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Legal Sources from the Venetian East

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Dass Teil A mit »Germanic Law« überschrieben ist und dieser Terminus konsequent angewendet wird, erklärt Larry May damit, dass »barbaric« pejorativ sei, und in diesem Sinne wolle er auch den Begriff »pagan« bei außerchristlichen Religionen vermeiden, »but refer to the various Germanic views of religion« (3). Das Faszinierende an den Germanen sei, dass sie erst nach dem Kontakt mit den von ihnen verdrängten Römern begonnen haben, eigene Gesetze zu schreiben (3 f.), die *Leges Barbarorum* – wie der Rezensent, dem ein verallgemeinernder Germanenbegriff doch suspekt bleibt, sie weiterhin nennen möchte.

Dies waren übrigens die beiden einzigen Anliegen des Autors in der kaum anderthalb Seiten umfassenden Einführung zu Teil A, was sich wiederum mit der Beobachtung deckt, dass die Eigentexte generell recht kurz und auch anmerkungsarm sind. Dieser Befund spiegelt sich im angesichts der umfassenden Thematik recht sparsam ausgefallenen Literaturverzeichnis (518–530), das Quellen und Forschungsliteratur ungetrennt aufführt, wobei die Quellen gegenüber der – rein englischsprachigen Literatur – überwiegen; auch die vor wenigen Jahren auf Deutsch geführte intensive Debatte über den Germanen- versus den Barbarenbegriff scheint nicht rezipiert worden zu sein. Die einzelnen Unterkapitel sind in der Regel nicht länger als drei oder vier Seiten. Sie bieten jeweils

mehrere Quellenzitate, die durch Kommentare des Verfassers miteinander verbunden werden, ohne dass sie quellenkritischer oder forschungsgeschichtlicher Kritik ausgesetzt werden. Daher entsteht eher eine Art zitategestützter Erzählung, bei der die Trennung der Bereiche *legal* und *political thought* nicht immer einfach nachzuvollziehen ist. Die herangezogenen Texte stehen gewissermaßen für sich selbst in einer Art positivistisch-musealer *bricolage*, Fragen nach Norm und Praxis werden an sie nicht gestellt. So entzieht sich das Kompendium durch seine innere Struktur der Möglichkeit einer detaillierten Analyse im Rahmen einer herkömmlichen Rezension.

Über Notwendigkeit und Nutzen eines solchen Florilegiums lässt sich trefflich streiten. Vermutlich als Grundlage für Vorlesungen gesammelte Quellenzitate ergeben einen geordneten Zettelkasten, der durch seine Ausschüttung unter dem flackernden Licht eines Stroboskops durchaus faszinierend wirken kann. Intensive Beschäftigung mit den kurzfristig aufleuchtenden Quellen sowie ihren im Dunkeln verbleibenden Hintergründen inklusive der bisherigen internationalen Forschungen zu ihnen ersetzt dieser *Reader* jedoch nicht. Aber er regt an, wie der Besuch einer Ausstellung mit Zitaten statt Bildern, und das ist nicht wenig.



Kyriaco Nikias

Legal Sources from the Venetian East*

The Venetian administration in its eastern colonies has endowed historians with an extensive and varied supply of documentary evidence produced by busy and precise functionaries. Among these, certain kinds of documents have attracted more

attention than others, and perhaps none more than the famous embellished reports given in Venice by patricians retiring from their colonial postings (the *relazioni*). While many series of the more popular sources have made their way into published edi-

* NIKOS E. KARAPIDAKIS (ed.),
Διατάξεις Λειτουργίας του
Συμβουλίου της Πολιτείας της
Κέρκυρας, 1422–1797 / Libro d'ordini
del Consiglio della magnifica Città di
Corfù, 1422–1797 (Βιβλιοθήκη των
Γενικών Αρχείων του Κράτους 38),
Athens: Εθνικό Τυπογραφείο 2021,
699 p.

tions, the records of the colonial administrations themselves and of the local political organs have largely remained unpublished. In reflection perhaps of the predominantly social interests of the historiography, the legal sources have generally been somewhat neglected. By consequence, the literature has become complacent with rather vague conceptions of the complex legal and political structures which maintained Venice's power over its distant colonies. The promotion of legal evidence would do much to improve the situation. This review considers a new edition of a compilation of laws from Venetian Corfu. As the first publication of local laws from the Venetian East (the *Levante*), it promises to be of great interest to the historiography of the region and to colonial legal history generally.

The competence of local lawmaking in the Venetian colonial polities (*reggimenti*) was not monopolised by a single organ. Laws were made not only by the councils (*consigli*) comprised of the local citizens (*cittadini*), but also through decrees of the Venetian officials, both those posted to one jurisdiction (e.g. *bailo di Corfù* or *provveditor di Zante*) and those supervising whole regions (e.g. *provveditori generali in Dalmazia e Albania* or *da Mar*).¹ By the 18th century, successive administrations of what had become the three main colonies in the East (the *tre isole di Levante*: Corfu, Cephalonia and Zante) had inherited large bodies of local laws made by the various competent bodies. These were compiled by colonial officials into series of

edited copies (*copiarii*) which relieved the administrators of the need to consult the dispersed original acts. Some forensic research at Venice and Corfu has sought to trace the compilations of laws which had once formed the basis of the archive of the *provveditori generali da Mar* based at Corfu.² A collection of decrees and local regulations had been commissioned by the *provveditor general* Francesco Grimani in 1760 to ease the work of his successors by providing them with an alphabetically ordered repository of legal authorities. While the fate of this *Compilazione delle Legge per il Levante* remains unclear,³ collections of smaller scope have survived. The laws of Cephalonia (*Ordini di Cefalonia*) survive in two manuscripts of 1786 held at the State Archives at Athens and others at the Archivio di Stato di Venezia (ASV) and the Biblioteca Marciana.⁴ Those of Zante must be reconstructed from citations of the *libri degli ordini* in the major 19th-century literature, and from the copies held at the ASV, as the local archive was destroyed in 1953.⁵ Among the equivalent collections from Corfu is a compilation of acts of the local council, the *Statuti del Consiglio della città di Corfù*, which has now been published in a new edited volume by Nikos E. Karapidakis.⁶

The present series of laws from Corfu was compiled by at least two hands, the first being the *cancellier* Stelio Calogerà around 1715–1717, whose collection was later extended to 1797 by at least one unnamed hand whom Karapidakis dates to the years after the fall of Venice (28–29). The 322

1 See G. POJAGO, *Le Leggi municipali delle Isole Jonie*, vol. I, Corfu 1846, 5–6.

2 P. TZAVARA, S. KARYDIS, *Τὸ ἀρχεῖο τῶν γενικῶν προβλεπτῶν θαλάσσης*, Athens 2012, 25–26, 47, 125.

3 *Ibid.*, 86, and generally 59–86.

4 Γενικά Αρχεῖα του Κράτους – Κεντρική Υπηρεσία, Mss. 20 and 229. The manuscripts are similar but not identical. While Ms. 229 is the apparently nicer manuscript and would appear the more final copy, it often contains declared omissions where the text is more complete in Ms. 20. Another series is in: Archivio di Stato di Venezia (ASV), Archivi propri dei rettori, provveditori e altri pubblici rappresentanti, b. 2, *Ordini di Cefalonia* (uncatalogued). The same *busta* contains a manuscript of identical binding entitled *Ordini di Cerigo*.

I owe thanks to Prof. Maria Fusaro for help in locating this fond. Another collection of Cephalonian laws is in: ASV, *Compilazione delle leggi*, I serie, b. 126. Copies of 16th-century laws relevant to Cephalonia are assembled in a manuscript at the Biblioteca Marciana: cod. It. VII, 1534 (= 7839). See also G. POJAGO, *Le Leggi municipali delle Isole Jonie*, vol. II, Corfu 1848, 411–472 (*Leggi municipali di Cefalonia*).

5 See M. KOLYVA-KARALEKA, *Il »Memorial di tuti libri di Camera di Zante« (1498–1628). Problematica sulla ricostruzione dell'»Archeiophylakeion« di Zante*, in: *Studi Veneziani* 13 (1987), 301–337. The copies are held in two bound volumes deposited apparently by functionaries of the *provveditori* and now located at the end of the series of dispatches: ASV,

Senato, Dispacci dei Rettori, Zante, bb. 30 and 31, »Ordini della Cancelleria della Comunità«. See also the documents compiled in ASV, *Compilazione delle leggi*, I serie, b. 378. See also G. POJAGO, *Le Leggi municipali delle Isole Jonie*, vol. II, Corfu 1848, 276–408 (*Leggi municipali di Zante*).

6 ΓΑΚ – Αρχεῖα Κέρκυρας, Ενετοκρατία, f. 95. A compilation of laws beyond those relevant to the council is held in: ASV, *Compilazione delle leggi*, I serie, b. 154. See also G. POJAGO, *Le Leggi municipali delle Isole Jonie*, vol. I, Corfu 1846, 17–447; vol. II, Corfu 1848, 3–273 (*Leggi municipali di Corfu*).

entries mostly span the 17th and 18th centuries, with four dating to the 16th and just two to the 15th. With the exception of formulaic legalisms and decisions of high Venetian magistrates like the *avogadori de comùn* (or *advocatores communis*, e.g. 336–337) which appear in Latin, the entries are in the Venetian dialect and their construction exhibits the general characteristics of Venetian legal style.

A catalogue of entries (587–605) allows comparison of the matters to which the orders, decrees, and regulations are addressed. The presentation of the entire series of legislation here reveals certain trends in Venetian administrative practice as they manifest in the colonial apparatus. An imperial concern over the management of local power is represented by increasing regulation of the institutions through which the local elites participated in government. Among these were the council (*consiglio*) and the smaller *conclave*. The legislation shows a trend towards the codification of these bodies' procedures and powers, which represents a Venetian hold on local power. The dissatisfaction of the Venetian administrators with the execution of local elections for the council and various offices was perhaps the most common cause of regulatory intervention, such as in a prohibition of the abuse of influence in electoral politics (63, cf. 82–83, 107–109). Another, and related, mechanism of control was the institution of the fabled register of noble births (*libro d'oro*) following the model of the class system of Venice proper (61–62). Other regulations concern the election of offices from the members of the council (*giudici, sindici, censori*, etc.: 102–104, cf. 484–491), who comprise an arm of the colonial apparatus filled by local elites (which remains to be seriously studied for any of the Ionian islands). Further insight into the function of the local organs is given by examples of regulations made by the council itself (e.g. 376–381) and by the *conclave* (e.g. 503–512).

Following the transcribed documents, the second significant part of this volume is a glossary of technical terms relevant to the legal and political structures of the Corfiote administration. Since these reflect a common Venetian political vocabulary, the glossary is not merely an aid of relevance to the Corfiote *Ordini* here, but useful for sources from throughout the empire.

The collection of laws from Corfu in this volume represents just one local example of a more widely adopted practice of collation and ordering that characterised Venetian administration with increasing intensity throughout the 17th and into the 18th century. The project of assembling an exhaustive compilation of laws not only from Venice proper but of the many colonial *reggimenti* was begun in 1662 by the ambitious Marino Angeli. The project was never completed, but the dispatches of relevant material sent from all corners of the empire remain in a large fond at the ASV organised after Angeli's schema.⁷ This practice may be seen as part of the trend towards the modernisation and systematisation of Venetian lawmaking, though it would never take the form of the kind of systemic codification of the early 19th century. The publication of the present volume, while necessarily representing the more confined scope of one jurisdiction and its local organs, now makes accessible evidence for the transmission of this trend in lawmaking to the administration of the eastern colonies. A study of the substance of the acts contained here will allow insight into the evolving structures of colonial rule, while close consideration of their subjection to a process of collection and ordering will itself make clearer the precise function of lawmaking among the technologies of colonial government.



7 ASV, Compilazione delle leggi, I serie, b. 126 (Cefalonia), b. 154 (Corfù), b. 340 (Santa Maura), b. 378 (Zante). See catalogue no. 85. An overview of the incomplete compilation is given in the *Guida generale degli Archivi di Stato*, vol. IV, Rome 1994, 924–925. See also M. ANGELI,

Legum Venetarum compilatarum methodus, vol. I, Venice 1667, 49 ff. for the intended order of the compiled laws of the colonies, »De Regiminibus, et alijs Officialibus à parte terrae specie, ordine alphabetico distributis«.