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978-0-521-88304-7 - Murder in Aubagne: Lynching, Law, and Justice during the French Revolution

D. M. G. Sutherland

Excerpt

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Aubagne

An Introduction to the Problem

There were three bodies altogether. The first two lay close to each other, facedown. The third, the youngest of the three, lay apart, on its back, staring straight up into the pale afternoon sky. All three of them had been murdered. The justice of the peace knew very well the first steps he had to follow whenever a body had been found. He began to dictate the preliminaries of his report: “The third year of the French Republic, 3 [M]essidor (21 June 1795) at six o’clock in the afternoon, I . . . *juge de paix de ce canton de Roq^{re}* [Roquevaire],” he called out. The secretary began to scribble. He too knew the routine. No one else was there except his assistants, the medical examiner, and the scribe. He continued, “On hearing a rumor, we went . . . to the path going to Aubagne, *quartier de la côte de nerf*.”

He went on to describe the bodies. Two of the victims’ faces were horribly disfigured from the severe beatings. All three had been shot several times. The first two, men of around sixty and forty years of age, wore very shabby, olive-colored clothes. The third was a young man of about twenty-six. He was missing several fingers on his left hand from an old accident. The clothes of all three and the ground around them were covered in dried blood.

The report concludes, without any commentary, that besides the unspeakable violence all three victims had been subjected to, the older and younger men had each had an ear cut off.

This document from the justice of the peace of Roquevaire is the first in the file relating to what contemporaries called the *grande affaire*

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d'Aubagne.¹ The events involved the prosecution of sixty-seven people, two of them women, from the town of Aubagne, near Marseille, and its immediate region, for having murdered, assaulted, or robbed forty-five or more of their neighbors from in and around the town over a three-year period, from 1795 to 1798. The trial itself examined the testimony of a hundred witnesses. It took a very unusual seventeen days in the early summer of 1801 to hear all the pleas and to examine all the evidence. It was one of the biggest and longest trials of the decade.

No one knew the three victims. At least that is what the report of the justice of the peace and the medical examiner claims. Yet this is implausible, because as local men, both officials ought to have known whom they could have called upon to identify them. It is significant that no one volunteered to identify the bodies, not even family members, friends, or employers. All we can infer from this document is that the three were poor working people. Also, many assailants must have attacked the victims with uncontrolled ferocity. Beyond that, there is silence.

In fact, many people knew exactly who the victims were. They also knew not only why they had been murdered but also who did it. This came out during the investigations into the *grande affaire* that began three years later. The investigation was possible only because of the coup of 18 Fructidor, year V (4 September 1797) in Paris. This led to the purge of those who had protected the killers locally and to the restoration of Jacobins to power. The complexities of the case were very confusing to judicial authorities. It took them another three years to bring the accused to trial. Even then, the victims' families must have felt cheated because the outcome was so ambiguous. The Special Tribunal acquitted many accused, and most of the others remained at large.

The victims' family name was Jullien, and they were a father and his two sons. They were laborers, but more than that they were Jacobin militants who had fled Aubagne for their own safety. One son may have been a member of the Aubagne National Guard that ravaged the château of Velaux, north of Marseille, in April 1792. The guards suspected it was a lair of counterrevolutionaries. The assailants had joined their comrades from the National Guard of Marseille to suppress the counterrevolutionaries in Arles. The attacks on Velaux and Arles were two of the many trouble spots that invited such interventions, including one in Aubagne itself during its time of troubles a few months earlier. Such adventures

¹ ADBR, L 3049, "Procédures contre les auteurs de vols, assassinats, attroupements, etc., d'Aubagne, Cassis, Roquefort, et leurs environs, de l'An III à l'an VI."

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were preludes to the grandest expedition of all, the march on Paris to overthrow the monarchy in July and August 1792.

Local people already knew Jullien senior well. A municipal officer during the Terror, Jullien's militant activity had begun much earlier. He was involved in the most spectacular incident in the local revolution: the lynching of a former process server named Joseph Jourdan in September 1792. Perhaps the murder of the Julliens was retaliation for the murder of Jourdan three years before, but because those responsible for Jourdan's murder were never convicted, it is impossible to say.

By the time authorities began investigating the Jullien family's murder in the autumn of the year VI (1797), the democratic upsurge of 1792 was a distant memory. Yet the region was still suffering the consequences. One of these was the White Terror, a wave of mayhem, murder, massacre, robbery, and vandalism that wracked the southeast of France in the closing years of the Revolution. The White Terror is usually presented as a direct reaction to the much better known Terror of 1793–4. Nor is this view wrong, as revenge inflicted on the former Jacobin terrorists was essential to the White Terror. Nevertheless, it was not solely a reaction to the Great Terror either, because its roots go back further to an earlier phase of the Revolution. Many members of the murder gang who so cruelly maimed the Julliens had been active in town politics before the Terror. Their sponsors, men who were known but who managed to hide solid evidence of their complicity, had been too. Thus, the White Terror was one event of several that tore Aubagne apart during the emergence of democratic politics in 1792. These politics were enormously turbulent and fractious. The town witnessed two lynchings, an insurrection against the Jacobins, and a local terror as brutal as any that occurred elsewhere. The medical officer's report, therefore, is only a starting point for unraveling the *grande affaire d'Aubagne*.

The silences surrounding the medical report do point us in a certain direction. These were not ordinary murders. The deliberate mutilations, the terrifying refusal of witnesses to come forward, the anonymity of the victims themselves – all this is out of the ordinary and so, as negative evidence, shows something about what an extraordinary place Aubagne had become. As the investigations of the Year VI revealed, the Julliens were murdered in public. Witnesses saw an armed gang leave Aubagne, go to the small town of Brignolles in the nearby Department of the Var, seize the victims, rope them together, and then murder them near the Pont de l'Etoile on the path leading from Roquevaire to Aubagne. The murderers continued their spree off and on for another three years, intimidating everyone into silence. Nevertheless, everyone knew their

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names: Mathieu Rousserie and his sons, café owners; Joseph Guillermy, a mason; Laurent Jauffret, a cook to the retired parish priest Pierre Martinot, who himself allegedly gave the killers money and who celebrated the killings afterward in Rousserie's café; Jean-Baptiste Barthélémy *dit* La Machine, an innkeeper; Antoine Michel *dit* Calade, a baker; and several others who will appear often in this story. Men like these, in an earlier time and in another place, could have been village *sansculottes*.

The murder gang was thus composed of men who in the standard historiography of the Revolution opted for the wrong side. So too did their sponsors. The anti-Jacobins of Aubagne were not nobles and priests for the most part. Nobles played a very small role in local political life, and while the place had many resident priests, few involved themselves in politics. To be sure, the retired curé Martinot was deeply compromised. Nevertheless, Martinot was prominent, rich, and well connected, the opposite of the contemporary ideal of the cleric distant from his flock. He was a typical son of the local elite. Furthermore, the bourgeoisie of Aubagne as a whole not only opposed the Terror, which many of their counterparts did elsewhere, but also vigorously opposed the democratic upsurge of 1792. Professionals like them frequently supported the Revolution in other parts of the country. In Aubagne, the professional classes were almost universally hostile.

Although the term is an abused cliché, *Jacobinism* in Aubagne, and probably throughout the Midi, was a popular movement. Jacobinism in Aubagne attracted very humble men, and some committed women, overwhelmingly. Peasants were the major source of Jacobin support. Nor was their intervention episodic. We are used to images of peasants burning châteaux in 1789 or demolishing them in 1792, marching off to defend the frontiers throughout the period, petitioning higher authority, and so on. However, in Aubagne and no doubt throughout the Midi, Jacobins and peasants contested for power on a daily basis from the beginning. First in Marseille in early 1790, then at various points including Aubagne in late 1791, Jacobins took power. Their tolerance or sponsorship of violence earned them countless enemies. These turbulent democrats eventually became terrorists. They organized a vigorous purge of their local enemies and enforced the most radical aspects of the Revolution. Unfortunately, for them, their purge was not thorough enough, and it was in this context that the murder gang began its operations.

Some gaps in the record relate to the unfortunate history of the Archives Départementales des Bouches-du-Rhône or with the history of the municipal archives of Aubagne itself. The very uneven survival of club

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proceedings, the papers of the *comités de surveillance*, and many financial records is very disappointing. The vicissitudes of municipal budgets and the transfer of archives from the *mairie* of Aubagne to the delightful local library named after Marcel Pagnol, and back again, have destroyed the wonderful balance of the inventory someone drew up in 1950. Nevertheless, even if archivists at various epochs and in various jurisdictions had done all they could for someone looking to crack the *grande affaire*, the reality is that no one at the time confessed to murder. So an element of mystery about the *grande affaire* will always persist. Even if we had all the documents we might have wished for, we still would not have enough to answer all our questions.

It is tempting to explain the characteristics of the *grande affaire d'Aubagne* by invoking the received wisdom even contemporaries shared about Mediterranean cultures. The extreme violence, the cult of silence, the refusal to cooperate with government that ordinary people consider primordially and viscerally alien, the assertion of machismo values – even though a few women participated in the *grande affaire* – all this invites an explanation based upon inherent characteristics. Somehow or other, Mediterranean culture produced these murders.² Yet dismissing such obviously extravagant behavior as part of the passing scene would be too simple. In fact, the 1790s were unique in the history of Aubagne. The place appears to have been tediously peaceful before 1789, and after the *grande affaire d'Aubagne*, it slipped into an untroubled slumber.

The fact that the extreme violence in Aubagne was specific to a particular time in the town's history is one reason to reject an explanation based upon inherent characteristics. Another reason for doubting it is that contemporaries, however much they believed that the men and women of the Midi were exceptionally violent by nature, also believed that what had happened in Aubagne was particularly horrible. Even by the dismissive and casual standards of Mediterranean violence, this was a special case. And that is saying something. For anyone coming to the Midi after having studied other regions in France during the same period, regions that have the justifiable reputation of having been extraordinarily violent, the Midi is in another register. The Chouans and the Vendéens of the West were killers, no doubt about that, but their operations were normally part of a broader military strategy; in the Midi, no military strategy justified the killings.

² Colin Lucas, "The Problem of the Midi in the French Revolution," *Transactions of the Royal Historical Society*, 28 (1978), 23–5, gives a handy summary of these stereotypes.

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The killing was on a brutal scale. Consider the *barbets* who operated in the hills above Nice. They had their own ideas about having been incorporated into *la grande nation*. To show their repugnance, they not only murdered those who collaborated with the French but also decapitated their victims. Often the head was never found again, or they tossed it into a nearby pigsty, where the animals devoured it.³

Or consider the appalling prison massacres in the Midi after the fall of Robespierre in 1794. In Lyon in May 1795, a mob of thousands believed that the Jacobins who had ruled the city so brutally during the Terror were going to be let off, or else were going to break out of the prisons and slaughter peaceful citizens with multibladed guillotines. To prevent these nightmares, the mob set fire to the prisons, forced all the prisoners onto the roofs, and then selectively culled the most notorious former terrorists. They killed only the terrorists and left ordinary convicts to their own devices.⁴ A very similar event occurred in Marseille the next month. The mob burst into the prison at Fort Jean and murdered about a hundred Jacobins.⁵ Almost simultaneously, assailants butchered nearly fifty people in two massacres at the prison in Tarascon. These atrocities shared the same motives: panic and anger at the attempt of the Jacobins in Toulon to march to the rescue of their friends in the Bouches-du-Rhône; and exasperation at the slowness of the regular courts trying former terrorists.⁶ The massacre at Marseille was the worst single

³ AN BB¹⁸ 117, “Extrait du registre des jugements du tribunal de première instance de l’arrondissement de Puget-Theniers”, n.d. The verbal violence of the *barbets* could be just as chilling: one named Constatin Cognoli, “bragged [*s’est flatté publiquement*] on many different occasions of having murdered [*assassiné*] a considerable quantity of French soldiers, up to 150 at least . . . , and of having eaten the liver of several of them and of having eaten bread covered and soaked with the blood of another soldier.” Cognoli and his men also extorted money by threatening to bury their victims alive (*ibid.*, BB¹⁸ 118, “Acte d’accusation contre Constatin Cognoli, Vincent Penchinat . . . etc.,” 13 Brumaire An XI – 3 November 1802). On the origin and operations of the *barbets*, see *Inventaire sommaire des archives départementales des Alpes-Maritimes. Série L.*, ed. Henri Moris and Robert Latouche (Nice, impr. et papeterie H. Ventre fils 1924), 133–41. Michel-André Iafelice, “Les ‘Barbets’ des Alpes-Maritimes. Origines et caractérisation du Barbétisme,” François Lebrun and Roger Dupuy, eds. In *Les Résistances à la Révolution: Actes du Colloque de Rennes, 17–21 Septembre 1985* (Paris: Imago, 1987), 126–32.

⁴ Renée Fuoc, *La réaction thermidorienne à Lyon (1795)* (Lyon: IAC Les Édition de Lyon, 1957), *passim*.

⁵ Stephen Clay, “Le massacre du fort Saint-Jean: Un épisode de la Terreur blanche à Marseille,” in *Le tournant de l’an III: Réaction et terreur blanche dans la France révolutionnaire*, ed. Michel Vovelle (Paris: Éditions. du CTHS, 1997), 569–84.

⁶ AN F7 7130, Procureur-syndic du district de Tarascon to Comité de sûreté générale, 8 Messidor An III – 26 June 1795. *Ibid.*, F7 7171, General Mille, “Tableau de la situation des Bouches-du-Rhône,” n.d.

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atrocities of the White Terror, but it was far from unique. Although no one has ever paid much attention to them, prison massacres also occurred at Aix-en-Provence, Bourg, Montbrison, Lons-le-Saulnier, Saint-Etienne, and Nîmes. Various authorities managed to cover up still others, including several at Aubagne, for many years.

After the Terror, the nation witnessed thousands of freelance murders, stagecoach robberies, pro- and anti-Jacobin insurrections, brigandage, and endless disorder. Yet within these numbing reports, the Bouches-du-Rhône stood out for its exceptional partisanship. According to one evaluation, the Bouches-du-Rhône “has been one of the most agitated in the Republic, one of those where the revolutionary tyranny made the most victims and where the reaction has been the most bloody.”⁷

Contemporaries convinced themselves that what had happened in Aubagne was exceptionally ghastly. General Bon in 1798 called Aubagne “uniquely infamous because of the atrocities committed there.”⁸ General Willot claimed Aubagne had been “for a long time, the most turbulent commune in the département of the Bouches-du-Rhône.”⁹ One local official told the minister of police that everything the minister had heard about Aubagne was true. “Theft, murder, rape, forced contributions, devastation of property, crimes of any sort” were the order of the day.¹⁰ According to the moderate faction in the town, “Until 9 Thermidor [i.e., the fall of Robespierre], every inconceivable horror had afflicted Aubagne. After that, the unfortunate influence of personal vengeance spread.”¹¹ The administrators of the department of the Bouches-du-Rhône claimed Aubagne was one of those communes “of the Midi where royalism has committed the most crimes, that the soil itself is still red with [R]epublican blood that has spilled in great gobs. Reviving public opinion is

⁷ AN F^{1c} III Bouches-du-Rhône, 6, Anon., “Département des Bouches-du-Rhône. Esprit publique, no. 8.” The department made a similar comment: “The Revolution gave birth to factions aggravated by hatreds that acted on everyone. The greatest calamities have afflicted this region. . . . Every family is in mourning.” ADBR, L 173, f. 33, Department to Minister of Justice, 2 Thermidor An IV – 20 July 1796.

⁸ AhG, B¹³ 71, Gen. Bon to Gen. Pille, 29 Vendémiaire An VI – 20 October 1797.

⁹ AN F⁷ 7170, Gen. Willot to Jourdan 7 Pluviôse An V – 26 January 1797. See also his assessment to the Directory in his letter of 24 Brumaire An V – 14 November 1796: “the commune of Aubagne, incessantly troubled by agitators,” which in Willot’s case was a code word for *Jacobins* (AN F⁷ 4444^A).

¹⁰ ADBR, L 245, p. 180, Commissaire du directoire exécutif du département des Bouches-du-Rhône to Ministre de Police générale, 23 Brumaire An VI – 13 November 1796.

¹¹ AN F^{1b} II Bouches-du-Rhône 11, Officiers municipaux de la commune d’Aubagne suspendus de leurs fonctions. . . . to Ministre de l’Intérieur, n.d. (After 22 Pluviôse An IV – 10 February 1796).

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essential, to chain all the passions and have all the citizens submit to the laws.”¹²

Aubagne was thus a violent place. Whether it was unusually violent, as some contemporaries asserted, is another matter. Nonetheless, concentrating on the history of a small town can throw some light on violence in the Revolution overall. This inquiry then leads to others, into the nature of provincial Jacobinism, and then into the different and competing visions of informal and retributive justice that underlie the violence of the period.

A common approach divides the French Revolution into two periods: a heroic, running from 1789 to the fall of Robespierre on 28 July 1794, and a second depressing slide into reaction and corruption running from 1794 to the final arrival of Bonaparte. The theme of the first period is Jacobin ascendancy, the most creative and exciting period of the Revolution. The theme of the second is despair at the defeat of the popular movement.

Such a binary categorization makes sense for the national, parliamentary scene, but provincial history responded to different rhythms. Nor is it difficult to show that the rhythm of events differed throughout France as a whole. More interesting is the emergence of a different kind of Jacobinism in the Midi. Standard histories treat the Jacobins on their own terms, as exemplars of all that was best and noble in the Revolution. They saved the country in its most perilous moments from treasonous domestic counterrevolutions and dangerous foreign invasions. Yet, attractive as many of them were as individuals, external circumstances cannot explain or excuse the relationship of the Jacobins to violence. As we will see, the Jacobins of Aubagne and practically everywhere in the Bouches-du-Rhône succumbed to the temptations of a politics of violence very early, well before these perils had arisen.

The Jacobins were a faction in local politics before anything else. The support they received from their brothers in Marseille and elsewhere permitted them to use institutional and legal weapons against their enemies that rendered the struggle hopelessly uneven. The Jacobins would argue that their enemies' failure to accept the logic of the democratic politics of the early years of the Revolution justified an aggressive response. Nevertheless, the consequence of that vigorous response was to render local and regional politics seriously unhealthy. The Jacobins not only initiated violence but also, by the end of 1792, accepted and quietly condoned vigilante justice against their enemies. Moreover, vigilantism and its mutation

¹² AC Aubagne, registre des délibérations, f. 231, “Extrait de l'arrêté de l'administration du département des Bouches-du-Rhône du 22 pluviôse An IV (22 February 1796).”

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into the Great Terror of 1793–4 would be extremely difficult to suppress. Whatever their enemies said about the Jacobins being an unrepresentative cabal, the local clubs attracted huge support from ordinary people. Because the clubs were also shameless and belligerent partisans in local politics, they provoked concomitant countermobilizations of all those whom the club threatened. High attendance at meetings and demonstrations, vast numbers of signatures for petitions, and of course occasionally high turnouts for elections were all signs of this.

Healthy politics soon gave way to murder and fear of violence. So long as one side feared that the other could organize massacres, counterviolence, not electoral politics, was a necessary act of self-defense and a preliminary to wreaking vengeance. This could have gone on forever. General Willot pointed to this stasis when he wrote, “The factions that succeed each other have become irreconcilable and aspire only to the destruction of the other side.”¹³

Still, if Willot and many other observers were correct, one wonders why the seesaw killing did not evolve into a classic Mediterranean vendetta with one generation taking up the cudgels to avenge the injuries done to its predecessors. The trial of the *grande affaire d’Aubagne* did not end the vicissitudes because it convicted so few of the killers. Anti-Jacobin violence might have returned as a result. This did not happen. The killings stopped not because one side imposed justice on the other, but because of the exceptional justice of the Second Directory and the ruthlessness of the Bonapartist dictatorship. Untidy as the results of the trial were, the elimination of the feuding parties from government, the incarceration of even those whom the courts had declared innocent, the keeping up of the hunt for those who escaped, and the holding of the threat of arrest over the violent men who remained until, one by one, they died quietly in their beds, broke the cycle.

Violent politics has a structure. For Aubagne, this structure was a reflection of a culture of retributive justice. One strategy of understanding this culture would be to examine the received opinions about the Mediterranean vendetta. The hypothesis would be that the groups that killed one another so unhesitatingly had always hated one another. Thus,

¹³ AN F7 7197, letter to Ministre de la Police Générale, 4 Brumaire An V – 25 October 1795. He used the same phrasing in his letter to the department of 3 Brumaire An V – 23 October 1795 (ADBR, L 135 f. 83v) and went on to describe Aubagne as dominated by “agitators who have no other way to maintain their domination than through trouble and disorder. These men who earlier could only subsist by a painful and laborious work have become well off by pillage . . . , passing their time in the cabarets.”

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the Revolution provided merely the pretext for these ancestral hatreds to manifest themselves. Although the exercise in comparative history can be useful, unfortunately, the relationship between violent politics and vendetta was not direct. One might have expected contemporaries to have said more about it. Yet they said practically nothing. Although their explanations of how they found themselves in their dreadful situation are often quite naive in retrospect, they never cite long-standing feuds. When we compare what happened in Aubagne with other Mediterranean societies that were based on vendetta, we can see that the dissimilarities were clearly all important. In nineteenth-century Corsica, for example, the absence of a well-defined property law explained the endemic violence. In Montenegro, a clan-based honor system substituted for an impartial system of institutional justice.¹⁴ Needless to say, nothing that happened in Aubagne resembled this kind of semistructured lawlessness.

Anthropologists have shown that vendetta and feuding are highly developed forms of vengeance.¹⁵ Vendetta focuses on the possession of something tangible, like women or animals; is often based on kin; is usually multigenerational; and is often resolved by temporary and frequently insincere ceremonies of reconciliation.¹⁶ In Aubagne, the object in dispute was political power; the struggle was short-lived; other forms of association in addition to kin were involved; and there never was reconciliation so much as a fight to the finish.

The *grande affaire d'Aubagne* most closely resembles the sort of intraurban rivalry that erupted from time to time in Mediterranean Europe

¹⁴ On Corsica and Montenegro, see the two very fine monographs by Stephen Wilson, *Feuding, Conflict, and Banditry in Nineteenth-Century Corsica* (Cambridge: Cambridge University Press, 1988) and Christopher Boehm, *Blood Revenge: The Anthropology of Feuding in Montenegro and Other Tribal Societies* (Lawrence: University Press of Kansas, 1984).

¹⁵ Julian Alfred Pitt-Rivers, *The People of the Sierra* (Chicago: University of Chicago Press, 1971), 89–92. Rudolph M. Bell, *Fate and Honor, Family and Village: Demographic and Cultural Change in Rural Italy since 1800* (Chicago: University of Chicago Press, 1979), 105–6.

¹⁶ Philippe Descola, *The Spears of Twilight: Life and Death in the Amazon Jungle* (New York: New Press, 1996), 61–2, 277, 291–4. Marshall David Sahlins, *Islands of History* (Chicago: University of Chicago Press, 1985). Marshall Sahlins, “The Return of the Event, Again: With Reflections on the Beginnings of the Great Fijian War of 1843 to 1855 between the Kingdoms of Bau and Rewa,” in *Clio in Oceania: Toward a historical Anthropology*, ed. Aletta Biersack (Washington, D.C.: Smithsonian Institution Press, 1990), 67–78. John A. Davis, *Conflict and Control: Law and Order in Nineteenth-Century Italy* (Atlantic Highlands, NJ: Humanities Press International, 1988), 88–90. Jacob Black-Michaud, *Cohesive force: Feud in the Mediterranean and the Middle East* (New York: St. Martin's Press, 1975), 13–14.