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Blood Revenge as a Form of Social Defense in Ancient and Medieval Societies



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ABSTRACT

This article examines the institution of blood feuds as a form of retribution and early criminal punishment. It elucidates the reasons and conditions for the emergence of blood feuds and their role in stabilizing society. This article explores the specific features of blood feud procedures among different cultures, including the Jews, Slavs, and Germanic people, particularly focusing on who had the right to commit blood feuds and against whom they could be directed. Finally, the article analyzes the decline of blood feuds due to the establishment of a state monopoly on punishment.

Keywords: blood feud; retribution; justice; society; punishment; ancient societies; medieval societies; life.

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Кровная месть как средство социальной защиты в древних и средневековых обществах

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АННОТАЦИЯ

В настоящей работе рассматривается институт кровной мести, которая представляла собой форму возмездия и раннего уголовно-правового наказания. Выясняются причины и условия появления кровной мести, ее стабилизирующая функция в обществе. Также в статье раскрываются особенности процедуры кровной мести у иудеев, славян, германских народов, в частности определение того, кто имеет право совершать кровную месть, в отношении каких лиц. Наконец, проанализирован процесс ослабления кровной мести в силу установления государственной монополии на наказание.

Ключевые слова: кровная месть; возмездие; справедливость; общество; наказание; древние общества; средневековые общества; жизнь.

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Blood revenge holds great significance in human history, frequently appearing in literature, theater, and films. Its allure stems from its almost mystical appeal, tragedy, and romance. Blood revenge also arouses scholarly interest in various disciplines, including history, philosophy, cultural studies, and jurisprudence.

Initially, blood revenge is a reaction to aggression, embodying both retribution and justice, similar to the laws of nature. At its core is the idea of justice, a concept humans have long aspired to. This aspiration led to the formation of judgments and duty systems. Blood revenge represents retributive, or rewarding justice, a theory articulated by Aristotle. It serves as a form of retaliation, repaying evil with evil. As G.V. Maltsev notes, the essence of retribution is returning the effect of the action (in kind or equivalent form) to the person who caused it. If someone causes suffering, they, in turn, must suffer [1, p. 9]. In this context, the desire for retribution is seen as a natural right. People in pre-state societies, in which clans were the primary social unit, particularly understood this principle. Within the patrimonial system, individuals acted on the belief that retribution was inevitable in response to any experience of good or evil, considering it a universal principle governing nature and community [1, c. 9]. Thus, retribution was viewed as part of the universal justice underpinning the world's structure. For ancient people, justice and retribution were not subjective concepts but universal laws that maintained balance. The problem of retribution remains relevant today, as modern worldviews, like those of the ancients, include beliefs in good and evil. Maltsev rightly observes that human culture, from its earliest stages to the present, is built on a delicate balance of good and evil, with positive and negative forces [1, p. 9].

Blood revenge is a context in which retribution is often most vividly expressed. Some scholars argue that retribution involves first the restoration of what was lost and then the elimination of the source of the harm, which, when it involves a person or social group, results in punishment and penance [1, p. 10]. This view is contentious, as the concept of compensation for damage emerged much later.

The origins of blood revenge lie in a sense of justice, which gradually took legal form as customary law. This marked a particular stage in the dynamic evolution of punitive systems following offenses, grounded in the principle of justice [2, p. 56].

Blood revenge became feasible in a cohesive social group where shared joy and sorrow united members into a collective whole. This solidarity meant that each individual's problems were seen as shared by the entire group, creating deep psychological unity. In addition, to this

horizontal cohesion, there was vertical cohesion, reflecting strong connections with deceased relatives and ancestors who served as the family's guardians. The cult of ancestors, totemic beliefs, permanent residence, landscape, and sacrifice rituals all contributed to the cohesion of ancient social groups. Consequently, the murder of a clan member was perceived as a loss and insult to the entire community, prompting revenge against the murderer and their entire clan. Maltsev argued that blood revenge was originally aimed at proportional punishment, where the idea was complete identity in retribution, not just in quantity but also in quality. The principle of talion law dictates that the victim targeted for revenge should closely match the murdered relative in age, health, hunting, skill, and social status. This often meant waiting for someone to grow up in the guilty clan who met these criteria [1, p. 13]. It did not matter if the murderer was a different person; collective responsibility was assumed by the entire clan, including future generations. This notion of collective guilt led to collective responsibility. A.V. Chepus noted that during the tribal system, blood revenge was the primary method of conflict resolution,¹ as evidenced by its normative regulation. This raises the question: can blood revenge be considered not only a custom but also a legal phenomenon? Was it a normative institution? Did it pertain to law or morality? It seems to have been a legal phenomenon, as blood revenge involves rights and duties correlated with each other and the legal norms are characterized by guidelines for possible and proper behavior. The murder of a relative conferred the right to revenge, which was institutionalized. The offending kin was obliged to be punished. However, this institution also had a strong emotional charge, placing it within the sphere of morality. There was a clear connection between right and duty; blood revenge was not only a right but also a duty. Refusal to take revenge brought shame and contempt to society. A.V. Chepus believes that blood revenge serves to restore balance. He writes that, after analyzing various historical sources and the views of ancient and modern thinkers, the purpose of blood revenge was to equalize the forces of warring clans, prevent attacks from other tribes, and avoid weakening the clan [3, p. 143]². The emotional aspect, such as resentment and insult, often outweighed the material or economic damage caused. For example, the killing of a strong worker in blood revenge resulted in psychological stress rather than mere economic loss. As economies develop, the material factor gains

¹ A.V. Chepus Institute of blood revenge as a primary element of responsibility formation in antiquity (in Russ.). URL: <https://izron.ru/articles/osnovnye-problemy-i-tendentsii-razvitiya-v-sovremennoy-yurisprudentsii-sbornik-nauchnykh-trudov-po-i/sektsiya-1-teoriya-i-istoriya-prava> (дата обращения: 22.10.2022).

² Ibid

importance. Blood revenge hindered economic development, as clan members were constantly engaged in or anticipating conflict, which restricted their ability to freely participate in economic activities. These conditions gradually changed attitudes toward blood revenge, even as the idea of balance remained deeply embedded in ancient consciousness. Eventually, the system of wergeld (compensation) emerged, although transitioning to compensation and reconciliation was challenging. Blood revenge was a way to pay for life and suffering, and initially, there was no acceptable substitute. The community often despised reconciliation achieved through the wergild.

A.N. Konev posited that blood revenge is linked to phenomena rooted in primitive society: 1) the prohibition of marriage within one's kind; and 2) the division into friend-or-foe [3, p. 143]. According to Konev, even inter-clan marriage did not make clans "friends". The connection between blood revenge and the prohibition of endogamous marriages is debatable. This prohibition is often explained by competition among men of one clan for women, leading women to marry outside their clan. While this competition jeopardized strong men and women alike, its relevance to blood feuds is uncertain. The "friend-or-foe" division was characteristic of the primitive communal system, but internal clan murders could still occur, turning "friends" into "foes".

G.V. Maltsev emphasized that blood revenge targeted those responsible for disrupting social equilibrium, enacting retribution — returning evil for evil [1, p. 13]. The primary purpose of blood revenge is retribution, a form of punitive justice proportional to the crime. Even in blood revenge, elements of restitution and reparation appear, particularly as economic development progresses [1, p. 14]. Restitution involves restoring what was lost, such as returning a person's status, while reparation compensates for damage, including the payment of wergeld.

Thus, blood revenge comprises four elements:

- 1) satisfying the desire for vengeance, which reflects the emotional nature of blood revenge;
- 2) restoration of honor, as the avenger protects the honor of their entire group;
- 3) compensating for the losses associated with the death of a family member, acknowledging the loss of a worker and warrior (blood revenge could include wergild payment, with compensation eventually becoming more prominent in the punishment system);
- 4) restoring the natural balance disturbed by the crime.

A.V. Chepus highlights several features of blood revenge:

- 1) the offended clan chose a victim according to the status and dignity of the deceased, meaning the potential victim was

not necessarily the murderer, but the responsibility fell on the entire clan³;

2) initially, the circle of revengers and victims was broad, including men, women, and even children, but blood revenge gradually became an exclusively male affair;

3) the right to blood revenge arose only in the cases of murder, not other crimes;

4) blood revenge could be passed down through generations, often lasting so long that the original cause was forgotten, sometimes leading avengers to exceed the equivalent retribution, prompting retaliation from the other clan;

5) there were cases where blood revenge ended through reconciliation⁴. Despite its intended goals, blood revenge often led to perpetual bloodshed, resulting in the weakening or even the destruction of entire families [4, p. 46].

As mentioned above, blood revenge became a normative institution quite early and had to be carried out according to specific rules. This procedure could be influenced by the degree of the murderer's guilt. G.V. Maltsev notes that the first and simplest classification of murder originated in connection with the institution of reconciliation. People began to distinguish between two categories of murder: those limited to measures of repairing damage and unforgivable murders, which necessitated blood revenge [5, p. 152]. Murder was further divided into intentional — characterized as daring, treacherous, cruel⁵, and secret — and unintentional, which occurred without malice aforethought, as a result of accidental circumstances. In Scandinavian myths, unintentional murder was often justified. For example, the god Höd, who was blind, accidentally killed the young god Baldar. When Baldar encountered Höd in the afterlife, he forgave him, recognizing Höd innocent of the murder. Additionally, it was customary to kill a thief caught in the act.

Russian scientist A.S. Malinovsky connects blood revenge with the death penalty. In antiquity, when the modern concept of the death penalty did not exist, it was carried out by the victim's family in the form of blood revenge [6, p. 1].

The Bible is one of the oldest sources of blood feuds. According to the Bible, revenge is both a right and a duty imposed by God. Revenge in this context is seen as a sacred right and religious duty, as human life is sacred and

³ A.V. Chepus Institute of blood revenge as a primary element of responsibility formation in antiquity (in Russ.). URL: <https://izron.ru/articles/osnovnye-problemy-i-tendentsii-razvitiya-v-sovremennoy-yurisprudentsii-sbornik-nauchnykh-trudov-po-i/sektsiya-1-teoriya-i-istoriya-prava> (дата обращения: 22.10.2022).

⁴ Ibid.

⁵ Ibid.

inviolable, and is made in the image and likeness of God. After the flood, God told Noah and his sons, "Whoever sheds the blood of man, by the hand of man shall his own blood be shed" [7, Gen. 9:6]. Later, Moses reiterated, "Blood defiles the land, and the land cannot be cleansed of the blood shed on it, except by the blood of the one who shed it" [7, Numbers, 35:33]. The substitution of a ransom for vengeance was not encouraged and was forbidden: "You shall not accept a ransom for the life of a murderer who is guilty of death; he/she must be put to death". [7, Numbers, 35:31]. Since blood revenge was a religious ritual, the revenger often sought God's help, as expressed in Psalm 93: O Lord, God of vengeance, O God of vengeance, shine forth! Rise up, O Judge of the earth; repay the proud what they deserve" [7, Ps. 93:3-5]. Mosaic Law established a normative procedure for carrying out blood revenge. When a murder was committed, the court-appointed a blood avenger and granted them the right to take vengeance. The law also provided for cities of refuge: "Appoint cities of refuge, where the manslayer who kills any person without the intent may flee, that they may not die by the hand of the avenger of blood before he/she stands trial before the congregation" [7, Numbers 22-25]. If the murderer fled from the city of refuge and was overtaken by the blood avenger, the avenger could kill him, but only after the high priest's death was the murderer allowed to return to his/her land [7, Numbers 35:26-28]. Moses made a clear distinction between intentional and unintentional murder, with the latter not being punishable by death. Cities of refuge were established where those guilty of unintentional murder could seek protection from avenging family members. According to the Mosaic law, only men act as blood revengers. It was considered dishonorable for a man to be killed by a woman. For instance, in the story of King Abimelech's death, God avenged Abimelech's killing of 70 brothers. When a woman mortally wounded Abimelech by dropping a millstone on his head, he ordered his bodyguard to kill him to avoid the shame of dying in a woman's hand. This story concludes with the assertion that God repaid Abimelech for his evil deeds [7, Judges 9:56].

In ancient Greece, we also find information about blood revenge, with gods who disapproved of lawless deeds often depicted as their patrons. For instance, the Greek pantheon included the goddess of vengeance, Erinyes. In "The Odyssey", Orestes avenges his father's murder by killing Aegisthus, who had seduced his mother and killed his father. This act of revenge against a lawless murderer was seen as brave and universally approved [8, Odyssey, III, 195-205]. Another example is found in the "Iliad." After King Agamemnon insults Achilles, Achilles' mother Thetis pleads with Zeus for vengeance:

"Fulfill a prayer for me,
Avenge my son, Zeus.
Take vengeance on him, O Provider of the Heavens, Cronus".

Thetis' pleas have an effect, and Zeus is troubled with anxious thoughts about how to avenge Achilles' honor [8, Iliad I, 504-508]. There is also the story of Achilles avenging Patroclus by killing Hector. In the Odyssey, after Odysseus kills Penelope's suitors, their relatives seek revenge:

"Let us be up and doing before he can get away to Pylos or to Elis where the Epeans rule,
or we shall be ashamed of ourselves forever afterward.

It will be an everlasting disgrace to us if we do not avenge the murder of our sons and brothers" [8, Odyssey, XXIV, 430-435].

However, attitudes toward blood revenge were already ambiguous in Homeric times. While revenge was still practiced, it was not always seen as heroic. For example, G.V. Maltsev notes that the anger of the revenger did not always inspire admiration and was not universally approved. The alternative to killing was to accept blood as payment [5]. By the time of Sophocles in the fifth century B.C., blood revenge was increasingly seen as a violation of the gods' will, a crime. This reflects the emerging value placed on human life, a concept gradually spreading through all levels of society [2].

Among the Slavs, blood revenge has been a longstanding tradition, dating back to ancient times. By the 10th century, it had become an established ritual for resolving social conflicts. According to legend, a man named Rus had a son who was killed in a fight. Rus ordered his son to avenge himself by killing the culprit, which he did. Rus did not rest until revenge was taken, as refusal to seek revenge was seen as disgraceful and could lead to expulsion from society.

Blood revenge is considered one of the forms of criminal punishment. This perspective is supported by M.F. Vladimirovsky-Budanov, who argued that blood revenge served as a punishment for murder, a crime viewed as highly serious. In this system, the punishment was carried out by the victim or their family.

First, Vladimirovsky-Budanov provides evidence that blood revenge was legally sanctioned, citing the Torah and the Russian Pravda (short edition).

Second, He contends that revenge was a form of justice rather than arbitrariness, with victims appealing to the court to appoint a blood revenger. This process is exemplified in the annals of 1071, where Prince Jan of Voevoda handed

over the magi of Yaroslavl, condemned for the murder of many women, to the relatives of the victims, instructing them to take revenge. The relatives executed the guilty parties [9, p. 120].

The law outlines the parameters of blood revenge, specifying the circumstances under which it can be exercised. This is evident in the norms established by the Treaty with the Greeks of 911 and the first article of the Russian Pravda, which identified the potential blood revengers as fathers, sons, brothers, uncles, or nephews. However, according to Vladimírsky-Budanov, the Russian Pravda presented an incomplete list that omits mothers, wives, sisters, and daughters. Historical records confirm the existence of this right. Vladimírsky-Budanov highlights a fundamental shortcoming in ancient legal documents: the lack of generalizations, as they often attempt to enumerate specific details, which is not always an effective approach [9, p. 121]. It seems reasonable to posit that the Russian Pravda did not provide an explicit list of revengers, assuming it was naturally understood.

Third, the concept of revenge was linked to crimes such as murder, injury, harm to health, and dishonor. Additionally, there was the notion of “imaginary revenge”, which involved the killing of a thief caught in the act. However, it is more likely that this was not an act of revenge but rather a case of homicide in self-defense. Ultimately, what constituted revenge and who was culpable were determined by the revenger, not by law. The law stipulates that the right to take a life arose only in the context of murder and did not permit taking a life in response to personal insults. In such cases, the offended party could administer corporal punishment instead.

In general, and in agreement with M.F. Vladimírsky-Budanov, blood revenge can be seen as a form of punishment not only because it was codified in law but also because its codification acknowledged the existence of blood revenge as it was already diminishing. Furthermore, the law aims to limit its practices. Blood revenge was prevalent during a time when state and formal laws did not exist, and societal norms were governed by customs and ancient legal procedures. There were no professional courts; judges could be elders, chiefs, priests, or simply respected individuals who determined the circle of blood revengers and the procedure for carrying out blood revenge, although these were not always strictly observed, leading to cycles of retaliation.

An examination of the customs of blood revenge among European and Slavic peoples revealed similar patterns. Among the Germanic tribes, blood revenge served various functions, such as punishment, restoring equilibrium, and providing social protection, thus, it was considered socially

legitimate. A sense of enmity or favor was often passed down through generations, and feuds can persist for a long time. However, blood revenge could end in reconciliation, often after the payment of wergild, a form of compensation. Reconciliation was typically marked by a communal meal [10, p. 46]. Tacitus notes that feasts were occasions for discussing reconciliation, marriages, the election of leaders <...>, and alliances, emphasizing the importance of sharing both enmities and friendships. Even the killing of a person could be atoned for with compensation, benefiting the entire community as unchecked feuds were seen as harmful to societal cohesion [11, p. 349].

The reason for blood revenge included attacks on life, property, and dignity, or insults to one's appearance or abilities. For example, calling a man lazy or slow to demonstrate military valor or giving someone an insulting nickname was considered an affront [10, p. 49]. It was also offensive to accuse a woman of being a sorceress. Insult to women, desecration of graves, and acts of violence can also provoke blood revenge.

Both men and women participated in blood revenge, and those who refused were often scorned and given derogatory nicknames. However, refusal was rare, and both men and women took their duties seriously. As mentioned above, blood revenge was seen both as a right and a duty and was publicly proclaimed as “faida” (blood revenge).

Like other cultures, the Germans had specific rules governing blood feuds. Even the killing of a guilty party was carried out publicly and was seen as just; lynching was socially accepted. A notable example is the Germanic epic “The Song of the Nibelungs”, where Kriemhilda avenges her husband Siegfried's murder by killing her enemies, eventually dying herself. Another example from the Icelandic sagas is Queen Gudrun, who avenges her brothers' deaths by having her sons killed by Konung Atli. She then serves her husband dishes made from her sons' hearts and sets the house on fire, killing the king and his entourage [12, stanza 50].

In Germanic-Scandinavian mythology, the gods themselves practiced faida. The Aesir gods frequently engaged in conflicts with the Vanir (gods of fertility), Jotuns (giants), and Dwarves, creating a history marked by endless feuds.

Although blood revenge served the purpose of social protection, it often led to prolonged conflicts between families and clans. The principle of “talion”, an eye for an eye, was rooted in this practice, and blood revenge can be seen as a precursor to capital punishment. Over time, this practice was gradually replaced by the payment of “wergild” (a compensatory fine). For instance, the Salic Code (Lex Salica) specifies the amounts of various offenses: “Whoever

takes the life of a man, or takes the wife of another man from her living husband, shall be ordered to pay 200 solidi" [13, Chapter XV, 1]; "whoever takes the life of a boy, shall be ordered to pay 600 solidi" [13, Chapter XXIV, 1]; "whoever takes the life of a free woman, shall be ordered to pay 600 solidi" [13, Chapter XXIV, 2]. This illustrates that at the time of the Salic Code's enactment, blood revenge was still prevalent, and the state was actively working to replace it with wergeld. The payment of wergeld not only ended the cycle of blood revenge but also provided financial compensation to both the state and the victim's family, ensuring a form of peace. Violating this agreement was considered a serious crime.

For a period, both wergeld and blood revenge coexisted. Some medieval Norwegian regional laws gave the injured party full right of retribution, either through blood or by outlawing the guilty party [14, pp. 103-104]. The transition to wergeld was challenging; early opportunities for monetary compensation were often met with disdain, as accepting money for blood was considered dishonorable.

Gradually, the right to enact vengeance and the use of force shifted to authorities such as kings and local rulers, and *faida* became associated with vigilante justice, subject to punishment by the state. Christianity also played a role in opposing blood revenge. However, the legal abolition of blood revenge did not immediately eliminate the practice. For example, M.M. Blok mentions that in Friesland, a dead man's body was hung by the feet until the blood revenge was carried out, after which the body could be buried [15, p. 127].

One notable case is that of Florentine di Buoncristiano (1316), who bequeathed part of his property to a person who would avenge his death. A revenger was found 24 years later [15, p. 127]. In another stance, in France in 1260, a man was tried for a murder committed by his nephew, but his defense that he was not responsible for his nephew's actions was dismissed. There were also customs in some European countries that required a 40-day notification period before initiating a blood feud, allowing time for the feuding clan to prepare.

Blood revenge, originally a means of defense, persisted for a long time. Initially having a legal character, it eventually

became a non-legal custom but continued to hold a sacred significance. Over time, it ceased to be directly connected to specific life conditions and was instead passed down to future generations as a sacred covenant, despite its harmfulness, social danger, and illegality [16, p. 35].

In the Middle Ages, deadly feuds between noble families, especially in Italy, were common. The Church, advocating for a peaceful life, fought against these conflicts by establishing "God's Peace" days, during which engaging in hostilities in private wars was forbidden under the threat of excommunication. However, blood revenge did not disappear and was even cultivated within society, becoming part of the general morality and being recognized as just. The state attempted to protect the innocent and prosecute revengers. For example, William the Conqueror issued a decree stating that revenge could only be exacted by a father on a son, and vice versa [16, p. 37].

As the power of the state grew, it increasingly took on punitive functions, even enforcing truces through court-down agreements. Despite these efforts, the authorities could not completely eradicate the practice of blood revenge. In 1232, a municipal charter (*Artza*) was issued, granting the property of the guilty party to the lord and giving the guilty person to the victim's family, who could then kill them. Only the victim's relatives had the right to sue, and by the 13th century, a murderer could not be pardoned by the court without the victim's consent. Furthermore, the payment of wergeld was required after a public act of repentance. If the liege killed someone, then the responsibility for the blood revenge extended to his vassals [16, p. 37].

Thus, the custom of blood revenge has survived not only the primitive communal system but also the Middle Ages. Even in modern times, despite criminal prosecutions, blood revenge persists. As Don Corleone in the novel "The Sicilian" poignantly states: "What would happen on earth if men, despite the arguments of reason, only knew that they would settle scores with each other? This is the curse of Sicily, where men are so preoccupied with blood revenge that they have no time to earn bread for the family." Originating as a social necessity and a means of defense, blood revenge has proven difficult to eradicate.

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