at the sight of public executions became a sign of cultural sophistication and distance from one’s social inferiors. As early as 1674 Constantin Huygens, a Dutch statesman, urged stadholder William III to demolish the permanent scaffold in the city centre of The Hague, arguing that it was ‘a too noble and glorious [a] place to be perpetually embarrassed by the sight of wheels and gibbets, to the great chagrin of so many residents of quality’.\(^\text{16}\) William Hogarth’s engravings of London

executions in which grotesque commoners were depicted laughing and carousing in the face of death served a similar purpose. Without necessarily questioning the need for capital punishment per se, these representations indicated that such violence was increasingly offensive to people of education and good taste.

Over the course of the eighteenth century philosophes associated with the Enlightenment developed this discomfort into a reasoned critique of judicial violence. Montesquieu’s comparative analysis of global political systems (1748) idealised the practice of criminal law in England where, he argued, considerable safeguards existed against unlawful arrest. He also compared European justice to that of ‘despotic’ polities such as China and the Ottoman Empire, in which torture and execution were thought to be rampant. By linking good government with judicial restraint, Montesquieu and others implicitly challenged European monarchs to reconsider their penal practices. These comments did not fall on deaf ears, and states began abolishing torture during the first half of the eighteenth century: Sweden as early as 1722, Geneva in 1738, and Prussia in 1754. Frederick the Great, king of Prussia, self-consciously embraced the ideals of the Enlightenment and sought to establish a rational, efficient judicial system that avoided the excesses of the past. Nevertheless, we should not overstate the impact of Enlightenment thinkers on the abolition of torture. When in 1780 France abolished investigative torture applied before sentencing, the change was justified with reference to inefficacy, not abuse: the king surveyed a number of magistrates who declared that torture ‘always seemed to them to be useless because it only rarely extracted the truth from the mouth of the accused’.17 Torture, which had been in decline for over a century, was abolished in part because it had become peripheral to proving most crime.

By the time Voltaire and Beccaria published their passionate diatribes attacking the violence of European justice in the 1760s, many of these changes were already in place: some states had already outlawed torture and executions were a tiny percentage of punitive sentences. Both authors condemned torture, called for greater judicial transparency and advocated for the end to all executions, all important contributions to the development of human rights discourse. Their publications may have encouraged Austria, Russia, Spain, Italy and the Netherlands to abolish it in the decades to follow. Doing so was useful to states eager to bolster their authority by projecting an image of moderation and rationality just as two centuries earlier brutal descriptions of painful executions had been thought effective propaganda in more uncertain times.

Nevertheless, Voltaire and Beccaria also mischaracterised the justice of their own day as overwhelmingly abusive, violent and ‘barbarous’, a radical distortion of actual penal practices that continues to influence us today. Defining torture and execution as archaic and themselves as modern and ‘enlightened’, Voltaire and Beccaria constructed binaries that profoundly influenced Foucault and other scholars who define modern justice in contrast to the violence of earlier centuries.\(^\text{18}\) Recognising that during the early modern period most suspects were not tortured and most criminals not subjected to corporal punishment enables us to transcend these arbitrary divisions between pre-modern and modern in order to investigate important historical continuities, such as the use of torture by Western democracies in recent decades, that plague criminal justice practice today.

**Bibliographic Essay**


Violence and Justice in Europe


Legitimised Violence in Colonial Spanish America

MATTHEW RESTALL

Killing a Spaniard

A decade after her son’s brutal murder, Inés de Paz was still consumed with grief and anger. In a series of petitions to the Spanish king, and in lawsuits that dragged on for years before the Council of the Indies, doña Inés lamented how her son Rodrigo had been seized, racked, waterboarded, burned and – barely still alive after weeks of torment – hanged. As her lawyer put it, he was ‘subjected to many kinds of tortures, with cords, garrotte, water, and hot bricks’. Then ‘he was hanged, despite his innocence, and was robbed of more than twenty thousand castellanos’.

The hanging took place in 1525 in the central plaza of Tenochtitlán, the Aztec capital city captured only four years earlier – supposedly destroyed and rebuilt as Mexico City, but in reality reoccupied and rebuilt by Nahuas, with only the very centre inhabited by a small, fractious group of Spaniards, who still called the city ‘Temistitan’. The larger context to the killing of Rodrigo de Paz was therefore the war of the Spanish invasion (traditionally termed the Conquest of Mexico), begun in 1519 and dragging on across Mesoamerica into the 1540s (but usually given a terminal date of 1521). Considering the astonishing mortality of that war – discussed in parallel chapters in this volume – it may be surprising to find in the archives expressions of indignation over the murder of a single Spaniard, repeatedly expressed in a legal dossier over a thousand pages long.

On the surface of things, we could dismiss such outrage as originating with Rodrigo’s anguished mother and two brothers (who also appear in these


2 See Chapters 7 and 30.
records); after all, high infant mortality rates and mass death from plague and warfare do little to soften the blow of losing a child or sibling. Similarly, we might be tempted to assign little meaning to the killing of a Spaniard in Mexico in 1525 beyond that larger context of it being an exceptionally violent place and time.

But to better understand violence in Spanish America in the sixteenth to eighteenth centuries we need to dig deeper than that. What were the lawsuits over the killing of Rodrigo de Paz really about? What made his demise either emblematic or different from the violent deaths of thousands of other Spaniards, thousands of people of African descent and millions of indigenous peoples in the Mesoamerica of the era? What clues might we follow in order to grasp how violence was categorised and perceived at the time – and what categories of our own might potentially be relevant?

Follow the Money

The lawyer (quoted above) who worked for the Paz family in Spain in the 1530s was insistent that one simply needed to follow the money – to borrow a phrase popularised in the Watergate era – in order to see that Paz’s death was murder and the motive was financial.

The culprit was, allegedly, Gonzalo de Salazar, sent to New Spain in 1524 as the royal factor, or tax collector. The governor, Hernando Cortés, was absent in Honduras (where he had gone to arrest fellow conquistador Cristobal de Olid for defying his authority, to find that one of Cortés’s cousins had already murdered Olid under cover of a treason trial). So Salazar took advantage of Cortés’s absence, deploying duplicity and violence to take over the governing junta, then using rumours of Cortés’s death in 1525 to seize the properties – including tens of thousands of indigenous slaves – held in Mexico by Cortés and many of those who remained loyal to him. Rodrigo de Paz, another of Cortés’s cousins, was one such loyalist. In the words of the Paz attorney, during 1525 under cover of the powers supposedly given to him by the Marqués del Valle and governor, don Hernando Cortés, but having seized them from and abused those who were the governor’s true lieutenants, and against the will of the council of the city of Mexico, and fully armed, and with a great upheaval and scandal, [Salazar] began to wield the governorship as a tyrant.3

Paz was tortured to reveal where Cortés had hidden the already fabled missing treasure of Moctezuma. The application of fire to Paz – hot bricks, and the
burning of oil-soaked feet – was a torture that Cortés had applied to Moctezuma’s successor, Cuauhtemoc, shortly after his capture in 1521. Then too the goal of the torturers was to discover where gold and other treasures had been hidden. Cortés and Salazar were hardly alone in their quest for the elusive bounty; it was a veritable Spanish obsession throughout the 1520s and 1530s, the subject of most of the two decades’ long official inquiry into the Cortés-led expedition and administration (the residencia and related proceedings).4

The hidden treasures of Moctezuma, Cuauhtemoc and Cortés almost certainly never existed. Nonetheless, Cortés and scores of other conquistadors were able to acquire and ship to Spain the equivalent of fortunes in modern currencies. Salazar was among those who successfully extracted wealth from Mexico, both directly from indigenous people (as loot or by selling them as slaves) and indirectly by stealing it from other Spaniards. This despite the fact that his reign of terror ended abruptly in January of 1526 when Cortés, very much alive, returned to the city; the Spanish settlers took to the streets, armed, in factions. The resulting confrontations ended in Salazar’s arrest and display in a cage in the central plaza. A few months later he was exiled to Spain, and was thus living in Granada – as a very wealthy man – when the Paz lawsuits were filed in the 1530s.

In Salazar’s violent actions – in how he justified them and escaped punishment for them – we can see the complex interplay between violence and the law in Spanish America. Lawyers visited Salazar in his palatial Granada home to take his testimony, which consisted of the simple defence that Rodrigo de Paz had been a rebel. Salazar claimed he was then, and continued to be, a loyal and trusted crown official; that Paz, as a rebel against royal authority, had been legally subject to interrogation under torture; that Salazar’s actions were justified by ‘the notorious crimes that Rodrigo de Paz had committed and confessed’;5 that the treasures Paz was hiding included taxes owed to the king, a treasonous deception; that Paz’s torture and killing were just, judicious and legitimate – carried out under cover of law. As transparent as that argument may seem, Salazar was able to escape arrest in Spain. The accusation against him – that he had illegitimately assumed the governorship and acted as ‘a tyrant’ – did not stick.

4 AGI, Justicia 220–225, comprising thousands of folios (but see in responses to question 47 accusations that Pedro de Alvarado conspired with Cortés to hide Moctezuma’s treasure); also see further references and context in Matthew Restall, When Montezuma Met Cortés: The True Story of the Meeting That Changed History (New York: Ecco/ HarperCollins, 2018), ch. 8.

5 AGI, Justicia 1018, no. 1, ramo 1, unnumbered folio about forty folios in.
Critics of conquistador methods, such as the famous Dominican friar Bartolomé de las Casas, would likewise unsuccessfully attempt to use the ‘tyrant’ label to halt conquest activities or bring courtroom condemnation of specific Spaniards.6

The law favoured perpetrators like Salazar. Lawyers for the Paz family never extracted from him more than the court costs. In 1540 he returned to New Spain as factor; nicknamed El Gordo, he lived corpulent and wealthy into the 1560s. Thus the battle of accusations between ‘rebel’ and ‘tyrant’ was not a fair fight. Applied to fellow Spaniards – provided the rituals of arrest, accusation and interrogation were more or less followed, complete with a notarised written record; and as long as the accused was not socially and politically higher ranked than the accuser – the charge of ‘rebel’ permitted levels of violence that made ‘tyrant’ a hollow allegation. Applied to indigenous peoples, it granted carte blanche to inflict violence of various and many kinds.

Figure 21.1 One of the engravings Theodor De Bry created to illustrate the 1595 Frankfurt edition of Girolamo Benzoni’s Historia del Mondo Nuovo (Plate III), depicting the excessive methods of punishment that Spaniards used to discipline and control indigenous and African slave workers. Note how the acts of torture and mutilation are legitimised by the presence of a presiding Spanish officer; his dress, chair, baton, and two attendants signify his position of authority and lend the proceedings a veneer of legalised and ritual legitimacy.

6 Most notably, in Bartolomé de las Casas’s Brevisima relación de la destrucción de las Indias of 1552; e.g. An Account, Much Abbreviated, of the Destruction of the Indies, ed. Franklin Knight, trans. Andrew Hurley (Indianapolis: Hackett, 2003).
Here, then, were the twin elements of a violence that would sweep the hemisphere for centuries. One was the promise of wealth and status, as the motivating factor that drove men to violence. The other was an ideology of justification that legitimised such violence; that is, it made violence permissible and defensible by law, either officially supported by the institutions of justice and government, or unofficially through a veneer of legality or legitimacy. The slippage between those two categories permitted more violence in the colonies and on their frontiers. For acts of violence that might strike us as homicidal, personal, arbitrary or contrary to Spanish law (from the murder of a woman by her husband to the mass enslavement of indigenous villagers) could be justified and legitimised, and thus committed with impunity, as if legally sanctioned from the start.

Looking at the broad sweep of Spanish America from the 1490s into the nineteenth century, the contexts of violence that Spaniards saw as justifiable or legitimate were not restricted to invasion, conquest and frontier scenarios; as Europeans in the Americas and their descendants moved across the hemisphere, they carried with them broadly applicable notions of violence that they viewed as legitimate (or that could be legitimised). But within the ever-shifting frontier of initial contact, conquest or prolonged resistance, the primary victims of such violence were not individual Europeans but indigenous peoples—and on a massive scale. It is true that Spaniards mostly sought to profit from indigenous communities through their preservation and the maintenance of a pax colonial (which was mostly not the case in English and Portuguese colonies). But that general pattern did not prevent Spaniards from slaughtering and enslaving hundreds of thousands of indigenous peoples.

A Dance of Bureaucracy

The written record of life in colonial Latin America is replete with acts of violence that might strike us as excessive, cruel, unwarranted and committed with astonishing impunity. The value placed on notarised record keeping in the Spanish and Portuguese world means that thousands (perhaps hundreds of thousands) of archival cases of violence have survived. The contours of violence became increasingly complex over the centuries, the range in their patterns of motivation and victimisation enormous. But for our purposes here, I briefly outline eight historical developments around which acts of violence proliferated in Spanish America, along with concomitant structures of justification or legitimization (one and two stem from the wars of conquest; three and
four relate to Inquisition activities; five and six centre on slavery; seven is violence against women; and eight is the violence used to suppress revolt.

The first pair of sibling developments are (one) the mass enslavement, brutalisation and demographic collapse of indigenous peoples on the Caribbean islands and in circum-Caribbean coastal regions from the 1490s into the mid sixteenth century, by which time such communities had literally been decimated (reduced by 90 per cent); and (two) the wars of the Conquest of Mexico, initiated by the Spanish–Aztec War of 1519–21, the violence of which has traditionally been downplayed, distorted, misunderstood or glorified.

Both are vast topics with huge literatures of published primary and secondary sources, especially the Mexican topic – and, furthermore, they have been tackled in a parallel chapter. So suffice to suggest here that the two are better understood if seen as part of a single process, guided and enabled by a rapidly developing ideology of legitimised violence. For example, as early as the 1490s Cristóbal Colón (Columbus) and his collaborators and successors constructed an abiding myth of cannibalism in the Caribbean (whose very name derives from the word ‘cannibal’). They were motivated by beliefs – backed up by royal law, beginning in 1503 – that cannibals could rightfully be enslaved. Spaniards called these alleged man-eaters *caribes* (’the term that they used to make free people into slaves’, as Bartolomé de Las Casas put it), and expected (some perhaps hoped) to find them on the American mainland too. Accounts by Juan Díaz (a Spanish priest who travelled with the conquistadors) and Pietro Martire d’Anghiera (an Italian historian who died in 1526, known in English as Peter Martyr), published in 1520 and 1521 and based on what Spaniards claimed to have seen on the 1518 Grijalva expedition along the Yucatec and Mexican coastline, generated engraved imaginings of indigenous orgies of idolatry, sacrificial slaughter and cannibalism that were reproduced for many generations.

When Spaniards witnessed ritual executions and ritual violence in Mexico – including what is usually termed ‘human sacrifice’ – they quickly paired that transgression with cannibalism as twin sins. As an account of 1566

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7 See Chapter 7 in this volume.
told European readers in several languages, indigenous Mexicans ‘are the cruelest people to be found in warfare, for they spare [nobody], killing them all and eating them’.\textsuperscript{10}

Added to a supposed treasonous propensity for rebellion, human sacrifice and cannibalism formed a trio of legitimising ‘facts’ that gave Spaniards licence to invade the many regions that became the viceroyalty of New Spain (the Caribbean islands, the sea’s rim and Mesoamerica) – despite Las Casas’s decades of arguing in print and at court that the wars of conquest caused greater harm and evil than human sacrifice by Aztecs and other ‘Indians’.\textsuperscript{11} The quebrantimiento, or great ‘breaking’, of the Taino and other indigenous groups in the Caribbean and coastal Central America was followed by mass enslavement of Mesoamericans from 1519 into the 1540s, and then of other indigenous


\textsuperscript{11} Glen Carman, ‘Human Sacrifice and Natural Law in Las Casas’s Apologia’, Colonial Latin American Review 25.3 (2016), 278–90; Restall, When Montezuma Met Cortés, chs. 5 and 8; see also Chapter 5 in this volume.
peoples in the Mexican far north and beyond. The claim that Moctezuma had surrendered to Cortés in 1519 underpinned the use of the rebellion loophole, one used to justify the massacre and enslavement of hundreds of thousands. While the elimination of ‘Indians’ was never an official Spanish or Portuguese policy (contrary to policies in some parts of British America), individual officials and settlers periodically engaged in sustained levels of violence that were tantamount to genocide – arguably in effect if not in intent.12

The third and fourth historical developments relate to the evolution of activities in the Americas by Spanish church officials. The third was the Spiritual Conquest, or the conversion of indigenous peoples, overwhelmingly by Spanish priests and friars. The fourth was that of activities by the Holy Office (also known as the Inquisition), most notably anti-Semitic campaigns in seventeenth-century Mexico City and Lima. These two developments comprised a pair of ecclesiastical movements that displayed periodic outbursts of violence, legitimised through judicial process.

The Spiritual Conquest was an often peaceful process, and is increasingly being understood by historians as a collaborative one, leading to numerous regional variations in belief and practice. But there were also moments of frustration by church officials, leading to violent campaigns of extirpation. Recidivism and the persistence of so-called idolatry were viewed as a pestilence or disease whose cure sometimes necessitated systematic torture – legitimised by following a specific series of torments, set by the ecclesiastical authorities, with torture sessions recorded in detail by a notary. Investigations and extirpations also often necessitated violent public humiliation, and even execution, of the afflicted.

A well-known and illustrative example is the campaign against ‘idolatry’ conducted during the summer of 1562 in the small province of Yucatán. Some 4,000 Maya men and women were interrogated under torture, all notarised and conducted according to proper judicial procedure, culminating in the death of several hundred Mayas and the public humiliation of leaders in auto-da-fé rituals of penance. Fray Diego de Landa, the provincial or head of the Franciscans in the colony, led the campaign. He later explained in straightforward terms what justified the campaign and what legitimised its violent methods. Having been ‘instructed in the religion’ the local Mayas were ‘turned to idolatry’ by their priests, whose ‘sacrifices’ included those of ‘human blood’; thus Landa followed the inquisitorial procedure of processos

12 For a comparative discussion of conquest violence in the invasion wars in Mexico and Peru, see Chapter 30 in this volume.
(denunciations, investigations and trials) and an auto. Although Landa had the support of key Spanish officials, the campaign was opposed by the governor and the conquistador settlers. Their objection was economic, not moral; they feared for the profitability of their encomiendas, or grants of tribute goods and labour rights from groups of Maya villages. Although moral objections were eventually raised – by an incoming bishop – resulting in the campaign being halted and Landa being dispatched back to Spain, the fearsome friar later returned as bishop himself.¹³

Largely as a result of violent anti-idolatry campaigns like that of Landa, which were carried out under cover of the powers of the Inquisition or Holy Office, indigenous peoples were removed from the jurisdiction of the Spanish Inquisition in the Americas after the 1570s (in Mexico, for example, from 1571, when the Mexican Inquisition was established). As a result, regional inquisitions continued to police orthodoxy among the growing non-indigenous populations in the colonies, generating a relatively small but steady stream of prosecutions. In Mexico, at least 400 people were officially investigated for heresy between 1571 and the abolition of the Mexican Inquisition in 1820, of whom at least fifty were executed. A small number of these were foreign Protestants, mostly captured pirates, tried and executed by the inquisitions of Mexico, Lima and Cartagena in the sixteenth and seventeenth centuries. But most notably more than half of those who were tortured and executed in public rituals were condemned for being crypto-Jews – which brings us specifically to the fourth historical development, anti-Semitic violence lead and legitimised by the Inquisition.

It was therefore New Christians, many of them Portuguese, who suffered the most under the Inquisition. Merchant families were especially targeted for practising the ‘Law of Moses’, although records show that awareness of alleged heretical beliefs or practices among the accused varied tremendously; some of those jailed viewed themselves as good Catholics, and regularly attended mass, whereas others openly proclaimed themselves practising Jews, and were even willing to be martyrs for their faith. In Mexico, the most violent outburst of church-sanctioned, Inquisition-led anti-Semitism occurred in the 1640s (for example, in one week in 1642 some 150 accused

¹³ Landa quotes from Matthew Restall et al., The Friar and the Maya: Diego de Landa’s Account of the Things of Yucatan (Boulder, CO: University Press of Colorado, in press), but the passage can be found in any modern edition as the final paragraph of chapter 18. Also see Inga Clendinnen, Ambivalent Conquests: Maya and Spaniard in Yucatan, 1517–1570, 2nd edn (Cambridge: Cambridge University Press, 2003); Matthew Restall, Maya Conquistador (Boston, MA: Beacon Press, 1998), pp. 144–68.
were arrested and most of them questioned under torture; in 1649 twelve alleged secret ‘Judaisers’ were burned at the stake in Mexico City). Because anti-Semitism was itself legitimate, its violent expression could quickly spread under cover of law. The 1649 outburst of legitimised anti-Semitic violence in Mexico followed an equally deadly one in Peru; in the viceregal capital city of Lima in the late 1630s the Inquisition arrested and interrogated 100 alleged participants in the complicidad grande, or Great Jewish Conspiracy. Fifty-two of the accused were whipped, humiliated in public auto-da-fé rituals, and exiled; a dozen were burned alive at the stake. In a controversial study of the Inquisition in Peru, Irene Silverblatt characterised the activities of the Holy Office as a ‘dance of bureaucracy and race, born in colonialism’, contributing ominously to ‘the creation of the modern world’. In other words, Silverblatt saw the Spanish Inquisition’s culture of legitimised anti-Semitic violence as a central root of twentieth-century manifestations of similar violence – most obviously the Holocaust. Whether she went too far or not, in drawing a line from seventeenth-century Peru to twentieth-century Europe, there is no doubt that colonial administrators and church officials in Spanish America developed ways to commit violence under cover of government and the law.

Viceregal and provincial capitals and their hinterlands in Spanish America evolved demographically; they went from being regions of conquest violence against indigenous peoples to places where government officials feared revolts by African slaves and church officials worried about crypto-Jews and other heretics in their midst. Spaniards had as much reason as other Europeans in the Americas to fear resistance and revolt by African slaves – over four centuries, 11 million Africans were brought to the hemisphere to toil against their will. Our fifth violence-infused historical development is thus the trade and treatment of African and African-descended slaves in Spanish America. Violence deployed to prevent and discourage slave revolt was therefore seen as a legitimate means of preserving order, even if it counterproductively provoked violent reactions; as Trevor Burnard notes of the trans-Atlantic slave trade, ‘violence permeated every aspect of its operations’. The Atlantic slave trade predated the European discovery of the Americas, and the trade thus soon became an established element of Iberian expansion; as it grew, so did tales of its violent nature – the high

16 See Chapter 1 in this volume.
mortality rate on the middle passage, the brutal treatment of slaves by owners in all colonies, the allegedly violent nature of slaves themselves, and the use of ritual, public executions to suppress slave revolts and terrorise the growing African and African-descended communities in the hemisphere.

An example of the latter is worth mentioning because it took place in Mexico, a region less often associated with violence against slaves than plantation zones such as northern Brazil, Saint-Domingue and the US south. On a May morning in 1612 thirty-five black men and women were summarily tried and convicted as rebel conspirators, paraded through the streets of Mexico City and hanged before the city populace in the central plaza. Before the crowds dispersed, twenty-nine bodies were decapitated and their heads spiked atop the gallows, while the other six were quartered, their body parts displayed at the city’s entrances. The significance of the event for our purposes is twofold. First, the high number of executions and their public nature were a vivid example of how the display of legitimate violence acted as a spectacle of state terror (as did auto-da-fé rituals). Second, no rebellion had actually taken place, nor was its plot well evidenced. In fact, the trial, which was no more than a brief investigation by the audiencia (the city and district’s high court), and the mass execution appear now to have been a judicial contrivance designed to permit a public performance of state terrorism. With a sharp growth, beginning in the 1590s, of the enslaved and free black population in the city and its environs, Spanish officials and settlers grew increasingly fearful of an uprising by those they perceived as innately prone to rape, robbery and murderous revolt. Prejudice and fear meant that rumours of the alleged revolt were quickly believed. But the response was not racist mob violence or covert state persecution, but a public deployment of judicial process to lend a justificatory veneer to cautionary lynchings.¹⁷

The site of the greatest mass brutality against African-born and Afro-descended slaves was the sugar plantation, as Cécile Vidal details for the British and French colonies.¹⁸ (In a topographical study of violence in the Americas, the plantation would surely play a central role).¹⁹ As slave-worked sugar operations expanded in the eighteenth century – maintained by every European empire, from the British and Portuguese to the Dutch and Danish –

¹⁸ See Chapter 2 in this volume.
¹⁹ I am not aware of such a study yet written, but see Werner Riess and Garrett G. Fagan (eds.), The Topography of Violence in the Greco-Roman World (Ann Arbor: University of Michigan Press, 2016).
so did the reputation of the slave trade as excessively violent spread within Europe itself. In the closing decades of the eighteenth century British public opinion finally turned against it, helping to fuel the abolition movement, while the eventual success of the slave revolt in Saint-Domingue (Haiti) served as an inspiring or terrifying lesson in how the over-application of violence by masters in a slave society could backfire. Nonetheless, Europeans were quick to take refuge in relativist evaluations of slave regimes, insisting that their colonies were full of contented black families, while other empires treated slaves abominably (arguably, a tacit recognition that not all forms of violence against slaves were legitimate). This finger pointing was most notable in border regions, such as that between the British logging settlement in Belize and the neighbouring Spanish colonies in Yucatán, Guatemala and Honduras. Beneath the rhetoric of colonial officials lay a grim truth that African slaves in the Americas suffered legally sanctioned violence of every kind, to degrees unimaginable to us, in all colonies. It was only when public opinion, and then the law itself, ceased to view such violence as legal or legitimate that the abolition movement became possible.

The slave system in the colonial Americas was intrinsically violent, built upon seizure, dislocation, rape, murder and at times micro-genocidal community destruction. As the transatlantic trade in enslaved Africans grew along with European colonies in the New World, the phenomenon of enslaving indigenous people – the sixth of our eight violence-oriented historical developments – persisted along the ever-shifting frontiers of European expansion. In Mexico, those frontiers were in the near north in the sixteenth century, but soon moved to the far north, and then all over North America, as indigenous groups felt the impact of multiple Spanish, French, English and eventually even Russian incursions and settlements. In South America the frontiers were numerous, but most notably ran into and around Amazonia. Portuguese slavers were persistent and wide-ranging, even causing border conflicts between Brazil and Spanish colonies.

While the topography of frontier violence and indigenous enslavement was in constant flux, its illegality, coupled with the loopholes on cannibalism and rebellion, continued to apply. To clarify: it was illegal to enslave ‘Indians’ in Spanish America for most of the colonial period, and the vast majority of indigenous inhabitants of Spain’s provinces in the New World were not

slaves; but the loopholes or exceptions to the law were abused far more than was recognised at the time, with the result that indigenous enslavement has often been ignored since then. For that reason alone, it is worth our attention, but it is particularly relevant here because it represented the abuse of law – the use of the letter of the law in violation of its spirit – to deploy legitimated violence against indigenous families.

The following description comes from an Italian traveller, Girolamo Benzoni, and refers to the Venezuelan coast in the 1540s. Those details aside, and despite Benzoni’s unreliability in many matters, this comment offers a grimly accurate glimpse into how indigenous groups outside European colonies continued to suffer in much of the Americas, and for centuries, the kind of violence outlined above for the very early Caribbean and Mexico. One day, Benzoni narrates, a Spanish captain returned from raiding nearby indigenous villages with more than 4,000 slaves. He had captured many more, but they had died on the journey from hunger, overwork, and exhaustion, as well as from sorrow at leaving their country, their fathers, their mothers, or their children. When some of the slaves could not walk, the Spaniards tried to prevent them from making war later by burying their swords in their sides or in their breasts. It was really an upsetting thing to see the way these sad, naked, tired and lame creatures were treated. They were exhausted with hunger, illness, and sadness.

Just as in the Caribbean and Mexico, the oft-ignored theme of sexual slavery was central to the phenomenon in South America. Adds Benzoni: ‘Nor was there a woman who had not been violated by the predators. Because there were so many Spaniards who indulged their lust, many were left broken.’

Benzoni’s comment brings us to the seventh violence-themed historical development, a thread that has run through all eight of the above topics: violence against women. Sexual slavery, especially of teenage girls, was at the heart of the violence that tore apart families and swept through towns and villages in the wars of invasion in the Caribbean, Mexico and Central America.

21 Girolamo Benzoni, The History of the New World, ed. Jana Byars and Robert C. Schwaller (University Park: Pennsylvania State University Press, 2017), p. 28. It is important to remember that indigenous enslavement was a hemispheric phenomenon, and thus included the sweeping, even genocidal, subordination and removal of indigenous communities by the English and their descendants in North America, from the north-east coastal colonies in the seventeenth century through to California in the late nineteenth. See Andrew Woolford, Jeff Benvenuto and Alexander Laban Hinton (eds.), Colonial Genocide in Indigenous North America (Durham, NC: Duke University Press, 2014); Andrés Reséndez, The Other Slavery: The Uncovered Story of Indian Enslavement in America (New York: Houghton Mifflin Harcourt, 2016); see also Chapter 19 in this volume.
The pattern was repeated across the Americas for centuries. Young women, eventually numbering in the hundreds of thousands, saw their male relatives killed, were subjected to gang rape or serial rape, then sold and condemned to a life of slave labour, often among people of alien languages and cultures – European, African, indigenous. A parallel pattern lasted for centuries among African and African-descended women on both sides of the Atlantic. Such women had little recourse to protection or retaliation, and none to justice; their slave status provided a veneer of legitimacy to their abuse. Meanwhile, women were not spared the violence of the Inquisition, including the two case clusters given above – in Yucatán in 1562, for example, over 100 Maya women were subjected to the torture-based interrogation; and women, almost as much as men, of Spanish and Portuguese ancestry in Peru in the 1640s were victims of anti-Semitic Inquisition violence.

Although heretics were relatively rare in colonial Latin America, witches were not. The topic of witchcraft is worth a brief note in the context of violence against women, simply because in the Americas, as in Europe during these centuries (but especially the seventeenth), such violence also took the peculiar but virulent form of the witch craze. Hundreds were tried and convicted across the whole colonial period. In English colonies such as Massachusetts, the patterns of violence were gender-related and on a larger scale, as in northern Europe at this time. But in Spanish America (as in Portuguese Brazil), alleged witches were virtually never arrested en masse, much less executed. Also unlike Anglo-North America and Europe, the folk and religious cultures of African and indigenous peoples complicated practices that inquisitors sometimes investigated as heretical or indicative of witchcraft, and that meant men were also investigated by the Inquisition or by a separate investigative body of the church in Spanish America, the Provisorato (sometimes called the Indian Inquisition). A minority of such investigations were violent, and most of the accused were spared execution, following public humiliation, flogging or exile – or some combination of the three.  

A final phenomenon within the larger topic of violence against women is worth mention, in part because it illustrates the wide-ranging and multifaceted nature of judicial violence in the colonial Americas: domestic violence. A brief case study introduces the phenomenon well. The talk of the town in La Plata (today’s Sucre, Bolivia) in the winter of 1595 was the cold-

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22 On the longue durée patterns of witch-craze violence in Europe, see Chapter 26 in this volume.

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blooded murder by the audiencia notary of his wife. Freely admitting to the murder, the notary’s defence was the accusation that his wife had been sleeping with the court’s prosecutor and that the lovers had planned to use witchcraft to kill him. As it happened, the oidor (judge of the court), who lived next door to the notary and found him standing over his wife’s corpse, had himself murdered his wife and her lover in Quito back in 1581. Both uxoricides (the notary and the judge) successfully claimed the right to commit violence that was technically illegal (as murder) but was justified and legitimated by the circumstances (social norms regarding men’s rights over women), and as a result they suffered no worse than prosecution and temporary career setbacks. In other words, women constituted a vulnerable sector in a society where violent acts, if classified as judicious, could be committed with impunity – even encouraged as being a form of justice and a restoration of the social hierarchy.

The final thread to be considered here (our eighth) is another large topic, that of colonial rebellions. The historiography of the twentieth century generally followed the lead of Spanish, Portuguese and British authorities during the colonial period – that any violence stemming from conquest or initial settlement was rapidly succeeded by a pax colonial, with the occasional uprising being an exception that proved the rule of peaceful rule. The very existence of the pax colonial now seems questionable. At the very least, it must be offset by three considerations.

First, the violence of conquest and settlement was far more extensive, even genocidal, and prolonged than has been recognised – from the Caribbean and Mesoamerican cases through to the sustained campaign by white settlers to eliminate indigenous Californians in the late nineteenth century. Second, looking at the longue durée sweep of the colonial Americas, ‘revolts were rare but violence was frequent’ (in Murdo Macleod’s words). That is, organised rebellions were rare due to policies such as the maintenance of local semi-autonomous rule by indigenous municipalities in Spanish America; but such revolts should be seen as ‘one extreme of a continuum of violence’ that included various kinds of ‘evasions, defiances, and resistance’ to colonial demands.

Third, the outbreak of organised revolts in the final half-century of Spanish colonial rule is now seen as more than a few well-known dramatic rebellions, such as that of the Inca revivalist Túpac Amaru in Peru. For example, the Great Andean Rebellion of 1780–2 is increasingly understood in the context of uprisings up and down the Andes beginning in the 1740s. At the same time, as more studies of specific uprisings are published, scholars are increasingly conscious of the larger context, one that includes everything from indigenous Totonac resistance to tobacco reforms in the Veracruz region of Mexico to the Maya rebellion in Yucatán in 1761 led by Jacinto Canek. 26

The relevant point here is that rebellions tested the efficacy of the legitimised violence used by Spanish officials to maintain colonial order. Just as the violence used to keep slaves at work could be counterproductive, so did violent responses to petitions and protests by indigenous leaders often stimulate a cycle of violence; not everyone shared the belief held by colonial officials that arrests, interrogations accompanied by beatings and public floggings were legitimate actions. At times, Spanish officials understood that a negotiated end to the conflict could cut that cycle, but more often than not it resulted in spectacular displays of extreme, legitimised violence in the form of public executions of rebel leaders – of which the slow deaths of Túpac Amaru and Jacinto Canek are examples.

Conclusion: Black Legend, White Legend, Red Legend

The impression thus given that the societies of colonial Latin America were especially violent is, of course, meaningless (all past human societies were violent, as the volumes of The Cambridge World History of Violence attest). However, perceived relative violence is a meaningful category of analysis. If violence is ubiquitous to human societies, then so too is the tendency of one society to judge another as being more violent – or being violent in the wrong ways. This is particularly relevant to early Latin America, for three reasons.

First, the Protestant world of the seventeenth to nineteenth centuries developed a judgement of Spanish conquest and colonialism as excessively

violent; the colonialism exercised by other European nations was thereby rendered benign by comparison. Imperial rivalries fuelled this hypocritical distortion of the colonial track record, boosting it as late as the decades following the Spanish–American War, when a Spanish apologist for his nation’s lost empire dubbed that distorted reputation ‘the Black Legend’. Historians have spent the century since debating and debunking Black and White legends (the White being the fiction that Protestant colonists were more benign and enlightened than Catholic ones), in parallel to similar debates regarding comparative slave systems in the Americas. But despite overwhelming evidence that nowhere in the Americas did Europeans maintain benign systems to exploit indigenous and African-descended peoples, and that variations in how subject peoples were treated were regional (not national or imperial), myths like the Black Legend persist.

Second, Spaniards themselves had earlier developed what we might call the Red Legend – the notion that some, if not all, indigenous peoples in the Americas were inherently barbarous and savage, prone to certain cultural depravities. While important categories of depravity included the religious (‘idolatry’) and the sexual (sodomy), forms of violence were crucial to this ideology of superiority. In other words, what made indigenous peoples inferior was not simply that they were violent (after all, as the next point reflects, Spaniards were too), but that the context of their violent acts was transgressive. The specific context upon which Spaniards fixated in their early decades in the Americas was that of cannibalism; on the Mesoamerican mainland, it was that of ‘human sacrifice’. Spaniards propagated with great persistence through the colonial centuries the Red Legend of Aztec society as blood-drenched and violent to its core; the legend survives to this day.

The three legends per se – Black, White and Red – do not help us to better understand violence in the early Americas. The partisanship and prejudice that underpin them cannot be easily reconciled with our claims to objectivity; as the late Tzvetan Todorov put it, ‘what if we do not want to have to choose between a civilization of sacrifice and a civilization of massacre?’

27 ‘Black Legend’ was coined in 1914 by Julián Juderías y Loyot. For the mid-twentieth-century debate among US historians Charles Gibson, Lewis Hanke, Benjamin Keen and William Maltby, see Benjamin Keen, ‘The Black Legend Revisited: Assumptions and Realities’, Hispanic American Historical Review 49.4 (1969), 703–19; for an update on the debate, and claims that the legend persists, see María José Villaverde Rico and Francisco Castilla Urbano (eds.), La sombra de la leyenda negra (Madrid: Editorial Tecnos, 2016).

But they do help us to see how violence has tended to be justified or condemned in relative terms, which leads us to our third point: within Spanish culture generally, and specifically within its political and legal culture, there was a relativist understanding of violence. Violence was a valid and acceptable mechanism for exercising authority, communicating political and religious orthodoxy, restoring honour, punishing transgressors and righting wrongs. But there were contexts to when, and rules to how, it could be committed. Violence was never just violence; it had to be *just* violence. And if an act of violence violated those rules, and was unjust, then violence against its perpetrators could be legitimate – in a way, restorative. Silverblatt, in discussing Hannah Arendt on Western civilisation and Michael Taussig on the early Americas, remarked that ‘Violence and civilization: they are inseparable. They need each other, they feed on each other – a realization that can stop your heart.’

In colonial Latin America, violence was not antithetical to, or incompatible with, what European colonists considered civilised life; on the contrary, in various ways it was classified and exercised as legitimate and legitimising, as the performance of civilisation itself.

**Bibliographic Essay**

A useful essay covering variations in violence across different regions and time periods is Wolfgang Gabbert, ‘The longue durée of Colonial Violence in Latin America’, *Historical Social Research* 37.3 (2012), 254–75. Gabbert discusses violence during the conquest period, for example, and at moments of protest and contestation, showing how violence played a role in shaping colonialism.


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PART V

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POPULAR PROTEST AND RESISTANCE
Although Vietnamese have been fighting among themselves since even before recorded history, the early modern period saw arguably the most significant levels of violence until the second half of the twentieth century. Prior to the sixteenth century, most large-scale warfare featuring Vietnamese participants was directed against external forces – most prominently the Chinese and to a lesser extent the Chams to the south. There had been several dynastic transitions during that period; however, they had taken place without significant amounts of internal warfare. The only exception had been the Le dynasty’s rise to power, but that involved not a civil war, but a decade-long struggle against a Ming (Chinese) occupation, which ended in Le Loi’s victory in 1428.

Beginning in around 1500, however, significant changes began to appear in this dynamic. While there was still some involvement from external powers, the majority of conflicts consuming Vietnamese populations were now internal, with a corresponding increase in the amount of internecine violence. This was a period that saw three highly contested dynastic transitions, the emergence (in middle of the sixteenth century) of multiple competing and autonomous realms, three large-scale civil wars, and, finally, a series of popular rebellions that dominated the historical landscape of the eighteenth century. The last of these rebellions transformed into a civil war and then brought a new dynasty to power. During this time there were no fewer than five major families who at one time or another made and sustained political claims to statehood: the Le, the Trinh, the Nguyen, the Mac and the Tay Son. While the Le dynasty ostensibly endured through virtually this entire period (it is conventionally regarded to have ended in 1788/9), the reality was that each of the other claimants to power achieved significant measures of de facto or de jure political authority over large portions of the Vietnamese realms. It is an era that Keith Taylor has recently characterised as a succession of decades-long struggles lasting seventy (1530–1600), fifty (1627–72) and thirty
These large-scale and violent wars pitting major political forces against each other constituted the backdrop to life in Vietnam through much of the early modern period. Indeed, it is partly because of these conflicts that it is difficult to label this space in the early modern period. The territory that had once borne the labels Dai Viet or An Nam (from the Chinese perspective) now began to break down into contending polities, and vernacular terms like Dang Ngoai (the Outer Region) and Dang Trong (the Inner Region) emerged to designate the northern and southern states respectively.

The conflicts of this era often began as rebellions, and while most remained limited in scope, several escalated into full-scale civil war. The Tay Son Uprising (1771–1802) is a good example of a rebellion that morphed into a civil war. Its leaders launched their movement with limited and exclusively military objectives, slowly transforming the territorial space into a state with gradually expanding political and military capacity, which in turn allowed it to sustain its struggle against rival states to the north and south. Whether rebellions or civil wars, what these events had in common was a ferocity that frequently made life extremely difficult for those who lived in the path of roaming rebel forces, or were caught between the warring parties in larger-scale civil wars.

In particular, this chapter looks at the consequences of the Vietnamese realm’s division in the early 1600s between two rival families, the Trinh and the Nguyen, each nominally serving a sitting but politically powerless Le emperor. This division, which spurred substantial amounts of violence, was one of the most significant developments of the early modern era. Both internal and external factors contributed to the conflicts of this era, and pitted these two states against their own subjects as well as against marginalised ethnic minority populations and even overseas allies ranging from Siamese armies, Chinese pirates and the Qing court to European missionaries and mercenaries. This complex cast of characters contended or cooperated in the context of political and economic instabilities that generated numerous instances of large-scale violence in the context of rebellions, some lasting for decades, and some, like the Tay Son Uprising, succeeding in toppling ruling houses. The contours of the frequent and violent upheavals of this period were determined by a combination of factors, including internal political tensions, the expansion of Vietnamese state interests into new

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Map 22.1 Vietnam, c. late eighteenth century.
territories, questions of dynastic legitimacy and ultimately economic hardships caused in part by a collapse of foreign trade and currency fluctuations. Violent rebellions were a prominent feature of these events, some driven by inter-family rivalries among elites, and others sparked by economic woes afflicting rural populations. The effects of these numerous challenges to state authority were profound. Large-scale dislocation of populations was a common element, as were forced military and labour service that only caused further discontent among peasant farmers. It was, in short, a historical landscape of frequent violence encompassing significant portions of the Vietnamese population.

The Regional Roots of Conflict

In some respects, the roots of these conflicts lay in the patterns of regionalism that have shaped Vietnamese history since the early years of the common era, if not before. As Vietnamese populations slowly expanded their territorial footprint and Vietnamese leaders gradually extended their political claims, there emerged distinct regional identities that came into conflict as a function of historical and geographical circumstance. Most notably, these early regionalisms pitted more scholarly and Sinically oriented populations of the Red River region in the north, which was the centre of Chinese dominance and influence, against more rustic, militaristic and indigenously oriented populations of Thanh Hoa to the south. This pattern of scholastic Sinicism contrasted with militaristic indigenous sentiment, while something of an oversimplification, captures some element of the fundamental divide between these two areas, one with significant echoes into the early modern clashes. The early modern period saw two more regions entering the contests for power. One was situated along the coastal rim where the Red River spilled into the Gulf of Tonkin. Several claimants to power emerged from this region in the early sixteenth century, including one, the Mac family, which would continue to vie for power well into the later seventeenth century. The other newly relevant region was the southerly territorial expanse stretching from the Linh River across the forbidding Hai Van pass and into lands once controlled by the Chams. This territory had been captured by the Le dynasty in the 1470s, but subsequently only lightly settled and garrisoned against Cham attempts to reclam their land. It became the stronghold of the Nguyen clan beginning in the mid sixteenth century.

While these regional divides created geographical affiliations among particular communities of lowland residents, a second divide juxtaposed lowland
Vietnamese with upland ethnic populations. This division was generally east–west, with the Vietnamese occupying the lowland coastal territories and members of other ethnic groups inhabiting the upland hills, plateaus and mountains. This was a significant point of contrast and frequently of clashes. While there were areas of overlap and mutually beneficial contact, it was a kind of regionalist separation that frequently spurred violent conflict over resources and territorial control. Periodically, the Le rulers had sought to regulate or control some of these areas, either through legal codes that spelled out the nature of engagement between upland and lowland Vietnamese, or through the use of force by a regime that in the last decades of the fifteenth century was at the height of its military capabilities. In any case, the division between lowland areas and upland regions was a form of regionalism that would come into play in the conflicts of the early modern period, as it had before.

Even as domestic regional distinctions and rivalries were an important factor shaping these political conflicts, this landscape of violence was also shaped by external factors. Most notably, the Chinese, who had always represented a significant threat, occasionally took sides in these domestic wars. For decades in the sixteenth and first half of the seventeenth centuries the Qing court was an ally and protector of the Mac clan in its protracted wars with the Trinh and Nguyen. In the late eighteenth century the Qing court openly interfered in a Vietnamese succession dispute, which saw its forces invading Vietnamese territories (in 1788), only to be ousted in less than a year. To a lesser extent the Siamese were periodically drawn into these clashes, as occasionally were the adjacent Lao principalities. Chinese pirate mercenaries also joined the fray, particularly in the last decades of the eighteenth century. Other newcomers became significant players, notably Europeans who had begun to arrive as missionaries and then merchants over the course of the late sixteenth and early seventeenth centuries. The British and Dutch supplied armaments to parties in these conflicts, and at times also served as mercenaries or logistical assistants. This crowded historical stage featured numerous antagonists pitted against each other over the course of several centuries, and conflict, violence and rebellion were the backdrop against which the Vietnamese historical drama played out during this period.

Conflict commenced with the rise of the Mac family in the 1510s as it came to vie with the faltering Le for political supremacy. It was only with the establishment of the Nguyen dynasty at the beginning of the nineteenth century that a measure of political stability returned. And, even then, it was a fragile peace, frequently interrupted by popular unrest from various quarters.
including lingering dynastic loyalists, unhappy peasants and bandit gangs.\textsuperscript{2} Indeed, the period was one in which respite from military clashes was a rare occurrence, as Table 22.1 summarises.

As this table suggests, conflict, often of a sustained and significant nature, was a near constant feature of the Vietnamese landscape from about 1520 until 1802. Much of this was centred on Tonkin, the northern part of the Vietnamese territories, but with the Nguyen clan’s migration into the southern reaches of Quang Nam, the possibilities for extended conflict travelled with them. This region would not be fully engulfed until the start of the nearly half-century war between the Nguyen and their erstwhile allies, but by then long-term rivals, the Trinh.

### Table 22.1 Episodes of large-scale violence

<table>
<thead>
<tr>
<th>Time frame</th>
<th>Nature of military conflict</th>
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<tbody>
<tr>
<td>1516–21</td>
<td>Tran Cao Rebellion</td>
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<td>1523–1600</td>
<td>Civil wars between the Mac, Nguyen and Trinh</td>
</tr>
<tr>
<td>1600–1670s</td>
<td>Ongoing civil war between the Mac and the Trinh</td>
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<tr>
<td>1627–72</td>
<td>Civil war between the Nguyen and the Trinh/Le</td>
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<td>1738–70</td>
<td>Le Duy Mat rebellion against the Trinh</td>
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<td>1739–69</td>
<td>Hoang Cong Chat rebellion against the Trinh</td>
</tr>
<tr>
<td>1771–1802</td>
<td>The Tay Son Uprising against the Nguyen, which then transformed into a civil war with the Tay Son state battling the Nguyen, Trinh, and Le regimes</td>
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The first serious threat to the now destabilised dynasty was launched in 1516 by a mystic named Tran Cao. He emerged from the coastal areas of the Red River Delta and attracted a significant armed following by claiming connections both to the earlier Tran dynasty (1225–1400) and the ruling Le dynasty. Just as potently, Tran Cao claimed to be a reincarnation of the Hindu god Indra. His further assertion that he was the fulfilment of a local prophecy that a new leader would emerge from the east (of the capital) only added to Tran Cao’s multiple claims of political legitimacy, which culminated in his declaring himself king. His armies quickly moved towards Thang Long, threatening the imperial seat. Although their initial efforts to take the royal citadel were repulsed, Tran Cao’s forces eventually entered the capital where they destroyed the Le dynastic temples and declared a new reign. Supporters of the Le quickly recovered from the assault and drove Tran Cao and his army out of Thang Long. The rebel leader, however, merely retreated a short distance to a position north of the city, where he transferred authority to his son, who continued to control a significant amount of territory for the next five years.

Tran Cao’s uprising represented only a prelude to an even more serious challenge that soon followed. A senior court military official by the name of Mac Dang Dung (1483–1541), frustrated at the infighting and incompetence in the palace, gradually positioned himself to take power from the increasingly inept and politically crippled Le emperors. After manoeuvring through the labyrinth of political contenders and demonstrating his military prowess over the course of the late 1510s and early 1520s, in 1527 Mac Dang Dung finally swept aside the Le rulers in favour of creating a new dynasty. That his family, like that of Tran Cao, came from the eastern coastal areas may have allowed Mac Dang Dung to tap into earlier beliefs in the rise of a saviour from the east. Just as importantly, the Mac accession to the throne represented the rise of a new regional force on a political landscape that to this point had been dominated by elements either from Thanh Hoa to the south or the Red River heartland itself. Mac Dang Dung set about consolidating his imperial authority, reimposing order in a capital beset by chaos, and seeking to revitalise a commitment to Confucianist principles. As he did so, however, the new Mac emperor had to contend with the rise of new challengers, ones unhappy with the overthrow of the Le, and with the emergence of a ruling family that represented a different regional base and ideological orientation.

The most prominent challengers to the new Mac regime were members of the Trinh and Nguyen families, politically powerful clans based in the Thanh Hoa region to the south of the Red River area. Both families’ political fortunes were closely connected to their earlier support for Le Loi, a fellow Thanh Hoa noble and founder of the Le dynasty. As such, these families were committed to restoring the Le, reasserting the supremacy of Thanh Hoa regional interests, and by extension reclaiming their own prestige and authority. In the early years of Mac rule, the Nguyen and Trinh were politically and geographically marginalised, pushed gradually westwards, until they found themselves exiled to the Lao principalities adjacent to their Thanh Hoa homes. There they swore support to the cause of Le restoration and together propped up a Le claimant as they made preparations to mount an armed challenge to the Mac.

Although the Nguyen/Trinh/Le force began its attacks on the Mac from a position of marginality in the Lao territories, its claims to stateness lay in the person of the Le ruler and the nominal survival of the Le regime. Having carved out a base for their challenge to the Mac, the Nguyen and Trinh mounted a sustained attack upon the Mac court. What had begun as a desperate act of self-preservation and loyalty to the idea of the Le dynasty by the Trinh and Nguyen families became a large-scale military campaign. By the 1550s the loyalist alliance had established its state credentials by regaining control over large amounts of territory in the regions of Nghe An and Thanh Hoa. The war now pitted well-entrenched states against each other, each representing a particular form of political organisation and ideological orientation. The war ground on with varying degrees of ferocity for the next half a century, the two sides each having solid resource and population bases and readily defensible territories. This prolonged conflict marked the beginnings of a period in which the Vietnamese populations and territories were divided among a sequence of contending states, a process that would not be resolved until the Nguyen’s eventual triumph over their Tay Son rivals in the early years of the nineteenth century.

The Nguyen–Trinh Divide: A Civil War Subdivides

Conflict with the Mac had served to unite the Nguyen and Trinh clans, but it also became the catalyst for a rupture in their alliance as the two came increasingly to vie for supremacy. Thus, the Mac wars spurred a second and overlapping conflict, one that began at the level of individuals but gradually expanded to feature sustained warfare between two states over much of the seventeenth century. The falling out of the two clans saw the
Trinh begin to gain the upper hand after the death of the Nguyen family’s paterfamilias. Nguyen Kim’s assassination by a surrendering Mac general in 1545 paved the way for the Trinh to assert their dominance through a sustained effort to eliminate or sideline their ostensible partners. Trinh Kiem, the head of the Trinh clan, began to attack his rivals, killing at least one of Nguyen Kim’s sons and raising the prospect of removing the others as well. The now precarious political climate in the north prompted a younger scion of the Nguyen clan, Nguyen Hoang, to request a posting to the southern reaches of the Vietnamese lands. The Trinh lord, seeing the advantageous prospect of relocating one of his rivals, readily granted the request, and Nguyen Hoang was sent to serve as the Le overseer for the frontier regions of Thuan Hoa and Quang Nam. Nguyen Hoang and a significant entourage departed for Thuan Hoa in 1558, thus temporarily relieving the tension that had built up between the two clans. This marked the beginnings of a separation of political authority in Vietnam, paving the way for conflict and warfare over the next two and a half centuries.

The territories of Quang Nam and Thuan Hoa had only recently been added to the Vietnamese realm, in the aftermath of the defeat of their Cham rulers by Emperor Le Thanh Tong in the 1470s. Vietnamese authority, however, remained largely nominal, and the two regions were only lightly settled by civilians and defended by garrison troops. Nguyen Hoang’s arrival marked the beginnings of a more systematic incorporation of these lands and their peoples, even as they became less an outpost of the Le dynasty and more the foundations of an entirely new state.

The state that the Nguyen began to carve out was one based on military authority rather than civilian control, and one tapping into the riches of the southern territories, derived substantially from the seaports once controlled by the Cham Empire. The Nguyen consolidated their authority and increased their economic strength sufficiently that when Nguyen Hoang was formally summoned back to the north in 1593, to assist in a final effort to overcome the Mac, he assented with little fear for his own safety. Between 1592 and 1600 the Nguyen leader participated in military operations with his erstwhile Trinh rivals in a joint project to decisively defeat the Mac and unify the northern region under Le (i.e. Trinh) governance. The effort largely succeeded, and the Mac were driven into the remote border mountains of Cao Bang. This refuge became a stronghold where the former regime’s considerable military was able to protect the vestiges of a Mac state. The Mac were sheltered not only by the topography of the area but also by their cross-border Chinese neighbours, as the Ming court had a vested interest in undermining
Vietnamese political unity. From their formidable perch, the Mac remnants continued to pose a periodic threat to the Le state, whose efforts to dislodge them repeatedly failed. The fall of the Ming dynasty (c. 1644) and the rise of the Qing marked the waning years of the Mac, and the Trinh took advantage of the Chinese dynastic transition to launch an aggressive campaign in the 1660s that drove the Mac into China, marking the final reincorporation of the border land under the control of Thang Long.

In helping to defeat the Mac, Nguyen Hoang recognised that he had contributed to consolidating Trinh political predominance in the northern region. Thus, he opted to return to his political base in Thuan Hoa and Quang Nam. His departure from Thang Long in 1600 marked the beginning of what came to be a clear separation between the two clans, and the emergence of an autonomous Nguyen state in the south. When in 1626 Nguyen Hoang’s son and successor refused Trinh demands to render tax payments to the court in his capacity as an official of the Le state, the long-simmering tension broke out in open warfare.

Over the next half a century from 1627 to 1672 the Nguyen and Trinh fought an episodic but ultimately inconclusive war. The Trinh state was much more populous, had larger armies, more military materiel and significantly more substantial natural resource reserves upon which to draw. The Nguyen state, by comparison, had only modest populations, limited local resource and a much less well equipped fighting force. Despite the imbalance between the two sides, the Nguyen were able to fend off repeated Trinh attempts to overwhelm their state. The southern state’s shortcomings were offset by its highly defensible position (reinforced by a large-scale defensive wall), populations already organised along military lines, and a combination of large numbers of war elephants and armaments produced by a Portuguese foundry at their capital in Phu Xuan. These assets enabled the Nguyen to fight the much stronger Trinh to a draw. Each side invaded the other, but both armies focused on taking prisoners rather than holding territory. The Nguyen in particular benefited from the violent capture of enemy soldiers and civilians, for these could be settled into frontier lands at the southern edges of their realm. Eventually a de facto ceasefire emerged in 1672 and the two sides were separated by what became a largely impermeable boundary at the Linh River.

**Violence against Religious Minorities**

Even as these two states battled one another over the course of the seventeenth century, each also began to address the perceived threat of a steadily
growing population of Vietnamese Catholics and their European missionary priests. Catholicism, initially most successfully implanted by Portuguese Jesuits in the first decades of the seventeenth century, was quite attractive to certain segments of the Vietnamese population, notably the poor, women and members of fishing communities in the coastal areas where the missionary presence was strongest. Missionary efforts also expanded in the Nguyen territories over the course of the seventeenth century. European missionary reports suggest that by the middle of the seventeenth century there may have been as many as 350,000 at least nominal Catholics in Vietnamese lands.4

The introduction of this new religious doctrine and the emergence of communities of believers sustained by foreign priests gradually contributed to social and political tensions. Particularly significant were questions about whether Vietnamese Catholics could continue to participate in local rituals, including veneration of the ancestors and of village deities. These rites, and particular those venerating the ancestors, were considered pillars of the Confucian social structure that was central to state authority and its ruling ideology. Villagers who refused to abide by these cultural and social norms were thus seen as subversive of state interests, and as a threat to social and political stability. Consequently, Catholics increasingly found themselves the targets of periodic campaigns of harassment by the state and sometimes by local entities. These crackdowns, sometimes accompanied by violence, were driven by political considerations and justified by reference to Confucian ideals. At times, the state would destroy churches, and occasionally officials would hold church leaders for ransom reasoning that ostensibly wealthy Christian followers would pay to free their religious leaders.5 At their most extreme, these crackdowns led to the capture and execution of Vietnamese Catholics who refused to give up their faith, and their deaths inevitably rendered them martyrs for the devout.

State suppression of Christians, their communities and the European missionaries who supported them was highly unpredictable. At times rulers, both in Tonkin and Cochinchina, aggressively attempted to root out Catholics. But such crackdowns alternated with eras of de facto tolerance when political leaders grappled with other more pressing concerns. The result was a substantial degree of uncertainty amongst Vietnamese

Christians that left them constantly vulnerable to violence from the state. The Trinh state in particular issued regular anti-Christian edicts – in 1664, 1689, 1712, 1721, 1750, 1754, 1761, 1765, 1773, 1776 – an indication both that the faith continued to flourish and of the state’s determination to exterminate it. While the degree of repression was not as high in the Nguyen south, with its much smaller Catholic populations, Christian communities did come under pressure at times, particularly with a forceful 1698 edict followed by a violent repression beginning two years later.6

Rebellion in the Trinh Realm

After a roughly half-century hiatus in violence dating to the end of the Nguyen–Trinh wars, the 1730s saw a new phase in the military violence rocking Vietnamese lands. The violence began in the north with a series of anti-Trinh rebellions sparked by corruption, aggressive taxation schemes and natural disasters.7 While most of these uprisings were modest in size, and quite localised, several grew to significant proportions and periodically threatened to topple the regime in Thang Long. Looking for legitimacy and popular support, rebel leaders took advantage of the peculiar division of political authority in the capital between the Trinh and the nominally ruling Le emperor. The uprising of Hoang Cong Chat (1706–69) was the first and ultimately the longest-lasting resistance movement. It began in 1739 in the coastal region south of Thang Long and for the next three decades destabilised the Trinh state, using its forces to maintain a measure of autonomy in its territory. The movement also connected with that of Le Duy Mat (?–1769), a prince of the Le family, who declared his intention to topple the oppressive Trinh family and restore power to his own clan and the legitimate emperor. In a widely distributed declaration written in the vernacular but laced with classical allusions, Le Duy Mat denounced the Trinh for their crimes and rallied support to the difficult task at hand. The rebel leader’s claims to legitimacy and promises of better times had a powerful resonance among the northern populace, who flocked to his side. For a number of years his armies seriously threatened the capital while controlling large swaths of territory. By the early 1770s, however, the Trinh armies had finally gained the upper hand against their numerous rivals. The death by suicide of Le Duy Mat in 1769 was a particularly crucial turning point,

7 Taylor, History of the Vietnamese, pp. 355–64.
but also important was the ascent to power of a dynamic younger lord, Trinh Sam, in 1767, who launched an energetic series of campaigns to quell resistance.

Inter-Ethnic Violence in the Nguyen Lands

While the Trinh regime was facing numerous rebellions over the course of the eighteenth century, the southern Nguyen state confronted its own internal challenges. In particular, the court at Phu Xuan saw growing threats from upland ethnic populations. Such groups had long been a distinctive feature of the Vietnamese political landscape, but during the early modern period there was an increasing level of engagement between lowland Vietnamese populations and upland communities with distinct cultural, linguistic and social contours. Oftentimes contact had been limited by choice on both sides, but mutually desirable commodities encouraged at least periodic trading encounters. Those Vietnamese who lived in the liminal spaces where the plains gave way to the uplands naturally had more regular contact, to the point where the fifteenth-century Le Code felt it necessary to stipulate that marriage between Vietnamese and tribal populations was illegal. Relations between the two sides vacillated between cooperation and hostility. This was dictated to an extent by the relative strength of the Vietnamese polities: stronger regimes often sought to extend their influence into the resource-rich upland territories, while weaker ones were inclined to pursue a more cooperative strategy.

Although such upland populations also inhabited the peripheries of the northern Vietnamese realm and occasionally engaged with the lowland state, the degree of contact was limited by geography and demographics that kept the vast majority of the Viet people at a considerable distance from other ethnic groups. By contrast, in the southern Nguyen realm there was a much greater degree of geographical proximity as the narrow coastal strip on which the Vietnamese had settled was rarely far from the uplands to their west. As Vietnamese populations in the south increased, growing contact between the groups was almost inevitable. Furthermore, by the eighteenth century the Nguyen rulers in the southern Vietnamese territories were increasingly trying to impose their authority upon the upland groups, seeking both their labour and the resources they controlled, and were using an armed military presence to ‘pacify’ local populations. The more aggressive lowland state efforts provoked responses from uplanders who engaged in periodic raids upon the Vietnamese in an effort to keep them at arm’s length. The
Nguyen state’s tolerance of abuses by private merchants as well as its failure to crack down on lowlanders who hunted in the uplands and stirred up trouble led to growing unrest among the upland populations, particularly in Quang Ngai. There, beginning in the 1740s, an upland group known in the Vietnamese chronicles as the Da Vach began to conduct regular attacks on Vietnamese settlements along the upland–lowland borders and into the lowlands as well. These attacks persisted through the 1750s and 1760s, and were not brought under control until the early 1770s, just before the Tay Son Uprising threw the Nguyen lands into turmoil.

Thus, ethnic relations in Vietnam frequently involved violence. While at times this violence took the form of warfare between lowland ethnic Vietnamese and upland ethnic populations, periodically complex alliances emerged in which ethnic communities would side with lowland Vietnamese. In any case, warfare of the early modern period frequently saw such ethnic complexities, and these tensions would continue into the modern period itself over the course of the nineteenth and twentieth centuries.

Tay Son Uprising (1771–1802)

The outbreak of the Tay Son rebellion in the Nguyen lands in 1771 marked a new stage in the complex ethnic dynamics of conflict in Vietnam. This uprising broke out just as the Trinh lords had managed to quell the most serious rebellions in the north, and just after the Nguyen lords had brought an end to the regular threat posed by the Da Vach ethnic group’s attacks upon the lowlands. Numerous circumstances had rendered the Nguyen realm vulnerable to rebellion, including a manipulated and subsequently contested succession after the death of the long-reigning lord in 1765, declining foreign trade, which had been a mainstay of the southern economy, and a currency crisis exacerbated by a shift to unpopular zinc coinage that led to rice hoarding and rising commodity prices. In addition, the ongoing territorial expansion of the Nguyen state had created an unstable and complex demographic landscape. It was against this backdrop, and supported by prophecies that new rulers would rise up (this time from the west), that in 1771 three brothers from the village of Tay Son (Western Mountains) launched an uprising that soon paralysed and then toppled the Nguyen rulers.

8 Details of this massive rebellion are in Dutton, Tay Son Uprising.
The rebel leaders were from a village that straddled the lowland and rising upland region west of Qui Nhon, which enabled them to develop connections to people from both territories. The eldest rebel leader, Nguyen Nhac, had been a tax collector and part-time betel trader whose routes frequently took him into the upland regions around An Khe. Unable to submit the tax revenues he was to have collected, and encouraged by the prophecy and the advice of his village tutor, Nhac, joined by his brothers, Hue and Lu, fled into the uplands and began to assemble an army of sympathetic peasants and local ethnic populations. As a result, the rebel army took on a distinctly complex ethnic cast. The remote and largely inaccessible highlands provided security against Nguyen efforts to suppress the movement, as well as critical resources including horses, food and timber. Having strengthened their force by drawing on upland communities and their resources, in 1774 the Tay Son army swept into the lowlands, capturing the coastal citadel of Qui Nhon.

In the coastal region the rebel army expanded its ranks, incorporating new ethnic elements including lowland Vietnamese agriculturalists, Cham peoples and ethnic Chinese. The Cham were the survivors of a once powerful kingdom in this coastal region, and some were happy to fight their Nguyen foes. The ethnic Chinese were transplanted political exiles from the Ming dynasty, and included several prominent merchants whose financial well-being was closely tied to foreign trade, which had suffered under the Nguyen. The Tay Son ethnic eclecticism was mirrored by that of their Nguyen rivals who themselves recruited a military from among ethnic Chinese and Chams, as well as Khmer populations of the Mekong delta regions.

As the Tay Son brothers rapidly extended their territorial claims, Lord Trinh Sam, the ruler of the northern territories, saw an opportunity to expand his realm. In 1774 he assembled a large force, which marched southward, soon overwhelming the Nguyen defences and capturing Truong Phuc Loan, the Nguyen regent, whose young protégé fled. To more than a few in the Nguyen capital, this appeared to be salvation after nearly a decade of corruption and decline. Having achieved their initial goal, the Trinh armies began to head south, crossing the Hai Van pass and moving deeper into Nguyen territory. In doing so they began to approach the Tay Son positions further down the coast. Although considerably strengthened by their expansion into the lowland coastal realm, the Tay Son forces were still no match for the large northern army, but circumstances intervened as the Trinh forces, including some of their key generals, began to succumb to diseases endemic to the central coast. The Tay Son leaders, seizing an opportunity, offered to surrender to the Trinh armies, and the northern army’s commanders
accepted with alacrity. The rebel leaders and their armies were incorporated into the Trinh military, and now constituted the advance guard of that force in pursuit of the remnants of the Nguyen regime.

What followed was a bloody and often violent decade-long struggle punctuated by significant amounts of violence, particularly on the part of the rebel army. The most dramatic manifestation of this violence was the large-scale massacre of perhaps as many as 10,000 ethnic Chinese in Gia Dinh (Saigon) in 1782, after which the rivers ran with blood. It is likely this brutal event was an act of vengeance in response to the defection of an ethnic Chinese general to the Nguyen side. While the most dramatic of the Tay Son atrocities, the killing of ethnic Chinese was only one of many acts of brutality by the rebel forces, who were noted for their aggressive fighting. Weapons such as spiked wooden clubs coated with tar and set alight were among the gruesome devices put to use by the Tay Son soldiers. Indeed, incendiary weapons of numerous kinds, including flaming arrows and spears, were frequently used on the battlefields and in sieges of walled compounds.9

As the Tay Son fought their Nguyen rivals, they slowly morphed into an organised, albeit rudimentary state. Nguyen Nhac, having taken the former Cham capital of Vijaya as his political centre, named himself chua (lord) in 1775, thus claiming the title once used by the Nguyen lords. Not long thereafter he took the title of vương (king), and then, in 1778, he had himself crowned the Thai Duc Emperor. Consequently, what had begun as a rebellion had now become a civil war, one pitting the Tay Son court against its Nguyen rivals.

The Tay Son campaigns against the Nguyen continued until 1785 when the rebel armies managed to push the Nguyen from their precarious perch in the deep south of the country, driving them to seek refuge in neighbouring Siam. This allowed the Tay Son to begin to entertain the possibility of re-engaging with their nominal Trinh allies. Spurred by the advice of a Trinh defector, Nguyen Huu Chinh, the rebels launched an attack on Phu Xuan in the spring of 1786 led by Nguyen Hue and Nguyen Huu Chinh. The Tay Son armies slaughtered many of the citadel’s Trinh defenders, and those who managed to flee the carnage found themselves at the mercy of disgruntled local populations. The ease of the victory drove the two generals to extend their campaign in defiance of Nguyen Nhac’s orders, and in late June 1786 the Tay Son armies entered Thang Long. At the Le palace, Nguyen Hue proclaimed the Le ruler’s

liberation from the tyranny of the Trinh, restoring order to the kingdom. The elderly Le ruler (who only outlived his ‘liberation’ by several weeks) transferred the titles previously held by the Trinh lords to the Tay Son general. He also bestowed a princess upon the conqueror. Thus, the pattern of bestowed titles and intermarriage with the royal family that had sustained Trinh power now merely shifted to the new arrivals. The Tay Son general soon left Tonkin, trusting authority to his lieutenant, Nguyen Huu Chinh, and returning to his newly acquired political seat at Phu Xuan. From here he could intervene in affairs in Tonkin as necessary. In fact, Nguyen Hue had to lead his armies to the north twice more in the next two years to suppress the political aspirations of Nguyen Huu Chinh and then of an ambitious Tay Son general.

The turmoil had caused the recently enthroned Le emperor to flee into southern China, where he appealed to the governor general of Guangdong, Sun Shiyi, for assistance. Assured that a Chinese advance would encounter no significant resistance, the Qing ruler authorised a campaign to restore the Vietnamese ruler. As predicted, the Chinese advance met little opposition from Tay Son troops, who prudently retreated southwards. From his base in Phu Xuan, Nguyen Hue planned his response and prepared his troops. Most importantly, he issued an edict declaring himself the Quang Trung emperor, arguing that the Le had given up their right to rule by fleeing the capital and inviting in the Chinese. The naming of a new emperor galvanised the Tay Son forces, who followed their new ruler in a march towards Thang Long. Once there, they awaited the dawn of the lunar New Year, knowing that the Qing soldiers would be celebrating and unprepared. The stratagem worked flawlessly, the Chinese were caught completely off guard, the Tay Son routed the northern armies and within a matter of days the new Quang Trung Emperor had recaptured the northern capital.

The rout of the Qing gave the Tay Son ruler a brief respite from military campaigns, allowing him to consolidate his rule. Quang Trung encouraged border trade with the Chinese, made overtures to the European outposts in Manila and Macau, and generally sought to stimulate the economy. Other policies also reflected the end of warfare, including requiring peasants to return to their home villages and enacting regulations that encouraged the reclaiming of abandoned farmlands as well as the expansion of previously untilled lands. Social policies encouraged educational reforms, increased use of the vernacular script, and a large-scale project to translate the Confucian classics into the vernacular to make them more accessible to a larger population. While Christians were largely left in peace, as numerous missionary letters attest, the state did attempt (as earlier regimes had done) to limit the
power of institutional Buddhism, notably limiting the construction of new monasteries and consolidating existing ones.\textsuperscript{10}

The peace was short-lived. While the central and northern Vietnamese territories were calm, the Nguyen had returned from a Siamese exile in 1788, established a beachhead in the far south, and began a slow campaign to defeat the Tay Son. Over the next decade the Nguyen recruited troops, consolidated their political position and incrementally extended the territory under their control. Their efforts were bolstered by the deaths, in rapid succession, of the two senior Tay Son emperors, Quang Trung in 1792 and Thai Duc in 1793.

Even with the Tay Son regime under the rule of young emperors aided by regents, its dynasty managed to survive the deaths of its founders for another decade. The wars and attendant demands upon the populace accelerated, particularly in the area caught between the Nguyen and the southern outposts of the Tay Son. Although the northern populations remained sheltered from direct fighting until the very final year of the war, the regime continued to extract resources in the form of supplies and labour and military service. In part, the persistence of the Tay Son regime can be attributed to its control over these populations, but another important element was its alliance with Chinese pirates operating in the coastal waters of the Gulf of Tonkin. The Tay Son leaders had issued a series of edicts to recruit pirates in the early 1790s, trading sheltered harbours and access to the spoils of pirate raids for an important layer of coastal protection. Just as importantly, the agreement with the pirates netted the regime significant amounts of booty to bolster its economy. These pirates continued to serve the Tay Son regime to its final days, even as their alliance with the Vietnamese regime was a source of considerable tension between the Tay Son and Qing authorities.\textsuperscript{11}

The pirate alliance, however, only helped to delay the inexorable Nguyen advance. Once the Nguyen had re-established a base in Gia Dinh (Saigon) they were able to tap into the resources of the south to expand their army. They also benefited from the assistance of European mercenaries and several European vessels that had been added to their ranks. An attempt to forge a military arrangement with the French court collapsed despite the signing of a preliminary treaty, and the French Revolution brought any prospect of

\textsuperscript{10} On Tay Son domestic policies, see Dutton, *Tay Son Uprising*, p. 50; on religious policies, see ibid., pp. 191–6.

renewing the effort to a halt. But, the missionary who served as the Nguyen envoy to Versailles, Bishop Pigneaux de Behaine, served as an effective recruiter of an assortment of European soldiers. While the number of Europeans in the Nguyen armies probably never exceeded a few dozen, a combination of their military training and the armed vessels that they brought, as well as their skills in citadel building, were all notable elements of the Nguyen attacks on the Tay Son.

As with earlier clashes between the Nguyen and the Tay Son in the 1780s, the wars of the later 1790s were dictated by the monsoon winds, which allowed the large-scale transport of troops up and down the coast following these natural rhythms. This time it was the Nguyen, rather than their Tay Son rivals, who were able slowly to extend the territory under their influence northwards towards the Tay Son political centre near Qui Nhon. The Nguyen capture of the Dien Khanh citadel, near Nha Trang, in 1794 was an important victory that enabled sustained attacks against more northerly Tay Son positions. Six years later, in 1800 Qui Nhon fell to the Nguyen forces, giving them the beachhead they needed to extend their attacks northwards. A rapid campaign in the summer of 1802 allowed the Nguyen to move their armies into the Red River Delta, and Thang Long fell to the advancing forces on 20 July. More than thirty years of sustained warfare had finally come to an end, marking the beginnings of both a new and the last Vietnamese dynasty, and with it the dawn of the modern period in Viet Nam.

Conclusion

The early modern period saw significant levels of violence across a now much extended Vietnamese territorial expanse. The series of long-running civil wars, capped by the Tay Son wars that extended from the newly established southern reaches of the Vietnamese realm to the Chinese border, was only the culmination of three centuries of on and off conflict. This conflict had taken numerous forms, from large-scale state-sponsored military campaigns pitting rival contenders for control of the realm, to small-scale rebellions that remained localised, if often unresolved for years. It was also an era that saw an extension of state-led violence against minority populations, including both ethnic groups in the uplands and new converts to Christianity in the coastal plains. While the Vietnamese had been no strangers to violence over the millennium and a half before the early modern period, the degree of prolonged conflict and its territorial extent was perhaps unprecedented. The violence that shaped the political landscape leading to the rise of the Nguyen

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dynasty had barely subsided before popular unrest flared up once again in the first decades of the nineteenth century. This would soon be followed by large-scale rebellion, anti-Christian pogroms and eventually the beginnings of a three-decades-long conflict with the French that would culminate in the imposition of colonial control upon the Vietnamese territories.

Bibliographic Essay

Any study of the early modern history of Vietnam must include Keith Taylor’s survey *A History of the Vietnamese* (Cambridge: Cambridge University Press, 2013). The value of this work lies in its ability to place rebellions and violence of the early modern period into a larger historical context. Another invaluable study is Li Tana’s *Nguyen Cochinchina: Southern Vietnam in the Seventeenth and Eighteenth Centuries* (Ithaca, NY: Cornell SEAP, 1998), which focuses on the emergence of an independent state in the southern Vietnamese territories, and is important for contextualising the events that led up to the large-scale Tay Son uprising. The events of that uprising are covered in George Dutton, *The Tay Son Uprising: Society and Rebellion in Eighteenth-Century Vietnam* (Honolulu: University of Hawai‘i Press, 2006).


This chapter examines robbery at sea as a long-standing global phenomenon, tracing patterns of waterborne violence as they developed in eastern and western seas from ancient to modern times, with an emphasis on the early modern period. Piracy, as this practice came to be known in the West, took many forms and provoked various reactions, from self-arming and convoys to formal naval campaigns seeking permanent suppression. Our focus is on the circumstances that gave rise to violent theft at sea, such as relative poverty, cultural imperatives, new technologies and increased ship traffic, as well as the discourses of justification and violent suppression that surrounded piracy in different historical and cultural contexts.

‘Piracy is not a victimless crime.’ So we learn from digital media. Today’s piracy typically entails unauthorised distribution of copyrighted data. It is a costly nuisance, but not a violent crime. Yet real piracy – robbery at or by descent from the sea – also persists. Unlike intellectual theft, maritime piracy is as violent today as it was in ancient times. It frequently involves kidnapping, battery, rape and murder, although its aim is pecuniary. Pirate violence might include sadistic brutality and heartless executions, but its terror is a means to an end: gain. This chapter treats pirate violence thematically, then regionally.

The Violent Nature of Piracy

Piracy is by definition the violent despoliation of goods and persons made vulnerable by their waterborne isolation or location along some unprotected stretch of coast. Seaborne attackers have long been a spectral menace, romanticised or demonised in the popular culture. Yet from a criminal’s perspective, piracy is armed robbery with the added prospect of drowning, a less romantic vocation than landlubbers imagine. What makes it attractive, despite the risks, is the continued lawlessness of the world’s oceans. Like
cyberspace, the seven seas are deep and murky, belonging to all and ruled by none. If not caught in the act, pirates rarely pay for their violent actions.

It is not difficult to explain why piracy might be violent, since taking another’s things or person is rarely achieved without a howl. So what, then, is the historian’s task? A look at piratical attacks across the globe over several millennia suggests some patterns of continuity amid structural or geopolitical changes. Aside from the continuity of violence as necessary to effect theft, pirates have justified the violence of their attacks on various grounds. Pretexts for violent despoliation at sea include: (1) survival, (2) personal or family revenge, (3) national or ethnic rivalry, (4) religious or confessional difference, (5) class antagonism, and (6) cultural imperatives, such as the call for youths of a given chiefdom to perform a violent seaborne act as a rite of passage.

From the perspective of piracy’s victims, most considering themselves randomly selected, suffering seaborne violence and despoliation cannot be legally or socially justified, although it might be accepted as divine punishment. From the victims’ angle, pirates appeared as little more than predatory animals or ‘sea-wolves’. States whose subjects suffered piratical violence frequently adopted the language of extermination when organising pirate suppression campaigns. It was normal practice for governments to inflict the most severe punishments on captured pirates: in China ‘death by slicing’ for the most notorious pirates, and in England executed pirates often were ‘gibbeted’, whereby the dead body of the convicted pirate was hung in a cage or in chains for public display to discourage others. Thus, state terror, sometimes out of proportion with the threat, was the flipside of piratical violence. Pirate suppression, too, has had its innocent victims.

Survival piracy may be among the oldest forms known, and it persists, especially in zones where livelihoods like fishing have been disrupted. Whereas history is dotted with examples of good Samaritans, or generous persons extending a helping hand, one finds more often a conservative hostility at sea, that is, a tendency to rebuke the needy in order to conserve one’s own resources. Ancient to early modern accounts of sea travel are filled with chance encounters in which plunder – often denounced as piracy – was driven by the search for victuals. It is difficult to say whether survival piracy has been less violent than other kinds. Certainly it has been no less desperate.

A typical incident of this sort was related by the German gunner Hans Staden, whose 1557 account of captivity in Brazil included reference to an encounter with people he called pirates, presumably French corsairs, off the Azores in August 1548. Staden and his Portuguese crew mates ‘got the upper hand’, he says, despite the fact that they were starved after 108 days’ sailing from Brazil.
Figure 23.1 Captain Kidd hanging in chains, 1701.
Staden summarises: ‘The pirates escaped in the boats, rowing towards the islands. The ship contained lots of wine and bread, which refreshed us.’ It is difficult to know in this instance who the real pirates were when booty consisted only of comestibles.1 In China, and likely elsewhere as well, natural disasters and especially famines often brought about upsurges in piracy and other acts of violence.2

Revenge is another recurring theme in the history of piracy. A violent act by some seaborne marauder was assumed to deserve retaliation. From at least the time of Homer, some asked: ‘Shall I win back my honour as well as my treasure?’ Others sought revenge against princes or other state actors who had done them ill, and still others found entire classes of people worthy of despoliation for their misdeeds or undeserved high status. For the early modern era, a good example of a person engaging in piracy for revenge was the Elizabethan corsair Francis Drake, whose early slaving voyages to the Spanish Caribbean with his uncle, John Hawkins, led to a violent showdown with a Mexican viceroy at Veracruz in 1568. Alleging a betrayal that is not much supported by surviving records, Drake vowed to ‘singe the king of Spain’s beard’ for the rest of his life, mostly by plundering Philip II’s civilian subjects unawares.3 Another corsair famous for his Caribbean exploits, Diego de los Reyes, aka Diego el Mulato, was said to have plundered Spanish subjects in repayment for harsh treatment as a slave in Havana. De los Reyes sailed for the Dutch in the 1630s.4

Nation, class, religious profession: these have also been pretexts for attack and theft at or by descent from the sea. Drake sometimes played the role of Protestant iconoclast, as did some French and Dutch peacetime raiders (i.e. corsairs acting on their own without wartime commissions or letters of marque and reprisal). Whereas ideas of national or ethnic belonging must be traceable to early human history, religious or confessional differences as pretexts for piracy seem to be somewhat more modern, certainly best documented for the Common Era. With the rise of Christian and Islamic gunpowder empires in the mid fifteenth century, such confessional differences were often brought to the fore when parties clashed at sea, just as they

2 R. Antony, Like Froth Floating on the Sea: The World of Pirates and Seafarers in Late Imperial South China, China Research monograph (Berkeley: University of California, Institute of East Asian Studies, 2003), pp. 30–1, 38, 40, 51–2.
did on land. Violent despoliation when done to ‘infidels’ or ‘heretics’ could be justified by scripture, but then so again could mercy.

Miguel de Cervantes, who spent several years as a corsair’s captive in Algiers in the late 1570s, gave Spanish theatre-goers characters like the memorable Warden Pasha, who enters act one of The Bagnios of Algiers with the following words: ‘Hey! Get to work, Christians! Nobody stay inside; ill or hale, don’t delay, for if I go in there, these hands will get you on your feet. I want everyone, priest or nobleman, to work. Hey, dirty swine! Must I call you again?’ With an economy of threatening words, the Algerian jailer calls out class, religion, even medical condition. In opposition, and for comic relief, Cervantes gives us the Spanish sexton, whose insults of his captors cover a similar range: ‘O son of a whore, grandson of a great cuckold, nephew of a rogue, brother of a great traitor and sodomite!’ Manhood, sexuality, religious affinity, even nation are here. Of particular interest for Cervantes and his audiences were pirate captives who ‘turned Turk’, the so-called renegados or renegades. They disrupted any simple ‘us-vs-them’ narrative of Mediterranean piracy.5

Piracy (or corsairing) as an extension of crusade or jihad swelled in the sixteenth century, just as Christian schisms provided a similar pretext for violent despoliation. According to the Spanish, ‘pirate heretics’ were legion. Sailors of emerging nations added punch to epithets such as ‘Englishman’, ‘Spaniard’, ‘Frenchman’ and ‘Hollander’ by adding ‘Papist’ or ‘Lutheran’. Europeans often used vague terms such as ‘Turk’ or ‘Moor’ to label whole cultures as nothing but ‘bloodthirsty pirates’, even as far afield as South East Asia.6 In an increasingly globalised world, such blanket mislabelling also made room for considerable self-fashioning. Indeed, the history of piracy shows that as states grew more centralised or culturally homogeneous, their subjects formed new identities when they went abroad. Distant seas, like colonial frontiers, allowed for considerable fluidity and dissimulation. Confusion over identities went both ways. In some waters, all European interlopers might simply be called ‘Franks’, or, less generously, ‘long-nosed barbarians’, assumed to be pirates as much as merchants or missionaries.

Compared with religious or proto-national affiliation, class identities or labels might be regarded as more modern still, perhaps only recognisable after the mid seventeenth century. Could class hatred inspire piratical

violence? Historians Peter Linebaugh and Marcus Rediker have emphasised the prevalence of class insults and claims of injustice among early eighteenth-century Anglo-American pirates, but evidence of such resentments is almost as clear among Dutch sailors and other seafaring commoners of an earlier era. Many such men were left destitute and physically disabled following multi-year, world-encompassing corsairing voyages. They were among the early modern 99 per cent who got small beer and the lash when well-heeled Amsterdam shareholders got dividends of silver and gold.

Ritual piracy may be the form we know least about, in part because it was usually misunderstood by its victims. Certainly Western pirates developed rituals or rites of passage much like other mariners, but it is in non-Western cultures that one finds distinct practices that may be confused with the more strictly pecuniary aims of ‘ordinary’ pirates. If, as in the case of certain native groups in the Caribbean and South China Seas, pirates took trophy heads along with goods and captives, what might this mean in terms of the history of violence? Was piracy uniquely ritualised or simply an extension of land-based cultural prerogatives? Did it matter if an inscribed dagger made from an enemy’s femur had been won at sea?

The Caribs who raided from islands such as Dominica and St Lucia in the sixteenth and seventeenth centuries appear to have treated the violent seizure of captives and booty as rites of passage as well as ‘war by other means’. Young raiders were initiated and captives transformed, possibly into spiritually nourishing meals. The Sea Dayaks of Borneo were renowned ‘headhunters’ who went on raids for slaves and heads that they could use in religious ceremonies. Raiding was so central to their society and culture that young warriors were expected to prove their manhood – a coming of age – by capturing or slaying enemies and taking heads. As James Warren has shown, sea raiders in the ‘Sulu Zone’ of South East Asia also developed what J. L. Anderson has labelled ‘intrinsic’ pirate cultures marked by ritualised violence. Similar arguments

could be made for certain corsairing groups of early modern North Africa. Writing at about the time of Cervantes, Alonso de Sosa noted the sacrifice of lambs aboard corsair galleys setting out from Algiers. Likewise, on the south China coast in around 1800 raiders made blood offerings of pigs, dogs or chickens before setting off on raids.

In some cases pirates took ritualised violence to extremes. In south China there were numerous stories about pirates who cannibalised victims, both for revenge and for magico-religious efficacy. It was a common belief in China that blood – especially human blood taken from live victims – was a cure-all for diseases and a prophylactic for warding off demons. When pirates tortured, dismembered and then drank the blood and ate the hearts and livers of their victims, they did so to acquire for themselves power, courage, longevity and good fortune. In The Buccaneers of America (first published in Dutch in 1678), Alexander Exquemelin detailed the ‘unspeakable atrocities’ of French pirate François L’Olonnais, who cut open the chest of a captured Spanish soldier, ‘tore the living heart out of his body, gnawed at it, and then hurled it in the face of one of the others [i.e. captives]’. Although such tales of bloodthirsty pirates may not be true in every detail, nonetheless they were well accepted and widely believed as true.

Models of Piracy

Historians of piracy have long sought to make sense of this seemingly random species of violent crime. Writing in the 1920s, Philip Gosse described ‘pirate cycles’ that seemed to swell and ebb in times of great political instability, as happened in the aftermath of wars. As targets grew, so did pirate agglomerations, only to break apart again as shares diminished. More recently, political scientist J. L. Anderson identified three types of piracy: episodic, parasitic and intrinsic. Pirates of the first type matched well with Gosse’s cyclical raiders, the second were more free-floating, and the third constituted veritable pirate cultures, ‘sea peoples’ like the Caribs or Sulu Zone cultures whose livelihood depended on raiding nearby islands or plundering vessels passing close to their territory.

Other historians have focused on the sea as a lawless space, or one over which claims of sovereignty proved difficult to enforce. In Weberian terms, how could one claim a monopoly on violence in such a vast and liquid space, some two-thirds of the world’s surface? One answer was to imagine ships as floating islands, their banners indicating the primary loyalties of passengers.
and crew, and by extension, the sovereign protectors of their persons and cargo. From a prince’s or sultan’s perspective, an attack by another’s subjects or one’s own subjects at sea ought to be tried at court. By the same logic, all sovereigns ought to be responsible for their vassals, including those gone rogue at sea. Mutiny, then, was to be punished severely by the officer to whom princely authority had been delegated.

Could more be claimed than the ship as an island of law or princely domain in a watery void? Legal historian Lauren Benton distinguishes between claims of sea sovereignty vs maritime jurisdiction, the result of mutual attacks by the Dutch, Spanish, Portuguese and others in distant seas. The Dutch disputed Iberian claims of sea sovereignty citing ancient authorities such as Cicero even as they asserted their own jurisdiction over sea lanes in South East Asia. Violent despoliation, usually labelled as piracy, sparked heated discussion. In this vein, Martine van Ittersum offers a detailed examination of the watershed legal writings of Hugo Grotius, author of *Mare Liberum* (1609), origin of the optimistic and modern-sounding notion ‘the freedom of the seas’. Ittersum shows that Grotius was far from a dispassionate legal theorist. Instead, he made every effort, especially in the earlier *De Jure Praedae*, to justify the violence of officers of the Dutch East India Company or VOC in trade zones claimed by the Portuguese and Spanish. Most directly, Grotius’s motivation was to give legal cover to Dutch subjects exacting revenge in distant waters. Despite his later reputation, he was not interested in promoting peaceful global trade but rather in justifying something awfully close to piracy. Weak English competitors said as much at the time, although Great Britain would later embrace similar principles.

More primitive standards of retaliation had of course long been in place. In late medieval Europe, a letter of marque and reprisal allowed one prince’s subjects to plunder another’s to the extent of damages incurred in the initial raid. With the rise in commercial traffic this system proved untenable, leaving the door open as it did to piracy under false cover, with the letter of marque serving as blank check. European states grappled with this ‘eye for an eye’ system well into the modern era, constantly claiming their enemies engaged in acts of piracy. In the West such practices were called privateering,

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which in many ways was simply a legal form of piracy (especially to the victims). Privateering, or more generally state-sponsored maritime raiding, in fact, was a universal practice all around the globe.\(^7\)

It was hard to let go of the old ‘exact revenge’ model in part because piracy in places like the English Channel fostered primitive accumulation even as it destabilised emerging trade regimes. Yesterday’s pirates could be tomorrow’s imperialists, and indeed current scholarship often emphasises piracy’s role in the rise of merchant empires. For emerging or cash-strapped states, including principalities but also behemoths like Habsburg Spain or the Ottomans, outsourcing violence at sea was gratifyingly cheap.\(^8\)

Piracy in eastern seas was no less troublesome or contested, and yet with a few notable exceptions Asian states and princes proved less assertive than European ones in their claims of maritime sovereignty or jurisdiction beyond rivers and estuaries. Colonialism and imperial ambitions were at the heart of this fraught story, but it is important not to project later imperial power imbalances back to the early modern period when Europeans were vastly outnumbered interlopers in a maritime zone of extraordinary commercial complexity and legal custom. Historians remain divided as to whether European maritime expansion after c. 1492 gave rise to piracy in much of the world, or if the practice was simply transformed and reframed as a result of the violent staking of overseas claims in a new era of gunpowder and sturdy ships.\(^9\) One thing is clear: European sailing and weapons technologies changed the nature of the game.

Mediterranean Piracy

Piracy in the Mediterranean goes back deep into the mists of time. For the ancient Egyptians, Phoenicians and Greeks, seaborne raiders were either divine scourges or folk heroes, depending on which side you were on, but it was assumed that travelling at sea or living near the coast would eventually expose you and your loved ones to marauders. The word ‘pirate’ derives from the Greek word *peirates*, or ‘sea bandit’. Direct retaliation was only

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replaced by policing, albeit inconsistently, with the rise of the Roman Republic. By the first century BCE, destroying ‘pirate nests’ such as Cilicia in Anatolia became the preserve of generals such as Pompey the Great. Other locally rooted sea raiders were tolerated or co-opted in order to maintain a desired balance of power, usually with the hope of keeping other landed rivals on their heels. Throughout the ancient Mediterranean, pirates typically stole people and sold them into slavery if they could not be ransomed. This pattern of seaborne violence would persist throughout the region into the early nineteenth century.\textsuperscript{20}

With the decline of Rome it seems the Mediterranean reverted more or less to its old ‘lawless’ ways, with no state strong enough to proclaim much less hold a monopoly on violence. Raiders of many sorts took advantage of this situation, including the Vikings, but most piratical raiding was local or endemic to a few rugged coasts and choke points. With the expansion of Islam in the seventh century, a new dynamic emerged. Religious differences between Christians and Muslims could be used as a new and compelling pretext for raiding, now as an extension of land-based crusade and jihad. The resulting emotions produced new levels of violence, although much of this battling remained on land, at least at first.\textsuperscript{21}

Eventually, an economy of interfaith captive exchanges emerged, sparing many infidels a quick beheading. It is true that luxury goods were always in demand as well, and these could always be disposed of in a sea of competing marketplaces, but Muslim–Christian raiding seems to have ratcheted up the long-traditional Mediterranean trade in captives, most of them ransomed for cash. Jihad or crusade-inspired acts of pillage thus led not to mutual annihilation but rather to mutual imprisonment or enslavement: the enemy was worth more alive than dead. By late medieval times a surprisingly intimate, symbiotic kidnapping/ransoming relationship thus emerged, complete with professional translators, go-betweens, scribes and eventually diplomats.\textsuperscript{22}

It was the fall of Constantinople in 1453 that marked the beginning of a new era in which seaborne violence filled the Mediterranean. Venetian and

\textsuperscript{20} For ancient piracy, see P. de Souza, \textit{Piracy in the Graeco-Roman World} (Cambridge: Cambridge University Press, 2002).


Figure 23.3 Dangers of Mediterranean seafaring, from William Okeley’s Eben-Ezer, or a Small Monument of Great Mercy, 1675.
Genoese merchants had already learned to defend themselves against Muslim corsairs but they, too, engaged in captive-taking raids. The Knights of St John and St Stephen soon extended the crusade at sea under papal and imperial sponsorship. The competing Ottoman and Habsburg Empires, the first since the Romans to advance serious claims over waterways, both sponsored and disclaimed maritime attackers. Hostage-taking for ransom and slave trading continued to be the principal aims of both the so-called Barbary corsairs and their Christian counterparts in Malta and Livorno, but smaller ‘pirate cultures’ such as the Uskoks of Senj (in Dalmatia) also persisted, in this case sapping the strength of once mighty Venice.\(^{23}\)

By the mid seventeenth century a kind of equilibrium developed in which corsairs of all faiths and nationalities entered into long-term alliances or at least treaties and more formalised ransoming mechanisms. Extortion or payment of protection money became a typical means of dampening losses to corsairs and diminishing violence. Even so, the Mediterranean corsairs’ victims – Christian, Muslim and Jewish – continued to face unprovoked attacks, followed by punishing conditions in jails and slave markets.

Despite much howling about the enslavement of ‘white’ Christians at the hands of ‘Blackamoors’ and ‘tawny Saracens’, documents from the period suggest a more complex story in which Barbary corsairs were often renegade Europeans and captives included sub-Saharan Africans. The Barbary corsairs’ deeds were partially offset by the Knights of St John, who raided for captives with similar abandon, taking Orthodox Greek merchants hostage simply because they were living under Ottoman rule. The Maltese capital of La Valetta in the sixteenth and seventeenth centuries was a pirate slave mart.\(^{24}\)

**Piracy in the Indian Ocean**

Whereas the Mediterranean basin seems to have been a fairly compact cradle for piracy, the vast Indian Ocean appears more complex and perhaps less conducive to such intimately violent relationships in the long view. Only in more enclosed areas such as the Persian Gulf and the Red Sea did raiding appear with some frequency, although historians are looking closely at India’s Malabar coast, parts of Madagascar and other pockets or islands for evidence of pre-European raiding. While previously historians spoke of


a long medieval stretch of mostly peaceful trade dominated by the monsoon wind cycle,25 others more recently argue that the Indian Ocean had been a sea of rampage and violence long before the appearance of Europeans.26 No matter, the arrival of the Portuguese in the sixteenth century radically changed the geopolitical dynamics of the ocean region and with it the nature of maritime raiding.

Beginning in about 1500, well-armed and militantly Christian Portuguese conquistadors waving papal grants seized Indian Ocean trade nodes and imposed a system of passes, taxing all traders and punishing resisters. The Mughals were not in a position to protest at this time, but the powerful Ottomans soon interrupted Portuguese efforts to monopolise seaborne violence by dispatching naval expeditions to the Arabian peninsula and to northwest India. As Giancarlo Casale has shown, when these expensive measures failed, the Ottomans shifted to a Mediterranean-style policy of sponsoring corsairs.27 Some Indian Ocean raiders, such as Sefer Reis, disrupted Portuguese trade and monopoly claims into the 1580s.

It seems clear that the Portuguese introduced a much higher level of maritime violence to the Indian Ocean than had previously existed, and it is also clear that much of the despoliation that resulted, whether sponsored by the Portuguese or the Ottomans, felt like simple piracy to its victims. Things did not get better with time. Instead, as other Europeans entered the Indian Ocean, piracy – or claims of piracy – followed in their wake.

Concerning ‘intrinsic’ pirates or piratical sea peoples in the Indian Ocean prior to the arrival of the Portuguese, Sebastian Prange has argued that the Malabaris of India’s south-west coast combined raiding with trading as a way of life. Documentary evidence suggests a deep-seated Malabari raiding culture with established rites of passage, potlatch-like redistributions of booty, and such, but it remains a difficult story to document before 1500. The same might be said for the so-called Qasimi pirates or part-time raiders of the Persian Gulf. These were pearl fishing tribes living near modern Bahrain who occasionally captured merchant vessels that hove into view in hard times. The raiding activities of the Qawasim, as they were collectively called, would be harshly suppressed only in the first decades of the nineteenth century.

when the British Navy sought to monopolise violence in the region. By that
time, many coastal dwellers had embraced Wahhabism, which lent some of
their attacks a new and – to their frequently Brahmanic victims – alarmingly
violent energy.28

It was only in the late seventeenth century that piracy of the sort long
familiar to Caribbean settlers and merchants appeared in the Indian Ocean.
Driven out of Atlantic and even Pacific waters by new anti-piracy laws,
Anglo-American, Dutch and French buccaneers flowed into the Indian
Ocean in search of safe havens and booty. Safe haven was found on
Madagascar, and booty in the Persian Gulf and Red Sea, giving rise to what
became known as the ‘pirate round’. Muslim pilgrim vessels from India and
South East Asia, often loaded with jewels and other luxuries, fell easily into
the hands of seasoned Western pirates. When exotic treasures began to flow
through old pirate fencing networks in Bermuda, New York, Rhode Island,
South Carolina and other secondary colonies where anti-piracy laws were
weakly enforced, the call for more such booty went out. Some prominent
colonists outfitted new voyages, often under the guise of licensed privateering
ventures.29 Unfortunately for the pirates, the English East India Company
used these attacks – on their allies, including the Mughals – to launch an even
harsher anti-piracy campaign. Its first famous victim was the pirate hunter
turned marauder William Kidd, executed in London in 1701. Kidd, in turn,
was blamed for sadistic and murderous outbursts against his own men,
a violent man for violent times.30

East and South East Asian Piracy

In East and South East Asia piracy flourished on a huge scale during the early
to mid sixteenth century, with later pulses in the early seventeenth and late
eighteenth to early nineteenth centuries. Again, it was at about the time the
Portuguese arrived in these seas that massive maritime violence broke out,
with bands of pirates from south-west Japan, Korea and China’s own coasts
wreaking havoc on mostly Chinese merchant shipping and port cities. Here

the Portuguese were not innocent bystanders, as they not only introduced firearms to both sides but also joined in the uproar of maritime raiding and slave trafficking. The so-called wako or ‘dwarf pirates’ (who comprised Japanese kaizoku as well as other Asian ‘sea bandits’), who were famously fearsome, eventually organised large-scale attacks against European targets. The Chinese pirate Limahon or Lin Feng nearly took Manila from the Spanish in 1575. His was a large-scale invasion in which gunpowder technology figured prominently.31

Chinese self-defence improved but European competition for monopoly control of spice nodes and other strategic outposts created new pretexts for piracy – and claims of piracy. The Portuguese and Spanish disputed claims to the Spice Islands and before long English, Dutch and other European interlopers were fighting for their piece of the Asian pie. As would happen in so many other colonial contexts, local folks who allied with one trading partner would be punished by that partner’s competitors, touching off ‘piratical’ vendetta cycles throughout the region. But this was in no way a European-dominated game. Old trade nodes like Makassar and Aceh were revitalised as they played off competing interlopers and expanded their reach. The embrace of Islam gave some fighters more energy while enabling alliances as far away as Istanbul.

Slaving and captive taking for ransom did occur in South East Asia as gunpowder-fuelled state building spread, but it appears that nothing quite like the formalised ransoming business of the Mediterranean emerged here. Before the arrival of a few random buccaneers in the late seventeenth century, most claims of piracy were between rival European traders, mostly Dutch and Iberian. Indeed, it was here in South East Asia, near Singapore, that the 1603 capture of the Portuguese galleon Santa Catarina by the Dutch led to Hugo Grotius’s monumental legal defence of maritime predation.32 Before the arrival of Europeans, peoples and states of South East Asia had no notions of what the foreigners called ‘piracy’; this term was simply not in their vocabulary. What Europeans labelled as piracy to South East Asians was a form of warfare.33

33 See e.g. Antony, ‘Turbulent Waters’.
Another cycle of maritime violence shot through with claims of piracy occurred as China’s Ming dynasty collapsed beginning in the 1640s. The Dutch and Spanish had already fought over control of Taiwan and access to Japan, but now the fall of the Ming pushed military men and merchant raiders out to sea in south China, including the great Koxinga (Zheng Chenggong). As Robert Antony and Dian Murray have shown, piracy returned with a vengeance in the late eighteenth century, and it became an object of imperial suppression campaigns in the early nineteenth century. The great ‘pirate queen’ Zheng Yi Sao reigned along the Guangdong coast between 1802 and 1810, commanding tens of thousands of raiders and over a thousand vessels. If there was anything peculiar about pirate violence in East Asian waters, it was the year-round sustenance of whole floating cultures. As a woman, Zheng Yi Sao was unusual only in holding such a prominent leadership role, not in her constant presence aboard pirate ships.

Piracy in the Americas

If the Portuguese introduced a significant upsurge in piracy to Asian seas, perhaps the Spanish did the same in greater America. Columbus came to trade, not raid, but the pattern soon shifted in favour of the razzia. On his very first voyage, Columbus claimed to have helped native ‘friends’ on Hispaniola (nowadays called Tainos) to protect themselves from seaborne marauders from the Windward Islands, the so-called Caribs. Piracy in the Caribbean might thus have been an ancient or at least ‘pre-Hispanic’ practice, but it is clear that the volume of seaborne raiding, mostly for captives, rose drastically soon after the arrival of Spaniards on Hispaniola, Cuba and Puerto Rico. Laws protecting native peoples from unjust enslavement were routinely bent or flouted.

In connection with gold mining and pearl diving, piratical raiding for Carib slaves was the principal economic activity of the Spanish Caribbean for a generation, and it nearly annihilated native peoples of the region. Cortés, Pizarro and other veterans of these Caribbean raids could be seen as pirates, too, yet their mainland conquests were royally sanctioned private enterprises that soon gave way to imperial control under Charles V and Philip II. Men like Cortés would have bristled at the term ‘corsair’, much less ‘pirate’, but in

descending from the sea to seize innocent captives and take away huge amounts of gold, Spanish conquistadors were in some ways the ultimate pirates. Only their licences and the shares paid to their king made them seem more like corsairs. The companies they formed and signed onto were perfectly familiar to any European maritime raider. Las Casas could have easily made the comparison, but his focus was on the conquistadors’ unwarranted and thus mortally sinful violence.36

American treasure drew foreign traders to the Caribbean, but Spain was jealous in trying to control its flow. Contraband trade, pioneered to some extent by the French, soon sparked reprisal, which in turn spurred piracy. Perennial conflicts with the French made piracy legal in the form of corsairing, and French raiders made the most of their licences as they ravaged Havana, San Juan de Puerto Rico, Cartagena and other towns. Legal or not, the initial period of raiding, headed by men like Jacques de Sores and François Leclerc, ended with the Treaty of Cateau-Cambrésis in 1558.37 Catholics stole from Catholics, but many early French corsairs were Protestants. The Spanish called them Lutheran heretics, even if most were Calvinists. Protestants were assumed alike when they destroyed religious images and killed priests.

English contraband traders were similarly rebuffed in the Spanish Caribbean beginning in the 1560s, leading them to turn violent and ultimately piratical. As we have seen, Drake and his contemporaries cast their raids as acts of vengeance against the king of Spain, even as they robbed innocent subjects and forced the sale of African slaves. When war was declared between England and Spain after 1585, the Elizabethans felt justified, and more so after the 1588 defeat of the Armada. What better way to punish evil King Philip than to pinch off his American money supply?

The Dutch had more to complain about when it came to Spain. The rebels who turned sea raiding to punishing effect beginning in 1568 would ultimately bring the Spanish and Portuguese to their knees by the 1640s. Along the way, Dutch corsairs captured an entire silver fleet on the north coast of Cuba in 1628, helped seize north-east Brazil in 1630, and supplanted the Portuguese all over Africa and Asia by the mid 1640s. To call the Dutch pirates, as the Spanish routinely did, was not entirely fair. Many corsairs sailed for the two great Dutch trading companies and few won more than

37 For an overview of piracy cycles to 1750, see K. Lane, *Pillaging the Empire: Global Piracy on the High Seas, 1500–1750* (New York: Routledge, 2015).
harsh treatment and short rations – those that survived. It should also be remembered that Spanish subjects also took to corsairing, first from Dunkirk, then from the ports of Biscay. Dutch, French and English fishermen and merchants complained of piracy.

Pirate or corsair violence in American waters in the era of Piet Heyn and Cornelis Jol, aka Houtebeem or Peg-leg, was arguably no harsher than the violence endured by European peasants during the Thirty Years War. These were violent times, and human life seems to have counted for little. The sometimes piratical slave trade developing along Africa’s west coast was but another sad example of how ‘man was wolf to man’, often in the name of profit. By Luso-Hispanic logic, ‘justly taken’ African captives were ‘ransomed’ into Christendom, only to repay their debt with eternal labour. African folktales sometimes rendered Europeans as cannibal pirates.

The first self-proclaimed pirates of the Caribbean were the buccaneers who emerged in the wake of the 1648 Peace of Münster. The origins of the buccaneers are obscure, but by the 1650s they were a recognisable force, the first truly ‘transnational’ pirates to rove across western seas. Only the Barbary corsairs exceeded them in ethnic diversity, but the difference was more in methods and motives than national origins. Starting in Tortuga, Jamaica, Providence and other contested Caribbean islands, the buccaneers grew to be a global menace by 1680.

Whereas the Barbary corsairs might rob fellow Muslims from time to time, the Caribbean buccaneers displayed little loyalty when it came to attacking soft targets. It was indeed after they began to pick on ships and towns not claimed by the king of Spain that their greatest troubles began. Henry Morgan was rewarded for leading the 1671 raid on Panama City, but officially this was denounced as an act of piracy. After his return to Jamaica, Morgan became a judge of his fellow brethren when they turned their energies on the wrong targets. In the 1680s the buccaneers were flushed into the Pacific to avoid prosecution in the Atlantic, and soon after they found their way to the Indian Ocean, establishing the cycle described above as ‘the pirate round’, a seasonal hopping from sea to sea in search of booty.

40 The classic first-hand account is Alexandre Exquemelin’s The Buccaneers of America (1678). See also P. Earle, The Pirate Wars (London: Methuen, 2003), ch. 6.
The term *vrijbuiter* goes back to the earlier Dutch (for the French, *flibustier*), but some historians refer to the last Atlantic pirates to flourish in the eighteenth century as freebooters. Mainly Anglo-Americans, the freebooters terrorised the Caribbean and parts of the Atlantic coast of Africa from the 1710s to about 1725. This was the age of famous sea robbers such as Bartholomew Roberts, Ann...
Bonny and Mary Read, and Edward Teach, aka Blackbeard. The violent behaviour of these last of the golden age pirates is well recorded in victim testimonies, confessions and even sermons, some of them collated, reworked and published by Daniel Defoe. The fact that the mostly Anglo-American freebooters faced an emerging British Navy charged with exterminating them seems to have given a new edge to their actions, adding more defiance to their attempts at terror.

But it was the terror of the state, led by the Whigs and the great trading companies, that won out, turning pirates into an immutable category of human-as-vermin, thus infecting anyone who associated with them or received their stolen wares. Like the alleged deviants who crowded Newgate prison or who swung from Albion’s ‘fatal tree’ after the War of the Spanish Succession, the last pirates were crushed on the orders of a vengeful new social class.42

American piracy did not disappear with the extermination campaigns of the early eighteenth century, but it only truly blossomed when the new royal navies were tied up in major conflicts such as the Napoleonic Wars. One piracy cycle exploded amid the Spanish-American wars of independence, only to draw fire from both Britain and the United States.43 Many private raiders sailed with state sanction as privateers but none wanted to be called pirates now that the label won a death sentence. ‘Pirate’ became a term reserved mostly for non-Western raiders in the nineteenth century, and the new world of free trade – promoted already by Thomas Jefferson and the United States – helped justify the violent destruction of the Barbary corsairs, followed by the colonial takeover of much of North Africa by France and other European powers.

Conclusion

Perhaps more than thieves on land, pirates used violence to wrest booty from their victims or to steal bodies for ransom. Some sea raiders struck in the name of religion or nation, or simple revenge, but violence was a means to a material end. The fact that these crimes of battery, theft, rape or murder were committed at sea spurred the imaginations of landlubbers who cast pirates as exotic figures, either romanticising or dehumanising them. The few

surviving documents written from the pirates’ point of view suggest these images were rarely in line with self-perception. The opening of the world’s seas in the wake of Columbus gave space to many violent impulses, often driven by the sacred hunger for gold. Suppressing those impulses in the name of law and property proved equally violent.

Bibliographic Essay


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Eruptions of collective popular violence punctuated the entire early modern period of European history and assumed three chief forms. Riots were characterised by localised violence, of limited duration, generally aimed at parochial issues like the high cost of necessities such as bread in local markets. In rebellions, local protests, often beginning as riots, merged with more general issues to affect more than one locale and to extend for more than a few days when protesters secured effective leadership, often by social elites. Revolutions seeking fundamental countrywide change drew the support of a national group or a single ethnic group within one of the ethnically composite states emerging in our period.

Historians long have recognised that most early modern protesters did not seek ‘revolutionary’ change in our sense of that word; they did not act proactively to erect a radically new or innovative order. Rather, reflecting the values of an essentially conservative society that respected tradition and justified established practices by their antiquity, most protesters rejected the effects on them of innovation in established economic, political or religious practices. Their violence was reactive and, since the early modern period was a time of extraordinary change, riots, rebellions and revolutions occurred with considerable frequency. While it is impossible to quantify precisely the number of such events due to problems of record survival or simply because many early modern states lacked even rudimentary police services to note officially every act of popular protest, there is a growing body of research to suggest their very common occurrence. For example, historians who have studied popular unrest throughout our period have identified a great wave of violent protest affecting all of Europe in the period from about 1580 to 1660, and this has prompted some to posit the existence of a distinct, seventeenth-century crisis in large part defined by rebellion and revolution. Even after 1660, as states grew more formidable and the scale of violent protests diminished, the numbers of confrontations between popular protesters and
figures of authority suggest scant diminution in incidents affecting public order. In the most systematic attempt to date to quantify acts of collective violence, a team of fifty-eight researchers led by Jean Nicolas identified at least 8,528 occasions in France alone in which four or more individuals employed verbal or physical violence against persons or property from 1661 to 1789. This was everywhere a violent age, characterised by frequent acts of collective violence, largely in response to demographic, economic, political and religious change.

Perhaps the most profound change overtaking Europe in the early modern period was the general, albeit irregular, growth of population that affected almost every aspect of European life. In economic terms, population growth created increasing pressure on all resources, none more so than in the realm of agriculture, driving price increases for land and its output. At the same time, an expanding revolution in farming techniques, in part reflected in enclosures of common lands by great landowners, forced many small-scale tenant farmers off the land while these same aristocratic and ecclesiastical landlords sought to keep up with rising costs by increasing rents and dues owed them by the remaining peasants working their lands. Additional increases in living costs resulted from the abandonment of traditional, paternalistic state regulation of the distribution and pricing of necessities, such as the wheat necessary to make bread.

States of every sort experienced great change politically, too. Early modern monarchies grew considerably in extent as their sovereigns completed a process of extending their rule over new territories that often were ethnically quite different from the rest of their realms. As a result, many monarchs ruled composite states with deep divisions that demanded judicious government. However, growing fiscal demands required that they assert their authority more completely by attempting to extend their power and standardise mechanisms of control throughout their realms. Thus, fiscal and regulatory mechanisms grew, due in large part to developments in warfare. Indeed, the new weaponry, larger professional armies and revised tactics appearing in the late sixteenth and early seventeenth centuries have led some historians to style this period a military revolution. Such military innovations, and the infrastructure to supply and equip growing military and naval establishments, of course, were extremely expensive, and in our period every state rapidly raised taxes and developed the fiscal machinery necessary to collect more effectively revenues from their subjects.

City-states in Germany and Italy also experienced change. Externally threatened by the growing military might of European monarchs, they increased their military spending and the taxes to pay for security. Internally, often violent political strife arose as many city councils fell under the control of patrician oligarchies in the late medieval period and citizens demanded a restoration of their traditional voice in governance and taxation.

Finally, this was an age of religious change. While a deeply ingrained anti-Semitism persisted throughout Europe, Christian unity fractured in the sixteenth century into differing Catholic and Protestant expressions of religious reform. Animosity between adherents of the old and new forms of Christian devotion occasioned almost two centuries of strife in the form of riots, rebellion and outright religious warfare.

In the responses of early modern Europeans to these changes we will discern in the examples that follow the origins and range of much of the collective violence of the age, but violence was only the last stage in an early modern repertoire of popular resistance that often started with individual action. As James C. Scott found, members of subordinate groups can practise a range of individual strategies of ‘every day resistance’ to situations, rules or policies imposed on them from above that they find unacceptable or unfair. Individual actions like delaying tax payments, fleeing from military recruiters or emigration to escape feudal obligations are forms of opposition that could be employed when more confrontational expressions of resistance are impractical. But active resistance to developments affecting individuals is the starting point for any collective action, for, as William Beik noted, ‘Protests began with face-to-face disputes over specific grievances and expanded into widening circles to encompass broader groups and deeper resentments.’ Some protests could be peaceful. Aggrieved individuals occasionally combined their resources to seek redress in courts of law for damages resulting from economic change, and English farmers petitioned Parliament repeatedly during our period to secure legislation restricting the rights of landowners to enclose commons. But, whenever groups of protesters assembled to engage figures of authority peacefully, they always posed a potential threat of collective violence. This was certainly the case, for example, in many cities in the Spanish Netherlands where guilds possessed the right to ratify new laws and taxes.

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proposed by municipal councils. When called to the town hall for such ratifications, however, guild leaders might not only refuse to consent to council proposals, but they actually might occupy the seat of municipal government until they achieved satisfaction. News of this sort of ‘sit in’ inevitably spread quickly, causing crowds to gather and pose a risk that the situation would descend into a riot.

Riots could differ in size from a crowd of a few dozen people shouting and throwing rocks to mobs of thousands causing considerable loss of life and extensive property damage, but essential to fomenting them and all other forms of collective violence was a generalised sense of grievance. Historians now understand that crowd members often were certain that they had justice on their side. Tax protesters often believed that the rising fiscal demands of the early modern state were not the work of the king but of corrupt ministers, and that the new taxes would end ‘if the king only knew’. Protesters saw themselves as loyal subjects upholding the old order by defying new, unjust taxes. Thus Frenchmen protesting the gabelle – the salt monopoly which included a tax on the purchase price of this necessity – shouted ‘Long live the King without the gabelle!’; Spanish protesters cried ‘Long live the king and death to bad government!’; and German peasant rebels justified their actions by appealing to ‘natural law’ and ‘Godly law’. Meanwhile, virtually everywhere food rioters, convinced that they had a right to affordable food, demanded that their daily bread be sold at a ‘just price’, not at a market price that they believed was inflated by merchants’ or bakers’ hoarding and price manipulations.

Infused with a sense of grievance and a conviction of the justice of their cause, early modern people were drawn to riots and other forms of violent protest by a variety of factors. Common membership in a community or neighbourhood was one force drawing a person into group action. Although historians now know that seemingly interminable strife often divided even small early modern communities, an external threat against a community member could cause neighbours to close ranks for action. Thus, the arrival in a community of the military, often the most visible manifestation of the growing authority of central government, could prompt citizens to forget their differences and unite in the face of a common threat with several aspects. The mandatory billeting of soldiers could be a disaster for a community, both because of the expense and the often violent behaviour of troops. The military also sought to impress young men for long periods of service, and sometimes lent its force to the collection of taxes.

More than neighbourly relationships drew early modern Europeans to riotous assemblies, however. Kinship ties were evident, as another seventeenth-century
French example shows. On the list of 100 residents of Abjat and nearby hamlets in the Périgord province charged with riot, seventeen family names appear more than once, and five of them appear more than four times. In addition, fifteen men were listed as the son or son-in-law of another individual on the list.

Shared occupational experience also drew protesters of both genders together. The unity of male guildsmen and traditions of corporate action underlay much popular protest in the Spanish Netherlands and Germany, and during the era of the Thirty Years War comradeship developed during military service was evident in the numerous former comrades-in-arms in the ranks of violent protesters. In addition, many women entered formerly male work spaces with proto-industrialisation in the form of domestic manufacturing for urban capitalists. Thus, in eighteenth-century England, large numbers of women worked at handlooms near Manchester and in Devonshire, and the workforce in some nail-making enterprises in the Black Country was more than half female. In such situations, similarities in male and female work experiences seem to have produced similar behaviour; numbers of women, like their male co-workers, joined in protests and sometimes even led them.

Historians also link certain gender-specific spaces of socialisation to acts of collective violence. No male space was more dangerous in this regard than the tavern, where the effects of alcohol might enflame tempers and lower inhibitions. Moreover, the keepers of these establishments were often more literate and better spoken than their customers, and many of them emerged as leaders of crowds. The violent potential of taverns was evident in a London riot of 10 July 1629 when a Fleet Street arrest emptied drinkers into the streets to confront the authorities in a riotous assembly that raised street barricades in much of the area.

Rioters and many persons engaged in other forms of collective violence also typically shared much in common socially. Contrary to their stereotype in early modern police records, historians have found that riots rarely reflected the blind rage of the lowest social orders, the people French officials labelled as ‘scum’ (lie du people). Rather, the seminal work of George Rudé demonstrated that it was possible for modern researchers to identify members of the crowd, and E. P. Thompson, Natalie Zemon Davis and other historians have shown that crowd actions always had a purpose. 4 Crowd

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members were usually people of limited resources who earned their livings as skilled or semi-skilled craftsmen, retail tradesmen or farmers of small agricultural holdings. These people were not wandering poor; they had fixed residences, could post bail if arrested, and often were literate enough to draft placards and read basic protest literature. But they were people with modest incomes who had something to lose. They could readily be reduced to dire straits by sudden increases in food prices, new or higher taxes, or, if they farmed, by enclosure of common lands on which they customarily had grazed their livestock. They also had sufficient experience with local government to resent new incursions of outside authority in their communities. Under-represented in crowd actions were the deeply disadvantaged, often rootless, poor who early modern police and government officials so feared. Some historians have ascribed the passivity of these individuals to physical weakness due to hunger, or to resignation bred by a culture of poverty, but Cynthia Bouton suggests another explanation in her study of eighteenth-century French food riots. Noting post-Reformation attitudes towards the poor in both Catholic and Protestant countries, she found that the poor were so marginalised, stigmatised and feared by their more comfortable neighbours that they were excluded from the communal, kinship and occupational bonds conducive to marshalling a crowd.  

Although some historians posit that collective protests followed a general pattern, no early modern riot, whatever its cause, was completely typical. Forms of protest were learnt repertoires reflecting local social and cultural norms and thus varied over time and from place to place. Few riots, moreover, had a single cause. Nevertheless, historians identify a number of fundamental issues that provoked early modern riots, chief among them food supplies and agricultural enclosures.

Early modern Europeans justifiably feared dearth. Throughout much of our period food prices generally rose, driven by the pressure of a growing population on rather inelastic agricultural output. At the same time, harvest failures could create short-term elevation of the price of the bread that was the dietary mainstay for most Europeans, and sudden spikes in prices could reduce even normally prosperous artisans to dire poverty and sometimes starvation. Thus, dearth and rising prices for subsistence often provoked protest, and food riots were probably the most frequent type of collective violence in our period. Recognising this threat to public order, governments

traditionally had taken certain steps to preserve the peace by attempting to manage the domestic trade in grain to assure its availability in local marketplaces and to regulate its price. Some states in times of dearth also provided relief. Geneva, Venice and many Dutch cities distributed supplies from municipal granaries, while the French monarchy bought emergency supplies of wheat from producers in the Baltic region. But if such state intervention was delayed, insufficient or not possible, a riot could erupt.

When they did occur, food riots reflected a popular consensus among crowd members as to the legitimate transport, milling, distribution and baking practices for their daily bread, and they were prepared to punish those whom they believed had violated those practices. Most importantly, in much of western Europe a ‘moral economy’ of the crowd held that everyone deserved food at an affordable, ‘just price’, while elsewhere, as in Bavaria, self-sufficiency in providing for one’s family food needs from one’s own farm, or Hausnotdurft, was an essential part of a man’s personal honour. The frustration of such popular values led to frequent subsistence riots when crops failed, and in England and France, the eighteenth century seems to have been the golden age of the food riot. In England, population growth resumed after a stagnant seventeenth century to drive food prices higher, and the government was encouraging food exports that disrupted traditional markets. In France, too, population pressure on traditional agriculture led to price increases, but the most intense period of French food rioting occurred in the Flour War of 1775, when crop failures coincided with the government’s freeing the grain trade of all regulation. The consequent rapid increase of bread prices provoked over 300 riots in a matter of weeks, and such riots, like their counterparts elsewhere, assumed several forms.

In the typical market riot, the crowd directed its attention to merchants suspected of hoarding grain in order to increase its price, or to bakers who were charging an elevated price for their bread or were selling an adulterated or undersized product at the usual price of a normal loaf. It also might turn on local granaries where quantities of grain might be stored. While crowd members pillaged markets, bakeries and granaries for their wares, they did not always carry away what they had seized. In an act that the French called taxation populaire, crowd members often sold the grain or bread at a price that they believed just and then turned the proceeds of their sales over to the merchants or bakers. These riots occurred most frequently in market towns providing for local needs, and they could result in loss of life because the crowd was prepared to exact retribution on those it blamed for subsistence problems.
A market riot that resulted in fatal violence erupted in Naples on 8 May 1585, when the city council mandated a reduction in the size of the city’s standard loaf of bread. Since this reduction was not to be accompanied by a decrease in loaf prices, the municipal order in effect raised the price of bread. Popular anger centred on Giovan Vincenzo Storace, the sole member of the six-man council representing the common people and a person popularly believed to be speculating on grain prices. The crowd intercepted Storace as he was being carried through the city in a sedan chair, and as in many early modern riots, collective behaviour on this occasion drew heavily on the tropes of early modern popular culture to express disapproval of the official’s behaviour. Crowd members seized the poles of his sedan chair and bore him backwards through the street in a raucous procession imitative of a skimmington ride as, all the while, the populace pelted Storace with various projectiles that eventually killed him. The crowd members then expressed their contempt for the dead man in their treatment of his corpse. They drew it face down through the streets, as some condemned men were conveyed to the gallows, and then enacted a butchery of the remains that replicated the ritualised animal butchery common at carnival time, cutting out Storace’s internal organs and bearing them through the streets impaled on the tips of their weapons. Storace’s earthly remains ended up tossed near the Spanish viceroy’s residence to the rioters’ cry of ‘Here is bad government!’

In a second form of food riot, called the *entrave* in France, crowds blocked roads or waterways to prevent the movement of grain out of their regions to major city markets offering higher prices for agricultural commodities. Often the crowd not only prevented the shipment of these goods, but also pillaged the supplies or sold them off in *taxation populaire*. This sort of crowd action seems to have developed as improvements of roads and waterways in our period facilitated the movement of bulk cargoes to major market or distribution centres, and such violence was especially common along transport routes in the regions of major cities. Thus, in the 1630s and 1640s stoppages of grain shipments occurred in the Thames Valley and in regions supplying the London market, including Essex, Hertfordshire, Kent, Middlesex and Sussex. During the Flour War, *entraves* occurred along the chief rivers of the Paris basin, the Marne, the Oise and the Seine.

A third common form of food riot, constituting 64 per cent of the riots in the Flour War, occurred in areas of large-scale farming like those of the Paris basin. In these actions crowds sought to obtain the large quantities of grain stored at rural farms, mills, chateaux and sometimes religious communities.
Agricultural innovation also caused popular protest. Probably the most frequent cause of riots in sixteenth- and seventeenth-century England was the enclosure of common lands in farming communities, usually by wealthy landowners. Enclosures deprived smallholders of their traditional rights to graze livestock on the commons and to gather wood, coal, peat and stone there. In many locales, like Sydenham in Kent, where 40 per cent of freeholders possessed only a cottage and a garden plot, economic survival rested on smallholders’ access to common lands. Thus, the mere rumour of enclosures sparked appeals to landowners, threats, litigation and riots. In such riots, protesters destroyed fences and hedges, which symbolised enclosure, but the great danger of enclosures riots was that they could, with leadership, spread to become an outright rebellion. This happened in 1548 and 1549 in East Anglia when more substantial villagers, parish officers and clerics assumed the direction of rural crowds and forged them into armed forces in Kett’s Rebellion, the greatest rebellion of the Tudor era. The rebels captured Norwich and were defeated only after a pitched battle with a royal army of more than 15,000 men in which they lost some 3,000 of their number.

Combinations of other factors sparked riots, too. In early modern Germany conflicts between citizens and town councils sometimes led to riots rooted in issues of taxation, religion and demands for a greater citizen voice in governance. This certainly was the case in Frankfurt am Main, where protests against practices in municipal government combined with anti-Semitism to produce the riots remembered as the Fettmilch Uprising in the early seventeenth century. One of Germany’s largest cities, Frankfurt had a population of about 20,000 persons who in large majority were Lutheran. As was common in this period, Frankfurt’s religious minorities faced discrimination. The city excluded Calvinists and Catholics from privileges of citizenship, and the city’s Jewish community, Germany’s largest with some 2,000 members, was residentially confined to the ghetto in the Judengrasse (Jewish Street) and was statutorily excluded from both citizenship and guild membership. As an imperial free city, Frankfurt was an autonomous municipality under the direct authority of the Holy Roman Emperor in which local governance was in the hands of an elected city council that also exercised broad judicial power. As in a number of early modern German cities, that council increasingly had fallen under the control of a relatively small group of patrician families who manipulated elections to effectively exclude citizen merchants and guild masters from real political power. Indeed, Frankfurt, like many European cities, was run by a self-perpetuating oligarchy whose
control of local governance and taxation was an increasingly contentious issue during the fifteenth, sixteenth and early seventeenth centuries, and citizen unrest beginning in Frankfurt in 1612 at first assumed forms common in other cities.

Citizens formed a committee to press on the council a list of demands, or *Gravamina*, to further open the council to non-patricians, eliminate corruption, lower taxes and make government more transparent. Ominously, the Gravamina presented to the council also alleged that members of the local Jewish community engaged in usury at the expense of the Christian majority and enunciated a demand, often raised by early modern German guilds, that Jews should be expelled from Frankfurt. While in many other cities the citizens’ committees reached compromises with municipal councils, protracted negotiations between citizens and the Frankfurt council produced results unsatisfactory to the citizens. Finally, in May 1614 a crowd led by Vincenz Fettmilch, a pastry baker, seized the city hall, forced the council to leave the city and imposed a new council as Fettmilch declared himself the city’s gubernator. This crowd action elicited a decree from the emperor demanding that citizens submit to imperial authority and, as imperial commissioners sought to restore order on 22 August, a crowd of citizens invaded the Judengasse in a veritable pogrom which destroyed or plundered Jewish property, although the loss of life was slight. The next day, Fettmilch oversaw the expulsion of Frankfurt’s Jews, an action that prompted the emperor to outlaw him and his associates. The revolt collapsed as Fettmilch and his henchmen were arrested, tried and finally executed in 1616, while other leaders of his movement were flogged and banished. The Frankfurt Jewish community then returned under imperial protection.

Small or large, however, such crowd actions posed threats to early modern political and social stability, and governments attempted to craft laws to deal with rioters. Thus, the French monarchy had begun to impose limits on assembly at least as early as the sixteenth century and by the eighteenth century forbade unlicensed assemblies of four or more persons because, as one legal scholar wrote, ‘they can expand to disturb religion, the tranquility of the state, or that of the public’. In England common law tradition defined riot as any assembly of three or more persons with the potential to disturb the peace, and persons thus assembled were guilty of a misdemeanour offence. Only when those persons resorted to violence, however, did they become the

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felons whom all citizens had a duty to apprehend, but in 1715, facing unrest at the time of the Hanoverian succession, Parliament levied higher penalties on the mere act of assembling. The Riot Act defined as riot any assembly of twelve or more persons intent on violence against royal authority. Rioters rendered themselves guilty of a felony if they did not disperse within an hour of a magistrate publicly reading the act at the site of their assembly. Thus, the mere act of assembly, not the violence that might result from it, became the felony, while the legislation again required citizens to assist in suppression of riots and relieved them of any legal liability that they might incur in that act.

The provision in English law for citizen action against rioters suggests a problem faced by all early modern states. By the end of our period only France, with its rural police, the maréchaussée, had anything remotely resembling a modern national police force; the only force available to early modern states generally was the army, an imperfect instrument for crowd control that was seldom available at short notice. Thus, when the Gordon Riots against parliamentary legislation reducing official discrimination against Catholics erupted on 2 June 1780, it took until 8 June for a sufficient number of troops to be assembled in London to begin the restoration of order. In the intervening period much of the capital was in the hands of a mob that inflicted considerable damage on persons and property. But, once mobilised in the capital, the troops revealed another problem with their employment in crowd control; they were armed for combat and had no training in crowd control techniques. If the sight of their weaponry failed to intimidate rioters, the only recourse for troops was to open fire, as they did in London, killing an estimated 285 and wounding 173 others. While in the case of the Gordon Riots military force brought an end to the violence, significant numbers of civilian deaths always risked its escalation. Perhaps this is why early modern officials used deadly force sparingly to quell riots and rarely executed large numbers of rioters. Most riots simply ran their course in a few days, before troops could be assembled, and at most the authorities might execute a few ringleaders when the turmoil abated.

Some riots, nonetheless, could grow into full-scale rebellions, and a key in that evolution seems to have been the emergence of leaders drawn from elite groups possessed of prestige, education or perhaps military training. Aristocrats with military training sometimes found in popular collective violence a means to an end, like blocking the growth of royal authority. Clergymen, too, sometimes emerged as leaders of rebellions because they lived close to their parishioners, understood their grievances and possessed the education necessary give voice to them. Local magistrates, like mayors
and town councilmen, who also often possessed judicial powers, had to balance their attachment to local interests with their roles as representatives of the central government. Sometimes their local attachments proved greater than their loyalty to the Crown and they, too, led rebellions. As with riots, the number of these rebellions in our period is so great as to preclude treatment of all of them, but we can see all of these figures at work in two major rebellions.

The greatest popular uprising of our period prior to the French Revolution of 1789 erupted near the Swiss border in southern Germany in 1525 and spread to Franconia, Thuringia and the Rhineland. It was long referred to as the German Peasants’ War but, noting that it also attracted townspeople and miners, Peter Blickle has suggested aptly that it really was a ‘revolt of the common man’. Hundreds of thousands of these common men took up arms for a variety of reasons, all rooted in the economic, political and religious changes that we have identified. The population was growing, and the livelihood of the common man attempting to support a family on increasingly limited agricultural resources was also under assault from seigneurial and political authority. Seigneurs, facing devaluation of cash dues from the peasantry over time, engaged in the enclosure of common lands that were essential for the stock grazing of peasant farmers and placed restrictions on commoners’ logging and hunting rights at the same time that they were inventing new ways to extract resources from their tenants, like land transfer fees. To many this seemed to augur a ‘second serfdom’ driven not only by lay lords but also by the clerical lordship of numerous Catholic religious establishments. In an age in which reformed religious ideas were abroad in Germany, those establishments became the objects of extensive violence.

Amid these seigneurial problems, the early modern state began to invade the life of the common people with its taxation and officials. Taxes, which included special imposts to pay for the Turkish wars, grew tremendously all over the region in the early sixteenth century, and in Franconia the total tax burden on peasants, combined with dues to their lords, represented about one half of their annual income. At the same time, princes were supplanting customary law, which upheld the medieval concept that peasants had not only obligations to their lords but also rights to use common lands and enjoy protections by their lords, with Roman civil law that brought land into the personal ownership of the lord and admitted no peasant claims to it. All of

these issues lay at the root of the so-called Bundschuh revolts of the late fifteenth and early sixteenth centuries before the Peasants’ War broke out with local disturbances in February 1525.

Circumstances at first favoured the rebels. Both imperial forces and those of the Swabian League, which policed the German south-west, were in Italy fighting for control of the peninsula against the forces of Francis I of France. In addition, the rebels found leaders in imperial knights who also suffered at the hands of centralising princes, former soldiers, urban artisans and reformed preachers. Organised into communal military formations, their chief targets were castles and monasteries, wealthy urbanites and Jews in an outburst of the same anti-Semitism I described in the Frankfurt riots of the 1614. The rebels also found literate persons to draft their grievances, like the journeyman furrier Sebastian Lotzer and the academically trained, Zwinglian cleric Christoph Schappeler. The pamphlet they drafted, ‘The Twelve Articles: The Just and Fundamental Articles of all the Peasantry and Tenants of Spiritual and Temporal Powers by Whom They Think Themselves Oppressed’, went through twenty printings, circulated widely, and gave the rebellion some unity of purpose. The authors couched the ‘Articles’ in religious terms, proclaiming the ‘Christian justice’ of their cause, its foundation in ‘God’s Law’, their desire to elect their own pastors who would preach the true gospel without interpretations imposed by man, and their willingness to accord their demands with Scripture; but at their core, they attacked many of the early modern developments I noted earlier. Thus, the rebels demanded an end to serfdom, free rights to the hunting and fishing that were aristocratic prerogatives, restoration of common lands to the local community, and economic justice in the labour services, leases and dues peasants owed seigneurs.

The peasant advantage in this struggle, however, was brief, as German forces returned from Italy in the spring of 1525 to defeat rebel armies, which had never transcended their communal origins to achieve complete unity. The suppression of the revolt was brutal, and estimates of rebel dead in battle and in the subsequent repression range as high as 100,000 persons. Surviving supporters of the revolt sustained large fines to provide restitution to ecclesiastical communities and aristocrats for the damages they incurred, and the authorities also attempted to disarm rebellious areas. Some individual aristocrats did make limited concessions to their peasants, however, to avoid a second rebellion.

The growing fiscality of the early modern state most especially lay at the root of rebellions, and the experience of France provides no better example. Beginning in 1548, and extending over the next century and a half, a number
of serious rebellions broke out against the new and increased taxes necessary to fight the major wars of the period and fund the growing institutions of central government. Perhaps the most serious of these was the revolt of the *croquants* (a derogatory term for a rustic person) of the Périgord in southwestern France.

The Croquant revolt began to take shape in December 1636 when the government announced an extraordinary tax levy to buy grain for the French army assembling at Bayonne for an invasion of Spain. When the Crown soon added another extraordinary levy, which the royal intendant estimated meant a total 1636/7 local tax increase of one-third over the previous year’s impost, the Périgord erupted in revolt. Tax agents came under attack as peasants took up arms, and on 10 May 1637 at least 30,000 well-armed peasants captured Bergerac, one of the main cities of the province. The actions of the Croquants from the first made it clear this was a revolt about taxes and not about radical social or economic change. The rebels never attacked the castles and manors of great landowners and, indeed, selected as their commander a local nobleman and career military officer, Antoine du Puy, Sieur de La Mothe-la-Forêt. Although the majority of the Périgordin nobility rallied to neither side, we may assume that La Mothe-La-Forêt and other aristocrats who followed the banner of revolt raised by the peasants did so either out of sympathy for their cause, or out of a misguided attempt to contain the movement by assuming leadership roles. Many of the men serving as subordinates to La Mothe-la-Forêt were improbable social revolutionaries; they seem to have been selected for their military experience or local prestige, and were not the sort of men who would have been expected to join the ranks of a revolt against the existing social and economic order. They included seven local noblemen, six judges, five attorneys, four priests, three merchants, two notaries and a physician. And, we can see the aims of the Croquants in surviving texts drafted by these notables in their ranks, some of which were addressed to the king. In these, they respectfully appealed for relief from the extraordinary fiscal demands made on them by officers of whose actions the king had to have been ignorant, and they requested punishment of those officials. They also appealed for the re-establishment of their traditional liberties, including restoration of normal taxation practices, which, they professed to believe, would usher in a new golden age.

Having captured Bergerac, La Mothe-La-Forêt led the peasants down the Dordogne River valley in an attempt to capture the regional capital, Bordeaux. However, his peasant forces lacked artillery, and that deficiency prevented their capture of the next sizeable town downstream from Bergerac, Sainte-Foy.
As the Croquant forces then marched south into the Agenais and captured several towns, the governor of the region recalled troops from the Spanish front. These royal forces stormed rebel-held La Sauvetat on 1 June 1637, captured it in bloody street-to-street fighting which cost the lives of as many as 1,500 Croquants, and sacked the town. La Mothe-La-Forêt then retreated to Bergerac, where he found his position untenable when royal forces arrived with artillery. Thus, the Croquants and their leaders dispersed, and La Mothe-La-Forêt disappeared into the deep forests of the Périgord, never to be apprehended.

Royal authorities applied the stick and the carrot to the peasant population in the wake of the revolt. They were quick with exemplary punishments, executing a dozen leaders, banishing other Croquants or sentencing them to the galleys, and stationing troops in rebellious towns at the expense of the communities. But they also withdrew the extraordinary levy for the Bayonne army in a decree which suggested that royal officials, not the king, were chiefly responsible for the problems. Nevertheless, the region was hardly pacified; less formidable uprisings continued in neighbouring areas, some recalcitrant Croquants retreated to the forests to form bands of brigands, and ultimately other parts of the south-west rose up in significant rebellions. Yves-Marie Bercé, the historian of seventeenth-century revolts in south-western France, suggested the cause of these continuing problems: ‘The revolt was not just an enterprise with its date, its reasons, its plans, it was a habit, a way of life, a permanent refusal of the fiscal grip’.8

In addition to riots and rebellions, a number of major revolutions broke out in Europe in our period; no major state was immune from them and religious radicalism was a major cause of the challenge to monarchical ‘tyranny’: the coming to power of the Catholic League in France in 1588 and the Republic in England in 1649 ushered in brief experiments with ideas of popular sovereignty. But perhaps no state was more powerfully impacted by revolution than the Spanish monarchy. As the product of the marriage of Isabella of Castile and Ferdinand of Aragon in 1469, no monarchy better epitomised the ethnically composite state of the era. By 1580 the Catholic monarchs, through marriage and inheritance, ruled the territories of Spain and Portugal as well as Sardinia, Sicily, the kingdom of Naples and the duchy of Milan in Italy, the Franche-Comté (today part of Burgundy in eastern France), and the provinces of the Netherlands that comprise the territories of

twenty-first-century Belgium, Luxembourg and the Kingdom of the Netherlands. In many of these territories the monarchs of Spain, almost constantly at war in the sixteenth and seventeenth centuries and therefore in need of ever greater revenues from their diverse subjects, confronted a number of revolutions. They were the result, once again, of diverse issues, including religious and ethnic divisions, traditions of self-government challenged by a centralising monarchy, harvest failures and a rising tax burden. Thus, in a revolution beginning in 1562, the seven northern provinces of the Netherlands asserted their de facto independence from Spain by 1581. Portugal, which had passed by inheritance to the Spanish monarchy in 1580, reasserted its independence in a revolution in 1640. And the Italian territories proved especially troublesome; Sicily revolted in 1516–17, Naples in 1547, and both rose up in revolution in 1647. Royal forces quickly crushed the Sicilian revolt of 1647, but that in Naples engulfed a large part of southern Italy and produced the declaration of an independent republic before the Spanish crown restored control in 1648. But the unrest that most threatened the Spanish monarchy lay within its Iberian borders.

The inhabitants of the principality of Catalonia, a portion of the old crown lands of Aragon, were linguistically and culturally quite different from the largely Castilian officialdom of the Spanish monarchy. Moreover, the Catalans possessed a tradition of autonomy in their constituciones, which limited the authority of the monarch and to which each new monarch had to swear obedience. There also was a representative body, the Corts, which had to approve taxes. All this obstructed the plans of the king’s chief minister, the Count-Duke of Olivares, to get Catalonia to contribute more revenue to the monarchy’s war effort against neighbouring France in the Thirty Years War. Nevertheless, Olivares forged ahead with his plans in 1640 despite the severe drought from which the Catalans were suffering, and he ordered the billeting of troops in the principality. Such a threat could prompt locals to forget their differences, and when a royal official arrived in Santa Coloma de Farners to execute billeting orders, residents closed ranks. Local leaders quickly emerged as a nobleman provided a small supply of firearms to citizens. A local priest directed organisation of the resistance, and a riot broke out on 30 April that drove the Crown’s representative and his servants to seek refuge in an inn that rioters surrounded and burned, killing all but one of the servants. This riot set off a cycle of popular attacks on troops throughout Catalonia and military retribution by burning villages. Indeed, by early June 1640 Barcelona descended into riots that took the life of the viceroy himself and marked the beginning of a full-scale revolution extending from
1640 to 1652 in which the Catalans sought independence from the Spanish monarchy with the aid of France.

The greatest revolution of our period, of course, was the French Revolution of 1789. At its outset, its adherents drew on the extensive repertoire of early modern acts of collective violence, displaying ‘the same gestures, the same behaviours, the same marches, counter marches and ritualised violence’ as those of rioters and rebels three centuries earlier. But what commenced with traditional expressions of collective violence soon became something quite new as the rebels of 1789 aspired not to regain a past golden age, but to create a new society, economy and government. Thus, the last revolution of our period was the first modern revolution.

**Bibliographic Essay**


PART VI

* RELIGIOUS AND SACRED VIOLENCE
Across East Asia, 1500–1800 was a time of sweeping political, social and economic change. This transformation was experienced differently across the region – which here is taken to include China, Korea, Japan and the frontier along China’s northern periphery – but clearly points to a phenomenon that is interlinked and regional in scope. The strains of this transformation extended to religion, often in ways that spilled over into actual violence: the slaughter of Buddhist monks in sixteenth-century Japan; the brutal repression of Catholic missions; and the growing number, severity and tenacity of millenarian rebellions in China. But the violence was not always overt. Brief flashes of conflict highlight the existence of deeper tensions between a political aspiration to religious control, which brought along with it the simmering threat of state violence against spiritual nonconformity, as well as an unmistakable rise in salvationist religious thought.

Religious violence encompasses a diverse set of phenomena. The most obvious manifestation is political repression by states against religious competitors or dissenters. But violence is also a part of religion itself. It appears in the exploration of moral issues such as just war and divine retribution, as well as of metaphysical issues such as sacred time, and cycles of cosmic birth and destruction. Religious actors themselves may use violence to suppress heretics within their own ranks, or to intimidate non-believers, rival communities or even the state itself. These manifestations of religious violence are not isolated, but rather points on a continuum that interact with and influence each other. Religious violence grows out of theological conceptions of when violence is acceptable, or even divinely commanded, but as a social phenomenon, it is often a response to external pressures such as political repression.

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To understand the varied expressions of religious violence in early modern East Asia, it is necessary to take in this entire spectrum of phenomena.

Transformations of Post-Mongol East Asia

The political transformation of East Asia was prompted first and foremost by the retreat of the Mongol world. Over the course of the twelfth and thirteenth centuries Mongol forces had swept across Eurasia, destroying old polities but also transforming the continent by opening direct lines of communication across a vast swath of territory. In particular, the Mongol unification had connected the agrarian core regions that surrounded the steppe, bringing to the Sinic world a heretofore unseen level of cultural interaction with western and central Asia. The constant exchange of people, particularly expert administrative specialists, had been a characteristic feature of Mongol statecraft. Prominent within this mobile class of experts were all manner of religious specialists: Tibetan lamas, Buddhist monks, Nestorian Christians and Daoist priests, among many others. The confessional cosmopolitanism of the Yuan (1271–1368), the key Mongol state in East Asia, allowed for the flow of religious texts, bringing new ideas and cosmologies, such as central Asian Manichaeism, into wider circulation.¹

The Mongol retreat generated a rise of a new era of assertive states in East Asia. The most important of these was the Ming (1368–1644), which during the late fourteenth century reasserted China’s traditional status as the dominant power on the continent. During the decades that followed neighbouring states negotiated the shift from a waning Mongol order and a rising Chinese hegemony. After years of equivocation, a coup within the Koryŏ (918–1392) court decisively pulled Korea out of the Mongol orbit and into a Chinese political model (the subsequent Chosŏn state (1392–1897) would nevertheless retain ties with its northern neighbours and with the remaining Yuan court). In Japan, the Kamakura (1192–1333) and Ashikaga (1338–1573) shogunates had avoided the trauma of direct conquest, but had nevertheless been deeply influenced by events on the continent, including the strains of preparing for a Mongol assault that never materialised in full force. Emerging in the late sixteenth century from a period of prolonged internal conflict, the unified Tokugawa shogunate (1600–1868) would follow Chosŏn Korea in adopting many political and cultural influences from the continent, particularly a strong bureaucratic state.

Regulation and Repression of Religion

These new states had strong but not uniform policies towards religion. Each set up structures to support ecclesiastical allies, and moved to liquidate religious threats. The identification of friends and enemies, and the choice of when to use violence reflected the different configurations of religious interest on the ground, tempered particularly by the experience of dynastic founders.

**China**

In China, the Ming became the prototype of the Confucian ideology state. Not only more centralised and more administratively ambitious than any preceding Chinese regime, it was also more overtly devoted to the social and political thought known in retrospect as Neo-Confucianism. Rather than a single school, this tradition represented a wave of exploration into new areas, such as metaphysics and the nature of the heart–mind, that had been absent from the original writings of Confucius and his contemporaries. These innovations are sometimes characterised as a Confucian adoption of Daoist metaphysics, but as a political philosophy it was, above all else, an impetus to social ordering and moral education.

The resurgence of Confucianism was also a political response to two centuries of Jurchen (1115–1234) and Mongol rule. Confucian learning had not been suppressed as such, but it did suffer the ascendance of other intellectual and clerical traditions, such as Tibetan Buddhism, which were visibly foreign. In a thinly veiled appeal to Han chauvinism, Ming founder Zhu Yuanzhang (1328–98) aggressively promoted a return to proper norms as a remedy for the perceived failings of the Mongol Yuan. On the eve of proclaiming the new dynasty, Zhu released an open declaration condemning Mongol rule as a perversion of the natural laws of social hierarchy. The problem was not that the rulers were foreign, but that they had ‘ceased to follow ancestral instruction and ruined moral norms’. Under Mongol misrule, ‘superior and inferior were interchanged without regarding it as unnatural. They deeply profaned and disrupted the proper relations between father and son, ruler and minister, husband and wife, older and younger.’

Such statements were to a certain degree a propaganda exercise aimed at reassuring the Confucian scholarly elite that they would regain the status they had lost under Yuan rule. But they were not simply empty rhetoric.

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Once in power, the Ming would take very seriously both the moral precepts of Confucianism and the promotion of a newly intrusive role for the state in inculcating among the commoners the virtues of filial piety. Confucian orthodoxy was written into every level of government, most notably the new legal code, which in the name of order and hierarchy made the state newly responsible for enforcing the proper performance of such seemingly personal matters as ritual mourning for deceased relations.

Ming policy towards other religions was theologically tolerant but ruthless against any hint of religious organisations that might be gathering independent power. The founding Ming emperor aggressively persecuted the leaders of the Isbah rebellion (1357–66), a decade-long clash between Muslim lineage militias in the south-east, and rescinded the tax exemptions that Buddhist and Daoist monasteries had enjoyed under the Mongols, but stopped short of seizing property. He was openly critical of the development of Tibetan Buddhism, but never banished the lamas from court. Later emperors were known to favour particular religions, but generally not persecute others. Enamoured with Daoism to the point that would eventually prove fatal (due to a medical regimen), the Ming Jiajing Emperor (r. 1521–67) revoked imperial patronage of the Buddhist temples and laicised monks, but even these campaigns did not extend to mass violence against the Buddhist sangha or ordinary believers.3

Instead, the Ming state reserved its deepest loathing and strictest punishments for expressions of religious dissent. The regime was particularly sensitive to teachings or practices that it saw as inimical to social order. Ming law (which was adopted almost verbatim by the subsequent dynasty) separated all deities and practices into three grades of legality: correct (zheng), illicit (yin) and perverse (xie, often translated as ‘heterodox’). Of the latter category, the most egregious was the tradition of eclectic popular religion that official sources began to identify as White Lotus teaching (Bailianjiao). Zhu Yuanzhang knew such teachings well; he had begun his military career in command of a small bandit force that had allied with armed millenarians known as the Incense Army (xiangjun). Rather than resulting in sympathy for popular teachings, this experience produced in Zhu a determination that the power of militarised religion should never be allowed to take root under his rule. Popular teachings would remain a source of constant imperial concern. They and all manner of banned religious specialists were persecuted

mercilessly. The breadth of the dynasty’s concern and the depth of its contempt are on display in the Ming statute that punishes with strangulation those who ‘pretend to summon noxious spirits, compose charms, chant incantations over water, perform spirit writing and pray to sages . . . recklessly identifying themselves with the Maitreya, White Lotus, the Lord of Radiance, White Cloud and other such sects’. Ordinary followers of these teachings would receive 100 strokes of the heavy bamboo and banishment to a distance of 3,000 li (about 1500 km). Like many institutions of the early Ming, some version of this law would remain in force until the fall of the imperial system in 1911.

**Korea**

Chosŏn Korea reflected the Ming’s attitudes towards religious orthodoxy, but retained some important differences. The fourteenth-century shift in Korea’s loyalty from the Mongols to the Ming was accompanied by a number of internal transformations including the adoption of Chinese legal practices and an enthusiastic acceptance of the aggressive and holistic interpretation of state Confucianism. Much of this shift was the result of genuine ideological affinity: even under the Yuan, it was common for Korean princes to have lived and studied in Beijing. In Korea, new acceptance of the Ming Confucian order came at the expense of monastic Buddhism. Over the course of the fifteenth century the Chosŏn rulers revoked the lavish patronage that monasteries had enjoyed under the Koryŏ, with successive reigns seeing Buddhist landholdings confiscated, monasteries’ tax-exempt status revoked and ordination restricted. Korean Buddhists responded with an intellectual defence but little else, many Buddhist temples simply relocating to the mountains, where they would remain separate from public political life until the twentieth century.

On the other hand, there was less sense of an internal crisis, either from Buddhism or from the looming threat of hidden heresy within. No less than the Ming, Chosŏn Korea was committed to ideological orthodoxy. As it did with much else of the Chinese administrative system, the Chosŏn accepted the Ming’s laws as the basis for its own code (administrative handbooks such as the early nineteenth-century Mongminsimso referenced both Ming and

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Chosŏn statutes). Korean law in this way came to include similar prohibitions on witches, shamans and the possession or reproduction of heretical texts. These provisions were employed against individuals in accusations of various types of sorcery, and were among the legal weapons used to suppress the spread of Catholicism during the early nineteenth century. However, in contrast to China, the threat of mass violence of or against religion would not materialise in Korea until the Tonghak Rebellion of the late nineteenth century.

Japan

The military regime of the Ashikaga shoguns maintained close relations with the Ming court, and certain schools of neo-Confucian thought, particularly those that supported the promotion of ethical norms or policies of social structuring, took root in Japan during the early modern period. However, in contrast to China and Korea, Confucianism in Japan never developed into an exclusive ruling ideology, and as a result was never mobilised politically to displace Buddhism, which remained very heavily patronised by members of the military elite as well as by the imperial house.

More important than direct ideological or political ties, what Japan shared in common with the early Ming was the experience of political instability. The Ashikaga shogunate itself was riven by conflict between military clans, culminating ultimately in four decades of civil war at the end of the sixteenth century. Emboldened by the patronage of powerful clans, and their status as protectors of the nation (as illustrated in the mobilisation of Buddhist prayers to ward off the Mongol invasions of the thirteenth century), large landed temples frequently became involved in both political and military struggles. Their confidence would backfire spectacularly in 1570, when the defeated rivals of Oda Nobunaga (1534–82), who was quickly becoming the dominant power in the central region, sought refuge at the Enryakuji temple complex on Mount Hiei near Kyoto. When the well-defended temple refused to surrender the men, Oda Nobunaga returned with 30,000 soldiers and embarked on a week of slaughter. All the priests, as well as the lay population, were hunted down and beheaded, countless cultural treasures were destroyed or looted and every structure was burned to the ground. The bloodshed did not end there. Although the unprecedented level of violence seen in the destruction of Enryakuji had tamed the ambitions of most other

monasteries (the 1585 destruction of Negoroji by military successor Toyotomi Hideyoshi (1537–98), drove home the lesson), it was one of the factors that stoked the outrage of militarised lay Buddhists, particularly the sect called True Pure Land (Jōdoshinshū). Driven by a combination of political, economic and religious concerns, and aided by rival clans, these popular armies would manage to keep Oda Nobunaga at bay for the next ten years.

The institution of state policy in the subsequent Tokugawa shogunate reveals the importance of lessons learned from this period of instability. Even more than in Korea, Buddhist temples in Tokugawa Japan were subjugated by a combination of strict regulation and economic patronage. The many schools of Buddhism were forced to stop their tradition of internal fighting – in 1606 the losers of a theological debate (such events had been banned due to their tendency to devolve into violence between schools) were punished by having their eyes, noses and other parts mutilated. Once subjugated, the temples would remain loyal to the regime until its collapse in 1868. Part of this loyalty was the assurance that temples would serve as community watchdogs against unruly popular religious movements – counted among these were the more difficult to control sects of salvationist Buddhism such as the Fuji-fuse school of Nichiren, which was banned in 1669, and especially the Catholics. 8

Responses to Catholic Mission

The Catholic powers of the Iberian Peninsula came to East Asia seeking both commerce and converts, and their arrival represented a combination of threats and opportunities that both energised and destabilised the region. The high value of seaborne trade shifted power to coastal regions and brought the new availability of weapons and financing to bear on internal struggles. The Iberians also brought new ideas, particularly Christianity. Like their guns and gold, the ideas of the new arrivals became a problem when they threatened to exacerbate existing instability.

The strong drive to exert control over religion shaped the political reaction to the arrival of Iberian Catholicism. Portuguese Jesuits reached East Asia from established bases in Goa and Malacca, arriving first on the southern Japanese island of Kyūshū. After a period of acclimatisation (including intense study of the Japanese language), they quickly made friends in the courts of regional daimyō and many converts among the samurai, who as a class were

themselves deeply influenced by schools of Buddhism, particularly Zen. In 1560 the Jesuit priest Gaspar Vilela visited the Ashikaga shōgun and was granted permission to spread the Catholic faith within the realm. However, the initial success of the Jesuits was cut short by a deepening of the civil war, including a conflict between their Kyūshū patrons and the emerging hegemony of Toyotomi Hideyoshi, who had developed his own dislike for militarised religion as a result of experience fighting the armed Buddhist laity. After an initial promise of tolerance (which may have been a ruse to ensure safe passage through Christian territory in Kyūshū), Hideyoshi turned violently against the Catholics. Beyond the daimyō and samurai elites, the campaign against the Catholics reached down to the populace, many of whom had themselves been converted by force and who were now forced to apostatise by defacing a picture of the Virgin Mary and the baby Jesus. Whether for piety or out of fear of repercussions, this act was clearly one that could be deeply troubling. As one interrogator described it, ‘Old men and women when made to tread upon the image of Deus get agitated and red in the face; their breath comes in rough gasps, sweat pours off of them.’ Those who refused to apostatise were subject to more literal torture, including crucifixion. This campaign against the Christians overlapped with the 1638 Shimabara Rebellion, during or after which roughly 37,000 primarily Catholic rebels were killed. To root out any resurgence of Catholic loyalties among the populace, the Tokugawa regime entrusted the newly rehabilitated Buddhist sangha with registering each household as temple parishioners.

After their ejection from Japan, the Jesuits became established in China, an adventure that ended in conflict but notably without the violence seen in Japan. In 1577 a contingent of forty-two priests reached the Portuguese trading enclave of Macao. As they had done in Japan, they immediately set about learning the local language and culture and cultivating converts among the elite. The Jesuit fathers, who in China styled themselves as Confucian scholars, were recognised as bearers of a new kind of learning, but were also prized for their mastery of various practical sciences such as map making and astronomy, as well as for their connection to the lucrative galleon trade. Again as in Japan, the newcomers concentrated on the ultimate ambition of converting the emperor, and forged political ties that actually survived the transition from Ming to Qing. When crisis did come, it was largely as a result of infighting between orders, particularly the Spanish-backed Franciscans and Dominicans.

who objected to the accommodation the Jesuits had made to Confucian ritual in the lives of Chinese Catholics. Dismayed both by Catholic infighting and by two papal decisions that disallowed Chinese Catholics from practising the funerary and reverential rites that Ming and Qing law demanded of them, the Qing’s Kangxi Emperor (r. 1661–1722) and Yongzheng Emperor (r. 1722–35) expelled the missionaries and banned the propagation of the faith.

Importantly, the suppression largely stopped there. In contrast both to seventeenth-century Japan and to the nineteenth-century persecution of Catholics in Korea, Christians in Ming and Qing China were not systematically targeted for suppression or forced apostasy. Although many among the literati viewed Christian teachings to be in the mould of perverse religion, the government seemed to feel that the unruly element was the priests rather than the religion itself. Once the missionaries had been ejected, many Christian communities were left untouched, experiencing only occasional harassment by visiting officials. There was no mass purge of Chinese Catholics, and certainly nothing comparable to the enduring Tokugawa obsession with rooting out underground cells of hidden Christians. The reason for this difference lies both in the history of diverse ethnic religious communities in the sprawling polity and more fundamentally in the fact that while the larger and more confident Qing regime resented the arrogance of foreign missionaries, and was deeply concerned about continued Catholic disregard for the required practices of ancestor reverence, it viewed other aspects of Catholic teaching as just another form of what was generally called ‘foreign learning’. So long as its teachers could be kept under proper surveillance and control, the teaching of the ‘Lord of Heaven’ (as the Jesuits had styled their Christian God) was not a threat to security.

### Violence in Religion

**Violence in religious practice**

When considering state policy towards religion, it is worth remembering that violence deeply pervaded the ideas and practices of religion itself. Ritual settings employed a variety of violent acts and expressions: blood sacrifice to appease or entice deities, ritual punishment to exorcise demonic forces, self-mutilation to train the spirit or demonstrate moral resolve. These ritual

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expressions had developed alongside the canonical traditions, with euphemised and symbolic violence in many cases replacing earlier practices. Such was particularly the case in Japan, where blood sacrifice was tamed by a heightened sensitivity to the pollution of death. Most sects of East Asian Buddhism abhorred blood sacrifice, an influence that was sometimes felt more widely (in Japan, for example, the animal sacrifices to Confucius were often replaced with vegetable offerings). But over the long term the importance of ritual violence did not so much diminish as much as it evolved. The cresting wave of Chinese Confucianism accepted sacrifice, but the forces of political orthodoxy worked actively to ensure that blood was not spilled in the performance of dark magic or sacrifice to illicit deities.

Blood sacrifice and ritual punishment had characterised China’s earliest known religious practices and both remained vibrant parts of Daoist and shamanistic ritual. Exorcistic spells and rituals were a mainstay of ancient religious practice. A manuscript from second-century BCE China recounts the number of specific measures to dispel demons: hurling ashes or dog faeces, yelling and ringing bells or beating the air with sticks and whips. Over time, these techniques were elaborated into the demon-quelling practices of Daoism, some variations of which include not only the ritual use of weapons, such as swords and whips, but also bribes, threats and binding oaths written in blood. Blood ritual was frequently combined with ecstatic possession by Korean and Mongolian shamans.

Moralistic Confucian regimes of the new era came to view some of these traditions with disdain, but did not perceive them to be enough of a threat to ban them outright. Confucian misgivings about blood offerings did not lie in the act of killing – highest-level Confucian sacrifices traditionally included the slaughter of a cow, pig and goat – but rather in the dangerous implications of uncontrolled congress with the unruly forces of the unseen world. China had a long tradition of mirroring the forces of control and legality in the spirit realm, which it imagined as a highly bureaucratised celestial system that imposed order on a territorially demarcated terrain. Roving spirits were subjected to the rule of celestial officials. Like reformed bandits, those spirits who complied stood to be rewarded with promotion into the ranks of officialdom. The power of these concepts, as demonstrated by the role of prophylactic ritual and the political importance of the enforcer Thunder Gods, mirrored the bureaucratic order of the Chinese

imperial bureaucracy itself.\textsuperscript{13} However, while Daoist ritual masters retained a place in popular ritual and could be very influential as court prognosticators, their political influence gradually diminished over the course of the Ming and Qing, as did that of court shamans in Korea. Like political Buddhism in China and Korea, the decline of these specialised traditions represented more of a retreat than an expulsion.\textsuperscript{14}

The didactic morality of Confucian ritual often demanded of some a certain amount of physical inconvenience, if not suffering. Mourning was meant to be a time of privation. As a demonstration of sincerity, the highest grades of mourning (as set forth in Ming law) required a three-year period of coarse food and clothing, and a complete denial of entertainment or physical luxury. From this point it was a short step to physical self-harm as an expression of moral purpose. This tradition of ‘exceeding the rites’, of extending the ritual requirements of personal piety to an extreme and often dangerous degree, was at once frowned upon and admired, and included elements such as baths in icy water or subsistence on grass. Moral self-violence also developed as a literary ideal. The \textit{Twenty-four Exemplars of Filial Piety} (\textit{Ershisi xiao}) famously depicts adult children serving their parents through such extreme acts as cooking their own flesh into medicine, but beyond this particular text, individual tales of especially sincere or harsh mourning, often culminating in the death of the mourner, were a well-worn motif in tales of filial piety, and no doubt in oral tradition as well.\textsuperscript{15}

Japan as well had a tradition of physical privation, but its focus was ascetic rather than moral. Buddhist monastic practice could be very physically demanding, and in the case of Zen, often featured strict masters who delivered a physical blow to a novice who lost concentration (e.g. by dozing off) during meditation. However, the purpose of these acts was less punishment and more a tool for focusing the mind, a metaphor for enlightenment itself as a violent, sudden awakening. The spartan monastic ideal (one that often deviated quite significantly from reality) itself merged well with the parallel tradition of harsh nature-based asceticism, as embodied in the practices of native religions such as Shugendō.

\textsuperscript{13} J. Lagerwey, \textit{China: A Religious State} (Hong Kong: Hong Kong University Press, 2010), pp. 63–93.
\textsuperscript{14} J. H. K. Haboush and M. Deuchler, \textit{Culture and the State in Late Chosŏn Korea}, (Cambridge, MA: Harvard University Asia Center, 1999), p. 7.
Moral Considerations

East Asian religious thought theologically explored the problems of violence itself – its moral meaning, necessity or justification, its role in cosmic cycles of destruction and rebirth, and its metaphysical existence as a universal phenomenon – and such ideas could not escape the influence of the many political and social changes of the period. Confucian and Daoist schools of political thought explored the moral exercise of violence. Despite the differences among the two, these philosophies agreed that as a tool of statecraft, resort to violence was symptomatic of an unsustainable loss of moral authority by the ruler. Classic histories highlight the rise of violence in periods of dynastic decline, and the inescapably tragic fate of tyrannical rule. The moralist sage Mencius (approximately 385–312 BCE) was the most direct in his belief that ‘the benevolent man has no enemy’ (renzhe wudi), and that violence against a state, either by the people or by neighbours, was proof that the sovereign had acted against the will of Heaven. However, the rejection of state violence was not absolute. Times of instability called for a strong hand, and punishment (ba, a term that connoted both coercion and the threat if not act of violence) was an appropriate measure for subduing uncivilised people beyond the borders or the truly evil at home. Attitudes towards the necessity of violence shifted particularly during the Song dynasty (960–1279), a time when the northern borders of the country were threatened by and eventually overrun by Khitan and Jurchen invaders. Facing these challenges, scholars looked to China’s own ancient past, idealising the vigorous action that strong rulers had taken to subdue the barbarians and unify the country. A theme of this scholarship, one that was echoed throughout the Ming, was the need to separate the ideal of government based on pure moral suasion from the practical need to tame the perversities of human nature.\textsuperscript{16}

A similar separation of ideals and practical governance shaped how violence was regarded within the political Buddhism prevalent in Korea and Japan. The ethical ideal of \textit{ahimsa}, a prohibition against harming living beings, runs deep in Mahāyāna Buddhism, which views the use of violence as an act that imprints itself on the karma of the perpetrator. So stained, the violent individual becomes an incarnation of violence itself, a notion that is expressed in the beliefs about demons and ghosts who roam the underworld, unable to escape the transgressions of their own past. However, just as with moral thought in China, Buddhism also developed theories of those

circumstances in which violence was not only permissible but justified. The primary criterion for acceptable violence in Buddhism is the compassionate mind and intent of the wielder. One who injures or kills for a greater purpose, such as to pre-empt the action of one who is on the verge of committing an even greater atrocity, is free of any karmic burden. This legitimate use of violence is personified in the Tibetan-inspired tradition of wrathful deities, bodhisattvas who present a violent aspect in order to frighten the viewer into good behaviour, to ward off evil spirits or as a representation of the violent destruction of thoughts that impede enlightenment. For deities and humans alike, the duty to protect Buddhism itself supersedes all other considerations, a consideration that Chinese monks in the chaotic third and fourth centuries began to adapt into ideas about the necessary use of violence.  

A less embodied form of violence is inherent in the metaphysical exploration of universal birth and death, construction and destruction. Ideas of rise and decline were developed in early Daoist theories of cyclical time, as expressed in the interaction of yin and yang, the Five Phases (wuxing) and the Eight Trigrams (bagua). Such ideas laid a ready foundation for the reception of south and central Asian cosmologies, which were carried along with Buddhism to China in the first century C.E. Especially when combined with other anxieties, this sense of cosmic foreboding could trigger unrest. Divisions in sacred time were easily interpreted as a natural point for universal rebirth and renewal, and thus of political turmoil in the human world. Calendric portents were closely observed inside and outside of the halls of power, and moments such as the repetition of the sixty-year Chinese calendar cycle were tied to religiously inspired rebellions as early as the second century.  

Native Chinese cosmologies merged with the South Asian idea of kalpa (Ch. jie), phases of creation and renewal. These cycles of growth and decay affect the entire cosmos equally, and are felt widely in the human world: at their peak, lives are long, peaceful and meaningful; at their nadir, lives are short, violent and far from any of salvation. The idea of kalpic time was explicated in Buddhist scripture, and subject to all manner of numerological exploration.

Organised Religious Violence

Sacred Time and Millenarian Rebellion

The exploration of sacred time became particularly important to the development of religious violence in Ming dynasty China, where ideas of kalpic change combined with other intellectual trends to produce new traditions of religious thought. The first of these new influences was central Asian Manichaeism, which inspired an underground cult based on the veneration of a deity called the Lord of Radiance. This tradition aroused the suspicion of the Chinese authorities, who accused it of the stock crimes of sorcery and illicit sexual activity, but who lacked the will or resources to pursue the teaching within local society. The second was an intellectual trend to combine the wide variety of theological and practical elements into a single teaching. This sort of synthetic exploration was an established tradition within schools of Buddhism and Daoism, as well as among lay religious thinkers such as Ming literatus Lin Zhaoen (1517–98), who developed one branch of this thinking into a teaching called the Three-in-One (San yijiao). Openly at first, Lin’s teaching spread among the literati and, aided by a turn to egalitarianism and a general breakdown of social order, more broadly throughout the populace. Later schools, such as the Luo Teaching (Luo jiao), spread underground through secret networks that offered both spiritual and physical protection to the vulnerable.

Already in a state of decline, the Ming faced difficulty enforcing its edicts against these new teachings. It was the Qing that pursued them more aggressively, reasserting bans on the Three-in-One and actively persecuting the Luo Teaching and its kin.\(^{19}\) However, rather than destroying this tradition, political repression served only to drive it underground and further fragment it into new and often more violent directions. One particular change was the addition of an apocalyptic element to the Three-in-One theology. According to an eschatology that first appeared in the Ming Dragon Flower Scripture (Longhuajing), a deity called the Eternal Venerable Mother (Wusheng Laomu) had sent successive generations of teachers (including the founders of the ‘three teachings’: Confucius, the Buddha, and the Daoist sage Laozi) to turn humankind away from its wicked ways and prepare the way for the arrival of the True Teaching, which would itself announce the advent of the new kalpa. While the original Hindu cosmology had portrayed kalpa as an immeasurably long period of time, these new schools came to regard its end as somewhat more immanent. Drawing on an

older tradition of messianic belief in the Maitreya Buddha (which had already produced outbreaks of millenarian violence in China and Korea) the eschatology of the Eternal Venerable Mother spread through the populace, providing fertile ground for political unrest that aimed to usher in the new age by destroying the remnants of the corrupt order. Often such movements were sparked by figures who announced themselves to be the bearer of the True Teaching, or Maitreya, the Buddha who would reign over the coming kalpa.

The goal of using violence to accelerate the fruition of sacred time often combined with ritual practices that aimed to give divine protection to a righteous army. Following practices that had already appeared as early as the second century CE, the rebel armies that first challenged the Mongol Yuan entered battle protected by charms and blessed water. 20 Other armies went into battle confident that a regimen of ritual purification would make them invulnerable to harm (literally, that ‘swords and bullets will not enter’), or that their leaders possessed the ability to transform beans into allied soldiers or wooden benches into horses. The power of such ideas was on display in small-scale riots of the late eighteenth century, not only among rebel soldiers but also among the dynasty’s own troops and commanders, who countered illicit magic with measures of their own. When late eighteenth-century rebels claiming divine protection besieged the fortified northern Chinese county town of Linqing, defenders counteracted the rebels’ ritual purity by sprinkling the city walls with the menses and urine of the city’s prostitutes. 21 Even the famed nineteenth-century moderniser Li Hongzhang (1823–1901), took care to douse his troops’ weapons in dog urine before going off to confront the adherents of an unknown religious sect.

Despite official attempts to capture leaders, burn scriptures or destroy temples, new teachings could reconstitute themselves as quickly as old ones were suppressed. Part of the difficulty in rooting out popular teachings was that they were not necessarily violent. Teachings could circulate peacefully during periods of stability and growth, turning violent only when under pressure, as they did in the twilight of Mongol rule and during periods of stress under the Ming and the Qing dynasties. They could also change, reinterpreting the well-known ideas of cyclic cosmological change, messianic leadership and divine protection. The so-called White Lotus Rebellion of 1796–1805 prophesied the coming of the new age (voiced here as the destruction of the Manchu Qing, and return to Chinese rule under the Ming). Rather

than a single event, this movement actually consisted of numerous parallel rebellions that played on the same eschatological themes and spread across numerous provinces of central China. The rebellions were bookended by two smaller and more quickly suppressed disturbances: the Wang Lun Uprising of 1774 and Eight Trigrams Uprising of 1813. The latter of these, which named both a reincarnation of the Maitreya and a true heir to the Ming throne, even managed to threaten the imperial palace in Beijing. But these small rebellions and occasional reports of sorcery were just a portent of much greater crises that would come during the middle and end of the nineteenth century, when a combination of demographic pressure and state mismanagement exploded in a series of large-scale millenarian rebellions. All of these, including the mid-century Taiping Rebellion led by a man claiming to be the younger brother of Jesus Christ, presented this same combination of world-renewing cosmology, magical protection and moral rhetoric.

Temple Armies and Defenders of the Dharma

Religious violence in Japan exhibited similar influences but followed a fundamentally different trajectory. One source of this violence was fighting between militarised temples and sects. The largest Buddhist temples wielded significant political and economic influence, which grew and transformed as they allied with warring factions and clans. Violence around Buddhist temples deepened through the eleventh and twelfth centuries, as networks of allied peasants and labourers were mobilised to destroy rival temples with ‘monotonous regularity’, and groups of armed monks numbering the thousands regularly descended from fortified monasteries to harass the civil authorities. At its root was a conflict over resources: political patronage, land, commercial interests, and increasingly, the loyalty of followers.

As in China, the politicisation of the Buddhist laity in Japan was prompted partially by an interpretation of sacred time. In Japan, such ideas characterised the age as the waning of the kalpa, or the ‘decline of the dharma’ (mappō). This sense of cosmic decay carried with it an explicit criticism of politics and society (including the machinations of the Buddhist clergy). However, while in China such ideas fed millenarian longings, in Japan they led to the rise of simplified devotional practices which made organised Buddhism accessible and appealing to the masses for the first time. And the lay believers organised themselves into

militarised networks that further fuelled the often violent conflict between existing temple networks, especially the anti-clerical tendencies within schools such as True Pure Land and Nichiren.

These two trends of temple violence and lay devotion converged to form the foundation of the 1571 clash between Oda Nobunaga and the Enryakuji, as well as the sustained popular response. Over the course of the sixteenth century the large temples had exerted an extremely strong influence over the politics of the capital and on the increasingly violent internal struggle between True Pure Land and Nichiren. In 1536 the Enryakuji had intervened by allying with the True Pure Land, unleashing a wave of recriminations that laid waste to the southern part of Kyoto, but also giving the temple what they believed to be an unassailable position in the city. When Oda Nobunaga was making his rise to power a few decades later, there was no way that he could avoid the decision to either accommodate or challenge the temple. His destruction of the Enryakuji made it clear that he would brook no rivals, either among the military or among the clergy. This resolve carried through to his conflict with the militarised devotees of the True Pure Land. Although the destruction of the temple was not without precedent, the ferocity of the attack sent a shockwave through the whole of Japanese Buddhism. In a letter the priest Kennyo declared Oda Nobunaga to be an enemy of the Buddha, and commanded his followers to resist him in any way they could, with the promise of salvation to those who lost their lives in the defence of the dharma. The message resonated with the faithful, who resisted for ten years with great resolve and ferocity, until the movement collapsed in 1580 with the fall of the Ishiyama fortress.

Religion and Communal Violence

Not all religious violence involved the state. Popular teachings and ritual communities often provided the spark that caused local tensions to erupt into organised violence. Some of these disputes have already been mentioned: the violent feuds between Muslim lineages in south-east China, and the internecine violence between Buddhist schools and temples in Japan. Armed Buddhists elsewhere, such as the Shaolin monks of China, could work either for or against the state, but could also use force towards entirely non-political ends, such as land disputes between monasteries. Although Buddhist militancy in both China and Korea had peaked in previous centuries, and subsequently declined in proportion to the power of the landed monasteries, it remained a sufficient threat to prompt continued official vigilance.24

24 See Broy, 'Martial Monks'.
Religion often drew the lines of conflict between communities. Within China’s shifting ethnic landscape, it was often religion that gave structure to the definition and defence of common interests. Violence was especially frequent at the boundaries of state power, where ethnic divisions were the most complex, and where vulnerable frontier communities of new settlers, miners and timber cutters turned to religious identities in order to protect and expand their interests. In the mountains of nineteenth-century Yunnan, near the Burmese border, spiralling violence between groups of Han Chinese and Hui Muslims drew heavily on the organisation both of Muslim religious communities and Han ‘incense brotherhoods’. From a law and order perspective, ritual community was always a double-edged sword, since the same ritual life that held villages, lineages, guilds and other groups together also gave voice to armed struggle between rival communities.

Conclusion

Early modern East Asia brought to fruition a number of long-term political, intellectual and social trends: the desire of strong states to exert an unprecedented level of hegemony over society, a new theological and intellectual egalitarianism among both clergy and laity, and the orientation of social interests around religious ideas and groups. The confluence of these trends pointed to conflict, sometimes but not always violent, over authority: a struggle for precedence between political and religious power, and within the religious world, among schools, monasteries, temples, sects and teachers.

Stepping back from individual regimes, reigns and moments of crisis, we see certain striking trends in the exercise of violence in, by and against religion. Regimes across early modern East Asia all saw themselves as curators of the sacred, and were thus willing to employ the full coercive power of the state to suppress challenges to orthodoxy and ensure compliance with moral and ritual norms. While not precisely modelled on political authority, hierarchy within smaller communities such as villages also revealed these same moral and ritual dimensions. The religious nature of authority limited the freedoms of individuals or groups within society. From the viewpoint of the political centre, proper religion was the mortar of a stable society, but conversely, deviant devotion and ritual could easily become a breeding ground for heresies, an invitation to dark forces or a conduit to communal violence.

But these states were not theocracies, and nor were they unable to distinguish diversity from dissent. Political power was built on an ideological framework that served the state rather than the reverse. As tools of statecraft, these frameworks left a place for institutional and devotional diversity, such as competing Buddhist schools, particularistic ritual communities and unique local deities. Nonetheless, while this religious diversity was not suppressed, it was closely managed. Just as the sprawling Ottoman Empire created a legal space for self-governing Christian and Jewish minorities to exist within the context of an Islamic state, so Confucian kingship in China and Korea, and warrior rule in Tokugawa Japan provided an overarching structure that held together and managed other expressions of religion.\(^{26}\) Law and violence policed and tested the limits of this framework and the boundaries of the communities that existed within it.

Nowhere was the danger of uncontrolled religion more evident than in the overlapping place of violence in religious and political cosmologies. Religion provided a structure for peasants and townspeople to form communities, including those that could violently turn against each other, or against the state. But more than that, illicit religion could fundamentally challenge the state’s claims to legitimacy, either on its own terms or by bringing to bear entirely new ideas about divine command, universal time and moral justice. This threat of religious-inspired violence was the mirror image of the state’s own legitimacy, and was the constant worry of statecraft throughout this period.

**Bibliographic Essay**


This chapter focuses on violence against heretics and witches in Europe, above all in the western part, from the eleventh to the eighteenth centuries. Heresy is holding religious beliefs that do not agree with the theology of one’s proclaimed faith. Thus in a strict sense, it is an ‘insider problem’; the medieval church, for example, could not label someone who was never baptised a heretic.

Heresy, from the Greek *hairesis*, meaning ‘choice’, is often defined as Robert Grosseteste, Bishop of Lincoln, did in the thirteenth century: ‘a heresy is an opinion chosen by human perception contrary to Holy Scripture, publicly avowed and obstinately defended’. But who decided that a particular view contradicted Scripture, and why, after centuries of little persecution, did western European authorities begin in the eleventh century to care vehemently about ‘wrong’ choices?

Heretics did not always publicly or obstinately cling to their views. Official Catholic investigations, carried out by individual Inquisitors and the Holy Offices of the Inquisition, announced in a papal bull of 1184 and created as an institution by Pope Gregory IX in 1231, often probed for privately held beliefs.¹ Trials in Spain, Portugal, Goa under the Portuguese, and New Spain strove primarily to discover false converts (conversos) from Islam and to identify Jews who were only Christian on the outside. As for obstinacy, better to confess than to endure torture, many felt.

There can be no religious heresy without orthodoxy. That is, when no official church doctrine exists, differences in belief are only differences in opinion, not crimes against the faith, as in Christianity before the Council of Nicaea (325 CE). Once a religious structure and cosmology are in place and

defended by a hierarchy of church officials, usually with the backing of secular power, disagreement with mainstream doctrine can be termed ‘heresy’.

Late medieval/early modern notions of witchcraft evolved from depictions of heretics and their purported activities. Witches were accused of committing *maleficia*, black (evil) magic, carried out with the devil’s assistance, that harmed people, domesticated animals or crops. In various books and testimonies, witches were said to have gathered in sabbaths, to which they flew in large numbers in an instant. Taken from Judaism, ‘sabbath’ indicates a conflation, to be examined below, of Christians’ perceived enemies.

Charges of heresy and witchcraft fed each other for several centuries and led to torture and extreme forms of execution.\(^2\) Heresy in Europe as a crime worthy of such punishment appeared, or rather reappeared with a vengeance, in the eleventh century. Western Europe had not experienced the execution of a heretic for nearly 600 years before some sixteen people were burned at Orléans in 1022, in what appears to have been a struggle among court and church factions.\(^3\) Within several decades the victims at Orléans were depicted as worshipping the devil, engaging in orgies that included incest and sodomy, and killing and eating babies.\(^4\) Pope Gregory IX added the church’s weight to these descriptions in a letter of 1233. Much of this image dates back to charges made against early Christians by the Romans;\(^5\) it later attached to Jews, Muslims, and witches and inflamed violence towards them and heretics.

Persecution for heresy grew for several centuries, especially during a thirteenth-century French campaign in Languedoc that killed thousands, heretics or not. As time went on, and especially by about 1600, the pursuit of heretics more or less stabilised at a much lower level.

Early sources give various figures for heretics burned in particular cases. While the Spanish Inquisition kept careful records of all cases tried between 1540 and 1700, the Roman Inquisition had no central file, was looted during the Napoleonic Wars, and suffered the scattering of its archives across


Europe. We do know that Spanish and Roman inquisitorial courts imposed the death penalty infrequently. Spanish tribunals, including those in the New World and Goa but excluding Madrid and Cuenca, mandated capital punishment for some 820 people between 1540 and 1700, 1.9 per cent of 44,000 cases.\textsuperscript{6} Italian courts varied in pronouncing death sentences, but several examples indicate a generally low death rate. Of the first 1,000 defendants at Aquileia-Concordia between 1551 and 1647, four were executed. In the Friuli witchcraft trials handled by the Inquisition, neither death sentences nor torture appear. The Inquisition does not deserve its popular, fearsome reputation.

William Monter provides a rough figure of 3,000 heretics executed in the period 1520–75, among them some 2,000 Anabaptists. However, he writes that ‘the most important point . . . is that these executions were not simply deaths for heresy’. Rather, sentences were applied by secular courts ‘to members of a rival religious organization’.\textsuperscript{7} These and other attacks by secular forces on any confession not deemed the true faith should be considered at least as much as events in wars of religion as persecutions of heretics. That secular authorities, not ecclesiastical tribunals, carried out religious cleansing is another indication of this point. The Anabaptists, moreover, were social and religious rebels despised by both Catholic and Protestant clerics. Such campaigns by secular officials continued, for example in France after the revocation of the Edict of Nantes in 1685. Although Louis XIV then labelled the Protestants as heretics, the goal of the subsequent campaign was to kill or drive Protestants from France, not to discover enemies within the ranks of good Catholics. Such cases were outsider more than insider problems. Nevertheless, ‘heresy’ has been widely applied to such persecutions.

If the Inquisition has been overly vilified, it and the pursuit of heretics in the broad sense did open the door for a far larger slaughter, the witch trials. The earliest Western ones, aside from an isolated case in Ireland in 1326, grew out of heresy trials in Swiss lands during the early fifteenth century. As this change occurred, the old concept of the sorcerer, who somehow drew on the supernatural for good or evil purposes, gave way to the witch, who consciously allied with the devil to use his malevolent powers. No records provide insight into why witches replaced heretics in the courts; we can


only point to, or speculate about, general factors. Nor did the turn to persecution of witches necessarily occur in jurisdictions where heretics had been heavily victimised; examples are Portugal and central France.

The witch hunts are usually dated roughly 1500–1700, occasionally 1450–1750. Trials of witches, and with them torture and death sentences, reached a peak in the 1580s and 1590s and again from about 1620 to 1630. Relatively few cases reached the courts of western Europe or North America after that year. Recent estimates of the death toll are 30–40,000.8

A number of early killings of heretics, especially in the eleventh century, were lynchings: crowds put heretics to death without official sanction. Lynching disturbs officials, since mobs enacting ‘popular justice’ represent a threat to social stability and to the rule of law administered by the elite. As prosecutions for heresy attained institutionalised form, trial procedures had the effect in several Catholic lands of reducing the number of executions and dampening or even precluding hunts for witches.

Persecuting heretics in the eleventh to fourteenth centuries increased the power and influence of the Catholic Church and of the French Crown in southern territories. In the twelfth century and for some time after, accusations of heresy appear to have derived frequently from rivalries among factions or between families striving to hold or expand their power.9 Many sources from this period indicate that clerical and secular authorities perceived heresy, or said they did, as a great danger to respectable religion and society. The openly stated goal in punishing heretics, protecting the faith, matched a desire to strengthen Catholicism, and later Protestant churches where they dominated, and to solidify the Christian community under a secular ruler.

For the witch hunts, scholars debate the existence of further purposes or functions,10 a sociological term, beyond the effort to eliminate

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10 Perhaps the first to criticise ‘function’ as applicable to the witch hunts was Geoffrey Scarre, Witchcraft and Magic in Sixteenth- and Seventeenth-Century Europe (Houndmills: Macmillan, 1987), p. 37. Most writers do not refer to functional theory, yet it is the basis of arguments for any goal in the persecutions save eliminating criminals.
dangerous criminals. Were the hunts in fact or effect a campaign to intimidate women and force them into silence on most topics?\textsuperscript{11} Did the trials thinly veil efforts to instil social discipline, especially among peasants; more broadly, were the hunts intended to discourage deviant thought and behaviour?\textsuperscript{12} Were the persecutions a strategy or at least an aid in state building,\textsuperscript{13} which brought new power to central officials? Some historians also emphasise the effects of the Little Ice Age, the ‘core phase’ of which is dated to the early 1560s. As crops failed and misery rose, this argument runs, people were accused of producing disasters through witchcraft.\textsuperscript{14}

But why any of these factors would have led to waves of witchcraft trials is an open question. In any event, the persecutions were erratic. They never occurred in numerous regions, cold or not, while they claimed many victims in others, only to end quickly. Conviction rates varied widely. A close look at the timing, locations, victims and dynamics of persecuting witches undermines the view that any function accompanied the trials.\textsuperscript{15} Perhaps ‘latent’ or unintentional functions operated; but this notion, drawn from functional theory, leads into the caverns of Freudian thought, where any speculation may be offered.

No known source from the period of the witch hunts refers to a purpose beyond extirpating clear and present danger. And why would the highly disruptive and often costly charge of witchcraft – it was expensive to hire an experienced torturer/executioner and to gather the wood needed to burn a human body – serve to intimidate a population when that was...

\textsuperscript{11} Among works which argue that the hunts were in essence campaigns against independent or outspoken women are Dworkin, \textit{Woman Hating}; Carol F. Karlsen, \textit{The Devil in the Shape of a Woman: Witchcraft in Colonial New England} (New York: W. W. Norton, 1987); and Anne Llewellyn Barstow, \textit{Witchcraze: A New History of the European Witch Hunts} (San Francisco: Pandora, 1994).


\textsuperscript{13} See e.g. Brian P. Levack, \textit{The Witch Hunt in Early Modern Europe}, 3rd edn (London: Pearson, 2006), pp. 95–103. However, Levack also notes that lower courts and authorities generally conducted hunts while higher central ones discouraged them: see p. 96.


\textsuperscript{15} Robert K. Merton established functional theory in \textit{Social Theory and Social Structure}, rev. and enlarged edn (Glencoe, IL: Free Press, 1957). He argued that functions could be manifest, readily identifiable in word and deed; or latent, making them unknown even to those who carried out actions. Recently, sociologists have heavily criticised Merton’s theories; see Colin Campbell, ‘A Dubious Distinction: An Inquiry into the Value and Use of Merton’s Concepts of Manifest and Latent Function’, \textit{American Sociological Review} 47.1 (1982), 29, 30, 37.
accomplished much more directly by the upper classes? Extensive laws and customs were in force across Europe to ensure that peasants and all women remained in their designated places.

After the fourteenth century, with the exception of the abortive German Peasants’ War of 1524–5, the elite controlled villagers without especial difficulty until the French Revolution. Authorities did not need to draw on witchcraft accusations, almost invariably made by peasants against other peasants, to further regulate rural life.

Zeal to control society did foster some witch trials, only to evoke opposition from other authorities. Milan’s archbishop, then Cardinal Carlo Borromeo (in office 1563–84), inflamed by the Catholic Reformation and his own inclinations to persecute any who did not strictly follow the church’s teachings, tried extensively to punish local magicians and witches. But he encountered staunch opposition from the Holy Office in Rome. Only Borromeo’s family connections – his uncle was elected Pope Pius IV in 1560 – and prestige, it seems, allowed him to bypass the Roman Inquisition and execute witches, for example ten women at Val Mesolcina in 1583.\footnote{Guido Dall’Olio, ‘Inquisition, Roman’, trans. Carlo Dall’Olio, in The Encyclopedia of Witchcraft: The Western Tradition, ed. Richard Golden, 4 vols. (Santa Barbara, CA: ABC-CLIO, 2006), vol. 1, p. 558.}

But the Holy Office quickly ordered its inquisitors not to stage similar trials. In 1558 Borromeo’s conduct was a factor in prompting the Roman Holy Office to forbid the prosecution of people denounced as participants in sabbaths by accused witches. This injunction precluded the snowball effect that widened persecutions further north. In 1600 the Holy Office issued new instructions for witchcraft trials with higher standards of evidence; for example, physicians had to examine dead bodies to establish cause of death, while sickness alone could not constitute proof of witchcraft.\footnote{Oscar De Simplicio, ‘Italy’, ibid., vol. 1, pp. 574–5; Paolo Portone, ‘Borromeo, St Carlo’, trans. Shannon Veneble, ibid., vol. 1, 140; Matteo Duni, Under the Devil’s Spell: Witches, Sorcerers, and the Inquisition in Renaissance Italy (Syracuse, NY: Syracuse University Press, 2007), p. 33.}

The Roman Inquisition’s approach to cases of witchcraft now became ‘cautious and moderate’.\footnote{John Tedeschi, introduction to The Prosecution of Heresy: Collected Studies on the Inquisition in Early Modern Italy (Binghamton, NY: Center for Medieval and Early Renaissance Studies, 1991), pp. xi–xii; ‘cautious and moderate’ appears on p. 231.} All of these practices stand in sharp contrast to the bulk of witchcraft processes in German and autonomous French-speaking parts of the Holy Roman Empire, which were often disruptive.
Heresy

Why did the new persecutions arise? First, what led to heightened concern about heretics and to lethal punishments for them in the West during the eleventh century? Did the Bogomils – the ‘Beloved of God’ – of the Slavic-speaking lands of eastern Europe send proselytisers into Western Europe at this time? The first mention of a heresy spreading from ‘Greece and other lands’ appears in 1147, without proof of a connection. The Bogomils, identified in Bulgaria in the tenth century, are noted only in materials prepared by their enemies. Scenes of degradation were attached to the Bogomils as well, who were deemed foes of both Orthodoxy and Catholicism. A melding of images led from the Bogomils to the word bougre, ‘one who buggers’, which derived in Old French from Bulgar. The inquisitor in a French witchcraft trial of 1239 was Robert ‘Le Bougre’, supposedly once a leader of the Cathars, called the largest heretical faith in the West, who had foresworn his heresy. Perhaps that was so, but stories of the Bogomils and their connection to Western groups arose during a furious propaganda campaign in Catholic Europe to discredit Eastern Christianity.

The Cathars, also called Albigensians, present similar problems of analysis. A sharp controversy characterises the literature. Some scholars write of heretics, the Cathars among them, with disgust, as in ‘heresy, and the horror it inspires’, and describe the deviation as an extensive, malign conspiracy against the true flock. For some writers, the Cathars possessed a well-developed ecclesiastical hierarchy and ceremonies. Yet contemporary testimony about them also came from their enemies, either those who claimed they had formerly been members, ‘Catholic observers’, or inquisitors. In medieval sources, ‘Cathars’ (Cathari) seldom ‘refers to an identifiable set either of beliefs or of people’. A document previously thought to show both Orthodox influence on the Cathars and the extent of their organised

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19 Moore, War on Heresy, p. 323.
20 Dmitri Obolensky, The Bogomils: A Study in Balkan Neo-Manichaeism (Cambridge: Cambridge University Press, 1948), p. ix. This work remains a basic study of the Bogomils. Although Obolensky claims that their influence spread from the ‘Black Sea to the Atlantic and the Rhine’ (p. 8), he merely suggests that the Bogomils interacted with the Cathars or other western groups (e.g. p. 226), without specific evidence.
21 Lambert, Medieval Heresy, p. 3.
church, the ‘Charter of Niquinta’, was once dated to 1167, but in recent studies has been considered an early modern forgery. Medieval sources do not record a meeting of Eastern prelates and Western heretical clerics.

Certainly there were dissenters, who in some accounts referred to each other as ‘Good Men’. These seem to have been ordinary people, and sometimes Catholic priests, who doubted the mysterious teachings of any church. Peasants might deny, for instance, the Immaculate Conception, insisting that Christ’s birth resulted from human coitus. Villagers used phrases like ‘Go to the Devil’ in everyday speech. But all that does not amount to a large movement.

Whatever the heretics were or were called, victims of persecution died horribly. After the burning at Orleans in 1022, others followed: Milan in 1028, Cambrai 1076, Paris 1210, and more into the mid thirteenth century. Such events are noted for part of western Europe, but not in Spain, Germany east of Worms, Scandinavia or, at least rarely, in the British Isles. From 1209 to 1229 French forces carried out a campaign known as the Albigensian or Cathar Crusade, largely a cover to extend northern, then royal power into the south. Perhaps 15–20,000 ‘heretics’ – in fact we do not know if the dead had broken with church doctrine – were slaughtered in this effort.

Several interlocking processes helped produce the new Western pursuit of heretics. First and broadest was what R. I. Moore has called ‘the formation of a persecuting society’. During the pivotal eleventh century, lepers, Jews, Muslims and heretics became identified as immediate dangers within the good Christian society. Another step came with the growth of the church, through the gradual development of a complete, approved Bible by the mid thirteenth century, other documents, and rituals; demands to regulate the lives of the laity, at least through the occasional, formulaic intercession of priests; and construction of churches and monasteries. In the year 1000 many Europeans, especially peasants, passed their whole lives without any ‘religious instruction’. Many in the West heard sermons only when the local bishop visited their parish. A ‘monastic revival’ began in the late ninth century, but for the next several hundred years monasteries, nunneries and churches remained islands in a sea of folk largely untouched by organised religion.

26 See the map in Moore, War on Heresy, pp. xiv–xv. 27 Moore, Persecuting Society.
The schism between the Catholic Church and the Orthodox Church in 1054 provided another source of concern about faith and security in the West. The Crusades played their part; they began in 1095 with a stirring call by Pope Urban II for a campaign to drive out ‘that vile race’, the Muslims, occupying Jerusalem. The fighting and attendant publicity strengthened Christian unity. A powerful additional factor was the rise of the Big Devil, not found in Orthodoxy, let alone in Asian or African faiths, but in the West newly visible and meant to be frightening in frescoes, mosaics and stone figures. No equivalent existed in Eastern Europe of the Florence Baptistry’s mosaic Satan, a huge figure chewing on souls in his mouth, assisted by snakes writhing out from his ears and anus. In the year 1000 few anywhere in Europe would have seen a depiction of the devil as a figure active on earth. By 1400, that image was common across the West.

Finally, the widespread switch in the West starting in the eleventh century from ‘feudal’ or accusatorial court procedures to inquisitorial ones, based on Roman law, made secular courts much more active in gathering evidence. Inquisitorial procedures in secular courts are not to be confused with the activities of the Inquisition itself, although the various Holy Offices also sought evidence. Accusatorial trials had theoretically relied on the judgement of God, as revealed through ordeals like those of fire or combat, to determine guilt or innocence. Now men needed to find evidence. On the Continent, courts gathered indications, or indicia, that a crime had been committed, for example that Marie died of stab wounds and a bloody knife was found in Pierre’s hut. Sadly, indicia of witchcraft could be as flimsy as general reputation or even, in the worst instances, an ugly face. In German lands, two indicia were enough to bring someone to trial. But the ‘queen of proofs’ for verdicts by inquisitorial courts was a confession, a desired outcome that promoted torture. All of these trends fanned the flames rising around the unfortunates accused by the Western church.

The many changes in Western attitudes and practices that began in the eleventh century raise doubts about the idea that churchmen ‘believed that heresy was the work of the devil’. ‘Belief’ is a slippery concept; one’s beliefs may change from morning to night. It is possible to hold contradictory beliefs at the same time. If those in authority over us repeatedly say that a certain thing is true, we may come to believe it, or just accept it. When fear of an enemy within is spread often and widely, a populace may perceive a dire

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threat. Did churchmen believe that they were faced by implacable enemies in the form of heretics, organised to both replicate and mock the official church, and spread throughout Christendom by the devil? That is possible; much more recently, it seems that many Germans became convinced in the 1930s and 1940s that they faced a powerful Jewish/Bolshevik conspiracy. Americans fell under the nonsensical sway of Senator Joseph McCarthy in the early 1950s. In these instances, long-standing anxiety among the upper classes about enemies within contributed heavily to the popular perception of imminent danger. A similar atmosphere characterised Western Europe by the early eleventh century.

As the campaign against heresy progressed in the West, especially in France, the image of the heretic and of the witch began to overlap. In 1180 heretics in Besançon were accused of making a written pact with the devil that permitted them to commit maleficia. During a trial of heretics held in Châlons-sur-Marne in 1239, a defendant told an inquisitorial court that a demon assumed her image in bed next to her husband, allowing her to travel, presumably at super speed, to a distant gathering of fellow heretics. Visits to a sabbath attended by the devil were mentioned in a trial of heretics in Toulouse, France, in 1275. The theological faculty of the University of Paris decreed in 1239 that if evil deeds were conducted using power conferred by the devil, witchcraft was indeed a heresy. Flying to a sabbath appeared in works written around 1435–40 which conflated heretics and witches and maintained that a large sect of them existed. Thus from the pursuit of heretics evolved the ‘French conception’ of witchcraft.33 The new stereotype may be seen as a ‘cause’ of the witch hunts; however, this image did not take hold in much of Europe.

Where it did, maleficia as described in books and trials related not only to improper faith but also to tangible evil acts. Witchcraft became linked to ‘core crimes’, among them stealing, harming a free citizen, murder or damaging property, which every society sees as wrongdoing. Punishments for witchcraft tied to such acts became ferocious, although not necessarily more so than for convictions that did not refer to diabolical aid.

On the other hand, charges of heresy in Western Europe ultimately came to rest on word more than on deed. One might say the wrong thing, have or endorse the wrong books, omit the proper rituals or engage in improper ones. Heresy in the strict sense related more to established religious

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authorities’ control of thought and worship, less to issues of secular power. The Reformation rocked Christendom and made the clerics of the dominant faith in any area hypersensitive to manifestations of the other sides’ beliefs. Yet, as the shifting alliances across religious lines of the Thirty Years War and the stalemate between Protestantism and Catholicism by the 1640s at the latest showed, it was bad practice to waste blood and energy by obsessively pursuing heresy. Uncovering heretics became a maintenance task for whatever faith dominated a jurisdiction. For that reason as well, punishments became milder.

**Witchcraft**

In contrast to the way that accusations of heresy came from religious officials, charges of witchcraft typically began with peasants who suspected their neighbours of evil or of gaining some advantage, even growing especially large vegetables, through supernatural connections. Villagers rarely referred to the devil in denunciations of their peers; for the most part, the original accusers were vague about the origins of magical power. Then if secular and religious authorities in the area, whether Catholic or Protestant, were persuaded by their reading or knowledge of trials elsewhere that the ability to use magic resulted from a pact with Satan, an investigation might begin. Officials then often adduced the sexual and other practices described above for heretics and quickly ordered suspects to be tortured. The principles at work were to uncover a virulent anti-human conspiracy and to inflict severe pain on suspects in order to break the devil’s hold and allow the truth to emerge.

Witch hunts were not illogical by the day’s notions of causation. A child healthy in the morning but covered with blotches and dead in the afternoon could not be explained by reference to science. Hailstorms, which could destroy a crop in one field and leave neighbouring plants untouched, lent themselves to supernatural explanations. The plague came and went for no apparent reason into the late eighteenth century. For minds on edge because of any problems – and most people lived on the brink of disaster in the early modern period – the idea of the devil, at work on earth and allied to suspect neighbours, made sense. Certainly the clergy told people that the Prince of Darkness or his sub-demons constantly set snares to trap those of weak faith.

The witch was an especially vicious foe of humanity. Her purpose was to harm people, livestock and crops; she made a direct pact with Satan; she might be recruited and act alone, not as a member of a perverted group; and she could fly great distances in an instant to sabbaths. Witches could live
among the good folk and appear to be well behaved, allowing them to strike without warning.

Or so the witch finders claimed; but vehement objections to that picture arose quickly and in many areas effectively countered the fantasies of the hunters, although too often in the wake of profound suffering. The infamous *Malleus maleficarum*, written in 1486 by the Dominican Heinrich Kramer, and frequently considered to be both the ultimate witch hunter’s manual and a particularly nasty statement of misogyny, illustrates the point. Accepted in some venues, it was rejected elsewhere as dangerous nonsense. Among its opponents were Kramer’s own bishop of Brixen (today in Austria) in the 1480s, the town council of Nuremberg slightly later, and the Spanish Inquisition in 1528. Kramer was disciplined by his bishop for staging a trial in which women were tortured; no more processes occurred around Brixen. Yet in other areas the *Malleus* or other works that advocated persecution were taken all too seriously.

Matching or exceeding the zeal to persecute heretics in the high Middle Ages, early modern witch hunters in Franche-Comté conducted some 800 trials from 1600 to 1660, when it was part of the Holy Roman Empire; the prince-bishoprics of Würzburg and Bamberg executed more than 1,500 people in the years 1616 to 1629; and the area under the jurisdiction of the abbey of St Maximin, just outside Trier, witnessed savage hunts in several periods after 1586. Entire villages near the town, Ruwer and Eitelsbach, ceased to exist in the 1580s and 1590s; nearly every household suffered accusations and executions. Whole families fled if they could. If some deeper function was involved in these cases, it descended into overkill, not a lesson about behaviour.

Yet it appears that more jurisdictions did not conduct large-scale hunts than did. Where central authority and appellate courts operated more or less effectively, accusations were often treated with considerable scepticism. Thus Pierre de Lancre, who held a doctorate in law and investigated charges of witchcraft in a Basque area south of Bordeaux in 1609, was able to arrange the speedy trials and executions of fifty to eighty witches. But when his commission expired in the fall of the year and prisoners were able to appeal to the *Parlement* (largely an appeals court) of Bordeaux, it rejected de Lancre’s sentences and his faith in evidence of *maleficia*. An earlier judge of the city’s *Parlement*, the theorist Michel de Montaigne, had argued in an essay published in 1586 that, ‘It is placing a very high value on one’s conjectures to burn a man alive because of them.’ The Parlement of Paris likewise became critical of witchcraft charges, as did royal commissioners sent from Stockholm in the 1670s to monitor a local spate of trials.
In English-speaking lands, large persecutions erupted when central authority was weak or broke down, as in East Anglia during the English Civil War and Salem, Massachusetts in 1692. Following the Glorious Revolution of 1688, the Massachusetts colonists drove out an unpopular governor and were awaiting a new charter and governor when a local minister and doctor began to talk of diabolic possession among young girls. The regular court system had ceased to function. Children were allowed to testify in special proceedings, following practice in recent Swedish cases, which were well known in Massachusetts.

The tendency of witch finders to quickly employ torture, as Matthew Hopkins did in East Anglia in 1645, occurred on the local level, as it did in the decentralised empire. Appellate courts, and for that matter town officials, had to rely more on documents than did village or seigneurial tribunals, which were close to local fears and reputations. In a large town, hundreds or thousands of people might have been nearby when a baby suddenly sickened and died. How could any one of them be identified as a witch? Rothenburg and Frankfurt did not convict witches, and Nuremberg tried only a few. Calvin’s Geneva prosecuted witches who lived mainly in the villages under the city’s jurisdiction. Peasants, with long memories of problems within their face-to-face communities, were much quicker to assume that a specific person was to blame.

Why did women make up such a large portion, perhaps 75 per cent, of those tried for witchcraft? General misogyny should not be underestimated. Yet the gendered roles of women seem more important. They gave birth and nursed infants, putting mothers and midwives in a position to attract blame when a child died. Women mixed ingredients and cooked them, traded secrets at the village well about sex and abortion, and took care of domestic animals that might be regarded as familiars, demons in disguise. Sadistic male witch finders may have particularly enjoyed tormenting women. That the devil was always male encouraged common folk and the elite alike to think of him having sexual intercourse with women, usually a central part of depictions of the witches’ sabbath. Yet men comprised the majority of victims in several cases, for instance in Iceland and Normandy, where male shepherds in possession of written spells aroused deep suspicion. Given the hunts’ erratic nature and absence in many regions, it is difficult to see the persecutions as attempts to frighten women into further submission.

It is more productive to examine the spread of witch fear. The Rhine was the information highway of its day; those inclined to condemn witches in the first place could hear and read about trials and pro-persecution opinion from German, French and Latin sources. Perhaps 80 per cent of known executions
occurred in a zone 100 kilometres on either side of the Rhine. The diffusion of fear, which could become panic, can sometimes be traced, for example through Alsace and from Sweden to England to Massachusetts by 1692. As witch fear gripped a community, local authorities lowered or abandoned previous standards of evidence. Zealous witch finders like Cardinal Borromeo or Archbishop Ferdinand needed no physical evidence to convict a witch.

Several developments helped to undo that approach. First, objections arose to the idea of witchcraft, for example from the physician Johann Weyer in 1563. He maintained that only God could create storms and that torture produced unreliable confessions. Weyer added that the ‘power of reason and truth’ discredited tales of witches’ powers, for which no physical evidence existed. More denunciations of physical coercion appeared, in particular from Friederich Spee von Lagerfeld in 1631.

Problems of proof became critical in ending persecutions. Prominent ministers in Massachusetts quickly disagreed about what constituted good evidence of witchcraft. Strongly endorsed by Cotton Mather, the hunt claimed twenty lives in the span of a few months before other leading clerics of the colony, among them Cotton’s father Increase Mather, were able to assert their authority to end reliance on testimony previously unacceptable in the courts. Two Catholic rulers and brothers, Maximilian and Ferdinand of Bavaria, educated by the same pro-persecution tutor, differed markedly in their approach to witchcraft. After some hesitation, Maximilian halted trials while he was duke of Bavaria, 1597–1651, because of concerns about proof. Ferdinand, archbishop and elector of Cologne from 1595 to 1650, arranged the largest single hunt in European history.

In 1585 the magistrates of Rottenburg, Germany, where more than twenty women had been burned since 1578, remarked that if that pace continued, there would be no women left in the town. Witch hunters in south-west Germany ‘stopped because they no longer knew how to find witches’.34 That is, they could not tell the innocent from the guilty; hunts collapsed of their own weight. Some 200 people were accused around Salem, reproducing the problem. The pattern of local figures leading a hunt, only to see it opposed or ended by higher parties, found in France, Sweden and in the person of James I when he became king of England, suggests that state building was not central to witch trials; instead, central authorities asserted themselves in ending hunts.

By the 1690s the crone who had once gone to the stake or gallows could be
drawn as kindly Mother Goose. She personified the trend of rapidly declining
violence towards witches, except for rare cases of lynching by European
villagers, which have continued sporadically into recent decades.

Russian Christianity, and with it the pursuit of heretics and witches in
Muscovy, took a different path. The elite’s conversion in 988 was to the
Byzantine Church, in which Christ was usually depicted not as helpless on
the cross but as Pantocrator, omnipotent lord of the universe, a powerful young
man. The devil did not compete with him in the Orthodox faith. Demons were
small figures that flitted around the edges of icons. Moreover, Russians stayed
too busy fighting people of other faiths – the Mongols from 1238 on, then
Germans, Poles and Swedes – to worry much about internal religious fragmen-
tation. Feudalism, in the form of hereditary local nobles ruling over specific
geographical areas, did not appear in Muscovy. Thus in contrast to southern
France or the divided German bailiwicks, centralising authorities in Russia had
less reason to fear local power or to smear it as following the wrong religion.

Pursuit of heresy and witches east of German-speaking lands differed
substantially from events in the West. Although Russians often clung to
dual faith (dvoeverie) in pagan gods and in Christianity, for centuries church-
men were not vehement about eliminating the old ways. Nor did they soon
acquire the power to do so. Several more or less coherent heresies did emerge
in Muscovy, for example the Judaisers, centred on Novgorod in 1470, who
accepted the Old Testament (Hebrew Bible) but not the New. But such
heresies apparently never spread beyond members of the elite. The Judaiser
leaders were burned in 1504.

Then in 1666 a schism erupted in the Russian Church. When the official
church adopted several reforms, the Old Believers, also called Old Ritualists,
clung to traditional ways while insisting that they were the true Orthodox.
Muscovite armies destroyed several Old Believer communities, particularly
one on the White Sea in 1676 which had resisted central secular as well as
religious authorities. Old Believer groups were sometimes allowed to operate
openly but were also occasionally persecuted until 1905, when the tsarist
government proclaimed religious toleration. But after the seventeenth cen-
tury, the Old Believers never posed a serious threat to the state.

Nor did heresies in Russia lead to accusations of satanic partnership, which
helped limit witch trials there. Only 227 Russians are known to have been
tried in the seventeenth century. About 14 per cent of those charged were
executed, although Muscovite practice made up for this leniency to
a significant degree by requiring that accused and accusers alike be tortured
‘without mercy’ when an investigation began. This was because *maleficia* were considered crimes against the state. Satan did not figure in Russian trials until the early eighteenth century; witches were anyone who chanted spells, made suspicious potions, were near someone who died suddenly, or merely possessed written material without official permission. But certainly accused Russian heretics and witches suffered extreme violence.

Poland, Catholic by faith and Western oriented by the use of Latin, also witnessed relatively few witch trials, which peaked more or less a century after those in the West, from 1650 to 1750. Because of the massive destruction of Polish records during World War II, trying to estimate deaths is frustrating. Perhaps a few thousand died, perhaps 30,000; the former figure seems more likely. Most trials seem to have been for simple *maleficia*, not for connections to Satan; Polish witches were called *czarnownik/czarnownica*, derived from ‘black (czarny) magic’ and thus better translated as ‘sorcerers’. The late, and probably relatively mild, spread of witchcraft cases to Poland suggests that geographical proximity to other witch fears was important, as most documented cases were in the western part of the kingdom.

**Conclusion**

Witchcraft was an imaginary crime. Whether organised heresy was constructed by the elite or not, the treatment meted out to the accused in both persecutions holds an especially abhorrent place in the history of human cruelty. The physical and mental torments inflicted on suspects imparted tremendous pain but, at least in theory, were not intended to maim or kill. Even techniques without physical pressure, especially sleep deprivation and confinement in horrid conditions, could produce devastating effects on prisoners. Like other hunters, Matthew Hopkins probed suspects’ bodies with needles in order to discover a ‘devil’s mark’, a place Satan had supposedly touched and which therefore could feel no pain. Stretching suspects on racks or the strappado, which involved tying the hands behind the back and hoisting and jerking the victim off the floor with a rope over a pulley, often with heavy weights attached to the feet, dislocated joints. Any part of the body might be burned. Boards were sometimes tightened around legs, then wedges were pounded around the limbs, squeezing them until the bones cracked and the marrow oozed out. Obviously these procedures could lead to permanent disability or death.

On the Continent, if an experienced executioner could be found and paid, he would usually carry out torture after approval of interrogation ‘with pain’ by a local magistrate or group of notables. Law codes of the sixteenth century, the
imperial Carolina of 1532 and the French Statute of Villers-Cotterets of 1539, tried to set rules and limits on the use of torture. But the Carolina also stipulated that local laws and customs could prevail in witchcraft investigations, and in many jurisdictions the light imperial hand had no effect at all on the use of coercion. In some areas, a prisoner who could withstand several interrogations with torture and still not confess to being a witch would be declared innocent and released – but the victim would never again be healthy.

Executions in New and old England were by hanging, often lasting for many minutes as the victim choked to death. On the Continent, convicted witches were not always sentenced to death. But if they were, burning usually followed. Before witches were consigned to the flames, more pain might be inflicted, for example by tearing out chunks of flesh with heated tongs. Those found guilty were either burned alive or strangled first, then their bodies were burned; the difference appears to have depended on the severity of their alleged crimes. A witch convicted of signing a pact with the devil, fornicating with him and killing farm animals at his command, might be dispatched before the body was burned. Someone convicted of using Satan’s help to murder numerous children would receive much harsher and prolonged treatment before execution. Contemporary illustrations clearly indicate the pain and suffering of those tortured and executed by fire.35

Such horrors dwindled to nearly nothing in western Europe by the late seventeenth century. It was not Enlightenment or scientific breakthroughs that brought an end to the witch hunts, but the growing stream of doubt about torture and proof of witchcraft. The questions raised during the hunts about natural phenomena such as illness and storms helped lead indirectly to a more rigorous stance towards evidence in general; in that way, the witch persecutions assisted the coming of the Scientific Revolution.

Large-scale hunts tended literally or figuratively to burn themselves out, leaving in their wake great disruption of ordinary life, families and the local economy. Secular and religious authorities increasingly criticised these outcomes. In light of all the problems raised, not solved by witch persecutions, they all but ended by 1640. Likewise, when heresy ceased to seem a serious threat to the established churches or the political elite, the quest to uncover it declined. Towards people of their own, Christian communities, especially as political-religious lines became more established, Europeans became somewhat more humane.

35 See the illustrations of torture and execution and photographs of actual instruments of torture in Alexander Koch (gen. ed.), Hexen: Mythos und Wirklichkeit (Speyer: Historisches Museum der Pfälz Speyer, 2009).
Bibliographic Essay


Russian heresies were not especially important; John Fennell’s essential *A History of the Russian Church to 1448* (Longman: Harlow, 1995) discusses them only briefly. The Schism of 1666 was a social and religious affair but did not engender witch trials. The low number of Russian processes finds its context in Valerie Kivelson, *Desperate Magic: The Moral Economy of Witchcraft in Seventeenth-Century Russia* (Ithaca, NY: Cornell University Press, 2013).

The importance of medieval books, especially the *Malleus Maleficarum* (Hammer of Witches) of Heinrich Kramer, 1486, is now downplayed in the hunts, although they sometimes played an important role. But, among others, Wolfgang Behringer, ‘Malleus Maleficarum’, in *The Encyclopedia of Witchcraft: The Western Tradition*, vol. 111, ed. Richard Golden (Santa Barbara, CA: ABC-CLIO, 2006), finds that the *Malleus* was not crucial to the hunts. Individual witch finders remain important.


Studies of individual hunts, especially in Germany, continue to appear. But new work will probably not alter the present understanding of the witch hunts as highly erratic, which undercuts arguments of a systematic campaign for any reason.
It is hard to dispute that the religious movement (or process of religious change) known as the European Reformation caused division and displacement on an unprecedented scale. Yet, it is all too easy to overstate the frequency and ubiquity of the violence that it produced. A more nuanced approach is required to interpret and explain the variability and complexity of this response. Certainly, communal violence in early modern Europe was profoundly shaped by the Reformation. Itself a violent rupture in the unity of Christendom, it stimulated a range of confessional tensions which provoked and justified intercommunal strife. This violence ranged from the trading of verbal insults to the destruction of sacred images and even to full-blown massacre. However, while the threat of violence hung over social relations in many communities, it only occasionally erupted into assaults on objects, property and people, actions which were often highly ritualised. The story of communal violence in early modern Europe, then, follows a familiar pattern, with the differences largely of scale rather than substance. Yet national historiographies have tended to highlight the differences rather than the similarities. Although there is substantial variation in their extent and brutality, according to the various political, social and cultural configurations of the communities involved, there are many common aspects to the violent acts perpetrated in the name of religion. Official direction and popular initiative may vie for our attention in understanding these aspects, but it is not always possible, or straightforward, to identify or separate their role.

When we survey the landscape of intercommunal violence in early modern Europe, wherever we look, confessional tensions loom large. The Protestant Reformation resulted in a rapid proliferation of minority groups which, in the sixteenth century in particular, caused clashes with the majority

confession and the authorities seeking to curb civil strife. Much of the violence which characterised the Reformation was localised and personal. It affected existing and long-standing solidarities as neighbours and families were divided by the confessional tensions that arose. Its impact, within previously harmonious and stable communities, provides a clear demonstration of Anton Blok’s claim that the ‘fiercest struggles’ often take place ‘between individuals, groups and communities that differ very little’. This violence was often confined and small scale, caused by disputes over processions, the use of churches and bells, sites of worship and burial, iconoclasm and other devotional slights. Yet it could also be significant and widespread, as in the case of the German Peasants’ War, the Dutch Revolt and the St Bartholomew’s Day Massacre in France. The outbreak of civil war added a new dimension to the context and extent of violence. It could intersect with and exacerbate other grievances, from the political to the socio-economic. Additionally, a challenge to the mainstream faith could be seen as a threat to the position of a ruler and questioned the minority’s obedience to the forces of law and order in general as disturbers of the public peace. Having failed to eliminate the growth of Protestantism, which the Catholic Church viewed as a heresy, the authorities realised that some form of accommodation needed to be reached. Protestant rulers, too, had to navigate a path of toleration with those of their subjects who continued to uphold Catholicism in return for pledges of loyalty. As a result of these considerations, prosecution and punishment for treason became favoured over that for religious dissent. Offenders were to be treated as rebels against the polity rather than martyrs for their faith.

As regimes sought to incorporate the new reality of confessional coexistence, so resentment towards and tensions with the majority faith grew, often resulting in episodes of unrest. Whatever their own stance, rulers and their officials were concerned to restrict and control spontaneous outbursts of popular violence whichever faith was involved. Indeed, the authorities could attract animosity even from their co-religionists if the often fiercely contested concessions made to the minority faith were believed to have gone too far. Thus, a simple dichotomy between more tolerant and more

repressive regimes fails to capture the latent potential for violence amid officially sanctioned coexistence. Claim and counter-claim dominated accusations of which side was responsible for episodic violence. The faiths condemned each other’s actions while seeking to justify their own. Violent acts by opponents could justify more repressive measures against them. Descriptions of ritualised violence, in particular, were used to dehumanise and vilify the perpetrators, but historians have interpreted such rituals as crucial for our understanding and explanation of these actions. Even when the veracity of such reports is suspect, the cultural repertoire they reflect tells us much about the social mores which informed and exacerbated animosities that were not always or solely religious. These themes will be explored by focusing on the various forms of violence which were already present or developed within local communities and on the more large-scale confessional conflict which developed into civil war in significant parts of Europe.

Violence in the Community

Benjamin Kaplan and others have remarked on the importance of the public nature of the causes of confessional violence throughout Europe; ‘the explosive potential of public religious acts was unmatched’. It was offence done to the community, as much as the practice of another faith, which provoked a violent response. This involved processions through sensitive areas of towns, the carrying of weapons to services, verbal as much as physical confrontations, but also passive resistance by those not involved in the usual communal activities, absenting themselves from parish life and the liturgical cycle. Feast days, and significant events such as Corpus Christi (the annual celebration of that most divisive of theological subjects, the Eucharist), were flashpoints for violent confrontations between the faiths. In areas with a history of tension, there was always a certain amount of volatility around public holidays, in particular, and individual actions which caused offence could soon stir others to action. Non-participation, such as eating meat or working on fast days, or failing to decorate houses on the procession route or to respect the passing of the Host, were symbolic and provocative stances which invited a sometimes violent response. In France, in Clermont in Auvergne, at Corpus Christi 1568, a Protestant whose house was undecorated (as it was customarily required to

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be on feast days), and who additionally was accused of throwing stones at the Host, was burned alive by a Catholic mob. Reactions were not often this extreme, but some form of insult or minor assault was commonplace, especially when suspicion and rumour were involved. Verbal exchanges and physical blows were part and parcel of confessional tensions. Tiles, stones, mud, ordure and even animals, such as cats (symbolic of unbridled sexuality), were all thrown at opponents in an attempt to humiliate and provoke. However, ‘it took more than the existence of religious difference to make people start lynching their neighbours’, and ‘a violent popular response to the rise of Protestantism’ was not inevitable.\(^5\) Even in the most volatile circumstances, violence was not an everyday occurrence, although the potential was always there wherever differences existed which could be exploited. Provocative behaviour was a visible source of many incidents of confessional violence, but such tensions could be defused by the use of active restraint and careful vigilance by the authorities.

Although the fundamental Reformation divide was between Protestant and Catholic, religious pluralism incorporated a myriad of beliefs (or multi-confessionalism) which needed to be practically accommodated in many regions. Nevertheless, in certain circumstances, acts of violence could also occur in successfully mixed local communities. Indeed, Kaplan urges us to consider toleration a pragmatic necessity which involved the regulation and containment of conflict rather than its elimination.\(^6\) Although largely stable, religiously diverse polities such as Transylvania, Prussia, Lithuania and Poland witnessed violent clashes between Catholics, Orthodox, Calvinists and Lutherans as well as Antitrinitarians. On the whole, though, the populations of these areas of central and eastern Europe displayed more toleration, it is argued, due to their long experience of dealing with pluralism and diversity. Nevertheless, while on many occasions neighbours passed each other on the way to different churches without obvious signs of mutual hostility, the fragility of coexistence was ever present and ‘apparently stable relations between religious communities could quickly be disrupted by episodes of violence’.\(^7\) In Vilnius (Wilno) in Lithuania, for instance, where

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6 Kaplan, *Divided by Faith*, pp. 8–9.
there was a largely peaceful religiously pluralistic community of five confessions, there were still occasional clashes. Such incidents might lead to the closing or removal of churches, or even the suppression of a community, to defuse tensions or punish perpetrators. In Toruń, Prussia, in 1724, leading Lutheran officials took the rap for failing to prevent an attack on the local Jesuit college, resulting in their execution. Local authorities were expected to intervene in disputes to maintain the peace whatever their own prejudices and, as in this case, could be expected to be punished if they were unwilling or unable to do so.

While there could be reconciliation and accommodation with some groups, others were beyond redemption. Particularly harsh punishments were reserved for those with the most radical views, collectively if erroneously termed Anabaptists, who were summarily executed in both Catholic and Protestant states for their unorthodox beliefs. Members of radical sects and their sites of worship were also singled out for attack. Their involvement in violent attempts to hasten change rapidly lost them sympathy with both the authorities and the populace alike and was used to justify their forceful suppression. An extreme religious group, the Old Believers in Russia, combined attacks on the Muscovite Church with mass ‘suicides’ (in which victims did not always go to their deaths voluntarily), reminiscent of some fanatical cults of more recent times. Belying their passive reputation, they terrorised monasteries and civilians who did not comply with their commands. Like other non-mainstream religious groups, radicals were expelled or deported, sometimes forcibly, from territories. The ongoing if sporadic persecution of the Jewish communities of Europe also continued, including the segregation of the Prague ghetto, anti-Jewish violence of various sorts, and also many expulsions, such as from Vienna in 1669–70. In southern Ukraine, however, tens of thousands of Jews were killed in the Khmelnitsky massacres of 1648–58. In 1609 the order was given for the forced deportation of the moriscos (converted Muslims) from Spain to North Africa following episodes of brutal repression by the authorities in preceding decades.

Apocalypticism, Ritual and Carnival

Apocalyptic and millenarian beliefs permeated both Catholic and Protestant thought and were given added impetus by the destabilising impact of the Reformation. Prophets and their prophecies inspired resistance and reprisal, as did the radical preacher Thomas Müntzer during the German Peasants’ War of 1525, which resulted in the death of many thousands of peasants in
revolt against their lords. Luther’s condemnation of those who claimed to be acting in his name in his ‘Against the Robbing and Murdering Hordes of Peasants’ lent legitimacy to the violent suppression of the revolt by delegitimising the use of force by the peasantry. Apocalypticism, the belief that the end of the world is imminent and, therefore, that preparation for the last days has to be hastened by whatever means, was at the root of much of the violence perpetrated by radical religious groups in early modern Europe, as notoriously at Münster in northern Germany in the mid 1530s. It is telling that Catholic and Protestant forces combined in the subsequent siege of the city and in the violent suppression of the movement, which had introduced compulsory rebaptism and polygamy, and expulsion or execution for those who resisted. The cages in which the corpses of the messianic regime’s leaders were placed after torture and execution were hung from the tower of the city’s main church as a grisly reminder of the violent fate awaiting rebels against the establishment.

Even the passive withdrawal of religious groups from society, which was also often inspired by apocalyptic beliefs, antagonised the authorities, who condemned such actions as seditious and harmful to the social order. The forced expulsion or dispersal of such communities was a common response, as was the case with the Hutterites in central Europe. Like many other minority groups, including Jews, they were gradually forced further east, some choosing instead to seek refuge in North America. Violence carried out against civil war sects in seventeenth-century England, such as the Levellers and the Diggers, further demonstrates the official condemnation of acts of non-conformity and social protest. On the other hand, impatience with and intolerance of those who appeared to be obstructing the divine plan led to violent acts by radical groups. All parties believed that divine providence was on their side, whether reflected in their defeat of opponents or in their own testing through persecution. Indeed, the role of providence in both provoking and explaining violence is clear from many studies focusing on both Protestant and Catholic states. In sixteenth-century France, for instance, the trauma of civil war inspired lurid tales of unnatural violence and extreme cruelty, such as that perpetrated by parents against their children, and ‘wonderbooks’ of the period were obsessed by prodigious signs. The collapse of buildings and the sudden death of opponents were seen as providential indications of divine disapproval, as when a chapel in Blackfriars in London fell down in 1623, killing a Jesuit preacher and his congregation.

While many traditional beliefs continued to be embraced by both Catholics and Protestants, historians have emphasised differences between
the faiths when it came to the use and application of violence. Our attention was first drawn to the specific focus of Protestants on the destruction of material objects and assaults on Catholic clergy, and the Catholic emphasis on the removal of the pollution of heresy through the killing of Protestants, by an article by Natalie Zemon Davis.\(^8\) It formed the basis of an influential ongoing debate about the nature of confessional conflict in early modern Europe. Drawing on anthropological and sociological approaches, Davis remarked in particular upon the apparent contrast between the ritualised violence used in the French religious wars by the faiths, and most of the bloodshed perpetrated by members of the Catholic majority against the Protestant minority. As Davis herself has pointed out, however, this dichotomy was never absolute. If we look elsewhere in Europe, too, members of the clergy were, unsurprisingly, a prominent target of popular religious violence in most regions. For instance, in Poland-Lithuania in 1623 the Greek Catholic archbishop of Polatsk was murdered by an Orthodox crowd, his corpse dragged through the streets and dumped in a river, and hundreds of Greek Catholic priests were later killed during the Cossack uprising of 1648. Yet, it was not always so. Georg Michels’ comparative analysis of the nature of popular religious violence against the official church in seventeenth-century Hungary and Russia argues that the marked differences to be found are due to context. In Hungary, iconoclasm and the ritual humiliation and torture of priests and their families, in response to the imposition of Catholicism in the 1670s and 1680s, is reminiscent of the ritualised violence of the Reformation years in much of western Europe. Here, however, it was Protestants who carried out the most brutal acts, including ‘various forms of sexual torture’, even castration, of priests.\(^9\) In Russia, by contrast, the official imposition of a new Orthodox oligarchy inspired a more socio-economic response, focused on plunder and destruction and largely devoid of ritualised religious elements.

Nevertheless, ritualised violence was already a well-established feature of non-religious cultural practices throughout Europe. Popular culture was shaped by collective expectations of behaviour and the policing of local morals. Religious groups were, thus, able to draw on an existing repertoire of responses to intercommunal friction. The socio-cultural practice of charivari provided an outlet for community tensions, but it both ‘resolved conflict

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and furthered it’ and was ‘fraught with the potential for violence’. This is unsurprising, since it encompassed animosities and feuds, as well as grudges of various sorts, often conducted by gangs of young men. The public humiliation of cuckolded husbands or those beaten by their wives was a favourite pastime. But, combined with other resentments, mockery and derision could quickly lead to rough justice, blows and even murder. The rituals of Carnival, the disorderly festival preceding Lent, allowed for such unpredictable and rowdy behaviour, too. In a couple of infamous sixteenth-century instances, it provided a stage for the acting out of barbaric cruelties as part of a family vendetta in Friuli, Italy, and the violent outcome of political and socio-economic tensions within the small town of Romans in southern France. Ritual practices continued to be employed throughout the early modern period for the sometimes violent expression of grievances. One infamous episode was the so-called Great Cat Massacre perpetrated by workers in eighteenth-century Paris and brought so vividly to life by Robert Darnton. Here, ritual combined with socio-economic resentment and feline symbolism in an explosive mix, with the resulting slaughter of cats reflective of social and cultural tensions within the master’s household and workshop. This event was also a simple extension of the ritualised torture and killing of animals which was a common feature of early modern popular festivals and street entertainment throughout Europe.

With the advent of the Reformation, confessional divisions generated new points of difference cutting across many existing areas of communal solidarity which were not previously at issue. Religious tensions could combine with and exacerbate, as well as run counter to and forge anew, existing hostilities, as they did at Romans. They were, at once, both galvanising and destructive. Another striking form of interpersonal violence, which escalated during the Reformation, involved attacks on those already dead. The disruption of burials and the disinterment and desecration of bodies took place in different locations from Ireland to Hungary. In England, in one instance, the decapitated head of an executed priest was used as a football; in France, corpses were left to the attentions of scavenging dogs and birds. Cemeteries were also targeted, graves vandalised and monuments pulled down. Disrespect and hostility towards the members of

other faiths displayed by such violent activities, denying them the right to a proper Christian burial, was symbolic and unsettling and designed to intimidate. Other acts of confessional violence included attacks, both physical and verbal, on preachers during sermons and priests during processions; random or more premeditated assaults on those associated with the other faith; and threats of violence against those who supported them, even members of one’s own family. Furthermore, the burning down and demolition of churches and sites of devotional importance, book burnings and the desecration of shrines and crosses brought a material dimension to violent rejection of the opposing faith.

Iconoclasm

One of the most prominent and distinctive types of violence during the Reformation was acts of iconoclasm. This could take many different forms: the destruction and disposal of relics and images, the smearing of excrement on statues and altars, or the melting down of reliquaries and other ornaments. In these assaults, the iconoclasts were ideologically driven; they were making a statement of rejection and purification of what they perceived to be Catholic idolatry. Such acts also had a political edge. Incidents could be individual or collective, clandestine or overtly public. A distinction needs to be made between those officially sanctioned instances, most obviously during the English Reformation, the Dutch Revolt and in the Holy Roman Empire, and more popular acts aimed at destroying the blasphemous aspects of Catholic worship, although overlap between the two was not uncommon. Nevertheless, it is important to note the differences between social groups, people and authorities, ministers and congregations, over the uses of iconoclasm. The willful destruction of images went right back to the beginnings of the Reformation in the 1520s, and ‘iconoclasm was an inevitable outcome of Reformed ideology’, which encouraged the subversion of the existing order. Protestant ministers and officials struggled to curb and control popular enthusiasm and volatility stirred up by dramatic preaching. Ministers and lay elders feared reprisals and loss of elite support. While, on the one hand, attacks on ‘false’ objects of Catholic devotion were in keeping with doctrine, municipal officials were uncomfortable with disorderly acts carried out by an unregulated populace, causing tension with congregations,

as was the case in Bern in 1528. Indeed, such acts could appear ‘revolutionary’ as they seemed to actively threaten established authority, as for instance in the Netherlands and France, particularly in 1560s. The contemporary perception of iconoclasm, according to preference, as due to godly zeal or furious rage, however, sets up a ‘false dichotomy’. Such actions could be spontaneous, but were certainly deliberate. They were designed to shock as much as to destroy.

This impact is still visible today in a striking fifteenth-century sculpture in the cathedral at Utrecht, ‘the most symbolic of all church buildings in the (Dutch) Republic’, rather euphemistically labelled as having been ‘damaged during the Reformation’ as if it had been done by accident (Figs. 27.1 and 27.2). The deliberate chiselling off of the faces of the saints, while leaving the rest of the artwork intact, still bears witness to its artistic beauty and, thus, seems more emotive and shocking than its complete destruction, as was surely the case for contemporaries at the time. Confronted by such violence against an object probably paid for by communal donations and certainly the object of communal devotions, it must have appeared to be an attack on the community, if not by the community, as well as reinforcing the impotence of these sacred objects and the triumph of Protestantism in the starkest way. In recent times, compared with the ferocious bloodshed of the wars which forms their backdrop, mourning for the destruction of the Buddha statues of Bamiyan, museum artefacts in Iraq or the ancient site of Palmyra in Syria might seem to some trivial or disrespectful. Yet it can also be argued that the lamenting of their passing is valid, as a natural reaction to cultural vandalism which represents a visceral attack on a rival interpretation of history as well as shared communal values. The symbolic significance of early modern iconoclasm operated in this way, too, as its perpetrators and observers were keenly aware.

The most shocking and intense wave of iconoclasm took place in the Netherlands in 1566, as the provinces sought to establish independence from the Spanish Catholic authorities and set up a Calvinist republic. In the space of just two weeks, in the face of very little opposition,
churches were sacked and images not just destroyed but tortured and mutilated. The movement spread quickly through the major towns and into the countryside. While neither condemning nor condoning it, Calvinist ministers took advantage of the momentum it provided. The purges of the Reformation and the radical tendencies in the civil war also resulted in the systematic official destruction of statues and shrines,
rood screens and devotional paintings in England. Revolutionary France would witness similar acts of destruction aimed at royal and ecclesiastical targets. In a culture where the execution of offenders in effigy, by hanging or burning, was normalised, and judicial procedures were heavily ritualised, it is unsurprising that images and objects were subject to symbolic assault of this sort. In addition, iconoclasm could act as both a substitute for and a prelude to more extreme acts of violence.
Iconoclasm was an act designed to be provocative and to cause scandal, but also to instruct and demonstrate the ‘true’ religious path. Its specific goal, however, was ‘to disprove the (established) Church’s spiritual authority’. Mostly it was conducted by Protestants against Catholic devotions, whereas Puritan iconoclasm in England in 1640 reflected an ideological struggle for supremacy within Protestantism itself. Clashes and disputes between members of different groups within the same faith were not confined to such issues. Retribution for iconoclastic acts could be violent, too, with punishments for perpetrators including execution, as the righting of injustice and the re-establishment of religious supremacy and legitimacy was sought by Catholic authorities where they had the upper hand. Similarly, officials took to removing and destroying inflammatory symbols of division, including documents and monuments. Most notoriously, the Cross of Gastines in Paris, which marked the spot where a Huguenot house had been razed to the ground, was moved to another site in 1571, despite the provocation and violent response this action in turn generated. Such one-off incidents might peter out or, as in this case, contribute to an ‘explosive emotional economy’ which resulted in more wide-scale and brutal violence. Once again, the Reformation provided the conditions in which intercommunal disputes could flare up and lead to greater conflagration.

Massacre and Atrocity

Just as iconoclasm was a way for Protestants of purifying sacred space so, too, for Catholics, the polluting element of heresy could be excised by the shedding of Protestant blood. The culmination of this pattern of intercommunal violence across France was the archetypal religious atrocity, the killing of thousands of Protestants by Catholics in August and September 1572, known as the St Bartholomew’s Day massacres. It can be safely asserted that the extent of the brutality of the French religious wars had no match on the European continent, but that should not allow us to overlook comparable outbreaks elsewhere, notably in the so-called Spanish Fury in Antwerp, and other military atrocities in the Netherlands in 1570s and 80s, or the treatment of Protestant settlers in Ireland in 1640s. The difference here, perhaps, is that

most of the violence in the Netherlands was perpetrated by foreigners rather than fellow citizens and neighbours, that peculiarly nasty aspect of civil wars in any period. Since the sixteenth century, English troops had been responsible for major atrocities against the Irish, forming the bedrock of resentment for the devastating violence of the seventeenth century.

The militia of Paris has been identified as largely responsible for the massacre of 1572, and this official participation is found to be the case in other French cities, too. Although still targeted at neighbours and fellow Frenchmen, such large-scale violence seems, therefore, to have necessitated an element of military or official collusion. Equally, the graphic descriptions of the sort of barbaric violence meted out by the Spanish soldiers in 1576, or in Ireland in 1641, or indeed in the empire during the Thirty Years War, are reminiscent of that in France. These included, for example, instances of cannibalism and of gratuitous mutilation and torture, and the unnatural killing of innocents in cold blood, especially children and pregnant women. Of course, here we are dealing with the biased reporting produced by the ideologically driven rhetoric of a confessional conflict, designed to demonise the other side. Historians need to be sensitive to this when cataloguing and analysing this sort of violence. People certainly died in their thousands, and we have corroborative testimony from more moderate Catholic observers for the generic rituals of dragging bodies through the streets and the deliberate and calculated drowning of victims in rivers. Although individual stories are harder to verify, their symbolism is as important as their veracity for our understanding of contemporary attitudes to violence.

This pattern of brutality, however, was not experienced to the same extent in all communities. When it came to intercommunal confessional violence, Judith Pollmann argues, Dutch Catholics were more restrained than their French counterparts because of general opposition to the Spanish-imposed stringent heresy laws and a less vitriolic tendency among the clergy who, in France, actively stirred up a violent response. When considering the contrast between Catholic violence during the French religious wars and the Dutch Revolt, it is worth reflecting further on the role of Spanish involvement. In the northern Netherlands, the brutality of Spanish troops did much to undermine the Catholic cause, and allowed Protestants to present their movement as a resistance to foreign tyranny. In France, Catholic preachers were able to stir up the antipathy of crowds toward the Protestant minority, whereas its alliance with Spain was one of the contributory factors to the

\[18\] Pollmann, ‘Countering the Reformation’, 83–120.
discrediting of the Catholic League in 1590. A powerful sense of confronting
the ‘other’, whether in the form of foreigners or confessional opponents and
the threat they posed to the wider community, undoubtedly played a key role
in instigating and regulating large-scale violence.

As the examples of France and the Netherlands demonstrate, much of the
‘frequently violent aftermath’ of the Reformation was concentrated in the
sixteenth century, with fainter echoes in many countries, with some notable
exceptions, into the seventeenth and eighteenth centuries.\textsuperscript{19} According to
David Luebke, in the Holy Roman Empire the practice of \textit{simultaneum} (the
sharing of sites of worship) and other communal arrangements were able ‘to
smother religious violence’, with only limited outbursts after 1648.\textsuperscript{20} Keith
Luria points to continuing confrontations in seventeenth-century France,
with violence in some regions ‘a constant factor . . . [which] easily surfaced
in particularly difficult times’, but argues that there was also widespread
accommodation of the other faith.\textsuperscript{21} Nevertheless, even in the relatively
peaceful Dutch Republic, there were incidents of sporadic violence between
the confessions in the lands of Overmaas well into the eighteenth century.
The violent consequences of civil war were also powerfully felt in mid
seventeenth-century England and Ireland. One of the bloodiest conflicts of
the seventeenth century was the Thirty Years War, which resulted in the
death, destruction and displacement of many people in the Holy Roman
Empire and had ramifications far beyond. The role of religion as a driving
force in these wars has, however, been disputed.

Peter Wilson, in particular, has downplayed the confessional nature of the
Thirty Years War and argues that explicit propaganda exaggerated the stories
of brutality and cruelty carried out principally by foreign soldiers which was
manipulated to justify violent retaliation. Furthermore, the infamous destruc-
tion or ‘rape’ of Magdeburg in 1631, which resulted in the death of four-fifths of
the city’s population, was a horrific but exceptional event given undue promi-
nence by historians. So, too, the massacre or ‘bloodbath’ of 600 Protestants in
Valtellina in 1620 was blamed on Catholic clergy. Despite incidents of icono-
clasm and confessionally motivated mob violence, Wilson asserts, ‘it remains

\textsuperscript{19} The phrase comes from Jennifer Spinks and Charles Zika (eds.), \textit{Disaster, Death and the
Emotions in the Shadow of the Apocalypse, 1400–1700} (London: Palgrave Macmillan, 2016),
p. 3.
Multiconfessionalism}, pp. 150–2.
\textsuperscript{21} Especially in 1620s and the lead up to the Revocation of the Edict of Nantes in 1685: Keith
229–30.
questionable how far violence was directly motivated by religion’, especially that exacted by the military against civilians, often involving torture.\textsuperscript{22} In this way, he downplays the role of religion in the wars in contrast to other conflicts, but, again, we are dealing here with the difference between troop and popular violence. For the soldiery, other considerations were more significant, including the opportunity for plunder and humiliation of foes, and Wilson suggests that a breakdown of communication with the local population was the cause of much of the brutality. The violence was not all one way, however; resistance and reprisal by the populace was also characteristic of the conflict, introducing a communal element. It is argued that there is little evidence for violent death during the war, and that most of the civilian population succumbed to disease, but this neglects the strong relationship between the spread of epidemics and the weakening of the population as a result of civil war. France, for instance, also witnessed a significant demographic decline during its religious wars. Wilson admits that increased confessional animosity contributed to the outbreak of the war, stating that during the first decades of the seventeenth century the polarisation of Protestants and Catholics in the Holy Roman Empire into opposing armed parties increased tension and ‘led directly to violence’.\textsuperscript{23} The interplay of religion and violence in these and other similar circumstances, and the role of the former as a contributory factor to the latter, therefore, continues to be a contested issue dependent on the weight given to confessional difference.

The atrocities perpetrated in Ireland in 1640s, ‘where ethnic and confessional hatred converged with truly ghastly results’, would seem to provide an uncontested conclusion to this conundrum.\textsuperscript{24} They have only recently drawn serious scholarly attention, however, so politicised do many of their aspects remain. Here the worst acts of violence were directed by Irish Catholics against the Protestant settlers in Ulster, most especially with the deliberate drowning of settlers at Portadown and the burning of refugees in (the aptly named) Kilmore. This in turn was, of course, a response to a bloody campaign of conquest and colonisation conducted by English troops. In seventeenth-century Ireland we see many of the patterns of violence and its portrayal experienced in communities across Europe, but certainly producing a ‘level of violence . . . more intense and vicious than elsewhere in the Tudor and Stuart kingdoms’.\textsuperscript{25} There was the symbolic use of ritual beheadings,

\textsuperscript{23} Wilson, ‘Dynasty, Constitution’, 477.
\textsuperscript{24} Walsham, \textit{Charitable Hatred}, p. 114.
\textsuperscript{25} Tait et al., ‘Early Modern Ireland’, p. 23.
accusations of barbarity including (once again) cannibalism on both sides, and the dehumanisation of victims. The violence, which escalated over time, was legitimised with reference to divine sanction and justified as a response to provocation. As in the Holy Roman Empire and the Netherlands, the blaming of foreigners for the worst acts was commonplace. Thus, violence was used to intimidate and to seek revenge for previous atrocities. Indeed, it is evident that the cold-blooded killing of Irish civilians by English soldiers during the sixteenth-century campaigns far outweighed in bloodshed the impact of the oft-cited endemic clan violence of the native lords. Ritual brutality was evident here, too. At Maynooth Castle, in 1535, the Irish ‘rebels’ were deliberately and symbolically decapitated on the feast of the Annunciation, so as to send out a stark message of royal retribution. Confessional divisions would only become significant in later years, merging into other hatreds with catastrophic results for intercommunal relations.

While Wilson points to a pervasive climate of uncertainty in the empire which he describes as violating what was familiar, Alex Walsham, by contrast, sees episodic violence in England as occasional ‘ruptures of normal neighbourly relations’. Nevertheless, she acknowledges that ‘episodes of verbal and physical aggression’ between faith groups increased at times of political crisis, and at these times ‘waves of religious persecution cut vertically rather than horizontally across communities and neighbourhoods’. However, civil conflict did see a breakdown in social relations in some areas, accompanied by incidents of iconoclasm and popular violence, including anti-Catholic riots which targeted wealthy Catholic lords in particular. Furthermore, insolent and provocative behaviour and self-segregation by minority groups increased hostility and, therefore, the likelihood of violence against them. Challenging the positive depiction of early modern England as relatively restrained in its confessional relations, Ethan Shagan has identified the ‘subtle violence’ of the English Crown in controlling and coercing the populace through a policy which advocated moderation and restraint. An emphasis on obedience and conformity was aggressively and violently pursued in the interests of the monarchical state and the official church, and even the language of liberty during the English Revolution, he argues, was exclusive and intolerant. Violence, or at least the use of force, could therefore be a factor in both exacerbating and calming intercommunal tensions. Pacification of civil unrest involved constraint and the exercise of control by the authorities.

26 Walsham, Charitable Hatred, pp. 136, 140, 148.
Conclusion

If we accept that ‘honour and status are implicit in violence’, in the case of violent intercommunal clashes during the Reformation, it was often the group or confession’s honour that was perceived to be at stake. More than that, the forceful removal or defeat of confessional opponents, or the destruction of objects sacred to them, demonstrated divine approval for the victor or iconoclast’s faith or version of religious truth. It demonstrated where sacred power lay. Without its religious trappings, this violence looks very much like the long-established rituals of lay vendetta or the posturing of political factions. Yet, without the ideology underlying these actions, such violence might not have taken place at all or certainly not in this form or to this extent. The symbolism and targets were significant to both perpetrator and victim. Violence was a performance and an embodiment of seemingly irreconcilable differences within communities, but it was only one indicator of the state of confessional relations. To some degree intercommunal tensions resulting from the Reformation were successfully accommodated, and there was a decline in their incidence as the early modern period progressed. Such a decline was partly due to the ongoing establishment and acceptance of coexistence, however uneasy, but also to a more effective suppression of the threat posed by minority groups. Eventually, issues other than religious ones, which had always been present, came to the fore, so that popular discourse became more focused on political and socio-economic grievances at a time of demographic pressure, shifting social relations and, ultimately, revolution. Religious minorities remained convenient scapegoats at times of crisis, but the perception of their presence as an existential danger had passed by 1800. Previously expelled groups, such as the Jews, were readmitted and the changing cultural and political climate better allowed for some expressions of dissent. While confessional tensions remained, the decline in intercommunal religious violence within Europe reflected this fundamental change.

The Reformation challenged the authority of the early modern state and encouraged its assertion of greater control over its population. The impact of dealing with intercommunal violence and the consequences of religious war forced rulers to legislate for both the public peace and religious concord. The Treaty of Westphalia (1648) is traditionally seen as having brought the period of religious wars, or conflicts fought over religion, to an end. This is misleading in two ways; as we have seen, religious violence continued well

28 Blok, Honour and Violence, p. 9.
after 1648, and secondly, there had already been a whole series of peace settlements by which rulers sought a resolution to the religious turmoil which had violently disrupted the lives of their subjects. Just as the Edict of Nantes of 1598 was only the most well known of such attempts at peaceful coexistence in France, so Westphalia provided an international forum for the establishment of peace, the form of which, however, was shaped by earlier settlements, such as the Catholic/Lutheran agreement of the Peace of Augsburg (1555) in the Holy Roman Empire, and the Dutch Republic’s ongoing struggle for independence from Spain. Yet, since intercommunal violence was often localised, so, too, by necessity was the establishment of the mechanisms by which that violence might be pacified. Thus, individual communities addressed local issues in seeking solutions to the animosities previously displayed. Churches were shared, the use of bells restricted, procession and feast day etiquette mutually agreed. In the Dutch Republic, the concealment of chapels within apparently ordinary townhouses allowed a blind eye to be turned and little offence caused. All faiths were encouraged to respect the rituals and sites for worship of the others and discouraged from disrupting their devotions in any way. This did not always work, of course, and there continued to be sporadic violence from time to time. Thus, communal tensions over religion lessened, but were far from eliminated.

The difficulty of reconciling opposing sides within a civil war context is particularly obvious. The terms of any proposed peace often prove controversial and divisive, making conflicts more bitter and long-lived. Stathis Kalyvas argues that the presence of, or potential for, violence during peacetime results from the same antagonisms which propagate war. Therefore, unless they can be resolved or forgotten, a lasting and meaningful peace cannot be achieved, and violent clashes will continue.\(^{29}\) Even when a working coexistence has been established, therefore, confessional differences always have the potential to re-emerge when tensions are running high. Nevertheless, Wayne Te Brake argues that a ‘more-or-less durable religious peace’ had been established in Europe by the second half of the seventeenth century, but also that religious diversity was deliberately hidden from view by these settlements.\(^{30}\) He sees them as messy, complex and fragile compromises, involving improvisation and offering only imperfect solutions. At least, however, confessional violence within communities eventually became a less frequent occurrence as


a result, even if official acts of repression by force were still a feature of early modern politics. The Revocation of the Edict of Nantes by Louis XIV in 1685 was preceded and accompanied by violence as troops were billeted on Huguenot households whose members were given little choice but to convert or leave the French kingdom. The Waldensians of Savoy experienced even more severe treatment. The brutal repression of the revolt of the Protestant Camisards of southern France in 1706 was a further demonstration of official intolerance of resistance and non-conformity. The suppression of the Jansenists, too, and the razing of their headquarters at the convent of Port-Royal in 1711, would not be the last such episode of violent coercion of a religious minority. Rulers readily embraced the opportunity presented by the need to regulate peace to keep their minority groups in check and to safeguard their own authority. They promoted official suppression of disruptive or subversive activities while condemning intercommunal violence which was more unpredictable and, therefore, disorderly, and increasingly had the means to enforce their will in this regard. In this way, by 1800, political violence had displaced confessional violence within communities as the predominant form of repression and exclusion.

Bibliographic Essay


The literature on religious coexistence, tolerance and pluralism has grown exponentially in recent decades and has provided important insights for our understanding of how religious violence operated as well as how it might be appeased. See, in particular, Benjamin J. Kaplan,


Early modern Europe produced a philosophy – Cartesianism – and an attendant experimental method that denied to non-human animals the capacities for reason, consciousness and even suffering. On this logic, animals would have no place in a history of violence, lacking as they would the mental equipment to translate force into cruelty. This chapter’s appearance in just such a history attests to Cartesianism’s decline in influence, a decline hastened, ironically, by the recent findings of experimental science itself. The emergence of more inclusive attitudes towards animal subjectivity exceeds summary here, but broadly speaking these attitudes derive from two sources: a revived philosophical tradition, stretching from Plutarch to Montaigne to Bentham and beyond, that grants other animals the ability to think and feel in roughly human, if more limited, terms; and modern ethology’s discovery, among animal groups, of the abilities to ‘solve simple problems through process of reasoning and insight, [to] plan for the immediate future . . . to understand and use abstract symbols in communication’, and even to engage in altruistic behaviour.¹

Yet by 1500 non-human animals had long suffered violence from human populations worldwide, violence inflicted partly in pursuit of necessities like food and clothing, but also largely for exercise and entertainment. Between

1500 and 1800 this latter violence underwent a transformation consonant with
the spread of European imperialism: as European nations established colonies
around the globe, so they exported European forms of animal entertainment
to their new subject territories while also assimilating foreign products, ani-
mals and practices to European notions of pastime. This process in turn altered
the ecology both of European nations and their colonies, with the resulting
changes forcing reciprocal adjustments to the animal sports themselves.
A survey of this transformation must distinguish between hunting – the
most esteemed form of recreational animal abuse in the early modern
world – and a secondary cluster of related spectator sports such as cockfighting,
bear- and bull-baiting and bullfighting. The pages that follow consider these
kinds of pastime in turn, while also offering brief comment on the history of
sports – such as horseracing and jousting – which did not aim directly for the
death of participating animals but nonetheless inflicted violence upon them.

Hunting, Poaching and the Chase
In the case of hunting, sport coincided with both necessity and tradition. Self-
evidently justified – traditionalists would say – by the sustenance it provided,
hunting could lay claim to being ‘the oldest male profession’.2 One might
dispute the necessity and health of a carnivorous diet, and some voices did so
in early modern Europe; likewise, one could question the antiquity and
prestige associated with the chase, and a few did that too. But the period’s
gradually waning majority opinion lay on the opposite side, regarding meat
as a requirement of life and hunting as a quintessential manly activity and key
privilege of the aristocracy.
The pre-eminent conduct book of the sixteenth century, Baldassare
Castiglione’s Book of the Courtier (1528), offers a typical Renaissance panegyric
on hunting, observing that

> there be . . . many . . . exercises, the which though they depend not throughly
> upon Armes, yet haue they a great agreement with them . . . And among them
> me thinke, hunting is one of the chiefest. For it hath acertaine likenesse with
> warre, & is truly a pastime for greate men, and fit for one liuing in Court. And
> it is found that it hath also beeene much used among them of olde time.

This is an Italian opinion, but one can hear the same thing in other accents,
too, as when the Englishman Gervase Markham (1615) praises ‘the hunting of

2 Charles Bergman, Orion’s Legacy: A Cultural History of Man as Hunter (New York: Plume,
wilde Beasts’ above all other forms of recreation ‘as being most royal for the stateliness thereof, most artificial [sophisticated] for the wisedom & cunning thereof and most manly and warlike for the vse and indurance thereof’. Such comments echo attitudes already on display in the thirteenth century, when the Majorcan Ramón Lull declares that ‘Knyghtes ought to take coursers to juste and to go to tomoys [tournaments] . . . to hunt at hartes and bores, and other wylde bestes, for in doynge these things the Knyghtes exercise them to armes for to maynteyne thordre of Knyghthode’.3 Lull associates hunting with another medieval sport – the joust – to which we must return below, and the association is apt, given that hunting justified itself largely as preparation for warfare. As such it served as a defining attribute of medieval aristocratic society in the loose sense: that collection of peers and knights and armigerous landowners that understood itself to be first and foremost a warrior class. In medieval law, hunting rights served as an attribute of royal privilege and feudal land tenure, in part because hunting re-enacted and anticipated the military service for which titles and land grants served as a reward.

Naturally for a sport associated with warfare, the forms of hunting practised in early modern Europe were valued by their resemblance to battle. In the resulting hierarchy, hunting *par force de chiens* was most esteemed for its martial qualities. Developed in Anglo-Norman society between the eleventh and thirteenth centuries, this form of the chase employed groups of dogs, horses and huntsmen, working in coordinated movements signalled by prearranged horn blasts, to chase the game animal over long distances until dogs held the exhausted beast at bay and the lord of the hunt dispatched it by sword.4 The strategic challenges presented by hunting *par force*, together with the physical hazards of pursuing big game on horseback over uneven terrain, distinguished this form of the chase as especially warlike, and other forms of hunting were approved or disparaged by this same standard. The drive hunt, whereby beaters channelled game past a fixed position from which the hunters released arrows or crossbow bolts, clearly required less skill and fortitude (except for the beaters), whereas the practice of coursing with greyhounds – in which the dogs dragged down the game on their own –


was ‘essentially a spectator sport’. Other forms of taking game such as hawking or trapping were not considered hunting at all. Thus King James VI of Scotland (1567–1625) could observe that ‘hunting . . . with running hounds . . . is the most honorable and noblest sorte thereof, for it is a thievish sorte of hunting, to shoote with Gunnes and Bowes: & greyhound hunting, is not so martial nor noble a game’. ‘As for hawking’, James continues, ‘I condemne it not, but I must praise it more sparingly, because it neither resembleth the wars so neere as hunting doth, in making a man hardie & skilfull riddin in all grounds’. This stress on the martial character of hunting also led enthusiasts to spurn the sport’s utility, as when Gottfried von Strassburg (c. 1210) describes Tristan and Isolde as hunting ‘solely for the amusement it affords’ and ‘more for their recreation than for their table’.5 ‘This early emphasis upon the recreational character of the chase anticipates later developments such as the rise of the English fox hunt.

Like the forms of hunting, kinds of game were also classified by their ability to provide appropriately martial sport. Reviewing English forest law in the 1590s, John Manwood thus distinguished between the mostly large and dangerous beasts of forest (the hart, hind, boar, wolf and hare), smaller beasts of chase (the buck, doe, fox, martin and roe deer), and beasts and fowls of warren (the hare, rabbit, pheasant and partridge), with the first category privileged ‘for the Estimation that Kinges and Princes haue had of them, and for the noble pastime in the hunting and chasing of them’. Elsewhere similar distinctions obtained, but with much variance of detail. In Saxony, for instance, game classifications issued between 1662 and 1717 include a varying cast of animals in all three categories: bear, wolf, hart and others in the first; boar, roe deer, duck and grouse in the second; and in the third such beasts as the hare, fox, beaver, martin, weasel, squirrel and even the hamster.6

The English case exhibits direct connections between the environmental and social consequences of game preference as these developed during the early modern period. In the 1590s, for instance, when Manwood includes wolves among the English beasts of forest, he himself acknowledges that they have already ceased to exist in England:

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6 John Manwood, A Treatise and Discovrse of the Lawes of the Forrest (London, 1598), sigs. 21–3, at sig. 22r (the extract that follows is from sig. 21v); Karl Roth, Geschichte des Jagd- und Forstwesens in Deutschland (Berlin, 1879), pp. 475, 511.
And whereas they doe accompt the wolfe for a wilde beast of the Forrest, and
yet we haue not any in England, it is to be understood, that, although there
are no wolfes in Engla[n]d at this day, yet here haue beene plenty of them, and
they haue beene accompted beasts of venery or Forrests, and kings and
princes haue greatly delighted in the hunting of them.

Although Manwood seems unaware of the fact, another of his beasts of forest –
the wild boar – also stood on the verge of English extinction. Rare references to
boars and boar hunting appear in English records as late as the 1680s, but
a century earlier these animals were already growing scarce. Efforts to reintro-
duce them in Wiltshire were afoot during the reign of Charles I, who ‘sent for
some out of France, and putt them in the New Forest, where they much
encreased, and became terrible to the travellers’: ‘In the civil warres’ however,
‘they were destroyed’. While it may be that ‘the principal cause of most historic
extinctions is agriculture, not hunters’, England’s wolves and boars went
extinct on a specifically regional basis, after centuries of enthusiastic species
persecution. It is hard not to see this persecution as instrumental in their
disappearance. In any case, by the late 1600s two of England’s five beasts of
forest existed only in the realm of legal fantasy.

Nor does the tale end here. The principal remaining beasts of forest, the
hart and hind (male and female red deer, accounted different species under
law because they were hunted in different seasons), also suffered badly in
the period leading to the civil wars. Together with the smaller fallow and
roe deer (both beasts of chase), the red deer had been losing ground in
England for centuries prior to 1642, gradually devolving from a truly wild
beast to a game beast maintained in emparked estates for sport. As such,
these animals became a prime target for poaching by anyone – alienated
gentry, desperate squatters, political subversives – who wished to challenge
the established social order. Such challenges growing more frequent during
the early 1600s, deer populations shrank accordingly, despite repeated
efforts to restock and protect them. In 1500 the royal forest of Bowland in
Lancashire was said to contain about 2,000 deer; by 1556 that number had
shrunk to ‘134 red deer and 146 fallow deer’; in 1652 a survey found 20 red
deer ‘of all sortes; viz. staggs, hyndes, and calves’, and 40 more fallow deer
remaining. During the reign of Queen Mary, Needwood Forest in
Staffordshire held almost 900 deer in seven parks; by 1650 ‘a

7 Manwood, Lawes of the Forrest, sig. 21v; Edmund James Harting, British Animals Extinct
within Historic Times (London, 1880), pp. 101–3; John Aubrey, The Natural History of
Commonwealth survey recorded that the deer population had been reduced to 120 head. By the Restoration, indeed, England’s supply of deer had so declined that, while deer hunting continued thereafter in diminished form, the sport could never again be pursued in the manner of past generations, when Henry VIII could preside over a drive hunt that slaughtered 240 does and stags and then repeat the carnage the following day with greyhounds, or when the ageing Elizabeth I could pass an idle day by shooting ‘three or four’ deer in a paddock in the morning and then retiring in the evening to an observation turret to watch the dogs drag down another ‘sixteen buckes’. As for deer poaching, by the mid 1700s this pursuit was also in decline – according to E. P. Thompson, ‘simply because there were fewer deer to steal’.  

Thus by the eighteenth century all the traditional great game of England had been driven into or close to extinction, and, lacking any better object of pursuit, the realm’s hunters now turned their attention to the local foxes. While foxes had been designated beasts of chase since medieval times and were persecuted as pests by farmers for centuries, it was not until the Restoration that fox hunting began to emerge as a distinctive preoccupation of the landed class. Among English fox hunts, the earliest appears to be the Bilsdale, instituted in 1668 by George Villiers, second Duke of Buckingham; however, this late date belies the sport’s fundamental conservatism. In fact, ‘Stuart fox hunting was still quite similar to the royal sport of stag hunting’; the mounted pursuit of game with hounds, the use of horn signals, and the breaking up of the dead game animal are all cognate practices linking the later sport to its predecessor. Thus hunting *par force* survived the gentry’s translation from warrior to leisure class in a diminished form determined by the environmental karma of the gentry’s own past hunting behaviour, which helped annihilate the larger, more dangerous game emblematic of the traditional relationship between hunting and warfare.


As an unintended travesty of hunting *par force*, the fox hunt proved an ideal vehicle for satire of the upper classes. By 1711, for instance, Joseph Addison and Richard Steele introduce readers of *The Spectator* to Sir Roger de Coverley, a bumbling country squire noted for ‘his remarkable Enmity towards Foxes’ and for his limited literacy skills, a man who, ‘had [he] ever read Shakespeare’, might have echoed Theseus’ praise of his hounds in *A Midsummer Night’s Dream*. Here is the same comic vein explored by Oscar Wilde two centuries later when he describes ‘the English country gentleman galloping after a fox’ as ‘the unspeakable in full pursuit of the uneatable’; however, this kind of satire far predates fox hunting. It already appears in Desiderius Erasmus’ *Praise of Folly* (1508), when the great Dutch humanist ridicules aficionados of the chase:

> I expect such people think even dog-turds smell like cinnamon. But what pleasure is there in slaughtering animals, in whatever numbers? ... When they have finished dissecting and devouring the dead beast, what have they accomplished except to degrade themselves into beasts while imagining that they are living the life of kings?

Contemplating the governorship promised him in part two of *Don Quixote* (1615), Sancho Panza dismisses hunting as a diversion for privileged idlers: ‘Mercy on me! What Pleasure can you find ... in killing a poor Beast that never meant any Harm? ... I think these Sports and Pastimes are fitter for those that have nothing to do than for Governors.’

At a little distance from this mode of satire there also developed an early modern anti-brutality discourse that stigmatised hunting and its related activities, and that would prove increasingly influential in subsequent centuries. Michel de Montaigne offers the most famed example, protesting in his essay ‘Of Cruelty’ (1578): ‘Natures that are bloodthirsty toward animals give proof of a natural propensity for cruelty’. Fifty years earlier, Sir Thomas More’s *Utopia* (1516) presented hunting as ‘a species of butchery’, and an especially vile one at that, since ‘a hunter kills and mutilates poor little creatures purely for his own amusement’. Coupled with Protestant notions of personal regeneracy, this critique could lead to programmes of pacifism and vegetarianism, as when Thomas Tryon’s *Wisdom’s Dictates* (1691), the first English-language vegetarian

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cookbook, urges readers to ‘Refrain Hunting, Hawking, Shooting, and all violent and oppressive Exercises’, since

A time shall come when the Lyon shall eat Hay with the Ox, and the Wolf flye down with the Lamb, that is, the fierce savage beastial Nature in Man, shall be thorough shined and bowed before the Divine Principle, or Lamb-like Spirit; and whosoever comes to know that time, will be contented with innocent Herbs, Bread, and the like harmless Foods.

Such developments might add supportive detail to Steven Pinker’s argument that ‘violence has declined over long stretches of time, and today we may be living in the most peaceable era in our species’ existence’. However, the practice of ethical vegetarianism in the West dates back at least to Pythagoras in the sixth century BCE. Nor is there much cause for pride in the thought that current human behaviour represents the best the species has ever had to offer.

In any case, fox hunting survives as the one derivative of hunting *par force* to be carried abroad with European settlement of the colonies. British colonials introduced the European red fox to North America ‘during the mid 1700s for hunting purposes’, and imported European specimens apparently interbred with indigenous red foxes during the late 1700s. At roughly the same time, too, British colonists in America imported hunting dogs. The earliest known pack of foxhounds in North America appears in 1747, fittingly in the household of the continent’s one resident peer, Thomas, sixth Lord Fairfax; Fairfax’s neighbour George Washington likewise maintained a pack, including three and a half couple given him by the Marquis de Lafayette. Beyond the Americas, the British also introduced red foxes to Australia in the mid 1800s, again for purposes of sport, their naturalisation on that continent bringing such dire consequences for indigenous fauna that ‘the species achieved formal pest status in Victoria in 1894’.


Over two centuries before the British and their foxes, however, the Spanish had already introduced the New World to their own variant of another European hunting style: coursing with greyhounds. Rodrigo Rangel, Hernando De Soto’s private secretary during the latter’s exploration of south-eastern North America (1539–42), describes the activity with clear distaste. De Soto, Rangel declares, ‘was very given to hunting and killing Indians’. Having made landfall in Florida, he ordered his lieutenant Vasco Porcallo de Figueroa to a nearby village:

And this Captain having gone there, he found the people gone, and he burned the town, and he set the dogs on [aperrear] an Indian he brought as a guide. The reader must understand that to set the dogs on [an Indian] is to make the dogs eat them or kill them, tearing the Indian to pieces. The conquistadors in the Indies have always used greyhounds or fierce and valiant dogs in war . . . Therefore, that guide was killed in that way, because he lied and guided poorly.

According to Rangel, De Soto’s penchant for coursing Indians with greyhounds was no unique vice, he having acquired it during prior service in Nicaragua and Peru.¹³ So it appears that the conquistadors were employing—and enjoying—this practice throughout their holdings in the Americas, within forty years of Columbus’s first appearance there.

But ironically, the most important development in European hunting from 1500 to 1800 originated not in Europe itself but in East Asia. By the mid 1300s gunpowder weapons had reached Europe from their place of creation in China, and over the next five centuries European gunsmiths would so refine these weapons as to transform the world of hunting in the process. By the mid 1500s two innovations—rifled musket barrels and the wheel-lock firing mechanism—together enabled firearms for the first time consistently to match the performance of bows and crossbows. Thus ‘the second quarter of the sixteenth century . . . saw the beginnings of the firearm as a real hunting weapon’; the earliest books on gun hunting—Pablo del Fucar’s Ballestas Mosquetes y Arcabuces (1535) and Erasmo di Valvasone’s didactic poem Della Caccia (belatedly published in 1593)—were composed around the mid century.¹⁴ While aristocrats made predictable efforts to restrict the possession of firearms to their own circle, these were doomed, and the

introduction in the 1600s of further innovations, especially the flintlock, guaranteed that by the end of that century rifled muskets would become the weapon of choice both for warfare and for sport.

As projectile weapons, firearms function essentially in the manner of bows and crossbows, so many hunting techniques first developed for bow-weapons transferred naturally to gun hunting as well. Prominent among these was the drive hunt, wherein beaters directed the game towards marksmen located in a fixed firing position. This technique transferred well to the game-rich environments of the colonies, where it could produce stupefying results. In one celebrated case, organised in 1760 near Pomfret Castle, Pennsylvania, huntsmen under the command of one ‘Black Jack’ Schwartz employed fire and noise to chase a great herd of terrified animals to the centre of ‘a circle many miles in diameter’. The slaughter done, the head count ran to ‘41 panthers, 109 wolves, 112 foxes, 114 mountain cats, 17 black bears, 1 white bear, 2 elk, 198 deer, 111 buffalo, 3 fishers, 1 otter, 12 gluttons, 3 beavers, and upwards of 500 smaller animals’. In South Africa, too, drive hunting proved popular as the preferred method for slaughtering antelope such as the springbok. Other game required different techniques of pursuit, but the effects of gun hunting on the whole proved devastating for wildlife populations. Peter Kolb, writing of the Cape Colony in 1719, offers a final representative assessment. Of the Hottentots Holland mountains, some eighty kilometres south-east of Cape Town, he observes:

The Lion, the Tiger, the Leopard, the Rhinoceros, the Elk, and every other Wild Beast, seen in the Cape-Countries, were to be met with here. But, by Powder and Ball, they were quickly destroy’d or frighten’d into remote Quarters. And now-a-days very rarely are any Wild Beasts seen here . . . When they are, they are quickly destroy’d, or chac’d far away, and, by the Fire and Noise of Guns, deterr’d from ever appearing there again.\footnote{John G. W. Dillin, \textit{The Kentucky Rifle} (York, PA: Trimmer Press, 1959), pp. 8–9; John Buchan, \textit{The African Colony: Studies in the Reconstruction} (Edinburgh: William Blackwood, 1903), p. 178; Peter Kolb, \textit{The Present State of the Cape of Good Hope} (London, 1731), p. 34.}

Blood Sport and Ritual

Beyond hunting, the peoples of early modern Europe also practised various kinds of ritualised animal abuse, often invoked for purposes of religious observance, social condemnation or simple entertainment. The range of such acts defies full accounting, but to take one species as an example, cats
were tormented in different places and in different ways for all the above reasons. In Catholic nations like France they were often tortured to death – thrown into bonfires or crushed on the ground or torn to pieces or buried alive – to mark the passage of church festivals like Mardi Gras and St John’s Eve, or to ensure various kinds of spiritual protection. In Protestant countries like England, they were sometimes burned or otherwise abused as a parody of these Catholic practices, while in the popular shaming processions called charivaris or Katzenmusik, wherein crowds would mock unpopular neighbours by shouting and banging on basins, the participants would sometimes ‘pass . . . around a cat, tearing its fur to make it howl’. Elsewhere, cats were brutalised for no reason other than to gratify the inherent sadism of the human species; as Richard Braithwaite (1615) cheerfully inquires, ‘Set out a Pageant, whoo’l not thither runne, / As twere to whip the cat at Abington?’ – this pastime apparently being popular enough to serve as an in-joke for Braithwaite’s audience.16

But cats were not the only domestic species singled out for abuse. Dogs were bred for fighting from classical times onwards. Cockfighting, already popular in ancient Greece, remained widespread throughout early modern Europe, and was justified not only as delightful but also as morally instructive, combining sweetness and usefulness in the approved Horatian manner. Thus George Wilson exhorts readers to ‘call to mind the inuincible courage of these unreasonable creatures’ lest we ‘which are men, indued with wisedom and understanding . . . shew more cowardise and faint hearted timorousnesse, then these silly fowles of the aire haue done’.17 Less edifying and more plebeian in character was the English sport of cock throwing, wherein the bird was tied to a stake or buried neck-deep in the ground while gamesters threw brickbats at it until it was dead. Keith Thomas declares that on Shrove Tuesday this practice proved ‘almost universal’, but it was in decline by the mid 1700s, when William Hogarth illustrated it in the first engraving of his series The Four Stages of Cruelty (1751). Also associated with Shrove Tuesday, the sport of goose pulling was practised in Britain but proved more lasting among the Dutch, Flemish and Germans. In this nauseating exercise a live goose was dangled upside down from a high horizontal rope or branch, and '[a]s he sw[ung] in the air, a set of young

people [would] ride one after another, full speed, under the rope, and rising in the stirrups, catch at the animal’s head, which [was] close clipped and well soaped, in order to elude the grasp.\textsuperscript{18} The victor carried off the bird’s head in his hand.

Wild species were subject to similar attentions. The princes of the Holy Roman Empire, for instance, favoured \textit{Kampffajden} – large-scale animal baitings inspired by the staged beast battles of ancient Rome and pitting bears, stags, wolves and other species against one another. King Frederick I of Prussia (r. 1701–13) so delighted in these events that ‘he had a medal struck with his image on one side and the arena used for his \textit{Kampffajden} on the other’. Equally popular was the pastime of fox tossing, in which two persons standing about 20 or 25 ft apart [held] the ends of slings made of webbing or cord [whose] centre lay slack on the ground. As the terrified animals were driven across the arena, the tossers [tossers indeed] pulled the ends jerking the animals high into the air. The ground was covered with sawdust or sand so as not to kill the wretched beasts too quickly.

One such event, staged in Dresden by Augustus II the Strong, Elector of Saxony (r. 1694–1733), annihilated 687 foxes, 533 hares, 54 badgers and 12 wildcats; another, hosted in Vienna in 1672 by the Holy Roman Emperor Leopold I (r. 1658–1705), ended with the emperor himself joining ‘the court dwarves and small boys in delivering the \textit{coup de grâce} to the tossed foxes by clubbing them to death’.\textsuperscript{19}

For the most part, these practices did not travel abroad, remaining bound instead to their places of origin. However, there were exceptions. The charivari migrated to colonial North America, albeit mostly without animal abuse. The Dutch carried goose pulling to New Amsterdam, where the director general, Pieter Stuyvesant, condemned it in 1656 as ‘unprofitable, heathenish, and pernicious’. Yet despite such censure, the sport relocated to the southern United States, where it continued well into the nineteenth century.\textsuperscript{20} And in the case of cockfighting, influence ran backwards, from the colonies to the colonial homelands. Practised independently for centuries in Asia, the sport had there developed distinctive forms, including the use of curved slashing

spurs affixed to the cock’s legs, where they could inflict bloodier, less immediately deadly injuries than those dealt by the pointed spurs traditional in Europe. Thus, thanks to the growing reticulum of colonial commerce, by the early 1700s fashion-conscious Londoners could enjoy the novelty of cockfights ‘fought with Sickles, after the East India manner’.  

Among European blood sports, however, the two most iconic, and most successfully exported, were bullfighting and bear-baiting. These activities having already spawned a substantial literature, we may limit ourselves here to some brief comparisons. Both sports seem to have developed from a combination of indigenous customs and the ancient Roman beast combats known as *venationes*, although other practices such as the bull slaying associated with Mithraism may also have exerted influence. Both sports emerged as distinct activities during the Middle Ages, the earliest recorded bullfights appearing at royal weddings in the eleventh and twelfth centuries, while the Domesday Book notes that during the reign of Edward the Confessor (1042–66) the city of Norwich ‘furnished annually one Bear to the King, and six dogs for the baiting of it’. During the sixteenth century both sports grew in popularity and came to be viewed as expressions of distinctive national cultures, respectively Iberian and British. Royal bullfights remained ‘rare’ until ‘the age of Charles V and Philip II’, at which time ‘they became a standard part of every type of [Spanish] royal celebration’, while, across the English Channel, ‘not only Henry VIII and James I, but Elizabeth I, too, [were] particularly fond of bear-baiting’. From their emergence, too, both sports have existed in ambiguous relation to a series of cognate pastimes: the classic *corrida de toros* merges with such activities as non-lethal *toreos cómicos* and local *encierros* like the running of the bulls at Pamplona, while bear-baiting shares a family resemblance not only with the baiting of other animals, especially bulls and badgers, but also with the practice of whipping blind bears for post-performance entertainment in the early modern English theatre.

The sports differ in some ways too, of course. Whereas bear-baiting has always maintained the same general form – with the bear tied to a stake and

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22 For sources on bullfighting and bear-baiting, see Bibliographic Essay below.
worried by five or six large dogs – the rules of bullfighting underwent a major transformation in the 1700s, as the old form of the contest – in which the bull confronted a lance-wielding nobleman mounted on horseback – yielded to the now familiar spectacle of a pedestrian matador dispatching the beast with cape and sword. The emergence in the mid 1700s of the modern bullfighting spectacle – associated with the career of Francisco Romero (1700–63) – marked a plebeianisation of the sport, a turn away from its aristocratic origins.  

Likewise, bear-baiting differs from bullfighting as to the history of its legal suppression. Opposition to bear-baiting in England first emerged in the 1500s as a feature of the Puritan social agenda, and over the coming centuries it gained ground until, in 1835, Parliament finally prohibited the pastime. Bullfighting, by contrast, has continued mostly unsuppressed in Spain and Portugal, a fact sometimes cited to the disparagement of Catholicism. In fact, however, the Catholic Church’s policy on bullfighting proved inconsistent in everything save its self-interest. On one hand, prelates like Archbishop Tomás de Villanueva (1488–1555) denounced the sport, and Pope Pius V prohibited it in his 1567 bull De salutis gregis domini – albeit ‘not for its abuse of other animals’, but because of its alleged ‘reduction of human male behaviour to animal behaviour’. On the other hand, when Pius’s bull reached Spain, churchmen there defended the sport in print, and Villaneuva’s 1685 canonisation festival included bullfights. In truth, ‘the connection between the corrida and Catholicism is an old one’, providing religious houses with ‘an integral and lucrative part of [their] finances’, so when conflict arose between sacred principle and worldly income, the latter of course prevailed. Pius’s prohibition was gradually abandoned.

The export of these pastimes was principally to the Spanish and English colonies of the New World. By the 1700s bullfighting was established in Spanish America, with Mexico City emerging as the sport’s New World capital. Mexico’s first permanent bullring opened there in 1788, and two years later the Spanish accession of Carlos IV occasioned corridas in more than a dozen Mexican cities and towns. At roughly the same time, bear-baiting took hold in British North America. One British visitor to New York, for instance, recorded the following encounter with a chained bear at Ranelagh Garden in 1767:  

I took the liberty of taking Bruin by the ears, which he instantaneously resented by making a snatch and bite at my right leg; but I luckily sprung clear of him, and thought myself exceedingly well off with a good silk stocking torn, the calf of my leg much scarified... But Bruin did not reign long, for a few days after he made a more successful snatch at a black Boy, who he killed on the spot, and was the next minute shot through the head.  

Over the centuries that followed bear-baiting would be increasingly restricted in North America (although it continued until recent years in parts of South Carolina). Likewise, restrictions on bullfighting have grown widespread on both sides of the Atlantic in the past fifty years.

Related Sporting Activities

Finally, a word must be said about sports-related activities that did not directly seek the death of non-human animals but did expose them to violence as an incidental matter of course. Foremost among these pastimes was the joust. Jousting survived as a courtly exercise into the mid 1500s in France and the early 1600s in England, its decline hastened by the improvement of gunpowder weapons and the gradual demilitarisation of the nobility. The risk jousting entailed to both men and horses is exemplified by Henry VIII’s life-altering tournament injury of 1536, when, ‘the King being mounted on a great horse to run at the lists, both fell so heavily that everyone thought it a miracle he was not killed’. Henry lay unconscious for two hours after the accident, and during the mishap itself his horse likely fell upon him, aggravating a leg injury that would cripple him for the rest of his days. (The horse’s fate is unrecorded.) Coupled with broader trends, such incidents helped diminish enthusiasm for jousting, and during the 1600s other equestrian exercises – especially dressage and horse racing – arose to take its place. These new sports proved generally safer and more humane than their predecessor. But ‘safer’, in this case, did not quite mean ‘safe’. As Peter Edwards notes, ‘In one race in Lancashire, held on 18 March 1671/2, Wagtail, belonging to Mr Egerton, won but in the process was “bloodied from shoulder


to flank”’, while ‘In another race, held at Nottingham in 1714, Mr Holbeck’s horse broke its shoulder, reputedly because another horse had deliberately crossed its path.’ Nor did ‘more humane’ quite mean ‘humane’. It is true that sixteenth-century riding masters sought ‘to instill fear’ and ‘to break a horse’s spirit’ with cruel bits, whips, and other implements, and also true that ‘by the seventeenth century techniques had softened’. But even though later training manuals increasingly insist upon ‘securing a horse’s cooperation rather than beating him into submission’, this very insistence ‘suggests that the latter was a common enough practice to require chastisement’. In fact, sport seems to have encouraged the maltreatment of horses, given that ‘[m]embers of the upper classes were particularly inconsiderate of their horses when engaged in a sporting or recreational activity and focused solely on their own pleasure’. 30

In addition, domestic animals were subjected to various kinds of mutilation, often for sports-related purposes. Horses’ tails were docked on the faulty logic that ‘the reins are liable to get under [undocked tails], and cause kicking and running away’. The ears of fighting dogs and the crests of fighting cocks were cropped ‘to prevent their being torn and mangled’ during combat. Horses’ nostrils were slit ‘in the erroneous belief that the horse can [thereby] inhale more air when going at a fast pace’. 31 And to this already incalculable mass of violence and suffering, we must also add numberless acts of casual cruelty inflicted on non-human animals by people intent upon their sport, incidents that can only be represented metonymically, by one last anecdote. Thus William Hinde recalled in 1641:

I once saw a Gentleman being about to feed his Hawke, pull a live Pidgeon out of his Faulkners-bag, and taking her first by both wings, rent them with great violence from her body, and then taking hold of both leggs, pluckt them asunder in like manner, the body of the poore creature trembling in his hand, while his Hawke was tiring upon the other parts, to his great contentment and delight upon his fist. 32

It is hard to imagine a stronger argument for the justice and necessity of a species’ extermination than this conduct of humanity as a whole toward the weaker beings thrown upon our mercy, behaviour richly justifying Jonathan

Swift’s verdict upon us as ‘the most pernicious Race of little odious Vermin that Nature ever suffered to crawl upon the Surface of the Earth’.33

Bibliographic Essay

Many early modern texts dealing with animals and sport are now available via open-access or subscription websites. English works such as the Book of Saint Albans (Saint Albans, 1486), George Gascoigne’s The Noble Arte of Venerie or Hunting (London, 1575), Gervase Markham’s Country Contentments (London, 1611; revised 1615) and Cavelarice, or the English Horseman (London, 1607), and Richard Blome’s The Gentlemans Recreation (London, 1686) – together with continental works such as Jacques du Fouilloux’s La venerie (Poitiers, 1561), Erasmo di Valvasone’s Della Caccia (Padua [1593]), and volume 1 of Hans Friedrich von Fleming’s Der vollkommene teutsche Jäger (Leipzig, 1719) – may now be accessed via websites such as Early English Books Online (http://eebo.chadwyck.com) and Deutsches Textarchiv (www.deutschestextarchiv.de), which provide digital editions of early literary works, often in facsimile.


Blood sports other than hunting have also received extensive scholarly attention. Robert Darnton’s The Great Cat Massacre and Other Episodes in French Cultural History (London: Basic Books, 1984) and Bruce Boehrler’s Animal Characters: Nonhuman Beings in Early Modern Literature (Philadelphia: University of Pennsylvania Press, 2010) include chapter-length discussions of early modern cat torture. The bullfight has produced a rich historical archive whose major works are not limited by period. In Spanish the definitive study remains José Maria de Cossio’s four-volume Los Toros: Tratado técnico e histórico (Madrid: Espasa Calpe, 1943–61), supplemented by two additional volumes published in 1980 and 1981 by Antonio Díaz Cañabate. English-language studies – for example Gerry Marvin’s Bullfight (Champaign: University of Illinois Press, 1999), Adrian Shubert’s Death and Money in the Afternoon: A History of the Spanish Bullfight (Oxford: Oxford University Press, 1999) and Carrie Douglass’s Bulls, Bullfighting, and Spanish Identities (Tucson: University of Arizona Press, 1997) – also range broadly across historical periods. The most thorough account of early modern bear-baiting, by contrast, is written in German: Christof Daigl’s ‘All the world is but a bear-baiting’: Das englische


PART VII

* REPRESENTATIONS AND CONSTRUCTIONS OF VIOLENCE
African Ritual Violence: Close Combat in Western Africa and the Diaspora

T. J. DESCH-Obi

This chapter will explore ritual violence in the form of close combat in pre-colonial western Africa (and the African diaspora) during the period of European contact from the mid-fifteenth century until the late nineteenth century, a period which saw an end to the slave trade and the start of European colonisation. African ritual close combat took place across a range of overlapping social contexts including recreational sport, religious rituals, rites of passage, duels and battlefield combat. Ritual combat employed various degrees of violence in order to gain dominance over a rival, but the violence was often contained by strict rules of procedure, at times even on the battlefield. Throughout this period, particularly in the realm of battlefield combat, pre-existing African notions of ritual violence came into conflict with military and ideological systems from outside the region. The first major battleground in this clash of combat traditions was the Canary Islands, off the coast of West Africa, where the native Guanches were trained through combat games such as ritual stone throwing and stick fighting. Even in the late fifteenth century, after more than a century of struggle, the Spanish were still routinely defeated by Guanches who literally fought with sticks and stones.

Europeans quickly learned that they lacked the military capability to colonise the African mainland. Nonetheless, they did have a profound impact through their sale of firearms and purchase of war captives. When Europeans arrived on the coast there was no pre-existing supply of slaves nor a slave trade in the areas untouched by Islam. In many areas of Africa, escalating purchases of European firearms in the seventeenth century drove a proliferating slave trade.¹ This was

especially true in areas such as the Gold Coast where the relatively rapid adoption of firearms transformed the nature of battlefield combat, crowding out the former role of ritualised close combat, at least from the battlefield. However, other areas of western Africa experienced a slower transition to firearms. As will be explored, ritualised close combat retained a prominent place in the combative culture of the savannahs of western Sudan and Angola throughout the period, and elements of these combat systems even extended into the Americas.

Western Sudan’s Elite Equestrian Violence

The savannah of the great African river valleys of western Sudan gave rise to a series of large empires possibly starting from as early as the third or fourth centuries. The first was the empire of Wagadu (populārly known as Ghana after the title of its warrior king), which rose to great power by taxing the trade of salt from the Sahara Desert and gold from the south, which was traded across the Sahara into northern Africa and beyond. Wagadu reached its zenith in the ninth to eleventh centuries. Mali, once a subjugated Mande-speaking kingdom under the domination of Wagadu, gradually replaced its former imperial lords by militarily expanding to directly control the gold fields of the south. The empire of Mali reached its peak in the middle of the fourteenth century, when it controlled the Senegal and Gambia river valleys all the way to the great bend of the Niger with its famous towns of Gao and Timbuktu.

When Europeans made a number of trial raids on mainland coastal populations in the 1450s, they were repeatedly defeated by the naval forces of Mali’s coastal states. As a result, the bulk of western Sudan remained focused, in the centuries that followed, on overland trade routes to the north. The sixteenth century witnessed the gradual eclipse of Mali, with its continued control over gold mines, by Songhay, the largest and last of the great savannah empires, which began around the bend of the Niger and spread north well into the desert to directly control the salt mines of Taghaza, which provided most of the salt to West Africa.

According to John Iliffe, honour was the primary ideological motivation of African behaviour until the arrival of world religions. Elites of the savannah competed for honour in dress, etiquette, social standing and equestrian skill, but the highest distinction came through mounted ritual violence in civilian

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duels or on the battlefield. Although infantries from the denser peasant populations along the rivers formed the mass of armies and bore the brunt of military violence, warfare on the flat, open countryside that made up the bulk of the savannah region was dominated by elite equestrian ritualised violence.3

Archers had ridden small ponies on the savannah since the first millennium, but large warhorses arrived in the region by the thirteenth century and this in turn transformed aristocratic male culture. Elites contended in their maintenance and training of these expensive horses. They competed in demonstrations of equestrian skills from the backs of their galloping steeds, such as retrieving weapons from the ground or reaching back with their shields to erase their mount’s hoof prints. But above all, aristocrats trained from youth with the sword and azagaya (an African short spear for throwing as well as thrusting use) to attain honour through valiant performances during close combat, in private duels and national wars. Savannah horsemen and their steeds were protected by quilted leather or chain-mail armour, but defensive agility with a leather shield was a warrior’s primary defence. Mounted aristocrats could achieve virtuosity in shield work, as illustrated by the story of the cavalry captain Emmanuel, who during a revolt ‘having been for some time surrounded by many men, who shot arrows at him like hail, he preserved himself by this dexterity in managing his shield’.4 Cavalrymen, who spent years honing their skills with blade, azagaya and shield through ritualised contests, looked down upon the peasant infantries who practised the less demanding tactic of firing arrows. Such infantry archers nonetheless remained the core of Mali and Songhay’s armies, but in the few examples in which they did play a decisive role in breaking the enemy, it reflected on the armies’ ruler as cowardice. Thus the officers that commanded them were circumscribed by a military culture which emphasised cavalry heroics.

For savannah elites, mounted warfare with their counterparts, even from rival kingdoms or empires, was akin to a dangerous sport governed by a code of honour that often trumped military objectives. A visitor to Mali recounted that the Malian emperor rewarded such heroics with varying sizes of gold anklets and wide trousers according to the number of a warrior’s exploits.5 Championship combat between principal fighters was not unusual, as during

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the 1588 Songhay civil war when the rebel Balma’a and Kurmina-fari engaged in single combat on horseback with azagayas, in which Kurima-fari eventually bested his rival with an impressive throw. The temerity of the commanders who unhesitatingly led their men against overwhelming odds were praised by the griots (storytellers or historians) of the savannah, who retold feats of bravery for future generations. Even rival horsemen often respected such bravery. Timbuktu chronicles report that when fifteen of twenty-four Songhay horsemen were killed in a fierce battle against 400 cavalrymen from Katsina in 1553, the victors tended to the wounds of the survivors and ‘looked after them most solicitously, then set them free and sent them back to [the Songhay emperor], saying that such valorous folk did not deserve to die’.7

This honour-driven ritualistic violence – similar to the ideals for European knights – clashed with rival transnational forms of military violence when the Sultan of Morocco sent an army with firearms and European-style tactics into the savannah in 1591. At the Battle of Tondibi, some 4,000 Moroccan troops armed mostly with muskets defeated a much larger army from Songhay. These Moroccan troops, known locally as ‘arma’, or ‘shooters’, colonised the Niger bend and maintained a virtual monopoly on firearms for some time. Although this led to the rapid collapse of Songhay, prestige-driven notions of equestrian honour would continue for centuries among many of the smaller successor kingdoms (such as Segu) that arose in Songhay’s wake. None would attain the size and power of Mali or Songhay. The role of close combat on the battlefield would only gradually be worn away by both the availability of firearms and the elites’ gradual adoption of less syncretic forms of Islam, which undermined the seeking of combat that fuelled knightly pursuits. Yet while bullets made demonstrations of heroic prowess with shields less practical on the battlefield, such combative virtuosity continued to have an outlet in the combat sports and cultural rituals of the savannah.

Combative Contests in the Western Savannah

Wrestling was a favourite sport across the region. On the western side of the savannah it served as a means to attain status and honour in the region of the Gambia river. Here, large Mandinka villages were divided into various wards, and the age grades of these competed fiercely. Only the best were chosen to

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7 John O. Hunwick, Timbuktu and the Songhay Empire: Al-Sadi’s Tarikh al-sudan Down to 1613 and Other Contemporary Documents (Leiden: Brill, 1999), p. 147.
represent the village against other villages. These championship combats between the principal fighters from different communities were the occasion for boasts, ritual taunts, drumming and elaborate praise singing. The Mandinka followed the wider western African pattern in which these championship combats allowed successful wrestlers to gain great prestige regardless of their social class. Bakari Sidibe and Winifred Galloway note that many of the most famous Gambian chiefs ‘had previously been talented wrestlers in their youth. Even a slave could gain greater prestige, respect and adoration than most freemen could only wish for.’

Thus wrestling provided a much more egalitarian avenue to honour and status than equestrian combat had previously.

To the east of the Niger bend the Hausa people wrestled in a variety of styles that represented gradations of ritual violence. As in other areas, where wrestlers exhibited their bravery by tying a bell or gourds around their waists, risking painful falls if thrown on their backs, the Hausa people practised four distinct wrestling styles. These ranged from wrestling with limited grappling holds all the way to wrestling that incorporated striking with hands and feet.

Hausa practised two forms of pugilism: dambe and shanci. Dambe was a form of boxing with a spear and shield style, in which a single bound fist was used to strike the opponent while the other hand was used like a shield for defence. In another more dangerous kind of dambe, referred to as leopard boxing, a hoe or rake-like blade was attached to the ‘glove’ and was capable of inflicting serous wounds. Similarly, shanci was a Hausa form of fighting with razor-sharp iron bracelets. These pugilistic traditions influenced the two more violent forms of wrestling. When explorer Hugh Clapperton passed through Hausaland in the 1820s, he requested to see a friendly wrestling match, yet, ‘the combatants seized each other’s heads under their arms, beat them with their free hand, at the same time sharply raising their knees to deliver agonising strikes against their opponents’ testicles’. Even more violent than this pankration-style wrestling was kokawar karfé, which incorporated the bladed blows of leopard boxing into the matches.

These most violent contests remained widespread in the rural areas where less syncretic forms of Islam had not yet undermined such practices. Stricter urban forms of Islam tended to gradually replace competitive honour and the glorification of martial heroes with moral respectability and focus on the Prophet.

The roles that wrestling played among agriculturalists like the Hausa were usually filled by stick fighting among African pastoralists, as can be seen in the case of the Fula. The Fula (also known as Fulani or Fulbe) emerged as a unique West African ethnic group around the tenth century and spread from the Senegal Valley eastwards across the savannah, often living in symbiosis with local agriculturalists. The Masina Fula on the internal flood plain of the Niger were initially subordinate to Songhay and later Segu from whom they adopted horses and the epic literature of griots. The epic accounts of Masina’s leading eighteenth-century mounted aristocrats illustrate that ritual violence was a central feature of their sense of heroism. One such hero was Hambodedio, ruler of Kounari. In the tales about him, his wife encouraged him to challenge other heroes in the region. One such challenge took place over a series of competitions in which Hambodedio first overcame his challenger in the mankala board game, fought him to a draw in a duel of magic, then finally defeated his rival in physical combat. Silamka, another Masina knight, led a failed rebellion over taxation against Segu in which he heroically faced Segu’s champion in ritual combat before his rebel forces were crushed by the much larger army of Segu. Yet stoic bravery in the face of violence was by no means limited to mounted elites among the Fula. All Fula men were socialised to endure the pain of violence through an ordeal of reciprocal flagellation known as sharo. In this ordeal, rival Fula youths took turns striking each other with a stick. The recipient stood welcoming the blow while bystanders closely observed his face for any change in expression. Any sign of wincing or facial expression whatsoever was a failure in Fula stoicism, and the youth would have to repeat the ordeal.

While the sharo demonstrated the ability to endure suffering stoically, at the core of pastoralist socialisation was the ability to inflict punishment on challengers through the art of stick fighting. Violent masculinity as expressed in stick fighting was a natural companion to pastoralism. Young bulls would naturally occasionally challenge their herdsmen just as they challenged the alpha bull. The Fula recognised these challenges by bulls and responded by flourishing a herding stick and a brisk charge towards them. If the bull did not signal submission or retreat, the herdsman beat it into submission with a stick. Thus the necessity for unflinching courage during the sharo and the ability to inflict serious damage in stick fighting. Stick fighting was a form of entertainment for young boys, but these skills would, later in life, help to ward off human or animal threats to a man’s cattle. The fact that cattle were

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under constant threat of potential theft made Fula herdsmen as sensitive to human insult as they were to bovine challenges. Such affronts were met with stick duelling. Herdsmen who could not establish their honour through stick fighting were at risk of having their cattle stolen by their peers. In the early eighteenth century a new Fula group specialising in Islamic law and education spread through the rural areas of the savannah. Strict Islam had for centuries been primarily an urban phenomenon at best, but when these preachers were able to call the rural pastoral Fula to their message, their martial ethos made them a fierce fighting force. They conquered existing polities and established a number of large Islamic states, including the Sokoto caliphate in the area formally under Hausa rule and the new empire of Masina, which brought the former states of Songhay, Bambara and Arma into the new Fula theocracy.

Leopards and Ritual Combat in the Angolan Savannah

The Kongo-Njila-speaking peoples of west central Africa – a zone that I will simply refer to as Angola – practised a wide range of danced combat rituals across both civilian and military contexts. Although the region was also dominated by a savannah, there were no African cavalries to create sweeping empires like the Mali or Songhay. In the northern half of the region, the most influential of many states was the Kingdom of Kongo. This kingdom became Christian in 1491, and in this early period claimed some degree of suzerainty between the Kongo and Kwanza rivers. Below the Kwanza lay the kingdoms of the agricultural central highlands and the pastoralist kingdom of Matama in the southern highlands. To the east of Kongo around the Kasai River was a region governed by sodalities (confraternities) of headhunters. In the west, the Portuguese established two coastal colonial towns: Luanda in the north and Benguela in the south along the coast of the highlands. Throughout this entire region and well beyond, the leopard was a major emblem of political power due to the feline’s association with occult knowledge and the ability to kill.

Two distinct traditions of leopard metaphors existed in pre-colonial times: the association of the leopard with kingship, and its association with the power of sodalities that normally operated outside the control of monarchs.

Sodalities were dominant in the area of the Kasai River where they were associated with asymmetrical violence. In this north-eastern region of Angola, female sodalities ruled and adjudicated over female concerns in the society while their male counterpart, the ngongo, focused on the male concerns of
hunting, initiations and protecting the community; it taught young boys both the physical arts of combat and hunting, as well as the metaphysical arts they needed to be successful. Formal training concluded with a circumcision ceremony that made the boys novitiates associated with the society. However, to become full members of the ngongo they first had to prove themselves as successful headhunters. Headhunting was endemic to this region, and males had to succeed in collecting heads in order to move up the ranks of a sodality. The lethal asymmetrical violence of headhunting was conducted in the form of lightning raids that paralleled the unannounced attacks of leopards on communities. In these highly ritualised events, headhunters began by performing special rites of spiritual protection, travelled with stealth, and then ideally attacked their enemies with surprise, rushing into close combat with their feared machete-like blades, called *muela na nvita*. Successful new braves were then allowed to become full initiates of the ngongo and could then perform the *matambu* dance that publicly declared them war aces, able to move up the hierarchy of levels within the association, which may have required further exploits in battle. The drive to obtain this honour of brave status and the emphasis on surprise tactics in raids mitigated against a firearms revolution here such as had transformed warfare in other rainforest areas like the Gold Coast. Scholars have linked the presence of Europeans as slave traders and later colonists to another form of sodality-related ritual violence that appears to have increased in the nineteenth century; ritual murder with special claws to make the victim appear slain by a predatory feline. Murders of this type, known as the man-leopard murders, remained a conundrum to Europeans until well into the colonial period throughout western Africa.

For most of Angola, warfare was dominated by leopard leaders and symmetrical violence. Lightning raids against unsuspecting victims were carried out by pastoralists in the far south in search of cattle or by the headhunting sodalities of the Kasai in the north-east. Among states of the rest of Angola, however, the most common forms of warfare were ritualised local battles and national wars. Symmetrical local battles between the chiefs of rival lands were highly ritualised conflicts. Here the numbers of casualties were kept extremely low since at the close of the war each army had to pay a stiff fine for any rival they killed. National wars between large states were more utilitarian, yet most of the fighting was still conducted hand to hand.

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Unlike in western Europe or the savannah of the Niger River where infantry developed the tradition of closing into tight ranks as an ingrained defence to cavalry charges, there were no horses among west central African nations. Only the Portuguese maintained a cavalry, which was an important basis of their military advantage.\textsuperscript{13} Firearms were not by themselves decisive in this region, in part because Angolan armies fought spread out instead of presenting a solid mass target for volley fire in the manner of European or Songhay infantry. Further, these soldiers closed by performing leaps and tumbles making them extremely hard to hit with inaccurate sixteenth- and seventeenth-century firearms. Thus the most decisive factor in warfare was shock tactics carried out in scattered close combat.\textsuperscript{14} The techniques and skills used in this close fighting were developed though danced combat rituals connected in varying degrees to the \textit{sanga}, or blade dances, of chiefs and kings.

Danced Combat in Angola

The connections between royal blade dances, training dances and war dances are most clear in the Kongo-speaking areas where various forms of danced combat rituals were both conceptually and semantically linked. At the core of this semantic field was sanga as a danced ritual in which a machete-wielding chief manifested the leopard’s power behind chiefship by physically killing antisocial elements or at least symbolically demonstrating the ability to do so. The royal sanga brought together both the religious cosmology and political ideology of rule in the region. In the Kongolesse language the term for ritual (\textit{mvita}) literally meant ‘war’, because these rites were understood to take place in the context of an ongoing war on both the spiritual and human planes between good (those seeking the welfare of the community) and evil.\textsuperscript{15} This latter group was dominated by \textit{ndoki} (loosely ‘witch’), greedy people willing to ritually ‘eat’ others to achieve their selfish ends. The first line of defence against ndoki was the chief, whose justification for rule was his ability to harness the lethal spirit of the leopard to rid the community of such antisocial elements. This battle was ultimately determined on the spiritual plane, but its outcome was evident in the


outcome of physical conflicts. The iconic physical manifestation of this invisible warfare was a chief’s execution of antisocial elements like witches, murderers and traitors via the sanga. Writing at the end of the nineteenth century, William Holman Bentley defined sanga as ‘the sword-dance, which is only done by a chief on very special occasions; . . . when someone is to be executed the chief dances the sanga for a while, then stopping suddenly points the sword at the victim, who is immediately killed’. Thus Kongo leaders underwent rituals during their investment that varied from district to district, but consistently transformed the individual into a leopard. This was often followed by ritual violence that publicly demonstrated that the power to kill had been successfully instilled into the ruler.

Although the royal sanga ritual continued to be a demonstration of this leopard power, there were a number of historical transformations in terms of weaponry around the Kingdom of Kongo. Before the arrival of Europeans and continuing in Kongolese-speaking areas north of the Christian Kingdom of Kongo, the investiture rite, executions and sanga rituals were performed with the mbele a lulendo (‘blade of power’), an elaborately decorated machete that was the central symbol of the leopard chief’s power over life and death. Within the Kingdom of Kongo these machetes were eventually joined by imported swords from Europe and the western Sudan, and later locally produced swords based on these foreign styles inscribed with Kongolese ritual symbols.

A final innovation occurred in this tradition, at least in Soyo, a powerful Kongolese province separated from the Kongo capital by a large wilderness. Soyo was rich in natural resources including the trading port of Mpinda, where the Dutch arrived and began to sell firearms in exchange for war captives. This firepower helped the ruler of Soyo to declare his kingdom’s independence from the King of Kongo, who had previously maintained a near monopoly over guns via the Portuguese. While scholars debate the relative advantage of firearms against most Angolan armies, there is no question that guns would have been particularly effective against the
Kongolese heavy infantry since their shields could stop arrows and javelins but not bullets. Muskets thus effectively neutralised this elite section of the King of Kongo’s army. In reflection of the perceived power guns gave him, the King of Soyo was described as performing his sanga ritual first with Angolan arms, then with a rifle. Despite these variations, at its core the sanga remained the dance ritual demonstrating a ruler’s power to kill.

Related to this were variants of the term sanguar, referring to the physical skills of attack and especially defence that were at the heart of close combat in Angola. Pero Rodrigues, a Jesuit missionary in Angola in the late sixteenth century, noted that Angolans did not use defensive armour, rather ‘all their defence rests in sanguar, which is to jump from one place to another with a thousand twists and such agility that they can dodge arrows and throwing spears aimed at them’. These sanguar combat skills were developed in a number of danced ritual games, usually practised in community settings such as weddings, festivals and rites of passage. These included slap boxing, foot fighting, stick and machete fencing, and wrestling set to music. This combative virtuosity was also employed in private ritual duels with sticks or machetes. Among pastoralists of the highlands, conflicts between two men were settled with stick fights. North of the Kongolese kingdom of Luango, such duels were carried out with large knives or small machetes. Although violent, this ritual duel followed a tight script in which combatants did not seek to kill each other but to shame each other with cuts, ideally to the face. These duels followed clear rules aimed to prevent death at all costs, since murder would be met with severe penalties.

Linking the sanga dance of rulers and the skill of sanguar developed in danced contests were collective sanga dances called sangamento that served as both tributes and war preparation. In times of peace these martial exercises acted as offerings of loyalty on the part of subordinates; one source defines sangamento as ‘to show oneself faithful’. Such collective sanga tributes served to offer kings a type of military review to assess the size of his potential army.

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and his soldiers’ level of sanguar. In the Kingdom of Kongo before the arrival of Europeans in the late fifteenth century, tributary sanga performances took place on the day each province paid their annual tribute. After Christianisation, the frequency of these rituals was increased, with a sangamento taking place on the feast day of St James, the kingdom’s patron saint, as well as Christmas, Easter, Corpus Christi and other holy days. The Kingdom of Soyo augmented this calendar with another annual sangamento to commemorate Soyo’s decisive defeat of the Portuguese army at the Battle of Kitombo in 1670. Additionally, in Christian kingdoms such as Kongo and Soyo, these tributary rituals took place next to churches and with the participation of Christian missionaries whose blessings ritually reinforced the rulers’ legitimacy as having the backing of the Christian God as well as the ancestral leopard. While such peacetime ceremonies were thus fundamentally ritual displays of political allegiance and spiritual legitimacy, the improvised performances were not without physical violence, often ending with a number of injuries and deaths.²⁴

In times of conflict, soldiers and officers in Angola always performed sangamento rituals in front of their rulers before heading off to war. This war dance functionally served as an embodied declaration of war and simultaneously fired up soldiers to meet danger with courage. Additionally, the sangamento served two fundamentally ritual objectives. First, these practices were seen as conducting war on the spiritual plane, in which it was hoped the effects of the enemies’ spiritual protection could be broken.²⁵ Second, since killing was reserved in Angolan political ideology for the ruler who was invested with the power of the leopard, it seems likely that pre-war sangamento may have ritually extended to peasant soldiers a temporary participation in the leopard leader’s power to kill antisocial elements, in this case an enemy’s soldiers. This is signalled by the king holding his unsheathed blade – the symbol of the leopard’s power – in his right hand during the performance of the ritual by his troops, as he did when extending his power to a royal executioner.²⁶

While their relationship to spiritual power took on local expressions, all Angolans saw such combat rituals as an essential part of the many layers of ritual preparation for battle. Cyril Claridge noted that it was not uncommon

for wars in Kongolesa areas to begin by the lead generals of the two groups meeting in a final attempt at peaceful terms. If unsuccessful, the generals first chose the battleground for the upcoming conflict, then symbolically initiated the war by attempting to draw their rival’s blood in close combat, before returning to their troops who were being prepared via war dance sangamento.  

As historian John Thornton has shown, when two Angolan armies engaged each other, the conflict often began with a brief volley of arrows before clashing in an open formation that allowed for individual skill in close combat.  

Yet the real damage came not in this opening confrontation, but when one side broke from the initial melee and the victors mowed down the fleeing forces. Thus in the central highland kingdom of Bie, the general and his most elite troops were send ahead into battle and the king and main body only closed when these forward fighters demonstrated that the war had already been won on the spiritual level. In the late sixteenth century Angola witnessed the beginnings of a military revolution based not on firearms but upon creating an entire society of such crack troops among the Imbangala.

Linguistic evidence suggests that the Imbangala and the title of their early leader nguri (lion) emerged out of the pastoral highlands around Kilengues as a revolutionary people who lived as a permanent war camp. They trained their sanguar skill constantly and enforced a strict discipline that made them the most professional soldiers in Angola. They did not produce any food but rather spread out like locusts, attacking existing states – pillaging their food – and then moving on. And they practised ritual infanticide and incorporated teens from among their victims into their ranks, allowing them to repopulate their armies very quickly. Both their biological children and the incorporated teens could only become Imbangala through an initiation process that was only complete after they proved themselves in battle. The Imbangala exerted a considerable impact on Angolan history by destroying existing states and eventually settling down to create stable states of their own over the course of the seventeenth century. Jan Vansina argues that their radical military way of life was a response to the arrival of European slave traders on the coast, namely violence begetting violence.

28 Thornton, ‘Art of War in Angola’.
A number of scholars have argued that, before the arrival of Europeans, there was no word for hereditary slavery in most areas of Angola because the institution as understood in the West did not exist throughout the region.\textsuperscript{31} Yet the Angola region was plunged into the darkness of wide-scale slaving by the wars of Portuguese expansion and enslavement launched out of their colonies in Luanda and Benguela that continued through most of the seventeenth century; years of repeated civil wars in the Kingdom of Kongo; the spread of European slave traders; and the widespread chaos in the wake of the Imbangala revolution. This tragedy caused more captives to be sent into the transatlantic slave trade from west central Africa than from any other region of the continent.

Transatlantic Ritual Combat

The minds and bodies of enslaved Africans carried understandings and practices of ritual combat through the harrowing Middle Passage to the Americas. Indeed, Captain Emmanuel’s battlefield demonstration of adroit shield work mentioned previously took place after he had been enslaved, sent to the Caribbean and Europe, and then returned to his home country with his martial skills still intact. Some Africans were taken to the Americas specifically as soldiers. Antonio Perez, another African cavalryman from the northern side of western Sudan, rose to the rank of captain in the conquests, as did Juan Valiente, who received an encomienda (grant of land and labourers) for his military participation in the conquest of Guatemala, Peru and Chile. Far from outliers, such armed soldiers of African descent were a widespread, if rarely acknowledged part of the conquest era, as Matthew Restall has shown.\textsuperscript{32} African leather shields, which had been adopted by Iberian cavalry centuries earlier, were much prized by both white and black conquistadors. Later some Africans and their descendants would serve in colonial black militias, while others turned their skills against their enslavers.

Armed resistance to slavery included direct revolts as well as the establishment and defence of armed maroon communities by those who escaped bondage. A significant number of the enslaved were soldiers and their families taken in the raids and wars that were the primary means by which


people were enslaved in western Africa. Rather than dispersing African peoples as once suggested by anthologists, historians have shown in recent decades that the slave trade actually funnelled Africans from conflict areas in Africa to certain areas in the Americas where they often arrived in significantly sized groups, as can be seen in the martial resistance of the enslaved. During an early slave revolt in Hispaniola that began on the plantation of Diego Columbus in 1522, the rebels were identified as Jolof speakers from around the Mali Empire’s coastal region. They showed their former military training when they ‘with a great shout, formed a squadron, awaiting the cavalry’. A decade later rebel Africans on Hispaniola had managed to acquire a cavalry of their own, exhibiting great horse-riding skill, dexterity with the azagaya spear, and even the knowledge of making hide armour from their experience in the equestrian culture of the West African savannah. Rea Kea, who studied the military history of the Gold Coast, has shown that many of the leaders of the 1733 slave revolt of St Jan in the Dutch West Indies were military officers in the Gold Coast state of Akwamu before it was overrun by a rival state in 1730, presumably when they were enslaved. João José Reis has shown the relevance of the Hausa in the large urban slave rebellion of 1835 in Brazil. And John Thornton has shown that understanding the military background of the enslaved Kongolese soldiers is crucial in fully understanding the motivations and tactics of the 1739 Stono Rebellion in North America and the Haitian Revolution.

African experts in close combat were thus able to infuse local black cultures with martial arts, games and embodied ritual understandings of power that were passed down to American-born generations. Colonists in South Carolina preferred Africans from the former coasts of Mali for their equestrian and pastoral skills. They were consequently worth higher prices, since the colonies’ cattle-raising was done by enslaved Africans, who were the first cowboys and who likely passed on the African practice of competitions in

36 João José Reis, Slave Rebellion in Brazil: The Muslim Uprising of 1835 in Bahia (Baltimore, MD: Johns Hopkins University Press, 1993).
equestrian skills to North America. Former soldiers from the savannah were likely among the Africans who introduced close-combat skills with the azagaya into the first maroon communities on Hispanola. This practice was continued by maroons all over the Americas, and later institutionalised and documented in the fighting manuals of the Afro-Colombian martial-arts styles.

Enslaved Africans from Angola also had an impact on cultural practices relating to close combat throughout the Americas. The maroons of Surinam danced a sanga in which machete-wielding men performed their combative virtuosity in order to rid the village of antisocial forces. Similarly, enslaved Angolans performed a sanga war dance at the start of the Stono rebellion and passed on a sanga war dance to later generations. Sangamento-like ritual combat performances, at times merged with Iberian Christian Moor play traditions, became an important element of the annual coronations of ‘kings of Kongo’ in Brazil and throughout the Americas starting in the seventeenth century. Enslaved peoples in almost every colony of the Americas formed sodalities that elected annual kings who often ruled over an informal government of enslaved people over their communities.

In the Americas, martial contests also became a common element in the performance culture of enslaved communities. The maroons of Suriname passed on forms of wrestling, boxing and even leopard boxing with bladed bracelets as had been practised among the Hausa. In South Carolina, enslaved Africans and their descendants developed sanguar-like combat skills through a foot-fighting style called knocking and kicking. Enslaved Kongolese people in Saint-Domingue passed on a six-person stick combat dance named after the Kongolese subgroup Nsundi. In Cuba, the danced boxing ritual known as mani (presumably after the Kongolese term mani, a term for a king or governor) was a contest in which a fighter stood in the centre of a circle of rivals and punched one of the contenders forming the circle, who if they were knocked down were eliminated. If not, then they took the centre place and continued eliminating

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39 T. J. Desch-Obi, Hombres y Mujeres Históricos (in press).
rivals until there was only one left. Women sang the songs that accompanied the playing of Angolan yuka drums, and at times participated in the danced combat. The most famous example of Angolan ritual combat in the Americas was the foot-fighting system of the pastoral highlands that evolved in Brazil as the game of capoeira. Finally, the most widespread form of close combat among bondsmen was stick fighting, which had been widespread in many areas of western Africa but was most associated with Kongo people in the diaspora. In the Americas stick fighting was a ubiquitous ritual practised from New England to Brazil. It has been best documented in the Circum-Caribbean where danced stick fighting was practised on all the islands of the Caribbean, most widely under the term kalenda on the French- and Spanish-speaking islands. Kalenda was a ritual combat danced to drums in which two contestants tried to strike each other’s heads with their fighting sticks; the first to draw blood was usually considered the winner. It was one of numerous combat rituals performed in community drum circles by bondsmen, and in the Francophone Caribbean also played a role in wake rituals that aided the deceased to spiritually make the return journey to Africa to join their ancestors. Yet stick fighting also continued to serve as training for war, as sticks and machetes were often the first weapons used in launching slave rebellions in the Americas.

Conclusion

Ritualised close combat played an important cultural and military role in the savannah regions of western Sudan and Angola. In the western Sudan wrestling, stick fighting and fencing competitions allowed men to seek prestige among their peers while at the same time preparing them for warfare, while equestrian close combat dominated even after the introduction of firearms. On the savannahs of Angola a matrix of ritual violence included machete-wielding dance ceremonies by rulers at coronations and executions, the development of fighting skills through danced martial art contests and the performance of collective mock combats that served as tribute and legitimacy to the ruler in peace times. In times of war the latter served as a preparatory war dance before soldiers took to the field, ready to embody their ruler’s power over life and death by exhibiting their martial skills in close combat. Enslaved fighters brought these skills with them to the Americas, where they and their descendants practised such martial arts as a way to develop combat skills, gain honour, enthrone their own king of Kongo leaders, and embody pride and self-mastery even under the yolk of bondage. When opportunities arose, they often used these skills to help secure the success of slave rebellions and linked
independence movements such as the Haitian Revolution and the Cuban War of Independence. In doing so they showed that enslaved people – often seen as passive victims of violence – could also be skilled combatants.

Bibliographic Essay

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Intercultural Emblems of Violence in the Spanish Colonisation of the Americas

Federico Navarrete

This chapter analyses the way in which extreme, destructive violence between different societies has been transformed by historical memory into the foundation of a new colonial order which integrates the groups that perpetrated it and those that bore its brunt. It will argue that complex emblems were constructed which described, commemorated and ritualised this violence, turning it into a sacred phenomenon. This created the foundation of a new social and cosmic order, which allowed the disparate collectivities existing in the Americas after the Spanish conquest to negotiate their participation in the new colonial order. In particular, it will analyse four intercultural emblems of violence conceived shortly after the Spanish conquest of Mesoamerica in Central America in 1521 and the Andean region of South America in 1533. First is the figure of Santiago Matamoros in both Mesoamerica and the Andean region; second and third are the parallel and contrasting representations of massacres produced by the Mexica1 and their neighbours and enemies, the Tlaxcalans, in central Mexico; and finally there are the Andean images and ceremonies related to the beheading of the last Inca ruler of Peru. After they were conceived, these emblems were institutionalised, further developed and maintained until the early nineteenth century, as long as Spain ruled over New Spain and Peru; the first and the last emblems remain prevalent today in many indigenous communities of both regions. All four included explicit depictions, descriptions and ritual re-enactments of battles, massacres, executions and sacrifices carried out during the years of the conquest. As paradoxical as it may seem, these brutal acts were presented as incontestable sources of legitimacy, and were used to bolster and embody the colonial political order; to confirm the supremacy of Spanish power; and to negotiate the places occupied by different native

1 In English-speaking countries this Nahuatl-speaking people is more commonly known as the Aztecs, however the term ‘Mexica’, meaning ‘inhabitant of the city of Mexico-Tenochtitlán’, is more accurate.
peoples and sectors under its aegis. This was made possible by the importance Spanish and Mesoamerican and Andean cultures attached to warfare and ritualised violence.

The kingdom of Castile became dominant in the Iberian Peninsula in the fifteenth century only after a long series of wars with its non-Christian neighbours. These wars were presented as an inexorable conflict between opposing religions. ‘Just war’ carried out against infidels was regarded as the legitimate source of all kinds of privilege and rights for the Christian sovereign and his warriors, and of subservience and even slavery for the defeated enemies. The most violent acts were justified as punishment for the sins and crimes committed by ‘infidel’ Muslims and Jews, and later in the Americas by ‘pagan’ and ‘barbarous’ Indians.

In sixteenth-century Mesoamerica the power of the ruling Mexica, and also of their main rivals, the Tlaxcalans, was conceived as a reflection of the power of their warlike patron gods. Warfare was regarded as a religious duty, its aim being to capture victims that would then be sacrificed to the deities. As such, it was to be conducted according to a rigorous political and ritual protocol that institutionalised violence as the main source of political legitimacy. The Inca also extended their domination throughout the Andes by military means, and established a close identification between their sovereignty and the power of the sun god they represented. Though their ideology of reciprocity underplayed the importance of warfare and conquest in political relations, components of ritualised violence were key elements of their political ceremonies, such as the display of real or symbolic trophy heads. These traditions clashed and combined in the conflicts between the powers that dominated much of Mesoamerica and the Andes in the early sixteenth century, the conquistadors and their indigenous allies. The Spanish conquest was, first and foremost, a naked act of military aggression and reckless violence. The Spaniards massacred unarmed civilians in Cholula, one of the main religious centres of Mesoamerica; in Mexico-Tenochtitlán, the capital of the Mexica; and in the Andean city of Cajamarca. They imprisoned, tortured and executed the ruling Inca Atahualpa in 1533 and his rebel successor Túpac Amaru in 1572, as well as many other native dignitaries. The siege of Mexico-Tenochtitlán in 1521 led to the razing of the city and the near annihilation of the Mexica people, a kind of ‘total’ warfare without precedent both in Spanish and Mesoamerican traditions.

Strikingly, from this brutality emerged two remarkably stable Spanish colonial regimes that lasted nearly three centuries. Throughout this period, the emblems we will be analysing operated as compelling representations of
the violence that had constituted this order. They were undeniable reminders of the superior military prowess of the Spaniards, their allies and their divine companions, and compelling proof of the finality of the conquest and the legitimacy of Spanish domination. They also served as threatening admonitions to any who would dare confront them. Finally, they offered assurance to their indigenous allies that they too were part of the winning side and enjoyed the protection of powerful victorious deities. The continuing visual representation, oral and written narration, and ritual performance of battles and massacres, beheadings and sacrifices, were ways to reaffirm the alliances that had constructed the colonial order and to assert ideologically and confirm performatively the currency of Spanish domination.

Santiago in the Americas

The first case we will analyse is that of the variegated constellation of religious images and symbols, of narratives both oral and written, of sacred objects and military paraphernalia, of rituals and ceremonies, and of religious and legal ideas that revolved around the figure of St James the Apostle, known in the Iberian Peninsula as Santiago Matamoros, or the Moor Slayer. This is a perfect example of an intercultural emblem, since it combined these disparate elements to embody and reproduce compelling representations of the battles, massacres, sacrifices and executions carried out by the Spanish conquistadors and their native allies as they subjugated the native empires of the Mexica and the Inca.

In April 1519, when the Spanish expedition led by Hernán Cortés disembarked in New Spain (today’s Mexico), they were accompanied by this powerful saint, who protected them in their battles against the ‘infidel’ Indians. In their first important battle, at Centla in south-eastern Mexico, some soldiers claimed that a miraculous apparition of this warring saint had carried the day, though others flatly denied that this had taken place. In any case, the conquistadors usually cried out before battle ‘¡Santiago, y a ellos!’, ‘Santiago and charge’.

Since at least the eleventh century the Apostle James, supposedly buried in the Galician town of Santiago de Compostela, had become a rallying figure for Christian warriors engaged in military confrontations, as well as long-standing alliances and fruitful exchanges, with the Muslim and Jewish

inhabitants of the Iberian Peninsula. As the saint gained popularity as the patron of Christian warriors in their fight against Muslim ‘infidels’, his cult provided ideological unity and purpose to the struggle between Christendom and its religious ‘enemies’. His miraculous apparitions, always mounted on a horse and trampling the defeated infidels, a banner in one hand and a sword or a lance in another, were painted and sculpted, endlessly narrated and ritually re-enacted. The saint played a central role in the dances and rituals meant to commemorate the struggles against the Muslims, known as ‘Danzas de Moros y cristianos’, dances of Moors and Christians. He also became a compelling representation of the power of the Castilian kings. As late as 1538, Emperor Charles V commissioned a portrait of himself in which he assumed the attributes of Santiago, mounted on a steed that stepped on the dead bodies of ‘Moors’, in this case, the Ottomans he had defeated during an assault on Tunisia. In this way the complex of images, narratives and rituals around Santiago became an emblem of the victory of Christianity through holy war. After the Spanish conquest of Mesoamerica and the Andes, this emblem enjoyed an unexpected success among the indigenous peoples, both those that established military alliances with the victorious Spaniards and those that were subjugated by them.

In November 1519 Spanish troops and their recent allies, the powerful Tlaxcalans of central Mexico, carried out the massacre of hundreds of unarmed persons at Cholula. The Spanish-Tlaxcalan historian Diego Muñoz Camargo reported that after this ‘victory’ the Tlaxcalans started invoking the name of Santiago, like their allies: ‘Thus they understood and comprehended that the God of the white men had greater virtues and that his sons were more powerful. And the Tlaxcalans invoked our Lord Santiago, and even today, whenever they are in dire straits they call upon our Lord Santiago.’

We have abundant testimonies of the continued devotion of the Tlaxcalans to the conquering Spanish saint. To this day the feasts commemorating Santiago are popular in most communities of indigenous origin throughout Mexico, a continuation of the medieval tradition of the ‘Danzas de moros y cristianos’. Interestingly, just like the Tlaxcalans in the sixteenth century, most of the dancers identify explicitly with the Spanish conquering saint, and thus place themselves on the side of the victorious Christians, while they relegate their neighbours or traditional enemies to the defeated camp of the Moors or infidels.

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The popularity of Santiago among the indigenous peoples of Mexico, and the related adoption of key Spanish symbols and rituals of conquest, does not imply a total identification with the conquerors, and the inevitable ‘loss’ of their indigenous identity. Santiago is worshipped because he is foreign and different from his worshippers, and this allows them to appropriate some of

Figure 30.1 Jan Corneliz Vermeyen, Charles V as Santiago Matamoros, Spain, oil on canvas, 1538.
the prestige and the power of the Spanish conquerors. After 1533, when the Spaniards conquered the Inca Empire in the Andean region of South America, what today is Peru, Bolivia and Ecuador, the figure of the warlike apostle also enjoyed great success among the indigenous populations. In 1535 a faction of the Incas rebelled against the recently established Spanish rule. According to both Spanish and indigenous chronicles of the period, their armies had laid siege to their former capital Cuzco, now the Spanish capital, and were about to overwhelm the conquistadors when Santiago and the Virgin Mary appeared miraculously to rescue the Spaniards and their allied native troops.

The intervention of these divine figures was celebrated by Indians loyal to the Spanish side as a proof of their true Christianity and of the protection they enjoyed from them. Santiago Matamoros, the Moor slayer, was rechristened Santiago Mataíndios, the Indian slayer. His portrait trampling on Indian rebels dressed in pre-Columbian garb became a fixture of colonial Andean Christian iconography. This emblem confirmed the close alliance between the Christianised Inca elites of Cuzco and the Spanish regime. In the region, the figure of Santiago also came to be identified with the Inca god Illapa, deity of thunder and patron of the imperial conquests of the pre-Columbian Incas. This identification is commonly attributed to the thundering sound made by the firearms of the Spanish conquistadors, though Santiago was associated with swords and lances, the traditional weapons of the war against the Muslims. The cult of Santiago-Illapa remains widespread among native communities throughout the Andes, a proof of the continuing importance of this figure in the cultural tradition of the region.

Intercultural Emblems

The emblems of violence built around the figure of Santiago Matamoros became a key part of public life, public rituals and commemorations in both indigenous communities and Spanish society. As we have seen, they functioned as significant sources of legitimacy for the Spanish authorities and for Christianity, and also for the local native elites that reproduced them. As such, they were also open to delicate and sometimes covert political and cultural negotiations between the parties involved. The emblems were intercultural because they were produced through collaboration between Spanish warriors, priests and officials, and indigenous

authorities, artists and writers. They were also adopted by the indigenous ‘masses’, both city dwellers and peasants, who employed and interpreted them in their own particular ways. This was possible because they combined Amerindian religious and political concepts and practices with European Christian ones in a multilayered discourse. They could be read in diverse ways according to the cultural and political backgrounds of participants and spectators. Thus different parties could share a public adherence to the religious figures or political representations while at the same time maintaining contrasting, even contradictory, interpretations of their meanings.

This intercultural nature was fundamental to the capacity of these emblems to function as sources of legitimacy, since they confirmed and also modified Spanish and indigenous notions of power, violence and religion. In an overt, very public way, as they were displayed in churches and palaces, related in official histories and enacted in public squares during important feast days, these emblems asserted the central values of Spanish political and religious domination. As such, they served as powerful tools of Spanish power and as clear signs of indigenous subservience and cultural assimilation.

However the multiplicity of media included in the emblems allowed for the conveyance of ‘private transcripts’ regarding power and legitimacy, following the definition by James Scott. Images combined Spanish and indigenous iconography and could be read differently by those versed in each tradition. Oral and written narratives were also open to diverse interpretations. Ritual and public performances allowed the actors that participated in them to adopt the identities of other actors, so that the Indians dressed as conquistadors could actually become them and thus appropriate some of their charisma and prestige. In this way, the emblems became not only representations of the events of the past, and symbols of the prevailing order, but also powerful ceremonies that re-enacted the founding violence and allowed participants to partake in the power that flowed from it. Public discourses that confirmed allegiance to the colonial order could thus be accompanied by private transcripts that represented and defended the particular agendas of indigenous elites and emphasised their key role as political mediators between the colonial powers and the rest of the Indian population. Also, they could be used to transmit and confirm popular indigenous readings

of these events that differed from those of the elites. Following Michael Taussig, we can propose that, as powerful images, texts and performances, the emblems were capable of triggering creative interpretations by indigenous subjects, and of being used for different ends through the centuries.\(^6\)

**Emblems of Indigenous Origin**

While there can be no doubt that the emblem of Santiago Matamoros was of Spanish origin and was adopted and modified by indigenous actors, the emblems we will now discuss were mostly constructed by Mesoamerican and Andean rulers, writers and artists during the sixteenth and seventeenth centuries, in collaboration with Spanish priests and authors. Two are depictions of the brutal massacres carried out by the conquistadors in the central square of Cholula in 1519 and at Mexico-Tenochtitlán in 1520. In the Mexica codices narrating those events, these emblems operated as a synecdoche of the defeat of this people and the destruction of their city, as well as of the cosmic order that revolved around it. In Tlaxcalan visual histories, the slaughter and dismemberment of enemy indigenous populations were presented as a necessary building block for the victory of the Spanish conquistadors and their Tlaxcalan allies and also for the establishment of the new cosmic order of colonial rule. Another emblem consists of the multiple representations and re-enactments of the execution of the Inca by the Spanish conquistadors produced during the colonial period. This royal execution (actually the posthumous conflation of two distinct acts of violence) also worked as a synecdoche for the destruction of Inca power and its cosmic order and also, in some instances, as an implicit promise of the restoration of this power.

**Massacres in Mesoamerica**

The massacre at Cholula may be regarded as a highly successful act of terrorism that sowed fear throughout the whole region. It proved the utter ruthlessness of the invading conquistadors, the supremacy of Santiago Matamoros and the power of their indigenous allies, demonstrating the dangers of resisting their advance and intimidating many local rulers into seeking an alliance with them. In July 1520 the Spaniards and their allies

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attacked unarmed civilians gathered in the main ritual space of Mexico-Tenochtitlán, in front of the Templo Mayor (Great Temple) for the important religious festival of Toxcatl, in which many of the young warriors of the city participated. Through the night the conquistadors systematically massacred all the people they had isolated in the sacred enclosure. The ensuing urban warfare forced the Spaniards to flee the city. In 1521 they finally managed to subdue México-Tenochtitlán after a brutal siege that lasted several months and led to its total destruction.

The massacre at the Templo Mayor is described and depicted in great detail in several histories written and drawn by the Mexica, and by Spanish priests using indigenous informants. The former are pictographic books such as the *Codex Azcatitlan*, *Codex Aubin* and *Codex Moctezuma*, which use the traditional Mesoamerican system of logographic writing combined with visual narration. The latter, written in alphabetic script in Nahuatl and Spanish, include the *Historia General de las Cosas de la Nueva España*, a huge encyclopaedia directed by the Franciscan Bernardino de Sahagún, and the *Historia de las Indias de Nueva España*, written by the Dominican Diego Durán. Both contain illustrations by indigenous artists. The written descriptions
emphasise the brutal efficacy of the metal arms used by the Spaniards and the mutilations they inflicted. A fragment of one Mexica account transcribed by Bernardino de Sahagún reads:

'[The Spaniards and their allies] went into the temple courtyard to kill people. Those whose assignment it was to do the killing just went on foot, each with his metal sword and his leather shield, some of them iron-studded. Then they surrounded those who were dancing, going among the cylindrical drums. They struck a drummer’s arms; both of his hands were severed. Then they struck his neck; his head landed far away. Then they stabbed everyone with iron lances and struck them with iron swords. They stuck some in the belly, and then their entrails came spilling out.7

The images of the massacre included in pictographic and alphabetic books represent in detail the mutilations inflicted by the steel swords and lances on the hapless musicians, who become a synecdoche for the collectivity of the youth massacred at the site. These depictions work both as a radical innovation meant to represent the unheard of power of the steel weapons brought by the Spaniards and as a continuation of the ways in which violence was presented, formalised and interpreted in indigenous visual histories.

In pre-Columbian art there are many scenes of violence in warfare and of death in ritual sacrifice, but the only representations of dismemberment concern the divine victims of the wrath of the patron god Huitzilopochtli in primeval times. Since his birth was conceived as the dawning of a new cosmic and historical era under his domination and that of his people, the Mexica, the mutilation of his enemies was part of the destruction of an old cosmic order and the violent birth of a new one. Significantly, the statue of one of his victims, Coyolxauhqui, was placed at the base of the Templo Mayor, dedicated to the patron god, very near where the Spaniards perpetrated their slaughter. Therefore, the images of the massacre establish a significant analogy between the actions of the Spaniards and the cosmogonic mutilations at the beginning of the current era. The latter initiated the cosmic and historical period of domination by Huitzilopochtli and his people, while the former marked its end. Thus, the terrifying novelty of Spanish steel weapons and their capacity to cut through human bodies was interpreted according to traditional conceptions of divine and human power, Mesoamericanised in a way. This identification also constructed a cosmic explanation for the end of the era of Mexica domination, and for the beginning of a new one where Christianity and Spanish rule held sway. Also, the ruthless brutality employed by the human representatives of the Christian god was compared to the violence used by Huitzilopochtli to establish his supremacy.

This interpretation of the emblem of the massacre at Templo Mayor poses a question: why would the Mexica attempt to legitimise their own defeat at the hands of the Spaniards and their allies? In order to answer this, it is necessary to explore the different public and political uses of this intercultural emblem. First of all, we should take into account that several of the depictions of the massacre at Templo Mayor were included as illustrations in narratives produced by Spanish authors. It can be argued that they would have approved them because they conformed, at least overtly, with their own views on the conquest. This agreement opened avenues of collaboration for the indigenous elites (the producers of these emblems, since not all Mexicas had the means and the education needed to participate in these cultural enterprises) as Christianised and loyal participants of the new regime. In this sense this emblem operated like that of Santiago Mataíndios in the Andes: both displayed the massacre of Indians in order to demonstrate the adherence of indigenous elites to Christianity and Spanish rule. The representations of the massacre were also meant to bolster the status of the elite within indigenous society. They couched a potent interpretation of the
conquest in cosmographical and historical terms that were familiar to most of
the population. The capacity of the elite to produce these elaborate dis-
courses was not an insignificant aspect of its social role and legitimacy. The
emphasis on the cosmic role of Spanish violence also underplayed their
responsibility in the defeat. Furthermore, it confirmed that the Mexica people
as a whole still shared a common destiny.

The Tlaxcalans also produced a rich corpus of visual histories of the
conquest that gave great salience to the representations of massacres and
the dismemberment of the bodies of their enemies. Based on a set of murals
painted on the walls of the new cabildo (town house) of the colonial city of
Tlaxcala, the most spectacular work of this genre is the _Lienzo de Tlaxcala_,
a huge painted cloth that presents the official version of the Tlaxcalan elite’s
participation in the conquest of Mexico-Tenochtitlán and in the establish-
ment of Spanish colonial rule over New Spain and beyond, from Guatemala
to what is now northern Mexico. The _Lienzo_ depicts the massacre of Cholula
in all its explicit violence: a mounted Spaniard tramples on the mutilated
bodies of the Cholulteca as Tlaxcalan warriors assault the main temple. In the
scenes that follow there are depictions of dismembered and defeated enemy
warriors in almost all the images of battle between the Tlaxcalans and
Spaniards and their indigenous enemies, the Mexica included.

The figure of the victorious Christian horseman and the mutilated bodies
trampled by his horse is a direct reference to the iconography of Santiago
Matamoros. The prominence of these scenes in the Tlaxcalan histories can be
interpreted as an overt appropriation of this Spanish emblem, used to confirm
the power and irreversible triumph of the ‘true religion’. At the same time,
from a Mesoamerican perspective, as in the case of the Mexica, the mutila-
tions could be interpreted as an allusion to the primordial dismemberments
that had helped establish the cosmos. In this case, however, they were meant
to symbolise not only the destruction of the old political and cosmic order,
centred on Mexico-Tenochtitlán, but more significantly the creation of a new
one, centred on Tlaxcala and its alliance with the Spaniards, and based on
Catholicism.

The full intercultural significance of this emblem of violence can be
grasped in the image that occupies the central position in the _Lienzo de
Tlaxcala_, a highly synthetic and conceptual depiction of the siege of Mexico-
Tenochtitlán and the defeat of the Aztecs. It represents the besieged capital
surrounded by the four peripheral towns that were used as launch sites for
the final assault. Beyond its historical accuracy, this is an adaptation of
a widespread Mesoamerican political and religious emblem, the quincunx,
Figure 30.4. The city of Tlaxcala, main image of the Lienzo de Tlaxcala.
a cosmogram that represented the four cardinal directions of the world and its cosmic centre. For instance, in the initial plate of the *Codex Mendoza*, a pictographic history of the Aztecs, the logograph for Mexico-Tenochtitlán is represented at the centre surrounded by a quatrefoil that is both a geographical representation of the four quarters of the city and a conceptual schema of the cosmos. Below are depicted the Mexica conquests of the two previous capitals of the Valley of Mexico. Thus the political and ritual primacy of the new capital is based on its subjugation of the previous cosmic centres.

The emblem of the *Lienzo de Tlaxcala* works as a negative quincunx, a dramatic representation of the destruction of Mexico-Tenochtitlán, materialised in the brutal dismemberment of the bodies of the defeated Mexicas warriors. Its full meaning, however, can be only grasped if we relate this central plate to the main image on top of the *Lienzo*. This is a conceptual representation of the colonial polity of Tlaxcala as the centre of the new Christian political and cosmic order that includes the Spanish Crown and the Christian cross. Thus the new order is shown being born out of the ruins of the older one. This highly compelling political emblem relies on a very elaborate combination of Christian and Mesoamerican iconographical and visual traditions. As such it was meant to be interpreted from both cultural viewpoints, presenting distinct but complementary messages for its different audiences. The appropriation of Christian icons and discourses was a singularly effective vehicle for constructing an emblem that demonstrated the centrality of Tlaxcala according to traditional Mesoamerican cosmography.

**The Beheading of the Inca**

The emblem of the decapitation of the Inca in Peru is another interesting example of the interaction between native and European traditions and the construction of an intercultural discourse with many layered meanings. Without a doubt one of the key historical events in the conquest of Peru was the execution of the reigning, but not crowned, ruler of the Inca Empire, Atahualpa, in 1533. After being judged for the alleged murder of his former rival to the throne and then being held for ransom, the king was garroted in private by the conquistadors. His death opened the way for the subjugation of his empire. In 1571 the rebel Inca Túpac Amaru was also executed, thus ending a decades-long rebellion by the descendants of the ancient rulers of Cuzco, the Inca capital. His public beheading in the main square of that city
was regarded as a momentous event. A contemporary Spanish account reveals that his severed head became an object for worship:

The head was placed on a lance near the gallows. Every day it became more beautiful, since the Inca had a beautiful face when he was alive. One dawn, Juan de la Sierra, looked out of the window by chance and witnessed the idolatries being perpetrated by the populace. The viceroy was informed and ordered the head to be buried alongside his body in a chapel in the cathedral. 8

Andean social memory appears to have conflated two distinct royal executions into a single one, and so, by 1615, the native historian Guamán Poma de Ayala represented the slaying of Atahualpa as a beheading, nearly identical to that of Túpac Amaru. Furthermore, we have evidence as early as 1602 of the belief that the Inca would return to rule again over his empire. Frequently his resurrection was conceived as the result of his severed head being reunited with his body, and this acquired the import of a cosmic cataclysm that would wipe away the Spaniards and establish a social order with no suffering, labour and death.

This expectation was invoked by the leaders of major rebellions in the eighteenth century, such as Juan Santos Atahualpa in 1742 and Túpac Amaru II in 1789. Thus we can propose that the beheading of the Inca and the fate of his head became the centre of an emblem of indigenous defeat and possible restoration. Significantly, the executed and expected ruler received the mixed name of Inkarri, Inca and rey, king in Spanish.

There are strong disagreements among scholars over the actual historical and geographical formation of this emblem and its continuity across the centuries. It has been identified in twentieth-century oral narratives in several Andean communities, and today many communities still perform ritual re-enactments of the execution of the Inca. However, key elements, such as the expectation of a cosmic cataclysm that would annihilate the Spaniards, were present already in the millennial Taky Onqoy movement during the second half of the sixteenth century. There are also late colonial visual representations of this emblem such as the oil painting *La degollación de Juan Atahualpa* (The Beheading of Juan Atahualpa). In it, the decapitation of the Inka is presented as the central event of the Spanish conquest and as a cosmic transformation, a change of era symbolised by the rainbow that presides over it. Twentieth-century indigenous ceramics and paintings also contain allusions to the beheading and the return of the Inca. While overtly

nativistic, this emblem is also the result of the confluence of indigenous and Western ideas.

In the Andes, the public display of so-called trophy heads, the mum-mified severed heads of defeated enemies, was a common regalia of kings and other powerful figures. The Inca themselves exhibited them, and manufactured queros, ceramic cups in the shape of decapitated heads. These cups were used to perform ritual toasts that confirmed the submission of the conquered enemy polities and commemorated their conquest by Inca rulers. Even in colonial times, pre-Columbian conquests carried out by the Incas were celebrated in public processions with the exhibition of severed heads. On the European side, there was a long tradition of beheading rebels against royal power. According to the symbolic logic of punishment, decapitation was the proper punishment for conspiring against the king, the head of the realm. The heads
of traitors were often exhibited in public squares, as was the head of the rebel Inca Túpac Amaru.

Like its counterparts in New Spain, this emblem had many contradictory meanings. For the Spaniards, who were the first to display the severed head of Túpac Amaru, the legal execution of the Inca was incontestable proof of the final subordination of the Andean dynasty to the power of their own king, who became the legitimate successor of his defeated enemies. Thus the portraits of the ancient Inca of Cuzco became a central part of their political propaganda. For the Andean elites, particularly the native aristocracy of Cuzco, the death of the sovereign was also a potent demonstration of the historical and supernatural victory of the Spanish Crown and the new Catholic religion. For them, as allies of the Spaniards in the fight against the rebel Incas in the sixteenth century, it also proved the futility of military resistance against Spanish rule. At the same time, aristocrats sought to extol the glories and legitimacy of the pre-Columbian monarchs, and their own direct descent from them. The defeat of the Incas dramatically expressed by the execution of the last ruler of this dynasty, was fundamental to this claim being compatible with collaboration with the Spanish regime.

While Spaniards and Andean aristocrats agreed that the Incas belonged in the glorious past of the Viceroyalty of Peru, the Andean peasantry apparently was compelled by the expectation of the future return of the Inca and the cosmic cataclysms and social reordering it would bring about. Though all these groups agreed on the cosmic import of the death of the Inca, they disagreed on their meaning. For the peasants, it seems, the acts of violence that culminated in the beheading of the Inca did not mark a definitive break with the past and the incontestable establishment of a new legitimate regime, but rather opened up a transient situation that would only be made right by the reversal of the same violence.

During peaceful times the Spanish authorities, the Andean aristocracy and the peasantry participated in ritual commemorations of the beheading of the Inca, and agreed in exalting the figure of the defeated rulers because the contradictory readings of this emblem were not so evident. However, the differing interpretations of this powerful emblem became painfully evident during the great Andean rebellions of 1781 and 1872, led by two figures who claimed to be the new Incas, Túpac Amaru, in what is now Peru, and Túpac Katari, in what is now Bolivia. This movement started as a defence of the interests of the local aristocracy within the framework of the existing regime, but when the first leader of the rebellion, José Gabriel Condorcanqui, a lesser aristocrat from the provinces around Cuzco, adopted
the name of Túpac Amaru II, he unleashed a radical popular rebellion that attacked both Spaniards and nobles and sought to destroy colonial rule altogether. In Bolivia, the Katari movement also sought to uproot the established social order, so aristocrats from Cuzco sided with the Spanish troops against the rebel Inca and his peasant supporters. Significantly, after the revolution was brutally defeated and Túpac Amaru II was executed by dismemberment, the emblems of the ancient Incas and representation of the beheading were officially banned.

Emblems of Violence in Other Regions of the Americas

The four emblems we have analysed worked within the highly specific social and political contexts of Mesoamerica and the Andes, which were quite different from the rest of the Americas. In both these regions the Spanish defeated and subjugated highly centralised political organisations and established colonial rule over deeply hierarchical societies, taking advantage of many of the existing institutions for controlling and extracting tribute from the indigenous peasant population. The colonial regimes in the viceroyalties of New Spain and Peru were remarkably stable. This may be the reason why the emblems we have studied sought to present the violence of the conquest as a unique final event that gave birth to a new social and cosmic order that was expected to be long-lasting if not permanent. The only discordant exception to this view, was the interpretation of the execution of the Inca prevalent among peasant communities in Peru.

In other regions of the Americas, inhabited by societies that were less politically centralised and less hierarchical, Spanish rule was not so easily established and never achieved the same stability. As a result violence was more widespread and continuous, or at least intermittent. These different social realities produced other emblems, which deserve a study of their own, but we will briefly consider two in order to propose a few lines of comparison.

Around the Caribbean from the first explorations carried out by Cristopher Columbus in 1492 and onwards, the figure of the indigenous warrior that resisted Spanish domination came to be identified with anthropophagical practices under the name of ‘cannibalism’. This led to the creation of a long-lasting emblem of wild dangerous enemies that resisted every attempt of ‘pacification’ (i.e. subjugation) and ‘conversion’ (forced Christianisation). Such ‘cannibals’ were later found and invented wherever indigenous non-state societies confronted Spanish colonists. In the frontier regions between
the Andes and the Amazon and in northern Mesoamerica they merged with local ethnic classifications of non-state societies to create the intercultural emblems of the Chuncho and the Chichimeca, respectively. On the other hand, protracted confrontations and repeated negotiations between the Spanish colonies of Chile and Río de la Plata (today Argentina) and the local Mapuche Indians, lasting from the sixteenth to the nineteenth century, also gave rise to emblems of violence and political agreement. These included the displays of trophy heads on both sides, as well as the ritualisation of complex ceremonies for political negotiation and trade, known as parlamentos.

In these emblems violence played a central role not as a past, finalised act, but as a constant threat, inherent to the frontier situation and to indigenous populations themselves. This violence was not presented as the foundation of the colonial order, but as a threat to it. In the first emblem it was embodied in ‘hostile’ Indians and served to make them objects of brutal violence and subjugation, even extermination. In the second it embodied the complicated process of domestication and negotiation that allowed for a long-term interaction with the powerful Mapuche.

We can conclude that the emblems of violence in the Andes and Mesoamerica, as well as in other regions, served as tools for interpreting the violence that was an inevitable part of colonial regimes. As such, they were central elements in the negotiation of the relations between native and European societies in the gradual construction of a shared order, or the exclusion of certain groups from it. To this day, they still play a central role in the historical memories of indigenous peoples in the New World, a proof of their cultural significance.

Bibliographic Essay

There is an abundant bibliography on the conquests of Mexico and Peru. In the first case, of particular interest are the stories written at the time of the conquest itself by Spanish soldiers, such as captain Hernán Cortés’s Letters from Mexico, ed. Anthony Pagden (New Haven, CT: Yale University Press, 2001) and Bernal Díaz del Castillo’s True History of the Conquest of New Spain, trans. and ed. Janet Burke and Ted Humphrey (Indianapolis: Hackett, 2015). Also important are the chronicles written by indigenous authors, such as the Aztec version of the conquest compiled by Bernardino de Sahagún in his Historia General de las Cosas de la Nueva España, also known as the Florentine Codex. The best recent edition of these and other Aztec chronicles is James Lockhart (ed.), We People Here: Nahuatl Accounts of the Conquest of Mexico (Los Angeles: University of California Press, 1993). Also
important is the Tlaxcalan history written by Diego Muñoz Camargo, *Historia de Tlaxcala* (Mexico City: CIESAS-Gobierno de Tlaxcala-Universidad Autónoma de Tlaxcala, 1998).

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Regarding interpretations of the cultural transformations experienced by native societies after the Spanish conquest, the most prevalent school has been that of acculturation, which argues that Western culture was dominant and gradually replaced native cultural elements. This position has been most forcefully defended in recent times by Serge Gruzinski in his *The Conquest of Mexico: The Incorporation of Indian Societies into the Western World, 16th–18th Centuries* (Cambridge: Polity Press, 1993) and *Images at War: Mexico from Columbus to Blade Runner (1492–2019)* (Durham, NJ: Duke University Press, 2001). The main proponents of the idea of a ‘culture of conquest’, which included both Spaniards and Indians in a shared framework of reference, are G. M. Foster, *Culture and Conquest: America’s Spanish Heritage* (New York: Wenner-Gren Foundation for Anthropological Research, 1960) and Arturo Warman, *La danza de Moros y Cristianos* (Mexico City: Sep Setentas, 1972).


The work of Michael Taussig on images as means of intercultural mediation is relevant for understanding the workings of colonial iconography, particularly his *Shamanism, Colonialism and the Wild Man: A Study in Terror and Healing* (Chicago: University of Chicago Press, 1987) and *Mimesis and Alterity. A Particular History of the Senses* (New York: Routledge, 1993).


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The most comprehensive analysis of the colonial iconography of the Incas is found in
Natalia Majluf et al., Los incas, reyes del Perú (Lima: Banco de Crédito, 2005); see also
Carolyn Dean, ‘The Renewal of Old World Images and the Creation of Colonial Peruvian
Visual Culture’, in D. Fane (ed.), Converging Cultures: Art and Identity in Spanish America

One of the best surveys of the contradictions in Andean native societies in colonial
times and beyond is the articles compiled in Steve J. Stern (ed.), Resistance, Rebellion and
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A recent critique of this interpretation was formulated by Juan Carlos Estenssoro in Del
paganismo a la santidad: la incorporación de los indios del Perú al catolicismo, 1532–1750 (Lima:
Instituto Francés de Estudios Andinos-Pontificia Universidad Católica del Perú, 2003).
China was no less violent than any other society in the early modern age. Like Europe, late imperial China had its fair share of wars of empire and peasant rebellions, as well as violent crimes of murder, assault, rape and robbery. While idealistic Confucian gentlemen abhorred violence as uncivilised behaviour that disrupted harmony and social order, the reality of life in China was quite different. There was in fact a ubiquitous culture of violence that permeated to the core of society and was an intrinsic part of people’s lives and mentalité. Violence that was both real and symbolic seemed unavoidable; it infringed upon the lives of everyone in street fights, bloody sports and amusements, operatic and martial arts performances, religious rituals, folklore, and public floggings and executions. What may have seemed senseless and irrational to China’s educated elites was perhaps perfectly reasonable and purposeful to other members of society, especially those of the lower orders. The culture of violence had a logic of its own, distinct from and in opposition to the socio-cultural norms of elite society. For the overwhelming majority, violence was an accepted fact of life.

This chapter, which is based on historical and literary documents as well as on ethnographic fieldwork carried out in south China by the author over the past fifteen years, examines early modern China’s culture of violence through the lenses of public spectacles – rock fights, cockfights, exorcisms, flagellation, floggings and executions. To understand the nature and widespread acceptance of violence we need to look beyond the mere acts themselves to examine its deeper social and cultural meanings. Violence must be understood on its own terms and within the context of the lives of Chinese people themselves. My focus is on south China – Guangdong, Fujian and Taiwan – from the sixteenth to early nineteenth centuries.
Map 31.1 Coastal south China, c. 1800.
Rock Fights and Youth Culture

Despite repeated bans by officials and protests from the literati, street brawls and rock fights remained popular forms of entertainment and competitive sport in south China in the early modern period. Rock fights were ritualised annual events usually occurring during the lunar New Year holidays or in some areas during the Double-Five (Dragon Boat) or Double-Nine (Chrysanthemum) festivals. They were violent, bloody public spectacles in which combatants and spectators could number in the hundreds.

Unlike many other festivals and sports, rock fights were not associated with temples and temple fairs. Most took place on the outskirts of villages in open fields. While it is tempting to view rock fights as more ‘civilised’ forms of inter-village and inter-lineage feuds (xiedou), they were no such thing. Judging by the printed descriptions and testimonies from oral interviews, they were basically free-for-alls, ‘sporting battles of strength’, fought chiefly for the sake of displaying youthful masculine bravado in order to win honour.

Figure 31.1 ‘Rock Fight during the Double-Nine Festival’, Dianshizhai Pictorial, Shanghai, 1886.
and prestige. Fighting was a means of gaining respect. Rock fights were important release mechanisms for the pent-up tensions, frustrations and antagonisms that had accumulated over the previous year. They can hardly be called civilised sports because there were no apparent rules and they were brutal and bloody. It was not uncommon for participants, and sometimes even spectators who got too close, to be maimed or killed.

In most cases, rock fights were not organised or managed by local elites or powerful lineages, but rather by ordinary villagers. Most of the participants came from poor and landless families. In the rural district (xiang) of Shawan in Panyu county in the Canton delta, for example, the village most famous for rock fights was named Longqiao (Dragon Bridge), which appeared to be a satellite village, one which was both economically and politically dependent on a dominant lineage. By the eighteenth century lineages had become the basic organisational feature of local society, whereby leading families maintained a strong sense of kin solidarity based on written genealogies and the maintenance of ancestor halls. By belonging to a lineage members gained social status and inalienable rights of settlement that distinguished them from outsiders. Lineages derived wealth and power largely from land ownership and control of markets.\(^1\) Shawan was dominated by the ‘five great surnames’, the Li, Wang, Li (Lai), Zhao and He, all powerful landowning lineages in the area.

The satellite villages were made up of tenant farmers and itinerant workers. The big lineages treated these client groups as outsiders, referring to them disdainfully as ‘sands people’ (shamin), ‘lowly households’ (xiahu), ‘trivial people’ (ximin) or ‘floating twigs’ (shuliu chai). The main distinctions between dominant lineages and lowly households were less geographic and more social, economic and cultural. The latter resided on the fertile polders or ‘sand fields’ (shatian) in impermanent mat sheds or on boats on adjacent streams. They were poor and illiterate, lacked genealogies and had no ancestor halls of their own. The dominant lineages denied them the right to permanently settle on or own land, and members of the dominant lineages did not marry with them. Whatever social relations there were between the two groups related solely to business matters.\(^2\) The sands people were looked down upon by the rest of society as being uncivilised and having depraved

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\(^1\) See D. Faure, ‘Lineage as a Cultural Invention: The Case of the Pearl River Delta’, Modern China 15.1 (1989), 4–36.

customs, such as rock fights, and they too were the sorts of people who had reputations for ruthlessness, violence and banditry.

The rock fighters, who were described as ‘pugnacious youths’ (dazai), were mostly adolescent males in their teens to early twenties. Because boys growing up in poor, lower-class families had to be tough just to reach adulthood, learning how to fight at an early age was essential for survival in a world that was competitive and unfair. Children born of poor working-class parents were more likely to be exposed to violence than the well born. Children of the rich were taught values that allowed them to be law-abiding subjects who viewed violence as wrong. For the poor, however, violence was an integral part of the socialisation process, an inevitable fact of growing up. A number of psychologists have argued that children and adolescents learn violent behaviour by imitating aggression in adults. Children who grow up in violent environments will more likely be violent themselves. If violent behaviour is learned behaviour, then children growing up in families that approve and encourage aggression will believe violence is correct and acceptable behaviour. According to Elizabeth Englander, ‘violence occurs because the person has been rewarded for being violent, or has seen others rewarded for being violent’. What these studies show is that daily exposure to violence desensitises people and allows them to accept violence as a normal part of life.

In traditional China many children in poor and marginalised families grew up in environments that approved and encouraged violent activities. The pugnacious youths fought to the cheers of parents and elders, who regarded brawling as a lively spectator sport. Contests were held during festivals and were bacchanalian occasions. In the nineteenth century the Reverend John Henry Gray witnessed several rock fights near Canton. One involved about 700 fighters and attracted a crowd who viewed the fracas from hillsides overlooking the field where the fighting took place. In the carnivalesque atmosphere combatants took time off from the fighting to buy soup and fruit from peddlers and to mingle with the crowds. On another occasion he witnessed a rock fight on Henan (Honam) island, in the suburbs of Canton, where so many people were seriously injured that the village elders called upon the police to put a stop to the melee, but the fighters drove off the police and continued the ruckus.


For most villagers rock fights were sacred affairs. Participants believed that the winners in these battles would have good luck in the forthcoming year. In the villages in Guangdong, Fujian and Taiwan that took part in rock fighting, people accepted without question that unless blood was shed calamities – bad harvests, famines, pestilence, bankruptcies – would befall them. Coming as they did at the time of the lunar New Year, marking the opening of spring, these fights also were vernal fertility rites, which were important in all agricultural societies. The shedding of blood literally and symbolically impregnated the earth with life’s essence. It is significant too that the rock fighters were primarily adolescent boys. Because pubescent lads were considered especially animated with positive yang forces, their blood was particularly potent. For this reason, ever since ancient times young boys between the ages of 11 and 15 have been the preferred mediums for exorcising demons.5

Along these same lines we find further evidence for this bloody vernal ritual from rock fights in eighteenth-century Yangjiang, a county on the western fringe of the Canton delta. There the annual rock fights were not held during the lunar New Year but rather during the Double-Five festival (held on the fifth day of the fifth lunar month) at a place known locally as the ‘Killing Mound’. The fifth lunar month, a time of seasonal change, had always been a time of rampant pestilence and dangers, especially in the malarial south. Rock fights were held on this festival, as Wolfram Eberhard has suggested, because of the need for ‘scapegoats’ to ward off the ‘overwhelming dark powers’ that were present at this time of year. They actually predate the now more typical dragon boat races, and in fact trace their origins to bloody fertility rites of the Dai aborigines, who inhabited much of south China before the influx of the Han Chinese. To assure the fertility of their rice fields Dai gods demanded human sacrifice, the victim often being a Chinese settler who was kidnapped and fattened for this purpose. The scapegoat was dismembered and the body parts distributed among the villagers, who then interred them in their fields to ensure good harvests. Later, Eberhard explains, with the growing influence of Chinese civilisation a substitute for human sacrifice had to be found. Thus another form of ordeal became popular, the rock fights between rival villages that lasted until someone was seriously injured or killed. Wild singing and dancing accompanied the fights, and the whole affair ended with a great sex orgy in the nearby woods.

Both the rock fights and the later dragon boat races were believed to bring good luck and protection to the winners; both had prophylactic values for warding off evil and disease.\textsuperscript{6}

Cockfights, Gambling and Chicken Beheadings

Besides rock fights and public brawls other popular spectacles included the blood sport of cockfighting, which was popular throughout south China. The sport was, in the words of Clifford Geertz, ‘a bloody drama of hatred, cruelty, violence, and death’.\textsuperscript{7} Unlike the rock fights in which everyone was a potential actor in the brawl, in cockfights the cock served as a surrogate or scapegoat, standing in the place of the owner and actualising the social tensions within the community. It became the protagonist in a bloody battle for life, honour and valour. Although cockfighting had been popular among all classes in early China, by the sixteenth century it had become primarily connected with lower orders. It was a sport generally associated with unruly youths and idle rogues who had little regard for social conventions, and was so popular in the Ming dynasty (1368–1644) that enthusiasts organised cock-fighting societies to promote it. The Cantonese, who had a reputation for cruelty toward animals, seem to have taken special delight in competitive sports with lots of blood and gore. The thrill of the cockfight was in the bloodshed and killing. The sight of blood and the smell of death brought out excitement and passion in men, exacerbated by wagers and betting. Like the rock fights, cockfights were noisy and festive.\textsuperscript{8}

Besides cocks, Chinese raised and trained all sorts of animals for fighting – quails, ducks, geese, oxen, rats, crickets, cicadas and fish. In Chaozhou, Guangdong, for instance, people raised fighting geese weighing up to 40 catties (approximately 20 kg). Many people preferred to fight quails because they were considered more bloodthirsty and fiercer than cocks. It was reported that ‘Great pains are bestowed upon fighting birds by their owners to prepare them for the fighting season’. Some trainers fed them rice mixed with egg yolks, or with insects taken from boiled rice that had been exposed to the sun (presumably fortifying the yang forces), while others fed their birds


\textsuperscript{8} R. J. Cutler, \textit{The Brush and the Spur: Chinese Culture and the Cockfight} (Hong Kong: Chinese University Press, 1989), pp. 5–6; and personal observations at a cockfight in rural Zhudong in Taiwan during the lunar New Year in 1985.
maggots from dogs’ flesh. Near Canton people raised a bird, called ‘Chu-Shee-Cha’, which fed on pig dung. People trained their birds to fight by tapping their heads and blowing on their feathers. Quail fighting had become so popular among the lower orders that sailors brought them aboard ship for amusement. The rearing, training and fighting of cocks and other animals became lucrative occupations.

Cockfighting eloquently epitomised two of the most often mentioned evils in south China – fighting and gambling. Wherever there was a market, temple or some open space, there was sure to be a cockfight or some other betting game, vices closely associated with the breakdown of social order. There were, in fact, hundreds of different wagering games in Guangdong and Fujian. Every town and city had its gaming houses, frequently located on some backstreet hidden from the view of respectable residents. In and around the environs of Canton there were hundreds of casinos; the neighbouring entrepôt of Foshan alone had forty to fifty. Even fruit stands turned into gaming tables, with crowds of young boys casting dice for tasty delights. In the nineteenth century, wrote S. W. Williams, out-of-work labourers and

9 Zhang Qu, Yuedong wenjianlu (A Record of Things Heard and Seen in Guangdong) (1738) (Guangzhou: Guangdong gaodeng jiaoyu chubanshe, 1990), p. 48; Gray, China, vol. 1, p. 394.
porters loitered about the streets of Canton in small groups ‘smoking, gambling, sleeping, or jeering at the wayfarers’. The Cantonese loved wagering so much that one writer described the entire province as a kingdom of gamblers. When passions arose, tempers flared and gambling became an occasion for brawls. Like fighting itself, gambling also provided an important release from the drudgeries of life and created possibilities for making money.

Gambling was associated with another evil – banditry. It was often said that ‘gambling was the root of violence and robbery’, and in fact writers claimed that many bandits started out as gamblers. In an imperial decree in 1729, the Yongzheng Emperor likened gamblers to good-for-nothing loafers and rascals. ‘Gambling,’ he reiterated, ‘is a cause of fights, a source of lawsuits, a reason for the rise of banditry, a centre of attraction for the disaffected, damaging in countless ways the good morals and customs of the people.’

Gambling dens were the gathering places for thieves, robbers, pirates, smugglers, prostitutes and other marginal elements in society. These were places where robbers and thieves fenced loot and where soldiers and yamen runners peddled information. To eliminate banditry, officials said, it was first necessary to eliminate gambling. But how could the government expect to eliminate, or even curb, a vice that soldiers, runners and officials abetted in?

According to Clifford Geertz the cockfight represented bloody sacrificial offerings to placate demons, and in this sense they were much like the rock fights mentioned above. The shedding of blood, whether of cock or man, was considered necessary to exorcise natural evils. If a cock was killed in battle, and had died bravely in a good fight, the owner would take the slain hero home to eat or to soak the guts and liver in liquor to be drunk as a potent elixir. The winner, of course, was caressed and indulged until one day he too would be killed. If chickens in general stood for good fortune (the Chinese word for chicken, ji, is a homonym for good fortune), even more so the male of the species. The universal phallic symbol, the cock was the embodiment of masculinity, virility and courage. As a positive yang force, representing the

11 Cited in P. Y. L. Ng, New Peace County: A Chinese Gazetteer of the Hong Kong Region (Hong Kong: Hong Kong University Press, 1983), p. 76.
12 In imperial China yamen runners were menials employed in a magistrate’s office and residence, where they performed unskilled tasks, such as working as gatekeepers, policemen, sedan-chair bearers, gong beaters, lantern carriers, night watchmen and so forth.
sun and fire, it was the source of warmth and life itself. For this reason, people ate hens but generally avoided eating roosters. Because the latter were bestowed with magical powers, their flesh and blood were reserved for warding off evil and curing illnesses. Throughout China people hung roosters over their doors to frighten away goblins and ghosts. In south China there were countless folk beliefs associated with cocks. People used cocks to strengthen the souls of the dead by placing their images on coffins and gravestones, and ancestral tablets were given animation by dotting them with cock’s blood. As a symbol of male sexual power, cocks were considered a potent cure for female infertility. The flesh of a red cock nullified poisons and warded off pestilence. Anyone suddenly struck dead by a demon could be revived by rubbing the blood of a cock below the heart.\textsuperscript{14}

For all their potency and efficaciousness cocks were nonetheless treated with extreme brutality. They were the victims of choice in most religious rituals. The victim had to be alive in order to elicit the full potency. One of the most common rites, begun in ancient times, was the ripping apart of live roosters to expel evil elements. It was said that in Fujian and Guangdong the first thing that anyone did when they got sick was to kill a cock as an offering to the evil spirits who caused the harm. Chinese sorcerers killed and deboned cocks as a popular method for divination. In Hong Kong in 1960, James Hayes witnessed a particularly cruel ritual involving a geomancer and a young live cockerel. The villagers of Pak Wai had hired the geomancer to perform a prophylactic rite to counter the ill effects of nearby road construction on the local feng shui. The climax of the rite came when the geomancer affixed the poor creature to a tree by plunging a nail through his eye and then sprinkling the blood on a bamboo talisman.\textsuperscript{15}

In contentious disputes in south China, it was common practice for the accused to ‘prove’ his innocence by performing a beheading ritual. Grabbing a cock in one hand and a knife in the other he would cut off the bird’s head while swearing that he was not guilty. Often performed in a temple, he pledged before the god: ‘If I am guilty may my head be cut off like this chicken.’\textsuperscript{16} In some areas, instead of beheading a chicken the two sides in a dispute used


\textsuperscript{15} J. Hayes, \textit{The Rural Communities of Hong Kong: Studies and Themes} (Hong Kong: Oxford University Press, 1983), p. 169.

a poisonous snake to decide who was right and who was wrong. Shamans used the blood of cocks, especially white cocks, in rituals and in covenants. So did the members of secret societies, bandit gangs and rebel groups.  

Sorcerers, Exorcism and Flagellation

Scholars and officials repeatedly mentioned that the people of southern China were extremely superstitious, having deep beliefs in ghosts and sorcery. Despite the discouragement of the educated and prohibitions by the government, fortune tellers, geomancers, diviners and sorcerers were ubiquitous in China. Nearly every village had a religious specialist who worked out of his or her home or local temple or shrine. Others travelled about the countryside from village to village and from market to market peddling their services and cures, usually earning no more than a subsistence living. What I call sorcerers and witches were the wu, who danced in trances, spoke in tongues and used magical techniques (fashu), charms (fu) and spells (zhou). At the end of the seventeenth century the scholar Qu Dajun vividly described their rites after a visit to a village on the outskirts of Canton: ‘Every night I heard exorcists blowing on ox horns and making ghostly sounds till early in the morning. Sorcerers continually recited spells over water and wrote charms. Among them were those who had deities descend upon them, or were youths bewitched by fairies, or were shamans being questioned.’

This scene and ones like it were repeated daily throughout Guangdong, Fujian and Taiwan, as sorcerers culled supernatural powers to cleanse villages of evils and to expel demons from the sick.

Sorcerers and witches were indispensable village practitioners – doctoring the sick, assuring good harvests, settling disputes and quieting hungry ghosts. Although looked down upon by officials and scholars as charlatans and troublemakers, nonetheless they were both respected and feared by villagers because they possessed awesome magic that could benefit or harm people. By and large most of these folk diviners came from the lower orders of society.

Sorcerers were everywhere because ghosts and demons were everywhere. Indeed, there was little separating the human world and the spirit world.

18 Qu Dajun, Guangdong xinyu (New Discourses on Guangdong) (1700) (Beijing: Zhonghua shuju, 1985), vol. i, p. 216.
most Chinese, spirits were real: ‘worship is conducted not merely for the sake of carrying on tradition, but because the spirits are thought of as being able to interact with human beings, bringing them good or evil fortune’. 19 Ghosts and demons were the harbingers of plagues and other calamities. Armed with swords, spears and other weapons, black-faced demons with jagged teeth attacked humans at night. They were the spiritual equivalent of bandits. A Cantonese sorceress called the Fat One who, while in a trance during a séance, reported that the souls of three village children had been kidnapped by a ghost who refused to release them unless a ransom in gold spirit money was paid. 20 Ghosts were like bandits because they were dangerous, because they operated outside the hierarchy of gods, and because they supported anyone who worshipped and sacrificed to them.

The eternal struggle against evil, a central feature of Chinese folk religion, was represented as a military campaign. Violent and destructive demonic

beings could only be driven away or destroyed by equally violent means. Exorcism was therefore necessarily violent. ‘The act of exorcism,’ Stephan Feuchtwang has suggested, ‘is a commanding, military evocation and performance.’ It was common for shamans and Daoist priests, while performing ritual dances with swords in hands, to expel demons by summoning spirit soldiers (shenbing or yinbing). Their ritual performances were battles with acrobatic charges and the thrusting of swords set to the tumult of furious drumming and gonging. In the seventeenth century on Hainan island there was a famous Daoist magician named Huang Jing’er who had been called upon to save his village from a terrible drought. Donning Daoist robes and loosening his hair, he first sacrificed a cock and then performed a rain dance with his sword while simultaneously chanting spells. Countless folk tales told of ghosts and vixens that had to be exorcised by Daoists or sorcerers possessing magical swords and incantations.

Chinese believed that the spirit soldiers were actually the souls of men who had died violent deaths in battle and were therefore dangerous and bloodthirsty demons. But controlled through ritual, they became positive forces in the hands of Daoists and shamans. They made covenants – often in the form of an oath using the blood of a cock – with spirits and gods to fight evil and to protect the community. Coloured flags that stood for the five cardinal points – black for north, red for south, green or blue for east, white for west, and yellow for centre – denoted the five spirit armies, which in south China were called the Five Encampments. A divine general commanded each army. The popular exorcising deity Nozha or Santaizi (Third Prince), who led the centre camp, was the commanding general. In 1748 the authorities in Chenghai county arrested the ‘bandit’ Li Awan and his mother for conspiring ‘to rob the rich and to stir up the ignorant masses’. Li, who had been born into a family of local Daoists, possessed an ‘unorthodox’ book of spells and five coloured flags that he used to summon spirit armies. In Hong Kong female shamans, while in a trance and travelling through the netherworld, would conjure up spirit soldiers or ‘spirit policemen’ to combat the ghosts that caused illnesses. Married women in the suburbs of Canton hired witches, known locally as ‘Mi-Foo-Kow’, to use black magic to call up demons to kill their abusive husbands.

Charms and spells were the chief means used by religious specialists to expel and destroy evil spirits. Charms were potent because they were

contracts between the religious adept and the deities who conferred them. The most effective charms were written in blood, either using the blood of a cock or that of the ritual specialist. Charms were used for all sorts of purposes from curing illnesses to preventing crimes. A Ming dynasty magician named Tang Guhe from Lingshan in western Guangdong wrote charms to bring rain and to end pestilence, while a Conghua local ritual specialist (fashi) named Gong used Thunder God charms and spells to end droughts and drive away bandits. Seemingly innocuous charms were efficacious because they violently dispelled evils. On them were written, often repeated many times for emphasis, commands for gods and spirits to devour (shi), kill (sha), behead (zhan) and repress (yan). Charms commanded dragons, snakes, the Jade Emperor, the Thunder God and other deities and spirits to destroy evil-causing demonic forces. Typically written on charms was the character for ghost (gui) with one or more strokes omitted, indicating that the ghost had been decapitated. Spells, which were often used in conjunction with charms and other magical techniques, were equally violent. In a ritual known as ‘driving away the shades’, one Cantonese sorceress waved incense over her sick client while chanting a spell that ended with the phrase, ‘The Very High Laojun [i.e. Laozi] kill, kill, kill [the demons] as commanded’. This was a conventional expression frequently used to end spells.23

When possessed by deities, some shamans flagellated themselves using various weapons and instruments of torture. Self-flagellation rituals, common throughout south China, usually occurred during exorcisms and religious festivals. Mediums verified their magical powers and demonstrated their invincibility by piercing their tongues with swords, sticking metal skewers with the heads of the five divine generals through their cheeks, dipping their hands and arms into boiling oil, climbing tall ladders of knives or walking across blazing beds of charcoal, the underlying assumption being ‘that a spiritual being of vast and undefined powers possesses the body of a human medium and enables him to inflict injury upon himself without feeling pain, and to speak with divine wisdom, giving advice to worshippers and curing their illnesses’.24 Mediums mortified themselves with skewers through their cheeks as a means of mustering spirit armies. It was common for shamans to cut their tongues, or sometimes their arms, with swords and

23 See e.g. H. C. Ch’en, ‘Examples of Charm [sic] against Epidemics with Short Explanations’, Folklore Studies 1 (1942), 37–54; and Wang Shizhen, Zhongguo mingqing fengsu (Chinese Popular Customs in the Ming and Qing periods), 2nd edn (Taipei: Xingguang chubanshe, 1992), p. 68.
write out charms with their blood, for it was believed that human blood was especially efficacious in exorcising demons and curing ills. Afterwards the charms would be burned and the ashes mixed with water and consumed by the patient as medicine. The barefoot sorcerer likewise ascended a ladder of swords for the benefit of his patient believing that swords would scare away ghosts causing sickness, and he walked on fire for ritual purification. In local communities ritual self-flagellation served a positive function and was even an auspicious occasion in which parents brought small children to watch. They also served as a public spectacle and entertainment.25

Processions during religious festivals also provided occasion for shamans and believers to mortify and flagellate themselves. Mediums, sometimes dressed in the costume of the deity who possessed them, would ride in temple sedan chairs brandishing swords and leading crowds of votaries on parade. It was not uncommon for processions to turn into riotous mobs. In Fuzhou, the capital of Fujian, penitents, wearing heavy wooden cangues or handcuffs, paraded through the streets during certain festival days to atone for their misdeeds. Gray described a festival in the Canton delta in which devotees appeared ‘in red dresses similar to the dresses of Chinese convicts, with chains round their necks, fetters on their ankles, and handcuffs on their waists, in sign of humility and unworthiness’. On Hainan island during the God of War (Guandi) festival in the fifth lunar month, for three days zealots would parade around the streets with cuffs on their hands and chains around their necks. Some would use knives to cut their flesh and others would burn their arms and chests with lit incense to atone for past transgressions.26

Rituals of Punishment

The high degree of brutality and violence found in popular culture was paralleled by the tortures and punishments inflicted on criminals by the state. In late imperial China, as in Europe, punishments were meant to be frightful displays of terror and violence staged by the state for public viewing. Like rock fights and cockfights, floggings and executions also were popular forms of entertainment.

Figure 31.4 ‘Spirit medium dressed as a deity carried in procession’, *Dianshizhai Pictorial*, Shanghai, 1885.
In traditional China flogging, tattooing and mutilation were all common types of corporal punishments meant to inflict both pain and shame on offenders. They were also used in conjunction with other more severe forms of punishments, including penal servitude, banishment and death. Judicial torture was part of the trial process and accepted as necessary for obtaining confessions. Prisoners were publicly tormented at trials, in jails and in streets and marketplaces. Although torture was legally sanctioned and regulated, nonetheless extralegal forms of torture were frequently also applied to prisoners as well. During trials the accused were subject to beatings with canes on their faces, backs and legs, or were made to kneel before the judge’s bench on broken glass and chains. Witnesses, too, were flogged in court. Tattooing the crime on the face or shoulder of convicts was a common auxiliary punishment. Although less common, some prisoners were mutilated in addition to receiving other punishments and tortures. Rebels who had received imperial pardons nonetheless routinely had one or both ears cut off before being released from custody. Other forms of mutilation included gorging out eyes and cutting off tongues, arms, feet and penises.27

Although incarceration was not as bad a punishment, jails were nevertheless places of great suffering and death, or as one writer put it, ‘habitations of cruelty’. People likened prisons to hell because of the torture and violence inflicted on inmates. Jails were notoriously overcrowded and ridden with disease. Most prisoners were kept fettered in chains. Some were ‘tied up by ropes which are made fast under their arms, their feet not being allowed to touch the ground’. For prisoners, incarceration was a dehumanising process: ‘Their death-like countenances, emaciated forms, and long coarse, black hair, gave them the appearance rather of demons than of men.’ Deaths from beatings and sickness were so frequent that temporary places of interment referred to as ‘dead-houses’, were erected next to prisons. In 1804, for instance, the Board of Punishment reported that in the two months of May and June some 490 prisoners had died in Guangdong jails. Evidence suggests that roughly 25 per cent of 5,100 prisoners died in those same jails between 1760 and 1845.28

27 R. Antony, Unruly People: Crime, Community, and State in Late Imperial South China (Hong Kong: Hong Kong University Press, 2016), pp. 244-6.
Besides incarceration in jails, many prisoners were also put on public display where they were ‘daily exposed to the scorn of all passers-by’. Typically, petty offenders – such as gamblers and common thieves – were made to wear cangues, heavy wooden collars a yard or so square and several inches thick: ‘The victim gets no rest, and he cannot even take his food without assistance as it is impossible for his hands to reach the mouth.’ Offenders who were punished in this way wore the cangue both day and night for several weeks to three months and in a few cases in perpetuity. In Canton each morning they were taken from jail and made to stand at one of the main city gates, in front of popular temples or at some public hall, where they were treated as objects of humiliation. Those who had committed more serious crimes were confined in tiny cages or were chained to large stones or long iron bars. Most punishments also included parading prisoners through the streets. Handcuffed and bound in chains, they were led by runners beating gongs while lectors rhythmically flogged them on their backs. Bystanders too joined in to mock and throw rocks and filth at the bound prisoners. Because processions lasted several hours and toured through several streets, ‘the flow of blood is often very great’.29

The death penalty was the ultimate form of violence imposed by the state on its subjects. Executions were death by torture in the sense that they were calculated gradations of pain – from strangulation to decapitation to death by slicing. For the authorities executions were staged as solemn ceremonies, but for ordinary people they were festive occasions. In Canton on the appointed day condemned prisoners, dressed in red, were bound and carried in open baskets – like pigs to the market for slaughter – through the streets to the execution ground, a potter’s field between the south gate and the river. They were fed hard liquor in the hopes of making them compliant victims. Soldiers, armed with spears, swords and matchlocks, marched in front and behind the prisoners, while a high-ranking official in formal attire, carried in his sedan chair, followed them. A herald on horseback at the rear of the procession carried a small yellow banner bearing the imperial command sanctifying the execution. Making its way through the crowded streets, the procession always stopped at the small temple of the Five Genii, near the place of execution. The officials prayed to these divine warriors for protection from the vengeful ghosts of the soon-to-be-executed criminals. There were always crowds of jeering spectators that followed the procession to view the

29 Gray, China, vol. 1, pp. 55–8; and J. A. Turner, Kwangtung or Five Years in South China (1894) (Hong Kong: Oxford University Press, 1982), p. 31.
hideous spectacle. Vendors tagged along to sell food and drink. At a strangulation the condemned criminal was tied to a cross while the executioner twisted a rope around the neck until dead; at a beheading the prisoner kneeled, facing in the direction of the imperial throne, as the executioner’s sword severed the head. In the most heinous cases convicted criminals would suffer death by slicing, a lingering death whereby the condemned would be slowly cut to pieces. Afterwards the severed heads were either laid in piles alongside a wall at the execution ground, or, in the cases of notorious bandits and pirates, transported back to the place of the crime to be exposed in public in cages or suspended from poles by their queues.30

In the early modern age, a time of mounting social disorder throughout south China, the spectacle of decapitated heads dangling in the air in markets and port towns must have been a pervasive sight. In the hundred years before the Opium War (1839–42), more pirates and bandits were executed in

Guangdong than in any other province. Guangdong also had the third highest number of executions of people convicted for killings in affrays. Fujian province was not far behind in the number of bandits and executions. Banditry was such a severe problem that it was not unusual for groups of twenty, thirty, forty or more bandits to be summarily beheaded at a time. During the height of pirate disturbances during the first decade of the nineteenth century several thousand criminals were executed every year, and the numbers continued to remain high in the decades that followed. For example, the *Indo-Chinese Gleaner* reported that in 1817 over 1,000 and perhaps as many as 3,000 prisoners were executed in Canton. In 1829 one executioner, who had done his job for over thirty years, claimed that he had killed ‘upwards of ten thousand criminals’ in his lifetime. With so many death-row inmates, each year just before the lunar New Year, a time for communal purging and purification, officials cleared the prisons in Canton with ‘wholesale executions’.

The death penalty was a form of ritual killing. The condemned became sacrificial victims whose deaths were necessary for the purification of society. Executioners, who were drawn mainly from the dishonourable trades of pig butchers and soldiers, were akin to sorcerers in that they too exorcised the polluting evils from the community with their swords. But in their case evil was visible and tangible. Heaven, state and society demanded the blood of bandits, pirates and murderers as retribution for their excessive offences. Death was fair punishment for their crimes and their blood was necessary to assure nature’s harmony. To consummate the sacrifice the victim’s blood, life’s essence for both man and god, needed to be ingested. The blood of convicted criminals was regarded as being especially potent and charged with positive yang forces. The executioner-cum-sorcerer collected the blood and body parts of executed criminals to sell to druggists and spectators as cure-alls for diseases. People dipped rags in the blood and tied them to the bedposts to keep demons away, or they ingested the blood, liver or some other internal organ believing that by doing so they would subsume the victim’s strength and courage.

**Conclusion**

In the highly competitive and conflictual world of early modern China, aggression and violence were a regular part of village and city life. People not only came to blows with one another, but also with ghosts and demons...
that infested their world with all sorts of evils and afflictions. Life was tough for the majority, and fighting was not only a release for pent-up tensions and anxieties but also a skill essential for survival. Rock fights, cockfights, self-mortifying shamans, sword-wielding exorcists, public floggings and bloody beheadings – these were common spectacles of public violence that pervaded the lives of Chinese people in the early modern era.

Violence, of course, had multiple meanings. The elites denounced public spectacles of violence as an evil custom among the ‘ignorant masses’. In China the ruling class of scholar-officials, if not in fact then at least by intention, came to increasingly identify themselves as much by their education and refinement as by their aversion to violence. For the educated elites violence was something they associated chiefly with the unenlightened and boorish lower orders. For the ruling class only ‘rational’ violence – such as the punishment and torture of murders, rebels, bandits and other hardened criminals – was acceptable. The actual violence, however, was carried out by menials and never by officials themselves. The ruling class disdained popular forms of violence, in large measure, because they were wild, senseless and irrational. Unregulated gatherings, such as at rock fights and cock-fights, encouraged vices like prostitution, gambling and drunkenness; and the indiscriminate mingling of the sexes on those occasions appalled their sense of propriety and decency. Members of the ruling class waged an endless war against popular forms of violence that were played out in terms of civilisation versus barbarism. It was also a war waged for dominance and control over the lower orders and their culture.

For the poor and marginalised in society violence was purposeful as evidenced by its rituals and symbolism. It gave power to the powerless and prestige to the disreputable. Honour was regulated by acts of violence. Regular displays of violence were necessary to gain respect and could even ensure social mobility. Violence was essential to masculinity and gave meaning to men’s lives, providing them with ambition and dignity. Watching violence was not only a popular form of amusement, but also something imbued with magico-religious significance for both performer and audience. Bloody spectacles were auspicious occasions for young and old, male and female. The shedding of blood also gave meaning to violence. Blood was the vital force of life so important in warding off evil spirits, curing illnesses, insuring fertility and bringing good luck. These acts were part of a well-established, but heterodox, folk tradition whereby violence and bloody rituals were deeply rooted in everyday life and the popular culture of early modern south China.
Bibliographic Essay

Although there are no scholarly studies dealing specifically with public spectacles of violence in early modern China, nonetheless there is an enormous amount of primary and secondary sources, mostly in Chinese, scattered in newspapers, journals and books. One insightful study and a good place to start is B. J. ter Haar, ‘Rethinking “Violence” in Chinese Culture’, in Goran Aijmer and Jon Abbink (eds.), Meanings of Violence: A Cross Cultural Perspective (Oxford: Berg), pp. 123–40.

A topic that has received very little attention is the annual rock fights that were apparently common not only in south China but also in some areas of northern China, Korea and Japan up until the 1940s. There is a brief mention of Taiwan’s rock fights in Donald DeGlopper, Lukang: Commerce and Community in a Chinese City (Albany: State University of New York Press, 1995), but little else is available in the literature in any language. Cockfights are dealt with in a literary study by Robert Joe Cutter, The Brush and the Spur: Chinese Culture and the Cockfight (Hong Kong: Chinese University Press, 1989), as well as in the seminal 1972 study by Clifford Geertz, 'Deep Play: Notes on the Balinese Cockfight', in his Interpretation of Cultures: Selected Essays (New York: Basic Books, 1973), pp. 412–53.


The culture of early modern Europe was suffused with violence. Christianity’s central event prior to the Reformation, and in the case of the Roman Church through the centuries that followed, was the violent death of Christ on Calvary, a sacrifice whose message was one of atonement and human redemption, an event that was commemorated and re-enacted daily through the clergy’s celebration of the Mass. Much visual imagery in the century and a half that followed the Reformation reflected this commemoration of violence and suffering, driven by the salvific possibilities of martyrdom and the need to eradicate heretics and apostates, whether confessional enemies, witches or Jews. Personal and collective violence, as well as public spectacles of brutal punishment, constituted fundamental instruments for the practice of political power, despite the increasing use of bureaucracies by nascent states. The depiction of such violence could be found in all manner of media – in murals and frescoes on church walls, statues of stone, wood or bronze, illustrations in illuminated manuscripts, panel paintings, stained glass and tapestries, and from the later fifteenth-century invention of print, in the new media of single-leaf prints, book and pamphlet illustrations, and broadsheets. This overview of depictions of violence in Reformation Europe aims to show how violence was refracted through different visual media of the period, the patterns in its representation, how artists, patrons and publishers endeavoured to exploit it, and its relationship to actual violent events and practice.

Biblical and Classical Sources

The largest number of depictions of violence were drawn from Old Testament stories of destructive passion, familial rivalry, fighting armies and various acts of divine anger and punishment. The murder of Abel by Cain was the archetypal act of murderous envy, David holding aloft the head of the slain giant Goliath an icon of miraculous victory, the suicide of Saul surrounded by his butchered...
sons an image of disobedience and despair, the destructive fires of Sodom or the
ten plagues unleashed on the Egyptians graphic reminders of God’s blazing fury
when faced with human sin, Judith’s beheading of the drunken general
Holofernes an example both of civic virtue and the dangers of female seduction.
The battle between the good and bad angels, and the ultimate victory of
Michael over Lucifer, was a violent Old Testament story that took on special
significance for militant Catholic identity in the late sixteenth century.

New Testament gospel stories also, such as the violence of Christ’s passion
and death, or his expelling of the money changers from the temple, provided
examples of just and unjust violence. The Massacre of the Innocents, the story
of mass infanticide carried out by King Herod in order to eliminate possible
threats to his power by the newborn King of the Jews, became an especially
popular subject for numerous artists endeavouring to confront and comment
on the harsh brutality of the confessional wars in the second half of the
sixteenth century (Figure 32.1). The biblical Book of Revelation, on the other
hand, provided graphic inspiration for artists illustrating widespread fears that
accompanied the dramatic changes and conflicts associated with the
Reformation. Depictions of the four horses of the Apocalypse – Famine,
War, Conquest and Death – shown brutally trampling representations of
humanity underfoot, or the angels opening the seventh seal and releasing all
manner of chaos, fire and destruction on the earth, warned viewers of immi-
rent doom and destruction, interpreted current religious and political conflicts
and provided hope of ultimate victory for the persecuted. Increasing literacy,
the proliferation of print, the Protestant emphasis on the Bible, translations of
Bibles into the vernacular and their frequent illustration with prints, all served
to make the violence of biblical imagery more widely accessible.

As access to the literature of the classical world also increased, through
commentaries, translations and archaeological discoveries, so classical art and
literature provided new models for the depiction of violence. Andrea
Mantegna’s engraving, The Battle of the Sea Gods (1475–88), for instance, was
based on ancient classical sculptures and influenced many sixteenth-century
artists, such as Albrecht Dürer, Agostino Veneziano and Hans Sebald Beham.
Representations of sexual violence and rape, as in The Rape of the Sabine Women
or The Rape of Europa, also became common subjects and models for artists;
while the violent rape of Lucretia by Tarquin (Georg Pencz, Titian) now
complemented the more common earlier depictions of Lucretia’s suicide.
Classical literature also provided sources for the depiction of violent conflicts
between heroes and monsters, as in the various Renaissance Labour of Hercules
series; or in narratives of harsh classical punishments, such as The Flaying of
Marsyas, a punishment for Marsyas’ hubris in challenging Apollo, a god, to a musical contest.

Printmaking and Reformation

The first widespread use of prints, either in the form of single-leaf woodcuts or as woodcuts or engravings used to illustrate pamphlets, occurred in the
Visualising Violence in Reformation Europe

service of the early German Reformation movement. The most important, if not only, aim of these prints was propaganda, to demonstrate the violence of the Roman Church against its members, and the necessity of uncovering the disguises and subterfuge the clergy used to trick and confuse the faithful. So the pope and cardinals were frequently depicted as ravenous wolves who break into the sheepfold and devour the flock of Christ; or as devourers of the dead, shown with body parts hung up to dry, or as carving up cadavers for a feast.¹ Melchior Lorch’s 1541 engraving, *The Pope as a Wild Man*, for instance, which displayed a double-headed monster brandishing an uprooted tree as a club while spewing flames with toads, lizards and reptiles out of its mouth, embodied the destructive and ultimately diabolical power that the pope claimed to possess (Figure 32.2). Alternately, violent fury was shown being unleashed on the Roman clergy: monks were turned on by the hunted and driven into the mouth of hell; clerics were paraded as captives; the pope and his cardinals were strung up on gallows, pounded and crushed in large tuns, ground and refined in mills to reveal their true nature, or trampled underfoot by a victorious risen Christ. These images were meant to be instructive, identifying enemies and their deceitful strategies for maintaining power; but they were also meant to demonise, and thereby neutralise, that power, and to incite viewers to act against it.²

Violent punishment was also graphically depicted in images of Christian martyrs and martyrdom. Martyrdom had certainly been a staple of Christian iconography through the medieval period, such as in the flaying of St Bartholomew or the beheading of St Catherine of Alexandria. But it achieved new prominence in the second half of the sixteenth century, in a Europe caught up in confessional conflict between resurgent Catholic powers and those who now identified with the various Protestant Churches. For Catholics as well as Protestants, martyrdom was represented as an emulation of Christ’s death and therefore a model for Christian life. Images of ancient martyrdom proliferated through printed images, as in Antonio Gallonio’s 1594 work describing the various forms of martyrdom illustrated by Antonio Tempesta. The ancient martyrs were also supplemented by the more recent, as in the thirty-four martyr murals created by Circignani for the Jesuit English College in Rome in 1584, which were also replicated in engravings by Giovanni Battista de Cavalleriis.

For Protestants also, the violence of martyrdom was central to the elaboration of their group identity and was maintained and reproduced through the literary and visual memory of their persecuted history. John Foxe’s *Actes and Monuments*, commonly known as the *Book of Martyrs* and first published in 1563, is a prominent example. The first edition of the book contained sixty woodcuts that illustrated the violent persecution of the true church ‘of these Latter and Perillous Days’ in England and Scotland. By the second edition of 1570 there were 150 woodcut illustrations that accompanied the ‘general
discourse of these latter persecutions, horrible troubles and tumults styred up by Romish Prelates in the Church’. The illustrations included graphic depictions of the tortures, hangings, garottings and burnings endured by Lollards and Hussites in earlier centuries and recent Protestant martyrs at the hands of Queen Mary (Figure 32.3). They were clearly meant to elicit strong feelings of horror at the long history of cruel persecution of true Christians, but also wonder and resilience at the martyrs’ strong faith. Foxe’s work was extremely popular, and was reprinted six times by 1610. According to the English Jesuit, Robert Persons, the visual images were crucial for its popularity, Persons claiming that ‘the bayte of pleasant historyes, fayre pictures and painted pageants’ deceived the souls of the simple.3

The new print media brought about an expansion not only in the number of images but in the range of subjects they covered. This was especially the case with illustrated broadsheets. These were created to spread propaganda, to contribute to political or religious debate, to support territories

in times of upheaval and war, to satirise or aggrandise political rulers and their policies or to report on current events. With their large and sometimes crude images and minimal text, broadsheets (or news-sheets, *Neue Zeitungen*, as Germans called them) circulated through Europe at previously unheard-of speeds, bringing new images of violence into inns and town squares and enabling access to a much broader audience, either through direct purchase or through later oral communication and visual display. For broadsheets could respond and adapt far more quickly to particular events or collective fears. So from the mid sixteenth century an increasing number of broadsheets brought all manner of news reports of wondrous, terrifying and gruesome events. One of the largest contemporary collections of such broadsheets and other similar hand-written reports was the so-called ‘Wonder Book’ of the leading pastor of the Reformed Swiss Church in Zurich, Johann Jakob Wick, compiled between 1560 and 1587, the year before Wick’s death.\(^4\) The woodcuts and engravings in more than 800 printed pamphlets and single-page broadsheets, and 1,028 pen and ink drawings in thousands of handwritten documents provide some sense of the various forms of violence experienced by the population of sixteenth-century Europe.

Among the most common subjects found in the Wick images are those depicting violent destruction caused by natural disasters such as floods, earthquakes, storms, lightning strikes, avalanches and freezing weather, which commonly brought crop failure, famine, disease and death in their wake. For the period when this collection was compiled was a time of dramatic cooling associated with the Little Ice Age, which struck most of Europe between 1560 and 1650, reaching its peak in western Europe between 1565 and 1628. Such disasters were most commonly viewed as having God as their primary cause: they were instruments of divine punishment for human sin, the boiling over of God’s fury, and warnings of more possible destruction to come. The meteorological disorders were marked by terrifying and violent images in the sky – such as blood rain, dragons spewing fire, bloodied men in armour with fiery swords, armies arraigned for battle. In some images of calamitous lightning strikes, God the father is shown in the sky within a perimeter of thick clouds from which flames radiate out to set the city’s buildings ablaze. Together with their accompanying narratives, these images were meant to demonstrate the

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\(^4\) The online catalogue of the Zurich Zentralbibliothek has images from the twenty-four folio volumes of the Wick manuscripts and from the broadsheets.
frightening nature of what Wick calls ‘our miserable times’, his belief that these were indeed signs of the Last Days.\textsuperscript{5}

**Crime and Punishment**

The increasing number of violent murders and horrific crimes constituted another sign for Wick that the world was living through the End Time. So the Wick images feature numerous depictions of murder. There are assassinations of rulers; the stabbing and shooting of neighbours; husbands murdering their pregnant wives, mostly by stabbing, but also by defenestration and drowning them in wells; wives killing husbands with knives, poison, and one with a hammer; fathers stabbing their own children, one decapitating his son with an axe; a son setting his mother alight in her bed, while another kills his mother with a hoe. Clerics are shown murdered at the altar, while others engage in murder themselves. Especially gruesome are the annihilations of whole families, frequently followed by the suicide of the perpetrator, or murders involving the dismemberment of victims, in some cases preceded by rape. While Wick included these murder stories and had them illustrated in order to support his claims about the End Time, we know they were generally very prominent in pamphlets and broadsheets of the time as attempts to imbue feelings of disgust, to justify harsh punishment, as well as to entertain.

The harsh punishment for terrible crimes was frequently included in the depiction of those crimes, whereas some images focused on the punishment alone. Hanging or beheading were the most common forms of capital punishment for murder, but a man who killed his nephew and decapitated his son, and another who dismembered the body of his wife, are shown being broken on the wheel, a punishment reserved for especially heinous crimes. These were spectacles of punishment, and the representation on paper aimed to reinforce the message that the severity of the crime would be matched by the punishment. So a man who killed a couple and then burnt them in their bed is shown first broken on the wheel and then burnt; a priest who killed a woman in the process of giving birth is boiled in oil; a woman and her maid who smashed the head of her husband with a hoe are buried alive and impaled. The notorious 1585 case of an innkeeper from Wangen, Blasi

Endres, who murdered his wife, his three children, a servant and two maids, had his flesh ripped with red hot pincers seven times and the hand with which he had committed the murders cut off; he was then broken on the wheel, and finally impaled on a spit that was mounted on a wheel for all to witness his terrible and shameful punishment. Such rituals of mutilation and shaming were sometimes depicted in considerable detail, such as in a ‘comic strip’ broadsheet depicting Christoff Windt’s murder of his noble master Victor von Schenitzen in the city of Halle in 1572 (Figure 32.4). First there is the murder scene, followed by the reading out of his sentence by the judge. Then Windt undergoes shameful mutilation with hot pincers, all in full public view of the citizens peering out at the scene in the city square. Next, the executioner breaks Windt’s arms, legs and spine with the wheel; and finally, Windt’s mutilated body is dragged by the executioner’s horse to the place

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where the wheel is to be mounted, and his broken limbs are threaded onto the wheel and his head lifted with a rope, so that his body is fully exposed to carrion – the ultimate act of degradation.  

As broadsheet images could quickly circulate news of terrible crimes, so they could be tactically employed to create panic about the crimes of social groups or foreign enemies. The nature of witches as violent and cruel, for instance, was partly disseminated through visual imagery. In the Wick drawings and broadsheets the violence is primarily limited to the harsh punishments exacted by authorities. But in other prints, bones and body parts represent witches’ violence, and from the 1590s witches are depicted dissecting corpses and cooking children – a savagery that reaches a high point in the drawings of Jacques de Gheyn II (1565–1629).  

Similar murderous crimes are ascribed to Jews. A telling example of this bond between Jews and witches is found in a 1585 drawing by the Swiss artist Christoph Murer, which is then copied, etched and reproduced as a stained-glass window for the Nuremberg city council. Witch and Jew, as personifications of Envy and Avarice, are shown attacking a golden-haired Christ child chained to a slab as a personification of Innocence – similar to many images of the child-martyr Simon, beatified as a supposed victim of ritual murder by the Jews of Trent in 1475.

Another traditional enemy of Christianity was the Turk. Images of Turkish cruelty became prominent in the second and third decades of the sixteenth century, as Turkish armies advanced on the eastern perimeters of the Habsburg Empire and ultimately laid siege to Vienna in 1529. The cruelty also focused on children, often drawing quite specifically on well-known visual motifs from the Massacre of the Innocents iconography. The title page of a 1529 pamphlet relating the destruction caused by Ottoman military advances on the outskirts of Vienna, for instance, depicts three soldiers each holding an infant, while one uses his sword to slit open the child he holds upside down. The woodcut had been recycled from a work on fifteenth-century prophecies published two years earlier, and was to be recycled once again in 1572, on the title page of a pamphlet describing the massacre of St Bartholomew’s Day in Paris. A similar image of Turkish cruelty is found in a 1530 single-leaf

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woodcut by the Nuremberg printmaker, Erhard Schön. It depicts Ottoman soldiers impaling babies on stakes and slicing them in half, while their murdered mothers lie prostrate on the ground below (Figure 32.5). Cruel acts such as the impalement of babies (also found in examples of *The Massacre of the Innocents*) became iconic images for the ‘gruesome Turk’, demonstrating a callous lack of compassion and the danger to the moral and social order. They were also intended to arouse strong resistance against the Ottomans at times of overt conflict, and continued to be produced throughout Europe until the end of the seventeenth century when the threat of invasion ceased.

Soldiers and Battle

Battle scenes constitute one of the most significant subjects for the visualising of violence. The fascination of artists with soldiers and war was partly driven by developments in arms technology and armour design, and partly by the desire of their patrons to emulate the glory and valour of the ancients. Much of the imagery of warfare, especially in the first half of the sixteenth century, focused on the fashionable dress and behaviour of soldiers, their armour, marches and camps, baggage trains and sieges. A strong sense of the link between war and death is nevertheless pervasive, and grief over the fallen is not ignored. But in the countless battle scenes from the Swiss, Swabian and Italian wars, the violence is usually distanced, with the central focus on the military formation represented by a forest of lances and pikes, and the destructiveness of war is relegated to burning buildings on the horizon. This is also predominantly the case, for instance, with the illustrated battles in Emperor Maximilian’s autobiography, the *Weisskunig*, compiled between circa 1505 and 1516 by his humanist advisor, Konrad Peutinger, and private secretary, Marx Treitzsaurwein. Maximilian was the first ruler to exploit the new technology of print to display his power, and had himself depicted as a military leader, seated on his horse in full armour, a worthy successor to the ancient Roman emperors. So the battles represented in his autobiography are meant to focus on his military expertise as the commander of large armies, a leader of his knights, a victor welcomed by populations that swear him their fealty. The battles themselves are largely conventional, characterised by massed movements of pikes and lances. The violence of war is not totally forgotten, but appears only infrequently.¹⁰

Figure 32.5 Erhard Schön, *Turkish atrocities in the Vienna woods*, woodcut (Nuremberg: Hans Guldemund, 1530).
Exceptions to formulaic images of battle nevertheless exist. One is a coloured, three-part composite woodcut by an anonymous artist depicting the 1499 battle of Dornach during the Swabian War.11 Whereas the image of battle is conventional, with the Imperial army and their lances facing the massed pikes of the Swiss, on the riverbanks in the foreground and near the town of Dornach on the left, the Swiss pursue the Imperial soldiers and stab them with their pikes. Disembodied heads and bleeding decapitated bodies lie on the ground and float in the river, while the gestures of two women express their utter horror and uncontrollable grief. Another example, possibly inspired by the disastrous defeat of the Swiss at Marignano in 1515, is a drawing by one of the consummate masters of military subjects, the Swiss artist Urs Graf (Figure 32.6). The left background shows a stereotypical battle with the lances of the cavalry arrayed against the pikes of the infantry, and further back a cannon and prostrate stick figures stretched out on the ground. In the foreground, however, the brutal horror of war is made visible. Bodies stripped naked cover the ground, displaying their slashed and gashed flesh, one disembowelled, another still transfixed with lances, a third stretched over an

upturned horse’s rump, lying as he has fallen, while the horse is releasing its final groans. Behind this devastation, a village building goes up in flames and two peasants hang from trees, while ravens descend in order to pick at their flesh. Meanwhile a young mercenary in the foreground refreshes himself with a drink from his flask, no doubt fortifying himself before returning to further killing. While doubt certainly remains whether Graf’s drawing constitutes a critique of war, like critiques by his contemporaries Huldrych Zwingli and Desiderius Erasmus, it indicates a consciousness, at least by some, of the brutal violence and carnage that war could bring.

These two conflicting representations of the violence of war were made publicly visible in a number of paintings commissioned in 1528 by Maximilian’s nephew, Wilhelm IV, Duke of Bavaria, and his wife Jacobäa of Baden. The commission was for a cycle of eight vertical panels of male military heroes, and eight horizontal panels of virtuous heroines, which would adorn a space created by Wilhelm’s new Court Garden buildings. The panels were completed early on in the twelve-year programme by leading south German artists Albrecht Altdorfer and Hans Burgkmair, who had both been involved in many of Maximilian’s key projects, and are two of the most spectacular battle paintings of the sixteenth century. The Battle of Issus (1529) by Altdorfer takes a bird’s-eye view of the armies, with their forest of pikes and lances set within an atmospheric landscape and vast sky suffused with the wonderful light of the rising sun, an effect that lends an expanded, cosmic aura to the event. The historic battle – between the Hellenic League led by Macedonian King Alexander the Great and Persian King Darius in 333 BCE – gives the impression of an event out of time. Indeed, when one looks closer, the Greek army of Alexander, which is pursuing the defeated Darius in the centre of the painting, is clothed as sixteenth-century Imperial knights, while Darius and the Persians appear as turbaned Ottomans. The depiction of any overt violence is limited, reduced to the falling horses and their turbaned riders on the ground, located at the edge of the battle along the bottom perimeter of the panel. Glorious victory after an epic battle is clearly the message for rulers like Duke Wilhelm, who obviously identified with the Greek forces challenged by their turbaned enemies, just at a time when the Ottomans were laying siege on Vienna; whereas the bloody slaughter and destruction is squeezed to an edge that is hardly visible from the elevated viewpoint.

By contrast, Burgkmair’s painting The Battle of Cannae, depicting the defeat of the Romans by Hannibal in 216 BCE, has a low vantage point that brings the

12 Ibid., pp. 192–9.
viewer much closer to the battle. The battle action is extremely violent: cavalry and infantry are thrown together in two of the three tiers of action; figures lunge and stab, wielding sword, axe, and spear; human and equine bodies become entangled as they fall; the arms, hooves and heads of the dead protrude from the tangled mass. Unlike The Battle of Issus, there is no overt identification with contemporary warfare: the combatants wear all’antica armour and short cloth tunics, modelled on Roman coins and sarcophagi. In fact the battle closely follows a description in a recent German translation of Livy. The combination of historical authenticity and military defeat works against any heroic identification and glorification. It may well be, as Ashley West argues, an exemplum of vulnerability and loss, a result of the failure of the Roman consuls to follow a unified strategy; but it also represents the carnage of battle, for both armies – the violence of war as utterly ruinous.

Wars of Religion

The gruesome violence and destructiveness of war becomes far more pronounced in images created in the second half of the sixteenth century, depicting events during the French Wars of Religion (1562–98) or the first stages of the Dutch Revolt (1568–85). The confessional nature and religious justifications for these conflicts, their involvement of the broader population and not simply soldiers, their persistence over long periods of time, all influence their different modes of representation. One new element not found in earlier representations of war is the massacre – a large number of deaths suffered by a defenceless population at the hands of a ruthless military. One set of five massacre images is included in a collection of prints entitled Forty tableaus . . . concerning the wars, massacres and troubles that have occurred in France in these last years. Published in Geneva in 1569–70, the woodcuts and etchings were created by Jean Perrissin and Jacques Tortorel, both refugee artists from Lyon, and covered battles, sieges, raids and massacres between 1559 and 1570 related to the first three French Wars of Religion.14

The massacre scenes in this work were clearly intended to arouse a sense of horror, fear and anger in viewers. The Massacre of Vassy, for instance,

a woodcut reprinted in seven different French, Latin and German editions, depicted the slaughter by the soldiers of the Catholic Duke of Guise in Vassy on 1 March 1562 of forty-five to sixty Protestants who were worshipping in a barn. The artist ratchets up the brutality in various ways: the low vantage point brings the action closer to the viewer and the crowded space accentuates the difficulty of escape; the attack on women, who clutch and endeavour to protect their babies from the sword, inevitably suggests comparison with Herod’s Massacre of the Innocents and raises the level of both horror and pity. Similar strategies were used in the Massacre of Cahors, in which forty to fifty Protestants were massacred by Catholics in November 1561, when assembled for worship in the house of a local noble. Here, most who were not yet killed or had succeeded in escaping over the roof before the fires could reach them, are driven out of the courtyard to the external gate, where they are systematically slaughtered. But the additional horrifying detail in this scene is the overt use of terror: the dead bodies of victims are lined up in the street before the house, as a public warning of the consequences of Protestant worship.

Two other massacre scenes by Perrissin and Tortorel adopt quite different strategies, probably influenced by paintings of the massacre carried out by the Second Roman Triumvirate in 43 BCE by Dutch artist Hans Vredeman de Vries and the French Catholic court painter Antoine Caron. These works set the Roman massacre in an expansive urban architectural location and focus on numerous different individual acts of violence – stabbing, disembowelling, decapitation, drowning and a carefully arranged display of severed heads. Perrissin and Tortorel’s Massacre of Sens (of April 1562), and less so the Massacre of Tours (of July 1562), employ similar techniques of focusing on individual actions in order to communicate the cruelty of the events. In the Sens massacre, individuals are shot and stabbed, stripped naked, dragged to the riverbank and thrown into the river (Figure 32.7). Others are bound together while alive and then thrown into the waters, or tied to planks, three and four abreast, to drown in the surging torrent. Drowning is even more prominent in the Tours massacre, in which the river fills the bottom half of the print. Here victims are murdered by musket fire, drowning, clubbing and also disembowelling. There are also suggestions of rape, with swords strategically directed at the genitals of a naked woman and man. Around the naked corpses on the

15 For this and the other massacres below, see ibid., pp. 260–78.
riverbank dogs and ravens gather, while those who survive in the river are clubbed to death by soldiers in boats. In what is probably the most famous depiction of the 1572 St Bartholomew’s Day Massacre, by the French painter and Genevan refugee, François du Bois, similar techniques are used: the painting is comprised of multiple cameos of brutal violence within the Parisian cityscape where the massacre occurred. Again there is the clubbing and stabbing of victims, the dragging of naked bodies and casting them into the Seine, bloodied corpses of men, women and children, some floating in the river, one seemingly disgorged and lying on a child, others piled up naked in a large mound, and others taken away in the carts – and right of centre, the defenestration, decapitation and disembowelment of the Protestant leader Admiral Coligny.

Visual records of such atrocities were not limited to those by Catholics. A key work in the graphic depiction of barbarous cruelty exacted on Catholics by Protestants was Richard Verstegan’s A Theatre of Cruelties by Heretics in our Time. Verstegan, a goldsmith, printer and engraver from England who escaped to the Continent and reached Antwerp in the early 1580s, produced a number of works illustrating the persecution of Catholics in England from 1582. He collated, developed and expanded this material in the Theatre of
Cruelties in 1587, with individual sections on France, the Low Countries, England and Ireland, illustrating it with twenty-nine etchings. The work was remarkably popular, totalling eight Latin and French editions by 1607. Verstegan’s images were meant to issue warnings about the consequences of Calvinist rule, to arouse horror and hate towards those terrible heretics and pity for their suffering victims. So the visual strategies he adopted were similar to those used in the Massacre of Sens and in Du Bois’ Saint Bartholomew’s Day Massacre: they depict specific individual instances of barbarous cruelty, which are referred to in the six lines of verse below each print and are further amplified in the text on the opposite page. Each of the etchings on France also included a heading – ‘Certain horrible acts of cruelty against Catholics in France, perpetrated by those whom the people call Huguenots, since they first rebelled against the King in 1562’ – in order to facilitate their sale and circulation as independent prints. Some illustrations clearly drew on the iconography of martyrdom, showing contemporary martyrs having their intestines wound onto a windlass as St Erasmus, or a grill being heated as if for St Lawrence. Yet in other etchings the mutilation and depravity is excessive, and sometimes also sexual. A priest, for instance, is shown completely disembowelled with straw being dropped into his stomach cavity, so as to create a feeding trough for horses. A soldier inserts a large smoking torch into the vagina of a woman stretched out on the ground – and the text confirms what a viewer would presume, that the woman has already been raped (Figure 32.8).

Similar cruelties can be found in the large number of violent images created in relation to the Spanish suppression of the Netherlands in the 1570s, following the widespread outbreak of iconoclastic riots by Calvinists in the so-called Wonder Year of 1566. The revolt led to the brutal rule of Fernando Álvarez de Toledo, Duke of Alba, who arrived in Brussels with an army of 10,000 in the summer of 1567 to cleanse the Netherlands of religious heresy and rebellion. Alba’s policy of brutal punishment and elimination of traditional freedoms led to his demonisation in numerous pamphlets and prints, such as in a well-known anonymous print of circa 1570 that depicts him as a diabolical cannibal in the act of devouring a child, his feet resting on the decapitated bodies of the Protestant rebels, Counts Egmont and Hoorn. The prolific Flemish printmaker and publisher, Franz Hogenberg, produced many prints depicting the brutality of the Duke of Alba’s rule.

over the next decade, which included the sack and plunder of towns like Mechelen and Naarden in 1572, and ultimately Antwerp in 1576, the largest and most wealthy city in the Low Countries. The visual depiction by Hogenberg and others of this bloody pillage, ‘Spanish furies’ as they came to be called, was now linked to tales and depictions of Spanish savagery in the Americas, as elaborated by Bartholomé de las Casas in *A Short Account of the Destruction of the Indies* of 1552 (translated from Spanish into French and Dutch in 1578) and increasingly illustrated in works such as Girolamo Benzoni’s *History of the New World* of 1565 (translated from Italian into Latin in 1578, and into French and German in 1579), both of which gave rise to the development of the Black Legend.

Sack, Plunder, Lamentation

The sack and plunder of Netherlandish cities depicted in some of Hogenberg’s prints carry graphic suggestions of sexual violence and deep emotional trauma. In the depiction of the plundering of Mechelen, for instance, there is minimal display of the brutal slaughter which is known to have occurred. Armies mass in the background, several figures are pursued by soldiers, and buildings are entered by force of arms. But two-thirds of the print depicts the plunder of goods. Standing upright in a central location in the foreground, a semi-naked woman is weeping, while another seated and also partly naked woman and two children stretch out their arms to her in a gesture of helpless pleading, serving also to draw in the viewer. This woman clearly represents the city – bereft, despoiled, stripped naked, dishonoured, the menfolk taken away, family and civic community completely shattered. In one of the seven engravings that Hogenberg created of the 1576 sack of Antwerp (reproduced in a composite ‘comic strip’ print), a soldier is shown plunging his sword into a woman’s genitals, a woman is strung up by her breasts and a man by his penis (Figure 32.9). Such depictions mirror the sexual assaults and violent rapes that become commonplace in numerous contemporary accounts, a violence unleashed not only on material goods and bodies, but on individual and collective honour. Such sexual despoilment is even more graphically displayed in a print of 1577 attributed to Hans Collaert I after Ambrosius Francken, Lament over the Desolation of the Netherlands, in which the Netherlands is figured as a woman surrounded by four soldiers, who assault, strip and rape her, and then rip out her heart.

Lament over the stripping and ravaging of the land by soldiers becomes a strong theme in images of war violence following the de facto division of the Netherlands from circa 1585 into the Spanish-controlled south and the Dutch United Provinces in the north. The Spanish troops mutinied on numerous occasions when not paid, and went on murderous rampages through the countryside. In response, short pamphlets like True Description . . . of the Barbaric Tyranny of the Spaniards (1621), repeatedly recycled the most gruesome prints of the Spanish fury from the 1570s by

20 Kunzle, Criminal to Courtier, p. 144; Arnade, Beggars, Iconoclasts, p. 255.
21 For the frequency of rape in narrative accounts, see Arnade, Beggars, Iconoclasts, pp. 228–34, 249–59.
22 Ibid., p. 235.
artists like Hogenberg, in anger at the violent attacks of marauding Spanish soldiers against Dutch citizens, their families, women and children. In others, like The Second Part of the Mirror of Spanish Tyranny Perpetrated in the Netherlands (1620, 1628, 1638), the torturing and raping of women, and the impaling of infants, was depicted alongside Spanish violence against Amerindians and the cruelties of the Turk. Such atrocities, moreover, were described as directed against Catholics as well as Calvinists: the raping of nuns and beguines, the hanging of monks by their penises, were not the actions of Catholic soldiers, but of tyrants.  

A persistent theme in the work of Peter Paul Rubens between 1623 and 1638 was the tension between war and peace. Rubens used motifs and figures from ancient mythology, such as Mars, Pax and Venus, to give powerful expression

to this tension in his paintings, while he also experienced the political difficulties of achieving peace in the many diplomatic missions he conducted on behalf of the Spanish Habsburgs to bring about peace between Spain and the Dutch United Provinces. The response of other Flemish and Dutch artists, such as David Vinckboons, Sebastian Vrancx and Pieter Snayers, was quite different. They were intent on depicting the militarisation of the Netherlandish landscape and the total breakdown of law and order, from the resumption of war in 1621 through to final peace and independence of the Dutch in 1648. Numerous paintings by these artists depict murderous attacks and the plunder of homes, villages and towns by marauding soldiers, ambushes of convoys and wagons, and in some cases fierce resistance and brutal revenge against these marauders by the peasantry.\textsuperscript{24} Like the texts and images found in pamphlets and broadsheets depicting the atrocities committed by soldiers in Germany during the Thirty Years War, confessional issues are not evident. It may well be that the atrocities depicted in these paintings – such as the ‘universal desolation’ (famine, disease, murder, pillage, rape and appalling cruelty) described and illustrated in the 1638 pamphlet \textit{The Lamentations of Germany} – represent the ‘vials of God’s wrath’ poured out in punishment for human sin. But they are not committed in the name of God or a particular faith; they are described as the barbarous cruelties of both ‘Imperialist’ and Swedish soldiers, variously called monsters, devils, men without religion.\textsuperscript{25} The much better known series of eighteen etchings by the pre-eminent Lorraine printmaker, Jacques Callot, \textit{The Miseries and Misfortunes of War}, published in Paris in 1633, represents a similar response to the horrors of war. The first group of prints depict soldiers enlisting, engaging in battle and then demonstrating an appalling breakdown of discipline: they attack a farm like bandits, pillage a house, loot a monastery, burn a village and attack a coach. The second group depicts soldiers arrested and punished for their crimes by torture and execution – on the gallows, by firing squad, at the stake and with the wheel. The third presents the life of surviving soldiers: as maimed and sick, as beggars and paupers dying in the street,


\textsuperscript{25} Philip Vincent, \textit{The Lamentations of Germany. Wherein, as in a glasse, we may behold her miserable condition, and read the woefull effects of sinne} (London: E. G. for John Rothwell, 1638), pp. A4v, 11, 15, 30, 35. For a different reading of this work see Eamon Darcy, \textit{The Irish Rebellion of 1641 and the Wars of the Three Kingdoms} (Woodbridge: Boydell, 2013), pp. 104–7.
avenged by a furious peasantry, and (the good) rewarded by a ruler. The series has been variously interpreted as a political critique of the atrocities of the period, a justification of harsh punishment, and a moral warning of impending divine punishment. Its fascination clearly rests on a capacity to mediate a variety of messages. But any message is mediated through Callot’s rich depiction of the devastation that war brings – to perpetrators, victims and survivors. The choreographed discipline of enlistment (plate 2) quickly breaks down into mayhem, reaching a terrifying crescendo in the sacking of a house and the brutal murder and rape of its inhabitants (Figure 32.10), a brutality repeated in the vicious attack of the peasantry (plate 17). Most scenes focus on the terrible violence enacted and suffered in war.

Conclusion

In response to the utter devastation created by decades of war, some seventeenth-century artists, such as Callot and Vrancx, framed war violence as social depredation, and abandoned its earlier confessional resonances. The appropriation of violence for confessional propaganda certainly did not disappear. It is very evident in the horrific illustrations of Catholic cruelty produced by English Protestants during the Irish rebellion, for instance, in works such as James Cranford’s *The Teares of Ireland* (1642), which aimed to publicise Protestant suffering and thereby mobilise political opinion against Charles I. Yet in the seventeenth century alternative ways of representing violence seemed to gain greater social currency and traction. For while violence was clearly ubiquitous throughout the period of Reformation, its depiction and circulation greatly facilitated by print and printmaking, it was primarily driven by confessional impulses. The visualising of violence was used to arouse fear and incite hatred against enemies and outsiders, to reinforce power and loyalty, to caution against resistance. But it could also be exploited to undermine the powerful, to incite resistance, as well as to create new identity, meaning and hope. But as violent war and its atrocities persisted in the late sixteenth century, through to an uneasy peace in much of Europe in the mid seventeenth, artists also became concerned to confront and lament what were commonly called the ‘miseries’ of the times. They had seen the utter desolation that excessive violence could bring if left uncontrolled, and how difficult it was to control once it was unleashed.
Figure 32.10 Jacques Callot, Soldiers looting a large room inside a farmhouse and slaughtering the inhabitants, etching, in The Miseries and Misfortunes of War, 1633, plate 5.
Bibliographic Essay


Broadsheets and pamphlets contain much on social violence. Important overviews are Wolfgang Harms and Michael Schilling, *Das illustrierte Flugblatt der frühen Neuzeit*:
Violence, Civil Society and European Civilisation

STUART CARROLL

The word ‘civilisation’ is special in the West: ‘By this term Western society seeks to describe what constitutes its special character and what it is proud of: the level of its technology, the nature of its manners, the development of its scientific knowledge or view of the world, and much more.’¹ The word was first coined in the 1750s. Whether it was invented in England or France is a matter of debate, but it took off rapidly. It was closely associated with the Age of Enlightenment and the new understanding of history as progress. The link with modernity was sealed in the nineteenth century, when civilisation became the motor of both progress and history. It became synonymous with the very idea of Europe and its right to rule over subaltern peoples. However, the horrors of the twentieth century made the equation of Europe with civilisation untenable. After 1945 civilisation increasingly had a negative meaning that was associated with Eurocentrism and colonialism. More recently, the word has returned as an analytical category; retooled for the Global Age, it is closely associated with the emergence of neo-liberalism.

One of the most enduring features of civilisation is that it is the product of a process whereby violence is tamed and overcome. The belief that Europe had undergone a profound transformation in its manners within a short period of time was crucial to the understanding of civilisation when the word was invented. For Voltaire, writing in 1751, Louis XIV ‘succeeded in making of a hitherto turbulent nation a peaceful people dangerous only to its enemies ... Manners were softened.’² This process is referred to as the ‘civilising process’, the means by which we have become civilised. The major theorist of the civilising process was the German sociologist Nobert Elias (1897–1990). Elias posited the idea that European modernity and the decline of violence in the post-medieval West were due to the development

² Ibid., vol. 11, p. 39.
of increased internal and external control. From Freud he took the idea that
civilisation was not simply a certain level of social and political organisation
but the end of a historical process in which primitive societies are trans-
formed by the sublimation and control of violence. Following Weber, he
related this to the controls exercised by increasingly centralised state bureau-
cracies. For Elias, the external social controls exercised by the state gradually
over time were internalised by individuals into self-restraint. People learned
to restrain their emotions and manners became increasingly differentiated,
refined and civilised. The key change in the West occurred in the early
modern period when new codes of etiquette controlled impulses and out-
bursts of emotion. The princely court acted as a model for society through its
ability to impose rigid standards of behaviour on the aristocracy. Warriors
were turned into courtiers; violent instincts were tamed and suppressed. For
Elias, Louis XIV’s Versailles ordered by its rituals and fastidious manners was
the archetypal academy of social and self-discipline. It was in France that
civility first began to take on the connotations that the term ‘civilisation’
enjoyed during the Enlightenment.

The objections of Eurocentrism, Whiggishness and an exaggerated view of
the reach of the state may make the civilising thesis seem outdated, but it
retains support among distinguished historians and scientists. Its supporters
point to the historical data on trends in the homicide rate.³ Rates, measured in
terms of deaths per 100,000 inhabitants per annum, were as high as 20
homicides per 100,000 in the late Middle Ages, dropping to around 10 in 1600
and ending in the historically lowest rate recorded of 1 per 100,000 in the mid
twentieth century. Some clear patterns emerge from the data: first, deaths from
interpersonal violence have declined significantly in the past six
centuries. Second, there is little change in the long run in the age and sex of
violent offenders. Homicide has historically been a masculine phenomenon:
killers are overwhelming men and their victims overwhelmingly male.
Societies with a high homicide rate are characterised by high rates of male-
on-male violence, usually resulting from clashes over honour. Third, this fall
was highly differentiated in its rate of decline between region and social class.

There are two major flaws in associating the civilising process with early
modernity, one chronological and one environmental. First, it requires that
we juxtapose the violent Middle Ages with the modernity of the sixteenth
and seventeenth centuries. But the view of the late Middle Ages as an age of

³ M. Eisner, ‘Modernization, Self-Control and Lethal Violence: The Long-Term Dynamics
of European Homicide Rates in Theoretical Perspective’, British Journal of Criminology
robber barons and private wars is a nineteenth-century one. In the Middle Ages aristocratic violence was tempered by the code of chivalry and the laws of war, and cities developed sophisticated mechanisms of social control, which were embodied in civic ritual. On closer scrutiny the statistics suggest that the late Middle Ages witnessed one of the sharpest falls in the homicide rate in European history. Second, the civilising thesis fails to account for regional variation. Most of the homicide data come from north-western Europe, but in 1600 only about 20 per cent of Europeans lived on its north-western fringes. Italy had much higher rates of violence than elsewhere in Europe. But early modern Italian states were certainly not characterised by a lesser overall level of state bureaucracy and judicial control. In fact, the inhabitants of Italian Renaissance cities were exposed to levels of social and economic interdependency far in advance of anything comparable in the north.

The idea that homicide rates fell uniformly and consistently in the early modern period is misleading because the statistics hide the extreme levels of violence caused by civil war. In France, during the Wars of Religion (1562–98) and Germany during the Thirty Years War (1618–48) population loss may have been as much as 20 per cent and 30 per cent respectively. Rather than a steady and gradual decline, homicide rates soared and then fell sharply during the early modern period. Across Europe, rates increased from the middle of the sixteenth century, peaking in the first half of the seventeenth century. This was followed by a very steep decline in the second half of the seventeenth. In England rates doubled or tripled between late 1570s and early 1620s and did not return to mid-sixteenth-century levels until the last decade of the seventeenth.

This chronology raises the question as to why Europe was pacified so rapidly after a century of noble revolt, popular insurrection and civil war? It was not due to state repression. In recent years our understanding of the early modern legal system has undergone a ‘Copernican Revolution’, which has revealed the pervasive tolerance of interpersonal violence. The ubiquity of pardons and the encouragement of arbitration were underpinned by the spread of Roman law and its principle that crimes of blood could be satisfied by a monetary compensation. Even the more punitive English common law – which was responsible for 75,000 executions in the period 1530–1630 – overwhelmingly targeted thieves, who accounted for 87 per cent of the victims. ‘All the textbooks report that Louis XIV subjugated the aristocracy by luring them to Versailles and tantalising them with the status shorn of power, while transferring their authority to bureaucratic agents. But could
such deep-seated dissatisfaction really have turned so rapidly to placid indifference? And what about all the aristocrats out in the provinces?  

Violence requires social sanction and operates within a moral ambience, and for these reasons the state is not the sole regulator of its boundaries. All kinds of everyday violence – squabbles over honour, wife-beating, masculine competition and rites of passage – are conducted according to socially agreed limits. Violence is rooted in feelings and beliefs, and these are shaped by experience and the social environment, and thus the boundaries of violence can shift rapidly. Murder is of particular significance because it is indicative of the distribution of conflict in society more generally. Its frequency has much to tell us about social relations because murder is ‘emblematic of the less deadly but more frequent battles of will that occur in tens of thousands of comparable relations everyday’.  

Today one feature of modern homicide patterns is radically different from the past: killers today are overwhelmingly drawn from the most deprived social groups. High homicide rates in the past reflect the propensity of the social elite to employ violence in pursuit of its political and economic interests. This chapter explores how and why that changed. It argues that there was an explosion of violence in the sixteenth century as state and society changed. It traces the emergence of the response to the problem of violence and the invention from the mid seventeenth century of what contemporaries termed civil society. Finally, it looks at the origins of the term ‘civilisation’ and argues that from its inception it was closely related to the problem of violence.

Civility and its Discontents, 1500–1650

The sixteenth century saw an intense effort to control social intercourse through civility. The origins of this transformation are commonly ascribed to the publication of two contrasting books: Castiglione’s Courtier (1528) and Erasmus’s De Civilitate (1530). Castiglione was addressing those who wished to shine at court, and this required great attention to aesthetics: being a gentleman was an art which required nonchalance and grace, a certain je ne sais quoi that distinguished him from ordinary mortals. Erasmus, on the other hand, saw the social benefits of gestures that were intelligible and universal, so that nobles would possess manners appropriate to their station.

and that humble folk could compensate for their birth by means of education. In contrast to Castiglione, whose image-conscious courtier was all about distinction and show, Erasmus conceived of civility as a sign of inner virtue. Uprightness in manners was both figurative and real: posture was a sign of inner rectitude, coughing while speaking, for example, being a sign of those who lie. Both books were immensely popular. The Courtier (130 editions before 1700) was refined in Della Casa’s Galateo (1558) and Guazzo’s Civile conversatone (1574) and formed the basis of Italian manners, which conquered Europe in the sixteenth century. With 178 editions in all the major European languages before the end of the sixteenth century, De Civilitate became a key text in the grammar schools, which were founded in the Renaissance to provide a Humanist education for the expanding social elite.

It is axiomatic to notions of the civilising process that the new civility tamed and controlled violence. But this is not what happened. There was a significant increase in violence from the mid sixteenth century. The reason was threefold. Firstly, the new model of gentlemanly conduct fostered an honour code that encouraged masculine aggression. Secondly, civility does not of itself limit violence: a distinction needs to be made between the laws of civility, namely etiquette, and the spirit of being civil. Etiquette is liable to abuse or misinterpretation which can cause violence. Thirdly, the Reformation posed a serious challenge to recognised codes of civil behaviour. This would entail a reconceptualisation of civil society, but this would only happen following the experience of religious division and the civil conflict that came in its wake.

Whereas chivalry had emphasised the hierarchical relationship of service to God and to one’s prince, the new cultural codes of Renaissance civility are indicative of the intense individual rivalry that was transforming the social elite. The most significant sign of this change was the invention of the duel. Duelling quickly developed its own rituals, with the employment of seconds whose quasi-judicial role ensured fair play, and the rules governing the challenge and the combat were largely codified in Italy by 1550. From there it spread first to France and then to England and the Holy Roman Empire by the end of the century. Spain, which had strict laws against duelling, and where honour remained closely tied to service to the monarchy, remained largely immune. Duels were fought over points of honour, which to our eyes are a trivial amalgam of slights, insights and petty transgressions, for which satisfaction was required. But honour is more than just a moral code. Like magic or Christianity, it is a world view: ‘Honour permeated every level of consciousness: how you thought about yourself and others, how you held
your body, the expectations you could reasonably have and the demands you could make on others . . . It was your very being. For in an honour-based culture there is no self-respect independent of the respect of others’. Honour was thus public property and ‘the shortest route to honour was thus to take someone else’s, and this meant that honourable people had to be ever-vigilant against affronts or challenges to their honour, because challenged they would be’.

The duel marked a break with medieval forms of dispute settlement, such as trial by combat. It was a quintessentially Renaissance phenomenon because it combined two high ideals: the triumph of virtue and the essential equality of all men of honour. Fighting without armour evened up the playing field, and the defence of one’s reputation no longer required hugely expensive amounts of equipment and a train of support staff. In this sense duelling is democratic: the field of honour was open to all comers who had the leisure time to learn how to fence, and not just a narrow class of knights. And this leisured class was expanding from the fifteenth century in the wake of economic expansion and social mobility. Technological advances made swords lighter and stronger and placed greater emphasis on dexterity rather than on brute strength: the agility required of the fencer fitted well with the grace and nonchalance prized by the Renaissance courtier. Not only did rapiers become fashionable accoutrements, they were relatively cheap and widely available in relation to the other trappings of nobility, such as a sumptuous residence. They were an immediately recognisable claim to status. Anyone who challenged that status was likely to be immediately disabused at the point of a sword. Duelling was closely associated with sexual prowess: this swashbuckling gallant was not only prepared for but encouraged challenges from rivals and husbands.

Since duelling was officially condemned, supporters of the duel turned to the ancients for justification: the concept of satisfaction was derived from Roman law. Cicero’s De officiis, a standard grammar school text, made opposition to tyranny the duty of every citizen. These ideas became pervasive: ‘For righteous vengeance there’s no punishment’ says Corneille’s Le Cid (1637). The cult of honour was sanctified by the quest for eternal recognition. A beautiful death conferred reputation; it was a terrestrial and worldly rather than a spiritual view of death, and the gentleman’s insouciance towards death marked him out from the commoner. No wonder its critics saw the duel as

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un-Christian. Its supporters countered that it had utility; it reduced violence by establishing fair play. Of course, ‘there were many upper class fools prepared to observe the niceties, but there must have been a far number greater of belligerents sufficiently intelligent to ensure that violence was, as far as possible, weighted in their favour’. Contemporaries were aware that a profound transformation had taken place. In France, François de La Noue noticed the ways in which insults changed in his lifetime: ‘even a sharpe looke shall be accounted an injurie, and a slander or false opinion call for combat: so ticklish and pricking is our dayly conversation’.

Erasmus made clear the distinction between etiquette and civility: ‘be lenient towards the offenses of others. This is the chief virtue of civilitas’. But in practice, breaches of civility were taken as a sign of contempt. Insults by omission included the failure ‘to respect the rights of others, especially when the refusal is followed by an noticeable affectation; a vassal who passes in front of his lord without giving him an honest greeting; an individual who when meeting a magistrate effects an air of scorn . . . an inferior who lacks the same civility to he whom he owes subordination and respect’. Churches provide striking evidence of the consequence. In England, pew disputes led to parishioners ‘sticking pins into each other, disturbing the graves of dead neighbours and encouraging horses to defecate in the seats of opponents’. Matters were worse in France in 1608, ‘where the principle cause which moves the French nobility to quarrels, disputes and division [is] . . . pre-eminence in churches and the honours in them . . . who will be the loftiest in life and death . . . who shall lead processions . . . and who shall have the blessed bread first’. And in Italy in 1612 ‘in the kingdom [of Naples], in Abruzzo, the Marche and Romagna the most cruel vendetta and murders take place in churches every day’. Thus etiquette did not in itself reduce violence. Castiglione remarked upon the French reputation for ‘libertie and familaritie without ceremonies’. The change occurred after the adoption of Italian manners. Looking back in 1685, Amelot de la Houssaye placed the

11 P. de Montbourcher, Traicte des ceremonies et ordonnances appartenans a gage de bataille et combats en camp-clos (Paris, 1608), p. 36.
turning point in the 1550s and the ‘introduction of the duel into France during the reign of Henri II which made here such great progress in the last 120 years . . . it did as much wickedness as that most furious civil war’. In the seventeenth century the Dutch were famous for their intolerance of formal etiquette, but this did not make them violent. In fact, the Dutch Republic has good claim to be the most pacified state in early modern Europe.

Duelling did not supersede traditional forms of dispute. One of the reasons for the sixteenth-century explosion of violence was the manner in which the duelling frenzy exacerbated the traditional feud, which had always been tempered by the Christian obligation to make peace. The swashbuckling romanticised myth of the duel obscures the reality. Participants rarely used the word around 1600; they were more likely to talk about ‘encounters’. Unlike the outlawed duel, the encounter was fortuitous and therefore justifiable. Encounters permitted the use of firearms and a larger number of participants, which made the employment of specialist muscle essential. In Italy and France faction and civil war turned feuding into a toxic social and political problem. The Italian Wars (1494–1559) were as much a civil war as a struggle for French or Spanish hegemony. Their legacy was a number of new regimes that came to power through violence and lacked legitimacy. It was for these reasons that vendetta peaked in the first half of the seventeenth century: ‘Today [1608] there are so many encounters, and all of them bloody, that it would be too tedious to recount them all’ explained a diary in Modena. In Bologna the cycle of vendettas that claimed a hundred noble victims peaked in the 1650s and 1660s. The French Wars of Religion set off a vicious cycle of feuding: ‘One taketh amends with advantage: an other taketh cruell revenge: one procureth the killing of his enemie in treason with the shot of some Dagge or Harquebut: others doe make great assemblies resembling pettie warres: and many times one quarell breedeth fower, and twentie dye for one mans offence.’

During the reign of Henri IV (1589–1610) there were 8–10,000 deaths from duelling. A further half a century of dynastic instability punctuated by revolts and culminating in the civil wars of the Fronde (1648–53) ensured that the homicide rate remained consistently high until the 1660s. In Germany it is traditionally assumed that the 1495 Imperial Perpetual Peace abolished feuding, but rancour and enmity are not easily suppressed. There is plenty of evidence for the survival of the feud until it was engulfed by the Thirty Years War.

14 F. de La Noue, Discours politiques et militaires (Basle, 1587), p. 248.
Shining brilliantly also meant blotting out, obscuring and jolting one’s rivals. Castiglione’s successors therefore commended discretion. But Guazzo’s *Civile conversatione* (1574) was to be the last of the influential Italian conduct books. By the 1640s it was recognised that ‘France is the Centre of Politeness in every respect ... there they are cultivated and improv’d every day’. The reason for this shift lies in the different responses to the upswing in violence. From the 1570s the Italians developed a science of honour, the *Scienza Cavalleresca*, which was an amalgam of Jesuit teaching on grace, the Roman law concept of satisfaction and Aristotelian ethics. Rituals of contrition could satisfy or compensate for any injury: ‘there is no offence, however great it may be, to which one cannot apply the antidote of ... satisfaction’.

But the Protestant Reformers would have no truck with satisfaction. The Augustinian theology of grace on which Protestantism was based taught that true peace was to be found in God. In Catholic France, too, this tradition came to dominate and the Jesuits were lampooned for excusing duelling in Pascal’s *Provincial Letters* (1653). In northern Europe, sectarianism and civil war shook the Humanists’ faith in man’s capacity for cultivating virtue as the foundation of a peaceful society. Violence and division stimulated the fashion for stoicism with its emphasis on the inner search for peace. In the Dutch Republic this was associated with Justus Lipsius (1547–1606) and Hugo Grotius (1583–1645), who rebutted the idea that vengeance could ever be reasonable. In England, France and Germany, their ideas were immediately seized upon as a balm for religious division and civil war. Montaigne (1533–92) in his *Essais* directly challenged received opinion about the honour code and the cult of the hero. Montaigne had little time for the outward trappings of etiquette – ‘philosophers shit and so do kings’. He called instead for a reformation of the self and his new man, or *honnête homme*, was behoved to be disinterested, circumspect, civil and agreeable. Montaigne appealed to snobbery: the *honnête homme* distinguishes himself from the *hoi-polloi* by his self-control and decency. His thinking had its most immediate effect in England. Montaigne’s imitator, Francis Bacon (attorney general from 1613 and lord chancellor from 1618) wrote one of the clearest attacks on ‘the false and erroneous imagination of honour’ and contributed to the successful 1613 act which criminalised insults provocative to a duel. Ben Jonson, once an

accomplished duellist, renounced his past and in later plays like the *The New Inn* (1629) gave the *honnête homme* an English countenance.

It would take decades before these ideas formed the core of a new aristocratic *habitus*. The first significant conduct book of the new French civility, Faret’s *Honnête homme ou l’Art de plaire à la cour*, did not appear until 1630 and the genre as a whole did not really take off until after 1660. The reasons for this are clear: it was the experience of civil war in both France and England that would stimulate the search for solutions. Meanwhile, the Italians remained cocooned from these developments: Montaigne’s *Essais* were placed on the Papal Index of prohibited books. It was only during the Enlightenment that Italian thinkers began to ask why they were subject to much higher levels of violence than elsewhere. They attacked the Scienza Cavalleresca as sophistry, which deployed the ‘specious mask of peace’ as a cover for propagating the cult of honour and surreptitiously promoting the duel. By the eighteenth century vengeance had become a stereotypically Italian trait.

**The Emergence of Civil Society, 1650–1750**

The modern thinkers despaired at man and his virtues. In contrast to the ancients, who debated the question of the best regime, modern thinkers concentrated on the search for the least worst society possible: that which would allow men to avoid the devastation wrought by the bloody combination of the search for personal glory and the fanatic love of God. Thomas Hobbes’s *Leviathan* (1651) is traditionally viewed as a straightforward apology for state power, since the war of man against man necessitates the submission of all citizens to the will of the sovereign. But Hobbes also wished to liberate us from the fear that bred violence. Like Montaigne, he had little faith in the efficacy of etiquette: ‘as how one should salute another, or how a man should wash his mouth, or pick his teeth before company, and such other points of the Small Moralls’. Instead, he proposed a simple ethics: ‘Justice, Gratitude, Modesty, Equity, Mercy, in sum doing to others, as we would be done to.’

In France, where he spent eleven years in exile, Hobbes was regarded not merely as the greatest but as the most convincing philosopher of the age.

The belief that men naturally hate each other and that civil society protects us from anarchy formed the basis of the scores of French conduct books, which appeared in over 100 editions in the period 1670–1730. The new civility had

utility but no moral value; it guaranteed that social relations were protected from violence by the hygiene of tact. Antoine de Courtin contrasted his code with the false laws of honour, which were based on hatred and pride and only led to ‘feuds, murders and division’. Bufler’s 1726 Traité de la société civile advertised the ‘science of living with other men in civil society in order to procure, as much as we can, our own happiness in concert with the happiness of others’. It required not the slavish application of protocol, but rather knowledge of what to avoid. The new civil science was distinguished, among other things, by its faith in the role of sociability as a vehicle for individual improvement; a civic view of religion which emphasised its social utility in contrast to ‘enthusiasm’ and the fanatic love of God; the valorisation of complaisance and agreeableness that promoted a freer code of manners – what became known as politeness.

Politeness occupies a central place in English folklore. It is considered to be a quintessentially English characteristic, a corollary of the late seventeenth-century Commercial Revolution; it conveyed morals and urbane manners, permitted access to power, influence, jobs, wives and markets, and replaced the old honour code. However, the major theorists and popularisers of politeness were French and it was French manners that would supersede the Italian in the eighteenth and nineteenth centuries. The central role attributed to court in the acculturation of manners is misplaced. The initial success of the literature and the style it spawned occurred in the triangle formed by the great commercial centres of Paris, London and Amsterdam. The Commercial Revolution of the late seventeenth century did not of itself reduce violence. In order to understand the cultural change that occurred we need to recall that in the seventeenth century ‘commerce’ denoted more than just trade. A common refrain in the literature was the benefits of ‘commerce in the world’ which, unlike the code of honour, recognised the virtues of social diversity and the scope for mutual improvement: ‘We polish one another, and rub off our Corners and rough Sides by a sort of amicable Collison.’\(^\text{18}\) Commerce was complemented by society (more commonly referred to as civil society) whose meaning changed in the seventeenth century from the traditional sense of ‘company’ into a contract for mutual benefit and survival. The boundaries of civil society were contested. The inclusion of merchants, the professions and other gentlefolk required the aristocracy to invent more exclusive terms, such as the Beau Monde and High

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Society. The principal enemies of civil society were the vainglorious obsessed with their own honour and the religious fanatic with their own salvation. The chief theorist of civil society was Morvan de Bellegarde (1648–1734), who sold personal improvement and mocked the punctiliousness that reigned at Versailles: ‘The use of Ceremonies is almost out of date, and I think there was Reason to repeal these Laws of Constraint.’ His emphasis on tolerance (‘The great Secret of happy living with all the World, is to take Men as we find them; we must bear something of the Freaks and Follies of those we expect great things from’) made him fashionable in England. Whig opinion and style periodicals like The Tatler and The Spectator were heavily indebted to him. They were also attracted by his scepticism: ‘Men naturally love themselves better than their Neighbours’ but the worst deceivers were ‘Impostors and Cheats in matters of Religion.’

Christian teaching quickly made its reconciliation with politeness. Loving one’s neighbour was utopian; its impossibility left many ordinary believers fearing for their salvation. By 1734 it was possible for the author of the Traité du vrai mérite de l’homme (twenty editions) to claim that the ‘science of manners is the great Christian science’. The conflict between living in the world and the search for personal salvation was reconciled by the French Jansenist, Pierre Nicole, whose popular Essays on Manners (1671) owed much of their influence in England to the patronage of Locke. Nicole complained that ‘those exterior troubles which divide Kingdoms, often rise from the little care particular persons whereof they are compose’d’. He defined civility as the ‘commerce of self-love, by which one tries to attract the affection of others by showing them affection in turn’. This reciprocity underpinned society. Since loving your neighbour was impossible, something else would have to suffice: ‘It being impossible Men should live without being hated, they ought with extreme care to avoid incurring hatred by their imprudence and indiscretion . . . to the end we may maintain humane Society . . . every one should lend his helping hand, since then every one reaps considerable advantages.’ If civility is the traffic of self-love, it followed that incivilities do us no harm: in the commerce of the world we receive profit from some and loss from others.

By the mid eighteenth century violent conflict among the social elite was significantly reduced. The benefits of sociability predicated on commercialised leisure – coffee houses, clubs, assemblies, gardens, theatres – were universally esteemed. Diderot’s Encyclopédie claimed in 1765 that ‘civil society is, so to speak, a divinity on earth’. The transformation of European society was

19 Reflexions upon the Politeness of Manners; With Maxims for Civil Society (London, 1710).
predicated on the separation of the civil from the military. During the eighteenth century all the major European states built standing armies staffed by a professional officer corps. The military academies in Paris, Berlin, Vienna and St Petersburg continued to cultivate the point of honour as the cynosure of gentlemanly conduct. But there is good reason to believe that the creation of a modern officer corps made a substantial contribution to civil society. It offered a structured career and the esprit de corps built around a regiment fostered a loyalty to it rather than to one’s kinsmen or patron. Young noblemen were removed to garrisons far from their homes and their kin; their disputes were likewise removed from the requirements of local politics, in which the vindication of honour through violence was an obligation. Outside the web of local social relations into which he was born, honour for the young cadet became a more individual affair, less tied to the family. An honour code that prized service to the nation and the dynasty above individual worth became common currency. Interpersonal violence was relegated to the private sphere: in places where it had once flourished duelling became socially unacceptable in public and fighting to first blood more common. By the 1780s it was no longer necessary to carry a sword in a city like Paris and to do so in the city’s gardens was viewed as positively indecent.

How far civil society penetrated beyond the urban milieu is a matter of debate. In eighteenth-century England the spread of politeness into the countryside and among lower orders is more easily discerned. When Horace Walpole visited King’s Lynn in 1754 he was surprised to find ‘the folks, sensible and reasonable, and civilised; their very language is polished since I lived among them’. France was a more diverse kingdom and the contrasts between the metropolitan elite and the countryside greater. Regional variation was even more striking in Italy. It was during the eighteenth century that the modern division between northern and southern Italy first appeared. The northern elite was quickly pacified. In contrast, southern Italy experienced some of the highest homicide rates recorded in human history.

The Invention of Civilisation

Even as civil society triumphed it was already coming under attack from critics, who saw it as a threat to martial virtues. Rousseau idealised the noble savage and scorned the decadence of civilisation. Although the word itself

had not long been invented, the debate about civility and degeneration was, in fact, much older. The papal bull of 1537, which stated that indigenous peoples were ‘true men ... capable not only of understanding the Catholic faith, but also, according to our information, desirous of receiving it’, was based on the orthodox teaching that barbarians were men whose civil customs had degenerated and that it was possible to reverse and return them to a state of civility (civilitas). Not only did faith in the capacity of Indians to change wane by the end of the century, but the attempt to do so was limited by reformers’ mental horizons. Aristotelian orthodoxy contained no concept of progress; it assumed that one generation could not improve on a previous one and that decline could only be arrested. Civility traditionally meant good order and government. The Spanish had no verb for ‘to civilise’, with its connotations of improvement. The verb was an English invention.

Tudor policy in Ireland was initially predicated on the traditional idea of returning the Irish lords to good government (civilitas) by dismantling their feuding culture based on cattle raiding and ransom. By the 1570s this gradualist approach was deemed to have failed and more radical solutions were proposed. For court poet and Irish expert Edmund Spenser there was no returning to a sick and incurable body politic. The future would have to be created by the ‘sword; for all these evils must first be cut away by a strong hand, before any good can be planted, like as the corrupt braunches and unwholesome boughs are first to bee pruned, and the foule mosse cleansed and scraped away, before the tree can bring forth any good fruite’. This translated into the policy of Plantation, which would be exemplary, showing locals the benefits of adopting English ways. By end of the sixteenth century about 12,000 settlers were farming in Munster and by 1641 there were 100,000 settlers in Ireland. In practice, these high ideals were rarely attained and Plantation amounted to a policy of exile and extermination, or what we might today term ‘ethnic cleansing’. And the new policy required a more all-encompassing verb – ‘to civilise’. It was used at the turn of the sixteenth century in connection with the Irish question, but was quickly applied to other contexts: John Smith argued in 1624 that in Virginia ‘It is more easy to civilise them by conquest than faire meanes.’

Violence is a contested category: it requires legitimation in order to have the force of legality. This explains the changing meaning of civility around...
Long before the word ‘civilisation’ was coined in the 1750s thinkers were using the word ‘civility’ to mean civilisation. The English took the idea from Louis Le Roy, whose *De la vicissitude* (1576) adapted the classical model of flourishing, decay and rebirth, but avoided the idea that history is cyclical, repetitious and a constant return of primeval events. Historical change is his concern and the development that this implies. The key to this is ‘civility’, a meaning which in Le Roy is synonymous with ‘civilisation’, denoting a level of technical, cultural and material progress. Le Roy compared various civilisations and was certain of the superiority of our own, as advances in technology made clear. His ideas had most immediate impact in England, where his influence is discerned in Spenser and Bacon, who, on his attack on the duel employed the newly minted verb: ‘all that is rude ought not to be civilised with death’. And the English continued to be creative. When Walter Montague translated the French conduct book, *L’Honneste femme* in 1655, he invented a word that was not present in the original: ‘civilisation’, which he used to mean a process of conscious individual self-improvement. It would take another century for this to be applied to the achievements of a whole of nation.

Italian and Spanish dictionaries of the seventeenth century do not have equivalent terms. The reason why the French, who were the trendsetters in manners, avoided the verb ‘to civilise’ was because, for them, it had another meaning: *civilisation* meant turning a criminal suit into a civil action. In relation to the history of violence and civil society, this anachronistic rendering is of some significance. The revolution in our understanding of the early modern judicial system which has taken place over the last generation has shown that throughout Europe the law promoted arbitration and reconciliation at every stage of the process and how the expansion of access to justice prevented quarrels from escalating. Perpetrators of violence, in contrast to thieves, were rarely subject to corporal punishment if they could compensate the victim’s family. Most complaints never got to a definitive judgement and the public advertisement of one’s grievance followed by a handshake was usually sufficient to repair honour. In Holland each neighbourhood had its own *buurtmeester*, whose job it was ‘to maintain, peace, amity and concord’. In French-speaking parts of the Low Countries these were called *faiseurs de paix*. The Calvinist Consistory performed a similar role, one that the faithful welcomed more than its surveillance of morals. The practice of binding people over to keep the peace was ubiquitous. The principle of reconciliation was a particular feature of German and Swiss courts. Even the Paris police (established in 1667), which became the model for absolutist state control,
spent a great deal of time reconciling neighbourly disputes, which meant that they had multiple roles as policemen, social workers, youth custody officers and family counsellors. The law was not simply an arm of the state but an essential component of civil society, and contributed greatly to the pacification that eighteenth-century thinkers recognised when they reinvented the term civilisation.

Conclusion

The greatest difficulty for advocates of the civilising thesis occurs when there is an upswing in violence, because this requires a new process of regression or ‘de-civilisation’. Revolutions leave them perplexed. ‘The paradox is that the [French] Revolution reintroduced large-scale violence to a land in which, for more than a century, the “process of civilisation” had made notable advances, radically reducing and circumscribing violence.’ This leaves them struggling for an explanation: ‘At the end of the eighteenth century, the civilising process had not yet transformed all the inhabitants of the kingdom. The personality structure that instilled in individuals stable and rigorous mechanisms of self-restraint, substituting self-imposed prohibition and repression for exterior constraints was not yet universal.’

This argument rests on two false assumptions: that violence is a primeval force that requires taming; and that revolutionary violence does not have its own logic.

This chapter has argued differently. It has shown that violence was subject to significant chronological and regional variation in the early modern period. This was rooted in feelings and beliefs that were shaped by the social and political environment. The evidence suggests that interpersonal violence increased significantly across much of Europe from the mid sixteenth century onwards and only fell again in the second half of the seventeenth century. Renaissance civility did not canalise and control violence. Rules of etiquette and protocol were complicated from the fifteenth century as the social elite expanded and became more diverse: boundaries were tested and transgressed in the constant battle to assert and win status. This was compounded by the emphasis on heroic autonomy. When threatened with the law in a Parisian street in 1622, Henri de Saveuse simply unsheathed, saying ‘that he cared not for justice and, showing his sword, said that this was justice’.

experience ‘of unbridled chaos, of a myriad of competing claims battling each other to extinction, [which] made thoughtful men realise that these reckless assertions of private will were the surest route to disaster’. 25 The freer codes of conduct that resulted emphasised civil living together, in contrast to ceremonial relations with their relentless attention to the opaque signs of honour. An expert on the law of insults attacked the traditional code ‘which commanded men to peace, amity and goodwill; but through ill-will only united them in tearing themselves apart and harming each other on every occasion on which they met’. 26 The change that occurred during the seventeenth century was not a subconscious process, but a recognition that many forms of violence were bad manners, demonstrating a lack of breeding. The male honour code was predicated on control over female sexuality and consequently the easiest way to provoke an enemy was to play the gallant with his wife, daughter or mistress. The new civility demanded changes to masculine behaviour and this permitted the sexes space to mix more freely. For Morvan de Bellegarde it was axiomatic that the company of women civilise: “They are much more polish’d and agreeable in Civil Society: and it is chiefly by conversation with them, that we learn Civility and Politeness.” 27 By the eighteenth century the treatment of women was considered a measure of civilisation and the manner in which he treated women a sign of the gentleman’s self-discipline and right to rule. Politeness did not completely supplant the honour code; rather, it relativised it. It became possible to laugh at its trivialities. There were, however, new fields of battle. The salon became the centre of news and gossip, where rancour was sublimated and reputations regulated by ridicule. Wit was the instrument of social warfare. But it was a battlefield where women could participate on more equal terms. The contrast to affairs in eighteenth-century Naples enraged the city’s enlightened thinkers. They made explicit the link between the excessive levels of violence in the city and the grotesque treatment of women, who were hidden away from the male gaze and whose veneration encouraged excessive male gallantry and nourished the honour code. They recognised that civility was based on free communication between the sexes, since women’s conversation and company was a civilising influence.

The limits to the new social decorum were also fixed according to class. In the rural world the routine murder of servants, tenants and vassals by their masters continues to stand out in the judicial records of France, Italy and

26 Dareau, Traité, p. iii.
Germany in the seventeenth century. This was compounded by the cheapness of lives of the poor: compensating for the life of a French peasant was valued at less than 200 livres (£14) in the 1780s. By the eighteenth century it had become widely accepted that force had to be exerted within reasonable limits and that doing so was a sign of social superiority. Nevertheless, in polite society the use of corporal punishment against the lower orders went largely unquestioned until the very end of the eighteenth century: ‘If any boy or girl, under fourteen years of age, shall be found begging out of the parish where they dwell,’ wrote John Locke in a plan to revise the poor law, ‘they shall be sent to the next working school, there to be soundly whipped and kept at work till evening.’ Slaves represented an altogether different category; they were disqualified from civil society. The Jamaican plantation owner Thomas Thistlewood (1721–86) was a self-made gentleman who combined an Enlightenment belief in progress and modernity with the pursuit of his interests through the use of private and public violence. He was a brutal and sadistic master who controlled his slaves through the use of extreme violence and arbitrary and cruel tyranny. Yet Thistlewood was a civilised man of letters who knew his Montesquieu, Voltaire and Locke and who kept up with the latest in polite fashion through subscriptions to the Tatler and Spectator. Thistlewood’s diary lays bare civilisation’s heart of darkness.

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