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# **ACTA HISTRIAE**

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## THE GENESIS OF KOPER MEDIEVAL STATUTES (1238–1423)

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**ABSTRACT**

*This paper presents an original analysis and reinterpretation of two documents from 1238 and 1239, which are the first to mention the Koper statutes but have thus far received only sporadic mentions in historiography. The paper is further predicated on the study of archival sources of the Venetian Senate from the Senato Misti collection for the period after the Koper rebellion against Venice in 1348 up until 1394 when the Doge of Venice reconfirmed the Koper statutes. It is established that at least from 1238 the commune of Koper acted according to its already complex statutes. These were, with some further redactions, in force until 1348, when, due to the rebellion of Koper, they were disregarded by the Venetian authorities until 1358, along with the dissolution of the city's Major Council, and all of Koper's city offices were restructured. After 1358, the sources testify that the Venetians restored the Koper City Council and offices to their pre-rebellion state, but not the statutes, although some statutory provisions were taken into account in individual administrative or judicial cases. The Koper statutes officially came into force again in 1394, and a slightly modified redaction appeared in 1423. However, in both cases without the right to exercise criminal justice and the defence of the city, which remained in the exclusive domain of the Venetian podestà and captain until the end of the Venetian Republic in 1797.*

*Keywords: Koper, statutes, Middle Ages, Istria, Northern Italy, Republic of Venice*

## LA GENESI DEGLI STATUTI MEDIEVALI DI CAPODISTRIA (1238–1423)

**SINTESI**

*L'articolo si basa sull'analisi originale e sulla reinterpretazione di due documenti del 1238 e 1239, che menzionano per la prima volta gli statuti di Capodistria, finora oggetto di riferimenti sporadici nella storiografia e sull'esame delle fonti archivistiche del Senato veneziano, della raccolta Senato Misti, per il periodo successivo alla rivolta di Capodistria contro Venezia del 1348 fino al 1394, quando il doge*

*veneziano confermò nuovamente gli statuti di Capodistria. Si è constatato che il comune di Capodistria, almeno dal 1238, si è retta sui suoi statuti già articolati per l'epoca, i quali nelle redazioni successive sono rimasti in vigore fino al 1348, quando a causa della rivolta le autorità veneziane non li riconobbero fino al 1358, poiché praticamente sciolgono il maggior consiglio cittadino, riorganizzando tutti gli uffici comunali di Capodistria. Dopo quest'anno, le fonti indicano che i veneziani hanno ripristinato il consiglio cittadino e gli uffici di Capodistria nella misura precedente alla rivolta del 1348, ma non gli statuti, anche se alcune disposizioni di questi atti vennero considerate in determinati casi in ambito amministrativo e giudiziario. Gli statuti di Capodistria furono ufficialmente ripristinati solo nel 1394 e in una redazione leggermente modificata del 1423, ma sempre senza il diritto alla giurisdizione penale e alla difesa della città, che rimasero prerogativa esclusiva del podestà e capitano veneziano fino alla fine della Repubblica di Venezia nel 1797.*

*Parole chiave: Capodistria, statuti, Medioevo, Istria, Nord Italia, Repubblica di Venezia*

## INTRODUCTION<sup>1</sup>

The City of Koper is abundant with its medieval history, which is also reflected in city statutes that regulated various aspects of life in the city community, from administration, economy and trade, to civil and criminal law, public and private life, and much more. In short, it is the statutes of cities that passed this type of legal act that are the fundamental historical source in research on medieval communities.

In the territory of present-day Slovenia, there are only four towns, which have passed such an act, three of which are Istrian: Koper (It. Capodistria, Lat. *Justinopolis*), Izola/Isola, and Piran/Pirano. In the interior, only the Styrian Ptuj (Lat. *Poetovio*, Ger. *Pettau*, Hun. *Optuj*) had its own medieval statute. There was a similar practice elsewhere in medieval Europe, namely that larger and smaller cities along the Mediterranean coast regulated their social life with relatively autonomously adopted statutes in the local community, while cities in the hinterland generally acted in accordance with the privileges that they were prescribed by a prince or feudal lord, or individual provisions were adopted from other cities, especially from Ptuj (Kambič, 2021, 624). The process was similar in other regions as well, where towns

<sup>1</sup> This paper is the result of research carried out in the research programme P6-0435 *Practices of conflict resolution between customary and statutory law in the area of today's Slovenia and its neighbouring lands* and in the research project J6-4603 *FACING FOREIGNERS Between the Medieval and Early Modern Period in the North Adriatic Towns*, which are financed by the Slovenian Research and Innovation Agency (ARIS). I would like to thank Darja Mihelič and Žiga Oman for their advice on the drafts of this paper, and the anonymous reviewers for their comments, as well as Angelika Ergaver for the translation of the paper into English.

took examples from statutes of neighbouring or remote towns, especially in Italy (cf. Erdö, 1992; Bartoli Langeli, 1997). Another important distinguishing fact between European Mediterranean and continental cities contributed to this: continuity or discontinuity with the Roman tradition. As a rule, the urban settlements along the Mediterranean were formed independently and thus continued the ancient tradition, supported by the ecclesiastical administrative system and local customs, while inland cities were generally founded by princes and other powerful feudal lords, yet in the territory of today's Slovenia, only from the mid-1200s, however with much older urban foundations (cf. Kosi, 2009).

### FORMATION OF MEDIEVAL CITY STATUTES

The recording and explanation of the provisions of Roman law and its adaptation to temporal and territorial peculiarities can be traced back to the very beginning of the Middle Ages, primarily with Justinian's *Corpus Iuris Civilis*. This reception of Roman law later provided the basis for the two main European social systems, the Byzantine and the Latin society. Within the latter, the idea of God as the source of law prevailed. Approximately in the tenth century, in most of Europe, both the Roman legal material and the Germanic *leges* were forgotten due to the decline of literacy, and the customary law prevailed. In Italy, where there was no local ruling dynasty, Roman law was never completely abolished, despite the Lombard invasion and spiritual decline. Pavia, the capital of the Lombard Kingdom, was also a judicial centre and from the eighth century onwards attracted students from all across Western Europe. Even in Ravenna, the old capital of Romagna, the study of law was never extinguished. Towards the end of the eleventh century, however, the great teacher Irnerius founded a school in Bologna that overshadowed all others. People consulted its *glossators* (explainers) for civil law and Gratian's for ecclesiastical law (*corpus iuris canonici*).

The scholars from these schools pejoratively characterized all of the citizens' initial efforts to collect local customs of Roman law, scattered regulations of inner city life (*iuramenta*, *consuetudines*, etc.) and feudal privileges as *ius asinorum*, i.e. the law of asses. However, later the inhabitants of cities – stratified into townspeople, nobles, and peasants – began to collect old city laws in official collections, or statutes, according to predetermined criteria. Commissions of recognized citizens (*statutarii*) were established, which usually included a notary or lawyer.

In addition to the feudal fragmentation and remoteness of the centres of state power, the events connected with the Investiture Controversy between popes and Holy Roman Emperors, and the Crusades (1095–1272), we can attribute the rise of Northern Italian and Adriatic cities in the twelfth century to the victory that the cities fought against the Emperor Frederick I Barbarossa in 1176 at Legnano, when the Emperor had to recognize the self-governance of the cities, which was formed on a pre-existing municipal system, itself predicated on the commune system (cf. Keller, 1997; Jenko Kovačič, 2022).



In the Northern Italian and Adriatic cities, this arrangement was initially personified by *consuls* – it is needless to stress their ancient origin – who were chosen among the local dignitaries. As these were often favouring only certain clients or families, a need for an independent governor became more prominent. This need was already satisfied by the mid-1100s in the form of *podestà*, whose function, interestingly, originates from the imperial designation of the city governor and, judging by the name itself, is based on power. Alongside him and not long after, in the thirteenth and fourteenth centuries, the pre-existing *arengo* (the general assembly of all citizens that slowly lost its influence in deliberation) formed the Major Council as a legislative body, consisting of influential families in the city, and the Minor Council as a body of executive power (Trombetti Budriesi, 2014).

This form of governmental structure was preserved with minor or major changes at least until the collapse of the Republic of Venice in 1797, although Venetians, who were successful precisely with their administrative system, did not change the autonomous administration in the Istrian cities. At first, they were mainly satisfied with appointing their own supreme city governor – the *podestà*, who received detailed instructions for his administrative tasks with the famous *Commissiones*, after being elected in the Major Council of Venice (cf. Benussi, 1887).

After the subordination of the northwestern Istrian cities (Izola and Koper in 1279, Piran in 1283), the Venetians played an important role in the development of and the additions to statutory law, mainly through orders (commands or *commissiones*) or with *Ducali*. However, even prior to the Venetian occupation, the statutes as fundamental evidence of the cities' autonomy were supplemented several times, especially by codes of customary law; we find one preserved for the Piran commune in the fragments of the statute from 1274, which is also the oldest preserved document of its kind in Istria. At the same time, we know that Koper had written statutes at least as early as 1238 (Kos, 1928, 333–334, 349–350), which all testify to a lively legal activity even before the Venetian occupation, and undoubtedly also under its influence.

Nevertheless, let us at this point attempt to refresh our memory with a more precise recollection of the events that had a significant impact on the development and formation of the independence of Istrian coastal cities and, consequently, on the creation of these fundamental legal records: the city statutes.

## HISTORICAL CIRCUMSTANCES SURROUNDING THE GENESIS OF ISTRIAN CITY STATUTES

Mainly due to the gradual regaining of their city territories and thus the possibility of free development of maritime trade, the cities along the Western Istrian coast tried to diminish their direct dependence on the central government as much as possible from the ninth century onwards. The Venetians, who practically succeeded the Byzantine Empire on the Adriatic Sea already in the ninth century, soon began to get involved in the relations between the Istrian cities.

During the ninth and tenth centuries, the cities of Istria and Venice shared a common enemy in the Croats (who attacked Sipar/*Siparis*, Umag/Umago, Novigrad/Cittanova, and Rovinj/Rovigno in 876) and the Saracens. The Venetians played a leading role in the fight against them and benefited greatly from it. In 932, Koper, the most important Venetian partner in Istria at the time, made a commitment to the Venetian Doge to supply him with one hundred amphorae of wine annually during his lifetime. In return, the Venetian citizens in Koper would enjoy protection and have their issues with monetary debt with Koper's inhabitants resolved.

In the year 1000, Doge Peter Orseolo visited Poreč/Parenzo and Pula/Pola to punish pirates, the Croats, and the Neretvans. This visit demonstrated Venetian maritime supremacy. For more than a century, the Venetians had been paying taxes to ensure unobstructed navigation on the Adriatic Sea. As a result, they considered themselves Dukes (*dux*) of Dalmatia. To commemorate this achievement, they celebrated the *Sposalizio del' Mar* during the Feast of the Holy Ascension every year.

In the following period, not marred by wars against pirates and the Venetians, Istrian cities experienced gradual economic growth. They focused on developing agriculture, particularly the cultivation of olive trees and vines, as well as fishing and salt harvesting, which, accompanied by various crafts, generated significant profits in maritime trade.

However, this economic rise brought the Istrians into a new conflict with the Venetians, first in 1145, when Pula, Koper, and Izola rebelled against the Venetians. Defeated, the Istrian cities were forced to take 'oaths of loyalty' (*facere fidelitatem*) to the Doge of Venice and oblige to military and naval assistance. This resulted in a new rebellion of Pula in 1149 and its renewed oath of loyalty in 1150, which was extended to other participants in the rebellion: Rovinj, Poreč, Novigrad, and Umag. They also had to promise military aid with vessels and the payment of taxes, mainly in olive oil. The importance that Venetians attributed to the subjugation of the cities from Savudrija to Premantura was attested by the wonderful reception in Venice experienced by the victorious fleet and its commanders Morosini and Gradonico. Thereafter, the Doge of Venice also styled himself as *Istriae dominator* (cf. Darovec, 2018a).

Despite such uncertain conditions, the cities gradually gained their administrative independence in the absence of their masters and due to their growing economic prosperity. Furthermore, during the time of their last secular feudal lords before the onset of Aquileian rule, namely under the Spanheim and the Andechs families, the cities were able to freely choose their governors, and in addition, they also signed 'long-distance' trade agreements with one another, such as Piran with Dubrovnik in 1188 and with Split in 1192, Poreč with Dubrovnik in 1194, they also resolved disputes independently, such as Labin concluding a peace agreement with Rab, and Piran with Rovinj in 1208, when Rovinj was facing danger from Koper, etc. (cf. Benussi, 1924, 165–173).

In contrast to the mainland cities founded by princes or other important feudal lords who had the exclusive right to grant them city rights (in Slovenian

lands from the thirteenth century onwards), Istrian cities preserved the rudiments of autonomous organization from the late antiquity. From the Byzantine era onwards, the local self-government in cities gradually withered, but never completely ceased. This is indicated by the elected judges (*iudices*), called *scabini* during the Frankish rule. At the head of the cities were the so-called *locopositi*, who were appointed by the central government. However, they gradually became integrated into the city life and thus agreed to some established relationships within them.

The twelfth century marked the beginning of the movement for the liberation of cities from under the authority of bishops and local feudal lords, with Northern Italian cities taking the lead. The influences soon spread to Istrian cities as well. This is how the townspeople founded communes (Koper in 1186, Piran in 1192, Poreč in 1194, Pula in 1199, Trieste/Trst and Muggia/Milje in 1202), the supreme city authority was held by the assemblies of all the inhabitants – the *arengo*, where they also chose or elected governors of the City Councils, or consuls, and then the podestà and/or captains or, as they are generally called, rectors.

However, the freedom in decision-making was managed to be considerably limited by the Patriarchs of Aquileia, who received Istria as a fief from the Holy Roman Emperor in 1208. Patriarch Wolfger began to appoint his representatives of the authorities in cities and larger towns. For some time, there was a *potestas marchionis* in Koper, who governed from the Praetorian Palace, while the later administrators of the patriarchs of Aquileia were called *gastaldi*, the righters (*richtarius*), and margraves (*marchio*).

Despite the authority appointed to the margrave across the territory of Istria, the estates of the Counts of Gorizia/Gorica in central Istria and the Lords of Duino/Devin in the Kvarner Islands remained outside the control of the Patriarchs of Aquileia. In 1220, the Patriarch of Aquileia, Count Berthold V Andechs, received from the Holy Roman Emperor the right to issue orders related to trade, to exercise judicial authority and to grant pardons, to mint money and to forbid cities to elect their own governors, the podestà (primarily a Venetian citizen), if he was not confirmed by the Patriarch. The latter was also the basis for the so-called Istrian provincial law or statutes, which were approved by the Patriarch in 1222 with his provisions.

However, since the policy of the Patriarchs was based on the establishment of a completely shaken central authority in the March of Istria, it inevitably led to the resistance of the cities on the west coast of Istria and to conflicts with the Venetians. In 1230, with the efforts of the people of Koper, the Venetians managed to establish an all-Istrian organization called the *Universitas Istriae*, which was led by a Venetian. Due to the over-assertion of Koper, the union was dissolved after a bit over a year, with Piran playing the main role in the event, by siding with the Patriarch of Aquileia and thus establishing a unique autonomous position, which Patriarch Berthold and the Piran commune confirmed with a friendship treaty in 1231 (cf. De Vergottini, 1924, 81–105).

## THE IMPERIAL PRIVILEGES OF KOPER AND THE FIRST STATUTES

The aforementioned events also bore the first news of the Koper statutes of 1238, which are supported by a document from the following year to be elaborated upon later. At this point, it is worth exposing the fact that the first mention of the Koper statutes is recorded in a document of Emperor Frederick II (1220–50) during the siege of Brescia in October 1238. In 1222, Frederick confirmed the privileges of Emperor Henry II to Koper issued in 1035, which permitted the city of Koper to be governed according to its laws and customs (*legem et rectam consuetudinem*; Kos, 1911, 62–63) and with some influence over the territory towards the Dragonja River, i.e. over Izola and Piran (De Vergottini, 1924, 103; Kos, 1928, 185–186). Frederick's confirmation of Koper's privileges was part of his mediation in its conflict with the Patriarch of Aquileia, which was especially over the Koper statutes and the Patriarch's right to choose the Koper podestà.

It is also worth highlighting the privilege of Conrad IV, dated 14 December 1251, in Portorož/Portorose (*S. Maria delle Rose*), by which he granted the imperial city of Koper full autonomy in appointing the podestà and in all other liberties of the city (De Vergottini, 1924, 123–124), and its exclusive direct subordination to the Emperor.<sup>2</sup> Frederick's son King Conrad IV of Germany, King of Romans in 1237–54, but not officially crowned Emperor, added to this document that the citizens of Koper should not recognize Gregorio (di Montelongo) as the Patriarch of Aquileia. After Conrad's death, the Holy Roman Empire entered a period of interregnum, which further contributed to the consolidation of smaller administrative-political territorial entities. Therefore, we can hardly be surprised by the tension that was present in Istria in the second half of the thirteenth century when Gregorio di Montelongo (1251–69) occupied the position of the Patriarch of Aquileia. The Patriarch's authority in Istria was declining, but it was still influential enough to shape the politics of its cities.

Initially, the Patriarch favoured the role of Koper against Trieste on one hand, and against the Central Istrian coastal cities and settlements in the interior of the Istrian peninsula on the other. Thus, in 1254, the Patriarch granted Koper governance over Buje/Buie, Oprtalj/Portole, Buzet/Pingvente and Dvigrad/Duecastelli. Simultaneously, Koper's influence over Piran, Izola and Muggia was growing.

2 *In Istria apud portam S. M. de Rosa. Conradus IV Rom. In regem electus petitionibus Andree Čeni. Potestatis et Communis Justinopolis fidelium grato concurrens assensu, volens fidelibus imperii suis et dicte civitati Justinopoli que fondata fuit a predecessore suo dive memorie Imper Justino gratiam facere specialem largitur ut ipsa liberam habeat potestatem de fidelibus imperii eius undecumque et quandocumque voluerit, sicut imperialis civitas ab imperatore fundata eligendi Potestatem et in aliis omnibus que meram libertatem contingerit libere utatur et plena gaudeat libertate salvo honore et fidelitate eius et servicio quod debet imperio* (Vergottini, 1924, 123).

The situation became even more difficult in 1267, when Koper began a siege of Poreč. The fact that the Patriarch tried to stop the expansion of Koper with the help of Count Albert V of Gorizia shows that he was losing control. With his action, Montelongo played the wrong hand, as he pitted two forces against himself. The Count of Gorizia and the Commune of Koper allied against the Patriarch, and in July 1267 Count Albert had the Patriarch Gregorio di Montelongo imprisoned in the Rosazzo/Rožac monastery in Friuli (cf. Darovec, 2018b, 61–96). Poreč protected itself from this new alliance by submitting to Venice on 27 July. Since the union between Koper and the Count of Gorizia put pressure on other Istrian cities, the example of Poreč was followed by Umag (1269), Novigrad (1270), and Sv. Lovreč Pazenatički/San Lorenzo del Pasenatico (1271), and later Motovun/Montona (1275) followed the example of Poreč. Venice did not alter the autonomous government of the communes, it only appointed the city podestà, chosen from among Venetian nobility.

The Serenissima did not immediately decide to act against Koper's alliance with the Count of Gorizia, it did however slowly tighten the ring around them. Meanwhile, between 1269 and 1274, the position of the Patriarch of Aquileia was vacant, and only the new Patriarch Raimondo della Torre signed peace in Cividale del Friuli/Cividât/Čedad with the alliance of Koper and the Count of Gorizia in 1275. They promised each other the exchange of prisoners and to settle the damages caused by the years of war, plunder, and disorder (1267–75).

This peace treaty did not terminate the allied actions of Koper and the Count of Gorizia in Istria. In Pazin in 1278, Count Albert and the representatives of Koper, without the Patriarch, but on his behalf, established an alliance against Venice and its allies in Istria. They agreed on the division of spheres of influence, and in case of victory, Koper would have gained control over the coastal cities, while the count would acquire possessions in the Istrian interior. The allies took advantage of the Venetian preoccupation in the war with Ancona, and after the siege of Motovun, which bravely defended itself, the count occupied Sv. Lovreč Pazenatički.

Then the Venetians struck with all their might. After the successful siege of Izola, Koper was forced to unconditional surrender. Part of the city walls and city towers were destroyed. Although Koper was conquered with military force, the Venetians regarded it the same as other Istrian cities that peacefully 'submitted' to the Serenissima (cf. Greco, 1939).

In January 1283, the Major Council of Venice also accepted the 'surrender' of Piran. This marked the end of the alliance between Koper and Count of Gorizia, and a progressive end of the autonomous policy of the Istrian cities (only Pula, Trieste, and Muggia kept their autonomy), despite many attempts to regain their independence.

While the Venetians did not interfere with the internal autonomy of conquered cities, led by the City Council and the Venetian podestà, in military terms they did establish a provincial captaincy as early as 1301, first in Poreč and later in 1304 in Sv. Lovreč Pazenatički. In 1358, a new regional captaincy was established in Grožnjan for the territories north of the Mirna River, while the southern part was

still under the jurisdiction of the captain in Sv. Lovreč Pazenatički until 1394, when both captaincies were united in a newly established captaincy in Rašpor/Raspo. Although the towns self-governed their administrative and legal authority, the podestà of the Istrian cities were subordinated to the regional captain in the military and judicial aspects, as the latter was also responsible for the defence system in the region. However, the centralized military administration did not apply to the territory between Koper and the Dragonja River, meaning the cities Izola and Piran, for which the podestà and captain of Koper were competent in all military and judicial aspects. This double title used for the governor of the city of Koper was first attested after the Koper rebellion in 1348 (Vergottini, 1927, 21), and it was preserved until the end of the Venetian Republic. The Koper rebellion in 1348 had far-reaching consequences for its autonomy and especially its city statutes, as will be discussed below.

The Venetian podestà ruled in cities and territories or markets (*terre*)<sup>3</sup> with the help of orders (*commissiones*) of the Venetian Senate and individual city statutes, which the Venetians generally adapted to their norms after the subjugation of the city.

The development of these decision-making structures enabled more prominent and wealthier citizens to gradually take advantage of their powers, and eventually 'rise above' other townspeople to govern the city commune uninterruptedly. This was the genesis of the City Councils. Following the example of Venice, the end of the thirteenth century experienced the so-called 'closure' (*serrata*) of the city councils, which meant that they no longer accepted new representatives of the city families. They were accepted only in times of general depopulation, due to wars or epidemics, which also affected noble families.

The aristocratic regime in the cities, following the example of Venice, concentrated power in the hands of some wealthier and more influential families, excluding any possibility of influence of the townspeople. An oligarchy, represented by noble families was formed.

The oligarchy was partially restricted by the Venetians when they, on one hand, allowed their own model of city self-government with a City Council and an elected governor, while establishing a centralized military administration on the other. Thus, the Venetians also successfully exploited the traditional antagonisms between the cities and restrained the region from disturbances, that arose mainly due to the restriction of maritime trade.

The foundation of city self-government, even after the closure of the city council and the establishment of a characteristic city oligarchy in Istrian cities, was represented precisely within the city statutes. The basis of this law was certainly local customary law, a distinct mixture of Roman tradition, canon law, and medieval customs and practices, which were later supplemented mainly by orders (*commissiones*) or *Ducali* of the Serenissima.

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3 *Terra* – lower rank administrative units that were not seats of bishoprics, but had nonetheless the right to autonomous governance, i.e. also to a podestà.

In Istria, according to the sources known thus far, the Koper statutes (1238) are the first to be mentioned, followed by the Pula statutes (1264), which have not been preserved (Benussi, 1897, 92). The oldest preserved statutes are from Piran from 1274, however only in fragments of later redactions, kept by the Piran unit of the Regional Archives in Koper (Pahor & Šumrada, 1987); these are certainly the oldest preserved statute fragments in Slovenia, and also the second oldest preserved on the eastern Adriatic coast, after the Dubrovnik statute of 1272 (Lonza, 2002). For Izola, we are familiar with a preserved redaction of the statutes from 1360 (Kos, 2006), and for Koper, there are redactions from 1423, one kept in the State Archives of Rijeka (DAR), the other in the State Archives of Venice (ASVe). Carlo Combi (1864, 283) was the first to write a note about the Koper codex of statutes of 1423, which is presently kept in the ASVe, followed by Carlo Buttazzoni (1870), who reported on it more extensively, while the codex kept in the DAR was first noted by Antonio Pogatschnig (1912), and the transcription and accompanying study were published by Lujo Margetić (1993). Otherwise, the Koper statutes from 1423, divided into four books, were published in print in 1668 together with a fifth book with the additions of various *Ducali* up until 1668 or even 1670 (STKP).

#### THE REDACTIONS OF KOPER STATUTES

Historians still hold divided and relatively diverse opinions about the first two mentions of the Koper statutes from 1238 and 1239 (Kos, 1928, no. 696 and 715). Some historians defend the opinion (Benussi, 1897, 92; De Vergottini, 1924, 115; Semi, 1975, 184) that these were already real statutes, as those we know from later periods, however, they were predicated on the statutes issued for Istria in 1222 by the Patriarch of Aquileia, the ecclesiastical and secular ruler of Istria (Semi, 1975, 159). Other historians argue that these were not yet ‘real’ statutes (cf. Lonza, 2023, 4–5), that they may have been only individual documents with certain provisions, but that they are definitely not to be regarded as codices that would have included all the statutory provisions of the time, i.e. written provisions on the legal and administrative order in Koper’s city commune. I continue to defend the hypothesis that the commune of the city of Koper already had its customs and basic legislative acts collected and codified even before the (revised) statutes of the Patriarch of Aquileia were issued in 1222, according to which at least the Patriarch’s main orders had to be followed in individual Istrian communities.<sup>4</sup> This hypothesis is difficult to confirm or reject, as the Koper statutes of that time have not been preserved.

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4 Thesaurus, 526: *Item Statuta Istriae in forma publica confirmata, et de novo facta per D. Patriarcham Bertoldum in MCCXXII*. Thesaurus also states under no. 523: *Item quedam Cartula in qua scripta sunt Statuta Istriae* and under no. 524: *Item quedam Ordinationes facte in Istria per D. Patriarcham Bertoldum de voluntate Provincialium omnium Istriae, in una Charta*, both undated.

However, we can seek to create an adequate interpretation based on other sporadic documents, especially the charters from 1238 and 1239.<sup>5</sup>

The charter dated October 1238, which is the first to mention the Koper statutes, was signed in Brescia. Emperor Frederick II evidently acted as a mediator between the Patriarch of Aquileia and the representatives of the commune of Koper,<sup>6</sup> which means that the parties reached a peaceful resolution of their dispute (*formam pacis et concordie*) in front of the Emperor. This resolution testifies to the exceptional importance of the city of Koper in the region at the time, which was ruled by the Patriarchs of Aquileia as marcher counts (margraves) – marquises<sup>7</sup> as ecclesiastical and secular lords. There were four main points of dispute: the selection and confirmation of the podestà in Koper, the administration of justice, the revision of the Koper city statutes, and the resolution of the dispute over the Rižana ‘water’ (*de questione aque Rizani*), and the Koper bridge toll (*de pontatico*).

The most attention in historical literature has thus far been devoted to the selection and confirmation of the city podestà, the central figure of city autonomy during the formation and rise of medieval communes (De Franceschi, 1879, 122-123; Benussi, 1897, 92-93; De Vergottini, 1924, 112-114). When the citizens of Koper wanted to select their own podestà, they were to propose three candidates to the Patriarch, who were to come from Istria or Friuli, one freeman (*liberum*) and two *ministeriales* of the Aquileian Diocese. Whomever the Patriarch chose, would become podestà of Koper. The struggle of the communes to gain more autonomy in the selection of the podestà was at the forefront in Istria, as well as in other upper Adriatic communes at the end of the twelfth and in the first half of the thirteenth century, which is particularly vividly shown in the case of Koper under the Patriarchs of Aquileia. As researchers of medieval city statutes note, one of the reasons for writing down statutes and arranging them into codices was directly connected to the function of the podestà, who became the central authority figure and practically a symbol of autonomy in medieval communes.

The stipulation of the peace treaty brings us closer to the heart of our discussion. Following the provisions of the statute (*Provisum est etiam et in ipsa forma statutum*), it was agreed that the full authority regarding criminal justice was held by the *gestaldo* of the Patriarchs, who ruled in the presence of his judges in matters concerning allodia (*de allodiis propriis*), sentences of hanging, blinding, amputation of limbs and all other corporal punishments for robbery or theft with grievous bodily harm, while the podestà or consuls could punish the perpetrators

5 Available with transcription and a photo of original document at: FIM, 4: doc. 1238\_FBI and FIM, 4: doc. 1239\_MBI.

6 ... *quod venientes ad presenciam nostram Bertoldus venerabilis patriarcha Aquilegensis, dilectus princeps noster, ex parte una et Albericus, Engelpertus s[c]abini et magister Ricari(us) notarius sindici et procuratores Communis civitatis Iustinopolitane ...* (FIM, 4: doc. 1238\_FBI).

7 For more detail on the political events in Istria during the time of Patriarch Bertold, cf. Vergottini, 1924, 102-124.



with beatings for various thefts or other minor offences if perpetrators were not able to compensate for the damage in accordance with the city statutes (*iuxta statuta civitatis*). The following provision is even more interesting:

*It was also decided that the Patriarch would visit Koper around the upcoming Feast of Saints Peter and Paul, where he would examine the city statutes (statuta civitatis examinens) with the advice of his wise men and officials. If he is to find anything contrary to his rites, he is to declare it void, and he may add to the said statutes the provisions that may suit his personal honour and benefit the city.*<sup>8</sup>

But if the citizens of Koper should decide that they do not want to have a podestà: ‘they may, according to their custom, elect three consuls or even more, if they so wish. These consuls shall take an oath to act according to the Patriarch’s statutes. Until they take the oath, they may not administer justice. They are only allowed to perform the duties of the rectors, appointed by the Patriarch’ (Kos, 1928, 334)<sup>9</sup>.

These documents give a clear indication that the inhabitants of Koper followed both the (autonomous) city statutes and the Patriarch’s regional statute as previously mentioned based on sources from 1222. However, an oath upon the Koper city statute could only be taken when the head of the commune was the podestà confirmed by the Patriarch, but if they chose their own leadership (consuls) from among their citizens, they had to adhere to the Patriarch’s (provincial) statute. In addition, we can understand from the context of the document that the city statutes of Koper, at least in terms of criminal and civil justice, were already relatively complex, and that they included other provisions that the Patriarch and his advisers should review, correct and supplement to his and the citizens’ benefit.

The very beginnings of the creation of communes, urban communities were marked by the governance of elected consuls or other officials, who were appointed or elected by the people of individual communities at their assemblies (*arengo*). However, during the second half of the twelfth century, the principle that the head the communes came to be the confirmed podestà was gradually established. To ensure a high level of fairness and professionalism in the performance of this office, communities soon

8 *Additum est etiam in forma ipsa quod circa festum Beatorum Petri et Pauli proxime venturum, patriarcha predictus civitatem ipsam intrabit et de prudentum suorum et officialium consilio statuta civitatis examinans. Si qua invenerit contraria iuribus Marchionatus sui et regalium, illa pronuntiabit irrita et statuet non valere, dictis statutis adiciens que honori suo et civitatis comodo viderit expedire* (FIM, 4: doc. 1238\_FBI; cf. Kos, 1928, 334).

9 *Si vero processu temporis Iustinopolitani ipsi rectorem habere noluerint, secundum suam consuetudinem tres consules de civitate, et plures si voluerint, eligendi habeant potestatem. Qui consules debeant sacramenta prestare quod statuta ipsius patriarche recipient et inviolabiliter observabunt nec ante prestacionem sacramenti iurisdictionem suam in aliquo exercebunt et de illis tantum se intromittent de quibus consueverunt se intromittere rectores constituti a patriarcha superius nominato* (FIM, 4: doc. 1238\_FBI).

realized that it is better to choose the podestà from among foreigners. To ensure the governance of the podestà according to the local customs, the people began to collect and write them into special codices, so that each podestà would become familiar with them and would act according to them (cf. Trombetti Budriesi, 2014; Camarosano, 2021). This also makes the above provision easier to understand, regarding the citizens of Koper being able to use their city statutes if the Patriarch chose and approved the podestà, otherwise they had to adhere to his statutes. This further confirms the importance of the podestà's office in the early stages of the formation of autonomous medieval communes.

An additional explanation regarding the Koper statutes can be found in a document from Cividale dated 3 July 1239. It is evident that the tensions between the Patriarch of Aquileia and the people of Koper did not subside despite the 'Imperial peace', therefore Count Meinhard I of Gorizia-Tyrol acted as an arbitrator in the dispute. It seems that two of the four points of dispute, which the Emperor attempted to resolve a year earlier, remained open, namely regarding the statutes and the choice of the podestà. According to Meinhard's ruling, the people of Koper were allowed to appoint as a podestà 'whomever they want from Istria or Friuli, however if the candidate were from another province, they needed to obtain the approval of the Patriarch of Aquileia' (Kos, 1928, 349). The supreme power in the city was maintained by the Patriarch's *gastald*, but according to the new agreement, he always had to act 'with the help and advice of current podestà and the [commune] consuls'; if not, he was liable to a fine of 200 *lire*. This achievement marks a significant shift towards greater autonomy of the people of Koper and in the selection of the podestà, as it was no longer necessary for them to choose candidates from among the Patriarch's *ministeriales*, who were certainly much more devoted to the Patriarch. Furthermore, the Patriarch's *gastald* had to consider the podestà and consuls of Koper in his rulings, not his own advisers, as was agreed the year before.

As for the statutes, they determined that the Patriarch would examine them when he came to the city, in cooperation with his own and the city's advisers (*debet examinera statuta civitatis cum consilio sapientium civitatis et suorum*). In this document, there is no longer an explicit date for the review or redaction of the statutes, as the Feast of Saints Peter and Paul (29 June) had already passed. The document also rules in favour of the Patriarch and gives him the power to annul the provisions of the statutes if they conflict with his rites, however, the document also states another important difference regarding the Koper statutes compared to the charter from the previous year: 'it should be added [to the *statuta civitatis*], whatever would be beneficial to him [the Patriarch] or to the city. Thereafter, the current podestà and the advisers shall swear that they will always act according to the improved statutes' (Kos, 1928, 350).<sup>10</sup> So there is no longer any mention of the Patriarch's statute, both the podestà and

10 *Dictis statutis emendatis, adiciens que iuribus et honori suo et comodo civitatis viderit expedire. Et statuta per ipsum dominum patriarcham apposita vel correcta potestas vel consules, qui erunt pro tempore, iurabunt inviolabiliter observare* (FIM, 4: doc. 1239\_MBI).

the city consuls swear by the city statutes, which also means that they only have to adhere to them. It also has to be stressed that the oaths of the city podestà and consuls in the medieval communes of Northern Italy and the Upper Adriatic represented the fundamental statutory chapters, the basis for the creation of a corpora of legislative provisions of criminal, civil, and administrative law, which can be gleaned from the context of the mentioned charters from 1238 and 1239.

Were these in fact not the real Koper statutes, but only individual short laws, *statutum*, and not larger and systematized collections, ‘which can **nowadays** [emphasized by the author] be categorized with a term Statute’, as Nella Lonza wants to portray them (Lonza, 2023, 4; 2002, 12–13, 16–18)? First, it is noted that the 1238 and 1239 documents consistently use statutes of Koper in the plural (*statutis*), therefore, it refers to a collection of legal provisions, not individual documents, as was the case for the strongest and most developed centres at the time – such as Venice – for where Lonza recognizes the existence of ‘real’ statutes (Lonza, 2023, 5).

It is a fact that Koper was the most economically and politically important city on the north-eastern coast of the Adriatic at the end of the twelfth and in the thirteenth centuries. It was at the head of the association of Istrian cities, or *Universitas Istriae*, and the Emperor himself had to intervene in the dispute between Koper and the Patriarch of Aquileia, Koper’s own overlord, and Koper also attempted to subjugate other Istrian cities. Moreover, it had a branched out notary office with a centuries-old tradition, the office of the *vicedomini* and other offices, all of which indicates a close legal and professional connection with Bologna and other Northern Italian cities regarding the regulation of autonomous city life (cf. Darovec, 2015; Mihelič, 2015).

The thirteenth century marks an important era for the cities of the Upper Adriatic, regarding the intensive collecting and arranging of customs, privileges, and other legal acts of individual communes into special collections: statutes. Much has already been written about this in the scientific literature (cf. Cammarosano, 2009). In twelfth- and thirteenth-century Bologna, which is considered an example of the communal legal movement, we can notice special officials, *statutarii*, as early as 1207. They collected legal customs, old and new ruling privileges, and other acts important to the local community and incorporated them into special codes. Thus, in 1228 Bologna, in addition to the statutes of the people or the commune, the statutes of individual artisanal and military associations were mentioned, however, despite other mentions of the Bologna statutes from the beginning of the thirteenth century, individual fragments of these statutes were preserved only in redactions from 1250 onwards (Trombetti Budriesi, 2014). This phenomenon is attested in all Northern Italian cities: most of the statutes from the thirteenth century were lost in these communes with new redactions, because they were simply no longer needed, or they could pose a threat to legal security because the laws have been changed or abolished (cf. Ghignoli, 1998, XIII). In this regard, Koper records another tragic experience,

in 1380, when the city was attacked and devastated by the Genoese during their ten-year conflict with the Venetians and the competition for supremacy in the Mediterranean trade. During the attack, there was a fire in the Praetorian Palace and there are some assumptions that there was an arson of the Koper commune archives, including all the acts of the *vicedomnaria*. Other sources, however, indicate that the Koper commune archive was taken to Genoa (Semi, 1975, 137, 157, 221), but both cases explain the reason as to why the documents of the Koper commune prior to 1380 have been lost.

It is surely not to be expected that the Koper statutes from 1238 would have been so complex and organized into books and individual chapters, as were those from the end of the thirteenth and fourteenth centuries onwards. But based on what criteria, apart from the specific title of the statutes, can we set the dividing line about when exactly any medieval commune formed its statutes? Even the Dubrovnik statutes from 1272, which Croatian historiography persistently declares to be the oldest in the Eastern Adriatic, were nowhere near as extensive and complex as those from the fourteenth century (Lonza, 2002; 2022).

The Patriarch of Aquileia would have been able to review the Koper statutes with his experts and the legal experts (*sapientes*) of the city only if they were codified and bound, because that was the only way they could confirm their authenticity and act according to the amendments. Based on the presented documents, it could therefore be said that Koper had statutes before 1238, and in 1239, according to available information, the first redaction of the Koper statutes took place. The very mention of legal experts (*sapientes*) gives a clear indication, compared to other cities in this area, that the practice of creating collections of legal provisions and recording them in statutes was booming in Koper (cf. Cammarosano, 2021).

We can assume that the next redaction of the Koper statutes took place after the Venetian subjugation of Koper in 1279. We have no concrete evidence for this, but the practice of Piran and other Istrian cities (cf. Darovec & Šumrada, 2006) undoubtedly points in this direction. This is also completely understandable: after the Venetian conquest or (more or less voluntary) subjugation, the podestà of the Istrian communes were elected in the Venetian Major Council. Due to this fact alone, the individual communes had to adapt their statutes to those of Venice, and they retained certain specifics with the consent of the Venetian authorities. Considering the importance and status of Koper compared to Piran at that time, it is unlikely that Piran would have had its ‘real’ statutes before Koper.

The redaction of the Koper statutes from 1423 helps us in terms of history, at least in some places. The oldest date mentioned in them is the year 1301, when a decree was passed that the master and servants in oil mills must separately keep the olives of different owners (STKP, Book III, Chapter 50; further: III, 50), which may mean that there was some redaction of the Koper statutes even before this date. Likewise, additions from 1318 and 1325 (IV, 26) prove the existence of a redaction before those years.

This chapter of the Koper statutes raises another important question: it is namely one of the eleven chapters of the ‘Agrarian Code’, as Kandler named it and dated it to ca. 1300 (CDI, III. 479, 856–859), which is followed by Chapters 25 to 35 in Book IV of the 1423 Koper statute. The chapters are additionally also important for Slovenian national history since they mention Slavs from the Koper countryside, whom the chapters in several places equate with peasants (*Sclavus vel rusticus*, *Sclaus aut rusticus*), which means that the Koper countryside was already in the thirteenth century largely Slavic. These chapters also contain an interesting reference to the Koper podestà Andrea Zeno (STKP, IV, 28). We find his name in the already mentioned and very important privilege for Koper, issued by King Conrad IV, dated 14 December 1251. It granted Koper the right to a completely autonomous appointment of the podestà and all other liberties, except for its direct subjugation to the Emperor, as in the charter. This may have included the right to autonomous criminal justice, which was one of the fundamental rights. Especially, if we consider the diction of the 1238 charter, wherein the Patriarch of Aquileia clearly expects his *gestald* to enact criminal justice, which indicates that he had no such prior rights.

This fact also attests to the continuity of the Koper statutes; regardless of whether this set of orders was included in the statute in 1251 or not, it confirms that in Koper statutory law was already well established in theory and practice, as early as the middle of the thirteenth century. However, given the diction of this privilege, we cannot rule out the possibility that a new redaction of the Koper statutes took place at that time, and that this redaction already included chapters on the management of the Koper countryside. Especially, since Chapter 28 of the Book IV of the statutes from 1423 begins with: ‘For Koper’s communal villages, the administrative order is valid, which was introduced by the podestà of Koper, Andrea Zeno, according to the decision of the Major and Minor Council.’<sup>11</sup> Thus, we can assume that by 1251 in Koper the criminal and civil courts and the city administration have already been standardized and recorded into chapters, with the rural administration following soon thereafter. This conclusion is based on the practice of other comparable cities of the same period that regularly changed or redacted their statutes (cf. Trombetti Budriesi, 2014).

This development of Koper’s statutory law shows all the characteristics of many Northern Italian cities from the second half of the twelfth until the end of the thirteenth century, when individual decrees (*brevia*), collections of customs (*consuetudines*), and regulations (*constitutiones*) were written down and formed into legal books<sup>12</sup> with gradually changed or deleted individual provisions (*constitutis*, *ordinationes*, *capitula*), laws (*leges*), and combined them with the city

11 *Iste modus est uillarum comunis Iustinopolis inuentus per dominum Andream Zeno potestatem Iustinopolis auctoritate maioris et minoris consilij...* (STKP, IV, 28).

12 *Libri iurium* (cf. Cammarosano, 1998); *constituta usus et legis vel de usibus ad leges* (Faini, 2013, 449).

authorities with the help of legal experts (*sapientes*) into collections of statutes, which were first approved by the people and then by their elected representatives.<sup>13</sup> It is a process that took place in Northern Italian cities in the first fifth of the thirteenth century and had decisive consequences in the European political, social and cultural context. Probably the best explanation of what the ‘real’ statutes are and what their meaning was given by Hagen Keller:

*L'importanza epocale di questo sviluppo può difficilmente essere sopravvalutata. Inoltre, quando viene analizzata l'accresciuta rilevanza della scrittura e delle nuove tecniche culturali, passa in secondo piano la domanda che finora, più di ogni altra, ha mosso la storia del diritto: da quando e basandosi su quale legittimazione i comuni si diedero propri statuti? Tanto le Gilde e le confraternite, quanto le collettività cittadine – fossero esse chiamate commune o universitas – potevano prendere decisioni vincolanti per tutti i loro membri. Secondo l'impostazione della nostra ricerca, il passo decisivo sta tuttavia nel legame del diritto alla normativa scritta e a un codice di leggi il più possibile completo e ordinato. Sebbene questo passo decisivo per la società europea non sia stato in nessun modo limitato al mondo comunale italiano, in nessun altro luogo esso si realizzò tanto velocemente, tanto in profondità e in modo così ricco di conseguenze. Dopo che i comuni italiani si affermarono nella guerra contro Federico Barbarossa ottenendo le garanzie per la loro nuova forma di vita politica, il processo di scrittura del diritto e delle norme amministrative subì un'accelerazione impressionante, che, per i primi decenni del secolo XIII, lascia lo storico quasi senza fiato. La fase decisiva dello sviluppo dei codici statutari sembra essere il periodo che va dagli ultimi anni del regno di Federico Barbarossa ai primi anni del regno di Federico II. Se poi pensiamo anche alla codificazione delle consuetudini, potremmo individuare in questa fase il momento storico – estremizzando possiamo indicare il primo terzo del secolo XIII – in cui in Italia avvenne il passaggio da un'amministrazione della giustizia basata soprattutto sulla consuetudine, sulla tradizione orale, sull'esperienza, sulla prassi usuale e, a fianco di queste, su singole leggi e norme scritte, a una vita giuridica organizzata intorno al diritto scritto e modificabile, in certo qual modo intorno al “codice di leggi vigenti” (Keller, 1998, 72–73).*

Based on these statements, we can conclude that Koper had its own collection of city laws and statutes even before 1238, and that the first documented redaction occurred in 1239, which, as in other similar cities along the Upper Adriatic, was followed by relatively numerous redactions with new provisions and determined in the second half of the thirteenth and the first half of the

13 Cf. Cammarosano, 2021; Faini, 2013; Zorzi, 2010; Storti Storchi, 1998; Besta & Barni, 1945; Solmi, 1915; Pitzorno, 1910; Besta & Predelli, 1901; and the therein listed bibliography.

fourteenth century and have been preserved in the redaction from 1423 in four books. In the printed redaction from 1668, a fifth book with provisions from 1394 onwards was added.

Actually, only the first document of Book V, the *Ducalo* from 1394, is dated earlier than the preserved redaction of 1423, which makes it all the more interesting. It provides the information that on 22 June 1394, Doge Antonius Venerio, requested by the Koper commune or its representatives, after having examined the Koper proposals for statutory provisions, approved a codex of Koper statutes with a lead seal (*bullā plumbea*),<sup>14</sup> which, unfortunately, has also not been preserved. However, this document gives us the impression that the people of Koper had not governed themselves according to their statutes (*quod omnes aliae Terre nostrae Istriae reguntur cum Statutis, & ordinibus suis*), at least certainly not in terms of civil and criminal justice, since both were under the arbitrary jurisdiction of the Venetian podestà (*Rectores*) in cooperation with their own chosen officials, as the people of Koper reproachfully remarked. With the *Ducalo*, which was clearly an integral part of the redacted statute, as it was ordered to be kept in the Koper chancellery for future generations, the Venetian authorities only partially granted the request of the people of Koper. In addition to minor requested corrections of two chapters,<sup>15</sup> that testify to a slightly different arrangement of the statutory chapters compared to the redaction from 1423, the *Ducalo* from 1394 states that the podestà governs and rules in civil and criminal matters in accordance with the Koper statutes, but with correction and clarification (*cum ista correctione, & declaratione*), that this does not apply in those parts of the statute that have been annulled (*non habeat locum sed annullentur*). In these cases, the respective podestà deliberates in agreement with his officials, who are elected by the Koper city council. Such a provision can also be found in the orders (*commissiones*) to the Koper podestà and captains from around the same time (Benussi, 1887, 55). It can also be found a few decades earlier in the collection of Venetian decrees, Senato Misti (SMi), more precisely from 1358.

It remains uncertain as to what may have contributed to the decisive insistence of the Venetian authorities as late as 1394 that criminal justice must stay in the hands of the Venetian podestà, who must consult with officials elected in the Koper city council, while simultaneously there are no local criminal provisions in the 1423 redaction of the Koper statute, although almost all statutes of the nearby communes of lesser importance than Koper also include criminal provisions. Most historians who have dealt with this phenomenon attribute this fact to the Koper rebellion against Venetian rule in 1348 (De Franceschi, 1879, 183; Semi, 1975, 159; Margetić, 1993, XVI).

14 *Volumen autem Statutorum nobis missum remittimus vobis per dictos nostros fideles nostra bulla plumbea communitum* (STKP, 1668, V, 1, 124).

15 Referring to Chapter 106 of Book II, that became Chapter 12 in redaction of 1423, while the Chapter 8 in Book II holds the same content as in redaction of 1423 (STKP, V, 1, 124).

## THE REBELLION OF 1348 AND THE KOPER STATUTES

Although Pula is considered to be the most rebellious city in medieval Istria (cf. De Franceschi, 1903–1905), in the second half of the thirteenth century, due to its expansive policy towards other Istrian cities, Koper was the biggest thorn in the Venetian side (cf. Greco, 1939). Venice's monopolization of trade in the Upper Adriatic and the introduction of Venetian legal provisions into the Istrian statutes caused a lot of discomfort among the citizens (*cives*) and residents (*habitatores*) of the Koper commune. Among the latter were also the inhabitants of Koper villages, i.e. the Slavs, whom the statute additions of 1318 and 1325 deprived of many fundamental rights and freedoms, especially the free sale or exchange of land, granted to them by the thirteenth-century statute redactions. Chapter 25 of Book IV states that Slavic customs pose a danger to both laws, probably referring to Canon and Roman law, as well as communal and customary law (*Quare prauam utriusque iuris inimicam Sclauorum consuetudinem*).

The dissatisfaction of the citizens of Koper with Venetian rule culminated in a rebellion in 1348, which attracted a lot of attention from Venetian authorities and obviously had far-reaching consequences for the development of Koper's communal law.

The year 1348 is also known for the most terrible plague epidemic in the documented history of Europe: more than half of the European population and up to three-fifths of the Venetian population perished. The people of Koper wanted to take advantage of this circumstance to shake off Venetian rule. The news from the beginning of the 1350s that Francesco Petrarca invited Giovanni Boccaccio to Koper and Trieste because of their excellent air and dynamic environment (Schiavuzzi, 1889, 405) suggests that the plague epidemic did not affect northwestern Istria to the same extent as the other areas, which could have been an additional motive for the rebellion.

The Koper rebellion of 1348 is relatively well described in literature, particularly thanks to Giovanni Cesca, who collected and published as many as a hundred related documents (Cesca, 1882), while the participation of the Slavs from the Koper countryside was vividly highlighted by Srečko Vilhar (1953). Despite the devastating plague epidemic, the Venetian authorities reacted very decisively to the events in Koper in September and October 1348.

Sources report that on 2 September 1348, four hundred knights or horsemen (*equites*) attacked the territory of Koper from the north and looted and burned a village.<sup>16</sup> The podestà of Koper, Marco Giustiniani, sent his cavalry

16 Some sources indicate that the village is the castle (*castello*) Vicino St. Petro (De Franceschi, 1879, 183). The village *Vicum Sancti Petri* is also mentioned in the Statute of Koper (IV, 41), which must have been in the proximity of Sveti Peter, today in the Municipality of Piran. As late as the sixteenth century, *Vicum Sancti Petri* was regarded as a castle, part of the Koper defence line of castles ranging from the Dragonja River to the outskirts of the Karst (cf. Darovec, 2022). The village may be the present-day Krkavče, which is not mentioned in the lists of Koper's villages at the beginning of the seventeenth century, although its urbanistic structure testifies to its medieval presence.



against them, but in a battle near the city, his son Franceschino was captured together with other Venetian knights. On 14 September, these events spurred the disgruntled citizens of Koper to revolt under the command of the city nobles, especially the Tarsia and Verzi families. They killed some Venetian citizens in Koper, expelled the Koper podestà and his soldiers, who took refuge in the Lion Castle until the end of the rebellion, and opened the city gates to a vassal of the Counts of Gorizia, Lord Reifenberg and his soldiers, and prepared for defence (Pahor, 1953, 35–36).

The Venetian Senate, headed by the Doge, followed the events in Koper intensively on daily basis. For example, on 14 September, the Senate issued as many as six resolutions connected to these events, and seven resolutions on 15 September (cf. Cesca, 1882, 30–41). That they decided on a large-scale diplomatic and military campaign testifies to the (geostrategic) importance the Venetians attributed to their possessions in Koper. They sent their emissaries to the Count of Gorizia, the Patriarch of Aquileia, and the main lords of the hinterland, the Habsburgs. With this, Venice made it clear to the Habsburgs that they were aware of their involvement in the Koper rebellion. At the same time, Venetians tried to get military help from their allies from Treviso and Padua, who, together with their knights and foot soldiers, boarded naval ships, which began the siege of Koper. The people of Koper were evidently not prepared for such a decisive and intimidating response from the Venetians, and neither were the Reifenbergs' soldiers, who left the city shortly after the summons. The people of Koper had little choice but to offer unconditional surrender to the Venetians on 10 October, which they called *Reconciliatio Justinopolis* and which was also confirmed by the citizens of Koper on 13 October (Cesca, 1882, 74–88).

The success of the Venetian diplomatic and military campaign was complete. The people of Koper surrendered in every way, in legal, administrative, and territorial aspects at the mercy of the Doge and the Republic of Venice and begged for mercy on their knees, as the passage below clearly shows, although there are more similar expressions of submission and subordination in the documents themselves:

*Et quod ipsam Civitatem, Castra, fortificia, insulas, territorium, et districtum totum et personas eorum, Regat, habeat, et Gubernet, per se, vel alium, cum omnibus juribus, et pertinencijs, sub dominio, jurisdictione, mero et mixto imperio, protectione et subiectione ipsius domini ducis et comunis Veneciarum, perpetuo, libere, alte, et basse, prout eis melius videbitur et placebit, contradictione ipsorum, vel aliorum eorum, seu alterius, non obstante, Et promiserunt, pro se et successoribus suis, ipsi domino duci Recipienti pro se, et successoribus suis, et comunis Veneciarum, tamquam suo vero domino, fideliter subesse, et perpetuo in omnibus obedire, Et flexis genibus, cum omni devotione, et Reverencia, ab ipso domino duce, humiliter pecierunt,*

*misericordiam, et veniam, pro predictis, qui se ab ipsius obediencia, de facto jndebite subtraxerunt.*<sup>17</sup>

The Venetians were determined to punish the rebellious city accordingly: they demanded fifty hostages to be taken from the citizens of Koper who participated in the rebellion, thirty-seven were tried, thirteen were sentenced to one to eight years of imprisonment, and some were also fined (De Franceschi, 1879, 179–186; Pahor, 1953, 49). Venice decided to at least double Koper's taxes, to fortify the Lion Castle at the expense of its citizens and to build a new fortress, resulting in the construction of the defence tower of Mussela (SMi, 16 August 1349), which was located on present-day Belvedere. The increase in taxes due to the rebellion, which consequently resulted in great expenses, is already being mentioned among those hundred documents, initially as early as 18 October 1348 (Cesca, 1882, 96–97). Although there is no word about the Koper statutes in all the hundred documents about this rebellion, we can nevertheless find an important indication regarding the statutes, in a document (LXI) dated 8 November 1348. The cited document specifies at least two important changes in the orders (*commissiones*) of the Venetian podestà in Koper: from then on, the podestà is given the power to choose the judges and officials from among the citizens of Koper at his own discretion, as well as advisers in minor criminal offenses, however, only if he deems that he needs them, while he was given full discretion in civil and criminal matters (*Ita quod in civilibus et criminalibus habeam plenum arbitrium*; Cesca, 1882, 120–121). These authorities were usually determined by city statutes, which were adopted by the city councils of individual communes and confirmed by the Doge or the competent offices of the Republic of Venice. How and why such a change in decision-making took place is not explained by any preserved document, but it can be traced in some related provisions in the collection of documents of the Venetian Senate, Senato Misti (SMi).

In the absence of other historical documents, the Senato Misti collection is one of the most important sources for this period. For at least ten years after the Koper rebellion, we find various references to it in these sources, such as: the increase in taxes due to the rebellion on 28 December 1348 and 13 July 1349, news about the completed sentences of the rebels that are being released to return home (SMi, 9 September 1353), cases of the Venetian

17 Cesca, 1882, 76, document XXXVIII. It is also referred to by Lonza (2023, 5), but she only summarizes the final diction of the document, which confirms the pacification stated in this document and Koper's request for forgiveness. She thereby justifies her opinion, saying that some historians are mistaken (Semi, 1975, 159; Margetić, 1993, XVI), when claiming that the statute was abolished in 1348 (until 1394), as the statutes are not mentioned anywhere, while she simultaneously completely ignores all the other provisions of this document, that hand over full authority to the Doge and, consequently, to the Republic of Venice, so that he may rule in Koper both from legal, administrative and territorial point of view 'as he wishes and orders'.

podestà awarding individual Koper residents with city offices for their loyalty in the rebellion or due to the damages they suffered as a result of their involvement in the rebellion (e.g. SMi, 3 and 27 January 1348 m.v.<sup>18</sup>; 16 July 1349; 8 March 1351; 26 May 1352). Koper is also referred to in the news about the podestà appointing some city officials to the positions of justiciaries (*institutui iusticiarum Justinopolis*) (5 July 1349), extimators (11 October 1349; 16 October 1354), judges (30 June 1353 *Paulo de Castro de Justinopoli ... sit Judex*), measurers of flour and weights (*Zaninus Copedella, constitutus ad ponderandum farinam in Justinopoli*, SMi, 2 April 1350; *Zaninus Alberto habitator Justinopolis ... in officio ponderis statere in Justinopoli per unum annum*, SMi, 24 November 1352), of the guardians of the city gates (*Marino Gisi habitatori Justinopolis ... in custodiam portum Sancti martini de Justinopoli*, SMi, 14 September 1355), etc. By analogy with coeval Istrian statutes and according to the preserved Koper statutes from 1423, this type of appointment of commune officials was carried out in the city council through elections, rather than the officials being appointed or proposed to the Venetian senate for approval by the podestà himself (SMi, 1 August 1357), which occurred on several occasions in Koper after the rebellion. This alone suggests that the Venetian podestà did not follow the Koper statutes at that time, as was the case in other cities subordinate to Venice.

#### RENEWAL OF THE KOPER CITY COUNCIL, OFFICES, AND STATUTES

Less than ten years after the rebellion, a series of provisions explains the aforementioned situation. The Venetian authorities apparently realized that their measures after the Koper rebellion were too rigorous, especially regarding taxes, *quod cives et forenses illa supportare non possunt* (SMi, 5 March 1358). They came to realize that the territory of Koper was poorly populated and that there was a great deprivation, as the people of Koper were forced to take produce and other products to Trieste and other places, resulting in smuggling becoming very rampant (SMi, 8 July 1355; 29 November 1355; 4 February 1355 m.v.), in an increase in the number of thefts (SMi, 21 March 1356), etc.

To improve the situation in Koper, on March 5 1358 (SMi), the Venetian Senate decided to choose three providures (*tres solennes provisoires*), who would try to improve the situation: one should be proposed by the Doge, and two should be elected by the Senate. Then, on 5 April 1358 (SMi), three ‘wise men’ (*sapientes*) were elected by the Senate: Laurencius Zelsi, Stefanus Belegna and Petrus Gradonicus, the latter suggested by the Doge. They were ordered to study all Koper documents within one month and,

18 Abbreviation *m.v.* stands for *more veneto*, i.e. the calendar by Venetian custom, which considers 1 March as the first day of the New Year.

at their own discretion, report in writing on proposed measures ‘for the restoration and good condition of the city of Justinopolis’ (*pro reformatione et bono statu civitatis Justinopolis*). Apart from the loose statement *Et examinent scripturas et alia*, it is difficult to understand what the above decree has to do with the Koper statutes, which are not mentioned at all. But historians are lucky in this case, because some further documents have been preserved, on the basis of which we can reconstruct certain events or processes.

A key document is from 17 May 1358 (SMi), proposed to the senate by the abovementioned wise men is titled *Provisiones Sapientium Istriae*. The document underpins four main issues that need regulation ten years after the rebellion in Koper. The first point refers to military or defence matters, the necessary restoration work on the Lion Castle and the Palace of the Podestà and other defence facilities in the city. The second, which is the most important here, is about the restoration of the city council, the third about halving the tax on wine, and the fourth on the production of Koper salt, of which from then on a tenth of the harvest was to be allocated to the Venetian authorities, while the rest could be disposed of freely. The fourth provision was valid until the end of the Republic of Venice in 1797, while we will dwell on the second one a little longer, so I quote this decree first in translation:

*And that our faithful citizens will see our good proposal and intention (Et ut fidelibus nostris ipsius loci detur bona Spe: de proposito et intentione nostra):*

*Let it be henceforth arranged, that the citizens of Koper return to their Council, in the number and quantity as was before the event of the past rebellion. However, there shall not be in their councils but those whose grandfathers or fathers were in the aforesaid councils. Similarly, the offices and the right to manage the territory should be restored, just as the authorities and other offices were exercising it in the manner and under the conditions under which this city was governed before the novelties of the aforementioned rebellion. Except in criminal law and the defence of the city that are to remain at the sole discretion and freedom of the podestà.<sup>19</sup>*

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19 *Ordinetur ex nunc quod cives Justinopolis, Reducantur ad consilium suum, Scilicet in numero et quantitate, que consueverat esse ante casum rebellionis preterite. Ita tamen quod non possint esse de consilijs suis, nisi ille quorum avi vel patres fuerint de consilijs antedictis et similiter restituantur ad officia et beneficia terre, ita quod Regimen et alia officia terre exerceantur per illum modum et sub conditionibus quibus Regebatur ipsa Civitas ante novitates rebellionis iam dicte. Salvo quod Regimen criminalium et custodia Civitatis remaneat in arbitrio et libertate solius potestatis (SMi, 17 May 1358).*

It is clear from the decree that nearly ten years after the rebellion, the Venetian senate allowed the restoration of the Koper City Council or the Major Council.<sup>20</sup> A few months later, the Venetian Senate prescribed this composition: the city council should have 155 members, namely from those families that were in the city council before the rebellion, the members should be at least 20 years old (SMi, 13 and 20 September 1358). A year later, the Senate also prescribed the method of confirmation of councillors and elections to the Minor Council (SMi, 31 July 1359).<sup>21</sup>

With the decree of 17 May 1358, the Venetian Senate allowed the restoration of the city offices, which means that after the 1348 rebellion, the Venetians not only dissolved the Koper City Council, but also managed all city offices according to Venetian laws and customs. This is clearly evidenced by, among other things, the later provisions on the re-establishment of the Koper offices as they were known before the rebellion, with the exception of the office of chamberlains and the *fonticus* (city granary) (SMi, 13 September 1358). At the same time, they also stipulated that they should use measurement units (*pondus statere et mensure*) according to their custom (SMi, 31 July 1359), which may mean that during the decade of 1348–58, units of measurement for trade and commerce were leased according to Venetian and not Koper custom, as prescribed in the statutes. As a result of the restoration of the Koper offices, Paolo di Casto from Koper lost his job in the office of *judicatus*, which he had received for his services in the War of Ferrara, he was granted tithes in the Vicinato Sancti Petri and in Sancto Petro dela Mata and a stipend of six livres per month (SMi, 14 February 1358 m.v.). This also testifies to the abolition of offices and officials, which were organized by the Venetian authorities in Koper in the decade after the 1348 rebellion, bypassing the Koper statutes.

The last part of the decree, that criminal matters and the defence of the city remain under the exclusive jurisdiction of the podestà, a provision that is repeated in several documents (e.g. SMi, 31 July 1359) up to the statutes of 1423, also explains why in the Koper statute, which was in force until the end of the Venetian Republic, there are no provisions on criminal law, contrary to statutes of the vast majority of Eastern Adriatic cities under

20 *Maius Consilium*, as mentioned in SMi, 31 July 1359. The documents also mention the Minor Council, *minori consilio, quod est suum consilium rogatorum*, whose members were elected from among the members of the City Council.

21 ‘We must respect such order that a man whose father, grandfather of great-grandfather were in the Major Council, reaches 20 years of age, may be listed in a row in a notebook. The current podestà should have their names written on sheets of paper. These should be put in a purse. When there are one or more vacant positions in the council, the podestà would draw out a piece of paper or more, after shuffling them, and the drawn person comes into the council. When the members for the Minor Council are selected, who are also members of the Council of the Invited, the drawn person needs to be confirmed by the Major Council’ (SMi, 31 July 1359).

the Venetians. Instead of criminal provisions, in Chapter 2 of Book I of the statutes from 1423, it is prescribed that ‘in the city of Justinopolis and its district, criminal matters shall be governed by the statutes and orders of the Venetian commune’. However, the abovementioned provisions also do not mention the Koper Statutes.

#### THE FIRST MENTIONS OF STATUTES AFTER THE KOPER REBELLION OF 1348

According to the fundamental decision on the restoration of the Koper offices on 17 May 1358, the Koper statutes are mentioned for the first time on 7 July (SMi) of that year, when the Venetian Senate, based on the application of the Koper podestà, allowed inheritance disputes to be resolved in accordance with the Koper statutes and the therein recorded custom of marriage ‘like brother and sister’ (*sicut frater et soror*),<sup>22</sup> and on 13 September (SMi), when the Koper ambassadors (*ambaxatores*) before the Venetian Senate referred to the Koper statutes and their practice before the rebellion when accounting for the case of damages to a plot of land (*super dampnis datis*). Namely, they demanded that in such cases the podestà deliberates in consultation with his judges and officials, rather than acting arbitrarily. In doing so, they blamed the chancellor of the podestà, who was in charge of the legal procedure, that even after 17 May 1358 he rejected all complaints of the Koper citizens were raising against such behaviour of the podestà, and at the same time earned 2 *lire* for each rejected complaint. Based on restorative measures, the Senate decided that from then on the podestà should always deliberate together with his officials in such cases, and the chancellor should not receive a fee for rejected appeals.

These two cases could indicate that, following the decree, at least civil litigation proceedings took place according to custom, i.e. in accordance with the statutory provisions that were in force before the Koper rebellion. However, the following mention of the Koper statute of 8 June 1359 (SMi), in connection with a dispute over the ownership right to possess certain lands in Koper, shows again that the decision whether to act in accordance with the Koper statutes in certain civil litigations was in the hands of the Venetian Senate and the podestà.

This was probably not an isolated case. It helps us to understand the request of the people of Koper (*petitione Ambaxatorum comunis et hominum Justinopolis*) in the already mentioned document from 31 July 1359 (SMi), with which, among other things, they proposed to the senate that the judges and officials, who are being proposed by the city council at the bar (*ad*

22 More details about this custom cf. Margetić, 1970; 1993, XXXVIII–XLVII.

*stangam*),<sup>23</sup> should advise the podestà in judgments in civil and criminal cases (the judgment is in any case announced by the podestà), as it was accounted for in the past.<sup>24</sup>

However, the Venetian Senate replied that these judges and officials, who are presented *ad stangam* by the people of Koper, may only advise the podestà in civil and property litigations, while in other cases (i.e. criminal) judgments remain in the explicit domain of the podestà.<sup>25</sup>

Based on the above, we could conclude that after 1358, the Venetian authorities reintroduced the Koper statute that had been in force before the 1348 rebellion, in its original form, except for criminal law, which remained in the exclusive domain of the Venetian podestà. This assertion is cast into doubt by the already mentioned proposal of the Koper ambassadors from 31 July 1359 (SMi), when they asked the Venetian Senate to elect four justiciars to the city council for the good governance of the city, who would share the available stipend among themselves. The Senate replied that it already had huge expenses with the dominium in Justinopolis, so it did not accept their proposal and determined that the tasks of the justiciars would continue to be performed by the chamberlain and the *fonticus*. Similarly, the provisions of the statute were not regarded in the case of estates owned by brothers Giovanni, Ugo, and Sclavolino di Sabino that have been repossessed by other inhabitants in their absence due to military service and after their father's death.<sup>26</sup> These two cases suggest that the Venetian authorities or their podestà in Koper in the period up until 1394 followed the provisions of the Koper Statute only in individual cases, and only when it benefitted them.

23 *Ad stangam* appears several times in the abovementioned documents in connection with judges and officials proposed to the podestà by the local city council. It is twice mentioned in the 1423 Koper statute in connection with the resolution of property disputes (II, 1; III, 17), and also from some Piran documents we can understand that they ruled *ad stangam* in connection with the restitution of debts, or performed other legally approved appeasements (Lex Latinitatis, 1121). Apparently, *ad stangam* is a synonym for a ritual place in the city where various legal matters were carried out, where a beam or bar separated the judge from the parties in dispute, or where legal proceedings took place (Lex Latinitatis, 1121), probably similar to what was considered a synonym *ad banchum*, which can be found in Izola (SMi, June 2, 1359) in connection with the podestà's adjudication regarding the payment of debts in two places in the Koper statute of 1423 (II, 76), and is also found in documents from villages of Slavia Friulana, or Venetian Slovenia, and Istria (cf. GDZS, 65, 197).

24 *Quod iudices et officiales datos potestati Justinopolis ad stangam per consilium dicte terre debeant consulere ipsi potestati super processibus et delictis ibidem commissis sicut consuevit antiquitus observari* (SMi, 31 July 1359).

25 *Quod in processibus solum Civilibus et peccunarijs Iudices et officiales datos ipsi potestati ad stangam dicto potestati consulere debeant ut in dicto capitulo continetur. Remanendo tamen semper in omni casu arbitrium soli potestati faciendi in omnibus et per omnia prout sibi videbitur omnes de parte* (SMi, 31 July 1359).

26 SMi 8 June 1359: *quod aliqua prescriptione temporis, in statuto comunis Justinopolis contenta, non obstante, suprascripti fratres possint coram podestate et capitaneo Justinopolis et successoribus suis consequi jura sua contra quoscumque cognoscentur de jure obligatos eisdem.*

This is confirmed by the note in the commissions of Doge Antonio Venier (1382–1400) to the Koper podestà and captains, which was issued between 1382 and 1394 (since it is also annexed by the decision of the senate on the confirmation of the Koper statute in 1394), wherein the Doge advises the podestà to act according to their conscience and in accordance with the principles of the Venetian Dominion in regard to all disputes, taking into account the statutes, orders and customs of the Republic of Venice to the greatest extent possible.<sup>27</sup>

We can conclude that after the Koper rebellion in 1348, the Venetians dissolved the city council until 1358 and subjected the people of Koper to the legal order of the Republic of Venice, which also means that during this period they did not abide by the provisions of the Koper statutes that had been in force prior to the rebellion. All city services were also reorganized, the podestà judged civil and criminal matters arbitrarily, or in accordance with Venetian laws and customs.

In 1358, however, perhaps also under the influence of the war with the Kingdom of Hungary, when Venice lost Dalmatia for a few decades, and because of Koper's noticeable economic and demographic decline, Venetians decided to restore its communal self-government. First, they reconstituted the City Council with 155 members from the families that were represented in the City Council before the rebellion and restored individual city offices, including the Minor Council. It is also evident that in individual cases the provisions of the Koper statutes from before the rebellion of 1348 were again used, but the Koper podestà generally consulted the Venetian senate for their application. They also restored the custom that the podestà was advised in adjudication by judges and officials chosen in the Major Council, i.e. at the will of the local self-government, but only in civil and property matters, while criminal justice and the defence of the city remained the exclusive competence of the Koper podestà, which the Major Council of Venice elected from among its nobles every 16 months.

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27 *Adherendo statutis ordinibus et consuetudinibus nostris Venetiarum quantum plus poteris: et in casibus quibus hoc rationabiliter facere non posses, faties* (Benussi, 1887, 38). The word *faties* can be interpreted based on the second sentence of Point 5 of the guidelines: *De maleficijs Vindictam et iusticiam facies contra malefactores. Et condemnationes de offensionibus, sicut tue discretioni videbitur secundum Deum et honorem nostri dominij* (Benussi, 1887, 39), or based on *Ducalo* from 1394 that confirmed the Koper Statute: *sententiandi, & terminandi prout eis secundum Deum, & suam bonam conscientiam videbitur iustum, conveniens, & honestum* (STKP, V, 1), that is, that he can act according to his conscience and according to God's will in accordance with Venetian customs and laws. Regarding the use of the term *Vindictam et iusticiam* in different countries in a comparable time, cf. e.g. Povolo, 2015; Muir, 2017; Marinelli, 2017; Faggion, 2017; Oman, 2017; Ergaver, 2017; Casals, 2017; Carroll, 2017. The book of the established legal historian Mario Sbriccoli (2009) on the history of criminal law and justice begins with the following sentence: 'La storia del 'penale' può essere pensata come la storia di una lunga fuoruscita dalla vendetta'.



The validity of the Koper statutes was restored only in 1394.<sup>28</sup> We can rightly assume that they mainly re-enacted the statutes from the time before the rebellion in 1348. In the accompanying *Ducalo* confirming a volume of Koper statutes of 1394 with a lead seal (STKP, V, 1), apart from the addition of two chapters of the statutes on debts, there is no word on other changes or the formation of special bodies that would study the necessary statutory provisions, as in the adoption of the Koper statutes in 1423, when a commission of nine trustees of the Koper City Council was appointed with the task of examining the statutes, review, supplement or cancel provisions that would not benefit the Republic of Venice and the residents of Koper (STKP, I, 1). The supposition is also confirmed by the diction of the *Ducalo* from 1394, that the podestà should always decide in civil and criminal disputes in accordance with the statutory provisions in consultation with judges and officials elected in the Koper Major Council, except, as has happened several times before, in cases that were repealed in the Koper statutes.<sup>29</sup> It is obvious that these abrogated provisions were still written in the statutes from 1394. This was probably one of the reasons that the new redaction of 1423 was prepared without the abrogated provisions after the rebellion of 1348, and in Chapter 2 of Book I of the statutes it was only written that in criminal matters they act according to Venetian laws.

## CONCLUSION

The redaction of the Koper statutes from 1423 remained in force until the end of the Venetian Republic. In their printed edition from 1668, *Ducali*, orders, and referrals that were created after the redaction of 1423 were added to the four books from 1423, thus creating a fifth book of the statutes. To these five books printed in 1668, a *Ducalo* from 1670 was added, which granted the Koper Major Council the right to annually elect the Captain of

28 Perhaps the best testimony to this is the following passage from the *Ducalo* (STKP, V, 1; cf. Semi, 1975, 180): *Vadit pars, considerato, quod omnes aliae Terrae nostrae Istriae reguntur cum Statutis et ordinibus suis, quos credendum est suos antecessores condidisse, quia cognoverunt eos utiles et necessarios ad bonum statum, et conservationem dictarum Terrarum, examinatis etiam bene dictis Statutis, et ordinibus, ac habito bono diligenti Consilio super illis, et praecipue aliquibus, qui videbantur non ita rationabiles respectu nostrorum, et quantum difficile est Reggimen unius Civitatis ex toto difformare à statutis et ordinibus quibus fundatae sunt, et pro complacendo etiam ipsis nostris fidelibus, ut habeant causam perseverandi in bona dispositione sua ...* [emphasised by the author].

29 From Commissiones (Benussi, 1887, 55), similarly to the *Ducalo* from 1394 (STKP, V, 1): *Omni autem a te querenti rationem facies, regendo illam Civitatem et districtum in civibus et criminalibus secundum formam et ordinem statutorum suorum, cum ista correctione = Quod ipsa statuta et ordines non habeant locum, sed annullentur, et pro annullatis et cassis habeantur in quacumque parte faciunt mentionem, quod Potestas iudicet et faciat cum voluntate et consensu suorum officialium, et quod officiales eligantur per eorum Consilium.*

the Slavs from among its members. The Captain of the Slavs, who is first recorded in documents after the Koper rebellion in 1348, when the Venetian Guilliellini Rosso (SMi, 1888, 29 March 1349) occupied this position, was in charge of managing the Koper villages.

This provision testifies to the wider scope and resonance of the Koper rebellion in 1348, including the participation of the Slavic countryside. This rebellion evidently had a great impact on the further course of re-enforcement of the Koper statutes, as the foundation of the city's self-government.

The Koper statutes are undoubtedly attested in the sources as early as 1238, and with some redactions they were in force until 1348. Then, due to the rebellion, Venetian authorities did not abide by them until 1358, as they dissolved the City Council and all Koper city offices. After 1358, sources attest that the Venetians restored the Koper City Council and offices, but not the statutes, although some of their provisions were used in individual administrative and trial cases. The Koper statutes officially came into force again only in 1394, and in a slightly modified version in 1423, but always without the right of the citizens of Koper to exercise their own criminal justice and the defence of the city, which remained in the exclusive domain of the Venetian *podestà* and captain until the end of the Venetian Republic in 1797.

## GENEZA KOPRSKIH SREDNJEVEŠKIH STATUTOV (1238–1423)

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**POVZETEK**

*V članku so na podlagi ohranjenih arhivskih virov in (re)interpretacije primerljive zgodovinopisne literature za območje zgornjega Jadrana in severne Italije predstavljene zgodovinske okoliščine nastanka srednjeveških statutow mesta (civitas) Koper. V obdobju visokega in poznega srednjega veka se je mestna naselbina na koprskem otoku oblikovala v enega najpomembnejših komunov na istrskem polotoku. Z obsežno gospodarsko dejavnostjo, zlasti s trgovino z zalednimi deželami Svetega rimskega cesarstva, s pomembnim regionalnim geopolitičnim vplivom in kulturnimi izmenjavami v zgornjeadranskem prostoru je koprski komun tesno sledil vzponu avtonomnega oblikovanja mestnih političnih in gospodarskih institucij v severni Italiji. Temeljno podlago za to delovanje so bile zbirke zapisanih pravnih aktov, ki so jih od začetka 13. stoletja začeli oblikovati v zbirke posameznih mestnih statutow.*

*Izvirni prispevek te razprave temelji na analizi in reinterpretaciji dveh listin iz 1238 in 1239, ki prvi omenjata koprške statute in sta bili doslej v zgodovinopisju deležni le sporadičnih omemb, ter na proučevanju arhivskih virov beneškega senata iz zbirke Senato Misti za obdobje po koprskem uporu proti Benetkam leta 1348 do 1394, ko je beneški dož ponovno potrdil koprške statute. Ugotovljeno je, da se je komun Koper vsaj od leta 1238 ravnal po svojih za tedanji čas že razvejanih statutih, ki so z nekaterimi nadaljnji redakcijami veljali vse do 1348, ko jih zaradi upora do leta 1358 beneške oblasti niso upoštevale, saj so praktično razpustile mestni veliki svet, vse mestne koprške urade pa reorganizirale. Po tem letu viri pričajo, da so Benečani obnovili koprski mestni svet in urade v obsegu kot pred uporom 1348, toda ne tudi statutow, čeprav nekatere njihove določbe v posameznih primerih upoštevajo pri upravljanju in sojenju. Ponovno so koprški statuti uradno stopili v veljavo šele leta 1394, v malce spremenjeni redakciji pa leta 1423, toda vselej brez pravice do kazenskega sodstva in obrambe mesta, ki ostaneta v izključni domeni beneškega podestata in kapitana do konca Beneške republike (1797).*

*Ključne besede: Koper, statuti, srednji vek, Istra, severna Italija, Beneška republika*

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