

STUDYING CORRUPTION AND ANTICORRUPTION IN A LATE MEDIEVAL COMMUNE: THE CASE OF THIRTEENTH- AND FOURTEENTH-CENTURY BOLOGNA

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ABSTRACT

This paper explores the historical meaning of corruption and its forms of contrast in late medieval Bologna. It focuses on understanding the different and changing notions this form of classifiable crime, performed by public officers, assumed in the three main statutes produced in the city between the late Thirteenth and early Fourteenth century: the statutes of 1250-1267, of 1288 and of 1335. Apart from providing a detailed account of all the different actions considered as *corruptio* in these normative texts, the paper goes further, comparing these dispositions with documents that can offer insights into the practical aspects of the phenomenon, such as chronicles and legal cases, pertaining to the *ad maleficia* courts.

KEYWORDS

Corruption, Anticorruption, officers, statutes, Bologna.

CAPITALIA VERBA

Corruptio, Instrumenta contra corruptionem, Legati, Leges, Bononia.

1. Introduction¹

In 1195, the *podestà* of Bologna, Guido da Pistoia, and his *familia* (the bailiffs, judges and foreign officers who accompanied him in town) were accused of abusing of their prerogatives, spending communal resources to their own benefit and influencing the outcome of court procedures in exchange for money. Once his actions were revealed, the population chased Guido through the streets of Bologna, captured him and tore all his teeth apart.²

The episode, reconstructed by Gianfranco Orlandelli,³ instigated a series of reflections and debates on all actions that constituted corruption as a classifiable crime, which found a concrete expression in the Bolognese Statutes of 1250, the oldest ones preserved to this day. The goal of this article is to reflect on the historical meaning of corruption —a theme that has received renewed attention from historians in recent years⁴— and the strategies to fight it in late medieval Bologna. The cities of northern and central Italy offer a privileged laboratory⁵ for the study of the topic in the last centuries of the Middle Ages, especially Bologna, city where Irnerio and his disciples “restored” the *Corpus Iuris Civilis* and where the presence of a prestigious *Studium* motivated the development of a refined sensibility and an acute juridical reflection on the institutions of government and on the role of public officers.

The idea is to reconstruct the normative attempts to define corruption in the communal statutes of Bologna, highlighting the behaviours and actions of public officers that were classified as belonging to this type of misconduct and the hierarchy of gravity these documents established among them. In this process of normative definition, I also explore the descriptions and proposals on how to contrast and eradicate these practices contained in the statutes, such as the institution of the *sindacato* (end of term audit). This paper considers these measures, especially when moving forward to verify the changes and alterations posterior statutory versions

1. Used Abbreviations: ASBO, Archivio di Stato di Bologna.

2. The episode marked the citizenship to such an extent that it appears systematically in all Bolognese chronicles from the Late Middle Ages, from the *Cronaca Lolliana* (13th century) to the works of *Matteo Griffoni and Pietro di Mattiolo* (15th century).

3. Orlandelli, Gianfranco. “La revisione del bilancio nel comune di Bologna dal XII al XV secolo”. *Atti e Memorie della Deputazione di Storia Patria per le Province di Romagna*, 2 (1951): 1-64.

4. Guy Geltner, André Vitória and Ronald Kroeze realised in 2017 that, despite corruption and anticorruption have been a constant object of reflection for politicians, intellectuals, non-governmental organizations and the media, little attention has been given to the phenomenon from a historiographical point of view. The authors argued that, up to that year, there was no comprehensive scholarship that treated corruption (and the solutions societies offered to contrast it) as a notion whose contents changed in space and time, especially regarding the so-called pre-modern societies. Kroeze, Ronald, Vitória, André, Geltner, Guy. “Introduction. Debating corruption and anticorruption in History”, *Anticorruption in History. From Antiquity to the Modern Era*, Ronald Kroeze, André Vitória, Guy Geltner, eds. Oxford: Oxford University Press, 2017: 1-17.

5. Hagen Keller uses this expression to describe the creative capacity of the central and northern Italian communes in terms of legislation, politics and justice in Keller, Hagen. *Il laboratorio politico del Comune Medievale*. Naples: Liguori, 2014.



introduced to the matter: namely, the statutes of 1288 and of 1335. Both statutes are the product of particular political contexts. The first is created when the *popolo*—the members of the Arts and Arms societies—achieved its peak of power inside Bologna, after physically removing their adversaries from the territory.⁶ The second followed the presence of a seignorial government in the city, which from 1327 until 1334 greatly altered institutions and offices and influenced the general perception of their role in town.⁷ The different political scenarios in which these documents were promulgated allow us to question if the understanding of corruption and the practices designed to fight it varied from a “popular” to a seignorial form of government.

Once established this normative framework, the article focuses on evidence of the relationship between practice and theory concerning corruption, and on the difficulties and nuances found on applying the solutions offered in the statutes. Two types of sources are particularly interesting in this regard: legal cases and chronicles.⁸ In thirteenth and fourteenth-century Bologna, the *ad Maleficia* courts were responsible for judging crimes considered particularly heinous for the community, such as rape, homicide, treason, and cases of corruption also appear in the various series pertaining to this court that survived to this day and are preserved in the State Archive of Bologna.⁹ These cases offer precious material to compare convergences and differences between theory and practice: individuals involved in these legal procedures not seldom discussed motivations and nuances between what the statutes described as corruption and the actual practices of communal officials under scrutiny. Even a partial reading of all the sources available allow us to find interesting elements to this discussion.¹⁰ Due to the extent and the complete

6. On the physical exclusion of adversaries in the late medieval Italian communes, with emphasis on the Bolognese case, see: Milani, Giuliano. *L'esclusione dal comune. Conflitti e bandi politici a Bologna e in altre città italiane tra XII e XIV secolo*. Rome: Istituto Storico Italiano per il Medioevo, 2003.

7. For an overview of all offices and institutions Bertrando del Poggetto altered in Bologna, see, particularly: *Lo statuto del commune di Bologna dell'anno 1335*, ed. Anna Laura Trombetti Budriesi. Roma: Istituto Storico Italiano per il Medioevo, 2008: (“Introduzione”).

8. I decided to exclude the documentation directly produced by the *Sindacato* from the *corpora* concerning the practical aspect of corruption because of its fragmentary state of preservation in the *Archivio di Stato di Bologna*. The series contains 27 *buste* (large folders), from which 19 focus solely on the years between 1284-1300, and none of the legal procedures included in these folders is complete. I am preparing an article entirely dedicated on the difficulties of working with this series.

9. The *ad maleficia* series preserved in the State Archive of Bologna contains 1124 *buste*, divided into three sub-series: the *Libri Inquisitionum et Testium*, consisting of legal trials mostly developed under the inquisitive procedure, the *Accusationes*, dedicated to legal cases following the accusative procedure, and the *Carte di Corredo*, which contains all sorts of miscellaneous documents concerning legal trials. Together, all of these *buste* contain more than a million trials, constituting one of the largest surviving collections of legal cases concerning late medieval penal justice in Italy and in Europe. For a detailed description of these series, see: Blanshei, Sarah Rubin. *Politics and Justice in late medieval Bologna*. Leiden: Brill, 2010.

10. Considering the *ad maleficia* series contains more than one million legal trials, I had to select a specific number of *buste* that, while still offering an interesting point of comparison to the statutes under analysis, allowed a feasible approach to these sources. I decided, thus, to take into consideration the years of production of the statutes of 1250-67, of 1288 and of 1335, and analysed the *buste* produced in these specific years. Namely, they are: ASBo. Curia del Podestà. Giudici ad Maleficia. Libri inquisitionum et



manuscript form of the documentation, this article will only present a few of these cases.

The second type of source in this attempt to compare theory and practice in terms of corruption and its forms of contrast —the chronicles— present some considerable challenges. The Bolognese chronicle tradition from the Late Middle Ages is very fragmented in some aspects, composed mainly of anonymous authors, whose unknown identities require additional caution when analysing these texts.¹¹ Nonetheless, these works provide valuable narrative accounts of striking cases of corruption, highlighting the collective answer public authorities gave to these episodes, and, more often than not, the opinion of their authors on these incidents. Namely, the chronicles I take into consideration in this article are: *Cronica Bolognese* of *Pietro di Mattiolo* (14th – early 15th century), *Cronica Villola* (1374), *Cronaca Varignana* or *Tradition B* (1420), *Cronica Bolognetti* (1420), *Cronaca Rampona* or *Tradition A* (1425) and the *Memoriale Historicum* of *Matteo Griffoni* (1426).¹²

2. Corruption and its vocabulary

Before starting the analysis of the Bolognese statutes, it is necessary to dedicate some attention to the words connected to the phenomenon that appear in the sources. Corruption comes from the Latin *corruptio* and the modern sense of the English word means a “dishonest or illegal behaviour involving a person in a position of power, for example, accepting money for doing something illegal or immoral.”¹³ The Latin *corruptio*, however, especially in late medieval Italy, possessed a much

testium, 1, 9, 9bis, 9ter, 10, 11, 12, 13, 14, 15, 16, 17, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 146bis; ASBo. Curia del Podestà. Giudici ad Maleficia. Accusationes, 1/b, 6/a, 6/b, 7/a, 7/b, 8/a, 8/b, 49/c; ASBo. Curia del Podestà. Giudici ad Maleficia. Carte di Corredo, 1, 11, 12, 13, 85, 86, 87, 88. These 40 *buste*, contain 273 registers and approximately 3000 trials. Out of these, nearly 400 cases regarded trials on corruption. It is difficult to assume anything from these numbers because the series is far from complete.

11. On the challenges of working with the Bolognese chronicle tradition, see: Zabbia, Marino. “Bartolomeo della Pugliola, Matteo Griffoni e Giacomo Bianchetti. Problemi di cronachistica bolognese fra Tre e Quattrocento”. *Bullettino dell’Istituto Storico Italiano per il Medio evo*, 102 (1999): 99-140.

12. I did not include the *Cronica Lolliana* in this list because, despite being the oldest known Bolognese chronicle, the text only contains a list of names of the *podestà* in charge of each semester from 1162 to 1299, with very little comments on anything that happened in those years (with the exception of the episode concerning Guido mentioned above). All six chronicles here listed have received abundant historiographical attention, and Albano Sorbelli published most of them in his *Corpus Chronicorum Bononiensium: Corpus Chronicorum Bononiensium*, ed. Albano Sorbelli. Città di Castello: S. Lapi, 1910-1940: (iv vols.). Sorbelli published the *Memoriale Historicum* of Matteo Griffoni together with Ludovico Frati as a separate publication: Griffonibus, Matthaei de. *Memoriale Historicum de Rebus Bononiensium [A.A. 4448 a.C. – 1472 d. C.]*, eds. Ludovico Frati, Albano Sorbelli. Città di Castello: S. Lapi, 1902. Corrado Ricci published, instead, the *Cronica Bolognese* of *Pietro di Mattiolo*: Mattiolo, Pietro di. *Cronaca bolognese*, ed. Corrado Ricci. Bologna: Editrice Forni, 1969.

13. “Corruption”. *Cambridge English Dictionary*. 14 October 2021 <<https://dictionary.cambridge.org/dictionary/english/corruption>>.



broader meaning. Charles du Fresne, known as *Du Cange*, pointed out that *corruptio* was often employed in medieval ecclesiastical legislation to describe the rupture, licit or illicit, of the virginal state, an *actus quilibet venereus sive licitus sit sive illicitus*. *Papias in MS. Bituric.: Continentia est post corruptionem sexus renuntiatio (...) continens non solum in castitate post corruptionem, sed ab omni vitio. Eidem Corumpere, Devirginare.*¹⁴ Jan Frederik Niermeyer and Co van de Kieft stressed this sexual connection of the term in church documents, emphasizing however, a more negative use of *corruptio* than *Du Cange* suggested, associating it directly with illicit relations.¹⁵ The poet Dante Alighieri spoke of *corruptio* when describing rotten nature and contaminated air, but also when narrating the degeneration of the earthly world in his *Divine Comedy*.¹⁶ The more political sense of *corruptio* appears in the writings of the famous Bolognese jurist, Bulgaro, who systematically applied the term to describe judges who, while serving the commune, abandoned their research for *iustitia* in the name of personal gain.¹⁷ It was Bulgaro and his fellow jurists, in fact, that reconstructed an idea of political morality and good administration based in classical concepts, but imbued with clearly medieval expressions connected to Christian morality, inspired by the Old and New Testaments.¹⁸ The *corruptio* in their texts became a word connected in the political sphere to a series of others, such as *iniustitia*, *turpia*, *gravia*, *dolo*, *fraude*, *barataria* and *lucrum*, terms that had in common the growing importance of public officers in the communes and the expectations society bestowed on them.

It is considering this diverse political vocabulary connected to the *corruptio* that Dante Alighieri's legal trial—the most famous and studied legal trial of public corruption of the Middle Ages—described his alleged actions against the political regime as *baratteria*, *frode* and *falsità*.¹⁹ It is bearing in mind these words and terms that this article approaches the statutes for the study of corruption and the efforts to fit it in thirteenth and fourteenth-century Bologna.

14. "Any venereous act, be it legal or illegal. Papias in Bourges' manuscript: continence is to renounce sex after corruption. Practice continence means not only celibacy after corruption, but also the renunciation from all vices. The same as to corrupt, to devirginate". Du Cange, Charles du Fresne. "Corruptio". *Glossarium ad scriptores mediae et infimae latinatis*. Paris: Firmin Didot, 1840-1850: II, 622.

15. "Dépravation moral – immorality." Niermeyer, Jan Frederik. "Corruptio". *Mediae Latinitatis Lexicon Minus*. Leiden: Brill, 1984: 277.

16. *Io veggio l'acqua, io veggio il foco, l'aere e la terra e tutte lor misture venire a corruzione, e durar poco* ("I see the water, I see the fire, the airs and the earth, and all of its mixture corrupt itself and not last for long"): Alighieri, Dante. *Commedia*, ed. Giorgio Petrocchi. Milan: Mondadori, 1967: I, 376.

17. Sarti, Nicoletta. *Maximum dirimendarum causarum remedium. Il giuramento di calunnia nella dottrina civilistica dei sec. XI-XIII*. Milan: Giuffrè, 1995: 71 e 169.

18. Olivieri, Antonio. "Corruzione e tensioni politiche e religiose nel medioevo. Prime considerazioni", *Regolare la politica. Norme, liturgie, rappresntazioni del potere fra tardoantico ed età contemporanea*, Paolo Cozzo, Franco Motta, eds. Roma: Viella, 2016: 57-68.

19. The bibliography concerning Dante's trial is extensive. For a good and recent evaluation of this scholarship, see: Milani, Giuliano. "Appunti per una riconsiderazione del bando di Dante". *Bollettino di Italianistica*, 2 (2011): 42-70.



3. Corruption in the Bolognese Statutes

3.1. The statutes of 1250-1267²⁰

Created almost 20 years after the general revolt that brought the *popolo* to power,²¹ these statutes describe a city whose administrative government is entrusted to two main figures: the captain of the *popolo*—representative of the interests of the Arts and Arms societies—and the *podestà*. Both individuals who occupied these positions were supposed to be foreigners, chosen by city councils, and they should bring from their city of origin all judges, notaries and officers necessary during their mandate in Bologna. This decision to entrust the highest positions of power inside the commune to foreigners derived from a desire to keep the structures of civic government, if not completely neutral, at least detached from all disputes of families seeking for power.²² The aim of legislators was to contain some of the main sources of social disarray and instability, limiting, for example, the practice of vengeance and of feuding, by urging the population to search for these “neutral” structures to solve their conflicts and disagreements.²³ This idea of the body of government as composed of institutions *super partes* marks all dispositions concerning public officers in these statutes and is central to understand their meaning of corruption and the intricate solutions these documents proposed to prevent and eradicate it.

The first two books of these statutes contain all oaths that officers should swear at the beginning of their mandate. It is interesting to notice the insistence that each of their actions and functions should be performed *remote hodio, amore, timore, prece et precio*: a clear reference to that expectation of neutrality mentioned above.²⁴

20. Considering their formal similarities, Luigi Frati chose to edit in a single text all statutes promulgated in Bologna from 1245 to 1267, which the Bolognese historiographical tradition continues to analyse as a single block of documents. The statutes of 1245 included in the 19th century edition, however, are only a fragment of the statutes of the Council of Elders (*Consiglio degli Anziani*). Therefore, the oldest version of the Bolognese communal statutes to survive is that of 1250. *Statuti di Bologna dall'anno 1245 all'anno 1267*, ed. Luigi Frati. Bologna: Regia Tipografia, 1869. For detailed information concerning the manuscripts used for this edition, see: Fasoli, Gina. “Gli statuti di Bologna nell’edizione di Luigi Frati e la loro formazione”. *Atti e memorie della Deputazione di Storia Patria per le Province di Romagna*, 1 (1936): 36-60.

21. On the revolts that brought the *popolo* to power in Bologna, as well as for a good introduction to the political changes the city went through during the 13th and the 14th century, see: Dondarini, Rolando. *Bologna Medievale nella Storia delle Città*. Bologna: Pàtron, 2000.

22. On the phenomenon of placing foreigners as heads of city government in the period, especially regarding the Podestà, see: Maire Vigueur, Jean-Claude, ed. *I podestà dell'Italia comunale*. Roma: École Française de Rome, 2000. Concerning Bologna in particular, see the papers of Vallerani, Massimo. “Ufficiali forestieri a Bologna (1200-1326)”, *I podestà dell'Italia comunale*, Jean-Claude Maire Vigueur, ed. Roma: École Française de Rome, 2000: 289-309; and Gaulin, Jean-Louis. “Ufficiali forestieri Bolonais: itinéraires, origines et carrières”, *I podestà dell'Italia comunale*, Jean-Claude Maire Vigueur, ed. Roma: École Française de Rome, 2000: 311-348.

23. Regarding justice and courts in the medieval communes, see: Vallerani, Massimo. *La giustizia pubblica medievale*. Bologna: Il Mulino, 2005. On the role of vengeance in late medieval Italy, see: Zorzi, Andrea, ed. *Conflitti, paci e vendetta nell'Italia comunale*. Florence: Firenze University Press, 2009.

24. “without hate, love, fear, entreaty and price”. Excluding the members of the city council, these two first books list the existence of a body of government of approximately 1128 officers in Bologna in the middle of the 13th century.



Furthermore, the *statutarii* —those responsible for composing statutes— stress that the effective exercise of public positions required *pura manus, pura consciencia* and *bona fide*.²⁵ These references to purity not only regarded their probity in the exercise of their offices, but also emphasized their close connections to the honour of the city (*honorem et bonum statum civitatis*). Their conducts should reflect the elevated spiritual and moral state of Bologna, and the statutes describe in these oaths deviations to these expectations using all those words connected to the *corruptio* contained in the writings of the jurist Bulgaro, mentioned above: *nec occasione mei offitii lucrum vel acatum aut promissionem faciam vel recipia; nec officium meum fraudulenter exerceo and contra officium meum facere in fraudem vel facere baratariam*.²⁶

These deviations were considered *corruptio*, however, when practiced willingly and consciously (*scienter*), admitting the statutes that error was inherent to the human condition and, as so, should not be equally punished as intentional actions, because it did not represent a rupture of the *bona fide*. That becomes evident, to give but a few examples, in the oaths of the *podestà*'s soldiers (*nec alicui manifestabo in dampnum vel detrimentum comunis scienter [...] et hec omnia atendam et observabo bona fide sine fraude*),²⁷ of the communal notaries (*introitos et lucre que ad massarium pervenerint et sibi facte fuerint et omnes expensas qua fecerit sine omni fraude scribam, et non plus scienter*),²⁸ of the communal bailiffs (*nec dabo vel dari faciam scienter*)²⁹ and of the officers in charge of communal constructions (*Item si quis officialis grative vel odio vel amore alicuius precio exhoneraverit aliquem singularem homine [...] condempnetur in duplum eius quod plus graverit vel alienaverit quam debuerit; et hoc si scienter fecerit non errando, sed ex certa sciencia*).³⁰

25. "Pure hand, pure conscious and good will".

26. "I shall not use my office to receive or to grant profit, favours and benefits, nor shall I execute my duties fraudulently", "commit fraud and barratry against my office". The specific passages come from: Frati, Luigi. *Statuti di Bologna...*: I, 240 (*Liber I, Rubrica XLX. Breve potestatum et massariorum et consullum terrarum districtus bononie* ["Brief of the *podestà* and consuls of all lands of the district of Bologna"]); and Frati, Luigi. *Statuti di Bologna...*: I, 113 (*Liber I, Rubrica XI. Sacramentum procuratorum comunis bononie* ("Oath of the procurators of the commune of Bologna"). The words are not underlined in the source. Due to the size of the *rubricae* (individual chapters that compose a statute) the references to their contents have been simplified to a maximum throughout this paper.

27. "And I shall reveal nothing consciously in detriment nor in damage of the commune (...) and I shall observe all of this in good faith, without fraud": Frati, Luigi. *Statuti di Bologna...*: I, 84-85 (*Liber I, Rubrica VI. Sacramentum militum potestatis* ["oath of the soldiers of the *podestà*"]).

28. "I shall write down all revenues and income received by the *Massaro* (communal treasurer) and all of his expenses without fraud, and consciously add no more to these values": Frati, Luigi. *Statuti di Bologna...*: I, 146-152 (*Liber I, Rubrica XIX. Sacramentum notariorum comunis bononie* [Oath of all notaries of the commune of Bologna]).

29. "nor shall I give or make anyone give consciously": Frati, Luigi. *Statuti di Bologna...*: I, 102 (*Liber I, Rubrica X. Sacramentum sequimenti potestatis* ["oath of the *podestà*'s entourage"]).

30. "Likewise, if any officer spared any man for reasons of favour, hate, love or for money (...) they should be condemned in double the amount of the damage caused. Only if these officers did what they did not because of a mistake, but willingly": Frati, Luigi. *Statuti di Bologna...*: I, 307 (*Liber II, Rubrica XLIX. De pena illorum qui sunt super laboreria comunis* ["On the penalties regarding those who supervise public works"]).



The approach of the *statutarii* to the actions of officers that compromised their ideal position *super partes* was by no means abstract. After declaring the condition of intentionality, the statutes try to list and describe exhaustively all possible behaviours that represented a rupture of acting *remoto hodie et amore* etc., thus, that constituted *corruptio*. As Mario Sbriccoli argued, the statutes were documents that aimed to leave no margin for interpretation of their contents; in fact, that clearly prohibited it during the Late Middle Ages.³¹ By comparing the monetary and physical penalties included in these descriptions, one can establish a hierarchy of gravity among these behaviours that allows us to comprehend how corruption constituted a sort of “umbrella” crime for these legislators.³²

At the very bottom of this list, with fines of 5 to 10 *libris bononinorum* (Bolognese pounds), are those conducts that one could classify as minor corruption: officers frequenting places of dubious fame, such as taverns and brothels, accepting invitations to lunch or to dine with private citizens,³³ or even having familiarity with certain churches, hospitals or houses. Even speaking to those responsible for these institutions without the consent of the city council was strictly forbidden.³⁴ Included in this category of minor corruption are officers gambling (using dices or chess pieces),³⁵ capturing special forbidden animals, such as pheasants, quails and rabbits,³⁶ and confiscating luggage from foreign merchants entering the city.³⁷

31. Sbriccoli, Mario. *L'interpretazione dello statuto: contributo allo studio della funzione dei giuristi nell'età comunale*. Milan: Giuffrè, 1969: (See especially the “introduzione”).

32. Guy Geltner proposed the expression in his study concerning Perugia. Geltner, Guy. “Fighting Corruption in the Italian City-State: Perugian Audit Procedures (sindacato) in the Fourteenth Century”, *A History of Anticorruption: From Antiquity to the Modern Era*, Ronald Kroeze, André Vitória, Guy Geltner, eds. Oxford: Oxford university Press, 2017: 103-121.

33. (...) *durante eorum officio comendant vel bibant in domo allicuius tabernarii nec alliquis eorum familiaris, nec emant nec dono recipiant ad aliquo tabernario potum vel comestionem vel a pistore vel ab albergatore vel ab alliqua persona que suspecta fuerit eidem pro eorum officio* (“Officers should not eat nor drink in the homes of any tavern-keeper, or of any of their relatives. They should not give nor receive gifts from tavern-keepers, not even beverages or food, nor from bakers and hotel-keepers, and any other suspicious person during their offices): Frati, Luigi. *Statuti di Bologna...*: I, 119 (*Liber I, Rubrica XXXXIX. Quod illi qui sunt loco yscariorum non comedant nec bibant in taberna* [“That the supervisors (*scarii*) should not drink nor eat in taverns”]).

34. Frati, Luigi. *Statuti di Bologna...*: II, 289 (*Liber VIII, Rubrica XCVII. In quibus locis et cum quibus potestas vel eius familia non utatur* [“In which places and with whom the podestà and his entourage should not interact”]).

35. *Ludum aliquem taxillorum non permittam fieri in massaria comunis, vel ludum scacorum* (“No game of dices or checkers should be permitted close by an administration building of the commune”): Frati, Luigi. *Statuti di Bologna...*: I, 129-139 (*Liber I, Rubrica XVI. Sacramentum massarii comunis bononie* [“Oath of the stewards of the commune of Bologna”]).

36. Frati, Luigi. *Statuti di Bologna...*: II, 240-243 (*Liber VIII, Rubrica XLIV. De quailis et perdicibus et faxanis et leporibus non capiendis nec vendendis* [“Quails, partridges, pheasants and rabbits should not be captured nor sold”]). Capturing and selling these animals, in this context, was considered corruption because they were particularly valuable and only certain authorized individuals could handle them, after receiving a special license from the City Council.

37. *Nullus qui stet ad portas circle custodienda debeat destorsare seu disligare malam seu torsam alicui mercatori per dictas portas transeuntes* (“No one who guards the doors to the city walls should subtract or destitute merchants who are going through the doors of their bags or backpacks”): Frati, Luigi. *Statuti di Bologna...*: II, 276 (*Liber VIII, Rubrica XVCII. Quod nullus elligatur ad somas ligandas*).



On a second level, with fines of 25 *libris boninorum*, one starts to find behaviours more connected to our modern understanding of public corruption, but that still are peculiar. These include spending more than allowed on public constructions and works,³⁸ altering commune debit registrations³⁹ and exploiting the *fumantes* —the inhabitants of the countryside— in public endeavours beyond a certain limit.⁴⁰ After this middle-range form of public corruption, the statutes turn their attention to what legislators considered a rather more serious level of misconduct from public officers. These actions are classified as such because the penalties include fines of 100 *libris bononinorum*,⁴¹ the immediate removal from office, and the ineligibility to office for a certain period, or even the complete or partial destruction of personal properties. Some of the behaviours included in this rather severe form of *corruptio* consist of issuing sentences *fraudolenter*,⁴² intervening in the election of other offices,⁴³ trying to alter the city statutes,⁴⁴ receiving bribes or gifts of any kind,⁴⁵ and keeping or usurping communal properties.⁴⁶

Particularly interesting to understand the statutes' notions on corruption are the actions listed as the worst an officer could perform, the *corruptio gravissima*, which resulted in penalties of 1000 *libris bononinorum*, indefinite prohibition to access public

38. *Si contigerit eum aliter expendere quam dictum est auferatu ei nomine banni XXV libris bononinorum* ("If an officer spends more than ordered, 25 Bolognese pounds should be taken from his possessions as penalty"): Frati, Luigi. *Statuti di Bologna...*: I, 216-217 (*Liber I, Rubrica XLV. De collecta imponenda per IIIor bonos viros et quomodo* ["On collecting taxes by four good men and how to do it"]).

39. Frati, Luigi. *Statuti di Bologna...*: II, 69 (*Liber VII, Rubrica LVIII. Quod de debitis fiant duo memorialia* ["that everything owed to the commune should be listed in two books"]).

40. Frati, Luigi. *Statuti di Bologna...*: III, 177 (*Liber X, Rubrica LXXXI. Quod presidentes stratis et aquis et aliis laboreris et officii debeant aequare* ["What the responsible for the streets, water conducts and other works and offices should repair"]).

41. To have an idea of how serious a fine of 100 *libris bononinorum* was in the period, one should consider that with this sum one could buy a large house with a consistent piece of land in the city centre in the thirteenth-century. For more examples of the purchasing power of the Bolognese pound in the Late Middle Ages, see: Massimo, Giansante. *L'usuraio onorato. Credito e potere a Bologna in età comunale*. Bologna: il Mulino, 2008: 144-158.

42. *Et inquiram si fraudolenter in suo officio fecissent vel dedissent sive habuissent pretium pro aliqua condempnatio vel absolutio, condempnabo in C. libras bononinorum nomine pene*, ("And I should inquire if anyone gave or emitted fraudulent condemnations or absolutions in exchange for money, and I should condemn them to a fine of 100 Bolognese pounds"): Frati, Luigi. *Statuti di Bologna...*: I, 152-158 (*Liber I, Rubrica XX. Sacramentum inquisitorum rationis* ["Oath of the 'accounting inquisitor'"]).

43. Frati, Luigi. *Statuti di Bologna...*: III, 109 (*Liber X, Rubrica XLI. De pena illius officialis qui fraudolenter fecerit ellectionem* ["On the penalties inflicted on those officers who fraud an election"]).

44. Frati, Luigi. *Statuti di Bologna...*: III, 284 (*Liber XI. Rubrica XVIII. Quod non possit interpretari aliquod statutum* ["That no one should interpret the statutes"]).

45. *Nec recipiam precium vel promissionem, nec recipiam aliquis per me vel alium ab illo quem elligere debeo* ("I shall not receive anything, promise or bribe for electing someone"): Frati, Luigi. *Statuti di Bologna...*: I, 90-106 (*Liber I, Rubrica X. Sacramentum sequimenti potestatis* ["Oath of the *podestà*'s entourage"]).

46. *Et nichil de rebus comunis que ad me vel ad laicum vel mei occasione pervenerint tempore mei officii depositi si tunc in me fuerint retinebo, nec aliquod lucrum faciam occasione mei officii aliquo modo vel ingenio* ("I shall retain none of the things that the commune trusted to me or to another lay person during my office, no will I have any profit in any way or form"): Frati, Luigi. *Statuti di Bologna...*: I, 85-88 (*Liber I, Rubrica VII. Sacramentum notariorum potestatis* ["Oath of the *podestà*'s notaries"]).



offices, corporal mutilations, permanent expulsion from the city (extended also to all male descendants) and even death. This list includes subtracting names from the communal register of condemned citizens (*banniti*),⁴⁷ expressing indulgence towards those condemned for arson⁴⁸ and aiding enemies to conquer the Bolognese territory in any way or form.⁴⁹ Corruption concerning the management of public grain occupy an especially severe place in this list: subtracting it from the commune resulted in a penalty of losing ones' hand,⁵⁰ while illegally selling it costed an officer his foot.⁵¹ Any mishandling of the public grain for personal gain incurred in a fine of 1000 *libris bononinorum*, the highest one present in the statutes.⁵²

According to some chroniclers, the shortage of grain and famine was one of the main problems for public authorities during the years of composition of these statutes.⁵³ It is interesting to notice then the relationship between the proper management of grain and the worst forms of corruption for the *statutarii*, adding another element to understand the specificities of the concept in the period.

If the statutes of 1250-1267 demonstrate a systematic concern in describing with detail any and every form of behaviour that could constitute corruption for a public officer, these documents dedicate even more energy to introduce and outline measures and procedures that could avoid, discourage and fight these actions. Considering the descriptions present in all 12 books of these statutes, it is possible to divide the attempts to contrast corruption in two types: preventive and punitive.

47. *ne aliquis officialis extrahat aliquod statutum de statuti in fraudem in consilio approbati sine voluntate consilii vel maioris partibus et si contrafecerit C. libris bononinorum puniatur; et in perpetuo non sit in officio comunis* ("That no officer, wishing to commit fraud, should extract any statute from the statutes approved in the council without consent of said council or the biggest part of it. Whoever goes against this disposition should be punished in 100 Bolognese pounds and removed permanently from communal offices"): Frati, Luigi. *Statuti di Bologna...*: I, 319-321 (*Liber II, Rubrica LXIII. De statuti vel bannitis seu cartis in fraude non accipiendis di libris comunis* ["On not fraudulently removing statutes or proclamations or pages from communal books"]).

48. *Item dicimus (...) in incendio dato, et de hoc potestas teneatur precise et non possit absolvi (...) si potestas vel alius de sua familia contrafecerit sit ipso iure condemnatus in M lire di bolognini* ("Likewise, we say (...) concerning arson, and the podestà should follow this norm precisely and he cannot absolve culprits (...) if the podestà or anyone of his entourage go against this disposition of law, they should be fined in 1000 Bolognese Pounds"): Frati, Luigi. *Statuti di Bologna...*: I, 297 (*Liber II, Rubrica XXXVIII. Quod nullus ponatur ad tondolum seu tirellum* ["That no one should be tortured with ropes"]).

49. Frati, Luigi. *Statuti di Bologna...*: II, 113-119 (*Liber VII, Rubrica CVI. Statutum pro medicina et argellata* ["statute concerning Medicina and Argellata"]).

50. Frati, Luigi. *Statuti di Bologna...*: II, 207-209 (*Liber VIII, Rubrica XVII. De blado non extrahendo extra districtum bononie* ["on not removing grain from the district of Bologna"]).

51. Frati, Luigi. *Statuti di Bologna...*: I, 507 (*Liber XII, Rubrica II. De locis constitutis in civitate bononie pro blado vendendo et quomodo ibi habuerit et teneri et vendi debere bladum* ["on the places designated in the city of Bologna for selling grain and how it should be there preserved and sold"]).

52. Frati, Luigi. *Statuti di Bologna...*: III, 525 (*Liber XI, Rubrica XXIV. De denaro expendendi causa bladi* ["on the money that should be spent concerning grain"]).

53. Such as the author of the *Cronica A: Item quello anno fu gran carestia a Bologna e in diverse parte, et valse allora la corba del formento lire tre e più* ("likewise, there was great dearth in Bologna and in many other places in that year [1250], and a large basket of wheat costed three or more pounds"): Sorbelli, Albano. *Corpus Chronicorum...*: II, 92.



Under the category of preventive measures fall a series of norms concerning the access to office, designed to avoid the election of individuals that could tarnish and usurp their position in government. First, the statutes excluded from office any person who was under a loyalty bond (*fidelitatis*) to another subject, in other words, that was not completely autonomous.⁵⁴ These loyalty constraints could impede officers from exercising that ideal “neutrality” and are at the root of this disposition. Following this autonomy clause, the statutes imposed economic criteria for eligibility to office, such as presenting an *estimo*⁵⁵ of a certain amount, or providing security (*securitas*) of owning a specific sum of money.⁵⁶ These sums and properties should count as a guaranty of good conduct, once the statutes authorized the commune to retain and to confiscate them in case of abusive and corrupted behaviour, as seen in some of the penalties mentioned above. Another important requirement consisted of possessing an immaculate *bona fama*, an intricate concept in the Late Middle Ages, which involved juridical and economic aspects of city life.⁵⁷

The statutes were also very concerned with “nepotism”, prohibiting, as another preventive measure against corruption, the involvement of relatives in office up to the fourth generation.⁵⁸ Particularly important was to prevent their influence in the election process, forbidding fathers, grandfathers, fathers-in-law and so on, to propose the candidacy of their relatives when part of elections.⁵⁹ In fact, authorities

54. Frati, Luigi. *Statuti di Bologna...*: III, 126 (*Liber X, Rubrica LI. De servis et illis qui non possunt esse in officis comunis* [“on servants and others that cannot exercise a communal office”]).

55. The *estimo* constituted a fiscal source, which described the properties and assets of citizens and served as a base to establish communal taxes. On the specificities of this source in Bologna, see: Smurra, Rosa. “Fiscal sources: the Estimi”, *A companion to Medieval and Renaissance Bologna*, Sarah Rubin Blanshei, ed. Leiden: Brill, 2018: 42-55.

56. *Item iuro quod habebo in boni V^c. libris bononinorum vel securitatem faciam comunis de V^c. libris bononinorum vel plus arbitrio potestatis bonam et sufficientem in principio mei officii* (“Likewise, I swear to have 500 Bolognese pounds in property or to have security good and sufficient of 500 Bolognese pounds to the commune or more according to the podestà at the beginning of my office”): Frati, Luigi. *Statuti di Bologna...*: I, 176-182 (*Liber I, Rubrica XXIII. Sacramentum illorum quatuor qui sunt loco yscariorum* [“oath of the four supervisors – scarii”]).

57. The concept of *fama* was much broader in the Middle Ages than what we understand for “esteem” in modern terms. The individual *fama*, for example, had juridical value in city courts in the 13th and 14th centuries, serving even as a defence strategy against accusations of a certain crime. For systematic studies concerning its multiple contents, see: Mucciarelli, Roberta. “Bisogna essere molto prudenti con le voci, fanno presto a trasformarsi in realtà... Qualche considerazione su fama e publica vox nelle città comunali (metà XIII – metà XIV secolo)”, *Fama e publica vox nel Medioevo: atti del convegno di studio svoltosi in occasione della XXI edizione del Premio internazionale Ascoli Piceno*, Isa Lorin Sanfilippo, Antonio Rigon, eds. Rome: Istituto Storico Italiano per il Medioevo, 2011: 25-46.

58. *Nec sum pater vel filius vel frater vel socer, vel gener, vel cognatus, vel barbarus, vel nepos vel primus cuginus alicuius massarii preteriti anni* (“I am not father, son, brother, father-in-law, brother-in-law, paternal uncle, nephew or first cousin of any massaro of previous years”): Frati, Luigi. *Statuti di Bologna...*: I, 152-158 (*Liber I, Rubrica XX. Sacramentum inquisitorum rationis* [“Oath of the accounting inquisitor”]).

59. *Et nullum eligant qui sit pater, vel filius, vel frater alicuius electorum (...) et nullum eligat aliquem officialem, qui sit suus pater vel filius vel frater vel de sua familia* (“And no one should be elected who is the father, the son or the brother of any elector (...) and no one should elect as an officer someone who is their father or son or brother or that belonged to his family”): Frati, Luigi. *Statuti di Bologna...*: III, 19 (*Liber X, Rubrica I. De electionis potestatis et aliorum officialium* [“On the election of the podestà and other officers”]).



charged Franciscan and Dominican friars with the task of handling ballots containing the names of possible candidates for various communal offices specifically to avoid this sort of interference, trusting on their religious commitments to honesty and to the truth.⁶⁰ Public officers were also prohibited from exercising more than one charge at a time⁶¹ and, once finished their mandates, were forced to respect a period of interstice, from 6 months to 3 years depending on the office.⁶² These norms aimed to prevent certain groups to monopolize specific offices, investing on a rotation principle as one method to sustain that neutrality ideal already evoked, and, thus, as a means to prevent corruption.

Moving from the preventive to the punitive strategies to contrast corruption, that is, to those procedures designed to deal with deviances after they were committed, the statutes invest a great deal of attention to the instrument of denunciation. First, as part of one of the essential duties of anyone involved in the public administration. The oaths of each officer included the inexcusable obligation of reporting on any peers that acted *contra honorem civitatis bononie*.⁶³ Furthermore, the strategy of denunciation was extended to the entire population, invited to participate on the preservation of social order and on the protection of the correct and honourable functioning of institutions by reporting inappropriate behaviours.⁶⁴ Many *rubricae* in the statutes of 1250-1267 include this possibility, often offering monetary compensation to those citizens who decided to denounce misconduct of officers.⁶⁵ The statutes recognised, however, that this sort of collective participation through denunciations presented considerable risks to the integrity of institutions and to the authority of communal officers. False and dishonest denounces could diminish the ability of the government body to maintain social order, and for this reason, in order to keep this invitation of collective participation under control, the statutes established precise rules and conditions in which these denounces could be

60. On the employ of friars in communal institutions in communal cities of northern Italy, see: Pirillo, Paolo. "I cistercensi e il Comune di Firenze (secoli XIII-XIV)". *Studi Storici*, 40/2 (1999): 395-405.

61. For example: *Item non debeam habere regimen alterius civitatis durante regime huius civitatis* ("Likewise, I should not govern other cities while I govern this city"): Frati, Luigi. *Statuti di Bologna...*: I, 21-71 (*Liber I, Rubrica I. Sacramentum potestatis bononie* ["oath of the podesta of Bologna"]).

62. For example, the Elders (Anziani), (...) *et cessent ipsi anziani omnes per tres annos ab exitu eorum officii* ("And all elders should cease to occupy offices for three years after leaving their offices"): Frati, Luigi. *Statuti di Bologna...*: I, 5-7 (*Liber I, Rubrica I. Sacramentum anzianiorum populi Bononie Honorandi* ["on honouring the oath of the elders of the people of Bologna"]).

63. *michi contraria honori vel utilitati comunis bononie videbuntur ea in consilio comunis bononie publice manifestabo* ("I will manifest anything that appears to me to be against the honour and utility of the commune of Bologna"): Frati, Luigi. *Statuti di Bologna...*: I, 106-115 (*Liber I, Rubrica XI. Sacramentum procuratorum comunis bononie* ["oath of the procurators of Bologna"]).

64. On the phenomenon of denunciation in Late Medieval Italy and its role in communal organisation, see: Muzzarelli, Maria Giuseppina, ed. *Riferire all'autorità. Denuncia e delazione tra Medioevo ed Età moderna*. Rome: Viella, 2020.

65. I counted approximately 152 out of the 673 *rubricae* that compose the statutes of Bologna. See: Loss, Edward. "Il linguaggio della denuncia nei registri giudiziari italiani", *Le vie della comunicazione nel Medioevo. Livelli, soggetti e spazi di intervento nei cambiamenti sociali e politici*, Marialuisa Botazzi, Paolo Buffo, Cinzia Ciccopiedi, eds. Rome: Gasparrì, 2019: 459-472.



accepted. For example, citizens needed to present a certain guaranty, often based on their own *fama*, that what they stated was true.⁶⁶

Apart from these collective forms of control, the statutes also created specific procedures dedicated to verifying systematically the actions of officers during their mandate and after their conclusion. There were two main procedures: one conducted by the *inquisitores rationis* and the already mentioned *sindicato*. The *inquisitores rationis* were responsible for analysing the ongoing actions of officers, and it is interesting to find among the descriptions of their prerogatives the very own words connected to the *corruptio*: *inquirere si officiales fecerint aliquam baratariam seu preçium (...) contra eorum officium et contra statutum et reformationes consiliorum*.⁶⁷ The *sindicato*, in its turn, possessed the jurisdiction to verify the actions of officers as a whole after the end of their mandate, especially those foreign officers invited to Bologna, mainly connected to the *podestà*. It consisted of a committee of at least three elected individuals, to whom the statutes gave vast prerogatives to investigate expenses approved by the *podestà*, the proper use of communal properties and even the correct administration of justice.⁶⁸ Gianfranco Orlandelli found evidences in one of the oldest document series of the State Archive of Bologna, the *Registro Grosso*,⁶⁹ of the first *sindicato* procedure in Bologna in 1195.⁷⁰ Therefore, by the time of production of the statutes under analysis, this procedure was already an established and experimented structure of Late Medieval Bologna.

Together with an intricate system of penalties and fines, branching from monetary to corporal punishments—as described previously in this article—these two procedures and the denunciation instrument formed the pillars in which rested the communal punitive strategies against corruption in the statutes of 1250-1267.

By 1288 these strategies and the convictions about corruption would not continue to be the same in the following statutes here under analysis.

66. For a systematic list of all different requirements in the Bolognese statutes, see: Loss, Edward. “Reati denunciati: statuto e carte giudiziarie bolognesi della fine del Tredecimo secolo a confronto”, *Les statuts communaux vus de l’extérieur dans les sociétés de la Méditerranée occidentale à la fin du Moyen Age (XII-XV siècles). Statuts, Écritures et pratiques sociales*, Didier Lett, ed. Paris: Editions de la Sorbonne, 2020: 209-222.

67. “Inquire if any officer did any barratry or received any benefits (...) against their office and against the statutes and reformations of the councils”. The words are not underlined in the source: Frati, Luigi. *Statuti di Bologna...*: I, 152-158 (*Liber I, Rubrica XX. Sacramentum inquisitorum rationis* [“oath of the accounting inquisitors”]).

68. Luigi Frati. *Statuti di Bologna...*: III, 395-396 (*Liber XI, Rubrica CXXV. Quod unus syndicus et duo notarii forenses veniant qui debeant inquirere officiales* [“that an auditor and two foreign notaries should come and should investigate officers”]).

69. On the *Registro Grosso*, see: Hessel, Alfred. “Il più antico ‘chartularium’ del comune di Bologna”. *L’Archiginnasio*, II (1908): 100-111.

70. Orlandelli, Gianfranco. *Il sindacato del Podestà. La scrittura da Cartulario di Ranieri da Perugia e la tradizione tabellionale Bolognese del secolo XII*. Bologna: Patròn, 1963: 21-22.



3.2. The statutes of 1288

If the statutes promulgated by the middle of the thirteenth century represented the inclusion of the *popolo* in the structures of power inside Bologna, those of 1288 marked their complete triumph over other political groups, especially the aristocracy, in the city. These documents follow and contain a series of dispositions designed to exclude these aristocratic groups from politics and to attribute a privileged status to the members of the Arts and Arms societies, dispositions known as “the sacred and most sacred ordinances” (*sacra et sacratissimi*).⁷¹ The political project present in these ordinances also affected how these documents defined corruption and the proposals they offered to fight it.

Looking through the *rubricae* regarding officers and their oaths, one finds the same dispositions concerning purity and neutrality already present in the previous statutes (*meum officium faciam remote omni amore, hodie, timore, precio vel precibus, lucro vel dampno*;⁷² *purus sum et ero ab omni lucro vel acquisitione occasione meis officis*,⁷³ etc.), but these now include a necessary tie to the *Geremei* party and to the *popolo*.⁷⁴ In the decades that separate these documents, Bologna became, at least theoretically, subjected to the Church,⁷⁵ and the statutes of 1288 also contain, as an expectation of proper conduct of all its officers, formal loyalty towards the Church. Unlike the previous statutes, these ones include spiritual penalties for misconduct, comparing corrupt officers to Judas and Cain and stating that apart from the earthly punishments, they would also suffer the terrible judgment of God.⁷⁶ These two precepts: loyalty to the *popolo* and to the Church alter the list of behaviours considered as corruption in these documents, especially regarding its most serious forms.

Considering once again the penalties described in the statutes, one finds among the less serious forms of public *corruptio* —those with fines of 5 to 10 *libris*

71. On this important group of norms present in the statutes of 1288, see: Fasoli, Gina. “La legislazione antimagnatizia a Bologna fino al 1292”. *Rivista di storia del diritto italiano*, 6 (1933): 351-392.

72. “I shall exercise my office without love, hate, fear, entreaty and price, profit or damage”.

73. “I am and will be pure of any profit or benefit during my office”.

74. For example, in the descriptions of the office responsible for the city night guards: *Et dicimus quod nullus possit esse supraguardia noctis qui non habeat extimum in comunis Bononie et non sit de parte ecclesie et Ieremensium civitatis bononie* (“And we say that no one can be a night guard if not loyal to the party of the church and of the *Geremei* of the city of Bologna”): *Lo statuto di Bologna dell'anno 1288*, ed. Gina Fasoli, Pietro Sella. Roma: Biblioteca Apostolica Vaticana, 1937: I, 96 (*Liber I, Rubrica XXI. De officio supraguardie noctis et eorum sallario* [“On the office the night guards and their salary”]).

75. *Eodem anno [MCCLXXVIII]. Bononienses dederunt domino papae civitatem et comitatum Bononie* (“In the same year [1278]. The Bolognese gave the city and the countryside of Bologna to the Pope”): Griffonibus, Matthaei de. *Memoriale Historicum...*: 23.

76. For example, see the oath of the podestà: (...) *si vero hec omnia et singula non observabo, recipiam hec sicilicet talionem et in future seculo in terribili iudicio magni Dei domini salvatoris nostril Ihesu Christi. Et habeam partem cum iuda et lepra, çiçi et tremore Caini* (“If I do not truly respect these dispositions, I should receive retaliation and in future time terrible judgment of the great God and our saviour Jesus Christ. And I should have a place with Judas, leprosy, blindness and the tremors of Cain”): Fasoli, Gina; Sella, Pietro. *Lo statuto di Bologna...*: I, 17.



bononinorum— the same descriptions concerning gambling,⁷⁷ dining and lunching in the house of private citizens,⁷⁸ with the addition of other minor misconducts connected to present minor necessities of the city, such as removing coal outside the city boarders.⁷⁹ Matters concerning stocks of grain are no longer listed among the *corruptio gravissima*, falling into those middle-range forms of corruption mentioned earlier. An interesting sign that food shortage was not an issue anymore during the years of production of these statutes.

Rather serious forms of corruption—with fines of at least 300 *libris bononinorum*—focus on that loyalty of officers to the *popolo* and its party mentioned above. The statutes bluntly state that the communal justice system should benefit the *popolo*, considering corrupt and heavily fining officers that, for example, during a legal dispute concerning a magnate and a *popolano* involved in insults, gave any counsel to or favoured the magnate.⁸⁰ The idea of neutrality almost completely disappears when considering the descriptions of the *corruptio gravissima*, which concentrates on any sort of assistance—even if only passive—these officers could give to other political parties to take the power from the Arts and Arms societies. The most heinous and despicable action these officers could take consisted of aiding aristocratic groups to subtract from these artisans, merchants and financial operators the main source of their income: the University. The statutes describe as penalty for this grave form of corruption all those punishments that once concerned those who mishandled grain in a city of famine: a fine of 1000 *libris bononinorum*, the destruction of all their properties inside Bologna, their permanent expulsion from the city and, finally, death.⁸¹

If the political project behind the group who held power in Bologna in 1288 influenced the normative perception of corruption, the same happened with the initiatives to prevent it and fight it. Considering the two approaches—preventive and punitive—against corruption established in the previous statutes, the ones from 1288 include specific clauses in the criteria for selecting officers that tried to

77. *Non ludero nec ludere permittere aliquis de mea familia ludum azari vel alicuius besccarie* (“I will not gamble nor allow anyone from my entourage to gamble or bet in table games”): Fasoli, Gina; Sella, Pietro. *Lo statuto di Bologna...*: I, 8-16 (*Liber I, Rubrica IIII. De sacramento domini podestatis* [“on the oath of the podestà”]).

78. *Nec permittere aliquem mecum comedere nec exenia recipere per me vel alium* (“Nor will I allow anyone to eat with me nor will I receive gifts for me or for others”): Fasoli, Gina. Sella, Pietro. *Lo statuto di Bologna...*: I, 8-16 (*Liber I, Rubrica IIII. De sacramento domini podestatis* [“on the oath of the podestà”]).

79. Fasoli, Gina; Sella, Pietro, eds. *Lo statuto di Bologna...*: I, 135 (*Liber III, XXXVI. De carbonibus non extrahendis vel extra civitatem vel extra districtum bononie conducendis* [“on not removing coal from the the city or its district”]).

80. Fasoli, Gina. Sella, Pietro. *Lo statuto di Bologna...*: I, 287-289 (*Liber V, Rubrica II. De processu facendo contra magnate offendentes homines societatum Populi Bononie et de penis eorum officialium qui darent ipsius maleficatoribus consilium vel favorem* [“on legal cases against magnates who insulted those belonging to the societies of the Bolognese *popolo* and on penalties inflicted to officers who offered them help or favour”]).

81. Fasoli, Gina; Sella, Pietro. *Lo statuto di Bologna...*: II, 95-96 (*Liber VIII, Rubrica II. De officialibus tractandis seu septam facientibus vel conspirationem pro studio transferendo extra civitatem Bononie* [“On officers plotting or conspirating to transfer the university outside Bologna”]).



prevent access from people connected to the magnates up to the fourth generation.⁸² The main differences, however, appear in the punitive strategies implemented in these documents. The instrument of the denunciation is empowered, especially the part that concerned the population, with the creation of a *capsa*,⁸³ a chest designed to receive anonymous and secret denunciations, situated in front of the *podestà* building.⁸⁴ Anonymous denunciations were forbidden in the statutes of 1250-1267, because they could easily be used to tarnish the authority of public institutions, but it seems that years later the benefits for the *popolo* were worth the risk.

Another institution substantially altered was the *sindacato*, which ceased to consist of a committee and was entrusted to a proper judge, with ties to the *popolo*, to whom they conceded a more juridical autonomy.⁸⁵ This substitution should expedite procedures, but also control their favourable outcome to the Arts and Arms societies: a veiled threat to any officer belonging to the *podestà's familia* that might dare to act against their interests.

These statutes, thus, present an understanding of corruption as a concept not only that included moral and professional behaviours, the “umbrella” crime already mentioned, but also as a highly political notion, instrumental to confirm the place of those in power. This political aspect of the understanding of corruption becomes even more evident in the statutes of 1335, the last ones analysed in this paper.

3.3. The statutes of 1335

The statutes of 1335 are documents that represented a double transition. They were promulgated after a rebellion managed to expel the cardinal legate, Bertrando del Poggetto, lord (*signore*) of Bologna since 1327, from the city and marked the attempt to restore a “popular” government in town. These documents reflect a second transition because a few years later, on 1337, Taddeo Pepoli, seized these statutes, inserting little but important alterations to their contents through his *provvigioni*, and kept it as the normative *corpus* of his *signoria*.⁸⁶

82. Fasoli, Gina; Sella, Pietro. *Lo statuto di Bologna...*: II, 58-60 (*Liber II, Rubrica VIII. De Lambertacis qui non possunt habere officium nec esse consilarii* [“on the Lambertazzi – equivalent of the ghibelline party in Bologna – and how they cannot hold office nor be council members”]).

83. On denunciation boxes and their spread in late medieval cities, see: Preto, Paolo. *Persona per hora secreta. Accusa e delazione nella Repubblica di Venezia*. Milan: il Saggiatore, 2003.

84. (...) *possit, teneatur et debeat denunciare palam et secreta et per cedulas in cassa ponendas* (“[...] can, should and need to denounce, openly or secretly or through a sheet of paper deposited in the box”): Fasoli, Gina; Sella, Pietro. *Lo statuto di Bologna...*: I, 515-521 (*Liber V, Rubrica CL. De officialibus elligendis* [“on electing officers”]).

85. Fasoli, Gina; Sella, Pietro. *Lo statuto di Bologna...*: I, 43-45 (*Liber II, Rubrica II. De electione sindicorum qui debent syndicare dominum potestatem et eius familiam* [“on the election of the auditors that should verify the actions of the podestà and of his entourage”]).

86. On the rise of Taddeo Pepoli to power in Bologna and on all the systematic interventions on the Bolognese legislative matter, see: Antonioli, Guido. *Conservator pacis et iustitiae. La signoria di Taddeo Pepoli a Bologna (1337-1347)*. Bologna: Clueb casa editrice, 2004.



Using the same method of analysis applied in the study of both previous statutes, one may find a systematic repetition of the purity and neutrality precepts present in the oaths of public officers as before. The terms *Pura manus, Remoto hodio, amore, timore, et precio* reappear systematically, even though the statutes already in 1288 nuanced this expectation of impartiality and detachment of public officers in other parts of the same document. It is interesting to notice, however, that this statutory version removes any excuse on the grounds of error previously connected to these passages. These extenuations not only disappear, but in fact, mistakes become equivalent to intentional actions when concerning public officers, and the statutes compares error to all other words connected to the *corruptio: error vel fraus*⁸⁷, *error vel malitia*.⁸⁸

The lower forms of corruption, concerning frequenting brothels and taverns⁸⁹ and dining with private citizens⁹⁰ remain practically the same as they were in the previous two statutes analysed in this article. Again, it is in the relatively serious and most serious forms of *corruptio* that these statutes express their singularity. The *corruptio gravissima* now tends to stress more the connection between good conduct and the respect of the Pepoli and the Church's influence in town.⁹¹ Most importantly, corruption becomes for the first time in this type of document a symmetric form of crime, in the sense that the statutes of 1335 not only describe punishments for

87. Trombetti Budriesi, Anna Laura. *Lo statuto del comune...*: I, 110-121 (*Liber III, Rubrica 3. De modo et forma eligendi officiales comunis Bononie in consilio quatuor millium* ["On the way and form of electing the officers of the commune of Bologna in the Council of 4000]).

88. Trombetti Budriesi, Anna Laura. *Lo statuto del comune...*: II, 724-726 (*Liber VIII, Rubrica 98. De emendatione et corectione propimquorum male se gerentium* ["On the reparation and correction of neighbourhoods badly managed]).

89. *Et quod per tabernas vel postrubula vel alia loca inhonesta ire non debeant, nisi essent vel irent seu mitterentur pro executione eorum officis* ("And they should not go to brothels or any other dishonest place, unless they were there sent to execute their offices"): Trombetti Budriesi, Anna Laura. *Lo statuto del comune...*: I, 47-48 (*Liber I, Rubrica XX; De beroariis domini potestatis et hiis que facere tenentur seu comitantum eidem* ["on the policemen of the *podestà*, their commissions and what they should do"]).

90. *Non possit vel debeat aliqua racione vel causa esse, stare et morari cum iudice domini potestatis vel cum notario vel cum militibus potestatis infra stanghas vel cameras* ("they should not, for any reason or motive, be and stay with the judge of the *podestà*, nor with his notary, nor with his soldiers, under shafts or in rooms"): Trombetti Budriesi, Anna Laura. *Lo statuto del comune...*: I, 49 (*Liber I, Rubrica XXII. De familiaritate non habenda cum familia domini potestatis* (on not having any familiarity with the entourage of the *podestà*)).

91. This shift is often marked in the statutes by the insertion of small clauses cancelling dispositions and inserting the jurisdiction of the Pope and of Taddeo Pepoli on the matter. A good example is the addition of a small excerpt in a *rubrica* concerning courts of appeals and judges that reads *abrazsum est hic de iudicibus appellationum (...) qui hodie elliguntur per dominum papam, mandato ipsius domini pape et domini Thadei, conservatori administrationis civitatis Bononie* ("The matter on judges of appeal is cancelled (...) because now the Pope and Taddeo (Pepoli), are the ones responsible for their election"): Trombetti Budriesi, Anna Laura. *Lo statuto del comune...*: I, 121 (*Liber IV, Rubrica 4. De ofitiis mitendis ad brevia in consilio quatuor millium* ["on sending officers to be confirmed at the Council of the 4000])).



corrupt officers, but also include penalties for anyone, citizen or not, that tried to corrupt them.⁹²

Observing the sums described in all monetary penalties concerning corruption, it is also interesting to notice that these statutes raise their value substantially. The highest sum identified in the study of all of its 10 books amounts to 10 000 *libris bononinorum*,⁹³ a sign, perhaps, that the fines previously instituted had not produced the desirable effect of preventing these actions.

The biggest changes introduced by this statutory version concern the procedures designed to contrast corruption, which immediately attest that Bologna was under a completely different political regime. The idea that the general population should contribute to contrast corruption is put bluntly aside, removing from the statutes of 1335 all prescriptions concerning rewarded denunciations against public officers, present in the previous versions. Another structure that disappears from these sources is the *sindacato*, previously entrusted to judges connected to the *popolo*. During the seigneurial government of Taddeo Pepoli, restricted committees connected directly to his person selected the *podestà* and the body of government in Bologna; therefore, one could interpret these absences as a shift on how officers and their behaviours should be perceived by the population. They indeed continued to represent the city to some extent, but their integrity became in these statutes more connected to the person of Taddeo. Question the government and officers approved by him, thus, should be something done cautiously, and that might explain why an important punitive measure against corruption, such as the *sindacato*, is removed from the statutory text.⁹⁴

These changes confirm that political shift of the understanding of corruption already expressed in the statutes of 1288, that in the statutes of 1335 connect corruption to actions performed by officers against the seigneurial government present in Bologna and, most broadly, to the power that sustains it, the Church. The idea of neutrality, detachment and impartiality formulated nearly a century

92. *Et contra chorumpentes vel chorumpere volentes officiales comunis Bononie si ad evidentem actum de hoc pervenerint* ("and against all those wanting to corrupt officers from the commune of Bologna if evidence of their actions come to light"): Trombetti Budriesi, Anna Laura. *Lo statuto del comune...*: II, 607 (*Liber VII, Rubrica 5. De casibus in quibus dominus potestas tenetur inquirere* ["on all cases to which the podestà should inquire"]).

93. For example, Trombetti Budriesi, Anna Laura. *Lo statuto del comune...*: I, 230 (*Liber IV, Rubrica 44. De officio notariorum ad discum ursii* ["on the office of the notary of the court of bear"]).

94. On the political meaning of removing a procedure such as the *sindacato* from the statutes, see: Anna Laura Trombetti Budriesi's opinion: *Annullando le tradizionali magistrature del "popolo" e modificando il significato politico delle procedure di sindacato degli ufficiali, egli aveva mostrato con chiarezza che l'obiettivo primario del suo governo era non correre il rischio che venisse posto in discussione l'operato dei magistrati che aveva scelto sulla base della propria discrezionalità* ("On cancelling traditional institutions of the *popolo* and changing the political meaning of procedures concerning the *sindacato* of officers, he had clearly demonstrated that his main goal of government was to avoid the risk of having the activities of his officers questioned. Men he had chosen on his own discretion"): Trombetti Budriesi, Anna Laura. *Lo statuto del comune...*: I, XLII- XLIII.



earlier—in the statutes of 1250-1267— becomes even more nuanced, repeated in the oaths of officers as a traditional part of this type of document.

4. Corruption and anticorruption measures in practice

After seeing this intricate and evolving normative framework, it is legitimate to ask how much of all of it was actually implemented and if these conceptions concerning corruption are also present in other sources more closely connected to practice. Both types of sources indicated in the introduction—chronicles and the *ad maleficia* legal cases— provide elements to the practical aspects of this phenomenon, but it is important to highlight that they should not be, and are not here used to evaluate the level of corruption of late medieval Bologna. These sources do not possess the quantitative and qualitative aspects necessary for this type of inquiry, nor were they produced to provide this sort of judgment, whose utility from a historiographical point of view is, to say the least, ambiguous.

4.1. Chronicles

The first element that catches the eye when reading the Bolognese chronicle tradition bearing in mind the normative concerning corruption is the attention that they dedicate to the *sindacato*. All six chronicles listed earlier present episodes in which this procedure is mentioned, and these accounts provide insights on the social significance of this procedure. The first one worth exploring in-depth involves *Antonio da Fixaragola* of Lodi, *podestà* of Bologna in the second semester of 1289, and present two similar versions in the *Cronaca Rampona* (Tradition A) and in the *Cronaca Varignana* (Tradition B):

E in quello anno [1289] gran Discordia fu in la città de Bologna perchè lo dicto misser Antonio da Fixaragola de Lodi non voleva stare a sindacato, come era tenuto. E fu lo dicto misser Antonio vergognato da li popolari e fu in pericolo di essere morto. Allora for preza tuta la soa fameglia e steno a signigado e fono asolti. [Cronaca Rampona].⁹⁵

1289. In Bologna fuo grandissima discordia tra gli cittadini. Et questo fuo perchè meser Antonio da Fixaraco podestade in quello tempo in Bologna, non vola stare a sinigado, come è usanza secondo la forma di statuti del comune de Bologna. (...) Et menonlo in suxo la piazza del comune de Bologna, et in que l'or fuo zettato doe pietre per quale fuo in pericolo

95. “And in that year [1289] there was a great upheaval in the city of Bologna because the above-mentioned Antonio da Fixaragola of Lodi did not want to go through the *sindacato*, as he should have. And said Antonio was shamed by the population and was in peril of being executed. Then, all of his entourage was taken, went through the *sindacato* and was absolved”: Sorbelli, Albano. *Corpus Chronicorum*...: II, 232.



de morte el dito meser Antonio. Et incontente fuo presa tuta la sua famiglia, i quali steno a sinigado e funo asolti. [Cronaca Varignana].⁹⁶

Apart from the clear evidence that the *Cronaca Varignana* [Tradition B] used the *Cronaca Rampona* [Tradition A] or a common source to provide this account, it is interesting to notice in both these passages how *Antonio da Fixaraco*'s refusal to abide to the *sindacato* procedure was taken as a grave offense by the *popolo*. Its members responded by throwing rocks at him and by threatening his life, even though there seems to have been no initial suspicion of misconduct or corrupt behaviour from his part, as the negative outcome of the procedure later confirmed. This suggests that the *sindacato* cherished of great trust in late medieval Bologna, and constituted a recognised and legitimate procedure against corruption.

This impression is further confirmed by another passage of the *Cronaca Rampona* [Tradition A], relative to 1334, which reprimanded Bertrando del Poggetto, then recently deposed as *signore*, considering one of his most serious mistakes the fact he had stopped enforcing the *sindacato* in Bologna.

1334. Lunedì mattina miser Bertrano, nostro signore da qui indreto, se partì dalla città de Bologna et andò al Santo Patre a Roma. Et digando toso, el se po' dire che fu assai bon signore, salvo che una pizola cosa, che fu assai grande: ello si tolse molto la grande benivolenza de' cittadini, ché non sindicava nessuno suo uffiziali; anzi feno de grande et sozze cose, et ello gli le comportava; et questo si crede che fusse la principale cosa ch'el fesse tore de signoria.⁹⁷

In fact, the anonymous author (or authors) of the *Cronaca Rampona* [Tradition A] considered the main reason for Bertrando's downfall the lack of *sindacato* during the seven years he was in power in Bologna. Furthermore, the passage also confirms that the absence of *rubricae* concerning this institution in the statutes of 1335 was not only formal, but reflected the actual extinguishment of this procedure after the *popolo* lost power inside the city.

References to the *sindacato* in the Bolognese chronicle tradition also provide us with a distinct description of actions and behaviours that motivated this procedure, which offer a good comparison with the detailed hierarchy and classification

96. "1289. There was a great upheaval among the citizens. And that because Antonio da Fixaragola, podestà at the time in Bologna, did not want to go through the *sindacato*, as it is costum according to the statutes of the comune of Bologna. (...) And they dragged Antonio to the middle of the square of the comune of Bologna, and threw two rocks at him, from which he was in peril of death. And then quickly all of his entourage was captured and judged through the *sindacato* and they were all absolved": Sorbelli, Albano. *Corpus Chronicorum...*: II, 232.

97. "1334. On Monday morning Bertrano, our *signore* until now, departed from the city of Bologna and went to our Holy Father in Rome. And frankly speaking, one can say that he was a good *signore*, except for a little thing, which was actually big: he lost much of the good-will of citizens because he did not put any of his officers through the *sindacato*. Instead, his officers did great and horrible things, and he spared them. And it is believed that this is the main reason why his seigneurie was taken from him": Sorbelli, Albano. *Corpus Chronicorum...*: III, 226.



established by the statutes. The same *Cronaca Rampona* [Tradition A] narrates the case of Ottolino Lordo, who decided to evade the *sindacato*, but ended-up condemned the same for frequenting a married woman.

In lo dicto millesimo fu assindicato misser Ottolino Lordo, da qui indrie podestà de Bologna, per 18 mesi; et in lo suo sindacato ello se parti cietatamente. Nondimento i sindichi a zo alecti procedeno contra de lui per rasone e per la forma delli statuti per li libelli che funo porti contra de lui; sì che giovedì, a dì 26 febraro, si li deno bando della testa, salvo se non comparisse lo dicto di inanzi vespro. Et questo fu perché ello habea tenuto per amicha una Benvenuta, moglie de Perino da Dalcolini di Saligno, del conta de Bologna, contra la volontà del dicto suo marito e de fuora de la soa chasa.⁹⁸

The indiscretions of Ottolino pertain to that moral dimension of *corruptio*, very close to those statutory prescriptions that considered frequenting the house of private citizens as a form of corruption for a public officer. In his case, the practice was even more scandalous because the citizen in question was a married woman.

The chronicles go as far as to provide the sums of monetary fines paid by condemned officers, and these more or less follow the scheme proposed in the statutory versions analysed above. The *Cronica Villola* mentions the case of *Gualtirotus de Marchixis*, condemned in 1315 to a fine of 105 *libris bononinorum* for issuing inexact sentences, a fine close to the 100 *libris bononinorum* predicted in the statutory *rubricae* of 1288 concerning this rather serious form of corruption.⁹⁹ Another case is that of *Ziappo*, condemned in 11 000 *libris bononinorum* for certain *trabalдарie e altre chose che l'avea chomese, e fo ficto in preson; et avé pocho honore de so uficio*.¹⁰⁰

Condemnations of officers that used their positions to obtain material gain (*lucrum*) —another rather serious form of corruption described in the statutes— also draw the attention of the author of the *Cronica Villola*, which mentions how a certain *Ferantinus* used his position to continuously subtract many horses and goods that belonged to the commune.¹⁰¹

98. “In the same year, went through the *sindacato* Ottolino Lordo, podestà of Bologna until now and for 18 months. And during the *sindacato*, he secretly left Bologna. Nonetheless, the auditors (*sindaci*) elected for this purpose continued to proceed against him, following the dispositions of the statutes, and respecting all complaints raised against him. And on Thursday, 26 february, the auditors condemned him to lose his head unless he presented himself before vespers of the same day. And that is because he had kept a friend, a certain Benvenuta, wife of Perino da Dalcolini of Saligno, in the county of Bologna, against the will of her husband and outside his house”: Sorbelli, Albano. *Corpus Chronicorum*...: III, 49.

99. 1315. *Dominus Gualtirotus de Marchixis de Montecchio fuit potestas Bononie in kalendis ianuarii, qui condemnatus fuit ad sindacatum CV librarum de bononie propter condemnaciones non exactas* (“1315. *Gualtirotus de Marchixis* from Montecchio was podestà of Bologna in January, and he was condemned during the *sindacato* in 105 Bolognese pounds because of his non-exact sentences”): Sorbelli, Albano. *Corpus Chronicorum*...: II, 333.

100. “Because of theft and other things that he [Ziappo] comitted. And he was incarcerated and had little honour towards his office”: Sorbelli, Albano. *Corpus Chronicorum*...: III, 150. The sum of 11 000 lire was enormous in the period. Unfortunately, the chronicle offers no more details on the reasons why authorities established such a huge amount as Ziappo’s fine.

101. *Item eo anno [1305] dictus dominus Ferantinus fuit Bononie potestas, et eciam dictus dominus Gerardus capitaneus Populi Bononie pro secundis sex mensibus quia tuc facile era retinere tuc ibi regentes certe non sindicabantur*



The chronicles under analysis also describe episodes of corporal punishments inflicted on corrupt officers and, in these cases, one can find the most expressive differences between the statutes and the practices chroniclers narrated. The *Cronica Bolognese* of *Pietro di Mattiolo* is particularly sensible to these episodes, because the notary worked close to the main square of Bologna, where corporal punishments were enforced and directly observed by Pietro.¹⁰² Pietro narrates the case of *Lunardo Chavestraro*, a minor office of the commune responsible for collecting taxes on sold merchandise (*dazio*) in the city market of *Porta Ravegnana*, who in July 1300 ended-up in court for keeping to himself part of what he had collected, up to the sum of 100 *libris bononinorum*. Lunardo was condemned and hanged by the throat, and Pietro mentions that apart from seeing his body, he also witnessed the reading of his sentence by the *Capitano del Popolo*.¹⁰³ Considering the statutory dispositions concerning officers usurping communal property mentioned in the first part of this paper, *Lunardo's* penalty is much harsher than what described in the statutes for the crime he committed.

Corporal penalties go much further than expected in other episodes depicted in the *Cronaca Bolognese*, such as the one of *misser Niccolò da Aschuli*. Responsible of managing the castle of *Medicina*, in the Bolognese countryside, Niccolò is accused of trying to sell communal property to an unidentified person. His penalty is particularly graphic: he was condemned to have his flesh removed from his body with pincers (*tenagliado*), and after this excruciating torture, to be buried alive naked in the middle of the market square (nowadays *Piazza VIII Agosto*).¹⁰⁴ Despite

retores e facere quid voluerant in veritate hoc predicti bene cognoverat: in aliquo dampnificaverunt, nam prefatus Ferantinus qui continue fuit in dicto exercitu multos equos et bonos lucratus fuit, quos accepti (“Likewise in the same year [1305] the above-mentioned *Ferantinus* was podestà of Bologna, and also the above-mentioned *Gerardus*, Capitan of the people of Bologna for the second semester. When they governed the city they did not were not put through the *sindacato*, and in reality they did what they wanted and the truth was well known: that they made great damage, because *Ferantinus*, who continuously departed with the army, profited of many good horses that he subtracted from the commune”): Sorbelli, Albano. *Corpus Chronicorum...*: II, 311.

102. Mattiolo, Pietro. *Cronaca...*: XIV-XV.

103. MCCC. *Una zuoba circha lora de terza, che fo adì XV del mexxe de Luglio, fo apichado per la gola lunardo Chavestraro, de fuora da la porta de stra san vidale, apresso la porta over apresso la chaxetta dala gabella, per che siando stato più agni et al presente fosse gabellino per lo datio imbottado e per lo datio da le porti ala dita porta, ello confesso devanci dal capitano del puouolo, e dala soa corte, avere involado al dacio, e al comuno in più e in più volte circha cento livre de bollognini. E per questo, e per altre cose forsi che fono reportade da lui non obstante che la sententia nol fesse manifesto lo ditto messer lo capitano lo fe apichare lo di e in lo luogo preditti* (“1300. Around the third hour, in 15 of July, Lunardo Chavestraro was hanged by the throat outside the door of San Vitale, close to the *gabella* (tax on merchandise) box, because after having been responsible for collecting taxes in this door, he confessed in front of the Capitan of the People and his entourage, to have stolen part of these taxes many and many times, up to a sum of around 100 Bolognese pounds. And for this, and perhaps other things not reported in his sentence, the Capitan had him hanged in the day and place above-mentioned”): Mattiolo, Pietro. *Cronaca...*: 67-68.

104. *Uno sabado che fo adì XV de novembre Misser Niccolò da aschuli podestade stado del castello de medesina del contado de bologna, fo tenagliado e bello e vivo e nudo piantado sul campo del merchado in bologna (...) perchè segondo che disse la soa sententia, ello volea dare lo ditto castello per dinari a uno, lo nome del quale se taque per lo migliore* (“On Saturday, the 15th of November, *Misser Niccolò* of *Ascoli*, former podestà of the Castle of *Medicina*, in the Bolognese County, had his flesh removed from his body with pincers and still alive, was



Niccolò's crime falls indeed into the *corruptio gravissima* listed in the statutes—which predicted death—authorities got much more creative than the *statutarii* anticipated, recurring even to torture as part of the sentence, something that the normative, actually, only allowed as a method for obtaining the truth during trial in some specific cases, highly motivated and regulated.¹⁰⁵

All these passages from the Bolognese chronicle tradition alone allow us to see that the statutory dispositions concerning corruption, and the instruments they proposed to fight it, were not ignored nor remained only in written theory. Nevertheless, the nature of these sources, which relied on the specific interests and possibilities of observation of their authors, and also tended to register only the most extraordinary cases that attracted attention, prevent us from inspecting a few nuances on the understanding of corruption so carefully described in the statutes, especially the political connotations of the concept and its progressive mutation in late medieval Bologna.

A source that somehow offers some insights on this more political aspect of corruption are the legal cases.

4.2. Legal cases: the *ad maleficia* trials

The partial analysis of the *ad maleficia* court registers, focusing in those years adjacent to the time of production and promulgation of the three statutes studied in the first part of this paper, offers a wide variety of trials concerning officers that strengthen the idea that the dispositions concerning corruption have not remained only in theory in the period. There are cases of communal bailiffs who ended up in court for failing to denounce crimes from fellow officers that they witnessed, such as the trial against *Spinellus Petri Ortollani* and *Felippus Bolognetti Merçadri*, both bailiffs (*massarii*), registered on August of 1314. *Spinellus* and *Felippus* are accused of not reporting (*recusaverunt denunciare*) crimes committed by *Bertus* and *Aymericus filius Lappi*, their fellow officers.¹⁰⁶ The existence of cases like this demonstrate that the dispositions concerning the obligation of reporting colleagues present in the statutes, and only removed in 1335, were not taken lightly.

There are episodes of prison guards who left inmates escape with the promise of future compensation: on May of 1288, *Jacobus Ubertini*, *Cambius Ugolini* and *Ciolus Marchexelli*, guards of the communal prison, maliciously (*dolose, fraudulenter et malo*

buried naked in the market square (*Campo del Mercato – piazza VIII Agosto*) (...) because, according to his sentence, he wanted to give the castle to someone, whose name thought best not to reveal, in exchange for money”: Mattiolo, Pietro. *Cronaca...*: 322.

105. Fasoli, Gina; Sella, Pietro. *Lo statuto di Bologna...*: 184-185 (*Liber IV, Rubrica XVII; De tondolo et tormento* [“on torture and torment”]).

106. (...) *quod malleficium non denunciaverunt set malliciosse remissi et negligentes fuerunt in denunciando seu notificando (...)* (“They (spinellus and Felippus) did not report the crime, but were maliciously remissive and negligent in denouncing and notifying”): ASBo. Curia del Podestà. Giudici ad Maleficia. Libri inquisitionum et testium, 86, fasc. I, f. 52r.



modo) left *Raynerius* escape in the middle of the night after receiving promises of money from his family.¹⁰⁷ There are trials of notaries that received money to erase the names of convicted from the *libri bannitorum* — a form of *corruptio gravissima* according to the statutes of 1288— who had both their hands amputated in 1308. Such is the destine of *Johannis Bonfantis*, notary and officer responsible for keeping these records, who agreed to remove the names of *Gherardus Johannes Fornarius*, *Blaxius Blaxii*, *Jacobus Negosantis*, *Phyllippus domini Bolognini de Baxicomatribus* and *Johannes Corbolini* from his registers, in exchange for compensation (*precio et precibus*) on May of that year.¹⁰⁸

Worth mentioning is a series of officers condemned for accepting bribes to reveal details on legal trials in 1329. One of them is *Gemignanus Bonvixini*, communal messenger (*nuntius comunis*) under the service of the judge *ad maleficia*, accused on May 1329 of sharing, for the price of 40 Bolognese *solidos*, the details of court procedures with citizens accused of destroying communal property, especially, if the judge intended to use torture against them.¹⁰⁹ Other legal cases present in the document sample concern officers sued for tempering with public records in 1312, such as *Milanetus Martini Milaneti*, notary responsible of registering transactions concerning the communal grain. *Milanetus* is accused of having ripped, maliciously

107. (...) *quod ipsi et quilibet eorum dolose fraudulenter et malo modo fecerunt affugere dictum raynerium de dicto carcere (...)* (“each and every one of them left maliciously and deceptively the above-mentioned Raynerius escape from this prison”): ASBo. Curia del Podestà. Giudici ad Maleficia. Libri inquisitionum et testium, 12, fasc. V, ff. 104r-107r.

108. *Johannis’ actions in the trial are described as “falso, fraudulenter, et doloso et in preiudicium et dampnum comunis et populi bononie (...) precio et precibus cognomia et nomina de dictis quodam libro dolose amasseriret, aradere et incuperaret ita quod commodo legi non possent (...)* (“Falsely, fraudulently and maliciously, damaging and jeopardising the commune and the People of Bologna (...) he scratched, altered and smudged names and surnames, rendering them illegible”): ASBo. Curia del Podestà. Giudici ad Maleficia. Libri inquisitionum et testium, 70, fasc. II, ff. 37r-39v.

109. *Hec est inquisitio quam faciunt et facere intendunt supradicti domini rector et dominus Benamatus eius iudex contra et adversus: Gemignanum Bonvixini nuntium comunis bononie cappelle sancte Ysaie in eo et super eo quod ad aures et notitiam dicatorum dominorum rectoris et iudicis fama publica referente pervenit et insinuatione clamosa quod dictus Gemignanus dum vvet de mandato ser Nicolai notarii dicti domini rectoris ad citandum Michaelem fantolini, Michaelem Mathioli, Mengolinum Lambertini Berardinum Guidonis Muççolum Mengholi omnes cappelle sancti juliani occasione officii quod fatiebat et exercebat ser Bonfilius sotiis et milix dicti domini rectoris ad inveniendum veritatem quis fregerint murum civitatis in cappelle sancti juliani recepit promixionem a predictis videlicet XL solidos bononinorum solvendi sibi gemignano et dictus gemignanus promixit eis dicere numquod dictus ser Bonfilius deberet eos tormentare vel non ut si eos deberet tormentum non comparerent sed aliter sic et predicta fuerunt de mense maii presente in loco dicto lo grogarello iuxta vias publicas* (“This is the inquisition the rector and his judge, *Benamatus*, promote and intend to promote against *Gemignanus Bonvixini*, communal messenger, inhabitant of the parish of Saint Isaiah, concerning rumours and news they received, from public fame and clamorous insinuations, that *Gemignanus*, while under the orders of *Nicolaus*, notary of the above-mentioned rector to summon to court *Michaele Santolini*, *Michaele Mathioli*, *Mengolinus Lambertini Berardinus Guidonis* and *Muççolum Mengholi*, all inhabitants of the parish of Saint Julian, in the context of an initiative conducted by *Ser Bonfilius*, soldier of the above-mentioned rector, to discover the truth about who destroyed the city walls present in the parish of Saint Julian, accepted an offer of 40 Bolognese *solidos* from the accused to inform them if *Bonfilius* would torture them during the inquisition. If his answer was positive, they would not show up to court. All this happened in the present month of May, in a place called *grogarello*, nearby the public street”): ASBo. Curia del Podestà. Giudici ad Maleficia. Libri inquisitionum et testium, 129, fasc. VII, f. 141r.



and with false intent (*falsum commissit in suo officio dolose*), a few pages from one of his registers and substituted them with blank ones in order to obscure some of Romeo Pepoli's transactions.¹¹⁰ Furthermore, one finds cases of enforcement of the dispositions concerning nepotism, such as the case of a city Elder (*Anziano*), *Matheus Ugolini de Armis*, who used his influence to elect his own relatives to public office and ended-up in court in 1316. *Matheus* allegedly also extended the same "courtesy" to anyone who would be willingly to pay him.¹¹¹

In fact, interferences to the election of officers gave place to intriguing trials that involved even those officers who were only supposed to accept the formal guaranty that a certain person was eligible for office. It is the case of the trial against *Zollus Manfredini de Liazaris*, responsible for the approving office (*officium approbatorum*), who accepted 12 *libris bononinorum* from *Valconius* and *Nicolaus*, in exchange for confirming that both men were apt to become prison keepers. The trial, presided by the famous judge Alberto da Gandino,¹¹² resulted on a severe fine of 200 *libris bononinorum* imposed to *Zollus*.¹¹³

The empowerment of the instrument of denunciation promoted by the statutes of 1288 echoed in the *ad maleficia* trials concerning corrupted officers. In the documents studied, I found legal actions against groups of officers motivated by rumours that circulated in Bologna. It is the case of a trial concerning 8 officers responsible for the *banditi* (banned, outlaw), accused of producing false documents (*multas scripturas falsas*) and receiving bribes (*multam pecuniam*) in January and February of 1289, in

110. (...) *falsum commissit in suo officio dolose et scienter (...) libris et actis comunis accepit et mutavit tolendo cartas scriptas et ponendo non scriptas (...) et predictus milanetus tempore et loco suprascripto dolose et maliciose et scienter falsitatem comisit faciendo omnia predicta (Milanetus) committed fraud in his office maliciously and consciously, accessing and changing communal books and acts by taking out written pages and substituting them by blank ones. And the already mentioned Milanetus committed fraud by doing all of these things maliciously, consciously and deceitfully*): ASBo. Curia del Podestà. Giudici ad Maleficia. Libri inquisitionum et testium, 80, fasc. I, f. 4r.

111. *Matheus falso et dolose et fraudulenter et in grave dampnum et dedecus comunis et populi civitatis bononie et specialium et singularium personarum dicte civitatis existens dictus dominus Matheus in officio Anzianatum predicto comunis bononie accepti et recepti indebite et iniuste pecuniam pro eligendis et nominandis officialibus deputandis super extimo (...)* ("Matheus falsely deceitfully, fraudulently, when he was one of the communal Elders, accepted and received money unjustly and wrongly to nominate the officers responsible for the fiscal declarations, gravely damaging the commune and the *popolo* of Bologna and each and every person who lives in this town"): ASBo. Curia del Podestà. Giudici ad Maleficia. Libri inquisitionum et testium, 90, fasc. IV, f. 63r.

112. On Alberto da Gandino and his decisive contribution to the definition of the penal procedure in the Late Middle Ages, see: Kantorowicz, Hermann. *Albertus Gandinus und das strafrecht der Scholastik*. Berlin: Walter de Gruyter & Co., 1907-1926.

113. (...) *dicitur cum ipso Zollus esset officialis et in officio comunis Bononie videlicet approbator comunis ipsum de mense aprilis proximo preterito in ipso officio dollum fraudem et falsum comississe in eo et pro eo quod recepit libras VI bononinorum a Valiano (...) pro approbandos fideiussoribus (...)* ("It is said that in the present month of April, when Zollus was an officer of the commune of Bologna, i. e. from the approving office, he committed fraud in accepting 6 Bolognese pounds from Valiano (...) for approving his guarantors"): ASBo. Curia del Podestà. Giudici ad Maleficia. Libri inquisitionum et testium, 16, fasc. V, f. 39r.



which the *podestà* and his judge systematically mention trustworthy “voices” that they heard regarding the matter.¹¹⁴

The problem concerning the denunciation as an instrument for controlling corruption become evident in these sources, which demonstrate that more political understanding of corruption that was not so apparent in the study of the chronicles. A legal trial initiated by the denunciation of *Pasquale quondam Dondidey Fabri* in 3 January 1288 offers an interesting example. *Pasquale* was the *ministrale*¹¹⁵ of the San Biagio parish inside Bologna, and accused five citizens of having approached him and threatened to gouge his eyes out (*excrepabimus tibi oculos*) in case he insisted on the idea of electing *Falco Aldrevandini* —a candidate they did not appreciate— to office. Summoned to appear in court to respond to the accusations, all five citizens declared that *Pasquale* was lying and that, instead, had invented this story to cover the fact he had received bribes from some inhabitants of the neighbourhood he was supposed to monitor.¹¹⁶ The case goes on and on, with both parties trying to prove the other was in the wrong, and unfortunately, the outcome is for us unknown, since the last pages of the register are missing. Regardless of the outcome, the episode highlights how denunciations of corruption could be manipulated for precise political ends that surpassed statutory intentions. Furthermore, the fact that *Pasquale* could declare in court that citizens were trying to corrupt him and ask the judge to prosecute them for corruption means that the symmetric conception of corruption —only inserted in the normative in 1335— predated these norms and was already taking roots in late thirteenth-century Bologna.

Another example of a symmetric understanding of corruption much earlier than the statutes of 1335 is that of *Aççotus quondam Bonaventure de Vianignano*, charged at the *ad maleficia* courts in 5 August 1319 for trying to corrupt (*corrumpendum falso et malo modo*) the capitan and the guards of the Bolognese castle of *Vighi*, situated in

114. (...) *dicuntur de mense januarii et februarii proximos presentis falsa commississe in dicto eorum officio et specialiter super eo quod dicuntur multos banitos canzelasse de libris banitorum contra formam (...) et super eo quod dicuntur multam pecuniam accepisse et habuisse (...) dicuntur ipsis de causis multas scripturas falsas fecisse et fieri fecisse (...)* (“It is said that they committed false actions in their charges in the months of January and of February, especially, it is said that they erased many names in the books of the banned. It is said that they received and possessed much money because they produced and procured to produce false documents”): ASBo. Curia del Podestà. Giudici ad Maleficia. Libri inquisitionum et testium, 16, fasc. V, f. 9r.

115. The *ministrale* was a minor officer responsible for managing a *cappella* (parish), the smallest territorial administrative division of late medieval Bologna. These officers were in charge of verifying that all inhabitants of the *cappella* under their supervision were properly enrolled in the Bolognese fiscal lists (*estimo*), and were also supposed to report any crime or disrespect of current normative witnessed in this area. For a more detailed analysis of the function, as well as for a minute description of all Bolognese territorial divisions, see: Pini, Antonio Ivan. “Le ripartizioni territoriali urbane di Bologna medievale. Quartiere, contrada, borgo, morello e quartirolo”. *Quaderni culturali bolognesi*, 1 (1997): 1-50.

116. *Quos omnes et singulos quod dum ipse Pasquale ministrale dicte cappelle facere fieri electionem ministrali pro anno presente tractate ordinate et ex proposito irato animo venisse cum maximo furore contra dictum pasqualem insultantes eundem dicentes latroncelle nons excrepabimus tibi oculos si tu facie scribi Falcum in ministralem* (“Because each and every one of them, while *Pasquale ministrale* was involved in the election procedures of the new *ministrale* of this year, approached him savagely and angrily, insulting him and saying: Thief! We are going to gouge your eyes out if you elect *Falco* as *ministrale*”): ASBo. Curia del Podestà. Giudici ad Maleficia. Accusationes, 7-a, fasc. 1, f. 2v.



the countryside. *Aççotus* had tried giving them money to accept unauthorized people inside its premises and ended-up incarcerated.¹¹⁷

The close link between corruption and political affinity established in the statutes of 1288 appear more clearly in cases such as the one against *Mattiolus Amadori*, *massaro* of Borgo Nuovo, situated in the Bolognese countryside, registered in February 1288. *Mattiolus* is accused of corruption for not having expelled from his jurisdiction a series of inhabitants of Borgo Nuovo recently declared *Lambertazzi*, not respecting thus what the most sacred ordinances established as a form of protection to the *Geremei* party in Bologna.¹¹⁸

5. Conclusions

This article has explored how corruption meant a vast, but precisely described and classified, series of changing actions —moral and professional— performed by officers in late thirteen- and early fourteenth-century Bologna. It emphasized how the understanding of what constituted corruption varied significantly in the 85 years that separate the statutes of 1250 and 1335, departing from a —at least theoretical— desire of detachment and neutrality of officers from the rest of the population, to arrive to a conception of corruption that included actions against the political party in power at Bologna. This political sense of corruption as actions against those in power did not vary substantially from popular to seigneurial governments in the city; what varied however, were the instruments set in place to contrast and fight corruption. This study highlights some procedures and practices legislators created and implemented in the period, which even summoned the participation of the entire community in order to maintain the collective honour of public institutions. A participation seen as less desirable in the seigneurial government of Bertrando del Poggetto and later of Taddeo Pepoli.

The institutions and procedures designed to fight corruption, such as the *sindacato*, became entrenched in the Bolognese society. The chronicles studied paid attention to officers that underwent this procedure, demonstrating how the simple denial to submit one's action to *sindacato* —even when there was no apparent misconduct—

117. *dictus aççotus ivit (...) ad seducendum et inducendum et curumpendum falso et malo modo capitano et custodes dicte roche quod dictis castrum et rocham prodirent (...) predictam tentavit contractavit eum dicto capitano et ottulit ei peccuniam* (“*Aççotus* tried seducing, inciting and corrupting, falsely and in a bad manner, the captain and guards of the above-mentioned fortification to betray their positions (...) he tried and negotiated the mentioned crime offering money to said captain”): ASBo. Curia del Podestà. Giudici ad Maleficia, Libri inquisitionum et testium. 100, fasc. 3, ff. 17r-v.

118. (...) *dictus massarius sprevit dictos bannitos non representando nec eos expellendo de dicta terra et eius curia (...) quare petit eum punire et condemnare secundum forma iuris statutis et reformationum comunis bononie* (“and said bailiff spared these criminals not conveying them to justice nor expelling them from the land (...) it is thus asked that he be punished and condemned according to the law, the statutes and reformations of the commune of Bologna”): ASBo. Curia del Podestà. Giudici ad Maleficia, Accusationes. 7-a, fasc. 1, f. 12v.



was interpreted as a grave offense. In fact, some chroniclers considered the removal alone of this institution as the main reason for Bertrando del Poggetto's failure in Bologna.

Together with the legal trials of the *ad maleficia*, these chronicles demonstrated that, despite some differences and difficulties, the elaborate scheme to classify corruption in the statutes and to propose a multifaceted strategy to fight it did not remain just a theoretical effort of legislators and *statutarii*. Practice sometimes varied in ends and means with the statutes, but it shows that these texts and procedures were a constant reference to deal with corruption in late medieval Bologna.

