
Announcement of revenge as an element of szlachta's culture of hostility (case of Volhynia in the second half of XVI – beginning of the XVII century)

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Abstract. Assertion that unlimited, uncontrolled violence was a usual method of settling conflicts within the szlachta community has long ago entered historiographic canon, and to this day determines, with certain modifications, the treatment of the early modern Polish-Lithuanian Commonwealth. In reality, violence in early modern times was neither unlimited nor uncontrolled. It was interlinked with certain features of szlachta's way of life. Szlachta's honor, which was thought to confer a set of virtues upon its owner, was an important regulator of szlachta's behavior, at the same time obliging them to follow the normative behavioral patterns. Written/oral announcements of revenge (*odpoved'/pochvalka*) as replies to suffered offenses or injustices had been studied based on the materials of the court books of Volhynian Palatinate of the late XVI – early XVII century. It is demonstrated that *odpoved* can be treated as a complicated social phenomenon with multifold functions: a statement of willingness to avenge offense, informing the community about tensions between its members, defense from injurious accusations, demonstration of force through disgracing the opponent, intimidation and attempts to force the opponent to back down, or a simple act of violence within the context of exchanges of hostilities.

Key words: szlachta, revenge, hostility, Volhynian Palatinate, noblesse, honor, offense, justice, court, tradition, community.

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Assertion that unlimited, uncontrolled violence was a usual method of settling conflicts within the szlachta community (Polish, Lithuanian, and Ukrainian gentry) has long ago entered historiographic canon, and to this day determines, with certain modifications, the treatment of the early modern Polish-Lithuanian Commonwealth (Rzecz Pospolita). This approach was strongly supported by a classical book by Władysław Łoziński, written on the base of the court materials of Rus Palatinate with the centre in Lviv (see [1]). However, the need to revise this assertion was recently stressed by many scholars. Yan Sereďyka stresses that the most notorious conflicts within the magnate community of the Great Duchy of Lithuania were solved peacefully, through mutual compromises, despite their apparently extremely aggressive character (see [2]). The need to re-examine old stereotypes is also supported in [3]. The authors of two articles on forays (Pol. *zajazd*, Ukr. *najizd*) in various regions of the Polish Crown in XVII-XVIII centuries outline the multifunctional role of this typical criminal offence: amongst other functions, it served as a regulator of relations within the community through reestablishing justice via ritualized violence (see [4, 5]). Marcin Kamler, the author of a very recent book on szlachta violence in Sierad

Palatinate (see [6]), rejects this approach; however, his calculations of the numbers of various crimes (flesh wounds, murders, robberies, forays, etc.) are in its favor.

Scholars tended not to take into consideration the peculiarities of sources they were basing their conclusions on, namely, the act books of various judicial institutions. The analysis of sources, meanwhile, calls for the revision of outdated notions: historians should not survey their scene from the vantage point of well-organized XIX century states and their values, regulations, and punishments. It is high time we reincorporated fragments of the past into their native context, which implies analysis of different phenomena through the lens of their functions in their system.

In reality, violence in the Dark Ages and in early Modern times was neither unlimited nor uncontrolled. I will venture to outline how it was interlinked with other features of szlachta's way of life. Szlachta's honor, which was thought to confer a set of virtues upon its owner, was an important regulator of szlachta's behavior, at the same time obliging them to follow the normative behavioral patterns. A member of szlachta, when accused of unworthy deeds, felt "insulted in his honor", and had to cleanse his reputation from all reproaches. In their struggles to uphold their honour, szlachta were extremely conscious of the least signs of disrespect. Both the accusation in the failure of definite ethics norms that the "good szlachcic" was obligated to observe, and any action or word that could be an offense was indeed perceived as such.

The most widespread method of upholding insulted "*pochtivist*" (honor), which had to be steadily defended, returned, or accrued, was revenge. It took on various shapes, from the most wide-spread verbal acts to infliction of bodily or economic harm to the opponent. Thus a purpose was always the same: to inflict disgrace upon the opponent and to restore the lost equilibrium. The whole group of neighbors of the offended persons was usually involved in the fight for compensation. Revenge was treated as means to renew justice and defend the rights and freedoms of individuals. A line between lawful behaviour and the right to community-approved violence was in this case rather conditional, and war had often been perceived as a variant of the Divine Judgment [7].

In the community where power was not (or was only to a certain extent) the external repressive force, individuals and clientarian groups were involved in semi-permanent struggles. Therefore, violence was an instrument used for defending honor, gaining prestige ("good glory") and upholding one's power in a community where weak central power coexisted with corporations of armed warriors with strong traditions of self-government. One could say that communities of honor produced an elaborate culture of hostility (in historiography, this culture is described as *feud*).

Some Medievalists have noted that a certain self-regulated system arose from all-encompassing strives. According to a classic description of this type of feuds by William Miller, it included: hostile relations between two groups, members of which within the framework of the community were connected by different bonds with concrete aims; cruelty was high, but controlled, for the amount of victims was limited, and the losses were shortchanged¹; violence was not always directed on the main culprit of tension in the community; unstable roles of "victims" and "offender" were often interchanged, as revenge did not complete the process of violence, but provoked further actions [9]. Therefore, feuding was a permanent, generally recognized and accepted element of social relations based on the family groups of clientarian type. It was a ritual that enabled members of community to draw the line between legitimate revenge and brutal

¹ Violence is limited in the culture of hostility, because it has its order; an opponent cannot strike twice, for this maintains the equilibrium of honor (see [8]).

murder [10]. Feud was a way of life based not only on private emotions and experiences of individuals, but also on the clear scenario of its realization, including the usage of the language of hate. Before weapons were drawn, opponents first competed in public offenses, inflictions of material harm, etc. Ritualization of violence limited the losses of communities: bloodshed was replaced by rhetorical violence that allowed one to restore equilibrium and get temporary satisfaction by disgracing the opponent. Ultimately, bloodshed usually occurred only at the point when all other methods of compensation were exhausted [11].

The important element of the conflict was the written/oral announcement of revenge (*odpoved/pochvalka*) as a reaction to caused offenses or injustices². It started exchanges of hostilities, and often accompanied them. Later I will analyze this phenomenon based on materials of the town and land (*grodsky* and *zemsky*) courts of the Volhynian Palatinate of the Polish-Lithuanian Commonwealth (now North-Western Ukraine).

On February 28, 1587, during the Interregnum, the special *capturovy* court of Volhynian Palatinate (established by the szlachta community for the period when no regular court could act in King's name, because there was no King) had examined the case of murder of szlachcic Valerian Pudlovskyj. Relatives of the deceased repeatedly claimed that he was murdered by servants of Vatslav Bogovytn Shumbarskyj, and on his orders. The accusation was based on "pochvalka's on Pudlovskyj's health," pronounced more than year before the murder. These *pochvalka's*, then witnessed by *voznyj* (the lowest judicial official who served as an official witness in various judicial procedures), became the basis of the trial that was started by Pudlovskyj against Bogovytn in Kremenets town court. However, the defendant came neither to the town court nor to the land court to which the case was transferred for examination. The Kremenets court books for these years were lost, and the details of the case are, therefore, unknown.

The advocate of the accused had claimed repeatedly that his client had proclaimed no *pocvalka/odpoved* to Pudlovskyj, and that that was an ordinary misunderstanding between neighbors, since the real *odpoved* had to be proclaimed according to a set procedure, in written letter or through *voznyj*.

The servants Andrij Strash and Matis, apprehended on the spot, had proclaimed themselves guilty and testified that Vatslav Bogovytn had nothing to do with the murder. The relatives of the victim, however, stood their ground. Therefore, the court decided that Bogovytn and his six friends should testify under oath that they did not participate in the crime. Further developments unfurled according to the usual scenario, to which we shall return later. The complainants, although they had insisted throughout the process that Bogovytn was guilty, had freed him from the necessity of an oath after having seen his readiness to swear an oath, wishing to remain good friends with him in the future.

Odpoved/pohvalka, disputed in a *capturovy* court, reveals itself as a consuetude, complete with definitive ritualistic elements. Judicial materials of the Volhynian Palatinate, where practically every complaint dealing with violence was accompanied by accusations that the offender deviated from knight's ethics, confirm the importance of declarations of intentions, including the information about hostile intentions and their reasons, before violent outbreaks. So, in a complaint of Yan Bavor Piltovskyj against Matey Stempcovskyj, who had committed a foray, it is stated that hostilities occurred without a proper announcement, "that should have been done according to a knight's dignity". [15].

² Its roots had reached the times of family organization of patriarchal community with its collective responsibility and collective will to revenge (see [12-14]).

Such an announcement furnished hostile acts with a certain openness, and thus to a certain extent legitimized them in the eyes of the community. It bears repeating that murder committed in a “*secretive treacherous manner*” (from an ambush, while the victim was asleep, etc.) szlachcic could be sentenced to disgraceful death, and to payment of double “*golovshizna*” (sconce for murder, see [16]). In his book “*On the Improvement of the Republic*”, a Polish author of that time Andrzej Frycz Modrzewski mentioned (however, without much sympathy) the widespread practice of viewing those who killed their victims without warning as dishonorable, and to treat murderers whose victims [17] were forewarned about murderers’ intentions as “*men of honor*”.

There existed a certain tension between szlachta’s perception of *odpoved* as an obligatory element of conflicts and its interpretation by the legislators, according to which it fostered conflicts between members of the community and violated its greatest value, the public peace [18]. However, the legal regulations of II Statute of Great Duchy of Lithuania did not so much try to outlaw *odpoved* (there is almost no punishment for these announcements³), as aimed at discontinuing revenges. If an individual who had been threatened was murdered, the person who proclaimed *odpoved* was accused first. If a plaintiff with two szlachta men confirmed under oath the guilt of the suspect, he could receive a death sentence [19].

Consequently, legal regulations concerning warnings about revenge called on collective responsibility and active usage of means available to the judicial system⁴. However, the records in the existent court books document numerous complaints about “*odpoved*”, but contain few records which would confirm the observance of legal orders by szlachta community⁵.

The status of threats as a socially sanctioned act in szlachta’s daily practices was confirmed by the constitution “*On odpoved*” accepted by the Warsaw Coronation Diet in 1588, which demonstrates the wide spread of *odpoved* on the whole territory of The Commonwealth [20-24]. Therefore, I will delve deeper on its norms, since they are important elements of the szlachta culture. I will also compare them with some examples from the daily life of Volhynian szlachta.

According to the constitution, *odpoved* could be proclaimed only between individuals equal in social status. These circumstances were of extreme importance in any competition for honor, because accepting a challenge from the opponent of lower status meant losing part of one’s symbolic capital; agreeing to a duel meant recognizing the equal status of the opponent. This norm had marked *odpoved* as an element of knightly culture. Individuals accused in criminal offences that belonged to the jurisdiction of town court had a legal right to *odpoved*. With aggravating circumstances, such cases could entail property losses, death sentences, banishments from land (“*vyvolannia*” or “*banitsiya*”), deprivations of honor, etc. Therefore, *odpoved* was brought into the legal field as an extra-judicial mechanism of upholding equilibrium in szlachta community: the accused could send a letter with *odpoved*, using the defined traditional means of disgracing the offender, and thus renewing the equilibrium⁶.

Constitution imposed a six weeks moratorium on hostilities after the *odpoved* was proclaimed⁷. What actions, unspecified by the Diet, were supposed to happen within this period? *Odpoved* as an element of ritualized public demonstration of hostility was in fact an interplay of

³ The punishment for the *odpoved* (12 weeks of imprisonment) was established for non-locals only [25].

⁴ The payment of the penalty for a King, who had the status of the chief defender of order and the supreme judge, demonstrates the attitude to *odpoved* as a delict of social character.

⁵ Despite the numerous complaints, the court processes dealing with them are extremely rare (see [26]).

⁶ The first to note that *odpoved* was a mechanism to defend honor, was Stanislaw Kutzseba (see [27]).

⁷ The judges also acted in similar way: they had usually delayed the oath of one of the sides for a rather long term, generally till the next court session in six weeks.

prestige, a demonstration of symbolic capital, a call to arms for supporters of each of the conflicting sides. However, friends were not always involved in hostile acts: rather, they often acted as mediators, actively directing the opponents towards a peaceful resolution and preventing their conflict from crossing lines accepted by this community.

Finally, the constitution regulated the method of proclaiming the *odpoved*: it had to be written and delivered by *voznij* in the presence of witnesses (“the good men”), which turned it into a judicial act, almost a lawsuit. A person proclaiming an *odpoved* had to personally present it in court, so that it could be recorded in act books. Note that Dogovytn’s advocate in the case of Valerian Publovscyj murder had also described the two forms of *odpoved*: in writing and through *voznij*, i.e. there was a written variant and an oral one that had to be proclaimed in the presence of *voznij*.

While regulating methods of announcement of revenge, the constitution, unlike II Statute of Great Duchy of Lithuania, imposed sanctions against individuals whose threats did not follow these rules. The fact of *odpoved* had to be proved by the offended under oath. Exactly the same method is specified in II Statute of Great Duchy of Lithuania regulations; therefore, I shall provide a more in-depths description of it. Legal regulations describe oaths mainly as an auxiliary method of substantiation, when documented information and witness accounts did not suffice. However, it was used rather often in everyday judicial practices. Oaths were practiced even when situations were rather clear. E.g., even ample evidence of criminals’ guilt and their personal confession were not enough to proclaim a death sentence: accusers had to swear an oath in support of their accusations (an oath was the final stage of a process)⁸. However, szlachta men, despite ostensible willingness to defend “the truth” in such a way, in reality did everything possible to avoid oaths, since this act was considered unbecoming good Christians. They tried to avoid oaths even at the price of substantial losses, often citing motivations like “*I do not desire to swear about such small a thing, because I am a loyal man, and since my youth till now I did not swear on any occasion*” [29]. It seems that not only was the personal oath in the name of God treated as sinful, but that pressing another person into swearing was considered sinful as well. Baltazar Gnivosh refused to force his servants to swear in his favor. The oath of servants, as he had repeated again and again, shall make a spot on his conscience [30]. Similarly, Pudlovskyj’s relatives did not insist on Bogovytn swearing an oath in the case mentioned above.

Litigants sometimes liberated plaintiffs from an oath even at the cost of a formal loss of the case [31]. Such a step usually meant an attempt to make peace with their opponents beyond courts, and was perceived as a declaration of such intentions. Defendants’ loss in this case was accompanied with but minor losses to honor, because confessions of guilt were treated as a Christian act [32]. Therefore, if one forced his opponent to swear, he made him his enemy; accordingly, if one released his opponent from this duty, that obliged his opponent to make a corresponding step in order to resolve the conflict. Therefore, since oaths featured as proof in court both in the Diet constitution and II Statute of Great Duchy of Lithuania regulations, both sides could play a complicated noble chess game in the court, with honor and good glory as a stake.

Therefore, I will analyze in detail, based on the materials of judicial books of the Volhynian Palatinate since the introduction of II Statute of Great Duchy of Lithuania in 1566 till the

⁸ Compare the case of the murder of Baltazar Gnivosh (see [28]).

⁹ Court had decided that the injured side should swear in order to prove its losses, however the opposite side had released the opponents from the necessity of oath and had compensated all the losses.

beginning of XVII century, how *odpoveds* were proclaimed. I would venture that it not only marked the beginning of a conflict, but also accompanied conflicts on all stages.

A proclaimed *odpoved* could exonerate a person it was addressed against from any responsibility for the subsequent retaliation. In his statement Krishtof Shymcovych Shklenskyj confirms that his stepson Geliyash Yalovytskyj threatened him, and, thus, exonerates himself and his sons from culpability for any possible harm to the offender: “*let my innocence be known to God and to people*” [33].

After announcing his desire to avenge all the “injustices” he suffered from Lasch-Strimiletskis, Oleksandr Pronskyj remarks that he should not be held responsible for any harm done to Lasch-Strimiletskis, because they were duly forewarned with his *odpoved*. Pronskyj made this statement in public in the presence of many known persons, so that his opponents would not be able to feign ignorance.

Therefore, the court books records substantiate the remark by Andrzej Frycz Modrzewski: “it is foreseen even by our law, and, in any case, by our tradition that a murder of a man is viewed as honorable if the victim was warned beforehand that he should beware!” [34].

Verbal threats directed at the opponent in his presence were customary¹⁰ [35]. However, this was not a necessary condition of an *odpoved*: threats were often passed through the third persons or expressed during banquets in szlachta estates and public spaces [37, 38]. Sometimes servants or friends were delegated to proclaim the *odpoved* [39]. It seems that *odpoved* announced through individuals of lower social status had insulting connotations, taking into account the norm of the Diet constitution that requested equality of contractors in the case of *odpoved*.

At “*pohvalky*” declaration, *voznyj* was often present as an official witness. “*Pohvalky*” were declared in public spaces (on market squares, in churches, on cemeteries, in courts, etc.). In case of threats, the presence of third persons provided publicity, and, thus, maximized satisfaction for offenders; at the same time, witnesses could interfere and ensure that the situation would not cross acceptable limits. Obviously, interventions of friends could provide temporal or final peaceful resolutions of these conflicts.

I will briefly delineate the contents of threats. Besides the traditional promise to deprive the opponent of his health and life, threats often included the promise to “cause injustices” to his servants and subjects, and also to damage or to take away his property. Servants, subjects and property were the substitutional objects for the opponent. Therefore, they were the first to suffer manifestations of aggression. Threats feature numerous promises to burn down houses (a grave crime in itself), and to kill an opponent in a way that was considered shameful for a good Christian (e.g., to sink, hang, or dismember him). Denying his body proper burial was considered a debasement [40]. Dismemberments happened not only in threats. For example, when wreaking revenge, Markiyan and Mykolaj Semashko brothers dismembered bodies of several members from Gulevichy family, their servants and friends, and afterwards, the bodies were sunk in mud of a nearby pond [41]. Such deeds confirmed that the aim of attack was pure revenge.

It seems that, according to the knightly ethos, violent acts which would have been considered impermissible for “good szlachta” under normal circumstances were deemed acceptable if used as retaliation for violations of a set of rules and unwritten laws of the community. Hate in this case was treated as a manifestation of righteous wrath [42]. Finally, according to the laws of revenge, preliminary harm to avengers that did not correlate with the repayment could merit the heaviest penalties, up to and including murder.

¹⁰ However, extramural announcement, ordered to disgrace a person, was not treated as a crime [36].

I am yet to encounter a single judicial record in which a defendant would try justifying his actions as revenge. However, the cases where the harsh forms of violence are present (like forays or murder) usually mention that complainants of both sides met to recount mutual “injustices” and losses. *Odpoved/pochvalka*’s often come up in this context.

When announcing *odpoved/pochvalka*, members of szlachta often tried to disgrace their opponents, usually verbally: such actions were virtually free from any restrictions. Abusive words were banned in courts, and neither were they documented in act books; hence, documentation of offences usually took the form of a customary cliché: «*he disgraced me with dirty words, harmful to my honor*». However, sometimes there are more detailed descriptions [43]. Accusations of lack of noblesse and/or bastard birth were not rare in such cases [44]. Szlachta was very sensitive to accusations of the lack of noblesse; although one had to legally cleanse the offense cast by such accusations to renew one’s “good name”, szlachta usually answered to such offences in different way: with acts of revenge.

The ritual of proclaiming *odpoved* implied the possibility that it could be «taken away»: one could announce the cessation of revenge, which act was usually accompanied by a reinstatement of friendship. For example, Mihaylo Kolchynskyj and Yurij Pidgorodenskyj declared that they were henceforward obliged to live in peace and friendship, and to proclaim no *odpoved*’s [45]. The case was considered settled when friendly concordance was achieved in the form of a written denunciation of the previously declared *odpoved* [46]. These terms were to be fulfilled and witnessed by *voznys* in court [47]. The verbal withdrawal of *odpoved* was also practiced, usually in the presence of *voznys* and representatives of szlachta.

I will now focus on the written variant of *odpoved*. The amount of letters declaring *odpoved* grew exponentially after the acceptance of 1588 Diet constitution, which required written announcements of revenge, despite the fact that verbal threats remained predominant. However, written texts still reproduce traditional elements of *odpoved* characteristic to its verbal variation. This genre was largely uniform throughout all territories of the Commonwealth.

In the opening lines of complaints in court books or letters, immediately after an address to opponents, a reason that made a complainant resort to threats was usually specified. They usually referred to a “*grave and groundless offense*” that could be repaid only by revenge.

Letters uniformly contain broad warnings: the opponent should henceforward beware revenge in any place, including the ones where weaponry was banned by law and tradition, and also in any state (when he is asleep, unarmed, etc.). Therefore, it could be described as war with no holds barred. Usually such letter also contained references to God who was to defend the unfairly offended and avenge their woes. This element allows us to better understand *odpoveds* as a kind of duel in defense of honor.

The ritualistic character of *odpoved* in the szlachta community is confirmed by a time lag between the announcement of revenge and the outbreak of actions. The delay ensured that a stand-off, which could have otherwise devolved into a banal fight or quarrel, would give additional moral bonuses to offended individuals in the eyes of their community, for they could then appeal to high Christian virtues like patience, forgiveness, or mercy. These time lags were also needed to mobilize resources, e.g. recruit friends. However, overly protracted delays in answering were undesirable, for they could be interpreted as a manifestation of weakness.

Consequently, *odpoved* can be treated as a complicated social phenomenon with multifold functions: stating willingness to avenge caused offenses before opponents, informing the community about tensions between its members, defending oneself from injurious accusations, demonstrating force through disgracing opponents, intimidating them and attempting to force them to compromise, or exchanging acts of retaliatory violence.

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***Анотація.** Твердження про те, що необмежене й неконтрольоване насильство було звичайним методом розв'язання конфліктів у шляхетській спільноті, давно увійшло до історіографічного канону й по сьогодні визначає, з певними модифікаціями, погляд на ранньомодерну Річ Посполиту. Насправді насильство ніколи не було ані необмеженим, ані неконтрольованим. Воно було тісно пов'язане з певними рисами шляхетського способу життя. Шляхетська честь, що, як вважали наділяє певним набором чеснот її власника, була важливим регулятором поведінки шляхти, водночас змушуючи її дотримуватися нормативних поведінкових зразків. Письмові та усні оголошення про помсту (одповіді чи похвалки) у відповідь на завдану образу чи кривду досліджувалися на підставі матеріалів судових книг Волинського воєводства кінця XVI – початку XVII століття. Показано, що одповідь можна розглядати як складне соціальне явище з розгалуженими функціями, серед яких – заява перед супротивником про готовність мститися за заподіяну образу, оповіщення спільноти про напруження в стосунках поміж її членами, захист від образливих звинувачень, демонстрація сили через зганьблення супротивника, залякування та намагання змусити його до певних поступок, а чи й просто черговий акт у черзі обмінів насильством.*