MONUMENTA SERBOCROATICA

A BILINGUAL ANTHOLOGY
OF SERBIAN AND CROATIAN TEXTS
FROM THE 12th TO THE 19th CENTURY

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MICHIGAN SLAVIC PUBLICATIONS
The Law Code of the Emperor Stefan Dušan (1349 and 1354) was written when medieval Serbia was at the peak of its power, nearly twenty years after the battle of Velbužd (today's Kustendil), where the young Dušan, together with his father King Stefan Uroš III Dečanski, had won a major victory over a combined Byzantine and Bulgarian army. Dusan, who was involved in the murder of his father a year later (in 1331), took over the Serbian kingdom, consolidating and expanding its power over Albania, Epirus, Macedonia, and Northern Greece. Within a decade he was threatening the conquest of Constantinople itself, so that the Byzantine Emperor felt constrained to call Turkish mercenaries from Asia Minor for help. And thus was prepared the eventual downfall not only of Serbia, but of Byzantium as well.

In 1349 Stefan Dušan already regarded himself as the true heir to the Byzantine throne and the leader of Orthodoxy. As he himself says in the Epilogue to his Zakonik:

... And so (God) in his mercy changed me from King to Orthodox Emperor. And he gave everything into my hands, as he had done for the Great Constantine, the Emperor: the lands, and all the countries, and the sea coasts, and all the cities of the Greek Empire... And I was crowned Emperor with the God-bestowed Imperial Crown, on the fourteenth of April, 1346... on Easter Sunday.

Dušan's assumption of imperial status helps to explain why he felt it necessary to revise the legal system established by his grandfather, King Milutin (1282-1321), borrowing heavily from the Byzantine laws in Blastares' Syntagma (1335) and from the corpus of Byzantine constitutions, known as the Basilica. The reliance on Byzantine legal sources underlined the fact that Dušan considered himself the Emperor of the Greeks as well as of the Serbs; indeed the new Zakonik was often combined
with a Serbian Slavonic translation of the Syntagma (in abbreviated form) and a copy of the Greek agrarian code, known as “the Emperor Justinian’s Law Code,” so that together they formed a tripartite codex for the use of the courts. (See Vladimir Mošin’s Vlastareva sintagma i Dušanov zakonik u Studeničkom ‘Otečniku,’ an offprint from Starine 42, Zagreb: JAZU, 1949.)

Dušan’s Law Code gives a picture of a complex social and political system undergoing rapid change. Unlike the Code of Vinodol, where the knez’s power has already been consolidated, the Zakonik seems to reflect a strong tension and struggle for power between the new Emperor and the magnates or great nobles. Although Dušan confirms with this code the hereditary rights of nobles to their lands (baštine), and although he absolves them from all feudal obligations except for the land tax and the provision of troops in time of war, still he threatens them with divestiture of their estates if they cause harm or damage to another locality, or if they show disrespect for one of the imperial judges. Dušan is particularly hard on the kraštnici (margraves), who hold border siefs (pronija) in return for guarding the frontiers against marauding bands. In the first section of the Code (1349) he threatens to force them to make restitution for all damage caused by bands that penetrate the Empire via their territories, and in the supplement to the Code (1354) he increases the penalty to seven times the value of such damage.

Another group to which the Zakonik devotes much attention, particularly in the supplement of 1354, is the serfs (meropsi). The meropsi were obliged to give their lords two days’ work per week, in exchange for the use of land, and for protection. The Code is insistent that the serfs remain on the estates to which they are attached, and that no other lord should receive them, under penalty of being punished as “a traitor to the Empire.” Since there are several articles dealing with this situation, one may assume that runaway serfs were common and that the resultant shortage of labor was causing economic problems. Paradoxically, while tying the meropsi to the land, the Code does guarantee them their right to go to court against their lord, even if he be the Emperor or the Church. Slaves (otroci) are also mentioned in the Code; they were considered chattel, and both they and their children could be inherited from one generation to the next. Freemen (sebri) are also referred to in a few articles, but we know little about their status, except that they had no right of assembly, and were considered inferior to the nobility in the eyes of the law.

Besides the nobility, a second privileged class in Dušan’s empire was the Church, which had been a strong support of the Nemanjić dynasty since Sava’s time. The Serbian hierarchy was both prosperous and influential, playing a leading role, together with the nobility, in the Serbian Sabor, and directly influencing decisions on grave matters of state. The monasteries owned huge landed estates, worked by meropsi, who were responsible to them alone. The influence of the Church, as well as the
importance which the Empire attached to religion and orthodoxy, may be seen from the fact that the first 38 articles in the 1349 Codex (out of a total of 135) are devoted to religion and the Church. The very first article speaks about the necessity of “purging Christianity,” which reflects a certain intolerance toward Roman Catholic subjects, who elsewhere are referred to as “latini” and “poluverci” (half-believers). This intolerant attitude toward Catholics, which may be a legacy from the schism between the two churches (1054) and the capture of Constantinople by the Fourth Crusade, with the resultant establishment there of the Latin Kingdom (1204-1261), may have reflected an “official” state attitude toward Catholicism, one that was honored more in the breach than in fact, for it somewhat contradicts the protective spirit of the Code toward travelling Dubrovnik merchants and immigrant Saxon miners, for example, all or most of whom were Catholics.

The main instrument of imperial control seems to have been the system of circuit courts, to which the Code devotes much attention. As has already been stated, judges were protected by the law from the actions of state landowners; also protected were their retinue, including their cooks (who ensured them against poisoning) and their beadles, who acted as body guards. The preeminence of the Law over everyone, including the Emperor himself, is expressly stated in two articles of the Supplement of 1354, wherein the Emperor proclaims:

If I should write a letter, whether from anger, or from love, or from mercy toward someone, and that letter should undermine the Law Code, and should not be according to justice and the law, ... then the judges should put no faith in that letter, but instead they should judge and act according to justice.

And in the next article the Code states:

All judges should judge according to the Code, correctly, as it is written in the Code, and they should not judge in fear of me.

In this affirmation of the principle of legality (zakonitost) the Law Code of Emperor Stefan Dušan reflected the highest spirit of Byzantine law, thus showing that the Emperor and his advisors had seriously prepared themselves to assume the leadership of the Orthodox lands. But the Serbian imperial idea was not to be tested in the crucible of history, for Dušan died in 1355, unexpectedly, and the Empire disintegrated rapidly under his successor Uroš V, torn apart by the centrifugal forces which the Code had attempted to harness and contain.

Until recent times, at least, the definitive study and edition of the Code was by Stojan Novaković (Zakonik Stefana Dušana Cara Srpskog
1349 i 1354, 2nd edition, Belgrade, 1898.) According to Nikola Radojičić, who published a new edition of the Code in 1960 (Belgrade: SANU), Novaković erred in not basing his edition on one of the older manuscripts, such as that of Athos or Struga. Novaković’s accompanying Serbo-Croatian translation also tends to amplify and explain some of the more murky passages, Radojičić complains, instead of letting the Code speak for itself. The Zakonik has been translated into English by Malcolm Burr (The Code of Stephan Dušan: Translation and Notes. London: Slavonic and East European Review, 1950. An offprint.) Burr relied on Novaković’s 1898 edition when making his translation. The following excerpts from the Code are from Radojičić’s publication.

A word about language: the Zakonik is written in a Serbian Slavonic that is closer to the spoken language, both phonetically and syntactically, than the language one would find in a religious text of the same period.
Закон благоверного царя Стефана. Въ лѣтѣ 6857 - второй годъ индиктиона, въ праздникъ воскресения Господа нашего Месеца мая - 20 день.

Сего же закона писанъ царь благоверный царь Стефана и всѣ князья величайшіе и малыя и всѣ епископы и всѣ священныя люди, величайшіе и малыя.

Законъ имѣтъ слѣдующія положенія:

Law code of the pious Emperor Stefan. In the year 6857, the second of the indiction, on the feast day of the Ascension of Our Lord, the twenty first day of May.

This law code is established by our Orthodox Synod, including the most holy patriarch, Lord Ioaniceius, and all the archpriests and clerics, minor and major, and me, the pious Emperor Stefan, and all the nobles of my Empire, minor and major.

And the regulations of this law code are as follows:
1. ὁ Χριστιανισμός:
   Наприкінці за христіанство - сили зміни вбрандомъ да се зчисти христіанство:
2. ὁ женихъ:
   Бластъєв и прочи людять - да се як же не благословивъ се отъ своего архієрее - или огъ теккъ да се благослове, кое гоу поставила възвратъши доуховьните архієреи.
3. ὁ свадьбъ:
   И нинѣна свадьба да се не оучинет безъ въкънанія - аколи се оучинет безъ благословенія, и оупрошенія цркви - таковы да се разложъе.
4. ὁ доуховнолъ дабгой:
   И за доуховиин дабгъ - вскя човѣкъ да има повинновеніе, и послойъ[шай]нъ къ своему архіерее - аколи се кто ухвртіе сърдцѣмъ цркви - или прохктоунъ, что любо вт енена законы боломъ - лаі и нехотѣнеъ да се покинет и неправы цркви - аколи прѣеин и оухркъ се вт црквѣ - и н е въсходит неправати повелѣнія цркви - потомъ да се втлоуачи вт црквѣ.

1. Concerning Christianity:
   First, concerning Christianity. Christianity should be purified in the following manner:

2. Concerning Marriage:
   Noblemen and other people should not get married without having been blessed by their archpriest, or else they should be blessed by those whom the archpriests have appointed, when they chose them for priests.

3. Concerning the Wedding:
   No wedding should be made without a marriage ceremony, and if it is done without the blessing, and without an inquiry by the Church, let such people be separated.

4. Concerning the religious obligation:
   And as for the religious obligation, let every man submit to his archpriest and obey him. If there should be someone who has sinned against the rules of the Church, or who has violated anything in this law code, willingly or unwillingly, let him humble himself and absolve himself with the Church; and if he should turn a deaf ear and keep away from the Church, and if he shall not desire to fulfill the Church’s commands, then let him be excommunicated from the Church.
5. Concerning the Anathematization of Christians:
And let not the Bishops anathematize Christians for a spiritual
transgression, but let them send messengers to that person two
and three times, and expose him, and if he shall not want to
reform in accordance with religious command, then let him be
excommunicated.

6. Concerning the Latin heresy:
And as for the Latin heresy, and that Christians have turned
to taking communion with unleavened bread, let them return again
to Christianity, and if there should be someone who pays no heed
and doesn’t return to Christianity, let him be punished as is written
in the law of the holy fathers.

7. Concerning the Latin heresy:
And let the Great Church appoint head priests for all the cities
and market places, to turn from the Latin heresy those Christians
who have converted to the Latin faith, and let them be given the
religious command: that everyone should return to Christianity.
10. Съ еретик:
И кто еже укречет еретик жить къ христианец, да еже по врапову и да еже прожене кайтыны и твънъ да се жече.

20. Съ ресницъ: кън тълеса мъртвых жече:
И людемь, кои съ ежеею низмай низъ гробовъ, тере нихъ съмеркъ, товъ елелъ да плати враповъ, кое товъ ручини и ако пойди поль на поль до скъхъ, да мовъ ерръмъ поповство.

21. Съ проданъ христианскъ:
И кто продает христианъ къ иноверномъ вѣро, да мовъ ере рука хеще и езикъ хеще.

53. Съ насилованъ:
Аще кон кластиельны, оузлмъ владыкъ по силкъ, да мовъ ере руцъ хещкоутъ, и носъ хещже, дадемъ съеръ оузлмъ по силкъ владыкъ, да се хещен, аще ми съяръ дройту оузлмъ по силкъ, да мовъ ере руцъ хещкоутъ и носъ хещже.

10. Concerning the heretic:
And if there should be some heretic living among Christians, let him be branded on the face and driven off, and if anyone should hide him, let that person be branded too.

20. Concerning soothsayers, who burn the bodies of the dead:
And people who take bodies from their graves, in connection with sorcery, and burn them, let the village which does that pay the wergeld, and if a priest should be present, let his priesthood be taken from him.

21. Concerning the sale of Christians:
And whoever sells a Christian into a different faith, let his hand be cut off and his tongue cut out.

53. Concerning rape:
If some lord takes a noble woman by force, let both his hands be cut off, and his nose slit; if a freeman takes a noble woman by force, let him be hung; if he takes one of his own kind by force, let both his hands be cut off and his nose slit.
96.  eius оугінствш:
Кто се шпфіте оугівх штца или матерь или брата или
чего свое да се тьзн оугіца ждехе на штцн.

97.  eius врдя властъккошн:
Кто се шпфіте шкunicipio врдцо властелинноу или доброу
члобъкошн. да се томозн штц роуццъ шдескош.

98.  eius скоу бцъшъо сесртъш:
И ако се шкіюнснъ деб севра да ит мьхоскоу вина
д. пьрпьрц.

112.  eius соу жнихз:
Кон члобъкъ оутече нзъ соужйньствсъ съчнъ прійдегъ
на дебъ царекъ или ит царекъ члобъкъ или црковъзъ
или властелинъ съ тмьшъ. да е свободъшъ аще ит штвъгъ
оу тогаси члобъкъ комоу ит оутекъъ. тосн да ит комоу
иет оутекъъ.

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96. Concerning murder:
Whoever should kill his father or mother or brother or child, let
that murderer be burned in the fire.

97. Concerning a nobleman’s beard:
Whoever should pluck the beard of a nobleman or of a good
man, let such a person have both his hands cut off.

98. Concerning the plucking of a freeman’s beard:
And if two freemen pluck each other’s beards, the beard
plucking fine is six perpera.

112. Concerning captives:
Whatever man flees from captivity, once he reaches the Emperor’s
castle, whether he be a vassal of the Emperor, or of the Church,
or of a noble, by this act he is free; if he has taken something
from the man from whom he has fled, that belongs to the man
from whom he has fled.
113. Concerning a captive:
Whatever captive is kept in a castle of my kingdom, and then flees to the patriarch’s manor, let him be free; and also if he flees to the Emperor’s castle, let him be free.

149. Concerning the bandit and thief:
In this manner are punished the proven thief and bandit. And the following is the proof: if the goods themselves (corpus delicti) are found on their person, or if they are seized in the act of banditry or thievery, or if they are handed over by the county or villages, or lords, or noblemen who are over them, as is written above, these bandits and thieves are to receive no mercy, but they are to be blinded and hung.

166. About drunks:
A drunk who comes out of some place and challenges someone to a fight, or cuts him up, or bloodies him, but not so as to cause death, for such a drunk let one of his eyes be removed and a hand cut off. If a drunk should tear someone’s clothes or remove someone’s hat, or shame him in some other way, but does not bloody him, let him be beaten, let him be struck with canes 100 times, and let him be thrown into jail, and afterwards let him be led out of jail, and let him be beaten again and released.