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SOLON Crimes and Misdemeanours
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DEVIANCE AND MORALS: A STUDY OF SIXTEENTH-CENTURY CRETE UNDER VENETIAN RULE: AN INITIAL EXPLORATION¹

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Abstract

This article examines indicatively offences such as blasphemy, sodomy, adultery and bigamy and the penalties imposed by the Venetian authorities on the island of Crete in sixteenth century. As the sixteenth century was characterised by a strong tendency towards the moralisation of life in the states of Western Europe, State and Church focused on all forms of deviance from the Christian order: issues related to faith, individual behaviour, family life and sexuality, all became objects of discipline. The Venetian state, in collaboration with the church, also penalised offences related to Christian morality, in the island of Crete as well as elsewhere in the Venetian state. The attitude of the Venetian state towards Crete, differences between the city of Venice and the island in the administration of rules governing deviance and promoting moral standards were slight, despite the presence of a substantial Orthodox community. Although, in some offences related to family life Venetian law respected the customs of the Orthodox church. Furthermore, in some cases the treatment of Jews was stricter, as Jews were considered as a possible threat to Christianity and the social structure of the Venetian state. A more significant factor than religious difference on the treatment of these offences was class and economic status and gender. Finally, the moral discipline and strict control over aspects of community life was intended not only to promote the well-being of subjects, and therefore the administration of the state, but also the protection of the prestige, identity and financial interests of the ruling class of nobility.

Keywords: Sixteenth century Crete, Venetian state, blasphemy, sodomy, adultery, bigamy

¹ This article is a broader form of my presentation at the Conference: *Crime, Violence and the Modern State-Historical Perspectives*, Department of History and Archaeology, University of Crete/SOLON Partnership Joint Conference (Rethymno, 9-11 March 2007) with the necessary bibliographical and archive references, without however a detailed analysis of the offences, each of which in itself could be the object of a separate study. In this study only a brief idea is provided of the gravity, manifestation and punishment of the offences chosen for presentation. The imposition of penalties and society in 16th century Crete under Venetian rule is the subject of my PhD thesis (University of Athens).

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Introduction

The sixteenth century was characterised by a strong tendency towards the moralisation of life in Western European states. The religious legislators of the Reformation seemed determined to impose religious discipline and moral control in order to contain the factors they considered responsible for the degeneration of religious structures and consequent social disorder. After the Council of Trent (1545-1563) the efforts of the Roman Catholic church in particular were intensified toward this end.

On the other hand, such afflictions as war, famine and disease, which increased the death rate, always resulted in heightened fear and anxiety – but nonetheless promoted the will to survive, which affected the expression of social, moral and religious beliefs as part of the search for reasons for the afflictions. As a result, complicity with the Devil and magic were blamed for the social unrest characterising periods of economic or political crisis, and this resulted in the victimisation of all those who were held to encapsulate the reasons behind the tribulations of the population. Dealing with disaster was thus focused on strategies to identify the causes of evil, to promote its containment and to punish those who were held responsible for the proliferation of the atmosphere of evil within the community.

Laws stemming from both state and religious authority at such times focused on all forms of deviance from the Christian-defined moral order. Thus conduct relating to faith, individual morality, family life and sexuality all became objects of discipline. Social discipline was understood as involving moral discipline as an intrinsic element within it. Consequently, deviation from the accepted rules of Christian morality, in the shape of offences such as blasphemy and sexual depravity, were viewed as crimes against society as well as against God, and were punished severely by the European courts throughout the early modern period.

How did this perspective affect Crete, then part of the Venetian state but with a substantial Greek Orthodox community as well as a Jewish community? The Venetian state distanced itself from papal propaganda. However, it remained inextricably linked to Roman Catholicism, in ways which combined religious obligations with its ability to maintain a degree of political independence which also promoted the interests of the ruling class. Besides, community attitudes in

Renaissance Venice were not very different to attitudes elsewhere in Europe. There was a strong tendency towards interpreting various calamities as tokens of divine wrath, and this kind of belief reached its peak in the first half of the sixteenth century. Thus the Turko-Venetian wars, the loss of territory in both the inland and the sea state, as well as the financial losses of the time and the outbreaks of the plague were all considered manifestations of divine retribution for the moral decline of the Venetian state. The will to preserve the continuity of the Venetian state was expressed through initiatives for the moralisation of daily life by means of a series of legislative interventions creating offences that criminalised luxury, prostitution, sodomy and adultery. The Venetian state, although not one of the states where an obviously systematic witch hunt took place, as in Germany nonetheless penalised, in collaboration with the Roman Catholic Church, offences related to faith and religious control, such as blasphemy, heresy and magic.³ What, then, was the impact on Crete?

This paper has been based on the official records of the Venetian administration of Crete in the sixteenth century.⁴ It is important to point out that the archives of the Duchy of Crete suffered extensive damage during their transfer from Crete to Venice.⁵ This accounts for the many gaps and the overall lack of documentation for trials in Crete. Further, sentences registered in the books of the ducal registry do not provide trial evidence in detail. Despite this, it has been possible to reconstruct a sufficient picture to make this exercise feasible.

The main offences to which reference will be made (blasphemy, sodomy, adultery and bigamy) provide exemplars which relate to secular and Christian morality, as affecting aspects of individual behaviour, sexuality and family life. These offences

³ See indicatively Henry Kamen, *Early Modern European Society*, (London and NY, 2000) pp. 177-205; Christopher F. Black, *Early Modern Italy. A social history*, (London and NY, 2001) pp. 197-203; Gary K. Waite, *Heresy, magic, and witchcraft in early modern Europe*, (NY, 2003).

⁴ The island of Crete was a significant dominion for Venice from the 13th to mid-17th century and was organised similarly to the metropolis. The legal system of Venice imposed on Crete is based on the Venetian law (*statuti*), analogy to similar cases (*analogia*), customs of the dominion (*consuetudini*) and discretion of the judge (*arbitrium*), see Gaetano Cozzi, 'La politica del diritto nella repubblica di Venezia' in Gaetano Cozzi (ed.), *Stato, Società e Giustizia nella Repubblica Veneta (sec. XV-XVIII)* (Rome, 1980) pp. 21-152; Chryssa A. Maltezos, "Statuta e Consuetudines" della Popolazione Greca della Romania Latina' in *Atti del III Seminario Internazionale di Studi Storici 'Da Roma alla Terza Roma (21-23 aprile 1983)*, *Documenti e Studi III, Popoli e spazio romano tra diritto e profezia* (Napoli, 1986) pp. 439-449; Chryssa A. Maltezos, 'Ιστορία της βενετοκρατούμενης Κρήτης: Ζητήματα Έρευνας' in *Πεπραγμένα του Ζ' Διεθνούς Κρητολογικού Συνεδρίου (Rethymno, 25-31 August 1991)*, vol. 2 (Rethymno, 1995) pp. 537-548.

⁵ See Maria Francesca Tiepolo, 'Note sul riordino degli Archivi del Duca e dei Notai di Candia nell'Archivio di Stato di Venezia,' *Θησαυρίσματα*, 10 (1973) pp. 88-100; Maria Francesca Tiepolo, 'Le fonti documentarie di Candia nell'Archivio di Stato di Venezia' in Gherardo Ortalli (ed.), *Venezia e Creta. Atti del Convegno Internazionale di Studi*, Iraklion-Chanià, 30 settembre - 5 ottobre 1997 (Venice, 1998) pp. 43-71.

have been chosen because they were largely dealt with in Crete. Cases of magic and heresy, which were tried by the Inquisition in Venice, will not be included in this study.⁶ The initial focus is on specific moral offences, and the penalties imposed, so that any similarities or dissimilarities of treatment of these offences by the authorities in Venice and in Crete can be highlighted in ways which are not automatically nuanced by the doctrinal differences of the Christian subjects affected. However, insofar as such conclusions are permitted by the evidence, account is taken within the Cretan examples of any differences in treatment which are explainable by social and economic status and gender differences. This is in addition to any visible differentiation based on religious bias towards the Orthodox population and those of different religious origin, notably the Jews.⁷

Blasphemy⁸

One of the commonest examples of individual offending behaviour held to affect the local community was blasphemy, as it supposedly brought down the wrath of God on all.⁹ The authorities viewed this offence as contravening both divine and human laws and for this reason, rated blasphemy as a very serious crime, identifying it as both a 'vice' and 'a hideous and deadly sin'. In the rhetoric of the day, perpetrators –

⁶ For the connection between the types of crime and morality see Black, *Early Modern Italy*, pp. 197-203. About the trials of Greeks from the Inquisition in Venice (16th-18th cent.) see the study of Dionisia Gialamà, "Έλληνες και Ελληνίδες που δικάστηκαν από την Ιερά Εξέταση της Βενετίας με την κατηγορία της μαγείας (16ος-18ος αι.)," unpublished PhD thesis, University of Ioannina, 2003.

⁷ For the composition and social stratification of the population of Crete see Anastassia Papadia-Lala, *Ο θεσμός των αστικών κοινοτήτων στον ελληνικό χώρο κατά την περίοδο της Βενετοκρατίας (13ος-18ος αι.). Μία συνθετική προσέγγιση*, (Venice, 2004) pp. 31-131.

⁸ This is an indicative part from a larger study that I am preparing on blasphemy in Crete in the 16th and 17th centuries.

⁹ For the content of the term, its variations and the evolution of the offence of blasphemy in the West throughout these centuries, see the study by David Nash, 'Analysing the History of Religious Crime: Models of "passive" and "active" blasphemy since the medieval period,' *Journal of Social History*, 41(1) (2007) 5-29. (I would like to thank Dr Nash for having consulted his manuscript). For Venice see Renzo Derosas, 'Moralità e Giustizia a Venezia nel '500-'600. Gli Esecutori contro la Bestemmia' in Gaetano Cozzi (ed.), *Stato, Società e Giustizia nella Repubblica Veneta (sec. XV-XVIII)* (Rome, 1980) pp. 431-528; Gaetano Cozzi, 'Religione, Moralità e Giustizia a Venezia: Vicende della Magistratura degli Esecutori contro la Bestemmia (secoli XVI-XVII),' *Ateneo Veneto*, 178 (1991) pp. 59-72; Gaetano Cozzi, 'Religione, Moralità e Giustizia a Venezia: Vicende della Magistratura degli Esecutori contro la Bestemmia (secoli XVI-XVII)' in Gaetano Cozzi (ed.), *La società veneta e il suo diritto. Saggi su questioni matrimoniali, giustizia penale, politica del diritto, sopravvivenza del diritto veneto nell'Ottocento* (Venice, 2000) pp. 92-95; Elizabeth Horodowich, 'Civic identity and the control of blasphemy in sixteenth-century Venice,' *Past and Present*, 181 (2003) pp. 3-33.

The offence of blasphemy often intertwined with that of heresy and magic. A particularly important case from Crete is the trial of the Venetian scholar *Francesco Barozzi* in 1587, facing charges of magic and denial of the Christian faith, but also blasphemy, which were quite serious charges for a member of the upper class of the Venetian aristocracy. For this reason there was subtle handling on the part of the Inquisition of Venice, where the case was tried, and light penalties were imposed: fine, house arrest, observance of the rules of Christian life, public denouncement of his deeds (humiliation of his person and his titles). It may be that this special treatment indicates the attitude of the Venetian authorities to protect a member of the Venetian patricians from possible degradation that the papal propaganda would bring about through its influence on the Catholic church, see Dionissia G. Gialamà, "Νέες evidences για τον βενετοκρατικό λόγιο Φραγκίσκο Barozzi (1537-1604)", *Θησαυρίσματα*, 20 (1990) pp. 300-403.

criminals with poisonous and foul-smelling tongues – acted without fear or respect for either justice and the courts or God, scandalizing the community and the state thereby. The authorities therefore proclaimed that it was their duty to eradicate a vice so offensive to the greatness of God as to be a sin, in order to preserve the peaceful life of society and to prevent such errors which were responsible for venting the fury of God towards the state and its subjects.¹⁰

However, while accepting the real force of this reasoning during the sixteenth century, the Venetian state had extra justification for dealing with blasphemy particularly strictly when compared to other European states of this period. An increase in the number of refugees, merchants and foreigners seeking work in Venice, prompted the authorities to instigate a variety of actions to protect the small local aristocracy and the status of the citizens of Venice and, furthermore, the stability of the Venetian state. One of the manifestations of political control and efforts for the protection of the Venetian identity were strategies focusing on the preservation of the language, within which framework blasphemy was also fought against, as desecration of the proper use of the Venetian tongue.¹¹

This led to the enactment of a series of laws from 1500 on, which become increasingly strict over the first 50 years of the sixteenth century. In Venice itself, the trial of such cases was undertaken by the Supreme Court of Venice, the Council of the Ten, which at times delegated the cases to lower but important courts such as the *Avogaria di Comun*, but retaining overall supervision of the trials. The institutional framework culminated in the establishment by the Council of the Ten in 1537 of a powerful body intended to suppress and control blasphemy; the *Esecutori contro la Bestemmia*.¹² It was the decrees issued by the administration in the capital, Venice that usually applied in Crete but there, the situation was also potentially affected by decrees issued by the Duke of Crete.¹³ The usual penalties imposed, according to verdicts of the Council of the Ten were fines, exile or incarceration and, in extreme

¹⁰ For similar phrases from the legislation of Venice see Derosas, 'Moralità,' pp. 431-528, in various pages; Horodowich, 'Civic identity,' pp. 10, 14, 18, 23-24. See indicatively Archivio di Stato di Venezia [hereafter A.S.V.], *Consiglio di Dieci*, Misti, reg. 36 (1513-1514), ff. 190v-192v (19 Apr. 1514); A.S.V., *Duca di Candia* [hereafter DC], b. 65bis, quaderno 7 (*Libro delle sententie criminali fate per l'Illustrissimo et Eccellentissimo Signor Proveditor General et Inquisitor Foscari*, 1574-1577) [hereafter quad. 7 (1574-1577)], f. 60r (27 June 1575).

¹¹ See relatively Horodowich, 'Civic identity,' pp. 4-33.

¹² Derosas, 'Moralità,' pp. 433-434; Horodowich, 'Civic identity,' pp. 6-9. Research so far has not found this kind of court to have applied in Crete, nor indeed throughout the rest of Europe or the Americas. See Horodowich, 'Civic identity,' David Nash, *Blasphemy in the Christian World* (Oxford, 2007).

¹³ See Aspasia Papadaki, *Θρησκευτικές και κοσμικές τελετές στη βενετοκρατούμενη Κρήτη*, (Rethymno, 1995) pp. 32-34.

cases, the cutting off the tongue. The fines and period of banishment were doubled if the offence was repeated and tripled if the offence was committed for a third time. As alternative punishments for those who could not afford to pay the fines, some form of corporal punishment such as whipping or torture with rope (*tratti di corda*) was administered.¹⁴ An alternative punishment was to be sentenced to row in the state's galleys (galley service), which the authorities considered to be an ideal penalty for blasphemers. Their justification that experience 'had shown that people who blasphemed were suitable for the galley'¹⁵ is perhaps indicative of the fact that those who were prone to commit the offence mainly belonged to the lower social classes.¹⁶ It is, here, probably not coincidental that in 1553, Venice took special action against those who blasphemed on vessels and galleys, regarding the offence as responsible for losses at sea.¹⁷

The sources, despite their limitations, do suggest a high frequency of blasphemy offending in Crete and severe treatment of the offence by the authorities. As has been observed for the city of Venice, the offence in Crete seems to have been most prevalent amongst the lower classes, as compared to the nobility, though it must be admitted that this is the class who would most probably be able to avoid arrest and punishment even if they had committed the offence.¹⁸ However, the lack of substantive evidence in the sentencing records makes it difficult to draw firm conclusions about the social and financial status of an individual culprit, since the full identity and character of the individuals convicted was not detailed in the verdicts.¹⁹ The records do indicate, though, that those convicted were mainly men, from both the Orthodox and Catholic communities.

¹⁴ For relevant decrees see Derosas, 'Moralità,' pp. 433-434, note 1 and Horodowich, 'Civic identity,' pp. 7-11, 16, where cited. See only indicatively A.S.V., *Consiglio di Dieci*, Misti, reg. 36 (1513-1514), ff. 190v-192v (19 Apr. 1514).

¹⁵ A.S.V., *Consiglio di Dieci*, Comune, reg. 28 (1567-1568) f.151v (12 Nov. 1568). About the punishment of galley service, which was introduced in the Venetian penal system in 1545, see Andrea Viano, 'I forzati sulle galere veneziane (1760-1797),' *Studi Veneziani*, n.s., 2 (1978) pp. 225-247; Andrea Viano, 'La pena della galera. La condizione dei condannati a bordo delle galere veneziane' in Gaetano Cozzi (ed.), *Stato, Società e Giustizia Nella Repubblica Veneta (sec. XV-XVIII)* (Rome, 1980) pp. 377-430.

¹⁶ About the humble social origins of offenders in Venice see Horodowich, 'Civic identity,' pp. 24-28.

¹⁷ Derosas, 'Moralità,' pp. 438-439; Horodowich, 'Civic identity,' p. 16. For other accounts see Nash, *Blasphemy in the Christian World*, Chapter two and Alain Cabantous, *Blasphemy: Impious Speech in the West from the Seventeenth to the Nineteenth Century* (New York, 2002).

¹⁸ For example, the special treatment of *Francesco Barozzi* by the authorities of Venice may denote an attitude towards protecting a member of the Venetian patricians from possible degradation that the influence of papal propaganda on the Catholic Church would cause, Gialamà, 'Νέες ειδήσεις,' pp. 308-313. For Venice see Horodowich, 'Civic identity,' pp. 27-30.

¹⁹ Similarly for the lack of information publicised by the authorities in such cases in Venice see Horodowich, 'Civic identity,' p. 18.

Why was blasphemy such a common offence? For the island's inhabitants, both in the cities and in the countryside, it was very easy to commit the offence of blasphemy during their everyday toils. Disputes among individuals, within the framework of both community and family relationships, often ended in verbal acrimony, during which blasphemy was scarcely rare. Typically, in rural areas, blasphemous expressions might be used by farmers while harvesting a plot of land, or because one of their sheep had died; villagers would blaspheme in their everyday transactions, either among themselves or before the administrators of the land. The offence of blasphemy, as is shown in the sources, was particularly prevalent in the disputes of farmers with their feudal lords and heads of villages. However, suits brought by feudal lords and their men against various individuals on charges of blasphemy may, in fact, have been a means of taking revenge on their enemies and blackmailing their serfs so that they would comply with their obligations under the labour statutes. The case of Michelin Culende (1576), who was brought to trial twice on charges of blasphemy by the responsible supervisors, is typical. Michelin appeared before the Venetian authorities on the island of his own free will and denied blaspheming, claiming that he had already been sued under the same charges in the *Avogaria di Comun* of Candia but had been acquitted by the administration of the island (*Reggimento*). Considering the previous verdict, the authorities actually cleared him of the charges.²⁰ Towards the end of the century there was an increased incidence of blasphemous individuals who were sentenced to the death penalty and incineration in Venice,²¹ but so far no such incident has been discovered in Crete.

Accusations of blasphemy often accompanied those for other offences, which were not directly linked to blasphemy. Again it seems possible that this is how ordinary people as well as feudal lords took revenge on their enemies, since such an accusation would be more likely to secure some punishment than a simple secular accusation.²² In 1575, Irene, widow of Manolis Mousouros sued Michalis Mousouros and Vassili Lygeròs from the same village for homicide. Additionally, she accused Michalis of blasphemy because one of his sheep died. The defendants were summoned before the court, but did not appear and Michalis Mousouros was condemned, in default of his appearance, to exile for life from the city and the region of Venice and the whole of the isle of Crete, with the exception of Sitia and its

²⁰ A.S.V., DC, b. 65bis, quad. 7 (1574-1577), f. 195r-v (21 May 1576).

²¹ Giuseppe Tassini, *Alcune delle più clamorose condanne capitali eseguite in Venezia sotto la Repubblica* (Venice, without year of publication) pp. 290-291.

²² Similarly about Venice see Black, *Early Modern Italy*, p. 202.

territory. The sentence added that if arrested in forbidden bounds, he would be led to a public place where he would be beheaded.²³

Blasphemy was also common among the ranks of soldiery who served on the island, who were characterised by the locals as being irritable and with a nasty disposition.²⁴ Consequently it was presumed to be easy for them to commit this offence when they quarrelled (which was a frequent occurrence) or found themselves in perilous circumstances. Physical disputes accompanied by blasphemous language were also common.²⁵ The records indicate that it was also easy to commit the offence during the long hours the soldiery spent gambling in their barracks. Playing cards was firmly linked to blaspheming by the Venetian authorities, because it was claimed that those who gambled and lost, would curse their luck by making profane references to God.²⁶ The authorities were strict in dealing with such cases. In 1575, after playing cards and losing, Francesco di Polonio returned to his dormitory where he punched an icon of Jesus Christ and the Virgin Mary, swearing terribly when he used their names. The authorities sentenced him to having his tongue cut, so that he could not talk, and to ten years galley service; with the rider that if he proved unable to row, they would cut off both his arms from the shoulders down.²⁷ Cutting out the tongue was a penalty imposed by Venetian legislation for particularly serious cases.

In cases of blasphemy by soldiers, the scandal from the trials was seen as affecting the prestige not only of the city but also of the military.²⁸ Perhaps because of this, justice was stricter in cases of soldier perpetrators. It is telling that in several cases of convicted soldiers the penalty of cutting out the tongue was immediately imposed. For example, on 16 March 1575 the sentence of bombardier Zanetto from Venice was that, in an elevated spot so the punishment would be very visible, his tongue 'be severed so that he could not speak'.²⁹ It may be, however, that it was the only plausible penalty the authorities could impose, since impoverished soldiers,

²³ A.S.V., DC, b. 65bis, quad. 7 (1574-1577), ff. 126r-128v (11 Nov. 1575).

²⁴ For the Italian soldiers who were stationed on the island of Crete and their character see indicatively Anastassia Papadia-Lala, 'Soldati mercenari stranieri e vita urbana nella città di Candia Veneziana (secoli XVI e XVII),' *Θησαυρίσματα*, 29 (1999) pp. 273-285, where relevant bibliography can be found. Also for the character of the soldier as he appears in Cretan comedies see Linos Politis (ed.), *Γεωργίου Χορτάση, Κατσούρμπος* (Iraklion, 1964) pp. vζ'-vη' and Stefanos Kaklamanis (ed.), *Γεωργίου Χορτάση, Κατσούρμπος* (Athens, 1993) pp. 17-21, 41, 109-111.

²⁵ A.S.V., DC, b. 65bis, quad. 7 (1574-1577), ff. 218v-220r (11 Aug. 1576).

²⁶ The connection between gambling and blasphemy was already recognised in the Middle Ages, Horodowich, 'Civic identity,' p. 26. About gambling and blasphemy and the decrees against gambling in Crete in the 14th century see Arnold F. van Gemert, 'Ο Στέφανος Σαχλίκης και η εποχή του,' *Θησαυρίσματα*, 17 (1980) pp. 59-62.

²⁷ A.S.V., DC, b. 65bis, quad. 7 (1574-1577), ff. 59v-60r (27 June 1575).

²⁸ *ibid.*, f. 60r (27 June 1575).

especially after the fourth Turko-Venetian war (1570-3), could not possibly have afforded to pay the fines, while to exile them would be against the interests of the Venetian state, as it would weaken the army.

Sodomy

Offences of a sexual nature such as sodomy, identified as a crime against the institution of family, relationships between the two sexes and reproduction, were linked to poor moral discipline. Use of the term sodomy involved a broader manifestation of deviant sexual behaviour, such as unorthodox sexual practices, including intercourse with children, heterosexual relations with Jews or infidels, bestiality and necrophilia as well as homosexuality. The Venetian state was already experienced in dealing with sodomy as an offence, and a serious concern for the state was to ensure that severe punishment of sodomites was sustained in the capital city (including death by burning, at the most extreme, prolonged incarceration or public shaming strategies). Even minors who took part in such acts were liable to public whipping, incarceration, or exile.³⁰ Very few cases of sodomy were recorded in the archives in Crete. This may be because such cases were mainly tried by other courts, such as the Council of Ten of Candia, or the *Avogaria di Comun*, and these archives in Crete were either not saved or are particularly fragmentary. It may also be because such offences were not made public but were covered up in introverted societies such as those in Crete, especially in the rural areas. This possibility is supported by the fact that there were also very few cases reported in previous centuries.³¹ Where cases were recorded, it becomes clear that such offences more commonly occurred in the countryside than in urban contexts. It seems feasible therefore that a substantial percentage of these offences never reached the courts, as was also the case with crimes of rape and infanticide, and that as a consequence, offences of such nature remained unpunished. Most probably such cases were resolved in private, as in rape cases, by compensation of the victim's family. On the other hand, in the latter half of the sixteenth century the Venetian state in Crete was

²⁹ *ibid.*, f. 31r (16 March 1575).

³⁰ For the punishment of the offence of sodomy in Venice see indicatively Gabriele Martini, 'Sodomia e discriminazione morale a Venezia nei secoli XV-XVII: Tendenze evolutive,' *Atti dell'Istituto Veneto di Scienze, Lettere ed Arti*, 145 (1986-87) pp. 341-366; Gabriele Martini, *Il 'Vizio Nefando' nella Venezia del Seicento. Aspetti sociali e repressione di Giustizia*, (Rome, without year of publication). Compare Nikolaos G. Moschonàs, 'Έλεγχος και καταστολή της ερωτικής παρέκκλισης στη Βενετία του 15ου αιώνα' in *Ανοχή και καταστολή στους Μέσους Χρόνους. Μνήμη Λένου Μαυρομάτη* (Athens, 2002) pp. 231-276, where relevant bibliography can be found.

³¹ See also the few cases of the beginning of the 15th century from Crete, Elisabeth Santschi, 'Affaires pénales en Crète Vénitienne (1407-1420),' *Θησαυρίσματα*, 13 (1976) pp. 48-49, 50-53. Compare Chryssa A. Maltezou, 'Το παιδί στην κοινωνία της Βενετοκρατούμενης Κρήτης,' *Κρητικά Χρονικά*, 27 (1987) p. 226.

forced to concentrate on dealing with groups such as exiles, violent individuals and vagrants, thus putting into perspective crimes, which, except for their moral consequences, did not pose an immediate threat to social stability. The few accusations of sodomy in Venice itself and the region of Veneto also indicate to scholars a greater tolerance on the part of the state and suggest that sodomy gradually ceased to be an offence affecting the public interest.³²

However, from the few convictions and associated sentences that have survived, it can be deduced that in Crete, punishment of sodomites depended on social and economic status. The penalty for a sodomite coming from the middle and upper classes was more lenient than that passed upon a perpetrator coming from the lower class. Particularly important in terms of revealing the degree of tolerance of the authorities towards the members of the Venetian aristocracy is the case of *Francesco Barozzi*, who had been accused of homosexuality and sodomy both in Crete and during his stay in Venice. Undeterred he still continued his illegal activities and he was able to ignore the lenient penalties imposed.³³ On the other hand, in 1547 *dottor phisico Nicolò Sangonazo*, who was probably from a lower social class, was tried for sodomy by the local administration of Candia. He was condemned (in his absence) to exile not just from Crete but also from the city of Venice and its region. In 1552, after his arrest in Venice, the state sent him back to Crete, leaving it to the local authorities there to deliver justice as they saw fit.³⁴ Similarly, in 1577 two Italian soldiers, who were caught by their superiors naked and involved in sexual interplay in their barracks, were convicted to rowing chained in a galley for two years. If they proved incapable of rowing, they would then be punished by public mutilation of their ears and nose. This provides a clear illustration of how authorities could punish cases categorised as 'very bad examples' of vice and sin.³⁵

Adultery³⁶

³² Martini, 'Sodomia,' pp. 360-365; For similar conclusions on the offence of infanticide in the Venetian mainland (*Terraferma*) see Claudio Povolo, 'Note per uno studio dell'infanticidio nella repubblica di Venezia nei secoli XV-XVIII,' *Atti dell'Istituto Veneto di Scienze, Lettere ed Arti*, 137 (1978-79) pp. 115-131.

³³ Gialamà, 'Νέες ειδήσεις,' pp. 338-343.

³⁴ A.S.V., DC, b. 5 (Ducali e Lettere Ricevute), reg. 57 (1552-1553), f. 3r (12 Sept. 1552).

³⁵ A.S.V., DC, b. 65bis, quad. 7 (1574-1577), ff. 322r-323v (7 Aug. 1577).

³⁶ The current part of the offence of adultery on Crete in the 16th century is part of a broader study intended for future publication, which touches on issues of family life on the island at the time. It's the minutes of the *tenth International Cretological Congress (Chanià, 1-8 Oct. 2006)* where the writer took part with an announcement on the subject 'Intermarital disputes and the imposition of law on Crete in the 16th cent.'. The offence of bigamy, which follows, is presented in the same study.

One offence related to marriage which appears with particular frequency in the sources was adultery. Adultery was deemed an insult to God since the adulterer violated the holiness of the marriage solemnised by Him in Paradise. However, marriage was viewed as an issue with more than a moral and religious dimension: a successful marriage safeguarded the mutual economic interests of the spouses, which in turn was important for social stability.³⁷ Consequently, both state and church colluded in imposing laws, rules and ideological standards which reflected the social realities of the day.³⁸ In its primary focus on the financial interests of the upper classes, the Venetian state used legislation to regulate the realities of marriage – a habit established in the fifteenth century. Rules were also, gradually, imposed by the church which laid down the respective virtues expected of husbands and wives. But, especially after the Council of Trent, there were further dynamic interventions by the Roman Catholic church to reinforce its role in the management of marital issues. Rituals were established to bolster marriage, and church rules concerning financial matters were introduced. Previously in Crete, the church had accepted local customary practice in annulment of marriages, but after the Council of Trent, annulments became an issue for the church courts.³⁹ This is not to underestimate the survival, and influence, of Roman and Byzantine legal elements in the Venetian legislation, given the nature of the post-Byzantine law that prevailed in areas under Venetian rule. Particularly when it came to marriages among the Orthodox population of Crete, the Latin Archbishops had to continue to respect the customs of the Orthodox church which had been shaped in the Byzantine past of the island.⁴⁰

³⁷ Guido Ruggiero, *I confini dell'eros. Crimini sessuali e sessualità nella Venezia del Rinascimento*, (Venice, 1988) pp. 77-81; Guido Ruggiero, *Binding Passions. Tales of magic, marriage, and power at the end of the Renaissance*, (Oxford, 1993) p. 26; Monica Chojnacka - Merry E. Wiesner-Hanks, *Ages of woman, ages of man. Sources in european social history, 1400-1750*, (London and Edinburgh 2002) pp. 72-74, 113-115; Olwen Hufton, *Ιστορία των Γυναικών στην Ευρώπη (1500-1800)*, trans. Irini Chrissochoou from the english original text: *The Prospect Before Her. A History of Women in Western Europe 1500-1800* (Athens, 2003) pp. 173-174.

³⁸ For the theoretical framework see Angeliki Laiou, 'Η ιστορία ενός γάμου ο βίος της αγίας Θωμαΐδος' in *Πρακτικά του Α' Διεθνούς Συμποσίου: Η Καθημερινή ζωή στο Βυζάντιο. Τομές και συνέχειες στην ελληνιστική και ρωμαϊκή παράδοση* (Athens, 1989) pp. 237-238. Compare Tonia Kioussopoulou - Rika Benveniste, 'Γαμήλιες στρατηγικές και παρεκκλίσεις στον οικογενειακό βίο: Βυζάντιο και Μεσαιωνική Δύση,' *Μνήμων*, 13 (1991) pp. 259-262.

³⁹ Angelo Rigo, 'Giudici del Procurator e donne "malmaritate". Interventi della giustizia secolare in materia matrimoniale a Venezia in epoca Tridendina,' *Atti dell'Istituto Veneto di Scienze, Lettere ed Arti*, 151 (1993) pp. 241-243; Ruggiero, *Binding Passions*, pp. 26, 59; Stanley Chojnacki, *Women and Men in Renaissance Venice. Twelve Essays on Patrician Society*, (Baltimore and London, 2000) pp. 53-75, 154, 157, 164-168, 172-175, 197; Joanne M. Ferraro, *Marriage Wars in Late Renaissance Venice*, (Oxford, 2001) pp. 3-8, 155-160; Chojnacka - Wiesner-Hanks, *Ages of woman*, pp. 72-74, 113-115; Hufton, *Ιστορία των Γυναικών*, p. 75.

⁴⁰ Iakovos T. Visvisis, 'Το πρόβλημα της Ιστορίας του Μεταβυζαντινού Δικαίου,' *Επετηρίς του Αρχείου της Ιστορίας του Ελληνικού Δικαίου*, 6 (1955) pp. 131-153; Freddy Thiriet, *La Romanie Vénitienne au Moyen Age. La développement et l'exploitation du domain colonial vénitien (XIIe-XVe siècles)*, (Paris, 1975) pp. 235-243; Cozzi, 'La politica del diritto,' pp. 31-34; Gaetano Cozzi, *Repubblica di Venezia e Stati Italiani. Politica e giustizia dal secolo XVI al secolo XVIII*, (Torino, 1982) pp. 227-261; Maltezou, 'Statuta e Consuetudines,' pp. 439-449; Stratis Papamanoussakis, 'Διάγραμμα Ιστορίας του Κρητικού

Research has shown that plaintiffs in Crete often had simultaneous resort to both the religious and the secular courts, something which was also common practice in Venice.⁴¹ It seems this was a way of providing for the best possible outcome on all fronts, obtaining the support of the church in the moral dimension and of the state when it came to the financial security of the plaintiff.⁴² The dispensation of any penalty or punishment was undertaken by the Venetian administration.⁴³ The Venetian authorities also functioned as a court of appeal against ecclesiastical verdicts.⁴⁴ However, annulments remained in the exclusive jurisdiction of the church courts.⁴⁵ Both religious and secular authority collaborated in giving a few days' grace to defendants found guilty before the imposition of any penalty. The joint policy was to recommend to those who had strayed from the path of marital virtue was generally to return to their homes, or to take back husbands or wives, in order to 'keep good and honourable company' with them, as was 'the duty of good Christian spouses'.⁴⁶

Nevertheless it has also to be admitted that treatment of the two sexes in cases of adultery clearly demonstrates gendered discrimination, as well as inequality involving social status. In cases involving a male adulterer, it was usual for a recommendation to return to marital compliance to be issued before any penalties were imposed, especially when nobles – Venetian or Cretan – were involved. For such men, when a

Δικαίου,' *Τάλως*, 1 (1989) pp. 170-172; Maltezu, 'Ιστορία,' pp. 537-548; Chryssa A. Maltezu, 'Byzantine "consuetudines" in Venetian Crete,' *Dumbarton Oaks Papers*, 49 (1995) pp. 269-280.

For issues of family life in the Byzantium and the relevant Byzantine legislation but also references to the Roman law see indicatively Phédon Koukoulès, *Βυζαντινών βίος και πολιτισμός*, vol. 2, (Athens, 1948) especially pp. 185-201; Anastassios P. Christofilopoulos, 'Η ελληνική ορθόδοξος εκκλησία και το διαζύγιο,' *Δίκαιον και Ιστορία. Μικρά Μελετήματα*, (Athens, 1973) pp. 224-243; Spiros N. Troianos, *Ο 'Ποινάλιος' του Εκλογαδίου. Συμβολή εις την ιστορίαν της εξελίξεως του ποινικού δικαίου από του Corpus Iuris Civilis μέχρι των Βασιλικών*, (Frankfurt, 1980) pp. 38-40, 70-86; Spiros N. Troianos, 'Το συναινετικό διαζύγιο στο Βυζάντιο,' *Βυζαντικά*, 3 (1983) pp. 9-21; Katerina Nikolaou, *Η γυναίκα στη Μέση Βυζαντινή Εποχή. Κοινωνικά πρότυπα και καθημερινός βίος στα αγιολογικά κείμενα*, (Athens, 2005) especially pp. 63-182. For the role of the Latin Archbishopry on marital issues on Crete and the relations either between the Catholic and Orthodox church or between the Catholic church and the Venetian state see Eva Tea, 'Saggio sulla storia religiosa di Candia dal 1590 al 1630,' *Atti del Reale Istituto Veneto di Scienze, Lettere ed Arti*, 72 (1912-13) pp. 1397-1406; Giuseppe Gerola, 'Οι Έλληνες επίσκοποι εν Κρήτη επί Ενετοκρατίας,' *Χριστιανική Κρήτη*, 2/1 (1913) pp. 301-316; Stefanos Xanthoudidis, 'Δύο νέα βιβλία περί της εκκλησίας Κρήτης επί Ενετοκρατίας,' *Χριστιανική Κρήτη*, 2/1 (1913) pp. 247-300 and especially pp. 275-281; Nikolaos B. Tomadakis, 'Οι ορθόδοξοι παπάδες επί Ενετοκρατίας και η χειροτονία αυτών,' *Κρητικά Χρονικά*, 13 (1959) pp. 39-72; Zacharias N. Tsiiranlis, 'Νέα στοιχεία σχετικά με την εκκλησιαστική ιστορία της Βενετοκρατούμενης Κρήτης (13ος-17ος αι.) από ανέκδοτα βενετικά έγγραφα,' *Ελληνικά*, 20 (1967) pp. 42-106.

⁴¹ A.S.V., DC, b. 65bis, quad. 7 (1574-1577), φφ. 220r-221r (23 Aug. 1576).

⁴² Joanne M. Ferraro, 'The Power to Decide: Battered Wives in Early Modern Venice,' *Renaissance Quarterly*, 48/3 (1995) pp. 494-498.

⁴³ See indicatively the case of *Francesco Cuzzatropari*, A.S.V., DC, b. 65bis, quad. 7 (1574-1577), φφ. 220r-221r (23 Aug. 1576). The case is presented at the offence of bigamy, which follows.

⁴⁴ For such case indicatively Tea, 'Saggio,' pp. 1397-1403; Xanthoudidis, 'Δύο νέα βιβλία,' pp. 275-280.

⁴⁵ See many cases of marriage annulment in Rev. Markos Foskolos, 'Κώδικας του εκκλησιαστικού δικαστηρίου της λατινικής επισκοπής Κρήτης (1598-1609). Ο κώδικας 20 του αρχείου καθολικών Τήνου,' *Αριάδνη*, 3 (1985) pp. 158-176.

penalty was imposed, it usually took the form of a fine or perhaps exile.⁴⁷ Male adulterers from the lower classes, though, could be punished with exile or galley service as well as more minor penalties, but they could also suffer excommunication. In handing out such punishments, the fundamental assumption of the authorities was that male marital infidelity showed defiance not just of other men, but also, more importantly, God, the state and 'justice'.⁴⁸ The aim of any punishment was 'to make him understand his mistake' as well as setting an example, 'so that the others would not commit such a sin'.⁴⁹ At a time when religious concerns were heightened, the achievement of a calm and peaceable union between men and women in the bonds of matrimony was projected as the duty of every man who had the 'honour and fear of God' in his heart.⁵⁰

In such a period of intense moral and social scrutiny of spousal behaviour, the conceptualisation of the conduct expected of a good Christian woman was shaped in relation to the standards laid down by both religious expectations and the need for women to complement positive masculine qualities. Books from the Latin tradition dealing with the moral behaviour of wives in relation to their husbands, including the control of female sexuality and moral standards were widespread in Venice.⁵¹ It meant that female adultery was established as being more serious than masculine adultery. Thus, if male infidelity implied a defiance not just of the community but also of the state, the justice system and God, women's adultery was so severe an issue that it effectively annulled the marriage.⁵² This resulted in crucial differences in the motivations and practices involved in punishing the woman adulterer, who would suffer doubly through being morally stigmatised as well as punished by the justice process (religious and secular). The Venetian state stipulated that penalties for the woman adulterer could involve exile or incarceration, as well as public shaming through whipping or branding. She could even be deprived of her dowry, reducing her ability to recover economically from her fate. At the same time, the religious authorities often proceeded to excommunicate women adulterers. These were

⁴⁶ A.S.V., DC, b. 34bis-35 (Memoriali-serie II), reg. 22 (1553-1554), f. 31r-v (8 Sept. 1553).

⁴⁷ A.S.V., DC, b. 33bis (Memoriali-serie II), reg. 4 (1514-1515), f. 126r-v (17 Apr. 1515); Foskolos, 'Κώδικας,' pp. 162-163 number 28.

⁴⁸ Ruggiero, *I confini dell'eros*, pp. 77-81; Ruggiero, *Binding Passions*, p. 26.

⁴⁹ See A.S.V., DC, b. 33bis (Memoriali-serie II), reg. 4 (1514-1515), f. 126v (17 Apr. 1515) and A.S.V., DC, b. 15bis (Bandi), quad. 9 (1538-1543), ff. 84v-85r (25 Nov. 1539).

⁵⁰ A.S.V., DC, b. 65bis, quad. 7 (1574-1577), f. 153v (16 Feb. 1576) (*more veneto* 1575).

⁵¹ Hufton, *Ιστορία των Γυναίκων*, pp. 49-55.

⁵² Ruggiero, *I confini dell'eros*, pp. 77-81; Ruggiero, *Binding Passions*, p. 26.

For different views on the status of man and woman within marriage in 16th century Venice but also for the attempts at changing these views by women writers of the late 16th century see Virginia Cox, 'The

penalties which were common to both Roman Catholic and Orthodox female adulterers, being rooted in both Roman and Byzantine law.⁵³ The examination of sentences in Crete demonstrates that the penalties listed above were regularly imposed on women, regardless of their national origin or religious affiliation. Again it seems that social status did nuance the severity of penalties, with the severest being reserved for those who can be inferred to be from the lower classes, on the basis of the lack of determining terms or other evidence identifying them as being upper class.⁵⁴

A common penalty for women adulterers seems to have combined public ridicule and public whipping. A typical example of 1515 is provided by the case of *Isabella*, an adulterous wife from Candia, who was sentenced to be exposed to public contempt, tied naked to a stake, and also to be given 25 strokes of the whip in the city square. The authorities also gave quite serious consideration as to whether or not she would lose her dowry.⁵⁵ If the adultery was compounded by other charges, such as theft, so that the offence became even graver, more severe penalties could be added to the public ridiculing of such women, including exile. And should an exiled woman violate the terms of her exile then her nose could be cut off.⁵⁶ Lower class women, whose active participation in the Cretan economy, enabled them to be freer in daily life in terms of their adherence to moral as well as social and legal rules, were particularly susceptible to charges of 'deviation' from accepted social standards where marital harmony broke down. In contrast, women of the upper class were restricted to their homes, having far less opportunity for external participation in public life.⁵⁷ Despite this, the archive evidence demonstrates that such upper class women were also vulnerable to charges of delinquency.⁵⁸ In such cases, the offence of the woman adulterer was that she posed a threat not only to the financial stability

Single Self: Feminist Thought and the Marriage Market in Early Modern Venice,' *Renaissance Quarterly*, 48/3 (1995) pp. 513-581.

⁵³ About penalties imposed by Venice to women adulterers see Giovanni Chiodi - Claudio Povolo (eds), *L'amministrazione della giustizia penale nella Repubblica di Venezia (secoli XVI-XVIII)*, vol. 1: Lorenzo Priori e la sua *Prattica Criminale*, (Verona, 2004) pp. 173-177. About the different treatment of the woman adulterer see Ruggiero, *I confini dell'eros*, pp. 77-81, 88-89; Hufton, *Ιστορία των Γυναικών*, p. 54; Ruggiero, *Binding Passions*, p. 26. For penalties imposed on adulterers by the Roman and Byzantine law see indicatively Koukoulès, *Βυζαντινών βίος*, vol. 2, pp. 196-198; Troianos, *Ο Ποινάριος*, pp. 70-78; Nikolaou, *Η γυναίκα*, especially pp. 168-172.

⁵⁴ I only mention indicatively A.S.V., DC, b. 33 (Memoriali-serie II), reg. 1A (1504), f. 23r (25 Apr. 1504).

⁵⁵ A.S.V., DC, b. 33bis (Memoriali-serie II), reg. 4 (1514-1515), f. 126r-v (17 Apr. 1515).

⁵⁶ A.S.V., DC, b. 65bis, quad. 7 (1574-1577), f. 160r-161r (12 Jan. 1576) (*more veneto* 1575).

⁵⁷ On women of the noble classes on Crete see Kostas E. Lambrinòs, 'Οι γυναίκες της ανώτερης τάξης στη βενετοκρατούμενη Κρήτη. Νομικο-κοινωνική θέση, αντιλήψεις, συμπεριφορές (16ος-17ος αι.),' *Μεσαιωνικά και Νέα Ελληνικά*, 7 (2004) pp. 83-143 and specifically about the moral rules they had to observe see pp. 87-98.

of the family but also to the honour and reputation of the husband and the family more widely, because the status of the female members of a family was central to its overall social standing. Thus the upper class female adulteress could threaten the stability of the whole noble order.⁵⁹ Cretan sources are not very revealing about the penalties imposed on women of the upper classes, but even if public ridicule was not involved, it seems highly probable that such adulterers were socially stigmatised. A loss of dowry could be even more significant for the upper-class woman, depriving her of the opportunity for a fresh start. The loss of her financial security and independence, could force her to return to her husband, where she would be humiliated by having to take a lower status within the family.⁶⁰

Attitudes to women who were the mistresses of adulterous males were also harsh. If a husband took in a mistress having evicted his wife, the mistress was likely to be evicted by the authorities. Failure on the part of a mistress to comply with the eviction would lead to public punishment, like whipping, or incarceration or even exile.⁶¹ If the lovers sought an alternative venue, whether the house of the mistress or some other place, it was again the woman who was the target.⁶² The Cretan records show that in many examples, the mistress was a Jewess. In such cases, the man could be affected, but only by a ban being imposed on him entering the Jewish ghetto for a specific amount of time as well as prohibiting his association with any Jewess.⁶³ The

⁵⁸ See Romina N. Tsakiri, 'Gradenigo εναντίον Calergi: Μοιχεία, διαπλοκή και δικαιοσύνη στη βενετοκρατούμενη Κρήτη (1561-1562),' *Θησαυρίσματα*, 35 (2005) pp. 185-212. For extramarital activities of the noble woman in Venice see Ruggiero, *I confini dell'eros*, p. 103.

⁵⁹ For financial consequences on the upper classes see Ruggiero, *Binding Passions*, pp. 65-69; Chojnacka - Wiesner-Hanks, *Ages of woman*, p. 114; Hufton, *Ιστορία των Γυναικών*, p. 74. For the degraded position of the adulteress within the family see Ruggiero, *I confini dell'eros*, pp. 85, 87. For the treatment of the woman adulterer by the Venetian law and the loss of dowry see Chiodi - Povolo, *L'amministrazione*, pp. 173-177. For the connection of the honour of the man with the honour of the women of his family and the 'disgrace' he experienced because of adultery see Ruggiero, *I confini dell'eros*, pp. 101, 103; Ruggiero, *Binding Passions*, pp. 59-69 (compare Guido Ruggiero, "Più che la vita caro": Onore, matrimonio, e reputazione femminile nel tardo Rinascimento,' *Quaderni Storici*, 66 (1987) pp. 753-775); Lyndal Roper, *Oedipus and the Davil. Witchcraft, sexuality and religion in early modern Europe*, (London and NY, 1994) pp. 64-66; Chojnacki, *Women and Men*, p. 175; Ferraro, *Marriage Wars*, p. 158. For the idea of 'honour' (*onore*) see Marco Ferro, *Dizionario del Diritto Comune e Veneto*, vol. 2, (Venice, 1847) pp. 355-359. For the idea of 'defamation' (*infamia*) see Ferro, *Dizionario*, vol. 2, pp. 103-105. About the connection between the honour of the noble woman and the honour of her family in 16th cent. Crete see Lambrinós, 'Οι γυναίκες,' pp. 87-92.

⁶⁰ Ruggiero, *I confini dell'eros*, pp. 85, 87. For the importance of the dowry for the woman and her family in the marriages of the upper classes in Venice at this period see Donald E. Queller - Thomas F. Madden, 'Father of the Bride: Fathers, Daughters, and Dowries in Late Medieval and Early Renaissance Venice,' *Renaissance Quarterly*, 46/4 (1993) pp. 685-711.

⁶¹ About Crete see indicatively A.S.V., *DC*, b. 36bis (Memoriali-serie II), reg. 34 (1568), f. 74v (7 Oct. 1568). The same penalties were also imposed for adultery and prostitution in 14th cent., see van Gemert, 'Ο Στέφανος Σαχλίκης,' pp. 62-70.

⁶² See indicatively A.S.V., *DC*, b. 36bis (Memoriali-serie II), reg. 36 (1570-1571), f. 74v (23 Oct. 1568).

⁶³ A.S.V., *DC*, b. 34bis-35 (Memoriali-serie II), reg. 22 (1553-1554), f. 31r-v (8 Sept. 1570).

decrees imposed severe punishments on the Jewish mistresses of Christians, including public whipping and exile.

It must be remembered that the relationships between Jews in Crete and the local authorities were always characterised by the political agenda of the Venetian state at any given time. The Venetians saw in the Jews a possible threat to Christianity, since Jews were identified as the single group most likely to lead people into heresy. They were also identified as a threat to the security of the state. The Venetian's overall concern was to protect the social structure of the state, particularly by focusing on the behaviour of the nobility. Anti-Jewish hostility became more acute throughout Venetian territory in the period leading up to the fourth Turko-Venetian war, and the treatment of Jews was stricter towards the end of the sixteenth century, reaching its peak in Crete during the term in office of the *provveditore generale e sindaco* (general provider and syndicate leader) *Giacomo Foscarini* (1574-1577).⁶⁴ In this context, the authorities proclaimed that illegal sexual intercourse between Christians and Jews was a 'horrible offence'. The fact that there were Christian fathers who had Jewish sons was labelled as an 'unbearable' situation, a 'scandal to decent people who saw such a famous city [i.e. Candia] resembling a huge whorehouse'.⁶⁵ Using the pretext of moral insult, a ban was imposed on the presence of Jewish women in the streets during Christian processions, punishable by public whipping.⁶⁶

⁶⁴ Concerning the relations of Venice with the Jews and the persecutions of Jews by the Venetian state see indicatively Benjamin Ravid, 'The socioeconomic background of the expulsion and readmission of the Venetian Jews, 1571-1573' in F. Malino - Ph. Cohen Albert (eds), *Essays in Modern Jewish History. A Tribute to Ben Halpern* (London and Toronto 1982) pp. 27-54; David Jacoby, 'Venice and the Venetian Jews in the Eastern Mediterranean' in Gaetano Cozzi (ed.), *Gli Ebrei e Venezia secoli XIV-XVIII* (Milan, 1987) pp. 29-58; Brian Pullan, *La politica sociale della Repubblica di Venezia 1500-1620*, vol. 2, trans. of the english prototype: *Rich and Poor in Renaissance Venice. The Social Institution of a Catholic State, to 1620* (Rome, 1982) pp. 563-594; Brian Pullan, *Gli Ebrei d'Europa e l'Inquisizione a Venezia dal 1550 al 1670*, (Rome, 1985) pp. 17-30, 35-46, 21-145, 231-259, 481-485. About the Jewish community in Candia and the isle of Crete at large as well as the persecutions of Jews by the Venetian authorities see indicatively Stefanos Xanthoudidis, 'Οι Εβραίοι εν Κρήτη επί Ενετοκρατίας,' *Κρητική Στοά*, 2 (1909) pp. 209-224; Agathaggelos Xirouchakis, *Η εν Κρήτη επανάστασις του 1363-1366 και το διοικητικόν σύστημα της Βενετίας απέναντι των κοινωνικών τάξεων και της εκκλησίας κατά την μακράν περιόδον της εν τη νήσω κυριαρχίας αυτής (1211-1669)*, (Αλεξάνδρεια, 1932) pp. 46-47; Stefanos Xanthoudidis, *Η Ενετοκρατία εν Κρήτη και οι κατά των Ενετών αγώνες των Κρητών*, (Athens, 1939) pp. 132-133; Maria Hereti, 'Ανέκδοτα βενετικά έγγραφα περί των Εβραίων εν Κρήτη,' *Επετηρίς Εταιρείας Βυζαντινών Σπουδών*, 33 (1964) pp. 163-184; Zvi Ankori, 'Giacomo Foscarini e gli Ebrei di Creta. Un riesame con una edizione degli "Ordini" sugli Ebrei,' *Studi Veneziani*, 9 (1985) pp. 67-183; Silvano Borsari, 'Ricchi e poveri nelle comunità ebraiche di Candia e Negroponte (sec. XIII-XIV)' in Chryssa A. Maltezou (ed.), *Διεθνές Συμπόσιο Πλούσιοι και φτωχοί στην κοινωνία της ελληνολατινικής Ανατολής* (Venice, 1998) pp. 211-222; Kostas G. Tsiknakis, 'Η εβραϊκή κοινότητα του Χάνδακα στα μέσα του 16ου αιώνα' in Nikolaos M. Panagiotakis (ed.), *Ανθη Χαρίτων* (Venice, 1998) pp. 729-752; Kostas G. Tsiknakis, 'Οι Εβραίοι του Χάνδακα τον 16ο αιώνα' in *Επιστημονικό Συμπόσιο: Ο Ελληνικός Εβραϊσμός (3 και 4 Απριλίου 1998)* (Athens, 1999) pp. 225-249.

⁶⁵ Ankori, 'Giacomo Foscarini,' pp. 94-96 and pp. 172-173 where the publication of the decree.

⁶⁶ Ankori, 'Giacomo Foscarini,' pp. 116-120 and pp. 173-175 where the publication of the decree.

Bigamy⁶⁷

Another aspect of family life with moral implications was bigamy. The evidence in the Crete records mainly deals with bigamy among the lower classes. For the nobility, defined as such by the Venetian authorities, marriage was anyway more strictly regulated, including ensuring equality of social status between spouses. Marriage also had financial ramifications for this upper class social category, because the Venetian state used legislation to protect the familial possessions of its nobility.⁶⁸ The evidence shows this was far from rare for both sexes, and that it affected members of both the Catholic and Orthodox communities alike. The Cretan authorities referred to it as the 'irrational and inhuman, deadly and evil habit, which defies the divine and human law and is against the rules of the Catholic church'.⁶⁹ The conditions for bigamy seem to have been particularly encouraged by the fluctuating nature of the Cretan population, as a result of periods of exile, captivity, and resettlements due to wars as well as to commercial activity involving trips away from the island.⁷⁰ Particularly at the end of the sixteenth century the Cretan authorities discovered that many Orthodox citizens, drawing on customs which were possibly a survival from the Byzantine past of the island,⁷¹ had abandoned what the authorities identified as their true and legitimate wives in order to be married for a second time, which was 'a major scandal for the Christian faith'.

Bigamists generally married in another parish, far from their normal place of residence, so as not to encounter obstacles from the priests of their home parishes, who would know of their existing marital status. Consequently the authorities forbade priests to officiate at weddings without permission from a senior cleric and without a certificate from the priest of the home parish signifying the freedom of the potential spouses to wed. Severe punishments were handed out to delinquent priests, such as a substantial fine, or exile or some similar penances, often accompanied by an aphorism to drive home the moral offence involved.⁷² Bigamous men were punished in a number of ways by both the state and the church because it was deemed that

⁶⁷ See above note 35.

⁶⁸ Lambrinòs, 'Οι γυναίκες,' pp. 83-93.

⁶⁹ A.S.V., DC, b. 15bis (Bandi), quad. 6 (1518-1526), f. 57v (17 Nov. 1521).

⁷⁰ See indicatively the case of the Cypriot *Francesco Cuzzatropari*, who proceeded to a second marriage in Crete while his first wife lived in Constantinople, A.S.V., DC, b. 65bis, quad. 7 (1574-1577), ff. 220r-221r (23 Aug. 1576). For the city of Venice see Rigo, 'Giudici del Procurator,' pp. 243-244.

⁷¹ About the Byzantine legislation concerning the possibilities of a divorce see Koukoules, *Βυζαντινών βίος*, pp. 198-201; Christofilopoulos, 'Η ελληνική ορθόδοξος εκκλησία,' pp. 224-243; Troianos, 'Το συναινετικό διαζύγιο,' pp. 9-21.

⁷² Tea, 'Saggio,' pp. 1403-1405; Xanthoudidis, 'Δύο νέα βιβλία,' pp. 280-281. Compare A.S.V., *Consultori in jure*, b. 403, Candia 1266-1616, *Dal libro da ordini dell'eccellentissimo signor Zuanne Mocenigo gia provveditor general et inquisitor nel Regno di Candia*, f. 47r-v (21 Apr. 1586).

their actions had ‘brought dishonour on the poor women’ involved.⁷³ They were forced by the state to return the dowry of one of the two wives (usually the second wife). A fine, and other penalties, usually galley service, were also imposed. An additional fine would be imposed by the church, which would also set the amount of financial compensation to be paid to the second wife by the bigamous husband.⁷⁴ For example, in 1576 the Venetian administration of the island sentenced a Cypriot to two years chained in the galleys, because he had married in Crete for the second time despite having a first wife in Constantinople. As with other cases, a rider was added that if he proved unable to row, he would lose both his ears and his nose. In addition, it was recorded that he was required to pay his second wife a fine to be set by the religious authorities.⁷⁵

The Language of the Records and the Structuring of Justice around Religious Concepts

In examining the records dealing with these offences, as much attention must be paid to the wording of the documents as to their content and form. Despite the use of a standardised vocabulary, the wording helps in the creation of a narrative framework which was indicative of contemporary mentalities and beliefs. The records reflect the image of man at the time, including his perception of the world in which he lived. At the same time they shaped mentalities, as truths and conventions intertwined harmoniously through phrases highlighting motives and creating images associated with particular offences, with the aim of instilling and enforcing common moral values.⁷⁶ An offence was always defined as a ‘defiance of justice’ and as an attack on the community⁷⁷ and so deserving of an appropriate punishment which would ensure that ‘the whole social body should be terrified and given an example’ to avoid.⁷⁸ But there was more to the system than this. The whole judicial system seems to have been structured around conceptions of the divine. When the accused appeared before the courts they were presented to the public as acting ‘under the influence of the Devil’ and so acting against divine as well as human law. This held true whether they were charged with moral offences or with secular offences such as

⁷³ See indicatively A.S.V., DC, b. 15bis (Bandi), quad. 6 (1518-1526), f. 54v (17 Nov. 1521).

⁷⁴ Foskolos, ‘Κώδικας,’ p. 159 number 3, p. 169 number 73.

⁷⁵ A.S.V., DC, b. 65bis, quad. 7 (1574-1577), ff. 220r-221r (23 Aug. 1576).

⁷⁶ Corresponding to other documents of western Europe of this period see Natalie Zemon Davis, *Fiction in the Archives. Pardon tales and their tellers in sixteenth-century France*, (Stanford, 1987) pp. 1-6, 111-114; Malcolm Gaskill, ‘Reporting murder: fiction in the archives in early modern England,’ *Social History*, 23/1 (Jan. 1998) pp. 3-6, 8, 27-30; Paolo Preto, *Persona per hora segreta. Accusa e delazione nella Repubblica di Venezia*, (Milan, 2003) pp. 113-114.

⁷⁷ A.S.V., DC, b. 65bis, quad. 7 (1574-1577), f. 151r (4 Jan. 1576) (*more veneto* 1575).

⁷⁸ Ibid, f. 31r (16 March 1575).

theft, violence and homicide.⁷⁹ Perhaps the use of such linguistic formulas ensured a culprit's conviction.

At other times, though, phrases such as 'urged by Devil'⁸⁰ actually functioned to provide extenuating circumstances since they transposed the responsibility for the offending to the supernatural dimension.⁸¹ Before announcing their verdict, judges would call on the names of God, Jesus Christ and the Holy Spirit.⁸² Equally in any appeal for mercy the appeal would be to the benevolence of Jesus.⁸³ The records show that the harsh sentences delineated above were not always carried out: pardons could be and were awarded. A spirit of mercy, resulting in a pardoning of criminal offences, was always in accordance with the understanding of Christian values presented by Roman Catholicism. One effect of the Catholic Reformation, though, was a new interest in charity towards one's fellow human beings, expressed through discourse about the love of both God and one's fellows, and the effects of this can be seen on the sentencing practices of the Venetian state. This conceptualisation, promoting the idea of the redemption of souls through charitable action was resorted to by the authorities in the Venetian state because, for instance, judges, as representatives of the 'religious and benevolent' Doge, saw it as appropriate to present themselves as promoters of Christian charity. When a pardon was granted, they would state that their pardon was based on motives of charity, not strict justice, thereby honouring both the established rules and God by their compassion. As officials authorised by the Doge, they claimed that their prime concern was 'works of charity and the relief of the souls of their subjects' rather than simply enforcing the laws, maintaining a balance where 'poor creatures... should not be lost' while at the same time recognising they were, however, subjects of its state, should not be lost'.⁸⁴

The language of these particular documents is elaborate, detailed and accurate, with extensive use of expressive devices, such as the superlative, hyperbole and

⁷⁹ Ibid, f. 127r (11 Nov. 1575); A.S.V, DC, b. 65bis, quad. 7 (1574-1577), f. 317r (1577).

⁸⁰ A.S.V, DC, b. 65bis, quad. 7 (1574-1577), f. 126v (11 Nov. 1575).

⁸¹ Gheorghios A. Poulis, 'Η επίγεια κόλαση: Το κυρωτικό σύστημα της εκκλησίας' in Spiros N. Troianos (ed.), *Έγκλημα και Τιμωρία στο Βυζάντιο* (Athens, 1997) pp. 97-140.

⁸² See indicatively A.S.V, DC, b. 65bis, quad. 7 (1574-1577), f. 316r (27 July 1577), f. 323r (7 Aug. 1577).

⁸³ A.S.V, DC, b. 65bis, quad. 7 (1574-1577), f. 56v (27 June 1575).

⁸⁴ About pardons from the isle of Crete in the 16th cent. see Romina N. Tsakiri, '*Mossi a Compassione della povertà et miseria sua...* Απονομές χάριτος στη βενετοκρατούμενη Κρήτη (Μορφή και περιεχόμενο)', *Θησαυρίσματα*, 33 (2003) 215-240. More specifically see pp. 224-226, where references to the archives, and also see appendix, pp. 234-240, where relevant documents are published and such phrases are cited.

antithesis. There is extensive moralising and the profound influence of the available religious texts is very apparent in them. This is not surprising, because the aim of the documents was to address both the rationality and the sentimentality of the audience. Both sentences and pardons were official documents which were publicly announced and functioned not only as a means of communicating the will of the authorities to the subjects but also a more subliminal form of communication with the people – both Catholic and Orthodox in the case of Crete.⁸⁵ It cannot be seen as surprising therefore that such expressions, invoking both the secular and the religious sources of authority, are to be found in the various contracts made between inhabitants of Crete. This is indicative of the profound and all-embracing influence of Christian principles on the population in a way that goes beyond the standardised formats of these documents. For example, in written agreements which sought to ask for a victim's forgiveness and peace or to settle disputes (*carta* or *instrumento di pace*), non-standard introductory phrases laden with moralistic ramifications were a common occurrence. Disputes were attributed to Devil; reconciliation was attributed to love and the grace of God. There were also penal clauses which, except for a fine, were mainly there to convey curses and aphorisms which sought to encapsulate the moral point of the sentences.⁸⁶

Conclusion

This paper has shown that in terms of the attitude of the Venetian state towards Crete, differences between the city of Venice itself and the island in the administration of rules governing deviance and promoting moral standards were slight, despite the presence of substantial Orthodox and Jewish communities. Of course, we cannot ignore the influence of the Byzantine past of the island and the respect shown by the Venetian authorities towards the customs of Orthodox Church. Furthermore, in some cases the treatment of Jews was stricter, as Jews were considered as a possible threat to Christianity and social structure. A more significant factor than religious difference in these common offences discussed here was class and economic status and, to a great extent, gender. This underlines a broad truth about the Venetian state in this period.

⁸⁵ See Tsakiri, 'Mossi a Compassione,' p. 233; See also above note 76.

⁸⁶ Tsakiri, 'Mossi a Compassione,' pp. 229-231. Compare Romina N. Tsakiri, 'Vendetta del sangue innocente: Πράξεις αντεκδίκησης στη βενετοκρατούμενη Κρήτη τον 16ο αιώνα,' *Θησαυρίσματα* 37 (under publication). About similar written agreements from the early 17th cent. in Crete see Gogo K. Varselioti, 'Τα ινστρουμέντα της αγάπης του νοταρίου Ιωάννη Κρούσου,' *Θησαυρίσματα*, 30 (2000) p. 317. For early modern Venice see Ottavia Niccoli, 'Rinuncia, pace, perdono. Rituali di pacificazione della prima età moderna,' *Studi Storici*, 40/1 (Jan.-March 1999) pp. 219-261; Michelangelo Marcarelli, 'Pratiche di giustizia in età moderna: riti di pacificazione e mediazione nella Terraferma veneta' in

The new religious view required a strictly moral life in the community: involving personal discipline and obedience to Gospel rules, but also a demonstration of benevolence by the state as well as individuals. The Venetian state, during a period of wider crisis, unsurprisingly manifested an increased display of religious conscience from the start of the sixteenth century, which became more intense towards the end of the century. Having adopted these values as the foundation for its secular rule, it inevitably put them into practice in the political and social life of the island of Crete as well as elsewhere in the Venetian state. However, it must be accepted that an increase in the efficiency with which it controlled the inhabitants of the state, including Crete, was an ulterior aim. One must not forget that the Venetian authorities, themselves members of the Venetian aristocracy, used moral discipline and strict control over aspects of community life justified on moral principles to achieve not only the well-being of all their subjects and therefore the administration of the state, but also the protection of the prestige, identity and financial interests of the nobility. The nobility was the foundational element of the Venetian social structure and the organisation, existence and continuity of the Venetian state was fundamentally dependent upon it. Thus punishment of immorality and deviance was mediated by considerations of maintenance of the social and economic structure. This applied not just in the core of the Venetian state, the city of Venice, but also in a more remote region, the island of Crete.