

Production of Judicial Space in the Margraviate of Istria: Aspects of Continuity and Change Following the Introduction of Venetian Jurisdiction (1421)

Josip Banić

It was the twelfth of January, 1405, and the population of the small walled town of Buzet (Ital. Pinguente), the capital of the Margraviate of Istria, was getting ready to stand up to their seigneur. Representatives from the nearby villages and even smaller walled towns gathered inside the *castrum* in order to officially protest against the new margrave, the supreme representative of the patriarchs of Aquileia, the titular lords of the Istrian margraviate. The reason behind such a decisive remonstrance was the new margrave's utter disregard of the standard procedure of justice administration. According to the famous charter the band of protesters produced on that decisive day, their "old rights" (*iura nostra antiqua*), "norms and customs" (*ordines ac consuetudines nostre antike*) were being trampled upon and ignored. The margrave was acting as a tyrant and denying the citizens their right to a due judicial process. As the protesters described the standard procedure, the margrave, or his deputy, was to preside over a court at the "judges' bench" (*bancum iudices*) and "sentence the accused according to our old laws, orders and customs" (*puniatur secundum iura nostra antiqua, et ordines, et consuetudines nostras antiquas*).¹

This process, one that the people of the Margraviate internalized and conceptualized as their "old laws and customs", looked very much like the one described in a charter produced at the same place just a few decades earlier. A

¹ *Si aliquis Dominus Marchio qui pro tempore fuerit, aut eius vicesgerentes, aut alii eius officiales vellent facere vim, aut gravare nostram Comitatum, aut aliquem vicinum virum specialem contra iura nostra antiqua, et nostros ordines, et consuetudines nostras antiquas, quod hoc facere non possit, et si dominus Marchio, aut eius vicesgerentes, aut officiales vellent aliquem vicinum specialem capere, et ipsum ducere extra castrum, quod omnes vicini et tota Comitatus teneantur ipsum defendere, et non permittere eum educere, sed statim sedeant ad bancum iudices, una cum dicto domino Marchione, aut eius vicesgerentibus, aut cum eius officialibus, et provideant, si idem vicinus fuerit culpabilis in aliquo captus, puniatur secundum iura nostra antiqua, et ordines, et consuetudines nostras antiquas.* Pietro Kandler, ed., *Codice diplomatico istriano* (hereafter CDI), vol. 4 (Trieste: Tipografia Riva, 1986), 1537-1538, nr. 910.

judicial process from 1371, held in Buzet, was presided over by the margrave, at the time the noble Ulrich of Rihenberg. Besides the delegated margrave, the key participants in the process were the "reputable men" (*boni homines*) of Buzet and the nobles of all eight communities of the Margraviate who acted as a sort of a jury.² After having heard both the accusation and the defense, the margrave proceeded to ask the ritualized question to the jury: "how do you judge?" (*quid iuris*). Following the proclamation of the "reputable men", the margrave simply acknowledged their opinion and in that way legitimized the sentence and ended the process.³

This type of justice administration was widespread throughout the worldly state of the patriarchs of Aquileia. Evolving from the early medieval assizes, periodic courts composed of local elites and presided over by the titular lord (or his deputies), this process was called the *per a(d)stantes* trial.⁴ There are several reasons as to why this type of justice administration remained dominant in the Patriarchate of Aquileia. The head of the state, the patriarch, was primarily a spiritual figure, a high-ranking ecclesiastic bound by the laws of the Church and thus unable to both shed blood and affirm his rule through dynastic means.⁵ As

² These communities, the *reliquiae reliquiarum* of the former Margraviate that once (first half of the thirteenth century) included the entire Istrian peninsula, were Buje (Ital. Buie), Oprtalj (Ital. Portole), Buzet (Ital. Pingente) with Roč (Ital. Rozzo) and Hum (Ital. Colmo) in its district, Dvigrad (Ital. Duecastelli) and Labin (Ital. Albona) with Plomin (Ital. Fianona) in its district. Since the people of Buje accused those of Roč for cattle stealing, i.e., the trial involved a dispute between two communities, the presence of nobles from all the urban centers of the Margraviate was necessary. On the late medieval Margraviate of Istria see Giovanni de Vergottini, "La costituzione provinciale dell'Istria nel tardo Medio Evo," *Atti e memorie della Società istriana di archeologia e storia patria* 38, no. 2 (1926): 81-127; Pio Paschini, "L'Istria patriarcale durante il governo del patriarca Antonio Caetani (1395-1402)," *Atti e memorie della Società istriana di archeologia e storia patria* 42 (1930): 87-119.

³ ... *interrogatis per dictum Marchionem, dictis dominum hominibus locorum Castrorum Marchionatus quid juris est...* CDI, vol. 3, 1376, nr. 807.

⁴ Michele Leicht, "I giudizi feudali nella marca del Friuli," *Ateneo veneto*, ser. 6, 3 (1882): 145-165, 193-203; Pier Silverio Leicht, ed., *Parlamento friulano*, vol. I/1: (1228-1420) (Bologna: Zanichelli, 1927), XXIV-XXVI; Pio Paschini, *Storia del Friuli*, 3rd ed. (Udine: Arti grafiche friulane, 1975), 362-363; Claudio L. Daveggia, "Una particolare istituzione del Friuli patriarchino e veneto: Le banche giudiziarie," in *Istituzioni e società nel medioevo italiano*, ed. Claudio L. Daveggia (Venice: Editrice commerciale, 1990), 53-83; Donata Degrassi, "Mutamenti istituzionali e riforma della legislazione: il Friuli dal dominio patriarchino a quello veneziano (XIV-XV secolo)," in *Continuità e cambiamenti nel Friuli tardo medievale (XII-XV secolo): saggi di storia economica e sociale* (Trieste: CERM, 2009), 163-167.

⁵ Michele Zacchigna, "Il patriarcato di Aquileia: l'evoluzione dei poteri locali (1250-1420)," in *Studi in onore di Giovanni Miccoli*, ed. Liliana Ferrari (Trieste: Università di Trieste, 2004), 98; Giordano Brunettin, "L'evoluzione impossibile. Il principato ecclesiastico di Aquileia tra retaggio feudale e tentazioni signorili (1251-1350)," in *Il patriarcato di Aquileia. Uno stato nell'Europa medievale*, ed. Paolo Cammarosano (Udine: Casamassima, 1999), 171.

the patriarchs depended upon the collaboration with the local nobility on all questions concerning the worldly government, their opinion and affirmation was needed in pretty much all aspects of state management.⁶ Justice administration was not different. During the medieval era, these types of trials became the norm throughout the Patriarchate and the first codified rules of the Aquileian state, the *Constitutiones Patriae Foriulii* from 1366, officially sanctioned the *per astantes* legal procedure.⁷ This type of antiquated trial was abhorrent to university trained professional jurists and the Roman Curia. As a matter of fact, in his famous letter written in 1367, Pope Urban V officially asked the Aquileian Patriarch Marquard von Randeck to abolish the "abusive custom" (*consuetudo abusiva*), spread throughout the temporal jurisdictions of the Patriarchate, in which justice was administered by "nobles, ignobles, literate and illiterate, artisans, and the people of whatever other position, dignity and status (*nobiles, ignobiles, litterati et illiterati, artifices, seu cuiusvis alterius conditionis, dignitatis et status*).⁸ The Holy See's plea was completely ignored. Moreover, in 1397, Patriarch Anthony Caetani officially sanctioned the *per astantes* trials as the only legitimate judicial procedure, "in both criminal and civil trials" (*tam in criminalibus quam in civilibus*).⁹ Unfortunately for the supporters of such a procedure, the new rulers of the lands once under the Aquileian patriarchs would not endorse such a model of "participatory justice" administration.

In the period between 1411 and 1420, the Republic of Venice fought a war against the Hungarian king and the crowned king of Romans, Sigismund of Luxemburg, in Friuli and Istria, i.e. in the territories formally under the Aquileian patriarchs.¹⁰ Already in the era of its "great territorial expansion", Venice decided to end the threat of a hostile Patriarchate, a state bordering their own, once and for all.¹¹ Therefore, the annexation of the patriarch's worldly state commenced and in the summer of 1421 the last bastion of the once mighty

⁶ Leicht, *Parlamento friulano*, vol. I/1, XLII-LIII.

⁷ Vincenzo Joppi, ed., *Constitutiones Patriae Foriulii a Generali Parlamento Edite et Promulgatae a Rev. dd. Patriarcha Aquilegensi Annis MCCCXLVI-MCCCXLVIII* (Udine: G. B. Doretto, 1900), chap. 6, and chap. 52 (pages 7 and 33 respectively).

⁸ The letter is edited in *ibid.*, 105, doc. XXVIII.

⁹ The patriarch described the judicial procedure in which *prefati nostri officiales vel ipsorum aliquis sedent pro tribunali ad ius reddendum petunt a circumstantibus in causa de qua questio vertit, auditis hinc inde allegantibus, quid iuris et tunc per ipsos astantes sententiatur et lata sententia per eos rata et grata habetur et inviolabiliter observatur*. The source is edited in *ibid.*, 109, doc. XXXIV. See also Zacchigna, "Il patriarcato di Aquileia," 107.

¹⁰ Literature on this conflict is huge. See, e.g., Giuseppe Trebbi, *Il Friuli dal 1420 al 1797: La storia politica e sociale* (Udine: Casamassima, 1999), 3-16.

¹¹ On the great territorial expansion see Michael E. Mallett, "La conquista della Terraferma," in *Storia di Venezia dalle origini alla caduta della Serenissima*, ed. Alberto Tenenti and Ugo Tucci, vol. IV: *Il Rinascimento. Politica e cultura* (Rome: Treccani, 1996), 181-244.

Aquileian state, the very Buzet in Istria, fell to the might of the Venetian army.¹² The old state of the Aquileian prelates thus disappeared and a new era was ushered in. Among the changes that the new regime brought to the population of the former Patriarchate, the alterations pertaining to the administration of justice were the most noticeable. After all, Venice was a jurisdictional state, a composite dominium of major and minor centers characterized, according to Maurizio Fioravanti, by three specific features:

- “the central government [that] is always obliged to presuppose the existence of a multitude of subjects, ranging from towns to rural communities...” ...
- “a legal system that is not automatically translated into law hierarchically superordinate to the rights of the parts and the single components...” ...
- “a government that does not work through an administration appointed to express in every place, in the center as in every point of the periphery, the presence and the force of the imperium, except for the means of its jurisdiction, which allows it to govern with far more flexibility a territorially complex unity, essentially with the intention of keeping the peace, and of bringing together and holding in equilibrium the concretely existing forces.”¹³

This short paper investigates the putative changes in the production of judicial space in the Margraviate of Istria following the introduction of Venetian jurisdiction. Specifically, it deals with the alterations to the **script** upon which the **ritualized theatre** of public justice administration was performed.¹⁴ The first part will focus on the **production** of space and the aspects of continuity and change in the former Margraviate of Istria. As the surviving primary sources are very scarce for the late medieval Istrian margraviate, Buzet will be used as a

¹² Josip Banić, “Buzet: Nepokolebljivi bastion kontinentalne Istre” [Buzet: Unassailable Bastion of Continental Istria], in *Buzetski statut / Statuto di Pinguento*, ed. Nella Lonza and Branka Poropat, Kolana od statuti / Collana degli Statuti 4 (Buzet: Grad Buzet, 2017), 69-72; also available in Italian translation: Josip Banić, “Pinguento: Bastione inespugnabile dell’Istria continentale,” in *Buzetski statut / Statuto di Pinguento*, ed. Nella Lonza and Branka Poropat, Kolana od statuti / Collana degli Statuti 4 (Buzet: Grad Buzet, 2017), 146-150.

¹³ Maurizio Fioravanti, “Stato e costituzione,” in *Lo Stato moderno in Europa*, ed. Maurizio Fioravanti (Bari: Laterza, 2002), 8-9. The English translation of the passage is taken from Claudio Povolo, “Tradition and Jurisdiction in the Writings of a ‘Consulore in Iure’ (Giovanni Maria Bertolli, 1631-1707),” in *The Emergence of Tradition: Essays in Legal Anthropology (XVI-XVIII Centuries)* (Venice: Libreria Editrice Cafoscarina, 2015), 67-68.

¹⁴ Medieval judicial trials and public administration of justice are often analyzed in the framework of public rituals and performances. See, e.g., Marco Mostert, “Introduction,” in *Medieval Legal Process: Physical, Spoken and Written Performance in the Middle Ages*, ed. Marco Mostert and Paul S. Barnwell (Turnhout: Brepols, 2011), 5-9; Esther Cohen, *The Crossroads of Justice: Law and Culture in Late Medieval France* (Leiden: Brill, 1993), 74-84.

case study upon which a broader generalization will be made.¹⁵ The already cited sources from 1371 and 1405 will be compared to the judicial sentences from the Venetian era (1420 to 1470) in order to detect the differences in the production of judicial space and the performances of justice administration.¹⁶ Henri Lefebvre's influential theoretical paradigm on space production will be used as a conceptual framework for this part. The second part will compare these patterns of change with the situation in Friuli, the central possession of the Patriarchate that became a part of the Venetian Dominion in 1420, since both regions administered justice in a similar manner, through the *per astantes* procedure. As will be demonstrated, the Venetian notion of Istria as a distinct region, separate from Friuli, played an important role in the employed modality of change pertaining to justice administration and, consequently, the production of judicial space.

Simulating Continuity

According to the most influential theorist of space production, Henri Lefebvre, one should approach analyses of space production through the dialectical triad of perceived, conceived and lived space (spatial practice, representations of space and representational space accordingly).¹⁷ By reading the sources pertaining to justice administration in the Margraviate of Istria before and after 1421 through Lefebvre's analytical optics, one arrives to the following results.

The representations of space remained the same. Conceptualized as the space "tied to the relations of production and to the 'order' which those relations impose, and hence to knowledge, to signs, to codes, and to 'frontal' relations,"¹⁸ the "judges' bench" mentioned in the 1405 charter appears regularly in the Venetian era judicial records, albeit sometimes under the name *banchum malle-*

¹⁵ There are no surviving trial records from any other community of the Margraviate Istria during the first decades of the Venetian administration beside Buzet.

¹⁶ Sentences are published in Josip Banić, "Justice in Flux: The Introduction of Venetian Jurisdiction in the Former Margraviate of Istria (1420-1470)," M.A. Thesis (Budapest: Central European University, 2016), 171-204. The thesis will be published in the near future in Croatian and Italian along with the critical edition of the sources.

¹⁷ Henri Lefebvre, *The Production of Space*, trans. Donald Nicholson-Smith (Oxford: Blackwell, 1991), 33-39 and passim; Stuart Elden, *Understanding Henri Lefebvre: Theory and the Possible* (London: Continuum, 2004), 181-192; Andy Merrifield, *Henry Lefebvre: A Critical Introduction* (New York: Routledge, 2006), 108-112; Christian Schmid, "Henri Lefebvre's Theory of The Production of Space: Towards a Three-Dimensional Dialectic," in *Space, Difference, Everyday Life: Reading Henri Lefebvre*, ed. Kanishka Goonewardena et al., trans. Bandulasena Goonewardena (New York: Routledge, 2008), 27-45, esp. 36-37 and 39-40.

¹⁸ Lefebvre, *The Production of Space*, 33.

ficiorum and sometimes as *banchum iuris*.¹⁹ This bench was located within the communal loggia, the main stage of public judicial activity and thus also the official theatre of justice administration.²⁰ As the Venetian court protocols testify, the judicial sentences were pronounced at the “communal loggia” (*sub logia communis*), “as is customary in Buzet” (*ut moris est in castro Pinguenti*).²¹ In this aspect, the Venetian administration did not distort the production of public space and the internalized space of justice administration remained in the same “conceived space”, that is, the judges’ bench situated in the communal loggia.

The perceived space or the spatial practice, “the particular locations and spatial sets characteristic of each social formation”,²² is harder to deduce from the preserved source material. Moreover, the urban centers under consideration were thoroughly reshaped in the early modern era rendering the medieval urban layout hard to reconstruct. Communal loggias were usually constructed in main urban squares, more often than not among the other dominant symbols of public authority such as the communal palace (in Venetian state regularly the residence of the delegated rectors).²³ It seems that this was not the case in the Aquileian

¹⁹ ...*sub logia communis ad solitum banchum malleficiorum in hac parte vbi similes condemnationes proferuntur et publicantur vocata populi multitudine ad sonum campane ac voce preconis ut moris est in castro Pinguenti. Late date et promulgate fuerunt suprascripte sententie corporales per prefatum dominum potestatem sedentem sub lobia ad eius solitum iuris banchum.* Banić, “Justice in Flux,” 171, 189.

²⁰ Communities of the Istrian margraviate were not exceptional in this matter. Throughout communal Italy the communal loggias functioned as “a revered symbol of communal justice and government” and the main “stage for civic ceremony.” James S. Ackerman, *Palladio* (Harmondsworth: Penguin, 1966), 120. This was also the case with coastal communes of medieval Dalmatia where the communal loggias also staged public trials and represented “the most public part of the public space.” Neven Budak, “Javna vlast i javnost u srednjovjekovnim komunama jugoistočne Europe [Public Power and Public Sphere in Medieval Communes of Southeastern Europe],” in *Raukarov zbornik* [Raukar's Miscellanea], ed. Neven Budak (Zagreb: FF Press, 2005), 582; Nella Lonza, “La giusitizia in scena: Punizione e spazio politico nella Repubblica di Ragusa,” *Acta Histriae* 10, n. 1 (2002): 166-167.

²¹ *Hec sunt quedam condenationes... pronuntiate et promulgate per magnificum et generosum dominum Simonem Ferro pro illustrissimo et excellentissimo ducali dominio Veneciarum et cetera, dignissimum potestatem Pinguenti et eius districtus, sedentem sub logia communis ad solitum banchum nostrum malleficiorum (sic!) in hac parte ubi similes condemnationes proferuntur et publicantur, vocata populi multitudine ad sonum campane ut moris est in castro Pinguenti.* Banić, “Justice in Flux,” 189.

²² Lefebvre, *The Production of Space*, 33.

²³ Guido Zucconi, “Architettura e topografia delle istituzioni nei centri minori della Terraferma (XV e XVI secolo),” *Studi veneziani*, n.s. 17 (1989): 27-49; Maria Georgopoulou, *Venice's Mediterranean Colonies: Architecture and Urbanism* (Cambridge: Cambridge University Press, 2001), 84-85; Monique O'Connell, *Men of Empire: Power and Negotiation in Venice's Maritime State* (Baltimore, MD: Johns Hopkins University Press, 2009), 60; Irena Benyovsky Latin, “The Venetian Impact on Urban Change in Dalmatian Towns in the First Half of the Fifteenth Century,” *Acta Histriae* 22, no. 3 (2014): 606.

communities in Istria. In Buzet, for example, the medieval sources never mention the judges' bench or the loggia as being on the public square or even close to it.²⁴ In 1371 the judicial process was held simply "in front of the house of the gastald Bonche", a toponym impossible to locate more precisely.²⁵ On the other hand, Venetian era sources never describe the exact location of the loggia, only portraying it as a place "where similar acts are customarily proffered and made public" (*sub logia communis Pinguenti in publico et generali arengo ubi similes actus profferi et publicari solitum est*).²⁶ Even though the exact location of the judges' bench cannot be deduced from the surviving source material, it can be concluded with a relative degree of certainty that the perceived space of justice administration remained the same as no sources testify to any new loggias being built in the course of the fifteenth century and the Venetian era documents describe the loggia's location as a "customary one".

However, the representational space, a space "directly lived through its associated images and symbols, and hence the space of 'inhabitants' and 'users'",²⁷ did change. The production of judicial space was much different in the era of the margraves and Aquileian patriarchs. During that age, the judicial bench was filled with the "reputable men" who played an active role in this public performance. The presiding member, the margrave, was engaged in a dynamic dialogue with the communal representatives whose opinion he was supposed to acknowledge and confirm. This type of representational space mirrored the social order of the time as the margrave governed the communes of the Margraviate through a tight collaboration with the communal elites. Venice changed this type of production of space. Even though the members of the local elite were regularly present during the readings of the sentences, and the whole community was summoned to the judges' bench during the inquisitorial judicial procedures, their role was no longer that of active participants.²⁸ The *boni homines* were reduced to *spoliae*, simple passive observers, tools the delegated Venetian rector used in order to legitimize his authority. Although the local judges, elected among the members of the commune, continued to play a role in

²⁴ Other than the already cited sentences of the Buzet's podestà, the communal loggia is mentioned four times in the book of imbreviatures of Buzet's public notary Martin Sotolich, but the exact location of the building cannot be established. Mirko Zjačić, ed., "Notarska knjiga Martina Sotolića (Registrum imbreviaturarum Martini Sotolich notarii Pinquentini) 1492.-1517. godine" [The notarial register of Martin Sotolich (Registrum imbreviaturarum Martini Sotolich notarii Pinquentini), years 1492-1517], *Monumenta historico-iuridica slavorum meridionalium* 18 (1979): 379, 434, 480, 492.

²⁵ *Actum in Chastro Pinguenti, ante domum Gastaldionis Bonche*. *CDI*, vol. 3, n. 807, 1376.

²⁶ Banić, "Justice in Flux," 186.

²⁷ Lefebvre, *The Production of Space*, 39.

²⁸ *Presentibus ser Marcho de Victore et magistro Iohane Petrouich callegario civibus Pinguenti, testibus et aliis quam pluribus*. Banić, "Justice in Flux," 174. *Nos, Simon Ferro, pro serenissimo ducali dominio Veneciarum et cetera, potestas Pinguenti, sedentes sub logia communis Pinguenti in publico et generali arengo ubi similes actus profferi et publicari solitum est*. *Ibid.*, 186.

the judicial process, they were now reduced to mere advisors of the delegated podestà.

This new production of representational space, one dominated by the Venetian rector, also mirrored the new social order. In comparison to the weak polity of the late medieval Patriarchate of Aquileia, Venice was a much stronger, more centralized state, stricter in imposing limits on the jurisdictional autonomies of their subjected urban centers (even though the *Serenissima* cannot be defined as a strongly centralized state by modern, or even early modern standards).²⁹ The Aquileian margrave would take part in the judicial rituals only several times a year, during the solemn occasions of his *placita*,³⁰ but otherwise the communities were delegated a considerable degree of administrative autonomy; they were pretty much left to govern themselves, electing among the local populace their own representatives and judges. The margrave could influence the election of a local gastald and the composition of the jury (the *astantes*), but his role was primarily that of officially approving the elections and judicial sentences, thus legitimizing the communities' government and forging a rather weak link between the central government and the subjected urban centers.³¹ Conversely, the new Venetian rectors were omnipresent, living within the walls of the town throughout the year and partaking in judicial rituals on a weekly basis.³² Moreover, the delegated podestà was the supreme judge in both civil and criminal cases, whereas the presence and the authority of the Aquileian margraves was only needed in criminal justice administration.³³ The

²⁹ Cf. Zacchigna, "Il patriarcato di Aquileia," 106; Brunettin, "L'evoluzione impossibile," 207-226; Gherardo Ortalli, "The Genesis of a Unique form of Statehood: Between the Middle Ages and the Modern Age," in *Il "Commonwealth" veneziano tra 1204 e la fine della Repubblica: Identità e peculiarità*, ed. Gherardo Ortalli, Oliver Jens Schmitt, and Ermanno Orlando (Venice: Istituto Veneto di Scienze, Lettere e Arti, 2015), 3-11.

³⁰ Vincenzo Joppi, "Diritti di Aquileia nel Marchesato d'Istria (anno 1381)," *Archeografo Triestino*, ser. 2, 9, no. 1-2 (1883): 195-199.

³¹ Vincenzo Joppi, "Documenti goriziani del secolo XIV," *Archeografo Triestino*, ser. 2, 14, no. 1 (1888): 31, doc. CIV.

³² Claudio Povo, "Liturgies of Violence: Social Control and Power Relationships in the Republic of Venice between the 16th and 18th Centuries," in *A Companion to Venetian History, 1400-1797*, ed. Eric R. Dursteler (Leiden: Brill, 2013), 516; Claudio Povo, "Un sistema giuridico repubblicano: Venezia e il suo stato territoriale (secoli XV-XVIII)," in *Il diritto patrio tra diritto comune e codificazione (secoli XVI-XIX)*, ed. Italo Birocchi and Antonello Mattone (Roma: Viella, 2006), 349. Roč, Hum and Plomin, small semi-urban centers, remained a part of a larger center's district and thus without their respective podestàs. Plomin remained under Labin and its podestà, Roč and Hum were taken away from Buzet and put under the rectorship of the Captain of Rašpor.

³³ The mandatory presence of the delegated margrave in procedures involving *ius sanguinis* is known from a document published in Luca Gianni, *Fragmenta disiecta di Gaudiolo da San Vito al Tagliamento scriba patriarcale* (Rome: Istituto storico italiano per il Medio Evo, 2006), nr. 25; The community of Opatlj dared to administer criminal justice and shed blood without the mandatory presence, i.e., consent of the margrave, thereby earning a letter of warning from the patriarch.

representational space was thus produced in a manner to represent the new social reality, the theatre in which the podestà played the leading role. In this new world, although the advice of the "reputable men" was welcome, the final sentence was that of the Venetian rector alone and the internalized *per astantes* procedure, the one that was fought for in 1405, was effectively abolished.

This change, one that stood in blatant contradiction to the signed pacts of dedication (*patti di dedizione*) that guaranteed the newly incorporated Istrian communities all their "old rights and customs", was opposed by the local populace.³⁴ Their supplications reached the central government in Venice and in a historic session held on March 21, 1423, the Venetian Senate decided the fate of the former Margraviate of Istria. Initially, it was proposed that the communities should be allowed to "govern themselves as they were accustomed to" (*regendi se prout per antea solebant*). Justice would thus be administered by the local judges, the communities would elect among the Istrian populace their own rectors and the appellate jurisdiction would reside in the captain of Rašpor (the Venetian official in Istria who, among other jurisdictions, was primarily a military commander in charge of keeping the peace along the Venetian borders in Istria).³⁵ Had this proposal been accepted, justice administration and, consequently, the production of judicial space would have remained practically unchanged. However, the Senate voted against the proposal and it was finally decided that the communities in question were to be governed by a delegated podestà, a foreign, permanently placed official authorized to administer justice in both civil cases and criminal procedures.³⁶ Even though a seminal aspect of the production of judicial space changed with this momentous deliberation, Venice tried to minimize the feeling of the disruption of continuity. That is why the production of judicial space mimicked the old one; it was produced on the same perceived and conceived space, even "casting" the regular actors of the play, the *boni homines*, but significantly changing their roles.

³⁴ For example, the Venetian dodge, Tommaso Mocenigo, promised the representatives of Buzet that they would continue "to enjoy those immunities and customs that they were accustomed to" (*volentes quod illis immunitatibus et consuetudinibus gaudere quibus soliti erant gaudere et habere antequam perveniret ad manus nostri Domini*) in a ducale following Buzet's capitulation in the summer of 1421. The edition of the ducale is in Banić, "Justice in Flux," 170. On the *patti di dedizione* see Gherardo Ortalli, "Entrar nel Dominio: Le dedizioni delle città alla Repubblica Serenissima," in *Società, economia, istituzioni: Elementi per la conoscenza della Repubblica Veneta*, vol. 1: *Istituzioni ed economia* (Verona: Cierre, 2002), 49-62.

³⁵ Beniamino Pagnin, "Origine e funzione del capitano del paisanatico in Istria," *Atti del Reale Istituto Veneto di scienze, lettere ed arti* 96, no. 2 (1936): 447-458; Slaven Bertoša, *Rašpor i Rašporski kapetanat* [Rašpor and the Capitanate of Rašpor] (Pazin: Čakavski sabor, 2005).

³⁶ "Senato misti - cose dell'Istria," *Atti e memorie della Società istriana di archeologia e storia patria* 6, no. 1-2 (1890): 24.

The Faith of the *Astanti*: Unequal Patterns of Change

Interestingly enough, this change in the models of justice administration was not uniformly applied throughout the former Patriarchate of Aquileia. For a jurisdictional state like Venice, allowing the old *per astantes* procedures would effectively undermine the most important aspect of state sovereignty in a subjected minor centre. The key feature of Venetian government in both the *Terraferma* and the *Stato da mar* communities was centered around the office of the podestà, a delegated nobleman who represented the *Serenissima* and acted as judge in both civil and criminal procedures, a director of the public "social drama" of justice administration.³⁷ Thus, it comes to no surprise that the *per astantes* procedures were also abolished in large parts of Friuli and that the reformed *Constitutiones Patriae Foriulii* had all the passages referring to this antiquated procedure systematically removed.³⁸

Urban centers of strategic importance to Venice, Monfalcone, Portogruaro and Sacile (and later Caneva), were turned into typical Venetian podestarias, placed under the government of a delegated Venetian nobleman in charge of justice administration rituals.³⁹ These communities experienced a considerable change in the production of judicial space. In Sacile, a new palace above the communal loggia was erected during the fifteenth century, and the production of public space was thus additionally "venetianized".⁴⁰

All the other major and minor centers in Friuli were placed under the jurisdiction of an entirely new office, the *luogotenente* in Udine. This Venetian official basically acted as the former patriarch in the worldly government of Friuli. He appointed gastalds and captains throughout Friuli, positions that were

³⁷ Besides the works cited in n. 32, see also Claudio Povolo, "Centro e periferia nella Repubblica di Venezia: Un profilo," in *Origini dello Stato: Processi di formazione statale in Italia fra medioevo ed età moderna*, ed. Giorgio Chittolini, Anthony Molho, and Pierangelo Schiera (Bologna: Il Mulino, 1994), 207-221; Gaetano Cozzi, "La politica del diritto della Repubblica di Venezia," in *Stato, società e giustizia nella Repubblica Veneta (sec. XV-XVII)*, ed. Gaetano Cozzi, vol. 1 (Rome: Jouvence, 1980), 17-152 [republished in Gaetano Cozzi, *Repubblica di Venezia e Stati italiani: Politica e giustizia dal secolo XVI al secolo XVIII* (Turin: Einaudi, 1982), 217-318] I will be citing from the 1982 edition. On the concept of "social drama," see Victor Turner, "Social Dramas and Stories about Them," *Critical Inquiry* 7, no. 1 (1980): 141-168, esp. 150-152.

³⁸ Giorgio Zordan, "Le Costituzioni nella prima età veneziana," in *Costituzioni della Patria dell Friuli nel volgarizzamento di Pietro Capretto del 1484 e nell'edizione latina del 1565*, ed. Anna Gobessi and Orlando Ermanno (Rome: Viella, 1998), 58-59.

³⁹ Cozzi, *Repubblica di Venezia e Stati italiani*, 276-77; Sergio Zamperetti, *I piccoli principi. Signorie locali, feudi e comunità soggette nello stato regionale veneto dall'espansione territoriale ai primi decenni del '600* (Venice: Il Cardo, 1991), 203; Trebbi, *Il Friuli dal 1420 al 1797*, 35.

⁴⁰ As was famously described by Marino Sanudo, Sacile "à una bella et grande piazza con uno bellissimo palazzo di rason sopra la loza, la qual fo riconzada in tempo di Marco Pizamano podestà". Marino Sanudo, *Itinerario per la Terraferma veneziana*, ed. Gian Maria Varanini (Rome: Viella, 2014), 414.

sold on public auctions just like they were during the era of the patriarchs. The office also served as an appellate court for all Friulian jurisdictions (except Sacile).⁴¹ Much unlike the case of the Margraviate of Istria, many centers retained their privileges of autonomous justice administration in both civil and criminal procedures, sometimes even including the right to shed blood. The production of judicial space was, consequently, changed to varying degrees across Friuli.

In Udine, the capital of Venetian Friuli, the *per astantes* trial was abolished, but civil cases and lesser crimes were still in the hands of the local populace.⁴² The captain of Udine, a local appointed by the *luogotenente*, was flanked by the three "iurati", from 1470 by four "astanti", during the rituals of justice administration.⁴³ The "astanti" of the Venetian era were completely different from the old office they were evoking, as there was no longer the ritual "quid iuris" question. As such the "astanti" of Venetian Udine can also be conceptualized as *spoliae* used by the new authority to legitimize its rule.

Cividale, on the other hand, presents a case where production of judicial space was minimally altered following the advent of Venice. This community continued to be governed by an appointed gastald and the communal offices, i.e., without the constant presence of a delegated Venetian rector.⁴⁴ Moreover, Cividale administered justice autonomously in both civil and criminal procedures, involving the *ius sanguinis*.⁴⁵ In addition, the *astantes* are regularly

⁴¹ Roberto Giummolé, "I poteri del luogotenente della patria del Friuli nel primo cinquantennio 1420-1470," *Memorie storiche forogiuliesi* 45 (1962-1964): 57-124. See also Trebbi, *Il Friuli dal 1420 al 1797*, 32-44; Alfredo Viggiano, "Forme dell'identità locale e conflittualità politico-istituzionale: La Patria del Friuli e Venezia nel Quattrocento," in *Il Quattrocento nel Friuli occidentale: Atti del convegno organizzato dalla Provincia di Pordenone nel mese di dicembre 1993*, vol. 2 (Pordenone: Provincia di Pordenone, 1996), 17-48.

⁴² *Ius sanguinis* remained the exclusive prerogative of the *luogotenente*. Trebbi, *Il Friuli dal 1420 al 1797*, 36-37; Giummolé, "I poteri del luogotenente," 101-102.

⁴³ Trebbi, *Il Friuli dal 1420 al 1797*, 36, n. 120; Degraffi, "Mutamenti istituzionali," 167, n. 26.

⁴⁴ Marino Sanudo described Cividale with the following words: *Questo castello circonda mia tre; à ville 160 soto di sì, si governa a comunità. Li è uno gastaldo, à la gastaldia di San Marco a fito per ducati 700 a l'anno, et tra l'horo cittadini nel suo conseio per numero 32, et ogni anno si mudano questi dil conseio. Elexeno per mexi 6 do provedadori, i qualli sono li capi et zudexi deputadi al criminal: et conclusive tra l'horo fano li officii, et si elexono, et governano bene. Sanudo, Itinerario, 432. Cf. Fabio Cusin, *Il confine orientale d'Italia nella politica europea del XIV e XV secolo* (Trieste: Lint, 1977), 231-232.*

⁴⁵ Faustino Nazzi's dissertation on fifteenth-century Cividale (Udine, 2013), unpublished but freely consultable online, offers copious examples, based on unpublished archival materials, pertaining to justice administration. For example, Leonardus Babossius was sentenced to death by hanging on the main square by the communal gastald in 1429 (*Item quod dictus Leonardus proclametur ad furcas super plateam communis Civitatis*). Faustino Nazzi, "Cividale nel Quattrocento: Storia religiosa e civile," chapter "Storia civile VI,"

mentioned in Venetian era trials and the production of judicial space was, consequently, unaltered in this aspect following the advent of Venetian jurisdiction.⁴⁶ The appellate jurisdiction, though, resided in the Venetian *luogotenente* who could always interfere in the judicial process and assume the leading role in the ritual judicial performance.⁴⁷

Finally, Antro and Merso in the district of Cividale, centers of two small microregions each comprising several villages, retained the right to justice administration through “judges’ benches”, both in civil and criminal cases, including *ius sanguinis*.⁴⁸ The ritual of public trial remained completely unaltered in these regions deep into the Venetian era. The gastald of Cividale would visit Antro and Merso three times a year and, in a typical *per astantes* procedure, acknowledge and confirm the sentences of the *boni viri*.⁴⁹ Consequently, the production of judicial space remained practically unaltered following the advent of the Most Serene Republic.

Why was this the case in Cividale and its district and why did Venice decide to change the modality of justice administration in the Margraviate of Istria but not in all of Friuli as well? Giorgio Zordan has underlined the modest population of Antro and Merso in the sixteenth century, highlighting their marginal importance for the Venetian state as the key factor for such a unique level of judicial autonomy.⁵⁰ In 1588, the districts of Antro and Merso had 3904 inhabitants,⁵¹ but Buzet, along with Roč, Hum and the entire Captainate of Rašpor counted only 4844 souls in 1554.⁵² Moreover, in the 1420s, when the fate of the Istrian communities was being decided, none of these modest semi-urban centers had a population exceeding one thousand people. In the late fifteenth century, after a couple of decades of population growth following the

570-571. <<https://fauna31.files.wordpress.com/2017/02/medioevo-cividale06.pdf>> [last access: June 5, 2017].

⁴⁶ *Et quare non sunt astantes quod gastaldio non sedeat*. Ibid., 578, 584.

⁴⁷ Giummolé, “I poteri del luogotenente,” 82. Similar was the case in other Friulian gastaldias, e.g., Tolmezzo. Miriam Davide, “Tolmezzo e la Carnia: Organizzazione e rivendicazioni di autonomia di una zona alpina durante il periodo patriarcale e in seguito alla dedizione a Venezia,” in *Le subordinazione delle città comunali a poteri maggiori in Italia dagli inizi del secolo XIV all'ancien régime: Risultati scientifici della ricerca*, ed. Miriam Davide (Trieste, CERM, 2014), 178.

⁴⁸ Giorgio Zordan, “Per lo studio delle banche giudiziarie nel cividalese d'età moderna: indirizzi metodologici e spunti di riflessione,” *Rivista di storia del diritto italiano* 65 (1992): 23-66, esp. 49-50.

⁴⁹ As described by Vincenzo Bollani in 1588: “Il gastaldo [of Cividale] si conferisce a dette banche [of Antro and Merso] almeno tre volte all'anno et sentando nel mezzo d'essi giudici pronuntia le sententie da loro fatte, non avendo egli voce.” Quoted from *ibid.*, 44.

⁵⁰ Ibid., 23-66.

⁵¹ Ibid., 44.

⁵² Miroslav Bertoša, “Istarski fragment itinerara mletačkih sindika 1554. godine” [Istrian Fragment of the Itinerary of the Venetian Sindaco from the Year 1554], *Vjesnik historijskih arhiva u Rijeci i Pazinu* 17 (1972): 39-44.

war between Venice and King Sigismund, the most optimistic estimation puts the population of the entire former Margraviate of Istria at around five thousand souls.⁵³

The answers to the above mentioned questions lie in several factors. The humble "nobility" of the Istrian margraviate did not present any significant threat to the Venetian state, whereas the Friulian land-owning nobles, the bellicose *castellani*, could very well endanger the well-being of the nascent *Dominium*. Hence, Venice had to be more generous to the Friulian political factions and seek to keep the traditionally belligerent region in peace.⁵⁴ There was, however, another factor that influenced the two different modalities of change: the Venetian conceptualization of Istria as a distinct region and, as a result, the performance of this concept.⁵⁵

Unlike Friuli, annexed by Venice in its entirety between 1412 and 1420, a large part of Istria was under Venetian authority already in the thirteenth century.⁵⁶ The Istrian communities that willingly entered the Venetian Commonwealth in the second half of the thirteenth century were organized much like the Venetian communities in the Dogado, a form of government famously dubbed "Altre Venezie".⁵⁷ The communal structures were left unaltered, but the central government in Venice would regularly delegate one of their nobles to act as a podestà, an impartial governor who is to judge the civil cases along with the communal officials and criminal cases by himself, following "his honorable consciousness" (*secundum tuam bonam conscientiam*), "God, justice and the honour of the Venetian Commune" (*secundum Deum et iustitiam et honorem Communis Veneciarum*).⁵⁸

⁵³ According to Egidio Ivetic, around the 1470s, Buzet could have had between 800 and 1100, Labin with Plomin around 1300, Buje a maximum of 900, Roč around 500, just as Oprtalj and Dvigrad, and Hum 150 people. Egidio Ivetic, *La popolazione dell'Istria nell'età moderna: Lineamenti evolutivi* (Rovinj: Centro di ricerche storiche Rovigno, 1997), 68-72.

⁵⁴ Zamperetti, *I piccoli principi*, 192, 206; Viggiano, "Forme dell'identità locale," 17-18; Trebbi, *Il Friuli dal 1420 al 1797*, 30; Davide, "Tolmezzo e la Carnia," 171-172.

⁵⁵ Performativity is here understood in terms of Judith Butler, as "reiterative and citational practices by which discourse produces the effects that it names". Judith Butler, *Bodies that Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993), 2. For an application of this influential theoretical paradigm to political geography see Carolin Schurr, "Performativity and Antagonism as Keystones for a Political Geography of Change," in *Performativity, Politics, and the Production of Social Space*, ed. Michael R. Glass and Rueben Rose-Redwood (New York: Routledge, 2014), 95-120.

⁵⁶ Giovanni de Vergottini, *Lineamenti storici della costituzione politica dell'Istria durante il Medio Evo* (Trieste: Società istriana di archeologia e storia patria, 1974), 115-122; Giovanni de Vergottini, "L'Impero e la 'fidelitas' delle città istriane verso Venezia," *Atti e memorie della Società istriana di archeologia e storia patria* 53 (1949): 87-104.

⁵⁷ Ermanno Orlando, *Altre Venezie: Il Dogado veneziano nei secoli XIII e XIV (giurisdizione, territorio, giustizia e amministrazione)* (Venice: Istituto Veneto di Scienze, Lettere ed Arti, 2008), 27-41.

⁵⁸ Cozzi, *Repubblica di Venezia e Stati italiani*, 238-42; Tiziana Aramonte, "I formulari di commissione d'Istria e Dalmazia: I corpus originari," in *Le commissioni ducali ai rettori*

As such, Istria was conceptualized by the Venetians as a distinct region, one that had weak ties to the worldly state of the Aquileian patriarchs. For example, in 1274, during the wars between Venice and the Aquileian patriarchs, the Venetian Major Council decreed that “people of Istria” (*homines Ystrie*) were not to be put under the same sanctions as the “people of the Patriarchate” (*homines Patriarchatus*) because “Istria is under the patriarchs not as a Patriarchate, but as a Margraviate” (*cum Istria sit sub patriarcha non pro Patriarchatu sed pro Marchionatu*).⁵⁹ Moreover, even the Istrian population under the Aquileian patriarchs had special privileges by which they were obliged to serve in war only *in partibus Istrie*.⁶⁰ As was keenly observed by Donata Degrassi, “the outer limits of the region were primarily defined in relation to the military obligations of residents.”⁶¹ Therefore, Istria was already before 1421 conceptualized as a distinct region, “a product of both of reality (or nature) and of imagination (or human agency).”⁶² It is clear why Venice insisted upon the concept of Istria as a region distinct from Friuli. Venice *de facto* usurped the Aquileian lawful right to the Margraviate of Istria from 1267 [the dedication of Poreč (Ital. Parenzo) to the Republic of Venice] and by stressing the concept of Istria as an individual region, Venetians wanted to sever the ties of the Peninsula with the rest of the Patriarchate.

Since Venetians conceptualized Istria as a distinct region in which they already had jurisdiction over numerous urban centers, Venice proceeded to (re)organize the newly annexed Istrian communes so that they would mirror, in the most salient aspects, the organization of all the other Venetian communes in Istria. Therefore, the communities of the former Margraviate were placed under the government of a delegated rector, a podestà, similarly to all the other Istrian communes that were already part of the *Commonwealth*.⁶³ Justice administration

d'Istria e Dalmazia (1289-1361), ed. Alessandra Rizzi (Rome: Viella, 2015), 55-64. The same was the case with Dalmatian communes under Venice. Ermanno Orlando, “Politica del diritto, amministrazione, giustizia: Venezia e la Dalmazia nel basso medioevo,” in *Venezia e Dalmazia*, ed. Oliver Jens Schmitt and Uwe Israel (Rome: Viella, 2013), 9-61.

⁵⁹ Antonio Stefano Minotto, ed., *Documenta ad Forumulii Patriarchatum Aquileiensem, Tergestum, Istriam, Goritiam spectantia*, vol. 1 (Venice: Giovanni Cecchini, 1870), 140.

⁶⁰ “Senato secreti - cose dell'Istria,” *Atti e memorie della Società istriana di archeologia e storia patria* 4, no. 3-4 (1888): 275, 281; De Vergottini, “La costituzione I,” 117.

⁶¹ “I limiti estremi della regione erano definiti principalmente in relazione agli obblighi militari dei residenti.” Donata Degrassi, “Frontiere, confini e interazioni transconfinarie nel Medioevo: Alcuni esempi nell'area nordorientale d'Italia,” *Archivio storico italiano* 160, no. 2 (2002): 218.

⁶² Peter Ainsworth and Tom Scott, “Introduction,” in *Regions and Landscapes: Reality and Imagination in Late Medieval and Early Modern Europe*, ed. Peter Ainsworth and Tom Scott (Oxford: Peter Lang, 2000), 19.

⁶³ The only difference being that the podestàs of Buje, Oprtalj, Dvigrad and Buzet were at first elected among the Capodistrian noblemen. The situation soon changed and by 1458 only Dvigrad, the smallest of the four communes, remained governed by the Capodistrian nobles acting as podestàs. All the other Venetian communes in Istria were governed by

was thus also altered in order to make it essentially uniform throughout the Peninsula. As is written in Oprtalj's pacts of dedication, "our rectors, and their successors, are to administer law and justice as is observed in all our lands in Istria" (*rectores nostri, qui per tempora erunt, ministrare debeant ius et iusticiam prout servatur in aliis nostris terris Istrie*).⁶⁴ This is how the notion of *partes nostre Istrie* was performed by Venice; Istrian communes under the *Serenissima* were governed in a similar way, by a delegated podestà who administered justice following "his honorable consciousness" (*dices et iudicabis secundum tuam bonam conscientiam*) and not through the *per astantes* procedures.⁶⁵ These were the seminal citational practices through which Venice performed its authority on the Peninsula.

The situation was completely different in Friuli, a central region of the Patriarchate that was for centuries organized in a completely different manner than the Venetian Dogado or Venetian coastal communes in Istria. Since Venice had no prior possessions in Friuli, the best and easiest way for the *Serenissima* to establish its authority was by mimicking the citational practices of the former supreme authority, that is, the Aquileian patriarchs. Hence, in Friuli Venice followed the "business as usual" or *statu quo* paradigm, exerting influence in the region through their *luogotenente*, but leaving pretty much everything else unchanged so as not to provoke dissatisfaction and potential uprisings.

In Istria, Venice followed the "one Istria" policy as allowing the newly annexed communes their old governmental system – very different from the ones in other Venetian communes in Istria – would have effectively created two different micro-regions in Istria. This was not acceptable to Venice and the newly annexed communes were instead organized to mirror the salient governmental patterns of all the other Venetian urban centers on the Peninsula, as "Altre Venezie". In the end, this diverse modality of (re)organization, reflected most prominently in the changes to models of justice administration, finally separated Istria from Friuli completely, a process that Venice had begun already in the thirteenth century, and eventually led to the organization of the

regularly delegated Venetian noblemen. For more details on this process see Banić, "Pinguente," 152.

⁶⁴ "Senato secreti I," 275. An almost identical formula stands in the dedication of Buje (*rectores nostri, qui per tempora erunt, ministrare debeant ius et iusticiam, prout servatur in aliis terris nostris Istrie*). Ibid., 276.

⁶⁵ Alessandra Rizzi, ed., *Le commisioni ducali ai rettori d'Istria e Dalmazia (1289-1361)* (Rome: Viella, 2015), 88. For example, the instructions to the rector of the ex-Margraviate town of Labin, promulgated under the doge Francesco Foscari, clearly state *regere et gubernare debeas ad honorem nostri Domini, ministrando ius et iustitiam in civilibus et criminalibus sicut tibi videbitur esse secundum Deum et honorem nostri Domini*. Cited from Lamberto Pansolli, *La gerarchia delle fonti di diritto nella legislazione medievale veneziana* (Milan: A. Giuffrè, 1970), 264.

Province of Istria in 1584, unifying the entire Venetian part of Istria in a single administrative region.⁶⁶

The paper has demonstrated two important aspects of Venetian incorporation techniques during the era of "great territorial expansion" on the case study of the Margraviate of Istria. First, the changes to communal government, primarily those concerning justice administration, were mirrored in the production of representational space. Venice employed a model of judicial space production that simulated certain continuities with the old governmental system, but nevertheless introduced some seminal changes to the judicial ritual. Justice was administered in the same place in the city, a place that retained its representation as a public judicial space, but the representational space was changed by utterly diminishing the role of the local notables, channeling instead all the judicial power to the delegated rector. Second, the paper has demonstrated the power of the notion of region, a space both imagined and naturally defined, in late medieval Venetian state-building. The concept of region, or rather, the performance of this concept, had the power to reshape and reorganize communities in order to homogenize the jurisdictional organization of a region under the *Serenissima*.

⁶⁶ Giovanni de Vergottini, "La costituzione provinciale dell'Istria nel tardo Medio Evo," *Atti e memorie della Società istriana di archeologia e storia patria* 39, no. 1 (1927): 29-31; Rolan Marino, "L'istituzione del Magistrato di Capodistria nel 1584: Contributo allo studio dei rapporti tra l'Istria e la Repubblica di Venezia nei secoli XVI e XVII," *Acta Histriae* 3 (1994): 117-122.

MEDIUM AEVUM

QUOTIDIANUM

74

KREMS 2017

HERAUSGEGEBEN
VON GERHARD JARITZ

GEDRUCKT MIT UNTERSTÜTZUNG DER KULTURABTEILUNG
DES AMTES DER NIEDERÖSTERREICHISCHEN LANDESREGIERUNG

niederösterreich kultur

Titelgraphik: Stephan J. Tramèr

ISSN 1029-0737

Herausgeber: Medium Aevum Quotidianum. Gesellschaft zur Erforschung der materiellen Kultur des Mittelalters, Körnermarkt 13, 3500 Krems, Österreich. Für den Inhalt verantwortlich zeichnen die Autoren, ohne deren ausdrückliche Zustimmung jeglicher Nachdruck, auch in Auszügen, nicht gestattet ist. – Druck: Grafisches Zentrum an der Technischen Universität Wien, Wiedner Hauptstraße 8-10, 1040 Wien, Österreich.

Inhaltsverzeichnis

Vorwort	4
Matthias Johannes Bauer, A minimized 'Prosakaiserchronik' <i>(buch der koenige nürwer ê)</i> for the 'Schwabenspiegel'? Remarks on London, British Library, MS Arundel 131.....	5
Matea Laginja, Plague and Migrations	21
Iliana Kandzha, The Migrating Legend of Saint Emperor Henry II: Representations of the Soul-Weighing and the Chalice-Miracle in Medieval Frescoes on Gotland	28
Josip Banić, Production of Judicial Space in the Margraviate of Istria: Aspects of Continuity and Change Following the Introduction of Venetian Jurisdiction (1421)	57
Buchbesprechung	73
Anschriften der Autorinnen und Autoren	75

Vorwort

Der vorliegende Band von *Medium Aevum Quotidianum* widmet sich Themenbereichen, die im weiteren Sinne für die Alltagsgeschichte des Mittelalters von wichtiger Bedeutung sind. Matthias Johannes Bauer setzt sich in seiner Studie mit der Frage des Inhaltes, der Entstehung und des Kontextes einer Rechtshandschrift auseinander. Zwei weitere Beiträge beschäftigen sich mit Problemen mittelalterlicher Migration, zum Einen in Bezug auf den Zeitraum der Pestepidemien, zum Anderen hinsichtlich der unerwarteten Übernahme eines Bildmotives aus der Legende des Heiligen Kaisers Heinrich II. in Gotland. Josip Banić untersucht schließlich die Entwicklung der Rolle des rechtlichen Raumes in der Markgrafschaft Istrien nach der Übernahme des aquilejensischen Territoriums durch Venedig. Die drei letztgenannten Beiträge wurden verfasst von PhD-Studenten am Department of Medieval Studies der Central European University (Budapest) und zeigen die bedeutende Forschungstätigkeit, welche an der im Moment in ihrer Existenz bedrohten Universität geleistet wird.

Mit diesem Band und einem im Herbst erscheinenden Sonderband beende ich meine Tätigkeit als Herausgeber von *Medium Aevum Quotidianum*. Ich bedanke mich sehr herzlich für Ihr Interesse an der alltagsgeschichtlichen Forschung zum Mittelalter und für Ihre Treue zu unserer Gesellschaft.

Gerhard Jaritz