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VENICE AND THE VENETO DURING THE RENAISSANCE

THE LEGACY OF BENJAMIN KOHL



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**Venice and the Veneto during the
Renaissance: the Legacy of Benjamin Kohl**

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The Limits of Kinship: Family Politics, Vendetta, and the State in Fifteenth-Century Venice*

by Dennis Romano

1. Compared to most city-states in late medieval and Renaissance Italy, Venice largely escaped the rivalries and factional conflicts that plagued civic life¹. Venice's relative success in dousing the flames of factional conflict was the result of many factors, but the principal source of Venice's political achievement lay in a series of laws passed between 1297 and 1323 which have collectively come to be known as the *Serrata* (Closing) of the Great Council. By identifying the constituent members of the ruling élite and guaranteeing them and their descendants perpetual inclusion in the Great Council, the *Serrata* effectively stifled the impulse toward factionalism by enlarging the ruling class and making political enfranchisement a hereditary right. It safeguarded members from exile, the most commonly used weapon in factional conflict. Rather than becoming a tool of factionalism, kinship became a protection against it². Over the course of the fifteenth and sixteenth centuries, the identification of patrician family and state interests continued to develop, especially as the state became the guarantor of the legitimacy of patrician births and marriages³.

Rituals such as the registration of noble births and marriages with the *avogadori di comun* (state attorneys) and enrollment in the lottery for early entry into the Great Council held on Saint Barbara's day reinforced kinship identity⁴. The requirement that members of patrilineages exit the Great Council Hall whenever one of their members was up for election also strengthened the sense that they shared a common fate⁵. Since the key to political success

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¹ For testimony by Rolandino of Padua, Petrarca, and San Bernardino to Venice's tranquility, see Bouwsma, 65; Petrarca, 234; Origo, 155.

² For the *Serrata*, see Lane, 1971; Merore; Roesch; Chojnacki, 1974; Ruggiero, 1979; and O'Connell.

³ Chojnacki, 1994; Chojnacki, 2000a.

⁴ Chojnacki, 2000b, 53-75, 206-43.

⁵ Finlay, 86-87.

depended on the ability to garner votes in elections, patricians had to build coalitions; and the most effective way to do this was through marriage. Consequently, the selection of marriage partners became a high stakes game involving a complicated calculation of social prestige, economic resources, and political influence. The net effect of all these alliances was to bind the nobles together in great interlocking webs of family relations, and the constant scurrying about for votes and pursuit of favors contributed to a sense of class cohesion and loyalty to the state⁶.

The consensus first formulated in the *Serrata* was further solidified during the War of Chioggia (1379-81). In the darkest days of this conflict, when the Genoese fleet entered the protected waters of the lagoon, the Venetians pulled together and defeated the enemy. In recognition of their contributions to the war effort, thirty non-noble families were granted entry into the Great Council⁷. But this was the last large-scale admission of new blood into the patriciate until the seventeenth century. In fact, in 1403 the *Pien Collegio* (the Ducal Council and the Senate's steering committee) rejected a proposal that would have guaranteed a constant replenishment of new members (and wealth) into the patriciate when it defeated a measure that would have granted a *popolano* (non-noble) family membership in the Great Council every time a noble family became extinct. Rejection of this plan transformed the patriciate, as Frederic Lane observed, into a "closed caste"⁸.

The following year Venice made a foreign policy decision that fundamentally altered the nature of the Venetian state and whose repercussions would be felt until the end of the Republic. In 1404, Venice undertook the conquest of neighboring territories on the Italian mainland, reversing a policy of economic exploitation but political detachment that had lasted for centuries. Over the next two years it seized Padua, Vicenza, and Verona and their surrounding countryside. Between 1425 and 1427 the Venetians expanded their territory further when they dissolved their long-standing alliance with Milan and wrested control of Brescia and Bergamo and their neighboring lands. To the east in these same years, they solidified their control over Friuli. In a little more than two decades then, the Venetians had transformed their republic from a relatively isolated city-state with far-flung colonies in the eastern Mediterranean into a territorial state with a serious stake in all aspects of Italian peninsular affairs⁹.

The consequences of this transformation were enormous. For the next thirty years, Venice found itself engaged in nearly constant warfare. Since the Venetians relied on mercenary troops, they were forced to raise vast sums of money, leading in 1454 to the collapse of the *Monte* or state-funded debt¹⁰.

⁶ Finlay, 81-96; Romano, 1987, 120-31; Zannini, 1996, 420.

⁷ On the War of Chioggia, see Lane, 1973, 189-96.

⁸ Lane, 1971, 241-42; Davis, 18-19.

⁹ There is a large literature on the conquest of the Terraferma and its consequences. For a general introduction, see Lane, 1973, 225-34; Mallett, 181-244; Cozzi and Knapton, 3-47.

¹⁰ Mueller, 453-87.

The mercenary captains who led the troops also posed problems since several of them had territorial ambitions of their own¹¹. Administration of the newly conquered Terraferma lands created other difficulties, not the least of which was a scramble for jobs by poorer patricians. Finally, the recently conquered lands added new social strains since members of the patriciate could now expand their networks of friends and clients well beyond the previously limited confines of the Great Council to include foreign princes and the élites of the conquered territories¹². Against this backdrop the consensus of the fourteenth century started to break down, and for the first time the possibility that the patriciate would descend into factionalism and pursue vendetta became real.

2. The obligation to seek revenge was a widely held conviction in Renaissance Italy, one deeply embedded in codes of honor¹³. Consequently we might expect it to have been a special concern of members of the Venetian nobility. But, as Guido Ruggiero observes, following the settlement reached in the *Serrata*, “violence *within* the nobility lost most of its function [emphasis mine];” it was not a favored weapon in the patricians’ “struggle for position”¹⁴. Instead, Venetian nobles fought their battles in the council halls by means of the ballot box, using their alliances to garner enough votes to reward their friends and punish their enemies. But in the middle years of the fifteenth century, these struggles took a turn as fear of a new form of reprisal, what can be termed judicial vendetta, became a concern.

An early example of this phenomenon dates from 1433 when a group of young nobles banded together illegally to vote for one another in elections for lesser administrative posts. The plot threatened the fairness of elections, the very foundation of Venice’s consensual patrician regime. As Donald Queller noted, “fear of factions” stood behind all Venetian attempts to end electoral corruption. The thirty-eight noblemen involved in the plot got various punishments including banishment and deprivation of offices¹⁵. The Ten also ruled that those who had investigated and tried the conspirators could protect themselves against possible retaliation by carrying arms. This included not only the regular members of the Ten but also the supernumerary members (the *zonta* or addition) added to give the council’s decisions in the case added

¹¹ Mallett and Hale, 1-210.

¹² Zannini, 459-63; Cozzi and Knapton, 205-30; and Viggiano, 529-75.

¹³ Much of the anthropological literature on which historians have drawn argues that vendetta, which was closely associated with the protection of honor, served to reinforce the identity of the group pursuing the vendetta. See, for example, Black-Michaud. As far as anthropologists’ debate over the distinction between vendetta and feud is concerned, I concur with Thomas Kuehn and Edward Muir that the distinction has little heuristic value for historical studies. See Kuehn, 1991, 320, n. 23; Muir, xxiii-xxiv. For a contrasting view, see Dean, 15-16.

¹⁴ Ruggiero, 1980, 150-51.

¹⁵ For a convenient summary of the plots, see Queller, 79-89. See also Romano, 2007, 109-12.

weight and authority. But then the Ten went further by ruling that at no time in the future could any of the participants in the plot serve as judges or witnesses in cases involving members of the Ten, the *zonta*, or their sons. The government through the Ten was acknowledging that its own institutions might be used by some of its members to seek vengeance against others and subvert justice. Moreover, it recognized that like other forms of vendetta, this one might extend across generations, to the sons of those who had prosecuted and heard the case¹⁶.

No modern legal term precisely captures the principles involved here, although several approximate it¹⁷. One is disqualification. In this sense, the 1433 conspirators were disqualified from ever serving as judges of their own prosecutors since it was assumed that they would not be impartial. Recuse is another; in essence the Ten recused or challenged the competency of the conspirators as prejudiced. Conflict of interest also comes to mind; the conspirators were disqualified since they had a clear conflict of interest in any future cases. As far back as the thirteenth century, the Venetian government had demonstrated concern over these issues, most obviously in the requirement that relations exit the Great Council whenever a kinsman was up for election¹⁸. But now the Ten perceived a more acute threat, namely that the conspirators would actively and willfully use the law and future judicial proceedings to seek revenge against those who had prosecuted them, that the governmental apparatus itself would become the means of waging vendetta.

Fortunately for the stability of the Venetian state, the conspirators of 1433 were a loosely knit group of minor nobles who had little in common except their youth and political insignificance. Furthermore their disqualification – to adopt the term which comes closest to what transpired – ended with them. It did not extend to other family members. But what would happen if this principle were linked more explicitly to kinship and applied to more important figures, ones with real power and extensive family connections? If this occurred, it could easily foster party or factional loyalties. This is precisely what happened beginning in 1445 when the son of doge Francesco Foscari (1373-1457) was placed on trial.

3. Francesco Foscari was elected doge in 1423. It was under his leadership and guidance that Venice made its territorial expansion into Lombardy. Foscari's chief competitor in the election was Pietro Loredan, a distinguished naval

¹⁶ Archivio di Stato, Venezia (hereafter ASVe), Consiglio dei Dieci, Deliberazioni Misti (hereafter DM), reg. 11, fol. 68r (28 January 1432 *m.v.*). The law noted that similar protections had been provided in the past. However, with the crises of the fifteenth century, the desire for protection took on new urgency.

¹⁷ I wish to thank Wendy Scott of the Syracuse University Law Library for help in thinking about the appropriate legal terminology.

¹⁸ For some examples from the thirteenth-century deliberations of the Great Council, see Cessi, 2:26 (act xxix), 27, (act xxxi), 41 (lxxxvii), 49 (xxiii), 84 (xxiii), 251 (v).

commander and war hero. It has long (and erroneously) been held that the election of Foscari represented the victory of a group of hawks who were intent on mainland conquest over a group of doves who wished to continue Venice's traditional policy of overseas trade and disengagement from Terraferma affairs, and that this conflict mirrored the contrasting economic interests of the two sides, with Foscari and his allies heavily invested in the mainland and his opponents committed to maritime trading ventures¹⁹. What is true is that Foscari and Pietro Loredan were rivals, but the source of the rivalry appears to have been largely personal and had to do with their differing backgrounds and interests. Loredan presented himself as a swashbuckling naval commander and cultivated his family's tradition of maritime service. Foscari, by contrast, was an expert in Terraferma affairs and the administration of charitable trusts; he adopted the image of a pious administrator²⁰.

The Doge's fortunes took a dramatic turn for the worse when in 1445 his only surviving son Jacopo was accused of accepting bribes from foreign princes. Several months earlier, the rivalry between the Foscari and Loredan had been rekindled when Francesco Loredan a nephew of Pietro (who had died in 1438) and Matteo Vitturi, a Foscari ally, had engaged in dueling prosecutions of one another²¹. A compromise was eventually worked out, but not before Vitturi admitted that he had pursued the case against Loredan out of a desire for vendetta²².

Francesco Loredan was again one of the heads of the Ten when in February 1445 it began to investigate Jacopo Foscari. As in the 1433 election plot, the members of the Ten added a *zonta* to their proceedings. On 18 February they ordered Jacopo's arrest and interrogation, even authorizing the use of torture. In spite of assurances from the Doge, members of the Ten feared retribution for their action. Accordingly, they approved a measure put forward by Loredan and his colleague Giovanni Memo (but not by the third head, Ermolao Donato) prohibiting Foscari as well as his and Jacopo's relatives, whom they defined as those who had to excuse themselves from voting in the Great Council when a kinsman was up for election, from ever sitting in judgment in any case involving any of the members of the Ten and the *zonta* or their sons. The actual wording was more fulsome; Foscari and his relatives were neither, "to support nor oppose, nor testify, nor denounce, nor speechify, nor talk, nor dispute, nor

¹⁹ For a full discussion of this supposed division, see Romano, 2007, 28-34.

²⁰ For the Loredan's maritime activities, see Stockly, 305-08; for the contrast between Loredan and Foscari, see Romano, 2007, 26-27. Increasingly, historians are viewing the polarity *amicus/inimicus* and hatred as central to politics. See Zorzi, 139; Crouzet-Pavan, 121-62. See also Miglio.

²¹ Vitturi's father Bulgaro was one of the leading proponents of Foscari's election as doge. See Romano, 1998, 47-48. For the prosecution of Vitturi, see ASVe, DM, reg. 12, fols. 164r, 186r (acts dated 29 September 1444).

²² ASVe, DM, reg. 12, fol. 185v (5 October 1444). For the compromise solution, see ASVe, DM, reg. 12, fol. 164v (7 October 1444).

make a motion, nor exhort, nor vote, nor in any way impede anything pertaining to or regarding those who were in this council or their sons". The Ten approved this measure, as they noted, so that they could speak their consciences, "for the honor and good of the state of the Venetians" and so that they "might not fear at any time vendetta (*vindictam*) from anyone for administering justice". The Ten's secretaries then recorded the names of all thirty men protected by this decision, including their own²³.

In passing this measure, the Ten delineated what had heretofore been merely a vaguely defined group. It identified the core of the Foscari party – namely the Foscari kinsmen – defined as those who had to exit the Great Council whenever one of them was up for election. Judicial vendetta was now linked explicitly to kinship. What the Ten also did (and what the secretaries did quite literally) was create a list of those who, as a consequence of Jacopo's prosecution, were now seen in some way at least, as an oppositional group to the Foscari – a group that was vulnerable to use of the law to wage vendetta. It is unlikely that many members of this group, with the exception of Loredan, felt any particular animosity toward the doge; but by their own action, they had now set themselves up as his potential opponents. Furthermore, the extension of the legal protection to their sons guaranteed that these groupings would continue into the next generation. The seeds of factional identification had been sown; it remained to be seen whether or not they would take root²⁴.

In fact, they lay dormant for some time. Jacopo defied the Ten's order that he go into exile to Nauplion in Greece. His banishment eventually was changed to nearby Treviso, and in 1447 his father got it rescinded altogether²⁵. Then in November 1450 the city was shaken again when Ermolao Donato, who had been one of the heads of the Ten during Jacopo's first trial, was murdered while returning home from the Ducal Palace. Donato was married to the late Pietro Loredan's daughter Marina. The Ten's investigation led nowhere until a witness came forward accusing Jacopo and his servants of the murder. The Ten arrested and tortured Jacopo but were unable to extract a confession from him. Eventually, it convicted and sentenced him to permanent exile on Crete. It seems likely that the sentence, which was relatively lenient given the gravity of the crime, represented a compromise solution to a thorny problem which threatened the regime's unity at a critical time in foreign relations²⁶.

²³ The original phrases read, "nec favere, nec disfavere, nec testificari, nec denunciare, nec arrearare, nec loqui, nec disputare, nec ponere partem, nec hortari, nec ponere ballotam, nec denique in aliqua re ad ipsos qui fuerint in isto consilio aut filios suos spectante vel pertinente se aequaliter impedire", and "pro honore et bono statu Venetiarum, et non timeat ullo tempore pro administrata iusticia vindictam ab aliquo". ASVe, DM, reg. 12, fols. 173r-v (19 February 1444 *m.v.*); printed in Berlan, 70-71.

²⁴ Romano, 2007, 192-93.

²⁵ Romano, 2007, 194-201, 207-09. For the relevant documents, see Berlan, 72-90.

²⁶ Romano, 2007, 216-24. The records of Jacopo's second trial are found in Berlan, 92-115.

As in the preceding case, the Ten and *zonta* awarded themselves protection against legal retaliation by the Foscari and their relatives. But they went further for they now extended the protection to an even larger circle of their own kinsmen. Whereas before it encompassed only the members of the Ten and *zonta* and their sons, it now included their brothers and grandsons as well. Once again, the scribes dutifully listed the names of the thirty-five men covered by the provision²⁷. Like the ripples created by a stone tossed into a pond, so the Ten's protection was being extended to ever-widening circles of kinsmen as more and more members of the patriciate got caught up in the vortex of possible vendetta and factionalism. Kinship, which following the *Serrata* had become essential to political enfranchisement, was rapidly becoming the criterion by which some members of the patriciate were excluded from exercising certain of their political rights.

4. Matters came to a head a few years later beginning with yet another trial of Jacopo Foscari, who was once again accused of contact with foreign powers. Among those leading the investigation was Jacopo Loredan son of the late Pietro, now serving as one of the heads of the Ten. And yet again, the members of the council voted themselves, their sons, grandsons, and brothers, protection against "vendetta" on the part of the Foscari and their relations²⁸. Jacopo was retrieved from Crete and examined. Following their investigation, the members of the Ten were deeply divided over how to deal with him. The most lenient proposal called for him to resume his exile; the harshest, proposed by Jacopo Loredan, recommended that he be beheaded between the twin columns in the Piazzetta. In the end, the Ten voted that Jacopo should return to Crete, spend a year in jail, and then resume the previous terms of his exile²⁹. But now the concerns about vendetta, reified by the Ten's laws offering protection to themselves and the members of the *zonta*, had become entangled in the rivalry between the Foscari and the Loredan. Members of the patriciate whether they wished to or not were enveloped in a conflict in which many had no inherent interest, but which threatened the unity of the regime.

Following his condemnation, Jacopo was returned to Crete. Then in early 1457 news reached Venice that he had died. The impact of Jacopo's death coupled with the Doge's advanced age was profound; by all accounts, Foscari ceased to perform his duties. Even one of his partisans conceded that Foscari engaged himself little "in the governance of the Republic"³⁰.

²⁷ ASVe, DM, reg. 14, fol. 29v (28 January 1450mv); and Berlan, 102-03.

²⁸ ASVe, DM, reg. 15, fol. 96v (8 June 1456); Berlan, 117-19.

²⁹ For a full account of this trial, see Romano, 2007, 277-85. The documents are printed in Berlan, 116-31.

³⁰ It reads, "pocho al governo di questa republica". Biblioteca Nazionale Marciana (hereafter BNM), Ms. It. Cl. VII, 794 (8503), *Cronaca di Giorgio Dolfin* (hereafter Dolfin), fol. 448r.

In the midst of all this, the discovery of two new cases of electoral fraud further rocked the city. The first involved nobleman Donato Corner who tried to rig an election for the post of *podestà* (governor) of Ravenna so that his father would win. The other case involved, like the 1433 one, a complicated scheme by a group of nobles whose ringleader was Bartolomeo Pisani. His plan was to make others beholden to him by engineering their election to various posts. In response to the two cases, the Ten meted out various punishments; they also passed measures designed to ensure the integrity of future elections. And as in the 1433 election case and the various trials of Jacopo Foscari, the Ten again put in place rules designed to protect themselves, their sons, grandsons, and brothers from judicial retaliation by the relatives of the ringleaders. This time, however, rather than simply stating that the prohibition included those who normally had to exit the Great Council whenever a relative was up for election, the Ten specified whom they meant to disqualify. The prohibition encompassed the “fathers, brothers, and sons, sons-in-law, and brothers-in-law of all of the aforesaid condemned (men) and of their sons”. Furthermore, participation in voting for elections to various councils was no longer exempted³¹. This decision caught the attention of the chronicler Giorgio Dolfin who noted that the bills were passed, “in order that the members of the Ten and *zonta* might not suffer any injury to their honor by the relatives of the condemned”³².

At the back of the register of the Ten’s deliberations for these years are partial lists of the men disqualified to judge the various members of the Ten on account of these cases of electoral fraud as well as those disqualified because of their kinship with Jacopo and the doge. For example, those excluded by reason of kinship with Donato Corner included Corner himself, his sons Andrea, Domenico, and Ludovico, his brother Pietro and his brothers-in-law Bartolomeo Zorzi, Domenico Morosini, as well as Ludovico, Hieronimo, and Paolo Dolfin. In Jacopo’s case, the list included not only Jacopo and the doge but also the doge’s brother Marco as well as their cousins Filippo, Urbano, Ludovico, and Giovanni Foscari. Various other men related to the Foscari through marriage were also inscribed. These included not only Andrea Donato and Marco Ruzzini, specifically described as Jacopo’s brothers-in-law, but also Andrea and Francesco Venier, Nicolo Mudazzo, and Pietro Bernardo – all related by marriage to the doge and Jacopo. It included as well Jacopo’s father-in-law Leonardo Contarini along with his sons and sons-in-law³³. These two examples perfectly illustrate the ripple effect that these legal sanctions entailed. In the Corner case, for instance, not only did the penalty include other Corner, but also members of some of Venice’s largest and most distinguished noble

³¹ Summaries of these cases are found in Queller, 89-90, 98-100 (with some inaccuracies), and Romano, 2007, 272-75. The acts forbidding judicial retaliation and the lists of men protected by it are found in ASVe, DM, reg. 15, fols. 128r-v, 131v, 133r (acts dated 3, 20, and 30 June 1457).

³² Dolfin, fol. 447v.

³³ ASVe, DM, reg. 15, fols. 202v-203r (undated). See also Romano, 2007, 318.

families such as the Morosini. Moreover men from families who were related by marriage to the Zorzi, Morosini, and Dolfin families but not to the Corner now felt the sting since their in-laws had been singled out and legally excluded from full participation in the governance of the state. This devalued the currency of these marital alliances and threatened dishonor since members of these families had been officially inscribed in the public records as potential subverters of justice in pursuit of vengeance.

The Ten's decision created another problem as well. Given the large number of men involved in the electoral fraud cases and the breadth of the circles of kinsmen surrounding them, the government faced potential paralysis. The number of men declared ineligible by reason of consanguinity was large enough that the Ten realized that the government might have difficulty reaching the necessary quorums to conduct elections, the lifeblood of Venice's republican regime. Suddenly the problem of relying on kinship as the criterion for ineligibility became clear, especially for a ruling class as closed and inbred as Venice's. And so, the Ten modified the prohibition, declaring that if a quorum could not be reached on account of the exclusions, then the deficiencies should be made up by selecting additional members by lottery, first from the ranks of the three state attorneys, then from the three heads of the Ten, and finally, if necessary, from the three *auditori vecchi*, officials charged with the appeal of civil cases³⁴.

In the midst of this turmoil, Foscari continued to neglect his responsibilities. Finally, in mid-October 1457 the Ten became concerned enough that it took up the matter, but only after first excluding from its meetings men related to the doge and adding a twenty-five member *zonta*. At the time, Jacopo Loredan was again serving as one of the heads of the council. Suffice it to say that on 22 October the Ten voted to remove Foscari from the dogeship on account of his incapacity³⁵. Foscari resisted, arguing that only the body that had elected him, namely the Great Council, could remove him³⁶. In the debate that followed within the Ten over this constitutional question, it was Loredan who argued that it fell within the Ten's competency while the other two heads wished to refer it to the Great Council. Loredan's position narrowly prevailed on a fourth ballot³⁷. Having made their decision to depose the doge, the Ten then unanimously passed three measures designed to protect themselves and their reputations. First, they forbade members from lobbying to be elected the next doge. Second, they imposed a strict gag order on their proceedings. Third, they voted to protect themselves, their sons, brothers, and

³⁴ ASVe, DM, reg. 15, fol. 132r (21 June 1457). Romano, 2007, 275.

³⁵ I treat the deposition fully in Romano, 2007, 292-310.

³⁶ Dolfin, fol. 448v.

³⁷ ASVe, DM, reg. 15, fol. 140r (22 October 1457); Berlan, 188. This is an instance where Berlan's edited version is misleading since it does not indicate that Girolamo Donato and Girolamo Barbarigo proposed that the matter be referred to the Great Council, whereas Loredan proposed that it be considered by the Ten. See Romano, 2007, 299, 303-04.

grandsons from legal reprisal by the doge or his relatives, whom they once again defined as those who had to excuse themselves from elections on account of propinquity³⁸.

The deposition of doge Foscari was one of the most momentous events in the history of the Venetian Republic³⁹. Its immediate effects were twofold. First and not surprisingly, it sharply divided members of the patriciate into pro- and anti-Foscari camps. The bad feelings were exacerbated when Foscari died just a week after being forced from office. The second effect of the deposition was to create a backlash against the Ten, especially among rank and file members of the Great Council who believed that it had overstepped its bounds.

As their deliberations of 26 November 1457 indicate, members of the Ten feared retaliation. And two legal questions had arisen as a consequence of their earlier decisions. The first concerned whether the prohibition on Foscari's relatives using the courts to seek vengeance excluded them from collecting debts that they were owed by members of the Ten and its *zonta*; the second whether they could fulfill their responsibility as executors of estates if those estates had claims against members of the Ten and the *zonta*. In both instances the Ten put commercial and economic interests first, by voting that the Foscari relatives could seek payment for what was owed them and could fulfill their fiduciary responsibilities. But the *Signoria*, the government's highest executive body, overruled the Ten on a technicality, determining that both measures had failed to pass since they had not gotten the unanimous vote required by the original legislation of 22 October⁴⁰.

Nevertheless retribution of a sort came the following autumn through a series of reforms within the Council of Ten itself. A year to the day after Foscari's deposition, the heads of the Ten proposed that a *zonta* of twenty noblemen be convened to consider a range of questions regarding the power of the heads of the Ten, the Ten's growing jurisdiction, especially in matters that were customarily the competence of the Great Council, as well as concerning the penalties meted out by the Ten. It took three rounds of voting for this enabling legislation to pass. Pressure from the Foscari partisans combined with discontent among both the poorer nobles and the *popolo* seems to have forced the Ten to act⁴¹.

Two days later, on 25 October 1458, the Ten and its *zonta* passed three measures addressing these concerns. The first contained a prologue observing that recently the Council of Ten had concerned itself with matters regarding the ducal *promissione* or oath of office (they were referring to the constitutional question regarding who had the power to depose the doge) and that it might do

³⁸ ASVe, DM, reg. 15, fol. 140v (acts dated 22 October 1457); Berlan, 189-91; Romano, 2007, 299-300.

³⁹ For ways in which Foscari's story has resonated through the centuries, see Romano, 2007, 332-68.

⁴⁰ ASVe, DM, reg. 15, fols. 141v-142r (acts dated 26 November 1457); Berlan, 192-94; Romano, 2007, 318-19.

⁴¹ ASVe, DM, reg. 15, fol. 163r (23 October 1458); Berlan, 194-95.

so again in the future, causing, “great scandal and danger to our State”. The Ten decided that henceforth, “for the peacefulness and evident good of our State”, they should not concern themselves with the ducal *promissione* or its contents. The only exception involved conspiracies, the traditional responsibility of the council⁴².

The second measure noted that over the past twelve or thirteen years the heads of the Ten had expanded their jurisdiction by issuing decisions, commissions, and letters without authorization from the entire council. Observing first that not even the ducal councilors could issue such rulings unless three of them were in agreement on the matter, second that the heads of the Ten had even less authority to do so than did the ducal councilors, and third that the dignity of the *Signoria* was being diminished by petitioners clamoring to have audiences with the heads of the Ten, the Ten and *zonta* voted that henceforth the heads could not issue such papers and rulings without authorization from the council and then only in matters that were under the Ten’s purview⁴³. Clearly, noble sentiment backed by popular opinion blamed the Ten and especially its heads for what had happened to Jacopo and his father⁴⁴. It is likely that they blamed Jacopo Loredan in particular. The backdrop to these reforms was the conviction that the Foscari had been the victims of a vendetta by their enemies.

But the third measure is the most significant of the three for it was clearly designed to tamp down those same flames of factional conflict within the patriciate. Observing that it was essential, “by all possible means”, to maintain “our united and peaceful State in its united and peaceful regimen”, and to obviate even the smallest “division or scandal” which could bring “ruin and desolation”, and noting that in the past ten years the Ten had begun to issue penalties that deprived kinsmen of their right to sit as judges in cases, something that it had not done in the previous ninety-five years even for crimes deserving death, the Ten voted thirty-four to two that henceforth they could not issue sentences depriving “offspring or relatives” (*progenies vel propinqui*) of the condemned either of offices or their judicial rights. In approving this measure the Ten noted that it was not proper to deny members of the nobility those privileges which their “noble origins and liberty and the laws of the city of Venice” conveyed, nor was it right for anyone to bear the blame for something that was not his own fault. Two exceptions remained: one involved treason, in which case the Ten could act as it saw fit; the other included cases in which the Ten judged the character of the condemned and “of their sons”, to be of sufficient danger that they could be deprived of these rights. But even in those instances the penalties were to extend only to fathers and sons and no further⁴⁵.

⁴² The original phrases read, “cum maximo scandalo et periculo Status nostri” and “pro quieto et evidenti bono Status nostri”. ASVe, DM, reg. 15, fol. 163r (acts dated 25 October 1458); Berlan, 195-96.

⁴³ ASVe, DM, reg. 15, fol. 163v (26 October 1458); Berlan, 196-98. Berlan’s transcription incorrectly gives the date as 15 October.

⁴⁴ Maranini (2:418) also attributes the reforms to growing fear of the power of the Ten.

⁴⁵ The original phrases read, “Quum omnibus modis possibilibus quaerendum est conservandi hunc

By this action, the Council of Ten stepped away from a dangerous practice. Starting with the 1433 electoral corruption case, they had tried to protect themselves, the most powerful members of Venetian society against retaliation by prohibiting those against whom they had acted and their kinsmen from exercising some of the traditional prerogatives of noble status. In so doing, they transformed kinship which was the foundation of political participation in Venice into a potential liability since now noblemen could be deprived of some of their rights simply on the basis of being related by blood or marriage to someone convicted of a crime. This had the potential to disrupt political practice as it had developed since the Serrata and undermine Venice's consensual regime since what had heretofore been the key to political success, the assembling of a large and extensive network of relatives and friends who could provide support in elections, now became a potential source of disenfranchisement.

The problems with this tool became clear when the Ten applied it broadly in the 1457 electoral corruption cases. Given the interlocking ties within the nobility, it threatened to immobilize the government as quorums could not be met. It also forced the Ten to balance economic rights against political ones as when they were forced to rule whether or not the Foscari and their relatives could pursue debts owed to them and to estates for which they were the fiduciaries. As befitted one of Europe's most precocious capitalist regimes, they opted to protect economic interests, although their decision was overturned by the *Signoria* on a technicality. An even more serious problem developed, however, when the concept of judicial vendetta was applied in the cases involving Jacopo for it got entangled in the rivalry between the Foscari and the Loredan. The codification of judicial vendetta as a weapon and the inscription of the names both of those likely to pursue vendetta and those likely to suffer from it went a long way toward creating two parties defined by their pro- or anti-Foscari stance⁴⁶. But in the end, the members of the Ten recognized the

nostrum unitum et pacificum Statum in suo unito et quieto regimine, et obviandum omnibus principiis quae aliquam et minimam divisionem aut scandalum possint producere", and "illud donum quod sua originaria nobilitas et libertas, et leges civitatis Venetiarum sibi naturaliter contulerunt". ASVe, DM, reg. 15, fol. 163v (25 October 1457); Berlan, 198-99; Romano, 2007, 319-20. Even with these reforms, the issues raised by the power of the Ten did not go away. Ten years later, in September 1468, the Great Council intervened by reiterating the traditional competencies of the Ten, but otherwise prohibiting the Ten from expanding its jurisdiction, and especially warning the Heads to observe those limits. ASVe, Maggior Consiglio, Deliberazioni, reg. 23 (Regina), fols. 82v-83r (18 September 1468). The law is partially transcribed in Maranini, 2:419n1.

⁴⁶ There is a powerful tradition in Venetian historiography which sees the struggles between the Senate and Council of Ten in particular against the Great Council and the Council of Forty as indicative of a major economic and social division between the richest and most powerful members of the patriciate (the *primi de la terra*) and the less powerful and poorer members. My own sense is that these contests had more to do with bureaucratic and constitutional jockeying for power and position than with any clearly defined class struggle, especially given that individual patricians often moved during the course of their careers from the lower councils to the higher ones. Furthermore, as this example shows, these contests were often entangled in familial and personal animosities. For classic statements of the division, see Cozzi, 293-345; Finlay, 59-81.

limits of kinship, determining that kinsmen should not be politically responsible, at least not legally so, for the actions of their relations. They returned to first principles and neutralized this potential source of division, opting instead to reaffirm the essential equality of members of the patriciate⁴⁷.

5. In addition to illustrating the particular dynamics of mid-fifteenth-century Venetian politics, this examination of kinship and vendetta illuminates two broader issues. First, it adds to the growing body of historical literature demonstrating that kinship ties were not always an unmitigated benefit. It demonstrates that there could be negative components to kinship relations even in the city-states of Renaissance Italy where family counted for so much. In this way, it encourages historians to be on the lookout for other ways in which historical actors were forced to weigh the advantages and disadvantages of family relations and kinship ties⁴⁸. Second, it cautions us to think carefully about the complex and highly variegated ways in which factions and governmental structures interrelated. In some places, including fifteenth-century Florence, factionalism arose for the most part independently of the state. The key to the success of the Medici family was their bank which allowed them to create an extensive network of kinsmen, friends, and neighbors⁴⁹. Eventually, the Medici faction was able to take control of the Florentine government and turn it to its own purposes. In Venice, by contrast, the state played a crucial role in the development (or the potential development) of factionalism. As we have seen, the Council of Ten in its effort to protect its members against retribution helped reify and institutionalize the notion of vendetta and facilitated the development of factional identities by creating lists of those likely to pursue vendetta and those likely to be victims of it⁵⁰. In the end, however, the conviction that kinship conveyed privileges proved stronger and led the Ten to reverse course and in so doing disarm one potential for factionalism in fifteenth-century Venice.

⁴⁷ See Romano, 2009.

⁴⁸ The literature on the role of the family in Renaissance Italy is now vast. Much of it recognizes the largely positive role of kinship ties in fostering the political, economic, and social goals of family members. There is a much smaller literature on the downside of kinship ties. See, among others, King, Kuehn, 1981; Kuehn, 1982; Kuehn 1991; Kuehn, 1992; Gamberini, 2001. For Venice, see some very brief remarks on “the political liabilities stemming from their [patricians’] clan identification” in Finlay, 85; see also Maranini, 2:114.

⁴⁹ Molho.

⁵⁰ There is a debate regarding the precise relationship between factions and the state, especially as it pertained to laws governing vendetta and feud. One side argues for a progressivist model, according to which what are often described as primitive vendetta-pursuing groups yield to more modern rationalizing bureaucracies of the state. For this view, see, among others, Muir, xxiii, 247-82; Enriques; Maugain, 32, 238; Heers, 119-24; Larner, 109-45; Starn, 96-101. The other side challenges this view as too teleological and sees both vendetta and the law as processes of communal conflict resolution. See Zorzi, esp. 137, 158; Kuehn, 1991, 78-83. See also Raggio; and Gamberini. For more on these debates, see Smal, 1996; Kaminsky, 2002; Carroll, 2003; Smal, 2012.

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Abstract

Historians have long recognized the important role that kinship ties and family relations played in Venetian politics, especially their salutary effect in forging a cohesive ruling class. The essay considers the practice – increasingly utilized in the middle decades of the fifteenth century – of disqualifying kinsmen from exercising some of their judicial rights out of concern that they would use those rights

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to seek vengeance against those who they believed had done them wrong. The danger of disqualification became clear when the Council of Ten made use of it in the scandals surrounding doge Francesco Foscari and his son Jacopo. In the end, the Ten pulled back and decided to limit the power to disqualify noblemen from their full prerogatives. This essay thus examines a moment when kinship ties became a liability in Venetian politics as well as the role governmental practices played in fostering rather than suppressing factionalism.

Keywords

Middle Ages; 15th Century; Venice; politics; institutions; patricians; kinship; feuds

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