

Community involvement in the administration of public health in the State of Milan in the 18th century

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The history of the police force and territorial control has significantly moved forward over recent decades, both quantitatively and qualitatively. The result has been a remarkable surge in the understanding of the topic and, above all, a general sharing of themes and issues among scholars from different parts of the world. Although this osmotic process has enabled us to reflect on individual regional situations while preserving a solid thematic unity, there still exists an entrenched, long-established, ongoing interpretive resistance that still pervades some of the basic premises, despite an historiographical output which, in many cases, has challenged it.

Even today there remains a polarity, albeit somewhat blurred, between the images of the police forces of Britain and France. In a by now dated work, David Bayley states: 'The British police are generally perceived as being honest, approachable, trustworthy, and helpful. They are viewed with respect and an admixture of affection. Generally they work as individuals, not in groups. They carry no firearms, and are commonly non-authoritative and non-punitive'. Compare this to Bayley's description of their counterparts across the Channel: 'The French police have a reputation for being efficient, indefatigable, and omniscient. They are considered individually to be brusque and rather unapproachable. They are armed, feared, and disliked, though they are not considered especially corrupt'.¹

The above descriptions focus primarily on the different behaviour of the respective police officers: the British are viewed as friendly, helpful and unarmed; the French, on the other hand, as harsh, feared, unapproachable and armed. According to Bayley, the genesis of this perception can be traced back to the traditional opposition between France as the cradle of absolutist institutions, and England as the champion of decentralization and respect for local autonomy. The stereotypical picture of the 'good bobby' has long been popular in Europe, and vestiges of this belief can still be found today. The bobby is a bit gruff but protective and reliable, constantly on the citizen's side, and capable of ensuring respect for the rules without ever seeming to be threatening. This depiction of the British police has long found fertile ground in Italy where the people once had to cope with a very different police force; a force that Bayley describes as follows, in rather crude terms that are certainly far from true today: 'Italian police are considered corrupt, pu-

¹ Bayley, 'The Police and Political Development', pp. 53-56.

nitive, and unscrupulous. They are feared and disliked. One would not consider going to them for assistance except in time of great stress. They are armed.²

This portrayal of the British police officer has been adequately updated by modern historians, most of whom have revised its more mythical aspects.³ Other more traditional historians, however, have focused on the organisation of the police force, and more generally on the bureaucracy of the Ancien Régime, with one eye on the burgeoning of these institutions from the grassroots up, and the other on the detection of a central authority represented by them. The outcome has been the continued existence of what I would call an enduring distorted vision. In other words, rather than seeking similarities and analogies within diverse policing authorities across countries, the general preference has been to highlight their differences and divergences. Hence, there has been a tendency to treat the British and French examples as two somewhat antithetical, and therefore not easily equitable, entities. On the same wavelength, research conducted into other European examples has often emphasised the contrast between one or other extreme case. Thus an interpretation of any specific case is approached from a preconceived viewpoint and, in a certain sense, converted to an ideology.

The sketch that I have attempted to create here is in many aspects far-fetched, but purposely so in order to more clearly define the contrasts. In point of fact, many recent studies have opened the way to diverse and much better balanced perspectives. In particular, if we consider French historiography in relation to the history of the police force, we see the emergence in recent years of a tendency to challenge the view from the centre in an analysis of these institutions. An example can be found in the interpretation of Vincent Milliot, in his work on an authority that primarily represents the strengthening in France of an embryonic police system, created and managed by the state, i.e. the *Lieutenance générale de police* in Paris.⁴ Milliot deals with this issue by focusing initially on the practice rather than on the rules, and in so doing he recedes from a strong national model as an unavoidable point of reference. The activity of the police force can then be viewed as a practice which is continuously adapting to a societal context, and is therefore only clumsily relatable to formal conceptualizations. Hence contributions such as Milliot's lead to research options which substantially alter traditional interpretations, both in relation to the Parisian *Lieutenance*⁵, and more generally to the police forces in the Ancien Régime, or, were we to use a term perhaps more appropriate for the period, to territorial control.

That said, it remains true that the most methodical historiography on the development of controlling institutions from the grassroots up comes signally from Britain and North America. This gives rise to the perception, still strong today, of the singular nature of

² Ibid., pp. 58-59.

³ See a comprehensive treatment of the topic in Storch 'The Plague of Blue Locusts'.

⁴ Milliot, *Un policier des Lumières*.

⁵ In addition to Milliot's aforementioned work and other contributions on the same theme, Piasenza (*Pozizia e città*) and Vidoni (*La police des Lumières*) have made, and continue to make, substantial inroads into this topic. Regarding the difficulty of describing police work from a formal perspective, see: Napoli, *Naissance de la police*.

the British position. A notable example in this respect is undoubtedly a work by Michael Braddick, *State Formation in Early Modern England*,⁶ which revolves around the theme of the strengthening of State power in modern-day England. Taking inspiration from categories generated within anthropological studies, Braddick identifies a 'typology of rule, which places the state at one end of a spectrum, distinct from such other means of regulating social life as the tribe, lineage or warrior band'.⁷ This allows him to raise a question. Although the central authority of the state between the sixteenth and seventeenth centuries was still able to exert only relatively slight territorial and societal control, nonetheless its territory was studded with numerous offices of various kinds, which were endowed with extensive coercive powers. These offices, irrespective of whether or not they were state-run, represented a political power that was extensive and authoritative. The author can thus claim that: 'collectively, these offices constituted a 'state' in the sense that they were part of a territorially bounded and coordinated network, which was exclusive of the authority of rival political organizations within those limits'.⁸ Starting from these premises, the creation of an effective state power therefore constitutes a progressive acquisition, on the part of the state, of powers generated in its territory.

British historiography is rich with studies dealing with this reality in its concrete organisation and development. In particular, I would like to refer to the works of Joan Kent⁹ who, taking her cue from the lowest agencies of territorial administration, deals with the complex world of petty officials initially employed by such agencies. Starting with the parish vestries, Kent examines a wide variety of officials: constables, petty constables, churchwardens, overseers of the poor and night watchmen; all of them officials who combined their lowly appointments derived from the parish vestries with a formal authority conferred from on high to perform a number of tasks, including coercive ones, of consequence to the citizenry.

Kent frequently emphasises a basic ambiguity that characterised these offices: they were filled by individuals who had to comply with orders from higher authorities while simultaneously responding to the needs of their own community, which often remunerated their work. Thus they were called upon to serve the state, while at the same time attempting to look after local interests. A significant share of tasks relating to truly typical social problems of the modern age, namely poverty and vagrancy, fell to the lot of the parish vestries. Following the passing of the Elizabethan Poor Laws or the 1699 Vagrancy Act, these administrative structures were compelled to take on ever more complex responsibilities, involving tasks unable to be implemented without the work of these low-ranking officials.

In more recent times, the strengthening of these peripheral administrative structures has therefore been considered as a crucial step towards a heavier presence of public authority over the territory. Although the growth of state power between the 17th and 18th

⁶ Braddick, *State Formation in Early Modern England*.

⁷ *Ibid.*, p. 15.

⁸ *Ibid.*, p. 18.

⁹ J.R. Kent, 'The Centre and the Localities'; 'The English Village Constable'; *The English Village Constable*.

centuries was indisputably due to the creation of new institutions, it was mainly connected to a 'willingness on the part of parish elites to implement the state's policies.'¹⁰ This willingness to cooperate with government agencies through the appointment and support of a network of low-ranking officials can be seen, therefore, as a fundamental condition for the growth of the control and efficiency of state action.

Again according to Braddick, 'in this view, state power is not something 'central', but rather something that is extensive.'¹¹ At the same time, the fact that this power has its origins in the grassroots does not signify that it cannot grow. It is necessary simply to consider the development of state presence over a territory, but not as a process brought about solely, or predominantly, by institutions created from above almost as if it were a type of obligatory perspective. Rather one should focus on the ways in which state power, irrespective of its origin, underwent changes and became more direct. Therefore, state power in the British situation seemingly had no connection with the increasingly intrusive presence of state institutions, as has often been claimed by historians in relation to other scenarios.

One further detail needs to be mentioned in relation to these low-ranking officials. Their authority was conferred upon them, as stated above, from on high, directly by the sovereign, through his magistrates. It was in fact they who would deliver the writs (authenticated by the appropriate warrants) which enabled these lower-ranking officials who had been appointed or elected locally to exercise the necessary powers, including that of law enforcement.

In light of these reflections, the specific nature of the British situation could easily be the subject of debate. As it happens, these low-ranking officials do not appear dissimilar to the law enforcement agents known as *esecutori*, who are to be found everywhere, in large numbers, in the Europe of the Ancien Régime. The collection of essays *Entre justice et justiciables*, edited by Claire Dolan,¹² provides a multifaceted picture of such individuals. In one of the essays, Robert Jacob writes that 'behind the office of each *juge magistrat* stands a whole army of tipstiffs, police constables, *gendarmes*, a prison network, a huge coercive web on which the authority of justice can rest.'¹³ These officials could be quite different from each other, both in regard to the tasks they performed and to appointment procedures, as well as in regard to their respective social standing. Some could be considered authentic precursors of the modern police, as for instance the multifarious world of *sergents* or *archers* in a French context, or the notorious *sbirri* or *birri* in Italy, as well as the *alguaciles* of Spain. Others could appear to be far removed from tasks involving control and coercion, but a methodical analysis will reveal, even if less prominently, their law enforcement powers.¹⁴ The whole class of *esecutori* was in any case licensed to perform a number of tasks, granted by a higher authority through a formal procedure.

¹⁰ J.R. Kent, 'The Centre and the Localities', p. 365.

¹¹ Braddick, *State Formation in Early Modern England*, p. 14.

¹² Dolan, *Entre justice et justiciables*.

¹³ Jacob, 'Licteurs, sergents et gendarmes', p. 38.

¹⁴ Let us quote the *campari camerali*, who in the Po Plain had to regulate the diversion of canals to faci-

An Italian case study provides insight into the extent to which *esecutori* could differ from one another, even within the same department. It also examines how a specific category of functionaries, appointed at a local level and forced to divide their loyalty between a higher authority and the local community, was not confined to an English context. This case will be studied by taking as a reference an important government agency of the state of Milan, the *Magistrato di Sanità* (Department of Health) between the 17th and 18th centuries.

This Magistracy, also known as the *Tribunale di Sanità*, was one of those typical government departments that characterized the *Ancien Régime*, and its *modus operandi* was tied to a strictly judicial procedure. As the executive responsibilities of functionaries and those of the judiciary had not at that time been separated, a judicial procedure was the only way for a *Magistrato* to deal with issues falling within its remit. Therefore the administrative functions, as a fundamental part of the activities of magistracies, were structured as a kind of extension of the primary judicial function. Any determination issuing from these institutions possessed the characteristics of a judicial sentence. For its execution it was therefore necessary to delegate authority to officials so that they could implement coercive measures against those on the receiving end of the sentence.¹⁵ In this capacity, the *Magistrato di Sanità* employed a large number of *esecutori*, both for the purpose of law enforcement and to carry out administrative functions.

The *Magistrato di Sanità* was a long-established department. Founded in 1534 (in keeping with Italy's early development in this area)¹⁶ it lasted until 1786. The responsibilities of the *Magistrato* were both wide-ranging and of great import, and consequently it wielded substantial power. Its primary function was to exercise authority over all matters that concerned the protection of the State of Milan from contagious diseases. At that time bubonic plague was the greatest threat, but considerable attention was also paid to the spreading of animal epidemics. Responsibility in this area entailed ongoing written communication with its counterparts in neighbouring states, in order to keep abreast of any new epidemics. The *Magistrato* also had the authority to stop or limit the traffic of humans, animals and goods inside the state, and when necessary to totally close the borders, at times for lengthy periods. In the struggle against contagion, it was the role of the *Magistrato* to ensure that a specific procedure be followed in all cases of death, by way of a medical report certifying that the demise was not 'suspicious', as the phrase went.¹⁷

litate irrigation in the countryside. They also had to watch over navigation in the canals, and in both cases their task was to monitor all infringements committed by users, and where necessary to impose fines (Antonelli, 'Gli ambigui confine della polizia').

¹⁵ The clearest description of the functioning of the administrative system under an *Ancien Régime* can be found in Mannori, Sordi, *Storia del diritto amministrativo*.

¹⁶ On the early development of these institutions in Italy see: Cipolla 'Origine e sviluppo degli uffici di sanità'.

¹⁷ All so-called sudden deaths were regarded as suspicious. Deaths were considered to be sudden when they occurred within four days subsequent to a state of health. In all such cases a medical certificate had to be exhibited, stating the cause of death and ruling out any possibility that the illness may have been contagious. See, as an example, the Archivio di Stato, Milan (thereafter ASM), *Sanità*, p.a., c. 12, the decree of the *Magistrato di Sanità* of 26 August 1693.

Other responsibilities of the Magistrato related to environmental hygiene, i.e. the maintenance of the city's sewerage network, the cleaning of public areas, pollution control, hygiene and quality control of food, and finally, a major issue: pauperism.

The office of the Magistrato di Sanità in Milan had jurisdiction over the whole of the state territory. It operated directly through its own structures and personnel only in the territory of Milan Province, whereas in the other state provinces it operated through health departments under its control. These provincial health offices exercised uniform control over the areas within their respective jurisdictions, while complying with the ordinances issued by the central magistracy.

Permanent positions that guaranteed security of tenure and a departmental salary were held by only a limited number of functionaries within the Milan magistracy. Basically we are talking about eight people: three city commissioners (*commissari urbani*), two *apparitori* (city commissioners of a lower rank), one porter, one commissioner for beggars and one lazaret caretaker. To these we should add some rural commissioners (*commissari forensi*), so called because they operated outside the city walls. On average there were ten of them, although this number varied seasonally. The total number of *esecutori* would however grow out of all proportion when including the network of local functionaries who enabled the Magistrato to operate on the city's outskirts. The Magistrato would direct each community to appoint one or more health deputies according to the number of residents.

These lower-ranking officials fully meet the requirements we are seeking. They were selected and appointed by their communities from among their members, they were remunerated by those same communities (when they were paid at all) and were empowered by a magistracy (in this specific case by the Magistrato di Sanità) to carry out a series of tasks.

The only directive the Milan Magistracy would issue to the communities was that they select 'capable, and suitable'¹⁸ candidates. All other details were left to their discretion. Choices were therefore entirely up to the communities who were free to operate as they saw fit, depending on the circumstances. Some appointments were decided by the local notables, others through formal meetings of the local council, and yet others according to a strict adherence to the principles of direct democracy, i.e. through a meeting of heads of families, summoned by the pealing of bells, known as *convocato*. Small neighboring villages too would occasionally elect a deputy as an area deputy (*deputato di pieve*).¹⁹ The chosen officials were generally of varying social status according to the size of the community that elected them, but nevertheless they were all reasonably well educated, and always literate. In larger towns (such as Abbiategrasso might have been) four health deputies were appointed in 1751. Among their number there undoubtedly would

¹⁸ ASM, Sanità, p.a., c. 42, Editto a stampa, 18 July 1730.

¹⁹ This term traditionally signified an administrative division within a diocese, which later came to define just an area of territory.

have been one person of noble status and another who bore the title of doctor:²⁰ in other words, they would have belonged to the local *élite*. In the performance of their duties, deputies had to be able to read and understand the messages forwarded to them by the central magistracy, to network with physicians and surgeons, and to convey to that same Magistracy reports relating to pathologies etc.

As previously mentioned, these officials were granted the authority to perform their duties directly by the relevant magistracy, at times either by the central Milan Magistracy or by other provincial health offices in its jurisdiction. This authority was granted by way of a document called a *patente*. Deputies were thus conferred with ‘sufficient authority to sanction anyone at all, and people in regard to health... and to impose fines of up to 25 scudi.’²¹ In other words, they possessed coercive powers in relation to third parties, and were able to use such powers in actions that were far from insignificant. During a health emergency, as testified by the *patenti*, they were authorized to erect roadblocks on transit routes without prior notice. These were manned by armed personnel in order to cut off at the source the transit of people or animals likely to spread the disease within the State. Similar and immediate measures could be adopted *vis-à-vis* suspicious cases of disease among farm animals, by isolating the diseased animals and quarantining whole herds. Other than in emergency situations, which required prompt intervention, deputies were charged with the monitoring of public compliance with all directives issued by the *Magistrato di Sanità*; in other words, with all aspects of public health for which the *Magistrato* was responsible. Naturally, the *patente* mandated that deputies report without delay on any restrictive measures to the *Magistrato*, whose responsibility it was to ratify or annul any decisions, as well as to carry out any further assessments.

There were numerous active health deputies in the state, a few hundred at the very least, despite reports that, in contravention of orders, some communities had made no appointments or had neglected to renew their *patente*, which had a validity of three years. These functionaries then, appointed locally and not professionally qualified, were charged with the implementation of an important share of the monitoring of public health by the state of Milan.

In times of real crises in the public health sector, *viz* during serious epidemics affecting humans or animals within the territory of the state, or whenever state borders needed to be closed due to reports of an epidemic outbreak in the proximity, then not even the thick network of health deputies was sufficient. In such circumstances, the *Magistrato* would resort to another cohort of law enforcers. I am referring to the network of *commissari forensi* I mentioned above.

These officials fell into the category of higher-level functionaries. They were no longer selected by the local communities at grass-roots level, but appointed directly by the *Magistrato di Sanità*, who remunerated them adequately. They could be divided into two ca-

²⁰ This is an official notice of appointment, dated 21 April 1751, submitted by the Chancellor of the Abbiategrasso Community to the *Magistrato di Sanità* (ASM, *Sanità*, p.a., c.12).

²¹ See two almost identical *patenti di delegato*, one from 1745 and the other from 1753, in ASM, *Sanità*, p.a., c.12.

tegrities, the first consisting of permanent staff based in the office of the *Magistrato*. Their number varied from time to time but in the first half of the 18th century it remained constant at around ten. Their offices were strategically placed in townships close to obligatory routes that had to be traversed by people and goods entering the State of Milan from abroad. In the first instance the officials were charged with the extremely delicate task of checking the mandatory documents, known as *bollette di sanità*, that accompanied all people, goods and animals and contained details of their route and previous health checks. In order to cover expenses incurred by the *Magistrato* they were also responsible for the collection of health levies payable on all merchandise crossing the border. Finally, it was their duty to prepare and ensure that the required periods of quarantine be observed for people, goods and animals during public health emergencies. In addition, they carried out a cleansing procedure, known as a *spurgo*, that involved the sterilization and elimination of ‘malignant corpuscles’ (as bacteria causing contagions were often described) in accordance with the techniques available to medicine at that time.

The second category comprised the *commissari forensi* who were recalled at times of greatest need; that is, whenever contagions at the border were confirmed and effective protection had to be provided for long periods of time. The main function of these officials was organizational, insofar as they were responsible for the creation of complex control networks at the borders, designed to prevent entry into the state of those trying to evade checks along the regular routes. They were therefore granted the necessary authority to recruit on the spot armed guards, and when necessary to mobilize the local citizenry for tasks involving active vigilance. The choice of individuals selected in this second category of *commissari forensi* was also made by the *Magistrato*, who remunerated them from its own budget. It is obvious that these positions were limited to the duration of an epidemic, hence when the crisis ended the *commissari* were promptly discharged. Their number varied according to the gravity of the situation, however it never exceeded that of the permanent *commissari forensi*.

The office of the *commissari forensi* was not, therefore, modelled on that of the officials selected directly by their local communities, as in the case of the health deputies. Nonetheless, an examination of their *modus operandi* in relation to the powers granted them by the *Magistrato* reveals that in this case too the local communities were involved. As indicated above, when access to the State had to be barred for health and safety reasons, the priority was to intercept anyone attempting to use minor roads in order to bypass the roadblocks set up along the main routes.

This called for extreme care and attention. Admittedly a quota of illicit border crossings could be tolerated in the fight against smugglers and their goods, but it was not acceptable in the context of public health: just one infected person would be sufficient to spread the contagion. Hence the utmost effort was expended to block even the most remote routes. The task of the *commissari* therefore was to direct all those with detailed knowledge of certain areas, such as mountain communities, to prepare themselves for the setting-up of surveillance networks. In 1681 Giovanni Paolo Cambiagio, an official delegated by the *Magistrato* to the protection of borders, wrote: ‘my only concern was

to block off those mountain passes in Helvetia, Rethia and Vallese, which enabled people travelling down from Germany to bypass those guarding the straight route and stealthily enter the aforesaid areas. It was also to make sure that our state borders would be most diligently protected not by foreigners, but by our subjects, so that neither persons nor goods originating from infected or suspect countries could be imported into our State. These were the two main tasks allocated to me by the most honourable Tribunal.²²

In other words it was the ‘subjects’ who received from the Magistrato, through an intermediary, the authority to use force and weapons against third parties to prevent them from entering the State. The communities obeyed these orders by resorting to ancient customary practices of self-defense. This was possible as the regulations for bearing arms allowed residents in border areas to keep weapons at home, thus enabling them at a moment’s notice to deal with any emergency.²³ Moreover, the law stipulated that on behalf of the general public the communities must compulsorily defray, at their own expense, the cost of a number of defensive measures.²⁴

Finally, there was a further category of functionaries, qualified to serve through a patente issued by the Magistrato di Sanità, which will be worth examining within the context of the present paper. I am referring to the anziani di parrocchia (parish elders), who had existed in the city of Milan since the Middle Ages. They could still be found, under various titles but with similar roles, in all Lombardy townships as well as in other centres in Italy and elsewhere.²⁵

The title anziani di parrocchia has no religious connotations. A parish should be viewed as a territorial entity or district, or more precisely as a community of residents, after the style of an English parish. In the case of Milan the title was undoubtedly derived from the procedures followed for the election of these officials. Indeed, an elder was chosen by means of a ballot to which all heads of families belonging to his individual parish were summoned. The anziani spread out to occupy many areas around the city. In the period to which we are referring here (between the second half of the 17th century and the first half of the 18th century), approximately 75 parishes fell within the remit of an anziano.²⁶

The parish elders thus represented an ancient form of self-management on the part of a social body, designed to ensure the delivery of a number of services in the common interest of parishioners. Among the diverse tasks entrusted to them was, in particular, that of reporting all deaths occurring within their jurisdiction, in order to detect suspicious

²² ASM, Sanità, p.a., c.4, undated report (probably from 1681).

²³ Antonielli, ‘La licenze di porto d’armi’.

²⁴ From among many, see: ASM, Giustizia punitiva, p.a., c. 15, edict of 7 July 1724.

²⁵ For Milan: Antonielli, ‘Tra polizia sanitaria’. There are reliable reports on the presence of anziani also for Mantua: Pagano, ‘“Questa turba infame”’, p. 48 and p. 68. As for the identification of similar institutional figures in remote areas, see: Buono, ‘Anziano, calpixqui, shaykyh, nanushi’.

²⁶ This number was subject to minor variations during the period, at which time we notice some mild attempts at rationalisation. In some cases the areas covered by the more important parishes could be subdivided into two territorial units known as anzianerie, and conversely two parishes covering a smaller area with only one anzianeria could be merged. In some cases, one anziano was in charge of two anzianerie for specified periods.

cases of contagious diseases in the shortest possible time. It was, in fact, the central role taken on by the elders in this specific context that resulted in their progressive absorption into the newly created *Magistrato della Sanità*.²⁷ Their dependency was formalized through the issue of specific *patenti di anziano*.

The *patenti* authorized the *anziani* to administer all tasks pertaining to the *Magistrato* in their allocated territory: monitoring public cleaning services and reporting infractions; monitoring the observance of legislation concerning beggars and checks on any unauthorized presence (i.e. of those coming from areas outside the city) in some households; the compilation and safekeeping of lists of residents suitable for recruitment into the city militia. Above all, as mentioned above, they were given total responsibility for administering all health-related procedures linked to deaths, from time of death to burial. This involved forwarding all documentation (including the death certificate stating cause of death) to the registrar for deaths, namely a notary on the *Magistrato's* staff. There was no limit on the duration of an *anziano's* tenure but neither was there provision in the budget of the *Magistrato* for any salary to be paid to him.

Thus we find also in the case of parish elders an office arising from the local community, in this case even through direct election by heads of families. The functions of the *anziani* were based on *patenti* issued by a state magistracy. If we look at the total network of officers who made it possible for the *Magistrato della Sanità* to carry out its tasks,²⁸ in most cases we discover functionaries known as *esecutori*, elected, as stated above, by the local community. They were not remunerated by their superiors and derived their authority from a delegation of power granted to them by the magistracy. All of this parallels the English model discussed in the present paper.

As an example, we can look into the procedure for granting a specific authorization to proceed to some English lower-ranking officials (such as churchwardens and overseers of the poor).

They were elected by their local community at the parish level, and we find documents that set out the same series of delegated powers, specifically though the granting of warrants. As we can read in a Form of the precept from the high constable to the churchwardens, &c. for returning lists of jurors [...]: 'By virtue of a warrant from the clerk of the peace of the said county [...] unto me directed, you are hereby required to make out, before the first day of September next, the true list in writing in the form hereunto annexed, containing the names of all men.'²⁹

We return at this point to revisit our initial assumption, i.e. a search for compatibility between the forms of territorial control characteristic of England and the Continent.

²⁷ Before the creation in 1534 of a *Magistrato della Sanità* with jurisdiction over the entire State of Milan, there was already an *Ufficio di Sanità* for the City of Milan, to which the elders reported even then (*Vaglienti* "Noluit ire ad visum").

²⁸ For the sake of completeness, reference should also have been made to the *commissario dei poveri* (commissioner for the poor) and his staff. These functionaries were totally equivalent to the law enforcement officers.

²⁹ Willcock, *The Office of Constable*, p. 30 and p. 108.

We have analysed this in regard to the State of Milan, but it can also be detected in France and other States within the Italian peninsula. This has led to a serious re-evaluation of the theory of the individuality of the English model (we are obviously referring here to the centuries of the so-called Ancien Régime). While this may be plausible, complications arise when we return to the example of the State of Milan, especially when attempting to describe a trajectory such as the one suggested by Braddick for England; i.e., the State's progressive acquisition of powers which had evolved from the ground up. It would perhaps be more accurate to say that such a process is identifiable in part, but through a series of significant distinctions.

The first factor to be considered is that the State of Milan, though endowed with extensive autonomy in the running of home affairs, was nonetheless dependent on external powers: initially the Spanish monarchy and then, from 1706 onwards, the Austrian monarchy. Precisely as a result of the encouragement and political decisions of the Austrian monarchy (especially after 1748), a number of institutional measures allegedly undermined a power structure built on the primacy of metropolitan aristocracies, the so-called patriciates, and in particular on the primacy of the Milanese patriciate. This aristocracy, through trade-based and professional bodies (above all, the Collegio dei Giureconsulti in Milan) occupied the highest positions and controlled most of the state magistracies, which obviously included the Magistrato di Sanità. Starting from the activation of the Land Registry (*catasto censuario*), known as *catasto teresiano*, the mid 18th century saw the introduction of a series of reforms that, within half a century, were destined to alter both governmental institutions and their relationship with local communities.

On one hand, the creation of a land registry made it possible to determine a level of taxation based on the capital value assessed for each individual property. On the other hand, it served to officially ascertain the identity of the wealthiest landowners, area by area. This facilitated the establishment in 1755 of a uniform administrative model, known as the *convocato*, based on the rights and duties of representation relating to the highest assessments. Meanwhile, the task of taking a census, set and monitored by the Census Bureau, had led to the appointment of a network of officials to perform this role. From 1751 onwards, a number of functionaries known as *cancellieri delegati* were recruited. They were selected, appointed and removed by the same Bureau, whose task it was to keep and conserve the records of each census.³⁰ These officials, selected and monitored by the central authority, were gradually allocated other responsibilities, one of which was the selection of the *deputati di sanità* (who nevertheless were still chosen from within the local community).

A short time afterwards the system of government through magistracies also began to be affected. Suffice to recall the creation in 1765 of the Supremo Consiglio d'Economia and its conversion in 1771 to the Magistrato Camerale, an institution entirely different from its homonymous predecessor, which ceased to exist. The new institution no longer had the characteristics of a semi-autonomous magistracy under patrician control that

³⁰ Ostinelli, 'I cancellieri del censo', pp. 461-462.

the old Magistrato Camerale had possessed for over two centuries. In 1786, the Magistrato di Sanità ceased to exist, within the framework of institutional reforms dictated by Joseph II.

The Magistrato di Sanità, in the period between mid-century and its abolition, had perceived clear signs of its own gradual restructuring. Observe, for example, the decision in early 1774 to close down the group of *deputati di sanità*, i.e. the network of officials that had enabled extensive measures of control within the State. They were replaced by mayors and consuls, i.e. officials who were elected from within the local community, who however had no direct relationship with the Magistrato di Sanità.³¹ Or further, we may quote an order that had earlier on in 1772 been issued by the Prince of Kaunitz, to the effect that *commissari forensi* were not to be replaced when they died or ceased their employment.³²

These brief examples have been chosen from among many possible ones. They are instrumental in showing how the far-reaching reforms of the institutional structures, imposed by the Vienna regime with the sole support of the enlightened élites within Lombardy, were followed by changes also at the level of minor and peripheral offices. For the sake of completeness, we should also dwell on other government decisions that, during those years, would fundamentally revolutionise the network of offices within the state of Milan. There was, for example, the creation of the Court of Accounts in 1770, which withdrew the ability of the single magistracies to govern their own financial affairs, and consequently their ability to manage policy in regard to public offices. There was also the 1749 reform of public offices, which was followed by a ban on the right of succession in public offices, and finally by the suppression of *venalità* (hereditary transmission of offices), which had had a significant impact on the State of Milan in the 17th and first half of the 18th century.

This comprehensive reform package has always been positively assessed by historians, who have credited it with the rationalisation of overall government structures. They hold that this diminished the harmful effects of a system biased in favour of a patrician élite with a propensity to exploit government offices for its own corporate advantage.³³ It is not my intention to challenge here this kind of interpretation. I simply wish to highlight the fact that the system of government in the State of Milan, at least until the middle of the 18th century, was showing significant parallels with the English experience, through a huge reliance on the involvement of local communities. Hence, the diversities between different scenarios are not so much traceable to the alleged originality of the English model, as to the political and institutional conditions that permitted on the one hand its survival, and on the other an evolution that was to preserve substantial legacies.

³¹ ASM, Sanità, p.a., c. 66, circular of 1 October 1774 addressed to the *commissari forensi*.

³² ASM, Sanità, p.a., c. 46, letter from the Government of 31 October 1772, read out in the *congregazione* of 27 April 1776.

³³ See a comprehensive treatment of the topic in Capra, 'Il Settecento'.

Our analysis could also be carried out within the vast class of functionaries, which presented significant variations. We can repeat a rhetorical question posed by Catherine Denys: 'What do the following have in common? A judicial law enforcer paid for the pursuit of criminals, a resident obliged to keep vigil over his district by night, a notable or jurist who uses the police as a stepping stone to an administrative career, a returned soldier who becomes a village policeman?'³⁴ Indeed, apart from the notables and jurists, the individuals described here belong to the class of law enforcers, insofar as they were all authorized to perform various activities, including law enforcement, on the grounds of the specific powers granted to them by a magistracy.

The world of law enforcement agents in the State of Milan, then, presented structures of some complexity. At its core, it should be pointed out, the body of judicial enforcers on Italian territory was undoubtedly more numerous than its English counterpart. These *sbirri* or *birri*, as they were known, were not an expression of the local community, but rather an example of a bureaucracy. Due to their low-level policing role they were socially marginalized and tended to transmit their jobs down the line from father to son. Given their meagre wages, their conduct was motivated by the fact that they needed to seek remuneration for their work. They did this to a large extent by demanding payment from those they were pursuing in the course of their judicial duties.

These factors, which operated within the body of law enforcers, contributed to a decrease in the willingness of the community to implement certain tasks, thus giving rise to unequivocal differences in respect to the English situation. This, however, does not detract from the fact that in the State of Milan, at least until the first half of the 18th century, there was a solid presence of officials who carried out executive and law enforcement tasks. Their appointments were the responsibility of local communities, and the authority to perform those tasks emanated from the State government.

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³⁴ Denys 'Institutions, corps, serices', p. 37.

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