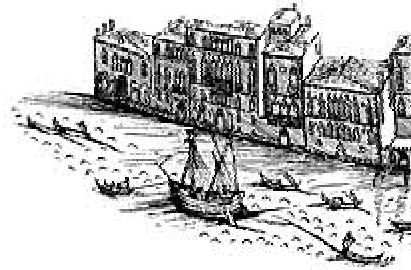


SILVIA GASPARINI

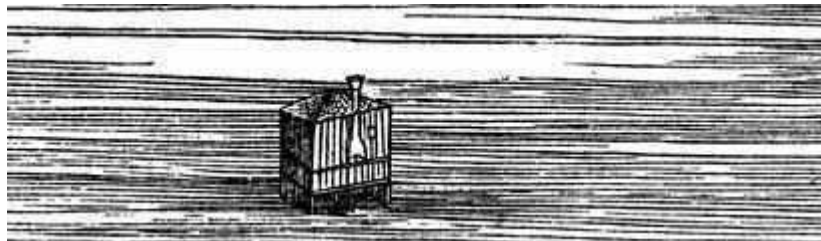
Venice and its law system. A peculiar experience

© Silvia Gasparini, July 2001



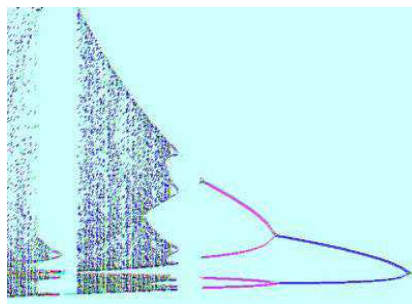
Summary

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1. By way of an introduction

An order among phenomena can be achieved in two opposite ways. One of them is building an *a priori* structure of equal-sized “boxes”, interconnected according to a fixed rule of hierarchy. A typical instance are bifurcation fractals or the Dewey system for cataloguing books. Such a structure allows for little or no feedback from the phenomena themselves: each is stuck into the correct box according to its relevant qualities as stated by given rules. Some boxes will be crowded, others empty.



(image 1: Bifurcation fractal, © Brad Johnson)

Inner logic, not actual results or the time factor, is key in this structure; but if time is added to the model, some boxes will fill up, others will lose elements, as it happens in the Dewey catalogue in a library when new books are published on formerly neglected or non-existent topics and old ones eventually perish.

In terms of governmental institutions, such a model can be found in contemporary States endowed with a rigid constitution, or constitutional code of laws. Such a constitution works like a sort of blueprint, engineered *a priori*, where the functions of the government, its operative bodies and their reciprocal relationships are predetermined according to a set of few basic rules.

Dewey Decimal Classification System

The Dewey system has ten main classes. Each of them has [ten divisions](#). These are further divided--and then further divided. Each division becomes more specific. The more numbers, the more specific the subject.

Overview

[000 Generalities](#)

[100 Philosophy & psychology](#)

[200 Religion](#)

[300 Social sciences](#)

[400 Language](#)

[500 Natural sciences & mathematics](#)

[600 Technology \(Applied sciences\)](#)

[700 The arts](#)

[800 Literature & rhetoric](#)

[900 Geography & history](#)

The 000 s

000 Generalities

001 Knowledge

002 The book

003 Systems

004 Data processing Computer science (...)

007 Not assigned or no longer used (...)

010 Bibliography (...)

017 General subject catalogs (...)

020 Library & information sciences (...)

030 General encyclopedic works (...)

070 News media, journalism, publishing (...)

090 Manuscripts & rare books (...)

095 Books notable for bindings (...)

098 Prohibited works, forgeries, hoaxes

099 Books notable for format

(image 2: Sample from the Dewey Decimal Classification System)

Most contemporary States focus these basic rules on the law issued by an elected assembly as the main source of rules of law; on equality of all citizens in front of the law; on the separation of powers of government; and on the protection of human rights even from the State itself. In the narrower field of administration, it is common to find a structure based on Ministries for each broad department of the State's assignments and activities. According to changing circumstances, one or another Ministry will be more or less busy, but as a rule new Ministries are created to face completely new fields of State activity (e.g. the management of environment), not in view of lessening the charge on an existing one.

The opposite way to achieve order among phenomena is to part them in such a way that each "box" contains roughly the same amount of elements. This means that the qualities, relevant to stick each

phenomenon in one and only one box, cannot be found in a set of just a few rules, but result from the interaction of many interconnected criteria; moreover, where the phenomena are thicker, the relevant qualities will be many, and where phenomena are rare, they will be fewer. Feedback from the phenomena is high and time is a key factor, because such structures maintain themselves by forever developing. A typical instance are natural structures: from the adaptation of different forms of life in a changing environment, exploiting the existing resources, down to the shape given to an individual tree by the prevalent direction of the winds.



(image 3: Urban fox near the Tower Bridge in London, © Mark Birkhead)



(image 4: Tree deformed by the wind, © Richard Peabody)

In terms of governmental institutions, such a model is recognizable in the medieval autonomous communities, like city-States, guilds, hansas, rural communities or even large feudal areas. Where many people share the same range of interests, especially if they live in close proximity, they spontaneously give themselves rules. Each individual can belong to more than one of such groups,

and the groups themselves are not linked by a hierarchical order; function alone dictates how they work and interact.

Here the key factor in giving shape to the institutions is the needs to be met. Whichever works best among the existing bodies of government, will take up the issue; if none can do it, a new one will be appointed. Such systems have no constitutional code, no predetermined bodies, no rigid rules. They are based instead on the persistent agreement of all or most members of each group; they assign a different status to individuals according to group belonging; and they do not formally entrust the different powers of government to separate entities.

The history of modern law systems in Europe can be read as the fight between these two ways of achieving order, with the modern, absolute monarchs imposing the “fixed-rule” way on pre-existent medieval institutions, organized along the lines of the “self-structuring” way. In this context, the history of the Venetian law system constitutes a remarkable instance of working compromise between its medieval origins and its modern development, achieved through peculiar and effective means.

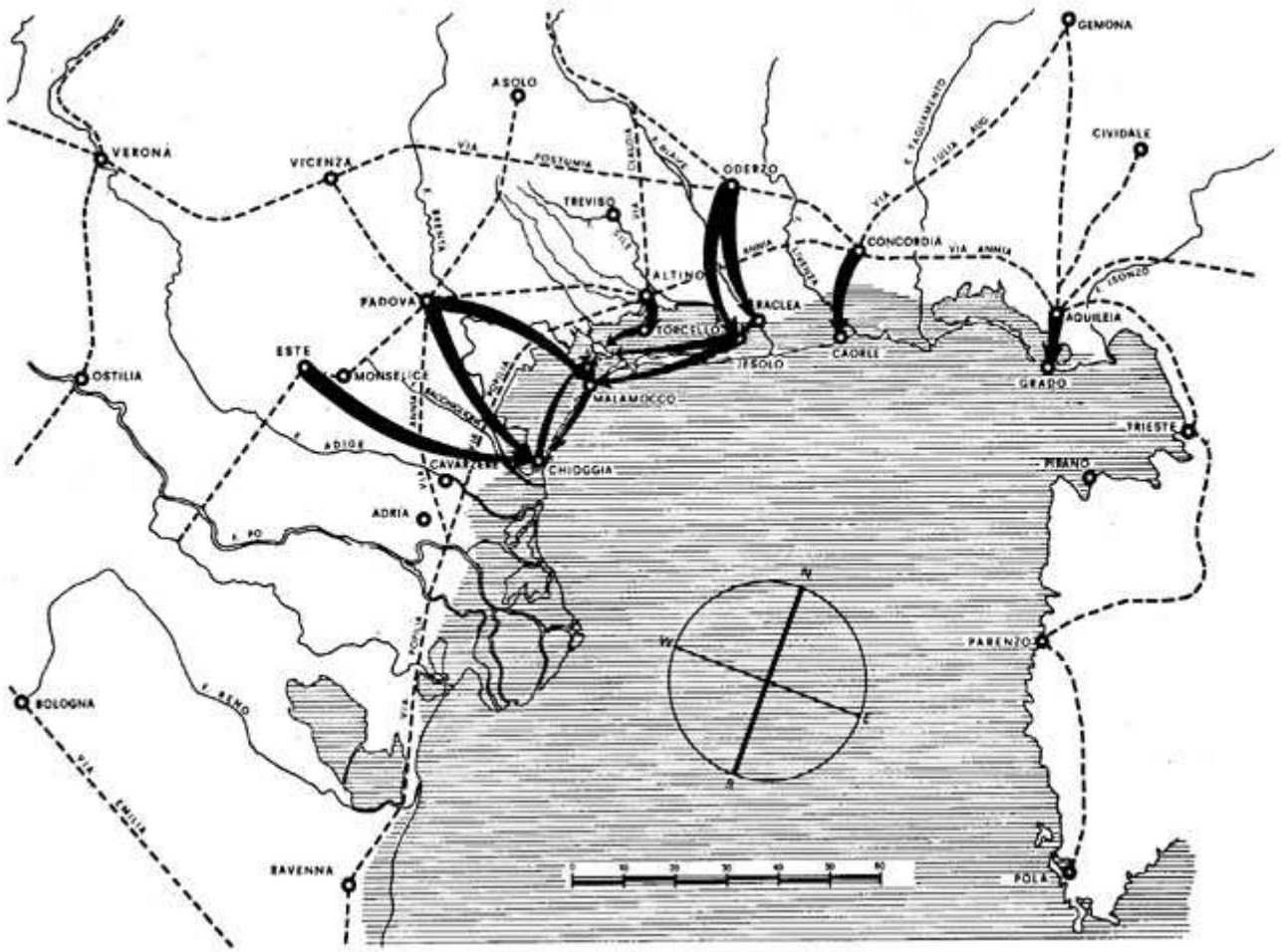


(image 5: Facciata del Palazzo Ducale verso il Bacino di San Marco, © Fulvio Roiter)

In his book *The Stones of Venice* (1851-53), John Ruskin praised the architect who built the new Sala del Maggior Consiglio (completed in 1423) for choosing not to align the four large windows according to the already existing pattern, but rather at the most functional height to give the hall a uniform, bright, serene lighting also reaching the painted ceiling. He did not concern himself either with external symmetry (the two windows of the older antechamber on the wall facing the Basin are set lower than the four windows of the hall) or with the pattern of white-and-rose marble decorating the wall, into which the windows are cut like in an embroidered drape. It is a remarkable instance of how symmetry and abstract rationality never prevailed in Venice over common sense in view of function, neither in building nor in politics.

2. Uniqueness and paradox

Since the first beginnings of Venice in the late VIth century a.D., the people living and slowly building their city in the lagoons consider themselves citizens of the Byzantine empire and direct heirs of the Roman culture of antiquity. When Charles the Frank is crowned Roman emperor in 800 a.D., Venice remains outside his domain; indeed, a military naval expedition sent against Rialto in 810 is left stranded during the low tide and the Frank soldiers are slain. Since then, Venice negotiates periodical treaties with the Frank and, later, the German Western emperors as their equals.



(image 6: Migrazioni altomedievali dalla terraferma in laguna, from GUIDO PEROCCO - ANTONIO SALVADORI, *Civiltà di Venezia*, 1, *Le origini e il medio evo*, Venezia 1973)

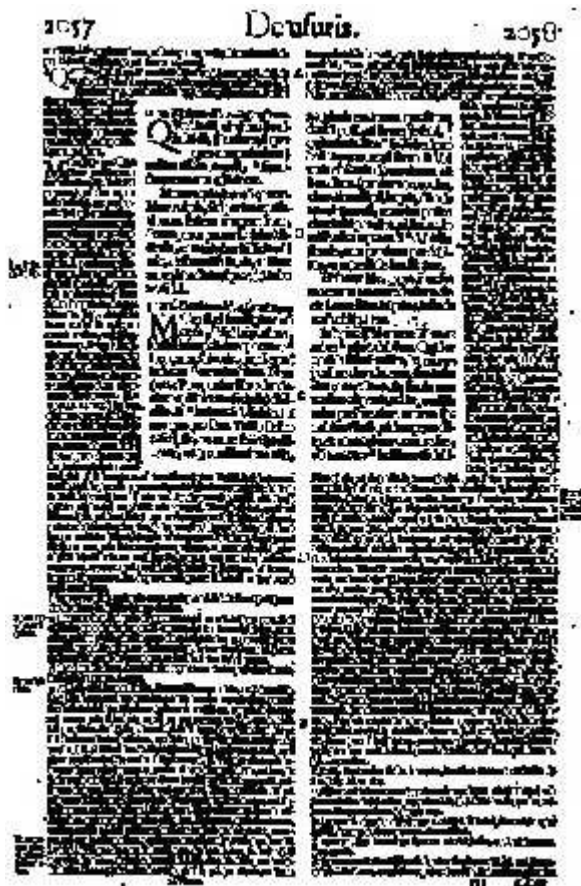
Even the formal subjection to Byzantium soon becomes a mere figure of speech, and it definitely ends with the IVth crusade in 1204, when the Christian army, mainly armed by Venetians, moves victoriously against Byzantium itself.

Venice therefore appears since the middle ages as an uncommon, atypical instance of an effectively independent entity, recognizing no superior.

Moreover, the feudal system, prevalent all over Europe since around the VIIth down to the XVIIIth century, remains foreign to government management in Venice. A small territory with resources best exploited by commerce, lively local self-governing communities, and most of all the idea (of Roman heritage) that government must be managed by elected magistrates, and not through dynastic appointment, are factors in the refusal of the feud as a means of exercising power.

The same basic choices reflect also on the legal system and the attitude towards the Roman common law.

The Justinian consolidation of 529-534, the final chapter in the history of Roman law in antiquity, is largely forgotten in the early middle ages until it is rediscovered in Bologna as “the law of the (German, Western) empire” in the XIIth century. Since then it is applied as a final source whenever the rules coming from other, particular sources fail to solve the current legal problems. Its general use comes actually from its technical, well-tested excellence; the doctors of law attach to it a political significance as the law issued by the emperor.



(image 7: *Digestum Vetus*, Venezia 1584)

In Venice, however, the emperor has no supremacy; and even the more practical considerations are not applied, because the people of the lagoons show remarkable enterprise in giving themselves their own laws without the need for the last device of the Justinian books. If they are the heirs of the ancient Romans, they can very well go on producing laws as the Romans themselves did, through assemblies and magistrates.

The same independence is always maintained also with regard to the Papacy. No relatives of members of the high clergy are allowed to take part in assemblies discussing ecclesiastical matters: the formula *expulsis papalisticis*, “the papalists having gone out”, can be found in the text of all such deliberations. Ecclesiastical courts of justice have a strictly limited jurisdiction and as a rule cannot judge the laymen for any crime also punished by State laws, not even blasphemy or heresy.

Conversely, members of the clergy accused of a crime are judged by State courts and not by ecclesiastical ones. With regard to both internal and foreign policy, the attitude of Venice is adamant in defending its independence from any dictate by the pope and any privilege asserted by the clergy, even incurring in general excommunication by Paul V in 1605.

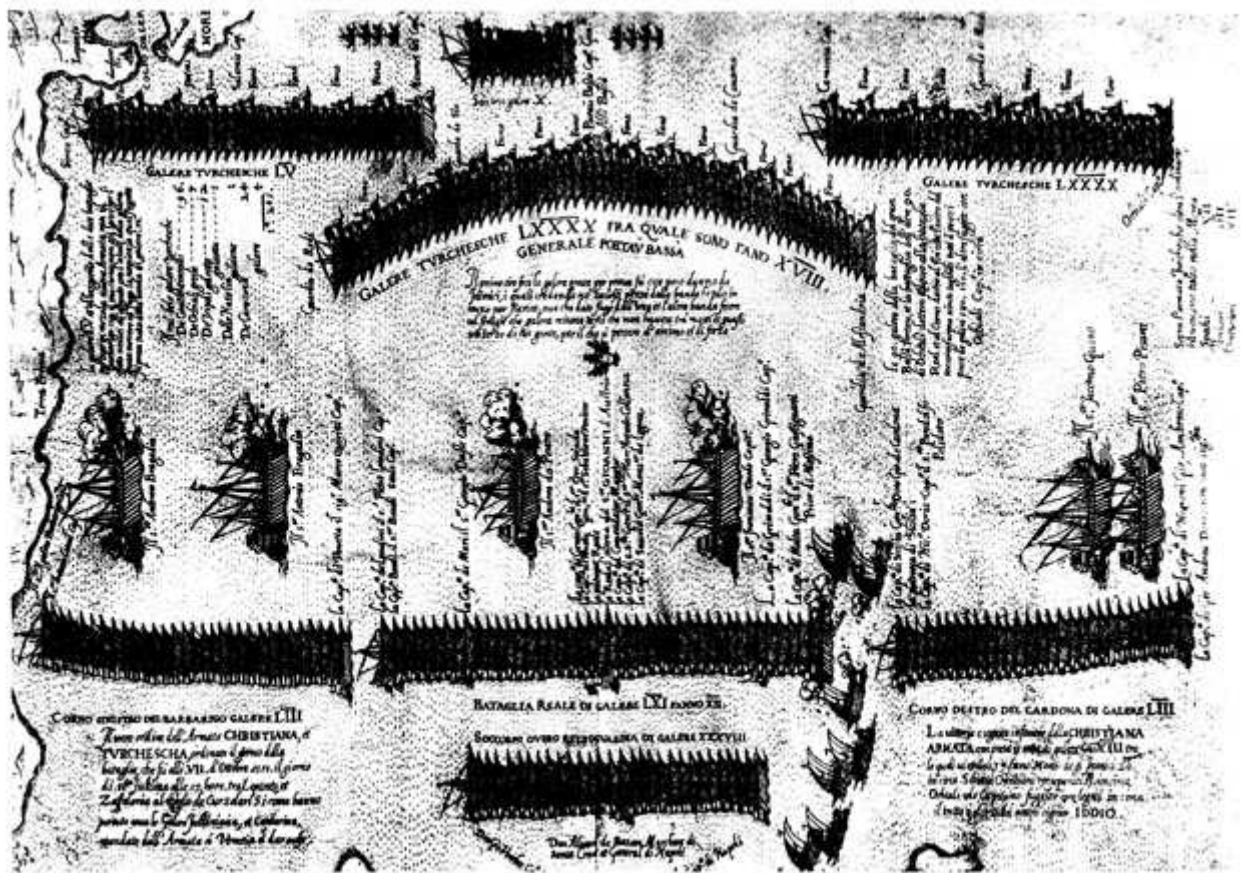
However, these peculiarities must not induce to think about Venice as isolated from the context of European history and politics. On the contrary, its independence facilitates since the early middle ages the establishment of a close net of contacts in the whole Mediterranean area, with no distinction among Christians and Muslim, Catholic and Orthodox, Latin, Greek and Arabic speakers. Both commerce and diplomatical relationships are made easier by such openness of mind and freedom of movement, so much that Venice acts for centuries as a sort of more or less neutral mediator and “communications officer” among Christian and Muslim potencies.

Moreover, independence from ecclesiastical power coupled with a solid base of consensus makes Venice free and strong enough to achieve an unusual degree of religious tolerance and openness to free thinking. The printing industry in Venice is flourishing during the whole modern age under very mild censorship; books prohibited in other countries are freely published in Venice; heretics

find refuge there, although they scarcely find adepts; the condition of Jews, although still in part discriminated, is on the whole better than elsewhere; and naturally, merchants of all nations and religions are welcome without distinction.

It is worth a note that Venice tends to resort to war only as an answer to direct threats, either from the West and the Terraferma (since the conquest of Padova in 1405, to the Cambrai war in the early XVIth century) or from the East and the sea (from the IVth crusade to Lepanto). Until at least the XVIIth century, Venice can be counted upon as a major military potency in Europe and the Middle East, but even then its best weapon seems to be negotiation, in view of the fact that peace favours commerce and war stifles it.

This attitude of openness reflects on the discipline of legal institutes: many technical solutions have been mutuated or adapted from foreign legal systems, not only in merchant law but also in more private matters like family law.



(image 8: Gli schieramenti alla battaglia di Lepanto, 3 ottobre 1571, from ALVISE ZORZI, *Una città una repubblica un impero. Venezia 697-1797*, Milano 1980)

3. The modern age: how to cope with change

Such fine-tuned balance between independence and relationships is not the only paradox we can find in the history of Venice. Another emerges in the Renaissance age: it is recognizable in Venice remaining largely foreign to the shaping process of what historians call the modern State, despite its territorial boundaries steadily widening both in the Terraferma and overseas. All along the modern age, Venice manages to govern itself and its domains essentially through the same ruling bodies it had developed to govern a medieval city-State with a very narrow territory.

In France, in Spain, in England and, at a later time, in the German area, autocratic monarchs gather in their own hands more and more powers on wide, unified territories, taking them away from the nobility, the clergy and the autonomous communities of medieval origins: cities, guilds, rural communities, feuds.

At the same time, bureaucratic, hierarchical structures are developed, engineered as faithful machines to execute the monarch's politics. Bureaucrats are now clerks and not magistrates; they are neither elected nor come into their office by birth or by purchase. Rather they are nominated by the monarch after tests of proficiency; they respond only to the monarch himself and they usually come from the middle classes, formerly excluded from public charges. Therefore, they have everything to gain and nothing to lose by strict faithfulness to orders.

The former political class (or rather classes, as many different institutional systems coexist) is pushed aside as a consequence, making room for unhindered government powers exercised by the king through his bureaucracy. In an age when separation of powers is not conceived and political thought concentrates instead on the justification of absolute monarchy, the same process also involves the judiciary structure: the judges tend to be thought of as specialized clerks and jurisdiction as a branch of administration.

With regard to how the rules of law are formed, modern age is witness to a shift of rule-making away from organized groups and towards the king in person; also, the concept of "right" tends to distance itself from that of "just, equitable" and to get nearer the idea of "legal", meaning "conform to the will of the king". As the task of making choices (that is, to act as a political entity) tends to concentrate in the hands of the monarch, what makes a rule of law binding is not its actual effectiveness or opportunity anymore, but rather its formal quality as an undisputable order of the king.

A first concept of equality in front of the law is dawning in the modern age as a consequence. The king is sole master of the rule-making process, and his will is omnipotent; therefore, his laws should apply to all, none excepted, unless he states the exceptions himself. It takes the French revolution to actually sweep away privileges and make the individual citizens into political subjects; however, even before that, the fact that privileges are no more seen as the outcome of birth rights and such, but rather they are granted by gracious concession of the monarch, has a deep impact on the conception itself of power and the law.



(image 9: THOMAS HOBBS, *Leviathan*, London 1651, frontispice)

This process where power is gathered into the hands of a single man and a whole new structure of government is built around him, leaving aside the many and different medieval institutions, does not take place in Venice, or barely so. Venice instead seems to find her own ways around problems both old and new, and develop its medieval government structure to cope with change without substantially altering its nature. Let's see how.

4. Venetian government: strenghts and weaknesses

Since the earliest times, government in Venice never is the affair of a single man or of a few oligarchs.

Even at the dawn of the middle ages, when the pre-eminent families fight for primacy, the assembly of the citizens balances the power of an elected doge. *Dux et populus*, the doge and the people, always appear together as actors of the government. Even later, when councils and magistrates are created to face the needs of an expanding community, the concept remains strong that the doge himself is not a king, but rather nothing more than a magistrate, however high, and therefore responsible toward the people.

The shift from the people to an aristocracy as a political subject comes relatively late and, far from being a revolution, it merely crystallizes a long-standing practice. Between the end of the XIIIth and the early years of the XIVth century, those families who have taken active part in political life

during the former century become a hereditary aristocracy, whose male members of age form the *Maggior Consiglio* and who governs unchallenged until 1797.



(image 10: GABRIEL BELLA, *Maggior Consiglio assembled, XVIIth century*)

However, on one hand this shift is not seen by those excluded as a limitation, but rather as a means to strengthen continuity of management in the hands of competent people; on the other, the whole nobility maintains until the end of the republic a deep-seated sense that power is duty and responsibility before being privilege.

The actual exercise of power is widely shared among a large number of families, regardless of individual wealth. Membership in the councils (other than the *Maggior Consiglio*) and all magistrates is elective and has a short term of duration to ensure turnover.

Complex procedures of election avoid that single families can influence access to public offices.

Strict independent reviews are done after an office comes to its term.

What matters more, this aristocracy of functions on the whole maintains during the following five centuries an admirable degree of cohesion, producing both effective government action and a high level of consensus among the people. During the ten centuries of the history of the republic, Venetian rulers lack an opposition. There is no feudal nobility to defend old privileges against this new merchant aristocracy; there is no *noblesse de robe* or a bourgeois class aiming to win new prerogatives for itself. So the test for the ruling class is not how to keep under control these necessary, but fractious segments of society; it is instead how to keep internal discipline, so as to maintain high standards of efficiency together with avoiding imbalances toward oligarchy or absolutism.

The means to reach this aim are in the first place a careful distribution of functions among different councils and magistrates, ensuring that none becomes so powerful as to escape control by the others; in second place, severe punishment for failing duty. Nobody escapes such punishment, not even the doge himself: Marino Falier is beheaded for high treason in 1355, having been discovered conspiring to slaughter most of the nobility and make himself a dictator.



(image 11: DOMENICO TINTORETTO, *Fregio dei ritratti dei dogi nella Sala del Maggior Consiglio*, post 1577; Marino Falier † 1355)

So much for the strong points which allow Venice an exceptional duration, continuity and independence among the turmoil of medieval and modern Europe. There are, however, also weaknesses.

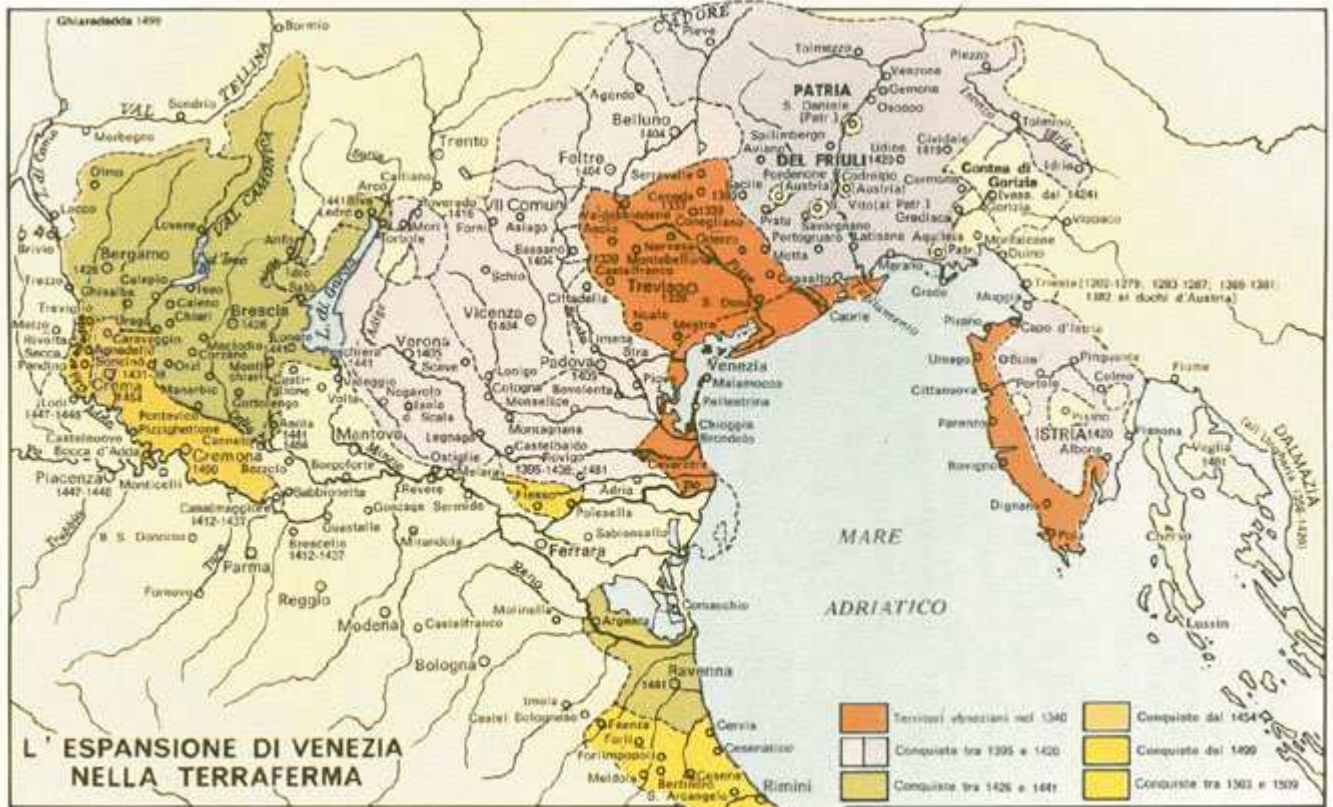
One of them is to be found in a too limited turnover within the ruling families. Some of them go extinct in time, some get so impoverished that their members cannot face the heavy expenses of the most important charges; this tends to concentrate the most delicate duties in the hands of fewer and fewer families.

New members are sometimes admitted into the aristocracy, but they are not enough to balance a steady percentual decrease of the nobility with regard to the whole of the population. The problem worsens in the modern age, when the natural trend for the city (a steady or slowly growing number of aristocrats, together with a rapidly growing number of citizens) is compounded by the acquisition of vast domains in the Terraferma. This makes the Venetian nobility a true oligarchy in front of a sudden increase in the number of their subjects.

Another problem getting worse with time is a preference for adapting existing structures instead of planning entirely new ones. Somehow this weakness is a negative side of the positive side represented by continuity: faithfulness to what worked in the past becomes in time an inability to change. During the late modern age, Venice becomes more and more similar to an accomplished acrobat, rope-walking on a thinning thread of string, taking advantage of experience and of a reputation no longer upheld to maintain its place among the great European potencies, but incapable of real reforms to keep its pace with the times.

This attitude is clear with regard to the basic principles of contemporary government as elaborated by the Enlightenment: separation of powers, primacy of the law, equality of all citizens in front of the law. Venice never adopts any of these principles. Every council and magistrate of the State acts in turn, and according to its functions, as a maker of rules, a judge and an administrator. The laws are many (too many!), but they are not the only source of rules, nor always the strongest. Society is divided into classes, each with its own peculiar status, although in Venice the injustice of privilege is less appalling than elsewhere in Europe. That Venetian government managed to be on the whole so wise and human, in comparison with other modern States, is surprising now as much as it was to many modern-age witnesses.

Both strenghts and weaknesses shed a mixed light on the government of the domains, both in the East (*Dominio da Mar*) and in the West (*Dominio di Terraferma*). In the late middle ages, Venice feels the need to safeguard its western boundaries and begins its expansion in the Veneto and Friuli. Padova is taken in 1405, Friuli in 1420, the rest of Veneto, part of Trentino and of Lombardy during the following decades, until expansion is halted in the middle XVIth century.



(image 12: Venetian territories in the Terraferma, from ALVISE ZORZI, *La Repubblica del Leone. Storia di Venezia*, Milano 1979)

It is clearly impossible to rule such vast territories through the institutions of a city-State alone, as much as it is impractical, anachronistic and contrary to the Venetian idea of government, to think about engineering a radically new structure. It is instead simpler, easier and more effective to control local government through Venetian representatives in the major cities of the domains. Each territory therefore maintains its former institutions and rules of law, under the supervision of a Venetian Rector, a Capitano and a Camerlengo.

Such a solution pleases the locals, who do not have to endure rupture with their former ways of self-government. At the same time allows Venice to strictly watch over its every aspect and to reshape it inapparently as the need arises. A typical instance is the updating of medieval local statutes: the Venetian Rector takes part in writing the new edition, often taking the chance to limit former self-government prerogatives in favour of heavier control by Venice; moreover, the final text is approved by the Venetian Senate, turning its vigour into a concession from above.

Thes easy-going choice of letting the local communities keep their old ways of public life however presents a grave drawback: an impossibly complex mosaic of sources and rules of law is produced, and confusion ensues.

One major problem are appellations from local judges to the Venetian Rector and/or to Venetian central Courts of justice. Will the Venetian Rectors or judges apply the Venetian rules, or the local ones? In the first instance, the appellated case will be decided according to different rules from those which the parts (or the accused) know as being their own; in the second, the parts (or the accused) are weighed with the often difficult task of giving proof to the Rector or judges of what the local rules state about the case in hand. A widespread recourse to equity by Rectors and judges keeps the system functioning, but it does not solve the problem at its roots.

More difficulties of a very practical nature arise about the fiscal system: local differences in the discipline of direct and indirect imposition, privileges and exemptions make it impossible to apply a coherent method of tax collection on the whole territory of the domains.

Nonetheless, especially in comparison with other countries, Venice has some title to be considered, for as many as ten uninterrupted centuries, as a dispenser of justice and good government. Although, as we have seen, equality in front of the law is as unheard of in Venice and its domains as all over Europe before the French revolution, Venetian jurisdiction manages to avoid with remarkable consistency the pitfall of letting privilege prevail, particularly in criminal matters. Rather, as we have seen with regard to the doge Falier, the punishment of offenders belonging to the aristocracy tends to be even more severe, and the wide equitable rights entrusted to the judges are usually applied with some measure of balance and wisdom. Venice always takes pride in its capacity to make justice, and the image of the crowned queen with scales and sword is recurring.



(image 13: JACOBELLO DEL FIORE, *Venezia as Iustitia*, 1421)

In short, Venice manages to gather on the whole more praise than grumblings from its subjects, especially from underprivileged classes who come to think of the Venetian Rectors as their protectors from abuse from the local nobilities; however, the basic problems are not solved nor explicitly faced, and, at a time when some other countries are adopting farsighted reforms in jurisdiction and administration, they get instead steadily worse in the republic all along the XVIIIth century.

5. The councils and the magistrates

It is now time to see in more detail how the Venetian government is structured.

CONSIGLI E CORTI DI GIUSTIZIA

Maggior Consiglio

Doge + Minor Consiglio + Capi di Quaranta = **Signoria**

Signoria + Commissioni permanenti = **Collegio**

Collegio + Tre mani di Savi (= Savi Grandi + Savi agli Ordini + Savi di Terraferma) = **Pien Collegio**

Senato o Pregadi + Zonta

Consiglio dei Dieci + Zonta

Quarantia: Criminal / Civil Vecchia / Civil Nova

Curie di Palazzo: del Proprio -- *proprietà fondiaria*
del Forestier -- *stranieri*
dell'Esaminador -- *trasferimenti immobiliari*
di Petizion -- *applica l'arbitrio*
del Procurator -- *giurisdizione volontaria*
del Mobile -- *supporta Proprio e Petizion*

Auditori Vecchi / Novi

(image 14: The councils and the courts of justice in Venice)

Along the XIIIth and XIVth centuries, the early diarchy of *dux et populus Veneticorum* has evolved without solution in a new entity, the *Commune Veneciarum*. At this time the asset of power is established and the five councils (the main constitutional bodies) already have the shape they will maintain until the end of the republic; most relevant in this process is the formation of a ruling class of aristocrats.

In 1297-99 the *Serrata del Maggior Consiglio* introduces strict requisites for admission into the Maggior Consiglio for anybody who has not been a member in the last four years, or whose forefathers have not been members since 1172. Taking part in politics thus becomes the prerogative of those who are, or are presumed to be, already well-versed in the management of public interests. The *Maggior Consiglio* is not a representative assembly; instead, it gathers all individuals entitled to exercise the political rights to vote and be elected. It elects the members of the other councils and many of the magistrates; it also elects the doge, the only lifetime magistrate. The doge is also president of the Maggior Consiglio and of all the other councils.

The oldest among these other councils is the *Minor Consiglio*, made of six members who always accompany the doge; they give him advice but also watch on the constitutional and political

correctness of his actions.

Next comes the *Senate* or *Pregadi*, latinized in *Rogati* (meaning “requested to” discuss public matters), made of 60 members (later doubled to 120) as a more agile assembly than the cumbersome *Maggior Consiglio*.

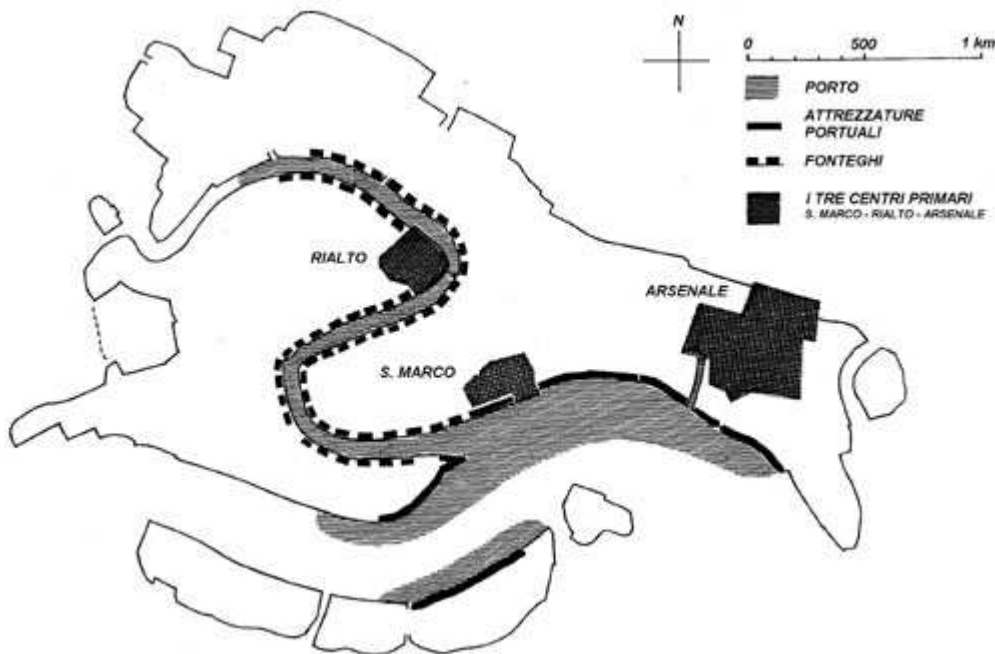
The *Quarantia*, trebled in three sets of 40 members, acts mainly as a court of highest justice. Finally, the *Consiglio dei Dieci*, the notorious Council of Ten, born as an exceptional tribunal to judge the 1310 sedition, but maintained ever since and concerning itself with whatever matters interest the safety of the State.

There are also a set of first-level tribunals, the *Curie di Palazzo*: they are called *del proprio*, *del forestier*, *del procurator*, *dell'esaminador*, *di petizion e del mobile*, according to their field of competence.

Although, as it has already been said, no real separation of powers exists in medieval and modern Venice, most of the political and legislative activities regarding matters of major importance are concentrated in the five councils. Executive activities are instead mostly reserved for the magistrates or *officia* (Latin for “duties”).

These are made of usually three or five members, chosen from the aristocracy and elected by the *Maggior Consiglio*, the *Senate* or the *Dieci* in their own midst; their charge is limited to a short, predetermined number of months (generally six, twelve or up to eighteen) and their task is to manage specific matters, detailed in the law (issued by one of the councils) by which the magistrate was first instituted. Before beginning his time in the *officium*, the elected swear to abide by a list of duties called the *capitolare* (fro its text being divided into articles).

Since medieval times, magistrates are divided into the cathegories of *officia de intus*, pertaining to the administration of Venetian territories, and *officia de foris* pertaining to diplomatic and commercial relationships with foreign countries. *Officia de intus* in their turn are divided, according to their seat, in *di San Marco* and *di Rialto*.



(image 15: Centers of government in Venice, from GUIDO PEROCCO - ANTONIO SALVADORI, *Civiltà di Venezia, 1, Le origini e il medio evo, Venezia 1973*)

In Palazzo Ducale at San Marco find their seat the magistrates pertaining to administrative affairs and those of general import, while in Rialto (the center of the economic life and the heart of the merchant harbour) have their seat the magistrates concerning themselves with the discipline of economy and the market.

While the five councils get their shape along the middle ages and they retain it until the end of the republic, on the contrary magistrates are created, modified and abrogated by the councils as the need arises. Rather than adding new functions (and therefore a larger share of powers) to an existing magistrate, it is often preferred to create a new one for a short time, as an experiment; if the results are good, it may be renewed a few times, and finally declared permanent. It also happens that an experimental magistrate is not revoked after its term is elapsed; its members are changed at each term, and it simply goes on forever.

Such method can be figuratively linked to the image of the tree shaped by the winds, and therefore to order through dynamic balance rather than through rational schemes. Its advantage lies in maximum freedom to invent solutions for new needs, without any stifling pattern to follow; its down side is an unwanted multiplication of magistrates, with little or no coordination among them. Interference and discord are the result, so that some matters are cared for by more than one body, often on conflicting lines, while others are neglected.

Just think what complications ensue in the financial and accounting field: each magistrate has its own revenues and expenses and keeps its own separate ledgers by different accounting rules. There is no centralized, State accounting; no unified budget; little or no auditing.

On the whole, the magistrates' activities appear as execution of directives coming from the councils; however, their management is not confined to mere administration in the contemporary sense, but rather it also involves both legislation and jurisdiction within the matters entrusted to the magistrate, especially with regard to misdemeanours against rules issued by the magistrate itself. In fields of greater relevance (e.g. public works or tax collection) such wide attributions translate in actual political involvement, although on a lesser degree than in the councils.

Modern-age Venetian political writers use the term *giustizia distributiva* (more or less: justice in distribution), meaning the balance to be achieved among councils and magistrates. The aim is that each work at its best within a limited share of power, and all work together to gather and process information and to produce wise, effective government choices.



(image 16: GIOVANNI BATTISTA MORO, *Enlisting the milizie da mar*, XVIIth century)

An early modern image speaks volumes about the idea Venetian magistrates entertained of themselves. In this Renaissance painting by G.B. Moro we see the portrait of three Proveditori all'Armar, whose task it is to enlist and pay the crews in the military navy. They are sitting at their desk wearing the *vesta*, the correct Renaissance costume for members of the aristocracy, and giving their pay to the crew coming up one by one to collect their money. Realism, however, stops here. St. Mark himself, wearing the surreal, flowing robes usually attributed to saints by modern painters, is sitting with them as an advisor, or more likely to have a friendly chat with them; under the desk, like a lazy Great Dane dog, lays his winged Lion; and the sailor presenting himself at the desk is armed with the paraphernalia of a Roman legionary, to suggest the warlike attitude of Venetian crews...

6. The secretaries

As we have seen, the aristocrats, members of the magistrates, turn over quickly among different *officia*. As much as they bring into their activities their shared political consciousness and, usually, the zeal for duty which is typical of the Venetian nobility, they scarcely have occasion to become experts at the minutiae of the specific matters managed by each magistrate. Their government can be seen as essentially political, not technical in the least. It is therefore necessary to rely on the help given by the clerks of the *officium*.

At the same time as the aristocracy becomes sole heir of the access to the councils and magistrates, a separate body of *cittadini originari* (originary citizens) is created. This social class is open to easier turnover than the aristocracy, but it is strictly controlled all the same by inscription of its members in public registers after an accurate check of the requisites. From this class only can the clerks be chosen; there is neither election nor a public contest, but rather they are nominated by the councils or magistrates who need them, mainly on the consideration of the father or a near relative having been in the post before the candidate. Their charge is life-long; a simple secretary can have a brilliant career and progress in time to be head of the clerks of the office. Only the very lowest officers are taken from the people, and such appointments, although humble, are very sought after.

The clerks, who keep the archives of the council or magistrate where they work, can therefore be seen as the real specialists. They preserve the memory of how the same or a similar problem was solved in the past by former tenants of the *officium*; they refer to the current members of the magistrate about technical matters; they suggest how to face questions both old or new.

The field where their expertise is perhaps most useful is legislation. It is the clerks, or rather the head of the office, who informs the magistrates about the regulations in force, allowing correct action with regard to both the laws of the councils and lower-grade regulations issued in the past by the office itself.

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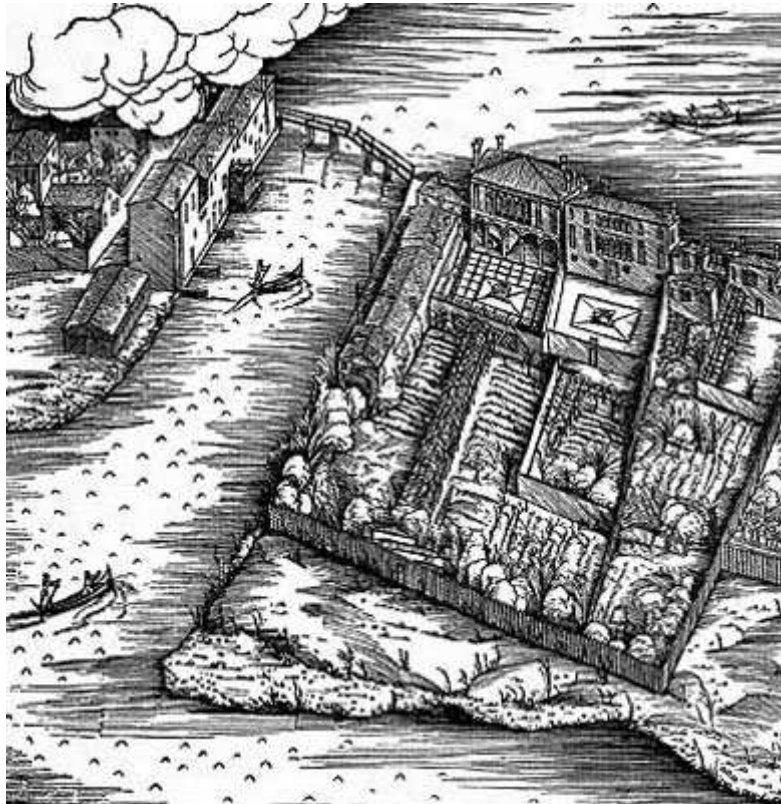
(image 17: GIULIO ROMPIASIO, *Metodo in pratica di sommario...*, Venezia 1734)

This basic function of keeping track of legislation often brings the head secretaries to compiling collections of laws in chronological and/or systematical order, or even *pratiche*, that is manuals about how the office is composed and works. This an instance among the most brilliant: in 1734 the secretary Giulio Rompiasio completed a collection of abstracts of all existing laws applicable in the course of the activities of Savi ed Esecutori alle Acque, the magistrate charged with the delicate matter of public works of hydraulic engineering. He added to each abstract the body and date of emission, ordered the items according to a systematic-chronological order, and compiled a reasoned index to make research easier. His work is as useful today as a source of information as it was at the time of its completion.

The body of the clerks on its whole is called in Venice *ministero*. At its head is the *Cancellier Grande*, the most important charge to which the citizens can aspire. He is responsible for the *Cancelleria ducale*, the public archives: there countless registers and files are kept. In the *Cancelleria Superior* State documents are kept, documenting the councils' deliberations and the magistrates' activity; in the *Secreta* reserved documents are filed, like international treaties, diplomatic relations and dispatches; in the *Inferior* copy is preserved of acts written by notaries in matters of private law at the request of simple citizens.

7. Conclusion

Tempora mutantur et nos mutamur in illis: the times change, and with them mankind's outlook on the endless questions of individual and social ethics, origin and forms of government, values to be sought and evils to be avoided. The millenarian experience of Venetian self-rule appears in our eyes as a fascinating, successful instance of a bygone idea of social structure. In his old age, Carl Gustav Jung used to say that, with time, today's scientific psychology may come to be regarded by future researchers as an attempt not less futile than alchemy appeared to his contemporaries in the middle XXth century. Venice worked its own alchemy on a vast share of European history, until the new revolutionary chemical, equality, dissolved its gilded frame.



(image 18: Gardens at la Giudecca in the woodcut map of Venice by JACOPO DE'BARBARI, 1500)

Bibliographical note

The bibliography about Venice is next to endless, even within exclusive focus on the fields of civil, politic, social, legal and economical history. What follow are therefore nothing more than a very few suggestions for a first exploration of the paper jungle.

Good general histories in English, deservedly well-known and often reprinted, are:

FREDERIC C. LANE, *Venice. A maritime republic*, first published 1973;
WILLIAM H. MCNEILL, *Venice, the hinge of Europe 1081-1797*, first published 1974;
JOHN J. NORWICH, *Venice*, 1, *The rise to empire*, first published 1977; 2, *The greatness and the fall*, first published 1981.

A critical viewpoint can be found in:

DONALD E. QUELLER, *The Venetian patriciate. Reality versus myth*, Urbana-Chicago 1986.

A detailed international bibliography is gathered in:

GIORGIO ZORDAN, *Repertorio di bibliografia veneziana. Testi e studi*, Padova 1998.

The database supporting its publication is still updated in real time and can be consulted online at:
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