

Murray Brown

## The Myth of Antonio Foscarini's Exoneration<sup>1</sup>

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*Résumé:* Pendant les premières décennies du XVII<sup>e</sup> siècle, Antonio Foscarini servit Venise dans des fonctions distinguées, en tant que sénateur et qu'ambassadeur aux cours des rois Henri IV et James I. En 1622, le Conseil des Dix le trouva coupable de trahison, alléguant qu'il avait divulgué des secrets d'état à l'Espagne, et il fut exécuté. Dix mois plus tard, le Conseil l'exonéra entièrement et agit d'une manière sans précédent en proclamant son erreur dans les cours européennes. Cette action fut caractérisée par des historiens et d'autres comme courageuse, noble et juste. L'affaire Foscarini devint une légende vénitienne, renforçant le mythe positif de Venise qui fut utilisé comme modèle par les républicains. Plusieurs questions sont adressées dans cet article : pourquoi l'Espagne a été visée dans l'attaque contre Foscarini, pourquoi les changements d'appartenance au Conseil n'ont pas été examinés par les partisans d'une gouvernement républicain et comment le mythe de l'excellence de la constitution vénitienne a pu être maintenu à travers l'affaire Foscarini.

In January of 1623, a unique event occurred in Venice: Antonio Foscarini was posthumously exonerated by the Council of Ten. Ten months previously, it had unanimously found him guilty of treason and had him executed. King James I's ambassador to the Serenissima, Sir Henry Wotton, characterized the event: "...surely in 312 years that the Council of Ten hath stood, there was never cast a greater blemish upon it."<sup>2</sup> He suggested that it would have been more politic for the Council of Ten to have covered up the irrevocable error than to have given such a profound mistake retroactive exposure.<sup>3</sup> To relinquish a political advantage in favor of veracity was unusual — at least, no other instances have come to light in which a Venetian of Foscarini's stature was executed for treason and then publicly proclaimed innocent throughout Europe — and the reader comes away from Sir Henry's letters and dispatches with many questions, some of which are still outstanding. Who might have engineered the charge of treason so masterfully and implemented it against such a highly visible *patrizio* (patrician)? Who served to gain by Foscarini's removal from the Republic's ruling authority? Who would have gained from his exoneration? What was the composition of the Council when it found him guilty and when it exonerated him, and why did certain authors, who were undoubtedly aware of any

compositional changes, ignore them? Some of these questions can be addressed with the available evidence.

Antonio Foscarini's service to Venice started in a series of official posts culminating in ambassadorships, first to the French court of Henri IV, then to the English court of James I from 1611 to 1615. Subsequently, he became a distinguished member of the Venetian Senate. Although it was generally recognized that he had served well in all the posts he filled for the Venetian Republic, he was subject to intense criticism and had already been the object of judicial proceedings by the Council of Ten. Some of these criticisms focused on Foscarini's unmarried state and on his questionable moral and religious views, which he expressed quite vocally — especially his hostility to the Papacy and to the order of Jesuits. It was not unusual for *patrizi* to regard service to the Republic as a quasi-religious duty, as he did.<sup>4</sup> Yet Foscarini was criticized for certain practices such as a lack of seriousness, of stinginess, dressing inappropriately, and referring to himself as impotent in a theatrical manner.<sup>5</sup> Despite these criticisms, he was successful as ambassador.<sup>6</sup>

On 8 April 1622, on the basis of accusations made by two agents, Domenico and Girolomo Vano, who were in the employ of the State Inquisitors, Foscarini was arrested on the charge that he had sold state secrets to Spain. The informers' charge against him rested on information they had received from one Gian Battista, a servant of the Spanish agent. After the customary secret proceedings, the Council of Ten unanimously found him guilty and had him executed on 22 April 1622. Yet by the summer of 1622, proof that Foscarini was innocent had accumulated to a point that even those who condemned him had great difficulty ignoring it. After Foscarini's execution by strangulation, the subsequent events are given in one of Sir Henry Wotton's dispatches:

... the same accusers [Girolomo and Domenico Vano] pursue their occupation, now animated with success, and next they name Marco Miani, likewise a senator. But one of the Inquisitors... would by no means proceed any further without a pre-examination of the foresaid Gian Battista... who had left the house of the Spanish agent and was married in town to a goldsmith's daughter. To make short, they [the Inquisitors] draw this man to a private accompt, and he doth not only disavow the ever having seen any gentleman in the Spanish agent's house, either by day or by night... Thereupon the Inquisitors confront him with the accusers, and they confessing their malicious plot, had sentence to be hanged, as afterwards was done.<sup>7</sup>

Girolomo and Domenico Vano were called before the Inquisitors in August 1622.<sup>8</sup> The documents authorizing those actions contain references to assertions by Domenico Vano but do not indicate what they were, and subsequent efforts have failed to reveal whether the

Vanos acted alone or with the inducement or aid of others. They were tried for, and found guilty of, falsely accusing Foscarini. Before contemporaries had an opportunity to learn more—again, no documents have come to light on this critical matter — Girolamo and Domenico Vano were summarily executed. Girolamo Vano did write a will, which the Council preserved, but he did not name Foscarini.<sup>9</sup> Thus, though there are records of the Vanos' trial, the verdict, and the will, it is not possible to say who, if anyone, paid the Vanos to make the false accusation. Before the Vanos were executed, Foscarini's nephews had acted to bring their uncle's innocence to light. Here, again, are Sir Henry Wotton's words:

... the nephews of the executed cavalier, namely Nicolò and Girolamo Foscarini, make haste to present a petition to the Council of Ten that the false accusers of the said Marco Miani might be re-examined likewise about their uncle, between their sentence and their death. The Council of Ten... [denied the nephews' request]... either because the false witnesses, being now condemned men, were disabled by course of law to give any further testimony, or for that the Council of Ten thought it wisdom to smother an irrevocable error... But by means of the confessor, to whom the delinquents should disburden their souls before their death; and by him, at the importunate and strong persuasion of the said nephews, the matter was revealed. Whereupon did ensue... the declaration of the Council of Ten touching the innocency of the foresaid Antonio Foscarini... after his death.<sup>10</sup>

Within ten months of Foscarini's execution, the Vanos retracted their accusation and other evidence was adduced indicating his innocence. The Council of Ten publicly exonerated him on 16 January 1623.<sup>11</sup> This date was remembered gratefully by Foscarini's family and his supporters. Doge Marco Foscarini, the celebrated descendant of Antonio Foscarini, said that this became a family tradition; he praised the Council of Ten for what it did on that day.<sup>12</sup>

No documentation has been discovered telling us why the Vanos' brought a false charge of treason against Foscarini. But given that they did so, we can address the question as to why they chose to fabricate Foscarini's subversive collusion with Spain rather than some other state. At the outset, we can rule out their choosing the Protestant states. Venice and especially the *giovani* — the Venetian faction to which Foscarini belonged — had strong political sympathies with the Protestant alliance, which intermittently encompassed England, the Grisons (the Gray league of the Valtellina region in the Swiss Alps), the Dutch United Provinces, and the Protestant princes of Germany. The revolt of the Protestant princes against the Hapsburg Holy Roman Emperor Ferdinand II in 1618 is

used to date the beginning of the Thirty Years' War, and though Venice did not participate actively, she was supportive of the Protestant princes.<sup>13</sup>

Even Henri IV was close to joining Venice. Foscarini had been ambassador to France from 1607 to 1611, and though he did not succeed in obtaining a formal alliance with France, at least the king did not view Venice as a hostile power.<sup>14</sup> However, Henri was assassinated in 1610, and the throne was left to his nine-year-old son and the regency to the king's pro-Spanish widow, Marie de'Medici. In 1611 Foscarini took up his ambassadorship to the court of James I. It should be noted that Sir Henry Wotton was Foscarini's friend when the latter was ambassador in London, and that Wotton supported him in attempting to align Venice more closely with the Protestant states.<sup>15</sup>

The Vanos could have falsely accused Foscarini of betraying Venice to the Holy See, but church-state relations would have made this a problematic choice. Regardless of her political alliances with the Protestant states, Venice was a devoutly Catholic state and generally followed the spiritual lead of the Vatican. However, in 1605 the Council of Ten arrested two clerics whom Pope Paul V claimed should be tried in ecclesiastical court. Venice insisted that she should try the clerics. To the irritation of the papacy, Venice passed a law that restricted the acquisition and use of property by the Church; it also required that the Jesuits, the Theatines, and Capuchins leave all territories of the Republic. The Pope demanded the repeal of the decrees and the surrender of the clerics to the Church's authorities. Under Leonardo Donà, a devoutly religious Doge, Venice resisted these demands, and on 17 April 1606 the Pope imposed his interdict: *inter alia*, he forbade all celebrations of religious services within the territories controlled by the Republic.<sup>16</sup> A settlement between the Pope and Venice was finally mediated by the French envoy, and the interdict was lifted in 1607, but the Venetian decrees and laws against the church were not rescinded, and the Jesuits were not allowed to return.<sup>17</sup> Throughout Europe, and subsequently in the American Colonies, this was considered a victory for the principle of state sovereignty.<sup>18</sup> The Papal interdict and Venice's defense of temporal freedom reinforced the positive myth of Venice as a model for republicans.<sup>19</sup> Certainly, the relationship between Rome and the Republic was complex, since Venice was a Catholic state and had common interests with Rome, which required mutual cooperation.<sup>20</sup> The Venetian view of the Church-Republic relationship has been aptly characterized as a form of Erastianism, a belief in the doctrine of state supremacy in ecclesiastical matters.<sup>21</sup>

It was Spain that Venice perceived to be its principal opposition. Within Italy, Spain either controlled or was allied with Milan, Naples, and Florence, which was under the control of Marie de'Medici's cousin, and with the papacy through the combined efforts of the Jesuits and the Spanish Cardinals in the Curia. Thus, except for the Duchy of Savoy

and Venice itself, all of Italy was covered by the shadow of Spanish power. Outside Italian borders, the Habsburg Archduke Ferdinand of Austria was supported by Spain in the war he waged against Venice, which resulted in the Peace of Madrid in 1617. It was also common knowledge that Spain wished both to control the Grisons, which would allow Spanish troops easy access to the north through the Valtellina passes, and to dominate Venice, which held, *inter alia*, mainland territories and valuable trade routes to the Levant.<sup>22</sup> This awareness engendered a pervading distrust and fear of Spain's military and naval forces. In addition, there was in Venice a jealous belief that Spain enjoyed control over the Church's activities and possessions in their territories such as was denied to Venice.<sup>23</sup> Thus, despite Venetian aversion to the temporal overreaching by Rome, the importance of the Holy See's spiritual leadership meant that accusing Foscarini of treason involving Rome would not have had as much purchase as did the Vanos' untruthful accusation involving Spain. That purchase was still greater after the Spanish plot of 1618.

This plot gave a decisive thrust to the choice of Spain as antagonist. The conspiracy revolved around the Spanish viceroy in Naples, the Duke of Ossuna, who refused to disarm after the Peace of Madrid in 1617 and continued to attack Venetian shipping in the Adriatic. He was said to have planned disarming Venice by surprise from within the city, using mercenaries recruited by the Spanish embassy, while attacking from the sea with his own ships. The plot was aborted after the Venetian government became aware of these plans, seized the ringleaders, then arrested and executed hundreds more. Various rumors and dramatic accounts circulated in the city, and hostile crowds of Venetians gathered under the windows of the Spanish embassy.<sup>24</sup> The Spanish plot had a significant impact. Whereas prior to 1618 there had even been a pro-Spanish attitude in Venice, mostly in the group favorable to the Holy See, the Spanish plot pushed fear of Spain into parts of the Republic where it had not been previously present. Not only did it mute any pro-Spanish proclivity, but it pervaded the streets of Venice, instilling an intense distrust and nervous apprehension of any connection with Madrid. A witch-hunting atmosphere developed.<sup>25</sup> Giambattista Bragadino, who was one of the *Barnabotti* [poor nobles] in Venice, confessed to having had contact with the Spanish ambassador and was hanged, while the Spanish ambassador, perhaps concerned by the hostile crowds under his windows, hastened to leave the city. No successor was appointed for some time. The tenuous balance between security and justice — one that exists in any state — was tipped in favor of the former. Thus it is not surprising that the Vanos' accusation named Spain as the nation with which Foscarini had treasonous dealings. No other nation or political group would have had such hold on the attention of the Council.

There was another reason why the choice of Spain as Foscarini's treasonous partner in 1622 was shrewd on the part of the Vanos: the Council of Ten had adjudicated accusations of treason with Spain against Foscarini before. That was in 1615-18 in connection with his ambassadorship to the court of James I. Foscarini's secretary, Giulio Muscarno, whose hatred for his employer was legendary, accused him of having committed various improprieties, including trading secrets to Spain. Called back from London to Venice in 1615, Foscarini was immediately imprisoned, and an elaborate investigation lasted nearly three years. Eventually, he was absolved and was fully rehabilitated in the Senate in 1618. For his part, Muscarno was convicted of calumny, stripped of his rank as secretary, and sentenced to two years' imprisonment.<sup>26</sup> Whether the tension and climate of suspicion fostered by the Spanish plot allowed security considerations to dominate the vaunted Venetian justice, or whether Foscarini's past record made the Council of Ten act unjustly on the Vanos' 1622 accusation — these are matters of conjecture. But in the context of the Venice's relations with foreign powers, the choice of Spain as Foscarini's treasonous ally in the Vanos' false accusation was ingenious.<sup>27</sup> Pushing the Spanish button ensured the zealous, headlong, and finally ill-advised reaction of the Council.

It is possible to put together archival sources for a full account of the events leading up to Foscarini's condemnation, his execution and exoneration, Lady Arundel's role, which is discussed further below, the Vanos' retractions, and their subsequent execution.<sup>28</sup> Yet the evidence does not tell us unequivocally why the Council of Ten had him executed, who, if anyone, paid the Vanos to bring their accusations against Foscarini, why the Council of Ten did not allow such an important member of the nobility to defend himself, or why the Council of Ten took the unprecedented step of exonerating him.<sup>29</sup> Documents related to the deliberations in the Council of Ten, the State Inquisitors' investigation into Foscarini's alleged crime, and their interrogation of the Vanos have not been found; serious inquiry over the past four centuries or so has failed to uncover them. As a result, this singular event, its injustice, and the admission of error by the secretive and powerful tribunal gave birth to various stories and interpretations.

In one, Foscarini was reputed to have been the victim of a love triangle involving Lady Arundel, wife of the Duke of Norfolk. She had arrived in Venice in 1621 with her two sons, who were to study in Padua, and remained until 1623. There is little to support this love story.<sup>30</sup> Another construction represents him as the victim of an entrenched bureaucracy composed of the secretaries to the Senate's authorities.<sup>31</sup> Muscarno, Foscarini's former secretary, who developed a fervent hatred of his employer, is supposed to have incited the Vanos to impeach Foscarini.<sup>32</sup> Although Muscarno was the cause of considerable harm to his former patron and master, there is no evidence that he had the authority or resources to

induce the Vanos to incur the large risk of falsely accusing a Senator of treason. Finally, it has been suggested that the accusation and condemnation of Foscarini were inspired by the enemies of Foscarini's friend, the Servite friar, Paolo Sarpi, and his political faction.<sup>33</sup> As we shall see, there does exist support for this conjecture.

The Foscarini affair turns on the organizational structure of the Council of Ten, as authorized by the Venetian constitution. This was actually a judicial body comprised of seventeen voting members, all drawn from the nobility: the Doge himself, his six councillors, and ten Senators (the Council of Ten proper). Embedded in this structure was the powerful body composed of three State Inquisitors. One was chosen from the six councillors, and two were elected from the Senators of the Council of Ten. Not only did the three State Inquisitors operate in secrecy, but they employed a large group of informers and secretaries. Both the State Inquisitors and the other members of the Council of Ten were elected by the Senate for a period of one year, though not for the same terms. Every month the Council of Ten elected three *capi*, heads of the Council, who had important administrative duties, such as setting agendas. Since the terms of office overlapped with each other, the Council of Ten changed its composition nearly every month. The continuity of the body itself being ensured, however, these membership changes were considered unremarkable, and they do not figure in the literature relating to the Foscarini myth.

Paolo Sarpi was a notable political and religious figure in the first two decades of the seventeenth century, the undisputed head of a political faction variously called the *antipapalisti*, *sarpiani*, or *giovani*. Nicolò Contarini and Antonio Foscarini were leaders of the *giovani*.<sup>34</sup> With regard to economic and foreign policy, they urged Venice to assert herself in defending her maritime interests, as well as her territorial interests on the mainland, against the Hapsburgs and Spain. This led them to initiate liaisons with Protestant states, which did not lessen Rome's antipathy for them. Most *giovani* held strong spiritual beliefs, yet they understood the temporal power associated with the Holy See; and they insisted on Venice's jurisdictional and political independence from Rome.<sup>35</sup> Their core concern, indeed, could be said to be their opposition to Rome, especially during the period of Pope Paul V's interdict against Venice. Sarpi's political power in the Senate and in the Council of Ten derived not from wealth or family position but from the intellectual arguments he set forth for preserving Venice's religious and temporal independence during the interdict.<sup>36</sup> He was — and is still — considered by some Venetians to have been the David to the Roman Church's Goliath. Not only was he revered by most Venetians, but many foreigners such as Sir Henry Wotton admired Sarpi immensely.<sup>37</sup>

During the Papal interdict, Sarpi emerged as the Senate's Adviser in Theology and Canon Law. He drafted the Republic's replies to the Pope's briefs, explicitly distinguishing

between spiritual and temporal power. The Pope, in his view, should have minimal temporal authority. Even with regard to the Church's spiritual power, he insisted that Venice remain an inherently Catholic state and that it was the Church that had deviated from Catholic principles.<sup>38</sup> Sarpi was recognized as the principal author of the Papal defeat and earned the reputation of being the finest political mind that Venice had produced. His books became a staple for republicans in Europe and elsewhere. (One of his books, translated, arrived in Plymouth in 1620 in the possession of William Brewster).

Aligned against the *giovani* were the *vecchi* or *papalisti*, who supported the Pope. Although only a small proportion of the nobility had brothers or sons holding clerical positions, often the latter were very powerful, and they had a common interest in preserving the Church's role in Venetian economic, political, and social activities.<sup>39</sup> With regard to the governing of the Republic, the *vecchi* generally favored a traditional hierarchical structure. Obviously, they fought efforts to introduce the Reformation into Venice.<sup>40</sup> The power of the *giovani* oscillated in the first thirty years of the seventeenth century. Sarpi's group was dominant until (roughly) 1612 when Doge Leonardo Donà died; from that point, the *giovani* had but intermittent influence until 1631, when Doge Nicolò Contarini died.<sup>41</sup> The conflict between the *vecchi* and the *giovani* formed the political background to the Foscarini affair.

How can we explain why the Council of Ten declared a miscarriage of justice in the Foscarini affair? Certainly, Venice's image of itself was intrinsically associated with justice.<sup>42</sup> Yet, the proof of the falsity of the Vanos' charge does not sufficiently explain the unprecedented publication of the Council of Ten's decree exonerating Foscarini. After all, the Council in the past had been associated with abuses of power, as Logan Pearsall Smith pointed out, and it had never before attempted to redress an abuse of this magnitude.<sup>43</sup> Venice was a relatively benign police state; it limited freedom less than did Florence and Genoa, but it was certainly capable of tragic mistakes, as the Foscarini affair attests.<sup>44</sup> Had the Council acted in accordance with either its past practice or its reputation, it would not have admitted to such a mistake. Why did it do so now?

Could the answer turn on the makeup of the Council of Ten? Fortunately, there is documentation concerning the composition of the Council on two critical dates: when Foscarini was judged guilty of treason on 20 April 1622, and when he was exonerated on 16 January 1623.<sup>45</sup> On the earlier date, the Council of Ten contained no prominent *giovani*. One important member of the Council of Ten in the month in which Foscarini was arrested, tried, found guilty, and executed was Antonio Priuli, Doge from 1618 to 1623. It is not unlikely that he was a *papalista*. In his family there were two bishops (his uncle, Matteo, and his brother, Michele), two sons in the priesthood (one of whom, Matteo, was created a cardinal by Pope Paul V in 1616), and seven daughters said to have devoted themselves to



the cloistered life.<sup>46</sup> Another possible *papalista* was Alvise Contarini, who is known to have wished to regulate what he termed the licentious behavior of the government concerning canonical matters.<sup>47</sup> Francesco Molin, another member of the Council of Ten in that month admired the Papacy; during the intense battle between Venice and Rome over Pope Paul's interdict, he and three others proposed an obsequious letter to the Pope in 1608. It was intended as a substitute to that favored by the *giovani*, which placed Rome and Venice on the same level.<sup>48</sup> We also know that another member, Battista Nani, was a

tipico rappresentante dell'nobiltà più ricca e più potente, sostenitore del doge e di tutti gli abusi che, in nome dell'ossequio per l'autorità religiosa e in omaggio alle tradizioni della sua casata... [typical representative of the more wealthy and powerful nobility, supporter of the Doge and all the abuses in the name of submission to religious authority and in homage to the traditions of his family... ].<sup>49</sup>

There is no direct evidence that those members of the Council, all of whom voted against Foscarini on 20 April 1622, acted under *papalisti* influence.

What can be documented is that on the date of the decree posthumously pardoning Foscarini, the composition of the Council of Ten had changed significantly. The new *capi* on 16 January 1623 were Ansolò da Mosto, Marc Antonio Mocenigo, and Nicolò Contarini.<sup>50</sup> Especially important was the election of Nicolò Contarini to the new Council. Notice that he was not a member of the earlier Council of Ten when it condemned Foscarini.<sup>51</sup> After Sarpi, Nicolò Contarini was the leading member of the *giovani*. In 1622-23, when the friar was suffering from an illness that was to claim his life, Contarini was their de facto leader.<sup>52</sup> Sarpi himself esteemed Contarini highly and wrote of his excellence and worthiness; he was also acclaimed outside his immediate circle, by scholars and contemporary writers, some of whom dedicated their books to him.<sup>53</sup> Thus Contarini's election signified that the *giovani* had reacquired sufficient power in the Senate not only to effectuate his accession to that body but to make him one of the *capi*.

The exoneration decree was signed by Nicolò Contarini, as well as by Marc'Antonio Mocenigo, who was a supporter of Contarini, and by Battista Nani. It is understandable why the first two wanted Foscarini exonerated, but why Battista Nani? He was a supporter of religious authority and had been a member of the Council of Ten when it condemned Foscarini on 20 April 1622, although he had also been one of the four who voted for imprisonment, not execution. Clearly, he and the three others who favored the less drastic penalty did not feel that the accusation justified execution. It seems safe to conclude that Nani would not have had a moral conflict in voting for exoneration. Vincenzo Dandolo was

also a voting member in both trial and exoneration. In fact, he was a State Inquisitor in January 1623, during the latter process. In the sentencing procedure, he voted for the severest sentence. Yet, it is also known that Dandolo was indebted to Nicolò Contarini for his help in obtaining his post in the Senate and for his advice when they served together as officers in the war of Gradisca in 1615-17.<sup>54</sup> Though Dandolo voted against Foscarini in 1622, he agreed to exonerate Foscarini in 1623, when Contarini became a *Capo* of the Council of Ten.<sup>55</sup>

Another powerful voting member of the Council of Ten during both the condemnation and exoneration of Foscarini was Doge Antonio Priuli. In the condemnation proceedings in 1622, the Doge proposed the sentence. He became ill in the first half of 1623 and died on 12 August 1623. There are no documents describing the Doge's role in the exoneration process.<sup>56</sup> Moreover, there is no evidence that Priuli opposed the exoneration nor the public disclosure of Foscarini's innocence of all allegations of treason --- something the Republic had never done before.

It is clear that the Council of Ten had changed from one whose membership contained a decided *papalisti* presence when Foscarini was condemned and executed to one in which the *giovani* commanded considerable power, especially in the person of Nicolò Contarini, when the exoneration was under discussion. On the basis of the available evidence, it is not possible to say that no *giovani* were members of the Council of Ten when Foscarini was condemned. But if they were present then, it is hard to believe that they would have acquiesced in the unanimous verdict without giving Foscarini a chance to defend himself. With regard to the exoneration proceedings, *papalisti* may have been present on the Council, but they would have been unable to counter the strong evidence of Foscarini's innocence, which emerged over nearly ten months of hearings and deliberations. Moreover, the *papalisti* would have had to contend with Contarini's strong personality.

It is clear who benefited by the Foscarini execution: the removal of a powerful leader of the *giovani* from Venice's political scene furthered the interests of the *papalisti*. Not only did it temporarily reduce the power of the *giovani*, but Sarpi was placed on the defensive by connecting him to a treasonous supporter; and hence, perhaps, this explains his rejection of Foscarini's bequest. Foscarini had dictated a will on the evening of his execution leaving, *inter alia*, a legacy of one hundred ducats for prayers by Sarpi. However, Sarpi who had never before concealed his friendship and his support of Foscarini in the latter's previous problems with the Council, refused to accept the legacy and made a public statement to that effect. Romanin interprets Sarpi's rejection as an indication of the almost universal belief in Foscarini's guilt.<sup>57</sup> But another possible interpretation is association with a traitor involved with Spain would have been so damaging that even Sarpi was fearful of

this. As for Foscarini's exoneration, that helped the *giovani* since, at the least, it provided them with justification for reform. They used the exoneration in arguing for the reform of the power of the nobility centered in the Council of Ten.<sup>58</sup>

Let us now consider how the reactions of some historians have helped to construct the positive myth of Foscarini's posthumous exoneration. We begin with Samuele Romanin, an extremely influential historian of Venice:

... il Consiglio de'Dieci ebbe il coraggio di confessare con alto solenne il suo errore a rischio anche di scapitarne nell'opinione universale, ebbe il coraggio di far pubblicare dappertutto l'innocenza del Foscarini [... the Council of Ten had the courage to confess with high solemnity its error (and) at the risk of a loss in universal opinion, it had the courage to have Foscarini's innocence publicized everywhere].<sup>59</sup>

Hazlitt, implied that justice was inevitable because the Council of Ten had to recognize the force of the evidence: "... the Council of Ten was thus, as we seem entitled to believe, forced into an admission of having perpetrated the grossest, most inexcusable, and most detrimental blunder ever capable of being laid to its charge."<sup>60</sup> Loredana went further and commended the Council for its equity as well as its courage.<sup>61</sup> The Biographical Dictionary of Italians states that Venice affirmed its own myth of justice by publicizing its judicial error in the Foscarini case.<sup>62</sup>

It should be noted that such positive reactions persisted in the face of the Venetian counter-myth that was cultivated in the eighteenth and nineteenth centuries by Jean-Jacques Rousseau, Noel Daru, Lord Byron, James Fenimore Cooper, and John Ruskin; all of these characterized Venice as oppressive, secretive, oligarchic, and decadent.<sup>63</sup> The Council's exoneration decree had such impact that Logan Pearsall Smith, while acknowledging the power of the Venetian counter-myth, at the same time considered the Council's act to be a noble one:

That this tribunal publicly confessed its error, and made every possible reparation, was a noble piece of justice, and is regarded by Venetian historians as a proof that the Council of Ten does not deserve the evil fame for wicked and inexorable cruelty which it still possesses in the popular imagination.<sup>64</sup>

A myth of good and evil developed around the Foscarini affair. Such myths generally have two parts, the first being the identification of the doers of good and evil; the second part is the potential or actual redemption of the evil doers. The immediate evil-doers were

identified as the Vanos, who misled the Council, as witness the statement by Doge Marco Foscarini concerning the anniversary of Antonio Foscarini's exoneration.<sup>65</sup> The Council of Ten was also viewed by some as evil, and Foscarini's exoneration clearly offered it a considerable measure of redemption.<sup>66</sup> Though there was dismay among the nobility over what happened to Foscarini, his execution was manifestly legal, and there were no documented criticisms of the Council's actions.<sup>67</sup> In any case, Foscarini's exoneration did acquire mythical status. It was described as "courageous," "noble," and "just."<sup>68</sup>

Who was served by such a myth? From the seventeenth century to the last half of the twentieth, Venice was a model for defenders of the republican ideal throughout Europe and beyond—notably Hans Baron, Gaetano Cozzi, Frederic C. Lane, and William Bouwsma.<sup>69</sup> Sarpi's battle to free Venice from Rome's religious domination gave them support and distinguished Venice from Florence, which had been a republic, and from contemporary Genoa. Moreover, the Foscarini exoneration reinforced the received myth that Venice was just and strong. Are we now any less convinced that the Foscarini exoneration was indeed "courageous," "noble," and "just"? Does knowing that the composition of the Council of Ten changed in favor of those who would benefit from Foscarini's exoneration undermine the myth? Perhaps our admiration of the Council's putative courageous and noble act is tempered somewhat, but the claim that it reflected a just system cannot be dismissed.

It was the Venetian constitution itself that was decisive in preserving confidence in the Venetian system of justice. Without the constitutional requirement that the Council of Ten change its composition nearly every month, which allowed the *giovani* to effectuate the exoneration, there is no assurance that the Council would not have behaved as it had done in the past, smothering its error rather than giving that fatal mistake such exposure. In short, the Venetian constitution provided a necessary condition for just actions by the Council.

But it did not provide sufficient conditions. That would have required, *inter alia*, the consistent seating of error-free *patrizi* on the Council of Ten, something the Venetians understandably did not attempt to codify constitutionally. The lack of sufficiency helps us understand why the constitutionally mandated change in composition did not redress past mistakes; though there were compositional changes in past Councils, the conditions that would have ensured justice after the errors had been committed did not exist. It also helps explain why the "good" Venetian constitution was the same constitution that allowed the Council to condemn and execute Foscarini unjustly.<sup>70</sup> Certainly, that was an unacceptable outcome, but republican supporters of Venice could reason that without the constitutional requirement of monthly changes in the Council's composition, without this necessary condition for a just outcome, the *giovani* could not have come to power and redressed,

albeit posthumously, the injustice to one of their members. Not only did the Venetian constitution keep alive the hope for justice when an inequitable act occurred in its name, but it allowed a particularly egregious injustice to be corrected in an unprecedented manner. Perhaps the supporters of republican Venice were not too far off the mark in their characterization of this extraordinary case.

## Notes

<sup>1</sup> This article has had the good fortune to have been read critically and constructively by Erica Sara Brown, by an anonymous reader for, and the editor of, *Renaissance and Reformation/Renaissance et Réforme*, to all of whom the author is very much indebted.

<sup>2</sup> Letter to King James I from Venice, 27 January 1623, cited in Logan Pearsall Smith, *The Life and Letters of Sir Henry Wotton*, 2 vols. (Oxford: Clarendon Press, 1907), 2: 261-63. Current dating conventions are used in the text, in contrast to the widely-quoted Samuele Romanin, *Storia Documentata di Venezia*, 10 vols., vol. 7 (Venice: P. Naratovich, 1858), p. 196; he dates Foscarini's exoneration 16 January 1622.

<sup>3</sup> Smith, 1: 190.

<sup>4</sup> S. Secchi, *Antonio Foscarini, Un Patrizjo Veneziano del '600* (Florence: Leo S. Olschki, 1969), 96. On service to the Republic as a religious vocation, see A. D. Wright, "The Venetian View of Church and State: Catholic Erastianism," *Studi Secenteschi* 19 (1978), p. 95.

<sup>5</sup> Secchi, pp. 87-88, 94-98. She characterizes Foscarini as a libertine, which in the seventeenth century would have placed him in a wide circle of free thinkers [*spiriti forti*].

<sup>6</sup> Romanin, 7: 172.

<sup>7</sup> Cited in Smith, 2: 262. Though Sir Henry Wotton was severely criticized by some of his contemporaries as an exaggerator (Smith, 1: 18-20), his account of the Foscarini affair is roughly consistent with that of other foreign residents in Venice; cf. Romanin, 7: 184-85, 584-88.

<sup>8</sup> *Archivio di stato di Venezia* [hereafter abbreviated *ASV*], *Consiglio dei X, Criminali e Parti segrete*, 20 settembre 1622 [20 September 1622].

<sup>9</sup> *ASV, Consiglio dei X, Criminali*, 49, 5 ottobre 1622 [5 October 1622].

<sup>10</sup> Cited in Smith, 2: 62. Though Sir Henry Wotton was severely criticized by some of his contemporaries as an exaggerator (Smith, 1: 18-20) and Smith was considered to be fiercely partisan to Sir Henry Wotton, the latter's account of the Foscarini affair shares the same basic elements as several others. One that contains more detail is J. Walker, "Antonio Foscarini in the City of Crossed Destinies," *Rethinking History* 5 (2001): 305-34.

<sup>11</sup> *ASV, Consiglio dei X, Comuni*, registro 72, 16 gennaio 1623 [16 January 1623]. A graphic and emotional account of the execution and exoneration of Foscarini is given in a letter by Foscarini's contemporary, Sigismondo d'Este (cited in Romanin, 7: 594).

<sup>12</sup> His statement is contained in *Relazioni degli Stati europei lette al Senato dagli ambasciatori veneti nel secolo decimosettimo*, ed. Nicolò Barozzi and Guglielmo Berchet, Series 2, Francia (Venice: Pietro Naratovich, 1857), pp. 419-20.

<sup>13</sup> Parker, G. and Adams S., "Europe and the Palatine war", in ed. Geoffrey Parker, *The Thirty Years' War* (London: Routledge and Kegan Paul, 1984), pp. 55-58.

<sup>14</sup> See Secchi, pp. 37-49

<sup>15</sup> Secchi, p. 103.

<sup>16</sup> "The Interdict of Pope Paul V, 1606, Extracts from the pronouncement of Pope Paul V before the cardinals, 17 April 1606" in *Venice, A Documentary History 1450-1630*, ed. David Chambers and Brian Pullan, with Jennifer Fletcher (Oxford: Blackwell, 1992), pp. 225-27.

<sup>17</sup> See "Conflict and Compromise with the Holy See" in Chambers, Pullan, and Fletcher, p. 218. The Jesuit order was finally allowed to return in 1657.

<sup>18</sup> However, the underlying issues between Venice and Rome were not resolved, and the papacy periodically exerted considerable influence in Venice; see William Bouwsma, *Venice and the Defense of Republican Liberty: Renaissance Values in the Age of the Counter Reformation* (Berkeley, CA: University of California Press, 1968), pp. 413-15, and David Wootton, *Paolo Sarpi: Between Renaissance and Enlightenment* (Cambridge: Cambridge University Press, 1983), p. 54.

<sup>19</sup> A survey of the literature on positive and negative Venetian myths relating to models of government is given by John Martin and Dennis Romano, "Reconsidering Venice," in *Venice Reconsidered: The History and Civilization of an Italian City-State, 1297-1797*, ed. John Martin and Dennis Romano (Baltimore, MD: Johns

Hopkins University Press, 2000), pp. 39-66. For a review of the art and iconography expressing the Venetian myths of peace, justice, and wisdom, see David Rosand, *Myths of Venice: The Figuration of a State* (Chapel Hill, NC: University of North Carolina Press, 2001).

<sup>20</sup> See "The Contest for Preferments" and "The Apostolic Visitation, 1580-1" in Chambers, Pullan, and Fletcher, pp. 221-24.

<sup>21</sup> The supremacy of the state was pursued by France and even Spain, as well as by Venice. All of their policies reflected different means toward the common end of state supremacy, but it was believed in Venice that the temporal powers in Spain and France exercised more control over the Church than did the Republic. The anti-curialism in Venice, especially among the *patrizi* and even during the interdict of 1606-1607, was accompanied by an insistence that the state's actions were inherently Catholic and that the disagreement with Rome was caused by papal divergence from established Catholic canons. See Wright, pp. 77-81, 85-86, 105-6.

<sup>22</sup> Gaetano Cozzi, *Il Doge Nicolò Contarini: Ricerche sul patriziato veneziano agli inizi del Seicento* (Venice: Istituto per la collaborazione culturale, 1958), p. 208.

<sup>23</sup> Wright, p. 77.

<sup>24</sup> The existence of a Spanish conspiracy is controversial. Richard Mackenney argues that there is no proof the Spanish protagonists were responsible for the alleged conspiracy of 1618 ("*A Plot Discover'd? Myth, Legend, and the 'Spanish' Conspiracy against Venice in 1618,*" in ed., Martin and Romano, pp. 197-209). Nevertheless, Venetians perceived Spain to be behind the plot and believed it to be real; see Paolo Preto, *I Servizi Segreti di Venezia* (Milan: Il Saggiatore, 1994), pp. 150-152. A well-known dramatic interpretation of the Spanish plot by Thomas Otway, *Venice Preserv'd*, brought it to the attention of the English public in 1682, but since this play conceived the Papacy as the plotters and used the conspiracy as an allegory against the Whigs, it sheds little light on the events in Venice in 1618; see Philip Harth, "Political Interpretations of *Venice Preserv'd*," *Modern Philology* 85 (1988): 345-62.

<sup>25</sup> Peter Burke, "Early Modern Venice as a Center of Information and Communication," in Martin and Romano, pp. 394-95.

<sup>26</sup> Romanin, 7: 166-178.

<sup>27</sup> Though it appears that the choice of Spain was almost inevitable, other foreign bodies also recruited Venetian spies. In a prominent case. Angelo Badoer, a member of one of the oldest Venetian noble houses, was convicted of spying for the Holy See, as well as for Spain in the period, 1612-1630; and Giambattista Leoni was executed for passing state information to the grand duke of Tuscany; see Preto, pp. 79-82; also, Cozzi, *Doge Nicolò Contarini*, pp. 124-27. As regards the spying in Venice by foreigners, the list is extensive; see Preto, pp. 95-146. Spying for the Ottoman Empire was less of a problem in the first three decades of the seventeenth century, since Turks turned their attention eastward and Venice's navy was the stronger one in the Mediterranean; see Frederic C. Lane, *Venice, A Maritime Republic* (Baltimore, MD: Johns Hopkins University Press, 1973), pp. 407-408.

<sup>28</sup> See Romanin, 7: 161-98.

<sup>29</sup> Various accounts refer to the paucity of evidence relating to the Foscarini affair; see John Julius Norwich, *A History of Venice* (London: Penguin, 1982), p. 528, and Walker, pp. 311-12, 326.

<sup>30</sup> Romanin cites the story that Foscarini, being a true nobleman, chose death as a traitor rather than reveal the name of his beloved Lady Arundel, whom he had known while ambassador to the court of James I (7: 183). Anna Loredana, *L'ambasciatore Antonio Foscarini* (Rome: Edizioni Cosmopoli, 1941) provides the most recent example of romantic writing on the Foscarini affair; she also portrays Foscarini as the victim of his love for Lady Arundel (pp. 142-43). However, the Tuscan resident, Sacchetti, wrote in a dispatch of April 21, 1622 that Foscarini visited Lady Arundel rarely, though sometimes, and that they were not particularly close friends (Secchi, pp. 103-4). Sacchetti also wrote that there is some indication that when Foscarini did visit her, he became confused in her presence; see *Estratti di lettere di Nicolò Sacchetti, residente toscano a Venezia*, in Romanin, 7: 585.

<sup>31</sup> The power of the bureaucracy was well-recognized; Lane, p. 404.

<sup>32</sup> Cozzi, *Il Doge Nicolò Contarini*, pp. 233-34.

<sup>33</sup> Secchi, p. 106.

<sup>34</sup> Also part of their group were several diplomats and nobles: Vincenzo Gussoni, Gregorio Barbarigo, Agostin Nani, Francesco Contarini, Simon Contarini, Tommaso Contarini, Angelo Contarini, Simon Contarini, Tommaso Contarini, Angelo Contarini, Pietro Priuli, and others; see Cozzi, p. 134.

<sup>35</sup> See Secchi, p. 90 and Wright, pp. 103-6.

<sup>36</sup> See Wootton, pp. 46-77, and Bouwsma, pp. 339-416. Gaetano Cozzi's account of Sarpi's role in Venetian history is given in *Paolo Sarpi tra Venezia e l'Europa* (Turin: G. Einaudi, 1979).

<sup>37</sup> See Wotton's Letter to the Earl of Salisbury from Venice, 13 September 1607: "For learning, I think I may justly call him the most deep and general scholar of the world, and above other parts of knowledge, he seemeth to have looked very far into the subtleties of the Canonists, which part of skill gave him introduction into the Senate. His power of speech consisteth rather in the soundness of reason than in any other natural ability. He is much frequented, and much intelligenced of all things that pass; and, lastly, his life is the most irreprehensible and exemplar that hath ever been known" (cited in Smith, 1: 400). Not only was Sarpi adept in political and theological matters, but he was praised by scientists in several fields. He has been credited with the discovery of the circulation of blood before Harvey, and Galileo acknowledged Sarpi's help in the construction of his telescope. Finally, he became an immensely popular figure in Venice after he survived an attempt on his life in October 1607, presumably by papal supporters. This gave rise to his famous riposte: in the dagger [*stiletto*] broken off in his cheek, he recognized the style [*stile*, which also means dagger] of the Roman Curia; W. Carew Hazlitt, *The Venetian Republic: Its Rise, Its Growth and Its Fall, 421-1797*, 2 vols. (London: A. and C. Black, 1900), 2: 157.

<sup>38</sup> Wright, pp. 83, 105.

<sup>39</sup> Although there is a question as to how the *giovani-vecchi* opposition was affected by the fluidity of social hierarchies in Venice (see Martin J. and Romano, D., "Reconsidering Venice," in Martin and Romano, p. 10), it is clear that a *giovani-vecchi* opposition existed. Earlier, a different group of *giovani*, from which Fra Sarpi's group could be said to have descended, took a strong position in 1596 on an aesthetic issue concerning construction on the site of the *Procuratie Nuove*. Even on this, they faced opposition from families tied to the Holy See; see Manfredo Tafuri, *Venice and the Renaissance*, trans. Jessica Levine (Cambridge, MA: MIT Press, 1989), pp. 172-74.

<sup>40</sup> Secchi, 31, 103.

<sup>41</sup> See Bouwsma, pp. 509-10.

<sup>42</sup> See Rosand, pp. 26-33.

<sup>43</sup> Smith, 1: 190.

<sup>44</sup> See Norwich, p. 525.

<sup>45</sup> *ASV, Consiglio dei X, Criminali*, registro 39, 20 aprile 1622 [20 April 1622]; this contains the charges against Foscarini, the identity of the members of the Council of Ten, and how they voted. The exoneration decree is contained in *ASV, Consiglio dei X, Comuni*, registro 72, 16 gennaio 1623 [16 January 1623]. Photographs of both decrees, containing signatures of the members of the Council of Ten, are published by Loredana, pp. 150-51, 200-1. Though she does name the members who voted for the condemnation, she does not discuss the members who exonerated him. Though generally meticulous in assigning names to actions, in this case Romanin makes no mention of the change in composition of the Council of Ten (7: 195-99).

<sup>46</sup> Andrea Da Mosto, *I Dogi di Venezia* (Milano: Aldo Martello, 1960) p. 347.

<sup>47</sup> *Dizionario Biografico Degli Italiani* (Roma: Istituto della Enciclopedia, 1983), "Contarini, Alvise," p. 95.

<sup>48</sup> Cozzi, *Il Doge Nicolò Contarini*, p. 117.

<sup>49</sup> *Ibid.*, p. 279.

<sup>50</sup> Among those who were voting members at both Foscarini's condemnation and his exoneration, were Doge Antonio Priuli, Battista Nani, and Vincenzo Dandolo. The names of the voting members of the Council of Ten for the month of January 1623 are given in *ASV, Consiglio dei X, Criminali*, registro 39, 30 dicembre 1622 [30 December 1622] under the following headings: *Capi del Consiglio per il mese di gennaio prossimo; Capo di Rispetto; Due Inquisitori; and Collegio Extraordinario*. There were two new State Inquisitors, Daniel Diedo and Zuanne Basadonna, and three ordinary members in the *Collegio Ordinario*: the senators Ca da Pesaro, Morisini, and Soranzo.



<sup>51</sup> It has been asserted (Secchi, p. 107) that Nicolò Contarini was the only person in the Council of Ten to vote against condemning Foscarini [Era stato l'unico a votare contro la condanna nel momento estremo]. Also, "Foscarini was imprisoned three times because of the constant shadow of treason, the last time there was an explicit charge of treason.. Only one of the ten councillors did not believe the informers and dared to defend him, Nicolò Contarini." [Per tre volte (Foscarini) era stato trascinato in carcere, e sempre si era insinuata l'ombra del tradimento: l'ultima volta però c'era stata un'accusa esplicita.. Uno solo dei dieci consiglieri non aveva creduto alle delazioni e aveva osato difenderlo, Nicolò Contarini.]; Cozzi, *Il Doge Nicolò Contarini*, pp. 232-33. Contarini was not a member of the Council of Ten on 20 April 1622; see *ASV, Consiglio dei X, Criminali*, registro 39, 20 aprile 1622 [20 April 1622].

<sup>52</sup> By January 1623, Sarpi's last illness had begun, and in fact he died on 15 January 1623, one day before the decree exonerating his friend, Antonio Foscarini, was made public; see Gaetano Cozzi, "Sulla morte di fra Paolo Sarpi," *Miscellanea in onore di Roberto Cessi* vol.2, Roma, Edizioni di storia e letteratura, 1958, pp. 387-396.

<sup>53</sup> Da Mosto, pp. 366-67.

<sup>54</sup> Cozzi, *Il Doge Nicolò Contarini*, p. 152. Contarini was sent to the front as Commissioner, while Dandolo had logistical duties.

<sup>55</sup> Though there is no evidence that Contarini and Dandolo had contact when the latter voted for Foscarini's execution, it is important to note that "Il Dandolo fosse nel novero dei giovani... come inquisitore di Stato tra il novembre '22 e l'estate '23 [Dandolo was a member of the *giovani*... as a State Inquisitor between November 1622 and the summer of 1623]" (*Dizionario Biografico Degli Italiani* (Roma: Istituto della Enciclopedia, 1983), "Dandolo Vincenzo," p. 510).

<sup>56</sup> Some have asserted without foundation that the Doge, having been one of the judges to condemn Foscarini, was so disturbed by the subsequent finding of innocence that it accelerated his dying (Da Mosto, p. 351).

<sup>57</sup> Romanin, 7: 188. Others also rejected Foscarini's bequests. The Council allowed only portions of Foscarini's will to be released.

<sup>58</sup> Cozzi, *Il Doge Nicolò Contarini*, p. 277.

<sup>59</sup> Romanin, 7: 196; all translations are my own.

<sup>60</sup> Hazlitt, 2: 244.

<sup>61</sup> Loredana, p. 194. She also discusses some novels centered on the Foscarini affair (pp. 187-90).

<sup>62</sup> *Dizionario Biografico Degli Italiani* (Roma : Istituto della Enciclopedia, 1983), "Foscarini, Antonio," p. 364. A section of the references in this entry covers the Foscarini affair in literature.

<sup>63</sup> Mackenney, R., "A Plot Discover'd", in Martin and Romano, 184-216; and Martin, J. and Romano, D., "Reconsidering Venice", in Martin and Romano, pp. 2-4.

<sup>64</sup> Smith, 1: 190.

<sup>65</sup> Foscarini's nephews were identified as good, but one suspects that they were intent on proving their uncle's innocence for reasons of self-interest since their appointments to offices were contingent on it. Recall that even Doge Marco Foscarini, nearly a century and a half after the event, did not indicate any interest in pursuing the matter beyond naming the immediate slanderers. It appears that the exoneration effectively blunted any effort by his relatives or, it appears, by scholars to pursue the matter further.

<sup>66</sup> Apparently, the Council's putative redemptive act was sufficient, since it did not lead to fundamental changes in the extraordinary powers of the Council of Ten. Specifically, its rules of evidence and the right of representation were not strengthened; and even Nicolò Contarini joined in solidarity with the majority of the nobility by not endorsing wholeheartedly the subsequent movement spurred by Renier Zen to curb the powers of the Council of Ten; see Cozzi, *Il Doge Nicolò Contarini*, pp. 234-36. Foscarini's exoneration may actually have impeded Zen's reform movement: since the Council had rectified its unjust act, why alter its judicial rules and power?

<sup>67</sup> Dispatch of N. Sacchetti, 23 aprile 1623 in Romanin, 7:187-8.

<sup>68</sup> Romanin, 7: 196; Smith, 1: 190; Loredana, p. 194.

<sup>69</sup> See Martin, J. and Romano, D., "Reconsidering Venice," in Martin and Romano, pp. 5-6; and Mackenney, "A Plot Discover'd", in Martin and Romano, p. 191. The literature on Venetian Republicanism and its

supporters is vast. Critical assessments are contained in Edward Muir, "Was There Republicanism in the Renaissance Republics?" in Martin and Romano, pp. 138-167; and in John Eglin, *Venice Transfigured: The Myth of Venice in British Culture, 1660-1797* (Houndmills, Basingstoke, Hampshire: Palgrave, 2001).

<sup>70</sup> The Council's action may be seen as an unpleasant and ugly necessity, taking account of the Spanish plot and its associated anxieties. The constitution happened to empower a particular group of *patrizi* in the spring of 1622, who either stressed or were perceived to stress the security of the state; and it gave them the latitude to make extreme judgements with minimal regard to just procedures. Yet, Foscarini's exoneration occurred in 1623, while Venice still registered its nervous apprehension of any connection with Madrid; in that year Venice concluded an alliance with Savoy and France to drive Spain out of the Valtellina.