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BRIBES AT THE SIXTEENTH-CENTURY PAPAL COURT

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MAX WEBER PROGRAMME

*"Those who give are not all generous":
Tips and Bribes at the Sixteenth-Century Papal Court*

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Abstract

Ambassadors in early modern Europe were frequent disbursers of tips, rewards and bribes, and usually expected something in return for their liberality. This paper considers the conventions, both written and unwritten, that governed such activities in Renaissance Rome, setting them in the context of the extensive literature on gift-giving. While official, ceremonial gifts were often recorded in writing, the less licit payments with which this article is concerned were often not. However, there is enough of a paper trail to reconstruct at least some of the gift-giving practices at the papal court, and the essay considers diplomatic letters, trial records and prescriptive treatises in order to do so. Its first section examines the extent to which gift-giving at the papal court was subject to regulation, where the boundary between legitimate and illegitimate gifts lay, and what constituted 'corruption' in this period, drawing in particular on evidence about the tipping of lower-ranking officials. Its second section looks at the language used by diplomats to justify their gift-giving, in particular the concept of liberality and the reciprocal pair 'reward' and 'service'. Here the discussion focuses on two instances in the course of negotiations over Henry VIII's 'divorce' from Catherine of Aragon when Henry's diplomats offered gifts to cardinals but subsequently encountered problems, enabling a consideration of the ways that gifts might, as Natalie Zemon Davis has put it, 'go wrong'.

Keywords

diplomacy, Rome, gift, bribe, corruption

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When Baldassarre Castiglione, a former resident ambassador in Rome, wrote in *Il Cortegiano* that ‘those who give are not all generous’, he might well have been thinking back to his experience as a diplomat.¹ Ambassadors in early modern Europe were frequent disbursers of tips, rewards and bribes, and usually expected something in return for their liberality. This paper considers the conventions, both written and unwritten, that governed such activities in Renaissance Rome. In his handbook on ambassadors at the curia, written in the early years of the sixteenth century, the papal master-of-ceremonies Paride Grassi included a chapter headed: ‘How much ambassadors should give to papal officials, and who these officials are.’² It was not, he said, for him to set out how much ambassadors should give to jesters and musicians, but he went on to list those officials whom one *was* expected to tip, from himself, as master-of-ceremonies, to couriers, the gatekeeper and the man at the secret garden. In the case of those gratuities, the ambassador could expect advice from the ceremonial office on how to comport himself. For the most part, however, the protocol of gift-giving was uncoded.

In her life of Cardinal Soderini, Kate Lowe noted both the importance of ‘perquisites, gifts and backhanders’ at the papal court and the difficulty of finding evidence for them.³ There are obvious problems with sources in this field: while official, ceremonial gifts were often recorded in writing, the less licit payments with which this paper is concerned were often not. However, there is enough of a paper trail to reconstruct at least some of the gift-giving practices at the papal court, and this paper considers diplomatic letters, trial records and prescriptive treatises in order to do so. Its first section examines the extent to which gift-giving at the papal court was subject to regulation, where the boundary between legitimate and illegitimate gifts lay, and what constituted ‘corruption’ in this period, drawing in particular on evidence about the tipping of lower-ranking officials. Its second section looks at the language used by diplomats to justify their gift-giving, in particular the concept of liberality and the reciprocal pair ‘reward’ and ‘service’. Here the discussion focuses on two instances in the course of negotiations over Henry VIII’s ‘divorce’ from Catherine of Aragon when Henry’s diplomats offered gifts to cardinals but subsequently encountered problems, enabling a consideration of the ways that gifts might, as Natalie Zemon Davis has put it, ‘go wrong’.⁴

Any historian engaged in the analysis of gift-giving in the early modern period is faced with the fact that many studies of the topic have been heavily influenced by the work of the sociologist and anthropologist Marcel Mauss, nephew and student of Émile Durkheim, who published his ‘*Essai sur le don*’ in 1925.⁵ Mauss made it clear, as Gadi Algazi has pointed out, that it was not his intention to provide a model for the use of historians;⁶ nonetheless, his concepts have often been borrowed. Sharon Kettering, for example, has employed Mauss’ theory in analysing French patron-client relationships in

¹ Baldesar Castiglione, *The Courtier* trans. George Bull (London: Penguin, 1976), p. 313. On the *Cortegiano* as advice for diplomats, see J. R. Woodhouse, ‘Honourable dissimulation: Some Italian advice for the Renaissance diplomat’, *Proceedings of the British Academy* 84 (1994), 25-50 (pp. 28-30).

² Paride Grassi, *De Oratoribus Romanae Curiae*. Biblioteca Apostolica Vaticana, MS Vat. Lat. 12270, ff. 70v-71v. On the manuscript: Marc Dykmans, ‘Paris de Grassi II’, *Ephemerides Liturgicae* 99 (1985), 383-417 (pp. 400-03).

³ K. J. P. Lowe, *Church and Politics in Renaissance Italy: the life and career of cardinal Francesco Soderini, 1453-1524* (Cambridge: Cambridge University Press, 1993), p. 249.

⁴ Natalie Zemon Davis, *The Gift in Sixteenth-Century France* (Oxford: OUP, 2000), p. 165. Strictly speaking, Henry was seeking a declaration that his first marriage was invalid, but the word ‘divorce’ was used by contemporaries and I see no reason to avoid it.

⁵ Marcel Mauss, *The Gift: The form and reason for exchange in archaic societies*, trans. W. D. Halls (London: Routledge, 1990). On the intellectual context of Mauss’ work, see the foreword to that volume by Mary Douglas (pp. vii-xviii), and Patrick J. Geary, ‘Gift exchange and social science modeling: the limitations of a construct’, in Gadi Algazi, Valentin Groebner and Bernhard Jussen (eds), *Negotiating the Gift: Pre-Modern Figurations of Exchange* (Göttingen: Vandenhoeck & Ruprecht, 2003), pp. 129-40.

⁶ Gadi Algazi, ‘Doing things with gifts’, in Algazi et al, *Negotiating the Gift*, pp. 9-27 (pp. 9-10).

the later sixteenth and seventeenth centuries, and Maija Jansson has applied it to English diplomatic gifts in the seventeenth and eighteenth centuries.⁷ Although wholehearted adherence to Mauss' theory is becoming increasingly less fashionable,⁸ his ideas remain sufficiently influential in the field for some brief observations on their development to be necessary here. In summary, Mauss' *The Gift* is not a historical study, but draws on anthropological accounts of archaic societies, particularly those of the Pacific Rim, to posit the gift system as a 'total social phenomenon'. Every type of social institution in the societies Mauss discusses is expressed through gifts, he argues, which must be given, received and reciprocated as 'gift' and 'counter-gift'; the formal voluntary character of the gift conceals this obligation to reciprocate; there is no such thing as a 'free gift'.⁹ Particularly relevant here is the question of language and the semantics of gift-giving.

On this point, Gadi Algazi, Valentin Groebner and Bernhard Jussen have challenged Maussian theory, questioning whether an overarching category of 'The Gift' is useful at all and arguing that it has led to 'unwarranted generalisations'. Instead, they emphasise the importance of studying the ways that gifts are named, represented and registered. For example, they suggest that it is often only the label applied to a gift, rather than any characteristic of the gift *per se*, that distinguishes its legitimacy or illegitimacy.¹⁰ Such a semantic approach has usefully been employed by Valentin Groebner in his study of political presents in fifteenth- and sixteenth-century Basel. He describes the emergence of the word *miet*, which had connotations of bribery and the illicit, in fourteenth-century south Germany; this, he argues, 'appears to have been the key term for forbidden gifts to officials'.¹¹ Bernhard Jussen's study of medieval religious discourse likewise considers the language of gifts to demonstrate that the terms *munus* and *remuneratio*, commonly referred to by scholars in Maussian terms as 'gift' and 'counter-gift', in fact occur in 'significantly different contexts' and cannot be regarded as a conceptual pair.¹²

Nonetheless, many historians have remained content to follow Mauss in grouping together a variety of differently-named 'gifts' for analysis, as he does in the case of the Trobriand Islanders, when he notes the 'proliferation of distinctive names for all kinds of total counter-services', only to follow by dismissing 'the strange refinements that are given to names'.¹³ Among them is Davis, who downplays the differences between types of gift in sixteenth-century France: they were, she says, 'linked together by the categories and words used to describe them and by the virtues and values they were thought to express in the giver and arouse in the recipient'.¹⁴ This paper, however, begins from the premise that early modern diplomats did make distinctions between types of gift, that this was reflected in the terminology they used to describe them, and that lumping them all together into a single category is unlikely to be helpful.¹⁵

Scholarly consideration of gifts in the specific context of diplomacy is relatively rare. An alternative critique of Mauss, with specific reference to diplomacy, has been offered by Cutler, who

⁷ Sharon Kettering, 'Gift-giving and patronage in early modern France', *French History* 2 (1988), 131-151. Maija Jansson, 'Measured reciprocity. English ambassadorial gift exchange in the seventeenth and eighteenth centuries', *Journal of Early Modern History* 9 (2005), 348-70.

⁸ Felicity Heal, 'Food gifts, the household and the politics of exchange in early modern England', *Past and Present* 199 (2008), 41-70.

⁹ Mauss, *The Gift*, pp. 3, 16-17.

¹⁰ Algazi, 'Doing things with gifts', pp. 14, 18-19.

¹¹ Valentin Groebner, *Liquid Assets, Dangerous Gifts: Presents and Politics at the End of the Middle Ages* trans. Pamela E. Selwyn (Philadelphia: University of Pennsylvania Press, 2002), pp. 71-72.

¹² Bernhard Jussen, 'Religious discourses of the gift in the Middle Ages. Semantic evidences (second to twelfth centuries)', in Algazi et al, *Negotiating the Gift*, pp. 173-192 (p. 174).

¹³ Mauss, *The Gift*, pp. 30-31.

¹⁴ Davis, *The Gift*, pp. 14, 22-23. Ilana Krausman Ben-Amos, 'Gifts and favors: informal support in early modern England', *Journal of Modern History* 72 (2000), 295-338 similarly groups together a wide variety of 'reciprocal interactions' under the heading 'gift'.

¹⁵ Algazi, 'Doing things with gifts', p. 21.

places emphasis instead on the function of diplomatic gifts as 'signs'.¹⁶ It is a valuable approach to the more ceremonial type of diplomatic gift, but its usefulness with respect to illegitimate gift-giving seems limited, for such gifts were emphatically not to be placed on public display. Groebner discusses diplomatic gifts in relation to city politics in Basel in his *Liquid Assets*, but while some of his findings have broad resonance, others are more contingent on that particular municipal environment. Levin cites a number of examples of pensions and 'bribes' offered by Spanish ambassadors in sixteenth-century Italy, but does not discuss the process of gift-giving in any depth.¹⁷ Jansson, dealing with English diplomatic gifts in the seventeenth and eighteenth centuries, limits her analysis to ceremonial presents covered by the rules of precedence, leaving aside the backhanders discussed here.¹⁸ Martin, writing about dowries and Muscovian diplomacy, likewise restricts his study to the more official type of gift.¹⁹ In examining the less licit gifts given by ambassadors, this paper considers the extent to which Mauss' theory of the gift and those arguments subsequently derived from it, or as alternatives to it, prove useful as tools for their analysis. In particular, drawing on the work of Algazi, Jussen and Groebner, it suggests that by paying close attention to both the labels given to gifts and the rhetoric attached to the process of gift-giving it is possible to gain important insights into contemporary attitudes.

Regulation and registration

The authors of fifteenth- and sixteenth-century treatises on diplomacy were rather coy about discussing gifts. Étienne Dolet, a secretary to the French ambassador to Venice in the late 1520s, referred in his *De Officio Legati* to 'shrewd men not of one's household, who have been inveigled by our liberality'.²⁰ Inveigling may or may not have involved bribery, of course, but the implication was that they had been persuaded to do something they would not have done otherwise. Later in his treatise, however, Dolet specified that by 'liberality' he meant 'magnificence and splendor in [the ambassador's] manner of living'.²¹ Even among those who were willing to emphasise the instrumental functions of liberality in general, there was a marked reticence to discuss explicitly the advantages to be obtained through gift-giving. Donald Queller's study of a later Venetian document on the ambassador, probably from the 1570s, finds an implicit reference to the role of gift-giving in cultivating contacts at court in the phrase 'to satisfy everyone according to his rank'.²² Queller is keen to interpret this as an injunction to offer bribes, but he is over-hasty in assuming that such gifts were necessarily illegitimate. They had the *potential* to corrupt, but that gifts were given is not, in and of itself, evidence of corruption. Many courtiers of early modern Europe received 'pensions' from foreign crowns; the practice was openly acknowledged, and little expectation was placed upon the payments beyond a hope that they would contribute to the maintenance of friendly relations between the realms in question.²³

¹⁶ Anthony Cutler, 'Significant gifts: patterns of exchange in late antique, Byzantine and early Islamic diplomacy', *Journal of Medieval and Early Modern Studies* (2008), 79-101, esp. pp. 87-91.

¹⁷ Michael J. Levin, *Agents of Empire: Spanish Ambassadors in Sixteenth-Century Italy* (Ithaca and London: Cornell University Press, 2005), pp. 150, 169-70.

¹⁸ Jansson, 'Measured reciprocity', p. 352.

¹⁹ Russell E. Martin, 'Gifts for the bride: dowries, diplomacy, and marriage politics in Muscovy', *Journal of Medieval and Early Modern Studies* (2008), 119-45.

²⁰ Étienne Dolet, *De Officio Legati* (Lyons, 1541). References are to the translation in 'Étienne Dolet on the functions of the ambassador, 1541', ed. Jesse S. Reeves, *American Journal of International Law* 27 (1933), 80-95 (p. 86).

²¹ *ibid.*, p. 87.

²² Donald E. Queller, 'How to succeed as an ambassador: a sixteenth-century Venetian document' in Joseph R. Strayer and Donald E. Queller (eds), *Post Scripta: Essays on Medieval Law and the emergence of the European state in honor of Gaines Post* (= *Studia Gratiana* 15 (1972)), pp. 655-671 (p. 661, 668). The Italian wording is: 'sodisfare à ciascuno secondo il grado suo'.

²³ David Potter, 'Foreign policy', in Diarmaid MacCulloch (ed.), *The Reign of Henry VIII: Politics, Policy and Piety* (Basingstoke: Macmillan, 1995), pp. 101-33 (p. 129).

Those gifts *received* by ambassadors were the subject of some more discussion. Dolet was clearly aware of the anxieties they aroused and wrote that an ambassador would be ‘deserving of capital punishment’ if:

Won over by gifts or suborned by the promise of wealth and honors, you favor the interests of your enemy, and urge your king to a course which you know is to his disadvantage.²⁴

Venice, where Dolet served as secretary to the French ambassador, was one of the states that did impose regulations in this regard. Laws of 1403 and 1406, reiterated in 1482, barred Venetian ambassadors from accepting gifts, including benefices. The Venetian diplomat Ermolao Barbaro, referred to the proscription in his own *De Officio Legati*, but ironically fell foul of it himself in 1491, when he was made patriarch of Aquileia by Pope Innocent VIII while on embassy to Rome.²⁵ Venice was not alone in its desire for regulation: in Basel gifts received by envoys had to be handed over to the city, a requirement which, according to Groebner, provoked ‘a certain disquiet’. The city council passed resolutions on the subject repeatedly, and eventually relaxed the rules, suggesting that their effectiveness in preventing the practice was limited.²⁶ In the context of princely diplomacy, however, strict rules about the acceptance or registration of gifts were, at this stage, rare. The sort of detailed record-keeping of diplomatic gifts apparent in later fourteenth- and fifteenth-century Basel was not established in England until the seventeenth century.²⁷ This reflects a more general pattern, in which republics were rather quicker to standardise and regulate diplomatic practices than were principalities, which relied for longer on a more personalised form of representation based on a relationship of service between ambassador and prince. Yet while the rules of diplomatic gift-giving may not have been written, there is plenty of evidence to suggest that clear shared conventions existed. How did contemporaries understand them? How did they distinguish between what was an acceptable and what an unacceptable gift?

One of the difficulties facing any traveller abroad is the need to negotiate the local conventions of tipping. The same was surely true at the sixteenth-century court of Rome, where diplomats from across Europe and beyond had to work out how much to pay to whom and when. In an effort to protect new ambassadors from greedy officials’ extravagant requests, the papal master-of-ceremonies Paride Grassi set out a list of court personnel to be tipped by the visiting diplomat, and the sums to be given.²⁸ Such payments, he wrote, were a means of expressing gratitude and not a matter of obligation or law, but it was the convention that the ambassador of a king should usually give a total of one hundred and fifty gold ducats, while a ducal representative should give one hundred ducats in total and those of marquises, republics and other princes could usually give a little less, as they wished.²⁹ There were, in short, very clear expectations about what should be given. Grassi’s treatise offers useful guidance with which to interpret other evidence about gratuities, such as comments like that of the Mantuan ambassador who wrote in 1529 to his master that:

This poor man at the gates recommends himself to Your Excellency for some money that he says he would receive from you as a singular gift and grace and for alms.³⁰

²⁴ Dolet, *De Officio Legati*, p. 89.

²⁵ Ermolao Barbaro, ‘De Officio Legati’, ed. Vittore Branca in *Nuova Collezione di Testi Umanistici Inediti o Rari XIV* (Florence: Olschki, 1969), pp. 157-167 (p. 164). For background: Douglas Biow, *Doctors, Ambassadors, Secretaries: Humanism and Professions in Renaissance Italy* (Chicago: University of Chicago Press, 2002), p. 105.

²⁶ Groebner, *Liquid Assets*, pp. 117, 126.

²⁷ Groebner, *Liquid Assets*, p. 18; Jansson, ‘Measured reciprocity’, p. 369.

²⁸ Grassi, *De Oratoribus*, ff. 70v-71r.

²⁹ Grassi, *De Oratoribus*, f. 70v.

³⁰ ‘Questo povero homo dalle porte se raccomanda a S. Ex^{ia} di qualche denari che dice che li riceverà in singulare dono et gratia et per elemosina.’ Archivio di Stato di Mantova, Archivio Gonzaga 878, c. 235r.

The precise identity of the 'poor man' is not known, nor is it possible to be definitive about the location of the gates. However, in the context of the detailed conventions for tipping described by Grassi, in which he specified that a ducal ambassador should give 'four or five ducats' at the 'iron gate', this request for a gift takes on a rather different character than it might in a situation where no such conventions existed. It may just as well be an assertion of entitlement as a plea for charity.

Tipping was a highly-organised system at the court of Rome, the efficient functioning of which relied on ambassadors and others giving appropriate sums to the appropriate people. On 1 January 1528 William Knight, then an English ambassador at the papal court, wrote to Cardinal Thomas Wolsey about his attempts to offer a 'reward' of 2,000 crowns to Cardinal Lorenzo Pucci and thirty crowns to Pucci's secretary.³¹ As I discuss below, the cardinal subsequently refused to accept the money; not so the secretary, who kept his thirty crowns.³² Presumably he thought it a reasonable tip for his assistance. In his study of political presents in sixteenth-century Basel, Valentin Groebner outlined the concept of an 'access fee': the expected gift to a junior official for expediting access to his superiors.³³ It seems probable that Pucci's secretary, like the Basel officials, would have supplemented his income through the receipt of regular tips, and that this would not have been perceived as corrupt. The papal master-of-ceremonies Biagio Martinelli regularly recorded in his diary the tips he received from visiting ambassadors and how he shared them with his colleagues in the office of ceremonies. For example, on 22 June 1520 they received fifty gold ducats from the secretary of the duke of Albany (ambassador of the king of Scotland), of which Martinelli had 25 crowns; in 1523 they received forty large ducats to share between them from a group of Venetian ambassadors.³⁴ Martinelli also recorded cases in which the expected tips were not forthcoming. On the occasion of a presentation to the pope by the Imperial ambassador in 1521, he noted: 'For that our office is owed jewels, but up until now we've had nothing but fine words.'³⁵ Furthermore, a system of tip-sharing was in place between the staff of the ceremonial office and their colleagues in the papal chamber, in which the latter would pass on to the former one-third of any 'emoluments and jewels' they received.³⁶

The institutionalised nature of these arrangements makes clear that gift-giving was an integral and acknowledged diplomatic practice at Rome. These gratuities, like that received by Cardinal Pucci's secretary, can also be conceptualised as 'access fees' in the sense that the ceremonialists were facilitating diplomats' access to the ritual world of the curia. In this regard Martinelli's recording of tips is particularly notable. Groebner has pointed to the increasingly stringent requirements placed on Basel city officials to report gifts received, and it is arguable that such registration of gifts offered a means of legitimising them and guarding against accusations of favouritism or corruption.³⁷ This view is confirmed by the evidence regarding illicit gifts, which suggests that one of their most important characteristics was that they were given in secret.

When Henry VIII sent Sir Francis Bryan and Pietro Vanni on embassy to Rome in early 1529, one of their tasks was to search the papal registers to try and prove that the brief produced by Catherine of Aragon establishing the legitimacy of her marriage was a forgery. Their instructions included the advice to find a trustworthy individual in the scribes' office, whom they could assure of 'a sufficient rewarde, be it in redy money... or contynuall enterteynment', and to handle the

³¹ *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, ed. J. S. Brewer, J. Gairdner and R. H. Brodie, 22 vols (London: HMSO, 1862-1932) (hereafter *L&P*) IV 3751; Gilbert Burnet, *History of the Reformation of the Church of England*, ed. Nicholas Pocock, 7 vols (Oxford: Clarendon Press, 1865) (hereafter Burnet) IV 36.

³² Nicholas Pocock (ed.), *Records of the Reformation: The Divorce 1527-1533*, 2 vols (Oxford: Clarendon Press, 1870) (hereafter Pocock) I 102 (*L&P* IV 4120).

³³ Groebner, *Liquid Assets*, p. 62.

³⁴ Martinelli, *Diario*, ff. 11v, 30r.

³⁵ 'pro qua debentur officio nostro jocalia, sed adhuc nihil habuimus nisi bona verba.' *ibid*, f. 13v.

³⁶ 'cum quibus Cubicularijs conventum est per nos Magistros Cermoniarum quod sic teneantur de quibuscunque emolumentis et iocalibus per eos percipiendis, quod detur nobis tertia pars.' *ibid*, f. 27r.

³⁷ Groebner, *Liquid Assets*, pp. 15-22 on the extensive recording of gifts; p. 69 on the duty to report them.

arrangement secretly.³⁸ In contrast to the ‘official’ tips that an ambassador was expected to offer to the ceremonialists, in this case the ‘reward’ was clearly aimed at persuading individuals to do something beyond their normal, day-to-day work. The fact that the arrangement was to be kept secret confirms that this gift was illicit. Unlike regular tips, these rewards were not to be registered or recorded. The plan seems to have worked: Bryan wrote to the king on 26 January 1529 to report that not only had Vanni been searching the papal registers for relevant books and copying them; but that they had ‘founde the menys to have those bokys to our logyng privity’.³⁹ It would be surprising if those means had not included the ‘ready money’ on offer. The relatively codified character of tipping at the papal court suggests that it would rapidly become apparent to an official when he was being offered a larger reward than expected. That, in turn, would raise questions about whether some additional service would be required too. Indeed, the system relied on a shared understanding of the reciprocal nature of the reward-service exchange, which I discuss further below.

What do these cases tell us about the environment in which diplomats might give gifts? First, although the process of regulating diplomatic gift-giving was more clearly codified in republican contexts than in principalities, documentation from the court of Rome indicates that registration of gifts was important. This arguably acted as a means of legitimising them. Gifts that might be perceived to be corrupting had to be given secretly. All of the gifts cited here bear out Mauss’ idea that there is no such thing as a ‘free gift’. However, the Maussian theories do not shed light on the question of what constituted ‘corruption’. That idea requires an analysis of other elements in gift-giving, in particular, the ways that gifts were labelled as acceptable or unacceptable.

Rhetorics of gift-giving

In her study of gifts in early modern France, Natalie Zemon Davis shows that gift relationships could be ‘the source of intolerable obligation and of accusations of corruption’.⁴⁰ What was it, though, that made a gift corrupt? Algazi argues that it is not any characteristic of the gift itself that defines it as such, but rather the way it is labelled or represented.⁴¹ In relation to the court of Rome, D. S. Chambers suggests that the criterion for distinguishing acceptable rewards might be when they were given for ‘the performance of just and necessary services in good conscience, for which the laborer was worthy of his hire – in distinction from manipulating the machine and silencing consciences to assist sinister ends’.⁴² His hypothesis is borne out by the issue in May 1530 by Clement VII of a mandate forbidding – on pain of excommunication – anyone from writing or advising on the question of Henry VIII’s marriage to Catherine of Aragon, ‘contrary to his conscience, in the hope of rewards, prayers, hatred, fear or favour’.⁴³ This mandate was a response to the extensive offers of ‘reward’ being made by both sides in the divorce in return for the support of university faculties, but it is revealing for the way it draws the line between acceptable and unacceptable practice. Clement did not outlaw reward altogether, and probably could not have done without great difficulty: princes and their representatives had long paid for academic opinion on questions of politico-legal importance. The Pope chose instead to rule that while it was unacceptable to act against one’s conscience, it was acceptable to take a reward for doing what one believed to be right. That begs the question: who or what determined whether a gift was taken in ‘good conscience’? We thus return to the importance of the representation and labelling of gifts, and the rhetoric that had to accompany them.

³⁸ British Library, Cotton MSS, Vit. B x 170r (L&P IV 4977).

³⁹ St P VII 150 (L&P IV 5213).

⁴⁰ Davis, *The Gift*, p. 165.

⁴¹ Algazi, ‘Negotiating the gift’, p. 18.

⁴² Chambers, ‘Economic predicament’, p. 310.

⁴³ ‘Sub excommunicationis latae sententiae pena, a qua ab alio quam a Romano pontifice nisi in mortis articulo nequeant absolutionis beneficium obtinere, mandamus, ne in dicti matrimoniali causa contra conscientiam spe premii, aut prece, odio, vel timore, aut gratia ducti verbo aut scriptis aliquid allegare, scribere aut consulere.’ *Vetera Monumenta Hibernorum et Scotorum: Historiam Illustrantia*, ed. Augustinis Theiner, (Rome: Typis Vaticanis, 1864), p. 592 (L&P IV 6549).

Given the anxieties that surrounded diplomatic gift-giving, strategies were needed to situate particular gifts in the context of socially-accepted norms, and two rhetorical devices dominate contemporary discussions of gift-giving. The first drew on the classically-inspired virtue of liberality to make the gift appear honourable, voluntary and disinterested. The second device, the pairing of 'reward' and 'service', drew on ideas relating to feudal relationships of allegiance or their degenerated forms, patronage and clientage. In the rhetoric of liberality, the need for reciprocity is dissimulated: in that of reward/service, it is acknowledged. We now turn to see how this rhetoric was used in two prominent cases during Henry VIII's divorce negotiations, when the English ambassadors offered substantial gifts to cardinals from whom they were soliciting support. There was, of course, nothing exceptional about a prince offering money or benefices to one or other cardinal; nonetheless there is evidence for a certain level of anxiety at the papal court in relation to gift-giving,⁴⁴ a suggestion borne out by Grassi's reference to officials' greed.

Cardinal Lorenzo Pucci was a close advisor to Pope Clement VII and had a key role in the decision-making related to Henry VIII's marriage.⁴⁵ In an early set of diplomatic instructions concerning the divorce negotiations, the cardinal was specifically named. The English ambassadors were to solicit his friendship and favour; on receiving a positive response, they were to offer him a reward.⁴⁶ It is notable that the friendship and favour were to be established first. Sharon Kettering has argued in relation to gifts between patrons and clients in sixteenth- and seventeenth-century France that one of the characteristics of acceptable patronage (as opposed to illegitimate bribery) was that it should be situated in the context of a personal relationship.⁴⁷ A similar mentality is expressed in this case. Gregorio Casali, Henry's resident ambassador at the curia, replied a few weeks later. He advised that Pucci was acting 'most lovingly' in all matters, and he and his colleagues proceeded to offer Pucci a gift of two thousand crowns.⁴⁸ (His secretary, as we saw above, was given thirty.) Casali used the word *munificentia*, meaning 'munificence' or 'liberality' to describe the reward: in doing so he positioned the offer in the context of the social virtues, as a disinterested, honourable and voluntary gift. However, nearly three months later, it became clear that the cardinal was refusing to take the money.⁴⁹ Whether he had refused it all along, or whether he had accepted it and then changed his mind is not discernable from the surviving letters. Such problems with gifts are well-documented in historical studies: Kettering points out that in patron-client relationships 'to refuse to give or receive a gift is to refuse a personal relationship, which may be interpreted as a hostile act',⁵⁰ and it is clear that this is the ambassadors' view. Similarly, Ben-Amos has argued that 'obligations to reciprocate could be involuntary and disliked'.⁵¹ Here, despite the rhetoric of liberality, the cardinal clearly believed that in taking the money he would incur an undesirable obligation to reciprocate: the case demonstrates the shared understanding of what such a reward meant.

Further light is shed on attitudes towards gift-giving by a subsequent discussion between Cardinal Wolsey and Casali, six months later, about whether some other gift might be given to Cardinal Pucci.⁵² First of all, Wolsey said that the king would not rest until the cardinal accepted one, implying that the refusal was an insult and underlining the role of honour in gift exchanges. He then asked Casali to find out, by means of some conversation with the cardinal's intimates, what sort of gift would suit best, and hinted that the initial offer had perhaps been insufficiently generous. He

⁴⁴ See the discussion of reform proposals in Chambers, 'Economic predicament', pp. 301 and 309.

⁴⁵ See *State Papers Published under the Authority of Her Majesty's Commission: King Henry the Eighth*, 11 vols (London: Record Commission, 1832-50) (hereafter *St P*) VII 63. (*L&P* IV 4118). Pocock I 97 (*L&P* IV 4120). *St P* VII 144 (*L&P* IV 5152).

⁴⁶ Burnet IV 31 (*L&P* IV 3641).

⁴⁷ Kettering, 'Gift-giving and patronage', p. 150.

⁴⁸ Pocock I 38 (*L&P* IV 3715). Burnet IV 36 (*L&P* IV 3751).

⁴⁹ Pocock I 102 (*L&P* IV 4120).

⁵⁰ Kettering, 'Gift-giving and patronage', p. 131.

⁵¹ Ben-Amos, 'Gifts and favors', p. 333.

⁵² *St P* VII 100 (*L&P* IV 4813).

suggested a gift of hangings, gold plate or horses and further proposed a contribution towards the building of the new St Peter's, which he situated in the context of the 'liberality of Christian princes'. These references to non-cash gifts hint at a belief that perhaps the *type* of gift – money – rather than the fact of the offer had prompted the refusal. Casali wrote back recommending a gift of silver plate, which as well as being fashionable might have been perceived as a less obviously coercive and thus more acceptable gift than cash. (It may also have reflected a view that Pucci had not, in fact, proved particularly helpful.) Fantoni has observed that at the Medici court of the later sixteenth and early seventeenth centuries, gentlemen were given such things as precious objects or titles, while food and cash gifts were perceived to be appropriate for servants.⁵³ The discussion here may reflect a similar set of values.

In discussions of Cardinal Pucci's gift, the concepts of 'liberality' and 'reward' were both used. Yet the case also demonstrates the limits to labels' power. Despite the rhetoric of liberality, Pucci clearly believed that it would be unacceptable to take a gift without offering something in return. As an influential advisor to the pope, the cardinal was acting, in a certain sense, as a 'gatekeeper', and the decision to offer him a reward fits rather well with Groebner's scheme of 'access fees' mentioned above in relation to the cardinal's secretary: Pucci, in turn, was expediting access to *his* superior. However, it would be a mistake to regard him only in that sense: he was, in his own right, a prince of the Church, and contemporaries believed the Pope would respect his advice.⁵⁴ Like the tips to the servants, the behaviour of Pucci and the ambassadors is best explained by their mutual awareness of the reciprocal nature of gifts. When the cardinal refused the reward, he extracted himself from the duty to provide a service in return.

Two years later, in an effort to win the support of Pietro Accolti, cardinal of Ancona, in Henry VIII's divorce case, the English ambassadors offered large 'rewards' in the form of benefices and pensions to Accolti and his nephew Benedetto, the cardinal of Ravenna. This was a classic 'gift-gone-wrong', for Benedetto Accolti double-crossed Henry and took similar payments from his opponents. A rich collection of material about the affair survives in documents from the cardinal's 1535 trial for abuse of power in his role as Legate to the Marches (in which his corruption by the king of England was a side-issue). During the process, members of his household were interrogated and Accolti corresponded with his lawyer about the English dealings. Combined with the diplomatic correspondence, it provides a significant insight into understandings of 'bribery' at the papal court.⁵⁵

The idea that it is legitimate to offer rewards to ensure that 'justice' and 'truth' prevail is clearly expressed in the documents. When Henry VIII wrote to William Benet, ambassador in Rome, with instructions concerning a 'princely reward' for the cardinal of Ancona, the king explained:

And this offer the king's highness maketh unto him, not to corrupt him, whose integrity, his grace knoweth well, neither would admit it, nor his highness' honour, most addicted to truth and justice, would be persuaded so to do; but only to animate and encourage him to defend and sustain the truth, and to let and empech such injury and wrong, as is enterprised against his highness, in this his grace's matter.⁵⁶

Whether this flowery explanation can be considered an accurate account of what the ambassadors thought they were doing must be doubtful. It does demonstrate, however, the variety of linguistic devices that might be applied to pretend that a bribe was not a bribe. The idea of 'justice' was also

⁵³ Marcello Fantoni, *La Corte del Granduca: Forma e simboli del potere mediceo fra Cinque e Seicento* (Rome: Bulzoni, 1994), especially section III.a. 'Il dono: liberalità e potere', pp. 97-137 (pp. 102-105).

⁵⁴ *St P* VII 144 (*L&P* IV 5152).

⁵⁵ For background to the trial, although not to the English dealings, see Enea Costantini, *Il Cardinal di Ravenna al governo d'Ancona e il suo processo sotto Paolo III* (Pesaro: Federici, 1891). The case is discussed briefly in Chambers, 'Economic predicament', p. 310, and in greater detail in his thesis, 'English representation', pp. 81-82 and 559-569. Chambers refers to the English sources and to the documents in the Accolti archive in the Archivio di Stato di Firenze. Costantini considers the Florentine material a selection of the trial documents, which are in the Archivio di Stato di Roma, Tribunale del Governatore di Roma, Processi, vol. 3, trial number 2, but not those relating to English affairs.

⁵⁶ Pocock II 144 (*L&P* V 611).

used by the cardinal in a note, probably to his lawyer, about the affair. He wrote that although Gregorio Casali 'tempted me many times with the greatest of offers', Casali:

Sought nothing from me on the king's part, except that my uncle and I should be content not to go headlong against the king, and that we should consider well the good justice which this king required.⁵⁷

The cardinal was, of course, attempting to defend himself against the accusation of corruption, and it seems improbable that Casali asked for so little from Accolti, although it is possible that he couched his request in such terms. However, it is Accolti's rhetoric that is of interest. As we have seen, it would have been acceptable for him to receive a gift in return for his conscientious conduct. Accolti went on to say of Henry's offer to nominate him to an English bishopric that:

I thanked the king for the great courtesy and liberality which he employed, but told him that I had done him no service, neither I, nor my uncle, for which we would merit such a thing.⁵⁸

Here Accolti employs both the concept of 'liberality' and the pairing of reward and service discussed above to explain why he turned down the bishopric: he could not accept the reward because he had not provided service. He does so with the polite rhetoric conventionally used to hedge around such requirements of reciprocity, just as concepts of liberality were employed in the case of Cardinal Pucci.

Accolti then contradicts himself. Aware that his claim of having turned down a bishopric may not be sustainable (a number of his servants would testify that he had, in fact, accepted it), he tries to characterise the nomination as a voluntary, disinterested gift:

And [Casali] told me that the king had said to him... that even though he was certain not to be able to make use of me in his cause, that nonetheless he wanted to employ this liberality towards me, for the good qualities, etc.⁵⁹

To a contemporary, well aware of the rules of reciprocity, this would surely seem rather unlikely. Nonetheless, because the concept of liberality implied a free, voluntary gift, and denied the reciprocal nature of the transaction, this was a plausible line of argument for Accolti to employ.

In contrast, however, the men who questioned Accolti's servants about their master's activities were quite sure that no-one gave something for nothing. An early exchange in the interrogation of Flavio Crisolino, one of the cardinal's agents in Rome, reveals the interrogator's implicit pairing of reward and service, to which Flavio responds in kind:

[Interrogator]: To what end and effect was the said money given to the said Reverend Lord and the said promises made?

[Flavio]: They were made and given in respect of having him favour the king's matrimonial cause in the presence of his uncle the Reverend Cardinal of Ancona.⁶⁰

The interrogator's question effectively eliminates the possibility that the money might have been given freely with no expectation of reciprocation, and the documents in this case make it abundantly clear

⁵⁷ 'El cavalier predetto adunque piu volte mi tentò con grandissime offerte, ne mi ricercava d'altro ^da parte del Re,^ se non che fussimo contenti et mio zio et io, di non andar precipiti contro al Re, et che volessimo considerar bene la bona justitia che esso Re pretendeva.' ASF, Fondo Accolti 9, no. 30, f. 2r.

⁵⁸ Ringratiai il Re della molta cortesia et liberalità che usava, ma li dissi ch'io non li havevo fatto servitio alcuno ne io, ne mio zio per il quale meritassimo tal cosa. *ibid*, f. 2v.

⁵⁹ '[Casali] mi disse che il re li haveva detto in presentia del dottor Stephano, che se bene era certo di non si poter servir di me in la sua causa che pur voleva usar questa liberalita verso di me, per le bone qualita ec.' *ibid*, f. 3r.

⁶⁰ '[Int.] ad quem finem et effectum fuerunt date? dicto pecunis dicto Reverendissimo domino et fatte promissiones predictae. Respondit furno fatte et date respattive havebbe afavorire apresso suo zio Reverendissimo Cardinale dancona la causa matrimoniale di ipso re.' ASR, Tribunale del Governatore di Roma, Processi 3, 2 I, f. 64r.

that all concerned shared a conception that rewards should be reciprocated. Even while Cardinal Accolti dressed up his self-justification with the rhetoric of liberality and imputed to Henry VIII the possibility that the king would give something for nothing, he claimed that he refused to accept rewards precisely because he was providing no service. Indeed, this was the crux of the case against him: if it could be proven that he did take the rewards, he surely must have provided the service requested.

The Accolti documents also confirm the observation made in relation to Bryan and Vanni's rewards to the scribes, that secrecy was an important concomitant of illicit gifts. When Casali and his colleague William Benet came to Accolti's house to discuss their offers they came on their own and used the back door.⁶¹ Furthermore, when Benet went to London to organise a 'princely reward' for the Accolti cardinals, he purported that he went on private business.⁶² The need for secrecy was also a problem that the ambassadors encountered in their attempt to obtain benefices with which to bribe the Accolti cardinals. It was, wrote Henry VIII, not possible for the gift to be made secretly, because of the number of court officials who would be involved in drawing up the documentation. A temporary compromise involving unofficial payments therefore had to be found.⁶³ The reticence about making public offers to the cardinals underlines the illicit nature of the transaction. After all, it was not so unusual to grant bishoprics to foreigners in this period: Cardinal Lorenzo Campeggio and Girolamo Ghinucci held Salisbury and Worcester and both provided service to the English in their respective roles as cardinal-protector and ambassador. There was something different about the promises being made here.

The diplomatic gift-giving detailed in this paper amply demonstrates Castiglione's maxim that 'those who give are not all generous'. The gifts given by, and to, ambassadors, required a return. Rewards and gifts of all sorts were important tools in diplomatic practice. Tips would ease an ambassador's way through the stages of ceremony at the court of Rome, while bribery could find him politically useful friends. Gift-giving was also a means through which the social virtue of liberality could be expressed. Accusations of corruption were not usually prompted by any intrinsic quality of a particular reward. *Corruption*, like *bribe*, was rather a label with which to declare gift transactions improper or illicit. In short, a gift became a bribe when someone cried 'corruption!' In the campaign for Henry's first divorce, all sorts of gifts were deemed to be corrupting: and they were defended heartily by their givers as entirely legitimate. In illicit gift-giving, ambassadors would use much the same rhetoric – that of liberality and reward – that they employed in more legitimate cases. By labelling gifts in this way they hoped to avoid being accused of bribery. Underlying the rhetoric was a shared understanding – in these cases based on or reinforced by the papal decree – that offering inducements to act against one's conscience was unacceptable. But when conscience, essentially unknowable, was the determinant of the legitimate gift, the justification for the gift's presentation became all-important.

⁶¹ 'Vedeva andare monsignor Benetto et il cavaliere Casale per la porta dirieto in casa del cardinale de Ravenna secretamente lor due senza altri.' ASR, Tribunale del Governatore di Roma, Processi 3; 2 II; 3 May 1535.

⁶² Theiner, p. 598 (*L&P* v 511). Pocock II 144 (*L&P* v 611).

⁶³ *St P* VII 364 (*L&P* v 887).

