

2021-22 / LESSON 15 / 2021-11-18

Later Middle Ages -- ~1000-~1492 ce/7

1192

Enrico Dandolo is elected as doge. The *promissio ducis* of Dandolo is the earliest whose text is preserved; the doge is bound to swear it, does not choose its contents, and is legally held to abide by its prescriptions, under penalty in case of violation. It functionally stands as a *capitulare* for the office of the doge, updated by the Councils at every election.

According to the *promissiones ducis*, at this time the rules of law are applied judicially in this order: 1) legislation, 2) judicial customs, 3) deliberation on doubtful cases by the Minor Council.

Dandolo also swears on an updated *promissio maleficiorum*.

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

1195

Enactment of early statutory laws, legificating judicial customs so that the outcome of litigation can be consistent.

There is a clear difference between ordinary legislation by the Councils, touching on occasional matters, and statutory legislation, stating general rules of law; the latter must also be made known and approved by the *placitum* (as a form of instantaneous custom!)

http://www.arielcaliban.org/PX_early-statutes.pdf

1202-1204

Fourth crusade: the Comune offers weapons and ships, but the crusaders are late in reaching Venice and overwinter there in 1203-1204 at the expenses of the Comune.

The aged, blind doge Enrico Dandolo suggests that the crusade be directed instead toward the Christian, but schismatic Eastern Empire; the Venetians will remit all expenses incurred so far, in exchange for command of the enterprise and part of the spoils.

The son of the doge, Ranieri Dandolo, acts as a substitute for Enrico as doge in Venice during his absence as commander of the expedition.

Ranieri promotes the enactment of *Novae constitutiones sive leges* = new statutory laws, adding up to those already in force.

1204

Sack of Constantinople; institution of a Latin Empire (Romània), made of large fiefs given to the crusader lords.

The doge is now *Dominator quartae et dimidiaie partis totius Imperii Romaniae* = Lord of the fourth part and a half of the whole Empire of Romània.

http://www.arielcaliban.org/PX_lions.htm

The Comune adopts for the government of the new territories the lexicon of the feudal system, but does not abandon the principle of elective magistrates.
http://www.arielcaliban.org/PX_feudi-da-mar.pdf

Institution of Curia dell'Esaminador, with the task of inspecting and validating written evidence (e.g. private deeds, records of service by public officers...) as admissible in judicial trials.

1205

At the death of Enrico Dandolo in Constantinople, Pietro Ziani (not Ranieri Dandolo!) is elected as doge.

New text of *promissio ducis*, stating among the rest that justice will be equally given to all, that no gifts will be accepted by the doge and that the rights of travellers, shipwrecked in the territory, will be legally protected, restating as especially important the older rules in *promissio maleficiorum*.

1207

Rules of law are agreed upon in the Latin Empire about judicial evidence.

http://www.arielcaliban.org/PX_latin-empire_pact.pdf

Electoral law, legifitating constitutional custom about the composition and election of the Councils. (see lesson 13)

1213 mv = 1214

New statutory laws aimed at making trials more expedite.