Review


This work, which was the author’s dissertation, is a valuable contribution to Byzantine legal and diplomatic history. Although the chrysobulls issued to Venice, Pisa and Genoa have been studied in other contexts, Penna sets out to explain the place of these documents in the legal history of the parties. Although this is not the first work to consider the legal implications of some of these documents, it is the first not to focus on Venice, but to incorporate documents from Pisa and Genoa, and the first to consider all the potential legal implications.1 None of the documents studied are new, but they are placed in a new context.

This work is divided into six chapters: an introduction, a chapter each on Venice, Pisa and Genoa, a comparative chapter discussing the legal issues common to all three cities, and a short conclusion.

Penna’s overarching goal is to determine how the Italians, both those who traded and those who resided in Constantinople, dealt with the Byzantine legal system. Her conclusion is that they had a unique but not unprecedented relationship with the State, not citizens but also not aliens. It is clear that the Venetians received more privileges than the other Italians. Some of the provisions granted to the Italians seem to have been requested by them, making it apparent that some of these documents were not just chrysobulls granting privileges, but treaties negotiated by both sides.2

In the three chapters on the documents themselves, Penna briefly addresses the historical circumstances surrounding each document, citing past literature, and then moves swiftly to the legal issues at hand, placing the documents in the context of the Byzantine legal system. Where the surviving documents are in Latin, a cautious attempt is made to relate the words to Byzantine legal terms. The sections on individual documents are helpful for an understanding of the specific legal issues raised by each.

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For instance, chapter 4, section 6 is an examination of the 1193 chrysobull issued by Isaac II Angelos to the Pisans.\(^3\) The first section addresses the specific circumstances surrounding the document: an attack by Genoese pirates on a vessel carrying Byzantines, for which the Emperor had ordered Genoese living in Constantinople to pay a fine. The Genoese offered to locate the pirates, and asked that the fine be given back. The chrysobull contains the negotiated agreement: the fine was to be held as a deposit, to be returned if the Genoese located the pirates; otherwise, it would be given to the Byzantine merchants who had been attacked.

Having described the situation, Penna addresses the legal issues: the types of deposits and their regulations under both contemporary Byzantine law and the Roman legal tradition common to Byzantium and Italy; the relationship of the language of the chrysobull to these laws; the legal terminology surrounding deposits and debts; the apparent liability of Genoese living in Constantinople for acts committed by their countrymen (a Western legal concept that seems to have been imported into Byzantium); and finally the procedure by which the agreement was ratified. This discussion fully addresses the legal issues and terminology, without resorting to overly complex language or deep jargon. In general, the book is extremely accessible without “dumbing down” the subject matter. It is also accessible for historians who do not read Greek, as all passages are translated into English and Byzantine legal terms are well explained.

In the fifth chapter, Penna synthesizes the discussions of the individual documents into a discussion of the most important legal problems addressed by them: the granting of immovable property, criminal justice, maritime law, and oaths. She finds that Italians were granted a unique status with regard to real estate, less than full ownership, and similar to but different from *emphyteusis* or *pronoia*. In criminal justice, Penna concludes that the Venetians, who were tried either before their own judges or the *logothetēs tou dromou*, were considerably more privileged than other Italians, who dealt with regular imperial courts, and that some of these privileges may have been requested by the Venetians.\(^4\)

Another difference between the Venetians and other Italians comes in maritime law, where the documents have provisions applying to the Genoese and Pisans, but not the Venetians. For the Genoese, this may have been on account of their history of piracy. Penna


believes the Pisans may have requested the shipwreck provisions themselves, although the evidence is scanty.⁵ In the matter of oaths, Penna finds that, although the swearing of oaths was culturally important both in Byzantium and in the West, and that Italians sometimes swore loyalty to the emperor, there is no evidence that this was a “feudal” oath, in which Italians become vassals of the Emperor.⁶

Penna compares the treatment of these issues in the Byzantine documents to their treatment in two other sets of contemporary treaties: the acts of the Crusader states that concerned Italian city-states, for immoveable property, maritime law and criminal justice; and the Russo-Byzantine treaties, for maritime law alone. She also compares the property law provisions to the grants made to Byzantine monasteries. These comparisons are extremely illuminating, helping to explain how the law was applied on a daily basis. It also appears that there was some cross-polination with documents granted to the Venetians in the Crusader states.⁷ This work is a welcome addition to the history of the relationship between Italy and Byzantium, for its inclusion of Pisa and Genoa, for its accessibility, and for its contextualization of legal history.

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