

2021-22 / LESSON 12 / 2021-11-05

Later Middle Ages -- ~1000-1492 ce/4

1147-1149

Second crusade.

Probable origin of a permanent State shipyard (Arsenale), where state-of-the-art ships are built by publicly employed workers, bound to secrecy about building plans.

Warships under Venetian captains may be leased to crusader princes; loading space on trading ships is leased to the highest bidders in public tenders, but, to prevent reverse engineering, State ships are never sold.

The buildings and traces of the organisation of the Arsenale are still standing and are being restored, maintained and reused as exhibition and theatrical spaces.

<https://www.pellizzarimichele.it/blog/arsenale-di-venezia>

1148

Doge Domenico Morosini swears his fidelity "to the best interests of the Comune".

The doge acts as a representative of the Comune, not as a free agent, in international relationships and negotiation of trade agreements with Italian and Mediterranean cities and States.

Public documents now mention *Dux et Communis* rather than *Dux et populus = placitum*; *Communis* is the whole of the people, including women, children and the incapacitated, in the whole of the territory.

The name *Venetia* slowly and fitfully shifts its meaning: not the whole of the Ducatus anymore, as in the ancient *Venetia maritima*, but its capital city in Rialto. The metropolitan territory (with the exclusion of the naval bases of the Sea Domminions) maintains the name of Ducatus, devoid of political significance and reduced to a geographical reference.

The Comune in Venice shows superficial similarities and deep differences in comparison with the Comuni of the mainland.

The similarities: representative government, i.e. elected councils and magistrates with temporary offices and limited powers of government defined by law.

The differences in Venice: political rights to every adult male citizen as a form of duty toward the community (democracy), not only to those who are rich enough to pay a minimum of taxes (timocracy); full statal independence instead of autonomy within the Western Empire.

1152

Frederic I Redbeard Hohenstaufen is elected Western Emperor; he has ambitions to take hold of the Venetian Comune as a sea trading centre.

1154

Diet of Roncaglia: the doctors of law from the university of Bologna list the prerogatives reserved to the Western emperor, arguing on the basis of Justinian's compilation, against the Comuni of mainland Italy who demand their local *iurisdictio* (= autonomy) to be acknowledged, albeit within the supreme organisation of the Western Empire.

1154-1176

Five military campaigns in Italy by the Emperor against the Comuni. The city of Rialto is divided into 35 *trentacie* as districts for military conscription; however, most citizens prefer to pay a tax aimed at hiring mercenaries, instead of taking part in the wars.

1158

Constitutio Habita: Frederic I Redbeard Hohenstaufen gives jurisdiction over law students to their masters, stripping it from the Comune of Bologna.

1167

Oath at Pontida: the Comuni of Northern Italy join in a loose League, ready to fight the Empire.

The Venetians are not directly involved, being fully independent from the Western Empire, but they cannot remain neutral: they choose to take the parts of the Comuni, supported by the pope and the bishops residing in the cities, as these are essential trading partners, while a victory by the Empire would mean its appropriation of the Venetian territory.

1172

The doge Vitale Michiel II is murdered. Reform of the ducal election to avoid disorders: now the *placitum* elects 11 electors, whose choice the *placitum* will confirm.

Law introducing price control on food to deal with dearth caused by the wars.

1173

Clugia develops from a *vicus* into a city, with customs and legal practices slightly different from the rest of the territory.

The local *placitum* is presided by a *gastaldo* chosen by the doge within the major families of that city; Clugian citizens coming of age swear allegiance to the doge as representative of the Venetian Comune.

1176

Battle of Legnano: the League finally defeats the Western Empire in open battle.

While most of the Comuni of the mainland make much of their association with the winning party, the Venetians instead readily retreat to a policy of

neutrality, readying themselves to act as formally disinterested mediators between the parties: an early instance of the diplomatic ability of the Venetians to keep communications open and favour agreed solutions to international conflicts.

1177

Peace of Venice: through the mediation of the doge Sebastiano Ziani, the emperor Frederic I Redbeard Hohenstaufen (in his own name) and the pope Alexander III (as representative of the League of the Comuni) agree on a treaty of peace in a ceremony of international relevance, with guests from uninvolved nations as far as Britain.

1178

Death of the doge Sebastiano Ziani. New reform of the election to prevent broglio, i.e. informal agreements aimed at controlling votes: it was a widespread practice and a permissible one at the time, but in the case of the ducal election the danger was reducing the base of consensus for a lifetime office.

Now the 11 electors chosen by the *placitum* in turn elect 41 electors who vote for the doge, to be confirmed as usual by the *placitum*.

It is noteworthy that the new procedure makes use of the concepts of representative democracy, but allowing the whole of the people to have the last word on the deliberation of the 41 electors.

Election of doge Orio Mastropiero, during whose office the transition from Ducatus to Comune is completed.

1181

The doge Orio Mastropiero gives an oath called *Promissio maleficiorum*, swearing he will prosecute the culprits of the crimes listed therein according to a formal procedure; partial legification of criminal and judicial customs.

No private composition is allowed, because public interests are predominant in criminal repression: criminals are punished in order to restore public order and discourage further crimes, independently from the right to damages held by the victims or their families.

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

1183

"Peace" of Konstanz: in fact an admission of defeat on the part of the Western emperor Frederick Redbeard, but formally an imperial law which acknowledges that the Comuni of the League have local *iurisdictio* = powers of government on matters of local interest = autonomy as particular institutions within and under the rule of the Western Empire.