

2021-22 / LESSON 6 / 2021-10-15

Monographical section: Origins and development of a customary legal system/2

Development of original legal customs evolving from the Roman Theodosian base by national innovation as well as adoption and adaptation of foreign practices.

http://www.arielcaliban.org/PX_prestatutory-customs.pdf

~829

The alleged relics of St. Mark are brought to Rialto from Alexandria. The new saint, with his prestige as an evangelist, becomes the protector of the *Venetia* and of its capital Rialto, replacing the earlier, Byzantine saints George and Theodore.

http://www.arielcaliban.org/PX_san-marco.pdf

840

Pactum Lotharii: Lothar I, designated heir of the Western Empire, confirms the *Pax Nicefori*, also with regard to the *Venetia*.

It is the first in the series of *Pacta Veneta*, the restatements of the boundaries of the *Venetia*, due by each successive Western emperor to the doge in charge. No restatement is due by the newly elected doges, as they do not take any personal obligation: while the emperors are parties in the agreement in their own name, the doges represent the abstract Venetian State, and their identity is not relevant.

http://www.arielcaliban.org/PX_pacta_veneta.pdf

843

Treaty of Verdun: the Carolingian Empire is part of the patrimony of the deceased, and as such it is divided among his heirs.

This feudal concept that powers of government are part of their holder's patrimony is never adopted by the *Venetici*.

864-881

Under doge Ursus Parteciacus, the mention appears of ***iudices*** (judges) = a number of members of the *placitum* whose function is to approve the proposals which the doge intends to make to the *placitum* in judicial matters, so as to prevent his bestowing undue favour on his political supporters.

The move of the capital to Rialto begins a process of decadence on the *placitum*, given that it is less easily reached from the furthest parts of the Ducatus. The *placitum* in Rialto now usually gathers only those who live nearby and/or have a long-term interest in political matters: the doge and coregent, the *iudices*, the bishops, the *gastaldi* (civil servants, tax collectors) and the

tribuni of the *vici*, who come to live in Rialto as representatives of their villages.

However, routine matters are now often managed by the doge, coregent and *iudices* alone, while the full assembly is only gathered for important questions and the ratification of the deliberations taken by the doge, coregent and *iudices*.

http://www.arielcaliban.org/PX_iudices.pdf