**Early Middle Ages -- 476-~1000 ce/1**

**A time of changes**

The early centuries of the Middle Ages are a time of change: the relative uniformity of culture and langugages in the territories of the former Western Roman Empire breaks into fragments, which struggle to organise new forms of government.

A useful key to follow these complex developments is the question:

**which institutions are holding powers of government** on a given territory?

The answers are formulated case by case around the concept of powers of government.

On the basis of experience and logic, these are three functionally distinct powers, whatever the institution(s) performing them:

-- **legislative**, that is the power to give rules of law;

-- **executive**, that is the power of implementing the rules in the absence of a conflict;

-- **judicial**, that is the power to apply the rules of law in orded to solve conflicts.

In the contemporary world, many States apply the principle, formulated first by Montesquieu in the early XVIII century, that in a lawful State the three powers are held by separate institutions, so as not to interfere unduly with each other. However, in the Middle and Modern Ages any institution or person who held powers of government held and performed all three, although not necessarily in the same measure.

This situation, already effective at the end of the Ancient Age, was referred to since about the XIII century as ***jurisdictio*** (proclaiming the rules) = the three powers of government held and performed as an undivided whole.

Thus advised, we can go back to our chronology.

**since about 486**

Early settlements of "barbaric" kingdoms. A number among them adopt Roman practices for government and the Latin language for archival purposes, employing cultured Latin ministers and civil servants. These kingdoms are called "Roman-barbaric".

<http://www.arielcaliban.org/PX_roman-barbaric_486aD.jpg>

**492**

The Ostrogoths defeat the Heruls and establish a kingdom in Italy and the northern Balkans. The capital city is Ravenna, at the time an important merchant harbour.

Each people within the territory lives under their own legal system, with the exception of general royal legislation.

<http://www.arielcaliban.org/PX_roman-barbaric_526aD.jpg>

**500**

***Edictum Theodorici*** = edict of Theodoric, the king of the Ostrogoths, showing the influence of the Theodosian Roman law system absorbed from the remaining Latin intellectuals.

**506**

Alaric II, king of the Visigoths settled in south-west Gallia and part of Iberia (kingdom of Toulouse), enacts ***Lex Romana Visigothorum*** or *Breviarium Alaricianum*, heavily influenced by, and often quoting literally, the *Codex Theodosianus*.

The actual text of the *Codex* is now lost, but is was mostly reconstructed by Walter Lenel (1868-1937) through the LRV.

**507**

The **Franks**, a Germanic people composed of three tribes, invades Gallia; in time, its name will change from Gallia (the land of the Gauls) to France (the land of the Franks).

The Latinised Visigoths, defeated, retreat south of the Pyrenees and establish their kingdom there (kingdom of Toledo). The *Lex Romana Visigothorum* is applied territorially to all, whether Visigoths or Latinised Iberians.

<https://upload.wikimedia.org/wikipedia/it/a/a4/Regno_dei_Visigoti.svg>

**527**

In the Eastern Roman Empire = Byzantine Empire, Justinian becomes emperor.

<http://www.arielcaliban.org/PX_justinian.pdf>

**529**

The Theodosian consolidation is become obsolete and unfit for the needs of the Byzantine Empire. Justinian begins a process of update, ordering the compilation of a ***Codex*** = imperial legislation *(leges)* in force in the Eastern Roman Empire.

**533**

Justinian orders his minister Tribonian to compile a ***Digestum*** = a new collection of doctrinal rules of law *(iura)* according to new criteria of selection.

Not only the works of the jurists mentioned in Theodosius II's Edict of quotations, but all works of all jurists are surveyed in order to pick from them excerpts which are then recombined in a new text. The authorship is maintained, but the excerpts are sometimes slightly abridged by interpolations (from the Latin *inter+pello* = I push between).

Awareness of the presence and tenor of the interpolations and their study would begin in the late XV century e go on until the XX century.

**534**

Justinian orders a **second edition of the *Codex*** and a legal handbook in force as law, the ***Institutiones***; the legal system in the Eastern Empire is thus updated in its whole by Justinian's compilation, and completed with a detailed, binding instruction manual. Any new legislation is collected in an additional book of ***Novellae***, mostly in Greek.

**535-553**

Justinian plans to recover the Western part of the Empire; **Gothic war** against the Ostrogoths and recovers Italy and parts of North Africa and Iberia.

<http://www.arielcaliban.org/PX_procopius.pdf>

**541-542**

A pestilence devastates the Byzantine Empire: it is the first pandemic caused by *Yersinia pestis*. That particular strain is now extinct, while others survive endemically in Central Asia and North America.

**554**

In order to try and restore an effective law system in Italy after the devastation of the Gothic war, Justinian enacts a ***Pragmatica sanctio*** *pro petitione Vigilii* = an edict addressed at the other part of the Empire (the recovered territories) as requested by Vigilius, the pope in office, on behalf of the Italian population.

Thus the emperor in Byzantium sends a **hexarch** (military governor) seated in Ravenna; the hexarch commands a number of ***magistri militum*** (generals) seated in the major cities; these in turn command ***tribuni*** in the lesser localities; the deliberations of *magistri militum* and *tribuni* are acclaimed by the assembly of the men able to take arms.

<http://www.arielcaliban.org/PX_byzantine_offices.pdf>

The province *Venetia et Histria* is governed by the *magister militum* seated in Opitergium = Oderzo.

<https://archeologiavocidalpassato.files.wordpress.com/2019/11/opitergium_via-postumia_strade-romane_mappa_da-www.magicoveneto.it_.jpg>

The *pragmatica sanctio* also extends to the recovered territories of the former Western Empire the application of Justinian's compilation; however the aftermath of the Gothic war and the instability of the political situation preclude actual enforcement of such complex and foreign rules of law, all the more so as many are now written in Greek.

The oldest document of Justinian's compilation in Western Europe is *littera Florentina*, a mutilated copy of the *Digestum* likely drawn by Italian scribes of the VI century from the original attached to the *Pragmatica*.

**565**

Death of Justinian.

**568, april**

The **Langobards** or Lombards, led from Pannonia by king Alboin, enter Italy from the Black Mountain pass in the North-eastern Alps.

They are not coming to raid but to settle, and they quickly establish a loosely feudal kingdom north of the Po, with capital in Pavia.

The history of the Langobards is written in the VIII century by Paul Warnefried = Paulus Diaconus

<http://www.arielcaliban.org/PX_paulus_diaconus.pdf>

The ancient Roman cities are largely depopulated and remain the seat of bishoprics (performing also judicial and administrative functions whenever an effective secular government is missing) and of periodical fairs and markets.

Abandoned buildings are pillaged for building materials; Roman roads and aqueducts are left in ruins; the harbour of Ravenna, in the lack of maintenance, begins to be clogged by sediments brought by the river Po.

The people of the mainland once again take refuge in the lagoons, but cannot return to their homes because the Langobards are there to stay. The *Veneti* are finally incorporated with the *Venetici.*

**572**

Death of Alboin.Various vicissitudes of the reigning dynasties.

<https://en.wikipedia.org/wiki/List_of_kings_of_the_Lombards>