

Corruption in pre-modern societies

CHALLENGES FOR HISTORICAL
INTERPRETATIONS

Edited by
MARIA FILOMENA COELHO
LEANDRO DUARTE RUST



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Between law and history

a study of corruption in the Byzantine Empire through Justinian's Digest (6th century)

RENATO VIANA BOY¹

The problem of corruption, in its broadest sense, is a topic that is the subject of scientific reflection in different fields of knowledge. Understanding the misuse of public spaces, goods, and institutions in favour of specific individuals or groups, the deviation from or transgression of norms, has instigated us to reflect on the issue in the medieval period as well, in chronological contexts that are more distant from the present. Would there be the same legal or normative perspective to find not only an understanding of what a corrupt action was in the Middle Ages, but also how the societies of that extended period of the past tried to combat it, whether in the legal or political spheres, or both?

It is important to point out that the term 'medieval', although it is commonly used to appoint a sub-area of historical studies, is not very precise. It refers to a gigantic area, both in the chronological sense, encompassing around a thousand years, traditionally marked in historiography between the 5th and 15th centuries, and in the geographical sense, covering spaces on three continents. For this reason, understanding what corruption is and how it was perceived and combated in the Middle Ages has different sides, specific and unique to each space, society, normative code, and chronological section.²

For this study, we will endeavour to analyse a document that is well known and studied in the historiography of the Byzantine Empire, but which still deserves reflection on the issue of corruption. This is the Digest, a code of laws organized during the government of Justinian (527 to 565), which brought together an

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² Cf. COELHO, Maria Filomena Coelho, *Corruption in the Middle Ages as a research problem*, this volume.

extensive compilation of legal texts from the Roman Empire, published in 534, with the aim of unifying the laws of the empire, whose government structure had been concentrated in the city of Constantinople since the 5th century.

We therefore aim to understand what is meant by corruption in the Digest, during the rule of Justinian, Byzantine emperor of the sixth century, through an analysis carried out in two stages. In the first, taking the code as an official norm valid for the entire Byzantine Empire, we will try to extract from the text of the Digest some examples understood there as corrupt actions, as well as trying to verify how these actions were to be detected and later punished. The second movement is more complex, but it is where the main hypothesis of this study lies. It is possible to say that the Digest represented Justinian's search for a normative unity in the Empire that would enable the emperor to exercise his autocratic power from Constantinople throughout the imperial spaces. Two questions then arise that will guide our reflection: was the mapping of what is considered corruption in the text of the code, and its subsequent punishments, aimed at combating and punishing threats to a collective political body, to a broad imperial community, in favour of the public good (whether in the material, institutional or even cultural sense), belonging to an extensive group of citizens of the empire? Could the normative definitions of corruption in the Digest, together with the fight against corrupt groups and actions, be understood as a way for the imperial government to further centralize its political power? In this second hypothesis, the corrupt actions and their eventual punishments set out in the Digest could be understood not only as the defence of the public good - of what belongs to the community and needs to be protected from the interests of groups or individuals - or the insight into what corrupts the norm. We believe it is possible to consider corruption and the laws that define it as a form of protection, not only of what is public, but also as an instrument in the exercise of Byzantine political power against those who could, by their actions, undermine political unity and, with it, the empire itself. In other words, we intend to analyse the extent to which the understanding of corruption in the text of Justinian's code concerns the defence of what is collective, communal, but also the defence of imperial power, understood as the centre of Byzantine political authority, which aimed to uphold a cohesive and uniform power within its borders in the 6th century. In short, it would be a way of dealing with internal threats.

I.

Firstly, to substantiate the arguments of our initial hypothesis, it is important to understand how, when and in pursuit of what objectives the Digest was compiled. Traditional historiography commonly argues that one of Justinian's main objectives during his extended period in power was to seek a so-called unity for the Byzantine Empire in the sixth century. This unity involved a religious defence of Christianity, based on a conciliar orthodoxy, through wars carried out over almost two decades, which resulted in the recovery of some important territories in the Mediterranean (North Africa, Italy, and part of the south of the Iberian Peninsula), and legal unity based on the compilation of rules gathered in the Digest. In this sense, among his best known and most studied achievements are the so-called Wars of Reconquest or Restoration, against Vandal and Goth populations in the west, and against Persians on the eastern frontiers. Also noteworthy in the religious field were the reconstruction of the Hagia Sophia cathedral after the Nika revolt (in 532), the closure of the Academy of Athens and the meeting of the Fifth Ecumenical Council of the Church, the second held in Constantinople in 553. Finally, Justinian also codified Roman law during his rule. Among the actions on these three fronts, it was the wars that received the most attention from researchers dedicated to the period.³

As the, we will endeavour to reflect on corruption from the text of the Digest, whose compilation work Justinian would have started while still co-emperor, working alongside his uncle Justin, who held power between 518 and 527. This involved the compilation of ancient Roman laws, both in Latin and Greek, to form a large unified legal code that was to govern the laws and norms throughout the Roman imperial extension of the High Middle Ages, from the 6th century onwards.

The search for imperial legal unity was part of Justinian's aim to build unity in the Empire, to make the exercise of centralized authority over a population of different origins more effective. This so-called unity was aimed at strengthening a government that could exercise its authority over a population that had the same Christian religion (within orthodox and conciliar principles), that had political unity, a common language and, in the same way, that could be governed by the same legal code.

The Digest was an extensive and complex compilation of laws of Latin and Greek

³ See, for example, CAMERON, Averil. *Procopius and the Sixth Century*. London: Duckworth, 1996; EVANS, James Allan Stewart. *The Age of Justinian*. The circumstances of imperial power. New York: Routledge, 1996; MAAS, Michael. *Age of Justinian*. Cambridge, 2005.

origin, bringing together documents of a normative nature, originally published between the 1st century BC and the 3rd century AD. The compilation process, which began in 527 under Justinian, was published for the first time as a single document in 530. On this point, Roger Scott casts an important and questioning eye on the historiography that highlights the campaigns of the so-called Wars of Reconquest during Justinian's rule. For this historian, the political and religious unity of the Empire was Justinian's main objective, as we can see from his other actions. Scott argues that the organization of a normative code was on the agenda of Justinian's government, rather than the wars in the Mediterranean.⁴ In the same vein, in this work we will give great prominence to the Digest, since it was the emperor's first major project.

The importance of Justinian's normative compilation work is so far-reaching that it goes beyond the Byzantine territorial and chronological limits of the sixth century. For example, it is possible to find principles from Justinian's codes in Iberian normative formulations from the 12th century, as Carlos Garriga points out.⁵

Given the length of the Digest, we have selected some passages from books I, III, IV, XXXVIII, XLI, XLIV, XLVII, XLVIII and XLIX. These are excerpts from laws relating to the problem of corruption, in which we see the presence of similar terms to the modern understanding of corruption, such as 'fraud' and 'encroachment'. Let us move on to some brief reflections on the text.

In Book I of the Digest, we find a definition, albeit brief, of what public law would be, that which is of interest to a community, different from private law, which is also dealt with in the text. Public law is that which respects the establishment of the Roman commonwealth, (...). Public law covers religious affairs, the priesthood, and offices of state" (Digest, I, 1, 1). Still in Book I, the text defines what *jus civile*, or civil law, would be, as "what is in the interest of everyone, or a majority in each *civitas*, it is civil law (*jus civile*)" (Digest, I, 1,11). In other words, the compilation opens with the subtitle "Justice and Law", whose definitions concern the care or defence of the public good, of what belongs to everyone, to the community of citizens of the empire. There are no references, therefore, to law or justice as a defence of imperial power or the person of the emperor.

⁴ SCOTT, Roger. *Byzantine Chronicles and the Sixth Century*. London: Routledge, 2012.

⁵ GARRIGA, Carlos. *Crimen corruptiones*. Justicia y corrupción en la cultura del *ius commune* (Corona del Castilla, siglos XVI-XVII). *Revista Complutense de Historia del America*. N. 43, 2017, p. 26.

As the aforementioned, Roger Scott draws attention to the problem of giving prominence to Justinian's wars, since, in chronological terms, his first actions were linked to the search for Christian religious and legal unity in the empire, through the codification of Roman laws in the first five years of his rule, the reconstruction of the Hagia Sophia cathedral and the closure of the Academy of Athens.⁶ In historiographical terms, the prominence that the wars achieve in the interpretation of the period is probably due to their results, their duration (especially in the case of the Gothic War in Italy), rather than Justinian's initial pretensions when he assumed the imperial throne. In other words, we can say that although the wars in the Mediterranean took up a large part of the Empire's time and resources during Justinian's time, they were not a priority in the early years of the emperor's rule.

Clarification is needed to study the relationship between the Byzantine imperial power's exercise of authority and the anti-corruption proposals found in the Digest. It is important to mention that, in the period of Justinian's rule, the Byzantine imperial power was the highest degree of political power in the empire. The imperial government, as an abstract sphere of public authority, was above the person who held office. This caveat is important to emphasize that our hypothesis is not based on a personalist perspective, which would tend to interpret Justinian's actions as the result of a voluntarism that placed him above the institutions. The nature of the government he exercised was a construction, or normative organization, which, although it manifested itself through the voice of the emperor, including in relation to acts of corruption, the scope and duration had to exceed the person of the emperor. Although these laws allowed Justinian to exercise his power, they had to serve any emperor.

With that said, let us look at some examples in which we can see the exercise of power as the greatest legal authority, and how we can understand in these excerpts from the Digest, Justinian's search for a normative unity that would allow the emperor to keep political and legal control in the Byzantine Empire by combating corruption.

II.

Book XLVIII of the Digest, "The Lex Julia on Electoral Corruption", raises concerns about corruption right from its title. In it, there are some passages that point to the

⁶ SCOTT, op. cit., VI, 7.

imperial power's control over the normative code. This section of the Digest begins with the following excerpt, taken from Modestinus' book, *On Punishments*: “This law is nowadays of no effect in Rome, since the creation of magistrates is a matter for the attention of the emperor and not for the favour of the people” (Digest, XLVIII, 14, 1). This clipping leaves no doubt that the choice of the empire's magistrates is a matter for the emperor, a right exercised directly by him. This means that it was the emperor who handled deciding which individuals would guide legal matters and, consequently, judge and condemn those who deviated from the norm, or corrupted the laws. In other words, it was the emperor's responsibility (and control) to appoint magistrates who would take care of the empire's normative issues.

The emperor's control over the legal apparatus of the Byzantine Empire was not unique. It is important to remember that, in his role as supreme authority, the emperor also appointed army generals and ecclesiastical dignitaries of the Orthodox Church of Constantinople, including the patriarch himself. As such, authority over the legal body was not special and should be seen as a manifestation of one of the emperor's other arms, to prevent dissent and ruptures within the Byzantine Empire in the High Middle Ages.

In the case of the corruption of judges, the same book XLVIII provided for punishments if they went against the directives of the empire and therefore of the emperor: “Also if a judge neglects the imperial constitutions, he is punished” (BOOK XLVIII, 10 - 1).

Book XLVIII is not the only one in which we find passages expressing the imperial power's desire to control institutions and people with legal responsibilities. In Book IV, in a passage taken from the *Edict of Ulpianus*:

3. There are also others who are not compelled to make an award, for example, a corrupt arbiter or one whose behaviour is obviously scandalous. 4. Julian says that if the parties have attacked a reputation of an arbiter, the praetor ought not in all circumstances to excuse him from acting but only on cause being shown. 5. The same writer says that if the parties after rejecting the authority of the arbiter and resorting to the court, or another arbiter, then returned to the original arbiter, the praetor ought not to compel him to arbitrate between persons who have insulted him by spurning him and going to another (Digest IV, 8, 9-11).

In this instance, above the judge, there was the praetor, who was a magistrate chosen directly by the emperor. It is therefore understandable that the action of the

arbitration of judges in legal matters would be under the surveillance of the imperial power, through its praetors. Aforementioned, this would also apply to the actions of corrupt or corruptible judges. This is yet another example of the emperor's power showing its control and reach over the empire's legal institutions.

And when the outcome of legal disputes was influenced by the decision of a judge corrupted by the winning side, the sentence lost its value, as described in Book XII of the Digest, also taken from an edict by Ulpiano:

Indeed, it has been held that a *condictio* lies where, when I have a winning cause of action, I pay to make the judge pronounce in my favour. However, then the payer commits an offense (for he corrupts the judge), and not so long ago our emperor held that he loses his case (Digest, XII, 5, 2).

The decision not to confirm the sentence of a judge who has been corrupted comes directly from the imperial power. Even though it is a normative determination, it is worth noting that the origin of the fight against the corruption of judges, in cases like this, is the determination of the emperor, as the supreme authority through the normative code. In cases like the one above, there is a double problem with corruption: the corrupted judge and the individual who corrupts him. The emperor's action, deciding the course of the trial in a single act, punishes both the corruptor, who loses the case, and the judge whose decision is overturned by the emperor's determination. From our analytical perspective, there is a control of Byzantine imperial power, constituted by law, preventing the corruption of judges from resulting in a decision based on an illicit action or, as the text says, "an offense". From this we can also understand that this control over the corruption of law enforcement agents places imperial power, at least theoretically, above the personal decision of judges corrupted by one of the parties.

There are also passages that condemn the individual who tried (and eventually succeeded) in corrupting a judge. Returning to Book XLVIII, a passage from Marciano's *Institutas* stands out:

The penalty of the *lex Cornelia* is imposed on a person who with malicious intent conspires for the giving of false witness or the delivering one after another of false evidence. 1. Again, he who takes money for giving advocacy or evidence or makes an agreement [or] forms a conspiracy to ensnare the innocent is punished under the *senatus consultum*. 2. Also, if anyone takes money for renouncing or withdrawing evidence or for giving or withholding [evidence], he is subject to the penalty of the *lex Cornelia*. So also, is [the

person] who corrupts, or provides for the corruption of, a judge (Digest XLVIII, 10, 1).

The punishment stipulated in the Digest here extends to anyone who corrupts a judge or tries to falsify testimony or evidence in exchange for money. The text places on the same level of corruption the deviation in the exercise of law and justice, made by the corrupted judge, and that of the evidence and testimonies that instruct the process. Punishment is set up for both cases. And in Book XLIX, in Ulpiano, we find a complement that falls on the one who corrupts a witness: “The position of one who has corrupted his informer is such that he is regarded as having lost the action; for it is so laid down in cases touching the imperial Treasury (Digest LXIX, 14, 29).

Still about the corruption of judges, in the *Vistas* of Paul, the Digest states that: “If judges delegate are alleged to have been corrupted with money, they are generally either removed from [their] court or sent into exile or relegated for a fixed period by the governor” (Digest XLVIII, 19, 38).

In these last two excerpts, we see the imperial power seeking to control the corruption of judges during trials under Roman law. There is a concern to prevent the purchase of judges from deciding the course of the dispute. However, in preventing this from happening, the imperial power tries to exercise control over both the magistrates of the empire under its tutelage and the choice of praetors, while threatening to punish those who, in the context of a legal dispute, try to corrupt justice through illicit means and bribes.

The action of the imperial power in these cases is made explicit in Book XLVIII, in the same *Institutas* of Marcian, where any forgery would be punished directly.

9. A man is liable to the penalty for forgery for this reason also (as the deified Severus and Antoninus also laid down), so that tutors and curators and those who have laid down this duty but have not restored [to the pupil or ward] their tutory or curatory cannot come to an agreement with the imperial treasury, and if anyone contrary to this law cheats the prefects or the state treasury he is punished in exactly the same manner as if he had committed a forgery. 10. This does not, however, apply (as those same emperors wrote in a rescript) to those who have done such acts before taking up a tutory; for [the emperors] have not accepted their excuses but have barred [accusations of] fraud. 11. The same emperors wrote in a rescript that a man who has not yet rendered the accounts of his tutory or curatory must not come to an agreement with the imperial treasury only if the person whose tutory he has been administering is alive; for if he has died, it is lawful for him to come to such an agreement, even if he has not yet rendered his accounts to the heir (Digest XLVIII, 10, 1).

According to Roger Scott, Justinian's first goal in government was to unify the empire, both in the Christian religious field and in the legal and normative field.⁷ From our analytical perspective, this legal unity, in addition to organizing and compiling Roman laws and normative codes from much earlier periods, also favoured the strengthening of imperial power. This is why we believe that the fight against corruption in Justinian's Digest, in addition to the organization and legal unity, also fostered the centralization of power from Constantinople.

Imperial control over corruption, based on the Digest, was not restricted to citizens and free individuals. The code also contained punishments for deviations from the norm practiced by slaves. Let's look at a passage from Book II, taken from Ulpiano:

I do not consider the following pact impossible in the contracts of deposit, loan, hire, and other similar contracts: "that you do not make my slave a thief or a runaway," that is, "that you do not instigate him to become a thief or a runaway, that you do not neglect the slave so that he becomes a thief." For just as the action for corruption of a slave lies, so also can this agreement concerning the prevention of corruption take effect (Digest II, 14, 50).

It cannot be stressed enough that, unlike modern societies and especially those organized after the bourgeois revolutions of the 18th century, in the Byzantine Empire of the 6th century, legal and political issues were inextricably linked to religious elements of Christianity, in a kind of syncretism between the political and the religious, or the legal and the Christian. Separating these aspects today only serves specifically historiographical demands.⁸

In this sense, passages on corruption in the moral sense, and of a morality linked directly or indirectly to Christian religiosity, may also be present in the code. Could it therefore be possible to think of the fight against corruption, in the religious moral sense, as an extension of the imperial arm over the behaviour of subjects who should not be corrupted, for the sake of the unity and cohesion of the Byzantine Empire? Let's look at some brief examples.

⁷ SCOTT, Roger. VI - Chronicles versus Classicizing History: Justinian's West and East. In: SCOTT, Roger. *Byzantine Chronicles and the Sixth Century*. London: Variorum/Asghate, 2012.

⁸ On this syncretism between the Christian religion and Byzantine imperial politics in the High Middle Ages, I refer to a paper of mine: BOY, Renato Viana. Circulação, recepção e usos do Cristianismo no Império Bizantino tardo-antigo: um estudo de caso. *Historias del Orbis Terrarum*, número 26, 2021, p. 33-55. Available at: <https://historiasdelorbisterrarum.files.wordpress.com/2021/08/07.-renato-viana-boy-circulacao-recepcao-e-usos-do-cristianismo-no-imperio-bizantino-tardo-antigo.pdf>. Accessed: September 6, 2023. Also see: BOY, Renato Viana. Para além da divisão entre ocidente e oriente: a circulação do poder imperial de Constantinopla no Mediterrâneo tardo-antigo – séculos IV a VI. In: FRANCISCO, Hector; LAHAM COHEN, Rodrigo; UBIERNA, Pablo (Orgs). *Ascetismo y Santidad en el Cercano Oriente Cristiano (Siglos IV-XIII)*. Buenos Aires: IMHICIHU – Instituto Multidisciplinario de Historia y Ciencias Humanas de Buenos Aires, 2022.

The first passages are from Book LXVII, chapter 11, entitled “Extraordinary Crimes”. In a passage taken from Ulpian, we find the following order, prohibiting meetings of groups of people motivated by some type of religious cult: “Not even veterans are allowed to form illegal gatherings under the guise of religion or of fulfilling some vow.” (Digest XLVII, 11, 2). In the same chapter of Book LXVII however, there is another passage that prohibits morally reprehensible acts as crimes to be fought against:

Those who intrude upon or disturb the marriage of others, even if they cannot be charged with a particular crime, are punished by extraordinary process by reason of their proclivity for base desires. 1. It is an affront contrary to sound morals when a person showers another with excrement, smears him with mud and filth, defiles waters, water pipes, or a lake, or contaminates anything to the detriment of the public; against such persons, stern action is taken. 2. One who persuades a boy, abducted by himself or by a corrupt attendant, into indecency or who solicits a woman or girl or does anything for the purpose of impurity or who offers a gift or a reward whereby to induce indecency will, if the offense be complete, suffer capital punishment; if it be not fully effected, he is deported to an island. Corrupt attendants undergo the supreme penalty (Digest, XLVII, 11, 1).

In Book XLVIII, we also find a normative defense regarding underage virgins: “Those who seduce underage virgins, if they are of lower rank are condemned to the mines, if of higher status, relegated to an island or sent into exile” (Digest, XLVIII, 19, 38).

Issues considered to be immoral, indecent, or impure are treated in the code as the actions of corrupt people. In the following passage from the same book, taken from the Rules of Marcian, we find the legal prohibition of abortion. In this case, the action of the political authority should focus on the woman:

In a *rescriptum*, the deified Severus and Antoninus (Caracalla) said that a woman who procured an abortion for herself should be sent into temporary exile by the governor; for it would appear shameful that she could with impunity deprive her husband of children (Digest, XLVII, 11, 3).

In this passage, the legal prohibition is accompanied by a moral explanation, whose "shame", in the event of omission by the political authority, could directly affect the husband of the "offending" woman. Along the same lines, we find another extract in Book XLVIII:

Those who administer an abortifacient or aphrodisiac draught, even if they do not do so with guilty intention, are still condemned, because the deed sets

a bad example, if of lower rank to the mines, if of higher status to relegation to an island with the forfeiture of part of their property. (Digest XLVIII, 19, 38).

The formation of a certain type of family nucleus, based on socially constructed moral principles, provided the imperial power with yet another opportunity to strengthen and centralize its power, by meddling in a matter that only concerned the private sphere. Following the current interpretation of historiography, which identifies this period as the formation and defence of Byzantine Christian and legal unity, we would like to point out that the way in which the central power modulated certain laws served to give an appearance of cohesion and unity to society, while at the same time promoting recognition of the emperor's authority.

Regarding moral principles in the Digest, a clarification is in order. We are not treating the conception of this code of laws as an "intrusion" into issues linked to individual behaviour, or that of small groups. In other words, we are not talking about the advance of the public sphere over the private sphere, a perspective that could easily lead to the conclusion that such behaviour could not be regulated by imperial laws and therefore could not be considered corruption either.

As we have already mentioned, the explanation lies in syncretism. Considering that the Byzantine Empire, as a continuation of Roman history during the medieval period, was a political body whose official religion had been Christianity since the end of the 4th century, issues linked to behaviour morally contrary to this spirituality were not restricted exclusively to the religious, ecclesiastical, or even private sphere. On the contrary, as an officially Christian empire, and with this creed as a basic component of medieval Roman (or Byzantine) identity, it was not strange for the Digest to legislate on moral behaviour from the prism of the corruption of the Roman norm. If religion is a foundation that directly integrates and interests the Byzantine Empire, religious or moral deviations linked to Christianity (or developments of its spirituality) were treated, in Justinian's time, as corruption, as crimes against imperial power and even against the empire. They thus acquired a legal guise. These passages, like the ones quoted above from the Digest are not strange. On the contrary, they constitute an important part of the logic of the defence of a certain model of the social body, which politically was under the protection and observation of the emperor of Constantinople.

Control also took place in the case of corruption and moral deviations practiced by slaves or servants, as this passage from Book I shows:

When a governor is conducting a hearing into a case of corruption of a slave or of debauchery of a serving maid or of buggery of a slave, if it should be alleged that the slave-overseer of some absent person has been corrupted, or a slave corrupted who is of such a kind that the matter extends not simply to the hurt done to the essential quality [of that slave] but to the perversion of the whole household, then he ought to take a very severe view of the case (Digest, I, 18, 21).

The corrupt acts of an overseer, slave or even a servant, including those that could be classified as moral in nature (debauchery or sodomy), will not be judged only by the actions of the accused, but as "perversion of the whole family". This allows us to consider that the emperor's control and authority over his subjects also extended to their slaves or servants.

However, slaves, as individuals, were also subject to the punishments in the Digest in the event of corruption. We find an example of falsification of documents, testimonies, evidence, corruption of judges, in the Book XLVIII, applied directly to slaves, and not to their owners: "and if a slave commits any of these [offenses], it is ordered that he suffer the extreme penalty" (Digest, XLVIII, 10, 1).

If imperial authority sought to impose itself on free citizens in relation to their slaves and servants, the same did not apply to heirs. In a passage from Book LXIX, also taken from Ulpiano, dealing with the corruption of an informant during a lawsuit, the text of the Digest reads:

But the preferable opinion is that this penalty is applicable against the man himself who has bought off his accuser; for the rest, it ought not to descend against his heir. For the action does not expire from the time when it was bought off or a condemnation appears to have been made, but there must first be agreement on the charge, and judgment must be given. (Digest, XLIX, 14, 29).

The code also states that, in cases of corruption in which a court ruling needs to be reviewed and the corruptor has already died, even if there is a conviction, the penalty does not apply to the heir:

Clearly, if an action should happen to be raised about a case that needs to be started afresh, on which judgment has once been given on account of the corruption of the informer, the death of the corrupter will not hinder the possibility of raising the action and of the case being started afresh; for here it is the case that is being reinstated, not the penalty. (Digest, XLIX, 14, 29).

Finally, still in Book XLIX, the Digest stipulates that heirs are not liable for obligations not fulfilled during the lifetime of the deceased:

Obligations, which someone by entering on [an inheritance] extinguishes by merger, are not restored; for our emperor and his father wrote in a rescript in the case of a man who, after entering on an inheritance, failed to avenge the death of the deceased, that obligations once merged are not revived. (Digest, LXIX, 14, 29).

In other words, the heirs of someone who corrupted the judge with a bribe were not subject to the legal penalties, although the cases could be revisited even after the corruptor's death. It also stands out, as the last passage shows, that the judicial obligations of a deceased person are not passed on with the inheritance but cease with their death. It should be noted here that the normative text was drawn up from a *rescriptum* of the imperial power itself, which reinforces the authority of the Constantinople government acting directly in the control of legal processes.

Final notes

We aim in this brief study to present some notes on the incidences and provisions for combating corruption in the Digest, the legal code gathered and organized during the first years of Justinian's rule in the 6th century. From our research perspective, we believe that the fight against corruption in this normative code had the main objective of creating the legal unity of the Byzantine Empire in the High Middle Ages. In addition, we believe that the fight against corruption in the Digest was not just a way of judging and punishing actions that corrupted the norm but can also be understood as an instrument that aided the exercise of a strongly centralized political authority in Constantinople. The excerpts highlighted from this compilation of Roman laws indicate that, in seeking to combat actions indicated as corrupt and corrupt individuals, there was indirectly a concern for the emperor's control and authority over his population. In other words, the search for unity was made possible by the normative cohesion of the Byzantine Empire in the 6th century, but with a focus on the effective exercise of imperial authority over an ethnically diverse population, in a period of military expansion of borders across the western Mediterranean.

Justinian's own initiative to organize and give legal unity to the empire during his rule can be understood as an indication of this project to make political control of the government more viable and effective. The search for Christian religious unity in the

same period can also be understood in this way, although this was not the focus of this study.

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