

## Consistency and rupture in punishments in Crete under the Venetian rule (13th - 17th century)\*

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Venice tried to exercise its power in an absolute way in the political government of its dominions, where the public interest and the interests of the state took priority. Its wish to create a uniformity in its dominions was manifested in the public law and mainly in penal law. The penal law of the dominant city, where the provisions of Doge Jacopo Tiepolo from 1242 (the so called *statuti commune Veneciarum*) were prominent, with clarifications, corrections and additions over the centuries, was established slowly but steadily as the basic law in the function of justice of the subjugated cities. There followed a verdict “by analogy” with other similar cases (*analogia*), or by custom (i.e. every memory of written or common law) (*consuetudine*) and the discretion and will of the judge (*arbitrium*). In its effort to gradually impose the Venetian law, the decision of Venice to grant a certain degree of autonomy to its dominions and respect the local law, where it existed, and the customs of the dominions is indisputable. However, Venice always maintained the right to interfere and amend the law according to the requests of the subjects and, primarily, according to its interests.

Besides, the authorities of Venice often issued laws, either applicable to all the dominions or individually for each dominion (often by the local Venetian administration), according to a given situation. Therefore, these laws could often be repealed or adapted to the needs of the metropolis and applied for the security and stability of the state and defending the financial interests of the Venetian state and the nobility (Cessi 1938. Leicht 1958, 204. Cessi 1968, 29-44. Cozzi 1980, 21. Ventura 1982, 589-590. Horn 1985. Padovani 1995, 303-329. Crescenzi 1997, 409-474. Ruggiero 1997, 389-407. Buganza 1998, 11, 13, 21-22, 24-25).<sup>1</sup>

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<sup>1</sup> I have given an overall review in my PhD Thesis: Romina N. Tsakiri: *Ποινές και κοινωνία στη βενετοκρατούμενη Κρήτη (16ος αι.)* [*Penalties and Society in Crete under Venetian Rule (16th cent.)*]. Athens 2008: 30-35 [unpublished, in digital form in the National Archive of PhD Theses of the National Documentation Centre: EKT ([www.ekt.gr](http://www.ekt.gr))].

In Crete, which was under Venetian rule from 1204 to 1669, the administration was organized along the lines of the metropolis. In the penalties imposed we can detect the Venetian *statuti* as well as the customs (Venetian or Cretan, mainly deriving from the Byzantine law). We can also detect the provisions of the metropolis which were included in the orders (*commissioni*) of the officials, i.e. the directives which they had to rule by, and the laws passed by the authorities of Venice, which concerned the state in general or the island in particular (Manin 1889, 7, 22. Cessi 1917, 12-13. Jacoby 1971, 95-299. Thiriet 1975, 235-243. Papamanoussakis 1979, 25-26. Cozzi 1980, 33-34. Maltezou 1986, 71-90. Papamanoussakis 1989, 170-172. Maltezou 1994-5, 538. Eadem 1995).<sup>2</sup>

In this context, we can pinpoint consistency but also some ruptures in the punishment and the imposition of penalties within the island. A first observation ensuing from the study of the archives and bibliography concerning the five centuries of the Venetian presence in Crete is that, regardless of period, penalties differed considerably depending on the social status of the people involved. Venice showed consistency in this, following practices that actually applied in the metropolis itself. Thus, people of the lower socioeconomic strata are sentenced to mutilations, public ridicule or death and, as of the 16th cent., to the abominable service of convicts in the galleys, always in keeping with the gravity of the offence, of course (Tsakiri 2008, 127-241).

On the contrary, the punishment of the powerful depended on the given period of time and seems to have taken a series of factors into consideration. The treatment of the local lords by the Venetian authorities is characterized by a series of inconsistencies and ruptures in the initial determination of Venice to impose its absolute power. Let us take for example the revolutionary movements taking place on the island in the first centuries of Venetian rule, or rather the attempt made by Venice to establish itself in Crete. For this reason, the Serenissima confronted the noble families of the former Byzantine lords violently, imposing on them such penalties as death and exile (Mertzios 1949. Maltezou 2011-12. Gasparis 2012).<sup>3</sup> It must be borne in mind that each revolutionary movement, rebellion or internal unrest in itself challenged the Venetian rule and legislation, which constitutes rupture (Papamanoussakis 1979, 24-25. Idem 1989, 166-170).

However, in instances of internal unrest we can also note considerable concessions on the part of Venice in favour of the interests of noble families or local lords, from the very

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<sup>2</sup> On the subject see detailed my Thesis, as above: Tsakiri 2008, 35-38. For the history of Crete see only indicatively Panagiotakis 1987-1988 (Ed.). Detorakis 1990<sup>2</sup>. Maltezou 1993 (Ed.). Eadem 2010 (Scientific Direction). But also see the basic works of Psilakis 1909. Xirouchakis 1934. Xanthoudidis 1939.

<sup>3</sup> See also general histories of Crete, here above note 2.

beginning (Mertzios 1949). The same is noted over time, as the long period of Venetian rule in Crete saw many conflicts with the local population.<sup>4</sup> The same compromising policy is followed in periods of unrest coinciding with other evils such as famine, the plague, preparations against the Turkish threat or a war.<sup>5</sup> Actually, on several occasions the Judiciary showed particular tolerance and favoritism to those belonging to the upper class of Venetian or Cretan noblemen.<sup>6</sup>

But let us look into some of the reasons for this conciliatory attitude of the Venetians, which becomes increasingly evident over the centuries. The state of Venice matures and becomes more flexible, depending on the given situation, realizing that it is in its interests to avoid an open conflict with the powerful of the island (unless this is inevitable, of course). Over the centuries, the local noblemen developed special relations among them and found valuable allies in other families, often through marriage. They were particularly powerful and prestigious in the local society due to lineage, a title of nobility or, mainly, their wealth. They often possessed large tracts of land or held an office, which meant a particular influence on the population under their rule, a relationship which was often based on mutual interests. They also developed similar relations with the Venetian administration, which needed them so as to secure means, resources and manpower for the army and navy of the state (Karapidakis 2014. Tsakiri 2014a. Eadem 2014b)<sup>7</sup>.

Besides, the material of the archives indicates their contacts with the metropolis itself and the supreme authorities from whom they occasionally request and usually are granted some privilege, office or favour, since they have offered in the past and keep offering valuable services to the Venetian state.<sup>8</sup> Characteristic is the case of Ioannis Lefkaros from Nafplio, who was one of the refugees who sought refuge in Crete after the fall of their town to the Turks. In 1547 he was given tracts of land in the region of Lassithion, according to a 1543 resolution of Venice concerning the rehabilitation of refugees from Nafplio and Monemvasia. He was also appointed tax collector and *Provveditore (Essattor et Provveditor)* of the region for life, with the relevant privileges, the salary, but also the corresponding obligations. In addition, he was assigned the public security of the region through the office of *Capitano*

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<sup>4</sup> See indicatively Papadia 1983.

<sup>5</sup> On the policy of compromise followed by Venice in periods of crisis see indicatively some examples in certain periods, Gialama 1991. Lambrinos 1995. See also the history of Crete, here above note 2.

<sup>6</sup> For the legal enactment of Cretan nobility, its granting and the prerequisites set by the Venetian authorities at any given time see Lambrinos 1996. Idem 1999.

<sup>7</sup> For the relationship of the feudalists with their farmers and the Venetian administration in Crete see Karapidakis 1998a. Viggiano 1993. Idem 1998.

<sup>8</sup> On the requests (*suppliche*) of subjects see Nubola 2001. Würigler 2001. Nubola – Würigler 2002. Particularly for petitions from Crete see Ploumidis 1985. Tsakiri 2005. Eadem 2008, 259-270.

against criminals (*Capitano contra i malfattori*). In 1560 he was awarded a title of Cretan nobility by the local authorities.

Several years later, in 1574, Lefkaros was accused by his fellow-countrymen of neglecting his duties and abusing his power, as he illegally maintained groups of bandits and exiles and overtaxed peasants and stock-farmers of the district. At the same time, he became a debtor to the state concerning the rendering of cereals that he had to collect from the farmers and hand over, furthermore he proved unreliable at enlisting oarsmen for the galleys. According to the same accusations, his son, Michalis Lefkaros, himself escorted by bandits and exiles, among other matters exercised violence in the region and neighbouring areas and participated in the distribution of the loot from the robberies his men committed. The two men were sentenced to severe penalties. Several years later, however, the conviction was revoked and Ioannis Lefkaros was restored to the office of tax collector, which his family continued to occupy until at least the mid-17th cent.

It is characteristic that in their petitions for an extension to the office of tax collector and *Capitano contra i malfattori* by members of the family in the 17th century, the Lefkari remind Venice of their services to it in the past. In 1645 and 1647 Nikolos Lefkaros, a grandson of Ioannis, is accused of neglecting his duties and breaching contracts with the Venetian state. In defence of himself, Nikolos calls upon the fact that in the recent Turko-Venetian war he drafted men at his own expense, without any reward or recognition and ultimately to his own detriment. Actually, in 1647 he was rewarded for his services with a ratification of a title of Cretan nobility for himself and his siblings.<sup>9</sup>

Generally there is consistency in the fact that the penalties imposed on the feudalists, noblemen and other powerful of the local society, -such as those *cittadini*<sup>10</sup> who belonged to the upper socioeconomic strata-, who were involved in violent or criminal acts, were more lenient than the penalties imposed on people who worked for them and committed all kinds of crimes and physical assaults in the name of their masters and who were usually of humble origin and belonged to lower socioeconomic strata. This is quite obvious in almost all verdicts against a nobleman or feudalist and the men working for them or involved in their conflicts,

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<sup>9</sup> On the case see detailed Romina N. Tsakiri: «Η διαδρομή ενός πρόσφυγα στο βενετοκρατούμενο Λασιθί. Νέες ειδήσεις για τον τόπο και τα πρόσωπα (16ος – 17ος αι.)» [“The course of a refugee in Lasithi under Venetian rule. News about the land and the people (16th – 17th cent.)”], under publication on *Acts of the 11th International Congress of Cretan Studies (Rethymnon, 21-27 October 2011)*.

<sup>10</sup> In Cretan society one encounters the following social groups: the nobility (*nobili*, Venetian or Cretan), which constituted the sole structurally delineated class, the bourgeoisie (*cittadini*) and the common people (*popolo*). Concerning the social stratification of the island see the representative works of Papadia 1985. Lambrinos 1996. Idem 1999. Idem 2009.

among whom we find farmers, Italian soldiers, exiles and other outlaws and henchmen (the so called *bravi*).<sup>11</sup>

Moreover, even in cases when powerful people were sentenced to severe penalties, there was the possibility of pardon. Other Venetian or Cretan noblemen or magnates of the local society often mediated to this end. The case of the Fassidonis and Maderos families is typical. Because of a vendetta they clashed violently both within and outside the city of Chania, according to a brief of 1574. Both the ringleaders of the conflict, members of the families, and others who sided with them (Italian soldiers and relatives by marriage) were sentenced to severe penalties. Finally, however, the members of the families were granted pardon thanks to the intervention of powerful Venetian noblemen of Chania. We should not overlook the fact that members of both families are recorded among the Cretan noblemen or *cittadini* of Chania who socialised with noble Venetian families of the city and the Venetian administration of the island. Similarly, we should not overlook the services offered by members of the Fassidonis family to Venice during the 4th Turko-Venetian war (1570-1573), through spying and piracy, while many of them were on excellent terms with the Venetians after the end of the war and participated in intense naval activity. Therefore, we can say that the Judiciary often displayed leniency and a conciliatory attitude (Tsakiri 2007, 180-181. Eadem 2014b, 42).<sup>12</sup>

The material of the archives testifies to the fact that Justice in Crete faced multiple malfunctions since it was often the Venetian functionaries, noblemen and feudalists themselves who undermined its role. It was standard practice for them to execute justice themselves in the area of their influence or interfere in judicial procedures, for example by corrupting low-ranking clerks or witnesses. On many occasions they influenced the local authorities and the Duke himself, who in turn acted partially against their litigants.

In a generally violent environment, several litigants of powerful people quite often faced dangers as a result of this power. Loyal servants, paid murderers, henchmen and exiles undertook this revenge through acts of violence, blackmail and murder of the enemies of powerful people (Karapidakis 2005. Tsakiri 2005. Eadem 2014b)<sup>13</sup>.

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<sup>11</sup> On the activity of these groups in Crete in the 16th and 17th century see Tsakiri 2007. Eadem 2014b. There I refer in detail to the different punishments imposed on the noblemen and the powerful of the local society who were involved in violent acts and those imposed on people who worked for them. Particularly illuminating on the activity of henchmen in the Venetian inlands is the work of Walker 1998. See also Povolo 1980, 232-237.

<sup>12</sup> On the case see detailed Tsakiri 2007, 159-160, 180-181, where there is an extensive bibliography concerning the cases and the people involved.

<sup>13</sup> Concerning the violence in the Italian peninsula and the Venetian inlands see indicatively Povolo 1980, 153-258 and especially 168-176, 220-237. Davidson 1986. Povolo 1986. Dean – Lowe 1994, 14. Bianco 1994. Laven 1994. Povolo 1997, in many parts, especially 147-333. Muir 1998<sup>2</sup>.

Almost all these charges were levelled against the powerful Greek feudalist Mattheos Kallergis, also a holder of a title of Venetian nobility, in a report to the Venetian authorities by his opponent and rival feudalist Mattheos Gradenigo in 1562 (Tsakiri 2005. Karapidakis 2005). This is not the only example. In the verdict against the Venetian nobleman and Rector (*Rettore*) of Sitia Zuan Antonio Diedo for multiple breaches in his duties and abuse of power, in 1574, it was stated that with his henchmen he terrorised the noblemen of the district of Sitia. Similarly, in 1593 another Venetian nobleman and powerful feudalist of Crete, Francesco Barozzi, was accused of maintaining murderers and outlaws (*assassini et banditi*) so as to take revenge on his enemies. Just as typical is the case of a nobleman, chief of cavalry (*conduttier*) Zorzi Fradello, in the early 17th century. According to a witness, in 1629, for years he exercised violence and extortion in the city and the countryside, he maintained henchmen and exiles and tried to corrupt judges by all available means.<sup>14</sup>

An interesting aspect is the participation of farmers in the illegal acts of the powerful, who exercised great influence on agriculturalists. The feudalists and noblemen of Crete, and the powerful members of the local society at large, used the families of farmers for the protection of their property and their agriculturalists from the attacks of their neighbours.<sup>15</sup> However, this special relationship with the farmers was not always ideal and it came with a cost for the latter. The cases of the feudalists Barozzi and Kallergis are characteristic. They were accused of using outlaws to blackmail and terrorise their serfs (Gialama 1990, 339-340, 400-401. Tsakiri 2005, 195-199).<sup>16</sup> Similar are the cases of the Rector of Sitia Zuan Diedo, who terrorised the peasants of the area, and the *Provveditor* and tax collector of Lassithion, Ioannis Lefkaros, who, escorted by robbers and exiles (*ladri et banditi*), exploited and oppressed the peasants of the region (Tsakiri 2014b, 32).<sup>17</sup>

Moreover, the magnates often took advantage of the thieving activity of the population in their conflicts with other feudalists and noblemen, aiming at the increase of their prestige within the local society and the control of the local Venetian authorities so as to achieve their goals. This phenomenon is particularly intense in mountainous, remote areas, far from the administrative centers and army headquarters, which of course were hard to control. An interesting aspect worth studying is the activities of the local feudalists, noblemen and powerful members of the local society, the rivalries between them -with the involvement of

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<sup>14</sup> For these and other cases see detailed Tsakiri 2014b, 29-40, with also an extensive bibliography.

<sup>15</sup> For similar circumstances in the Venetian inlands see here above note 13.

<sup>16</sup> For an indicative bibliography see Tsakiri 2014b, 31. For similar cases of Venetian inlands see Povolo 1993. Idem 1997.

<sup>17</sup> In Tsakiri 2014b you can find an extensive bibliography for the cases mentioned here and other similar cases. See also here above notes 12, 14, 16. For Lefkaros see also note 9.

local families and their utilisation in putting pressure on the Venetian authorities-, but also their mediation between the locals and the authorities, as they exercised great influence on the population of the region. A typical example is the multiple relationship of feudalists, noblemen and powerful members of the local society with the Papadopoulos family who lived in the mountains of Agios Vasilios, in the late 16th and early 17th century. A further issue interwoven with this relationship is the connection of these populations to delinquency and robbery –mainly cattle-stealing–, which was closely linked to the insecure cattle-breeding environment, as well as the manifestations of insubordination displayed by the pastoral and farming populations who, in comparison with the rest of society, enjoyed particular autonomy, often resulting in disputes with the authorities, which posed a threat to the Venetian rule in the region (Tsakiri 2014a).<sup>18</sup>

When the Venetian state could intervene and was not obliged to negotiate with the powerful noblemen, it appeared determined to re-establish order and underline that violent or tyrannical acts were not tolerated by the Judiciary. However, even in their attempt to curb the violence of powerful citizens, the Venetian authorities were not always successful. The power of individuals or groups seemingly was considerable enough and on several occasions, when these people felt their interests were at stake, this power prevented the normal function of the institutions and Justice, which resulted in the authorities being unable to interfere (Tsakiri 2014b, 40-46).

Thus, the study of the archives shows that in most cases the state gives way, leaving a broad field of action, even illegal, to those on whom it relied for the exercise of its power and its maintenance. Over the centuries of Venetian rule on the island there were many cases when people were not punished or were granted pardon because, for example, they could mobilize a great number of soldiers thanks to their influence on the population. Let me remind you of the crucial role that the Kallergis family played at times aiming at the maintenance of the Venetian rule in Crete.

A typical example is Alexis Kallergis, who joined the Venetians in suppressing revolutionary movements by other powerful Greek families (the Chortatzis) in the 13th century and refused to side with the Genoans, who tried to conquer the island. He received a

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<sup>18</sup> The text is on line in [www.academia.edu](http://www.academia.edu) and in the website of the Digital Library of Modern Greek Studies of the University of Crete: <http://anemi.lib.uoc.gr> Various issues emerge from the constantly changing relation of the clans with the Venetian state and the agreements among them. To start with, there is evidence concerning the organisation of the mountainous population of the region on the basis of family groups and the rallying of individuals around particular figures (feudalists, family leaders, *Capitani* and robbers) on the assumption that these people, who enjoyed high social power in a relationship of interdependence, would provide protection, see detailed Tsakiri 2014a, where there is extensive reference to the issue and a basic bibliography on the theoretical context. For the mountainous areas of Crete and the mentality and behaviour of their people in the modern period see the extremely interesting Astrinaki 2003. Tsandropoulos 2004.

Venetian title of nobility and great privileges for himself and his descendants. On the other hand, he had no qualms about opposing the Venetians for several years, demanding further privileges, mainly for his family but also for the other local lords, the Church and the farmers. These concessions would later mark the relations between the rulers and the subjects on the island (Mertzios 1949).

I should further remind you of the part Mattheos Kallergis played later on in suppressing the rebellion of peasants in Rethymnon in 1571, and his invaluable aid to Venice by drafting men for a potential Turkish assault (Karapidakis 2005, 642-643. Tsakiri 2005, 188-189, 198-202. Eadem 2014b, 43-44).<sup>19</sup> Another characteristic case comes from the 17th cent.: Ioannis Kallergis. His dispute with the family of the Cretan nobleman Ioannis Chioza, for political reasons, led to an assault against the latter. Kallergis was taken to court. However, his influence of the population of Sfakia, his ability to draft a great number of men and his services to Venice resulted in his favorable treatment by the Venetian authorities (Vincent 2001. Tsakiri 2014b, 31-32).

These are but a few references to a noble family which was instrumental in the continuation of the Venetian rule in Crete. The study of the archive material shows a multitude of cases of powerful people (feudalists, noblemen, *cittadini*) who either clashed or reached a compromise with the Venetian authorities.

In conclusion, whenever the island experienced either sociopolitical and religious unrest or periods of war and other crises, Venice often pursued a policy of striking a balance, aiming at the stability of the state. It downplayed the administration of Justice and the normal function of the institutions, thus itself creating a rupture in its sovereignty as well as its “myth”: the image of a state which was powerful and guaranteed order and safety to all its subjects. The Venetian administration always tried to maintain and project this image to its subjects by means of a perfect administrative hierarchy and a distinction of social classes as well as an organized propaganda which used various symbolic representations and rituals.<sup>20</sup>

The social supremacy of the local feudalists and noblemen and their presence in both the city and the countryside, their participation in local councils and offices, their numerical power through various alliances, land ownership and their relationship with the population they ruled over allowed them to maintain their prestige within the local society and impose their views on the Venetian political or judicial administration.<sup>21</sup> As a result, several times

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<sup>19</sup> Concerning the rebellion of farmers in 1571 in Crete see Giannopoulos 1978.

<sup>20</sup> For the myth of Venice see indicatively Fasoli 1958. Gaeta 1981. Muir 1984, 17-75. Marx 1984. Puppi 1988. Crouzet-Pavan 2001. Benzoni 2006.

<sup>21</sup> See the questions posed for similar matters about the Ionian islands by Karapidakis 2003. Idem 2009. For Crete see Idem 1998b. For the councils of Crete and the participation of the feudalists see Papadia 2004, 94-100.



they became a state within the state, with the tolerance of the Venetian administration, and in reality they refuted the myth of Venice and its continuity from within. This became the reason for a series of ruptures in punishment in the island of Crete during the Venetian period.

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Lambrinos 2002, 100. On the relation of the city and countryside during this period see Berengo 1999, 111-170. Asdrachas 2003 (Ed.), especially the chapter 3: Sp. Asdrachas – N. Karapidakis: «Οι μεγάλοι τομείς. Οικονομία της υπαίθρου, οικονομία των πόλεων, η σταθερή των τεχνικών» ["The great sectors. The economy of the countryside, the economy of the urban areas, the stable of the technics"]: 151-218.

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