

# Abstracts

Michelangelo Marcarelli

*The administration of justice in the feudal jurisdictions of Friuli from the 16<sup>th</sup> to 18<sup>th</sup> centuries*

The article offers an overview of the principal aspects of the administration of justice as practised in the courts under feudal jurisdiction in Friuli from the sixteenth to eighteenth centuries. It begins by outlining the context in which the institutional apparatus of the 'fatherland' (patria) of Friuli developed during the period under Venetian rule, including the judges and how they operated. The author then considers judicial procedure and the two main features which characterised it. Firstly, judges displayed a propensity to accept compromise solutions in the cases which came before them. Secondly, they also tried to defend the autonomy and privileges of the courts in which they worked, in the face of an ever greater control being exerted over them by the Venetian government.

Hansjörg Rabanser

*Judicial practice, the evaluation of crimes and the language of the courts in Tyrolean witchcraft and magic trials*

Witchcraft and magic were considered to be an exceptional form of crime (crimen exceptum), which were not explicitly provable. Because of their 'delicate' subject matter, they required a special form of judicial procedure – an inquisitorial trial. This procedure had already been applied in the persecution of heretics in the twelfth century and eventually came to be used in witchcraft and magic trials, as was the case in Tyrol too. This kind of judicial process relied in the first instance on denunciations and personal testimonies. On the basis of these statements, the court would then take the judicial process further, with the greatest consideration being given to the inducement of an incriminating admission of guilt (in many cases, through the application of torture). This in turn would enable the alleged crime to be '(re-)constructed' and allow for a judgement to be made. Witchcraft and magic trials differed from other forms of judicial process not just due to the category of crime, but above all because they assumed a 'sacral' significance in the struggle waged by the courts in the name of God against the workings of the devil on earth through witches and wizards.

## Andreas Fischnaller

### *Nicknames as a group-specific form of identificatory code within criminal sub-culture*

This article deals with the origins and meanings of the various pseudonyms and nicknames of a marginalized social group: the criminal underworld of the early 19th century. Like underworld slang, the name of a villain forms an important element in deviant sub-cultures and takes on a dual function. On the one hand, a nickname serves to project a specific type of identity and collective understanding and as such helps to preserve a closed society; on the other hand, it also excludes the uninitiated middle class. An analysis of 177 criminal nicknames shows that the majority of names are highly apposite and rich in metaphor. The creative thinking behind the construction of the names draws on a variety of semantic and lexical resources. Apart from the description of appearances, the names often refer to the person's origin or profession. There may also be made-up words, or the nicknames focus on particular events in the life of the villain in question, his or her preferences and habits, partner's name, and family background. The separate analysis of the 133 male and 44 female nicknames indicates some significant differences and provides a revealing insight into the gender-related choice of names.

## Marlene Huber

### *Honour violations at the district court in Meran in the year 1471*

Historical scholarship has traditionally paid great attention to the concept of 'honour'. The concept of 'corporate honour' was modified under the influence of sociological and anthropological studies in the late 1980s into a 'new' conception of honour. Honour was now no longer understood as a form of exclusionary mechanism within corporate society, but as an effective rule system – a medium that determined social interaction and communication between people. In sources stemming from the late medieval and early modern period, honour becomes visible above all through its violation. The protocoll records of the district court (Landgericht) in Meran contain seven cases of violations of honour from the year 1471. Six men and one woman chose to restore their violated honour before the court. The aim of the judicial process was not the discovery of the truth, but rather the resolution of personal conflicts. The analysis of these cases makes it clear that honour did not only refer to particular status or occupation groups within corporate society, but was an effective instrument for individuals to assert their claims for recognition. The code of honour consisted of verbal and non-verbal elements, with violence also being deliberately used as an instrument for preserving honour. The dynamics of honour violations revolved around the idea of attack and defence. All the violations of honour took place in public, and hence it was necessary for the restoration of honour to occur in public too. In contrast to male honour, female

honour was defined almost exclusively in terms of sexuality. Church and society monitored female sexuality and condemned as dishonourable behaviour that deviated from the norm and from morality.

Volker Stamm

*Social structures and the agrarian system in late medieval Tyrol*

A comparative analysis of charters (such as gift deeds) and rent-rolls sheds differing light on the social and legal status of peasants in late medieval Tyrol. Whereas charters abound in information on unfree persons, who were sold or donated to (mostly monastic) lords, rent-rolls are virtually silent on the specific position of tenants. The author argues that this difference in the perception of social conditions is a reflection of the prevailing agrarian system, which was characterized by a multitude of owner-operated small and medium-sized holdings and some larger demesnes that rented out their land. Since rent-rolls mainly stem from the latter kind of landholding, it can be concluded that the explicit insistence on their dependants' unfree status had become meaningless for the owners of seigneurial estates, whereas it still formed an important asset for the former category of landholder.