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1.01 Znanstveni članek

1.01 Scientific Article

THE CORFU CRIMINAL COURT ARCHIVES: RECORDING, IMPRESSING AND STUDYING THE PHENOMENON OF VIOLENCE AND JUSTICE IN THE IONIAN STATE (1815–1864)

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Abstract:

This article examines the encounters of the Ionian people with criminal justice system during the period from 1815 to 1864, when the Ionian Islands were a British protectorate. Drawing on data from cases of the Criminal Court Archives of Corfu for the first time, it argues that criminality mostly concerned the lower social classes and was not very common. Using violence as a lens, the paper primarily focuses on Corfu's criminal justice system and offers quantitative and qualitative evidence on which further comparative studies of the history of law and crime in Greece and Europe at that time may be based.*

Key words:

Corfu, Criminal Court, Archives, Nineteenth Century

Izvleček:

Arhiv krfskega kazenskega sodišča: popisovanje in raziskovanje nasilnih dejanj in sojenja v Združenih državah Jonskih otokov (1815-1864)

Prispevek raziskuje izkušnje prebivalcev Jonskih otokov s kazenskim sistemom med letoma 1815 in 1864, ko so bili otoki pod britanskim protektoratom. S pomočjo podatkov iz arhiva krfskega kazenskega sodišča dokazuje, da so se kriminalna dejanja dogajala predvsem v nižjih socialnih slojih in niso bila redka. Prispevek se osredotoča na krfski kazenski sistem in podaja kvalitativne in kvantitativne dokaze, ki lahko služijo nadaljnjim primerjalnim študijam pravosodja in kriminala v Grčiji in Evropi v obravnavanem času.

Ključne besede:

Krf, kazensko sodišče, arhiv, devetnajsto stoletje



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Preface

Spiridion Varti, from the village of Vatos on the island of Corfu, employed a very young girl from Pelecas named Angello Pantelliò as a housemaid for more than seven years. When his wife died, he started a relationship with Pantelliò, took her virginity and impregnated her. His son, Giacomo, did not take the situation well in the first place; when he learned about the pregnancy, his disgust and hatred for Pantelliò grew even stronger. For him, having Pantelliò as a stepmother and the birth of a half brother or sister was untenable, as siblings split any paternal fortune. Giacomo was unwilling to share his inheritance; on 14 July 1821, he stabbed Pantelliò eight times (twice in the neck and six times over the rest of her body). He then took the body and hid it on one of his father's estates, where it was later discovered and identified. Giacomo fled the island and the public prosecutor charged him with premeditated and malicious assassination executed with extreme viciousness (first-degree murder), taking into consideration the fact that Pantelliò was pregnant. (Pictures 2 and 3).

After his wife's death, Panagiotti Cilimbary, a widower from the village of Scriperò, asked the young, kind and relatively rich Chrissula Burdi to marry him. She and her family refused the proposal since he was notorious for having abused his late wife; he was also poor. Burdi later got engaged to a young man from the neighbouring village of Castellani Giru, Tazzi Anthi. There was a traditional celebration at Burdi's house on the night of 31 July 1825, when Anthi came to meet the family and give Burdi an engagement ring. After the party, Anthi, along with his young fiancée and some relatives, set off back to Castellani. Cilimbary, who resented Burdi's rejection, gathered a gang of relatives and friends to spoil the joyous atmosphere. They set up an ambush, attacked the couple and their relatives with sticks and stones, took Burdi to a nearby vineyard, raped her and left her for dead. The poor girl, her mother and her fiancé appealed to the courts for justice. The public prosecutor charged Cilimbary with abduction, sexual assault and violent defloration, the rest of the gang with complicity to the crimes and asked for the most severe punishment. The criminal court found Cilimbary guilty; he was sentenced to death and hanged at the same place where he had assaulted Burdi (Pictures 4, 5 and 6).

1. Introduction

The Ionian Islands have a unique history, quite different from the rest of Greece. They were part of the Venetian *Stato da Mar* from 1386 to 1797, when they were ceded to the French by the Treaty of Campo Formio. In 1800 they formed an autonomous state, the Septinsular Republic¹ and re-joined the Napoleonic Empire when the Treaty of Tilsit was signed in 1807. When Napoleon was defeated in 1815, the Ionian Islands became a British protectorate: the United States of the Ionian Islands². The British ruled the islands until 1864, when they were annexed by the Kingdom of Greece.³ Being part of the Venetian Republic during the critical fourteenth to eighteenth centuries protected the islands from the Ottoman Empire and shaped their cultural identity.

When the British arrived at the islands, they had a great deal to handle, with law enforcement being one of the most important issues. As Gallant (2002, pp.15-55) explains, the British had to confront a unique situation, as they encountered a population

¹ *Repubblica Settinsulare*.

² *Stati Uniti delle Isole Ionie*.

³ *There is a rich bibliography regarding the political and social history of Corfu and the Ionian Islands, especially the period of the Ionian State. We note here the very important work of P. Chiotis (1874), an indispensable book about Ionian history, and more recent works by K. Bregianni (2017) and S. Gekas (2017).*

not easily categorised. Ionians, unlike the people in other British colonies, were white, Christian (Orthodox) and European. Therefore, the British shaped their opinion of the Ionians based on a dual conception: they were either 'the Irish of the Mediterranean' or 'Europe's aborigines'. The law was then considered to be a cornerstone of the administrative system and the most important factor in educating the people of the islands, thus turning the colony into a modern, disciplined society. Although the legal system had performed well up to that point (the Ionians were the first Greeks to have an organised legal system), adjustments had to be made so that it became more modern and functional. Successive administrations had, as a result, numerous laws and acts and complicated legal systems. In general, laws cannot be examined separately from the social, economic and cultural context in which they are written and enforced; the Ionian Islands offer the unique opportunity to analyse this phenomenon based on the Ionians' transnational and cultural encounters with other Europeans. Connections of this kind are more evident in the instances of violence and law enforcement proceedings than anywhere else.

At the beginning of the nineteenth century, Corfu, the capital of the Ionian State, was densely populated, multinational and multilingual. Although Greek was the predominant language, Italian (i.e. the Venetian dialect) was widely spoken, especially in the government; Corfu's intellectuals also spoke French and English. Lawyers and doctors, educated in Europe, formed a respected, cultured intelligentsia. Consequently, the British took over a structured society with an educated, well-informed upper class.

2. Methodology and Innovation

There has been some interest in the political, economic and social history of the Ionians, but violence and delinquency have not been subjects of thorough study to date.⁴ Historians and scholars attempting to trace information on violence usually encounter the obstacle of missing data. Fortunately, this is not the case for the Ionian Islands, especially Corfu. An extremely well-organised bureaucracy, a complete judicial system and the well-preserved records in the General National Archives of Corfu allow today's scholars to estimate the amount of violence this society has dealt with since the fifteenth century. The Archives of Corfu have suffered many mishaps due to historical circumstances, poor storage and inadequate preservation. However, under the direction of enlightened, studious and earnest historians and archivists, the archives have not only survived, but have thrived and managed to achieve today's high standard of quality.⁵ Our research mainly focuses on aspects of violence in Corfu during the period of the British Protectorate (1815–1864) and combines quantitative and qualitative data from the Criminal Court of Corfu. The research is still in progress, but some of our preliminary findings are presented here to show the exceptional value of this project.

⁴ *Some very interesting articles on this subject are those of T. Gallant, but these explore only a few aspects of the phenomenon of violence.*

⁵ *Regarding the content and the importance of the Archives of Corfu, we note the publications of A. Nikiforou.*

The voluminous archive of the Criminal Court of Corfu housed at the General National Archives/National Archives of Corfu includes court records dating from 1700. The Criminal Court Archives for the period from 1815 to 1864 consist of 272 folders containing roughly 2,000 sub-files (one for each case). Each sub-file includes indictments, depositions, minute books, writs, affidavits, recognisances, inquisitions, calendars, bills, the trial and the verdict, along with the occasional confession. Therefore, our goal is to compile a database of the crimes committed during this period. Further research into the archives of the Public Prosecutor's Office or the Judiciary and Executive Police will offer a clearer perspective on the phenomenon of violence, but the approach presented in the following paper is quite accurate since it is based on a thorough collection of data taken from the archives and the local newspaper.⁶ The research team collected data from the *Official Newspaper of the Ionian Islands* to form a comparative approach to the cases that went to court and the publicity they generated.

Apart from collecting data for statistical reasons and providing a first reading/evaluation, we proceeded to form a detailed catalogue as a useful tool for any researchers looking for sources in the National Archives of Corfu as well as a digitized collection of the *atti di accusa* (indictments).

The 272 folders of the Criminal Court contained not only the cases but also other documents concerning the whole bureaucratic function of the court (e.g. incoming mail). We separated the folders that had the inscription *Processi Corte Criminale* by the first secretary who made the compilation. The cases were not placed in chronological or numerical order. There seems to have been a posterior placement in the folders. (Picture 7) The team respected the principles of provenance and original order and did not make any attempt to change the order of the files. As was mentioned, each sub-file contained one case. It included roughly 20 to 200, or sometimes up to 300, handwritten pages on sealed paper that was purchased especially for the bureaucratic needs of the government. The first cases (from 1815 to about 1830) did not have a cover, but then a cover was added that had the number of the case, the number of pages, the name of the defendant, the name of the plaintiff, the ex-officio prosecution, the crime and if the defendant was under arrest, released on bail or escaped arrest. (Picture 9) Then followed the indictment from the Advocate Fiscal's office that gives the description of the crime and the catalogue of the witnesses.

In order to note as much information as possible and be able to manage the data, Excel sheets were used that offer the possibility to process data and attain some statistics. The catalogue/register contains the number of the file, the sub-file, the case, the year of the indictment, the name/names of the plaintiff (also their sex, age, occupation and origin if mentioned). It is also noted when there was an ex officio prosecution. Then the name/names of the accused are noted (with their sex, age, occupation and origin if mentioned). The catalogue also includes the crime that was committed, a general classification of the crime (in the Greek language) and whether the accused was bailed out, under arrest or escaped arrest. The punishment is included when it is clearly mentioned. Each case can be identified and traced by name, year and type of crime.

⁶ There was only one official newspaper: the *Gazzetta Ufficiale degli Stati Uniti delle Isole Ionie* (*Official Newspaper of the United States of the Ionian Islands*) for the years 1815–1864. In 1848 freedom of the press was established in the Islands and more newspapers started to circulate, but there were always restrictions and issues of censorship as opposition to the British Protectorate grew.

In addition to the above, indexes are also in progress. The indexes will include, in alphabetical order, the names of the defendants and the crimes by file and sub-file. The digitalisation of the indictments could be realised because due to the COVID-19 pandemic, we either took photographs of the indictments, or the archives personnel sent the team pictures of the indictments. We believe that this work should not be lost, and so a digital file has been made for each case we have processed. Our target is to give this register to the National Archives of Corfu so that they can decide what is the best way to use it.

So, the authors tried to present a qualitative perspective when the documents permitted by noting the homeland of the accused, their age, sex and profession when this information was available. We also took recent theories regarding narratives into consideration since stories matter, providing information surrounding the events as well as a deeper cultural and sociological understanding of the crimes committed. However, we do not always have a full demographical account due to missing information (e.g. ages and occupations of the victims and offenders).

The research is primarily based on the *atti di accusa* composed by the Office of the Advocate Fiscal. This is because, even though the accused might have been acquitted of some or all charges, these indictments explicitly show that a crime or misdemeanour was committed and the victim came forward in search of justice. The team has so far collected data from 1,405 cases covering every year from 1815 to 1864. We cannot be sure of the crime in twenty of these cases because the files are illegible. An additional fourteen cases express the Court's opinion regarding its jurisdiction. This gives us a total of 1,371 cases, which is more than sufficient for a representative sample.

3. The Criminal Courts and the Judicial Procedure

In 1817, the British granted the Ionians a constitution that dealt with the issue of justice and established different courts. An *avvocato fiscale* (advocate fiscal/public prosecutor), who had to be Ionian and approved by the Lord High Commissioner, was appointed for every island. Every island also had its own criminal court consisting of two judges and the president. All courts were supervised by the *Supremo Consiglio di Giustizia* (Supreme Council of Justice) which also acted as a court of appeal. Lower courts were established as well (i.e. courts of first instance, commercial courts, county courts). There were also judiciary police, who were responsible for arbitrating disputes and settling cases out of court. The criminal courts not only had jurisdiction over capital offenses such as robbery, rape and homicide, but could also try indictable misdemeanours, such as assault and the purchase of stolen goods. Each court was formed by judges, who were appointed by the Senate and approved by the High Commissioner.

The official language of the courts' records was Italian, but in 1852, Greek began to be used as the locals pressed more ardently for the introduction of the Greek language. Judges, lawyers and district attorneys were at least bilingual; the witnesses and defendants seem to have mostly spoken Greek. The language barrier is not easily detected in the written evidence, but it is almost certain that the witnesses' statements were translated. Sometimes the original Greek words were preserved when their exact meaning was of particular importance or interest. Since many of the victims, defendants and witnesses were illiterate, lawyers were very important as intermediaries and played a significant role in the criminal justice process.

Each case was first presented in front of the public prosecutor, who was responsible for gathering all the evidence, taking depositions and requiring prosecutors and witnesses to appear in court. Of course, he had the help of a network of local police officers, constables, inspectors, guardsmen, village primates and coroners, who were the first to be called. Judging by the comprehensive files, there seems to have been a thorough investigation in every case.

The public prosecutor then had to assemble the evidence proving the felony and provide insight into the attitudes of the victim and the accused. The depositions of both the victim (if alive) and the perpetrator, as well as the witnesses, offer a unique aspect of the community's opinions and illuminate the ideas regarding morality, violence and justice at the time. Some of the prosecutor's reports are emotionally charged and overflowing with compassion for the victim, especially in those cases when their voice could not be heard (murder cases). The reports also reflect that he never hesitated to propose the most severe punishment when the victim was a defenceless woman or child.

When the crime was not against human life or the government, the accused could post bail and would be set free until the trial. When the accused was very poor and could not afford a lawyer, the court appointed one for them, but the extent of their poverty had to be proved by an official document.

Table 1: Typology of offences and number of cases (Criminal Court of Corfu 1815–1864).

Offence	Cases	Men accused	Women accused	Unknown perpetrator
Larceny/Burglary/Robbery (sometimes accompanied by excessive violence or the formation of a gang)	463	453	10	-
Malicious shooting/Malicious wounding	288	278	10	-
Forgery/Falsification (usually they forged official documents; only four cases concern counterfeiting)	80	74	2	4
Murder	79	79	-	-
Fraud	49	48	1	-
Rape/Attempted rape (of adults, adolescents and children, male and female)	48	48	-	-
Resistance against authorities (usually accompanied by wounding)	44	44	-	-
Defloration	39	39	-	-
Attempted murder	27	26	1	-
Perjury/False testimony	27	24	3	-
Adultery	25	10	15	-
Breach of duty	24	24	-	-

Law violation (especially sanitary laws/gun possession laws)	20	20	-	-
Defamation/Calumny	19	17	1	1
Violation of seals	17	13	4	-
Arson	15	13	1	1
Property damage (includes the killing or theft of a domestic animal)	15	15	-	-
Paedophilia (against both sexes)	11	11	-	-
Other sexual crimes (forced intercourse, seduction, bestiality, exhibitionism, forced prostitution, sodomy, abandonment of the house of a husband or father, bigamy)	11	10	1	-
Assault /Aggravated assault	8	8	-	-
Embezzlement	8	8	-	-
Escape from prison	7	7	-	-
Fraudulent bankruptcy	6	6	-	-
Smuggling	5	5	-	-
Abduction (either involuntary or after seduction of the victim)	5	5	-	-
Piracy	4	4	-	-
Infanticide/Neonaticide	4	-	4	-
Sacrilege	4	4	-	-
Threat	3	3	-	-
Usury	3	3	-	-
Formation of a violent gang (usually to commit burglary, robbery and other felonies)	3	3	-	-
False personification	2	2	-	-
Vagrancy	2	2	-	-
Attempted suicide	2	1	1	-
Breach of promise (of marriage)	1	1	-	-
Conspiracy	1	1	-	-
Crime against the public interest	1	1	-	-
Debt (Indebtedness)	1	1	-	-
Total	1,371	1,311	54	6

Graph 1: Men and women as perpetrators.

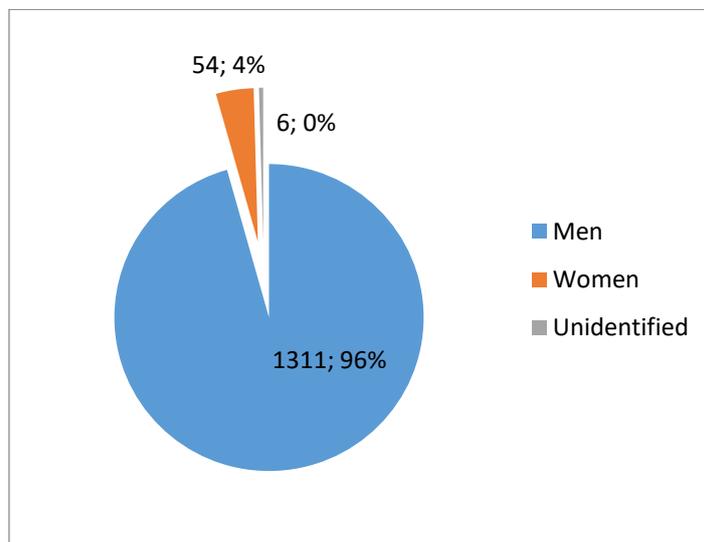
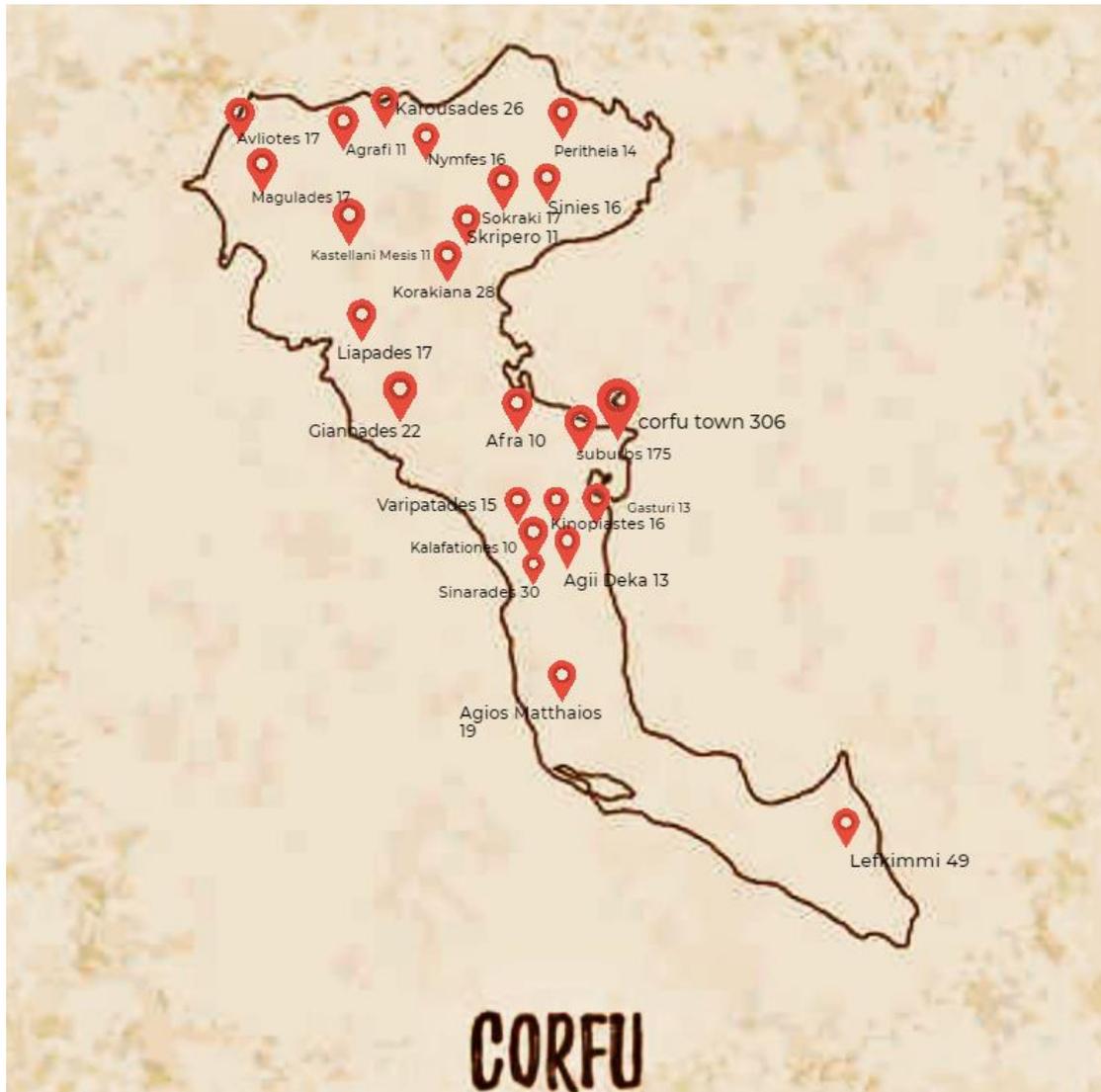


Table 2: Place of Origin of the offenders (taking into consideration the first accused).

Corfu Town	306
Corfu Town Suburbs	175
Northern Corfu Island	239
Southern Corfu Island	112
Central Corfu Island	281
Other Ionians	
Zakynthos	13
Kefalonia	17
Leucas	3
Paxos	16
Ithaka	7
Othoni & Erikousa	6
Others (Corfu residents)	
Italy	19
Malta	23
Sicily	1
Russia	1
Istria	1
Senegal	1
Dublin	1
France	2
England	3
Ethiopia	1
Albania	10
Ipiros (Greece)	8
Messologgi (Greece)	1
Parga (Greece)	6
Suli (Greece)	10
Spetses (Greece)	1
Without reference to their hometown	141
Total	1.405



Picture 1: Map of Corfu Island showing Corfu Town and the villages with more than 10 offences.

4. Conclusion

The cases presented in the preface are only two of the many we have found while searching the archives, but they involve two of the most violent crimes. The most common crimes were burglary, larceny and minor wounding. We have found some cases that combine two crimes (e.g. the perpetrator sexually assaulted a woman and brutally killed the person who came to her rescue).⁷

Occurrences of violence were less frequent than in other places in Europe. Most of the cases are theft and burglary; the stolen items were usually not valuable (e.g. bread, olive oil or a coat).

Authorities seem to have made an effort to control the possession of guns and knives to minimize violence between men, which typically occurred after fights in taverns or *cafeneia* (coffee shops) or in cases of revenge. Honour as a societal value was very important not only to the nobility, but in every social stratum. This sense of honour, requiring men to prove their masculinity (usually in front of an audience), frequently resulted in severe injuries or even death; it was noted all over Europe in the nineteenth century and described as 'sociable violence' by Cottier and Raciti (2013, pp.105-108). Since many men carried knives, it was inevitable that they would use them when a fracas occurred, either in self-defence or to attack; other materials could be easily used (pieces of wood, stones, tools and even their fists) to prevail against their opponent.

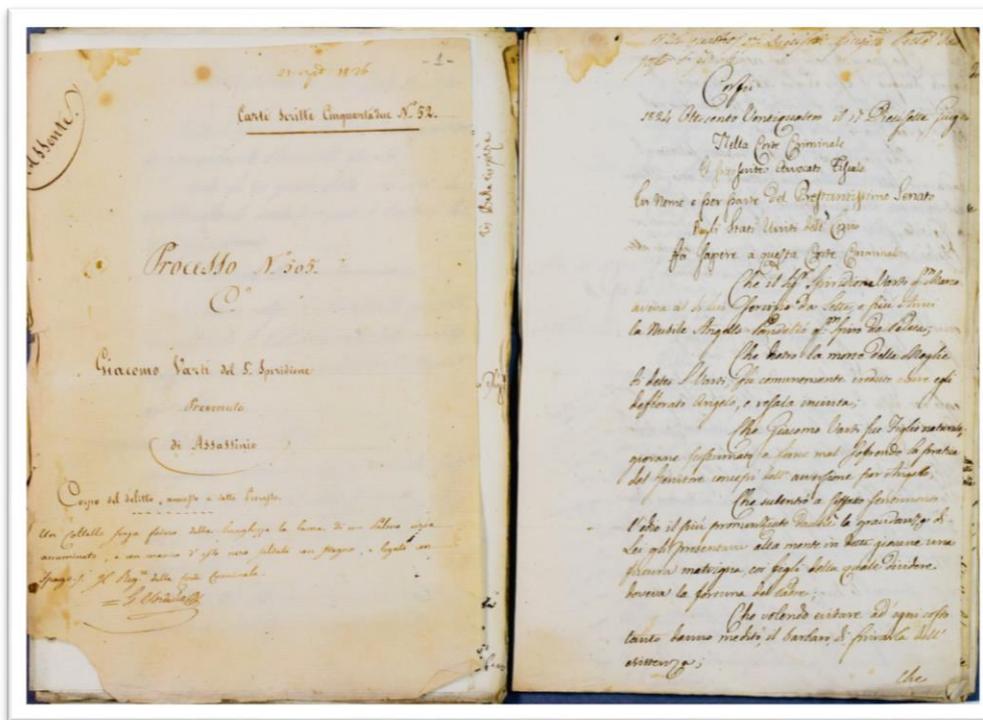
Crimes and misdemeanours seem to have occurred mainly in town and in the suburbs. These were mostly spontaneous and not organised. We have found relatively few mentions of formation of a gang. The perpetrators were farmers, low-status workers or unemployed. The director of the prison in Corfu, Giovanni Cozziris (1861, pp.246-249) noted that one factor of delinquency was the numerous illegitimate children who were abandoned and grew up without any supervision. The only prospect they had was to become vagabonds.

Women seem to have committed far fewer crimes but were more often victims of sexual assault. Statistics show that 96% of the perpetrators were men. Infanticides and neonaticides seem to only be attributed to women; these crimes were a result of unwanted pregnancies (the woman was either unmarried or a widow). In cases of adultery both women and men were prosecuted, but the man was usually held responsible for the seduction.

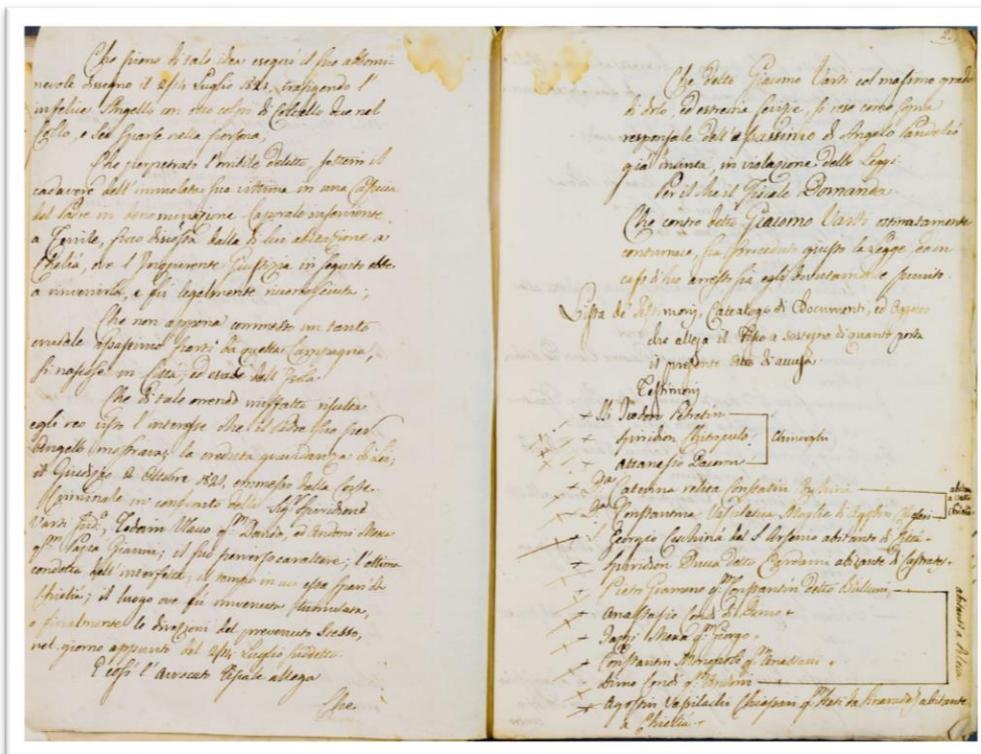
Of course, as has been previously mentioned, bringing a case in front of the court did not necessarily mean that the accused would be convicted. Sometimes, although a crime was definitely committed, it was difficult to prove who the perpetrator was. Even in cases of rape or defloration the victim did not always receive justice. However, judging from the files, each case received plenty of attention and a thorough investigation.

The research team considers this part of social history important and interesting, as it opens a window to the lives of the social classes that have not received much scholarly attention due to the lack or inaccessibility of source material. The deep and thorough research in the archives fills some of the historiographical gaps regarding the lives of both the urban and rural lower classes who were not sufficiently literate to develop their own documents, letters, journals or memoirs.

⁷ *File 36/Sub-file 25/Case 125/1819. One night, Raffael di Abba Baruk attempted to rape a woman. She screamed and a passerby came to rescue her. Baruk stabbed him to death.*

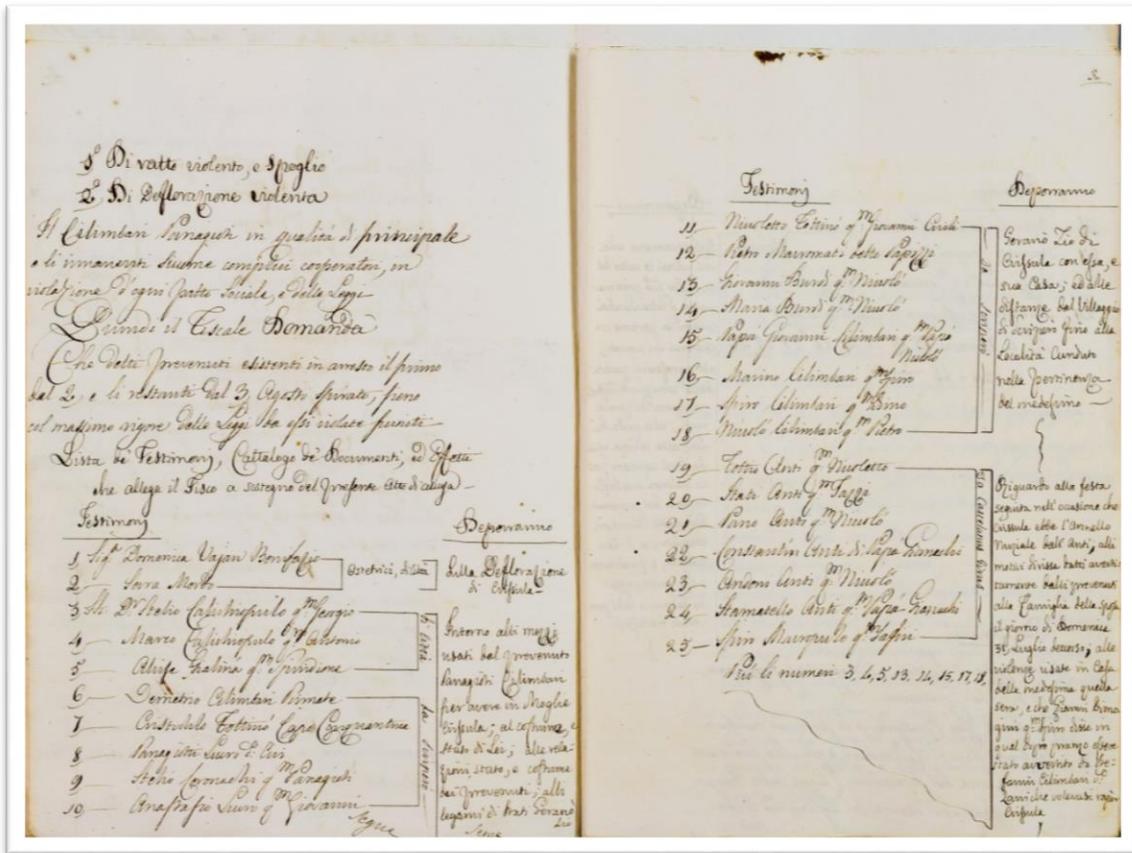


Picture 2



Picture 3

Pictures 2 & 3: Filza 49 / sub-file 1 / case 505 / 1824/ Accused: Giacomo Varti.



Picture 6.

Pictures 4, 5 & 6: Filza 49 / sub-file 2/ case 2 / 1825 / Accused: Panagiotti Cilimbary.

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POVZETEK

ARHIV KRFSKEGA KAZENSKEGA SODIŠČA: POPISOVANJE IN RAZISKOVANJE NASILNIH DEJANJ IN SOJENJA V ZDRUŽENIH DRŽAVAH JONSKIH OTOKOV (1815-1864)

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Prispevek raziskuje izkušnje prebivalcev Jonskih otokov s kazenskim sistemom med letoma 1815 in 1864, ko so bili otoki pod britanskim protektoratom. Na začetku 19. stoletja je bil Krf, prestolnica Jonske države, gosto poseljen, večnacionalen in večjezičen. Dobro organizirano uradništvo, izpopolnjen pravosodni sistem in dobro ohranjeni dokumenti v Krfskem narodnem arhivu omogočajo znanstvenikom podati oceno obsega nasilnih dejanj, s katerimi se je družba soočala od 15. stoletja naprej.

Obsežen arhiv Krfskega kazenskega sodišča, hrani ga Krfski narodni arhiv, vsebuje sodne spise od leta 1700 naprej. Za obdobje med letoma 1815 in 1864 je ohranjenih 270 map, ki vsebujejo okoli 2000 zadev.

Raziskava se osredotoča na vidike nasilja na Krfu v obdobju britanskega protektorata (1815–1864) in kombinira kvalitativne in kvantitativne podatke. Avtorji so zbrali podatke za potrebe izdelave statistike, poleg tega pa so oblikovali katalog kot pripomoček za raziskovalce, ki iščejo vire v Krfskem narodnem arhivu, in digitalizirano zbirko obtožnic.

Obtožnice je sestavil javni tožilec, ki je moral biti jonskega porekla in odobren od visokega komisionarja. Vsak kazenski primer je bil najprej predstavljen javnemu tožilcu, ki je bil odgovoren za zbiranje dokazov, izjav in prič. Moral je torej zbrati dokaze o zločinu in predstaviti vpogled v razmerje med žrtvijo in osumljencem.

V splošnem so se zločini in prekrški pojavljali predvsem v mestu in predmestju. Večinoma so bili spontani in neorganizirani. Avtorji so našli relativno malo omemb organiziranih skupin ali band. Hudodelci so bili kmetje, nižji delavci ali nezaposleni. Kot kaže, so bile ženske precej manjkrat storilke zločinov; bolj pogosto so bile žrtve spolnega napada. Sojenje pred sodiščem seveda ni nujno pomenilo tudi obsodbe. Vsekakor pa je bila, glede na ohranjeno gradivo, vsaka zadeva obravnavana in podrobno raziskana.

Raziskovalna ekipa meni, da je obravnavani del družbene zgodovine zelo pomemben in zanimiv, saj odpira vpogled v življenja družbenih razredov, ki do sedaj niso bila znanstveno raziskana.