



## BYZANTINE LEGAL AND DIPLOMATIC HERITAGE IN THE TRADE AGREEMENTS WITH VENICE FROM THE END OF THE 14TH AND 15TH CENTURIES

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### ВИЗАНТИЙСКОТО ЮРИДИЧЕСКО И ДИПЛОМАТИЧЕСКО НАСЛЕДСТВО В ТЪРГОВСКИТЕ СПОГОДБИ С ВЕНЕЦИЯ ПРЕЗ КЪСНИЯ 14-ТИ – 15 ВЕК

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Article info	Abstract
<p><i>Article history:</i> Received: November 5, 2017 Received in revised form: February 12, 2018 Accepted: February 15, 2017 Available online: March 1, 2018</p>	<p>Настоящата статия разглежда някои международни търговски договори от хронологичния период, зададен в заглавието, представени в контекста на османското нашествие в Югоизточна Европа и на фона на факта, че Венеция придобива все повече и повече търговски привилегии от загиващата Византийска империя. Акцентът ще бъде поставен върху приликите между тези документи, независимо от това, че те биват сключвани между различни държави. Това, според автора, демонстрира приемствеността в различните области на международната политика, дипломация и правните аспекти през Късното Средновековие и Ранното ново време.</p>
<p><i>Keywords:</i> Commercial Privileges, Chrysobull, Ahd-nāme, Constantinople, Venice, Ottoman Empire</p>	

The trade charters between Byzantium and Venice are the subject of many studies, including Donald Nicol's book "Venice and Byzantium," where the author traces the commercial, economic, political and cultural processes developing between the city on the lagoon and Constantinople from the early Middle Ages, with the Venetian commercial priv-

ileges being an important part of this conjuncture [Nicol, 2001]. As time progressed and along with the weakening of the Byzantine Empire, these privileges were increasing, which was a sign of the growing power of the Signoria, which "suffocated" more and more the Byzantine economy, as the latter was becoming immensely indebted to Venice. This trend was par-

ticularly valid for the chronological period presented in the title. The situation was so tragic for the Eastern Roman Empire that the text of the treaties of this chronological period practically did not change, with the huge debt being mentioned methodically every time. Nevertheless, the Emperors tried to limit to a certain degree the Venetian commercial activity on the territory of Constantinople, thus preserving at least a small part of the Empire's honor, as everything else was already almost lost. Yet, the diplomatic ceremonial and the structure of these treaties are a part of the great Byzantine legal and cultural heritage, which is also evident from the fact that they were repeated to a large extent in the charters between Venice and the Ottoman Empire.

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As confirmation of the latter we can point to Hans Theunissen's opinion that the Venetians and even the Seljuk Turks adopted the Byzantine contractual form of the well-known chrysobull from the end of the 10th century. The first trade treaty between Venice and Byzantium dates back to 992 [**Theunissen**, 1998: p. 58]. Thus the Sultans took over the practice of the Byzantine autocrats to write their signature (tuğrâ) with red ink at the beginning of the document, while the gold seal (from where the Greek term chrysobull derives) was placed in the end of the document [**Ibid.**, p. 62]. Thus, even in terms of the exterior layout and composition, these contracts were similar. Further on we will also discuss their content and especially the specific legal and

diplomatic elements, which are identical, but firstly some general background surrounding their signing.

In contrast to the aforementioned chrysobull, which was from the time when Byzantium could still assume the role of Venice's "elder brother" in the hesitant alliance between the two, in the last treaties between the city of San Marco and Constantinople the Eastern Roman Empire was already in a far more disadvantaged position of a "solicitor," because of its great weakness and financial indebtedness to Venice, as pointed out at the beginning. The first such chrysobull was from 1390, with the contracts being 8 in total, issued in 1406, 1412, 1418, 1423, 1431, 1436, 1442 and 1448. As Donald Nichol writes, "reading the text of the last treaty", signed 5 years before the fall of the capital under the Turkish pressure, "is a reading of something that even then was passed history " [**Nicol**, 2001: p. 497]. It explicitly reiterates that Byzantium owed Venice 30,000 golden ducats with the interest against which a part of the imperial treasury was pawned 105 years ago, so the loan dated back to as early as 1343 [**Ibid.**]. This gives us an idea of the great indebtedness of the Byzantine Emperors to Venice.

Relying on Nicol's assertion that time seemed to have stopped as far as the content of the Venetian-Byzantine treaties is concerned, the author would allow himself to use here the text of the last charter of 1448 between the penultimate Byzantine Emperor John VIII Paleologus and Venice, which he already translated and analyzed, and it will be consid-

ered identical to the others.<sup>1</sup> The chrysobull deals with other issues besides the Byzantine debt to Venice, such as the reduction of the number of Venetian pubs in Constantinople to 15, the conditions under which Venetians could sell wheat in the Empire. [Miklosich, Müller, 1865: 217–219]. They were forbidden to trade grain produced on the territory of the Byzantine Empire and did not have the right to present themselves as Romans.<sup>2</sup> The document also refers ironically to the island of Tenedos in the Aegean Sea, where the emperor (just like Venice and Genoa, who had waged a long and exhausting war for it) had special interests because of its strategic location at the mouth of the Dardanelles. It is literally said, however, that this question remains "hanging in the air." [Ibid.].

In proceeding to the diplomatic protocol of these treaties, we come

<sup>1</sup> The text of the document is analyzed in another article by the author, in comparison with another charter (also considered here) dating from 1446, signed between Venice and the Ottoman Empire. The article is to be published in the referenced edition Hilâl of Ca Foscari University, Venice.

<sup>2</sup> In fact, such restrictive stipulations were also observed in earlier contracts between Venice and Byzantium, despite the increasing weakness of the latter. John V Paleologus (1341–1391) attempted to impose an embargo on foreign wines imported to Constantinople by the Venetians. They were also refused to store imported corn in the city that was intended for foreign markets. Attempts were also made to impose taxes on Venetian traders who were otherwise exempt from such obligations, and to prohibit citizens of the Republic of San Marco to acquire additional private property in the Byzantine capital [Chrysostomides, 1970: p. 267].

across a number of structural features that coincide almost entirely with the charters that the Serenisima signed with other states, such as the Ottoman Empire. These elements are described by Valeri Stoyanov, who divides the contents of the contracts into the well-known introductory and narrative part as well as the eschatocol or the final part of the document. The author speaks mainly of the Ottoman *ahd-nâmes* (which he considers to be analogous to the chrysobulls), claiming that their characteristics largely coincide with the form of the Byzantine treaties. As it is known, the introductory part of the documents of this type consists of the following elements: the *invocatio* - which includes the calling of God's name and then it goes on to state the title of the ruler and his genealogy, i.e. his *intitulatio* [Стоянов, 1991: c. 143]. There is also a brief appeal to the addressee - the inscription, which is sometimes accompanied by a greeting (salutation) after which comes the actual text. In the narrative part of the documents we see the elements *expositio*, *dispositio* and *sanctio*, on which we will stop shortly. The document ends with the date and the ruler's signature (or the *tuğrâ* in the case of the Sultans). [Ibid., c. 263].

We could find almost all of these elements in the treaties between Venice and Constantinople. Thus, in the chrysobull of 1448 we observe a stylized cross at the very beginning of the text, which is the so-called symbolic *invocatio*. In the next element, the *intitulatio*, the name of the Byzantine Emperor is mentioned and it is said that he is the autocrator of the Romans in the name of Christ. In the nar-

rative part of the documents we observe the so called *expositio-naratio* [Theunissen, 1998: p. 197], which mentions the bailo of the Serenissima in Constantinople and the Venetian doge, and underlines that the peace agreement applies for the two states, two peoples and all who are subordinate to the doge or the emperor. The *dispositio* element [Ibid.] is the section listing the clauses of the treaty which are not reciprocal for the both sides, probably due to the political and economic weakness of the Byzantine Empire. The contracts also contain the *sanctio*, represented by the swearing in the life-giving Cross and the Gospels by the Byzantine Emperor [Miklosich, Müller, 1865: p. 223].

A reference can be made here to a contract between Byzantium and the Ottoman Empire of 1403, as well as to Venetian-Ottoman documents, such as the *ahd-nāme* of Mehmed II Fatih signed in 1446.<sup>3</sup> In the latter we witness the same elements that are present in the chrysobulls between Venice and Byzantium that were already scrutinized (although here the clauses of the treaty are reciprocal for both of the parties). Thus for example, the *invocatio* or the swearing in the name of god is represented in the Sultan's charter by the phrase "Al Nome del gran Dio, amen" [Jorga, 1902: p. 210], analogous to the cross at the very beginning of the text of the Byzantine

chrysobull. In the next element - the combined "titularity - oath" (*intitulatio*), which, as we saw, was also present in the 1448 treaty, Mehmed II swears in the 124,000 prophets from Adam to Mohammed and the seven musaphis as well as in his life and life and soul of his father. The Venetian doge is also mentioned here, and in both cases he enjoys flattering epithets like "prominent", "remarkable" and "magnificent". Here too there is *dispositio* and *sanctio*, in which Mehmed II vows to maintain the peace, as long as the Venetians do the same, and mentions that he would punish anyone of his subjects who does any damage to the Commune of Venice and the latter has to respond with the same [Ibid., 210-216]. It must be known that this treaty came after the great defeat suffered by the Christian forces in the well-known 1444 crusade of Varna. In this situation, Venice was one of the first Western states to take steps towards cooperation with the Muslims who were already threatening not only the Balkans, but all of Europe. The treaty discusses issues such as the exchange of slaves between the two countries and trade. Interestingly, unlike John VIII's chrysobull, in Mehmed II's *Ahd-nāme* it is said that the Venetians can trade freely on the territory of the Ottoman Empire.

As for the 1403 treaty between Byzantium, Venice, Genoa, Rhodes and other Christian states on the one hand, and the Ottoman Empire, on the other, it is interesting with the fact that the Byzantine Basileus was perhaps for the last time on the side which was in the more favorable posi-

<sup>3</sup> This treaty is present in the archives of Venice, both in Greek and in its Italian translation. This is perhaps the only such remaining charter from the first rule of Mehmed the Conqueror [Babinger 1992, 42]. It is also the oldest preserved Ottoman document written in Greek [Theunissen, 1998: p. 196].

tion.<sup>4</sup> This happened after the catastrophic defeat of Bayezid I near Ankara, inflicted upon him by the Mongol forces of Timur (July 18, 1402). In this situation, the Byzantine Empire could afford to take its last breath of air, as Bayezid's sons sought peace with the Christian forces and were ready for concessions towards them. This time parties to the treaty were the Emperor Manuel II Paleologus, and Suleiman, son of Bayazid, with Byzantium being the main beneficiary, receiving territories on the Balkans and islands in the Aegean. The Byzantine authority over Constantinople was also recognized by Suleiman [Kastritsis, 2007: p. 54]. The Western states also took the obligation to provide military assistance to the Turks in the event of threat from Timur. Regardless of the different circumstances and parties to the contract, here again we can see the similarities between this document and the other charters examined here. Prior to dealing with the specific clauses, the familiar diplomatic protocol was observed here as well, as the well-known *invocatio* and *intitulatio* are present at the beginning. The first is represented by the phrase "In nomine di Dio verasio," and in the second element Suleiman presents himself as Sultan and son of the great Sultan Bayazid [Dennis, 1967: p. 77].

This paper, examined several commercial and political treaties signed in the end of the 14th and first half of the 15th century by various subjects of the then interstate relations. The common thing among them

is that in each case one of the parties to the treaty is Byzantium, as well as the fact that we find in them similar external layout and, more importantly, identical features of the diplomatic protocol. They originate from the Byzantine traditions, and as we have seen, such contracts were produced as early as the 10th century. Thus it becomes clear that the contractual relationship between Byzantium and Venice created a sustainable framework for many of the cultural and economic interactions in the Eastern Mediterranean not only during the late Middle Ages. We observe continuity in the Early Modern Period, when the Sublime Gate was becoming an increasingly important factor in international politics. This in itself can be seen as great contribution by the Eastern Roman Empire.

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The Byzantine heritage however is not confined only to the economic and commercial activities and the diplomatic formulas in the aforementioned chronological and geographical space. The whole Ottoman state apparatus and functioning of society was not much more than a continuation of the Byzantine model. This is to say that the Islamic culture of the Ottomans followed directly the "Byzantine style of theocracy and adopted the Byzantine formal institutions" [Vryonis, 1969/1970: p. 307]. In addition the author emphasizes that Turkish culture, although being Muslim in the high echelons of the state, remained largely Byzantine in the folk strata of society, hence amidst the vast portion of the populace. This confirms

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<sup>4</sup> The Italian text of the treaty is preserved in the archives of Venice, whereas the Turkish one is lost.

yet another time that the Byzantine world continued its existence, even physically, long after the demise of the empire and the conquest of Constantinople by Mehmed the Conqueror.

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